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VOLUME XLVIII, PART X.

CONGRESSIONAL RECORD.

SIXTY-SECOND CONGRESS, SECOND SESSION.

SENATE.

TUESDAY, *July 23, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

INTERSTATE TRANSPORTATION OF PRIZE-FIGHT PICTURES.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 7027) to prohibit the interstate transportation of pictures of prize fights, and for other purposes, which were, on page 1, line 6, after "carriage," to insert "or to send or carry"; on page 2, in lines 2 and 3, to strike out "or any record or account of betting on the same"; and to amend the title so as to read: "An act to prohibit the importation and the interstate transportation of films or other pictorial representations of prize fights, and for other purposes."

Mr. SIMMONS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes."

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6340) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5623) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the House insists upon its amendments to the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co., disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ROTHERMEL, Mr. LOBECK, and Mr. KAHN managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 11628. An act authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii; and

H. R. 21477. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of Local Division No. 417, of Peoria, and of Local Divisions Nos. 96 and 294, of Chicago, Brotherhood of Locomotive Engineers, all in the State of Illinois, praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. PAYNTER, from the Committee on Claims, to which was referred the bill (H. R. 20124) for the relief of E. Rosenwald & Bro., reported it without amendment (S. Rept. 954).

Mr. BOURNE. From the Committee on Post Offices and Post Roads I report back with amendments the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes (S. Rept. 955). I will state that the committee report will follow in a day or two, as soon as we can complete it.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. CUMMINS, from the Committee on the Judiciary, to which was referred the bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases, reported it with amendments and submitted a report (No. 956) thereon.

Mr. CRAWFORD, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 644. An act for the relief of Mary E. Quinn (Rept. No. 957); and

H. R. 13938. An act for the relief of Theodore Salus (Rept. No. 958).

Mr. SANDERS, from the Committee on Military Affairs, to which was referred the bill (S. 2677) to establish the military record of M. M. Pool, submitted an adverse report (No. 959) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (S. 7237) to reserve certain lands and to incorporate the same and make them a part of the Santiam National Forest, reported it with an amendment and submitted a report (No. 960) thereon.

He also, from the Committee on Agriculture and Forestry, to which was recommitted the bill (S. 4468) to regulate the importation and interstate transportation of nursery stock; to enable the Secretary of Agriculture to appoint a Federal horticultural commission and to define the powers of this commission in establishing and maintaining quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes, reported it with amendments and submitted a report (No. 961) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the joint resolution (S. J. Res. 117) for the relief of Fred White, reported it without amendment and submitted a report (No. 962) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 7347) granting an increase of pension to George W. Thurman (with accompanying papers); to the Committee on Pensions.

By Mr. PERCY:

A bill (S. 7348) for the relief of J. W. Hayes, administrator of the estate of W. D. Wilson, deceased; to the Committee on Claims.

Mr. PERCY. I introduce a bill for the relief of Sargeant Prentiss Knut, which I ask may be read twice by its title. As the bill is thought to involve an international question, I ask that it be referred to the Committee on Foreign Relations.

The bill (S. 7349) for the relief of Sargeant Prentiss Knut, administrator of the estate of Haller Knut, deceased, was read twice by its title and referred to the Committee on Foreign Relations.

CLAIMS OF GOVERNMENT EMPLOYEES.

Mr. REED submitted an amendment intended to be proposed by him to the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and for other claims, which was referred to the Committee on Claims and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I ask unanimous consent to take up House bill 25069, the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Gov-

ernment for the fiscal year ending June 30, 1913, and for other purposes.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Kenyon	Pomerene
Bacon	Cullom	Lodge	Simmons
Bankhead	Cummins	McCumber	Smith, Ariz.
Borah	Dillingham	Martin, Va.	Smith, Ga.
Bourne	du Pont	Martine, N. J.	Smith, Mich.
Brandegee	Fall	Massey	Smith, S. C.
Bristow	Fletcher	Myers	Smoot
Bryan	Gallinger	Nelson	Stephenson
Burnham	Gardner	Overman	Swanson
Catron	Gronna	Page	Thornton
Chamberlain	Heyburn	Paynter	Townsend
Clark, Wyo.	Johnson, Me.	Percy	Warren
Crawford	Jones	Perkins	Works

Mr. THORNTON. I announce the absence of my colleague [Mr. FOSTER] on account of illness. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

Mr. WARREN. The Senator from Maine [Mr. GARDNER] gave notice of a desire to speak this morning. I understand that he is to be called from town, and, if agreeable to him, I now yield the floor to him for that purpose.

Mr. GARDNER. Mr. President, my excuse for imposing upon the time of the Senate is because I am obliged to leave the city to-morrow, and I will be detained for some little time. Consequently I felt it my duty to address myself this morning to the subject I wish to bring to the attention of the Senate. I think Senators will bear me out in the statement that I have not used very much of the time during the present session.

The PRESIDENT pro tempore. Will the Senator suspend for a moment? The Chair appeals to Senators not to indulge in audible conversation. The Senator from Maine will proceed.

THE BOURNE BILL AND A POSTAL-EXPRESS SERVICE.

Mr. GARDNER. Mr. President, for more than a generation the people of the country have been asking Congress for the enactment of legislation that would give them the advantages, enjoyed by the people of every other civilized country, of an adequate general parcel-post service. As the years went by and nothing was done conviction grew that Congress was indifferent to mere appeal. The voice of the people took on a more determined and significant tone, and to-day it has become a demand; and I know whereof I speak when I say that the farmers have made the securing of a thoroughgoing, adequate, postal package service, which will connect up the country and the city and bring producer and consumer together, their paramount issue. Promptly on the public announcement through the press of my succession to membership in this body I received letters from farmers and editors of the farm press in all parts of the country urging me as a farmer and direct representative of farmers to make the parcel post my first concern as a United States Senator.

I appreciate the compliment thus paid me by the farmers of this country, and can only hope to be equal to the responsibilities which go with its task. Senators may not know that in the 40 years this subject has been before the country no discussion of it has ever taken place on this floor. The subject is not a simple one, as, I regret to say, the public and nearly all those Members of Congress who have offered bills on the subject seem to regard it. These circumstances, I trust, will afford me sufficient excuse for rather prolonged consideration which I shall ask at your hands.

Let me premise that although nearly all countries are said to possess satisfactory agencies for the transportation of small shipments, prior to this Congress, so far as I am able to discover, no literature has existed to aid the student. Nothing has been done in Congress; nothing in the academies, even in those countries of Europe where the parcel-post agencies obtain, in the way of expository treatments of the subject, giving its characteristic features and essential elements. It remained for the Hon. DAVID J. LEWIS, of Maryland, to make the first thorough study of the subject, which is now in published form as Senate Document No. 379. Whatever the Senate may think of the constructive measures deemed necessary for relief by Mr. LEWIS, and I may add myself, Members of this body who wish to acquaint themselves with the elements of this subject will find his study the most painstaking and informing which has yet been printed. For the general analysis of the controlling conceptions of the subject, as well as the statistical and academical data which I submit, I wish now to give credit to his study without further reference in the course of my remarks.

FUNCTION OF THE PARCEL POST.

What is it we intend to do? What results do we expect to accomplish in the enactment of the legislation on the subject? In fine, what is the function of a parcel post? I would be pleased to have you closely follow my answer to this question. It is to provide effective transportation for the small shipment. And what is the small shipment? It is the article produced in retail form to which only transportation or delivery need be added to make it available for retail buyer or consumer.

The President of the St. Louis & San Francisco Railroad Co. has declared, and his figures are substantiated by those of our own Department of Agriculture, that the farmers who raise our vital necessaries get about $6,000,000,000 for what finally sells to the consumers for about $13,000,000,000. He said, in part:

> Last year's agricultural products were worth $9,000,000,000 to the farmers. The Government used farm values in getting figures for this total. Assuming that the farmers kept one-third of the products for their own use, the consumers paid more than $13,000,000,000 for what the producers received $6,000,000,000. The cost of getting the year's products from producers to consumers amounted to the enormous sum of $7,000,000,000. The real problem to deal with is not high cost of living. It is high cost of selling.—B. F. Yoakum, chairman St. Louis & San Francisco R. R.

The report of the Secretary of Agriculture for 1910 gives the following as the percentages of the prices paid by the consumer which the farmer received for the foodstuffs named:

	Per cent.
Poultry	55.1
Eggs, by the dozen	69.0
Celery, by the bunch	60.0
Strawberries, by quart	48.9
Oranges, by dozen	20.3
Melons, by pound	50.0
Potatoes, by bushel	59.3
Watermelons, singly	33.5
Turkeys	63.4
Cabbage, by the head	48.1
Apples, by bushel	55.6
Apples, by barrel	66.0
Onions, by peck	27.8
Green peas, by quart	60.0
Parsnips, by bunch	60.0
Turnips, by bunch	60.0

This means that it cost $7,000,000,000 to get the products of the farm to the consumer. This added cost between the producer and the consumer was largely caused by the inefficient and insufficient transportation system, and if one-half of this $7,000,000,000, or $3,500,000,000, should be taken off the transportation rates and divided between the producer and the consumer it would result very materially to the advantage of both by increasing the profits of the producer and reducing the cost to the consumer. The high cost of living in the vital necessaries would thus really be reached and remedied.

Stated broadly, the characterizing function of the proposed agency is to provide direct transportation from producer to consumer of the retail forms of production—that is, of articles in sizes and forms adapted to the wants of the ultimate purchaser or consumer. With some exceptions these retail forms may be classed as the small shipment for which it is desired to secure adequate and economical transportation. And it is appropriate to suggest, as will be clearly seen upon investigation, that if the desired transportation facilities direct from the producer to consumer were introduced a very substantial measure of relief would follow in the matter of the high cost of living, especially with respect to the vital necessaries of life.

Nearly all farm products in use on our tables are produced in retail form. Because no direct conduit of transportation from the producer to the consumer is available these retail forms are now converted into wholesale forms by the buying collector at the farm and then handed over to the wholesale trade, where they are again sorted into wholesale units and turned over to the retail trade, where they are reconverted into retail forms and given to the consumer, often stale, as the third or fourth purchaser at a price commercially increased by nearly 100 per cent.

If the manufacturers of this country were denied the direct-from-producer transportation they now enjoy for wholesale forms of purchase many, perhaps most, of our industrial workshops would cease to operate. Coal has direct transportation from the mines to the factory, the operator paying the first and not the third price. What would become of our industries if this operator were subject to the wasteful roundabout commercial processes that penalize the consumer of the food products of the country?

THE RAILROADS AND THE SMALL SHIPMENT.

When we think of transportation we naturally first turn to the great railroads of our country. I call the attention of the Senate to two facts in this connection: First, the railroads do not articulate with the farms and can not provide transportation direct from the producer to the consumer; second, the railroads are engaged in the wholesale as distinguished from the retail traffic. Their minimum shipment is 100 pounds, and they do not provide collect-and-delivery service. But the consumer very rarely goes to a freight depot and seldom requires as much as 100 pounds of any single retail form, certainly not of farm products and the many other necessaries. Besides the railroads have found it necessary to establish a minimum fee of 25 cents and 30 cents for a shipment, no matter how low the published rate may be and no matter how diminutive the shipment. At first one may feel disposed to grumble at this arbitrary charge, but when railway practices are investigated it is found that the existing railway régime is quite incapable of handling the small shipment at rates proportioned to its value and size, because of the amount of administrative service their methods render necessary. Whether the shipment be large or small, the journey short or long, the railroad company is compelled to render 20 acts of transportation attention for such shipment. These acts are as follows:

The railway company employee—
(1) Unloads articles from consignor's vehicle.
(2) Loads article in car.
(3) Ascertains rate to be paid.
(4) Makes out bill of lading.
(5) Makes out waybill and sends copy to auditor and the train conductor.
(6) Receiving agent, destination, receipts to conductor—
(7) Sends notice to consignee.
(8) Unloads package from car.
(9) Takes receipt of consignsee.
(10) Loads it on consignee's wagon.
(11) Agent gets money for shipment—
(12) Copies bill of lading into record of freight forwarded.
(13) Copies bill of lading into record of freight received.
(14) Sends statement of freight "sent" to auditor.
(15) Sends statement of freight "received" to auditor.
(16) Auditor checks bill of lading against records of sending agent—
(17) Checks bill of lading against record of receiving agent.
(18) Advises treasurer of money due by each agent.
(19) Makes statistical report from bill of lading.
(20) Calculates, per bill of lading, amount payable to the different railways.

It is perfectly obvious that present railroad practice precludes the possibility of the railroads making rates for the small shipment sufficiently low to permit the potential traffic to move from the producer to its natural market with a profit, and by potential traffic I mean, of course, those articles which may be produced at marketable prices for which there is an effective demand. Meanwhile, this seems to be the place to observe that in the postal system the postage stamp takes the place of 15 of the acts of railroad transportation attention above set forth. This is a fact at this moment, and plainly indicates that, while railroad practices preclude, postal practices clearly permit the making of a rate that will enable the small shipment to move. Wholesale shipments constitute a type of their own and call for transportation practices appropriate to such type. Railroads are organized primarily to handle the wholesale traffic, and their practices, which weigh but little upon the wholesale traffic, are such as to penalize in costliness the small shipment out of the railroad transportation of the country. Equally true it is that the small shipment constitutes a type of its own; that it has, so to speak, anatomical and physiological laws of its own. The postal system is organized primarily to handle the small shipment. It handles the average mail piece at a cost of 1½ (1.56) cents apiece. If the practices applied by the railroads to the wholesale shipment were applied by the postal system to the mail piece, our letters could not be carried at less than 8 or 10 cents apiece.

THE EXPRESS COMPANY AND THE SMALL SHIPMENT.

When we think of the small shipment, the express company comes to mind. It is the factitious and unnatural "parcel post" of the United States. Functionally speaking, it ought to carry the small shipment and give adequate service and rates that would permit the potential traffic to move. It does not accomplish these objects, and for three reasons, any of which, to be fair in the discussion, it is unable to remedy. First, it does not reach the farm, and can not be made to reach the farm, since the rural free-delivery structure can not be taken over by the express companies or be maintained by them if taken over. Second, its transportation practices, or "transportation accounting," are similar in character to that of the railroads, and have the same effect in forcing a rate which is abnormal on the small shipment. I insert a list of 11 acts of transportation attention given by the express companies to the small shipment, which are replaced by the postage stamp in the Post Office Department for the like shipment:

The express company—
(1) Ascertains the rate to be paid.
(2) Makes out waybill.
(3) Copies waybill into record of shipment "forwarded."
(4) Copies same into record of shipment "received."
(5) Makes statement of "shipment sent" to auditor.
(6) Makes same of shipment "received."
(7) Auditor checks waybills against record of "sending" agent.
(8) Auditor checks same against record of "receiving" agent.
(9) In case of "through" waybills previous items repeated.
(10) Auditor makes division of percentages going to express company and the railway or railways.
(11) In case of "through" waybills auditor makes like division of percentages between express companies and railways.

If we but note the duplication of work these acts involve in unnecessary accounting and the consequent useless expense, and realize that it is going on in thousands of offices throughout the country, we get a faint idea of the enormous expense the postage stamp would eliminate. And when we consider that the average express shipment is slightly less than 33 pounds (32.80), and the low relative rate it ought to bear, we are able to appreciate the destructive influence of this wasteful transportation accounting upon the potential express traffic. One thing is certain, and that is that the small shipment, if it is to enjoy a rate insuring its traffic mobility, must be divorced from this transportation accounting. It will be easy enough to provide protective practices against its loss in those instances where exceptional value or susceptibility to theft so require. Very simple devices for this purpose already exist in Germany, and are easily conceivable here. Third, the express rates are prohibitive—are about three times as high as they should be—and are shown to be destructive to the potential traffic.

We should expect express charges to be higher per ton here than abroad—as much higher as our freight-per-ton charges. But no necessary economic cause is known which justifies a substantially higher proportion or ratio of the express to the freight charges here as compared with other countries. The average express charge per ton here is shown to be $31.20, while the average freight charge is $1.90 per ton, giving a ratio of the express charge to the freight charge of 16 (16.42) to 1. This express charge includes the cost of such collect-and-delivery service as is rendered, covering, it is thought, about 90 per cent of the traffic. In the table now inserted the element of the expense of the express companies for collecting and delivering, amounting to 11.50 per cent, is excluded, because many of the countries do not include this factor of cost. The table embraces 10 countries, while the specific data upon which the ratios are based are set forth in Appendix B. All countries have been included where the express data are clearly distinguishable from general freight statistics.

Ratios of average express charges to average freight charges in 11 countries.

Countries.	Average express charge per ton.	Average freight charge per ton.	Ratios of average express to freight charges.
Argentina	$6.51	$1.95	3.2 to 1
Austria	3.77	.74	5.0 to 1
Belgium	[1] 4.92	.53	[1] 9.3 to 1
Denmark	5.49	.87	6.3 to 1
France	6.88	.95	7.2 to 1
Germany	3.80	.76	5.0 to 1
Hungary	3.68	.93	3.9 to 1
Netherlands	2.43	.67	3.6 to 1
Norway	1.90	.49	3.8 to 1
Prussia	4.32	.86	5.0 to 1
Average for 10 countries			5.23 to 1
United States	27.61	1.90	14.53 to 1

[1] Belgium delivers parcels.

Ratio express tonnage, 10 countries, to freight tonnage	1.060
Ratio express tonnage in United States to freight tonnage	0.517
Ratio express receipts, 10 countries, to freight receipts	5.890
Ratio express receipts in United States to freight receipts	7.776
Normal revenue ratio for United States as per express receipts above	2.460
Excess of American express receipts (216 per cent)	5.316

From this table it appears that while Argentina charges 3 times, Austria 5 times, Belgium 9 times, Denmark 6 times, France 7 times, Germany (including Prussia) 5 times, Hungary, the Netherlands, and Norway about 4 times as much for carrying a ton of express as of freight, the express companies of the

United States charge nearly 15 times as much, excluding the cost of their collection and delivery.

No further statement need be made to show that the charges of American express companies are prohibitively excessive and such as to disqualify this service as a transportation agency. The instances given represent matter carried by passenger trains in all instances, and while higher charges for both the express and freight tonnage in America are justified, there is no necessary economic reason for a higher ratio of express charges to freight charges. The presence of the express company is the only circumstance distinguishing express transportation here from that of the instances cited. In those the express company has no part; the work is done by the railways. As we shall see later, the deficiencies of the express companies are constitutional, not gratuitous merely, and are such as can not be remedied through corporate agencies.

EXPRESS RATE MAKING UNNATURAL.

Another condition is equally prohibitive in its effect on the small shipment. It is a condition entirely anomalous in the transportation of any country and comes from the presence of an intruder—the express company. Let us put an express rate maker at work in order to illustrate its character. Let us say he is making a rate on a 5-pound package from Washington to Baltimore, about 40 miles. He puts down first 6 cents, let us say, to pay for this accounting and some overhead charges; he puts down 5 cents to pay for collection and delivery, and adds 2 cents for profits for the company, making 13 cents in all. But the railroad has to be paid. How shall he compute its share—according to service standards? No; not at all. He must compute it according to the contract between the express company and the railroad; and that contract, on the average, provides that the railroads must get 47.50 per cent of the final rate. So he adds 12 cents for the railroad, which makes a charge of 25 cents. But that 12 cents to the railroad means $1.42 per ton-mile on the 5-pound package, while at the same time, under rates made by the same express rate maker, traveling on the same train to the same point, the 100-pound package at the rate of 50 cents pays the railroad only 14 cents a ton-mile. Because of the anomalous connection of the express company with the subject, its merely contractual right to be there at all, the package is overloaded 10 cents for railroad transportation, and the charge becomes 25 cents instead of 15 cents, for about 2 cents is what the package ought to pay the railroad. The railroad would not, if it were making this rate, overload it in that way. I believe it would impose only the relative burden, but the express rate maker has no alternative under the express-railway contract.

Take the other horn of the matter. The express-rate maker is at work on a rate for a 100-pound package from New York to the Pacific coast. There, manifestly, the important thing is to pay the railroad for its service, which is nearly the whole service. He sets down $6.41 for the railroad. But the railroad can not receive, under the contract, more than 47½ per cent of the rate imposed on the shipper, and so the rate maker must add $7.09, making a total charge of $13.70, in order that the railroad can get what it ought to get. So in either instance the regulatory boards of the State or Nation can not reduce these rates without doing injustice to the express company on the short or the railroad company on the long journey. Stated in another way, we have—

Rate for 5 pounds, 36 miles:	
Necessary express loading on	$0.14
Contractual loading to pay railway	.13
Resulting rate	.27
Rate for 100 pounds, 3,000 miles:	
Necessary loading to pay railway	6.41
Contractual loading for express company	7.09
Resulting rate	13.50

In brief, the railway, on the small package and short journey, at one extreme, secures ten times what it ought, while on the other the express company accomplishes the same result. At no point, perhaps, does either get just what it ought to get for its part of the service, unless it be on the statistical average package of 32.80 pounds with its product of 51 cents. Meanwhile, perhaps, at no other point does the merchandise package pay just what it ought to pay on service standards. It must, under the contract, be either overloaded to protect the express company or the railway. All this is certainly true, even if the general financial results to the railways and the express companies should go unchallenged. And who is to blame? Manifestly the express railway contract. No other results are possible under its terms. The general results may have been highly satisfactory to the express companies, but to the railways and the country the results simply signify a restriction of the quantum of the express traffic to one-half or one-third of its normal volume. Indeed, it is not improbable that the express railway contract is the principal cause of the higher ratio (16.42 as against 5.23) of the express to the freight charge here as compared with other countries.

REGULATION INADEQUATE.

It is obvious, of course, that the inability of the express companies to reach the farm excludes them as a remedy. But even if this deficiency might be conceivably removed, a normal express rate, sufficiently low to insure the mobility of the potential traffic, is quite beyond the remedial reach of regulation. The express company is not a normal transportation agency. All its relations to the small shipment show it to be a parasite, a term which I use not as an epithet but in the way of description. Ordinarily one would say that if a transportation rate were two or three times as high as it ought to be the Interstate Commerce Commission would be the appropriate tribunal for relief. This phase of the subject of regulation brings up one of the very anomalous characteristics of the express companies.

For years they have been paying, as a whole, near to if not more than 100 per cent profits on the real investment, and yet the proportion of the average express rate which is profit was less than 7 per cent last year. A slight reduction in the rates would wipe out this margin and perhaps leave a deficit. With a normal transportation agency, the facts are very different. The profit in the average railway rate amounts to 30 per cent. If the railroads were paying 6 per cent on their capital and you wished to reduce their rates so as to produce dividends of only 5 per cent you would have this 30 per cent to play on, and a reduction of 5 per cent in the rate would leave a profit margin of 25 per cent of the total rate. In the case of the express rates one-half of 1 per cent profit in the rate would produce a 10 per cent dividend on the capital used in the business, but a one-half per cent margin would be so small that the slightest changes in business might convert it into a deficit. Of course no Government tribunal would order such a margin, and I am not sure that it could safely reduce the present margin of less than 7 per cent, as a perturbation of the traffic might mean a deficit. Nearly all the efforts made by the State regulatory tribunals have been struck down by the courts on this ground. Thoughtful men will recognize that you can not trifle with such a small margin. All this is true, because the parasitic character of the express company enables it to proceed with relatively no capital, and yet capital enough to enforce the protections vouchsafed to proprietary rights.

A like verdict must be passed on the suggestion sometimes made that the express company, being parasitic and incompetent, the railroads should be compelled to perform the service; but the railroads do not articulate with the farm. This single deficiency in itself is fatal. Besides, as I have shown earlier in my remarks, their practices preclude the economical movement of the small shipment. What the small shipment requires is a rate somewhere as diminutive as its size, and in order to get this the utmost simplicity of administrative process is necessary. To abolish the express companies—about 14 in number—and to require the operating railroads—about 900 in number—to perform the service, or converting 14 express companies into 900, would be only adding to the multiplicity of intercorporate relationships and transportation accounting which already penalize the small shipments out of the transportation of the country. The opinion of one of the foremost railroad presidents of the United States upon this subject I consider to be conclusive. He says:

> It is gravely to be doubted if the railways, as a rule, could transact the (express) business so as to net as much out of it as the express company pays them.
>
> Assume that the roads radiating from Chicago should cancel their contracts with the express companies and organize to handle small packages: The first result would be an enormous economic waste in the duplication, triplication, and quadruplication of terminal expenses. At present the collection and delivery for a dozen roads is in the hands of one agency. Multiply this by the hundreds of cities and towns where the same conditions would prevail and it is easy to see that the eleven million of dollars of profit the express companies secure might readily fall short of what the railroads would lose should they discard the agency.

THE SMALL SHIPMENT AND POSTAL EFFICIENCY.

I believe it is clear from what has been shown that the postal system alone possesses a structure sufficiently extensive in its service to reach the country and practices and methods sufficiently adapted to the diminutive shipment to gratify its peculiar and commanding needs. There may be those who are disposed to underrate the working efficiency of the postal organization of the United States. They do not doubt that in other countries, notably the principal countries of the Continent, like Germany, France, and England, public industrial agencies have been successfully conducted, and with satisfactory

efficiency. This success is attributed by some to the alleged presence of a class in those countries accustomed to command and another class equally accustomed to obey, with the resulting advantages which follow from discipline in collective undertakings. Whatever the value of such opinions may be, they are assuredly erroneous as applied to the postal system of the United States, for it is certainly the most efficient agency of its kind. The following comparison of the number of mail pieces handled per postal employee per annum in the countries named affords sufficient evidence of this statement:

Number of pieces of mail matter handled per employee in England, France, Germany, and the United States.

Countries.	1908	1909
England	31,117	.....
France	38,241	.....
Germany	25,901	.....
United States	51,591	54,239

In the cases of France and Great Britain the number of employees was diminished by one-fourth the estimated number employed in the telephone and telegraph service. In the German figures the same reduction for the telegraph and telephone employees is raised to one-third. The comparison speaks for itself. We have apparently the best working postal organization, and its wagons on the rural routes are waiting empty to receive the small shipment traffic now denied them.

The obvious advantage of the postal system handling the small shipment is adduced from the circumstance that it is handling now the smallest shipment in the world, the ordinary mail piece, and is handling it, too, at a less cost per piece than any other country of the world with the possible exception of Belgium, differences of wages, sparseness of population, and transportation distances notwithstanding. It is only the mind that hates all forms of public endeavor, except those the most archaic, who will deny the postal system of our country the verdict of "well done, thou good and faithful servant." My studies of this subject make it clear to me that not only is the postal organization excellently adapted to the task of moving this small shipment from consignor to consignee, but that it is the only organization sufficiently extensive in its scope and sufficient and economical in its operations to give adequate service to the small shipment.

FUTILE PARCEL-POST SCHEMES.

What, again I ask, is the function of the parcel post? Obviously to provide an agency, a real working agency, to move the small shipment. Let us investigate briefly the technical or regulatory elements necessary to enable this small shipment to move. Dr. W. A. Henry, former dean of the agricultural department of the University of Wisconsin, has epitomized these elements, and I will give the Senate the advantage of his classification:

ESSENTIAL CONDITIONS OF SMALL-SHIPMENT TRANSPORT.

(a) An enlargement of the mailing privileges to include factory and farm products and other matter popularly and commercially desirable.

(b) Weight limit high enough to meet the needs of shippers and secure relative lowness of rates. (A rigid 11-pound limit would needlessly prevent the traffic attaining the quantitative character necessary to economical service.) Also the use and return of hampers, etc.

(c) The fullest C. O. D. privileges. (Consignors now enjoy these with the railway and express companies. To withhold them from farmers and others as postal facilities would simply destroy the potential traffic.)

(d) Rates only so high as the articles can afford to pay and still move to their market with a profit. (Flat rates for all distance, or rates uniform for all kinds of articles, tend to prevent the traffic moving.)

(e) Provision for administrative readjustment of rates, zones, weight limits, service conditions, etc., by experts who can adapt the rates and service conditions to their function of moving the potential traffic and protecting the Treasury.

(f) Postal pay to the railways as low as the express companies pay the railways. (The latest data show that the postal department paid 13.2 cents a ton-mile, while the express companies paid 7 cents a ton-mile, on the gross weights of their traffics, excluding equipment weight in both cases.)

(g) All the privileges and facilities from the railways that are given to the express companies: Provisions for the insurance or indemnification of shippers for losses. Complete power in the administrative agency to supply any other condition necessary to economical and effective conduct of the service.

It must be plain to any Member of the Senate who gives this subject an attention proportionate to its importance that of the seven elements enumerated not one can be omitted without an organic deficiency in the agency itself. Our busy constituents at home may be pardoned for regarding the parcel post unanalytically as the child regards a horse. When children, to our limited experience a horse represented four legs, a head, a trunk, and a tail, and in pictorially defining it, leaving nothing to chance, we labeled it, "This is a horse." To our limited experience the heart, the lungs, the liver, the stomach, and the kidneys, absolutely essential to horse locomotion, were nonexistent. I regret to say that such has been the indifference and incompetence of parcel-post thought and investigation in Congress that the illustration of purility I have given is only too applicable to the situation at hand. The vital organs or elements of a parcel-post agency, enumerated by Dr. Henry and obvious to any person as soon as mentioned, are singularly absent, one and all, from the schemes which they have offered to this Congress.

Mr. President, such parcel-post bills, if accepted, would be inadequate and would prove but disappointing in operation. Time does not permit me to take up each of those bills to prove this statement, but I do feel it a duty to take up the measure now most prominently spoken of in the Senate, namely, the bill of the Senator from Oregon, chairman of the Committee on Post Offices and Post Roads.

THE BOURNE BILL.

In discussing this measure I wish not to be considered as wanting in kindliness to its author, however unworthy of him and the great needs of the subject and the people I consider his tentative measure to be. I can only attribute its defects to the circumstances first suggested in this address, namely, that a body of competent and serviceable literature on the parcel post to guide his efforts has been almost entirely wanting.

If the Senate will pardon the simplicity of my illustration, I would say that we all understand that plant and animal life have each their physiological attributes and organs, each indispensable to vital action and progress. The agency necessary to the movement of the small shipment may be characterized in the same way. It, too, must have a full complement of vital prerogatives and privileges if it is to become anything more than an idle paper structure wanting physiological powers for action or effect. Let me take up separately the elements which are absolutely essential to the life of such a structure and discuss them in the order they are stated by Dr. Henry and in relation to the Bourne bill.

MAILING PRIVILEGE.

Of course, a shipment or parcel can receive no service from the parcel-post agency unless the bill gives the privilege of mailing or entry to such shipment. The Bourne bill makes no enlargement of the mailing privilege.

Under the various mailing classes as they have been defined by the Post Office Department's construction of the statute nothing produced on the farm except "queen bees" and "dried fruits" can be shipped by post. I understand that the author of the bill intends this very result and is adverse to giving the parcel-post privileges to produce of the farm. What objection he may have has not been stated. Certain it is that of all the great advantages to follow an adequate transport of the small shipment, that of the consumer securing his table necessaries fresh from the farm and direct as the first purchaser, rather than the third or fourth, is the paramount advantage. I not only suggest that unless this possible traffic is made mailable the postal van will have to return empty from the farm to the town or city, but I may also add that the potential traffic from the farm to the town or city is normally as great or very much greater than from the town to the farm. Of course, if the wagon must return empty all that possible revenue must be lost; and since the public must pay for the service full or empty the exclusion of farm products from the postal van can only operate to penalize instead of promote the public welfare. The empty return trip will cost almost as much as the full trip would cost and might be made the means of securing substantially lower rates on traffic both ways.

Perhaps the distinguished Senator from Oregon can give some reason for this defect in his measure? I can not.

MAXIMUM WEIGHT PRIVILEGE.

In Belgium, Germany, Austria, and Hungary the weight privilege is extended above 100 pounds; though in those countries, differing from our own, the minimum freight shipment is graduated down to about 25 pounds, as compared with 100 pounds here. The obvious implication from our transportation conditions is that we should take the small shipment at the point where existing railway transportation denies it its privileges, namely, from 100 pounds and down, if, indeed, any maximum weight limit be fundamentally necessary at all.

There is now no maximum weight limit on second-class mail matter when mailed by the publishers. Similarly, the express companies impose no maximum weight limit on shipment intrusted to them, although their relations to the small shipment are practically identical with that of the post office. I mean by this to say that while the shipment is on the railroad, it makes no difference whether its weight be great or small, the trouble, if it arises at all, in the case of the post office could only come when the shipment left the railroad and carried the

obligation of delivery to the consignee. With respect to this part of the transaction, the administrative authorities of the post office should be given discretion by regulation to determine the maximum weight and size limits for the purpose of collection and delivery. Senators can understand that in the progress of things these maxima might change very radically with the progress of improved conveyance and road construction.

I think it not inaccurate to say that this low weight limit of 11 pounds has been one of the circumstances which has strongly affected the attitude of the local or retail merchant toward this legislation. He, as much or more than anybody else, is entitled to relief from prohibitive express rates; but if the limit is to be 11 pounds, such a scheme gives him little or no relief, since he generally ships in larger quantities, securing the resulting quantitative declension in rates; but he may well think that this 11-pound limit is intended to be just large enough to get his customer away from him to the mail-order house with his cash orders, leaving the doubtful transactions as they were before. Partiality, however innocent its purpose may be, is always likely to produce such serious discriminations when enacted into public law. It is not surprising that the retail merchant looks upon the whole proceeding as a denial of the equal privileges to which he is justly entitled.

The truth is that the costliness of the rate will afford sufficient protection against using this agency for the shipment of very heavy quantities; and if this inference be doubted powers should be given to the postal management or the Interstate Commerce Commission to define the maximum weight from time to time as the operating facilities of the postal organization may render necessary.

Perhaps the distinguished Senator from Oregon can give some reason for this arbitrary and unprecedented 11-pound limit? I can not.

THE C. O. D. PRIVILEGE.

I need only suggest to the Members of this body that the C. O. D. practice with respect to both the price of the article shipped where credit relations have not been established and the rate itself are indispensable to commercial transportation in the United States. Suppose the Interstate Commerce Commission with the power over the subject it now enjoys were to pass regulations compelling the consignor to pay the freight rate at the time of consignment, and a regulation denying him the right to have the price of the article paid by the consignee before the delivery of the article, what would the conclusion be as to the sanity of that reputable body? This is exactly the situation presented by the Bourne bill. The consignor must prepay the rate if he is to be allowed to use the service, and must also be denied the C. O. D. privilege of having the rate or the price of the shipment collected from the consignee. Of course, the express companies grant this C. O. D. privilege both as to the rate and the price of the shipment. If they did not, it is safe to say their business next year would produce a greater deficit than it has a profit in any year of their history. We understand that the usual method of transportation by railroad and express in commercial transactions is to have the consignee, whose obligations they are, pay both the transportation rate and the price of the article, where credit relations are not established. To deny these privileges to the postal agency is simply to deny relief from exorbitant express charges to the commercial world, and thus work needless discrimination and injustice, saying nothing of the loss of traffic necessary to a self-sustaining agency which such a denial would cause.

A concrete illustration of the effect of such a defect in the system may be given. Let us say that the rate under the Bourne bill for a given shipment were 25 cents, while the prevailing express rate were 40 cents. The consignor, unwilling to advance the rate to the post, would ship the article by express at the larger rate, because he would thus be able to make the consignee pay both the price and the rate. The postal system would lose 25 cents and the consignee would have to pay an extra 15 cents, all because of the obstinate refusal of his Government to grant him the C. O. D. privileges which universally belong to and go with such transportation.

Perhaps the distinguished Senator from Oregon can give some reason for denying this C. O. D. privilege to the patrons of his parcel post. I can not.

INDEMNIFICATION FOR LOST SHIPMENTS.

So far as I have been able to ascertain all of the parcel-post agencies abroad afford adequate indemnification to their shippers and patrons for shipments which may be lost. That this is actually essential to securing the potential commercial traffic goes without saying. Men are not disposed to needlessly risk the loss of their property without adequate assurance in this regard. In most countries the indemnification is provided through insurance features, and that method probably is preferable to the practice in vogue with the railroads and express companies, where some kind of negligence in the carrier must be shown. The Government might not wisely subject itself to such relatively expensive litigious methods of securing indemnification for the lost shipment; and a system of insurance would be much cheaper as well as much more satisfactory to all concerned. To deny this assurance of indemnification to the shipper could only operate to drive from the postal agency a considerable quantity of its normal traffic necessary to a self-sustaining system.

Perhaps the distinguished Senator from Oregon can give some reason for omitting this important matter from his bill. I can not.

RATES THE TRAFFIC CAN BEAR.

We have learned from our extensive experience in railroad transportation two very simple truths with regard to transportation charges. I shall state them categorically:

(a) The function of a body of transportation rates is to secure the gross revenue desirable.

(b) The function of the specific rate is to move the article it is applied to from its producer to its natural market with a profit.

I need not say to the Senate that in obedience to these maxims the railroads of the country have fashioned their rates to suit the ability of the article to pay them and move to its market. The railroads have divided the traffic into as many as eight classes, each paying a different rate, although the weight carried and the service rendered are practically identical. It is obvious enough that if they only charged the same rate for carrying silks and other high-priced articles which they charge for carrying coal or minerals they would suffer seriously in the matter of their necessary revenue (maxim A), while if they charged the same rate for carrying coal that they do for the high-priced articles they would be in danger of losing the largest part of the coal traffic.

What all this means, in effect, is that transportation charges are inherently taxes, possess the incidence and the ethics of taxation; and that different kinds of traffic, like different kinds of citizens, should only be taxed in proportion to their ability to pay. In the case of the Government or the State the rules of taxation can be made very general and be applied to the citizen's conditions without encountering those difficulties which might defeat their purpose. But in the case of transportation taxes, or charges, where the complexity of the subject matter requires special and prolonged study to fit the burden to the sustaining ability of the shipment's back, legislative rate making is obviously absurd and impracticable. If we wish to have rates at once necessary to a self-sustaining system and also sufficiently adapted to enable the shipment to pay it and move to its natural market, then I say to the Senate that a legislative body is as incapable of drafting those rates as it would be to make the astronomical observations and calculations necessary to determine the time of the day. This great legislative body has recognized the commanding sense of this view in all its relations with transportation. It does regulate railroad and express rates, but it regulates them, not legislatively, but through an administrative tribunal, the Interstate Commerce Commission, which has shown its competency through administrative freedom to deal with the subject matter in a practical way.

The Bourne measure seems to have gained nothing from the lessons and experience with regard to transportation rates. The rates fixed in it, if we except the first and last zones, are obviously about twice as high as they need be under his own showing as to cost elements. It is all very well to argue that the rates should be made sufficiently high to make the Treasury absolutely secure; if we do not ignore the correlative circumstance that if made needlessly high they will operate to needlessly kill the potential traffic and thus render the cost of conducting such traffic as may be offered as high or higher than the rates themselves. I have carefully analyzed the schedule of rates in this bill and I challenge Members of the Senate to compare these rates with the cost elements of the service as stated by the Senator from Oregon himself, and then not agree that they are excessively high from every standard.

For example, the experience of the express companies shows that the average cost of the collect-and-delivery service is about 6 cents for the average package of 33 pounds. The testimony before the Post Office Committee shows a local express company willing to contract to deliver shipments up to 25 pounds at 5 cents per package. The postal railway pay is shown to be about 1 cent per pound for distance of 200 miles. The fourth zone, excluding the rural zone, in the Bourne measure is from 600 miles to 1,000 miles. Obviously traffic destined to the fourth zone would tend to fall equally between the 600 miles and the 1,000 miles, or, in other words, would travel an average distance of 800 miles. We should thus have a cost to pay of 4 cents a

pound in the way of railway pay, or 44 cents on the 11-pound package. Add to this 8 cents for collect and delivery and general expense and you have a rate of 52 cents. The rate fixed in the Bourne measure, however, is 79 cents, or fully 50 per cent more than the demonstrated cost. I append a table giving the rates as fixed in the Bourne bill and in parallel columns the rates based on actual cost. Excepting the first and the last zones and the first pound, I repeat that these rates are about 100 per cent higher than they need be. To this complaint some may say that the bill errs, if at all, only in the direction of extra caution. Let us grant this statement to be true. But, even if it be true, why does not the bill provide some tribunal with power, as experience dictates, to amend and change these rates to correspond with the cost of service and the interests of the traffic? Why is the Interstate Commerce Commission given the power to fix telegraph, telephone, express, and railroad rates, and the right of revision of these parcel-post rates denied the shipping public? If these rates are needlessly high all will agree that they should be lowered. If, in fact, they were too low all will agree they should be raised just as in the case of other transportation rates. Why does the bill deny this indispensible element and privilege if the Treasury is not to be endangered or the traffic itself destroyed?

Perhaps the distinguished Senator from Oregon can give some good reason? I can not.

PUBLIC SERVICE RATE-MAKING MOTIVE.

Obviously rigid law-made rates unadapted to the commercial requirement of the small shipment would kill more of the potential traffic than they would move. Congress, as I have stated, may very well lay down general principles of social conduct, but it is not a rate-making body, and even if the rates it made were momentarily adapted to secure the mobility of the shipment, the changed conditions from year to year would destroy this adaptation. Senators will perhaps agree that it is only once in a generation that noncurrent subjects can be reached by Congress, and if we once have law-made but unadapted rates without an administrative tribunal to revise them, the probability of their being reformed is not good within a generation. These rates ought, then, to be revised, as occasion requires, by men proficient in rate making, since the subject is beyond all question an administrative rather than a legislative one.

If the rates are administratively made by experts it can not be denied that the public-service motive determining their policy would be of momentous advantage to the public welfare. I mean no reflection on private investors when I suggest that there are some subjects, like the latter, to which class the small shipment belongs in transportation, as to which the private motive is ineffective and inadequate. You go to an express company and say "You moved 4,000,000 tons of express in 1909; your gross receipts were $132,000,000 and your profits $11,000,000. If you cut your rates in two this year the traffic will double in volume. Your profits may be slightly less, but the service to the public will be doubled." What would the express company do under such circumstances? It would do just what the average individual does, act on its normal private motive, retain the smaller traffic and the more assured or higher profits. But you go to a public-service institution, like the postal department, where you find the public motive. The postal system would say: "If cutting the rate in two will double the service, I will take my chances on the profits. If I lose 1 per cent in one pocket I shall be making 100 per cent in the other pocket, and since both pockets belong to the public it will be immensely the gainer." This is true, as exemplified in the history of the reductions of postal rates and the improvement of postal services throughout the world.

Even a small temporary deficit for experimental purposes would be fully justified, especially if the rate were elastic, and some administrative tribunal could thus promote the traffic and yet protect the treasury by rate adjustments from time to time. There is, indeed, a wide margin in which the public-service motive may economically operate to give increased service without substantially increased expense. This margin we know has been very wisely utilized in the transportation of the letter; and if we stop to remember that the small shipment or express traffic in the United States has scarcely reached its normal volume, it is apparent that the public-service motive may be very usefully employed in this field.

It is beyond question that the express companies constitute to-day an undoubted monopoly; and where monopoly obtains the rates may be made relatively high or low according as the private or the public motive may determine the degree of desirable service to be rendered the public. Some generations ago a British railway determined by experiment how best to graduate its passenger rates in order to secure the highest dividends. From month to month it adjusted and readjusted its passenger rates between the two extremes of 6 cents a mile and one-half cent a mile, just as one might adjust his field glass to secure the most distinct vision. The remarkable result these wide variations in the rate produced was this: That whether they used the lowest rate or the highest rate such was the ratio of response in the volume of traffic that the dividends did not differ by 2 per cent. Of course, they adopted the rate which produced the highest dividends and rejected the rate producing the most extensive public service—a rate of 3 cents a mile.

It is apparent from what we know of this subject that the small shipment, like the small man in society, is in need of all the favorable inducements and conditions which can be granted. The public-service motive is not the least, and may indeed be the very greatest requirement of the small shipment. Why should its efficacy and advantage be denied to it, then, when a Government is undertaking to provide a system for its transport? Why are expert rate makers, free to apply experimental methods and the wisdom of such experience under the auspices of a public-service motive, denied to this shipment when the Government is undertaking to provide the remedy?

Perhaps the distinguished Senator from Oregon can give some reason for this fundamental defect in his measure. I can not.

PAYING THE RAILROADS.

In 1908 the postal matter, excluding equipment, weighed 602,040 tons, which were carried on the average 620 miles, or 373,277,675 ton-miles, for which the railroads were paid $49,404,763, or at the rate of 13.2 cents per ton-mile (excluding the weight of equipment). In 1909 the express companies under these contracts paid the railroads $64,032,126 for hauling 4,556,296 tons an average of 200 miles, or 911,359,200 ton-miles, being at the rate of 7 cents a ton-mile, also excluding the weight of equipment. I need not say that in carrying parcels under the Bourne measure the railroads would be performing the same transportation service for the Government which they perform for the express companies. In a country like ours, where density of population is relatively low and transportation distances so very great, it goes without saying that the principal element of cost in the rates must be the money necessary to pay the railroads for their services. To be fair to the railroads, it must be confessed that they have made no demands or suggestions that they should be paid nearly twice as much for carrying a ton of parcels for the Government as, under their contracts, the express companies are now paying them for a ton of express parcels. I will not here enter into a discussion of the righteousness of the rate of pay made by the express companies to the railroads for such service, except to say that the railroads make no complaint that the express railway pay is not satisfactory.

As shown in the Bourne report, the Government under the present postal law for the carriage of letters, a different traffic from the carriage of parcels, will have to pay the railroads about 1 cent a pound for each 200 miles. From New York City to San Francisco this compensation to the railroads for a journey of approximately 3,600 miles would amount to about 18 cents a pound, while a parcel carried for the express company on the same train and receiving the same service from the railroad would cost the express companies for railway pay only about 7 cents a pound. Even considering all distances, the Bourne measure, by this utter inattention to the matter of parcel-railway pay, would oblige the Government to pay the railroads something over $13,000,000 for services as to which the railroads receive but $7,000,000 from the express companies. I repeat the statement that no railroad company of which I have heard has plotted or contrived to secure this result; and I also wish to say that the Senator from Oregon is not chargeable with any purpose to give the railroads nearly twice as much as they are satisfied with for like services from the express companies. At the same time the utter neglect of provision in his bill with regard to railway pay must work out this very result. Why should the Government pay two fares when a similar functionary, the express company, is paying but one? Why should the Government oblige itself to pay twice as much for transportation service as its supposed competitor under the bill?

Perhaps the distinguished Senator from Oregon can give some reason for this grave infirmity in his measure. I can not.

The express companies do enjoy other transportation facilities from the railroads, like depot and storage privileges, which have proven very serviceable—indeed, are indispensable to the express companies. Nothing is said whatever in the Bourne measure with regard to any of these, although equally as necessary to the Government. Indeed it may be said that the small shipment and parcel are treated in this bill as if they were only larger letters or postal cards, when in fact business experience and common sense plainly indicate that this small shipment re-

quires all the facilities proper and usual with the express business.

Allow me to briefly recapitulate the essential elements in a parcel-post measure which are absolutely wanting in this:

The proper extension of the mailing privilege to include factory and farm products.

A maximum weight limit reasonably adapted to public needs.

The C. O. D. privilege and the return of hampers.

Provisions for the indemnification of shippers for losses.

Rates which the potential traffic can pay and move.

Elastic rate making, administrative readjustment of rates, and other service conditions, with an operative public-service motive.

A rate of pay to the railroads for carrying the parcel-post traffic not greater than the express railway pay.

What must be the verdict of Senators upon a measure which ignores such elementary essentials in the movement of the small shipment? For myself, I can only say that, endeavoring to conscientiously represent in this body the great State which has honored me, not to speak of the great agricultural interests, the shipping, and consuming people of the United States, I must protest with all the earnestness and vigor I possess against the enactment of such a mockery into the form of law. Consider, sirs, that our people have been asking for bread, and have waited its giving for 40 years. Who can say that this or similarly deficient measures will not provide them with the veriest stone?

Senators, of course, will recognize that no discussion has taken place in this body whatever on this grave and complex question. They will equally recognize, I am sure, that in the present exigency of the session proper discussion and deliberation can not be given to this subject. The people of the United States, while justly impatient at the neglect of Congress to provide them with this necessary agency, are not unwilling that the Senate should take such time as is actually necessary to work this legislation out in a satisfactory way. While, as I have said, no discussion has taken place in the Senate or can take place in an adequate way at this session, several days' discussion was given it in the House of Representatives. That body came to the conclusion that even further investigation was necessary in order to be fair to the subject and the people, and instead of passing immature, defective, and unconsidered legislation as a sop to the unwary, met this question in a manner at least creditable to their sincerity of purpose. The postal appropriation bill as it passed the House contains a provision that a committee of six—three Members of the House and three of the Senate—be appointed to report a bill on this subject at the December session. If the House of Representatives, with a week's discussion of the subject, felt that it was a patriotic duty to confess its inadequacy of information to deal intelligently with this subject, surely the Senate, with adequate discussion impossible under the circumstances, will be willing to do the public a like favor.

POSTAL EXPRESS.

While the House of Representatives, as stated, after several days' discussion, determined that sufficient consideration could not be given the subject in connection with the Post Office appropriation bill, one of the most efficient and painstaking committees of that body has given the matter its thorough consideration. I read from its report, House Report No. 598 such portions thereof as seem necessary to explain the judgment which that committee has reached:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 23713) to provide for the acquisition of the express companies' property so far as engaged in the express or parcel-post business, and the utilization thereof by the Postal Department, having considered the same, report thereon with a recommendation that it pass.

The "parcel-post" function discharged by the express companies in the United States is a function almost uniformly discharged elsewhere by the postal departments. The bill now favorably reported provides for the similar postal discharge of the parcel function by our Government. All the vexed questions of parcel-post legislation now before Congress arise because the express-company method has failed to properly discharge this function or to render a service—

(a) Sufficiently extensive; they fail wholly to reach the country store or farm now reached by the postal system.

(b) Sufficiently economical; their rates are so high as to be prohibitive of most of the potential traffic.

(c) Sufficiently efficient; investigation has shown that their "overcharges" and "double collection of charges" constitute a serious public grievance, although meanwhile they have accumulated surplus profits of many times the capital devoted to the service.

(d) In failing to reach the farm, and thus permitting the vital necessaries to move at first cost directly to the consumers in the towns and cities, their inadequate service is a substantial cause of the high prices, about double what the farmer receives, for the table necessaries.

Hence, the widespread and persistent complaints of the rural and commercial interests, and the deep-seated feeling of the general public against these companies. These companies have simply entered upon the field in default of its proper occupancy by the postal agency, as in other countries, where such companies do not exist.

PROVISIONS OF THE BILL.

Section 1 appropriates to the United States by condemnation the equipment and the express-railway contracts which are used in the conduct of the actual express business, and contains a proviso that no property is condemned not necessary to the conduct of the express function by the Government. It also requires the carriers to perform such services for the Government as have been customary with the express companies.

Section 2 directs the President to take possession of the properties condemned on July 1, 1913, and the Postmaster General to conduct the service, as a facility of, and in conjunction with, the postal service.

Section 3 gives the Postmaster General, subject to the approval of the President, power to make such rules and regulations as may be necessary to carry out the purpose of the act.

Section 4 provides for the weighing of express matter during August and December, 1912, and April, 1913, as representative months for each carrier, and while the appropriated express-railway contracts remain in force, unless otherwise agreed, to pay such carriers the amount according to weight received by them under such contracts. By this means a large part of the burdensome transportation accounting of the express companies necessary to ascertain the railways' share of the specific express rates paid by the shippers would be eliminated.

Section 5 provides for the renewal of the express-railway contracts, at their termination, on terms to be agreed upon by the carrier and Postmaster General; and in case of failure to agree, gives the Interstate Commerce Commission power to declare the terms of such contracts.

Section 6 provides for the appraisement of the express property taken by the Interstate Commerce Commission, and section 7 provides for the payment of the final awards by the Secretary of the Treasury.

Section 8 defines the duties of the carriers under the act, the penalty for failure to perform them, and section 9 gives the Postmaster General power to acquire such equipment, etc., as may be necessary in the service.

POWER OF CONGRESS.

The power of Congress to deal with the subject, according to the method of the bill, is amply supported by the authorities:

"Contracts are property, and as such may be condemned and taken under the law of eminent domain." (10 Am. and Eng. Ency., p. 1089; Dodge *v.* Woolsey, 18 Howard (U. S.), 379; Nichols on Eminent Domain, sec. 315.)

"The United States possesses the power of eminent domain, which it may exercise to promote any of its constitutional powers." (10 Am. and Eng. Ency., p. 1051; Kohl *v.* U. S., 91 U. S., 367; 15 Cyc., pp. 564–565.)

"The United States may condemn interstate railways." (Nichols on Eminent Domain, sec. 23; Wilson *v.* Shaw, 204 U. S., 24; Monongahela case, 148 U. S., 431–432.)

"This power of condemnation may be exercised directly by the legislative branch. The only limitation is that just compensation shall be provided for." (10 Am. and Eng. Ency., p. 1068; Secombe *v.* Milwaukee, 23 Wall., 108.)

"In those cases where the condemnor is the sovereign the compensation need not be tendered or ascertained in advance of the taking. It is only necessary that adequate provision be made for compensation." (10 Am. and Eng. Ency., p. 1142, note 2; Nichols on Eminent Domain, sec. 263; Sweet *v.* Rechel, 159 U. S., 380; Williams *v.* Parker, 188 U. S., 491.)

"The owner of property condemned by the United States is not entitled to a jury, but commissioners may determine the amount of compensation, etc." (Nichols on Eminent Domain, secs. 302, 306; U. S. *v.* Jones, 109 U. S., 513, 569; 169 U. S., 567; 11 Peters, 420, 571; 148 U. S., 312, 327.)

It is generally admitted that the problem before the country is how to get these vital necessaries direct from the producer to the consumer at something like the price at which they are produced. A study of these questions develops the fact that a method of relief requires the coincidence of two conditions: (*a*) A transportation condition permitting the economical movement, direct from the rural producer to the consumer, of (*b*) articles in quantities to suit the consumer's needs, i. e., retail, not wholesale, quantities.

The direct transportation in mind is a linking up of the rural delivery structure with the urban delivery plants of the express companies, and of both with the railways. The difficulty now lies in the absence of a connected transportation conduit, which will receive the small shipment at the farm and convey it, like a letter, direct to the consumer. It must be obvious that if these agencies are so linked as to move the retail shipment a solution of the parcel-post problem will be obtained, and on terms, too, that will remove the objections of the local merchant. No one fears a just express rate and improved express service that will, moreover, reach the merchant and farmer in the country.

The report, then, refers to comparative express rates of different countries and the paucity of the express traffic here, giving the tables inserted in a former part of this address. It then proceeds as follows:

REDUCTION OF RATES.

An inspection of the reports of the companies to the Interstate Commerce Commission for 1910 shows gross revenues of $146,116,318, out of which the railroads received $69,917,561, while $61,690,473 was paid for express-operating expenses; $1,126,726 taxes; leaving $13,392,080 in profits, on an investment in the business of $15,453,947, of which the following are the items:

Expenditures for equipment	$9,435,620
Materials and supplies	332,494
Advance payments on contracts	5,685,833
Total	15,453,947

There is an additional item of "expenditures for real property" of $15,890,048, much of which consists of city office buildings, devoted only partially to the service.

The thirteen millions of profits could be applied under postal auspices to reducing the rates. So, also, it is believed, could more than one-half of the express-operating expense. Investigation shows that of some 22 acts of transportation attention devoted to the small shipment by the railway and express company, no less than 15 such acts are replaced by the postage stamp, with like packages under postal methods. Besides this egregious waste in transportation accounting it is manifest that the multiplication of plants, officers, and agents by the different

companies in the towns and cities would permit of elimination through already existing postal facilities, not to speak of 13 systems of overhead charges by as many express companies. When the express plants have been merged in the postal system these savings would, it is estimated, permit of reductions on the rates for packages below 10 pounds of from one-half to two-thirds, and reductions of one-third generally.

COST OF ACQUISITION.

The reports of the express companies to the Interstate Commerce Commission for the year 1910 give the following statement of their assets:

General balance-sheet statement as of June 30, 1910 and 1909.

ASSETS.

Items.	Grand total.	
	1910	1909
Expenditures for real property	$15,890,048.77	$14,999,211.94
Expenditures for equipment	9,435,620.17	7,314,363.59
Stocks owned	50,598,202.90	40,879,647.22
Funded debt owned	51,513,022.08	45,955,672.54
Other permanent investments	14,220,092.90	26,017,709.11
Cash and current assets	45,421,184.34	33,682,608.88
Materials and supplies	332,494.76	138,210.78
Sinking, insurance, and other funds	140,384.34	128,491.83
Advance payments on contracts	5,685,733.34	5,836,666.67
Franchises, good will, etc	10,916,445.46	10,916,703.07
Other assets	547,955.22	266,965.33
Profit and loss	8,752.63	91,129.58
Total assets	204,710,036.91	186,227,380.54

Of these items only the following are to be considered as involved at all in the property to be acquired under the bill (1910):

(1) Expenditures for real property	$15,890,048.77
(2) Expenditures for equipment	9,435,620.17
(3) Materials and supplies	332,494.76
(4) Advance payments on contracts	5,685,833.34
(5) Franchises, good will, etc	10,916,445.46

The first item, real property, it is not thought will be necessary to the postal operation of the service; and as mere office buildings, the Postmaster General is directed to refuse to take them by the bill.

The last, the fifth item, franchises and good will, is subject to the following reflections: The express companies do not have any franchises. A franchise is a grant of some special and exclusive privilege by the State or Government; e. g., the right to lay gas or water mains beneath or above the streets, street railways, or ferries, or bridges. No such franchises or grants of any kind are possessed by any of the companies. With respect to the so-called "good will," of what does it consist? It can not, under our fundamental law, validly consist of the transportation rate and facilities extended to the express company by the carrier, because all shippers are legally entitled to the same treatment from the carrier under the Federal and the common law. But even if "good will" existed as a legal fact, the claimant does not appear to be entitled to be paid for it under the laws of eminent domain. (Laflin *v.* Chicago, etc., R. Co., 33 Fed. R., 415; 15 Cyc., p. 646.)

It is believed that it is the item "advance payments on contracts" alone which presents the character of artificial value with anything in the nature of a claim. This $5,000,000 was exacted by the railways and paid by the express companies in violation of the public policy of the law with respect to carriers for centuries. Ought it be repaid to the express companies by the Government, consisting as it did of the price of an offense against the policy of its laws? This is at last a judicial question upon which the courts alone can pass; but it should be added that it involves a value practically inconsiderable when compared with the great value and indispensable importance of the contracts to the public service.

The cost of the acquisition will probably embrace the following items:

Expenditures for equipment	$9,435,620
Materials and supplies	332,494
Expenditures for real property (one-third)	5,296,647
Total	15,064,761

Even if the "advance payments on contracts" be added, the total cost would be a little less than $21,000,000.

ADVANTAGES OF THE EXPRESS-RAILROAD CONTRACTS.

The advantages to the Postal Department of these express-railroad contracts is shown in a single statement. In 1908 the postal matter, excluding equipment, weighed 602,040 tons, which were carried on the average 620 miles, or 373,277,675 ton-miles; for which the railroads were paid $49,404,763, or at the rate of 13.2 cents per ton-mile. In 1909 the express companies, under these contracts, paid the railroads $64,032,126 for hauling 4,556,296 tons an average of 200 miles, or 911,359,200 ton-miles, being at the rate of 7 cents a ton-mile, also excluding equipment. It is hard to see how the post office could compete with the express companies without these contracts while paying nearly twice as much to the railways on packages of like weight.

Another equally great value that would go with the contracts would be the innumerable advantages of a going concern, a practical modus operandi, having nearly all the necessary adjustments to business habits and human relations already in working order.

Outside of the costly waste to the public involved in maintaining two services there are very direct reasons why the express contract should be secured. The postal system requires them in order to obtain:

(a) The declension in express-railway pay, necessary for a desirable zone system.

(b) The numerous "depot" and storage privileges accorded the express companies by the railways.

(c) Conservation of structural factors in the express institution of intrinsically serviceable character.

(d) To avoid controversies and, perhaps, serious mistakes with the railways incident to entirely new relations.

PURCHASING THE EXPRESS COMPANIES.

Hardly any person will question the wisdom of securing such advantages; and certainly no one who faces the package-transport question seriously will deny the advantages themselves. The depot privileges of the express company are simply indispensable to an efficient and economical administration of the function. If the postal system has to provide itself with these facilities by rent or purchase, it would find the cost to be much greater than the purchase of the express contracts. But it is the history of the express company which gives the real trouble here. The people do not object to paying for what they require. It is the conviction that express capital does not represent any actual investment, but, such as it is, is made up of accumulated excess profits in the past. The moral antagonism to paying them for that which they have unrighteously taken from the people in excessive profits is the root of the opposition. It is the same feeling which many entertained toward paying for the slaves' emancipation, but we know now that the cheapest way for the emancipator, and the best way for both slave and master would have been to recognize the commercial facts by fair payment.

PARCEL POST AND REGULATION.

Testimony before the committee was to the effect that regulation of the express rates could not be made effective because of the very small margin of the rate, less than 7 per cent in 1911, which is profit; that the service could not be sufficiently economically done by the railways, even if required, because of their transportation practices, especially their accounting, and the fact that compelling each railroad to perform the service would be multiplying the 13 express companies into many more than 900, the number of independent railroads, with the concomitant waste of accounting relations relatively aggravated.

The suggestion is made that the Government establish an independent parcel post. With one already existing, in working order, it seems useless to establish another and oblige the public to pay the cost of maintaining both. Moreover, it is submitted that it would be very unwise, unless paramount necessity so dictated, to force a new system upon the business interests of the country, and, whether with good or ill reason, a system it has learned to fear. To suddenly force a revolutionary system of rates, without study or preparation, is a circumstance well calculated to frighten business, even if, as a matter of fact, as now proposed, such rates are so high as to effectually prevent the intended relief. Conservative counsel would seem to suggest that no such unnecessary and drastic proceeding be taken.

RATE MAKING.

The rate-making function can not be in Congress or any of its committees. General principles of social action the Congress is constituted to deal with, but the making of specific rates is alien to its function. Moreover, a law-made rate would be practically unalterable. About once in a generation can Congress act on a given subject, while these rates might require frequent readjustments in such a period, in the interest of traffic mobility, if not the railway pay. There would have to be an administrative tribunal to fix such rates in an initiatory way, with an appeal by the public and the railway to the Interstate Commerce Commission, and this tribunal the bill supplies. In this way the necessary elasticity—that is, adaptability—of the rate to transportation conditions might be secured.

CONCLUSIONS.

(1) The express companies constitute in fact the "parcel post" of the United States, but—

(2) Because of their prohibitive rates and nonextension to rural points their service is inadequate.

(3) The service is a natural part of the postal function and should be merged in the postal organization.

(4) The contracts and equipment of such companies are essential to an economical and efficient service by the postal department.

(5) That the extension of such service to the country will operate to substantially reduce the prevailing high prices of the vital necessaries.

(6) The rates should be administratively, not legislatively, made in order to move the potential traffic and protect the Treasury.

(7) This measure offers a full solution of the small shipment problem and allays, in place of exciting, the apprehensions of the retail merchants of the country.

Mr. President, this is the decision reached by the Committee on Interstate and Foreign Commerce of the House on the principles of what has become known as the postal express as embodied in the Goeke bill. On February 26, 1912, I introduced a similar bill in the Senate. Some Senators may not know its full scope and purpose, and some Senators may have wondered why they have not heard more from it since its introduction, but I do not believe there is a Senator here but that some, if not many, of his constituents know its full scope and purpose and who has not received from them favorable petitions and letters. I do not feel that the Committee on Post Offices and Post Roads have been altogether fair in their consideration of this subject, and I will say frankly that when I introduced Senate bill 5474 it was referred to the Committee on Interstate Commerce, and my reason for having it so referred was the feeling that it would receive a fairer and more unbiased consideration at the hands of that committee. The distinguished chairman of that committee asked me if I had any objection to the bill being withdrawn from that committee and referred to the Committee on Post Offices and Post Roads. Following this the chairman of the Committee on Post Offices and Post Roads approached me and asked if I would not be willing to have the bill recalled from the Committee on Interstate Commerce and referred to the Committee on Post Offices and Post Roads, with the assurance that it would receive fair and earnest consideration at the hands of that committee according to the importance of the proposed legislation embodied in the bill. However the committee may feel, I believe the character and

number of its supporters speak for its importance, and I feel that it received scant consideration at their hands. After quite a length of time and a number of delays, we only succeeded in getting a hearing for one evening before the committee, at which three members were present, and were interrupted by a person who presented an entirely different and separate proposition before some of those who had come long distances and were well prepared to argue the merits of the bill were given a chance to do so. From that time on the author of the bill was not approached or considered in any way by the committee until July 18, which leads him to think that the committee has not been open minded or keenly desirous of formulating a system of parcel post for the single purpose of giving to the public the best possible service to which they are entitled.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from New Jersey?

Mr. GARDNER. I do.

Mr. MARTINE of New Jersey. I should like to ask the Senator whether he refers to the Committee on Post Offices and Post Roads of the Senate?

Mr. GARDNER. I do.

Mr. MARTINE of New Jersey. I am a member of that committee, and one who has attended quite consistently its deliberations, and I feel that the statement of the Senator is ungenerous at least. The Committee on Post Offices and Post Roads for months have deliberated most conscientiously and earnestly on the parcel-post proposition. They have had very many hearings, and at those hearings there have been present a goodly number of men from all walks of life who are interested in the subject, including the Postmaster General, the Assistant Postmasters General, and members of the Post Office Committee. In justice to that committee, or the work of that committee, I desire to say that in the measure reported here to-day they have evolved a bill that is entitled at least to the very serious consideration of the people of the United States and of the Senate. It may not encompass all that is desirable, but at least it is a long step in the direction of that which I believe the people desire and demand, and it will result, to my mind, in infinite good.

I think the Senator will realize that the inauguration of a parcel post is for us at least a radical step, although I will admit it is an old institution in countries like Germany, Switzerland, and many others. Of course, the Senator realizes that it would be impossible to compare the United States with a country such as Switzerland, a small, compact Republic. Probably the Swiss system is the best; it is better at least than many others; it is a very complete and practical system, and so is that of Germany; but the conditions are very widely different there from those in this country, both as to general cost of maintenance and transportation, and then the question of the compactness of the country puts us largely at a disadvantage.

But I rose simply to say, with reference to the suggestion that the hearings were not liberal and fair, that I feel that is an unjust and ungenerous criticism.

Mr. GARDNER. Mr. President, I simply want to remind the Senator that he was not present at the hearing given upon this proposition.

Mr. MARTINE of New Jersey. I was not present at that particular time.

Mr. GARDNER. That was the statement I made, and that is the statement I make now.

Mr. MARTINE of New Jersey. I was not present at all of the hearings, but I have been an active and industrious member of that committee.

Mr. GARDNER. That was the meeting I was talking about, and not some other.

Mr. President, the acquisition of the express companies of the United States as going concerns would carry with it the many factors of value in their operating structures. It would carry with it not only the seven elements pointed out by Dr. Henry and Mr. Hampton as incidents and privileges indispensable to the movement of the small shipment for the purposes of commerce and otherwise, but also a full system of regulations found necessary by these companies to the adjustment of the traffic in its various relations to the needs of society. Very many of these regulations, absolutely necessary to the conduct of the business of moving the small shipment, are perhaps unknown to a single Member of this Congress. We could not write them all into our statute under such circumstances, while the acquisition of the express plants would bring them to us with trained men as well, who understand this occupation and would be able to continue its operation without disturbance to the business public.

I wish to confirm what the Committee on Interstate and Foreign Commerce of the House has so lucidly stated in its report favoring the establishment of a "postal express." The express company is our "parcel post." It wants the "public service motive," which I have previously discussed; it wants also extension of its service to the country through the rural-delivery structure, as previously stated. It also wants its rates, which are now prohibitive, rendered normal and such as to move the potential traffic. It is true the express companies are helpless in the situation, either to extend their service to the country or to bring their rates down to normal.

The causes for this I have, perhaps, already discussed as exhaustively as the Senate cares to hear. I will only summarize the arguments by stating that the Government alone, through its rural-delivery organization, already paid for, and needing only some inconsiderable improvement, can supply the link necessary to articulate the town and the railways with the farm. This rural delivery is costing it some $40,000,000 a year, and it would be absurd to ask the express companies to duplicate that structure, now waiting with empty wagons to receive the traffic. The methods of the express company business, namely, its egregious "transportation accounting" and the quadruplication of offices and agencies in the larger towns and cities, swallow up neary one-half of the average express charge. These economic wastes would be eliminated by the postal system, which already is maintaining for letter purposes an adequate structure for the larger service, paid for and ready to discharge the acts of attention necessary to the small shipment as well. On the branch lines of the railroads and in all distributing points the express and postal personnel are duplicated, and the wastes of duplication susceptible of elimination under postal auspices constitute the scandal of transportation with respect to this small shipment.

Within a year of the acquisition of these plants their merger into the postal organization could be rendered complete, and with them would go all the elements of value in express practice and organization. The express rates are now said to number 600,000,000, counting place to place, rates. These would certainly give place to a new rate structure, that might, indeed, be printed on a single page. All the class-freight traffic of the Prussian railway system, amounting in volume to about one-half of that in the United States, is now carried upon such a rate sheet. While I do not have the assurance, which administrative experience only can give in such matters, I would suggest that in a country as large as ours some 30 zones would be necessary to commercially adapt the rates to the distances the articles of shipment might need to go.

In this connection I may say that it has been shown under the so-called Talcott law in transportation economics, referred to and demonstrated by Mr. LEWIS in his study on this subject, that the cost of transportation tends to double only as the distance of shipment quadruples. That is, that the cost of service does not increase arithmetically with the distance, but increases in proportion to the square root. Thus, if a fair charge for a 5-pound parcel for 25 miles, the square root of which is 5, was 10 cents, the charge would be 20 cents for 100 miles, the square root of which is 10. Mr. LEWIS has found that this square-root declension practically ceases in the freight traffic at 900 miles, whence for greater distances the cost of service practically represents a horizontal or level progression with increasing distances. I am now inserting in my address the rate table compiled by him, showing average express rates for the distances and weights given, as compared with the rates which would be feasible under the system of postal express proposed and as also compared with the rates for 5 and 10 pound parcels under the Bourne bill. The table shows the special loadings included for postal general expense and also for collect and delivery in the tentative rate for each of the shipments. The loading for railway transportation pay represents the actual amounts paid by the express companies to the railways on the aggregate of their traffic. This means that if a like amount of traffic were carried on the rates for postal express in the subjoined table that is carried by the express companies the pay to the railways would not change. In short, the only question as to the validity of the tentative postal-express rates given in the table can only relate to the sufficiency of the loadings assigned for collect and delivery and for general expense, which, however, agree with the estimates of the Postal Department as quoted in the Bourne report.

The recent revision of the express company rates by the Interstate Commerce Commission has reduced such rates about one-third to two-fifths, and in some instances to one-half, of the rates now prevailing as given in table on following page.

Table giving average express merchandise rates and tentative postal-express rates and Bourne bill rates.

Miles.	5 pounds.			10 pounds.			20 pounds.		30 pounds.		40 pounds.		50 pounds.		60 pounds.		70 pounds.		80 pounds.		90 pounds.		100 pounds.		Square root of distance, in miles.
	Express rate.	Postal rate.	Bourne bill.	Express rate.	Postal rate.	Bourne bill.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	
50	$0.27	$0.08	$0.17	$0.32	$0.14	$0.32	$0.32	$0.20	$0.41	$0.23	$0.44	$0.27	$0.48	$0.31	$0.53	$0.35	$0.53	$0.39	$0.54	$0.44	$0.54	$0.48	$0.54	$0.52	$6.00
62	.34	.09	.22	.39	.16	.42	.40	.21	.49	.26	.55	.31	.61	.36	.69	.41	.73	.46	.73	.52	.73	.57	.73	.62	7.87
100	.36	.09	.22	.42	.17	.42	.46	.23	.56	.29	.64	.35	.74	.42	.82	.48	.89	.54	.89	.60	.89	.67	.89	.73	10.00
144	.41	.10	.22	.49	.18	.42	.57	.25	.67	.31	.75	.40	.85	.47	.97	.54	1.09	.62	1.14	.69	1.16	.77	1.19	.84	12.00
196	.43	.10	.27	.51	.19	.52	.60	.27	.73	.35	.82	.44	.95	.52	1.08	.60	1.22	.69	1.28	.77	1.30	.86	1.30	.94	14.00
255	.47	.11	.27	.57	.20	.52	.72	.29	.83	.39	.91	.48	1.01	.58	1.17	.67	1.35	.77	1.45	.86	1.61	.96	1.68	1.05	15.97
320	.50	.12	.32	.63	.21	.62	.79	.31	.91	.42	.99	.52	1.05	.63	1.23	.74	1.43	.84	1.58	.95	1.80	1.05	1.77	1.16	17.80
402	.56	.13	.32	.71	.22	.62	.83	.33	1.05	.45	1.12	.56	1.15	.68	1.33	.80	1.61	.91	1.82	1.03	1.91	1.14	2.18	1.23	20.05
484	.62	.13	.32	.79	.23	.62	1.01	.35	1.23	.47	1.35	.61	1.40	.74	1.68	.86	1.96	.99	2.24	1.12	2.52	1.24	2.78	1.37	22.00
576	.63	.14	.32	.83	.24	.62	1.09	.38	1.33	.51	1.54	.65	1.59	.79	1.90	.92	2.22	1.03	2.53	1.20	2.85	1.33	3.12	1.47	24.00
677	.68	.14	.37	.92	.25	.72	1.24	.40	1.54	.55	1.83	.69	1.86	.84	2.24	.99	2.61	1.14	2.98	1.23	3.35	1.43	3.70	1.58	26.02
787	.68	.15	.37	.93	.26	.72	1.26	.42	1.52	.58	1.80	.74	1.79	.89	2.24	1.05	2.61	1.21	2.98	1.36	3.35	1.52	3.73	1.68	28.05
905	.70	.15	.37	.97	.27	.72	1.30	.44	1.61	.61	1.90	.80	1.99	.95	2.36	1.11	2.75	1.28	3.14	1.45	3.54	1.62	3.93	1.79	30.03
1,030	.72	.16	.46	1.03	.30	.91	1.40	.49	1.78	.68	2.25	.87	2.35	1.06	2.79	1.26	3.26	1.45	3.72	1.64	4.19	1.84	4.65	2.03	32.00
1,151	.74	.17	.46	1.07	.32	.91	1.49	.53	1.97	.74	2.43	.96	2.60	1.17	3.11	1.38	3.69	1.60	4.14	1.81	4.66	2.03	5.18	2.24	33.92
1,297	.78	.18	.46	1.18	.34	.91	1.72	.58	2.40	.82	3.02	1.06	3.25	1.30	3.69	1.54	4.53	1.78	5.17	2.02	5.82	2.25	6.46	2.50	36.00
1,450	.78	.19	.51	1.21	.37	1.01	1.83	.63	2.51	.90	3.18	1.17	3.46	1.49	4.26	1.71	4.82	1.98	5.52	2.24	6.21	2.50	6.90	2.78	38.03
1,597	.79	.20	.51	1.25	.40	1.01	1.90	.67	2.63	.98	3.35	1.27	3.74	1.57	4.33	1.86	5.18	2.15	5.90	2.44	6.66	2.74	7.40	3.03	39.93
2,500	.80	.28	.60	1.40	.55	1.20	2.60	1.05	3.87	1.46	4.47	1.92	5.58	2.37	6.65	2.82	7.76	3.18	8.87	3.73	9.98	4.19	11.08	4.64	50.00
3,136	.81	.34	.60	1.54	.67	1.20	2.89	1.24	4.28	1.80	5.70	2.37	6.88	2.94	8.71	3.50	9.58	4.07	10.95	4.64	12.32	5.20	13.69	5.77	56.00
3,652	.85	.39	.60	1.65	.76	1.20	3.00	1.42	4.47	2.08	5.95	2.73	7.44	3.39	8.92	4.05	10.44	4.71	11.90	5.36	13.39	6.02	14.87	6.68	60.43
C. & D.	.....	3	.....	.....	6	.....	.....	7	.....	8	.....	9	.....	10	.....	11	.....	12	.....	13	.....	14	.....	15	.....
G. E.	.....	3	.....	.....	5	.....	.....	5	.....	5	.....	5	.....	5	.....	5	.....	5	.....	5	.....	5	.....	5	.....
Total	.....	6	.....	.....	11	.....	.....	12	.....	13	.....	14	.....	15	.....	16	.....	17	.....	18	.....	19	.....	20	.....

"C. & D." equals "collect and delivery," and "G. E." equals "general expense" loadings.

Comparing the Bourne rates with the postal-express rates, it is apparent that the Bourne rates are nearly uniformly about twice as high as they need to be under a system of postal express. Indeed, the Bourne rates up to 2 pounds are not near as low as the rates now granted by the express companies if the rates are prepaid. Under the Bourne bill the rates have to be prepaid, there being no C. O. D. privilege. The express companies will now carry to any point in the United States, if the rate is prepaid, at 10 cents for the first pound and 8 cents for each additional pound, third-class mail matter, up to a 4-pound limit. I say that the Bourne rates are shown to be nearly twice as high as the feasible "postal-express" rates need be by the most careful and painstaking investigation this subject has ever received. But one can easily understand why the Bourne rates should be so high when the bill by its silence on the question of railway pay for the transportation of the parcel commits the Government to paying the railways nearly twice as much for the service as the express company pays for the same service.

Mr. President, if there are those here who consider that taking over the express plants and merging them in the postal system looks "too big" an undertaking, I wish to say that it is only a superficial view of the subject which could give that feeling. As a matter of fact, the legislative or even administrative construction of a parcel-post system worthy of the name is an undertaking so replete with difficulty, so taxing in its complexity, and so doubtful in its outcome that the transfer of the parcel-express function to the postal system as a task of statesmanship is literally simple and trivial in the comparison. If we take over the express plants, we know what we have to do. It is merely to correct the deficiencies in their structures by proper articulation with the town and railroad and with the country through the rural delivery, together with a proper reduction of their prohibitive charges through the simplification of postal methods. In this way we should easily convert what is now the scandal of transportation the world over, the inefficient express company, into a parcel-post system that would defy comparison with similar agencies throughout the world.

Mr. President, I will discuss briefly the question of what we would have to pay for the acquisition of the express plants. First, it is proper to suggest that the danger of having to pay for anything but actual values is removed. There are two values which may be considered in condemnation cases, one is the physical value of the property and the other is the franchise value, if any is connected with its use. The express companies of the United States have no franchises. A franchise is some exclusive privilege or right granted by the sovereign State or the Nation. No express company has had granted to it any such right. It has been shown by the Committee on Interstate and Foreign Commerce of the House that the probable cost of acquisition would not exceed $21,000,000 under any circumstances. If there is any Member of the Senate that feels that these figures may be increased to thirty or forty or even fifty million dollars, all of which he will find unsustained upon investigation, let me assure him that even such price would be an extravagant bargain in favor of the Government. Consider, sirs, that the express companies are collecting this year from the American public, for carrying a traffic their prohibitive rates have reduced by one-half, not less than $170,000,000. Consider that the people are paying, out of this sum, at least $70,000,000 more than they would have to pay under postal management. Consider that under the influence of normal rates and an extension of the agency to the farm the traffic itself would quadruple in a brief time, and then consider how utterly trivial the ten or fifteen or twenty million dollars excessive price for the express plants would be compared with the hundreds of millions of dollars of excessive rates which may have to be paid those intruders in transportation, and the hundreds of millions of dollars of potential traffic now destroyed by their practices, which is yet so necessary to the farmers and consumers of the country.

Mr. President, I am not alone in the view I take of the necessities of this subject. The Committee of the House of Representatives on Interstate and Foreign Commerce is not alone in the view it takes. The House of Representatives, in asking for a joint committee of the House and Senate to consider this proposition to eliminate the express companies, is not alone in the view it has taken. The great Democratic convention which recently assembled at Baltimore has declared in its platform for the establishment of a system of "postal express," and it is not alone in the views it took.

Mr. President, the country is actually demanding that Congress give adequate attention to this subject, and is already in grave fear that a mere mockery of a remedy may be enacted. It knows the grave danger in which insufficient attention and study on our part may place this whole subject, and accordingly has gone into a detail with respect to it which I will now ask the Senate to hear.

In November of last year I attended the annual session of the National Grange in Columbus, Ohio, and was present during the parcel post discussion, and witnessed the unanimous indorsement of the Lewis postal express idea, the principal features of which are contained in the so-called postal express bill.

In December I attended the annual meeting of the Maine State Grange, and in February the meeting of the New York State Grange, and in both instances heard the discussion and action of the National Grange unqualifiedly indorsed. Simultaneously with these meetings other State granges were meeting and taking similar action, and since I have been here in Washington I have met in conference the representatives of many other farm organizations, notably the Farmers' Union. During the year I have been in constant touch with the farm organization leaders in all parts of the country. I am myself a farmer and have all my life been identified with the farm and farm organizations, and am at present the president of the Conference of Progressive State Granges having organizations in a dozen States and affiliated with organizations in almost every State in the Union. In view of these facts I think I can safely claim that no Senator is to-day in so close touch with

the agricultural people as myself, and, Mr. President, they never were more deeply in earnest than they are over this question or knew so definitely what they wanted as they do at the present time. They want a postal express, and will be satisfied with nothing less. They want the legislation embodied in what is known as the Lewis plan and which is before this body in Senate bill 5474.

Mr. President, the farmers do not want the bill because I introduced it. I introduced it because the farmers wanted it, because their most representative organizations made it perfectly clear what it was they wanted, and because my personal study of the subject convinced me absolutely that they were right in wanting it, and, being right, should stand by their convictions, and after all these years of weary waiting insist upon Congress enacting legislation that would actually produce the results desired.

If the Senators from Pennsylvania have kept in close touch with the farmers of their great State they can tell you that the Pennsylvania Grange has been conducting a campaign of education for a postal express continuously since the early summer of last year. Not an issue of their State organ but what has had an able article on the subject. Other States have followed suit, and, in order that the Senate may fully understand the earnestness and unity of this farmers' movement for a postal express, I submit quotations from the official grange reports. The standing committee on postal reform of the National Grange in its report, among other things, said:

There are at the present time about a score of bills providing for varying forms of parcel-post service now pending at Washington, and it is not an easy task for this body to select one specific bill and focus its attention upon that. There are clearly two possible courses of action by this body which must herewith be considered: (1) To take a firm stand at this session in favor of genuine progressive parcel-post legislation and demand its speedy enactment by Congress without attempting to establish a positive grange position on any one specific bill out of the score in question; (2) to endeavor to point to one particular bill and demand specific action thereon as the grange position on the parcel-post question.

The first proposition is open at once to commendation and criticism. With so many bills pending, all aimed toward the same end, it may be argued that the grange policy should be sufficiently flexible to admit of a readjustment to such condition as our legislative committee may find as the situation shapes itself, and also to admit of the joining of forces with other organizations in a great forward movement for parcel post as the congressional season advances. This idea is open to a serious criticism, however. When the general subject of parcel post is put up to a Senator or Congressman in question form he is almost sure to reply with a smile or by a form letter, "Certainly I am in favor of parcel post, and the matter will have my most earnest consideration," leaving the questioner just about as well informed as he was before. If a distinct bill is to be submitted, then the statesman can be pinned down to the specific question and must give an answer that amounts to something.

The second proposition has the advantage already referred to of permitting the specific and definite pledges of Members of Congress, with the consequent increased likelihood of favorable action, but is in turn open to the objection that if this body be definitely committed to any one bill, or system of parcel post, then it might be rendered difficult for our legislative committee to adjust to new conditions that might arise in the matter or to arrange for effective cooperative effort with other organizations similarly interested with our own in the parcel-post fight.

As between these two propositions your committee is inclined to feel that the resolution offered to this body by the master of the Maryland State Grange presents the most effective position this session can take on the parcel-post question, and we therefore recommend the indorsement of that resolution, which was as follows:

"*Resolved*, That in the opinion of the National Grange, in forty-fifth annual session assembled, the system of postal express as prepared by Congressman LEWIS, of Maryland, offers a thorough solution of the parcel-post measure, and that we hereby indorse the same and urge its passage. This indorsement is not intended that we shall abandon the position formerly taken by the National Grange on the parcel-post question."

We recommend that this matter shall be given early consideration by our legislative committee, and especially urge that said committee shall, as soon as practicable, prepare and submit to the State granges at least an outline of the most effective means to be set in motion in the respective State granges, to the end that the great parcel-post fight of the winter may be instantly and actively started in every grange State.

We therefore recommend such early consideration of this matter by our legislative committee as shall make possible a conference with the parties in question, and that at such conference, and in all future like opportunities, the position of the National Grange shall be emphatically that of participation in any combined forward movement for parcel post that it is possible to make with any or all other organizations likewise interested in this vitally important subject.

This report was signed by all members of the committee and unanimously adopted. The chairman of the committee was the master of the Massachusetts State Grange, an organization having 30,000 members in that State. But the National Grange's consideration of what it proposed to make its paramount issue for legislation in this Congress did not rest here. It was brought up again by the committee on cooperation, one of the most important of the standing committees of the organization, of which the master of the Pennsylvania State Grange—well known to many Senators here as an exceptionally able man—was chairman. From this report I quote:

We recognize that the high cost of living in the country is largely due to a lack of cooperation between the producers and the consumers. Neither of these classes are to blame for this condition directly, yet in a reflex manner, by an apathetic consideration of legislation, the general public is blamable for existing economic conditions. It should be the purpose of this great organization to adopt as legislative principles and to work for the construction of laws that will prevent the inflation of corporate holdings, which we believe to be the most serious menace to our national prosperity, and to work for fair and equitable tariff legislation which will deny special privileges in trade to those business institutions which thrive only upon the opportunities given them through unjust laws.

The existence of business parasites is a hindrance to cooperation, and we would point out that the most dangerous economic parasite with which the people of the country have to contend, and especially the farmer, is the express company. Our tribute to it, as well as to those other concerns which are probably important on their merits but dangerous in their inflated conditions, is a tax which should not be imposed and which serves to defeat the best interests of the people. Therefore we recommend, as one of the great reforms necessary for the successful development of cooperation, that this body indorse the plan of postal express now pending before Congress, being a bill presented by DAVID J. LEWIS, Member of Congress from the sixth district of Maryland, and known as the Lewis bill.

This thought opens up the subject of distribution. Poor methods of distribution are a hindrance to successful cooperation. The postal-express plan, in our judgment, will assist in more efficient distribution, inasmuch as it will create an articulation heretofore denied between all sections of the country, which will in turn serve to force individuals and corporations dealing in the necessaries of life to modernize their methods of handling the products of the farm. In many of our great cities we find the methods of distribution antiquated and really obsolete.

It should be the desire of the farmer to deal directly with those who consume what he raises, and to this end it is wise, in our judgment, to establish relations with other organized classes. Organized labor is prepared to meet us halfway. We would urge that the relations between the organized farmer, who is a producer, and organized labor, also a producer, be encouraged.

In my own State the grange has a membership of 1 in every 11 of the total population. There are 500 local organizations and a county organization in every county in the State. With hardly an exception, petitions have been filed by me or my colleague from every one of these local organizations asking for the passage of the postal-express bill; and at the spring meeting of the executive committee the following resolutions were adopted:

Whereas it is our positive conviction that the most effective way to secure the legislation desired by farmers and indorsed by the grange is to elect to office only those who are pledged to support and work for grange measures: Therefore

Resolved by the executive committee of the Maine State Grange in regular meeting assembled, That the secretary be, and is hereby, instructed to send the following appeal to the subordinate granges of the State:

TO THE PATRONS OF MAINE.

Patrons, this is your opportunity. In the coming election each of you has an undivided responsibility to see to it that no one gets the farmer vote who does not stand squarely for the grange demands. You owe not the smallest measure of support to the candidate who says to you, "I desire to go through the campaign unpledged." The man who will not tell the voters where he stands on the great questions which are before the people in plain and unmistakable terms is not worthy of your support. No candidate for United States Senator or Congressman should receive your support unless pledged to the passage of the Gardner postal-express bill, the passage of the Haugen oleomargarine bill, in favor of the furtherance of popular government, and opposed to the Aldrich money scheme. No candidate for reelection should receive your support unless his record is straight on these measures.

Patrons, the responsibility is squarely up to each and every one. He who fails to do his duty and go to the polls and vote for the candidate, regardless of party, who stands most openly and fearlessly for grange measures has no right to complain of conditions.

GEORGE PLUMMER,
EDWARD EVANS,
GEORGE ALDEN,
L. E. TUTTLE,
C. S. STETSON,
E. H. LIBBY,
Executive Committee Maine State Grange.

Passing from the Atlantic to the Pacific coast 12,000 grangers of Oregon by petition to the House of Representatives urged their Representatives to vote for the passage of the similar measure, which had just been favorably reported by the Committee on Interstate and Foreign Commerce, the Goeke bill.

In the adjoining State of Washington, the home State of the chairman of the executive committee of the farmers' national committee on postal reform, the 20,000 members of the State grange and the 10,000 members of the Farmers' Union are united in their demand for a "postal express." The Washington State Grange has just held its annual session (June 4–7), and I submit the parcel-post section of the master's annual address:

POSTAL EXPRESS—A REAL PARCEL POST.

For 20 years the grange has urged on Congress the enactment of legislation that would place the United States at least on a level with the other leading nations in an efficient parcel-post service. But as Postmaster General John Wanamaker said years ago, four big giants blocked the way. The big express companies said no, and that settled it. The grange was powerless to marshal the farmers in their might as long as the nation was in the control of the machine reactionaries. But two years ago the progressive granges determined to appeal to the farmers generally to unite for the parcel-post fight and join with them in organizing the farmers' national committee on postal reform. Later they took the lead in organizing the Postal Express Federation, and the battle for a real parcel post is now on in earnest. Twenty years ago we were ready to take any parcel post Congress would give us, but

our well-paid Senators and Congressmen have ignored the subject year after year and, except for a few notable exceptions, know less about the matter than thousands of our members. Now we do not propose to wait any longer, but intend to have, and that right speedily, the best parcel-post service in the world, or a new set of Senators and Congressmen. Instead of allowing the express companies longer to block the way, we propose to wipe them off the face of the earth, take over their equipment and working staff, and consolidate all the express companies into one perfect postal-express system and extend the service to the farmers through the rural delivery. We want no more 8 cents per pound flat rate and 11 pounds limit. We want a graduated rate and a weight limit of at least 33 pounds—110 pounds, the same as Germany, would be better.

The committee on postal improvement will treat this matter fully, and I bespeak your most careful consideration of the matter. To secure a postal express is our paramount issue in national legislation, and no candidate should be elected to Congress who does not stand by the grange in this great reform. There should be posted in every grange the names of those Senators and Congressmen who oppose the grange postal express bill in one column, and in another the names of those who support it and fight with us. Let our motto be, Put no one on guard in Congress who does not ring true, but let us also see to it that those Senators and Congressmen who do stand steadfast and fight on our side are rewarded by the true appreciation of a strong, loyal support.

Mr. President, I could make similar quotations from many other States, but I have, I believe, submitted enough to show that the farmer movement for a postal express is not one that has been lightly undertaken, but is founded on deep conviction, which has taken and is taking strong hold on the rural people. They will not be satisfied with halfway measures. They expect, at the very least, that this Congress will give them a modern, up-to-date postal-express service, which means a better and more complete system than that which the Imperial German Parliament gave to the German people a quarter of a century ago—a service which will do for the American farmer and American industry what that service has done for the German farmer and German industry.

In the first half of the nineteenth century Great Britain was the one great commercial power of Europe, with a world-wide trade. It was practically without a rival, but in the last half century, with giant strides Germany forged to the front to contest with Great Britain her supremacy in the world's commerce. In many lines she has surpassed Great Britain and to-day stands the leader without a peer in many important industries. The commercial rise and the industrial achievements of the German Empire deservedly command the admiration of the world, and the causes therefor are the study of the thoughtful statesmen of every country. Many causes contributed to this phenomenal industrial growth, but the great underlying cause was that the statesmen of Germany made the common welfare of the German people the guiding principle of their actions. But in no way, Mr. President, have the statesmen of Germany shown a higher degree of statesmanship or shown their devotion to the public welfare, in conserving the prosperity of agriculture, in insuring a low cost of living to the people of the Empire, and in safeguarding the rights of the people than in the establishment of a postal express and providing for the fullest and freest possible exchange of commodities between producer and consumer. As summarizing in a brief but comprehensive way what the postal express has done for Germany I quote from an article written by Hon. J. C. Monaghan, of the Department of Commerce and Labor, for Dun's Review of February 24, 1906, and which can be found in full in Senate Document No. 379:

THE PARCEL-POST SYSTEM OF GERMANY.

[Written for Dunn's Review of Feb. 24, 1906, by Hon. J. C. Monaghan, of the Department of Commerce and Labor, Washington, D. C.]

Among the greatest needs of the present day is a better development of the means of distribution. Much of the overproduction, of which so many complaints are heard, is simply due to lack of distribution. Among the modern methods of distributing merchandise the post holds a rank scarcely dreamed of in the days of the first American Postmaster General, Benjamin Franklin. Even his genius hardly foresaw the day when the packages of the merchant and tradesman would be carried by the postman. The best example of a successful parcel-post system to enable a business man to form a just idea of it is the German system, which the writer saw in operation for 12 years. The gigantic genius that forged and welded the fragments of the Empire into one cohesive mass—Bismarck—did as much as anyone to give the Empire a postal system so successful that it excites envy and emulation. In a year, 1903, it netted the Empire nearly $15,000,000 over and above all expenditures, while the American service showed a deficit of $4,356,000.

WELDING THE CITIES TO THE FARMS.

Not the least successful branch of the system—certainly not the least useful part—is that which deals with parcels or packages of all kinds of products, from those of the farm or ranch to those of the factory or store. From the huge streams of wares that flow through the post offices of Berlin, Hamburg, and the larger towns and cities, as well as the tiny rivulets of articles that are put into the parcel post in remote Tyrolese hamlets and in thousands of country offices, is formed a veritable ocean or sea of traffic. The yellow wagons of the Empire or the royal wagons of Kingdoms like Wurttemberg and Bavaria that have held on to their separate postal rights, wind their way in and out of the highways and byways of the entire Empire, picking up and laying down wares. Careful, sensible, systematic, and businesslike are the only words that will properly describe this wonderful system and its successful work.

CHARGES THAT MAKE BUSINESS GROW.

The one vital factor in a system of this kind is the charge. If it is too high it defeats the object at which it aims—public convenience. In all its efforts to secure efficiency the German Empire has always aimed at a system such as would secure that result at a moderate cost. Its success has been fairly phenomenal, for its charges have been moderate, the service the very acme of efficiency. As already suggested, distance and weight form the factors in the problem of price for the service. The distance charges are determined by zones, the first zone or circle within which the lowest price is paid being 10 geographical miles from the post office as a center; the second zone all points beyond the 10-mile limit, but within 20 miles; the third, the points between the 20 and a 50 mile circle; the fourth, between 50 and 100; the fifth, between 100 and 150; the sixth and last, all points in the Empire beyond a circle 150 miles from the post office or center.

CHEAP AND QUICK TRANSPORTATION MAKES FOR GENERAL PROSPERITY.

How much the parcel post has meant in the past, how much it means now, and how much it is to mean in the Empire's marvelous development will never be known till some German Mulhall makes its work the subject of a brilliant special monograph. From the far-off shores of Heligoland and the North Sea fishing villages the products of the deep are collected, carried across a large part of the Continent, and delivered, the service extending to the confines of Bohemia, or even to Austria and Hungary, for there is a postal arrangement between the two Empires that admits all the benefits of the one to the citizens of the other. From the seaport cities come the bananas, oranges, lemons, pineapples, cocoanuts, the rich spices of the East, the finer fibers and textiles of Persia, India, China, and Japan; from Switzerland come the rich dairy products and marvelous honey gathered from its mountain flowers, a honey as rich as that of Hymettus; from the Rhine lands the wines are sent in baskets far beyond where the vine will grow; out of the south, by Botzen, on the hills near Innsbruck, and along Lake Garda go fruits and flowers to Berlin and Breslau, Konigsberg, Danzig, and Stettin.

GERMANY'S ADVANTAGES OVER THE UNITED STATES.

Business men, bankers, merchants, manufacturers, and the people are unanimous in praise of the imperial parcel post. All regard it as indispensable. All wonder how they ever got along without it.

As regards the imperial parcel-post system as a whole, Germany's method of meeting the new economic, industrial, and commercial era upon which it has entered is one that is sure to commend itself in time to the thoughtful statesman.

I desire to call the attention of Senators particularly to the last paragraph. I repeat the quotation:

As regards the imperial parcel-post system as a whole, Germany's method of meeting the new economic, industrial, and commercial era upon which it has entered is one that is sure to commend itself in time to the thoughtful statesman.

Gentlemen, how long a time? Does it not now commend itself to the thoughtful statesmen of our own country; to the thoughtful statesmen of the United States Senate? Is the genius of American statesmanship of the twentieth century, with the experience of the whole world to draw on, unequal to the task of giving to the American people a parcel-post service the equal of that which the statesmen of Germany, without such experience to guide them, gave to the German people over a generation ago? With the evidence before it, with the mass of information accumulated and available for immediate consideration, is the United States Senate going to procrastinate and delay in enacting legislation so plainly beneficent, so urgently needed to reduce the cost of living, and so necessary to the agricultural and commercial prosperity and independence of the country?

How many millions of dollars annually are the people to loose on account of the excessive prices that they must pay for the common necessities of life before Congress will enact legislation that goes to the root of the matter? What deprivations must the people suffer through all the years it will take the Government to build up a postal-express service such as that enjoyed by the German people, if Congress merely enacts the legislation proposed by some of the honorable Members of this body? Better, by far, in my judgment, will it be for the people to wait for a new Congress to enact a thoroughgoing measure than to accept the limited parcel-post measure proposed, which, if adopted, can only prove disappointing in operation and delay indefinitely the enactment of any thoroughgoing measure. I submit, Mr. President, that the only thing that the Senate can do in this matter that is fitting for the highest legislative body in the land is to either enact legislation that meets the needs of the situation in the broad statesmanlike way the German Parliament met it years ago, or to adopt the policy of the House by frankly admitting your lack of knowledge and time, but prove your sincerity by concurring with them and provide a joint committee to thoroughly review the subject and report in full at the opening of the next session.

A few Members of this body, I understand, assert that the carrying of merchandise parcels is not a Government function. Mr. President, the burden of proof is on those who make such assertions, for all the governments of the civilized world have settled the matter by making the carrying of such parcels a part of their postal service. Our own Government is doing so now up to a limit of 4 pounds for its domestic service and to a limit of 11 pounds for its foreign service. In all the controversy for or against a parcel post or a postal express no one has advocated the abolition of the present parcel-post service, and the support of a commercial postal-package delivery in some form

or other is well-nigh universal. In the face of such universal indorsement it must be accepted as a conclusively established fact that the carrying of merchandise packages is a proper part of the postal service, and, in my judgment, no Senator can claim to represent the people of his State who does not accept this conclusion.

It being an accepted fact that the carrying of parcels is a Government function, what other consideration, then, than public convenience should determine either the rate or the weight limit of the parcel or small shipment the Government should carry? Congress has come, I think, into a pretty general agreement that legislation must be enacted providing for an extension and improvement of the parcel-post service, but there is not any such general agreement as to what the weight limit or the rates should be. And through all the years since the parcel post has been agitated in Congress there has been no time when such agreement has seemed probable. During this Congress the parcel post and the postal express problems have been more thoroughly considered than ever before, largely with the special purpose of finding a common ground for agreement as to weight limit, distance, and rates. The House Committee on the Post Office and Post Roads labored with the problems through hearings and committee meetings, and finally begged the question by asking for the appointment of a special commission to which the matter should be referred. Hardly two members of the committee were agreed as to what were the proper weights, rates, or distances. The recent debates in the House, lasting nearly two weeks, showed the same difference of opinion. Here in the Senate the situation is much the same.

The Senator from Oregon, chairman of the Committee on Post Offices and Post Roads, had ideas as to zones, weights, and rates very different from those of the Senator from Kansas, his associate in the subcommittee, and other members of the committee disagree with both. The Senator from Oregon recommended 6 zones, the Senator from Kansas 12. The Senator from Oregon recommended rates averaging 50 per cent lower than those recommended by the Senator from Kansas. The Senator from Oregon placed the weight limit at 11 pounds, while the Senator from Kansas recommended no weight limit, depending on the automatic adjustment of a reasonable weight limit by a scale of rates that would be prohibitive for excessive weights. I now understand the Senator from Oregon, fearful for the fate of his bill, recently compromised with the Senator from Kansas, and the bill now before you is the product.

But, Mr. President, the point still remains. The Senators from Oregon and Kansas, as members of the special subcommittee, backed by ample funds and unlimited facilities, have given the best part of a year to the effort of producing a bill that will be of lasting benefit to the people and solve the vexatious problems of an adequate postal-package delivery service. Having much in common, Members of the same wing of the same political party, and having, we assume, the same end—that of the public welfare—in view, the net result of their year's effort is that they reached on the vital essentials of a workable system radically different, and I still believe, irreconcilable views. Other members of the committee I find differ as widely in their conclusions on these matters, and I certainly differ from both the Senator from Oregon and the Senator from Kansas.

The reason for these differences, Mr. President, is that these are questions no legislative body can decide. They are administrative questions and can only be settled by rate-making and traffic experts. No parcel-post or postal-express legislation will be satisfactory in practice that does not provide for administrative control over the adjusting of rates and weight limits, and the other conditions of traffic movement, as experience in practical operation may demonstrate to be necessary to move the traffic and give the best service. With such provisions properly safeguarded to protect the public from administrative abuses Congress can, regardless of widely divergent opinions on these features, enact a parcel-post or postal-express bill which, whatever the rates, weights, and zones first put into effect may be, will give the country almost immediately the best postal-package system of any country. Instead of following haltingly behind other nations, this great Republic would at once take the place of leader among the nations of the world in providing the best possible form of public service for the benefit of its people.

There has been considerable criticism indulged in by the public press and by some Members of this Congress as to who would be responsible for the failure of Congress at this session to enact a parcel-post bill regardless of whether it meets public needs or not. I want to go on record right here that those Senators and Members of the House alone are responsible who insist upon a rigid bill as to rates, weights, and zones, and who refuse to incorporate several indispensable elements to a working system, or support any parcel-post or postal-express bill that provides for their administrative regulation. On them must rest the responsibility if this Congress fails to enact adequate legislation on this matter so vitally important to the prosperity of the whole people.

There is one thing I believe the investigations and debates of this session have absolutely demonstrated, and that is the fallacy and absurdity of the flat rate as applied to a parcel post or postal-express service in this country. Up to and during recent times the idea of a parcel post has been based on a system limiting the weight of parcels to 11 pounds, with fixed rates of 8 or 12 cents a pound, the idea being to make a flat rate per pound and extend it to all parts of the United States without regard to distance. This idea is now abandoned generally, because the principal reason in asking for a parcel post has been the feeling that the express charges are and have been for years too high to conserve the interests of the people, and when they compare the flat rate and the exorbitant and much-complained-of express charges the absurdity of the flat rate is clearly shown. Upon investigation it will be seen that the express companies' rates on a ton of parcels average $31.20. The flat-rate parcel post, fixing a flat rate of 8 cents per pound, would provide a rate amounting to $160 per ton as a relief from these excessive charges of the express companies, amounting to $31.20 per ton, or rates five and one-half times higher, while the 12-cent-a-pound rate would provide a rate amounting to $240 a ton, or over eight times higher than existing express rates. If we obtain relief from the express company charges, then it must be by getting postal rates that are substantially lower, as in my judgment the whole question of a parcel post is one of lower rather than higher rates. If the rates are not lower, then the parcel post would simply be a paper scheme and of no service to anybody. If the parcel-post rates were actually higher, the system would be a cheat of the whole reform. At best the bills mean that up to 2 pounds they give only as good a rate as the express companies do, with the addition of delivery on rural mail routes, and on weights above 2 pounds fix a much higher rate. Even the rural delivery features of such bills proposing 5 cents for the first pound and 2 cents for each additional pound up to 11 pounds are nearly worthless, because, as I have shown previously in my remarks, they limit the articles carried to fourth-class matter, and there is scarcely a thing produced on the farm that falls within the fourth class or that the farmer would be allowed to ship to his customer in town in the form of farm products, so that on account of the limitations such a system would be of very little value to the agricultural people of the country in marketing their products.

The flat rate on parcels discriminates against the short-haul shipper in favor of the long-haul shipper. As far as traffic would move at all the short-haul patron would pay a rate away above cost and the long-haul patron would pay a rate outrageously below cost. The flat rate on letter postage has no such effect and imposes no injustice, because the important element of weight does not enter into its transportation.

THE LOCAL MERCHANT AND THE POSTAL EXPRESS.

All limited parcel-post proposals are opposed by the local merchant, but the same merchant when he understands the postal express becomes its enthusiastic and ardent supporter. The reason is plain. The limited parcel posts all discriminate against the local merchant and if put into operation would be injurious to his business. Whereas the postal express would be not only a benefit but the competition with the mail-order houses and city stores under existing conditions has become so dangerous as to make it absolutely necessary to his continuation in business that the discriminatory shipping advantages now enjoyed by the mail-order houses shall be removed.

The three vital essentials of a parcel-post system that shall be adequate to meet the needs of the local merchant are:

(1) A perfect zone system that will make the local merchant's store the center of the most favorable rates, with rates low enough to move the traffic and positively without discrimination in favor of the big shipper.

(2) A weight limit of at least 100 pounds with a rate declension in weights as well as distance. The rate declension as to distance protects him from the competition of the distant mail-order houses and the rate declension as to weight protects him from the competition of the consumer dealing direct with the producer.

(3) Protection from the unfair discrimination of the private express companies in favor of the big shipper. The small country merchant is too insignificant a factor to be of any consequence to the private express company, and as long as the express business is in private hands he will be discriminated

against to the benefit of the big shipper. Only a Government express service can give him adequate and absolute protection.

Measured by these requirements, it is easy to see why the Bourne bill is so unsatisfactory to the local merchant. It does not give him any of the advantages the merchant should have over the consumer, and instead of protecting him from the discrimination of the express companies makes that discrimination more destructive by bringing in operation combination express rates.

Granted, for the sake of argument, that the 11-pound limit is a fairly satisfactory one for the average consumer, but the average weight of 33 pounds of the present express shipments shows how inadequate such a weight limit is for the merchant. However, with a weight limit of 100 pounds, with rates declining as the weight increases, we can have a parcel-post service satisfactory alike to the farmer, the merchant, and the consumer. Instead of violently disturbing the long-established methods of merchandising, such legislation will place it on a sound basis not by killing off the good middleman—the retail merchant—but by getting rid of the monopolistic middleman and by destroying the unfair competition built up on transportation discrimination.

The following tables showing the rate declension as to weights in present average express rates and showing the corresponding declensions feasible under the postal express, will show the importance of the large weight limit and rate declensions based on weight as well as distance, if the present methods of merchandizing through wholesalers and retailers is to be properly safeguarded:

Pounds.	36 miles.		62 miles.		100 miles.		500 miles.	
	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
5	0.27	0.08	0.34	0.09	0.36	0.09	0.63	0.14
10	.32	.14	.39	.16	.42	.17	.82	.24
30	.41	.23	.49	.26	.56	.29	1.30	.50
50	.48	.31	.61	.36	.74	.42	1.50	.64
100	.54	.52	.73	.62	.89	.73	3.00	1.40

Column (1) present average express rates.
Column (2) feasible postal express rates.
Rates are given in cents and fractions of cents.

By reducing these rates to cents per pound and comparing the light-weight rates with heavy-weight rates we can see at a glance the advantage the merchant (the general user of the heavier parcels) has over the consumer (the general user of the smaller parcels):

Comparison of the 5-pound express rates and postal-express rates with the 100-pound rates in order to show the transportation rate advantage the merchant has over the consumer.

Pounds.	36 miles.		62 miles.		100 miles.		500 miles.	
	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
5	5.4	1.6	6.8	1.8	7.2	1.8	12.6	2.8
100	.54	.52	.73	.62	.89	.73	3.0	1.4
Margin in favor of the large shipment (per cent)	1,000	330	900	300	800	250	400	200

Rates are reduced to cents and fractions of cents per pound. Column (1) present average express rates in cents and fractions. Column (2) feasible postal-express rates in cents and fractions.

To make this point still clearer the following tabulation is made to show the comparative cost of shipping 100 pounds in 20 separate 5-pound packages and in one 100-pound package:

	36 miles.		100 miles.	
	(1)	(2)	(1)	(2)
Cost of 100 pounds in 20 5-pound packages	$5.40	$1.60	$7.20	$1.80
Cost in one package of 100 pounds	.54	.52	.89	.73
Difference in favor of the single shipment	4.86	1.08	6.31	1.07

Column (1) present average express rates. Column (2) feasible postal-express rates.

From these tables we see that the rate declension based on weight gives the merchant—that is, the habitual shipper of the larger or wholesale-weight packages—a good cost margin over the small-weight shipment. This margin in transportation charges, added to the advantages of buying at the wholesale rate both factory merchandise and farm produce, is amply sufficient to protect the wide-awake, up-to-date merchant from unfair competition, either from the mail-order houses on the one hand or the producer in dealing direct with the consumer on the other.

Limiting the weight to 11 pounds has no advantage to anyone and is a positive injury to the merchant and the producer. A high weight limit and a rate declension based on both weight and distance is absolutely essential to a system that will be of any material benefit to local merchants and farmers or that will have any marked effect in reducing the cost of living.

EXPRESS COMPANY COMPETITION.

Mr. President, any parcel-post legislation that does not provide for the elimination of express company competition and for the taking over the equipment, depot facilities, storage facilities, and railway-car equipment, or provide equal facilities and equipment, is doomed to prove unsatisfactory from the very beginning. The expectation of the people has been raised too high to satisfy them with half-way measures. Prof. Henry, in an article on "The vital points of the parcel-post problem," which has been published in farm papers of an aggregate circulation of over 6,000,000 copies, has condensed into one sentence what the farmer is expecting the Government to provide, namely:

> An adequate low-cost system of transportation of the perishable, lightweight products of the farm direct to the city consumer and a likewise adequate service to the farmer of what he needs from his nearby trading town.

How are the Post Office officials going to satisfactorily administer a limited parcel-post service with an expectation of that kind, which can only be satisfied with the most complete service, while handicapped and prevented from making a satisfactory showing by the free-lance competition of the express companies taking all the profitable part of the business and paying the railroads only half as much as the Post Office Department?

The character of express competition which can be expected if such a bill as the proposed Bourne bill is passed can be foreseen by a comparison of the Bourne bill rates with the present express rates, and by noting the wide margin for reducing rates below any competing point the railway express contracts give the express companies. These railway contracts give the express companies the right to make rates as low as one and one-half times the corresponding freight rates. I do not claim that the express companies could reduce their rates to these extremely low figures on parcels below 11 pounds and conduct a business at a profit, at least on the short hauls, and on the long hauls under their present contracts with the railroads, but they show the wide margin the express companies have to work on to bring their rates to within the post-office rates. The policy of the express companies has been, and no doubt will continue to be as long as they are in the field, to charge all the traffic will bear, but it never was their policy to maintain rates so high that a competitor could take away from them the cream of the business.

The advantages that the express companies have of making rates that will enable them to take the cream of the business and leave the unprofitable business to the postal service are amply sufficient to show the impossibility of the Government establishing a successful, self-sustaining parcel-post service in competition with them.

The Bourne bill is rigidly confined to eight zones, while the express companies have at least four times as many and may make any number they desire, thus enabling them to grade their rates with a greater degree of fineness and gain all the immense advantages that this close grading gives. The Bourne bill service covers all territory and all people within any zone area for a fixed rate. The express companies only serve the people at the cities along the lines of the railroads, and classify their rates according to grade of service and can make different rates in different parts of the country. Thus in the first instance the express companies have a perfectly legitimate, automatic way of excluding from their service the ungetable and therefore expensive and unprofitable part of the service, and the power of the selection of the profitable part of the business to the exclusion of the unprofitable is increased through the exercise of the right of classification and flexibility in adjusting rates. The express companies have still another immense advantage in the possibility—and undoubtedly probability if conditions require it—of a readjustment of their contracts with the railroad companies, changing the percentage of the railway pay. I have been interested to note how easy it would be for the express companies to meet the Bourne bill rates by the simple expedient of reducing the percentage paid to the railroads on the short hauls to 33 per cent, leaving all of the long hauls at the present contract rate.

COMBINATION EXPRESS RATES.

But it is in the making of combination rates that the express companies have the greatest advantage. By making these combination rates the express companies can compete without changing their present rates, and make absolutely certain of securing all the highly profitable part of the business by giving, in a perfectly legal manner, special favors to the big shippers. Mr. President, I am fully aware that the express companies have been declared common carriers, and under the supervision of the Interstate Commerce Commission, and therefore must not make rates that are clearly legally discriminative in favor of one shipper as against another, no matter how profitable the business of the one might be as against another. But, Mr. President, the big express companies, if they desire to develop a business based on combination rates in order to keep the profitable small-parcel business away from the postal service, can most effectively by encouraging the building up of local express companies, which will specialize in the combination-package service. The big express companies need have no more to do with the business other than to accept the shipments of the local express companies in units of 20 pounds and up and enter into such contract relations with them as may be necessary to make a feasible working agreement. And there is no power in our Government that could make the local express companies pay any attention to any business that was not profitable to them. The cream of the business would be skimmed and the rest left to Uncle Sam. Such limited parcel-post schemes, so far as they have any effect in compelling the express companies to seriously face competition, can have only the effect, as long as the companies are left in the field to compete, of building up a more dangerously discriminating private express structure than we have ever had before. Talk about a scheme that will help the big mail-order houses and finish the killing off of the rural merchant; here we have it in perfection. Why, of course, these local parasitic express companies will become the distributing agents of the mail-order houses in every city. The cream of the local business will give them the revenue to pay all of their expenses, while their main profits will come from the handling of the mail-order distribution.

Congress can not enact legislation that will insure a self-sustaining parcel post limited to 11 pounds in weight at any rate the Government can make unless express company competition is eliminated, not only in shipments up to 11 pounds, but up to 100 pounds, the unit freight shipment. The express companies must be driven out of the business by the enforcement of the Government postal monopoly and their property made worthless and destroyed and their highly trained, well-organized force of 50,000 employees turned adrift, or by the infinitely more humane, common-sense, and cheaper method of taking over the package part of their business, and instead of driving 50,000 specially trained workmen with their families and dependents to despair, lift them to the happier and better service of the Government. Look at it from which way you please, you can not establish a successful parcel post and leave the express companies in the field. And, Mr. President, you can not drive the express companies out of the business without compensating them in some measure for the damage done to them. The Government postal monopoly can not be enforced to the extent of shutting the express companies out of the package business without compensating them for their losses in the arbitrary destruction of their equipment. The express companies, if Congress passed legislation forcing them out of business, might have a claim for compensation for damages that the courts would allow to be just, and the Government would have to pay the full cost of the equipment, which Congress had, indeed, by its action made into junk, or the act declared unconstitutional. The express companies in any event would be powerful and rich enough to secure before their case was finally settled the full measure of justice, but how about the 50,000 workmen turned adrift? And how about the cost of the equipment the Post Office Department would have to buy to perform the service? If the express companies are driven out of the field, and that they must be driven out is certain, the postal service will be fully as large as the express service it has replaced and will require fully as complete an equipment. To buy such an equipment new will cost fully as much as it will to buy the express equipment. And so the proposition not to buy the express equipment resolves itself down to the plain, cold fact that the people will be compelled to pay for two equipments—the one that must be bought to replace the express equipment which will have been made into junk and the cost of this express equipment in the form of compensation to the express companies for the destruction of their property. If such a plan of settling the parcel-post problem does not fool the people, what does it do?

Mr. President, the people of this country will never pay two prices to secure a postal-express service so far as I have any power by voice or pen to stop it.

But, Mr. President, some parcel-post advocates claim that if the effect of establishing such a competing system as the Bourne parcel-post bill provides results in the express companies reducing their rates, then the people will have been greatly benefited and the legislation will have served its purpose in securing, if not directly, then indirectly by forcing reduction in express rates, greatly reduced parcel delivery rates to the people. If these reduced express rates were to be shared in equally by all the people, there might be some force to that argument; but, as I have shown, there is no power possessed by the Government that can compel the express companies to give equality of service. Reductions in express company rates can only result in a keener skimming of the business. The private service motive, as Congressman LEWIS has so clearly pointed out, forces the express management to concentrate all effort on securing that part of the business that will swell the profits and to ignore all that part of the business that can not be made to show a profit. Government competition can only serve to intensify the discrimination. The inevitable effect of attempting to regulate express rates in this way is to give additional advantages to the big business concerns and to make the lot of the small merchant, to whom this Bourne measure denies the C. O. D. and thus prevents commercial business by post even more hopeless. And at the best the express service is a limited service which can not reach more than a part of the people and only those who are most advantageously located. What is needed is a package service that reaches all the people and gives to all absolute equality of service. Such a service can be supplied only by the Government.

So general now is the belief that the express companies have no economic justification for existence and can not by their very nature give an adequate, fair, and undiscriminating service, that those who refuse to accept the simple plan of getting rid of them by making them the foundation on which to build a Government express service better than that of any other country are driven to the alternative of proposing to destroy them by enforcing the Government postal monopoly or by proposing to force the railroads to do the express business directly.

I have already pointed out that the Government monopoly may not be enforced without the legal possibility of compulsory payment to the express companies for the destruction of their business, and have shown how much better it would be to take these going concerns and buy their equipment and without any disturbance to business start the Government express business at once and improve and extend the service as rapidly as the administrative difficulties involved in each step are mastered. Further word on this score at this time would be superfluous, but a few words to show the impracticability of the proposal to have the railroads do the express business may help clear the situation.

The impracticability of the proposal to have the railroads do the express business direct is, it seems to me, clear on its face. Is it possible that any Member of Congress can believe that Congress would enact laws to compel the railroads to take over the express companies' business without buying their equipment, and is it possible that any Member of Congress, having refused to consider the purchase of the express companies' equipment for the postal service on the plea that it is worthless old junk, can propose to compel the railroads to buy the property? Even if it were possible for the railroads to take over the express companies and do the express business direct the railroads would have to buy the equipment. If the railroads, why not the people, and at the same time get rid of express company competition, the one great obstacle that prevents the success of the postal-package service?

Having the railroads do the express service, assuming that they could do it and do it cheaper than the express companies, will not have bettered the situation so far as the general public is concerned. We will still have the limited service and private motive of operation for profit and all the evils that must result from catering only to the most profitable business and ignoring that which does not pay. Conditions similar to those that we have with the express companies would be inevitable, only probably worse, because, as I have stated before, instead of a few big express companies operating on many railroads we would have as many express companies as there are railroads. As Hon. DAVID J. LEWIS clearly points out in his exhaustive study:

The problem is to get the package rate somewhere as diminutive as the package. In order to do this the simplification and not the multiplication of processes and agencies is the great essential. And we have seen also in the treatment of "transportation accountings" that a small package is now penalized to comparative extinction by the com-

plexity of processes and agencies unavoidable in intercorporate relations, and which only a unification of the agencies and simplification of the processes can remove.

The railroads, even with the most perfect system, could only give a limited service, and could only be expected to serve the people living in the cities along the line of the railroad. They do not reach into the country and would not reach the farmer, and the incentive to get rid of the economic waste of many collect and delivery systems doing the work where one would suffice would inevitably result in the development of local express companies who would attend to this collect and delivery and ship in large combination units.

The small-package business is a peculiar business, requiring for its highest efficiency concentration in one comprehensive system. The remedy for express company evils and the way to make a Government parcel-post system successful is to recognize that the small-package business requires a system that covers the entire country and which can be depended on absolutely to give equality of service to all.

Mr. President, the two main objections raised by the postal-express plan are, first, there is no necessity of paying millions of the people's money for the express company equipment and taking over the package part of the business, because it will be cheaper to build up the people's own parcel-post business without any such expenditures; and, second, that it is the entering wedge to Government ownership of the railways.

As to the first objection, if it could be shown that the Government, all things considered, could give the country an adequate parcel-post service at a cost less than taking over the express equipment and paying a fair price therefor, I would favor it, but my investigations have convinced me that it can not be done. The only way to get a parcel-post service of real service to the country without cost, and get it now and not 10 or 20 years from now, is to take over the express equipment as provided for in my bill. To attempt to build up an adequate system in any other way, or by the slow halting steps and long years of delay inevitable with such limited proposal as the Bourne bill as a beginning, will inevitably cost the Government hundreds of millions of dollars, and end finally in compelling the Government to buy out the express companies at a higher price than ever.

The vital thing in the postal express plan—besides the equipment; besides a highly organized, going, profitable business as a basis to put in operation at once a better parcel-post system than that of any country; besides getting rid of the express-company competition, important as that is and worth every dollar of the cost to the people—the vital thing, Mr. President, is to secure the express companies' contracts with the railways and secure at once the tremendous advantage of a transportation cost—the vital thing in a successful postal package delivery system—about one-half lower than the cost under present railway mail contracts. The post office pays over 13 cents a ton-mile to the railways; the express companies 7 cents a ton-mile. That is the heart and core of the whole proposition. This is the people's "nigger in the woodpile," if you please. It means that the savings on railway pay would justify the condemnation of the express companies in order to secure their contracts, even if the equipment that would be secured at the same time was "worthless old junk," as some opponents of the "postal express" have contemptuously characterized it in their attempts to throw dust in the eyes of the people and take their minds off the real issue. The Bourne bill, with its double railway pay, would lose us more in the first year than the cost of acquiring the express companies.

But it is when we come to consider the volume of new business that would result from establishing a parcel-post system of real service to the people of this country—a better system than that of Germany—that we see the real significance of these express railway contracts. If the Government is to eliminate the express companies, it must give the people a service equally as good. According to the Interstate Commerce Commission reports the 13 express companies in 1909 did an aggregate business of over 9,300,000,000 pounds, at a transportation cost of over $69,000,000. I am only dealing in round figures, but understating the exact amount in all cases. For the Government to attempt to do the business with the present postal railway contracts as a basis the cost would be $130,000,000, or $61,000,000 more than it would be under the express railway contracts.

It is all very well for the uninformed to talk glibly about driving the express companies out of business without buying their equipment and securing possession of these railway contracts, but in what kind of a position does it place Members of Congress who are paid to study the matter with the public welfare in mind? All we have to do to secure the express business honestly and fairly and save the Government these millions of dollars of expense each year is to pay for their equipment, about twenty or thirty million dollars at the most. We gain at once a going concern and put the contract relations of the post office with the railroads on a basis about twice as favorable to the people in the mere matter of railway pay. It is not the equipment, Mr. President, but the express railway contracts that are the vital things in this matter, and I give it as my positive conviction that any Member of Congress, Senator or Representative, who, having the opportunity by this one act of real statesmanship to give the country a perfect parcel-post system, to remove for all time the outrageous discriminations and injustices of the express companies and adjusting the railway mail pay on a basis averaging one-half lower than the present average railway mail rate and on a basis necessary to the operation of a successful parcel post and refuses to give to it his support, fails in his duty to his people. Mr. President, the people are watching these things with an alertness that bodes ill for the Representatives who they feel have misrepresented them by allowing such opportunities to pass.

For the Government to attempt to do the parcel business without securing the express railway contracts would be folly too incredible to believe of any Member of Congress who has sufficiently considered all the facts.

The idea of having a limited weight parcel post established at rates so low that the Government can successfully compete with the express companies and secure all the business of carrying packages below 11 pounds in weight, or by enforcing the Government monopoly secure absolutely the handling of the small-package business to the post office, would be a most expensive proposition as compared with the plan of securing the express railway contracts. The average weight of all express packages is about 33 pounds, and although I have been unable to get an exact statement of the amount of express business below 11 pounds in weight, it is a safe estimate to assume that at least one-fourth of the total is below 11 pounds.

The total, in round figures, for 1909 was 9,300,000,000 pounds, one-fourth of which would be over 2,300,000,000 pounds. The railway cost to the express company for handling that amount of business would be $17,000,000, but the cost to the Government under the present railway mail contracts would be at least $32,000,000, or $15,000,000 more. A pretty big bonus to pay for the privilege of taking the Bourne bill instead of buying out the express companies. How many years, at that excessive cost over the cost of operating under the express contracts, would it take to make this one cost alone exceed the cost of buying the express equipment? Does any Senator believe the people are unable to figure this out for themselves? Does any Senator believe that the people do not understand the difference between the express companies paying the railroads only 7 cents a ton-mile while the Bourne bill compels them, through the post office, to pay over 13 cents per ton-mile? I can assure you that in many places they already have it figured out.

So far I have only considered the present volume of the express business and the present volume of the postal business in considering the cost of operating with or without the express railway contracts. But, Mr. President, this would be only a part, and a small part, of the business that would result from the establishment of a service that opened up the rural districts and reached every householder in the land with a service at considerably less than the present average express rates. The business would expand to enormous proportions, and the excess cost of operating under the present railway mail contracts, instead of as the postal-express bill proposes under the express railway mail contracts, would jump to hundreds of millions of dollars annually. There is only one way, Mr. President, of giving the people a square deal in this matter, and that is to take over the express companies' package business and secure their railway contracts.

Some Senators have said to me, "Can we not get a postal railway pay service as cheap as that enjoyed by the express companies without having to secure their contracts?" I invite any Senator who wants an answer to that question to submit it to the people of his State. Their answer will be, in substance: "These differences in the postal railway pay and the express railway pay have existed for years, and neither Congress nor the postal department has done anything in all these years to secure for the postal service such favorable rates as the express companies have enjoyed. Either there are great difficulties in the way or both Congress and the department have been negligent of the public interest."

What guaranty can you now give that after all these years the railway-mail contracts can be reduced to the level of the express-railway contracts?. The Bourne bill makes no effort

on the subject, but ostrichlike, sticks its head in the sand. The truth is, as every Senator must know, there are great difficulties in the way of readjusting the railway-mail pay. My bill provides the plan by which all these difficulties are eliminated and gives instead adjustment at a lower level than would be possible in years by any other method. This and this alone makes this legislation of tremendous and far-reaching importance. What do a few millions more or less mean in such a case as this? According to the estimate of the House Committee on Interstate and Foreign Commerce the total amount required would be only 15 cents per head of the population; the wildest estimate has not exceeded 50 cents per head. But supposing the cost was $1 a head, what is that to the saving it will mean to the people in its effect on reducing the cost of living? There is not a family in the land that will not save that much every week. Do not talk about appointing a commission to inquire into the high cost of living while the pinch of poverty grinds the people to the starvation point and deny the obvious relief to this legislation.

To oppose this legislation on the plea that it will lead to Government ownership of the railroads is but to hasten the day when the idea of Government ownership of the railroads will take an irresistible hold on the people. That is a question I advise the opponents of postal express not to raise, for I can assure them it will not stop the demand for postal express, and may make Government ownership an issue. Of all the arguments against the postal express, this one of its being the entering wedge to the Government ownership of the railroads is the most wildly preposterous. The question of Government ownership of transportation is not involved. The relation of the express companies to the railroads is identical in its character to the relation of the Government to the railroads through the Post Office Department. Both are contractual relationships, pure and simple, in which the railroads agree to transport packages for the other contracting parties—in the one case the express companies, in the other the Government. If taking over the express business puts the Government in the transportation business, then it is already in, and the question of extending that ownership simply becomes one of public expediency.

Those who talk Government ownership fail to distinguish what is the legitimate domain of the postal service and what is the legitimate railroad sphere. The small-package business is a postal function clearly and distinct from the freight functions of the railroads. In Germany, where the Government owns the railroads, the parcel post carries packages up to 110 pounds. Those who object to the post office taking over the express business fail to understand what the express companies really are. They are private corporations which, having squatted on the parcel-post function of the Government, have made a flat failure. They constitute the American parcel-post function, but in private hands have not succeeded in performing that function, but by prohibitive rates and inadequate service are defeating it. The postal-express plan legitimates that function by extending it to the farm through the rural delivery and supplying rates which will enable the normal traffic to move.

Mr. President, the legality of the proposal for the Government to condemn the express railway contracts and make them the basis for operating the Government postal-express service has not been successfully challenged. The bogy of Government ownership of transportation has been raised and attempt to prejudice the people has been tried by the cry that they were merely schemes to pay millions of the people's money for the useless old junk of the thoroughly discredited express companies. Hard names and opposition based on legal technicalities and constitutional subterfuges have largely lost their power, Mr. President, to fool a public growing each day more keenly alert to its own interests.

There is one side of the financial consideration to the people in this taking over of the express-company business, so far as I know, that has not yet been touched upon, and that is the tremendous additional value created for the benefit of the people by the act of consolidating all the express companies into one perfect system. We have passed through an era of consolidation during the last quarter of a century and seen again and again many independent concerns consolidated into one great concern capitalized at many times the aggregate value of the various properties thus absorbed and larger dividends than ever paid on the inflated capital. To prove this we have but to look at the big industrial combinations that have been giving us so much trouble recently.

The present face value of the securities of the so-called Steel Trust is several times the aggregate value of the various properties in the steel industry at the time of their absorption. A big part of this increased market value represents the increased earning power of the consolidated plants due to the enormous economies and greater efficiencies thereby made possible. In the Harvester Trust and many others we have other examples familiar to all. Business in every line of industry has been consolidated in this way, including the express companies so far as their contractual arrangements would permit. Their consolidation into one great agency offers too great an opportunity for trust exploitation to be long delayed after the controlling magnates feel that the time therefor has arrived. Under such circumstances the enormous profits of such consolidation would not go to the people, but to augment the already swollen fortunes of the Morgans and the Rockefellers. But by the Government absorbing the express companies as proposed in the "postal-express" bill this consolidation immediately takes place for the benefit of all the people. Instead of being capitalized to add hundreds of millions to the fortunes of Wall Street bankers, the people would enjoy it in reduced charges and fair service. There is no way of computing the value saved to the people in dollars and cents, but it would run into such big figures that the few millions now required to buy out the express companies are insignificant in comparison.

In some quarters I have found a belief that the railroads are opposed to the acquisition of the express companies by the Government. Considering railroad operation and railroad owners generally, I can find no justification for this belief. Some few railroad magnates who are large stockholders in the express companies may take this view, but that they represent the views of the railway managers generally I very much doubt. Railroad managers, as a general thing, are clear-headed business men, and whatever the advantages of the arrangement with the express companies may have been in the past, signs are accumulating rapidly that the more far-sighted railway managers question the wisdom of its continuance and see more to their advantage in aiding the development of the Government express business. There are two sound reasons for this: First, a growing consideration on the part of the railway management of the importance of the local freight traffic as the main dependence in the future as a dividend producer; and second, a clearer understanding of the natural relationship of the small-package business to the freight traffic. Freight is the great dividend producer for railroads, and managers are beginning to realize that the development of the local freight business will keep pace with the development in the small-package business and that a package business at rates just normally above the freight rates would have a marked effect in increasing freight shipments.

The direct revenue the railroads would receive from the package service would be about the same whether secured from the express company or from postal express. Railway managers know that the freight traffic is tending to become somewhat stationary in amount and that postal express quadrupling the express traffic by normal rates and extension of the service to the country will convert much low-priced freight into higher revenue-paying express traffic for the railway. Under Government operation the revenue per piece might ultimately be reduced, but the enormous increase in the volume of business would more than make up for the difference. Halving present rates and quadrupling the field of operation would easily quadruple the volume of business.

The plain fact is that the parasitical express company has been a veritable old man of the sea to the railroad, throttling its power to expand and develop its local business and yet having to share in all the hatred the express exploitations have created in the hearts of the people. The profits to the railroads in the present alliance with the express companies are only seeming, and because its attractiveness in itself has blinded railroad directors to the bigger profits it strangles. The nature of a parasite, Mr. President, is to destroy that on which it feeds, and the express companies are as big a curse to the railroads as to the people.

The minds of the people everywhere in the United States have been crystallizing more rapidly in consequence of the analysis they have been making through a study of the conditions and necessities embraced in a parcel-post system adequate to meet the demands of the time. Because of this fact it would be far wiser to defer action until the next session of Congress and refer the whole proposition to a committee of the Senate and House selected because of their interest and fitness to study and put together in concrete, comprehenive form the essentials required in a bill to establish a parcel-express system rather than to adopt at this time any poorly digested, ill-considered system such as would have to be adopted now. The people want a full and complete parcel-express service that will articulate the whole country. Already the postal-express proposition has broken down almost entirely the opposition that has hereto-

fore existed and has been actively opposing the primative parcel-post propositions through boards of trade and chambers of commerce and the justified opposition of the local merchant.

Mr. President, 90,000,000 of people are to be directly affected by the adoption of parcel-post legislation. The great consuming public will bear a heavier burden or become a larger beneficiary as an inadequate or adequate parcel post is established. Are the 49,000,000 of people in our cities and towns to have the advantages of a low transportation charge for the small shipment? Are the forty-odd millions in our agricultural sections to have the relief from unequal transportation facilities that they have been asking of Congress for years? Gentlemen, the eyes of these people are now turned upon the Senate. They believe they have a right in demanding recognition of their needs. They do not ask that the Senate spend the rest of the summer discussing this subject. They do not want the Senate to accept any old bill bearing the name of "parcel post" in an attempt to satisfy them or make political capital. They do want the Senate to give this question, which is all important to them, the attention its importance requires. They are willing that Congress take all the time necessary to obtain the best parcel-post system. They are satisfied that the House of Representatives has honestly tried to meet their demands and in the action it has taken is trying to grant their demands, but they are determined that their efforts to secure a real workable parcel post as good as that enjoyed by Germany shall be crowned with success.

An analysis of this subject has convinced every person who has made it that an adequate system for the transport of the small shipment direct from the producer to the consumer contains the elements of a substantial remedy for the high cost of living. If we utilize the existing organizations of the express companies and unite them with the rural-delivery structure, with the postal organization in control over both, a cheap and efficient system of transportation will be produced to carry the necessaries of life from the producer to the consumer, as it now carries our still smaller shipments through the mails. But one thing is in the way of this great consummation. It is the express companies. A transportation parasite absolutely peculiar to America. It renders only half service. It exacts double pay. The first law of business and industry is that the inefficient must give way to the efficient. Shall we suspend its operation for an economic parasite which can only maintain itself as a barrier to normal commerce and the most necessary public welfare?

If Senators hope to retain the confidence of the people; if they are earnest in their professed concern about the high cost of living; if they do not intend to blind their eyes to public welfare in a fruitless attempt to appease the people with a parcel post in name only, they should boldly acknowledge their inability at the present juncture of the session to satisfactorily deal with this complex subject of fundamental importance by accepting the action of the House, thus demonstrating a sincerity of purpose to provide a real parcel post or postal express.

Mr. NEWLANDS. I should like to ask a question or two of the Senator from Maine before he resumes his seat. I simply wish to ask the Senator from Maine whether he intends to offer his bill as a substitute for the parcel-post provision of the Post Office appropriation bill, which is soon to come before us?

Mr. GARDNER. I will say in answer to that, Mr. President, that I understand the bill that is in the hands of the Post Office Committee is going through the process of evolution rapidly, and I do not know just exactly in what form it will appear here.

Mr. NEWLANDS. I understand that the bill was reported this morning.

Mr. GARDNER. I have not seen the draft.

Mr. NEWLANDS. I wish to ask the Senator another question. What authority has he for the statement that the entire equipment of the express companies can be secured for $30,000,000?

Mr. GARDNER. The only authority I have, Mr. President, is the inventory as given by the express companies themselves in their official report.

Mr. NEWLANDS. I understand it is now proposed under the Post Office appropriation bill that the Government practically enter into competition with the express companies, but over a limited area of their operations, and that the Senator's contention is that, instead of that, the United States Government shall acquire the equipment of the express companies and engage in the business in its entirety.

Mr. GARDNER. My understanding of the parcel-post provision of the pending Post Office appropriation bill is that it does contemplate covering the entire country, and of course in part in direct competition with the express companies. My contention is that the Government should not in competition with private capital enter the parcel express business, but should take over their property and articulate the entire country with a full and complete system of its own, as it now does in the case of the mail.

Mr. NEWLANDS. I will state to the Senator that whilst I have not given very serious consideration to the bill that is pending regarding the parcel post, I have listened with great interest to the presentation that the Senator has made, and it seems to me, upon the first impression, that his argument is conclusive; that if we are to enter this business at all we should enter into it in its entirety, and that the Government itself should not at the very start seek to cover a territory that is now occupied by private business without taking over that business at a fair valuation; and it does seem to me that the operations under the bill which the Senator proposes will involve the Government in no greater complications than will be involved in the parcel post, and it will be a much more satisfactory and complete solution of the entire question so far as the people are concerned.

THE PANAMA CANAL.

During the delivery of Mr. GARDNER's speech,

The PRESIDENT pro tempore. Will the Senator kindly suspend for a moment? The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. Mr. President, I have conferred with the chairman of the Committee on Appropriations, with a view of ascertaining what we ought to do in relation to the unfinished business and the sundry civil appropriation bill. I should like to inquire of the Senator from Maine how long he expects it will take him to conclude his remarks.

Mr. GARDNER. I hope to close in 15 minutes. I am as anxious to get through as anyone else could be.

Mr. BRANDEGEE. The Senator from Mississippi [Mr. PERCY] gave notice that when the unfinished business was laid before the Senate at this hour he expected to address the Senate upon it. I will ask the Senator from Mississippi if it will be satisfactory to him to temporarily lay aside the unfinished business at the present time, in order that the Senator from Maine may conclude his remarks.

Mr. PERCY. That will be entirely satisfactory, if the unfinished business can be laid before the Senate again at the conclusion of the remarks of the Senator from Maine.

Mr. BRANDEGEE. It is suggested to me by the Senator from Wyoming that perhaps it would be well not to lay aside the unfinished business, but to let the Senator from Maine proceed and conclude his remarks while the unfinished business continues before the Senate.

Mr. WARREN. Unless there is some objection to it, I think that would be the better way.

Mr. CULBERSON. I suggest that the usual course be pursued, and that the unfinished business be temporarily laid aside.

Mr. BRANDEGEE. Either course will be equally agreeable to me.

Mr. OVERMAN. It will be all right to follow the suggestion of the Senator from Texas.

Mr. BRANDEGEE. I will ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Maine will proceed.

After the conclusion of Mr. GARDNER's speech,

Mr. BRANDEGEE. I now call for the regular order.

The PRESIDENT pro tempore. The Senator from Connecticut demands the regular order—the unfinished business—which is House bill 21969.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. PERCY obtained the floor.

Mr. THORNTON. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Mississippi yield to the Senator from Louisiana?

Mr. PERCY. I do.

Mr. THORNTON. As the Senator from Mississippi is going to discuss a very important question and the attendance of the Senate is rather limited, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Louisiana suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	McCumber	Sanders
Bacon	Cummins	Martin, Va.	Shively
Borah	Dillingham	Martine, N. J.	Simmons
Bradley	du Pont	Massey	Smith, Ariz.
Brandegee	Fletcher	Myers	Smith, S. C.
Bristow	Gallinger	Newlands	Smoot
Bryan	Gardner	Oliver	Sutherland
Burnham	Gronna	Overman	Swanson
Burton	Heyburn	Page	Thornton
Chamberlain	Johnston, Ala.	Penrose	Tillman
Clark, Wyo.	Jones	Percy	Townsend
Crawford	Kenyon	Perkins	Warren
Culberson	Lippitt	Pomerene	Wetmore

Mr. SHIVELY. My colleague [Mr. KERN] is unavoidably absent from the city. He is paired with the junior Senator from Tennessee [Mr. SANDERS].

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum of the Senate is present. The Senator from Mississippi will proceed.

Mr. PERCY. Mr. President, I am well aware of the congested condition of the business of the Senate, and I shall not undertake any elaborate presentation of the very many important provisions contained in the Panama Canal bill. I shall only undertake, cursorily and more or less informally, to take up what seem to me to be some of the more pregnant features of the proposed legislation.

I was greatly interested in the speech delivered on this bill a few days ago by the distinguished junior Senator from New York [Mr. O'GORMAN], and in his contention that under the language of the treaty with Great Britain we are authorized to discriminate in favor of our shipping whether engaged in the coastwise trade or the foreign trade; not that I favor such a discrimination, for I do not believe that we should give free passage to our shipping, whether engaged in the coastwise or in the foreign trade, but it appealed to me because I was pleased to feel that we had the power to do as we wished with our own without consultation with any other nation.

Subsequent consideration of that contention has convinced me that it is unsound and indefensible. It rests in the main on two grounds: First, that we built the canal at an enormous cost, and therefore it is ours, and we have the right to do as we will with our own; and, second, that the language of the treaty as finally adopted contains a provision that the United States shall adopt rules of neutralization, which are to be observed by other nations, and that this peculiar verbiage puts the United States, as the creator of these rules, in a class separate and apart from the nations that are to observe such rules.

It is true, Mr. President, that we have constructed this canal and in the construction of it have expended from three hundred and seventy-five to four hundred million dollars; but we entered into the construction of it under a treaty, and the obligations of that treaty, the responsibility flowing from it, are in no whit varied by the amount of money which we have expended in the construction of the canal. Whether that amount be $400 or $400,000,000, it is immaterial, so far as our burdens under the treaty are concerned.

The verbiage referred to, however, as constituting the second ground for this contention is significant. When this treaty was before the Senate in December, 1900, the second article of the treaty provided that the "high contracting parties" adopt the rules for the neutralization of the canal. When the treaty was before the Senate a year later in the form in which it was finally adopted, article 3 contained the provision that "the United States adopts" those rules which govern the neutralization of the canal. The change was a significant one and was so recognized by the high contracting parties at the time it was under consideration.

In the memorandum submitted to the Committee on Foreign Relations of the Senate and which that committee had before it in considering the treaty for the second time, Secretary Hay uses this language, as noting the importance of that change in verbiage:

> Second. By a change in the first line of article 3, instead of the United States and Great Britain jointly adopting as the basis of the neutralization of the canal the rules of neutrality prescribed for its use as was provided by the former treaty, the United States now alone adopts them.
>
> This was regarded as a very radical and important change and one which would go far toward a reconciliation of the conflicting views of the two Governments.
>
> It relieves Great Britain of all responsibility and obligation to enforce the neutrality of the canal, which by the former treaty had been imposed upon or assumed by her jointly with the United States, and thus meets the main stress of the objection which seemed to underlie or be interwoven with her other objections to the former Senate amendments.

Again, the Marquis of Lansdowne, in commenting on the significance of that change in verbiage, uses this language:

> 5. In form the new draft differs from the convention of 1900, under which the high contracting parties, after agreeing that the canal might be constructed by the United States, undertook to adopt certain rules as the basis upon which the canal was to be neutralized. In the new draft the United States intimate their readiness "to adopt" somewhat similar rules as the basis of the neutralization of the canal. It would appear to follow that the whole responsibility for upholding these rules, and thereby maintaining the neutrality of the canal, would henceforward be assumed by the Government of the United States. The change of form is an important one.

Again, he says:

> It is also to be borne in mind that, owing to the omission of the words under which this country became jointly bound to defend the neutrality of the canal, and the abrogation of the Clayton-Bulwer treaty, the obligations of Great Britain would be materially diminished.

This memoranda was before the Senate Committee on Foreign Relations when the Senate was considering the second treaty. Thereby the Senate was thoroughly apprised of the construction placed by Great Britain upon this change in verbiage.

The sole effect given by the contracting parties to that change in the verbiage of the treaty was that Great Britain was thereby relieved from the responsibility of guaranteeing the neutrality of the canal, and that it left as the sole guarantor of that neutrality the United States. In view of that important concession to Great Britain—and as a concession to Great Britain alone was it regarded—Great Britain agreed to leave out of the first clause the words "in time of peace and war," and agreed to leave out section 7 of article 3, which forbade the fortification of the canal, recognizing that in time of war the United States, as the sole guarantor of the neutrality of the canal, might desire to fortify it, and might desire to prevent the passage through it of a hostile fleet, and, under such circumstances, recognized the fact that the United States could be remitted to her right of self-defense as if there were no treaty as would the belligerent power with whom she was at war; but nowhere does it appear in the correspondence in reference to this change and nowhere, so far as we can learn, was it intimated in the discussion of the terms of this treaty in the United States Senate that that change of verbiage in any manner restricted the inhibition against discrimination.

The two sections are identical. The language of the first treaty, under which the high contracting parties adopted the rules of neutralization as set forth in section 1 of article 2, provided:

> 1. The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and of war of all nations, on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise.

That was the form of that provision when the two high contracting parties jointly undertook to guarantee the neutrality of the canal. That change was made in it when the United States alone became the guarantor of the neutrality of the canal, as it appears in the first paragraph of article 3 of the treaty as finally adopted:

> 1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

No more right to discriminate was given under the treaty as finally adopted than was given under the treaty by which neutrality was guaranteed by both high contracting parties. The rule as finally adopted met with the approval of Great Britain. Is there a Senator here who can for one moment conceive that that treaty would have met with the approval of Great Britain if it had contained the language by amendment in the Senate which it is now sought to be incorporated in the construction of it, namely, if it had read: "There shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise, except discriminations in favor of the shipping of the United States"?

It is inconceivable, in view of the entire course of the negotiations, that an amendment of that sort would not have caused the instant rejection of the treaty.

Mr. President, it has been said that possibly we can not get a fair court in case of arbitration. We do not want a fair court if that is the contention that we must arbitrate, for I do not believe that there is a tribunal on earth that would sustain that contention on our behalf.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. PERCY. I do.

Mr. CHAMBERLAIN. I should like to ask the Senator, in view of his construction of the treaty, if there is a single right that the United States has with reference to the use of the canal that must not be shared by it on an equality with Great Britain or any other power on earth? If that is the view the Senator takes, he is totally at variance with some of the distinguished men of Great Britain, who insist that in so far as our coastwise trade is concerned, where there can be no competition under our navigation laws, the United States has a right to do just as it pleases with reference to the use of the canal and to the fixing of tolls.

Mr. PERCY. If I conceded the correctness of the Senator's statement that there is no competition in our coastwise trade, I might concede the correctness of the conclusion. I think, as I shall show later, that the statement that there is no competition in our coastwise trade is fundamentally incorrect.

We have few superior rights; we have many obligations not incurred by other nations. Mr. President, not only——

Mr. CHAMBERLAIN. What are they? I should like the Senator to state what they are.

Mr. PERCY. What—the obligations?

Mr. CHAMBERLAIN. What are the rights we have?

Mr. PERCY. I said we had few superior rights. I might have said none.

Mr. CHAMBERLAIN. That is a better way to put it.

Mr. PERCY. I will go further. Not only do I believe there is no tribunal to which we could submit this controversy with the hope of our contention being upheld, but I question if there be an international tribunal to which a Senator here could present that contention in such a manner as in the eyes of the nations of the world to relieve us of the charge of being engaged in a disreputable attempt to evade the obligations of a solemn contract.

Mr. CHAMBERLAIN. I want to call the attention of the Senator to the fact that this treaty, the Hay-Pauncefote treaty, purports to supersede the Clayton-Bulwer treaty, which was entered into in 1850. There has not been a time since 1850 until the execution of the Hay-Pauncefote treaty when it has not been insisted time and time again by our Government that Great Britain has constantly failed to keep the terms of that treaty. So it has been regarded as an obsolete treaty, so far as it was concerned; and I think the Senator must concede that the terms of the treaty, if the correspondence in the State Department is to be considered at all, were continually violated by Great Britain.

Mr. PERCY. There is one thing certain, and that is that the Senate of the United States, when it negotiated the Hay-Pauncefote treaty, did not consider that the Clayton-Bulwer treaty had been abrogated by Great Britain's violation of it. They treated it as a living article which had to be gotten out of the way, and that was why obligations were incurred in the Hay-Pauncefote treaty which otherwise would not have been incurred, and that is why Great Britain's consent was deemed to be necessary to enable us to acquire a strip of land and build a canal with our own money.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. PERCY. I do.

Mr. McCUMBER. I should like to have the Senator from Oregon cite one instance in which this Government has declared, since 1850, that Great Britain was not obligated to the terms of the Clayton-Bulwer treaty. We did make some complaint that she had not in good faith lived up to that treaty in respect to the Mosquito Reservation, but I do not recall a single instance in which we have not declared that she was bound by that treaty and bound by its terms as well as we were.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. PERCY. Yes.

Mr. CHAMBERLAIN. I call the attention of the Senator to the message of President Buchanan, which ought to be pretty good Democratic authority, sent to this Congress, I think, in 1860, denouncing the course of Great Britain with reference to the observance of the provisions of the treaty, and asking Congress to take some steps in reference to it. They had violated it with reference to the Mosquito country. They had violated it with reference to the keeping of an armed force at Honduras, and in other respects, to which President Buchanan particularly called the attention of Congress. But not only that, but in order to get away from these repeated violations of the treaty of 1850, Great Britain attempted to make treaties with certain Central American Republics to satisfy the complaints of the United States, and President Buchanan afterwards, in a message to Congress, said he hoped Great Britain had finally concluded by these treaties the causes of complaint on the part of this country.

Even after that Secretary Cass and other distinguished Secretaries of State declared again that Great Britain was not observing the terms of the Clayton-Bulwer treaty, and it had come to be looked upon as obsolete and abrogated by the course Great Britain was taking.

With all due respect to our own Government, it seems to me that they allowed themselves to be imposed upon when they undertook in the Hay-Pauncefote treaty to claim that the Clayton-Bulwer treaty had been superseded, because, as I say, it had been abrogated entirely.

Mr. McCUMBER. The statement of the Senator from Oregon corroborates my challenge to produce one instance where this country has declared that Great Britain was not bound by the Clayton-Bulwer treaty. I admitted that this country had complained that Great Britain was not acting in good faith with reference to the Mosquito colony and the Mosquito territory, but in no instance did Mr. Buchanan or any other President ever declare that the Clayton-Bulwer treaty was not a binding obligation upon both of the countries.

Mr. PERCY. The distinction drawn by the Senator from North Dakota is the vital distinction in the matter. It is a waste of time to go back and complain of Great Britain, even if she did violate in some particulars the Clayton-Bulwer treaty. That is absolutely immaterial. It does not rise to the dignity of a national question. If she had violated that treaty every year of its existence, and if this Government in forming the Hay-Pauncefote treaty then recognized it as an existing treaty between her and Great Britain and proceeded to make the latter treaty in order to get rid of it, the whole question would be: What are the obligations which this Government by the latter treaty assumed in order to get rid of the Clayton-Bulwer treaty?

Now, Mr. President, much stress has been laid upon the fact that in section 1 of article 3 the provision is that "the canal shall be free and open to vessels of commerce and war of all nations" without discrimination; and the argument is made that as our canal is undoubtedly open to our war vessels free, and this provision could not have referred to them, it can not apply to our vessels of commerce.

Mr. President, when this treaty was being negotiated it was not known how this canal would be built, whether built by the United States Government directly or by corporations backed by her, by bonds guaranteed by her or by stocks issued, and the language of the treaty was that the canal might be built "under the auspices of the United States." If it had been built by private corporations, simply financed by the United States, would there have been anything unreasonable in the provision that the vessels of war of the United States should pay tolls as the vessels of war of other nations? It was to meet that view that that language was framed. There are many things in this treaty that may appear harsh now which, if the canal had been built in a different way, simply under "the auspices" of this Government, would have appeared reasonable to us. But the truth is, Mr. President, that as we spent our money on the canal, as we watched its vicissitudes and its failures, as we at last have come to the day when final success in this great work seems near at hand, the pride of the Nation has grown, and her sense of proprietorship over the canal has grown, and it may be with the passing years a sense of responsibility for our own obligations incurred under the treaty has not kept pace. We not only do not want to take the wrong course here; we do not want to be cast in an international suit; we do not want to raise questions which will alienate and estrange the friendship of those whom we wish to use our canal. We do not want our big ditch, built at a cost of $400,000,000, to be empty of ships. We want that canal to be a great highway of commerce, not an element of discord, but binding closer together in the bonds of commercial friendship the nations of the earth.

It matters not, Mr. President, if the contract under which we built it is a hard contract. We may have made hard contracts in the past. This may be one of them, although I do not concede it; but this Government has never and I believe will never make a contract, however onerous its conditions, that it is not easier to keep than it is to violate.

What would be the penalty if our construction should be an erroneous one? I call the attention of the Senate to a colloquy on that subject which occurred between the junior Senator from New York [Mr. O'GORMAN] and the senior Senator from Wyoming [Mr. WARREN]:

Mr. WARREN. Will it disturb the Senator if I ask him a question?
Mr. O'GORMAN. Not at all.

Mr. WARREN. I am much interested in the remarks of the Senator from New York, and they are along the line of my own thought. I want to ask him what would be the worst that could happen if we were wrong and should enact the legislation proposed and the matter should go to The Hague? Would it not be at the utmost simply to return the money we had collected?

Mr. O'GORMAN. That would, in my judgment, be the extreme penalty; but I do not believe Great Britain would ever attempt to make this the subject of inquiry by The Hague court, because she would be without moral support, and she would be giving the lie to her professions of sincerity and good will of a century.

Mr. WARREN. I agree with the Senator, but in legislation as in business it is always best to look at both sides and to know what the relations might be and what the alternatives. It seems to me that the worst that could happen would be, after collecting the tolls and enjoying for a time the use of the money, to find that we might be compelled to return all or some portion of it; and that would be the extreme penalty.

Mr. O'GORMAN. And that would bring its compensation, because it would inevitably lead to the denunciation of this treaty and its abrogation.

Mr. WARREN. And an entire settlement as to all questions.

Mr. O'GORMAN. Certainly.

Mr. President, without commenting upon the wisdom or the propriety of entering into the discussion of the terms of a treaty with a friendly power by questioning her sincerity and impugning her motives, passing by the plain intimation contained in this colloquy that it might be well to enter even upon an unjust quarrel to get rid of the conditions of a just contract, and coming to the conclusion concurred in by both of these distinguished Senators, namely, that an arbitration of our contention and a decision against us would lead to a denunciation and an abrogation of this treaty, Mr. President, it must be that these two distinguished Senators did not give this as their deliberate judgment. It must have been an inadvertent expression on their part arising out of an unpremeditated turn to the debate.

If there is anything certain, it is certain that no matter how that contention was decided by a court of arbitration, the treaty in its entirety would remain in effect, and whatever may be our differences of opinion in regard to the construction of this treaty, there is one thing that we should not differ on, and that is that we can not have secured the benefits of it and now repudiate the obligations of it.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Florida?

Mr. PERCY. I do.

Mr. FLETCHER. In that connection I would like to submit for the Senator's consideration what appears to be a report of statements made by Sir Gilbert Parker, the World's correspondent, on July 20, and to ask him to reflect upon the views entertained by Sir Gilbert Parker. In the newspaper he is quoted as saying:

> Personally, I think there is no question about a strict international understanding upon the matter. It certainly was not expected by England nor by the United States when they made the Hay-Pauncefote treaty that preference should be given to American shipping and American traders in the canal. It must, however, be recognized, as it was when the Clayton-Bulwer treaty was superseded, that there are moral rights as well as strictly legal rights in the matter, and just as England's moral rights had lapsed under the Clayton-Bulwer treaty in regard to the canal, so America's moral rights have grown since the Hay-Pauncefote treaty was signed.
>
> MADE THAT HIGHWAY POSSIBLE.
>
> The American Government and the American people have made that highway possible to the world. Without them probably it never would have been, and in any just settlement of the question these greatly increased moral rights of the United States must be recognized.
>
> Preference or exemption does not look well from an international point of view, and I hope a way out may be found to meet the undoubted claims of the United States to special consideration and at the same time satisfy international rights and safeguard the British imperial interests, which are so large upon the American continent.

Mr. PERCY. I would say in regard to that, Mr. President, that if Sir Gilbert Parker is potential enough with the powers in control of legislation in Great Britain to have that view adopted by them there would be little friction about being released from our legal obligations, but there is no such thing possible as our being justified in violating our legal obligations because of the growth of our moral rights. It should be recognized, Mr. President, that having reaped the fruits of this treaty in honor, we can not escape from its obligations, and in dishonor the American Nation will never seek to escape from them.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. PERCY. I do.

Mr. BRISTOW. The Senator has repeated a number of times that we have reaped the fruits of this treaty. I should like him to specify what the fruits are.

Mr. PERCY. Mr. President, without the abolition of the Clayton-Bulwer treaty we could never have obtained any exclusive control over a canal. We could never have gone there for the purpose of building one, except subject to the joint and equal rights and responsibilities on the part of Great Britain, and without going into a consideration of the value of that which we received by the abolition of the Clayton-Bulwer treaty, it seems to me that it is sufficient to say that we received what the Senate of the United States thought was a sufficient consideration for entering into the Hay-Pauncefote treaty.

Mr. BRISTOW. If the Senator will permit, it seems to me, then, from the tenor of the discussion that there was a treaty known as the Clayton-Bulwer treaty which England violated whenever it pleased and which the United States did not, which was binding on us and not on England; and in order to get rid of such a one-sided arrangement we agreed to spend $400,000,000 in constructing a canal and give England and other nations rights that we did not have and would not claim.

Mr. PERCY. The misfortune lies in the fact that the Senator from Kansas was not a Member of the United States Senate in 1901, when this treaty was adopted, as then his voice, always able and eloquent, might have been raised to have guarded the Senate against the adoption of what he considers to be a hard treaty.

Mr. BRISTOW. I desire to say that I do not consider the treaty a hard treaty at all, and the construction put upon the treaty by the Senator from Mississippi is entirely different from that I put upon it. I do not consider that the treaty in any way binds the United States not to discriminate in favor of its own vessels or to use its own canals in any way it chooses for its own benefit, provided it does not discriminate as between foreign countries.

Mr. PERCY. Mr. President, any other course than the recognition to the utmost limit of the responsibilities incurred by the United States under this treaty leads to national dishonor, and that road this Nation will not travel. It has been said that the sole consequence of this interpretation being hereafter found to be erroneous would lie in the refunding of the tolls improperly collected pending the final decision. That might be a sufficient deterrent because the facts appear to be that more than 80 per cent of the shipping which will use this canal will be foreign shipping, that a little more than 10 per cent of it will be coastwise shipping, and something like 8 per cent of our own shipping engaged in foreign trade.

At the rate of $10,000,000 a year, the claims for a refund of these tolls, while the case is being considered by the international tribunal to which it may be submitted, at the end of that time, according to the length of time the matter is under consideration, will amount to from fifty to a hundred million dollars, which will be filed against our Government, and for the sake of saving to our coastwise trade a little more than a million dollars we will be forced to carry free for a period of more than five years, in all probability, the trade of the world. That is not all, Mr. President.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. PERCY. I do.

Mr. BRISTOW. This fifty or one hundred millions, to use the Senator's own term, which, I think, is greatly exaggerated——

Mr. PERCY. It would depend upon the length of time which would elapse before a decision.

Mr. BRISTOW. The United States would not have to pay it. The United States would simply have collected and used it and at the end of this time possibly refund it.

Mr. PERCY. If with nations, as with individuals, the same rule applies, money that has been spent and has to be refunded, amounts in practical consequences to a payment, and often is just as difficult to make.

But that is not all, Mr. President. When this matter is submitted for arbitration on our contention that we have a right to discriminate in favor of our shipping, this Nation for all the years that that would be pending would be watching the result of that decision. The pride of the Nation would be enlisted in maintaining her contention, and when an adverse decision should be rendered, as I believe fervently it would be, it would bring bitterness and humiliation to our people. And that great work, which to-day is a source of pride and glory to the Nation, might come to be a source of shame and reproach.

Mr. President, within the past few days it has been suggested that that question is not such as we should submit to a court of arbitration. I apprehend that without the abrogation of the Clayton-Bulwer treaty, either by treaty or by the declaration that owing to its violation by Great Britain we declared it abrogated, we would have had no more right to have acquired this strip of land and built this canal upon it than Great

Britain would have to-day, if by treaty she had recognized the Monroe doctrine, to acquire or colonize a South American State; and when the document by which we abrogated the Clayton-Bulwer treaty is in controversy between us and a friendly nation, and that nation makes the demand upon us to submit that difference to arbitration, and we should refuse to do so, we would have made a mock of all of our protestations in regard to peace and the settlement of differences by arbitration. It would be proven to have been all sounding brass and tinkling cymbal. Thereafter I can but feel that the representatives of this Nation would be laughed, jeered, and hissed out of any peace country on the face of the earth.

For these reasons I believe that this matter should be thrashed out now, and I believe those who feel that the discrimination in favor of our ships is a mistake should present every argument within their power to lead the Senate to that view, and for that reason I regret that the senior Senator from New York [Mr. ROOT], in addition to giving his conclusions to the Senate on this question, did not also give the benefit of the reasons which made him adopt those conclusions, even though his words should return to vex us.

But it is said, Mr. President, if this construction be true, what has the building of the canal profited this Nation? The suggestion has even been made that if we decline to fortify it it has only served in time of war to bring our shores closer to an enemy. If that be true, Mr. President, is there not compensation in the thought that in time of war it would bring that enemy's shores closer to us? Since when in time of war has this Nation found its safety in the distance that lies between it and an enemy? In the future as in the past we must rely upon American ships, manned by American sailors, for the safety of this Republic.

But in answer to the question as to what we would gain by the building of this canal and the expenditure of this money, under the construction that I place upon the treaty, I would say that we would gain everything that for a period of 50 years we thought would compensate us for the labor and for the expenditure. From a naval standpoint we have gained the ability to mobilize our fleet on either shore so as not to require the maintenance of a separate and distinct fleet in each ocean. From a commercial standpoint we have brought together the two widely separated coast lines of our country, giving to each coast a market in the other and easier access to the markets of the world.

And last, we hope by the competition that will follow in the shipping through that canal to give lower rates to the shippers, to regulate and lower the rates of the great transcontinental railways not only for the benefit of our coast country, but for the benefit of the interior country to the extent of hundreds of miles, where rates are affected by the joint water and rail rate.

The most important question, Mr. President, in connection with this entire bill is whether the hope of the American people for competition through that canal is going to be realized or will it, like Dead Sea fruit, turn to ashes on the lips of the people.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Iowa?

Mr. PERCY. I do.

Mr. CUMMINS. The Senator from Mississippi, believing that the Hay-Pauncefote treaty requires that there shall be no discrimination in tolls, has suggested a theory upon which I would like a little information.

The canal being built for the benefit of the world, and equally for all the world, does the Senator from Mississippi believe that we ought to have no tolls at all on any ships, but that we ought to continue in the future to make this contribution to the welfare of the world as we have made it in the expenditure of the money necessary to construct the canal? In other words, is the Senator in favor of free world passage, without any compensation whatever to any ships?

Mr. PERCY. Mr. President, a great deal may be said in favor even of that view, for if the tolls are paid, as those who contend for the remission of tolls on the coastwise trade say, by the shippers, thereby causing a higher freight rate, then the shippers of the United States, 90 per cent of whose foreign business is carried in foreign ships, would pay the tolls for those ships.

Mr. CUMMINS. But I am asking the question, Does the Senator from Mississippi believe that there ought to be anything charged to any ship for passage through the canal?

Mr. PERCY. I was answering the Senator's question. I said that much might be said in favor of the proposition that nothing should be charged, but I do not believe that the proposition is a wise one. I should favor charging tolls. We are at liberty to charge or not as we see fit, so long as we treat all alike.

Mr. CUMMINS. That leads me to put the further inquiry: If the United States has expended $400,000,000 for the general benefit of the world, why should it not continue to contribute year after year the expense of maintaining the canal for the benefit of the world?

Mr. PERCY. That is a matter of policy that the Government could pass on. We are fettered by no treaty as to that. There are some good reasons why it might make this a free offering, reaping in commerce and in lower rates the benefit, instead of in tolls, because we would be the chief beneficiaries of that canal so far as producers and consumers go. We ship our exports through the canal and we bring in our imports through the canal, and at last if tolls mean higher rates the American people would be paying them, even for much of the foreign shipping.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi further yield to the Senator from Iowa?

Mr. PERCY. I do.

Mr. CUMMINS. Having interrupted the Senator once, I will take the liberty of doing it again.

Mr. PERCY. Certainly.

Mr. CUMMINS. I was very sorry to hear the Senator declare as an unquestioned proposition that under our arbitration treaties with Great Britain or under The Hague convention we were bound to submit the controversy that has arisen over the interpretation of the Hay-Pauncefote treaty to a court of arbitration. It seems to me that anyone who has reached that conclusion has not viewed the case in all its aspects. I for one do not believe that we have made any agreement with any nation at any time that would compel us in honor to submit the controversy which we are now debating to arbitration. I do not believe it is capable of being submitted to arbitration. There is a fundamental maxim which lies at the bottom of all judicature of every civilized nation that forbids the submission of this question to arbitration. There is a maxim which declares that no man may be the judge of his own case. It is vital. It would be impossible to administer justice without having it in view.

Now, the Senator from Mississippi, of course, knows, as we all know, that it would be utterly impossible to gather together a tribunal of the civilized nations of the world in which every member would not be directly interested in the decision of the case. I would myself just as soon submit the case to Great Britain for its ultimate and final decision as to submit it to The Hague tribunal, or to any other board of arbitration that would be brought together under any scheme or treaty of arbitration.

There must be some other way, it seems to me, of settling this dispute, for you can not get an impartial jury. The cause which I have just suggested would eliminate from any panel of jurymen gathered together in this country every representative of any commercial country, simply because they are all interested, just as Great Britain is interested, in having it decided that America can not charge more to them for passing through the canal than it charges to its own ships.

I should like to submit that consideration to the Senator from Mississippi, who I know looks at the subject from a very high, patriotic standpoint, and know what he thinks of that suggestion.

Mr. PERCY. Mr. President, the nations of Europe, it is true, would all be more or less interested in a decision which forbade discrimination in favor of our shipping. That interest, however, in many cases would be almost infinitesimal owing to two facts. One is that nations might be chosen as arbitrators having very little shipping interest which could compete with the shipping of the United States, and another is that unless the carrying of our freight to foreign ports in American vessels ceases to diminish in the future as it has in the past in a few years there will not be any foreign commerce carried in American vessels to compete. There is to-day less than 8 per cent of the commerce of our country carried to foreign ports in American ships. So the interest in many cases would be small, not such an interest, I take it, as would cloud the judgment of those sitting in so solemn a tribunal to the point of excluding from their minds the consciousness of justice and of right. I take it, Mr. President, that a tribunal could be selected from which a fair decision could be expected.

If the argument is a correct and a sound one that any degree of interest, however slight, would insure an adverse decision in a contention by this Government before an international tribunal, it might well cause us to pause in our urgent demand

that international differences be submitted to arbitration, because there can scarcely a case arise where we in our isolation and separation from the nations of the world may not have cause to anticipate that their community of interest will draw them close enough together to furnish a motive to them for deciding against us in a controversy. There must be some loftier conception of the honor and sense of justice of those who will compose those tribunals or else arbitration is a failure and a resort to war the proper method of settling international differences.

Now, Mr. President, just a few suggestions in regard to what is at last the paramount question contained in this bill, namely, Will this canal furnish any competition in rates which will regulate or lower the rates of the transcontinental railways? If not, it will assuredly be a failure and a disappointment to the American people.

The first danger that is suggested in regard to that competition is that if railroad-owned ships are allowed to go through the canal, competition will be throttled by the rates being first put down to the point of driving out competition and then put up so as to furnish no competition with the transcontinental railways.

I am not one of those who consider that danger a mythical one, if we are to judge of the course of the railroads in the future by what has been their history in the past. They have been ruthless in throttling competition by the waterways of this country wherever they were in a position to do so. If that suspicion lies in the minds of the American people, it has been placed there by the course of conduct pursued in the past by the railways of this country.

The House bill as it came to the Senate sought to meet that danger by providing in substance (without taking the time to read the provision) that no railroad-owned vessel should be allowed to go through the canal. The Senate committee modified that so as to provide in substance that a railroad-owned vessel engaged in foreign trade, trans-Atlantic or oriental, could engage in coastwise trade on a journey through the canal, provided that 50 per cent of her cargo should be destined to a trans-Atlantic or oriental port. With this limitation the committee thought that there would be no real danger of railroads throttling competition through the canal, and they feared to take from the canal the shipping that the railroads might furnish for fear of impairing the shipping facilities of the public, as to-day 90 per cent of the ships that would go through the canal are railroad owned.

There is another danger which threatens competition in rates through the canal, and that is with the railroad-owned ships excluded from it the coastwise shipping will give to the American people the same competition through that canal in the future as they have given to them elsewhere in the past, and that is no competition. From New York north all of the coastwise trade on the Atlantic coast is under the power and control of one railroad. From New York south there is not the semblance of competition between the lines plying southward. Leaving New York on the same day, they do not even stop at the same ports; they parcel out ports so as to avoid the appearance of competition.

Is there a reason to believe that better competition will be given by the coastwise trade when given the monopoly of the business through the canal than it has given the American people in the past? Judging of the future of the railroads by their past history they will throttle competition if they can. The American coastwise shipping, judging the future by its past history, will furnish no competition.

So in either event it would seem that the canal will not realize that for which the American people built it, namely, give them a substantially lower rate than transcontinental railway rates.

In what way can this competition be furnished? I know of but one way, and that is by providing that the ships of the world shall have the right to carry from a port or ports of the Atlantic to a port or ports of the Pacific commerce through the canal on the same terms that American shipping does.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. PERCY. I do.

Mr. GALLINGER. Does the Senator think that if that principal was adopted there would be an American ship engaged in that trade, considering the fact that every other Government is heavily subsidizing its ships? Does the Senator really think that without Government subsidies in our country we could possibly compete with other countries in that trade on equal terms?

Mr. PERCY. Mr. President, this provision would deprive the American coastwise trade of no pound of freight that it carries to-day, except that transported over the Panama Railroad. It would leave that trade absolutely intact as it is to-day, but would prevent the extension of that monopoly to trade through the canal..

Mr. GALLINGER. Mr. President, if I did not misunderstand the Senator, I really can not quite comprehend what he means by that assertion. If all the tramp steamships and other steamships of foreign countries are placed on an equality with our ships, with the immense subsidies that Japan and England and Germany and Sweden are giving their ships, does the Senator really think that our ships would still have the trade? The Senator knows that it is at least from 25 to 30 per cent more expensive to navigate American ships than the ships of foreign countries.

Mr. PERCY. The Senator has not caught the scope of the suggestion which I made.

Mr. GALLINGER. I think I must have misunderstood the Senator.

Mr. PERCY. The difference is this: My suggestion is not that foreign ships be permitted to do business from port to port on the Atlantic or port to port on the Pacific, but from port or ports on the Atlantic to port or ports on the Pacific. It is more succinctly, possibly, set forth in this amendment which I will read and which I propose to introduce carrying out the suggestion which I have made.

Mr. GALLINGER. I do not see, if the Senator will permit me a single word, that that makes any difference in the principle, and I am very sure that it would drive off the canal every American ship.

Mr. PERCY. I understood it was the fact and not the principle the Senator was interrogating me in regard to.

Mr. GALLINGER. No; I suggested in my first remark that I wanted to understand the principle, as I do.

Mr. PERCY. I will say this with regard to the principle. If the Senator is correct that it would drive off all American shipping, it could only do it because foreign shipping furnished better service to the American people at a cheaper rate.

Mr. GALLINGER. Certainly.

Mr. PERCY. Then the question would arise as to whether the canal was built for the benefit of the shipowners or for the benefit of the American people.

Mr. GALLINGER. The Senator is right about that, precisely as if we engaged in free trade with all the countries of the world, and our factories were blotted out because the other countries can produce cheaper than we, that it might be an advantage to the American people. I do not think it would. We understand that with England, we understand that with Germany, and France, and every other European nation almost, subsidizing their ships very heavily, operating their ships much cheaper than we can, it would drive the American ships off, even if we got a little cheaper transportation, which I very much doubt, because we would create a foreign monopoly. Even if we did do it, I question the propriety of destroying an American industry for the benefit of foreign countries.

Mr. PERCY. Of course, Mr. President, I anticipated that objection from those who would consider the interest of the American shipowners as paramount to that of the American people. But I will first read the amendment, which I think covers the proposition:

Amend section 11 by striking out all of that part of said section on page 20 and the first 16 lines of said section on page 21, and inserting in lieu thereof the following:

"Section 4347 of the Revised Statutes, as amended by the act of February 17, 1898, shall not apply to foreign vessels engaged in the transportation of merchandise and passengers between ports of the United States on the Atlantic Ocean or Gulf of Mexico and on the Pacific Ocean through the Panama Canal, but nothing herein contained shall authorize such vessels to engage in the coastwise trade either as to merchandise or passengers between ports on the Atlantic Ocean or Gulf of Mexico or between ports on the Pacific Ocean."

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Nevada?

Mr. PERCY. I yield to the Senator.

Mr. NEWLANDS. I wish to inquire of the Senator from Mississippi whether I properly understood the fact stated by him regarding the competition of water lines. I understood him to say that under existing conditions there is no real competition furnished by our water lines on the Pacific coast.

Mr. PERCY. Absolutely none.

Mr. NEWLANDS. That on the New England coast and down to New York the lines were all railroad-owned lines.

Mr. PERCY. Owned by one railroad company.

Mr. NEWLANDS. Owned by one railroad, and that below New York the lines there were not competitive in any way. Now, I wish to ask him whether as to the lines between New York and southern ports they are not also owned by the railroads.

Mr. PERCY. The statement is made by Dr. Johnson, who has investigated the matter, that more than 90 per cent of the interest in the lines on the Atlantic coast below New York are owned by railroads, controlled by railroads, or operated in harmony with railroad-owned lines.

Mr. NEWLANDS. Very well. If that is the case and competition is absolutely destroyed through the railroad ownership of these lines, can not that competition be restored by preventing the ownership of these lines by the railroads?

Mr. PERCY. There is a bill of that sort pending. But there are those who believe from experience that even where there are independent lines a shipping monopoly, with a pool or combination in regard to rates, where that shipping is confined solely to American shipping, is as easily effected and as effective as a railroad combination.

Mr. NEWLANDS. But under the enforcement of our trust laws would not the organization of such a combination be prevented?

Mr. PERCY. Our trust laws have not been so effective in preventing combinations in matters clearly within their purview as to make me feel a great amount of confidence as to their efficiency in preventing combinations among lines of ships.

Mr. NEWLANDS. All that I have to complain of in the Senator's statement is that, whilst we are endeavoring to secure competition through the Panama Canal by preventing any railroad line from owning ships passing through that canal or preventing ships belonging to any railroad line from passing through that canal, the Senator states that, notwithstanding such precautions, competition will utterly fail; and he gives as an illustration the fact that competition has failed upon the Atlantic coast. Yet he admits—or must admit—it seems to me, that the reason why competition has failed upon the Atlantic coast is that under existing laws railroads own and control the lines of steamships which ought to be competitive with them. It seems to me that logically, then, the way to cure that condition on the Atlantic coast is to adopt the legislation which we propose to apply to the Panama Canal, and thus prevent these great railway monopolies from monopolizing the ocean through the ownership of lines of steamships that ought to be competitive.

Mr. PERCY. Mr. President, there is no question that the competition among the boats is diminished by railroad ownership, but there is also little question that the lines themselves of boats themselves, would effect combinations which would serve to prevent the lowering of rates so that there would be no genuine competition with the transcontinental railway lines. To meet that—and that danger is apparent, palpable, real—it has been urged that the power of the Interstate Commerce Commission be extended over all vessels plying through the canal.

The answer to that is not only is it difficult to regulate water rates and water freights by law, but when you do regulate them you substitute absolutely regulation for competition; and until competition is proven to be a failure I do not believe regulation should be substituted in lieu of it. That, I may say, is the view advocated by the members of the Interstate Commerce Commission who appeared before the Isthmian Canal Committee. Instead of regulating rates through the canal, and thereby depriving shippers of the benefit of the keenest competition that can be secured, instead of taking ships off of the Panama Canal, I would seek to give competition by putting on that canal by legislation every ship that I could. Then when I found that, through pools, combines, and trusts, competition had failed to lower rates, I would undertake the regulation of those rates, because I would be driven to it.

In regulating them I would propose a measure more radical than regulation by the Interstate Commerce Commission. I believe, if the canal were thrown open on the lines indicated in this amendment to the shipping of the world, that the competition would be so fierce that the transcontinental railroads would only carry that kind of freight peculiarly meant for railroad transportation, and only carry that by giving quicker and better service and a lower rate. In that way, and in that way only, the American shipping public would receive a benefit extending through two-thirds of our country. Then, if I found that a pool or combination existed, such as it is suggested now exists in transatlantic business, I would give the power to the Chief Executive, whenever he became satisfied that a ship or line of ships operating through the canal was a member of a combine or a trust which sought to lower rates, to forbid such ship or ships from going through the canal—a great power to give to a Chief Executive, but the bestowal of it alone would obviate the necessity for its exercise.

Mr. President, the question suggested by the Senator from New Hampshire [Mr. GALLINGER] brings us back to one consideration; that is, whether we built the Panama Canal for the benefit of the shipbuilder or for the benefit of the American people. If built for the benefit of the shipbuilder, he ought to be continued in his monopoly, under which he has never yet given us competitive rates, and he ought to be continued in that monopoly at the expense of the American people who paid for the canal; but if it is for the benefit of the American people this amendment, which does not deprive him of one single pound of freight that he carries to-day, ought to be adopted.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. PERCY. I do.

Mr. GALLINGER. I assume the Senator does not mean to suggest that I made an appeal in behalf of the American shipbuilder, for I had nothing of that kind in mind. I had some reference to an American industry which I think we ought carefully to guard in our legislation.

Mr. PERCY. I did not mean to suggest, Mr. President, that that was the purpose of the Senator from New Hampshire. I meant to suggest, however, that that is the logical and inevitable consequence flowing from his position.

Just one other suggestion: There is not a coastwise vessel that would be deprived of a pound of freight that it carries to-day under this amendment, except the Pacific Mail and the California-Atlantic Line that ply on the western coast. They may be brought in competition with foreign shipping under the terms of the amendment, but no others. The whole question is whether an extraordinary condition, where there has been an expenditure of $400,000,000, is going to be brought to naught by care for the interests of the American shipbuilder.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. PERCY. I do.

Mr. BRISTOW. I desire to inquire if the Senator does not think that the American-Hawaiian Line should also be added to the list of lines that would be affected?

Mr. PERCY. The American-Hawaiian Line, as I now understand, handles its business across the Tehuantepec Railway nearly exclusively, and not over the Panama Railway.

Mr. BRISTOW. Yes; but if the Panama Canal is built, of course it will not handle its business over the Tehuantepec Railroad. Does it not affect that?

Mr. PERCY. I should say that, in my opinion, it should be affected if it could not successfully compete; but, as a matter of fact, under the verbiage of this amendment it would not be affected by it, because it simply applies to vessels plying from the Atlantic to the Pacific seaports.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. PERCY. I do.

Mr. CHAMBERLAIN. I should like to ask the Senator a question: I believe he was a member of the committee which reported this bill, and I should like to know if it developed in the investigation of the committee why it has happened that the railroad companies have acquired all the steamship interests on the Atlantic and practically all on the Pacific coast?

Mr. PERCY. There was a great deal of testimony and a very considerable amount of controversy developed over that question, one contention being that they had acquired it for the purpose of throttling competition with independent lines.

Mr. CHAMBERLAIN. As affecting the transcontinental as well as interior rates and rates along the coast lines?

Mr. PERCY. The testimony developed that the Pacific Mail Co. had until within the past two or three years destroyed competition from the Pacific to the Atlantic under an arrangement with the Panama Railroad before the Government took charge of that railroad.

Mr. CHAMBERLAIN. I ask the Senator if it did not develop that the transcontinental railroad companies, by a payment of about $75,000 per month, for a great many years maintained steamships on the Pacific coast at a loss, and that through the instrumentality of those steamships were enabled to keep up the transcontinental rates?

Mr. PERCY. That was stated in the testimony.

Mr. BRANDEGEE. Mr. President, if there is to be no further discussion upon the pending bill to-day, I ask unanimous consent that it may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business may be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I ask unanimous consent that the Senate proceed to the consideration of the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. WARREN. Mr. President, there are two or three amendments submitted by the Committee on Appropriations which have been passed over. The first amendment passed over was the first amendment in the bill. I ask that it may now be stated.

The PRESIDING OFFICER. The first amendment passed over will be stated.

The first amendment reported by the Committee on Appropriations, which had been passed over, was, on page 2, after line 16, to insert the following:

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws, including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as are authorized by said act, and including the employment of such persons as may be required for those purposes; and to enable him to do any and all things in connection therewith *authorized* by law, $225,000.

Mr. BRISTOW. Mr. President, I should like to suggest an amendment to the amendment by inserting, on page 3, line 1, after the word "act," the words "or any existing law," which makes the amendment the same as the present authority for the Tariff Board.

Mr. WARREN. I have no objection to that amendment.

The PRESIDENT pro tempore. The amendment to the amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. On page 3, line 1, of the proposed committee amendment, after the word "act," it is proposed to insert the words "or any existing law."

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. OVERMAN. Mr. President, if I had my choice in the matter I should simply vote on this amendment without any remarks because the subject has been discussed here from time to time, but I am going to say a few words about the unreliability of the experts of the Tariff Board.

Mr. President, the most remarkable message ever sent to Congress was the veto message of the President of the United States of the cotton schedule, especially that part of it which criticizes the chemical amendment, because from beginning to end it is full of errors and misstatements of facts. I do not stand here to charge or even intimate that the President would willfully make misstatements or state errors. I know the President did it unintentionally, and was woefully imposed upon, but I know, and I expect to prove, so that a wayfaring man though he be a fool will understand, that the expert of the Tariff Board, upon whom the President relied, was guilty of false statements; an expert who made his calculations upon the short ton instead of the long ton, which made a difference of 10 per cent; an expert who when he had the prices laid before him in a Government publication, assumed prices to be true that were absolutely false. Therefore, with two false premises, taking for his calculation the short ton instead of the long ton, on which all these calculations are made, and also assuming the prices to be true which were absolutely false—with those two false premises—he reported to the President something that was not true and the result was a document full of false statements.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. OVERMAN. I do.

Mr. SMOOT. Is the Senator referring to the expert on the chemical bill?

Mr. OVERMAN. I am.

Mr. SMOOT. The bill that was attached to the cotton bill as an amendment?

Mr. OVERMAN. Yes.

Mr. SMOOT. Has the Senator any objection to stating who the expert was?

Mr. OVERMAN. I am informed his name is Hernstein.

Mr. SMOOT. He is the same expert the minority members of the committee had to help them, is he not?

Mr. OVERMAN. I think he is the same one who wanted $25 a day for his services to the minority.

Mr. SMOOT. I was going to call the Senator's attention to the fact that he was called down here from New York by the Democratic members of the Finance Committee to assist in the preparation of the chemical schedule, and, instead of drawing the regular compensation paid him by the Government, he requested a leave of absence without pay, and put in a bill to the Senate committee, as I understand, for about $25 a day.

Mr. OVERMAN. That is the same Hernstein the President relied on in preparing the message he sent to Congress, for he said in that message—I am going to read a portion of it—that he did consult a chemist of the Tariff Board. We all have to rely on chemists and experts in the case of the chemical schedule, because very few of us understand it.

If the President had been familiar, as he ought to have been, with the Payne-Aldrich bill, which he said was the best tariff bill ever passed by any Congress, he would not have written what he did about the very detrimental effect, amounting almost to destruction, the passage of the chemical bill would have on the internal revenues of the country. He afterwards took back the statement as to the Payne-Aldrich law being the best tariff law ever enacted, for he sent two messages to Congress asking for a revision of the wool schedule and also of the cotton schedule.

Let us see, Mr. President, what the President said and then I will show you by three lines of the Payne-Aldrich bill that what he says is not true. A good deal of fun has been made of the chemical schedule by the President and the papers of the country. The President says in this very remarkable message:

But the most remarkable feature of this amendment to the chemical schedule remains to be stated. The internal revenues of this country to the extent of $160,000,000 are dependent on the imposition of a tax of $1.20 a gallon on distilled spirits at 100 degrees proof, which is a liquid consisting of 50 per cent absolute alcohol and 50 per cent water. The intrinsic cost of spirits of this proof varies from 10 to 20 cents a gallon, so that the enormous tax as compared with the intrinsic value of the article furnishes a motive for fraud and evasion of the law stronger than in the case of any commodity within the range of Federal taxation. It has therefore been necessary in all customs legislation to protect the internal-revenue system against the introduction from foreign countries of alcohol in any form and in association with any other article, except upon the payment of such a customs duty as shall make it unprofitable to import the alcohol into this country to be used in competition with alcohol or distilled spirits of domestic manufacture. The customs duty on a proof gallon of alcohol is $2.25. The care and anxious concern with which Congress has heretofore guarded against the introduction of alcohol in any form without the payment of sufficient duty to prevent its interfering with our domestic production and the payment of the internal tax may be seen in at least 10 paragraphs of the chemical schedule of the Payne law and previous enactments:

Thus, in paragraph 2 of the existing law it is provided that vegetable, animal, or mineral objects, immersed or placed in or saturated with alcohol shall have a duty of 60 cents per pound and 25 per cent ad valorem, and the same duty is imposed in that paragraph on alcoholic compounds not specially provided for. Sixty cents a pound is equivalent to 60 cents a pint of the alcohol or distilled spirits used at proof, and this is equivalent to $4.80 a gallon for alcohol, which, of course, prevents its importation for any purpose other than as specified in the paragraph.

Again, in paragraph 3, chemical compounds containing alcohol and chemical mixtures containing alcohol have a duty of 55 cents per pound, which would protect the domestic alcohol by a duty of $4.40 a gallon.

The same thing is true in paragraph 65, covering medicinal preparations containing alcohol, or any preparations in which alcohol is used. These have a duty of 55 cents per pound, which would impose a duty on the alcohol used of at least $4.40 a gallon.

Again, on perfumes, including cologne and other toilet waters containing alcohol or in the preparation of which alcohol is used, there is a duty of 60 cents per pound and 50 per cent ad valorem, by which the domestic alcohol used in American-made perfumes is protected by a tax of $4.80.

Under the present bill, all these precautions against the undue introduction of foreign alcohol in articles and compounds included in the chemical schedule are in fact abolished by striking out the specific duties per pound. Thus in paragraph 2, the specific duty per pound is stricken out and the whole rate is fixed at 50 per cent ad valorem. In paragraph 3, there is a similar change; in paragraph 65, the change is to 45 per cent ad valorem; and in paragraph 69, to 60 and 50 per cent ad valorem. With alcohol at a foreign cost of 20 cents a gallon, this would make the tax, so far as the alcohol is concerned in paragraph 2, 10 cents a gallon; in paragraph 3, 8 cents a gallon; in paragraph 65, 9 cents a gallon; and in paragraph 69, from 10 to 12 cents a gallon. That is, the alcohol thus introduced would pay under this chemical schedule from 8 to 12 cents a gallon duty instead of $1.20 a gallon as imposed by our internal-revenue system, or $2.25 a gallon as imposed by our customs laws upon the introduction of proof alcohol, or the higher rates as fixed in the existing chemical schedule. Alcohol is also used in the manufacture of collodion and fruit ethers, and under the existing law the invasion of our internal-revenue system is here also prevented by the imposition of high rates per pound as the equivalent of the internal-revenue tax. By this amendment the compensatory duties for the high domestic tax on alcohol in collodion and ether is abolished and if the bill passed, the domestic manufacturer would pay $1.40 a gallon for his alcohol while his importing competitor would pay but 30 cents.

I need hardly dwell on the disastrous effect such an amendment in reference to alcoholic compounds would have upon the internal-

revenue system of taxing distilled spirits nor need I point out the opportunities of evasion and fraud thus presented. Of course the change was not intended, but if this bill became law, it would be made.

This bill thus illustrates and enforces the views which I have already expressed in vetoing the wool bill and the so-called free-list bill, as to the paramount importance of securing, through the investigation and reports of the Tariff Board, a definite and certain basis of ascertained fact for the consideration of tariff laws. When the reports of the Tariff Board upon these schedules are received, the duties which should be imposed can be determined upon justly, and with intelligent appreciation of the effect that they will have both upon industry and upon revenue. Very likely some of the changes in this bill will prove to be desirable and some to be undesirable. So far as they turn out to be just and reasonable I shall be glad to approve them, but at present the proposed legislation appears to be all a matter of guesswork. The important thing is to get our tariff legislation out of the slough of guesswork and logrolling and ex parte statements of interested persons, and to establish that legislation on the basis of tested and determined facts, to which shall be applied, fairly and openly, whatever tariff principle the people of the country choose to adopt.

WM. H. TAFT.

THE WHITE HOUSE, *August 22, 1911.*

What is the answer to all of this? If the President had turned to Schedule H, which has never been amended or repealed in any respect, he would have found three lines which amply protect the internal revenues. He says that heretofore in tariff bills there have been some precautionary provisions. He failed to read that such a provision is in the existing law, and nobody ever attempted to amend it or strike it out. It is under Schedule H, "Spirits, wines, and other beverages," section 310, page 33 of the tariff act of 1909, known as the Payne-Aldrich bill.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. OVERMAN. Yes.

Mr. REED. In what bill?

Mr. OVERMAN. The Payne-Aldrich bill.

Mr. SMOOT. Mr. President, I understand that the President was not referring to the Payne-Aldrich bill, but was referring to the chemical bill, which was passed as an amendment to the cotton bill.

Mr. OVERMAN. The President vetoed the cotton bill. I am talking about what he said in his veto message to the effect that the amendment to the chemical schedule attached to the cotton bill would destroy the internal revenue of the country, and I am going to show that if he had been familiar with the Payne-Aldrich bill he would have known that there was a provision incorporated in that bill prohibiting any distilled spirits being shipped into this country under the chemical schedule, which was then and is still the law.

Mr. SMOOT. That is true, providing that the Payne-Aldrich bill was in force, but if the cotton bill had been approved by the President, with the chemical schedule amendment attached, then that would have repealed the existing tariff law affecting chemicals.

Mr. OVERMAN. Ah, Mr. President, there was involved no repeal of the provision in the Payne-Aldrich bill to which I have referred. The cotton schedule was one section; the chemical schedule was another, and Schedule H is untouched and unamended. Now, I said I would prove in three lines that everything he said was misleading. Listen to this complete answer to all the President said upon this point. Paragraph 302 of the existing tariff law reads as follows:

302. On all compounds or preparations of which distilled spirits are a component part of chief value there shall be levied a duty not less than that imposed upon distilled spirits.

Can anything be plainer than that?

And yet he states to the country that the chemical bill would destroy our revenues.

Now, what else? I have employed two of the best experts in America. I sent for an expert who assisted Mr. Aldrich in the preparation of the Dingley bill, the McKinley bill, and the Payne-Aldrich bill. I sent for another expert, and also sent for a New York chemist. They have gone over my amendment and the President's message, and I have the results of their investigation in parallel columns—what the President says being placed on one side and what is the truth on the other—and the statement shows that every word he said about the increases or decreases under the proposed amendment of the chemical schedule was untrue.

As I have said, when I desired to prepare an amendment to the chemical schedule to be offered in the Senate to the cotton schedule, I had an expert make out the schedule for me. I offered it, and it was adopted by the Senate and House of Representatives. I took the President's message and submitted it to an expert, and, without knowledge on his part that I was going to do so, I submitted it to another expert, and, without any collaboration or acting together, without any knowledge that the other was acting upon it, the reports of the two experts coincide exactly. I also had the expert chemist examine their statements, and he approved both, showing what the President says on one side and what is the truth on the other, according to the two experts and according to the chemist, who came here from New York, and who is one of the leading chemists of the country. He has written opposite every item "correct" or "O. K." as to the amendment I introduced and "incorrect" as to what the President says in regard to those items.

I will read an extract from the statement:

In the examination of this act, referred to on page 5 of the message of the President, the conclusions drawn by the expert chemist of the Tariff Board are based upon assumptions. He assumes a foreign market price, applies the proposed ad valorem rate, and compares the result with the present law. The actual import prices are given officially in the report on Commerce and Navigation, by the Bureau of Statistics, Department of Commerce and Labor.

The expert who assisted the President did not take the prices as furnished by this Government publication.

The computations of the proposed rates upon Schedule A in H. R. 12812, based upon the method used, were not inaccurate or faulty. In fact, not a single inaccuracy or error has been pointed out by the expert chemist, while the results obtained by him are shown below in a parallel column with the real facts.

The expert who assisted the President says this:

Boracic acid is duitable under the present law at 3 cents per pound. The amendment imposes a duty of 60 per cent ad valorem. At the foreign price of 6 to 6½ cents per pound the amended rate would be from 3.6 to 3.9 cents per pound, or an actual increase in the duty under the present law of from 20 to 30 per cent.

That is what the President says. Here is the report of a chemist and two experts. What do they say?

The average import price of boracic acid for the period August 5, 1909, to June 30, 1910, was 3.2 cents per pound (see p. 953, Commerce and Navigation for 1910); a duty of 60 per cent based upon this value would be 1.92 cents per pound, a reduction of 36 per cent.

The President, basing his statement upon information given by the Tariff Board experts, says it would have been an increase.

The average import price for 1911 (p. 951, Commerce and Navigation for 1911) was 3.7 cents per pound. This is equivalent to a proposed rate of 2.2 cents per pound, or a reduction of 26 per cent.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. OVERMAN. Yes.

Mr. SMOOT. Has the Senator referred to the Statistical Abstract to prove that boracic acid could be purchased for 3$\frac{1}{10}$ cents per pound?

Mr. OVERMAN. Here is a statement of the Committee on Finance of the United States Senate on "Schedule A, duties on chemicals, oils, and paints," and if the Senator will examine the statement I have here and go over it himself and make his calculations he will see that the expert is right, because the Senator is an expert himself.

Mr. SMOOT. The only reason that I doubted that, Mr. President, was on account of the prices stated, for I know what the price of boracic acid is.

Mr. OVERMAN. The Senator will see the prices quoted there just as they are in this statement.

Mr. SMOOT. I know from actual experience what the prices are, but I will examine the statement and call the Senator's attention to it later.

Mr. OVERMAN. The President said:

Tartaric acid under the amendment has a duty of 4 per cent higher than that of the existing law.

Is that true? Here is what the experts say about it:

Present rate on tartaric acid is 5 cents per pound; proposed rate, 20 per cent ad valorem. Average price 1910, 17.8 cents per pound; average price 1911, 21.8 cents per pound. This is equivalent to a proposed rate of 3.56 cents for 1910 and 4.36 cents for 1911, a reduction of 29 and 13 per cent, respectively.

Now, Mr. President, I am not going to take the time to read this entire statement, but the two experts to whom I have referred have taken up every single item, and their conclusions have been approved by the New York chemist, who has written in the margin, as you can see, "Correct" or "O. K." or "Incorrect." I ask that this statement be printed in the RECORD, including the marks "Incorrect," "Correct," and so forth, as indicated. The statements, it will be seen, are both made out in parallel columns—what the President said in one column and the truth in the other column—where he committed error upon misinformation from the Tariff Board.

The PRESIDENT pro tempore. Without objection, that order will be made.

The statement referred to is as follows:

As regards Schedule A, H. R. 12812 undertakes to reduce the present rates about 25 per cent. Owing to fluctuating prices this exact reduction can not remain constant, but is only an average rate of reduction.

Some rates of duty are barely changed—where they are already low—while upon others the reduction is greater than 25 per cent.

In the examination of this act, referred to on page 5 of the message of the President, the conclusions drawn by the expert chemist of the Tariff Board are based upon assumptions. He assumes a foreign-market price, applies the proposed ad valorem rate, and compares the result with the present law. The actual import prices are given officially in the report on commerce and navigation, by the Bureau of Statistics, Department of Commerce and Labor.

The computations of the proposed rates upon Schedule A in H. R. 12812, based upon the method used, were not inaccurate or faulty. In fact, not a single inaccuracy or error has been pointed out by the expert chemist, while the results obtained by him are shown below in a parallel column with the real facts.

	President said in his message.	Actual facts.	
5 Incorrect.	Boracic acid is dutiable under the present law at 3 cents per pound. The amendment imposes a duty of 60 per cent ad valorem. At the foreign price of 6 to 6¼ cents per pound the amended rate would be from 3.6 to 3.9 cents per pound, or an actual increase in the duty under the present law of from 20 to 30 per cent.	The average import price of boracic acid for the period August 5, 1909, to June 30, 1910, was 3.2 cents per pound (see p. 953, Commerce and Navigation for 1910); a duty of 60 per cent based upon this value would be 1.92 cents per pound, a reduction of 36 per cent.	√ O. K.
		The average import price for 1911 (p. 951, Commerce and Navigation for 1911) was 3.7 cents per pound. This is equivalent to a proposed rate of 2.2 cents per pound, or a reduction of 26 per cent.	√
9 Incorrect.	Tartaric acid under the amendment has a duty 4 per cent higher than that of the existing law.	Present rate on tartaric acid is 5 cents per pound; proposed rate, 20 per cent ad valorem. Average price, 1910, 17.8 cents per pound; average price, 1911, 21.8 cents per pound. This is equivalent to a proposed rate of 3.56 cents for 1910 and 4.36 cents for 1911, a reduction of 29 and 13 per cent, respectively.	O. K. O. K.
20 Incorrect.	Alum under the amendment has a rate 10 per cent higher than the existing law.	Present rate on alum is one-fourth of 1 cent or three-eighths of 1 cent per pound, depending upon purity. Proposed rates, 20 per cent or 30 per cent, respectively. Value in 1910, 0.8 cent and 0.9 cent, respectively, equivalent to a proposed rate of 0.16 and 0.27 cent per pound. In 1911 the prices were 1 cent and 0.9 cent per pound, equivalent to a proposed rate of 0.20 and 0.27 cent per pound. These are all reductions from the present law.	O. K. O. K.
29	Bleaching powder has a rate under the amendment that is 30 per cent higher than the existing rate.	Present rate on bleaching powder is one-fifth cent per pound. Proposed rate is 20 per cent ad valorem. Value in 1910, also in 1911, was 0.8 cent per pound, equivalent to a proposed rate of 0.16 cent per pound, a reduction of 20 per cent.	O. K. O. K.
96 Incorrect.	Zinc oxide has an increase of rate in the amendment of 95 per cent over the existing law.	Present rate on zinc oxide, dry, 1 cent per pound; ground in oil, 1¾ cents per pound. Proposed rates, 10 per cent and 15 per cent, respectively. Value, 1910, 5.7 cents and 9.1 cents per pound. This is equivalent to a proposed rate of 0.57 and 1.365 cents per pound, a reduction of 43 per cent and 22 per cent, respectively. The figures for 1911 are reductions of 37 per cent and 38 per cent, respectively.	O. K. O. K.
32	Borax is given a rate in the amendment which is a reduction of 80 per cent below the existing rate.	The present rate upon borax is 2 cents per pound. The proposed duty is 10 per cent. Value, 1910 (p. 955, Commerce and Navigation, 1910), 17 cents per pound. This is equivalent to a proposed rate of 1.7 cents per pound, a reduction of 15 per cent. Based upon the 1911 value, 0.108, the reduction would be 46 per cent.	O. K. O. K.
35 Incorrect.	Commercial chloroform has a reduction of 90 per cent from the present rate.	The present rate upon chloroform is 10 cents per pound. The proposed duty is 5 per cent ad valorem. The value for 1910 (p. 955, Commerce and Navigation for 1910), was $1.54 per pound. This is equivalent to a proposed rate of 7.7 cents per pound, a reduction of 23 per cent. Based upon the value for 1911, $1.76, the reduction would be 12 per cent.	O. K. O. K.
128	Hydrate of or caustic soda is given a rate in the amendment which is a 50 per cent reduction from the present rate.	The present rate upon hydrate of or caustic soda is one-half cent per pound. The proposed rate is 12 per cent. Value 1910 (p. 961, Commerce and Navigation for 1910), 3.2 cents per pound; 12 per cent thereof is .384 cent per pound, a reduction of 0.23+ per cent. Value 1911, 2.5 cents per pound. Equivalent rate, 3 cents per pound, a reduction of 40 per cent.	O. K. O. K.
20	A curious result appears in the rate fixed for alumina hydrate containing less than 64 per cent of alumina, and the same containing more of alumina. The latter is a finished product as compared with the former, but the latter in the amendment is given a duty of only 5 per cent, while the raw and unfinished product has a rate of 15 per cent ad valorem.	The present rate on alumina hydrate containing not more than 64 per cent alumina is 0.4 cent per pound. Proposed rate is 15 per cent. Value, 1910 (p. 955, Commerce and Navigation for 1910), 1.6 cents per pound. Equivalent rate, 0.24 cent per pound, a reduction of 40 per cent.	O. K.
		Present rate on that containing more than 64 per cent of alumina is 0.6 cent per pound. Proposed rate is 5 per cent. Value, 1910, 12.2 cents per pound. Equivalent rate, 0.61 cent per pound reduction, a slight increase; that is, the proposed rates are less curious than the present rates.	O. K.
Page 10, bill.	In paragraph 2 the specific duty per pound is stricken out, and the whole rate is fixed at 50 per cent ad valorem. In paragraph 3 there is a similar change. In paragraph 65 the change is to 45 per cent ad valorem.		
Page 13, bill.	In paragraph 69 the change is to 60 and 50 per cent ad valorem.		
Page 14, bill.	With alcohol at a foreign cost of 20 cents per gallon this would make the tax, so far as the alcohol is concerned, in paragraph 2, 10 cents per gallon.	In paragraph 2 the proposed rate on all other alcoholic compounds is 50 per cent. The present law is 60 cents per pound and 25 per cent. Reduce the 25 per cent by 25 per cent leaves 18¾ per cent. That is, the alcohol pays the other 31¼ per cent, based upon import prices for 1910 (p. 955, Commerce and Navigation for 1910); this amounts to over 39 cents per pound, or over $2.50 per gallon instead of 10 cents per gallon. The price for 1911 gives over $2.10 per gallon.	
	In paragraph 3, 8 cents per gallon.	PAR. 3. The proposed rate upon chemical compounds, mixtures, and salts containing alcohol, or in the preparation of which alcohol is used, not specially provided for, is 40 per cent ad valorem. The present law is 55 cents per pound, but not less than 25 per cent ad valorem. The import price for 1910 (p. 963, Commerce and Navigation for 1910) was 89.5 cents per pound; 40 per cent of this is 35.8 cents per pound, the proposed rate. This is equivalent to over $2.30 per gallon.	
	In paragraph 65, 9 cents per gallon.	PAR. 65. The proposed rate upon medical preparations containing alcohol, or in the preparation of which alcohol is used, not specially provided for, is 45 per cent ad valorem. The present rate is 55 cents per pound, but not less than 25 per cent ad valorem. The import price for 1910 (p. 965, Commerce and Navigation for 1910) was 89.1 cents per pound. The equivalent rate proposed is 45 per cent of this, or 40.095 cents, or over $2.60 per gallon.	

President said in his message.	Actual facts.
In paragraph 69, 10 cents to 12 cents per gallon.	Paragraph 69 relates to soaps. This is evidently a mistake, and is intended for 67. The present law, paragraph 67, provides the following rate: Perfumery, including cologne and other toilet waters, articles of perfumery, whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifrices, including tooth soaps, pastes, including theatrical grease paints and pastes, pomades, powders, and other toilet articles, all the foregoing, if containing alcohol, or in the manufacture of which alcohol is used, 60 cents per pound and 50 per cent ad valorem. The proposed duty on the above is 60 per cent. If the ad valorem part of the present rate is reduced 25 per cent, 37½ per cent is left for the proposed rate, which, taken from 60 per cent, leaves 22½ per cent as the duty on alcohol. The price in 1910 (p. 1065, Commerce and Navigation for 1910) was $2.83 per pound. This is equivalent to a proposed rate on the alcohol of 63.67 cents per pound, or over $4.10 per gallon.
Page 11 bill. By this amendment the compensatory duties for the high domestic tax on alcohol in collodion and ether (fruit ethers) is abolished, and if the bill should pass the domestic manufacturer would pay $1.40 per gallon for his alcohol, while his importing competitor would pay but 30 cents.	Paragraph 21 gives the present rate on fruit ethers as $1 per pound. The proposed rate is 100 per cent ad valorem. The value in 1910 (p. 957, Commerce and Navigation for 1910) was 77.5 cents per pound. The proposed equivalent rate would be 77.5 cents per pound, or over $5 per gallon. Paragraph 17 gives the present rate on collodion and all compounds of pyroxylin or other cellulose esters 40 cents per pound. The proposed rate is 35 per cent ad valorem. The price for 1910 (p. 967, Commerce and Navigation for 1910) was 74 cents per pound, equivalent to a proposed rate of 25.9 cents per pound. If this were all alcohol it would be equivalent to a duty of about $1.70 per gallon.

NOTE.—The alcohol contained in all mixtures and compounds referred to in Schedule A is incidental in value to the other component materials thereof.

Schedule H, paragraph 302, specifies that "On all compounds or preparations of which distilled spirits are a component part of chief value there shall be levied a duty not less than that imposed upon distilled spirits." This paragraph was not changed nor was it intended to be changed by H. R. 12812; therefore the question of alcohol is entirely eliminated.

Mr. OVERMAN. That is one statement. Now I ask to have published the results of the examination of another expert.

The PRESIDENT pro tempore. Without objection, the request will be granted.

The statement referred to is as follows:

Some of the erroneous statements contained in the President's veto message of August 22, 1911, accompanying the bill H. R. 12812.

The President says.	The facts show.
BORACIC ACID.	
Boracic acid is dutiable under the present law at 3 cents a pound. The amendment imposes a duty of 60 per cent ad valorem. At the foreign price of 6 to 6½ cents per pound, the amended rate would be 3.6 to 3.9 cents per pound, or an actual increase in the duty under the present law of from 20 to 30 per cent.	The average import price of boracic acid for the period August 5, 1909, to June 30, 1910, was 3.2 cents per pound (see p. 953, Commerce and Navigation for 1910); a duty of 60 per cent based upon this value would be 1.92 cents per pound, a reduction of 36 per cent. The average import price for 1911 (p. 951, Commerce and Navigation for 1911) was 3.7 cents per pound. This is equivalent to a proposed rate of 2.2 cents per pound, or a reduction of 26 per cent.
TARTARIC ACID.	
Tartaric acid under the amendment has a duty 4 per cent higher than that of the existing law.	Present rate on tartaric acid is 5 cents per pound; proposed rate, 20 per cent ad valorem. Average price 1910, 17.8 cents per pound; average price 1911, 21.8 cents per pound. This is equivalent to a proposed rate of 3.56 cents for 1910 and 4.36 cents for 1911, a reduction of 29 and 13 per cent, respectively.
ALUM.	
Alum under the amendment has a rate of 10 per cent higher than the existing law.	Present rate on alum is one-fourth of 1 cent or three-eighths of 1 cent per pound, depending upon purity. Proposed rates, 20 per cent or 30 per cent, respectively. Value in 1910, 0.8 cent and 0.9 cent, respectively, equivalent to a proposed rate of 0.16 and 0.27 cent per pound. In 1911 the prices were 1 cent and 0.9 cent per pound, equivalent to a proposed rate of 0.20 and 0.27 cent per pound. These are all reductions from the present law.
BLEACHING POWDER.	
Bleaching powder has a rate under the amendment that is 30 per cent higher than the existing rate.	Present rate on bleaching powder is one-fifth of 1 cent a pound. Proposed rate is 20 per cent ad valorem. Value in 1910, also in 1911, was 0.8 cent per pound, equivalent to a proposed rate of 0.16 cent per pound, a reduction of 20 per cent.
ZINC OXIDE.	
Zinc oxide has an increase of rate in the amendment of 95 per cent over the existing law.	Present rate on zinc oxide, dry, 1 cent per pound; ground in oil, 1½ cents per pound. Proposed rates, 10 per cent and 15 per cent, respectively. Value, 1910, 5.7 cents and 9.1 cents per pound. This is equivalent to a proposed rate of 0.57 and 1.365 cents per pound, a reduction of 43 per cent and 22 per cent, respectively. The figures for 1911 are reductions of 37 per cent and 38 per cent, respectively.
BORAX.	
Borax is given a rate in the amendment which is a reduction of 80 per cent below the existing rate.	The present rate upon borax is 2 cents per pound. The proposed duty is 10 per cent. Value, 1910 (p. 955, Commerce and Navigation, 1910), 17 cents per pound. This is equivalent to a proposed rate of 1.7 cents per pound, a reduction of 15 per cent. Based upon the 1911 value, 0.108 cent per pound, the reduction would be 46 per cent.
CHLOROFORM.	
Commercial chloroform has a reduction of 90 per cent from the present rate.	The present rate upon chloroform is 10 cents per pound. The proposed duty is 5 per cent ad valorem. The value for 1910 (p. 955, Commerce and Navigation for 1910) was $1.54 per pound. This is equivalent to a proposed rate of 7.7 cents per pound, a reduction of 23 per cent. Based upon the value for 1911, $1.76 per pound, the reduction would be 12 per cent.
HYDRATE OF OR CAUSTIC SODA.	
Hydrate of or caustic soda is given a rate in the amendment which is a 50 per cent reduction from the present rate.	The present rate upon hydrate of or caustic soda is one-half of 1 cent per pound. The proposed rate is 12 per cent. Value, 1910 (p. 961, Commerce and Navigation for 1910), 3.2 cents per pound; 12 per cent thereof is 0.384 cent per pound, a reduction of 23 per cent. Value 1911, 2.5 cents per pound. Equivalent rate, 3 cents per pound, a reduction of 40 per cent.

Some of the erroneous statements contained in the President's veto message of August 22, 1911, accompanying the bill H. R. 12812—Continued.

The President says.	The facts show.
HYDRATE OF OR CAUSTIC SODA—continued. A curious result appears in the rate fixed for alumina hydrate containing less than 64 per cent of alumina, and the same containing more of alumina. The latter is a finished product as compared with the former, but the latter in the amendment is given a duty of only 5 per cent, while the raw and unfinished product has a rate of 15 per cent ad valorem.	The present rate on alumina hydrate containing not more than 60 per cent alumina is .4 cent per pound. Proposed rate is 15 per cent. Value, 1910 (p. 955, Commerce and Navigation for 1910), 1.6 cents per pound. Equivalent rate. 24 cents per pound, a reduction of 40 per cent. Present rate on that containing more than 64 per cent of alumina is .6 cent per pound. Proposed rate is 5 per cent. Value in 1910, 12.2 cents per pound. Equivalent rate, .61 cent per pound, a slight increase. That is, the proposed rates are less curious than the present rates.

NOTE.—The figures used in the President's message upon which ad valorem percentages and equivalents are computed can not be found in any official document.

The figures upon which the President's statements are shown to be inaccurate will be found in the official reports on Commerce and Navigation, Department of Commerce and Labor.

Since Schedule H, paragraph 302, which specifies that "on all compounds or preparations of which distilled spirits are a component part of the chief value there shall be levied a duty not less than that imposed upon distilled spirits," was not changed or intended to be changed by H. R. 12812, the question, therefore, of alcohol is entirely eliminated.

Mr. OVERMAN. That paper shows some of the erroneous statements contained in the President's veto message of August 22, 1911, accompanying the bill H. R. 12812. I will call attention to one of the paragraphs of that statement. The President says:

A curious result appears in the rate fixed for alumina hydrate containing less than 64 per cent of alumina and the same containing more of alumina. The latter is a finished product as compared with the former, but the latter in the amendment is given a duty of only 5 per cent, while the raw and unfinished product has a rate of 15 per cent ad valorem.

That is what the President says. The facts show—

The present rate on alumina hydrate containing not more than 60 per cent alumina is 0.4 cent per pound. Proposed rate is 15 per cent. Value, 1910 (p. 955, Commerce and Navigation for 1910), 1.6 cents per pound. Equivalent rate 0.24 cent per pound, a reduction of 40 per cent.

Present rate on that containing more than 64 per cent of alumina is 0.6 cent per pound. Proposed rate is 5 per cent. Value in 1910, 12.2 cents per pound. Equivalent rate 0.61 cent per pound, a slight increase; that is, the proposed rates are less curious than the present rates.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. OVERMAN. I do.

Mr. SMOOT. Does the Senator in submitting the report of the expert give his name?

Mr. OVERMAN. I have not, because I am afraid people will turn him out.

Mr. SMOOT. No, Mr. President, I do not think there will be any inclination to turn anybody out; in fact, I do not think that we could do so if we wanted to.

Mr. OVERMAN. The Senator knows him and has used him on the wool bill.

Mr. SMOOT. I am not objecting to the report; it may be absolutely correct, but I simply ask the question whether the expert's name is attached to the report.

Mr. OVERMAN. I do not like to mention his name, but I will tell the Senator privately. I will say, however, that the Senator has used him in connection with the wool bill at this session, I think.

I want to say, Mr. President, whether that is so or not, that those two experts in different places, not knowing that the other man was engaged on the work, agree that the amendment to the chemical schedule was a reduction, and that everything the President said in his veto message regarding it was a misstatement of the facts, as shown by the results of their investigations placed in parallel columns with the statements of the President, as I asked them to do. Now, how could two experts not acting together agree so perfectly unless the facts were plain?

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. OVERMAN. I yield.

Mr. REED. I merely want to say, for the purpose of getting the truth, that those of us who were not on the Finance Committee are more interested in knowing now whether the Senator from Utah disputes the findings of this expert than we are in the name of the expert, and I should like to know whether he does dispute it.

Mr. SMOOT. Let me call the Senator's attention to one item referred to by him. Take tartaric acid.

Mr. REED. That is the item the Senator from North Carolina referred to.

Mr. SMOOT. That is the item to which he referred.

Mr. REED. Very well.

Mr. SMOOT. If we take the importation price for the year 1910, then the expert is correct; but if we take the importation price for 1909, the expert who gave the President the information is correct. I call the attention of the Senator to that fact, and I will ask him if it is not true, for this reason: In 1909 the average price of tartaric acid was 30.6 cents per pound, and the average price for 1910, the very next year, upon which this report is based—and I take it for granted that the report made to the President was based upon 1909——

Mr. REED. Why does the Senator take it for granted?

Mr. SMOOT. The price is 16.5 cents, or nearly one-half difference in the price.

Mr. OVERMAN. Why do you take it for granted?

Mr. SMOOT. Let me finish.

Mr. OVERMAN. I will.

Mr. SMOOT. While I will admit that if I had been giving the President the information he asked for and if I had been reporting this case to the President I would have taken the price of the last year's importation, whoever made the report and gave the information to the President did not take that price, but took the 1909 price.

Mr. OVERMAN. The Senator misstates it. He takes 1910 and 1911, showing he was fair. That was better than what the chemist of the Tariff Board did—take the figures of 1909.

Mr. SMOOT. I have not gone further back than 1909. Now take the following year; but the same principle would apply in both cases. I will say frankly, as the Senator knows, that that is how it happened, and I believe he will admit that the statement I have made is correct.

Mr. OVERMAN. I think this is the expert employed by the Tariff Board, and I started out with the statement that those experts are unreliable. People say figures do not lie, but some experts take figures and assume false prices calculated upon false premises and report facts wholly without foundation.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. OVERMAN. I do.

Mr. REED. If I can interrupt this Rooseveltian language for a moment——

Mr. OVERMAN. That is an old, familiar expression. I do not say anybody has lied. I know the President would not lie, and I know that the President would not make a misstatement, but he could be misinformed.

Mr. REED. I think we will all agree that the President would not make a willful misstatement.

Mr. OVERMAN. Of course.

Mr. REED. I think all Democrats would agree to that, but I do not know how our friends on the other side may feel about it. But what I am interested in is the position of the Senator from Utah. How does he know that the figures used by the President were based upon 1909? Is that a mere inference, or has the Senator figured it out and found that to be the result?

Mr. SMOOT. If anyone who knows anything about it will take the figures presented by me and listen to the figures which the Senator from North Carolina reported, he will know immediately that it was the year 1909.

Mr. OVERMAN. Provided you make it on the short ton instead of the long ton, which the Senator knows makes a difference of 10 per cent.

Mr. SMOOT. There is no dispute between the Senator from North Carolina and myself on that point. The only difference is that the statement handed to the President was made upon the prices of 1909, and the statement that is made now by the Senator from North Carolina is based upon the prices of 1910.

Mr. SHIVELY. It was upon the wrong year and the wrong ton.

Mr. SMOOT. Not the wrong year, but a different year.

Mr. SHIVELY. Certainly.

Mr. SMOOT. I would have taken an average, but that was not done in the case of the information given to the President. The information was given to the President based on the year 1909.

Mr. BACON. How does the Senator justify that?

Mr. SMOOT. Mr. President——

Mr. OVERMAN. The Senator from Utah does not justify it. The Senator himself has been candid and fair enough here to state that if the President had asked him to criticize this amendment, which I introduced to the cotton schedule, he would have made his calculation upon the long ton, and he would have taken the prices of 1910 and would not have gone back to 1909 and based the figures on the short ton.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield further to the Senator from Missouri?

Mr. OVERMAN. I yield to the Senator from Missouri.

Mr. REED. What I wanted to ask is this: Is it manifest upon the face that the year 1909 was used as the basis?

Mr. OVERMAN. There is nothing in the message or report to show it.

Mr. REED. Do they in fact refer to that year?

Mr. OVERMAN. No. If you take the short ton and take the figures of 1909, you might work out a schedule like this chemist did.

Mr. REED. Have you worked it out?

Mr. OVERMAN. No. The schedule which I introduced was worked out on the prices as they were at the time—1910; and the calculations were made upon the long ton. Then the President proceeds to say that instead of decreasing the tariff it had been increased on certain things. When the proper schedule is made, it is made at the prices of 1910 and 1911.

Mr. REED. The Senator did not quite catch what I meant, and I am very much interested in this point. I will make a statement which will perhaps make my thought clearer.

Of course, if these experts had stated fairly "These figures are based upon the prices of 1909," there would have been at least perfect frankness upon the face of it; and what I want to know is whether they did that or whether they simply gave us some conclusions without advising us what year they used as a basis.

Mr. OVERMAN. No; they did not. The President announced in his message as a fact that on certain articles instead of there being a decrease there was an increase.

Mr. REED. And he does not tell us——

Mr. OVERMAN. He does not. We can judge by taking the prices that the expert has gone and assumed prices that were not the true prices, and has made figures based upon the short ton instead of the long ton, and has imposed upon the President.

Mr. REED. One thing further. Has either the Senator from North Carolina or the Senator from Utah actually taken the figures of 1909 and ascertained whether they do produce the real results—the results as the President gave them to us—or are they simply inferring that the 1909 figures, being nearer that result, the experts went to that year?

Mr. OVERMAN. All I can say is that I do not know what table he took. I know that the chemist assumed to be true prices that were not true, and that he made his calculation upon the short ton instead of the long ton.

Mr. REED. Then the Senator from North Carolina does not concede the correctness of the statement of the Senator from Utah——

Mr. OVERMAN. Oh, no.

Mr. REED. That the 1909 figures were taken, and that the conclusion was correct if you start from the figures of 1909.

Mr. OVERMAN. That is what the Senator from Utah said.

Mr. REED. I understand. The Senator from Utah is inferring that, not stating that he has figured it out by actual calculation.

Mr. OVERMAN. I expect the Senator——

Mr. SMOOT. I took it for granted from the fact that the price was 32 cents in 1909 and 16 cents in the year 1910, a difference of one-half. The report made by the Senator shows about that difference. So I take it for granted that is what the two experts did.

Mr. REED. That is what I am trying to get at—whether he did take it for granted or is stating it as the result of a calculation?

Mr. SMOOT. It is the result of a calculation, but I can not say, because I never asked the President or never asked the expert whether he used the figures of 1909. But the figures are there, and I do not believe any expert would have told the President a thing absolutely untrue. With the year 1909 as the basis of the price of tartaric acid, it would bring it within a fraction of a cent of the report made to the President.

Mr. OVERMAN. The Senator says he does not believe any expert would tell the President an untruth. The Senator has admitted here that the expert has imposed upon the President.

Mr. SMOOT. I think that is true; but in this particular case——

Mr. REED. I think it is important, and I should like to have it appear here clearly that these figures are now admitted to be false.

Mr. SMOOT. Not that.

Mr. REED. And the Senator from Utah does not mean to say that he knows of his own knowledge or by calculation that the figures of 1909 were used, and I do not think we can take anything for granted when we are dealing with gentlemen who went back, if they did go back, two or three years of time to find a basis that would suit the result they wanted to arrive at and where the price was greater, because that in itself was such an act either of stupidity or dishonesty, if it occurred, so that discredit and doubt must be thrown upon all their deductions.

Mr. LIPPITT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Rhode Island?

Mr. OVERMAN. I yield gladly.

Mr. LIPPITT. I wanted to call attention briefly to the situation of these figures for the different years. The figures for the year 1911 have been issued only within a month or two. These figures are made up until July 1 of each year. The Senator from North Carolina a minute ago said the President could have used the figures of 1911.

Mr. OVERMAN. Nineteen hundred and ten, I meant to say.

Mr. LIPPITT. As a matter of fact, he did say 1911.

Mr. SMOOT. Yes.

Mr. LIPPITT. The Senator from Missouri just a minute ago said that the expert had gone back two or three years. He certainly did not go back two or three years, because in using the figures of 1909 he used the latest figures, in all probability, that he had at his disposal. If he was making up those figures to-day, at this minute, and he went back to the figures of 1909, he would have had available all the figures of 1910 and 1911; but it is manifest that a year ago he could not have gone back one or two years, because at the utmost he had only the figures of 1910. As I say, those figures are not issued, as a rule, until late in the spring.

Mr. REED. He certainly went back one year, and while the figures may not have been printed, the Senator will not say that the department is so far in arrears that he could not have had access to the figures of 1910 when he reported to the President.

Mr. LIPPITT. I think in all probability the expert took the figures that were in the reports published by the committee in regard to this schedule which were made up early last spring, and which were based, for the most part, on the figures of 1909, and that in reporting to the President he used the same sets of figures that had generally been used in the discussion of this subject in the House and in the Senate.

So when the Senator from North Carolina says that this expert made false statements, I do not think that is just exactly the expression that should be applied to him. Certainly if the application of this duty to the figures of 1909 are correctly enforced they are not in any sense false. It may be that the figures applied to the importations of some other year would give a different result, but that is an entirely different proposition from saying that the figures correctly applied to the importations of 1909 are false.

Mr. OVERMAN. Does the Senator think that a man would be doing his just duty to the President of the United States and his country in making a calculation upon the short ton instead of the long ton?

Mr. LIPPITT. Not if he did it willfully and if it should have been a long ton.

Mr. OVERMAN. Now, Mr. President——

Mr. LIPPITT. Excuse me. You asked me a question, and I should like to answer it.

Mr. OVERMAN. Very well.

Mr. LIPPITT. That is something I know nothing about in this particular case, and of course I can not answer that, because I had not had an opportunity to investigate and look it up.

Mr. OVERMAN. In answer to the Senator from Rhode Island, I will say the expert who made out this amendment for me had the facts before him, and he took them from the official documents, and the experts who have prepared these statements

took them from the same document; and if the Tariff Board did not have those prices that is another argument that they are unreliable experts and are not to be trusted.

I want to publish as a part of my remarks, at the proper place, what the President says in his message about the destruction of the revenue, and also as to the incorrect statements as to matters contained in the chemical amendment.

The PRESIDENT pro tempore. Without objection, permission is granted.

Mr. OVERMAN. The experts may all be wrong, but the President ought not to have been misled by the law itself, and he devotes most of his message to the statement that there will be a destruction of the revenues of the country, when, if he had turned over two or three pages, he would have found a provision which was put there as a guard against any measure that would destroy the revenues of the Government.

Mr. NEWLANDS. I should like to inquire whether this information was furnished to the President by the Tariff Board or by some outside expert. Can the Senator from Utah inform us?

Mr. SMOOT. I am not in possession of knowledge that would enable me to say from what source the President received that information. The only intimation I have ever received upon the subject has been received to-day, by the Senator from North Carolina, with respect to the sources from which the President received the information.

Mr. NEWLANDS. I would ask the Senator from North Carolina whether this information was furnished to the President by the Tariff Board, as a board, or furnished by some expert?

Mr. OVERMAN. I have no information as to that. I have heard that the man who made out the report is the same man who made the schedule for the Democratic minority. The Senator says so; I do not know. His name is Hernstein.

Mr. SMOOT. I do know that Mr. Hernstein was engaged by the minority members of the Senate Finance Committee for the purpose of going over the chemical schedule, and I know he was in communication with those interested in the chemical schedule and in defense of it.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. The Senator from Nevada has the floor.

Mr. NEWLANDS. I wish to proceed with my remarks.

Mr. BORAH. Mr. President——

Mr. NEWLANDS. I will yield if the Senator merely wishes to ask me a question.

Mr. BORAH. Am I to understand that the same expert furnished different statements for the majority and the minority parties in the Senate?

Mr. SMOOT. I understand he was instrumental at least in defending the Democratic chemical bill that they presented to this body and which was defeated by the Senate.

Mr. BORAH. If that is true, I wonder if he could not be obtained to produce a statement for the bull moose party. [Laughter.]

Mr. BRISTOW. I understood the Senator from Nevada to inquire if this expert was employed by the Tariff Board or by the Treasury Department or in some other capacity.

Mr. OVERMAN. He was employed by the Tariff Board.

The PRESIDENT pro tempore. Senators will please address the Chair and get permission before interrupting the Senator entitled to the floor.

Mr. SMOOT. When the minority members employed Mr. Hernstein he was employed in the customs office at New York.

Mr. BRISTOW. And not by the Tariff Board?

Mr. SMOOT. He was not in the employ of the Tariff Board at that time.

Mr. OVERMAN. Not at that time, but I learn he was at the time when the President said he sent to the Tariff Board to get an expert; and he is the same man. They may have gotten rid of him after he made this statement.

Mr. BRISTOW. The result of the argument is that an incompetent, unreliable man is employed somewhere in the Government service. He ought to be gotten out. But I can not see that that is an objection to employing men who are competent to obtain information intended for Congress or for the President.

Mr. SMOOT. The Senator will understand——

The PRESIDENT pro tempore. The Senator from Nevada is entitled to the floor. To whom does he yield?

Mr. NEWLANDS. Mr. President, I wish to say that I made the inquiry regarding this expert, because I have personal knowledge of three of the members of this board. I have a very high opinion of them, and I was unwilling to believe that they could either intentionally or unintentionally be guilty of an imposition upon the President. It now appears that the expert relied upon was in the employ of the customs service in New York.

Mr. OVERMAN. No; not at that time.

Mr. NEWLANDS. He had been.

Mr. OVERMAN. He was the chemical expert for the Tariff Board when he made out this statement.

Mr. NEWLANDS. And that he was a chemical expert of the board at that time, and that he had been in the customs service in New York. Subsequently he was called upon for expert services by the Democratic minority.

Now, under those conditions, I am not inclined to hold the Tariff Board to any serious responsibility regarding this imposition upon the President, whether intentional or unintentional. I should like to ask the Senator from Wyoming whether the appropriation asked for or granted in the amendment in the sundry civil bill offered by the committee is the same as it was last year.

Mr. WARREN. I will say to the Senator from Nevada that it is exactly the amount.

Mr. NEWLANDS. Can the Senator state how many employees there are connected with the Tariff Board?

Mr. WARREN. The Tariff Board, as the Senator knows, has five members and a secretary, or had that number; and as to the employees, I think the number has varied up and down according to the work that was given it. For instance, when we in the sundry civil bill instructed that wool and woolens should be the first products reported upon, they sent experts abroad, and sent them all over the field in this country. When that work was completed, then that class of men were largely discharged and certain others hired. So I think they went all the way from half a dozen up to perhaps a hundred.

Mr. NEWLANDS. Mr. President, the question which we wish to consider is, it seems to me, entirely a nonpartisan one, and that is whether there is any necessity, in the first place, of having a board of experts to make inquiries regarding foreign and domestic production and trade, and give either the President or Congress, or both, information relating thereto; and in the second place, whether, having created an organization of this kind, now in existence for about three years, we should suddenly, when we are in the very midst of tariff revision and tariff reform, destroy that organization, discharge every employee, and leave the information which we have collected in the shape of statistics and reports to be scattered to the four winds, and the accumulated experience of such an organization to be unavailable in the future.

It seems to me that that is a nonpartisan question. The Democratic Party hopes to come into power at the next election. One of its first duties will be the revision of the tariff. The Democratic Party has never acted in a revision of the tariff without the aid of experts. The Democratic minority in this body has employed experts throughout this entire inquiry; has availed itself of Government experts, the experts of the customhouse of New York; has availed itself of the Tariff Board experts, recognizing the fact that these experts are for the most part scientists, statisticians—not partisans. If, then, the Democratic Party is to act in revision with the aid of experts, why destroy the accumulations that have been gained during the past few years? Why refuse to accept the benefit of the information and the experience that have been accumulated by this board and its employees during the past three years?

You may object to the personnel of the board—five members, three Republicans and two Democrats. Very well. If Wilson comes into power he can change the board in whole or in part, for they have no certain tenure of office. They are there at the pleasure of the President, and he can change them, and this change can be accomplished without entirely disorganizing the force of scientists, economists, and statisticians who have been engaged in this great work.

This Tariff Board has been an evolution. When we were framing the Payne-Aldrich bill we endeavored in the Senate to provide for a tariff board, and the provision had the support of some Democrats. The conference committee juggled with that provision and brought it back in its present state, making it a board advisory to the President with reference to the maximum and minimum clause of the tariff act, and we recall that when the conferees were questioned regarding the meaning of the changed provision the two great leaders of the Republican Party differed as to the interpretation which was to be put upon the conference report, Senator Hale absolutely insisting that the very purpose of the conferees was to do away with the tariff board which the Senate had in contemplation and Senator Aldrich contending, on the other hand, that the provision in the conference report was an enlargement of the powers originally imposed upon that board by the action of the Senate.

Mr. BACON. Will the Senator permit me to make an inquiry of him?

Mr. NEWLANDS. Certainly.

Mr. BACON. Does not the Senator think that this ought to be a board reporting to Congress?

Mr. NEWLANDS. Yes; I should be glad to have an amendment put in this appropriation bill to that effect.

Mr. BACON. The Senator will recall, if he will pardon me, that the original purpose of the board, if I recollect correctly, was to furnish the President with information under which he could correctly judge as to how he should proceed in the application of the new provision of law which provided for a maximum and a minimum tariff. I presume that it was almost entirely, if I recollect aright, limited to that; and there was the provision that they should report to the President. But if the office to be performed by this board is to gather information which will be an assistance in the enactment of tariff laws, then the board ought, undoubtedly, to report to and be subject to Congress.

Mr. NEWLANDS. Undoubtedly; it should be an administrative board.

Mr. BACON. I would suggest further, in response to a side suggestion to me of the Senator from Missouri, that the board ought to be provided for by law in such a way as not to be subjected to the arbitrary rule of the President.

Mr. SMITH of Georgia. It ought to be selected by Congress.

Mr. BACON. It ought either to be selected by Congress or there ought to be such a provision of law as that Congress should control the manner in which it would be selected.

Mr. NEWLANDS. As to the suggestion that the members of the board should be selected by Congress, I must say that I do not take kindly to it.

Mr. BACON. I do not wish myself to be understood as meaning that. I qualified it, the Senator will remember. The words were suggested by some Senators who sit around me, and I used them; but I qualified them. Of course, I do not think that Congress can go into an election, and that would be the only way in which Congress could elect anybody. I think the selection ought to be provided for by law. They are officers of the United States, and they ought to be nominated by the President and confirmed by the Senate, or some provision of that sort should be made.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. I do.

Mr. SIMMONS. I should like to inquire of the Senator from Georgia if he does not think that Congress could designate some of its Members to act as a tariff board?

Mr. BACON. Yes; by statute, undoubtedly.

Mr. SIMMONS. Those Members would not be paid a salary. They would do whatever they did in consideration of their salary as Senators, and they could employ the very men whom the President now employs on his so-called Tariff Board, or better ones. Then the investigation, instead of being made by an outside board, could be made by experts just as competent as the outside board, under the supervision and direction of members of the Finance Committee and members of the Ways and Means Committee. Congress undoubtedly could create such a board.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Ohio?

Mr. NEWLANDS. I will first answer the Senator from North Carolina. I am not contending now as to the form of the board, as to who shall constitute the board, as to who shall appoint the board. I am simply contending that having a board with a large organization of experts, economists, and statisticians, and large accumulated experience and large information, it is not wise now to scatter and disorganize that organization, but that it is wise to perfect it. And when the Democratic Party comes into power, as we all believe it will, it can then turn to the question of the personnel of the board, as to whether it shall be made responsible both to Congress and the President, and also as to whether it shall be selected by the President or shall be a commission organized by Congress, consisting of Members of the Senate and the House. I will not pretend to enter into those questions now.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield further to the Senator from North Carolina?

Mr. NEWLANDS. I do.

Mr. SIMMONS. The Senator said that he would not consider the composition of the board. I suppose the Senator knows that when the board was originally created by a provision in the Payne-Aldrich bill it was created only for the purpose of aiding the President in the administration of the maximum and minimum clauses of that bill.

Mr. NEWLANDS. I had just stated that before the Senator came into the Chamber.

Mr. SIMMONS. The powers of the board have been somewhat enlarged by provisions in the sundry civil appropriation act. The Senator must know that the controversy in this Chamber over this tariff-commission question has been waged right around that subject, which he says he does not expect to consider at all, and that is the subject of the composition of the commission.

There are many Senators who oppose a tariff commission appointed by the President upon the ground that the chief function of such a board is securing information to aid the Congress in the discharge of its constitutional function to initiate and enact tariff legislation. A commission appointed for that specific purpose ought to be a commission under the control of the legislative branch and not a commission under the control of the executive branch.

That has been the ground of opposition to the present so-called Tariff Board. This opposition was not because it was thought information could not be secured by proper investigations with the aid of experts that would be of great benefit and value in the consideration and in the framing of tariff bills. It was because Senators were unwilling to turn over to the President the selection of the members of the board and to give him control over its investigations and reports. They thought that the board ought to be composed largely of the membership of this body and of the other branch of Congress, with power on their part to employ such expert assistance as they might need and report directly to Congress. In that way the legislative branch would retain the control of matters of legislation, instead of having them turned over, in part at least, to the executive branch of the Government.

Mr. NEWLANDS. Mr. President, I did not intend to treat lightly the suggestion of the Senator from North Carolina that the powers of a tariff board should be exercised by a joint commission composed of the Members of the Senate and the House. I simply thought it unnecessary to enter into a discussion of that question now, because, obviously, we have not the majority in this body and we have not the power to enact such a provision. But we have the power to preserve an organization which has large information and vast experience on this subject, the preservation of which I regard as of great value in future work relating to the revision of the tariff.

I will say, however, in passing, that I doubt very much whether the organization of a joint committee of Members of the Senate and House will accomplish the purpose that Congress will have in view when it enters upon legislation of this kind. We will then have a Democratic President. That Democratic President will have the power of recommendation and the power of veto. Through these powers he is a part, really, of the legislative department. We will trust him. He will be here summer and winter. The executive department will be moving on in its work, and will want this information not only for tariff making but with reference to all the questions that relate to foreign trade and domestic trade.

Experience has shown in the past that it is much better to leave the organization of such a board to the executive department, enjoining, however, upon it the duty to report to Congress. We did that in the exercise of the great powers conferred upon us by the Constitution to regulate commerce. We did not create an Interstate Commerce Commission out of the joint membership of the Senate and the House. We created an administrative and an advisory commission, and trusted to it certain functions in aid of our powers and prescribed the rules under which it should act. We have saved ourselves an immense amount of labor by that wise act of legislation. We have created an efficiency of regulations such as would not have been accomplished by the manner suggested by the Senator from North Carolina. The function of regulating commerce is just as important as the function of fixing duties.

Mr. SMITH of Arizona. They are very different, are they not?

Mr. NEWLANDS. Yes; they are different, but both of them belong to Congress. Yet in the case of commerce we have found it highly beneficial to create a commission appointed by the President, with the consent of the Senate. We have turned over to it the exercise of certain functions that belong to us, to be exercised under rules fixed by us.

Mr. President, is there anything that has been done by this board to cause us to lack confidence in it? Is there anything in the personnel of the board itself that arouses our distrust and our suspicion? At first it was a partisan board adminis-

tering the maximum and minimum provisions of the tariff. It was composed of three members, headed by a professor of economics at Yale, Prof. Emery, a man of the highest character and of broad attainments.

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. I do.

Mr. OVERMAN. I indorse everything the Senator says in reference to those gentlemen on the board. They are splendid men. But the Senator will remember in the Winona speech the President said the figures in regard to the maximum and minimum tariff should not be given out to anybody; that they were solely for his use. What benefit would that board be to Congress or to the people of the United States if the President is going to use the information they acquire for just his own use?

Mr. NEWLANDS. In making the appropriation we could prescribe that the information should be given to Congress.

Mr. OVERMAN. We could not get the figures if the President would not allow us to have them, and that is what he said at Winona in regard to the maximum and minimum tariff. He said they were for him and the public could not have them.

Mr. NEWLANDS. Mr. President, I do not know what the President said with reference to the subject at Winona, but I can imagine that as the law placed upon him the duty of ascertaining certain facts and making a decision upon those facts he might claim that under the law he was the repository of the information gained. But if in this appropriation we change the law so as to make the board responsible to Congress as well as to the President and give it the power of reporting and of recommendation, if you choose, to Congress, then when he signs that bill the law taking the place of the other law will make the board responsible to Congress itself.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. Certainly.

Mr. SMOOT. Let me suggest to the Senator that that law was changed in 1910 in the appropriation act extending the powers of the board and increasing the membership from three to five. The original bill, as suggested by the Senator, was for the purpose of furnishing to the President information relative to the maximum and minimum provision in the tariff act of August 5, 1909, but the next year there was an amendment made to the sundry civil appropriation act increasing the board from three to five, extending their powers, and specifically requiring them to make a report—

> Including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production as are authorized by said act, * * * and including the employment of such persons as may be required for those purposes.

Mr. NEWLANDS. Does it instruct them to report to Congress?

Mr. SMOOT. No; but it says——

Mr. NEWLANDS. Very well; that ought to be done.

Mr. SMOOT. It says:

> To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws.

Mr. OVERMAN. While the Senator is right about that, he will also bear in mind that we gave the President $100,000 for the purpose of ascertaining those facts; and what did he do with them? He gave them to the Secretary of State. He employed 8 or 10 officers. One of them gets $7,500, another $6,000, another $5,000, and so on. They took the $100,000 and used it in the establishment of a new bureau. Then it was that they came asking for a tariff board.

Mr. SMOOT. No; the Senator has not got it quite right. When we created the first tariff board in the act of August 5, 1909, we appropriated $75,000 for carrying on the work imposed upon the board.

Mr. OVERMAN. That is right.

Mr. SMOOT. I remember the $100,000 the Senator refers to. That was to be used in connection with the collection of information in regard to our foreign trade.

Mr. OVERMAN. In regard to the maximum and minimum tariff.

Mr. SMOOT. And as to the whole question of the production of goods abroad and in this country and the cost of the same.

Mr. OVERMAN. The Payne-Aldrich bill says that $100,000 is for the purpose of carrying out the provision of that bill in regard to the maximum and minimum tariff.

Mr. SMOOT. The $75,000 appropriation related to the first Tariff Board. That is the act of August 5, 1909, creating this board. They were to report to the President so as to enable him to enforce the maximum and minimum clause, and in order to do that the first appropriation was $75,000. Then the next year in the sundry civil appropriation act we appropriated $250,000 and enlarged the powers of that board, and increased it from three to five members, and gave it other duties to perform; and the following year we made an appropriation for the same board and for the same purposes.

Mr. OVERMAN. How much?

Mr. SMOOT. Two hundred and twenty-five thousand dollars.

Mr. WARREN. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. NEWLANDS. Certainly.

Mr. WARREN. As the Senator from Utah stated, in the first instance there was $75,000 appropriated in the general deficiency act. Next, there was $250,000 appropriated in the sundry civil act for 1911, with slightly different language as to powers and duties of the board. And last year there was $225,000 appropriated in the sundry civil act, and the language, after saying "An act to provide revenue, equalize duties, and so forth," according to the first act, says:

> And the officers of the Government in administering the customs laws—

Then it goes on to include the investigations to be made, and after that specifically states that—

> The Tariff Board, if established by law, shall make report to each House of Congress on the wool and woolen schedule not later than the first Monday in December, 1911.

That is in the act itself, so that the findings of the Tariff Board must in reality be open to Congress and to all the officers of the Government.

Mr. NEWLANDS. But, at all events, if there is any doubt about that, it ought to be clearly expressed in the appropriation. The board should be responsible to Congress.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. Certainly.

Mr. BACON. In order that we may have something substantial to go on, I ask the Senator if he will permit me to offer at this stage a substitute for the proposed committee amendment, so that it may now be read. I do not flatter myself, Mr. President, that it is perfect by any means, but it may be a basis for something better.

The PRESIDENT pro tempore. The Senator from Georgia submits an amendment as a substitute for the committee amendment, which will be stated.

The SECRETARY. It is proposed to strike out the amendment of the committee and in lieu thereof to insert:

> To enable the Congress to secure needed information in the preparation of laws prescribing the duties to be levied upon imports through the employment of such persons as may be determined by the Finance Committee of the Senate and the Committee on Ways and Means of the House of Representatives to be required for such purpose, $225,000.

Mr. CRAWFORD. Does the Senator offer that as an amendment to the committee amendment or as a substitute?

Mr. BACON. Every substitute is an amendment.

Mr. CRAWFORD. I understand that; but it is quite a different thing to offer it as a substitute.

Mr. BACON. Of course it is to take the place of the amendment proposed by the committee.

Mr. CRAWFORD. I make that inquiry because it occurs to me that it might be a still greater improvement to retain the language used by the committee and incorporate the Senator's amendment with it.

Mr. BACON. The two are not consistent; we have got to have one or the other.

Mr. CRAWFORD. So long as we are paying for this information, it seems to me we might utilize it, not only for the benefit of Congress, but also for the benefit of the President.

Mr. BACON. Everything that is reported to Congress is published and the President has the advantage of it. There is no secret information that Congress has, except matters which relate to the executive business of the Senate.

Mr. WARREN. Will the Senator from Nevada yield to me for a moment?

Mr. NEWLANDS. Yes.

Mr. WARREN. As I understood, the proposed substitute is entirely different from the committee amendment, and provides for what we already have. We already have authorized and instructed the Finance Committee to spend the necessary money to secure the information needed by the committee.

Mr. NEWLANDS. Mr. President, what I desire to do is to keep together the existing organization and not to create a new organization. That is my present purpose, and it seems to me the wise thing to do. I am not going to declare myself now either for or against the suggestion of the Senator from Georgia. I do not think it is necessary to consider it now.

Mr. BACON. Will the Senator pardon me a moment?

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. Yes.

Mr. BACON. I entirely agree with the Senator about that, and had it in mind in the preparation of the amendment.

Mr. NEWLANDS. It says nothing about the existing organization of the Tariff Board.

Mr. BACON. Neither does the amendment proposed by the committee. There are no such offices known to the law. These gentlemen who now constitute the Tariff Board are simply employed by the President. That is the language of the law. They are not officers of the Government, and have no place except as employees of the Executive. My idea is that they should become employees under the provisions of law, to be selected by the committees of the two Houses, and, in so far as I am concerned, as I have said to my colleagues here in private conversation before offering the amendment, I think it important, if we are going to have the services of men employed in this capacity, that we should have those who have had the advantage of this very valuable experience; and, so far as I am personally concerned. I would desire that they should be retained; but there is nothing in the amendment proposed by the committee which retains them.

It simply authorizes the President to employ somebody, the supposition being that he will employ the men who have already been engaged in the work; but he is not obliged to do so. He can employ anybody he sees fit under the present law, and for as short a time or as long a time as the appropriation will permit.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Kansas?

Mr. NEWLANDS. Certainly.

Mr. BRISTOW. I would suggest to the chairman of the committee and also to the Senator from Nevada the following amendment to the amendment to see if it would improve the paragraph: Add, after the sum $225,000 on line 4, page 3, the following:

Such officers shall report annually to Congress the results of their investigation.

That will require them to make an annual report to Congress as to what they do.

Mr. NEWLANDS. Well, Mr. President, the suggestions are valuable and no doubt will be thrashed out during the debate, but I wish to confine myself as far as possible to the question of the importance of holding together in some form this organization with its accumulated information and experience. I was speaking a moment ago regarding its personnel.

Mr. JOHNSTON of Alabama. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Alabama?

Mr. NEWLANDS. I do.

Mr. JOHNSTON of Alabama. I should like to ask the Senator from Nevada why he thinks we need information as to the cost of production and the cost of materials in levying a tariff for revenue. Why should we not depend upon the imports of the United States, their magnitude, and their value when they get here? What have we to do with the cost of production in levying a tariff for revenue?

Mr. NEWLANDS. Mr. President, I will answer the Senator's question in a moment when I get through with the consideration of the personnel of the Tariff Board.

I referred to the chairman of the board, formerly a professor at Yale, not a decided partisan, according to my understanding. Then there are the two Democratic members, a selection which it seems to me ought to satisfy every Democrat of this body.

Those two Democrats are Prof. Page, professor of economics in the University of Virginia, an economist of distinction, and Mr. Howard, who served for nearly 20 years in the House of Representatives, many of whose associates are in this Chamber, all of whom will testify to his standing and character; a man who so impressed himself upon the party councils in the House of Representatives that he was listened to with a consideration and attention rarely accorded to other Members, and whose judicial quality was so high as to inspire the respect and the confidence of all the members of his party. I have only a slight acquaintance with Messrs. Sanders and Reynolds, and I am unable to speak regarding them; but here we have a majority of that board, the selection of whom reflects credit upon the President of the United States.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Missouri?

Mr. NEWLANDS. I do.

Mr. REED. I do not desire to interrupt the Senator from Nevada except to elicit his views upon this question: What is there about these men, their experience or their intelligence, either taken separately or collectively, that makes their opinion of any more value than the opinion of the Members of the House of Representatives and of the Senate who have for years served upon the two great committees dealing with the tariff question?

Mr. NEWLANDS. Well, I am not disposed at all to assert that the judgment or opinion of those men is superior to that of the gentlemen to whom the Senator from Missouri has referred. I was simply commenting upon the fact that experts are necessary; they are used by both parties. Senators and Members of the House of Representatives on these great committees find it necessary to tap the experience and the information of experts upon these subjects. That is no admission of inferiority upon their part or of personal superiority upon the part of the experts.

Mr. REED. But, Mr. President, that is not the question; it is not the question of the value of experts who collect the information that I am considering. The Senator has been discussing the personnel of the board, and I am directing my interrogatory to that point, not to the experts who may be employed—for they might be employed by committees of Congress—but to the personnel of the board itself. Unless the intelligence, experience, or honesty of the members of that board are superior to that of the members of these great committees of Congress, then it strikes me you have simply created an utterly useless organization, because why have these men unless they are capable of advice? And they are not capable of advice unless they possess superior intelligence, honesty, or experience.

Mr. NEWLANDS. Well, Mr. President, I am not prepared to say that the employment of one man by another as an expert is an assertion of the latter's superiority in either intelligence or integrity. Otherwise all of us who employ the brains of others would be convicted of incapacity. We all know that the most successful men in the business world are those who learn how to use the brains of others; and in utilizing the brains of others they are asserting not their inferiority but their superiority. So it is with these experts. They are employees of the Government who have the time to make these inquiries while we have not. We all realize that Congress is overburdened; we have now been in almost continuous session for four years; we all realize that our duties are increasing—the duties of correspondence, the duties of our offices, and the necessity of securing clerical aid. We all realize that our committee duties are enlarging and that our legislative duties are enlarging, and if there is one thing that is necessary for us to establish, if it could be established, it would be a division of efficiency and economy in the Congress, just such as has been established in the executive departments.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Gladly.

Mr. BORAH. Does not the Senator also think that the board has the capacity to do something, and in that respect has the advantage over the Senate?

Mr. NEWLANDS. The board has the capacity to do something; it has the time to do something; it has the experience that is necessary to enable it to do something; but it is simply an administrative board, acting as the servant of Congress, and the employment of its services is no acknowledgment of inferiority on our part, but, on the other hand, is an assertion of superiority.

Mr. President, I was referring to the personnel of the Tariff Board, because we often hear this board referred to contemptuously. I have not heard it referred to in terms of contempt in this debate, but the memory hangs about me of contemptuous references to this board as an incapable board, an inefficient board, a board that was organized for misinformation. So I have entered upon the consideration of the personnel of the board, so far as I know it; and I say that it is a board that should not arouse distrust or suspicion, but, on the contrary, that it is a board that invokes confidence and respect.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Florida?

Mr. NEWLANDS. The Senator from Alabama [Mr. JOHNSTON]—if the Senator from Florida will permit me to answer

the inquiry of that Senator—inquires why it is necessary to get all this information about the cost of production abroad and the cost of production at home and all those various details referred to in this paragraph. I will admit that the Republican Party has established a wrong rule for the determination of the tariff, namely, that the duty should be fixed so as to cover the difference between the cost of production at home and abroad, with a profit to the manufacturer added; and, of course, the Republican Party being in power when this provision was made, shaped the law with reference to ascertaining the facts according to the rule that they intended to assert; and yet those facts are available and useful, even when we come to apply the rule which the Democratic Party proposes to apply.

Mr. BACON. Now, Mr. President——

Mr. NEWLANDS. The Democratic Party, if the Senator from Georgia will permit me to finish my answer, is committed to the doctrine of a tariff for revenue; it ignores the protective principle; it refuses to indorse the protective principle; but it realizes that protection exists to-day as a fact; that it has existed for generations; and that the industries of the country have been adjusted, in a greater or less degree, to the protective system. So, while the Democratic Party is devoted to the principle of a reduction of the tariff duties to a revenue basis, it declared, and wisely declared, in the platform of four years ago that the reduction should be a gradual one. Why gradual? Simply because it realizes that Uncle Sam, having climbed to a pinnacle, can not jump down.

If he propose to save his life, the thing to do is to slide down, and that is recognized in some form or the other in every Democratic platform which we have had for many years. We had the expression in the platform four years ago "a gradual reduction." We have in this platform the following statement:

> We recognize that our system of tariff taxation is intimately connected with the business of the country, and we favor the ultimate attainment of the principles we advocate by legislation that will not injure or destroy legitimate industries.

Now, then, in our inquiries are we not called upon to ascertain the facts as to whether a duty which we propose is to injure or to destroy an existing industry?

Mr. BACON. Now, Mr. President——

Mr. NEWLANDS. How are the industries to be injured or destroyed? Only in one way—by an increase of foreign importations. That is the only way.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. I had hardly finished my reply.

Mr. BACON. I beg the Senator's pardon; I will wait until he indicates that he will yield.

Mr. NEWLANDS. I was remarking that we must ascertain whether a reduction which we propose will injure or destroy any existing industry. Now, how are they to be injured and how are they to be destroyed? Only in one way—by an increase in foreign importations. That increase may be so gradual, as the result of the reduction of duties, as not to injure or impair any existing industry.

Mr. JOHNSTON of Alabama. Would we need any Tariff Board to ascertain what the imports are? We can get that information from a clerk in one of the departments.

Mr. NEWLANDS. Very well. If the Senator will make the importations the rule, if he will urge a law providing for a percentage reduction and providing for a cessation of the reduction when the importations of a given article increase beyond a certain percentage, then he will have a rule which can be worked. I have been urging that rule for years here, but I have not met with much response in the action of my brothers on this side of the House. I have insisted that the easiest and the best way was just to gauge the importations, make our reductions steadily by a certain percentage year after year, and then apply the brake whenever the importations were of such proportions as to threaten to impair or injure or destroy any American industry, as our platform says. If that could be done, we could perhaps do away with all these tariff boards, but there is no prospect of the Democratic Party establishing this highly sensible rule at present, though I hope it will sometime come to it.

Mr. REED. I understand the plan of the Senator from Nevada to begin by a reduction of a certain percentage each year?

Mr. NEWLANDS. Yes.

Mr. REED. Beginning with the present rates?

Mr. NEWLANDS. Yes.

Mr. REED. And taking off how much a year, 10 per cent?

Mr. NEWLANDS. Whatever percentage may be determined upon—10 per cent the first year, 5 per cent in succeeding years.

Mr. REED. If we are correct in our contention, for instance, that we pay 110 per cent duty on cheap blankets——

Mr. JOHNSTON of Alabama. One hundred and thirty-five per cent.

Mr. BACON. One hundred and sixty-five per cent.

Mr. REED. One hundred and sixty-five per cent. We will start with that. It is 165 per cent and you take off 10 per cent the first year——

Mr. NEWLANDS. That would be very unsatisfactory.

Mr. REED. And you make these gradual reductions; we would perpetuate the gross inequalities of the present tariff for all the way from 5, we will say, to 20 years, dependent upon the scale.

Mr. JOHNSTON of Alabama. Sixty years.

Mr. REED. Most of us would be dead before we would have these inequalities wiped out. I am not saying this in an unkindly criticism. I can see some philosophy on the part of the Senator's plan, but does he not think that before he begins to apply the rule of regulation, dependent upon the importations, we ought to begin by wiping out the enormities of the present system and by getting down to something like an equitable basis to start with?

Mr. NEWLANDS. My plan did not involve ignoring these excessive duties, these prohibitory duties. Nor did it prevent in any way the contemporaneous inquiry by Congress into these highly prohibitory duties and making reductions of a greater percentage than those called for by the general bill. But we have been trying for 40 years to reduce the tariff without result. Under the plan I suggest we would have an average reduction of 30 per cent in five years, and every prohibitory duty would be turned into a revenue duty. During this time we could gradually, without unduly disturbing either labor or wealth or creating serious economic disarrangements, increase income and inheritance taxes, and thus gradually shift a portion of the burden from consumption to wealth.

But right here let me say to the Senator from Alabama that if we pursue the rule fixed by our platform, and, in considering a duty of 100 per cent, we want to shave off the entire excess, which simply aids monopoly, and shave it off in such a way as to not to injure or destroy any American industry, then, necessarily, we must make an inquiry as to the cost of production at home and abroad, because otherwise we can not ascertain the exact level at which we shall shave off these excessive duties.

So that under any plan, under the plan of a gradual percentage reduction, such as I suggest, with the accompanying abolition of prohibitory and excessive duties, or a plan following simply the rule fixed in this platform, that we shall make these reductions in such a way as not to injure or destroy any legitimate industry, we must ascertain the facts.

Now, the question is whether each one of us is going to try to ascertain those facts individually or are we going to turn over the ascertainment of these facts to our committees or are we going to allow ourselves individually and our committees to avail themselves of the accumulated experience and information of experts upon this subject gained during the last three years of controversy?

Mr. BACON. I have several times risen, but only to say a word.

Mr. NEWLANDS. I am going to yield to the Senator from Georgia.

Mr. BACON. It would not have taken any time at all to have done so.

I simply want to call the attention of the Senator to the fact that the substitute which I have offered does not limit the inquiry in any manner to any particular investigation, except that it would have investigations which should have reference to the preparation of the tariff laws, and everything the Senator says can be done under this substitute as well as under the view the Senator from Alabama suggests. There is no limitation.

If the committees of the two Houses should wish to go into the question of production abroad as well as the quantity of importations, and the question of consumption at home and the question of production at home, all those matters are amply within the powers that would be conferred on the committee if this substitute were adopted.

Mr. NEWLANDS. I was simply answering the inquiry of the Senator from Alabama——

Mr. BACON. I understand that.

Mr. NEWLANDS. As to what necessity there was for an expert board; that our plain duty was to reduce the tariff——

Mr. BACON. I simply wanted to call attention to the fact that if this substitute should be adopted the views of the Senator from Nevada as well as the views of the Senator from Alabama would be in a position to be availed of and inquiries made in pursuance thereof.

Mr. NEWLANDS. I would rather have the provision offered by the Senator from Georgia than to have no legislation whatever on this subject; but I emphatically say that my main purpose is not to create now such a tariff board as we would like, because that is impossible considering the balance of the parties. We have not the control of this body that we probably will have after the 4th of March next. It would be impossible probably to adopt to-day the suggestion of the Senator from Georgia.

Then the question arises whether we shall absolutely wipe out this organization or keep it alive until the new President comes in and the new Senate, when, charged with responsibility by the people, we can reorganize this board according to our party views. That is all I have to say at present upon this subject. It was only my intention to speak for a few minutes, but there have been so many interruptions that I have advanced step by step and have taken much time. I regard this as a provision of importance, and I hope it can be amended in such a way as to disarm Democratic opposition. I hope the suggestion of the Senator from Kansas will be accepted. I would ask the Senator from Wyoming whether he will accept the amendment proposed by the Senator from Kansas?

Mr. BACON. That can not now be done.

Mr. BRISTOW. "Such officers shall report annually to Congress."

Mr. WARREN. I am willing to accept it.

Mr. NEWLANDS. I did not hear the statement of the Senator from Wyoming.

Mr. WARREN. So far as I am concerned, I will accept the amendment.

Mr. BACON. I want to suggest that it can not now be done. An amendment having been offered, the original amendment can not now be altered by the action of the Senate.

Mr. NEWLANDS. Can not the amendment be perfected?

The PRESIDENT pro tempore. The amendment to the text of the original amendment will again be stated.

The SECRETARY. Add, at the end of the committee amendment, the following:

Such officers shall report annually to Congress.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is on the substitute offered by the Senator from Georgia [Mr. BACON].

Mr. STONE. Is that subject to amendment?

Mr. BACON. Yes.

Mr. STONE. In what degree is that amendment?

Mr. BACON. I want to submit this suggestion, if the Chair will permit me, in response to the inquiry of the Senator from Missouri, that where there are two propositions, each of them a substantive proposition like an original proposition or a substitute, each is open to amendment, and then the parliamentary body chooses between the two after each has been perfected. The original has been perfected by the action of the Senate in adopting the amendment offered by the Senator from Kansas, and it is now competent to perfect the substitute offered by me. Then the matter will be before the Senate for decision and determination as to which it will adopt.

The PRESIDENT pro tempore. The Chair would so hold.

Mr. STONE. Mr. President, I do not care to detain the Senate to debate this question. I think any debate would in large measure be useless, so far as accomplishing results is concerned, and moreover it has been debated very fully from time to time in the past, and I think Senators here are quite well advised and that they have pretty well made up their opinion with respect to a tariff board or a tariff commission.

Personally I am opposed to a tariff commission or a tariff board. Two years ago the proposition was pending here to establish a permanent tariff commission. I stood on the floor of the Senate, in conjunction with two or three or four other Senators holding to views like mine, and opposed with all the energy I could the enactment of that law, and I think that opposition, protracted here in the Senate for hours and hours, running even into days——

Mr. OVERMAN. And nights.

Mr. STONE. Resulted in the final defeat of that measure. The President appointed an executive Tariff Board.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. STONE. Yes.

Mr. NEWLANDS. The Senator will recall the fact that the bill originated in the House, and was supported in the House by Speaker CLARK and Mr. UNDERWOOD. It came to the Senate and passed the Senate. It went back to the House, and the filibuster was organized by men who were not on the Ways and Means Committee, but who were on the Appropriations Committee, and the result was that the bill failed because of want of time to act. I state that to show that eminent Democrats of the House favored that tariff bill at that time.

Mr. STONE. Some of the eminent Democrats of the House did. A majority of them did not favor it.

Mr. NEWLANDS. I do not recall what the vote showed, but I do not think a large number voted for it.

Mr. STONE. I do not think when the eminent Democrats named by the Senator from Nevada voted for that proposition in the House they reflected the majority sentiment of the Democrats over there. However, I do not care to comment on that phase. Later I shall probably do so.

I say, instead of having a permanent tariff board or tariff commission this so-called tariff board, and executive body composed of men appointed by the President, has been undertaking in a large measure to discharge the duties that the proposed tariff commission was expected to undertake. I think the tariff board, so called, has enlarged by its own action or its own initiative, no doubt with the consent of the Executive, the scope of its statutory authority. But however that may be, I am opposed to boards of that kind.

We have had this board now for three years, I think. This is the fourth appropriation to be made for its support. It has already cost the Treasury $555,000. Here we are proposing to appropriate $225,000 more, making $775,000, or thereabouts, expended for the support of this executive board, and, as the Senator from Arizona [Mr. SMITH] very pertinently asks me, for what? For what good? For what end? They have made one or two reports to the President and through him to Congress. They made an examination into some questions relating to the reciprocity agreement contracted between the President and the Secretary of State representing this Government and the Government of Canada. Very little attention was paid to it. They made a report here on wool and, it may be, one or two other items, but when they make reports they are not followed.

Mr. President, I do not believe in allowing the President of the United States to choose the agency through which information is to be gathered for the use of Congress in passing tariff laws when Congress itself can get the information at first hand. I would rather have the amendment offered by the Senator from Georgia than the one embodied in the bill. But I recall that a year or two ago, when this Tariff Commission proposition was up, hearing it discussed in the Finance Committee of the Senate. I think I am warranted in saying that the Democratic members of that committee were, so far as I recall, unanimous in the opinion that such a board ought not to be authorized, and they favored the policy of having a joint commission composed of Senators and Representatives, clothed with authority to make such inquiries as might be necessary and to employ such experts and clerical assistants as might be deemed advisable in prosecuting the inquiries, Congress having the whole thing in its own hands and doing the work through its own agencies, so that Congress might be advised, so that Congress might direct the course of the examination and stop it when they pleased and enlarge it at pleasure, and might direct the commission to ascertain what Congress wanted to find out, instead of turning loose a roving commission appointed by the President, composed of men who, so far as I know and am advised, are not endowed with any special fitness for the task imposed upon them.

You put a man on a board of this kind and say he is a tariff expert. What have these men done? What records have they made? What showing have they made that justifies a claim that they are specially qualified to carry on so important a work as this?

I prefer, if we are going to put anything in the bill at all, something such as I have hastily prepared here, even as against what the Senator from Georgia has suggested. I will read it, and I think I will submit it to the Senate:

To enable the Congress to secure information to assist it in the enactment of laws prescribing customs duties on imports and to assist the officers of the Government in administering the customs laws, a commission, to be composed of five Senators, to be selected by the Finance Committee, and five Representatives, to be selected by the Ways and Means Committee, is hereby created and authorized to employ such expert and clerical assistants as said commission may deem necessary, and to enable said commission to do any and all things deemed necessary in connection therewith, $100,000.

That is enough.

Mr. BACON. I will say to the Senator that as to his suggestion for the appointment of the commission to be selected from the membership of those two committees, while I think myself it would be better that the full committees of the two Houses should be charged with the responsibility, I would not

make any opposition to the change if it is deemed best. I quite agree with the Senator as to the amount of the appropriation. I will say to him very frankly that the amendment which I read was written very hurriedly, and the appropriation was simply taken from the bill, the main thought in my mind at the time being to transfer the matter from executive employees to the employees of the committees of Congress especially charged with the work.

Therefore I am perfectly willing that the matter shall be modified as suggested by the Senator from Missouri, if it is the general opinion that that is the better course. I am not wedded at all to what I proposed. As Senators will probably recall, when I offered my amendment I said that I did not flatter myself that it was perfect, but it furnished a basis upon which the Senate could act.

Mr. STONE. Nor had I flattered myself that this is perfect. It was drawn hastily. Would the Senator be willing to accept this as a modification of his amendment?

Mr. BACON. Certainly.

The PRESIDENT pro tempore. Does the Senator from Georgia withdraw his amendment?

Mr. BACON. No; I do not withdraw it. I consent to modify it to that extent. I simply agree that my amendment may be modified so that it will read as suggested by the Senator from Missouri.

Mr. SMOOT. Mr. President, I simply wish to suggest to the Senator from Missouri that the Finance Committee of the Senate has the authority to-day that is embodied in the amendment offered by him, and the Ways and Means Committee of the House has equal authority in the House. I do not see any reason for action on the resolution. It takes five members of the Ways and Means Committee of the House and five members of the Finance Committee of the Senate, and gives them the power that the whole committee of each House has to-day. The committees of the two Houses have the power to do just what the amendment proposes.

Mr. STONE. They get that power from resolutions.

Mr. SMOOT. They get the power from a resolution of the Senate and a resolution of the House.

Mr. STONE. The resolution passed by the Senate authorizes the Finance Committee to summon witnesses and make investigations. A like proceeding is authorized by the Ways and Means Committee under the House resolution. But here is a proposition to authorize a joint committee of the two Houses, with a distinct appropriation of $100,000, to employ experts and such assistants as this legislative commission may deem necessary to them in prosecuting inquiries. There would be a saving of $125,000 and possibly more. I really think $75,000 would be ample.

Mr. SMOOT. Of course, Mr. President, the Senator understands that the members of the Finance Committee, and also the members of the Ways and Means Committee, have numerous other duties, and I do not believe if this duty were imposed upon them they could work at it continuously. In fact, it would be impossible to do so. To-day, if there is any information in any part of the world that the Finance Committee desire, they have the power and authority to gather it in any legitimate way, and an appropriation to cover the expense, whether it be only $10,000 or whether it be $100,000. They are authorized to collect whatever information they desire, and that, I understand, is all that the amendment now proposed provides.

Mr. SIMMONS. With the permission of the Senator from Missouri——

Mr. STONE. If my friend will pardon me, I have really said all I care to say, and I will yield the floor to the Senator from North Carolina.

Mr. SIMMONS. Then I will interrupt the Senator from Utah. It was in reference to the Senator's statement that I wish to make some observations. I understood the Senator to insist that the Committee on Finance of the Senate and the Committee on Ways and Means of the House have the power to do these things now. Possibly that may be true. That is to say, each of these committees may spend any reasonable sum of money out of the contingent funds of the Senate and House for the purpose of securing information to aid them when they are actually engaged in the preparation or consideration of tariff legislation.

I did not understand that the purpose of the amendment offered by the Senator from Georgia or the Senator from Missouri was quite as limited and restricted as that. I understood that the purpose of their amendments was to create a commission with authority to acquire general information with respect to tariff matters.

Mr. SMOOT. That is as I understand it.

Mr. SIMMONS. Now, the Senator says that the members of these two committees who may be assigned as members of this commission would not have the time to give to the investigation of these questions, nor is it intended, as I understand it, that these commissioners should make these investigations. If I understand the purport of the amendment or the substitute it is to create a commission and place that commission, with respect to these tariff investigations, exactly in the position which the President occupies in the provision of law applicable to that subject now.

Mr. SMOOT. Then let me ask the Senator——

Mr. SIMMONS. The President is not expected to make these investigations. The President is simply authorized by the provision creating the board in the Payne-Aldrich Act and by the enlargement made by the provision in the sundry civil act to employ experts or any other persons whom he may see fit to secure this information and report to him. Now, the commission which it is proposed to raise is no more expected, as I take it, to make those investigations itself than the President under the present law is expected to make these investigations. The commission is raised for the purpose of doing this work through experts such as it may see fit to employ, and when these experts have gathered the information then that is submitted to the commission and the commission collates it; the commission reaches conclusions from it; the commission makes recommendations; but the commission itself is not expected to make these investigations.

Mr. SMOOT. Mr. President, I realize, as does the Senator, that the President makes no investigations; but I can not see why we should take five members of the Finance Committee of the Senate and five members of the Ways and Means Committee of the House and create a commission for them to do exactly what either of the full committees have the power to do to-day.

Mr. STONE. If the Senator will pardon me, not necessarily five members of the Finance Committee or necessarily five members of the Ways and Means Committee, but five Members who will be suggested by these committees for appointment. They may come from the body of the Senate and the body of the House.

Mr. SMITH of Georgia. Will the Senator from Utah allow me to ask him a question?

Mr. SMOOT. Certainly.

Mr. SMITH of Georgia. Suppose the original amendment of my colleague was passed providing that the Finance Committee of the Senate and the Ways and Means Committee of the House, the two committees that represent the respective bodies in the study and preparation of these bills, should furnish us reports, and it was left to those committees to organize a commission and put it to work directly under the control of and reporting immediately to the two committees from the two Houses on whom the work of legislation primarily depends, would not that really be the most effective way to help to conduct this work?

Mr. SMOOT. My opinion is that it would not, for the reason that, if the Finance Committee of the Senate, with the Ways and Means Committee of the House, created a commission or a board, it is more than likely that the members of either of the committees would not go into the investigation and study of any report made to them by such a commission or board, as they would be responsible for the appointment of the personnel of the commission or board, whereas if the President appoints a board or a commission and they collect the information, every member of the committees of both Houses would study it with a great deal more care than if the report came from a commission created by the two committees. I think it very much better to allow the board to be created by the President than by a committee of the Senate and a committee of the House and have them report to the House and the Senate the findings of the board or commission appointed by them.

Mr. SHIVELY. Before the Senator takes his seat, permit me to ask whether he is to be understood as saying that the Committee on Ways and Means of the House is now fully equipped to secure all the information that could be secured by the body suggested and created by the amendments of the Senator from Georgia as modified by the amendment of the Senator from Missouri?

Mr. SMOOT. I do.

Mr. SHIVELY. And that the Committee on Finance of the Senate is fully equipped to secure like expert information?

Mr. SMOOT. Fully authorized.

Mr. SHIVELY. Fully authorized to secure it, and equipped, is it not?

Mr. SMOOT. Yes; I will say equipped, although I do not believe it has the time to give it that is necessary.

Mr. SHIVELY. Has the Senator any doubt about the equipment of the committee?

Mr. SMOOT. I think so.

Mr. SHIVELY. It is fully equipped to secure all necessary information to do intelligent work on tariff questions.

Mr. SMOOT. I think so.

Mr. SHIVELY. Then what is the necessity to provide at all for this Tariff Board?

Mr. SMOOT. I have just explained one consideration. I think we could get better results by having the board appointed by the President.

Mr. SHIVELY. Does the Senator from Utah mean to say to the Senate that information coming from the President is a different thing from the information coming from his own committee?

Mr. SMOOT. Oh, no; that is not the ground that I put it upon, Mr. President. I put it upon the ground that if a commission were appointed by two of the great committees of Congress to make a report to Congress, I do not believe that study will be given to the subject and the investigation made into it that would be made if a commission were appointed by the President to report information to be used by Congress.

Mr. SHIVELY. I should like for the Senator to give the Senate some reason for that conclusion.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. The Senator from Indiana has the floor.

Mr. BRISTOW. I should like to make a suggestion to the Senator from Indiana.

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Kansas?

Mr. SHIVELY. Yes.

Mr. BRISTOW. If the Senator from Indiana has examined the report of the Tariff Board on the wool industry he will certainly concede that it is a very valuable and complete report, and that anyone who is interested in legislation affecting the wool tariff will get a great deal of very valuable information from it. If Congress has not availed itself of the information which has been furnished, the criticism is on Congress and not on the Tariff Board.

Any investigation made by a commission of this kind will be nonpartisan, while an investigation by a committee of Congress will be colored according to the politics of a majority of the committee. It seems to me that if we want unbiased information in regard to matters upon which we are to legislate the best way to get it is through a tariff commission. I think that the experience we have had with the Tariff Board demonstrates that to be a fact.

Mr. SHIVELY. Mr. President, the Senator from Indiana begs to say to the Senator from Kansas that he has examined the series of volumes of information submitted by the Tariff Board on the wool question, and he finds that the conclusions of that Tariff Board in one important respect are just such conclusions as any Senator must have come to on the examination of the question himself, or on reflection without special examination.

The Senator from Kansas seems to think that the mere source of the appointment or the creation of a tariff board is to determine all questions to their bias on the tariff. Any man who may be appointed on a board will have some sort of politics. Be he a Republican, a Democrat, a Progressive, a Prohibitionist, a Socialist, or a Bull Moose man, he comes to his task with his own peculiar views on the tariff. The issue is distinctly partisan. No act of Congress, no resolution we can adopt, can refine away the predilections and biases which the appointee may have. It is straining a point to say that because a board is created by Congress its information can not be regarded as reliable, while the information of a board composed by the Executive is for that reason reliable. The Senator speaks of the report on wool and woolens. I note that among the conclusions found by the board is that out of 167 different labor costs it was found that in the establishments paying the highest wages the labor cost was lowest, and in the establishments paying the lowest wages the labor cost was highest.

Mr. SMOOT. Mr. President, that proves nothing——

Mr. SHIVELY. These were conclusions arrived at by the board. They do prove a great deal; there is no question about it, and yet the observation of every man who has given any real study to the question and noted the plain facts in it leads him to the same conclusion. Of course, the report is useful to the man who has no information and has sought none from other sources; and yet I believe the Senator from Kansas was sent here because it was thought he was well equipped to look into this question and determine for himself the facts about it. There are nearly 400 Representatives in the other House, each of whom was willing that his constituents should believe him to have special equipment on the tariff and to be able to arrive at intelligent conclusions. As has been suggested there is nothing in the appointments which have been made to the Tariff Board indicating that the appointees have peculiar capacity and special ability for the functions assigned to them by the act creating the board.

But I am not criticizing the personnel of the board. They were selected by the President for reasons sufficient to the President and in pursuance of a certain theory of how a tariff should be made. My criticism goes to the unsoundness of the theory and the essentially doubtful character of the information assembled by the board to be used in carrying it out. The fact is that so long as our tariffs are organized with primary reference to private enterprise rather than to Federal revenue the beneficiaries of the dutiable schedules are the natural sources of information as to what duties are necessary to render their enterprises profitable. Each knows the secrets of his own business. In the past, in hundreds of instances, men in protected lines of business have themselves written their own tariffs. This has been the rule rather than the exception. Now, you appoint a tariff board and proceed on the theory that in a brief time this appointed body will know as much about everybody's business affected by the dutiable schedules as each beneficiary or victim of the schedules knows about his own business. The result is that the portion of information reported that can be relied on is fully available from other governmental sources, and the rest is derived from sources uncertain, doubtful, and unreliable.

You proceed on the theory that you can ascertain the difference of cost at home and abroad and fix this difference as the scientific basis of tariff rates, as if to abolish the only incentive to or advantage of trade anywhere. So far as our country is concerned, the investigations by the Tariff Board only show what every thoughtful man already knew—that there are about as many different farm-product costs as there are farms, as many different factory-product costs as there are factories, and as many different mine-product costs as there are mines. In many industries the costs vary from year to year, and in not a few from month to month.

Of course, we must have information. But you go on the theory that the creation of a tariff board by Congress, the selection and appointment of its members by the President, their confirmation by the Senate, and the issue to them of commissions endow the members of the board with omniscience to report reliable information where the very nature of the subject precludes scientific accuracy.

Mr. BRISTOW. Mr. President, the Senator from Indiana is entirely mistaken if he thinks that I believe that any board is as highly equipped as he indicates so as to be omniscient; but I must say—and I think the Senator will agree with me—that what we want in studying any question is information.

The Senator refers to the conclusions which the Tariff Board has drawn. Those conclusions may be justified and they may not be justified; those conclusions may be the same as would be the conclusions of the Senator from Indiana, or they may be different. We are not supposed to be controlled by the conclusions or opinions of the members of the Tariff Board, but we are supposed to welcome any information which intelligent men, organized and equipped for the purpose of securing that information, can furnish us.

The Senator indicates that we are sent here to legislate; I entirely agree with him as to that, but certainly the Senator does not expect every Senator or every Member of the other House to procure detailed information in regard to every bill that is presented and to try to ascertain all the detailed facts. We must, in a great many instances, depend upon the information that is compiled by officials of the United States Government.

Mr. SHIVELY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. BRISTOW. I do.

Mr. SHIVELY. While I believe the report of the Tariff Board refers to those statements as conclusions, it is technically incorrect to call them conclusions. They are really statements of fact. As to the difference of cost, in 167 different institutions, which were subjected to the examination, they report that those institutions in which the highest wages were paid show the lowest labor cost of the product, and that those institutions in which the lowest wages were paid show the highest labor cost of the product.

Mr. BRISTOW. I agree with the Senator that the report of the board shows a wide diversity of conditions in various manu-

facturing enterprises in various countries, but certainly the Senator can not claim that the knowledge of this diversity of conditions everywhere is not valuable to a Senator or Member of the other House who is called upon to legislate upon a matter that is controlled or influenced to a certain degree by those conditions. It seems to me, when we say we do not want a board to be created for the purpose of securing information that will be of value to us in determining public questions, that we are taking a very strange position for men who are called upon and whose duties require them to legislate in behalf of a great Nation.

Mr. SHIVELY. Mr. President, one of the difficulties confronting the Senate on a question like the one now before it is that the moment an appropriation is suggested for the purpose of securing information we are expected to promptly vote any amount called for without reference to the present existence of ample facilities to secure the same information provided and maintained at heavy expense to the Government. No Senator wishes to close any avenue to needful and useful information. The Senator ignores the fact of our present means of information outside of the Tariff Board. There is the Department of Commerce and Labor. It is equipped with a series of bureaus. We are appropriating over $20,000,000 a year for this department. It has its large supply of special agents. Then there is our Consular Service, with its officials in every city and town of any considerable size in every foreign country. If the kind of information to which the Senator has referred is necessary to intelligent tariff legislation, the machinery to procure it is at hand in so far as such information is procurable by any agency whatever.

But to return to the point I was discussing when interrupted by the Senator, when every resource shall have been exhausted to assemble the infinite variety of costs in our own country, the problem of the difference between cost at home and abroad is still unsolved. The same variety of costs exists in each line of industry abroad as in our own country. Our Government confessedly possesses no inquisitorial power whatever to compel a foreign farm, factory, or mine owner to exhibit his cost sheets or admit us in any other way to the secret of the cost of his product. Will he be likely to rush forward to furnish information on which to have a tariff framed against him? If anyone can procure this information, the consul can do it. If the information is refused, no tariff board can secure it. If it be secured at all, it will disclose the same wide variety and fluctuations of costs that characterize industry in our own country and make so-called differences of costs a farcical basis of tariff legislation.

The difference between the cost of product as between home and abroad is impossible of accurate official ascertainment. The final conclusive and only accurate test of ability to compete is shown in the market, not on the farm or in the factory or mine. No, it is not a question of providing suitable information. It is a question of appropriating $225,000 to secure information which in so far as it is available at all is already at the command of the Government, if the existing agencies of the Government are exerted to this end.

Mr. BRISTOW. Mr. President, I should like to ask the Senator if he does not think that the Tariff Board's report on Schedule K presents the most elaborate investigation of that subject that has ever been submitted to the American Congress?

Mr. SHIVELY. Why, certainly, it is elaborate. The board could have multiplied its volumes by five and it would have appeared still larger and have been more elaborate.

Mr. BRISTOW. Well, I do not know as to that; I doubt whether five more volumes would have been any more valuable than the five we have; but certainly it seems to me that we have more reliable and more extensive information than we ever had before, and, I think, are better prepared to legislate on that question than any Congress that has preceded us. I should like for the Tariff Board to be continued, so that we could have information equally as accurate and extensive in regard to every schedule of the tariff bill.

Mr. SHIVELY. If the Senator please, they found 167 different labor costs in a single industry.

Mr. BRISTOW. Well, that is a condition that we have no control over. They report the facts. Is it not important that we should know what the facts are?

Mr. SHIVELY. True, they report the facts as they found them. You say you want these facts as the basis of tariff legislation?

Mr. BRISTOW. It is necessary information to have, in order to legislate intelligently.

Mr. SHIVELY. How would you legislate on tariff rates, with reference to 167 different labor costs in a single industry?

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Utah?

Mr. SHIVELY. I think the Senator from Indiana had the floor to start with.

The PRESIDENT pro tempore. The Chair will correct himself. The Senator from Indiana did have the floor. Does the Senator from Indiana yield to the Senator from Utah?

Mr. SHIVELY. I do.

Mr. SMOOT. Mr. President, I was merely going to ask the Senator from Indiana a question. He makes the statement that the Tariff Board reported as to 167 different labor costs. That upon its face ought to be qualified, for the board makes the statement that, taking 167 institutions into consideration, the results showed that high-priced labor makes the lowest-priced goods; but the reason of that was that the 167 institutions have the best-equipped mills in the world. Of course a mill that is equipped with all the modern machinery, running at the highest possible speed, with every improvement that can possibly be made in the manufacture of woolen goods can produce goods cheaper than a mill that is not so equipped.

Mr. SHIVELY. That raises many questions going to the very merits of the whole tariff controversy.

Mr. SMOOT. It certainly does, and it is the very purpose——

Mr. SHIVELY. Do you arrange your tariffs with reference to sloth, indifference, and inefficiency or with some reference to energy, enterprise, and efficiency?

Mr. SMOOT. Mr. President, no one even intimated such a thing, but in the making of tariffs we ought to have the information. We ought to have the information of what it costs in the best mills in the world to make goods; then the Senator from Indiana and every other Senator may use his own discretion as to what the rate should be.

Mr. SHIVELY. That, of course, is assuming again that information, so far as procurable at all, is not available without this appropriation, all of which I deny.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. SHIVELY. I do.

Mr. BORAH. I move that when the Senate adjourns to-day it adjourn to meet to-morrow morning at 10 o'clock.

Mr. SMOOT. I suggest the Senator make the hour a little later.

Mr. BORAH. I am not asking for an adjournment; I am asking that when the Senate adjourns to-day it adjourn to meet at 10 o'clock to-morrow.

Mr. SIMMONS. Mr. President, I know——

The PRESIDENT pro tempore. The question is not debatable.

Mr. SIMMONS. I understand that, but I desire to make a suggestion to the Senator. The Finance Committee is to hold a meeting to-morrow morning at 10 o'clock.

Mr. SMOOT. Yes; we have a meeting at 10 o'clock to-morrow morning. I suggest to the Senator from Idaho that he make the hour 11 o'clock.

Mr. SIMMONS. We are to have at that time a very important meeting, I understand. The chairman of the Finance Committee has been absent for some little time, and we have been waiting upon him to return in order to have a meeting. He has returned, and I understand has called a meeting of the committee for 10 o'clock to-morrow.

Mr. BORAH. Well, Mr. President, I will withdraw my motion with the understanding that I am going to insist from this time on that we meet at 10 o'clock, and if that is not done it will be because the Senate votes against meeting at 10 o'clock.

The PRESIDENT pro tempore. The motion is withdrawn.

Mr. WARREN. Mr. President, I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wyoming.

The motion was agreed to.

The PRESIDENT pro tempore. The Senator from Georgia [Mr. BACON] has submitted a substitute for the committee amendment. The Senator from Missouri proposes to modify that substitute. The substitute as proposed to be modified will be stated by the Secretary.

The Secretary read as follows:

To enable the Congress to secure needed information to assist it in the enactment of laws prescribing customs duties to be levied on imports and to assist the officers of the Government in administering the customs laws a commission, to be composed of five Senators to be selected by the Finance Committee of the Senate and five Representatives to be selected by the Ways and Means Committee of the House of Representatives, is hereby created and is hereby authorized

to employ such expert and clerical assistance as said commission may deem necessary, and to enable said commission to do any and all things deemed necessary in connection therewith, $100,000.

Mr. WARREN. Mr. President, I understand that is offered in the nature of a substitute.

The PRESIDENT pro tempore. The Chair can not entertain two substitutes at one time.

Mr. BACON. Mr. President, I simply said I would agree to the modification of the substitute I offered, so that it will read as it has just been stated at the desk.

The PRESIDENT pro tempore. The Senator from Georgia accepts the modification.

Mr. WARREN. I understand, then, the Senator from Georgia accepts the amendment which has been read in place of the one offered by him.

Mr. BACON. I do so, I desire to say, because I am willing to yield my judgment to that of others. I would prefer the original, but I will, for the purpose of meeting the views of others, accept that modification.

The PRESIDENT pro tempore. The question is on agreeing to the substitute which has just been read.

Mr. WARREN. I hope it may not carry.

Mr. SIMMONS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. I transfer it to the senior Senator from New York [Mr. ROOT] and will vote. I vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer it to the Senator from Oregon [Mr. BOURNE] and will vote. I vote "nay."

Mr. JOHNSON of Maine (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. I transfer it to the Senator from Maryland [Mr. SMITH] and will vote. I vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence I withhold my vote.

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). The Senator from Oklahoma [Mr. OWEN] is paired with the Senator from Nebraska [Mr. BROWN]. I will let the announcement stand for the day.

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Mississippi [Mr. WILLIAMS], who is absent. Were I permitted to vote, I should vote "nay." I withhold my vote.

Mr. REED. I understand the Senator from Michigan [Mr. SMITH] is absent. During his absence I have a sort of understanding with him that I will not vote. I regard that as a pair. I transfer the pair to the Senator from Florida [Mr. BRYAN] and will vote. I vote "yea."

Mr. SANDERS (when his name was called). I have a pair with the junior Senator from Indiana [Mr. KERN] and therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I transfer the pair to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. SMOOT (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Chamber. He has a pair with the Senator from Missouri [Mr. REED].

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer it to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], who is absent. I transfer the pair to the Senator from Iowa [Mr. CUMMINS] and will vote. I vote "nay."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer the pair to the Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. DILLINGHAM. I desire to inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. DILLINGHAM. I will withhold my vote, as I have a general pair with that Senator.

Mr. BRADLEY. I am paired with the senior Senator from Maryland [Mr. RAYNER]. I transfer the pair to the Senator from Michigan [Mr. TOWNSEND] and will vote. I vote "nay."

Mr. MARTINE of New Jersey. I have been requested to announce that the junior Senator from Arkansas [Mr. DAVIS] is paired with the Senator from Kansas [Mr. CURTIS].

Mr. LODGE. My colleague [Mr. CRANE] is unavoidably absent from the city. He stands paired with the Senator from Oklahoma [Mr. GORE]. If my colleague were present he would vote "nay."

I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. BRIGGS] with the Senator from West Virginia [Mr. WATSON].

The Senator from Nebraska [Mr. BROWN] with the Senator from Oklahoma [Mr. OWEN].

The Senator from Montana [Mr. DIXON] with the Senator from Texas [Mr. BAILEY].

The Senator from Colorado [Mr. GUGGENHEIM] with the Senator from Kentucky [Mr. PAYNTER].

Mr. SHIVELY. I wish to announce the pair of my colleague [Mr. KERN] with the junior Senator from Tennessee [Mr. SANDERS].

The result was announced—yeas 21, nays 31, as follows:

YEAS—21.

Ashurst	Johnston, Ala.	Pomerene	Smith, S. C.
Bacon	Martin, Va.	Reed	Stone
Bankhead	Martine, N. J.	Shively	Swanson
Chamberlain	Myers	Simmons	
Fletcher	Overman	Smith, Ariz.	
Johnson, Me.	Percy	Smith, Ga.	

NAYS—31.

Borah	Crawford	Lodge	Poindexter
Bradley	Cullom	McCumber	Smoot
Brandegee	Fall	McLean	Stephenson
Bristow	Gallinger	Massey	Sutherland
Burnham	Gronna	Nelson	Thornton
Burton	Heyburn	Oliver	Warren
Catron	Jones	Page	Works
Clark, Wyo.	Kenyon	Perkins	

NOT VOTING—42.

Bailey	Curtis	Kern	Root
Bourne	Davis	La Follette	Sanders
Briggs	Dillingham	Lea	Smith, Md.
Brown	Dixon	Lippitt	Smith, Mich.
Bryan	du Pont	Newlands	Tillman
Chilton	Foster	O'Gorman	Townsend
Clapp	Gamble	Owen	Watson
Clarke, Ark.	Gardner	Paynter	Wetmore
Crane	Gore	Penrose	Williams
Culberson	Guggenheim	Rayner	
Cummins	Hitchcock	Richardson	

So Mr. BACON's substitute was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee as amended.

Mr. STONE. I wish to offer an amendment, at the end of line 4, on page 3, to strike out "$225,000" and insert "$100,000," so as to read $100,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment as amended.

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I transfer my pair with the Senator from Maryland [Mr. RAYNER] to the Senator from Michigan [Mr. TOWNSEND] and will vote. I vote "yea."

Mr. BRANDEGEE (when his name was called). I make the same transfer as announced on the last roll call and will vote. I vote "yea."

Mr. BURNHAM (when his name was called). I make the same announcement as on the last roll call and will vote. I vote "yea."

Mr. CULLOM (when his name was called). I transfer my pair to the Senator from Oregon [Mr. BOURNE] and will vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). Observing that my pair, the senior Senator from South Carolina [Mr. TILLMAN] is not present, I withhold my vote. If he were present, I should vote "yea."

Mr. JOHNSON of Maine (when his name was called). I transfer my pair with the Senator from New York [Mr. ROOT] to the Senator from Maryland [Mr. SMITH] and will vote. I vote "nay."

Mr. LIPPITT (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA]. I will let the announcement stand for the day.

Mr. PENROSE (when his name was called). I again announce my pair with the junior Senator from Mississippi [Mr. WILLIAMS].

Mr. REED (when his name was called). I make the same announcement that I made when my name was called a few moments ago, and transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Florida [Mr. BRYAN]. I vote "nay."

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN] and therefore withhold my vote.

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the junior Senator from Delaware [Mr. RICHARDSON], which I transfer to the Senator from Maine [Mr. GARDNER] and will vote. I vote "nay."

Mr. WARREN (when his name was called). Under the same arrangement for the transfer of pairs, I will vote. I vote "yea."

Mr. WETMORE (when his name was called). I make the same announcement that I did on the previous roll call. Were I at liberty to vote I should vote "yea."

The roll call was concluded.

Mr. PERCY. My colleague [Mr. WILLIAMS] is unavoidably absent. He is paired with the senior Senator from Pennsylvania [Mr. PENROSE].

Mr. LODGE. I desire to make the same announcement that I did on the former roll call. My colleague [Mr. CRANE] stands paired with the Senator from Oklahoma [Mr. GORE]. If present, my colleague would vote "yea."

Mr. SMITH of Michigan. I should like to inquire whether the junior Senator from Missouri [Mr. REED] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has voted, having transferred his pair.

Mr. SMITH of Michigan. I am paired with the junior Senator from Florida [Mr. BRYAN]. If he were present, I should vote "yea."

Mr. BRADLEY (after having voted in the affirmative). I transferred my pair to the Senator from Michigan [Mr. TOWNSEND]. As he has come in and voted, I now withdraw my vote, but announce that if I were at liberty to vote I should vote "yea."

Mr. SMITH of Michigan. Under the rule I feel at liberty to vote. I have no regular pair with the Senator from Florida [Mr. BRYAN].

The PRESIDENT pro tempore. The Senator's name will be called.

The Secretary called the name of Mr. SMITH of Michigan, and he voted "yea."

The result was announced—yeas 34, nays 20, as follows:

YEAS—34.

Borah	Cullom	McLean	Smoot
Brandegee	Fall	Massey	Stephenson
Bristow	Gallinger	Nelson	Sutherland
Burnham	Gronna	Newlands	Thornton
Burton	Heyburn	Oliver	Townsend
Catron	Jones	Page	Warren
Chamberlain	Kenyon	Perkins	Works
Clark, Wyo.	Lodge	Poindexter	
Crawford	McCumber	Smith, Mich.	

NAYS—20.

Ashurst	Johnston, Ala.	Percy	Smith, Ariz.
Bacon	Martin, Va.	Pomerene	Smith, Ga.
Bankhead	Martine, N. J.	Reed	Smith, S. C.
Fletcher	Myers	Shively	Stone
Johnson, Me.	Overman	Simmons	Swanson

NOT VOTING—40.

Bailey	Culberson	Gore	Penrose
Bourne	Cummins	Guggenheim	Rayner
Bradley	Curtis	Hitchcock	Richardson
Briggs	Davis	Kern	Root
Brown	Dillingham	La Follette	Sanders
Bryan	Dixon	Lea	Smith, Md.
Chilton	du Pont	Lippitt	Tillman
Clapp	Foster	O'Gorman	Watson
Clarke, Ark.	Gamble	Owen	Wetmore
Crane	Gardner	Paynter	Williams

So the committee amendment as amended was agreed to

Mr. WARREN. There is a committee amendment, on page 2, line 13, to strike out the two words "rates of" and insert the article "a."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 13, before the word "compensation," strike out the words "rates of" and insert "a."

The amendment was agreed to.

Mr. WARREN. The next amendment that we passed over is on page 105.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 105, lines 7 to 12, as amended, the paragraph reads:

Purchase of motor boat, Alaska: To enable the Commissioner of the General Land Office to purchase a motor boat for use in the District of Alaska in the investigation of unlawful cutting of timber from the public lands, the inspection of timber cut under permit, and the examination of alleged illegal entries, $5,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended. [Putting the question.] The ayes appear to have it.

Mr. REED. I ask for a roll call.

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The ayes have it, and the amendment as amended is agreed to.

Mr. WARREN. The next amendment is, on page 125, under the heading "Miscellaneous objects, Department of Justice." I wish to say particularly to the Senator from Georgia [Mr. SMITH] that I am not certain whether he has had a conference with my colleague on the committee, the Senator from Texas [Mr. CULBERSON]——

Mr. SMITH of Georgia. No.

Mr. WARREN. Whether he wishes both amendments made, and to let them both go to the conferees, or to offer his own amendment.

Mr. SMITH of Georgia. My suggestion would be that where the time limit is placed at two years for the employment of anyone retiring from the department, it might well be reduced to six months. Then, with that amendment inserted reducing the time limit to six months, and the amendment offered by the Senator from Texas, the amendment which I suggest to follow immediately after, I think it would relieve——

Mr. WARREN. I much prefer that the Senator's amendment, as he has shown it to me this morning, would go in about line 6.

Mr. SMITH of Georgia. I have tried to fix it at that part of the paragraph, but you will find that it cuts off the language following, and read, then, as a whole, it renders the language confusing. If placed at the conclusion of all the language, it is perfectly clear and does not prevent that which precedes from being clear.

Mr. WARREN. As I understand the Senator, then, he proposes to leave the part stricken out and to insert the other matter.

Mr. SMITH of Georgia. No; I would leave the entire language as it came from the House, changed only by striking out the term "two years" and inserting "six months" as the length of time for employment in the department that outside employment may be had, followed with the amendment of the Senator from Texas, which I suggest be read by the Secretary. It follows immediately after the amendment which I offered.

Mr. WARREN. I suggest, if agreeable, that the Secretary read the whole paragraph as it would read if amended.

Mr. SMITH of Georgia. Yes; as it would read if amended, reading "six months" instead of "two years." I think these amendments relieve the provision as it came from the House of its objectionable features and preserve what is good in it, and also guard against the danger suggested by the Attorney General.

Mr. WARREN. The Senator does not object to having the paragraph read as it would read if amended, so that Senators may understand it?

Mr. SMITH of Georgia. Not at all.

The PRESIDENT pro tempore. The paragraph will be read as it would read if the amendments submitted by the Senator from Georgia should be agreed to.

The Secretary read as follows:

MISCELLANEOUS OBJECTS, DEPARTMENT OF JUSTICE.

That no part of any appropriation made under this act for the following purposes, namely, conduct of customs cases; defending suits and claims against the United States, detection and prosecution of crime; defense in Indian depredation claims; enforcement of antitrust laws; suits to set aside conveyances of allotted land, Five Civilized Tribes; enforcement of acts to regulate commerce; for payment of assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases; and for payment of such miscellaneous expenditures as may be authorized by the Attorney General for the United States courts and their officers; shall be used for the payment of any salary, fee, compensation, or allowance in any form whatever to any person who holds any other office, place, position, or appointment under the United States Government, or any department thereof, or to anyone hereafter appointed, designated, or employed, who within six months next preceding the date of his appointment, designation, or employment has held any other office, place, position, or appointment under the United States

Government, or any department thereof: *Provided*, That this inhibition shall not apply except in cases where the persons appointed, designated, employed, or paid shall have previously rendered service in connection with the same subject matter: *And provided further*, That nothing in the foregoing provision shall prevent a person who holds an office, place, position, or appointment under the United States Government, or any department thereof, from being detailed to other work falling under the appropriations for the purpose hereinbefore named and from being paid out of said appropriations, the amount of the payments not to exceed the amount of compensation which said person would have received from his regular office, place, position, or appointment, together with his expenses incident to his temporary detail.

Mr. MYERS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Montana suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Massey	Smith, Ga.
Bacon	Fletcher	Myers	Smith, Mich.
Borah	Gallinger	Nelson	Smith, S. C.
Bradley	Gronna	Oliver	Smoot
Brandegee	Heyburn	Overman	Stephenson
Bristow	Johnson, Me.	Page	Sutherland
Burnham	Jones	Penrose	Swanson
Burton	Kenyon	Percy	Thornton
Catron	Lippitt	Perkins	Townsend
Chamberlain	Lodge	Poindexter	Warren
Clark, Wyo.	McCumber	Pomerene	Wetmore
Crawford	McLean	Sanders	
Cullom	Martin, Va.	Smith, Ariz.	

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum of the Senate is present. If there be no objection, the Chair will treat the two amendments submitted by the Senator from Georgia as one. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The question is on the amendment of the committee striking out the paragraph.

The amendment was rejected.

Mr. WARREN. An amendment was offered by the Senator from North Carolina [Mr. SIMMONS], which I wish to transfer from page 181, where it appears, to page 196, to come in just before the closing section, and give it a proper number and amend it with the marginal note on the RECORD which I send to the Clerk's desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Insert the amendment that was inserted on page 181 at page 196, at the end of the bill:

Nothing contained in an act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, approved June 26, 1912, shall be construed so as to prohibit the payment from the appropriations for the Department of Agriculture of expenses incidental to the delivery of lectures and the giving of instruction by its employees on subjects relating to agriculture or live-stock growing to any meeting or convention of farmers or live-stock growers or any convention of members of any society or association thereof.

The amendment was agreed to.

Mr. WARREN. The committee has one more amendment, which I will ask be read.

The SECRETARY. It is proposed to insert on page 114, after line 23:

BUREAU OF EDUCATION.

The Bureau of Education of the Department of the Interior is hereby exempted from the provisions of section 8 of the act of Congress approved June 26, 1912, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes," and the payment of expenses of officers and employees of the bureau in attending meetings or conventions of educational societies or associations, or in visiting educational institutions for the purpose of collecting and disseminating information relating to educational conditions, is hereby authorized to be made from the appropriations made for the Bureau of Education for collecting statistics and for the investigation of rural education, industrial education, and school hygiene.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. REED. Is that a new amendment offered by the Senator from Wyoming?

The PRESIDENT pro tempore. The Senator from Wyoming offers the amendment in behalf of the committee.

Mr. REED. Mr. President, no man can tell anything about an amendment of that kind by merely having it read in this way. I have not the slightest disposition to obstruct the passage of the bill, but I most earnestly protest against the effort that is now being made to force through these important amendments without time to consider them.

Mr. WARREN. If the Senator will allow me a moment? If he has the slightest objection to the amendment, and I am allowed to do so, I will withdraw it.

Mr. REED. I am not filing an objection to the amendment in particular, for I do not know what it is. I have heard it read from the desk in the confusion of the Senate and in such a way that as to grasping its meaning I am not sure that I have done so. But what I am protesting against and intend to protest against is the effort now being made to force this bill through after the usual hour of adjournment with these important amendments to it and without the opportunity to clearly understand what is proposed. I do not want to delay the passage of the bill a moment beyond what is necessary to a proper consideration.

Mr. WARREN. Will the Senator yield a moment?

Mr. REED. Certainly.

Mr. WARREN. I would be glad to explain it in a dozen words, or I will withdraw it. I have no——

Mr. REED. Well——

Mr. PAGE. Will the Senator from Missouri yield to me a moment?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Vermont?

Mr. REED. When I have completed the sentence I have several times undertaken to utter I will gladly yield to the Senator from Vermont.

The PRESIDENT pro tempore. The Senator from Missouri has the floor.

Mr. REED. We all understand now the purpose is to push this bill through to-night, the idea evidently being that because of the hardship of waiting here, when no notice has been given of any night session, matters will be passed through which otherwise might meet with opposition. I protest against that kind of a proceeding when we are dealing with the money of the people to the amount of millions of dollars. I insist that this bill ought to go over until to-morrow morning and that we may then take up these important amendments and consider them properly. I gladly yield to the Senator from Vermont.

Mr. OVERMAN. I think this is the last amendment to be offered by the committee. I understand there are several other amendments to be offered by Senators.

Mr. WARREN. The committee has offered its last amendment.

The PRESIDENT pro tempore. The Senator from Missouri yields to the Senator from Vermont.

Mr. PAGE. I only want to say that so far as I can do so I shall object to the withdrawal of this amendment; and I am sure the Senator from Missouri, if he understood it, would not object to its passage.

Mr. REED. Mr. President, I do not know what it is. That is just the trouble. And nobody else in this part of the Chamber, unless he has better hearing than I have, could tell what it is from the reading at the desk.

Mr. POINDEXTER. Mr. President——

Mr. REED. I do not want to have any good amendment withdrawn or any good amendment beaten, and I do not want any bad amendment put through here when we are not in any frame of mind to consider it. That is why I say the bill ought to go over until to-morrow morning.

Mr. WARREN. Will the Senator allow me to explain this? It will take but a moment.

Mr. POINDEXTER. I should like to have the amendment again stated.

Mr. WARREN. I can state what it is more quickly than it can be read at the desk. There was incorporated in the District of Columbia appropriation bill a paragraph forbidding the attendance of any employee or officer of any department in Washington, at the expense of the Government, at any of the national gatherings, as had been done heretofore, unless specially provided for in each department by appropriation or otherwise. That sweeping paragraph affected certain interests, such, for instance, as some of the services in the Department of Agriculture. It would place them in such a position that they could not do the demonstration work and could not visit various sections of the country for the purpose of demonstrating to farmers methods of eradicating the boll weevil, and so forth. It would also prevent the Marine Hospital surgeons from attending meetings for which the law provides. In this case it is proposed to repeal the provision as to the officers of the Bureau of Education and give them authority simply to attend certain annual society meetings or conventions that are provided for and required by law, under the direction of the head of the bureau.

Mr. REED. Mr. President, I suggest now that we have order in the Senate so that we may hear the amendment read, and that it may again be stated.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The Secretary again read the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. REED. Mr. President——

Mr. WARREN. Would the Senator like to have me read the provision in the District of Columbia appropriation act from which it is proposed to exempt the Bureau of Education?

Mr. REED. I think I understand that; but is there any limit in this amendment on the amount that can be expended in this way?

Mr. WARREN. That would be in the appropriation that provides for the bureau. This proposal does not appropriate anything, but exempts the Bureau of Education from the prohibition of the law against expending money for such gathering.

Mr. REED. It exempts them from it without placing any limitation. All I can say about it is I doubt the wisdom of exempting one department when you place the limitation upon the other. I am not going to oppose the amendment, for I do not understand about it, but I insist that Senators on the other side ought not to try to railroad this bill through to-night.

Mr. BACON. Mr. President, I understand that there are several Senators present who, no notice having been given that it was the intention to keep them here to-night, have made engagements for the evening which they can not very well break. I think when it is the purpose to remain longer than the usual hour there ought to be some notice of that fact given in advance. I do not say this in my own interest at all, for I have nothing which will keep me from remaining here until 12 o'clock to-night, if the Senator from Wyoming so desires.

Mr. WARREN. The bill is finished, so far as the committee is concerned.

Mr. BACON. I am not speaking in my own interest now, but I repeat I have that information as to some other Senators. I understand, also, there are other amendments—I have none myself—to be offered by individual Senators, not committee amendments. As Senators do not make that suggestion for themselves, I make it for them without their request.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. POMERENE. I gave notice of my intention the other day to offer an amendment to the bill, and I now send it to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 101, after line 5, it is proposed to insert the following:

PENSION BUREAU.

Three hundred thousand dollars, or so much thereof as may be necessary, to employ, temporarily, extra clerks by the Commissioner of Pensions to aid him in the work incident to the adjudication of pension claims filed under the act entitled "An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico," approved May 11, 1912, at salaries not to exceed $1,200 each; and in order to facilitate said work the Commissioner of Pensions is authorized to employ clerks heretofore employed in other departments of the Government service, or others who may be sufficiently skilled to do the required work, without complying with the requirements of the civil-service laws: *Provided, however,* That none of said extra clerks shall continue in the service beyond the fiscal year of this appropriation without further legislation, or by reason of said employment alone be eligible for transfer to the service in other departments, or be continued longer than may be necessary to do the work hereby provided for.

Mr. WARREN. Mr. President, if the Senator will allow me, it is a very ungracious thing to refuse any necessary help in the Pension Bureau; but I wish to say to the Senator that the matter is now, as I am informed, being considered by the subcommittee of the Committee on Appropriations of another body in connection with an appropriation bill which follows this one. The committee of the Senate is without any estimate, and I wish the Senator would withhold the amendment from this bill and let us have it considered when we know what the other House does with the bill which is to follow.

Mr. POMERENE. Mr. President, I have some indirect information to the effect that the committee now considering that bill has declined to take the matter up; and it was after I had that information that I prepared this amendment. There will be about 450,000 claims filed under the act of May 11, 1912. The Commissioner of Pensions appeared before the subcommittee of the House Committee on Appropriations and testified that at that time they could only handle about 400 cases per day; they can handle now about 600. At that rate, it would take 750 days to adjudicate these claims. The commissioner testified—I will not take the time to read all he said——

Mr. WARREN. Mr. President, will the Senator allow me?

Mr. POMERENE. Yes.

Mr. WARREN. I do not propose to object to the amendment. I merely wanted to advise the Senator that I thought it would be better to have it come in in connection with the other bill.

Mr. POMERENE. I understood the Senator was objecting. If he is not, I will not take the time of the Senate further.

Mr. WARREN. I am not objecting.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. LODGE. I offer the amendment which I send to the desk to come in on page 159, line 23.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 159, after line 23, it is proposed to insert the following:

To enable the Commissioner of Fisheries to investigate the method of fishing known as beam or otter trawling and to report to Congress whether or not this method of fishing is destructive to the fish species or is otherwise harmful or undesirable, $5,000, or so much thereof as may be necessary.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Massachusetts.

Mr. REED. I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from Missouri moves that the Senate adjourn.

Mr. LODGE. If that motion is to be made, I hope the Senator will at least allow us to have an executive session.

Mr. WARREN. I should like the Senator from Missouri to withhold the motion, also, in order that I may ask unanimous consent——

The PRESIDENT pro tempore. Does the Senator from Missouri withhold the motion?

Mr. REED. I may do so, when I hear the request.

Mr. WARREN. Since the Senator from Missouri desires that the Senate adjourn, I wish to ask unanimous consent that the pending bill be taken up to-morrow morning immediately after the morning business and that we proceed with it until it is concluded.

Mr. REED. I withhold my motion for that purpose. I am content with the suggestion.

Mr. LODGE. Mr. President, would the Senator from Missouri be willing to substitute for his motion to adjourn a motion that the Senate proceed to the consideration of executive business?

Mr. REED. Yes, sir.

The PRESIDENT pro tempore. The Chair did not understand the request preferred by the Senator from Wyoming.

Mr. WARREN. I ask unanimous consent that the sundry civil bill be taken up immediately after the morning business to-morrow and proceeded with until finished.

Mr. BACON. I suggest to the Senator that he does not design by that to displace the regular order?

Mr. WARREN. I do not desire to displace the regular order, because I assume that that will be temporarily laid aside.

Mr. BACON. The understanding would be that the Senator from Connecticut [Mr. BRANDEGEE] would ask that it be temporarily laid aside when the morning hour expired.

Mr. WARREN. I was assuming that we ought not to reach that hour, for the consideration of the bill is nearly concluded; but I feel assured that the Senator from Connecticut [Mr. BRANDEGEE] will arrange about the regular order so that we may have no difficulty.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming? The Chair hears none.

Mr. LODGE. Mr. President——

Mr. REED. I withdraw my motion at the request of the Senator from Massachusetts.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 24, 1912, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 23, 1912.

JUDGE OF THE DISTRICT COURT FOR THE DISTRICT OF ALASKA.

Frederick E. Fuller, of Alaska, to be judge of the District Court for the District of Alaska, Division No. 4, vice Edward E. Cushman, nominated to be United States district judge for the western district of Washington.

UNITED STATES ATTORNEYS.

James J. Crossley, of Alaska, to be United States attorney, District of Alaska, Division No. 4. (A reappointment, his term having expired.)

Beverly W. Coiner, of Washington, to be United States attorney for the western district of Washington, vice Elmer E. Todd, resigned.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Stephen Doherty to be a lieutenant in the Navy from the 7th day of June, 1912, to fill a vacancy.

Lieut. (Junior Grade) John T. G. Stapler to be a lieutenant in the Navy from the 1st day of July, 1912, to fill a vacancy.

Ensign Jonas H. Ingram to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1912, upon the completion of three years' service as an ensign.

Asst. Paymaster Richard H. Johnston to be a passed assistant paymaster in the Navy from the 16th day of July, 1911, to fill a vacancy.

The following-named commanders to be captains in the Navy from the 1st day of July, 1912, to fill vacancies:

Joseph Strauss,
Edward W. Eberle, and
William W. Gilmer.

Lieut. Commander Orton P. Jackson to be a commander in the Navy from the 1st day of July, 1912, to fill a vacancy.

Lieut. Sinclair Gannon to be a lieutenant commander in the Navy from the 7th day of June, 1912, to fil a vacancy.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1912, upon the completion of three years' service as ensigns:

James McC. Murray,
Reuben R. Smith,
Grattan C. Dichman,
Harry A. McClure, and
Samuel A. Clement.

Asst. Surg. Tharos Harlan to be a passed assistant surgeon in the Navy from the 14th day of April, 1912, upon the completion of three years' service as an assistant surgeon.

POSTMASTERS.

CONNECTICUT.

Richard P. Smith to be postmaster at Falls Village, Conn. Office became presidential July 1, 1912.

George K. White to be postmaster at East Hampton, Conn., in place of George K. White. Incumbent's commission expired May 22, 1912.

ILLINOIS.

William T. Grimmett to be postmaster at Palmyra, Ill., in place of William T. Grimmett. Incumbent's commission expired June 28, 1910.

William L. Seymour to be postmaster at Raymond, Ill., in place of William L. Seymour. Incumbent's commission expired January 29, 1912.

IOWA.

Louis F. Bousquet to be postmaster at Pella, Iowa, in place of Louis F. Bousquet. Incumbent's commission expired February 10, 1912.

LOUISIANA.

Hugo Naegele to be postmaster at De Quincy, La. Office became presidential July 1, 1912.

MARYLAND.

Frank T. Buckingham to be postmaster at Woodbine, Md. Office became presidential October 1, 1911.

Charles A. Hollingsworth to be postmaster at Bel Air, Md., in place of Richard E. Bouldin. Incumbent's commission expired May 15, 1912.

NEW HAMPSHIRE.

Lafely Leroy Blodgett to be postmaster at Lisbon, N. H., in place of Eri Oakes, deceased.

NEW YORK.

Emily V. Auryansen to be postmaster at Sparkill, N. Y. Office became presidential July 1, 1912.

Janet S. Green to be postmaster at Narrowsburg, N. Y. Office became presidential July 1, 1912.

John H. Odell to be postmaster at Ardsley, N. Y. Office became presidential July 1, 1912.

Francis Worden to be postmaster at Coxsackie, N. Y., in place of Francis Worden. Incumbent's commission expired May 23, 1912.

OKLAHOMA.

Lincoln D. Trent to be postmaster at Hammon, Okla. Office became presidential July 1, 1912.

OREGON.

William J. Sweet to be postmaster at Bandon, Oreg., in place of Mary E. Walker, resigned.

SOUTH DAKOTA.

O. G. Oyloe to be postmaster at Brookings, S. Dak., in place of George N. Breed. Incumbent's commission expired May 21, 1912.

TEXAS.

Arthur P. McCauley to be postmaster at Sabinal, Tex., in place of Arthur P. McCauley. Incumbent's commission expired December 16, 1911.

George F. Taylor to be postmaster at Royse City, Tex., in place of George F. Taylor. Incumbent's commission expired April 28, 1912.

Louis Weete to be postmaster at Columbus, Tex., in place of Louis Weete. Incumbent's commission expired December 16, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 23, 1912.

UNITED STATES CIRCUIT JUDGE.

Frederic Dodge to be United States circuit judge for the first judicial circuit.

UNITED STATES MARSHAL.

Aaron M. Storer to be United States marshal, northern district of Mississippi.

APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

To be second lieutenants.

Shepler Ward FitzGerald.
Alden George Strong.

INFANTRY ARM.

Harold Hancock Taintor to be second lieutenant.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Robert Burns, jr.
Charles Dewey Center.
Sanders Lewis Christian.
William Ruston Davidson.
John Clinton Dodds.
Ernest Nesbitt Dolman.
William Augustus Downes.
Meyer Milton Eckert.
William Edward Fitch.
William Fuller.
Charles Lewis Gandy.
Preston Manasseh Hickey.
William Hilliard Honor.
Harry Neal Kerns.
George Price Lingenfelter.
George Edward Potter.
Charles David Ricker.
James Harry Ullrich.
Homer Samuel Warren.
Frederic Newhall Wilson.
Simon Jonathan Young.

MEDICAL CORPS.

First Lieut. Luther Raymond Poust to be first lieutenant.
Lloyd Le Roy Krebs to be a major.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Maj. Guy Carleton to be lieutenant colonel.
Capt. Matthew C. Butler, jr., to be major.

COAST ARTILLERY CORPS.

Second Lieut. Virginius E. Clark to be first lieutenant.
Second Lieut. Thomas I. Steere to be first lieutenant.

POSTMASTERS.

CONNECTICUT.

Henry L. Porter, Berlin.

MISSOURI.

E. S. Wilson, Mexico.

PENNSYLVANIA.

Alfred Evans, Kane.

WISCONSIN.

Charles Brown, Montello.
George W. Burchard, Fort Atkinson.

Jerome C. Capron, Menasha.
Wardlaw A. Clapp, Wauwatosa.
Adolph H. Jessell, Birnamwood.
John C. Mitchell, Kaukauna.
James E. Parry, Florence.
Charles Pfeifer, Plymouth.
George C. Seemann, Boscobel.
William Vanzile, Crandon.
John H. Wall, Highland.

WYOMING.

Icy S. Green, Moorcroft.

WITHDRAWALS.

Executive nominations withdrawn July 23, 1912.

POSTMASTERS.

ALABAMA.

Clyde P. Loranz to be postmaster at Jackson.

NEW YORK.

William B. Le Roy to be postmaster at Cohoes.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 23, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art supremely great, the King of Kings and Lord of Lords, above all, through all, and in us all, to whom the rich, the poor, the high, the lowly, the good, the bad, may look up in faith and confidence and call thee "Father," help us to rid ourselves of selfishness, which is the root of all evil, that we may become fit temples for the indwelling of Thy spirit, that righteousness may reign supreme in all the earth, to the honor and glory of Thy holy name. Amen.

The SPEAKER. The Clerk will read the Journal.

The Clerk began the reading of the Journal.

Mr. McMORRAN. Mr. Speaker——

The SPEAKER. The Clerk will suspend.

Mr. McMORRAN. Mr. Speaker, I wish to suggest that before we proceed with this bill we should have a quorum.

The SPEAKER. We are not proceeding with the bill. We are having the Journal read.

Mr. McMORRAN. Then I make the point that there is no quorum present.

The SPEAKER. Of course, it is none of the Chair's business, but would not the gentleman reserve that point until we get through with the Journal, and then raise the point? The gentleman raises the point that there is no quorum present.

CALL OF THE HOUSE.

Mr. UNDERWOOD. Mr. Speaker, evidently there is not a quorum present. I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Members will answer "present."

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Cox, Ohio	Graham	Loud
Ainey	Cravens	Guernsey	McCall
Ames	Cullop	Hamill	McCoy
Andrus	Curley	Hamilton, Mich.	McCreary
Ansberry	Currier	Hardwick	McGuire, Okla.
Anthony	Daugherty	Harris	McHenry
Austin	Davenport	Harrison, N. Y.	McKellar
Barchfeld	Davidson	Hartman	McKenzie
Barnhart	De Forest	Haugen	Macon
Bartlett	Denver	Heald	Maher
Bates	Dickson, Miss.	Helgesen	Martin, S. Dak.
Bathrick	Dies	Helm	Matthews
Bell, Ga.	Dodds	Henry, Conn.	Miller
Boehne	Draper	Higgins	Moon, Pa.
Bradley	Driscoll, M. E.	Hinds	Moon, Tenn.
Brown	Dyer	Hughes, Ga.	Moore, Tex.
Burgess	Ellerbe	Hughes, N. J.	Morgan
Burke, Pa.	Fairchild	Humphreys, Miss.	Morse
Butler	Farr	Jackson	Mott
Byrnes, S. C.	Ferris	Kindred	Murdock
Calder	Floyd, Ark.	Kinkead, N. J.	Murray
Callaway	Focht	Kopp	Nelson
Campbell	Fordney	Lamb	Nye
Cantrill	Fornes	Langley	Olmsted
Carter	Gardner, N. J.	Lawrence	O'Shaunessy
Cary	Garner	Legare	Parran
Catlin	Garrett	Lenroot	Patten, N. Y.
Clark, Fla.	Gillett	Lewis	Patton, Pa.
Collier	Glass	Lindsay	Peters
Conry	Goeke	Linthicum	Porter
Covington	Goldfogle	Littleton	Powers
Pray	Scully	Stephens, Nebr.	Vare
Pujo	Shackleford	Stephens, Miss.	Vreeland
Randell, Tex.	Sheppard	Sulloway	Whitacre
Redfield	Sherwood	Taggart	Wilder
Reyburn	Simmons	Talbott, Md.	Wilson, Ill.
Richardson	Slemp	Talcott, N. Y.	Wilson, N. Y.
Riordan	Smith, J. M. C.	Thistlewood	Wood, N. J.
Roberts, Nev.	Smith, Saml. W.	Thomas	Woods, Iowa
Rucker, Mo.	Smith, Cal.	Tilson	Young, Mich.
Sabath	Smith, N. Y.	Towner	Young, Tex.
Saunders	Stack	Tuttle	

The SPEAKER. The roll call shows 221 Members present—a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors, and the Clerk will proceed with the reading of the Journal.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal requests, which the Clerk will report.

The Clerk read as follows:

Mr. SAUNDERS requests leave of absence for 10 days, on account of important business.

Mr. MORRISON requests leave of absence for 5 days, on account of important business.

Mr. LINDSAY requests leave of absence indefinitely, on account of sickness.

Mr. PORTER requests leave of absence for 1 week, on account of illness in his family.

Mr. LINTHICUM requests leave of absence for 1 day, on account of important public business.

The SPEAKER. Without objection, these requests will be granted.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to suggest to gentlemen of the House that I know of no more important business than fulfilling the functions here for which they were elected, although I shall not object at this time to these requests.

The SPEAKER. Is there objection?

There was no objection.

QUESTION OF PERSONAL PRIVILEGE.

Mr. AKIN of New York. Mr. Speaker, I have a matter of personal privilege.

The SPEAKER. The gentleman from New York will state it.

Mr. AKIN of New York. I have been recorded, Mr. Speaker, for some time past as being paired with different Members in this House. I have never given my permission to be paired with any man in this House. I have never wanted to be paired.

It is noted here on May 12, 1911, that I was paired with Mr. Gordon, of Tennessee, who is now dead. That is not so. I never was paired. On May 18, 1911, I am recorded as having being paired with Mr. AIKEN of South Carolina. I never gave permission to be paired with him, or he with me. And so on, through the different items where I have been paired, I want to say it is absolutely false, and I have been misrepresented. I have never asked yet to be paired with any man on the floor of this House, and I ask that the RECORD be corrected.

The SPEAKER. The gentleman evidently had a right to rise to a question of personal privilege about it, although the Chair has absolutely no control whatever over the matter of pairing. That is a private arrangement. Of course the practice has been that the Chair undertakes to enforce the contracts entered into, but whether one can have the RECORD corrected as far back as May 12, 1911, is a matter that the Chair would not like to pass upon.

Mr. FINLEY. Mr. Speaker, my understanding is that the permanent RECORD has been made up of that date, but of course the remarks of the gentleman will go into the RECORD as of to-day, and the correction will appear as he makes it.

The SPEAKER. The RECORD clerk informs the Chair that the permanent RECORD has been made up, and it would be a physical impossibility to change the permanent RECORD of May 12, 1911, or of any date approximating thereto.

Mr. EDWARDS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. EDWARDS. In the event the change in the RECORD is made, in accordance with the request of the gentleman from New York [Mr. AKIN], would the RECORD then show the gentleman as having been absent?

The SPEAKER. The Chair does not know. It can not be done. It is a physical impossibility.

Mr. EDWARDS. I would like to ask the gentleman a question, if he will yield.

Mr. AKIN of New York. I will.

Mr. EDWARDS. I would like to ask the gentleman whether or not he was present at those times?

Mr. AKIN of New York. I can not go back now and find out whether I was present or not present. But that does not make any difference. There is not a Member in this House who has been more attentive to his duties and has been here more days than I have been.

Mr. EDWARDS. I did not question the gentleman's attendance or diligence.

The SPEAKER. This whole discussion is out of order. The Chair will state, in justice to the pair clerks, that of course they do not undertake to pair people who do not want to be paired. They must have fallen into some honest error about the matter. The pair clerks have absolutely no right to pair a man unless he wishes to be paired, and it would be a very healthy mental exercise if all the Members of the House would dig up Senator Benton's book and read his opinion about this pairing business anyway. That is the end of that.

METROPOLITAN COACH CO.

The SPEAKER laid before the House the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co., with House amendments disagreed to by the Senate and a conference asked.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House insist upon its amendments and that the request of the Senate for a conference be agreed to.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. ROTHERMEL, Mr. LOBECK, and Mr. KAHN.

LAWS RELATIVE TO SEAMEN.

Mr. ALEXANDER. Mr. Speaker, I call up for further consideration the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

The SPEAKER. For the information of the House the Clerk will, if there be no objection, report the amendment that was pending yesterday when the House adjourned, being an amendment offered by the gentleman from Washington [Mr. HUMPHREY].

The Clerk read as follows:

Page 2, line 10, after the word "States," insert the following: "Except those running on lakes, bays, sounds, and rivers."

Mr. GALLAGHER. Mr. Speaker, I would like to ask the reasons and motives that prompted the introduction of this amendment, for there must have been a reason for it. The gentleman has stated, "so far as the Great Lakes are concerned, there has been no complaint at all, and if I understand the provisions rightly, it increases very greatly the number of firemen, inasmuch as, so far as the committee knows, both the firemen and owners of the lake vessels are satisfied with the conditions upon the Great Lakes."

He assumes here that both the firemen and owners of the vessels are satisfied with the present state of things on the Great Lakes. In reply to this I beg leave to state to the gentleman that I differ with him, and, differing with him, I desire to call the attention of the members to the real situation there.

So far as the owners of these boats are concerned, they are perfectly satisfied with the present conditions as they now exist upon the Great Lakes. But the public and the firemen and those engaged in the laborious task of navigating the Great Lakes are not satisfied, and the reason they are not satisfied is clearly evident when we consider the situation as it actually exists. Before considering these matters, and in view of the statement made by the gentleman from Washington [Mr. HUMPHREY], I took occasion last evening to telegraph to the secretary of the Lake Seamen's Union, at Chicago, Ill., with reference to the general effect of this amendment upon the existing state of affairs upon the Lakes, and the effect that the passage of this amendment would have, not only with reference to the firemen, but also to the general conditions affected by it.

JULY 22, 1912.

V. A. OLANDER,
Secretary Lake Seamen's Union,
570 West Lake Street, Chicago, Ill.:

On line 10, page 2, of the bill it is to be contended to-morrow that it is not necessary that sailors be divided into two and firemen into three watches on the Great Lakes; that many vessels are only in day service. Wire what you think about it.

THOMAS GALLAGHER,
Member of Congress.

In reply to this I received this morning a telegram setting forth that it is not prudent to pass this amendment; and he further gives the reasons why the same should not be passed, in that there are but few boats that navigate for the period of one day or more, and that, for the security of life and property, it is absolutely essential that the number of watches provided for in this bill shall be kept and maintained at all hours, owing to the hazardous conditions of navigation upon the Great Lakes, which is greater than upon the ocean. He also points out how they place the sailor in occupations not connected with navigation—to do the work of the common laborer in nowise connected with navigation. He further shows the incompetency of the men now navigating the Great Lakes and the necessity for an immediate improvement along these lines.

I now read to you gentlemen the telegram, which is as follows and speaks for itself:

CHICAGO, ILL., *July 22, 1912.*

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.:

The division of watches, as provided by bill, is essentially necessary. There is no such thing as exclusive day service on Lakes. Where that term is used it applies only to a few of the passenger ships, and means all day and half or more of the night. All vessels, except harbor craft, which do not leave port, now carry two watches of sailors, because it is a physical impossibility to operate them otherwise. The only exception to this is four or five vessels sailing out of Detroit, one or two out of Toledo and Cleveland, and possibly two out of Buffalo, and these are passenger boats notoriously undermanned and dangerous. The real reason some shipowners object to provisions of bill regarding watches is not on account of so-called day service. A number of passenger vessels make a practice of working most of the deck crew at cargo all the time in port and letting them sleep between ports; result is that only two or at most three sailors, including man at wheel, are on watch while at sea. Many freight vessels work part of their deck crew all day while at sea, letting them sleep at night; result is that entire deck crew of immense 600-foot steamer on watch at night is one sailor at wheel and one supposedly on lookout, but who must look after everything on deck and many things below decks. This is a general practice and extremely dangerous, since the effect is that ship is dangerously undermanned. This can only be remedied by dividing sailors into two watches. All steamers on the Great Lakes, except exclusive harbor craft, have now at least two watches of firemen; many of them have already established the three-watch system for such men. Firing a steamship is mighty hard and hot work, and physical effect on men extremely bad unless they are given sufficient rest between watches.

V. A. OLANDER,
Secretary Lake Seamen's Union.

That is from V. A. Olander, secretary of the Lake Seamen's Union?

Mr. HUMPHREY of Washington. Does not the gentleman know that Victor Olander does not represent any of the men on the Great Lakes?

Mr. GALLAGHER. Is that so?

Mr. HUMPHREY of Washington. Certainly that is so. I ask the gentleman if that is not true?

Mr. GALLAGHER. That is hardly true. And I will tell you why he does not represent a great many of them now. It is because there has been a strike on the Great Lakes for the past four years, and there is a war on between the vessel owners and the seamen, and the able seamen have been driven from the Lakes.

The present conditions on the Lakes are such as to make life and property insecure, for as I have already stated, navigation there is more dangerous than that on the sea or the ocean. Accidents occur there very frequently, due to these conditions, which should be safeguarded, whereas when we sought to obtain from Congress proper protection to human life in the way of safeguards on the railroads and the use thereon of safety appliances and other methods of protection, there was great opposition.

Conditions on the Lakes, so far as labor in concerned, are unbearable. Life on the Great Lakes is not held very sacred, when we take into consideration the fact that navigating the Great Lakes is more dangerous than navigating the sea. It is more hazardous, and storms occur more frequently.

As things exist on the Lakes to-day they are similar to what they were on the railroads years ago before Congress began legislating and compelling the railroads to adopt safety appliances for the protection of life. There is little or no record kept of the great number of lives that are sacrificed upon the Great Lakes. There is no systematic reporting of accidents as they occur. And while the Government has spent hundreds of thousands of dollars in building life-saving stations, erecting storm signals, the placing of buoys, and other devices for the protection of life, the owners of boats have given little care for the security of life upon the Great Lakes, or the lives of their employees, and, as I told the gentleman, nearly all of the capable seamen have been driven from the Lakes on account of the war between the vessel owners and the seamen, and in their places have been gathered a lot of incompetent and untrained seamen to fill positions calling for the most skilled and expert men.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. Certainly.

Mr. BUCHANAN. I would like to ask the gentleman if that war was not brought on by the unbearable conditions forced on the men, the able seamen, who were working on the Lakes?

Mr. GALLAGHER. That is exactly the fact; and let us see who owns these vessels.

Many of these great vessels on the Great Lakes are owned by the Steel Trust and the great railroads, the Pennsylvania, the Erie, the Lackawanna, the great wheat shippers, and these together with the coal-mining interests monopolize the shipping and have driven the private owners of vessels from the Lakes. These are the owners of the Lake vessels, and they have control of nearly all of the Lake traffic.

There is a bill now pending in the Senate for the protection of life at sea, the introduction of which was brought about by the recent great disaster to the *Titanic*, and an effort is being made to prevent hereafter a like disaster. The bill provides that upon all navigable bodies of water the vessels shall be supplied with wireless telegraph apparatus. Now, these same owners, the owners of these great boats, with few exceptions, come before Congress and petition Congress not to have the same requirements applied to the great freight boats navigating the Great Lakes, and we must remember that we have but few passenger boats in comparison with the freight carriers on the Lakes. The same objection to putting wireless apparatus on Lake boats was urged against putting two wireless operators on the great boats on the sea, and it was this which, in a measure, brought about the *Titanic* disaster. What is the use of legislating for seamen on the ocean and excepting the seamen on the Lakes? A comparison shows that the traffic on the Lakes and that entering many of the Lake ports is greater than that of any seaport in this country.

I have before me the report of the superintendent of canals at Sault Ste. Marie, which shows that—

Eighteen thousand six hundred and seventy-three ships of 41,653,488 net tons register passed through the canals during the season of 1911. Of this number 11,870 vessels of 22,321,519 net tons register passed through the United States canal, and 6,803 vessels of 19,331,969 net tons register passed through the Canadian canal. * * * The freight carried through the Canadian canal was 30,953,869 tons as against 22,523,347 tons for the American canal.

When we compare these figures with those of the Suez Canal traffic, we see how far greater they are and how much more voluminous the tonnage is here. The following is a table showing for the year 1909 the gross and net tonnage of vessels passing through the Suez Canal:

1909.	
Gross	21,500,847
Net	15,407,527

This is less than one-half the net tonnage of our canals.

In Chicago we are going to work now to expend four or five million dollars in the improvement of our harbor; money that will be raised by the people of the city to make these improvements. We are doing it in an effort to increase Lake traffic and make it possible for the larger boats to land in Chicago. As a result of conditions on the Lakes, traffic has been driven from them, and I suppose it is the same reason that has been driving it from all of the great rivers. We are expending millions of dollars to improve and increase water-borne traffic; let us bring about by legislation that which will make life bearable on the Great Lakes, and let us oppose this amendment.

I have here, Mr. Speaker, a number of communications from different organizations in the city of Chicago, as follows:

CHICAGO, ILL., *July 20, 1912.*

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.:

We kindly request you to give your undivided support and attention to House bill 23673 and use all your influence and prestige that it will not be mutilated and made useless by amendments.

Baker and Confectionery Workers' International Union of America, General Executive Board, and International Executive Officers, Chas. Iffland, A. A. Myrup, Chas. F. Hohmann; Otto E. Fischcher, International Secretary.

—

AUTO LIVERY CHAUFFEURS' UNION,
Chicago, July 20, 1912.

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.

DEAR SIR: All labor organizations in the city of Chicago are desirous of having the seamen's bill (H. R. 23673) made a law. If there is anything that you can do to help it along, you will do myself and all union men in Chicago a great favor.

Trusting this is not asking too much of you, I remain,

Respectfully, yours,

T. F. NEARY, *Secretary-Treasurer Local 727.*

—

CHICAGO TYPOGRAPHICAL UNION, *July 20, 1912.*

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.

DEAR SIR: The seamen's bill (H. R. 23673) will, we understand, come up for action on Monday, July 22.

In behalf of Chicago Typographical Union, No. 16, we respectfully urge that you do what you can to see that this bill is enacted into law at the present session of Congress.

Yours, very truly,

WALTER W. BARRETT, *President.*
JOHN C. HARDING, *Recording Secretary.*

1445 WEST LAKE STREET, CHICAGO, *July 19, 1912.*

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.

DEAR SIR: As bill H. R. 23673 is now before Congress, I respectfully urge you to give it your support in its present form.

Yours, truly,

ALEX MCKECHNIE.

—

CHICAGO PRINTING PRESSMEN'S UNION,
Chicago, July 18, 1912.

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.

DEAR SIR: Understanding that the seamen's bill (H. R. 23673) will come up for action on Monday, and believing that the same is for the benefit of human life and liberty, we respectfully ask you to give the bill, as reported by the committee, your support and vote. We are not in favor of mutilating or destroying this bill by amendment.

Again urging upon you the importance, not only to the seamen but also to the traveling public, of the enactment of this bill, we remain,

Yours, very truly,

CHICAGO PRINTING PRESSMEN'S UNION NO. 3.
JOHN J. KAPP, *Secretary-Treasurer.*

—

CHICAGO PRINTED BOOKBINDERS AND PAPER CUTTERS' UNION, OFFICE OF THE SECRETARY,
Chicago, Ill., July 20, 1912.

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.

DEAR SIR: We, the members of the above local union, respectfully request your support in the passage of House bill No. 23673, and sincerely trust that the bill as reported by the committee is not mutilated or destroyed by amendments.

Thanking you in advance for your cooperation in this matter, we beg to remain,

Yours, respectfully,

CHICAGO PRINTED BOOKBINDERS AND PAPER CUTTERS' UNION, NO. 8, I. B. OF B.,
By OTTO F. WASEM, *Secretary-Treasurer.*

—

INTERNATIONAL ASSOCIATION OF MACHINISTS,
BRASS WORKERS' LODGE NO. 766,
Chicago, Ill., July 20, 1912.

Hon. THOMAS GALLAGHER.

DEAR SIR: At a special meeting called Saturday, July 20, at 2 p. m., at our regular meeting hall, it was regularly moved that we write a few lines in behalf of Lake District International Seamen's Union and request your honor to do all in your power to urge its enactment in the form favorably reported by the committee—seamen's bill (H. R. 23673)—and kindly request that it be not torn to pieces and destroyed by amendments.

Hoping you will do all in your power to have this bill passed, and thanking you in advance, I am,

Yours, truly,

HERMAN KRAUS,
Recording Secretary, Machinists No. 766.

—

CHICAGO WAITRESSES' UNION,
Chicago, July 20, 1912.

Hon. THOMAS GALLAGHER.

DEAR SIR: The Chicago Waitresses' Union, Local 484, request that you assist in the passage of House bill 23673, and see to it that the bill is not destroyed by amendment, but that it is passed as the committee reported it.

Hoping you will comply with our request, we remain,

Respectfully,

[SEAL.] CHICAGO WAITRESSES' UNION.
ELIZABETH MALONEY, *Secretary.*

—

UPHOLSTERERS' DISTRICT COUNCIL OF CHICAGO,
Chicago, July 20, 1912.

Hon. THOMAS GALLAGHER, *Congressman.*

DEAR SIR: We, members of Local No. 111 of the Upholsterers' International Union of North America, representing 170 voters in the city of Chicago, ask you in behalf of the safety of the traveling public on the Great Lakes and seas to favor the passage of the seamen's bill (H. R. 23673).

Thanking you in advance for the favor you may do those who travel and those who work on Great Lakes and seas, I beg to remain,

Yours, truly,

[SEAL.] R. J. HULL,
Secretary Local No. 111,
234 North Clark Street, Chicago, Ill.

—

METAL POLISHERS, BUFFERS, AND PLATERS' UNION,
Chicago, July 20, 1912.

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.

DEAR SIR: We wish to take this opportunity of thanking you for the reports and records sent to us by you, and to also ask you to support and vote for H. R. 23673.

Hoping you will use your influence in preventing the mutilation of this bill by amendments, etc., and that we will see your vote recorded in favor of this bill (H. R. 23673), we are,

Respectfully, yours,

[SEAL.] METAL POLISHERS' UNION, LOCAL NO. 6,
38 South Peoria Street, Chicago, Ill.

—

WOODEN BLOCK AND BRICK PAVERS' UNION,
Chicago, July 20, 1912.

Hon. THOMAS GALLAGHER,

DEAR SIR AND FRIEND: I wish you would do all you can for the Lake Seamen's Union bill, which is coming up before the House Monday, and by so doing you will confer a favor to me and also to organized labor, and you can rest assured that it will not be forgotten.

Hoping this will meet with your approval, Tom, I will close.

Fraternally, yours,

TED SCULLY,
Secretary Wooden Block and Brick Pavers' Union,
1026 South May Street.

WOMEN'S TRADE UNION LEAGUE OF CHICAGO,
July 19, 1912.

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.

DEAR SIR: The Women's Trade Union League of Chicago, having an affiliated membership of over 10,000 men and women, ask you to support the seamen's bill (H. R. 23673) as it was reported by the committee in the House of Representatives July 18, 1912.

Will you give your support to the seamen's bill (H. R. 23673) and assist in safeguarding both the public and the seamen?

Hoping that you will comply with this request, I am,

Very truly, yours,

EMMA STEGHAGEN, *Secretary.*

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
CHAUFFEURS, STABLEMEN, AND HELPERS,
Chicago, Ill., July 20, 1912.

Hon. THOMAS GALLAGHER,
Washington, D. C.

DEAR SIR: We, the Packing House Teamsters and Chauffeurs' Union, Local 710, 700 strong, again urge upon you and request of you to vote for and work for the seamen's House bill 23673. The public demand it.

We beg of you not to allow it to be torn to pieces and destroyed by amendments. We urge its enactment in the form favorably reported by the committee.

Feeling certain you will grant us this favor, and thanking you in advance, we remain,

Fraternally, yours,

LOCAL 710.
GEO. F. GOLDEN,
Secretary-Treasurer.

TUG FIREMEN AND LINEMEN PROTECTIVE ASSOCIATION
OF THE GREAT LAKES,
Chicago, July 20, 1912.

Hon. THOMAS GALLAGHER.

DEAR SIR: We, the members of the Tug Firemen and Linemen Protective Association, Local No. 1, port of Chicago, are very much interested in the passage of the seamen's bill (H. R. 23673) which is now before United States House of Representatives, and ask you to please grant us the favor of supporting this bill and have the bill reported out at the next hearing, asking you as Representative of the eighth district to see that the bill is not mutilated or destroyed by amendments.

Hoping you will grant us this favor, I remain,

Fraternally, yours,

[SEAL.]

EDWARD MCCORMICK,
5615 Carpenter Street.

I offer these to show that the organized workingmen of Chicago know exactly what the provisions of this bill are, so far as traffic on the Great Lakes is concerned, and they do not want this bill amended or mutilated in any way.

The laboring people of this country are making every effort to improve the conditions of labor everywhere. They are earnest in their efforts for the welfare of all who toil, whether before the mast or on the shore; whether in the hold of a ship or in the bowels of the earth. They are striving for the betterment of humanity, and I am anxious to give them an opportunity for the betterment of conditions upon the sea as this bill provides, and I hope it will pass in its original form and that this amendment will be voted down. [Applause.]

Mr. HUMPHREY of Washington. Mr. Speaker, I want to reply briefly to some statements that the gentleman from Illinois [Mr. GALLAGHER] has made in regard to the Great Lakes, and I hope the gentleman will give me his attention. I never made a statement to the effect that men who are not upon these vessels had not made complaint about their condition. The statement I made, and I think it is absolutely true, was that, so far as the committee knows, there is no complaint from the men themselves who are employed on the Great Lakes. Mr. Olander, as I understand it, does not represent the firemen upon the Great Lakes—that is, those who are actually working. He represents the union. As I understand, some two or three years ago there was some difficulty between the Lake Carriers' Association and the union, and since that time the men on the Great Lakes are not represented by Mr. Olander.

Mr. WILSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. WILSON of Pennsylvania. As a matter of fact, prior to the strike Mr. Olander represented the great bulk of seamen and firemen on the Lakes. Since that time other men have been employed by the members of the Lake Carriers' Association, so that the members of the union are no longer employed by the members of the Lake Carriers' Association; but Mr. Olander represents yet a large number of men who are employed on independent vessels that are not a part of the Lake Carriers' Association.

Mr. HUMPHREY of Washington. If Mr. Olander represents any of the firemen on the Great Lakes, his statement is entitled to weight as such; but I do not understand that he does represent any of the firemen on the Great Lakes, and, so far as the two watches on the deck are concerned, we have no objection to that. That portion of the telegram which the gentleman read in regard to two watches on the deck nobody is objecting to. Most of the vessels, I think, have adopted two watches on deck already.

Mr. GALLAGHER. But the gentleman desires us to exclude the Lakes from the provisions of this bill.

Mr. HUMPHREY of Washington. And the reason I do it is this: As I said, there has been no complaint before our committee that any of the firemen make objection to present conditions. As I further understand the fact to be, in a great many cases it would increase the number of firemen by one-third on the vessel, and the firemen themselves prefer conditions as they now are.

I want to read now the only communication, so far as I know, that the committee has received upon that subject. This is a letter received from Mr. Harvey D. Goulder, who is attorney for the Lake Carriers' Association, and I will read one paragraph from it. He says:

> We on the Great Lakes have endeavored to be fair with our employees. We have no complaint from them in regard to this matter. We are willing to submit to any investigation on the subject which involves the possible humiliation that, having endeavored to be fair and even generous, we are called before your honorable committee by those who in no sense or degree represent the men in our employ—

And he was there referring to Mr. Olander, I presume—

> with whom we are honestly and conscientiously endeavoring to deal justly and honestly as man to man, recognizing the obligation and asking only due reciprocal obligation of fairness between employer and employee.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. I yield to the gentleman.

Mr. GALLAGHER. I understood and read from the record the gentleman said that the committee had no complaints, that there were no complaints so far as the committee was concerned.

Mr. HUMPHREY of Washington. Before the committee, representing the men on the Great Lakes. If Mr. Olander represents any of them, I withdraw the remarks to that extent.

Mr. GALLAGHER. The gentleman said there was no dissatisfaction so far as the committee knows. My object in bringing this information is to give it to the House, which is passing upon this bill, and to show the Members of the House the conditions that actually exist.

Mr. HUMPHREY of Washington. Well, the point I am making is that the man who appeared before our committee and objected did not represent the men on the vessels——

Mr. GALLAGHER. I think I am pretty well advised in regard to the attorney for the Lake Carriers' Association——

Mr. HUMPHREY of Washington (continuing). In other words, as I understand it, on the Great Lakes trouble exists—I am not assuming anything whatever as to who is right or wrong——

The SPEAKER. The time of the gentleman has expired.

Mr. HARDY. Mr. Speaker, I ask that the gentleman may have two minutes more, in order that he may answer a question.

Mr. SHERLEY. Mr. Speaker, I amend that by making it five minutes.

The SPEAKER. The gentleman from Kentucky amends by making it five minutes. Is there objection to the extension to five minutes? [After a pause.] The Chair hears none.

Mr. HARDY. The gentleman reads a communication from Mr. Harvey J. Goulder. Has he not for years and years been the regular representative of the shipowners in opposition to almost every reform measure in regard to seamen before the Committee on Merchant Marine and Fisheries?

Mr. HUMPHREY of Washington. Why does the gentleman take up the time of the House to ask that question, because when I mentioned the name I said that he was the representative of the Lake Carriers' Association?

Mr. HARDY. The gentleman can answer the question.

Mr. HUMPHREY of Washington. I refuse to yield further——

The SPEAKER. The gentleman declines to yield.

Mr. HUMPHREY of Washington (continuing). Because it carried the implication that I undertook to read something without stating who the gentleman was that made it.

The SPEAKER. The gentleman declines to yield.

Mr. SHERLEY. What I wanted to ask the gentleman and what I think this House is interested in——

Mr. HARDY. Mr. Speaker, a question of order.

The SPEAKER. The gentleman will state it.

Mr. HARDY. I asked permission that the time of the gentleman be extended for the purpose of asking him a question.

The SPEAKER. So soon as the time was extended the gentleman from Texas lost control of it.

Mr. HUMPHREY of Washington. I yielded to the gentleman. I will yield to the gentleman again if he wants to ask a question.

Mr. HARDY. I suggest to the gentleman whether he simply will answer the question whether for years Mr. Goulder has not

been filling the position and taking the position of opposition to every reform measure for the good of the seamen?

Mr. HUMPHREY of Washington. I will say to the contrary Mr. Goulder has not occupied any such position. He is the representative of the Lake Carriers' Association, but he has not opposed all measures in favor of seamen, but, on the contrary, has often favored such legislation. Here is a letter addressed to the committee that shows exactly what his position is.

Mr. HARDY. Has there ever been any bill before the Committee on Merchant Marine and Fisheries that he has not opposed which was for the benefit of seamen?

Mr. SHERLEY. Mr. Speaker, I would like to ask the gentleman this question: I think it is immaterial whether a complaint has been made or not——

Mr. HUMPHREY of Washington. So do I.

Mr. SHERLEY (continuing). But what I would like to know is what reason exists, if any, by which a rule which seems to be proper to apply to the over-sea trade should not also apply to the Great Lakes trade?

Mr. HUMPHREY of Washington. And this applies also to river trade.

Mr. SHERLEY. All right. What reasons are so different on the rivers and on the Great Lakes as to warrant a change in a rule to apply to the sea?

Mr. HUMPHREY of Washington. Unfortunately the gentleman was not here yesterday when that was fully explained and I will explain it again.

Mr. SHERLEY. A portion of it I did hear, but not on that point.

Mr. HUMPHREY of Washington. One reason for it is this. For instance, a great many lake vessels make a complete voyage, say, in 18 hours and I gave an illustration where they would run during the day and tie up at night. What is the use of having three shifts of firemen of eight hours each on a vessel of that kind?

Mr. SHERLEY. Very true, but quite a number of lines do run for a longer period. If you are trying to reach the matter thoroughly is not the proper way to make your amendment apply simply to those cases where the voyage is of such a short duration as not to make necessary three shifts, and is it fair to offer an amendment that excludes all lake traffic, some of which extends over a period of days, as I personally know?

Mr. HUMPHREY of Washington. It is not upon the hypothesis which the gentleman assumes, but here is the further condition that most of the Lake traffic vessels are of modern construction, and the arrangements in regard to firemen are different from what they were in the old vessels. In other words, the firemen on the Great Lakes vessels now have communication with the outer air which makes it a far easier place to work.

Mr. SHERLEY. What does the gentleman mean by modern construction? I have spent a great many summers on the Great Lakes, and I personally have seen on the Lakes vessels in the carrying trade 10 and 15 and 20 years old.

The SPEAKER. The time of the gentleman has again expired.

Mr. SHERLEY. Mr. Speaker, I ask that the gentleman may have five minutes more.

The SPEAKER. The gentleman asks unanimous consent that the gentleman's time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREY of Washington. Now, answering the gentleman's question in regard to the length of voyage, I agree that he is right. I would accept an amendment of that kind. I tried to get an agreement that we might insert a provision such as he suggests. I do not think it ought to apply to the Great Lakes at all, but on the other hand it certainly ought not to vessels that only make short runs.

Mr. SHERLEY. Then do I understand the gentleman's position is that he indorses it as necessary on the high seas and not on the Great Lakes?

Mr. HUMPHREY of Washington. No; I do not think——

Mr. SHERLEY. If the gentleman thinks it is proper on the high seas, would he not be ready to concede that there are certain conditions on the Great Lakes where it is proper?

Mr. HUMPHREY of Washington. Conditions are not the same. You take it on the Pacific coast, between Seattle and San Francisco, and the vessel owners have adopted the three-watch system, as I understand, and there is no objection to it. Those voyages are longer and somewhat rougher. Now, it seems to me if it was for the advantage of those vessels on the Great Lakes, it would have been adopted. The local inspector——

Mr. SHERLEY. If the gentleman is going on the assumption that whatever is desirable from the standpoint of humanity will be adopted by the owners of the vessels, then all legislation is unnecessary, and we may leave to their enlightened judgment all reform.

Mr. HUMPHREY of Washington. About two years ago we passed a bill leaving these matters to the local inspector, and that law has worked well, and if this amendment was adopted it would still be that way. And I think we are making a mistake when we attempt to legislate in detail, because there is such a difference in vessels. Few of them run under exactly the same conditions, and when we attempt to legislate we are going to oppress one vessel and let another escape proper manning.

Mr. SHERLEY. Does the gentleman think there is any greater difference in the character of vessels engaged in the trade on the Great Lakes than in the character of the vessels engaged in the trade on the ocean?

Mr. HUMPHREY of Washington No; I do not think there is any greater difference.

Mr. SHERLEY. If you can apply uniform rules to vessels of widely different types on the sea, why can not you do it on the Lakes?

Mr. HUMPHREY of Washington. The difference is, that the vessels which run on the sea make long voyages, and they do not make these short stops as on the Lakes, and they are of different construction.

Mr. SHARP. If the gentleman will permit, I will say that I have lived nearly all my life on the Great Lakes, and I represent a constituency that lives at one of the greatest harbors on the Lakes. It has been my pleasure, and duty as well, in a business capacity to sail the Great Lakes for 20 years, at least, past. And I wish to say for the gentleman's information that if he will look up the statistics of the amount of tonnage that is carried on the Great Lakes, I believe I will be sustained when I say that at the present time, and for years past, fully 85 per cent, if not 90 per cent, of all the tonnage that is now carried on the Great Lakes involves a voyage of from two to three days, running from Lake Superior points and upper Lake Michigan points, where we have the great ore carrying trade, down to Lake Erie ports one way, and returning with coal cargoes from the Lake Erie ports, carrying the coal of West Virginia, Ohio, and Pennsylvania, to the upper Lakes, involving a return trip of two or three days. So, it seems to me, that so far as the number of watchmen are concerned, it should apply to the Great Lakes.

Mr. HUMPHREY of Washington. So far as distance is concerned, it should.

Mr. SHARP. But it takes it at least two or three days to make those voyages, involving 85 to 90 per cent of the total amount of tonnage.

Mr. BUCHANAN. Mr. Speaker——

The SPEAKER. The time of the gentleman from Washington [Mr. HUMPHREY] has expired, and all time on this amendment has expired.

Mr. MANN. Mr. Speaker, I move to strike out the last word of the amendment. May I ask, in reference to the language of the bill, what is the definition of "merchant vessel"?

Mr. WILSON of Pennsylvania. Merchant vessels, as I understand it, are vessels that carry cargoes or passengers for hire.

Mr. MANN. Would this provision, "merchant vessels while at sea," cover a little passenger tug operating upon an inland lake?

Mr. WILSON of Pennsylvania. It would not cover anything except those of 100 tons register or more, except fishing vessels, yachts, and whaling vessels. It covers all others going to sea and on the Great Lakes, because the Great Lakes have been held to be the sea, and I so interpret it.

Mr. MANN. Would it cover vessels on rivers and off the Great Lakes and on small inland lakes?

Mr. WILSON of Pennsylvania. It does not cover vessels on the rivers or on the harbors of small inland lakes.

Mr. SHERLEY. Does not the gentleman understand that a navigable river is considered the same as the sea in the sense of admiralty and maritime law? That is my impression, although I have not looked at it recently.

Mr. WILSON of Pennsylvania. It is not so, so far as the term "sea" in legislation is concerned. The term "sea" in legislation is held by the navigation authorities to consist of the oceans and the Great Lakes, and other distinctions are made, although they are under the general maritime regulations, in rivers and harbors.

Mr. MANN. I have no doubt the gentleman has looked the matter up, and I am satisfied with his statement. I know recently we have passed some laws for the purpose of applying certain conditions to the Great Lakes where before the law only applied to vessels on the ocean, and my impression was

that it said "while vessels were at sea." I may be mistaken. It may have said "upon the ocean."

Mr. SHERLEY. If the gentleman from Illinois will permit, I have not had occasion for some time to look at this matter, although I once served on the committee reporting this bill. The old English rule was that admiralty jurisdiction extended only to waters where the tide ebbed and flowed. Very early in the history of America the question came up as to whether that rule was any longer applicable, and it resulted in a different rule being adopted, because navigable waters of great size were then known where the tide did not ebb and flow. They abolished the old rule, and held that the rivers and lakes that were navigable came within the maritime jurisdiction of the Constitution.

Without wanting to question the gentleman's statement, my impression was rather pronounced that language such as this would embrace the navigable rivers.

Mr. MANN. If the gentleman will permit, the maritime jurisdiction under the Constitution——

Mr. SHERLEY. Admiralty——

Mr. MANN. Covers all except the control over interstate commerce. Admiralty jurisdiction is another proposition.

Mr. SHERLEY. "Admiralty jurisdiction" is what I meant to say, if the gentleman will permit, instead of "maritime jurisdiction."

Mr. MANN. I wondered how far the term "at sea" would cover. I can readily imagine that there are many cases where vessels may be navigating upon some small lake for the purpose of carrying passengers, so that the Government would have control over it where it would not be possible to have three watches, or even two watches.

Mr. SHERLEY. I agree with the gentleman; and, on the other hand, there are certain cases on the rivers where they ought to have three watches; and what I think we ought to do is to make the bill plainly indicate what it embraces.

Mr. MANN. It may not be possible to do that.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. MANN. I yield to the gentleman.

The SPEAKER. The gentleman from Illinois had the floor, and his time has expired.

Mr. BUCHANAN. Mr. Speaker, I move to strike out the last two words.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] moves to strike out the last two words. The gentleman has five minutes.

Mr. BUCHANAN. The Lake Carriers' Association that has been mentioned here, from the information I have, is dominated by the Steel Trust. According to recent reports made by the United States Bureau of Labor and other information that we have, we find that the United States Steel Corporation employees are to the extent of about 60 per cent un-Americanized foreigners.

It has been stated here by the gentleman from Washington [Mr. HUMPHREY] that Mr. Olander does not represent the great majority of the Americanized workingmen working now on the Great Lakes. By the way, I happen to know Mr. Olander, and I believe he is one of the ablest and most sincere and honest men that I have had the pleasure of knowing in the trades-union movement. Due to the fact that there has been a strike on for some years, there is no doubt that the Steel Trust, dominating this Lake Carriers' Association, will practice the same methods to defeat the movement that is being made in the endeavor to keep the workmanship on the lake vessels up to the standard that ought to be maintained in America.

Mr. HOWLAND. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. BUCHANAN. Not yet. Therefore they will endeavor to defeat the effort that is being made by the men whom Mr. Olander represents, the men who have selected him to carry out what they desire, the men who voted by a large majority for a strike when they were working as a class on the lake steamers. Some might say that this was Mr. Olander's strike; that he ordered it. But let us be fair about the matter and know how these strikes occur.

The strike was ordered by the men who were working on the lakes themselves, because this monstrous Steel Trust had got control of the affairs of the Lake Carriers' Association, and therefore had created conditions that were unbearable to the men who were working there. And when anyone says that Mr. Olander does not know what conditions American workmen would want on the lake steamers in this country, he is certainly making a statement that can not be borne out by the facts.

Mr. HOWLAND. Will the gentleman yield now?

Mr. BUCHANAN. Yes.

Mr. HOWLAND. I would like to ask the gentleman what authority he has for the statement that the Steel Trust dominates the Lake Carriers' Association? My information is—and I think it is fairly accurate—that the Steel Corporation controls only 20 per cent of the tonnage represented by the Lake Carriers' Association.

Mr. BUCHANAN. Well, I do not know whether the evidence would be sufficient to state here as a matter of record, but I have information that is sufficient for me, and it leads me to believe that the Steel Trust, with its interlocking interests, has got control not only of the vessels on the sea, but is getting large control to-day of all the business in this country, even of the banks and other big corporations of the country; and while it may not apparently control this directly, yet the men who are directors of the steel company have interests sufficient in the vessels that are operating on the lakes to have control of and direct the course and action of that association, and they do it, in my judgment. There is not a shadow of a doubt in my mind but that that is true.

Mr. MOORE of Pennsylvania. Mr. Speaker, I move to strike out the last two words.

The SPEAKER. That is the motion that is pending now.

Mr. MOORE of Pennsylvania. The last three words, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania moves to strike out the last three words.

Mr. MOORE of Pennsylvania. I would like to have the attention of the gentleman from Missouri [Mr. ALEXANDER], who is in charge of this bill. Yesterday I spoke of some imperfections in the bill, as I believed them to be, but the gentleman from Illinois [Mr. MANN] has raised a question which induces me now to ask as to the uncertainty of certain expressions in the bill. Yesterday, in one paragraph we had reference to "seamen" in one line and in another line to "sailors," evidently intended to mean the same thing, but leaving an opening for a legal quibble should one or other be interpreted in law to mean something that the other did not mean.

Mr. ALEXANDER. When this amendment shall have been disposed of, I am going to ask that the word "sailors," in line 10, be stricken out and the word "seamen" inserted in lieu thereof.

Mr. MOORE of Pennsylvania. I wanted to ask the gentleman now in regard to the interrogatory of the gentleman from Illinois [Mr. MANN], who asked about the meaning or interpretation of the term "merchant vessels."

Mr. WILSON of Pennsylvania. If the gentleman will permit me, it is right in connection with the very point that the gentleman is raising, with regard to the word "seamen" as confused with the word "sailors." In the first instance the word "seamen" is used because that includes all of the employees on the vessel. In the second instance the word "sailors" is used because that includes only the deck hands on the vessel.

Mr. MOORE of Pennsylvania. I question whether that would be borne out in nautical nomenclature.

Mr. WILSON of Pennsylvania. Those are the meanings of the terms.

Mr. MOORE of Pennsylvania. I doubt that, because later on in the bill you propose to define an able seaman, and you distinguish him from a sailor, and you distinguish him from a fireman.

But that is not the question I wanted to ask the gentleman from Missouri. The gentleman from Illinois asked as to merchant vessels. Now, on page 2, in the first section, in line 9, reference is made to "all merchant vessels of the United States." I draw attention to that particular characterization. On page 3, the very next page, in the second section, reference is made to the master or owner of "any vessel." That is in line 8. That is the second proposition. You change front in the two sections as to the nature of the vessel, or as to the characterization of it.

On page 4, in the next section, in line 7, you refer to "a vessel of the United States."

You have three distinct characterizations of vessels in those three separate sections. What is intended? Do you want to frame this bill so that when a question is raised in court, a horse and wagon can be driven through the bill? Why in one relation do you say "seaman" and in another "sailor"? Why in one section do you say a "merchant vessel," which is presumed to be as defined by the gentleman from Pennsylvania [Mr. WILSON], and in another section say "any vessel," which may include anything from a bateau up to a leviathan of the ocean, and in a third paragraph say "a vessel of the United States."

Later on I propose to raise the question as to what you mean by "a vessel of the United States."

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; I yield.

Mr. WILSON of Pennsylvania. In the first place, each of these sections applies to different purposes. One section is only meant to apply to merchant vessels. The next section that the gentleman refers to——

Mr. MOORE of Pennsylvania. I am afraid the gentleman will have difficulty in harmonizing those three suggestions.

Mr. WILSON of Pennsylvania. The next section is meant to apply, so far as wages are concerned, to all vessels, whether they are of the United States or of foreign countries. Then the next section is meant to apply purely to vessels of the United States; so that each has a specific purpose.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask for five minutes more.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. What do you mean, then, on page 4, line 7, when you say "every seaman on a vessel of the United States shall be entitled to receive," and so forth? You intend that that shall apply to every seaman; but, apparently, according to the language of the bill, you make it apply only to those seamen who are employed on "vessels of the United States," which I assume to be vessels owned by the United States. If you mean vessels of United States register, then you mean merchant vessels, but you do not say so.

Mr. ALEXANDER. If the gentleman wants light on that question, I will read him the definition given by the navigation laws.

Mr. MANN. What is the gentleman reading from?

Mr. ALEXANDER. From our navigation laws, page 15, section 2:

> Vessels registered pursuant to law and no others, except such as shall be duly qualified according to law for carrying on the coasting or fishing trade, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but no such vessel shall enjoy such benefits and privileges longer than it shall continue to be wholly owned by a citizen or citizens of the United States or a corporation created under the laws of any of the States thereof, and be commanded by a citizen of the United States. And all the officers of vessels of the United States who shall have charge of a watch, including pilots, shall in all cases be citizens of the United States.

So that "a vessel of the United States" is a vessel that belongs to a citizen or a corporation of the United States.

Mr. MOORE of Pennsylvania. If the gentlemen in charge are satisfied to have this bill come before the House in such form that in three successive paragraphs a vessel is defined in three different ways, of course the responsibility is upon them. I assume they intend to do the seamen some service.

Mr. ALEXANDER. That is not the question now pending before the House. It will be well enough to take it up when we come to it. I will say to the gentleman that I did not frame the language of this bill.

Mr. MANN. Mr. Speaker, I ask unanimous consent for two minutes.

The SPEAKER pro tempore (Mr. LITTLEPAGE). The gentleman from Illinois ask unanimous consent for two minutes. Is there objection?

There was no objection.

Mr. MANN. I find in several places in the statute references like this:

> SEC. 4318. Every vessel of the United States navigating the waters on the northern, northeastern, and western frontiers otherwise than by sea shall be enrolled and licensed in such form as other vessels.

There are a number of places where that expression occurs. I call the attention of the gentleman to it, in connection with this expression "at sea," to ask him whether or not he is perfectly clear that this expression in the bill will cover the Great Lakes.

Mr. ALEXANDER. Mr. Speaker, I will state frankly to the gentleman I do not think it will.

Mr. WILSON of Pennsylvania. I recall looking the matter up as to time, and my impression is that we found a statute that provided that the Great Lakes should be considered the same as the sea. I am not able to place my hand on the statute at the present time.

The SPEAKER pro tempore. The question is on the adoption of the amendment.

Mr. McMORRAN. Mr. Speaker, I ask unanimous consent that the amendment be again read.

Mr. SHERLEY. Mr. Speaker, I call for the regular order. We can not have it read at a time when the House is dividing.

Mr. MANN. But the House has not yet commenced to divide.

The SPEAKER pro tempore. Without objection, the Clerk will again read the amendment.

There was no objection, and the Clerk again reported the amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken.

Mr. McMORRAN. Mr. Speaker, on that I demand the yeas and nays.

Mr. ALEXANDER. Mr. Speaker, I want to say that if the gentleman from Michigan persists in making the point of no quorum I shall move the previous question on this bill to its final passage, and he will defeat the very purpose that he has in view.

The SPEAKER. The gentleman from Michigan demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] One Member has risen; not a sufficient number, and the yeas and nays are refused.

Mr. McMORRAN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present.

Mr. ALEXANDER. Mr. Speaker, will the gentleman withdraw his point of no quorum?

Mr. McMORRAN. Mr. Speaker, I will withhold it for the present.

Mr. MANN. What becomes of the amendment, Mr. Speaker?

The SPEAKER. The amendment is rejected.

Mr. ALEXANDER. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

> Page 2, line 10, after the word "States," insert the words "navigating the ocean or any lake, bay, or sound of the United States," and strike out in the same line the words "while at sea."

The SPEAKER. The question is on agreeing to the amendment.

Mr. WARBURTON. Mr. Speaker, I would like to ask the gentleman a question. We have on Puget Sound boats that will leave a city at 6 o'clock in the morning and return at 6 o'clock the same night and tie up for the night. Would that include a vessel of that kind?

Mr. ALEXANDER. I am inclined to think that the words "at sea" would include vessels on the Great Lakes, but it would not include vessels on rivers.

Mr. WARBURTON. This is on Puget Sound.

Mr. ALEXANDER. Mr. Speaker, I will withdraw the amendment.

Mr. McMORRAN. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

> Page 3, line 4, at the end of section 1, insert the following:
> "Or to vessels or steamers of 1,500 tons register and tonnage operated on the Great Lakes."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Michigan.

Mr. McMORRAN. Mr. Speaker, in behalf of this amendment I desire to address the House for a few minutes. I wish to say that the condition on the Lakes is entirely different from that on the ocean. We have a large number of steamers on the Lakes that are owned by independents, some of them by men who have their life savings locked up in an investment of 1,000 tons to 1,500 tons, as against those vessels carrying ten or twelve or fourteen thousand tons of ore. Under the most rigid economy it is impossible to expect a man to operate a vessel of 1,500 to 2,500 tons cargo in competition with one carrying ten or twelve or fourteen thousand tons. The clause in the bill requiring an additional fireman on the smaller class of boats is simply imposing a further burden upon the owners of those boats, and in the end will result in confiscation. During the consideration of this bill we have had a discussion of the trusts by the gentleman from Illinois [Mr. BUCHANAN]. He refers to the great Steel Trust. I had supposed that the discussion of the trusts coming from that side of the House would have been left in the rear.

During my service in this House for a number of years I have heard that side of the House clamoring and charging the Republican Party with being the mother of trusts and corporations, and yet you bring in here in this bill under section 1 a clause which, if it shall become a law, will have the effect of building up one of the most arbitrary trusts that exists in the country to-day. You will simply dictate to the smaller class of

vessels the number of men that they shall carry on their ships, the number of hours that they shall work; and if they are not able to comply with the terms of the bill they are simply to take their boats to the dock and let them lie there to rot. I think the time has come when the Democratic Party can afford to be fair and just to all people. You are now before the country hoping to carry it this fall—and I hope you will be buried so deep that you will never know that you have run a ticket—and it is a poor time for you at this section of the game to commence defending the trusts or to legislate here in establishing and constructing a trust. I am opposed to this bill. I am in favor of the workingman, and I am in favor of the sailor. I have had to do with sailors on the Great Lakes for the past 40 years, and I never yet have had a strike or a complaint from any sailor that I have ever had as to his wages or treatment; and as to the statement that the Steel Trust controls the tonnage on the Great Lakes, that is a mistake, and the gentleman who made it was in error.

There are a large number of men who are known as independents that have their independent steamers on the Lakes, and so far as the Steel Trust is concerned they are the strongest competitors to-day with the small boats. They have been paying liberal wages, and more so than any class of vessels that operate on the Great Lakes.

Mr. FOWLER. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. McMORRAN. I decline to yield at this time. I have had men in my employ for a number of years, men who started on the deck as deck hands, who are to-day commanding some of the steel steamers on the Great Lakes, drawing salaries from $2,000 to $2,500 a year, and they are men who are well worthy of the positions they occupy, and I think that the steel company are entitled to the credit of the efforts they have made in behalf of the work of the sailors on the Lakes. They have provided every comfort that could be provided in good steamers, and I think it comes with ill grace from any Member on that side of the House to charge the Steel Trust with being unfair to labor. I have no interest in the Steel Trust; I only wish I owned some of their stock.

The SPEAKER. The time of the gentleman has expired.

Mr. WILSON of Pennsylvania. Mr. Speaker, it occurs to me it is just as hot in the boiler room of a 1,500-ton vessel on the Lakes as it is on the ocean. It is just as hot when the vessel is owned by an individual or a small corporation as it is when it is owned by a trust.

Mr. McMORRAN. Will the gentleman yield?

Mr. WILSON of Pennsylvania. Yes.

Mr. McMORRAN. Do I understand the gentleman to say it is just as hot in the fire hole of a vessel of 1,500 tons register on the Lakes as in a steamer on the ocean?

Mr. WILSON of Pennsylvania. Of the same size; yes.

Mr. McMORRAN. Of the same size. Well, I am referring to 1,500-ton vessels.

Mr. WILSON of Pennsylvania. I say it is just as hot in the boiler room of a 1,500-ton boat on the Lakes as in the boiler room of a 1,500-ton boat on the ocean.

Mr. McMORRAN. Is the gentleman aware of the fact that on the ocean a vessel carries a pressure of from 175 to 225 pounds, whereas on the Lakes they carry a pressure of from 80 to 125 pounds?

Mr. WILSON of Pennsylvania. I know that both on the Lakes and on the ocean they carry various pressures.

Mr. McMORRAN. Does the gentleman maintain that the fire hole of a vessel carrying 225 pounds of steam is just the same as one carrying from 75 to 125 pounds of steam?

Mr. WILSON of Pennsylvania. No; I am not making that contention. I am simply making the contention that, with the various pressures carried in various vessels on the Lakes as there is on the ocean, with the same pressure being carried on the same size vessel, it is just as hot in the boiler room of the one on the Lakes as it is in the one on the ocean.

Mr. McMORRAN. One other point in that connection. Is the gentleman aware of the fact that the rate of wages paid on the Great Lakes, say on a 1,500-ton vessel, is much larger than that paid on the same size vessel on the ocean?

Mr. WILSON of Pennsylvania. In the coastwise trade?

Mr. McMORRAN. No; in the foreign trade, or the coastwise.

Mr. WILSON of Pennsylvania. The great bulk of the traffic on the Lakes is coastwise trade.

Mr. McMORRAN. That is true.

Mr. WILSON of Pennsylvania. The rate paid in the coastwise trade on the Pacific coast is higher than the rate paid on the Lakes.

Mr. McMORRAN. On the Pacific coast it is; on foreign service it is not, as I understand it.

Mr. WILSON of Pennsylvania. That is true; but it is nearly all coastwise trade on the Lakes. There is not any reason why this amendment should be adopted, Mr. Speaker.

The SPEAKER. The question is on agreeing to the amendment.

Mr. WEEKS. Mr. Speaker, I want to ask the gentleman a question.

The SPEAKER. You wish to ask the Speaker?

Mr. WEEKS. The gentleman from Michigan, and I move to strike out the last word. I want to ask the gentleman from Michigan, who offered the amendment, if he does not intend to include vessels of less than 1,500 tons? As it reads, it reads 1,500 tons and that tonnage alone.

Mr. McMORRAN. I did intend to cover 1,500 tons or less.

Mr. WEEKS. I ask that the amendment be reported.

The SPEAKER. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. WEEKS. Mr. Speaker, I move to amend, after the word "tonnage," by inserting the words "or less."

The SPEAKER. Without objection, the pro forma amendment will be withdrawn, and the gentleman offers the amendment which the Clerk will report.

The Clerk read as follows:

Amend the amendment by inserting, after the word "tonnage," the words "or less," so that the amendment will read "or to vessels or steamers of 1,500 tons of register tonnage, or less, operated on the Great Lakes."

The question was taken, and the amendment to the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to offer an amendment. Does not the question now arise on the McMorran amendment?

The SPEAKER. Unless the gentleman has an amendment he wants to offer.

Mr. MOORE of Pennsylvania. I would like to know the parliamentary status. Has the McMorran amendment been voted upon?

The SPEAKER. It has not.

Mr. MOORE of Pennsylvania. Then I have no amendment at this time.

The SPEAKER. The question is on agreeing to the McMorran amendment as amended.

The question was taken, and the amendment as amended was rejected.

Mr. HUMPHREY of Washington. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, at the end of line 18, insert "or for the saving of life and property aboard other vessels in jeopardy."

Mr. HUMPHREY of Washington. Mr. Speaker, I presume there will be no objection to the amendment. I think it was an oversight on the part of the committee. They certainly would not prohibit these sailors from working to protect life on other vessels as well as on their own. As I understand it, a master at sea is compelled to go to the rescue of any vessel that is in danger, and it seems to me no one should object to sailors under those circumstances assisting in giving help to the rescue of property or lives. I hope there will be no objection to the amendment.

Mr. WILSON of Pennsylvania. Mr. Speaker, so far as I am concerned, I have no serious objection to the amendment, although experience has shown it is not necessary to have that in our legislation, because there has been little or no necessity for it.

Mr. HUMPHREY of Washington. Occasion did arise in the case of the *Titanic*. I ask for a vote on the amendment.

The SPEAKER pro tempore (Mr. HOUSTON). The question is on agreeing to the amendment of the gentleman from Washington [Mr. HUMPHREY].

The question was taken, and the amendment was agreed to.

Mr. HUMPHREY of Washington. Mr. Speaker, on page 2, line 20, I offer another amendment. After the word "do," insert "in the judgment of the master." As it reads now it says:

While the vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or legal holidays.

That is a provision to which I have no objection, but if it is unnecessary, in whose judgment? Somebody has to pass upon it; I recognize the master might exercise arbitrary power or make some mistakes, as every other man. On the other

hand, he is supposed, certainly, to have equal judgment and to be as fair as a seaman. As a matter of fact, the records show that the seamen follow the sea but a very short time. I think on the average, according to the statement of the chairman of the Seamen's Union on the Pacific coast, the average time is about three years. I do not think it would be safe to leave it to the judgment of any man on board as to what he shall do. I do not know where you should put this power of deciding as well as with the master, and I think that is where it ought to go. Anything that is necessary in the judgment of the master the seaman should be required to do. The way it is it invites trouble. If the master gives an order and the seaman refuses to obey it, he will be discharged. You simply invite complications and trouble for both the master and the crew.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HUMPHREY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 20, after the word "do," insert the words "in the judgment of the master," so that the lines will read: "No seaman shall be required to do, in the judgment of the master, any unnecessary work on Sundays," etc.

Mr. WILSON of Pennsylvania. Mr. Speaker, the amendment practically destroys the purpose of the bill. If you leave the matter of what constitutes necessary work solely to the judgment of the master of the vessel, then the same condition will continue as exists now, when men are required to go on doing all kinds of ordinary work on Sunday, and the seamen will be prevented from having the usual week's day of rest which is usually provided for in all other classes of work. The question should be left, first, to the master to determine as to whether he considers it necessary or not; second, to the sailor or seaman to determine whether he considers it necessary or not, and, failing to agree, then the power rests with the inspectors to determine which of the two is right under the circumstances.

Mr. WEEKS. Mr. Speaker, I would like to ask the gentleman from Pennsylvania what limitation he would put on the words "unnecessary work on Sundays"?

Mr. WILSON of Pennsylvania. I can scarcely place any limitation on the words "unnecessary work" unless the specific piece of labor proposed to be done is up for consideration. Then I would be in a position to pass judgment upon whether or not it was necessary or unnecessary.

Mr. WEEKS. Is it going to be necessary to take these matters into court in order to determine what is necessary labor in all specific cases?

Mr. WILSON of Pennsylvania. Oh, no.

Mr. WEEKS. How is it going to be determined then?

Mr. WILSON of Pennsylvania. There is a likelihood that the men would be able to reach an agreement. But as it is now if one of these men refuses to perform this work on Sunday, or as it would be if this amendment were adopted, he would come under the law and would be penalized for his refusal to perform that labor, and that, too, not when the vessel is endangered or at sea, but when the vessel is in a safe port.

Mr. WEEKS. Let us suppose, Mr. Speaker, that a vessel is at sea and the master finds it is necessary to wash decks and the men do not do so, what is going to determine it?

Mr. WILSON of Pennsylvania. This does not apply to vessels at sea. At sea the word of the master is supreme, because there is a community of interests in which the safety of all who are there is involved and, consequently, there must be some supreme authority. And the supreme authority when at sea is vested in the master of the vessel. This clause only applies at times when the vessel is in a safe port.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

The question was taken, and the Speaker pro tempore announced that the noes seemed to have it.

Mr. HUMPHREY of Washington. Division, Mr. Speaker.

The House divided; and there were—ayes 3, noes 37.

So the amendment was rejected.

Mr. WEEKS. Mr. Speaker, I move to strike out the last word for the purpose of asking a question.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for five minutes.

Mr. WEEKS. May I have the attention of the gentleman in charge of the bill? In lines 10 and 11 the limitation as to the number of watches is stipulated, at least two watches for the deck force and three watches for the engine-room force. Why were the words "at least" left out so far as the engine-room force is concerned? There may be a division into six watches, for instance. That would be a natural division of watches at sea—men standing watch for four hours.

Mr. WILSON of Pennsylvania. I have no objection, if the gentleman desires to offer an amendment of that kind, to an amendment of that kind being offered.

Mr. WEEKS. It seems to me that would be a natural limitation to be placed in the law.

Mr. WILSON of Pennsylvania. The sole reason for its not being there was the presumption that three watches would be as many as the firemen would likely be divided into.

Mr. WEEKS. It is very frequent that men stand in watches for four hours, then go off watch, and then go on again.

Mr. WILSON of Pennsylvania. All over the world the watch is recognized to be four hours, so that when you speak of a "watch" you speak of four hours.

Mr. WEEKS. Yes; but the dog watch is two hours.

Mr. WILSON of Pennsylvania. Well, there are no dog qualifications in this bill.

Mr. WEEKS. There are dog watches on all oceans, as the gentleman knows if he has investigated.

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to offer the following amendment.

Mr. WEEKS. Mr. Speaker, I move to insert, in line 11, page 2, after the word "into," the words "at least," so that it will read "and the firemen into at least three watches."

Mr. HARDY. We have no objection to that amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 11, after the word "into," insert the words "at least," so that the line will read "and the firemen into at least three watches."

Mr. MANN. Mr. Speaker, now that we have a real seaman on his feet, I would like to inquire what the term "watch" means. What is the legal definition of the term "watch" as used here?

Mr. WEEKS. Mr. Speaker, when seamen want legal definitions they go to a lawyer to get them. [Laughter.]

Mr. MANN. I thought sometimes they went to a sea lawyer. [Laughter.]

Mr. WEEKS. But if the gentleman wishes a practical definition of the term "watch," I would say that it is the term or period that a man stands duty at a stated time.

Mr. MANN. It is not a term of duty? This refers to the duty of the man.

Mr. WILSON of Pennsylvania. It is almost synonymous with the term "shift" on land, so that it will be two shifts and three shifts, respectively, but the length of that shift is recognized universally as four hours.

Mr. MANN. It is quite certain that you could not have four watches of 8 hours each in 24 hours. Are the men to be divided into three watches?

Mr. WILSON of Pennsylvania. The men are to be divided into three watches, or three shifts, so far as the firemen are concerned, and into two watches, or two shifts, so far as the sailors and deck hands are concerned.

Mr. MANN. Is there any way to alternate from day to night and vice versa under the divisions of this bill, having divided the men into three sets? I use a term that we understand. That is what you mean by this bill. Then you provide that they shall alternate. Is there any way by which a man who served this week at night shall serve next week in the daytime under the terms of this bill? I fear not.

Mr. WILSON of Pennsylvania. This is a matter of mutual arrangement.

Mr. MANN. It is not a matter of mutual arrangement when the law fixes it. This bill says "divided into three watches, which shall be kept on duty alternately." Now, I take it that it is a common practice to shift the time of service of men on board vessels at sea as well as elsewhere. I ask what it means, because I know the gentleman would not wish to destroy that.

Mr. WILSON of Pennsylvania. I think the gentleman will see, if he examines into it, that it will naturally shift for itself.

Mr. MANN. I was at sea the other day, and as well as I could figure it out I figured it out that it would not shift for itself.

Mr. WEEKS. I think the gentleman in charge of the bill will state that no complaint has ever come before his committee on account of a recent change in the hours of service on board ships. Every master arranges his hands so that some will perform some night service and some will perform day service, and at different times in the night and in the day.

Mr. WILSON of Pennsylvania. I do not think this will prevent that.

Mr. WEEKS. I do not think it will prevent it, and I do not think there is a complaint that it has not been done.

Mr. SHERLEY. In the earlier discussion of the bill did not the gentleman state that this provision would not apply to

vessels engaged in a voyage lasting less than 16 hours? Manifestly there ought not to be any need for three shifts of men in vessels that are so engaged—for instance, in a run of four or five hours' duration.

Mr. WILSON of Pennsylvania. No.

Mr. SHERLEY. I think if the bill does not exclude that class of vessels an amendment ought to be offered which does exclude them. I would like to have the gentleman's opinion.

Mr. WILSON of Pennsylvania. My opinion of the situation is this: That the watch or the shift being of four hours' duration, and the shifts alternating, naturally there would be less than three shifts where there were eight hours or less.

Mr. SHERLEY. No. There would be less than that many watches, but not less than that many shifts, using the term "watches" as designating time and the term "shifts" as designating classes.

Mr. WILSON of Pennsylvania. "Shift" and "watch" are almost synonymous terms.

Mr. SHERLEY. Let us not juggle with words. I do not care what the gentleman calls it. I care not whether you call it a "shift" or a "watch." In point of fact here is what happens: A certain class or group of men work four hours. They are spoken of as a "watch," and sometimes, as the gentleman said, as a "shift," though frequently you speak of a watch as referring to time and not to men. For instance, when you speak of the "dog watch" you may not refer to the character of men or to the number composing that shift, but you refer to the time during which that watch lasts. Now, if the time of the voyage is such as to consume four or five hours only, you may have, by this provision in the bill, required the maintenance of three groups of men, whereas in point of fact the time employed by the vessel is not sufficient to use those men.

Mr. WILSON of Pennsylvania. I would state to the gentleman that it is not clear that that would be the case, but I would have no objection whatever to an amendment which would make it clear that this would not apply to vessels running eight hours or less, if it applied to vessels running more than eight hours. It should apply only to vessels running more than eight hours.

Mr. SHERLEY. Let us see whether it should. If a vessel runs only 9 hours or 10 hours, why should there be three shifts when you can have two alternating, and in no instance can a man work more than 8 hours? That is what is in the gentleman's mind, and in no instance will a man work more than four hours consecutively. I do not want, on the spur of the moment, to offer an amendment that may not effect a remedy, but it is clear to my mind that unless the letter of this law is disregarded you have created a condition where you will be required to have three shifts of men on vessels that may not be engaged in a voyage long enough to need more than two shifts.

Mr. MADDEN. Will the gentleman from Pennsylvania yield to me for a question?

Mr. WILSON of Pennsylvania. Yes.

Mr. MADDEN. Suppose you have a crew of firemen numbering 90 men, and you divided them into three groups. One group of 30, we will assume, take one of the watches. Half the group will be employed for 4 hours, and then will go off duty, and the other half will go on. That would be an 8-hour watch. Then we will take the next group of 30, one half of whom would go on for 4 hours and the other half for 4 hours. The third group would do the same thing. According to the language of this bill, dividing the watches as they are proposed to be divided in the bill, no man would work more than 4 hours out of the 24, as I understand it. I do not suppose the gentleman from Pennsylvania wants to make the language of the bill such that a man would work less than 8 hours in 24.

Mr. WILSON of Pennsylvania. I think the gentleman is entirely in error. Under this bill each man is 4 hours on and 8 hours off in every consecutive 12 hours.

Mr. MADDEN. He would not be under the three-group system.

Mr. WILSON of Pennsylvania. Oh, yes; the three-group system is what I have reference to. Each group of men would work 4 hours and be off 8 hours, and then work 4 hours again and be off 8 hours, so that in each 24 hours every man would work two periods or watches of 4 hours each.

Mr. MADDEN. I can not figure it out that way. Perhaps the gentleman has figured it out.

Mr. SHERLEY. Perhaps the difficulty comes from the use of the word "alternate," when you speak of three groups. The words "alternate" and "alternately" are generally used as applying to two groups.

Mr. MANN. Mr. Speaker, is there any penalty provided for a violation of this section, except the right of the seaman to quit?

Mr. WILSON of Pennsylvania. There is no other penalty except the right of the seaman to quit, and to get his wages when he does quit.

The SPEAKER pro tempore. The amendment offered by the gentleman from Massachusetts [Mr. WEEKS] is pending.

The question being taken, on a division (demanded by Mr. ALEXANDER) there were—ayes 32, noes none.

Accordingly the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, line 10, after the words "States the," by striking out the word "sailors" and inserting the word "seamen."

Mr. MOORE of Pennsylvania. Mr. Speaker, that is offered simply to make the term conform to the other parts of the bill.

Mr. LONGWORTH. Does not the word "seamen" mean firemen also?

Mr. MOORE of Pennsylvania. Not necessarily, because seamen are especially defined later on in the bill as men who must have served three years.

Mr. MANN. Is not the expression in the bill later on "able seamen," and does "able seamen" mean the same as "seamen"?

Mr. HUMPHREY of Washington. No; it does not.

Mr. MOORE of Pennsylvania. I should suppose there was some purpose in the bill, when it provides that in order to be an able-bodied seaman——

Mr. MANN. I do not think it says "able-bodied seaman." I think it says "able seaman," which means one thing and "seaman" means another, and a sailor may be something else.

Mr. LONGWORTH. What are firemen?

Mr. MANN. Firemen are seamen.

Mr. LONGWORTH. I should think so.

Mr. KENDALL. Does the word "sailor" include all of them?

Mr. MANN. No; "sailor" does not include firemen, but "seaman" would.

Mr. MOORE of Pennsylvania. Firemen are specified, but the word "sailor" occurs several times where the word "seaman" is intended. I merely want to correct the phraseology of the bill. I supposed it was the intent of gentlemen to have this bill uniform. If you want to leave this question open, I am satisfied, but I want to correct the bill so that there may be no question as to the meaning of the word "seaman."

Mr. WILSON of Pennsylvania. Mr. Speaker, we are more interested in this bill being right and in having the correct meaning expressed than we are in the bill being uniform. We are more interested in its being easy of interpretation than we are in having the verbiage according to the ideas of any one man.

Mr. MOORE of Pennsylvania. Does not the gentleman simply confuse the question when he leaves it open? It may mean a sailor or a seaman who has seen three years' service.

Mr. WILSON of Pennsylvania. No; the confusion is in the gentleman's mind, in that he does not draw the distinction between what is a seaman and what is a sailor. The word "seaman" includes all of those who are employed on board, while "sailor" only includes the deck hands.

Mr. MOORE of Pennsylvania. Does the gentleman mean that a sailor distinguished from a seaman need not have three years' experience?

Mr. MANN. Why, certainly.

Mr. WILSON of Pennsylvania. It means that able seamen shall have three years' service.

Mr. MOORE of Pennsylvania. Does the gentleman mean that a "sailor" may go on board at any time, and do the work of an able seaman, without requiring three years' service?

Mr. WILSON of Pennsylvania. No; but there are sailors who can do that.

Mr. MANN. Is it not a fact that the provision of the bill regarding able seamen requires not to exceed 65 per cent of able seamen?

Mr. WILSON of Pennsylvania. Yes.

Mr. MANN. The others may be seamen, and they would also be sailors, if they were doing deck work. I think there is no confusion in the term.

Mr. ALEXANDER. I should like to read the definition of "seaman" as given by the law for the benefit of the gentleman from Pennsylvania [Mr. MOORE].

Mr. MANN. What is the section of the statute which the gentleman proposes to read?

Mr. ALEXANDER. It is on page 58 of the navigation laws, and is section 73:

Every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a seaman.

Mr. LONGWORTH. Under this provision here as to watches, where would the stewards and cooks come in?

The SPEAKER. The gentleman from Pennsylvania has the floor.

Mr. MOORE of Pennsylvania. Mr. Speaker, I thought so. I desire to ask the gentleman from Missouri [Mr. ALEXANDER] whether upon that interpretation of the law he still means to put a sailor in the category of an able seaman who does not have to serve three years on shipboard in order to qualify under this act? You are proposing here to improve existing law, and if you are going to improve it you should improve the imperfections of the old law, and when you are copying bad grammar I think it had better be corrected while we have a chance.

Mr. WILSON of Pennsylvania. Mr. Speaker, if the amendment of the gentleman from Pennsylvania [Mr. MOORE] is agreed to, it means that the cooks and stewards would also be divided into two watches as well as the sailors.

Mr. LONGWORTH. And it is intended that cooks and stewards shall not be covered by this.

Mr. WILSON of Pennsylvania. This does not cover the cooks and stewards.

Mr. LONGWORTH. Exactly. It covers the firemen and the sailors.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, section 1, by striking out all after the word "earned," line 3, page 3.

Mr. MOORE of Pennsylvania. Mr. Speaker, this bill is entitled "A bill to abolish involuntary servitude imposed upon seamen," and so forth, and the gentleman from Pennsylvania [Mr. WILSON] has laid much stress upon the servitude which seamen are said to endure. There are long voyages and short voyages that seamen have to take, and when they go on a whaling cruise they take, perhaps, a longer voyage than on any other. On fishing voyages they also take long cruises, and I am at a loss to understand why the gentlemen on the other side should bring in a bill which proposes to relieve one class of seamen or sailors from involuntary servitude and still imposes it upon others whose work at sea may be more difficult. If this bill is intended to relieve seamen of any hardships they now endure, why do you except by the provisions of the bill and still leave in involuntary servitude men who are employed upon fishing vessels or men who go off in whalers and stay for a term of years? Is this bill intended to exclude the seamen who go off on those cruises? And why except yachts, especially in view of the charge made a moment ago by the gentleman from Illinois [Mr. BUCHANAN] that the crowding down of sailors was due to the Steel Trust? Why except the yachts which, perhaps, are more largely owned by those who are interested in the Steel Trust than any other class of men? Why should those who work down in the holds of yachts be excepted from this "involuntary servitude" that is imposed upon the sailors who go down in the ships? You may say that you except a yacht owned by a millionaire because he does not take long cruises or because he furnishes some special facilities in the way of comfort and convenience for the men who do the stoking and the firing and whatever other work is to be done, or before the mast. Do you intend especially to benefit the Steel Trust millionaires who own the yachts and sail away at their own free will and keep the men down in the hold in involuntary servitude while you pretend to perform an act for the liberation of those whom you say are enslaved upon the ships carrying commerce? I want the ships of commerce to have a chance. I want the men who employ sailors to have an opportunity. I do not propose to vote them out and vote in the men who own yachts, the men who are able to sail away as they please. It seems to me that the gentlemen on the other side have made a remarkable exception in this case, that they provide that the sailor who is in involuntary servitude on the yacht of the millionaire shall not be included in the provisions of this bill, which is supposed to wipe out the last vestige of serfdom in the United States. I would like to know what the gentleman has to say in opposition to an amendment of this kind, making fish of one and fowl of another, proposing that one class of seamen, or sailors, as you have distinguished them, shall be the beneficiaries of this act and leaving in distress and abject servitude under the iron heel of the millionaire the man who sails on the palatial yacht. [Applause.]

Mr. HARDY. Mr. Speaker, I can not help thinking that the gentleman from Pennsylvania [Mr. MOORE] is making a nice little calico play and nothing more. This section has nothing to do with the question of involuntary servitude, as the gentleman would seem to believe, laying so much stress upon the fact that it does not apply to the millionaire-owned yacht. This section has reference only to providing for two watches of the deck crew and three watches of the firemen. The yachts are exempted from this provision, as they are from nearly all of the existing provisions of a similar character in existing law, because the employees on the yachts are generally the best cared for and least oppressed of seamen and they have never complained as to the matters involved in this section, and there is absolutely no question whatever of involuntary servitude involved in this section. The fact is that I am more tickled and amused at the gentleman's performance as to yachts than anything I know of, except when it comes to his criticism of our exempting fishing and whaling vessels from this section.

Mr. MOORE of Pennsylvania. There is no question that these classes of seamen are being exempted from the benefits of this act.

Mr. HARDY. Oh, the gentleman can read. There is no question that the answer to his question is that the yachts are exempted.

Mr. MOORE of Pennsylvania. And so are those who go out in whaling and fishing vessels.

Mr. HARDY. So far as the fishing vessels are concerned, the gentleman ought to know there are thousands of poor men owning their little outfits, and to require them to have alternating watches, two watches on deck and three watches of the firemen, would be simply ridiculous.

The SPEAKER. The question is on the adoption of the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 3. That section 4530 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4530. Every seaman on a vessel of the United States shall be entitled to receive, within 48 hours after demand therefor, from the master of the vessel to which he belongs one-half part of the wages which shall be due him at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended; and all stipulations to the contrary shall be held as void. And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him, as provided in section 4529 of the Revised Statutes: *Provided*, That notwithstanding any release signed by any seaman under section 4552 of the Revised Statutes any court having jurisdiction may upon good cause shown set aside such release and take such action as justice shall require: *Provided further*, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement."

Mr. HUMPHREY of Washington. Mr. Speaker, I offer an amendment, to strike out from including "*Provided further*" to the end of the section, so that the section will not apply to foreign vessels.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 4, by striking out the proviso after the word "require," in line 22.

Mr. HUMPHREY of Washington. Mr. Speaker, I want to call the attention of Members of the House to the fact that by this proviso we attempt to make void contracts which are made in foreign countries between foreign citizens. Now, I submit we can go this far, that when foreign vessels are in our ports we can make them comply with any rule and regulation that exists in regard to American citizens or that protects property or to contracts made in our own ports. We can also go so far as not to enforce contracts that are made in those foreign countries. For instance, we could refuse to recognize any agreement made abroad and not compel them to be enforced and carried out in this country, but we do not have the power to declare void contracts made in foreign countries. There is a clear distinction, and we go entirely beyond our authority. In other words, in this section, as we now have it, we provide that if a foreign sailor makes an agreement with a foreign shipowner that the contract becomes void as soon as they come into an American port. We also go further. If they make an agreement that wages shall not be paid until the round trip is complete we say that that contract will be void. Now, I think we are going beyond our power. If we had the power, I do not think there is any necessity for it. I can see no reason why we should tell foreign nations how they should pay their sailors. We are attempting to do something entirely

out of our power when we declare a contract made between two citizens of a foreign Government, legal in that Government, is void because they come into our ports. I think that section ought to be stricken out. Under the law as it now stands the words in line 13, "and all stipulations to the contrary shall be held as void," is not in it. The change that is made from the present law is the insertion of those words and the provisos.

Mr. BUTLER. Is that the only change between the old and the new law?

Mr. HUMPHREY of Washington. The only change between the old law and the new law are the words "and all stipulations to the contrary shall be held as void," and the provisos which make it apply to foreign ships, and it does seem to me that this House ought to have some consideration for its judgment; that we ought not here to vote for provisions in bills we know we have no authority to enforce. We should have some regard for the comity of nations. For one I do not want to go on record as voting for a law to make void a legal contract made between two citizens of another country as long as it does not affect our safety and the interest of our country.

Mr. BUTLER. Mr. Speaker, the gentleman insists this is the only part of the provision we could enforce:

Provided further, That this section shall apply to seamen on foreign vessels, etc.

That is what the gentleman refers to as what we could not enforce, and that is because of our relations with nations.

Mr. HUMPHREY of Washington. And the further stipulation:

Every seaman on a vessel of the United States shall be entitled to receive, within 48 hours, after demand therefor, from the master of the vessel to which he belongs, one-half part of the wages which shall be due him, etc.

Suppose an English sailor had made a contract when he started in regard to his wages. That provision makes that contract void. And we go beyond that. We not only declare the contract void, but we declare we will enforce a violation of that contract when it comes into our port. If part of the money has been paid under such contract our courts will compel its repayment. The seaman should have the power of the courts of the United States to enforce payment that is in direct violation of the legal contract he had made in his own country with his countrymen.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes more.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. BUTLER. I would like to ask the gentleman a question. When a ship comes within the 3-mile limit of our shores or lands and takes advantage of our laws and docks at our shores, does that ship come within the jurisdiction of our courts?

Mr. HUMPHREY of Washington. Certainly. It comes within the jurisdiction of the courts, and I have never attempted to deny the fact. We have authority over that vessel and we can compel that vessel to obey our rules and regulations that affect the interests of American citizens, but I am making this distinction, that the United States has no authority to declare void a contract made between two citizens of another country that is legal in that country which in no way affects American interests. We go a step further. We not only declare that contract void, but we provide that the foreign sailor may go into court and invoke the power of that court to carry out something that he agreed not to do and about which we are not in anyway concerned.

Mr. MANN. Will the gentleman yield for a question?

Mr. HUMPHREY of Washington. Certainly.

Mr. MANN. Supposing one of the Canadian railroads makes a contract with one of its employees that the employee shall not recover for damages in case of injury. Then they come into the United States with a train and the employee is injured. The employee sues under the liability act which we passed. Does the gentleman think the fact that the contract was made in Canada instead of the United States could be urged as a bar in that suit? Is there any distinction between that case and this? In other words, we do not declare the contract is void, but we declare it can not be plead in defense of the action.

Mr. BUTLER. This law applies where the case is brought.

Mr. HUMPHREY of Washington. That is true enough; that would be the law of the United States.

Mr. MANN. So is this when it is passed.

Mr. PICKETT. The case suggested by the gentleman from Illinois is where the cause of action occurs in this country.

Mr. HUMPHREY of Washington. The gentleman suggests a case where we would enforce the law of the United States, but this is a case where you will declare void a contract legal in a foreign country in which we have no interest between foreign subjects.

Mr. MANN. We are enforcing the law of the United States. We are permitting the man to sue for wages that are due him, but do not permit evidence that he is not to have the wages to be proof presumptive in the matter.

Mr. BUTLER. In the case the gentleman puts to the gentleman from Washington [Mr. HUMPHREY] we declare, notwithstanding the contract was made in Canada that there should be no recovery, there can be a recovery here.

Mr. HUMPHREY of Washington. Certainly; we make that stipulation in regard to our own people here. But that is a law where they recover under the laws of the United States. In this case you are declaring void a contract made abroad and carried out entirely abroad or on a foreign ship, between foreign citizens, which is an entirely different proposition.

Mr. ALEXANDER. Will the gentleman yield? If the gentleman will turn to page 78, section 95, of the navigation laws, 1911, he will find the law relating to advances and allotments of wages. In the first subdivision it says:

It shall be and is hereby made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same or to pay such advance wages to any other person.

In subdivision "b" it says further:

It shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages which he may earn to his grandparents, parents, wife, sister, or children, etc.

Subdivision "c" provides what other rights he shall have. Then in subdivision "d" it says:

No allotment note shall be valid unless signed by and approved by the shipping commissioner. It shall be the duty of said commissioner to examine such allotments and the parties to them and enforce compliance with the law.

Then in subdivision "e" it says:

No allotment except as provided for in this section shall be lawful.

In subdivision "f," and this is the subdivision to which I wish particularly to call your attention, it says:

This section shall apply as well to foreign vessels as to vessels of the United States; and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation: *Provided,* That treaties in force between the United States and foreign nations do not conflict.

If we may regulate advancements and allotments of wages, why can not we regulate the payment of wages, too?

The SPEAKER. The time of the gentleman from Washington [Mr. HUMPHREY] has expired. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to offer the following amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 4, line 7, after the words "on a," by inserting the word "merchant."

Mr. MOORE of Pennsylvania. Mr. Speaker, this is intended to meet the criticism I made a little while ago. Here you provide for a vessel of the United States, the inference being, and perhaps the legal definition being, that the vessel is owned by the Government of the United States. The bill does not say a vessel of American register; it does not say "merchant vessel." I suggest the word "merchant" would fit the situation and make the bill uniform.

Mr. WILSON of Pennsylvania. I hope the amendment will not be agreed to. It is apparent that the gentleman from Pennsylvania [Mr. MOORE] does not understand the purpose of this section or the purpose of the other section that he has had reference to in his discussion here to-day. This section is meant to apply to all vessels of the United States, not vessels owned by the United States, but vessels of the United States, and the law as read a few minutes ago by the gentleman from Missouri [Mr. ALEXANDER] clearly defined it, and that is the language that should be used when applying to vessels owned by citizens of the United States. This is meant to apply not only to merchant vessels of the United States, but to all vessels of the United States, whether they are merchant vessels or others.

Mr. MOORE of Pennsylvania. I offer the amendment merely to perfect the bill. If the gentleman does not want it, all right.

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, while I do not think the amendment is necessary, I wish before the debate on this bill is closed that the gentleman in charge of the bill, or some other gentleman, will put into the RECORD a clear definition of what a merchant vessel is.

Mr. MOORE of Pennsylvania. The law was read a little while ago.

Mr. MANN. Section 4311 of the Revised Statutes defines what a vessel of the United States is. I take it that there is no definition in the statute as to the meaning of the term "merchant vessel," and it seems to me it would be desirable to have the definition in the RECORD if not in the bill.

Mr. WILSON of Pennsylvania. My definition, at least, of the term is in the RECORD, in reply to the question of the gentleman from Illinois.

Mr. MANN. I understood the gentleman a while ago to state that the term "merchant vessel," in section 1, covered certain vessels not under 100 tons burden.

Mr. WILSON of Pennsylvania. What I said was that a merchant vessel was a vessel carrying passengers or freight for hire. That was my definition of a merchant vessel. Then one of the sections specifically exempts vessels of less than 100 tons, which would exclude merchant vessels as well as other vessels.

The SPEAKER. The question is on the amendment of the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 4, line 13, after the word "ended," by inserting the words, "Provided the voyage between ports shall cover a period of 48 hours."

Mr. MOORE of Pennsylvania. Mr. Speaker, the gentleman from Pennsylvania [Mr. WILSON] a moment ago suggested that I ought to study this bill a little more carefully that I might better understand it. The gentleman speaks from his point of view. I speak from mine. I am interested in the development and improvement of labor conditions. I believe those conditions will be improved as we improve the opportunity for men to do business in this country. I believe that a sailor ought to be paid everything that is due him for his services, but I believe there is another side to that question, namely, that some encouragement should be given to the man who invests his money in enterprises and employs the sailor. Now, I assume that the gentleman upon the other side wants to be as fair to the employer as to the employee and wants to see, as the gentleman from Illinois [Mr. BUCHANAN] indicated the other day, the employer and employee walking hand in hand.

Up to this time in this discussion it would appear that that labor which the gentleman seems to speak for wants to strike at the employer. I do not understand that to be the purpose of this bill, and I do not understand it to be the purpose of the gentleman. I believe that the man who employs labor ought to have equal consideration in a bill of this kind with the laborer himself. They ought to work together.

Now, this bill presents certain features that make it impossible for a man operating a small vessel to continue in business. There are conditions in this bill that, put into effect, may deprive the small shipowner of the right to exist, leaving all the shipping business to be done by the great capitalists and the trusts, on the one hand, and those who regulate the affairs of organized labor, on the other. I want to see the man who operates a small ship have the same chance to employ somebody as the man who operates the trust-owned ship.

In this particular instance I have offered an amendment which has in view the practicability of this section of the bill. It is proposed here that a seaman shall have his wages at every port on 48 hours' notice to the master of the vessel. Pray, how is that going to work along the Atlantic seaboard, where the vessel leaves the port of New York in the morning and arrives at the port of Philadelphia in the evening, or leaves the port of Philadelphia in the morning and arrives in the port of Baltimore next day? Forty-eight hours do not elapse. Is it the purpose of this bill to have the man employed to do certain work upon the vessel nagging the master on a 12-hour journey? I submit that where these vessels do not cover in their trips a period of 48 hours, this provision is entirely impracticable.

Mr. WILSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to his colleague?

Mr. MOORE of Pennsylvania. I yield.

Mr. WILSON of Pennsylvania. Does the gentleman know of any such circumstance, where the run is less than 48 hours between such points, where the trip is only 12 hours?

Mr. MOORE of Pennsylvania. Yes; I know of many such trips. A vessel leaves Baltimore at a certain hour and arrives at Philadelphia 12 hours later. Under this bill the seaman could keep demanding his wages every 48 hours all along the Atlantic coast from Boston to Fernandina, Fla., on a voyage, stopping at ports every 12 hours.

I submit there are imperfections in this bill that make it objectionable in many respects. I want to see my colleague from Pennsylvania do everything he can to benefit the seamen, because I join with him in the effort he is making to upbuild labor. The Lord knows the honest seaman works for his wage and ought to have it. I do not want to see the gentleman put the seaman in such a position that he shall be in constant war with the captain and shall have a chip on his shoulder all the time, when they ought to be pulling together.

Yet under the terms of this bill you would have this condition arise all along the coast, and on the Great Lakes from Buffalo to Duluth.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MANN. Mr. Speaker, a moment ago the gentleman from Pennsylvania [Mr. WILSON] stated in reference to section 1 that it did not apply to vessels of less than 100 tons burden.

Mr. WILSON of Pennsylvania. Yes.

Mr. MANN. The gentleman stated that that provision was in the section. I read the provision over when the gentleman made his statement, hoping to find it, and I have read it over again and have not found it, and if it is in there I would like to have the gentleman tell me where it is. If it is not there, I would like to have him say whether or not, as a matter of fact, there is any other provision which, in the gentleman's opinion, would limit section 1 to vessels of 100 tons burden or over?

Mr. WILSON of Pennsylvania. No. There are some sections where the limitation is 100 tons, but the only limitation in section 1 is that it does not apply to fishing or whaling vessels, or to yachts.

The SPEAKER. Debate on this amendment has expired.

Mr. BOWMAN. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Pennsylvania [Mr. BOWMAN] moves to strike out the last word.

Mr. BOWMAN. Mr. Speaker, I would also like to ask the gentleman in charge of the bill a question in relation to the point just made by my colleague from Pennsylvania, Mr. MOORE. I think there is a good point made there. It is not even necessary that the wages should be paid at the port, within 48 hours, while the vessel is lying at that port. It occurs to me that if a man wanted to make trouble, or if a man had been drinking, he might ask for his money at each port, either on the coast or at every port on the Lakes, perhaps 48 hours apart. He might make a demand for his money, and every 48 hours his money would be coming to him. I think it would be easy to add to the provisions in the bill language to the effect that the voyage should cover so many days specifically.

Mr. WILSON of Pennsylvania. Mr. Speaker, the provision in the bill requires 48 hours' notice before the money can be paid—that is, before its payment can be enforced after it is demanded. In my judgment that protects the employer on short runs, and he has the further protection that there is nothing to compel him to retain that individual in his employment if that individual annoys him.

Mr. BOWMAN. If the gentleman is satisfied with the language, I am.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 4, line 25, after the word "enforcement," by inserting the following: "*And provided*, That nothing herein contained shall operate to admit any person in violation of the immigration laws of the United States."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to speak on the amendment for a moment.

The SPEAKER. The gentleman has five minutes.

Mr. MOORE of Pennsylvania. Mr. Speaker, there are bills pending in this House now affecting immigration, and a test is to be made, if we are to understand the gentleman from Alabama [Mr. BURNETT] aright, and if there is any real steam behind the gentleman from Georgia [Mr. RODDENBERY], as to whether immigrants shall be admitted to this country who can not read and write. I am in favor of properly restricting immigra-

tion. The criminal, the infirm, the helpless, the pauper, and the insane ought to be kept out of this country; but the man who can not read and write, who comes here for a worthy purpose and desires to take advantage of the opportunities offered by this country to his forefathers and to assume the same responsibilities, should not be barred solely for the reason indicated.

Here is a provision which proposes that alien seamen, whether they can read or write or not, may come into this country and have the advantages of all the courts of our land, without making any provision whatever for those citizenship obligations which the rest of us have to assume. I desire to say that if this provision is allowed to stand without the amendment which I have offered, a sluiceway will be opened for men to come into this country who do not conform to the immigration regulations of the United States—men who may be criminals, men who may not be fit for citizenship in the United States—and it seems to me this is the time to insert a precautionary provision, so that men who are neither sailors nor firemen, but who assume to come in as such, though at heart and in experience and of record they may be crooks, shall not come into the United States in violation of those laws which impose restrictions upon all others.

Mr. ALEXANDER. I understand the gentleman offers an amendment at the end of line 25, on page 2, and that section 4530 deals altogether with the wages of seamen. The amendment is not germane, but I will not make a point of order against it. It is absolutely foreign to the subject matter of the section.

The SPEAKER. The question is on the amendment of the gentleman from Pennsylvania [Mr. MOORE].

The question being taken, the amendment was rejected.

Mr. UTTER. Mr. Speaker, I move to strike out the last two words, for the purpose of asking the chairman of the committee a question for information. This bill applies to coastwise and lake steamers alike, does it not?

Mr. ALEXANDER. That is the intention.

Mr. UTTER. Then suppose a steamer leaves Buffalo, stops at Cleveland, goes along and stops at Detroit. At each place a seaman could demand half his wages, and they must be paid within 48 hours?

Mr. ALEXANDER. It does not say so. It says he must give 48 hours' notice.

Mr. UTTER. But the seaman has the right at each place to demand the proportion of his wages due him at that time, which must be paid in 48 hours?

Mr. ALEXANDER. No; if he wants part of his wages at that port he must give 48 hours' notice.

Mr. UTTER. He must give 48 hours' notice, after he comes to port, that he wants half his money within 48 hours.

Mr. ALEXANDER. The vessel, under the circumstances the gentleman states, would not remain at one port 48 hours.

Mr. UTTER. The section does not say anything about a vessel remaining in port 48 hours.

Mr. ALEXANDER. No; it says if he wants his wages in that port, he must give 48 hours' notice.

Mr. UTTER. No; it says he must ask for his wages at that port, and that they must be paid him within 48 hours.

Mr. ALEXANDER. I can not agree with the gentleman's construction of the language.

Mr. UTTER. It says simply that he is entitled to receive his wages within 48 hours after demanding them. It does not make any difference whether he is on the sea, or a river or lake. When the 48 hours are up he is entitled to his wages.

Mr. ALEXANDER. I regret that I can not agree with the gentleman's construction.

Mr. MANN. Mr. Speaker, I will oppose the pro forma amendment. I suggest to the gentleman that while it is true apparently that a seaman could demand and on a series of demands be entitled to one-half of his wages at Philadelphia and another one-half at the next port that he reached, although it might be reached within a few hours, the probable result would be that he would get all of his wages and get the boot.

Mr. UTTER. I am not looking for trouble for anybody. I am simply calling attention to the possibilities that may arise under the law.

The SPEAKER. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 4. That section 4559 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4559. Upon a complaint in writing, signed by the first and second officers or a majority of the crew of any vessel, while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome, thereupon, in any of these or like cases, the consular or a commercial agent who may discharge any of the duties of a consul shall cause to be appointed three persons of like qualifications with those described in section 4537, who shall proceed to examine into the cause of complaint and who shall proceed and be governed in all their proceedings as provided by said section."

Mr. WEEKS. I move to strike out the last word, for the purpose of asking a question. Why, in line 5 of that section, is the limitation made to the first and second officers? Why not any officer of the ship?

Mr. ALEXANDER. If the gentleman will turn to page 102 of the navigation laws, 1911——

Mr. WEEKS. I have not the volume at hand.

Mr. ALEXANDER. I will read it; the law is in these words:

Upon a complaint in writing, signed by the first or second officer and a majority of the crew of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea—

And so forth. The change made in the bill is this: It provides that—

Upon a complaint in writing, signed by the first or second officer or a majority of the crew while in a foreign port.

We retain the language of the section, except we change "and" to "or" and provide that the first or second officer or a majority of the crew may demand an inspection of the vessel; it will not require the concurrence of the first or second officer for a majority of the crew to secure an inspection of the vessel.

Mr. WEEKS. I think the language in the law is unfortunate. The vessel may be a large one, with four or five officers. There is no reason it should be limited to the first or second officer. It should cover all vessels and all officers. I want to suggest to the gentleman in charge of the bill (I am not going to offer any amendment) that I think he is going too far in limiting this to the first and second officer or the crew.

I think if he had provided that the crew, indorsed by an officer, could do this, and made a limitation of that character, the provision would then be suitable, but in its present form it does not strike me as wise, because a vessel may be held up for a long time on what may prove to be a trivial objection.

Mr. ALEXANDER. Mr. Speaker, of course the first and second officers of the vessel are the most responsible officers, and hence they are clothed with greater authority. The only change we make is this, that the first or second officer or a majority of the crew on the vessel, if they regard the vessel to be in an unsuitable condition to go to sea, may require an inspection.

Mr. MADDEN. You use the word "or" instead of the word "and."

Mr. ALEXANDER. Yes. Under the existing law, although the crew act as a unit in demanding the inspection of the vessel, claiming it is unseaworthy, they can not get that inspection unless their demand is also concurred in by the first or the second officer, and it was to relieve them of that embarrassment and place it in the power of the crew or a majority of the crew to demand an inspection, whether the first or second officer demanded it or not, that we amended the law in this respect.

Mr. WEEKS. Mr. Speaker, I would not limit the restrictions, if I had it to do, which would prevent the sending of a ship to sea which was in any way unseaworthy. I am entirely in accord with the gentleman's desire in that respect, but let me call his attention to the fact that he is leaving in the hands of a majority of the crew a possibility of holding up the sailing of a ship for what may be a considerable time, and if that is done every time a ship fails to sail it means material loss not only directly but indirectly, because the ship may have on board stores which may be spoiled in the delay. It seems to me there ought to be some limitation added to a majority of the crew in order to bring about the purpose which the gentleman desires and which will mean safety to shipowners as well.

Mr. ALEXANDER. Mr. Speaker, under the statute as it exists that limitation is in the form I have stated—that the majority of the crew, with the concurrence of the first or second officer, may demand an inspection—but the bill provides that a majority of the crew may demand this inspection although the officers may not concur in the demand. The sailors claim this right, as their lives may be imperiled by the unseaworthiness of the ship.

Mr. WEEKS. I would be quite content if it were left to a majority of the crew, indorsed by one officer.

Mr. ALEXANDER. That is the existing law, and we have amended it for the reasons stated.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

Mr. WEEKS. Yes.

Mr. HUMPHREY of Washington. In the gentleman's experience at sea, does he think it would be a wise provision for us to place it by this law in the power of the crew alone to demand these inspections in the foreign ports? The gentleman will notice that this applies only to a foreign port.

Mr. WEEKS. Mr. Speaker, my judgment is that this is an ill-advised step, and the gentlemen who are fathering it will live to see that it is so.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. WILSON of Pennsylvania. Mr. Speaker, I want to say in reply to the gentleman from Massachusetts [Mr. WEEKS] that the existing law provides that a survey may be made upon the demand of the first or second officers and a majority of the crew, but it may not be made upon the demand of a majority of the crew alone. The owner of the vessel has his special representatives in the officers of the vessel. The crew has no protection whatsoever, except from the representatives of the owners of the vessel. All that a member of the crew has in this world as a rule is his life. That life is placed in jeopardy when he goes to sea in a vessel which is unsafe, and when a majority of the crew are of the same opinion that the vessel is unsafe, whether the officers, the representatives of the owners, concur in that opinion or not, justice to those seamen requires that the survey should be made, and hence we propose the change.

Mr. WEEKS. Mr. Speaker, will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. WEEKS. Mr. Speaker, I would like to ask if any case has ever been brought to the attention of the gentleman from Pennsylvania where a crew has represented a ship to be unsafe and the ship has gone to sea and any accident has come to it?

Mr. WILSON of Pennsylvania. There has not; and, so far as I am concerned, I am not anxious that it should be demonstrated to me by an accident that it is necessary that we should have this kind of a law.

Mr. WEEKS. But it does seem to me that when we place it in the hands of men who are simply temporarily serving on a ship to hold it up under conditions which may be very destructive to property, we ought to have some substantial reason for it.

Mr. WILSON of Pennsylvania. We have had some claims made here on the floor of this House during this debate that the *Titanic* was not soundly constructed; and if she was not soundly constructed, then she was not seaworthy. If that be true, then a majority of the members of her crew ought to have had the right to have asked for a survey of that vessel.

Mr. WEEKS. But that vessel should have been surveyed and those matters determined in her home port before she sailed. It is true, undoubtedly, that the *Titanic* was not as well built as was the *Great Eastern*, which was constructed more than 60 years ago. She is said not to have had longitudinal bulkheads up to the water line, which was faulty construction, but she should have been inspected by English inspectors before she was allowed to sail. That is a very different proposition from inspection in foreign ports where the ship may be tied up.

Mr. WILSON of Pennsylvania. It is not at all foreign to the right of the seamen to have a survey of the vessel. Their lives, the only thing they have, are at stake, and when a majority of them concur in the opinion that the vessel is unsafe they ought to have the privilege of having a survey of that vessel.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to strike out the last word. I want to call the attention of the House to the fact that this provision goes much further than the gentleman from Pennsylvania [Mr. WILSON] has stated. It does seem to me the gentleman proceeds on a wrong theory. All of his arguments are that there is an antagonism and a war between the officers and the crew. While he talks about the fact that the sailors have only their lives, if the ship is unsafe, it is also true that the officers have at stake their lives just as much as do the sailors, and they are just as much interested in safety as are the sailors.

The men who own the vessels certainly have some interest, and they are represented only by the officers; so you place it entirely within the hands of the seamen, and the owner has no right whatever. If it was only a question of safety, I would not object to it; but let me call the gentleman's attention to another thing. He talks about the safety of the vessel. No one thinks a vessel ought to go to sea when there is any question about its safety, but this provision places it within the power of the seamen for various other reasons to tie up this vessel, as the gentleman from Massachusetts [Mr. WEEKS] has pointed out. It says "that such vessel is in an unsuitable condition to go to sea, because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment"—there is no objection to that—"or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome; thereupon," and so forth.

Now, you go so far as to place an American vessel in a foreign port entirely in the hands of the seamen who have no interest in that vessel. You take away from the officers any command over the matter and the owner of the vessel is not represented, and you tie up and delay that vessel not because she is unsafe, not because of insufficient manning, but because the provisions or stores have not been satisfactory not only upon the outgoing voyage, but also on the voyage on which she came in. I think that is not fair legislation.

Mr. WILSON of Pennsylvania. If the vessel is unsafe or if it is insufficiently manned or if it has insufficient stores, there is no power in existing law or no power in this proposition to compel the master to send that vessel to sea; but if it is in that kind of a condition and the master wants it to go to sea, there is no power at the present time that can protect the sailor from going to sea with that vessel unless one of the minor officers agrees with the majority of the crew that it is in that condition.

Mr. HUMPHREY of Washington. If the gentleman pleases. In this very bill we provide that these seamen can immediately leave the vessel—not only leave the vessel, but can demand their wages and can not be compelled to go back upon that vessel. Now we give the seamen the power to leave, to secure their wages which may be due to them, to make it impossible to place them back on the vessel, and this is in a foreign port. I do not think you are doing any good by making this kind of a provision. Now, remember, this is in a foreign port. If it were in an American port it is a different proposition, but in a foreign port it rests entirely upon the crew. I think that the law as it stands is a proper law and that provides that a majority of the crew and one officer, either the first or second, must make the complaint.

The SPEAKER. The gentleman withdraws his pro forma amendment, and the Clerk will read.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 5, line 12, by striking out, after the word "cases," down to and including the word "consul," in line 14, and inserting the following: "The consul of the United States at such foreign ports."

Mr. MOORE of Pennsylvania. Mr. Speaker, this section as it stands proposes that complaint shall be made to the consular agent or the commercial agent, and if left in that form it leaves the consul of the United States out of consideration. Commercial agents are not very numerous in foreign countries and are growing less, but evidently the purpose was that those who had complaints to make should make them to an officer of the United States, who in this instance would be the consul of the United States.

Mr. ALEXANDER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. ALEXANDER. The only change in section 4556, as amended, is the change of "and" for "or" in the instance the gentleman has stated. That is the only change in that section. That has been the law for many years. It is in the act of December 21, 1898.

Mr. MOORE of Pennsylvania. That is the existing law?

Mr. ALEXANDER. Exactly.

Mr. MOORE of Pennsylvania. Then I raise the question for the benefit of the gentlemen who are advocating the bill—and in all its good features I would like to support the bill—whether we had not better amend existing law while we have the opportunity to do it.

Mr. ALEXANDER. I do not see any necessity for doing so, and I can not appreciate the merit of the gentleman's argument.

Mr. MOORE of Pennsylvania. Where does the complainant go when he has to go to the consular agent or to a commercial agent? Why not say he shall go to a consul of the United States? As it reads now he may go to a commercial agent of any country. We have very few commercial agents abroad, and if you want the men to get redress for their grievances, or if you want to give them a fair hearing, let them go to the consul of the United States. If the law has been ambiguous heretofore, let us say so.

Mr. ALEXANDER. I call the gentleman's attention to the section. [Reading:]

Upon a complaint in writing, signed by the first or second officer and a majority of the crew of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky

or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not, or have not been during the voyage, sufficient and wholesome; thereupon, in any of these or like cases, the consul, or a commercial agent who may discharge any duties of a consul, shall cause to be appointed three persons, of like qualifications with those described in section 4557, who shall proceed to examine into the causes of complaint, and they shall be governed in all their proceedings and proceed as provided in section 4557.

Now, if you will turn to section 4557, you will note that it provides as follows:

The judge or justice in a domestic port shall upon such application of the master or commander issue his precept—

And so forth.

This has been the law for many years, and there has been no complaint about the procedure. The law is very clear.

Mr. MOORE of Pennsylvania. Is the entire section existing law?

Mr. ALEXANDER. Except in the particular I have mentioned.

Mr. MOORE of Pennsylvania. I call attention to line 16, about in the middle of the page, where it says, "who shall proceed to examine into the cause of complaint and who shall proceed and be governed in all their proceedings as provided by said section." Now, with all those "proceeds" and "proceedings" that is existing law?

Mr. ALEXANDER. I have read from section 4557, page 102, navigation laws of the United States, 1911.

Mr. MOORE of Pennsylvania. You propose to amend existing law, and I have thought that this would be the time to do it.

Mr. HUMPHREY of Washington. I will say for the gentleman's information that the only change there is in this section from the existing law is the word "and," in line 5, which is changed to "or," and the word "or," in the eleventh line, which is changed to "and."

The SPEAKER pro tempore (Mr. FOSTER). The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE.]

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. I offer another amendment, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 5, line 17, after the word "complaint," by striking out all up to and including the word "proceeding," on line 18, and inserting the words "and be governed."

Mr. MOORE of Pennsylvania. Mr. Speaker, if, having an opportunity to correct the law, the gentleman does not care to do so I will not press the matter. I submit that this is a change that can be very well made. It affects the phraseology of the bill and makes it effective. As the law now stands, if it is the law, and as this paragraph stands, it is tautological and unnecessary.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 5. That section 2 of the act entitled "An act to amend the laws relating to navigation," approved March 3, 1897, be, and is hereby, amended to read as follows:

"SEC. 2. That on all merchant vessels of the United States the construction of which shall be begun after the passage of this act, except yachts, pilot boats, or vessels of less than 100 tons register, every place appropriated to the crew of the vessel shall have a space of not less than 100 cubic feet and not less than 16 square feet, measured on the floor or deck of that place, for each seaman or apprentice lodged therein; such place or lodging shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water. And every such crew space shall be kept free from goods or stores not being the personal property of the crew occupying said place in use during the voyage.

"Every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section, so far as they are applicable thereto, by providing sleeping room in the engine room of such steamboat, properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector General of Steam Vessels, and shall be properly heated.

"All merchant vessels of the United States the construction of which shall be begun after the passage of this act having more than 20 men on deck must have at least one light, clean, washing place. There shall be provided at least one washing outfit for every 2 men of the watch. The washing place shall be properly heated. A separate washing place shall be provided for the fireroom and engine-room men, if their number exceed 10, which shall be large enough to accommodate at least one-sixth of them at the same time, and have hot and cold water supply and a sufficient number of washtubs, sinks, and shower baths.

"Any failure to comply with this section shall subject the owner or owners to a penalty of $500."

Mr. LONGWORTH. Mr. Speaker, I move to amend by striking out, on page 5, line 25, the words "yachts, pilot boats, or."

The SPEAKER pro tempore. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 5, line 25, by striking out the words "except yachts, pilot boats, or."

Mr. WILSON of Pennsylvania. I have no objection to the amendment.

Mr. LONGWORTH. It is simply to define the words "merchant vessel," because, under the definition of the gentleman from Missouri [Mr. ALEXANDER], merchant vessels are those which carry passengers or cargo for hire, so that a yacht or a pilot boat could under no circumstances be construed to be a merchant vessel. The words I moved to have stricken out were the words "yachts, pilot boats, or" and not the word "except."

Mr. HUMPHREY of Washington. Mr. Speaker, as I understand it, the gentleman intends to compel that there shall be 120 feet space for each seaman on yachts and pilot boats?

Mr. LONGWORTH. Not at all. I simply mean that under the definition of merchant vessels yachts or pilot boats can not come in, and therefore there is no use of having them in this section.

Mr. HUMPHREY of Washington. I think the gentleman is mistaken about that. If he can find any definition of a merchant vessel, he can do more than I can.

Mr. LONGWORTH. I am taking the definition of the gentleman from Missouri [Mr. ALEXANDER].

Mr. HUMPHREY of Washington. I think the difference between a merchant vessel or any other vessel is the difference between a merchant vessel and a war vessel.

Mr. LONGWORTH. That is precisely the reason I am offering this amendment. The chairman of this committee has defined what the committee understands by the words "merchant vessel." He has defined a merchant vessel to be any vessel which carries cargo or passengers for hire. Now, a yacht or pilot boat can not be considered as a merchant vessel under that definition.

Mr. HUMPHREY of Washington. Was it the gentleman who had the bill in charge or the gentleman from Pennsylvania [Mr. WILSON] who gave the definition?

Mr. LONGWORTH. I thought it was the gentleman who had the bill in charge. The amendment that I offer is to strike out the words "yachts, pilot boats, or," so that it will read:

That on all merchant vessels of the United States the construction of which shall be begun after the passage of this act, except vessels of less than 100 tons' register.

If the gentleman's definition is right, then there is no way of excepting yachts and pilot boats.

Mr. ALEXANDER. I will say to the gentleman from Ohio that I never gave a definition of the words "merchant vessel." That definition was given by the gentleman from Pennsylvania [Mr. WILSON].

Mr. LONGWORTH. I beg the gentleman's pardon. I understood that it was given by the gentleman from Missouri.

Mr. ALEXANDER. I will say to the gentleman from Ohio that he will not accomplish his purpose by the amendment. It says:

Except yachts, pilot boats, or vessels of less than 100 tons register.

Now, if a yacht should be engaged in the business of carrying passengers, accepting the definition of the gentleman would except it from the provisions of this section.

Mr. LONGWORTH. Does the gentleman mean that the 100 tons register applies to yachts?

Mr. ALEXANDER. It applies to yachts without reference to their tonnage.

Mr. LONGWORTH. I did not understand that.

Mr. ALEXANDER. And it applies to pilot boats as well.

Mr. LONGWORTH. Then, Mr. Chairman, I withdraw the amendment.

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to offer an amendment.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 6, line 13, by striking out the entire sentence beginning with the word "every," on line 13, and concluding with the word "heated," on line 23.

Mr. MOORE of Pennsylvania. Mr. Speaker, I think this sentence is worth reading, as showing how carefully the bill has been drawn. It begins:

Every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew.

That is a fine thing for a steamboat on the Mississippi to do. The "steamboat" is charged "to furnish an appropriate place

for the crew," and it has to conform to the requirements of this section. Now, the steamboat gets its instructions. Its duty is, so far as applicable, to provide sleeping room in the engine room of the steamboat. Think of it! Down on the Mississippi River the boats coming out of New Orleans, with the negroes on bales of cotton, their tongues hanging out for want of breath, assigned by the steamboat to the engine room—an engine room which is "to be properly protected from the cold, wind, and rain." And this is in the interest of the deep-sea sailor. Sleeping room in the engine room of such steamer on the Mississippi is to be "properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward."

What this means somebody who has written the bill will have to interpret. The section proceeds further:

Reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector General of Steam Vessels, and shall be properly heated.

Think of these poor seamen, these dark-hued fellows, toiling away down near New Orleans on the bales of cotton, hanging onto the screens and sleeping in the engine room because it is so cold in that section of the country. [Laughter.] And the steamboat is to do all this "under the direction and approval of the Supervising Inspector General of Steam Vessels, and shall be properly heated."

Mr. Speaker, I have moved to strike out this paragraph. It seems to me it would take even more than a Philadelphia lawyer to properly interpret this paragraph into a benefit for the poor sailor down on the Mississippi River, lolling along there on his bales of cotton. I believe it ought to be straightened out before we go much further. It may be that this paragraph is borrowed from existing law, and should not be changed. If so, I will submit, as I have in other instances, to the will of the majority of the House. But I respectfully submit that the gentleman ought not by law to impose on any steamboat any such obligation as is imposed upon it in this paragraph. We ought to put that responsibility on some one, perhaps on the master of the vessel or on the Supervising Inspector General of Steam Vessels, or perhaps we might strike out the word "master" altogether, since it is a term which is offensive to organized labor, and insert instead of it the term "captain," which would be a little more American and a little less suggestive of that serfdom which this bill is supposed to remove.

I submit, Mr. Speaker, that this paragraph ought to go out, or else the committee ought to submit an intelligible amendment to it.

Mr. WILSON of Pennsylvania. The gentleman from Pennsylvania [Mr. MOORE] reminds me very much of the story they tell of Henry Labouchere, the editor of the London Truth, who conducted a query column in his paper. One of his correspondents asked him to reply in the query column relative to the grammatical construction of a certain sentence, and Labouchere replied, saying that language was created for the purpose of conveying thought, and if the language conveyed the thought it was sufficiently grammatical for all practical purposes. "For instance," he said, "if I said 'There are a great many damned fools in the world,' or 'There is a great many damned fools in the world,' my meaning would be clear just the same." [Laughter.] The language that the gentleman objects to is taken from existing law, and this bill simply continues that without change.

Mr. MOORE of Pennsylvania. Then the gentleman still insists that the steamboat shall provide these quarters, does he? The gentleman still insists, when he goes into court in behalf of these sailors, that the steamboat shall be responsible?

Mr. WILSON of Pennsylvania. I insist, Mr. Speaker, that the language is the language of existing law and that the courts have interpreted that law; and no layman can ever determine in advance what the interpretation of a court will be upon the language in any bill. [Applause.]

Mr. MOORE of Pennsylvania. I have pointed out the difficulty that may confront the gentleman when he gets to court.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HUMPHREY] moves to strike out the last word.

Mr. HUMPHREY of Washington. Mr. Speaker, I do so for the purpose of calling the attention of the House to that portion of the paragraph that provides that there shall be a space of "not less than 100 cubic feet and not less than 16 square feet, measured on the floor of the deck of that place, for each seaman or apprentice lodged therein."

I have no objection to that provision. I have been in favor of that portion of the bill for a good many years. But in the report filed by the committee there are statements made with reference to the space furnished by American vessels that I think in justice to the American vessel owners ought to be corrected. In the first place, foreign vessels are not measured in the same way that we measure ours. In measuring space in a foreign vessel the wash rooms and some other spaces are taken into consideration. That is not true with us.

I further want to say, for the benefit of the House, that most of the American vessels comply with the provisions of this bill already. There is no objection to the provision going into the bill, so far as I know, but I do not think that a statement of the kind that is made in the report, that would indicate that American vessel owners have less regard for their sailors than have the vessel owners of other countries, ought to go undisputed when it is not correct.

Mr. WEEKS. I move to strike out the last two words, for the purpose of asking a question for information. Why is the Mississippi River and its tributaries included in this bill and not other rivers?

Mr. ALEXANDER. We did not amend that feature of the law. The essential amendment to the section relates to the crews placed on vessels. There are many features of the section which we do not undertake to amend at all, which are existing law.

Mr. WEEKS. I did not know but there might be some reason that I did not know why this should apply to the Mississippi River and its tributaries and not apply to other rivers.

Mr. ALEXANDER. We did not consider that feature at all. Answering the gentleman from Washington [Mr. HUMPHREY], I do not know why he should be so sensitive of the feelings of the shipowner. All through the consideration of this bill his plea has been for the shipowner. It seems to me that the time might come when he could have a word to say for the sailor.

It is only in recent years that the laws of foreign countries have increased the crew space of vessels to 120 cubic feet per man. There was no shipowner before our committee who objected to this increase of crew space, if it applied to vessels hereafter to be constructed. They all said that if we should make it applicable to vessels now in the service it would involve serious expense and injury.

Mr. HUMPHREY of Washington. Did I understand the gentleman to make the statement that I was opposed to this provision?

Mr. ALEXANDER. No; but I say the gentleman's explanation was entirely unnecessary.

Mr. HUMPHREY of Washington. I called attention to the statement in the report, which is not correct.

Mr. ALEXANDER. I beg the gentleman's pardon. The statement in the report is correct.

Mr. HUMPHREY of Washington. It is correct as far as it goes, but it does not show all the facts. It does not show that there is a different method of measurement between this country and other countries, and it did not state that the shipowners had no objection to the amendment, which fact the gentleman has just admitted.

Mr. ALEXANDER. There is no evidence before the committee to show that there is a different rule by which the space in foreign vessels is measured.

The SPEAKER pro tempore. If there be no objection, the pro forma amendment will be withdrawn.

Mr. BURLESON. I ask unanimous consent to extend my remarks in the RECORD, for the purpose of placing therein the speech made before the Democratic national convention at Baltimore by Hon. John W. Westcott, of Camden, N. J., nominating Gov. Woodrow Wilson for President, and the seconding speeches of Hon. A. MITCHELL PALMER, of Pennsylvania, and Hon. THOMAS P. GORE, of Oklahoma. These speeches are all short. I spoke to the gentleman from Illinois [Mr. MANN] about submitting this request, and he said that he would make no objection.

Mr. HUMPHREY of Washington. Reserving the right to object, I have no objection if I understood the gentleman correctly. The gentleman from Illinois [Mr. MANN] asked me to see that nothing went in by unanimous consent.

Mr. BURLESON. I will state to the gentleman from Washington that the gentleman from Illinois [Mr. MANN] said it was his purpose at the same time, if my request was granted, to ask unanimous consent himself to place something in the RECORD, and I told him that, as far as I was concerned, I would make no objection.

Mr. HUMPHREY of Washington. With the understanding that that was the agreement——

Mr. BURLESON. I now ask that the same privilege be extended to the gentleman from Illinois [Mr. MANN] that I ask for myself.

The SPEAKER pro tempore. The gentleman from Texas also asks that the same privilege be extended to the gentleman from Illinois [Mr. MANN].

Mr. MOORE of Pennsylvania. I have no objection in the world to the insertion of speeches of this kind, but I call the attention of the gentleman to the fact that on a recent occasion when a request was made on this side an interrogation came from the other side of the House as to whether the speeches were of a political nature. If the line is to be drawn, of course that alters the situation. I do not object that speeches of this kind shall be inserted, but I do draw the attention of the House to the fact that I had this experience myself when I asked permission to extend, and was asked by gentlemen on the other side if the remarks were of a political nature, and had to give assurances that they were not.

Mr. BURLESON. Of course these speeches are of a political nature.

Mr. WEEKS. Do I understand the gentleman to say that if a request is made from this side to print the speeches that were made at the Chicago convention no objection will be made?

Mr. BURLESON. Absolutely none, so far as I am concerned.

Mr. HAWLEY. Will the gentleman include a request for permission for me to extend some remarks on the battleship *Oregon?*

Mr. BURLESON. As far as I am concerned I will make no objection.

The SPEAKER pro tempore. The gentleman includes in his request a further request that the gentleman from Oregon have permission to print some remarks concerning the battleship *Oregon.*

Mr. BURLESON. Mr. Speaker, I do not desire to consume so much of the time of the House. I withdraw the request.

The SPEAKER pro tempore. The request is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 6. That section 4596 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4596. Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses he shall be punished as follows:

"First. For desertion, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

"Second. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel or for absence without leave at any time within 24 hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' pay or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

"Third. For quitting the vessel, without leave, after her arrival at the port of her delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

"Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

"Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every 24 hours' continuance of such disobedience or neglect, of a sum of not more than 12 days' pay, or by imprisonment for not more than three months, at the discretion of the court.

"Sixth. For assaulting any master or mate, by imprisonment of not more than two years.

"Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment of not more than 12 months.

"Eighth. For any act of smuggling for which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and he shall be liable to imprisonment for a period of not more than 12 months."

Mr. BURLESON. Mr. Speaker, I move to strike out the last word. I now renew the request that I made a moment ago to extend my remarks in the RECORD, for the purpose indicated, and ask that the gentleman from Illinois [Mr. MANN] may have the same privilege extended to him.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that he be permitted to insert certain speeches in the RECORD, and that the gentleman from Illinois [Mr. MANN] have a similar privilege.

Mr. RODDENBERY. May I inquire of the gentleman what is the purpose of publishing these political speeches?

Mr. BURLESON. A number of Members have requested that these speeches be placed in the RECORD, and I thought they might be of interest to many other Members of the House. This nominating speech and the seconding speeches were carefully prepared speeches, and were highly creditable to the gentlemen who delivered them.

Mr. RODDENBERY. They were published in the newspapers at the time.

Mr. BURLESON. No; they have never been published in full.

Mr. RODDENBERY. I object.

The SPEAKER pro tempore. The gentleman from Georgia objects.

Mr. MOORE of Pennsylvania. Mr. Speaker, I move to strike out the last word. I desire the attention of the chairman of the committee to the fifth paragraph, which provides for the punishment of seamen at the option of the master, who may place them in irons. A little later on in the bill it is proposed to remove all forms of corporal punishment. How does the gentleman harmonize section 8, which provides that "flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel," with the fifth paragraph of the section just read, which especially provides that the captain shall have the power to place a man in irons? How can you abolish corporal punishment on the one hand and institute it on the other?

Mr. ALEXANDER. Mr. Speaker, we mitigate in part, but not altogether. We recognize the duty of a seaman while the vessel is at sea and that he shall be subject to punishment, but we differentiate between his condition then and in the event that he deserts while in port. When the vessel is at sea, if he does not obey orders he jeopardizes not only the vessel and the officers and crew but the passengers, if it be a passenger vessel, and puts them in great peril. I will call the attention of the gentleman from Pennsylvania to the fact that the fifth subdivision of section 4596 is in the exact language of the existing law. It provides:

Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every 24 hours' continuance of such disobedience or neglect, of a sum of not more than 12 days' pay, or by imprisonment for not more than three months, at the discretion of the court.

Mr. MOORE of Pennsylvania. The man may still be taken into custody by the master of the vessel during the voyage and placed in irons?

Mr. ALEXANDER. Yes.

Mr. MOORE of Pennsylvania. Then the existing law, so far as that punishment is concerned, is not affected by the passage of this bill?

Mr. ALEXANDER. It will not be.

Mr. MOORE of Pennsylvania. I would like to know whether or not the gentleman distinguishes the placing of a man in irons on shipboard from the involuntary servitude which it is proposed to abolish.

Mr. ALEXANDER. I have undertaken to explain to the gentleman why it was necessary to enforce absolute obedience to lawful orders at sea. The vessel does not have any jail or calaboose. If a man violates an order at sea, and is subject to punishment, he must be restrained of his liberty, and that has been the view of the lawmaking power for all time past, and the necessity for that punishment has not ceased. At least, the committee in revising this section did not believe it wise to repeal this provision of the law.

Mr. MOORE of Pennsylvania. Then the authority of the captain on shipboard during the voyage is as absolute as it ever was?

Mr. ALEXANDER. It is; and properly so, except this, that he can not flog a sailor.

Mr. MOORE of Pennsylvania. That is abolished by this act?

Mr. ALEXANDER. That is abolished by this act.

Mr. MOORE of Pennsylvania. Vessels used to have what was called a brig, in which an unruly seaman, or one who had committed a crime on board, or who had become insane or was otherwise irresponsible, could be imprisoned.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to proceed for one minute more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I was wondering whether the committee had given consideration to the advisability of having

that brig established or reestablished, so that a man might be imprisoned rather than put in irons, since the placing of a man in irons is certainly corporal punishment.

Mr. RAKER. Mr. Speaker, I move to strike out the following, which is found in lines 19 and 20, on page 8:

On bread and water, with full rations every fifth day.

I want to call the attention of the House to this fact: That if you place a man in irons, you have got him pretty tight. It was the policy for years in putting a man in jail for all kinds of offenses to place him on bread and water. That barbarous custom has been abandoned, and justly so. You can not starve a man, you can not break down his vitality, and put him into condition to reform.

He will reform on a full stomach and under healthy conditions better than he will reform under starvation. Civilization has recognized that fact, and when we place a man in prison to-day we place him in irons and cells so that he can not hurt himself or others, but we still do not go to the limit that we used to of starving him to death. If a man is placed in irons, give him enough to eat. Is he not going to reform more quickly than under conditions of starvation? Will there be any question on earth about that? Is there any place in the United States where the old barbarous custom is still in force?

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. HUMPHREY of Washington. Suppose a situation should arise where you were at sea and the vessel was in a dangerous condition and the lives of the passengers were at stake, and in order that the vessel might be saved the seamen had to perform their duties, and they refused. Would you put the seamen in irons under those conditions and keep them well fed? I think the gentleman is entirely mistaken about the purpose *of this* statute. I agree with him exactly that the purpose of imprisonment usually is to reform, but here the purpose is to make the seaman perform his duty.

Mr. RAKER. And will he not be better able to perform that duty if he is well fed?

Mr. HUMPHREY of Washington. How long might it take a sailor if he was well fed to change his mind and decide to perform his duty?

Mr. RAKER. That has been the old argument from the barbarous days until we relieved ourselves of that condition by proper legislation.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. HOBSON. Mr. Speaker, I rise simply for the purpose of trying to throw a little light on this question of punishment. In the Navy the putting of a man in irons is not considered corporal punishment. Flogging in the Navy has been abolished for a great many decades, and yet in certain cases men are put in irons, single and double, and they are put in irons on bread and water.

Mr. HARDY. Mr. Speaker, I rise to say that the gentleman from Pennsylvania [Mr. WILSON] was a little mistaken in saying that corporal punishment had not been abolished in the merchant marine. It has been.

Mr. HOBSON. That was my impression.

Mr. HARDY. The only difference this law makes is that under the existing law the master is liable in damages to a person injured by violation of the law, and not the vessel, while this law makes the vessel also liable, so as to give some real remedy.

Mr. HOBSON. I am in favor of a revision of the law——

Mr. BUTLER. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. BUTLER. I desire to have my recollection set right, for I know the gentleman is informed——

Mr. HOBSON. The gentleman does me great honor.

Mr. BUTLER. I thought we had abolished punishment by the putting of seamen in irons. I thought we had abolished that form of punishment by an act of Congress which was passed. I was under the impression I had voted for—I know I advocated it—the abolishing of the placing of sailor men in irons.

Mr. HOBSON. If it was, it was when I was neither in the House nor in the Navy. I do not think that is the case, Mr. Speaker. I think the gentleman will find that the application of irons, single or double, is still practiced in the Navy in certain cases, and if my memory is correct, they may be confined on bread and water for a period not to exceed seven days. Now, I will say to the gentleman from California [Mr. RAKER] that I am not in favor of harsh punishment, and I do not want him to misunderstand me when I tell him that the evident purpose of this kind of punishment in the Navy, and doubtless in the merchant marine, has been to deter men from committing the same kind of infraction or the same kind of lawlessness rather than the reform of the particular person.

Mr. RAKER. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. RAKER. Can the gentleman imagine any tighter place that might be had than putting a man in single or double irons? Can you do any more damage to the man by starving him while you have got him in that condition? Why not feed him and keep his body and soul alive, so when he does leave or his time expires he may be a well man and go out fit for his duty?

Mr. HOBSON. That is precisely the purpose of the limitation upon the length of time in which you can keep him on bread and water. I think it is seven days. Now, a full ration every fifth day and bread and water in the meantime will prevent starving. I would add that it is conceivable that a man might object but little to confinement on full rations who would be deeply influenced by the thought of being put on bread and water. This punishment might exert a wholesome effect to deter others from committing the same offense. However, I want to say to the gentleman I am entirely in accord with him in the general movement toward the amelioration of punishment.

Mr. RAKER. Will the gentleman yield?

Mr. HOBSON. I will.

Mr. RAKER. Is not that the same argument made when the laws were sought to be repealed, and eventually repealed, in regard to keeping men in prison on bread and water? Is it not because of the humane treatment of our prisoners, because of separating the old, hardened criminal from the young man and separating the boy from the hardened criminal, that they have reformed and are reforming them every day and getting better citizens instead of keeping them together, and does not the same reason apply to this same argument?

Mr. HOBSON. I think the gentleman has much force in what he says, and that these punishments to which the gentleman refers now were instituted chiefly when we had a harder class of citizens to deal with.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOBSON. I will ask for two minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama for two minutes? [After a pause.] The Chair hears none.

Mr. HOBSON. I want to say to the gentleman that the steady reform in the world has been along the line he points out, and I am heartily in favor of it, but that care should be exercised in the adjustment to meet changed conditions. I dare say that humane treatment is the best treatment in the end, but you can not make punishment the most agreeable thing that a man can have. It is very easy to conceive a man as being put in irons and double irons and nicely fed and well fed day after day, for the very purpose of getting into these encouraging and pleasing conditions.

Mr. RAKER. Will the gentleman yield right there, because of his extended reading both in regard to the Navy and the Army. Did the gentleman ever know of a case where a man enjoyed being in single or double irons or confined to a cell, and who went there just for the pleasure of being there and getting some nice things to eat?

Mr. HOBSON. I hardly think so myself; but I can conceive how good feeding and no work might possibly have some inducement—but nevertheless I am in favor of the gentleman's general proposition. I simply wanted to throw some light on the practice in the Navy. The practice in the Navy for nearly half a century, perhaps a little more, has been to abolish corporal punishment, and yet it has been found advisable to retain confinement in the brig, and in certain cases putting in irons, single and double, and putting on bread and water. To-day, at Annapolis, our midshipmen are put in solitary confinement on bread and water.

Mr. BUTLER. Mr. Speaker, if the gentleman will permit, I discover by the act of February 16, 1909, we abolished this form of punishment. Congress abolished the use of irons as a form of punishment except where that punishment is imposed by court-martial.

Mr. HOBSON. I agree with the gentleman in that.

Mr. BUTLER. That is as an ordinary punishment.

Mr. HOBSON. For ordinary punishment it is not done, but it is still retained. It is among the punishments in the Navy.

Mr. BUTLER. It may be part of the punishment inflicted by a court-martial.

Mr. HOBSON. For a summary or a general court?

Mr. ROBERTS of Massachusetts. It is only done by a court-martial.

Mr. HOBSON. A court-martial by a summary court.

Mr. ROBERTS of Massachusetts. A commanding officer of a ship can put a man in irons to restrain him.

Mr. HOBSON. Until his trial if necessary.

Mr. FOWLER. Mr. Speaker, I offer an amendment to the amendment by striking out the comma in line 20 after the word "day," so if the original amendment is carried two commas will not be thrown together.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment, page 8, line 20, by striking out the comma after the word "day."

Mr. FOWLER. Mr. Speaker, the amendment to the amendment is only technical in character, dealing with punctuation, which might have been corrected by the enrolling or engrossing clerk, for if the original amendment is passed it will leave two commas together, which obviously is superfluous. But, Mr. Speaker, I offered my amendment to the amendment in order that I might be in parliamentary attitude for the purpose of giving my views upon the original amendment.

I have intended to offer the original amendment myself, but the gentleman from California [Mr. RAKER], sitting by my side, wanted to get the floor first, and I yielded to him.

Mr. Speaker, I know of nothing which would be a greater punishment to a man than starvation, unless it were death itself. In fact, starvation is a species of death, which, if kept up long enough, will result in death. Now, it is proposed by this bill to punish a recalcitrant sailor by throwing him into irons, one of the severest punishments which could be inflicted upon him, and having him in this helpless condition, where he is unable to move hand or foot, confined at the mercy of his master, it is proposed, Mr. Speaker, to inflict an additional punishment upon him by placing him upon bread and water, so that he may be punished extremely at the will of him who stands as his superior in order to force him to submission to the rules and orders of his master, however harsh and drastic such rules and orders may be.

Such punishment is cruel; it is inhuman; it is un-American; it is a relic of barbarism; and no civilized country, no intelligent people can afford to keep upon the statute books a law with such a severe penalty. Massachusetts, in her early history passed laws of torture. Witchcraft was the subject of legislation in that State, and he who was guilty thereof was tortured in the most inhuman and barbarous manner, among which was the cutting off the ears and tongue, boring holes through the tongue with a red-hot poker, and finally death was dealt out by burning at the stake, and in various other inhuman and cruel manners. I hope, Mr. Speaker, that every Member of this House will promptly vote for this amendment and wipe from the statute books this inhuman and cruel punishment of laboring men and place American shipping upon a plane of humanity and intelligence. The punishment which this amendment seeks to eliminate and repeal is akin to witchcraft torture. What reason is there for it? What man would dare inflict such punishment to-day? If none, then why keep the law on the statute books?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent for two minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Speaker, I was just saying that I hope that every Member of this House will see his way clear to support this amendment and place the American Congress on a plane of opposition to barbarism and those cruel practices of its time. Let us rise to the high sense of our duty by wiping from the statute books this relic of barbarism and show to the American people, who sent us here to legislate for them, that we have in our hearts the milk of human kindness even to the servant who is in irons for the purpose of reducing him to submission to the will of his master. [Applause.]

Mr. FOCHT. Mr. Speaker, I move to strike out the last word.

Mr. ALEXANDER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. ALEXANDER] will state it.

Mr. ALEXANDER. Mr. Speaker, there have been two or three speeches made in favor of this amendment. Is it permissible for speeches to be made against it by a member of the committee?

The SPEAKER pro tempore. The gentleman from California [Mr. RAKER] made a speech favoring it, and the Chair thinks the gentleman from Alabama [Mr. HOBSON] made a speech against the amendment. The gentleman from Illinois [Mr. FOWLER] offered an amendment striking out the comma, and he was recognized on that amendment.

Mr. RAKER. Mr. Speaker, I accept the amendment of the gentleman from Illinois [Mr. FOWLER]. [Laughter.]

The SPEAKER pro tempore. The gentleman from California can not accept it. Is the gentleman from Pennsylvania [Mr. FOCHT] opposed to the amendment?

Mr. FOCHT. Yes, sir.

The SPEAKER pro tempore. Is he opposed to striking out the comma?

Mr. FOCHT. I move, Mr. Speaker, to insert a semicolon.

Mr. HOBSON. Mr. Speaker, would it be in order to correct the Speaker?

The SPEAKER pro tempore. The Chair will be glad to be corrected, if in error.

Mr. HOBSON. I believed I produced the impression on the Speaker that I was opposed to the amendment. Then I offered another amendment. I am not opposed to the amendment, Mr. Speaker. I am sorry if I produced any such impression.

Mr. FOCHT. Mr. Speaker, I stated that I was opposed to the amendment offered by the gentleman from Illinois [Mr. FOWLER]. In support of my position in opposition to the amendment I wish to say to the gentleman that since the House voted down the amendment offered by the gentleman from Pennsylvania [Mr. MOORE], with reference to the illiteracy test, I would say that my view with regard to this section at least has been considerably change or modified. I would be willing, if these seamen were all Americans, that instead of bread and water it should be required they be fed on sponge cake and Borden's milk. But since the House has seen fit to vote down the proposition of requiring that these people shall be able to read and write, I am not so much concerned. The gentleman from Pennsylvania has called attention in another section to the bewildering and befogging phraseology, and I would like to ask the gentlemen who constructed this bill what is meant in section 5 "for continued, willful disobedience"? What length of time is "continued"? An hour, a day, a week, or a month?

Mr. ALEXANDER. Will the gentleman yield?

Mr. FOCHT. Yes.

Mr. ALEXANDER. Is the gentleman aware that that has been the law for many years?

Mr. FOCHT. When you impose a sentence, however, you must be definite and specific. A court having discretion, for the first offense, may remit the sentence or suspend it; the second, by giving a prisoner 30 days; and, for the third, sending him to the penitentiary. Here you say, "for continued, willful disobedience." How long is "continued"?

Mr. ALEXANDER. That will be in the discretion of the master. The language of the laws is, "For continued, willful disobedience to lawful command, or continued, willful neglect of duty at sea, by being, at the option of the master," and so forth. The provision does not relate to procedure in court; it states when the master may discipline the seaman.

Mr. FOCHT. Then you make a Tamerlane or a Rameses of him.

Mr. ALEXANDER. Unlike the gentleman, we do not assume that the master is a tyrant any more than we assume that the sailor is a criminal.

Mr. FOCHT. You give him the power of a tyrant, and he may often exercise it, as has frequently been the case in the past. I would like to say to the chairman of this committee while I have an opportunity, that instead of spending so much time on this bill, may I ask him to say to this House and the country, with the Democratic Party in power here, why you Democrats do not bring on the floor of this House the immigration bill, that we may pass it and restrict immigration?

Mr. ALEXANDER. I am not surprised that the gentleman from Pennsylvania treats with contempt any legislation the purpose of which is to ameliorate the condition of labor. He seems to have no sympathy with labor, judging by his impatience at the time consumed in the consideration of this bill.

Mr. FOCHT. Oh, yes. I live in a labor district, and will offer my public record and submit to my colleague from Pennsylvania [Mr. WILSON] where I stand and have stood on all labor questions.

Mr. ALEXANDER. Yes. The gentleman may have to explain his declaration on the labor question on this floor here to-day.

Mr. FOCHT. Yes. I am willing to explain it here and hereafter, but the gentleman has not answered that question. The country calls for the restriction of immigration, and the gentleman and the Democratic Party refuse to bring on this floor a bill providing for it. Why does not the gentleman and his party do it?

Mr. ALEXANDER. I have no jurisdiction of that subject. I am chairman of the Committee on the Merchant Marine and Fisheries, and am presenting a bill reported by that committee.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. FOCHT. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Pennsylvania [Mr. FOCHT] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FOCHT. In this connection and as the question, in part at least, bears on the interest of labor I wish to say that in these active, progressive times in the evolution of American social and economic life it is only fair that men in public office should indicate, at least, their tendency with respect to public action on the great issues now commanding the Nation's attention, and, if possible, reenforce these declarations by some measure of evidence of work done and capacity to represent a great people in a great office. I stand for an adequate measure of protection on all competitive articles, the amount of protection to be governed by the difference of cost of production at home and abroad, and this difference to be scientifically ascertained by a continuing nonpartisan tariff board. Free trade or a tariff for revenue only is impossible for this country. Our industries must be protected against the products of poorly paid European and Asiatic labor, and unless this is done panic and commercial ruin must inevitably, as in the past, sweep the country.

But in order that the law of supply and demand may operate unhindered the gigantic price-fixing monopolies must be brought within control or destroyed.

Amply protect our industries, but let competition within this zone of protection make the selling price to the consumer.

Restrict immigration, not only as a measure of protection to American labor but for moral and hygienic reasons.

A protective tariff must be maintained if we are to hold our commercial status and be prosperous as a Nation, for free trade means a business and labor parity with the cheap-producing and cheap-living countries of Europe and Asia. The commerce between the States of the Republic, which is greater than the commerce between all the nations of Europe, must not be sacrificed, but, on the other hand, the power and will of the people must assert itself and strangle the price-fixing monopolies. And until immigration is restricted the labor of the country can not receive that full measure of reward and benefit which protection offers the manufacturer.

Let there be maintained a tariff that will protect all competitive articles, smash the price-fixing trusts and monopolies, restrict immigration, and require the untaxed billionaires to bear their share of the Nation's burdens in equal proportion with the manufacturer and workingman; then we believe many of the ills of the country will disappear and something more akin to an ideal condition prevail for all classes.

This is my platform, and while briefly stated, I believe goes straight to the vitals of the paramount issues of this era. I enunciated these doctrines long ago. I reiterated them at the farmers' picnic in Union County last August and again as late as February 22, 1912, at Lewistown, when I was the guest and speaker at a banquet given by the Patriotic Order Sons of America. During this Congress I introduced a bill providing for the restriction of immigration; within a month I voted to tax the big billionaires; ever and always my voice and the weight of my influence have been against monopolies and illegal trusts.

For the soldier and his widow and children, for the great farming industry in contingencies like the discussion on reciprocity, in which I stood the defender of the interests of Pennsylvania farmers, for the arm of labor I have always been; for the home and fireside and the boys and girls at public school I have given, and will give, a maximum of effort and energy.

Mr. HARDY. Mr. Speaker, I think after this miniature maelstrom and petty storm in the House a little calm consideration will be of use. The present law provides that for continued willful disobedience to lawful commands, or continued willful neglect of duty at sea, the offender shall, at the option of the master, be placed in irons or fed on bread and water. "Continued willful disobedience" is continued as long as it continues and until it discontinues. We need not split hairs about that.

So far as placing a man in irons is concerned, that is the old law, the present law. So far as putting seamen on bread and water is concerned, it is also present law. It is, as I believe was stated by Capt. HOBSON, one of the methods of bringing to reason the unreasonable and unruly. It is deemed to be essential because while the seaman is on board a vessel at sea, the life and safety of every passenger on board and that of the whole crew depends upon his subordination to lawful authority and the preservation of order. It is absolutely necessary that the master or commander of the vessel should have some means of keeping order, and to put a third or a half of his crew, maybe, in irons and then feed them on bread and honey or on milk and honey might not be a quick way of bringing them to order.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from California?

Mr. HARDY. I do.

Mr. RAKER. If the statement made by the gentleman is correct—that is, that a third of the crew may be kept in irons and fed on bread and water for a week, and a storm comes on and the lives of the passengers and everybody on board are in danger—of course, these fellows who have been in irons for a week and fed on bread and water would not be in splendid shape to help save the passengers, would they?

Mr. HARDY. They are kept there as long as they do not obey. The seamen themselves, recognizing the importance of order for themselves and for the safety of life and property at sea, have never asked for the abolition of the bread-and-water provision.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Ohio?

Mr. HARDY. I do.

Mr. LONGWORTH. The adoption of this amendment would not prevent the penalty of bread and water—the mere striking out of the words. The adoption of this amendment would have no effect on that.

Mr. HARDY. No. The provision authorizes and limits what punishment may be inflicted. The gentleman is correct; the proposed amendment would not accomplish the purpose intended, but the leaders of labor and the heads of the Seamen's Union have never asked that the bread-and-water provision should be abolished.

This is a bill in regard to which this side of the House is very much in earnest. The committee, in reporting this bill for improving the conditions and promoting the interests of seamen, do not want to jeopardize the safety of the passengers on the vessel or destroy the power of the master to preserve order while at sea.

Mr. PADGETT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. HARDY. I do.

Mr. PADGETT. A moment ago the question was asked about the use of irons in the Navy.

Mr. HARDY. Yes.

Mr. PADGETT. On February 16, 1909, Congress passed an act containing this phrase:

Provided, That the use of irons, single or double, is hereby abolished, except for the purpose of safe custody or when part of a sentence imposed by a general court-martial.

Mr. HARDY. That is in effect the purpose of this bill. If, while the vessel is at sea, a member of the crew becomes thoroughly disorderly and refuses to carry out the orders of the captain and becomes turbulent, he can be put in irons and kept there as long as he continues in that spirit. That is all there is in it, and it is very essential.

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 7. That section 4600 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4600. It shall be the duty of all consular officers to discountenance insubordination by every means in their power, and, where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused, the consular officer shall inquire into the facts and proceed as provided in section 4583 of the Revised Statutes; and the officer discharging such seaman shall enter upon the crew list and shipping articles and official log the cause of such discharge and the particulars in which the cruel or unusual treatment consisted, and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner."

Mr. McMORRAN. Mr. Speaker, I move to strike out the last word, for the purpose of asking a question of the chairman of the committee.

The SPEAKER. The gentleman from Michigan [Mr. McMORRAN] moves to strike out the last word.

Mr. McMORRAN. We have been here for a long time to-day. This bill involves great interests. We have been unable to keep a quorum. Is not the gentleman willing at this time that we should adjourn until to-morrow morning?

Mr. ALEXANDER. Why not dispose of this section first?

Mr. HUMPHREY of Washington. May I make a suggestion to the gentleman from Michigan [Mr. McMORRAN]? Would the gentleman be willing that the bill might first be read down to section 10? There is nothing in particular in dispute to that point—to section 10, on page 11.

Mr. ALEXANDER. Why not skip section 10?

Mr. HUMPHREY of Washington. All the rest of the bill is contested.

Mr. TRIBBLE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Georgia?

Mr. McMORRAN. Yes.

Mr. TRIBBLE. The gentleman proposes an adjournment. Does he think that, beginning at 12 o'clock and quitting at 4 o'clock, when this House wants to go home and the people want this House to adjourn, is sufficient time to work?

Mr. McMORRAN. Why are not the gentleman's people here?

The SPEAKER. The question is not debatable. Did the gentleman refuse to comply with the suggestion to adjourn?

Mr. McMORRAN. I proposed to the gentleman to adjourn.

Mr. HUMPHREY of Washington. I was trying to ascertain if we could not reach an agreement, so that the gentleman would not need to make the point of no quorum until we reached section 10.

Mr. ALEXANDER. And I ask why should we not dispose of this section first and then proceed as far as section 10?

Mr. HUMPHREY of Washington. That is what I was trying to suggest.

The SPEAKER. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 8. That section 4611 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4611. Flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than three months nor more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable. Any failure on the part of such master to comply herewith, which failure shall result in the escape of such officer, shall render the master or the vessel liable in damages for such punishment to the person illegally punished by such officer."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7157. An act to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 4012. An act to authorize the exchange of certain lands with the State of Michigan.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 7027) to prohibit the interstate transportation of pictures of prize fights, and for other purposes.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7157. An act to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus; to the Committee on Public Lands.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11628. An act authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 21477. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

LAWS RELATING TO SEAMEN.

The House resumed consideration of the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

The following committee amendment to section 8 was read:

Page 11, line 1, strike out "of" and insert "or."

Mr. WILSON of Pennsylvania. Mr. Speaker, that is the only change that there is from existing law in this section. By an error in the printing of the bill the existing law was printed without the amendment proposed.

Mr. MOORE of Pennsylvania. Is this the existing law with the single exception of the amendment changing the word "of" to the word "or"?

Mr. WILSON of Pennsylvania. That is the only change.

Mr. MOORE of Pennsylvania. Will the gentleman tell us, then, how lines 23 and 24 of page 10 have been interpreted heretofore? The master is to surrender such officer "to the proper authorities" as soon as practicable. That may be in a foreign port or it may be in a port of the United States. I should like to know who the proper authorities are.

Mr. WILSON of Pennsylvania. That expression has received the interpretation of the courts, and I think there is no doubt that it is the correct way of stating it. The only change that is made in this section is to make not only the master liable but the vessel also liable for failure to make delivery.

Mr. MOORE of Pennsylvania. The committee is satisfied with the law as it stands, and with the expression "proper authorities" in the indefinite form that it is?

Mr. WILSON of Pennsylvania. Yes; the committee are satisfied.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 9. That section 23 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended as regards the items of water and butter, so that in lieu of a daily requirement of 4 quarts of water there shall be a requirement of 5 quarts of water every day, and in lieu of a daily requirement of 1 ounce of butter there shall be a requirement of 2 ounces of butter every day.

Mr. McMORRAN. Mr. Speaker, I move that the House do now adjourn.

Mr. ALEXANDER. Has the gentleman any objection to this next section, as to allotments?

Mr. McMORRAN. That is a very important section.

Mr. ALEXANDER. It only relates to allotments. There is a subsequent section relating to able seamen. I am perfectly willing that we should stop when we get to that section, but I do not think there can be any objection to this or the next one. Neither the seamen nor the shipowners object to this. It will save a few minutes' time. I will agree to stop when we reach section 12.

Mr. HUMPHREY of Washington. There will be considerable debate on section 10.

The SPEAKER. The Clerk will read.

Mr. McMORRAN. I make the point of no quorum present.

Mr. TRIBBLE. I move a call of the House.

The SPEAKER. The gentleman from Michigan [Mr. McMORRAN] makes the point of no quorum. The gentleman from Georgia [Mr. TRIBBLE] moves a call of the House.

Mr. HUMPHREY of Washington. I move that the House do now adjourn.

Mr. RODDENBERY. I suggest that the motion to adjourn is not in order.

The SPEAKER. The motion to adjourn is always in order.

The question being taken, on a division (demanded by Mr. HUMPHREY of Washington), there were—ayes 9, noes 26.

The SPEAKER. The House refuses to adjourn. The question recurs on the motion of the gentleman from Georgia [Mr. TRIBBLE] for a call of the House.

The motion was rejected.

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Wednesday, July 24, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. EVANS, from the Committee on Military Affairs, to which was referred the bill (S. 4301) authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material, reported the same without amendment, accompanied by a report (No. 1041), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (S. 6678) authorizing the Secretary of War, under certain conditions, to detail officers of the Corps of Engineers to supervise and direct the construction of a canal between Lake Erie and the Ohio River, and for other purposes, reported the same without amendment, accompanied by a report (No. 1042), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BULKLEY, from the Committee on Patents, to which was referred the joint resolution (H. J. Res. 337) requesting the President to cause an investigation of the Patent Office and make a report, with recommendations, to Congress, reported the same with amendment, accompanied by a report (No. 1051), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOULD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 6763) to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River between said cities, without a draw, reported the same without amendment, accompanied by a report (No. 1046), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 25592) authorizing the construction, maintenance, and operation of a dam or dams across the Current River in Ripley, Carter, and Shannon Counties, for the purposes of improving navigation and the development of water power, reported the same without amendment, accompanied by a report (No. 1047), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 25882) to authorize the construction of certain dams across various navigable waters of the United States therein specified, reported the same without amendment, accompanied by a report (No. 1050), which said bill and report were referred to the House Calendar.

Mr. BROUSSARD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 6777) to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake, at Conway, S. C., reported the same with an amendment, accompanied by a report (No. 1048), which said bill and report were referred to the House Calendar.

Mr. AYRES, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 18228) to provide for the register and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or near-by waters and salved by American citizens and repaired in American shipyards, reported the same with amendment, accompanied by a report (No. 1043), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 25292) to authorize the Union Pacific Railroad Co. to construct a bridge across the Missouri River, reported the same without amendment, accompanied by a report (No. 1049), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 25238) authorizing and permitting M. C. McCandless, W. C. Hale, W. H. Mullins, John Loop, and E. M. Grant, their successors and assigns, to build and maintain dams and water-power development in and across Clinch River, in Grainger, Claiborne, and Hancock Counties, State of Tennessee, reported the same with amendment, accompanied by a report (No. 1045), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 25881) to authorize the building of a dam across the Coosa River, Ala., at a place suitable to the interests of navigation about 7½ miles above the city of Wetumpka, reported the same without amendment, accompanied by a report (No. 1044), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DENT: A bill (H. R. 25906) to provide for the erection of a public building at the city of Greenville, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25907) to provide for the erection of a public building at the city of Brewton, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25908) to provide for the erection of a public building at the city of Andalusia, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. ROTHERMEL (by request): A bill (H. R. 25909) extending the time for the repayment of certain war-revenue taxes erroneously collected; to the Committee on the Judiciary.

By Mr. NEELEY: A bill (H. R. 25910) appropriating $15,000, or so much thereof as may be necessary, for the purpose of making an investigation into the feasibility and practicability of constructing an irrigation reservoir on the Cimarron River, at or near the intersection of Grant, Haskell, Stevens, and Seward Counties, State of Kansas; to the Committee on Irrigation of Arid Lands.

By Mr. PETERS: A bill (H. R. 25911) authorizing the Treasury Department to test upon ships a device for hoisting and lowering lifeboats at sea; to the Committee on Interstate and Foreign Commerce.

By Mr. LINTHICUM: A bill (H. R. 25912) providing for the erection of a monument to Francis Scott Key and to the defenders of Fort McHenry at the time of the British attack on that fortification; to the Committee on the Library.

By Mr. AIKEN of South Carolina: Joint resolution (H. J. Res. 340) making appropriation to be used in exterminating the army worm; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 25913) granting an increase of pension to Melissa Graves; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 25914) granting an increase of pension to Isaac Wilkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25915) granting an increase of pension to Michael Hartman; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 25916) granting an increase of pension to Harvey D. C. Skinner; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 25917) to correct the military record of Timothy A. Maher; to the Committee on Military Affairs.

Also, a bill (H. R. 25918) to correct the military record of Samuel Jackaway; to the Committee on Military Affairs.

By Mr. FAIRCHILD: A bill (H. R. 25919) granting a pension to Francis I. Helm, alias Francis Boyd; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 25920) granting a pension to Andrew Crowl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25921) granting a pension to Margaret A. Ramage; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 25922) granting a pension to William W. Laughlin; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 25923) granting a pension to Edward Hinman; to the Committee on Pensions.

By Mr. NEELEY: A bill (H. R. 25924) to remove the charge of desertion from the record of Frank H. Cogan; to the Committee on Military Affairs.

By Mr. PATTON of Pennsylvania: A bill (H. R. 25925) granting an increase of pension to Cyrus Michael; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25926) granting a pension to William Clinton; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 25927) granting an increase of pension to Casper Laager; to the Committee on Pensions.

By Mr. SCULLY: A bill (H. R. 25928) granting a pension to John W. Merriman; to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 25929) for the relief of the estate of Leopold Harth, deceased; to the Committee on War Claims.

By Mr. VOLSTEAD: A bill (H. R. 25930) for the relief of William Helsper; to the Committee on War Claims.

Also, a bill (H. R. 25931) granting a pension to Lucretia B. Crockett; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 25932) granting an increase of pension to Lydia L. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25933) granting an increase of pension to Michael O'Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25934) granting an honorable discharge to William H. Thiell; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FULLER: Petition of the Southern Baptist Convention at Oklahoma, Okla., protesting against the wearing of any religious garb in Government schools; to the Committee on Indian Affairs.

By Mr. GRIEST: Petition of C. A. Burrows, Lancaster, Pa., favoring legislation relative to the high cost of living; to the Committee on Foreign Affairs.

By Mr. HARTMAN: Petition of the Aero Club of Pennsylvania, favoring passage of a national statute for the regulation and control of the navigation of the air; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKEAD of New Jersey: Petition of C. E. James, Bayonne, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Workmen's Sick and Death Benefit Fund of the United States of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska, protesting against the passage of any parcel-post measures; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of the Chamber of Commerce, Los Angeles, Cal., favoring passage of bill giving American vessels free use of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Southern Baptist Convention at Oklahoma, Okla., favoring passage of bill prohibiting the wearing of any religious garb in Government schools; to the Committee on Indian Affairs.

By Mr. SCULLY: Petition of citizens of Perth Amboy, N. J., against passage of bill providing celebration of 100 years of peace with England; to the Committee on Foreign Affairs.

By Mr. SULZER: Petition of the Maritime Exchange of New York City and the American Institute of Marine Underwriters, favoring appropriation of $5,000 to cover cost of the participation of the United States at the International Conference on Maritime Law; to the Committee on Appropriations.

Also, petition of the American Embassy Association of New York, favoring passage of House bill 22589, for improving embassy, legation, and consular buildings; to the Committee on Foreign Affairs.

By Mr. UNDERHILL: Petition of the Shorthand Club of New York (Inc.), protesting against passage of House bill 4036, providing for appointment of official shorthand reporters for the United States district courts; to the Committee on the Judiciary.

By Mr. WILSON of New York: Memorial of Jacob S. Strahl Lodge, No. 158, Independent Order Ahawas Israel, of Brooklyn, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of New York Typographical Union, No. 6, against passage of parts of Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of Photo-Engravers' Union of New York City, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *July 24, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted by the International Longshoremen's Association, favoring appropriations for deepening and widening the channels of the Great Lakes, etc., which were referred to the Committee on Commerce.

He also presented a resolution adopted by members of the Inventors' Guild, favoring the appointment of a commission to investigate and accomplish reforms in the Patent Office and in the courts hearing patent cases, which was referred to the Committee on Patents.

Mr. CRAWFORD presented a petition of Local Division No. 213, Brotherhood of Locomotive Engineers, of Huron, S. Dak., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was ordered to lie on the table.

Mr. PERKINS. I present a telegram from the president of the Chamber of Commerce of San Francisco, Cal., which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

SAN FRANCISCO, CAL., *July 23, 1912.*

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

Answering yours 21st, telegrams referred to are personal from certain members of chamber, presumably sent following their signatures to petition circulated by transportation companies interested authorizing telegrams to be sent in members' names. They do not represent official action of this chamber, as names and signatures are unknown to us. Can not acknowledge as requested. Attitude of chamber of commerce is expressed in its resolution of March 11, copy of which you have. This resolution was unanimously adopted by the board of directors of chamber and represents opinion of a large majority of its members in obtaining signatures to the petition. All influence was exercised on those from whom Pacific Mail purchases supplies and with whom it has business relations. Please file this communication with the Senate committee and reaffirm chamber's attitude as expressed in the resolution referred to.

SAN FRANCISCO CHAMBER OF COMMERCE,
M. H. ROBBINS, Jr., *President.*

Mr. SMITH of Michigan presented petitions of sundry citizens of Middleville, Mich., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were ordered to lie on the table.

He also presented a petition of Central Lodge, No. 475, International Association of Machinists, of Grand Rapids, Mich., praying for the passage of the so-called eight-hour bill, which was ordered to lie on the table.

He also presented the memorial of George W. Stone, commander Department of Michigan, Grand Army of the Republic, of Lansing, Mich., remonstrating against the proposed discontinuance of the pension agency at Detroit, Mich., which was referred to the Committee on Pensions.

He also presented resolutions adopted by the State Association of Farmers' Clubs of Michigan, favoring the enactment of legislation designating September 30 of each year as "memory day," which were referred to the Committee on the Judiciary.

Mr. OLIVER presented a memorial of sundry citizens of Wilmerding, Pa., remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Union No. 1, International Steel and Copper Plate Printers' Union of North America, of Philadelphia, Pa., praying for the passage of the so-called injunction limitation bill, which was ordered to lie on the table.

He also presented resolutions adopted by members of the Aero Club of Pennsylvania, favoring the enactment of legislation providing for the regulation and control of aerial navigation, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of sundry members of the New England Society of Friends, residents of Providence, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was ordered to lie on the table.

Mr. PENROSE presented a memorial of sundry citizens of Wilmerding, Pa., remonstrating against an appropriation being made for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. McLEAN, from the Committee on Forest Reservations and the Protection of Game, to which was referred the bill (S. 6942) to establish the Pecos National Game Refuge in the State of New Mexico, and for other purposes, reported it without amendment and submitted a report (No. 963) thereon.

Mr. MARTINE of New Jersey, from the Committee on Claims, to which was referred the bill (H. R. 25060) for the relief of Joe Cook, reported it without amendment and submitted a report (No. 964) thereon.

Mr. BRISTOW, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 16621. An act for the indemnification of Frank Wenzel (Rept. No. 965); and

H. R. 17709. An act for the relief of John M. Oak (Rept. No. 966).

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 22648) to authorize a change in the location of Fourteenth Street NE., in the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 967) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CATRON:

A bill (S. 7350) for the relief of Nicolas Apodaca; and

A bill (S. 7351) for the relief of Cecilio Sandoval; to the Committee on Claims.

A bill (S. 7352) granting an increase of pension to James F. Bandy; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 7353) for the relief of Robert D. Gray; to the Committee on Claims.

By Mr. SMITH of Michigan:

A bill (S. 7354) to remove the charge of desertion from the military record of Charles F. Getchell; and

A bill (S. 7355) to remove the charge of desertion from the military record of Edwin Chapple; to the Committee on Military Affairs.

A bill (S. 7356) granting an increase of pension to George A. Cullin; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7357) granting an increase of pension to Emiles Pomeroy; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 7358) authorizing the Treasury Department to test upon ships a device for hoisting and lowering lifeboats at sea; to the Committee on Commerce.

By Mr. McLEAN:

A bill (S. 7359) granting an increase of pension to Mary J. Weeks (with accompanying paper); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 7360) granting an increase of pension to Curtiss D. Garrett (with accompanying paper); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 7361) for the relief of William Allman and others; to the Committee on Claims.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate $193,543.02 in settlement of the claim of the State of Oregon for expenses incurred in raising volunteers for service in Indian wars, etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

TARIFF DUTIES ON WOOL.

Mr. CUMMINS. I submit a proposed amendment to House bill 22195, ordinarily known as the wool bill. I ask that it be printed and lie on the table and also that it be printed in the RECORD.

There being no objection, the amendment was ordered to lie on the table and be printed and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. CUMMINS to the bill H. R. 22195, "An act to reduce the duties on wool and manufactures of wool," viz: Strike out all after the enacting clause and substitute therefor the following:

That the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended by striking out all of the paragraphs of Schedule K of section 1 of said act, from 360 to 395, inclusive, and inserting in place thereof the following:

"1. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided for the purpose of fixing the duties to be charged thereon into the three following classes:

"2. Class 1, that is to say, merino, mestiza, metz, or metis wools or other wools of merino blood immediate or remote, down clothing wools, and combing wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Egypt, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Morocco, and elsewhere, and Leicester, Cotswold, Lincolnshire, down combing wools, Canada long wools, or other like wools of English blood, and usually known by the terms herein used, and all wools not hereinafter provided for in class 3.

"3. Class 2, that is to say, all hair of the camel, goat, alpaca, or other like animal, not hereinafter provided for in class 3.

"4. Class 3, that is to say, Donskoi, Native South American, Cordova, Valparaiso, Native Smyrna, Russian camel's hair, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

"5. The standard samples of all wools or hair which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools and hair under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they may be needed.

"6. Whenever wools of class 3 shall have been improved by the admixture of Merino, or English blood, from their present character, as represented by the standard samples, now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

"7. If any bale or package of wool or hair specified in this act shall be entered as class 3, and shall contain a greater percentage of class 1 wool, or class 2 hair, than does the proper standard sample thereof, then the whole bale or package shall be subject to the rate of duty chargeable on wool of class 1, or hair of class 2, as the case may be; and if any bale or package shall be entered by the importer, or anyone duly authorized to make entry thereof, as shoddy, mungo, flocks, wool, hair, or other material, of any class specified in this act, and such bale or package shall contain any admixture of any one or more of the foregoing, or of any other material, subject to a higher rate of duty, the whole bale or package shall be dutiable at the highest rate imposed by this act upon any article or material in said bale or package.

"8. Whenever in any paragraph of this act the word "wool" is used in connection with the material or manufactured article of which it is a component material, it shall be held to include wool or hair of sheep, camel, goat, alpaca, or other like animal, whether manufactured by the woolen, worsted, felt, or any other process.

"9. The duty on all wools of class 1 shall be, if scoured, 19 cents per pound; if in the grease, or in any other condition than scoured, and not advanced by any process of manufacture, 18 cents per pound on the clean wool, which shall be ascertained by scouring or other tests made in accordance with regulations prescribed by the Secretary of the Treasury: *Provided, however*, That in no event shall the duty exceed 45 per cent ad valorem.

"10. The duty on all hair of class 2 shall be, if scoured, 8 cents per pound. If in natural condition or any other condition than scoured, and not advanced by any process of manufacture, 7 cents per pound on the clean hair, which shall be ascertained by scouring or other tests made in accordance with regulations prescribed by the Secretary of the Treasury: *Provided, however*, That in no event shall the duty exceed 30 per cent ad valorem.

"11. The duty on all wools and camel's hair of class 3 shall be, if scoured, 6 cents per pound. If in their natural condition or any other condition than scoured, and not advanced by any process of manufacture, 5 cents per pound on the clean wool or hair, which shall be ascertained by scouring or other tests made in accordance with regulations prescribed by the Secretary of the Treasury: *Provided, however*, That in no event shall the duty exceed 40 per cent ad valorem.

"12. The duty on wools or hair on the skin shall be 2 cents per pound less than is imposed upon the clean wool or hair of class 1, 2, or 3, as the case may be, imported not on the skin and unscoured, the quantity and value to be ascertained under such rules as the Secretary of the Treasury may prescribe.

"13. Top waste and slubbing waste, 20 cents per pound.

"14. Roving waste, ring waste, and garneted waste, 16 cents per pound.

"15. Noils, carbonized, 14 cents per pound; uncarbonized, 11 cents per pound.

"16. Thread waste, yarn waste, and wool wastes not herein specified, shoddy, mungo, and wool extract, 7 cents per pound.

"17. Woolen rags and flocks, 3 cents per pound.

"18. Combed wool or tops made wholly or in part of wool or camel's hair, valued at not more than 20 cents per pound, 12 cents per pound on the wool contained therein; valued at more than 20 cents per pound and not more than 30 cents per pound, 16 cents per pound on the wool contained therein; valued at more than 30 cents per pound and not more than 40 cents per pound, 18 cents per pound on the wool contained therein; valued at more than 40 cents per pound and not more than 50 cents per pound, 20 cents per pound on the wool contained therein; valued above 50 cents per pound, 21 cents per pound on the wool contained therein. That on all the foregoing in this paragraph mentioned there shall be paid an additional duty of 5 per cent ad valorem.

"19. Wool and hair which has been advanced in any manner or by any process of manufacture beyond the scoured condition but less advanced than yarn and not specially provided for in this act, 20 cents per pound on the wool contained therein, and in addition thereto 5 per cent ad valorem.

"20. On yarns made wholly or in part of wool valued at not more than 30 cents per pound the duty shall be 14 cents per pound on the wool contained therein, and in addition thereto 12 per cent ad valorem; valued at more than 30 cents per pound and not more than 50 cents per pound the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 15 per cent ad valorem; valued at more

than 50 cents per pound and not more than 80 cents per pound the duty shall be 21 cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem; valued at more than 80 cents per pound the duty shall be 24 cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

"21. On cloths, knit fabrics, flannels, felts, women and children's dress goods, coat linings, Italian cloths, buntings, and all other fabrics of every description made wholly or in part of wool and not specially otherwise provided for in this act, valued at not more than 30 cents per pound, the duty shall be 16 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem; valued at more than 30 cents per pound and not more than 40 cents per pound the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem; valued at more than 40 cents per pound and not more than 60 cents per pound the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem; valued at more than 60 cents per pound and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem; valued at more than 80 cents per pound and not more than $1 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem; valued at more than $1 per pound and not more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem; valued at more than $1.50 28½ cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

"22. On blankets and on flannels for underwear, composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem; valued at more than 40 cents per pound and not more than 50 cents per pound, the duty shall be 20 cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem; valued at more than 50 cents per pound, 23 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem: *Provided*, That on blankets over 3 yards in length the same duty shall be paid as on cloths.

"23. On ready-made clothing and articles of wearing apparel knitted, woven, or felt of every description made up or manufactured wholly or in part and composed wholly or in part of wool, if valued at not more than 40 cents per pound, the duty shall be 20 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem; if valued at more than 40 cents per pound and not more than 60 cents per pound the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem; if valued at more than 60 cents per pound and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem; if valued at more than 80 cents per pound and not more than $1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem; if valued at more than $1 per pound and not more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem; if valued at more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

"24. On handmade Aubusson, Axminster, Oriental, and similar carpets and rugs made wholly or in part of wool, 55 per cent ad valorem; on all other carpets of every description, druggets, bockings, mats, screens, hassocks, bedsides, art squares, and portions of carpets or carpeting, and all other coverings for floors composed wholly or in part of wool, 25 per cent ad valorem.

"25. All manufactures made wholly or in part of wool and not specially provided for in this act, if the component material of chief value is wood, paper, rubber, or any of the baser metals, the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem. If the component material of chief value is silk, fur, precious or semiprecious stones or gold, silver or platinum, the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem. If the component material of chief value be a material not mentioned in this paragraph, the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

"26. This act shall take effect on the 1st day of January, 1913."

Mr. WATSON submitted an amendment intended to be proposed by him to the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, which was ordered to lie on the table and to be printed.

IMPORTATION OF ADULTERATED SEEDS.

On motion of Mr. GRONNA, it was

Ordered, That the bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes be recommitted to the Committee on Agriculture and Forestry.

HEARINGS BEFORE THE COMMITTEE ON THE LIBRARY.

Mr. WETMORE submitted the following resolution (S. Res. 365), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Library or any subcommittee thereof be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-second Congress, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate.

LIMIT OF VISITORIAL POWERS.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate the following order.

The Secretary read the order, submitted by Mr. SMITH of Georgia on the 20th instant, as follows:

Ordered, That the Committee on Finance be discharged from the further consideration of the bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States, and that the same be laid before the Senate for its consideration.

Mr. LODGE. The Committee on Finance met this morning, and I think is in session now. I returned to the Senate because I have a matter pending on the sundry civil appropriation bill. They were ready to take action upon that bill, but owing to the absence of the Senator from Texas [Mr. BAILEY], who desired to be present when action was taken, they deferred it until Monday, knowing that nothing would be done with it in the next three days.

Mr. SMITH of Georgia. Then I am perfectly willing that the order shall go over until Monday, without displacing it.

The PRESIDENT pro tempore. The order will go over until Monday, without losing its place. The morning business is closed.

AIDS TO NAVIGATION.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to that part of the amendment of the Senate numbered 4 striking out the following words: "The Secretary of Commerce and Labor is authorized to station the light vessel for which appropriation was made in the act of May 27, 1908, or any other light vessel, at such position in the vicinity of Frying Pan Shoals as he may determine to be most advantageous to navigation," and agree to the same.

That the Senate recede from that part of its amendment numbered 4 which reads as follows: "That the Secretary of Commerce and Labor be, and he is hereby, authorized to purchase a site and to construct a wharf and buildings and purchase the necessary equipment, so far as funds may permit, for a depot for the sixth lighthouse district, at a cost not to exceed $125,000."

KNUTE NELSON,
THEODORE E. BURTON,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

W. C. ADAMSON,
WILLIAM RICHARDSON,
F. C. STEVENS,
Managers on the part of the House.

The report was agreed to.

WHITE RIVER DAM, ARKANSAS.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20347) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

KNUTE NELSON,
JONATHAN BOURNE, Jr.,
THOMAS S. MARTIN,
Managers on the part of the Senate.

W. C. ADAMSON,
WILLIAM RICHARDSON,
F. C. STEVENS,
Managers on the part of the House.

The report was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5623) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed

to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

WILLIAM RICHARDSON,
WILLIAM A. DICKSON,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 6340) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 3, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

WILLIAM RICHARDSON,
WILLIAM A. DICKSON,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

WILLIAM RICHARDSON,
WILLIAM A. DICKSON,
Managers on the part of the House.

The report was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I ask unanimous consent to call up House bill 25069, the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. LODGE. I think an amendment I offered was pending when we adjourned.

The PRESIDENT pro tempore. The Senator is correct. The amendment will be read.

The SECRETARY. On page 159, after line 23, insert:

To enable the Commissioner of Fisheries to investigate the method of fishing known as beam or otter trawling and to report to Congress whether or not this method of fishing is destructive to the fish species or is otherwise harmful or undesirable, $5,000, or so much thereof as may be necessary.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LODGE. I should like to have the report of the committee of the House and the report of the committee of the Senate in regard to the amendment just adopted printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[House Report No. 929, Sixty-second Congress, second session.]

OTTER AND BEAM TRAWLING.

Mr. GREENE of Massachusetts, from the Committee on the Merchant Marine and Fisheries, submitted the following report, to accompany House joint resolution 173:

The Committee on the Merchant Marine and Fisheries, to whom was referred House joint resolution 173, respectfully report the same to the House of Representatives, with the recommendation that the same do pass with the following amendments, viz:

Add, in section 1, line 5, after the word "as," the words "otter and." Also add, in section 3, line 12, after the word "appropriation," the words "not exceeding $7,500."

Amend the title by adding the words "otter and."

Until very recently the American method of catching cod, haddock, and other fish which frequent the bottom of the sea has been very largely carried on by means of set trawls. These trawls are long lines, anchored to the bottom of the sea. On each line large baited hooks are attached at close intervals.

A corporation operating from Boston, Mass., known as the Bay State Fishing Co., has introduced within the last few years powerful steam vessels, known as otter trawlers. Six of these vessels are now operating from the port of Boston. The method of fishing known as otter trawling consists of dragging along the bottom of the ocean a gigantic net, with a mouth from 100 to 150 feet in width, kept open by certain contrivances known as otter boards. It is said that these steam vessels cost about $50,000 to build, while a large-sized fishing schooner, such as is used by the Gloucester fleet, costs in the neighborhood of $15,000 when ready for sea. Besides the otter trawlers operating out of the port of Boston, some similar boats appear to have been operated elsewhere with more or less irregularity. A New York concern known as the Heroine Fishing Co. contemplates extensive operations in the same direction.

In Canada one or two such vessels have begun operations; but the Canadian Government forbids them to fish inside the 3-mile limit, and efforts are being made in Canada to prohibit the landing of fish in her ports caught by otter trawlers in international waters.

On the Grand Banks to the eastward of Newfoundland the French have been operating otter trawlers more or less in the last 10 years. A few years ago as many as 30 French trawlers were operating in those waters, but the number has very largely fallen off. It is said to have been an unprofitable venture on account of the long distance from the French market and for other reasons.

The Committee on the Merchant Marine and Fisheries gave a hearing on H. R. 16457, introduced by Congressman GARDNER of Massachusetts, with a view to forbidding the entry in the ports of the United States of any fish caught by otter trawlers. The committee, however, unanimously decided that an investigation of the whole question must first take place before intelligent action could be taken. Both those who favored H. R. 16457 and those who opposed it agreed that they courted an investigation of the whole matter.

In a general way the opponents of otter and beam trawling base their case on the statement that it is a method of fishing very destructive to fish life. They assert that if otter and beam trawlers are permitted to operate, it is only a question of time when the fishing grounds will be depleted.

Those who oppose H. R. 16457 contend that otter and beam trawling is a vast improvement over older methods, that the New England, Nova Scotia, and Newfoundland methods of fishing are antiquated, and that the people can be supplied with a cheaper food product if otter trawlers are permitted to operate unhampered.

It seems to the committee that the question is of the utmost importance as to whether or not fishing by otter trawls is destructive of the fish species. The matter has been investigated somewhat in Europe, and both sides claim to have found material in the European reports to substantiate their views.

Dr. H. M. Smith, the Deputy Commissioner of the Bureau of Fisheries, was present at the hearings, and stated to the committee that the United States Bureau of Fisheries had given the question a great deal of thought. Dr. Smith expressed the opinion that a satisfactory investigation could be made for $7,500. He suggested that a wise method to pursue in making the investigation would be to detail an employee of the Bureau of Fisheries as an observer for an entire season on board each otter and beam trawler of the Bay State Fishing Co.'s fleet. It is understood that this arrangement would be satisfactory to the Bay State Fishing Co.

In addition to this work of practical observation, the United States Bureau of Fisheries, in case this resolution is adopted, will make a thorough study of all European reports relative to either beam trawling or otter trawling.

[Senate Report No. 903, Sixty-second Congress, second session.]

BEAM OR OTTER TRAWLING.

Mr. JONES, from the Committee on Fisheries, submitted the following report to accompany H. R. 25069:

The Committee on Fisheries, to whom was referred the proposed amendment to the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, to enable the Commissioner of Fisheries to investigate the method of fishing known as "beam or otter trawling" and to report to Congress whether or not this method of fishing is destructive to the fish species or is otherwise harmful or undesirable, $5,000, or so much thereof as may be necessary, having duly considered the same, recommends that it do pass.

The letter of the Secretary of Commerce and Labor, passing upon this proposed amendment, is attached hereto and made a part of this report.

DEPARTMENT OF COMMERCE AND LABOR,
Washington, June 21, 1912.

Hon. WESLEY L. JONES,
Chairman Committee on Fisheries, United States Senate.

SIR: I have the honor to acknowledge receipt of your letter of the 17th instant transmitting a proposed amendment to the sundry civil bill providing for an investigation by the Commissioner of Fisheries of the method of fishing known as trawling. In response to your request for suggestions as to the merits of the amendment and the propriety of its passage, I would state that the question of the destructiveness of this kind of fishing is now being agitated, and the House Committee on Merchant Marine and Fisheries has held hearings on House bill No. 16457 and joint resolution No. 173, both affecting this matter, and it is my understanding that the committee will make a report favoring an investigation as a basis for any legislation that may be found to be desirable, and recommending a special appropriation therefor.

In the opinion of the Commissioner of Fisheries, it is most important that the influence of the trawl fishery on the fish supply be ascertained and proper steps taken to offset its harmful effects, if any, before the industry has attained any large proportions on our coast. There is a tendency toward a marked augmentation of the fleet of steam trawling vessels and the establishment of the fishery in new regions; and if Congress is to take any cognizance of the fishery and apply restrictive or regulating measures, this is the proper time to acquire the necessary

information. Furthermore, the subject has assumed an international status, (1) because of the appearance of foreign (European) steam trawling vessels on the grounds resorted to by American fishermen, and (2) in view of the desire of the Government of Canada and Newfoundland, as informally communicated to our Government, to make an investigation and to enact requisite legislation along the lines adopted by the United States.

The department is therefore in favor of the passage of this amendment. If you desire further information on the general subject of trawling and on the attitude of the Government toward pending legislation, it is suggested that you obtain a copy of the recent hearings before the House Committee on Merchant Marine and Fisheries.

Respectfully,

CHARLES EARL, *Acting Secretary.*

Mr. BORAH. I offer the following amendment, to be inserted after the figures "$37,200," on page 104, line 2.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Idaho will be stated.

The SECRETARY. On page 104, after line 2, insert:

That the failure of a homestead entryman to give notice of election of making his proof as required by the act of June 6, 1912, being an act to amend sections 291 and 297 of the Revised Statutes of the United States, relating to homesteads, shall not in any wise prejudice his rights to proceed in accordance with the law under which such entry was made.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Idaho.

Mr. CULBERSON. I should like to ask the Senator from Idaho if that is not a change of existing law. Is it not legislation?

Mr. BORAH. I presume it is subject to that objection, but before the Senator from Texas raises the point I should like to say a word in behalf of the amendment.

The present Congress passed an act which was approved June 6, 1912, known as the three years' homestead bill. By reason of a clause which was inserted in the act in conference great injury may come to homesteaders through no fault of theirs. I call the attention of the Senator from Texas to this proviso in the act:

Provided, That the Secretary of the Interior shall, within 60 days after the passage of this act, send a copy of the same to each homestead entryman of record who may be affected thereby by ordinary mail to his last known address, and any such entryman may, by giving notice within 120 days after the passage of this act by registered letter to the register and receiver of the local land office, elect to make proof upon his entry under the law under which the same was made without regard to the provisions of this act.

Now, if the homestead entryman does not get his notice—and I am informed that many letters are coming back into the land offices without having been delivered—if the homestead entryman does not get his notice he goes by operation of law under the new law; he has no right to proceed thereafter under the old law, under which he made his entry.

That would not be so bad if it were not for the fact that the new law requires that before proof can be made the homestead entryman shall show that one-sixteenth of his land was cultivated the second year of entry. That is a provision which was not required by the old law. So, if the homestead entryman should not get his notice, it might transpire that he would find himself under the new law absolutely incapable of complying with its terms, and thereby might lose his entry entirely. This ambiguity I am simply seeking to change by saying that his failure to elect shall not deprive him of the right to proceed under the old law.

If this does not go through in this bill, Mr. President, there is no chance for it to pass during the present session. I desire to say to the Senator from Texas and other Senators that it will undoubtedly result in many of these homesteaders being placed in a position where they may forfeit their title without any fault of theirs. I sincerely hope that the amendment may be made so that he may proceed under either law, because no one can possibly be injured if it is so. If it is otherwise, many may undoubtedly be injured. In any event the homesteader may be put to expense and worry. Let us take care not to further embarrass the home builder.

Mr. WARREN. I ask unanimous consent that the amendment may be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JOHNSON of Maine. I offer the following amendment. On page 90, after line 20, I move to insert:

For the erection of a chapel at the Eastern Branch at Togus, Me., of the National Home for Disabled Volunteer Soldiers, to be used by the inmates for religious worship, the sum of $7,500.

Mr. WARREN. Mr. President, I feel constrained to say that while I would be glad to see those chapels at all points where they are recommended—at great Army posts and at all soldiers' homes—yet if we allow one it means either to differentiate or to allow a very large number of them. We have before the committee applications for some that would cost $30,000 to $40,000 and all the way down to $5,000. I hope we may not place this amendment in the bill, because of the embarrassment it would cause. I hope the amendment may be voted down.

Mr. JOHNSON of Maine. Mr. President, my home is within 21 miles of this branch at Togus, Me. I know something of the conditions there and also from the testimony I know of the capacity of the chapel now there. A small chapel has been erected for the purposes of religious worship which has a seating capacity of about 200.

The chapel is particularly desired by the Catholic veterans in that home, of whom there are seven or eight hundred. A priest has been assigned for their especial benefit to attend to their religious wants at the home. It seems to me that this is not asking anything extravagant.

In reply to what was said by the chairman of the committee, I have to state that it appears from the hearings that a Catholic chapel has been established at all but one of the homes for disabled soldiers in this country besides this one at Togus, and in view of the fact that there are so many there of this religious persuasion I hope the Senator will not urge an objection against including this amendment in the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Maine.

The amendment was agreed to.

Mr. JONES. On page 194, after the words "public buildings" in line 17, I desire to amend by inserting the words "fishery stations," so as to except them from the provision.

Mr. WARREN. That has already been agreed to.

The PRESIDENT pro tempore. That amendment has been already made.

Mr. WARREN. The money for fishery stations is made continuously available.

Mr. JONES. That is all right.

Mr. FLETCHER. Mr. President, on page 60, after line 12, I move to insert the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. On page 60, after line 12, it is proposed to insert:

Fort Taylor Military Reservation, Fla.: For the filling in of the ponds and lowlands of the Fort Taylor Military Reservation, Fla., $50,000.

Mr. WARREN. Mr. President, it is true that item is estimated for, and the committee has been trying to get some further information in reference to it. We have not yet been satisfied about it. I do not raise the point of order against it; it may go in, and we shall look it up in conference.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

Mr. FLETCHER. I desire to say, in connection with that amendment, that this is a matter of some urgency. I will not take up the time of the Senate with any discussion of it, but I should like to have inserted in the RECORD what is found on page 343 of the Estimates for Appropriations required for the service of the fiscal year ending June 30, 1910, under the head "Raising grade of Fort Taylor, Fla."

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

RAISING GRADE OF FORT TAYLOR, FLA.

For filling in the ponds and lowlands in the military reservation of Fort Taylor, Fla., submitted, $50,000.

NOTE.—The present reservation consists of 62.89 acres, and it is proposed to construct a post to accommodate six companies of Coast Artillery.

This estimate is for filling in and raising the level of the present surface, which is very low and a menace to the health of the garrison, owing to lack of drainage, which is impracticable until the surface is raised. The filling in of the ponds is deemed a matter of great urgency, for if a single case of yellow fever were introduced the disease might sweep the island. (J. B. Aleshire, Quartermaster General, United States Army.)

Mr. FLETCHER. I will say further, Mr. President, that this matter has a direct bearing upon the healthfulness of that reservation. It comprises some 62 acres, and there are lowlands in the reservation which are breeding places for mosquitoes. Our health department has often insisted that that was a matter that should be looked after. We have demonstrated that tropical diseases can be annihilated both in Cuba and in Panama, and we must take care of conditions like this in order to prevent trouble of that sort. This is a case where an ounce of prevention is worth many pounds of cure. The amendment is recommended by the War Department, and I hope it will not be put in the bill as a mere formality, but that it will stay there.

I now offer another amendment, to come in on page 19, line 16.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. On page 19, at the end of line 16, it is proposed to insert:

And the limit of cost of said building as heretofore fixed by Congress is hereby increased $25,000, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of said building within said limit of cost as thus increased.

Mr. WARREN. I make the point of order against that amendment. This bill does not undertake to change the law in regard to public buildings. The regular public-building laws provide the limit of cost, the same as in the case of the river and harbor appropriation bill. This bill simply carries appropriations under the law. I make the point of order against the amendment that it is general legislation, that it is not estimated for, and is not recommended by any committee.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. FLETCHER. I should like to put in the RECORD a letter from the Assistant Secretary of the Treasury in reference to this matter; and, of course, I have nothing further to submit.

The PRESIDENT pro tempore. In the absence of objection, permission to do so will be granted.

The letter referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF ASSISTANT SECRETARY,
Washington, July 17, 1912.

Hon. DUNCAN U. FLETCHER,
United States Senate.

SIR: In further reference to the letter addressed to you by this department under date of the 15th instant in answer to your letter of July 3 regarding the proposed new post-office building authorized to be erected at St. Petersburg, Fla., and referring to your personal inquiry regarding the requirements of the post-office business in that town, I have the honor to inform you as follows:

The postmaster in St. Petersburg has recently visited this department and has explained to the Post Office Department the peculiar conditions obtaining at that point. It appears that at certain times of the year the normal population is increased by an influx of tourists to the number of some 20,000 and that at times as many as 1,000 people crowd the post-office lobbies for mail. With 800 post-office boxes now rented there is a waiting list of 100 people who can not be supplied with boxes, and a fair estimate of a proper box equipment for the new building would be a thousand. This requires an unusually long post-office screen, and consequently a long lobby and increased floor area. The increase in ground area for the entire building now required is about 30 per cent over that originally reported. To meet this increase in size it is estimated that $85,000 should be available for the building, as stated to you in letter of July 15, but by keeping the design very simple and taking advantage of all possible economies of construction it is believed that the building could be constructed for $80,000; that is, an increase in the limit of cost of $25,000.

Respectfully,

R. O. BAILEY, *Assistant Secretary.*

Mr. JONES. I desire to submit an amendment to come in on page 125, line 9, after the word "penitentiary." I understand the amendment recommended by the committee at that point, striking out the proviso, was adopted.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. After the word "penitentiary," in line 9, on page 125, it is proposed to insert the following:

Penitentiary, McNeil Island, Wash.: For continuing construction of the United States penitentiary, McNeil Island, Wash., to be available until expended, all of which sum shall be so expended as to give the maximum amount of employment to the inmates of said penitentiary, $25,000.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. WARREN. Just a moment.

Mr. JONES. I will say that that has been estimated for by the department.

Mr. WARREN. Well, I will ask that it be again stated in order to ascertain whether the amendment follows the language of the law.

Mr. JONES. I tried to follow the language of the law.

Mr. CULBERSON. I will ask the chairman of the committee if there was any estimate made for this purpose.

Mr. WARREN. There is an estimate for it, but I wish to see if the language corresponds with the law.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. Let the amendment be inserted following line 11, on page 125.

The PRESIDENT pro tempore. That is where it will be placed.

Mr. SMITH of Arizona. Mr. President, I submit the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Arizona will be stated.

The SECRETARY. On page 107, line 13, after the sum "$5,000," at the end of the line, it is proposed to insert:

The Yuma irrigation project in Arizona, on final settlement with the Government shall be credited, and is hereby credited, with the full sum of money heretofore paid out of the reclamation fund for levees and revetment work on the eastern side of the Colorado River, in Yuma County, Ariz.

Mr. WARREN. Mr. President, that is a matter of general legislation.

Mr. SMITH of Arizona. I confess that it is; but I should like in connection with it, if the chairman would refrain from making the point of order, to make a mere suggestion.

Mr. WARREN. I have not made the point of order, and should be glad to hear from the Senator from Arizona briefly on the merits of the case.

Mr. SMITH of Arizona. On the Colorado River just south of the town of Yuma, as we all remember, a break in the river caused the overflow of the Imperial Valley of California. The Government spent several million dollars in protecting the Imperial Valley by the erection of sufficient levees to hold the river within its channel. On the Arizona side of the river the lowlands were also flooded by this river when the levee was raised on the California side. So, for the purposes of protection, on that project from the irrigation fund—which the farmers themselves have to pay—they took out a sum amounting to something over $700,000 and charged it to the irrigation project. The work on the California side of the river was paid for by the Government, while on the Arizona side the farmers upon that project were required to pay this vast amount of money. My amendment looks to the credit in the final settlement with the Government of the amount they have paid, or will have to pay, out of their poor, small holdings there. That is the purpose of my amendment.

Mr. BORAH. May I ask for the rereading of the amendment?

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary again read the amendment.

Mr. BORAH. Mr. President, do I understand that the amount of $700,000, which was used for the purpose of protecting the river banks upon the opposite side of the stream, was charged or is being charged up to the settlers upon the project?

Mr. SMITH of Arizona. The Government paid for the California side of the stream out of Government funds. The river was pushed over onto the Arizona side, and a levee was necessary there to protect the lands included in the irrigation project on the Arizona side of the river. In order to do that the Reclamation Service took from the reclamation fund of that project this amount of money and built the levee. I do not think that it is a just charge against the farmers and settlers on that project, and in the final settlement and adjudication of the matter I desire provision made so that these people may have allowed as a credit their claims against the Government to the amount of money so expended.

Mr. BORAH. Was the amount expended for the purpose indicated and the work which was done a necessary part of the construction of the reclamation project?

Mr. SMITH of Arizona. No, sir; but I will confess that it was very essential to the project. The Government, however, owed it as much there as it did on the other side. Protection on both sides of the river was absolutely essential to the irrigation project.

Mr. SMOOT. Do I understand the Senator to say that the Government spent the money for revetment work on the Mexican side?

Mr. SMITH of Arizona. On the California side.

Mr. SMOOT. I beg the Senator's pardon. I understood him to say the Mexican side.

Mr. SMITH of Arizona. I meant to say the California side.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. WARREN. I appreciate the difficulties in Arizona growing out of the overflow of the Colorado River, but we can not accept matters of that kind on an appropriation bill. We have not the figures before us; we have no estimate, and therefore I make the point of order that the amendment is general legislation.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wyoming withhold the point of order for a moment?

Mr. WARREN. Certainly.

Mr. ASHURST. Mr. President, in addition to what my colleague [Mr. SMITH] has said, I feel certain if it were known by the Senate that the revetment work and the building of levees upon the Colorado River have been done for the purpose of holding within its channels a river which is not only interstate but international in character, this relief would be granted. The river for some miles divides the State of Arizona from a portion of the Republic of Mexico. As my colleague has said,

and as has been observed by the Senator from Idaho [Mr. BORAH], the farmers, water users, and landowners have been bearing the burden of controlling a river which is international in character. It would be unprecedented in American history to require the two or three hundred farmers in that portion of the State to have charged up against their lands the cost of keeping a raging international river within its bounds.

Mr. SMITH of Arizona. And a navigable river, too.

Mr. ASHURST. And a navigable river. To require those farmers to bear this burden is so palpably unjust that it is shocking to contemplate. No sense of propriety, fairness, or justice would require those farmers to pledge their lands to the amount of $7 or $8 per acre, or any other sum, for the purpose of holding within its banks a river which, as I have said, is not only interstate but international in character, and especially when the stream to be controlled is a navigable river.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Idaho?

Mr. ASHURST. Certainly.

Mr. BORAH. Mr. President, I was going to ask the Senator when will the adjustment and final accounting likely take place?

Mr. ASHURST. The amendment provides that when final settlement is made with the Government the farmers shall be credited with the amount expended for levees and revetment work.

Mr. BORAH. What I want to know is whether or not the accounting is likely to take place shortly?

Mr. WARREN. Mr. President, if the Senator from Arizona will permit me, I have a large share of sympathy with the people in that locality on account of the conditions down there, and, so far as I am advised, I would be glad in the regular way to take the matter up and examine it, but we can not include it in a bill of this kind.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. Certainly.

Mr. WORKS. Mr. President, the problems presented by the conditions on the Colorado River are very serious. I have had occasion, through the committee, to endeavor to secure an amendment to this bill founded upon the recommendation of the Secretary of the Interior and a special message of the President of the United States, to make improvements on the river that would protect the California side as well as the Arizona side. I think the whole problem as affecting both sides of the river ought to be taken up and worked out in such a way as to protect the vast interests that are threatened by the overflow of the river and the submerging of great sections of land there that are immensely valuable. The committee did not feel, when the matter was presented to it, that it could take it up in this way, and I have submitted to that ruling of the committee; but I want to take this occasion to say that both the committee and Congress should keep this matter in mind, because it is a serious and urgent matter that ought to be given attention by Congress at the proper time and in the proper way.

The PRESIDENT pro tempore. The Senator from Wyoming makes the point of order against the amendment. The point of order is sustained.

Mr. OVERMAN. Mr. President, I send forward an amendment which I desire to offer. I will say that it does not ask for an appropriation and is recommended by the Secretary of the Treasury.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 24, line 2, after the sum "$80,000," it is proposed to insert the following:

And that so much of the act of Congress (Public Building Act) approved June 25, 1910 (36 Stat. U. S., 693), as authorized the Secretary of the Treasury to begin the construction of a suitable and adequate fireproof addition to the present Federal building at Winston Salem, N. C., etc., be, and the same is hereby, amended so as to authorize also all necessary changes in, and alterations and repairs of, said old Federal building, and of the heating, ventilating, and plumbing systems and elevators therein which may become necessary by reason of or incident to the extension or enlargement of said building, or which it may be found expedient or advisable to make to such old building and the heating, ventilating, and plumbing systems and elevators because of and in connection with the enlargement, extension, remodeling, or improvement of said old building; and the annual appropriations for the general maintenance of public buildings under the control of the Treasury Department shall be construed to be available for all other repairs and equipment of said building, grounds, and approaches, and the heating, hoisting, plumbing, and ventilating apparatus thereof.

Mr. WARREN. Mr. President, I had occasion to look that up, the Senator having introduced it in the regular way. I desire to ask the Senator if he has investigated to know whether the amendment in any way involves the expenditure of any more money or raises the limit of cost for the building?

Mr. OVERMAN. It does not, Mr. President. The Secretary of the Treasury prepared the amendment himself and sent it down here before I knew anything about it and urged its passage. He said the Comptroller of the Treasury had ruled that under the existing act they could not tear down part of the old building in order to join the new building to it unless specific authority is granted.

Mr. WARREN. This amendment supplements the legislation which provided for the tearing down and the rebuilding.

Mr. OVERMAN. And the rebuilding.

Mr. WARREN. And this makes it applicable.

Mr. OVERMAN. The bill provided for the erection of an addition to this old Federal building, but under the language of the statute the Secretary of the Treasury can not tear down part of the walls in order to connect the new building with the old.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OVERMAN. I should like to insert in the RECORD, with the permission of the Senate, the letter of the Secretary of the Treasury relating to this matter.

The PRESIDENT pro tempore. Without objection, that order is made.

The letter referred to is as follows:

DECEMBER 7, 1911.

CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

SIR: I have the honor to invite your attention to the public-building act of June 25, 1910 (36 Stats., 693), which contains the following provision in regard to the Federal building at Winston Salem, N. C.:

"That for the purpose of beginning the construction of a suitable and adequate fireproof addition to the present Federal building and the acquisition of additional ground for the accommodation of the United States post office and other governmental offices at Winston Salem, N. C., $50,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said enlargement and additional ground at the sum hereby named, but the enlargement hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and additional ground not exceeding $250,000.

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, said additional ground and to enter into contracts for the construction of said enlargement within the ultimate limit of cost herein fixed: *Provided*, That of the said amount fixed as the ultimate limit of cost not to exceed $50,000 may be expended during the fiscal year ending June 30, 1911."

Under the holdings of the department's legal advisers as to the purport of the language above quoted, it is doubted whether the terms of this provision are broad enough to authorize the changes, alterations, improvements, and repairs of the present Federal building at Winston Salem which are either necessitated by said enlargement or deemed advantageous and economical to the Government to have done at the time said extension is constructed. It is therefore recommended that the existing legislation be so amended as to authorize specifically the changes, alterations, improvements, and repairs above mentioned.

I submit a tentative draft of an amendment for the purpose referred to which, it is believed, would be sufficient to cure the difficulty in question:

"*Be it enacted, etc.*, That so much of the act of Congress (public-building act) approved June 25, 1910 (36 Stats. U. S., 693), as authorized the Secretary of the Treasury to begin the construction of a suitable and adequate fireproof addition to the present Federal building at Winston Salem, N. C., etc., be, and the same is hereby, amended so as to authorize also all necessary changes in, and alterations and repairs of, said old Federal building, and of the heating, ventilating, and plumbing systems and elevators therein which may become necessary by reason of or incident to the extension or enlargement of said building, or which it may be found expedient or advisable to make to such old building and the heating, ventilating, and plumbing systems and elevators because of, and in connection with, the enlargement, extension, remodeling, or improvement of said old building; and the annual appropriations for the general maintenance of public buildings under the control of the Treasury Department shall be construed to be available for all other repairs, etc., and equipment of said building, grounds, and approaches, and the heating, hoisting, plumbing, and ventilating apparatus thereof."

Respectfully. FRANKLIN MACVEAGH, *Secretary.*

Mr. JONES. I offer an amendment to come in on page 116.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 116, after line 13, it is proposed to insert the following:

Medical relief of natives of Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the medical and sanitary relief of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, repair, rental, and equipment of hospital buildings; for books and surgical apparatus; for pay and necessary traveling expenses of physicians, nurses, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, to be immediately available, $70,000.

Mr. WARREN. The committee has very carefully considered the matter. There is $200,000 in this bill to cover that and the accompanying expenses. There are very many good people who seek to take care of the Indians in Alaska, and all of us feel sympathy for them, but they are overdoing the matter, I think, and I hope the amendment will not be agreed to.

Mr. JONES. Mr. President, I desire to say that while there is $200,000 appropriated in this bill, it is for educational purposes in Alaska, and the money can not be used for the purposes indicated in the amendment.

Mr. WARREN. It is already being used for that, as the report shows.

Mr. JONES. The report of the Commissioner of Education says:

Under the comptroller's decision, to which reference has been made, the Bureau of Education can not, according to the language of the appropriation, erect hospitals in Alaska.

Mr. WARREN. When it comes to erecting buildings, that is possibly so.

Mr. JONES. This is largely for the erection and maintenance of buildings, and is estimated for by the Secretary in a letter under date of January 23, 1912. I desire to call attention to the report of the Commissioner of Education, in which he says:

I therefore earnestly recommend that Congress be requested to appropriate the sum of $70,000 in order to enable the Commissioner of Education, subject to the approval of the Secretary of the Interior, to furnish medical and sanitary relief to the natives of Alaska and to establish sanitary conditions in the native villages.

The commissioner sets out in detail the purpose for which this money already in the bill is to be used.

Juneau Hospital, rental and maintenance, $3,000.

And then he gives the various other items.

The Commissioner of Education is very strongly in favor of this legislation and urges the necessity for it, and he quotes from the report of Dr. Foster, which I desire to read to the Senate:

Dr. Foster's report emphasizes the fact, which has been set forth for years *past in the* reports of the governor of Alaska, of the teachers of United States public schools in Alaska, of medical officers of the Government serving on revenue cutters in Alaskan waters, and of officers of the Army stationed in Alaska, that the checking of disease among the natives of Alaska is an urgent national duty.

Then he quotes from the report of the governor urging an appropriation of this character, and unless the Senate should adopt the amendment I have offered it seems to me we ought to expressly provide that of the $200,000, to which the chairman of the committee has referred, a certain portion shall be used for this purpose, because it seems to me that the stamping out of disease and holding in check disease among the natives of Alaska is really of far greater importance than education, important as that is.

I trust the Senate will adopt the amendment.

Mr. WARREN. Mr. President, it is true that the Commissioner of Education desires this appropriation. It is true also that the Commissioner of Education desired more than twice as much money as heretofore appropriated for his department here in Washington. It is true the amount has been asked for, as testified by Dr. Foster, but there must be a line somewhere between proper expenditures and extravagant expenditures, and I think we are traveling entirely too fast in some directions.

If we take our revenues, on the one hand, and then take the necessities, and sum them all up together and strike an average line, we can not justify these extravagant new appropriations.

I speak in the interest of economy, and I hope the amendment will not be adopted.

Mr. JOHNSTON of Alabama. Mr. President, I desire to say that I hope the amendment will prevail, because I fully investigated the conditions in Alaska as well as I was able. The condition of the people in that country is distressing, and some relief should be given. I hope very much the Senate will adopt the amendment.

Mr. SMITH of Michigan. Mr. President, there may be some good reason why this item ought not to go on the pending bill, but the reason has not been advanced by the Senator from Wyoming [Mr. WARREN], who says that a good many misguided people are overdoing the matter.

Mr. WARREN. I think the Senator from Michigan is mistaken in saying that I used the word "misguided."

Mr. SMITH of Michigan. That a good many people, then, are overdoing the matter.

Mr. WARREN. Yes.

Mr. SMITH of Michigan. And that we are traveling too fast. We can not travel too fast in the direction indicated by this amendment.

The truth is that we have neglected the people of Alaska long enough, and the testimony as to the rate of mortality in Alaska, if presented to the Senate, would be shocking. The truth is we ought to do more than we have ever done, and the amendment is in the right direction. It is meritorious; the money will not be wasted if applied in this manner.

I hope the Senate may, either upon this bill or at some other appropriate time before this session adjourns, do something to relieve those people from the dreadful conditions which surround them.

Mr. WORKS. Mr. President, it was intimated by the chairman of the committee that some other provision had been made which would take care of this condition. I should like to know whether that is correct or not.

Mr. WARREN. On page 115, under the head of "Education in Alaska," they group this matter with the education. There is $200,000 appropriated for it, and the testimony before us gave the committee the particulars as to how it is used. It is a matter that was not overlooked by the committee. They took up these supplications from individuals and the report from the department, and the conclusion was that the $200,000 was sufficient to take care of the health and of the education as provided here. The $200,000 is only one of the appropriations for Alaska. There is $60,000 appropriated for the care of the insane, and other amounts for other purposes.

Personally I feel great interest in Alaska. I think all of us ought to feel a great interest in it. I believe we ought to be liberal. But because it is far away and because we have great sympathy with those people I think we ought to leave these matters to those who have them in charge as a matter of duty, rather than to assume the general attitude that we can not give Alaska too much. I feel as if we had appropriated sufficiently in the bill, and that it is not economy, but extravagance, to add anything to it.

Mr. WORKS. I wanted to be informed on that subject. If the present provision is not sufficient, I am thoroughly in sympathy with the amendment. At the same time, if those people have been provided for already, I think we ought not to indulge in extravagance.

Mr. JONES. The provision the chairman referred to—and there is nothing in this bill which authorizes the use of the money for the purposes proposed in this amendment—is as follows:

Education in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the education and support of the Eskimos, Aleuts, Indians, and other natives of Alaska.

Here is the further specification showing for what the $200,000 shall be used:

For erection, repair, and rental of school buildings; for textbooks and industrial apparatus; for pay and necessary traveling expenses of general agent, assistant agent, superintendents, teachers, physicians, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, $200,000.

That is the provision with reference to the $200,000.

Mr. WORKS. If it be true, as stated by the chairman, that the $200,000 will be sufficient for the purpose, it seems to me the Senator from Washington might reach what he desires by including this particular matter within the appropriation of $200,000 instead of asking for an additional appropriation.

Mr. JONES. The department has sent down an estimate of $200,000 for the purposes I have specified in my amendment, indicating that the provision in the bill does not cover the purposes specified in the amendment. They evidently considered that $200,000 is necessary for the purposes indicated in the bill, and that to carry out the purposes of the amendment they need an additional amount.

Mr. WORKS. The committee seem to have determined that it will be sufficient for all purposes.

Mr. JONES. If it will be, I would not desire any more money. If the chairman of the committee is satisfied that the $200,000 will cover the purpose specified in the bill as well as those specified in the amendment, I shall be content if a provision is put into the bill to authorize the use of a part of the $200,000 for this purpose, as specified in the amendment. Then I will be willing to withdraw the amendment and offer another giving authority to use a part of the $200,000 for the purposes stated in the amendment.

Mr. WARREN. This $200,000, according to the testimony given before the committee by those who represent the matter, will not, of course, build all new hospitals. It will provide temporarily, but it will not go into the building of a lot of new hospitals.

Mr. JONES. Does the Senator say that the repair of hospitals comes under that provision?

Mr. WARREN. So far as all other expenses are concerned, if we can believe the testimony, and if we can take the example of what they are doing now, it does provide for it. But the estimate the Senator from Washington speaks of was intended to greatly enlarge existing and to build new hospitals, which, of course, is another matter, and I think it ought to be considered in a different way.

Mr. JONES. I desire to say that in the statement submitted by the Bureau of Education they do not provide in an extravagant way for hospitals. Here it is:

Juneau Hospital, rental and maintenance	$3,000
Nushagak Hospital, rental and maintenance	3,000
Nulata Hospital, equipment and maintenance	3,000
Nome Hospital, equipment and maintenance	3,000

And so it goes. They are small hospitals, for the purpose of doing for the natives of Alaska what the Senator from Michigan has set out, and it does seem to me that the Senate should provide for the conditions there and take care of the natives.

I hope the amendment will be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington. [Putting the question.] The Chair is in doubt.

Mr. KENYON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). Being paired with the senior Senator from Maryland [Mr. RAYNER], I withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from West Virginia [Mr. CHILTON]. If at liberty to vote, I should vote "yea."

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. As I do not see him in the Chamber I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA] and therefore withhold my vote.

Mr. PENROSE (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. WILLIAMS]. I transfer it to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN] and therefore withhold my vote.

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. WETMORE (when his name was called). I am paired with the Senator from Arkansas [Mr. CLARKE] and therefore withhold my vote.

The roll call was concluded.

Mr. BURNHAM. I am paired with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. BRANDEGEE. I am paired with the junior Senator from New York [Mr. O'GORMAN]. Has that Senator voted?

The PRESIDENT pro tempore. The Chair is advised that he has not voted.

Mr. BRANDEGEE. I therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. HEYBURN (after having voted in the affirmative). I am informed that the Senator from Alabama [Mr. BANKHEAD] with whom I am paired would vote "yea,' if present. So I desire to vote. I vote "yea."

Mr. WATSON. I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], which I transfer to the junior Senator from Montana [Mr. MYERS], and will vote. I vote "yea."

Mr. SMITH of South Carolina. I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer it to the Senator from Maine [Mr. GARDNER], and will vote. I vote "yea." I should like to have the announcement stand for the day.

Mr. MARTINE of New Jersey. I have been requested to announce the pair between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS]. I ask that the announcement stand for the day.

Mr. WATSON. I desire to announce the absence of my colleague [Mr. CHILTON] on account of illness.

Mr. WATSON (after having voted in the affirmative). The Senator from Montana [Mr. MYERS] having voted, I withdraw my vote.

The roll call resulted—yeas 28, nays 28, as follows:

YEAS—28.

Ashurst	du Pont	McLean	Reed
Bacon	Fall	Martin, Va.	Smith, Mich.
Bourne	Fletcher	Martine, N. J.	Smith, S. C.
Bryan	Heyburn	Myers	Swanson
Burton	Johnston, Ala.	Newlands	Thornton
Chamberlain	Jones	Percy	Tillman
Dillingham	Lodge	Pomerene	Townsend

NAYS—28.

Borah	Gronna	Overman	Smith, Ariz.
Bristow	Guggenheim	Page	Smith, Ga.
Catron	Kenyon	Paynter	Smoot
Crawford	McCumber	Penrose	Stephenson
Culberson	Massey	Perkins	Sutherland
Cummins	Nelson	Shively	Warren
Gallinger	Oliver	Simmons	Works

NOT VOTING—38.

Bailey	Clarke, Ark.	Hitchcock	Richardson
Bankhead	Crane	Johnson, Me.	Root
Bradley	Cullom	Kern	Sanders
Brandegee	Curtis	La Follette	Smith, Md.
Briggs	Davis	Lea	Stone
Brown	Dixon	Lippitt	Watson
Burnham	Foster	O'Gorman	Wetmore
Chilton	Gamble	Owen	Williams
Clapp	Gardner	Poindexter	
Clark, Wyo.	Gore	Rayner	

The result having been announced—yeas 28, nays 28—the amendment was declared carried.

The PRESIDENT pro tempore subsequently said: The Chair calls the attention of the Senate to the fact that on the vote upon the amendment submitted by the Senator from Washington [Mr. JONES] there was a mistake in the recapitulation, and it appears that 28 Senators voted in the affirmative and 28 in the negative.

Mr. OVERMAN. I change my vote, then.

Mr. WARREN. The amendment is lost on that statement. That exactly tallies with the tally of the clerk of the committee here at my side.

Mr. JONES. I understand that the Senator from North Carolina desires to change his vote.

The PRESIDENT pro tempore. It is too late for a vote to be changed.

Mr. LODGE. If it is not too late to correct the record, it is not too late to change a vote.

Mr. OVERMAN. Unless I get unanimous consent to change my vote, I will move to reconsider the vote by which the amendment was agreed to.

The PRESIDENT pro tempore. The Senator from North Carolina moves to reconsider the vote by which the amendment was agreed to. That motion is in order.

Mr. OVERMAN. I say unless unanimous consent is given me to change my vote I will move to reconsider.

The PRESIDENT pro tempore. The Senator from North Carolina moves to reconsider the vote by which the amendment was agreed to. The question is on agreeing to the motion to reconsider.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. The question now is upon the amendment submitted by the Senator from Washington.

The amendment was agreed to.

Mr. JONES subsequently said: Mr. President, I ask to have printed in the RECORD in connection with the amendment regarding relief for natives of Alaska the marked portion of the letter of the Secretary of the Treasury transmitting the estimate.

The PRESIDENT pro tempore. Without objection, permission is granted.

The matter referred to is as follows:

Dr. Foster's report emphasizes the fact which has been set forth for years past in the reports of the governor of Alaska, of the teachers of United States public schools in Alaska, of medical officers of the Government serving on revenue cutters in Alaskan waters, and of officers of the Army stationed in Alaska, that the checking of disease among the natives of Alaska is an urgent national duty. In his annual report for 1911, the governor of Alaska repeats the following statement, which appeared in his report for 1910:

"The existence of infectious diseases, alarming in their nature and wide prevalence among the native people, calls for vigorous action. The menace of infection extends to the white inhabitants, for there are Indians, Eskimo, or Aleut villages in the immediate neighborhood of nearly all the principal towns, and the natives mingle freely among the white in public places. The conditions have certainly not improved since 1908, when, in southeastern Alaska, a physical examination being made by one of the school physicians of 1,161 natives, 418, or 36 per cent, were found to be affected with tuberculosis, and 308, or 26 per cent, were found to be affected with venereal diseases. Among other diseases prevalent in southeastern Alaska, as well as in several other parts of the Territory, are trachoma and conjunctivitis; and in the Alaska Peninsula are several cases, which, after long and careful examination, are strongly suspected to be leprosy.

"There is no law which requires the natives to observe any of the ordinary rules of sanitation, and their unfortunate condition is often traceable directly to the filthy condition of their villages and the dwellings in which they live. Yet these people are generally respectful of the law, and a simple set of statutory requirements imposing a mild penalty for nonobservance would unquestionably cause a great improvement in sanitary conditions. The welfare of the white inhabitants, as well as that of the natives, demands such a law."

Realizing the absolute necessity for action, the Bureau of Education, under a favorable decision from the Comptroller of the Treasury, is using $25,200 of the appropriation for the education of natives of Alaska, 1912, in endeavoring to furnish medical relief to the natives of Alaska. It has established small hospitals for natives in rented buildings in Juneau and Nushagak; it employs five physicians and five nurses and has furnished medical supplies and manuals to the teachers

of the United States public schools in order to enable them to treat minor ailments, and it is doing what it can to introduce sanitary methods of living into the native villages. Under the comptroller's decision, to which reference has been made, the Bureau of Education can not, according to the language of the appropriation, erect hospitals in Alaska.

The use of part of the appropriation for the education of the natives of Alaska for the suppression of disease is an emergency measure. The entire appropriation for education in Alaska is urgently needed in order to provide adequate educational facilities and for the industrial development of the native population, and it should not be diminished.

I therefore earnestly recommend that Congress be requested to appropriate the sum of $70,000 in order to enable the Commissioner of Education, subject to the approval of the Secretary of the Interior, to furnish medical and sanitary relief to the natives of Alaska and to establish sanitary conditions in the native villages.

The following is an estimate of the expenditure of the appropriation desired:

Juneau Hospital, rental and maintenance	$3,000
Nushagak Hospital, rental and maintenance	3,000
Nulato Hospital, equipment and maintenance	3,000
Nome Hospital, equipment and maintenance	3,000
Kotzebue Hospital, equipment and maintenance	3,000
Physician, southeast district, salary	1,800
3 nurses, southeast district, salaries	3,600
Physician, southwest district, salary	1,800
2 nurses, southwest district, salaries	2,400
Physician, Kuskokwim district, salary	1,800
Physician, Yukon district, salary	1,800
Nurse, Yukon district, salary	1,200
Physician, Nome district, salary	1,800
Nurse, Nome district, salary	1,200
Physician, Kotzebue district, salary	1,800
Nurse, Kotzebue district, salary	1,200
Medicines	4,000
Traveling expenses of Public Health and Marine-Hospital Service surgeon	1,500
Traveling expenses of physicians, nurses, and patients	2,100
Contract hospital, Seward or Valdez	2,000
Contract doctors	1,000
Sanitarium, erection and equipment	12,000
Sanitarium, maintenance and salaries of attendants	12,000
Total	70,000

Upon the request of the Secretary of the Interior, the Secretary of the Treasury has expressed his willingness to detail to Alaska an officer of the Public Health and Marine-Hospital Service, who, in addition to his duties as representative of the Public Health and Marine-Hospital Service, shall supervise all measures for the medical and surgical relief of the natives of Alaska, and where necessary in such work prescribe in the native villages measures to prevent the spread of disease, act as instructor to the teachers of the United States public schools in Alaska in all matters pertaining to the sanitary education of the natives, give instructions to teachers in first aid to the injured or sick, and act in a general advisory capacity to the superintendent of education of natives of Alaska in all matters pertaining to sanitation, hygiene, maintenance of hospitals, and other matters of like character.

If the appropriation requested above is granted, it is proposed that it shall be expended under the immediate supervision of said officer of the Public Health and Marine-Hospital Service.

Very respectfully,

P. P. CLAXTON, *Commissioner.*

Mr. CHAMBERLAIN. I desire to offer an amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 22, after line 2, insert:

Albany, Oreg., post office: For additional cost of building, $10,000.

Mr. CHAMBERLAIN. Mr. President, in reference to the amendment, I desire to submit that $65,000 was appropriated for the post-office building and the site. Ten thousand dollars of the amount was expended for the site and $55,000 was left for the erection of the building. After a building costing $55,000 had been determined upon, for the post office only, the Secretary of Agriculture asked that the building might be enlarged for the purpose of accommodating his force there. He has people in the Forestry Service there, and he asked to have it increased from the original size, making it a two-story building instead of one story.

The Supervising Architect advertised for bids, and the cost of construction ran a little above the amount of the appropriation. The bids have not been rejected, but it has been in statu quo in the hope that Congress might appropriate enough to erect a building large enough not only to accommodate the post-office authorities, but the authorities of the Agricultural Department.

I hope the Senate may be willing to admit this amendment to the bill, so that the building may be erected for both purposes.

In addition to that, since 1910 the town has grown quite considerably, so that even as a post-office proposition the building would be hardly large enough, and certainly it is not large enough for post-office purposes and for the purposes of the Forestry Service.

Mr. WARREN. Mr. President, this represents a case that is similar to a good many. In fact, the whole line of public buildings has seemed to be subject to conditions of this kind. The system of constructing general public buildings for some years has been, on the Senate side, that bills were passed individually, providing for one building in each bill, and then sent to the House; and the House, when ready to take up the public-building bills, has placed them in a so-called omnibus bill. Finally they have gone through in the usual way, with the limit expressed in every case, just as the limit is expressed in the matter of river and harbor improvements. After that the appropriations have been carried in the sundry civil appropriation bill in such amounts from time to time as the department recommends, going up to and not beyond the limit.

Undoubtedly there will not be at this session an omnibus public-buildings bill. I am very sorry there was not such a bill sent over here to cover what I might call the shortages—that is to say, where the circumstances are as they are in the town of Albany, in Oregon. There are some cases that are even much more urgent than the case the Senator from Oregon has stated, and his is urgent. But the committee could not consider them because, in the first place, it is trenching not only upon the duties but upon the rights and privileges of another committee. The Committee on Public Buildings and Grounds has jurisdiction as to the limit of cost of these buildings. We have no estimates for them. It is really changing the law. If the Senator will reflect he will see that the Committee on Appropriations would simply be swamped and overcome all the time by these additions for rivers and harbors and public buildings.

Therefore I shall have to make a point of order against the amendment.

Mr. CHAMBERLAIN. Mr. President——

Mr. WARREN. I shall withhold it for the Senator.

Mr. CHAMBERLAIN. In this connection permit me to say that when the Senator states there has been no estimates, as a matter of fact before the appropriation was made an estimate as to the cost of the building was made by the officials from the Treasury Department. The trouble does not rest, Mr. President, with the citizens of the places who are asking that these appropriations be made, but the trouble lies with Congress. When an appropriation is made for a public building the estimates have been made by the Treasury Department, and Congress assumes to know more about it, usually, than either the officials of the Treasury Department or the people themselves of the town.

So it was in this case. Here was a case where the Treasury Department determined that it would cost $75,000 to put up a public building for the post office alone; $10,000 was expended for the site. Congress comes in and appropriates less than the amount estimated for by the Treasury Department and less than the amount demanded by the people of the city.

In the face of that, and after the Secretary of Agriculture comes in and asks that this building be utilized not only for the post-office authorities but in order to accommodate his department, it seems to be an unbusinesslike proposition at least to say that we will not only not give you enough to construct a building to accommodate the Agricultural officials, but we will not give you enough to complete the post-office building in accordance with the original design of the Treasury Department.

I think there is a difference between this case and many of the cases that are pending before the committee. It seems to me to be extremely bad business policy for the Government of the United States to now permit a building to go on and be completed, in the face of what the Supervising Architect says and in the face of what those say who know the situation as it exists, on the ground that it is absolutely too small to accommodate the post-office business alone, to say nothing of the service of the Agricultural Department, too. So Congress must be called upon in a very short time at least to tear down the building, as was done in one of the North Carolina cases, and erect one that will accommodate the Post Office Department and accommodate the Agricultural officials as well.

I do hope the Senate will permit the addition of this small amount, because, as I said a while ago, the bids have been received and are on file in the Treasury Department, and everything is awaiting the action of Congress, with reference to this small appropriation.

Mr. DU PONT. I should like to ask the Senator from Oregon what is the additional amount asked for.

Mr. CHAMBERLAIN. Only $10,000.

Mr. WARREN. It is not a matter of $10,000 alone.

The PRESIDENT pro tempore. In view of the statement made by the Senator, that it has been estimated for, the Chair will hear the chairman on that point.

Mr. WARREN. It has not been estimated for in the regular way. What the Senator means by an estimate is the original statement from the Treasury Department, which goes from the architect's office to the Committee on Public Buildings and Grounds, stating about what certain buildings will cost, but not requesting appropriations. That has nothing to do with the regular annual estimates which come up to the Committee

on Appropriations from the Secretary of the Treasury, which ask in terms for appropriations under the law and which are recognized under the Senate rules.

I sympathize most fully with the situation in regard to that building, but it is not as bad as a number of others. There are buildings all completed, except some of the inside finishings, that can not be completed and occupied until they have larger appropriations. I hope that early in the next session a bill will come, as one usually does, from the House covering these shortages or raising the limit upon certain public buildings needing to be thus provided for.

The Senator from Oregon has made a good case so far as the necessities of the building are concerned, but I have in mind more than a dozen, probably over 20, which have been before the committee to be considered; but they ought not to be considered in this bill. They can not be considered in this bill under the rule.

The PRESIDENT pro tempore. In view of the fact that an estimate has not been made in the regular way, the Chair feels constrained to sustain the point of order.

Mr. CHAMBERLAIN. In connection with what I have had to say, I desire to submit a copy of a letter from the secretary of the Chamber of Commerce of Albany, Oreg., and I ask to have it printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALBANY COMMERCIAL CLUB,
Albany, Oreg., January 24, 1912.

Hon. GEORGE E. CHAMBERLAIN,
Washington, D. C.

MY DEAR SIR: I have submitted your recent letter in relation to the Federal building, and also one received from Senator BOURNE, to our club, and after full discussion it was decided unanimously that it would be best to ask our delegation to work for an increase in the appropriation sufficient to erect the proposed building according to the enlarged plans adopted by the department.

Before the bill was introduced the Supervising Architect looked into the matter thoroughly and basing his action upon all information available and taking into consideration the needs of the Government service and allowing for a reasonable increase, he reported in favor of a one-story and basement building of 48,000 square feet area, to cost $85,000; but when the bill was passed the appropriation was cut to $65,000; then $10,000 of this was invested in the site, leaving $55,000 in the fund for the building. Before the plans were drawn the Secretary of Agriculture asked that another story be added for the use of the Forestry Service. This was granted, and when the plans were made they were for the same-sized area, but the building was to be a two-story and basement instead of one story. It was not to be wondered at that when the bids were opened the lowest was found to be $62,393, when the Supervising Architect had estimated that a one-story building covering the same area would cost $75,000—or, in other words, $85,000, less the price of the site.

We can not bring ourselves to believe that it would be good policy on the part of the Government to reduce the size of the building or to make it one story, as was originally contemplated, for the reason that the business of the post office has already increased over 70 per cent since the original appropriation was made; and from the way immigration is now pouring in here the increase during the next four years is sure to be still greater. Besides that, the business of the Forestry Service here is large now and constantly increasing, and it certainly would be economy on the part of the Government to have all its interests here centered in one building; and if one was erected now on the first plan it would be entirely inadequate to meet the demand. The additional appropriation needed need not be over $10,000 or $15,000, and if all the Government interests in this city could be well provided for on such a small outlay we think it would be good policy to get the appropriation if possible.

So we have arrived at the conclusion that the best course to follow would be to try for an additional appropriation, so as to cover the enlarged plans. Congressman HAWLEY informs us that he has already introduced House bill 17732, increasing the appropriation for the building in the sum of $10,000. We are inclined to believe that this may not be entirely sufficient, but this matter can be easily determined by consulting with the Supervising Architect.

Hoping that you, in connection with the others of our delegation in Congress, may be able to pull us out of this difficulty, I have the honor to be,

Yours, truly, C. H. STEWART,
Secretary Albany Commercial Club.

Mr. OVERMAN. On behalf of the Senator from Oklahoma [Mr. GORE], in his absence, I submit an amendment.

The PRESIDENT pro tempore. The Senator from North Carolina, in behalf of the Senator from Oklahoma [Mr. GORE], offers an amendment, which will be read.

The SECRETARY. On page 114, after line 7, insert:

For the investigation and detection of violations of the law against the introduction of alcoholic liquors into the portion of the State of Oklahoma formerly known as the old Indian Territory, the same to be expended by the Attorney General in allowing such fees and compensation and expenses of marshals, deputies, and agents in collecting evidence and in defraying such other expenses as may be necessary for this purpose, $30,000.

Mr. OVERMAN. I may say that the Supreme Court of the United States has lately decided that the Federal Government has jurisdiction of the liquor cases in the old Indian Territory, and in consequence of that decision the Attorney General has written a letter, which I wish to put in the RECORD, stating that he absolutely needs $30,000 in order to carry out the provisions of the law in regard to the sale of liquor in the Indian Territory.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,
Washington, June 13, 1912.

Senator T. P. GORE,
United States Senate.

DEAR SIR: You asked me to write you on the subject of the appropriation for the enforcement of the law against the introduction of liquor into Oklahoma under the Charley Webb case.

The essential thing is that the appropriation should be in such shape as will permit the use of deputy marshals for collecting evidence, as the circumstances of the peculiar situation make this particularly important, both from the point of view of effectiveness of the enforcement of the law and of economy. The Comptroller of the Treasury has ruled (May 3, 1911, and March 27, 1912) that the ordinary appropriations for salaries, fees, and expenses of marshals and their deputies can not be used to meet the expenses of those officers in collecting evidence.

Under the old special appropriation for the Department of Justice for the enforcement of the nonintercourse acts in reference to Indian country (32 Stat., 1139) there was a provision which covered such a use of deputy marshals, and on that we have modeled the following clause, which might be inserted after line 5, on page 114, of the present bill, as indicated:

"For the investigation and detection of violations of the law against introduction of alcoholic liquors into the portion of the State of Oklahoma, formerly known as the old Indian Territory, the same to be expended by the Attorney General in allowing such fees and compensation and expenses of marshals, deputies, and agents in collecting evidence and in defraying such other expenses as may be necessary for this purpose, $30,000."

This $30,000 for salaries, fees, and expenses of marshals and their deputies is the estimate made by the conference of the United States marshal for the eastern district of Oklahoma with the United States judge and the United States attorney. They also estimated the other expenses, as follows:

Jurors	$20,000
Witnesses	40,000
Prisoners	15,000
Bailiffs	1,000

None of these items would seem to require a special appropriation, but could most conveniently be handled under the large general appropriations made for these purposes at pages 119 to 121 of the present bill and by the usual deficiency appropriations on these points.

I inclose a copy of the bill on which, at page 114, I have inserted the clause above proposed, and at page 117 I have inserted another clause which might accomplish the same purpose, but which, I suppose, would be a less practicable method of doing it.

Very respectfully,
WINFRED T. DENISON,
Assistant Attorney General.

Mr. WARREN. If the amendment is carried, I suggest that the Secretary insert it at the proper place. It should be placed under "Miscellaneous objects, Department of the Interior," on page 115, after line 5.

The PRESIDENT pro tempore. The amendment will be inserted at that point. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SUTHERLAND. I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 130, after line 7, insert:

For indexing and annotating the judicial code, $500, or so much thereof as may be necessary, the work to be under the direction of the Judiciary Committee of the Senate.

The amendment was agreed to.

Mr. LODGE. I offer the following amendment to go at the end of the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Add at the end of the bill the following:

The accounting officers of the Treasury are hereby directed to reopen and adjust the claim of the State of Massachusetts for money expended in protecting the harbors and strengthening the fortifications on the coast, heretofore adjusted under the act of July 7, 1884. And in making such adjustment, the act of July 27, 1861, as interpreted by the Supreme Court of the United States, shall be applied in the same manner and with the same effect as though said money had been expended for the equipment of troops.

Mr. WARREN. I shall have to make a point of order against that amendment.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. BRADLEY. I desire to offer this amendment.

The PRESIDENT pro tempore. The Senator from Kentucky offers an amendment, which will be read.

The SECRETARY. On page 167, after line 14, insert the following:

Bureau of the Census: For collection of statistics concerning the quantity of leaf tobacco of all forms in the United States and its possessions and making report of same, as authorized by the act entitled "An act to collect and publish additional statistics of tobacco," approved April 30, 1912, $25,000.

Mr. WARREN. That is to carry out existing law. So I shall offer no objection to it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRADLEY. I desire to offer also the following amendment.

The PRESIDENT pro tempore. The Senator from Kentucky offers an amendment, which will be read:

The SECRETARY. On page 120, after line 10, insert:

Semicentennial exposition: For expenses semicentennial exposition for celebration of semicentennial anniversary of the act of emancipation, as provided by "An act providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes," approved April 3, 1912, $250,000.

Mr. WARREN. That is a broad subject. It can go to the Senate for a vote.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Kentucky.

Mr. BACON. I did not know that it was going to a vote. I really do not know what it is. I wish the Senator would explain it to us.

Mr. BRADLEY. The Senator from Georgia will remember that some time ago we had up and discussed at length the question of an appropriation for a semicentennial celebration of the act of emancipation, and that act passed unanimously. The object of this amendment is to appropriate the money for the purpose of providing for that exposition.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from South Dakota?

Mr. BRADLEY. Yes.

Mr. CRAWFORD. Did not that act itself make an appropriation?

Mr. BRADLEY. It did not.

Mr. REED. Mr. President, I had rather see that $250,000 spent for the purpose of taking care of the sick and the poor somewhere in the United States.

The PRESIDENT pro tempore. The question is upon the amendment.

The amendment was agreed to.

Mr. REED. I offer the amendment which I send to the desk, and I call the attention of the Senator from Utah [Mr. SMOOT] to it.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. On page 175, after the word "office" in line 11, it is proposed to insert:

Pressmen to be paid at the rate of 55 cents per hour.

Mr. SMOOT. Mr. President, I simply want to call the attention of the Senator from Missouri to the fact that the amendment just offered provides for the increase of the salary of the pressmen from 50 cents per hour to 55 cents per hour. There are about 100 pressmen in the Government Printing Office at the present time, and the adoption of the amendment would mean an increase annually of $12,500. The printing bill that passed the Senate about a month and a half ago provided for this increase, and I shall offer no objection to the increase. I will say, however, that the printing bill has not yet passed the House of Representatives.

The PRESIDENT pro tempore. The Chair will venture to suggest to the Senator from Missouri that it would be better to make the amendment a proviso to the paragraph, so as to read "*Provided*," and so forth.

Mr. REED. I have no objection to the form, if it is deemed desirable that it be put in that way.

Mr. SMOOT. It will be better to make it a proviso.

Mr. REED. The Senate has already passed the printing bill, but that bill has not yet become a law and there is some question about the fate of the bill. This is simply to carry the measure through in this bill. It is a very moderate increase. There has been an increase in this instance, I think, but once in 17 or 18 years.

Mr. CULBERSON. I ask that the amendment be again stated.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be again read.

The Secretary again read the amendment.

Mr. WARREN. Does that amendment come in after the provision for leaves of absence?

The PRESIDENT pro tempore. That is where it comes in.

Mr. WARREN. I would suggest that the Senator from Missouri offer the amendment as an independent paragraph on page 181, after line 23. It seems to me it would be better to make it an independent paragraph.

Mr. REED. Then I ask to strike out the word "*Provided*" and to insert "Hereafter," and to insert the amendment at the place suggested by the Senator from Wyoming. That will be satisfactory to me.

The PRESIDENT pro tempore. It will be inserted at that point. The question is on the amendment.

The amendment was agreed to.

Mr. CUMMINS. I offer the amendment which I send to the desk, to come in on page 174, line 14.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 174, line 14, it is proposed to strike out the word "one" and to insert the word "two," so as to read:

Two at $2,000.

Mr. SMOOT. I should like to ask the Senator if that is to provide for Mr. Harris, an employee in the Government Printing Office?

Mr. CUMMINS. It is to enable the Public Printer to increase his salary from $1,800 to $2,000.

Mr. SMOOT. What I want to know is whether we should not make the change some other way than by merely making a direct appropriation of $2,000 for one man? As I understand, the amendment is to enable the Public Printer to pay the increase of $200.

Mr. CUMMINS. It is.

Mr. SMOOT. Then there will remain an appropriation for an $1,800 clerk.

Mr. CUMMINS. Very well; there can be one less clerk of the latter class.

Mr. SMOOT. That is just what I wanted to call the Senator's attention to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. WARREN. Just a moment. I have examined the matter, and find the amendment is estimated for as the Senator from Iowa offers it. I am not certain, but I can find nothing in the estimate to indicate that a clerk should be dropped at some other place in the bill.

Mr. SMOOT. My understanding is that this is to pay Mr. Harris in the Government Printing Office.

Mr. CUMMINS. It is to pay some person.

Mr. WARREN. Yes; whether it is he or someone else, and it is an increase from $1,800 to $2,000.

Mr. CUMMINS. Yes.

Mr. WARREN. I have no objection to the amendment, but as it seems to be a promotion merely, I believe we ought to provide for one clerk less of the $1,800 class.

Mr. CUMMINS. This is what Mr. Donnelly said upon the matter in the hearing before the House committee:

The CHAIRMAN. Now you ask for certain increases over last year. The first is, instead of one clerk at $2,000 you ask for two clerks at $2,000.

Mr. DONNELLY. It is requested that one clerk be promoted from $1,800 to $2,000. This clerk is in charge of the property records of the office. It is proposed to increase his salary from $1,800 to $2,000, which will increase the number of clerks at $2,000 from one to two.

The amendment was agreed to.

Mr. WARREN. Mr. President, I understand that, in view of the acceptance of that amendment, another amendment should be made, in line 14, to strike out the word "ten" and insert "nine."

Mr. CUMMINS. I assume that that would naturally follow.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. On page 174, line 14, it is proposed to strike out the word "ten" and to insert "nine."

The amendment was agreed to.

Mr. CULBERSON. On page 57, line 8, after the figures "$50,000," I move to amend the Senate committee amendment by adding:

Provided, That this money shall be paid out of the Philippine treasury.

Mr. President, I only desire to say that I am opposed to the Senate committee amendment, as I do not believe the Government ought to enter upon the building of a railroad in the Philippine Islands; but if it is done, I think, as it is to be a permanent improvement, it ought to be paid for out of the Philippine treasury, and not out of the National Treasury. I call attention to the message of the President sent to the other House on the 19th instant, in which he says that the Philippines are self-sustaining. We ought therefore to provide against the taking of this $200,000 out of the National Treasury.

The PRESIDENT pro tempore. Will the Senator kindly withhold his amendment until the bill reaches the Senate, when it will be in order to amend?

Mr. CULBERSON. I want to amend the bill while it is before the Senate as in Committee of the Whole. I think I am entitled to do so.

Mr. WARREN. Under the rule, it having been passed upon, the amendment to the amendment would not be in order, but, of course, it makes no difference.

The PRESIDENT pro tempore. By unanimous consent the vote agreeing to the amendment on page 57, from line 4 to

line 8, will be reconsidered, and the amendment will be considered as open to amendment. The question is upon the amendment to the amendment, submitted by the Senator from Texas, which will now be stated.

The SECRETARY. On page 57, line 8, after the sum "$50,000," it is proposed to insert:

Provided, That this money shall be paid out of the Philippine treasury.

Mr. WARREN. I do not want that amendment to the amendment to carry, and I believe the Senator from Texas, on reflection, will hardly think it ought to carry. As he is frank enough to say he is against the whole proposition, of course that amendment to the amendment would perhaps accomplish the purpose of making the amendment useless. The railroad proposed to be built by the United States is exactly the same in principle as the railroad system at Fort Leavenworth and other large Army posts. Its usefulness is almost entirely for the Government itself, and it simply happens that it involves not any more miles of railroad than there are, perhaps, in other places, but is in one line, a narrow-gauge railroad for the use of the Government. The matter will be settled, I want to say to the Senator, eventually, without doubt, by its going to the Philippines and their paying for it; but at present there is no way by which it could be handled as the Senator proposes. So I hope the amendment may not carry.

Mr. BACON. Mr. President, I have something I want to say on this question, but I prefer to wait until the bill goes into the Senate, when the whole matter will be open. I have some other matters to urge upon the consideration of the Senate as to why this railroad should not be built, but I will not detain the Senate now to do so.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Texas to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. If there be no further amendments, the bill will be reported to the Senate.

Mr. BACON. Mr. President, before the bill passes from the Senate as in Committee of the Whole I desire to give notice that I wish to reserve the right to object to the amendment adopted with reference to the construction of the railroad in the Philippines. I also want to call attention to another fact. If I am correct in my opinion, the Senator from Wyoming possibly was misled as to the facts in stating that the appropriation which was asked for by the Senator from Kentucky [Mr. BRADLEY] was to carry out existing law. I do not think the law has been passed. The bill has passed the Senate, but it has not passed the House.

Mr. WARREN. To which law does the Senator from Georgia refer?

Mr. BACON. The law with reference to that exposition.

Mr. WARREN. The Senator is mistaken. I made no such reference. The language the Senator is quoting was directed to the amendment providing for the collection of statistics concerning leaf tobacco, which is provided for in the law. As to the other subject, I said it was a large matter, and I did not like to take the responsibility, and I asked that it might go to the Senate for a vote.

Mr. BACON. Immediately thereafter, as it was about to be put, I got up and, having reference to that, asked that we might have information about it. Certainly if it related to the other matter, we did not correctly understand it on this side of the Chamber.

Mr. WARREN. Did the Senator direct his appeal to me for information? If so, I did not observe it.

Mr. BACON. I did have the Senator in my mind, although I did not name him; but when I made the request and the Senator from Kentucky responded, of course I thought that response was to the inquiry I made.

Mr. WARREN. Mr. President, if the Senator will reflect, he will remember that there were two amendments, and it was to the first one that I directed my remarks.

Mr. BACON. I know nothing about that. The Senator stated it was a very grave matter and he would submit it to the Senate, and immediately, as I think the RECORD will show, the Chair proceeded to put the question. Before the result was announced I said I would like to have some information about it. I had in mind that alone, and when the Senator said that it was to carry out existing law I sent for the document, and I find that it has only passed the Senate.

Mr. WARREN. I did not say that it was to carry out existing law in that case, and the RECORD will so show.

Mr. BACON. I do not dispute the Senator's statement at all, but I am only showing how absolutely and thoroughly the matter was misunderstood.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. Yes.

Mr. BORAH. Mr. President, I understood that the $250,000 which was appropriated for an exposition or for a celebration was based on the supposition that it was to carry out existing law. Do I understand now that there is no law for it?

Mr. BACON. None.

Mr. BORAH. And the House has not passed the bill?

Mr. BACON. It has not.

Mr. BORAH. Of course, I did not understand the Senator from Wyoming to say that it was existing law, but the impression on this side was that such a law had been passed. From some source or other we got that impression.

Mr. WARREN. I said nothing whatever of that kind; but I think the Senator from Kentucky [Mr. BRADLEY] remarked that the bill had passed the Senate, which, I believe, is true. I may be mistaken, but I know that I said nothing about it.

Mr. BACON. It is a simple matter to reserve that amendment in the Senate.

The PRESIDENT pro tempore. If there are no further amendments the bill will be reported to the Senate.

Mr. REED. If it is necessary to give any notice, I desire to say that I want to reserve the right to vote in the Senate on the amendment on page 105, providing for the purchase of a motor boat for Alaska.

Mr. CULBERSON. I desire to reserve the amendment, beginning after line 16, on page 2, relating to the Tariff Board.

The PRESIDENT pro tempore. If there are no further amendments to be offered the bill will be reported to the Senate.

The bill was reported to the Senate.

The PRESIDENT pro tempore. The amendments not reserved will, without objection, be concurred in in the Senate. The Senator from Texas reserves an amendment, which will be stated.

The SECRETARY. On pages 2 and 3, the amendment of the committee relating to the Tariff Board.

Mr. CULBERSON. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

Mr. REED. I raise the question of no quorum.

Mr. SMOOT. I suggest that the calling of the roll will disclose that.

The PRESIDENT pro tempore. The Senator from Missouri raises the question of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	du Pont	Martine, N. J.	Smith, Ga
Bacon	Fall	Massey	Smith, Mich.
Bankhead	Fletcher	Nelson	Smith, S. C.
Borah	Gallinger	Newlands	Smoot
Bourne	Gronna	Oliver	Stephenson
Brandegee	Guggenheim	Overman	Sutherland
Bristow	Heyburn	Page	Swanson
Bryan	Johnston, Ala.	Paynter	Thornton
Burnham	Jones	Penrose	Townsend
Burton	Kenyon	Percy	Warren
Catron	La Follette	Perkins	Watson
Chamberlain	Lippitt	Pomerene	Wetmore
Crawford	Lodge	Reed	Works
Culberson	McCumber	Shively	
Cummins	McLean	Simmons	
Dillingham	Martin, Va.	Smith, Ariz.	

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. A quorum of the Senate is present.

The PRESIDENT pro tempore. The Senator from Texas demands the yeas and nays on the first reserved amendment, which will be stated.

The SECRETARY. It is the committee amendment on pages 2 and 3, which, as amended, reads as follows:

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as are authorized by said act or any existing law, and including the employment of such persons as may be required for those purposes; and to enable him to do any and all things in connection therewith authorized by law, $225,000. Such officers shall report annually to Congress.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole, on

which the Senator from Texas [Mr. CULBERSON] demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired with the junior Senator from New York [Mr. O'GORMAN]. If he were present and I were at liberty to vote, I should vote "yea."

Mr. BURNHAM (when his name was called). I am paired with the junior Senator from Maryland [Mr. SMITH] and therefore withhold my vote. If allowed to vote, I should vote "yea."

Mr. LODGE (when Mr. CRANE's name was called). My colleague [Mr. CRANE] is unavoidably absent from the city. He is paired with the Senator from Oklahoma [Mr. GORE]. If my colleague were present he would vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON] and therefore withhold my vote.

Mr. HEYBURN (when his name was called). I would inquire if the senior Senator from Alabama [Mr. BANKHEAD] has voted?

The PRESIDENT pro tempore. He has not voted, the Chair is advised.

Mr. HEYBURN. I have a pair with that Senator and therefore withhold my vote.

Mr. JOHNSON of Maine (when his name was called). I have a general pair with the Senator from New York [Mr. ROOT] and therefore withhold my vote.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. If at liberty to vote, I should vote "yea."

Mr. PENROSE (when his name was called). I again announce the transfer of my general pair with the junior Senator from Mississippi [Mr. WILLIAMS] to the senior Senator from South Dakota [Mr. GAMBLE]. I will let this announcement stand for the day, and will vote on all questions during the day. I vote "yea."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is necessarily absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and at liberty to vote, he would vote "yea."

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN] and therefore withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON], and in his absence I withhold my vote. If permitted to vote, I should vote "nay."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. He is absent from the Chamber, and I am advised will be detained during the day. I therefore withhold my vote. I desire this announcement to stand for the day.

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER]. I transfer the pair so that the Senator from Louisiana will stand paired with the Senator from Washington [Mr. POINDEXTER], and I will vote. I vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS] and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE] and therefore withhold my vote.

Mr. PERCY (when the name of Mr. WILLIAMS was called). I desire to announce that my colleague [Mr. WILLIAMS] is unavoidably absent from the city and is paired with the senior Senator from Pennsylvania [Mr. PENROSE.] This announcement will stand for the day.

The roll call was concluded.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is detained from the Chamber by important business. If he were here, I think he would vote "yea" on this proposition.

Mr. DILLINGHAM (after having voted in the affirmative). I find myself obliged to withdraw my vote owing to the absence of the Senator from South Carolina [Mr. TILLMAN], with whom I am paired.

Mr. SIMMONS. I voted a while ago, and I wish to state that I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I transfer the pair to the junior Senator from Nebraska [Mr. HITCHCOCK] and will let my vote stand. I will let this announcement stand as to all votes upon this bill.

The result was announced—yeas 34, nays 19, as follows:

YEAS—34.

Borah	Fall	McLean	Smoot
Bourne	Gallinger	Massey	Stephenson
Bristow	Gronna	Nelson	Sutherland
Burton	Guggenheim	Newlands	Thornton
Catron	Jones	Oliver	Townsend
Chamberlain	Kenyon	Page	Warren
Crawford	La Follette	Penrose	Works
Cummins	Lodge	Perkins	
du Pont	McCumber	Smith, Mich.	

NAYS—19.

Ashurst	Gardner	Paynter	Simmons
Bacon	Johnston, Ala.	Percy	Smith, Ariz.
Bryan	Martin, Va.	Pomerene	Smith, Ga.
Culberson	Myers	Reed	Swanson
Fletcher	Overman	Shively	

NOT VOTING—41.

Bailey	Crane	Johnson, Me.	Sanders
Bankhead	Cullom	Kern	Smith, Md.
Bradley	Curtis	Lea	Smith, S. C.
Brandegee	Davis	Lippitt	Stone
Briggs	Dillingham	Martine, N. J.	Tillman
Brown	Dixon	O'Gorman	Watson
Burnham	Foster	Owen	Wetmore
Chilton	Gamble	Poindexter	Williams
Clapp	Gore	Rayner	
Clark, Wyo.	Heyburn	Richardson	
Clarke, Ark.	Hitchcock	Root	

So the amendment was concurred in.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

Mr. REED. Mr. President, the amendment that I called attention to, upon which we are about to vote, is the one to purchase a motor boat to be used in Alaska. It was discussed at great length here one day, and we adjourned just before the vote was taken.

I do not think we ought to buy this boat unless we are going to equip it with proper armament to shoot ducks, because I think that is the purpose for which the boat is intended to be used.

I ask for the yeas and nays upon the question of concurring in the amendment made as in Committee of the Whole.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 105, beginning in line 7, as amended, the amendment reads:

Purchase of motor boat, Alaska: To enable the Commissioner of the General Land Office to purchase a motor boat for use in the District of Alaska in the investigation of unlawful cutting of timber from the public lands, the inspection of timber cut under permit, and the examination of alleged illegal entries, $5,000.

Mr. NELSON. Mr. President, I desire to make a brief explanation relating to the necessity for this amendment.

People who are familiar with the map of Alaska know there is a narrow strip along the Pacific coast, southeast of the one hundred and forty-first meridian, which consists in the main of an archipelago. There is a strip along the mainland with a great many inlets and bays. The boundary line is just back of it on the summit. Most of the timber in southeastern Alaska—in fact, in Alaska—is confined to those islands. There is but one steamship route that runs from Seattle by way of Victoria along the inner passage up to Skagway at the head of the new canal. That boat only stops along a few of the principal places on the main route and does not touch most of these islands.

Now, a boat of this kind is as necessary there as a horse and buggy or an automobile would be on the dry land. The only way of getting to those islands is in some kind of water craft, some kind of a boat, and the regular steamboat plying there on the regular route does not touch these islands. The only way they can be reached is by some kind of a boat, and I think, as a matter of economy to the Government, the officers need and should have such a boat to go from one island to another in that archipelago.

The conditions there are entirely distinct and different from those existing in any other part of the country. The distance by the inner passage from Seattle to Skagway is about a thousand miles, and over half of that distance is between the mouth of the Portland Canal and the front of Cape St. Elias, where the one hundred and forty-first meridian of longitude constitutes the boundary line between that country and the Yukon territory. In all that region in that archipelago the only way of getting from island to island and from point to point is by some kind of water craft.

Now, if the Government has its own boats it will manifestly be a saving of expenses, as compared with hiring other boats, if such can be procured. I doubt whether any other boats can be secured there, except boats run by private parties, and perhaps they will be sailboats and in some instances, where the distance is short, rowboats.

I think there is an absolute necessity for this boat, growing out of the conditions in Alaska, and for that reason I am in favor of the amendment.

The PRESIDENT pro tempore. On the question of concurring in the amendment made as in Committee of the Whole, the Senator from Missouri [Mr. REED] demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I again announce my pair with the Senator from New York [Mr. O'GORMAN].

Mr. BURNHAM (when his name was called). I make the same announcement as on the last roll call, that I am paired with the Senator from Maryland [Mr. SMITH].

Mr. WATSON (when Mr. CHILTON's name was called). I again announce the absence of my colleague [Mr. CHILTON], on account of personal illness. He is paired with the senior Senator from Illinois [Mr. CULLOM].

Mr. LODGE (when Mr. CRANE's name was called). I desire to announce the general pair of my colleague [Mr. CRANE] with the Senator from Oklahoma [Mr. GORE]. I will also at the same time announce the following pairs:

The Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN].

The Senator from Kansas [Mr. CURTIS] is paired with the Senator from Arkansas [Mr. DAVIS].

The Senator from Montana [Mr. DIXON] is paired with the Senator from Texas [Mr. BAILEY].

I will let this announcement stand for the day on all votes upon the bill.

Mr. DILLINGHAM (when his name was called). I withhold my vote on account of the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a general pair. I would vote "yea" if he were present.

Mr. JOHNSON of Maine (when his name was called). I again announce my pair with the senior Senator from New York [Mr. ROOT].

Mr. LIPPITT (when his name was called). I again announce my pair with the Senator from Tennessee [Mr. LEA].

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN] and withhold my vote. I should vote "yea" if I were at liberty to vote.

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from New Jersey [Mr. BRIGGS] to the junior Senator from New Jersey [Mr. MARTINE] and vote "nay."

Mr. WETMORE (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. CLARKE]. If I were at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. CULLOM. I have a general pair with the Senator from West Virginia [Mr. CHILTON], and withhold my vote.

Mr. BRADLEY. I should like to state that being paired with the senior Senator from Maryland [Mr. RAYNER] I withhold my vote.

The result was announced—yeas 30, nays 22, as follows:

YEAS—30.

Bourne	Fletcher	Nelson	Smoot
Bristow	Gallinger	Oliver	Stephenson
Burton	Gronna	Page	Sutherland
Catron	Guggenheim	Paynter	Townsend
Chamberlain	Jones	Penrose	Warren
Crawford	Lodge	Percy	Works
Cummins	McCumber	Perkins	
du Pont	McLean	Smith, Mich.	

NAYS—22.

Ashurst	Heyburn	Overman	Smith, Ga.
Bacon	Johnston, Ala.	Pomerene	Swanson
Bryan	Kenyon	Reed	Thornton
Culberson	Martin, Va.	Shively	Watson
Fall	Massey	Simmons	
Gardner	Myers	Smith, Ariz.	

NOT VOTING—42.

Bailey	Clarke, Ark.	Johnson, Me.	Richardson
Bankhead	Crane	Kern	Root
Borah	Cullom	La Follette	Sanders
Bradley	Curtis	Lea	Smith, Md.
Brandegee	Davis	Lippitt	Smith, S. C.
Briggs	Dillingham	Martine, N. J.	Stone
Brown	Dixon	Newlands	Tillman
Burnham	Foster	O'Gorman	Wetmore
Chilton	Gamble	Owen	Williams
Clapp	Gore	Poindexter	
Clark, Wyo.	Hitchcock	Rayner	

So the amendment was concurred in.

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. SMITH of South Carolina. I have here a communication which I should like to have read, and the last clause in small type I propose as an amendment to come in on page 171, after line 7.

The PRESIDENT pro tempore. Will the Senator kindly withhold it until reserved amendments are acted upon?

Mr. SMITH of South Carolina. I thought we were through with those.

The PRESIDENT pro tempore. Are there further reserved amendments?

Mr. BACON. I do not know which amendment is first in order, but there are two I am interested in. One is in regard to the building of the railroad in the Philippine Islands, on page 57. I want to suggest something about it, to see whether I am correct in it or not. The Senator from Wyoming, if I recollect correctly, stated that that was the post at which it was necessary to transport 8,000 tons of freight a year. That was the statement of the Senator, if I recollect it aright.

Mr. WARREN. I said from seven to eight thousand tons. The estimate of the Quartermaster's Department was that there would be at least 7,500 tons.

Mr. BACON. Mr. President, since that occurred the Senator from North Carolina [Mr. OVERMAN] sought from the War Department information as to the number of men at this post, and the information received was that at the two posts, which it seems are on that line, Camp Overton and Camp Keithley——

Mr. WARREN. The Senator will perhaps remember——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. I do.

Mr. WARREN. I think the Senator remembers that I said the other day when this amendment was under discussion that there were two posts there when I visited the place called then MacVicker and Keithley, Keithley being on one side of the lake and MacVicker on the other, and that this road supplied both, because it would reach one, and from the one there is water transportation to the other.

Mr. BACON. I am not taking issue with that in any manner. I presume those are the same posts named now Keithley and Overton given differently; given by the name of the camps.

The statement of the War Department is that at one camp there are two companies of the Eighth Cavalry, I and K, and at the other camp there are two companies of the Eighth Infantry, E and H, and also a battalion of Philippine Scouts of three companies. That would make altogether seven companies. I suppose that there are less than 100 men in each company. I have no idea that there are that many, but taking that as the estimate, which I presume is at least 50 per cent over the actual fact, for I do not suppose the companies have anything like 100 men——

Mr. WARREN. If the Senator has noticed the latest information from the War Department, it intends those companies to be composed of 150 men. I do not believe they are that large now, but that is the plan which is now proposed to be carried out in the Philippines.

Mr. BACON. Does the Senator refer to the scouts or to the Army?

Mr. WARREN. I am referring to the Army. As to the scouts, I think it is undetermined, but they will probably follow the same line, it being, as it is thought, an economy in the use of the officers of the Army, putting more men under such officers.

Mr. BACON. If there were anything like 150 men to the company, we would have the maximum strength of the Army. I think it is a conceded fact that to-day we have only 60 or 70 per cent of the maximum strength of the Army as authorized by law. There are possibly only about 60 per cent, if I recollect aright, of the full strength of the Army. Am I correct in that?

Mr. WARREN. The strength of the Army authorized by law is 100,000, and these enlargements of the companies are said to be within the limit of 100,000. Replying to the direct question put by the chairman of the Appropriations Committee to the

Secretary of War, he replied that those increases would be within the limit of 100,000.

Mr. BACON. That refers to the future; and whenever there are 150 men to the company there will be the full maximum strength allowed by law.

Mr. WARREN. Does the Senator mean that there are not 150 men now in some of the companies of troops in some lines of service? If so, he is certainly mistaken.

Mr. BACON. I do not mean to say at this time; I mean to say exactly what I intended to say—that if that was the strength of the companies generally it would bring the Army fully up to the maximum.

I suppose we need not say anything about those matters of detail, because, even allowing a very liberal margin, if I have made any correct figures there was some wide error on the part of the department; and I think it important not simply as to this particular proposition but as a general thing that we may have some little suggestion as to whether or not there is any great wastefulness and extravagance, not only in this instance but in the service generally, because if I am correct in my figures and the same system exists everywhere there is a tremendous amount of waste and extravagance. If I am incorrect of course I would be more than glad to have my error pointed out.

Now, Mr. President, I am going to assume—and I hope I may have the attention of the Senator from Wyoming, as he is the captain general on this subject.

Mr. WARREN. I am listening.

Mr. BACON. I am going to assume that the companies have 100 men each. Then to the extent that I may be in error about that my calculation will be erroneous. I understand, however, that the suggestion made by the Senator from Wyoming as to 150 men to the company applies to what is intended, not to what has already existed, and the 8,000 tons applies to the past, not to the present or the future, if I understand it. If I understood the Senator correctly he stated that the transportation required to meet the necessities there was about 7,000 or 8,000 tons a year, so that even if there are 150 men contemplated for a company in the future there is no contention, I presume, that that has been the case heretofore.

Now, Mr. President, how 8,000 tons of freight can be required for a post of 700 men is past my mathematical power to figure out. It is said there are only two companies of Cavalry. The little calculation I made here is upon the basis of their being all Cavalry and accounting for all their horses; no I am mistaken about that. I am counting 200 horses for the Cavalry and 100 extra for the quartermaster's department and everything else. So there are 300 horses there.

Now, how much in the way of freight do those 300 horses require? A liberal estimate is 20 pounds a day of all kinds of food for a horse—the forage, and the corn or the oats, as the case may be. Twenty pounds is an outside estimate of the amount required per horse.

This may look like a very small matter when we are going through these calculations, but when it is proposed to build a railroad because the requirements are such that the ordinary means of transportation are not adequate, then it is important to see whether there is a wide difference between the amount of transportation which it is said is necessary and that which we can figure out as being necessary.

If there are 300 horses, 200 Cavalry horses, and 100 extra horses for other purposes, 3 tons a day is a large allowance for them, and it is an allowance of more than is necessary. That would make in the course of a year, at 3 tons a day, 1,095 tons in a year.

Now, when you come to the men, there are two kinds of freight, or possibly three. There may be others that I do not think of, and, of course, I am ready to be corrected in this statement. Two pounds a day for food is a liberal estimate for men, and with 700 men at 2 pound a day in the course of 365 days there would be 256 tons. Then allowing 20 pounds each for every man for his clothing and things of that kind outside of his food, the transportation necessary for him, which is certainly a liberal estimate, and evidently an extravagant estimate in that climate, that would be 7 tons a year, and the aggregate amount is 1,358 tons.

Now, for ammunition I do not know how much ought to be allowed, but I would say 2 tons, because not much ammunition is used. The country is settled down and there is no fighting going on. They have a full supply on hand, of course, but I would suppose that 2 tons each of ammunition a year for 700 men would be a most liberal estimate, and we would have in the aggregate less than 1,400 tons a year.

Mr. DU PONT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Delaware?

Mr. BACON. I do.

Mr. DU PONT. Mr. President, there are more than 700 men at that post.

Mr. BACON. Very well, I will come to that, if the Senator pleases. The Senator will pardon me if I go on with the estimates now, because I said to the extent I was in error as to the number of men, of course the calculation would be in error. I am perfectly willing, before I get through, to double the number of men, and then you would have a vast margin, and double the tonnage, and you would have a large margin; but I think I am within the estimate. Of course I am ready to be corrected if I am not.

I say that that amounts to less than 1,400 tons a year in place of 8,000 tons. If there have been 8,000 tons, or 7,000 tons if you please, carried, there is a vast margin to be accounted for. If that exists at this little post, it is a very pertinent question whether or not it is in accordance with the general system and whether this immense unnecessary expenditure is saddled upon the public.

If I am correct in my calculation so far, that would make less than 4 tons a day to transport over this route on which it is proposed to build a railroad. It is only 22 miles.

Mr. SMITH of Arizona. And an easy grade.

Mr. BACON. The Senator says it is an easy grade. The grade is about 3 per cent, if I recollect correctly, and if it is nothing but a trail now, it can be easily cut into a road. We all know that these roads are constructed by the soldiers; but even if it had to be paid for by the Government it is very different from building a railroad. Suppose there is a wagon road constructed by the soldiers, which is entirely feasible and practicable, and in accordance with the usual customs and methods of the Army four 2-horse wagons a day, carrying only 1 ton each, would do this business, and if it is an extraordinarily good road three would do it easily. Yet it is proposed to build a railroad for this purpose.

Mr. President, if there was no railroad built at all, and there was nothing but a mountain trail, this freight could be carried on burros at an absolutely insignificant cost. A burro will carry easily upon such a trail certainly a hundred pounds, and if it is a good one it will carry 200. I have seen them on a good road carrying 300 pounds. I have frequently seen a burro loaded with three sacks of corn; no doubt the Senator from New Mexico has frequently seen the same thing; and that is over 300 pounds. And burros cost $5 apiece. But if they did not have burros they could take mules. A mule would easily carry 300 pounds over any ordinary trail. How many mules would it take? They are driven simply by the soldiers backwards and forwards.

Mr. President, I do not want to detain the Senate with this matter, but suppose we double it, suppose we double it. The Senator says that there are more than that many soldiers there. The information I get was given to me by the Senator from North Carolina, obtained by him personally from the War Department. But suppose we double the number and say there are fourteen hundred there. Then seven or eight wagons would do the entire business with the soldiers as teamsters, and at little or no expense to the Government.

I do not wish to detain the Senate, Mr. President, on this subject. I wanted to present those figures. If I am wrong, I hope some Senator will point it out. Am I in error as to the transportation needed, and the forage for horses, as to the weight, as to the amount consumed? Am I wrong as to the amount needed to transport in order to sustain the soldiers either as to their food or as to their clothing? Am I wrong as to ammunition, where there is no artillery, as to the weight of that? If I am, let some Senator show that I am wrong. If I am not wrong, Mr. President, I submit it would be inexcusable and indefensible for us to proceed to the construction of this road.

Therefore I ask that we may have another vote on the question.

Mr. WARREN. Mr. President, allowing that the Senator is right and that everybody connected with the Army must be wrong, I can see as the Senator goes along that his statement covers only a moiety of the supplies that have to be furnished. His idea of 2 pounds of food net for a man may be correct. The idea of the number of pounds of transportation is quite different.

Another thing, they have to have shelter. There is material to go there for shelter. There have to be arms and ammunition. We have the testimony of the different heads of bureaus and Secretaries for some years.

The Quartermaster General of the Army is a seasoned and experienced man, acknowledged to be one of the best Quartermaster Generals the Army has ever had. He has gone through this subject carefully. We have the Secretary of War, and of

course his information is gleaned and garnered and winnowed out from all the information that comes to him from the heads of bureaus. He says:

The original cost of the transportation required to supply the posts on Lake Lanao is conservatively estimated at $200,000—

Not $175,000 or $150,000, but $200,000—

and this amount does not include the cost of transportation required for field use of the garrisons. The annual cost of maintaining this transportation is $175,000. There has already been expended in construction and maintenance of the road from Camp Overton to Camp Keithley a total sum exceeding $300,000, not including the work done by troops during the early stages of construction, and it has cost to maintain the road from $24,000 to $36,000 a year. This expense for maintenance must continue year after year.

He says, on the cost of this Overton-Keithley road, which is through a country of torrential storms:

The total cost of this road to date added to the value of the transportation, equipment, and its maintenance for the last seven years reaches the enormous total of $1,750,000, or an average of about $250,000 per year.

Mr. BACON. What is that statement? I did not catch it.

Mr. WARREN. The Secretary of War says the total cost of the wagon road and its maintenance and the transportation has cost $1,750,000 to date, or an average of about $250,000 a year. He says, further:

Such expenditures show a lack of business foresight.

There is more of it, in further explanation, but I will not now stop to read it.

Mr. BACON. I should say that such expenditures show something else besides a lack of business foresight.

Mr. WARREN. If the Senator will allow me to finish what I was going to say—an academic calculation here of the amount of freight surely can not be as correct as the actual facts as recorded in the amount of freight taken over this road during the time since these posts were established. It is not a matter of appropriating money, but it is a matter to be left to those who are in favor of actual economy.

Mr. BACON. I think that this is a matter of sufficient importance, as throwing light upon the nature of the expenditures in the War Department, for the items and the details of these expenditures to be brought to the attention of Congress. If it be true that there has been any such expenditures as that, I think we ought to have the items of it, because if we have had expenditures of that kind in this instance there have been expenditures of the same kind in numerous other instances. If we have had this vast expenditure on account of that little road, we ought to know how it was built and what the items are, so that we can see whether or not this money was correctly spent. If it be true that there were 8,000 tons or 7,000 tons of freight carried to that camp or to those two camps, we ought to have the items. If it be true that there have been $150,000 or $160,000 spent in a year for the purpose of transporting the freight needed for this simple garrison of soldiers, we ought to have the items of that cost of transportation. I hope that it may be had now. I hope it in order that the War Department may be shown to be correct, if it is correct. It ought not to be allowed to stand as it is.

Mr. President, how can we hope for anything like economy in the expenditures if this is a sample of it, if it be true, so far as I can figure it out, that it far exceeds what would be a legitimate expense?

I should like to make an inquiry of the Senator from Wyoming, who is not only in charge of the appropriation bill but who was for a long time at the head of the Military Committee of the Senate. Possibly there is no Senator within my term of service who is in a better position to judge of matters as to the military affairs than he. I should like to know what is the most practicable way for us to get a detailed statement as to this particular expenditure, because that is what I want. I want to know, if that road has cost over a million dollars, something about the way in which that cost was expended.

Mr. WARREN. I think if the Senator would prefer the slightest request to the Secretary of War or to the Quartermaster General—probably it ought to go to the Secretary of War—he would be furnished with it.

Mr. BACON. Very well. Then we can get it in that way, and get the items as to the amount of freight carried and what it consisted of and the cost, not simply the aggregate cost, but the bills. That is what I want. How was this money expended? How were the 8,000 tons of freight, in the first place, needed for this small encampment, and how was $150,000 or $160,000 expended in the transportation of 8,000 tons of freight? Those are the things we want to know. I do not doubt the fact that we expended it. I am not for a moment suggesting that the charge is not correct on the books of the Quartermaster's Department, but what I want to know is how can it be so.

Mr. WARREN. Mr. President, I do not want to prolong the discussion, but at times there have been, and probably there will be again, a great many more troops there. There were more when I was there. As the Senator knows, it is almost in the center of the Mindanao country—the Moro country. The number of troops varies according to the circumstances. As the Senator knows, we have had some rather severe disturbances in the Moro country.

Mr. BACON. I understand that.

Mr. WARREN. The Senator uses 8,000 tons as a unit; he must remember that that is the average; but the latest information is that for the following year it will be at least 7,500 tons.

Mr. BACON. Well, I think we ought to have that information; I think those are matters about which Congress ought to be informed. We have the responsibility of the appropriation of money, and I think we ought to be informed when such an enormous amount of supplies, 8,000 tons, are said to be needed for one or two small encampments of soldiers as to what those supplies are; and when $20 a ton is stated to be the cost of their transportation for 22 miles over a practicable road that has cost over a million dollars, we ought to know in what way that money was expended. I hope that those who have it in charge, the Committee on Military Affairs of the Senate, will take the steps to secure this information.

Mr. WARREN. The facts were all before the committee which considered these matters.

Mr. BACON. I will ask the Senator if there is anything which shows of what those 8,000 tons consisted?

Mr. WARREN. The papers submitted from time to time covered that question.

Mr. BACON. I want to know what the items were.

Mr. WARREN. Does the Senator expect me from memory to give him every pound of salt or every pound of starch?

Mr. BACON. I do not; but the Senator said the papers showed the items, and I desire to know about them.

Mr. WARREN. The papers give the amount——

Mr. BACON. In the aggregate.

Mr. WARREN. They give it in the aggregate, of course.

Mr. BACON. But that does not answer the question. I want some way of finding out why 8,000 tons of freight were needed for two small encampments, and then I want to know why it is that, over a road costing over a million dollars, it has cost $20 a ton to transport that freight 22 miles.

Mr. WARREN. I hope the Senator will not misconstrue what I said. The million seven hundred and fifty thousand dollars included the building of the road and the transportation over it since it was built.

Mr. BACON. I beg the Senator's pardon. I misunderstood the Senator.

Mr. WARREN. That is what I said. The average, according to the testimony of the Secretary of War, has been $250,000 a year; that is, the average for building the road, keeping it in repair, and to carry this material.

Mr. BACON. Of course, I would not misrepresent the Senator. I certainly misunderstood him, but now that the road is built, I want to understand why it costs $20 a mile to transport freight 22 miles. I want the information at some time—not now; I am not asking the Senator to give it now—but I think it is due to Congress that it should be given to it. How is it that 8,000 tons of freight were needed for these two little encampments, and why is it that over a costly road it has taken $20 a ton to transport freight 22 miles—a dollar a mile per ton?

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole. [Putting the question.] By the sound the "noes" appear to have it.

Mr. WARREN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER] and withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON] and therefore withhold my vote.

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN]. If at liberty to vote, I should vote "yea."

Mr. WETMORE (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. CLARKE]. If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea."

Mr. HEYBURN (after having voted in the affirmative). I observe that my pair, the Senator from Alabama [Mr. BANK-

HEAD], is not present in the Chamber, and I am informed he has not voted. I will therefore be compelled to withdraw my vote.

Mr. DILLINGHAM. I withhold my vote on account of my pair with the senior Senator from South Carolina [Mr. TILLMAN], who does not appear to be in the Chamber.

Mr. SMITH of South Carolina. I will transfer my general pair with the Senator from Delaware [Mr. RICHARDSON] to the Senator from Indiana [Mr. SHIVELY] and will vote. I vote "nay."

Mr. WATSON. I will transfer my general pair with the Senator from New Jersey [Mr. BRIGGS] to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. BURNHAM. I desire to transfer my pair with the Senator from Maryland [Mr. SMITH] to the junior Senator from Washington [Mr. POINDEXTER], and will vote. I vote "yea."

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I do not see him in the Chamber, and therefore withdraw my vote.

The result was announced—yeas 27, nays 25, as follows:

YEAS—27.

Bourne	Cummins	Lodge	Perkins
Brandegee	du Pont	McCumber	Smith, Mich.
Bristow	Gallinger	McLean	Stephenson
Burnham	Gronna	Massey	Sutherland
Burton	Guggenheim	Nelson	Townsend
Catron	Jones	Oliver	Warren
Crawford	La Follette	Page	

NAYS—25.

Bacon	Gardner	Paynter	Swanson
Borah	Johnston, Ala.	Percy	Thornton
Bryan	Kenyon	Reed	Watson
Clapp	Martin, Va.	Simmons	Works.
Culberson	Martine, N. J.	Smith, Ariz.	
Fall	Myers	Smith, Ga.	
Fletcher	Overman	Smith, S. C.	

NOT VOTING—42.

Ashurst	Cullom	Kern	Root
Bailey	Curtis	Lea	Sanders
Bankhead	Davis	Lippitt	Shively
Bradley	Dillingham	Newlands	Smith, Md.
Briggs	Dixon	O'Gorman	Smoot
Brown	Foster	Owen	Stone
Chamberlain	Gamble	Penrose	Tillman
Chilton	Gore	Poindexter	Wetmore
Clark, Wyo.	Heyburn	Pomerene	Williams
Clarke, Ark.	Hitchcock	Rayner	
Crane	Johnson, Me.	Richardson	

So the amendment was concurred in.

Mr. SMITH of Georgia. Mr. President——

Mr. WARREN. Will the Senator from Georgia allow me to present a committee amendment?

Mr. SMITH of Georgia. Yes. I merely wanted to be sure that I had reserved an objection to the amendment offered by the Senator from Kentucky [Mr. BRADLEY] with reference to an appropriation of $250,000 for a centennial celebration.

Mr. WARREN. It is understood that that is reserved.

Mr. SMITH of Georgia. I wanted to be sure that it was reserved.

Mr. WARREN. Mr. President, a very late act calls for attention in connection with this appropriation bill. I refer to the act approved on the 22d of this month calling for an appropriation of $57,250 for use of the Census Bureau in relation to cotton investigations. I send the amendment to the desk and ask the Secretary to insert it immediately after the $25,000 tobacco amendment, which has heretofore been agreed to.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment agreed to relating to investigations of quantities of leaf tobacco, it is proposed to insert the following:

For securing information for census reports of cotton production, and periodical reports of stocks of baled cotton in the United States, and of the domestic and foreign consumption of cotton, and to enable the Bureau of the Census to carry out the provisions of "An act authorizing the Director of the Census to collect and publish statistics of cotton," approved July 22, 1912, $57,250.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I desire to make a point of order against the amendment offered by the Senator from Kentucky [Mr. BRADLEY] that there is no legislation that justifies it, no estimate that justifies it, and that it is an increase of appropriations which can not be made from the floor by amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 180, after line 10, the Senate, as in Committee of the Whole, inserted the following amendment:

SEMICENTENNIAL EXPOSITION.

For expenses semicentennial exposition: For celebration of semicentennial anniversary of the act of emancipation, as provided by "An act providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes," approved April 3, 1912, $250,000.

Mr. SMITH of Georgia. The mistake is this: The Senate has passed a bill providing an appropriation for the celebration and that bill is pending in the other House. The bill passed by the Senate carries its own appropriation.

The PRESIDENT pro tempore. The Chair will inquire of the chairman of the committee whether or not an estimate was made for this appropriation?

Mr. WARREN. Mr. President, the committee has no regular estimate for this amount.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. WARREN. There are no further reservations of amendments made as in Committee of the Whole, I believe.

The PRESIDENT pro tempore. If there be no further amendment in the Senate, the amendments will be ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. DU PONT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

Mr. SMITH of Arizona. If the Senator will permit me, before the reading of the bill I ask unanimous consent to call up a joint resolution and have it passed. I do not think there will be any objection to it. It will not take a minute.

Mr. DU PONT. I will say to the Senator from Arizona that I shall have no objection to granting his request a little later on when the bill for which I have asked consideration is before the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Delaware? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

Mr. DU PONT. I now yield to the Senator from Arizona.

CLAIMS AGAINST MEXICO.

Mr. SMITH of Arizona. I ask unanimous consent for the present consideration of Senate joint resolution 103.

The PRESIDENT pro tempore. The Senator from Arizona asks unanimous consent for the present consideration of a joint resolution, the title of which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 103) directing the Secretary of State to investigate claims of American citizens growing out of the late insurrection in Mexico, to determine the amounts due, if any, and to press them for payment.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized and directed to make, or cause to be made under his direction, a full and thorough investigation of each and all claims of American citizens and of persons domiciled in the United States which may be called to his attention by claimants or their attorneys for damages for injuries to their persons or property, received by them or by those of whom claimants may be the legal representatives, within the boundaries of the United States, by means of gunshot wounds or otherwise inflicted by Mexican Federal or insurgent troops during the late insurrection in Mexico in the year 1911.

For the purpose of such investigation the Secretary of War is authorized to appoint a commission of three officers of the Army, one of whom shall be an inspector general. Such commission shall have authority to subpœna witnesses, administer oaths, and to take evidence on oath relating to any such claim and to compel the attendance of witnesses and the production of books and papers in any such proceeding by application to the district court of the United States for the district within which any session of the commission is held, which court is hereby empowered and directed to make all orders and issue all processes necessary for that purpose, and said commission shall have all the powers conferred by law upon inspectors general of the United States Army in the performance of their duties. Such commission shall report to Congress, through the Secretary of War, as soon as practicable, its findings of fact upon each and all the claims presented to it and its conclusion as to the justice and equity thereof and as to the proper amount of compensation or indemnity thereupon.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory and growing out of the late insurrection in Mexico."

MILITARY ACADEMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. DU PONT. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with; that the bill be read for amendment, the committee amendments to be first considered.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Is there objection to the request of the Senator from Delaware? The Chair hears none.

The first amendment of the Committee on Military Affairs was, under the head of "Permanent establishment," on page 2, line 12, after the word "dollars," to insert:

Provided, That section 1315 of the Revised Statutes of the United States, fixing the membership of the Corps of Cadets at the United States Military Academy, is hereby amended by changing the clause "one from the District of Columbia" so as to read "two from the District of Columbia": *Provided further*, That hereafter any candidate designated as principal or alternate for appointment as cadet may present himself at any time for physical examination at West Point, N. Y., or other prescribed places, as may be designated by the Secretary of War: *Provided further*, That hereafter graduates of the Military Academy shall receive mileage as authorized by law for officers of the Army from West Point, N. Y., to the station which they first join for duty: *And provided further*, That hereafter whenever all vacancies at the Military Academy shall not have been filled as a result of the regular annual entrance examinations, the remaining vacancies shall be filled by admission from the list of alternates from the respective States in which the vacancies occur, selected in their order of merit established at such entrance examinations. The admissions thus made shall be credited to the United States at large and shall not interfere with or affect in any manner whatsoever any appointment authorized by existing law: *Provided*, That whenever, by the operation of this or any other law, the Corps of Cadets exceeds its authorized maximum strength as now provided by law, the admission of alternates as prescribed in this act shall cease until such time as the Corps of Cadets may be reduced below its present authorized strength.

The amendment was agreed to.

The next amendment was, on page 3, line 23, after the word "dollars," to insert: "*Provided*, That hereafter two assistant professors shall be authorized in the department of English and history, one for English and one for history," so as to make the clause read:

For pay of 10 assistant professors (captains), in addition to pay as first lieutenants, $4,000: *Provided*, That hereafter 2 assistant professors shall be authorized in the department of English and history, one for English and one for history.

The amendment was agreed to.

The next amendment was, on page 4, line 11, after the word "captain," to insert "in addition to his regular pay," so as to make the clause read:

For pay of one adjutant, who shall not be above the rank of captain, in addition to his regular pay, $600.

Mr. CULBERSON. Mr. President, I should like to ask the Senator in charge of the bill what is the present pay of the adjutant? I see it is here proposed to be increased by $600.

Mr. DU PONT. The pay the adjutant receives depends entirely upon his rank as an officer of the Army.

Mr. CULBERSON. The adjutant is usually a captain, is he not?

Mr. DU PONT. He is usually a captain in these days, though formerly it was not so. This is to make up his pay to $3,000—$50 a month additional.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was, on page 8, after line 11, to insert:

Hereafter there shall be maintained at the United States Military Academy an engineer detachment, which shall consist of 1 first sergeant, 1 quartermaster sergeant, 6 sergeants, 8 corporals, 2 cooks, 2 musicians, 40 first-class privates, and 40 second-class privates.

For pay of such engineer detachment, $24,000; additional pay for length of service, $6,408: *Provided*, That the enlisted men of said detachment shall receive the same pay and allowances as are now or may be hereafter authorized for corresponding grades in the battalions of engineers: *Provided further*, That nothing herein shall be so construed as to authorize an increase in the total number of enlisted men of the Army now authorized by law.

The amendment was agreed to.

The next amendment was, on page 22, line 1, before the word "typewriter," to strike out "L. C. Smith No. 10," so as to make the clause read:

For one typewriter and cabinet, $120.

The amendment was agreed to.

The next amendment was, on page 34, line 18, after the words "remain so until," to strike out "expended" and insert "completion," so as to make the clause read:

For completion of the East Academic Building, including finished grading, approaches, etc., in accordance with the plans and specifications approved by the Secretary of War, to be immediately available and to remain so until completion, $95,117.

The amendment was agreed to.

The next amendment was, on page 35, line 1, after the word "Hereafter," to strike out "the Superintendent of the United States Military Academy is authorized to avail himself of leaves" and insert "the Secretary of War may grant the superintendent of the academy leave," and in line 4, after the words "period that," to strike out "he" and insert "the superintendent," so as to make the clause read:

Hereafter the Secretary of War may grant the superintendent of the academy leave of absence without deduction from pay or allowances for the same period that the superintendent may grant leave of absence to other officers of the academy under the provisions of section 1330 of the Revised Statutes.

The amendment was agreed to.

The next amendment was, on page 35, after line 6, to strike out:

No pay shall be withheld from Lieut. Col. J. M. Carson, jr., Deputy Quartermaster General, United States Army, because of the payment by him in May, 1909, when major and quartermaster, United States Army, for eight horses or polo ponies purchased pursuant to instructions from the Secretary of War for use in the instruction of cadets at the United States Military Academy.

The amendment was agreed to.

Mr. BACON. I offer the amendment I send to the desk, to be inserted at the close of the bill.

The SECRETARY. It is proposed to add at the end of the bill the following:

Provided, That any officer of the United States Army now holding the position of permanent professor at the United States Military Academy who on July 1, 1914, should have served not less than 33 years in the Army, one-third of which service shall have been as professor and instructor at the Military Academy, shall on that date have the rank, pay, and allowances of a colonel in the Army.

Mr. DU PONT. I accept the amendment proposed by the Senator from Georgia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENTS TO EXCISE BILL.

Mr. BORAH. I submit an amendment which I desire to offer to the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships. I ask that it be printed, lie on the table, and also be printed in the RECORD.

The PRESIDING OFFICER. In the absence of objection, that order will be made.

The amendment is as follows:

Amendment intended to be proposed by Mr. BORAH to the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, viz: Insert the following:

That from and after the 1st day of January, 1913, there shall be assessed, levied, collected, and paid annually upon the gains, profits, and income received in the preceding calendar year by every citizen of the United States, whether residing at home or abroad, and by every person residing in the United States, though not a citizen thereof, a tax of 2 per cent on the amount so received over and above $5,000; and a like tax shall be assessed, levied, collected, and paid annually upon the gains, profits, and income from all property owned and of every business, trade, or profession carried on in the United States by persons residing elsewhere.

Such gains, profits, and income shall include the interest received upon notes, bonds, and all other forms of indebtedness, except the obligations of the United States, States, counties, towns, districts, and municipalities; all amounts received as salary or compensation for services, except such as may have been received by State, county, town, district, or municipal officers; all profits realized within the year from the sale of real estate purchased within two years previous to the close of the year for which the income is estimated; the amount of all premiums on bonds, notes, or coupons; the amount received from the sale of merchandise, live stock, sugar, cotton, wool, butter, cheese, pork, beef, mutton, or other meats, hay, grain, vegetables, or other products; money and the value of all property acquired by gift, bequest, devise, or descent; and all other gains, profits, and income derived from any other kind of property, or from rents, dividends, interest, or from any profession, trade, business, employment, or vocation, carried on in the United States or elsewhere, or from any other source whatever: *Provided, however*, That it shall be proper to deduct from such gains, profits, and income all expenses actually incurred in conducting any business, occupation, or profession, including the amounts actually expended in the purchase or production of merchandise, live stock, and products of every kind; all interest due or paid within the year on existing indebtedness, and all national, State, county, town, district, and municipal taxes, not including those assessed against local benefits; all losses actually sustained during the year, incurred in trade or arising from fires, storms, or shipwreck, and not compensated for by insurance or otherwise; all debts ascertained to be worthless, and all losses within the year on sales of real estate purchased within two years previous to the year for which profits, gains, or income is estimated, but no deduction shall be made for any amount paid out for new buildings, permanent improvements, or betterments, made to increase the value of any property or estate; the amount received from any corporation, company, or association as dividends upon the stock of such corporation, company, or association if the tax of 3 per cent has been paid upon its net profits by said corporation, company, or asso-

ciation as required by this act: *Provided further*, That only one deduction of $5,000 shall be made from the aggregate income of all the members of any family composed of one or both parents and one or more minor children, or husband and wife, but guardians shall be allowed to make a deduction in favor of each and every ward, except where two or more wards are comprised in one family and have joint property interests, when the aggregate deduction in their favor shall not exceed $5,000.

That there shall be assessed, levied, and collected for the calendar year 1912, and for each calendar year thereafter, a duty of 2 per cent on the net gains, profits, and income over and above $5,000 of all corporations, companies, or associations organized for pecuniary profit under the laws of the United States or under the laws of any State or Territory or doing business for pecuniary profit in the United States, no matter where or how created or organized, but not including copartnerships. The aforesaid net gains, profits, or income of any such corporation, company, or association shall include its entire gains, profits, and income save and except the amounts paid out during the year for maintenance, operation, and a reasonable allowance for depreciation; and the Secretary of the Treasury is authorized to prescribe and establish such system of bookkeeping and reports as may be necessary to insure uniformity in this respect: *Provided, however*, That nothing herein contained shall apply to corporations, companies, or associations organized and conducted solely for charitable, religious, or educational purposes, including fraternal beneficiary societies, orders, or associations operating upon the lodge system and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders, or associations and dependents of such members; nor to the stocks, shares, funds, or securities held by any fiduciary or trustee for charitable, religious, or educational purposes; nor to building and loan associations or companies which make loans only to their shareholders; nor to such savings banks, savings institutions, or societies as shall, first, have no stockholders or members except depositors and no capital except deposits; secondly, shall not receive deposits to an aggregate amount, in any one year, of more than $1,000 from the same depositor; thirdly, shall not allow an accumulation or total of deposits, by any one depositor, exceeding $10,000; fourthly, shall actually divide and distribute to its depositors, ratably to deposits, all the earnings over the necessary and proper expenses of such bank, institution, or society, except such as shall be applied to surplus; fifthly, shall not possess, in any form, a surplus fund exceeding 10 per cent of its aggregate deposits; nor to such savings banks, savings institutions, or societies composed of members who do not participate in the profits thereof and which pay interest or dividends only to their depositors; nor to that part of the business of any savings bank, institution, or other similar association having a capital stock, that is conducted on the mutual plan solely for the benefit of its depositors on such plan, and which shall keep its accounts of its business conducted on such mutual plan separate and apart from its other accounts; nor to any insurance company or association which conducts all its business solely upon the mutual plan and only for the benefit of its policy holders or members, and having no capital stock and no stock or share holders, and holding all its property in trust and in reserve for its policy holders or members; nor to that part of the business of any insurance company having a capital stock and stock and share holders, which is conducted on the mutual plan, separate from its stock plan of insurance, and solely for the benefit of the policy holders and members insured on said mutual plan, and holding all the property belonging to and derived from said mutual part of its business in trust and reserve for the benefit of its policy holders and members insured on said mutual plan; nor to any part of the business of any insurance company having a capital stock and stock and stockholders except as to those gains and profits and income legally distributable to such capital stock and among such stock and stockholders. All State, county, municipal, and town taxes paid by corporations, companies, or associations shall be included in the operating and business expenses of such corporations, companies, or associations: *Provided further*, That any stockholder of any corporation, company, or association the income of which is taxable and taxed under the provisions hereof, whose total income from all sources does not render him liable to the duty herein provided for, may, at any time within six months after the corporation or association of which he is a stockholder has paid the duty herein required, file a written application with the collector of the district in which he resides, in such form as the Secretary of the Treasury may prescribe, showing that his total income for the year under consideration, computed as hereinbefore set forth, did not exceed $5,000; such application shall be under oath and accompanied by such other proof as the rules and regulations may require. If the application and proof are satisfactory to the collector, and are approved by the Secretary of the Treasury, and it further appears that the gains or profits of any share or shares of capital stock owned by any such stockholder in any such corporation have been included in the income upon which the corporation has paid a duty, then the Secretary of the Treasury shall pay to the applicant the proportionate part which his share or shares contributed to such duty; the intent being to exempt any person whose total income, computed as herein provided, is not more than $5,000 from the payment directly or indirectly of an income duty; and the Secretary of the Treasury is expressly authorized to establish such rules and regulations, and to provide such forms, as will enable such persons to present their claims and receive their reimbursement with least difficulty and delay consistent with the due administration of the law.

It shall be the duty of all persons of lawful age having an income of more than $5,000 for the preceding year, computed on the basis herein prescribed, to make and render a list or return, on or before the second Monday in March of every year, in such form and manner as may be directed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to the collector or a deputy collector of the district in which they reside, of the amount of their gains, profits, and income as aforesaid; and all guardians and trustees, executors, administrators, agents, receivers, and all persons or corporations acting in any fiduciary capacity, shall make and render a list or return, as aforesaid, to the collector or a deputy collector of the district in which such person or corporation acting in a fiduciary capacity resides or does business, of the amount of gains, profits, and income of any minor or person for whom they act, but persons having less than $5,000 income are not required to make such report; and the collector or deputy collector shall require every list or return to be verified by the oath or affirmation of the party rendering it, and may increase the amount of any list or return if he has reason to believe that the same is understated; and in case any such person having a taxable income shall neglect or refuse to make and render such list or return, or shall render a willfully false or fraudulent list or return, it shall be the duty of the collector or deputy collector to make such list according to the best information he can obtain, by the examination of such person or any other evidence, and to add 50 per cent as a penalty to the amount of the tax due on such list in all cases of willful neglect or refusal to make and render a list or return; and in all cases of a willfully false or fraudulent list or return having been rendered to add 100 per cent as a penalty to the amount of tax ascertained to be due, the tax and the additions thereto as a penalty to be assessed and collected in the manner provided for in other cases of willful neglect or refusal to render a list or return, or of rendering a false or fraudulent return: *Provided*, That any person or corporation, in his, her, or its own behalf or as such fiduciary, shall be permitted to declare, under oath or affirmation, the form and manner of which shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, that he, she, or his or her or its ward or beneficiary was not possessed of an income of $5,000 liable to be assessed according to the provisions of this act; or may declare that he, she, or it, or his, her, or its ward or beneficiary has been assessed and has paid an income tax elsewhere in the same year, under authority of the United States, upon all his, her, or its gains, profits, and income, and upon all the gains, profits, and income for which he, she, or it is liable as such fiduciary, as prescribed by law; and if the collector or deputy collector shall be satisfied of the truth of the declaration, such person or corporation shall thereupon be exempt from income tax in the said district for that year; or if the list or return of any person or corporation, company, or association shall have been increased by the collector or deputy collector, such person or corporation, company, or association may be permitted to prove the amount of gains, profits, and income liable to be assessed; but such proof shall not be considered as conclusive of the facts, and no deductions claimed in such cases shall be made or allowed until approved by the collector or deputy collector. Any person or company, corporation, or association dissatisfied with the decision of the deputy collector in such cases may appeal to the collector of the district, and his decision thereon, unless reversed by the Commissioner of Internal Revenue, shall be final. If dissatisfied with the decision of the collector, such person or corporation, company, or association may submit the case, with all the papers, to the Commissioner of Internal Revenue for his decision, and may furnish the testimony of witnesses to prove any relevant facts, having served notice to that effect upon the Commissioner of Internal Revenue as herein prescribed. Such notice shall state the time and place at which, and the officer before whom, the testimony will be taken; the name, age, residence, and business of the proposed witness, with the questions to be propounded to the witness, or a brief statement of the substance of the testimony he is expected to give: *Provided*, That the Government may at the same time and place take testimony upon like notice to rebut the testimony of the witnesses examined by the person taxed. The notice shall be delivered or mailed to the Commissioner of Internal Revenue 15 days previous to the day fixed for taking the testimony, in which to give, should he so desire, instructions as to the cross-examination of the proposed witness. Whenever practicable, the affidavit or deposition shall be taken before a collector or deputy collector of internal revenue, in which case reasonable notice shall be given to the collector or deputy collector of the time fixed for taking the deposition or affidavit: *Provided further*, That no penalty shall be assessed upon any person or corporation, company, or association for such neglect or refusal or for making or rendering a willfully false or fraudulent return, except after reasonable notice of the time and place of hearing, to be prescribed by the Commissioner of Internal Revenue, so as to give the person charged an opportunity to be heard.

Every corporation, company, or association doing business for profit in the United States shall make and render to the collector of the collection district in which it has its principal office, or if it has no principal office then in which it is transacting business, on or before the second Monday in March in every year, a full return, verified by oath or affirmation, in such form as the Commissioner of Internal Revenue may prescribe, of all the following matters for the whole calendar year next preceding the date of such return:

First. The gross profits of such corporation, company, or association, from all kinds of business of every name and nature.

Second. The expenses of such corporation, company, or association, exclusive of interest, annuities, and dividends.

Third. The amount paid on account of interest, annuities, and dividends, stated separately.

Fourth. The amount paid in salaries, with a list of all officers, employees, and persons receiving more than $5,000 per annum, stating the name and address of such officers, employees, and persons.

Fifth. The net profits of such corporation, company, or association, without allowance for interest, annuities, or dividends.

And any corporation, company, or association failing to comply with the requirements of this section shall forfeit as a penalty the sum of $1,000 and 2 per cent on the amount of taxes due, for each month until the same is paid, the payment of said penalty to be enforced as provided in other cases of neglect and refusal to make return of taxes under the internal-revenue laws.

The taxes herein provided for shall be assessed by the Commissioner of Internal Revenue and collected and paid upon the gains, profits, and income for the year ending the 31st of December next preceding the time for levying, collecting, and paying said tax; shall be due and payable on or before the 1st day of July in each year; and to any sum or sums annually due and unpaid after the 1st day of July as aforesaid, and for 10 days after notice and demand thereof by the collector, there shall be added the sum of 5 per cent on the amount of taxes unpaid, and interest at the rate of 1 per cent per month upon said tax from the time the same becomes due, as a penalty, except from the estates of deceased, insane, or insolvent persons.

Any nonresident may receive the benefit of the exemptions hereinbefore provided for by filing with the deputy collector of any district a true list of all his property and sources of income in the United States and complying with the provisions of section — of this act as if a resident. In computing income he shall include all income from every source, but unless he be a citizen of the United States he shall only pay on that part of the income which is derived from any source in the United States. In case such nonresident fails to file such statement, the collector of each district shall collect the tax on the income derived from property situated in his district subject to income tax, making no allowance for exemptions, and all property belonging to such nonresident shall be liable to distraint for tax: *Provided*, That nonresident corporations shall be subject to the same laws as to tax as resident corporations, and the collection of the tax shall be made in the same manner as provided for collection of taxes against nonresident persons.

It shall be the duty of every collector of internal revenue, to whom any payment of any taxes is made under the provisions of this act, to give to the person making such payment a full written or printed

receipt, expressing the amount paid and the particular account for which such payment was made; and whenever such payment is made such collector shall, if required, give a separate receipt for each tax paid by any debtor, on account of payments made to or to be made by him to separate creditors in such form that such debtor can conveniently produce the same separately to his several creditors in satisfaction of their respective demands to the amounts specified in such receipts; and such receipts shall be sufficient evidence in favor of such debtor to justify him in withholding the amount therein expressed from his next payment to his creditor; but such creditor may, upon giving to his debtor a full written receipt, acknowledging the payment to him of whatever sum may be actually paid, and accepting the amount of tax paid as aforesaid (specifying the same) as a further satisfaction of the debt to that amount, require the surrender to him of such collector's receipt.

Sections 3167, 3172, 3173, and 3176 of the Revised Statutes of the United States as amended are hereby amended so as to read as follows:

"SEC. 3167. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return by any person or corporation, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof, to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law, any income return or any part thereof or the amount or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office and be incapable thereafter of holding any office under the Government.

"SEC. 3172. Every collector shall, from time to time, cause his deputies to proceed through every part of his district and inquire after and concerning all persons therein who are liable to pay any internal-revenue tax, and all persons owning or having the care and management of any objects liable to pay any tax, and to make a list of such persons and enumerate said objects.

"SEC. 3173. It shall be the duty of any person, partnership, firm, association, or corporation made liable to any duty, special tax, or other tax imposed by law, when not otherwise provided for, in case of a special tax, on or before the 31st day of July in each year, in case of income tax on or before the first Monday of March in each year, and in other cases before the day on which the taxes accrue, to make a list or return, verified by oath or affirmation, to the collector or a deputy collector of the district where located, of the articles or objects, including the amount of annual income, charged with a duty or tax, the quantity of goods, wares, and merchandise made or sold, and charged with a tax, the several rates and aggregate amount, according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable: *Provided*, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, articles, or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles, and objects liable to pay any duty or tax, or any business or occupation liable to pay any tax as aforesaid, then, and in that case, it shall be the duty of the collector or deputy collector to make such list or return, which, being distinctly read, consented to, and signed and verified by oath or affirmation by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person: *Provided further*, That in case no annual list or return has been rendered by such person to the collector or deputy collector as required by law, and the person shall be absent from his or her residence or place of business at the time the collector or a deputy collector shall call for the annual list or return, it shall be the duty of such collector or deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post office a note or memorandum addressed to such person, requiring him or her to render to such collector or deputy collector the list or return required by law, within 10 days from the date of such note or memorandum, verified by oath or affirmation. And if any person on being notified or required as aforesaid shall refuse or neglect to render such list or return within the time required as aforesaid or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is false or fraudulent, or contains any undervaluation or understatement, it shall be lawful for the collector to summon such person, or any other person having possession, custody, or care of books of account containing entries relating to the business of such person, or any other person he may deem proper, to appear before him and produce such books, at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects liable to tax or the returns thereof. The collector may summon any person residing or found within the State in which his district lies; and when the person intended to be summoned does not reside and can not be found within such State, he may enter any collection district where such person may be found, and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned.

"SEC. 3176. When any person, corporation, company, or association refuses or neglects to render any return or list required by law, or renders a false or fraudulent return or list, the collector or any deputy collector shall make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the collector, and on his own view and information, such list or return, according to the form prescribed, of the income, property, and objects liable to tax owned or possessed or under the care or management of such person, or corporation, company, or association; and the Commissioner of Internal Revenue shall assess all taxes not paid by stamps, including the amount, if any, due for special tax, income or other tax, and in case of any return of a false or fraudulent list or valuation intentionally he shall add 100 per cent to such tax; and in case of a refusal or neglect, except in cases of sickness or absence, to make a list or return, or to verify the same as aforesaid, he shall add 50 per cent to such tax. In case of neglect occasioned by sickness or absence as aforesaid the collector may allow such further time for making and delivering such list or return as he may deem necessary, not exceeding 30 days. The amount so added to the tax shall be collected at the same time and in the same manner as the tax unless the neglect or falsity is discovered after the tax has been paid, in which case the amount so added shall be collected in the same manner as the tax; and the list or return so made and subscribed by such collector or deputy collector shall be held prima facie good and sufficient for all legal purposes."

Mr. CLAPP. I desire to ask the Senator from Idaho if the proposed amendment which he has just offered relates to the corporation tax?

Mr. BORAH. It relates to the excise bill, which is an extension of the corporation tax.

Mr. CLAPP. Yes. Is it designed to repeal the exemption of holding companies from the payment of taxes under the old corporation-tax law?

Mr. BORAH. No.

Mr. CLAPP. Then I desire to offer an amendment to the same bill, which I ask may be printed and lie on the table. I also desire to have it printed in the RECORD.

The PRESIDING OFFICER. Without objection, that order will be made.

The amendment is as follows:

Amendments intended to be proposed by Mr. CLAPP to the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, viz:

The act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out the words "exclusive of amounts received by it as dividends upon stock of other corporations, joint-stock companies, or associations, or insurance companies, subject to the tax hereby imposed" where they occur in section 38 of said act; also by striking out of said section 38 of said act the words "(fifth) all amounts received by it within the year as dividends upon stock of other corporations, joint-stock companies, or associations, or insurance companies, subject to the tax hereby imposed" wherever they occur in the second paragraph of said section 38 of said act; also by striking out of said section 38 of said act the words "also the amount received by such corporations, joint-stock companies, or associations, or insurance companies within the year by way of dividends upon stock of other corporations, joint-stock companies, or associations, or insurance companies, subject to the tax imposed by this section" where they occur in the third paragraph of said section 38 of said act.

LEGISLATIVE ASSEMBLY FOR ALASKA.

Mr. SMITH of Michigan. I ask unanimous consent to call from the calendar the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which has been reported from the Committee on Territories with amendments.

Mr. SMITH of Michigan. This is the Alaska civil-government bill. I do not know that it requires any special elucidation on my part. It is appropriate, has been long delayed, and should pass the Senate promptly.

Mr. CULLOM. It should be read, at any rate.

Mr. SMITH of Michigan. I will ask that it be read.

The PRESIDING OFFICER. Does the Senator from Michigan ask that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first considered?

Mr. SMITH of Michigan. I do.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CLAPP. While it is true that the bill has been before the Senate for some time, I think I ought to suggest to the Senator from Michigan that he have the entire bill read. It will probably save a great deal of discussion.

Mr. SMITH of Michigan. Very well. I yield to the suggestion of the Senator from Minnesota, and ask that the bill be read in its entirety.

Mr. CULLOM. Read it in full.

The PRESIDING OFFICER. The Senator from Michigan demands the reading of the bill in full. The Secretary will read the bill in full.

The Secretary read the bill.

Mr. SMITH of Michigan. I ask that the amendments of the committee may be read by the Secretary, and adopted.

Mr. BORAH. The request of the Senator from Michigan is simply that the Senate concur in the amendment reported by the committee.

Mr. SMITH of Michigan. Yes.

Mr. BORAH. That does not include, as I understand, any material matter in section 9. No amendments to that section are, I understand, printed in the bill.

Mr. SMITH of Michigan. That section will be reached in order, I will say to the Senator from Idaho.

Mr. BORAH. After the committee amendments are disposed of, then there will be an opportunity to offer amendments.

Mr. NELSON. I suggest to the Senator from Michigan that the amendments be taken up in their order and acted upon separately.

Mr. SMITH of Michigan. I am just asking that that course be taken, and will gladly meet the wishes of my honored friend from Minnesota.

The PRESIDING OFFICER. The Senator from Michigan asks that the bill be considered for amendment, the committee amendments to be first considered. Without objection, that course will be taken. The Secretary will report the first committee amendment.

The first amendment was, in section 3, page 2, line 16, to strike out "game and fish" and insert "game, fish, and fur-seal," so as to read:

Provided, That the authority herein granted to the legislature to alter, amend, modify, and repeal laws in force in Alaska shall not extend to the customs, internal-revenue, postal, or other general laws of the United States or to the game, fish, and fur-seal laws of the United States applicable to Alaska.

The amendment was agreed to.

The next amendment was, on page 2, line 17, after the word "Alaska," to insert:

Or to the laws of the United States providing for taxes on business and trade, or to the act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, and the several acts amendatory thereof.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 5, after the article "a," to insert "legislative assembly, to be hereafter called the"; in line 7, after the article "a," to strike out "senate and a"; in the same line, after "representatives," to strike out "The senate shall consist of eight members, two from each of the four judicial divisions into which Alaska is now divided by act of Congress, each of whom shall have at the time of his election the qualifications of an elector in Alaska, and shall have been a resident and an inhabitant in the division from which he is elected for at least two years prior to the date of his election. The term of office of each member of the senate shall be four years: *Provided*, That immediately after they shall be assembled in consequence of the first election they shall, by lot or drawing, be divided in each division into two classes; the seats of the members of the first class shall be vacated at the end of two years and the seats of the members of the second class shall be vacated at the end of four years, so that one member of the senate shall, after the first election, be elected biennially at the regular election from each division. The house of representatives shall consist" and insert "composed"; on page 4, line 2, after the word "years," to strike out "and each person shall possess the same qualifications as prescribed for members of the senate. The" and insert "each of whom shall have at the time of his election the qualifications of an elector in Alaska and shall have been an actual resident and inhabitant in the division from which he is elected for at least two years prior to the time of his election, and the four"; in line 8, after the word "persons," to strike out "having" and insert "receiving"; in line 9, after the word "votes," to strike out "in each of said senate districts for members of the senate shall be declared elected, and the persons having the highest number of legal votes for the house of representatives" and insert "for such office in each of said judicial divisions"; in line 13, after the word "be," to strike out "declared" and insert "deemed"; in the same line, after the word "elected," to strike out "*Provided*, That in case two or more persons voted for have an equal number of votes, and in"; in line 15, before the words "a vacancy," insert "In case of"; in the same line, after "vacancy," to strike out "otherwise occurs in either branch of the legislature"; in line 16, after "order," to strike out "a new" and insert "an"; in line 17, after "election," to insert "to fill such vacancy, giving due and proper notice thereof"; in line 18, after "member," to strike out "of the legislative assembly"; in line 20, after "while," to strike out "the legislative assembly is"; and in line 23, after "route," to strike out "and no more," so as to make the section read:

SEC. 4. The legislature: That the legislative power and authority of said Territory shall be vested in a legislative assembly, to be hereafter called the legislature, which shall consist of a house of representatives, composed of 16 members, 4 from each of the 4 judicial divisions into which Alaska is now divided by act of Congress. The term of office of each representative shall be for two years, each of whom shall have at the time of his election the qualifications of an elector in Alaska and shall have been an actual resident and inhabitant in the division from which he is elected for at least two years prior to the time of his election, and the 4 persons receiving the highest number of legal votes for such office in each of said judicial divisions shall be deemed elected. In case of a vacancy the governor shall order an election to fill such vacancy, giving due and proper notice thereof. That each member shall be paid by the United States the sum of $15 per day for each day's attendance while in session, and mileage, in addition, at the rate of 15 cents per mile for each mile from his home to the capital and return by the nearest traveled route.

Mr. BORAH. Mr. President, I wish to ask the Senator in charge of the bill for some information. I understand the bill provides for a legislature composed of 16 members.

Mr. SMITH of Michigan. We have struck out the House provision, which provided for two chambers, and provided a single chamber, which shall be denominated the legislature.

Mr. BORAH. Simply one body?

Mr. SMITH of Michigan. One chamber.

Mr. BORAH. How are the members of that body to be elected?

Mr. SMITH of Michigan. By direct vote of the people of Alaska. They are to be elected in the same manner as the Delegate in Congress.

Mr. BORAH. The legislature is to be composed of 16 members, 4 from each judicial division?

Mr. SMITH of Michigan. Yes.

Mr. BORAH. And they are to be elected by the people?

Mr. SMITH of Michigan. They are.

Mr. BORAH. I heard a statement read about $15 a day. Is that to be the pay of members of the legislature?

Mr. SMITH of Michigan. Yes. The regular session is limited, however, to 60 days and special sessions to 15 days.

Mr. NEWLANDS. Mr. President, I ask the Senator from Michigan whether he does not think it would be better to substitute for the per diem an allowance for the session? As I understand it, this legislature is limited in its regular session to 60 days and in its special session to 15 days. If, then, the legislature is in session throughout the entire 60 days the total compensation of each legislator would be about $900, and for each special session of 15 days the total compensation would be $225.

My observation with reference to the legislature is that where a per diem is given the legislature is likely to sit throughout the entire period, and often unnecessarily. It is desirable that ample compensation should be given to the legislators, for in a Territory such as Alaska the expenses of the election are very large. In many of the States a single legislator will spend in the expenses of the election the entire sum that he receives during the session.

It seems to me that they ought to have the stimulus and the advantage of the knowledge that if the public business can be transacted in a less period than 60 days it should be done, and we should encourage them in that direction without reducing their pay. Obviously, it would be unfair to put these men to the expense of an election and then expect them to remain in session only 15 or 20 days, with a limited per diem which would not reimburse them the expenses of their election.

It strikes me it would be a great deal better to fix the compensation of the regular session at $900, in the hope that they would get through it in half of the 60 days, and to make the compensation at the special session $225. I know that change has been made beneficially in a number of States of late years.

Mr. SMITH of Michigan. The committee, after giving the matter very careful thought, determined to limit the length of the regular session to 60 days and an extraordinary session to 15 days. We felt that a per diem for the time actually spent would be better than a gross sum, and that it would insure a more prompt attendance of members than if they should receive an annual salary regardless of attendance. At least this course can be tried, and if it does not work out satisfactorily it can be changed. What we are attempting to do is largely experimental and may call for further review, but for the present we feel that this plan can be tried with perfect propriety.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from South Dakota?

Mr. SMITH of Michigan. I do.

Mr. CRAWFORD. I lived in a Territory a great many years, and the sessions of the legislature were limited to 60 days; and the sessions of the legislature of the State which succeeded the Territory were limited to 60 days. I think a limitation of 60 days upon a Territorial legislature gives a sufficient protection against any undue prolongation of a session. The fact is that 60 days is a short time for a State legislature or a Territorial legislature, particularly in Alaska, with the immense geographical extent and the variety of situations in it, to transact the necessary business.

A great many of its members come into the legislature for the first time, and not being familiar with legislative practice or procedure or rules, they are necessarily novices, and it takes half the 60 days for them to learn to do committee work and

to transact the business. I think, however, there is sufficient protection here in the limitation of 15 days for a special session and of 60 days for a regular session.

Mr. NEWLANDS. I believe, of course, in the limitation as to time prescribed in the bill. The only question is as to whether a lump sum should be given or whether it should be a per diem compensation. I believe in a lump-sum payment. I believe you would encourage a better class of men to go to the legislature by making them feel assured that by going there and acting promptly in a businesslike way and dispatching the business they can get away in less than 60 days, and at the same time receive a compensation that will cover the expenses of their election and justify them in running for the legislature.

I know this change has been made in a number of legislatures; I can not specify them just now; but it has been made in the New York Legislature, it has been made in the Virginia Legislature, and in others. In my own State of Nevada some of us have considered the advisability of urging the substitution of a lump sum for a per diem in the hope that it would encourage men of capacity and ability to go to the legislature with the assurance that the time would not be unnecessarily taken up in a prolonged session.

Mr. JONES. Mr. President, the financial consideration has evidently weight in regard to the length of the session. Might not the payment of a lump sum lead to an early adjournment of the regular session and a failure to pass necessary laws so that a special session would be necessary? In that way they would get the compensation of the regular session and also compensation for the special session.

Mr. NEWLANDS. I do not think it would lead to an unnecessarily early adjournment of the legislature. On the contrary, I believe it would result in the expedition of the public business, and, above all, it would encourage men to go to the legislature who would be willing to go there for 15 or 30 days with the assumption that during that time they could dispatch all the necessary business, but who would be unwilling to go there for a period of 60 days with the consciousness that they would be held by their associates in order to gain the necessary per diem.

Mr. JONES. Will the Senator yield further? Does the Senator think we should encourage too hasty a consideration of legislation by offering such inducements to cut the term down so short? It seems to me 60 days is a very reasonable limitation upon a legislative body——

Mr. NEWLANDS. I agree with the Senator.

Mr. JONES (continuing). To pass upon matters that will come up in Alaska. So with the compensation fixed at $15 a day I am rather inclined to think it would secure better service than with the lump sum mentioned by the Senator, without encouraging haste in disposing of the legislation.

Mr. NEWLANDS. I am not disposed to press this suggestion in the form of an amendment against the views of the committee. I simply made the suggestion. I am confident that the legislature ought to be encouraged to adjourn early instead of prolonging its sessions, provided it does the work; but I believe you would get a very much better class of men by giving them ample compensation for a term which they could make short or long as they chose than by absolutely compelling them to sit 60 days in order to secure the compensation which the law entitles them to.

Mr. HEYBURN. Mr. President, the election in November and the meeting of the legislature the first Monday of March do not seem to me to promise well for Alaska. The northern district of Alaska is so situated that it must rely upon the navigable streams for transportation and access to the capital. The Yukon River closes up in September. The election would be held about two months after the navigable streams of Alaska were closed with ice. People in the northern district of Alaska as a rule—that is, people who are able—aim to leave that country for the winter not later than September. So they would not conveniently be present in that district at the time the election was held. If an election was held in November it would necessarily follow that they must remain there until after the election, and then those elected as members of the legislature must reach the capital at Juneau prior to March. That is a closed season, between November and March, to a great deal of Alaska. There are only certain sections of it that are open during that time.

It does not seem to me that the selection of the date of the election is wise nor is the date selected for the meeting of the legislature practicable at all. You are going to provide that the members elected must reach the capital and enter upon the performance of their duty and perform it within 60 days. Now, that would be from March to June.

The ice on the Yukon very frequently does not break up until after June, and the question arises in my mind as to whether you would have any legislature at all unless they selected only members living in such places as would be exempt from the restrictions of navigation and travel. It would seem to me that the election should be in the open season and the meeting of the legislature as well in the open season.

I think the election in Alaska should be after the breaking up of the ice in the rivers and the opening of the trails for travel. There are no roads to speak of. There are no railroads. It is very doubtful whether there could be assembled a legislature in March that would be representative of Alaska.

Mr. SMITH of Michigan. If the Senator from Idaho will permit me, the time for the election and the time for the assembling of the legislature was given very careful thought by the committee, and we reached the conclusion that the season of the year named in the bill would be the most propitious both for the election and for the assembling of the legislature, because the roads and trails will all be open, and Juneau, the capital, is accessible from land and sea at that time. Over $2,000,000 have been spent on roads in Alaska.

Mr. HEYBURN. Accessible by water?

Mr. SMITH of Michigan. Yes; Juneau is an open port all the year and can be reached both by water and by land. This was one of the reasons for leaving the capital there. Some of us would have been glad to change it to Fairbanks or Seward, both more central but not as accessible.

Mr. HEYBURN. I would have to be shown some changed conditions that would justify me in believing that Juneau would be available by any road or trail at that season of the year. There is a certain class of hardy citizens who can take a dog team and traverse any part of the country, but they are not the men who go to legislatures. They are the hardy frontiersmen, who would hardly be selected for the performance of those duties. The class of men equipped to perform the duties of a legislator would not undertake to make a trip from places like Circle City and some of those points in northern Alaska either in November or in March.

I have been there in November. I know something of the conditions that exist in Alaska in November. I have been there also during the summer months. I feel confident that during July, August, and early September the citizens of Alaska could assemble for the purpose of holding an election or for the purpose of attending a legislature, but I do not believe that during the month of November it would be safe to rely upon conditions of travel that would enable them to assemble.

The worst of all is March, the time fixed for the meeting of the legislature. Alaska is as completely a closed country in March to-day as it ever was. There have been no means of transportation developed in Alaska that make it more convenient to travel to-day in March than 50 years ago. I remember slight exceptions, which are not of sufficient importance to be considered in determining this matter.

I have no doubt at all that the committee has to the extent of its ability and in the exercise of its best judgment arrived at the conclusions expressed in this bill, but why it should have selected the closed season for both the election and the meeting of the legislature is beyond my comprehension. If there were no other season, if there were no open season, then it might be that they would be compelled to accept conditions, however burdensome or difficult they might be.

I merely call attention to this more for the purpose of calling for an expression of opinion from those having the bill in charge, that we may have some information as to the mental processes that led to the conclusions expressed in the bill.

Mr. SMITH of Michigan. Mr. President, the committee, of course, was guided somewhat by the suggestion of the Territorial Delegate from Alaska upon that point. He said:

> The country is all frozen solid by the last of November, and you can travel everywhere. The trails are good, and in March the days are long, and you can travel from Nome, the most distant point, up the river by way of Fairbanks or cross over by Seward, and get to the capital very quickly.
>
> Senator BRISTOW asked:
>
> How are conditions in May when the time comes to adjourn?
>
> The Delegate replied:
>
> The rivers are open by the 10th of May, and you can travel by boat. There is no difficulty in traveling at that time.

With that information before us we felt that there was nothing to do but acquiesce in the period named. But this whole matter is always under the control of Congress. Congress may change the date or even the capital at any time. There is not a provision in this proposed law that Congress may not alter or repeal at pleasure, including the time of voting, the qualifica-

tions of electors, and the time of the meeting of the legislature. I should like to see this plan tried. The Territory is entitled to this consideration at our hands. It has 64,356 people and is larger in population and area than any other Territory at the time it was organized, including Mississippi, Indiana, Michigan, Illinois, Missouri, Wisconsin, Oregon, Minnesota, Utah, Washington, Dakota, Nevada, Arizona, Idaho, and Wyoming, and its population is more dense per square mile than any of these States were when they were given Territorial government, while the white population of Alaska has increased from 2,186 in 1880 to 6,121 in 1890, and to 30,493 in 1900 and 36,347 in 1910. The judicial districts which constitute the unit or representative subdivision, from which the members of the legislature are to be chosen, contain 15,216 in the first judicial district, 12,361 in the second, 20,073 in the third, and 16,711 in the fourth subdivision.

Our Government paid to Russia $7,200,000 for Alaska in 1867, and have expended in appropriations since that date $28,608,674, or a total for this investment of $35,816,674, and in return this vast and unexplored empire has contributed to the tangible wealth of the Union nearly $200,000,000 in gold, nearly $10,000,000 in copper, over $51,000,000 in fur-seal skins, over $20,000,000 in other furs, nearly $150,000,000 in fishery products, and over $17,000,000 in revenue receipts and other products, all aggregating nearly $450,000,000. There is nothing comparable to this wonderful development in the history of any like territorial area in our country. While its vast resources still await the real touch of enterprise and opportunity, no one pretends to comprehend the extent of its coal and copper deposits, but future generations will draw upon it for manifold blessings.

Commercially, Alaska is closely related to our people and its trade flows through American channels. We do more business with the people of Alaska than we do with either Scotland, Spain, Austria-Hungary, Switzerland, Denmark, Sweden and Norway, and other European States with whom we have treaties of commerce and amity, while the trade with this rich possession exceeds our trade with Hawaii, the Philippines, and Porto Rico, and most of the South American Republics, aggregating annually more than $56,000,000. To treat this dependency ungenerously would not be creditable to us as a Nation, while our solicitude will foster the American spirit and people this rich possession with hardy American pioneers who will prove a source of strength in the development of its vast natural resources, permanently extending the zone of American influence and widening the markets for the products of American genius.

Mr. HEYBURN. I realize that we have got to try this out, and if we find it is not practicable or that the law fails in application, we will have to change it. The Delegate from Alaska is excellent authority in regard to these questions. He was the United States judge in Alaska for a number of years. He has traveled over it generally, and I would be inclined to accept his conclusions in regard to the matter, always applying such knowledge as I might have from other sources.

Now, the Delegate from Alaska is a very robust and hardy pioneer. He has made those trips behind dogs on sledges under conditions that, perhaps, not one member selected to the legislature out of twenty could endure. It is not probable that all the men sent to the legislature in Alaska will have the robust strength of the Delegate from Alaska. So you will have to pay some attention to the selection of candidates for the legislature and their physical conditions, perhaps, more than to their other accomplishments. Sometimes the ice is out at the 10th of May, but I can readily recall occasions when it was not out for 30 days after that time.

I merely desired the RECORD to show that these questions received attention at the time of the enactment of the legislation.

I came out of Alaska on one occasion certainly late in November. It would have been very difficult for any but robust persons to make the trip at that time. The snow was several feet deep, and it was snowing every day and piling up. I do not know how much it continued to pile up after I left Alaska, but when I left there was snow enough on the ground to supply all of the United States. I think it stayed there the following spring until some time in June. I do not think the river is open until considerably after the 1st of June. We are taking chances on the rooming of the legislature at the capital. I think if the suggestion made by the Senator from Nevada [Mr. NEWLANDS], that they might want to get away sooner, were put into practical operation you would find they would not be able to get away, perhaps, for a month or six weeks after the adjournment, and some provision should be made for provisioning the members of the legislature until they could return to their homes.

I was just thinking as the measure was being read that perhaps this legislature would be inspired with the brilliant idea of establishing a system of primary elections. The primary elections would necessarily come along during January and February, or else they would come along in the fall before the general election and after the rivers were closed. If they contemplate multiplying elections in Alaska as they have been multiplying them in other parts of the United States, the people who took an interest in politics might count on spending all their time either going to or returning from a primary or a general election for the legislature. I think each of them would occupy about one-third of the year. So we would have of necessity a class of men in Alaska whose sole and exclusive business it was to participate in the political affairs of that Territory. Probably that might work out very well. They might become accustomed to it and trained to it, and might eventually develop into what are sometimes called statesmen; that is, men who make a business of engaging in political affairs. We never know whether a man is a statesman or not unless he does. I have heard it suggested that there are in the great body of the people others who are capable of being statesmen, but the only way in which a statesman is really developed is by experience in the open field of political controversy.

I have called attention to these matters in order that when, after the first attempt to elect and convene a legislature, and to perform the duties of such a body results in a failure of half the members to reach the place where the legislature meets, or a failure of the citizenship to elect anybody to the legislature, because there is no one left in the country on account of it being a closed season, I shall after those conditions have developed and we are called upon to change the time, I suppose, as suggested by the Senator from Michigan, we can change the duties; but you will have to provide for sending to the legislature very stalwart men if you expect them to reach the capital between the 1st of December, which would be as early as they could gather their dogs and pack their sledges with pemmican and a few other things they might need to bring with them, and the time the legislature meets. Alaska should have some local self-government, but it ought to be in the summer time.

Mr. SMITH of Michigan. I ask for the adoption of the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Territories was, in section 6, page 6, line 8, after the word "governor," to insert "which shall set forth the object thereof and give at least 30 days' written notice to each member of said legislature"; in line 12, before the word "days," to strike out "30" and insert "15"; in line 13, after the word "session," to strike out "not longer than 30" and insert "for a period not exceeding 15"; and in line 16, before the word "public," to strike out "grave," so as to make the section read:

SEC. 6. Convening and sessions of legislature: That the Legislature of Alaska shall convene at the capitol at the city of Juneau, Alaska, on the first Monday in March in the year 1913 and on the first Monday in March every two years thereafter; but the said legislature shall not continue in session longer than 60 days in any two years unless again convened in extraordinary session by a proclamation of the governor, which shall set forth the object thereof and give at least 30 days' written notice to each member of said legislature, and in such case shall not continue in session longer than 15 days. The governor of Alaska is hereby authorized to convene the legislature in extraordinary session for a period not exceeding 15 days when requested to do so by the President of the United States, or when any public danger or necessity may require it.

Mr. FALL. Mr. President, I should like to ask the Senator in charge of the bill if it is the intention, by section 6, to provide for an unlimited number of extraordinary sessions of the legislature in Alaska, or is it the intention to limit the number to one extraordinary session in two years?

Mr. SMITH of Michigan. Mr. President, the committee thought the time during which the legislature could sit on call of the governor should be limited to 15 days.

Mr. FALL. I think the committee has carried that out all right, for, even though the legislature can be called in extraordinary session only once upon the initiative of the governor, it can be called in session as many times as the President of the United States may see fit to call them.

Mr. SMITH of Michigan. Exactly.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, in section 7, page 6, line 19, after the word "legislature," to strike out "shall convene under the law, the senate and house of representatives shall each" and insert "convenes it shall"; in line 21, after the words "one of," to strike out "their number" and insert "its members"; in line 22, after the word "designated," to strike out "in the case of the senate as 'president of the senate' and in the case

of the house of representatives"; in line 24, after the words "of the," to strike out "house of representatives" and insert "legislature"; in line 25, after the word "election," to strike out "by each body of the" and insert "of the following"; and, in line 26, after the word "officers," to strike out "provided for the house of representatives in section 1861 of the United States Revised Statutes of 1878, and each of said subordinate officers shall receive the compensation provided in that section" and insert "One chief clerk, who shall receive a compensation of $8 per day, and of one assistant clerk, one enrolling clerk, one engrossing clerk, one sergeant at arms, one doorkeeper, one messenger, and one watchman, who shall each receive a compensation of $5 per day during the sessions, and no charge for a greater number of officers and attendants, or any larger per diem, shall be allowed or paid by the United States to the Territory of Alaska," so as to make the section read:

SEC. 7. Organization of the legislature: That when the legislature convenes it shall organize by the election of one of its members as presiding officer, who shall be designated as "speaker of the legislature," and by the election of the following subordinate officers: One chief clerk, who shall receive a compensation of $8 per day, and of one assistant clerk, one enrolling clerk, one engrossing clerk, one sergeant at arms, one doorkeeper, one messenger, and one watchman, who shall each receive a compensation of $5 per day during the sessions, and no charge for a greater number of officers and attendants, or any larger per diem, shall be allowed or paid by the United States to the Territory of Alaska: *Provided*, That no person shall be employed for whom salary, wages, or compensation is not provided in the appropriation made by Congress.

Mr. ASHURST. Mr. President, I should like to propose an amendment to that section by inserting after the word "clerks," in line 7, the words "one journal clerk."

Mr. SMITH of Michigan. Mr. President, I trust the Senator will wait until after the committee amendments have been completed.

Mr. ASHURST. Very well.

Mr. JONES. I suggest to the Senator from Michigan that the amendment proposed by the Senator from Arizona is to an amendment of the committee.

Mr. SMITH of Michigan. If it is an amendment to a committee amendment, it can be offered now.

Mr. ASHURST. I think the distinguished Senator from Michigan will observe the necessity for a journal clerk.

The PRESIDENT pro tempore. The amendment of the Senator from Arizona to the amendment of the committee will be stated.

The SECRETARY. On page 7, line 7, after the words "engrossing clerk," it is proposed to amend the amendment of the committee by inserting "one journal clerk."

Mr. SMITH of Michigan. If the Senator from Arizona will permit me, we have followed the exact language of the statute with reference to the organization of the United States House of Representatives, and I think under the general power conferred they will have the right to select a journal clerk.

Mr. ASHURST. These officials are to be paid for by the United States. I will simply say that when the Western States were Territories, before they were erected into States, they had journal clerks and they were found to be necessary.

Mr. SMITH of Michigan. We have, as I have stated, followed the statute, and I am inclined to think that we have provided enough places for the Legislature of Alaska.

Mr. ASHURST. It is necessary that a record of the proceedings should be kept. The enrolling clerk can not do that.

Mr. SMITH of Michigan. The record can be kept by the clerk.

Mr. ASHURST. By what clerk?

Mr. SMITH of Michigan. By the clerk of the legislature.

Mr. ASHURST. He will not have an opportunity to write out the journal.

Mr. SMITH of Michigan. An assistant clerk is provided, and it seems to me that is ample.

Mr. ASHURST. My experience in legislatures throughout the West makes me feel that it is important to propose the amendment and to suggest to the Senate that a proper record should be kept, and that a journal clerk is necessary, because the chief clerk or his assistant and the enrolling and engrossing clerks could hardly perform the work.

Mr. SMITH of Michigan. We all feel as the Senator from Arizona does, that a record should be kept; but we think the clerk and assistant clerk ought to be competent to do that work. We have followed the statute and we feel that we have gone as far as we ought to go. No such request has been made on the part of the Delegate from Alaska or anyone else. If they have not sufficient clerks to do that work of course that will have to be provided for later.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Arizona to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, in section 8, page 7, line 16, after the words "by the," to strike out "legislative assembly" and insert "legislature"; in line 18, after the word "Alaska," to strike out "To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every"; in line 21, before the word "law," to insert "No"; in the same line, after the word "embrace," to strike out "but" and insert "more than"; in the same line, after the word "subject," to strike out "and that" and insert "which"; and in line 22, before the word "title," to strike out "the" and insert "its," so as to make the section read:

SEC. 8. Enacting clause—Subject of act: That the enacting clause of all laws passed by the legislature shall be "Be it enacted by the Legislature of the Territory of Alaska." No law shall embrace more than one subject, which shall be expressed in its title.

The amendment was agreed to.

The next amendment was, in section 9, page 8, line 15, before the words "of business," to strike out "conducting" and insert "conduct"; and in line 23, after the word "association," to insert "but the authority embraced in this section shall only permit the organization of corporations or associations whose chief business shall be in the Territory of Alaska," so as to read:

SEC. 9. Legislative power—Limitations: The legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States, but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of nonresidents be taxed higher than the lands or other property of residents; nor shall the legislature grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the affirmative approval of Congress; nor shall the legislature pass local or special laws in any of the cases enumerated in the act of July 30, 1886; nor shall it grant private charters or special privileges, but it may, by general act, permit persons to associate themselves together as bodies corporate for manufacturing, mining, agricultural, and other industrial pursuits, and for the conduct of business of insurance, savings banks, banks of discount and deposit (but not of issue), loans, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association, but the authority embraced in this section shall only permit the organization of corporations or associations whose chief business shall be in the Territory of Alaska.

The amendment was agreed to.

The next amendment was, in section 8, page 10, line 15, before the word "indebtedness," to insert "authorized"; in the same line, after the word "indebtedness," to strike out "incurred, or warrants or other evidences of indebtedness issued"; on page 11, line 3, after the word "no," to strike out "act" and insert "acts"; and in line 9, after the word "null," to strike out "utterly," so as to make the proviso read:

Provided, That all authorized indebtedness shall be paid in the order of its creation; all taxes shall be uniform upon the same class of subjects and shall be levied and collected under general laws, and the assessments shall be according to the actual value thereof. No tax shall be levied for Territorial purposes in excess of 1 per cent upon the assessed valuation of property therein in any one year; nor shall any incorporated town or municipality levy any tax, for any purpose, in excess of 2 per cent of the assessed valuation of property within the town in any one year: *Provided*, That the Congress reserves the exclusive power for five years from the date of the approval of this act to fix and impose any tax or taxes upon railways or railway property in Alaska, and no acts or laws passed by the Legislature of Alaska providing for a county form of government therein shall have any force or effect until it shall be submitted to and approved by the affirmative action of Congress; and all laws passed, or attempted to be passed, by such legislature in said Territory inconsistent with the provisions of this section shall be null and void: *Provided further*, That nothing herein contained shall be held to abridge the right of the legislature to modify the qualifications of electors by extending the elective franchise to women.

The amendment was agreed to.

The next amendment was, in section 10, page 11, line 15, before the word "shall," to strike out "senate and house of representatives" and insert "legislature"; in the same line, after the word "shall," to strike out "each"; in line 18, after the word "members," to strike out "of either house"; in line 20, after the word "entered," to strike out "on" and insert "upon"; in line 21, before the word "members," to strike out "number of"; in line 22, before the word "shall," to strike out "to which each house is entitled"; in the same line, after the word "quorum," to strike out "of such house"; in line 23, before the word "business," to strike out "ordinary"; in the

same line, after the word "business," to strike out "of which quorum a majority vote shall suffice" and insert "and no legislative act shall be valid unless voted for by at least nine members"; and on page 12, line 3, before the words "may provide," to strike out "each house" and insert "the legislature," so as to make the section read:

SEC. 10. Rules, quorum, and majority: That the legislature shall choose its own officers, determine the rules of its own proceedings not inconsistent with this act, and keep a journal of its proceedings; that the ayes and noes of the members on any question shall, at the request of one-fifth of the members present, be entered upon the journal; that a majority of the members shall constitute a quorum for the conduct of business, and no legislative act shall be valid unless voted for by at least nine members; that a smaller number than a quorum may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the legislature may provide; that for the purpose of ascertaining whether there is a quorum present the presiding officer shall count and report the actual number of members present.

The amendment was agreed to.

The next amendment was, in section 12, page 12, line 19, after the word "functions," to strike out "in either house"; in line 22, after the word "attendance," to strike out "at" and insert "upon"; and in the same line, after the word "sessions," to strike out "of the respective houses" and insert "thereof," so as to make the section read:

SEC. 12. Exemptions of legislators: That no member of the legislature shall be held to answer before any other tribunal for any words uttered in the exercise of his legislative functions. That the members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance upon the sessions thereof, and in going to and returning from the same: *Provided*, That such privilege as to going and returning shall not cover a period of more than 10 days each way, except in the second division, when it shall extend to 20 days each way, and the fourth division to 15 days each way.

The amendment was agreed to.

The next amendment was, in section 13, page 13, line 4, after the word "readings," to strike out "in each house"; in line 5, after the word "which," to strike out "in each house"; in line 6, after the word "members," to strike out "to which such house is entitled"; in line 8, after the words "by the," to strike out "house in which it originated or in which amendments thereto shall have originated" and insert "legislature"; in line 10, after the words "immediately be," to strike out "engrossed" and insert "enrolled and"; and in line 11, after the word "clerk," to strike out "and sent to the other house for consideration," so as to make the section read:

SEC. 13. Passage of laws: That a bill in order to become a law shall have three separate readings, the final passage of which shall be by a majority vote of all the members taken by ayes and noes, and entered upon its journal. That every bill, when passed by the legislature, shall immediately be enrolled and certified by the presiding officer and the clerk.

The amendment was agreed to.

The next amendment was, in section 14, page 13, line 16, after the words "shall be," to strike out "certified by the presiding officers and clerks of both houses and shall thereupon be"; in line 19, after the word "law," to insert "at the expiration of 90 days thereafter, unless sooner given effect by a two-thirds vote of said legislature"; on page 14, line 2, after the word "governor," to strike out "each house of"; and in line 7, after the word "members," to strike out "to which each house is entitled," so as to make the section read:

SEC. 14. The veto power: That, except as herein provided, all bills passed by the legislature shall, in order to be valid, be signed by the governor. That every bill which shall have passed the legislature shall be presented to the governor. If he approves it, he shall sign it and it shall become a law at the expiration of 90 days thereafter, unless sooner given effect by a two-thirds vote of said legislature. If the governor does not approve such bill, he may return it, with his objections, to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes, but shall veto other bills, if at all, only as a whole. That upon the receipt of a veto message from the governor the legislature shall enter the same at large upon its journal and proceed to reconsider such bill, or part of a bill, and again vote upon it by ayes and noes, which shall be entered upon its journal. If, after such reconsideration, such bill or part of a bill shall be approved by a two-thirds vote of all the members it shall thereby become a law. That if the governor neither signs nor vetoes a bill within three days (Sundays excepted) after it is delivered to him, it shall become a law without his signature, unless the legislature adjourns sine die prior to the expiration of such three days. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by its adjournment, prevents the return of the bill, in which case it shall not be a law.

The amendment was agreed to.

The next amendment was, in section 16, page 15, line 11, before the word "resolutions," to strike out "joint"; in line 15, after the word "make," to strike out "provision" and insert "provisions"; and in line 16, before the word "resolutions," to strike out "joint," so as to make the section read:

SEC. 16. Laws transmitted to President and printed: That the governor of Alaska shall, within 90 days after the close of each session of the Legislature of the Territory of Alaska, transmit a correct copy of all the laws and resolutions passed by the said legislature, certified to by the secretary of the Territory, with the seal of the Territory attached, one copy to the President of the United States and one to the Secretary of State of the United States; and the legislature shall make provisions for printing the session laws and resolutions within 90 days after the close of each session and for their distribution to public officials and sale to the people of the Territory.

The amendment was agreed to.

The next amendment was, on page 15, after line 19, to insert as a new section the following:

SEC. 17. Election of Delegates: That after the year 1912 the election for Delegate from the Territory of Alaska, provided by "An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska," approved May 7, 1906, shall be held on the Tuesday next after the first Monday in November in the year 1914, and every second year thereafter on the said Tuesday next after the first Monday in November, and all of the provisions of the aforesaid act shall continue to be in full force and effect and shall apply to the said election in every respect as is now provided for the election to be held in the month of August therein: *Provided*, That the time for holding an election in said Territory for Delegate in Alaska to the House of Representatives to fill a vacancy, whether such vacancy is caused by failure to elect at the time prescribed by law or by the death, resignation, or incapacity of a person elected, may be prescribed by an act passed by the Legislature of the Territory of Alaska: *Provided further*, That when such election is held it shall be governed in every respect by the laws passed by Congress governing such election.

The amendment was agreed to.

The next amendment was, on page 16, after line 16, to insert as a new section the following:

SEC. 18. Creating railroad commission: That an officer of the Engineer Corps of the United States Army, a geologist in charge of Alaska surveys, an officer in the Engineer Corps of the United States Navy, and a civil engineer who has had practical experience in railroad construction and has not been connected with any railroad enterprise in said Territory be appointed by the President as a commission hereby authorized and instructed to conduct an examination into the transportation question in the Territory of Alaska; to examine railroad routes from the seaboard to the coal fields and to the interior and navigable waterways; to secure surveys and other information with respect to railroads, including cost of construction and operation; to obtain information in respect to the coal fields and their proximity to railroad routes; and to make report of the facts to Congress on or before the 1st day of December, 1912, or as soon thereafter as may be practicable, together with their conclusions and recommendations in respect to the best and most available routes for railroads in Alaska which will develop the country and the resources thereof, and the best system of constructing and operating railroads and coal mines in the said Territory for the use of the Government in naval and military operations and for the use of the people of the United States: *Provided further*, That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of said commission.

The PRESIDENT pro tempore. Does the Senator from Michigan desire the words in italics that are stricken out in that amendment to be left out?

Mr. SMITH of Michigan. Yes; the word "and," in line 19, on page 16, is not necessary.

The PRESIDENT pro tempore. It is an unusual thing.

The amendment was agreed to.

The next amendment was, on page 17, after line 21, to insert as a new section the following:

SEC. 19. That the Committee on Territories of the Senate and the Committee on the Territories of the House of Representatives are hereby authorized, empowered, and directed to jointly codify, compile, publish, and annotate all the laws of the United States applicable to the Territory of Alaska, and said committees are jointly authorized to employ such assistance as may be necessary for that purpose; and the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to cover the expenses of said work, which shall be paid upon vouchers properly signed and approved by the chairmen of said committees.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. JONES. After the word "laws," in line 17, page 2, I move to insert "and laws relating to fur-bearing animals."

Mr. SMITH of Michigan. I hope that amendment will be adopted.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. In section 3, page 2, line 17, after the word "laws," it is proposed to insert:

And laws relating to fur-bearing animals.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RETRIAL OF MILITARY ACADEMY CADETS.

Mr. SWANSON. I ask unanimous consent for the present consideration of Senate joint resolution 99. It has heretofore been read and considered.

The PRESIDENT pro tempore. The Senator from Virginia asks unanimous consent for the present consideration of a joint resolution, the title of which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on

August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

EXPERIMENT STATION AT PLAINVIEW, TEX.

Mr. CULBERSON. I ask unanimous consent for the present consideration of Senate bill 7071.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 7071) to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Plainview, Hale County, in the State of Texas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $50,000, or so much thereof as may be necessary, out of any money in the Treasury arising from the sale of public lands, to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Plainview, Hale County, in the State of Texas; for the purchase of a suitable site and necessary farming land, to be selected by the Secretary of Agriculture; for the erection of buildings and other improvements to adapt such site to the purpose of making it an experimental farm to demonstrate the character of plants, shrubs, and trees best adapted to the soil and climate of that section; and for the purchase of necessary stock, implements, and machinery for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINING LAWS FOR ALASKA.

Mr. CHAMBERLAIN. I am directed by the Committee on Territories, to which was referred the bill (H. R. 18033) to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes, to report it without amendment. I will state that it is a unanimous report by the committee. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. In the absence of objection, the report will be received. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That no association placer-mining claim shall hereafter be located in Alaska in excess of 40 acres, and on every placer-mining claim hereafter located in Alaska, and until a patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year, including the year of location, for each and every 20 acres or excess fraction thereof.

SEC. 2. That no person shall hereafter locate any placer-mining claim in Alaska as attorney for another unless he is duly authorized thereto by a power of attorney in writing, duly acknowledged and recorded in any recorder's office in the judicial division where the location is made. Any person so authorized may locate placer-mining claims for not more than two individuals or one association under such power of attorney, but no such agent or attorney shall be authorized or permitted to locate more than two placer-mining claims for any one principal or association during any calendar month, and no placer-mining claim shall hereaffer be located in Alaska except under the limitations of this act.

SEC. 3. That no person shall hereafter locate, cause or procure to be located, for himself more than two placer-mining claims in any calendar month: *Provided*, That one or both of such locations may be included in an association claim.

SEC. 4. That no placer-mining claim hereafter located in Alaska shall be patented which shall contain a greater area than is fixed by law, nor which is longer than three times its greatest width.

SEC. 5. That any placer-mining claim attempted to be located in violation of this act shall be null and void, and the whole area thereof may be located by any qualified locator as if no such prior attempt had been made.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS OF INJURED GOVERNMENT EMPLOYEES.

Mr. CRAWFORD. I ask unanimous consent for the present consideration of House bill 24121, which includes several personal-injury claims where unfortunate families in distress are dependent upon the action of the Senate. I think there will be no opposition to the bill.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments.

The Secretary proceeded to read the bill, and read as follows:

Be it enacted, etc., That $61,555.74 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay certain employees of the United States Government for personal injuries received while in the discharge of their duties, without any fault on their part, and to pay certain other claims arising under the various departments of the United States Government as hereinafter stated, the same being in full, the receipt of the same to be taken in each case as full and final release and discharge of the respective claims, namely.

Mr. CRAWFORD. The committee instruct me to offer an amendment, on page 1, in line 3, reducing the amount from $61,554.74 to $20,981.38.

The PRESIDENT pro tempore. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. On page 1, line 3, after the word "That," it is proposed to strike out "$61,555.74" and to insert "$20,981.38."

The amendment was agreed to.

The next amendment was, on page 2, line 5, after the word "thousand," to strike out "five hundred," so as to make the clause read:

To pay $1,000 to Alice M. Burrows, widow of Leslie Burrows, late rural mail carrier on route No. 2, Coal Run, Ohio, who lost his life in discharge of his duty.

The amendment was agreed to.

The next amendment was, on page 2, after line 17, to strike out:

To pay $2,750 to Oscar F. Lackey, for injuries received while in the employ of the Isthmian Canal Commission as assistant engineer in construction of the Panama Canal on November 21, 1905.

The amendment was agreed to.

The next amendment was, on page 2, line 23, before the word "thousand," to strike out "one" and insert "two," and in the same line, after the word "thousand," to strike out "two" and insert 'five," so as to make the clause read:

To pay $2,500 to Pedro Sanches, as compensation for the loss of both hands, which were blown off by a premature explosion of dynamite in Culebra Cut, Canal Zone, on March 16, 1908.

The amendment was agreed to.

The next amendment was, on page 3, line 9, before the word "five," to strike out "one thousand," and in line 10, after the word "injuries," to strike out "and the loss of a leg" and insert "sustained," so as to make the clause read:

To pay $500 to Benjamin Demorest, for personal injuries sustained while employed on the United States lighthouse tender Oleander, on the Mississippi River.

The amendment was agreed to.

The next amendment was, on page 3, after line 12, to strike out the following clause:

To pay $1,200 to John H. Rheinlander, an employee of the Government in the Quartermaster's Department, United States Army, St. Louis, Mo., for permanent lameness and other injuries received in line of duty.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to strike out the remainder of the bill, as follows:

To pay $165 to Stanley J. Morrow, for certain property appropriated to the use of the United States Army at Fort Custer, Dak., in the year 1880.

To pay $26,538 to the legal representatives of James H. Dennis, this amount having been found due said James H. Dennis by the Court of Claims.

To pay $4,581.24 to Herbert O. Dunn, said amount having been found due him by the Court of Claims, as set forth in Senate Document No. 245, second session, Fifty-ninth Congress.

To pay $164.47 to the legal representatives of Peter Deel, for carrying mail on route No. 7487, State of Mississippi, said amount standing to his credit in the office of the Auditor for the Post Office Department.

To pay $1,000 to J. N. Whittaker, of Richmond, Va., for service rendered by him to the United States in March, 1904, and June, 1906, in the matter of acquiring title by the United States to land necessary for the improvement of the Appomattox River, Va.

To pay $27 to W. H. Carter, of Wilkes County, N. C., in full compensation for services and expenses incurred as brandy gauger during December, 1897.

The amendment was agreed to.

Mr. CRAWFORD. Mr. President, everything was stricken out of this bill except personal-injury claims. I move, therefore, at the end of line 8, on the first page, after the word "part," that a period be inserted instead of the comma, and that after the word "part," in the same line, the following words be stricken out:

And to pay certain other claims arsing under the various departments of the United States Government as hereinafter stated.

The SECRETARY. On page 1, line 8, strike out the comma at the end of the line and insert a period.

The amendment was agreed to.

The PRESIDENT pro tempore. What does the Senator propose to do with the next line?

Mr. CRAWFORD. To strike it out.

The SECRETARY. And it is proposed to strike out, beginning in line 9, the following:

And to pay certain other claims arising under the various departments of the United States Government as hereinafter stated.

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from South Dakota to the period after the word "part" in line 8.

Mr. CRAWFORD. I think that should be a semicolon.

The PRESIDENT pro tempore. That would be better.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DESERTIONS FROM THE ARMY AND NAVY.

Mr. BRISTOW. I ask unanimous consent for the present consideration of the bill (H. R. 17483) amending section 1998 of the Revised Statutes of the United States, and to authorize the President, in certain cases, to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 13, after the word "interests," to insert a colon and the following proviso:

And provided further, That the provisions of section 1118 of the Revised Statutes of the United States that no deserter from the military service of the United States shall be enlisted or mustered into the military service, and the provisions of section 2 of the act of Congress approved August 1, 1894, entitled "An act to regulate enlistments in the Army of the United States," shall not be construed to preclude the reenlistment or muster into the Army of any person who has deserted, or may hereafter desert, from the military service of the United States in time of peace, or of any soldier whose service during his last preceding term of enlistment has not been honest and faithful, whenever the reenlistment or muster into the military service of such person or soldier shall, in view of the good conduct of such person or soldier subsequent to such desertion or service, be authorized by the Secretary of War.

The amendment was agreed to.

Mr. BRISTOW. I desire to offer an amendment, to be known as section 2, which I send to the desk. It simply makes the provisions of the bill applicable to the Navy as well as the Army.

The PRESIDENT pro tempore. The Senator from Kansas offers an amendment, which will be stated.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 2. That section 1420 of the Revised Statutes, as amended by the acts of Congress approved May 12, 1879, and February 23, 1881, be, and the same is hereby, amended to read as follows:

"SEC. 1420. No minor under the age of 14 years, no insane or intoxicated person, and no person who has deserted in time of war from the naval or military service of the United States shall be enlisted in the naval service."

That section 1624, article 19, of the Revised Statutes, as amended by the act of Congress approved May 12, 1879, be, and the same is hereby, amended to read as follows:

"SEC. 1624. Article 19. Any officer who knowingly enlists into the naval service any person who has deserted in time of war from the naval or military service of the United States, or any insane or intoxicated person, or any minor between the ages of 14 and 18 years, without the consent of his parents or guardian, or any minor under the age of 14 years, shall be punished as a court-martial may direct."

The amendment was agreed to.

Mr. BACON. I do not wish to be understood as objecting in any manner to this bill, but I should like to have some little explanation of it. I do not know really what it provides.

Mr. BRISTOW. The present law imposes upon a deserter in the Army or the Navy in time of peace, if it is simply for some dereliction, as if he became intoxicated and is gone a day or two and comes back, the same penalty as if he deserted in time of war in the face of the enemy. It disfranchises him, and he can not have the rights of citizenship, and he can never enlist. There is no forgiveness.

The Secretary of the Navy and the Secretary of War have felt for years that desertion because of some trivial matter in time of peace should not be punished so severely. Frequently a soldier who may have deserted in that way wants to reenlist. According to the statute he is barred from reenlistment. Even years of good conduct will not excuse him.

This bill simply enables the President to make an exception in such cases, when the offense has been committed in time of peace.

Mr. BACON. That is the general drift and purpose of the bill?

Mr. BRISTOW. Yes, sir; that is it.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act amending sections 1998, 1420, and 1624 of the Revised Statutes of the United States, and to authorize the President, in certain cases, to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service, and to authorize certain reenlistments in the Army and naval service."

STANDARDIZATION OF APPLES AND APPLE BARRELS.

Mr. WATSON. I am directed by the Committee on Interstate Commerce, to which was referred the bill (H. R. 21480) to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes, to report it favorably with amendments, and I submit a report (No. 968) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill indicated by the Senator from West Virginia?

Mr. JONES. I will ask the Senator from West Virginia whether or not this bill relates in any way to apples packed in boxes?

Mr. WATSON. It does not.

Mr. JONES. Does it attempt in any way to regulate or standardize apples?

Mr. WATSON. It does. It attempts to standardize apples that are shipped in barrels.

If the Senator will wait until the committee amendments have been stated he will understand it better.

Mr. JONES. I do not like to object to the Senator's bill, but it is a matter in which our people are very much interested. I should like to have an opportunity to look it over.

Mr. WATSON. I ask the Senator to wait until he hears the committee amendments read.

Mr. JONES. I will wait until I hear them read.

Mr. DU PONT. Mr. President, I understand this bill has passed the House of Representatives by a unanimous vote; I consider it a very important and a very useful bill to all persons engaged in the growth and sale of apples; and I hope the Senator from Washington will withdraw his objection.

Mr. JONES. I have not made any objection to the consideration of the bill, but I desire to know what the amendments are. My people are very much interested in this matter, and I do not want their rights to be jeopardized.

The PRESIDENT pro tempore. The amendments reported by the Committee on Interstate Commerce will be stated.

The SECRETARY. On page 2 strike out the letters "U. S." where they appear before the word "standard," in line 8, and also in line 10 and line 13; on page 3, line 21, after the word "shall," insert the word "knowingly"; in line 23, after the word "dollar," insert "and costs"; and after the word "jurisdiction," in line 25, page 3, strike out down to and including the word "eight," in line 7, page 4.

Mr. CLAPP. The letters "U. S." should be stricken out wherever they occur in the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. JONES. I desire to say that I have had no communication from the people of my State in reference to the measure. I understand it only standardizes apples packed in barrels. Therefore I will not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The amendments which have been stated, as well as those suggested by the Senator from Minnesota [Mr. CLAPP], will be regarded as agreed to now as in Committee of the Whole.

Mr. HEYBURN. I have had much correspondence in regard to this proposed legislation. I do not happen to have it in the Chamber, because I did not anticipate that the measure would now be up for consideration. I would not undertake from memory to state just what application it would have, but I ask the Senator reporting the bill if it affects apples other than those shipped when packed in barrels?

Mr. WATSON. It does not in any way affect apples except those packed in barrels.

Mr. HEYBURN. Apples shipped in bulk, in cars, would not be affected?

Mr. WATSON. No; not in any way.

Mr. HEYBURN. I did not catch any provision in the bill which required them to be marked at all. In other words, would it not be possible just to ship them marking them "apples" without making any statement in regard to them?

Mr. WATSON. In bulk?

Mr. HEYBURN. In barrels.

Mr. WATSON. They can be shipped in anyway, in barrels, without putting the standard grades on them?

Mr. HEYBURN. There is no prohibition against packing apples in barrels and shipping them and just marking them "apples"?

Mr. WATSON. None whatever.

Mr. HEYBURN. But if you undertook to make a statement, it must be true?

Mr. WATSON. It must be correct.

Mr. HEYBURN. That is the extent of it?

I regret I did not know the measure was coming up, in order that I might have looked over the correspondence. There are very large growers who pack in boxes and who also ship in bulk and in barrels across our State lines, between the State of Washington, the State of Idaho, the State of Montana, and the State of Utah. The apples are shipped in large quantities in the car in bulk for the purpose of being sorted and packed or converted into other products.

I would not want to see our people embarrassed by legislation to which we do not give more consideration than we are able at this time to give to the pending bill. But on the assurance of the Senator from West Virginia that this bill does not undertake to regulate in any way apples except those packed and shipped in barrels and that this only requires that the statements made shall be true, I do not object.

Mr. WATSON. I can assure the Senator that his constituents have withdrawn opposition to the bill and are satisfied with it.

Mr. HEYBURN. We have two classes of shippers; we have the boxers and we have the others.

Mr. SMITH of Michigan. I simply wish to say, Mr. President, that the importance of this legislation has been impressed upon me from various sources by the people of my State. The Apple Growers' Association out there are practically a unit in favor of this legislation, saying it will be wholesome and helpful, and I hope the bill will pass.

The PRESIDENT pro tempore. The Secretary will resume stating the committee amendments.

The SECRETARY. On page 3, line 9, strike out the initials "U. S."; in line 14 strike out the initials "U. S."; in line 20, after the word "shall," insert "knowingly."

The amendment was agreed to.

Mr. POMERENE. I offer the amendment to section 1 which I send to the desk.

The SECRETARY. On page 1, line 9, after the word "inches," insert the following proviso:

Provided, That steel barrels containing the interior dimensions provided for in this section shall be construed as a compliance therewith.

Mr. WATSON. I accept the amendment.

The amendment was agreed to.

Mr. POMERENE. I offer the amendment I send to the desk.

The SECRETARY. On page 2, lines 8, 9, and 13, and on page 3, lines 9 and 14, after the word "standard," insert the word "grade."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DANIEL W. ABBOTT.

Mr. PAGE obtained the floor.

Mr. HEYBURN. Will the Senator from Vermont permit me, before he calls up the larger measure, to call up a House bill on the calendar, which it will take but a moment to consider? I should like to have unanimous consent for its present consideration. It will not be in the way of the larger measure.

Mr. PAGE. I yield.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (H. R. 12375) authorizing Daniel W. Abbott to make homestead entry.

The bill is favorably reported from the committee, and it is to authorize Daniel W. Abbott to make certain homestead entries under conditions where his rights have been wrongfully forfeited.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VOCATIONAL EDUCATION.

Mr. PAGE. Mr. President, I gave notice some days ago that on July 24 I would ask the Senate to take up the bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure.

I realize that there are several Senators here who have short bills to which there is no objection which they wish to call up. Therefore I will ask consent to call up the bill, and after 15 minutes I will ask that it be laid aside. I have a few unimportant amendments which I should like to submit to perfect the bill, and having them here, if Senators will give me unanimous consent to bring up the bill at this time, having offered them, I will yield and allow the bill to be laid aside.

I ask unanimous consent to call up the bill.

Mr. THORNTON. Mr. President, will the Senator withdraw his request for a moment, until I can ask unanimous consent for the consideration of a short bill which can be very quickly disposed of?

Mr. PAGE. I would be very happy to do so but for the fact that there are several other Senators who have bills which they desire taken up, and I would hardly feel like giving way at this time. I shall promise to be very brief about my bill, if I can have unanimous consent to have it taken up now.

Mr. THORNTON. Does the Senator expect the bill to be taken up and disposed of?

Mr. PAGE. No. I say I will not take more than 15 minutes.

The PRESIDENT pro tempore. The bill has been read and certain amendments have been agreed to. The Senator from Vermont asks unanimous consent for the present consideration of the bill that he may propose further amendments. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. PAGE. On page 2, line 7, after the word "grade," I move to insert a comma; on line 8, after the word "education," I move to insert "in agriculture and home making for persons above 12 years of age, and in the trades and industries."

The amendment was agreed to.

Mr. PAGE. On page 6, line 13, I move to strike out the word "four" before the word "hundred" and insert the word "six," and in the same line, before the word "thousand," to strike out "eighty" and insert "forty."

The amendment was agreed to.

Mr. PAGE. On page 7, line 22, I move to strike out the word "four" and insert "six"; in line 23, before the word "thousand," to strike out "eighty" and insert "forty"; and in line 25, before the word "thousand," to strike out "ten" and insert "twenty."

The amendment was agreed to.

Mr. PAGE. On page 8, line 1, after the word "allotted," I move to strike out "to each of the 48 States for the benefit of such departments or divisions of education" and insert:

For the use and benefit of said departments or divisions of education in land-grant colleges in each of the 16 States which maintain separate land-grant colleges for persons of the colored race, $10,000 of which shall be for the education of persons of the white race and $10,000 for the education of persons of the colored race; and $10,000 shall be annually allotted for the use and benefit of said departments or divisions of education in each of those States which do not maintain separate land-grant colleges for persons of the colored race.

I want to say, in regard to the amendment, that it was in the bill originally, and upon the motion of the Senator from Georgia, or, I think, the Senator from South Carolina, it was stricken out. Now, as I understand, they consent that it be restored, and I make that motion.

Mr. SMITH of Georgia. I do not desire that the amendment shall be adopted with the impression that I consent to it. I wish to act hereafter as I shall see fit in the premises without any committal now. As I understand the plan of the bill it is to give special support to our negro agricultural colleges throughout the South. To this I did not object, if it is to in no way interfere with the general appropriation to each State.

Mr. PAGE. That is exactly what the amendment does and nothing more, I will say to the Senator, and I think it fully carries out the purpose which he and I discussed together and on which we have about agreed. But if there is any objection hereafter I shall be very glad to meet his wishes in the matter.

The amendment was agreed to.

Mr. PAGE. On line 12, I move to strike out the words "household arts" and insert "home economics."

The amendment was agreed to.

Mr. PAGE. On page 11, line 10, I move to strike out the words "by making" and insert the words "to make."

The amendment was agreed to.

Mr. PAGE. At the end of the same line, following the word "in," I move to insert the words "relation to."

The amendment was agreed to.

Mr. PAGE. On the same page, line 19, I move to strike out the words "by making" and insert the words "to make."

The amendment was agreed to.

Mr. PAGE. In the same line, after the word "investigations," I move to insert the words "relating to education and research."

The amendment was agreed to.

Mr. PAGE. On page 13, line 8, after the word "thereof," I move to insert the words "or through its board for vocational education."

The amendment was agreed to.

Mr. PAGE. On page 25, line 14, after the word "If" and before the word "Congress," I move to insert the words "the next."

The amendment was agreed to.

Mr. PAGE. On page 26, line 12, after the word "of," I move to insert the words "either State and local or."

The amendment was agreed to.

Mr. PAGE. I now ask that the bill may be laid aside.

Mr. JONES. Before that is done I should like to suggest an amendment on page 8.

Mr. PAGE. I wish to say that I designed myself to offer that amendment, and with the Senator's consent I will offer it now.

Mr. JONES. Very well.

Mr. PAGE. On page 8, before the word "schools," I move to strike out the word "training," and after the word "schools" to insert the words "furnishing special training."

The amendment was agreed to.

Mr. SMITH of Georgia. I ask that the bill be ordered reprinted as amended.

The PRESIDENT pro tempore. Without objection, that order will be made.

Mr. PAGE. I see no objection, although aside from the amendments which Senators will recall, they are all practically unimportant.

Mr. SMITH of Georgia. Still, I think the bill is so important that we ought to have it in its perfected shape.

Mr. PAGE. Of course I have no objection.

The PRESIDENT pro tempore. Without objection, the bill will be printed as amended.

Mr. PAGE. I now ask that the bill be laid aside.

The PRESIDENT pro tempore. It will be laid aside.

JESUS SILVA, JR.

Mr. CATRON. I ask for the present consideration of the bill (H. R. 24598) for the relief of Jesus Silva, jr.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration.

It directs the Commissioner of the General Land Office to cause to be issued to Jesus Silva, jr., a patent to the following-described lands: Lots 3, 4, and 5 of sec. 25, T. 21 S., R. 1 W., New Mexico principal meridian, Las Cruces, N. Mex., land district, being the tract embraced in his homestead entry made October 5, 1905, upon which cash certificate issued February 3, 1909. But in said patent there shall be expressly reserved to the United States, or its successors, the right to take or use, without compensation to patentee or his grantees, any or all of the said lands needed for or in connection with the construction, maintenance, and operation of the Rio Grande reclamation project.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE G. HAWKINS.

Mr. DU PONT. I ask unanimous consent to call up the bill (S. 117) granting an increase of pension to Annie G. Hawkins.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie G. Hawkins, widow of Hamilton S. Hawkins, late brigadier general, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

Mr. McCUMBER. I do not wish to agree to that yet. I wish to see the report of the committee.

The PRESIDENT pro tempore. The report is at the desk. Does the Senator desire to have it read?

Mr. McCUMBER. I would ask the Secretary to read the views of the minority.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

VIEWS OF THE MINORITY.

Mr. McCUMBER, on the part of the minority of the committee, submits the following views:

The minority of the Committee on Pensions, feeling that the claim for a special bill in this case is wholly unjustified from any standpoint, submit the following reasons for their refusal to concur with the majority of the committee in reporting this bill favorably:

COMMITTEE ON PENSIONS CREATED TO RELIEVE CASES OF DESTITUTION ONLY.

Preceding the rules which have governed the committee for many years, is a note which read as follows:

"NOTE.—The Pension Committees of the two Houses of Congress were created to consider a very few claims in which, from their peculiar circumstances of extreme disability and destitution, adequate relief could not be obtained from the bureau. * * *. Nor is it the policy of the Government to provide full support for soldiers or their widows, but solely to prevent absolute want, and it is believed, therefore, that private pension legislation should be restricted to cases of such extreme destitution as renders assistance imperative."

Rule 7 provides:

"Where the widow of an officer is pensioned under the act of April 19, 1908, an increase will not be recommended in excess of the general-law rating for his rank; in cases where the circumstances suggest that a lower rate would be proper such lower rate only will be recommended."

Rule 7 also provides:

"No increase of pension to widows will be recommended above the general-law rating except in cases of destitution, to be substantiated by competent testimony, and the word "destitution" will be held to mean the same when applied to an officer or his widow as when applied to a private or his widow; it will not be contracted or expanded to meet particular cases."

These rules are recited, first, to show the purposes of private pension legislation; and second, to show wherein the particular case in question should be governed by those rules.

Mrs. Hawkins filed a certificate reporting her income to be about $1,300 a year.

Our rule says, and that rule harmonizes with justice and right, that the word "destitution" shall not be expanded or contracted to meet any special case, but that it shall mean the same when applied to the widow of an officer as when applied to the widow of a private.

The general law may make a distinction, but the special bill, which is intended to reach cases of destitution only, never ought to be used for any other purpose.

If the widow of a private soldier presented her claim for an increase of pension, and in her claim admitted that she had an income of $1,300 a year, such claim would not receive a moment's consideration, and justly so. If we should grant such a widow an increase of pension, then we should by a single law give every other widow a like pension.

Although we have sometimes failed, we consider it our duty to at all times protest against the function of the Committee on Pensions being exercised in selecting a few favorites, granting them pensions when we would not grant them in other cases, and thus laying the committee open to a just criticism, that it is departing from its proper purposes. If Mrs. Hawkins is entitled to $50 per month, then every widow whose income is not more than $1,300 per year, and whose husband gave honorable services during the war, should be granted $50 per month.

Mr. DU PONT. Mr. President, without criticizing the propriety of the rules adopted by the Committee on Pensions, which, in ordinary cases, are doubtless proper and expedient, I submit that at the present time there are 72 widows of officers of the Army and Navy who are drawing pensions from $125 down to $50 a month. In the majority of these cases it is not claimed that the beneficiaries have an income greater than $600 a year, which seems to be the arbitrary line of demarcation between destitution and affluence as established by the Pension Committee; but there are quite a number of cases where the rules in question have been waived and where the condition of the private resources of the beneficiaries will compare favorably with that of Mrs. Hawkins.

The minority report says that—

If Mrs. Hawkins is entitled to $50 per month, then every widow whose income is not more than $1,300 per year and whose husband gave honorable services during the war should be granted $50 per month.

I do not consider this a fair statement, inasmuch as Mrs. Hawkins's claims are based not upon "honorable services during the war"—whatever this may mean—but upon her husband's long, faithful, and honorable service of 49 continuous years in the United States Army—from the beginning of the Civil War, in 1861, until 1910—and more especially and particularly for most extraordinary and distinguished services at the Battle of San Juan, July 1, 1898. At a critical moment of this battle Gen. Hawkins saw that the fortunes of the day could only be retrieved by the capture of the blockhouse on San Juan Hill, the key of the Spanish position, and, after soliciting and receiving permission to advance, he successfully assaulted and carried the position, thereby saving the American Army from serious disaster. As Gen. Hawkins was wounded in this attack, his two aids killed, and one-fourth of his brigade left on the field of

battle, I believe it to be not only entirely prudent and safe, but absolutely right and proper for Congress to deliberately establish a precedent for rewarding services of such a character. Few and far between in the future will be those who can present similar claims.

Mrs. Hawkins is almost 70 years of age, infirm in health, and has an invalid daughter dependent upon her for support, and I trust that the bill for her relief may be favorably considered by the Senate.

Mr. McCUMBER. I should like to ask the Senator from Delaware one question. Does the Senator believe or does he not believe that we ought to have a general law fixing the amount which should be granted to the widows of officers of the Civil War? Does he believe or does he not believe that we ought to have a general law which would treat the widows of officers of a certain rank exactly the same?

Mr. DU PONT. I would say to the Senator from North Dakota that while I believe it proper to establish general rules in regard to the matters to which he refers, I also believe that every general rule has its exceptions, and that when special and extraordinary cases occur they should be considered on their merits. In my judgment, the case of Mrs. Hawkins is wholly exceptional and could not establish a precedent which would be prejudicial to the interests of the Government or unfair to anyone else.

Mr. McCUMBER. I want to ask the Senator another question. The Senator has served some time on the Committee on Pensions. I want to ask him if there has been a single case in the matter of the application of the widow of an officer for a pension during the whole time he has been a member of that committee that has not been an exceptional case; that the claim has not been based upon the idea that it was exceptional, and that a greater amount ought to be allowed than is allowed under the general law?

Mr. DU PONT. I will say to the Senator from North Dakota, as far as I am able to judge from my experience on the Pension Committee, that the average cases which come before it are not exceptional, but are subject to the ordinary rules. I can recollect but very few exceptional cases which have come before the Pension Committee. This case is one of them, and I have in mind another case in regard to which a bill is pending which I hope will come before the Senate later——

Mr. OVERMAN. I should like to ask the Senator from North Dakota what pension Mrs. Hawkins is getting now?

Mr. DU PONT. I can answer that question. It is $12 a month.

Mr. OVERMAN. She has an income of $1,300?

Mr. McCUMBER. She has a net income of about $1,300.

Mr. OVERMAN. Outside of the pension she is now getting?

Mr. McCUMBER. I think so. I am not certain whether the pension is included or not, but that would make a difference of only $144 in the amount.

Mr. OVERMAN. Her income with the pension she receives now would be about $1,440 a year.

Mr. McCUMBER. Mr. President, I wish to say a word on this amendment. The general law fixes the pension of widows of the higher officers at $30 a month where the cause of death was of service origin. The general law has not seen fit to fix any pension above the $12 per month where the death was not the result of wounds or injury incurred in service. The law of June 27, 1890, specifically provided that in granting pensions to widows of officers and soldiers of the Civil War no distinction should be made on account of rank.

There was a reason for that law. It was the solemn declaration of the Congress of the United States, representing all of the people, that when a grant of pension was made, irrespective of any injury incurred in the service, the amount of $8 per month fixed by the law of June 27, 1890, and of $12 per month fixed by the law of April 19, 1908, should apply with equal force to the widows of all soldiers of the Civil War.

The proposition that I want to put up to Senators is simply this: Ought we to change the law so as to grant all widows of officers a pension of at least $50 per month without respect to their financial condition? If we should do that, in fairness to every one of them we should amend the old law so that instead of providing for $12 a month it should provide for $50 per month to every widow of an officer of the Civil War. We would then have a law that would be equal and just and appropriate; but to pick out the widow of one officer here and another officer there and say that we will make such a case a matter of special consideration, and, without any rule on earth to guide our action, vote all the way from $50 to $150 a month, places the Senate upon an open sea of favoritism where we have nothing to guide us, nothing to restrain us, and no principles of equality to control our action.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. McCUMBER. I yield to the Senator from Washington.

Mr. JONES. If we should do that, would it not be unfair and unjust to widows of the private soldiers unless we increased their pensions very materially?

Mr. McCUMBER. It certainly would; but, Mr. President, here is another feature; and I want to get back again to the very purpose of having Committees on Pensions in the Senate and in the other House. Why do we have such committees? Is the object of the Committee on Pensions to recommend as many separate laws as there are individuals who might claim a preference, or is the object of the creation of this committee to carry out the purpose of the Government of the United States to reach those cases of destitution where the general law is insufficient? That is the declared purpose of all of this special legislation. If that is the purpose, then there ought to be some rule that should guide us in conferring special favors upon special individuals.

What is that rule? The rule is necessitous condition. The very first thing that we have declared in that rule is that a pension will only be granted by a private law in case of destitution. Then we follow that with another provision—that the word "destitution" shall be exactly the same when applied to the widow of an officer as when applied to the widow of a common soldier, and that it will not be contracted or expanded to meet special cases. I am very certain that the Senator who introduced this bill, who is on the Committee on Pensions, in case an application were made for some poor old woman whose soldier husband served in the trenches and fought the battles of the Government and who has an income of $1,300 a year would join the majority of the committee and declare emphatically that that was not a case of destitution. There ought to be some rule somewhere that would establish what is a case of destitution, and that rule ought not to be graded in a hundred cases from the private up to the commissioned officer.

Mr. DU PONT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Delaware?

Mr. McCUMBER. I yield.

Mr. DU PONT. Mr. President, this bill does not concern the administration of the pension laws nor their amendment; but the question is whether the Congress of the United States is willing to recognize and reward extraordinary services in battle. I will say that if the case of the humblest private in the United States Army or the case of his widow were under discussion, and if it could be shown by the official records that he performed some act of heroism or which inured to striking military success at a critical moment, I would cheerfully and gladly use all my efforts to specially recognize and reward such action.

It is not a question between officers and privates or between this officer and that officer, but it is a question of special and extraordinary service to the country.

Mr. McCUMBER. I think, Mr. President, if the Senator would follow that line that we would before this have granted to the widow of every soldier in the Civil War about $50 per month.

Mr. DU PONT. Then, we would have acted very unwisely and very unjustly and in contravention of the official records, which show what has been done and what has not been done.

Mr. McCUMBER. Well, Mr. President, it is up to the Senate whether they will hold this committee to a just and fair rule that has been inaugurated not only for the benefit of the committee but for the purpose of securing equal justice between all claimants. Let us remember that there are ten or fifteen thousand of these bills that are referred to the committee during every session, and all of them have to be passed upon in some manner or other.

Mr. President, the Senator from Delaware says that the rule has been waived. The rule has not been waived by the Committee on Pensions; the rule has been faithfully followed by that committee ever since I have been a member of it; but in two or three instances it has been waived by the Senate, which has overruled a number at least of the members of the committee.

The Senator calls attention to the fact that we have in the past granted to a large number of widows $50 per month. I think he will find on a close investigation that in almost every such instance there was a case of destitution made out. I want to call his attention to the further fact, Mr. President, that the widow of a former Senator of the United States, a great statesman, and as capable a general as served in the Civil War, was denied a pension because her income, which was about the same as the income of the widow in this case—it may have been a

little more—took her claim without the rule of destitution. I refer to the case of Mrs. Hawley, widow of Gen. Hawley, who was a Senator of the United States for many years. That pension has never been granted to Mrs. Hawley; and there have been a number of other instances where we have refused absolutely to grant pensions because the claimant had failed to establish a case of destitution.

I claim that we should follow that rule, although it was overridden by the Senate, I believe, a short time ago. The question is whether it shall be the rule now to grant pensions in every one of these cases as soon as an application is made. I want Senators to understand that whenever an officer dies his death is almost immediately followed by an application for a special pension on behalf of his widow, no matter what the conditions are. Officers' widows are coming to believe that it is their right to appeal immediately to the Senate and to the House of Representatives and to receive special recognition. I plead for a general law that will treat them all alike. If we can not treat them all alike in a general law, then let us try to treat them with some degree of equality in the Committee on Pensions and in the Senate. If these applications are to be granted irrespective of income, then let us open up the hundreds of cases that have been rejected and bring them in in an omnibus bill and grant all the same rights.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. SMITH of Georgia. I ask what the amendment is?

Mr. DU PONT. It reduces the rate of pension from $75 to $50 per month.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 1, line 8, it is proposed to strike out "seventy-five" and insert "fifty."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading and read the third time.

Mr. McCUMBER. I should like to have a vote on the passage of the bill.

The PRESIDENT pro tempore. The question is, Shall the bill pass? [Putting the question.] The Chair is in doubt. The Chair will put the question again.

Mr. ASHURST. I want to vote to sustain the chairman of the committee. As a member of that committee I know the great labor he has performed, and I should like to know how to vote to sustain his contention.

The PRESIDENT pro tempore. Senators in favor of the passage of the bill will say "aye"; those opposed "no." [Putting the question.] The noes manifestly have it, and the Senate refuses to pass the bill.

Mr. DU PONT. I ask for the yeas and nays.

The yeas and nays were not ordered.

COPYRIGHT LAWS.

Mr. MARTINE of New Jersey. I ask unanimous consent for the present consideration of the bill (H. R. 24224) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909.

The PRESIDENT pro tempore. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

Mr. HEYBURN. I ask that the bill go over.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

Mr. MARTINE of New Jersey subsequently said: I again press my request for the present consideration of House bill 24224. I understand the objection is withdrawn.

Mr. HEYBURN. I withdraw the objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill.

Mr. GRONNA. I object.

The PRESIDENT pro tempore. The Senator from North Dakota objects.

SUPERINTENDENTS OF NATIONAL CEMETERIES.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 1739) to amend section 4875, Revised Statutes, to provide a compensation for superintendents of national cemeteries.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that the section referred to be amended to read as follows:

SEC. 4875. The superintendents of the national cemeteries shall receive for their compensation from $60 to $75 a month each, according to the extent and importance of the cemeteries to which they may be respectively assigned, to be determined by the Secretary of War, except the superintendent of the Arlington (Va.) Cemetery, whose compensation may be $100 per month, at the discretion of the Secretary of War; and they shall also be furnished with quarters and fuel at the several cemeteries.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. M. H. MELLON AND OTHERS.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill (H. R. 20873) for the relief of J. M. H. Mellon, administrator, James A. Mellon, Thomas D. Mellon, Mrs. E. L. Siverd, J. M. H. Mellon, Bessie Blue, Mrs. Simpson, Annie Turley, C. B. Eyler, Luella C. Pearce, John McCracken, A. J. Mellon, J. J. Martin, Eugene Richmond, Springdale Methodist Episcopal Church, Heidekamp Mirror Co., James P. Confer, jr., W. P. Bigley, W. J. Bole, and S. A. Moyer, all of Allegheny County, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINING EXPERIMENT STATION IN WYOMING.

Mr. WARREN. I ask unanimous consent to call from the calendar the bill (S. 7050) to establish a mining experiment station in the State of Wyoming, to aid in the development of the mineral resources of the United States, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to establish at Lander, Fremont County, Wyo., a mining experiment station, under the supervision, management, and control of the Bureau of Mines, with a superintendent, who shall be an expert mining engineer, at a salary of $4,000 per annum, a metallurgical chemist, at a salary of $3,000 per annum, one assistant mining engineer and one assistant chemist, at a salary of $2,000 per annum each, and such additional technical and clerical assistants as may be found necessary. A sum not to exceed $25,000 is authorized to be spent in establishing, equipping, and maintaining the mining experiment station during the fiscal year ending June 30, 1913, and is appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF SPONGE INDUSTRY.

Mr. FLETCHER. I ask unanimous consent to call up at this time the bill (S. 6385) to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and Straits of Florida; the landing, delivering, curing, selling, or disposing of the same; providing means of enforcement of same; and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Fisheries with amendments.

The first amendment was, on page 1, line 9, after the word "Florida," to insert "outside of State territorial limits," so as to read:

That on and after the approval of this act it shall be unlawful for any citizen of the United States or person owing duty of obedience to the laws of the United States, or any boat or vessel of the United States or person belonging to or on board such boat or vessel to take or catch any commercial sponges, by means of diving or diving apparatus, in the waters of the Gulf of Mexico or Straits of Florida outside of State territorial limits, or to land, deliver, cure, offer for sale, or have in possession at any port or place in the United States or on any boat or vessel of the United States any commercial sponges taken by means of diving in said waters.

The amendment was agreed to.

The next amendment was, on page 2, section 2, line 12, after the word "Florida," to insert "outside of State territorial limits," so as to make the section read:

SEC. 2. That it shall be unlawful for any and all persons, boats, or vessels described in the first section of this act to take or catch, by any means or method, in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, or to land, deliver, cure, offer for sale, or have in possession at any port or place in the United States or on any boat or vessel of the United States, any commercial sponges taken in said waters measuring, when wet, less than 5 inches in their maximum diameter.

The amendment was agreed to.

The next amendment was, on page 2, section 3, line 19, after the word "boat," to insert "of the United States"; in line 24, after the word "boat," to insert "of the United States"; in line 1, on page 3, after the word "Florida," to strike out "beyond the jurisdiction of the State of Florida" and insert "outside of State territorial limits," so as to make the section read:

SEC. 3. That the presence of sponges on any vessel or boat of the United States equipped with diving apparatus, or serving as a living or

deposit boat for divers, between July 1 and October 1 of each year, or the presence of sponges of a diameter less than 5 inches on said vessels at any time, or the presence of sponges of less than the said diameter on any other vessel or boat of the United States engaged in sponging on the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, or the possession of any sponges of less than the said diameter sold or delivered by such vessels shall be prima facie evidence of a violation of this act.

The amendment was agreed to.

The next amendment was, on page 3, section 5, line 20, after the word "district," to strike out "wherein the offense was committed" and insert "wherein the offender is found or into which he is first brought," so as to make the section read:

SEC. 5. That any violation of this act shall be prosecuted in the district court of the United States of the district wherein the offender is found or into which he is first brought.

The amendment was agreed to.

Mr. HEYBURN. I should like to hear the title of the bill read.

The PRESIDENT pro tempore. The title of the bill will be read.

The Secretary read as follows:

A bill to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and Straits of Florida; the landing, delivering, curing, selling, or disposing of the same; providing means of enforcement of same; and for other purposes.

Mr. FLETCHER. The purpose of the bill is to regulate the method of catching sponges.

Mr. HEYBURN. I should like to inquire of the Senator the purpose of the bill. It seems to prohibit the taking of sponges in the Gulf of Mexico.

Mr. FLETCHER. It prohibits the taking of sponges of a smaller size than the size designated outside the territorial limits of the State.

Mr. HEYBURN. Is that the sole purpose—to regulate the size of the sponges that may be taken?

Mr. FLETCHER. It is to regulate the catching, so that the sponge industry will not be destroyed by taking those under size.

Mr. HEYBURN. That is the sole purpose of the bill?

Mr. FLETCHER. That is the sole purpose of it.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

STREET RAILWAY IN SOUTH HILO, HAWAII.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PERKINS. I ask that the report of the committee be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the report will be printed in the RECORD as requested.

The report is as follows:

STREET RAILWAY SYSTEM, DISTRICT OF SOUTH HILO, HAWAII.

Mr. CLAPP, from the Committee on Pacific Islands and Porto Rico, submitted the following report to accompany H. R. 18041:

The Committee on Pacific Islands and Porto Rico, to whom was referred the bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii, reports the same without amendment and recommends that the bill do pass.

This bill authorizes the construction, maintenance, and operation of a street railway system in and around the town of Hilo, which is the largest town on the island of Hawaii, it having a population of 6,745, according to the census of 1910. The traffic which is expected to support this enterprise is that which will pass between the town of Hilo and the Government wharves now in course of construction near Waiakea Landing, 3 miles from the town of Hilo, where the Federal Government is constructing a breakwater which will furnish the only harbor on the island for deep-sea vessels.

It is expected that this railway will encourage and promote the building of homes between the town of Hilo and its terminus at the Government wharves on lands which are owned by the Government of Hawaii and which home builders will be able to secure at a nominal cost. The road will insure cheap transportation to these people to and from their employment.

The only means of transportation at present from the town of Hilo to the site of the Government wharves is a bus and hack line operated by Japanese, and on which the minimum fare is 25 cents and the maximum fare is 75 cents. The bill reported by your committee limits the charge to 5 cents "for a continuous trip anywhere between any two extreme points within a radius of 3 miles from the intersection of Front and Waianuenue Streets," which embraces the trip from the town of Hilo to the Government wharves.

This proposed franchise was approved by the Hawaiian Legislature in its session of 1911 with but one dissenting vote in the house and none in the senate. The governor of Hawaii, in a letter addressed to the Secretary of the Interior under date of February 6, 1912, states that "the town of Hilo needs a street railway, and the bill as it stands now with the amendments proposed would sufficiently protect the public now and in the future." The amendments to which the governor referred were inserted in the bill in the House, as will be seen by reference to House Report No. 361, Sixty-second Congress, second session, which was the report of the Committee on Territories to accompany H. R. 18041.

The interests of the public are fully protected by provisions in the bill for extension of the line and limiting the issuance of bonds and stocks, and providing further that the earnings in excess of 8 per cent on the capital stock shall be divided, 25 per cent to the stockholders and 75 per cent to the county of Hawaii. The right to amend or repeal the provisions of this act is reserved in the bill.

For further and detailed information relating to the measure attention is invited to the hearings before the Committee on Pacific Islands and Porto Rico in connection with this bill.

REPAYMENT OF WAR TAXES.

Mr. BRYAN. I ask for the present consideration of the bill (H. R. 24699) extending the time for the repayment of certain war-revenue taxes erroneously collected.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that all claims for the refunding of any internal tax alleged to have been erroneously or illegally assessed or collected under the provisions of section 29 of the act of Congress approved June 13, 1898, known as the war-revenue tax, or of any sums alleged to have been excessive, or in any manner wrongfully collected under the provisions of said act may be presented to the Commissioner of Internal Revenue on or before the 1st day of January, 1914, and not thereafter. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys of the United States not otherwise appropriated, to such claimants as have presented or shall hereafter so present their claims, and shall establish such erroneous or illegal assessment and collection, any sums paid by them or on their account or in their interest to the United States under the provisions of the act aforesaid.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REMOVAL OF SUITS FROM STATE TO FEDERAL COURTS.

Mr. OVERMAN. I ask unanimous consent for the present consideration of the bill (S. 6217) to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on the Judiciary with amendments.

Mr. CRAWFORD. I wish to ask a question of the Senator from North Carolina. Does the bill change the present law in any way except about giving the notice?

Mr. OVERMAN. It adds only about six words to the present law, and that is to prevent a conflict of jurisdiction and to make the time certain when the application shall be filed.

The PRESIDENT pro tempore. The first amendment of the Committee on the Judiciary will be stated.

Mr. HEYBURN. Mr. President, just a moment. I understand that the change in existing law consists in including within the time when the application shall be made any extension of time which the court may have granted in which to plead.

Mr. OVERMAN. Yes.

Mr. HEYBURN. And that is the only change.

Mr. OVERMAN. That is right.

The amendments were, on page 2, line 3, after the word "court," strike out the words "or any time extended or fixed by the court"; and, in line 6, page 2, after the word "plaintiff," to insert the words "not including any extension, by special order, of time to answer or plead," so as to make the bill read:

Be it enacted, etc., That section 29 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, be amended so as to read as follows:

"SEC. 29. Whenever any party entitled to remove any suit mentioned in the last preceding section, except suits removable on the ground of prejudice or local influence, may desire to remove such suit from a State court to the district court of the United States, he may make and file a petition, duly verified, in such suit in such State court at the time, or any time before the defendant is required by the laws of the State or the rule of the State court in which such suit is brought to answer or plead to the declaration or complaint of the plaintiff, not including any extension, by special order, of time to answer or plead for the removal of such suit into the district court to be held in the district where such suit is pending, and shall make and file therewith a bond, with good and sufficient surety, for his or their entering in such district court, within 30 days from the date of filing said petition, a certified copy of the record in such suit, and for paying all costs that may be awarded by the said district court if said district court shall hold that such suit was wrongfully or improperly removed thereto, and also for their appearing and entering special bail in such suit if special bail was originally requisite therein. It shall then be the duty of the State court to accept said petition and bond and proceed no further in said suit. Written notice of said petition and bond for removal shall be given the adverse party or parties prior to filing the same. The

said copy being entered within said 30 days as aforesaid in said district court of the United States, the parties so removing the said cause shall, within 30 days thereafter, plead, answer, or demur to the declaration or complaint in said cause, and the cause shall then proceed in the same manner as if it had been originally commenced in the said district court."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. OVERMAN, the title was amended so as to read: "A bill to amend section 29 of the act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

LIENS OF JUDGMENTS AND DECREES.

Mr. THORNTON. I ask unanimous consent to call up the bill (H. R. 18017) to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States."

I wish to state that this is an act to place the State of Louisiana on an equality with the other States in the matter of liens on real estate arising from the recordation of judgments of the Federal courts and does not affect any interest outside of the State of Louisiana. The bill was once reached in regular order on the calendar, but went over on the objection of the Senator from Arkansas [Mr. CLARKE], because I could not at that time make as positive a statement as to the effect of the bill as the Senator from Arkansas thought necessary. I am now able to state absolutely that the bill is confined in its operations to the State of Louisiana. The matter is fully explained in the report of the Judiciary Committee submitted by the Senator from Connecticut [Mr. BRANDEGEE].

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to repeal section 3 of an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States," approved August 1, 1888.

The bill was reported from the Committee on the Judiciary with an amendment, to add at the end of the bill:

This act shall take effect on and after January 1, 1913.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BRANDEGEE. I should like to have the report accompanying the bill printed in the RECORD.

The PRESIDENT pro tempore. That order will be made.

The report is as follows:

[Senate Report No. 802, Sixty-second Congress, second session.]

REGULATION OF LIENS OF JUDGMENTS AND DECREES OF COURTS OF THE UNITED STATES.

Mr. BRANDEGEE, from the Committee on the Judiciary, submitted the following report to accompany H. R. 18017:

The Committee on the Judiciary, to which was referred the bill (H. R. 18017) to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States," approved August 1, 1888, having considered the same, report favorably thereon with an amendment as follows:

After the word "repealed," in line 6, insert a new paragraph:

"This act shall take effect on and after January 1, 1913."

The report of the House committee thereon, which fully explains the purposes and necessities of the proposed legislation, is hereto attached and made a part of this report.

The House report is as follows:

"The Committee on the Judiciary, to whom was referred the bill (H. R. 18017) to amend an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888, report the same to the House with a recommendation that it do pass.

"The act which this bill seeks to amend is as follows:

"'*Be it enacted, etc.*, That judgments and decrees rendered in a circuit or district court of the United States within any State shall be liens on property throughout such State in the same manner and to the same extent and under the same conditions only as if such judgments and decrees had been rendered by a court of general jurisdiction of such State: *Provided*, That whenever the laws of any State require a judgment or decree of a State court to be registered, recorded, docketed, indexed, or any other thing to be done, in a particular manner, or in a certain office or county, or parish in the State of Louisiana, before a lien shall attach, this act shall be applicable therein whenever and only whenever the laws of such State shall authorize the judgments and decrees of the United States courts to be registered, recorded, docketed, indexed, or otherwise conformed to the rules and requirements relating to the judgments and decrees of the courts of the State.

"'SEC. 2. That the clerks of the several courts of the United States shall prepare and keep in their respective offices complete and convenient indices and cross indices of the judgment records of said courts, and such indices and records shall at all times be open to the inspection and examination of the public.

"'SEC. 3. Nothing herein shall be construed to require the docketing of a judgment or decree of a United States court, or the filing of a transcript thereof, in any State office within the same county or parish in the State of Louisiana, in which the judgment or decree is rendered, in order that such judgment or decree may be a lien on any property within such county.

"'Approved August 1, 1888.'

"The main purpose of the law is to give to any State the right to require that judgments and decrees of the United States courts in that State shall become liens in the same manner as judgments and decrees of the courts of that State are made liens. It provides that whenever the laws of a State require that a judgment or decree of a court of that State shall be registered, recorded, docketed, or indexed in a certain office in order to create a lien, then the State may, by appropriate legislation, authorize judgments and decrees of a court of the United States, held within that State, to be registered, etc., in the same manner, and otherwise conform to the laws of the State relating to judgments and decrees of the State courts.

"Section 2, which is sought to be repealed by this bill, makes an exception to this rule. It provides that a judgment or decree of a United States court need not be registered or a transcript thereof filed in a State office in any county where the judgment is rendered in order to create a lien on property in that county. If this bill becomes a law it will abolish that exception and make the rule uniform throughout the country. Judgments and decrees of United States courts will be required then to conform everywhere to the same regulation as judgments and decrees of the State courts in order to become a lien.

"A number of the States have adopted a land-registration system commonly known as the Torrens law. Under that law persons owning real estate may have their titles registered in the office of the registrar of titles. The owner then may have at any time an official certificate from the registrar of titles showing the state of his title. The registrar, however, is required to note in this certificate only such matters as are of record in his office. Under the State law all judgments and decrees sought to be made liens on registered land must be registered in the office of the registrar of titles. Likewise judgments and decrees of the United States courts must be so registered there if the United States court is not held in the county where the land is situated in order to create a lien on the registered land. But by section 3, which this bill seeks to repeal, judgments and decrees of the United States courts rendered in counties where the registered land is situated need not be registered in the office of the registrar of titles in order to become liens on the land. Since, under the law, the registrar is not bound to certify as to liens and other matters not appearing of record in his office, his certificate does not cover judgments or decrees in the United States courts if such court is held in that county. The purpose of this land-registration system is to simplify titles and to render them more certain and to reduce the expense pertaining to the abstracting of titles. It has been adopted in a number of States already, namely, Illinois, Ohio, California, Massachusetts, Minnesota, Oregon, Colorado, and perhaps others.

"It has always been the policy of Congress to defer to the States the manner of regulating the titles to land in their respective jurisdictions. In consonance with this policy it enacted the first section of the act above quoted. With the same end in view it enacted the law providing that judgments and decrees of the Federal courts shall cease to be liens on land in the same manner and at like periods as judgments and decrees of the State courts.

"As further proof of this policy we call attention to the Federal statute relating to attachments. It provides that the plaintiff in common-law causes in the district courts shall be entitled to similar remedies, by attachment or other process, against the property of the defendant as are provided by the laws of the State. Likewise, in regard to execution the Federal statute is to the effect that the person having judgment shall be entitled to the same remedies upon it, by execution or otherwise, to reach the property of the judgment debtor as are provided in like cases by the State laws.

"Congress pursued that policy further by requiring that all practice, pleadings, forms, and methods of proceeding in all cases other than equity and admiralty in the district courts shall conform as near as may be to the practice, pleadings, forms, and methods of proceeding in the State courts in like cases. The Federal statute also provides that the marshal shall have in each State the same power in executing the laws of the United States as the sheriff in such State has in executing the laws of that State. By analogy, judgments and decrees of the United States courts, in order to become liens on land, should be required to conform in all cases to the regulations of the several States governing the liens of judgments and decrees in the State courts.

"The benefit arising out of this proposed change is not limited to those States alone where the land-registration system above mentioned is in force. It will be useful in simplifying titles in every county in the United States where a United States district court is held. It in effect fixes one certain place in all those counties where the records will be required to show all judgment liens, that place being the one designated by the laws of that State for the registering, docketing, recording, or indexing of judgments and decrees of the State courts. It places those counties where Federal courts are held under the same rule as all other counties."

The committee recommend that the bill so amended do pass.

SYLVESTER G. PARKER.

Mr. CULLOM. I ask unanimous consent to call up the bill (S. 5262) to correct the military record of Capt. Sylvester G. Parker.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged volunteer officers, Sylvester G. Parker, who was a captain of Company H, Sixty-third Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as of said organization on the 4th day of September, 1863: *Provided*, That no pension, bounty, or arrears of pay shall become due or payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Sylvester G. Parker."

CORNELIA C. BRAGG.

Mr. POMERENE. I ask unanimous consent to call up the bill (H. R. 25598) granting a pension to Cornelia Bragg.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 6, after the name "Cornelia," to insert the initial "C.," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia C. Bragg, widow of Edward S. Bragg, late a brigadier general of United States Volunteers during the late Civil War, and pay her a pension at the rate of $50 per month.

The amendment was agreed to.

Mr. POMERENE. I move to amend the bill by striking out the word "fifty," before the word "dollars," on page 2, line 1, and inserting the words "one hundred."

Mr. SMOOT. I did not catch what the amendment is.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 1, before the word "dollars," strike out the word "fifty" and insert "one hundred."

Mr. SMOOT. I object to that amendment.

Mr. POMERENE. Mr. President, I wish to say just a word in behalf of the amendment.

This lady is 82 years old. It is not necessary to discuss the military services rendered by her husband. They are well known. Although he was entitled to a pension he never would accept one until 1906. After he became totally disabled, without any income himself, he was finally persuaded by his friends to accept a pension of $50. A few weeks ago Congress passed a bill increasing his pension to $100. He died, I believe, within two days after the bill was approved.

His widow, now 82 years old, is without any income whatsoever. She has a small home worth, I have heard it stated, variously from $2,000 to perhaps $3,000 or $4,000. She is obliged to have an attendant all the while, and is confined to her bed a large part of the time.

I feel under the circumstances that the pension I propose is simply rendering a just tribute to her husband for the services he rendered this country during the late war. I hope the Senator from Utah will not object to the amendment.

Mr. SMOOT. Mr. President, I certainly must object to the amendment, for the reason that there are hundreds of widows of brigadier generals who are drawing a pension of $50 a month, and their husbands had a military record just as good as that of Brig. Gen. Bragg.

I know that the Senator from Ohio, being a member of the committee, understands that $50 is the rule of the committee, and the bill was reported from the committee at that amount. I sincerely trust the Senate will not vote more than $50 in this particular case. If the Senator insists upon the amendment I am so insistent upon the point I make that I shall object to the consideration of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Ohio.

Mr. SMOOT. I shall object to the bill if the question is to be put on the amendment, because we have not a quorum now, and we are liable not to have one this evening, or I would let the Senator have a vote upon it.

The PRESIDENT pro tempore. The Chair will state to the Senator from Utah that the Senate has granted the consideration of the bill. The question is upon agreeing to the amendment submitted by the Senator from Ohio.

Mr. BRANDEGEE. Then, let us have a vote.

Mr. SMOOT. I shall ask for the yeas and nays if such a course becomes necessary.

Mr. McCUMBER. Mr. President, I wish to say one word before we come to a vote on the amendment. The committee had the bill under consideration and treated the widow of Gen. Bragg just the same as they have been treating the widows of other generals. They allowed her the greatest amount that the committee allows to any, and it seems to me that her case ought not to be taken without the general rule. We gave her the maximum amount that the committee has ever given to anyone, except in one instance.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. POMERENE. I move to amend the bill by inserting the word "seventy-five" in lieu of "fifty," before the word "dollars."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 1, before the word "dollars," strike out the word "fifty" and insert "seventy-five."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. POMERENE. I ask the attention of the Senator from Minnesota [Mr. NELSON] to this bill. I have called up House bill 25598, granting a pension to Mrs. Bragg. I asked to have the amount increased from $50 to $100, and that was voted down. It is now before the Senate on my proposed amendment of $75 a month.

Mr. NELSON. Mr. President, I sincerely trust the amendment offered by the Senator from Ohio may prevail. Years ago, when I was almost a boy, it was my lot to serve in the legislature of the State of Wisconsin with Gen. Bragg. I became acquainted with him away back in 1868 and 1869. He was then a member of the State senate and I was a member of the assembly. He was universally known in those days, and has been known ever since, as a very able lawyer, as one of the best legislators we had in the State, as a fearless and independent man; but whatever other faculties and powers he had, he never succeeded in accumulating much of this world's goods. When the war came on he joined the Army in one of our Wisconsin regiments. He finally became a brigadier general and commander of the noted Iron Brigade. After the war he returned to his State and resumed the practice of his profession; but with all his skill and with all his ability he never, as I have said, succeeded in accumulating a fortune, and he died a poor man.

While Gen. Bragg belonged to a different party from the party of which I have been a member, I have always felt that he was one of the noblest and most patriotic of American citizens. He died leaving his widow with nothing at all; she has no resources at her command. I think this great country of ours ought to be generous to the widow of the commander of the great Iron Brigade. I sincerely trust the Senate will accord her a pension of at least $100 a month.

Mr. McCUMBER. Mr. President, I hope the Senator from Minnesota will realize that the widows of hundreds of generals of equal fidelity and character in America with Gen. Bragg did not have the fortune of having their husbands in the legislature of which the Senator from Minnesota was a member, and I hope the Senator will not take advantage of that fact to allow it to weigh against the rights of hundreds of other widows to whom we have only granted $50 a month and who would have the same claim to a greater amount as has the widow of Gen. Bragg. I am simply pleading for equality of treatment of those whose conditions are the same. If the Senator would look over the large number of cases in which we have granted special pensions in the last 10 years he will find that the maximum amount granted was $50. He ought not to take one case and make an exception of it.

Mr. NELSON. Mr. President, I want, in reply to the Senator, to call his attention to the fact that while it may be true that, as a general rule, we have only allowed such widows $50 a month, yet in most cases the allowance has been to widows whose husbands had left them something of an estate. In the case of Gen. Bragg he practically left nothing at all, and his widow has no means or resources of her own whatsoever. More than that, she is an invalid, in very poor health; she is helpless, and practically has to have a nurse to attend on and wait upon her. She can live but a few years. In view of her condition I submit that in the case of the widow of the commander of the great Iron Brigade we ought to deal liberally and to make an exception in her favor.

The PRESIDENT pro tempore. The question is upon the amendment striking out "fifty" and inserting "seventy-five."

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act granting a pension to Cornelia C. Bragg."

IMPORTATION AND TRANSPORTATION OF NURSERY STOCK.

Mr. CHAMBERLAIN. I ask unanimous consent for the present consideration of Senate bill 4468.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 4468) to regulate the importation and interstate transportation of nursery stock; to enable the Secretary of Agriculture to appoint a Federal horticultural commission, and to define the powers of this commission in establishing and maintaining quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes.

Mr. SUTHERLAND. Is that the bill which was read the other day?

Mr. CHAMBERLAIN. That is the bill, Mr. President, which was read the other day. I will say, however, that it was recommitted to the committee and the language to which the Senator from Utah objected has been eliminated from the bill. Section 10 was the portion of the bill to which the Senator objected.

Mr. SUTHERLAND. I do not like to object to the consideration of the bill, but I should like to examine it before it is passed upon. For that reason I feel impelled to object.

The PRESIDENT pro tempore. The bill is objected to and goes over.

THEODORE SALUS.

Mr. CRAWFORD. I ask unanimous consent for the present consideration of House bill 13938, which is a personal-injury case, in which a man's sight was entirely destroyed—a very deserving case.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 13938) for the relief of Theodore Salus.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Theodore Salus $3,000 for the loss of his eyes and other physical injuries received by him in an explosion at Agana, island of Guam, on February 12, 1906, while he was in the employ of the Government of the United States and in the discharge of his duties as a foreman of labor at the town of Agana, Island of Guam.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WALTERS, ALIAS JOSHUA BROWN.

Mr. BRISTOW. I ask unanimous consent for the present consideration of the bill (S. 1562) for the relief of William Walters, alias Joshua Brown.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That in the administration of the pension laws William Walters, alias Joshua Brown, who was a private of Battery M, First Regiment United States Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said battery and regiment on the 13th day of September, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET M'QUADE.

Mr. TOWNSEND. I ask unanimous consent for the present consideration of the bill (S. 6408) for the relief of Margaret McQuade.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 7, after the words "sum of," to strike out "$5,000" and insert "$840," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Margaret McQuade, widow of the late Edward McQuade, alias Edward Quade, out of any money in the Treasury not otherwise appropriated, the sum of $840 as compensation for the death of the said Edward McQuade, alias Edward Quade, caused by and in the performance of his duties as an employee in the Government service in the War Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE LIQUOR TRAFFIC.

Mr. KENYON. I ask unanimous consent for the present consideration of the bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases.

Mr. PENROSE. I object.

The PRESIDENT pro tempore. Objection is made.

MEMORIAL AMPHITHEATER AT ARLINGTON.

Mr. SUTHERLAND. I ask unanimous consent for the present consideration of the bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. SUTHERLAND. I will say, Mr. President, that the bill has already been read and certain amendments have been agreed to. There is an amendment now pending.

The PRESIDENT pro tempore. The bill has been read. The pending amendment will be stated.

The SECRETARY. On page 1, line 10, after the word "amphitheater," it is proposed to insert a comma and the words "including a chapel."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUDITOR OF RAILROAD ACCOUNTS.

Mr. BRANDEGEE. I ask unanimous consent for the present consideration of the bill (S. 5556) to amend "An act to create an Auditor of Railroad Accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Interstate Commerce with an amendment on page 2, line 11, before the word "upon," to strike out "devolve" and insert "devolved," so as to make the bill read:

Be it enacted, etc., That the duties devolved on the Secretary of the Interior by the act of Congress approved June 19, 1878 (20 Stats., p. 169), entitled "An act to create an Auditor of Railroad Accounts, and for other purposes," as amended by the act of Congress approved March 3, 1887 (21 Stats., p. 409), entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes," as amended by the act of March 3, 1903 (32 Stats., p. 1119), entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," be, and they hereby are, transferred to and devolved upon the Interstate Commerce Commission.

The amendment was agreed to.

Mr. BACON. Mr. President, I do not wish to be understood as objecting to the consideration of the bill, but I really would like whoever has it in charge to indicate the nature of it.

Mr. BRANDEGEE. I will be very glad to do so. The reasons for the bill appear in the report, in which there is printed a letter from the Secretary of the Interior, to whom the bill was referred, stating that the section it is proposed to repeal is no longer necessary, because the same duties are required of the Interstate Commerce Commission in connection with railroad reports. The Secretary thinks the section of the statutes covered by the bill is no longer useful, and there is no appropriation for carrying it out. It has been a dead letter for years.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRANDEGEE. I ask that the report of the committee may be printed in the RECORD to accompany the bill.

The PRESIDENT pro tempore. Without objection, that order will be made.

The report submitted by Mr. BRANDEGEE on May 30, 1912, is as follows:

The Committee on Interstate Commerce, to which the foregoing bill was referred, having examined the same, recommends that the bill do pass.

By act of June 19, 1878, railroads were compelled to file with the Secretary of the Interior once a year a statement showing the conditions of their companies, but after the organization of the Interstate Commerce Commission these reports became a mere matter of form, and the Secretary of the Interior is of the opinion that they should be made to the Interstate Commerce Commission. A letter of the Secretary of the Interior of date May 13, 1912, is attached and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, May 13, 1912.

Hon. MOSES E. CLAPP,
Chairman Committee on Interstate Commerce,
United States Senate.

SIR: By your reference of May 8, 1912, the department is in receipt, for a report, of S. 5556, entitled:

"'An act to create an auditor of railroad accounts, and for other purposes,' approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes."

By the act of June 19, 1878 (20 Stats., 169), the office of auditor of railroad accounts was established in this department. The title of the position was subsequently changed to commissioner of railroads, and by the act of March 3, 1903, the office of commissioner of railroads was abolished, and the duties required by the act of June 19, 1878, devolved on the Secretary of the Interior. The only duty now performed under the last-mentioned act is to require that the railroad companies coming within its purview file with the department on the 1st day of November in each year a report on the "condition of each of said railroad companies, their road, accounts, and affairs for the fiscal year ending June 30 immediately preceding," as Congress has not, since abolishing the office of commissioner of railroads, made an appropriation to enable the Secretary of the Interior to carry into effect certain other provisions of the act, and the present clerical force of the Secretary's office is not sufficient, in addition to its other duties,

to perform the work. A report to a great extent identical with the one required to be made to the department is now made by each railroad coming under the provisions of the act of 1878 to the Interstate Commerce Commission, thus resulting in a duplication of work.

Under the circumstances, and considering the department has no facilities for fully carrying into effect the act of 1878, while the Interstate Commerce Commission has, it is believed that S. 5556 should be enacted into law, and I so recommend.

Very respectfully,

WALTER L. FISHER, *Secretary.*

IMPORTS FOR EXHIBITION PURPOSES.

Mr. SMOOT. Mr. President, I am directed by the Committee on Finance, to which was referred the bill (S. 7339) to provide for the entry under bond of exhibits of arts, sciences, and industries, to report it without amendment. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all articles which shall be imported from foreign countries for the sole purpose of exhibition at expositions of the arts, sciences, and industries and products of the soil, mine, and sea, to be held in expositions to be held by the Merchants and Manufacturers' Exchange of New York, in the buildings in the city of New York owned or controlled by the Merchants and Manufacturers' Exchange, a corporation organized under the laws of the State of New York, upon which there shall be a tariff or customs duty, shall be admitted free of the payment of such duty, customs, fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but that it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe, and provides that all such articles, when sold or withdrawn for consumption or use in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and that on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use; and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale or withdrawal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT WESTON, W. VA.

Mr. WATSON. I ask unanimous consent for the present consideration of the bill (S. 6341) to provide for the erection of a public building at Weston, W. Va.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 9, after the word "exceed," to strike out "one hundred" and insert "seventy-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults and heating and ventilating apparatus, for the use and accommodation of the United States post office, in the town of Weston, W. Va., the cost of the same not to exceed $75,000.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS OF LADING.

Mr. POMERENE. Mr. President, on May 14 I introduced Senate bill 6810, which I had intended to offer as a substitute for the bill (S. 957) relating to bills of lading, which is now on the calendar. Since that date there have been several amendments or changes deemed advisable, and I now ask to have that bill reprinted with those amendments and that it lie on the table.

The PRESIDENT pro tempore. Without objection, that order will be made.

THE PANAMA CANAL.

Mr. BRANDEGEE. Mr. President, it is now so late that I will not ask for the regular order; but I want to put into the RECORD a statement I made the other day concerning the sovereignty of this country on the Canal Zone, which was incorporated in the midst of the speech of the Senator from South Carolina [Mr. SMITH]. I ask unanimous consent that that may be inserted.

The PRESIDENT pro tempore. Without objection, that order will be made.

The statement referred to is as follows:

Mr. BRANDEGEE. Mr. President, the other day in touching incidentally upon this question of the sovereignty of the United States in the Canal Zone, the Senator from Missouri [Mr. REED] and I had a colloquy. I told the Senator that I would put into the RECORD, as soon as I could find it, the utterance of President Taft in connection with that matter. I take occasion now to read very briefly from the hearings before the Committee on Interoceanic Canals of the Senate under date of April 18, 1906, from the statement of the Hon. William H. Taft, then Secretary of War. At page 2526 of said hearings, he states:

"Article 3 of the treaty provides as follows:

"'The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article 2 of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article 2 which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.'"

Then he continues:

"It is peculiar in not conferring sovereignty directly upon the United States, but in giving to the United States the powers which it would have if it were sovereign."

He italicizes the words "if it were sovereign."

"This gives rise to the obvious implication that a mere titular sovereignty is reserved in the Panama Government. Now, I agree that to the Anglo-Saxon mind a titular sovereignty is like what Gov. Allen, of Ohio, once characterized as a 'barren ideality,' but to the Spanish or Latin mind, poetic and sentimental, enjoying the intellectual refinements and dwelling much on names and forms, it is by no means unimportant. Therefore, when the question of the form of stamp was to be determined I had not the slightest hesitation in yielding to the view that we should adopt the system which for a time Gen. Davis had himself adopted before he got United States stamps of merely purchasing the Panama stamps and crossing them with the words 'Canal Zone.' I do not know that it is necessary for me to go through the various provisions of the order of December 3. I have discussed them at length in my letter transmitting the annual report of the commission for 1904, and it is printed on pages 2392 to 2410 of this record.

"The order, in effect, required that all importations into the Isthmus of merchandise, except those admitted free of duty for the Government of the United States or its employees under the treaty, should be entered at the Panama ports instead of at the United States ports in order that the Panamans might collect duty on them and thus maintain their revenues. This, however, was on condition that they should reduce their duties from 15 per cent ad valorem to 10 per cent ad valorem. I deemed it of great importance that the Panama Republic should be self-supporting. Free trade between the zone and the Republic was declared. The existence of the terminal ports of the canal as ports of the United States for clearing and entering by foreign vessels was recognized. Without waiting to determine whether the Government of Panama would fail in its duty to enforce the sanitary ordinances in Panama and Colon prescribed by the United States, as was probable, the Republic turned over to the United States authorities immediate right to enforce the same. The postal rate from Panama to the United States and from the United States to Panama was made 2 cents, the stamp in the zone being the Panaman stamp crossed with the words 'Canal Zone.'"

That is put in to fulfill my promise to the Senator from Missouri.

Mr. BRANDEGEE. I also ask to have printed in the RECORD a statement of the Commissioner of Navigation concerning the receipts of the Suez Canal.

The PRESIDENT pro tempore. Without objection, permission is granted.

The statement referred to is as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF NAVIGATION,
Washington, July 9, 1912.

Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The annual meeting of the shareholders of the Suez Canal Co. was held at Paris on June 3, 1912. I inclose a copy of the financial statement of the company for the calendar year 1911, as made at this recent annual meeting, compared with the statement for 1910 which was printed in my annual report. Possibly it may be of interest to you.

Faithfully, yours,

E. T. CHAMBERLAIN,
Commissioner.

SUEZ MARITIME CANAL CO.

Operating account for 1910 and 1911.

Expenses.	1910		1911	
	Francs.		*Francs.*	
Contractual:				
Interest and redemption 5 per cent bonds	10,091,525.00		10,093,781.25	
Interest and redemption 3 per cent bonds, first series	1,223,180.00		1,223,290.00	
Interest and redemption 3 per cent bonds, second series	3,696,290.00		3,696,425.00	
Interest and redemption 3 per cent bonds, third series	312,865.00		314,755.00	
Stamp taxes, etc	110,034.20		97,980.70	
Pay roll, Egyptian Government	30,000.00		30,000.00	
Pension to family of M. Ferdinand de Lesseps	120,000.00		120,000.00	
		Francs. 15,583,894.20		*Francs.* 15,576,231.95

Operating account for 1910 and 1911—Continued.

Expenses.	1910			1911		
Expenses of administration:						
France—						
General administration		*Francs.* 368,260.78			*Francs.* 405,832.43	
Salaries and various expenses of administration		998,422.54			933,129.63	
Egypt—						
Salaries and various expenses of administration, including sanitation		908,459.57	*Francs.* 2,275,142.89		964,544.64	*Francs.* 2,303,506.70
Lands held jointly:						
Salaries and various expenses of administration		148,556.39			147,180.85	
Expenses of cultivation, etc		186,456.98			133,551.66	
		[1] 335,013.37			280,732.51	
			167,506.69			140,366.23
Transit and navigation:						
Salaries and various expenses of administration		2,271,581.21			2,417,376.67	
Expenses of operation		1,341,913.00			1,592,560.47	
			3,613,494.30			4,009,937.14
Company's land:						
Salaries and various expenses of administration		61,920.33			67,290.14	
Expenses of cultivation, etc		676,716.93			649,314.03	
			738,637.26			716,604.17
Fresh-water works:						
Port Said—	*Francs.*			*Francs.*		
Salaries and various expenses of administration	74,774.33			82,985.14		
Expenses of operation	267,530.71			290,089.13		
		342,305.04			373,074.27	
Ismailia—						
Salaries and various expenses of administration	49,953.79			52,404.84		
Expenses of operation	96,433.56			74,670.42		
		146,390.35			127,075.26	
Suez—						
Salaries and various expenses of administration	47,600.90			50,332.47		
Expenses of operation	104,989.25			99,308.19		
		152,590.15			149,640.66	
			641,294.54			649,790.19
Repairs of canal and accessories			4,863,632.65			5,729,298.18
						[2] 45,457.77
Total working expenses			27,883,602.56			29,171,192.34
Carried to insurance and sinking funds:			4,000,000.00			4,000,000.00
Sinking fund		4,000,000.00			4,000,000.00	
Insurance and contingent fund					.00	
Grand total			31,883,602.56			33,171,192.34

Receipts.	1910		1911	
Fiscal administration:				
Investments of available funds	*Francs.* 2,123,718.14		*Francs.* 2,208,523.24	
Miscellaneous receipts	27,282.23		16,782.05	
Annuity paid by Egyptian Government under agreement of Feb. 1, 1902, for cession of the trolley line from Port Said to Ismailia	120,000.00		120,000.00	
	2,270,998.40		2,345,305.29	
Deduct expenses of transmitting funds from Egypt and England to France	200,639.87	*Francs.* 2,070,358.53	116,946.17	*Francs.* 2,228,359.12
Lands held jointly:				
Lease of lands	12,183.64		14,947.76	
Sale of lands	493,972.40		302,065.82	
	[3] 506,156.04		317,013.58	
		253,078.02		158,506.79
Transit and navigation:				
Transit receipts—				
Ships' tolls	127,293,295.40		131,035,232.29	
Passenger tolls	2,343,202.59		2,752,595.00	
Sailing vessels	105,419.44		82,021.35	
	129,651,903.34		133,869,848.65	
Pilotage	109,658.00		123,795.00	
Towage	34,051.37		96,630.58	
Wharfage and berthing	329,410.26		375,933.33	
Lease of floating equipment and sundries	61,840.25		59,393.74	
Lease of lands in the free zone of Port Said	219,957.13		237,452.65	
		130,406,217.35		134,763,053.95
Company's land: Lease of buildings		145,042.80		172,143.44
Fresh-water works: Sale of water and miscellaneous—				
Port Said	526,361.53		469,593.42	
Ismailia	24,197.83		32,465.52	
Suez	213,332.58		175,750.05	
		763,892.04		677,814.99
Miscellaneous receipts		47,334.02		33,341.45
Old accounts paid		18,289.33		
Total receipts		133,704,212.00		138,038,224.74
Expenses of operation	31,883,602.56		33,171,192.34	
Interest and retirement of shares (consolidated coupons)	1,800,015.25		1,800,045.00	
Interest and retirement of capital stock	10,080,350.00		10,080,525.00	
		43,763,967.81		45,051,762.34
Excess of receipts		89,940,244.23		92,986,462.40
3 per cent allotted to statutory reserve		2,698,207.32		2,789,593.87
		87,242,036.93		90,196,868.53
Carried from 1909–10		403,211.35		218,206.06
		87,645,248.31		90,415,074.59
Deduct extraordinary reserve		5,000,000.00		3,000,000.00
		82,645,248.31		87,415,074.59
Carry to 1911–12		218,206.06		339,581.64
Profit available for distribution		82,427,042.25		87,075,492.95

[1] Half of this sum being charged to canal company.

[2] Expenses above closed accounts.

[3] One-half of this sum goes to the canal company.

Assets and liabilities on Dec. 31, 1910 and 1911.

Assets.	1910			1911		
Amounts representing net cost of the Suez Maritime Canal to Dec. 31, 1910:						
Total investment according to annual statement, Dec. 31, 1909-10			Francs. 646,025,098.68			Francs. 656,178,271.26
Investments in enlargement and improvement of the canal during 1910-11			10,153,172.58			5,855,289.07
			656,178,271.26			662,033,560.33
Fluctuating and fixed assets:						
Headquarters—						
Office building of company at Paris	Francs. 1,174,921.74			Francs. 1,174,921.74		
Furniture	Inventory.	Francs. 1,174,921.74			Francs. 1,174,921.74	
Lands—						
Lands, value	Inventory.					
Chattels	Inventory.					
Buildings	12,763,815.75			13,487,395.29		
Supplies and implements	103,518.19			106,518.19		
		12,870,333.94			13,593,913.43	
Transit and navigation—						
Chattels, etc	Inventory.					
Materials and tools in use	2,388,107.99			2,415,962.77		
		2,388,107.99			2,415,962.77	
Repairs, materials, and warehouses—						
Chattels	Inventory.					
Materials and tools in use	42,728,127.45			43,241,418.54		
Miscellaneous supplies	4,503,749.39			4,141,230.02		
		47,231,876.85			47,382,648.56	
Waterworks at Port Said, Ismailia, and Suez—						
Miscellaneous	Inventory.					
Conduits, reservoirs, and apparatus (supplies)	3,958,750.05			5,450,663.83		
		3,958,750.05			5,450,663.83	
Buildings under construction	741,342.43			570,243.66		
Work under way	2,776,267.12			2,578,856.33		
		3,517,609.55			3,149,099.99	
			71,141,600.12			73,167,210.37
			727,319,871.38			735,200,770.70
Cash and available resources:						
Cash, bank balances, and credits		18,167,903.22			21,763,207.76	
Amounts brought forward		11,442,949.82			5,453,628.35	
Bills, acceptances, and long-term investments		59,016,969.77			65,015,303.81	
Main agency in Egypt		802,821.23			2,057,932.22	
Various amounts due		10,432,125.82			13,120,848.05	
Checks		708,480.02			308,277.65	
			100,571,249.88			107,719,200.84
			827,891,121.26			842,919,971.54

Liabilities.	1910		1911	
Capital stock, 400,000 shares, at 500 francs, of which—				
In circulation, 1910, 379,421; 1911, 378,231	Francs. 189,710,500.00		Francs. 189,115,500.00	
Redeemed, 1910, 20,579; 1911, 21,769	10,289,500.00	Francs. 200,000,000.00	10,884,500.00	Francs. 200,000,000.00
Consolidation of arrears of interest, 400,000 debenture bonds, at 85 francs:				
In circulation, 1910, 374,960; 1911, 372,531	31,871,600.00		31,655,135.00	
Redeemed, 1910, 25,040; 1911, 27,469	2,128,400.00	34,000,000.00	2,344,865.00	34,000,000.00
Loan of 1867-8, 333,333 bonds issued, at 300 francs:				
In circulation, 1910, 112,723; 1911, 99,994	33,816,900.00		29,998,200.00	
Redeemed, 1910, 220,610; 1911, 233,339	66,183,000.00	99,999,900.00	70,001,700.00	99,999,900.00
Loan of 1871, 120,000 thirty-year debenture bonds, at 100 francs, redeemed		12,000,000.00		12,000,000.00
Loan of 1880, 73,026 three per cent bonds, first series, issued at various amounts:				
In circulation, 1910, 63,486; 1911, 62,944	23,472,729.95		23,272,335.83	
Redeemed, 1910, 9,540; 1911, 10,082	3,527,231.90	26,999,961.85	3,727,625.99	26,999,961.85
Loan of 1887, 238,964 three per cent bonds, second series, issued at various amounts:				
In circulation, 1910, 232,995; 1911, 232,592	97,501,633.03		97,333,039.21	
Redeemed, 1910, 5,969; 1911, 6,372	2,497,854.23	99,999,537.31	2,666,493.10	99,999,537.31
Loan of 1909, 13,098 3 per cent bonds, third series, issued at various amounts:				
In circulation, 1910, 12,616; 1911, 12,543	5,967,150.32		5,932,289.13	
Redeemed, 1910, 482; 1911, 733	227,977.68	6,195,128.00	345,673.87	6,278,963.00
		479,194,527.16		479,278,365.16
Sinking fund	57,776,910.73		62,223,935.63	
Insurance and contingent fund	1,500,000.00	59,276,910.73	1,500,000.00	63,723,935.63
Applied to construction or improvement of canal		151,174,307.30		151,174,307.30
		689,645,745.19		694,176,608.09
Statutory reserve		34,963,293.25		37,752,837.11
Extraordinary reserve		5,000,000.00		8,000,000.00
Sundry credits:				
Interest, dividends, and redemptions—				
Matured before Dec. 31, 1910-11	2,153,573.06		2,353,158.14	
Matured on Jan. 1, 1911-12	29,375,032.50		29,320,298.78	
	31,528,610.56		31,673,456.92	
Société Civile for the payment of 15 per cent Egyptian Government	4,436,619.72		4,436,619.72	
Bills of exchange payable	233,373.47		43,534.39	
Checks payable	2,450,950.50		2,618,289.84	
Sundry credits and accounts	6,564,736.04	45,214,299.29	6,375,935.65	45,152,886.52
Profit and loss:				
Net profit of operations, 1910-11	82,427,042.25		87,075,492.95	
Dividends already paid for year	29,577,464.78	52,849,577.47	26,577,464.78	57,498,028.17
Carried over to 1911-12		218,206.06		339,581.64
		827,891,121.26		842,919,971.54

Statutory division of profits.

	1910	1911
	Francs.	*Francs.*
71 per cent to stockholders	58,523,200.00	61,823,600.00
15 per cent to the Egyptian Government	12,364,056.33	13,061,323.94
10 per cent to the founders of the company	8,242,704.22	8,707,549.29
2 per cent to the administrative officers	1,648,540.85	1,741,509.86
2 per cent to the employees	1,648,540.85	1,741,509.86
Total	82,427,042.25	87,075,492.95

MARY E. QUINN.

Mr. PENROSE obtained the floor.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. PENROSE. I rose to make a motion to adjourn, but the Senator from North Dakota [Mr. McCUMBER] informs me that he desires an executive session, and I will therefore withhold the motion.

Mr. McCUMBER. Mr. President, I move——

Mr. CRAWFORD. Mr. President——

Mr. McCUMBER. I will withhold the motion to accommodate the Senator from South Dakota.

Mr. CRAWFORD. Mr. President, there is one more bill, involving a claim for personal injury, which will only take a moment to consider. It is a very deserving case, and I should like to have it considered. I therefore ask unanimous consent for the present consideration of the bill (H. R. 644) for the relief of Mary E. Quinn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Mary E. Quinn, whose husband, James H. Quinn, was fatally injured by an accident at the Watertown Arsenal, Watertown, Mass., $1,500.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. McCUMBER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After four minutes spent in executive session the doors were reopened.

HOUR OF MEETING TO-MORROW.

Mr. CUMMINS. I move that when the Senate adjourns today it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. HEYBURN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 46 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 25, 1912, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 24, 1912.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Lieut. William Edward Wyatt Hall to be captain in the Revenue-Cutter Service of the United States, to rank as such from August 23, 1910, to fill the vacancy created June 19, 1912, by the retirement of Capt. John Ernest Reinburg.

UNITED STATES ATTORNEY.

D. Lawrence Groner to be United States attorney for the eastern district of Virginia.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Stephen Doherty to be a lieutenant.

Lieut. (Junior Grade) John T. G. Stapler to be a lieutenant.

Ensign Jonas H. Ingram to be a lieutenant (junior grade).

Asst. Paymaster Richard H. Johnston to be a passed assistant paymaster.

The following-named commanders to be captains:

Joseph Strauss,

Edward W. Eberle, and

William W. Gilmer.

Lieut. Commander Orton P. Jackson to be a commander.

Lieut. Sinclair Gannon to be a lieutenant commander.

The following-named ensigns to be lieutenants (junior grade):

James McC. Murray,

Reuben R. Smith,

Grattan C. Dichman,

Harry A. McClure, and

Samuel A. Clement.

Asst. Surg. Tharos Harlan to be a passed assistant surgeon.

POSTMASTERS.

COLORADO.

Edwin R. Heflin, De Beque.

IOWA.

Edwin H. Wilson, Cedar Falls.

MISSOURI.

L. H. Johnson, Kennett.

NORTH DAKOTA.

William H. Workman, Bowman.

PENNSYLVANIA.

J. W. Houck, Clymer.

SOUTH DAKOTA.

Leonard T. Hoaglin, Platte.

William P. Joseph, Wagner.

VIRGINIA.

John H. Ingram, Charlotte Court House.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 24, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou to whom we are responsible for every act, quicken, we beseech Thee, our conscience and clarify our spiritual vision, that we may make straight our paths by the absolute truth of our speech and the rectitude of our behavior, that peace and righteousness may possess our souls now and always. In the spirit of the world's great Exemplar. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 4012. An act to authorize the exchange of certain lands with the State of Michigan.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7027. An act to prohibit the importation and the interstate transportation of films or other pictorial representations of prize fights, and for other purposes; and

S. 4948. An act relating to inherited estates in the Five Civilized Tribes in Oklahoma.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

ASSISTANCE AND SALVAGE AT SEA.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from the further consideration of the bill (H. R. 23111) to carry into effect provisions of an international convention for the unification of certain rules with respect to assistance and salvage at sea, and to take up a similar Senate bill, S. 4930, from the Speaker's table and to consider and pass the same. I do not think there is any objection to the bill.

The SPEAKER. Is there objection?

Mr. WILSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to have some idea of how long it would take to dispose of the proposition presented by the gentleman from Missouri?

Mr. SULZER. It will take only a couple of minutes.

Mr. KENDALL. It will not be a contested matter.

Mr. SULZER. Mr. Speaker, I will say that there is no objection to the request of the gentleman from Missouri so far as the Committee on Foreign Affairs is concerned. The House bill was considered by that committee and was to be reported favorably, but was held in the committee pending advices from the Belgian Government through the State Department. We now have advices that ratifications of the treaty have been deposited with the Belgian Government, and hence this bill should be passed at the earliest possible moment. It is a meritorious measure. There can be no substantial objection to its present consideration.

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to inquire why the great hurry for passing this on Calendar Wednesday. It seems to me that we ought not to mutilate Calendar Wednesday too much.

The SPEAKER. The Chair will make this statement on his own account: Ordinarily he would not permit any business of this kind or any other kind to come up and crowd out Calendar Wednesday, even for five minutes; but we are reaching the end of the session—that is, we hope so [applause]—and these matters which are easy to dispose of in short order, it seems to the Chair, should be taken up. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would inquire of the chairman of the committee, the gentleman from Missouri [Mr. ALEXANDER], what the great hurry to pass this bill this morning is?

Mr. ALEXANDER. Mr. Speaker, there is no great hurry to pass the bill this morning, except that at this late date in the session it is important that this legislation should be enacted into law. I consulted the gentlemen who have the call to-day, and they said if it did not take more than a few minutes they would not object. I am not trying to obstruct the business of Calendar Wednesday and simply wish to get the bill through if possible, because it is one of great importance and has been pending for some time. The bill has already passed the Senate and is on the Speaker's table. It will not take more than a minute to pass it.

Mr. KENDALL. A similar bill was favorably considered by the Committee on Foreign Affairs of the House.

Mr. ALEXANDER. Yes; favorably considered, two months ago.

Mr. BUCHANAN. But, Mr. Speaker, we would like to know something about the time the bill will take.

Mr. ALEXANDER. I do not think it will take five minutes, unless some one wants to discuss it. If it takes too much time, I shall withdraw the request.

Mr. SULZER. No one, so far as I know, wants to discuss it. It will take only a minute to pass it.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, as I understand it the request is to take the Senate bill from the Speaker's table?

The SPEAKER. Yes.

Mr. MANN. Reserving the right to object, I think the bill should be reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 4930) to harmonize the national law of salvage with the provisions of the international convention for the unification of certain rules with respect to assistance and salvage at sea, and for other purposes.

The SPEAKER. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the right to remuneration for assistance or salvage services shall not be affected by common ownership of the vessels rendering and receiving such assistance or salvage services.

SEC. 2. That the master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, crew, or passengers, render assistance to every person who is found at sea in danger of being lost; and if he fails to do so, he shall, upon conviction, be liable to a penalty of not exceeding $1,000 or imprisonment for a term not exceeding two years, or both.

SEC. 3. That salvors of human life, who have taken part in the services rendered on the occasion of the accident giving rise to salvage, are entitled to a fair share of the remuneration awarded to the salvors of the vessel, her cargo, and accessories.

SEC. 4. That a suit for the recovery of remuneration for rendering assistance or salvage services shall not be maintainable if brought later than two years from the date when such assistance or salvage was rendered, unless the court in which the suit is brought shall be satisfied that during such period there had not been any reasonable opportunity of arresting the assisted or salved vessel within the jurisdiction of the court or within the territorial waters of the country in which the libelant resides or has his principal place of business.

SEC. 5. That nothing in this act shall be construed as applying to ships of war or to Government ships appropriated exclusively to a public service.

SEC. 6. That this act shall take effect and be in force on and after July 1, 1912.

Mr. MANN. Mr. Speaker, still reserving the right to object, I understand from the gentleman that this bill is to carry out the terms of an international conference and that it meets the approval of the State Department and also of the Bureau of Navigation of the Department of Commerce and Labor.

Mr. ALEXANDER. Yes.

Mr. SULZER. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none. The Clerk will again report the bill by title.

The Clerk again reported the title of the bill.

The SPEAKER. The request of the gentleman from Missouri is to discharge the Committee on Foreign Affairs from further consideration of the House bill H. R. 23111 and to take up the bill S. 4930 and consider the same. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

The bill H. R. 23111 was ordered to lie on the table.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to print in the RECORD in connection with this matter a letter from the Secretary of State and advices from the Belgian Government.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The letter and advices are as follows:

DEPARTMENT OF STATE,
Washington, July 17, 1912.

The Hon. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives.

SIR: Referring to the department's letter of the 17th ultimo, in regard to the bill H. R. 23111, now under consideration by your committee, "To carry into effect the provisions of a convention for the unification of certain rules with respect to assistance and salvage at sea," I have the honor to inclose for your information in connection with the matter a translation of a note from the Belgian minister at this capital.

I have the honor to be, sir,
Your obedient servant,
P. C. KNOX.

(Inclosure: from Belgian minister, July 6, 1912.)

(Translation.)

LEGATION OF BELGIUM,
Washington, July 6, 1912.

His Excellency the Hon. PHILANDER CHASE KNOX,
Secretary of State, at Washington.

MR. SECRETARY OF STATE: The international conventions with respect to collisions and to assistance and salvage at sea which were signed at Brussels, September 23, 1912, contain in articles 16 and 18, respectively, the following provisions as to their ratification and going into effect:

"The present convention shall be ratified.

"At the expiration of the term of one year at the latest from the date of the signature of the convention the Belgian Government will enter into communication with such Governments of the high contracting parties as shall have declared their readiness to ratify it, to the end of coming to a decision as to whether it is proper to put it into force.

"The ratifications will, the case arising, be immediately deposited at Brussels, and the convention will go into effect one month thereafter.

"The protocol will remain opened for another year to the States represented at the Brussels conference. After that period they could but adhere in accordance with the provisions of article 15 (17)."

As is known, the reason why the formality of ratification was deferred is that in many of the signatory countries the conventions could not receive legislative sanction in good time.

It appears from the information in the hands of the King's Government that a certain number of powers are now in position to ratify the conventions.

They are Germany, Belgium, the United States of America (as regards the convention relative to salvage, the collision conventions not having yet secured legislative approval), Great Britain (His Britannic Majesty's Government would at the same time adhere for British India, the Crown colonies and protectorates possessing sea coasts, Cyprus, and the South African Union), Greece, Mexico, Roumania, and Russia.

Several of these countries have even expressed a desire to be allowed to deposit their ratifications at this time.

It would thus seem that the time has come to take up the question of putting the conventions into force. The King's Government believes it may suggest the date of October 1 next to that effect. The ratifications should then, under the provisions quoted above, be deposited one month earlier; the protocol of deposit of ratifications would bear date September 1, 1912.

According to the information obtained by the King's Government it seems certain that countries other than those above named, France notably, will be in a position to ratify the conventions before September 1. In any event, in accordance with the provisions above referred to, the protocol will remain open for one year to the signatory powers which could not ratify on that date.

The King's Government indulges the hope that the dates above indicated will meet with the approval of the American Government, and

that it will be able, on the 1st day of September next, to ratify not only the salvage convention, but also that dealing with collisions.

I have been instructed by my Government to forward this communication to your excellency.

I embrace this opportunity, Mr. Secretary of State, to offer to your excellency the assurances of my highest consideration.

E. HAVENITH.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, and ask unanimous consent to disagree to the amendments of the Senate and ask for a conference thereon.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table the Indian appropriation bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

The SPEAKER. The gentleman from Texas asks to disagree to the Senate amendments and ask for a conference.

Mr. MANN. Mr. Speaker, reserving the right to object, it will take an hour or more to report the amendments, which I do not think will be necessary. I will say to the gentleman when that is done I desire to occupy a little time on the subject, and I think the gentleman would not desire to have that done to-day.

The SPEAKER. The gentleman from Illinois objects.

BILLS ON THE UNANIMOUS-CONSENT CALENDAR.

Mr. UNDERWOOD. Mr. Speaker, a week ago last Monday, *unanimous-consent* day, the Unanimous Consent Calendar was not finished. There are five Mondays in this month. There are still bills pending on that calendar—a very large calendar—and I ask unanimous consent that on next Monday, which is the fifth Monday in the month, that business which is in order on unanimous-consent day, suspension day, may be in order.

The SPEAKER. The gentleman from Alabama asks unanimous consent that business which is in order on the first and third Mondays—unanimous consent, suspension of the rules, discharge of the committees—shall be in order next Monday, which is the fifth Monday. Is there objection? [After a pause.] The Chair hears none. The call of the House rests with the Committee on Labor, and the unfinished business is the bill H. R. 18787. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of that bill, and the gentleman from North Carolina [Mr. PAGE] will take the chair.

LIMITATION OF HOURS OF EMPLOYEES ON PUBLIC WORKS.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18787, with Mr. PAGE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. BUCHANAN. Mr. Chairman, the purposes of this bill are similar to other eight-hour bills which have been considered by the Congress from time to time, I believe, since 1868. This particular bill has been made necessary due to a decision rendered by the Supreme Court defining dredge workers as seamen, and therefore claiming that the eight-hour bill enacted in 1892 did not apply, and in regard to that I want to read to the committee extracts from the dissenting opinion by Mr. Justice Moody, as follows:

I am unable to agree with the opinion of the court so far as it relates to the employment for more than eight hours a day of men engaged in work on the dredges and scows. * * *

The first question is whether the men named in the information were employed by the defendants "upon any of the public works of the United States" within the meaning of those words as Congress used them. * * * The dredging of channels in our waterways is not mere digging. It has for its purpose the creation of something with as visible a form as a cellar to a house, etc. Surely all these are works, and, if constructed by the Government, "public works." * * * For example, the appropriation for one of these works in question in these cases is in the following terms: "The following sums of money * * * are hereby appropriated * * * for the construction * * * of the public works hereinafter named. * * * For improving said harbor in accordance with the report submitted in House Document No. 119, Fifty-sixth Congress, second session, by providing channels 35 feet deep, * * * $600,000." That is to say, at the very threshold of the inquiry we find that the Congress which had forbidden a longer day's work than 8 hours upon "the public works of the United States" had, upon undertaking this very work, deliberately called it a "public work."

The cogency of the argument arising from the use of the same words in the eight-hour law as in the appropriation law can not be met by the suggestion that it is easy to read the words in the eight-hour law in a narrower sense than they were used in the appropriation law. The question here is not how the words may be interpreted, but how they ought to be interpreted. There is no necessity to explore the possibilities of escape from the intention which Congress has made sufficiently plain. * * *

The second question is whether the men named in the information were laborers or mechanics. * * * The men who were employed upon the dredges were not seamen, in respect of the work they were actually doing. The master and engineer of the dredge were not licensed, and the men employed upon it seemed not to have entered into any contract of shipment. * * * All those who were engaged in the work may be described as either laborers or mechanics. They had nothing whatever to do with navigation. They were towed to the place where the work was to be done and there left to do it.

It does not seem to be important that for some purposes the scows and dredges were vessels, or those employed upon them for some purposes are deemed seamen. The question here is what were the men when they were engaged in the work of excavation? Were the men at that time employed as seamen, doing the work of seamen, or as laborers and mechanics, doing the work of laborers and mechanics? I think they then were laborers and mechanics, and employed as such, and that their occupation is determined not by what they have been in the past, or by what their employers chose to call them, but by what they were doing when the Government invoked the law for their benefit. * * * Nor was their work in dredging incident to their employment on the dredges, but quite the reverse. They never would have been employed at all except for dredging. They never would have set foot on the dredge save to use it as a platform on which to do the work of laborers and mechanics. * * * They were employed to do the work of laborers and mechanics; in the main they actually did that work, and whatever they did which was of the nature of seamen's work was a mere incident to the fact that they labored upon a floating platform instead of upon the dry land. * * * When the intention of the legislature is reasonably clear, the courts have no duty except to carry it out. The rule for the construction of penal statutes is satisfied if the words are not enlarged beyond their natural meaning, and it does not require that they shall be restricted to less than that.

I am authorized to say that Mr. Justice Harlan and Mr. Justice Day concur in this dissent.

I probably should have stated first, Mr. Chairman, that this decision was rendered, I think, in about 1906, some years after this law had been passed, and was supposed to cover work of this nature; and, I think, about 1906 there were prosecutions started against those who had violated this law, and they were convicted and penalized, and this decision was the result of an appeal to the Supreme Court; and it is very evident that judges who render decisions of this character do it because they are rendering these decisions as they think the law ought to be, not as the law reads. There has never been a time before that dredge workers were classed as seamen, and it is apparent—to me at least— that they were called seamen at that time by the employers and by the judges for the purpose of blocking the efforts of Congress to reduce the hours of those engaged in this labor from 12 to 8. Now, for the information of the Members here present I want to say it is not my purpose to take up much time—I do not believe it is necessary, because I think the matter is generally understood—but I would like, however, to give some statements which were made by the secretary and treasurer of the steam shovel and dredgemen's organization, Mr. Thomas J. Dolan, who I believe is a man who has the confidence of the employers as well as the employees; and he states that he and his associates represented about 100,000 men, not claiming that they are all working at the class of work that this bill will cover, due to the fact it is difficult to organize that class of men.

In answer to the questions that were asked Mr. Dolan as to improvements in this kind of work, he stated before the committee in the hearings that the efficiency of the men has been increased more than 100 per cent; in other words, that the workmen to-day are doing more than double the amount of work which they did some 15 or 20 years ago, and that it seems to be largely due to the fact that through organization they are able to secure better conditions, and, therefore, the workmen are more efficient.

Also, Mr. Martin Cole, representing the Licensed Tugmen's Protective Association, has stated that the increased productive powers, due to the new methods of production in this industry and efficiency of workmen together, has increased from 1,000 to 1,500 yards daily to 6,000 to 7,000 yards daily. In other words, the new equipments of to-day, with the improved efficiency of the workmen, have increased the productive power of work of this nature from 1,000 to 1,500 yards a day to 6,000 to 7,000

yards a day. It does seem to me that the men who are a part of this industry are entitled to some of the benefits of this increased production in the way of reduction of hours, even though it might reduce their productive capacity to a small extent.

I do not feel that it is necessary for me to take any further time of the House in regard to this matter, and I will close by saying that in this age there is certainly not anyone who desires to oppose the reduction of hours, and especially in cases where it is shown they are working from 12 to 14 hours, and no objections to this bill which provides for putting the work under the eight-hour system, as we have done with other work for which the Government contracts. And it can be done, in my judgment, without a great hardship upon the contractors who are employing these workmen.

Mr. RANSDELL of Louisiana. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Illinois [Mr. BUCHANAN] yield to the gentleman from Louisiana [Mr. RANSDELL]?

Mr. BUCHANAN. I will.

Mr. RANSDELL of Louisiana. I would like to ask the gentleman whether or not, if this bill becomes a law, the levee work provided for by the bill which was passed several days ago, and which was declared under the terms of that bill to be "extraordinary emergency work" would be excluded from the terms of the eight-hour law?

Mr. BUCHANAN. This exempts extraordinary emergency work. At the bottom of page 2 it reads:

Except in cases of extraordinary emergency.

Mr. RANSDELL of Louisiana. Then, do I understand you to say that in your judgment the words which I show you here in the river and harbor act, on page 48 of the bill, as presented to the House, reading, "which shall be considered extraordinary emergency work," would be considered as exempting this work from the terms of your bill?

Mr. BUCHANAN. I wish to say, unless it is extraordinary emergency work, I would not want it excluded. If this work becomes extraordinary emergency work, due to the fact that there shall be a loss of property or life, then this provision in the bill excludes it. I do not know why it is defined as "extraordinary emergency work." Possibly it was because a property loss would result unless this was done as emergency work, and it has to be expedited as fast as possible. I do not know of any other reason why Congress would put such a provision in the bill.

Mr. RANSDELL of Louisiana. That is true beyond question. I was simply asking the gentleman what his construction of the use of these words would be, as to exempting the levee work from the terms of your bill?

Mr. BUCHANAN. I will say, so far as I can see the words are the same, unless the work has been wrongly defined, and unless the work has been wrongly defined I suppose it would exclude it, in my opinion, as long as you have it in that paragraph.

Mr. RANSDELL of Louisiana. I wish to ask the gentleman a question. I notice on line 12, page 2, of the bill these words are used:

Which eight hours shall terminate within nine hours from the beginning of workday.

Now, under the strict construction of those words I would like to ask you how many shifts will be required to take care of the operation of locks on rivers or canals where boats are required to pass through during all portions of the night and day.

Mr. BUCHANAN. I do not believe I understood the question.

Mr. RANSDELL of Louisiana. To repeat my question: Under the terms of this bill, which reads, "Which eight hours shall terminate within nine hours from the beginning of workday," suppose we have a case of a lock on some river where perhaps there are not more than 8 or 10 boats passing during the day—in other words, not more than 8 or 10 lockages during the day. The lock keeper lives in a house adjacent to the lock, and yet he can not serve for more than nine hours from the time he begins work, when he must quit his duty. Would not that require, in the case I have stated, three shifts of men to take care of that lock?

Mr. BUCHANAN. I think it would.

Mr. RANSDELL of Louisiana. And do you not think that might be made an exception from the general terms of the bill? I wish to say to the gentleman that I am heartily in accord with the general terms of his bill, but I ask him if he does not think in that case there might be an exception?

Mr. BUCHANAN. Well, there are probably cases it would be reasonable to define as exceptions; but I find that where you make exceptions in matters of this kind they are always abused, and one of the reasons why we made this provision which you speak of in the bill is because the representatives of the tug workers complained that their work had been strung out over, we will say, 16 hours a day. Possibly while not actual work for that length of time, it was, of course, the same, because they had to spend the time there on the job. It was to prevent the abuses they complained of in regard to that that we put the provision in there. There may be circumstances that would appeal to one as being exceptions to the rule. Now, we have our police forces, for instance, and clerks often that do not have any hard work to do and their work is not continuous. Still it is generally considered that about eight hours are sufficient for workmen of any kind, whether the work is mental or otherwise, in order that the workmen should be most efficient to do the work.

Mr. RANSDELL of Louisiana. Now, in regard to cooks and waiters, for instance, on the tugs and dredge boats. I assume that they have to get up pretty early in the morning and get the breakfast ready an hour or two, at any rate, before the crew would begin work. They certainly must have a good deal of rest time during the day, and unless you would except them from the terms of this bill you would have to have two sets of cooks and two sets of waiters, would you not? I am simply calling this matter to the gentleman's attention, so that he may present an amendment which would accommodate the bill to the purposes for which it was drawn and yet not work great hardships in some of these isolated cases.

Mr. BUCHANAN. I am not familiar with the work of cooks and waiters on the boats. I suppose, though, in cases where they work three shifts, their hours should be shortened in some manner or other. I am not prepared to answer whether it is proper to shorten the time of cooks or not. I am not prepared to answer that.

Mr. SPARKMAN. Mr. Chairman, in addition to the class just mentioned by the gentleman from Louisiana, I would like to suggest another, such, for instance, as master's mates and the like of dredge boats, who in many instances must necessarily be on duty more than eight hours at a time, nor do I understand they wish to come under the 8-hour law. Now, this 8-hour provision, as I see it, might be very readily applied to operators of dredging machinery who live on shore, as many do, simply going on board of a dredge during the day, but hardly to those working irregularly or to master's mates, crews of vessels, and the like. Its application to them, it seems to me, might in many instances result in the smallest amount of labor for the daily wage and often in the doubling and trebling of the number of employees doing a given kind of work. To require the contractors to have two or three shifts during the 24 hours might be putting an unnecessary hardship on the Government, without any compensating benefit to the laboring classes or to the people at large.

I want to say right here, as was said by the gentleman from Louisiana [Mr. RANSDELL], that I am thoroughly in sympathy with this class of legislation, and sincerely believe in the application of the 8-hour law to laborers and mechanics, in short, to nearly all classes of steady workers. But where a person works irregularly or intermittently, I doubt if he should be subjected to a provision such as the 9-hour provision in lines 12 and 13 of the bill.

Mr. BUCHANAN. That bears out what I said a moment ago. The minute you start to make exceptions there is always somebody who will want to make the exceptions general. The fact is that eight hours' work is sufficient for any man per day, whether he is at actual hard labor or not, because, taking in the time that he uses in getting to and from his work, a man is usually required to spend 10 hours of his time in performing eight hours' work. The workman who usually works eight hours is away from home generally 10 hours, because it usually takes him an hour to get to his work and get ready, and also an hour to get away, and so forth. The minute you start to talk about exceptions, it seems, the next you know is that you have got them generally applying to everything.

Now, the conditions that are maintained at this time on certain kinds of dredge work are such that, in my opinion, the lives of the men working thereon are a blank, so far as concerns their having any intercourse or association with any sort of society, except with those who work with them. In some cases they go out and work for a week or for a month on a single trip. In olden times, I believe, it was stated that they stayed out for a month at a time, and when they did get back to civilization, as was said by one of the witnesses who was before the committee, they tried to take in everything in about half a day or so, and that condition tends to degenerate the human kind.

Mr. SPARKMAN. I am not criticizing the general purposes of the bill. I will say to the gentleman I favor its passage.

Mr. BUCHANAN. Well, the same argument has been made at all times when you have tried to secure a reduction of hours. Now, I am not stating that the gentleman who makes the inquiry looks at it from that point of view, but it seems to me that not only in the recent past, but for ages, anything that may interfere with profit has been looked upon with disfavor, and the dollar has stood above the man. In the consideration of these measures one reason why we have made such slow progress in our battle for shorter hours in this country and in Europe for the last 100 years is the fact and the argument that there is danger of interfering with the profit of the manufacturer or the employer. It is true that the reduction of hours, as has been shown time and time again, has brought about an improvement to the workman and an increase of his efficiency, and probably in the run of years has produced no loss to the manufacturer or employer; and yet that argument has borne and *still* bears most heavily against us. However, we are getting away from that to a certain extent, as I hope and believe, and I believe that the gentleman himself has gotten away from it.

Mr. SPARKMAN. I beg the gentleman's pardon. I understand thoroughly and am in sympathy with the intention of the bill, but, in my opinion, exceptions ought to be made. You can not make a law applicable to all conditions. Exceptional conditions arise, and they should be taken into consideration when we legislate.

But here is what I want to ask of the gentleman: I understand, of course, that we should not always take into account the matter of expense, but has the gentleman considered how great the additional expense would be to the Government in the matter of river and harbor work if the bill passes in its present shape?

Mr. BUCHANAN. Well, judging from past experiences in regard to the reduction of hours in other industries, I think the expense will not be great. I will say, however, that if it were I would still be in favor of the bill just the same, because I believe in putting humanity above the matter of dollars. But in my judgment, based on past experience, the additional expense to be incurred would not be great.

I want to call my friend's attention to the difficulty of making provisions such as the gentleman is speaking of. This law, for instance, has been made necessary in order to protect certain workers, because of the fact that employers have continually tried to evade the law. The adoption of the eight-hour law in 1892 was made necessary owing to the fact that not only employers, but the department officials, were endeavoring to evade the law, and there are decisions of judges the effect of which is to nullify the provisions of the law. I might read to you what President Grant had to say about the law of 1868. He issued a proclamation on May 19, 1869, for the purpose of checking abuses which were preventing the generous objects of the statute, by declaring that from and after that date no reduction should be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction in the hours.

He issued another proclamation on the same question in 1872. In order to evade the provision of this law the Department of Justice had held that the act of June 25, 1868, was not applicable to mechanics, workmen, and laborers in the employ of contractors with the United States; that the act was not intended to extend to any others than the immediate employees of the Government; and in United States against Martin the Supreme Court of the United States rendered a decision in respect to the eight-hour law of 1868 which practically destroyed that law and defeated the good intention of the legislators who enacted it.

Mr. SPARKMAN. I do not wish to be understood as opposing the bill. I am in favor of it.

Mr. BUCHANAN. I am pointing out these things to the gentleman to show why it is practically impossible to include the provision to which he refers. If it is included, it will be applied to everything in the industry, as it has been applied, by the assistance of the Federal judges.

Mr. SPARKMAN. I do not know that it is true, but I am informed by what I consider competent authority that this provision will add to the cost of river and harbor work perhaps 50 per cent. I refer more particularly to the language in lines 12 and 13, page 2:

> Which eight hours shall terminate within nine hours from beginning of workday.

Mr. BUCHANAN. Such a statement is erroneous.

Mr. SPARKMAN. I do not know how much the cost would be increased, but I know it would be very greatly increased.

I notice there is a difference made in here between the contractor or subcontractor on work other than river and harbor work done by the Government or its contractors and on river and harbor work. Perhaps I can best show what I mean by quoting the first part of section 1:

> SECTION 1. That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States or the District of Columbia, or by any contractor or subcontractor, upon a public work of the United States or of the District of Columbia.

That refers to work other than river and harbor work, while the provision in regard to rivers and harbors seems to be much broader.

Why is this distinction made in river and harbor work and all other classes of Government work?

Mr. BUCHANAN. I am of the opinion that this is similar to the other eight-hour measures. I do not think there is much difference. The intention is the same. The arbitrary decision of judges, who apparently have seen things through the eyes of the employer for profit instead of taking the humane side of the question, have made it necessary in drawing many bills to make the language broader, or else the language will be defined as meaning something else than what those who enacted the law intended. If it is any broader, that is probably the reason for it.

Mr. BATHRICK. May I ask a question? The statement has been made, has it not, that this bill would increase the cost 50 per cent?

Mr. SPARKMAN. I have known from the engineer's department that it will probably reach that figure, at least 50 per cent, and one of them put it much higher than that.

Mr. BATHRICK. Mr. Chairman, I desire to state that on all the hearings upon the subject of the reduction of the hours of labor of workmen employed upon Government contract work to eight hours, it has been demonstrated and stated by the contractors themselves that the difference in cost would not exceed in the neighborhood of 10 per cent, and I can not understand how this reduction of hours would exceed 10 per cent. I can not understand upon what basis anybody should make the statement that it would increase the cost 50 per cent.

Mr. BUCHANAN. Such a statement is erroneous.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. Mr. Speaker, I want to say that that has been the argument of all of the opponents of the eight-hour bills or bills for the reduction of hours of any kind for the last 100 years. In England in 1802 when they cut down the hours of apprentices to 72 a week the manufacturers there said that it was going to put them out of business. The same argument has been made from that time to this not only in this country but in the European countries by the employers of the country that the excessive cost would make it impossible to comply with it. That is an erroneous argument, and it does not have much weight with me, although I am always glad to listen to any side of a question. It is not my purpose, and never has been, to obstruct the business of this country, but I claim that any law which tends to protect humanity not only does not obstruct business but that it adds to business and strengthens and improves it.

Mr. BUTLER. Mr. Chairman, I have listened with patience, and this is the first time that I have heard it stated that it has been estimated anywhere that it would increase the cost of production 50 per cent. Will the gentleman please inform me where that suggestion comes from?

Mr. BUCHANAN. The gentleman from Florida [Mr. SPARKMAN] made the statement.

Mr. SPARKMAN. Mr. Chairman, I made the suggestion that it had been stated to me that the enactment of this bill into law, as it now stands, would cost the Government anywhere from 33⅓ per cent to 50 per cent. One of the engineers placed it even higher than that. A statement made by the gentleman from Illinois a while ago would show that in one class of work it would likely increase the cost at least 200 per cent. He admitted that where there is only one set of men now needed in the opening or tending of locks, this bill would require three. In other words, three shifts. They would certainly increase the cost as much as 200 per cent anyway.

Mr. BUTLER. The gentleman is now speaking of river and harbor work?

Mr. SPARKMAN. That is what we were discussing; yes.

Mr. BUTLER. Has that been the subject of discussion between the gentleman from Florida and the gentleman from Illinois?

Mr. SPARKMAN. Yes.

Mr. BUTLER. I am obliged for the information.

Mr. SPARKMAN. It has hardly been a discussion. It was more of a colloquy.

Mr. BATHRICK. Mr. Chairman, how would it be possible to increase the cost by 50 per cent, the cost of dredging, if the

labor were increased only about 20 per cent and increased efficiency would flow from shorter hours?

Mr. BUCHANAN. Mr. Chairman, I desire to state the ridiculous position in which the Government has been in regard to this eight-hour-a-day matter, and I want to read a part of the hearings to bear out what I say. Mr. W. B. Jones, the general president of the International Dredge Workers' Protective Association, was before the committee, and he said:

Mr. JONES. There has been a great deal of dredging done; take, for instance, the cities of Cleveland and Buffalo.

Mr. MAHER. Did they have regulations providing the eight-hour day?

Mr. JONES. Yes, sir; eight-hour day. For illustration, we will take the city of Buffalo, and they did some dredging in the rivers there for the State, in connection with the channel that is going through; the men on this dredging work for the State of New York and the city of Buffalo worked eight hours, on the canal, but the Government building the river or harbor part between the two ends of the canal in Niagara River, that work was let by the Government and that is all done at 12 hours.

Mr. MAHER. Practically all the dredge work is done by the Government, initiated by the State, Navy, or National Government.

Mr. JONES. Yes; some private work, but not to speak of, and the difference is men will be working in sight of one another, some working for the city or State and working eight hours, and others working under Government contract where you could almost throw a stone at one another, and working on the Government work 12 hours. That is, contract let by the Government.

In other words, the Government work was being done under a 12-hour day and the work for the State of New York and the city of Buffalo under an 8-hour day, practically in the same place, under the same conditions, the same structure, and the same canal or harbor. If any gentleman thinks that we should let a condition like that continue, I shall have to differ with him.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Georgia.

Mr. TRIBBLE. I will ask the gentleman if his bill and this class of legislation will not have a tendency to create a monopoly in the hands of a few men who furnish material to the contractors in doing Government work? In other words, material must be purchased from men whose labor work is done under the eight-hour-a-day law. Take the South, for instance. Suppose there is a contract down there on some of the rivers for Government work or the construction of a building. How can a farmer or a millman who is working a few hands out in the forest and who is able to get the material and yet does not comply with the eight-hour-a-day law furnish any of that material to the Government?

Mr. BUCHANAN. I want to say to the gentleman that this has nothing to do with material itself. It is Government contract work for rivers and harbors.

Mr. TRIBBLE. But the same principle runs through all Government work, and the gentleman knows that the law forbids Government contractors from purchasing material from anyone who works labor over eight hours.

Mr. BUCHANAN. That may be, but I want to say in regard to the monopoly that it seems that we have already a monopoly in this work. The representative of the Employers' Association, Mr. William C. Ryan, who is a very nice gentleman, the secretary of the Dredge Owners' Protective Association, says that they are organized, and organized for the purpose of stopping the Government doing its own work evidently. That was one of the purposes. The Government had been doing its own work to such an extent that it was about to put the contractors out of business, so they have organized for that purpose and probably now have a monopoly. I am not prepared to state about that, but this will have nothing to do with a monopoly part of it anyway.

Mr. TRIBBLE. The gentleman seems to speak officially for the Government employees, and I will ask him to state to what extent this eight-hour-a-day law and the reduction of a day's labor is going to be carried in Government employees? You have come down in the number of hours from year to year. How many more will be required in the course of time? Will the gentleman state what the gentleman thinks ought to be a day's labor?

Mr. BUCHANAN. The requirements of humanity would satisfy me and nothing else.

Mr. TRIBBLE. What does the gentleman think ought to be a day's labor now?

Mr. BUCHANAN. Well, it is the general opinion at this time that eight hours is a fair day's work. I am not an authority on that question, however.

Mr. TRIBBLE. I will ask the gentleman if he did not hear Mr. Carroll say in the Committee on Naval Affairs that there would soon be a movement when the men would demand seven and a half hours for Government employees, and does not the gentleman vouch for Mr. Carroll, and did not the gentleman bring Mr. Carroll there? Is not that true? I ask the gentleman if Mr. Carroll did not say a movement was on foot to reduce the hours to seven and a half? Now, will the gentleman answer me that question? Did he say that?

Mr. BUCHANAN. I am not responsible for what Mr. Carroll says.

Mr. TRIBBLE. You vouch for him.

Mr. BUCHANAN. Well, that may be true that conditions may require that for humanity, but I wish to say when that question becomes an issue it is time enough to discuss the question.

Mr. TRIBBLE. It seems to me it is the issue now.

Mr. BUCHANAN. I want to read for the benefit of some gentlemen here, and who do not seem to understand—I will ask the gentleman if he is opposed to an eight-hour day?

Mr. TRIBBLE. I will say to the gentleman that I do not think that a Government employee has any more right to claim eight hours as a day's labor than the man who works upon the farm.

Mr. BUCHANAN. It is not a question of Government employees.

Mr. TRIBBLE. I say that Government employees ought to work just as long as any other employees in this country. I do not propose to make any preference in regard to Government employees.

Mr. BUCHANAN. That is not an answer to my question. I asked the gentleman whether he is in favor of the eight-hour day or a shorter working day.

Mr. TRIBBLE. I answered that question.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. For the benefit of some gentlemen here I will read this, and then I will yield as soon as I do so. I have an extract here from what Mr. Carroll D. Wright, then Commissioner of Labor, wrote relative to the eight-hour law in the Fifty-fifth Congress. He says:

The policy of this class of legislation has therefore been settled by Congress, and I need not discuss this phase of the question. All such laws are enacted for the purpose of protecting the laboring man from the injurious consequences of prolonged physical effort, giving him more time for his personal affairs, and more time and energy to devote to the cultivation of his moral and mental powers. It has always been expected that they would aid him in the acquisition of knowledge, thus tending to make him a better and more contented citizen. This policy must be admitted by all to be a good one. The only difficulty is in so shaping legislation as not to interfere with necessary economic conditions. The Federal Government has long been committed to this policy; therefore the principle of the proposed bill may be considered as settled and approved.

Now, I want to read further what our martyred President McKinley said in the House of Representatives on August 28, 1890. He said:

And the Government of the United States ought, finally and in good faith, to set this example of eight hours as constituting a day's work required of laboring men in the service of the United States. The tendency of the times the world over is for shorter hours for labor—shorter hours in the interest of health, shorter hours in the interest of humanity, shorter hours in the interest of the home and the family—and the United States can do no better service to labor and to its own citizens than to set the example to States, to corporations, and to individuals employing men by declaring that, so far as the Government is concerned, eight hours shall constitute a day's work and be all that is required of its laboring force.

Therefore, Mr. Speaker, this bill should be passed. My colleague, Mr. Morey, has stated what we owe the family in this connection, and Cardinal Manning, in a recent article, spoke noble words on the general subject when he said:

"But if the domestic life of the people be vital above all; if the peace, the purity of homes, the education of children, the duties of wives and mothers, the duties of husbands and of fathers, be written in the natural law of mankind, and, if these things are sacred, far beyond anything that can be sold in the market, then I say if the hours of labor resulting from the unregulated sale of a man's strength and skill shall lead to the destruction of domestic life, to the neglect of children, to turning wives and mothers into living machines, and of fathers and husbands into—what shall I say, creatures of burden? I will not say any other word—who rise up before the sun and come back when it is set, wearied and able only to take food and lie down and rest, the domestic life of man exists no longer and we dare not go on in this path."

Mr. Speaker, we owe something to the care, the elevation, the dignity, and the education of labor. We owe something to the workingmen, and the families of the workingmen throughout the United States, who constitute the large body of our population, and this bill is a step in the right direction.

Mr. TRIBBLE. Will the gentleman answer me a question? The gentleman discussed labor in general and employees in general, and I want to ask the gentleman why he makes a distinction between Government employees and other labor. This provides for Government employees.

Mr. BUCHANAN. I make no distinction.

Mr. TRIBBLE. The gentleman does in his bill.

Mr. BUCHANAN. I will say, for the gentleman's information, it is not my bill.

Mr. TRIBBLE. But you are advocating it.

Mr. BUCHANAN. My colleague from Illinois [Mr. WILSON] introduced the bill, and I undertook the work of reporting it to the House.

Mr. TRIBBLE. Why does not the gentleman offer an amendment putting all employees in the same category?

Mr. RANSDELL of Louisiana. Will the gentleman yield for a question?

Mr. BUCHANAN. I now yield to my colleague from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I may ask the gentleman some questions which have already been asked and answered, possibly, because it was impossible on this side to hear most of the questions which were asked and answered. As I understand it, the existing law applies only to laborers and mechanics, and that the courts have construed that it does not apply to men on dredges because, under the construction of the courts, they are seamen.

Mr. BUCHANAN. The gentleman states it correctly.

Mr. MANN. The purposes of this bill primarily is to cover these dredgers under the eight-hour law.

Mr. BUCHANAN. Yes, sir.

Mr. MANN. Let me ask the gentleman this question, if I may: In the case of dredges owned by the Government, men go on the dredge and live there. The same is true concerning dredges owned by contractors. I suppose somebody is in charge of the dredge. I do not know what the title would be—master or captain. Under the provisions of this bill as it stands now, would not every person on the dredge be limited to eight hours' work, not more than nine hours after the commencement of the working day?

Mr. BUCHANAN. I think so.

Mr. MANN. Would it be possible to operate a dredge in that way?

Mr. BUCHANAN. Oh, yes; I think so.

Mr. MANN. Now, the language of the bill is——

Mr. BUCHANAN. The fact is, I will say to my colleague, before this law was declared unconstitutional, or before it was declared that dredgemen were seamen, they were working on the eight-hour day——

Mr. MANN. I will say to my colleague that I am perfectly in accord with the desire of the bill, but——

Mr. BUCHANAN. I will say that I believe it is practicable.

Mr. MANN. The question is whether it is practicable that the man in charge of the dredge shall be confined to more than eight hours from the beginning of the workday, and that the cooks and anybody else connected with the dredge shall be confined in the same way?

Mr. BUCHANAN. I want to say that it is my personal opinion, though. Really I had not thought about the cooks and employees of that kind, and I never thought about this law applying to them. I do not consider the man who represents the company on any construction work an employee or workman in the sense that this bill was intended to apply, but he is an agent of the company, and in a different capacity from a workman.

Mr. MANN. I am asking these questions in the hope that we may arrive at some amendment to the bill which would make it workable, and therefore make it practicable to pass it and make it a law. The gentleman will notice that in the original act it says "laborers and mechanics." That, under the construction of the court, is not sufficient to cover the seamen. This bill says that all persons engaged in constructing, maintaining, or improving a river or harbor. And, I take it, that that means all persons who are paid out of an appropriation for that purpose.

Mr. BUCHANAN. Well, I will say to my colleague that he has had a much wider experience than I have with these matters. In fact, I did not draft this bill myself.

Mr. MANN. I understand.

Mr. BUCHANAN. But we want the bill to be practical. I will say that if there is any amendment that could be offered that would make it more workable, personally I would have no objection to it. I want to say that I am only one, and can not speak for anyone else.

Mr. MANN. I appreciate that. The gentleman knows, however, that, as a rule, one body of Congress may pass a bill which is not likely to pass the other body where there is something in the bill that is objectionable. I was wondering if there was not some description of these men that could be inserted instead of saying "all persons." "All persons" would probably include the United States Army engineers, and from them down to charwomen. It certainly would include the men in charge of the dredge. It certainly is not desirable to have three different men in charge of the dredge at different times as the only person in charge.

Mr. BUCHANAN. Has the gentleman any suggestion to make with regard to the matter?

Mr. MANN. So far as covering "seamen" is concerned, so far as the decision of the court is concerned, it would be sufficient to provide for seamen engaged in river and harbor work, but I am not sure that that is sufficient as a matter of desirability. I have no objection to applying the eight-hour law wherever it can be applied.

Mr. BUCHANAN. The purpose of the bill is, of course, to make it apply to dredge work.

Mr. MANN. Although I could not hear all that was said, take the case that has already been alluded to as to locks. There are certain places where locks are maintained under the river and harbor work. Of course it is perfectly patent that the lock keeper who opens a lock a few times a day has little labor to perform at any time. And there is no reason for keeping three sets of lock keepers. I do not think anyone desires to have that done in the case I mentioned, if there is such a case.

Mr. BUCHANAN. I should think there ought to be some provision to make an exception for such cases, but it is difficult to do it. The purpose of the employers almost invariably is to endeavor to evade the purposes of the law. If it was not for that it would be easy to arrange those things. But the trouble with the eight-hour laws and all other laws for the benefit of labor has been that it is necessary to make them broad, because there has been a tendency on the part of the employer to evade them.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. BUCHANAN] has expired.

Mr. MANN. How much more time does the gentleman want?

Mr. BUCHANAN. I can answer some further questions.

Mr. RANSDELL of Louisiana. I hope the gentleman's time will be extended, as I want to ask him some questions. I ask that his time be extended 20 minutes.

The CHAIRMAN. The gentleman from Louisiana [Mr. RANSDELL] asks unanimous consent that the time of the gentleman from Illinois be extended 20 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BUCHANAN. Does my colleague from Illinois [Mr. MANN] desire to ask further questions?

Mr. MANN. Not at present.

Mr. RANSDELL of Louisiana. I notice you asked the gentleman from Illinois if he had any suggestions. I have one which might obviate some of the trouble. If you will insert, on line 2, page 2, after the word "mechanics," "and all operators of dredging machinery who live on shore and go on board dredges or other water craft for the day," those words, it seems to me, would obviate the objection as to the owners of the boat, like captains or their representatives, and obviate the trouble about cooks and waiters and employees of that kind, and would accomplish your purpose of protecting those who are now classed under that decision as seamen.

Let me read it again in order that I may make it clear to you. After the words "laborers and mechanics," on line 2, page 2, add "and all operators of dredging machinery who live on shore and go on board dredges or other water craft for the day." Insert those words instead of using the words "all persons," and so forth, on line 6. I simply submit that for your consideration.

Mr. BUCHANAN. The probability is that they would all be living on the vessels.

Mr. SPARKMAN. As a matter of fact, a great many of them live on shore.

Mr. BUCHANAN. Yes, I believe they do, especially about the Lakes. I know they do, many of them. It certainly is not a pleasant life to lead on the water, and it seems to me that those who live on the water ought to have eight hours, if anyone else is entitled to it, and they ought to be given an opportunity to be on shore a little more than they are under present conditions.

Mr. SPARKMAN. It requires a good deal of time in some cases, I will say to the gentleman, to get these men from the shore to the places where they work, so that in some cases under this 9-hour clause, I am told, they would not actually work more than five or six hours a day. Perhaps, however, those are extreme cases.

Mr. BUCHANAN. I think so. I think they are rare cases. From the knowledge I have of the work, I think those cases are exceptions to the rule.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. BUCHANAN. Yes.

Mr. BUTLER. I am in entire harmony with the purpose contained in the bill. I think that all laboring men ought to be included in the general provision restricting the hours of

service to eight hours each day. I understand that the purpose of this bill is to include in the law which was passed a few years ago the men working on dredges engaged in river and harbor work. Am I right in this?

Mr. BUCHANAN. Yes.

Mr. BUTLER. Now, will the gentleman please tell me why there is any necessity for including in the bill the language I find in italics as follows:

Which eight hours shall terminate in nine hours from beginning of workday.

I had in mind the idea that the hours of labor would always terminate within the time prescribed. The gentleman may have made the explanation, but we did not hear it on this side of the House. I am sorry to ask the gentleman to repeat it, but it needs repetition for the reason stated.

Mr. BUCHANAN. That question was answered. One of the complaints made by the representatives of the men employed in this industry was that the time during which they did work was scattered out. It took them, for example, 16 hours sometimes to perform work representing 12 hours.

Mr. BUTLER. The hours of labor were not continuous, as I understand? They were divided or separated?

Mr. BUCHANAN. Yes. That is a committee amendment that the gentleman has read—put in for that purpose.

Mr. BUTLER. I did not understand the purpose of the committee amendment, because I did not appreciate the reason for it.

Now, let me ask the gentleman a further question, and then perhaps I will have the information I desire. At the bottom of page 2 are found these words—

Except in case of extraordinary emergency.

This bill imposes pretty heavy penalties. That would put the responsibility upon the employer of labor to determine whether or not the emergency was an extraordinary one, of course?

Mr. BUCHANAN. Yes.

Mr. BUTLER. In justice to him, could not that be simplified somewhat?

Mr. BUCHANAN. This is an amendment to the eight-hour law, which, I believe, provides for some one to define what the emergency is.

Mr. BUTLER. That I did not know.

Mr. BUCHANAN. This is an amendment, I say, to the eight-hour law of 1892.

Mr. BUTLER. Then in that law, as I understand, there is some authority to determine whether or not the emergency is extraordinary, is there?

Mr. BUCHANAN. Oh, yes; there is a provision in the eight-hour law which provides for that.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. BUCHANAN. Yes.

Mr. WILLIS. I wish to say in the beginning that I am heartily in favor of the eight-hour law and of this bill, but I want an explanation of one clause of this bill. The other day a Senate amendment to a bill was concurred in, providing that certain improvements on the Ohio and Mississippi Rivers should be regarded as emergency work. It was pointed out by the gentleman from Illinois [Mr. MANN] at that time that that would probably exempt that work from the provisions of the eight-hour law. Now, in connection with that I desire to ask the gentleman what the effect will be of the provision in the last line of page 2, where this language is found—

Except in case of extraordinary emergency.

Perhaps the gentleman has answered the question already, but there was so much confusion that we could not hear on this side.

Mr. BUCHANAN. That question has been answered; yes.

Mr. WILLIS. I could not hear the gentleman's answer.

Mr. BUCHANAN. The language is the same as the bill passed the other day, and inasmuch as that has been defined as an extraordinary emergency, I suppose that this bill will not apply to that particular work.

Mr. WILLIS. Then if this bill passes, notwithstanding the fact that Congress is wisely and properly undertaking to embody the principles of the eight-hour law here, on that river work it will not apply?

Mr. BUCHANAN. I said it would not apply to cases of extraordinary emergency. I do not think the Senate and the House would attempt to do something that they ought not to do, and if Congress have declared something to be an extraordinary emergency that is not one they have done wrong. I think that this destruction of the levees, due to the floods, has made it a work of extraordinary emergency to make life and property secure and possibly in order that the crops may grow without being destroyed and to preserve the health of the people. The gentleman from Louisiana [Mr. RANSDELL] can explain that better than I can. I am not so familiar with the subject as he.

Mr. WILLIS. I will say, further, that an improvement that seeks to avoid a flood a year or so from now is not an extraordinary emergency, and therefore the 8-hour law should apply; but it is provided in that bill that notwithstanding that fact it shall be regarded as emergency work, and consequently the eight-hour law was held not to apply.

Mr. BUCHANAN. I supposed this work was to rebuild what was torn out by the flood. I do not know.

Mr. RANSDELL of Louisiana. That is exactly what it is for. It is to restore those great crevasses in the levees which have done such awful damage, and will cost millions of dollars to replace. It is to restore the wave-washed levees. This $4,000,000 will not put the levees back in as good shape as they were in when this extraordinary high water came upon them.

Mr. BUTLER. That should not be considered as emergency work.

Mr. RANSDELL of Louisiana. It certainly is emergency work. It is so declared to be in the act. If the gentleman lived down there, back of those levees, and had his property destroyed, as the property of others has been destroyed by these floods, and had the waters finally to recede, and weeks and weeks after the recession found the physical conditions were such that a single pound of dirt could not be moved, and the rains were coming down on him as they have been coming down there nearly ever since the water receded, and as they are liable to continue to come; and if he will consider the fact that millions of yards of dirt will have to be put there to restore those levees, he would surely think it extraordinary emergency work to get those crevasses closed and put those levees in condition for the next high water. Not only must we finish the levees, but we must revet them with grass. We plant Bermuda grass on them, and that work must be done quickly in order to have the grass take root and form a protective sod to prevent wave wash.

If any kind of work of which I have knowledge can be considered extraordinary emergency, it seems to me it is that, and the Congress declared it to be so in the river and harbor bill which passed just a few days ago.

Mr. WILLIS. Mr. Chairman, I want to ask the gentleman one further question. I am simply seeking to get at the facts. I understand the gentleman to agree in the interpretation of the proposed law which has been placed upon it by the gentleman from Illinois [Mr. BUCHANAN], that if this bill passes this $6,000,000 will be expended outside of the provisions of the eight-hour law.

Mr. RANSDELL of Louisiana. Only the part applying to levees. The portion of the $6,000,000 which applies to levees, to wit, $4,000,000, is declared by the river and harbor bill to be for extraordinary emergency work. I do not know that this provision will apply to levee work under subsequent acts of Congress, but that part of the appropriation in the act recently passed is declared to be "extraordinary emergency work," and I think under the terms of the bill which we now have before us the words:

Except in case of extraordinary emergency—

Lines 23 and 24, page 2, would except the levee work which will be done under the river and harbor act passed a few days ago from the general provisions of the pending bill if it become law.

Mr. WILLIS. Then, if I correctly understand the gentleman, the sum of $4,000,000 will be expended outside of the provisions of the eight-hour law.

Mr. RANSDELL of Louisiana. Yes; that is my understanding.

Mr. WILSON of Pennsylvania. Mr. Chairman, I desire to call the attention of the gentleman to the fact that the language quoted from lines 24 and 25, page 2, of this bill are existing law. The bill does not propose to change existing law, so far as that language is concerned. And even if the appropriation bill referred to had not contained the language that is in it, if the department engaged in the execution of this work had determined that this work on the levees was extraordinary emergency work, the $4,000,000 could have been expended under the existing eight-hour law without regard to an eight-hour workday. The insertion of the clause in the appropriation bill simply gave the expression of the Congress to the fact that it was extraordinary emergency work, and the legislative branch of the Government thereby assumed the responsibility of declaring that it was extraordinary emergency work. The passage of this bill

would not in any manner change that, because it provides for the exemption from the operations of an eight-hour workday all work that is of an extraordinary emergency character. So this bill would not in any manner affect the appropriation to which the gentleman from Louisiana [Mr. RANSDELL] refers.

Mr. BUCHANAN. Mr. Chairman, 21 States of the Union have eight-hour laws applicable to labor on public works and to State employees. These laws have been adopted within the period of the last 21 years. Colorado, Kansas, New York, and Utah have each furnished a precedent—after long-continued struggles over the question—of the constitutionality of eight-hour laws and their applicability to public works done by contractors.

It is apparent to me that a large majority of our citizens are favorable to a shorter workday or the eight-hour law, because in States like Colorado in the West and New York in the East, where it has been necessary to revise the State constitutions to secure an eight-hour law, the people have voted strongly in favor of it.

In Colorado a law was enacted in March, 1899, providing for eight hours in mines, smelters, and blast furnaces, but in the ensuing October the supreme court of the State unanimously decided it to be unconstitutional. On November 4, 1902, a constitutional amendment embodying the terms of this law, which had been approved by all the political parties, was submitted to the people under the referendum at the general election and adopted by a vote of 72,980 yeas to 26,266 nays. The general assembly of Colorado at the close of its next session, from January 7 to April 6, 1903, adjourned without enacting an eight-hour law, as directed by this constitutional amendment, but in 1905 it passed a law which in part resembles the organic act, but is inadequate, reflecting neither its letter or spirit.

In New York an eight-hour "public works" law, with a "prevailing rate of wages" clause, was enacted in 1897 and amended in 1899 and again in 1900. The "prevailing rate of wages" clause was decided to be unconstitutional, as was also any penalty for the violation of the eight-hour provision.

In 1905, however, the people, by means of the referendum, adopted the following amendment to the constitution by a vote of 338,570 ayes and 133,606 nays:

> The legislature may regulate and fix the salaries, the hours of labor, and make provision for the protection, welfare, and safety of persons employed by the State or by any county, city, town, or other civil division of the State or by any contractor or subcontractor performing work, labor, or services for the State or for any county, city, town, village, or other civil division thereof.

In accordance with this constitutional amendment the legislature of 1906 enacted the present law, which, with an amendment adopted in 1907 extending its scope, is regarded as efficient and satisfactory to the wageworkers of the State. In a case in which the comptroller of New York City refused to pay for work performed in violation of the law, the contractor secured a writ directing payment, but on appeal by the comptroller the court of appeals, the highest court of the State, sustained the law with this significant expression of opinion:

> The constitution was amended because it did not confer power upon the legislature to fix and regulate the hours of labor in doing public work or the wages to be paid. * * * The legislature acted under the amendment and reenacted the precise law, the overthrow of which by the courts made the amendment necessary. * * * The people in exercising their supreme power did not do a vain act, but effected a definite purpose. * * * We uphold the statute simply because the people have so amended the constitution as to permit such legislation. The command of the people made in the form prescribed by law must be enforced by the courts.

At the present stage of the discussion of reducing the hours of the workday it is no longer necessary to set out to prove the benefits to mankind gained everywhere in industrial life through cutting off all the hours of employment above 10. On the shelves of every public library in our cities are books and reports by the score telling of communities made more healthy, more sober, more happy, more enlightened by removing the burden of the intolerably excessive toil to which the workers generally were formerly driven. To lop off the 2, 3, and even 4 hours above 10 was a long step toward substituting humanity for brutality. More than that, economically nothing was lost. At the end of the year the worker on the average yielded as much output at 10 hours as at the longer day. He worked more days, he applied more muscle to his task, and he rose from an automaton drudge to an intelligent mechanic. It is also to be noted that every reduction in the hours of daily labor has been followed by new and better tools and devices by which the productivity of the workers working under an eight-hour day has been vastly increased over the former long-hour workday.

With the progressive intensity of application under modern methods and speeded-up machinery, workmen by daily experience know, and with hardly an exception the trained and careful investigators of working-class life employed by either the Government or sociological agencies are by diversified observation convinced that 10 hours in an industrial pursuit strain the nerves and weaken the general physique of even strong men, the total result being a detriment to the race. With the recent necessarily changed modes of living, especially in large communities, the 10 hours at work mean more nearly 12 hours' absence from home, transit to and from the work place being included.

The laborer's strength diminishes gradually in the course of the day. The last hours count against him most. Bodily ailments then develop in his weak spots. The quality of his work then falls off. His aversion, born of weakness and exhaustion, then takes root toward the natural avocations of a healthy nature in the hours off from the daily grind. It is then that, with a certain percentage of the worn-out toilers, a craving for stimulant arises, foreshadowing the deplorable consequence of indulgence in drink. It is then that the workman is unfitted to take part during the evenings in the various duties of his life; hence he is the less worthy as a citizen, the less helpful to the constructive institutions of society, the less a watchful, patient, and competent father of a family.

The testimony as to what the wageworkers who enjoy the eight-hour day have done with the two hours now their own which once were given to the employer is to be seen in a number of callings in many parts of the country. One effect is beyond doubt. Their new-found time they have employed in such a way as to decrease the death rate, and hence obviously the lost time through illness, in their occupations. Every trade-union which pays a death benefit shows from its books a decrease in payments per thousand members since it has had the eight-hour day. In this fact alone the body of the argument for an eight-hour workday, on the score of health, is carried to the point of conviction. Men who are living longer than their predecessors at the same calling are obviously living better in all the implications of the word. They and their families are housed better, dressed better, fed better, educated better—in all respects, as a whole, are happier. This truth is to be seen in so many industries and communities, it is a truth that so appeals to common sense and ordinary observation, as well as to the conviction developed in us with experience that man tends to elevate himself with opportunity, that to attempt to prove it by statistics and recapitulations of the inquiry were to misapply man's discriminating faculty.

In proposing an eight-hour day the first question to be settled is economic. It is whether the total output will warrant the possible lessening of effective toil. In other words, can society sustain itself and progress on eight hours' work? To this query the industrial wageworkers reply, "There has been no diminution of output by reason of the reduction of hours of labor from 10 to 8. In not a few occupations the output has not varied from the results of 10 hours, the number of human workers remaining the same in proportion. Workers, with the aid of new machinery, within the period of the present generation have in nearly all occupations vastly increased product. Besides, the cessation of the two hours' work in his vocation has given the worker opportunity to add to his product in his avocations. His leisure hours, it may be said without paradox, have given him the time, opportunity, and pleasure of caring for his house, his garden, and his side ventures. The eight-hour day has given more, not less, of material things to the world. A whole continent, as is the case of Australia, may have the eight-hour day and mankind be the richer.

It is clear that the eight-hour day is not only a boon to the men, women, and children who toil—to humanity—but that through it, when it shall have become general, the present total production of society will be increased.

The foremost demand of the organized-labor movement is for a shorter workday. It is in the interest of labor; it must necessarily be in the interest of progress. The eight-hour day is the harbinger of more successful industry and commerce, its tendency is upward, and it will surely help to solve the greatest of all the material problems of our lives on a peaceful and permanent plane.

Mr. MANN. I do not wish to ask the gentleman any question. I ask unanimous consent that the author of this bill, my colleague from Illinois [Mr. WILSON], who is unavoidably detained, may have leave to extend remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] requests that his colleague [Mr. WILSON] be given unanimous consent to print remarks in the RECORD. Is there objection?

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent to print remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] asks unanimous consent to print remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. I make the same request for myself.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes the same request for himself. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, the bill before us is a bill relating to limitation of the hours of daily service of laborers and mechanics. It is an eight-hour bill. I have a very decided opinion in regard to matters of hours of labor. It was my good fortune—as I look back on it now I consider it good fortune—that in my youth and early manhood I engaged in quite a variety of employments in which, for a considerable number of years, I did the hardest sort of manual labor.

I was possessed of a good constitution, blessed with good health, and with that power of recuperation which a kind Providence gives to us in our youth. Yet I well remember many a day when the closing hours of the forenoon and the closing hours of the afternoon brought me to a state where it was almost impossible for me to do good and effective work, to give that energy, care, and attention to my work which was required to be faithful and efficient in the labor in which I was employed. I know of no subject, economic, sociological, humanitarian—for it is all of these—in regard to which public opinion has changed so rapidly in the last 10 or 15 years as it has with regard to the hours of employment. A short time ago I talked with a gentleman in whose employ many years ago I, with fair efficiency, I think—and I take some pride in that—polished the head of a drill with an 8-pound hammer in the deep and wintry recesses of the Black Canyon of the Gunnison, in Colorado. When I knew him, himself sprung from the ranks of labor, big, strong, vigorous, active, forceful, he found it hard to believe that any man had done his duty until he worked at least 10 hours. Talking with him recently he said:

> On some Government work on which I employed many hundreds of men recently I was required to comply with the 8-hour law. It was a new experience to me. I undertook it with some misgivings and with considerable regret. I am glad I had that experience. I never had so satisfactory work done in all my experience. I never did a piece of work surrounded with as many difficulties which I executed and completed as satisfactorily as I did that piece of work, and, strange to say, while I paid my men for 8 hours practically what I would have paid them for 10 hours the cost was, in my opinion, and based on experience of many years, but little, if any, more than it would have been under the 10-hour day.

Mr. Chairman, those of you who have labored at good, hard, physical labor will understand what this means. Let us take, for instance, any work requiring the expenditure of the maximum of physical effort, or work requiring close, constant, straining attention. When a man has done that sort of thing for 10 hours he must be a remarkable man if he is in condition for the next day's work. He will do nearly as much in 8 hours, and he will do it better and much more cheerfully than in 10 hours. So that, from the standpoint of industry, my opinion is that we shall in the long run profit in quality and, in many cases, in quantity of work if we adopt 8 hours in most lines of employment. There are some lines of employment in which it will be difficult, perhaps impossible, to reduce the hours of labor to 8 without considerable readjustment of business, but where it can be done the movement toward the shorter day should be encouraged. Looking at it from the higher standpoint of humanity, it gives the man who works with his hands some time, other than the hours that he should have for rest and refreshment, for recreation and improvement. Remember, there are many men who have gotten what little education they have been able to pick up largely in the odd hours before and after the day's work, and that will be true even under the more generally favorable conditions for acquiring an education which prevail to-day. We are approaching the time when, in my opinion, there will be but little objection on the part of anyone to the general adoption of the shorter day, in the interest of industry and in the interest of humanity.

But, Mr. Chairman, I understand there is but little opposition to the general purposes of this bill, and therefore no necessity for arguing the question at length. I propose to crave the indulgence of the House for a short time to discuss some matters which are in a way pertinent to a bill to limit the hours of labor, for they relate to subjects in regard to which certain gentlemen have been working overtime. It has not been an 8-hour proposition at all. It has covered, in the main, 24 hours a day and 7 days in the week—a work, in my opinion, which the gentlemen themselves, those who have been most busily engaged in it, will, when they have time to reflect, and in the cold, gray dawn of the morning after the 5th of November, feel was a work entirely without warrant or justification. I refer to some things that have been said, charges that have been made, relative to the right of certain delegates to seats in the national Republican convention recently held at Chicago.

Before, during, and since the meeting of the Republican national convention at Chicago, Col. Roosevelt and some of his supporters have repeatedly and in the most violent and intemperate language made the most serious charges of fraud and wrongdoing in connection with the election and seating of a large number of delegates to the convention. The gravity of these charges, the vehemence with which they have been uttered, and the persistency with which they have been reiterated, coming as it has in a period of unrest and suspicion, have profoundly influenced many good people.

The faith a large number of people have in some of those who gave utterance to or repeated these charges had much to do with disposing many people to accept them as gospel. Few people realize how men may, in the first instance, be misled by overzealous or unscrupulous subordinates or supporters, or by the statements of those claiming to be informed as to facts, and how difficult it is for even the best of men to admit an error after proclaiming it, particularly if it serves an all-controlling ambition.

American political history has furnished sufficient examples of the extremes to which men will go in making unmerited charges under the spur of political ambition or from the sting of political disappointment to make our people cautious in accepting as the truth sensational charges prompted by such influences.

It should be remembered that the Republican Party, with its marvelous and glorious history of achievement in the cause of liberty, righteousness, and good government, has, at various times in its history, been the victim of the most extreme, vindictive, and abusive assaults from within its own ranks, and that its leaders who are to-day most revered were in the days of their activity and usefulness most villianously reviled and denounced.

Nothing in history is more astounding to the student of to-day than the abuse heaped upon Lincoln and the charges made against him, as representative of his party, by men within the party when he was a candidate for reelection. Many here can recall the measureless and vitriolic vehemence of the assaults on the honesty and integrity of the party and its leaders by men calling themselves Republicans during the Liberal Republican movement in 1872 and the free-silver bolt in 1896, and at other times.

Unfortunately people who ought to be warned by having been misled at other times by mere violence of assertion and vehemence of denunciation seem to have short memories with regard to such matters. Furthermore, we have a new generation of voters who, inexperienced in politics and being of honest and conscientious intent and purpose, are inclined to accept charges made with fine simulation of sincerity as evidence, and vehement reiteration in frenzied imitation of outraged virtue as conclusive proof.

The truth is ever at a temporary disadvantage in the presence of persistent prevarication, loudly and violently proclaimed. Those who would profit by charging others with wrongdoing in matters political invariably consider it necessary to employ the language of extravagance, sensation, and abuse to challenge and fix public attention while, he who tells the simple truth finds neither warrant nor excuse for more than the plain, unvarnished, unsensational tale. To reply in kind to abuse and vituperation is but to cheapen the quality of truth.

NOT AGAINST INDIVIDUALS BUT THE PARTY.

It should be remembered that the charges made against the manner of seating the delegates at Chicago are not charges against any individual or set of individuals, but against a great party as represented at the only Nation-wide gathering of the party. Men and parties do not become corrupt overnight. A party that will do a great wrong to-day could not have been honest yesterday, last year, or four years ago, *and yet a majority of the majority of the national committee which decided these cases were members of the committee four years ago, when Mr. Roosevelt was pleased with and indorsed the committee's work.* In the convention among the majority were many who had been *personal and political friends of Mr.*

Roosevelt when he was President and had enjoyed his confidence. Had the character of all these men changed?

It had not been my purpose to make any statement in the House or elsewhere in regard to these cases. My mind and conscience have been so clear about them that I have felt discussion was almost superfluous. I have been reminded, however, that as the only present Member of the House *who was a member of the committee on credentials* I owed it to my colleagues to at least briefly review the more generally discussed cases.

The gentleman from Missouri [Mr. BARTHOLDT] served on the national committee during the hearings of the contest cases, and I am glad to know that he contemplates discussing them. Our friend and late colleague, Mr. MALBY, served faithfully in the committee on credentials, including the wearisome all-night session. I sat near him, and noticing his appearance of fatigue begged him to retire. Consciencious and honorable gentleman that he was, he refused to do so, saying he preferred to hear the argument and evidence in every case. I fear that the strain of these long, trying sessions shortened our friend's days; if so, he was a martyr to duty.

IMPORTANT TRUTH BE KNOWN.

There are reasons why the truth in regard to these contests should be known, why the reckless statements with regard to them should be refuted of far greater and more far-reaching importance than any question of the effect these statements and charges will have upon the fortunes of any party or candidates in the coming election. This great Republic of ours, the greatest and most successful experiment in free government the world has ever known, is a Government of parties. The very continuation of our Government depends not only upon the honesty and integrity of the people in the management *of great party* organizations and otherwise, but in the continued confidence of the people in such honesty and integrity.

THE CHANGE IS IN ROOSEVELT.

If the organization of a great party which has been a leader in great moral and political movements can become so corrupted between presidential campaigns as to commit such political crimes as it is charged were committed in Chicago the party is not only in a bad way but the country is beyond redemption. If a party of which Mr. Roosevelt had the support and an organization which four years ago he trusted—and some say controlled—could in so brief a time become so lost to all sense of decency, what hope is there for a new party which he might create? The members of the national committee, whose action at Chicago Mr. Roosevelt denounces in such intemperate terms, were four years ago, in Mr. Roosevelt's estimation, entirely fair-minded, intelligent, and honorable gentlemen. Is it probable that they all fell from that high estate in so short a time? Is it unreasonable to suggest that perhaps the change is in Mr. Roosevelt and not in the national committee and the membership of the convention?

APPROPRIATING ELECTORS.

The claim that Col. Roosevelt was denied the nomination at Chicago through the larceny of delegates is not only expected to contribute directly to the third-party movement, but it is expected to contribute even more potently indirectly by furnishing the excuse for the most impudent and revolutionary plan of political larceny ever conceived. It is proposed to appropriate the livery and secure the benefits of Republican State organizations, while at the same time repudiating the party and candidates. It is difficult to conceive a more shameless proposal of pure piracy than this.

PENNSYLVANIA.

In Pennsylvania, for instance, about a third of the Republicans of the State expressed a preference for Mr. Roosevelt for President. He was not nominated, but the men who were temporarily placed in command of the Republican ship by a third of the Republican voters are expected, I am told, to continue to fly the Republican flag at the masthead and secure whatever benefits can be thus obtained with the expectation of eventually, whatever happens, scuttling the ship after having gotten away with the cargo.

The local boss of the new crew, being a more cautious pirate than some others, has suggested that while he hopes and expects to turn the cargo secured under the Republican emblem over to the enemy, he thinks, in decency, he ought to hold out some hope to Republicans that, if they prove to be the majority of the crew, they may secure the benefits of the cargo obtained under their flag. But the chief, under whose orders he seems to be operating, repudiates any such mushy procedure; if you are to be a pirate, be a pirate, quoth he; carry their flag as long as it is to your interest to do so, but eventually make them walk the plank and scuttle the ship.

The Democrats of my native State of Missouri, by a large and enthusiastic majority, expressed their preference first, last, and all the time as a candidate for the Presidency for their beloved fellow citizen, the honored and respected Speaker of this House. He had a majority of the delegates in the Democratic national convention; a majority of the delegates in that convention voted for him on roll call nine different and distinct times. By all reasonable and proper rules he was the candidate of the convention. In the moment of his triumph the great prize was ruthlessly snatched from him without warrant, justification, or excuse. Why are not the Democrats in Missouri proposing to have the Democratic electors in that State vote for CHAMP CLARK?

If there are any electors anywhere who have any sort of a justification for being traitors to the binding and sacred obligation which rests upon an elector to vote for the candidate of the party that placed him in nomination, they are the Democratic electors in Missouri. I assume, however, that they, like the man they honored with their votes, are honest citizens, and therefore no such thought has entered their minds. They have probably realized, if they have even thought of it, how clearly traitorous would be the act suggested, how destructive of our plan of electing Presidents. What excuse and opportunity would be offered for the most outrageous scandals in the case of a close vote in the electoral college if electors are held to be free to vote as their fancy or interests dictates. We have so far heard these shameless proposals only from men who hope to profit by overturning the legal machinery of our Government. I am not prepared to believe that the men who have received party nominations as electors are so recreant to their solemn obligations as to commit such acts of perfidy or that the people generally would tolerate them.

COMMITTEE ON CREDENTIALS.

I accepted service on the committee with reluctance, upon the insistence of my colleagues, because I realized the hard work that would be required and the inevitable criticism from one side or the other that was sure to follow. At that time my only knowledge of the facts with regard to the contested cases had been obtained from reading the daily papers, many of them reflecting the view of the cases taken by extreme Roosevelt adherents. So far as I had any definite opinion with regard to the cases which it would require evidence to remove, it was in favor of the Roosevelt delegates in certain cases to which I shall refer hereafter.

The committee on credentials of the Republican national convention was in session in all aproximately 40 hours, equivalent to five 8-hour days. In order to prepare cases for consideration of the convention it held one continuous session of nearly 30 hours. Every contestant who appeared was given a hearing. *Ample time was given for the presentation of cases, in one case over three hours being devoted, at the request of the Roosevelt contestants, to a case which had been unanimously decided in favor of the Taft delegates by the national committee.* No man can honestly say, and I think no contestant has said, or will say, that he was not given a fair, extended, and courteous hearing by the committee on credentials. I think that statement also applies to the hearings before the national committee, which heard contest cases for 15 days.

Mr. HILL. Mr. Chairman, may I interrupt the gentleman?

Mr. MONDELL. Certainly.

Mr. HILL. Were not those hearings public?

Mr. MONDELL. Yes; both before the national committee and the committee on credentials were public.

Mr. HILL. And that for the first time in the history of the party?

Mr. MONDELL. For the first time in the history of any political party, as far as I know. The four great newspaper associations of the country were represented at all of those hearings, and their men were there all of the time and took notes of what was done and said, so that there was nothing said by anyone in connection with any of these contests that was not heard by the newspaper correspondents.

Mr. BURKE of South Dakota. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from South Dakota?

Mr. MONDELL. I yield for a question.

Mr. BURKE of South Dakota. I understand the gentleman to say that he attended the sessions of the committee on credentials quite continuously. The member of the committee from my State, Mr. S. X. Way, is a gentleman I know very well. I intend to get his opinion on these several contests, assuming that he was present at the hearings. Does the gentleman know whether he was present or not?

Mr. MONDELL. I was present at all of the hearings, except for a short time on the Texas cases. It is impossible for me to

say, of course, just how continuously all of the other gentlemen attended. When our committee first met, and before we had transacted any business or adopted rules, the member from California, after talking threateningly and excitedly for a few moments, dramatically shouted, "Follow me to the Florentine room," which room was, I understand, Col. Roosevelt's headquarters. Whereupon there was a somewhat ridiculous scramble on the part of certain gentlemen to see who could get out of the room first. My recollection is that the member on the committee from South Dakota was one of the bolters. At varying intervals they more or less shamefacedly returned, or, rather, as we understood it, were ordered back by the Roosevelt bosses, with the suggestion they better not bolt until they had some excuse for so doing. I don't know just when the member on the committee from South Dakota slid back—I do not want to do him an injustice—but I am very much mistaken if he heard most of the contests. *Some of those who have been loudest in their denunciation of what was done heard but very little of the testimony or arguments before our committee. That is particularly true of the members from California and Illinois.*

NUMBER OF CONTESTS.

There were contests filed before the national committee involving the seats of 252 out of 1,078 delegates in the convention. Of these, 238 were brought by Roosevelt contestants against Taft delegates. Some of these contests were so utterly frivolous that they were not even urged before the national committee when it met for the purpose of making up the temporary roll for the convention. The committee was in session 15 days, and *a large majority of contests which were heard by the national committee were decided by that committee by unanimous, or practically unanimous, vote,* and in the cases where there was a difference of opinion the vote in favor of the delegates who were seated constituted in most of the cases a majority of two-thirds or over.

After the national committee had made up the temporary roll of the convention, Mr. Roosevelt's managers made up a list of cases to be presented to the committee on credentials of the convention, involving the title to 128 seats, thus surrendering all claims to 110 of the seats which had been originally contested. That even this list of 128 was padded by cases known to have no merit is evidenced by the fact that the contests which were actually presented for the consideration of the committee on credentials involved but 92 seats, some of which were seats which the national committee had unanimously given to Taft delegates. *The fact is, therefore, that of the 238 contests originally brought by the Roosevelt people but 92 were taken before the body whose duty it was to finally determine who were entitled to seats in the convention. The Roosevelt people had abandoned 146 of their contests before reaching the convention or its credentials committee.*

FRIVOLOUS CHARACTER OF CONTESTS.

Before taking up the questions involved in the remaining cases it might be interesting and profitable to inquire into the nature and the character of most of the contests brought on behalf of Mr. Roosevelt and the way in which they were brought. Of course, it does not prove anything for me to say that the overwhelming majority were of the most frivolous character; that they were brought deliberately for the purpose of confusing the issue, misleading the public, and laying the foundation for the outrageous charges which followed. As my mere statement of belief is not evidence, I should not express that opinion if it were not fully justified and substantiated by facts that are not questioned and *by the admission of Roosevelt supporters.*

In many of the cases from the Southern States, notably Virginia, Georgia, Alabama, and Florida, almost complete sets of Roosevelt contesting delegates were named at alleged conventions, in no way worthy of the name, held from two to three months after the Taft delegates had been regularly elected. It is notorious that the holding of these "conventions" and the naming of these delegates was due to the activity of a certain astute gentleman from the North operating in the interest of Mr. Roosevelt, and said to have been liberal in expenditure.

MR. MUNSEY'S TESTIMONY.

We have some very illuminating testimony from a very high Roosevelt source as to the reasons for bringing these contests. I need not remind gentlemen how very enthusiastic Mr. Frank A. Munsey has been in his support of Mr. Roosevelt. In the literary and journalistic world Mr. Munsey has been by all odds the most enthusiastic and emphatic supporter of the ex-President. His paper, the Washington Times, published in this city, and his magazines have devoted their energies for months to further the cause of Mr. Roosevelt. Mr. Judson C. Welliver is the trusted political writer on the Times who was given a free hand to boost first the Roosevelt candidacy and now the Roosevelt third party. Mr. Welliver went to Chicago to watch the contest proceedings before the national committee. He saw that body, upon which there were a considerable number of ardent Roosevelt supporters, cast into the discard by unanimous vote one after another of the trumped-up, fictitious, fraudulent contests, and it occurred to Mr. Welliver, and no doubt to Mr. Munsey, that it was necessary to revive the drooping spirits of the Roosevelt adherents, who had been fooled and misled by the bringing of these contests. It appeared to *be necessary to tell some truths,* and Mr. Welliver proceeded to do so in a dispatch from Chicago, published in the Washington Times of Sunday evening, June 9, which is in part as follows:

ROOSEVELT FORCES REGAIN CONFIDENCE DESPITE COMMITTEE'S WORK—CONTESTS UNABLE TO CHANGE RESULT—ARRIVAL OF WILLIAM FLINN STRIKES TERROR INTO HEARTS OF ADMINISTRATION MEN.

(By Judson C. Welliver.)

CHICAGO, *June 9.*

Seventy-two contested seats in the convention have been passed on by the Republican national committee and every one has been given to the Taft claimants. That sounds as if Taft was making a tremendous inroad on Roosevelt strength; but the fact is that it has little significance.

In order that the reading public, getting its impressions from the daily reports of repeated determinations in Taft's favor, may not misunderstand just what is happening, it is necessary to go back to the beginning of this campaign and explain some things.

When the national committee met in Washington last December there were persistent rumors that Roosevelt might be a candidate. La Follette was already in the field.

GOT AN EARLY START.

The Taft people knew their weakness, and were scared about the situation. They adopted the plan of holding conventions in the South early, because there they had the machinery and could rush matters through with the strong-arm procedure and stow away a fine bunch of delegates, while the Roosevelt movement was still unorganized; indeed, before Roosevelt could be announced.

This they did, and on the day when Roosevelt formally announced that he was a candidate, something over a hundred delegates had actually been selected. When Senator DIXON took charge of the campaign, a tabulated showing of delegates selected to date would have looked hopelessly one sided. Moreover, a number of Southern States had called their conventions for early dates and there was no chance to develop the real Roosevelt strength in the great Northern States till later.

For psychological effect, as a move in practical politics, it was necessary for the Roosevelt people to start contests on these early Taft selections in order that a tabulation of delegate strength could be put out that would show Roosevelt holding a good hand in the game. A table showing "Taft, 150; Roosevelt, 19; contested, 0," would not be very much calculated to inspire confidence. Whereas one showing "Taft, 23; Roosevelt, 19; contested, 127," looked very different.

WHY THEY WERE STARTED.

That is the whole story of the larger number of Southern contests that were started early in the game. It was never expected that they would be taken very seriously; they served a useful purpose, and now the national committee is deciding them in favor of Taft; in most cases, without real division.

CONTESTS TOO RAW.

The southern contests were too raw for the stomachs of even the most prejudiced Roosevelt supporters. It must have been galling to have to admit that these contests were simply gotten up to fool the people, to bring in the wavering brethren, who when in doubt resolve it in favor of the most promising band wagon, by making them believe that Roosevelt had many more delegates than he really had. I do not now recall a more humiliating confession of an attempt to fool the people.

The Chicago Tribune, vigorously supporting Col. Roosevelt, on June 8, after referring to the decision of the national committee in the Alabama cases, gave the *comment of Col. Roosevelt* on the cases as follows:

The colonel showed the reporters a table of delegates he expected to be awarded on the Alabama list. It was shown that he had conceded 22 to President Taft and claimed only 2 for himself.

"You see, I hadn't counted on anything except that one district," he said.

And yet in the colonel's interest all the Alabama delegates had been contested, and all were claimed for him by his managers.

But to return to Mr. Welliver's article. After admitting and conceding the fraudulent and *psychological* character of most of the contests, having abandoned the first line of defense and admitted it was mounted with straw guns, a new position was taken behind cases now claimed to be valid with all the positiveness with which all the cases had formerly been defended. He said:

The ninth Alabama was an exception. There is every reason to believe that Roosevelt was entitled to those two delegates. He was robbed of them, just as he is to be robbed of the Indiana, Kentucky, Michigan, and Missouri delegates that he ought to get and just as he will be robbed of the Washington State delegation if the Taft people are convinced that they must do it to save themselves.

The point is that these contests never were listed as available assets of the Roosevelt campaign. It rested on no such flimsy foundation.

We are here solemnly assured that the ninth Alabama is "an exception." It is, in the sense that it is an exceptionally weak case. In the case of the Indiana, Kentucky, Michigan, Missouri, and Washington delegations we are assured an awful robbery was to be committed. How unfortunate it was and is that these champions of Col. Roosevelt could not have looked

forward and have known *that, in the Indiana case, all of Col. Roosevelt's friends and supporters were to vote with the other members of the committee to seat the Taft delegates; that in the case of the Missouri delegates at large they were to be given with equal unanimity to Col. Roosevelt. As to the Michigan delegates at large, they were given to Taft without a roll call; and in the case of the Kentucky delegates at large, but 11 members of the committee of 52 found it in their hearts to vote for the Roosevelt delegates.*

DISFRANCHISING DEMAND.

The impudent demand made by those responsible for faked and flimsy contests, that no delegate whose seat was brought in question by such contests should vote on any question, was a case of adding insult to injury. It was a demand that those who brought the contests—they afterwards admitted were mostly without merit—should benefit by their own wrongdoing to the extent of controlling the convention, steal the ship after having, as sailors under the same flag, disabled the majority of the crew.

Such a rule would allow the most insignificant minority to control a convention by the simple process of bringing trumped-up, eleventh-hour contests against the majority, thus disqualifying them from participating in the convention. This is exactly what the Roosevelt people tried to do in Chicago.

This extraordinary demand was based on the preposterous assumption that the bringing of a fake contest against a delegate rendered him incapable of honestly deciding contests involving others or other questions coming before the convention. To deny a vote to such delegates would leave the convention in control of those who were instrumental in fraudulently bringing their seats into question, on the theory, no doubt, that one who has laid the preliminary plans for a larceny is in a better frame of mind to do justice than his victim.

Reduced to few words, what was proposed was that, having given notice of contemplated wholesale theft, all the proposed victims were to be disarmed to allow the easy and expeditious perpetration of the outrage.

Parliamentary law denies one whose right to a seat is challenged the privilege of voting on the question. The rule was strictly observed in the Chicago convention. No one voted on their own contest.

Mr. BURKE of South Dakota. It is the law in my State.

Mr. MONDELL. The gentleman from South Dakota calls my attention to the fact that the rule is the law in his State. It is a parliamentary rule everywhere, and it is very proper that it should have the sanction of statute.

MOTION TO PURGE THE ROLL.

After the Republican convention had temporarily organized it was proposed by a motion to "purge," as was stated, the convention roll of Taft delegates claimed to be wrongfully placed on the temporary roll and seat Roosevelt delegates in their stead.

Ninety-two seats were named, but this included 18 delegates from Virginia and 2 from the District of Columbia, where contests were so frivolous that they were entirely abandoned, leaving 72 seats as the number which it is understood Col. Roosevelt and some of his supporters now refer to as the "stolen seats." The list is as follows:

Ninth Alabama	2
Arizona	6
Fifth Arkansas	2
Fourth California	2
Thirteenth Indiana	2
Seventh Kentucky	2
Eighth Kentucky	2
Eleventh Kentucky	2
Michigan	6
Third Oklahoma	2
Second Tennessee	2
Ninth Tennessee	2
Texas	8
First, second, fourth, fifth, seventh, eighth, ninth, tenth, and fourteenth Texas	18
Washington	8
First, second, and third Washington	6
Total	72

It might be pertinent to inquire by what peculiar and extraordinary power of perfect discrimination the Roosevelt people are able to now differentiate these cases from the 146 other contested cases which they brought and in whose defense they were individually or collectively at one time as vehement as they now are in regard to these cases. By what peculiar virtue does one man, by his insistence upon his followers become the sole judge and arbiter of rights to seats in the national Republican convention? What has happened to a number of cases with regard to which Mr. Roosevelt and some of his followers have been most violent but which are not contained in this list of alleged stolen seats? If I recollect rightly, Col. Roosevelt's earliest and one of his most vitriolic and abusive outbursts with regard to delegates had reference to delegates at large from Indiana. No supporter of his on the national committee voted to seat the contesting Roosevelt delegation. They are not mentioned in this list of delegates that must be unseated in order to "purge the roll."

As the Roosevelt people entirely abandoned their claim as to 146 of the seats they had contested, and their charges of late have been directed toward the contests involving the 72 seats I have referred to, it is not necessary to go into detail as to the abandoned contests, and we may confine ourselves to a somewhat detailed examination of the 72 seats which are the basis of the wholly unwarranted and unjustifiable indictment of a great party and its representatives.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. OLMSTED. Mr. Chairman, I ask unanimous consent that the gentleman may proceed to the conclusion of his remarks.

The CHAIRMAN. Is there objection?

Mr. WILSON of Pennsylvania. Mr. Chairman, reserving the right to object, I would like to ask the gentleman how long it would take to conclude his remarks?

Mr. MONDELL. About an hour. I will not take longer than an hour.

Mr. WARBURTON. Mr. Chairman, reserving the right to object, the gentleman from Nebraska [Mr. NORRIS] desires to talk in answer to the gentleman from Wyoming. I do not want the extension of time to preclude his answer.

Mr. NORRIS. Mr. Chairman, I hope the gentleman from Washington will not object to this extension of time. I do not think it will interfere with me at all. I want the gentleman to have all of the time that he desires.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the gentleman will proceed for one hour.

NINTH ALABAMA.

In regard to this case, I had received impressions favorably to the Roosevelt delegates from a conversation had with a colleague in the House, before leaving for the convention, and on the basis of the statement which this colleague made to me, believing it to be true, I felt that the Roosevelt delegates had a good case. How much mistaken I was in that impression a statement of the facts in the case will make very clear.

The case involving the two delegates from the ninth Alabama congressional district is somewhat perculiar in this: That if every claim made on behalf of the two Roosevelt delegates is admitted, still, in view of the undisputed facts, the Taft delegates are clearly entitled to seats in the convention.

In this district there is a district committee of 30 members. When the committee met February 15 for the purpose of arranging for a district convention to elect two delegates to Chicago the chairman was absent; without him 15 was a quorum of the committee. On the committee being called to order by the secretary a dispute arose as to the rights of certain persons to serve as members of the committee; and, unable to agree, the committee divided and two meetings were held in the same hall. There is conflicting testimony as to which faction had the majority of the committee; there is no question, however, but what the Birch, or the Taft, crowd had the larger number of members whose right to serve was not questioned, to wit, 13. The right of two men on the Birch side to serve on the committee is called in question, namely, William Latham and Harvey Hardin. As for Latham, it was claimed that not he but his brother James was a member of the committee. In my opinion there is no doubt but what William Latham was the Latham who was a member.

As for Hardin, who was beyond doubt a member of the committee, a few days prior to the meeting he had handed a man not a member of the committee his resignation, with the understanding it was to be returned to him if he was able to attend the meeting. He appeared at Birmingham the night before the meeting of the committee and demanded his resignation returned to him. This was refused. If Latham and Hardin were members of the committee qualified to act, there is no doubt but what the Taft people had a majority of at least one. On the other hand, to admit the Roosevelt claim to a majority of the committee we must disregard the evidence to the effect that Latham and Hardin were lawful members and at the same time admit the authority of the chairman to fill four or five vacancies without referring the matter to the committee, including the vacancy alleged to exist on account of Hardin's resignation. The right of the chairman to fill such vacancies was sharply challenged by the other side.

To me the evidence was conclusive that the Birch, or Taft, people had a majority of the committee. Even admitting, for the sake of argument, that the wrong Latham was present, the

absence of anyone in the place of Latham left a committee of 28 and as many Taft as Roosevelt men if the chairman's appointees were recognized.

The fact is, however, that had the Roosevelt men a majority of the committee the subsequent procedure deprived them of any claim for their delegates. There are four counties in the district with regular organizations. The only real office of the district committee was to start in motion the machinery in the counties to select delegates to the district convention. If there had been no quorum at all at the district committee meeting, if but one man had issued the call and it were heeded by the county committees by appropriate action, the resulting nominations would have been valid.

What did happen was that the Republican organizations in all four counties obeyed the call of the Birch, or Taft, committee and held delegate conventions in two and mass conventions in two of the counties, at all of which delegates were elected to the district convention and at the same time to the State convention, which in turn elected the delegates at large, which were seated unanimously by the national committee at Chicago. In due course a district convention was held at which regularly elected delegates from all the counties were present unchallenged. This convention proceeded to elect the Taft delegates, which were seated.

On the other hand, no attention was paid by the county organizations to the call issued by the Hadley, or Roosevelt, faction. In three of the four counties no attempt was made to hold conventions.

A Roosevelt State convention was held in Birmingham, in Jefferson County, May 11, over two months after the convention which elected the Taft delegates. At the same time and place it is claimed that a mass convention was held under the Hadley call for a district convention, and Roosevelt delegates were elected. The report of the minority of the committee on credentials does not attempt to claim any regularity of action on the part of the Roosevelt men after the split in the committee. They base their claim entirely on the assertion that the Birch call was not regular.

ARIZONA.

Arizona was entitled to six delegates at large in the convention. The contest there arose over an unauthorized soap-box primary held in Maricopa County. While alleged contests were started by the Roosevelt men in some of the other counties, none were regarded seriously by anybody except a contest in Cochise, which was settled by seating both delegations, with a divided vote.

The history of the Arizona case is briefly as follows: The call for the State convention to elect delegates to the national convention was regularly issued May 1. In view of the fact that there was no State primary law for the election of delegates to a national convention the call instructed the county committees to meet on the 15th of May and determine which of various methods should be adopted for the appointment or election of delegates to the State convention to be held June 3. Two counties, Pinal and Graham, decided to hold primaries for the election of delegates, and in Graham County this decision was unanimously agreed to. In Cochise and Yuma Counties the Roosevelt people had a majority of the county committees. They decided to have the delegates appointed by the committees. This plan was followed in the other counties in the State except Maricopa.

The county chairman in Maricopa County was a Roosevelt man, and upon the assembling of the county committee he forthwith and without any preliminaries appointed three Roosevelt men as a committee on credentials. This action was challenged, but nevertheless the committee so appointed proceeded to report in favor of seating three proxies. There was further protest and an appeal from the chair, and while this was going on other proxies were presented on behalf of other members who were not present. After further consideration the same committee which had reported the seating of the three proxies later reported against the seating of any proxies. This sudden change of front, due to the fact that if proxies were recognized the Taft men would have a considerable majority, led to a disagreement which resulted in two committee meetings and two calls, one signed by the chairman for a primary to elect delegates to the State convention, and another by the secretary and a pro tempore chairman for a meeting of the county committee to select delegates to the convention. In this connection it should be remembered that in the Roosevelt counties of Cochise and Yuma the delegates were selected by the county committees, on the ground that there was no law under which a legal primary could be held.

Mr. NORRIS. Will the gentleman yield there?

Mr. MONDELL. Very briefly, I will say to the gentleman, because my time is brief.

Mr. NORRIS. I will not interrupt the gentleman's remarks without his consent, of course. I know two hours is very short when you have such a burden on your hands. I want to ask the gentleman if it is not true the Taft men in the county objected to proxies and if it is not true they had their way and all proxies were eliminated under objection of the Taft men?

Mr. MONDELL. First thanking the gentleman from Nebraska for his entirely gratuitous expression of opinion as to the merits of the case, I would say that I have stated the facts exactly as they are and I will state them again if he desires. I heard the testimony of the chairman of the committee, and I think I know what occurred. I heard both sides tell about it.

Mr. NORRIS. But the gentleman was not down in Arizona when it happened.

Mr. MONDELL. No; but I heard both sides of the case before the committee on credentials. The chairman appointed a committee on credentials. There is nobody denying that. The action was challenged, nobody denies that. They reported in favor of seating three proxies. There is no denial of that. And then the same committee appointed by the Roosevelt chairman reported in favor of seating no proxies, and they so reported, because if they had seated the proxies the Taft men would have had a considerable majority.

Mr. NORRIS. Will the gentleman permit an interruption?

Mr. MONDELL. If I have the time I have no objection to an interruption. What was the question which the gentleman desires to ask?

Mr. NORRIS. I did not understand the gentleman, I ask his pardon.

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I do.

Mr. NORRIS. I want to ask the gentleman if it is not true that in this State call in Arizona the county committees had the right under the call to elect the delegates either by the committee, in which case the call fixed the date when it must be done; whether they did not have the right to call the primary, or to call an ordinary convention. I desire to ask the gentleman if it is not true those three methods were specifically provided in the State call?

Mr. MONDELL. The State committee provided that the county committees should decide how they should elect their delegates.

Mr. NORRIS. When the county did decide to elect or select the delegates and did it in the way the State committee designated, there is no question of the legality of the delegates selection, is there? The gentleman is emphasizing the fact that in some counties the Roosevelt committee selected delegates. I want to know whether it was legal or not under the law.

Mr. MONDELL. So far as the county of Maricopa is concerned, the majority of the county committee, either as constituted by the members actually present or as it would have been if the proxies had been recognized, never decided to hold primaries; a minority of the committee so decided. I am one of those old-fashioned people who do not believe in the rule of minorities of committees that do not represent the people.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. MONDELL. Well, if it is brief; but I never will get through if I continue yielding to the gentleman.

Mr. NORRIS. I want to say to the gentleman, that if he says he does not want to be interrupted I will not do it. I would not like to be discourteous.

Mr. MONDELL. And I do not want to be discourteous.

Mr. NORRIS. I concede the gentleman has the right to say he will not yield, but I want to ask the gentleman, which perhaps appears in his printed speech, which I am following here, whether it is not true that in that primary that he claims was not legal or lawful that there was a vote cast within 80 per cent of the highest vote that was ever cast in a Republican primary in that county?

Mr. MONDELL. Nobody on earth, except the gentlemen who hoped to benefit, knows how many votes were cast at that primary. *Arizona has no primary law unless one has been passed since the events related*, so I do not know how any legal primary could ever have been held in the county.

Mr. NORRIS. I can give the gentleman the information, if he would like to have it.

Mr. MONDELL. Well, the gentleman may be able to give me the statement of somebody as to how many votes were alleged to have been cast at a soap-box primary, where anybody could have repeated all day long; anybody could have cast a thousand votes at one time, and where the returning officers could have

multiplied the returns a thousand times and not be guilty even of a breach of the peace or a misdemeanor.

Mr. NORRIS. I want to ask the gentleman there if it is not true that there never was and never has been any charge brought of any fraudulent vote or anything fraudulent about that primary, except the Taft men claimed that it was illegal—if there is any evidence that there were any fraudulent votes cast there, or that any Democrats voted in that primary?

Mr. MONDELL. I do not recollect that there was much evidence as to the casting of ballots at that primary, if, as a matter of fact, one is justified in referring to such a performance as the casting of ballots. The gentleman asks if there was any charge of fraudulent voting. There could not have been any such thing as fraudulent voting at that primary in the ordinary acceptance of the term. Anybody could have voted—Republican, Democrat, or what not. Anybody could have voted a score of times. Those controlling these misnamed ballot boxes could have made up any returns they saw fit, could have padded them to suit their purpose, and there is no law under which it could have been punished. Probably the Roosevelt people would have considered it in the nature of a good joke. It is very clear that the majority of the county committee and the people in the county who were for Taft believed that anything would be done that it was necessary to do to show a Roosevelt majority. The whole affair was in the hands of the Roosevelt people. No one else was represented. A little later in my speech, if I have time, I want to make some observations to the general subject of soap-box primaries.

Immediately after this call for a primary was issued a majority of the county committee advertised extensively through the newspapers and otherwise, warning Republicans against participating in the primary as it was illegal and irregular. *Practically* no Republicans except those who were for Roosevelt did participate. There were La Follette men who refused to participate, as did the Taft men, there being but 11 Taft votes cast.

The executive committee of the State committee met two days before the State convention for the purpose of hearing all contests and making up a temporary roll, and timely notice was given to all interested parties. There is no doubt but that all had information as to the date and purpose of the meeting. There was only one contest, that from Cochise County, submitted, and both delegations were seated with a divided vote, and thus the temporary roll was made up.

In the assembling of the convention the temporary roll was read, and objection was made by a gentleman whose name was not on the temporary roll, and his objection was overruled. One nomination only was made for temporary chairman, and the person nominated was declared elected and took his place as temporary chairman.

At this stage of the proceedings a number of gentlemen—less than 20—whose names were on the temporary roll and others went to one side or corner of the hall, and according to all accounts the noise and confusion that ensued was terrific. This band of gentlemen, one of whose number had mounted a platform, proceeded amid loud noise and great confusion, during which time whatever was done was largely by pantomime, to hold what they afterwards referred to as a convention at which they alleged they appointed committees on resolutions and credentials, received and accepted their reports, and elected six delegates to the national convention pledged to Roosevelt.

I asked the gentleman who presented the case before our committee how it was possible to make up and receive reports of committees in so brief a time and amid such confusion. *He cheerfully admitted that he believed the reports had been made up beforehand.* The regular convention, with 68 of the 93 votes on the temporary roll, remained in session for over two hours. All business was transacted in an orderly way; committees were appointed and reported. The usual votes were taken, and six Taft delegates were elected.

There never was a cleaner case of a prearranged rump convention than this, and it was made necessary, if any excuse was to be had at all for a contest, by reason of the fact that had there been no temporary roll and only the uncontested delegates allowed to participate in the temporary organization the Taft people would have controlled the convention by a considerable majority.

FIFTH ARKANSAS.

From Arkansas contests were originally filed with the national committee covering the delegates at large and those from the first, second, third, fourth, fifth, and seventh districts. The national convention was unanimous in seating the Taft delegates from all but the fifth district, and in that district the vote was 42 to 10. That was the only Arkansas case taken before the committee on credentials, and it was one of the cases in the "roll purging" resolutions.

An enterprising gentleman by the name of Redding is clerk of the Federal court at Little Rock. He was a contesting delegate before the national convention four years ago, but he did not carry his case to the committee on credentials, after an adverse decision by the national committee. Mr. Redding, while repudiated, was not discouraged. He claims to have continued an organization in the fifth Arkansas district. True, his organization did not hold any meetings in the interim, did not nominate a candidate for Congress in the last congressional campaign; in fact, Mr. Redding's organization seems to have been in a state of hibernation or suspended animation since his downfall in 1908.

On the other hand, the organization which was recognized in 1908 nominated a candidate for Congress in 1910, kept up an organization, and in due time called a convention to elect a candidate for Congress and delegates to the national convention. This activity seems to have aroused the dormant Redding organization, or Mr. Redding himself, for he seems to have been the whole show. The awakening, however, seems to have been a slow and difficult process, for Mr. Redding gave but three days' notice of the holding of his convention on the same day and in the same town, Little Rock, as the regular convention. Testimony is conflicting as to whether there was a baker's dozen or a score at Mr. Redding's convention, and how many, if any, were Republicans.

The regular convention was well attended. There was but one contest, and both delegations were seated with a divided vote. The proceedings were orderly and in proper form, and the delegates were instructed for Mr. Taft. *The Redding convention was a joke, the contest was a farce, and yet this is one of the cases which is being constantly alluded to as a case of stolen delegates.*

FOURTH CALIFORNIA.

The fourth California case was not heard before the committee on credentials. When the case was reached in alphabetical order, neither the Roosevelt delegates nor their attorneys could be found, whereupon a messenger was dispatched to inform them that the committee would take up the case whenever it suited their convenience. Several hours later a communication signed by the Roosevelt delegates was presented to the committee. This communication was most insulting in character, impugned the motives of the members of the committee, stated that the Roosevelt delegates had no confidence in the committee, and therefore declined to present their case for the committee's consideration. In the absence of the California member of the committee, who had previously bolted, this communication was presented by another member.

The call for the Republican convention provided—

that in no State shall an election be so held as to prevent the delegates from any congressional district and their alternates being selected by the representative electors of the district.

That provision is in accordance with the highly important principle of local self-government. It is founded in justice, equity, and righteousness. Is there a Member within the sound of my voice who questions the wisdom and propriety of that provision.

I will guarantee there is no one who does not believe we ought to insist that the people of a district shall have the right to elect their delegates as they elect their Member of Congress. If there is such, I should like to have him rise and say so. I do not see any gentleman rise.

After that call was issued the Legislature of California, under the influence of the governor, passed a law under which the voters of the entire State voted for all of the district delegates, though the nominations were made by districts.

Under the terms of the call none of the Roosevelt district delegates from California were entitled to seats in the convention. All were seated, however, except the delegates from the fourth district, where the Taft delegates had an undoubted majority of the votes of the district.

The Republican Party may be defeated, and it can stand defeat, but it can not afford to agree to a policy under which the people of a district are virtually disfranchised. *The party can not afford to tolerate practices under which great cities will control delegations from whole States.* I do not believe any party in this country will ever give its assent to the California plan, the plan which gives bosses their desired opportunity to control delegations.

THIRTEENTH INDIANA.

The next case, taking them up alphabetically, in the "purging resolution" is that of the thirteenth Indiana. It stands in a class by itself, and illustrates how men overreach themselves

when they part company with their judgment. I am rather inclined to the opinion that of the delegates elected to the thirteenth Indiana convention a very small majority was at the time the meeting was called to order favorable to Mr. Roosevelt. The test came on the election of a permanent chairman, a Taft man being clearly and legally elected by a very narrow majority. The vote in Laporte County, which was cast for the Taft chairman, was challenged by a delegate from another county on the ground that there were two or more delegates who were instructed for Roosevelt, and therefore intended or were expected to vote for a Roosevelt man for chairman, but on the polling of the delegation the solid vote was again given for the Taft chairman. From Fulton County the Taft chairman received one-half vote more, so it was claimed by outsiders, than the Taft strength in the county, but the delegation stood by its vote.

The election of the Taft chairman seems to have convinced the Roosevelt men that the Taft people had a majority in the convention and they immediately inaugurated the riotous procedure which seems to have been a part of the general plan of the Roosevelt supporters everywhere. When the chairman, following a rule previously adopted, declined to poll a county delegation in regard to the representation of the county on the credentials committee pandemonium broke loose, and the disorder was such that it was difficult to hear the proceedings. The committee on credentials dismissed all contests, of which there were six against Roosevelt delegates and two against Taft delegates. In the midst of fearful din and confusion kept up by Roosevelt people, which lasted several hours, and during which time the chairman used a megaphone, Messrs. Studebaker and Fox, Taft delegates, were declared elected, there being no other nominations made and some of the Roosevelt delegates failing to vote. The result of the vote was not questioned at the time nor for more than a month and a half afterwards.

After the adjournment of the regular convention and as the delegates were leaving the hall, a few delegates gathered under a balcony in a corner of the hall where they remained for not to exceed five minutes. In the meantime the band was playing and the usual confusion attending the adjournment of a meeting was going on. At that time and under those circumstances it was claimed that the contesting delegates were elected. The noise was so great that the probability is that a few of the little handful gathered could hear each other. To call such gathering a convention is ridiculous beyond words.

Mr. NORRIS. Will the gentleman yield?

Mr. MONDELL. I will be glad to yield briefly.

Mr. NORRIS. Is it true that there was a statement presented to your committee, signed by a majority of the members of this convention, stating that they had voted against the election of the Taft delegates?

Mr. MONDELL. No; there were some affidavits to the effect that those signing them had not voted for Taft delegates.

Mr. NORRIS. The gentleman has not answered my question.

Mr. MONDELL. I said no. That was my answer to the gentleman's question.

Mr. NORRIS. The question I wanted particularly to call the gentleman's attention to was when through the megaphone the chairman called for the negative vote on the election of the Taft delegates whether or not there was not a statement presented by ex-Senator Beveridge to your committee signed by a majority of that convention stating that they had voted against that motion?

Mr. MONDELL. I do not recall any such statement. I am quite certain there was none. I think it was conceded there was no considerable vote. Most of the Roosevelt people did not vote. Senator Beveridge did not appear before our committee in regard to the thirteenth Indiana. The gentleman from Nebraska is barking up the wrong tree. He is talking about the wrong contest. Senator Beveridge was before our committee for two long hours in the middle of the night in regard to the Indiana contest at large.

Mr. NORRIS. I have not asked about the Indiana contest at large.

Mr. MONDELL. Certainly, if the gentleman has in mind anything that Beveridge said, it has to do with the delegates at large.

Mr. NORRIS. Did he not appear as attorney for the Roosevelt contestants?

Mr. MONDELL. Not according to my recollection on the thirteenth Indiana. He appeared for the delegates at large, of which he was one. I am amazed that the gentleman from Nebraska will stand here and defend outrageous riots such as that in the thirteenth Indiana. If there ever was a case where men were utterly unjustified and unjustifiable in what they did, that was the one.

Mr. HILL. Will the gentleman yield?

Mr. MONDELL. Yes. I yield to the gentleman.

Mr. HILL. Does the gentleman remember how Mr. Cady, the La Follette member on the committee, voted on the thirteenth Indiana case?

Mr. MONDELL. Yes; he voted with us on the thirteenth Indiana and referred to it in a report he made to the convention, as follows:

> The Roosevelt delegates created such noise and confusion, lasting for hours, that the transaction of business was impossible. It appears, on the other hand, that the Taft forces were enabled to transact the necessary business and elect their delegates. The opposition to the proceedings, resulting in the election of the Taft delegates, was nothing less than a deliberate attempt to create a state of anarchy, and under the circumstances we do not feel that the Roosevelt delegates were entitled to seats against the Taft delegates.

What the gentleman from Nebraska probably has in mind is a bunch of hazy affidavits which were filed as an afterthought and which had reference to the proceedings that day. There were 143 delegates in the convention. There were 70 of these affidavits couched in the most general terms, and it is impossible for anyone to say whether they have reference to the regular convention or to the little five-minute gathering under the balcony in the midst of noise and confusion and band playing when the Roosevelt delegates were said to have been elected. There were four affidavits signed by men who said that they were favorable to Roosevelt, but in the noise and confusion of the convention they did not vote at all and left before the alleged rump convention. *If the gentleman is relying on these affidavits he loses his case by his own witness.*

I have already stated that I am rather inclined to the opinion that when the convention met there was a small majority—possibly two or three—favorable to Roosevelt, but when the Taft candidate for temporary chairman was elected by a small but unquestioned majority some of the Roosevelt men started a riot, during which some of the Roosevelt men did not vote at all. The major portion of them refused to vote. There was no evidence that any Taft man had anything to do with the noise and confusion. No one claimed anything of the kind, and if the Roosevelt men had kept quiet they would have had abundant opportunity to have displayed their strength, whatever it was. They saw fit, in the words of the gentleman from Wisconsin, to create a state of anarchy.

KENTUCKY.

In Kentucky the policy of "psychological" contests, to which I have heretofore referred, was inaugurated as in other parts of the South. The Taft delegates at large, as well as those from the first, second, fourth, seventh, eighth, and tenth congressional districts were contested. Of these contests only those from the seventh and the eighth were carried to the committee on credentials.

The Republican Party of Kentucky operates under a set of rules adopted long since and uniformly recognized as binding on Republican assemblies and conventions.

SEVENTH KENTUCKY.

The convention in the seventh Kentucky district met in accordance with a regular call, and a temporary roll was made up in accordance with the rule which, in case of a contest, places the delegation on the temporary roll whose credentials are approved by the county chairman.

A Taft man was elected temporary chairman of the convention by a vote of 98 to 47. A committee on credentials, consisting of one member from each county, designated by the delegation, was appointed, and in due course it reported; its report being signed by all of the members of the committee but one who presented a minority report. Not only was the majority report supported by the overwhelming majority of the committee, but it bears every evidence of absolute fairness. The disagreement was particularly over Fayette County. There is abundant evidence that the Taft men were largely in the majority in the mass convention in that county, and that contention is supported by the fact that the chairman, who was favorable to the Roosevelt cause, refused a demand for tellers on the vote for temporary chairman, but proceeded arbitrarily to declare the Roosevelt candidate elected. This arbitrary and revolutionary act on the part of the chairman, which is not disputed, resulted in two conventions in the same hall, one of which elected Taft and the other Roosevelt delegates to the district convention. As I have stated every member of the committee on credentials of that convention except one voted to seat the Taft delegates from that county, and the committee on credentials of the State convention which elected the delegates

at large who were seated also held that the Taft delegates from this county were entitled to their seats.

In the Scott County convention the Roosevelt men bolted the convention after tellers had been appointed to count the vote for temporary chairman, but before the vote was taken. In Franklin County the Roosevelt followers bolted immediately after the unchallenged election of the temporary chairman, and they held their convention in the courthouse yard, if a convention it could be called. The testimony is that there was only a handful of people present. In Woodford County the chairman, a Taft man, refused to grant a count of the votes cast for temporary chairman, and following the rule which was followed in a similar case in Fayette County, where the Roosevelt chairman had refused a count, the Taft delegates from Woodford County were unseated and the Roosevelt delegates seated.

In all the Kentucky district cases the purely technical point was raised that after the call for district conventions had been issued the boundaries of the districts were in some instances changed by a redistricting act. Of course, it was impossible to modify the call after it was issued, and this convention was the flimsiest kind of a technicality.

After the report of the committee on credentials of the district convention, as above stated, was adopted, certain Roosevelt men bolted the convention and held another alleged convention elsewhere, and it was the delegates thus elected that the national committee refused to recognize.

EIGHTH KENTUCKY.

In the eighth Kentucky district there are 10 counties. There were 163 votes in the district convention. There were contests from but two counties. *If both were given to the Roosevelt men, the Taft forces would have had over 100 out of 163 delegates in the convention.* In one of these counties the Roosevelt followers had bolted because the chair appointed tellers when they claimed they wanted them elected. They left before the vote was announced. The Taft delegates were seated in the district convention. In the Boyle County convention the tellers appointed by the chair agreed that the Taft men had a majority, but the chairman refused to accept their statement and certified to the contrary. This delegation was divided and each side given half in the district convention.

After the report of the committee on credentials had been adopted, following the practice which seems to have become a habit with the Roosevelt people, a few of them bolted the convention. One of the flimsy pretexts for so doing was that some of those who participated were from a county not in the new congressional district, though they were in the congressional district at the time the call was issued.

After the regular convention had adjourned a rump convention was held by the Roosevelt men, at which they elected the contesting delegates to the convention. It has never been claimed that this rump convention contained a majority or anything more than a small minority of delegates who had presented any claim of a right to sit in the district convention. The national convention very properly refused to recognize delegates so elected.

ELEVENTH KENTUCKY.

The eleventh Kentucky was a Taft contest. The "purging resolution" claimed that two votes were stolen in that district. As a matter of fact, only one vote was given to Taft by the national committee, the matter having been compromised by seating one each of the Roosevelt and Taft delegates. As a member of the committee on credentials, I heard this case with great interest, for it was a case where the usual procedure was reversed. In this case the Taft delegates instead of the Roosevelt delegates bolted the district convention. It is true they had abundant cause for so doing. The chairman, a Roosevelt man, constituted himself the whole show, and ran things with a high hand, as is evidenced by the fact that 284 delegates out of a total membership of 384 repudiated the proceedings under the chairman and proceeded to elect delegates. If a bolt was ever justified it certainly was on that occasion, but the weary monotony of bolts by Roosevelt men on the flimsiest pretext disinclined me to favor bolts, and in this case I voted to seat both of the Roosevelt men. It was the first case in regard to which there had been a shadow of doubt in my mind. I was anxious to resolve it in favor of the Roosevelt men, but the majority of the committee believed the decision of the vote as agreed upon by the national committee was fair.

MICHIGAN.

The contest involving the six delegates at large from Michigan and the incidents leading up to it furnish capital material for a farce comedy, in which a highly impulsive governor, not so long ago for Taft, at the time of our story for Roosevelt, and now for Wilson, played a star part. A company of the State militia also figures in a picturesque but rather unwilling part. A millionaire ex-member of the Cabinet under Mr. Roosevelt, who had imbibed the spirit of the new nationalism to the point where he considered himself justified in running conventions, if he had a chance, according to his own sweet will, and a State chairman who, after the manner of some other small boys, refused to play unless he could run the game, took prominent serio-comic parts.

To begin with, the State chairman, who was a pronounced Roosevelt man, declined to sanction a call for a meeting of the State committee preliminary to the State convention issued by the secretary and approved by a majority of the committee; he also refused to abide by or approve the action taken, which consisted, among other things, in rescinding the former action of the committee in the selection of a temporary chairman for the forthcoming State convention, the person previously selected having announced his intention to deny roll calls and to decide questions in accordance with his personal preference.

Nobody but the impulsive governor had any notion that there was likely to be disorder at the State convention, nevertheless the local armory, where the convention was to be held, was found on the morning of the convention to be under guard by a detachment of police and militia ordered there by the governor. Difficulty was experienced in securing admission, but a formal demand having been made by the State committee, they were finally admitted only to discover that not only had the governor guarded the doors with his soldiers, but that his political adviser, the chairman of the State committee, had intrenched himself in state on the rostrum, protected by the strong military arm of the State.

The members of the central committee called upon the chairman to call them to order, but he refused to play, and they were obliged to select another chairman for the transaction of business. The soldiers, to their great relief, having been called off, the doors were finally opened, and the delegates and others were admitted, as at national conventions, by card. The chairman of the central committee finally consented to call the meeting to order. The secretary then reminded the chairman that the State committee had selected, as they had the right to do, a temporary chairman. This chairman assumed the chair, and the call for the convention was read. Meanwhile the chairman of the State committee was still attempting to act as temporary chairman of the convention. Among other things, he declared one Baker elected temporary chairman. In order to settle the matter the regularly appointed temporary chairman ordered a roll call on the election of Mr. Baker. There were yeas 67, nays 818.

Pursuing the tactics that have become familiar in connection with these cases, the chairman of the State committee and a few others proceeded to make all the disturbance possible and succeeded very well indeed. *However, the convention went on with its work, committees were appointed and reported, four roll calls were had, with a majority vote of from 900 to 975* in each case and a minority of not to exceed 21 in any case. For a considerable time the State chairman, still claiming to preside, occupied one end of the platform and, with a few others, made all the noise possible. Finally this disturbing element left the hall, taking not to exceed 200 of those claiming seats in the convention of over 1,000. These bolters claim to have elected the contesting Roosevelt delegation.

The committee on credentials of the convention gave abundant opportunity for the hearing of contests, but the contestees from the two counties from which there were contests, Calhoun and Wayne, did not submit their cases. *Had the Roosevelt claimants from those counties presented their cases and been seated the Taft people would still have been in control of the convention by a good majority.* There were troubles in the county conventions in these two counties. In Calhoun County the Roosevelt people created such a disturbance that it was with the greatest difficulty that the convention transacted its business. In Wayne County the Roosevelt manager, who was not a delegate to the convention, and a few others, not to exceed 45, gathered in one part of the hall and created a perfect bedlam by shouting and gesticulating, and finally left the hall. After the row had subsided the convention transacted its business in an orderly way, elected its delegates, and adjourned.

The Taft delegates from Michigan were seated by the national committee without a roll call. The Roosevelt contestants did not take the trouble to include the case in the list of cases to be appealed to the committee on credentials, and yet the Taft delegates from Michigan were among those designated as having been stolen.

THIRD OKLAHOMA.

On the morning of the day fixed for holding the district convention in the third Oklahoma district, a meeting of the con-

gressional committee was held at which each of the 19 counties composing the district were represented by committeemen or proxies. The question of the right of W. S. Cochran to a seat in the committee and to act as chairman, which he proposed to do, was questioned, he having moved from one county into another and both counties claiming other representatives. This, and the fact that the chairman refused to allow the committee to pass upon the question of its own membership, but insisted upon arbitrarily recognizing or refusing to recognize proxies, resulted in a resolution being offered to declare the position vacant. There is no question but what 11 members of the committee who were present in person voted for this resolution. Whereupon Cochran announced the committee adjourned until 1.30 p. m., though according to the terms of the call the convention was to meet at 11. After making this announcement, Cochran and a few others walked out of the committee meeting and the committee continued its business by electing officers, making up a temporary roll, and so forth. At 11 o'clock the convention met in the World Building, the temporary roll was, in due course of business, made the permanent roll, delegates favorable to Mr. Taft were elected, and the records of the convention, including the credentials of all the county delegates, were properly certified by the officers of the county organizations and transmitted to the national convention.

Cochran called a convention at the opera house. This convention had no regular credentials from the counties. Testimony before the national and credentials committees was that this so-called convention had no real organization and was largely made up of idlers and curiosity seekers. This case was so plain that the national committee did not have a roll call, and the testimony before the congressional committee left absolutely no doubt as to the regularity of the Taft delegates.

SECOND TENNESSEE.

The second Tennessee was one of those districts in which it is claimed that the Taft delegates were fraudulently seated. This is the district so ably represented on this floor by Hon. RICHARD W. AUSTIN, who has been twice elected to this House as a Republican. When the district convention met on March 9, there were contests from five counties, two of which had been instituted through a misunderstanding of the facts and were abandoned. When the committee on credentials was appointed the contestants from the other three counties declined to submit their cases to the committee and organized a bolt. The convention proceeded to do business in a regular way and elected two Taft delegates to the Chicago convention, regularly elected Roosevelt delegates from two counties remaining in the convention throughout its entire session. Some bolters also held what, being devoid of a sense of humor, they were pleased to call a "convention." Realizing later that their action was in the nature of a political joke, they resurrected the tattered remnants of an old organization which had been fighting Mr. AUSTIN and making his election as a Republican Congressman difficult. This outfit called another convention, at which only part of the counties in the district were in anywise represented, and elected as Roosevelt delegates to the convention two men who had participated in the election of delegates to the former regular convention. It is very clear to the dullest understanding that the men so elected were not entitled to seats in the Republican national convention.

NINTH TENNESSEE.

The two Taft delegates from the ninth Tennessee district were among those claimed to have been improperly seated, although the Roosevelt delegates and *their attorneys thought so little of their case that they practically abandoned it before the credentials committee.*

There are two organizations in this district, both claiming to be regular, both of whom named congressional candidates two years ago, and each organization held district conventions. At the head of one is the State treasurer elected by a Democratic legislature. The chairman of the organization supported the Democratic candidate for governor in 1910. This organization, on March 26, held a convention at which it elected delegates instructed for Taft. Later, on the theory that 30 days' notice had not been given of the first convention, they held another convention, again without proper notice, and elected and instructed the same delegates for Roosevelt, having in the meantime, possibly owing to the advent of missionaries from the North, changed their minds with regard to the candidate.

The other organization, which had been recognized as regular by the State committee in the election of 1910, and whose candidate for Congress received a considerably larger vote in that year than the candidate of the rival organization, held an orderly convention, after due notice, and elected delegates instructed for Taft, which delegates were seated, as above stated.

TEXAS.

The contest over the eight delegates at large from the State of Texas is the only one heard before the committee on credentials all of which I did not hear. It came after a long night of hearings, and I was absent while a part of the testimony was being taken. The main facts are, however, undisputed. Texas has a primary law under which parties casting over 100,000 votes must act. In 1896 and in 1900 the vote of the Republican Party was large enough to bring it within this law, but under the incubus of the Federal officeholding machine, of which Col. Cecil Lyon has been the head, the Republican vote has steadily dwindled. The Republican vote was 167,000 in 1896, 121,000 in 1900. Roosevelt received but 51,000 votes in 1904. Taft did some better in 1908, with a vote of 65,000, but the Republican candidate for governor of the Lyon officeholders' machine in 1910 received but 26,000 votes. Having manipulated matters in the interest of his officeholding clique so that the Republican vote was too small to require primaries, Col. Lyon was able and did control affairs in a way to deprive the majority of the Republicans of the State of control of the party and place it, or attempt to place it, in his own hands.

Of the 249 counties in the State of Texas there are 9 which did not cast a single Republican vote at the last election and 32 which cast less than 10. The average of the Republican vote in 99 counties was less than 23. *No bona fide primaries or conventions or gatherings of any kind to elect delegates to the State convention were held in any of these counties.* Postmasters friendly to the Lyon machine sent bogus proxies to Lyon and his officeholding henchmen for the purpose of enabling them to control the State convention. The minority of the committee on credentials of the national convention admit in their report that 40 of these counties were not entitled to representatives in the State convention.

When the State committee, dominated by Lyon's Federal officeholders, met for the purpose of making up the temporary roll of the State convention, a Mr. Elgin attempted to keep from the temporary roll these counties in which there had been no regular election of delegates, and though they were temporarily omitted they were finally placed upon the roll. No provision was made whereby contesting delegations could get into the convention hall, and it was made clear that the Lyon machine, through its postmasters' proxies from prairie dog counties, proposed to control the convention to the exclusion of the representatives of the party in counties having Republican organizations and a respectable Republican vote.

In this state of affairs delegates representing more than a majority of all the counties in which there were Republican organizations assembled in convention at Byers's Opera House, in the city of Fort Worth. This convention transacted its business in detail and in an orderly manner in sessions lasting nearly all day, and elected delegates to the national convention pledged to Taft, which delegates were seated by a vote of 35 to 18 by the national committee and by a majority of over two-thirds by the committee on credentials. If one had the time many well-authenticated instances could be recited in which Mr. Lyon, who practically controlled the appointment of 2,800 Federal officials, and those who worked with him deliberately conspired with Democrats to defeat Republican candidates. The sad state of the party in Texas and its dwindling vote is eloquent of the effect of his tactics. His effort to control the party in the State by proxies which represented nobody but possibly a single Federal officeholder is characteristic of the high-handed methods of piracy from which the party has been relieved by action of the national convention.

TEXAS DISTRICTS.

The contests in the second, fourth, fifth, seventh, eighth, ninth, tenth, and fourteenth Texas districts were either decided unanimously by the national committee or by a viva voce vote, and *they were abandoned before the committee on credentials.*

In the first district the Roosevelt delegates were elected by a bolting convention which did not represent a tenth of the votes, the bolters being all Federal officeholders.

The Roosevelt delegates from the second congressional district were elected at a meeting of six men held behind locked doors in the mayor's office in the city of Nacogdoches, as stated by an affidavit furnished by the mayor. All of these men had participated in the regular convention which had previously elected the Taft delegates.

FOURTH TEXAS.

In the fourth Texas district the small delegations from four of the five counties were contested. In this district, as in other parts of Texas, the Lyon organization endeavored to prevent negroes from participating. The district convention which elected the Taft delegates constituted a clear majority of the regularly elected delegates.

FIFTH TEXAS.

At the district convention in the fifth Texas district, the chairman, after having unsuccessfully attempted to deprive the counties of their just representation, left the hall. A new chairman was elected, committees were appointed and reported, and Taft delegates were elected to the national convention. Later the Roosevelt men held a meeting at which they elected delegates.

SEVENTH TEXAS.

When the district convention of the seventh Texas met in Galveston, certain persons claiming to be delegates from three unorganized counties insisted upon having their names placed on the temporary roll. As none of the counties had been legally organized, and the parties had no credentials, the committee making up the temporary roll declined to place them thereon, whereupon they organized a rump convention and elected Roosevelt delegates to the national convention.

EIGHTH TEXAS.

In the eighth Texas the Roosevelt people controlled the executive committee, but the Taft people controlled the convention, and adopted a minority report, whereupon the Roosevelt people bolted.

NINTH TEXAS.

In this district the district committee met at the call of a Mr. Speaker, a member of the committee, the chairman having refused to call the committee together to make arrangements for the district convention. At the meeting a letter was read, which stated that the State chairman had concluded that district conventions were not necessary, that the district delegates might be elected at the State convention. The committee did not take this view, and a convention was called for May 15. After this call was issued, the chairman of the district committee changed his mind, and, with a minority of the committee, called a convention on May 18. The convention first called was regularly held, with delegates from 12 of the 15 counties of the district, and elected delegates pledged to Taft. The latter convention was not called in time to give the notice required by law and was slimly attended. It elected Roosevelt delegates.

In the fourteenth Texas district there was a dispute over the control of the executive committee. Certain Federal officials claimed the right to act, which was denied, and the temporary roll of the convention was made up, and as thus made up the Taft men had a considerable majority. There was a contest over Bexar County, the largest county in the district, but it was clear that the Taft delegates were elected by a large majority. The convention elected delegates instructed for Taft by a considerable majority.

WASHINGTON.

The "roll-purging" resolution included the eight delegates at large from the State of Washington and the six delegates from the first, second, and third districts. The contest over the delegates at large hinges primarily on the delegation from Kings County, which includes the city of Seattle. A variety of methods were employed for selecting delegates to the State convention. The first county to act was Ferry, and delegates favoring Roosevelt were selected by the county central committee, as had been the usual practice in the State. Later, in Stevens and Walla Walla Counties, Roosevelt delegates were selected in the same way. From Franklin County a delegation was selected by the county committee instructed for La Follette. In Whatcom and Skaggit Counties Taft delegates were elected as the result of a primary agreed to by all parties. In some counties Taft delegates were selected by county committees.

Mr. WARBURTON. I understood the gentleman to say that it was the usual custom for the county central committee to elect.

Mr. MONDELL. I think that is true.

Mr. WARBURTON. The gentleman is mistaken.

Mr. MONDELL. That was the testimony before our committee.

Mr. WARBURTON. That never has been done except in one instance, and that was when we were nominating judges two years ago.

Mr. HUMPHREY of Washington. Will the gentleman from Wyoming ask my colleague from Washington [Mr. WARBURTON] if he is not mistaken when he says that has not been the custom with reference to selecting delegates to a national convention.

Mr. WARBURTON. I am not mistaken on that.

Mr. HUMPHREY of Washington. I think the gentleman is mistaken.

Mr. WARBURTON. There was a primary law in force from 1905 to 1909 which prohibited anything of that kind.

Mr. MONDELL. The gentleman from Washington [Mr. WARBURTON] says there is a State primary law which prohibits it. The people who were upholding his side of the case before the committee swore by the great horn spoon that there was no primary law under which they could elect these delegates, and that was their excuse for having a soap-box primary.

Mr. HUMPHREY of Washington. That is true, too.

Mr. WARBURTON. The gentleman from Wyoming misunderstood me.

Mr. MONDELL. That was their excuse. They said there was no such law.

Mr. WARBURTON. I did not make any such statement. I say that from 1905 to 1909 what is known as the Hicks primary law was in force, which prohibited the election of delegates in that manner, and in 1909 a primary law was passed which repealed——

Mr. NORRIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. From Franklin County, where the delegation was for LA FOLLETTE, the delegation was selected by the county committee for LA FOLLETTE. In Whitman and Skagit Counties Taft delegates were selected by a primary that everybody agreed to. Being small counties, nobody objected to them, and they were so elected.

Mr. NORRIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Briefly.

Mr. NORRIS. That was in the same State where you objected to the primary on account of there being no law to control it?

Mr. MONDELL. I am in favor of legal primaries, and there is no objection to an unofficial primary anywhere where everybody agrees to go into such a primary, but no one should be compelled to go into an unofficial primary.

Mr. NORRIS. Would there be any way to punish a man who voted illegally in that primary? Does not every objection that the gentleman made to Kings County, where there was no primary, apply to this?

Mr. MONDELL. Not at all.

Mr. NORRIS. Why not apply the same rule?

Mr. MONDELL. I do apply the same rule, but the gentleman from Nebraska does not. I believe in the rule of the people, and if all the people want an unofficial primary, they have a right to have it. The very fact that all agree to it evidences a state of affairs in which the vote will be honestly cast and counted, but no set of thieves and gangsters have the right to rob the people of their franchise by insisting upon a soap-box primary against the will of the majority. That is my opinion.

Mr. WARBURTON. Mr. Chairman, will the gentleman yield?

Mr. COOPER. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Wisconsin?

Mr. MONDELL. Briefly.

Mr. COOPER. Did I understand the gentleman to complain a little while ago about the epithets "thieves and robbers" being used by the Roosevelt people? Did not the gentleman just a moment ago himself characterize the people of Washington as thieves and scoundrels?

Mr. MONDELL. I did not, as the gentleman well knows, if he was listening, but I am very glad that the gentleman has called my attention to my use of a word I did not intend to use even under just provocation. I apologize to him and to the House for using the word thieves, even in the most general way. I certainly do not want to put myself in the class of those who have been using these epithets, and it was only because of my righteous indignation, as I thought of the outrages on the ballot that were proposed, that the word was wrung from my lips.

Mr. WARBURTON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I shall be glad to.

Mr. WARBURTON. Does the gentleman agree to the fact that the county central committee of King County——

Mr. MONDELL. Oh, I have not reached that, Mr. Chairman, and the gentleman from Washington, I know, is well informed as to the facts, and if he will kindly allow me to make my statement I am sure he can make his in his own time. The gentleman from Washington and the gentleman from Nebraska have the advantage of other gentlemen, for they seem to have a copy of my printed manuscript, and therefore know in advance what I am going to say.

Mr. WARBURTON. I understood the gentleman to say that he did not believe in soap-box primaries when ordered by the county central committee.

Mr. MONDELL. I did not say anything of the kind. If the county central committee is clearly authorized by the people composing the party to call a primary, and do so, they are within their rights. Minorities on county central committees may do very wicked things, and it was a minority of the legally elected committee in King County which called the primary.

The policy of confusing the situation by contests, which was so characteristic of the Roosevelt people everywhere, was prac-

ticed extensively and apparently with premeditation in this State. A contest was started by the Roosevelt people in a majority of the counties which were carried for Taft, and in this way a majority of the delegates to the convention was contested.

There was the same practice, whether it was in Washington or Alabama or Georgia or Arkansas—muddy the waters, lay the foundations for bolts, mislead the people through "psychological" contests—and if they did not win denounce in the most unbridled language the representatives of a great party, which, under the providence of God, has been one of the immortal instruments in the establishment of liberty, the furtherance of justice, and in the uplift of humanity. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. OLMSTED. Mr. Chairman, I ask unanimous consent that the gentleman have time in which to conclude his remarks.

The CHAIRMAN. Unanimous consent was given for one hour. The gentleman from Pennsylvania [Mr. WILSON], who has charge of the bill before the House, insisted that he should not take over that time.

Mr. MONDELL. Then, Mr. Chairman, I trust that the gentleman will allow me to conclude. It will not take over 30 minutes, and I ask for that much time.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he be permitted to continue for 30 minutes. Is there objection?

There was no objection.

Mr. MONDELL. In Washington the county committees are composed of precinct committeemen elected at primaries in September of even-numbered years. A majority of the committee so elected in King County appointed a central committee with full power to act for the full committee, and this committee selected the delegates from King County to the State convention and the county committee approved this action. It so happened that the municipal authorities of Seattle had redistricted the city after the election of committeemen in September last and created 131 new precincts. When in April, after the action I have above referred to, the county committee assembled they found present 131 persons who claimed to be members from the new precincts by appointment from the county chairman. The same committee under the same chairman had in a similar case decided that the appointment of such additional members by the chairman was illegal, and it undoubtedly was.

Mr. WARBURTON. Mr. Chairman, may I interrupt the gentleman?

Mr. MONDELL. Briefly.

Mr. WARBURTON. Is not that the custom and the practice of the State for the chairman of the county central committee, when a new precinct is divided or a vacancy occurs, to appoint the new committeeman?

Mr. MONDELL. Mr. Chairman, if there is any State in the American Union that has any provision of law under which a man holding no official position at all can appoint 131 *elective* officers, that State needs to modify its statutes. Of course, there is no such power granted in any American Commonwealth. These were not vacancies; they were *elective offices* that had never been filled because the time for filling them had not arrived.

Mr. WARBURTON. On the contrary, is it not the ordinary rule everywhere?

Mr. MONDELL. On the contrary, as I have stated, this very committee, under this very same chairman in a former case when the same question had been raised, had held that the chairman had no authority to appoint, and he never questioned that judgment. There is no question about it.

The chairman did attempt to appoint 131 elective officers. Certainly I do not have to argue with the House of Representatives of the American Congress as to whether that kind of thing is warranted by any law anywhere.

It is claimed that the county committee, increased by the presence of these new appointees, ordered a primary for the election of delegates to the State convention, *but a majority of the legally elected members of the committee made affidavit to the effect that they did not authorize the primary.* No attempt was made to hold this primary in accordance with law or with legal safeguards. It was purely a soap-box affair. It was held in conjunction with the Democrats favorable to Wilson and at the same time and places.

The officers—if such they could be called—who were present at the primaries were appointed by the Roosevelt managers in the county and were responsible to no one. No outrage that could have been committed on the ballot would have been punishable. Repeating or stuffing the ballot boxes would not have been even a misdemeanor. Those in charge of the ballot boxes were at liberty to make up such returns as they saw fit. In view of these facts the Taft Republicans were exhorted not to attend the primaries or participate in them in any way, and they did not do so to any extent. There are between seventy and seventy-five thousand Republican voters in King County. At the close of the primaries the local papers announced that about 3,000 votes had been cast. *The tally lists and ballots were not filed with any public official,* and the Taft people never had an opportunity to see the alleged returns until they were filed with the national committee, when it was claimed that 6,900 votes had been cast for Roosevelt and 500 for Taft. In 30 precincts no votes whatever were cast.

Mr. WARBURTON. Mr. Chairman——

Mr. MONDELL. Mr. Chairman, I decline to yield.

Mr. WARBURTON. You do not dare to, because here is the morning paper reporting it by precincts.

Mr. MONDELL. Mr. Chairman, the papers may or may not have been accurate.

Mr. WARBURTON. This is by a Taft paper.

Mr. MONDELL. Mr. Chairman, if the gentleman from Washington insists on interrupting me, I am perfectly willing to call his witness in this case and will accept the witness if he will. I said a moment ago that at the close of the primaries the local papers announced that about 3,000 votes had been cast, but *the tally lists and ballots* were never filed with any public official, and the Taft people never saw the alleged returns until they were filed in the contest with the national committee, at which time it was claimed that about 7,400 votes in all had been cast—6,900 for Roosevelt and 500 for Taft. Now, the gentleman from Washington insists on my accepting the statement of a morning paper published the morning after the primaries, which he says reports the election by precincts.

I happen to be informed with regard to the article which, I understand, the gentleman refers to. It was printed in a pamphlet of the records of proceedings of the Washington State convention filed with the national committee. The paper is the Seattle Post-Intelligencer, and Herman W. Ross, the reporter who furnished the copy, furnished an affidavit to the effect that he received these returns of the gentlemen who were managing the primaries on behalf of Roosevelt, who gave them to him as being correct. The article is quite long and purports to give the votes for Roosevelt and LA FOLLETTE by precincts, but does not give a single vote for Taft in the precinct tabulation. I will accept the gentleman's witness if he insists upon it. The opening statements of this article are as follows:

FACTION PRIMARY IN KING BRINGS OUT SMALL VOTE.

No judges in many precincts and no polling lists to check voters—Some boxes are empty—In the entire county there are cast only 2,810 for Roosevelt and 1,530 for LA FOLLETTE—Wilson Democrats poll 649; CLARK gets 226.

The factional primary held yesterday by the Roosevelt and La Follette Republicans and the Wilson Democrats was notable for the lack of interest displayed by the voters. Every effort had been made to attempt to poll a large vote so as to indicate the popularity of the three presidential candidates in King County.

Complete returns received last night from 214 out of 281 city precincts and 9 of the country precincts showed that from a total of 100,000 voters of King County 2,810 went to the polls to express a choice for Theodore Roosevelt, 1,530 voted for LA FOLLETTE, 649 Democrats voted for Woodrow Wilson; and 226 for CHAMP CLARK.

Although the supporters of William Howard Taft refused to recognize these primaries arranged under the sole supervision of Roosevelt and La Follette leaders as lawful and legal, and in spite of the fact that the King County Taft Club and the King County executive committee had sent out thousands of letters urging Republicans not to participate in these primaries, Mr. Taft received a total vote of more than 400.

It will be noted that the total vote for Roosevelt and LA FOLLETTE, as stated by this article, is 4,300, which is over 3,000 less than the number of votes which it was claimed had been cast when the Roosevelt contestants filed their contest in Chicago.

Mr. WARBURTON. May I interrupt the gentleman?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Washington?

Mr. WARBURTON. The gentleman said a moment ago that there were 75,000 Republican votes. I want to call his attention to the fact that at the last election with the full vote—Democrats, Socialists, and everyone in the city of Seattle—there were not 55,000 votes cast.

Mr. MONDELL. I do not know anything about that, but I remember very distinctly seeing a registration list by precincts of Seattle alone, made in 1912, totaling more than 74,000 names.

The filing of numerous contests by the Roosevelt people created a condition hitherto unknown in the State of Washington, and to meet it the State committee met in advance of the convention for the purpose of hearing contests and making up a temporary roll. There was a determined effort to intimidate the committee, but it was not successful. The contests, includ-

ing the one from King County, were all heard, and the temporary roll made up by a vote of about three to one.

After the temporary roll had been made up there were rumors that the Roosevelt people proposed to storm the convention hall with their numerous contesting delegations. Failing in that it is clear they intended to hold a rump convention, for they had hired a hall and gathered their forces there. In order to prevent the storming and packing of the convention tickets were issued to delegates and visitors. As soon as the Roosevelt followers found they could not pack the convention they retired to the hall they had previously hired and held a separate convention, at which the contesting Roosevelt delegates were elected.

The regular convention transacted its business with a majority of the duly elected delegates in attendance. The contest from King County was not presented to the committee on credentials. The committee adopted the temporary roll except as to the delegates from two counties, and as thus amended it became the roll of the State convention which elected eight Taft delegates.

The State convention recessed for the purpose of allowing the three district conventions to be held, and Taft delegates were elected from each of the three districts.

As I have stated, the Democrats favorable to Wilson held a soap-box primary in King County in conjunction with the Roosevelt Republicans and at the same time and place. *The Democratic State committee refused to seat the delegates thus named and seated, as the Republicans did, a delegation appointed by the county committee. The Democratic convention at Baltimore took the same action. The action taken by both parties was the same.*

VIRGINIA.

The motion to unseat 92 Taft and seat 92 Roosevelt delegates included all of the delegates from Virginia. As I have stated, all these contests were so utterly frivolous that they were entirely abandoned. The alleged convention at which the contesting delegates were said to have been named were in every case held more than two months after the regular convention. These mushroom conventions sprung from the fertilizing activities of a Roosevelt agent from the North, heretofore referred to. There was only one vote in the national committee in favor of seating these delegates. None of the cases were appealed to the credentials committee. A colored Republican from the fifth district asked for a hearing, but the statements he made related to happenings four years ago. It should be remembered that these *wickedly frivolous contests represented one-fifth of the alleged "stolen" delegations*, and it is on such infinitely and maliciously frivolous contests as these that the most astounding charges of fraud and corruption have been hurled at the convention of a great political party.

DISTRICT OF COLUMBIA.

Possibly some of those present may have some knowledge of the manner of the election of delegates to the national convention from the District of Columbia. A primary election, agreed to by all parties and participated in freely by Republicans of all factions and surrounded by all possible safeguards, was held. The returns were made to an election board named by the national committee and showed that the Taft delegates received 2,966 and 2,964 votes respectively, as against 1,846 and 1,148 for the Roosevelt delegates. A lot of general charges were filed, none of which were substantiated, while the regularity of the election of the Taft delegates was abundantly proven. *The contest was a mere bluff.* The national committee seated the Taft delegates by a viva voce vote. The case was never carried to the credentials committee, though the contesting Roosevelt delegates were in Chicago at the time. *This is a fair sample of the alleged "theft," which some men are making the basis of an excuse to desert the candidates of their party.*

COMMITTEE ACTION.

The majority of the committee on credentials made written reports to the national convention on every contest submitted to them, giving in detail their reasons for the action taken in every case. Beyond a formal protest, filed with every case, against certain gentlemen, who were members of the national committee or from States in which contests had been brought, serving on the committee, no detailed reports or statements were made by the minority except in the following cases: Ninth Alabama, four line protest in fourth California, fourth North Carolina, Texas, and Washington. In the last two cases the minority did not agree as to facts and signed two reports. It was claimed as an excuse for this failure to state reasons why the Roosevelt delegates should be seated that the minority did not have time to prepare reports. They certainly had as much time as the majority. What they lacked was not time but facts to support their contention. It is easy to make unwarranted assertions and to hurl offensive epithets, and these, and not facts have been relied upon to support these flimsy contests.

It will no doubt be urged that the fact that members of the national committee favoring Col. Roosevelt in a large number of cases voted against the seating of the Roosevelt contestants is evidence of the fact that they were entirely fair-minded and should be an argument in favor of their judgment in those cases in which they did vote to seat the Roosevelt delegates. I have no disposition to detract from any credit that may be due these gentlemen, but these hearings were public; all the world had access to the facts. The cases in which they voted to seat the Taft delegates were so clear and the contest of the Roosevelt delegates so flimsy that no man having the least regard for public opinion could have voted otherwise. In those cases where there was the slightest excuse for a difference of opinion they voted for the Roosevelt delegates invariably. In the cases before the credentials committee practically every avowed Roosevelt adherent voted in every case for the Roosevelt delegates, even in cases like the Indiana delegates at large, where the vote of the national committee had been unanimous.

OTHER CASES.

This I believe concludes the list of "tainted" seats. There are a number of other contests I should like to refer to if I had the time, particularly the case of the Indiana delegates at large.

Although the national committee had decided this case unanimously in favor of the Taft delegates, the committee on credentials was asked to take it up, and for more than three hours in the middle of the night we listened to declamations in regard to it.

I am now prepared to say I do not think there are many people who possess the nerve to argue a contest like this in the first instance. I know of but one man who would repeat the infliction.

INDIANA.

The contest in Indiana was based on alleged fraudulent voting in a *lawful and properly safeguarded primary* in the city of Indianapolis, and though general and sweeping claims of fraud were made in the manner truly characteristic of the Roosevelt contestants in all the cases, only three specific acts of illegal voting were charged out of 7,643 votes, of which Taft received a majority of 4,683.

The bringing of such a contest ought to subject those who bring it to the scorn of all right-thinking men, and yet Col. Roosevelt, if I recollect rightly, thundered right vigorously about the outrage committed by the Taft people in this case. No doubt he was imposed upon in this and other cases by those who claimed to know, in which event should we not have heard a retraction when he discovered the true situation?

RUMPS AND RIOTS.

One who has looked into the history of the contests before the Republican national convention can not help being impressed with the striking similarity of the methods employed in widely separated localities. Given a certain state of facts—for instance, a clear minority in a county, a district, or State convention—and the same procedure followed, whether it was in Washington, Michigan, or Alabama.

The stage was set in advance for a bolt or a riot, or both, by a plentiful supply of contests, and where the affair was in cool and practiced hands the entire procedure, including reports of committees that were never appointed, were made up beforehand. The procedure was so uniform everywhere that one is forced to the conclusion that it was all part of a deliberately planned and carefully executed scheme of campaigning.

REAL PRIMARIES AND SOAP-BOX PRIMARIES.

I can not close this statement without a word about primaries. It is superfluous to say that the ideal condition under a free government is one under which the people can express their will as directly as possible in the selection of those who are to serve them in official capacity. To accomplish this laudable purpose the direct primary has been quite generally adopted. *The success of the direct primary depends entirely on whether it is properly safeguarded.* If it be of such a character that the voters of one party can, through it, nominate the candidates of another it becomes a diabolical instrument for defeating the will of a majority of the people.

If, on the other hand, a procedure is had in the name of a primary around which no adequate safeguards are placed, at which repeating, ballot-box stuffing, the making of false returns, can be carried on with impunity, with scant chances of detection and no means of punishment if detected, the whole system of primaries will be brought into disrepute. We all know that in the case of a serious contest the ballot box must be guarded with the utmost care to prevent it being used to thwart rather than reflect the will of the people. Such soap-box primaries

as were attempted in Maricopa County, Ariz., and King County, Wash., would, if allowed to become general, seriously menace and finally destroy the primary system.

The attempt has been made, and no doubt will be made further, to mislead people into believing that the general attitude of the majority of the national and credentials committees was hostile to legal primaries. Nothing is further from the fact. In the fourth California case the contest was between delegates claiming to be elected at the same primaries. In no other case was the right of delegates elected as the result of a legal primary contested by the Taft people. On the contrary, the Roosevelt people challenged the overwhelming verdict of a legal primary in the case of the Indiana delegates at large. *Not a single delegate elected to the national convention as the result of a legal primary lost his seat on the contest of a delegate otherwise elected. The result of legal primaries—that is, primaries held under sanction of law—was invariably respected.*

CONCLUSION.

As admitted by the Roosevelt managers themselves, they started out deliberately at the beginning of the preconvention campaign to create contests. A large number of these contests were pure fiction, the contesting delegates claiming to be elected at conventions which, if held at all, were held a month or two after the regular conventions. Many of the contests which arose at the time conventions were held were the result of prearranged bolts based on the flimsiest pretexts. The great number of cases of conventions in which a disturbance was created, and the uniformly violent character of the same gives ample ground for the belief that it was part of the general plan of the Roosevelt managers.

Leaving out of consideration the contests admitted to be fictitious and "psycological," and coming down to the cases which were finally relied upon to support the claim of fraud, the facts in regard to them are as follows:

The Taft delegates from the ninth Alabama were entitled to their seats if the truth of every contention of the Roosevelt men were admitted.

The six Taft delegates at large from Arizona would have been elected just the same if the Roosevelt men had presented their contentions to the uncontested delegates to the State convention.

The Taft delegates from the fifth Arkansas were elected at the duly called convention held in the district; the other convention was a joke.

The Taft delegates from the fourth district of California had to be recognized or else deny the people of a district the right to elect their own delegates.

The Taft delegates from the thirteenth Indiana were elected at the only convention held in the district; the contestants were the product of a riot.

In the seventh and eighth Kentucky districts the Roosevelt delegates were the product of rump conventions, held because the Taft men had clear majorities in the regular conventions.

In the eleventh Kentucky district both sides sinned and each side was given one delegate.

The Michigan contest could only have been brought by men unable to realize the burlesque character of a procedure in which one-tenth of a convention attempted to control its deliberations. The bolters are now painfully divided between Wilson and Roosevelt.

The Taft delegates from the third Oklahoma were regularly elected at the district convention. The Roosevelt delegates were named at a small, select, unofficial gathering called as an afterthought.

The Taft delegates were elected at the regular conventions in the second and ninth Tennessee districts; the Roosevelt delegates were products of outfits which have been engaged for years in harassing Republican candidates.

The Taft delegates from Texas represented the large majority of the Republicans of the Lone Star State; the Roosevelt delegates represented the paper proxies from the prairie-dog counties held by Federal officials and patronage bosses.

A soap-box primary in Kings County, Wash., was made the excuse for a rump State convention by the Roosevelt people; the Taft delegates were elected at the regular convention. The soap-box primary was disposed of in the same way by both the Republican and Democratic conventions.

The action of the Republican national convention in the seating of delegates was correct, just, and equitable. Any honest jury having the facts before them would have decided the contests in the same way.

The proposition that electors on the Republican ticket in States which expressed a preference for Mr. Roosevelt shall, after having received the support which their position on the Republican ticket assures, cast their vote for the candidate of a third party has its alleged excuse in downright and persistent prevarication, on which rotten foundation it lays its proposal of treasonable larceny.

No one is justified in condemning the action of the Republican convention on mere hearsay, as has been largely done, and to be informed is to be convinced there is no ground for criticism. The convention acted honestly and in a spirit of fairness, in harmony with party history and for the best interests of the party and the American people. The violence of the attack on the party integrity has temporarily misled many good and well-meaning people, but the truth will triumph, the party be vindicated in its action, and its candidates elected. [Applause.]

Mr. NORRIS. Mr. Chairman, to begin with, I desire to ask unanimous consent to print as a part of my remarks some statements to which I shall allude during the course of my remarks.

The CHAIRMAN. The gentleman from Nebraska [Mr. NORRIS] asks unanimous consent to print certain statements as a part of his remarks. Is there objection?

There was no objection.

Mr. NORRIS. Mr. Chairman, one of these statements that I shall print in the RECORD was prepared by Mr. Sackett, a delegate from the State of Nebraska to the Chicago convention, and a member of the committee on credentials in that body.

I have submitted the statements that he has prepared to a member of the national committee who heard all the contests and all the controversies that were brought before that committee, and I have been assured by that man, a man whose name would be recognized by every man in this House, that the statement of Mr. Sackett is absolutely justified in every particular, and that he might even have gone further.

This statement, so far as it pertains to the State of Washington, was submitted to Judge Epperson, of Nebraska, a gentleman whom I have known for years, who heard the contests as to Washington and has examined all the evidence, and it has his approval.

I submitted, in substance, the statement of Mr. Sackett pertaining to a part of the contests from Washington, Texas, and Arizona to a man whose name, like that of the other gentleman, would be recognized not only here but all over the country, and who examined all the evidence and reported to me that the statement was practically correct, and that in his judgment there were nearly 50—I think he put it at that figure—or 48 delegates in the Republican convention that were taken away from Roosevelt and given to Taft—legally elected delegates unseated and illegal ones put in their places, without any excuse, without any reason—and that no man could reasonably reach any other conclusion from an examination of the evidence; and that he thought that 25 or 30 more were cases where honest men, reasonable men, examining the evidence, could honestly come to different conclusions as to the results.

I have examined everything pertaining to these contests that I have been able to get hold of, and have read everything that has been printed by those who have examined them—everything that I have been able to get—and I unhesitatingly say that I do not see how any reasonable man can examine the contests in Washington, California, Arizona, Texas, and some other States without coming to the conclusion that they were absolutely stolen in that convention. [Applause.]

Now, Mr. Chairman, I want to admit, to begin with, that honest men——

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. NORRIS. In a moment. That honest men may listen to the same evidence and come to diametrically opposite conclusions, so that I am not going to charge any man with dishonesty because he does not agree with me in the conclusions that I have reached. I am responsible to my own conscience in my investigations, and I concede to every other man the same right.

Now I yield to the gentleman from Washington.

Mr. HUMPHREY of Washington. I do not pretend to know anything about the facts, but I want to ask the gentleman this question. The gentleman spoke of some gentleman of very high standing who had passed upon the cases, as I understand, in the State of Washington. Is the gentleman going to give the name of that authority?

Mr. NORRIS. The authority I have mentioned I can not give. I can not give his name. I have mentioned two men whose judgment has been given to me whose names I can not use.

Mr. HUMPHREY of Washington. I want to ask the gentleman this question——

Mr. NORRIS. I will anticipate the gentleman's question. I admit that that detracts from the force of the argument, but it does not detract from the effect it has on me, because I know

the men. One of these men whom I have mentioned, whose name is familiar to every Republican in the United States, is supporting Taft to-day. He explained—no, I will not say he explained, but I gathered it from his conversation—that he had political aspirations of his own, and that while he thought it was downright stealing, yet he believed that the best thing for him to do under all the circumstances was to go on and recognize Taft as the party leader.

Mr. HUMPHREY of Washington. I want to ask the gentleman whether he thinks it fair, in view of the fact that he has said that the gentlemen, known throughout the country, have assured him to the effect that the delegation from the State of Washingon was stolen, that he should not give his authority?

Mr. NORRIS. I think it is fair. I have told the facts. I admit that it would not have as much weight with me as though the authority were given, and I assure the gentleman that I would be glad if I could give the name, but there are men all over the United States who feel the same way. [Applause.] These men are not coming out in public and telling their opinions, because they are afraid of the persecutions that would come to them, occupying certain positions as they do, on account of the political machine and the political faction that is now in power.

Mr. HUMPHREY of Washington. Will the gentleman yield for another question?

Mr. NORRIS. Yes.

Mr. HUMPHREY of Washington. I want to ask the gentleman whether he thinks it is fair to come in and quote authority of that kind when he knows in advance that he will not be permitted to give the name? Why does not the gentleman give the facts without quoting some one whom he will not name?

Mr. NORRIS. I am going to give the facts before I get through. I am talking about these statements that I intend to print, stating what the facts are. I have been trying to investigate to find out what was the actual fact in every case in order to satisfy my own mind.

Mr. HUMPHREY of Washington. The gentleman ought to state it, and not call upon an authority that he can not quote.

Mr. NORRIS. I am going to state it, if the gentleman will hold himself in peace and give me time, and I will not take two hours and a half to do it, either.

Mr. Chairman, as a Republican I submit to Republicans and to citizens of the country that if I come to the conclusion that a nominee in my party has been given the nomination by fraudulent, dishonorable means, it is not only my duty as a citizen, but as a member of the Republican Party, to denounce it and to denounce it openly. [Applause.]

TAFT'S MAJORITY ONLY 19.

Mr. Taft's alleged nomination was obtained in Chicago by a majority of 21. Bear that in mind. Two of those came from Massachusetts, and it is admitted that if there had been a roll call in which the Roosevelt men were voting those two men would have voted and their alternates would not have been allowed to vote. So, regardless of what we may think about the ruling of Chairman ROOT, those votes ought not to be counted, because if there had been a real contest, it is admitted even by the Taft fellows that Taft would not have received those two votes. So Mr. Taft's majority was 19. If, therefore, 19 delegates were placed on the roll of that convention by fraudulent, dishonorable, or illegal means, then Mr. Taft's nomination is tained with fraud. It is null, it is void, and is entitled to no consideration from anybody. Fraud has vitiated contracts from the beginning of civilization, and fraud ought, and at least in a moral sense does, vitiate a nomination, even though there is no law that can control national conventions.

PRIMARIES.

The gentleman from Wyoming [Mr. MONDELL] has had considerable to say about soap-box primaries. I wanted to ask him a question, but he would not yield so that I could. The question would develop this fact, that wherever the gentleman from Wyoming [Mr. MONDELL] in his two and one-half hours of laboring could find a place where some Taft delegates were elected at a primary, he told us about it. I was going to ask the gentleman the question, and I think the record will show that in no instance where there was a primary did they refuse to give the Taft delegates the vote of that primary and give Mr. Taft the benefit of whatever advantage that might be. And I think the reverse is true, that in every case where there was a primary which elected Roosevelt delegates that primary was called a soap-box primary, it was called fraudulent, and it was said that there was no law controlling it, and that they had no way to tell what the honest vote was. They talk about the primary in Indianapolis being an honest primary because Taft won out there. Oh, that was a virtuous affair. I remember meeting a Member of this House the day after they held that primary, and he said, "Taft got a great big majority in Indianapolis and I am sorry that the Republicans thought it was necessary to stuff the ballot boxes down there, because they did not need to. We could have beaten the Roosevelt fellows without it."

The Indianapolis papers announced that there was fraud there. I am not claiming anything for Indianapolis. I am not going to try to take it away from Taft, because I do not know how much fraud there was there. The vote was given to him and I have no knowledge to claim to the contrary, and hence I am not finding fault with it. I refer to it only to show how the gentleman from Wyoming [Mr. MONDELL] loves a primary when it goes for Taft and how he hates it and despises it when it goes against him.

In the State of Washington there were primaries that went for Taft. The gentleman from Wyoming takes the pains to mention that here. There was no contest over them. Nobody is claiming that they ought to be taken away from Taft. Everybody has conceded that those counties ought to be given to him; but he repeated it over and over, "Oh, here was a primary away up there in the country that went for Taft."

But down in King County, in the same State—and I suppose they did not have a different law in one part of Washington from what they had in another—there was a primary that Roosevelt carried. I wanted to ask the gentleman, but he would not permit an interruption, whether anybody has ever made any charge before his committee or elsewhere that there was one single fraud committed in that primary? The newspapers of Washington had no record of it afterwards.

The gentleman says that anybody might have gone in there and voted at that primary, that anybody could have voted and there would have been no law to punish him. The same thing is true in all of the other primaries that went for Taft, but they were virtuous. On the other hand, nobody has ever claimed that any illegal vote was cast there, and the gentleman from Wyoming [Mr. MONDELL] did not even claim it. It is conceded by both sides that if King County, in Washington, were given to the Roosevelt delegates, then they had a large majority in the State convention. But I am going to demonstrate to you that even if you give King County to the Taft delegates, there are three other counties that are just as meritorious, if not more so, than the King County proposition, and every one of them had to be given to Taft to save Roosevelt from having control of that convention.

WASHINGTON.

In the Washington State convention there were 668 delegates. Half of that number would be 334, and a majority would be 335. There were in the State convention of Washington, and it is uncontroverted by the Taft people, 263 uncontested delegates for Roosevelt and 97 uncontested ones for Taft. There were two counties—Pierce and Clallam—in which contests were decided by the Taft State committee in favor of the Roosevelt delegates. These two counties had 69 delegates. These 69 delegates added to Roosevelt's 263 uncontested delegates gave him 332 delegates, just 3 delegates short of a majority. I am now going to consider the contested cases from four counties: Asotin County with 6 delegates, Chelan County with 10 delegates, Mason County with 8 delegates, and King County with 121 delegates. It will be observed that if Roosevelt was entitled to any one of these delegations, he would have had control of the Washington State convention, even though all the others had been given to Taft. I shall show, and I think conclusively, that the Roosevelt delegates in every one of these counties were honestly, lawfully, and fairly elected and entitled to seats in the convention. The State committee, however, unseated all of the Roosevelt delegates from these counties, and without any reason, and absolutely contrary to the evidence, seated the Taft delegates.

The call for the State convention permitted the county committees to select delegates themselves if they wanted to, and it permitted them to call a convention to select delegates, or to call a primary for the selection of delegates. Any one of those methods was allowable and legal, and all were pursued in different parts of the State. Some of the delegates were selected by a committee, in some instances for Taft, and in some instances for Roosevelt. Some were selected at conventions and some at primaries. Both sides agree that any one of these three methods, if agreed upon by the county committee, would be lawful under the call and under the laws of the State of Washington.

ASOTIN COUNTY.

In Asotin County, pursuant to a call, a county convention was held and 6 Roosevelt delegates elected. The county committee consisted of 11—1 from each precinct. Three members of this committee, without any call or notice, together with 2

other persons not pretending to be members and not even pretending to hold proxies, appointed the 6 Taft delegates that were illegally given seats in the State convention.

CHELAN COUNTY.

In Chelan County, where they had 10 delegates, a convention was called in the regular way, and nobody disputed it. They met in convention and elected a temporary chairman. There were 55 delegates in the convention. There were three contests from three precincts. The temporary organization was formed and a committee on credentials was appointed. This meeting was in the forenoon, and it was participated in by Roosevelt men and Taft men. They adjourned until 1 o'clock to let the credentials committee report on those contests. After they had adjourned, and during this recess, a minority of the convention met secretly in a room and selected delegates to the State convention and instructed them for Taft. At 1 o'clock, the hour of reconvening, the convention again assembled. The report of the committee on credentials was heard. It was acted on in the convention. They elected delegates to the State convention and instructed them for Roosevelt. The Taft State committee seated the Taft delegation. They had to, because if they had not it would have given a majority in the State convention, according to their own figures, to the Roosevelt delegates.

MASON COUNTY.

In Mason County there are 21 precincts. No county convention was held, but there were two delegations, one for Taft and one for Roosevelt. The county committee consisted of 21 members, 1 from each precinct. At a meeting of this committee, at which 11 members were present, a delegation to the State convention was elected and instructed for Roosevelt. The Taft contesting delegation was selected by two members of the county committee without any call or notice of meeting. The State committee seated the Taft delegation, because it was absolutely necessary to do so in order to control the convention for Taft.

Any one of those counties, if decided properly, would have changed the result in the Washington convention, according to the figures of the Taft people themselves.

KING COUNTY.

Now we come to King County. That is the county where Seattle is located. The gentleman from Wyoming had a great deal to say about the soap-box primaries there, and one of the arguments he uses is that in the same primary there were Democrats selected. That is, the Democrats held a primary at the same time and elected their delegates, and they were contested, and the Democratic convention threw them out. That only illustrates what I have so often contended here and elsewhere, namely, that the Democratic machine and the Republican machine are one and the same. They are oiled from the same oil can; they drink out of the same canteen. But if it is a good thing to follow Democratic precedents, then why does not the gentleman from Wyoming follow it in California? A Republican committee threw out California, but the Democratic committee did not. The gentleman from Wyoming has much to say in favor of Democracy. In fact, the action of those committees in Chicago was all in favor of Democratic success. They have done more to bring about the possibility of Democratic victory than the Democratic Party ever did or ever was competent to do. The gentleman from Wyoming compares the Republicans of Pennsylvania with the Democrats of Missouri, and he shows in the comparison how much better the Democrats of Missouri are than the Republicans of Pennsylvania. There was unanimity between the Taft Republicans and the Democrats that has been noticeable. In this House, when the Republican convention was on in Chicago, and the committees were stealing a whole lot of votes, no one on earth felt better about it than did the Democrats in this body.

In the confidence of the cloakroom they would speak out their feelings, and it was always one way. There is a unison between the Taft Republicans and the Democrats. I think it is conceded, confidentially at least by all Republicans, that Taft can not possibly be elected and that his running on a trumped-up nomination can only result in Democratic votes for the Democratic candidate. [Applause on the Democratic side.] And I congratulate those Republicans who have so often condemned me and others because I have associated with Democrats that at last they are and have been doing from the very beginning just exactly what the Democrats want them to do. The Taft Republicans and the machine Democrats are together. They are "two souls with but a single thought; two hearts that beat as one." They are all working for Democratic success. But, Mr. Chairman, to return to King County.

Mr. HARDY. Will the gentleman permit an interruption?

Mr. NORRIS. Yes.

Mr. HARDY. Would it not be more plausible instead of believing Taft Republicans and Democrats were working together that the Democrats should believe in the old maxim that when thieves fall out and fight honest men will get their dues? [Applause on the Democratic side.]

Mr. NORRIS. Well, the Democrats who confidentially told what they thought in the cloakrooms of this House did not state that. They were shivering in their boots for fear Taft would not be nominated and they were trembling in their shoes for fear Roosevelt would. The facts are, when the Democratic convention met at Baltimore the man you selected as temporary chairman and who was supposed to make the keynote speech devoted all of his time to an attack on Roosevelt and paid no attention to Taft. [Applause on the Republican side.] There is another evidence of this fusion and unison. Everybody knows the fight is between Roosevelt and Wilson. Let us now return to King County. Now, King County was entitled to 121 votes—121 delegates. The city of Seattle, on account of a large increase in population and according to the law of that State, had to be redistricted, and in the redistricting there were 131 voting precincts added.

There were in round numbers something like 250 members of that county committee at the time; and the chairman, according to the custom, that has had no exception as far as I know, filled these vacancies by appointment. The committee met under the call of the State convention. I have never heard, and the gentleman from Wyoming did not seriously contend, that the chairman did not have the right to fill those vacancies. So the committee met and determined to have a primary, and they called it. No one denies but what under the call of the State committee they had the right to call the primary; and in that primary 6,900 Republican votes were cast. Taft got about 500 and Roosevelt got most of the balance—practically all the balance. Now, they state this is an illegal primary. Let us see what the contrary is. The majority of this committee authorized a call of the primary. They had authority to do it under the call from the State committee. How did the Taft delegates get a showing? Let me tell you. In the campaign preceding—the year before—there was an executive committee having charge of the campaign. At this meeting of the central committee, where this primary was called, a resolution was passed doing away with that executive committee. Its functions were performed; it had no further authority anyway, even if they had not passed that resolution; but they passed the resolution discharging the committee. What happened? When they called this primary 14 men out of these 22 members of that old committee got together without any notice, without any publicity, and without any authority, and selected 121 men to go to the Republican State convention, and that is the authority of the so-called Taft delegation which went from King County. Now, let us see. Suppose you say that the primary was illegal. There is no legality in 14 men selecting a delegation. They had no more authority to select those delegates than I had. It was absolutely a nullity. I do not think and I do not believe any reasonable man can reach the conclusion that the so-called Roosevelt delegates selected at the primary were illegal; but even if you believe that, you must admit that the Taft delegates were illegal.

Which one then in justice should be recognized, one selected at a primary open and above board against which no man has said there was anything illegal or wrong or dishonorable, where the Republicans could come out and vote, and about 8,000 of them did come out and vote, or to recognize a delegation of 121 men, selected by 14 men, who simply took it upon themselves to do it, and who had no authority whatever.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. NORRIS. I yield.

Mr. HUMPHREY of Washington. In regard to King County and Whatcom County——

Mr. NORRIS. I simply yielded for the gentleman to ask a question.

Mr. HUMPHREY of Washington. It will be but a question.

Mr. NORRIS. I do not want to take up two and a half hours, but I am perfectly willing to yield for a question.

Mr. HUMPHREY of Washington. I will make it a question, and I will make it short. King and Whatcom Counties are two of the largest counties in my district. You contend that the primary should have been held in King County; why was it contested in Whatcom County?

Mr. NORRIS. I did not contest it——

Mr. HUMPHREY of Washington. Roosevelt men did.

Mr. NORRIS. I can not help that. I am not here defending anything that is wrong because it was done by Roosevelt men any quicker than I will fight it when it is done by Taft men. [Applause on the Republican side.]

Mr. HUMPHREY of Washington. In Whatcom County they held the primary by agreement——

Mr. NORRIS. Yes.

Mr. HUMPHREY of Washington. And the Roosevelt people were defeated, and two or three weeks after they convened——

Mr. NORRIS. And the contest was dismissed; they never got the vote, and Taft did, and properly so. [Applause on the Republican side.]

Mr. COOPER. The gentleman from Washington did not state that.

Mr. HUMPHREY of Washington. They met by agreement, and the Roosevelt people refused——

Mr. NORRIS. And contested it, and they went to the committee and the committee turned the Roosevelt people down; and I am not objecting to it.

Mr. HUMPHREY of Washington. It was the Taft people who turned them down.

Mr. NORRIS. Of course it was, and they did right. That is a case where they did right. They stumble on that once in awhile, but not often. When the Roosevelt men institute a contest that is wrong they ought to be defeated. In the cases the gentleman mentions the Taft delegates won. They were given the seats, and I am not complaining, and as far as I know no one else is finding fault.

They say, "Why, here is a contest down in Louisiana; it had nothing back of it, nothing to give it any foundation, and we decided it against Roosevelt. And," they say, "even the Roosevelt men on the committee voted to decide it against Roosevelt." That is commendable of them. They were honest. They were not there to steal. They were there to do right. But the argument of those who defend the robbery at Chicago is that because they found a contest instituted by Roosevelt men to be without merit, therefore they were justified in deciding all contests against the Roosevelt delegates, without regard to merit.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. NORRIS. I would like to finish up this question first.

Mr. HUMPHREY of Washington. I would like to ask the question whether he thinks the argument of the gentleman from Wyoming [Mr. MONDELL] was any more unfair than to quote some man as being high authority——

Mr. NORRIS. I will not go over that now.

Mr. HUMPHREY of Washington. Let me finish my question.

Mr. NORRIS. I know what the gentleman is going to say, and I have admitted to the gentleman that his criticism is just. I know it is; I acknowledge it. I would be as glad as the gentleman would be if I could give the name of every authority I have cited——

Mr. HUMPHREY of Washington. You already have it, saying that he was an honest man, that you could not mention it because he did not want it known, and that he was supporting Taft because he wanted to get into office.

Mr. NORRIS. If everybody who is supporting Taft because he either has or expects to get an office is dishonest, then Taft's honest supporters will be reduced so that you can number them on the fingers of your hand.

Mr. HUMPHREY of Washington. Yet you quote them to support your case.

Mr. NORRIS. The gentleman can ask me a question, but do not make an argument.

Mr. HUMPHREY of Washington. If I can ask a question without having any more noise about it than necessary, I would ask you if you did not quote here as evidence——

Mr. NORRIS. I know what the gentleman is going to say, and I have been over it and I have stated it repeatedly. Now, the gentleman ought to be courteous enough to let me go on. I know what the gentleman is going to say——

Mr. HUMPHREY of Washington. You know what I am going to say, and that is the reason you do not want me to ask it.

Mr. NORRIS. The gentleman has already asked it once, and I have gone over it and explained my position.

Mr. HUMPHREY of Washington. You have not permitted me to ask it yet, and the reason is that you know what I am going to ask. It is 120 miles away——

Mr. NORRIS. Mr. Chairman, I would say to the gentleman from Washington, if I am interrupting him——

Mr. HUMPHREY of Washington. I am not interrupting the gentleman.

Mr. NORRIS. The gentleman is talking aloud here. If I annoy him, I apologize for it.

Mr. HUMPHREY of Washington. The gentleman need not get disturbed.

Mr. NORRIS. I am not disturbed. I wanted to give the gentleman a free rein if he wanted it.

Mr. PROUTY. Mr. Chairman, I rise for order. I want to hear this discussion, and can not hear two of them at once.

The CHAIRMAN. The point is well taken. The gentleman from Washington [Mr. HUMPHREY] is clearly out of order.

Mr. HUMPHREY of Washington. If the gentleman from Nebraska will keep still——

Mr. NORRIS. I am not going to keep still. I have taken the floor for the purpose of doing otherwise. That is my privilege.

Now, then, I was asking the question, I believe, what would be a fair-minded man's duty with these two propositions, one delegation selected at a primary where 7,000 Republicans participated, and there were 6,500 votes for one set of delegates, and another delegate was selected in secret by 14 men without any authority? That is the case of King County.

Mr. MANN. Will the gentleman yield for a question?

Mr. NORRIS. Yes, sir.

Mr. MANN. Is there any great distinction in theory between 14 men selecting 121 delegates and 1 man selecting 131 and permitting them to call a primary?

Mr. NORRIS. It depends altogether on the authority of the 1 and the authority of the 14. If the 1 had the authority, his action is right.

If the 1 man had authority to do what he did—and in this case I do not believe anybody seriously questions it—then his action was legal. If the 14 men selected delegates and had no authority whatever to do it, then the delegates they selected had no title whatever; the action was entirely illegal. This, it is true, is a technical view of the situation; but, be as technical as you will, you can not find any excuse or any authority for the selection of the Taft delegation of 121 men from King County. But for a moment let us lay aside technicalities and take a broad view of the situation. The question of authority is important, but what did the people who were given authority do after they received it? Suppose the appointments by the chairman to fill these 121 vacancies be considered absolutely illegal. After this appointment by the chairman gave to these precinct committeemen their power, what did they do with it? They turned it all back to the rank and file of the Republican Party. They, in connection with the old members of the committee, called a primary, so if any power had been given to them illegally their first official act was to surrender it back to the party. It seems to me the most technical man could not complain, and even if you honestly believe that the chairman had no right to fill these vacancies it must nevertheless be admitted that the filling of them by the chairman resulted in nothing further than to give the people belonging to the Republican Party an opportunity to control that party. If these men were given power wrongfully, it must at least be said in their defense that they did not abuse, they did not even use it; they surrendered it all back, giving every Republican of King County an opportunity to be heard and to have his influence felt in the contest.

On the other hand, what can be said of these 14 men? They were members of a committee of 22 who had charge of the campaign the year before. Their duties were fulfilled; their functions had been performed; they had nothing further to do. Even though no resolution had been passed discharging them, they would have had no power to select a delegation to the State convention, but before they ever attempted to exercise such a function or to pick delegates the committee passed a resolution formally discharging them. Notwithstanding this, 14 men, who in the year preceding had constituted part of the committee to manage the campaign, got together in secret and selected 121 delegates from King County to the State convention. Here was an exercise of power by men who had no authority. Contrast their action with the action of the committee in calling the primary. They took away from the people all power and assumed it all unto themselves. They were opposed to giving the Republicans of King County an opportunity to select delegates to the State convention. Of course their real reason was that they knew in a primary Taft delegates would be defeated. They assumed that they knew what was better for the Republicans of King County than the Republicans did themselves, and so with their superior wisdom, without a vestige of authority, without any reason or without any right, they relieved the Republicans of King County of all responsibility and selected 121 delegates.

The Taft delegation from King County was seated by the State committee. As I have already shown, Roosevelt only lacked three votes of a majority of the State convention, as shown by the figures of the Taft fellows themselves, so it was necessary that this entire delegation, in the words of the Texas manager, should be "captured." The gentleman from Wyoming has criticized this primary because there was not a larger vote cast. He makes the statement that there were 75,000 Republican voters in King County. The gentleman is, of course, mistaken in this assertion, badly mistaken. The official records

of the State of Washington show that at the last congressional election the Republican candidate for Congress, the gentleman from Washington [Mr. HUMPHREY] received in King County 16,082 votes. In round numbers there was actually cast at this primary 8,000 Republican votes. This is not a bad showing, and demonstrates, I think, that a reasonably large percentage of the Republican vote was cast at that primary. At least, it seems to me fair to say that, waiving all technicalities and all other considerations, it would be better to let 8,000 Republicans of King County select a delegation to represent them than it would be to let 14 men, meeting in secret, do the selecting.

In the last congressional election the official records show that in the whole State of Washington there were only 79,003 votes for the Republican candidates, only a few more than the gentleman from Wyoming claims for King County alone. There is another important piece of evidence that will have a bearing on the size of the primary vote in King County. I understand the gentleman from Washington [Mr. HUMPHREY], the Republican member of this House, who represents the district in which King County is located, was nominated the last time he ran for Congress at a primary, and it is interesting to note that the first-choice vote by which the gentleman carried King County was 9,588, practically the same Republican vote that was cast in this despised primary that elected Roosevelt delegates to the State convention. Surely the gentleman from Wyoming would not ask our colleague from Washington to resign because he was nominated at a primary where there were so few votes cast. Surely he would not go so far as to even hint at the legality of the title to his seat here because in his own home county these 75,000 Republicans that the gentleman from Wyoming says live there forgot to come out and vote at the primaries.

Later on, in my remarks in connection with my discussion of the power of patronage, I will have something further to say in regard to the State convention of Washington, and will show how the trick was done and by whom it was performed.

CALIFORNIA.

Now, Mr. Chairman, there were two delegates from California that were stolen. The State of California through her legislature passed a State-wide primary law, a law providing for a primary for the election of delegates to the national conventions. That law provided that these delegates should be elected in the State at large. The law went into effect, and the Republican Party—both factions of it, all factions of it—and the Democratic Party and all factions of that accepted its provisions.

Not only was this law acted upon and respected and accepted by all factions, but Mr. Taft himself signed and filed with the secretary of state of California an official document that gave him the benefits of this law in the California contest. The law had a provision in it by which any candidate for President could file with the secretary of state his accepted list of delegates favorable to his candidacy, so as to give him the benefit of having his delegates printed on the ballot in a group and also to give his supporters in the State his official statement as to the delegates that he desired elected from the State to the national convention. Mr. Taft went into the contest and filed with the secretary of state of California his indorsement of 26 men whom he desired elected under that law as delegates to the Chicago convention. I have a certified copy of this document and it reads as follows:

THE WHITE HOUSE,
Washington, D. C., March 26, 1912.

CHAS. M. HAMMOND, *San Francisco, Cal.:*

I indorse your selection of the following 26 candidates for delegates to the national convention:

(Here follow the names of the 26 Taft delegates.)

WM. H. TAFT.

Filed in the office of the secretary of state the 26th day of March, 1912, at 9 o'clock a. m.

FRANK C. JORDAN,
Secretary of State.

After going into this California contest and atfer Mr. Taft had specifically, over his own signature, accepted the benefits of the law, it seems to me that it comes with poor grace, after he had been defeated by an overwhelming majority, for anyone in his behalf to set up the flimsy excuse that the law of California should not be respected because it conflicted with a rule of the national committee. If it was the intention of the Taft men to make this contention, it would rather seem to me, in all honor and honesty, they ought to have made it before they went into the contest under the law and tried to get the delegation through the law. Mr. Taft is a lawyer of sufficient ability to know that from the beginning of civilization, his conduct in the contest in California would certainly have estopped him, or anyone in his behalf, from trying to nullify the State statute after he had been defeated in the contest and after he had accepted the provisions of the statute. It is a pitiable spectacle and not a very bright one to place before the rising generation to have the President of the United States go into a contest of this kind and specifically accept a law and then, after he is defeated, to see his supporters openly and defiantly nullify this law and setting up a rule of a political committee as a defense of their action. The case of the bosses at Chicago must have been desperate indeed if, in addition to going so far as to nullify the laws of a sovereign State, they should also put their own candidate for whose benefit they were perpetrating the robbery in such an unenviable and undesirable position before the American people.

The reasoning of the men who would follow the action taken at Chicago in nullifying the laws of the State of California would lead us to the greatest of absurdities. Suppose one of our States, Iowa for instance, decided to enact a presidential primary law. No one denies but what Iowa ought to have the right to do it. There is no inhibition in the United States Constitution to such action. All men of progressive ideas admit that every State ought to have such a law, but, disregarding the merits of the case, all men ought to be willing to admit that Iowa should be permitted to make whatever law she desired on the subject.

If the reasoning of the Taft people in Chicago is correct, the lawmakers of the Iowa Legislature, before they enacted their statute, would have to make an examination of the rules and regulations of the Republican committee and see that their proposed primary law would not conflict with the rules of this committee—a committee entirely outside of any law, a committee that is not governed by any law. And so the citizens of Iowa, before they could enact a law that would be workable and entitle their delegates to admission to a national convention, would have to consult the edicts and the rules of this committee. Suppose they did this and enacted their law in accordance with the national committee's rules, what assurance have the people of Iowa that, even before their law can go into effect, the national committee will not meet and pass other rules and regulations that would nullify their law. The national committee, controlled as it has been controlled in the past by the political machine, being opposed to the election of delegates by primaries, because in that way it takes away their power, would be able to nullify any and every law that any or every sovereign State of the Union might pass. What a spectacle it would be for the governor or a committee of the legislators from Iowa to go to Chicago or to Boston or to New York to consult the political bosses and find out from them whether they had in contemplation any change in the rules of the national committee in order that the sovereign State of Iowa might be assured that these self-constituted political bosses would not nullify and abrogate any law that Iowa might pass.

Mr. KENT. Mr. Chairman, will the gentleman yield?

Mr. NORRIS. I do.

Mr. KENT. I would like to ask the gentleman if he is aware of the fact that at the time this law was passed the Republican organization of California was hostile to President Taft and had absolute authority to elect all delegates hostile to him?

Mr. NORRIS. Yes; I am aware of that fact. I myself, when that question was up in California, wired to some of the officials there, knowing that the progressives there had advocated a primary for delegates to the convention, and that they had obtained complete control of the Republican machinery, and under the law of California as then constituted they could have selected the delegates absolutely. They had it secure, and some people thought they ought to give the machine a dose of its own medicine and select delegates in that way. I urged them to pass a presidential primary law. The progressive Republicans of California, in control of the legislature, and, notwithstanding the fact that they also had control of the Republican machinery and could have named every delegate to the Republican convention, passed a State-wide primary providing that the delegates should be elected by the people of the whole State. The Roosevelt delegates were elected by about 77,000 plurality over the Taft men. Nobody disputes that. Each of the delegates received a certificate of election and went to Chicago. But when they came to Chicago the national committee threw out two of those men and put in two Taft men.

It is claimed in the speech of the gentleman from Wyoming [Mr. MONDELL] that this law of California conflicted with the order and the rule of the national Republican committee. Have we come to the position where any national committee, without any law to control it, without any power or anybody to control it, can pass rules that shall nullify the laws of sovereign States? Then it is time that we should know it.

Well, let us see what happened. They put on two Taft men in place of the two Roosevelt men that they took off. By what right did they put them on? Nobody had contested their seats.

Nobody had called any other primary or convention in any district or had made any protest whatever. No convention, no committee, nobody, had done anything in California to question the legality of every one of these 26 delegates who were elected by 77,000 plurality.

It is said, "Why, the whole State might have been thrown out." The facts are, Mr. Chairman, that this national committee wanted to establish a precedent by which it could nullify a State statute. If it is right and that precedent must stand, then in four years from now that self-perpetuating machine, the national committee, can nullify any law or statute passed in any of the States. It can, with the same authority and the same power, nullify the primary law in my State, which provides that delegates shall be elected by districts, and not in the State as a whole, as was done in the State of California. They can, the next time, make a rule that the only electors elected by a primary that can sit in a convention shall be those that are elected as they elect them now in California. The real purpose there is to make this machine self-perpetuating. They have robbed the Republican Party of their expression and their right to control the national convention now. They were only preparing, when they stole the two delegates from California, to commit the same crime again four years from now, and to establish a precedent for it.

Why, the gentleman from Wyoming said they could have taken the whole State. True enough; they might. They were all powerful. I could, on the same theory of the gentleman from Wyoming, and those who follow that theory, if I am arrested for stealing horses and I am brought to trial, offer as a defense that the barn out of which I stole the horse contained two horses and I stole only one; and on their theory I will not only be entitled to a verdict of not guilty for larceny, but I will be entitled to a legal title to the horse that I did steal. [Laughter and applause.]

TEXAS.

Now, I am going to take up the contests from the State of Texas. The State of Texas is a southern State, and the argument of the gentleman from Wyoming [Mr. MONDELL] in favor of the Taft delegates from Texas is rather amusing. He shows that Federal officeholders down in Texas were overriding the Taft fellows and controlling conventions. Maybe it is true; but what is sauce for the goose ought to be sauce for the gander. If you will take away from Taft the delegates that came to him from the States where I believe they were absolutely stolen, and those from the South that came to him by virtue of patronage alone, he would not have a handful of delegates left. Everybody knows it. [Applause.]

In the State of Texas there was an open contest between the Taft followers and the Roosevelt followers which the entire country watched with considerable interest. Texas was the one southern State where the national committeeman of the State was opposing the administration and supporting Roosevelt. In that State practically all of the contests were brought by the Taft people. The State convention was controlled by the Roosevelt followers, and nearly every congressional district convention was controlled in the same way. The regularity that the gentleman from Wyoming claims on behalf of all the Taft delegates from the South is lacking in the State of Texas. As I said, the whole country watched the contest, and it was generally understood throughout the United States at the time that the Roosevelt men were successful. It did not dawn on the public mind for some time afterwards that the Taft people were industriously working up contest cases and making a determined effort to steal the delegation at Chicago. The man who had charge of the Taft campaign in Texas was H. F. MacGregor, and it must be said to the credit of Mr. MacGregor that he conducted his fight in a very open-handed way. He made no secret of the fact that those who were faithful and helped in the Taft cause should be rewarded in the way of patronage. He had two able lieutenants in his fight. One was a man by the name of W. B. Brush, of Austin, Tex., and the other was James W. A. Clark, of Corsicana. They issued definite instructions in writing to the Taft followers. They deliberately started out with a conspiracy to contest every convention that they could not capture. They tried to browbeat public officials and gave everybody to understand that those who were faithful would be rewarded and that those who supported Roosevelt would be punished. Later on in my remarks, when I intend to discuss at more length the question and the evils of patronage, I shall refer again to these men and read portions of their published correspondence.

It is sufficient to say at present that these subordinates were instructed by the Taft managers to contest every delegation that they could not control and to bolt wherever they were in the minority and elect a contesting delegation. In one of the letters the boss, in giving his instructions, used this language: "Capture if you can, but do not be captured." As will be seen in the examination of the evidence in the various districts of Texas, these instructions were carried out to the letter. Wherever the Taft fellows could not control the convention they always bolted; they always elected contesting delegations, and in Chicago these contesting delegations were always seated. Very seldom did they even attempt to give a reason for their bolt. Through all the contests of Texas very little, if any, evidence will be found of any irregularity on the part of the Roosevelt delegates, and in no case where a contesting Taft delegation was seated will there be found any evidence of regularity or legality of the Taft delegations.

Notwithstanding these methods, the State convention of Texas was controlled by an overwhelming majority in favor of Roosevelt, and most of the congressional district conventions were controlled in the same way. Texas was entitled to eight delegates from the State at large. The State of Texas has a law providing for the holding of the State convention, and the Republican State convention was called pursuant to that statute. Texas has 249 counties within its boundaries. There were delegates to the State convention from 208 of these counties. The original credentials of the delegates in these 208 counties were introduced before the credentials committee at Chicago, and no one, as far as I know, has denied or disputed their legality or validity. In the other 41 counties there were no conventions or primaries held and no representation from them either for Roosevelt or for Taft.

In the entire State there were contests in the State convention from 17 counties. The regular State committee, composed of both Roosevelt and Taft men, and by a unanimous vote, referred these contests to four subcommittees, and on each one of these four subcommittees were both Roosevelt and Taft representatives. After hearing the contests the subcommittees reported to the full committee the result of their investigations. The report of three of these subcommittees was unanimous and was approved by the full committee. In the other subcommittee there was a minority report filed by a Taft member, in which he differed from the Roosevelt members of the committee on only two counties, so that, as far as the State committee was concerned, there was a unanimous conclusion reached by both Taft and Roosevelt men on all the contests except from these two counties. Of the 17 counties contested, Taft delegates were seated from 4 counties and one-half of the Taft delegation from 4 counties, and the Roosevelt delegations were seated from 9 counties. The action of these subcommittees was approved by the whole committee by a vote of 28 to 2, and included in the 28 were 3 Taft members. The other 2 members gave notice that they would present a minority report to the convention as to these two counties, but, as a matter of fact, there was no evidence anywhere to show that any such minority report was ever presented. The report of this committee was unanimously adopted and approved by the State convention when it convened. In the entire State there were 27 counties that instructed for Taft, and 13 of these 27 counties remained in and took part in the State convention. The convention elected delegates and instructed them for Roosevelt by a majority of more than 10 to 1. No one anywhere at any time has questioned the regularity either prior to or during the State convention. There was no evidence whatever offered before the national committee or the committee on credentials that could possibly be construed to give any legality to the Taft delegation from Texas.

The Taft delegation was selected at a meeting that had no authority whatever. It did not even pretend to have any semblance of regularity. There could not have been present delegates from to exceed 14 counties. The meeting was held without any notice, without any call; in fact, it was a secret meeting. There was no roll call, no pretense at organization in the way of appointing a committee on credentials or otherwise, and no credentials were presented. No call of the counties was had.

Notwithstanding this, the Taft delegates from Texas were seated and the legally elected Roosevelt delegates were thrown out. In most of the congressional districts from Texas the work of the national committee and the credentials committee was as flagrant and unfair as it was in regard to the delegates from the State convention.

FOURTH DISTRICT OF TEXAS.

The fourth district affords a remarkable exhibition of the determination of the Taft managers to either rule or ruin. There are five counties in this district. There were contests presented from two precincts in two different counties, one from Collin and one from Grayson. The men presenting these contests had been denied admission in the county convention of the two counties mentioned. The convention was organized

in the regular way, at the time and place provided for in the call, and four out of five counties, with regularly and lawfully elected delegates, took part. Delegates to the national convention were elected and instructed for Roosevelt. The delegates from the county that did not take part, at a later time and at another place, together with the men presenting contests from the two precincts mentioned, held a convention and elected Taft delegates. The evidence in this case discloses that there was no claim of irregularity, excepting from these two precincts. No one has denied at any time but what the Roosevelt delegates were regularly and lawfully elected; that they held their county conventions and the district conventions according to law and at the time and place name in the call, which was regularly and lawfully issued. Of course, it was necessary in Chicago to give the Taft men a control of that convention that some legally elected delegates instructed for Roosevelt should be thrown out, and I presume they considered they might as well throw them out from this district as from any other, and so the steam roller crushed the life out of the Roosevelt delegates and these Taft delegates were seated, who had no more claim and no more right to seats in the national convention at Chicago than they did at Baltimore.

FIFTH DISTRICT.

The fifth congressional district of Texas is composed of five counties. There were contests from three out of the five counties. It should be observed that in this district the congressional committee was controlled by Taft men, and the committee thus controlled decided the contests in favor of the Roosevelt delegates. The convention then went ahead and elected delegates in the regular way and instructed them for Roosevelt. Ellis County was one of the counties in this district. The delegates from this county were instructed for Taft, but remained in the convention and participated in its action. Notwithstanding this, the delegates from this county, together with the Taft delegates from one other county that had been denied seats in the regular convention, met together and selected a set of Taft delegates, and the national committee and the credentials committee at Chicago, following their usual course, gave these illegally elected delegates seats in the convention.

SEVENTH DISTRICT.

The seventh congressional district of Texas comprises eight counties. Six out of the eight were carried by Roosevelt, and the Roosevelt delegates had an overwhelming majority in the district convention. Two conventions were held. The delegates from the six counties held a convention and selected Roosevelt delegates. No question was ever raised anywhere as to the regularity of the delegates from these six counties. No one, so far as I know, has ever denied that their election was even irregular in the minutest detail, but notwithstanding this, the delegates elected for Taft by the two counties composed of only a small minority of the delegation were seated in Chicago.

EIGHTH DISTRICT.

In the eighth district of Texas there are nine counties. Six of these counties were carried by Roosevelt men and the delegates from the other two counties were in favor of Taft. The Taft delegates from these two counties bolted from the regular convention and held a rump convention, but the delegates elected by them were seated in Chicago with the usual regularity. No one has ever questioned the regularity of the convention in this district that was controlled by Roosevelt delegates, and no one has ever given any reason why the Taft delegates bolted and held a separate convention, excepting that they were unable to control the convention, and, as I shall show later on from printed letters of the Taft managers in Texas, the action of the Taft delegates in this district convention, the same as their action in the other Texas district conventions, was taken according to the written instructions of the Taft managers.

NINTH DISTRICT.

In the ninth district there were two district conventions. One was called by the regular congressional district committee through its chairman. A large majority of the delegates took part in this convention. At this convention Roosevelt delegates were elected. The other convention, which elected Taft delegates, was called by a man who was chairman of one of the county committees. He had no authority either under law or any rule or regulation of the party. The convention which he called was participated in by a minority of the delegates. In this district it was known before either convention met that a large majority of the delegates to the convention were for Roosevelt, and the Taft delegates therefore refused to meet in convention with the Roosevelt fellows, and according to instructions from the Taft managers they saw that they could not "capture" and therefore obeyed the command and kept out of the regular convention so they could not "be captured."

TENTH DISTRICT.

The tenth district of Texas comprises eight counties. No one has denied or disputed the regularity or the legality of this convention. After the convention met, however, the delegates from two counties and a part of a third county under the leadership of a United States internal-revenue collector and the postmaster at Austin, bolted and held a rump convention. This rump convention elected two Taft delegates and, of course, the national committee and the committee on credentials put them on the roll at Chicago.

FOURTEENTH DISTRICT.

In the fourteenth congressional district of Texas there are 14 counties. The congressional convention was called by the congressional committee. In this convention there was but one contest. The contest was compromised, and both the Taft and the Roosevelt delegates were seated, giving to each delegate one-half of a vote. When the Taft delegates in this convention discovered that they were in a very small minority and that they could not "capture" the convention, they bolted. The delegates from three of the counties, one of which was the county that was contested, left the convention and elected Taft delegates. The regular convention performed its function in due form and elected Roosevelt delegates.

I have thus far considered 22 delegates from Texas. I have considered only those about which, in my judgment, there can be no possibility of a doubt. You must remember, as I explained yesterday in my remarks, that if it be shown that 19 of President Taft's delegates in Chicago held their seats illegally and fraudulently then his nomination must of necessity be illegal, null, and void. These cases that I have taken up, from Texas alone, are sufficient to nullify Mr. Taft's nomination.

FEDERAL PATRONAGE.

The gentleman from Wyoming goes on to say that postmasters and Federal officeholders down in Texas controlled conventions and selected delegates. He goes on to show that under the control of the national committeeman down there the Republican vote has been falling off for four years. Well, it has been falling off everywhere else for four years. [Laughter.] The gentlemen down in Texas who represent the Republican Party are handicapped by what is in the White House just the same as we are everywhere else in Republican circles. [Applause on the Democratic side.] Now, if it is good and sufficient reason to throw a delegate out because of Federal patronage, let us see where the gentleman from Wyoming [Mr. MONDELL] will land.

There were at the Chicago convention over 200 delegates from States controlled absolutely by patronage. The gentleman from Wyoming [Mr. MONDELL] reminds me of Polonius. Hamlet, you know, took him out and showed him a cloud in the sky, and he said, "Polonius, that cloud looks like a camel." Polonius said, "Yes, my lord; it does look like a camel." "Oh, no;" said Hamlet, "it looks like a weasel." "Sure," said Polonius, "come to look at it right, it does look like a weasel." "Oh, no;" said Hamlet, "it is an elephant." "Why, of course," said Polonius, "anybody can see that it is an elephant."

Mr. HENRY of Texas. It looked like a bull moose. [Laughter.]

Mr. NORRIS. It looks like a bull moose to all Democrats. The political boss takes my friend from Wyoming and shows him Texas. He says, "Here are the Roosevelt delegates down in Texas. They ought to be thrown out because postmasters helped to put them in," and the gentleman from Wyoming says, "Sure. Throw them out. We do not want any Federal patronage delegates in Chicago."

Then the boss takes him over to Mississippi and says, "Here is a delegation made up of Federal office holders and postmasters, all for Taft. They are all right." And the gentleman from Wyoming raises his hand to heaven and says, "Of course they are all right." [Laughter.] "They ought to stay." Then the boss takes my friend to Indianapolis and says: "Behold, here is one of the wonders of the campaign—a Taft delegation elected by a primary. We are for the people and this delegation must be seated." And the gentleman responds: "Wonderful discovery! Of course, they must be seated. The primary must be acknowledged." And then the boss takes my friend to King County, Wash., and to Maricopa County in Arizona, and he says: "Here are delegations for Roosevelt. They were elected by the despised primary methods. The primary must be killed." And my friend answers and says: "Sure the primary is an evil. It opens the door to fraud. These delegations are wicked and they must be thrown out."

Now, let us see about Mississippi. There are three or four men down in Mississippi who control the Republican Party. "Why," the gentleman from Wyoming says, "there were some counties in Texas where not a single Republican vote was cast." That is true, but those counties were not represented in that convention. He did not tell you that. He wanted you to think delegates were fixed up from those counties. They were not, however.

But there were places in the South where in the last election not a single Republican vote was cast in a Republican district, and those congressional districts were represented in Chicago by a couple of postmasters. He says that Col. Lyon, the national committeeman from Texas, helps the Democrats. I am not going to dispute it, because I know nothing about it. But over in Florida, where there were two delegates, enthusiastic Republicans for Taft, who went to Chicago with their expenses paid, I suppose, and return tickets in their pockets, who came from districts where not a single Republican vote had been cast. What did they do for the Democracy?

Well, Mr. Speaker, let us see. The Republican party in Mississippi is controlled by three men: L. B. Moseley, clerk of the court; W. O. Ligon, one of the United States marshals in one of the districts; and a man by the name of Fred. W. Collins.

Now, let us see about the delegates from Mississippi to Chicago.

L. B. Moseley, clerk of the Federal court, jury commissioner, United States commissioner.

M. J. Mulvihill, postmaster at Vicksburg, salary $3,100.

L. K. Atwood, ex-collector of internal revenue.

Then comes a private citizen. God bless him! How lonely he must have felt in that delegation. [Laughter.]

J. M. Shumperi, juror selector.

J. F. Butler, postmaster at Holly Springs, salary $2,200.

E. H. McKissack, juror selector.

Louis Waldauer, postmaster at Greenville, salary $2,800.

J. W. Bell, postmaster at Pontotoc, salary $1,500.

W. W. Phillips, professional juror.

W. J. Price, postmaster at Meridian, salary $3,200.

Then another juror.

J. C. Tyler, postmaster at Biloxi and solicitor of funds from Federal officeholders, salary $2,500.

W. P. Locker, janitor of Federal building, salary $900.

E. F. Brenner, postmaster at Brookhaven, salary $2,500.

C. R. Ligon, United States deputy marshal, and son of the marshal, salary $1,200.

Wesley Crayton, professional juror and jury selector.

What about this family that is controlling the Republican Party in Mississippi? I have read you the delegates to the Republican national convention of which the gentleman from Wyoming [Mr. MONDELL] is so proud that there were delegates there not controlled by Federal patronage.

L. B. Moseley is the clerk of the Federal court. W. R. Moseley, a brother, is the collector of the port at Gulfport, Miss., with a salary of $3,000 per annum. R. O. Edwards is a foster brother and cousin and is postmaster in Jackson, with a salary of $3,300. Mrs. R. O. Edwards is assistant postmaster in Jackson, with a salary of $1,600. Thomas W. McAlpin is a brother-in-law, and he has a contract for carrying the mail. Miss Suzette McAlpin is a sister of Thomas McAlpin and is postmistress at Bolton, with a salary of $940. Frank L. Rattliff, another cousin, is a postmaster at Shaw, and he has a salary of $1,400. Then let us take up the Ligon family: W. O. Ligon is the United States marshal and he has a salary of $3,000 from the Federal Treasury. His son, C. R. Ligon, is a deputy United States marshal and gets a salary of $1,200. Jennie D. Ligon, the wife of W. O. Ligon, is postmistress at Gloster and has a salary of $1,500, Then there is Percy Ligon, W. O.'s son, who is assistant postmaster at Gloster, with a salary of $590.

Let us now take the other part of the trio, the Collins family: Fred W. Collins is United States marshal, with a salary of $3,000. W. A. Collins is a son of Fred and is postmaster at Hattiesburg, with a salary of $3,000. Seth W. Collins is an uncle to Walter and is postmaster at McComb City, at a salary of $2,300. Then there is J. N. Attkison, brother-in-law to Walter, who is postmaster at Summit, with a salary of $1,500. Walter Collins, son of Fred, also has a brother-in-law who is the postmaster at Tylertown, and he gets a salary of $1,500. F. W. Collins, jr., son of Fred, is deputy United States marshal and gets a salary of $1,200.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. NORRIS. Mr. Chairman, I would like to get a few minutes longer.

Mr. BURLESON. How much more time does the gentleman want?

Mr. NORRIS. Fifteen minutes.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 15 minutes.

The CHAIRMAN. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, I would like very much to accommodate the gentleman from Nebraska, but we have a very important caucus called here for this evening. If the gentleman can get through in a few minutes, I shall not object to his request.

Mr. MANN. Mr. Chairman, would the gentleman prefer to go ahead for a few minutes to-night or to ask unanimous consent to proceed to-morrow?

Mr. NORRIS. Mr. Chairman, I would like to finish what I have to say to-night. Of course I recognize the fact that the gentleman from Wyoming consumed two hours and a half, but it is getting late, and I shall not find fault.

Mr. MANN. Of course the gentleman understands that objection comes from the Democratic side.

Mr. NORRIS. Certainly; I understand. If the gentleman desires to go on with the caucus, I will ask unanimous consent that immediately after the reading of the Journal to-morrow I be allowed 30 minutes.

Mr. JAMES. Time to conclude the gentleman's remarks.

Mr. UNDERWOOD. I have no objection to the gentleman going on to-morrow, but this evening there is business set apart.

Mr. NORRIS. I understand, and I am not finding fault.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAGE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18787, relating to the limitation of daily hours of labor on public works, etc., and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. NORRIS. Mr. Speaker, I ask unanimous consent that to-morrow, immediately after the reading of the Journal, I may be allowed to conclude the remarks which I began to-day.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that to-morrow, immediately after the reading of the Journal, he be permitted to conclude his remarks.

Mr. ALEXANDER. Mr. Speaker, I desire the gentleman to indicate some time.

Mr. NORRIS. I do not believe I shall take more than 30 minutes.

Mr. ALEXANDER. Then, say one hour.

Mr. NORRIS. Very well, Mr. Speaker, one hour.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House to-morrow for one hour, if he so desires, immediately after the reading of the Journal. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

LEAVE TO PRINT.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon a bill reported from the Committee on the Public Lands affecting certain lands in my district.

The SPEAKER. Is there objection?

There was no objection.

Mr. AKIN of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Osage Indian bill.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous censent, leave of absence was granted as follows:

To Mr. EDWARDS, indefinitely, on account of illness in his family.

To Mr. GARNER, indefinitely, on account of important business.

ADJOURNMENT.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Thursday, July 25, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of War submitting estimate of appropriation

for mileage to officers and contract surgeons, etc., in connection with the relief of sufferers from floods in the Mississippi and Ohio Valleys (H. Doc. No. 879), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 8151) providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road and of conflicting claims to lands within the limits of said grant, reported the same with amendment, accompanied by a report (No. 1054), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GUDGER, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5494) to provide a site for the erection of a building to be known as the George Washington Memorial Building, to serve as the gathering place and headquarters of patriotic, scientific, medical, and other organizations interested in promoting the welfare of the American people, reported the same with amendment, accompanied by a report (No. 1055), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 25611) to authorize the sale of certain lots in the Hot Springs Reservation for church and hospital purposes, reported the same without amendment, accompanied by a report (No. 1056), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 5679) to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910, reported the same with amendment, accompanied by a report (No. 1057), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEFLIN, from the Committee on Agriculture, to which was referred the joint resolution (H. J. Res. 340) making appropriation to be used in exterminating the army worm, reported the same with amendment, accompanied by a report (No. 1058), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 16997) for the relief of William Bell, reported the same without amendment, accompanied by a report (No. 1053), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROBINSON: A bill (H. R. 25935) to amend an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Cal., to the city of Los Angeles, Cal.," approved June 30, 1906; to the Committee on the Public Lands.

By Mr. MOTT: A bill (H. R. 25936) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. REDFIELD: A bill (H. R. 25937) making the first Monday in September (Labor Day) a legal holiday; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 341) concerning contracts with Indian tribes or individual Indians; to the Committee on Indian Affairs.

By Mr. FOSS: Joint resolution (H. J. Res. 342) to adopt a national air for the United States of America; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKMON (by request): A bill (H. R. 25938) for the relief of Frances C. Hoffman; to the Committee on Claims.

By Mr. CLAYPOOL: A bill (H. R. 25939) granting an increase of pension to William T. Mills; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 25940) granting an increase of pension to C. W. Goff; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 25941) granting a pension to Rebecca Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25942) to correct the military record of Wilson Rice; to the Committee on Invalid Pensions.

By Mr. GEORGE: A bill (H. R. 25943) granting an increase of pension to Emma C. Crossman; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 25944) granting an increase of pension to John W. Riley; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 25945) to remove the charge of desertion from the military record of James W. Miller; to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 25946) for the relief of Ephram Combs; to the Committee on Military Affairs.

By Mr. SHARP: A bill (H. R. 25947) granting a pension to Juliette Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25948) granting a pension to Barbara Scisinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25949) granting an increase of pension to Hiram A. Knapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25950) granting an increase of pension to William D. Crawford; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 25951) granting an increase of pension to Andrew W. Sponsler; to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 25952) granting a pension to Susan A. Taylor; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 25953) granting a pension to Franklin D. Green; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 25954) granting a pension to Daniel B. Jones; to the Committee on Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 25955) granting an increase of pension to Richard Riddles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25956) granting an increase of pension to Julius Weddigen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25957) granting an increase of pension to S. L. Hotchkiss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25958) granting an increase of pension to Alfred Stead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25959) granting an increase of pension to Isiah White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25960) granting an increase of pension to Benjamin F. Crandall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25961) granting an increase of pension to Edwin C. Manning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25962) granting a pension to Mary Soper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25963) granting an increase of pension to John Metzger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25964) granting an increase of pension to Francis M. Baldwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25965) granting a pension to Letitia M. Leepard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25966) granting an increase of pension to Sarah J. Burroughs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25967) granting an increase of pension to George W. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25968) granting an increase of pension to W. H. McCallum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25969) granting an increase of pension to Charles R. Taylor; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of the Episcopal Church of the Diocese of Ohio, favoring legislation for relief of the natives of Alaska; to the Committee on the Territories.

Also, petition of the International Dredge Workers' Association, Local No. 3, Toledo, Ohio, favoring passage of House bill 18787, for regulating and shortening the hours of men building and maintaining Government rivers and harbors; to the Committee on Labor.

By Mr. CALDER: Petition of the Daughters of Liberty of Brooklyn, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the International Dredge Workers' Protective Association, favoring passage of House bill 18787, providing for shorter hours for men building and maintaining Government rivers and harbors; to the Committee on Labor.

Also, petition of the Allied Printing Trades Council of Greater New York, protesting against the passage of the Bourne parcel-post bill (S. 6850); to the Committee on the Post Office and Post Roads.

Also, petition of Eckford C. DeKay, military secretary to the governor, Albany, N. Y., favoring passage of House bill 2588, relative to improving the Naval Militia; to the Committee on Naval Affairs.

By Mr. DANFORTH: Petition of citizens of New York, favoring legislation regulating express rates and classification; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of New York, protesting against any parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Petition of Photo-Engravers' Union, No. 1, of New York, protesting against the passage of the Bourne parcel-post bill (S. 6850); to the Committee on the Post Office and Post Roads.

Also, petition of the National Association of Piano Merchants of America, protesting against any change in the patent laws affecting price maintenance; to the Committee on Patents.

Also, petition of the St. Augustine Board of Trade, St. Augustine, Fla., favoring bill turning the powder house lot over to the city of St. Augustine for a public park; to the Committee on Military Affairs.

Also, petition of the Hebrew veterans of the War with Spain, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Chamber of Commerce of Washington, D. C., protesting against the provision on page 109 of the sundry civil bill relative to reimbursing the United States amount due on one-half of the per capita cost of indigent patients in the Government Hospital for the Insane; to the Committee on Appropriations.

Also, petition of the Washington Architectural Club, protesting against the annulling of the Tarsney Act relative to hiring Government architects; to the Committee on Appropriations.

Also, petition of the National Shorthand Reporters' Association at Milwaukee, Wis., protesting against the passage of House bill 4036, making the United States district court official shorthand reporters a political appointment; to the Committee on the Judiciary.

Also, petition of Ernest A. Eggers and 75 other citizens of Brooklyn, favoring passage of the Roddenbery antiprize-fight bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of New York Typographical Union, No. 6, of New York, and the Allied Printing Trades Council of New York State, protesting against the passage of the Bourne parcel-post bill (S. 6850); to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Petitions of P. C. Drescher, Sacramento, Cal.; Wellman Peck Co., San Francisco, Cal.; and Stetson, Barret Co., San Francisco, Cal., favoring passage of House bill 4667, requiring weights and measures be shown on labels and brands of food products; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Louis R. Dempster, San Francisco, Cal.; Lucy Fay Lawrence, Los Gatos, Cal.; and John C. Spencer, San Francisco, Cal., favoring passage of House bill 12532, establishing a national park at Mount Olympus, Wash.; to the Committee on the Public Lands.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring appropriation for the Diplomatic and Consular Service; to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of Oakland, Cal., favoring legislation for construction of a flood-water canal from the San Joaquin River; to the Committee on Rivers and Harbors.

Also, petition of W. A. Winn, Hollister, Cal., and John W. Davy, San Jose, Cal., favoring the passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of N. B. Taylor, San Francisco, Cal., favoring passage of bill for building the Lincoln memorial highway; to the Committee on Public Buildings and Grounds.

Also, petition of the Labor Council of San Francisco, Cal., favoring dismissal of Judge C. J. Hanford for canceling the citizenship papers of Leonard Oleson for being a member of the Socialist Party; to the Committee on the Judiciary.

Also, petition of Nelson A. Miles Camp, No. 10, United Spanish War Veterans, San Francisco, Cal., favoring appointment of qualified United Spanish War veteran on the Board of Pension Examiners; to the Committee on Pensions.

Also, petition of the Board of Trade of Richmond, Cal., favoring legislation for building a bridge across the San Francisco Bay; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Los Angeles, Cal., and the Chamber of Commerce of Oakland, Cal., favoring free use of the Panama Canal by American vessels; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Los Angeles, Cal., favoring passage of House bill 22589, for improving consular and diplomatic buildings; to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of San Francisco, Cal., and A. K. Salz, San Francisco, Cal., favoring passage of House bill 18327, for preparing a national directory of commercial organizations; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Berkeley, Cal., and the Board of Trade of San Francisco, Cal., favoring passage of the 1-cent postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the United States Customs Civil Service Retirement Association, and the Pennsylvania Civil Service Reform Association, protesting against passage of section 5 in House bill 24023, making a five-year tenure of office of civil-service employees; to the Committee on Appropriations.

Also, petition of the United Spanish War Veterans, favoring passage of House bill 17470, pensioning widows and orphans of the Spanish-American War, etc.; to the Committee on Pensions.

Also, petition of P. C. Drescher, of Sacramento, Cal., and R. H. Bennett, of San Francisco, Cal., favoring passage of House bill 22526, creating uniform weight and branding laws; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce, Los Angeles, Cal., and of George H. Hahn, of San Francisco, Cal., protesting against the passage of House bill 23417, removing price restrictions; to the Committee on Patents.

Also, petition of the Los Angeles Chamber of Commerce, favoring passage of Senate bill 122, creating a board of river regulation; to the Committee on Rivers and Harbors.

By Mr. KINDRED: Petition of the Workmen's Sick and Death Benefit Fund of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of New York Typographical Union, No. 6, protesting against the passage of the Bourne parcel-post bill (S. 6650); to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska, protesting against the passage of any parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. SLOAN: Petition of Wilhelm Reiker, of Cedar Bluffs, Nebr., protesting against the wearing of sectarian garb in Government schools; to the Committee on Indian Affairs.

By Mr. SPARKMAN: Petition of citizens of Florida, favoring passage of House bill 16313, providing for the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. SULZER: Petition of the State Liability Board of Awards, Columbus, Ohio, relative to the workmen's compensation act; to the Committee on the Judiciary.

By Mr. TUTTLE: Petition of the Workmen's Sick and Death Benefit Fund of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: Petition of citizens of New York, protesting against the passage of any parcel-post legislation; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, *July 25, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 4948. An act relating to inherited estates in the Five Civilized Tribes in Oklahoma;

S. 7027. An act to prohibit the importation and the interstate transportation of films or other pictorial representations of prize fights, and for other purposes; and

H. R. 4012. An act to authorize the exchange of certain lands with the State of Michigan.

PETITIONS AND MEMORIALS.

Mr. O'GORMAN presented resolutions adopted by members of the New York Commandery, Loyal Legion, of the United States, remonstrating against the enactment of legislation providing an appropriation of $50,000 toward the construction of a Navy memorial in the Vicksburg National Military Park, which were referred to the Committee on Military Affairs.

Mr. BRANDEGEE presented resolutions adopted by the board of directors of the American Forestry Association, favoring the enactment of legislation providing for the segregation and settlement of agricultural lands in national forest reserves, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of members of the New Hampshire Letter Carriers' Association, praying for the enactment of legislation providing better pay and shorter hours for letter carriers, which was ordered to lie on the table.

He also presented the petition of Paca Oberlin, of Washington, D. C., praying for the enactment of legislation relative to the penalty for murder in the District of Columbia, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (H. R. 16993) for the relief of Mathew T. Fuller, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs, which was agreed to.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (H. R. 21524) for the relief of Frederick H. Ferris, reported it with an amendment and submitted a report (No. 969) thereon.

PUBLIC BUILDING AT WEST POINT, VA.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably, without amendment, the bill (S. 7337) to provide for the purchase of a site and the erection of a public building thereon at the city of West Point, State of Virginia (S. Rept. 970), and I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs that the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other Government offices at the city of West Point, in the State of Virginia, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $50,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE BANKRUPTCY LAW.

Mr. SMOOT, from the Committee on Printing, to which was referred Senate resolution 364, submitted by Mr. SANDERS on the 22d instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That 1,000 copies of Senate Document No. 10, Sixty-second Congress, being the United States bankruptcy law of July 1, 1898, and amendments thereto to June 25, 1910, be printed for the use of the Senate document room.

REPORT OF NATIONAL MONETARY COMMISSION.

Mr. SMOOT, from the Committee on Printing, to which was referred Senate resolution 359, submitted by Mr. BURTON on the 15th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That there be printed 1,000 copies of Senate Document No. 243, being the final report of the National Monetary Commission.

HEIRS OF AARON WILBUR.

Mr. BRYAN, from the Committee on Claims, reported the following resolution (S. Res. 366), which was considered by unanimous consent and agreed to:

Resolved, That the bill (S. 4776) entitled "A bill for the relief of the heirs of Aaron Wilbur," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLAPP (for Mr. GAMBLE):

A bill (S. 7362) to reserve rights of way for development of power in patents granted for allotted or surplus Indian lands, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 7363) granting a pension to Sarah McLaury (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 7364) granting an increase of pension to David L. Denee (with accompanying paper); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 7365) providing for the allotment and sale of certain lands in the Colorado River Indian Reservation in Arizona; to the Committee on Indian Affairs.

A bill (S. 7366) granting a pension to Louisa Cross; to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 7367) for the relief of William A. Puccini; to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate $6,250 for the purchase of 25,000 copies of the history of official elections, entitled "Official Summary of the Electoral Votes Cast for each President of the United States of America," etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Education and Labor and ordered to be printed.

Mr. O'GORMAN submitted an amendment proposing to appropriate $30,201.60 for drainage and filling swamps within Government reservation on Constitution Island, etc., intended to be proposed by him to the Army appropriation bill (H. R. 25531), which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

THE EXCISE BILL.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations, to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, which was ordered to lie on the table and be printed.

PRINTING OF PENAL CODE.

Mr. TILLMAN submitted the following resolution (S. Res. 367), which was considered by unanimous consent and agreed to:

Resolved, That 500 copies of an act to codify, revise, and amend the penal laws of the United States, commonly called the Penal Code, with appendix, of March 4, 1909, be printed for the use of the Senate document room.

DATA RELATING TO ALASKA (S. DOC. NO. 882).

Mr. SMITH of Michigan. I ask unanimous consent to print certain data which I hold in my hand, with illustrations, relating to the commercial and productive importance of the Territory of Alaska. The matter has been accumulated by considerable effort and bears directly upon the resources and progress of that Territory from the time of its purchase from Russia in 1867. It is not voluminous, but it is illuminating and important, and should be preserved for future reference.

The PRESIDENT pro tempore. The Senator from Michigan asks unanimous consent that certain data, with illustrations, relating to Alaska be printed as a Senate document. Is there objection? The Chair hears none, and it is so ordered.

RAVAGES OF ARMY WORM.

Mr. SMITH of South Carolina. Mr. President, before the close of the morning business I should like to ask the chairman of the Committee on Agriculture and Forestry what are the prospects of a report on the disagreeing votes of the two Houses upon the agricultural appropriation bill (H. R. 18960), which is now in conference? I have a statement to make in reference to the bill, and that is the reason why I make the inquiry.

Mr. BURNHAM. Mr. President, in reply to the Senator from South Carolina, I wish to state that there have been frequent meetings of the committee of conference and there will be another meeting to-morrow. Whether the conferees will then agree is uncertain.

Mr. SMITH of South Carolina. The reason why I make the inquiry is that the gravest condition which has ever confronted the Southern States now confronts them. What is called the army worm has made its appearance and is devastating the grain and the cotton crops of that section. I am just back from the office of the Secretary of Agriculture. He says there is ample provision made in the agricultural appropriation bill for him to send experts into all those States to enable the farmers to combat this pest, but until it is passed he is practically helpless.

Only those who know the ravages of this insect can appreciate the gravity of the situation. The insect does not come very often, but this year has made its appearance, certainly a month sooner than usual, threatening perhaps the entire cotton crop, threatening the entire hay crop, and the corn crop of all the Southern States. The Secretary informs me this morning that it has made its appearance practically in every State, and that he is very anxious to have sufficient means to send experts into those several States in order to combat it right now in its incipiency.

It does seem to me, Mr. President, in view of that fact, that any differences which may occur in the conference committee might be expedited or held in abeyance for a year in order to meet the menace which now confronts the great commercial crops which come from that section of the country.

Mr. BURNHAM. I ask the Senator if provision has not already been made by a bill pending in the House which will come to the Senate soon?

Mr. SMITH of South Carolina. I am informed by the Secretary of Agriculture that that is a mere bagatelle; that it might do for one State, but that he can not meet the emergency unless there is a special appropriation made, which would take time to pass both Houses, but there is ample provision in the agricultural appropriation bill.

Mr. BURNHAM. As I stated to the Senator, there will be a meeting of the conferees to-morrow at half past 10.

Mr. SMITH of South Carolina. Then, if the remarks I have made will help to expedite the report of the conferees, it will be all right. Otherwise, I shall bring up this matter again, and see if there can not be some means by which we can meet the emergency which confronts the section I have reference to. I shall make no further remarks pending the meeting of the conferees to-morrow and the report they may see fit to make.

CLAIMS OF INJURED GOVERNMENT EMPLOYEES.

Mr. REED. Mr. President, on yesterday, during my temporary and unavoidable absence, the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims, was passed by the Senate without a roll call. I had an amendment I desired to offer to that bill relating to a small matter, and I wish now to enter a motion that the votes by which the bill referred to was ordered to a third reading, read the third time, and passed be reconsidered, so that the bill will not be sent to the House. I do not ask that the motion be acted upon now, but I merely desire to enter the motion.

The PRESIDENT pro tempore. The motion of the Senator from Missouri to reconsider will be entered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On July 22, 1912:

S. 338. An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes.

On July 23, 1912:

S. 3815. An act to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910.

On July 24, 1912:

S. 5446. An act relating to partial assignments of desert-land entries within reclamation projects made since March 28, 1908.

On July 25, 1912:

S. 4745. An act to consolidate certain forest lands in the Paulina (Oreg.) National Forest.

TARIFF DUTIES ON WOOL.

The PRESIDENT pro tempore. The unanimous-consent agreement will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Thursday, July 25, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool.

The PRESIDENT pro tempore. Without objection, the bill will be read in full.

The Secretary read the bill, as follows:

Be it enacted, etc., That on and after the 1st day of January, 1913, the articles hereinafter enumerated, described, and provided for shall, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), be subjected to the duties hereinafter provided, and no others; that is to say:

1. On wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals, the duty shall be 20 per cent ad valorem.

2. On all noils, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and on all other wastes and on rags composed wholly or in part of wool, and not specially provided for in this act, the duty shall be 20 per cent ad valorem.

3. On combed wool or tops and roving or roping, made wholly or in part of wool or camel's hair, and on other wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this act, the duty shall be 25 per cent ad valorem.

4. On yarns made wholly or in part of wool, the duty shall be 30 per cent ad valorem.

5. On cloths, knit fabrics, felts not woven, and all manufactures of every description made, by any process, wholly or in part of wool, not specially provided for in this act, the duty shall be 40 per cent ad valorem.

6. On blankets and flannels, composed wholly or in part of wool, the duty shall be 30 per cent ad valorem: *Provided*, That on flannels composed wholly or in part of wool, valued at above 50 cents per pound, the duty shall be 45 per cent ad valorem.

7. On women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, composed wholly or in part of wool, and not specially provided for in this act, the duty shall be 45 per cent ad valorem.

8. On clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, and not specially provided for in this act, composed wholly or in part of wool, the duty shall be 45 per cent ad valorem.

9. On webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, on any of the foregoing made of wool or of which wool is a component material, whether containing india rubber or not, the duty shall be 35 per cent ad valorem.

10. On Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description, the duty shall be 40 per cent ad valorem.

11. On Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description, the duty shall be 35 per cent ad valorem.

12. On Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, the duty shall be 30 per cent ad valorem.

13. On velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, the duty shall be 35 per cent ad valorem.

14. On tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise, the duty shall be 30 per cent ad valorem.

15. On treble ingrain, three-ply, and all-chain Venetian carpets, the duty shall be 30 per cent ad valorem.

16. On wool Dutch and two-ply ingrain carpets, the duty shall be 25 per cent ad valorem.

17. On carpets of every description, woven whole for rooms, and oriental, Berlin, Aubusson, Axminster, and similar rugs, the duty shall be 50 per cent ad valorem.

18. On druggets and bockings, printed, colored, or otherwise, the duty shall be 25 per cent ad valorem.

19. On carpets and carpeting of wool, flax, or cotton, or composed in part of any of them, not specially provided for in this act, and on mats, matting, and rugs of cotton, the duty shall be 25 per cent ad valorem.

20. Mats, rugs for floors, screens, covers, hassocks, bed sides, art squares, and other portions of carpets or carpeting, made wholly or in part of wool, and not specially provided for in this act, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

21. Whenever in this act the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process.

SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported, and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act and no other duty, upon the entry or the withdrawal thereof.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1913.

Mr. SIMMONS. Mr. President, I shall confine myself in the observations I shall make this morning to what is known as the House bill for a revision of the duties on wool and woolens. I shall not attempt to discuss the amendment in the nature of a substitute which was introduced yesterday by the Senator from Iowa [Mr. CUMMINS], because I did not have an opportunity to see that amendment until this morning at about 10 o'clock, and I am not sufficiently familiar with its terms to take it into consideration in my discussion of this subject.

In the presidential campaign of 1908 the platforms of both political parties promised a revision of the tariff. That promise was made in response to a Nation-wide demand on the part of the people for relief against the unjust and oppressive tariff taxation imposed by the Dingley tariff law. Under the shelter of tariff protection many of the necessaries of life had been monopolized and the cost of living advanced beyond the income of the average man, and, in many instances, beyond the income of the well-to-do and moderately prosperous. In the election of that year the Republican Party was successful. It elected its candidate for the Presidency; it elected a majority in the House of Representatives, and it retained its majority in the Senate. It had control of the three branches of the Government.

Shortly after his inauguration, President Taft, mindful of the promise of his party to revise the tariff, called Congress together in special session for the purpose, as declared in his message, of carrying out that promise. In view of the fact that this platform promise was given in response to a demand of the people for relief from tariff burdens, the people had a right to expect that the revision would be one which would substantially reduce and lighten the burdens which had been laid upon them by the tariff act of 1897.

In this expectation the people were grievously disappointed. There was indeed a revision, if a slight reduction of duties here and a slight increase yonder, resulting in practically no change in the average, can be called a revision, but admittedly it was a revision which gave to those who had asked it no relief.

The act of 1909, slight as were the changes in duties taken as a whole, made no change at all in the woolen schedule, although the duties imposed in that schedule of the Dingley law were exceptionally excessive, unjust, discriminatory, and onerous.

The leaders of the Republican Party in this Chamber and the sponsors of the Payne-Aldrich bill had ample warning while that bill was under consideration that it would not be satisfactory to the people. Those of us, Mr. President, who were here during the long and fierce conflict over the Payne-Aldrich bill, those of us who heard that great debate, will never forget the great speech of the lamented Senator from Iowa, Mr. Dolliver, one of the greatest orators and leaders of the Republican Party, in denunciation of the iniquities of that measure and its betrayal of the promises upon which the Republican Party had secured continuance in power; will never forget the terrible arraignment and the merciless exposure of that act of treachery to the Republican Party and the people, and the arraignment against its injustice, its discrimination, and its wrongs to the people, made by the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Iowa [Mr. CUMMINS], both lifelong Republicans and protectionists, who believe that protection should not be made a pretext for exploitation and robbery of the people.

I say those of us who heard these terrible Republican philippics against the authors of the Payne-Aldrich bill, against the iniquities of that bill, to say nothing about the powerful excoriations from this side of the Chamber laying bare the hollowness, sham, and pretext of the miserable business, will never forget the impression created in this Chamber and throughout the country. But notwithstanding the platform promises of the Republican Party, notwithstanding the message of the Republican President urging Congress to proceed to carry out that platform promise as the people had understood it, notwithstanding the appeals of those great Senators, representing the other side of the Chamber, speaking in behalf of the people of the great States of the Middle West—notwithstanding all of those things and those appeals—the Republican Party as constituted in this Chamber turned a deaf ear to the appeals of the people coming to them through those channels and heard only the appeals of the beneficiaries of protection.

The Republican Party was so obligated to the privileged classes, and its copartnership with the protected industries was so close that it dared not offend them, even to relieve the distress of the people, and the appeals and warnings of their champions on this side and on that side of this Chamber were unheeded.

As soon as the President had signed the bill the dissatisfaction which had been growing during its entire consideration in this Chamber and in the House broke forth from one end of the country to the other in a veritable storm of disapproval and condemnation.

It was not confined to section or to party. It was as broad as the country and as universal as the love of justice and fair dealing. And it was the prolific matrix from which sprang those dissensions in the Republican Party which culminated at Chicago a few weeks ago in rending that party in twain after a half century of almost unbroken ascendancy and solidarity and paved the way for the advent in our political life of a new party.

At the election of 1910 the Payne-Aldrich bill became the paramount issue. In that contest the Republican Party was overwhelmingly defeated and the Democratic Party was elevated to power in the popular branch of the Congress. The result of that election was a clear mandate and commission to the Democratic House of Representatives to proceed as speedily as it might to a revision of the tariff along the lines of Democratic thought and policy and principle as indicated in the practices and in the platforms of that party.

In April, 1911, President Taft called a special session of Congress for the specific purpose of considering the agreement which he had made with Canada with reference to reciprocity, an agreement, by the way, which I see the President is anxious to unload. In his message to the special session of Congress the President suggested that the Congress should confine itself to the passage of this particular measure.

The Ways and Means Committee of the House, aware of the oppression of the people through the tariff of 1909, recognizing the fact that the people demanded and had a right to expect as speedy relief from those onerous conditions as possible, recognizing the fact that the people of both political parties were tired of the delays and disgusted with the trifling of the Republican Party upon this question of tariff revision, as soon as it had concluded its consideration of the reciprocity pact, for which the session was specially called, ignoring altogether the dilatory recommendations of the President with reference to general tariff legislation, proceeded upon the lines indicated in the Democratic platform to select such schedules in the tariff as had been the subject of severest criticism and greatest complaint, such schedules as carried the most excessive duties and which were the least defensible from any standpoint, and following the Democratic promise of gradual reductions, presented to the House of Representatives certain schedule bills, including the one now before the Senate.

In the campaign of 1910 Schedule K was the most generally and the most vigorously attacked of any schedule in the Payne-Aldrich bill. And, Mr. President, I might say in passing that it was the most feebly defended of any schedule in that bill. President Taft himself had declared it indefensible. It only required an examination of the report of the executive departments of the Government dealing with the subject of foreign importations to show that a large part of the duties which this schedule carried were over 100 per cent, and therefore necessarily not only in excess of the difference in the labor cost here and abroad, but equal to the entire cost of production, including labor, material, and transportation from Europe to this country.

So the case of the people against the Republican Party and its tariff promises was made out by the records of actual tariff transactions, kept by the President's appointees and confidential advisers. Whatever might be claimed as to any other schedule of the Payne-Aldrich bill, there could be no doubt about Schedule K. It was manifestly not only too high, but, even from the standpoint of the Republican platform definition of protection, twice too high.

In view of these conditions, the Ways and Means Committee of the House, as soon as they could get rid of the reciprocity treaty, entered upon the consideration of this schedule, and after as thorough an investigation as was needed in fixing the rates, reported to the House, and the House passed, what is known as House bill 11019. That bill, Mr. President, while complying with Democratic promises with reference to tariff

revision, was a moderate and a conservative revision. The duties fixed in it were such as would yield a reasonable revenue to the Government without imposing unnecessary burdens upon the people. It fairly met the demands of the people with respect to the duties on wool and woolens, and was satisfactory, therefore, to those who had asked for revision and in whose interest revision had been promised, and was unsatisfactory to nobody except those who for 40 years under and through Republican tariffs and resultant monopolies had exploited and robbed the people out of something like $50,000,000 annually, which ought, in all justice and fairness, to have remained in the pockets of the people.

In August, 1911, this bill, slightly modified in the Senate and agreed to in conference, passed both branches of Congress and was vetoed by the President. The President based his veto not upon the merits of the legislation, but upon the ground that the Tariff Board had made no report upon this wool schedule, and he did not know how much these "indefensible" duties should be reduced. For these reasons the President maintained that legislation upon this schedule must be held in abeyance, while the people suffered these indefensible exactions, until this board was ready to report. This suggestion of the President of the United States, conveyed in his veto message upon the wool bill passed at the special session of 1911, is the first suggestion in our history from the Chief Executive to Congress that Congress ought not to legislate, and would not be permitted to legislate, upon the most vital question affecting the material interests of the people—the question of how much tax they were to pay for the support of the Government and how much bounty they were to pay to the industries of the country, unless there had first been an investigation by an executive board, composed of members appointed by him, who bore no responsibility under the law and the Constitution with respect to legislation upon these questions.

Mr. President, that suggestion was not made in the campaign of 1910 either by the President, who, along with his party, was being attacked for his part in the sham and treacherous revision of 1909, or by the candidates of the Republican Party on the stump in any part of the country. In the campaign of 1910, when the tariff was the paramount question before the American people, no one authorized to speak for the Republican Party asserted that Congress must not and would not be permitted to legislate on the tariff until there had been a report of the Tariff Board.

I undertake to say here to-day that if the Republican Party had taken the position in that campaign which the President has since taken—which he and the leaders of that element of the party he represents now take—and had said to the people of the country, as they now in effect say, "However pressing your demands for relief from unjust tariff exactions may be, however much you may be entitled to what you ask, there can not be—and the Republican Party pledges itself that there shall not be—any revision of any schedule of the tariff until there has first been a report of the Tariff Board on the particular schedule complained of and attacked"; if the Republican Party had taken that position in 1910, as it does now—the majority polled against that party in that election, great as it was, would have been twofold greater.

Mr. President, Mr. Taft did not need—Congress does not need—the report of this board to determine whether the moderate revision made in the bill on wool and woolens was justified. The records and reports of the Department of Commerce and Labor of imports of wool and woolens for the years 1910 and 1911 showed that a large part of these duties were absolutely prohibitory, and as a result that there had been practically no importations of those articles.

The records of this department disclosed the fact that there were 27 items, covered by the bill, carrying duties in excess of 100 per cent—some of them 150 per cent, some 180 per cent, and some more—with a general average of over 90 per cent. Surely with these facts established by the official records it did not require a scientific investigation to ascertain whether the conservative reductions made in that bill could be safely made.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. HEYBURN. I will first inquire whether the Senator would prefer to proceed without interruption?

Mr. SIMMONS. I would, if the Senator will permit me, and then later I would be glad to be interrupted.

Mr. HEYBURN. I desire at some time convenient to the Senator to ask him a question.

Mr. SIMMONS. I do not decline to yield, but, under the agreement, we must vote to-day, and there are quite a number of others who wish to present their views.

Mr. HEYBURN. I will not be persistent at all about it. It was because we have only the day that I thought, in the interest of getting a general discussion, perhaps an interrupted discussion would be best. We will not have time for many set speeches to-day.

Mr. SIMMONS. For that reason I am not making a set speech. I am trying to hurry through to make way for others who wish to present their views.

To get back to the thread of my statement, I repeat the President vetoed the wool bill we passed in 1911 because the Tariff Board had not made its report. At the beginning of the present session of Congress President Taft submitted the long-delayed tariff report on wool and woolens, and recommended that on the basis of the findings of the board Congress should proceed to a consideration of this schedule, with a view to its revision and a general reduction of rates.

The majority of the Ways and Means Committee of the House, after a careful analysis of the Tariff Board report, came to the conclusion that there was nothing in it which called for any change in any item of the wool bill passed during the special session of Congress. As a result, the House passed the bill which is now pending before the Senate, known as House bill 22195, and which is practically identical with the bill passed by it during the special session upon the same subject.

The subject embraced in Schedule K in the Payne-Aldrich bill, known as the wool schedule, has received such thorough and such detailed discussion, not only in both branches of Congress during the last four years, but throughout the country and in the press, that I do not conceive it necessary for me in presenting this bill on the part of the minority members of the Finance Committee to enter into any elaborate discussion of it. I shall content myself with a brief reference to its purposes and the manner in which it seeks to accomplish those purposes.

But it might be well before doing that to discuss briefly the history of wool legislation in this country and the Payne-Aldrich duties upon wool and woolen goods. The people who pay taxes on these products have had mighty little to do, during the last 40 years under the Republican Party, with the legislation imposing these taxes. In a very real and almost literal sense it has been dictated and framed by the beneficiaries of these taxes. After the war, when the Republican Party had committed itself thoroughly to the principle of protection, after a long controversy between the woolgrowers and the wool manufacturers as to what each should have in the way of Government bounty through the grace of the Republican Party, they finally composed their differences, because they had ascertained that party stood ready to give to each all they wanted, and they concluded that they could better exploit and rob the people through the tariff by working together than they could by working separately. When they had reached this conclusion, composed the controversies that had waged between them, and agreed between themselves what each should have, the Republican Party permitted them to have their agreement written into the law. There was no real legislation; the agreement of the woolgrowers and woolen manufacturers was simply affirmed and ratified.

That was nearly 40 years ago, when by consent and agreement between the woolgrowers and the wool manufacturers, with the assent and concurrence and cooperation of the Republican Party, this great industry actually wrote in the tariff laws of the country their private agreement as to what each one wanted in the way of tariff bounties, and there it has stood ever since with practically no change except while the Wilson Act was in force. For 40 years this great industry, protected upon an average on raw wool at 44 per cent and upon an average on manufactures of wool at 90 per cent, has been allowed to exploit and rob the American people at its will.

That law was brought forward by Congress in 1909 from the Dingley Act and rewritten in the Payne-Aldrich Act.

Mr. President, I think right at this point it would be well for me to state briefly the average duties, stated in ad valorem terms, carried in the present law and in the pending bill upon the subjects embraced in the 19 or 20 paragraphs covered in this short bill. I can do it in a few minutes. It will show better in a general way than any argument could the real merits of the complaint of the people against the present law and the extent of relief that will be secured to the people through the pending bill if it becomes a law.

The average ad valorem equivalent carried in the Payne-Aldrich bill upon raw wool embraced in paragraph 1 is 44.31 per cent. The average carried in this bill is 20 per cent.

On all noils, top waste, card waste, slubbing waste, and so on, embraced in paragraph 2, the average of the Payne-Aldrich

bill is 38.96 per cent, in round numbers 39 per cent, and in the pending bill 20 per cent.

On combed wool, on tops and roving or roping, embraced in paragraph 3, the ad valorem of the Payne-Aldrich bill is 105.19 per cent and in the pending bill 25 per cent.

On yarns made wholly or in part of wool, embraced in paragraph 4, the Payne-Aldrich rate is 82.38 per cent; the rate in the pending bill is 30 per cent.

On cloths, knit fabrics, felts not woven, and all manufactures of every description made of wool, embraced in paragraph 5, the Payne-Aldrich duties are 97.11 per cent and in the pending bill the rate is 40 per cent.

On blankets and flannels, embraced in paragraph 6, the Payne-Aldrich duties average 95.57; the duties under the pending bill are 30 to 45 per cent, according to the value.

On women's and children's dress goods, and so on, covered in paragraph 7, the Payne-Aldrich duties are 102.85; the rate in the pending bill is 45 per cent.

On clothing, ready made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and so on, embraced in paragraph 8, the Payne-Aldrich rate is 81.31; the rate in the pending bill is 45 per cent.

On webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, and so on, embraced in paragraph 9, the Payne-Aldrich rate is 87.06; the rate in the pending bill is 35 per cent.

On carpets, embraced in paragraph 10, the Payne-Aldrich rate is 62.09; the rate in the pending bill is 40 per cent. There are various kinds of carpets: I will not run through them all—but I have the average of the rates carried by the Payne-Aldrich bill on all of them, and the average carried by the pending bill, and I will give the general average. I think it is about 62 per cent in the Payne-Aldrich bill, and it is either 25 or 35—I do not now recall—under the pending bill. Mats and rugs are included.

Let us summarize. On raw wool the duties carried in the Payne-Aldrich bill, stated in ad valorem terms, average 44.31 per cent. The duties in the pending bill average 20 per cent. I am basing this upon the imports of 1910. On manufactures of wool the Payne-Aldrich rate is 90.1 per cent, while the average rate carried in the pending bill is 42.55 per cent.

Now, Mr. President, I want to call attention, because I can better illustrate in this way the character of the present law—its excessive and discriminatory duties, the unjust burden that it imposes upon the people, especially the poorer classes of people—to the duties on a few specific items in the present law. I give only a few of these simply for the purpose of illustration.

On wool and hair of the goat, and so on, advanced in any manner or by any process of manufacture beyond washed or scoured condition, not specifically provided for, valued at not more than 40 cents per pound, the specific duty in the Payne-Aldrich bill is 33 cents per pound plus 50 per cent ad valorem. In 1911 there was imported of these articles $19 worth. The duty collected was $33.90.

Think about that, Mr. President! During a whole year under this law of the items embraced in this paragraph there was imported only $19 worth, and the taxes collected at the custom-house and finally paid by the consumer amounted to nearly twice the foreign selling price of those articles with the transportation added from the point of shipment to the point of delivery in this country. The ad valorem equivalent duty carried on this item is 178 per cent. Of these articles, valued above 70 cents a pound, there was imported in 1911 only $111 worth. The duty collected was $83; the ad valorem equivalent was 74 per cent.

These figures show, Mr. President, that the duty on both grades was practically prohibitive, but their chief value consists in the fact that they emphasize the discrimination made against the coarser grades of these articles used for making the clothes of the poor people in favor of the higher grades used in making the clothes of the rich. The ad valorem duty is 104 per cent higher on the lower grades used by the poor than on the higher grades used by the rich.

Let us take one other item under the Payne-Aldrich bill—cloths, woolens, and worsteds—valued at more than 40 cents per pound and taxed 33 cents a pound, plus 50 per cent ad valorem. The importation of those articles in 1911 amounted to only $2,564, but the duties collected on them amounted to $3,835. Those, I repeat, are the cheap clothes worn by the poor people of the country. The ad valorem duty upon those cloths in the Dingley law is 149 per cent.

Let us take the finer grades of these same cloths, valued at above 70 cents per pound, out of which clothes worn by the richer people are made. The average ad valorem duty imposed on those by the Payne-Aldrich law is 91.94 per cent; that is to say, the duties imposed on the lower grades, the cheaper grades, of clothes, such as are used by the plain people, are 55 per cent higher than the duties which are imposed upon the finer grades of clothes which are worn by the rich.

Take blankets valued at not above 50 cents per pound. Upon those the average ad valorem duties under the Payne-Aldrich Act is 105 per cent. There was imported into this country last year only $800 worth of those goods, but the taxes on them amounted to $809.

Take the blankets of the higher grade, valued at more than 50 cents per pound; those are taxed at only 67.64 per cent, showing a discrimination against the blankets which the poor people buy in favor of the blankets which the richer people buy of 38 per cent.

Blankets more than 3 yards in length, valued at not more than 40 cents per pound, are taxed at 33 cents per pound and 50 per cent ad valorem. The importations for 1911 were $185; the revenue collected was $311; the ad valorem equivalence is 168 per cent. The same goods valued at over 70 cents per pound are taxed at 44 cents per pound and 55 per cent. On basis of importations in 1911, the ad valorem equivalence is 102 per cent. The lower class of goods is taxed 66 per cent more than those used by the richer people.

Flannels for underwear, valued at more than 40 cents and not more than 50 cents per pound, are taxed at 33 cents per pound plus 35 per cent. Importations for 1911 amounted to $1; revenue collected was $1.08; the ad valorem equivalence is 108 per cent. The same goods valued above 70 cents per pound are taxed at 11 cents per square yard plus 55 per cent. Importations, 1911, amounted to $8,434; revenues derived, $7,096; the ad valorem equivalence is 91 per cent; the higher grade of goods being taxed 17 per cent less than the cheaper grade.

Flannels weighing only 4 ounces a square yard, valued not above 70 cents per pound, carry a duty of 44 cents per pound plus 50 per cent. Importations, 1911, amounted to $2,030; revenues collected amounted to $2,475; the ad valorem equivalence is 121.93 per cent. Valued at over 70 cents per pound the duty is 44 cents per pound plus 55 per cent. Importations amounted to, 1911, $75,501; revenue derived was $80,843; the ad valorem equivalence is 107 per cent. The cheaper class of goods are taxed about 15 per cent more than the more costly. All these duties are substantially prohibitive.

Wool dress goods for women and children, with cotton warp valued at not more than 70 cents per pound, are taxed at 7 cents per square yard plus 50 per cent; ad valorem equivalence, 103.39 per cent. Wool dress goods valued at more than 15 cents a yard and above 70 cents a pound; ad valorem equivalence is 94.28 per cent. These goods, weighing over 4 ounces per square yard, valued at not more than 40 cents per pound, bear a duty of 33 cents per pound plus 50 per cent less 5 per cent; importations, 1911, $346; duty collected, $452; ad valorem equivalence, 130.68 per cent. Same goods valued at over 70 cents per pound bear a duty of 44 cents per pound plus 55 per cent less 5 per cent; importations, $228,932; revenue collected, $224,971; ad valorem equivalence, 98.27 per cent. The better class goods are taxed 32 per cent less than the coarser goods.

Dress goods composed wholly or in part of wool, weighing over 4 ounces per square yard, valued at not more than 40 cents per pound, bear a duty of 33 cents per pound plus 50 per cent; imports, 1911, amounted to $57; duties collected, $89.88; ad valorem equivalence, 157 per cent. Same goods valued at over 70 cents per pound have a duty of 44 cents per pound plus 55 per cent. The ad valorem equivalence of duties collected, 102 per cent, being 55 per cent less than on the coarser goods.

There are 11 grades of carpets enumerated in this schedule. The lowest equivalent ad valorem duty on importations in 1911 was 50 per cent and the highest 72 per cent.

All of the above-enumerated woolens, which constitute the clothing of the people, are taxed at an ad valorem equivalence of over 100 per cent; and those articles of the cheaper sorts are taxed largely more than those more costly goods used by the richer people.

The duties on the coarser goods are prohibitive, and there are no importations.

On knit fabrics—not wearing apparel—valued at not more than 40 cents per pound, the ad valorem duty is 153 per cent; valued above 70 cents a pound the duty is 95 per cent, a difference of 58 per cent. All other manufactures of wool, valued at more than 40 cents a pound, 157 per cent; valued at more than 70 cents a pound, 84.66 per cent, a difference of 72 per cent.

In the woolen schedule there are 27 separate articles upon which the duties imposed exceed 100 per cent.

Mr. President, as I have said, an examination of this schedule will show that the duties on 27 items in it are over 100 per cent.

I said awhile ago, and I repeat it, the woolen industry, protected for 40 years by duties averaging something like 90 per cent, one of the most prosperous industries, if not the most prosperous industry in this country, operating as a trust in violation of the law, arbitrarily fixing the price of its product by reason of high protective duties, under the shelter of protection and monopoly, is paying the lowest wages to its employees of any industry in this country except only one. That would seem a startling statement, and yet I will show that the wages paid in this industry, certainly in one section of the country, where imported foreign pauper labor has displaced American labor, are not upon the average as high as is paid in the cornfields and the wheat fields of the Middle West, and when we consider the fact that his house is furnished to him free, that his garden and potato patch are furnished to him free, not much higher, if any higher, than the negro's wages in the cotton fields of the South.

The average weekly wage in the woolen and worsted goods industry is only $9.96.

This industry, paying the lowest wages of any industry except one in this country, employing to the displacement of American labor the pauper labor of the backward countries of Europe, whenever a suggestion of the reduction of tariff rates is made, comes to Congress and demands, in the name of protection for American labor, a continuance of these excessive and monopolistic rates, and threatens, if they are not continued, to close down their factories or reduce the wages of their aggregation of Huns and Magyars, Poles and Italians.

I have here some extracts from the report of the United States Commissioner of Labor of his investigation of the recent strike at Lawrence, Mass., a center of textile manufacturing in New England, and the conditions in Lawrence are typical of this industry in the North and East.

As to wages, the report says—this is a quotation from a Government report—

The average amount received by the 21,922 employees—

That is, in the Lawrence mills—

during a week late in 1909, in which the mills were running full time, was $8.76. Almost one-third of the total number received less than $7 during the week, and approximately one-half as many received $12 and over during the week.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. I do.

Mr. SMOOT. Has the Senator the figures showing how many children work in those mills?

Mr. SIMMONS. No; I have not.

Mr. SMOOT. I want to say to the Senator that a large percentage of the 21,922 employees referred to by the Senator are boys and girls, and that the average per week is ascertained by including the wages paid to children.

Mr. STONE. I should like to ask in what factories these children are employed?

Mr. SMOOT. In all the woolen factories of the country.

Mr. STONE. Of what age are these children?

Mr. SMOOT. The various States have different laws on the subject. In some States the lowest age at which children can be employed, I think, is 10; in others it runs up to 12, and in some even as high as 14. They work, Mr. President, in the spinning room, in the carding room; they carry bobbins, and do all the work that a child can do just as well as a man can do.

Mr. STONE. Being from Missouri, I would like to be shown something more about that.

Mr. SMOOT. If the Senator had ever been in a woolen mill he would not have to be shown. He would have seen for himself. I will say further that of the employees referred to in the article I suppose nearly one-third are women.

Mr. SIMMONS. Some of them are women.

Mr. SMOOT. A woman makes just as good a weaver as a man does.

Mr. SIMMONS. Some are women, but the average wage paid males, those over 18 years, is very small. I said a little while ago, and I repeat it, that this industry pays the lowest wages to both men and women of any industry in the country except one. I have a table here giving the average amount of weekly earnings, not of females and children, but of men over 18 years of age, in the different industries of the country. It is found on page 147 of the book recently published by Jeremiah W. Jenks and W. Jett Lauck, members of the Immigration Commission, on The Immigration Problem.

Average amount of weekly earnings of male employees, by general nativity and industry, 18 years of age or over.

Industry.	Native born.			Total native born.	Foreign born.	Average.
	Native father.		Foreign father.			
	White.	Negro.				
Agricultural implements and vehicles	$13.23	$11.38	$13.62	$13.38	$12.89	$13.09
Boots and shoes	12.57	10.03	12.84	12.64	11.19	12.11
Clothing	14.59	.....	15.66	15.39	12.91	13.30
Collars, cuffs, etc	12.58	.....	11.89	12.36	14.09	12.56
Copper mining, etc	12.49	.....	13.78	12.98	13.87	13.57
Cotton goods	11.60	.....	10.45	10.89	9.28	9.68
Furniture	11.43	10.50	12.31	11.81	11.58	11.67
Glass:						
Bottles	16.87	9.98	19.54	17.05	12.63	15.73
Plate glass	12.86	12.90	13.67	13.00	11.48	12.07
Tableware	14.29	.....	15.07	14.56	13.59	14.20
Window glass	15.58	12.63	17.22	15.89	14.11	15.11
Gloves	11.49	.....	12.31	11.67	12.80	12.23
Iron and steel	16.54	10.64	16.62	15.86	13.29	14.35
Iron-ore mining	11.60	10.61	14.24	11.22	13.96	12.72
Leather	11.02	9.75	12.15	11.50	10.27	10.64
Oil refining	14.83	12.07	13.67	14.01	13.71	13.81
Silk dyeing	12.46	.....	12.75	12.58	11.99	12.13
Silk goods	12.89	.....	13.15	13.05	12.18	12.50
Sugar refining	13.42	8.25	13.12	12.98	11.64	11.82
Woolen and worsted goods	11.62	.....	11.74	11.69	9.96	10.49
Average	14.37	10.66	13.91	13.89	11.92	12.64

Mr. President, the House has sent us a bill reducing the duties on wool and woolens about 35 per cent. That bill was referred to the Finance Committee, and a Republican majority of that committee has reported it adversely. Representing the Democratic members of that committee, I ask that the action of that committee be overruled and the bill be passed. I want to say to the administration Republicans on the other side of the Chamber, in view of the promises of the Republican Party with reference to tariff revision, in view of the declaration of the President with reference to the indefensible duties of Schedule K, in view of the fact that the Tariff Board has made a report on wool and woolens, if they will not agree to this bill, it is incumbent on them to offer a substitute for it. All the conditions upon which their platform and their President promised relief have been performed, and I submit they can not escape the obligation to support what we offer or present a measure of their own.

Mr. President, I wish I had time, and that the patience of the Senate would permit, to analyze the Tariff Board report on wool and woolens, in order to show how utterly unreliable it is as a basis of legislation with reference to the tariff, but I have not. It is not necessary in support of this bill that I should go into this matter because this bill is not framed with any reference to the Republican theory of protection or with any reference to the Republican platform declaration of the measure of protection that the industries of the country are entitled to. It is framed upon the Democratic theory of a tariff for revenue. But if it were necessary to show that the Tariff Board's report on these products is utterly unreliable as a basis of tariff legislation, even if we were legislating upon the theory of the difference in the cost of production here and abroad, now advocated by the Republican Party, it would be an easy thing to do.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Nevada?

Mr. SIMMONS. I do.

Mr. NEWLANDS. May I ask the Senator from North Carolina whether the facts found by the Tariff Board lead to a reduction in the tariff or point out any specific reduction that can be made?

Mr. SIMMONS. My own judgment, from an examination, and rather a careful examination, of it is that the recommendations of that board, if followed, would result in a reduction of the tariff nearly as great as is provided in the bill I am discussing.

Mr. NEWLANDS. So if the Republican Party should frame a measure based upon the report of the Tariff Board it would mean a reduction.

Mr. SIMMONS. Yes; and a very large reduction.

Mr. NEWLANDS. Of from approximately 30 to 35 per cent?

Mr. SIMMONS. Yes; something near that.

Mr. NEWLANDS. And I presume if the Democrats are unable to pass the bill which has come from the House they would cooperate——

Mr. SIMMONS. Who would cooperate?

Mr. NEWLANDS. The Democrats would cooperate with the Republicans of this body in passing such a bill.

Mr. SIMMONS. I have just said—the Senator may not have been here when I said it—that if the Republicans are not willing, in view of the present situation with reference to Schedule K, in view of the demand of the people for relief from its exactions, to accept the bill we have offered them, they at least owe it to the people, in view of their pledges, in view of the declarations and recommendations of their President, in view of the findings of the Tariff Board, to offer us a bill reducing duties according to their idea and their interpretation of the recommendations of the Tariff Board; and if they are not willing to present to this Congress and give it an opportunity to pass a bill that carries out the report of that commission as they see it, then the Republican Party ought to cease to hold that report up as an obstacle and impediment to tariff legislation.

Mr. NEWLANDS. I am glad the Senator from North Carolina has accentuated that view so emphatically.

Mr. SIMMONS. I have not said that we would vote for what they offered. but I say they owe it to themselves, to the President, and to the people to whom they made these promises, if they will not accept our bill, to offer some bill here which they claim carries out the Tariff Board report, or they should cease to hold up that report as an obstacle and impediment to tariff legislation.

Mr. NEWLANDS. I will ask the Senator whether it can not be safely stated that the Democrats, if they are unable to pass a bill of their own framing, will join in passing any bill that insures a substantial reduction in these excessive duties?

Mr. SIMMONS. If we can not get as much as we want we will take less, but it must be a reduction that will afford substantial relief to the people from the burdens that now weigh so heavily upon them.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Texas?

Mr. SIMMONS. I do.

Mr. CULBERSON. I want the Senator to state in this connection what percentage of reduction in the wool schedule would be authorized if you followed the report of the so-called Tariff Board?

Mr. SIMMONS. I am not able to state specifically what it would be, but I think, as I said a while ago, it would be over 30 per cent. I am sure it would be on raw wool, and I think it would be somewhat over that rate on manufactured wool.

Mr. NEWLANDS. If the Senator will permit me, it has always struck me as one of the contradictions of our legislative life that where the three parties who have to share in legislation—the House of Representatives, the Senate, and the President of the United States—all agree that a reduction should be made in the tariff we can not by some method before we adjourn make that reduction. It seems to me it is a confession of legislative and executive incapacity if we fail to meet in some degree the demands of the people when all agree that a reduction should be made. I hope that an earnest effort will be made in this direction before we adjourn.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. SIMMONS. I am very anxious to get through and give opportunity to some other gentlemen who want to speak on the subject to do so. That is the only reason I prefer not to yield.

Mr. SMITH of Michigan. I did not quite catch the reply of the Senator from North Carolina to the Senator from Nevada. Did I understand the Senator from North Carolina to say that there was an arrangement with Senators on this side of the Chamber for a reduction of the duties on wool?

Mr. SIMMONS. The Senator from Michigan understood the Senator from North Carolina to say nothing of the kind. The Senator from Nevada asked me if we could not pass our bill and had an opportunity to pass a bill which would give some substantial relief to the people, whether we would accept it or not, and I said, following our policy with reference to that in recent Congresses, we would probably do that.

Mr. SMITH of Michigan. The Senator from North Carolina and the leader of his party in this tariff discussion adheres to the bill which he originally presented from his committee?

Mr. SIMMONS. Well, the bill from the House, although the committee made an unfavorable report upon it.

Mr. SMITH of Michigan. The Senator adheres to the House bill?

Mr. SIMMONS. I do; and so does this side of the Chamber.

Mr. SMITH of Michigan. And there is no arrangement, as I understand it, with any Senators on this side of the Chamber for any other course than a direct vote on that question?

Mr. SIMMONS. No. I will say to the Senator from Michigan, as I stated to the Senator from Nevada, if we can not get our bill and if we can get a bill that will afford substantial, practical relief to the people from these exactions—I care not whence it comes—following our past policy and record upon that matter, we would take it in preference to nothing. But it would have to be something carrying substantial relief and not a mere pretense of relief.

Mr. SMITH of Michigan. Does the Senator maintain that the duty should be taken off of raw wool altogether?

Mr. SIMMONS. The bill I am advocating does not provide that.

Mr. SMITH of Michigan. Does the Senator believe it ought to be taken off? Is this the first attempt, and are we soon to have the second attempt, which will take the duty off altogether and leave the wool industry in this country with no protection against Australia and other wool-producing sections?

Mr. SIMMONS. If the Senator wants my opinion upon that subject, I will give it to him. I think the House acted wisely——

Mr. SMITH of Michigan. Does the Senator——

Mr. SIMMONS. In retaining a 20 per cent duty upon wool, because I believe that will prove a good revenue-producing rate.

Mr. SMITH of Michigan. Is that as a matter of expediency, or did the House and does the Senator from North Carolina favor free wool?

Mr. SIMMONS. No; I do not favor free wool.

Mr. SMITH of Michigan. If the Senator favors free wool and the restoration of the times we had when the last Wilson bill was in effect, I should like to have the country know it. If we are again to be guided by another Prof. Wilson into such a situation as that, I think the country ought to know it.

Mr. SIMMONS. The Republican Party has repeated that old story about the Wilson bill now for 15 years, and under that pretense they have enacted laws that have enabled its beneficiaries yearly to filch from the people of this country millions of their earnings for the benefit of the stockholders of these special industries.

Mr. SMITH of Michigan. Does the Senator from North Carolina in all seriousness defend the Wilson bill?

Mr. SIMMONS. As a whole, yes; I did not favor everything in it.

Mr. SMITH of Michigan. Did the Senator from North Carolina vote for the Wilson law?

Mr. SIMMONS. No; I was not in Congress at the time of the passage of the Wilson bill.

Mr. SMITH of Michigan. Did he approve it on the stump among his people?

Mr. SIMMONS. I did, as a whole. But the approval of a general law, especially one containing several thousand items, does not require the approval of every item in the law.

Mr. SMITH of Michigan. Does the Senator from North Carolina approve it to-day?

Mr. SIMMONS. As a whole, I approve it, although there are features in it I do not approve, and on account of changes in controlling conditions there were provisions in it which might have been wise then, which would not be proper under the new conditions.

Mr. SMITH of Michigan. Will the Democratic Party, under the leadership of the Senator from North Carolina, undertake to put such a law upon the statute books again?

Mr. SIMMONS. The Democratic Party, if restored to power, will revise the tariff laws according to present conditions, doing justice to the people—consumer as well as producer.

Mr. SMITH of Michigan. Will it be for free trade in wool?

Mr. SIMMONS. The Senator from Michigan knows that the Democratic Party, speaking through the House of Representatives in this very bill, does not now favor free wool—the House bill we are now discussing imposes a revenue duty of 20 per cent on raw wool.

Mr. SMITH of Michigan. I am informed 80 Members of the House of Representatives, in Democratic caucus, favored free wool; and the Senator from North Carolina knows it.

This is only one step in the direction of the Wilson law of years ago, which destroyed the flocks of the American farmer and ruined the woolen industry of our country, and finally drove the Democratic Party into a merited retirement, from which they have had no disposition until to-day to come again on such a principle.

Mr. SIMMONS. Mr. President, the Senator is repeating the same old story the Republican Party has been trying to palm

off on the credulous for 15 or 16 years. There was never anything in it, as the intelligent and informed have known. The Wilson bill did not bring the panic. The panic started under the McKinley bill; it was world-wide, and it began to recede under the Wilson Act, and had almost disappeared before it was repealed and superseded by the Dingley law, which every hour and every day during the 12 years of its existence filched the pockets of the toiling millions of their hard earnings, to the enrichment of the legion of monopolies and trusts which its bounties created and nurtured.

Under the conditions created by this Republican tariff measure and the Payne-Aldrich bill, which is but a reaffirmation of it, the necessaries of life were monopolized, the struggle for living made harder, the poor poorer, the rich richer, eventuating in a crystallization of public sentiment among the victims of these tariff exactions that there will be no relief from these evils until the Republican Party is driven from power.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield further to the Senator from Michigan?

Mr. SMITH of Michigan. I do not want to trespass too much upon the time of the Senator from North Carolina, but I have a pride in the Dingley bill. I was a Member of the House of Representatives when it was passed, and, as I recollect it, the party to which the Senator from North Carolina belongs did not for more than a decade even dare voice any public protest against its enactment.

Mr. SIMMONS. The Dingley bill?

Mr. SMITH of Michigan. The Dingley bill, replacing a bill that had brought this country to ruin.

Mr. SIMMONS. Does the Senator seriously mean to tell the Senate and the country that the Democratic Party did not oppose the adoption of the Dingley bill and has not denounced it every day of its existence?

Mr. SMITH of Michigan. I say their protest was so feeble that it was scarcely understood in this country, because we thought the Dingley bill would replace a tariff bill which was odious and which had driven men from their employment throughout the country, until the soup public house was one of the most common sights in the cities. The Senator from North Carolina knows that the Wilson law wrought havoc and ruin to the industries of our country and scattered our labor where it could not find employment. I was one of the men who helped to replace it with the Dingley law, that brought prosperity to the country and reemployment to labor and gave the necessary increase in revenues to meet the expenses of the Government.

Mr. President, I am amazed at the Senator from North Carolina, coming from a State where industries thrive and teem with prosperity, due almost entirely to the principle of protection, which he is to-day opposing—I am amazed at the Senator from North Carolina that he is willing to again draw out from its retirement a bill that brought such ruin to the country.

Mr. SIMMONS. I yielded to the Senator for a question and he is injecting a speech into my speech.

Mr. SMITH of Michigan. No; I beg the Senator's pardon for it. The Senator invited it.

Mr. SIMMONS. No; I think not.

Mr. SMITH of Michigan. I think he did in the latter part.

Mr. SIMMONS. The Senator is always forceful and entertaining, but my time, as I explained when interrupted by the Senator from Idaho, and as the Senator knows, is limited. I did not mean to cut the Senator off, but only to remind him of the time limitations under which we have to speak to-day so as to allow all who are scheduled to speak some time before the hour to vote arrives.

Mr. SIMMONS. I do not desire and I will not now be diverted into a general discussion of the relative merits of the Wilson, the Dingley, and the Payne-Aldrich bills. It would not be pertinent to the matter in hand and I have not the time without doing injustice to others who wish to speak, but I will say in further reply to the Senator from Michigan that, while I do not approve of all that was written in the Wilson Act, as I presume he does not approve of everything written in the Dingley and Payne-Aldrich Acts, in the main and as a whole I did approve that law, though changed conditions would now require changes in rates of duties that were proper from the Democratic standpoint in the conditions existing at the time of its enactment. Of course those from whom its provisions in the interest of the people took the opportunity they had enjoyed under the McKinley Act to exploit the people through unreasonable and unfair profits disapproved it, but it was satisfactory to the people. Instead of bringing ruin on the country it was gradually lifting the country out of the conditions into which it was well advanced long before it was enacted, and if it had not been repealed our return to normal condition would have probably been faster than it was.

But while the protected interests whose bounties it curtailed were the chief and almost only complainants against it, the dissatisfaction with the Dingley law, culminating in the promise of the Republican Party in 1908 to immediately revise it in response to a compelling demand from the people, came not from the few it had licensed to prey upon the many, but from the millions whom it had placed at their mercy and who could not live and have their being without paying them daily tribute. The complaint against it was from the people, not the interests.

I fain would refrain from any comments upon the Payne-Aldrich bill which supplanted it. Nobody defends it. There never has been in this or any country a tariff enactment so generally reprobated and denounced and which so richly deserves the censure heaped upon it.

So general, Mr. President, is this condemnation, so well satisfied are the people that this measure is responsible for the trusts and the monopolies that are plundering them, so well satisfied are the people that it is the source and inspiration of the unreasonable advance in the cost of the necessaries of life that is oppressing them, that their condemnation against it is not confined to the bill itself, but their displeasure has assumed the form of political excommunication against almost every man whose name was prominently identified with its passage through the House or Senate.

If the opportunities for exploitation, if the excessive profits of a few were curtailed by the Wilson Act, there was compensation in the fact that the people were to that extent in many cases relieved of unjust exactions. On the other hand, the Payne-Aldrich law circumscribed the opportunities of the many and denied a fair return to toil and energy and enterprise by unreasonably increasing the fixed charges which every man and every industry must meet. The burden which the Dingley and the Payne-Aldrich laws have imposed upon the productive energies of the people during the 15 years of their operation is incalculable and can not be measured in dollars and cents.

Mr. President, I regret I have not the time to enter into an analysis of the Tariff Board report as I had intended, but it would be unjust for me to consume the time necessary to do so when other Senators desire to speak, especially the Senator from Iowa [Mr. CUMMINS], who has introduced a substitute for the pending bill and is entitled to an opportunity to explain and discuss its provisions.

I will not undertake that analysis, but I ask that I may have printed as an appendix to my remarks certain tables which I hold in my hand, prepared for me by the expert assigned to assist the minority members of the Finance Committee, analyzing the Tariff Board's report and showing the utter unreliability of the findings of the report as to the cost of producing wool in this country.

This analysis will show that in some sections of the country wool is produced for practically no cost at all; that in other sections it is produced not only without cost but with a bonus, the income from mutton and lamb more than paying the total cost, while in other sections the cost of producing a pound of wool ranges from 12 to 19 cents.

It will further show that in the flocks selected in each table the cost of producing wool in the same section from one flock was wholly at variance with the cost of producing wool from another flock of the same kind and breed of sheep, and that the attempt of the board to ascertain with any reasonable degree of accuracy the cost of producing wool in this or foreign countries by the method of calculation adopted by it was vain and futile if not impossible. I ask permission to print this document, which I have marked "Appendix A," as an appendix to my remarks.

The PRESIDING OFFICER (Mr. SANDERS in the chair). Without objection, it will be so ordered.

Mr. SIMMONS. I wish also to present to the Senate a most illuminating study published in the Textile World-Record, of Boston, by Mr. Samuel S. Dale, a great authority upon this subject, and who, I understand, assisted the Tariff Board in their work, giving a thorough analysis of that report and showing most conclusively its utter unreliability as a basis of legislation upon the tariff. I would like and had intended to discuss some of the suggestions of Mr. Dale, but I can not do so without trenching too greatly upon the time of others who have a right to be heard, and I shall therefore have to content myself with asking permission to print parts of it as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[Reprinted from the Textile World-Record, Boston, June, 1912.]

ANALYSIS OF THE TARIFF BOARD REPORT ON SCHEDULE K.

(By Samuel S. Dale.)

The report of the Tariff Board on the wool and wool goods schedule should be judged first by the extent to which the board has succeeded in

attaining the professed object of its investigation, namely, the determination of the difference between the foreign and domestic cost of producing the raw materials and the partly and wholly manufactured products of wool manufacturing.

THE DIFFERENCE IN COST FORMULA.

This object has been definitely and repeatedly stated during the last four years, and recently by the President in these words:

"First, by fixing the rates at figures * * * based on the difference between the cost of production here and the cost of production abroad, ascertained by means which preclude all doubt of the substantial accuracy of the calculation."

In order to show to what extent this object has been attained by the Tariff Board I have made the following list of the principal products affected by Schedule K, and annexed a brief statement of the information disclosed by the Tariff Board regarding the difference in the domestic and foreign cost of each: Raw wool, wool by-products, shoddy, worsted tops, roving, yarn, cloths and dress goods, carpets and rugs, underwear, hosiery, felts, and narrow fabrics.

RAW WOOL.

The method adopted by the board for calculating the cost of wool is stated on page 313 as follows:

"We have considered wool as the chief product, and the receipts from mutton are offset against costs. When the receipts from mutton are less than the total flock expense, the difference is called the 'net charge against wool.' When, on the other hand, the receipts from mutton are greater than the expense, the difference is the 'net credit to wool.' And this net charge against or net credit to wool, divided by the number of pounds of wool, is the 'net charge against or net credit to a pound of wool.'"

On the preceding page—312—the board condemns this method in these words:

"Another method is to consider wool the chief product and mutton the by-product and to charge the total operating costs to the mutton and credit the net income of the business to the wool. * * * When, however, the receipts from mutton equal the operating costs, the cost of producing a pound of wool, as found by this method, is nothing; and when the receipts from mutton exceed the operating costs it is less than nothing. * * * It is evident that this method also is inadmissible because the cost of producing a pound of wool, thus determined, varies with the relative importance of the receipts from wool and mutton. When wool is the chief source of income and the receipts from mutton are merely incidental and relatively small, this method is approximately correct; but as the receipts from mutton become relatively more important, the degree of error increases, and when mutton is the chief source of income and the receipts from wool are merely incidental, the futility of the method is clearly apparent."

This condemnation of its own method was superfluous. The absurdity of a calculation by which the cost of wool is a positive quantity under some conditions, zero under others, and under others the wool is obtained without cost, bringing a bonus with it, is self-evident. The report contains extensive tables of cost of American wool based on this misleading method of inquiry.

For the foreign branch of the wool inquiry this method of calculation, of course, could not be carried out in such great detail, but the results are given for Australian wool on page 11 as follows:

"In New Zealand and on the favorably situated runs of Australia it seems clear that at the present range of values for stock sheep and mutton the receipts from other sources than wool are carrying the total flock expense. So that, taking Australasia as a whole, it appears that a charge of a very few cents per pound lies against the great clips of that region in the aggregate."

The report itself supplies the proof that the board has failed completely to determine the difference between the foreign and domestic cost of wool. The board admits this in these words, on page 10:

"It is not possible to state in exact terms the actual cost of producing a pound of wool, considered by itself."

WOOL BY-PRODUCTS.

These products include noils and the various wastes that are unavoidably made in converting wool and by-products into finished goods. They are inferior grades of raw material. In calculating the cost of wool goods the value of the by-products is deducted from the cost of the raw material used in order to determine the net cost of the latter. No part of the cost of manufacturing is charged to the production of by-products. For this reason the Tariff Board is right in the following conclusion, page 12:

"No comparison as to the cost of production of such products can be made."

SHODDY.

Wool rags may be properly classed as a wool by-product, and the omission of any reference to their cost is explained on that ground, but shoddy is a manufactured product for which rags are the raw material. The report contains no statement on the cost of manufacturing shoddy.

WORSTED TOPS.

In taking up the various wool products in their order of manufacture, worsted tops are the first for which the Tariff Board offers a detailed comparison of cost. A number of important features of the board's investigations of comparative costs will therefore be considered under this head, but it should be borne in mind that the remarks apply not only to tops, but to wool manufactures generally.

The report gives a comparative statement of the domestic and foreign cost of converting wool into tops, but makes no attempt to give the cost of raw material. It is evident, however, that the difference in the total cost of a wool product must be known in order to apply the difference in cost principle in fixing tariff rates. The omission of any important item of cost makes the comparison worthless for that particular purpose. In the case of worsted tops the board has omitted the item of raw material. The variations in the cost of raw material, not only for tops, but for other forms of wool manufactures, are so great from grade to grade and from time to time that its determination is impossible. This impossibility in the case of wool fabrics was recognized and frankly stated by the board, page 628, in these words:

"The question of raw material was eliminated altogether, since this is such a fluctuating element."

That is true of worsted tops as well as cloths. Turning to the board's investigation of the conversion cost of tops, attention is called to the fluctuating and uncertain elements involved as outlined on pages 640 and 641 of the report. Admitting these fluctuations and uncertainties does not eliminate them, and they alone would thwart the purpose of the inquiry. But on top of all these factors the board informs us, page 641, that the mill records disclose "the widest divergencies" in the conversion cost of worsted tops:

"In attempting to arrive at the cost of tops from a consideration of actual mill records for a given period of time, we have found the widest divergencies, due to the difference in output. For a six months' period in one mill the average cost of production for all tops was only 4.28 cents per pound, while for another six months' period in the same mill, running upon practically the same quality of tops, the actual average was 9.37 cents per pound. In the first period, however, the output was about three and one-half times the output in the second period. In the first case the mill was running overtime and in the second case much of the machinery was idle, while the fixed and overhead charges continued the same."

The Tariff Board attempts to meet this situation by assuming a theoretical production on the basis of a full running time. This, however, is assuming a condition that is never found to prevail throughout the industry, or continuously in any combing plant.

If so much emphasis had not been placed on the difference in cost theory we might profitably stop here and accept the evidence disclosed by worsted tops as conclusive that the theory can not be applied to the revision of Schedule K. As far as tops are concerned we find that an item constituting approximately 90 per cent of the total cost has been omitted entirely, because it could not be determined, while the items making up the remaining 10 per cent are subject to "the widest divergencies." The conclusion is unavoidable that the board has not determined and can not determine the difference between the domestic and foreign cost of tops.

ROVING.

No attempt is made to give the costs of roving separately. This cost is made up of raw material and the various processes up to and including worsted drawing. Raw material, as we have seen, is eliminated entirely from the board's calculations. The final process, drawing, is considered on pages 1031 to 1034, but, as in the case of woolen yarn, the figures relate to the labor cost only, all the other items of expense being omitted. We have noted the defects in the calculations for tops, the cost of which is included in the cost of roving, so that it is now necessary only to record the unavoidable conclusion that the difference in cost has not been determined for roving.

YARN.

The noteworthy feature of the board's report on yarn costs is the omission of essential details relating to the cost of carded woolen yarn. On pages 1025 and 1026 there are the reports of the labor cost of woolen carding in 26 mills. On pages 1040 and 1041 are reports of the labor cost of woolen spinning in a like number of establishments. Nowhere is there a statement of the cost of the other items, such as raw material and manufacturing expense, which make up much the greater part of the cost of woolen yarn. The report deals in greater detail with the cost of worsted yarn. On page 645 there begins a general survey of the question. On page 646 are statements of cost for four separate weeks in one mill. It is rather puzzling to find the output given as "yarn shipped," but accepting the figures as indicating the yarn spun, we find the conversion cost varying from 9½ cents on August 26 to 26½ cents a pound on August 5, with the yarn size practically the same. No better proof of the impossibility of determining cost for the purpose of applying the difference in cost formula to the revision of tariffs is required. The board attempts to avoid this difficulty, as in the case of tops, by assuming a full output. Thus on page 646:

"In view of this difficulty the Tariff Board has adopted a general rule of figuring all costs on the basis of full normal output, as in the case of tops."

This is assuming a condition that never prevails for any considerable time throughout the industry. Moreover, the question arises, How did the board revise the cost returns received so as to determine the result that would have been actually reached if the mill had been doing something that it was not doing?

On page 650 the report says:

"Figures of cost were secured in England from various manufacturers on actual samples, and in the second column in the table below are given the figures which represent the average of these various calculations."

From this it is evident that the board obtained from "various manufacturers" in England estimates of cost of certain grades of worsted yarn. These estimates were averaged by some unexplained process and the results tabulated on page 610 for the purpose of comparison with the figures obtained from American mills and revised by the board at Washington. That is the result, or rather lack of result, attained by the board in investigating the cost of the material, white worsted yarn, which of all the multitudinous products of wool manufacturing offered the least difficulty in such an inquiry.

CLOTHS AND DRESS GOODS.

The cost of cloths and dress goods includes the cost of the yarn and the conversion cost of the yarn into the finished product. To include in the cost calculation for cloth the operations which the board adopted for the preceding processes would concentrate in this calculation all the uncertainties and errors which have been referred to under the head of raw wool, wool by-products, shoddy, worsted tops, roving, and yarn. Moreover, such a method was impossible because of the omission of essential items, as in the case of by-products and shoddy. The Tariff Board evidently recognized this dilemma, for a new start was made, with yarn treated as a raw material and the cost calculations for the preceding processes eliminated entirely. The report thus explains how this result was accomplished (p. 628):

"An arbitrary price was assumed for different qualities of wool and yarn, this arbitrary price being the actual price so far as it could be accurately determined for a given date."

This method has the merit of boldness and simplicity, although it can not be claimed that it "precludes all doubts of the substantial accuracy of the calculation." The figures thus adopted by the fiat of the board as a substitute for the cost of raw material and its conversion into yarn are termed "prices for a given date." This does not change the fact that they are not costs as contemplated in the formula. It makes the matter worse, for it shows that the board's ideas were so unstable as to shift from production cost to price without hesitation. This confusion of ideas regarding cost and price is so complete that one of the estimates, No. 32, page 672, contains this:

"This gives a total cost of 86 cents per yard for those making their own yarn and 95.5 cents per yard where yarn is purchased."

The adoption of the fiat figures of cost for wool and yarn would alone make the results of this part of the inquiry worthless, regardless of the accuracy of the subsequent calculations, and for that reason it is perhaps unnecessary to say more on this particular point. Attention

is called, however, to the fact that the list of the figures thus adopted by fiat for wool and yarn is omitted from the report. It is to be found on Tariff Board schedules 1128 and 1129. The following grades and prices are given in the list to cover carded woolen yarn made of wool and mixtures of wool, cotton, shoddy, and by-products:

12 to 16 cut, one-fourth blood worsted waste and shoddy	$0.55
12 to 20 cut, one-fourth blood and shoddy (colors)	.65
12 to 20 cut, one-fourth blood and noils (white)	.70
12 to 20 cut, one-fourth blood and noils (colors)	.75
12 to 20 cut, straight one-fourth blood (white)	.80
20 to 28 cut, straight three-eighths blood (white)	.85
From 20 to 28 cut add 1 cent per cut.	
32 cut, fine white carbonized	.95
40 cut, fine white carbonized	1.10
2–12 to 2–18 cut, one-fourth blood worsted waste and shoddy	.50
2–18 to 2–20 cut, in grease	.62½
2–18 to 2–20 cut, in colors	.70
2–22 to 2–24 cut, skein dyed in colors	.77½

There are no established standards for such yarns. They are spun from new wool of every grade; also from mixtures containing wool, cotton, shoddy, and by-products in every imaginable proportion, some with the wool, cotton, shoddy, or by-products omitted and the mixture made up of the whole or a part of the remaining materials. Not only the proportion, but also the cost per pound of each of these materials varies widely from grade to grade and from time to time. As a result the average cost of the mixtures is subject to even greater fluctuations.

Fixed prices or cost figures are equally absurd in the case of worsted yarn and wool. No feature of the Tariff Board's investigation excites greater astonishment than does this substitution of arbitrary prices for actual cost. This extraordinary method has evidently been adopted not only for American costs, but for foreign costs as well. Take, for example, sample No. 26, page 667. This cloth is made of two grades of cotton yarn and one of worsted. The report says, page 667:

"The average cost of the yarn used was $0.692 per pound; the resulting cost of the stock material in a yard of cloth is $0.55."

The English cost of the yarn is thus stated, page 668:

"The yarn material for a yard of cloth is taken at a cost of $0.4085."

These figures do not represent cost in any mill either in this country or abroad. They result from some undisclosed system of estimating, based on arbitrary prices for foreign and domestic yarn. Such calculations do not come up to the level of ordinary guesswork.

As was the case when studying the board's cost figures for worsted tops, the temptation again becomes strong to leave this feature of the report with the conclusion that the case against the difference in cost formula has been proved, but so much emphasis has been placed on this formula that we will go on to the end of the list.

CONVERSION COST.

Turning to the inquiry into the cost of converting yarn into cloth, the fact claiming attention first is that the board's figures do not relate to the actual cost of the cloths, but to estimates of their cost. This is admitted on page 628 where the report, after stating the impossibility of determining the actual cost, says:

"The only method available was to start with certain specific cloths and get the most accurate estimates possible from a number of different mills on the cost of making goods of this quality."

The inherent difference between actual cost, as contemplated in the formula and an estimate of cost is evident. A manufacturer may estimate the cost of a fabric regardless of whether the goods were made in his mill or not. He determines the character of the raw material by the exercise of judgment, and the construction of the fabric by analysis, and with these particulars makes an estimate of cost based on assumed conditions of market price of materials and expense in the mill. This, however, is not the actual cost, which is determined only by the actual manufacturer of the goods, and it is the actual cost which is meant in the difference in cost formula. Not only has the board substituted estimated cost for real cost, but these estimates have been obtained under conditions that make irregularities and errors inevitable.

The report states, page 629, that the agents of the board "visited the mills with samples and worked out with the proper officials the cost under each separate process." The published results of their labors are found on pages 651 to 690, in the form of estimates of cost of 55 samples of American wool goods, and on pages 694 to 704 in the form of estimates of the cost of 14 samples of foreign fabrics.

Fortunately it is not necessary to rely solely on one's own judgment or on the opinion of others as to the merits of this system of cost estimates. Three years ago, in 1909, the American Association of Woolen and Worsted Manufacturers adopted the same plan and submitted to a large number of manufacturers the specifications for three worsted and two carded woolen fabrics with a request that estimates of the cost of these goods be returned to the association. As was done by the Tariff Board, uniform prices were assumed by the association for the wool and yarn. Following is a statement of the lowest, highest, and average estimates:

	Lowest.	Highest.	Average.
Fabric A	$1.50	$2.02	$1.75⅝
Fabric B	1.47½	1.98	1.78
Fabric C	1.06	1.53	1.29
Fabric D	1.10	1.65	1.37
Fabric E	.85	1.02½	.93¾

Such figures are worthless, and it is certain that the estimates of the Tariff Board are no better.

The sole difference between the estimates of the association and those of the Tariff Board is that the agents of the board worked out the figures with the mill officials in accordance with a definite system prescribed by the board. But a cost system can not be applied successfully in a mill on short notice. It is necessary, first, to apply a system for a long period, a year or more, in order to determine the cost per unit of production in the various departments of a mill. Not before this is done does it become possible to make a fairly close estimate of the cost of a given fabric when made in that mill under like conditions. An attempt, such as was made by the Tariff Board, to apply suddenly to a large number of unprepared mills a new system of cost estimating is calculated to give results as misleading and erroneous as were those obtained three years ago by the American Association of Woolen and Worsted Manufacturers. This is evident from the details of the board's estimates. For example, the conversion cost of sample No. 1 is given as 8 cents per yard, and this note of explanation is annexed, page 652:

"Taking all of the cost secured by the board from mills of all sizes the average conversion cost is 11.1 cents per yard."

This means that some of the estimates must have varied from 8 cents to considerably over 11 cents a yard. No two mills would agree as to the estimated cost, yet the board adopts one set of figures for each sample. Why was 8 cents selected for the figures given in the report, when the average was 11.1 cents? And was this average calculated by a method that gave the mills an equal weight regardless of size? These questions may appear superfluous in view of the fundamental defects already noted in the calculations, but reference is made to them in order to make the analysis as complete as possible. For the same reason a review will be made of various other features of the estimates.

A number of the estimates refer to fabrics made of wool yarn mixed with cotton or silk yarn. An application of the difference in cost formula would make it necessary to determine the cost of the cotton and silk yarn as well as the wool. Nowhere is such cost given. Apparently arbitrary figures have been assumed for the cost of the silk and cotton yarn, as well as for the wool yarn, and an average of the three calculated by some unexplained process. For example, sample No. 24, page 666, is made of a mixture of cotton, silk, and worsted yarn, and the "cost" of the three is given as follows:

"The average cost of the yarn described is $0.714 per pound, making a total stock cost of $0.571 per yard of finished cloth."

The plan pursued in the board's estimates of the foreign cost of the various samples is thus explained on page 630:

"The method adopted in securing foreign costs on American samples was similar to that used in this country. Samples of identical fabrics cut from the same piece were taken to England and to the Continent. These were shown to a number of manufacturers and their estimates on the cost of production secured, but not in the same detail as in American mills, because foreign manufacturers do not keep their costs in any such detail. In England the costings on these samples are given with the authority of a cloth expert, himself a manufacturer, who took the English estimates secured and corrected or verified them from his own experience or from the costs in his own mill."

The woolen and worsted industry in England is organized on a different basis from that generally prevailing in this country. Cost calculations are simpler and probably more accurate in that country than they are here. For these reasons a fair comparison of the costs in the two countries is possible only after careful revision. Such a complicated cost estimate schedule as the one prepared by the Tariff Board would stagger English manufacturers. The above extract from the report makes it plain that they did not understand the board's system and did not attempt to carry it out. Figures, however, are easily obtained and the agents of the board obtained them from a few English manufacturers. Evidently these figures bore the marks of unreliability, for they were referred to a "cloth expert, himself a manufacturer," who "corrected or verified them from his own experience or the costs in his own (English) mill." It is unnecessary for us to follow this system into France and Germany. Adopted in response to an order to determine the difference in the cost of production "by means which preclude all doubt as to the substantial accuracy of the calculation," it abandons the cost of production entirely and substitutes estimates based on assumed figures for the greater part of the cost, and for the remainder on methods that are unworthy of serious consideration either at home or abroad. The Tariff Board knew of the defects in estimates of cost, as the following passage, page 628, shows:

"The difficulty here lay in the well-known fact that estimates on the same sample by different manufacturers may vary very widely, and experience in this regard by associations in the trade who have attempted to arrive at some standard cost method showed the necessity for adopting every precaution to make these figures as detailed, accurate, and fair as possible."

But stating a difficulty does not overcome it, and the knowledge on the part of the board that estimates would not disclose what they were seeking only increases the surprise that such a plan was adopted. No precautions can make estimates conform to actual cost. In the absence of a knowledge of the actual cost there is no way of verifying or correcting the estimates.

CARPETS, RUGS, UNDERWEAR.

The report gives no information regarding the cost of these goods, this explanation for the omission being found on page 9:

"It proved impracticable to carry out at one and the same time an indefinite number of separate cost inquiries and bring them all to conclusion at a given date. For this reason we are not able to include in the present report data as to the cost of underwear and carpets, regarding which our investigations are not sufficiently advanced to make the results practically useful."

HOSIERY, FELTS, NARROW FABRICS.

On the cost of these products the Tariff Board makes no report deserving consideration.

We have reached the end of the list of products. Summing up the situation, we find that the Tariff Board's inquiry into cost of production has nowhere given results in whose accuracy any confidence can be placed. Some wool products were omitted entirely—carpets, knit goods, felts, and narrow fabrics for lack of time; by-products, because the task was impossible.

A fundamentally unsound method was adopted for raw wool. Where costs were actually investigated, as in the case of worsted tops and yarn, the fluctuations from time to time and from mill to mill made self-evident the impossibility of determining the costs for the purpose of fixing tariff rates. For some materials—roving and yarn, for example—the manufacturing expenses other than labor were omitted. Likewise in some cases raw material, subject as it is to constant, extreme, and indeterminate variations in cost, was eliminated bodily from the calculations. In other cases arbitrary figures were assumed to indicate the fluctuating and uncertain cost of raw material. Estimates were substituted for statements of actual cost. Calculations that could be but little better than guesswork were made for the board by foreign manufacturers. And, finally, the reports thus collected were "revised" and "edited" at Washington in an attempt to make them harmonize with each other and conform to conditions of production that seldom, if ever, exist.

The contrast between this result and the President's definition of what was required is grotesque, but the failure to attain the announced purpose of the inquiry does not necessarily carry with it any reflection on the ability, industry, or faithfulness of those who did the actual work of investigation. The fact is they were engaged in an undertaking that reached far beyond the limits of the possible. The difference between the domestic and foreign cost of producing wool and

wool goods can not be determined for the purpose of fixing tariff rates. Criticism, if it is indulged in, should be directed to the failure to recognize the impossibility of the difference in cost formula and direct the inquiry into practical channels. If that had been done, the cost of production would not have been ignored, but would have received its proper share of attention in connection with many other factors bearing on the tariff question. The primary mistake was in making the inquiry hinge on the difference in cost formula. That placed on the board the work of accomplishing the impossible.

Mr. SIMMONS. Mr. President, for lack of time I am compelled to omit some things of importance that I desired to say, but I think I have said enough to get before the Senate the views of the minority with reference to this question, and especially to get before the Senate the general purpose and effect of the reductions proposed in the bill which the minority of the committee support.

APPENDIX A.

SCHEDULE K—WOOL, AND MANUFACTURES OF.

Further and more detailed analysis of the report of the Tariff Board on production and cost of wool (Western States), based on details published in Volume II, part 2.

The Tariff Board, in its wool report, publishes tables which show the results of the investigations made by agents of the board into the receipts and expenditures of selected flocks of sheep in the Western States and of selected farm flocks in what is termed the "Ohio region," in order to arrive at the average cost of wool production in the United States.

First, there are six tables given of the financial details of the flocks investigated in the Western States, showing the number of sheep, pounds of wool produced, and the receipts from wool and other sources; the expenditures, including labor, forage, and miscellaneous expenses; the net charge against wool per pound, and the selling price of wool per pound; the capital per head invested, and the rate of income on capital. In arriving at their conclusions, the board considered wool as the chief product, and the receipts from mutton, lambs, and so forth, are offset against costs. No interest is allowed on capital invested or on capital borrowed.

Table I, giving the above details, includes such flocks only as those where the "net charge against wool exceeds 20 cents and above per pound." As the average net charges against wool per pound of the 40 flocks included in Table I is $0.237, and the average selling price of the same wool was $0.192, the extraordinary fact is disclosed that all but one of the flocks reported in the statistics shows a loss on the capital invested ranging from three-tenths per cent to 25.4 per cent, and an average loss on capital invested of 9.7 per cent. The exceptional flock of sheep which is reported to have paid an income of 2.7 per cent on the capital invested consisted of 95,185 head, which produced 541,916 pounds of wool, or 5.90 pounds per head, which sold for $127,337.75, or 23.5 cents per pound—the highest price recorded for any of the flocks considered. The wool on each sheep averaged in value $1.33, but the average for the 438,541 sheep of the 40 flocks investigated was slightly more than $1.09 per head. The receipts, other than from the wool of the above-mentioned flock of 95,185 sheep, namely, from sale of sheep, lambs, and so forth, averaged $220,243.75, or $2.31 per head; and as the capital per head is reported in the table as $6.81, it would seem that nearly one-third of the flock must have been sold during the year upon which the report is based. The average total of all receipts for all the flocks included in Table I is $1,006,816, and the total of all expenses is $1,152,873, which shows an average loss of 9.7 per cent on the capital invested, interest not included. The report does not state the location of these flocks, and the only clew given as to location is through the price of the wool, which exceeded 20 cents per pound and averaged $0.237 per pound, showing that the wool must have been of the lighter shrinking quality. The following table shows the highest and lowest and medium results reported of four selected flocks:

TABLE I.—*Net charge against wool exceeding 20 cents per pound (interest not included).*

[From Tariff Board report, p. 315. Fractions of dollars omitted.]

	Number of sheep.	Pounds of wool.	Receipts. From wool.	Receipts. From other sources.	Receipts. Total.
Average of 40 flocks, Table I	438,541	2,639,297	$479,858	$526,957	$1,006,816
Flock A	95,185	541,916	127,337	220,243	347,581
Flock B	20,340	100,000	13,000	9,360	22,360
Flock C	10,675	91,000	18,200	64	18,136
Flock D	3,050	23,000	3,478	4,287	7,765

TABLE I.—*Net charge against wool exceeding 20 cents per pound (interest not included)*—Continued.

	Expenditures. Labor.	Forage.	Miscellaneous expenses.	Total.
Average of 40 flocks, Table I	$285,141	$353,724	$514,007	$1,152,873
Flock A	56,432	133,994	139,865	330,292
Flock B	18,285	2,828	26,655	47,769
Flock C	4,861	6,065	7,568	18,494
Flock D	3,728	3,268	3,735	10,732

	Net charge against wool per pound.	Selling price per pound.	Capital per head.	Rate of income on capital.
				Per cent.
Average of 40 flocks, Table I	$0.236	$0.182	$5.55	− 9.7
Flock A	.203	.235	6.81	2.7
Flock B	.384	.13	4.92	−25.4
Flock C	.203	.20	4.80	− 0.7
Flock D	.280	.151	5.88	−16.5

It will be noticed that the receipts and expenditures of no two flocks of sheep in the above table show similar results, and of the 40 flocks in Table I, as presented in the report of the Tariff Board, the capital invested per head varies from $3.50 to $10.03; the net charge against wool per pound varies from 20 cents to $0.384; the selling price of wool per pound varies from $0.113 to $0.235, and the rate of income on capital varies from +2.7 per cent to —25.4 per cent. The fact that any of these flockmasters continue in such a losing business casts grave doubts upon the accuracy of the figures given. Flock A, quoted above, would apparently eat up all of the capital invested in less than four years. It would hardly be possible that anyone would continue in the business under such disastrous conditions. The indications are that some of the sheepmen have been magnifying their expenditures and minimizing their receipts so as to lead the Tariff Board to find that the cost of growing wool in the Western States is much greater than it is abroad, and therefore they would be unable to exist if the protective-tariff duty on wool were increased.

By examining the figures in the above table other extraordinary discrepancies are found, as follows:

Flock.	Pounds of wool per head.	Labor per head.	Miscellaneous expenses per head.
A	5.69	$0.59	$1.47
B	4.30	.90	1.31
C	8.53	.46	.71
D	7.50	1.22	1.22

Similar divergence in results occurs with most of the 40 flocks of sheep in Table I, and the question naturally arises, how can any average be arrived at that will approach the medial sum of the cost of production of wool in the Western States? The wool per head from each flock differs greatly; the price at which the wool is sold varies; the labor cost of some flocks is over 100 per cent apart, and the miscellaneous expenses are as wide asunder as is the labor cost.

Four selected flocks from:

TABLE II.—*Net charges against wool 15 cents and under 20 cents per pound (interest not included).*

	Number of sheep.	Pounds of wool.	Receipts. From wool.	Receipts. From other sources.	Receipts. Total.
Average of 59 flocks—Table II	594,268	3,836,815	$656,814	$661,544	$1,318,369
Flock A	21,084	161,681	35,216	30,613	65,830
Flock B	8,680	82,000	6,867	6,110	12,977
Flock C	1,685	11,202	2,432	2,530	4,963
Flock D	7,000	44,660	7,145	6,856	14,002

TABLE II.—*Net charges against wool 15 cents and under 20 cents per pound (interest not included)*—Continued.

	Expenditures.			
	Labor.	Forage.	Miscellaneous expenses.	Total.
Average of 59 flocks—Table II	$403,568	$275,413	$630,563	$1,309,544
Flock A	20,103	9,619	25,647	55,370
Flock B	7,257	4,822	6,840	18,919
Flock C	1,557	819	2,261	4,638
Flock D	4,520	3,488	7,318	15,326

	Net charge against wool per pound.	Selling price per pound.	Capital per head.	Rate of income on capital.
				Per cent.
Average of 59 flocks—Table II	$0.168	$0.171	$5.62	— 0.5
Flock A	.153	.217	5.30	9.3
Flock B	.156	.087	4.91	—13.9
Flock C	.188	.217	6.29	3.1
Flock D	.189	.16	5.71	— 3.3

The investigation of the 59 flocks of sheep included in Table II affords discrepancies similar to those in Table I as to details of receipts and expenditures, and the rate per cent of income on capital is nearly as divergent, though 26 of the flocks show a profit ranging from one-tenth of 1 per cent to 9.3 per cent; but the average of all the flocks is five-tenths of 1 per cent on the wrong side of the ledger, which result is brought about by 33 flocks showing a loss ranging from one-tenth of 1 per cent to 13.9 per cent.

It is remarkable that in the average for the 59 flocks included in Table II the expenditures again exceed the receipts by a small fraction, so that more than half of the flocks have been unprofitable; also, that the following discrepancies appear in the wool produced per head, in the labor expenditures per head, and in the miscellaneous expenses, as follows:

Flock.	Pounds of wool per head.	Labor per head.	Miscellaneous expenses per head.
A	7.67	$0.95	$1.22
B	9.45	.84	.80
C	6.65	.83	1.34
D	6.38	.64	1.04

Even greater differences could be found among the 59 flocks included in Table II if selection were made for that purpose; but the remarkable weight of the fleeces in flock B and the small cost of labor in flock D, and the other large difference in labor and miscellaneous expenses show that it is impossible to arrive at any approximate estimate of the cost of wool production in the Western States under the system adopted by the Tariff Board.

Four selected flocks from:

TABLE III.—*Net charge against wool 10 cents and under 15 cents per pound (interest not included).*

	Number of sheep.	Pounds of wool.	Receipts.		
			From wool.	From other sources.	Total.
Average 71 flocks, Table III	807,775	5,459,088	$825,627	$912,737	$1,738,364
Flock A	37,397	268,000	36,180	49,935	86,115
Flock B	6,610	49,443	6,153	3,436	9,589
Flock C	10,300	83,000	11,620	9,586	21,206
Flock D	5,990	43,000	7,958	7,870	15,828

	Expenditures.			
	Labor.	Forage.	Miscellaneous expenses.	Total
Average 71 flocks, Table III	$494,497	$311,731	$754,783	$1,561,012
Flock A	18,189	3,792	31,723	53,704
Flock B	4,086	1,401	5,307	10,794
Flock C	6,172	4,940	10,088	21,202
Flock D	4,000	2,753	7,514	14,268

TABLE III.—*Net charge against wool 10 cents and under 15 cents per pound (interest not included)*—Continued.

	Net charge against wool per pound.	Selling price per pound.	Capital per head.	Rate of income on capital.
				Per cent.
Average 71 flocks, Table III	$0.119	$0.151	$5.47	3.8
Flock A	.104	.135	4.78	18.1
Flock B	.148	.11	5.55	3.3
Flock C	.139	.14	3.93	0
Flock D	.148	.19	7.60	3.4

It is noticeable that the lower "net charge against wool per pound," as given in Table III, does not permit the returns of all the 71 flocks included in said table to show an income on capital, for there are 7 flocks from which no profit was secured, although the average net charge against wool per pound is reduced to $0.119, whereas in Table I the charge is $0.237, and in Table II it is $0.168. The average selling price of wool in Table I is $0.182; in Table II, $0.171, and in Table III, $0.151.

The figures for wool production per head for labor and miscellaneous expenses of the four selected flocks of sheep included in Table III are as follows:

Flock.	Pounds of wool per head.	Labor per head.	Miscellaneous expenses per head.
A	7.16	$0.48	$0.85
B	7.48	.62	.80
C	8.06	.60	.98
D	7.18	.67	1.25

It will be noticed that discrepancies exist between the details of the different flocks in Table III similar to those in Tables I and II, except that there is more uniformity in the number of pounds of wool per head; but the selling price of the wool varies exceedingly, although, apparently, the price at which the wool of a flock sells does not settle the income on capital. For instance, the wool of flock A sold for 13½ cents per pound and the rate of income on capital was 18.1 per cent, while the wool of flock D sold for 19 cents per pound and the income was but 3.4 per cent. The wool from flock B was sold for 11 cents per pound and the income was 3.3 per cent less than nothing, while the wool from flock C sold for 14 cents per pound and the income just provided for the expenditures, so the profit was zero.

Table IV makes a much better showing for the woolgrowers, with an average rate of income on capital of 10.7 per cent, the lowest being 2.7 per cent and the highest 42.1 per cent.

Four selected flocks from:

TABLE IV.—*Net charges against wool, 5 cents and under 10 cents per pound (interest not included).*

	Number of sheep.	Pounds of wool.	Receipts.		
			From wool.	From other sources.	Total.
Average of 74 flocks, Table IV	677,545	4,665,141	$733,849	$1,013,036	$1,746,886
Flock A	4,278	22,050	5,402	6,621	12,023
Flock B	6,020	45,600	9,576	7,169	16,745
Flock C	5,000	43,123	6,899	7,951	14,859
Flock D	3,935	23,700	2,881	4,899	7,781

	Expenditures.			
	Labor.	Forage.	Miscellaneous expenses.	Total.
Average of 74 flocks, Table IV	$413,823	$283,562	$676,405	$1,373,796
Flock A	2,741	948	4,678	8,368
Flock B	3,162	1,804	5,229	10,196
Flock C	3,880	1,720	6,573	12,174
Flock D	2,449	1,001	3,781	7,232

	Net charge against wool per pound.	Selling price per pound.	Capital per head.	Rate of income on capital.
				Per cent.
Average of 74 flock, Table IV	$0.077	$0.157	$5.33	10.7
Flock A	.079	.242	5.75	14.8
Flock B	.066	.21	3.48	31.2
Flock C	.097	.16	7.02	7.6
Flock D	.098	.125	5.26	2.7

Every flock in Table IV produced a profit on capital; but again equally strange figures confront us, which show an enormous difference in the profit accounts, which range from 2.7 per cent to 31.2 per cent, and there was one small flock of 408 sheep which produced 42.1 per cent income on capital. That flock is not selected from Table IV, on account of its being composed of such a small number of sheep.

Further details of the four flocks given above show the following:

Flock.	Pounds of wool per head.	Labor per head.	Miscellaneous expenses per head.
A	5.15	$0.64	$1.09
B	7.58	.53	.87
C	8.62	.78	1.32
D	6.05	.62	.96

It should be observed that when the income from flocks is greater the expenditures for labor are reduced, but the miscellaneous expenses are about the same. Comparing the flocks reported in Table IV with those in Table III, it is found that while the wool product per head is less in Table IV the selling price of the wool is higher. That would indicate that the quality or condition of the wool was better from the sheep included in Table IV, but we are confronted with the fact that the capital invested per head is less in Table IV than that invested per head in those reported in Table III, which were less remunerative.

Four selected flocks from:

TABLE V.—*Net charges against wool under 5 cents per pound (interest not included).*

[Tariff Board report, Vol. II, pt. 2, pp. 322–323.]

	Number of sheep.	Pounds of wool.	Receipts.		
			From wool.	From other sources.	Total.
Average, 42 flocks, Table V	352,912	2,293,087	$352,830	$622,219	$975,059
Flock A	6,540	33,660	7,415	11,181	18,597
Flock B	27,000	189,000	27,877	26,572	54,449
Flock C	2,500	18,000	1,620	5,278	6,898
Flock D	3,615	28,800	3,456	5,990	9,446

	Expenditures.			
	Labor.	Forage.	Miscellaneous expenses.	Total.
Average, 42 flocks, Table V	$221,056	$112,259	$353,042	$686,358
Flock A	2,997	3,694	4,829	11,521
Flock B	10,995	1,322	15,512	27,829
Flock C	1,935	2,041	1,556	5,532
Flock D	2,120	882	4,423	7,425

	Net charge against wool per pound.	Selling price per pound.	Capital per head.	Rate of income on capital.
				Per cent.
Average, 42 flocks, Table V	$0.027	$0.153	$5.56	15.3
Flock A	.010	.233	4.40	24.6
Flock B	.006	.147	5.18	19.0
Flock C	.014	.09	4.80	11.4
Flock D	.049	.12	6.98	8.0

All of the 42 flocks included in Table V produced income on capital ranging from 7.4 per cent to 34.5 per cent. The selling price of wool varied from 11 cents per pound to $0.223 per pound. The 4 selected flocks in the table above gave the following further results:

Flock.	Pounds of wool per head.	Labor per head.	Miscellaneous expenses per head.
A	5.15	$0.46	$0.74
B	7.00	.41	.57
C	7.2	.77	.62
D	7.94	.58	1.22

Again, the great difference in receipts and expenditures is exhibited, so that it is impossible to arrive at the cost of producing a pound of wool. Any average based on the figures under consideration would be merely estimates.

Table VI contains the statistics of 44 flocks of sheep, all of which produced a net credit to wool—that is, the wool product of each flock more than paid expenses—and the mutton and lambs sold were more than clear gain. The income on capital ranged from 13.7 per cent to 41.8 per cent, although the average price of wool sold was less than the average price of the wool of any of the flocks considered in Tables I to V, inclusive.

Four selected flocks from:

TABLE VI.—*Net credit to wool per pound (interest not included).*

[From Tariff Board report, Vol. II, pt. 2, pp. 324–325.]

	Number of sheep.	Pounds of wool.	Receipts.		
			From wool.	From other sources.	Total.
Average, 44 flocks, in Table VI	280,690	1,874,285	$262,859	$648,132	$910,991
Flock A	3,045	26,000	3,770	8,587	12,357
Flock B	20,501	125,715	15,085	53,255	68,340
Flock C	10,100	25,000	3,500	26,462	29,962
Flock D	16,075	80,000	8,000	33,275	41,275

	Expenditures.			
	Labor.	Forage.	Miscellaneous expenses.	Total.
Average, 44 flocks, in Table VI	$185,786	$101,127	$286,989	$573,903
Flock A	1,620	1,329	2,861	5,811
Flock B	17,024	5,168	25,413	47,606
Flock C	4,500	510	16,287	21,297
Flock D	9,610	6,167	10,195	25,972

	Net credit to wool per pound.	Selling price per pound.	Capital per head.	Rate of income on capital.
				Per cent.
Average, 44 flocks, in Table VI	$0.039	$0.140	$5.62	24.2
Flock A	.106	.147	5.52	38.9
Flock B	.044	.12	7.37	13.7
Flock C	.206	.14	4.17	20.6
Flock D	.091	.10	3.83	24.8

The above table further analyzed shows:

Flock.	Pounds of wool per head.	Labor per head.	Miscellaneous expenses per head.
A	8.5	$0.50	$0.94
B	6.13	.83	1.24
C	2.47	.45	1.61
D	4.98	.60	.63

The extraordinary light production of wool from flock C of less than 2½ pounds of wool per head, which sold for the same average price of all the 44 flocks included in Table VI—that is, 14 cents per pound—indicates that the small yield of wool was not caused by disease, or the quality of the wool would have suffered, and the price accordingly. It may also be said that the average weight of fleeces for the 12 Western States is about 7 pounds, and none of these States averages less than 6 pounds of wool per head. (See wool product of United States, 1910, Yearbook Department of Agriculture, p. 637.) It might be surmised that the owner of flock C, disgusted with the small yield of wool, sold off many more sheep than the average owners sold, and that would account for the large "net credit to wool per pound" and the handsome rate of income on capital of 20.6 per cent. In that event the flock would be decreased for the following year, and the statistics for the abnormal year and the small wool production of flock C should certainly not be taken as a basis for computing the cost of the wool production. As flock A produced but little over $1 per head from wool and nearly $3 per head from mutton, and so forth, and as the capital per head was $5.53, it follows that about one-third of the flock must have been sold to bring the receipts "from other

sources" to the large percentage that is reported. It is unfortunate that not even the State in which the flocks are located is given in the report of the board, and therefore there is no guide to help form an opinion as to the correctness of the statistics. Everything has to be taken on faith as to the accuracy and honesty of the agents of the Tariff Board and the flock-owners and the accuracy of those who prepared the statistics, while the vast discrepancies in the result for nearly every flock in all the tables throws grave doubt on their reliability as the basis for the cost of the production of wool in the Western States.

With the settlement of the Western States the sheep and cattle ranges have been considerably restricted, and this has led to a greater number of sheep having been sent to the shambles because of the lack of free or cheap grazing land. At Chicago alone the increase in the number of sheep sent to that market was 3,500,000 in 1900 and 5,229,000 in 1910. (Tariff Board report, p. 344.) It is therefore probable that the large receipts "from other sources"—mutton and lamb, and so forth—for the years covered by the Tariff Board's statistics have been considerably beyond the normal, and have therefore augmented the receipts of the flockmasters from that source at the expense of the future size of the flocks. Lack of free or cheap grazing land and the high price of mutton, together with the lower price of wool, was bound to have such an effect on the sheep industry, and has no doubt added to the difficulty of the Tariff Board in arriving at the average upon which it relies to prove the cost of wool production. If the statistics compiled by the board had included, say, the last 10 years instead of just 1 year, and had shown similar percentages of receipts " from other sources," as in the six tables considered, such evidence would have, in a measure, confirmed the findings of the board, or have shown conclusively that a one year's average does not furnish sufficient data upon which to base the cost of production in the Western States.

In arriving at the average cost of production of wool in the Western States, and in the estimates of the cost of production in Australia and South America, the board seems to have involved other years with the year for which their statistics are supposed to report. On page 308, the report, in speaking of the Western States, says:

> The study was commenced in Texas in February, 1911, and during the ensuing six months the operations of some 500 different concerns, representing almost every phase of the business in the various Western States, were placed under personal examination.

That period would be from February, 1911, to July, 1911, inclusive. On page 333 the report says:

> Unless otherwise indicated, the statistics here presented are for the year 1909–10, and those given for the United States apply only to the region west of the Missouri River.

That period would seem to be for the parts of two years previous to the year when "the study was commenced in Texas in February, 1911." Then, on the same page, 333, the report says:

> In our Western States the investment in the flock is $4.40 per head, and in Australia and South America $4 and $2.75, respectively. These are the values obtained during the early months of 1909. Since then the sheep industry of the United States has undergone decided depression, with the result of a shrinkage of flock values, in some cases amounting to 25 to 50 per cent. In Australia, on the contrary, the industry has been in a highly flourishing condition, and this has created a strong demand for stock sheep; so that there has probably been some increase in the average value of the flock. And in South America the industry has continued to flourish, and the flock values have remained practically unchanged.

It would appear, therefore, that the three years 1909–1911 are involved in the statistics, and, as the sheep industry and the price of wool and mutton have undergone decided depression during that period, it is important to know the particular year which each set of statistics represents. However, the Tariff Board evidently has arrived at the conclusion that it is not important, as far as comparison between this country and Australia and South America goes, to confine the statistics to one particular year; for, on page 333, the report says:

> It has not been possible, nor has the board deemed it necessary, to present detailed tables of costs for these countries, as has been done in the case of the United States. And while the statistics of comparative costs presented in the following pages are, for the most part, based on information collected in the countries concerned by special agents or representatives of the board, it should be remembered that from the nature of things this information is not so complete as that collected for the United States, and that consequently the statistics partake more of the nature of estimates or approximations than do those given for the United States. The board believes, however, that the statistics of costs presented are sufficiently typical and closely enough approximate the costs incurred during normal seasons and under conditions necessitating no abnormal expenses to bring out the comparative conditions existing in the United States and these other countries.

The object of this branch of the investigations of the Tariff Board is supposed to be the discovery of the difference in the cost of production of wool here and abroad, so that the tariff on wool may be adjusted according to the facts, which, of course, must be accurate and concomitant to be conclusive; whereas the board admits that the statistics of the cost of foreign wool "partake more of the nature of estimates or approximations," so that the theory of discovering the difference in the cost of production of wool fails because of the inadequacy of the basic facts necessary for a fair comparison of the cost here and abroad.

WOOLGROWING IN THE EASTERN UNITED STATES.

Under the head of woolgrowing in the eastern United States the Tariff Board confines its statistics principally to merino sheep or merino crossed with mutton sheep, and mainly covers the Ohio region, where the growers place their "chief emphasis on wool production." Here again the board encountered numerous snags in arriving at the cost of production of both wool and mutton, and therefore confined its investigations mainly to those sections of the Ohio region which include parts of Ohio and adjacent parts of Pennsylvania and West Virginia and certain counties of southern Michigan, where the flocks are mostly thoroughbred merino sheep or half or quarter bred merino. The Ohio region is the head center of the Woolgrowers' Association—for whose benefit the Dingley and the Aldrich-Payne tariff bills on wool were framed—who, in spite of the 10 to 33 cents per pound duty, equal to from 97.57 to 43.38 per cent ad valorem under the imports of 1911, are asking for greater protection. According to the statistics of the board this high protection does not seem high enough to give a "reasonable profit" to many of the growers. The statistics included in Table XIII of the Tariff Board report, from which four flocks of sheep are selected, give the following details:

Four selected flocks from:

TABLE XIII.—*Net charge against wool per pound, 35 cents and upward (interest on investment not included).*

	Number of sheep.	Pounds of wool.	Wool per head.	Grade of wool.
Total and average of 32 flocks	6,455	37,734	[1] 5.84	.....
Flock A	606	2,000	3.30	X
Flock B	42	360	8.57	XX
Flock C	270	1,598	5.94	XX
Flock D	378	2,072	5.48	XX

	Receipts.			Expenses on basis of—	
	From wool.	From other sources.	Total.	Market price of grain and hay.	Average cost of production of grain and hay.
Total and average of 32 flocks	$10,595	$2,951	$13,546	$24,491	$18,153
Flock A	450	.....	450	1,096	885
Flock B	90	69	159	267	193
Flock C	399	112	512	998	673
Flock D	621	300	921	1,622	1,241

	Net charge against wool per pound on basis of—		Selling price per pound.	Expense per head.
	Market price of grain and hay.	Cost of production of grain and hay.		
Total and average of 32 flocks	[1] $0.58	[1] $0.40	[1] $0.28	[1] $2.81
Flock A	.54	.44	.22½	1.46
Flock B	.55	.35	.25	4.60
Flock C	.55	.35	.25	2.49
Flock D	.64	.45	.30	3.28

[1] Average.

There are the same discrepancies between the cost of production of wool in the above table and all the tables for the Eastern States as are shown in the tables for the Western States; for it will be noticed that the expense of keeping sheep varies from $1.46 per head to $4.60 per head, and even allowing only the average cost of production of grain and hay fed to the flock, there is not one flock included in Tables XIII and XIV—and some of the flocks in Table XV—that shows a profit to the owners. If the market price of grain and hay is charged against the flock the loss would be much greater; but, of course, in that case the farmer makes a profit on the difference between the

producing price and the market price of the grain and hay. But if the farmer had no sheep he would secure the difference in value between the hay and grain raised and the price it could be sold for less the expense of marketing.

Table XIV—Net charges against wool per pound 30 cents and under 35 cents per pound—is nearly a repetition of Table XIII, except that the statistics show that the average expense per head is $2.59 instead of $2.81, as stated in Table XIII, and the net charge against wool per pound on the basis of the average cost of production of the grain and hay fed to the sheep is $0.32 instead of $0.40, as in Table XIII. Again, no flock shows a profit, although the cost of the grain and hay fed to produce a pound of wool averaged 8 cents per pound less than the average given in Table XIII, and the wool was sold for only 1 cent less per pound than the wool from the 32 flocks included in Table XIII. It would be interesting to know how it is that the hay and grain cost less per pound of wool in Table XIV than in Table XIII, and 5 cents less in Table XV; and even more extraordinary, the cost is reduced to a net charge against wool per pound of $0.12 in Table XVII. Those extraordinary differences in the net charges against the wool produced, on the basis of the cost of feeding the sheep, from 40 cents per pound of wool to 12 cents per pound, is even more extraordinary in the statistics of Table XVIII, where there is an average net credit of 6 cents per pound of wool; that is, the wool of each flock paid all the expenses and in addition returned a profit of from 1 cent per pound up to 21 cents, or an average for all the flock of 6 cents on each pound of wool produced.

The statistics on the crossbred sheep given in Table XIX shows an average net credit to wool per pound on the basis of average cost of production of grain and hay fed to the sheep of 2 cents, and more than half of the flocks included show such net credit ranging from 1 cent to 65 cents per pound.

The following table, which is a synopsis of the costs and receipts of all the tables now being considered, shows where profits began, namely, in Table XVI, when the charge per head is lowest, and rises from this point as the profit increases.

TABLE XXIII.

Table.	Net charge per pound of wool.	Net charge per head.	Receipts per head.		
			Wool.	Other sources.	Total.
XIII.....	35 cents and above.....	$2.81	$1.64	$0.46	$2.10
XIV.....	30 cents and under 35 cents.....	2.59	1.73	.51	2.24
XV.....	25 cents and under 30 cents.....	2.50	1.77	.71	2.49
XVI.....	20 cents and under 25 cents.....	2.27	1.89	.77	2.66
XVII....	Under 20 cents.....	2.36	1.94	1.44	3.38
XVIII...	Net credit.....	2.81	1.99	3.29	5.29
XIX.....	Crossbred.....	2.78	1.47	2.93	4.38

The report of the Tariff Board shows that when the crossbred flocks (Table XIX) are considered, nearly all show greater receipts from mutton and lambs than from wool, the receipts from those sources constituting about two-thirds of the total receipts, while the average of the merino flocks show receipts from mutton and lambs a little less than one-third of the total receipts. The average cost per head of maintenance of the crossbred sheep is $2.78, and the average receipts from other sources than wool are $2.92, or a balance of 16 cents in favor of the farmer, which, added to the average receipts of $1.46 per head from wool, produces a total of $1.62 per head as profit.

In the case of the merino flocks the average maintenance costs per head are $2.44, and the average receipts from other sources per head are only about $1.07, leaving a difference of $1.37 to be covered by the average receipts from wool; and, since these amount to $1.88 per head, there remains 50 cents per head as average profit. (Vol. II, pt. 2, p. 373, report of Tariff Board.)

In considering the comparative cost of producing wool in England, France, and Germany the evidence submitted is vague and inconclusive. As to England, the board says:

Estimates made especially for the board by a prominent English authority show that about one-fifth of the total receipts from the flock are derived from wool and that the average yield per head of sheep is about 5 pounds of wool, worth about $1, and one lamb, worth about $5; and since this same authority estimates that the entire costs per head of sheep, including labor costs, are about $4.16, it is seen that English sheep husbandry is fairly profitable. (Vol. II, pt. 2, p. 374.)

Concerning France, in speaking of the Rambouillet sheep and the Dishley merino, produced by crossing the merino with an English mutton type, the board says:

In certain famous flocks visited by an agent of the board the sheep were shearing as high as from 9 to 11 pounds of fine medium wool, bringing the grower, in 1910, from 18 to 20 cents a pound, and lambs worth, when fat, from $8 to $10. Owing to the fact that in France sheep are usually run on higher priced land than in England, the costs of production per sheep are somewhat higher; but this difference is quite made up by the fineness of the fleece and the high price of mutton, so that, measured by the net returns per head of sheep, flock husbandry is possibly more profitable in France than in England. (Vol. II, pt. 2, pp. 374–375.)

Concerning Germany, the board reports, apparently without any definite information, as follows:

In those regions of Germany where conditions have been favorable and the emphasis has been shifted from wool to mutton, conditions approach those in France. But the readjustment has not been carried so far, and many German flock owners still raise the fine-wool sheep, which barely pay for their keep. (Vol. II, pt. 2, p. 375.)

In summing up the wool situation, the board says:

In the western region of the United States, with approximately 35,000,000 sheep, the net charge against a pound of wool is about 11 cents. In other sections, with about 15,000,000 sheep, the net charge against a pound of wool from the merino sheep, which number approximately 5,000,000, is about 19 cents, and the net charge against the wool grown on sheep of the crossbred type is negligible.

On an average for the United States as a whole the net charge against a pound of "fine" wool is a fraction over 12 cents.

Accepting 19 cents as the average charge against a pound of wool of a distinctly fine or fine-medium character grown in the farming States, 11 cents as a fair average for the Western States, and assuming that on an average the smaller farm flocks of a distinctly mutton or coarse-wool type pay for their own wool, and giving each class its approximate relative weight in the calculation, a general average for the entire clip of the country, all grades included, would be about 9½ cents per pound.

While the expenses in the United States during the year under review were fully up to the average for a series of years, the receipts fell below the average. It is but fair, therefore, to assume that the estimated income of 6.2 per cent should, under normal receipts, be considerably increased. There is no contingency, however, in sight that can by any possibility place domestic growers on an equality in the matter of costs with their competitors in South America, Australasia, and the Cape Colonies. (Vol. II, pt. 2, pp. 376–377.)

It is greatly to be regretted that after all the time, labor, and expense which the Tariff Board has consumed the President and the Congress are far from being informed as to the comparative cost of production of wool here and abroad.

Mr. CUMMINS obtained the floor.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. SANDERS in the chair). Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Myers	Smith, Ga.
Bacon	Gallinger	Nelson	Smith, S. C.
Bankhead	Gronna	Newlands	Smoot
Bradley	Guggenheim	O'Gorman	Stephenson
Brandegee	Heyburn	Oliver	Swanson
Briggs	Johnson, Me.	Overman	Thornton
Bryan	Johnston, Ala.	Page	Tillman
Burnham	Jones	Paynter	Townsend
Clapp	Kenyon	Perkins	Warren
Crawford	La Follette	Pomerene	Watson
Culberson	Lodge	Reed	Wetmore
Cullom	McCumber	Root	Williams
Cummins	McLean	Sanders	Works
Dillingham	Martin, Va.	Shively	
du Pont	Martine, N. J.	Simmons	
Fall	Massey	Smith, Ariz.	

Mr. THORNTON. I wish to announce the absence of my colleague [Mr. FOSTER] on account of illness. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. There is a quorum present. The Senator from Iowa will proceed.

Mr. CUMMINS. Mr. President, I offer the amendment I send to the desk to the bill under consideration.

The PRESIDING OFFICER. The Senator from Iowa offers an amendment which the Secretary will read.

The SECRETARY. Strike out all after the enacting clause of the bill and insert as a substitute the following words:

That the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended by striking out all of the paragraphs of schedule K of section 1 of said act, from 360 to 395, inclusive, and inserting in place thereof the following:

1. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided for the purpose of fixing the duties to be charged thereon, into the three following classes:

2. Class 1, that is to say, Merino, mestiza, metz, or metis wools or other wools of Merino blood immediate or remote, down clothing wools, and combing wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Egypt, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Morocco, and elsewhere, and Leicester, Cotswold, Lincolnshire, down combing wools, Canada long wools, or other like wools of English blood, and usually known by the terms herein used, and all wools not hereinafter provided for in class 3.

3. Class 2, that is to say, all hair of the camel, goat, alpaca, or other like animal, not hereinafter provided for in class 3.

4. Class 3, that is to say, Donskol, Native South American, Cordova, Valparaiso, Native Smyrna, Russian camel's hair, and all such wools

of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

5. The standard samples of all wools or hair which are now, or may be hereafter, deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools and hair under this act, and the Secretary of the Treasury is authorized to renew these standards, and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they may be needed.

6. Whenever wools of class 3 shall have been improved by the admixture of Merino or English blood, from their present character, as represented by the standard samples, now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

7. If any bale or package of wool or hair specified in this act shall be entered as class 3, and shall contain a greater percentage of class 1 wool, or class 2 hair, than does the proper standard sample thereof, then the whole bale or package shall be subject to the rate of duty chargeable on wool of class 1, or hair of class 2, as the case may be; and if any bale or package shall be entered by the importer, or anyone duly authorized to make entry thereof, as shoddy, mungo, flocks, wool, hair, or other material, of any class specified in this act, and such bale or package shall contain any admixture of any one or more of the foregoing, or of any other material, subject to a higher rate of duty, the whole bale or package shall be dutiable at the highest rate imposed by this act upon any article or material in said bale or package.

8. Whenever in any paragraph of this act the word "wool" is used in connection with the material or manufactured article of which it is a component material, it shall be held to include wool or hair of sheep, camel, goat, alpaca, or other like animal, whether manufactured by the woolen, worsted, felt, or any other process.

9. The duty on all wools of class 1 shall be, if scoured, 19 cents per pound; if in the grease, or in any other condition than scoured and not advanced by any process of manufacture, 18 cents per pound on the clean wool, which shall be ascertained by scouring or other tests made in accordance with regulations prescribed by the Secretary of the Treasury: *Provided, however,* That in no event shall the duty exceed 45 per cent ad valorem.

10. The duty on all hair of class 2 shall be, if scoured, 8 cents per pound. If in natural condition or any other condition than scoured, and not advanced by any process of manufacture, 7 cents per pound on the clean hair, which shall be ascertained by scouring or other tests made in accordance with regulations prescribed by the Secretary of the Treasury: *Provided, however,* That in no event shall the duty exceed 30 per cent ad valorem.

11. The duty on all wools and camel's hair of class 3 shall be, if scoured, 6 cents per pound. If in their natural condition or any other condition than scoured, and not advanced by any process of manufacture, 5 cents per pound on the clean wool or hair, which shall be ascertained by scouring or other tests made in accordance with regulations prescribed by the Secretary of the Treasury: *Provided, however,* That in no event shall the duty exceed 40 per cent ad valorem.

12. The duty on wools or hair on the skin shall be 2 cents per pound less than is imposed upon the clean wool or hair of class 1, 2, or 3, as the case may be, imported not on the skin and unscoured, the quantity and value to be ascertained under such rules as the Secretary of the Treasury may prescribe.

13. Top waste and slubbing waste, 20 cents per pound.

14. Roving waste, ring waste, and garneted waste, 16 cents per pound.

15. Noils, carbonized, 14 cents per pound; uncarbonized, 11 cents per pound.

16. Thread waste, yarn waste, and wool wastes not herein specified, shoddy, mungo, and wool extract, 7 cents per pound.

17. Woolen rags and flocks, 3 cents per pound.

18. Combed wool or tops made wholly or in part of wool or camel's hair, valued at not more than 20 cents per pound, 12 cents per pound on the wool contained therein; valued at more than 20 cents per pound and not more than 30 cents per pound, 16 cents per pound on the wool contained therein; valued at more than 30 cents per pound and not more than 40 cents per pound, 18 cents per pound on the wool contained therein; valued at more than 40 cents per pound and not more than 50 cents per pound, 20 cents per pound on the wool contained therein; valued above 50 cents per pound, 21 cents per pound on the wool contained therein. That on all the foregoing in this paragraph mentioned there shall be paid an additional duty of 5 per cent ad valorem.

19. Wool and hair which has been advanced in any manner or by any process of manufacture beyond the scoured condition but less advanced than yarn and not specially provided for in this act, 20 cents per pound on the wool contained therein, and in addition thereto 5 per cent ad valorem.

20. On yarns made wholly or in part of wool valued at not more than 30 cents per pound the duty shall be 14 cents per pound on the wool contained therein, and in addition thereto 12 per cent ad valorem; valued at more than 30 cents per pound and not more than 50 cents per pound the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 15 per cent ad valorem; valued at more than 50 cents per pound and not more than 80 cents per pound the duty shall be 21 cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem; valued at more than 80 cents per pound the duty shall be 24 cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

21. On cloths, knit fabrics, flannels, felts, women and children's dress goods, coat linings, Italian cloths, buntings, and all other fabrics of every description made wholly or in part of wool and not specially otherwise provided for in this act, valued at not more than 30 cents per pound, the duty shall be 16 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem; valued at more than 30 cents per pound and not more than 40 cents per pound the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem; valued at more than 40 cents per pound and not more than 60 cents per pound the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem; valued at more than 60 cents per pound and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem; valued at more than 80 cents per pound and not more than $1 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem; valued at more than $1 per pound and not more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem; valued at more than $1.50, 28½ cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

22. On blankets and on flannels for underwear, composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem; valued at more than 40 cents per pound and not more than 50 cents per pound, the duty shall be 20 cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem; valued at more than 50 cents per pound, 23 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem: *Provided,* That on blankets over 3 yards in length the same duty shall be paid as on cloths.

23. On ready-made clothing and articles of wearing apparel knitted, woven, or felt of every description made up or manufactured wholly or in part and composed wholly or in part of wool, if valued at not more than 40 cents per pound, the duty shall be 20 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem; if valued at more than 40 cents per pound and not more than 60 cents per pound the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem; if valued at more than 60 cents per pound and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem; if valued at more than 80 cents per pound and not more than $1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem; if valued at more than $1 per pound and not more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem; if valued at more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

24. On handmade Aubusson, Axminster, Oriental, and similar carpets and rugs made wholly or in part of wool, 55 per cent ad valorem; on all other carpets of every description, druggets, bockings, mats, screens, hassocks, bedsides, art squares, and portions of carpets or carpeting, and all other coverings for floors composed wholly or in part of wool, 25 per cent ad valorem.

25. All manufactures made wholly or in part of wool and not specially provided for in this act, if the component material of chief value is wood, paper, rubber, or any of the baser metals, the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem. If the component material of chief value is silk, fur, precious or semiprecious stones or gold, silver, or platinum, the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem. If the component material of chief value be a material not mentioned in this paragraph, the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

26. This act shall take effect on the 1st day of January, 1913.

Mr. CUMMINS. Mr. President, I do not intend to enter upon a general discussion of the history of this most interesting subject. It is rich in material for debate. Under other circumstances I would be very glad to recall to the attention of the Senate and the country the wonderful analysis of the wool schedule given to the Senate by my late colleague, Mr. Dolliver, when the revision of 1909 was before the Senate. I pause long enough, however, to say that the investigation of the Tariff Board and its report, which we now have before us, vindicate every assertion made by that great statesman and point unerringly to the revision of the schedule that should take place, just as he pointed to it with his rare prescience three years ago. When I remember the attitude of the Senate respecting the wool schedule at that time and compare it with the advices that we have received from the Tariff Board, I feel like paying tribute to his memory, because his marvelous study then so closely approximates the study of the Tariff Board since. While I do not agree with the Tariff Board in every respect, I at once concede that it has put the Senate and the country into possession of information most valuable and most necessary for the construction of a schedule respecting duties upon wool and the manufactures of wool. I intend to follow, however, as I understand it, the report of the Tariff Board so far as it presents facts. I do so hoping that other Senators upon this side of the Chamber, who profess a willingness to be guided by the advice and the information given and collected by the Tariff Board, will look with some favor upon the amendment I have proposed.

I can not vote for the House bill. I can not vote for it, because, while I have no doubt it is effective from the standpoint of the political organization that is sponsor for it, in my opinion it does not reach the protective point; and, as I explained when the metal schedule was under debate, my conviction politically and economically is that we ought to preserve duties upon competitive commodities that will enable the domestic manufacturers to reach and fill the American market at a fair, reasonable profit.

The duty of the House bill upon wool is 20 per cent. There are some wools that are grown in the United States that would be amply protected by a duty of 20 per cent, but, in my judgment, by far the greater part of the wool production in this country could not sustain the reduction proposed in the House bill. If we are to take—and I think we might well take—the statement of the Tariff Board in that respect, the average foreign price, or London price, of scoured wool during the period passed over by the board was about 40 cents per pound. Twenty per cent upon scoured wool would be 8 cents per pound; 20 per cent upon the wools sold abroad at 30 cents per pound would be 6 cents per pound. There are a great many pounds

of wool sold in the foreign market and imported into the United States of less value than 30 cents per scoured pound. I do not criticize my friends upon the other side of the Chamber for attaching a duty of 20 per cent upon wool, because, as I understand—as I gather from the report of the Committee on Ways and Means which accompanied the bill—it was intended to invite additional importations from other countries. It was not intended to preserve, to the degree which we now preserve them, the markets of the United States to home-grown wool. Concerning that political doctrine I enter upon no discussion at the present time. I merely say that the point fixed by the House bill is so far below the point of reasonable protection that it is impossible for me to give it my support.

On the manufactures of wool I think the House bill is higher proportionately than upon wool itself. The duties upon the manufactures of wool in that bill approach more nearly the protective point than does the duty upon the original product, but, nevertheless, in each instance which I have examined—and I have examined a great many of them with exceeding care and compared them with the report of the Tariff Board—I find that one viewing the subject from the standpoint of adequately protecting American industry can not assert fairly, nor have I heard it asserted by anyone who espouses the bill, that these duties will measure the difference between the conditions here and abroad, or, in other words, the difference between the cost of production here and abroad. I say this much in order that it may be fully understood that, while I rank myself second to no one in a desire to secure a substantial reduction in the duties of the wool schedule, I can not bring myself to support or approve the House bill.

It is therefore, Mr. President, that I have offered the amendment which has just been read, and without any desire to occupy the time of the Senate with any partisan discussion, without any desire to bring into the debate the least partisan feeling, I intend to state as plainly and simply as I can the reasons which have led me to believe that the amendment which I have proposed will at once very greatly diminish the unjust burdens which the American people for years have been compelled to bear and fairly protect the woolgrowing industry and the manufactures of wool.

In the beginning allow me to say that I recognize the amendment which I have proposed contains some duties—I may say with frankness many duties—that are somewhat higher than are required by the terms of the report of the Tariff Board. I have been led to take this course because I recognize that there are differences of opinion with respect to the proper conclusions to be drawn from the report, and I have a real hope that these differences of opinion may be bridged and that we can secure at this session of Congress, not all the relief to which the people of the country are fairly entitled, but a measure of the relief to which they are entitled. I will say in this connection that I stand ready to vote for any measure that will reduce the duties of this schedule, provided they are not reduced below what I believe to be the fair protective point. I ask now a consideration of the amendment which I have proposed.

It begins with a duty of 18 cents per pound upon the real or clean wool—that is, substantially, scoured wool. In my judgment, a fair deduction from the facts stated by the Tariff Board would permit a duty as low as 15 cents per pound upon clean wool.

Mr. TOWNSEND. Mr. President, what is the duty now?

Mr. CUMMINS. There is no duty now upon——

Mr. TOWNSEND. What is the equivalent duty?

Mr. CUMMINS. There is a duty of 33 cents per pound upon scoured wool, but the duty which is put upon substantially all the wool imported is a duty in the grease—a duty upon the grease pound instead of upon the clean pound.

Mr. SMOOT. Of 11 cents a pound.

Mr. CUMMINS. Of 11 cents a pound upon class 1 wool. Before I go further, however, with the suggestion I have just made, I think I ought to say that in the amendment which I have offered, the wools have been somewhat reclassified, but only to this extent: I have taken—and I have followed distinguished authority in so doing—all the wools out of class 2 and have put them in class 1, so that in class 2 there are no wools, that class being confined to the hair of the camel, the goat, the alpaca, and so forth.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. Yes.

Mr. SMOOT. That, of course, is done for the reason that all the duties in that class are based upon the scoured content of the wool.

Mr. CUMMINS. Precisely. One of the great faults of the present law respecting the duty on wool is that it is inflexible; that 11 cents per pound is laid without regard to the shrinkage or the value of the wool. That is one of the complaints most constantly and most justly made against the existing wool tariff, namely, that the duty is so high that the importation of low-priced wool—high-shrinking wool—is prohibited.

There is no great difference between 18 cents a pound upon the clean content and the present duty on wool in so far as the high-priced or the low-shrinking wools are concerned, but I have attempted to so adjust the duty that the low-priced wools, the high-shrinking wools, which can be used for the cheaper cloths and fabrics, may enter the country upon a fair basis. Therefore I have provided that, although the duty on first-class wools shall be 18 cents per pound, no duty shall be levied in excess of 45 per cent ad valorem. The existing duty of 11 cents and 12 cents per pound upon many of the wools that might be used for clothing is now, when rendered into an ad valorem 80 per cent, 100 per cent, and sometimes more than 100 per cent, and therefore these wools are entirely excluded. This amendment fixes an absolute limit, so that in no event can there be more than 45 per cent laid upon the clean wool in such importations. This will, I think, enable a considerable quantity of low-priced wools to enter our market and be used by our manufacturers for the production of the cheaper class of garments.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do; but I want to say that I presume a great many other Senators desire to speak. I yield to the Senator from Utah now, but in that connection I desire to state that I hope I may be allowed to finish my remarks without interruptions that will consume a great amount of time.

Mr. SMOOT. Mr. President, I recognize the propriety of the suggestion of the Senator, and I certainly have no desire to interrupt him at all. I thought I would call his attention to a few figures at that point before he left it, but I will not do so at this particular time.

Mr. CUMMINS. I said a few moments ago that a duty of 15 cents per pound on clean wool might be well assumed from the Tariff Board's report, and I desire to read just a word with respect to that point from the report. I first read an extract from volume 2, page 376. In this extract the board attempts to sum up the cost of producing wool in the United States. It says:

> In the western region of the United States, with approximately 35,000,000 sheep, the net charge against a pound of wool is about 11 cents. In the other sections, with about 15,000,000 sheep, the net charge against a pound of wool from the merino sheep, which number approximately 5,000,000, is about 19 cents, and the net charge against the wool grown on sheep of the crossbred type is negligible.
>
> On an average for the United States as a whole the net charge against a pound of "fine" wool is a fraction over 12 cents.
>
> Accepting 19 cents as the average charge against a pound of wool of a distinctly fine or fine medium character grown in the farming States, 11 cents as a fair average for the Western States, and assuming that on an average the smaller farm flocks of a distinctly mutton or coarse wool type pay for their own wool, and giving each class its approximate relative weight in the calculation, a general average for the entire clip of the country, all grades included, would be about 9½ cents per pound.

I do not want it to be understood that I agree with the theory which is here stated by the Tariff Board; I have views of my own in respect to the proper way in which to arrive at a result if I were seeking the cost of producing wool in this country; but, for the purposes of this amendment and this discussion, I accept not only the theory of the Tariff Board, but I accept its conclusions upon the facts which it collected as well. We therefore have in the United States an average cost of producing wool of 9½ cents per pound. Let us now see what the cost abroad is. I turn to the same volume, at page 350, where the report says:

> There remains, therefore, only the simple operation of subtracting from the flock expenses the receipts from other sources than wool, to reveal the fact that as against a clearly demonstrated net charge against the western American wool of from 10 to 11 cents, there is probably not more than 4 to 5 cents per pound against the South American clip; and, if the season is normal and the sheep market steady, little, if any, charge against the Australian. Indeed, well managed stations in many parts of Australia are showing at the present time a profit before any wools are sold.

A similar remark could be made with regard to many of the woolgrowers in the United States.

> It is not safe to assume, however, that the more remote runs are doing so well, and there is always the possibility of paralyzing droughts.
>
> * * * * * * *
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> In the light, therefore, of the best information to be obtained, the board believes that at the present time the entire Australian output of merino and crossbred wool (interest being left out of account, as in the case of the United States) is moving to market, under present

receipts from sales of sheep, with a net average charge of but a few cents per pound; and this estimate apparently holds good of New Zealand and the African Cape as well.

We have here collected, therefore, the South American competitors, the Australian competitors, the African competitors, and the New Zealand competitors, and these are substantially all the competitors of the United States, so far as class 1 wool is concerned. The board says with regard to Australia, New Zealand, and the African Cape that a few cents per pound may be regarded as the cost in those countries. That is rather an indefinite statement; no one knows what is meant by "a few cents per pound"; but it is perfectly safe, I think, to assume that when the board declared that these costs were a few cents per pound, it did not mean to say that they were less than 2½ cents per pound. Therefore I have taken 2½ cents per pound as the cost in these three countries; 4½ cents per pound for the cost in South America, and the result is as the average for those four countries of 3½ cents per pound. Deducted from our cost of 9½ cents per pound, there remains a difference of 6 cents per pound, which, according to the protective doctrine advocated by the party to which I belong, must be covered by a duty.

The shrinkage of American wool, according to the report of the Tariff Board, is substantially 60 per cent. When, therefore, we are attempting to convert a difference of 6 cents per pound in the grease into a difference in scoured or clean wool, we find that the difference is 15 cents per pound. Mathematically that is the conclusion to be drawn from the report of the Tariff Board, and while I am perfectly willing to take these facts, I have not been willing to accept the conclusion which many people draw from those facts.

I have believed that it would be safer and better to advance the duty on scoured wool to 18 cents. Why? First, the system of averages adopted by the Tariff Board is most misleading. I am not criticizing the Tariff Board. I do not know any other way in which it could ever arrive at a conclusion, grouping all the fields of production together. It says that there is a part of this country in which wool costs nothing, and, of course, you all know how it reaches that conclusion. It credits up to the account the entire revenue from the sheep, other than wool, and deducting that from the entire cost, in some cases there is a credit rather than a debit to the cost of the wool. In other parts of the country similarly computed there is a cost of 12 cents; in other parts, 11 cents; in other parts, 19 cents. Thus, you can see at once how utterly impossible it is to deduce from those facts any mathematical conclusion.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. Certanly.

Mr. REED. If it will not interrupt the Senator at all, I understand the Senator to state that the Tariff Board found that in some parts of the country it costs nothing whatever to produce wool, and that it arrives at that conclusion by charging the cost up to the other parts of the sheep. Is that the idea?

Mr. CUMMINS. That is the theory of the Tariff Board.

Mr. REED. In other words, if it costs a certain amount on a flock of a thousand sheep, and the total product of that flock exceeds the total cost, they then draw the conclusion that the wool costs nothing.

Mr. CUMMINS. The Senator states it correctly.

Mr. REED. And that is the intelligent, highly scientific Tariff Board that Congress is expected to blindly follow, and that is the board in respect to which the President practically said to Congress it had to be heard from before Congress could be permitted to act at all upon tariff matters.

Mr. CUMMINS. I mean to say, Mr. President, that while I am not satisfied with that theory of reaching costs, yet that theory is the one which most greatly tends to a reduction of the tariff duties, because every item of revenue is credited against the entire cost of the business, leaving only what remains as the cost of producing the article under consideration.

I have often wondered, however, how we would proceed if we were endeavoring to ascertain the proper duty on mutton. Then, of course, the same way of dealing with this subject would require the Tariff Board to consider the wool as a by-product and credit it up to the cost of maintaining the sheep, whatever was obtained from the wool, leaving the cost of mutton as the remainder. However, I do not think the Senator from Missouri can justly complain of it, because it reduces the cost to the lowest possible point.

Mr. REED. The Senator's suggestion is just what I had in mind, and now it occurs to me that if we can get the Tariff Board to figure this proposition from both ends—that is, from the mutton end as well—they will easily demonstrate that it costs nothing to raise mutton, adding the cost to the wool, and then when they figure the wool end of the proposition they can show that it costs nothing to raise wool. Then we will have our sheep free of cost entirely, and I should think every good tariff protectionist would feel now, in view of that method of figuring, that really Congress ought to lay aside its constitutional duties to bring forward revenue measures and, following the suggestion of the President in his wool veto message, blindly accept the findings of this great board.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. In just a moment. I feel that I must ask the Senator from Missouri a question at this point. If he were endeavoring to ascertain the cost of wool and found that it cost $5 a year to support a sheep, how would he go about ascertaining how much it cost to raise the wool on the sheep? I ask for information, because I confess I have found it a very difficult problem.

Mr. REED. I think, Mr. President, the only way it could be honestly arrived at would be to take the entire cost of rearing the sheep and maintaining it and take the entire revenue derived from the sheep, and then apportion the cost to the production. I can see no other way in which anybody could do it.

Mr. CUMMINS. That is the way the Tariff Board had in mind, and rejected it because it made the cost too great.

Mr. REED. The Tariff Board, if it limited itself to furnishing the facts and permitted Congress to do the thinking, might be of some use, but if I understand the last remark of the Senator it implies nothing more or less than this: The Tariff Board started to arrive at a certain conclusion, and they figured so as to reach that conclusion. If the Tariff Board is proceeding in that way, then certainly its conclusions are very unreliable.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. SMOOT. I am surprised at the statement made by the Senator from Missouri, and yet perhaps not altogether surprised, because I do not believe he knows anything about the raising of sheep.

Mr. REED. Mr. President, if the Senator will permit me to reply to that personal remark, I imagine that in the estimation of the Senator from Utah I do not know very much about anything; and I sometimes think that he considers himself the sole repository of all human knowledge, and I am inclined to concur in that opinion.

Mr. SMOOT. If the Senator's opinion in that particular is of the same value as his opinion with respect to a good many other things, then I will concur in it, but there is no such thought in my mind.

If all sheep were alike, and all sheep weighed the same number of pounds per head, and each sheep sheared the same number of pounds of wool, and all sheep ate the same amount of feed, then the argument of the Senator from Missouri would stand. But why is it that it costs nothing for raising wool in one place and 12 cents in another?

These are the facts, Mr. President: There are certain sections of the country that raise large-boned sheep. They raise them for mutton only—or, in other words, I may modify that by saying particularly for mutton—and those sheep shear a very few pounds of wool. The wool is loose. It carries no grease, and it is very coarse; and, therefore, whenever they raise a sheep it weighs almost twice what a fine-wool sheep weighs. Therefore when you figure the cost of the wool, of course the mutton itself and the increase in the herd pay for the running expenses of the whole herd, and whatever wool they have there is absolute profit.

On the other hand, 65 per cent of the sheep of this country are in the Rocky Mountain country. They are fine-wool sheep; they are not as large bodied as mutton sheep; they are raised for the wool, and average about 7 or 8 pounds of wool to the head, and when they sell for mutton they do not bring as much for it as the larger-bodied sheep raised for mutton only.

Therefore the Tariff Board could arrive at no other plan to bring the information to this body than they did. It would be absolutely impossible to do it, and that is how they arrived at the cost of wool.

Mr. CUMMINS. Mr. President, I hope the Senator is not going to extend his remarks very long.

Mr. SMOOT. I am satisfied with that.

Mr. CUMMINS. I want to finish my reasons——

Mr. NELSON. Mr. President, will the Senator allow me to say just a word? It occurs to me that in figuring the cost of

raising sheep the cost and expense ought to be apportioned pro rata to the wool and the mutton in the sheep, and these sheep that the Senator from Utah speaks about are raised out in a country where they do not feed much hay; they go on the big ranges, while the sheep that we have here in the Eastern States we have to winter and feed them half the year, and it is utterly unfair for the Tariff Board to charge it all to mutton and nothing to the wool.

Mr. SMOOT. I want to say to the Senator that the only way to arrive at any definite conclusion is to treat them on the same system. If you are going to treat one section that way, you must treat the other. They have treated the sheep in Australia under this system, and the sheep in all sections of this country, and that is the only way you can arrive at a just conclusion.

Mr. REED. Will the Senator pardon me one word? The logic of the Senator from Utah is this: If a sheep weighs more than, let us say—to use an arbitrary figure—150 pounds, then you charge his entire cost to the mutton; but if he weighs less than that, then you charge him to the wool.

Mr. CUMMINS. The Senator from Utah is abundantly able to attend to himself, and therefore I shall not attempt to——

Mr. SMOOT. My attention was diverted, and I did not hear what the Senator from Missouri said, and I care very little what he did say.

Mr. CUMMINS. I hope the peace and serenity of the wool debate will not be marred or disturbed by any angry feelings between Senators.

Mr. MARTINE of New Jersey. It would not be lamblike.

Mr. CUMMINS. Or even sheeplike.

I must say for the Tariff Board that it is not fairly subject to the criticism of the Senator from Missouri. The Tariff Board has given us the facts, and we can all employ whatever theory we please with regard to those facts. It has, I think, performed a very valuable service with respect to this subject; and while I do not agree with that theory, yet I am frank to say that when I come to substitute any of my own I am hardly less dissatisfied with my own than I am dissatisfied with that of the Tariff Board. But the fact is that when an average is taken between no cost, 11 cents a pound, 12 cents a pound, and 19 cents a pound, and when the protectionist prepares his duties on the line of that average, to use the language of a friend who occasionally is more graphic, possibly, than classical, we put somebody in the scrap pile.

The man who raises wool at a cost of 12 cents a pound can not be protected upon the hypothesis that it is costing him only 9½ cents, and those who raise their wool at a cost of 15 cents or 19 cents a pound are much less protected by the adoption of the same rule. Therefore, inasmuch as the real trouble in this country with the wool tariff is not the duty of 11 cents a pound upon the high-priced or the low-shrinking wool, but the abnormal, unnecessary, and the indefensible duties upon the low-priced and high-shrinking wool, I have been entirely willing to advance this mathematical deduction to 18 cents a pound upon these wools, with a maximum always of 45 per cent.

More than that, the woolgrower in this country is now and has always been the victim of a delusion so far as duties are concerned. He does not receive and never has received the benefit of the duties that we have imposed upon his competitive production. He will not receive the duties that we are, if we pass this amendment, imposing upon his competitive product. The woolgrower is to some extent at the mercy of the wool manufacturer.

We produce in this country about two-thirds of the wool we actually use. We import the other third. The woolgrower can not export his wool. He can not reach the markets of the Old World and there compete with the producers of Australia, South America, and Africa, and therefore his market is circumscribed by his very conditions, and the wool buyer can give him just what it pleases him to give, subject, of course, to the natural laws of trade.

This is easily proven by the fact, as shown by the Tariff Board—and it is not disputed—that over a long period the average price of scoured wool in London, with the duty added, was 51 cents per pound. During the same period and for the same kind of wool the American producer received 41 cents a pound.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I do.

Mr. REED. The Senator will pardon me just an interruption, and I will not interrupt him again.

The Senator has just said the farmer or the wool producer has not received the benefit of this tariff.

Mr. CUMMINS. I ought to have said the full benefit.

Mr. REED. And that he will not?

Mr. CUMMINS. He does not receive the benefit of the full duty.

Mr. REED. That, of course, is quite a different thing, and I accept it. But if it be true that the wool is being sold in foreign markets for more than is paid here, then does not that bring us back to the original statement of the Senator, that there is in fact no benefit coming to the wool producer; that he is at the mercy of the manufacturers of this country; and if so, why levy any tariff upon wool?

Mr. CUMMINS. He receives some benefit from the wool tariff. When I say he is at the mercy of the wool buyer, I mean just what I say, but I do not mean that the wool buyer can take his wool from him without paying him anything for it. I mean that according to the course of business over a long period of years in this country the woolgrower has received about one-half the full duty—that is to say, his wool has been enhanced in price by about one-half the duty and not the full duty, and, therefore, when we attach a duty of 18 cents per pound upon class 1 wool the woolgrower iin this country, in my opinion, will not receive its full advantage.

These are the reasons which have led me to adopt 18 cents per pound as the basis of my amendment, but it must not be forgotten that this is a very material reduction in the duties on wool as a whole as compared with the Payne-Aldrich tariff law. As I said a few moments ago, the duties of the Payne-Aldrich law on the low-priced and high-shrinking wools has prohibited their importation. But with the maximum of 45 per cent many of these wools will be imported, and those who most deserve consideration at the hands of Congress will receive it by this change in the wool duty.

Mr. BACON. Before the Senator passes from that, I should like to ask him a question.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I do.

Mr. BACON. I should like to ascertain whether from his investigation, the result of which he has stated, as to the different conditions which vary so materially the cost of the production of wool, both as to locality and through other conditions, it is not a necessary conclusion that it is practically an impossibility to ascertain accurately the difference of cost in this country and in other countries, the cost of production in other countries varying as it does in this country, the same problem being found when you come to ascertain what is the cost of production in those countries as when you try to ascertain what is the cost of production in this country.

Mr. CUMMINS. I agree with the Senator from Georgia entirely. A few years ago I started on this quest with high hope and great confidence. I believed that the difference between the cost of production at home and abroad should be adopted as the measure of protective duties. I have been disappointed. Further study has destroyed the illusion which I then held. I do not believe it is possible to ascertain with accuracy the difference between the cost of producing commodities abroad and at home. I do not believe it is possible to ascertain the difference between the cost in different industries at home, and therefore necessarily we can not ascertain what it is abroad.

Mr. BACON. The Senator says "accurately." I presume that the Senator would enlarge it and say even approximately.

Mr. CUMMINS. Yes. There is a certain approximation we can reach, and I think we will have to content ourselves with that approximation.

Mr. BACON. Now, if the Senator will pardon me for a moment, because I want to get his view on the subject. The Senator spoke about an average cost, with a view to the adjustment of the tariff rate to such an average.

Now, of course, if the theory is to be maintained in practice, the purpose is to adjust the tariff in such a way—to accept the protective theory as a correct one—that it may substantially be of equal benefit to all those concerned.

Take the figures suggested by the Senator, some of which go as high as 19 or 20 cents, and in other instances, according to the theory of the Tariff Board, the cost amounting to nothing, being represented by zero. Of course, if an average between the two should be taken arbitrarily, not according to the difference in the figures, but according to the different classes, and, say, the figure was put at 14 or 15 cents as an average, of course all producers whose cost should exceed that would get nothing, and all those who were below that, in proportion to their remoteness from that figure, would get more than they were entitled to. So it would seem to be an extremely partial and unsatisfactory adjustment.

Mr. CUMMINS. I agree that it is a very unsatisfactory method, but it is the best method we have. No other has been

discovered. I shall hail with great delight some new rule, if it can be found.

I pass now from class 1 wools to class 2, which, in my amendment, relates only to hair of the camel and alpaca and goat, and so forth, and as we do not compete with all these materials, I regard it as largely a revenue duty. The wools of the third class are the low-grade wools ordinarily known as carpet wools. I think it is true that some of these wools are used in clothing, but not a large part. Necessarily we have not used a great amount of those wools in times past, because our duty has been so high that they were excluded from our market. But I have put a duty of 5 cents upon wools of the third class, clean, and a maximum of 40 per cent, and I regard that as probably one-half of the duty of the Payne-Aldrich tariff bill.

The shrinkage on these wools runs from 30 to 60 per cent, so that a fair average would be probably 40 or 45 per cent, and that applied to my duty upon clean wool will show a reduction as compared with the present law of between 40 and 50 per cent, substantially.

I will not consume the time of the Senate in discussing the wastes of wool manufacture. I will content myself with reading what I have done and will compare the duties which I have put upon these wastes with the Payne-Aldrich law.

In the existing law the duty on top and slubbing waste is 30 cents per pound. I have reduced it to 20.

In the present law the duty on roving, ring, and garnetted waste is 30 cents per pound. I have reduced it to 16 cents a pound.

On noils the present duty is 20 cents a pound. I have reduced it to 14 cents and 11 cents, depending on whether the noils are carbonized or not.

On thread waste and yarn waste the present duty is 20 cents a pound. I have reduced it to 7.

On shoddy the present duty is 25 cents per pound. I have reduced it to 7.

On woolen rags the existing duty is 10 cents, and I have reduced it to 3.

All that I have to say with respect to these duties is that I believe them to be in fair harmony with the remainder of the bill, in which the people of this country are deeply and vitally interested.

The next process in the manufacture of wool is the production, so far as the worsted industry is concerned, of tops. I shall not discuss this phase of the subject, but I do want to state precisely what I have done in my amendment as compared with the present law.

In the existing statue, if the value of tops does not exceed 20 cents a pound, there is a compensatory duty of 24¾ cents per pound and a protective or an ad valorem duty of 30 per cent. I have reduced the duty to 12 cents per pound, with an ad valorem of 5 per cent. If the tops exceed 20 cents per pound, the existing duty is 32⅜ cents per pound. That is compensatory. That is supposed to be a compensation for the manufacturer for the increased price he has been compelled to pay for the wool which has entered into this construction. I have reduced it to 16 cents per pound and 5 per cent ad valorem. So I have proceeded in this particular article from step to step, making the reduction practically as I have stated.

I have taken the conversion cost abroad and at home as given by the Tariff Board, and I find that the 5 per cent is sufficient to compensate for the difference between the cost of conversion here and elsewhere and that the other duties which I have put upon tops abundantly compensate the manufacturer for any increase in the price that he paid for wool as compared with the price abroad.

The next step is the spinning process, and the product is yarn. The existing law puts a duty on woolen yarn, if it does not exceed 30 cents a pound in value, of 27½ cents per pound and 35 per cent ad valorem, and above 30 cents a pound the compensatory duty is 38½ cents and 40 per cent ad valorem.

It is assumed in the present law that the manufacturer of yarn pays for the wool which enters a pound of yarn 27½ cents more, if the value be not more than 30 cents, than his rival abroad. The absurdity of the statement is apparent to anyone who knows anything respecting this subject. On yarn above 30 cents a pound in value the compensating duty of the existing law is 38½ cents per pound, although there is no possibility that the manufacturer has paid under existing law, or could pay, more than 18, 20, or 21 cents above what his rival pays abroad.

I have reduced the duty on these yarns from 27½ to 14, from 38½ to 18, 21, and 24. I have reduced the protective duty from 35 per cent to 12 per cent, from 40 per cent to 15 per cent, and 20 and 25. I have made more divisions in my amendment than there are in the existing law, but have reduced the duties as you see.

I want the Senate to remember when it is examining the Tariff Board report with respect to yarns that in giving the conversion cost in percentages it refers not to the entire value of the article, but only to that part of its value which is embraced in labor and capital, interest, and other things of that kind. The Tariff Board says that in no instance in which it has examined the conversion cost of yarn has the cost been more than 20 per cent of the entire value of the yarn.

While the protective duties which I have added to the compensatory duties for yarns are, on the whole, barely one-half of the duties of the existing law, yet, in my opinion, they are more than adequate. Where I have been in doubt I have given the benefit of that doubt rather to the increase than to the diminution of the duty, because I have hoped that we could gather sufficient strength here to pass a law that would finally receive the approval of the Executive and that would begin at once its beneficial work in relieving the people of this country of some of the unjust burdens which they now bear.

I come now to cloth. I do not intend to enter into all the niceties of this business. You all know that the variety of woolen cloth or cloth that is part wool and part some other fiber is almost infinite. I would consume days and weeks if I were to attempt to review the conclusions of the Tariff Board or the information of the Tariff Board upon all these things, but I sum it all up in this comparison.

As to ordinary woolen cloth or partly wool cloth, under the existing law if the value per pound does not exceed 40 cents the compensatory duty is 33 cents per pound, and the protective or ad valorem duty is 50 per cent. If the value is not over 70 cents per pound, the compensatory duty is 44 cents a pound and the protective duty 50 per cent.

You will remember that clause in the existing statute which says that on such cloth the duty shall first be four times the duty upon 1 pound of unwashed wool. If the cloth or fabric is above the value of 70 cents, the compensatory duty is still 44 cents, and the protective duty 55 per cent.

The absurdity of giving a compensatory duty of 33 cents for a pound of cloth that is not in and of itself worth more than 40 cents must be apparent to every thinking man. The wool in a pound of cloth, if it be all wool that is not valued at more than 40 cents, has not cost the manufacturer more than 24 cents. That is the entire cost of the wool, and yet this compensatory duty is upon the theory that the home manufacturer has paid for the wool which enters that pound of cloth 33 cents more than the producer abroad pays for his wool.

One of the striking injustices of the wool schedule is the supposed compensatory duty, which seems to me to have been levied without right or reason, without any investigation whatsoever of the subject, and without any regard to the truth respecting the matter.

In my amendment I have provided that these compensatory duties shall begin at 16 cents in cloths or fabrics worth not more than 40 cents per pound, and I have made more divisions here as well. I have attempted to give the lower duties to the lower-priced fabrics. I have not been so careful of those who were able to wear the finest and the most expensive cloths as I have of those who have been and are now compelled to wear the lower-priced cloths.

I have begun my protective duties at 30 per cent, and then they rise to 35 and 40 and reach 55 only in the highest priced fabrics. The reduction which I have proposed here, although I have not attempted to parallel it as a whole, is probably a reduction of 40 per cent in the duty upon cloth.

Mr. NEWLANDS. Mr. President——

Mr. CUMMINS. Just a moment further. I will then yield to the Senator from Nevada. May I say here, the essential difference, or one of the essential differences, between the amendment I propose and the present law is that the present law levies the compensatory duties upon the entire weight of the fabric. The fabric may be one three-fourths cotton or some other fiber, and yet it is assumed in the law that the producer has been compelled to pay the entire compensatory amount upon the weight of the cloth. In each case my amendment allows a compensatory duty only upon the wool that is contained in the fabric, so that if it is half wool and half cotton, of equal weight, the compensatory duty would be one-half the sum that I have named in these tables. I now yield to the Senator from Nevada.

Mr. NEWLANDS. I would ask the Senator from Iowa what is the average percentage of duties upon wool and woolen goods under his amendment?

Mr. CUMMINS. I have not determined it.

Mr. NEWLANDS. Is the Senator able to state how his amendment would compare with the House bill as to the percentage of duties upon wool and woolen goods?

Mr. CUMMINS. I have not attempted to determine it. I have had no opportunity to do it. It is a very difficult task. But I can give an estimate which probably would be a fair one. I think the average of these duties based upon the importations of last year would be 10 to 15 per cent higher than the House bill.

Mr. NEWLANDS. Is the Senator able to state how much below the present tariff the pending House bill is?

Mr. CUMMINS. I think about 35 per cent, although there is no uniformity there. That answer really furnishes very little light upon the subject, because there are some duties in the present tariff that are ridiculously high. There are others that are very near the reasonable point. Therefore there is no way of establishing an exact parallel.

Mr. JONES. Mr. President——

Mr. CUMMINS. I yield to the Senator from Washington.

Mr. JONES. I understand that the bill prepared by the Republican members of the Ways and Means Committee of the House commanded practically all the Republican votes in the House. I should like to know how the Senator's bill compares in a general way with that measure, if he can state.

Mr. CUMMINS. There are several differences that I must mention before I answer the question generally. In the first place, the bill in the House levies a duty of 18 cents a pound on clean wool without any maximum. I have put in my amendment a maximum of 45 per cent. That makes a very great difference between the two bills. It makes a duty on wool of the low grade much lower in my amendment than in the House bill.

My compensatory duties are lower than the bill to which the Senator from Washington refers. The ad valorem duties are substantially the same. I think the bill prepared by the Republicans of the Ways and Means Committee of the House does not give proper weight to two things. One of them it could not have considered and the other it ought to have considered. The one it could not have considered was that under my amendment the duty upon a great deal of the wool which has come into the United States will not be 18 cents a pound. If the wool is worth but 30 cents the duty would be but 14 cents a pound. If it were worth but 25 cents it would be still less. Therefore the compensatory duties as I have adjusted them are necessarily a little lower than those found in the minority bill of the House. As to the ad valorem, it seems to me the House or the minority of the House did not take sufficient account of the fact that the duty on wool does not increase the price of two-thirds of the amount used by the manufacturers the amount of the duty. The manufacturers buy two-thirds of their wool in America. They do not pay any duty upon it. The wool is undoubtedly enhanced in value by reason of the duty which they pay upon the one-third which they import, but the price is not advanced by the amount of the duty. Therefore I have not considered it necessary to give to the manufacturer in every instance a compensatory duty upon the hypothesis that he had paid upon the wool that he bought and manufactured the full amount of the duty. However, taking it as a whole, there is not a very great difference between the bill which is reported by the minority of the Ways and Means Committee and this amendment.

The next great subject of this schedule embraces blankets and flannels for underwear. The present law levies a duty of 22 cents a pound on a blanket which is not worth more than 40 cents a pound, although it may be very largely composed of some other material. Upon a blanket which is worth 50 cents a pound, and not more, it levies a compensatory duty of 33 cents, and above 50 cents in value it continues to levy 33 cents per pound.

In these three divisions it levies duties of 30 per cent, 35 per cent, and 40 per cent, which are supposed to be the protective part of the performance. In my amendment the compensatory duties are levied only upon the wool that is in the blanket, and then only 18 cents per pound; but if it be worth 50 cents, then 20 cents per pound, and if it be worth above 50, then 23 cents per pound, and the protective duty on the lower priced 20 per cent, on the next grade 25 per cent, and the next grade 30 per cent.

On ready-made clothing the existing law levies a duty on all values, or without regard to value, of 44 cents per pound and 60 per cent ad valorem. In my amendment I begin with ready-made clothing worth not more than 40 cents per pound, and I levy a compensatory duty of 20 cents per pound upon the actual wool in the garment, with an ad valorem of 35 per cent instead of 60. If the cloth is worth 60 cents per pound, then my duty is 22 cents for compensation upon the wool in the garment and 40 per cent ad valorem.

And so I proceed by the same steps that I employ with regard to cloth until I reach the very highest price of ready-made goods of all sorts where the compensatory duty is 28½ cents per pound upon the wool and 55 per cent ad valorem.

Mr. President, I think that I have sufficiently passed over the amendment which I propose to enable it to be understood. I may say, in passing, I have reduced to a degree the lower grades of carpets. I have not reduced the very highest priced rugs and covering of that sort to any considerable amount. I do not care so much for them. One who is able to import and to use one of the high-priced, beautiful, and artistic rugs ought to be willing to pay for it, and can without hardship pay for it, but the coverings of the floors of the poorer people are very materially reduced in my amendment; not, however, below the point of protection, because I believe that if the woolen and the carpet manufacturer in this country gets his material as cheaply as his competitor abroad gets it he will make carpets substantially as cheap as they can be made anywhere in the whole world.

Our production of the cheaper carpets has been one of the marvels of industry in this country, and we do not need and we ought not to maintain these duties, which may have been helpful and necessary long ago, but which are now but an invitation to such combination as will unduly enhance or increase the price of these commodities.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. HEYBURN. I desire to ask a question of the Senator from Iowa. Would these cheaper carpets be made of domestic or imported wool?

Mr. CUMMINS. Mainly of imported wool.

Mr. HEYBURN. Then that wool imported would take the place of domestic wool?

Mr. CUMMINS. We do not raise any carpet wool, or substantially none.

Mr. HEYBURN. We raise some.

Mr. CUMMINS. Very little. The amount of wools that we raise in this country that are fit to be manufactured into carpets or that would be manufactured into carpets is negligible.

Mr. HEYBURN. How much domestic wool is now used in the manufacture of these carpets?

Mr. CUMMINS. It would be I think fairly accurate if I would say none, although I have no doubt there is a little. If you will turn to the Tariff Board report—I do not know that I have the exact——

Mr. HEYBURN. The Senator will not get much comfort out of that Tariff Board report on that question.

Mr. CUMMINS. I do not pretend to get any comfort from the Tariff Board report. I get information.

Mr. HEYBURN. It is not comfortable information.

Mr. CUMMINS. It is very comfortable information. I have my information, too, from a great many people who are interested in the business. These low-priced wools that are found in class 3, not only of my amendment but of the old statute, are the wools used in making carpets.

Mr. HEYBURN. Then what is to be gained by reducing the duty on wool that is imported as carpet wool?

Mr. CUMMINS. Of course I refer only to imported wool. We do not levy any duties on domestic wool. The duties simply have an indirect effect.

Mr. HEYBURN. Why reduce the duty on this wool?

Mr. CUMMINS. I reduce the duty because I want the carpet manufacturers in this country to get their wool in this country as cheaply as possible, inasmuch as it does not interfere with any domestic production.

Mr. HEYBURN. If I were satisfied that it did not interfere with any domestic production, I might then be in a frame of mind to take the question into consideration, but I am not.

Mr. CUMMINS. Well, I have been in that frame of mind; I have taken it into consideration; I have examined with a great deal of care the information given to us by the Tariff Board upon it; I have discussed the matter with many men who have the most comprehensive knowledge of the whole subject; and from all these sources I am led to believe that the wools that are used in the carpets of this country do not substantially enter into competition with our domestic wools.

I know perfectly well that some of the wools in class 3 if imported might enter into clothing; I know that might make some difference in the price of cloth, and I want some difference to be made in the price of cloth. If there is any of this wool that is fit to be used in the manufacture of cloth, out of which a suit of clothes can be made, I want that to come in at such a duty as will not interfere with the home producer but will permit our manufacturer to take the wool and give employment to our own people. We have to import the wool.

If we can import more, we shall make more cloth for the people who need it. There are some of them who have not quite enough; there are many people in this country who have not enough to wear, prosperous as we are. The Senator from Idaho knows well that there is many a man now who needs more clothing, as there was many a man last winter who needed more clothing; and there will be many a man during the coming winter who will feel the need of more clothes than he is able to buy. I want the duty on low-priced cloths to be reduced to the lowest possible point.

Mr. HEYBURN. So that more wool may come in from abroad out of which to manufacture them at the expense of our producer?

Mr. CUMMINS. Mr. President, I say very frankly, if I have to choose between arresting, in a measure, the progress of some sheep farmer and covering the man who is shivering with the cold upon the streets in this northern country, then I am with the man who is shivering, and I will give him clothes, if I am able to do it, and at a price at which he can buy them.

Mr. HEYBURN. Made of foreign wool?

Mr. CUMMINS. If he can not afford to buy wool which is produced in our own country, then I say foreign wool, of course.

Mr. HEYBURN. And where will he get the money to pay for this foreign wool?

Mr. CUMMINS. He will get the money by pursuing whatever vocation he may have chanced to adopt.

Mr. HEYBURN. Doubtless the Senator has taken into consideration the fact that more than one-half of the wool produced in this country is produced on the farm as distinguished from the range?

Mr. CUMMINS. Oh, yes; quite a good bit; more than one-half of it.

Mr. HEYBURN. And that wool, of course, would be reduced in quantity of product to the extent we import?

Mr. CUMMINS. I do not agree to that.

Mr. HEYBURN. Would we manufacture more clothes because of importing the wool?

Mr. CUMMINS. We would.

Mr. HEYBURN. And sell them cheaper?

Mr. CUMMINS. We would.

Mr. HEYBURN. Would we pay as much for domestic wool?

Mr. CUMMINS. We would.

Mr. HEYBURN. Under what rule?

Mr. CUMMINS. Under the ordinary rules of business and commerce.

Mr. HEYBURN. Of supply and demand?

Mr. CUMMINS. Of supply and demand.

Mr. HEYBURN. That is, the supply of the wool in this country would not be affected?

Mr. CUMMINS. There never has been a time or an instance in the whole history of business in which the cheapening of the product has not increased its consumption.

Mr. HEYBURN. Yes; but how about its production? I am interested in maintaining the standard of production of wool.

Mr. CUMMINS. If it increases the consumption, it must increase the production.

Mr. HEYBURN. Not unless the consumption is of the home production. If it increases the consumption by importing foreign wool and manufacturing cheaper goods, then you get in conflict with the manufacturer of our own goods out of our own material and at the expense of that class.

Mr. CUMMINS. Mr. President, here are certain wools the like of which we do not produce in our country; they are peculiarly fitted, apparently, for the making of carpets. I suppose the cheapness of carpet will to a great extent determine the use of carpets.

Mr. HEYBURN. Was the standard of prosperity as high in the old days as in this period?

Mr. CUMMINS. Oh, Mr. President, our standard of prosperity was much higher then than I see in some places in these days.

Mr. HEYBURN. Where is this poverty, except in the newspapers and in speeches?

Mr. CUMMINS. There is a great deal of poverty in speeches, I agree. [Laughter.] I think if we should measure the prosperity of this country by the riches of our oratory in the last few years, we would indeed be hopeless.

Mr. HEYBURN. The Senator will bear with me a moment further. I heard these arguments prior to the passage of the Wilson bill. I heard many long, tiresome arguments based upon the difference between the fiber of long Australian wool and American wool, and a dozen other technical propositions of that kind, and it was demonstrated to an absolute certainty that free wool would benefit all of the people; that they would have more carpets on their floors and more clothing on their backs. We had free wool and we had no money with which to either buy the carpets or the clothing.

Mr. CUMMINS. Well, Mr. President, along with those speeches in which the Senator from Idaho heard about the disasters of free wool I have heard a great many such speeches as the Senator from Idaho has just made.

Mr. HEYBURN. And they sent the Republican Party out of power and brought in Democratic times, and we remember it.

Mr. CUMMINS. Mr. President, I am not advocating free wool; I am not a free trader. I do not believe, however, in levying duties that are unnecessary, but I do believe that there is now, and there always has been, and always will be, a great deal of poverty and suffering and want in this country, and in every other country, and that it is our bounden duty to alleviate it all just so far as we can. The Senator from Idaho seems to believe that there is not at this time a boy or girl or man or woman in this country who, wanting a meal, can not get it.

Mr. HEYBURN. There are fewer now than there will be if certain policies of the Government are adopted, and we have the past to prove it.

Mr. CUMMINS. Yes; I think, Mr. President, if the policies of which the Senator from Idaho seems to be the most distinguished and effective advocate continue, we shall see more of the distress and discontent which lead to want than we now have. The Senator from Idaho can not tempt me into a position that I do not want to occupy. I am in favor of every reasonable protection to the carpet manufacturers and to the cloth manufacturers and to the woolgrowers; but the Senator from Idaho differs from me in this: There is no duty that can be too high from his standpoint. There I part company with him. While reasonably protective duties are essential, as I think, for the well-being of the American people, excessive protective duties not only destroy the doctrine itself, but add to the fortunes of men without labor.

Mr. HEYBURN. Add to the fortunes of men without work or labor?

Mr. CUMMINS. Yes, sir.

Mr. HEYBURN. Who are these men? Will the Senator designate them either by class or circumstance?

Mr. CUMMINS. Oh, I will say to the Senator from Idaho that I can designate them, but he does not want me to designate them by name, does he?

Mr. HEYBURN. By class.

Mr. CUMMINS. By class; that is the easiest thing in the world. I am very glad the Senator from Idaho mentioned that. I showed the other day, to my satisfaction at least, although I made no impression, I am sure, upon the Senator from Idaho, that the manufacturers of iron and steel were taking from the people of the United States at least $100,000,000 a year more than they were fairly entitled to. They were taking it simply because they had the power to take it; they were taking it without labor in the sense of earning it. Those are the people to whom I refer.

Mr. HEYBURN. What class of men to-day are reaping undue rewards from the wool industry or from the manufacture of woolen goods? Are they overrich and overprosperous?

Mr. CUMMINS. Mr. President, I do not say they are. There is the opportunity, however, to become both overrich and overprosperous. The same combination—I do not say whether it exists or not, and I am inclined to think that it does not—but the same combination which has been for years in other fields of industry if accomplished in the woolen industry would enable the manufacturers of textiles to take from the people of the United States vastly more than the sum I have mentioned as the unlawful profits of the steel manufacturers of the United States.

Mr. HEYBURN. We have had the existing wool duties since 1897. Has great wealth resulted to any class of people because of those duties, or is it merely an apprehension that great wealth will result?

Mr. CUMMINS. Well, I am not prepared to say. The American Woolen Co. had great ambitions and great possibilities when it was organized. I do not know how soon it will be able to do in the woolen trade what other great combinations have done in other fields of industry; but I do not intend, if my influence can prevent it, to give them the opportunity to reap unlawful profits. Has the Senator from Idaho examined the report of the Tariff Board?

Mr. HEYBURN. Every word of it, over and over again.

Mr. CUMMINS. Very well. Then, he knows, I assume, that with regard to the subject we are now discussing the woolen manufacturer could put about 35 per cent upon the major part of their products and still prevent importations.

Mr. HEYBURN. Well, the woolen manufacturers do not seem to have found that out. They are not unduly prosperous,

and it seems to me the suggestion of the Senator from Iowa is in the direction of building a tariff wall against our industries in order that they may, notwithstanding there is no evidence that they intend to do so, grow more prosperous than they are. That is a tariff wall of another kind, on the other side of the field.

Mr. CUMMINS. I have not examined the condition of the woolen manufacturers of this country. I do not say that they have successfully combined in order to impose excessive prices upon the people. I do know, however, that it is not wise for us to permit a tariff law to continue which will enable these manufacturers, if they can agree upon prices, to lift their profits to the point of the existing tariff law. I want them to be prosperous; I want them to earn and divide fair profits; but I do not intend to leave open for them to enter a gate that has been so successfully entered in many other fields.

Mr. HEYBURN. What evidence is there that they would enter it? They have had many years in which to experiment with it, and is there any evidence upon which to base an apprehension that they would enter a gate that admittedly has been open since 1897, and which they have not sought to enter?

Mr. CUMMINS. Ah, Mr. President, I count a good deal upon the ordinary motives of humanity.

Mr. HEYBURN. Has the standard of morals fallen among the manufacturers?

Mr. CUMMINS. I do not think the Senator from Idaho ought to press that point.

Mr. HEYBURN. Well, I think it is a fair inquiry.

Mr. CUMMINS. I do not think the merits of a tariff law depend upon my opinion as to the standard of morals among the manufacturers.

Mr. HEYBURN. But they do depend upon the operations of the law, do they not?

Mr. CUMMINS. The whole case rests upon the sufficiency of the duties. The Senator from Idaho would find no difficulty in sustaining a duty of $100 a pound on everything that comes in. He would think that served the public welfare. I do not; that is not my theory of government; it is not my theory of the function which Congress ought to perform with respect to the manufacturers. I am willing, I am anxious, to give them all that protection which will enable them to go on and do their business fairly and enter our markets and sell their products at a reasonable profit. I am not willing, however, to give them the chance to sell their products at a higher price than will fairly remunerate them for their capital and their labor.

Mr. HEYBURN. Is it not equally important that they should be in a position to continue to purchase the products of our own people at fair prices to those who produce the raw materials?

Mr. CUMMINS. I think so.

Mr. HEYBURN. But if you lessen their profit, will it not result in lessening the price paid to the producers of the raw material?

Mr. CUMMINS. On the contrary, Mr. President, I think that it will stimulate business. I think that if all the people who are brought within the scope of the tariff were compelled to struggle more than they do, if they were compelled to seek all the advantages which genius and enterprise and diligence and energy can suggest, we would be still more prosperous, and I think production would be increased, and, of course, consumption increased accordingly.

Mr. HEYBURN. Mr. President, the Senator does not certainly intend to support a condition that would make the struggle for existence harder or more strenuous than it is now?

Mr. CUMMINS. In business I would.

Mr. HEYBURN. The Senator thinks people should work harder?

Mr. CUMMINS. Mr. President, I am a believer in competition in this world. I have no sympathy with the views of the Senator from Idaho. I believe that we are better off if we have to fight for what we get. I believe that there is no other road toward the development of humanity. I do not believe that any prize is worth having unless it is reached at the end of a struggle. I am not a Socialist, and I suppose the Senator from Idaho is not either, although his doctrine——

Mr. HEYBURN. I have never been charged with being a Socialist.

Mr. CUMMINS. Although his doctrines would very strongly tend in that direction. I want a fair field and no favor; I want a full opportunity, not to take what belongs to somebody else, but to take what belongs to me.

Mr. HEYBURN. Opportunity to whom—to the producer and the grower of wool?

Mr. CUMMINS. Opportunity to everybody.

Mr. HEYBURN. The subject of the wool industry is not one of degree. When the condition arrives where men can not any longer maintain the production of wool and maintain their flocks they disappear in a minute; it is not a long drawn out process. The flocks are either converted into the first possible market or else the producer becomes bankrupt.

Mr. CUMMINS. The Senator does not mean that they disappear in a minute. Even the prophet had to take a little while in his translation.

Mr. HEYBURN. When I say a minute, I mean that the condition when a man has no market for his product at home may come in a minute. He may have been able an hour ago to sell his wool for 18 or 19 cents, as it is quoted to-day in our markets, and to-morrow he may not be able to sell it at all, or in an hour he may not be able to sell it at all.

Mr. CUMMINS. Mr. President, I have no disposition to lessen the opportunity of the woolgrower; on the contrary, I have in this amendment a duty upon wool which, as I understand, is regarded even by the woolgrower as abundant and adequate. The Senator from Idaho was not here when I discussed that part of my measure.

Now, Mr. President, I hope the Senate will pardon me for having stood here so long in colloquy with the Senator from Idaho. It is impossible to resist him when he approaches one in so kindly a way, and therefore I felt that I ought to answer the questions which he has put to me. I am conscious that this subject is one which can not be explored or exhausted in a day and therefore I have attempted simply to state the comparison between the amendment which I have offered and the existing law. I close by saying——

Mr. BACON. Mr. President, before the Senator closes I should like to ask him a question, if he will permit me to interrupt him at this point.

Mr. CUMMINS. Certainly.

Mr. BACON. Of course the Senator realizes that the ultimate end to be accomplished by the imposition of tariff duties with a view to protection is to stimulate domestic production to such an etxent that, if possible, it may supply all domestic demands. Am I correct in that?

Mr. CUMMINS. I do not think it is always limited to a case in which there is an immediate expectation of being able to supply the entire domestic demand.

Mr. BACON. The Senator misunderstands me. I did not mean that; I meant that would be considered as the highest consummation of the protective-tariff policy.

Mr. CUMMINS. The Senator is quite right.

Mr. BACON. The Senator contemplates the possibility that by stimulating domestic production of raw wool the time may come when the production will equal the consumption in this country. Is not that correct?

Mr. CUMMINS. I have no doubt that is the hope of a great many people.

Mr. BACON. The question I want to ask the Senator is this: If domestic production can be so stimulated that it will equal domestic consumption, what will be the result on the price? Will not your tariff at once cease to have any effect on it, and will not the price of the wool be the price as fixed in the world's market, just as it is in the case of cotton. Suppose—I will put it a little stronger—that we should produce a surplus of wool, more than we consume, would not immediately the price of wool be fixed by the world's price of wool, just as it is in the case of cotton, and would not at once your protective duty cease to have any effect on the price of wool in the United States?

Mr. CUMMINS. I agree if we produce a large surplus of wool——

Mr. BACON. Not necessarily a large surplus; any surplus.

Mr. CUMMINS. That it would bear the same general relations to the commerce of the country as does cotton; but I think the Senator from Georgia will remember that I had a little discussion with him upon this same point some months ago. I do not think there is any such thing as a world's market. I do not share the opinion which so many people seem to hold that the price is fixed in London or at Liverpool or at Antwerp or anywhere else.

Mr. BACON. If the Senator were a grower of cotton, he would change his mind on that subject very promptly.

Mr. CUMMINS. Oh, I do not think so; because it is the condition throughout the whole world that determines the price in London. London does not determine the price in and of itself.

Mr. BACON. Of course not.

Mr. CUMMINS. But the amount that we consume and the amount that we produce have just as much effect upon the

price anywhere throughout the world as the amount which is produced in other countries that export their product to England.

Mr. BACON. I understand that. While all these general influences, of course, affect the price there are certain centers of trade as to various articles, in which centers prices are given out to the world because they are the centers. For instance, take the matter of sealskins. The prices are absolutely fixed in London, because that is the center of that industry; and the same thing is true of cotton. The center of the cotton industry is Liverpool, and consequently the quotation of Liverpool is accepted the world over as the price, not because Liverpool fixes it, for, after all, the various agencies and influences of which the Senator speaks of course have their controlling influence in the fixing of the price; but there is where it finds its expression, there is the point at which it is given out, and it is the utterance found there, it is the expression given out there, which is accepted by the whole world as the standard of price.

Mr. CUMMINS. Mr. President, that may be so at a given time of cotton, but it is not true of a great many other products. We had a discussion here a year or so ago about wheat. We export wheat, but I have never believed that Liverpool fixes the price of wheat any more than Chicago fixes the price of wheat. Although we are an exporting country, we consume a very large part of our wheat production. We therefore pay, partly guided by the Liverpool price and partly guided by our own desires and necessities, for the commodity. However, the difference between the Senator from Georgia and myself, I am sure, is purely academic, purely abstract.

Mr. BACON. I simply want to call the Senator's attention to and get his view upon the proposition that if this could become a great woolgrowing country, one which would not only supply its own demands, but in addition to that have a surplus which would in a measure supply the demands of other countries, the wool industry would at once cease to be an infant industry which could not stand alone and would have to stand in competition with the prices of the world without having an artificial price fixed by a tariff.

Mr. CUMMINS. I agree that whenever we reach the point where we must meet with any considerable part of our product the wool of other countries in London and Liverpool and in all the other centers of trade, then, of course, we can not maintain here a price that is higher than that which obtains abroad—I mean considerably higher and over a long period of time.

Mr. BACON. And therefore the legitimate conclusion of those who contend for a protective tariff upon wool is that it would be to the interest of the woolgrower to restrict production below the amount of consumption.

Mr. CUMMINS. Whatever might be his interest, carefully analyzed, it is quite sure there can be no concert of action among the woolgrowers, as they are scattered all over the farms from the Atlantic to the Pacific, and therefore raising that number of sheep which the farmer believes will for the time best meet his own purposes.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER (Mr. SMOOT in the chair). Does the Senator from Iowa yield to the Senator from Oregon?

Mr. CUMMINS. I yield.

Mr. CHAMBERLAIN. I should like to ask the Senator a question. I notice that the bill as it came to us from the House places sheep and goats in the same class and places them at the same rate of duty, while the Senator from Iowa in his proposed amendment places wool in a different class from the hair of the camel, the goat, and other animals, with a different rate of duty.

I should like to ask the Senator why he makes a distinction between them, because, as I understand, the amount of imported mohair is in about the same proportion as the amount of imported wool, and it seems to me, if the purpose of the Senator is to protect the sheep industry, he ought to be willing to extend the same protection to the other industry, and that is the raising of Angora goats.

Mr. CUMMINS. In the House bill there is no occasion for making any classification, because it is an ad valorem bill, and therefore there is no need to classify. When we employ specific duties, however, it is thought best not to embrace any wider range of value than necessary, and that is the reason I separated the classes.

Mr. CHAMBERLAIN. I will ask the Senator if he does not think, as a matter of fact, that the Angora goat industry in this country, which is a rapidly growing one, as shown by the report of the Tariff Board, should have the same protection, if any protection is conceded to be necessary, as is extended to the other industry?

Mr. CUMMINS. Yes; the same measure of protection.

Mr. CHAMBERLAIN. It seems to me——

Mr. CUMMINS. Does the Senator think I have the duty too low?

Mr. CHAMBERLAIN. I do not know but that it is, in comparison with the duty placed on wool. I do not see why there should be any difference between the two. I am frank to say to the Senator——

Mr. CUMMINS. That is, the Senator does not see any reason why, if the duty on class 1 wool is 18 cents per pound, the duty on hair of class 2 should not also be 18 cents a pound?

Mr. CHAMBERLAIN. I think it ought to be placed in exactly the same category.

Mr. CUMMINS. Why does the Senator think so? Is the shrinkage the same?

Mr. CHAMBERLAIN. I am frank to say to the Senator that I am not familiar with the industry, nor as to the amount of shrinkage, but I understand it is practically the same. The position I am taking in reference to the matter is that the Angora goat and the sheep in this country, and the products from both, are practically in the same category.

Mr. CUMMINS. I assumed that 8 cents a pound was as protective for the hair of the Angora goat as 18 cents a pound was for the wool, under the Tariff Board report. If I have made an error about that, and the Senator from Oregon will point it out, and will offer an amendment increasing it from 8 cents to whatever it should be, I will be very glad to accept it.

Mr. CHAMBERLAIN. As I stated to the Senator, I do not know what the shrinkage of either is. I have not made this bill a study, but it seems to me from reading the report of the Tariff Board that they should be placed in the same category.

Mr. CUMMINS. It seemed to me otherwise, and I thought I had adjusted them according to the facts in each case. But I am always open to conviction, and if the Senator from Oregon or any other Senator will show me that the duty ought to be increased on the hair in class 2, I will be very glad to yield to proof, as I want full and complete protection for all these products and no more.

Mr. HEYBURN. Mr. President, I, of course, assume that the Senator from Iowa has taken into consideration the effect of any reduction in or the destruction of the growing of wool in this country upon the price of land, upon the employment of labor. There is about $4,000,000 in labor connected with the raising of sheep alone; something over $2,000,000 in the herding States and about the same amount in the farming States, according to the report of the Tariff Board, which I have before me.

If you reduce it 25 per cent, you have put out of business 500,000 people. You have reduced the price of the land now devoted to the raising of sheep, because the man with the land must find some other use for it if the sheep business is unprofitable. If it is practically destroyed, as it was under free wool, then you must find some other use for the land devoted to sheep raising; you must find some other employment for all the people engaged in the sheep industry, and they are projected into other channels of labor and investment at the expense of those already engaged in those fields.

This is not just a question of the price of carpet or of the price of a coat. It is a question of maintaining a large industry that is attached to the soil, and the labor of the country. It is a question whether you will put them out of business to the extent of 1 per cent or 5 per cent or 50 per cent, or altogether. The injury, of course, may be complete or it may be partial. Would the Senator advocate any system of legislation or of administration of the law that would decrease the opportunity to use profitably the land upon which this industry is now based or the labor connected with it? Would he advocate a governmental policy that would decrease it at all?

You talk about the poverty of the people who can not buy coats or have carpets on their floors. They are of small consequence as compared with those who are actually engaged in this enterprise. Every pound of wool that is imported into this country from abroad is at the expense, to that extent, of those who are engaged in producing wool in this country.

Are we going to legislate to diminish the prosperity of our people at all? It is just as much of a crime to reduce it 10 per cent as it is to reduce it 20 per cent, because you are taking away from an American citizen, from an American industry, an opportunity to the extent of the per cent of the reduction. It not merely changes or affects the price of a carpet or a coat, but it affects a great industry of the people, and the prosperity of the American people depends upon opportunity to engage in profitable industrial enterprises, whether it be the owning of the land, which is the result of labor, or the accumulation of money resulting from labor; or whether it be the occupation of the sheep herder or of the merchant who finds his market for

every imaginable character of commodities with these people. When you diminish their prosperity you diminish their purchasing power. You withdraw to that extent from the great aggregate prosperity of all the people. When these people are engaged in raising sheep or producing wool they can not be engaged in other enterprises at the same time. You put them out of business, and they become consumers and not producers, and they become consumers without revenue.

Now, Mr. President, that is the real question to be considered, Shall we diminish any single field of opportunity or enterprise to any extent, large or small? That is not the legitimate purpose of government. It is an illegitimate exercise of power to take away from any man any part of his opportunity, great or small, and the injury to a small extent may be the difference between profit and loss. It may mean, and it does mean in this enterprise, the difference between remaining in business and going out of business; going out of it not to some assured substitute, but going out of it with no assurance that any substitute can be found for the prosperity represented by the enterprise.

It is for that reason that I speak so earnestly with regard to this industry. It is not tolerable that we should consider on how little prosperity the American people can get along. It is not tolerable to consider how strenuous we can make the effort incident to maintaining individual life and happiness. The effort and purpose of government should be to see how easy we can make it for people to earn a livelihood; how large a margin we can give them, beyond the necessity of the endeavor to earn a livelihood, to secure what we may term the graces and the luxuries of life. Man was not created merely to labor as many hours as his physical frame would endure. He was not created for the purpose of seeing how little he could get along with in the way of luxuries or necessities. Government was instituted for the purpose of lessening or reducing the burdens of individual life to the minimum, not for the purpose of seeing how close he can shade to the line of necessity in order that he may merely exist.

It affects the price of the land, it affects the prosperity of the individual, who depends upon the price of the land and its possibilities of production. Therefore I am opposed to any legislation that has to be bolstered up by an argument that the people could endure it. This is not the proper rule by which to measure the rights of the people in legislation.

Mr. STONE. Mr. President, I desire, in the first instance, to say a few words about the substitute amendment proposed by the Senator from Iowa [Mr. CUMMINS]. I understand that that amendment is now pending and that it will probably be the first question to be voted on to-day.

This substitute was proposed only yesterday and was printed for the first time this morning. No Senator as far as I know has had any opportunity to examine this substitute until to-day. It does not seem to me that that is quite a fair way to deal with those of us who are advocating the passage of the bill as it came from the House. In all fairness the Senator from Iowa should have proposed his amendment at an earlier day, so that it might have been examined, analyzed, compared with the existing law and with the pending bill; that it might be better understood by Senators when they come to vote on it. Just why its presentation was withheld until an hour so late I can only conjecture. I do not feel disposed, out of courtesy and because of the proprieties, to venture an opinion. I never saw the proposition, although a member of the Finance Committee, until it appeared in the RECORD this morning.

After seeing it I conferred at once with one of the experts employed by the minority of the Finance Committee to aid them during the consideration of tariff measures, and asked him if he could examine this substitute, analyze it, and make the necessary comparisons in time for to-day. He said he did not consider that to be possible, if the result of his work was to be reliable.

Sitting here at my desk since the Senate met at noon I have undertaken to make some comparisons of this substitute with the House bill and with the bill passed by the Senate and House during the extra session last summer, and which was vetoed by the President. Manifestly, it is impossible to make anything like a satisfactory comparison within such brief time and under such circumstances. But I find this much to be true: That while the pending bill was under consideration in the House of Representatives a substitute for it was offered there. That substitute had been previously proposed by a Member of the House—Mr. PAYNE, of New York, formerly chairman of the Committee on Ways and Means, and now the senior member of the minority of that committee.

I find that the substitute offered by the Senator from Iowa, although differing in some particulars, is framed upon the line of the Payne bill which was offered as a substitute to the House bill while the bill was pending there. The Payne substitute offered in the House and the Cummins substitute now offered in the Senate are substantially the same, differing, as I have said, only in some details. The Payne substitute was defeated in the House by a large majority. I have hurriedly compared the measure proposed by the Senator from Iowa with the bill passed at the extraordinary session last year and which the President vetoed. I find that this substitute offered by the Senator from Iowa proposes rates very much higher than the rates carried in the bill passed last year.

Mr. President, it might be well to briefly recall the history of the bill of last year, showing how it was passed. Early in the session of 1911 the House of Representatives passed a bill reducing the rates on wool and woolen manufactures. That bill, when it reached the Senate, was referred to the Finance Committee, and subsequently was reported adversely by that committee. The bill was debated here at considerable length, and finally it was defeated by the majority—that is, by the votes of Republican Senators. After it was voted down the senior Senator from Wisconsin [Mr. LA FOLLETTE] moved to reconsider the vote by which the bill had been defeated. The Democrats voted for that motion, as did a number of so-called insurgents, or Progressive Republican Senators, and the motion to reconsider prevailed. Thereupon the Senator from Wisconsin offered a substitute for the House bill. That substitute proposed rates of duty somewhat higher than those in the House bill, but the Democrats of the Senate, not being able to pass the House bill, joined with Progressive Republicans and voted for the LA FOLLETTE substitute, and passed it. The bill thus amended was returned to the House; the House disagreed to the amendment, and a conference was had. Out of that conference a bill was evolved which was finally agreed to, as I have said, by both Houses, was sent to the President, and by him vetoed.

I have attempted hastily to compare the rates set forth in the Cummins substitute, now pending, with the rates carried in the bill passed at the last session, and I discover that the rates intended and proposed in this substitute offered by the Senator from Iowa are much higher than those contained in the bill passed by the two Houses last year. In addition to that the Cummins substitute differs in another important particular from the LA FOLLETTE substitute of last year. In the bill of last year the rates were predicated on an ad valorem basis, just as the House rates then and now were and are predicated on the ad valorem basis. The Senator from Iowa, in the amendment he has offered, fixes the rates for the most part on a specific basis; that is to say, the rates are made specific instead of ad valorem. The Senator from Iowa, at the extraordinary session last year, supported and voted for the LA FOLLETTE substitute. He then thought as Senator LA FOLLETTE thought, as the House thought, and as the Democratic Senators in this Chamber thought, that ad valorem duties were in every way better than specific or compound duties. He seems now to have changed his opinion as to this. He has abandoned the plan or policy of ad valorem duties and now advocates specific duties. The measure passed last year and the one now offered by the Senator from Iowa differ in the very bases upon which they are built, as well as in their framework.

I do not know what has caused this radical change of base by the distinguished Senator. A year ago he stood here earnestly supporting a measure resting exclusively on an ad valorem basis. Now he proposes a measure resting almost exclusively on a specific basis. The two measures are fundamentally different in the lines upon which they were constructed. The Senator's change of base is therefore itself fundamental. The substitute now proposed by the Senator from Iowa is essentially a protective measure. I can not help wondering whether, while preparing it, he was in consultation with the Senator from Utah [Mr. SMOOT], the Senator from Pennsylvania [Mr. PENROSE], the Senator from Massachusetts [Mr. LODGE], or some other Senator of extreme protection views. If the Senator from Utah had offered this substitute, I would not have been surprised, but I am astonished that it comes from the Senator from Iowa, so recently a stalwart advocate of ad valorem duties and for such a downward revision of the tariff as would have some real significance.

Possibly the Senator from Utah, or some of his colleagues who adhere to his extreme tariff views, may even yet offer another substitute. I do not know. It may be that they are satisfied with the one offered by the Senator from Iowa. But if not satisfied, it may be that later on in the twilight of the day the graceful form of the Senator from Utah may tower in the Senate, and we may hear his strident voice sounding a note of war even braver than that of the Senator from Iowa—a sort of last-ditch declaration. Before it is all over, and especially

if the proposal of the Senator from Iowa fails, I shall expect the Senator from Utah to propose a substitute for the House bill even more impossible than that proposed by the Senator from Iowa. I do not know what it will be, but I am prepared in advance to say that I am sure I would as soon vote for it as to vote for the substitute the Senator from Iowa has offered. I am not a protectionist, and I am not willing to vote for any measure distinctively framed for the avowed purpose of protection. I want the substance of a revision downward and not merely the shadow.

I observe that the Senator from Iowa, having delivered himself of his substitute and his speech, has disappeared from the Senate—disappeared and left his baby on our steps. Nevertheless, Mr. President, I wish to call attention to a few items in this pending substitute and compare them with what is known as the La Follette substitute to the House bill passed at the first session of this Congress, and also to compare them with the substitute offered to the pending bill in the House of Representatives which was prepared by Representative PAYNE and the Republican minority of the Ways and Means Committee.

I can not at this late hour occupy unduly the time of the Senate by attempting to go through many of these items. I can only refer to some of them as examples.

In the Cummins substitute, for example, top waste and slubbing waste are put down at 20 cents per pound; roving waste, ring waste, garnetted waste, 16 cents per pound.

In the substitute offered to the bill in the House, known as the Payne substitute, top waste and slubbing waste, set down in the amendment of the Senator from Iowa at 20 cents a pound, are set down in the House substitute at 18 cents a pound. Roving waste, ring waste, and garnetted waste are set down by the Senator from Iowa in his proposition at 16 cents a pound; in the House substitute, at 14 cents a pound.

The Senator from Iowa appears to have even a more tender regard for wastes than Representative PAYNE, and would extend a broader hand of protection over them. He would do more for wastes than the Hon. SERENO PAYNE, author of the Payne-Aldrich law, would do for them. He would out-Herod Herod.

Now, taking what I will designate as the La Follette amendment to the wool bill agreed to at the extra session of last year and which was finally adopted by both Houses, top waste and slubbing waste, roving waste, ring waste, and garnetted waste were all taxed, or proposed to be taxed, at the same rate—that is, at 30 per cent ad valorem. But the Senator from Iowa now proposes a much higher rate than that. Why? He voted for the La Follette substitute last year, and it had the benefit of his able support in every way.

Again, take combed wool or tops made wholly or in part of wool or camel's hair valued at not more than 20 cents per pound, the tax proposed by the Senator from Iowa is 12 cents per pound on the wool therein, and in addition thereto 5 per cent ad valorem.

Under the 1911 La Follette substitute the same material was taxed 40 per cent ad valorem. You can see at once that the rate proposed by the Senator from Iowa is very much higher. And so on down the line in that section.

On yarns made wholly or in part of wool valued at not more than 30 cents per pound the duty proposed in the pending Cummins amendment is 14 cents per pound on the wool contained therein and in addition thereto 12 per cent ad valorem.

In the La Follette substitute of 1911, which the Senator from Iowa supported, this same material was taxed 45 per cent ad valorem. Under the Cummins amendment it would amount to over 58 per cent.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. STONE. Certainly.

Mr. CUMMINS. Mr. President, the Senator from Missouri may, of course, criticize me in any way he desires; I am entirely indifferent about that.

Mr. STONE. I am now criticizing the Senator's bill.

Mr. CUMMINS. But he has forgotten apparently to note that yarn that is not worth more than 20 cents per pound or 30 cents per pound is not all composed of wool; it can not be all composed of wool; it must be largely composed of something else; and the duty of 12 cents a pound, as he has read it there, or 14 or 16 cents, as the case may be, is upon the wool only in the yarn. Therefore the conclusions which he is just reaching are wholly baseless.

Mr. STONE. Mr. President, if you go on through the section the same rates substantially obtain. Let us see:

On blankets and on flannels for underwear, composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

That is the Cummins proposal.

Mr. CUMMINS. Mr. President——

Mr. STONE. Does the Senator say that that is incorrect?

Mr. CUMMINS. The same thing is true of blankets. A blanket that is not worth more than 40 cents a pound is not made of wool.

Mr. STONE. I know it is not made wholly of wool.

Mr. CUMMINS. In common blankets, about which we hear so much, a large part of the material is not wool, and the duty which would be assessed under my amendment on such blankets per pound is a duty upon the wool only. Suppose only one-fourth of the blanket was of wool, what, then, does the Senator from Missouri think would be the comparative duty named in the amendment I have offered and the bill of last year?

Mr. STONE. Mr. President, let me read the exact language of the La Follette bill and the Cummins bill, if I may term them so for the purpose of distinguishing them. In paragraph 373 of the so-called La Follette bill I find this language:

On cloths, knit fabrics, blankets, and flannels for underwear—

Blankets and flannels for underwear—

composed wholly of wool or of which wool is the component material of chief value, 55 per cent ad valorem.

In the Cummins amendment I find this language:

On blankets and on flannels for underwear, composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

Mr. President, the amount of wool or the amount of cotton contained in a given article is a matter that we ought to have fully investigated so as not to act blindly, but so as to have some intelligent idea as to what the duty would really be when reduced to its final analysis. We ought to have time to investigate and find out how much wool there is in a blanket worth only 40 cents a pound, and we ought to find out whether a provision like this proposed by the Senator from Iowa is susceptible of a practical administration. That has been strenuously denied by Senators on this floor. Hence, I say that the Senator from Iowa has not treated his colleagues on this side of the Chamber quite fairly in presenting at this late hour, when it is impossible to have it thoroughly examined and understood, this highly important measure, containing such radical changes in the law as would involve even the practicability of administering it and which prescribes rates so much in excess of the rates prescribed in the bill he supported only one year ago. So far as I am concerned, I can not vote for this substitute at any stage of these proceedings.

Mr. President, I do not desire to consume the time of the Senate with a protracted address. The hour is late; and as there are others who desire to be heard I do not think it would be fair or courteous, under the circumstances, to hold the floor for any considerable length of time, and hence I feel constrained to close what I have to say on this occasion after a few brief general observations.

Mr. President, this Congress is engaged in the important work of revising the tariff under promises made by both political parties and in accordance with the expectation of the people throughout the country that tariff taxation would be reduced. Both parties promised the people to reduce the burden of tariff taxation. On September 25, 1908, during the presidential campaign of that year, President Taft, in a speech at Des Moines, said:

"It is my judgment that a revision of the tariff in accordance with the pledge of the Republican Party"—mark the words, "in accordance with the pledge of the Republican Party," and let those words be distinctly remembered—"will be, on the whole, a substantial revision downward."

During the same campaign Candidate Taft, the leader of his party, is reported to have declared in a speech at Winona, Minn., that the rates prescribed in the wool and woolen schedule, Schedule K, were so high as to be indefensible. These were the utterances of the chosen leader of a then united Republican Party, and those utterances stood unchallenged to the day of the election. After the President had been elected and inaugurated he took speedy occasion to assemble the Congress in extraordinary session in the spring of 1909, and out of that Congress came what is known as the Payne-Aldrich law. But the Republican Party did not keep faith with the people. A law was passed, but instead of reducing duties, it substantially increased them. The pledge of the President and of his party was not only not kept, but was ignored. As a result of this bad faith there was a widespread popular resentment. At the election of the following year—November, 1910—the electorate of the country expressed that resentment in emphatic form. A Democratic House was elected, and the Democratic representation in the Senate largely increased.

Soon after that election, in the early spring of 1911, the President again called the Congress together in extra session. At that time the Democratic House of Representatives, responding to the public demand and keeping faith with the people, passed a bill almost identical with the one now pending, revising the woolen schedule, and sent it to the Senate. The Republican minority in the House of Representatives opposed the passage of the bill by that body, and set themselves against the effort of the Democrats over there to reduce the burden of taxation. When the bill came up in the Senate Republican Senators of all descriptions, regulars and insurgents alike, united to defeat the passage of the bill. The Democrats of the Senate were forced to accept a compromise measure proposed by a small minority of Republican Senators known as "insurgents" or "progressives," and the House was later forced to accept that compromise with some amendments or do nothing. The compromise bill was passed and sent to the President. He vetoed it on the ground that his Tariff Board—I say "his Tariff Board" because its members were appointed by him and are under his control—had not reported on certain investigations he said the board was making into the wool and woolen industry.

He vetoed even this Progressive Republican measure on the ground that Congress should not act but should stand by and wait until this little Tariff Board could be heard from. Why, Mr. President, this board was two years in making this one investigation and preparing this one report. If they should expend anything approximating a like time on all the other schedules, and we should wait for their reports before acting, we would not be able to revise the tariff laws during the lifetime of most of the Members of this body. It would require a halt of 15 or 20 years, possibly more, before we could get reports on all the various schedules. And of what particular value would they be after we got them? Is it expected that Congress should follow the board's reports? I do not think so. The report made by the majority of the Ways and Means Committee when this bill was reported to the House shows that the House placed little or no reliance on the report of the Tariff Board. In fact the committee report undertook to show, and I think did show, most conclusively that the report of the Tariff Board on wool and woolens is fragmentary, unreliable, and made on unscientific principles. The House turned it down. Does the President expect to follow the board and stand by what it says? He vetoed the wool bill of last year because the board had not reported on the wool schedule. Will he now veto another bill because Congress refuses to follow the recommendations of the board and refuses to frame a bill in accordance with the data and deductions therefrom furnished by the board? That would be the logic of his position; but that would be to substitute the judgment of this board of five men of his own appointment for the judgment of Congress. The President vetoed a bill reducing tariff duties which as a candidate for office he denounced as indefensible, and vetoed it on the flimsy ground that he was waiting to hear from his Tariff Board. And so, Mr. President, the effort of the Democrats at the extra session of 1911 to revise the tariff downward was defeated by Republican opposition in Congress and by the veto of a Republican President.

After that, in due course, the present session of Congress began in December. What has happened at this session? The steel bill, so called, was brought before the House early in the session, proposing material reductions on metals and metal manufactures. Republican Representatives stubbornly resisted these reductions, but the bill passed the House nevertheless and came to the Senate. The Republican majority of the Senate Finance Committee reported the bill adversely, and when it was taken up for consideration in the Senate the Republicans of the Senate sought to kill the bill by adding to it a provision amending a law passed in 1911 authorizing the free importation from Canada of wood pulp and print paper, and so amending it as to take those articles from the free list and subject them to a heavy tariff duty. In other words, our Republican friends refused to accord the people any relief from the oppressions of the Steel Trust unless the Democrats would agree to oppress the people in the interest of the Paper Trust. And so this amendment, in no wise germane to the steel bill, was added to the bill to embarrass, if not to prevent, the passage of the measure.

Mr. President, I ask myself sometimes—and I ask now—whether Republicans can keep faith with the people or whether they are so tied up that they are bound to serve the great industrial combinations and monopolies of the country? We have seen what has been done with the bill to reduce the duties on steel and iron and other metal products, and now we have the wool bill before us again. Since the veto of the first wool bill the Tariff Board have reported. They reported last December. What, then, is in the way of proceeding with this legislation now? The President and Republican Senators said they were only waiting for this report. I want to read a few lines from the message of the President when he transmitted this report to Congress. The President said:

> In my message of August 17, 1911, accompanying the veto of the wool bill, I said that, in my judgment, Schedule K should be revised and the rates reduced. My veto was based on the ground that, since the Tariff Board would make, in December, a detailed report on wool and wool manufactures, with special reference to the relation of the existing rates of duties to relative costs here and abroad, public policy and a fair regard to the interests of the producers and the manufacturers on the one hand and of the consumers on the other demanded that legislation should not be hastily enacted in the absence of such information; that I was not myself possessed at that time of adequate knowledge of the facts to determine whether or not the proposed act was in accord with my pledge to support a fair and reasonable protective policy; that such legislation might prove only temporary and inflict upon a great industry the evils of continued uncertainty.
>
> I now herewith submit a report of the Tariff Board on Schedule K. The board is unanimous in its findings. On the basis of these findings I now recommend that the Congress proceed to a consideration of this schedule with a view to its revision and a general reduction of its rates.

That is in line with what the President said in his speech when he was a candidate in 1908. Is he any more in earnest now than he was then? Before we had a Tariff Board he thought the rates in this schedule ought to be reduced; after we got the board the thought there should be no revision until the board had investigated and reported; and now, since the report has been furnished, he again recommends a general reduction of exising rates in the woolen schedule. Will he change front again?

Mr. President, the Democrats of the House promptly responded to this recommendation in the President's message by passing the pending bill. What are our friends on the other side of this Chamber doing? What have they done? They are engaged in a policy of delay, procrastination, opposition. They have not offered, as a party, any substitute for the House bill, or any measure of relief whatever. As the Senator from North Carolina remarked this morning, the majority of the Finance Committee contented themselves with simply voting to report this bill adversely. They do not propose any measure of their own. They are satisfied merely to obstruct, thwart, and baffle the Democrats in Congress in their efforts to fulfill their pledge to the people. Republicans are satisfied to leave things as they are.

Mr. President, both political parties are pledged, as we know, to a substantial downward revision of the tariff, and particularly the tariff on wool and woolen manufactures. I have read already quotations from public utterances and official communications of the President. I wish now to read a few lines from the recent national platforms of the Democratic and Republican parties. The Democratic platform adopted at Baltimore contains this declaration:

> We favor the immediate downward revision of the existing high and, in many cases, prohibitive tariff duties, insisting that material reduction be speedily made on the necessaries of life.

The Republican platform adopted at Chicago contains this declaration:

> We hold that the import duties should be high enough, while yielding a sufficient revenue, to protect adequately American industries and wages. Some of the existing import duties are too high and should be reduced. A readjustment should be made from time to time to conform to changing conditions and to reduce excessive rates, but without injury to any American industry.

"Some of the existing import duties are too high and should be reduced." What duties, if not these duties on wool and woolen manufactures? Of all the schedules, this one is under the ban of universal condemnation. Yet our friends on the other side are not lifting a hand, as the representatives of their party, to keep faith and redeem their pledge. No wonder, after these repeated deceptions and multiplied instances of broken pledges, the country has lost confidence in the sincerity, capacity, and good faith of the Republican Party.

Mr. President, it is difficult to understand the madness that seems to possess Republicans in the Senate and in the House. It may, indeed, be true that—

> Whom the gods destroy they first make mad.

But sure it is that the people, wearied of bearing unnecessary burdens and aroused by the abnormal and unnatural increase in the cost of living, due in large measure to the exactions of tariff-fostered monopolies, are determined to secure some measure of relief—aye, to secure some protection for themselves.

Mr. President, this wool schedule was so exhaustively discussed in 1909 during the consideration of the Payne-Aldrich law, and again in 1911 when the Underwood bill was before Congress, and still again during the present session when the pending bill was being considered by the House, that it seems to me that to go into any extended discussion of this measure in detail would be of necessity, in large part at least, but a repetition of the deliverances made by many Senators and Representatives during the periods to which I have referred.

So, Mr. President, having already detained the Senate longer than I intended, I yield the floor.

Mr. HEYBURN. Mr. President, just a word in response to the suggestion of the Senator from Missouri [Mr. STONE] in his plea for a reduction of the high cost of living. Can you conceive of reducing the cost of living by cutting off the meat supply of the country fully one-third? When you strike at the wool industry you strike at the sheep industry from which the wool is produced. If you discourage that industry or strike it down, it will inevitably result in a reduction of the sheep in the country, and correspondingly a reduction of the meat supply.

Perhaps the meat of the sheep is more important to the people on behalf of whom this plea is made than of any other class of meat. What effect would it have on the price of beef and pork if you were to withdraw from the production of meat 33⅓ per cent? That is the relation which the sheep bear to the entire meat production. Would it not necessarily result in an increase in the price of other meats? The addition to the cost of living would be many times the sum that it is claimed by any of those favoring this tariff provision and any possible saving that might be made in the cost of clothing or carpets.

Mr. MARTINE of New Jersey. Mr. President——

Mr. HEYBURN. Where do we find a substitute in the meat market?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. HEYBURN. Yes.

Mr. MARTINE of New Jersey. I was only going to say that we were told a little while ago by that high authority on wool, the Senator from Utah [Mr. SMOOT], that the sheep which produce the meat produce practically little or no wool and, vice versa, the sheep that produce the wool produce practically little or no carcass or meat.

Mr. HEYBURN. The Senator——

Mr. MARTINE of New Jersey. I only want to know which is the authority on wool and the meat question.

Mr. HEYBURN. The Senator from New Jersey must have misunderstood the Senator from Utah. No one knowing the facts would make a statement of that kind.

Mr. MARTINE of New Jersey. I do not ask the Senator to take myself as authority. I have never been a sheep grower or raiser, notwithstanding I have seen our sheep, and many of them. But the Senator from Utah, I take it, is the high priest on that question.

Mr. HEYBURN. All the sheep that produce wool eventually go into the meat market and constitute a part of the meat supply of the country. The sheep are not allowed to die after producing wool and pass on to waste; they go to the meat market. When you reduce the sheep supply you reduce or cut off the supply of lambs also, and the Senator from New Jersey would be confronted with the proposition of denying himself the pleasure and benefit of eating the meat of the lambs.

Mr. MARTINE of New Jersey. I only want to say, if the Senator will permit me, that my information is not based altogether on my own experience, but I was taking the Senator from Utah as authority, and if he is not qualified I have only to refer to the Senator from Iowa [Mr. CUMMINS], who stated only a little while ago, in the course of his remarks, that the tariff really had not done much for the sheep industry anyhow; that they really did not get anything but a mere pittance of the protection that came anyway; that there were no real, tangible results to the sheep or the sheep raiser.

Mr. HEYBURN. We have only to refer to the experience of those who lived and thought during the time when we had Democratic free wool. The sheep disappeared practically from the range. The business was no longer profitable. I saw thousands of head of sheep being driven away from home in order that they might not consume the grass, because the market for the sheep and the meat of the sheep had been destroyed when they destroyed the market for the product of the sheep.

I merely at this time arise simply to point out the effect of the destruction of the sheep industry upon the meat supply of the country and ask you to take it into consideration when you are considering this mythical proposition of the high cost of living. I admit that a Democratic tariff would reduce the cost of living. It would bring poverty and the inability of the people to buy and pay for the things that are produced or could be produced, and you will have all the cheap times that you want.

I notice that some one in anticipation of it is proposing to coin 3-cent pieces and half cents, in order that they may be in a position to purchase in this starved market. You will need something less than a half cent, because there will be many people to whom a half cent will be a matter of consequence. I suggest that you carry the idea of reforming the coinage further, and introduce for use during Democratic times coin such as we have seen coming here from the Orient with a square hole in it, made out of a metal without value, in order that you may string enough of them about your neck when you go to market to buy a small basketful of produce.

Mr. MARTINE of New Jersey. I am glad, Mr. President, the Senator from Idaho realizes and appreciates that a Democratic administration is coming. His foresight is good. But I only want to say that the proposition of a 3-cent piece that he suggested is clearly and entirely a Republican proposition in a Republican administration.

I want to say further about the sheep, since the sheep question has been started, that we are under a Republican administration to-day and a high protective tariff, and the most singular and remarkable thing is that with your theory and process and rule of protection the sheep in the little State I come from have simply faded out like dew before a July sun. I recall very well that 20 years ago and 25 years ago it was the most common thing in the world in our part of the country to see sheep grazing in the fields. To-day they are a curiosity, and people riding by ask the question, "What sort of animal is that?" They had never seen it in New Jersey. The process of protection has driven them off.

If there are any blessings to come from the decrease in price in the meat supply through the tariff problem, I would suggest to the Senator to go to Lawrence, Mass., and preach that doctrine.

You will find no listeners to the blessings of your high tariff in Lawrence, Mass. There the men, women, and children have been walking the streets for bread, and you have sent fruit there to appease and try to satisfy them. I can take you, as I said before, near my own home, where you will see the working out of your tariff problem, and you have your beggars and paupers, while a handful of men have grown rich. The mill owners have grown rich and prosperous while the most of the people have grown poverty stricken.

Mr. HEYBURN. Mr. President——

Mr. MARTINE of New Jersey. One moment. Your sentences are twice as long as mine. I do not believe you can delude the people any longer with your doctrine of protection. Roosevelt says one thing and Taft says another, and the people between are seeing the light, and that there is no hope of salvation for the struggling breadwinner and toiler with the Republican Party in power; and they are coming over to the broader gospel taught by the Democracy and championed by Wilson.

Mr. HEYBURN. The description of the condition of the people of New Jersey is rather surprising in view of the speech made by the Senator from New Jersey on a recent occasion at a banquet, where he told what a great and prosperous people inhabit the State of New Jersey and how it compares with the most prosperous section of the United States, "and then some."

Mr. MARTINE of New Jersey. In spite of your tariff and all things. But what would we have had if it had not been for the tariff?

The PRESIDENT pro tempore. Senators will address the Chair and get permission to interrupt. Senators will observe the rule.

Mr. MARTINE of New Jersey. I ask pardon.

Mr. POINDEXTER. Mr. President, before the vote is taken on the pending bill I should like to put into the RECORD a brief statement of what I conceive to be the position the Republican Party is placed in with reference to its obligations to act upon this question.

I think the position taken here by the Finance Committee and other Senators not on the committee, who have spoken, that they will do nothing, that they will not act at all, affords the plainest and most concrete illustration of the meaning of a standpatter that we have had in recent times.

There is probably no other country in the world where a great issue like this was submitted to the people directly and squarely, and they decided it, that there was no consequence, as far as the laws are concerned, from the decision of the people. This question was submitted in 1908, and it was submitted again in 1910. At both elections the issue was squarely made as to whether or not the Dingley tariff law—and in 1910 the Payne-Aldrich tariff law—met the deliberate judgment of the people as to a tariff. Both times it was decided that there should be a revision of the excessive items of these bills and, notwithstanding the fact that there have been five sessions of Congress since the campaign of 1908, the judgment and verdict of the people, supposed to be in a self-governing country, has been absolutely ignored, and we are confronted here now, at the moment when we are about to take a vote upon this question, by the great Finance Committee of the United States Senate standing pat on the Payne-Aldrich tariff, saying that they

will not do anything, that they will not submit any kind of a tariff bill at all. They do not propose to respond to the judgment of the people.

My opinion is that the worst enemies of the policy of protection that exist in the politics of this country are those who positively refuse under all circumstances to consider any question relating to the reduction of a tariff schedule. Even though they get up to a prohibitive point, even though conditions change so that the rate which at one time was reasonable becomes unreasonable, becomes oppressive to the people, and the people consider the question of relieving themselves from that oppression, there is a certain element, and it seems to be in control of the old organization of the Republican Party, who take the position that they will not consider it, they will not argue it with you, they will not discuss the question of reducing the tariff. That position does more to discredit the policy of protection before the American people than any Democratic bill that was ever introduced in Congress.

There is a great deal of talk about the result of the Wilson bill. I do not propose to defend the Wilson bill, but I think the argument that the hard times that we had some years ago is a sufficient answer to any proposition to reduce the tariff—the argument that all the distress that followed the reaction that came from excessive, wild speculation that swept over the world, not only in this country, in 1889, from which there was bound to be a reaction, just as certainly as the pendulum is bound to swing back—I say the argument that that is a sufficient answer to any demand the American people make for a reasonable revision of the tariff is about as cheap a political argument as could be conceived of.

Another thing that is illustrated by the situation in the Senate now—whatever plan or position you may take as to high or low tariff—is the difficulty of amending the tariff in a legislative body.

My opinion is that it is just about as difficult to do it in this way as it would be for Congress to fix railroad rates, and just about as unreasonable; and it is unworthy of an intelligent people that their political attention should have been occupied practically for a generation to the exclusion of everything else, to the exclusion of more fundamental and more important questions, with the discussion of this particular rate or that particular rate in political campaigns—and that the attention of Congress should be occupied with particular items in tariff duties—with the chief result that after five sessions of Congress, when the Senate is about to take a vote upon a tariff bill, the air is pervaded with the sentiment that nobody knows anything about it.

I voted the other day to perpetuate the present Tariff Board, if you may call is so. I should like to have the opportunity to vote for the creation of a real one, a commission consisting of an adequate number of good men with good salaries; to see a principle laid down by Congress upon which tariff rates should be fixed; and to have this commission in its administrative capacity, acting under the instructions of Congress and subject to its control in all things, acting under the principle laid down by Congress with the power to remove abuses in particular items and excesses in particular schedules as they might arise from time to time from the changing conditions of the country.

I do not think the spectacle that we are all placed in here would then occur. I am not criticising anybody about it. It is due to conditions. It is not at all edifying from the standpoint of the capacity of Congress to manage the important affairs of government in a competent, to say nothing of a scientific, manner.

Now, what is the condition we are in as to this particular schedule, in the face of the assertion, by action rather than by words, of the Finance Committee and of the Senators who are supporting them in this position, that they will refuse to consider any revision of the tariff? It was said for a long time that it ought not to be revised because there was no report of a Tariff Board. I suppose the country, those who had not already lost faith in this administration, resting in absolute confidence, thought when we did get a report from the Tariff Board upon a schedule there would be an effort made in good faith on the part of the organization in control of the Republican Party to revise the tariff in the light of that report; that they would make some use of the report at any rate, even though they did not agree with it. There was a pretense made on the part of everybody, even the Finance Committee, that they wanted to revise the tariff. There seems to be an opinion that the people can be deceived into believing that that pretense is sincere, notwithstanding every condition which has ever been suggested as an excuse for delay has now been performed—the report is on hand, it is the issue on which the campaigns have been fought for the last four years—and still the committee refuses to take any action whatever.

It is unnecessary to refer to this voluminous report because it has been condensed with the aid of experts into the message of the President of the United States. I want to read a few lines upon this schedule from this condensed synopsis of the report made by the President. It shows that the wool tariff is full of excesses; that it does not comply in any way with any principle of tariff revision that the Republican Party has ever advocated; that it is a prohibitory tariff upon the most essential articles that are covered by it—the most important articles, those which are of most importance to the people of this country; that it does not put the American manufacturer upon an equal footing with foreign competitors and give him a fair chance, but that it tends to a monopoly of the American market for the domestic manufacturer. Mr. Taft says in his message:

> That the duty on scoured wool of 33 cents per pound is prohibitory and operates to exclude the importation of clean, low-priced foreign wools of inferior grades, which are nevertheless valuable material for manufacturing, and which can not be imported in the grease because of their heavy shrinkage. Such wools, if imported, might be used to displace the cheap substitutes now in use.

There has been a great deal said here in recent years about the duty of following the leadership of the President, the titular head of the party, about being regular, about supporting the party organization, and here is the report and the conclusion of the head of the party, the head of that faction of the party to which the majority of the Finance Committee belongs, pointing out the benefits that would come to the people from a revision of the tariff; and yet the organization in control of the party stands or sits pat and refuses to do a thing, or to consider the proposition, or to submit to the Senate any plan for a revision in accordance with the recommendations of the President. Proceeding a little further as to wool the President says, and I read this in order that it may go into the RECORD:

> To make the preceding paragraph a little plainer, take the instance of a hundred pounds of first-class wool imported under the present duty, which is 11 cents a pound. That would make the duty on the hundred pounds $11. The merchantable part of the wool thus imported is the weight of the wool of this hundred pounds after scouring. If the wool shrinks 80 per cent, as some wools do, then the duty in such a case would amount to $11 on 20 pounds of scoured wool. This, of course, would be prohibitory. If the wool shrinks only 50 per cent, it would be $11 on 50 pounds of wool, and this is near to the average of the great bulk of wools that are imported from Australia, which is the principal source of our imported wool.
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> * * * * * * *
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> On tops up to 52 cents a pound in value, and on yarns of 65 cents in value, the rate is 100 per cent with correspondingly higher rates for lower values.

The opposite of what it ought to be.

> On cheap and medium grade cloths, the existing rates frequently run to 150 per cent and on some cheap goods to over 200 per cent. This is largely due to that part of the duty which is levied ostensibly to compensate the manufacturer for the enhanced cost of his raw material due to the duty on wool. As a matter of fact, this compensatory duty, for numerous classes of goods, is much in excess of the amount needed for strict compensation.

Referring to certain classes of goods in which comparisons have been made, he says:

> In fact, however, practically identical fabrics of domestic make sold at the same time at $69.75, showing an enhanced price over the foreign market value of but 67 per cent.

He is attempting to minimize the result upon the market price of goods by reason of this high tariff by saying that it is only 67 per cent higher than the foreign goods. Under this wall that is put up against the foreign competitor we have developed a situation in this country, as everybody in Congress and out of Congress knows, that tends to the production of inferior articles, so that if you want honest quality, if you want first-class material, not only in clothes, but in other things, you have to import it from some foreign country; and yet we pay for the inferior materials manufactured in this country 67 per cent more than the same class of materials can be bought for in foreign countries.

The argument that I have always heard and that always appealed to me, the theory on which the American people have largely based their belief in a protective tariff, was that it provided protection for American labor. It is said that these high rates are necessary to protect the mill operatives. Well, we had a report here a few days ago, after long effort in getting it from the Commissioner of Labor, as to the wages paid mill employees in the principal wool manufacturing center in this country—Lawrence, Mass. It appears from that report that there are 7,275 of those employees, about one-third of the total number of mill workers covered by the investigation, whose wages are less than $7 a week, and that there are many of them whose wages are much lower. The conditions of living there

are such that women have to work in the mills along with their husbands, and if they have young children they are compelled to farm them out with neighbors to be cared for away from home while the mothers work in the mills to make enough to support them. In that connection I will send to the desk and ask to have read a letter relating to the character of labor at the present time employed in the woolen mills of Lawrence, Mass.

The PRESIDENT pro tempore. Without objection, the letter will be read.

The Secretary read as follows:

LAWRENCE, MASS., *July 5, 1912.*

Hon. MILES POINDEXTER,
United States Senate, Washington, D. C.

DEAR SIR: A new situation has arisen in this city since the late strike, and this is the large number of Portuguese Bravas from the Cape Verde Islands which are being brought to this city and placed in jobs formerly held by white men.

These Bravas work for very small wages, and are filling jobs formerly filled by Irish, French Canadians, and Poles. The Pacific Mills and American Woolen Co. are gradually displacing white men working in their storehouses with this cheap black labor.

Most of these Bravas, I am informed, arrive at New Bedford, Mass., in fishing packets which ply between the Cape Verde Islands and that port.

In view of the universal demand for some more rigid restrictions of immigration, it would seem that Congress might consider the advisability of entirely restricting the importation of these blacks, whose presence tends to lower American labor to a level where it can not compete with this class and exist under decent standards of living.

I am,
Very respectfully, STILLMAN EDWARDS.

Mr. POINDEXTER. There is not any dispute of those facts. There is not any possibility of successfully denying, so far as labor is concerned and its share in the tariff on wool, that it is the cheapest labor, that it is the most ill-paid and least able to protect itself of any labor in the world which can be obtained for the purpose. I understand those people from the Cape Verde Islands speak the Portuguese language. They are apparently descended from the African race, settled in a Portuguese possession, and are now being imported in large numbers to take the place of laborers who were getting less than $7 a week at the time Commissioner Neill made his examination of conditions in Lawrence, Mass.; and that there is a regular line of packets between the Cape Verde Islands and New Bedford, Mass., engaged in the business of bringing this cheap class of labor to displace the labor in the woolen mills, which we are supposed to protect by the tariff.

Mr. LIPPITT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Rhode Island?

Mr. POINDEXTER. I do.

Mr. LIPPITT. The Senator refers to a line of packets which brings great numbers of laborers from the Cape Verde Islands. Does he know anything about the line of packets, the size of the vessels, their capacity, or how many voyages they make a year, or how many foreigners they bring in?

Mr. POINDEXTER. I know what was stated in this letter that I have had read just now from Mr. Stillman Edwards, who lives at Lawrence, who ought to know, and whom I consider a reliable authority.

Mr. LIPPITT. Well, he says a schooner, while the Senator says a line of packets.

Mr. POINDEXTER. He says a line of packets.

Mr. LIPPITT. I heard the letter read, and I understood it the other way.

Mr. POINDEXTER. I will read what he says on that subject:

Most of these Bravas, I am informed, arrive at New Bedford, Mass., in fishing packets which ply between the Cape Verde Islands and that port.

Mr. LIPPITT. Mr. President, I understand that the fishing packet is merely a fishing schooner that has been running from the Cape Verde Islands to New Bedford and to Rhode Island for two or three years. Its utmost capacity is perhaps 30 or 40 people, and, I think, it makes about four voyages a year, or something of that kind. I can not say exactly, but that is about the number of passengers the vessel can carry and about the number of voyages it makes. If the Senator thinks that that number of people poured into the great population of New Bedford or into the great manufacturing population of New England is a matter of such serious concern as he represents, I can only say that I differ very radically from him, and I imagine he can scarcely be aware of the size of the population in that vicinity.

Mr. POINDEXTER. I am thoroughly familiar with the size of the population of Lawrence, at least sufficiently so to know that it has something like 75,000 or 80,000 people and some thirty-odd thousand mill workers. But, aside from this letter of Mr. Edwards, I know from the statements of people on the ground that a large number of these Portuguese Bravas, as they are called, are already there. I am told that there are in the neighborhood of 20 different languages and dialects spoken by the mill employees in Lawrence. That is not American labor; it is not Irish labor; it is not labor from the northern countries of Europe; it is not French-Canadian labor; but it is the lowest class of labor that is imported into this country.

I presume it is the result of economic conditions. It is perfectly natural. It seems to me it would not be necessary to know the facts in this case in order to determine what the conditions were; if one knew that it was perfectly practicable for mill owners to import cheap labor and that the mills were managed by shrewd and selfish business men, he would know without investigation that they do import cheap labor and that they use cheap labor. No matter what the number of men brought in on these packets may be and whoever they may be, or whatever nationality they may belong to, we have report after report from the Tariff Board, from the Commissioner of Labor in his latest report and reports which he has made previously, and from the Immigration Commission, showing that the employees in the woolen mills of Massachusetts do not get their share or any share of the benefits of the tariff. I say that because their wages are based, apparently, upon the principle of paying them barely enough to live and work on. The great mass of laborers in these mills only get a sufficient wage to keep themselves and their families alive and in working condition, or, at least, large numbers of them do; and what benefit has come to them from a 200 per cent or 150 per cent prohibitory tariff?

I do not care to go into the details of these conditions, because it is not necessary; the facts are obvious to everybody; they are known to the country, and are repulsive to American standards. There seemed to be some disposition when a resolution was introduced here a short time ago to avoid these facts and the consideration of them by defeating the resolution of inquiry, by delaying its consideration, by preventing the report after it was made from being printed; by delaying the report after the order was made for it to be printed; but it is impossible to prevent these facts from going before the country. They are known to everyone; they can not but be considered and must be considered by the people.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. Yes.

Mr. SMOOT. I should like to know by what authority the Senator says that there was a delay in having the report printed after it was ordered printed?

Mr. POINDEXTER. I say it by my own authority.

Mr. SMOOT. I will say to the Senator that there was no order given, and the Senator has no right to make such a statement.

Mr. POINDEXTER. I did not say that there was any order given. The Senator seems to misapprehend what I said. I said that there had been a delay in printing the document. I was informed that it would probably be a month before it was printed.

Mr. SMOOT. There has been no delay.

Mr. POINDEXTER. Has it been printed?

Mr. SMOOT. The document will be printed just as soon as it is possible to prepare the cuts which are in the report. The Printing Office can not go to work and make those cuts immediately, and then the report embraces several volumes. The Printing Office is handling that work just the same as they handle every other report, and I say to the Senator now there has not been one single word said to the Public Printer to delay the publication of that work.

Mr. POINDEXTER. I am very glad to know that.

Mr. SMOOT. I think the Senator is absolutely unfair when he says that there was delay in ordering that report printed. I told the Senator just before he got up in his seat that I was going to ask that it be printed, and all I wanted to do was to comply with the law. The law provides that before any document is ordered to be printed the committee must find out what the cost of the work will be, and then ask Congress for authority to have it printed. A letter was sent to me and handed to me while in the Chamber, giving the amount it would cost to print the report. I called the Senator's attention to that estimate and was going to ask the Senate to order the printing of the report, even if the Senator had not been in the Chamber.

Mr. POINDEXTER. Has the Senator concluded?

Mr. SMOOT. I have.

Mr. POINDEXTER. I am very glad the Senator has made his statement and that was the only thing that was necessary in order to put in its proper light any statement which I made. I am going to state, however, in view of the statement which

the Senator from Utah has made, one or two additional facts in regard to that particular matter which I had not intended to state. What I did state and everything that I have stated is exactly true and in accordance with the facts. I say that when that resolution was introduced it was vigorously opposed, and it was unduly delayed, first, upon one excuse and then upon another excuse. Finally it was passed by the Senate and the report was submitted. I was not present when the report came into the Senate, and it was referred to the Committee on Printing. Now, I apprehend—and I may be mistaken about this, because I am not experienced in the Senate—that in the ordinary course a report called for by resolution of the Senate would be ordered printed without the mover of the resolution asking to have it printed, especially if he were not present when the report was submitted to the Senate.

Mr. SMOOT. Mr. President——

Mr. POINDEXTER. Just a moment. I accidentally found out that the report had been made to the Senate. I say "accidentally," because some friend happened to tell me about it.

I was not present when it was made. I still took it for granted it would be printed. I went to the Senator from Utah, however, some days afterwards, in order to assure myself upon that proposition, and the Senator, by virtue of his committee assignments and his experience and on account of the fact that he has assumed—and we are glad that he has assumed—the interest he has in these printing matters, informed me, here in the Senate, that the report would not be printed. The Senator from Utah stated to me that unless the Senate ordered the report to be printed it would not be printed.

Now, just a little further—a circumstance which the Senator from Utah refers to, when he called the attention of the Senate to the letter he introduced, occurred after I had made the motion in the Senate for an order to have it printed. I made that motion. The Senator from Utah did not make it. I do not think the Senator from Utah ever intended to make any such motion. I do not know that he was called upon to make it. I am only stating the facts in the case.

Mr. SMOOT. The Senator from Utah did not claim that he made that request, but he wants to say to the Senator from Washington that the Senator from Utah had no authority whatever to tell the Public Printer to print it until the Senate had ordered that it should be printed. The Public Printer would never in the world have printed any report—not this report only, but any report that may come in here—unless the Senate of the United States orders it printed. He has no right under the law to do so; he would violate the law if he undertook to do it; and I would not think, so far as I am concerned, as chairman of the Joint Committee on Printing, of ever giving an order that he should print a document unless the Senate or the House of Representatives so ordered.

Now, Senator, that is exactly the situation; and I do not think it is fair to try to make it appear that there was any disposition on the part of the Senate to prevent the printing of the report.

Mr. POINDEXTER. Of course, if I have done the Senator any injustice, I want to apologize to him for it. I was only reciting the actual occurrence that took place here and the inference I drew from it. I do insist, however, that there was the most unreasonable opposition, in my judgment, and, of course, that is a matter of opinion, to the passage of the resolution calling for an inquiry into the conditions in Lawrence, Mass.

Mr. SMOOT. I never had one thing to say about that, Senator. I never mentioned the passing of the resolution I just called attention to the fact that there had been no unnecessary delay in the printing of the report.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. POINDEXTER. I yield.

Mr. LODGE. The Senator has alluded to opposition to the resolution That opposition, so far as I was concerned, proceeded simply upon the ground that the resolution as originally introduced by the Senator proposed to send an official of a department here to investigate the government of Massachusetts, and the action which that government had taken in regard to certain disorders occurring in the city of Lawrence. I do not think that any State of the Union should be dealt with in that way, and I opposed the resolution on that account.

I had not the slightest objection to an investigation into conditions in Lawrence. I had taken part in making such an investigation two or three years before, and all the facts that have since been brought out here are substantially the same as the facts brought out by the agents of the Immigration Commission, of which I was a member, and who made that inquiry under the directions of the Immigration Commission for the purpose of finding out what were the conditions of the class of immigrants employed at very low wages in those mills and in the coal mines of Pennsylvania, and in one or two other places. Having taken part before in bringing that information to the attention of the public, I of course had no objection to its being done again.

I did object to the proposition of sending a member of a department down there to inquire whether the governor of Massachusetts and the officials of the State had done their duty in a case of disorder.

Now, one word more. At the very time when that resolution was pending in the Senate an investigation into the conditions in Lawrence was on foot ordered by the Bureau of Labor, and was then being conducted; and when this report came in it was the report made by that bureau, on its own initiative, without any reference to the resolution, and the inquiry was made, as a matter of fact, just as rapidly as it could have been made, for it was going on at the very time when we were discussing in this body the point of investigating the action of the State.

Mr. POINDEXTER. I think it started about that time, probably simultaneously, when we were discussing it, and the discussion probably had something to do with starting it, and I think the discussion and the facts that were brought out at that time, the publicity that was given to them, was responsible for the increase, a slight increase, it is true, but still an increase, in the wages of 125,000 mill employees, or approximately that number, in New England, which took place a very short time afterwards.

My recollection is that the Senator from Massachusetts has stated with perfect accuracy his position with regard to the resolution. He informed me he had no objection to it, and he interposed no objection to it, aside from the provision which he speaks of. At the same time what I said before is true as to the delay and objections made by other Senators, not by the Senator from Massachusetts.

Now, that is practically all I have to say in this matter. There is such a wide margin of excess in this schedule in all of its important items that it is unnecessary to discuss with nicety and detail the exact amount of the reduction. My opinion is that if the amendment which has been offered by the Senator from Iowa, which allows a protection of 45 per cent of the value of the raw wool is not a sufficient amount of protection, then the protective-tariff theory fails at that point.

I do not think that the protective policy ought to be carried any further than that. I do not believe that it ought to be possible in this country to tax the people of this country any higher than practically one-half the value of the raw article in order to foster the industry on our shores. I think that that is going to a great extent in creating artificial conditions under which industries can flourish in this country. The enterprise and ambition of our people will find occupation, and it is a great deal better that they should find it along natural lines; that they should find it in things to which the country is adapted and with the materials which are adaptable to be used than that we should go further than to tax a raw product 45 per cent of its value in order to encourage the industry.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from North Carolina?

Mr. POINDEXTER. I yield to the Senator from North Carolina.

Mr. SIMMONS. The Senator has advanced from the point of his discussion to which I wished to call special attention.

The Senator a few minutes ago was discussing the wages paid in the woolen industry and referred incidentally to the wages at Lawrence, Mass. This morning, when I was discussing the same subject, I made the statement that this highly protected—probably the most highly protected—industry in the country was paying the lowest wages, except in one other industry, of any industry in this country. I understood the Senator from Utah——

Mr. POINDEXTER. Does the Senator now want to withdraw that exception?

Mr. SIMMONS. No; I do not. I understood the Senator from Utah to make the point that what I was saying had reference rather to women and children employed in this industry than to men.

In the hurry, I read this morning the wrong table from the book which I hold in my hand. I have it here, and I should like, if the Senator would permit me, to read from it.

Mr. POINDEXTER. I will conclude in a moment, and I would prefer, if the Senator is going to read from that book, that he would do so later.

Mr. SIMMONS. It is just a table.

Mr. POINDEXTER. Allow me to conclude.

Mr. SIMMONS. It is just a table supporting what the Senator has just stated.

Mr. POINDEXTER. Is it of any length?

Mr. SIMMONS. No; it will take only a minute to read it.

Mr. POINDEXTER. I will yield.

Mr. SIMMONS. I want to show the average amount of weekly earnings of male employees, not female, by general nativity and industry, 18 years of age or over—neither females nor children—in the various industries.

Agricultural implements and vehicles, $13.23; boots and shoes, $12.57; clothing, $14.59; collars, cuffs, and so forth, $12.58; copper mining, and so forth, $12.49; cotton goods, $11.60; furniture, $11.43; bottles, $16.87; plate glass, $12.86; tableware, $14.29; window glass, $15.58; gloves, $11.49; iron and steel, $16.54; iron-ore mining, $11.60; leather, $11.02; oil refining $14.83; silk dyeing, $12.46; silk goods, $12.89; sugar refining, $13.42; woolen and worsted goods, $11.62, it being the lowest weekly rate paid to male employees over 18 years of age of any of these enumerated industries, except that of cotton goods.

Mr. SMOOT. That proves what I said this morning, that the average rate per week, as claimed by the Senator as being paid to employees of the mills, was not of men.

Mr. SIMMONS. These are male employees, and only male employees, over 18 years of age.

Mr. SMOOT. I did not refer to the statement made by the Senator from North Carolina, and he did not hear what I said or he would not have objected to it.

Mr. SIMMONS. I did not hear what the Senator from Utah said.

Mr. POINDEXTER. The rate of duty proposed in the amendment offered by the Senator from Iowa on certain fabrics is:

> On cloths, knit fabrics, flannels, felts, women and children's dress goods, coat linings, Italian cloths, buntings, and all other fabrics of every description made wholly or in part of wool and not specially otherwise provided for in this act, valued at not more than 30 cents per pound, the duty shall be 16 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem; valued at more than 30 cents per pound and not more than 40 cents per pound the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

And so on with an increasing tariff, contrary to the present system, upon the increasing value of the cloths, until there is provision for a tariff on cloths valued at more than $1 per pound and not more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

It is perfectly obvious to anyone exercising common sense and having a reasonable knowledge of conditions in this country and of conditions in these manufacturing towns that the rates provided in the amendment proposed by the Senator from Iowa are in full compliance with any doctrine that was ever advocated by the Republican Party of a protective tariff for the benefit of manufacturers or for the benefit of laborers in their mills.

I regard the attitude taken in this matter as a dangerous one not only for the Republican Party, not only for the tariff, but for the system of government under which we live. If we continue indefinitely to ignore and repudiate the sentiment of the country, the deliberate judgment, the intelligent public opinion in these matters, then the whole system is bound to fail—not only the tariff system, but the Government itself—and will be supplanted by some other form of government that is more responsive to the public will, in which the machinery will be provided, as it is in every other country in the world that makes even a pretense of having self-government by which, when the people have decided upon a principle, that principle will be enacted into law and will become effective upon the conditions under which they live.

The people of this country are the ones who are affected by the tariff. There is not any constitutional authority or any principle of politics which would authorize a tariff for the benefit of a private individual. The only constitutional theory upon which a protective tariff can be based is that protection to the extent of encouraging manufactures in this country is for the public welfare; that the keeping of our money at home; that the establishment of industries and putting them upon an equal basis with the foreign competitor, affording occupation for our citizens, is in the interest of the general public. But if we pervert and prostitute that great principle into a system by which private individuals are benefited at the expense of the public, the system is absolutely wrong in its application, and it will not be very long tolerated by the people.

The people are finding means and making suggestions as to changes, not necessarily in the Constitution, but changes in the operation of the Government. Some people claim to be alarmed at this as though it were changing the fundamental form of government. It is not necessary to change in any respect, possibly, even the Constitution of this country in order to secure means by which the will of the people can be carried out in legislation.

It has been found in some States and is being found in other States, and I trust that before another election comes around—certainly before another presidential election comes around—that without any change—as it is said to be by the enemies of popular government and which I say is not necessary—in the fundamental form of the Government, agencies can be adopted by which such a situation as exists in the Senate here to-day will be impossible. After two campaigns and two elections, where the people have called for a reduction of this tariff, session after session of Congress, after information from the executive department, information from the Tariff Board, after the recommendation of the President who belongs to the party which is in control—all confirming the judgment of the people—all have been ignored because the interests which are concerned in these manufactures are opposed to the reduction. That is the only theory upon which I can conceive that action is refused.

The greatest advocate perhaps of the protective system that the Republican Party ever had, at least the one who was considered by the American people with more sympathy for his attitude upon the tariff than any other high-tariff advocate, was William McKinley; and the last speech that McKinley made was a recognition of the fact that conditions having changed in this country—the so-called infant industries having become adult, the American markets having become completely occupied—that the growth of this country, in population and in all the necessities for occupation, for opportunity, for activity, must have an outlet; that there must be means by which the people could support themselves and an opportunity of advancement; and he advocated a change or a modification in the policy of protection to the extent of cultivating foreign trade instead of making prohibitory schedules, for the opening up of commercial relations with other countries, for the proposition that we can not sell unless we buy, that there can not be a one-sided trade, a one-sided foreign commerce; that if we send our goods to foreign countries, we must exchange them for the products of those foreign countries who buy our goods, in order to enable them to buy.

I want to read just a few lines from Mr. McKinley's speech made at Buffalo, September 5, 1901. He said:

> We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor. Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established.
>
> What we produce beyond our domestic consumption must have a vent abroad. The excess must be relieved through a foreign outlet, and we should sell everywhere we can and buy wherever the buying will enlarge our sales and productions, and thereby make a greater demand for home labor.
>
> The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not.
>
> If perchance some—

Mark his attitude with reference to the tariff, in contrast with the attitude of those now in charge of the organization here of the Republican Party, an attitude which is opposed to any change. Mr. McKinley said:

> If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?

He was not in favor of maintaining, against every argument and against every condition, a tariff enactment as an absolute prohibition of imports from foreign countries.

Our tariff policy ought to be based upon a rate which would put the domestic manufacturer and the foreign manufacturer upon an equal footing in the domestic market, not to give a monopoly to the domestic manufacturer, as is the theory of a great many advocates of excessive tariffs. I have heard it in the House; I have heard it in the Senate. The argument is constantly made, the facts constantly advanced, as to how many imports or if there are any imports into this country of a certain article; and if there are any imports, that fact is urged as a reason why the tariff should be raised. That is a prohibitive tariff. That is not a protective tariff. That is not the Republican policy. The Republican platform of 1908 laid down a certain principle, which has been discussed in the Senate—whether or not it was a correct or a workable principle—that the rate should be the difference between the cost of production at home and abroad.

The distinguished Senator from Iowa [Mr. CUMMINS] said to-day that he had thought that that was a practicable working proposition upon which a tariff could be framed, but that he found it to be illusive and impracticable. It is not altogether impracticable to the extent that it should be absolutely discarded. It seems to me that that is an important circumstance that ought to be taken into consideration, so far as it can be ascertained, and there are many other circumstances that ought to be taken into consideration by whatever body may be vested by law with the duty of fixing a tariff at a point where the domestic manufacturer and the foreign manufacturer meet upon equal ground.

The difference in the cost of production is an important consideration, but it may not be conclusive. I agree with the Senator from Iowa [Mr. CUMMINS] to the extent that it should not be considered to the exclusion of other circumstances. It is true that the amount of imports ought to be considered. If we find that the importation of foreign manufactures is reaching a point where they exclude home manufactures from the market, that is a circumstance which ought to be taken into consideration. The theory is all very well, but it is the observation of everyone that theories hardly ever work out, so far as the tariff is concerned, in practice, any more than they do in financial legislation. So we should apply a posteriori as well as a priori reasoning, and should profit by experience and learn from results. From a full view of all the conditions we should determine the rate which would place our manufacturer upon an equal footing with the foreigner.

If a tariff act has heretofore been passed upon a certain theory and we find when it is working out as a law that it has the effect of allowing Europe to occupy our market and crowd out our domestic manufactures, the fact that it is so doing is a fact to be taken into consideration in adjusting the tariff, if natural conditions are fairly favorable, so as to put our manufacturers back upon a footing where they can use their ingenuity and their ability under equal circumstances in competing with the foreigner.

Mr. President, the time to revise a tariff that needs revision is when the opportunity is presented. There was an opportunity upon the original passage of the Payne-Aldrich bill—that law which was said at Winona, Minn., to be the best tariff law that was ever passed, and recently described by the same high official in terms which make it appear to be one of the worst. There was another opportunity in the closing session of the Sixty-first Congress, which followed the election of 1910—which, under our system, was the old Congress—a system which I hope will be changed so that when the people have spoken the Congress which they have elected will make the law instead of the Congress which they have repudiated. But at that time the "titular" head of the party and the stand-pat organization still claimed that no further revision was needed, because of the superior virtues of the Payne-Aldrich bill. As a result of that procrastination and positive refusal to comply with the party platform and campaign pledges the complete power which the Republican Party then had over every department of the Government, over both branches of Congress, and the full opportunity which was then presented to it to fulfill the aspirations, the demands, and the commands of the people has fallen from its feeble hands forever.

Yet I remember that at a previous session of this Congress, through the efforts of progressive Republicans and Democrats, a reasonable revision of the wool schedule was passed by both Houses of Congress. An opportunity was presented then for what remained in the Government of the once magnificent power of the Republican Party, by lending assistance to this measure, to show that it was worthy of the trust which the people had bestowed upon it. The measure was opposed, however, by the Republican organization in the Senate and was vetoed by a Republican President upon the excuse that Congress did not have sufficient information, and that it should delay action until the Tariff Board should file its report. With what degree of good faith that excuse was made is indicated now when the report of the Tariff Board is before us, vindicating and justifying the reductions contained in the wool bill which was passed by Congress in 1911, and the Finance Committee of the Senate, in charge of this great measure, without further excuse, dumbly and sullenly refuses to propose a measure and to assist in guiding it through the difficulties of legislation incident to conflict of opinion and party.

While for the present the inaction of the Finance Committee and the threatened veto of the President suspend the operation of popular government, yet inevitably it will lead to a change in the system so that the control by the people over their system of revenue will be at least as effective as that of other enlightened nations of the world. Public opinion is fortunately still the most powerful, as well as the most intelligent, influence in the Nation, and this repudiation of the demands of the people as registered in two elections will intensify the resentment shown in 1910.

The Republican majority of the Senate now again has the opportunity to redeem the party pledges and keep faith with the people. It declines to act. Opportunity has knocked more than once, but this is its last call upon the "old guard" of the "interests" in this organization. It is "hail and farewell" to the occasion.

The Republican Party, once a great progressive party, born in the service of mankind, has become the unwilling instrument of special privilege in the law. The right of the public to determine the fiscal policy of the Nation has been surrendered to private greed. This betrayal of its faith by those it has placed in the seats of the mighty means the crucifixion, death, and burial of the Republican Party. Under this or some other name it will rise again; but it must and will be regenerated and reborn to the public service. For "that which thou sowest is not quickened except it die"; and that which is now "sown in dishonor" will be "raised in glory."

Mr. CUMMINS. Mr. President, just a moment more and I shall have concluded my observations upon this amendment.

I listened to the remarks of the Senator from Missouri [Mr. STONE], or a part of them, with a great deal of interest, and possibly with a great deal of profit. I am not much concerned about consistency. Long ago I came to the conclusion that if one went forward and did about what he believed to be right he can very well leave what he does from day to day to take its place with his history or his record without worrying himself much about consistency.

However, I think the Senator from Missouri is somewhat in error, and I believe he will be the first to acknowledge it when he makes a further examination of the subject.

I recognize that, as the proponent of this amendment, the position I occupy is not a very agreeable one. My friends upon the other side of the Chamber propose a revision of the tariff which is so low that I can not support it. My brother Republicans—or a great many of them—insist upon duties so high that I must at every opportunity denounce them. But I have gone forward a good many years, expressing my views from time to time, and I have the very highest confidence that somehow, somewhere, we will secure a revision of the tariff that will at once sustain the industries of the country with adequate protection and that will not burden the people of the country with excessive duties.

The Senator from Missouri referred to the bill introduced last year by the distinguished Senator from Wisconsin [Mr. LA FOLLETTE], and for which I very gladly voted. I believe it was a high exercise of wisdom and of study and of knowledge presented by the Senator from Wisconsin, and when the bill came before the Senate I very gladly voted for it. I believed it to be substantially right. It was not then just what I would have prepared had I undertaken the task, but on the whole it embodied the view which he entertained and which he vindicated with a wealth of learning and argument, and which I entertained as well.

There is not a great deal of difference between that bill and the one which I have proposed at this time. In some respects the ad valorem duties of that bill were lower than the duties of this amendment. In some respects the ad valorem duties there would be a little higher than the duties proposed here.

The particular difference I think lies in the duty on wool, and as I stated originally the duties of this amendment upon wool are higher than formerly proposed, and I gave the reasons which moved me to adopt the standard which appears in the amendment.

But I beg that the Senator from Missouri [Mr. STONE], and all the Senators upon the other side of the Chamber, will remember that three years ago, when we were discussing the wool schedule and when the subject was illuminated with the knowledge and eloquence of my late colleague, Senator Dolliver, he offered a series of amendments to this schedule. I have not examined those amendments recently and therefore I can not speak with absolute accuracy with respect to them, but as I recall it nearly every Senator, if not every Senator, upon the other side of the Chamber voted for those amendments to the report of the Committee on Finance, which after became the Payne-Aldrich law.

Those amendments received the concurrence of Senators upon the other side of the Chamber then, and I believe that they would receive the approval of Senators upon the other side of the Chamber now. Although, as I said a moment ago, I have not in memory the precise phraseology of those amendments, I venture the assertion that the amendment I have now pro-

posed is lower in every respect than the amendments proposed by my colleague, Senator Dolliver, three years ago, and which did receive the support of my friends upon the other side.

I am not criticizing the fact that you are not going to vote for my amendment now, because the subject arises under different circumstances. I realize that. There is before us a bill——

Mr. BACON. Will the Senator pardon me?

Mr. CUMMINS. Prepared for and which embodies the general doctrine of a tariff for revenue alone, but I was only trying to convince the Senators upon the other side of the Chamber that so far as I am concerned I have not changed my views one whit with respect to this subject.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I do, gladly.

Mr. BACON. I want to call the attention of the Senator to the difference in the conditions. It is true the Senator is not mistaken when he says that practically all Senators on this side of the Chamber voted for those amendments offered by the late Senator from Iowa, Mr. Dolliver, to the wool schedule. I think that probably not more than one or two, if that many, of the Democratic Senators failed to vote for those amendments. But the Senator will recognize the fact that the statement was repeatedly made in the debates that we voted for those amendments not because the rates of duties proposed in them reduced in those particulars the customs duties to the point that we thought they ought to be reduced, but because they did reduce them below not only the existing law at that time, but reduced them below the bill which was before the Senate for action.

On the contrary, in this instance the bill before the Senate for action is one which has duties lower than those which are now proposed by the Senator from Iowa, even though they may be of no higher rates than those proposed by the late Senator from Iowa, or not so high. But when Senators on this side of the Chamber voted for the Dolliver amendments they were voting for that which was a reduction of rates below the rate proposed in the pending bill. In this instance, although the same rates, if you please, they are higher than the rates proposed in the pending bill, and therefore while Democratic Senators then voted for the amendments they are not inconsistent, but, on the contrary, are entirely consistent when they now vote against the same amendments, because the amendments which in that case would lower the rates of the pending bill in the present case will raise the rates of the pending bill.

Mr. CUMMINS. Mr. President, the Senator from Georgia——

Mr. STONE. Will the Senator from Iowa permit me?

Mr. CUMMINS. Has stated in much better form precisely what I attempted to state. The circumstances are different. I am not attempting to charge any inconsistency.

Mr. BACON. The Senator will——

Mr. CUMMINS. I am simply suggesting that the taunt that there is any inconsistency here on the part of the proposer of this amendment or on the part of the progressive or insurgent Senators is as baseless as the charge would be that there was any inconsistency on the part of our Democratic friends. Does the Senator from Missouri desire me to yield to him?

Mr. STONE. I wish to make an observation in addition to what the Senator from Georgia has said. The substitute proposed by the Senator from Iowa, as I said a while ago, came so late that Senators on this side and Senators generally have had practically no opportunity to examine it critically, but so far as I have been able to examine it, it proposes rates materially higher than the rates proposed in the substitute offered by the Senator from Wisconsin [Mr. LA FOLLETTE] at the extraordinary session last year and finally adopted by the Senate, and which the Senator from Iowa supported, giving to it his valuable and able support from start to finish.

In saying this I do not criticize the Senator from Iowa. He has very well said that he lets every day take care of itself and is not much concerned about consistency. With that statement I do not join issue. It is a matter that every Senator and every man determines for himself; but if it be true that the rates now proposed by the Senator from Iowa are in excess of those proposed last year by the Senator from Wisconsin, which received the sanction of the Senator from Iowa, I wondered why the Senator from Iowa at this time proposed a higher rate of taxation.

Mr. CUMMINS. Mr. President, the amendment was prepared after some study of the Tariff Board report, and it contains my conclusions respecting that report. Far be it from me to claim infallibility in such matters. I am very glad to concede that others may be perfect, but I claim no such quality for myself.

I regret exceedingly that those who want to reduce the tariff to the protective point seem to find no opportunity to carry into effect their desire.

It is one of the unfortunate things that attend this subject. I do not know that there is any way to avoid it. I can not go and will not go below what I regard as the protective point, and there seems to be no way of uniting on a bill that will be a reduction of existing rates and which retains the protective principle.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Iowa.

Mr. GRONNA. I wish to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from North Dakota will state it.

Mr. GRONNA. Am I right in assuming that the amendment offered by the Senator from Iowa will be treated as a substitute, and if that substitute is adopted that we can offer further amendments to it?

The PRESIDENT pro tempore. Unquestionably.

Mr. CUMMINS. I so understand or I would——

Mr. SIMMONS. I did not understand what the inquiry of the Senator from North Dakota was.

Mr. CUMMINS. Or I would have removed what I have been convinced is an error in the bill and which was suggested by the Senator from Oregon. If the Senate votes to substitute my amendment for the House bill, I then intend to offer an amendment transferring the hair of the goat from class 2 to class 1.

The PRESIDENT pro tempore. For the information of the Senator from North Carolina [Mr. SIMMONS], the Chair will state that the inquiry of the Senator from North Dakota was whether, if the substitute should be agreed to, it would be amendable.

Mr. SIMMONS. The Cummins substitute?

The PRESIDENT pro tempore. Yes.

Mr. CUMMINS. Upon the amendment I ask for the yeas and nays.

Mr. BACON. Did I understand the Chair to say that if the Cummins substitute were adopted it could be amended, or that the bill generally could be amended?

The PRESIDENT pro tempore. If the substitute were adopted it would then become the bill.

Mr. BACON. Well, Mr. President, I did not understand that the amendment of the Senator from Iowa struck out all of the pending measure. I have not had an opportunity to examine it very carefully.

The PRESIDENT pro tempore. It proposes to strike out all after the enacting clause.

Mr. BACON. I want to suggest, with the permission of the Chair, that if the substitute is adopted it could not thereafter be amended until the bill gets into the Senate.

Mr. LODGE. It can be amended in the Senate, of course.

Mr. BACON. Yes; but not before.

The PRESIDENT pro tempore. That is correct. The Senator from Iowa demands the yeas and nays on his amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence, I withhold my vote.

Mr. WATSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is absent on account of personal illness. He, however, is paired with the Senator from Illinois [Mr. CULLOM]. If my colleague were present, he would vote "nay." I will let this announcement stand for the day.

Mr. LODGE (when Mr. CRANE's name was called). My colleague [Mr. CRANE] is absent from the city. He is paired with the Senator from Oklahoma [Mr. GORE]. If he were present, my colleague would vote "nay."

Mr. MARTINE of New Jersey (when the name of Mr. DAVIS was called). I am requested to state that the Senator from Arkansas [Mr. DAVIS] is paired with the Senator from Kansas [Mr. CURTIS].

Mr. SHIVELY (when Mr. KERN's name was called). My colleague [Mr. KERN] is absent from the city. He is paired with the junior Senator from Tennessee [Mr. SANDERS]. Were he present, my colleague would vote "nay."

Mr. LIPPITT (when his name was called). I have a pair with the senior Senator from Tennessee [Mr. LEA]. I will transfer that pair to the Senator from South Dakota [Mr. GAMBLE] and vote. I vote "nay."

Mr. MCCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. Not knowing positively how he would vote on this question, I will withhold my vote.

Mr. WILLIAMS. Mr. President, I think myself authorized to announce that if my colleague were present, he would vote "nay."

Mr. McCUMBER. Upon that assurance I will vote. I vote "nay."

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). The Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. If he were present, the Senator from Oklahoma would vote "nay."

Mr. SHIVELY (when Mr. RAYNER's name was called). The senior Senator from Maryland [Mr. RAYNER] is paired with the junior Senator from Kentucky [Mr. BRADLEY]. I am authorized to say that if the Senator from Maryland were present he would vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. Were he present, my colleague would vote "nay."

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN], and should not vote had it not been for the statement of the senior Senator from Indiana [Mr. SHIVELY], just now made, that if his colleague were present he would vote "nay." I therefore feel at liberty to vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. Do I understand his colleague to say that were he present the Senator from Delaware would vote "nay"?

Mr. DU PONT. I made that statement.

Mr. SMITH of South Carolina. Upon that assurance, I shall vote. I vote "nay."

Mr. WARREN (when has name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], who is ill and absent from the city. I therefore withhold my vote.

The roll call was concluded.

Mr. BRISTOW. I am requested to state that the Senator from Nebraska [Mr. BROWN] is absent and is paired with the Senator from Oklahoma [Mr. OWEN].

Mr. BRADLEY. Did I understand the Senator from Indiana to say that he was authorized to state that the Senator from Maryland [Mr. RAYNER], with whom I am paired, if present would vote "nay" on this question?

Mr. SHIVELY. I made that statement.

Mr. BRADLEY. I am paired with the Senator from Maryland [Mr. RAYNER]; but as he and I agree on this question I will vote. I vote "nay."

Mr. JOHNSTON of Alabama. I wish to announce that the Senator from Texas [Mr. BAILEY] is paired with the Senator from Montana [Mr. DIXON]. If the Senator from Texas were present he would vote "nay."

Mr. LIPPITT. I announce that my colleague [Mr. WETMORE] is necessarily absent from the Chamber on business of the Senate. He is paired with the Senator from Arkansas [Mr. CLARKE].

The result was announced—yeas 14, nays 57, as follows:

YEAS—14.

Borah	Crawford	Kenyon	Townsend
Bourne	Cummins	La Follette	Works
Bristow	Gronna	Nelson	
Clapp	Jones	Poindexter	

NAYS—57.

Ashurst	Fletcher	Newlands	Smith, Ga.
Bacon	Gallinger	O'Gorman	Smith, Mich.
Bankhead	Gardner	Oliver	Smith, S. C.
Bradley	Guggenheim	Overman	Smoot
Brandegee	Heyburn	Page	Stephenson
Briggs	Johnson, Me.	Paynter	Stone
Bryan	Johnston, Ala.	Penrose	Sutherland
Burton	Lippitt	Perkins	Swanson
Catron	Lodge	Pomerene	Thornton
Chamberlain	McCumber	Reed	Tillman
Clark, Wyo.	McLean	Root	Watson
Culberson	Martin, Va.	Sanders	Williams
Dillingham	Martine, N. J.	Shively	
du Pont	Massey	Simmons	
Fall	Myers	Smith, Ariz.	

NOT VOTING—23.

Bailey	Cullom	Gore	Rayner
Brown	Curtis	Hitchcock	Richardson
Burnham	Davis	Kern	Smith, Md.
Chilton	Dixon	Lea	Warren
Clarke, Ark.	Foster	Owen	Wetmore
Crane	Gamble	Percy	

So Mr. CUMMINS's substitute was rejected.

Mr. PENROSE. Mr. President, the Committee on Finance some time ago directed the report adversely of the House wool bill. It was understood in committee and, I believe, by the Senate that the majority reserved the right to prepare a substitute bill should they be able to do so in time for action at this session of the Senate. By many it was assumed that it was the duty of the Republicans to frame a bill, because as to the wool schedule the Tariff Board had presented an elaborate report. After many conferences with members of the committee and with Senators not members of the committee on the Republican side it has been possible to reconcile many differences. I now present an amendment for the consideration of the Senate as a substitute for the House bill, and I sincerely hope, while it may not meet the views of all, that it may command the full support of the Republican vote in the Senate. After the bill is read I shall make a brief statement to the Senate explaining its character.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Pennsylvania will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended by striking out all of the paragraphs of Schedule K of section 1 of said act, from 360 to 395, inclusive of both, and inserting in place thereof the following:

1. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided, for the purpose of fixing the duties to be charged thereon, into the three following classes:

2. Class 1; that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, and Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood, and usually known by the terms herein used, and also hair of the camel, and all wools not hereinafter included in classes 2 and 3.

3. Class 2; that is to say, the hair of the Angora goat, alpaca, and other like animals.

4. Class 3; that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, Russian camel's hair, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

5. The standard samples of all wools or hair which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools and hair under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they may be needed.

6. Whenever wools of class 3 shall have been improved by the admixture of merino or English blood from their present character as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

7. If any bale or package of wool or hair specified in this act invoiced or entered as of any specified class, or claimed by the importer to be dutiable as of any specified class, shall contain any wool or hair subject to a higher rate of duty than the class so specified, the whole bale or package shall be subject to the highest rate of duty chargeable on wool or hair of the class subject to such higher rate of duty, and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

8. The duty on all wools and hair of class 1 and class 2 shall be laid upon the basis of their clean content. The clean content shall be determined by scouring tests, which shall be made according to regulations to be prescribed by the Secretary of the Treasury. The duty on all wools and hair of class 1, imported in the grease, shall be 18 cents per pound on the clean content, as defined above. If imported scoured, the duty shall be 20 cents per pound on the clean content, as defined above. The duty on all wools and hair of class 2 imported in the grease shall be 13½ cents per pound on the clean content, as defined above. If imported scoured, the duty shall be 15½ cents per pound on the clean content, as defined above.

9. The duty on all wools and hair of class 3 imported in their natural condition shall be 7 cents per pound; if scoured, 14 cents per pound: *Provided*, That on consumption of wools and hair of class 3 in the manufacture of carpets, druggets and bookings, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting hereafter manufactured or produced in the United States in whole or in part from wools or hair of class 3 upon which duties have been paid there shall be allowed to the manufacturer or producer of such articles a drawback equal in amount to the duties paid less 1 per cent of such duties on the amount of the wools or hair of class 3 contained therein; such drawback shall be paid under such rules and regulations as the Secretary of the Treasury may prescribe.

10. The duty on wools on the skin shall be 1 cent less per pound than is imposed in this schedule on other wools of the same class and condition, the quantity to be ascertained under such rules as the Secretary of the Treasury may prescribe.

11. Top waste and slubbing waste, 25 cents per pound.

12. Roving waste, ring waste, garnetted waste, and all other wastes composed wholly or in part of wool, and not specially provided for in this section, 20 cents per pound.

13. Noils, carbonized, 14 cents per pound; not carbonized, 11 cents per pound.

14. Thread waste, yarn waste, 9½ cents per pound.

15. Shoddy and wool extract, 10 cents per pound.

16. Woolen rags, flocks, and mungo, 5 cents per pound.
17. Combed wool or tops, made wholly or in part of wool or hair, 28 cents per pound.
18. Wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, but less advanced than yarn, not specially provided for in this section, 28 cents per pound.
19. Worsted yarns composed wholly or in part of wool, advanced beyond the condition of singles by twisting two or more single yarns together, shall be subject to duty at the following rates, namely: On No. 40, 41 cents per pound, and two-fifths of 1 cent per pound additional for every number in excess of No. 40, or one-fourth of 1 cent per pound reduction from 41 cents for every number less than No. 40 to and including No. 12; single worsted yarns shall pay 5 per cent less duty than that imposed by this paragraph on two or more single worsted yarns of corresponding number twisted together. Woolen yarns in singles or two or more yarns twisted together shall be subject to a reduction of 7 cents per pound from the duties imposed by this paragraph on corresponding numbers of single or twisted yarns. All of the above when bleached, dyed, colored, stained, painted, printed, gassed, or singed shall pay 3 cents per pound in addition to the other duties prescribed in this paragraph. The word "number" appearing in this paragraph, whether applied to woolen or worsted yarns, shall be taken to mean 560 yards of single yarn to the pound.
20. On cloths, knit fabrics, flannels, felts, and all manufactures of every description made wholly or in part of wool, not specially provided for in this section, valued at not more than 20 cents per pound, the duty shall be 12 cents per pound, and in addition thereto 25 per cent ad valorem;
Valued at more than 20 cents and not more than 30 cents per pound, 16 cents per pound, and in addition thereto 35 per cent ad valorem;
Valued at more than 30 cents and not more than 40 cents per pound, 20 cents per pound, and in addition thereto 35 per cent ad valorem;
Valued at more than 40 cents and not more than 50 cents per pound, 24 cents per pound, and in addition thereto 45 per cent ad valorem;
Valued at more than 50 cents and not more than 60 cents per pound, 28 cents per pound, and in addition thereto 45 per cent ad valorem;
Valued at more than 60 cents and not more than 80 cents per pound, 32 cents per pound, and in addition thereto 50 per cent ad valorem;
Valued at more than 80 cents per pound, 35 cents per pound, and in addition thereto 55 per cent ad valorem; on all the foregoing composed in part of wool, but in chief value of any other material, 65 per cent ad valorem.
21. On blankets composed wholly or in part of wool, valued at not more than 30 cents per pound, the duty shall be 16 cents per pound, and in addition thereto 25 per cent ad valorem;
Valued at more than 30 cents and not more than 40 cents per pound, 18 cents per pound, and in addition thereto 30 per cent ad valorem;
Valued at more than 40 cents and not more than 50 cents per pound, 22 cents per pound, and in addition thereto 30 per cent ad valorem;
Valued at more than 50 cents per pound, 26 cents per pound, and in addition thereto 35 per cent ad valorem:
Provided, That on blankets over 3 yards in length the same duties shall be paid as on cloths.
22. On women's and children's dress goods, coat linings, Italian cloths, and goods of similar description and character, of which the warp consists wholly of cotton or other vegetable material with the remainder of the fabric composed wholly or in part of wool, the duty shall be 7 cents per square yard; on women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description or character composed wholly or in part of wool, and not specially provided for in this section, the duty shall be 11 cents per square yard, and in addition thereto on all the foregoing 50 per cent ad valorem: *Provided*, That on all the foregoing weighing over 4 ounces per square yard the duty shall be the same as imposed by this schedule on cloths.
23. On clothing, ready-made, and articles of wearing apparel of every description, except such as are knitted, made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries, and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, any of the foregoing made of wool or of which wool is a component material, whether containing india rubber or not, 65 per cent ad valorem.
24. On knitted wearing apparel of every description, and all knitted articles and manufactures thereof, valued at 80 cents per pound or more, composed wholly or in chief value of wool, 24 cents per pound, and in addition thereto 45 per cent ad valorem; if valued at less than 80 cents per pound, 24 cents per pound, and in addition thereto 35 per cent ad valorem; on all the foregoing composed in part of wool, but in chief value of any other material, 60 per cent ad valorem.
25. On handmade Aubusson, Axminster, Oriental, and similar carpets and rugs, made wholly or in part of wool, the rate of duty shall be 50 per cent ad valorem; on all other carpets of every description, druggets, bockings, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting, made wholly or in part of wool, the duty shall be 30 per cent ad valorem.
26. Whenever, in any schedule of this act, the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other like animal, whether manufactured by the woolen, worsted, felt, or any other process.
27. The foregoing paragraphs, providing the rates of duty herein for manufactures of wool, shall take effect on the 1st day of January, 1913.

Mr. PENROSE. Mr. President, many Senators assume that part of the unanimous-consent agreement would preclude any amendments being offered to the pending measure. The amendment of the Senator from Iowa [Mr. CUMMINS], however, was offered yesterday, and it was only this afternoon that I was in a position to offer the amendment which has just been read. For this reason, and on account of the lateness of the hour, it is obviously impossible for me to furnish the Senate with full information and data as to the reductions in this amendment. But I have a statement which has been very carefully prepared and I will ask the Clerk to read it. It is short, and I invite the careful attention of the Senate to it. It is in the nature of a report on the bill, I may say, Mr. President.

The PRESIDENT pro tempore. Without objection the statement will be read.

The Secretary read as follows:

"This amendment is an attempt to make the duties on wool and woolens conform as nearly as possible to the information on that subject which has been furnished in the recent report of the Tariff Board. Schedule K, on account of having a duty on the raw material (wool) and also on the finished product (cloth), has always presented great difficulties. The problem has been how to divide into their respective classes the great variety of articles to which the duties apply and still have rates that would be adequately protective to all articles without being excessive as to some.

"In this amendment, by following the suggestions of the Tariff Board and putting the wool duty on the clean contents of the wool instead of on the wool in the grease, it has been possible to write a measure in which the duties on cloths have been much more evenly distributed than in the present law. The Republican members of the Finance Committee, therefore, are able to present an amendment which they believe has a lower range of duties on all manufactured products, and in no case, so far as they have been able to study the subject, increases the duties. On cloths, for instance, the duties have been reduced from in the neighborhood of 10 per cent on the high-priced and expensive fabrics, which may be classed as luxuries, to as much as approximately 125 per cent on the lower and cheaper grades. On blankets of the higher grades there are reductions running from 12 per cent to 24 per cent and on some of the cheaper qualities, where the value runs from 30 cents to 40 cents per pound, the present duties in many cases have been almost cut in half. The duties on yarns show a reduction of from 8 per cent to 45 per cent under the different conditions of the market. In the same way the duties on tops will show reductions running from 35 per cent to a little over 50 per cent. In spite of these very considerable reductions as applied to the different schedules of the bill, it is believed it will still afford adequate protection to the two great industries—woolgrowing and wool manufacturing—and that if it should be enacted into law, it would enable both the farmer, the manufacturer, and wage earners engaged in this industry to continue to derive their livelihood from those pursuits in which they have been so long engaged and at the same time meet the demands on the part of the consumer for a revision of this schedule."

Mr. WILLIAMS. Mr. President, the spectacle of the Senator from Pennsylvania [Mr. PENROSE] in the rôle of a tariff reformer is so astonishing that I hope we will be forgiven for trying to get some further information about the amendment which he has offered. We could not follow it in the way one could follow one of the old bills and make any sort of comparison. The statement which he has made is, to say the least of it, very scant.

I do not know when the amendment was submitted to the Senate. It is rather a curious thing that the leader of that element of the Republican Party which has been contending most strenuously for taking plenty of time in reforming a great system which spells prosperity or disaster to the industries of the Nation should have gotten into such a hurry at this particular crisis. I do not think the amendment has been submitted very long. I would ask the Senator from Pennsylvania how long?

Mr. PENROSE. The amendment has never been introduced in the Senate as a bill. It was not until this morning that I received authority from my colleagues to present it to this body.

I am not posing as a tariff reformer, Mr. President, as the Senator from Mississippi [Mr. WILLIAMS] would assume, and, therefore, I hope he will recover from his shocked sensibilities. I have deferred to the judgment of a large number of my colleagues, who thought that because the Tariff Board had reported it was incumbent upon them to present, if possible, a measure to the Senate. Others thought that, as they did not have control in any way of the other branch of Congress, it would be labor thrown away, and that the time might be devoted to better matters in closing up this session, and that it would be useless to frame a measure.

But this amendment is the result of a general conferring and reconciling of many differences. It is based on the report of the Tariff Board. It is a measure of fair protection and yet a revision downward.

We all concede that Schedule K has been upon the statute books for many years without practically any change. Practically since the McKinley bill the schedule has remained as it is, with a few minor alterations. All of us admitted that it was preeminently the schedule which at an early practical

moment ought to be taken up for revision. Whether this is the early practical moment or not I do not know. But it represents the views of Senators, not the views of any particular Senator, because some would have the revision lower and some would not have it as low as it is, but it represents the general thought of those on this side of the Chamber, on behalf of whom I, as chairman of the committee, have introduced the amendment.

Mr. WILLIAMS. Mr. President, when I intimated that this action was rather sudden I did not mean to question any motive. I would not regard it as sudden on the part of some people, but coming from the source whence it does come it seems to me to be rather quick action and the rather volcanic injection into the Senate of new matter.

It is sudden for the Senator from Pennsylvania, at any rate. I remember once Col. Lamar said that somebody came to him and told him that a certain old lady in Mississippi was dead. He said, "Is she? Why, she must have died very suddenly. I had not heard of it. Did she?" The answer was, "Yes, Colonel; she died very sudden for her. She was about three years at it, with the consumption." [Laughter.]

Moreover, Mr. President, I did not say that the Senator from Pennsylvania had been posing as a tariff reformer. To pose involves some factor of voluntary action. A man can not pose without posing of his own free will, posing purposely, posing because he wants to pose. I said that the Senator from Pennsylvania was rather astonishing me by undertaking to act in the rôle of a tariff reformer. I perfectly well understood that that acting was not voluntary at all, but that many months of popular revolt and popular indignation had finally driven him and his colleagues upon the Finance Committee into reluctantly undertaking the rôle of tariff reformers. I acquit the Senator from Pennsylvania of all willingness to play the part. I confess, as must every fair-minded man in America, that he has been driven and coerced into playing the part.

I am glad to know from what he just said that this is a revision downward and not a revision upward. I have not had time to examine the bill. I do not know whether it be a revision downward after the manner of the Payne-Aldrich bill—that is in a Pickwickian sense—or whether it be a real revision downward, but I am willing to take the assurance that it is somewhat downward. The Senator from Pennsylvania has not favored us with the information as to how much it was downward, about what percentage ad valorem of reduction would be made in his bill as compared with the existing law, but at some future time I know he will do that.

Mr. PENROSE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Pennsylvania?

Mr. WILLIAMS. I do.

Mr. PENROSE. If the Senator will permit me, I will state for the information of the Senator and for the information of the Senate that I hope to have put in the RECORD at a very early date the data which will show the changes which this bill has in view, and which data will be in ample time for the consideration of the measure before it is finally disposed of, if it is ever finally disposed of.

Mr. WILLIAMS. I am delighted even to hear that at some time in the future, after the Senate shall have voted upon the pending measure, there shall be data placed in the RECORD to enlighten the minds of those who have already acted. It reminds me a little of a man who was once president of a club to which I belonged. A point of order was made. The members of the club undertook to debate it, whereupon the president, with a magnificent intelligence, which I always remembered, said, "Boys, suppose you just let me decide the point of order now. I am in a hurry. Then you boys can go on debating it after I have gone home." [Laughter.]

There is another point of information I should like to get from the Senator from Pennsylvania. I know he will be pleased to give it. All people who are acting a novel rôle are delighted to show that they are masters of their part. I would like to ask the Senator from Pennsylvania if this should become a law whether any duties would be left which are over 100 per cent?

Mr. PENROSE. Mr. President, the Senator has just heard the bill read, and I will leave the question of duties to him.

Mr. SMOOT. I can answer the question, if the Senator desires.

Mr. WILLIAMS. Next after the possibility of getting the information from the Senator from Pennsylvania I would be delighted, as an actuality, to get it from the Senator from Utah.

Mr. SMOOT. Just as soon as the Senator concludes his remarks I shall call the attention of the Senate to the reduction in percentages of the great bulk of the articles.

Mr. WILLIAMS. The Senator from Utah will pardon me. What I asked is whether, if this proposed bill should become a law, there would be left any items contained in it upon which the import duties would be over 100 per cent.

Mr. SMOOT. There will not be an item in which the duties are 100 per cent.

Mr. WILLIAMS. If that is the case, then, Mr. President, Saul hath indeed seen light, because some of the present duties are one hundred and ninety-odd per cent; and it turns out that the Democratic Party, with the people of America behind them, have forced reluctant stand-pat Republican Senators into a reduction, upon some items at any rate, of over 90 per cent of the original duties. At this rate it will not be long before we are all tariff reformers.

Mr. STONE. Will my friend pardon me there a moment? He is speaking of the reductions made in the proposal now pending. The Senator from Mississippi says that the Democrats, with the people behind them, will force our friends on the other side reluctantly to reduce rates on many articles 90 per cent.

Mr. WILLIAMS. No; to act in the rôle of reducing.

Mr. STONE. To act in the rôle of reducing 90 per cent.

Mr. WILLIAMS. From 190 up to less than 100 per cent in some schedules. The Senator is very correct.

Mr. STONE. The statement which the Senator from Pennsylvania dignified as being the report of the majority of the Finance Committee on this measure was that in some instances the reduction was as much as 125 per cent. I was wondering how much was left after the 125 per cent reduction had been made.

Mr. SMOOT. Mr. President——

Mr. WILLIAMS. I am willing to yield for an explanation, but I take it the Senator from Pennsylvania did not mean that 125 per cent of the existing duties had been removed, because, of course, that would bring it down to zero minus 25 per cent. I do not know just what was meant by it, and it might be well, we have time enough, that the Senate should be enlightened upon what was meant by that expression. I understand that when you reduce a thing 125 per cent——

Mr. BACON. It means 25 per cent bounty to the importer.

Mr. WILLIAMS. I understand that when you reduce a thing 100 per cent you abolish it, you cancel it. I expect the Senator from Georgia is right. The reduction of 125 per cent means that we give the foreign producer 25 per cent of the import cost of these articles.

Mr. LIPPITT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Rhode Island?

Mr. WILLIAMS. I do.

Mr. LIPPITT. I think perhaps I can explain what is meant by a reduction of 125 per cent, about which the Senator from Mississippi and the Senator from Georgia are so humorous. I really do not see anything extraordinary in the fact that it is possible to reduce 125 per cent.

The Senator from Mississippi says that there are some duties that were 190 per cent. If they were 190 per cent it is evident that it is very easy to reduce them 125 per cent. As a plain matter of fact, some of the duties were 215 per cent in the present law, and those duties have been reduced 125 per cent, making them about 85 per cent in those particular instances. So that explanation seems to be clear enough.

Mr. BACON. If the Senator from Rhode Island will permit me, he may be very strong on other subjects, but he is not on mathematics. That will not do.

Mr. WARREN. I should like to hear why not.

Mr. LIPPITT. It is a matter of mere mathematics.

Mr. WARREN. I would like to have the Senator state it.

Mr. WILLIAMS. I believe I have the floor.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Senator from Mississippi is entitled to the floor.

Mr. WILLIAMS. We now understand what was meant, and as we are dealing together in brotherly love we do not care to be hypercritical. I merely want to know what was intended to be conveyed to the human intelligence. It turns out now that what was intended to be conveyed was that certain duties, amounting to 190-odd per cent, would be reduced by 125, leaving a duty of 65 per cent, or 60 per cent if it is more than 190. But still, of course, it remains true that nothing which ever existed can be reduced 100 per cent.

What percentage 125 would be of 190 I have not time to calculate, but it certainly would be less than 100 per cent, so that a duty of 190 reduced to 125 would not be a reduction of 125 per cent nor a reduction of 100 per cent, either. It would be whatever percentage 125 constitutes of 190.

Mr. WARREN. Will the Senator permit me?

Mr. WILLIAMS. Certainly.

Mr. WARREN. One hundred and ninety per cent, we will say, on $100 would be $190, or 190 per cent, would it not? Now, to reduce that duty of 190 per cent by taking off 125 per cent upon the first initial or the hundred dollars upon which we base the percentage would, of course, be 125 per cent from 190 per cent. There is no trouble about that. [Laughter.]

Mr. WILLIAMS. Mr. President, this is the first time in my life that I have ever been able to comprehend the confusion of intellect of these same men, otherwise quite honest and quite right, who are high protectionists. It is no wonder now that the American Nation under their leadership has been for years running around in a perfect labyrinth incomprehensible to itself and incomprehensible to the constructors of the labyrinth even.

Mr. President, there are many things to be rejoiced over in an erring and sinful world. One of them is that—

> While the lamp holds out to burn
> The vilest sinner may return.

The entire Republican Party now is composed of party reformers. There is a difference only in degree and not of kind. The Senator from Iowa [Mr. CUMMINS] has this morning announced his position. I think a fair statement of it would be that he thinks a tariff duty ought to be high enough to put the American producer upon an equal footing with the foreign producer in the American market—if I understood his position—and then having made the two equal, one with the other, leave them to struggle with their wits and with their respective energies in the great industrial competition that would follow, meanwhile hoping that the consumer out of this competition would get something of his due. That is one view.

The Senator from Wisconsin [Mr. LA FOLLETTE] at the last session introduced his bill upon this very subject, and I suppose that that is his view, too, expressed in a general view, but it just so happens that the differences in percentages of duties levied are rather serious, showing that it is hard for men to agree where the equal footing line is.

So we come, then, to one reform and then to the greater reform, and various shades between these two may be held to express what would be the result of the action of the Progressive Republican mind.

Now, as to the stand-pat Republican mind, we have various positions there too. I think it is but fair to say that the position of the Senator from Idaho [Mr. HEYBURN], if I understand it, is about this: He would not have duties excessive, but he would have them high enough to see to it that not one dollar's worth of anything produced by a foreign producer ever could get into the American market. If I understand his position, that is about it. He seems to think that the Government showers with a free hand largess of prosperity to the people. He seems to think that when you cut down a tax you have deprived somebody of an inalienable and natural right to live and prosper by virtue of the tax.

The position of the Senator from Idaho reminds me of nothing quite so much as the plank in the platform upon which Tittlebat Titmouse ran for Parliament. The plank was drawn up by Oily Gammon and was worthy of Oily Gammon in his palmiest days; it was so simple, so short, so easy to comprehend. He promised, if elected to Parliament, to introduce a bill to give everybody everything without costing anybody anything.

So the Senator from Idaho seems to imagine that in some way the Government can give everybody everything that everybody wants without costing anybody anywhere anything. All you have got to do is to let a man choose what pursuit he would like to follow in the world, and then determine how much tax it would take to enable him to follow that pursuit without any great strenuous exertion, because he insisted upon that. He wanted an ample margin, and then let the Government fix the tax so high that the pursuit chosen by him as his pursuit upon this mundane sphere might be followed up with abundant and easy prosperity without too much exertion and without too much strenuous thought.

That is the highest superlative degree of the stand-pat Republican protective theory. I did not know that they ran their adjectives in any degree except superlative until to-day. I thought that in their opinion a tariff tax fails just exactly in proportion to its failure to cut out the importation of articles made by a foreign producer; that if it let in $100,000 worth, it failed $10,000; and if it let in 10 cents worth, it had failed, too, only it had failed in a lesser degree. But still as a great stand-pat Republican structure it was a failure to some extent at any rate. The Senator from Idaho has informed us that to cut off the prosperity by refusing taxes to any extent at all is a crime against the people, the only difference being that when you make a large cut you have committed a large crime and when you have made a small cut you have committed a small crime. Give everybody everything without taking anything from anybody, make the producer prosper by governmental fiat, adding to his profit by law, without getting the profit from anybody in the world.

Of course, I shall not criticize the Senator from Idaho; no man would dare do that, but it does seem to my poor, weak intellect that parliaments and congresses are not Jehovah, and that they can not create manna and decree that it shall be rained down from heaven. I do not know of any way of giving one man, by operation of law, money to put in his pocket except by taking that money from somebody else by the operation of the same law. If anybody be wiser than I and knows better, I apologize for my ignorance. But up to this good day I have never heard of any way of giving everybody everything without taking from somebody somewhere. So much for that.

Now, we have not got to the positive degree yet, but we have got to the comparative degree, and that is expressed, although expressed reluctantly, by the Senator from Pennsylvania [Mr. PENROSE] and by the Senator from Utah [Mr. SMOOT] in the pending bill. God save the mark, Mr. President! I understand, or I infer, rather, from what was said by the Senator from Pennsylvania that even you yourselves have expressed the comparative degree of tariff reformation and have indorsed this bill. I am not, however, astonished at that as I am at the spectacle of the Senator from Utah, the great apostle in the great temple of his protectionism, whose voice has been heard ringing through the circumambient atmosphere in protection of the vested rights of tax-created prosperity from the day he entered the Senate down to this good day. Great must have been the prodding of the bayonets in the rear, great must have been the weight of vox populi upon the Republican diaphragm to have produced this amendment from that particular source.

Mr. SMOOT. Mr. President, it is a rather strange spectacle to see the trouble, annoyance, and discomfiture of our Democratic friends because of the fact that there has been a measure introduced in the Senate correcting some of the high rates in the wool bill that have never been taken advantage of by any woolen manufacturer.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me a moment, I hope the Senator has not understood that I was expressing any discomfiture.

Mr. SMOOT. Very much so. I thought it was evident from the remarks of the Senator from Mississippi, as well as those of the Senator from Missouri.

Mr. WILLIAMS. On the contrary, I was expressing pleasure.

Mr. SMOOT. I think the action was quite unexpected and evidently has upset them. I have listened to the remarks of the Senator from Mississippi with a great deal of pleasure, because they have not touched the question of the tariff at all and have just been made up of a lot of sentences that amount to nothing. I can call the Senator's attention to the fact that Oily Gammon is living in this age, if I am not mistaken, for if the Senator will read the Democratic platform adopted at Baltimore he will find that Oily Gammon has virtually written that platform. Mr. President, I am going to take up in just a few words the main reductions that this amendment proposes, but before doing so I want to answer the question——

Mr. STONE. Is the Senator's reference to Oily Gammon personal?

Mr. SMOOT. I want to answer the suggestion as to the rate of 190 per cent or 200 and some odd per cent.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. Certainly.

Mr. STONE. When the Senator speaks of Oily Gammon having written the platform at Baltimore, does he mean to be personal?

Mr. SMOOT. No; I mean, Mr. President, that that platform has promised everybody everything without costing anybody anything, as nearly as any platform that I ever saw written by any party.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the junior Senator from Minnesota?

Mr. SMOOT. I yield to the Senator.

Mr. CLAPP. I ask the Senator if this [indicating] is the amendment now under consideration?

Mr. SMOOT. I think that is the amendment.

Mr. CLAPP. This amendment appears to be dated "June, 1912," and it is less than half an hour since I, for one Senator at least, have been able to secure a copy of it.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I yield.

Mr. McCUMBER. I want to ask the Senator from Minnesota at what time was the amendment that we just voted down presented to the Senate?

Mr. STONE. Yesterday.

Mr. McCUMBER. What complaint is there, then, if one was presented only yesterday and another one comes in to-day? I want to say to the Senator that the amendment is not proposed by the Committee on Finance. Any Senator has a right at any time to draft an amendment and offer that amendment.

Mr. CLAPP. Mr. President——

Mr. McCUMBER. Notice was given the full committee by the majority members of the Finance Committee that they might or they might not, acting individually or collectively, bring in a bill. The act of any one of them is not the act of the committee, and each and every one of them has a right to propose an amendment now or at any time without any preconsideration.

Mr. CLAPP. Mr. President——

Mr. SMOOT. Mr. President, I believe it will be very much better for me to say in just a few words here in explanation of the amendment——

Mr. CLAPP. Before that is done, inasmuch as the question was asked me, I ask for an opportunity to answer it.

The PRESIDENT pro tempore. Does the Senator from Utah yield further to the Senator from Minnesota?

Mr. SMOOT. I yield.

Mr. CLAPP. In the first place the amendment of the Senator from Iowa [Mr. CUMMINS] was before the Senate a sufficient time for a Senator to take that amendment and compare it with the existing law. In the next place, the Senator from Iowa did not bring his amendment before the Senate with the declaration that it was practically a party measure and he hoped it would be supported by the party; and that, too, with less than half an hour in which to consider the amendment. At that I only got a copy by solicitation.

I am told by the Senator offering it that this is the result of a conference on the part of the committee, and it is to be hoped that every Republican will support the measure. There is a difference between an individual offering an amendment in the Senate and the chairman of the Committee on Finance undertaking to place a measure before the Senate and make its support a test of fealty with less than half an hour to digest it.

Mr. PENROSE. Will the Senator from Utah permit me?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SMOOT. I do.

Mr. PENROSE. Mr. President, the complaint of the Senator from Minnesota is entirely justified. I regret that the proceedings have taken this shape. The Senator, however, must make some allowances for the very many difficulties under which we have labored. I was absent last week from the city of Washington, and during that time I presume, contrary to the expectations of almost every Member of this body, a unanimous-consent agreement was reached by which a vote was agreed to be taken upon this measure much earlier than any Senator had anticipated. Nor have I had any assurance at any time until this morning that any considerable number of Senators would be able to get together upon a wool bill. They all agreed that some action was necessary, because they took the ground that the Tariff Board had reported and therefore the obligation arose and existed for some kind of action on the part of the Republicans.

When it came to solving the details, not only was the widest diversity found in the opinions of Senators, but there was naturally found to exist in the views of the wool growers and manufacturers the greatest difference, which is not surprising when we realize that this is the most complicated of all the schedules of the tariff; that it embraces an industry which covers the continent, from the grower on the slopes of the Rocky Mountains and the Plains to the manufacturers in the East. It is unfortunate that we have not all been able to confer together as freely as we would desire. Many of us have been absent for prolonged periods from the Chamber. The Senator from Minnesota [Mr. CLAPP] has been absent more or less of the time on proper matters, and I likewise have been compelled to be away. During the month of June a large part of the Members of this body were absent from Washington; and, while I recognize that his complaint is entirely justified, I hope the Senator from Minnesota will not have any feeling in regard to the matter or assume that there is any desire to precipitate matters or to do anything that does not give every Senator full opportunity for consideration and discussion.

Mr. STONE. Mr. President, will the Senator from Utah allow me to ask the Senator from Pennsylvania a question?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. I will yield for that purpose.

Mr. STONE. I have in my hand the amendment in the nature of a substitute proposed by the Senator from Pennsylvania [Mr. PENROSE]. I gather from what he says that this amendment was considered and agreed upon by the Republicans within the last day or two.

The Senator from Pennsylvania speaks of the absence of Senators in June because of important matters which took them away, leading us to believe that there was no opportunity for early action, at least none during that flowery month. I find in looking at this substitute proposed by the Senator from Pennsylvania that it was printed in June, 1912.

Mr. PENROSE. That is correct.

Mr. STONE. Well, then, it was not agreed upon after it was printed?

Mr. PENROSE. Mr. President, I can answer the Senator's question.

Mr. STONE. If it was agreed upon then, I should like the Senator to tell us, in good faith, why it was not presented here and printed so that it could be fairly considered?

Mr. PENROSE. The amendment the Senator holds in his hand which has been offered by me was prepared by some experts in connection with the Finance Committee after consultation with a great number of persons, including wool growers and manufacturers, and with the valuable assistance of those Senators who had the time and the interest to consider the proposition. Other Senators were working out their own views. The Senator from Utah [Mr. SMOOT], it is well known, was considering a bill from a somewhat different point of view. I tell the Senator from Missouri candidly and truthfully now that I never had the slightest idea that the bill would even command the support of a considerable number of Senators until this morning. It was prepared by those to whom I have referred, for submission to Senators for their consideration. I do not claim for a moment that there has ever been any formal action on it. There has only been such conference and consultation as there could be among those who were present and available.

It may be, it is not unlikely, that the amendment will fail of passage. I do not claim that it has the full support of Republicans in this Chamber. I have presented it in good faith, having been authorized to do so by the majority of my Republican colleagues on the Finance Committee. After conferences with as many Republicans who are not members of the committee as I have had time to confer with, I present it to the Senate in good faith as a measure based on the lines laid down by the Tariff Board and constituting a considerable reduction in the duties, particularly on the manufactured product.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. I yield for a question.

Mr. POMERENE. I want to address my question to the Senator from Pennsylvania, if I may. The Senator from Pennsylvania concedes that, in view of the fact that this bill has just been presented, the minority Senators, as well as those on the other side who have not been consulted about it, will not have an opportunity to investigate it and compare it with other bills or with the existing law. Does the Senator object to advising the Senate as to what Senators were consulted in the making of this bill?

Mr. PENROSE. Mr. President, I would cheerfully advise the Senator from Ohio if I had the information. Different Republican members of the Finance Committee have greatly aided in conferring with other Senators with whom they could have opportunity to obtain conference. I do not pretend for a moment that I have done all the conferring or that I know who has been conferred with or who has not. I can not say. I only entertain the hope—it may be a fleeting one—that this bill, as it is a reduction of existing duties, may possibly command the support of most of the Republican Senators. Perhaps it may not; perhaps it may fail; but, for one, I do not think it matters much, because the other House will hardly consider it, and therefore it is not likely to have a very long career in the Capitol.

Mr. POINDEXTER. I wish to make a parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Washington will state his parliamentary inquiry.

Mr. POINDEXTER. I should like to understand from the Chair and from the proceedings that have already been had in connection with this amendment whether it is offered as a committee amendment, as a report from the Finance Committee, or whether it is simply offered by the Senator from Pennsyl-

vania. In that connection I wish to say that I understood the Senator from Pennsylvania to state, in submitting it and also in the subsequent remarks which he made, that he had consulted with the Republican members of the committee and was authorized by a majority of the committee to report the bill. The Senator from North Dakota [Mr. MCCUMBER], in speaking on the subject, spoke of it as an amendment offered by an individual Senator, and said that any member of the committee had the right to submit an amendment.

Of course, we all knew that that was true, but it seems to me a matter of some importance at this stage of the proceedings to understand clearly whether this amendment is proposed on behalf of the Finance Committee, or of a majority of the Finance Committee, or simply as an amendment proposed by the Senator from Pennsylvania.

Mr. PENROSE. Mr. President——

Mr. POINDEXTER. I should like to say just one word further. Whatever the formal method of proposing it may be, if the Senator proposing it states, as the Senator from Pennsylvania has stated, that he does so after having consulted with and obtained the authority of the majority of the committee, then to all intents and purposes it is proposed by the committee.

Mr. PENROSE. Mr. President, I was most careful to state the circumstances under which this amendment was proposed, and I regret that the Senator from Washington did not see his way clear to listen to my remarks, which I endeavored to make, contrary to the usual custom, as brief as possible.

When the House bill was originally reported the right was expressly reserved in the committee, as was well understood by the Republican majority of the Finance Committee, to offer an amendment to the bill later on, should they be able to get together and frame a measure on which they could unite.

This amendment is submitted by me, not individually, but as chairman of the committee, not of the whole committee, but in connection with my Republican colleagues on the committee, and not all of them, because not all of them are in Washington and available, but most of them; and all of us know that none of the committees in the Senate command an actual majority of the Republican Senators, although nominally organized by the Republican Party.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. The Senator from Utah has the floor. Does he yield to the Senator from Ohio?

Mr. SMOOT. I would prefer to go on with my remarks.

Mr. POMERENE. Then I will make my inquiries further on.

Mr. SMOOT. The Senator can make his inquiries further on.

Mr. President, I wish to recite to the Senate some of the reductions that have been made by the substitute offered by the Senator from Pennsylvania; but before I do so I want again to point to the fact that has always been conceded, that under the present tariff law so-called woolen goods that are not all wool, but composed mostly of cotton and shoddy, the duty under the present law is exceedingly high. It has often been referred to that certain blankets carry a duty of 165 per cent. As the Senator from Iowa said to-day, and as I have said on the floor of the Senate time and time again, the blanket that carries that rate of duty is a blanket valued at 30 cents per pound or under. The cloths that are valued at 30 cents per pound carry a compensatory duty of 33 cents, and the compensatory duty alone amounts to an equivalent ad valorem of 110 per cent. That comes from the fact that the duty is based on the theory that the cloth is composed of all wool, when, in fact, it is not.

Mr. President, added to that is the ad valorem duty, and it makes the rate exceedingly high, and no one who has read the Tariff Board report will deny that the board in making its report called attention to these excessive duties, but stated positively that the manufacturers in this country had not taken advantage of those excessive duties, and prices of same were regulated by competition. There is a keen competition in that class of goods in this country.

I will begin with woolen cloth, knit fabrics, flannels, and all other fabrics of every description, made wholly or in part of wool, showing the equivalent ad valorem rates of duty under the act of 1909, and under the substitute just offered by the Senator from Pennsylvania.

These items, under paragraph 378 of the act of 1909, bear an equivalent ad valorem duty of 160 per cent. In the amendment just presented by the Senator from Pennsylvania the duty will be 88⅓ per cent, or nearly one-half reduction.

Mr. President, I call attention to the above by stating that it is upon cloth valued at 30 cents per pound. It is impossible to make an all-wool cloth at 30 cents a pound. So, Mr. President, the reason that the present duty can be reduced as proposed is on account of the excessive duty in the law to-day, as already explained. The manufacturer has not availed himself of the excessive rates. The Tariff Board so reports, and this shows the reduction in that class of goods.

Valued at 40 cents per pound, under the present law the equivalent ad valorem rate is 133⅓ per cent; under the substitute, 85 per cent. Valued at 50 cents per pound, under the present law the equivalent ad valorem rate is 138 per cent; under the substitute, 92 per cent. Valued at 60 cents per pound, under the present act the equivalent ad valorem rate is 123⅔ per cent; under the substitute, 82½ per cent. Valued at——

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. For a question.

Mr. WILLIAMS. If I understood the Senator correctly, he said that the confusion or the trouble grew out of the fact of the compensatory duty of 44 cents on 33-cent cloth——

Mr. SMOOT. On 30-cent cloth.

Mr. WILLIAMS. On 30-cent cloth, and then he added "which the manufacturer has never used."

Mr. SMOOT. Yes.

Mr. WILLIAMS. I ask for information; what does the Senator mean by that?

Mr. SMOOT. He has not taken advantage of the full duty that the tariff act would allow in certain cases.

Mr. WILLIAMS. What the Senator meant, then, was, that although the manufacturer had had this legal opportunity, he had never used it to its full extent.

Mr. SMOOT. That he never had availed himself of it.

Mr. WILLIAMS. But the law did give him the opportunity, if he could use it, to exploit the consumer to that extent. So what we are to thank is the generosity of the manufacturer and not the law itself.

Mr. SMOOT. I yielded for a question. What I stated is an absolute fact, and the Tariff Board report bears it out.

Mr. WILLIAMS. I did not dispute the fact.

Mr. SMOOT. On cloth valued at 70 cents per pound, under the present law the equivalent ad valorem duty is 112⅔ per cent; under the substitute, 80⅔ per cent. Valued at 80 cents per pound, under the present law the equivalent ad valorem duty is 110 per cent; under the substitute, 76½ per cent. Valued at 90 cents per pound, under the present law the equivalent ad valorem duty is 98⅝ per cent; under the substitute, 76⅔ per cent. Valued at $1 per pound, under the existing law the equivalent ad valorem duty is 99 per cent; under the Senate amendment, 73½ per cent. Valued at $1.25 per pound, under the present law the equivalent ad valorem duty is 90⅝ per cent; under the substitute, 72½ per cent. Valued at $1.50 per pound, under the present law the equivalent ad valorem duty is 84½ per cent; under the Senate amendment, 78½ per cent. Valued at $1.75 per pound, 80⅞ per cent, equivalent ad valorem duty under the existing law; under the substitute, 75 per cent.

Mr. PENROSE. Perhaps if the Senator from Utah would have the table printed, as the hour is getting late——

Mr. SMOOT. I am perfectly willing to have the figures put in the RECORD without reading.

Mr. REED. They would be of great service if read.

Mr. PENROSE. If the Senator from Missouri wants them read, I hope the Senator from Utah will read them.

Mr. SMOOT. I am perfectly willing to go on.

Now, take wearing apparel composed wholly or in part of wool, except such as are knitted, valued at 30 cents per pound, under the present law the equivalent ad valorem duty is 206⅔ per cent; under the substitute, 65 per cent. Valued at 40 cents per pound, under the present law the equivalent ad valorem duty is 170 per cent; under the substitute, 65 per cent. Valued at $1 per pound, under the present law the equivalent ad valorem duty is 104 per cent, while under the substitute it is 65 per cent. Valued at $1.50 per pound, under the existing law the equivalent ad valorem duty is 89⅓ per cent; under the substitute, 65 per cent.

CARPETS.

Act of 1909 paragraphs 384 to 391, equivalent ad valorem duty 50 per cent to 100 per cent; the substitute, 50 per cent.

All other carpet the substitute provides a rate of duty of 30 per cent.

While the statement made by the Senator from Pennsylvania that there was a reduction of from 10 to 125 per cent has been questioned it can not be questioned that there is a difference in the equivalent ad valorem duty of from 10 to 125 per cent.

There are even greater differences, as I have stated, but it does not apply to all-wool goods, but only to goods made from mixtures of cotton or shoddy with wool. If the present law applied only to all-wool goods, there never would have been

very much complaint of rates. It is a class of goods made of cotton, mungo, or shoddy, of different kinds, with a compensatory duty upon the basis that they are all wool, that makes the exceedingly high rates. That is what has caused the criticism of Schedule K, but the substitute has been framed to eliminate excessive rates that have given rise in the past to the just criticism of Schedule K.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. Yes.

Mr. REED. The Senator can give me a little light. Does the Senator believe that these reductions can be made without injuring the manufacturer or the laboring man?

Mr. SMOOT. I believe so, and I have so stated many times upon the floor of the Senate, as they apply to a certain class of goods.

Mr. REED. The Senator said a little while ago that there had been an excessive duty and that the manufacturer had not taken advantage of it. I take it that he meant by that that the manufacturer's price did not equal the tariff, added to the cost of the foreign article.

Mr. SMOOT. That is exactly what I meant.

Mr. REED. To what extent did the manufacturer increase his prices on account of the tariff? Can the Senator say?

Mr. SMOOT. If the Senator will examine the Tariff Board's report he will find a great many cases reported by the board showing exactly what the local prices are increased over the foreign price. Sometimes it did not exceed 40 per cent, sometimes 50 per cent, sometimes 60 per cent, and I believe that the report will show that that is about the limit. If the Senator will figure out the rate on that particular class of goods according to the substitute, he will find that the rates provided for fairly conform to the report of the Tariff Board upon that class of goods.

Mr. REED. Of course I can not do that at this time, because this amendment is offered here, and we are under the duty to vote to-day, and therefore I want to ask the Senator this question—I am trying to get at the facts:

Were the prices which were charged such that this amendment now will force any reduction whatever?

Mr. SMOOT. There may be on some items but very little indeed so far as they apply to that class of goods.

Mr. REED. I mean the classes affected. So the effect of all this reduction is to leave the prices to the American consumer substantially where the rapacity or the good nature, whichever way you want to put it, of the manufacturer has already placed his prices.

Mr. CLAPP. Or may hereafter.

Mr. REED. Or may hereafter.

Mr. SMOOT. That is a very unfair statement, for the reason that it has been said time and time again that on this class of goods there is the strongest competition possible. I have not the time at present to go into details. I have explained it to the Senate several times, and I say that you can not to-day find a manufacturer in the United States who manufactures this class of goods who has made an excessive profit. The American Woolen Co. does not give particular attention to this class of goods. They make, as a general rule, the better class of goods, and I say that the manufacturers of lower grades of goods have not made much of a success financially of their business. I am speaking in general terms.

Mr. REED. Mr. President, I am not going to make a speech, but the amount of the Senator's statement is simply this, that there are tariffs so high that the American manufacturers never fixed their prices by those tariff rates; and that they have now brought in an amendment here which will not compel them to change a single price.

Mr. SMOOT. Now, Mr. President, I do not think the Senator wants to misrepresent me at all.

Mr. REED. That is the construction I place upon it and the conclusion I drew.

Mr. SMOOT. That is not a correct conclusion, and it is wrong for the Senator to put that construction on it. I simply said that as to a certain class of goods—and that class of goods is so small a percentage of the woolen business that it is hardly worth mentioning—the Senator and others have always taken these identical goods here and directed the attention of the people of the United States to them as the rates that were being imposed upon all woolen goods. Such is not the case, and when the Senator makes the statement, if he will make his conclusion to reach only those cheap, cheap, cheap goods, not made of wool, but made of shoddy and cotton, I will not object to what he says.

Mr. REED. My interrogatory to the Senator was not directed to the tariff upon cheap, cheap, cheap goods, but it was directed to all of the reductions proposed in this amendment which the Senator discussed.

Mr. SMOOT. Then I misunderstood the Senator's question, and the answer will not apply.

Mr. REED. I understand the Senator to say that as to all these reductions they can be made without injuring the business. It follows, therefore, as a confession now made by the authors of the Payne-Aldrich bill, that that bill as to these duties imposed a burden nearly twice as great on the average as they now concede was necessary.

They now say that these tariff duties have not been taken advantage of, because the competition has kept the prices down, that this bill can be enacted without affecting the welfare of the American people. Placing those statements together they mean nothing more or less than this, that these gentlemen have gone in conference and have brought forth a bill which while it makes reductions upon the tariff will not reduce the price a single particle below the place where the manufacturers have voluntarily placed it.

That brings me to this conclusion, that whenever you find Greeks bearing gifts it is well to examine the gift. When we find a tariff-reform measure advanced as this one is at the last hours of this discussion when a vote must be had, when no lengthy discussion can occur, when we find a bill of that kind brought in that was printed away back in the month of June and come to analyze it, we may well conclude that the object of the bill is to deprive the people of argument rather than to reduce the price of articles to the consumers of this country. It looks to me like a fake measure offered for the purpose of throwing a little dust in the air at a time when even the storm can not be analyzed.

Mr. PENROSE. Mr. President, one word and I am done.

Mr. HEYBURN. Mr. President——

Mr. PENROSE. Does the Senator from Idaho want the floor?

Mr. HEYBURN. I am going to make a statement in regard to my own vote.

Mr. PENROSE. I want to make a short statement, but I yield to the Senator from Idaho.

The PRESIDENT pro tempore. The Senator from Idaho will proceed.

Mr. HEYBURN. Mr. President, in the course of legislation sometimes we adopt methods for the purpose of preventing action which we could not approve of, just as sometimes we move to adjourn in order that the opportunity to do the wrong thing may be destroyed.

I am not in favor of the provisions of this bill, and if I thought it would ever become a law I would perhaps devote some time and ask the attention of the Senate to a considerable discussion of it. But I intend that the vote that I cast—whichever way I cast it—shall not be misunderstood.

I am not going to apologize for the record of the party of which I am a member nor for my own record in dealing with tariff questions. I saw that done once at the expense of the Republican Party. In 1892 we did just about what they are trying to do now. We confessed that the things that had been said about us might be true, and the country said, "Well, if you are not sure about it we will act in the matter," and they turned the Republican Party out of power.

Now, in this case, in my judgment, there is no possibility of this measure becoming a law. I would use it just as I would throw out ballast or throw something to the wolves that were pursuing me, in order to distract their attention and prevent them from doing harm. If I vote for this bill it will be on that principle, not because I approve of it or of any line in it.

The bill is so unfair to the woolgrower as to be dangerous if it could have full life given to it. There is no probability that it will be adopted and become any part of a law, so that if, when the roll is called, my judgment should dictate that I vote for it for the purpose of defeating something infinitely more vicious, and that is the House bill, I will not be misunderstood.

I would do something more even than to vote for a measure of this kind in a sham battle to defeat the House bill. That is the way I feel about it. I am not going to apologize for the legislation of the Republican Party on the tariff question in the past, and I am not going to admit that it has been unwise in tariff legislation or that it has any occasion to apologize.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. HEYBURN. Yes.

Mr. STONE. I should like to ask the Senator, in view of the expression he has just made, whether he understands that the

majority of the Finance Committee in reporting this measure is making a sham battle?

Mr. HEYBURN. The Finance Committee has not reported this measure. There has been no meeting of the Finance Committee which considered it.

Mr. STONE. The Senator from Pennsylvania indicated that it had the approval of a majority.

Mr. HEYBURN. Indicating a thing and stating it are different propositions. There has been no meeting of the Finance Committee and no poll of the committee in the usual way.

Mr. POMERENE. Mr. President——

Mr. HEYBURN. I am not going to be led into the position of attacking or reflecting upon the Finance Committee or any member of it. I am stating my views and my position and making plain the purport of whatever action I may take in this matter. I expect to continue to be a Republican as long as I live, and I am not going to make any record here that I will have to apologize for in the future. I do not feel called upon to apologize for the vote that I cast for the Payne-Aldrich bill. I cast it with a full knowledge of the responsibility and with a full understanding of the measure.

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. HEYBURN. In a moment. The protective features of that bill met with my approval, and they meet with my approval to-day.

Much has been said that seemed to be upon the assumption that we have no tariff law now on the books and that we were in a position of necessity to enact one. We have a better law on the books than is proposed by this amendment or by the House bill or by any other bill or amendment that has been suggested. I do not propose to go further than to use this as a weapon, if I may, to destroy the House bill.

Mr. POMERENE. Mr. President, I desired to ask the Senator whether he could inform the Senate as to the number of members of the Finance Committee who were consulted in the preparation of this bill.

Mr. HEYBURN. Mr. President, I can answer that only for myself. I was consulted in regard to it frequently. Beyond that I do not feel called upon nor would I be justified in making any statement, nor is it material. The bill is here for what it expresses on its face, to be disposed of regardless of what some one may have said or thought or done in regard to it in the past, and I will not be drawn into a consideration of the action of other Senators. Each must stand upon his own responsibility.

Mr. POMERENE. Will the Senator state how many of the members of the Finance Committee approved this bill?

Mr. HEYBURN. No; the Senator will not make any statement in regard to the private action of any other Senator.

Mr. POMERENE. May I ask whether the Senator himself approves it?

Mr. HEYBURN. I am trying to make it plain that I do not approve it.

Mr. POMERENE. And still the Senator expects to vote for it?

Mr. HEYBURN. Now, that is an improper question, if the Senator will pardon me. I have not voted. I am stating my position in regard to it, and there will be no mistake about it. If I vote for it I will be doing it as I would vote to adjourn to prevent what in my judgment was hurtful legislation.

Mr. POMERENE. As the Senator regards the question as improper, I will withdraw it, but I will ask him another question. Will the Senator advise the Senate as to who outside of the Senate was consulted in the preparation of this bill?

Mr. HEYBURN. By whom?

Mr. POMERENE. By manufacturers or those——

Mr. HEYBURN. I will not stand here and recite any private conversation in regard to these matters between any other persons, nor would it be proper for me to do so. If we were to engage upon such a course as that we would have little peace and no harmony in this body.

Mr. POMERENE. Then, Mr. President, the situation seems to be about this, as I gather it: That a few Senators see fit to get together and prepare a bill and to present it here at the last minute and state on the floor of the Senate that they have consulted with certain manufacturers and certain woolgrowers, and they do not tell us who any of those men are who were consulted or who had a hand in the preparation of the bill.

Mr. HEYBURN. Under what rule should they tell anyone?

Mr. POMERENE. By the rules of common honesty and fairness with the American people.

Mr. HEYBURN. Oh, that is rhetoric, but it is not reason.

Mr. President, I am not to be drawn into any such debate as that. I rose merely for the purpose of stating my own responsibility and placing it where I would not be ashamed at any time in the future to face it. That was my purpose.

Mr. McCUMBER. Mr. President, I do not know why Senators will still insist that the amendment proposed by the Senator from Pennsylvania becomes a report, or a bill reported from the Finance Committee. The Finance Committee had under consideration the bill that is before the Senate.

Mr. STONE. I understand it is because the Senator from Pennsylvania said so.

Mr. McCUMBER. The Senator knows himself whether there has been any meeting of the Finance Committee. He is a member of that committee and he can judge for himself whether there has been a meeting to discuss that bill.

Mr. POMERENE. Mr. President——

Mr. McCUMBER. I will not yield just at this moment. I will state, Mr. President, that the bill the Finance Committee had before it for consideration was the bill which is before the Senate to-day; that the action of the majority of the Finance Committee on that bill was a negative proposition, and that the bill is now being supported from the other side of the Chamber as an affirmative proposition. At the time that bill was reported from the Committee on Finance each and every member of the majority of the Finance Committee reserved the right to offer any amendment that he saw fit. They could act together if they saw fit or otherwise; but it would not be a committee report.

Now, Mr. President, why have we not considered the matter before and why do we bring this in to-day? I will tell you why. Because there was not an agreement between the majority members of the Finance Committee and for reasons which the several members thought were sufficient. What were those reasons? Some of those declared that inasmuch as we had a Democratic House it would be impossible to enact any Republican measure into a law, and therefore it was a waste of time to prepare a bill from the Republican standpoint. I might say that the majority of the majority of the Finance Committee had that view. There were some of us, however, who took the view that it was our duty to present to the Senate a bill that would reflect what we regarded as the Republican standard of protection upon the wool schedule and that that Republican standard of protection should conform as nearly as possible to the report of the Tariff Commission.

It is my understanding that this bill does approximately conform to that report. I was one of the Senators who desired to have a direct vote upon that proposition, so that when any Republican would ask us what our position was in reference to the tariff bill we could answer that we were opposed to the Democratic bill; and if he would ask us again, "What do you propose?" we could say to him, "There is our proposition, and you can wait."

Mr. President, I have never contended for a single moment that there were not some items in the old Dingley tariff law that were higher than necessary, and I have stood ready at all times to take off those excrescences—to reduce those particular items to a point that would still be protective and yet would not be higher than was necessary.

That is the reason why we have that bill or that offer of an amendment before us, because it is not a bill, but simply an offer of an amendment to the pending bill. It has received the consideration of some of us. It may be that when you require a tariff wall of 50 feet the other 100 feet may not do any harm, but at the same time I am in favor of leveling the other 100 feet if they do not need it, even though it may cover and protect only a few articles. That is sought in this bill.

But the main purpose, so far as I am concerned, in insisting that we should have a vote upon this amendment was that we might present to the Senate and to the country at large the Republican view, or, at least, the view of those of the Republican Party who believe in an adequate protection.

There was no attempt to bring in anything in a surreptitious manner, and if we could have agreed before this morning it undoubtedly would have been brought in as a proposed amendment before to-day.

Mr. CLAPP. Mr. President, the latter remarks of the Senator from North Dakota would indicate that those who did not favor this bill were not in favor of protection. It is the province of every man to declare his own creed.

Mr. McCUMBER. Mr. President, if I so stated I certainly did not state the view correctly. Some of us may differ. I do not believe that any of the Republicans differ upon the question as to what is the general policy of protection. Our differences have always been upon the question as to what is adequate protection.

Mr. CLAPP. It has gone deeper than that. We have differed upon the question whether three or four men sitting as a com-

mittee in conference shall be authorized to say that the test of Republicanism in the parallel between proposed legislation and the report of the Tariff Board shall be the opinion of the three or four who may have considered this particular measure; and it must be a measure of difference of opinion, because others who have not had an opportunity to compare this measure with the report of the Tariff Board fail to agree, without an opportunity of comparison, that it does correspond with the report of the Tariff Board.

Mr. McCUMBER. May I ask the Senator who has laid down that test?

Mr. CLAPP. That is clearly deducible from the closing utterances of the Senator from North Dakota.

Mr. McCUMBER. I beg to differ with the Senator. That is not a just conclusion from any word or combination of words that I have said in this discussion.

Mr. CLAPP. The Senator said he was in favor of this measure, so that the country might know that the Republican principle was protection along the lines indicated by the report of the Tariff Board upon this schedule.

Mr. McCUMBER. And that I believe that this bill did adequately reach the report of the Tariff Commission and conform approximately to it. That was my view. I do not condemn any other Senator who takes a different view, or question his Republicanism. I simply think so for my own part, and I gave that as the reason why I favor voting upon this proposition. The Senator from Minnesota may feel that the duties are still higher than that which would be justified if we adopted the report of the Tariff Commission. I do not think so.

Mr. CLAPP. But, Mr. President, what I object to is the Senator insisting that his view and his view alone, as to whether we have adopted the report of the board, shall be conclusive.

There are others in this body interested in regard to the question, whether or not the Senate and Senators shall be guided by the views of the Tariff Commission. They have a right to compare the proposed measure with the report of the Tariff Commission before any Senator, in my judgment, has a right to assume that the only test of loyalty to the Tariff Commission is the opinion of the one who may have had opportunity to make the comparison.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. CLAPP. I do.

Mr. McCUMBER. I will not accept a criticism based upon any remarks of mine when the remarks themselves will not and can not under any possible view be construed in the manner in which the critic assumes to construe them.

Mr. CLAPP. For some years I have worked in my humble way to get a tariff commission. When we were considering the Payne-Aldrich tariff bill we secured the adoption of an amendment that gave a proposed tariff board a little authority. In order to reduce that authority to the very minimum, the provision giving the board power to ascertain the difference in the cost of production here and abroad was taken out in conference. In order further to minimize the responsibility of that board and reduce it to the mere level of hired men the word "employed" was used in the creation of the board rather than the word "appointed." From that time on I have labored in season and out of season to get a genuine tariff commission. An amendment to the sundry civil appropriation bill, pending here a day or so ago, provided an appropriation for the Tariff Board, but at the same time in express terms limited its authority to that conferred in the Payne-Aldrich tariff bill. So plainly was that evident that, in order to place that amendment on a parity with the provisions of the appropriation acts of 1910 and 1911, I prepared an amendment and left it with the Senator from Kansas so as to give the Tariff Board the authority conferred upon it not only under that act but under existing law. That provision was incorporated as an amendment before the bill passed.

Mr. President, this measure comes in here and, as I understand, now you see it and now you do not see it; one moment it is the action of the committee, the next moment it is not the action of the committee. It comes in here, in a measure, as a test of party loyalty in following the recommendations of the Tariff Board. This amendment evidently was prepared in June, and some one has had it in his possession since that time. I do not know what success other Senators have had, but it was not until to-day that I, for one, learned of the existence of this proposed amendment, and then, on solicitation, I obtained a copy of it.

The people of my State are vitally interested in woolgrowing. I do not want it to be understood by that that I have any sympathy with that process of "swapping" which was such an essential factor in enacting the Payne-Aldrich tariff bill. Any reduction of the tariff must of necessity operate wherever the particular article affected is the subject of production; but I do insist when the people of a great State are vitally interested in this subject that either their representatives should be sent home and others sent in their place or their present representatives should have an opportunity to examine and consider a measure which so vitally affects their interest.

Mr. President, a word more and I am through, for I do not intend to detain the Senate. We have fallen upon strange times as a party. Three years ago, when the Payne-Aldrich tariff bill was before this body, we could not get a Republican conference; we could not get an opportunity as Republicans to talk over that bill, to present our differences, and, if possible, work out an equation. Time and again the then chairman of the Finance Committee was appealed to to call a conference in order that the Republicans might in a Republican conference present and work out their differences, and, if possible, come to some final settlement.

When the railroad bill of 1910 came in here, bristling with reactionary provisions and it became evident that that bill could not pass in the form in which it had been forced into the Senate, the then chairman of the Committee on Interstate Commerce in charge of that bill was begged time and again to send the bill back to the committee that Republicans might work out if possible their differences without being obliged to work them out upon the floor of the Senate. For three long years it has been impossible for the Republican Members of the Senate to have an opportunity to present their views, to discuss their differences, and, if possible, to produce an equation on any matter except on the open floor of the Senate. Because we have been forced to this extremity there seems to have grown up in certain quarters the thought that no longer is anything necessary except for a few men to formulate among themselves and propose legislation to the Republicans of the Senate.

Mr. SMOOT. Mr. President——

Mr. CLAPP. It may be said that we are no longer Republicans because we do not walk up and adopt every measure that is prepared for us, without any opportunity at all as Republicans before judgment is rendered against us of conferring with each other as Republicans. Is it any wonder that under that system of management our party is upon the verge of bankruptcy? Is it any wonder that men resist movements and operations and conditions of that kind?

Mr. President, there has been abundant time in which Republican Senators, if we are to be confronted with a test of loyalty in connection with the action of the committee, might have been consulted and conferred with upon questions which vitally affect a large proportion of the population of our respective States. That is one of the objections which I make.

I declared in 1903 that I never again would vote for a bill unless I had an opportunity, upon my own motion, to discuss, consider, and study the measure. This amendment may be all right; it may be all wrong. I for one shall not vote for it, nor will I vote for any other vital measure unless an opportunity has been presented to consider it, to study it, and to understand its contents.

Mr. BRISTOW. Mr. President, I have been able to give the amendment some consideration. I am not so much interested in its author as I am in its contents. It makes some very desirable reductions in the rates fixed by the present law, although it does not reduce the duties as much as I think they ought to be reduced. As the matter is presented to me now, it is a question whether I prefer the amendment to the bill which is supported by the minority of the Committee on Finance. I believe that that bill reduces the duties too much; that a number of duties contained therein are too low.

I supported the amendment offered by the Senator from Iowa [Mr. CUMMINS] because it comes nearer conforming to my views as to what the duties in the wool schedule ought to be than the bill which is being supported by Democratic Senators. While the duties in the pending amendment are too high, I am inclined to support it in preference to the Democratic measure; but if I do so I shall take every opportunity to attempt further to reduce those duties, either at this session of Congress or the sessions that are to follow, until they are reduced to the point where I think they ought to be.

I supported at the last session the bill introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] on this subject. I believe, as he introduced it, it was an equitable and a just measure, and it represented very nearly indeed the views that I had as to what Scheduel K ought to be. The differences between that measure and the amendment introduced by the Senator from Iowa are not very great in the details. There is a difference in the method in which the duties are levied. It is a

question upon which men differ, and there are strong reasons on both sides as to whether or not ad valorem or the specific duties can be more equitably and more justly applied to a schedule of this kind.

I make these remarks in order that my vote when cast may be understood. If I vote for this bill, it will be because I feel that it is better than the Democratic measure. It is safe; it will not injure the industry, while I am afraid that the Democratic measure would.

If it should be passed it does not represent my views, and I shall seek in every way that I can to further reduce those duties when the opportunity comes.

Then, there is another reason why I am inclined to support this measure. It substantially reduces duties. If it could pass the Congress there possibly is some chance for it to meet the approval of the Executive, and thereby we could get some relief from excessive duties, while if the Democratic measure should pass I fear that it would meet the veto, and that the present tariff law would remain until further opportunity comes for its revision. I desired to make these remarks before the vote was taken.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The question is on agreeing to the amendment.

Mr. CLAPP. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CUMMINS. Mr. President, I have never cast a vote upon the tariff either to help or to hurt a political party. It is a matter of no concern to me so far as this economic question is concerned whether a given measure promotes the welfare of the Democratic Party or promotes the welfare of the Republican Party. I have uttered my sentiments from time to time with what I believe to be candor, and with indifference to their consequences so far as the political field is concerned. I feel that way at this moment. If I could vote for the Democratic measure, I would of course vote against this amendment. I can not vote for the Democratic measure for reasons which I have already stated, and which do not imply any disparagement of that proposed legislation.

Inasmuch as I know that this amendment, if enacted into law, would very materially reduce duties which I believe to be excessive, I intend to vote for the amendment. Possibly I have an advantage over some Members of the Senate with regard to the amendment. I have been studying this subject diligently for a good while, and I have not hesitated to talk with Senators on all sides with regard to it. I know what this amendment is. I saw it, or the substance of it, more than a month ago. I saw another amendment prepared—I think I may say without impropriety—by the Senator from Utah [Mr. SMOOT] some time ago, and I have become familiar with the various propositions that might come before the Senate.

With regard to the amendment now under consideration, I do not think it embodies the teachings of the Tariff Board. I think it too high, and I so declared to those who submitted it to me. I have no hesitation in saying that many of its duties—in fact, nearly all of its duties—are higher than they should be. I concur with the Senator from Kansas [Mr. BRISTOW] when I say if I vote for this amendment, as I expect to do, I shall vote for it for precisely the same reason—and it was a good reason, too—that the Democrats in 1909 voted for the amendment proposed by my then colleague, Mr. Dolliver, because it is a step in the direction in which I desire to go.

This amendment makes little reduction in the duty upon wool, but it does make some reduction in this that the duty laid is upon the clean content of wool, and it may—I do not say it will, but it may—permit the introduction under this duty of certain high-shrinkage wools that have heretofore been denied admission to our ports under the inflexible duty of the Payne-Aldrich law. It does not go far enough, but it goes a step in the direction I desire.

I do not concur with it in regard to the wastes of wool manufacture; I think the duties laid are too high. I do not regard them, however, as very material, because after all no matter what the duty on wool is, no matter what the duty on wool wastes may be, no matter what the duty on tops may be, the real question in which the people of this country are interested is, What is the duty on the cloth that is made into garments? What is the duty on the blankets which we all necessarily use for domestic purposes? If these duties are reduced, then, at least, we have a checking tendency against the undue enhancement of prices lest these things shall be imported from abroad.

Now, in that respect there is a very gratifying thing in this amendment. I say here that I had no idea that it would be presented. I had been led to believe that a majority of the members of the Finance Committee were not in favor of such a measure as this; that they regarded it as too low, just as I regard it as much too high; but when I find it here and know that it takes a step in the direction I intend to go, I intend to vote for it.

I said there was a very gratifying reduction in cloth and in ready-made clothes. That reduction is apparent at a glance, and one does not need a long study in order to determine that, while I agree that the subject, generally speaking, is exceedingly interesting.

The duty on cloth and fabrics of every description in the Payne-Aldrich bill, as I said earlier in the day, if not valued at more than 40 cents a pound, is, first, three times the duty imposed upon unwashed wool of the first class; that is 11 cents, and three times 11 is 33. So that upon every pound of fabric—and I pause to say here that this amendment does not change the Payne-Aldrich law so far as the compensatory duties are concerned—so far as concerns that basis, this proposed amendment still levies the compensatory duties upon the entire weight of fabric, which I consider to be fundamentally wrong, but that is the existing law, and I therefore institute the comparison.

The existing law gives a compensatory duty upon cloth fabrics of the value of not more than 40 cents per pound of 33 cents, and if above 40 cents per pound a compensatory duty of 44 cents per pound, with an ad valorem in either case of 50 per cent, until the value rises above 70 cents a pound, and then an ad valorem of 55 per cent. This amendment begins the valuation of cloth at 20 cents. Of course there is not any woolen cloth—all-woolen cloth—that is not worth more than 20 cents. But it begins at 20 and runs to 30, and the compensatory duty is 16 cents and 30 per cent ad valorem.

Now, we come to the first step in the old law with which to make comparison. Valued at 30 and not more than 40 cents, the compensatory duty is 20 cents per pound, as against 33 cents per pound in the existing law. There is a reduction in that class of commodities of 13 cents per pound, and it is worth something to the people of this country to secure a reduction even in that degree.

Then, as I suggested a moment ago, when you rise above 40 cents a pound under the present law the compensatory duty rises to 44 cents per pound. This amendment provides that if it is valued at more than 40 cents and not more than 50, 24 cents a pound. As to all fabrics coming in that classification, the reduction in the compensatory duty is 20 cents per pound, and the ad valorem in the amendment is 45 per cent, whereas in the existing law it is 50 per cent, and so on.

I will not trespass upon the time of the Senate by reciting the entire comparison. I was astonished, just as was the Senator from Mississippi [Mr. WILLIAMS], to see the amendment here, because I did not suppose the Finance Committee or a majority of its members were willing to make that rate of reduction. I am not imputing any want of good motive, either.

This is a question upon which there can be differences of opinion, and there are differences of opinion. I have mine, and I express it whenever I have an opportunity. But it is most gratifying to me to see the Finance Committee move up to the point indicated in this amendment, and while I shall do all I can do in the days to come to move it still further, I intend to vote for this amendment because I can not vote for the House bill.

Mr. NEWLANDS. I desire to ask the Senator from Iowa whether the duties proposed in the amendment suggested by the Senator from Pennsylvania are higher than those warranted by the facts ascertained by the Tariff Board.

Mr. CUMMINS. The Senator need hardly ask me that question if he had been here to-day. I proposed an amendment, which the Senator from Nevada helped to vote down, very much lower than these duties, and I said that the duties which I proposed were as high as would be justified under the report of the Tariff Board.

Mr. NEWLANDS. Then, as I understand, the amendment proposed by the Senator from Iowa, in its proposed duties, did substantially comply with the findings of the Tariff Board.

Mr. CUMMINS. I refuse to be cross-examined. I have explained my bill fully in detail. I think there are some respects in which it does not comply with the Tariff Board report, in which I corrected the report of the Tariff Board, upon information I believed to be more reliable than that contained in the report. But I do not intend to be cross-examined. If the Senator from Nevada desires to ask me any question in regard to the policy, I shall be very pleased to answer.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. NEWLANDS. It is not my purpose——

Mr. PENROSE. One moment.

Mr. NEWLANDS. Just a moment.

Mr. PENROSE. I should like to answer the question of the Senator from Nevada, if he will permit me.

Mr. NEWLANDS. Certainly.

Mr. PENROSE. I want to state emphatically that in the opinion of those who have read this amendment it is absolutely based upon the recommendation of the Tariff Board. The greatest care and study were devoted to that voluminous report, and there is not a rate in the amendment which, in the opinion of those responsible for it, is not authorized and justified by the report of the Tariff Board. It may be a question of opinion, and you could frame many different bills under that report, but as far as those who framed the amendment are concerned, they have in good faith endeavored to adhere absolutely and strictly to the recommendations of the board.

Mr. NEWLANDS. It certainly was not my purpose to attempt to cross-examine the Senator from Iowa. I was simply seeking for information regarding an amendment which has been suddenly introduced and concerning the construction of which opinions differ, and I simply wish to know from the Senator from Iowa, who is recognized as an expert on such matters and whose knowledge of the wool schedule is much more accurate than that of most of us, whether he regards the duties fixed by the amendment of the Senator from Pennsylvania as higher than those fixed by the standard of the Tariff Board?

I was aware, of course, that these duties were higher than those contained in the amendment presented by the Senator from Iowa, but I was not informed as to whether the duties fixed by the Senator from Pennsylvania conformed to those which were warranted by the findings of the Tariff Board.

Mr. CUMMINS. If the Senator from Nevada was not here when I explained my amendment——

Mr. NEWLANDS. I heard a portion of the Senator's speech.

Mr. CUMMINS. Then I must withdraw my suggestion that he was trying to cross-examine me.

I stated that I was endeavoring in my amendment to carry into effect the Tariff Board's report, and that I had availed myself of information which that report contained; that upon one or two matters in which I felt the Tariff Board had erred I declined to accept its findings; but upon the whole, my amendment, as I stated repeatedly, was based upon the report of the Tariff Board, and inasmuch as the duties in the amendment before us now are much higher than the duties in the amendment which I proposed, I assumed that the Senator from Nevada could easily conclude that I believed that the duties in the amendment before us are higher than are warranted by the report of the Tariff Board.

Mr. NEWLANDS. I will state to the Senator that I was unfortunately called from the Chamber whilst he was addressing the Senate upon his amendment, and I did not hear that portion of his address regarding the conformity of his bill with the report of the Tariff Board.

Mr. TOWNSEND obtained the floor.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. WILLIAMS. I merely wanted to ask the Senator from Iowa a question before he sat down.

Mr. TOWNSEND. I yield.

Mr. WILLIAMS. I have not had the opportunity to read the amendment at all. I understand that just a few copies have been printed for the committee. But I understood the Senator from Iowa to say that cloths valued at from 20 to 30 cents a pound were taxed 16 cents specific duty plus 35 per cent ad valorem. Is that correct?

Mr. CUMMINS. No. The amendment provides that cloths or fabric that is not more than 20 cents per pound shall be taxed for compensation—I am not including now the ad valorem duty—16 cents a pound. But there is no step of that kind.

Mr. WILLIAMS. What is the ad valorem?

Mr. CUMMINS. The ad valorem is 35 per cent.

Mr. WILLIAMS. What is the tax on cloths between 20 and 30 cents per pound?

Mr. CUMMINS. Between 30 and 40 cents per pound?

Mr. WILLIAMS. Between 20 and 30 cents per pound.

Mr. CUMMINS. From 20 to 30 cents a pound the specific or compensatory duty is 16 cents and the ad valorem or protective duty is 35 per cent.

Mr. WILLIAMS. That is what I wanted to get at.

Mr. CUMMINS. But there is no such division in the existing law.

Mr. WILLIAMS. That is what I want to get at. Now, 16 cents specific duty——

Mr. CLAPP. I think the Senator——

Mr. WILLIAMS. The Senator will pardon me.

Mr. CLAPP. No; it is to correct a mistake.

Mr. WILLIAMS. I beg pardon. As I read it here, it is 12 cents and then 25 per cent ad valorem.

Mr. CUMMINS. I was speaking of the duty on cloth from 20 to 30 cents per pound.

Mr. WILLIAMS. From 20 to 30 cents.

Mr. CLAPP. Oh!

Mr. CUMMINS. I so understood the Senator when I answered, assuming he asked what the duty was on cloth valued at 20 cents per pound.

Mr. WILLIAMS. That is what I was asking. Sixteen cents on 30 cents is five times 16 cents on a dollar. That is 80 cents, and if you add 35 per cent to that you have 115 per cent. I understood the Senator from Utah to say that there was not a single duty that was above 100 per cent.

Mr. SMOOT. I still say so. I defy the Senator to get a piece of cloth at 20 cents a pound.

Mr. WILLIAMS. I did not ask the Senator, when I asked him the question, what cloth sold at. I asked him if under any of the provisions of this amendment, if this bill became a law, there would be left a duty of over 100 per cent, and he replied not one.

Mr. SMOOT. I still insist——

Mr. WILLIAMS. Now, then, here is a provision in the bill for cloths costing between 20 and 30 cents of a specific duty of 16 cents, which is 80 cents on the dollar, plus 35 per cent, which is 35 cents on the dollar; and 80 plus 35 is 115.

Mr. CUMMINS. I will not engage in any controversy with the Senator from Mississippi about that. All I say is that in the existing law the duty on the same cloth would be 33 cents a pound and 50 per cent ad valorem.

Mr. WILLIAMS. I understand that, and there is no difference between us upon that point. I agree with the Senator. It is a right material reduction, considering the source whence the reduction came.

Mr. SMOOT. I wish to say to the Senator that the valuation of more than 20 cents and not more than 30 cents is, as the Senator from Iowa says, a bracket put in this amendment which is not in the present law.

Mr. WILLIAMS. What has that got to do with the fact that it is over 100 per cent?

Mr. SMOOT. It has got this to do with it—that there are no importations of cloth coming into this country of 20 cents a pound.

Mr. WILLIAMS. I reckon not, with a duty of over 100 per cent on it.

Mr. SMOOT. It is not made. The Senator, if he will go anywhere—I do not care where he goes—can not get cloth made for 20 cents a pound.

Mr. WILLIAMS. Nor 30 cents, either.

Mr. SMOOT. Yes; he can get it for 30 cents.

Mr. WILLIAMS. Between 20 and 30 somewhere?

Mr. SMOOT. Between 30 and 40. That is where the bracket has been in the past.

Mr. WILLIAMS. At 23 cents you still have over 100 per cent.

Mr. SMOOT. But there are no importations of less than 30 cents, and that is where the bracket started in the present law, and with 30 cents a pound it is not a hundred per cent.

Mr. WILLIAMS. Now, I will ask the Senator from Utah this question, as a man of common sense and a constructive statesman of a school peculiarly constructive.

Mr. SMOOT. Are there any other adjectives?

Mr. WILLIAMS. If there be no such woolen cloths in the world as between 20 and 30 cents a pound, why did you put a provision covering them in the amendment?

Mr. SMOOT. For this reason: That they wanted to start at less than 30 cents a pound because it is a fact that there may be cloths that were cotton cloths and not woolen cloth, but a little wool in it, which would come within that figure.

Mr. WILLIAMS. Now, one word more, if the Senator will pardon me.

Mr. SMOOT. I do not think myself there will be a pound of cloth coming in at that rate.

Mr. WILLIAMS. Now, we are reaching the "darkey in the woodpile." The Senator confesses that this provision would cover not only woolen cloths but cotton cloths—a 10 per cent mixture or a 5 per cent mixture of them. Am I correct or not?

Mr. SMOOT. No; I did not say that.

This is what the cloth will cost: Mixed fabrics, flannels, felts, and all manufactures of every description, made wholly or in part of wool, not specifically provided for in this section, valued at not more than 20 cents a pound, the duty shall be 12 cents a pound, and, in addition thereto, 25——

Mr. WILLIAMS. I am not talking about less than 20 per cent; I am talking about the difference between 20 and 30. Now, that is in the same language. That language is, "composed in whole or partially of wool." I assert the fact that

there are a whole lot of cloths that sell at 20, 21, 22, and 24 that are mixed with wool and cotton, and this provision would cover cloths which are 9/10 or 95/100 cotton and the other 1/10 or the other 5/100 wool, and that cloth would come in under this provision and would be taxed 115 per cent. The Senator from Utah this morning, being asked the question, replied that there was not a single provision in the bill which carried a duty of over 100 per cent.

Mr. TOWNSEND. Mr. President, I decline to yield further.

Mr. WILLIAMS. I thank the Senator for what he has already done.

The PRESIDENT pro tempore. The Senator from Michigan is entitled to the floor.

Mr. TOWNSEND. The Senator from Iowa has expressed my views in reference to this matter much better than I can do. I do not wish to try to elaborate on the points he has made, but I desire to call attention to one or two things which have occurred to me which I think are of some importance at this particular juncture.

I am very much in accord with the idea of having a Tariff Board. I have voted for it, and I have talked for it. I believe in it. I believe its report comes nearer furnishing us with a rational and authoritative basis upon which to fix a Republican protective tariff than any information which has ever been presented to the Congress. Therefore I am inclined in my limited knowledge to be governed to some extent by the views of that board.

Now, it has been undisputed up to date in this discussion that this proposed amendment does come nearer complying with the requirements of the Tariff Board and that report than existing law. It does make a substantial reduction in the direction of making our duties conform to the difference in the cost of production here and abroad. That being true, I can not understand the position some Senators take when they say they can not support it because it does not go as far as they would like. The only argument I have heard Senators make—and the Senator from Minnesota has made it with a good deal of emphasis—is that he does not propose to vote for a proposition which he has not had time to consider.

I remember sitting in this body something like a year ago when the Senator from Wisconsin [Mr. LA FOLLETTE] presented his substitute to the bill then pending. That substitute had not been printed, at least it had not been distributed, as I was unable to get a copy at that time. It was acted upon and passed as a substitute for that measure; and some of the gentlemen who are now complaining at this hurried action voted for it.

Another thing, that day on the floor of the Senate the Senator from North Carolina [Mr. OVERMAN] presented an amendment in the form of a revision of the entire chemical schedule, which had never been presented to any committee, had never been printed, and the Senator from North Carolina asked that that bill be passed without reading.

So this is not unusual action that we are taking now on some of these same great subjects. Matters have been presented not wisely, as it has seemed to me, because I agree that we ought to have time to consider them; but this proposed bill has been current rumor, at least, before the Senate for some time, the same as the La Follette amendment, so called, something over a year ago.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Washington?

Mr. TOWNSEND. With pleasure.

Mr. JONES. I suggest also that my recollection is that when one of the substitute measures was up, presented by the Senator from Wisconsin, that measure was voted down, and then after the Democratic bill had been voted down a motion was made to reconsider, and when it was carried the Senator from Indiana [Mr. KERN] presented a very important amendment to the substitute that no one, so far as I know, had seen, and that was voted into the substitute and adopted.

Mr. TOWNSEND. I recall that very well.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Wisconsin?

Mr. TOWNSEND. I do.

Mr. LA FOLLETTE. I rise just to make a correction, if the Senator will permit me.

Mr. TOWNSEND. Gladly.

Mr. LA FOLLETTE. The bill which I offered as a substitute was introduced on the 21st day of June, and offered as a substitute on the 27th day of July. It was printed and on the desks of Senators for one month and six days before it was offered.

Mr. TOWNSEND. I beg the Senator's pardon, if that was true. I inquired for the bill at that time, and was unable to obtain one. I know I discussed it at that time, and I had not read the bill. I am glad to correct the statement that it had not been printed.

Mr. LA FOLLETTE. I remember now, since the Senator mentions that fact, that the day the bill passed the Senate as a substitute I requested an additional print of the bill, because I found on that day that the former print had been exhausted.

Mr. TOWNSEND. I am obliged to the Senator, because I know it was impossible for me to obtain a copy when I wanted to look it over and find out what the bill was.

Mr. LA FOLLETTE. If I may trespass just a moment longer, I will say that the amendment which I offered—and I make this statement in correction of the statement made by the Senator from Washington—I offered while the bill was under consideration in Committee of the Whole. It was rejected. The bill was then taken up in the Senate, and I then offered the same bill identically again, after moving a reconsideration of the vote.

Mr. JONES. I beg to say that the point of my suggestion was that the important amendment offered by the Senator from North Carolina had not been considered by anybody, and it was adopted.

Mr. LA FOLLETTE. If the Senator will permit me, I think he is mistaken about that. No amendment was offered by anybody, except the one that I offered.

Mr. JONES. I know that amendment was offered to one bill. It may not have been the bill the Senator has in mind.

Mr. LA FOLLETTE. It may not have been the legislation we are now considering—the wool schedule. I have that very definitely in mind.

Mr. JONES. It may not have been the wool schedule. It was one of the tariff bills on which the same procedure had been followed.

Mr. TOWNSEND. Mr. President, the only object I had in rising at this time was to call attention to the fact that the bill before us is a substantial reduction of duties in the direction of the report made by the Tariff Commission. Therefore, to those of us who believe that we ought to be guided by that and ought to reduce duties to the extent of the difference between the cost of production, it is an improvement; and I can not understand how we can afford to turn this down and have no hope of obtaining anything in its place. The fact I have mentioned that this has not been printed is not the first instance where a tariff bill has been so amended, and without protest as I remember it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. PENROSE], in the nature of a substitute, on which the yeas and nays have been ordered. The roll will be called.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is necessarily absent this evening. If he were present, I should vote "yea."

Mr. SHIVELY (when Mr. KERN's name was called). I wish to again announce that my colleague [Mr. KERN] is paired with the junior Senator from Tennessee [Mr. SANDERS]. Were my colleague present, he would vote "nay." I will leave this statement stand as to the first part of it.

Mr. LIPPITT (when his name was called). I again announce the transfer of my pair with the Senator from Tennessee [Mr. LEA] to the Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. Were he present I should vote "yea" and he would vote "nay." He not being present I am compelled to withhold my vote.

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). The senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. If the Senator from Oklahoma were present, he would vote "nay."

Mr. WILLIAMS (when Mr. PERCY's name was called). My colleague [Mr. PERCY] is absent and paired. If he were present, he would vote "nay."

Mr. SHIVELY (when Mr. RAYNER's name was called). I again announce that the senior Senator from Maryland [Mr. RAYNER] is paired with the junior Senator from Kentucky [Mr. BRADLEY]. Were the senior Senator from Maryland present, he would vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent from the city and is paired with the junior Senator from South Carolina [Mr.

SMITH]. If my colleague were present and free to vote, he would vote "yea."

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN]. If I were at liberty to vote, I would vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and vote. I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], who is absent on account of illness, and I therefore withhold my vote.

Mr. LIPPITT (when Mr. WETMORE's name was called). My colleague [Mr. WETMORE] is necessarily absent from the Senate. He is paired with the Senator from Arkansas [Mr. CLARKE].

The roll call was concluded.

Mr. BURNHAM. I again announce my pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. BRADLEY (after having voted in the affirmative). A few moments ago I inadvertently voted when paired with the Senator from Maryland [Mr. RAYNER]. I desire to withdraw my vote, and to state that I would vote "yea" if he were present.

Mr. MARTINE of New Jersey. I was requested to announce the pair between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS].

The result was announced—yeas 34, nays 32, as follows:

YEAS—34.

Borah	Cummins	Lodge	Root
Bourne	du Pont	McLean	Smith, Mich.
Brandegee	Fall	Massey	Smoot
Briggs	Gallinger	Nelson	Stephenson
Bristow	Gronna	Oliver	Sutherland
Burton	Guggenheim	Page	Townsend
Catron	Heyburn	Penrose	Works
Clark, Wyo.	Jones	Perkins	
Crawford	Lippitt	Poindexter	

NAYS—32.

Ashurst	Hitchcock	Newlands	Smith, Ariz.
Bacon	Johnson, Me.	O'Gorman	Smith, Ga.
Bankhead	Johnston, Ala.	Overman	Smith, S. C.
Bryan	Kenyon	Paynter	Stone
Chamberlain	La Follette	Pomerene	Swanson
Clapp	Martin, Va.	Reed	Thornton
Culberson	Martine, N. J.	Shively	Watson
Fletcher	Myers	Simmons	Williams

NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Kern	Sanders
Burnham	Dillingham	Lea	Smith, Md.
Chilton	Dixon	McCumber	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

So Mr. PENROSE's amendment was agreed to.

Mr. NEWLANDS. I do not know whether at this point I can offer an amendment.

The PRESIDENT pro tempore. The Chair will suggest that it will be in order when the bill goes to the Senate, but not now.

Mr. CUMMINS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CUMMINS. The bill is still in Committee of the Whole?

The PRESIDENT pro tempore. It is still in Committee of the Whole.

Mr. CUMMINS. Is it amendable in its present stage?

The PRESIDENT pro tempore. Not in Committee of the Whole, but it will be amendable when it reaches the Senate.

Mr. CUMMINS. I simply desire to give notice that when the bill reaches the Senate I intend to offer an amendment providing for the creation of a Tariff Commission.

The PRESIDENT pro tempore. Without objection, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The amendment made as in Committee of the Whole will, without objection, be concurred in. The bill is in the Senate and open to amendment.

Mr. CUMMINS. I offer the amendment which I send to the desk, and in connection with it I will say to the Senate that it is the Tariff Commission bill as it passed the Senate in 1910.

It is the bill concerning which there was debate here and some controversy, and which passed over to the other House and was lost there because of the lateness of the hour at which it reached the House. I offer the bill as an amendment, beginning with line 3, as I now send it to the desk.

The PRESIDENT pro tempore. The Senator from Iowa offers an amendment, which will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following:

SEC. 2. That a board is hereby created, to be known as the Tariff Board, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. The members first appointed under this act shall continue in office from the date of qualification for the terms of two, three, four, five, and six years, respectively, from and after the 1st day of July, A. D. 1911, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate a member of the board to be the chairman thereof during the term for which he is appointed. Any member may, after due hearing, be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three members of said board shall be members of the same political party. Three members of said board shall constitute a quorum. The chairman of said board shall receive a salary of $7,500 per annum and the other members each a salary of $7,000 per annum. The board shall have authority to appoint a secretary and fix his compensation, and to appoint and fix the compensation of such other employees as it may find necessary to the performance of its duties.

SEC. 3. That the principal office of said board shall be in the city of Washington. The board, however, shall have full authority, as a body, by one or more of its members, or through its employees, to conduct investigations at any other place or places, either in the United States or foreign countries, as the board may determine. All the expenses of the board, including all necessary expenses for transportation incurred by the members or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the chairman of the board. Should said board require the attendance of any witness, either in Washington or any place not the home of said witness, said witness shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

SEC. 4. That it shall be the duty of said board to investigate the cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation, with special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the cost of transportation from the place or places of production to the principal areas of consumption, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws, and said board shall also make investigation of any such subject whenever directed by either House of Congress.

SEC. 5. That to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, and as to any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States which discriminates against the United States or the products thereof, and to assist the President in the application of the maximum and minimum tariffs and other administrative provisions of the customs laws, the board shall, from time to time, make report, as the President shall direct.

SEC. 6. That for the purposes of this act said board shall have power to subpœna witnesses, to take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation to produce books and papers relating to any matter pertaining to such investigation. In case of failure to comply with the requirements of this section, the board may report to Congress such failure, specifying the names of such persons, the individual names of such firm or copartnership, and the names of the officers and directors of each such corporation or association so failing, which report shall also specify the article or articles produced, imported, or distributed by such person, firm, copartnership, corporation, or association, and the tariff schedule which applies to such article.

SEC. 7. That in any investigation authorized by this act the board may obtain such evidence or information as it may deem advisable, but said board shall not be required to divulge the names of persons furnishing such evidence or information; and no evidence or information so secured under the provisions of this section from any person, firm, copartnership, corporation, or association shall be made public by said board in such manner as to be available for the use of any business competitor or rival.

SEC. 8. That said board shall submit the results of its investigations, as hereinbefore provided, including all testimony, together with any explanatory report of the facts so ascertained, to the President or to either House of Congress, from time to time, when called upon by the President or either House of Congress.

SEC. 9. That upon the taking effect of this act the body now known as the Tariff Board shall transfer to the Tariff Board hereby created all such property and equipment, books, and papers as are now possessed or used by said first-mentioned board in connection with the subjects for which the Tariff Board is hereby created, and thereupon the said first-mentioned board shall cease to exist.

Mr. OVERMAN. If I caught the reading correctly, I wish to call the attention of the Senator from Iowa to the fact that the amendment provides that the board shall be appointed after July 1, 1911. It is a mistake of the reading clerk or a mistake in the bill.

Mr. CUMMINS. Mr. President, I ask that the word "July" be stricken out and that "October" be inserted, and in the year that the word "eleven" be stricken out and "twelve" be inserted.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 1, line 10, it is proposed to strike out the word "July" and insert "October," and in the same line to strike out the word "eleven" and insert the word "twelve," so as to read "nineteen hundred and twelve."

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. PENROSE. Mr. President, as I understand from the Senator from Iowa [Mr. CUMMINS] this is the identical measure which passed the Senate during the closing days of the last Congress with practical unanimity. Therefore, so far as I am concerned, I am willing to accept the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. WILLIAMS. Mr. President, one word first. It seems to me that if it be advisable to have a Tariff Board at all, the one which is now in existence is organized, is going ahead, and is doing the identical work which this new Tariff Commission is expected to do. That is one objection which I have to the amendment.

Another objection is somewhat more serious. After the 4th of March next, when there shall be a genuine Democratic tariff-revision President in the White House, a Democratic House of Representatives, and a Democratic tariff-revision Senate, I do not want anybody of any sort to stand as a pretext for the Congress and the President of the United States to take advantage of to hide behind in order to neglect their duty to the American people, which will be to proceed at once to a revision of the tariff downward, as nearly as existing conditions will permit, to the revenue point.

Mr. CUMMINS. Mr. President, I do not understand that there is any tariff commission now in existence. It is true that the President has been authorized to employ certain persons to secure for him, and through him, I assume, for Congress, certain information; but the board as constituted falls so far short of the instrumentality that I think we ought to have that I am sure its existence ought not to stand in the way of the establishment of the commission provided for in the amendment which I have offered. If this becomes a law, of course the other becomes obsolete, and there is no appropriation as yet for it, anyway.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Iowa.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I again announce my pair with the junior Senator from Maryland [Mr. SMITH].

Mr. DILLINGHAM (when his name was called). Because of my general pair with the senior Senator from South Carolina [Mr. TILLMAN] I withhold my vote. If he were present, I should vote "yea."

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY]. I withhold my vote. Were I at liberty to vote, I should vote "yea."

Mr. SANDERS (when his name was called). On account of my pair with the junior Senator from Indiana [Mr. KERN] I withhold my vote; otherwise I should vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "nay."

Mr. WARREN (when his name was called.) I again announce my pair with the senior Senator from Louisiana [Mr. FOSTER]. I will say that upon all votes which may follow on this subject I shall stand paired with that Senator.

The roll call was concluded.

Mr. DU PONT. My colleague [Mr. RICHARDSON] is absent. He is paired with the Senator from South Carolina [Mr. SMITH]. If he had been present and free to vote, he would have voted "yea." I understand, however, that, as stated by the Senator from South Carolina, the pair has been transferred to the Senator from Maine [Mr. GARDNER].

Mr. BRADLEY. I again announce my pair with the Senator from Maryland [Mr. RAYNER]. If he were present, I should vote "yea."

Mr. LIPPITT. I again announce the transfer of my pair with the Senator from Tennessee [Mr. LEA] to the Senator from South Dakota [Mr. GAMBLE]. I will let this announcement stand for the remainder of the day. I vote "yea."

Mr. MARTINE of New Jersey. I again announce the pair existing between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS].

Mr. CHAMBERLAIN. I desire to announce that the Senator from Oklahoma [Mr. OWEN] is paired with the Senator from Nebraska [Mr. BROWN]. I make this announcement for the rest of the evening.

Mr. BAILEY. I announce my pair with the Senator from Montana [Mr. DIXON], and I desire this announcement to cover all the votes for the day.

The result was announced—yeas 40, nays 26, as follows:

YEAS—40.

Borah	Crawford	Lippitt	Poindexter
Bourne	Cummins	Lodge	Pomerene
Brandegee	du Pont	McLean	Root
Briggs	Fall	Massey	Smith, Mich.
Bristow	Gallinger	Nelson	Smoot
Burton	Gronna	Newlands	Stephenson
Catron	Guggenheim	Oliver	Sutherland
Chamberlain	Jones	Page	Thornton
Clapp	Kenyon	Penrose	Townsend
Clark, Wyo.	La Follette	Perkins	Works

NAYS—26.

Ashurst	Hitchcock	Overman	Smith, S. C.
Bacon	Johnson, Me.	Paynter	Stone
Bankhead	Johnston, Ala.	Reed	Swanson
Bryan	Martin, Va.	Shively	Watson
Culberson	Martine, N. J.	Simmons	Williams
Fletcher	Myers	Smith, Ariz.	
Heyburn	O'Gorman	Smith, Ga.	

NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Kern	Sanders
Burnham	Dillingham	Lea	Smith, Md.
Chilton	Dixon	McCumber	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

So the amendment of Mr. CUMMINS was agreed to.

Mr. NEWLANDS. Mr. President, I offer the amendment which I send to the desk, to come in as an additional section.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

SEC. —. That on the 1st day of January, 1913, a reduction of 10 per cent shall be made in the duties now imposed by law on articles imported into the United States from foreign countries, and that on the 1st day of January of each year thereafter for the period of four years a further reduction of 5 per cent shall be made on such duties until a total reduction of 30 per cent in such duties shall be made: *Provided, however*, That such reductions shall not apply to duties on articles which have been specifically fixed by law at this session of Congress or shall be hereafter specifically fixed by law: *And provided further*, That such reductions shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the production of similar articles in the United States.

Mr. NEWLANDS. Mr. President, we are now considering a Republican bill upon which the stalwart and the insurgent Republicans have practically united. Lest this bill should become a law, it is my desire to perfect it so far as that can be done. The bill thus far relates to one of 13 schedules, the wool schedule, and makes a reduction in the duties covered by that schedule. The purpose of the amendment is to make a gradual reduction in all the other schedules of the tariff, commencing with the reduction of 10 per cent the first year and imposing a reduction of 5 per cent per annum for four years thereafter, until a total reduction of 30 per cent is attained.

Now, I wish to call attention to the fact that the adoption of this amendment will not prevent contemporaneous reductions at this session of Congress to a greater degree upon the general duties of the tariff. The amendment provides that the reduction shall not apply to duties which are specifically reduced at this session of Congress, and it shall not apply to duties which are hereafter specifically reduced. It is simply a dragnet which will cover every duty not specifically reduced either at this session of Congress or at subsequent sessions of Congress.

I say that in reply to the suggestion made by the Senator from Missouri yesterday, that my amendment would not apply to those prohibitory and extortionate duties ranging as high as 100 per cent and higher, upon which it is desirable that greater reductions should be made in the near future.

This amendment will not prevent such reductions, and the reductions called for by this amendment will not apply to any duty which is specifically reduced at this session or which may hereafter be specifically reduced.

Now, the next suggestion is that this is a blanket amendment, providing for the reduction of all duties not specifically reduced, and that some of these duties may be and probably are now revenue duties—duties which would meet the requirement of the Democratic platform and of Democratic principles and that it would not be desirable to reduce those duties even in this gradual way.

It may also be suggested that after this reduction has commenced the reduction may bring foreign goods to the importing level, and that if further persisted in it may result in a flood of foreign importations injurious to or destructive of American industries.

I wish to say in that connection that whilst the Republican Party proposes to guard against that contingency, with a view to maintaining a protective tariff, the Democratic Party also proposes to guard against that contingency, for it has pledged itself in its platform to conduct these reductions in such a way as to bring it to such an ultimate conclusion as will not injure or destroy any legitimate American industry. So the platforms of both parties require, where a gradual reduction is made, that a brake shall be provided which will prevent excessive foreign importations to the injury of American workmen or the injury of an American industry. The Democratic Party wishes it turned into a revenue tariff. It is safe to say that any tariff which will permit the introduction into this country in the way of importations of one-tenth of the total domestic consumption will be a revenue tariff, for such a tariff applied to the present dutiable schedule would yield us a revenue of at least $300,000,000 a year.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. Certainly.

Mr. CLAPP. If I understand the Senator's amendment, it would apply to any duty now existing which is not changed by legislation at this session or by subsequent legislation.

Mr. NEWLANDS. It would not apply to any duty which is specifically reduced at this session or any duty which is specifically reduced hereafter.

Mr. CLAPP. Yes. Then my question is correct. It would apply to any duty which is not changed at this session or by subsequent legislation.

Mr. NEWLANDS. Yes; that is true.

Mr CLAPP. Has the Senator figured out the effect of this proposed reduction in many cases upon raw material as fixed in the Payne-Aldrich tariff bill?

Mr. NEWLANDS. I have not figured it out. I simply assume that it is perfectly safe for every American industry to have one-tenth of the articles consumed in this country brought from abroad, and just as soon as we reach that importing level this amendment stops the reduction upon that article, so as to prevent any importations beyond one-tenth.

Mr. CLAPP. Many of us were opposed to the Payne-Aldrich bill because, while it was framed under the guise of protection, it sacrificed many interests in this country as ruthlessly as it raised exorbitantly the tariff upon other things, and especially is that true, as I recall, with reference to raw material in many instances.

Now, I am in sympathy with the idea of a gradual reduction in the tariff, but for the same reason that I would not vote for the amendment last proposed without opportunity to study and understand its effect, I, for one, could not vote for the Senator's amendment without knowing what effect it would have upon those raw materials, which in some instances, I believe, were ruthlessly sacrificed and in other instances brought to the very verge of sacrifice under the Payne-Aldrich tariff bill.

Mr. NEWLANDS. I regret very much to hear the Senator announce that he can not vote for this amendment, for I thought it would meet his views. I know that he objected to certain provisions of the Payne-Aldrich bill upon the grounds which he asserts. But I suggest that there is no danger at all, even from his standpoint, in voting for this amendment, for he should recollect that it will not apply to any raw material, one-tenth of the consumption of which is now imported, for that raw material is now producing revenue and the duty imposed upon it is a revenue duty, and I imagine there is not a single raw material of which to-day one-tenth of the total domestic consumption is not imported from abroad.

But we will assume that none of these raw materials is imported from abroad. Is there any danger at all to the occupations that produce those raw materials in this country in permitting one-tenth of the total domestic consumption to come from abroad? Can such an invasion of foreign goods or foreign products be in the least degree destructive? The brake is applied just as soon as the importations equal one-tenth of the total domestic consumption. Nine-tenths, therefore, of the American market is secured to the American producer and only one-tenth of the foreign goods come in as competitive regulators. Under this amendment every prohibitory duty in the tariff will be gradually changed into a revenue duty; under this amendment every excessive duty will be gradually diminished until it reaches a revenue basis.

Under this amendment there can be no sudden invasion of foreign goods dislocating our enterprises and depriving American workingmen of employment, and both parties profess to be solicitous not only for the American workingmen but for American industries, the Democratic Party pledging to conduct this reduction in such a way as not to injure or destroy any legitimate American industry.

Now, I wish to say a word to my Democratic friends upon this subject. This bill may pass this body, though I hope it will be displaced by one which I understand is to be introduced later on as a substitute for it and which will make a greater reduction.

But this bill may pass, and if it does pass it will probably be the only tariff bill that will pass at this session of Congress, with the exception perhaps of the sugar tariff bill. We have the opportunity now to force a reduction which will ultimately reach 30 per cent upon over 3,000 articles enumerated in the different paragraphs of the Payne-Aldrich Act. Shall we not avail ourselves of that opportunity? If we come into power we can make further reductions if we deem them wise. We may take hold of the prohibitory duties and the highly excessive duties and reduce them in much greater degree than is called for by this amendment. It will not at all interfere with our freedom of movement or freedom of action if we come into power, and if we should not come into power we would have forced upon a Republican tariff bill a principle which within five years would accomplish a reduction in the present tariff of 30 per cent.

Were we in power it would be wise to pass such an amendment as this, because it would create alarm nowhere, and the Democratic Party must recollect that it has been defeated every time by the fears of the workingmen—the men employed in the protected industries—whose affiliations are naturally with our party. If we are defeated in the coming campaign it will be because our opponents are able to arouse the alarm not only of the manufacturers, but their employees, by the familiar dinner-pail argument addressed to the question of the daily bread of the laboring classes. Think how many of these men, whose affiliations with us are their natural affiliations, are employed in these protected industries—nearly 3,000,000, I am told, in the steel industry alone.

Would we put it in the hands of their employers to go to them and say, "The Democratic Party proposes such a radical reduction in the tariff as not only to imperil us as manufacturers, but to imperil your employment"? They have been moved by such considerations before, and it has been the scare created among the employees of protected industries in every campaign that has defeated the Democratic Party.

I urge, therefore, upon the Democrats of this body to support this amendment, because it gives an immediate relief, because it procures that relief through the adoption of the Democratic amendment on a Republican measure, because it is a substantial compliance with the pledge of our platform, and because it entirely robs the manufacturers of this country of their familiar argument that the incoming of the Democratic Party will bring destruction to the employees of the protected industries.

But it may be said that when you apply this rate it is a protective rate and Democrats can not in any case vote for protection. I deny that, in the sense that it is an indorsement of the protective policy. The Democratic Party refuses to indorse the protective policy, but it can not ignore the fact that our platform states that a protective policy has existed for years and that the industries of the country have become interwoven with it. Realizing that you can not in a moment destroy the entire protective tariff and bring down these protected industries in ruin upon our heads, we declared in our platform that we proposed to consider the fact that the industries of the country have been interwoven with the protective tariff and we propose to tear them apart gradually and in such a way so as not to injure or destroy any legitimate American industry.

Why did we put that plank in our platform if we did not recognize the fact of protection whilst repudiating the principle of protection? Why did we put that plank in the platform unless we intended in good faith to carry it out and to bring about ultimately a tariff for revenue only, without dislocating American industries?

So, Mr. President, this is an amendment which can be supported by every man who really wants a reduction of the tariff. The Republicans want it. They so declare. The President wants it. He so declares. The Democrats want it. They so declare, and they want it all along the line. Whilst there is a difference in the degree of the reduction, they all unite in demanding a reduction.

Now, here we are in Congress with these three forces opposed to each other—the Democrats, the stalwart Republicans, and

the insurgent Republicans—each having different theories as to the amount of reduction, but all of them favoring a reduction. Here we have a political condition in which the House is of one political complexion, the Senate of another, and the President allied to the Senate in political affiliation. It is utterly impossible to carry any measure without the consent of these three parties, these parties who act as the agents of the people with a view to carrying out their demands upon an economic question; and are we to stand in the face of the American people and say that men of intelligence, men of patriotism, in these two bodies and in the executive department can not get together upon any reduction, though all declare themselves in favor of some reduction?

If we assume that position, will not the people be justified in the suspicion and distrust which they now entertain of their public servants? That suspicion and distrust are manifesting themselves now in efforts to take away from representative government the powers delegated and restoring them to the people themselves. Can a body of intelligence like this before the American people confess its inability to join with the President of the United States and the House of Representatives, both of them in favor of substantial reductions in the tariff, and say to the American people we are powerless to do anything? The American people will not say you are powerless to do anything; they will say you lack the sincerity which enables you to carry out your professions. Your action will simply increase the distrust now entertained of representative government.

Mr. President, I will ask for a quorum.

The PRESIDENT pro tempore. The Senator from Nevada makes the point that there is no quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	du Pont	Massey	Smith, Ariz.
Bacon	Fall	Myers	Smith, Ga.
Bankhead	Fletcher	Nelson	Smith, Mich.
Borah	Gallinger	Newlands	Smith, S. C.
Bourne	Gronna	O'Gorman	Smoot
Bradley	Guggenheim	Oliver	Stephenson
Brandegee	Hitchcock	Overman	Stone
Briggs	Johnson, Me.	Page	Sutherland
Bristow	Johnston, Ala.	Paynter	Swanson
Bryan	Jones	Penrose	Thornton
Burnham	Kenyon	Perkins	Townsend
Burton	La Follette	Poindexter	Warren
Catron	Lippitt	Pomerene	Watson
Chamberlain	Lodge	Reed	Williams
Clapp	McCumber	Root	Works
Clark, Wyo.	McLean	Sanders	
Crawford	Martin, Va.	Shively	
Dillingham	Martine, N. J.	Simmons	

The PRESIDENT pro tempore. Sixty-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment submitted by the Senator from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The bill is still in the Senate and open to amendment.

Mr. LA FOLLETTE. Mr. President, I move to strike out all after the enacting clause and insert what I send to the desk as an amendment.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Wisconsin will be read.

The SECRETARY. Strike out all after the enacting clause and insert the following:

The act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out all of Schedule K thereof, being paragraphs 360 to 395, inclusive, and inserting in lieu thereof the following:

SCHEDULE K. WOOL AND MANUFACTURES THEREOF.

360. All wool, hair of the camel, goat, alpaca, and other like animals, shall be divided, for the purposes of this act, into the three following classes:

361. Class 1, that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool, or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood and usually known by the terms herein used, and all wools not hereinafter included in class 2.

362. Class 2, that is to say, Donskol, native South American, Cordova, Valparaiso, native Smyrna, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for; the hair of the camel, Angora goat, alpaca, and other like animals.

363. The standard samples of all wools which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they shall be needed.

364. Whenever wools of class 2 shall have been improved by the admixture of merino or English blood, from their present character as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

365. The duty on wools of the first class shall be 35 per cent ad valorem.

366. The duty upon wools of class 2 shall be 10 per cent ad valorem.

367. The duty on wools on the skin shall be as follows: Class 1, 30 per cent ad valorem; class 2, 10 per cent ad valorem; the quantity and value of the wool to be ascertained under such rules as the Secretary of the Treasury may prescribe.

368. Top waste, slubbing waste, roving waste, ring waste, and garnetted waste, 30 per cent ad valorem.

369. Shoddy, noils, wool extract, yarn waste, thread waste, and all other wastes composed wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, 25 per centum ad valorem.

370. Woolen rags, mungo, and flocks, 25 per centum ad valorem.

371. Combed wool or tops, and all wools which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, 40 per centum ad valorem.

372. On yarns made wholly of wool or of which wool is the component material of chief value, the duty shall be 45 per centum ad valorem.

373. On cloths, knit fabrics, blankets, and flannels for underwear, composed wholly of wool or of which wool is the component material of chief value, women's and children's dress goods, coat linings, Italian cloths, bunting, clothing, ready made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, any of the foregoing made of wool or of which wool is the component material of chief value, whether containing india rubber or not, 55 per centum ad valorem.

374. Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description; Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description; Brussels carpets, figured or plain, and all carpets or carpeting of like character or description; velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description; tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise; treble ingrain, three-ply, and all chain Venetian carpets; wool Dutch and two-ply ingrain carpets; carpets of every description, woven whole for rooms; oriental, Berlin, Aubusson, Axminster, and similar rugs; druggets and bockings, printed, colored, or otherwise; all the foregoing, made of wool, or of which wool is the component material of chief value, 35 per centum ad valorem.

375. Carpets and carpeting of wool or of which wool is the component material of chief value, not specially provided for in this section, 35 per centum ad valorem.

376. Mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting made wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

377. Whenever, in any schedule of this act, the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other animal, whether manufactured by a woolen, worsted, felt, or any other process.

378. All manufactures of hair of the camel, goat, alpaca, or other like animal, or of which any of the hair mentioned in paragraph 363 forms the component material of chief value, shall be subject to a duty of 30 per cent ad valorem.

That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported, and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act, and no other duty, upon the entry or the withdrawal thereof.

That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1912.

Mr. LODGE. I move to amend the substitute just offered by inserting the amendment which I send to the desk, to come in before the repealing clause. It need not be read again. It is the Tariff Commission act which the Senate has just adopted.

The SECRETARY. At the end of section 2, it is proposed to insert the following:

SEC. 2. That a board is hereby created, to be known as the Tariff Board, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. The members first appointed under this act shall continue in office from the date of qualification for the terms of two, three, four, five, and six years, respectively, from and after the 1st day of October, A. D. 1912, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the

member whom he shall succeed. The President shall designate a member of the board to be the chairman thereof during the term for which he is appointed. Any member may, after due hearing, be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three members of said board shall be members of the same political party. Three members of said board shall constitute a quorum. The chairman of said board shall receive a salary of $7,500 per annum and the other members each a salary of $7,000 per annum. The board shall have authority to appoint a secretary and fix his compensation, and to appoint and fix the compensation of such other employees as it may find necessary to the performance of its duties.

SEC. 3. That the principal office of said board shall be in the city of Washington. The board, however, shall have full authority, as a body, by one or more of its members, or through its employees, to conduct investigations at any other place or places, either in the United States or foreign countries, as the board may determine. All the expenses of the board, including all necessary expenses for transportation incurred by the members or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the chairman of the board. Should said board require the attendance of any witness, either in Washington or any place not the home of said witness, said witness shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

SEC. 4. That it shall be the duty of said board to investigate the cost of production of all articles which by any act of Congress, now in force or hereafter enacted, are made the subject of tariff legislation, with special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the cost of transportation from the place or places of production to the principal areas of consumption, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws, and said board shall also make investigation of any such subject whenever directed by either House of Congress.

SEC. 5. That to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, and as to any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States which discriminates against the United States or the products thereof, and to assist the President in the application of the maximum and minimum tariffs and other administrative provisions of the customs laws, the board shall, from time to time, make report, as the President shall direct.

SEC. 6. That for the purpose of this act said board shall have power to subpœna witnesses, to take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation to produce books and papers relating to any matter pertaining to such investigation. In case of failure to comply with the requirements of this section, the board may report to Congress such failure, specifying the names of such persons, the individual names of such firm or copartnership, and the names of the officers and directors of each such corporation or association so failing, which report shall also specify the article or articles produced, imported, or distributed by such person, firm, copartnership, corporation, or association, and the tariff schedule which applies to such article.

SEC. 7. That in any investigation authorized by this act the board may obtain such evidence or information as it may deem advisable, but said board shall not be required to divulge the names of persons furnishing such evidence or information; and no evidence or information so secured under the provisions of this section from any person, firm, copartnership, corporation, or association shall be made public by said board in such manner as to be available for the use of any business competitor or rival.

SEC. 8. That said board shall submit the results of its investigations, as hereinbefore provided, including all testimony, together with any explanatory report of the facts so ascertained, to the President or to either House of Congress, from time to time, when called upon by the President or either House of Congress.

SEC. 9. That upon the taking effect of this act the body now known as the Tariff Board shall transfer to the Tariff Board hereby created all such property and equipment, books, and papers as are now possessed or used by said first-mentioned board in connection with the subjects for which the Tariff Board is hereby created, and thereupon the said first-mentioned board shall cease to exist.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. LA FOLLETTE. Mr. President, I wish to change one word in the amendment which I offered in order to perfect it. I have not the copy before me, but I wish to change the last word in the amendment offered from "twelve" to "thirteen," so that it will read that it will go into effect "January, 1913," instead of "January, 1912."

The PRESIDENT pro tempore. The Senator has a right to modify his amendment.

Mr. LA FOLLETTE. The print of the bill which I have was offered as an amendment on the 27th day of July, 1911. I will say to the Senate that the amendment as now offered is exactly in the same form in which it was adopted on the 27th day of July, 1911—not one word or figure is changed in the bill as it was then adopted excepting the change which I have just now suggested.

Mr. STONE. I was out of the Chamber for a while during the reading of the amendment. Some one has said that the provisions contained in the amendment authorize the appointment of a tariff board.

Mr. LA FOLLETTE. I will say that the Senator has been misinformed. This amendment is identical with the bill which was passed by the Senate on the 27th day of July, 1911.

Mr. SIMMONS. But, if the Senator from Wisconsin will permit me, as I understand the Senator from Missouri, he means that an amendment has been offered to the substitute creating a tariff board.

Mr. LA FOLLETTE. I understand that the Senator from Massachusetts [Mr. LODGE] has offered an amendment to the amendment which I have proposed, but that has not yet been adopted. The amendment as I propose it is in exactly the same form in which it passed the Senate on the 27th of July, 1911.

The PRESIDENT pro tempore. The question is upon the amendment to the amendment submitted by the Senator from Massachusetts [Mr. LODGE] to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. CLAPP. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I make the same announcement as before with reference to my pair.

Mr. DILLINGHAM (when his name was called). Because of my pair with the senior Senator from South Carolina [Mr. TILLMAN] I withhold my vote; otherwise I should vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I will transfer that pair to the senior Senator from Washington [Mr. JONES] and vote. I vote "yea."

Mr. WILLIAMS (when Mr. PERCY's name was called). My colleague [Mr. PERCY] is absent and paired, as stated, with the Senator from North Dakota [Mr. McCUMBER]. If my colleague were present, he would vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is not in the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If he were present and free to vote, my colleague would vote "yea."

Mr. SANDERS (when his name was called). I would vote "yea" were it not for my pair with the junior Senator from Indiana [Mr. KERN].

The roll call was concluded.

Mr. BRADLEY. I again announce my pair with the Senator from Maryland [Mr. RAYNER], but for which I should vote "yea."

Mr. SMITH of South Carolina (after having voted in the negative). I inadvertently voted. I wish to announce that I am paired with the Senator from Delaware [Mr. RICHARDSON], but I transfer that pair to the Senator from Maine [Mr. GARDNER] and will allow my vote to stand.

The result was announced—yeas 31, nays 35, as follows:

YEAS—31.

Borah	du Pont	McLean	Root
Bourne	Fall	Massey	Smith, Mich.
Brandegee	Gallinger	Nelson	Smoot
Briggs	Guggenheim	Oliver	Stephenson
Burton	Heyburn	Page	Sutherland
Catron	Lippitt	Penrose	Thornton
Clark, Wyo.	Lodge	Perkins	Townsend
Cummins	McCumber	Pomerene	

NAYS—35.

Ashurst	Fletcher	Myers	Smith, Ariz.
Bacon	Gronna	Newlands	Smith, Ga.
Bankhead	Hitchcock	O'Gorman	Smith, S. C.
Bristow	Johnson, Me.	Overman	Stone
Bryan	Johnston, Ala.	Paynter	Swanson
Chamberlain	Kenyon	Poindexter	Watson
Clapp	La Follette	Reed	Williams
Crawford	Martin, Va.	Shively	Works
Culberson	Martine, N. J.	Simmons	

NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Jones	Sanders
Burnham	Dillingham	Kern	Smith, Md.
Chilton	Dixon	Lea	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

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So Mr. LODGE's amendment to Mr. LA FOLLETTE's amendment was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment submitted by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCUMBER. I offer the amendment which I send to the desk to be inserted at the end of the substitute.

The PRESIDENT pro tempore. The Senator from North Dakota offers an amendment to the amendment, which will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following:

That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and the same is hereby, repealed: *Provided*, That from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in section 2 of said act.

Mr. CLAPP. Mr. President, I have not kept advised as to the result of the conference upon the previous tariff bill. As I understand, a similar amendment was added to one of the tariff bills. Is not that so?

Mr. STONE. To the steel bill.

Mr. CLAPP. It was added to the steel bill. I ask if that bill has yet been reported from the conference?

Mr. PENROSE. For various reasons the conferees on that bill have not yet met. In order to make this very praiseworthy amendment absolutely secure, I would urge its being added to this bill.

Mr. CLAPP. I certainly commend the interest of the Senator from Pennsylvania in repealing the so-called Canadian tariff bill. Half of that effort last year would have prevented its passage.

Mr. SIMMONS. Mr. President, I have always voted against reciprocity; but I am satisfied that this amendment is offered for the purpose, or if not for the purpose it might have the effect, of defeating the bill which the Senate may pass to-night. For that reason I shall vote agains it.

Mr. McCUMBER. If the Senator would look at the amendment he would see that notice was given over a month ago that it would be offered as an amendment to the wool bill, so that it is not an amendment merely urged at this particular moment.

Mr. SIMMONS. It is offered here to embarrass this bill, and I shall vote against it.

Mr. McCUMBER. If it would embarrass your bill I think it would operate very well, indeed, and I should be very glad to see it adopted for that purpose.

Mr. SIMMONS. I have no doubt the Senator thinks that way.

Mr. THORNTON. Mr. President, like the Senator from North Carolina [Mr. SIMMONS], who has just spoken, I also have always voted against Canadian reciprocity, and last year I set forth my reasons very fully for doing so. I have done so because in my opinion it is a most unjustifiable discrimination against the agriculturists of this country, forcing them to sell their products in a free market and then to buy everything they use in a protected market. For that reason I voted against it, and unlike the Senator from North Carolina, I shall continue to vote against it just as long as I can stand up.

Mr. CLAPP. Mr. President, while there may be such a thing as future punishment for those who are gifted with immortality—that is, the human race—I do not think it pertains to a tariff bill. I do not believe in pounding a dog after it has been killed. So far as the Senate is concerned, we have already passed an amendment repealing the Canadian tariff bill. It is asserted, as a great many things during the last three years have been asserted, that the measure containing that amendment will be vetoed. If that is true, this measure also will be vetoed if it contains that amendment, and, as I believe, we should try to get some reduction from the tariff bill of 1909, having already voted to repeal the Canadian tariff bill which no man ever heard me mischaracterize as "reciprocity"—we might as well call a one-handled jug a pair of apothecary's scales as to call the Canadian tariff bill reciprocity. I shall vote against embarrassing this bill by putting that amendment upon it.

Mr. McCUMBER. If the Senator is very certain that this bill as it will be passed is going to be vetoed and is certain that the other will be vetoed also, why can not the Senator vote his sentiments against reciprocity on this bill the same as on any other?

Mr. CLAPP. Mr. President, the Senator in his zeal has fallen into the habit of being incorrect. My suggestion was that this bill might be vetoed if it contained the amendment repealing the Canadian tariff bill.

Mr. McCUMBER. I can assure the Senator that I do not believe it will be vetoed for that reason, though it may be vetoed for other reasons.

Mr. CLAPP. Oh, Mr. President, a new light dawns upon the situation.

Mr. McCUMBER. I hope if there is a new light the Senator will follow that light.

Mr. CLAPP. Then we do have authority as to what the President will do with these tariff bills.

Mr. McCUMBER. I am very certain that this tariff bill will not be vetoed, because it contains a repeal of the reciprocity law which now stands as an offer to Canada.

Mr. REED. Mr. President, I merely wish to remark that it is refreshing to find some gentleman who can speak with authority as to the inner consciousness of the President.

Mr. NEWLANDS. Mr. President, I am not willing to vote for any amendment that will embarrass this bill. With that view, whilst I have always favored a tariff board, I vote against an amendment providing for a tariff board in this bill, assuming that if a tariff board amendment were attached to this bill it would fail to receive a good deal of support it would otherwise receive.

Mr. McCUMBER. I ask for the yeas and nays on my amendment.

Mr. SMITH of Michigan. Mr. President, so long as the reciprocity measure remains as it is to-day, it is within the power of Canada to adopt it and make it effective as an international regulation, and in view of the unanimity with which this measure is condemned on both sides of the Chamber and in the agricultural communities of the United States it looks a little like trifling with a very dangerous question to leave entirely in the hands of a foreign government the right to give effect to a measure that is so generally repudiated in this Chamber and throughout the country.

A few days ago in some of the northern Provinces of Canada, notably Saskatchewan, they again voted their approval of the reciprocity arrangement of the Laurier government with the United States, and we can not tell when that people may determine to give effect to this law; and to leave it lingering on the statute books where vitality may be given to it at any moment by a foreign people surprises me greatly, especially when the sentiment on both sides of this Chamber is against it. For one I shall never lose an opportunity to recall that measure and to invalidate that act.

Mr. CLAPP. Mr. President, so far as it is proper within the rules of senatorial discussion, I will say I am surprised that those who have already voted to reduce the tariff should seek to embarrass a real substantial reduction by trying to force men into the false attitude of voting against the Canadian tariff bill. I for one will not be driven into any such position, and as long as we have already passed an amendment denouncing the Canadian tariff bill, and that is already in conference, I am not going to be deterred from an effort to get a fair, substantial reduction upon a schedule that has been denounced by men in both parties, by the effort to throw me into the false attitude of voting against the Canadian tariff bill.

I believe if ever there was a wrong committed it was in forcing that bill through the Senate, a measure which in 1904 had been denounced in the Republican textbook as a Democratic fraud, and yet a Republican President, with all the vainful lure of patronage, forced that measure through the Congress with a Republican Senate a year ago. No threat, no intimation, no suggestion, and no effort by those who are not really in earnest in a fair tariff reduction for which the people are looking, having appealed to the Senate for a relaxation and a lessening of the burdens of the wool schedule, will deter me from unmasking at this time the efforts to embarrass this measure now pending by attempting to throw Senators into the attitude of being hostile to the repeal of the Canadian tariff bill.

Mr. WILLIAMS. Mr. President, to lapse into southern dialect for a minute, "it is mighty pore policy and pore ethics to beat the devil round the stump."

Mr. CLAPP. That is right.

Mr. WILLIAMS. Gentlemen need not rise here and attempt to fool the country, they need not even attempt to fool themselves, with the pretense that the object in offering this amendment is to secure the repeal of the Canadian reciprocity law. They know, we all know, and the most ignorant human being in the United States will know, that the object in offering this amendment is to prevent the measure to which this is sought to be attached from becoming a law, to prevent, if possible, its passage through the House of Representatives.

It is mighty good policy and mighty good ethics to be honest with one another and to be honest with the country. There is not a man within the sound of my voice who does not know that the object in offering this amendment and the object in supporting it is not the amendment itself, but to embarrass the measure upon which it is proposed that it shall be ingrafted.

Mr. THORNTON. As one Member of the Senate, I deny the correctness of that statement as applied to myself.

Mr. WILLIAMS. There may be now and then somebody so innocent as to be totally ignorant of the transaction, but that is the transaction. That will be the effect of this transaction. Every man in the world is charged with knowledge of the natural consequences of his own act, and when it is offered here at this particular juncture, and when it is voted for at this par-

ticular juncture, that is the natural and necessary consequence in the opinion of almost everybody, to wit, to prevent the passage of this measure through the House, and therefore to prevent its going to the White House.

The President vetoed a similar bill that came from the conference, upon the ground that the Tariff Board had not had time or opportunity to report; upon the ground that he did not possess the information, without the aid of the Tariff Board, upon which he could base his action. The Tariff Board has reported, and this bill can not, in my opinion, be pronounced by anybody to be in conflict with their final report.

The last pretext, therefore, that the President has for vetoing this bill has passed into history and out of sight. If he be sincere in desiring to get the advice of a Tariff Board, the benefit of its investigation and its judgment, those will now be before him, although they were not before him when the bill was last passed, and he will have to take the responsibility before the country, or else he will have to confess that the pretext of being guided by the Tariff Board was a pretext and is a pretext.

Mr. CUMMINS. Mr. President, I suppose there is not a Senator here who opposed the reciprocity measure more than I, and there is no Senator here who desires more earnestly to see it repealed and removed from the law of the Nation, but it seems to me unnecessary to attach its repeal to every measure that may come before the Senate. We have already attached it to one measure, and I think I am violating no confidence when I say that before this debate shall have come to an end—I mean the debate upon the three measures covered by the unanimous-consent agreement—there will be another opportunity for Senators to vote for the repeal of the reciprocity act, and for that reason I do not intend to vote to attach it to this bill.

Mr. McCUMBER. Mr. President, the devil seems to be chasing himself around the stump without anybody getting after him. I first find the Senator from Minnesota [Mr. CLAPP] objecting to this proposition because he is afraid that the President will veto the bill. Then I find another chasing him around under the proposition that it is introduced for the purpose of preventing the bill passing the House.

Mr. CLAPP. I rise to a question of personal privilege.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLAPP. I have at no time in this debate or any other debate suggested that the President would veto a bill. To me it is a matter of no consideration. His is the function to sign or veto; mine to vote for or against the measure. What I said was if he was going to veto another bill because it contained this amendment, the same argument would apply to this bill with the amendment attached.

Mr. McCUMBER. Then we have another one chasing him in the same direction and suggesting another reason why the bill in which the provision repealing the reciprocity act had already been inserted will be vetoed. Very well; if it will be vetoed in that bill, then there is no excuse for not putting it on another bill, and that is all there is to it.

Mr. CLAPP. It would embarrass this bill.

Mr. McCUMBER. It will embarrass this bill? If the Senate and House are in favor of the repeal of that reciprocity provision, there is an opportunity now to put it through both Houses; and if the Senator would not vote for a proposition, no matter what the President would do or what the other House would do, then he should not talk about embarrassing this bill. He should vote according to his own conscience and his own judgment as to whether it is a proper measure in either instance, and let the House take care of itself. I would vote for this bill and this proposition if I stood alone. I am not in favor of the bill as it now comes before the Senate because I think it is a little too low; that is all. I do not think it gives adequate protection. The Senator who introduced it thinks that it does. Neither of us believes that the Democratic measure gives the adequate protection.

I hope the Senators will give every one the same credit for trying to act according to his own judgment in matters of this kind. I am perfectly free to say that I would hope that the bill would be defeated in the House; but whether it should be defeated or not, I shall vote for the repeal of this reciprocity provision on every bill to which it can properly be attached, and if it fails in one it may stand a chance of passing through in the other. That is all there is to it.

When it was voted on before the Senator who then offered it, although it had been offered in the Senate before, declared that he would move it upon every tariff bill that came before the Senate. I did what he stated he would do—move it upon each one, or one that was similar to it. I am willing to vote for it. Undoubtedly the majority is against putting it on this bill, but I do not think that the motive of any Senator ought to be challenged.

Mr. FLETCHER. May I ask the Senator if he will vote for the measure now pending if the amendment he proposed is attached to it?

Mr. McCUMBER. I would not vote for it if I thought it was wrong. If I thought it was wrong, then I would make it just as near right as I could. If there is any other good feature that I could attach to it I would do it.

Mr. FLETCHER. That is the question I was asking, whether he would or would not. He knows whether it is right or wrong now, I presume.

Mr. McCUMBER. I thought I made it quite plain that I believed the amendment was a little too low, and as such I was not in favor of it. I do not think that it is anywhere near as low as the Democratic bill.

Mr. SMOOT. Mr. President, the Senator from Mississippi [Mr. WILLIAMS] made the statement that no one could say but that the bill under consideration was not in conformity with the Tariff Board report. I say that the Tariff Board report not only once but more than once denounces the ad valorem duties of a wool tariff bill, and I will read from just one part of the report in relation to the ad valorem duties which the proposed bill carries. On page 394 of the report the board says:

> The economic objection to an ad valorem duty on wool arises from the fact that the amount of duty paid, since it fluctuates with the foreign value of the commodity, would not be adjusted to the needs of the Government, of the consumer, nor of the American woolgrower. A speculative change in the market which increased the price of wool would automatically lead to an increase in the amount of duty at the very time that the manufacturer is most hampered by the existing high price, when the consumer most needs relief, and the woolgrower is most prosperous. On the other hand, a fall in price brings a reduction of duty at a time when the woolgrower is at greatest disadvantage and when manufacturers can best afford to pay the tax.

Specifically disagreeing to any kind of plan of an ad valorem duty upon the woolen schedule. That is only one of the many instances in this report where the board takes that same position.

The PRESIDENT pro tempore. Is the demand for the yeas and nays seconded on agreeing to the amendment of the Senator from North Dakota [Mr. McCUMBER] to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE]?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I again state my pair with the senior Senator from Maryland [Mr. RAYNER]. I would vote "yea" if I were at liberty to vote.

Mr. BURNHAM (when his name was called). I make the same announcement as on the previous vote with reference to my pair with the Senator from Maryland [Mr. SMITH].

Mr. DILLINGHAM (when his name was called). Because of my pair with the Senator from South Carolina [Mr. TILLMAN], as already announced, I withhold my vote. If I were not paired I would vote "yea."

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY] and the transfer of that pair to the senior Senator from Washington [Mr. JONES]. I vote "yea."

Mr. WILLIAMS (when Mr. PERCY's name was called). I again announce that my colleague [Mr. PERCY] is absent on emergent business; that he is paired with the Senator from Wyoming [Mr. WARREN]; and that if my colleague were present and not paired he would vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). I again announce the absence from the city of my colleague [Mr. RICHARDSON] and his pair with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "yea."

Mr. SANDERS (when his name was called). I am paired with the Senator from Indiana [Mr. KERN]. I would vote "yea" if I were not paired.

Mr. SMITH of South Carolina (when his name was called). I beg to announce my pair with the Senator from Delaware [Mr. RICHARDSON] and the transfer of my pair to the Senator from Maine [Mr. GARDNER]. I vote "nay."

The roll call was concluded.

Mr. TOWNSEND. The senior Senator from Washington [Mr. JONES], who has been here all day and all the evening, was necessarily called from the Chamber. For that reason he did not answer to his name.

The result was announced—yeas 30, nays 36, as follows:

YEAS—30.

Borah	Fall	McLean	Smith, Mich.
Bourne	Gallinger	Massey	Smoot
Brandegee	Gronna	Nelson	Stephenson
Briggs	Guggenheim	Oliver	Sutherland
Burton	Heyburn	Page	Thornton
Catron	Lippitt	Penrose	Townsend
Clark, Wyo.	Lodge	Perkins	
du Pont	McCumber	Root	

NAYS—36.

Ashurst	Cummins	Myers	Simmons
Bacon	Fletcher	Newlands	Smith, Ariz.
Bankhead	Hitchcock	O'Gorman	Smith, Ga.
Bristow	Johnson, Me.	Overman	Smith, S. C.
Bryan	Johnston, Ala.	Paynter	Stone
Chamberlain	Kenyon	Poindexter	Swanson
Clapp	La Follette	Pomerene	Watson
Crawford	Martin, Va.	Reed	Williams
Culberson	Martine, N. J.	Shively	Works

NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Jones	Sanders
Burnham	Dillingham	Kern	Smith, Md.
Chilton	Dixon	Lea	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

So Mr. MCCUMBER's amendment to Mr. LA FOLLETTE's amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Wisconsin [Mr. LA FOLLETTE], on which the yeas and nays have been ordered. The roll will be called.

The Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. RAYNER]. I would vote "nay" if I were not paired.

Mr. BURNHAM (when his name was called). I make the same announcement as on the previous vote of my pair with the Senator from Maryland [Mr. SMITH].

Mr. WATSON (when Mr. CHILTON's name was called). I again announce the absence of my colleague [Mr. CHILTON]. If he were present he would vote "yea." He is paired with the Senator from Illinois [Mr. CULLOM].

Mr. DILLINGHAM (when his name was called). I withhold my vote on account of my pair, as already announced, with the Senator from South Carolina [Mr. TILLMAN]. I would vote "nay" if he were present.

Mr. MCCUMBER (when his name was called). Again announcing my pair with the senior Senator from Mississippi [Mr. PERCY], I transfer that pair to the senior Senator from Washington [Mr. JONES] and vote "nay."

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). I again announce the pair of the senior Senator from Oklahoma [Mr. OWEN] with the senior Senator from Nebraska [Mr. BROWN].

Mr. DU PONT (when Mr. RICHARDSON's name was called). I again announce the absence from the city of my colleague [Mr. RICHARDSON] and his pair with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "nay."

Mr. SANDERS (when his name was called). I again announce my pair with the Senator from Indiana [Mr. KERN]. I would vote "nay" if not paired.

Mr. SMITH of South Carolina (when his name was called). I again announce the transfer of my pair with the Senator from Delaware [Mr. RICHARDSON] to the Senator from Maine [Mr. GARDNER]. I vote "yea."

The roll call having been concluded, the result was announced—yeas 39, nays 27, as follows:

YEAS—39.

Ashurst	Cummins	Myers	Smith, Ariz.
Bacon	Fletcher	Newlands	Smith, Ga.
Bankhead	Gronna	O'Gorman	Smith, S. C.
Borah	Hitchcock	Overman	Stone
Bristow	Johnson, Me.	Paynter	Swanson
Bryan	Johnston, Ala.	Poindexter	Thornton
Chamberlain	Kenyon.	Pomerene	Watson
Clapp	La Follette	Reed	Williams
Crawford	Martin, Va.	Shively	Works.
Culberson	Martine, N. J.	Simmons	

NAYS—27.

Bourne	Fall	McLean	Root
Brandegee	Gallinger	Massey	Smith, Mich.
Briggs	Guggenheim	Nelson	Smoot
Burton	Heyburn	Oliver	Stephenson
Catron	Lippitt	Page	Sutherland
Clark, Wyo.	Lodge	Penrose	Townsend
du Pont	McCumber	Perkins	

NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Jones	Sanders
Burnham	Dillingham	Kern	Smith, Md.
Chilton	Dixon	Lea	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

So Mr. LA FOLLETTE's amendment was agreed to.

The PRESIDENT pro tempore. The bill is still in the Senate and open to amendment. If there be no further amendments proposed, the question is, Shall the amendment be engrossed and the bill be read a third time?

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. WARREN. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I make the same statement as before regarding my pair with the senior Senator from Maryland [Mr. RAYNER]. I would vote "nay" if he were present.

Mr. BURNHAM (when his name was called). I withhold my vote for the reason before stated, being paired with the Senator from Maryland [Mr. SMITH].

Mr. LODGE (when Mr. CRANE's name was called). My colleague [Mr. CRANE] is unavoidably detained from the Chamber. He is paired with the Senator from Oklahoma [Mr. GORE]. If my colleague were present, he would vote "nay."

Mr. DILLINGHAM (when his name was called). I withhold my vote on account of the pair already announced. Otherwise I would vote "nay."

Mr. SHIVELY (when Mr. KERN's name was called). I again announce the unavoidable absence of my colleague [Mr. KERN]. If he were present, he would vote "yea." He is paired with the junior Senator from Tennessee [Mr. SANDERS].

Mr. MCCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY]. I transfer that pair to the senior Senator from Washington [Mr. JONES] and vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). I again announce the absence from the city of my colleague [Mr. RICHARDSON] and his pair with the Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote he would vote "nay."

Mr. SANDERS (when his name was called). I again announce my pair with the junior Senator from Indiana [Mr. KERN]. The senior Senator from that State advises me that his colleague would vote "yea" if present. So I am obliged to withhold my vote. Otherwise I would vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair and the transfer as before to the Senator from Maine [Mr. GARDNER]. I vote "yea."

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Louisiana [Mr. FOSTER]. I withhold my vote in his absence.

The roll call having been concluded, the result was announced—yeas 40, nays 26, as follows:

YEAS—40.

Ashurst	Culberson	Martine, N. J.	Simmons
Bacon	Cummins	Myers	Smith, Ariz.
Bankhead	Fletcher	Newlands	Smith, Ga.
Borah	Gronna	O'Gorman	Smith, S. C.
Bourne	Hitchcock	Overman	Stone
Bristow	Johnson, Me.	Paynter	Swanson
Bryan	Johnston, Ala.	Poindexter	Thornton
Chamberlain	Kenyon	Pomerene	Watson
Clapp	La Follette	Reed	Williams
Crawford	Martin, Va.	Shively	Works

NAYS—26.

Brandegee	Gallinger	Massey	Smith, Mich.
Briggs	Guggenheim	Nelson	Smoot
Burton	Heyburn	Oliver	Stephenson
Catron	Lippitt	Page	Sutherland
Clark, Wyo.	Lodge	Penrose	Townsend
du Pont	McCumber	Perkins	
Fall	McLean	Root	

NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Jones	Sanders
Burnham	Dillingham	Kern	Smith, Md.
Chilton	Dixon	Lea	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 340) making appropriation to be used in exterminating the army worm, in which it requested the concurrence of the Senate.

RAVAGES OF ARMY WORM.

H. J. Res. 340. Joint resolution making appropriation to be used in exterminating the army worm, was read twice by its title.

Mr. SMITH of South Carolina. I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The Secretary read as follows:

Resolved, etc., That the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be used by the Secretary of Agriculture in exterminating a dangerous pest commonly called the army worm, now devastating crops in various sections of the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SMITH of South Carolina. Mr. President, I should like to state in that connection that the Secretary of Agriculture wanted a larger amount, but in view of the fact that the joint resolution had passed the other House and come over here, he said he could use the amount thus proposed to be appropriated. I have supplemented the amount in a joint resolution I now present as a separate measure, and I ask the attention of other Senators to it. I ask that the joint resolution I now introduce be read twice by its title and referred to the Committee on Agriculture and Forestry.

The joint resolution (S. J. Res. 125) making appropriation for checking ravages of the army worm was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. PENROSE. I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 26, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July 25, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou God and Father of us all, whose essence is love, to whom discord, sin, and iniquity are abhorrent, teach us the art of living together in peace and harmony that we may reflect Thy love in the home, in society, in the affairs of state, and be worthy of the gifts Thou hast bestowed upon us, Thy care and protection, boundless love and good will. That Thy kingdom may come and Thy will be done in earth as it is in heaven. Amen.

The Journal of the proceedings of yesterday was read and approved.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD, from the Committee on Appropriations, reported a bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and with the accompanying report (No. 1062) ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

ROBERT W. ARCHBALD.

Mr. FITZGERALD, from the Committee on Appropriations, reported Senate joint resolution 122, providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and with the accompanying report (No. 1063) ordered to be printed.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, and I ask unanimous consent to disagree to the Senate amendments on the bill and——

Mr. MANN. I hope the gentleman will defer his report until later. We have a special order.

Mr. STEPHENS of Texas. I will withdraw the request for the present.

The SPEAKER. We will attend to this as soon as the gentleman from Nebraska gets through with his speech. Under the special order of yesterday the gentleman from Nebraska [Mr. NORRIS] is recognized for one hour, or so much thereof as he desires to use.

DELEGATES TO CHICAGO CONVENTION.

Mr. NORRIS. Mr. Speaker, when the House adjourned yesterday I was talking about the Federal officeholders in the Southern States in relation to their activity in trying to control the delegation and the policies of the Republican Party. I had just finished, I believe, giving a list of delegates to the Republican national convention from Mississippi, together with their salaries. I want to continue briefly the consideration of the subject in a continuation of delegates from the Southern States to the national convention. I have, Mr. Speaker, a list of the Republican State central committee of the State of Alabama for last year. This was the committee that conducted the campaign, as far as the Taft Republicans were concerned, for the selection of delegates to the national Republican convention at Chicago. Upon that State committee there were 49 members—46, I believe—and there were not to exceed 6 private citizens on that committee, and I think only 5. I have tried to find out the salary of the different members of that committee, but have been unable to get the salary of all of them; but as near as I can reach a conclusion the salary list of that committee of that State alone amounts to somewhere in the neighborhood of $50,000. I have examined the list of the Republican delegates and alternates to the Chicago convention from the State of Georgia. Georgia had 26 delegates in that convention, and every man knows there was and will be no possibility of the nominee of that convention or any other Republican convention that will have any show in getting the electoral vote from the State of Georgia. Every white man on that delegation with the exception of one was a Federal officeholder. The combined salaries of the delegates and alternates alone amounted to $52,000. So I might go on through all the Southern States, with results about the same. If we investigate the salary list of delegates and alternates of Republican committeemen in those States, where in reality there is no Republican Party, it would amount to somewhere in the neighborhood of a million dollars, in my judgment. That is more than these organizations down there are worth either to the country or to the Republican Party.

Let us see what the average Republican delegate to a national convention costs the country. If you will take the delegates from that portion of the South where there is in reality no Republican Party you will find that, on an average, practically every delegate is drawing out of the Treasury of the United States between two thousand and twenty-five hundred dollars per annum. Since the national convention meets only once in four years, this would make the average delegate from this particular section cost the country in the neighborhood of $10,000. When we consider that under our political methods we can not elect a President of the United States until he is first nominated, we can get some kind of an idea of what must be the power of the political machine that can control this patronage. More than 200 delegates in the Chicago convention were absolutely controlled in this way. We complain against the use of money in politics, and rightly so. We pass laws to prevent it, and rightly so. What would be the outcry if some aspirant for the Republican nomination would boldly announce in the public press that he was willing to pay $10,000 a vote for delegates coming from this section of the country? And yet, under our system, the man or the machine in control of the party in these States can practically offer that amount for the votes of delegates in the national convention, the only difference being that the payment of the money must be made by the taxpayers through the Federal Treasury.

Mr. AUSTIN. Will the gentleman permit an interruption?

Mr. NORRIS. I will.

Mr. AUSTIN. Speaking about the delegates from the Southern States, does the gentleman mean to include in that statement the delegates from the State of Tennessee?

Mr. NORRIS. No; I do not.

Mr. AUSTIN. I hope, then, he will make the exception.

Mr. NORRIS. I have made no investigation with regard to the Tennessee delegation, and I make no reference to it. Now, the gentleman from Wyoming [Mr. MONDELL], in his speech here yesterday—and you must remember I am going over this subject somewhat at length in answer to what he said yesterday—made the claim that the postmasters and Federal officeholders in Texas were in league to defeat the renomination of President Taft. If there was a Federal officeholder in the State of Texas who had the courage and the nerve to come out in the open and assert his independence and be against the renomination of President Taft, he ought to have a chromo at least, and perhaps a pension.

I want to take up the Texas situation again, with reference to Federal patronage. The manager of the Taft Republicans in Texas, as I have stated, was H. F. MacGregor, and I am going to read from some of his letters that have been printed, and I will read extracts from them as they were printed in Collier's Weekly. Mr. MacGregor had charge of the Taft campaign in Texas. I hear gentlemen around me make some re-

marks about Collier's Weekly not being good authority, but these letters have been published, these particular ones in this particular publication were published on the 8th day of June, 1912, and I have never yet heard them disputed. Why, if the gentleman wants to take the word of Mr. MacGregor, if he will go down and examine the Texas papers, he will find an advertisement inserted in those papers in Texas during that campaign, signed by MacGregor—inserted with his authority—stating in effect that Lyon, the national committeeman, would not be considered any longer as a dispenser of patronage in Washington, and that as soon as President Taft was triumphantly reelected, other men would have charge of the distribution of the political pie.

We forget sometimes that the Republican Party in a good portion of some of the Southern States is only an organization of men holding Federal appointments. Now, this Mr. MacGregor wrote a letter to the postmasters, and I am going to read you an extract of a letter that he wrote to one of them down there. He told him in the beginning of the letter that the postmaster's personal interest, as well as his political interest, was with the Taft Republicans. He says:

I am going to look to you for the result in your precinct particularly, and, as far as your influence extends, to the county convention as well. And I wish you to send to me a list of those that support you in your efforts who may be entitled to special credit.

Would a Texas postmaster know what that meant? Is there any doubt in any reasonable man's mind as to the meaning of that language? But let us consider for a moment the activity of Mr. Brush, who, as I have already explained, was one of the trio who had charge of the Taft campaign in Texas. Remember that the gentleman from Wyoming [Mr. MONDELL] complained of the activity of the Federal officeholders in Texas. See what this man Brush writes to one of the faithful:

Those who are factors in assisting us are the ones that will be recognized when the time comes to shake the "plum tree."

There is no doubt about that language. Federal patronage in Texas being used against the renomination of President Taft? In the same letter he uses this language:

Lyon and the Federal officials have the "fleshpots," and it is up to us to capture them; then we will have some of the good things.

That is significant. Even a Taft Texas Republican would understand that. Let us now see how Mr. James W. A. Clark, the other member of the Taft trio carries on his part of the fight. In a letter written to Mr. Yates, of Forney, Tex., Mr. Clark says:

You, therefore, on receipt of this, proceed to organize your county, appoint precinct chairmen, for the purpose of going into the conventions when called and capture them.

Now, listen:

If you can not capture them, withdraw and hold a convention and elect delegates to county convention, contesting the others, and from county convention to State convention on same lines. Capture, if you can, but do not be captured.

Talk about the holding out of Federal patronage as a reward for political activity! It seems to me that it is demonstrated even in Texas, and every man whether he was a Federal officeholder or not, who was opposing the renomination of President Taft in Chicago, from Texas, was taking his political existence in his hands and jeopardizing it, as these things clearly show.

Patronage in the control of political conventions is one of the great evils of our country, and in this connection in further answer to the gentleman from Wyoming [Mr. MONDELL], I want to refer briefly to the State of Ohio. And in referring to Ohio I want to take it up in connection with Massachusetts. In Massachusetts, where the Roosevelt delegates were elected by a small majority, but where the State went for Taft by a small majority, we found Mr. Roosevelt the next day in an open statement to the effect that in his judgment those delegates ought to comply with the expressed wishes of the Republicans of Massachusetts and vote for Mr. Taft in the convention.

Mr. GREENE of Massachusetts. Will the gentleman yield for a question?

Mr. NORRIS. I will, in just a moment.

Following soon after the primaries in Massachusetts came the primaries in Ohio, and Roosevelt was ahead of Taft there by a plurality of 47,000. And then came the State convention, and we find Mr. Taft sending a dispatch to his manager in Ohio, Mr. Vorys:

I hope my friends will not consider for a moment the suggestion of a compromise in the State convention.

That is the first sentence. I will print the entire dispatch of both of these gentlemen, and I hope I will be able to have them printed in parallel columns, so that every man can read. But the President winds up:

I hope, therefore, that you and my friends will press the contest to the end of the State convention.

Boiled down this means: "The primary defeated me by 47,000, but capture the convention and get the delegates." In Massachusetts the delegates were technically for Roosevelt, and the dispatch comes:

The vote of the Republicans is in favor of Taft, and you ought to be for Taft.

Now, I yield to the gentleman from Massachusetts [Mr. GREENE].

Mr. GREENE of Massachusetts. Does the gentleman know the circumstances of the election in Massachusetts when those delegates were chosen?

Mr. NORRIS. I am not going into that. I know what was stated in the newspapers at the time, and have a general idea, the same as I presume anybody else has.

Mr. GREENE of Massachusetts. Let me ask another question. Did those delegates retire from the contest or did they attend the convention and go for Roosevelt?

Mr. NORRIS. They did not retire from the contest; they did not vote for Roosevelt in the convention.

Mr. GREENE of Massachusetts. Did they do anything else in the convention?

Mr. NORRIS. If I had been one of them—if Roosevelt and every other man in the United States had said to me, "Vote for Taft in that convention," I would have disregarded Roosevelt's advice after what happened in Ohio, and said to the Ohio delegates, "I will carry out the wish of the people as expressed in their preferential vote in Massachusetts if you will lay down your machine methods in Ohio and do the same."

This advice Mr. Taft sent to Ohio had good effect. The workers went to work. They went into the convention, and by a small majority, I think, of twenty and something, they captured it and got the delegates for Mr. Taft, and they voted for him and were counted. But what happened? The plum tree that the Texas man spoke of was shaken in Ohio not long ago, and, at least, a portion of these men that were following the commands that emanated from the White House have already received their reward. And the country, in the payment of the salaries, is footing the bill.

Here are the two statements, one from Roosevelt and one from Taft:

STATEMENT OF MR. TAFT AFTER OHIO PRIMARIES HAD GONE AGAINST HIM BY 47,000 PLURALITY.

I hope my friends will not consider for a moment the suggestion of a compromise in the State convention. The votes involved are not necessary to my nomination. I can stand their loss and am content to be beaten in Ohio, but I can not yield my votes by agreement.

The principles that we represent are too important to the country to lose anything by our voluntary concession. I hope, therefore, that you and my friends will press the contest to the end of the State convention.

STATEMENT OF MR. ROOSEVELT AFTER MASSACHUSETTS HAD VOTED FOR TAFT BY A SMALL MAJORITY.

In Massachusetts the ballot contained the names of eight candidates for delegate at large, with printed under each the words, "Pledged to vote for Theodore Roosevelt," and also contained a column in which the voter was to express his preference as to whether I or Mr. Taft should be nominated as President. It would seem unlikely that a majority of the voters would both vote for the delegates pledged to me and at the same time express a preference for Mr. Taft, but apparently this is what has happened. Such being the case, and on the assumption that the preferential vote is for Mr. Taft, I hereby announce that I shall expect these delegates at large to disregard the pledge to support me and support Mr. Taft; and if any one of them hesitates so to do I shall immediately write him and urge him with all the emphasis and insistence in my power to take the course indicated and support Mr. Taft in the convention.

In this fight I am standing for certain great principles which I regard as vital to the present and future welfare of this Nation. My success is of value only as an incident to securing the triumph of these principles. Foremost among these principles is the right of the people to rule and the duty of their representatives really to represent them in nominating conventions no less than in executive or legislative offices. If the majority of the rank and file of the Republican Party do not wish me nominated, then most certainly I do not wish to be nominated.

My aim has been to get the genuine expression of their genuine desire, precisely as, if nominated, I should desire to get at the polls the genuine expression of the majority of the whole people, because my only purpose in being elected President would be to put into effect certain principles and policies in which I ardently believe and which I could not possibly put into effect unless I had behind me the hearty support of the majority of our citizens.

THEODORE ROOSEVELT.

New Mexico furnishes us another illustration of the power of Federal patronage. New Mexico was entitled to eight delegates in the convention. I am informed by Mr. CURRY, the Republican Member of this House from New Mexico, that he attended the State convention of that State, called for the purpose of selecting these eight delegates. The convention was divided between the adherents of Mr. Taft and Mr. Roosevelt. They consulted together and decided to compromise the fight, and they therefore made an agreement that there should be four delegates from New Mexico for Roosevelt and four delegates for Mr. Taft. With this understanding eight delegates were elected, and, while no instructions were given, it was supposed that the understanding by which this compromise had been agreed upon would be carried out in good faith. I have no personal knowledge of this matter. As I have said, I have my information from the New Mexico Representative, who is a Member of this House, and who is now present in the Hall. What happened in Chicago? New Mexico cast seven votes for the renomination of Mr. Taft. Three of the Roosevelt delegates, for some reason, voted for his renomination. It is a peculiar coincidence that since the adjournment of the Chicago convention a relative of one of these Roosevelt delegates who voted for Taft has been appointed United States marshal of that State. It is also interesting to note that another one of these Roosevelt delegates who voted for Taft has himself been appointed receiver of a land office, and is now drawing the salary of that position. Of course, I suppose when Mr. Taft made these appointments he had no knowledge that these men were even members of the Chicago convention. He appointed them very likely entirely upon their merits, but the common ordinary person, like myself, can not help but connect these incidents I have related and reach the conclusion that there may be a possibility that they have some connection with each other.

WASHINGTON STATE CONVENTION.

Now, in connection with this patronage proposition that the gentleman from Wyoming [Mr. MONDELL] has raised, I want to go back again to the State of Washington. Yesterday in my remarks I did not discuss the State convention in Washington to any great extent. I discussed the different county conventions and primaries and meetings of different committees that were held, and I am not going over that part of it again.

The chairman of the Republican State committee of Washington was a lawyer, and I judge from my investigations that he was a bright one, too. His name was Beverly W. Coiner. When the delegates commenced to come in at Aberdeen, Wash., there was considerable anxiety, on account, as I explained yesterday, of the Roosevelt fellows, even according to the Taft figures, coming within three of controlling the convention, and something desperate had to be done. This man Coiner was equal to the emergency. From his brain there emanated a rule that he put through the State committee, a rule that provided for the control of the convention—something that has never been done before in a Republican State convention in Washington; and one of the provisions of that rule was that no man should be admitted to the hall unless he had a ticket signed by Beverly W. Coiner. They got possession of the hall, took down the fire escapes, closed the doors, with the exception of one, and stationed policemen there, and admitted no one who did not bear a card with this man's signature on it.

Delegates went there and presented their credentials, and were refused admission and thrown into the street by the police. Few of the Roosevelt delegates knew anything about this rule. No publicity had been given to it. They knew nothing about the issuing of cards. They did not know where to get them, anyway. But the leaders of the party in that State, including the governor, came there that morning and tried to get the two factions to harmonize the difficulty. Finally the men representing the Roosevelt faction, and Coiner, representing the Taft faction, made an agreement that the State convention, which was called to meet at 10 o'clock in the forenoon, should not meet until 1 o'clock in the afternoon, and in the meantime they would try to harmonize these differences.

Notwithstanding that agreement, the Coiner fellows went into the hall under the conditions that I have narrated and held their convention, and nominated delegates and instructed them for Mr. Taft. As I showed you yesterday, there were at least four counties where, in my judgment, there could be no possibility of doubt but that the Roosevelt delegates were legally elected, and any one of those counties would, according to Coiner's own figures, give the Roosevelt delegates control of the convention.

Beverly W. Coiner did well. Let us see what he wanted in the way of patronage. There had been a vacancy in the office of the United States district attorney for the western district of Washington for six or nine months prior to this time. That was one of the pecularities of this campaign. Appointments to fill vacancies were held up until after the Chicago convention, when, as the Texas man said, "The plum tree could be shook." This man Coiner was a candidate for appointment to fill that vacancy. He had a duty to perform. It was a difficult task. He had to overcome the expressed will of the Republicans of the State of Washington, expressed by an overwhelming majority. But he made good in his difficult position; the Chicago convention was held, and Washington delegates lawfully elected were thrown out, and the Coiner delegates put in their places.

In furtherance of this particular thing I am going to read you just a little from the CONGRESSIONAL RECORD. I read from the RECORD of July 23, 1912, page 9491 at the top of the first column. It is from the proceedings of the Senate, showing the nominations for office sent by the President of the United States, and I find this:

United States attorneys: * * * Beverly W. Coiner, of Washington, to be United States attorney for the western district of Washington.

Another "plum tree shook." Another man received his reward for his work in the campaign.

Gentlemen, there was a serious crisis at Chicago. The Republican primaries over the country had been going against the President. The machine was determined that he should be renominated, and the bosses were in desperate straits. Something had to be done, and this man Coiner, through the ingenuity of his fertile brain, coined one of the links in the chain that made possible the stealing of the delegates at Chicago.

Now he has received at the hands of the man for whom he did the work the pay for the job, and the taxpayers of the United States have to foot the bill in the payment of several thousand dollars a year for his salary.

These men at Chicago, the machine politicians and the bosses, saw the handwriting on the wall. They knew that something had to be done. They saw the torn and shattered fragments of their political machine wafted and washed upon the rocks and shoals of disaster and defeat by the maddening waves of an outraged public opinion [applause], and they knew that they had to do something to save their own bacon. Coiner helped to carry out the deal, and Coiner has received his reward.

Patronage, as I have said, is one of the great evils. The gentleman from Wyoming [Mr. MONDELL] can not distract the attention of the public from the real party who has the stolen goods by his cry of "Stop thief," directed to the officeholders of Texas. I believe that the time will come—God grant that it may come soon—when the man who controls a convention or a nomination by the bribery of patronage will be held in the estimation of the American people to be just as guilty as the man who bribes by the payment of the cold cash. [Applause.] When that time comes the political boss will be standing upon his political St. Helena, looking across the sad waves at disappearing worlds that once were his and whose people formerly bowed down before his throne in humility and submission.

The activity of Federal officeholders on behalf of the renomination of President Taft has been no secret. They were active everywhere, and used their influence everywhere, but in some localities in the South they completely dominated and controlled the situation. The evil of political control by patronage is not confined alone to the officeholders themselves. Many of the political bosses do not occupy public positions. They get their pay not directly from the Federal Treasury but by the control of appointments; they receive their compensation in thousands of devious ways by the favor extended to them through public officials who hold official positions on account of their recommendation. Political machines could not live over night were it not for the wonderful power of patronage. The use of patronage to bring about the renomination of President Taft was known of all men. Its evils smelled to Heaven. I know, the gentleman from Wyoming knows, the Speaker knows, the House knows, the country knows, and God knows that without the power of political patronage the renomination of President Taft at Chicago would have been as impossible as the passing of a camel through a needle's eye.

REGULARITY.

But it is said by the gentleman from Wyoming and others that all these things were regular. Well, there was a regularity in the stealing of delegations in Chicago that was remarkable and amazing. [Applause.]

But regularity of that kind is bound to bring destruction and defeat to any party that permits it to be practiced in its name. [Applause on the Democratic side.]

Great Britain in Revolutionary days passed laws against the colonists of America, which laws were perfectly regular, but our forefathers refused to submit to them. Slavery before the war was regular, but Abraham Lincoln issued his Emancipation Proclamation just the same. The money changers in the temple at Jerusalem were regular, but Christ drove them out. Regularity of that kind can have no proper place in the history of

our country or in the history of any party. It is a sad example to set before the rising generation. Its effect will be detrimental to the preservation of liberty and of government.

Mr. Speaker, I want to take up the State of Arizona; but before I do that I want to offer just a little more evidence in the Washington case.

WASHINGTON AGAIN.

In the city of Spokane, Wash., is published the Spokesman-Review, one of the leading daily papers of our country, perhaps the paper of largest circulation in the State of Washington. It has been an ardent admirer and supporter of President Taft. It stood with him all the way through until the work at Chicago got so raw that it could not stand for it. It might be ineresting to Members and to the country to know what a paper like that, a friend of Taft, that had always been his supporter, had to say of the proceedings where delegates were stolen in one of the largest cities of the State of Washington.

On May 13, which was just before the State convention, that paper editorially said:

The duty of the State Republican convention on contesting delegations is clear—no hand-picked delegation must be recognized.

The so-called Taft delegation from King County must not be seated.

Here is a delegation of 121 men, headed by ex-Senator John L. Wilson, Richard A. Ballinger, and ex-Senator Piles, selected by a King County Republican committee. No small body of men in any party should be allowed to say who shall be the delegates from any county to determine at the State convention the presidential candidate favored by the State of Washington. The party machinery provides for a primary vote, and such a vote was taken by the properly constituted central committee of the Republican Party in King County. The King County Republicans in that primary plainly expressed their preference for Col. Roosevelt as the presidential nominee, and in the face of such an expression it would be an outrage to seat the Taft hand-picked delegation.

This editorial is all along the same line—a warning to that Republican convention that no Republican could stand for what it seemed was the intention of this man Coiner to do, backed by the State committee. This editorial closes with these words:

The great thinking body of Washington Republicans having declared for Col. Roosevelt, the duty of the Republican convention on Wednesday at Aberdeen is plain—the State must send to the national convention a delegation instructed for Col. Roosevelt.

All talk of compromise emanating from the Taft forces is puerile. There is nothing to compromise. Col. Roosevelt has carried the State; he is entitled to the fruits of his victory.

That same paper in its edition of May 16, 1912, used this language editorially:

The holding of two State Republican conventions in Aberdeen yesterday was not unexpected. The position taken by the State Republican committee left no alternative, and the policy pursued by the Roosevelt delegates will be commended by all fair-minded members of the Republican Party in this State. It should also receive the indorsement of the Republican national committee when it meets in Chicago in June.

Again, in its issue of May 18, editorially it uses this language:

A great responsibility has been placed on the Republican national committee. This committee, when it meets in Chicago next month, will have the very existence of the Republican Party in its hands. To date there are contested delegations to the national convention from 18 States. These delegations include that of Washington, the contest over which the people of the State are familiar, and in its final adjudication are acutely interested.

It is evident from the tenor of the feeling prevalent over the high-handedness of the Washington Republican committee that the mass of Republicans are not going to sit supinely and allow the political burglary of its delegation to be consummated before the Republican national committee. No halfway solution will be satisfactory.

The Taft machine leaders will, of course, be quite satisfied if the two delegations from Washington are seated in the national convention with one-half a vote each.

Now I will read from an editorial in the same paper dated May 19, 1912:

The Spokesman-Review has not changed its opinion respecting President Taft. It believes him to be an honest, capable, conscientious man and a fearless official. His one weak point is in his judgment of men, and some of his advisers have fooled him.

The President is at the parting of the ways, because on the action of the Republican national committee—the headpiece of the party machinery of the Nation—will depend his reelection if he secures a renomination.

The candidate nominated in the Chicago convention must have the backing of the votes of Republicans. Hand-picked delegations by central committees must not be given preference over delegates elected at properly constituted primaries.

ARIZONA.

As I said, the State committee of Arizona met and issued a call for a State convention. Arizona was entitled to six delegates in the national convention, and that call provided that those delegates to the State convention might be selected in any one of three different ways that were named in the call, as follows:

1. Selection by the county committee.

2. The county committee might provide for a primary, at which delegates were to be selected to the county convention, which in turn should select delegates to the State convention.

3. The selection by direct primaries of the delegates to the State convention.

MARICOPA COUNTY.

As the gentleman from Wyoming [Mr. MONDELL] has said, the contest in this State depended mainly upon the contest from Maricopa County. It had been the custom of the Republicans of Maricopa County for 20 years to call primary elections, and this committee had met, according to the call, for the purpose of determining what action they should take.

As the gentleman from Wyoming [Mr. MONDELL] said, there were first a contest over some proxies. The Taft men objected to proxies, and they had considerable trouble over it, but in the end the proxies were eliminated. The Taft men had their way, and that committee, by a very close vote on a roll call, 22 to 19, decided to hold a primary. They held that primary under that call, and there were cast at that primary 951 votes for Roosevelt and 11 for Taft. The vote in that primary was 80 per cent of the highest vote that had ever been cast in that county at a Republican primary. There were men who were kept away without doubt. I do not deny that. I believe that is true, because the Taft men persuaded men to stay away from the primaries. That is common with that faction in the Republican Party. They do not like primaries, and they know as a rule they get the worst of it when they get into primaries. That is the way the Roosevelt delegates were selected from that county.

Let us see how the Taft delegates were selected. They were picked in a closed room, at a meeting of a minority of the county committee, which was conclusively proven before the committee on credentials at Chicago, to which was presented a statement of 30 members of that committee, constituting a large majority of the committee—a written statement—that none of them had attended that secret meeting and none of them had given a proxy to any other man to attend that meeting. But, notwithstanding that, the State committee of Arizona, controlled by the Taft influences, threw out the Roosevelt delegation and made up a temporary roll—another thing they had never done in that State. They met in advance and made up a temporary roll, and put these Taft delegates from Maricopa on it, and they voted on the organization of the convention and on everything else that came before the convention.

COCHISE COUNTY.

But there was another contested delegation in the Arizona State convention. It came from Cochise County. This county had a membership of 80. In this county the committee decided to select the delegates, which, it will be remembered, was allowable under the call issued by the State committee. At this meeting of Cochise County committee there were 69 members present, either in person or by proxy. Thirty-three Roosevelt members were present in person and 13 Roosevelt members were present by proxy. There were 9 Taft members present in person and 14 Taft members holding proxies.

The Taft men bolted from the committee. This meeting was held on the 15th day of May, being the day that was specifically provided in the State call, that the committee should first meet and decide how it should select its delegates. This call of the State committee provided that if on that day the committee decided that the delegates should be selected by the committee, then the committee should adjourn until the 25th of May, upon which day it should reassemble and select the delegates. The committee of this county decided to pursue that course, and on the 25th day of May they reassembled. At this meeting there were 47 members of the committee present, either in person or by proxy, and they elected Roosevelt delegates to the State convention. The Taft members who had bolted at the previous meeting of the committee selected Taft delegates to the State convention.

ARIZONA STATE CONVENTION.

The State committee, without any authority, as I have before stated in reference to Maricopa County, made up a temporary roll, and they decided that from Cochise County both the Taft delegates and the Roosevelt delegates should be seated and that each delegate should have one-half vote. In the State convention there was a split, the Roosevelt delegates insisting that the action of the State committee in throwing out the delegates elected at the primary in Maricopa County was illegal and that the Roosevelt delegates from that county were entitled to seats in the convention. There were two conventions held in the same hall, at the same time, each having a chairman on the same platform. The Taft faction elected Taft delegates; the Roosevelt faction elected Roosevelt delegates. In the convention, under the State call, there were 96 delegates entitled to seats. If we give to the Roosevelt faction the delegates from Maricopa County—as I believe any fair-minded man must admit we ought—then there were 54 Roosevelt delegates in the convention and 42 Taft delegates. Notwithstanding this state of facts, the national committee, following its usual custom, seated the Taft delegates.

THIRTEENTH INDIANA.

I now come to the thirteenth Indiana, and there is a peculiar condition of affairs. The gentleman from Wyoming [Mr. MONDELL] said that he believes a majority of that convention were Roosevelt delegates and in favor of selecting Roosevelt delegates to the national convention; but he said there was so much noise and disturbance there that the chairman had to conduct the proceedings through a megaphone. The chairman was a Taft man. Both sides agree to that and both sides agree that a majority of the convention were in favor of Roosevelt. Both sides agree there was a good deal of turmoil and disturbance. Let us see. The Roosevelt men lost out because they made so much noise they could not do business. What a reasonable proposition! Men in the majority in a convention bringing in brass bands, yelling and whooping and making noise so that no business could be done, so that the other fellows could win out! That is a reasonable proposition. The gentleman from Wyoming says that he went on that committee, and when he got to the thirteenth Indiana he thought "Here is a place where I can do something for Roosevelt"; but it seems his courage failed him, as usual. The facts are that this chairman, when the motion was made to elect a certain set of Taft delegates, through his megaphone—the band being under his control—put the question and some voted aye and some voted no. He then declared it carried. The Roosevelt men were demanding and urging and calling for a roll call, but the chairman paid no attention to that. The band was making too much noise. The majority of the convention were disturbing him too much. Then that motion was followed by a motion to adjourn, and the chairman put that. He paid no attention to the demands for a roll call made by Roosevelt delegates, and he declared the motion carried and, with his Taft adherents, walked out of the hall. That is what happened in the thirteenth Indiana.

There was a statement presented to the committee by ex-Senator Beveridge, signed by a majority of the delegates to that convention, in which they stated that upon that motion to elect Taft delegates they all voted no. The Roosevelt delegates refused to submit to this arbitrary action, and remained in the hall and elected two delegates and instructed them for Roosevelt.

Mr. Speaker, I might go on with several others, but I am going to make a few observations during the balance of my time and try to close within my limit.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. NORRIS. Certainly.

Mr. COOPER. I have just been discussing with the gentleman from North Dakota [Mr. HELGESEN] the statement of the gentleman from Nebraska as to the vote in that county in Arizona—Maricopa. Do I understand the gentleman to say that there were 900 votes cast there for Roosevelt?

Mr. NORRIS. Nine hundred and fifty-one votes for Roosevelt and 11 for Taft.

Mr. COOPER. And what percentage of the Republican vote ever cast in that county was the 951?

Mr. NORRIS. It was over 80 per cent of any Republican primary that had ever been held in the county, and they had been holding them for 20 years.

The gentleman from Wyoming [Mr. MONDELL] took considerable time to explain how prejudiced he was in favor of Roosevelt. Those of us who have served with him here in the House for the last 10 years had to smile when he made that observation. We all know that from the time Mr. Roosevelt, who was then President, promulgated his so-called conservation policy and theories the CONGRESSIONAL RECORD has been full of criticisms of the worst kind administered to Mr. Roosevelt by the gentleman from Wyoming. If Col. Roosevelt has many such friends as the gentleman from Wyoming, God help him.

The gentleman in an outburst of enthusiasm said yesterday, in speaking of the contests where the Roosevelt men had demanded a little more time, "They had as much time as we did." Think of that from a judge on the bench! Oh, upright judge; oh, unprejudiced chancellor, who, while he is a judge in the case, unintentionally gives expression to a sentiment which strongly indicates that he is a bitterly biased advocate of one side rather than a judge of unbiased temperament.

KING COUNTY AGAIN.

I want to call attention to what the gentleman from Wyoming, in revising his speech, printed in the RECORD regarding the primaries in King County, Wash. In substance, he stated in his address that one of the reasons why the primary in King County should not be recognized was that no one knew for a long time how many votes had been cast. There seemed to be, according to his idea, something mysterious about the primary, and he argued that because of this the primary was therefore fraudulent. He did not even claim that a single solitary fraudulent vote was cast. The statement he printed in the RECORD was from a Taft paper, and which was very bitter against the primary. This primary was held on Saturday. The polls did not close until 8 o'clock at night. The extract from this paper was from its Sunday edition, and we learn that up to the time it went to press, which could have been only a few hours after the polls closed, the returns at that early hour showed not only that the gentleman from Wyoming was wrong in trying to convey the idea that very few people participated, but that he was also wrong in trying to convey the idea that there was anything concealed or mysterious about the primary. If you will take the figures from this very statement in this unfriendly paper, you will find that within these few hours after the closing of the polls nearly half of the precincts had reported and that the public knew what the result was, and if the vote from the precincts that had not reported at that hour compared in number with those that had reported, you must reach the conclusion that even from the statement of this unfriendly paper there were as many votes cast as I have claimed.

CONCLUSION.

I have now gone over the contests involving the seats of 46 delegates in the national convention at Chicago. I have not, however, exhausted the subject. There are a few other cases as plain as these that I have gone over. Then there are between 20 and 30 cases not as plain, but in which I am firmly convinced and believe any unbiased mind, upon investigation, would be convinced that the vast preponderance of the evidence is in favor of the Roosevelt delegates. But I will not weary the House with further details. It was only necessary to show that 19 Taft delegates were illegally seated in order to demonstrate that his pretended title to this alleged nomination is absolutely null and void. I have already gone much further than that. It logically follows, therefore, that no Republican is under any party obligations whatever to support Mr. Taft for President.

Mr. Speaker, I believe that a majority of the delegates to Chicago were in favor of the nomination of Mr. Roosevelt, and I believe that it was a majority of the delegates that afterwards met in Orchestra Hall and placed him in nomination, and that he is the only legal and lawful nominee of the Republican Party to-day. I shall print in the RECORD a copy of the resolution that was adopted placing him in nomination.

I have not sought this contest, Mr. Speaker. I would have been very glad to have avoided this responsibility or to have had it placed on other shoulders than my own. I had no disposition to air this controversy, and I regret it as much as any man in the House that the gentleman from Wyoming saw fit to open it up. As he said, he was urged to do so by others. There is no doubt he was selected to place before the country the Taft side of the proposition; and, considering the case that he has, he did remarkably well. I would not have opened up this sore; but since it was opened up I was in favor of cleaning it out. I realize that what I have said and the course I have taken will bring down upon my head a great deal of criticism and censure.

It has been an unpleasant task for me for the last two or three years in this House to often be arrayed against the leaders of my own party. I have been opposed to political machines, to boss control, and to caucus rule, and it seemed to me it was my duty to proclaim what I believed to be right and to expose what I believed to be wrong just as quick when I find it in my party as though I found it in some other party. I want to say it has been sometimes a discouraging proposition. I know that I have lost many friendships, both on the floor of the House and in my State, but I would rather go down to defeat and into oblivion than to ride forever on the wave of victory with a guilty consciousness of having even by my silence given approval to what happened in Chicago, when in my heart I honestly believe it to be one of the worst political highway robberies that has ever been committed in this country. [Applause.] I want to close by expressing my sentiments and my feelings by using the words of the immortal Lincoln:

> I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what light I have. I must stand with anybody who stands right, stand with him while he is right and part from him when he goes wrong.

[Loud applause.]

As stated in my remarks, I file herewith, to be printed in the RECORD, the resolution nominating Mr. Roosevelt as the Republican candidate for President, passed at the Orchestra Hall meeting in Chicago. Said resolution is as follows:

> We, delegates and alternates to the Republican national convention, representing a clear majority of the voters of the Republican Party in the Nation, and representing a clear majority of the delegates and alternates legally elected to the convention, in meeting assembled, make the following declaration:

DEEM IT DUTY TO ACT.

We were delegated by a majority of the Republican voters of our respective districts and States to nominate Theodore Roosevelt in the Republican convention as the candidate of our party for President and thereby carry out the will of the voters as expressed at the primaries. We have earnestly and conscientiously striven to execute the commission intrusted to us by the party voters.

For five days we have been denied justice in the national convention. This result has been accomplished by the action of the now defunct national committee in placing upon the preliminary roll of the convention and thereby seating upon the floor of the convention a sufficient number of fraudulently elected delegates to control the proceedings of the convention. These fraudulent delegates have by concerted action with one another put themselves upon the permanent roll, where they constitute an influence sufficient to control the convention and defeat the will of the party as expressed at the primaries.

We have exhausted every known method to head off this conspiracy and to prevent this fraud upon the popular will, but without success.

"WE'RE DENIED JUSTICE."

We were sent to this convention bearing the most specific instructions to place Theodore Roosevelt in nomination as the candidate of our party for President, and we therefore deem it to be our duty to carry out those instructions in the only practical and feasible way remaining open to us: Therefore, be it

Resolved, That we, representing the majority of the voters of the Republican Party and of the delegates and alternates legally elected to the national Republican convention, in compliance with our instructions from the party voters, hereby nominate Theodore Roosevelt as the candidate of our party for the office of President of the United States; and we call upon him to accept such nomination in compliance with the will of the party voters; and be it further

Resolved, That a committee be appointed by the Chair to forthwith notify Col. Roosevelt of the action here taken, and request him to appear before us in this hall as soon as convenient.

I ask to have printed also in the RECORD a statement of several of the contest cases which I have discussed, prepared by Hon. H. E. Sackett, of Nebraska, who was a member of the committee on credentials at the Chicago convention, as follows:

THE ARIZONA CONTEST.

The Arizona contest turns on the outcome of the election held in Maricopa and Cochise Counties.

The State committee of Arizona issued a call for the State convention to be held in Tucson on June 3, 1912, for the purpose of selecting six delegates to the Republican national convention at Chicago.

This call provided three methods of choosing county delegates to the convention:

First. The selection by the county committee.

Second. The county committee might provide for a primary, at which delegates were to be selected before the county convention, which in turn should select delegates to the State convention.

Third. The selection by direct primaries of the delegates to the State convention.

The choice of methods was left with each county for itself, the State call providing that the county committees should meet on May 15, and severally to determine what method they should adopt; if by appointment by a committee, appointment would be made at a meeting of the committee to be held on the 25th of May; if the selection was to be by primaries, the primaries would be held on the 25th of May.

AN OLD RULE.

It has been the custom and rule for 20 years of the Republicans of Maricopa County to select their delegates by primaries. On the 15th of May the county committee duly and the credentials committee duly and legally appointed threw out all proxies offered by both sides, for the reason that some were disputed, others conflicting, and one had gotten into the hands of a person to whom it was not directed. The committee meeting was therefore confined to the committeemen actually present, and representing a large majority of the total membership of the committee. This committee by a vote of 20 to 19 ordered primaries to be held, appointed a committee to arrange therefor; the votes were all by roll call, and all of the minority voted and two members of the committee favorable to President Taft joined with the Roosevelt forces in voting for the primaries.

The primary election thus ordered was conducted with the greatest care and regularity and resulted in a vote of 951 for Roosevelt and 11 for Taft. The total vote cast was 80 per cent of the maximum vote ever cast in Maricopa County at a Republican primary election and resulted in the election of 20 delegates to the State convention instructed for Roosevelt by the vote above stated.

PICKED IN CLOSED ROOM.

The alleged Taft delegates from Maricopa County were picked in a closed room at a meeting of a minority of the county committee, which was conclusively proven before the credentials committee at Chicago, to whom there was presented a signed statement of 30 members of the county committee of Maricopa County, a strong majority of that committee, that they did not attend the so-called committee meeting that selected the alleged Taft delegates either in person or by proxy.

In Cochise County the facts as presented were as follows: A county committee met on the 15th of May, 69 members present out of a total membership of 80 either in person or by proxy. Of this number 33 Roosevelt members were present in person and 13 Roosevelt members were present by proxy. There were 9 Taft members present in person and 14 Taft members present by proxy.

The chairman and secretary, both Taft men, after the meeting had been legally opened, bolted, taking with them 7 Taft committeemen and 14 proxies. The remaining committeemen, constituting a majority of the committee, went on with the meeting in regular order, elected a chairman and secretary and resolved that the delegates to be selected to the State convention at a meeting to be held on the 25th of May, be elected as provided in method No. 1, as authorized by the call of the State committee.

At a meeting held on the 25th of May 47 members of the county committee were present in person or by proxy and constituted more than a majority of the membership of the committee and unanimously elected 16 Roosevelt delegates to the State convention. The Taft minority committeemen who bolted the first meeting did not attend the second meeting of the committee.

DOMINATED BY TAFT MEN.

We now come to the State convention of Arizona, at which the delegates to the Republican national convention were selected. The executive committee of the State central committee was completely dominated by Taft men, and shortly before the State convention this executive committee gave notice that it would meet on the 1st of June (the State convention to meet on the 3d of June); that credentials should be filed with it, and it would determine contests for the purpose of preparing a roll call for use in effecting a temporary organization of the State convention.

The evidence shows that the action on the part of the committee was unprecedented and wholly beyond the authority and power of the committee, either by law, custom, or rule of the State committee.

The Roosevelt delegates to the State convention, of course, refused to submit the question of the regularity and fact of their selection to a body wholly without authority to act in the matter. It was also proven that the State committee of Arizona had never before assumed such power.

When the chairman of the State committee called the convention to order on June 3 he proceeded to read a roll of those whom the State committee, without authority, had determined should take part in the temporary organization, and arbitrarily disqualified the Roosevelt delegates elected in the primaries from Maricopa County and seated the Taft delegates, who had been appointed by a minority of the Maricopa County committee, and gave a half vote each to the Roosevelt and Taft delegates from Cochise County, who had been elected in the manner herein set forth, and thus attempted to secure control of the State convention.

DELEGATION IS SPLIT.

The Roosevelt delegates naturally refused to submit to this illegal action, and the State convention split in two factions, each faction holding conventions simultaneously in the same hall, with their presiding officers on the same platform. The total membership in the State convention was 96, of which 49 was a majority.

There were present 54 delegates favoring Col. Roosevelt who were regularly and legally elected, constituting a majority of the State convention, who elected to the national convention 6 Roosevelt delegates who, upon a contest by the Taft forces, were unseated by the national committee and the credentials committee and Taft delegates seated in their stead and placed upon the temporary roll of the national convention.

Notwithstanding these facts which were presented to the national committee and also to the credentials committee, the evidence was ignored and the Taft delegates seated in the convention.

THE FACTS IN CALIFORNIA CASE.

On December 12, 1911, the Republican national committee issued a call for the Republican national convention to be held at Chicago, Ill., June 18, 1912.

In January, 1912, the Legislature of the State of California passed a direct primary law which, in substance, provides, among other things, that delegates to the national convention of political parties should all be elected at large. This law was unanimously passed by both branches of the legislature and was accepted by all parties; all of the candidates ran under the provisions of this law, and all votes were cast in accordance therewith. The Taft faction accepted its provisions and made no objection to entering into the contest under this law. Neither did the Taft people make any attempt to conduct a primary in any other manner, and made no protest against the law.

The undisputed evidence before the credentials committee shows that the law for the election of all the delegates to the national convention, at large, was expressly accepted in writing by the Taft organization.

The primary was held on the date specified in the call and strictly according to the law, and resulted in the election of all of the Roosevelt delegates, 26 in number, by majorities averaging over 76,000, and Taft newspapers and Taft candidates accepted the results of this election.

Certificates of election were issued to the Roosevelt delegates by the secretary of state, and were the only certificates issued to or presented to any delegates from California.

After the primary election was held and the certificates of election issued the Roosevelt delegates, by the proper authority and without objection by the Taft representatives, a contest was filed against 2 of the 26 delegates, before the national committee, which committee unseated 2 Roosevelt delegates, and placed in their stead 2 Taft delegates (who resided in the city of San Francisco, of which the fourth congressional district is a part, the boundaries of the fourth congressional district being uncertain, overlapping another district), on the pretext that the Taft delegates had received a majority of the votes in that district.

The evidence before the credentials committee disclosed that this congressional district in question was a new district which cut through the middle of 14 precincts of an old district. In these 14 precincts 1,685 Republican votes were cast, the 3 Roosevelt candidates for delegates, who resided in this district, received 701 votes, and the highest vote received by any 1 of the 3 Taft candidates was 685 votes, giving in these precincts a majority of 16 votes to the Roosevelt delegates.

Affidavits from the registrar of votes and the secretary of state of California were presented before the credentials committee, stating that it was impossible to determine which delegate received a majority of the votes cast within the boundaries of the fourth district, because of the overlapping of the precincts.

In the vote in the whole city of San Francisco, which comprises the fourth and fifth congressional districts, the Roosevelt candidates received an average of 21,500 and the Taft candidates 18,250.

Notwithstanding the facts as thus presented, the national committee arrogated unto itself the power to nullify the law enacted by the California Legislature, and to set aside the decision of the voters of the State of California under said law by an expressed majority of over 76,000.

The California law as enacted by the legislature was prepared before the call of the national committee was issued, and was passed before an official copy of that call was received in California. The primary law of the State of California regularly enacted by its legally authorized officers and approved by the people of California was deliberately set aside without a scintilla of evidence or authority of law. If such action is permitted to stand it will operate as a nullification of the right of the people by direct vote to determine party nomination by the vote of party members.

THE TEXAS CASE.

The law of the State of Texas relating to elections and conventions as applied to the selection of delegates to national conventions provides, in substance, that "any political party desiring to elect delegates to a national convention shall hold a State convention at such place as may be designated by the State executive committee of said party on the fourth Tuesday of May, 1908, and every four years thereafter. Said convention shall be comprised of delegates duly elected by the voters of said political party in the several counties of the State at primary conventions to be held on the first Saturday in May, 1908, and every four years thereafter."

The evidence introduced before the credentials committee was that the State executive committee met on March 28, 1912, and in compliance with the State law issued a call providing for the holding of primary elections and conventions on the 4th day of the following May, to elect delegates to county conventions, to be held on the 17th of May, the county conventions to elect delegates to the State and congressional conventions. The State convention, to be held at Fort Worth on May 28, to elect delegates to the national convention at Chicago. Primary elections and conventions were held on May 4, as specified by law, and delegates elected to the county conventions. The county conventions were held on May 17, and, in accordance with the call, elected delegates to the State and congressional conventions. Notice of these elections and conventions was given as required by law.

The Republican State committee convened on May 27, one day before the State convention, as required in the call, to hear and pass upon contests and to prepare the temporary roll of the convention. Credentials of delegates claiming seats in the State convention were all submitted to the committee from 208 of the 249 counties in the State. (The original credentials were introduced before the credentials committee of the national convention and were shown to be properly attested and sworn to by the chairmen and secretaries of the various county conventions.) The 41 counties which were not represented were those not organized under the State law or not organized under the rules of the State executive committee or failed to present credentials properly attested. Out of the 249 counties contests were shown to have been made in only 17 counties.

The State committee, on which were both Taft and Roosevelt men, by a unanimous vote referred these contests to four subcommittees, each composed of both Roosevelt and Taft representatives, and assigned for hearing to three of said subcommittees four counties each, and to the other five counties, and then took an adjournment for three hours to permit these committees to hear the contests. The subcommittees, after hearing the evidence in the contests, reported in due course to the State committee. The report of three of said committees was unanimous, and in the other one a Taft member presented a minority report differing from the finding of the majority of said committees on only two counties. The reports of these committees were signed by the members of the subcommittees and were attested by the secretary of the State committee.

Of the 17 contests considered by the subcommittees, the entire Taft delegations were seated from four counties and one-half of the Taft delegation and one-half of the Roosevelt delegations from four counties and the Roosevelt delegates from nine counties. The State committee, by a vote of 28 to 2, accepted the regular credentials filed with said committee and adopted a temporary roll call, as provided by the State committee, 3 of the 28 constituting the majority being Taft men. Two members of the State committee gave notice that they would present to the State convention a minority report. No evidence was introduced by either side before the credentials committee of the national convention that said minority report was ever presented to the State convention. The State convention, in accordance with the call, convened at the Savoy Theater in the city of Fort Worth at the time and place designated therein for the holding of the convention. The report of the majority of the State executive committee, which included the three Taft members, was unanimously adopted by the convention on a roll call.

Out of 249 counties in the State, 27 were instructed for President Taft; 12 of these counties were represented and took part in the convention. The State convention, thus organized, elected delegates to the national convention instructed for Roosevelt by a vote of 162⅔ to 13⅓. It might be of interest to here state that an uncontested district delegate and a Taft delegate was present before the credentials committee and made a statement in support of the facts presented by the Roosevelt delegates. It was further established before the committee on credentials that all of the proceedings leading up to the State convention and the selection of the delegates to the national convention which were instructed for Roosevelt were strictly in accordance with the State laws of Texas and the call for the convention.

The only evidence introduced on behalf of the Taft delegates was that some of the Taft delegates to the State convention held a meeting in a room in Fort Worth other than the place designated in the call; that but a small minority of the counties of the State were represented—it should be remembered that 13 of the 27 counties instructed for President Taft were present and took part in the regular convention at which the Roosevelt delegates were elected. It was claimed that the reason for the meeting was because they did not agree with the action of the State committee, as it was controlled by the national committeeman from that State and that he had used his influence for Roosevelt. It did not appear that any notice of any kind of the time or place of this meeting was ever given or published, credentials filed, or roll call of the counties presented. It was at this meeting that the delegates for President Taft to the national convention were elected and on the proceedings and actions of which they asserted their rights to seats in the national convention. It was upon the evidence as herein stated that a majority report of the credentials committee at Chicago to seat the Taft delegates at large was adopted.

In the matter of the district contests from Texas the facts were very brief and as presented before the credentials committee are substantially as follows:

The seventh congressional district comprises eight countries; six of these counties were carried by Roosevelt and two for Taft. At the meeting of the congressional executive committee the chairman refused to recognize four Roosevelt members of said committee. No reason was given for his action. These members whom he refused to recognize had been elected as original members of the committee or appointed to fill vacancies, as provided by law. Regardless of the action of the chairman, the delegates from six out of the eight counties held a convention and elected Roosevelt delegates to the national convention. The Roosevelt delegates had a clear majority. They were unseated by the credentials committee.

The fifth district is composed of five counties. There were five members of the congressional committee, three of whom were Taft men. The committee thus constituted seated the Roosevelt delegates from three counties at the district convention. The delegates who were unseated from two of these counties organized a separate convention and elected Taft delegates. One of the counties regularly instructed for Taft took part in the regular convention which elected the Roosevelt delegates. The national committee and credentials committee unseated the two Roosevelt delegates from this district.

The eighth district comprises nine counties. Six of the nine were carried for Roosevelt. Two of the counties which were for Taft bolted the regular convention and held a separate convention, electing Taft delegates. The regular convention, which was legally called and held according to call, and in which seven counties participated, elected Roosevelt delegates. Upon this evidence the national committee and credentials committee unseated the Roosevelt delegates and seated the Taft delegates.

The fourth district is composed of five counties. At a meeting of the congressional committee on May 17, 1912, there were two contests presented by delegations from two precincts, which had been refused admission to the county convention of their respective counties. The congressional committee refused to sustain their contest. The convention was then organized, and four out of five counties participated. Roosevelt delegates were elected.

At another time and place, subsequent to the regular convention as above set forth, the one county which did not take part in the regular convention, together with the delegates from the two precincts which were denied admission on their contest to the regular convention, held a convention and elected Taft delegates. It did not appear that any of the Taft delegates to the regular county convention bolted or made any objection at the time the regular convention was held; but the credentials committee, following its usual custom, in the face of the evidence, seated the Taft delegates.

In the ninth district the regular congressional chairman of the district called the convention in the regular way, and a majority of the delegates in the district took part in the convention and was recognized by the executive committee of the district as regular. Roosevelt delegates were elected at this convention. Another convention was called by a chairman of one of the counties in the district, who had no authority for his act. Taft delegates were elected. Regardless of such gross irregularity and in the face of such flimsy pretext, the credentials committee seated the Taft delegates.

The tenth district comprises 8 counties. The congressional convention was regularly called, was participated in by all counties in the district. A Taft man, member of the State committee, took part. Roosevelt delegates were elected. The delegates from 2½ counties bolted and held a convention. The Taft delegates elected at this latter convention were seated by the credentials committee.

There are 14 counties in the fourteenth district. The congressional executive committee, 1 from each county, had only 1 contest brought before it. This was from Bear County. Both the Roosevelt and Taft delegates were seated. Each delegate had one-half vote. The Taft delegation from this county, together with the delegates from 2 other counties of the 14, bolted the regular convention and elected Taft delegates. The other 11½ counties held a convention under the call of the congressional committee and at the time and place designated held the regular convention. Roosevelt delegates were elected. On the evidence thus presented the credentials committee, with due deliberation but with customary certainty, seated the Taft delegates. As a sidelight on the deliberations of the committee on the Texas case, we consider the following incident both of interest and instructive. The regular member of the committee from New York did not sit on the committee during the presentation of the evidence but was represented by another member from his State as his proxy, who after hearing the evidence signified his intention of voting to seat the Roosevelt delegates in the convention. This unusual condition of mind was discovered by the Taft leaders in the committee and the original member of the committee hurriedly called, and without having heard the evidence promptly voted to seat the Taft delegates.

FIFTH DISTRICT OF ARKANSAS.

The counties in the fifth district held conventions to select delegates to the district convention, which selected 2 delegates to the national convention. The contest hinged upon the methods used in the selection of county delegates to the district convention. The Roosevelt representatives showed that they had been kept out of the convention halls by police and prevented from participating in the deliberations of the conventions.

Evidence also was produced that they had a majority of the delegates to these conventions in more than a majority of the counties representing a majority of the delegates to the district convention.

In Pulaski County, the largest in the State, the Roosevelt forces were in the majority, but the Taft representatives obtained possession of the hall and refused admittance to the Roosevelt delegates, organized the county convention, and elected Taft delegates to the district convention.

The Taft men, by seating the Taft delegation from Pulaski County, gained control of the district convention and elected Taft delegates to the national convention. The Roosevelt men held a convention, including the Pulaski County delegation, which had been by force prevented from taking part in the county convention, and elected delegates to the national convention.

The Roosevelt organization gave the required legal notice for the holding of the convention, by publishing the regular call therefor, copies were exhibited to the committee, but the Taft delegates were seated in the convention by the credentials committee.

ELEVENTH DISTRICT OF KENTUCKY.

The regularity of the proceedings leading up to the holding of the district convention was not questioned by the Taft representatives. It was shown that all steps had been taken as required by the call and the law.

The district convention was controlled by the Roosevelt men, and a credentials committee of five was appointed by the chairman. Contests were filed against 123 delegates, which were passed upon by the committee.

The convention when organized was in the complete control of the Roosevelt men by a large majority, and delegates to the national convention were elected for Roosevelt.

The Taft men claimed that the credentials committee was irregularly organized from each county in the district. This, however, did not appear to have been the custom in past conventions, the chairman of the committee usually appointing the credentials committee. The Taft delegates, who were in the minority, had a bolting convention and chose Taft delegates.

The committee seated one Taft and one Roosevelt delegate in the convention. From the evidence submitted both Roosevelt men should have been seated. In the seventh and eighth districts of Kentucky the evidence in support of the Roosevelt delegates was equally as cogent and convincing as that of the eleventh district, but the Taft delegates were seated by the credentials committee.

THIRD DISTRICT OF OKLAHOMA.

This district is composed of 19 counties. It was admitted by the Taft men that the chairman of the committee, who was for Roosevelt, has been deposed and that six other Roosevelt men had been barred because the Taft men did not consider their proxies acceptable.

This action resulted in two conventions held at Tulsa. Sixteen of the nineteen counties were represented by regular delegates in the Roosevelt convention and elected Roosevelt delegates to the national convention. The committee seated the Taft delegates.

THIRTEENTH DISTRICT OF INDIANA.

In the Indiana thirteenth district contest the facts, as related before the committee, established that the convention was regularly called, and was held at Warsaw, Ind., on April 2, 1912, the date and place specified in the call. That Fred Woodward, district chairman, called the convention to order; that two candidates for permanent chairman were placed in nomination. A. C. Graham was the Taft candidate and Aaron Jones was the Roosevelt candidate.

It was shown that in taking the vote there was a great deal of confusion. Mr. Graham was declared elected by one-half of one vote and took the chair. A credentials committee was selected and reported to the convention, overruling the six contests filed by the Taft adherents and the two filed by the Roosevelt people.

The convention then proceeded to the selection of two delegates to the national convention. Nominations were made by both the Taft and Roosevelt forces. The chairman then proceeded to call for a viva voce vote on these two sets of candidates, those for the Taft delegates voting "aye," and the Roosevelt delegates "no." Members of the convention protested against this manner of procedure and demanded a roll call, but the chairman refused their request and declared that the "aye" vote carried and the Taft delegates elected.

A motion to adjourn was made, which the chairman declared carried, while the protest against the unusual manner of electing delegates was being made by the Roosevelt representatives. The Roosevelt delegates, after this action of the chairman as above stated, continued in the meeting and elected two Roosevelt delegates, and in the contest before the credentials committee Senator Beveridge produced in evidence the signed statement of a majority of the delegates to the district convention that on the motion to elect delegates, which the chairman had declared carried by the Taft delegates, they had voted for the Roosevelt delegates. This evidence was not controverted by the Taft representatives before the committee, but regardless of the evidence of a majority of the delegates to the district convention the credentials committee seated the Taft delegates.

THE WASHINGTON CASE.

February 29, 1912, the Republican State committee of Washington issued a call for the State convention to be held on May 15 in the city of Aberdeen, at which time all delegates to the national convention were chosen. The district delegates by the delegation from each district sitting separately, and the delegates at large by the entire convention as a whole. The call recommended the selection of delegates to both State and county conventions.

The State committee is composed of 39 members, 1 from each of the 39 counties of the State. A majority of this committee were adherents of President Taft. In a majority of the 39 counties, county conventions were called to elect delegates to the State convention. In King County, in which is located the city of Seattle; Pierce County, in which is situated the city of Tacoma; and Spokane County the county committees elected to hold primary elections in their respective counties. The call provided for delegates to the State convention to the number of 668. There were 263 uncontested delegates to the State convention favorable to Roosevelt and 97 uncontested delegates favorable to President Taft.

Twelve counties had contests, involving 304 delegates. Of this number 121 delegates were from King County, 69 from the counties of Pierce and Clallam. The remaining 114 contested delegates were from 9 other counties.

The importance of getting the delegation from King County by either side in the contest will be understood when it is realized that the number of delegates from this county added to the uncontested Roosevelt strength would give the Roosevelt people a substantial majority of the State convention.

It is therefore important that the facts and evidence relating to the contest of King County should be given in detail. The county committee of King County numbered about 250 members, to which had been added 151 members from as many new precincts which had been created by the municipal authorities of the city of Seattle.

On April 13, 1912, the county committee met for the purpose of deciding the manner of electing delegates to the county convention. At this meeting the committee passed a resolution providing for the holding of a primary election to elect delegates to the county convention to be held on April 27. In this same meeting the county committee discharged from further service a subcommittee of 22 men which had been appointed to act as an examining committee to facilitate the conduct of the campaign of 1910, which when closed terminated the duties of this subcommittee. Notice of the primary was duly published and the primary held, at which 6,900 Republican votes were cast, of which the Roosevelt representatives received 6,400 and the Taft representatives 500. Roosevelt delegates were then elected to attend the State convention.

After the meeting of the county convention above mentioned, at which primaries were ordered, 14 Taft men, members of the old subcommittee of 22, which had been discharged by the county committee without notice to the other members of the committee, met and selected 121 men as Taft delegates to the State convention. Among this number thus selected was ex-Secretary R. A. Ballinger. The Taft men controlled the State committee of 39 members by a vote of 25 to 14.

It appears from the evidence that at prior State conventions the convention itself had always arranged and provided for the hearing of contests. In this particular instance, the State committee devised a different method, and its chairman, a Mr. Coiner, on May 2 called a meeting of the State committee at Aberdeen to be held on May 14, the day preceding the State convention, for the purpose of passing upon the credentials of delegates to the State convention. This call so issued also provided that this method of passing upon credentials by the committee was pursuant to the rules and custom of the national organization of the Republican Party, but was not pursuant to the custom of the Republican organization of the State of Washington.

An examination of the statutes of the State of Washington disclosed that the committee is given power to call the convention, but nowhere does it provide that said committee shall have the power to organize the convention. This action on the part of the State committee was a plain usurpation of the rights of the convention. It was alleged by the Roosevelt representatives, and evidence presented to substantiate the allegation, that on the night before the meeting of the State committee on the 14th, 21 of the 39 State committeemen met in a caucus and resolved to vote as a unit for the seating of a sufficient number of Taft delegates to control that State convention.

TAFT MEN SEATED.

At the meeting of the State committee on the 14th all contests were decided in favor of the Taft people, including King County, except the two counties of Pierce and Clallam, representing 69 delegates, which were decided for the Roosevelt people. At this meeting, on the 14th, it was shown that the committee, without any precedent therefor, adopted a set of rules placing the temporary organization of the convention in the hands of the chairman of the State committee, and further provided that no delegate should be admitted to the State convention without a ticket signed by the chairman of the State committee. Evidence was submitted that no such requirement for delegates to have tickets had ever been made in any previous convention in the State of Washington. These rules were not printed or given out so that the Roosevelt members of the committee could secure or see them.

It further appears that on the 14th, efforts were put forth by the opposing forces to reach a harmonious understanding as to the organization of the convention, and for the disposing of the contests by the convention. A committee was appointed by each side to take up and carry on the negotiations along this line, with the result that on the 15th an understanding was reached for the disposition by the convention of certain of the contests where the merits were plain, and where doubt existed, half of the delegation should be given to each faction. In order to secure further time for these committees to submit to the convention their agreement for ratification, it was agreed by mutual consent that the time for the meeting of the convention would be postponed from 10 o'clock a. m., to 1 o'clock p. m. of the same day.

Evidence further shows that shortly after 10 o'clock on the morning of the 15th, the Roosevelt delegates discovered that, regardless of the agreement to postpone the meeting hour of the convention to 1 o'clock, the Taft delegates had entered the hall and were acting as a convention. The Roosevelt delegates then went to the hall. None of them had been given tickets of admission, nor had they been notified where tickets could be obtained, and few, if any, knew of the unusual rule providing for delegates to have tickets. When they arrived at the convention hall they found the doors of the hall locked, except the main door, which was guarded by a policeman. The windows were barred and the fire escapes removed. The Roosevelt delegates offered their credentials at the main entrance, but were refused by those in charge because they had no tickets. Neither were they informed as to where tickets could be obtained. They then persisted in an attempt to be admitted to the hall, but were forcibly prevented by the police and those in charge of the hall, and were ordered back in the street.

The delegates representing Roosevelt after having been denied admission to the convention, as above related, met in another hall and organized a convention, and elected Roosevelt delegates to the national convention.

It is of interest at this point to relate the facts pertaining to contests in two other counties of the State, namely, Ascotin and Chelan. In the first mentioned county the facts related show that the precinct committeemen had the authority through the county organization to call conventions and to elect delegates for the purpose of electing delegates to the State convention, or, they could themselves elect the delegates. There are 11 precincts in Ascotin County, 3 of the 11 precinct committeemen met without notice, and with other men who possessed no credentials or authority of any kind, named the Taft delegates to the State convention.

The citizens and electorate of this county, pursuant to a call, held a convention and elected Roosevelt delegates to the State convention. In the county of Chelan the county convention met in regular manner and order. It was made up of both Taft and Roosevelt delegates. A Roosevelt man was elected chairman of the temporary organization by a vote of 31 to 22. A committee on credentials was appointed to pass on the three precinct contests. The convention adjourned until 1 o'clock p. m. of the same day to give the committee time to hear a report of these contests. In all the proceedings, up to and including the adjournment, the Taft men took part. After the adjournment and before the reconvening of the convention at 1 o'clock the Taft men, constituting a minority of the committee, met in another hall and organized and elected Taft delegates to the State convention.

ROOSEVELT MEN OUSTED.

At 1 o'clock of the same day, as provided in the adjournment, the regular organization reconvened and in a regular manner elected Roosevelt delegates to the State convention. The State committee, controlled by a majority of Taft adherents, as set forth herein, threw out the Roosevelt delegates in both these counties.

In the State convention held by the Taft people in the hall where the meeting was called, after the exclusion of the Roosevelt delegates as hereinbefore set forth, there were present 401 men, of whom but 97 were uncontested delegates, and 304 contested delegates. In these contested delegates were included the 69 Taft delegates from Pierce and Clallam Counties which had been unseated by the State committee in its session the day before the convention. There were also included in these 304 contested delegates the 121 delegates selected by the Taft members on the subcommittee of King County, as hereinbefore related, and which had no legal claim whatever to a seat in any convention.

In the convention of the Roosevelt delegates held after being prevented from entering the convention, as herein stated, there were present 567 men, of whom 263 were uncontested delegates and the 69 delegates from Pierce and Clallum Counties whose credentials had been approved by the State committee; and there were also present the 121 delegates from King County who had been selected at a public primary by a majority of 6,400 votes, as herein stated. These 567 delegates out of the 668 of which the State convention was composed elected the Roosevelt delegates to the national convention. The national committee and the credentials committee seated the entire Taft delegation from the State of Washington.

I file herewith also, to be printed in the RECORD, a statement covering the contest cases from the State of Washington. This

statement was prepared by the Hon. MILES POINDEXTER, United States Senator from that State:

STATEMENT OF ESSENTIAL FACTS AS TO THE CHOICE OF REPUBLICAN DELEGATES FROM THE STATE OF WASHINGTON TO THE CHICAGO CONVENTION, JUNE 18, 1912.

[By Hon. MILES POINDEXTER, United States Senator from the State of Washington.]

This delegation was to be chosen by a State Republican convention called to meet in the city of Aberdeen, Wash., May 15, 1912. The authorized membership of this convention was 668. Of this number there were 264 Roosevelt delegates uncontested. In addition to these there were authorized Roosevelt delegates entitled to sit in the convention against whom unfounded contests were instituted by the Taft faction, as follows:

"Pierce County, 61; Clallam County, 8; Chelan County, 10; King County, 121; Mason County, 8."

This gave Roosevelt 472 out of the 668 delegates. In addition to this there were Roosevelt delegates duly chosen from several other counties against whom unfounded contests were instituted by the Taft faction, which would have made his majority in the convention much larger. But for the purposes of brevity we will consider the facts in the above specially mentioned cases only.

The State committee was presided over by B. W. Coiner, an active candidate for appointment by Mr. Taft as district attorney for the western district of Washington. Cooperating with him was Mr. S. A. Perkins, of Takoma, proprietor of several newspapers in western Washington and nominally a member of the national committee from the State of Washington. Incidentally it may be said that the State committee consists of 39 members, 1 from each of the 39 counties of the State; that Mr. Perkins was chosen national committeeman at a meeting at which the sole attendants were 3 members of this committee of 39, namely; Mr. B. W. Coiner, of Pierce County; W. W. Hopkins, of Thurston County; Richard Condon, of Kitsap County. In addition to these Mr. B. W. Coiner claimed to hold a proxy from A. D. Sloan, of Yakima County.

There were no other members nor proxies present, and Mr. Perkins's sole claim to his position as national committeeman from the State of Washington rests upon this meeting, which manifestly was without any authority whatever to act for the State committee of Washington which, under the rules, was entitled to select the national committeeman. Mr. S. A. Perkins had visited the city of Washington during the past winter and had assured Mr. McKinley, manager of the Taft campaign and Mr. Taft himself that a Taft delegation would be sent from the State of Washington. There is indubitable evidence that instructions and suggestions as to manner of proceeding were given to the State committee of Washington by the Taft national campaign committee. Cooperating with Mr. Perkins and Mr. Coiner in their illegal proceedings were Messrs. W. T. Dovell and Howard Cosgrove, attorneys, of Seattle; Mr. Ed. Benn, of Aberdeen; and Mr. T. P. Fisk.

The plan of these men was, after having instituted flimsy and unfounded contests against the Roosevelt delegations from the several counties, that the State committee which they controlled should meet at Aberdeen preceding the date fixed for the State convention and should assume the authority, for which there was no precedent in the State, to pass upon the credentials of delegates to the State convention and make out a temporary roll, to eliminate a sufficient number of Roosevelt delegates to give Taft control of the convention, to seize the convention hall and hold it by force, and to admit to it none except such delegates and visitors as they approved.

Acting in pursuance of this plan, the State committee met at Aberdeen preceding the convention and adopted a set of rules for its guidance, including the control of the State convention, the latter a matter which the State committee had no authority under party practice in the State to do. There is ample evidence, which it is not necessary or essential to go into at this point, that the plan to capture by any means that might be necessary the delegation from the State of Washington had been carefully agreed upon beforehand by the leaders named above and others cooperating with them, and that they would carry it out was thoroughly understood and was stated by a number of prominent Taft men in the State preceding the meeting of the State convention.

After adopting the rules aforesaid, an agreement was made between 21 members of the State committee to vote as a unit on every question as to credentials of delegates to the State convention. Thereupon this "cabal" proceeded to go through the form of deciding the contests which had been previously instituted in pursuance of the plan named above and to decide a sufficient number of them in favor of the Taft contestants to give them control of the convention by a narrow margin. They then, with the assistance of Benn and his local influence in the city of Aberdeen, placed 15 policemen in charge of the convention hall the night before the day fixed for the meeting of the convention, barred the windows and other entrances to the hall except the one guarded by the police, arranged the fire hose as an additional means, to be used, if necessary, in addition to the police in preventing by force the entrance into the convention hall of any delegates or other persons not approved by the "cabal" of the State committee under the plan stated above. Instructions were given to the doorkeepers to admit no one into the hall not bearing a card signed by B. W. Coiner, chairman of the committee. Such proceedings were unheard of in the State of Washington, and undoubtedly were a part of the advice given to the conspirators named above by the managers of the Taft national committee.

On the morning of the 15th, delegations arriving in Aberdeen for the convention, even those whose credentials had been approved by the State committee and who were entitled to cards of admission under the rules made by the State committee, were unable to secure such cards of admission as they did not know where to go to obtain them and none had been supplied to them. In the meanwhile, the Taft faction had gathered in the hall, guarded as stated above, and were proceeding hurriedly to go through the form of transacting the business of the State convention.

The facts stated above had led, of course, to a tense and excited feeling between the Taft and Roosevelt men gathering in Aberdeen for the convention. The governor of the State had been called to Aberdeen in order that his assistance might be obtained to prevent violence and to bring about, if possible, some just arrangement for the proceedings of the convention. Conferences between committees representing the Taft and the Roosevelt factions were held at 9 o'clock a. m., May 15, 1912, an agreement was made between these committees and signed by B. W. Coiner, Taft leader, and chairman of the State committee, that the two meetings consisting one of the Taft delegates, and the other of the Roosevelt delegates, would adjourn until 1 o'clock in the afternoon. In violation of this agreement, at 10 o'clock the Taft delegates proceeded in the manner stated to go through the form of holding a State convention and disposed of the business before them in a hurried manner, adjourning in a little over an hour.

This gathering of Taft adherents, purporting to be a State convention, elected a full Taft delegation of 14 to the Chicago convention, and this illegal delegation was seated by the national committee and voted throughout the proceedings of that convention.

The Taft State committee by eliminating the Roosevelt delegation of 121 from King County, of 10 from Chelan County, of 8 from Mason County, and eliminating contested Roosevelt delegations from 8 other counties and substituting in their places an equal number of Taft delegates, made up a temporary roll for the State committee in which Taft had 336 delegates. After all of this arbitrary and illegal unseating of Roosevelt delegates Taft was only left with a majority of two in the State convention, which consisted of 668 members. Of course this margin was narrow, but in view of the fact, as stated above, that great numbers of even those Roosevelt delegates, who were entitled to sit in the convention even by the ruling of the Taft State committee, could not gain admission because they had no cards of admission and did not know where to obtain them (the proceedings of the Taft convention meanwhile going rapidly forward) this margin was sufficient for all practical purposes for the Taft contingent.

Being excluded from the convention hall, which had been seized and held by force by the State committee, 567 Roosevelt delegates met in a separate hall and, constituting a large majority of the delegates to the State convention, proceeded to choose delegates to the national convention at Chicago.

The Taft State committee held that the Roosevelt delegates from Pierce and Clallam Counties were entitled to seats in the State convention.

As will be seen from the numbers given above it was necessary for them to exclude the Roosevelt delegates from every other county in which the Taft people had instituted contests—11 in all—in order that the Taft people should obtain control of the State convention.

As to the illegality of the proceedings of this State committee, it will be sufficient to review briefly the facts as to the county delegations from King, Chelan, Mason, and Asotin Counties—in view of the fact that it is perfectly clear that the Taft delegates which the State committee seated from these counties had no just claim as delegates to the convention; and the unseating of the Taft delegation from either one of these counties or from either one of the other contested counties where Taft delegations were seated would have given Roosevelt a majority of the convention, even on the temporary roll as made up by the Taft State committee.

Under the law the State of Washington has no original statutory primary for electing delegates to a national convention or to a State convention. The manner of choosing delegates to the convention was largely in the discretion of the State and county committees. The State committee directed that the State convention be called at Aberdeen with 668 members, which convention in turn should choose delegates to the national convention at Chicago. As to the selection of delegates to the State convention, the State committee directed that the county committee in each county should choose the method of so doing. Under the authority of the State committee each county committee could, if it saw fit, itself choose the delegation from the county to the State convention, or it could call a county convention which in turn should choose the delegation to the State convention; and when it called a county convention it had the authority of submitting the election of delegates to the county convention to the people at a primary; or it could submit the election of delegates to the State convention to a primary. Such primaries, if called, were held under the direction of the county committee, as there was no statute governing the same.

Under this authority some of the county delegates to the Aberdeen convention were chosen by the county committees, and some were chosen by county conventions selected by primaries ordered by the county committees. Either method was authorized by the law and by the party rules.

In Spokane County an opportunity was had to test popular sentiment as between Roosevelt and Taft at a primary called by the county committee to elect a county convention in which the votes cast were about eight for Roosevelt to one for Taft. Primaries were also held in Pierce, Clallam, King, and other counties, showing an overwhelming Roosevelt sentiment as opposed to Taft in the State.

In King County, in pursuance of its authority, the county committee, consisting of some 400 members, met and, over the opposition of the Taft minority in the committee, directed the calling of a county convention to choose delegates to the State convention at Aberdeen, and directed a primary in the county to be held to elect delegates to the county convention, providing the form of ballot and other details of the primary. This primary was held in pursuance of this order; 6,900 votes were cast at it, of which all but some 500 were for Roosevelt and LA FOLLETTE, giving the progressives overwhelming control of the King County convention. There is no contention that this primary election was not perfectly free and open and honestly conducted. The right of the 121 Roosevelt delegates to the Aberdeen convention is based upon this regular and popular proceeding. The Taft people claim that the county committee was improperly constituted, because its chairman had appointed members of the committee from precincts in which there were vacancies. The chairman, however, had such authority both by the rules of the committee and by an express resolution of the committee, which resolution was presented on the hearing before the national committee. The Taft people also claim that the primary was not in technical accordance with the provision of a certain statute. This statute, however, has no application to such primaries, and relates only to voluntary primaries for the election of delegates to nominating conventions. A strenuous effort had been made to secure either a statute or a rule of the State committee for such a primary for the election of delegates to the nominating convention at Chicago, but the governor refused to call a session of the legislature for that purpose and the Taft State committee refused to make such a rule, and no such primary could be held, notwithstanding the earnest efforts of the Roosevelt people throughout the State. These flimsy pretexts were the only objections which the Taft people could devise to the Roosevelt delegation from King County. On the other hand, the Taft delegation from that county which was seated in the State convention at Aberdeen by the Taft State committee rested its claims upon the pretended appointment made by 14 Taft members of the King County committee after the King County committee had directed the primary for the selection of delegates, as stated above.

Of course these 14 men had no authority to make such appointment. They claimed to be acting as an executive committee of the county

committee. In the first place, this executive committee had been discharged by the full county committee and had no existence at the time; its authority had been revoked and another method, namely, the primary and the county convention, had been directed by the county committee for the selection of delegates to the State convention at Aberdeen. Among other methods used by the Taft party in Seattle in pursuance of their determination to secure, by fair means or foul, the delegations from King County to the State convention, and thereby the State delegation to the national convention, was the attempt to bribe outright the chairman of the King County committee and the alteration and forgery of proxies for seats in the county committee, conclusive proof of which, in documentary form, was presented to the national committee and the credentials committee at Chicago, and ignored by them, although not disputed.

Under these circumstances it is perfectly manifest that the so-called Taft delegation from King County, which did not claim to have any other authority than this appointment by the 12 or 14 members of the King County committee, had no authority whatever to represent King County in the Aberdeen convention. The action of the Taft State committee could not create any such authority for it, and the arbitrary seating of this illegal delegation of 121 in the Aberdeen convention, by which seating the Taft people gave themselves a majority of 2 on the temporary roll, upon which authority they selected 14 delegates to the national convention, vitiated and made wholly illegal this purported Taft delegation to Chicago.

The acceptance of this unauthorized delegation from the State of Washington by the national committee was equally without validity.

When the temporary roll of the Chicago convention, including these 14 delegates, had been made up by the national committee in this arbitrary and illegal manner the 14 delegates themselves practically voted to retain themselves in the convention by voting upon the temporary chairmanship and temporary organization of the convention, thereby, together with other illegal delegations similarly situated, selecting their own credentials committee and voting upon their own unfounded and unmeritorious cases.

In Chelan County a county convention was held to elect delegates to the State convention. No question was raised as to the validity of this county convention. It met in the forenoon and proceeded to ballot upon the election of a temporary chairman. The membership of the convention was 55. On the vote for temporary chairman 31 votes were cast for D. D. Olds, the Roosevelt candidate, and 22 for Cohler, the Taft candidate. After perfecting this temporary organization the convention adjourned and awaited the report of its committee on credentials, having adopted a resolution that it would reconvene at 1 o'clock in the afternoon. Between this adjournment and the hour of 1 o'clock the minority of Taft delegates held a separate meeting and went through the form of choosing delegates to the State convention. They did not return to the convention at 1 o'clock in the afternoon. This wholly unauthorized Taft delegation of 10, appointed by a bolting minority of the county convention, was seated in the State convention by the State committee, and the regularly elected delegation, which was for Roosevelt, was excluded. Leaving out of consideration King County and every other county in which the Roosevelt delegations were excluded, the seating of the Roosevelt delegation from Chelan County would have given Roosevelt control of the State convention. The illegal unseating of this delegation also vitiated the action of the State convention and rendered invalid and unauthorized the Taft delegation from the State of Washington.

So likewise in Mason County. The State committee seated a Taft delegation of 8 from that county which had no other authority whatever than a pretended appointment by two precinct committeemen. The county committee of Mason County consisted of 21 precinct committeemen. It is perfectly clear that two of these had no authority whatever to appoint the delegates to the State convention. On the other hand, the Roosevelt delegation from Mason County was appointed by 11 precinct committeemen present at a meeting, constituting a majority and a quorum of the county committee and fuly authorized to make the appointment. This authorized delegation was refused seats in the convention by the Taft State committee. It was not contended either before the national committee or the credentials committee of the Chicago convention that this action was valid in any way whatever, and yet it was decisive of the entire action of the State convention at Aberdeen, so far as the Taft control was concerned, and the unseating of this Roosevelt delegation from Mason County rendered invalid the entire proceedings of the so-called Taft State convention and the Taft delegation from Washington.

Likewise, in Asotin County the 6 Taft delegates seated by the State committee from that county were necessary to give Taft the majority of 2, which the State committee worked out upon the temporary roll. The only authority which these 6 Taft delegates from Asotin County had was the pretended appointment of 5 persons purporting to act as members of the county committee. The county committee consisted of 11. Only 3 of the 5 persons referred to were members of the committee; the other 2 were not members and had no proxies. They so admitted, and the fact was not disputed. The action of these 3 members of the committee and 2 persons without any claim of right whatever acting with them in appointing the Taft delegation from Asotin County was purely arbitrary, unauthorized, and illegal. The seating of these illegal 6 delegates by the State committee being necessary to give them their majority of 2 rendered invalid the action of the entire convention, invalidated the delegation of 14 to the national convention, and in view of the fact that this 14 and a few other delegates similarly stolen were necessary to give Mr. Taft his slender majority it rendered illegal entirely his nomination at the Chicago convention.

Likewise, the seating of the Roosevelt delegation from either one of the six other contested counties, as they were entitled to be seated, would have given Roosevelt control of the State convention. But in view of the clear cases of the counties especially described in the foregoing, either one of which if the rights of the Roosevelt delegation had been recognized would have destroyed the small Taft majority of two upon the temporary roll of the State convention made up by the Taft State committee, it is not necessary to go into the details of the other counties.

The call of the State committee provided that 8 delegates were to be chosen from the State at large by the State convention and 2 delegates from each one of the three congressional districts, making 14 in all. The 2 delegates from each district were to be chosen by a district convention which was to consist of the delegates from that district to the State convention, which delegates should meet separately pending the State convention at Aberdeen, and as a district convention choose the 2 delegates from the district. Each of the three districts in the State had an overwhelming majority of Roosevelt delegates, but the case of the third district is especially conspicuous because of the almost entire absence of Taft sentiment in that district, which consists of the eastern part of the State. Over 200 of the 245 delegates to Aberdeen were Roosevelt delegates.

In only two counties were there contests involving in all 16 delegates, and yet under the proceedings of the State committee Taft delegates were sent from this district as from the other districts and from the State at large to Chicago, their contention being that the Roosevelt delegates from the district did not attend the State convention and were not entitled to be recognized. As a matter of fact, Roosevelt delegates from the district did attend the State convention as stated above, but met in a separate hall from the Taft delegates, on account of the hall being forcibly seized by the State committee, and legitimate Roosevelt delegates from Chelan, King, and other counties excluded by force and violence, as stated above.

A further matter which ought not to be overlooked in considering the action of the Chicago convention is the fact that only a mere pretense at an investigation of these contested cases was made by the national committee, or by the credentials committee, or by the Chicago convention itself. In the Washington cases, after some difficulty, 45 minutes was secured for presenting the cases on behalf of the Roosevelt delegation before the national committee. The terms laid down by the committee were that the Roosevelt case would be stated first, occupying the entire 45 minutes, and that the Taft case should then be stated, occupying its 45 minutes, and that no time should be allowed for rebuttal. Under this arrangement oral statements were made and representatives of the Taft delegation in their oral statement made a great many statements of fact which were claimed by the Roosevelt representatives to be wholly unfounded and false. Attempts were made at frequent intervals to gain permission to correct or contradict these false statements, but every such attempt was prevented and every opportunity of making any corrections of the same was cut off. Vehement protests were made by Taft members of the committee against any interruption of the Taft speakers, and at the conclusion of the oral statement orders were given that the representatives of the two sides should collect their papers and immediately leave the committee room—which, with the officious assistance of the sergeant at arms, was done. On disputed points a vast mass of original and documentary evidence was offered on behalf of the Roosevelt delegation. None of this was examined by the committee nor was any attention paid to it whatever. The case, after the oral statements above referred to, was decided instantaneously by the committee without consideration or examination of evidence. The writer of this, who assisted in presenting the Roosevelt case to the committee, left the room immediately at the conclusion of the oral statements and proceeded directly to the outer door of the committee rooms. But before he reached the outer door a messenger from the committee room passed him on his way to the telegraph office announcing as he passed that the case had been decided against the Roosevelt delegation.

Likewise the proceedings before the credentials committee of the temporary organization was a travesty upon a hearing and investigation for the purpose of eliciting the truth and making a just decision. Angry and vehement protests were made by Taft members of the committee against the efforts on the part of other members of the committee who sought to question the representatives of the Taft delegation in order to elicit the truth; and, being sustained by the chairman, under this gag every attempt on the part either of the representatives of the Roosevelt delegation or of members of the committee who sought to bring out the facts was cut off and entirely suppressed. In fact, throughout the hearings, both before the national committee and the credentials committee, indifference was indicated by the majority of these committees as to the hearings—their decisions undoubtedly having ben made in advance upon a partisan basis and such decision and fact having been announced previously by members of the committee.

When it is considered that the credentials committee referred to consisted in part of the very illegal delegates whose cases were to be tried before the committee the absurdity of the system is manifest.

Likewise it may be repeated—it can not be repeated too often—that the national committee, which was the source of the arbitrary power of the convention and of its temporary roll, which in turn chose its temporary organization, which in turn chose its permanent organization, and which controlled every question decided by the convention, was a hold-over committee of politicians selected by party machinery four years ago, when neither the issues nor the candidates of this campaign were before them or before the people; that, in the meanwhile, many of the members of the committee had been supplanted by the election of their successors of opposite views in regard to candidates and policies of the party; that the majority of the members who assumed to act upon these cases had been directly and emphatically repudiated by the party in their States at free primaries where large party votes were cast; that acting with them and going to make up the majority of the committee were members from Territories which have no electoral vote and from Southern States which have no substantial Republican Party; and that not a single Republican State in this year's preconvention campaign where a free vote of the membership of the party had been allowed was in harmony with the majority of this national committee, which controlled the convention and all its actions. The latter circumstances are mentioned, not for the purpose of going here into a discussion of the iniquities of the system involved, but merely as bearing upon the merits of the decision rendered by the tribunal referred to.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent that I have 20 minutes to-morrow morning immediately after the reading of the Journal to reply to some statements made by the gentleman from Nebraska.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that immediately after the reading of the Journal to-morrow he be allowed 20 minutes in which to reply to some remarks made by the gentleman from Nebraska.

Mr. FITZGERALD. Mr. Speaker, I want to call up the general deficiency bill——

Mr. MANN. The gentleman will have the right to speak in general debate.

Mr. FITZGERALD. I desire to get into my bill, and the gentleman can then get time.

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to address the House for 20 minutes after the reading of the Journal. Is there objection?

Mr. WARBURTON. Mr. Speaker, reserving the right to object——

Mr. HUMPHREY of Washington. I want to modify the request and change it to immediately after the calling up of the general deficiency bill.

Mr. FITZGERALD. I ask the gentleman to withdraw his request on the statement that I intend to call up the general deficiency bill, and that I desire to pass the bill before the end of this week, and we will accommodate the gentleman if 20 minutes or a half an hour will suffice.

Mr. HUMPHREY of Washington. All right, with that understanding——

The SPEAKER. Does the gentleman withdraw his request?

Mr. HUMPHREY of Washington. Yes; I withdraw my request.

FILLING OF VACANCIES ON COMMITTEES.

Mr. UNDERWOOD. Mr. Speaker, I desire to fill some vacancies on committees. I move that Mr. SWEET, of Michigan, be elected to fill the vacancy on the Committee on Accounts made vacant by the resignation of Mr. RODDENBERY, of Georgia.

The SPEAKER. The gentleman from Alabama moves that Mr. SWEET, of Michigan, be elected as a member of the Committee on Accounts to fill a vacancy. Is there any other nomination?

The question was taken, and the nomination was agreed to.

Mr. MANN. Mr. Speaker, I am authorized by the gentleman from Wyoming [Mr. MONDELL] to present his resignation from the Committee on Public Lands.

Mr. UNDERWOOD. We have not reached that point yet.

The SPEAKER. Is there any other nomination for this vacancy?

Mr. MANN. I ask that the resignation of Mr. MONDELL from the Committee on Public Lands be accepted.

The question was taken, and the motion was agreed to.

Mr. UNDERWOOD. Mr. Speaker, at the request of the gentleman from Illinois [Mr. MANN], I move the election of the following gentlemen to fill vacancies on the minority end of the following committees:

Hon. FRANK W. MONDELL, of Wyoming, on the Committee on Appropriations to succeed Mr. MALBY, deceased; Hon. ELMER A. MORSE, of Wisconsin, to the Committee on Public Lands, to succeed Mr. MONDELL, resigned; Hon. WILLIAM F. VARE, of Pennsylvania, on the Committee on Insular Affairs, to succeed Mr. HUBBARD, deceased; Hon. MARTIN B. MADDEN, of Illinois, on the Committee on Expenditures in the Department of Agriculture, to succeed Mr. FRENCH, resigned; Hon. JOHN A. STERLING, of Illinois, on the Committee on Expenditures in the Department of Justice.

The SPEAKER. Are there any other nominations?

The question was taken, and the nominations were agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BOOHER, for 12 days, on account of illness in family.

To Mr. SLEMP, for 3 days, on account of important business.

To Mr. CARY, for 10 days, on account of illness.

ARMY WORM.

Mr. HEFLIN. Mr. Speaker, I have here a House joint resolution asking for an appropriation of $5,000 to be used in the Southern States in the fight on the cotton or army worm. The Secretary of Agriculture, I will state to the House, came before the Committee on Agriculture yesterday and said that it was absolutely necessary to have this amount of money, and to have it now, to meet the conditions which have recently arisen in the cotton States. The resolution was favorably considered, and I was requested to report it to the House. It is now on the calendar, and I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the resolution which the Clerk will report.

Mr. MANN. I suggest that the gentleman ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

Mr. HEFLIN. I make that request, Mr. Speaker.

The SPEAKER. The request carries the further request that it be considered in the House as in the Committee of the Whole. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 340) making appropriation to be used in exterminating the army worm.

Resolved, etc., That the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be used by the Secretary of Agriculture in exterminating a dangerous pest commonly called the army worm, now devastating crops in various section of the United States.

Also the following committee amendment was read:

On line 3, strike out the word "fifteen" and insert in lieu thereof the word "five."

The SPEAKER. Is there objection to the present consideration of this resolution in the House as in the Committee of the Whole?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Alabama if this pest has made itself known anywhere outside of the State of Alabama.

Mr. HEFLIN. This worm has appeared in many Southern States—South Carolina, North Carolina, Georgia, and Alabama. In fact, it has appeared in nearly all of the cotton-growing States. I will say to the gentleman I read a newspaper report the other day of the operations and ravages of the worm in Georgia. It stated that they crossed a railroad track in such large numbers that they stopped the train. The worms being crushed made the track so slippery that they stopped the train and they had to put sand on the rails in order to travel.

Mr. MOORE of Pennsylvania. I would suggest to the gentleman that that is an easy way of suppressing a corporation. But I want to know from the gentleman whether this request for an appropriation of Federal money arises in his own district and in his own State, or whether it is due to complaints that are general throughout the Southern States?

Mr. HEFLIN. The complaints are general, I will say to the gentleman from Pennsylvania. The resolution was introduced by the gentleman from South Carolina [Mr. AIKEN], and the Agricultural Department has already sent one or two men down to instruct these people how to fight the worm and destroy it; and the Secretary of Agriculture came before the Committee on Agriculture yesterday and said that he did not have a dollar with which to proceed, and that with $5,000 he believed he could meet this emergency and that it was necessary to get this money now.

Mr. MOORE of Pennsylvania. I do not want to raise a question as between the States, but I call the gentleman's attention to the fact that there are numerous pests throughout the United States that ought to be suppressed. There are certain pests in horticulture and arboriculture. There is a chestnut-tree blight which is now pervading a number of the States of the Union.

Mr. MANN. We made an appropriation for the investigation of that, I think.

Mr. MOORE of Pennsylvania. I think not.

Mr. LEVER. Let me say to the gentleman from Pennsylvania [Mr. MOORE] that the Senate has put in the agricultural bill $80,000 for the chestnut blight, and the House conferees in the first reading agreed that that sum should be left in the bill, and I presume the conferees of the House will not object any further.

Mr. ADAMSON. Will the gentleman yield?

Mr. HEFLIN. I will yield.

Mr. ADAMSON. I would like to say to the gentleman from Pennsylvania [Mr. MOORE] that unfortunately these worms do not limit their diet to corporations. I am a personal witness to the fact that their operations are not limited to getting on railroad tracks and obstructing trains. I have just returned from Georgia, and I have witnessed myself the ravages of these worms there. While there I sent a telegram to the Secretary of Agriculture, telling him of their ravages in Georgia and eastern Alabama—parts of the country I knew about. He replied that they had no funds. My town held a meeting and raised the funds and sent men over the county with the ingredients which kill these worms. That is limited, of course. Yesterday I was informed by the Department of Agriculture that if this provision was made as reported by the committee a man would be sent there to help those people.

Mr. MOORE of Pennsylvania. Still reserving the right to object, it is a rather interesting fact that these worms to which the gentleman refers are eating up the very valuable ties that come from chestnut trees, which are preferable, as I understand, to any other wooden ties that are in use in the Southern States, and the chestnut trees are subject to the blight.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving further the right to object, I want to ask the gentleman one more question. I should like to know——

Mr. ADAMSON. Speaking of chestnuts, I do not want to use any chestnuts, but I want the gentleman to understand that we have never resisted any proper efforts to aid in relieving him or any of his people in any part of the country in any emergency affecting chestnuts, old chestnuts, or chestnut trees, or anything else.

Mr. MANN. You defeated an amendment to the appropriation bill to make an appropriation for the chestnut blight.

Mr. ADAMSON. Not I.

Mr. MOORE of Pennsylvania. Has the State of Alabama made any appropriation for the extermination of this worm?

Mr. HEFLIN. The legislature in our State is not in session. The worm made its appearance in our State last year for the first time, I believe, in about 20 years, and this year the worm is appearing in greater numbers in all the States than before, and this appropriation is to meet an emergency now, because the appropriation bill will not pass in time to relieve the situation in the South, and the Secretary of Agriculture submitted to us telegrams yesterday asking for aid. So acute and distressing is the situation the gentleman from South Carolina [Mr. AIKEN] contributed to a sum to pay the expenses of one expert to be sent to South Carolina. They simply have not a dollar to meet this emergency. These worms, undisturbed in a cotton field of 20 acres, can destroy it in three or four days.

Mr. MOORE of Pennsylvania. They are also eating up the chestnut railroad ties. I shall not object.

Mr. MANN. The understanding is that the committee amendment is to be agreed to, reducing the amount?

Mr. HEFLIN. Yes; to $5,000.

Mr. MANN. Is this reimbursable?

Mr. HEFLIN. No, sir.

Mr. MANN. Is this an additional appropriation over what is carried in the appropriation bill when it becomes a law?

Mr. HEFLIN. Yes, sir; to meet an emergency.

Mr. MANN. I agree with the gentleman. I can remember seeing the army worms so thick in a field that you could not step without treading on a dozen of them at a time.

Mr. HOBSON. I reserve the right to object.

Mr. HEFLIN. I yield to the gentleman.

Mr. MANN. And I withdraw my reservation of the right to object.

Mr. ADAMSON. And I withdraw mine.

Mr. FITZGERALD. Mr. Speaker, I wish to reserve the right to object when I get the opportunity.

Mr. HOBSON. Mr. Speaker, I wish to say that this experience with the army worm is very widespread. The worm is now in my district. It came last year, and it came again this year very suddenly, and it does not give time for preparation. We have to have mass meetings in order to meet the situation. The whole county of Tuscaloosa, for instance, was ravaged last year within a very few days.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield?

Mr. HOBSON. Yes.

Mr. MOORE of Pennsylvania. I would like to see the worm exterminated in the gentleman's district, but last year we suffered in my section of the country from the ravages of the chestnut blight. I understand it is now advancing down into the Southern States and is there threatening the gentleman's territory. All I ask is that Congress shall give consideration also to this matter of the chestnut blight. We have already made an appropriation in Pennsylvania—a very ample appropriation of $275,000—but we have no authority to go beyond the boundaries of our own State.

Mr. HOBSON. I wish that steps had been taken in that direction, as suggested by the gentleman, several years ago. I can say to the gentleman that the chestnut trees in my district are almost wholly destroyed by the chestnut blight. But the need of meeting this army worm pest is very urgent, and it should be met within a very few weeks. Owing to the spread of this worm, the need for its extermination is liable to become very wide, and if the situation is not promptly met to-day it can not be treated successfully two weeks hence.

I believe it would be a wise matter to leave the expenditure of the original amount carried in the discretion of the Secretary of Agriculture. Then he would not be compelled to expend all that he has unless it is desirable, and later on if he should find it important to expend all the money he would then have it available.

Mr. LEVER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from South Carolina?

Mr. HOBSON. I do.

Mr. LEVER. Let me say to the gentleman from Alabama that the Secretary of Agriculture informed the committee yesterday that this sum of $5,000 would be sufficient to carry him over the emergency that is now existing, until the agricultural appropriation bill could be brought out of conference. We have the statement of the Secretary of Agriculture to the effect that that would be sufficient.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. LEVER. Yes.

Mr. FITZGERALD. The gentleman from South Carolina states that this appropriation will be sufficient to tide over this emergency until the agricultural appropriation bill is agreed to. Why can not the funds now at the disposal of the department be used for this purpose?

Mr. LEVER. We understand from the statement of the Secretary of Agriculture that he has no funds at his disposal at this time which he might devote to this purpose.

Mr. HEFLIN. Not one dollar.

Mr. FITZGERALD. I would like to ask the gentleman where will he get it in the appropriation bill if it is agreed to? What fund would it be paid from?

Mr. LEVER. It would be paid from the general fund covering all cases of this kind.

Mr. FITZGERALD. For the month of July the Secretary of Agriculture has had, under the joint resolution that was passed, one-twelfth of that fund for application to this work, and if the appropriation bill had become a law prior to the 1st of July he could have expended in the month of July only one-twelfth of the sum appropriated.

Mr. LEVER. I assume, Mr. Speaker, that the Secretary of Agriculture at this time has his men engaged in their regular projects, and that the only way he can send extra men down there to meet this emergency would be through this emergency appropriation. That was the impression the Secretary gave to the committee yesterday.

Mr. FITZGERALD. That would be the fact after the general appropriation bill becomes a general law, and inasmuch as there is no extraordinary increase in the appropriation, there will be no opportunity to send additional men out. The Secretary of Agriculture is pretty smooth. It is not all so easy in these matters. What do these men propose to do? Do they propose to tell the people how to spray the plants with some solution?

Mr. HEFLIN. That is one of the things they would do. The expert men will go down to these infected parts of the States and call the people together and instruct them how to get rid of these worms.

Mr. FITZGERALD. They could mail that information to the people much more quickly.

Mr. HEFLIN. There is nothing like going among them and showing them how to do it.

Mr. FITZGERALD. I suppose they would send out and have meetings called and conduct their meetings and have speeches and demonstrations, and in the meantime the army worm will have got in his work, when its ravages could be more speedily prevented by the prompt transmission of information as to how the pest could be exterminated. The method which the gentleman from Alabama suggests is not a very practical way of doing the business.

Mr. LEVER. I will say that from the information we have the process is simple. But I want the gentleman to understand that this is the second year in my experience for the visitation of the army worm in my State. Last year it came to the State during the fall. It reached our cotton fields just about the time the best part of the cotton had matured, and it was really a blessing to us. But now it is coming to the State at a time when, if it gets into the cotton fields, it is bound to work absolute destruction not only to the cotton, but to corn and even grass.

Mr. SIMS. The gentleman is speaking of the worm, not the cotton-boll weevil?

Mr. LEVER. Yes.

Mr. SAMUEL W. SMITH. I would like to inquire of the gentleman if there is a special appropriation in the agricultural appropriation bill for this purpose?

Mr. LEVER. No. They have been handling the situation heretofore under a general fund.

Mr. HEFLIN. I will state to the gentleman that we did not have the worm until last year in anything like the number that we have now. As my friend from South Carolina [Mr. LEVER] has stated, the worm attacked the cotton then when the bolls were nearly grown, and only ate the leaves. Now the worms attack the limbs and the little bolls, and they absolutely destroy the tender plants.

Mr. SIMS. I understand that they are eating corn and everything else down in that section. Hundreds of acres are depleted of corn and cotton and everything else. I was talking with Senator PERCY, of Mississippi, about it yesterday.

Mr. SAMUEL W. SMITH. I am not opposed to this, but I should like to have the gentleman explain how far $5,000 will go toward exterminating this worm in several States.

Mr. HEFLIN. It will pay the expenses of experts, who will go down there and explain to the people how to deal with the worm.

Mr. SAMUEL W. SMITH. That is how this money is to be used?

Mr. LEVER. Entirely so, to pay the expenses of these men.

Mr. HEFLIN. Yes.

Mr. SHERLEY. I am not opposed to this appropriation, but I want to learn something about the habits of the Department of Agriculture, and this is a very good time to learn it. That department has had a fund to deal with epidemics of this sort. Recently, by a joint resolution, they have been authorized to expend one-twelfth of the amount that was appropriated for the last year. The gentleman now says he is of the impression that the Agricultural Department has already allotted all of that fund. What I am trying to find out is this: Does that department allot all of that emergency fund without having any reserve at all for an emergency, and did the gentleman cross-examine the department officials to ascertain the facts?

Mr. LEVER. In reply to the gentleman from Kentucky permit me to say that the department has its various lines of work blocked out, so many dollars for one item, so many dollars for another line of work.

Mr. SHERLEY. They did not have any blocked out for this.

Mr. LEVER. Under a general provision in the agricultural bill we permit them a leeway of 10 per cent from one fund to another. Now, I take it, from the statement of the Secretary of Agriculture yesterday, that he is carrying on his projects which have been marked out, and that his men have been designated to do the work under these appropriations. I take it that the department has sent out its available experts to carry out the projects that have been mapped out for this year's work.

Mr. SHERLEY. I should like to know what the policy of the department is. In the first place, did they use any of this fund last year for the purpose of fighting this particular pest?

Mr. LEVER. As far as I know, they did not, because the army worm got into operation last year too late to do any serious damage. They have been studying the problem, and they have worked out a method of destroying the army worm. What this appropriation proposes to do is to send a few experts into the South and pay their expenses, to show the people how to fight the worm.

Mr. SHERLEY. Last year they knew about this worm.

Mr. LEVER. They have known about it for 35 years.

Mr. SHERLEY. They have a general fund to cover these matters this year. Does the gentleman know whether they have allotted any of the one-twelfth authorized for this year to this purpose?

Mr. LEVER. I really could not tell the gentleman. The truth is, as I said a moment ago, that the department has worked out a complete remedy for the army worm, and it is nothing more than the using of a little arsenic and flour on these little devils to kill them. But this appropriation here is asked for the purpose of permitting the department to send a few of its men into these various communities to show the folks there how to use this instrument of destruction.

Mr. HEFLIN. And this money is to be used to pay their expenses.

Mr. SHERLEY. This month is pretty nearly out. They have had one-twelfth of the total appropriation, which is a considerable sum—more than $5,000. Does the gentleman know or has he inquired how much has been spent, or how much has been allotted for purposes of this kind, or anything in this connection?

The reason I ask this question is this: My experience is that the Department of Agriculture, as well as certain other departments, gets certain general funds for the doing of work in anticipation of just such situations as this, and then when a particular emergency comes, instead of using the general fund that has been provided in anticipation of that, they take the particular emergency as a means to bring pressure upon Congress to force additional appropriations.

Mr. LEVER. In reply to that suggestion, let me say to the gentleman that I take it that inasmuch as the month is nearly up, whatever allotment has been made for this month has been practically exhausted, and therefore the necessity of this appropriation.

Mr. SHERLEY. Does not the gentleman think it is up to the department to show what the facts are? We have nothing here—no statement at all—as to how much money they have on hand or what they can expend it for.

Mr. LEVER. I think it is quite reasonable to assume that if they have allotted a certain fund for the present month, which is practically out, that certain fund has been exhausted. I think that is the logic of that situation.

The SPEAKER. Is there objection?

Mr. HILL. Mr. Speaker, I do not wish to object, for I am in favor of the bill, but I should like about five minutes in which to speak on it.

Mr. MANN. Why not first ascertain if there is objection?

The SPEAKER. The gentleman from Connecticut [Mr. HILL] asks unanimous consent to address the House for five minutes.

Mr. MANN. Let us find out if there is objection to the consideration of the bill first. Then the gentleman can get the time.

The SPEAKER. Is there objection to the present consideration of this bill in the House as in Committee of the Whole?

There was no objection.

Mr. HILL. Mr. Speaker, I am in favor of this proposition, because I happen to know of the necessity for immediate and speedy action, and I am in favor of some propositions of this kind, but I happen to have in my hand some fundamental doctrine in regard to the making of appropriations, coming from a Democrat, a gentleman by the name of Woodrow Wilson. [Applause.] I will take the time to read it in order that the Members of the House on both sides may understand his position in regard to matters of this kind and also indirectly in regard to another Democratic proposition now attached to the Post Office appropriation bill, by which the United States Government will be compelled to pay $20,000,000 a year rent for the use of the public highways on which rural free-delivery carriers are now delivering mails for the benefit of the people. I read from Woodrow Wilson's "Congressional Government," in the introductory thereto, at page 29, written in 1900. He was then writing in regard to making congressional appropriations, which is what is being done now. He says:

> Hardly less significant and real, for instance, are its moral effects in rendering State administrations less self-reliant and efficient, less prudent and thrifty, by accustoming them to accept subsidies for internal improvements from the Federal coffers; to depending upon the national revenues, rather than upon their own energy and enterprise, for means of developing those resources which it should be the special province of State administrations to make available and profitable.

[Applause on the Democratic side.]

That is good doctrine. We believe in that in New England. To continue:

> There can, I suppose, be little doubt that it is due to the moral influences of this policy that the States are now turning to the common Government for aid in such things as education. Expecting to be helped, they will not help themselves. Certain it is that there is more than one State which, though abundantly able to pay for an educational system of the greatest efficiency, fails to do so, and contents itself with imperfect, temporary makeshifts because there are immense surpluses every year in the National Treasury, which rumor and unauthorized promises say may be distributed among the States in aid of education. If the Federal Government were more careful to keep apart from every strictly local scheme of improvement—

And I commend this to the wise chairman of the Committee on Appropriations—

> If the Federal Government were more careful to keep apart from every strictly local scheme of improvement, this culpable and demoralizing State policy could scarcely live. States would cease to wish, because they would cease to hope to be stipendiaries of the Union, and would address themselves to their proper duties with much benefit both to themselves and to the Federal system.

I commend that to the majority. [Applause on the Democratic side.]

Mr. MANN. The Democrats are in favor of the principles enunciated, but not in favor of their application.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield for a question?

Mr. HILL. Certainly.

Mr. CLAYTON. Mr. Speaker, on behalf of the majority, I want to say to the gentleman that that is the best speech he ever made.

Mr. FITZGERALD. I understood the gentleman from Connecticut to say that he believed in that doctrine, or that the New England States did.

Mr. HILL. Certainly.

Mr. FITZGERALD. Is that why they have so persistently obtained appropriations to exterminate the gypsy moth up in New England?

Mr. HILL. There has been no appropriation asked for by the State which I have the honor in part to represent.

The SPEAKER. The time of the gentleman from Connecticut has expired.

Mr. HILL. Mr. Speaker, I ask unanimous consent to proceed for two or three minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL. Mr. Speaker, as supplementary to what I have read, in view of the fact that that has thoroughly met the approval of gentlemen on the other side of the House, I shall read another extract, direct and apt to this occasion, for I

am watching with great interest the developments of the future.

Mr. CLAYTON. Let us print the whole book.

Mr. HILL. Very well. I think very likely that will be done.

Mr. CLAYTON. It will be the best contribution the gentleman has ever made to congressional literature. [Laughter.]

Mr. HILL. I shall read another thing which I think is worthy of consideration. I refer to another extract from the distinguished gentleman's writings, in which he discusses presidential candidates. It is found in the introductory to "Congressional Government," on page 43. He is discussing presidential conventions and candidates, and he says:

When the presidential candidate came to be chosen it was recognized as imperatively necessary that he should have as short a political record as possible and that he should wear a clean and irreproachable insignificance.

[Laughter.]

"Gentlemen," said a distinguished American public man, "I would make an excellent President, but a very poor candidate." A decisive career which gives a man a well-understood place in public estimation constitutes a positive disability for the Presidency, because candidacy must precede election, and the shoals of candidacy can be passed only by a light boat, which carries little freight—

[Laughter.]

and can be turned readily about to suit the intricacies of the passage.

[Laughter.]

I doubt if he ever expected to be a candidate himself when he wrote that.

Mr. HEFLIN. Mr. Speaker, I do not wish to consume any more of the time of the House, and I ask for a vote.

The SPEAKER. The question is on agreeing to the amendment to the House joint resolution.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the House joint resolution as amended.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HEFLIN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following request for leave of absence, which the Clerk will report.

The Clerk read as follows:

Mr. SWITZER requests leave of absence, for five days, on account of important business.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I object.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Alabama that he commence to object on his own side first.

Mr. UNDERWOOD. Mr. Speaker, I will give notice that, as far as I am concerned, on account of the condition of business in the House and the necessity of a quorum being present, I shall hereafter object to any request for unanimous consent for leave of absence on account of business. If a man is sick or there is sickness in his family, that may be a legitimate excuse, but the important business of a man who holds a commission from a constituency to represent them on the floor of this House is for him to attend here and to be present at this time.

The SPEAKER. Does the gentleman from Alabama insist upon his objection?

Mr. MANN. Mr. Speaker, I fully agree with the gentleman, but I do not think he ought to make any objection without first giving notice.

Mr. BUTLER. Because we will see that there is a quorum here every minute. I am able to do that.

Mr. UNDERWOOD. The gentleman need not do that. We will bring a quorum here and have brought one here, and it has not come from that side of the House. I have no desire to reflect upon the application of any gentleman upon that side of the House, to begin with, and, therefore, as the leader of the minority asks me to give notice I will accept his proposition and withdraw objection to this particular request. I should not withdraw it, however, had the request come from this side of the House. I do give notice now that under the present congested condition of business and the necessity for a quorum being present, no leave of absence which is asked for on account of business shall be granted in the future, until the condition of business in the House is cleared up.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the sundry civil appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the sundry civil bill, disagree to the Senate amendments, and ask for a conference.

Mr. MANN. Mr. Speaker, reserving the right to object, I would suggest to the gentleman that the gentleman change his request and have the sundry civil bill printed, showing the Senate amendments, because until I can see the Senate amendments——

Mr. FITZGERALD. I would be glad to do that, and will make the request that the bill be printed with Senate amendments numbered.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the sundry civil appropriation bill, to disagree to the Senate amendments——

Mr. MANN. If the gentleman insists upon doing that, I said I would not be willing to give consent until the Members of the House had an opportunity to examine the bill.

The SPEAKER. The Chair understood what the gentleman from Illinois said, and the gentleman from New York said it was agreeable, so the Chair was putting the whole request at once.

Mr. MANN. I was trying to save time, because the gentleman knows otherwise I would have to object.

The SPEAKER. The gentleman from Illinois objects.

Mr. FITZGERALD. I ask unanimous consent that the sundry civil bill be printed with Senate amendments numbered and that the bill remain on the Speaker's table.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill be printed with Senate amendments numbered and that it remain on the Speaker's table.

Mr. MANN. It does not require unanimous consent to remain on the Speaker's table.

The SPEAKER. Well, that may be superfluous. Is there objection?

Mr. COOPER. The Speaker just put the motion. The request of the gentleman from Illinois is to have the bill printed. Does that mean printed in the RECORD?

Mr. FITZGERALD. No; to have it printed with the Senate amendments numbered and in italics.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to renew my motion to take up the bill H. R. 20728, the Indian appropriation bill, to disagree to the Senate amendments, and ask for a conference thereon.

Mr. RUCKER of Colorado. Mr. Speaker, reserving the right to object, I would like to ask the chairman if he will not make an exception in this case, on page 35, to the amendment in regard to John West's claim and concur in the Senate amendment in reference to that claim?

Mr. STEPHENS of Texas. Mr. Speaker, I do not think in a conference of this kind either the Senate or the House conferees ought to be bound in any respect, but that there ought to be a free conference, and as to this claim the matter is now pending before this House on a report from the committee. It is a separate bill which has been put on as an amendment on the Indian appropriation bill, and it should not be there. These claims of this character ought not to be placed on appropriation bills, and as the bill is now upon the calendar here if it can not be passed this session it can be passed the next. This claim is 70 years old, and I do not think it will suffer any by remaining over until next winter, even if we can not reach it this session. It is on the calendar now, and the gentleman can call it up any time under the rule, and let the matter be discussed before this House, and pass it in a proper and orderly way.

Mr. RUCKER of Colorado. I wish to say, Mr. Speaker, just one word more. I only asked the chairman to do this because this bill is one of the gentleman's original bills, introduced in 1909, and therefore, having passed this committee of which the gentleman is chairman by a clear majority, and the bill being in this House represented by a majority, of course the gentleman knows, by reason of seniority upon the committee, he will have upon that committee those who represent the minority in the report, and consequently unless the gentleman will make an exception in this case, knowing, as I said, who the conferees will be, I shall have to object.

The SPEAKER. The gentleman objects.

DAM ACROSS WHITE RIVER, ARK.

Mr. ADAMSON. Mr. Speaker, I ask to take from the Speaker's table two conference reports.

The SPEAKER. Which one does the gentleman desire taken up first?

Mr. ADAMSON. I do not care which. One is aids to navigation and the other is a bill to construct a dam.

The SPEAKER. The Clerk will report the bills.

The Clerk read as follows:

A bill (H. R. 20347) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.

Mr. ADAMSON. I ask that the report be read, as it is shorter than the statement.

The conference report was read as follows:

CONFERENCE REPORT (NO. 1059).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20347) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

W. C. ADAMSON,
WILLIAM RICHARDSON,
F. C. STEVENS,
Managers on the part of the House.

KNUTE NELSON,
JONATHAN BOURNE, Jr.,
THOMAS S. MARTIN,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The bill adopted by the House originally granted the consent of Congress for the construction of a dam in accordance with the general dam act. The Senate amendment was explained by its author and by the managers on the part of the Senate to be rendered appropriate and necessary by local conditions. While the amendment is unusual and considered by the managers on the part of the House as of doubtful necessity, we consented to recede from our disagreement to the amendment and accept same with the distinct understanding that it is not to be accepted as a precedent for adding to individual bills particular statements of detailed legislation, but stands upon its own particular facts and is agreed to for the reason aforesaid.

W. C. ADAMSON,
WILLIAM RICHARDSON,
F. C. STEVENS,
Managers on the part of the House.

Mr. MANN. Mr. Speaker, I ask that the Senate amendment be reported.

The Senate amendment was reported.

Mr. MANN. Mr. Speaker, the Committee on Interstate and Foreign Commerce has reported to the House this session a number of bills providing for the construction of a number of dams across navigable waters, to be constructed, maintained, and operated in accordance with the provisions of the general dam law governing such matters. This bill, I believe, is the only one which has passed recently. The other day a number of bills were upon the Unanimous Consent Calendar and were all stricken off on the objection of my colleague from Illinois [Mr. RAINEY], whom I regret does not happen to be present at this time. Of course, agreeing to the conference report upon this bill is practically enacting it into law, and this bill, outside of the Senate amendment, stands upon all fours with the other special dam bills which have been reported. Personally I have reached the conclusion that in the present condition of legislation that it is entirely proper for Congress to pass bills authorizing the construction of dams for the generation of electric power, to be governed by the provisions of the general law upon the subject.

Whether any changes can be made in the existing law I do not undertake to say, but that law, rather restrictive in its provisions, contains the additional provision, without any liability on the part of the Government for any damages caused, that it may at any time repeal, alter, or amend not only the general law but any special law that is passed providing for the construction of any special dam. I believe that it is highly desirable that as far as may be practicable we shall utilize the water power of the country now going to waste, reserving to the Government the complete power at any time in the future to extend its jurisdiction and authority over any of the dams which are constructed or over any of the companies which own or operate those dams. And when the House passes this bill or agrees to this conference report, in my judgment, it is practically, if they do that, a settlement of its policy upon the subject at this time. The House ought not to say to one company at one place, "We grant you this privilege there," and not say to another company at another place, under practically similar conditions, "We will not grant it there." This dam is to be constructed in Arkansas, but if it were in Tennessee, in the district of my friend [Mr. AUSTIN], it ought to receive the same consideration that it does when the dam happens to be located in a Democratic district.

Mr. ADAMSON. Mr. Speaker, I am ready for a vote.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FOSTER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr FOSTER. I wanted to say just a word in reference to this conference report and the policy of granting rights to build dams for power purposes. I disagree with my colleague [Mr. MANN] in the fact that if this conference report on the bill, which is somewhat different, possibly, from other bills granting the right of constructing dams, should go through, this is the fixed policy of the Government in reference to what should be done in the near future in granting rights to water-power companies.

Mr. MANN. I did not say it was the fixed policy.

Mr. FOSTER. I mean the policy at this session of Congress.

Mr. MANN. If this bill passes and this conference report is agreed to, that ought to settle the question, because if any of them are to be rejected, this is one that ought to be rejected. I think we ought to grant the privilege where the committee has reported that there are no unusual circumstances.

Mr. FOSTER. But I want to further disagree with the gentleman from Illinois in his idea that we should commence on Members on this side of the House who have bills for water-power sites and dams. I want to call to his mind that one of the first bills that went over on the Unanimous Consent Calendar was introduced by a Member on this side of the House.

Mr. MANN. I hope the gentleman does not think that I meant my colleague from Illinois [Mr. FOSTER] objected because the bill was introduced by a Republican?

Mr. FOSTER. But I understood from the gentleman's remarks that we ought not to permit one from this side to go through at this time.

Mr. MANN. Here is the bill. Are you going to permit it to go through?

Mr. FOSTER. I will say to the gentleman that this bill is much better than any of the bills that have gone through for a good while in that it does restrict the powers of this company to sell its power to consumers.

Mr. MANN. This bill, with the Senate amendment, is the worst bill we have ever had reported in the House on the subject.

Mr. FOSTER. That is the gentleman's opinion, to which I do not agree.

Mr. MANN. And it is the opinion of nearly everybody else who has examined it.

Mr. FOSTER. I will say to the gentleman that I have some ideas as to regulations in reference to granting sites for water power, and, so far as I am individually concerned, it is not my intention to obstruct legislation to grant rights of individuals or firms or corporations to build dams to create water power. But I do believe, and I expect to exercise my right as an individual Member of this House in all future cases that may come up here, that proper restrictions shall be placed in all these bills, if I am able to do so, in order that the people of this country may have some protection against what, in my mind, may lead to the control of all the water power of our rivers. I think in a few States that practically all the water power has gone into the hands of a few individuals—possibly one or two companies.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER. And I am opposed to that, and I think my colleague is just as much opposed to it.

Mr. MANN. Quite. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MANN. The gentleman does not mean, of course, that is true as to any dams which have been constructed in accordance with the general dam law?

Mr. FOSTER. Well, I do not know whether they have all been constructed under the terms of the general dam act or not.

Mr. MANN. Then, I will give the gentleman the information. They have not.

Mr. FOSTER. But, however that may be, I do not consider that the general dam act goes far enough, and I think my colleague agrees with me that there ought to be additional legislation along those lines.

Mr. MANN. I will say to my colleague from Illinois, the general dam act does not go as far as I would have had it go or as he would have it go. I do not believe that Congress or the majority of people agree with my views upon that subject, and meanwhile I am not in favor of withholding the right to construct dams because my own views have not been enacted into legislation. As long as there remains the authority in the General Government, Congress at any time can enact views as strong as my views, and as strong as the views of my colleague are, into law and make it applicable to all these bills that have passed. And that is the case.

Mr. FOSTER. I observe that under the terms of the general dam act and under these bills that usually go through the Senate and House, or at least through the House, the right to alter, amend, or repeal is expressly reserved. I think that under that section, or under that clause, after a power company has once become established Congress would find it a very difficult matter to repeal an act where the rights of a corporation or of individuals are vested in that property.

Now, while this clause, "the right to alter, amend, or repeal is hereby expressly reserved," is possibly worth something, yet I do not believe that that clause goes far enough in regulating the sale of power generated by these companies.

Mr. MANN. That was put in the law in the first place out of abundance of caution, but the gentleman perhaps recalls that the general act reserves the right to amend, alter, and repeal generally and in every special case, without any liability to the Government for the change that may be made. In other words, under the general dam law, Congress would have the power to repeal the right absolutely after the dam was constructed, or the right to regulate the charges that would be made, if Congress has that power constitutionally, and I think it would have, or to regulate anything else without any liability on the part of the General Government.

Mr. FOSTER. But I think that this provision ought to go further. If we acknowledge that the General Government has some rights in these navigable streams, we ought, in exercising those rights, see to it that no combination of water-power companies in any part of the country shall be brought about whereby it may be almost impossible for the people to regulate the charges that are made to them for the use of that water power. The gentleman from Illinois and I are pretty well in accord on these matters, I think——

Mr. MANN. Absolutely——

Mr. FOSTER. Because I recall distinctly that in the matter of a dam in Alabama, on the Black Warrior River, the gentleman from Illinois was very pronounced in his statement of what he thought the General Government ought to do.

Mr. MANN. And I still maintain those views.

Mr. FOSTER. And I was going to state that I believe my colleague still maintains that opinion. I hope that he will join with some of us who feel that there ought to be some restrictions placed in these bills that he has mentioned that are now sought to be passed through this House—restrictions that might control the prices charged to the people.

Now, I will state that I have suggested a few amendments to these bills so they might go through, but I have not met with any encouragement in offering them, so that I have thought the better plan to follow, if possible, to prevent their passage entirely was to assume this position until Congress could take some definite action in reference to the control of the water power in the country.

Mr. TOWNER. Mr. Chairman, will the gentleman permit an interruption?

Mr. FOSTER. Yes, sir.

Mr. TOWNER. Is it not the wiser policy, when we are endeavoring to do what the gentleman has so well stated should be done, that we deal in general terms and reserve to the Government all powers of control and supervision and repeal, rather than attempt now in advance to particularize? Is not that the better and the broader and the safer policy to pursue?

Mr. FOSTER. Well, I think we ought to put in all these bills that pass through the House provisions that give to some one—and I know of no authority better than the authority granting it—the power to regulate these water-power sites until there is a better general law enacted.

Mr. TOWNER. I think there is no question about that, but my thought was that if we attempt in advance to particularize we may not be able to know what may be needed hereafter in the protection of the rights of the Government.

Mr. FOSTER. I think with the gentleman that general protection in a law is better than to try to specialize.

Mr. TOWNER. In bills of this character all the rights that the Government could exercise are reserved in advance until such occasions may arise in the future. It occurs to me that that is the better policy to pursue.

Mr. FOSTER. I would state to the gentleman from Iowa that while "the right to amend, alter, or repeal this act" is in these bills as they are passed, yet I think the restrictions should be in the bill when it is passed. That is the safer plan, in my judgment.

Mr. TOWNER. I will ask the gentleman if he does not believe that the general terms of the dam act, the general statement in the law at present, in connection with the broad provisions that already exist in the general dam act, do not constitute an abundant and, in fact, a very broad and sweeping reservation of the rights of the Government?

Mr. FOSTER. I think not sufficient to regulate the matter of charges for water power in this country. I am frank to say to the gentleman that possibly at the time this law was passed it was the best that could be gotten through, but I think the time has now come when it is not sufficient, and it ought to go further than this law goes at this time.

Mr. TOWNER. I am very much in favor of doing everything that can be done to reserve the rights to the Government in water powers.

Mr. CANNON. Mr. Speaker, the water in the rivers, great and small, has been there, changing from time to time, for many, many thousands, if not millions, of years; and all that water has never, in the absence of dams and development, furnished an ounce of power.

Now, what the loss is to the United States, or to the people of the United States, every year from this great mass of water—enough to fill a part of an ocean—that goes to waste I do not know. If there was any way by law by which I could convert that water into power and navigation for the benefit of the people I would favor it. Now, there are but two ways to do it, as I understand. One is for the United States to go into the power business and sell the power or give it free to the people, building and maintaining the dams, making the canals and locks. The other way is to allow private enterprise and capital to make the development. As to the first way, I think we are not ready to resort to that. I do not know that we ever will be ready. I sometimes hope that the United States will not go into the business of building railroads and building power houses and dams for the purpose of selling power.

The development of this power requires money, and in some instances power is developed that is not remunerative. There are other instances where it is developed and it is wonderfully profitable. If somebody wants to build a dam and divert the water and keep it from running wastefully to the ocean and devote it to the purpose of turning machinery, I do not know what better we can do than to let them build the dam. We do not know how much power they are going to develop. They may break up. It may be a good venture, or it may be a bad venture; but when you put into the law itself the power to repeal or amend the franchise, then if extortion should appear Congress could amend or repeal the act granting the franchise, and the United States or the respective States could fix the prices for the power sold by those who develop it. So I do not think we are in a bad way, provided we utilize that which has been wasted from the dawn of creation and is still being wasted, keeping the right when we grant the franchise to regulate under the power to alter, amend, or repeal.

Mr. FOSTER. Mr. Speaker, I should like to ask the gentleman from Georgia [Mr. ADAMSON] a question. Does this amendment, which the Senate placed in this bill, take the place of section 2 of the bill which passed the House?

Mr. ADAMSON. I did not notice how it was printed.

Mr. FLOYD of Arkansas. What is the question of the gentleman from Illinois?

Mr. FOSTER. There is a Senate amendment which is marked section 2 of this bill. Does it take the place of section 2 of this bill? Is that true?

Mr. ADAMSON. It is an independent amendment. It does not take out anything that is in the bill. I will say further to the gentleman from Illinois that the general dam act has that section attached to it, with the right to repeal or amend any act that is referred to the Secretary of War in accordance with its terms.

Mr. FLOYD of Arkansas. And that reservation is in this act also.

Mr. FOSTER. Mr. Speaker, I agree with my colleague who has just taken his seat, the ex-Speaker of this House [Mr. CANNON], that the water as it runs to the sea in its millions of

barrels is worth nothing in the way of power until some individual or corporation places it in proper condition to be of advantage to the people. Yet I think that when we give away valuable franchises we ought to know something about how the franchises are going to be used, and I think my colleague agrees with me that we should have some sort of control, or that the control should be vested somewhere, so that there will be no question about it, and that the people's rights will be protected.

Mr. TRIBBLE. I thoroughly agree with the gentleman from Illinois [Mr. CANNON] who has just taken his seat. He once lived in the piedmont region of the South. In those days there were no manufactures there. To-day it is the finest section upon the face of this earth, both in farming and manufacturing. The mills are there, the cotton grows there, and it is manufactured there. I do not know the conditions that exist in other sections of the Union, but I do know the conditions that exist in the South. We need development there, we need the capital there, we need the mills there, and we need water power developed, and I can not understand why gentlemen object to the construction of dams and water power in many sections of the South where this development is so much needed.

Mr. FOSTER. The gentleman may not understand that, because he possibly has not studied the question sufficiently to know why. I will say to the gentleman that the reason why I object, without certain restrictions being placed in these bills, is that the corporations of the country ought not to control all the water-power sites of this land. That is why I am opposed to it, and I think a Democrat can afford to stand upon that kind of a platform, and ask that the people's rights in these matters be safeguarded, and that they shall not be permitted to be oppressed by any corporation or any set of men anywhere and at any time.

Mr. GALLAGHER. And that is what the corporations are trying to do.

Mr. PADGETT. If there are individuals who want to construct dams for the benefit of their local communities, what objection has the gentleman to that? I am speaking of a case where the privilege is asked by individuals, not by corporations, and where the people of the neighborhood want the dam built.

Mr. FOSTER. I should like to ask the gentleman from Tennessee if he can inform the House how long those individuals will keep a franchise without transferring it to some corporation or possibly some water-power trust?

Mr. PADGETT. I do not know how long, and it does not make any difference, so long as it will be for the benefit of the local people who want it developed.

Mr. FOSTER. It may not make any difference to the gentleman from Tennessee, but I think it does make a difference to the people of this country to know what shall be done with this water power.

Mr. BOWMAN. Will the gentleman suggest wherein he would further safeguard this bill so as to protect the public? Let me suggest in that connection that I know of localities where water power is going to waste. Of course, the gentleman agrees that a mill can not be run with the water that has passed, and if water power is put in it will be of great advantage to a given locality, possibly making it a manufacturing district, where coal is not available at a reasonable price. As I understand it, the State has the power in this bill to fix the price if it is unreasonable, and the United States Government has the power to alter, amend, or repeal. I do not know where this dam is located. I am not interested in it, but it does seem, as a general proposition, that there ought to be an opportunity to develop these water powers. In the meantime the coal of this country is being mined and wasted where it is burned at points where water is running away useless that should be used to provide power.

Mr. FOSTER. I think my friend from Pennsylvania [Mr. BOWMAN] misunderstands me. I am not opposed to the development of water power in this country. I am for it. I believe I stand just as much for the development of water power in this country as the gentleman from Pennsylvania does, and will lend a helping hand in doing whatever is in my power to help along in the matter; but I want to look a little further than simply the development of water power which gives some individual or corporation or company the right to use as they please that water power when they have it. The fact that a great amount of capital may be necessary to develop the water power is not the only question that concerns me; but I am concerned, and I think the gentleman is concerned, with the proper regulation of the water power and the rights of the people in these matters—the rights of the consumers themselves who have to buy the power after it is generated by these companies. I think that all of these bills should contain provisions that safeguard the rights and the interests of the consumer.

Mr. BOWMAN. This bill is safeguarded in that respect. The Government has the power to alter or amend or to repeal it at any time, and the State also, by virtue of the amendment inserted in the Senate, has the power to change or alter the price if it is not reasonable. Does not the gentleman think it is sufficiently guarded, and if not, what would he suggest?

Mr. FOSTER. I could not go into all of the terms at this time, but I would state that I would have proposed such amendments as would guarantee to some one, the Secretary of War or some one else, the right to examine the books and papers of the company in reference to fixing the charges they may make to the people of the community or wherever that power may be consumed. I would have that. That is the main and important point in this matter. Then there is another matter.

Possibly I am treading on ground that may be disputed, but I think that when the General Government is called upon to improve navigation by spending thousands and millions of dollars the Government retains some right there, and I believe that in the generation of water power the Government has some right to remuneration when that water power is used by a corporation.

Mr. FLOYD of Arkansas. Mr. Speaker, I would state in connection with what has been said that the bill pertains to my district. It is a local measure, and the purpose of the amendment is to meet local conditions. The Government has condemned the White River as a navigable stream for 150 miles below where this power plant is to be located.

Mr. FOSTER. Mr. Speaker, I will say to the gentleman that I think very highly of him and that I would not fight any bill simply because he happened to advocate it and because it affected his district.

Mr. FLOYD of Arkansas. Oh, I do not mean to imply anything of the kind, but I desire to ask the gentleman a question.

Mr. FOSTER. Let me finish. The gentleman says the Government has declared this stream for 150 miles to be nonnavigable. I want to state that in the report of the Waterways Commission he will find it stated that the rights of the Government extend far beyond the actual navigability of the stream, and that for the purpose of conserving and making that river navigable the General Government has rights far beyond where the stream may be actually navigable.

Mr. FLOYD of Arkansas. I insist that this bill does not deny any of the rights of the General Government. The Senate provided for an amendment to the bill which permits the people of the State, it is true, to regulate prices and prevent discrimination. It expressly recognizes in the State a right that the State undoubtedly now has. Does the gentleman from Illinois object to that?

Mr. FOSTER. Oh, no; I am for it, and I hope the State of Arkansas will regulate the prices. I think the amendment improves the bill very much, and without some amendment giving the right to regulate charges I would not be for it.

Mr. FLOYD of Arkansas. And I want to state further that the right to amend or repeal or modify this act is reserved to the Government in the act itself. It is left within the power of Congress, at any time in the future when they decide on a permanent policy in reference to these water powers, to revoke or modify or amend this act and in the grant as thus modified to regulate the affairs of the power company by the action of Congress in so far as the rights and powers of the Federal Government extend or may be involved.

Mr. FOSTER. Oh, I think the amendments are good.

Mr. FLOYD of Arkansas. Is the gentleman opposed to the bill?

Mr. FOSTER. Oh, I am not fighting the gentleman's bill. I am talking on the general policy.

Mr. FLOYD of Arkansas. I am not talking about the general policy. I want to get this matter settled, because it is a matter of great interest to my people and my State. In this connection I wish to State that the bill as it passed the House was in strict conformity with the requirements of the general dam law. The Senate amended the bill, inserting as a new section the following amendment:

SEC. 2. It is understood, and this act is enacted on the express conditions, that the State of Arkansas shall first consent to the construction of said dam and shall have authority to fix from time to time reasonable charges for power and current furnished by the said Dixie Power Co., to regulate the service for the electric current and power produced by requiring that the same shall be furnished to all proposed consumers who apply in good faith to purchase the same without discrimination as to service and charge, and in the order in which application therefor is made, except that in the event power and current sufficient to supply all applicants can not be produced that preference shall always be given to such applicants as shall consume the same within the said State. Upon the expiration of the authorization granted by this act the said dam shall, at the option of the said State, become the property of the State of Arkansas, or any grantee of hers, upon the payment to the said Dixie Power Co. of the value thereof as a structure, disconnected from any license, grant, permission, or franchise, as said

value may be ascertained by negotiation, or, in default of agreement, by fair arbitration or by judicial proceeding, as said Dixie Power Co. shall elect.

This amendment, in my opinion, improves the original bill. It recognizes in the State of Arkansas the right to regulate charges and prevent discriminations on the part of the Dixie Power Co. It also provides that at the expiration of the authorization granted by this act the said dam shall, at the option of the said State, become the property of the State of Arkansas upon the payment to the said Dixie Power Co. the value thereof as a structure, and in case of disagreement as to price it provides for settlement by arbitration or by judicial proceedings. It seems to me that every one of these provisions are in the interest of the general public and at the same time are just and fair to the power company receiving the franchise. I hope, therefore, that the gentleman from Illinois [Mr. FOSTER] will understand that the very purpose of this amendment is to protect the public against exorbitant charges and unjust discriminations by the Dixie Power Co. or its assigns.

In conclusion, I will add that the construction of this proposed dam and the development of a great water power thereby will be of incalculable benefit to the people of Arkansas. It will stimulate development along many lines and will create new industries and new enterprises, all of which supply employment for hundreds of workingmen. It will utilize for power purposes a magnificent mountain stream little used for navigation, and I therefore hope that at the conclusion of this discussion all opposition will be withdrawn and that the conference report will be agreed to and that the bill will pass.

Mr. RAINEY. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Certainly. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman from Illinois has 25 minutes.

Mr. FOSTER. I yield 15 minutes to the gentleman from Illinois [Mr. RAINEY] and reserve the balance of my time.

Mr. RAINEY. Mr. Speaker, I do not think I shall take that much time. The question of water-power development in this country and in Canada is in a formative state. There has not been much demand for water power until a comparatively recent period. There was not any demand for it until it was ascertained that without appreciable loss water power could be converted into electrical energy and could be carried 200 miles. Since then it has become valuable, and there is the best of reasons why it should. This bill may possess much merit. It apparently does. This amendment put in by the Senate seems fair upon its face and is a long step in advance, but it does not settle the question by any means. It is not an answer to the objections we make to these bills to say, what are you going to do about it; are you simply going to obstruct these bills; what do you want us to put in them and what sort of legislation do you want that will protect the interests of the States and individuals and the General Government? No man can answer those questions offhand. At the present time water-power lawyers are beginning to develop throughout the country, and they all take the water-power side of it, and they are filling the legal journals of the country with briefs and with arguments on the question of water power and its development and the right of the States and the rights of individuals and the rights of the General Government.

At the present time in Canada they have taken steps far in advance of anything we have attempted, and in the matter of water development in Canada they are ahead of us. In the Province of Ontario, Canada, in the last two or three years they have adopted a method of dealing with water power which may not be applicable here in this country, but which seems to suit them. They have appointed there a hydro-electric commission, and that hydro-electric commission has been given the power to appropriate land, take possession of water-power sites, and to control water-power development in the rivers, and they are leasing these water-power rights to municipalities within the Province of Ontario, and it seems to meet with general approval there and in other sections of Canada. Now, whether that would be a proper thing to do here or not I am not prepared to say. These numerous bills are each of them separate attempts to secure 50-year franchises from this Government for the purpose of developing water power in isolated localities. It is no answer to the objections made by my colleague from Illinois [Mr. FOSTER] to say "I have no interest in the general question of water-power development; I am just interested here in this particular question." If all of these projects go through and all other similar water-power possibilities are absorbed in this way, as they will be, it will not be long until there is no water power to conserve—the trusts will have it all. Now, I do not know much about the White River in Arkansas, but I have heard within the last two or three days that the company which has attempted to secure the largest number of franchises down there is the company known as the Ozark Power Co., represented here now in the city of Washington by a very pleasant gentleman from St. Louis, who is here interested in this bill, and perhaps in other bills. He does not live in the State of Arkansas at all, but he lives in the city of St. Louis, and he is especially interested in this particular bill. Therefore I take it that his incorporators or the persons who are interested now or who will be ultimately interested—and perhaps the gentleman from Arkansas does not know who will be ultimately interested, and I do not know, either—will be somebody who lives outside of the State.

I understand the Ozark Power Co. has already secured certain rights in other portions of the White River; that high above this particular section where it is sought to put in this power plant another company—I do not remember the name now—secured a franchise some time ago by a private bill which passed through Congress, and the Ozark Co. immediately took over the other company. This same Ozark Co. is also interested in another bill reported out by this committee and asking for another franchise to build another dam at still another power site on this same river. Now, if this bill goes through granting these rights to the Dixie Power Co. in this river, what assurance have we that it will not be long before the Ozark Co. takes this particular project over? There is nothing to prevent the transfer of these franchises from the individuals who get them or from the companies who get them to any other company. Now, the mere fact that individuals are here from Tennessee asking for the right to build a dam across a river is of itself a circumstance that should compel Congress to examine carefully into the project. It takes millions of dollars to develop a river, a million dollars to build a dam and the locks that the Government might afterwards require to be built there, and individuals can not float that kind of an enterprise; and whenever we hand to individuals a franchise—and we do not know how valuable it is; there is no evidence before the committee of this House to show how valuable any of these franchises are—when we hand them that we have given them something they can sell the next day for $100,000, perhaps, and we do not know it. Most of these bills are speculative. It has not been long since a number of little companies were organized to develop power down in South Carolina, and it has not been long since the country found out that the Southern Development Co.—I think that is the name of the organization—controlled all of these power propositions and were extending their operations into other States; and we know now, at any rate I have reliable information, that the Southern Development Co. are the Duke tobacco people. They have developed power in South Carolina until at the present time they develop 260,000 horsepower of electrical energy every year, more power perhaps than is developed in any of the States in the Union except New York, where they have over 800,000 horsepower—where they have Niagara Falls—and perhaps also California and the State of Massachusetts.

I heard only yesterday, from a reliable source, that the Southern Development Co., after arranging to supply power for all these factories and arranging contracts with cities to supply the electricity with which to light their streets, and after having made it absolutely necessary for these factories and municipalities to be dependent upon them—I heard yesterday that the Southern Development Co. had notified all their patrons that as soon as the present contracts terminated they proposed to raise the price for the power they were supplying to these individuals and to these municipalities. Now, the power possible to develop in rivers is just as valuable as the coal that lies under the surface of the ground. You do exactly the same things with it, and our coal supply, we are told, is rapidly diminishing. Now, would it be right for Congress, if it could, to pass an act without any investigation granting all of this over to corporations——

Mr. GALLAGHER. And you do not know who the individuals are.

Mr. RAINEY. And that would not make it right, if you did—to go on the public lands and to give them the right over 100 square miles of territory for 50 years to mine coal and to take out all the coal they wanted to mine. Why, such a bill as that, if it passed this House, would cause a wave of opposition and indignation to sweep across this country. Why? Because people understand about coal, because they know its value, and because they have been using it for centuries in the world. They do not understand about water power, they do not understand the potential value of our rivers that flow down to the seas, and yet for hundreds of years and thousands of years, as my colleague from Illinois [Mr. CANNON] has said, these rivers have been flowing on down to the seas, this power has been created every minute of every day of a million years, and has been

going to waste until now, and the time has now come to develop it.

The time has come to develop it because it must be done, and because it can be utilized, and because it can be sold 200 miles away from the place where it is generated on the rivers. If the time has come when this valuable property which the Government owns can be used and can be sold—has not the time come, before we do that, to find out what we are giving away and to find out how valuable it is? Now it is proposed to turn it over under the policy embraced in the general dam act which simply provides for the restoration of the navigability of rivers after these power dams have been completed, and which attempts to do nothing else of importance. That is as far as we have gone with the question of developing a water-power policy in this country. In Norway they develop water power, and I understand it is done by the State, and they sell it to the consumer there at from $4 to $6 per horsepower.

Throughout this country we are developing water power on sites where it is easier to develop power than it is in that country, and on rivers that are bigger, and in places that require less investments of capital. Corporations are doing it, and individuals are doing it, and they are selling it to consumers at $25 per horsepower. When there is such a varying price in the amount consumers have to pay in different parts of the world to-day, does not that at least indicate that before we give all these things away we ought to find out what we are giving away, and then we ought to find out how to give it away, if we are going to give it away. But whether or not the State or National Government is entitled to receive revenues in order to protect——

Mr. SHACKLEFORD. Which is entitled to the revenues, the National or the State government?

Mr. RAINEY. It is a moot question.

Mr. SHACKLEFORD. In the opinion of the gentleman.

Mr. RAINEY. My opinion would not be any better than your opinion. You are welcome to your opinion and I am welcome to mine. I will state to the gentleman from Missouri [Mr. SHACKLEFORD] that I am not prepared to discuss at this moment that question.

Mr. SHACKLEFORD. Are you prepared, then, to vote on it?

Mr. RAINEY. I am commencing to study this question, and I propose to form opinions on it, and I think every Member of this House ought to do it; but you can not vote intelligently on this question until you can form an opinion as to the rights of the State and the General Government.

Mr. RICHARDSON. Does the gentleman say that he ever read a law book that did not give the right of navigation to the Government and the State the use of it? Have you ever read a law book——

Mr. RAINEY. I have read a great many law books, I will say to my friend.

Mr. RICHARDSON. Do you remember ever to have read one that did not concede the fact that the Government alone had control of the navigation?

Mr. RAINEY. That is the law—the common law. It always has been so. I will say to my friend from Alabama [Mr. RICHARDSON] I hope the National Government is entitled to some revenue consumers from these plants. The question of water-power development is so new that the courts have not passed upon it yet. I will say that this question is being fought out in the courts of New York, and water-power lawyers are contending that the State can not exercise the powers it seeks to exercise over power companies in the interest of consumers.

Mr. RICHARDSON. I was one of the conferees on this bill and supported it, and I have my fixed and firm ideas about water power.

Mr. RAINEY. For which no man has greater respect than myself.

Mr. RICHARDSON. I am very glad to know that. You stated you wanted to know whether this dam had been provided for and taken care of. Why, do you not know it to be a fact that when——

The SPEAKER pro tempore (Mr. ROBINSON). The time of the gentleman from Illinois [Mr. RAINEY] has expired.

Mr. FOSTER. I yield five minutes more to the gentleman.

Mr. RICHARDSON. I would like, Mr. Speaker, a little time to express my views on this subject.

Mr. RAINEY. I will be glad to answer the gentleman's question, if I can.

Mr. RICHARDSON. When the House passes this bill, as it will do this afternoon, it will make it depend upon the water dam act, will it not?

Mr. RAINEY. Yes.

Mr. RICHARDSON. The dam acts as passed in 1906 and 1910?

Mr. RAINEY. Yes.

Mr. RICHARDSON. Now, is it not a fact that the Government requires of this party to pay toll?

Mr. RAINEY. I do not so understand it, and I have no confidence in these clauses which provide that this franchise can be revoked. The Government can not destroy property in this way, and if two or three million dollars is spent in this project the Government can not revoke this franchise without paying the men who have invested their money for their property, and the Government will not do so.

Mr. RICHARDSON. Now, who would those men pay for the use of the water?

Mr. RAINEY. I do not know. The Government has not adopted that policy yet, but I am hoping it will.

A great organization in this country, the National Conservation Association, with ample capital and means, is investigating this very question at the present time, and is employing the highest legal talent in solving it. They have not yet reached a conclusion, and, if they have not, I hope the gentleman from Alabama will not compel me to do it in 20 seconds of time.

Mr. RICHARDSON. I want to hear from you.

Mr. RAINEY. You may some day, but not now.

Mr. TRIBBLE. Does the gentleman think, with the great progress of this country, that we should stand still and wait for that society to make up its mind?

Mr. RAINEY. I think that we have stood still in this country as to the question of giving away these rivers from the time the bells rang out announcing the adoption of the Declaration of Independence, and if we have stood still upon this question that long, now when it becomes a vital question, no man, except those individuals and these corporations who are trying to grab off these valuable franchises, can be injured in the least by waiting a little while longer, until we find out what we are doing.

I was in this House about nine years ago when a bill passed without any opposition, by unanimous consent, because then we did not know about water power, granting to a private corporation the right to dam up the Mississippi at the city of Keokuk. And they have built there now the Keokuk Dam, one of the greatest dams in the world. We are all proud—those of us who live in the States adjoining that river—of that magnificent enterprise. It is the greatest dam in the world, perhaps, except the dam erected down on the Isthmus of Panama at Gatun and the dam erected by the British Government across the River Nile. It is nearing completion. They got that franchise without the payment of a single dollar to any State or to the National Government.

Mr. MANN. Mr. Speaker, does the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Illinois yield to his colleague?

Mr. RAINEY. Yes; I will yield.

Mr. MANN. Does the gentleman know that that franchise cost them about $2,000,000 in improvements for the benefit of the General Government?

Mr. RAINEY. No. I know they have expended more than that amount, as I understand it.

Mr. MANN. For the benefit of the General Government, I say?

Mr. RAINEY. No; I do not understand it so.

Mr. MANN. That is the case.

Mr. RAINEY. They built better locks there than were there before. The gentleman is right about that, but they already had locks there that were ample.

Mr. MANN. But not the same ones.

Mr. RAINEY. The gentleman is right about that. They built new locks. They are not the same locks.

That dam is now nearing completion, I say, across the Mississippi River. I was informed by a stockholder of that company not over four days ago that they had made a contract, to commence next year, as soon as they generate power there—a contract with one of the traction companies in St. Louis—to furnish it with enough electric power to move its cars along its tracks in the city of St. Louis, and that the income that they expect to derive from that one contract, which, so far as I know, is not one one-thousandth part—it is certainly only a fraction—of what they will be able to produce when they fully develop this plant, will pay 5 per cent interest, the interest required to be paid on their bonds, on their entire bond issue, and the rest that they can get out of it every year is absolutely clear. In the meantime they are going through the States of Iowa and Illinois and Missouri acquiring rights of way for transmission lines. A company is making arrangements

to build there in the coal section of Illinois what water-power advocates claim will be a steam plant to compete with the Keokuk Dam, where they propose to produce electricity by steam and supply the cities of Chicago and St. Louis from there. They are now arranging to build that great steam plant. It is only about 150 miles away from the Keokuk Dam. I make this prediction: I will say that I do not know anything in detail about this proposed steam plant, but I have been examining into these water-power companies and looking into their ways of doing business, and I make the prediction that they can not market their power for the purpose of moving cars along traction lines every day; they can not market their power to run factories every day, unless it is possible to supply them with power all day long and every day in the year. There are times when the Mississippi River freezes solid, and the Keokuk plant can not then develop power; and there are times when the water is low in the river, when they can not develop all the power they need.

Then, what do they need? A steam plant. That is why they are cornering coal fields there in central Illinois for the purpose of establishing a steam plant to enable the Keokuk company to supply electrical power when the Mississippi River fails, is low or is frozen over. This steam plant, we will find, is not a competitor for the Keokuk Dam, but we will find it will be a part of that project. I want to see the power facilities of our rivers developed, completely developed, but I would like to see the development occur when we determine how it ought to be done, when we have taken steps to protect the National Government and the States of this Union and individuals who, in this period of diminishing coal fields in this country, will soon need this power, and who ought to be protected by this Congress.

My position is that it is not a wise policy now to give these things away indiscriminately in advance of knowing what we are doing, and I think we will know what we are doing in a short time.

Mr. MANN. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. RAINEY. I yield to my colleague.

Mr. MANN. I understand the gentleman to state that this Keokuk company had arranged to dispose of not to exceed the one-thousandth part of their power?

Mr. RAINEY. I do not know enough about the Keokuk company to speak positively as to this. When I said they were doing that, I meant to say that they were disposing of a relatively small amount of the power they can develop there to this one company, and that the relatively small amount they were so selling will pay the interest on all of their bond issue, and therefore they are left with tremendous profits; I do not know how much.

Mr. MANN. I want to say to the gentleman, further, that the gentleman who gave him his information was indulging in a "pipe dream."

Mr. RAINEY. He may have been, but——

Mr. MANN. It may have been because he was an enthusiastic stockholder.

Mr. RAINEY. I will say that I got my information from a stockholder of the company, and he told me that is what the company claims they can do. He has made his investment; he thinks he is going to make some money.

Mr. MANN. Those companies issue very glowing prospectuses.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. RAINEY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, if no other gentleman from Illinois desires to speak, I would like to bring this debate to a close.

Mr. SIMS. Mr. Speaker, I ask for just one minute.

Mr. AUSTIN. Mr. Speaker, I would like to have 10 minutes.

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Tennessee?

Mr. MANN. Certainly.

Mr. SIMS. Mr. Speaker, I want to ask the gentleman from Illinois [Mr. RAINEY] a question. Is it the contention of the gentleman from Illinois that in all of these cases of water-power improvement, where it requires an act of Congress to make improvements, Congress does have the right to place upon the grants such conditions as Congress may see proper to impose?

Mr. RAINEY. I think so; yes.

Mr. SIMS. That is the groundwork of the gentleman's whole contention?

Mr. RAINEY. No; the groundwork of my whole contention is that we do not know what we are doing.

Mr. AUSTIN. When are we going to know?

Mr. RAINEY. And my contention is that we ought to know what we are doing.

Mr. ADAMSON. Mr. Speaker, the gentleman from Tennessee [Mr. AUSTIN] insists that on account of some things said in debate he ought to have some time, and I yield to him 10 minutes.

Mr. AUSTIN. Mr. Speaker, I believe it the duty of the American Congress—of every Member of Congress—to do practical things in the discharge of our official duties here, not to indulge in idle dreams and fancies, not to delay the development of this country until the gentleman from Illinois [Mr. RAINEY] makes up his mind as to what the policy of the National Government should be in reference to these power propositions. He has already admitted in this discussion that for nine years this matter has been held in abeyance, awaiting some policy that might meet with the approval of the impractical and the dreamers on this and other kindred subjects.

Every water-power development means a conservation and the saving of the coal in the mountains. [Applause.] Every lock and dam on a navigable river by a private company means the expense of that improvement to private citizens and the saving of that amount to the taxpayers of this country.

Mr. SHACKLEFORD. Every water-power development means the loss of that amount to the coal barons who sell their coal at high prices.

Mr. AUSTIN. Yes. It is a question of whether we will have now in this day and time and generation a cheaper motive power by the development of the water powers of the country or whether we will forever procrastinate and delay the settlement of this question and in the meantime permit those who control the steam or fuel supply of this country to continue to sell power at high prices and thus increase the cost of running every plant in America. It not only means the development of these streams for practical slack-water navigation now to every community upon them, but it means a cheaper transportation rate for the products of the farm, the factory, and the mine. It means an investment of millions of dollars in the employment of thousands of workingmen at good wages. Yet the gentleman [Mr. RAINEY], when questioned on the floor of this House, could not answer a specific question as to whether the States or the National Government should collect a royalty from water-power companies. Well, are we going to delay it until he reaches a conclusion? He says it has been a disputed question for nine years.

I asked the other day for the passage of a bill which meant a saving to the taxpayers of $3,000,000 on the initial improvement of a river that would give cheaper coal transportation to the cities and towns along the Tennessee and Mississippi Rivers, and insure the maintenance and operation at private expense for all time of the locks and dams upon the Clinch River. Yet the gentleman who has addressed the House [Mr. RAINEY] objected to it. Well, if the Government insists upon the withholding of water-power rights, then we demand of the Government the immediate improvement of that river at the expense of the taxpayers of the country. Magnificent water powers in the South have been and are running to waste and will continue to do so until the theorists and dreamers of this land decide what they want to do. As a practical Member of this House and one living in the present and not in the distant future, I want to see legislation along practical lines for the people that sent us here to legislate, and not indulge in dreams and speculation. The gentleman from Illinois [Mr. RAINEY] modestly admitted the other day that in objecting to four or five of these bills he had saved the taxpayers $25,000,000. I believe that to be a pipe dream. That gentleman the other day denominated these bills a steal and a robbery. One of them comes from a district represented by the honorable chairman of the Committee on Naval Affairs [Mr. PADGETT], and a more honorable man does not sit upon the floor of this House. [Applause.] His was a bill to dam a little river in his district—Duck River—by a private company composed of his own citizens, to develop less than 2,000 horsepower and bring into the towns of his district cheaper power. Yet it was denominated on the floor of this House a steal.

Here is the gentleman from Missouri [Mr. SHACKLEFORD] who has been here many years. I repudiate the idea that he is back

of any steal in offering and advocating a bill for water-power development in his district. The gentleman from Iowa [Mr. PEPPER] is the author of another bill. I do not believe he could be misled or seduced or deceived into fathering a bill which was a steal or a robbery. The general dam act of the United States says the Secretary of War and the Chief of Engineers shall have authority to impose upon every one of these companies compensation to the United States for any right or privilege in the years to come. Is there not ample authority in every State of this Union to regulate the question of rates for the use of power in any county in a State? These companies can not live without an income, which they must derive largely from furnishing cities and municipalities power for street and lighting purposes. In the State of Tennessee every mayor and board of aldermen have the right to say, "You can not enter the corporation limits unless you frame your schedule of prices so and so."

Mr. RAINEY. Will the gentleman yield?

Mr. AUSTIN. No, sir.

The SPEAKER. The gentleman from Tennessee declines to yield.

Mr. AUSTIN. No man accusing me of fathering a steal can have any of my time on the floor of this House. [Applause.] There is power, under the general dam act, in the Secretary of War to protect the people of the United States. There is authority in every State legislature and every municipality to protect and safeguard the interests of consumers of power. This Congress, while Democratic, has been legislating in the interest of the people. Let them keep up that splendid record by being practical and doing something to develop the industries of the country and advance water-power projects, which means cheaper transportation on the rivers and cheaper motive power in many hamlets and cities in the land. Do not be driven from this great undertaking in the growth and development of our splendid Republic by the demagogue of this House or any man who, in order to oppose it, must unkindly and unjustly reflect upon the honor and the manhood of the men who introduced these bills in good faith. [Applause.]

Mr. ADAMSON. Mr. Speaker, the beautiful speeches in this academic discussion have consumed so much time I am loath to extend the debate to any great extent, and I am perfectly content to close with a very few remarks before I move the previous question, if the House will first grant me permission to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, as I understand it, the gentlemen who have so eloquently spoken and covered such extended territory of learning and wisdom are not opposing the particular bill now in question. They are talking on general subjects, and, like Judge Longstreet's man who was out in the woods preceding the fight on the market day and was pummeling the ground and punching holes and cussing and bragging, they are simply showing how they "could have fit" if there had been issue here. [Laughter.]

Mr. Speaker, I deny that the innocent little bill involved here is helped or harmed by the Senate amendment. I yielded to that amendment because I was assured by the Senate conferees that the gentleman from Arkansas [Mr. FLOYD], my colleague, could not pass his bill, which was very necessary to the people of his community, unless that was added. The idea that that bill gives to the State of Arkansas authority to do the things recited in it I utterly repudiate and deny.

The State of Arkansas already had the authority to do what the amendment provides. If she did have it, Congress has no power to order her to do it. If she has not the authority, Congress has no power to give it to her. I do not know whether the amendment seeks to give the authority to Arkansas or seeks to order her to do it herself, or provides that it is done by Congress. In either event it is idle and nugatory. Certainly that part of it which provides for discrimination against the citizens of other States in favor of the citizens of Arkansas is unwise and contravenes our purpose to regulate interstate commerce. Persons have a right to run their lines across the State lines. If they do, then the transmission of power across the line will be interstate commerce. The very purpose of the commerce clause of the Constitution was to prevent the citizens of one State from discriminating against the citizens of another State.

I think every State should, like my own State, understand the duties of statehood as well as the rights of statehood and recognize the difference between States which helped make the Union and States which Congress made. Rightly interpreted, there is no difference and they are on the same basis, and all of them are charged with the duty of local responsibility and government instead of throwing it onto Congress.

It would also be well for statesmen to learn and observe the difference between the principle and form of government obtaining in this country and in Canada. The State of Georgia successfully controls and regulates the transmission, distribution, and rates of power and light within her borders. Every other State that is worthy of statehood can and should do the same.

I did not stop to quarrel about my views. I wanted this water power to be developed and I yielded. My colleague from Alabama, Judge RICHARDSON, thoroughly agrees with the doctrine that where a State grants authority to a corporation or an individual owning the land and the shoals, and the Government will grant its consent under conditions for water power to be developed in such a way that it will not obstruct navigation, then the State and the citizens have the right to the revenue and to control the same and not the Federal Government. [Applause.]

Mr. RICHARDSON. Mr. Speaker, I ask consent to reply to the remarks just made by the gentleman from Georgia [Mr. ADAMSON]. I do so as one of the conferees who differs with my friend from Georgia [Mr. ADAMSON]; and to such an extent did we differ that we struck out the statement entirely, and we unanimously reported the bill. I favored the bill as the same was signed by the conferees; but I have fixed and matured views on water powers, but I deem it unnecessary to apply my views to this Arkansas dam.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I notice the gentleman signed the conference report.

Mr. RICHARDSON. I did.

Mr. MANN. There is no division as to that part of it.

Mr. RICHARDSON. Of course there is no division, but there was a division, a marked division, in the writing out of that conference report before the signing of it, and then afterwards we altered it.

Mr. MANN. I do not object.

The SPEAKER. If there is no objection, it will be so ordered.

Mr. RICHARDSON. That portion of the conference report to which I objected is as follows:

SEC. 2. It is understood and this act is enacted on the express conditions, that the State of Arkansas shall first consent to the construction of said dam and shall have authority to fix from time to time reasonable charges for power and current furnished by the said Dixie Power Co., to regulate the service for the electric current and power produced by requiring that the same shall be furnished to all proposed consumers who apply in good faith to purchase the same without discrimination as to service and charge, and in the order in which application therefor is made, except that in the event power and current sufficient to supply all applicants can not be produced that preference shall always be given to such applicants as shall consume the same within the said State. Upon the expiration of the authorization granted by this act the said dam shall, at the option of the said State, become the property of the State of Arkansas, or any grantee of hers, upon the payment to the said Dixie Power Co. of the value thereof as a structure, disconnected from any license, grant, permission, or franchise, as said value may be ascertained by negotiation, or, in default of agreement, by fair arbitration or by judicial proceeding, as said Dixie Power Co. shall elect.

It now is due to myself to say I did not believe that reference to the rights of the State of Arkansas had anything on earth to do with the Dixie Power Co. It could not add anything to the rights of the State of Arkansas and could not take anything from the State rights, and especially in relation to water powers in dams or otherwise.

I believe that the act to regulate water power, outside of its provisions to regulate navigation of navigable streams, will be yet passed on by the courts, and I hope a case will soon reach the Supreme Court of the United States and give the country light on this important question—upon what responsibility is charged on these dams and from what source.

Mr. ADAMSON. Mr. Speaker, I am not acting upon any idea that I will enforce my views or stop the machine. I have stated to the distinguished gentleman from Illinois [Mr. FOSTER], who is a doctor and not a lawyer, and whose views therefore on these questions are entitled to be received with toleration, that I was willing, perfectly willing, to have hearings to amend the general dam act if he or other gentlemen would show to us defects in it or meritorious provisions which ought to be added, and we intend to do that. We intend to appoint a subcommittee to summon every solitary one of these gentlemen before it and find out just how many divergent views and opinions there are, and what things ought or ought not to be put in as amendments, and whenever that is done we will report it to the

House. We expect to do that at the next session of Congress. I have further told the distinguished gentleman, in reply to what he said about it, that instead of objecting to particular bills and obstructing progress and the development of water power he should rise and offer some amendments to the bill, but he was afraid he could not pass them, and that did not suit him.

It was easier simply to object to the consideration of the bill than it was to offer an amendment and make a suggestion to the House and let the House pass upon it. Now our idea is to have such authority in the general dam act which we have adopted under which we refer bills to the Secretary of War. We think the general dam act is sufficient, but we are ready to amend it if necessary. If the Secretary of War and the Department of Justice do not do their duty, we can not help it. I admit I am not perfectly qualified for trust busting, and to hear men talk there are a great many who can beat me at trust busting, but I have never seen the practical and beneficial results of any of their work in that respect, and I say, Mr. Speaker, that I do hate, with a pure and holy hatred, any combination which excludes or limits the rights and opportunities of fellow men and pockets unjust profits by combinations and trusts, raising prices to consumers and putting men out of employment and destroying their opportunities. [Applause.]

I hate them with as much red-eyed hostility as any progressive reforming apostle of pretended advancement who is or ever was in this country. But I want something practical. If there is any one of these cases that is bottomed in rascality, of which they did not learn in time to come before the committee with the information, they can get up and state it to the House. Specify—general innuendoes and insinuations do not become great statesmen. Let them get up and say thus and thus is true of a particular case. This man is a rascal; he has gobbled up all the opportunities, all the steals, all the resources, and I will move to strike out the item from an omnibus bill, or I will vote to defeat this or any other bill. But they are not specifying any particular thing. Now, the gentleman from Illinois, the last speaker, by beloved friend RAINEY, for whom I have great affection and regard, excuses his performance in this case, in my judgment, by saying he has just commenced to study the question. Well, we have been studying this question for many years. There is nothing he has named that happened since the first general dam act was passed. Nothing wrong has developed since the general dam act was passed, as brought out by my friend from Illinois [Mr. MANN]. If there is, it is the fault of the Secretary of War. It is up to him to fix any condition under the sun on which these dams can be built. Now, in all fairness I say to my beloved friend from Illinois [Mr. RAINEY] he ought not to stop us at this point. He halts the progress of development, he deprives men of the present generation, whose lives are growing shorter every day, of opportunity while he is studying the question. We want him to study it. The gentleman has studied lots of questions and has gained knowledge from them and benefited the world thereby, for he is straight on most of them; but while he is studying water power and learning the difference between a dam which private capital builds, by the consent of the Government, on which the private owners have the right to take the profits and which the States have the right to control, and those which the Government builds in the improvement of navigation, which pays the expense of it, and thereby becomes the riparian owner and proprietor as well as the Government—while the gentleman is learning that distinction, which we have learned years and years ago, let him not obstruct these projects. Let progress go on; let us pass these little bills, and no man, Mr. Speaker, will be more ready than I to vote down any bill at any stage where it is necessary to throttle a trust or deprive unholy cupidity of unjust and ill-gotten gains. I yield to the gentleman from Iowa. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has five minutes.

Mr. MANN. The gentleman had an hour. He has not consumed his hour.

The SPEAKER. The gentleman did not have an hour when he began his last speech.

Mr. MANN. Certainly, the gentleman did not consume all his time. I took the floor in my own right in the first place. I did not get time.

The SPEAKER. Possibly the Chair is entirely wrong about it, but the gentleman from Georgia first got the floor, and he was entitled to an hour.

Mr. ADAMSON. I think the Speaker is in error; the gentleman from Illinois took the floor.

The SPEAKER. The gentleman from Illinois spoke in his own right. How much time did the gentleman from Georgia parcel out?

Mr. ADAMSON. Ten, fifteen, or twenty minutes since I took the floor. [Laughter.]

The SPEAKER. The gentleman from Georgia has 20 minutes left.

Mr. ADAMSON. I am not stingy about a little matter of this sort myself. I yield 10 minutes to the gentleman from Iowa. Under leave to extend my remarks in the RECORD, I submit the following report:

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following report (No. 1050), to accompany H. R. 25882:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 25882) to authorize the construction of certain dams across various navigable waters of the United States therein specified, having considered the same, report thereon with a recommendation that it pass.

The first six projects mentioned in H. R. 25882 were each separately reported to the House, placed on the Unanimous Consent Calendar, on threat of objection postponed for two weeks, and then all but one stricken from the Unanimous Consent Calendar on single objection, the objector stating "because the Government has as yet adopted no fixed policy with reference to the water powers in our navigable rivers, and that all of these reports are very meager and insufficient." In point of fact, each bill was accompanied by a report containing the following, which in the judgment of this committee was not meager nor insufficient.

It was carefully and fully prepared by Mr. STEVENS of Minnesota, who understands the subject and was a member of the subcommittee of able and faithful members who prepared the amendments of 1910 hereinafter referred to.

"The War Department sent to the committee the foregoing letter from the Chief of Engineers approving the bill, but the Secretary of War transmitted a report proposing some changes in the bill which we are unable to approve for the reason that every suggestion he makes is already provided for in the general dam act. The great diversity of circumstances and conditions presented in the multitude of projects seeking authorization by Congress render it difficult and cumbersome to enact extended legislation to prescribe and provide detailed regulations and specific requirements in the bill authorizing each project. Therefore Congress wisely standardized the form of the bills granting the consent of Congress and enacted the general dam act conferring upon the Secretary of War and the Chief of Engineers full power and authority to consider all the questions now raised by the Secretary of War and dispose of them absolutely in each case as conditions of the approval of the plans and specifications presented to him without which no dam can be lawfully constructed. Having by the general dam act conferred absolute power upon the Secretary of War to dispose of all these subjects, to the full protection of the public and the promotion of navigation, we deem it unwise to nullify a beneficial purpose of the general dam act by returning to the suggested old method of incorporating in each bill all legislation upon the subject.

"In the report upon this bill the Secretary of War has suggested amendments in two respects: First, for additional compensation to the United States because of the use of its rights in the generation of the power and the consequent profit from such use; secondly, some reservation for the control by Congress of the rates to be charged to consumers.

"The committee has carefully considered these suggested amendments and is of the opinion that the substance of them is fully covered by the provisions of the general dam act of 1910. The second proviso to section 1 of this act reads as follows:

"'That in acting upon said plans as aforesaid the Chief of Engineers and the Secretary of War shall consider the bearing of said structure upon a comprehensive plan for the improvement of the waterway over which it is to be constructed, with a view to the promotion of its navigable quality and for the full development of water power; and, as a part of the conditions and stipulations imposed by them, shall provide for improving and developing navigation, and fix such charge or charges for the privilege granted as may be sufficient to restore conditions with respect to navigability as existing at the time such privilege be granted or reimburse the United States for doing the same, and for such additional or further expense as may be incurred by the United States with reference to such project, including the cost of any investigations necessary for approval of plans and of such supervision of construction as may be necessary in the interests of the United States.'

"This requires the Secretary of War to consider a comprehensive plan for the improvement of the whole waterway affected by the proposed dam, both for navigation and water power, and as a part of his approval of the plans to provide for the improvement of navigation and 'to fix such charge for the privilege granted as may be sufficient to restore condition in respect to navigability as existed at the time such privilege be granted.'

"In case where the United States has not made improvements and has no property rights in connection with the waterway, this proviso authorizes the Secretary of War to fix charges for whatever rights of the United States which now or can exist with respect to navigability of this waterway in any way affected by this project. The Secretary of War may impose such proper charge as he may see fit upon this basis and within this limit. So the committee does not believe that any further extension of authority is necessary, and a construction of this language in the existing law can secure all the Secretary of War desires within the limits of the constitutional powers of Congress.

"Second. The suggestion that Congress reserve the right to supervise the price charged to consumers is guarded by the general dam act by the right to 'alter, amend, or repeal this act' and by the expiration of the franchise at the end of 50 years. The proper authority to control the charge to consumers are the several States, in the exercise of their police powers, while the United States can only act subordinate to them, by conditions made a part of its grant authorizing the construction of the dam. This subordinate right of control should only be exercised in flagrant cases where the State is unable and unwilling to properly perform its functions. Such cases should not be assumed. But if any shall arise in the future, Congress may amend its grant by fixing conditions as to proper charges for the consumers, if it shall be shown to be necessary for their protection. But now it does not seem wise to presume that the several States will be derelict in their responsibility to their own people."

Neither does your committee acknowledge that the Government has not as yet a fixed policy as to water power in our navigable streams. On the contrary your committee for seven or eight years worked upon a general scheme whereby the Government could consent in uniform method to improve water power without in any way conflicting with the

activity of the Government in developing and maintaining the navigation of rivers. Finally our investigations culminated in a bill introduced by the gentleman from Illinois [Mr. MANN], one of the most astute and profound statesmen of the present generation.

Your committee has observed the vast number of projects demanding the aid of the Government to perfect navigation, and the hundreds of millions of money required for that purpose, as well as the improbability, if not inability, of the Government's undertaking such vast expense within any reasonable period of time. Therefore we conceived the idea that in the shoaly rivers of the country, which could not be navigated without the expense of locks and dams, yet in which shoals owned by private citizens offer tempting opportunities for the development of water power and the conservation of our resources, the Government might avoid the great expense of building dams and locks, hasten the navigability of the rivers, and at the same time permit the development of water power by private capital by granting the consent of Congress that private capital and enterprises might erect dams in such streams, under the direction and with the approval of the War Department, imposing such conditions and requirements as would prevent such development of water power from interfering in any respect with any movement the Government might afterwards wish to make to improve the navigability of the stream, but on the contrary would advance the interests of navigation and help the Government by eliminating the expense of the dams.

The bill introduced by Mr. MANN in pursuance of that idea became a law known as the general dam act, and was regarded by the leading statesmen of the country and the business interests of the country as a happy solution of the question. We had not sought to interfere with or regulate those projects undertaken by the Government itself at the cost of the Treasury for the improvement of navigation, all of which were under the jurisdiction of the Committee on Rivers and Harbors and depend upon an entirely different principle, or rather a radical variation of the same principle. In those cases the Government, becoming the proprietor of the soil, assumes the position as proprietor as well as governor, and while it governs all the operations and regulations as governor it has the right to take the profits and manage all the private details of same as the owner. With those dams we have nothing to do. Some persons, however, either without sufficient acquaintance with the system and the proper distinctions, or differing in judgment from us as to the correctness of those distinctions and the sufficiency of the general dam act, demand more detailed legislation, and pursuant to that demand the late President took a position, sustained by a few Members of the House and Senate, which resulted in arresting the development of water power in the country, and to that extent the development of navigation in those shoaly streams, by suspending for several years the granting of the consent of Congress to such projects. We believed the act needed approval and enforcement rather than amendment, but while not conceding any insufficiency in the terms of the general dam act, your committee, anxious to secure the development of our resources and their conservation for the benefit of the people, proceeded to consider amendments to the general dam act. The distinguished author of the general dam act, Mr. MANN, of Illinois, and the author of this bill and report both opposed any amendment to it on the ground that under its terms the interests of the Government were fully protected and the powers of the Government fully recognized, contending that the granting of the consent of Congress was wisely and succinctly standardized, making it only necessary by individual bills to refer each project to the discretion of the Secretary of War and placing upon that official the responsibility, while vesting him with plenary power, to couple with his approval of the plans and specifications all conditions and requirements necessary to protect the interests of navigation, the good of the country and public, and the interests of the Government in all respects. In order to secure action, remove objections, and resume the process of development in this respect, we yielded our objections, and by the Stevens bill of 1910, after full conference and clear understanding with the ex-President, who had given force to the objections, the War Department, the incumbent President, and every person and official known to have insisted on such amendments, the bill was amended, and it now reads as follows:

GENERAL DAM LAWS.

[Public, No. 262.]

An act to regulate the construction of dams across navigable waters.

Be it enacted, etc., That when, hereafter, authority is granted by Congress to any persons to construct and maintain a dam for water power or other purposes across any of the navigable waters of the United States, such dams shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, or until they shall have approved such plans and specifications and the location of such dam and accessory works; and when the plans for any dam to be constructed under the provisions of this act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *Provided*, That in approving said plans and location such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that such persons shall construct, maintain, and operate, without expense to the United States, in connection with said dam and appurtenant works, a lock or locks, booms, sluices, or any other structures which the Secretary of War and the Chief of Engineers at any time may deem necessary in the interest of navigation, in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock, or other structures for navigation purposes, in connection with such dam, the person owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States a free use of water power for building and operating such constructions.

SEC. 2. That the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built under the provisions of this act, a suitable lock or locks, or any other structures for navigation purposes, and at all times to control the said dam and the level of the pool caused by said dam to such an extent as may be necessary to provide proper facilities for navigation.

SEC. 3. That the person, company, or corporation building, maintaining, or operating any dam and appurtenant works, under the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property either by overflow or otherwise. The persons owning or operating any such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe.

SEC. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War.

SEC. 5. That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War and the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such dam and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such dam and accessory works as an obstruction to navigation at the expense of the persons owning or controlling such dam, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction; and the removal of any structures erected or maintained in violation of the provisions of this act or the order or direction of the Secretary of War or Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Chief of Engineers or the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any dam under this act, the cause or question arising may be tried before the circuit court of the United States in any district in which any portion of said obstruction or dam touches.

SEC. 6. That whenever Congress shall hereafter by law authorize the construction of any dam across any of the navigable waters of the United States, and no time for the commencement and completion of such dam is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the dam authorized in such act be commenced within one year and completed within three years from the date of the passage of such act.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any dam which shall have been constructed in accordance with its provisions.

SEC. 8. That the word "persons" as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations.

Approved, June 21, 1906.

[Public—No. 246. H. R. 24375.]

An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

Be it enacted, etc., That the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, be, and the same is hereby, amended to read as follows:

"SECTION 1. That when authority has been or may hereafter be granted by Congress, either directly or indirectly or by any official or officials of the United States, to any persons, to construct and maintain a dam for water power or other purpose across or in any of the navigable waters of the United States, such dam shall not be built or commenced until the plans and specifications for such dam and all accessory works, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and the Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such dam and accessory works; and when the plans and specifications for any dam to be constructed under the provisions of this act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans or specifications either before or after completion of the structure unless the modification of such plans or specifications has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *Provided*, That in approving the plans, specifications, and location for any dam, such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate, without expense to the United States, in connection with any dam and accessory or appurtenant works, a lock or locks, booms, sluices, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress at any time may deem necessary in the interests of navigation, in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock or other structures for navigation purposes in connection with such dam, the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States free water power or power generated from water power for building and operating such constructions: *Provided further*, That in acting upon said plans as aforesaid the Chief of Engineers and the Secretary of War shall consider the bearing of said structure upon a comprehensive plan for the improvement of the waterway over which it is to be constructed with a view to the promotion of its navigable quality and for the full development of water power, and, as a part of the conditions and stipulations imposed by them, shall provide for improving and developing navigation, and fix such charge or charges for the privilege granted as may be sufficient to restore conditions with respect to navigability as existing at the time such privilege be granted or reimburse the United States for doing the same, and for such additional or further expense as may be incurred by

the United States with reference to such project, including the cost of any investigations necessary for approval of plans and of such supervision of construction as may be necessary in the interests of the United States: *Provided further*, That the Chief of Engineers and the Secretary of War are hereby authorized and directed to fix and collect just and proper charge or charges for the privilege granted to all dams authorized and constructed under the provisions of this act which shall receive any direct benefit from the construction, operation, and maintenance by the United States of storage reservoirs at the headwaters of any navigable streams, or from the acquisition, holding, and maintenance of any forested watershed, or lands located by the United States at the headwaters of any navigable stream, wherever such shall be, for the development, improvement, or preservation of navigation in such streams in which such dams may be constructed.

"SEC. 2. That the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built in accordance with the provisions of this act, a suitable lock or locks, booms, sluices, or any other structures for navigation purposes, and at all times to control the said dam and the level of the pool caused by said dam to such an extent as may be necessary to provide proper facilities for navigation.

"SEC. 3. That the persons constructing, maintaining, or operating any dam or appurtenant or accessory works, in accordance with the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise. The persons owning or operating any such dam, or accessory works, subject to the provisions of this act, shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe, and for failure so to do in any respect shall be deemed guilty of a misdemeanor and subject to a fine of not less than $500, and each month of such failure shall constitute a separate offense and subject such persons to additional penalties therefor.

"SEC. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail, after receiving reasonable notice thereof, to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War, including the payment into the Treasury of the United States of the charges provided for by section 1 of this act: *Provided*, That Congress may revoke any rights conferred in pursuance of this act whenever it is necessary for public use, and, in the event of any such revocation by Congress, the United States shall pay the owners of any dam and appurtenant works built under authority of this act, as full compensation, the reasonable value thereof, exclusive of the value of the authority or franchise granted, such reasonable value to be determined by mutual agreement between the Secretary of War and the said owners, and in case they can not agree, then by proceedings instituted in the United States circuit court for the condemnation of such properties: *And provided also*, That the authority granted under or in pursuance of the provisions of this act shall terminate at the end of a period not to exceed 50 years from the date of the original approval of the project under this act, unless sooner revoked as herein provided or Congress shall otherwise direct: *Provided, however*, That this limitation shall not apply to any corporation or individual heretofore authorized by the United States, or by any State, to construct a dam in or across a navigable waterway, upon which dam expenditures of money have heretofore been made in reliance upon such grant or grants.

"SEC. 5. That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War and the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such dam and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such dam and accessory works as an obstruction to navigation at the expense of the persons owning or controlling such dam, and suit for such expense may be brought in the name of the United States against such persons and recovery had for such expense in any court of competent jurisdiction. Said provision as to recovery of expense shall not apply wherever the United States has been previously reimbursed for such removal; and the removal of any structures erected or maintained in violation of the provisions of this act or the order or direction of the Secretary of War or the Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Chief of Engineers or the Secretary of War, and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any dam under this act the cause or question arising may be tried before the circuit court of the United States in any district in which any portion of said obstruction or dam touches.

"SEC. 6. That whenever Congress shall hereafter by law authorize the construction of any dam across any of the navigable waters of the United States, and no time for the commencement and completion of such dam is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the dam authorized in such act be commenced within one year and completed within three years from the date of the passage of such act.

"SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any dam which shall have been constructed in accordance with its provisions.

"SEC. 8. That the word 'persons' as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations. The word 'dam' as used in this act shall be construed to import both the singular and the plural, as the case demands."

Approved, June 23, 1910.

Your committee submits to the judgment of a candid world as well as to the statesmen and lawyers in the House and out, if the act as amended does not present and adopt a fixed policy with reference to the water powers in our navigable rivers. A commission, known as the National Waterways Commission, composed of able statesmen of every shade of opinion, objection, and notion on that subject, has thoroughly considered the questions in all their aspects and details, and in conclusion advise that for the present we proceed as we have been proceeding. The Secretary of War, however, taking up some old suggestions that were insisted upon before the amendment of 1910, has demanded that each of these bills be amended so as to incorporate certain restrictions which the general dam act already permits the Secretary of War to impose in each case as conditions of approval if he sees proper. We can not concur in those suggestions, because one wise purpose of the general dam act was to avoid prolixity and multiplicity of detail in each separate bill, and the terms of that bill conferred upon the Secretary of War plenary power to impose those conditions. We have to consider it unwise to adopt his suggestion and thereby forego that much benefit of the general dam act, and we have disregarded his suggestion as to the eight projects in this bill.

The Corps of Engineers and the President are not in accord with the Secretary of War in his demands, and the recommendation of the Chief of Engineers is favorable to those eight bills; therefore we have not seen proper to adopt the recommendation of the Secretary of War, but reported the bills permitting the construction, maintenance, and operation in accordance with the general dam act as amended in 1910. Two of these bills have not at this time been reported to us by the War Department, and it is not usual for us to report bills until that is done, at least until some sort of report is made for us to consider and present to the House; but in one of these cases, No. 25881, the committee has been informed reliably that the project can not fail to be favorably reported by the War Department, because it is proposed to erect a dam on a site already selected and approved by the Engineers of the War Department for the erection of Dam 18 on the Coosa River, and the proposition offered in this project is that private capital will relieve the Government of that expense, if this consent is granted, and erect that dam in which a lock may subsequently be placed, on such terms as the Secretary of War sees proper to impose. Of course we expect from the Secretary of War the same letter, in substance, which he has adopted as to the eight bills in which we can not concur, and therefore we deem it unnecessary to wait for his letter. The other bill, No. 25592, we are advised will be favorably reported by the Chief of Engineers and accompanied by the same letter which the Secretary of War has used in the other cases. Being unable to concur in his propositions, we deem it unnecessary to wait for that letter. If, however, the report from the War Department should present other valid objections not now anticipated the committee will frankly bring the information to the attention of the House and ask to amend by eliminating this project.

We realize that combinations of capital monopolize water-power sites in the country, prevent the improvement of those they can not utilize profitably by holding them idle and unimproved, and use all arts and devices, just as combined capital does in every other activity, to oppress and wrong the public to its own gain, the ill-gotten profits of the promoters and bondholders if not stockholders. We reprobate the evil, and we seek jealously to guard against that and all other evil which might be incident to the encouragement of these projects, but we think those evil combinations ought to be broken up by prosecution for violation of the antitrust law, and we think the vigilance, wisdom, and activity of the War Department ought to place such conditions and restrictions upon the approval of the plans and specifications as will guard the interests of the Government, prevent as far as possible improper conduct on the part of those operating the project, and promote the interests of navigation, while permitting business development. While we wish to give effect to the all-powerful arm of the General Government in the exercise of its legitimate functions, we wish carefully to guard the exercise of those functions so as to prevent the infliction by such exercise and incident thereto of harm and injury to property rights and the personal right of the citizens of the country, being careful not to impair by activities of the General Government local responsibility or local authority.

Whether the general dam act must again be amended so as to grant the demands of certain statesmen for more specific restrictions is a question for Congress to decide, but we have not now time to decide it. It is important and ought to be done carefully and cautiously, and we have the support of the General National Waterways Commission in that position. Yet Congress is about to adjourn, and these projects are pressing. They ought not to be delayed on account of the notions of particular individuals who have perhaps never given the subject that consideration which might lead them to different conclusions.

The author of this bill has suggested that in the hope of satisfying all objectors we add the provision that the consent of Congress to these projects shall be subject to any amendment that Congress may hereafter make to the general dam act, but it was objected by leading Members of the House and the Senate that such provision would produce such uncertainty as to render it impossible to finance an enterprise, and those statesmen further insisted, as we insisted in those other individual reports, that the Government has ample power to protect by the reservation of the right of amendment, alteration, and repeal, but your committee is so anxious to avoid delay and retardation of development in water power and navigation under the scheme of the general dam act that your committee is perfectly willing and intends at the next session of Congress to take up all the suggestions of the National Waterways Commission in the consideration of bills now before your committee, and if it is found requisite to the safety and interest of the Government and the conservation of resources of the people to make any amendments suggested, your committee will certainly report them to this House for its action, and so anxious are we that the good work should go on that we are willing, as some of us did in the case of the amendment of 1910, to yield our convictions on the subject in order to secure peace and progress.

It is hoped that this report will not be considered too meager, and that pending the consideration of amendments to the general dam act the House will concur with us and pass this bill granting the consent of Congress to these projects. It is believed that none of them is obnoxious to any of the objections raised, that no alarm need be felt as to granting the consent of Congress to them pending the consideration of the amendments to the general dam act. If there are specific reasons why any particular one or more of them should be rejected, which reasons have escaped the attention of your committee, it would be easy and more fair to the authors of the projects and to the public for those who discover such objections to specify them, and your committee will gladly cooperate in eliminating any such project from the bill.

[Mr KENNEDY addressed the House. See Appendix.]

Mr. ADAMSON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 64, noes none.

So the conference report was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. FLOYD of Arkansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Arkansas [Mr. FLOYD] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 20728, the Indian appropriation bill, and ask that it be considered on Tuesday morning next as to whether or not the conferees will be appointed.

The SPEAKER. Does the gentleman wish the conferees appointed now?

Mr. STEPHENS of Texas. No, Mr. Speaker. The gentleman from Colorado [Mr. RUCKER] has objections to it in connection with the West claim.

The SPEAKER. Now, what is the motion of the gentleman?

Mr. STEPHENS of Texas. The request is to call up the bill on next Tuesday morning and make it a special order.

Mr. BURKE of South Dakota. Mr. Speaker, let me make a suggestion, if the gentleman will yield. I think what the gentleman desires to do is this: That on Tuesday morning next, after the reading of the Journal, it shall be in order to take up the Indian appropriation bill and consider it in the House as in Committee of the Whole, and that all the amendments be disagreed to, with the exception of one amendment which the gentleman from Colorado [Mr. RUCKER] is interested in, and about that he may make a motion to concur. That, I think, is what is desired.

The SPEAKER. Where is this bill now?

Mr. STEPHENS of Texas. It is on the Speaker's table.

Mr. MANN. Mr. Speaker, I suggest to the gentleman that he ask unanimous consent now that on Tuesday next the bill may be taken from the Speaker's table and the Senate amendments be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that on next Tuesday, immediately after the reading of the Journal, the Indian appropriation bill be taken from the Speaker's table and that the Senate amendments be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

AIDS TO NAVIGATION.

Mr. ADAMSON. Mr. Speaker, I desire to call up the conference report upon the bill H. R. 22043.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 22043) to authorize additional aid to navigation in the Lighthouse Service, and for other purposes.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the report be read in lieu of the statement.

The SPEAKER. Is there objection?

There was no objection.

The conference report was read as follows:

CONFERENCE REPORT (NO. 1060).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to that part of the amendment of the Senate numbered 4, striking out the following words: "The Secretary of Commerce and Labor is authorized to station the light vessel for which appropriation was made in the act of May 27, 1908, or any other light vessel at such position in the vicinity of Frying Pan Shoals as he may determine to be most advantageous to navigation"; and agree to the same.

Amendment numbered 4: That the Senate recede from that part of its amendment numbered 4 which reads as follows: "That the Secretary of Commerce and Labor be, and he is hereby, authorized to purchase a site, and to construct a wharf and buildings and purchase the necessary equipment, so far as funds may permit, for a depot for the sixth lighthouse district, at a cost not to exceed $125,000."

W. C. ADAMSON,
WILLIAM RICHARDSON,
F. C. STEVENS,
Managers on the part of the House.

KNUTE NELSON,
THEO. E. BURTON,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

By the terms of the conference agreement between the managers of the two Houses the House recedes on amendment No. 1 and part of No. 4, made by the Senate, while the Senate recedes from and abandons the other 18 amendments and part of No. 4, which propose authorizations in the aggregate amounting to about three-quarters of a million dollars. These 14 amendments and a part of one the House conferees could not accept, first, because they operated to change the character of the bill from a special urgent deficiency bill to meet emergencies into a general omnibus bill for aids to navigation, proposing an amount which we did not think at this time the House was willing to authorize; second, the parliamentary situation was such that we could not, in fairness to the Members of the House, accept them, because the Senate amendments represented projects of interest to various parts of the country, while other projects in which House Members were vitally interested could not be placed in the bill in order to equalize and render justice, because they were not in issue between the two Houses and could not, under the rule, be added. We thought it wiser to exclude them all, and in the future, when we are ready for it, prepare and pass a general omnibus bill fair to all interests and localities, Members, and Senators in so far as such projects may be necessary to promote the good of the service.

The two items which the managers on the part of the House saw proper to recede on and accept are No. 1 and No. 4. No. 1 authorizes two lightships, which are not only needed, but urgently needed, as shown by the following statement:

Of the 64 light vessels in the Lighthouse Service 1 is 63 years old and 8 others are over 50 years old. To maintain properly this number of light vessels, permitting them to be overhauled as needed and the older vessels to be replaced as they become worn out and unseaworthy, it is necessary that provision be made for the building of several new vessels each year. One vessel, *No 28*, has been condemned during the past year, and two others, *No. 29* and *No. 50*, are in a condition which permits of their use only on protected stations.

It is proposed to use the appropriation of $250,000, the amount provided for in this bill, in constructing two new light vessels, to cost approximately $140,000 and $110,000, respectively. The larger vessel would probably be placed at Nantucket Shoals, which is the most important light-vessel station in this service, being the first aid to navigation sighted by trans-Atlantic steamers bound to the port of New York.

This vessel would be so designed that she could be maintained on her station for long intervals without likelihood of being displaced by storm, and with sufficient capacity to carry provisions and supplies for a long interval.

The smaller vessel, as well as the vessel which would be relieved at Nantucket, would be available for use at other light-vessel stations, and to relieve vessels worn out in service or vessels requiring periodical repairs. The present complement of light vessels is not sufficient to permit withdrawing various vessels from their stations as frequently as should be done for the docking and annual overhaul which is necessary to prolong their usefulness.

Therefore, regarding them as of the same emergency character with the items in the original bill agreed upon, we thought it wise to accept them; therefore we receded from amendment No. 1.

We receded from a part of amendment No. 4 for the reason that the lightship which the original bill proposed to authorize the Secretary to remove from the present station we found to be necessary where it is, and that if it should be removed, as

we originally proposed, it would necessitate the authorization of another lightship. Therefore we deemed it wise and economical, on the showing made, to recede from that part of the amendment and allow the lightship to remain at the station now located by law.

W. C. ADAMSON,
WILLIAM RICHARDSON,
F. C. STEVENS,
Managers on the part of the House.

Mr. ADAMSON. Mr. Speaker, I move that the conference report be agreed to.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Will the gentleman yield to a question?

Mr. ADAMSON. Certainly.

Mr. MANN. On amendment 4, as I understand from the report, if I have read it correctly, both the House and the Senate provisions go out?

Mr. ADAMSON. Yes; that is right. The first part of amendment 4.

Mr. MANN. Neither one remains in?

Mr. ADAMSON. The vessel remains where it is, and depot goes out.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to ask the gentleman if under this arrangement the Goose Island Light item goes out?

Mr. ADAMSON. Every single one proposed by the Senate goes out.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

EXTENSION OF REMARKS.

Mr. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I desire to give notice that on the morning of the legislative day following the completion of the general deficiency bill, after the reading of the Journal, I will move to take up for consideration the conference report on the naval appropriation bill.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. MANN. The general deficiency bill will undoubtedly take Friday and Saturday—that is, to-morrow and the next day. Next Monday is unanimous-consent day, and the gentleman can not come in then. It is set apart for unanimous consent.

Mr. PADGETT. I will call it up on Tuesday morning.

Mr. MANN. The Indian bill is fixed for Tuesday, and will take a little while. The gentleman will then proceed after the Senate amendments to the Indian appropriation bill are disposed of?

Mr. PADGETT. Yes, sir; that is my idea.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] notifies the House that on next Tuesday, immediately after the Senate amendments on the Indian appropriation bill are disposed of, he will call up the conference report on the naval appropriation bill (H. R. 24565).

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 22043. An act to authorize additional aids to navigation in the Lighthouse Service, and for other purposes;

S. 6340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 6978. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

S. 5623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 20347. An act to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 25069. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 24450. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 17483. An act amending section 1998 of the Revised Statutes of the United States and to authorize the President in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service;

H. R. 21480. An act to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes;

H. R. 18017. An act to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States; and

H. R. 25598. An act granting a pension to Cornelia Bragg.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 18033. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes;

H. R. 12375. An act authorizing Daniel W. Abbott to make homestead entry;

H. R. 24598. An act for the relief of Jesus Silva, jr.;

H. R. 1739. An act to amend section 4875, Revised Statutes, to provide a compensation for superintendents of national cemeteries;

H. R. 20873. An act for the relief of J. M. H. Mellon, administrator, James A. Mellon, Thomas D. Mellon, Mrs. E. L. Siverd, J. M. H. Mellon, Bessie Blue, Mrs. Simpson, Annie Turley, C. B. Eyler, Luella C. Pearce, John McCracken, A. J. Mellon, J. J. Martin, Eugene Richmond, Springdale Methodist Episcopal Church, Heidekamp Mirror Co., James P. Confer, jr., W. P. Bigley, W. J. Bole, and S. A. Moyer, all of Allegheny County, Pa.;

H. R. 18041. An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, County of Hawaii, Territory of Hawaii;

H. R. 24699. An act extending the time for the repayment of certain war-revenue taxes erroneously collected;

H. R. 13938. An act for the relief of Theodore Salus; and

H. R. 644. An act for the relief of Mary E. Quinn.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7050. An act to establish a mining experiment station in the State of Wyoming, to aid in the development of the mineral resources of the United States, and for other purposes;

S. 6385. An act to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and Straits of Florida; the landing, delivering, curing, selling, or disposing of the same; providing means of enforcement of same; and for other purposes;

S. 6217. An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;

S. 5262. An act for the relief of Sylvester G. Parker;

S. 1562. An act for the relief of William Walters, alias Joshua Brown;

S. 6408. An act for the relief of Margaret McQuade;

S. 4780. An act for the erection of a memorial amphitheater at Arlington Cemetery;

S. 5556. An act to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes;

S. 6341. An act to provide for the erection of a public building at Weston, W. Va.;

S. 7071. An act to establish an agricultural plant, shrub, fruit, and ornamental tree, berry, and vegetable experimental station at or near the city of Plainview, Hale County, in the State of Texas;

S. 7339. An act to provide for the entry under bond of exhibits of arts, sciences, and industries;

S. J. Res. 99. Joint resolution authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Elliott H. Freeland, Tattnall D. Simkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them; and

S. J. Res. 103. Joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory and growing out of the late insurrection in Mexico.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1562. An act for the relief of William Walters, alias Joshua Brown; to the Committee on Military Affairs.

S. 4780. An act for the erection of a memorial amphitheater at Arlington Cemetery; to the Committee on Public Buildings and Grounds.

S. 5556. An act to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 6217. An act to amend section 29 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911; to the Committee on the Judiciary.

S. 6341. An act to provide for the erection of a public building at Weston, W. Va.; to the Committee on Public Buildings and Grounds.

S. 6385. An act to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and straits of Florida; the landing, delivering, curing, selling, or disposing of the same; providing means of enforcement of same, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

S. 7050. An act to establish a mining experiment station in the State of Wyoming to aid in the proper development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

S. 6408. An act for the relief of Margaret McQuade; to the Committee on Claims.

S. 7071. An act to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experiment station at or near the city of Plainview, Hale County, in the State of Texas; to the Committee on Agriculture.

S. 7339. An act to provide for the entry under bond of exhibits of arts, sciences, and industries; to the Committee on Ways and Means.

S. J. Res. 99. Joint resolution authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tatnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them; to the Committee on Military Affairs.

S. 5262. An act for the relief of Sylvester G. Parker; to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

Mr. COPLEY, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of William P. Fullmer, Sixty-second Congress, first session, no adverse report having been made thereon.

DELAWARE TRANSPORTATION CO.

The SPEAKER laid before the House the bill (H. R. 22111) for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy*, with Senate amendments.

The Senate amendments were read.

Mr. MANN. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion to concur in the Senate amendments was agreed to.

LAWS RELATIVE TO SEAMEN.

Mr. ALEXANDER. Mr. Speaker, I desire to call up for further consideration the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] calls up the seamen's bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will resume the reading of the bill at the point where he left off on Tuesday.

Beginning on page 11, line 14 of the bill, the Clerk read as follows:

SEC. 10. That section 24 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended to read as follows:

"SEC. 24. That section 10 of chapter 121 of the laws of 1884, as amended by section 3 of chapter 421 of the laws of 1886, be, and is hereby, amended to read as follows:

"'SEC. 10 (a). That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order or note or any other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $25 nor more than $100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than $500.

"'(b) That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children.

"'(c) That no allotment shall be valid unless signed by and approved by the shipping commissioner. It shall be the duty of the said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

"'(d) That no allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation, as above described, of a seaman under this section shall for every such offense be punished by a fine not exceeding $500 or imprisonment not exceeding six months, at the discretion of the court.

"'(e) That this section shall apply as well to foreign vessels as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

"'The master, owner, consignee, or agent of any foreign vessel seeking clearance from a port of the United States shall present his shipping articles at the office of clearance and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

"'(f) That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation shall make regulations to carry out this section.'"

SEC. 11. That section 4536 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4536. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this title. This section shall apply to fishermen employed on fishing vessels as well as to other seamen."

SEC. 12. That no vessel, except those navigating rivers exclusively and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers, are of a rating not less than able seaman: *Provided*, That no vessel carrying passengers, except those navigating rivers and harbors exclusively, shall be permitted to depart from any port of the United States unless she shall have a sufficient crew to man each lifeboat with not less than two men of the rating of able seaman or higher.

Mr. HUMPHREY of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HEFLIN). The gentleman will state it.

Mr. HUMPHREY of Washington. I desire to offer an amendment to that paragraph. It is this:

Page 13, line 21, after the word "States," insert the words "to any agreement made in American ports."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

The Clerk read as follows:

Page 13, line 21, after the word "States," insert the words "to any agreement made in American ports."

Mr. HUMPHREY of Washington. Mr. Speaker, I will explain the purpose of the amendment. We have prescribed in the other portions of this section that it shall be unlawful to pay wages in advance to any seaman or to make any note or any evidence of such indebtedness, and that if payment is made repayment can be enforced in American courts. Then there is

provided a punishment in American courts for violation of this section.

Now, I call the attention of the House to the fact that a contract that is made between two foreign subjects in a foreign country, a contract that is carried out upon a foreign ship, although that ship is in an American port, is a foreign contract, and that ship is deemed to be foreign soil so long as such contract, in being carried out, does not disturb the peace of this country or affect our rights. The authorities are uniform upon that question, and yet we propose here in this portion of the bill that if a British shipowner or other foreign shipowner pays in advance a portion of the wages of a British seaman in a British port, when that vessel comes into our port that contract is not only void, but that the owner of the vessel shall be imprisoned.

Now, that being a contract made abroad, between foreign subjects, being carried entirely upon the vessel, is in foreign territory, and we have no authority to enforce it; and I, for one, do not think we ought to attempt any such legislation as that, even if we could enforce it. I do not believe that this Government ought to attempt to tell the shipowners of Germany, England, Japan, and the other foreign nations how they shall pay their sailors, what contracts that they make in foreign ports, unless a portion of it is carried in our ports in some way that will interfere with the rights of American citizens.

As I said before, the authorities are clear, and, so far as I know, uniform upon that proposition. But even if we could do it, are we going to do it? Do you think that Germany or Japan or England is going to permit this country to tell her what kind of a contract her subjects are going to make with their own sailors in their country, in order that their vessels may come into our ports?

We have been hearing a great deal recently about the violation of the treaty with Great Britain with regard to the Panama Canal. But here we propose to violate every treaty that we have with foreign nations and absolutely to undertake to punish their citizens for making a legal contract in their own country, a contract that in no way concerns us.

The other day when the question was up the distinguished gentleman from Missouri [Mr. ALEXANDER] called my attention to the fact that this applied only to American ports, as he understood it. But I call his attention to the fact that the proviso that was in the original section has been stricken out, and I shall offer that also as an amendment.

I can see no good reason why we should get into complications with foreign countries over such a frivolous matter as this. It is small to us, but not to them, and they are not going to submit to it. And we know we can not enforce such a statute, and we know that we have no intention of trying.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for five minutes more.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. The purpose of this legislation, if there is any purpose in it, is simply a political one; simply an attempt now, before the campaign, to deceive some one; because there is no man in this House who believes that this Government is going to attempt, without at least first taking the question up with foreign nations, to pass such drastic legislation as that. No nation in the world has ever attempted to do such an insulting thing to other nations as we propose in this, if we attempt to make it apply to contracts and agreements made in foreign countries.

Mr. ALEXANDER. I wish to call the attention of the House to the fact that the provision in the bill to which the gentleman takes exception and to which he has offered his amendment is the present law, and has been the law for many years past.

The section relating to advances and allotments of wages, paragraph "f," provides that the section—

shall apply as well to foreign vessels as to vessels of the United States; and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation.

The proviso does not appear in the bill. If the gentleman wishes to restore the proviso, as far as I am personally concerned, I have no objection. The proviso is as follows:

Provided, That treaties in force between the United States and foreign nations do not conflict.

Now, if we have a treaty with any foreign Government which would make the enforcement of this provision against a foreign vessel owner a violation of the terms of that treaty, then, of course, we do not wish to violate the terms of the treaty; but I call the attention of the gentleman to the fact that we are under no obligation to enforce in our courts the provisions of a contract made in a foreign country any more than one State in the Union is under obligation to enforce the provisions of a personal contract made in another State, if it is in violation of the law of that State.

The different States of the Union have different statutes of limitations, and if the suit were brought in the State where the contract was made it would be enforced according as the statute of limitations of that State would apply; yet, if the suit is brought in another State, the statute of limitations in the State where the suit is brought would apply.

I think the gentleman is entirely too considerate of the feelings of foreign nations. He expresses a great fear that we may offend them when he says that we must enforce in our States all contracts that are made in foreign countries. We are under no such obligation, and this provision, as I have stated, is existing law. If we have a treaty that binds us to do so, then, so long as the treaty is in force, we do not want to violate the terms of the treaty; but I am not aware of any treaty in force which places any such obligation upon us.

Mr. HUMPHREY of Washington. Mr. Speaker, in view of the statement of the gentleman from Missouri in regard to the proviso, I will withdraw the amendment which I have offered and will offer the proviso instead. I think that eliminates my objection.

The SPEAKER. The gentleman withdraws his amendment.

Mr. HUMPHREY of Washington. In its stead I offer the following amendment, to come in after the word "violation," in line 25, page 13.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the word "violation," in line 25, page 13, *"Provided*, That treaties in force between the United States and foreign nations do not conflict."

Mr. ALEXANDER. Let us have a vote on the amendment.

The amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 14, line 1, after the word "the," by striking out the word "master" and inserting the word "captain."

Mr. HUMPHREY of Washington. Perhaps the gentleman knows that this portion of the statute is almost entirely new, so that we are not simply copying the old one.

Mr. MOORE of Pennsylvania. Mr. Speaker, we have reached a point in the bill where we are not dealing with existing law. This section is new, and therefore it is subject to amendment by the House without reflecting upon our legislative ancestors.

There is a theory in labor circles that the term "master" by contrast indicates serfdom. The converse of the term "master" is "slave." This bill is entitled a bill to abolish involuntary servitude. The gentlemen who have advanced this bill say that they wish to remove what they call the last vestige of involuntary servitude. The term "master" has been and is offensive in labor circles, and it seems to me the proper term to apply here is the term "captain" or "commander." I suggest the word "captain" because that best denominates the official status of the man in control of the ship.

Mr. HOBSON. I want to ask the gentleman, simply along the line of the philosophy of his point, how it is that labor itself has retained the title of "master mechanic."

Mr. MOORE of Pennsylvania. That is what I do not understand.

Mr. HOBSON. And, in the same line of philosophy, I would ask him how it was that in the United States Navy, instead of the grade of lieutenant we had the grade of master for a great many years without any implication of slavery in it.

Mr. MOORE of Pennsylvania. I think it is a term that has been handed down through the ages and that implies the mastery or control of men, which, on the other hand, would mean involuntary or even voluntary servitude.

Mr. HOBSON. Does it not also mean a certain skill or efficiency? You can master an art, you can master a trade or profession, as well as be a master of men.

Mr. MOORE of Pennsylvania. I will say to the gentleman and to those upon the other side of the House who bring in this measure as a Democratic measure, and with the support of those who stand for organized labor, that I would prefer as a legislator to perfect this bill, and I believe we can perfect it by taking out of it a term which implies servitude and replace it with one which does not have that implication. The

term "master" is not an American term. The term "captain" would be appropriate and would fit the situation.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly.

Mr. MANN. I have such great faith in the ability and learning of the gentleman from Pennsylvania——

Mr. MOORE of Pennsylvania. Oh, the gentleman need not dwell upon that. The gentleman from Pennsylvania makes no boast in that regard.

Mr. MANN. But it is a pleasure for me to dwell upon it.

Mr. MOORE of Pennsylvania. And in that respect the gentleman from Pennsylvania always yields to the gentleman from Illinois.

Mr. MANN. I would like to ask the gentleman, on account of his erudition, whether the term "master in chancery" implies that the court is a slave to the master or that the litigants are.

Mr. MOORE of Pennsylvania. Most of those who go into court find themselves enslaved in one form or another before they get out. I have been one of those on this floor who have not accepted as gospel every lawyerlike expression which has been handed down by those who seem to control the House. I think people should have some little freedom in legal matters. I do not like the term "master." If the gentlemen on the other side of the House want to vote upon the sailors the term "master," it is up to them. I suggest to them that we take it out and that we say the man in control of the ship is the captain and not the master of the men on the ship.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. COVINGTON. The gentleman from Pennsylvania [Mr. MOORE] is usually clever when he is not serious. I, of course, can not believe that he is serious in offering an amendment to change the word "master" to the word "captain." His amendment in the present instance is, however, not cleverly facetious. It is simply ridiculous. It is obvious to him, familiar as he is with the navigation laws of the United States, that the word "master" has a peculiar significance in its application to the merchant marine of the country.

Mr. HARDY. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. COVINGTON. I do.

Mr. HARDY. I think the gentleman from Maryland is taking the gentleman from Pennsylvania too seriously. It is only a joke that he is attempting to perpetrate on the House.

Mr. COVINGTON. If the gentleman from Texas had been listening, he would have heard that I stated that I believed the gentleman from Pennsylvania [Mr. MOORE] is usually clever when he was not serious, and I was going on to state that I did not presume any Member of this House would believe that the gentleman from Pennsylvania, with his knowledge about the navigation laws and the completeness of the use in them of the word "master," had offered his amendment in anything else than a spirit of levity, which he thought clever, and that the Democratic side of the House under the circumstances could let him have his little joke and refuse to consider the amendment otherwise.

Mr. MOORE of Pennsylvania. I would like to know whether the gentleman does not know that in the carpentry and building trades the term "master builder" is offensive to the journeyman? I will ask the gentleman from Pennsylvania [Mr. WILSON] if that is not true?

Mr. WILSON of Pennsylvania. Mr. Speaker, so far as the great bulk of the wageworkers of the country is concerned, they do not care what the term is. What they are opposed to is any man having any power over them unjustly. [Applause.]

Mr. MOORE of Pennsylvania. I ask the gentleman if it is not true that in the labor unions, with which he is familiar, the use of the term "master" has been objected to?

Mr. WILSON of Pennsylvania. Oh, there are some men who are opposed to the use of the term "master," just as there are some men who are opposed to the use of other terms, but the men who have delved sufficiently under the surface to understand the facts are not quibbling about any particular term. What they are insistent upon is that no man shall have unjust power over them, whether he be called a captain or a master.

Mr. MOORE of Pennsylvania. Then I would like the gentleman to explain why labor objects to it. What is the reason?

Mr. HARDY. Mr. Speaker, I do not wish to discuss the matter any further, though I suppose there might be somebody here who might object to the use of the term "master of art," or something of that sort. These little comedies come on, but they are taking up time, and I do not see anything else except a matter of humor in the gentleman's amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 11. That section 4536 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4536. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this title. This section shall apply to fishermen employed on fishing vessels as well as to other seamen."

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 14, line 22, by inserting after the word "seaman" the following:

"*Provided*, That nothing contained in this or any preceding section shall interfere with the order of any court regarding the payment by any seaman of any part of his wages for the support and maintenance of his wife and minor children."

Mr. HARDY. Mr. Speaker, I would like to ask the gentleman to withhold that amendment. I think it is already covered in other provisions of the bill.

Mr. MOORE of Pennsylvania. I have looked over the bill and find nothing there that pertains to the protection of an abandoned or deserted wife and child. If it is in the bill of course I do not want to press the amendment.

Mr. HARDY. I will ask the gentleman to look at page 12, section b, line 24.

Mr. MOORE of Pennsylvania. I have read that section, and it does not cover the point proposed in the amendment.

Mr. HUMPHREY of Washington. I do not think it is covered.

Mr. MOORE of Pennsylvania. That leaves it entirely in the discretion of the seaman as to whether or not he shall make allotment to his wife and children. I propose that the seaman shall be liable to maintain his lawful wife and minor children. We give him the right to protect his wages against every kind of contract made, whether he is in his good senses or his bad senses, against his grocer or boarding-house keeper or the man who gives him employment. We protect him against his contract with every one of those, but we do not protect his wife and children who may be absolutely dependent upon him, and who may be left in port in destitution. I question whether the gentlemen on the other side can afford to leave this provision out of the bill. It appeals as much to the instincts of humanity as does the very title of the bill itself. The gentlemen can not afford, in my judgment, to pass a bill of this kind which exempts a wage earner from those obligations which he makes, not by a written contract, but before God, with his wife and children. You can vote this down, if you care to. I submit that the sailor, like any other man, must support his wife and children if he be lawfully wedded and if the children be his own. Gentlemen, it is up to the House.

The SPEAKER pro tempore. The question is upon the amendment offered by the gentleman from Pennsylvania.

Mr. HARDY. I would like to have the amendment read again.

The SPEAKER pro tempore. Unless there is objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. HARDY. We have no objection to the amendment.

The question was taken, and the amendment was agreed to.

BATTLESHIP "OREGON."

Mr. HAWLEY. Mr. Speaker, I move to strike out the last word. Mr. Speaker, I ask unanimous consent to extend my remarks relative to matters concerning the battleship *Oregon*.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD regarding the battleship *Oregon*. Is there objection?

Mr. MANN. How long is it to be?

Mr. HAWLEY. About a half a column, possibly a little more.

The SPEAKER pro tempore. The Chair hears no objection.

LAWS RELATIVE TO SEAMEN.

Mr. McMORRAN. Mr. Speaker, I move to strike out the last two words, for the purpose of asking the chairman a question.

Mr. ALEXANDER. Mr. Speaker, I move that section 12 be passed informally.

Mr. McMORRAN. Will not the gentleman consent that sections 13 and 14 be passed? They are important sections.

Mr, ALEXANDER. Thirteen, 14, and 15 all relate to the imprisonment of deserters. I do not suppose the gentleman is in favor of human slavery.

Mr. McMORRAN. The gentleman is mistaken.

Mr. ALEXANDER. There is not any other question there except that relating to boys, and there is an amendment to be suggested.

Mr. HUMPHREY of Washington. I have an amendment to offer.

Mr. HARDY. We have one also.

Mr. McMORRAN. There is also section 14, as to the towing of more than one barge.

Mr. ALEXANDER. We want to offer an amendment to section 13.

The SPEAKER pro tempore. Does the gentleman request that section 12 be passed informally?

Mr. ALEXANDER. Yes, sir.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Has the amendment I offered been adopted?

The SPEAKER pro tempore. Yes; the amendment of the gentleman was adopted.

The Clerk read as follows:

SEC. 13. That every sailing or steam vessel shall carry in her crew a boy or boys, native of the United States, or one whose father or mother is a naturalized citizen of the United States, as follows: If she be 300 registered tons or more, but less than 1,500 registered tons, at least 1 boy; if she be 1,500 tons register or more, at least 2 boys or apprentices. Any vessel leaving any port of the United States without the boy or boys required by this section shall be liable to a penalty of $100 for each offense: *Provided*, That this penalty shall not apply if, after reasonable diligence, the boy or boys required by this section could not be obtained.

Mr. HUMPHREY of Washington. Mr. Speaker, I offer an amendment.

Mr. WILSON of Pennsylvania. Mr. Speaker, I offer a committee amendment.

Mr. HUMPHREY of Washington. I do not understand the gentleman has a committee amendment. Mr. Speaker, a parliamentary inquiry.

Mr. ALEXANDER. The gentleman from Pennsylvania is a member of the committee.

Mr. HUMPHREY of Washington. So am I a member of the committee, and this is not a committee amendment.

Mr. WILSON of Pennsylvania. I desire to make this explanation, Mr. Speaker, that in the original draft of this bill in the consideration of this bill for submission to the House this amendment was agreed to, and in the preparation of the report, through some inadvertence on our part, the amendment was omitted, and that is how it comes to be a committee amendment at this time.

Mr. HUMPHREY of Washington. Mr. Speaker, I submit it is not a committee amendment. We are both equally members of the committee. The Chair recognized me first to offer my amendment. I do not care to stand on my rights, but——

Mr. WILSON of Pennsylvania. I have not any objection——

Mr. HUMPHREY of Washington (continuing). I see no reason why the gentleman should have preference.

Mr. WILSON of Pennsylvania. I have no objection to the gentleman's amendment being considered first.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Washington? The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 16, line 21, after the word "apprentices" to insert:
"Such boys shall not be less than 14 years old nor more than 21 and shall perform such duties as the master of the vessel may direct, and shall be educated in the duties of seamanship and shall receive a reasonable compensation for their services."

Mr. WILSON of Pennsylvania. I have no objection to that.

Mr. HUMPHREY of Washington. It simply makes the section mean something.

Mr. MANN. Mr. Speaker, I notice the language of the bill just ahead of where the amendment comes in says "at least two boys or apprentices." I do not understand that the word "boys" and "apprentices" are synonymous.

Mr. WILSON of Pennsylvania. That is the way it has been used in the statutes.

Mr. MANN. I think not.

Mr. WILSON of Pennsylvania. Perhaps not.

Mr. MANN. I want to inquire whether the gentleman considered them synonymous or whether his requirement only went to boys, or whether he intended to leave the existing law as to apprentices to apply, or whether he made a distinction in his proposition between the requirement of the boy and the requirement of existing law as to apprentices?

Mr. WILSON of Pennsylvania. The understanding I have of it is that these boys are synonymous with apprentices under existing law.

Mr. MANN. Well, I do not know where the gentleman gets the understanding. The definition of "boy" is one thing, and the statutes define what an apprentice is on board ship. The use of the word "boy" on board ship is not uncommon. Sometimes he is a man 50 years of age. There is no reason for inserting two words meaning the same thing connected with the word "boy" in this bill, and the law provides what an apprentice is.

Mr. ALEXANDER. I think it ought to be "as apprentices," instead of "or." I am not sure, however.

Mr. MANN. I am not seeking to correct the gentleman, but the amendment being offered, it attracted my attention to it.

Mr. ALEXANDER. That is the purpose of it—that these boys should be there as apprentices.

Mr. MANN. Then, it would be better to change the word "or" to the word "as."

Mr. ALEXANDER. Then the statute, section 4500, would apply, which provides:

Every shipping commissioner appointed under this title (R. S., 4501–4613) shall, if applied to for the purpose of apprenticing boys to the sea service by any master or owner of a vessel, or by any person legally qualified, give such assistance as is in his power for facilitating the making of such apprenticeships; but the shipping commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of such boy have consented to such apprenticeship, and that he has attained the age of 12 years, and is of sufficient health and strength, and that the master to whom such boy is to be bound is a proper person for the purpose. Such apprenticeship shall terminate when the apprentice becomes 18 years of age. The shipping commissioner shall keep a register of all indentures of apprenticeship made before him.

I think for that reason we should say "as apprentices."

Mr. MANN. I would suggest to the gentleman that that would not correct the difficulty.

Mr. ALEXANDER. It may not——

Mr. MANN. Except in that one place. Is this to be changed by the amendment offered to the language?

Mr. ALEXANDER. No.

Mr. MANN. This says here:

That every sailing or steam vessel shall carry in her crew a boy or boys—

If that means "apprentices," then you had better say "apprentices," because below you provide that certain vessels there shall have not less than one boy, and then on the other not less than two boys or apprentices. And if your language should not be changed it would be in the second case, "two boys or apprentices."

Mr. ALEXANDER. I think in both instances it ought to be changed.

Mr. MANN. Whoever is operating the vessel ought to know who is an apprentice, because the statute——

Mr. ALEXANDER. They ought not to take a boy without the consent of a parent or guardian.

Mr. MANN. Very properly they ought not; but the manager of the vessel ought to know.

Mr. ALEXANDER. After the word "boys," in line 16, if the words "as apprentices" were inserted, it would correct it.

Mr. MANN. I think so.

Mr. ALEXANDER. And, in line 21, strike out the word "or" and insert the word "as." Mr. Chairman, I move to amend——

Mr. MANN. The amendment of the gentleman from Washington [Mr. HUMPHREY] is pending.

Mr. ALEXANDER. I thought it had been agreed to.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Washington [Mr. HUMPHREY].

Mr. MANN. Let us see before we agree to that as to the language you want to use.

Mr. HUMPHREY of Washington. If the gentleman will yield, I will call the gentleman's attention to the fact that the law of 1891, under which we have been operating for a good many years, uses the terms "cadets or apprentices," and it seems to me it would be as well to use the word "apprentices" in order to make it definite as to what should be done.

Mr. COVINGTON. I suggest to the chairman of the committee that, beginning on line 20, he should strike out the word "boy" and insert "apprentice." The section would then read in entire harmony with existing law.

Mr. ALEXANDER. If you will read section 4509 you will find that the language of the law is that the boy's parents or guardian of such boys shall give their consent to such apprenticeship. Those are the words of the existing law. In other words, the word "apprentice" has a restricted meaning under section 4509 and refers to boys.

Mr. WILSON of Pennsylvania. But it is not simply to provide for apprentices. It is meant for the purpose of providing for the American boy becoming an apprentice. Now, the gentleman from Illinois has just called attention to the fact that so far as the meaning of the word "apprentice" is concerned it might apply to any person of any age who is learning any particular line of industry. The purpose of this section is to make a provision for American boys as apprentices.

Mr. COVINGTON. But the gentleman also understands that the gentleman from Illinois [Mr. MANN] very accurately said that the words "ship's boy" has a meaning entirely inconsistent with the word "apprentice," and you may find ship's boys 50 years of age performing the work of a ship's boy.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the amendment of the gentleman from Washington be read.

The amendment was again read.

Mr. MANN. Mr. Speaker, in reference to the age, an apprenticeship runs a certain length of time. Does the gentleman mean 21 years at the end of the apprenticeship or 21 years at the beginning?

Mr. HUMPHREY of Washington. Twenty-one years at the beginning.

Mr. MANN. Why not say 21 years of age when apprenticed?

Mr. ALEXANDER. The statute, section 4509, says from 12 to 18.

Mr. HUMPHREY of Washington. From 12 to 18?

Mr. ALEXANDER. Yes.

Mr. MANN. That is what I thought, but I did not see any objection.

Mr. WILSON of Pennsylvania. I have no objection to making it from 14 to 21.

Mr. MANN. Will not the gentleman insert there then——

Mr. MOORE of Pennsylvania. I would like to suggest to the gentleman that he permit an amendment to the amendment raising the lower limit from 14 to 16. There are a good many States in the Union where boys are not allowed to work in factories——

Mr. MANN. This will not be a sweatshop.

Mr. HUMPHREY of Washington. I want to ask unanimous consent to insert, after the word "twenty-one," the words "when apprenticed."

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to modify his amendment by inserting certain words.

Mr. MANN. At the age when apprenticed.

Mr. HUMPHREY of Washington. I would like to have the amendment again reported with the modification.

The Clerk read as follows:

Such boy shall not be less than 14 years old nor more than 21 when apprenticed.

The SPEAKER pro tempore. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Speaker, I have an amendment.

Mr. ALEXANDER. Mr. Speaker, after the word "boys," in line 16, I ask to insert the words "as apprentices," and, in line 21, strike out the second word "or" and insert the word "as."

Mr. COVINGTON. Let me call the gentleman's attention to the fact that in line 21 that must also occur.

Mr. MANN. Strike out "or apprentices." If you insert the word "apprentices" above that, it means the same thing.

The SPEAKER pro tempore. Will the gentleman from Missouri [Mr. ALEXANDER] repeat his amendment?

Mr. ALEXANDER. In line 16, after the word "boys," insert the words "as apprentices," and, in line 21, strike out "or apprentices."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In line 16, page 16, amend by inserting, after the word "boys," the words "as apprentices," and, in line 21, strike out the word "or" after the word "boys" and insert the word "as" in lieu thereof.

The SPEAKER pro tempore. Does the gentleman desire to strike out the words "or apprentices"?

Mr. ALEXANDER. Yes.

The SPEAKER pro tempore. Unless there is objection, it will be so ordered.

There was no objection.

Mr. HARDY. Mr. Speaker, I think it will be proper and perhaps necessary, in line 15, to offer an amendment to make this provision specially applicable to the vessels of the United States, by inserting after the word "vessel," in line 15, page 16, section 13, the words "of the United States," so that it will read, "that every sailing or steam vessel of the United States shall carry in her crew a boy or boys."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Texas [Mr. HARDY].

The Clerk read as follows:

Line 15, page 16, after the word "vessel," insert the words "of the United States."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HARDY. Along the same line, Mr. Speaker, I wish to insert in line 22, before the word "vessel," the word "such," so as to show that it is a vessel of the United States.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Texas [Mr. HARDY].

The Clerk read as follows:

Amend, line 22, page 16, by inserting before the word "vessel" the word "such."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. WILSON of Pennsylvania. Mr. Speaker, I sent an amendment to the Clerk's desk some time ago. It has not yet been acted upon.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. WILSON].

The Clerk read as follows:

Amend, line 15, page 16, by inserting between the words "sailing" and "or," in said line, the words "vessel engaged in the foreign or offshore trade."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. MANN. That would make it read:

That every vessel engaged in the foreign or offshore trade or steam vessel shall carry in her crew a boy or boys, etc.

Mr. WILSON of Pennsylvania. It applies to the sailing vessels engaged in the offshore trade.

Mr. HUMPHREY of Washington. There are no sailing vessels in any other trade, anyway, are there?

Mr. WILSON of Pennsylvania. There are some; a few.

Mr. MOORE of Pennsylvania. Mr. Speaker, I want to ask the gentleman from Texas [Mr. HARDY] whether he had not better insert the words "of the United States" after the word "vessel." It is an entirely new paragraph.

Mr. WILSON of Pennsylvania. I have no objection.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. MOORE] to the amendment offered by the gentleman from Pennsylvania [Mr. WILSON].

The Clerk read as follows:

Amend the amendment by inserting after the word "vessel" the words "of the United States."

The SPEAKER pro tempore. The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

Mr. MOORE of Pennsylvania. That is the subject we discussed the other day. It is a new paragraph entirely, and you want to designate the vessel properly. I offer as an amendment that the words "of the United States" be added, following the word "vessel."

Mr. HUMPHREY of Washington. What is the purpose of the amendment? I want to ask that question of the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. The purpose is to except sailing vessels, other than those engaged in the foreign trade, from being required to carry one of these boys.

Mr. HUMPHREY of Washington. Why does the gentleman think they ought to be excepted?

Mr. WILSON of Pennsylvania. Because there are a great many small vessels along the coast.

Mr. HUMPHREY of Washington. Yes; but you limit the tonnage anyway. You say, "300 tons register or more." I do not really see the reason for this.

Mr. WILSON of Pennsylvania. That is the purpose of the amendment. That is why it is offered.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. WILSON] as amended by the amendment of the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. HUMPHREY of Washington. Mr. Speaker, we ought to have a division on that. I can not see the purpose of it.

Mr. MOORE of Pennsylvania. Mr. Speaker, can we not have the amendment read again?

The SPEAKER pro tempore. The Clerk will again report the amendment.

The Clerk read as follows:

That every sailing vessel engaged in the foreign or offshore trade or steam vessel of the United States shall carry in her crew a boy or boys as apprentices, native of the United States.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for one minute.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent for one minute. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Speaker, I am utterly unable to see any reason why this exception should be made. These sailing vessels in the coastwise trade that go up and down our coast are the best means we have of training our boys. I can not see why they should escape any burden. I can not see any reason for it at all. I think the amendment should be voted down. Let us treat them all alike.

The SPEAKER pro tempore. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. McMORRAN. Mr. Speaker, I have an amendment. I want my amendment to follow, on page 17, line 2, after the word "obtained."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Michigan [Mr. McMORRAN].

The Clerk read as follows:

On page 17, at the end of line 2, after the word "obtained," insert the words "that nothing in this section shall apply to the Great Lakes."

Mr. McMORRAN. Mr. Speaker, we have on the Great Lakes a considerable number of small barges engaged in the coal trade, varying from 500 to 1,500 tons capacity, running to Ohio ports, and Canadian ports, and Michigan ports as well.

Now, the theory of this section, as I understand it, is to build up the merchant marine, and the imposition on these barges of the burden of placing another boy or two boys on the barges does not tend to build up the merchant marine, and it is only a burden upon these small shipowners.

Mr. ALEXANDER. The gentleman wants to exempt what class?

Mr. McMORRAN. These small barges carrying anything on the Great Lakes.

Mr. ALEXANDER. Why does the gentleman want to exempt them? Why not limit them to the barges?

Mr. McMORRAN. I want all barges exempted engaged in that trade.

Mr. ALEXANDER. Does the gentleman refer to freight steamers?

Mr. McMORRAN. No; I refer to barges.

Mr. WILSON of Pennsylvania. What is a barge?

Mr. McMORRAN. A barge is sometimes called a vessel.

Mr. WILSON of Pennsylvania. Are they sailing or steam vessels?

Mr. McMORRAN. They are what might be called a sailing vessel, towed by a steam vessel. They were originally schooners, and after the sailing vessels passed out of existence they were converted into barges. They have two masts, as a rule, and they carry all the way from 500 to 1,000 or 1,500 tons of freight. I may say in that connection that they are carrying coal at 30 or 35 cents a ton.

Mr. ALEXANDER. Why not say that this shall not apply to barges in tow on the Great Lakes?

Mr. McMORRAN. That is all right.

Mr. ALEXANDER. A barge is a dangerous place, and boys ought not to be required there.

Mr. HUMPHREY of Washington. I do not think the Great Lakes ought to be excepted.

Mr. ALEXANDER. Barges in tow.

Mr. MOORE of Pennsylvania. The gentleman wants to except barges engaged in the Lake traffic?

Mr. McMORRAN. When towed by steamers.

Mr. MOORE of Pennsylvania. Does not the gentleman think this would be a very harsh restriction if enforced with regard to tugboats plying on rivers?

Mr. ALEXANDER. The act does not apply to rivers, to begin with; but we are going to suggest to the gentleman from Michigan [Mr. McMORRAN] that he offer his amendment so as to make its exceptions apply generally, not only to the Great Lakes, but to the ocean as well.

Mr. WILSON of Pennsylvania. In other words, that it shall not apply to barges in tow, whether upon the Great Lakes or at sea. A barge in tow is a dangerous place for a boy, or any man who is not familiar with that employment, and whether on the Great Lakes or at sea, a boy should not be required on a barge in tow.

Mr. McMORRAN. I am perfectly willing to accept that amendment.

Mr. MOORE of Pennsylvania. Does the gentleman accept the inclusion of the word "tugboats"?

Mr. McMORRAN. There is no objection to that.

Mr. MOORE of Pennsylvania. Tugboats or boats in tow.

Mr. ALEXANDER. I suggest that this shall not apply to tugboats or barges in tow.

Mr. MOORE of Pennsylvania. That would cover it.

The SPEAKER pro tempore. Does the gentleman wish to amend the amendment?

Mr. McMORRAN. I do. I accept the suggestion of the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. Let the Clerk report the amendment as now modified.

The SPEAKER pro tempore. If there be no objection, the amendment will be reported as modified.

The Clerk read as follows:

That nothing in this section shall apply to tugboats or barges in tow.

The amendment was agreed to.

The Clerk read as follows:

SEC. 14. That towing of more than one barge or other vessel 50 miles or more through the open sea is hereby prohibited, unless such barges or vessels so towed are provided with sail or other motive power and a crew sufficient to manage such barges or vessels.

Mr. McMORRAN. Mr. Speaker, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I should like some further information as to section 14 and why the prohibition is necessary in that case? I might say for the gentleman's information that on the Great Lakes at the present time no tugboat or steamer is permitted to tow more than two barges on account of a rule made by the insurance companies refusing to insure the cargoes where more than two boats are towed. As the towing of barges through the Lakes is now done, there are very few of them that have sails that would amount to anything if they got out in a seaway. Places of safety on the Great Lakes are close at hand, and I can not see any necessity of applying this provision to them.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point of order that the reading of the section has not been completed.

Mr. MANN. Yes; the reading was completed.

The SPEAKER pro tempore. The Clerk concluded the reading of section 14.

Mr. MOORE of Pennsylvania. The part of the section contained in lines 10 to 16, inclusive, on page 17, has not been read.

Mr. MANN. That is a part of section 15, and there is a committee amendment proposing to strike out the first two lines of it.

Mr. MOORE of Pennsylvania. Section 15 does not begin there. It begins at line 17.

Mr. McMORRAN. Mr. Speaker, I can not see any necessity for imposing a penalty upon these barges for not carrying sails.

Mr. ALEXANDER. Mr. Speaker, I will say that representatives of the barge owners and barge operators were before the committee, and we amended it to harmonize with their views. In its amended form they have no objection to it. I call the gentleman's attention to the fact that the section provides that the towing of more than one barge or other vessel 50 miles or more through the open sea is prohibited, unless such barges or vessels so towed are provided with sails or other motive power and a crew sufficient to manage such barges or vessels. We amended it so as to read "sail or other motive power" because they all agreed that in the interest of safe navigation, in the interest of the protection of the lives of those on the barges, they should be equipped with sails or some other motive power for use in the event of a hawser breaking and the barge drifting at sea.

Mr. McMORRAN. Would not the gentleman consider the word "motive" to apply to the boat that was towing the barges?

Mr. ALEXANDER. No. The barges must be equipped with motive power, either sail or of some other kind of motive power, so that if the hawser breaks, and they are cast adrift, the cargo and the sailors aboard will have some protection, and can navigate the barge, and also that the barge and the sailors may be protected.

Mr. McMORRAN. A barge with a sail they would carry would be small protection if it broke loose.

Mr. ALEXANDER. I am not familiar enough with the situation to say.

Mr. McMORRAN. There is this feature about it, that those tow barges, where the insurance companies carry the insurance

on the cargo, have all to pass a rigid inspection. Every hawser has to be passed on, and the lines aboard have been passed on, before the insurance companies will take the risk.

Mr. WILSON of Pennsylvania. If I understood the gentleman correctly, he said that it was impossible to get insurance on more than two barges in tow on the Great Lakes.

Mr. McMORRAN. The gentleman misunderstood me. I said it was impossible to get insurance on their cargoes where more than two boats were towed behind one steamer.

Mr. WILSON of Pennsylvania. It was impossible to get insurance on the cargo?

Mr. McMORRAN. Yes.

Mr. WILSON of Pennsylvania. Is not that itself an admission that the insurance companies consider the danger of towing to be exceedingly great, and greater in proportion as the number of barges are increased?

Mr. McMORRAN. Oh, I do not think so.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McMORRAN. I ask unanimous consent to proceed for three minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. McMORRAN. Insurance companies do not require the sails on the mast, and if they considered it hazardous without the sail, I should think they would impose that restriction.

Mr. WILSON of Pennsylvania. And consequently the necessity for there being sufficient sail or some other motive power, not only to protect the cargo if the hawser breaks, but to protect the crew as well.

Mr. McMORRAN. I do not think there would be very much risk with the crew on the barges on our Great Lakes.

Mr. WILSON of Pennsylvania. There would be just as much, or nearly as much, risk to the crew as to the cargo.

Mr. McMORRAN. We have a great many boats there that are running a short distance—for instance, from Cleveland to Detroit or Cleveland to Port Huron or Cleveland to Goderich, on the Canadian shore.

Mr. WILSON of Pennsylvania. This makes a limit of 50 miles.

Mr. McMORRAN. The distance is greater than that.

Mr. MOORE of Pennsylvania. Mr. Speaker, the purpose of this amendment is one of the best features of this measure, if it is made effective. There is great danger to navigation along the Atlantic seaboard, and I presume there is upon the Pacific coast, from vessels in tow at sea, particularly in time of storm, in the dark, or during a fog. A vessel having in tow three colliers, for instance, would have the cable line continued probably a mile or two beyond the original towboat, thus endangering any vessel that has to cross the lines, but I am unable to ascertain from a careful reading of this section whether it is intended that the number of barges in tow shall be limited to one or whether there still may be in tow two or more barges, provided that those barges are properly manned and have a sailing or engine equipment.

Mr. WILSON of Pennsylvania. Mr. Speaker, there is nothing in this bill that limits the number of barges that may be in tow. What it provides for is a sufficient sail or motive power and crew to man the vessel if it is cast adrift. So far as this bill is concerned, it makes no limitation.

Mr. MOORE of Pennsylvania. It reads that the towing vessel may have in tow not more than one barge or other vessel except under certain conditions.

Mr. WILSON of Pennsylvania. Except under certain conditions prescribed.

Mr. MOORE of Pennsylvania. And if those conditions are with regard to the safety of the men and sailing equipment or enginry, then a towboat can have in tow two or three vessels, as is the custom now.

Mr. WILSON of Pennsylvania. I can not say positively, but my recollection is that we have at the present time a statute limiting the number of barges that can be in tow.

Mr. MOORE of Pennsylvania. There is a demand for the abolition of that system of towing at sea. I do not know whether it was in the mind of the committee to abolish it or not, but apparently the bill does not do it. You can still go on and have a tow two or three barges in length under this bill, which, of course, is a menace to navigation.

I would like to ask the gentleman, because I thought we were still considering section 14, why the towing of log rafts or lumber rafts on the coast line is eliminated. Surely if there is danger to navigation from a tow line of vessels that are properly manned and equipped, there would be very much more danger to navigation from logs of rafts that might be floating in the ocean.

Mr. ALEXANDER. Mr. Speaker, I will state to the gentleman that the Congress has not been remiss in protecting the life on barges. In the act of May 28, 1908, this whole question was legislated upon and an inspection of barges provided for. The law provides that barges shall be equipped with certain appliances approved by the board of supervisors and at least one lifeboat and one anchor and a suitable chain and cable and at least one life preserver for each person on board.

Mr. MOORE of Pennsylvania. If the gentleman will pardon me, I have done with the question of the towboats in line. I was inquiring about the rafts, and why in this bill the committee had eliminated that measure of protection against rafts which would seem to be necessary for the safety of navigation.

Mr. ALEXANDER. So far as the hearings before the committee showed, there were no rafts of consequence, except on the northwest coast, and we struck it out for this reason: The testimony was overwhelming that rafting logs on the northwest coast did not interfere with or imperil navigation.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to be permitted to proceed for three minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to know what precautions are taken with regard to manning of rafts which now pass up and down the coast, this provision being stricken out of the bill. May rafts be towed in barge form as vessels may? Are they to be properly protected by crews, or other safeguards and restrictions, or are they to continue to float in the sea, a menace to navigation? If the gentleman does not care to answer, I am perfectly content.

Mr. RAKER. Will the gentleman yield?

I want to know why we are discussing provision 15 when we have not come to it. It seems to me that ought to be taken up separately.

Mr. MOORE of Pennsylvania. I did it merely as a matter of convenience and——

Mr. ALEXANDER. Is there any amendment pending to section 14? If not I will ask the Clerk to proceed.

Mr. RAKER. Just a moment.

Mr. MANN. I move to strike out the last two words.

The SPEAKER pro tempore. The gentleman from California has the floor.

Mr. MANN. How does the gentleman get it? He has nothing pending and I offer a motion.

The SPEAKER pro tempore. As the gentleman from California has no amendment the gentleman from Illinois is recognized.

Mr. MANN. I would like to ask the gentleman, if I may—if the gentleman from California desires to talk about section 14 I am perfectly willing to yield to him.

Mr. RAKER. We have another provision in lines 10 to 16, and while you are amending section 15 you ought to incorporate the provisions of lines 10 to 16 in this provision rather than ask unanimous consent to return to section 14.

Mr. MANN. Not at all, if we strike it out, it becomes part of section 14. Is the gentleman from Missouri able to give a definition of what a barge is?

Mr. ALEXANDER. I think the law defines it.

Mr. MANN. For instance, we have on the Great Lakes, as we have at other places, car ferries where a steamboat tows those ferryboats across the Lakes with railroad cars on them which pass from one railroad to another. Of course it is perfectly out of the question to put sails on them or steam on them, and I want to know whether they are covered by the term "barge"?

Mr. ALEXANDER. They are not in tow.

Mr. MANN. They are in tow, as far as that is concerned.

Mr. MADDEN. They call them scows, do they not?

Mr. MANN. I do not know what they call them, but what are they under the law? Are they covered by this provision?

Mr. COVINGTON. If the chairman will permit me, I will state to the gentleman from Illinois that the existing law, as I understand it, already creates a definite limitation for barges. I have had occasion to go into that with the Commissioner of Navigation in connection with another bill which has been recently pending, and I understand that barges are a well-recognized class of boats. They are boats used for carrying cargoes in tow, and no other vessels are recognized under the existing navigation laws as barges.

Mr. MANN. Then car ferries would not be barges.

Mr. COVINGTON. I am sure they are not within the meaning of existing law.

Mr. MADDEN. They are scows.

The Clerk read as follows:

SEC. 15. That the towing of log rafts or lumber rafts 50 miles or more through the open sea is hereby prohibited.

Any person, firm, or corporation violating the provisions of this or of the preceding section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $2,500 nor less than $500, or by imprisonment for not less than 90 days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to amend by striking out the words——

Mr. ALEXANDER. Mr. Speaker, there is a committee amendment to be considered first.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 17, strike out all of lines 8 and 9, as follows:

"SEC. 15. That the towing of log rafts or lumber rafts 50 miles or more through open sea is hereby prohibited."

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 17, line 11, strike out the words "or of the preceding."

The question was taken, and the amendment was agreed to.

Mr. HUMPHREY of Washington. Mr. Speaker, I offer an amendment. On page 17, line 13, after the word "dollars," strike out the words "nor less than $500," and in line 14 the words "less than 90 days nor," so that it will read, "shall be punished by a fine not exceeding $2,500, or by imprisonment for not more than one year." I understand that is in harmony with the statutes generally now, and I think it ought to be that way.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, lines 13 and 14, strike out the words "nor less than $500."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 17, line 14, strike out the words "less than 90 days nor."

The question was taken, and the amendment was agreed to.

Mr. HUMPHREY of Washington. Mr. Speaker, now I move to strike out the last word for the purpose of asking a question, or rather to make a statement. I want to ask the gentleman in charge of the bill, as the next two sections deal with our treaties, while it will not take very long to discuss them, it seems to me that it is very important, if we are going by statute to abrogate all the existing treaties with commercial nations, that we have more Members present. Would not the gentleman consent we might now adjourn and then have a quorum here when we can finish up this bill? I do not believe we will make any time by considering it now. There ought to be more Members present than there are now when we consider a question so important.

Mr. ALEXANDER. It is a mere matter of taking steps to abrogate the treaties.

Mr. MANN. Would it not be well, if these matters go over, to see if we can not get amendments that are to be offered printed for information so we will know what they are to be?

Mr. HUMPHREY of Washington. I have no objection to offering amendments which I have to sections 15 and 16. I have no objection to offering them and have them printed for information and let them go over.

Mr. MANN. Suppose we read section 15 and then let amendments be offered for information.

Mr. BATHRICK. Mr. Speaker, I make the pro forma amendment to strike out the last word.

The SPEAKER. That amendment is already pending.

Mr. BATHRICK. I move to strike out the last two words, then.

Mr. HUMPHREY of Washington. I will withdraw my amendment, and then the gentleman can have it.

Mr. BATHRICK. Mr. Speaker, the employees of vessels to which this bill particularly applies—and which is so long and voluminous it has required the attention of some of the best minds of this House for a long period of time in order to elucidate it and make it plain—are, many of them, far removed from the means of acquiring information regarding the rights that this bill is expected to give to them. Many of them are for months and weeks separated from all avenues of information, far out upon the ocean and upon our Great Lakes. They have not the facilities for acquiring information in respect to this remedial measure that men on shore have. Therefore I arose to ask the gentlemen in charge of this bill if they do not think it wise to incorporate as a separate section this amendment. I will not attempt to offer it, but I desire to call it to their attention merely as a matter of suggestion. It is as follows:

That the Attorney General of the United States shall place his construction, in brief, upon the provisions of this act applying to seamen, and in plain language; and cards, upon which this construction is plainly printed, shall be conspicuously posted where they can be read by the employees in at least three places upon all vessels to which this act applies.

I rather think it is quite necessary, Mr. Speaker, that such a section should be incorporated in this bill. What do the gentlemen in charge think of such an amendment?

Mr. ALEXANDER. The gentleman can offer it, if he wishes, and we will take it under consideration. It is quite unusual to post any law or statute as a rule of action.

Mr. BATHRICK. I understand that people are supposed to know the law, but here would be a law that applies to a class of people that have less means of knowing the law than any other people on earth, and those who would infringe it to the detriment of some poor fellow more opportunity than any other.

Mr. WILSON of Pennsylvania. Would the interpretation of the Attorney General, if this is placed in the statute, be the interpretation that would have to go in the courts?

Mr. BATHRICK. It was not my intention to imply that at all. I have assumed that the Attorney General would be the one to place a tentative interpretation upon it, which would only be his construction.

Mr. HARDY. If the gentleman will yield, I just want to say that, so far as the seamen to whom this law would apply are concerned, they have been working with Congress for 15 or 20 years, and they have had their representatives here during the entire session of this Congress. They have their coast seamen journals and other journals that discuss these measures, and I do not know of a class of people in the United States who take more interest in legislation concerning their own interests and who are better informed than they. And the gentleman is mistaken about their being misinformed.

Mr. BATHRICK. I am a friend of the bill, and I would not say for a moment that they are in any respect inferior in ability to any other class of people. I know they are well informed. I simply said that they were removed from avenues of intelligence such as no other class of people are; that they are more liable to be imposed upon at sea than those on shore.

Mr. HARDY. But I wanted to give the gentleman information which he probably did not have——

Mr. BATHRICK. As a matter of fact, is it not true that a great interest has been taken by a few men who are the very able leaders of these men, and the rank and file may not be posted?

Mr. HARDY. The leaders are in daily communication with them by telegrams and hundreds and thousands of letters coming in to them every day in reference to the matter.

Mr. BATHRICK. I am willing to concede that the amendment should not be in the bill, if the gentlemen who have charge of it think so. I simply offer it as a suggestion.

Mr. MANN. Will the gentleman yield for a question?

Mr. BATHRICK. Certainly.

Mr. MANN. Just what does the gentleman mean by having the Attorney General construe the law?

Mr. BATHRICK. I meant by that to have him construe it in abbreviated language his way. I did not mean that he would be a court of last resort, by any means.

Mr. MANN. Does the gentleman mean to have the Attorney General put in other language than what is in this law?

Mr. BATHRICK. I meant to imply by this suggestion that the Attorney General would be the proper person to abbreviate this law and make a construction that everybody could understand.

The SPEAKER. The time of the gentleman from Ohio [Mr. BATHRICK] has expired.

Mr. MANN. Mr. Speaker, I ask for two minutes.

Mr. BATHRICK. Why prolong the controversy when I yield to the wisdom of the men in charge of the bill, that the suggestion is not apropos?

Mr. MANN. We are very glad to know that, because the little conversation that the gentleman was carrying on with the gentleman from Texas [Mr. HARDY] was not heard on this side of the House.

Mr. BATHRICK. My voice is usually so loud that I thought that the gentleman could hear.

Mr. HARDY. I thought we were speaking loudly enough.

Mr. MANN. We could not hear.

Mr. BATHRICK. I will try to make the gentleman hear next time.

The SPEAKER. The gentleman from Ohio [Mr. BATHRICK] withdraws his pro forma amendment, and likewise the gentleman from Washington [Mr. HUMPHREY].

Mr. ALEXANDER. Mr. Speaker, I suggest that we read sections 15 and 16; and if gentlemen have any amendments to offer, they can be offered and read. I ask unanimous consent, Mr. Speaker, that that be done.

Mr. MANN. Suppose you read only the one section. Suppose you read section 15 and then rise.

Mr. ALEXANDER. I want to offer a few suggestions of amendments to sections that we have passed over.

Mr. MANN. For printing in the RECORD?

Mr. ALEXANDER. Yes.

Mr. MANN. Let section 15 be read.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that certain amendments be offered by the gentleman from Washington [Mr. HUMPHREY] and others and printed in the RECORD.

Mr. MANN. And he himself desires to offer some. I suggest to the gentleman from Missouri that he ask unanimous consent that any gentleman who may have amendments to offer be allowed to offer them and have them printed in the RECORD.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that any gentleman who has amendments to offer may have them printed in the CONGRESSIONAL RECORD to-morrow morning.

Mr. WILSON of Pennsylvania. Mr. Speaker, I would like to ask that that should also apply to section 12.

Mr. MANN. As stated, it would apply to all of the sections.

The SPEAKER. It will apply to all of them. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Speaker, I would like to know if that will prejudice amendments to be offered by other gentlemen?

The SPEAKER. The Chair can answer that now. It will not prejudice amendments offered by other gentlemen. The section will be read.

Mr. MADDEN. Mr. Speaker, I offer an amendment to section 12, which I send to the Clerk's desk to be read.

Mr. MANN. Mr. Speaker, I suggest to the gentleman that when it comes time to consider it it will have to be read anyhow. What is the use of reading it now? I have an engagement, and I want to go.

Mr. ALEXANDER. We are going to move to rise presently. Let the Clerk read the section.

The SPEAKER. The Clerk will read the section.

The Clerk read as follows:

SEC. 16. That section 5280 of the Revised Statutes of the United States be, and is hereby, repealed, and that section 4081 be amended by adding at the end thereof the following proviso: *"Provided*, That this section and the foregoing sections, 4079 and 4080, shall in no case be held or construed to require or authorize the arrest, imprisonment, or delivering up of any deserter or deserting seaman to the vessel from which he has deserted unless the application in writing required thereby shall allege, and on examination it be made to appear, that such deserter or deserting seaman has been guilty on board of such vessel of some act or omission which is a criminal offense under the laws of the foreign nation to which such vessel belongs other than having withdrawn or being about to withdraw himself from the control and discipline of the master and officers of the vessel. That all treaties in conflict with this act be, and are hereby, abrogated, and the President of the United States is required at once to so notify every nation having any such treaty."

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Missouri [Mr. ALEXANDER] now that——

Mr. MOORE of Pennsylvania. Mr. Speaker, I wish to offer an amendment to that section.

The SPEAKER. The gentleman will send it up to the Clerk's desk.

Mr. MANN. I will suggest to the gentleman from Missouri [Mr. ALEXANDER] that there is no quorum present, if that is necessary. I thought the gentleman from Missouri was going to move to rise.

The SPEAKER. If any gentleman has an amendment to offer to this bill, he can mark it and send it up to the Clerk.

Mr. MOORE of Pennsylvania. But not discuss it?

The SPEAKER. Not discuss it or read it.

Mr. MANN. Just put it in the RECORD.

The SPEAKER. Yes; put it in the RECORD, to be printed for information. The amendments offered will be considered as pending.

Mr. ALEXANDER. Mr. Speaker, I am reluctant to move to adjourn, as the majority leader requested to be notified.

Mr. MOORE of Pennsylvania offered the following amendment:

Page 18, line 12, after the word "treaty," add the following: "*Provided*, That nothing herein contained shall prevent the arrest and deportation of any person who shall come to the United States upon any vessel in violation of the immigration laws of the United States."

Mr. MADDEN offered the following amendment:

Amend, page 16, line 9, by striking out the words "and shall" and substituting in lieu thereof the word "or."

Mr. ALEXANDER offered the following amendments:

Amend, by inserting after the word "States," in line 10, page 2, the words "navigating the ocean and the Great Lakes and on voyages of more than 12 hours' length."

Amend, by adding at end of line 14, page 15, "who shall be drilled in the handling and lowering of lifeboats under rules and regulations to be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce and Labor."

Mr. AYRES offered the following amendment:

On page 15, line 3, after the word "by," strike out the words "the officers" and insert in lieu thereof the words "an officer."

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 6978. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

S. 5623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. Was the point of no quorum made?

Mr. MANN. Oh, no; only a suggestion.

The SPEAKER. Has any gentleman any motion to make?

ADJOURNMENT.

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned until to-morrow, Friday, July 26, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (H. R. 25891) for the relief of James E. C. Covel, reported the same without amendment, accompanied by a report (No. 1064), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. LAFFERTY: A bill (H. R. 25971) for the acquisition of a site and the erection thereon of a public building at St. Johns, Oreg.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25972) to amend section 5 of an act of Congress approved August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," so as to provide for the regulation by the State or States in, through, or between which navigable rivers flow of the drawbridges now built or hereafter to be built across such rivers; to the Committee on Rivers and Harbors.

By Mr. BURKE of Wisconsin: A bill (H. R. 25973) to increase the limit of cost for the post-office building heretofore authorized at Fort Atkinson, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. RUCKER of Colorado: A bill (H. R. 25974) to provide for an appropriation of $10,000 for the building of a public road through the Medicine Bow Forest Reserve, Colo.; to the Committee on Appropriations.

By Mr. NEELEY: A bill (H. R. 25975) appropriating $50,000, or so much thereof as may be necessary, for the purpose of making a survey and an investigation into the feasibility and practicability of constructing an irrigation system from a point on the Missouri River in eastern Montana, at or near the place where the forty-seventh parallel crosses the one hundred and eighth meridian, thence going in a general southeasterly direction to a point where the thirty-seventh parallel crosses the one hundredth meridian on the boundary between the States of Kansas and Oklahoma; to the Committee on Irrigation of Arid Lands.

By Mr. ROBINSON: Resolution (H. Res. 639) for printing as a document 500 copies of the report of the Secretary of the Interior dated June 7, 1912, and accompanying papers on H. R.

24737, authorizing an investigation of the waters of the hot springs of Arkansas; to the Committee on Printing.

By Mr. ROBERTS of Massachusetts: Resolution (H. Res. 640) authorizing the Interstate Commerce Commission to investigate freight charges on articles classed as luxuries; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: Resolution (H. Res. 641) appropriating money for the payment of Richard C. Collins for services in computing the mileage of Members and Delegates; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 25976) granting a pension to Frank M. Freeman; to the Committee on Pensions.

By Mr. CONRY: A bill (H. R. 25977) for the relief of Michael Foley, alias John Griffin; to the Committee on Military Affairs.

By Mr. DOREMUS: A bill (H. R. 25978) granting an increase of pension to Riley Denman; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 25979) granting an increase of pension to William H. H. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25980) granting a pension to George Brooks; to the Committee on Invalid Pensions.

By Mr. GRAY: A bill (H. R. 25981) granting a pension to Nora A. Kitchen; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 25982) granting a pension to Anna J. Sampson; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 25983) granting an increase of pension to Thomas Conroy; to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 25984) for the relief of the heirs of Ellery B. Wilmar; to the Committee on the Public Lands.

By Mr. PEPPER: A bill (H. R. 25985) granting a pension to Sophia W. Sterrett; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 25986) granting an increase of pension to James Ripley; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 25987) to grant an annuity to Annie Neate; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of the International Dredge Workers' Protective Association, Local No. 3, of Toledo, Ohio, favoring passage of House bill 1373, relative to men building, etc., Government rivers and harbors; to the Committee on War Claims.

By Mr. BARTLETT: Petitions of H. C. Turner, W. L. Adams, and others, of Riverdale, Ga., protesting against the passage of any parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of two members of the Daughters of Liberty, of Brooklyn, N. Y., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Simpson-Crawford Co., of New York City, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of New York Typographical Union, No. 6, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Papers with reference to fixed prices on patented articles; to the Committee on Patents.

Also, petition of Photo-Engravers' Union No. 1, New York, protesting against the passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Oliver Bros., of Rockford, Ill., protesting against the passage of the Bourne parcel-post bill (S. 6850); to the Committee on the Post Office and Post Roads.

By Mr. LEE of Pennsylvania: Petition of Washington Camp, No. 247, Patriotic Order Sons of America, Landingville, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the Central Labor Union of Brooklyn, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Petition of the Southern California Wholesale Grocers' Association, of Los Angeles, Cal., protesting against the coinage of a one-half cent piece; to the Committee on Coinage, Weights, and Measures.

By Mr. TALBOTT of Maryland: Petition of citizens of Baltimore, Md., against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of New York: Petition of the Central Labor Union of Brooklyn, N. Y., against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, *July 26, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request by Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4930) to harmonize the national law of salvage with the provisions of the international convention for the unification of certain rules with respect to assistance and salvage at sea, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 22111) for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy*.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20347) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. SLAYDEN, and Mr. PRINCE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 5623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors;

S. 6340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6978. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors;

H. R. 644. An act for the relief of Mary E. Quinn;

H. R. 1739. An act to amend section 4875 of the Revised Statutes to provide a compensation for superintendents of national cemeteries;

H. R. 12375. An act authorizing Daniel W. Abbot to make homestead entry;

H. R. 13938. An act for the relief of Theodore Salus;

H. R. 18033. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes;

H. R. 20347. An act to authorize the Dixie Power Co. to construct a dam across White River, at or near Cotter, Ark.;

H. R. 20873. An act for the relief of J. M. H. Mellon, administrator, et al., all of Allegheny County, Pa.;

H. R. 22043. An act to authorize additional aids to navigation in the Lighthouse Service, and for other purposes;

H. R. 22111. An act for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy;*

H. R. 24598. An act for the relief of Jesus Silva, jr.; and

H. R. 24699. An act extending the time for the repayment of certain war-revenue taxes erroneously collected.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of sundry citizens of Dahlgren, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was ordered to lie on the table.

Mr. WORKS presented a petition of sundry citizens of California, praying for the enactment of legislation providing for the acquisition of a national redwood park from out the groves of Humboldt County, in that State, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. WATSON presented a petition of the Woman's Auxiliary to the Board of Missions of the Protestant Episcopal Church, of Parkersburg, W. Va., praying for the enactment of legislation providing medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

REPORTS OF COMMITTEES.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 362 for an investigation into the expenditures of the Forest Service and the appointment of a committee for that purpose, reported it without amendment.

He also, from the same committee, to which was referred Senate resolution 365 authorizing the Committee on the Library to employ a stenographer to report hearings on bills or other matters pending before the committee, reported it without amendment.

Mr. MARTINE of New Jersey, from the Committee on Claims, to which was referred the bill (S. 324) for the relief of Allen Edward O'Toole and others, who sustained damage by reason of accident at Rock Island Arsenal, reported it with amendments and submitted a report (No. 971) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 7315) to authorize the construction of a bridge across the Clearwater River at any point within the corporate limits of the city of Lewiston, Idaho, reported it without amendment and submitted a report (No. 972) thereon.

Mr. BORAH, from the Committee on Education and Labor, to which were referred the following bills, reported them each with amendments, and submitted reports thereon:

H. R. 21094. An act to create a Commission on Industrial Relations; and

H. R. 22913. An act to create a department of labor (Rept. No. 973).

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (S. 7089) to remove the charge of desertion against Charlie Meyers, reported it with amendments and submitted a report (No. 974) thereon.

He also, from the same committee, to which was referred the bill (S. 2058) for the relief of William Wentworth, reported it with an amendment and submitted a report (No. 975) thereon.

Mr. SMOOT, from the Committee on Pensions, to which were referred the following bills, reported them each without amendment, and submitted reports thereon:

H. R. 25304. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors (Rept. No. 976); and

H. R. 24796. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors (Rept. No. 979).

Mr. SMOOT, from the Committee on Pensions, to which were referred the following bills, reported them severally, with amendments, and submitted reports thereon:

H. R. 24602. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 977);

H. R. 24996. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors (Rept. No. 978);

H. R. 24322. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 980);

H. R. 25166. An act granting pensions and increase of pensions to certan soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors (Rept. No. 981); and

H. R. 24626. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 982).

Mr. JONES, from the Committee on the District of Columbia, to which was referred the bill (S. 7165) to authorize the elimination of part of North Dakota Avenue from the permanent system of highways plan, reported it without amendment and submitted a report (No. 983) thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 24026) to incorporate the Naval History Society, reported it without amendment and submitted a report (No. 984) thereon.

NAVAL APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 6, 25, 27, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 58, 61, 62, 70, 71, 72, 75, 76, 78, 80, 83, 86, 91, 110.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 8, 9, 10, 11, 16, 18, 19, 20, 21, 22, 23, 26, 28, 29, 30, 31, 32, 33, 44, 45, 46, 49, 50, 51, 52, 54, 55, 59, 60, 65, 66, 67, 68, 69, 73, 74, 77, 81, 82, 84, 88, 89, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 103, 108, 109, 115, 117, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In said amendment, in line 1, strike out the word "naval" and after the word "officer" insert the words "of the Navy or Marine Corps," and after the word "may" insert the words "with his consent"; in lines 5 and 6 strike out the words "grade from which he was retired" and in lieu thereof insert the words "same rank"; in lines 10 and 13 strike out the word "commander" and in lieu thereof insert the words "senior grade"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In said amendment, in line 2, after the words "United States" insert the following: "as amended by section 16 of an act entitled 'An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States,' approved March 3, 1899"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In said amendment, in line 6, after the word "received," insert the words "except pay and allowances for the unexpired period not served"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In said amendment strike out the following words: "Such island possession of the United States as in his judgment may be best adapted to the permanent care and segregation of such sufferers," and in lieu thereof insert the words "the island of Culion, in the Philippines"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In said amendment strike out the words "and forty-three" and "two hundred and fifty"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In said amendment strike out the following words: "and sixty-seven" and "seven hundred and seventeen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an

amendment as follows: Strike out all of said amendment except the following, which is retained as a separate paragraph:

"The Secretary of the Navy is hereby authorized to exchange such quantities of potassium nitrate now in store as may not be needed in the manufacture of black powder for sodium nitrate of equal value for use in the manufacture of smokeless powder."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In said amendment strike out the following: "That $75,000 of said sum, or so much thereof as may be necessary, may be used for the survey, investigation, and report upon coal and coal fields available for the production of coal for the use of the United States Navy or any vessel of the United States," and in lieu thereof insert the following: "That $75,000, or so much thereof as may be necessary, may be used for the mining of coal and development work of public lands in Alaska for the purpose of supplying coal for the United States Navy, and the sum of $345,500, or so much thereof as may be necessary, shall be used for the coaling station and fuel station at Pearl Harbor, Hawaii"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In said amendment strike out the words "one on the Washington or Alaska coast"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In said amendment, in line 7, after the word "Hawaii," insert the following: "at a cost not exceeding $1,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In said amendment strike out the word "eighteen" and insert in lieu thereof the word "twelve"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In said amendment strike out the word "thirty-seven" and in lieu thereof insert the word "thirty-one"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In said amendment strike out the following: "one shell house, $20,000"; strike out the word "seventy-three" and in lieu thereof insert the word "fifty-three"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In said amendment strike out the words "five million one hundred eighty-six thousand three" and in lieu thereof insert the following: "four million six hundred twenty-three thousand three hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: On page 40 of the bill, line 20, after the word "officers," insert the words "of the Dental Corps"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In said amendment restore the matter stricken out, with the following amendments in lines 6 and 9, strike out the word "section" and in lieu thereof insert the word "act"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: Strike out all of said amendment and in lieu thereof insert the following:

"*Provided further*, That a reserve corps of dental surgeons is hereby authorized to be organized and operated under the provisions hereinbefore provided for the organization of a medical reserve corps and differing therefrom in no respect other than that the appointees thereto shall be graduates of reputable schools of dentistry instead of graduates of reputable schools of medicine, and so many of said appointees may be ordered to temporary active service as the Secretary of the Navy may deem necessary to the health and efficiency of the personnel of the Navy and Marine Corps, provided that the total number of dental officers in active service shall not exceed the proportion of one dental officer to each one thousand of said personnel."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In said amendment restore the matter stricken out with the following amendment: Strike out the word "ten" and in lieu thereof insert the word "thirty-five"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In said amendment in lieu of the matter stricken out insert the following: "No enlisted men or seamen, not including commissioned and warrant officers, on battleships of the Navy, when such battleships are docked or laid up at any navy yard for repairs, shall be ordered or required to perform any duties except such as are or may be performed by the crew while at sea or in a foreign port"; and the Senate agree to the same.

On the amendments of the Senate numbered 102, 104, 105, 106, 107, 111, 112, 113, and 114 the committee of conference have been unable to agree.

GEORGE C. PERKINS,
H. C. LODGE,
B. R. TILLMAN,
Managers on the part of the Senate.
L. P. PADGETT,
A. W. GREGG,
GEORGE EDMUND FOSS,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. PERKINS. I move that the Senate further insist upon its amendments still in disagreement and ask for a further conference, and that the Chair appoint the conferees on the part of the Senate.

Mr. JONES. I wish to ask the Senator from California in reference to the amendment in regard to submarines.

Mr. LODGE. That is in disagreement. It is all that is in disagreement; but the conferees on the part of the Senate can not state what is likely to be the outcome.

Mr. JONES. While I know the conferees can not state what is likely to be the outcome in regard to submarines, I have some data in reference to that matter which I wished to submit to the Senate before it went to conference again, showing the importance of insisting upon the submarine amendment.

Mr. LODGE. I can assure the Senator, so far as the two conferees on this side of the Chamber are concerned, that they are determined to insist on the submarines.

Mr. JONES. With that assurance, I will not detain the Senate in order to get the data in the RECORD.

Mr. LODGE. We are thoroughly in favor of it.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to; and the President pro tempore appointed Mr. PERKINS, Mr. LODGE, and Mr. TILLMAN conferees on the part of the Senate.

MINING AND GRAZING ON INDIAN RESERVATIONS.

Mr. ASHURST. From the Committee on Indian Affairs I report back favorably with amendments the bill (S. 6812) to amend section 3 of an act entitled "An act to provide for the allotment of lands in severalty," and so forth, approved February 28, 1891. I ask that the bill may be read and put on its final passage.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

Mr. SMOOT. Before giving unanimous consent, would the Senator object to explaining in a few words what the bill is?

Mr. ASHURST. I feel it my duty to do so, and I will do so very cheerfully.

Under the present situation unallotted lands in Indian reservations may not be used for mining purposes or for grazing. This bill was prepared by gentlemen representing the Interior Department. It provides that the Secretary of the Interior may, in his discretion, lease for a period of not less than five years lands within Indian reservations for grazing purposes and lands within Indian reservations for not less than 10 years for mining purposes. The Secretary of the Interior has made a report to that effect upon the bill, which accompanies it.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Idaho?

Mr. ASHURST. Certainly.

Mr. HEYBURN. Do I correctly understand the Senator to say the bill provides that the Secretary of the Interior may lease mineral lands on an Indian reservation for mining purposes?

Mr. ASHURST. It does, sir.

Mr. HEYBURN. I object to the consideration of the bill.

Mr. SUTHERLAND. The bill simply extends the provisions of existing law with reference to reservations created by legislation to reservations which are created by Executive order. It does not alter the existing law, I understand, at all.

Mr. ASHURST. The Senator is correct.

Mr. SUTHERLAND. But it simply extends the provisions of law to additional subjects matter.

Mr. ASHURST. The Senator is correct.

Mr. HEYBURN. Mr. President, I am not in accord with any plan that places it within the discretion of an administrative officer to say whether or not the mines of the country shall be opened. We have the best mining law that could be devised in the old act of 1872, which says that all mineral deposits on public lands shall be open to exploration and purchase under a law, not under a discretion; and it is not my intention, so long as I can interpose an objection and support it, to see a right converted into a privilege at the discretion of any person.

I object to the consideration of the bill.

The PRESIDENT pro tempore. Objection is made, and the bill will go to the calendar.

NELLIE ORTON NICHOLS.

Mr. BRIGGS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 363, submitted by the Senator from Michigan [Mr. TOWNSEND] on the 20th instant, to report it favorably without amendment, and I ask for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the contingent fund of the Senate, to Nellie Orton Nichols, widow of David Robinson Nichols, late a private in the Capitol police, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

INCITEMENT OF INSURRECTION IN MEXICO.

Mr. BRIGGS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 335, submitted by the Senator from Minnesota [Mr. NELSON], and reported from the Committee on Foreign Relations by the Senator from Michigan [Mr. SMITH], to report it favorably without amendment.

Mr. CULLOM. I hope that resolution will be taken up and passed.

Mr. BRIGGS. I call the attention of the Senator from Michigan to the report.

Mr. CULLOM. I ask that it may be considered now.

The PRESIDENT pro tempore. The Senator from Illinois ask unanimous consent for the present consideration of the resolution.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Foreign Relations or a subcommittee thereof is hereby authorized and directed to inquire, investigate, ascertain, and report whether any persons, associations, or corporations, domiciled in or owing allegiance to the United States, have heretofore been or are now engaged in fomenting, inciting, encouraging, or financing rebellion, insurrection, or other flagrant disorder in Cuba or Mexico against the lawful, organized Governments of those countries.

Resolved further, That said committee or a subcommittee thereof is hereby empowered to summon witnesses, to send for persons and papers, to administer oaths, and to take and secure whatever testimony and evidence may be required to ascertain and report upon the matters aforesaid; and said committee or a subcommittee thereof is hereby authorized for the purposes aforesaid to sit wherever necessary and act as well when Congress is not in session as when in session.

Resolved further, That the said committee is hereby directed to report the result of its said investigation and inquiry to the Senate during the first month of the next session of Congress; and the expenses incurred by such investigation and inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

RAVAGES OF THE ARMY WORM.

Mr. SMITH of South Carolina. From the Committee on Agriculture and Forestry I report back favorably without amendment the joint resolution (S. J. Res. 125) making appropriation for checking the ravages of the army worm, and I ask for its present consideration.

The PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be used by the Secretary of Agriculture in employing experts to aid in checking the ravages of the army worm in those sections of the country where its presence is now threatening the crops: *Provided*, That the amount herein appropriated shall be deemed a part of the fund now provided for like purposes in the agricultural appropriation bill and shall be subtracted from said fund upon the passage of the said agricultural appropriation bill.

Mr. SMOOT. I should like to ask the Senator from South Carolina if a joint resolution similar to this was not passed last evening?

Mr. SMITH of South Carolina. The joint resolution from the House was passed, but the Secretary of Agriculture has claimed that it will take at least $25,000 at once to meet the spread of this pest and has asked that that joint resolution be supplemented by this measure. I have a telegram here to the effect that unless they can get these experts on the ground immediately the entire cotton crop of the South is threatened.

Mr. SMOOT. Does the Senator mean to say that it will take $25,000 next week to do that?

Mr. SMITH of South Carolina. Next week, just as early as it will be possible to get the experts into the infected region.

Mr. SMOOT. How much does the agricultural appropriation bill provide?

Mr. SMITH of South Carolina. Something like $100,000 or $125,000. The Secretary of Agriculture wants to have this appropriation immediately.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. HEYBURN. What is the purpose of this appropriation?

Mr. SMITH of South Carolina. It is for the purpose of sending men into the infected region who understand the preparation of the poison and the method of meeting the pest in different kinds of vegetation. For instance, in a hayfield unless there is a very careful process employed in the hay it would poison the stock.

Mr. HEYBURN. How do they do it?

Mr. SMITH of South Carolina. The department has the process, and therefore——

Mr. HEYBURN. Is it a secret process?

Mr. SMITH of South Carolina. It depends upon the knowledge of experts to find the point of incubation. Their expert knowledge enables them to find the worm before it starts its ravages. Only entomologists can differentiate between the appearance of the ordinary insect and this worm until he is large enough to begin his ravages.

Mr. HEYBURN. Is it handwork?

Mr. SMITH of South Carolina. The poisoning is handwork, and is carried on by the individual who owns the land, under the direction of these experts.

Mr. HEYBURN. Then it is the owner of the lands who applies the poison?

Mr. SMITH of South Carolina. Yes.

Mr. HEYBURN. Does he share in this appropriation?

Mr. SMITH of South Carolina. Oh, no.

Mr. HEYBURN. Who gets this appropriation?

Mr. SMITH of South Carolina. The appropriation is to defray the expenses of the different experts who are sent to do this work and who have been in the business for years—the entomologists.

Mr. HEYBURN. Who hunts out the nests from which these pests are propagated?

Mr. SMITH of South Carolina. The expert instructs the farmer how to locate the worm.

Mr. HEYBURN. And the expert gets this money?

Mr. SMITH of South Carolina. The Agricultural Department defrays the expenses of this work.

Mr. HEYBURN. How many experts are there?

Mr. SMITH of South Carolina. The Secretary of Agriculture has said that $25,000 would enable him to send men throughout the Southern States where the pest now is threatening the destruction of the corps.

Mr. HEYBURN. How much is the aggregate appropriation?

Mr. SMITH of South Carolina. Twenty-five thousand dollars.

Mr. HEYBURN. I mean in the regular appropriation bill.

Mr. SMITH of South Carolina. Oh, that is for various purposes, and is something like $150,000, I think. If the chairman of the Committee on Agriculture were here he could give the exact information.

Mr. HEYBURN. I suppose they pay the experts by the year?

Mr. SMITH of South Carolina. Oh, no; this is merely an emergency fund to enable the Department of Agriculture to employ men for this work. There has been no appropriation at all so far, but the Secretary has sent some experts out already, paying the money out of his own pocket. On account of the failure of the passage of the agricultural appropriation bill he has not a dollar for any purpose.

Mr. HEYBURN. Can the Senator advise us whence he obtains the experts?

Mr. SMITH of South Carolina. He has had them all along. Experts are being trained throughout the country. The Secretary has entomologists in every State, and this measure is

to concentrate them in this emergency that has now arisen in the South.

Mr. HEYBURN. And he will send experts over a section of the country to instruct the farmers how to find the pests?

Mr. SMITH of South Carolina. How to find the pests and the manner of mixing the poison to destroy them.

Mr. HEYBURN. How is it mixed?

Mr. SMITH of South Carolina. I really do not know, and that is the reason I want the experts employed, because my own farm is threatened as well as others.

Mr. HEYBURN. What is this pest?

Mr. SMITH of South Carolina. It is the army worm, which appears about once in every seven years. I will say to the Senator from Idaho that usually it comes about the latter part of September or the first of October, but for the first time in its history it appears now in the last week of July, and has therefore two months in which to work. Unless it is checked now, its ravages will be great.

Mr. HEYBURN. And, then, for seven years it will disappear?

Mr. SMITH of South Carolina. Yes.

Mr. HEYBURN. So that this is not an appropriation to recur each year?

Mr. SMITH of South Carolina. Oh, no.

Mr. HEYBURN. I merely wanted some information. I have noticed a vast amount of proposed legislation for the destruction of various pests, but the information in detail has been very meager, and I thought it a proper occasion to put in the RECORD something that would inform the people of the country why these appropriations are made, and not for the purpose of treating them lightly or opposing them.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. McLEAN. Mr. President, I have no objection to the passage of the joint resolution. On the contrary, I heartily favor the destruction of all injurious insects and worms which are at the present time great pests throughout the country; but I should like to suggest to the Senator from South Carolina and his colleagues on the other side of the Chamber that if they will remove their opposition to the passage of Senate bill 6497 the insectivorous birds of the country will dispose of the insects and their destruction will not cost a penny.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SUTHERLAND:

A bill (S. 7368) granting an increase of pension to Otto Weber; to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 7369) granting an increase of pension to Annie Shannon (with accompanying papers); to the Committee on Pensions.

By Mr. BRIGGS:

A bill (S. 7370) for the relief of Kate D. Augur, widow of Jacob A. Augur, and others; to the Committee on Claims.

Mr. BOURNE. I am instructed by the Committee on Post Offices and Post Roads to introduce the bill which I send to the desk. I ask that it be read twice by its title and referred to the Committee on Post Offices and Post Roads.

The bill (S. 7371) to provide the manner of determining the compensation of railroads for the transportation of the mails was read twice by its title and referred to the Committee on Post Offices and Post Roads.

By Mr. McLEAN:

A bill (S. 7372) granting a pension to Edwin B. Wright (with accompanying papers); and

A bill (S. 7373) granting an increase of pension to Ellen M. Banning (with accompanying papers); to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 7374) granting an increase of pension to C. W. Goff; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 7375) for the relief of Owen S. Willey; to the Committee on Naval Affairs.

By Mr. PAYNTER:

A bill (S. 7376) granting an increase of pension to William H. Frederick; to the Committee on Pensions.

By Mr. GALLINGER:

Joint resolution (S. J. Res. 126) authorizing Federal bureaus doing hygienic and demographic work to participate in the exhibition to be held in connection with the Fifteenth International Congress on Hygiene and Demography; to the Committee on Appropriations.

THE SUGAR SCHEDULE.

Mr. WILLIAMS. I hold in my hand an amendment in the nature of a substitute to the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909. I want to present it now and have it printed, and I give notice that it will be offered to-morrow as a substitute for the House sugar schedule tariff bill. I wish to explain that it is the substitute agreed upon by the Democratic members of the Senate Finance Committee.

In this connection I ask consent of the Senate to file during the day or to-morrow morning a report expressing the views of the Democratic members of the Finance Committee in support of the substitute.

The PRESIDENT pro tempore. The substitute will lie on the table and be printed.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL (H. R. 25970).

Mr. SUTHERLAND submitted an amendment proposing to appropriate $360, being an additional amount to pay the assistant clerk to the Committee on Public Buildings and Grounds a salary of $1,800 per annum, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to appropriate $217,693.39 to reimburse the State of Texas in full payment of all claims of any nature whatever on account of expenses incurred by that State prior to February 9, 1861, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $1,200 to pay Robert W. Farrar for indexing and extra services as clerk to the Committee on Pensions, and also $1,200 to pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Pensions and ordered to be printed.

He also submitted an amendment to enable the Secretary of the Senate to pay the officers and employees of the Senate borne on the annual and session rolls on the 1st day of July, 1912, a sum equal to one-twelfth the annual compensation then paid them by law, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CLAPP submitted an amendment authorizing the Secretary of the Treasury to pay to each employee on the rolls of the Senate and House of Representatives, including the Capitol police, at the end of each session of Congress an amount equivalent to 5 cents per mile each way in coming to Washington and returning to his home, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

STREET RAILWAY IN SOUTH HILO, HAWAII.

Mr. CLAPP. I enter a motion to reconsider the vote by which the bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii, was passed. I note that motion at this time. I now move that the House be requested to return the bill to the Senate.

Mr. FLETCHER. I ask the Senator what bill it is?

Mr. CLAPP. It is a bill to grant a franchise for a street railway in the Hawaiian Islands. The word "freight," in the draft that came from the House, was omitted. It is desired to recall it and insert the word "freight."

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Minnesota that the House be requested to return the bill.

The motion was agreed to.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

EXCISE AND INCOME TAXES.

The PRESIDENT pro tempore. Morning business is closed. The unanimous-consent agreement will be stated.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, July 26, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations, to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by indi-

viduals and copartnerships, and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations, to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships.

The PRESIDENT pro tempore. The bill will be read in full.

The Secretary read the bill, as follows:

Be it enacted, etc., That every person, firm, or copartnership residing in the United States, any Territory thereof, or in Alaska or the District of Columbia, shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such person equivalent to 1 per cent upon the entire net income over and above $5,000 received by such person from all sources during each year; or, if a nonresident, such nonresident person shall likewise be subject to pay annually a special excise tax with respect to the carrying on or doing business by such person equivalent to 1 per cent upon the amount of net income over and above $5,000 received by such person from business transacted and capital invested within the United States and its Territories, Alaska, and the District of Columbia during each year. The term "business," as herein used, is and shall be held to embrace everything about which a person can be employed, and all activities which occupy the time, attention, and labor of persons for the purpose of a livelihood or profit. The word "person" wherever used in this act shall be held to include natural persons or individuals and firms or copartnerships.

SEC. 2. That in computing incomes the necessary expenses actually incurred in carrying on any business, not including personal, living, or family expenses, shall be deducted, and also all interest paid within the year by such person on existing indebtedness; and all national, State, county, school, and municipal taxes, not including those assessed against local benefits, paid within the year shall be deducted from the gains, profits, or income of the person who has actually paid the same, whether such person be owner, tenant, or mortgagor; also losses actually sustained during the year, incurred in trade or arising from fires, storms, or shipwreck, and not compensated for by insurance or otherwise, and debts ascertained to be worthless: *Provided*, That no deduction shall be made for any amount paid out for new buildings, permanent improvements, or betterments, made to increase the value of any property or estate: *Provided further*, That only one deduction of $5,000 shall be made from the aggregate income of all the members of any family composed of one or both parents and one or more minor children, or husband and wife; that guardians shall be allowed to make a deduction in favor of each and every ward, except that in case where two or more wards are comprised in one family and have joint property interests the aggregate deduction in their favor shall not exceed $5,000: *And provided further*, That in cases where the salary or other compensation paid to any person in the employment or service of the United States shall not exceed the rate of $5,000 per annum, or shall be by fees, or uncertain or irregular in the amount or in the time during which the same shall have accrued or been earned, such salary or other compensation shall be included in estimating the annual gains, profits, or income of the person to whom the same shall have been paid, and shall include that portion of any income or salary upon which a tax has not been paid by the employer, fiduciary, or other person, where the employer, fiduciary, or other person is required by law to pay on the excess over $5,000: *And provided further*, That in computing the income of any person there shall not be included the amount received from any corporation, joint-stock company or association, or insurance company as dividends upon the stock of such corporation, joint-stock company or association, or insurance company, if the special excise tax of 1 per cent now imposed by law has been paid by such corporation: *And provided further*, That in computing the income of any person there shall not be included the amount received from any firm or copartnership, if the special excise tax of 1 per cent imposed by this act has been paid by such firm or copartnership.

SEC. 3. That there shall be deducted from the amount of the net income of each of such persons, ascertained as provided herein, the sum of $5,000, and said tax shall be computed upon the remainder of said net income of such person for the year ending December 31, 1912, and for each calendar year thereafter; and on or before the 1st day of March, 1913, and the 1st day of March in each year thereafter, a true and accurate return, under oath or affirmation, shall be made by each person of lawful age, subject to the tax imposed by this act, to the collector of internal revenue for the district in which such person resides or has his principal place of business, or, in the case of a person residing in a foreign country, in the place where his principal business is carried on within the United States, in such form as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, setting forth specifically the gross amount of income from all separate sources and from the total thereof, deducting the aggregate items or expenses and allowance herein authorized, and likewise returning the amount of income, gains, and profits of any minor or person for whom they act, but persons having less than $4,500 net income are not required to make such report; and the collector or deputy collector shall require every list or return to be verified by the oath or affirmation of the party rendering it, and may increase the amount of any list or return if he has reason to believe that the same is understated: *Provided*, That no such increase shall be made except after due notice to such party and upon proof of the amount understated; and in case any such person having a taxable income shall neglect or refuse to make and render such list and return, or shall render a willfully false or fraudulent list or return, it shall be the duty of the collector or deputy collector to make such list according to the best information he can obtain, by the examination of such person or any other evidence, and to add 50 per cent as a penalty to the amount of the tax due on such list in all cases of willful neglect or refusal to make and render a list or return; and in all cases of a willfully false or fraudulent list or return having been rendered to add 100 per cent as a penalty to the amount of tax ascertained to be due, the tax and the additions thereto as a penalty to be assessed and collected in the manner provided for in other cases of willful neglect or refusal to render a list or return, or of rendering a false or fraudulent return: *Provided further*, That any person in his or her behalf, or as such employer or fiduciary, shall be permitted to declare, under oath or affirmation, the form and manner of which shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, that he, she, or his or her ward, employee, or beneficiary was not possessed of an income of $5,000, or may declare that he, she, or his or her ward, employee, or beneficiary has been assessed and has paid a special excise tax elsewhere for the same year, under authority of the United States, measured by all his or her income, gains, or profits, and upon all the income, gains, or profits for which he or she is liable as such employer or fiduciary, as prescribed by this law; and if the collector or deputy collector shall be satisfied of the truth of the declaration, such person shall thereupon be exempt from excise tax in the said district for that year; or if the list or return of any person shall have been increased by the collector or deputy collector, such person may be permitted to prove the amount liable to be assessed; but such proof shall not be considered as conclusive of the facts, and no deductions claimed in such cases shall be made or allowed until approved by the collector or deputy collector. Any person feeling aggrieved by the decision of the deputy collector, in such cases may appeal to the collector of the district, and his decision thereon, unless reversed by the Commissioner of Internal Revenue, shall be final. If dissatisfied with the decision of the collector, such person may submit the case, with all the papers, to the Commissioner of Internal Revenue for his decision, and may furnish the testimony of witnesses to prove any relevant facts, having served notice to that effect upon the Commissioner of Internal Revenue, as herein prescribed.

Such notice shall state the time and place at which and the officer before whom the testimony will be taken; the name, age, residence, and business of the proposed witness, with the questions to be propounded to the witness, or a brief statement of the substance of the testimony he is expected to give: *And provided further*, That the Government may at the same time and place take testimony upon like notice to rebut the testimony of the witnesses examined by the person taxed.

The notice shall be delivered or mailed to the Commissioner of Internal Revenue a sufficient number of days previous to the day fixed for taking the testimony, to allow him, after its receipt, at least five days, exclusive of the period required for mail communication with the place at which the testimony is to be taken, in which to give, should he so desire, instructions as to the cross-examination of the proposed witness.

Whenever practicable the affidavit or deposition shall be taken before a collector or deputy collector of internal revenue, in which case reasonable notice shall be given to the collector or deputy collector of the time fixed for taking the deposition or affidavit.

SEC. 4. That all assessments shall be made and all persons shall be notified of the amount for which they are respectively liable on or before the 1st day of June of each successive year, and said assessments shall be paid on or before the 30th day of June, except in cases of refusal or neglect to make such return, and in cases of false or fraudulent returns, in which cases the Commissioner of Internal Revenue shall, upon the discovery thereof, at any time within three years after said return is due, make a return upon information obtained as above provided for, and the assessment made by the Commissioner of Internal Revenue thereon shall be paid by such person or persons immediately upon notification of the amount of such assessment; and to any sum or sums due and unpaid after the 30th day of June in any year, and for 10 days after notice and demand thereof by the collector, there shall be added the sum of 5 per cent on the amount of tax unpaid, and interest at the rate of 1 per cent per month upon said tax from the time the same becomes due.

SEC. 5. That it shall be the duty of all paymasters and all disbursing officers under the Government of the United States, or persons in the employ thereof, when making any payment to any officers or persons as aforesaid, whose compensation is determined by a fixed salary or upon settling or adjusting the accounts of such officers or persons, to deduct and withhold the aforesaid tax of 1 per cent, and the pay rolls, receipts, or accounts of officers or persons paying such tax as aforesaid shall be made to exhibit the fact of such payment. And it shall be the duty of the accounting officers of the Treasury Department, when auditing the accounts of any paymaster or disbursing officer, or any officer withholding his salary from moneys received by him, or when settling or adjusting the accounts of any such officers, to require evidence that the taxes mentioned in this act have been deducted and paid over to the Treasurer of the United States or other officer authorized to receive the same. Every person, firm, or corporation who pays to any officer, employee, or other person a salary or compensation, interest, or other accrued profits, exceeding $5,000 for a taxable year, every lessee or mortgagor of real or personal property who pays to the lessor or mortgagee interest or compensation exceeding $5,000 for a taxable year, and every trustee, executor, administrator, conservator, agent, or receiver, employing any person or paying any person business earnings, within the meaning of this act, exceeding $5,000 for any taxable year, computed on the basis herein prescribed, shall make and render a return as provided herein to the collector or a deputy collector of his district, and shall deduct and withhold the tax herein imposed, and shall pay on said return the tax of 1 per cent per annum as required by this act: *Provided*, That any officer, employee, or other person for whom return has been made and the tax paid, as aforesaid, shall not be required to make a return unless such person has other net income, but only one deduction of $5,000 shall be made in the case of any such officer or employee: *Provided further*, That salaries paid to State, county, or municipal officers shall be exempt from the special excise tax herein levied: *And provided further*, That interest upon the bonds or other obligations of a State or any political subdivision thereof and also the proceeds of life-insurance policies paid upon the death of the person insured shall not be included in computing the net income of a person subject to the tax herein imposed: *And provided further*, That all property or its value passing by will or by intestate laws or transferred by deed or gift made or intended to take effect in possession after the death of the grantor, donor, testator, or ancestor shall be exempt from the operation of this law.

SEC. 6. That if any person, corporation, company, or association liable to make the return or pay the tax aforesaid shall refuse or neglect to make a return at the time or times hereinbefore specified in each year, or shall render a false or fraudulent return, such person shall be liable to a penalty of not less than $50 and not exceeding $500. Any person, corporation, company, or association required by law to make, render, sign, or verify any return who makes any false or fraudulent return or statement with intent to defeat or evade the assessment required by this act to be made shall be guilty of a misdemeanor and shall be fined not exceeding $1,000 or be imprisoned not exceeding one year, or both, at the discretion of the court, with the costs of prosecution.

SEC. 7. That it shall be the duty of every collector of internal revenue to whom payment of any tax is made, under the provisions of this act,

to give to the person making such payment a full written or printed receipt expressing the amount paid and the particular account for which such payment was made; and whenever such payment is made such collector shall, if required, give a separate receipt for each tax paid by any debtor on account of payments made or to be made by him to separate creditors in such form that such debtor can conveniently produce the same separately to his several creditors in satisfaction of their respective demands to the amounts specified in such receipts; and such receipts shall be sufficient evidence in favor of such debtor to justify him in withholding the amount therein expressed from his next payment to his creditor; but such creditor may, upon giving to his debtor a full written receipt, acknowledging the payment to him of whatever sum may be actually paid, and accepting the amount of tax paid as aforesaid (specifying the same) as a further satisfaction of the debt to that amount, require the surrender to him of such collector's receipt.

SEC. 8. That jurisdiction is hereby conferred upon the district courts of the United States for the district within which any person summoned under this act to appear to testify or to produce books shall reside, to compel such attendance, production of books, and testimony by appropriate process.

SEC. 9. That all administrative, special, and general provisions of law, including the laws in relation to the assessment, remission, collection, and refund of internal-revenue taxes not heretofore specifically repealed and not inconsistent with the provisions of this act, are hereby extended and made applicable to all the provisions of this act and to the tax herein imposed.

Mr. BORAH. Mr. President, day before yesterday I submitted an amendment in the nature of a substitute for the pending bill. I desire now, by permission of the Senate, to withdraw the amendment with the view of offering it in a different form.

The PRESIDENT pro tempore. It is within the Senator's right to modify the amendment in any way he pleases.

Mr. BORAH. Then I offer, in lieu of the amendment which I then submitted, the one I send to the desk, and I should like to have it read at this time so that the Senate may be informed with respect to it.

The PRESIDENT pro tempore. The proposed amendment in the nature of a substitute will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That for the calendar year 1912, and for each calendar year thereafter, duties shall be assessed, levied, collected, and paid upon incomes, herein specified, received in such calendar year by every citizen of the United States, whether residing at home or abroad, and by every other person as to an income received from any property, business, trade, occupation, profession, or employment, situated or carried on within the United States. The dutiable incomes shall be those in excess of $5,000, and from every such dutiable income the sum of $5,000 shall be deducted in order to ascertain the amount upon which the duty shall be assessed, levied, and collected. The rate of duty upon dutiable incomes shall be as follows, to wit: Upon incomes not exceeding $10,000, 2 per cent; upon incomes not exceeding $20,000, 2½ per cent; upon incomes not exceeding $40,000, 3 per cent; upon incomes not exceeding $60,000, 3½ per cent; upon incomes not exceeding $80,000, 4 per cent; upon incomes not exceeding $100,000, 5 per cent; upon all incomes exceeding $100,000, 6 per cent.

SEC. 2. That the incomes upon which the duties hereinbefore specified are to be assessed and levied shall be incomes received during the calendar year and derived as follows, to wit:

First. Salaries, wages, or compensation for personal labor or service of whatever kind and in whatever form paid or received: *Provided*, That there shall be excluded the compensation of the existing President of the United States during the term for which he has been elected and of the judges of the supreme and inferior courts of the United States now in office; and there shall be also excluded the salaries and compensation of all officers and employees of a State or any political subdivision thereof.

Second. Earnings in any profession, after deducting the expense actually incurred in conducting such profession.

Third. The gains or profits of any trade, vocation, or business.

Fourth. The gains or profits of all sales or dealings in property, whether real or personal, provided that the gains and profits from sales of real estate purchased more than two years prior to the close of the year for which the income is being ascertained shall not be included.

Fifth. Any other gains or profits growing out of the ownership of or interest in real or personal property, or the transaction of any lawful business carried on for gain or profit.

Sixth. The amount received as dividends upon corporate stocks, together with the proportionate share of the undivided profits of corporations issuing such stocks, except corporations paying the excise tax under exitsing law, the amount received as interest upon bonds, obligations, or other evidences of indebtedness: *Provided*, That interest upon the bonds or other obligations of a State or any political subdivision thereof, and interest upon the bonds or obligations of the United States, exempt by their terms from taxation, shall not be included.

SEC. 3. That incomes or parts of incomes derived from any business, trade, vocation, or profession carried on wholly within a foreign country, or derived from property situated in a foreign country, shall not be included in the return hereinafter required.

SEC. 4. That it shall be the duty of every person of lawful age having an income of more than $5,000, computed upon the basis herein prescribed, for the year 1912 and for each year thereafter, to make and render a return on or before the first Monday of March, 1913, and on or before the first Monday of March of each year thereafter, in such form and manner as may be directed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury, to the collector or deputy collector of the district in which he or she resides, of the amount of his or her income computed as aforesaid; and every guardian, trustee, executor, administrator, agent, receiver, and every person or corporation acting in any fiduciary capacity shall make and render a return, as aforesaid, to the collector or deputy collector of the district in which such person or corporation acting in a fiduciary capacity resides or does business, of the amount of the income of any minor or person for whom they act whose income exceeds $5,000. The collector or deputy collector shall require every return to be verified by the oath or affirmation of the person rendering it, if it be an individual, or the proper officer or officers of a corporation, if it be a corporation. If the said collector or deputy collector has reason to believe that any return understates the income therein reported, he may increase the amount subject to the appeal hereinafter provided; and in case any such person having a dutiable income shall neglect or refuse to make and render such return, or shall render a willfully false or fraudulent return, it shall be the duty of such collector or deputy collector to make or correct such return from the best information he can obtain either by the examination of such person or by any other evidence, and to add 50 per cent as a penalty to the amount of the duty in all cases of willful neglect or refusal to make or render a return, and in all cases of a willfully false or fraudulent return, to add 100 per cent as a penalty to the amount of the duty ascertained to be due; the duty and the additions thereto as a penalty to be assessed and collected in the manner provided for in other cases of willful neglect or refusal to render a return or of rendering a false and fraudulent return. Any person aggrieved by the decision of the deputy collector in either of the cases above mentioned may appeal to the collector of the district, and his decision thereon, unless reversed by the Commissioner of Internal Revenue, shall be final. If dissatisfied with the decision of the collector, originally or on appeal, such person may submit the case with all papers to the Commissioner of Internal Revenue for his decision and may furnish the testimony of witnesses to prove any relevant facts, having served notice to that effect upon the Commissioner of Internal Revenue as herein prescribed. Such notice shall state the time and place at which and the officer before whom the testimony will be taken, the name, age, residence, and business of the proposed witnesses, with the questions to be propounded to each witness and a brief statement of the substance of the testimony he is expected to give: *Provided*, That the Government may at the same time and place take testimony upon like notice to rebut the testimony of the witnesses examined by the person against whom the collector rendered decision. The notice shall be delivered or mailed to the Commissioner of Internal Revenue a sufficient number of days previous to the day fixed for taking the testimony to allow him after its receipt at least five days, exclusive of the period required for mail communication with the place at which the testimony is to be taken, in which to give, should he so desire, instructions as to the cross-examination of the proposed witness or witnesses. Whenever practicable the affidavit or deposition of a collector or deputy collector of internal revenue shall be taken, in which case reasonable notice shall be given to the collector or deputy collector of the time fixed for taking the deposition or affidavit. No penalty shall be assessed upon any person for such neglect or refusal or for making or rendering a willfully false or fraudulent return except after reasonable notice of the time and place of hearing to be prescribed by the Commissioner of Internal Revenue so as to give the person charged an opportunity to be heard.

SEC. 5. That the duties on incomes hereby imposed shall be due and payable on the 1st day of July, 1913, for the year 1912, and on the 1st day of July of each succeeding year for the duties assessed and levied upon the incomes of the preceding year, and if the duty on any income remains unpaid after the 1st day of July as aforesaid and after 10 days' notice and demand thereof and therefor by the collector, there shall be collected as a penalty for such nonpayment the sum of 5 per cent on the amount of duty unpaid, and also interest at the rate of 1 per cent per month upon said duty from the time it becomes due. The Commissioner of Internal Revenue is authorized to relieve the estates of deceased, insane, or insolvent persons from the aforesaid penalty if the failure to pay at maturity was without fault of the person or persons in charge of said estates.

SEC. 6. That if at any time after the duty upon any income is paid, or, becoming due, is unpaid, the Commissioner of Internal Revenue ascertains that the person returning the said income for duty knowingly made a false return respecting the same, the amount of dutiable income so concealed shall be assessed for the year in which the discovery is made and there shall be collected for and on account of any such concealed income double the duty prescribed in this act.

SEC. 7. That at any time after September 1 in each year the internal-revenue collector in any district shall proceed to enforce by distraint upon any property belonging to any person upon whose income a duty has been assessed and levied and which duty or any part thereof remains unpaid, and all the property of any such person wherever situated subject to execution shall be liable to distraint for the collection of the unpaid duty.

SEC. 8. That it shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or make known in any manner whatever not provided by law to any person any information obtained by him in the administration hereof concerning the amount or source of income, profits, losses, expenditures, or any particular thereof set forth or disclosed in any income return by any person or corporation, or permit any income return or copy thereof or any book containing any abstract or parts thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return or any part thereof or the amount or sources of income, profits, losses, or expenditures appearing in any income return. Any offense against the foregoing provisions shall be a misdemeanor and punished by a fine not exceeding $1,000, or by imprisonment for a period not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States, he shall be dismissed from office and be incapable thereafter of holding any office under the Government.

SEC. 9. That every internal-revenue collector shall, from time to time, cause his deputies to proceed through every part of his district and to inquire after and concerning all persons therein who may be in receipt of dutiable incomes hereunder, and concerning all persons or corporations having the care and management of property which may produce such income, and to make a list of such persons or corporations and to enumerate said properties.

SEC. 10. That only one deduction of $5,000 shall be made from the aggregate income of all the members of any family composed of one or both parents and one or more minor children or husband and wife. No penalty shall be assessed upon any person, corporation, or association for a neglect or refusal to make return or for making or rendering a willfully false or fraudulent return, except after reasonable notice of the time and place of hearing, to be prescribed by the Commissioner of Internal Revenue, so as to give the person charged with such neglect or refusal, or charged with such false or fraudulent return, an opportunity to be heard.

SEC. 11. That in the event that any person with a dutiable income fails to make the return prescribed in section — hereof to the collector or deputy collector, and the person shall be absent from his or her residence or place of business at the time the collector or deputy collector shall call for such annual return, it shall be the duty of such

collector or deputy collector to leave at such place of residence or business with some one of suitable age and discretion, if there be such person present, otherwise to deposit in the nearest post office, a note or memorandum addressed to such person requiring him or her to render to such collector or deputy collector the return required by law within 10 days from the date of such note or memorandum, verified by oath or affirmation. And if any person, on being notified or required as aforesaid, shall refuse or neglect to make such return within the time required as aforesaid, or delivers any return which, in the opinion of the collector, is false or fraudulent or contains any undervaluation or understatement, it shall be lawful for the collector to summon such person or any other person having possession, custody, or care of books of account containing entries relating to the business of such person or any other person he may deem proper to appear before him and produce such books at a time and place named in the summons and to give testimony or answer interrogatories under oath respecting any subjects which will tend to disclose the true income. The collector may summon any person residing or found within the State in which the district lies; and when the person intended to be summoned does not reside and can not be found within such State, he may enter any collection district where such person may be found and there make the examination herein authorized. And to that end he may there exercise all the authority which he might lawfully exercise in the district for which he is commissioned. This procedure shall apply to all cases of failure to make return and to all cases in which the collector shall be of opinion that the return is incorrect, false, or fraudulent.

SEC. 12. That when any person, corporation, or association refuses or neglects to render any return required by law, or renders a false or fraudulent return, the collector or any deputy collector shall make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the collector and on his own view and information and such knowledge as he can obtain, a return according to the form prescribed of the income derived by any person under the care or management of such person, corporation, or association, and the return so made and subscribed by such collector or deputy collector shall be held prima facie good and sufficient for all the above purposes.

During the reading of Mr. BORAH's substitute,

Mr. WILLIAMS. I should like to ask the Senator from Idaho a question about the substitute which has just been read. In what respect does it materially differ with the income-tax act which was passed in 1894 and declared unconstitutional by the Supreme Court?

Mr. BORAH. If the Senator will permit the amendment to be read, then I will explain its provisions.

Mr. WILLIAMS. I thought that the Secretary had finished the reading of the substitute.

Mr. BORAH. No; he has not finished reading it.

The PRESIDENT pro tempore. The Secretary will continue the reading of the substitute.

The Secretary resumed and concluded the reading of the substitute.

The PRESIDENT pro tempore. Does the Senator from Idaho offer what has been read as an amendment at the present time?

Mr. BORAH. No; it was not my intention to offer it now. I assumed that the Senator from Georgia was going to discuss the matter. At the proper time I expect to offer it.

The PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. SMITH of Georgia. Mr. President, I will not discuss the wisdom or the justice of an income tax. The wisdom and the justice of requiring incomes to bear a fair part of the burden of Government is now almost universally recognized.

I wish to bring to the attention of the Senate some of the more important provisions of the excise bill which comes to us from the House, to call attention to the fact that this bill is entirely in line with recent decisions by the Supreme Court of the United States construing the Constitution, and to point out what we may expect as a result of the bill if it becomes a law.

I wish also, Mr. President, while earnestly and sincerely in favor of a general income tax, to give some reasons why it would seem wiser at the present time to adopt this excise bill rather than to pass a general income law.

We are all familiar with the income act passed in 1894. We are all familiar with the fact that in the spring of 1895 it went before the Supreme Court of the United States and was there attacked upon the ground that it was unconstitutional, upon the ground that it was a direct tax, and that therefore the amount should have been apportioned among the several States according to population.

The decision of the Supreme Court in the Pollock case is now a part of the history of the country. The shock that it gave to many lawyers and to the public generally, the belief on the part of many that it overturned a line of decisions which had been rendered for 100 years, that it overturned the construction of the Constitution placed upon it by men who were members of the body which framed that instrument—all this is now a matter of history. But that decision, five to four, still stands unreviewed and unreversed.

In 1909 the income-tax question was again before the Congress. There were Members of the House and Senators who urged that a general income-tax law should be passed, and that we should again take a measure of the Supreme Court and find out whether on reflection a majority of the court would not hold that the sound law had been announced in the dissenting opinions of Mr. Justice White and Mr. Justice Harlan.

After full consideration of the question, with a message from the President upon the subject, Congress determined not even at that time to adopt a general income tax. On the contrary, Congress determined to submit to the States an amendment to the Constitution which should expressly provide that an income-tax law might be passed without apportionment among the States according to population.

Congress also went further and passed an excise tax upon corporations, under which all the incomes of certain corporations were to pay a tax provided the incomes exceeded $5,000. The tax was to be levied upon the corporations in respect to the carrying on or doing business.

It was declared to be an excise tax, and it was with respect to carrying on or doing business; but it provided that all of their income should be subject to tax, not only that which came from property used in carrying on or doing business, but even if they had incomes from property not required to be actively used; if the corporations were engaged in carrying on or doing business, its entire net income over and above $5,000 was to be the subject of taxation.

During the discussion of this question Senators now upon the floor took the position that it was not necessary to limit the excise tax to corporations; that it might be properly extended to all persons, firms, or copartnerships carrying on or doing business or with respect to their carrying on or doing business.

The excise tax placed upon corporations has been before the Supreme Court of the United States, carried there in an effort to attack it upon the ground that it was unconstitutional. In the Flint case, reported in the Two hundred and twentieth United States, the special excise tax which the Congress placed upon corporations has been fully considered. The Supreme Court sustained it and distinguished it from the income tax bill, held to be unconstitutional in the Pollock case, and pointed out the difference between a direct effort to subject income to taxation and a special excise tax levied with respect to the carrying on or doing business. Without reviewing the Pollock case, the Supreme Court held that the corporation tax was a special excise tax not required by the terms of the Constitution to be apportioned according to population among the States, and was therefore properly imposed by Congress.

The Supreme Court went further and held that this tax was constitutionally imposed upon all of the income of corporations subject to it, even though part of the income came from property not subject to tax. The fact that the particular corporation was carrying on or doing a business which subjected it to the special excise tax left with Congress the power to measure the amount of the tax and the manner of calculating the tax.

In another decision, that in the Minnesota case, the Supreme Court distinguished between what was carrying on or doing business and what was not under the special excise tax imposed upon corporations, and held that the corporation which had surrendered those provisions of its charter which allowed it to do business or manage its own property, and had leased its property for 130 years, giving up all of its charter powers except the mere right to receive the income under the 130-year lease and divide it or dispose of the property, was not doing business, and that, therefore, such a corporation was not subject to the income tax. So it may certainly be claimed that the tax sustained upon corporations is for carrying on or doing business, and that the carrying on or doing business is the constitutional basis for the special excise tax.

The same principle which makes the tax constitutional when applied to a corporation makes it equally constitutional when applied to a person, a firm, or a corpartnership.

The present bill, in practically the language of the act placing the special excise tax upon corporations, places a special excise tax upon persons, firms, and copartnerships with respect to their being engaged in or doing business. In the Flint case language is used which clearly indicates the opinion of the court that this tax can properly be extended to persons, firms, or copartnerships; and, as I said before, the bill before us, in the very terms of the excise-tax law which has been sustained by the Supreme Court, extends the special tax to persons, firms, or copartnerships. If we adopt this measure, we adopt a measure already practically sustained by the Supreme Court of the United States and one which is in perfect accord with the recent decisions of the court.

The measure is very far-reaching. The term "business" is defined in the proposed act as follows:

The term "business," as herein used, is and shall be held to embrace everything about which a person can be employed, and all activities which occupy the time, attention, and labor of persons for the purpose of a livelihood or profit.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. Yes, sir.

Mr. WORKS. I should like to ask the Senator from Georgia whether, under that definition of business, he thinks anybody could escape this tax except the idle rich?

Mr. SMITH of Georgia. I do not think that the idle rich will escape it. I think there are very few idle rich who do not look after their investments and take care of their profits; and I think that the so-called idle rich who exercise sufficient supervision over their property to direct their own investments, to look after the reinvestment of their profits, and to take care of their property, under the decisions of the courts are doing business, and I think that definition was intended to reach the class to which I refer. The definition is practically taken from the decision of the Supreme Court in the Flint case. I wish to read a few additional definitions of the term "business." In delivering the opinion of the court, Mr. Justice Day said:

"Business" is a very comprehensive term and embraces everything about which a person can be employed. * * * That which occupies the time and attention or labor of man for the purpose of a livelihood or profit.

The man of great wealth who looks after his investments for the profit that comes to him by giving direction to them would fall within the definition laid down by the Supreme Court. The justice then goes on to say:

We think corporations organized for the purpose of doing business and actually engaged in such activities as leasing of property, collecting rents, managing office buildings, making investments of profit, leasing oil lands, collecting royalties, managing wharves, dividing profits, and in some cases investing the surplus, are engaged in business within the meaning of this statute and in the capacity to make such organization subject to the law.

Persons, firms, or copartnerships occupied in the same way would be equally engaged in business.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. Certainly.

Mr. CUMMINS. I have heard it said that there are some incomes that would not be taxed under the bill as it passed the House. I have listened to the definition of business as given by the Senator from Georgia, and my question is, Can the Senator from Georgia imagine any income, however derived, that would not be taxable if his interpretation or definition of business is accepted?

Mr. SMITH of Georgia. First, Mr. President, I desire to say that I have been giving the interpretation of the Supreme Court of the United States. I have been reading, rather, from the Flint case than giving my own views. I will a little further on quote additional authorities, and I will say that under the definitions of business by the Supreme Court of the United States, by leading courts of the different States, and by the English courts, I think this bill will practically reach everybody.

Mr. CUMMINS. If that be true, what is the difference, then, between this bill and an income-tax bill?

Mr. SMITH of Georgia. The difference is, as described by the Supreme Court in sustaining it, that it is a special excise tax for doing business, and not a direct tax upon incomes without regard to doing business.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. Yes.

Mr. BORAH. Does the Senator from Georgia think that that is a substantial distinction to be maintained as against the distinction in the Pollock case?

Mr. SMITH of Georgia. The Supreme Court of the United States in the Flint case sustains the distinction and expressly declares that there is the distinction which I have stated.

Mr. BORAH. If the Senator be correct in his interpretation and construction of the Supreme Court decision, then the only difference between the excise-tax bill, which is now before the Senate, and the amendment which I have submitted would be the question of graduation.

Mr. SMITH of Georgia. I do not agree that that is literally true. I do say that I am not aware of any mode of holding property, and I do not desire to suggest any mode of holding property, which would enable the person possessing it to escape the special excise tax. I hope that the court will carry the proposed excise tax just as far as possible, but it would remain a question for the courts to decide whether a particular man or a particular occupation falls within a proper definition of the word "business." It is a judicial question and not a legislative question. The Supreme Court has declared that we can legally levy a special excise tax with respect to persons carrying on or doing business, and the House has simply followed the decision of the court.

If you ask me for my own opinion you ask for something which is of no value as compared to the authority which comes from the court which has the right to construe the law. At least, I may say that I have great respect for the dissenting opinions of Mr. Justice White and Mr. Justice Harlan in the Pollock case. I have never myself been able to overcome what seemed to me the irresistible logic of their opinions. But I find the decision of the majority of the court in that case not reviewed or reversed, and I find here the Flint case, which justifies this tax. While I am referring to this matter I will go just one step further. If the question had been presented for my determination or for my vote in 1909 I would have been much inclined to send at once another income-tax bill to the Supreme Court of the United States; but what did Congress do? Following the message of the President recommending that course, Congress passed a constitutional amendment relieving the Constitution from the construction placed upon it in the Pollock case and submitted it to the States. Thirty-four States have adopted it, four have rejected it, and eight have not yet acted. Would not the case go to the Supreme Court in very much weaker shape if at the present time it should be determined by Congress to send a straight income-tax bill to that court invoking a reversal of the Pollock case? How easy it would be to say, "Congress has accepted that decision; Congress has submitted to the States a constitutional amendment which only lacks the approval of two States to ratify it." Probably before the question reaches the Supreme Court those two will have ratified it. Well might the Supreme Court say, "The action of Congress and the action of the States have so far changed the status of this question that we will adhere to the majority opinion in the Pollock case."

It seems to me that the Senate and the House, by their action three years ago, have made it far more difficult to present that naked question of the constitutionality of an income tax to the Supreme Court. Frankly, I have for years hoped to see the decision in the Pollock case reversed. I would have been glad as soon as one man who belonged to the five rendering the majority decision went off the bench to put it up to the new man; but we have waited, and you have given it a different direction You have almost accomplished the constitutional amendment. How do we know that we can now pass a bill for a straight income tax? It will require approval by the President.

Three years ago Congress acted on the recommendation of the President and gave direction to the question of an income tax. If you adopt the substitute of the Senator from Idaho you take a measure, to say the least, involved in doubt; to say the least, confronted by five to four on the Supreme Bench; and you do it in preference to a measure that the Supreme Court has sustained, discriminating it from the Pollock case, and that will be almost as beneficial.

Now, this whole subject, as shown by the report of the committees in the House and by the debates there, was fully considered in that body, and they reached the conclusion embodied in this bill. Earnestly desirous as they were for a straight income tax, I yield to no one a greater desire to see such a tax than I possess. I believe it is essentially right, and I have no doubt it is coming, and coming in the near future.

Now shall we cast aside a measure which is almost as good, that has already been practically sustained by the Supreme Court of the United States, to adopt an income tax that we all want, which would be confronted with an adverse decision of the Supreme Court already existing, and with the further difficulty that three years ago Congress determined that the proper way to treat this subject was to accept the decision as sound and change the Constitution; and coupled with the further fact that before the case is heard in the Supreme Court probably the amendment will have been ratified by the two additional States?

Of course, the adoption of the amendment would not cure the trouble, if any trouble now exists in the passage of the income tax. It would not be retroactive; it would apply only to legislation passed subsequent to its adoption. I wish to go a little further.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. Certainly.

Mr. SUTHERLAND. I have not been present during all the time the Senator from Georgia has been discussing this question, but I was greatly interested in his discussion as to what constituted "business."

Mr. SMITH of Georgia. I was just coming back to that; and I am going to read now a number of definitions.

Mr. SUTHERLAND. Will the Senator permit me to ask him a question?

Mr. SMITH of Georgia. Certainly.

Mr. SUTHERLAND. I want to get the Senator's view of it. Is it the Senator's position that any person who is in receipt of an income is engaged in business?

Mr. SMITH of Georgia. Not the mere naked receipt of an income; but if he takes care of his property, if he looks after his real estate, if he reinvests his profits, if he is looking after the preservation of his estate, he is engaged in business under the decision of the Supreme Court and other courts.

Mr. SUTHERLAND. It is reputed—I do not know how truthfully—that Mr. Carnegie is worth some two or three hundred million dollars; that his money is invested in bonds, and that Mr. Carnegie clips the coupons or has somebody else clip the coupons from the bonds, and in that way receives an income. If that be true, would Mr. Carnegie be engaged in business?

Mr. SMITH of Georgia. That might depend upon how he used his income. If he is engaged in the business of handling his income, then he would be engaged in business. Before the Senator came in I had called attention to two decisions of the Supreme Court of the United States in which they discriminated between what is "business" and what is not—the Minneapolis case, with which the Senator, of course, is familiar, and the Flint case—the Supreme Court holding in the Minneapolis case that the corporation was not subject to the tax because it had leased all it had for 130 years, retained no control whatever over it, was not reinvesting the proceeds for profit, but was only distributing the proceeds among its stockholders, and had amended its charter to take every power away from it except to receive the rent, divide it among the stockholders, and receive the principal if the property was sold. In the Flint case the broad definition which I read and which is embodied in this act is given.

Now, I would like to read a few more definitions of "business."

Mr. SUTHERLAND. I want to put another supposititious case to the Senator, if I may. There are in New York City a number of people who own lands of immense value. Some of them have been leased for long terms of years, some as long as 99 years, as I understand, some 50 years, and enormous sums are paid to the owners of the land in the way of rentals. Some of the gentlemen who receive these enormous sums of money, greatly exceeding what the Senator or I could earn in our profession, or what a surgeon could earn in his profession, spend their time in London or in Paris, and receive these large sums of money in the way of income from their lands. Would those gentlemen be subject to taxation under this law?

Mr. SMITH of Georgia. It would be necessary to inquire further with reference to them what management was necessary to handle those properties, to what extent the control of those properties became a business, and to what extent as a result of that fact they were themselves engaged in business.

I will say this to the Senator, that I think the bill goes just as far as it constitutionally can, and I think the courts have gone about as far as they possibly can, and I think that in nearly every instance, if an investigation was made, some line of work, at least in the nature of reinvesting profits, in the nature of looking after buildings or having it done, or employing agents to do it, would constitute a business and bring the party within the tax.

Just before the Senator came in I read from the Flint case, and having first shown that the same rule applied to corporations, relieving them, as would apply to an individual, I called attention to the fact that in the Flint case, in the opinion of the court, it is held that managing an office building, collecting rents, dividing profits, investing surplus, would constitute being engaged in business.

Now, I wish to read a little further from some other authorities on that subject, because I confess that I was myself surprised to see what a broad definition "business" had been given and how far the courts have gone in construing what constitutes being engaged in "business."

The broad definition given to the term "business" by the Supreme Court of the United States is in entire accord with the meaning of the term recognized generally by courts and law writers. I will give several definitions from courts and law writers as to the meaning of the term "business," giving it, I have no hesitation in saying, a much broader and more comprehensive meaning than I had supposed was the legal rule.

The definitions are:

"Transaction of affairs," "something to be transacted," "something required to be done," "that which occupies the time and attention or labor of a man for the purpose of profit or improvement," "occupation for gain." So that the courts, the law writers, our own Supreme Court, justify the conclusion that a man can not have his wealth invested, even in leased real estate, if he gives supervision or direction to his agents, or assumes responsibility in any way for the management of his property, or reinvests his profits, or cares for his estate, without being engaged in business. If he does anything that a man can be employed to do for a livelihood or does anything for the purpose of reinvesting his property as a profit or directs his property in any way, it constitutes being engaged in business; and under these definitions I believe there are very few of the so-called idle rich who could not be found and proved to exercise such interest in their property as to bring them within the provisions of this statute.

But, Mr. President, it is not essential to determine accurately that question to justify the support of this measure. It follows judicial decisions and goes as far as we can go following the courts. Now, if we wish to reach incomes and subject them to taxation, we can adopt this bill, and the estimate is made by those who have studied it that it will raise a revenue of $60,000,000 a year. Others insist that it will be considerably less.

As I said before, we confidently expect in the near future that more than two additional States will ratify the constitutional amendment, providing that an income tax can constitutionally be adopted without apportionment between the States according to population.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. I do.

Mr. CUMMINS. Does the Senator from Georgia think if there were added to the definition of "business" contained in the act passed by the House, the words—

And shall also embrace the act or acts of receiving and caring for the returns or profits of investments of capital of whatever kind—

we would still be clearly within the decision of the Supreme Court in that case?

Mr. SMITH of Georgia. I would hesitate about expressing an opinion on that subject. I think in the House they have adopted the definition given by the Supreme Court of the United States, and perhaps that would be the safest course to pursue.

Mr. CUMMINS. The Senator from Georgia is an accurate interpreter, and a few moments ago in describing what "business" is he used almost the identical language I have just read and which I may say is an amendment that I may offer to that section of the bill if the present amendment shall not receive the approval of the Senate.

I wanted, while the Senator was discussing that phase of it, to get his opinion as to whether or not this language "receiving and caring for the returns of investments" constitutes "business" within the meaning of the decision of the Supreme Court.

Mr. SMITH of Georgia. I am not prepared at this moment to express an opinion on that subject. I am not sure that the legislative definition of "business" ought to have been embodied in the bill, but as that definition is exactly the definition given by the Supreme Court, there could be no objection to it. The authorities certainly go to the extent that if the party receiving the money exercises any supervision over the property, it constitutes "business"; that if he uses any portion of his income for reinvestment, taking care of his surplus to enlarge his estate, it constitutes "business." Clearly, to be engaged in supervising a building, to own an office building and collect the rents from it or employing agents to do it, constitutes being engaged in business. The exercise of supervision over their property by men of accumulated wealth constitutes doing business clearly within the interpretation of the courts.

Mr. BORAH. Mr. President, if the definition of doing business can be so extended as it is thought to be, by reason of the extension being sufficiently binding to cover that class which has been referred to in the bill, I would feel very much disposed myself not to urge the amendment which I have submitted. But I want to ask the Senator from Georgia if he thinks this kind of a case would be covered. It is a concrete proposition, because I know of such a case.

The party owns a very large block of buildings in the city of New York, from which he collects a very large rental. He lives abroad most of the time, yachting in the Mediterranean and luxuriating in the European capitals, but after he has collected the rents here and paid the tax to the city and State upon it he has a very large income.

Now, this gentleman does not pay for the support of the National Government a single cent. He is taxed in no possible

way for the benefit of the National Government. The charwoman who washes the dirt from his marble floors pays more tax than he does to the National Government. Would this bill or could this bill by such an amendment as has been suggested by the Senator from Iowa be made to cover that gentleman and his income?

Mr. SMITH of Georgia. If the bill does not do it now I am not sure that the amendment would correct the defect. But I would wish to make some further inquiries about this wealthy son of New York or son of some foreign country, whichever he is. I would wish to know whether he employed his agents; whether he controlled his property through his agents; whether he exercised direction about the management of his property; whether when he had a surplus he invested it. I would wish to carry the investigation a little further, because I have no doubt that in practically every case that would confront us we could find something more than the naked facts the Senator states upon which to base the charge that the party was engaged in business.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. MASSEY in the chair). Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. Certainly.

Mr. BORAH. I have no doubt that in all probability at the present time the gentleman employs agents. The Senator from Georgia will agree with me, I am sure, that if the employment of those agents would relieve him from the payment of an income tax, it would transpire 24 hours after the income-tax law was passed. He would simply require his renters to deposit their rents in bank for him, and there would be no act by which he could possibly reach it.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. SMITH of Georgia. Yes.

Mr. WILLIAMS. I wish to suggest to the Senators engaged in the colloquy that it would be absolutely impossible for a man living in Europe to receive rent from a large property in New York without either managing the business for himself or through agents, without employing and paying elevator men, custodians, and other employees about the building, and that under the decision of the Supreme Court the moment he employed an agent to collect rents and pay repairs and to pay taxes, the moment he employed an elevator boy or anybody else, or a custodian, he would be engaged in business.

Mr. BORAH. Mr. President, I disagree with the Senator from Mississippi. The Supreme Court, or no other court, has ever laid down the rule with reference to the doing of business which covers the mere collection of income.

Mr. WILLIAMS. The point that I was making, Mr. President, is that a man can not live in Europe and manage a large estate in New York with no other business except to receive rents. Tenants do not voluntarily pay rent; they do not voluntarily go to bank and get a bill of exchange and forward it to a landlord; and unless that man in the case stated by the Senator from Idaho had some agent somewhere to represent him while he was absent he would soon have to turn his property over to the city of New York or to the State of New York for taxes.

Mr. BORAH. Exactly, but, Mr. President, the unfortunate part of it is that the courts have not held that kind of transaction to be the doing of business.

Mr. WILLIAMS. But, if the Senator will pardon me, they have held that employing an agent to manage the property is doing business. Am I mistaken in that, I ask the Senator from Georgia?

Mr. BORAH. I should like to see the opinion. I want to say, before I close on that point, that if that is true, then the constitutionality of this tax is just as serious as the constitutionality of an income tax. While we call it an excise tax, and while that has some weight with the Supreme Court, yet they have said it is not controlling, that we may call it one thing, and it may in fact be another, and while they will give it weight it will not be controlling weight.

Now, if it be true that this which the Senator from Mississippi suggests as the doing of business is the doing of business within the discussion of the excise-tax cases, then there is no difficulty about making this an income-tax bill, and to cover those who are doing this, beyond question.

Mr. SMITH of Georgia. I do not think, Mr. President and Senators, that we can ourselves exactly determine the point at which the courts will stop and say that a particular person was not engaged in business and the exact length to which they will go to hold that he is engaged in business. I have not undertaken to give an opinion of my own that reaches an exact point. I have sought to point out how broad these judicial constructions are as to the meaning of the "business" and to what a great extent we may expect to reach by a special excise tax the incomes of the country.

I wish especially to press the fact that under the decision in the Flint case the income must not necessarily be derived from business in which the person is engaged. If we locate him as doing business or having an occupation that falls within the class of business, then all of his income is subject to the tax. He then comes into the class, the special excise tax is fixed upon him, and the measure of tax is a legislative problem, and that legislative problem we undertake to solve in this bill by saying that being subject to the special excise tax as a person doing business, all of his net income above $5,000 shall contribute 1 per cent to the National Treasury to help bear the burdens of government. The Flint case fully sustains this view.

Now, the question that confronts us is this: Here we have a bill carefully prepared, studied out with great labor, studied out by men who are just as anxious to pass an income tax of the broadest character as any Member of the Senate. Here we have it conforming to recent decisions of the Supreme Court of the United States. Here we have our constitutional amendment almost adopted. If we pass this excise-tax bill we follow the corporation excise tax and reach persons, firms, and copartnerships, and we reach all covered by the broad term "business."

After that is done, if we do not speedily get the constitutional amendment ratified by two other States, if we want to do so then we can pass another act if we find it necessary to measure the Supreme Court on the Pollock case. We can pass an act providing that the incomes of all persons who have not paid a special excise tax shall be subject. Then we can let such an act go to the Supreme Court without jeopardizing a certainty by going to an uncertainty.

It seems to me that this is a bad time to send to the Supreme Court of the United States an income tax. It is bad because three years ago, under the leadership of the President, Congress took another course. And now, when we have every right to expect that not a year must pass until the two additional States will approve the proposed constitutional amendment, we are in the poorest shape possible to send that question to the court and to seek to invoke a reversal of the decision, which stood five to four.

Now, as to the necessity for the income from this act, of course if its associate, the free-sugar bill, passes, the money would immediately be required. But if it did not pass, there are measures pending now between the two Houses that would require more than the income of the Government next year. Take the project to contribute through the States to educational work, take the project to contribute through the States to good roads, take the large increase which has been made in the pensions, and which if the House agrees to the provision offered by the Senator from Ohio [Mr. POMERENE] will add $30,000,000 additional expense in the next 12 months. Putting everybody at once upon the pension roll it would go up, I should think, to over $30,000,000 next year. I mean, of course, $30,000,000 additional, an additional demand on the Treasury which has not heretofore been made against it for pensions.

I regard the measure sent us by the House of Representatives as the wisest thing we can do under existing circumstances, insisting all the time that by voting for it I do not wish anyone to misunderstand my earnest devotion to a broad general income tax. After the constitutional amendment is ratified, then I think we should pass a broad income tax, wipe out the corporation tax, wipe out perhaps this tax, and provide an income tax pure and simple. I want to add that a graduated plan of an income tax commends itself to me most cordially.

Mr. SUTHERLAND. Will the Senator permit me to ask him another question in connection with this bill?

The PRESIDING OFFICER. Does the Senator from Georgia yield further to the Senator from Utah?

Mr. SMITH of Georgia. Certainly.

Mr. SUTHERLAND. The definition of the term "business" contained in this bill is that it—

> shall be held to embrace everything about which a person can be employed, and all activities which occupy the time, attention, and labor of persons for the purpose of a livelihood or profit.

I call the Senator's attention to the fact that a great deal of income-producing property in this country is held in this way. A man has accumulated an enormous fortune during his lifetime, and he makes a will constituting certain persons his trustees to take care of the property for the benefit of his heirs after his death, the will providing that the trustees shall manage the property, collect the income, and turn the proceeds over to the heirs. Does the Senator think under this bill all sums of money turned over to those heirs will be taxable?

Mr. SMITH of Georgia. I think the bill undertakes to levy the tax then on the trustee, and requires him to pay it before he turns the property over to the heirs. I think the bill undertakes to reach a guardian or trustee conducting the business for a ward.

Mr. SUTHERLAND. The trustee may be a member of the family, and he may be paid nothing for his services. In that case would he be engaged in any business for a livelihood?

Mr. SMITH of Georgia. I think a trustee would be engaged in business if managing that property.

Mr. SUTHERLAND. The limited provision of the bill is that he must be engaged in it for the purpose of a livelihood or for profit.

Mr. SMITH of Georgia. No; it would be an occupation which he could be engaged in for a livelihood. He would be doing work which somebody else could have been engaged in for the purpose of making a livelihood. It does not mean that the particular business or the particular person taxed must himself be working for a livelihood, but if he fills any occupation which some one might be performing for a livelihood. I think that is the view of the Supreme Court and other courts as to what is covered by the term "business."

Mr. SUTHERLAND. But the trustees themselves do not receive any income.

Mr. SMITH of Georgia. But they are engaged in a work or occupation.

Mr. SUTHERLAND. No; but the persons who receive the income receive it without being engaged in any business whatsoever.

Mr. SMITH of Georgia. The bill undertakes to tax the trustee and guardian, as I understand it, for the management of the property.

Mr. SUTHERLAND. I have not discovered that provision in the bill. The Senator may be right.

Mr. SMITH of Georgia. I do not undertake, as I said before, to fix the point at which this tax will stop. I think that finally must be a judicial question about which there is some doubt; but I do insist that it is very far-reaching, and the excise tax bill under consideration is our safest plan at the present time to make the income of the wealthy bear a just proportion of the burden of government.

Mr. BORAH. Mr. President, the bill under consideration provides in its first section as follows:

That every person, firm, or copartnership residing in the United States, any Territory thereof, or in Alaska or the District of Columbia, shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such person equivalent to 1 per cent upon the entire net income over and above $5,000 received by such person from all sources during each year; or, if a nonresident, such nonresident person shall likewise be subject to pay annually a special excise tax with respect to the carrying on or doing business by such person equivalent to 1 per cent upon the amount of net income over and above $5,000 received by such person from business transacted and capital invested within the United States and its Territories, Alaska, and the District of Columbia during each year. The term "business," as herein used, is and shall be held to embrace everything about which a person can be employed, and all activities which occupy the time, attention, and labor of persons for the purpose of a livelihood or profit. The word "person" wherever used in this act shall be held to include natural persons or individuals and firms or copartnerships.

The first section of the amendment, which is offered in the way of a substitute, provides:

That for the calendar year 1912, and for each calendar year thereafter, duties shall be assessed, levied, collected, and paid upon incomes herein specified received in such calendar year by every citizen of the United States, whether residing at home or abroad, and by every other person as to an income received from any property, business, trade, occupation, profession, or employment, situated or carried on within the United States. The dutiable incomes shall be those in excess of $5,000, and from every such dutiable income the sum of $5,000 shall be deducted in order to ascertain the amount upon which the duty shall be assessed, levied, and collected. The rate of duty upon dutiable incomes shall be as follows, to wit: Upon incomes not exceeding $10,000, 2 per cent; upon incomes not exceeding $20,000, 2½ per cent; upon incomes not exceeding $40,000, 3 per cent; upon incomes not exceeding $60,000, 3½ per cent; upon incomes not exceeding $80,000, 4 per cent; upon incomes not exceeding $100,000, 5 per cent; upon all incomes exceeding $100,000, 6 per cent.

These two sections present in convincing contrast the difference in principle between these two bills. To one who has studied the subject of taxation and is informed as to the effect of tax laws no other argument would seem to be necessary as to the respective merits of these measures.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I yield.

Mr. WILLIAMS. I wish to renew a question which I asked prematurely this morning. I should like to ask the Senator from Idaho what, if any, are the essential differences in legal principle between the bill which he is proposing as a substitute and the bill which was passed and became a law under the Democratic administration of Grover Cleveland in 1894, and which was subsequently pronounced, by a sudden change over night in the opinion of one judge, to be unconstitutional?

Mr. BORAH. Mr. President, in my opinion it would raise precisely the same legal question. I do not seek to present the question in any other way. I feel perfectly confident of being able to sustain the measure here and in the courts. I say this mindful at the same time of the Pollock case.

Mr. WILLIAMS. In asking the question my object was to obtain the answer given by the Senator, because from a somewhat hurried reading of the bill I arrived at the same conclusion; in other words, that there was no new legal proposition to be presented to the Supreme Court if this bill should pass the House and stand the test at the White House.

If the Senator from Idaho has any reason to believe that the present Supreme Court would not be guided by courtesy, to put it no stronger—judicial courtesy—by the precedent established by the Supreme Court in the other case, it seems to me that would be a very important fact for the consideration of Senators, because if there was any reasonable basis upon which to base a conviction of a reversal it would appeal to the sympathy of this side of the Chamber very much.

If the Senator can give no reason of that sort, it would seem to us that even if his bill had passed the House and the White House, and had gone to the Supreme Court it would still be a mere fulmination in the air.

Mr. BORAH. Mr. President, so far as the question of precedent is concerned, I can cite no better instance than the Pollock case itself. As early as 1796 the Supreme Court of the United States decided by a unanimous decision of the court that a tax upon personal property was not a direct tax—decided that the only direct tax was a land tax and a capitation tax. That decision stood unchallenged and uncriticized by the Supreme Court for nearly 100 years. It was reviewed again in the case in Seventh Wallace, where the specific question was raised as to what constituted a direct tax, and it was held that income of insurance companies, or derived from the business of insurance companies, was not a direct tax.

It was again raised in the case of Veazie Bank *v.* Fenno, in Eighth Wallace, and the Supreme Court reviewed at large, in extenso, the question again and held that a capitation tax and a land tax were the only taxes known as direct taxes.

That was again reviewed in Twenty-third Wallace, in the Scholey case, where the question of an inheritance tax was involved. The Supreme Court again reviewed its former decisions and again announced that the only taxes known as a direct tax to the makers of the Constitution were a land and a capitation tax.

Finally, and fifthly, the Supreme Court took the matter up in the Springer case and reviewed the matter again.

Now, upon five different occassions those who challenged the power of Congress, under the Constitution, to levy a tax upon incomes or upon wealth or property carried their case to the Supreme Court of the United States, and upon five different occassions that court held that under the Constitution these different cases presented did not present a direct tax; that the only direct tax was a capitation tax or a land tax.

I am not going to stop to read these opinions now; I may do so later to some extent. I am now answering somewhat extensively the suggestion of the Senator.

In 1894 the case was passed up to the court known as the Pollock case. The Supreme Court distinguished and overruled nearly 100 years of precedent. If we should stop there alone, Mr. President, with a divided court of four to five, with a change taking place which disclosed that one of the judges changed his opinion, we have this kind of an opinion overruling the precedents of the court for a hundred years previous. It would not be unusual under such circumstances to present the case again, nor presumptuous to assume that the court would go back to its opinions of nearly a hundred years, beginning with those who helped to write the Constitution.

But that is not all. I think we would be perfectly justified now, and I have always thought that we were justified in urging the amendment in 1909 for the purpose of putting it up to the Supreme Court, to ascertain whether or not that was the final adjudication of the court, but, in addition——

Mr. WILLIAMS. Mr. President——

Mr. BORAH. Just a moment. In addition to that, Mr. President, I can not interpret the decisions of the Supreme Court since that time in any other light than that of tearing away the foundation principle upon which it based the Pollock case. You can not reconcile the later decisions with the principles announced in the Pollock case; and, for whatever it is worth, I will say that I believe that the Pollock case has been

in effect overruled by the Supreme Court. I do not believe it is the law of that court now and that we are perfectly justified in legislating upon that basis.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I yield.

Mr. WILLIAMS. Mr. President, I dislike very much to destroy the continuity of the argument of the Senator from Idaho.

Mr. BORAH. I was answering the Senator from Mississippi, so that the interruption will not destroy the continuity of my remarks.

Mr. WILLIAMS. But I am tolerably well acquainted, as is every other reasonably well-informed man, with the legal literature surrounding the income-tax decision of the Supreme Court; and I take it that the Senator from Idaho and I are one in one respect, to wit, that the decision of the Supreme Court pronouncing the income tax to be unconstitutional was itself unconstitutional, but, unluckily, there is no way of passing upon a decision of the Supreme Court. The question, however, that I had propounded to the Senator from Idaho previously remains still unanswered. That is, What reason has the Senator from Idaho to suppose that the Supreme Court of the United States, having pronounced an unconstitutional decision, will align itself with the Constitution in the future?

Mr. BORAH. Mr. President, the Senator from Mississippi perhaps did not hear my last remark in regard to that. I said that, in my opinion——

Mr. WILLIAMS. I heard the Senator say that from other decisions of the Supreme Court winking in that direction, and from other cases, where, of course, those decisions must have been obiter dictum, he had arrived at the conclusion that the *Supreme Court had* already virtually overruled that decision, but obiter dicta do not count, you know. I thought perhaps from what the President of the United States said a couple of years ago, and from what I have heard from the Senator from Idaho to-day and from some other things that I have heard from other people, that there was some intimation coming individually from judges of the Supreme Court upon which we might base a confident hope that the court would reverse itself, and instead of giving the country a decision which is unconstitutional might give us one which is constitutional.

Mr. BORAH. If I should have heard anything in the way of a personal communication, I should very much prefer to rely upon the opinions of the court as they are found since that time rather than upon any personal suggestion. I have never deemed it highly professional or entirely safe to take my knowledge of the law from the lips of gossip.

The fact is, Mr. President, that the Supreme Court of the United States has taken up and expressly overruled at least one of the two controlling principles in the Pollock case. For instance, in the Pollock case one of the controlling propositions on the part of the court was what is known as the economic definition of a direct tax; that is, the shiftableness of the tax. If it was shiftable to another person, if it could be transferred to another person, it was an indirect tax; and if it could not be transferred to another person it was a direct tax. That was an argument deduced from the writings of Smith and Turgot and had much to do apparently with the decision of the court.

I think it is impossible to read the Pollock case and not conclude otherwise that that was a controlling proposition in that case. We know that, so far as that proposition is concerned, the Supreme Court has expressly overruled it, and has on two different occasions, if not more, taken it up, considered it, and rejected it. I desire, although the Senator from Mississippi has left the Chamber—perhaps he will look at this in the RECORD—to call his attention to what was said by Justice White in his dissenting opinion as to the effect of this proposition upon the court at the time it was presented:

> Now, after a hundred years, after long-continued action by other departments of Government, and after repeated adjudications of this court, this interpretation is overthrown and Congress is declared not to have the power of taxation, which may at some time, as it has in the past, prove necessary to the very existence of the Government. By what process of reasoning is this to be done? By resort to theories in order to construe the word "direct" in its economic sense instead of in accordance with its meaning in the Constitution, when the very result of the history which I have thus briefly recounted is to show that the economic construction of the word was repudiated by the framers themselves and has been time and time again rejected by the court.

Again, Mr. Justice White said:

> It seems evident that the framers, who well understood the meaning of this word, have thus declared in the most positive way that it shall not be so construed in the sense of Smith and Turgot.
>
> The argument, then, it seems to me, reduces itself to this: That the framers well knew the meaning of the word "direct"; that so well understanding it, they practically interpreted it in such a way as to plainly indicate that it had a sense contrary to that now given to it in the view adopted by the court; although they thus comprehended the meaning of the word and interpreted it at an early date, their interpretation is now to be overthrown by resorting to the economists whose construction was repudiated by them.

Justice Brown in his opinion said:

> By resurrecting an argument that was exploded in the Hylton case, and has lain practically dormant for a hundred years, it is made to do duty in nullifying not this law alone but every similar law that is not based upon an impossible theory of apportionment.

By reference to the opinion of Mr Chief Justice Fuller, it will be found what weight he gave to that theory of an economic definition of a tax; and, as I have said, that proposition has been taken up in a case involving an inheritance tax, and it has now been definitely decided by the Supreme Court that the shiftableness of the tax is not a controlling proposition with reference to it being direct or indirect So much for that. As the Senator from Mississippi is no longer present, I shall not now further seek to answer his question. "What is truth? said jesting Pilate, and would not stay for answer."

Mr. President, I do not conceal the fact that I am opposed to this bill as it now exists, whether the amendment which I submit should be adopted or not. I do not think it will result in taxing those who ought to be taxed and that it will result in taxing more those who are already taxed too much. We are pretending to tax wealth, but we are so laying the tax that wealth may easily transfer it to those who are not able to bear it and should not in justice bear it. The Senator from Mississippi referred to the position taken as to the decision of the court as being a fulmination in the air. To propose this tax as a tax upon wealth can hardly be said to be a fulmination in the air, but it is quite as profitless if we are seeking to tax those who are now unjustly escaping taxation.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Texas?

Mr. BORAH. I do.

Mr. BAILEY. As the Senator from Idaho is now about to pass from the income tax to the bill under consideration, I want to submit for his consideration an amendment to the income tax bill. Under the income tax heretofore adopted in this country, the tax on corporate incomes is paid by the corporation, and the dividends paid to stockholders by those corporations are exempted in the hands of the stockholder. I followed that rule in the amendment which I proposed to the tariff bill of 1909, because I did not think it advisable at that time to introduce any change which might provoke a discussion over details; but I was absolutely certain then, as I am now, that the rule is not a just and wise one. I am just as certain that the wise and just method would be to levy no tax on that part of the income of corporations which they pay out in dividends, leaving the tax to fall upon the dividends in the hands of the stockholders. The soundness of that proposition will become apparent upon full reflection. Let us take a public-service corporation, a railroad company, for instance. If the railroad pays the income tax it charges the tax thus paid to its operating expenses, exactly the same as it now charges the ad valorem tax it pays to States, counties, and municipalities; and that charge becomes a part of the toll which it has the right to take from the public. The result, therefore, is that the railroad pays the tax and charges it back upon those who patronize it. If, instead of levying the tax on the income in the hands of the railroad and exempting it in the hands of the stockholder, you exempt it in the hands of the railroad and levy it upon the dividends received by the stockholder, this can not happen, because if A receives a million dollars in the shape of dividends on his railroad stock he has no power to collect his income tax from the public. Then, again, in the case of other corporations, it simplifies and makes the operation of the law more just in this respect: Suppose the Senator from Idaho had stock in an agricultural corporation or in any other corporation in his own State——

Mr. BORAH. It would seem like a dream.

Mr. BAILEY. From which he received $4,000. Assuming further that the corporation can not assess its taxes back against the public, the Senator would pay indirectly on $4,000 income, whereas a man who had his property otherwise invested would not pay a tax until his income exceeded $5,000. The Senator from Idaho will recall that it was to obviate that kind of injustice that we agreed to an amendment proposed by the Senator from Iowa [Mr. CUMMINS] in the session of 1909. Whether or not the pending bill is now accepted, it is certain that an income tax is sooner or later to become a part of the fiscal policy of this Government, and I think the sooner the better; but I hope when it is made a part of our policy the Congress will show itself wise enough to levy the tax upon those best able to pay

it with the least inconvenience; and the only possible way to make the men pay the income tax who really derive the benefit from the income is according to some amendment like that I have suggested. I thought once I would offer the amendment; but I think the Senator from Idaho ought to have the right to perfect his own bill, and I hope he will do so in the way I have suggested.

Mr. BORAH. Mr. President, I am in harmony with the views expressed by the Senator from Texas. While I have not very much hope that my amendment will ever become a law, if we find some evidence of its ripening into law I shall be very glad to suggest that amendment, or if the Senator from Texas will suggest it I will accept it so far as I can.

Mr. President, I am opposed to the excise tax for the reason that, in my opinion, the doing of business will never be construed by the court with that breadth necessary to cover that class of incomes which we ought to cover in this country, or that class of property which we ought to cover. If I felt at all certain that the Supreme Court would, or, rather, that it could, properly construe the doing of business to cover the mere collection of income, or the mere realization upon settled estates, I would be quite content to vote for this measure. But in my opinion the construction which will finally result will be that which will fasten upon the business activity of the country an additional tax and will relieve the idle incomes or the drones of business entirely from taxation.

I do not say this as charging upon the part of the authors of the bill a desire for that kind of an interpretation, nor, indeed, as desiring that result; but I do believe that that is what would necessarily follow. The bill has been framed not for the purpose of accomplishing that result, but because of what were considered legal restraints with reference to framing it in any other way. Believing, as I do, that it will tax those who employ labor, those who are exploiting business affairs, those who are actively engaged in developing the country, those who are really carrying on business, and that it will not tax those who have retired and who are simply living upon their incomes, who are the drones of business and of society, for that reason I am opposed to the measure as it is submitted, and unless there is some change in it I do not hesitate to say that I shall vote against it, even if my proposed amendment should not be adopted.

There is no doubt in my mind as to who will pay this tax. Whether or not that could be avoided under our present legal situation is a debatable question, but whether it can be avoided or not, the result will be that the low man, as usual, will pay this tax. It will be transferred by those engaged in business where competition no longer exists to the consumer, and the smaller business concerns operating in a competitive field are the small business men of the country anyway. So as we follow the tax in its final operation the incident of it will rest upon those who are already, in my judgment, bearing the principal portion of the burdens of the National Government. Whatever may be the good faith of its authors, which I seek in no way to impugn, the result will be as I have stated.

I do not know whether or not we, at this time, can fully reach as we should reach the large incomes which practically pay no tax. I believe that we can legally do so, and I believe, as I said a moment ago, that if that proposition ever reaches the Supreme Court again we will find that the adoption of a constitutional amendment was quite unnecessary, as was believed at the time by more than one Member of the Senate. I can not refrain from reading a statement as to the purpose which actuated the bringing in of the corporation-income-tax proposition. The then Senator from Rhode Island, Mr. Aldrich, said:

> I shall vote for a corporation tax as a means to defeat the income tax. * * * I am willing to accept a proposition of this kind for the purpose of avoiding what, to my mind, is a great evil and the imposition of a tax in time of peace when there is no emergency, a tax which is sure in the end to destroy the protective system.

Mr. KENYON. Was that said in a speech on the floor of the Senate?

Mr. BORAH. It was said in the debate upon the Senate floor. When the income-tax amendment was suggested in the debate of 1909 it was first brought into the Senate, as I remember, by the Senator from Texas [Mr. BAILEY]. The Senator from Iowa [Mr. CUMMINS] also offered such an amendment, and afterwards, as I recall, the two amendments became one amendment by agreement between the parties, and was finally submitted to the Senate in that form. It was ascertained at the time in that debate and during the discussion of the tariff bill that in all probability there were a sufficient number of votes in the Senate to pass that income-tax amendment. It therefore became necessary in the minds of those who were opposed to the amendment to submit some proposition which would secure a sufficient number of votes to defeat the income-tax amendment, and I do not reveal any secret when I say that the corporation tax was brought here for the purpose of defeating the income-tax amendment. If it had been believed at that time by those who were opposed to the income-tax amendment that the Supreme Court of the United States would again hold it unconstitutional there would not have been that great anxiety to defeat it here in the Senate. But for fear that it would be held constitutional, for fear that we would have a law which would tax the great idle incomes of this country and tax them probably in such a way that they could not transfer it to those who were already bearing the tax burden, the corporation-tax proposition was submitted in its stead. Of course every body who finally voted for the corporation tax was not thus controlled in purpose. But its origin was due to the fear of passing an income tax which would finally become an effective law.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I yield.

Mr. CLAPP. The Senator refers to the fact that it was probable that the income-tax provision would pass. The fact is that it was universally conceded that on a careful poll we actually had a substantial majority for the income-tax amendment. It was conceded by all that that was the fact.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Texas?

Mr. BORAH. I yield.

Mr. BAILEY. That the RECORD may be still more ample, as a matter of fact, at one time we had a majority of 4, not counting several uncertain votes, and the Senator will recall that when I was pressing for a vote from day to day I kept warning our friends on the other side that if we would postpone it long enough our adversaries would take that majority away from us; and the corporation tax, as the Senator has well said, was one of the devices by which they accomplished that result.

Mr. BORAH. Now, Mr. President, why was it that there was a desire to defeat the income tax with the corporation tax? If it be true that the corporation tax reached the same parties and that it is not possible to transfer that tax, but that those pay it who we assume pay it, why was it that the corporation tax was brought here in place of the income tax? It was for the reason that it was well understood that it is much easier, as has been more than once demonstrated, to transfer the corporation tax so that it will be finally paid by the consumer or those who do business with the corporations of the country. The tax is transferred to the consumer or to those who pay the ultimate price for the things purchased of the corporations doing business. That is true in all cases where the corporation is engaged in a field whence competition has been practically driven. The large corporations, the monopolistic corporations, those with the power to fix prices without hesitancy and without any difficulty add this tax to the price of the article which they are selling. The result is, assuming, as we do, that we are taxing corporations which could well afford to pay the tax by reason of their large incomes, we are, in fact, taxing the same people and the same taxpayers who pay the consumption tax to-day.

Take, for instance, the case of the express companies. In 1898, I believe, a tax was placed upon the express companies. The express companies openly and announcedly placed the tax upon the parties doing business with the express companies; added it to the cost of the expressage. There came up to the Supreme Court from the State of Michigan a case in which the question was litigated as to whether or not there was any method by which to hold this tax upon the express company upon whom it had been laid. The Supreme Court held that it was not within the power of the law to fix and establish definitely the incident of the tax. The result was that the tax which we placed upon these companies was immediately and without any effort of concealment passed on to those who were doing business with the express companies.

I call attention to the language of that decision:

> But, as we have said, though the correctness of the claim be arguendo taken for granted, such concession does not suffice to dispose of the essential issues. They are that by the statute the express company is forbidden from shifting the burden by an increase of rates, although such increased rates be in themselves reasonable As no express provisions sustaining the propositions are found in the law, they must rest solely upon the general assumption that because it is concluded that the law has cast upon the express company the duty of paying the 1-cent stamp tax, there is hence to be implied a prohibition restraining the express company from shifting the burden by means of an increase of rates within the limits of what is reasonable. In other

words, the contention comes to this, that the act in question is not alone a law levying taxes and providing the means for collecting them, but is moreover a statute determining that the burden must irrevocably continue to be upon the one on whom it is primarily placed. The result follows that all contracts or acts shifting the burden, and which would be otherwise valid, become void. To add by implication such a provision to a tax law would be contrary to its intent, and be in conflict with the general object which a law levying taxes is naturally presumed to effectuate. Indeed, it seems almost impossible to suppose that a purpose of such a character could have been contemplated, as the widest conjecture would not be adequate to foreshadow the far-reaching consequences which would ensue from it. To declare upon what person or property all taxes must primarily fall is a usual purpose of a law levying taxes. To say when and how the ultimate burden of a tax shall be distributed among all the members of society would necessitate taking into view every possible contract which can be made, and would compel the weighing of the final influence of every conceivable dealing between man and man A tax rests upon real estate. Can it be said that by the law imposing such a tax it was intended to prevent the owner of real property from taking into consideration the amount of a tax thereon, in determining the rent which is to be exacted by him? A tax is imposed upon stock in trade. Must it be held that the purpose of such a law is to regulate the price at which the goods shall be sold, and restrain the merchant therefore from distributing the sum of the tax in the price charged for his merchandise? As the means by which the burdens of taxes may be shifted are as multiform and as various as is the power to contract itself, it follows that the argument relied on if adopted would control almost every conceivable form of contract and render them void if they had the result stated. Thus the price of all property, the result of all production, the sum of all wages, would be controlled irrevocably by a law levying taxes, if such a law forbade a shifting of the burden of the tax, and avoided all acts which brought about that result. It can not be doubted that to adopt, by implication, the view pressed upon us, would be to virtually destroy all freedom of contract, and in its final analyses would deny the existence of all rights of property. And this becomes more especially demonstrable when the nature of a stamp tax is taken into consideration. A stamp duty is embraced within the purview of those taxes which are denominated indirect, and one of the natural characteristics of which is, although it may not be essential, that they are susceptible of being shifted from the person upon whom in the first instance the duty of payment is laid. We are thus invoked by construction to add to the statutes a provision forbidding all attempts to shift the burden of the stamp tax when the nature of the indirect taxation which the statute creates suggests a contrary inference. And, in this connection, although we have already called attention to the consequences which must generally result from the application of the doctrine contended for, it will not be inappropriate to refer to certain of the provisions of the act now under consideration, which more aptly served to make particularly manifest the consequences indicated, thus perfumery, patent medicines, and many other articles are required by the statute to be stamped by the owner before sale. The logical result of the doctrine referred to would be that the price of the articles so made amenable to a stamp tax could not be increased, so as to shift the cost of the stamp upon the consumer. Yet it is apparent that such a construction of the statute would be both unnatural and strained.

The argument is not strengthened by the contention that as the law has imposed the stamp tax on the carrier, public policy forbids that the carrier should be allowed to escape his share of the public burdens by shifting the tax to others who are presumed to have discharged their due share of taxes This argument of public policy, if applied to a carrier, would be equally applicable to all the other stamp taxes which the law imposes. Nor is the fact that the express company is a common carrier and engaged in a business in which the public has an interest and which is subject to regulation of importance in determining the correctness of the proposition relied upon. The mere fact that the stamp duty is imposed upon a common carrier does not divest such tax of one of its usual characteristics or justly imply that the carrier is in consequence of the law deprived of its lawful right to fix reasonable rates. Unquestionably a carrier is subject to the requirement of reasonable rates; but, as we have seen, no question of the intrinsic unreasonableness of the rates charged arises on this record or is at issue in this cause. As previously pointed out, to decide as a matter of law that rates are essentially unreasonable from the mere fact that their enforcement will operate to shift the burden of a stamp tax would be in effect but to hold that the act of Congress, by the mere fact of imposing a stamp tax, forbids all attempts to shift it, and consequently that the carrier is deprived by the law of the right to fix rates, even although the limit of reasonable rates be not transcended. This reduces the contention back to the unsound proposition which we have already examined and disposed of. (American Express Co. *v.* Michigan, 177 U. S. Repts., p 412.)

In 1898 a tax was put upon companies engaged in the business of refining sugar, refining oil, and manufacturing and selling tobacco. It is well known—no longer disputed—that that entire tax was passed on to the consumer, and one peculiar feature of the history of that matter is that after the tax was repealed the companies omitted to take off the extra charge which they had placed there by reason of the tax. It is for that reason that I voted against the corporation tax, and it is for that reason I am opposed to that system of taxation now. It is a subterfuge. It is dealing in duplicity with the people of this country. It pretends to tax wealth, and only furnishes a means for wealth to impose more burdens upon those whose burdens are already too great. Those who are so sensitive about putting this question up to the court again ought to display more sensitiveness about misleading the people, to their increased injury.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield.

Mr. REED. Does the Senator claim that his statement with reference to the corporation tax applies to all corporations and is universally true?

Mr. BORAH. I claim it is true, as I said a moment ago—perhaps the Senator was not present—that that is true with reference to all corporations engaged in business in a field from which competition has been practically driven. That is not true with reference to the small business concerns in competitive fields, but those are the people who are now paying too much of the taxes of this country.

Mr. REED. Well, Mr. President, let me merely add this: I understood the Senator's first statement to be limited as he now limits it, and that his last statement was broader. I do not care to cavil about that; but, taking the last statement made by the Senator, does the Senator claim that—to cite an instance—insurance rates have been raised because of the corporation tax?

Mr. BORAH. I am not familiar with a specific case under the new law, but there were plenty under the law of 1898, and I have no doubt that they will be raised and that finally the entire subject matter of the tax will be covered by the company. Does the Senator know that they have not been? As to insurance rates, the insurance companies have nothing except what the policy holders pay in, anyway. So the incentive is not so great.

Mr. REED. I only know in a general way that life-insurance premiums have experienced no change on account of the corporation tax.

Mr. BORAH. Well, Mr. President——

Mr. REED. The Senator and I agree so often, I am so thoroughly in harmony with him on many things that he has said, that I only want to correct his statement to the extent of insisting that he has overstated the case. Beyond any question there are a vast number of institutions paying the corporation tax who have not increased their charges to their customers, and the truth probably lies somewhere between the statement made by the Senator and the extreme opposite.

I can see how an express company may raise its rates. I can see how many companies add all their expenses to their charges. But speaking broadly of the whole country, of all the lines of business, I think the Senator would not be prepared to say that the corporations themselves have not had their net earnings reduced in many instances by this tax. I really think the Senator will agree to that.

Mr. BORAH. The Senator from Idaho may in his zeal be a little strong in his statement, and he is very glad to have his ardor dampened so that he may fly at a proper height.

Mr. REED. Since I am on the floor, I will say I favor, and my party for many years has favored, an income tax. The Democratic Party placed an income-tax law on the statute books and it was declared unconstitutional by the Supreme Court.

The Senator now expresses his confidence that the Supreme Court will reverse its decision if the case is again presented. The argument I have heard, the only one I have heard from the Senator on that line—I did not have the benefit of hearing the first part of his remarks—was that Senator Aldrich and those who were associated with him were anxious to defeat the enactment of an income-tax law by Congress.

Does the Senator think that Mr. Aldrich had any inside information as to the opinion of the Supreme Court upon a case not yet before it?

Mr. BORAH. The Senator from Idaho did not indicate anything of that kind.

Mr. REED. Well, then, does the Senator from Idaho think Mr. Aldrich and his associates are so much better lawyers than any other people that their fears should be made the basis for legislation?

Mr. BORAH. Not at all; not at all. The Senator from Idaho is not proceeding upon that ground at all. He had the misfortune of not having the presence of the Senator from Missouri when he stated the reasons why he thought the Supreme Court would reverse itself. I did not place it upon the declaration of the Senator from Rhode Island.

Mr. REED. Has the Senator any better reason than that to assure us and to assure the country that if his amendment is substituted for the excise bill it will be declared constitutional?

Mr. BORAH. Mr. President, that would require the Senator from Idaho to do what he very much dislikes to do, as he greatly fears it may not have much weight, and that is to advance his own opinion upon so important a matter. But I have no doubt in my mind, as a lawyer, that the Supreme Court has already overturned the principles of the Pollock case.

Mr. REED. I had not any doubt in my mind that they would declare the income tax constitutional in the first instance. The judges, however, held otherwise. I want to submit this to the Senator. I am with him for an income tax. It is practically certain, however, that we can levy an excise tax.

Mr. BORAH. Which we ought not to do.

Mr. REED. It has been decided that the income tax can not be levied.

In that state of the record, does the Senator think it is wise to throw away the certainty which we have for the mere opportunity of once more experimenting with a Supreme Court decision, when he knows that a decision would not ordinarily be reached for something like a year, probably, and maybe longer, and during all that time the uncertainty would continue to exist?

Mr. BORAH. Answering that fully, I will say that I would expend any amount of effort and any amount of energy to go to the Supreme Court as long as I had hope that I could establish a system of taxation which would put a proper burden upon those who are to-day, in my judgment, wholly escaping taxation so far as the National Government is concerned.

Mr. President, I do not know any more than any other man could know from studying the opinions of the court what the Supreme Court would hold. But I have an opinion about it, and I expressed that opinion three years ago during the debate upon the Payne-Aldrich bill. I have not modified my opinion since, and I have no doubt that the Supreme Court has already established the principle upon which this substitute could be sustained.

Mr. REED. Now, just one word further. I agree with the Senator that if there was no other means possible except to pass and repass bills such as he now proposes, if that was our only possible road, it would be well enough to pursue it, even though we should subject ourselves to the criticism the Democrats did suffer from in 1896, when they had the temerity to say that they would use all constitutional methods to secure the approval of an income-tax measure, and for the utterance of which we were denounced as anarchists throughout this country.

But here is the situation to-day. We have a plain and certain road upon which the feet of even blind men can walk, and that is to amend the Constitution. That proposition has been passed by Congress and it has been approved by almost enough States to give it vitality. It only requires the approval of two more States. Before this law now proposed can be tested, in all human probability the approval of those two additional States will be granted. Then the field is open for the enactment of a bill that will cover the entire subject. In the meantime legislation is contemplated and conditions exist which demand a certain revenue, and we have a certain course by which to obtain that revenue.

That is the consideration which leads many of us on this side not to vote for the income-tax amendment proposed by the Senator from Idaho.

Mr. BORAH. Mr. President——

Mr. REED. I hope the Senator will pardon me. I am rather trespassing on his courtesy, but I will be rather brief. The Senator withheld his amendment as it is now proposed until this very day at high noon or thereabouts, with the absolute certainty that we must pass upon this subject before the close of this calendar day. As it is now presented it has not even been printed, and he brings forward at this time, under these circumstances, an amendment which affects the entire country, with no earthly chance for it to be scrutinized and analyzed and understood. I submit if he intended to offer this important amendment he ought to have offered it under circumstances where those who were called upon to vote could do so in the light of a full and fair discussion.

I want to vote for an income-tax amendment if it can be done constitutionally. I want when I do vote upon it to have at least the opportunity to read the measure in print. Of course if the Senator has offered this merely for the purpose of uttering a solemn protest to the country and bringing his views before the country, that is all right, but if it is offered with the expectation that it shall be passed, then it is hardly in consonance with the usual fairness of the Senator that he should offer it when debate is impossible and scrutiny out of the question. I want to ask the Senator why he did not with his usual fairness give us some chance to examine this matter?

Mr. BORAH. Mr. President, the Senator from Idaho is uncompromisingly opposed to this bill as it rests before the Senate. I have never hesitated to oppose that kind of taxation when I have had an opportunity, but I do so for the reason, as I said a moment ago, that I believe the tax finally rests on those who are already paying the taxes of the country. That is a difference of opinion, I see, between the Senator from Missouri and myself, but nothing has been said which has modified my view in regard to it.

I did not offer this amendment with the hope of defeating the bill to which it is offered as a substitute, but I very much wish that I could do so. I should like to do anything that is possible in a legitimate and parliamentary way to defeat it, because I am opposed to it. But I offered the amendment largely, as the Senator from Missouri has said, for the purpose of submitting my views upon the question, and I should be very happy to be surprised and to have it adopted. But I know how utterly impossible it is to get an income tax through the Congress of the United States. There are a great many people who are in favor of an income tax, but there are not enough of them yet, it seems, to pass it through the Congress of the United States. There are also a great many who think they favor it whose zeal is not quite sufficient to resist the insidious methods always ready to be proposed to circumvent its passage. But I have hope and I have a strong faith that in the end so just a measure will prevail over its open and its concealed enemies After we shall have passed the constitutional amendment, if we do, I will take the chance on this prophecy, that we will not pass an income tax any more readily than we have.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Texas?

Mr. BORAH. I yield.

Mr. CULBERSON. I am especially interested in the statement of the Senator that this excise tax, as compared with an income tax, would allow a great deal of capital to escape taxation which otherwise ought to be taxed to bear its fair share of the burdens of the Government. If the Senator is prepared, I should like for him to amplify and give us some tangible facts showing substantially what character of capital and how much would escape taxation under such conditions.

Mr. BORAH. If the Senator from Texas will bear with me for a little time—however, I might just as well take up that subject now as later. I had intended to discuss it later, but I would just as soon do it now.

Mr. CULBERSON. I would be glad if the Senator would take his choice about it and discuss it in his own time.

Mr. BORAH. I know of no reason why I should not do so now.

In order to make my remarks sufficiently connected, I wish to go back a moment to the experience we had in 1898. In 1898 we put a tax upon the large corporations engaged in the refining of sugar, the large companies engaged in the manufacture and sale of tobacco, and upon companies engaged in refining oils. A number of those companies were taxed, and the tax was sustained in what is known as the Spreckels case.

It was argued at the time that tax was laid that it was a call upon the part of the country to these large corporations to take a portion of their large income to sustain the burdens of the war; that it was an extraordinary period; and even those who were opposed to that kind of taxation were willing to yield for a time in the emergency in which we found ourselves upon the supposition that these large corporations would pay that tax. It was conceded that the people were already taxed too much to take on these extra burdens, and that consumption should be relieved and wealth should take a portion of the weight.

Now, Mr. President, what was the fact? What is the historic evidence, uncontrovertible and undenied, that every dollar of the large sum supposed to be laid upon the corporations was paid by the common people of this country in the increased price which the corporations made on their articles to the consumer. The tobacco monopoly not only put it on the price and kept it there while the tax was there, but it put it on the price and kept it there after the tax was taken off. It decreased the size of its package. It met the situation in one way or another; and I am not misstating an uncontrovertible historic fact when I say that every dollar of this increased taxation was unquestionably paid by the consumers of this country, who were already bearing the principal part of our taxes.

The same is true with reference to the other companies, and it is not disputed now that when this tax was repealed men who favored it came forward and said that they had no doubt that the tax had not been paid by these corporations at all.

I call attention to some statements made when the law was enacted and at the time of its repeal.

Senator Platt, of Connecticut, said at the time of its enactment:

> I desire to say a word why I propose to vote against this amendment. * * * It is picking out from all the interests of the country two classes of business where it is absolutely certain that the corporations will not pay the tax, but that it will be paid by the consumer. There is no other business in the country where the corporations or the persons engaged in it can so surely and certainly evade the payment of the tax as in the case of the business of oil refining and sugar refining, and what is more, the persons engaged in the business will be very careful in raising the price of oil and sugar to raise it a little more than the tax, so that the consumer will pay not only the tax, but the additional profit to these two companies.

Mr. PAYNE, when the time came to repeal the portions of the revenue tax of 1898, said:

It is true that there were two classes of special taxation in the war-revenue bill. These were put in by an amendment offered in the Senate, and when they came to the committee of conference they were acquiesced in. I remember making a remark at that time to my associates on the conference committee that they knew and I knew that if this tax should be imposed the people who were expected to pay it would simply put up the price of sugar and petroleum enough to reimburse themselves for the tax which they paid and allow them besides a handsome profit. No doubt such has been the case. I have no doubt that those interests that have been required to pay this tax have collected from their customers more than the amount which they have paid over to the United States in the form of taxation.

In his opening speech upon the repeal of the war taxes, in December, 1900, Mr. PAYNE said:

Of course, Mr. Chairman, some may say why not put this tax directly upon the express companies and telegraph companies? Well, we did consider that, but the express companies had a right to say to their customers how much they would charge for carrying packages from place to place and could easily add the amount of the Government tax to their charges. I know sometimes gentlemen will close their eyes and proceed blindly, as was the case in dealing with the tax on the Standard Oil Co. and putting a tax on a sugar refinery, as was done. They forget to consider that these taxes might possibly not affect the companies at all, but the consumers; and a review of the history of the last two years shows that some gentlemen then anticipated when the tax went on in the Senate that the companies not only got the amount of the tax back, but that the companies got a little additional sum from their customers to enable them to swell their dividends. That was the legislation in that regard. In other words, the tax in all instances seeks the consumer, and usually, if not arrested in its progress, it finds him and forces him to pay the amount due the Government and a little additional also to help swell the dividends of the companies upon whom it was supposed the tax was levied.

Again he says:

This latter tax—

Speaking of the tax upon insurances—

is paid almost entirely by the man who receives the insurance. The man who provides for the future of his family in the event of his death by securing a life insurance or in providing an indemnity for the family—for his wife and children in case the home should burn down—was forced to pay this tax.

Mr. BORAH. Here is a historic illustration. Let me ask the Senator does he have any doubt that when you lay a tax upon the incomes of these large corporations, which are doing business in a noncompetitive field, they will pass that tax on to the consumer? Now, I admit that you may by this tax tax a certain form of wealth. You tax that wealth which is in the field of competition where they can not so successfully pass it on. You tax the small business man, the small corporations composed of those people, already the small owners, the small property holders in the community, and already paying their undue proportion of the tax. That is the class of people it is desired to exempt, whom I would relieve, and I want to reach those who have the vast incomes, who now do not pay anything whatever to the support of the Government.

If the Senator can disclose to me that as a legal proposition it will have the effect of reaching those incomes, I will not urge my amendment but vote for his bill. But so long as it is apparent to my mind, not charging that it was the purpose, not charging that it was the intent of the framers of this bill, recognizing that they were controlled by what they considered legal necessities, notwithstanding all this, so long I say as it is apparent that those who ought to pay will escape, I must insist upon the substitute.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. BORAH. I do.

Mr. CRAWFORD. I should like to hear the Senator's view with reference to this matter: How will it be more difficult under an income tax for those who enjoy large incomes to pass the burden on to the consumer than it is for those who will have to pay this excise tax, if it becomes a law, to pass the burden on to the consumer. For instance, if it be an express company or a sugar-refining company, and this tax is imposed upon it as an excise tax, the Senator has shown cases, and undoubtedly there are many such cases and there will be if this becomes a law, where the corporation passes the burden on to the consumer. But suppose it were an income tax, and the man who controlled and owned a majority of the stock in a refining company and enjoyed a large income because of his ownership should be compelled to pay an income tax, why would it not be just as easy for him in that case to pass that burden on to the consumer as it is for the companies to add the burden of of the excise tax to the consumer? In other words, how does the Senator get away from that method of dodging taxes?

Mr. BORAH. Mr. President, I am frank to concede that under no system which has yet been devised is it possible to impose the tax entirely and exclusively where it ought to be. It will always be possible in some cases to pass it. But this does reach more where they can not transfer it, and that would be especially true under the amendment of the Senator from Texas.

There are many incomes from settled and trusteed estates, from interest on bonds, and so forth, where it is impossible to transfer it.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. Certainly.

Mr. REED. I wish the Senator would give us an example to illustrate his last statement, where it is impossible for the tax to be, at least in part, transferred on down the line to the ultimate consumer.

Mr. BORAH. I do not know that I can give you any better example than that of where you have a settled estate and where the trustees are managing the estate. The money is paid over to those who are not engaged in any kind of business, who have nothing to do with the transacting or carrying on of business, who are not in themselves in a position to manage the business and to increase prices, and so forth, but where it is a settled estate, controlled by trustees, those who receive the money having no power to pass back the taxes.

Mr. REED. Of course that is a general illustration applying to a class of people rather than to a class of investment or property. Hence it is impossible for me or anyone else to follow it out.

I want to take an illustration. I want to get the Senator's view. I refer to an illustration which has been used here of some citizen of this country who is possessed of a large amount of real estate which brings in an income, the title to that estate being vested in a corporation and the income turned over to the individual. I believe it has been conceded that that is one case where there would be difficulty in levying a tax under the excise bill now before us. But that could be reached by the bill proposed by the Senator.

Now, let us take an illustration. Here is an estate that owns a half dozen large business blocks in the city of New York, the title vested as I have said and the income tax is levied so that it reaches those rents after they have passed through the conduit of the corporation into the hands of the real owner. Therefore the profits of that real owner are decreased by the burden of taxation which has been placed, not upon the property itself, not upon the corporation holding the title, but in fact upon the income, so that in fact the burden is fixed upon the property.

Can the Senator conceive of any property, rental property, where all of the charges of every kind, including these taxes, are not in the last analysis paid by the tenant? Can you not trace back this burden, after all, in every instance, to the capital invested and from the capital to those who have to use it with as much certainty as an excise tax may be traced to the ultimate user or consumer? I confess I see difficulties. But I am interested in the Senator's argument, and that is why I am taking his time.

Mr. BORAH. I am frank to say, as I said a moment ago, that there are very many instances in which we can not prevent the transfer, but without going into detail, I have never read a thorough book upon the income tax wherein it was not stated and conclusively shown to my mind that it is the most difficult of all tax of this kind to be transferred. You can not prevent it in all instances, but there is one saving proposition about it always, and that is in a graduated tax he pays in accordance to his income and therefore if he raises his income he pays more tax and he does not get very much consolation out of that.

Mr. President, the subject of taxation must always be of deep interest to the people. Other questions come and go, but taxation we have with us always. Other problems may seem of far more importance and of a more pressing nature, and for a season they may be so. But the power of the National Government in the matter of taxation is without limit and the tendency to extravagance is without bounds—these two propositions rightly considered will bring every one to the firm realization that taxation is a subject of permanent import.

Furthermore, there is no advantage so elusive and subtle, yet so permanent and constant in its unjust and oppressive effect as that of the unfair and improperly distributed burden of Government. The citizen going about his duty, about his business, is not in a position to know what goes with the money collected by the Government, neither is he in a position to know the equities of the levy or why this tax is laid here and that tax there—so he meets the demands of his Government and the ever-increasing and inequitable burden is borne. If one class of businss is bearing its unjust proportion or if some

people escape their just proportion while others pay, there must in the end be felt the weight which marks the difference between success and failure, of poverty and prosperity.

Extravagance, looseness in the expenditure of public money is a national vice. It is a twin vice to extravagance in private life. It does not matter how much individual leaders talk economy, how earnest and honest may be the efforts to bring about a reasonable curtailment of national expenditures, it matters not what platforms may declare; until the people arouse themselves to the consideration of the question, make it an issue, nothing permanent will be accomplished. I have no doubt the State and National Governments are expending from 25 to 50 per cent more than is necessary in order to secure the same amount and the same kind of government now had. I am going to discuss a little later the value of the income tax as a teacher of economy. What I want to say now is that millions of dollars are being collected from the people that ought to be left with the people to serve not only the conveniences but in many instances the actual wants and necessities of life. And the worst of it, the misery of it all, is that so far as the national burdens are concerned they are being borne in grossly unjust proportions by those not able to bear them. If these vast sums thus collected could be collected from those who would scarcely miss them it would be bad enough, for at best national extravagance is a pernicious vice; but when these sums are collected from those who can not afford to pay them it is an economic crime.

Taxes seem to seek the low man with inevitable and remorseless certainty. All efforts to equalize the burdens of taxation according to the rule of ability to pay have so far failed, and only in a slight degree are we now improving upon the experiences of the past. That form of wealth now most remunerative most easily escapes taxation or most easily passes the tax on in the way of increasing prices to those less able to pay. Wealth should not bear all the burdens of government. Every man should in some way respond to the call of the government under whose institutions he lives and whose protection he enjoys. The contention has not been and is not now to place all the burdens of government upon wealth, but only its proper proportion under the golden rule of taxation that such burdens should be based upon the ability to bear them.

There will never be a system of taxation devised, however, which will prevent the transfer of an undue proportion of taxes to those who can least afford to pay them. The income tax will not accomplish this entirely, but as a part of a system of taxation it goes far toward accomplishing it and though not wholly, yet it will to a marked extent relieve those who are paying too much and reach those who are either not paying enough or worst still nothing at all, comparatively speaking.

History reveals with unvarying monotony the effort and the success of the strong to place all taxes necessary to sustain the government upon the weak. Solon, the wisest political leader of antiquity, when called upon to write the laws for the Athenians, found those in power who were privileged by birth and transferred the control from those of such privileges to those of wealth. But while he gave wealth the power he also imposed upon it all the burdens of government. He made their obligations to the government correspond to their power in the government. But immediately after Solon's death wealth at once transferred the burdens of taxation to the poor, but sought to retain the power of government. The result is familiar to all and I shall not take time to recount it. It was Balzac, the great French novelist, I think, who said "Money never yet missed the smallest opportunity of being stupid."

It is not too much to say that the brutal system of taxation which prevailed and had prevailed for years was one of the contributing causes of the French Revolution. Practically the whole enormous burden of government was borne by the middle and the peasant classes. Fully three-fifths of the land, that part which belonged to the King or to the nobility, was exempt from taxation. Upon the balance, two-fifths, was laid almost entirely direct taxes. In addition to this every conceivable form of business was taxed—that principle which we are now extending in this country with such haste prevailed in all its logical details. The peasant starting from a Province to Paris with a cask of wine would pay toll sixteen times before he reached Paris to the feudal lords and the King. His hay, pigs, chickens, and everything paid proportionate toll before he reached the market. He could not marry or christen his child or bury his dead or pursue any kind of business without paying the excise tax. Arthur Young, who traveled extensively in France, estimated that out of every $16 earned or realized by the peasant he paid $12 in taxes of some kind. It should be remembered, too, that at this very time France was rich in her natural resources and healthy in her economic conditions. If the burdens of government had been properly distributed the people would have been prosperous and contented.

While all this was going on and the people were groaning under the weight the great estates were exempt. Wealth had succeeded in shifting the whole burden of taxation to the poor. The golden rule of taxation was to whomsoever hath shall be given more and from whomsoever hath not shall be taken what he hath.

Turgot made a heroic effort to impose a tax upon the basis of ability to pay—that is, in effect, to equalize taxation. He sought to impose a tax upon the nobility and upon the great estates. Had he been successful in his plan there would have been no French Revolution in my opinion. The well-meaning, weak King stood by his minister for a time, but finally yielded to the demands of the nobility, and the weight of the government was placed back upon the middle class and the peasantry. The French Revolution was a fearful thing, but it was the most splendid demonstration of the law of retribution ever known among men. It would have been more agreeable if its fearful executions could have taken place in a more orderly way, but it was in accord with the decree of eternal justice for them to take place. Reason and argument no longer had any effect with the nobility; nothing could move them to a sense of justice or divorce them from their selfishness and brutality except a most terrible slaughter.

The history of taxation in the United States from a national standpoint has not been dissimilar to the history of taxation in other countries. We are young yet, but we have made progress. There has been the same struggle to transfer the tax to the low man, to those least able to pay it. That struggle has been so successful in operation as to practically change the Constitution of the United States. When the fathers framed our Constitution they placed no limit, save as to exports, upon the power of the National Government to tax anything and everything, and established but two rules, apportionment as to direct taxes, and uniformity as to indirect. The more we consider the scheme of the fathers the wiser it seems. It was broad and all encompassing, and had it been carried out faithfully would have been efficient to do justice in taxation. It included as direct taxes taxes upon lands and a capitation tax. All others were indirect taxes.

Thus the National Government could lay a tax upon imports, and each would pay in proportion as he consumed. But it was far from their intention to place the whole weight of the Government upon consumption, so they provided early for a tax upon wealth, upon what was then a luxury—carriages—which tax was sustained in the Hilton case. So far as the fathers understood the Constitution, and as it was interpreted and administered for a hundred years, the National Government could secure such portion of its taxes as it saw fit from incomes—from the less active and more idle wealth of the country. There was a tax upon consumption to which they would all contribute, and by reason of which every citizen gave some support to his Government. No man should escape entirely his contribution to the Government. It is not only a duty, but it makes him a more vigilant, thoughtful, interested citizen. On the other hand, it is manifestly inequitable and unjust that consumption should bear all the taxes, for this is to compel the man of small means to pay almost, and sometimes quite, as much to the Government as the man of great income.

Thus the fathers, in addition to the power to tax consumption, left the way open to tax wealth according to the first rule of taxation, to wit, the ability to pay. It would doubtless have startled the fathers to know that they had framed a Government in which it would be possible in time to exempt wholly and entirely as a practical proposition from the burdens of Government the vast incomes now arising from our great fortunes. But after a hundred years that is the situation. More and more is the tendency to place the burden of the taxes where it can be transferred to the man of least ability to pay it. It all illustrates the persistent, resistless tendency to place the heavy weight of government upon the poor, or, at most, upon the active forces of wealth, upon industry and energy, and to exempt idle wealth.

Let me give you an illustration. In one of our large cities stands in a central position a magnificent block of fine buildings, worth millions of dollars. The income is very large. After paying State and county taxes, which are really charged up in the rent, the owner derives a vast income. Though an American, the owner lives abroad, yachting on the Mediterranean or lounging in foreign capitals. American society is apparently too crude and American soil not sufficiently sacred to retain him among us. He does not pay a farthing to the support of the National Government. The charwoman daily bending over his marble floors, the laborer who repairs his building, each

pays more to the support of the National Government than this multimillionaire. The peanut vender conducting his business under the shadow of these buildings pays more to the support of the National Government than this man. When they tell me that our fathers framed or intended to frame a government which would enforce such a system I reply that it is a libel upon the fathers and is refuted by every page of history.

I might extend the illustrations. I could recall another American who collects from ten to twelve millions a year in the way of interest upon bonds. He pays but little more taxes to the National Government than a workingman in the mines upon which the bonds are raised.

The American millionaire must look this question of taxation upon the part of the National Government squarely in the face. He will not be so wise in retaining his wealth as he has been in gathering it and not so patriotic as a shrewd sense of business would suggest if he further insists upon being driven to the discharge of his duty toward the National Government. He should voluntarily assume to take on more of these expenses. If we are to build battleships he must help in accordance with his ability to pay for them; no one has so much to be protected. If we are to continue to take over more and more to the National Government the expenses and the responsibilities of the administration of affairs throughout the land he must not consider himself relieved when he shall have merely met the taxes assessed by the State.

If it were the belief of the American people that these great fortunes had been fairly and honestly gathered, still there would be in justice the claim that they should respond in accordance with their ability to pay. But added to this just principle of taxation is a feeling of profound significance, and he is a blunderer who does not weigh it when considering these matters. These people have legal title to these great fortunes, but a great majority in this country doubt if they have the moral title to them.

When one observes the indifference of wealth to this civic responsibility; when one finds a studied and selfish determination to avoid meeting the burdens of government; when one sees a great State, by reason of the shameless activity of great interests, cancel the ratification of an amendment to the Constitution providing for the levying of an income tax, and on the other hand remembers the deep-seated conviction that many of these vast fortunes have been wrongfully acquired and that in good morals they do not belong to their legal holders, it is not at all difficult to diagnose the spirit of resentment everywhere abounding even among thoughtful, sober, law-abiding, orderly people. I ask these holders of great wealth this question: Suppose the people should see fit, in a legal and orderly way, calmly but determinedly, to repeal the law of inheritance, where would your children and your children's children find themselves? It must be remembered that there is more than one way for the Anglo-Saxon love and conception of law to deal with this thirst for and dominancy of wealth. The way for men of wealth to allay discontent and silence the criticism which everyone recognizes as an element in our social and political life is to faithfully and willingly meet the responsibilities of wealth and discharge its duties and obligations both to society and to the Government.

I do not stop now to argue whether these fortunes have been justly earned. I do not seek to combat the widespread belief that through rebates, stolen franchises, favoritism, dishonest stock jobbing, unconscionable stock watering they have been acquired and built up, a belief, as I say, which is entertained by good citizens in all walks of life. I only appeal to them at this time to stop this blind, senseless determination to defeat the power of the Government to properly tax wealth, to take a just portion of these incomes to meet the expenses of government. I suggest to them in their own interest, if you please, but more particularly in the interest of honest, decent citizenship and the good order and perpetuity of our Republic, to cease from flaunting year after year their wealth, their wastefulness, their enervating luxuries in the face of the poor and less fortunate, cease those things which breed hatred and dissatisfaction, and on the other hand, mindful of their due proportion of the expenses of maintaining this Government, assume their proportion of the expenses which they year by year vote and which fall ultimately and almost entirely upon the backs and appetites of the common people of the country.

I am going to read a paragraph from one not given to loose speaking, one trained to the principles of English jurisprudence profoundly read in all her wide-reaching domain—a system, sir, which has been the pride and boast of all men who place the protection of property, and acquired wealth among the foremost duties of government. I quote from Chief Justice Coleridge, of England:

> All laws of property must stand upon the foot of the general advantage, for a country belongs to its inhabitants, and in what proportions and by what rules its inhabitants are to own its property must be settled by the law, and the moment a fragment of the people set up rights as inherent in them and not founded upon the public good, plain absurdities follow, for laws of property are like all other laws, to be changed when the public good requires it.

Will not these people bear in mind that these fortunes are gathered and transmitted under laws made by the people? Will they not bear in mind that by armies and navies our institutions are sustained to protect them? Will they not forget their selfishness and call to mind that not 1 cent of these vast fortunes go to their children to keep them in luxury and ease, but because the law which the people make so provides? Still they band themselves together to defeat all effort to place them upon a just proportion of the expenses of this beneficent Government under which they have so abundantly garnered, of this Government whose function and duty it is to maintain and enforce laws which protect their rights. It is possible to write into the statutes and laws of the land the inspired decree of 2,000 years ago, "Thy money perish with thee."

It is often said that there is growing up in this country a feeling against property, against wealth as such. If we are to judge the situation by the beneficent and favorable laws under which wealth may be gathered and held we must find the charge to be untrue. If we are to judge the feeling of the people by the tolerance they disclose in dealing with these subjects, we must know the charge to be false. There is no country in which there is so little envy upon the part of those of small means toward their more fortunate neighbor. There is no land where property is safer; more thoroughly protected. So long as our Government is worthy of the name it bears this should always be so, and industry and frugality should always find their impetus in the encouragement which the Government throws around their fruits. There are only two questions, sir, that the American ever asks of the man of great wealth: Did you get it honestly; if so, it is as safe from assault as the humblest competency in the land; second, are you in its use meeting the duties and obligations to society and the Government which its possession places upon you; if so, your standing is not only unimpeached but greatly honored. The American people unfriendly to wealth? Why, sir, this is the only Government on the face of Jehovah's footstool where there is no power upon the part of the National Government to tax the income from these great estates. This is the only land in the world where they are thus exempted. If an oriental navy were hammering at San Francisco to-day, and a hundred million dollars had to be collected to meet the emergencies of war, these vast idle incomes could not, as a practical proposition be touched, even to save the Republic from destruction.

Yet, sir, in their blind and selfish idolatry of their hoarded millions, they refuse to ratify a constitutional provision giving this Government the means of drawing upon them for self-preservation. That is the indictment, sir, against wealth. The Government under which these men have so beneficently prospered, the Government which expends millions to maintain navies and keep up its armies, pay for its courts and operate its departments, that Government is to remain shorn of its power to draw any part of its expenses from those who could pay and suffer not in anywise from the payment. No, sir; there is no prejudice against the rich. We only demand that they shall come forward and help bear, according to their ability, the ever-increasing expenditures of government. They will never miss it. They will not need to deprive themselves of a single comfort. They will not have to remit a single pleasure. They will not have to deny themselves a single luxury. They can, without inconveniencing themselves, lift from the shoulders of those whose efforts and toil bring them at best but a modest competency, and some not even so much, the unfair weight which now rests upon this class of our people.

I said in the beginning that we were extravagant in the use of public moneys—we are. The best teacher of public economy is an income tax. If the Government should call upon the men of wealth to meet these expenditures according to their ability to pay, they would soon become advocates of economy. They would be interested in our supply bills. It would become an educational force permanently and persuasively and persistently at work to keep down expenditures and hold them within economic limits. So long as the taxes can be transferred to those who can not resist their payment, so long as those of influence and power can pass them on, so long as these sums are collected wholly from consumption, we are going to suffer

from indifference to public extravagance. If the Government should say to the man of great wealth, "We need this year a certain per cent of your income," the man of great wealth would say in return, "I want to know what you are going to do with it." When he gets a call for a specific, concrete proposition, and knows that the call is for taxes, he will soon become interested.

Mr. President, it has been said here that this excise tax has been held to be constitutional and that its legality is not open to question. In my opinion the legality of this excise tax is as debatable a proposition as the substitute which I offer in its stead. The Supreme Court, it is true, passed upon the corporation tax and held that, so far as that tax was concerned, it was properly laid under the Constitution, but in order that it may go into the RECORD and that we may not be in error as to just what the court held when we vote upon this matter, I desire to read, with a view to commenting upon it briefly, a paragraph or two from the decision of the court:

> It is therefore apparent, giving all the words of the statute effect, that the tax is imposed not upon the franchises of the corporation irrespective of their use in business, nor upon the property of the corporation, but upon the doing of corporate or insurance business and with respect to the carrying on thereof, in a sum equivalent to 1 per cent upon the entire net income over and above $5,000 received from all sources during the year; that is, when imposed in this manner it is a tax upon the doing of business with the advantages which inhere in the peculiarities of corporate or joint stock organizations of the character described. As the latter organizations share many benefits of corporate organization it may be described generally as a tax upon the doing of business in a corporate capacity. In the case of the insurance companies the tax is imposed upon the transaction of such business by companies organized under the laws of the United States or any State or Territory, as heretofore stated.

The Supreme Court said, in other words, that the advantages of doing business in its corporate capacity was such an advantage as that you could rest an excise tax upon it, and that it was taxing, not the franchises, not the doing of business alone, but the doing of business in its corporate capacity by reason of the advantages which arose from doing business in that way.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I yield.

Mr. WORKS. I should like to ask the Senator from Idaho whether he agrees with the broad construction of the term "business" given this morning by the Senator from Georgia [Mr. SMITH] as including every possible means of acquiring money?

Mr. BORAH. I do not.

Mr. WORKS. It seems to me that if that construction is placed upon business we bring ourselves squarely within the decision of the Supreme Court of the United States, and if the bill is enacted it will be unconstitutional.

Mr. BORAH. I think the Senator's suggestion is a very proper one, for the reason that if the bill is unconstitutional then an income tax would be, and if an income-tax law would be unconstitutional this would be.

I think the Supreme Court, with all due respect to that tribunal, has refined upon this question to the limit, and it will no longer be able to uphold the distinction sought to be made in the income-tax decision, and I do not think, from its late decision, that it intends to do so.

The court, in the corporation-tax case, further says:

> The act now under consideration does not impose direct taxation upon property solely because of its ownership, but the tax is within the class which Congress is authorized to lay and collect under Article I, section 8, clause 1 of the Constitution, and described generally as taxes, duties, imposts, and excises, upon which the limitation is that they shall be uniform throughout the United States.
>
> Within the category of indirect taxation, as we shall have further occasion to show, is embraced a tax upon business done in a corporate capacity, which is the subject matter of the tax imposed in the act under consideration. The Pollock case construed the tax there levied as direct, because it was imposed upon property simply because of its ownership. In the present case the tax is not payable unless there be a carrying on or doing of business in the designated capacity, and this is made the occasion for the tax, measured by the standard prescribed. The difference between the acts is not merely nominal, but rests upon substantial differences between the mere ownership of property and the actual doing of business in a certain way.

The State grants a franchise to the corporation. There is an advantage in doing business in that way. There is a relief from certain financial responsibility or obligation by reason of being a stockholder rather than a copartner or an individual in business; and the advantage which arises by reason of that franchise to do business in a corporate capacity was sufficient to justify the court, as it believed, in holding this excise tax to be not a direct tax within the meaning of the Constitution. But if you lay a tax upon me because I am collecting rents from my property, will that be said to be an indirect tax when if you lay a tax upon the same income realized by reason of the collection it is a direct tax?

Again the court says:

> The tax under consideration, as we have construed the statute, may be described as an excise upon the particular privilege of doing business in a corporate capacity.

Has the Supreme Court decided anything other than that?

The learned counsel who represented the parties contesting this tax urged that it was in effect a tax upon property; that when you tax a man for doing business in his individual capacity it was necessarily a tax upon his property, because out of his property he pays his taxes. That is precisely this bill here. If I happen to be running a farm and my income is over $5,000, you tax me for the business of carrying on farming, and out of my real estate on the farm I pay my tax. Is that to be said to be an indirect tax, and if you turn around and tax that income after I put it in the bank that it is a direct tax?

But the Supreme Court in answer to the contention of the counsel said: We are not taxing the income, we are not taxing the doing of business, we are not taxing the property, but we are taxing the right to do business in a certain way, which is a peculiarly exceptional advantage; and that is the extent of the Flint case. There is not a line or an intimation anywhere to be found that I have been able to discover which holds that you can lay an excise tax upon an individual for the mere right of engaging in his natural right to carry on some kind of business. He has no advantage over his neighbor. He stands in no peculiar relation to the business world. He has nothing exceptional upon which to place a tax. He is one of the members of a community, and therefore he passes entirely outside of that class who occupy a peculiarly and singularly advantageous position as does a corporate entity.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I do.

Mr. CUMMINS. Did the Senator from Idaho read this sentence? I can not recall whether he did or not. It is very pertinent to the argument he is now making and emphasizes what he has just said. It is from the opinion in the Flint case. The court say:

> It is this distinctive privilege which is the subject of taxation, not the mere buying or selling or handling of goods which may be the same, whether done by corporations or individuals.

There is rather an inference there that the excise tax could hardly be sustained if it were levied upon the privilege of handling or buying goods by individuals.

Mr. BORAH. I have not read that, although I have it marked here. Undoubtedly it leaves a construction, or rather an inference, that the court in logical or practical effect held that, unless that special method of doing business was engaged in, there was nothing upon which to rest the excise tax as distinguished from a direct tax.

Now, that is brought home to us more conclusively when we read the briefs of the attorneys who presented this cause on the part of those resisting the tax, because the only answer the Supreme Court was able to find, if I may use the expression in that way, or rather the only answer which could be found, from a legal standpoint, to the contention made by those attorneys was that they were taxing a special advantage or a corporate capacity, and it was by reason of that that they sustained the tax. There is one more sentence that I should like to call attention to—

> with the advantages which arise from corporate or quasi-corporate organization; or, when applied to insurance companies, for doing the business of such companies. As was said in the Thomas case (192 U. S., 363 supra), the requirement to pay such taxes involves the exercise of privileges, and the element of absolute and unavoidable demand is lacking.

Let us discuss for a moment that single sentence. Properly analyzed, it would result in establishing a proposition that this tax would not be sustained, taken in connection with the sentence which was read by the Senator from Iowa and this sentence:

> The requirement to pay such taxes involve the exercise of privileges, and the element of absolute and unavoidable demand is lacking.

That is to say, if the people do not want to pay the tax they are not compelled to do so, because they can waive the privilege of doing business in a corporate capacity. But would the court say that the element of unavoidable demand is lacking if you should lay a tax upon every business about which the human mind could be engaged? Would it not be certain, definite, and unavoidable that the people would have to pay it and that they would have to pay it out of their property?

When you take into consideration the fact that you could have no precedent for this tax; that the Supreme Court has never gone further than to sustain an excise tax upon the capacity or upon the privilege of doing business as a corporation, and place against it the proposition that the Supreme Court in five different cases has sustained a tax upon the same principle as this substitute, and that the only citation to be cited against it is the Pollock case, where a majority of one established a different principle, and that there are no less than three decisions of the Supreme Court in the inheritance-tax cases which challenge, if they do not destroy, the principles upon which that case was decided, which one of these bills rests in the greatest legal security? The one which rests upon the precedent of a hundred years, with a divided court against it, with some three subsequent decisions seeming to overrule, or the case which has no legal foundation upon which to rest at all? Is it any more discourteous to the Supreme Court or any more a question of proper policy and decorum to put this case up to the Supreme Court again than to put up to them a case which is taxing all kinds of business in the country and ask them to hold that it is not a direct tax in the face of the decision of the Pollock case? In my opinion, the Supreme Court, as I have said, have overruled that case, but certainly it is a new doctrine in this country if we can not submit to that court as often as seems desirable so profound and far-reaching a question as to how you shall lay the taxes of 90,000,000 people.

I never did believe, I do not now believe, that there is any necessity for submitting the constitutional amendment, and it would not have been submitted had not a crisis arisen which either impelled the submitting of the constitutional amendment or the adoption of an income tax at that hour.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I yield.

Mr. CUMMINS. The Senator from Idaho finishes his argument upon the phase of the case which he now has in hand. I desire to call his attention to page 10 of the House bill, upon which I believe that the House adopted without any qualification whatever the income-tax principle. I will read the paragraph I have in mind. I call the attention of those who are supporting, without amendment, the House bill to what I am about to read:

> Every person, firm, or corporation who pays to any officer, employee, or other person a salary or compensation, interest, or other accrued profits, exceeding $5,000 for a taxable year, every lessee or mortgagor of real or personal property who pays to the lessor or mortgagee interest or compensation exceeding $5,000 for a taxable year, and every trustee, executor, administrator, conservator, agent, or receiver, employing any person or paying any person business earnings, within the meaning of this act, exceeding $5,000 for any taxable year, computed on the basis herein prescribed, shall make and render a return as provided herein to the collector or a deputy collector of his district, and shall deduct and withhold the tax herein imposed, and shall pay on said return the tax or 1 per cent per annum as required by this act.

This paragraph, if I understand it, requires the partnership or firm or corporation and the lessee or mortgagee, executor, and so forth, paying to any person more than $5,000 a year to pay the tax. Of course, that is a tax upon the person who receives the money; it is to be paid without any regard whatsoever to the business or the employment of the person who receives the money; and to the extent that I have just suggested it is a plain, simple, income tax, dissociated from any attempt to fasten the excise tax upon it. If it can be done in that instance and under those circumstances, it can be done under all circumstances and apply to all people.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I yield.

Mr. WORKS. As I understand, this bill was introduced and is being pressed for consideration upon the theory that it is a tax upon business. I want to call the attention of the Senator from Idaho to the peculiar language of the first section of the bill with respect to that claim. It provides:

> That every person, firm, or copartnership residing in the United States, any Territory thereof, or in Alaska or the District of Columbia, shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such person equivalent to 1 per cent upon the entire net income over and above $5,000 received by such person—

Mark this language following now—

> From all sources during each year.

Not from the particular business, but the tax is imposed upon money realized "from all sources." Then, going a little further down in the bill, it provides, in determining what shall be taxed, that it shall be the money "received by such person from business transacted and capital invested."

The definition of business does not cover capital invested, because a man may contribute to the capital of the business by subscribing for stock or the like without being connected directly or actively with the business. The term "business" is defined as follows:

> The term "business," as herein used, is and shall be held to embrace everything about which a person can be employed, and all activities which occupy the time, attention, and labor of persons for the purpose of a livelihood or profit.

Certainly this definition only includes such income as is derived from active participation in the business or labor performed, while the previous portion of the bill, as I have pointed out, is evidently intended to reach something else.

Mr. BORAH. I think the bill has all the vices of an income tax without any of its virtues, both legally and as a practical proposition. That expression might be misunderstood if I did not say that I have no doubt that those who drew it felt constrained to draw it in the way they did by reason of the decisions of the courts.

Mr. President, it has not always been considered anarchistic or characteristic of irresponsibility to advocate an income tax. That has grown up to some extent in the last few years with the growth and influence of those powers which more and more dominate and control the politics and the public thought of this country. It never occurred to those who organized the Republican Party and put it upon its feet, who took care of it for the first 10 or 15 years of its existence, that an income tax was what has been called here in the Senate Chamber a conspiracy against property. That idea has only arisen of late years as that influence has more and more permeated the popular mind, which finally resulted in the overthrow, consciously or unconsciously, of the precedents of our Supreme Court which had been established for nearly a century. It is that subtle, silent, elusive, indescribable influence created and sustained by wealth and which finally results in established institutions and crystallized statutes which has resulted in placing upon those in this country who insist upon an income tax the appellation of being enemies of frugality and of wealth.

I want to read from John Sherman statements uttered at a time when he was opposing the repeal of the income tax of 1870. We may well reflect upon the difference in public thought between that day and this when we find the leader of this great organization speaking in this language to his party and to the American people when he was contending, with all the power that he possessed against a disestablishment of a system of taxation which he believed to be a just one and the establishment of one which he characterized as cruel and unjust. We may well hark back in these days to those men who laid broad and deep the fundamental principles which insured the success of our party for 40 years, and withhold some of the anathema which is constantly being heaped upon those who would take a part of the burdens from those who are now paying more than their share and place it upon those who are paying practically no part of their just share. We may well invoke, too, a purpose to carry out in practice what we are constantly announcing in our platforms. We have advocated the income tax in certain portions of the country on the part of both parties for a number of years, but both parties have hesitated at the critical hour to lay the taxing hand upon those who hold in their control to such a remarkable extent the destiny of the political forces of this country. Fortunately, this is no political or a party question, because those who oppose it recognize no party lines. Mr. Sherman said:

> The public mind is not yet prepared to apply the code of a genuine revenue reform. But years of further experience will convince the whole body of our people that a system of national taxes which rests the whole burden of taxation upon consumption and not one cent on property or income is intrinsically unjust. While the expenses of National Government are largely caused by the protection of property, it is but right to require property to contribute to their payment. It will not do to say that each person consumes in proportion to his means. That is not true. Everyone can see that the consumption of the rich does not bear the same relation to the consumption of the poor that the income of the one does to the wages of the other. * * * As wealth accumulates, this injustice in the fundamental basis of our system will be felt and forced upon the attention of Congress.

Another distinguished Senator of that time said:

> There is not a tax on the books so little felt, so absolutely unfelt in the payment of it as this income tax by the possessors of great fortunes upon whom it falls. There is not a poor man in this country, not a laborer in this country but who contributes more than 3, more than 10, more than 20 per cent of all his earnings to the Treasury of the United States, under those very laws against which I am objecting, and now we are invited to increase their contributions and to release those trifling contributions which we have been receiving from incomes heretofore.

Quoting from Sherman again in one of his greatest speeches, delivered January 25, 1871:

> The income tax is now only levied upon those whose good fortune it is to enjoy large property or whose salary or profits lift them far above the pressing wants that rest upon the great mass of our people. The

possession of large property and the ability to earn large incomes necessarily give to those enjoying this income great influence over public opinion. They speak through the daily press, from high official stations, from great corporations, from cities where wealth accumulates and with the advantage of social and personal and delegated influence. I know the power of this influence. * * * It is the only tax levied by the United States that falls upon property or office or on brains that yield property, and in this respect is distinguished from other taxes levied by the United States, all of which are upon consumption, the consumption of the rich and of the poor, the old and the young. * * * My own conviction is so clear that its repeal now is wrong both in policy and justice, that it becomes my imperative duty to state the facts and reasons fully and clearly upon which this opinion is founded.

And these facts he proceeded to state in a way which has never been answered and never will be, because they were facts founded in justice. It is as true now as it was then, that as said by Mr. Sherman:

If you leave your system of taxation to rest solely upon consumption without any tax upon property or income you make an unequal and unjust system.

Adams Smith once said:

The subjects of every State ought to contribute toward the support of its government as nearly as possible in proportion to their respective abilities.

John Stuart Mill, the great English economist, has said:

Equality of taxation as a maxim of politics means equality of sacrifice. It means the apportioning, the contribution of each person toward the expenses of the Government so that he shall feel neither more nor less inconvenience from his share or payment than every other person experiences from his.

Wayne MacVeagh, a man who has given great consideration to this subject, said sometime ago:

Capitalists exhibit a singular stupidity in resisting every attempt to impose upon them their proper share of the public burdens.

I quote also from Senator Morton:

We have had the argument by epithet in this case. This has been called an inquisitorial and infamous and iniquitous tax. I will meet the argument by epithet with the argument of opinion, and I will give my opinion on the other side that it is the most equitable and just of all taxes. * * * The income tax is of all others the most just and equitable, because it is the truest measure that has yet been found of the productive property of the country.

I make this general statement and I defy successful contradiction that consumption is apportioned among the people far more nearly according to population than it is according to their wealth. Will it be denied by anybody that the consumption of articles which are taxed in any form falls more nearly upon the people according to population than according to their wealth? If that is so, then a tax upon consumption is an unequal and unjust tax. * * * A tax upon consumption is not a just tax, because it falls upon labor, it falls upon population, and does not fall in proper ratio and proportion upon the people according to their wealth who are able to pay it.

Mr. President, if this substitute should pass and should go to the other House, and finally be accepted and should be approved by the Supreme Court, we would have accomplished more for the equalizing of the burdens of taxation than we could possibly do at this time by any other act of which I know.

Why should not we try? Where the happiness and well-being of countless thousands are at stake; why not try? I can not appreciate that statesmanship which, because we can not get what the people ought to have, we should give the people that which they do not want and ought not in justice be compelled to take.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Idaho [Mr. BORAH].

Mr. SIMMONS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Martin, Va.	Smith, Ga.
Bacon	Cummins	Martine, N. J.	Smith, Mich.
Bankhead	du Pont	Massey	Smith, S. C.
Borah	Fall	Myers	Smoot
Bourne	Fletcher	Nelson	Stone
Brandegee	Foster	Newlands	Sutherland
Briggs	Gallinger	O'Gorman	Swanson
Bristow	Gronna	Oliver	Thornton
Bryan	Guggenheim	Overman	Townsend
Burnham	Heyburn	Page	Warren
Catron	Hitchcock	Perkins	Watson
Chamberlain	Johnston, Ala.	Pomerene	Wetmore
Clapp	Jones	Root	Williams
Clark, Wyo.	Kenyon	Sanders	Works
Crane	La Follette	Shively	
Crawford	Lodge	Simmons	
Culberson	McLean	Smith, Ariz.	

The PRESIDENT pro tempore. Sixty-five Senators have answered to their names. A quorum of the Senate is present. The question is on the amendment of the Senator from Idaho.

Mr. BORAH. On that I ask for the yeas and nays.

Mr. BACON. Mr. President, before that is put I understand that the original measure is open for amendment in order that it may be perfected before the substitute is acted upon.

The PRESIDENT pro tempore. Undoubtedly.

Mr. BACON. I have an amendment that I propose to offer to the bill in order to perfect it, and then, of course, the substitute offered by the Senator from Idaho will be first in order to be voted on as between the two.

I want to say, Mr. President, just one word in regard to this matter. We have all listened with very great interest and instruction to the very able address of the Senator from Idaho, and there is very little, if anything, that has been said by the Senator that is not fully agreed to by all of us who, with him, believe in the imposition of an income tax through the enactment of a law for that purpose. The Senator's portrayal of the great injustice in the inequality of burdens in the absence of a general income-tax law appeals to all of us by reason of its force and its unanswerable logic. I am a little at a loss, however, Mr. President, to see in what way one thinking as the Senator does on that subject, and as I do upon the same subject, and, I presume, as almost all of us do, from the fact that almost by a unanimous vote there was passed a resolution which proposed an income-tax amendment to the Constitution—I do not see how those thinking in that way have anything to gain by following the suggestion of the learned Senator in this case.

The thing greatly to be desired by the Senator and by those of us who agree with him in this general proposition is that there shall be from all persons in this country a payment upon their incomes by such equal imposition that the burden will be in a large measure lifted from the consumers, who now almost solely bear it, and that it shall be distributed equally among the people according to their means as measured by their incomes in excess of $5,000. We have upon the statute books now the corporation excise tax, which in a large measure meets that requirement. It meets the requirement so far as the corporate interests of the country are concerned if the law is carefully and properly and effectively enforced.

Mr. President, this bill proposes to supplement that law and to add to it that which will in a measure—not perfectly, but in a measure—complete that which we so much desire in requiring others besides the corporations, through the payment of an excise tax, to contribute in the measure that their incomes shall be the gauge of the exaction imposed by the Government, that which is not now contributed under the present corporation excise law. When individuals pay their part of the excise tax and the corporations pay their part of the excise tax, then we will very nearly accomplish all that a general income tax could accomplish in the collection of taxes.

If the evil is so great as the Senator from Idaho portrays and represents it to be, if the evil is so great as we all recognize it to be, if the desire to correct that evil is proportionate to the magnitude of it, shall the fact that the proposed excise law does not meet the case as fully as we wish and does not as fully eradicate the evil as a general income-tax law would, shall that fact deter us from taking advantage of the opportunity in part to do so by the enactment of this law?

I am not now speaking about the constitutional question, but I am speaking about the policy of the enactment of this bill into law; I am speaking of the question as to whether those who agree upon this great issue of the desirability of a general income-tax law should or should not now contribute what we can by this method as far as practicable to accomplish the great end which we all have in view.

It must be manifest, Mr. President, I think, as very forcefully set forth by my colleague [Mr. SMITH of Georgia] in his argument this morning, that to abandon the pending measure, to set it aside and to now enact a general income-tax law in the place of it before the income-tax amendment to the Constitution has been adopted by the States, does not promise in practical results what the enactment of the pending bill promises. After the income-tax amendment to the Constitution has been adopted, it will be different. If this bill should be enacted and become a law, and should be approved by the Supreme Court of the United States, we would in the operation of this personal excise law, in connection with the corporation excise law, come very near having all that would be accomplished by a general income-tax law.

Is it better, Mr. President, to try to do that, or is it better to put it aside from us and behind us and say that we will stand upon our original proposition that there should be a general income-tax law; that we will have that or nothing? It is manifest, as pointed out by my colleague this morning, that if we enact the income-tax law at the present time, the road is beset with difficulties and uncertainties; that great delays are undoubtedly involved; and that besides that the enactment of an income-tax law at this present time involves as a consequence the repeal of the present corporation excise law.

The Senator from Idaho shakes his head and indicates his dissent from that proposition. I do not mean to say that the

enactment of an income-tax law would repeal the corporation-tax law eo nomine, but I suppose the Senator from Idaho would not for a moment contend that there ought to be a general income-tax law which would subject all corporations to the payment of that income tax and at the same time lay upon the corporations of the country the additional burden of the present excise-tax law. That would be a gross injustice; it would be an injustice, Mr. President, which would be recognized by everybody; so that while it is true, as indicated by the dissent of the Senator from Idaho, given silently but still unmistakably, that the enactment of an income-tax law does not ipso facto involve the repeal directly of the corporation excise-tax law, it is a consequence that can not be escaped that it must involve it if we do justice as we would do it. No one can doubt that.

Mr. BORAH rose.

Mr. BACON. The Senator from Idaho——

Mr. CULBERSON. I ask the Senator from Georgia if, in order to repeal the corporation-tax law, it should be necessary to pass a constitutional income tax, would he not be willing to do that?

Mr. BACON. Of course, if the time comes, as I have no doubt it will come after the adoption of the amendment now before the States, and we have an opportunity to pass a law for the imposition of a general income-tax law, I should very much prefer it to the excise-tax law, and I would be willing to pass the general income-tax law and repeal the other.

Mr. CULBERSON. I understood the Senator was arguing against the substitution of the income tax because that would repeal the corporation tax.

Mr. BACON. No.

Mr. CULBERSON. Then I misunderstood him.

Mr. BACON. That may be, but I had not finished the application of what I was saying. I was going to make it, and I was in the midst——

Mr. CULBERSON. Of course we could not repeal the corporation-tax law unless we passed a constitutional income tax.

Mr. BACON. Yes, I know; but when we pass a law, we assume it is constitutional, otherwise we would not pass it.

Mr. CULBERSON. Certainly. I think most of the Senate believe an income-tax law is constitutional.

Mr. BACON. Yes; and I think so. But what I was about to say is this, that believing the income-tax law to be constitutional, if we pass it it is immediately our duty, by repealing the corporation-excise law, to relieve the corporations of the double tax which would be involved in the income-tax law and the corporate excise-tax law, if both were at the same time enforced against the corporations. We could not wait to see whether or not the general income-tax law was declared to be constitutional by the Supreme Court. We would have to assume that the general income-tax law passed by us was constitutional. We would have to act upon the assumption that it was constitutional and at once repeal the corporation excise-tax law. Every consideration of justice and propriety would require us, when we pass the general income-tax law, to assume that it was a constitutional law, and at the same time put the whole country under it and also at once relieve any part of the people from a double tax of this kind by repealing the corporation excise tax.

Now, the application I wish to make of that is this: We stand here now, if we pass a general income-tax law, to arrest the operation of the corporation excise tax upon the uncertainty as to the constitutionality of the income-tax law. It is much better to let the corporation excise tax remain in operation and then attempt to engraft upon, as it were, or add to it, by this additional legislation, the tax as to the excise upon persons, firms, and copartnerships having incomes in excess of $5,000.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. BACON. I do.

Mr. CUMMINS. I rise to ask the Senator from Georgia his opinion with regard to the meaning of a part of this law.

I put him this case: Suppose that Mr. A is engaged in the dry goods business and has an income from that business of $1,000 per year. Suppose, further, that Mr. A is the owner of a large amount of real property and derives as rents from that property $20,000 per year. Does this law assess a tax upon the entire amount of the income, or would he be relieved from the tax because he was not receiving more than a thousand dollars from the business in which he was engaged?

Mr. BACON. If the definition of "business" is as broad as my colleague indicated in his argument this morning, I think he would be assessed on all of it.

Mr. CUMMINS. I am assuming now that as to his real estate he is simply collecting those rents, and that therefore as to the rents he is not doing business.

Mr. BACON. I think he would be.

Mr. CUMMINS. Under those circumstances would he be amenable to the tax?

Mr. SMITH of Georgia. Unquestionably.

Mr. CUMMINS. If that be true——

Mr. SMITH of Georgia. And the Supreme Court so ruled, I think, in the Flint case.

Mr. CUMMINS. If that be true——

Mr. SMITH of Georgia. They held——

Mr. CUMMINS. Just a moment. If that be true, is the tax upon the $19,000 assessed with respect to the business which he is carrying on?

Mr. SMITH of Georgia. The Supreme Court held, as I understand, in the Flint case that the special excise tax was levied by reason of the fact that the business was done; that the measure of that tax was for Congress; and having fixed a special excise tax, the measure of the tax could be derived not alone from the business done, but from property disconnected with the business; and in that case they went so far as to hold that it could reach the income from nontaxable property. This bill is specifically drawn with a view to covering the entire net income, whether it is drawn from the business or from some other source.

Mr. CUMMINS. I assumed that that was the view taken.

Then the tax is not a tax upon the profits or income derived from the business, but it is a tax upon a person who may be engaged in business in some way or other, and upon his entire income, without regard to the source of that income, whether as to that income he is in business.

Now, does the Senator from Georgia recognize any difference in principle between that and levying a tax upon the income itself? Does he believe that the intervention of an insignificant or negligible business transaction can make any difference in principle in the power of the Government to take the money?

Mr. SMITH of Georgia. I believe that the decisions of the Supreme Court of the United States settle it. I believe they have so decided, and I think that this proposed bill is constitutional under those decisions.

Mr. CUMMINS. Allow me to call the attention of the Senator from Georgia now to another part of the bill, which I mentioned a few moments ago, for I am anxious to understand the interpretation of those who have studied and who are defending the measure. I call the attention of the Senator from Georgia, as I did of the Senator from Idaho, while he was speaking, the junior Senator from Georgia then being absent from the Chamber, to the provision on page 10. I trust I am not interrupting or unduly interrupting the senior Senator from Georgia.

Mr. SMITH of Georgia. I might perhaps suggest to the Senator from Iowa that we had better let the senior Senator from Georgia proceed.

Mr. CUMMINS. I was just apologizing to the Senator from Georgia.

Mr. BACON. I am more than happy to have the burden taken off me for the present.

Mr. CUMMINS. These questions are very interesting to me, and will determine more or less my action in the matter.

This provision provides:

> Every person, firm, or corporation who pays to any officer, employee, or other person a salary or compensation, interest, or other accrued profits, exceeding $5,000 for a taxable year, every lessee or mortgagor of real or personal property who pays to the lessor or mortgagee interest or compensation exceeding $5,000 for a taxable year, and every trustee, executor, administrator, conservator, agent, or receiver, employing any person or paying any person business earnings, within the meaning of this act, exceeding $5,000 for any taxable year, computed on the basis herein prescribed, shall make and render a return as provided herein to the collector or a deputy collector of his district, and shall deduct and withhold the tax herein imposed.

I assume that the Senator from Georgia will agree with me that the tax here withheld and paid is a tax upon the income of the person who receives the compensation or pay, because he pays it.

Now, suppose a firm or corporation were to pay to Mr. A for salary or compensation more than $5,000 per year. Suppose that Mr. A was not engaged in any business whatever, within any meaning which the Senator from Georgia attaches to that word. Would not the tax be still levied and still paid, and would not that be true if it were paid as interest to a person not engaged in business, or would it not be true if it were paid as rent to a person not engaged in business; and if these things are true, does not the bill, in this respect at least, embody the precise doctrine of an income-tax law separated and dissociated entirely from any business in which the person who pays the tax may be engaged?

Mr. SMITH of Georgia. My understanding of this provision of the bill is that it is a mode of collection; that it does not propose to levy the tax except where the person whose money is withheld falls within the taxable provisions of the bill, and the party whose money is so temporarily withheld, returns having been made according to the provisions read by the Senator from Iowa, can present his view of the case before the internal-revenue collector, and if he sustains his claim that he is not subject to the tax, then the tax would not be levied.

Mr. CUMMINS. But as I read this provision there is no such limitation in it; that is to say, every employee who receives a compensation of more than $5,000 per year from any corporation or copartnership or firm must pay this tax, and there are not in the bill words, so far as I can discover, that prescribe that the person who receives the money and pays the tax must be engaged in business.

I only call it to your attention because it seems to me that, driven by the inexorable force of logic, the distinguished lawyer who prepared this bill and the House which passed it saw that there was no difference whatever between the attempt to levy a tax and call it an excise tax of this kind and the attempt to levy an income tax. If we are in any danger in again seeking a decision from the Supreme Court with regard to the income tax, I think we are in quite as much danger, if not greater danger, in seeking an opinion upon a tax levied in the way I have read.

Mr. SMITH of Georgia. My view of the construction of this part of the bill, taken together with the balance of the bill, is that it does not intend to levy the tax except where the party whose money is temporarily withheld falls within the taxable provisions of the bill, and that this is only a portion of the bill dealing with procedure for the purpose of collecting the taxes, and that the general provision of the bill authorizing a party who is taxed to present his case before the internal-revenue collector would apply to this portion of the bill also, and that the tax would only be applicable if the party whose money was temporarily withheld falls within the provisions stated on the first page of the bill.

That is my construction of the bill; that I know is the construction of those who drew the bill, and after examining it as a whole quite carefully I reached the conclusion that the construction was a logical one.

Mr. CLAPP. Right on this subject——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. I have not the floor.

Mr. BACON. Certainly. I yield.

Mr. CLAPP. I beg the Senator's pardon. I am going to suggest to the Senator from Georgia if it is not true that the limitation as to the persons subject to the tax would be read in connection with the provision on page 10, just as the exemption in the bill would be read with reference to the provision on page 10.

Mr. SMITH of Georgia. That is my view of the matter exactly.

Mr. BACON. Mr. President, I have but a few words to say before offering an amendment which I really rose to offer. I did not rise with the expectation of addressing the Senate on this subject.

I am very sorry that the Senator from Idaho has offered this amendment, the substitute, the general income tax law, in place of the pending bill. It is bringing discord and disagreement among the friends of measures looking to the imposition of taxes which shall more equally distribute the burden of taxation among the people of this country. We all agree on that fundamental proposition and in the desire to make it effectual, and the introduction of this income-tax amendment at this time, as I say, necessarily brings more or less discord among those who are at one in that purpose and that desire. We are simply traveling different roads to reach the same goal, and each one of us is as impatient to reach that goal as is the other.

I do not yield to the Senator from Idaho in his desire for a general income-tax law. There never has been a time since I have had the honor to serve in this body when I have not, by my vote at least and in part by my speech, endeavored to contribute to the consummation of this end which we so much desire. There has never been an opportunity when I have not voted for it. There never has been an opportunity when I have not voted for all measures that would advance the consideration of this question and bring it to a conclusion.

I recollect, Mr. President, that when the corporation excise tax was before the Senate three years ago I rose in my place and said that I refused to vote for it because of the fact that it was introduced and interjected for the purpose of preventing a vote upon the income-tax law, and I declined to vote for it until I had an opportunity to vote for the income-tax law, and gave that as my reason why I declined to vote for the corporation excise tax.

Afterwards, after we had an opportunity to vote on the income-tax measure, I did vote for it, but when it was first presented and when I thought it was presented for the purpose of defeating action on the income-tax proposition I declined to vote for it, and I gave that as my reason in the open Senate for so doing. So, Mr. President, I am not second to the Senator in my desire for the enactment of such a law, and I regret extremely to be put in a position where it should even appear that I am not in favor of it.

I am in favor of it now, and I am in favor of it at all times. I believe there can never be an equal distribution of the burdens of taxation in this country so long as we do not have the opportunity to apply the principle of the income-tax law in the collection of taxes to be paid by the people of the country for the support of the Government; and, believing that, of course I must be in favor of it; and yet my honest judgment is that looking to practical results we will come nearer to it by now voting for this bill. As I said before, we have now upon the statute books the corporate tax excise law, which covers a large part of what would be covered by an income-tax law, and by the enactment of this personal excise law we will approximately secure what is left undone in that direction by the corporate excise laws.

Believing so, Mr. President, although it is embarrassing to me, and I regret extremely to be put in that position, while I do not wish to be put in a position where it can be by the most superficial of persons construed into an unfriendliness to that legislation, nevertheless, believing as I do that the end to be accomplished will be best accomplished in that way, I shall vote against the substitute if the Senator insists upon its presentation.

Now, take the House. It is not improper for me to refer to it as the bill comes from there. The body which sends us the bill is as much in favor of an income tax as is the Senator from Idaho. Why is it that the House of Representatives did not pass that law? Why is it that the House of Representatives passed this excise law instead of a general income-tax law? Manifestly and undoubtedly because they believed that this was the most direct way to reach the most practical result and the most practicable of results.

Mr. President, they are not to be put in the position of being unfriendly to the income tax because they did not send us a general income-tax bill, because everyone knows what is their attitude. Everybody knows that the dominant party in the House favors the enactment of a general income-tax law.

Are those of us on this side, and I presume it is true of some Senators on the other side who may feel it their duty and in accordance with their best judgment to vote for this excise-tax bill, to be put in a position of being unfriendly to the income-tax law? I do not know how long my service here may be extended, Mr. President, but I trust and hope that unless it should be very suddenly and abruptly cut off I may be here long enough to vote for a general income-tax law, and when it is done, when an income-tax law is passed, it will be one of the greatest acts of justice to the American people that has ever been enacted into law.

You can not reach by property tax under our conditions a result which will so equally distribute the burdens of taxation as you can by an income-tax law, and no argument is needed to show that the most unequal of all burdens and the most unjust of all burdens is one which lays exclusively upon the consumer through an excessive tariff the burden of taxation, because the limit of consumption of every man is small, and the maximum of the smallest is very nearly equal to the consumption of the largest. When I say the "smallest" and the "largest" I am referring to differing conditions of wealth.

Now, Mr. President, with that statement I want one other word. I think myself there is a very narrow difference between the corporation excise-tax law as construed by the Supreme Court and an income tax. It is so narrow a difference that I have never been able to entirely satisfy myself that it is one that is well founded, but still believing as I do, not only in the policy of the income-tax law, but in its constitutionality, I am glad of the opportunity to take advantage of the judgment of the Supreme Court of the United States that an excise-tax law is not unconstitutional.

The Supreme Court of the United States has rested the constitutionality of the corporation tax law upon the power and authority of the Federal Government to tax the right to do business, and if the right to do business is taxable in a corporation, it is also, in my judgment, taxable in the individual.

Now, there being the difficulty in regard to the imposition of an income-tax law presented by the adverse decision of the Supreme Court, and there being the difficulty of so adjusting an excise tax as to reach everyone that we would reach by an income-tax law, I have thought, Mr. President, that an amendment to this bill, such as I am about to offer, might advance the accomplishment of that end; that an amendment might be suggested which would make for the more complete accomplishment of that which we would seek and expect to accomplish by a general income tax.

I had the same thought in my mind when we had before us three years ago the corporation excise-tax law, and I then offered an amendment, the purpose of which was to reach that class of men whom the Senator from Idaho so graphically portrayed here to-day—men who have great possessions and large incomes, and who bear no equal or appreciable part of the burden of this Government. I was fearful then, as I am now, that possibly the general language might not cover and reach some of these parties that, I think, more than all others ought to be required to bear their part of these burdens.

I introduced an amendment then, and I introduce now an amendment which is copied almost literally from that, simply the verbiage changed to adjust it to the bill which is now before us, and I will send it to the desk and ask that it be read. I am sorry that I did not have the opportunity to present it in order that it might be printed, but under the rule I was not permitted to interrupt the Senator from Idaho to make the request while he was on his feet, and so I could not ask that it be sent out to be printed.

Mr. MASSEY. Will the Senator from Georgia permit me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Nevada?

Mr. BACON. With very great pleasure.

Mr. MASSEY. Referring to the decision of the Supreme Court in the Flint case, I desire to inquire of the Senator whether the right involved in that particular case was a natural right, such as each citizen has, to engage in or transact business, or was it a right dependent upon law, artificially created, and whether he believes that the Supreme Court of the United States took that fact into consideration in determining the Flint case?

Mr. BACON. The inquiry of the learned Senator is a very pertinent one, and one that has not been overlooked in the reflections of those who have given any attention to this subject. I know that the suggestion has been made and it has been earnestly contended by some that the theory upon which the Supreme Court of the United States upheld the constitutionality of the corporation-tax law was that, as stated by the learned Senator, it was a tax upon a franchise, the right to do business.

That would be a most strong argument if the tax were laid upon corporations which derive their right of franchise from the Federal Government, because in that case it could be said with great strength of argument that the Government, having granted a franchise, having granted that which was not a natural right, having clothed the incorporated entity with powers which it could only have by reason of the grant of the Government, it had a right to tax the powers exercised in that way by the grant of the Government.

But it is not the case, Mr. President, and can not be, because I suppose nine hundred and ninety-nine thousandths, if not a very much greater proportion, of the corporations which are subjected to the payment of this corporation excise tax do not derive any corporate powers from the Federal Government, but derive them from the States in which they are situated and by which they are created.

For that reason I think the suggestion is not well founded that it is because it is an artificial person, for that artificial person has not been created by the Federal Government. That artificial person has received no powers from the Federal Government. That artificial person does not exist in any manner, draws no breath of life from the Federal Government. It is simply the power the Federal Government has, an exceedingly broad power, to tax anything—property, rights, avocations, enjoyments—anything except those things which are inconsistent with the Federal Constitution or which are inconsistent, as held by the courts, with the life of a State, which can only live when it can exercise itself the taxing power, either by the issue of bonds or otherwise, without itself being taxed out of existence.

I do not know whether I have answered the Senator or not.

Mr. MASSEY. Will the Senator yield again to a suggestion?

Mr. BACON. Most undoubtedly.

Mr. MASSEY. I know what the traditions and customs of the Senate are. I know it is expected that I should remain in my seat and vote right.

Mr. BACON. The Senator is mistaken about that. That is a misrepresentation as to the Senate, which reached the Senator before he came here.

Mr. MASSEY. Upon this question, as suggested by the distinguished Senator from Georgia, I believe that the act now pending before the Senate, as reported to the Senate by the committee, originating in the House, is unconstitutional. I believe that Congress has not the power to extend its excise tax over natural persons exercising a natural right under the Constitution, and that the Supreme Court of the United States in the determination of the Flint case, as evidenced by the extract read therefrom by the Senator from Idaho [Mr. BORAH], confines, and intended to confine, its decision of that right, so far as it does exist under the Constitution, to levying a tax of this kind on artificial creatures who have no existence except by virtue of law and have no rights except by virtue of the law.

I believe—and in the exercise of this belief I am simply exercising the right of a Senator—I believe that the law now proposed, coming from the House, is unconstitutional. I believe that the more strongly, notwithstanding the decision of the Supreme Court of the United States. I believe that an income tax graduated is unconstitutional, notwithstanding the decision of the Supreme Court of the United States. I believe also, as a matter of expediency, without embarrassment the Senate can better afford to adopt the amendment proposed by the Senator from Idaho and let the Supreme Court again have an opportunity to determine whether or not an income tax is unconstitutional. Let them again have an opportunity to pass upon that question, because, as is stated well and strongly by Senators upon both sides of the Chamber, a tax of that character and that kind takes the burden from the poor man and places it where it belongs.

For that reason I shall vote for the substitute offered by the Senator from Idaho and against the House bill.

Mr. BACON. Mr. President, I want to congratulate the learned Senator upon the promptness and facility with which he adapts himself to the customs and practices of the Senate. He has followed this afternoon very distinguished leads by other Senators.

I am not here, Mr. President, for the purpose of now discussing the constitutionality of this question, certainly not at large. I am not, however, ready to agree with the learned Senator in the proposition that the excise tax can only be upheld upon the ground that it is a tax upon an artificial person, and that a natural right exercised by a natural person can not be taxed by the United States Government. Every excise tax now enforced against the citizen is a tax upon a natural right. What is there in a man's brewing beer that is not a natural right which he exercises as a natural person? What is the difference between a man's brewing beer and doing any other legitimate business so far as natural right goes? Each one of them is a natural right. It is not because the beer is brewed by a corporation and it is not limited to the beer being brewed by a corporation. The same is true of the distillation of whisky. That is a natural right. Every man has as much right to distill whisky as he has to engage in any other business unless prohibited by law. The same thing is true of the refining of sugar, or the making and sale of cigars, or the making or selling of any other form of tobacco. They are all natural rights. And yet the exercise of these natural rights by natural persons are the subject of excise taxation by the Government. Besides these, many other illustrations could be given.

The Government of the United States has as broad a power for taxation as it is possible for a government to have outside of the direct limitations proposed by the Constitution. It can tax any avocation. It can tax any revenue. It can tax property. Of course, when it comes to taxing revenue or incomes or property the limitations of the Constitution are to be considered as to how and when that can be done and to what extent.

But I lay it down, Mr. President, as a proposition that outside of such limitations the Government of the United States has the right to tax any avocation; that it has as much right to tax one as it has another; and that any legitimate taxation on the exercise of a personal right is not dependent upon the fact, so far as the power of taxation goes, that it is a right exercised by an artificial person. It can be with equal authority imposed upon the exercise of a right by a natural person.

I want to say, Mr. President, as to the amendment which I have offered to-day, I regret it was not printed, but I think it is sufficiently comprehensive and short to be readily understood by Senators from the reading at the desk. It was offered by me formerly to the corporation excise-tax act and received very liberal support in the Senate on both sides of the Chamber. Upon a motion which was made by the then Senator from Rhode

Island, Mr. Aldrich, to lay it upon the table, it was supported, that is, not the motion, but the measure itself was supported by opposing the motion, by every Democrat and by the following Republicans who were then Members of this body: Messrs. BORAH, BRISTOW, CLAPP, CRAWFORD, CUMMINS, GAMBLE, JONES, LA FOLLETTE, and Piles. This amendment, except so far as the first part of it is changed so that it may be engrafted upon this bill and except the provisos which are intended to prevent double taxation, is copied from the amendment I then offered and is identical with it. I trust it may be adopted.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Georgia will be read.

The SECRETARY. It is proposed to add to the bill as section 2 the following:

SEC. 2. That the term "business," as herein used is, and shall also be, held to embrace the act or acts of holding, receiving, caring for, and disbursing, either personally or through agents, the returns or profits of investments of capital of whatever kind; and every person, firm, or copartnership, residing as aforesaid, holding the bonds, debentures, or other evidence of indebtedness of any corporation or association organized under the laws of either the United States or of any State, Territory, or District of the United States, or doing business therein, shall, upon the carrying on or doing business by such person, either personally or by agent, in respect to the income therefrom as aforesaid, and upon the right to hold, possess, manage, and control the principal and to collect the interest or other income of said bonds or other evidence of indebtedness, be subject to pay annually a special excise tax equivalent to 1 per cent upon the annual interest or income payable upon said bonds or other evidence of indebtedness: *Provided*, That said tax shall not be paid upon the interest of income derived from said bonds or other evidences of indebtedness when the same is otherwise paid under the provisions of this act by the person holding or owning the same: *And provided further*, That said tax shall not be paid by the holder or owner of said bonds or other evidence of indebtedness except to the extent that the said interest or income from the same shall, when added to the other net income of said holder or owner for the year, exceed the net income of $5,000 received by such person from all sources during each year.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I wish just two minutes to reply to the suggestion of the Senator from Nevada [Mr. MASSEY].

In the Spreckels case the excise tax applied not only to corporations, but to persons as individuals and to partnerships. It was sustained equally as to all three. In the Flint case the Supreme Court clearly recognized——

Mr. MASSEY. Will the Senator permit me just at this time to propound a question to him?

Mr. SMITH of Georgia. Yes.

Mr. MASSEY. Was that question presented to the Supreme Court in the Spreckels case for decision?

Mr. SMITH of Georgia. I am not sure whether the case before the Supreme Court was only the case of a corporation, but in discussing it they treated the entire act as being equally valid.

Mr. MASSEY. If the Senator will pardon me, I assume that the discussion of a question by the Supreme Court that was not before it was mere obiter in so far as that discussion was concerned.

Mr. SMITH of Georgia. That would be true, but in the Flint case in discussing it again they clearly recognized the fact that the excise tax could be applied to individuals or partnerships. The Supreme Court used the following language:

Let is be supposed that a group of individuals, as partners, were carrying on a business upon which Congress concluded to lay an excise tax. If it be true that the forming of a State corporation would defeat this purpose, by taking the necessary steps required by the State law to create a corporation and carrying on the business under rights granted by a State statute, the Federal tax would become invalid and that source of national revenue be destroyed, except as to the business in the hands of individuals or partnerships. It can not be supposed that it was intended that it should be within the power of individuals acting under State authority to thus impair and limit the exertion of authority which may be essential to national existence.

So the Supreme Court in the clearest terms when discussing the Flint case pointed out that the corporation should not be exempt from the special excise tax, because if by incorporating under a State law the excise tax could be avoided, then by incorporation the tax could be escaped by all but individuals.

Mr. MASSEY. That I assume would extend this law to the American rancher engaged in ranching in the Mississippi Valley, whose property is all visible and all will be taxed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Georgia [Mr. BACON] to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is upon the amendment as amended.

Mr. HITCHCOCK. Mr. President, I had intended to offer an amendment to the House bill, and had intended to do so after the vote upon the substitute offered by the Senator from Idaho [Mr. BORAH]. Under the ruling of the Chair, however, I think it proper to make my offer at this time of an amendment to the House bill. I understand it is proper to perfect that bill first.

Before I send it to the Secretary's desk to have it read, I want to say in explanation that this amendment is not intended particularly to raise revenue. I have designed it in an attempt to see whether by the use of the great power of taxation the Government may be able to crush a great trust which it has not been able to crush through legislation or other judicial proceedings. I refer to the Tobacco Trust.

I propose in this amendment to levy an additional excise tax on tobacco in all forms and on snuff. I propose to have the tax begin at a certain point of manufacture; that is to say, I exempt any production of 20,000,000 pounds a year of tobacco, or 400,000,000 cigars a year or 400,000,000 cigarettes a year or 4,000,000 pounds of snuff a year. After those exemptions in the amendment I propose to levy a progressive or graduated tax upon the tobacco, cigars, snuff, or cigarettes manufactured in the United States. As the production increases the rate of the tax rises, the purpose being to reach a prohibitive point, so that the three great snuff concerns and the four great tobacco manufacturing concerns that are a part of the trust now existing under the sanction of a judicial decree shall find it impossible to continue business.

This is the same power of taxation which we applied to State-bank notes, whereby we have driven them out of existence. It is the same power of taxation which we applied to oleomargarine, for the purpose of protecting the dairy interests from its disastrous competition. It is the same power which we exerted during the present Congress to put a stop to the manufacture of poisonous matches.

I send the amendment to the desk and ask to have it read.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Nebraska will be read.

The SECRETARY. Add at the end of the bill the following additional sections:

SEC. 10. That manufacturers of tobacco, cigars, cigarettes, and snuff shall after the 31st day of December, 1912, be subject to pay a special excise tax in addition to the taxes now provided by law, which special additional excise tax shall be payable quarterly and be graduated and levied as follows:

SEC. 11. On all tobacco, whether smoking tobacco, plug tobacco, twist, or fine cut, manufactured during the quarter over and in excess of 20,000,000 pounds, 1 cent a pound for the first million pounds excess or part thereof, 2 cents a pound for the second million pounds excess or part thereof, 3 cents a pound for the third million pounds excess or part thereof, 4 cents a pound for the fourth million pounds excess or part thereof, 5 cents a pound for the fifth million pounds excess or part thereof, 6 cents a pound for all above the fifth million pounds excess.

SEC. 12. On all cigarettes and cigars weighing less than 3 pounds per thousand manufactured during the quarter over and in excess of 400,000,000, 25 cents per 1,000 on the first 50,000,000 cigarettes and cigars excess or part thereof, 60 cents per 1,000 on the second 50,000,000 cigarettes and cigars excess or part thereof, $1 per 1,000 on the third 50,000,000 cigarettes and cigars excess or part thereof, $1.50 per 1,000 on the fourth 50,000,000 cigarettes and cigars excess or part thereof, $2 per 1,000 on the fifth 50,000,000 cigarettes and cigars excess or part thereof, $2.60 per 1,000 on the sixth 50,000,000 cigarettes and cigars excess or part thereof, $3.25 per 1,000 on all over 300,000,000 cigarettes in excess of 100,000,000 for the quarter.

SEC. 13. On all cigars and cigarettes weighing more than 3 pounds per thousand manufactured during the quarter over and in excess of 400,000,000, $1 per 1,000 on the first 100,000,000 cigars and cigarettes excess or part thereof, $2 per 1,000 on the second 100,000,000 cigars and cigarettes excess or part thereof, $3 per 1,000 on all above that amount.

SEC. 14. On all snuff manufactured during the quarter over and in excess of 4,000,000 pounds, 1 cent a pound for the first 1,000,000 pounds or part thereof in excess, 3 cents a pound for the second 1,000,000 pounds or part thereof in excess, 5 cents a pound for the third 1,000,000 pounds or part thereof in excess, 10 cents a pound for all over 3,000,000 pounds in excess.

SEC. 15. In computing the product of any manufacturer there shall be included the products, as above specified, made directly by said manufacturer and by any company controlled by said manufacturer in whole or in part through stock ownership, contract, lease, or otherwise, and any company having directors or stockholders in common to the extent of 25 per cent of the stock, or one-third of the directors, shall be considered and held to be a part of the same manufacturing organization, and the rate of tax shall be based on their combined output, each company to pay upon its proper proportion thereof.

SEC. 16. It shall be the duty of every manufacturer of tobacco, cigars, cigarettes, or snuff, on demand of any officer of internal revenue, to render such officer a true and correct statement, under oath, of the quantity and amount of all tobacco, cigars, cigarettes, or snuff manufactured by him during the quarter, and this statement shall be made on or before the 10th day of the month following the close of the quarter. It shall also be the duty of every manufacturer on demand of any officer of internal revenue to render to such officer a true and correct statement, under oath, showing in detail the ownership, management, and organization of the business, whether it is an individual, partnership, corporation, or association, who the officers and directors or trustees of the same are, what, if any, contract, lease, or other arrangement exists with another manufacturer of tobacco, cigars, cigarettes, or snuff.

In case of refusal or neglect to render any such statement as herein provided, or if there is cause to believe such statement to be incorrect or fraudulent, the collector shall make an examination of persons, books, and papers in the manner provided by law in relation to frauds and evasions of internal-revenue taxes.

SEC. 17. The special additional excise tax on tobacco, cigars, cigarettes, and snuff shall be paid on or before the 10th of April, July, October, and January for the previous calendar quarter, and, in enforc-

ing this act and in the collection of this tax, all existing provisions of law relating to the collection of internal revenue are hereby made applicable, and the commissioner is hereby authorized to make and enforce proper regulations to carry these provisions into effect.

Mr. HITCHCOCK. Mr. President, I want to say briefly in explanation that I feel justified in offering this amendment to this bill for the reason that it is not competent in this body to offer a measure to raise revenue. The only possibility is to attach such a proposition to some measure which comes from the House of Representatives.

As to the existence of the so-called Tobacco Trust there is no doubt. The Supreme Court, something over a year ago, I think, declared the existence of a Tobacco Trust and decreed its dissolution. It has been evident since that time that, through mistake or lack of judgment or connivance or in some other way, the dissolution, as agreed upon before the court by the representatives of the Government, was a practical evasion of the law. The great American Tobacco Co., which was ordered dissolved, was divided by agreement and under the sanction of the court into certain parts. Those parts exist to-day; but their business, instead of being injured, has apparently been improved.

Their stock, which had had a value largely due to monopolistic control of the market, not only has that value to-day, but has an increased value in the various companies which have grown out of that dissolution. We find the greatest of these new companies—the American Tobacco Co.—now controls 37 per cent of the cigarette business of the country; the next in size—the Liggett & Myers Tobacco Co.—controls 28 per cent of the cigarette business of the country; the third in size—the Lorillard Co.—controls 15 per cent of the cigarette business of the country. In smoking tobacco, plug and fine cut, the control is almost equally absolute.

The stock of the American Tobacco Co. is listed upon the stock exchange at 302 and has been rising in value; the stock of Liggett & Myers is listed at 205 and has been rising in value; the stock of the Lorillard Co. is listed at 191 and has been rising in value, notwithstanding the fact that before these companies were formed stock dividends were declared in the subsidiary companies and the stocks of those subsidiary companies were distributed.

In the report of the Commissioner of Corporations it is shown with some particularity that a large portion of the value of the stock of the original Tobacco Trust and of the present tobacco companies is due to monopolistic control; it is shown that the Tobacco Trust earns a profit two and one-half times larger than the profit of the independent companies; it is shown that the business of the independent companies is so small and so insignificant by comparison as hardly to cut a figure in the great tobacco business of the United States.

While the American Tobacco Co. produces over three thousand million cigarettes a year and does an annual business in smoking, plug, and twist, and fine-cut tobacco amounting to 119,000,000 pounds a year, the largest independent concern does a business of less than 10,000,000 pounds a year, and 48 of the largest independent tobacco manufacturers do a business altogether of only 48,000,000 pounds of tobacco a year.

It seems to me if we could pick out an instance of a trust controlling and dominating the market this is the one. We have here a trust already subject to the payment of taxes; we have a trust whose business is thoroughly known to the Government; we have a trust which is already under the supervision of Government officials, and simply by empowering those officials to collect from this trust or from the four companies which make up the trust in the tobacco business a graduated tax in proportion to their business, on a rate which rises as the product increases, we shall put into the hands of the Commissioner of Internal Revenue the power to render that business unprofitable and impossible. In the beginning the tax of 1 cent a pound additional will assist the weaker companies in competition, but as the production rises a point will be reached where the trusts will find it just as unprofitable to do business as the State banks found it unprofitable to issue notes and pay an annual tax of 10 per cent upon them.

If we are in earnest, if we want to put in motion a force which will destroy this trust and restore competition to this one branch of manufacture in the United States, here is our chance. Here is a power which has been thoroughly recognized and often exerted, a power which has been established by the decisions of the Supreme Court of the United States. We may legislate for years on the trust question; we may keep the courts busy in the prosecution of trusts, but we know by experience that a large part of our efforts go for naught.

I recognize the fact that some may consider this experimental. It is not experimental, however, because it is analogous to other instances in which we have exercised the taxing power in a similar manner.

Some one said to me that this will have a tendency to increase the price of tobacco to the consumer. I deny it. The price of tobacco to the consumer during the last 20 years has largely increased and the quality has deteriorated. As we all know, through the domination of this trust the tobacco growers have suffered because they have had only one market in which to sell their tobacco product. If we can free the market from the domination of this trust, if we can restore competition in the manufacture of cigars and tobacco, we can make a free market for the growers of tobacco and the independents will increase and develop their business up to the point of the 20,000,000 pounds a year which I have mentioned in the amendment and become prosperous concerns.

What is the history of the growth of the Tobacco Trust? When the Tobacco Trust was first conceived in 1890 and developed through the nineties up to 1904, the industry of manufacturing tobacco existed in many States in the Union; but as the trust secured control of various factories it closed them, closing as many as 30 in a short period of time; as we know, it invested something like $50,000,000 in buying them up and closing them. The result is that instead of having tobacco manufacturing establishments located in different parts of the country where the tobacco is raised, factories appropriate to the neighborhood, factories calculated to use the product of the neighborhood and market it effectually, we have had a great concentration of that business, and there is no longer that diffused manufacture of tobacco.

I shall not take the time of the Senate to go into the further history of the development of this trust, nor shall I take the time of the Senate to argue the wisdom of doing something which will really affect the trust, but I want to say to those who come from States where tobacco is raised that they can confer no greater benefit on their constituents than to restore to the tobacco market a competitive condition and not permit these four behemoths to monopolize the field as they do now.

Let me state something of what the present condition is. The American Tobacco Co. produced in 1910, the last year for which I have the statistics, 3,250,310,000 cigarettes. On them it paid a tax to the Government under the present law of $4,006,637. Under my bill, if it continues to manufacture as many cigarettes, it would pay $6,807,257 additional.

I have no idea that it would continue to pay such a tax or that it could pay it and exist. It would be compelled to enter into a real dissolution, it would be compelled to sell its factories and divide its properties into competing bodies.

During the same year the American Tobacco Co. manufactured 119,000,000 pounds of tobacco in various forms, on which the tax paid was $9,532,320. Under my amendment it would have $5,349,240 additional to pay. Altogether that company paid to the Government $13,664,732 internal revenue taxation, while under my amendment they would have something like $12,000,000 taxes additional to pay if they continued to do this huge business.

The figures for Liggett & Myers, the Lorillard Co. and the R. J. Reynolds Co. are similar, although somewhat smaller.

The condition in the snuff market is even more extreme. The total manufacture of snuff is something over 31,000,000 pounds a year. Three companies manufacture 29,000,000 pounds, absolutely monopolizing and controlling the market. These three great tobacco companies have identical stockholders, whether their directors are identical or not. I have provided in my amendment that where a company has control of another company, through lease or contract or in any other way, the product of the two companies shall be added to compute the rate, and where the stockholders are identical in two companies to the extent of 25 per cent the rate shall also be fixed in the same way, that is they shall be considered for the purpose of this law as belonging to the same manufacturing corporation.

I am sorry that I have not had the opportunity to have my amendment printed and submitted to Senators, but I believe that the power to tax being the power to destroy is a power that ought to be used in connection with those trusts that we are not able to reach in any other way.

Mr. BAILEY. Mr. President, when the Supreme Court of the United States used the expression with which the Senator from Nebraska concluded his remarks, it held the tax invalid for the very reason that it was an attempt to destroy. I think, however, that if the Senate should choose to levy the tax proposed the court would sustain it, although I venture that opinion with some hesitation, because I have not carefully examined the amendment of the Senator. But I rose to say that if the Senate intends to make an experiment of that kind, why does it not select some of the great corporations which are dealing in the necessaries of life or industry? So far as I am concerned, although I am in a small way a victim of it on ac-

count of my smoking habit, I care less about the Tobacco Trust than I do about any other trust in existence, because whatever a man pays to it or whatever a man pays to the Government in the way of taxation on tobacco is a voluntary payment. We are not compelled to patronize it, though the habit of using tobacco has become so general that a tax upon it is a tax of almost universal application. If the Senate desires to make an experiment of this kind it ought to select some enterprise in whose prices the people have a deeper interest.

Of course, every Senator knows that I am bound by my rules against using the taxing power to accomplish what the Senate has no power to accomplish directly. The Senate would have no power to say that no tobacco company should manufacture beyond a certain quantity of tobacco, cigars, or cigarettes, and I think it dangerous to assume that power by indirection, because I think it will be extended just as the Senator now proposes to extend it.

I resisted the tax on oleomargarine. I contended what the Senator now says, that the whole purpose of it was to give the dairies an advantage in competition with the manufacturers of oleomargarine. I resisted the tax obviously levied for the purpose of preventing the manufacture of matches by a certain process. And so I will resist this tax.

If the Democratic Party has any principle left and well settled, it is that the Government ought to do directly whatever it does, so that whatever it does can have a fair scrutiny and a fair determination in the courts of the land. But if we have this power and are to exercise it, I am very much inclined to make the tax on cigarettes absolutely prohibitory. If we are going into this business, let us destroy all commerce in that injurious article.

But I am one of those old-fashioned Democrats who believe that the best way to correct a bad habit is to leave it to a wholesome public sentiment, and if we must invoke any law I am inclined to invoke the police power of the State. But if we are to concede it to the Federal Government, why not dig up the cigarette industry by the root and throw it away? I want to admonish my friend from Nebraska and all my other friends here that as soon as they establish this principle our prohibitionists will be clamoring at the doors of the Senate Chamber for a tax on the manufacture of liquor, on the sale of it, and on the transportation of it that will be in effect a national prohibition law; and you will not be able to place any limit to this kind of legislation.

I want to say to the Senator from Nebraska, besides, that to levy a tax of this kind is simply to give one dealer an advantage over another dealer. Now, if the Senator answers that statement with the reply that it is giving an advantage to a lawful dealer as against an unlawful dealer, I say that the way to end unlawful business transactions in this country is not through the taxing power, but it is through criminal prosecutions under the antitrust law itself.

I have about reached the point where I am willing to take out of the antitrust law its fines and compel the men who organize and operate the trusts of this country to face prosecution in the criminal courts, and, in my opinion, that is the only way to finally and effectively establish the policy of that law. As long as men are permitted to form and operate these trusts and to pay a fine to the Government they will continue to organize and operate them, because when the Government fines them they simply fine the people; and the very purpose of a trust being to obtain such a control over the market that it can limit supply and fix prices, of course whenever the Government punishes a corporation or a combination of that kind by a mere fine, that combination possesses the power to take that fine out of the pockets of the people, and it will always take it out with a usurious interest.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Nebraska?

Mr. BAILEY. Certainly.

Mr. HITCHCOCK. I call the Senator's attention to the fact, however, that the method which I propose here is one which the trust can not use in that way. It can not pass the tax on to the consumer.

Mr. BAILEY. That will depend on whether the independents, having the price of their chief competitors' articles raised, will follow that rise in the price. Now, unless human nature has changed it will do it, because we know what has happened. For instance, in the steel industry all the independents say that they follow the prices fixed by the great corporation. We know what has happened in the oil industry. All independents follow its prices.

Mr. HITCHCOCK. Let me stop the Senator right here.

Mr. BAILEY. Yes.

Mr. HITCHCOCK. That happened for the reason that the Steel Trust and the Oil Trust are able to manufacture much cheaper, as we have demonstrated, than the smaller independent companies. But by this tax we propose to make the manufacture so much more expensive that that will now be impossible. It will not be possible for the Tobacco Trust to hold an umbrella over those small companies, as the expression goes, for the reason that the tax is so high as to make the manufacture so inviting that the field will undoubtedly be filled, and these independent companies, now numbering even less than a hundred, certainly only 48 of any size, will increase and multiply and restore the condition which existed prior to 1890, when, as we all know, the conflict between them was fierce and broad.

Mr. BAILEY. I think the Senator will find himself mistaken in the assertion that the Steel Corporation, which is commonly called the Steel Trust, manufactures all of its commodities more cheaply than do some of the independents.

I think it will be found upon an investigation that this enormous organization has not economized the cost of production to anything like the extent it was prophesied; and whether it has or not, it is still true, as I said a moment ago, that the smallest concerns follow its price list, and the testimony is abundant in the hearings before the committees of the two Houses of Congress that there is no substantial competition, some of the smaller concerns going so far as to say that if they attempted to undersell the greater concern the greater concern would undersell them and take their trade away from them.

I do not believe we can safely calculate that the independent or smaller concerns, when the price of tobacco is raised by their larger competitor, will necessarily stop where they are now and suffer their competitors to be destroyed by the tax.

Mr. HITCHCOCK. I think the Senator possibly has misunderstood the effect of this amendment. I had intended to make it so high as to become prohibitory and force a dissolution of the trust.

Mr. BAILEY. In other words, the Senator is trying by a tax to control the manufacture of an article in a State. I think Congress has no power to do that.

Mr. HITCHCOCK. It is now highly profitable to manufacture on an enormous scale, and it will, by operation of this tax, become unprofitable to do it. It will become more profitable to the smaller companies to manufacture in smaller amounts.

Mr. BAILEY. That is simply a confiscation of property. If the companies against which this amendment is aimed are guilty of a crime, I would not only confiscate their property in fines and penalties, but I would put the men who have organized and who are operating those combinations in the penitentiary. That is the way to do that—not misuse the taxing power of the Government. If these tobacco companies are still in an unlawful combination, the antitrust law can be enforced against them, and it ought to be enforced against them with the greatest severity; but if they are now conducting their business in obedience to the law, this discriminating tax upon them is indefensible from every point of view.

Mr. HITCHCOCK rose.

Mr. BAILEY. If the Senator will permit me just to finish——

Mr. HITCHCOCK. Certainly.

Mr. BAILEY. Mr. President, I have heard much about the necessity of amendments to the antitrust law. I am one of the men who believe that it needs thorough enforcement rather than amendment. If the men who are engaged in violating it were properly admonished—and there is but one admonition that is sufficient to them, and that is to put every one of them in the penitentiary as fast as you can get to them—if they are properly admonished that it is just as dangerous to the liberty of a man to organize and operate a trust in this country as it is to steal a horse, I think they will desist. I believe it is worse, morally and legally, because the theft of a horse inflicts an injury only upon the man whose horse is stolen, while a violation of the antitrust law in this country, assuming that that law is founded upon a just and wise policy, not only inflicts an injury upon the thousands and millions of men and children from whom it exacts unlawful tribute, but it works an injury to the Government itself in a hundred ways; and in no way is that injury more impressively illustrated than by the proposition now presented to the Senate by the Senator from Nebraska. We are tempted to wrest the law from its true course and make it serve a purpose outside of its true function and its constitutional authority.

The one amendment to the antitrust law that I would make would be this: I would provide—and it would be merely a short additional section to the bill—that whenever any firm, corporation, or person should be found guilty of violating that law the

court should forthwith appoint a receiver, and that the receiver should proceed without undue delay to dispose of the property at public sale and distribute the proceeds among the stockholders, after the expenses of the proceeding has been satisfied. If we adopt that amendment, and if we will enforce the criminal provisions of that law, trusts will disappear from our commercial life. Just as now the managers and owners of those trusts go as far beyond the law as they dare to go without compelling the Government to take notice of their transgressions, so under a system such as I have suggested they will keep as far inside the law as is necesary to insure their safety against prosecution by a reasonable officer and insure their requittal if they happen to be prosecuted by some man who is unreasonable.

These men for the sake of enormous profits promised by these combinations will not take the chance of individual imprisonment, nor will they take the chance of the destruction of their property values. If we will adopt that simple amendment and set our faces resolutely to the enforcement of the law, we can destroy the trusts.

If we do not do that, the trusts will destroy this Government. The injustice which they practice upon their customers and the destruction wrought among their competitors are all stupendous and awful in their consequences; but, sir, to see a great government like this confess before the world its impotency to deal with any crime, admitting that it can not enforce its statutes, to confess publicly to the world that it is so deficient in its wisdom that it can not devise a law to destroy these commercial outlaws without devising one that will likewise destroy this Government, is the tragedy of this century.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

Mr. HITCHCOCK. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. FLETCHER. I desire to submit an amendment which I presented yesterday. It is printed, and is a reproduction of section 38 of the tariff law of 1909. I do not believe it will be objected to.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. On page 4, line 13, insert the following:

And provided further, That nothing in this act contained shall apply to labor, agricultural, or horticultural organizations, or to fraternal beneficiary societies, orders, or associations operating under the lodge system and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders, and associations and dependents of such members, nor to domestic building and loan associations organized and operated exclusively for the mutual benefit of their members, nor to any corporation or association organized and operated exclusively for religious, charitable, or educational purposes no part of the net income of which inures to the benefit of any private stockholder or individual.

Mr. SIMMONS. Mr. President, I think this amendment is substantially the same as that in the present excise law applying to corporations. It extends that provision to these associations when not organized into corporations.

On the part of the minority members of the committee I am authorized to say we have no objection to the amendment.

The amendment was agreed to.

Mr. CLAPP. Mr. President, when the Payne-Aldrich bill was passed the so-called corporate tax came in with an exemption of holding companies from the payment of the tax for the privilege of doing business as a corporation.

On the floor of the Senate we struck out the exemption. It was put back in conference without any authority, in excess of the authority of the conferees. I gave notice the other day that I would offer an amendment to the House bill now under consideration, repealing the exemption in the tariff law on the holding company, but I find upon examining the House bill that that not only repeals it, but, I think, very much improves it, as it passes the tax, which under the law sought to be repealed would be paid by the holding company, over to be paid by the stockholders in the trust or holding company, and can not as easily be passed back upon the consumer.

Therefore I will not offer my amendment, and I commend the House bill in that particular respect.

Mr. CUMMINS. I offer an amendment to the House bill. It is the measure offered yesterday in connection with the wool bill, creating a tariff commission. I do not believe it is necessary to have it read to the Senate. It was read twice yesterday, I think. Every Senator is familiar with it. I hope the Senator in charge of the bill will accept it, so that we may avoid any more discussion about it.

The amendment of Mr. CUMMINS was to insert at the end of the bill the following additional sections:

That a board is hereby created, to be known as the Tariff Board, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. The members first appointed under this act shall continue in office from the date of qualification for the terms of two, three, four, five, and six years, respectively, from and after the 1st day of July, A. D. 1911, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate a member of the board to be the chairman thereof during the term for which he is appointed. Any member may, after due hearing, be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three members of said board shall be members of the same political party. Three members of said board shall constitute a quorum. The chairman of said board shall receive a salary of $7,500 per annum and the other members each a salary of $7,000 per annum. The board shall have authority to appoint a secretary and fix his compensation, and to appoint and fix the compensation of such other employees as it may find necessary to the performance of its duties.

SEC. —. That the principal office of said board shall be in the city of Washington. The board, however, shall have full authority, as a body, by one or more of its members, or through its employees, to conduct investigations at any other place or places, either in the United States or foreign countries, as the board may determine. All the expenses of the board, including all necessary expenses for transportation incurred by the members or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the chairman of the board. Should said board require the attendance of any witness, either in Washington or any place not the home of said witness, said witness shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

SEC. —. That it shall be the duty of said board to investigate the cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation, with special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the cost of transportation from the place or places of production to the principal areas of consumption, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws, and said board shall also make investigations of any such subject whenever directed by either House of Congress.

SEC. —. That to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, and as to any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States which discriminates against the United States or the products thereof, and to assist the President in the application of the maximum and minimum tariffs and other administrative provisions of the customs laws, the board shall, from time to time, make report, as the President shall direct.

SEC. —. That for the purposes of this act said board shall have power to subpœna witnesses, to take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation to produce books and papers relating to any matter pertaining to such investigation. In case of failure to comply with the requirements of this section, the board may report to Congress such failure, specifying the names of such persons, the individual names of such firm or copartnership, and the names of the officers and directors of each such corporation or association so failing, which report shall also specify the article or articles produced, imported, or distributed by such person, firm, copartnership, corporation, or association, and the tariff schedule which applies to said article.

SEC. —. That in any investigation authorized by this act the board may obtain such evidence or information as it may deem advisable, but said board shall not be required to divulge the names of persons furnishing such evidence or information; and no evidence or information so secured under the provisions of this section from any person, firm, copartnership, corporation, or association shall be made public by said board in such manner as to be available for the use of any business competitor or rival.

SEC. —. That said board shall submit the results of its investigations, as hereinbefore provided, including all testimony, together with any explanatory report of the facts so ascertained, to the President or to either House of Congress, from time to time, when called upon by the President or either House of Congress.

SEC. —. That upon the taking effect of this act the body now known as the Tariff Board shall transfer to the Tariff Board hereby created all such property and equipment, books, and papers as are now possessed or used by said first-mentioned board in connection with the subjects for which the Tariff Board is hereby created, and thereupon the said first-mentioned board shall cease to exist.

Mr. SIMMONS. Mr. President, I regret that I am not able to accept that amendment. I have no authority to accept the amendment.

Mr. CUMMINS. I do not intend to submit the matter at any length at all. The subject has been debated here very often. I believe there is a great necessity for the tribunal that is created by this measure, and therefore upon my amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I announce my pair with the Senator from Montana [Mr. DIXON] and withhold my vote.

Mr. BRADLEY (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER] and withhold my vote. I would vote "yea" if I could.

Mr. WATSON (when Mr. CHILTON's name was called). I desire to announce the absence of my colleague [Mr. CHILTON]

on account of illness. He is paired with the Senator from Illinois [Mr. CULLOM]. If my colleague were present, he would vote "nay."

Mr. CULLOM (when his name was called). I am paired with the junior Senator from West Virginia [Mr. CHILTON] and therefore withhold my vote. I will allow this announcement to stand for the day.

Mr. MARTINE of New Jersey (when Mr. DAVIS's name was called). I desire again to announce the pair of the Senator from Arkansas [Mr. DAVIS] with the Senator from Kansas [Mr. CURTIS].

Mr. FOSTER (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. WARREN]. He notified me that he would be absent from the Senate this evening on public business. I therefore withhold my vote.

Mr. CRAWFORD (when Mr. GAMBLE's name was called). I desire to announce that my colleague [Mr. GAMBLE] is necessarily absent. He has a general pair with the Senator from Oklahoma [Mr. GORE]. I will allow this announcement to stand for further roll calls.

Mr. LODGE (when Mr. MCCUMBER's name was called). The Senator from North Dakota [Mr. MCCUMBER] is necessarily absent to-day from the Senate Chamber. He is paired with the Senator from Mississippi [Mr. PERCY].

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). The senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. If the senior Senator from Oklahoma were here, he would vote "nay." I desire to make this announcement for the day.

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. Were my colleague present and free to vote, he would vote "yea."

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN] and therefore withhold my vote. I would vote "yea" if I were at liberty to vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER], and vote. I vote "nay." I will allow this announcement to stand for the balance of the day.

Mr. WETMORE (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE], and therefore withhold my vote. If I were at liberty to vote, I would vote "yea."

I desire to state that my colleague [Mr. LIPPITT] is unavoidably detained from the Senate, and that he is paired with the junior Senator from Tennessee [Mr. LEA].

The roll call having been concluded, the result was announced—yeas 38, nays 29, as follows:

YEAS—38.

Borah	Crawford	La Follette	Pomerene
Bourne	Cummins	Lodge	Root
Brandegee	Dillingham	McLean	Smith, Mich.
Briggs	Du Pont	Massey	Smoot
Bristow	Fall	Nelson	Stephenson
Burton	Gallinger	Oliver	Sutherland
Catron	Gronna	Page	Townsend
Clapp	Guggenheim	Penrose	Works
Clark, Wyo.	Jones	Perkins	
Crane	Kenyon	Poindexter	

NAYS—29.

Ashurst	Hitchcock	Paynter	Swanson
Bankhead	Johnson, Me.	Reed	Thornton
Bacon	Johnston, Ala.	Shively	Tillman
Bryan	Martin, Va.	Simmons	Watson
Chamberlain	Martine, N. J.	Smith, Ariz.	Williams
Culberson	Myers	Smith, Ga.	
Fletcher	O'Gorman	Smith, S. C.	
Heyburn	Overman	Stone	

NOT VOTING—27.

Bailey	Curtis	Kern	Rayner
Bradley	Davis	Lea	Richardson
Brown	Dixon	Lippitt	Sanders
Burnham	Foster	McCumber	Smith, Md.
Chilton	Gamble	Newlands	Warren
Clarke, Ark.	Gardner	Owen	Wetmore
Cullom	Gore	Percy	

So Mr. CUMMINS's amendment was agreed to.

Mr. GRONNA. I offer the following amendment, which I ask to have read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. At the end of the bill, after the amendment just agreed to, insert:

SEC. 10. That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and is hereby, repealed: *Provided*, That from and after the passage of this act the duty on chemical wood pulp shall be one-twelfth of 1 cent per pound, dry weight, if unbleached, and one-eighth of 1 cent per pound if bleached; and the duty on printing paper, as described in paragraph 409 of the act approved August 5, 1909, shall be one-tenth of 1 cent per pound if valued at not above 3 cents per pound, two-tenths of 1 cent per pound if valued above 3 cents and not above 5 cents per pound, and 7½ per cent ad valorem if valued above 5 cents per pound.

Mr. GRONNA. Mr. President, I am not going into a discussion of this question, but I wish to say that it is one in which the people of the entire West are much interested and I trust the Senator in charge of the bill will accept the amendment. I ask the Senator from North Carolina if he will be kind enough to accept the amendment.

Mr. SIMMONS. The Senator from North Carolina has no authority from the minority members of the committee to accept the amendment.

Mr. GRONNA. I then ask for the yeas and nays on the amendment.

Mr. BACON. Mr. President, I offer an amendment to the amendment. It is to strike out the proviso and insert in lieu thereof the words I send to the desk.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. Strike out the proviso and insert in lieu thereof the following:

Except so far as the same concerns the provisions of said act relating to wood, wood pulp, and printing paper.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment. [Putting the question.] The "noes" appear to have it.

Mr. BACON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BACON. Mr. President, I simply want to say that of course the amendment is very hastily drawn, but I think it is in language which covers the point. I have not the act before me, and I do not know that I correctly designate the several subjects, but it is according to my recollection of the provisions in that act so far as they relate to the importation of wood, wood pulp, and print paper. I am not sure whether there is any other subject which should be designated in order to cover the design of the exception.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. BACON. I do.

Mr. CUMMINS. I want to know just what the Senator from Georgia intends by this amendment? Does he intend to establish free print paper?

Mr. BACON. I intend that the act known as the reciprocity act shall remain unchanged so far as its present terms relate to those subjects. In other words, if we repeal the act generally, I propose that that much of it shall be retained.

Mr. CUMMINS. As I remember it, the act provides that from certain parts of Canada and under certain conditions paper may come in free, but from all other parts of Canada and in the greater part of Canada the paper does not come in free, but comes in under a duty of $3.75 a hundred, or $6 a hundred.

Mr. BACON. I have not the act before me, but I will state as plainly as I can that the purpose is to retain so much of the act as relates to those subjects. If hereafter——

Mr. CUMMINS. If the Senator desires a low duty on paper, does he not believe that the amendment proposed by the Senator from North Dakota, which makes a low duty upon all paper coming either from Canada or anywhere else, without regard to conditions, will be better for those who use paper than though the free entry of paper from a small part of Canada were to continue and the high duty remain as to all other parts of the world?

Mr. BACON. My idea is this: So far as the repeal of the reciprocity agreement with Canada is concerned, I care nothing for it; I am perfectly willing to vote to repeal that part of the act. But the other part is a part which really belongs to a revenue bill. In fact, it does not belong here. It does not affect the question of the repeal of the reciprocity features of the act, so far as they are limited to the questions of reciprocity. Therefore I am ready to join the Senators who desire to repeal so much of the act as proposes to establish reciprocal relations in matters of imports and exports between the two countries. I am ready to join with them on that; but this is a separate and independent matter, and we can very well leave all the questions as to duties on wood pulp and wood and print paper to be dealt with in connection with the tariff bills.

Why should we force the question now as to what customs duties shall or shall not be imposed on any particular articles, when the purpose of this proposed legislation is simply to get rid of the matter of reciprocity? I am ready to join with Sen-

ators and vote for a repeal of the reciprocity act as to everything which properly and exclusively belongs to reciprocity.

But here is a matter which does not belong exclusively to that. It is a matter in which very large industries in this country are very closely concerned. Even if it is not now in the shape the Senator from Iowa and others might desire it should ultimately be, let us confine ourselves to the question of the repeal of the reciprocity law, so far as it proposes to establish reciprocity in the matter of customs duties, and save all these other things for future consideration.

I am not prepared to discuss the question which the Senator now suggests to me as to whether there should be a change in that particular part of the law which relates to wood, wood pulp, and free paper, but it does not properly belong to what is the actuating motive of Senators. Senators are opposed to the provision under which reciprocity is made possible whenever Canada shall agree to it, if she should ever do so. I want to exclude the possibility that by Canada's action we may be hurried into that.

I will say that I speak only for myself, because I have never had an opportunity to confer with Senators on my side of the Chamber. I did not know that this matter was to be now brought up; but it does strike me, Mr. President, if the purpose of Senators who propose this amendment and who desire to support it is that reciprocity shall be repealed, they can do it by adopting my amendment; and then hereafter let us meet the question as to what duty shall be imposed upon wood and wood pulp and print paper and not destroy the whole of it when it is not within the contemplation and purpose of Senators to do that, when their main purpose is simply to get rid of reciprocity. For myself, I am ready to join them on that, but I do not think we ought now to go further than that.

Mr. WILLIAMS. Mr. President, I am in favor of keeping this free-print-paper provision as passed in the Canadian reciprocity act upon the statute books as an everlasting demonstration of the falsity of Republican pretenses. While the matter was up for consideration in the Committee on Finance and in the Senate we were told every day that if that provision were passed all the paper manufacturers in the United States would have to go out of business. The provision was passed. It has been in existence now for a long time—just exactly how long I do not remember; I believe a year or more—and so far as I know no paper-manufacturing concern has gone out of business or has been in anywise disturbed except, perhaps, as to some undue profits; it has not been in anywise unduly disturbed, to use the proper language.

Whenever it is proposed to reduce a tariff tax some so-called witness comes up before the Finance Committee and bears so-called testimony to the effect that if taxes upon the people at large are reduced some particular business or industry will have to cease to exist. That is exactly what took place in this particular case, and here is the everlasting demonstration of the falsity of the pretense. I want it to stay upon the statute book as a demonstration for all time of the falsity of at least one of these hothouse-industry pretenses.

Moreover, Mr. President, the tax upon print paper is a tax upon knowledge, upon the spread and dissemination of information. It is a tax upon the newspaper business. I know that whenever a man seeks to be relieved of a tax he stands, in the minds of those on the other side of the Chamber at any rate, suspected of lack of patriotism; suspected of selfishness or something else; but whenever he seeks to have a tax increased in order that his business may be hothoused into a degree of prosperity which without law it could not enjoy, he is a patriot, taking care of American industries. When he comes forward seeking to have a tax removed in order that his business may be improved, he is suspected of all sorts of incivicism. I hope that the law removing this tax will be kept upon the statute books for all time, in order to prove how absolutely false were the pretenses of those who opposed the Canadian reciprocity bill in the only respect in which the Canadian reciprocity bill has taken effect.

Mr. SMITH of Georgia. Mr. President, I am not familiar with the details or the provisions contained in the reciprocity act as a consequence of which the price of paper has been somewhat lowered. I understand, however, that there is a provision lessening the tax upon wood pulp or some element used in paper manufacture which has caused the reduction in the price of paper. So I have been advised by men who purchase large quantities of paper.

I am opposed, as is the senior Senator from Georgia [Mr. BACON], to the repeal of any portion of the reciprocity act that in specific terms lowered the tariff tax and has gone into effect. I am perfectly willing to join the Senator from North Dakota [Mr. GRONNA] to repeal the remainder of the reciprocity act, and I will vote to do so.

It seems to me that the provision affecting wood pulp and paper could properly be eliminated from the amendment of the Senator from North Dakota. It also seems to me that this is a mighty good place to put on the other portion of his amendment, with a view of getting it through and having it approved. I do not believe that Senators on this side of the Chamber, or Democrats generally, can agree to a repeal of the reciprocity act carrying with it certain reductions in wood pulp and print paper. I understand that is the objection to repealing the reciprocity act; but modified in the manner indicated, I think the Senator can get all he is really desirous of accomplishing.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. SMITH of Georgia. Yes.

Mr. GRONNA. I will say to the Senator from Georgia that in the amendment I have offered there is a great reduction in the rates on wood pulp—a reduction from $3.75 to $2 a ton—and a reduction on print paper in proportion. So far as I am personally concerned I would have no objection to accepting the proposition made by the Senator from Georgia, but the question is whether or not it would be treating this industry right.

Mr. SMITH of Georgia. The reduction has gone into effect, but the industry is prospering; contracts have been made in consequence of it; there is no financial loss anywhere, and I know there is serious objection in certain quarters to a modification of that part of the reciprocity act.

Mr. GRONNA. I will say to the Senator from Georgia that the law has not been on the statute books long enough to have any effect. I know that under the favored-nation clause in certain treaties foreign countries are demanding the same right that Canada has under the reciprocity law. If their demands are granted, it will be shown whether the law will have a bad effect or not.

Mr. SMITH of Georgia. I do not believe it is going to be possible, or, at least, I am afraid it is not possible to get through the amendment of the Senator in the form it now is. I do think he can get through all of that portion in which he is especially interested. I think he can get through a provision which will repeal the features of the reciprocity act which concern the farmers of his State.

Mr. GRONNA. I can say to the Senator that, personally, I should have no objection to that, but I only have one vote, and I take it that other Senators would object.

Mr. BACON. The Senator has a right to modify his amendment if he wishes to do so.

Mr. SMITH of Georgia. If the Senator will modify his amendment along the lines suggested by the senior Senator from Georgia in the manner referred to by me, I will vote for it.

The PRESIDENT pro tempore. The Senator from Georgia demands the yeas and nays on the amendment to the amendment.

Mr. THORNTON. Mr. President, I wish to define my position on this matter. The Canadian reciprocity bill as passed provides that paper and wood pulp shall be admitted into the United States from Canada free of duty, while Canada still retains her tax against identically the same products going from the United States into Canada. For that reason I voted for the Root amendment, which would have removed that feature of the bill, stating when I did so that, in my opinion, the reciprocity agreement gave so many more advantages to Canada than it did to the United States I did not wish it to give any more than could possibly be helped. The Root amendment provided that the section of the bill relating to print paper and wood pulp should be operative only when Canada removed her restrictions against importations of the same products into her territory from the United States.

I am not willing to allow the free importation of anything from Canada into this country when Canada puts a tax on identically that same product imported from this country into Canada. For that reason, I am opposed to the amendment of the Senator from Georgia.

The PRESIDENT pro tempore. Is the demand for the yeas and nays seconded?

Mr. SHIVELY. Mr. President, I should like to have the amendment to the amendment offered by the Senator from Georgia stated.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment offered by Mr. GRONNA by striking out the proviso in that amendment and inserting the words:

Except so far as the same concerns the provisions of said act relating to wood, wood pulp, and printing paper.

So that if amended it will read:

SEC. 10. That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and is hereby, repealed except so far as the same concerns the provisions of said act relating to wood, wood pulp, and printing paper.

Mr. SHIVELY. Mr. President, I suggest to the Senator from Georgia that the word "pulp" ought to go in before the word "wood."

Mr. SMITH of Georgia. I was going to suggest that instead of the language used by the senior Senator from Georgia. I would say "with the exception of the provisions of section 2," which is the section on that subject and the only section which the amendment to the amendment affects.

Mr. BACON. Mr. President, I will read the second section of the act, if the Senate desires, to see whether that would be more desirable than the language proposed by me. The second section reads:

SEC. 2. Pulp of wood mechanically ground; pulp of wood, chemical, bleached, or unbleached; news print paper, and other paper, and paper board, manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the pulp, or not colored—

And so on.

I think, Mr. President, it is necessary to have the language which I have employed in the amendment, because of the fact that this section is not complete in itself. It necessarily relates to other parts of the act.

The Senator from Mississippi [Mr. WILLIAMS] suggests that the words should be "pulp wood, wood pulp, and print paper." I will change it in that respect.

The PRESIDENT pro tempore. The amendment as modified will be stated.

The SECRETARY. As modified, the amendment to the amendment reads:

Except so far as the same concern the provisions of said act relating to pulp wood, wood pulp, and print paper.

Mr. REED. Mr. President, so far as I am concerned, I want the newspapers and periodicals of this country to be able to acquire their paper and the paper mills to acquire wood pulp as cheaply as possible. A trial of this feature of the law has wrought no devastation such as was prophesied. But, further than that, I believe that the people of the United States are entitled to buy foodstuffs as cheaply as they can; and if Canada shall hereafter accept the reciprocity proposition, and if it shall in some measure reduce the cost of living to the people of the United States, then, in my judgment, we ought to have that advantage. I do not believe that any nation ever enriched or blessed its population by making the food of the people higher than it ought to be.

I represent in part a great agricultural State, and I can say for the people of that State that they do not fear the competition of Canada. They do not fear the competition of any country; and if it be true that reciprocity with Canada would afford a wider market in which our people could buy the necessities of life, I am willing that they shall have that advantage, and I am not willing to vote for the amendment offered by the Senator from North Dakota.

Mr. WILLIAMS. Mr. President, I understand to some extent, not fully, the feeling that actuates a man when he has done a right thing and it is proposed to reverse it because some other party interested in the transaction has refused to join him in doing it. There is an imaginary line between the United States and Canada; conditions of labor are pretty much the same in both countries; social conditions are pretty much the same, especially after you leave the Province of Quebec toward the West. So far as I am concerned—and I wish to put the opinion upon record—I am perfectly willing to hold out the glad hand to Canada throughout all our national history. I am perfectly willing to allow an invitation to stay upon the statute books, to be accepted by her whenever she pleases, for free trade between the two countries, and, as next to that, a provision allowing opportunity for the kind of reciprocity to which we have agreed. I am myself a farmer.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. WILLIAMS. One word and I will yield to the Senator. I am myself a farmer. All of my income outside of my salary depends upon the production of textile stuff and foodstuffs. I am handicapped by the necessity of producing them with remarkably inefficient labor, a very cheap labor in the sense of being a low-cost labor per week, per month, and per year, but a very high-priced labor in the sense of being inferior; but, notwithstanding that handicap, I have never been able to see how any Canadian could hurt me in the production of any foodstuffs that I raise.

Moreover, I want to add this, Mr. President, whether any Canadian could or could not injuriously affect me, humanity speaks always in favor of cheap foodstuffs to the poor in every country. No man has a right by law to make the price of meat and bread higher than nature has made it for the poor who inhabit the great cities and work in the great factories. There are no great cities in my State; there are no great factories there; there is no labor vote there; so that I can not be suspected of knuckling to any demand from that class of people; but it is a demand of humanity, it is the demand of ordinary fellow-feeling between one man and another that men, women, and children shall have bread and meat just as cheaply as they can get it by the joint production of the entire world engaged in producing bread and meat. Now I yield to the Senator from North Dakota.

Mr. GRONNA. Mr. President, I understood the Senator from Mississippi to say that he was perfectly willing to have free trade between Canada and the United States. Am I right?

Mr. WILLIAMS. Perfectly.

Mr. GRONNA. Then, does not the Senator from Mississippi think that we ought to repeal the reciprocity law in order to get free trade?

Mr. WILLIAMS. If I thought——

Mr. GRONNA. The Senator from Mississippi knows, if he will allow me, that the present reciprocity law proposed to tax the American farmer on the manufactured article and to grant free trade only in agricultural products.

Mr. WILLIAMS. Mr. President, if I thought that by repealing the reciprocity law I could procure free trade across the great imaginary boundary between the United States and Canada, between two great English-speaking peoples, two great pioneer civilizations in the New World, I would be perfectly willing to repeal it.

The Senator adds that the reciprocity act proposed to tax the American farmer. When that act was passed nobody proposed to tax the American farmer. If the provisions of that act would have any effect at all it would be to untax the American consumer of meat and bread and other products affected by the Canadian reciprocity bill.

Mr. President, if anyone contends that because by operation of a tax law any man engaged in any species of production having received a legally conferred special privilege, is taxed by withdrawing in whole or in part that legally conferred special privilege, then the suggestion made by the Senator from North Dakota is well taken; but if that be not true, it is not well taken at all.

One more word in that connection. The Senator from Louisiana [Mr. THORNTON] a moment ago said—and in effect the Senator from North Dakota has followed it up—that since the Canadians would not agree to remove some duties existing there, we ought not to remove the duties existing here. In other words, if the Canadians are unwilling to relieve themselves as consumers of a tax burden, we therefore ought not to relieve ourselves as consumers of a tax burden.

I do not see any sense in that. I never have seen any sense in it. So far as I am concerned, I would have voted, without any reciprocity feature at all, for the reduction of every duty contained in the reciprocity bill if Canada had not been concerned in it. I would have done it, because it was a relief to the American people, and I do not conceive that this great Government was organized for the purpose of enabling a few people along the border to make undue profit in the industries in which they are engaged by aid of operation of law.

Gentlemen talk as if we were depriving them of some natural privilege. We are not. They talk as if we were depriving them of some vested right. We are not. We are merely putting them upon a footing of equality with their neighbors across the border. Equality, did I say? Yes; so far as law is concerned. Equality in any other way? No. You have the advantage of climate; you have an equally good soil; you have equally efficient and equally intelligent labor; you have equally efficient and intelligent operators of capital. So far as nature is concerned you have the advantage which God has given you in sunlight, in heat, and in climate—in every way.

Mr. GRONNA. Does the Senator from Mississippi believe it is fair to the American farmer to compel him to buy his machinery in a protected market and to sell his products in a free-trade market?

Mr. WILLIAMS. No; I do not.

Mr. GRONNA. Is not that true in this particular case?

Mr. WILLIAMS. To a certain extent the Senator from North Dakota is now right, but the remedy for the evil is not by keeping upon the statute books a tax law which enables the farmer to enjoy an unnatural, artificial, law-conferred privilege, but the remedy consists in reducing to the revenue point the duty upon the articles which he must buy; and for that this

side of the Chamber stands. After the 4th of March next we will give the Senator from North Dakota the relief which he is seeking. We will not give it to him in the way in which he is seeking it, but we will give it to him by reducing the duties upon the things which the farmer must buy.

It is absolutely unfair, it is absolutely inequitable, it is absolutely unequal, to make the farmer sell in a free market and buy in a protected market. But the remedy is not the remedy suggested by the Senator from North Dakota. The remedy is to keep upon the statute books what we have now in the interest of freer trade, and to follow it up with more statutes still more in the interest of freer trade upon certain articles, to wit, the articles which the farmer must buy.

Mr. GRONNA. May I further interrupt the Senator from Mississippi?

Mr. WILLIAMS. My friend the Senator from North Dakota may always interrupt me.

Mr. GRONNA. I do not think that the Senator and I differ upon the real fundamental principle. I am a protectionist and he is a free trader, and I will say this to the Senator from Mississippi——

Mr. WILLIAMS. I would be a free trader if I had any other way of getting national revenue, but I have not.

Mr. GRONNA. I will say to the Senator from Mississippi that if I can not have the protection of agricultural products as well as of the manufactured articles, then I want to be a free trader.

Mr. WILLIAMS. Now I am in still greater agreement with the Senator from North Dakota, and I hope that he can not have the protection upon agricultural products, because if he does not have it then he will join the right school of politics later on and will become a free trader to the full extent under the construction which the Supreme Court has placed upon the Constitution.

The Senator asked me if I was in favor of free trade. There are a whole lot of people now who pretend to be afraid of the word "free." I am in favor of a free press; I am in favor of free speech; I am in favor of freedom of religion; I am in favor of free ships, as some one says, to the utmost extent which can be had under existing conditions. Nobody but a fool now would be in favor of free trade, with the decision of the Supreme Court on the income tax and other decisions of the Supreme Court staring them in the face. Nobody anywhere, not even in England, is in favor of absolute free trade, because you must have taxes upon imports at least sufficient to countervail internal taxes upon articles which are subject to internal taxation.

I am in favor of a tax for revenue, and I will not say in this connection that I am right now in favor of a tax for revenue only even, because I realize that a man has very little practical constructive statesmanship sense who would proceed to a tariff for revenue only to-morrow morning, if he could, because due regard must be paid to existing conditions.

If a man wants to build a new house upon the site of an old house, he will not set fire to the old house, with the inhabitants in it, for the purpose of getting a free place upon which to build a new house. He will take his time, give notice sufficient for the inhabitants to move, at any rate, before he builds his new house.

But I have no sort of fear, as many seem to have, to answer the question of the Senator from North Dakota. I am in favor of as near free trade as I can go consistently with existing conditions, and consistently with the common-sense limitation of not creating an absolute revolution—a bouleversement of all existing industries. My ultimate aim under existing Supreme Court decisions is tariff for revenue only overnight, and I would not go even to that extent overnight—ueber nacht, as the Germans say, as my friend will understand. I am glad to know and to have known for a long time my friend from North Dakota. We are not very far apart about a great many things. He calls himself a Progressive Republican and I call myself a Democrat, but fundamentally, in principle, I find myself very much more nearly related politically to him than to a great many men on that side of the Chamber, than I do to some men on this side of the Chamber who, in my opinion, are unduly retroactive in many ways. I hope, Mr. President, that the motion of the Senator from Georgia will be defeated. I think it is a good deal better than the motion first presented, before it was modified, but I want to hold out a hand to all nations of the earth that mean peace and fellowship and amicable and friendly relations and mutual interchange of products. I do not want either physical war or commercial war with any nation on the surface of this earth, unless it be some nation not belonging to the white race, outside of the sphere of the white man's civilization, whose conditions are so absolutely dissimilar to ours that any sort of reciprocity between us commercially or otherwise is impossible.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Georgia [Mr. BACON] to the amendment of the Senator from North Dakota [Mr. GRONNA], on which the Senator from Georgia demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE] and therefore withhold my vote.

Mr. FOSTER (when his name was called). I again announce my pair and withhold my vote.

Mr. SHIVELY (when Mr. KERN's name was called). I desire to announce that my colleague is unavoidably absent from the city. He is paired with the junior Senator from Tennessee [Mr. SANDERS].

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and transfer it to the Senator from Maine [Mr. GARDNER] and vote. I vote "yea."

The roll call was concluded.

Mr. BRADLEY. I again announce my pair with the senior Senator from Maryland [Mr. RAYNER].

Mr. WATSON. I desire to announce the pair of my colleague [Mr. CHILTON] with the Senator from Illinois [Mr. CULLOM]. If my colleague were present he would vote "yea."

Mr. LODGE. I desire to announce again the pair of the Senator from North Dakota [Mr. MCCUMBER], necessarily detained from the Senate, with the Senator from Mississippi [Mr. PERCY].

The result was announced—yeas 27, nays 37, as follows:

YEAS—27.

Ashurst	Hitchcock	Overman	Smith, Ga.
Bacon	Johnston, Ala.	Paynter	Smith, S. C.
Bankhead	Martin, Va.	Poindexter	Swanson
Bristow	Martine, N. J.	Pomerene	Tillman
Chamberlain	Myers	Shively	Watson
Clapp	Newlands	Simmons	Works
Fletcher	O'Gorman	Smith, Ariz.	

NAYS—37.

Borah	Cummins	Kenyon	Smith, Mich.
Bourne	Dillingham	Lodge	Smoot
Brandegee	du Pont	McLean	Stephenson
Briggs	Fall	Massey	Sutherland
Bryan	Gallinger.	Nelson	Thornton
Burton	Gronna	Page	Townsend
Catron	Guggenheim	Penrose	Williams
Crane	Heyburn	Perkins	
Crawford	Johnson, Me.	Reed	
Culberson	Jones	Root	

NOT VOTING—30.

Bailey	Curtis	La Follette	Richardson
Bradley	Davis	Lea	Sanders
Brown	Dixon	Lippitt	Smith, Md.
Burnham	Foster	McCumber	Stone
Chilton	Gamble	Oliver	Warren
Clark, Wyo.	Gardner	Owen	Wetmore
Clarke, Ark.	Gore	Percy	
Cullom	Kern	Rayner	

So Mr. BACON's amendment to Mr. GRONNA's amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from North Dakota [Mr. GRONNA]. [Putting the question.] The ayes appear to have it.

Mr. SIMMONS. I ask for the yeas and nays.

Mr. NELSON. I ask for the yeas and nays, too.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER]. If that Senator were present I would vote "yea."

Mr. BURNHAM (when his name was called). I make the same announcement as before of my pair with the Senator from Maryland [Mr. SMITH]. I desire this announcement to stand for all subsequent votes.

Mr. WATSON (when Mr. CHILTON's name was called). I desire to announce the absence of my colleague [Mr. CHILTON] and to state that he is paired with the Senator from Illinois [Mr. CULLOM]. If my colleague were present he would vote "nay."

Mr. MARTINE of New Jersey (when Mr. DAVIS's name was called). I was requested to announce that the Senator from Arkansas [Mr. DAVIS] is paired with the Senator from Kansas [Mr. CURTIS].

Mr. FOSTER (when his name was called). I again announce my pair with the Senator from Wyoming [Mr. WARREN].

Mr. SANDERS (when his name was called). I again announce my pair with the junior Senator from Indiana [Mr. KERN].

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and the transfer of my pair to the Senator from Maine [Mr. GARDNER]. I vote "nay."

The roll call was concluded.

Mr. DU PONT. My colleague [Mr. RICHARDSON] is absent from the city. He is paired with the Senator from South Carolina [Mr. SMITH]. If my colleague were present he would vote "yea."

Mr. LODGE. The Senator from North Dakota [Mr. MCCUMBER] is paired with the Senator from Mississippi [Mr. PERCY]. If present, the Senator from North Dakota would vote "yea."

The result was announced—yeas 37, nays 26, as follows:

YEAS—37.

Borah	Cummins	Kenyon	Smith, Mich.
Bourne	Dillingham	La Follette	Smoot
Brandegee	du Pont	Lodge	Stephenson
Briggs	Fall	McLean	Sutherland
Bristow	Gallinger	Massey	Thornton
Burton	Gronna	Nelson	Townsend
Catron	Guggenheim	Page	Works
Clapp	Heyburn	Penrose	
Crane	Johnson, Me.	Perkins	
Crawford	Jones	Root	

NAYS—26.

Ashurst	Hitchcock	Overman	Smith, S. C.
Bacon	Johnston, Ala.	Paynter	Swanson
Bankhead	Martin, Va.	Poindexter	Tillman
Bryan	Martine, N. J.	Pomerene	Watson
Chamberlain	Myers	Reed	Williams
Culberson	Newlands	Shively	
Fletcher	O'Gorman	Simmons	

NOT VOTING—31.

Bailey	Curtis	Lea	Sanders
Bradley	Davis	Lippitt	Smith, Ariz.
Brown	Dixon	McCumber	Smith, Ga.
Burnham	Foster	Oliver	Smith, Md.
Chilton	Gamble	Owen	Stone
Clark, Wyo.	Gardner	Percy	Warren
Clarke, Ark.	Gore	Rayner	Wetmore
Cullom	Kern	Richardson	

So Mr. GRONNA's amendment was agreed to.

Mr. NEWLANDS. I offer an amendment to the pending bill.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment, which will be read.

The SECRETARY. Add a new section, as follows:

SEC. —. That the revenue derived from the special excise tax imposed by this act shall constitute a special fund in the Treasury to be applied to making up any deficit in existing revenue caused by a reduction of customs duties, and any surplus derived from such excise tax above the amount necessary to make up such deficit shall be reserved and applied to the regulation of the navigable rivers, including the prevention of and protection against floods, and the improvement of post and interstate roads in cooperation with the States.

Mr. NEWLANDS. Mr. President, in connection with the excise tax, which I propose to support, arises the question as to whether any additional taxation is necessary to meet the expenses of the Government. The total revenue is about a billion dollars, of which about one-quarter is derived from postal receipts and expended in the postal service. About one-third is collected from internal-revenue taxes, about one-third from customs duties, and the balance from the corporation tax and other miscellaneous receipts.

It is clear that to-day there is no deficit in revenue. There is a surplus of revenue. To what purpose then will this additional tax, involving a burden of $60,000,000, be applied? The answer is that we expect to reduce the customs duties to such an extent as will necessitate the imposition of this tax. The reduction in duties already effected by the action of the House aggregates about seventy million dollars. The increase of duties accomplished by the House bills amount to about $4,000,000. The revenue to be derived from this tax will equal about $60,000,000. So we will have nearly enough derived from this tax and derived from an increase of duties to take the place of the diminished revenue caused by a reduction in duties. That diminished revenue involves a loss of over $50,000,000 on sugar and $16,000,000 on other articles.

Mr. President, it is probable that this tax bill will pass, but I am not sure that the reduction in duties called for by the House action will take place. The legislation in that direction may fail in Congress and legislation in that direction may be vetoed by the President. Yet it is a wise thing in advance to provide additional revenues so that we can accomplish a reduction in the customs duties.

The purpose of this amendment, therefore, is to prevent this additional revenue, in case there should be no reduction in customs duties, from being expended in current administration, in perhaps wasteful administration, and to impound this money in the Treasury of the United States in such a way as that it shall be applied in the future to any deficit in revenue caused by a reduction of customs duties, and that any surplus may be applied to the constructive work of the Nation instead of to mere administration.

The constructive work which the Nation has in view involves the regulation of our rivers, the prevention of floods and protection against floods, and also the improvement of post roads and interstate roads in cooperation with the States. At least $75,000,000 will be required for those two purposes annually if we enter upon that work. So the $60,000,000 can be applied to that work if it is applicable to the deficit in revenue.

I will ask the Senator who has charge of the bill, the Senator from North Carolina [Mr. SIMMONS], whether he can accept this amendment?

Mr. SIMMONS. Mr. President, as I stated before, except where the minority members of the Finance Committee have considered an amendment, I do not feel that I have any authority to accept or to decline to accept an amendment. They have not considered this amendment, and therefore I can not comply with the request of the Senator.

Mr. NEWLANDS. In view of the Senator's statement, I shall not press this amendment now, but I would suggest to the Senator from North Carolina that this amendment can be put upon subsequent revenue bills. It can be put upon the bill that will be before us to-morrow and, perhaps, upon the cotton bill if it comes from the House; and I will ask the serious consideration by the Finance Committee of this amendment as a means of preventing a wasteful use of this revenue in case it should be secured and if, at the same time, our legislation for a reduction of customs duties should temporarily fail.

The PRESIDENT pro tempore. The Senator from Nevada withdraws his amendment.

Mr. BORAH. I move to strike out sections 1 to 9, inclusive, of the bill and insert in lieu thereof the amendment which is at the desk.

Mr. CUMMINS. Will the Senator from Idaho withhold his amendment just a moment while I offer a verbal amendment to the House bill, to make the meaning clear?

Mr. BORAH. Very well.

Mr. CUMMINS. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be read.

The SECRETARY. Insert, after the word "paid," in line 12, page 4, the words "upon such amounts."

Mr. CUMMINS. I call the attention of the Senator from Georgia to the amendment.

Mr. SMITH of Georgia. I think that makes the language clearer, and, so far as I am concerned, I shall vote for the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from Idaho wishes to modify his amendment?

Mr. BORAH. I move to strike out of the original bill sections 1 to 9 and to insert what is at the desk.

The PRESIDENT pro tempore. It is within the Senator's right to modify his amendment as he chooses.

Mr. BORAH. I offer the amendment in lieu of sections 1 to 9 of the original bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Strike out all of the House text down to section 9 of the bill, on page 12, line 24, and insert the following——

Mr. SMITH of Georgia. The "following" is substantially the substitute that the Senator before offered.

Mr. BORAH. It is precisely the substitute which I offered, and I wish to do it in a different way for the reason that I do not desire that it shall take the place of some of the amendments which have been agreed to.

Mr. SMITH of Georgia. So, really, the vote now is upon the Senator's substitute to the original bill.

Mr. BORAH. It is.

Mr. WILLIAMS. I should like to ask the Senator what the nature of the substitute is. Is it the Senator's income-tax amendment?

Mr. BORAH. Exactly.

Mr. MARTINE of New Jersey. Mr. President, I desire that my position may be known on the proposition that is now before the Senate, the amendment of the Senator from Idaho [Mr. BORAH]. I want to state primarily that I am a Democrat and proud of it. I want to be with my party; I love it, and I

have made sacrifices for it equal to those of any other Member of this body; but, beyond and above all, I want to be right. I desire that the burdens of government shall be shared by all. I realize that under our present system such is not the case. That is provoking more discontent throughout the length and breadth of this land than any other one thing; and I insist that those who love their country should endeavor to secure legislation that shall contemplate the sharing of the burdens of government equally by all. I believe an income tax is a step in that direction.

I am aware that my fellow Senators on this side of the Chamber will not vote for the amendment of the Senator from Idaho. I should love to be with them, but I can not follow them. For 25 years I have declared for an income tax; I have written over my own signature articles urging an income tax which have gone throughout the length and breadth of my little Commonwealth; I have spoken for it on a hundred platforms. Every national convention of our party for the past 25 years has peremptorily and positively declared for it. In my campaign for Senator recently, in a platform of principles which I published and declared for, I pledged myself to it. I believe in it; I believe it is right; I believe it is just; and at this stage of the proceedings I should be a coward if I should vote against it because it happens to come from a Republican source.

I know scores of men in my own home town and many within our Commonwealth who roll in wealth, and yet who contribute scarce a pittance to the needs of the Government. I insist that it is my duty not only as a Democrat, but that it is my duty as a patriotic citizen to sustain this method of taxation, and I shall vote for the amendment.

Mr. SIMMONS. Mr. President, I desire to make an inquiry of the Senator from Idaho. I understand the Senator proposes to strike out all of the original House bill and to substitute his amendment for it.

Mr. BORAH. I propose to strike out all of the original House bill and to insert in lieu of it the amendment which was read from the desk earlier to-day.

Mr. SIMMONS. Does the Senator also include section 9? Does he propose to strike out the whole House bill?

The PRESIDENT pro tempore. Does the Senator from Idaho include section 9 in his motion?

Mr. BORAH. I think I do; because the provisions of the amendment that I have submitted, in my judgment, cover that feature of the bill.

The PRESIDENT pro tempore. The question, then, is upon the amendment submitted by the Senator from Idaho to strike out all after the enacting clause and to insert the amendment which he has offered.

Mr. NELSON. Mr. President, is not that a mistake? The bill has been amended, as I understand, and this is a substitute only for that part of the bill which came from the other House—the excise-tax portion.

The PRESIDENT pro tempore. The Senator is correct. The question is on agreeing to the amendment.

Mr. MASSEY. I call for the yeas and nays on the amendment, Mr. President.

Mr. NEWLANDS. Mr. President, like the Senator from New Jersey [Mr. MARTINE], I favor an income tax, but I shall vote against the amendment offered by the Senator from Idaho [Mr. BORAH], because, if successful, it will accomplish the defeat of a measure which will impose upon wealth a considerable proportion of the burdens of government. The position which I have taken is that stated in a resolution adopted in a conference of the Democratic Senators to-day, to the following effect:

> That, while favoring an income tax, they realize that, with the pending amendment to the Constitution authorizing an income tax now requiring the favorable vote of only two States, it is preferable to support the pending bill for an excise tax, which, with the existing corporation excise tax, will raise approximately an equivalent amount of revenue.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Idaho [Mr. BORAH] in the nature of a substitute, on which the yeas and nays have been demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I again announce my pair with the Senator from Montana [Mr. DIXON] and withhold my vote.

Mr. BRADLEY (when his name was called). I again announce my pair and withhold my vote.

Mr. WATSON (when Mr. CHILTON's name was called). I desire to announce that if my colleague [Mr. CHILTON] were present he would vote "nay."

Mr. LODGE (when Mr. MCCUMBER's name was called). The Senator from North Dakota [Mr. MCCUMBER], as I have already announced, is absent. He is paired with the Senator from Mississippi [Mr. PERCY].

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is absent from the Chamber. If he were present he would vote "yea" and I should vote "nay."

Mr. REED (when his name was called). I have a pair for to-day with the Senator from Michigan [Mr. SMITH], but upon this particular amendment I have his authority to vote. I vote "nay."

Mr. SANDERS (when his name was called). I again announce my pair and withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] has been called from the Chamber. I am requested to say that if he were present he would vote "nay" on this amendment. He is paired with the junior Senator from Missouri [Mr. REED].

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and the transfer of that pair to the Senator from Maine [Mr. GARDNER]. I vote "nay."

The roll call was concluded.

Mr. FOSTER. I again announce my pair and withhold my vote.

Mr. DILLINGHAM. I notice that the senior Senator from South Carolina [Mr. TILLMAN] has left the Chamber. I desire to announce my pair with him and to say that if he were present I would vote "nay" on this amendment. I make this announcement for the evening and to hold good on the passage of the bill.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER] and, therefore, withhold my vote.

Mr. MYERS (after having voted in the negative). I ask if the Senator from Connecticut [Mr. MCLEAN] is recorded as having voted?

The PRESIDENT pro tempore. The Chair is informed he is not.

Mr. MYERS. During his temporary absence from the Chamber I have a pair with that Senator, and I ask leave, therefore, to withdraw my vote.

The result was announced—yeas 23, nays 33, as follows:

YEAS—23.

Ashurst	Clapp	Hitchcock	Page
Borah	Crawford	Jones	Perkins
Bourne	Culberson	Kenyon	Poindexter
Bristow	Cummins	La Follette	Townsend
Burton	Fall	Martine, N. J.	Works
Catron	Gronna	Massey	

NAYS—33.

Bacon	Johnson, Me.	Pomerene	Stephenson
Bankhead	Johnston, Ala.	Reed	Sutherland
Brandegee	Lodge	Root	Swanson
Briggs	Martin, Va.	Shively	Thornton
Bryan	Nelson	Simmons	Watson
du Pont	Newlands	Smith, Ariz.	Williams
Fletcher	O'Gorman	Smith, Ga.	
Gallinger	Overman	Smith, S. C.	
Heyburn	Penrose	Smoot	

NOT VOTING—38.

Bailey	Curtis	Lea	Richardson
Bradley	Davis	Lippitt	Sanders
Brown	Dillingham	McCumber	Smith, Md.
Burnham	Dixon	McLean	Smith, Mich.
Chamberlain	Foster	Myers	Stone
Chilton	Gamble	Oliver	Tillman
Clark, Wyo.	Gardner	Owen	Warren
Clarke, Ark.	Gore	Paynter	Wetmore
Crane	Guggenheim	Percy	
Cullom	Kern	Rayner	

So Mr. BORAH's amendment was rejected.

Mr. HEYBURN. Mr. President, just a moment, before the closing scene in regard to this bill. There are some anomalous conditions to which I desire briefly to call attention. I looked in the dictionary to ascertain the accurate technical definition of the words "excise tax," and I find this:

> An excise tax is an inland duty or impost operating as an indirect tax on the consumer.

I merely read that for the comfort of those who have been talking about the consumer. Now, they propose to reduce duties, and thus reduce prosperity, and then tax on their income the people whose prosperity they have reduced.

The Senator from Nevada [Mr. NEWLANDS] confessed that the probabilities were that we would have no use for this money, and he suggested by an amendment that we should use it, in the event it transpires that we have no occasion for it in paying the expense of the Government, for the improvement of waterways. Why not loan it to the farmers, according to the

proposition of about 15 years ago, or devote it to any other useless purpose?

Mr. President, just a few thoughts that occur to me. It is proposed by this legislation to tax our people directly and to relieve foreigners of the taxes, or that which they call taxes, through the customs duties; in other words, to transfer the taxation from the foreigner to our own people directly. We have the power, perhaps; but it is not necessary to exercise it.

I believe in an income tax levied by the State at any time that in its judgment it is wise or necessary. I do not believe in an income tax levied by the General Government in time of peace. I believe in having the power and reserving its exercise for times of stress and necessity only.

Mr. President, this measure proposes merely a slowing down process of prosperity. It is proposed to put a direct tax upon those whose incomes exceed $5,000, with the power remaining in those people, who are admittedly the business people of the country, to charge it up through additional profits to be paid by the down-trodden and oppressed people. It does not appeal to me. I feel no patriotic impulses to support such a measure, and there is no necessity for it. It emanates from two sources; first, those who have an unreasoning dislike to other people's prosperity. I do not know that I ever knew a prosperous man to hate another man because he was prosperous; if I have, it is a rare exception; but there is a class of people in this country who are always trying to drag down the man who is in front of them. They would not stand on their own solid ground if they could; they want to stand on the wreck of somebody else. It is an instinct that I can not account for. They are only comfortable when they are dragging somebody down and posting themselves on top of the wreck of their fellow men. That is one source from which it emanates. The other is the desire upon the part of those who have no other political issue, except that of free trade and enmity toward the protective-tariff policy, to find or create an excuse for destroying the system of taxation upon the foreigner who enters our market in competition with the American producer. It is used to make a political issue. It is an old cry upon an old horn that has been out of order so often and tinkered up so often that to-day it is scarcely recognizable; but it is the same old horn upon which they are sounding this note.

They will call it any name to accommodate you; they will call it free trade; they will call it tariff for revenue; and when they get among those who like to dally between the lines of responsibility, they will then call it tariff reform. It has no baptismal name, but it is the name that means destruction to the industries of the American people.

Now, out of the very necessity for creating a political cry or issue they will destroy the income of the Government from the legitimate and natural resources in order that they may substitute an income derived from direct taxation upon our own people. They would rather tax our people than tax the foreigner who seeks to enter and take advantage of our market. They are the two classes of people from whom this demand emanates, and from nowhere else. The opposition to-day would not dare to put in force the doctrine they preach here and elsewhere, but they would like to ride into power upon it, upon high-sounding phrases, upon stern denunciation of the successful party of this country, upon a condemnation of the principles that have been tried and tested and found to be sound, conservative, and sufficient for the maintenance of a Government such as ours.

I will support no measure that has no other or better principle than that.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. SIMMONS, Mr. SMITH of Georgia, and others demanded the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I again announce my pair. If I were allowed to vote, I would vote "nay."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were present and I were permitted to vote, I would vote "yea."

Mr. WATSON (when Mr. CHILTON's name was called). My colleague if present would vote "yea." He is paired with the Senator from Illinois [Mr. CULLOM].

Mr. GARDNER (when the name of Mr. Johnson of Maine was called). My colleague is unavoidably absent. If he were present, he would vote "yea."

Mr. MYERS (when his name was called). I have a pair on this vote with the Senator from Connecticut [Mr. MCLEAN]. If he were present and I were at liberty to vote I would vote "yea."

Mr. PAYNTER (when his name was called). Has the Senator from Colorado voted?

The PRESIDENT pro tempore. The Chair is informed that the Senator from Colorado has not voted.

Mr. PAYNTER. I have a general pair with him, and for that reason withhold my vote. If he were present, he would vote "nay" and I should vote "yea."

Mr. REED (when his name was called). Upon this vote I am paired with the Senator from Michigan [Mr. SMITH]. If I were at liberty to vote, I would vote "yea," and if the Senator from Michigan were here, he would vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague is absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "nay."

Mr. SANDERS (when his name was called). I am paired with the Senator from Indiana [Mr. KERN].

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan is unavoidably absent. He is paired with the junior Senator from Missouri [Mr. REED]. As stated by that Senator, my colleague if present would vote "nay" on this proposition.

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer it to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

The roll call was concluded.

Mr. BURNHAM. I again announce my pair with the junior Senator from Maryland [Mr. SMITH] and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. MARTINE of New Jersey. I again announce the pair existing between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS].

Mr. BAILEY. I again announce my pair with the Senator from Montana [Mr. DIXON] and withhold my vote.

Mr. FOSTER. I again announce my pair. If I were at liberty to vote, I would vote "yea."

Mr. DILLINGHAM. I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "nay."

Mr. LODGE. I again announce the pair of the Senator from North Dakota [Mr. MCCUMBER] with the Senator from Mississippi [Mr. PERCY].

The result was announced—yeas 37, nays 18, as follows:

YEAS—37.

Ashurst	Fletcher	Nelson	Smith, S. C.
Bacon	Gronna	Newlands	Swanson
Bankhead	Hitchcock	O'Gorman	Thornton
Bourne	Johnson, Me.	Overman	Townsend
Bristow	Johnston, Ala.	Poindexter	Watson
Bryan	Jones	Pomerene	Williams
Clapp	Kenyon	Shively	Works
Crawford	La Follette	Simmons	
Culberson	Martin, Va.	Smith, Ariz.	
Cummins	Martine, N. J.	Smith, Ga.	

NAYS—18.

Brandegee	Dillingham	Lodge	Root
Briggs	du Pont	Massey	Smoot
Burton	Fall	Page	Sutherland
Catron	Gallinger	Penrose	
Crane	Heyburn	Perkins	

NOT VOTING—39.

Bailey	Curtis	Lippitt	Richardson
Borah	Davis	McCumber	Sanders
Bradley	Dixon	McLean	Smith, Md.
Brown	Foster	Myers	Smith, Mich.
Burnham	Gamble	Oliver	Stephenson
Chamberlain	Gardner	Owen	Stone
Chilton	Gore	Paynter	Tillman
Clark, Wyo.	Guggenheim	Percy	Warren
Clarke, Ark.	Kern	Rayner	Wetmore
Cullom	Lea	Reed	

So the bill was passed.

MILITARY ACADEMY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DU PONT. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. DU PONT, Mr. WARREN, and Mr. JOHNSTON of Alabama conferees on the part of the Senate.

EIGHTH INTERNATIONAL PRISON CONGRESS (H. DOC. NO. 890).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of Congress a report of the proceedings of the Eighth International Prison Congress, held at Washington in October, 1910, in pursuance of the invitation extended by the President in virtue of the joint resolution approved March 3, 1905.

The attention of Congress is invited to the accompanying report of the Secretary of State concerning the printing of the report of the proceedings of the Prison Congress.

WM. H. TAFT.

THE WHITE HOUSE, *July 26, 1912.*

[The report of the proceedings accompanies the message to the House of Representatives.]

IMPORTATION OF ADULTERATED SEEDS.

Mr. GRONNA, from the Committee on Agriculture and Forestry, to which was recommitted the bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes, reported it with amendments and submitted a report (No. 985) thereon.

THE SUGAR SCHEDULE.

Mr. NEWLANDS submitted an amendment intended to be proposed by him to the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was ordered to lie on the table and be printed.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Saturday, July 27, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 26, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who art the beginning and the end, the alpha and omega; our God and our Father, whose patience is without end, whose mercy is from everlasting to everlasting, who beareth our burdens, comforteth our sorrows, chastiseth us when we do wrong, maketh the heart rejoice with gladness when we do right; Thy laws are inexorable. To keep them is heaven; to break them is hell. Continue, we beseech Thee, Thy ministrations unto us and bring us at last in harmony with Thee. For Thine is the kingdom and the power and the glory forever, amen.

The Journal of the proceedings of yesterday was read and approved.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Military Academy appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to take from the Speaker's table the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. HAY, Mr. SLAYDEN, and Mr. PRINCE.

TARIFF DUTIES ON WOOL.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, disagree to the Senate amendments, and ask for a conference.

Mr. PAYNE. Mr. Speaker, reserving the right to object, if the gentleman will withhold that request until to-morrow morning, perhaps I will not object to it.

Mr. UNDERWOOD. Very well, Mr. Speaker, at the request of the gentleman from New York I will withdraw my request.

STANDARD APPLE BARRELS.

The SPEAKER laid before the House the bill (H. R. 21480) to establish a standard barrel and standard grade for apples when packed in barrels, and for other purposes, with Senate amendments thereto.

The Senate amendments were read.

Mr. SULZER. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—

To Mr. MADDEN, indefinitely, on account of sickness in his family.

To Mr. RODDENBERY, indefinitely, on account of sickness.

To Mr. TURNBULL, indefinitely, on account of sickness.

MRS. LOUISA J. ROSE—LEAVE TO WITHDRAW PAPERS.

Mr. LAFFERTY obtained unanimous consent to withdraw from the files of the Committee on Invalid Pensions, without leaving copies, the papers relating to H. R. 3629, granting a pension to Mrs. Louisa J. Rose.

CHANGE OF REFERENCE—HOUSE DOCUMENT 613.

By unanimous consent, the Committee on Appropriations was discharged from the further consideration of House Document No. 613, a letter from the Secretary of the Treasury, transmitting copies of a communication from the Secretary of War submitting estimates of appropriations required to meet certain claims against the United States in connection with the Engineer Department, and the same was referred to the Committee on Claims.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 340. Joint resolution making appropriation to be used in exterminating the army worm.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 22195. An act to reduce the duties on wool and manufactures of wool.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7337. An act to provide for the purchase of a site and the erection of a building thereon at the city of West Point, State of Virginia.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 7337. An act to provide for the purchase of a site and the erection of a building thereon at the city of West Point, State of Virginia; to the Committee on Public Buildings and Grounds.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 24699. An act extending the time for the repayment of certain war-revenue taxes erroneously collected;

H. R. 24598. An act for the relief of Jesus Silva, jr.;

H. R. 20873. An act for the relief of J. M. H. Mellon, administrator, et al., all of Allegheny County, Pa.;

H. R. 18033. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes;

H. R. 13938. An act for the relief of Theodore Salus;

H. R. 12375. An act authorizing Daniel W. Abbot to make homestead entry;

H. R. 1739. An act to amend section 4875 of the Revised Statutes to provide a compensation for superintendents of national cemeteries;

H. R. 644. An act for the relief of Mary E. Quinn;

H. R. 22111. An act for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy;*

H. R. 22043. An act to authorize additional aids to navigation in the Lighthouse Service, and for other purposes;

H. R. 20347. An act to authorize the Dixie Power Co. to construct a dam across White River, at or near Cotter, Ark.; and

H. J. Res. 340. Joint resolution making appropriation to be used in exterminating the army worm.

ADDITIONAL CLERKS TO COMMITTEE ON ENROLLED BILLS.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

House resolution 635 (H. Rept. 1066).

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint two additional clerks of said committee, who shall be paid out of the contingent fund of the House at the rate of $6 per day from and after the time they entered upon their duties, which shall be evidenced by the certification of said chairman.

Mr. MANN. How many clerks does this authorize the employment of?

Mr. LLOYD. Two.

Mr. MANN. When did they enter upon their duties?

Mr. LLOYD. They have not begun yet.

Mr. FITZGERALD. Is this intended simply to provide for their employment during the remainder of the present session?

Mr. LLOYD. Just the remainder of the present session.

Mr. MANN. I do not think it says so.

Mr. FITZGERALD. After the word "committee" the words "for the remainder of this session" should be inserted.

Mr. LLOYD. Mr. Speaker, I move to amend by inserting after the words "duties," in line 6, the words "until the end of the present session."

Mr. MANN. That is not where it belongs.

Mr. TOWNSEND. It should be after the word "committee."

Mr. LLOYD. In line 3, after the word "committee," insert the words "for the remainder of the present session."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting, in line 3, after the word "committee," the words "for the remainder of the present session."

The amendment was agreed to.

The resolution as amended was agreed to.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912, and for prior years, and for other purposes; and pending that motion I ask the gentleman from Illinois [Mr. CANNON] if we can fix the time for general debate?

Mr. CANNON. I have had requests for one hour and a half from two Members, one for an hour and the other for 30 minutes. So far as I myself am concerned, I do not think I shall desire more than 5 or 10 minutes in general debate.

Mr. FITZGERALD. I think we can easily conclude the general debate inside of three hours.

Mr. CANNON. If I desire 5 or 10 minutes of the gentleman's time——

Mr. FITZGERALD. I think we can accommodate the gentleman in that way. I ask unanimous consent that the general debate be limited to three hours, one half to be controlled by myself and the other half by the gentleman from Illinois [Mr. CANNON].

The SPEAKER. Pending the motion to go into Committee of the Whole House on the state of the Union the gentleman asks unanimous consent that general debate on this bill be limited to three hours, one half to be controlled by himself and the other half by the gentleman from Illinois [Mr. CANNON]. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask whether it is the gentleman's intention to endeavor to keep the House in session and finish the bill to-day, or whether he will be satisfied if we finish it to-morrow?

Mr. FITZGERALD. I think we can at least finish it by to-morrow.

Mr. MANN. There is no intention to endeavor to force us to stay here to finish it to-day?

Mr. FITZGERALD. If we proceed with such speed that it is evident that it will not prolong the session beyond the usual time, I shall be glad to finish it to-day.

Mr. MANN. If it does not prolong the session beyond the usual time.

Mr. FITZGERALD. The gentleman understands very well that we will be here until doomsday unless somebody forces something.

Mr. MANN. It looks to me very much as though we would be here until doomsday, anyhow.

Mr. FITZGERALD. It would be a beneficial thing for the country if the other House were Democratic. Just at present it is merely obstructing public business.

Mr. MANN. The other House is the only place where they are doing business now.

Mr. CANNON. Mr. Speaker, three hours of general debate would place us pretty well up to 4 o'clock. So far as the consideration of this bill is concerned, upon the bill itself, I see no reason why it should not be passed to-day, but, as matters go, I should say probably it would be fortunate if we get through by 3 o'clock to-morrow. There is no disposition on my part to consume any time except upon the consideration of the bill.

Mr. FITZGERALD. The gentleman from Illinois understands that the peculiar conditions existing heretofore which required the presence of many Members elsewhere on account of important business after 3 o'clock in the afternoon no longer exist, and there will be less difficulty in keeping Members in the House. They will have no longer to go to other places where their presence has seemed to be imperative.

Mr. CANNON. The gentleman is satisfied that we can depend upon the bulletins for the news that we desire to get? [Laughter.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the general deficiency appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 25970, the general deficiency appropriation bill, with Mr. HAMMOND in the chair.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the title of the bill.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I shall take a very brief time to state generally what this bill contains. The estimates submitted to the committee in connection with appropriations to supply deficiencies for the past fiscal year and for other years aggregated $11,723,874.56. The bill as reported recommends appropriations aggregating $6,182,838.24, or a reduction under the estimates of $5,541,036.32. Of these reductions, $3,300,000 was an estimate to pay a judgment of the Court of Claims in favor of certain Ute Indians. After the investigation made by the committee there was very grave doubt as to the advisability of making the appropriation in the manner recommended by the department. It appeared that the item had been placed on the Indian appropriation bill in the Senate, and the Committee on Appropriations of the House dismissed further consideration of the appropriation.

This is the smallest general deficiency appropriation bill that has been reported to the House or enacted into law since 1886. Outside of certain items in the nature of audited settlements for the Post Office Department, deficiencies for the House of Representatives, largely consisting of gratuities to the widows of deceased Members, certified judgments of courts and of the Court of Claims, and $170,000 appropriated for a specific purpose for the next fiscal year, because of the emergency character of the item, and $150,000 appropriated for the proper commemoration of the fiftieth anniversary of the Battle of Gettysburg, in all aggregating the sum of $1,652,241, there remains carried by the bill $4,530,597 as the amount reported to supply deficiencies in the appropriations for the various services during the past and prior fiscal years. Of these $4,530,000, $2,300,000 is to supply deficiencies in appropriations for the support of the Military Establishment.

These deficiencies are occasioned by the fact that in submitting the estimates required for the subsistence of the Army and for the pay of the Army for the fiscal year 1912 the Secretary of War arbitrarily reduced the estimates submitted by the Commissary General and the Paymaster General by $2,534,000, and there was transmitted to Congress for the support of the Army and for the pay of the Army estimates which it was known in the War Department would be inadequate. If those estimates were to be eliminated from the amount carried in the bill, the amount carried to supply deficiencies, not accounted for in the manner already indicated, would aggregate $2,196,597.

In some instances, Mr. Chairman, the committee in its investigations ascertained that some of the departments or some of the bureaus had deliberately ignored the antideficiency act, and in those instances the committee declined to make the appropriations to supply deficiencies. The law clearly points out the

penalty for such violations, and until those penalties are enforced by the administration the committee will not supply moneys for which obligations have been incurred in violation of law.

It is a very commendable situation that with appropriations for the maintenance of the Federal service, aggregating more than $1,000,000,000 in a year, that outside of the matters set forth as indicated, the actual deficiencies, about which there might be some differences of opinion, amount to only $2,196,000. That is not due to any peculiar change in the administration. It is not due to any different disposition upon the part of those in the departments to expend money according to their will rather than in accordance with the judgment of the Congress. In my opinion, based on investigations which I have made, it is due entirely to the fact that this is a Democratic House of Representatives, and the knowledge has sunk into the heads of those charged with responsibility for expending the public moneys that there is now a place and a body and a power which proposes to insist that the laws be obeyed, and that the servants of the people obey the law. [Applause on the Democratic side.]

Mr. Chairman, as is well known, the work of preparing bills carrying appropriations to maintain the various services of the Government is not a very easy nor a pleasant task. There had been for many years a disposition on the part of the departments to ignore not only the law, but to ignore the determination of Congress in fixing limitations upon the amounts that might be expended for various purposes. I believe that this bill indicates that there is a change in the attitude of the officials in the departments toward these matters. Realizing that the Congress will not tolerate longer the ignoring or the open violation of the law, a marked change has taken place in their attitude, and if it were possible in some way to prevent what was done regarding the Army estimates, to arbitrarily reduce them and furnish the Congress over the protest of the Commissary General and the Paymaster General of the Army estimates for the maintenance of the Military Establishment, known to be inadequate, and upon which appropriations were to be based, a much greater reform would be effected in our financial system. When the Army appropriation bill for the fiscal year 1912 was before the House, the gentleman from Virginia [Mr. HAY] called attention to the fact that the appropriations were grossly and knowingly inadequate and would result in large deficiencies being requested by the departments. He endeavored to have appropriated sums that it was apparent the strength of the Army and the cost of rations would require.

But the Republican Congress refused to make the appropriations and turned over to a Democratic House the necessity of supplying at this time the funds necessary to pay the bills for the feeding and for the pay of the Army. There are some other matters in the bill that, during the course of its consideration, I shall be pleased to go into at greater length. The committee included in this bill, however, the item of $150,000 as a contribution toward certain expenses in connection with the celebration of the fiftieth anniversary of the Battle of Gettysburg. A number of the States in the Union, both in the North and in the South, have appropriated money to pay the transportation of Union and Confederate soldiers to the battle field of Gettysburg. The State of New York appropriated $275,000 for this purpose. For the purpose of supplying adequate accommodations, water, and other things for the large numbers that will gather on the battle field of Gettysburg, the Congress was requested to appropriate $150,000. It is not in order upon this bill. In view of the unanimity of the sentiment throughout the country that this celebration take place as an evidence of the union that has really taken place between all sections of the country, the committee believed it desirable and proper to include it in this bill.

Mr. HOBSON. May I ask the gentleman if the whole amount of $150,000 is in the bill?

Mr. FITZGERALD. The entire amount. The committee inserted in the bill the Senate joint resolution, which was prepared along the lines desired by the officials in control of the celebration. Mr. Chairman, I shall reserve the balance of my time.

Mr. BURKE of South Dakota. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. BURKE of South Dakota. I desire to ask if it is the custom on a general deficiency bill to provide an appropriation to pay for the judgments entered in the Court of Claims, or whether they have been placed on the sundry civil bill or some other bill?

Mr. FITZGERALD. In the general deficiency bill certain classes of certified judgments are included.

Mr. BURKE of South Dakota. I would like to ask the gentleman if his attention has been called to the fact that there is a judgment existing against the United States in favor of the Ute Indians and that an amendment has been added to the Indian appropriation bill at the other end of the Capitol to pay that judgment? I wish to ask the gentleman if it is not a matter that the Appropriations Committee should have taken jurisdiction of instead of having it incorporated in the Indian appropriation bill.

Mr. FITZGERALD. It probably would have applied to this bill, but it is on the Indian appropriation bill already and the Committee on Appropriations did not desire to have it appear that it was overanxious to have the judgment paid in the way it was presented to the committee. The department not only asked for what it was entitled to under the law and under the judgment, which would have been an appropriation equivalent to 4 per cent upon the amount fixed in the judgment, the judgment being three million three hundred and odd thousand dollars, but it also desired authority to expend such part of the principal of the judgment as the Secretary of the Interior may deem advisable for the benefit of the Indians. There were some features about it that so long as it was pending in another place the Committee on Appropriations was perfectly willing to be relieved of the burden of determining what should be done. The Court of Claims decreed that certain attorneys should be paid $210,000 or $211,000 for services consisting, according to the report, almost entirely of work before the committee of Congress in obtaining the resolution upon which the judgment was obtained. Having some knowledge of the Committee on Indian Affairs from six years' service upon it I know of no service that could be rendered by any attorney before that committee that would be worth $100,000 or $200,000 or any other such indefensible sum.

Mr. BURKE of South Dakota. I would like to ask the gentleman if he is aware of the fact that the amount allowed by the court to the attorneys, which amount I believe was $211,000, has already been paid?

Mr. FITZGERALD. I do not believe it has been paid because there is no appropriation.

Mr. BURKE of South Dakota. I will say to the gentleman, in the jurisdictional act the attorneys were shrewd enough to include a provision in the matter of the payment of their fee, so that it would be paid regardless of whether the judgment was paid or not.

Mr. FITZGERALD. I think not.

Mr. BURKE of South Dakota. I will say to the gentleman——

Mr. FITZGERALD. I read the jurisdictional act which provided for the payment of these fees either out of the proceeds of the judgment or out of the proceeds of the sale of land; but under a statute passed a few years back by Congress, that no act of Congress should be construed as making an appropriation unless in specific terms the appropriation was made in the act, I know of no feature of the jurisdictional act under which anybody was authorized to pay these attorneys $211,000.

Mr. BURKE of South Dakota. I will say, for the information of the gentleman and for the information of the committee, that there has been paid $211,000 to attorneys who represented the Indians in presenting the Ute Indian claim to Congress and carrying it through the Court of Claims.

Mr. FITZGERALD. From what fund was it paid?

Mr. BURKE of South Dakota. I am not informed as to that, but I do know it was paid, because I had occasion to look it up. I would like to ask the gentleman another question.

Mr. FITZGERALD. Evidently the attorneys were more alert than the department. The supplemental judgment was entered some time early in 1911. If the attorneys got their money, they did very much better than the starving Indians who owned it.

Mr. BURKE of South Dakota. I want to ask the gentleman if this item ought to be incorporated in the Indian appropriation bill, which is a bill providing for current expenses of the Indian Department, or whether it ought not to be incorporated in this pending bill or some other bill?

Mr. FITZGERALD. If it is to be incorporated in any, I think it should be in this bill.

Mr. BURKE of South Dakota. The first question I asked the gentleman was this: If it has not been the policy of the Committee on Appropriations in either the deficiency or some other bill to make provisions for judgments that have been entered in the Court of Claims?

Mr. FITZGERALD. Yes; it has always done so and would have been done so in this instance in accordance with the law.

Mr. MANN. May I ask the gentleman a question in that connection? Does the Committee on Appropriations feel obligated

to pay a large judgment without any examination of the matter at all?

Mr. FITZGERALD. No; and it would not have incorporated in this bill the provision submitted by the Department of the Interior in connection with the estimates for the payment of the judgment. The Court of Claims finds distinctly that the amount of the judgment is the sum upon which the interest is to be computed which is to be paid annually to the Indians. And if a paper account is to be opened up in the Treasury so as to make possible the computation of interest available for the Indians and under the proposal of the Department of the Interior we spend the principal, three million and odd dollars, for the benefit of the Indians, I am convinced that inside of 20 or 30 years somebody else will have the irrigated land and the property of the Indians, and we will have the Indians as the dependents of the Nation, with their moneys dissipated, they existing through the generosity of the people.

Mr. MARTIN of Colorado. Will the gentleman permit me a brief statement? Owing to the fact that the Ute Indian lands and reservation were in Colorado——

Mr. FITZGERALD. I just wish to make this one statement for the benefit of the gentleman from Illinois [Mr. MANN], if I may have his attention. In examining the findings of fact of the Court of Claims it appears that certain payments by the United States, aggregating more than $3,000,000, had been made for the benefit of the Ute Indians under certain treaties. It is very difficult to tell the attitude of the court toward those payments. It did not give the United States credit for them. I am not so certain that the United States was not entitled to the credit of the $3,000,000, and, if it had been, there would not have been the sum of $3,500,000 found due to the Indians in this proceeding. There was no appeal taken.

Mr. BURKE of South Dakota. I would like to ask the gentleman a further question.

Mr. FITZGERALD. Just one moment.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from South Dakota?

Mr. FITZGERALD. I yield.

Mr. BURKE of South Dakota. If I am not mistaken, the Ute Indians had a fund from which they received annually an annuity; the amount I do not know.

Mr. FITZGERALD. The fund was a little over a million dollars. I think it was $1,200,000.

Mr. BURKE of South Dakota. And that fund has been merged in the judgment, and the income that has been annually going to these Indians has ceased. Is not that the case?

Mr. FITZGERALD. So I am informed.

Mr. BURKE of South Dakota. At the present time the judgment is not paid, and the interest has ceased upon this fund which has been merged into the judgment?

Mr. FITZGERALD. But the Committee on Indian Affairs could have appropriated money to be reimbursed hereafter from the Indian funds. The history of how this fund was created is very interesting. These Indians owned certain lands in Colorado; they were set aside as national forests.

The Indians have a judgment for the value of these lands so set aside as national forests at $1.25 an acre, amounting to over 2,000,000 acres. They still have undisposed of and to their credit over 7,000,000 acres of land to be disposed of. I have examined somewhat hastily the judgment of the court, and I am not certain at all that the United States should not have been credited with more than $3,000,000 additional paid to the Indians under the treaty.

Mr. BURKE of South Dakota. I want to say to the gentleman—

Mr. FITZGERALD. And if it is necessary to make some provision for these Indians, it will be easy to make an appropriation reimbursable hereafter out of funds to be placed to their credit. But I do not agree with the Secretary of the Interior that this judgment money which should be placed to the credit of the Indians and upon which the interest charge should be calculated shall be treated as a cash item and he be given authority not only to spend the interest but to spend next year $500,000, as he asks.

Mr. BURKE of South Dakota. I want to say, in justification of the fact that there was no provision made in the Indian appropriation bill for the Ute Indians, that it was not brought to the attention of the House Committee on Indian Affairs, and that committee knew nothing about it and only knows of it now because an amendment was adopted by the Senate to the Indian appropriation bill providing for the payment of the judgments.

Mr. FITZGERALD. The gentleman knows the fault of that condition is not with the Congress, but it is with the department, that had all this information and never submitted it to the House.

Mr. BURKE of South Dakota. I presume an estimate was submitted by the Secretary of the Treasury in the usual way as a judgment of the Court of Claims and that the estimate went to the Committee on Appropriations. It certainly did not go to the Committee on Indian Affairs.

Mr. FITZGERALD. I have now before me the estimates submitted, in which there is a demand that there shall be appropriated $3,305,257.19 as the net amount of this judgment, for expenditure for the benefit of these Indians in the discretion of the Secretary of the Interior.

It was contended at first that he would have that power under some general statute, but upon request being made to the officials before the committee for a reference to the statute it was quickly determined there was no authority whatever to spend any part of that principal, but covered up ingeniously was this provision giving the authority not now possessed by the department to expend the principal.

Mr. BURKE of South Dakota. Unless there was some legislation in connection with it the Indian Committee would have no jurisdiction over this matter.

Mr. FITZGERALD. There is $3,322,305.34 found by the Court of Claims to have been paid these Indians under certain conditions, let me add, for which the United States have no credit. If it had been credited on that judgment of $3,500,000, the only thing that would have been left would have been the sum paid to the attorneys as their fee. An examination of the supplemental judgment did not satisfy me or the other members of the committee that it was a matter upon which they were sufficiently well advised to recommend the legislation in question.

Mr. BURKE of South Dakota. I hope the body at the other end of the Capitol will add an item to pay this judgment as an amendment to this bill and let the committee that has jurisdiction of the subject dispose of it, and that it may be eliminated from the Indian appropriation bill, where it does not properly belong.

Mr. FITZGERALD. Let me say this to the gentleman from South Dakota [Mr. BURKE]. I do not know what the committee at the other end of the Capitol will do on the Indian bill, but I know it will not add anything on the appropriation bill from the Committee on Appropriations that does not belong there, meritorious or otherwise; or rather, I mean it will not stay there if it be added.

Mr. BURKE of South Dakota. I understand the gentleman to say that this item properly belongs on the general deficiency appropriation bill if it is going to be appropriated for at all?

Mr. FITZGERALD. I think it does.

Mr. BURKE of South Dakota. That is satisfactory.

Mr. MARTIN of Colorado. Mr. Chairman, I would like two minutes' time in which to make a brief statement, if the gentleman will permit.

Mr. FITZGERALD. I yield.

Mr. MARTIN of Colorado. I wanted to make a statement in the nature of an interruption of the gentleman from New York [Mr. FITZGERALD]. I wish to say to the gentleman that I have no personal interest, and very little of any other kind, in this appropriation; but owing to the fact that the Ute Indian Reservations and lands were located in the State of Colorado and in the district which I have the honor to represent I introduced the bill carrying the appropriation to pay the Court of Claims judgment in favor of the Confederated Band of Ute Indians.

Now, the gentleman from New York [Mr. FITZGERALD] is mistaken in saying that these lands were taken for forest reserves. The Ute Indians were forcibly dispossessed—of course, under treaty agreement—but they were forcibly dispossessed some 25 years ago, and were removed to the State of Utah. Now, these lands have been largely sold by the Government.

Mr. FITZGERALD. A very large portion of them were put in forest reserves, and the Court of Claims in its decision says that the extraordinary services rendered by the attorneys were rendered in convincing Congress that the lands appropriated for forest reserves should be considered as sold.

Mr. MARTIN of Colorado. I will say this to the gentleman: That some of those lands have been in forest reserves, and a great part of them have been sold to settlers, and the selling price received by the Government. I have a bill pending to make a full further allowance in favor of the Ute Indians for the lands that have been disposed of since the rendition of this judgment.

Mr. FITZGERALD. Let me call the gentleman's attention to the fact that in the opinion of the court it is stated that

in view of the law and the facts, as stated, the court has found the lands thus set apart in forest reserves paid for at the rate of $1.25 per acre, amounted to $3,825,325.75; and as a set-off to these and other matters, it brings the judgment down to $3,500,000. From that opinion of the court the gentleman can readily see that this judgment is almost entirely for land set apart for forest reserves.

Mr. MARTIN of Colorado. Now, the attorney's fees have been paid. That is no part of the amounts carried in the bill, which is $3,305,257.19. This is the net amount of the judgment, and, as expressly stated in the bill, it is exclusive of the amount awarded for attorney's fees, which I understand to be, as stated by the gentleman from South Dakota [Mr. BURKE], already paid.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Texas?

Mr. MARTIN of Colorado. I yield to the gentleman.

Mr. STEPHENS of Texas. Will the gentleman please state to what committee the gentleman's bill has been referred for the payment of these claims?

Mr. MARTIN of Colorado. Yes. My bill was referred to the Committee on Appropriations, and I have mentioned it several times to the gentleman from New York [Mr. FITZGERALD].

This is what I object to, I will say to the gentleman from Texas: This appropriation has been hung onto the Indian appropriation bill in the Senate. In my individual judgment it was hung onto the bill there for the purpose of anticipating action by the Committee on Appropriations in the House on the general deficiency bill. Now, the gentleman from Texas [Mr. STEPHENS] assures me that he does not propose to stand for that amendment at all.

Mr. STEPHENS of Texas. Does the gentleman believe that the House should not insist upon this going to the proper committee?

Mr. MARTIN of Colorado. I will say that the House did so insist on this when it sent it to the committee having jurisdiction of the general deficiency bill.

Mr. STEPHENS of Texas. That was done, instead of its going on the Indian appropriation bill in the Senate, when the Indian Committee of the House has had no chance to investigate the grounds of the matter and determine what should be done with the fund, if we should determine it is due at all.

Mr. MARTIN of Colorado. What will result is not fair to a Member of the House. This is what will result: This general deficiency bill will go to the Senate and it will go into conference, just the same as the Indian appropriation bill. The Indian Affairs Committee of the House will not stand for this item on the Indian appropriation bill, and at the other end the item will be shifted to this bill, the general deficiency bill, so that it will be safe to predict right now that when the general deficiency bill becomes a law this item will be in it and not in the Indian appropriation bill.

This is a just debt and it ought to be paid. I am not relying simply on the statements of the Commissioner of Indian Affairs, but I am relying also on statements of people in Durango to the effect that these Indians are in need and unable to pay their debts. Their funds are exhausted. There are no funds now available for the Ute Indians, so even if the whole of this judgment is not appropriated for at least a substantial part of it ought to be appropriated for. This is a condition which ought to be met.

It is conceded that this general deficiency bill is the proper bill on which to provide for judgments of the Court of Claims. It could not very well be denied when the bill actually carries appropriations to pay judgments of the Court of Claims, and I think the bill will in the end carry this judgment before it becomes a law.

Mr. STEPHENS of Texas. Can the gentleman state how it was that the attorneys' fees were paid before this judgment was collected?

Mr. MARTIN of Colorado. I will say to the gentleman that I can not explain that. I do not know a thing on earth about the relations of the attorneys to this claim. I do not know who they were; I do not know what they got, and I do not care. I simply introduced this bill by request, as a matter of duty, to get this judgment paid, because the Indians who owned the lands lived in the district I have the honor to represent. The judgment was obtained before I had any knowledge that the case was pending.

Mr. FITZGERALD. The gentleman said he wanted two or three minutes in which to make a statement. I do not want him to use up all my time.

Mr. MARTIN of Colorado. I have now made the statement I desired to make. My position is this: This appropriation will finally be paid, and through this maneuvering it will finally be paid as the result of the efforts of gentlemen at the other end of the Capitol where our appropriations are usually secured.

Mr. FITZGERALD. Let me say this to the gentleman: That this appropriation, if I can prevent it, will not be made in such a way as to permit this money being dissipated instead of being conserved for the benefit of the Indians.

The Indians have been looted now to the extent of $200,000 for alleged services of attorneys. I do not propose, if I can prevent it, that the balance shall be appropriated with the understanding that it shall be invested in improvements on their lands and then taken by another sort of alleged friends of the Indians and the Indians themselves left in the same beggarly condition as they would be in if they had never had anything at all.

Mr. MARTIN of Colorado. I shall do what I can to get the appropriation through regardless of the bill on which it is placed, who gets the credit for it, or who will be entitled to the benefit of it after it is passed.

Mr. FITZGERALD. I believe the Indians should get what they are justly entitled to, but I do not believe in enriching a lot of grafters who have been living on these dependent Indians for years under the pretense of giving them that to which they are entitled.

Mr. MARTIN of Colorado. This appropriation was indorsed to the gentleman's committee by the Commissioner of Indian Affairs and the Secretary of the Interior, and the gentleman could have brought them before his committee and ascertained these facts, if they are facts.

Mr. FITZGERALD. We have ascertained that they wished to do something which, in my opinion, was absolutely indefensible.

Mr. MARTIN of Colorado. The gentleman is going behind the judgment of the Court of Claims.

Mr. FITZGERALD. The gentleman is not going behind the judgment of the Court of Claims. The Court of Claims did not find that the department should have the right to expend any part of the principal of this money. It distinctly states that it is the measure of the interest to which the Indians are entitled; but the officials in the department, assuming that they know better than Congress and that they are above the law, calmly propose to spend $500,000 at once of this $3,300,000, because they say these Indians are in such a deplorable condition, and they make the admission that they are among the most backward Indians in the United States. To give these allotments of land and spend $3,000,000 in improvements means that they are preparing to hand over to some very astute white gentlemen in the Western States some very desirable lands at very unremunerative prices, and to leave the Indians upon the hands of the Government and the Federal Treasury for many years to come.

Mr. MARTIN of Colorado. Mr Chairman, just a further very brief statement. It is true that the bill as drafted authorizes the Secretary to make payments and expenditures in his discretion, and I do not know what amount he may have asked the committee for authority to expend——

Mr. FITZGERALD. He wants authority to expend it all, but he said he would expend about $500,000 this year.

Mr. MARTIN of Colorado. But, as I understand it, it is up to the committee to fix the limitations and say in what amounts or at what times payments may be made.

Mr. FITZGERALD. No; it is not. There is a change in the law. That is not controlled by the Committee on Appropriations.

I reserve the balance of my time.

Mr. CANNON. Will the gentleman yield to me 10 minutes?

Mr. FITZGERALD. I yield 10 minutes to the gentleman from Illinois.

Mr. CANNON. Mr. Chairman, I listened with interest to the statement of the gentleman from New York [Mr. FITZGERALD] touching the amount covered by this bill, and I congratulate the House and the administration as well on the fact that this is the smallest deficiency bill that has been reported for many, many years.

This is due to several causes. I agree with the gentleman from New York in his statement that the estimates referred to by him, transmitted last year by the Secretary of War under the law, were too small. This bill would have been still less in amount if that estimate had been as large as it ought to have been.

The smallness of the bill is due to another fact. For many years Congress has been attempting to compel the Executive to cut the garment according to the cloth. Legislation has been enacted from time to time, and in both the Sixtieth and Sixty-

first Congresses legislation was enacted, which is largely to be credited with the small deficiencies carried by this bill. Notwithstanding there is a penalty against the official who expends more than is appropriated, yet from the necessities of the public service here and there expenditures have been made which are technically made in violation of the law. Just to illustrate as one instance: The Mississippi River overflowed; people were starving; the waters were rising; there was no money to relieve them. Estimates were sent for a considerable amount to relieve the flood sufferers. The appropriation was not made, and, in my judgment, wisely not made, because the President agreed to meet the existing conditions by furnishing Army rations and other service. The gentleman from New York stated that in his opinion it was the duty of the President to meet the emergency and furnish these supplies, and I concurred in that statement, and the gentleman from New York assured the President that, in his judgment, Congress would make the deficiency appropriation.

That condition was repeated again at the time of the earthquake disturbances in Alaska. A technical violation of law? Yes. But, after all, conditions must be met with intelligence and patriotism.

I am not criticizing the gentleman from New York [Mr. FITZGERALD]. It is all very proper for us to flap our wings and rejoice when there is a desirable condition, as there is in this deficiency bill, in that it is the smallest deficiency bill of many years. It is all well enough for the gentleman to say that this is due to the Democratic majority, a statement which is received with great applause upon the other side. Well, this appropriation for the public service for the year just expired was made when the Republicans were in the majority in the House. I just state that by way of a set-off to the political part of my friend's statement. I take great pleasure in saying that substantially this bill is well made.

Another thing, the bill would have been larger if it had been passed earlier, because under the provision of law that expenditures shall not be made unless appropriated for, if this deficiency bill had been passed in March, April, or May, the public service for the remainder of the fiscal year would have been cared for in some instances where it ought to have been cared for, but was not cared for, because the law prevented it in the absence of appropriations. The fiscal year having now expired, of course that diminishes the amount of the bill.

Reference has been made to the $3,300,000 judgment of the Court of Claims. I quite agree with the gentleman from New York that the committee did right in not including that $3,300,000 in this deficiency bill, because it was ascertained that the Senate had put this appropriation upon the Indian appropriation bill.

The estimate was resting before the Committee on Appropriations. There were two strings to the bow, and if it was not obtained according to the will of perhaps some legislators or some people interested in the same, under conditions in one bill, they would then have another string and see if they could not do it better on another bill, and there you are. It is simply ridiculous to have two of the great money bills carrying the same appropriation and the body which amends appropriation bills putting the amendment on the Indian appropriation bill.

I have some views about this judgment in one particular which I shall not at this time discuss. I am not entirely satisfied that there ought not to be at least $2,000,000 deducted from the amount of the judgment. I am examining and shall continue to examine that question, either as a member of the committee or as a Member of the House, or both, in order that I may act intelligently when I vote in the premises. I quite agree with what the gentleman from New York [Mr. FITZGERALD] has stated, that whatever is done when this appropriation is made to satisfy this judgment, we should not make a law placing the whole amount of the judgment at the discretion of the Interior Department or the administration to expend it in its discretion for any purpose it may desire.

I shall not talk about the attorney fees at this time. There are 2,000 of these Indians. There are 7,000,000 acres of this land, forest and mineral and agricultural in its nature, that have not yet been sold. A large sum is yet coming to these 2,000 Indians. I trust that in the future, where suits are brought before the Court of Claims and dismissed for want of jurisdiction, there will not be legislation enacted without sufficient consideration which would give jurisdiction to the Court of Claims which will be an instruction to take jurisdiction and adjudicate the claims along certain lines. The $211,000 of attorney fees I shall not say was a fraud upon the Indians and the Government, but I am satisfied that both Indians and Government would be far better off if these attorney fees had never been authorized.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FITZGERALD. Mr. Chairman, I reserve the balance of my time.

Mr. CANNON. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GILLETT].

[Mr. GILLET addressed the committee. See Appendix.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. FITZGERALD having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On July 20, 1912:

H. R. 17239. An act to authorize Arkansas and Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River; and

H. R. 20501. An act to authorize the Secretary of the Treasury to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site and to pay, if necessary, out of the appropriation heretofore made for said immigration station, an additional sum in accomplishing such exchange, or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof.

On July 22, 1912:

H. R. 19403. An act authorizing the Director of the Census to collect and publish statistics of cotton.

On July 25, 1912:

H. R. 21477. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. CANNON. Mr. Chairman, I now yield 30 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, I desire to reply to some of the statements that were made by the gentleman from Nebraska [Mr. NORRIS] yesterday. I hardly think it is necessary for me to state to this House, and I know it is not necessary for me to state to the gentleman from Nebraska, that anything I shall say in no way reflects upon the honesty or integrity of his purpose. He is one of the first gentleman with whom I became acquainted as a Member of this body. I formed a high regard for him then, and that regard has remained with me ever since. I shall merely attempt to criticize his judgment in some of the statements he made in his speech of yesterday and the day before.

It is not my intention to discuss the facts in relation to the selection of delegates from the State of Washington to the Republican national convention. I am not fully conversant with the facts. I was not at home at the time these delegates were named and took no part in the contest whatever. I had friends upon each side of this question. Whatever the facts are, I want them made public in fullest detail that the public may know the truth and pass judgment.

But I do resent the attempt of the gentleman from Nebraska [Mr. NORRIS] to reflect upon the honesty and integrity of a large number of the citizens of my State by quoting the opinion of some man whose name he is not willing to give. The gentleman in his speech said, in substance, that a certain gentleman of wide acquaintance and of high standing, whose statements would have great weight with the Members of this House and of the country, and who was conversant with all the facts, had stated to him that the delegates from the State of Washington to the Republican national convention "were absolutely stolen." I listened to this statement with much anticipation and waited for him to give the name of the gentleman. When it seemed apparent that he did not wish to do this or had forgotten it, uncertain as to his intent, I asked him who the gentleman was. He refused to give his name, but did state later, in reply to a question from me, that the gentleman was a supporter of President Taft and a candidate for office on the Republican ticket. For this reason he had refused to permit the use of his name.

Mr. NORRIS. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. NORRIS. Mr. Chairman, the gentleman is mistaken when he says that I stated this man was a candidate for office on the Republican ticket. I made no such statement. I would

like to state that I did give the name of a man who prepared the statements.

Mr. HUMPHREY of Washington. The gentleman, as I understand it, then, stated that the gentleman to whom he referred was a supporter of President Taft and had political ambitions.

Mr. NORRIS. I judged that he did have.

Mr. HUMPHREY of Washington. The gentleman judged that he did have political ambitions.

Mr. NORRIS. Yes, that is one of the men whose name I did not give.

Mr. HUMPHREY of Washington. I understood him to say that he was a candidate for office. If he had political ambitions I know no other inference to draw from it.

His reasons for not giving this name may be and doubtless is entirely satisfactory to himself, but his failure to either do so or to withdraw such statement I do not think was satisfactory to this House, nor do I think that the position in which the gentleman finds himself in trying to justify his use of such evidence is entirely satisfactory to himself.

Mr. NORRIS. Mr. Chairman, will the gentleman yield there?

Mr. HUMPHREY of Washington. I yield for a question

Mr. NORRIS. I stated frankly that it was true that I admitted that would detract from my statement; but I stated that I knew the man and his opinion had great weight so far as my opinion was concerned. I did not offer that to influence the gentleman. I offered that as one of the reasons why I am convinced of the truth of it.

Mr. HUMPHREY of Washington. I am much obliged to the gentleman for interrupting me and saying that such evidence as that has great weight in his judgment. That is the very question that I am going to discuss—the condition of the gentleman's mind when such evidence as that does have great weight with him. As these statements were directly concerning the State of Washington and a number of her citizens, I can not permit it to go unchallenged. The gentleman from Nebraska once occupied with distinguished ability a high judicial position, though I admit that no one would have ever suspected that he had been a judge from that portion of his speech to which I have referred. Think of a judge permitting a witness to testify and permitting such testimony to go into the record and be received as evidence that a certain man of high standing, well known in the community, had said that he had investigated facts and that the defendant at bar was a thief, but as he was a friend of the thief he would not permit his name to be told. It was exactly upon such evidence as this that the gentleman wanted the country to believe that the State of Washington had been stolen and a great crime against honest government had been committed.

Suppose I should rise in my place in this House and name some fellow Member and then declare that I had been told by a man of national reputation, a man whose truth and veracity the Members of this House would not doubt, that he had carefully investigated the record of the Member I had named and that he was satisfied that such Member was a scoundrel and a criminal, and then, when the name was demanded of me, I would refuse to give it because the man whom I had quoted was a friend of the Member and was a candidate for public office. What a monstrous proposition that is! Is there a man on this floor whose innate sense of honesty, fairness, and justness would not arouse his hot indignation? I would deservedly be expelled from this body and carry with me the contempt of all my former associates. Is it any less monstrous, any less dastardly to utter such statements about a large number of reputable citizens to discredit them, and for political purposes to assassinate the reputation of a great political party? I know that the gentleman from Nebraska does not approve any such method. I am still utterly unable to account for his using such methods, or having used them to fail, upon reflection, to ask to have this portion of his speech stricken from the RECORD. This is the method of the anonymous letter writer, held in scorn and contempt by all decent men. This is the method of the blackmailer, the most cruel and cowardly of criminals, to extort blood money from his terrified and helpless victim while shielding himself. This is the method of the pitiless poisoner of the domestic peace in his neighbor's family. This is the method of the lowest and slimiest of all God's creations, the vile monster that by anonymous whispers assassinates the reputation of virtuous women.

As I have said, I do not believe that the gentleman from Nebraska intended to be unfair. It must be that in the zeal of his cause or in the enthusiasm of hysteria he for the moment lost control of his better judgment. Had such a statement as this been made by another no man in the House would have seen it more quickly or condemned it more strongly than the gentleman from Nebraska. Not only did the statement of the gentleman from Nebraska regarding this witness give the impression that his opinion of the case was of great weight, but it further carried with it the expression that this gentleman had unusual opportunities to know the facts, and, by implication at least, the impression was also given that he was much better informed than the general public, the national committee, or the gentleman from Wyoming in regard to the matter. I submit that the statement of the gentleman from Nebraska is a gross injustice to a large number of good men in my State, to himself, and to the great party with which he has long been identified.

But the gentleman discredits his own methods and impeaches this high-minded, far-famed, and nameless witness of his. He informs us that this great and good man, whose name we do not know, believed that the delegates from the State of Washington were stolen. If the delegates from Washington were stolen, if the unknown witness told the truth, and the contention of the gentleman from Nebraska is correct, then the convention at Chicago was fraudulent; then President Taft has stolen his nomination. Such was asserted again and again by the gentleman from Nebraska to be true. But this anonymous paragon of honor, of wde reputation, quoted to discredit honest men, is supporting Taft knowing that his nomination is stolen. This witness of high standing, of splendid character, that the gentleman from Nebraska uses without giving his name, is supporting the Republican party in its attempt to profit by this great outrage.

And, says the gentleman from Nebraska, this unknown witness of his is not only supporting Taft, the man who has received the stolen goods, but he is himself a candidate for office, or, as the gentleman now says, to quote him correctly, has political ambitions, and, therefore, does not want it known that he thinks that the delegates from the State of Washington were stolen. It is almost inconceivable that the gentleman from Nebraska should make such statement. Is it a justification for a man to support another for office when he knows that that man has stolen his nomination because he is himself a candidate? Is a man justified in refusing to expose political thefts because he is himself a candidate of the party that practiced such corrupt and dishonest methods? What becomes of the high standing, the unimpeachable character of this unknown witness which the gentleman from Nebraska has introduced? If the gentleman states the facts about his own witness he is guilty of everything that the gentleman in other portions of his speech condemns. May I ask the gentleman from Nebraska what rule he uses in measuring the honesty and the credibility of candidates for office when called as witnesses to prove political crookedness?

Mr. NORRIS. Mr. Chairman, will the gentleman yield there?

Mr. HUMPHREY of Washington. I will not yield at this time.

Mr. NORRIS. But the gentleman has asked me a question.

Mr. HUMPHREY of Washington. The gentleman can answer it in his own time a little later, when I shall yield. He vouches in highest terms for the character, the standing, and the integrity of his nameless witness and then in almost the same sentence admits that this same witness is now supporting a candidate for President that he knows was dishonestly nominated.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Not at this time. I will yield a little later. Does the gentleman believe under his own statements that his own witness is entitled to credit? If he does, then what estimate are we to place upon the judgment of the gentleman from Nebraska upon any question of this character? The excuse of the gentleman from Nebraska for the nameless one is that he has political ambitions. If that is a sufficient excuse for supporting Taft, knowing that he was not honestly nominated, if that is a sufficient excuse for refusing to give to the country the truth about the Chicago convention, in the estimation of the gentlemen who are opposed to President Taft and to the action of the Chicago convention would it not also be a sufficient excuse for these same gentlemen to support other candidates regardless of the way that they were nominated? Would it not be sufficient excuse for these same gentlemen to keep from the public the truth about their own candidates and about their own party?

The gentleman from Nebraska is himself a candidate for high office, and if he is to subscribe to the doctrine that he has advanced in behalf of his unknown witness, that when he is a candidate for office he is excusable for acting with a party that he knows is corrupt, that he is excusable for supporting a candidate dishonestly nominated for the highest office in the civilized world, that he is excusable for not giving facts in regard

to dishonesty and graft in his own party, does not the gentleman impeach himself and place himself in a position where his own motives may be justly questioned?

Are we to conclude that it is upon this theory that we hear so much to-day about stolen delegates, about dishonesty, about corruption, about political robbery, that each candidate because he is a candidate is justified in denouncing and condemning in most unmeasured and vicious terms his opponent, and is equally justified in concealing the truth about his own party and his own candidates? This seems to be the logic of the position of the gentleman from Nebraska. I regret to say that this does seem to-day to be the approved method of a large class of professional reformers who are seeking by the volume of their vocabulary to make the public believe that with them rests the salvation of the Republic and that with them virtue will perish from the earth.

If an honest man, a man of highest character, of unquestioned truth and veracity, worthy of every confidence, can and does support President Taft, knowing he secured his nomination by stealing, knowing that the Chicago convention was controlled by bosses, jobbers, thieves, highwaymen, scoundrels, robbers, thugs, grafters, thimbleriggers, porch climbers, and pirates, freebooters, buccaneers, and bandits—I believe I call a majority of the names in common use by the gentleman from Nebraska and his followers—if any honest man can support the work of that convention—and this man is honest, for the gentleman from Nebraska has so declared—then to what purpose does the gentleman from Nebraska continue to vex the atmosphere with his declamation? If that is his opinion of honesty and of honest men, then no one doubts that he may honestly believe that the Chicago convention was controlled by crooks. I emphasize this part of the gentleman's speech to show the temper of the gentleman, to show on what evidence he is ready to condemn others, to show what he regards as fair argument, to show the condition of his mind, to show how easily he can be convinced that others are dishonest, to show what character of men he considers high-minded and worthy of credit. I dwell upon it to emphasize the fact that a mental condition to-day seems to be widely prevalent, a condition that is anxious to believe anything from any source however disreputable, provided only that it tends to discredit. It is utterly useless to present facts or evidence or argument to sustain the good reputation or the high character or the honest purpose of any man to one in such state of mental aberration, when excitement or self-interest has so prejudiced his judgment and paralyzed his sense of reason.

Perhaps some will think that the statements of the gentleman from Nebraska should have gone by unchallenged, but I believe that reckless and unbridled statements are too common in this House. It is not to our credit that it is so. In justice to the gentleman from Nebraska I must say that he is usually careful and moderate in his statements, and weak, indeed, must be his case now if he finds it necessary to depart from his usual custom and introduce such evidence as he has done. It seems that there are many estimable gentlemen in the country that are in such dazed and hysterical condition that they have lost all sense of proportion. They seem utterly unable to weigh evidence. Their sense of fairness seems to have become paralyzed in their appeals to have it appear that they alone are honest and that they alone are the friends of the people. I hope that soon this period of suspicion, hysteria, and of reckless denunciation will have passed away, and we will have less of the cant and hypocrisy of self-appointed guardians of the people in their self-righteousness, so loudly and fervently thanking God that they are not as other men are.

There is just one other statement that I wish to notice in a sentence made by the gentleman from Nebraska and that is that the action of those who have supported President Taft had destroyed the Republican Party. It is strange to me, even if this is true in the light of the gentleman's career for the last few years that such action should arouse his solicitude or bring him regret, for if any man, according to his ability, and that ability is not small, has done more to destroy the Republican Party than the gentleman from Nebraska, then the Democratic Party should erect costly monuments to his memory and sing his praise in song and story down to the last syllable of record time.

Mr. CANNON. Mr. Chairman, I yield to the gentleman from Illinois [Mr. RODENBERG] one hour.

Mr. NORRIS. The gentleman from Washington has not used all his time, and I desire to ask him a question if he will yield.

Mr. CANNON. I want the hour and a half, and the gentleman will have opportunity later.

Mr. NORRIS. I am not asking for time, but I want to know if the gentleman from Washington will yield. He has not consumed all of his time, has he?

The CHAIRMAN. The gentleman has not consumed all his time.

Mr. CANNON. How much time?

The CHAIRMAN. Twenty-four and a half minutes.

Mr. HUMPHREY of Washington. I yield back the balance of my time.

Mr. NORRIS. I would like to ask the gentleman from Washington a question or two.

Mr. CANNON. I yield to the gentleman from Illinois [Mr. RODENBERG] 60 minutes.

Mr. HEFLIN. Before the gentleman yields that time, I do not see Mr. FITZGERALD on the floor——

Mr. CANNON. I hope this will not be taken out of my time.

Mr. HEFLIN (continuing). Mr. FITZGERALD promised to yield to me 10 minutes immediately following the gentleman from Washington [Mr. HUMPHREY].

Mr. CANNON. I yield 60 minutes to the gentleman from Illinois.

Mr. HEFLIN. Before the gentleman proceeds; the gentleman from New York [Mr. FITZGERALD] promised to allow me 10 minutes immediately following Mr. HUMPHREY. I do not see him in the Hall, and I ask that I may be allowed that 10 minutes now.

Mr. ROBINSON. Mr. Chairman, I ask unanimous consent that the gentleman have 10 minutes, to be taken out of the time of the gentleman from New York.

Mr. CANNON. I believe I have the floor, and I yield to the gentleman from Illinois one hour. The gentleman from Alabama will get 10 minutes, perhaps when it will suit him better, after the gentleman from Illinois has spoken.

Mr. RODENBERG. Mr. Chairman, I desire to thank my distinguished colleague for this courtesy, and I hope that I may be able to conclude my remarks without consuming all the time that has been so generously granted to me.

Mr. Chairman, when a great political party has nominated its candidate for the office of President of the United States it is only natural that the people should immediately manifest an intense interest both in the personality of the nominee and in the principles for which he is known to stand. His habits of life, his opinions on social and economic questions, his theories of governmental policy, become at once legitimate and interesting subjects of inquiry and investigation. While it is true that in a Republic like ours government must necessarily be conducted by and through political parties, yet it is also true that the platform of principles adopted by a political party and on the strength of which the candidate appeals for popular support is in no sense a true index of the candidate's worth or of his fitness for the office to which he aspires. In this enlightened day and age, when the standard of general intelligence is higher than it has ever been, the personality of the candidate becomes in a very large measure the true platform of his party. The people are more vitally interested in ascertaining the honest convictions of the candidate, formed in a time of sober and mature reflection, uninfluenced by ambition or hope of political preferment, than they are in any professions or promises contained in a platform which they know has been constructed solely to meet the exigencies of practical politics. In the history of American politics, with but very few exceptions, no man has ever been nominated for the high office of President of the United States by either of the great contending parties who was wholly unknown to fame or who had not previously rendered distinguished services to his country on the field of battle, in legislative forum, or in high executive or judicial place. The candidates who have been nominated by the Republican and Democratic Parties in this year of 1912 are not an exception to this rule. Both are men of high personal character, and both have records of public or semipublic service, which should enable the intelligent voter to form a correct conclusion as to their relative worth and fitness.

William Howard Taft has had a long and honorable career as a Federal judge, as governor of the Philippines, as Secretary of War, and as President of the United States. Woodrow Wilson, on the other hand, has been in public life for a very short time, having served less than two years in the office of governor of the State of New Jersey, that being the only political office that he has ever held. He has, however, had a long and honorable career as president of Princeton University, one of the great universities of this Nation, and he has had even a longer career as an author of note and distinction. He has been a most prolific writer, exploring every nook and corner of the field of history, sociology, and political economy. In his

voluminous writings and public addresses every subject in which the American people have ever shown the slightest interest, with the possible exception of the question of race suicide, has been treated by him in a manner which reflects great credit on his intellectual courage and independence, if not upon his political foresight and acumen. But I want to say in defense of the scholarly professor and man of letters that at the time he was expressing his honest views on these multitudinous subjects his fine literary soul was unvexed and unannoyed by the alluring prospects of political preferment. The shadow of the White House had not fallen athwart his peaceful path. The presidential bee had not yet begun to buzz. In fact, it had not even been hatched.

It is with this period in the professor's life that I purpose to deal to-day. For the benefit of such as do not have ready access to his numerous publications I desire to call attention to some of the startling views expressed by Prof. Wilson on men and measures, principally as they appear in his most important work, "*History of the American People.*" This history was published in 1902, only 10 years ago. At the time of publication Prof. Wilson was 46 years of age, and by reason of his erudition and scholarly attainments enjoyed then, as he does now, the titles of doctor of philosophy, doctor of literature, and doctor of laws. It will be apparent, therefore, that the views expressed by him are not the hasty and ill-considered fulminations of a college graduate, but rather the sober and philosophic reflections of the matured student and thinker.

WOODROW WILSON VERSUS THOMAS JEFFERSON.

Mr. Chairman, Thomas Jefferson is regarded as the founder of the Democratic Party and by common consent is accepted as its patron saint. His teachings have furnished Democracy's inspiration since the foundation of the party. Impassioned Democratic orators have been known to bring tears to the eyes of their listeners while describing the patriotic pulsations of that great heart that was wont to beat in sympathy with the oppressed of all mankind. In glowing terms they have pictured Thomas Jefferson as the great commoner, the embodiment of all the homely virtues, simple in all of his tastes, and devoted to the plain people of whom he was part and parcel. No Democratic national convention has ever failed to pay homage to the "Sage of Monticello." At the convention which met at Baltimore we find as the first resolution that time-honored, moss-grown, stereotyped expression with which we are all so familiar:

We, the representatives of the Democratic Party in national convention assembled, reaffirm our devotion to the principles of Democratic government as formulated by Thomas Jefferson.

To-day the mantle of the immortal Jefferson rests upon the narrow but classic shoulders of the Princeton professor. That mantle was placed there amid scenes of great excitement on the second day of July, by the frenzied followers of the lamented Jefferson in convention assembled at Baltimore. It was done in the daytime, in the full glare of the midday sun, at an hour when the spirits of the departed that hover forever near the scene of their earthly activities are supposed to go into retirement, preparing for their nightly walks. Jefferson was taken at a disadvantage, and he is therefore not to blame, for, if given an opportunity, I insist that the spirit of the author of the Declaration of Independence would certainly have protested, and protested vigorously, against the action of that convention. In righteous indignation he would have pointed to page 3, volume 4, of Woodrow Wilson's History of the American People, in which appears this sentiment:

The difference between Mr. Jefferson and Gen. Jackson was not a difference of moral quality so much as a difference in social stock and breeding. Mr. Jefferson, an aristocrat, and yet a philosophical radical, deliberately practiced the arts of the politician and exhibited oftentimes the sort of insincerity which subtle natures yield to without loss of essential integrity.

He would next have pointed to page 289 of Wilson's Life of George Washington, in which Prof. Wilson characterizes Thomas Jefferson as a "philosophical radical rather than a statesman," and says further:

Washington found him a guide who needed watching.

Mr. Chairman, if Woodrow Wilson is correct in saying that Thomas Jefferson was at heart an aristocrat while pretending to be of and for the common people, if he is correct in placing upon him the brand of insincerity, then Jefferson was easily the greatest demagogue, the most consummate hypocrite that has ever lived in the tides of time. If Wilson is correct in saying that in the critical formative period of our Nation's life Jefferson was wanting in loyalty to Washington, in whose Cabinet he served, and that he was "a guide who needed watching," then I insist that Jefferson was not a patriot, but a dissembler and an intriguer.

I for one, however, refuse to accept Woodrow Wilson's estimate of the character of Thomas Jefferson. I decline to have one of the historic idols of my youth and manhood shattered by a Democratic candidate for the Presidency. [Applause on the Republican side.] As the years recede the halo that surrounds the memory of the immortal Jefferson grows brighter and brighter, and I insist that that halo can not and must not be dissipated by Woodrow Wilson or any other Democratic theorist in the United States. The fame of Jefferson is secure; his is "one of the few, the immortal names, that were not born to die." But with Woodrow Wilson as the candidate for the Presidency I insist that it is high time for the Democratic Party, as a matter of expediency, if not consistency, for the latter is well-nigh impossible, and in justice to both Jefferson and Wilson, to change the name of its patron saint.

It is always a great embarrassment to a candidate to find himself out of harmony with a popular tradition of his party, and it is not exactly fair to the memory of the man who is responsible for the tradition.

WILSON VERSUS THE FOREIGN-BORN CITIZEN.

Mr. Chairman, I was under the impression that the spirit of "Knownothingism" that was once rampant in this country was long since dead. I was under the impression that that spirit had been crushed out of existence forever by the convincing power of the great truth which lies at the very foundation of our republican form of government, that "all men are created free and equal and endowed by their Creator with certain inalienable rights." I did not believe that the time would ever come when a great political party would nominate as its candidate for President a man in whom there seems still to linger a trace of the intolerance, the prejudice, and the narrow resentment that gave birth to the un-American, antiforeign agitation of some 50 years ago.

On page 212, volume 5, Woodrow Wilson's History of the American People, I find this remarkable statement:

Now, there came multitudes of men of the lowest class from the south of Italy and men of the meaner sort out of Hungary and Poland, men out of the ranks where there was neither skill nor energy nor any initiative of quick intelligence; and they came in numbers which increased from year to year, as if the countries of the south of Europe were disburdening themselves of the more sordid and hapless elements of their population. The people of the Pacific coast had clamored these many years against the admission of immigrants out of China, and in May, 1892, got at last what they wanted—a Federal statute which practically excluded from the United States all Chinese who had not already acquired the right of residence; and yet the Chinese were more to be desired, as workmen if not as citizens, than most of the coarse crew that came crowding in every year at the eastern ports.

Mr. Chairman, it has long been our proud boast that ours is the land of liberty and of opportunity.

Here, on the hospitable shores of the "home of the free," the persecuted of the earth have always found a refuge and an asylum. Our welcome has gone out to all alike. We recognize neither class nor caste, nationality nor religion. Every honest immigrant, no matter from what country he hails, whether from the north of Europe, the south of Europe, the east of Europe, or the west of Europe, if able to meet the requirements of our liberal immigration laws, is invited to partake of our liberties and to join with us in working out the manifest destiny of the American Republic. [Applause on the Republican side.]

It is this spirit that lies at the basis of our national greatness. It is this spirit that is responsible for our national supremacy. And to the eternal credit of the vast majority of our foreign-born citizens, including those from the south of Europe, be it said, that when they take the oath of allegiance to the laws and Constitution of our country, they become American citizens, not only in word, but in spirit as well, and they instill in the hearts of their children a sincere love and reverence for the old flag and for the institutions of their adopted country. [Applause on the Republican side.]

Oh, my friends, the history of civilization teaches us that liberty does not live with the rich, the powerful, and the great. It lives with the poor, the lowly, the humble, and the oppressed. Its fires have always burned more brightly in the humble cot of the day laborer than in the stately mansion of the multimillionaire. [Applause on the Republican side.]

God knows, I would not deny to any man, no matter how lowly his position in life, the right to enjoy the liberty of a free country. While I believe in the strict enforcement of our immigration laws, to protect us against the vicious, the lawless, and the depraved, yet I would not draw the line against admitting immigrants who, judged by our own experience, possess the possibility of developing into useful American citizenship.

My sympathy goes out to the man who has never had a chance in the struggle for existence, to the man whose dreary

pathway through life has never been illuminated by the bright, golden sunlight of hope and opportunity. I would not discriminate against the Italian, the Hungarian, or the Pole. I have not forgotten that Columbus was the son of an Italian laborer. I have not forgotten that among the great sculptors and artists who have given Italy her proud place in the world of art are the sons of men who earned their bread in the sweat of their brows. Ah, genius knows no nationality, and is not the result of birth or location. No nation has a monopoly on intellect, a corner on brains. Italy has her Garibaldi, Poland, her Kosciuszko, Hungary, her Kossuth; and even the learned Princeton professor may profit by reading the inspiring story of their heroic lives. [Applause on the Republican side.] In this land of equal opportunity, the son of the immigrant of to-day may become the American statesman of to-morrow. [Applause on the Republican side.]

Oh, as I read the pathetic story of the patriotic struggle of the people of the south of Europe for greater freedom and for larger opportunity, and as I recall all that they have contributed to the genius of our national life, I must take issue with Prof. Wilson. I believe that these people are superior in every way to the Chinese, and that it is an insult to the Caucasian race to say that they are not. [Applause on the Republican side.]

WILSON THE FRIEND OF THE CHINAMAN.

Prof. Wilson seems to be especially fond of the Chinese. Continuing the quotation which I have just read, on page 213, volume 5, of Woodrow Wilson's History of the American People, the professor proceeds as follows:

They—

Meaning the Chinese—

had, no doubt, many an unsavory habit, bred unwholesome squalor in the crowded quarters where they most abounded in the western seaports, and seemed separated by their very nature from the people among whom they had come to live—

Now listen—

but *it was their skill, their intelligence, their hardy power of labor, their knack at succeeding and driving duller rivals out, rather than their alien habits,* that made them feared and hated and led to their exclusion *at the prayer of the men they were likely to displace,* should they multiply. The unlikely fellows who came in at the eastern ports were tolerated because they usurped no place but the very lowest in the scale of labor.

Mr. Chairman, the history of the Geary Act, which passed in 1892, and which resulted in the exclusion of the Chinese from the United States, tells us that that act was passed upon the unanimous and urgent request of American workingmen, who justly regarded the Chinaman as an alien, incapable of assimilation and incapable of Americanization. I do not agree with Prof. Wilson in the statement that the workingmen of this country were driven to make demand upon Congress for this legislation because of their "*fear of the superior skill and intelligence*" of the Chinese. I know of no wage earner in the great industrial district which I have the honor to represent in this chamber who is not the superior of the Chinaman in point of "*skill, intelligence, or power of labor.*" I know of no American wage earner anywhere who is only a "*dull rival*" of the Chinaman. There can be no rivalry between the intelligent laborers of the United States and the ignorant coolies of China. Rivalry can exist only between equals. There is no equality between an American and a Chinaman, and Prof. Wilson wholly underestimates the character and the capacity of the American workingman when he makes a statement to the contrary. [Applause on the Republican side.]

As I read Prof. Wilson's glowing tribute to the Chinese race I could readily understand why the Chinese Students' Club of America met in the city of New York on the 2d day of February, 1912, and solemnly indorsed the candidacy of their friend, "Woodlow Wilson." [Laughter on the Republican side.] I can readily understand why there was such great rejoicing in the Chinese laundries of this country when the news went out that Wilson had been nominated for President at Baltimore. [Laughter on the Republican side.] Even at the risk of alarming my colleagues on this side of the Chamber I am forced to admit that the Chinese vote is hopelessly lost to the Republican Party. [Laughter on the Republican side.] It has gone over in a body to Woodlow Wilson. [Applause on the Republican side.]

WILSON VERSUS LABOR UNIONS.

Mr. Chairman, I believe in union labor and in labor unions. I regard them as the logical outgrowth of our modern industrial system, and I know that they have accomplished much for the betterment of the conditions of those who toil for a living. During the 12 years that I have been honored with a seat in this Chamber I think my colleagues will bear me out when I say that I have always been a consistent and loyal supporter of any measure that was presented for the consideration of this House which would prove beneficial to the working men of this country. I believe that any man who has ever given the slightest thought to this subject recognizes and fully appreciates the great and good work that is being done by the labor unions of to-day.

The Democratic Party in the platform adopted at Baltimore professes undying friendship for organized labor, and then, as an evidence of its sincerity, nominates as its candidate for President, Woodrow Wilson, who, on the 13th day of June, 1909, only three short years ago, in a baccalaureate address to a graduating class at Princeton, expressed the following remarkable views on this all-important subject:

You know what the usual standard of the employee is in our day. *It is to give as little as he may for his wages.* Labor is standardized by the trades unions, and this is the standard to which it is made to conform. *No one is suffered to do more than the average workman* can do; in some trades and handicrafts no one is suffered to do more *than the least skillful of his fellows can do within the hours allotted to a day's labor, and no one may work out of hours at all,* or *volunteer anything beyond the minimum.* I need not point out how economically disastrous such a regulation of labor is. It is so unprofitable to the employer that in some trades it will presently not be worth while to attempt anything at all. He had better stop altogether than operate at an inevitable and invariable loss.

The labor of America is rapidly becoming unprofitable under its present regulation by those who have determined to reduce it to a minimum. Our economic supremacy may be lost because the country grows more and more full of unprofitable servants.

I do not agree with Prof. Wilson that members of trades unions are "*unprofitable servants.*" I do not agree with him that the man who belongs to a labor organization is trying "*to give as little as possible for his wages.*" I do not agree with him that the work of the least skillful member of a labor organization sets the standard which marks the amount of work that his fellow craftsmen can perform. I do not believe that that great organization, the American Federation of Labor, is trying to make American labor unprofitable by reducing it to a minimum.

I do not believe that Mr. Gompers, Mr. Mitchell, and Mr. Morrison are trying to destroy the economic supremacy of the United States. If I read Prof. Wilson aright, he is opposed to putting any limitation on the hours of labor, and would therefore, in order to produce more "*profitable servants,*" exact from the wage earner all that human endurance is capable of producing.

My friends, the recognition of the eight-hour day as constituting a day's work is one of the greatest triumphs of organized labor. [Applause.] It represents years of faithful, patient, intelligent effort and agitation, and it is in full harmony with the enlightened spirit of the times. Its abolition, as so manifestly desired by Prof. Wilson, in order to produce more "*profitable servants,*" may prove popular with a Princeton graduating class, but I am sure that it will never prove popular with the 20,000 union men who live and work and vote in the twenty-second congressional district of Illinois. [Applause.]

And I go further. I measure my words well when I say that organized labor would receive a blow from which it would not recover in 20 years if a man holding the views that Woodrow Wilson holds on the question of labor organizations should be elected to the Presidency on a platform which limits his tenure of office to a single term in the White House. Platform or no platform, he would consider himself free to bend every energy and to use the power and influence of his great office to carry into effect his own narrow views on the question of organized labor.

WILSON VERSUS THE SOLDIER.

Mr. Chairman, on the 12th day of December, 1911, 98 Democratic Members of the present House joined with 130 Republicans and 1 Socialist and passed the Sherwood service pension bill. Eighty-four Democrats and only eight Republicans are recorded in opposition to this bill.

While the provisions of the Sherwood pension bill were not as liberal and generous as those of the Sulloway bill which we passed in the preceding Congress, yet, taken as a whole, it is a very meritorious measure, and the gallant veterans of the great civil conflict, whose ranks are so rapidly thinning, have reason to thank Gen. SHERWOOD, Mr. SULLOWAY, Col. BRADLEY, Mr. RUSSELL, Mr. FULLER, and the other members of the Committee on Invalid Pensions for the splendid work that was done in their behalf.

In the platform adopted at Baltimore I find this plank:

We renew the declaration of our last platform relating to a generous pension policy.

Prof. Wilson, the Democratic candidate for President, does not seem to be in harmony with this declaration. In a review of the administration of Grover Cleveland, whom he eulogizes

to the point of idolatry, on page 180, volume 5, History of the American People, Prof. Wilson says:

What most attracted the attention of the country, aside from his action in the matter of appointments to office, was the extraordinary number of his vetoes. Most of them were uttered against pension bills, great and small. Both Democratic House and Republican Senate were inclined to grant any man or class of men who had served in the Federal armies during the Civil War the right to be supported out of the National Treasury, and Mr. Cleveland set himself resolutely to check their extravagance. He deemed it enough that those who had been actually disabled should receive pensions from the Government and regarded additional gifts for mere service both an unjustifiable use of the public money and a gross abuse of charity.

In view of this remarkable statement, I would like to inquire how many Republicans and Democrats in this House who voted for the Sherwood service pension bill, or any other pension bill, did so on the theory that any man who had ever served in the Federal Army had an absolute right to be supported out of the National Treasury? I would like to inquire of the Democrats who supported this bill if they agree with Prof. Wilson that legislation of this kind is an "*unjustifiable use of the public money and a gross abuse of charity*"? The trouble seems to be that Prof. Wilson does not comprehend the true spirit and intent of our pension system. I maintain that the man who spent several of the best years of his young manhood in the service of his country is entitled to the everlasting gratitude of the Nation, whether he was actually disabled or not [applause on the Republican side], and that gratitude can only manifest itself in a practical way by granting him a pension if his declining days to compensate him for the loss that he sustained while at the full zenith of his power and capacity to earn a competency for himself and his family. [Renewed applause.]

No, no, my friends, a service pension is not "*an unjustifiable use of the public money.*" It is not "*a gross abuse of charity.*" It is founded on the eternal principles of right and justice. It is the expression of a Nation's love for the heroism of the men who were prepared to sacrifice their lives on the altar of patriotism that "government of the people, by the people, and for the people might not perish from the earth." [Applause on the Republican side.]

It is possible that Prof. Wilson has experienced a change of heart since he wrote those cold and heartless lines, for I recall that less than a year ago he himself applied to Andrew Carnegie for a pension, and based that claim not upon disability but upon "*mere service*" as an educator. [Laughter and applause on the Republican side.] I hope the fact that he did not succeed in getting the Carnegie pension will not embitter his soul, but that it will lead even him to recognize the injustice of his views as expressed on the question of service pensions.

WILSON VERSUS BRYAN.

Mr. Chairman, the dominating power in the Baltimore convention was William Jennings Bryan, of Nebraska. In fact, William Jennings Bryan, of Nebraska, has been the dominating power in the Democratic Party so long that the memory of a "first voter" runneth not to the contrary. For 16 long and weary years he has been Democracy's Old Man of the Sea, gripping her with a strangle hold and choking her into abject submission to his every whim and caprice. In utter defiance of a precedent that has been as binding as law in every Democratic national convention for 60 years, in utter disregard of every consideration of elementary decency and fair play, he succeeded in robbing the distinguished Speaker of this House of the honor of a nomination for the high office of President of the United States after the Speaker had secured a majority of the votes on eight successive ballots [applause], and he succeeded in bestowing that honor upon a man who was not only not his friend but his pronounced and active enemy.

If it be true that Opportunity knocks but once at every man's door, then CHAMP CLARK may never again have a chance to be President of the United States, but CHAMP CLARK will live in the hearts and affections of his fellow men long after William Jennings Bryan shall have been forgotten. He will live, and his name will be honored because all the world knows that CHAMP CLARK has always been true to his friends, true to his ideals, true to his conception of duty, standing "four-square to all the winds that blow," in fair weather and in foul. [Applause.] And when the impartial historian of the future shall come to write of his base betrayal at Baltimore he will denounce the act of William Jennings Bryan as marking the very acme of perfidy, the culmination of political treachery. [Applause.]

I have said that Prof. Wilson was not the friend of William Jennings Bryan, and for a verification of that statement I refer to page 258, volume 5, Woodrow Wilson's History of the American People, and this is what he says about the man who was once democracy's "peerless" but who is now her "cheerless" leader:

Mr. Bryan, though he had been a Member of Congress and had spoken in the House upon the coinage question, had made no place of leadership for himself hitherto, was unknown to the country at large and even to the great mass of his fellow partisans, and had come to the convention with the delegation from Nebraska unheralded, unremarked. A single speech made from the platform of the convention had won him the nomination, a speech wrought not of argument but of fire, and uttered in the full tones of a voice which rang clear and passionate in the authentic key of the assembly's own mood of vehemence and revolt. It was a thing for thoughtful men to note how a mere stroke of telling declamation might make an unknown, untested man the nominee of a great party for the highest office in the land, a popular assembly being the instrument of choice.

Mr. Wilson was not the friend of Mr. Bryan in 1896, and he was not his friend as late as April 29, 1907, when he wrote the following letter from Princeton:

MY DEAR MR. JOLINE: Thank you very much for sending me your address at Parsons, Kans., before the board of directors of the Missouri, Kansas & Texas Railway Co. I have read it with relish and entire agreement. Would that we could do something, at once dignified and effective, to knock Mr. Bryan once for all into a cocked hat.

[Laughter from the Republican side.]

"*I have read it with relish and entire agreement!*" And in the Parsons speech Mr. Joline, the great trust and corporation lawyer, gives utterance to this sentiment:

But I venture to utter what is perhaps a feeble protest against the blind and foolish outcry against all railways. You and I know who are responsible for this socialistic, populistic, antiproperty crusade. It is the cry of the envious against the well to do—the old story. It is not new to this generation, only it is louder and more bitter than ever before in this country.

This is what Woodrow Wilson read "*with relish and entire agreement.*" This was his honest opinion as late as 1907 of Bryan and Bryanism, and yet to-day, to gratify his ambitions, he is prepared to set aside the convictions of a lifetime, to don sackcloth and ashes and to eat out of the hand of the man whom he denounced as an untried declaimer, and who, because of his populistic and socialistic tendencies, he was anxious to "*knock into a cocked hat once for all.*" [Applause on the Republican side.] Oh, what a spectacle for gods and men! What an example for the youth of our land to emulate! How proud our Democratic friends should be of the sincerity, the consistency, and the moral courage of their candidate for President of the United States! [Applause on the Republican side.]

Mr. Chairman, I shall not go much further into the record of this anti-Jefferson, antiforeign, antilabor, antisoldier, and pro-Chinese candidate for the Presidency. [Laughter and applause on the Republican side.] I shall not speak of his remarkable reversal of opinion as to the efficacy of the initiative, the referendum, and the recall. Suffice it to say that a few years ago he denounced this doctrine as revolutionary and as destructive of constitutional government. Yet to-day he loudly proclaims it as the one panacea for all the ills that afflict the body politic. I shall not speak of his sneering references to the Farmers' Alliance and of his characterization of the Knights of Labor as being tinctured with the hideous doctrine of anarchy. I believe that it was Job who said, "Oh, that mine adversary had written a book." I would say, "Oh, that the voters of this country would read the books written by mine adversary." For if Woodrow Wilson's History of the American People were made a campaign document and placed in the hands of every man who will exercise the sacred right of franchise on the 5th day of next November he would be buried beneath an avalanche of votes so deep that he would never hear the blast of Gabriel's trumpet on the morning of the resurrection. [Applause on the Republican side.]

Mr. Chairman, the Republican Party faces this contest with courage and with confidence. We know that we are right and we have an abiding faith in the triumph of any question of truth or justice submitted to the will of a free and an enlightened people. We have an abiding confidence in the discriminating sense of the American voter. We believe that he can distinguish between wheat and chaff, between a statesman and a demagogue, between evolution and revolution. [Applause on the Republican side.] The record of the administration of William Howard Taft will be fully vindicated. When the froth and foam and fury of misrepresentation shall have disappeared, when the billows of billingsgate shall have subsided, when the calm succeeds the storm, the sober-thinking people who are in a majority in this country will do full justice to this brave, fearless, and manly man who has never failed to do the right as "God has given him to see the right." [Applause on the Republican side.] They will elect William Howard Taft as his own successor because in him the American people recognize the dignity and the majesty of an honest man who has tried faithfully to uphold the best traditions of the Republican

Party, the party of progress and protection, the party of a people's hope and of a Nation's desire, the party that believes in preserving in all its strength and purity and glory the Constitution of the fathers. "We stand at Armageddon and we battle for the Lord." [Loud and continued applause.]

Mr. FITZGERALD. Mr. Chairman, before this session of Congress adjourns I expect to call to the attention of the House the statements made by the President of the United States and by a former President of the United States in which they picture their real thoughts regarding each other. They had them concealed for some years, but the exigencies of the present political campaign compelled them to develop their real beliefs regarding each other. I shall set forth their views of each other as a contribution to important historical events of the recent past. At this time, however, I desire to ask unanimous consent to print in the RECORD a speech by Hon. Woodrow Wilson on "Government in relation to business," which was delivered at the recent banquet of the Economic Club of New York at the Hotel Astor on May 23, 1912, in which he makes some pertinent observations as to the methods adopted and followed by the Republican Party during the past few years in enacting legislation and in legislating particularly for the benefit of "big business" rather than for the masses of the people.

The CHAIRMAN. The gentleman from New York asks unanimous consent to print in the RECORD a certain speech designated by him.

Mr. MANN. Mr. Chairman, reserving the right to object, the other day the gentleman from Connecticut [Mr. HILL] asked unanimous consent to print in the RECORD a speech delivered by Dr. Woodrow Wilson, to which, for some reason, a gentleman on the Democratic side objected, and I desire to couple that request with the request of the gentleman from New York.

Mr. FITZGERALD. What is it?

Mr. MANN. If you are not willing to have printed in the RECORD any speech he made, say so.

Mr. HILL. I have no objection to the request. I think the more that is published of Dr. Wilson's writings the better it will be for the Republican Party, but I will state to the gentleman from Illinois that the speech to which he referred was subsequently made a part of my remarks on the day after the gentleman from Georgia had refused unanimous consent.

Mr. MANN. I want to know whether anybody on the Democratic side objects to the printing of this speech of Woodrow Wilson's.

Mr. FITZGERALD. I would gladly print in the CONGRESSIONAL RECORD and send to every voter in the United States a copy of everything Woodrow Wilson has ever written. [Applause on the Democratic side.] And I think if that were done I do not believe that there would be a single State in the Union which would not cast its electorial vote for the Democratic candidate after November.

Mr. MANN. Perhaps the gentleman has read the speech since a gentleman on the other side objected to its being printed the other day.

Mr. FITZGERALD. The gentleman must not put me in that attitude. I did not make any such objection.

Mr. MANN. The gentleman was not here.

Mr. FITZGERALD. If I had been, I would have been glad to have induced gentlemen to withdraw their objections. It might have been that some one objected to the printing in the RECORD of extracts from speeches of Gov. Wilson——

Mr. MANN. That was not the request at all.

Mr. FITZGERALD (continuing). A practice that has been followed in certain parts of the country, where they have printed portions of his speeches which entirely misrepresent his attitude and his statements on important public questions. Whenever gentlemen desire to publish in full his statements I know that this side of the House will not only welcome the publishing of them, but will gladly contribute to the circulating of them, not only among Democrats but among the disorganized, disheartened, and discredited Republicans of the country. [Applause on the Democratic side.]

I yield to the gentleman from Alabama [Mr. HEFLIN] 10 minutes.

Mr. MANN. Mr. Chairman, still reserving the right to object, I decline to let the gentleman from New York insinuate in any way that the request which was made the other day and objected to was to print extracts. It was to print a speech in full, and the request was refused by the Democratic side.

Mr. FITZGERALD. Who objected?

Mr. MANN. A number of gentlemen made serious inquiry and afterwards had some one object.

Mr. SHERLEY. That is not a fair statement to put in the RECORD. It does not show that some Democrats induced another Democrat to object, and the gentleman has no right to make any such statement.

Mr. MANN. Well, I make it. I do not misrepresent gentlemen who were not within a thousand miles of here, and they should not undertake to say anything on the floor about my misrepresenting that which they know nothing about.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. FITZGERALD]?

There was no objection.

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN] is recognized for 10 minutes.

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, the world is at war with tyrants and the party of Jefferson has practically destroyed the Republican Party. [Applause on the Democratic side.] Behold the two factions of this agent of predatory wealth, each accusing the other of hypocrisy and theft.

I used to hear it said that—

When thieves fall out and begin their fights,
Honest men will get their rights.

I have heard from my youth time that "it takes a thief to catch a thief." I have heard it said also that the way of the ungodly shall perish, and "Whatsoever a man soweth, that shall he also reap." The Republican Party has sown political corruption. That party is now reaping the fruits of that corruption. [Applause on the Democratic side.] Well can that party now exclaim, "The thorns that I have reaped are of the tree that I have planted. They have torn me and I bleed."

As I view the mutilated form of this old party of plunder, and as I see the spoilsmen, the pie-hunting brigade, arrayed on opposing sides, the big fat man from the Philippines commanding one army and the wild man from Africa commanding the other [applause and laughter on the Democratic side], I recall these appropriate lines:

Humpty Dumpty sat on the wall,
And Humpty Dumpty got a great fall;
And all the king's horses and all the king's men
Can't put Humpty Dumpty together again.

[Laughter and applause on the Democratic side.]

Gentlemen have told us on that side that the nomination was stolen from Roosevelt at Chicago. Other gentlemen on that side contend that money was used to corrupt voters to buy them for Roosevelt. Both factions have been indicted and both factions stand convicted at the judgment bar of the American people. [Applause on the Democratic side.]

Roosevelt wants to come back and serve the powers that he served so well when in office before. But the present President has gone him one better, and the Woolen Trust, the Sugar Trust, the Beef Trust, and other trusts are saying "Hurrah for Taft." But the Harvester Trust and Perkins, Morgan, and many of the tariff barons are thankful for past favors, and are saying "Hurrah for Roosevelt." One has served them; the other is serving them now. With the Republican Party it is not so much in the "happy long ago" and the "sweet by and by" as it is in the "happy now and now." [Laughter and applause on the Democratic side.]

Mr. Chairman, look upon the prostrate form of the old standpat party.

Who killed Cock Robin?
"I," said the Roosevelt sparrow,
"With my little bow and arrow;
I killed Cock Robin."

[Applause and laughter.]

Who saw him die?
"I," said the Taft fly,
"With my little protection eye;
I saw him die."

[Applause and laughter on the Democratic side.]

Who will dig his grave?
"I," said the crow,
"With my Democratic hoe;
I'll dig his grave."

[Applause and laughter on the Democratic side.]

Who will toll the bell?
"I," said the independent bull,
"For I can pull;
I'll toll the bell."

[Applause and laughter on the Democratic side.]

Who will be chief mourner?
"I," said the trust dove,
"For I mourn for my love;
I'll be chief mourner."

[Applause and laughter on the Democratic side.]

So, my friends, let the bell toll. The Republican Party's withered soul floats on the Stygian river. Now, Mr. Chairman, in conclusion, the gentleman from Nebraska [Mr. NORRIS] has shown us what a thieving, villainous gang marches behind the

banner of Taft, and the gentleman from Wyoming [Mr. MONDELL] has shown us what a motley crew of hypocrites and trust agents follow the flag of Roosevelt, and the people of all parties are praying that Democracy's great leader will be elected, and the signs of the times point to the overwhelming election of Woodrow Wilson President of the United States. [Applause on the Democratic side.]

The gentleman from Illinois [Mr. RODENBERG], who has just spoken, is the most cheerful and best-natured mourner that I have ever seen following a political hearse. [Laughter on the Democratic side.] The gentleman whistles to keep up his courage. He raised his hand and said, "We go into this campaign with confidence."

He reminds me of my experience with a negro that I once defended for murder. I assured him that he would be acquitted by the jury. He talked as though he thought so, too, until he got into the court room and heard the indictment read and saw the solicitor, who was a splendid prosecuting officer. He looked around at me doubtfully. I said, "Joe, we are going to acquit you." He hung his head for a moment and then said: "Mr. HEFLIN, there is some talk around here about Dr. Hudson getting my body. I don't want my body cut up." I said, "What?" He said, "Dr. Hudson wants my skeleton. I make this request of you: I do not want any doctor to put a knife into my body when I'm dead." [Applause and laughter.] I began to fear, as Joe did, that they would convict him, and they did convict him. Joe knew that he was guilty, but he talked of his innocence right up until the time he was arraigned, and somehow or other he commenced to think what would happen to his body should he be hanged, and he knew what was going to happen.

So my friend RODENBERG, if he would only speak the conviction that is in his heart, would say: "Boys, by gosh, they've got us. What will become of us after the election in November?" [Laughter and applause on the Democratic side.] The gentleman, by his attack on the great statesman of New Jersey, can not turn the attention of the people from the miserable record of the Republican Party—

> For the raven, never flitting, still is sitting, still is sitting
> On the pallid bust of Pallas, just above your chamber door,
> And the lamplight o'er him gleaming, * * * casts his shadow on the floor;
> And your party's soul—
> From out that shadow shall be lifted—nevermore.

[Loud applause on the Democratic side.]

Mr. CANNON. Mr. Chairman, I believe I have a few minutes remaining.

The CHAIRMAN. The gentleman has 12 minutes.

Mr. CANNON. I always listen, Mr. Chairman, with great interest to the gentleman from Alabama [Mr. HEFLIN]. Great heavens! If he had turned to theology, what a powerfully rousing individual he would have been at a camp meeting. [Laughter and applause on the Republican side.]

I am not going to undertake to make reply, or to detain the House. You know that little story of the Sunday-school teacher with the little class of boys. She said, "Listen, little boys, while I read you from the Holy Bible," and she turned and read the proclamation of Goliath, who, full-armored, pranced out before the armies of the living God and made his "defi," "*hooplah*," day after day repeated. One bright-eyed little boy in the class said, "Skip that, madam; he is blowin'." [Laughter on the Republican side.]

Goliath HEFLIN, we will skip it. You are "blowing." [Laughter and applause on the Republican side.]

One word in conclusion, and then I will sit down. After all, a great contest is in front of us, all the people are cosovereigns. The campaign will soon commence. We shall have various candidates. The Republican Party has a candidate. The Democratic Party has a candidate. There are various other candidates. [Laughter.] When the silent ballots fall somebody will be chosen. Perchance, if in the chapter of happenings and by a vote of the majority your candidate Mr. Wilson is elected and becomes President of the United States, he will be your President, and my President, the President of the whole country, the coordinate branch of the Government, the titular leader of his party in all soberness; and you will be called on many a time to answer this question: If you succeed and elect your candidate for the Presidency, will his policy be shaped according to the first 42 years of his life, as evidenced by his writings, by his teachings? Or will it be shaped by what he has said in the last 12 months, directly to the contrary of his teachings? Who is to be deceived if he becomes President? And will it be by his givings out of the last 12 months, or by his words and writings and actions for the first 42 or 43 years of his life? [Applause on the Republican side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FLOYD of Arkansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 38. An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. FITZGERALD. Mr. Chairman, I yield two minutes to the gentleman from Connecticut [Mr. REILLY].

Mr. REILLY. Mr. Chairman, this seems to be an afternoon of reading, some of ancient history, some of modern. I wish to take a moment or two of the House to read something from the editorial page of to-day's New York Sun, which appears to be prophetic, in view of the speech that was delivered a few moments ago by the distinguished gentleman from Illinois [Mr. RODENBERG].

This editorial is headed "A waste of wind." It is as follows:

A WASTE OF WIND.

The Hon. WILLIAM A. RODENBERG, Republican Representative in Congress of the twenty-second Illinois district, is reported to be laden with a most tremendous and horrendous speech, wherein he will trace every known spoken and written word of Woodrow Wilson since that statesman acquired language and the use of the pen. Every bit of his "record" is to leap to light; every book and magazine article of his has been searched with a gerfalcon eye; let him tremble and cower while the majestic and surcharged RODENBERG "exposes" his inconsistencies, "scores" him, "excoriates" him, "flays" him; shakes the Rodenbergian fist and the untanned Wilsonian hide before the haggard eyes of mankind.

In the name of the prophet, stuff!

It is with the Woodrow Wilson of to-day and not of any other time that the country has to deal. Everybody wants to know what he says, what he writes in his great representative capacity as the chosen chief and spokesman of the Democracy. Nobody cares a franked speech what he has said or written or is to be gulled by any malicious midgemadge of extracts and quotations.

Mr. RODENBERG is wasting his wind.

[Applause on the Democratic side.]

Mr. MANN. All truth is wasted on that side of the House. The Members on that side are incorrigible. Any truth is wasted over there.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FLOYD of Arkansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, and had insisted upon its amendments still in disagreement, and had asked a further conference and had appointed Mr. PERKINS, Mr. LODGE, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. FITZGERALD. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. NORRIS]. [Applause.]

Mr. NORRIS. Mr. Chairman, it is absolutely unnecessary for me to reply to the kind of a speech that the gentleman from Washington [Mr. HUMPHREY] has seen fit to make, as far as the issues involved are concerned. I wanted to ask him a question or two, and, as the House well remembers, he refused to yield. One of the questions I desired to ask was, after he had devoted 24 minutes of his 30 minutes to personal abuse of myself, whether he would not condescend to discuss the issues that were involved in the debate between myself and the gentleman from Wyoming [Mr. MONDELL].

When the gentleman from Washington reads what I said on the point that he discussed—and I shall not change it in a single particular—I do not believe that the gentleman himself in his own conscience, if he has one left, will conclude that he was justified in saying what he did. I stated that a written statement prepared by a man whose name I gave, as far as Washington was concerned, had been submitted to another man, whose name I also gave, and that I had submitted the statement to another man of national reputation, whose name I did not give; but I will say to the House that I expect to be able to give it within the next few days, and every man here will admit, when he hears it, that I told absolutely the truth about it, and never exaggerated it for a moment. The gentleman

from Washington will have to admit it. I stated then that I did not expect that to add to the effect of the statement as evidence, but that it went a good way to convince me of the truth of the statement written by the man whose name I gave and in whom I had confidence.

I offered the evidence in the Washington case. I made it public and laid it bare, and the gentleman from Washington, after laboring half an hour here in personal abuse of myself, has failed to refer to a single particle of it. As far as he is concerned, this evidence pertaining to his own State stands here before the House and before the country absolutely uncontradicted. He can not gain anything by abusing the man who brought it out, and I am not going to take the time of this House or of anybody else to try to reply to a man who resorts to such disreputable, uncourteous, and disrespectful methods. He can not gain anything——

Mr. MANN. Unless the gentleman withdraws that language, I shall ask to have it taken down.

Mr. NORRIS. Let it be taken down.

Mr. MANN. I ask to have the language taken down—characterizing language used by any gentleman on the floor of the House as disreputable.

Mr. NORRIS. I have no objection to taking it down. I suppose it has already been taken down. The gentleman from Illinois has misquoted me. I have not used the language that the gentleman from Illinois has imputed to me.

Mr. MANN. The gentleman did use the word "disreputable" in connection with the gentleman from Washington.

Mr. NORRIS. I did not say that the gentleman from Washington was disreputable.

Mr. MANN. I ask that the language be read.

Mr. NORRIS. If I have said anything that is wrong, no man on earth will more quickly apologize for it than I will. I remember what I said, I think, and if my recollection is right, there is not anything in the language that is wrong or that is not justified under the circumstances.

Mr. MANN. Mr. Chairman, I did not think that the gentleman would want the language to stand.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. NORRIS. Mr. Chairman, I suppose that the time taken by the gentleman from Illinois should not be taken out of my time. He has raised a question of order.

The CHAIRMAN. The time of the gentleman from Nebraska had already expired.

Mr. NORRIS. But the gentleman from Illinois has raised a question of order.

The CHAIRMAN. The time of the gentleman had expired in any event.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the time of controversy may not be taken out of the gentleman's time.

The CHAIRMAN. It has not been taken out of the gentleman's time. The time had expired in any event. If there be no objection, the gentleman will be permitted to proceed.

Mr. FITZGERALD. Mr. Chairman, I have control of the time, and I will be very glad to yield to him.

Mr. NORRIS. I am about through.

Mr. FITZGERALD. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 25 minutes remaining.

Mr. FITZGERALD. How much time does the gentleman from Nebraska wish?

Mr. NORRIS. About two minutes.

Mr. FITZGERALD. I yield two minutes to the gentleman from Nebraska.

Mr. NORRIS. Mr. Chairman, I was about to conclude by saying that in the statement of the Washington case I showed what had been done in Washington by Coiner, the chairman of the State central committee. I showed how he had been rewarded, or, at least, since doing that and since the Chicago convention has received an appointment as United States district attorney. When they are out of evidence and have nothing left but personal abuse of the man who brings the evidence out, and does it reluctantly, as I said yesterday, then they select the gentleman from Washington [Mr. HUMPHREY] to make a speech abusing me for 26 minutes, without referring to the evidence at all; and I presume, like the other man from Washington, Coiner, he will receive his reward the same as the other fellow did. I would not be surprised if before long we will find that the man in the White House has rewarded the man here who had devoted his time to the personal abuse of the man who developed the facts and brought them out before the House and the country.

Mr. FITZGERALD. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, at some future time I may desire to spend a little more time in reply to some of the observations of the gentleman from Illinois, Mr. RODENBERG. Just now I wish just briefly to make a few comments. The gentleman attempts to appeal to every class of prejudice that might possibly exist in the bosom of any living human being in the United States. He sings the praises of Thomas Jefferson. A eulogy upon Jefferson by the gentleman from Illinois, who has spent his whole lifetime in fighting every vital principle advocated by Jefferson, seems to me to be superb humbug. He criticizes Mr. Wilson because Mr. Wilson in his writing has said that Jefferson was an aristocrat. Mr. Wilson did say that, and it is not the first time I have heard it said. It has been my understanding all of my life that Thomas Jefferson was personally an aristocrat; that he was proud, even haughty; that he himself was responsible for a change in the order of the sitting of the Cabinet in this country, around the council board of the head of the Nation, because he did not propose to take a lower seat than Mr. Hamilton, and therefore the Secretary of State in this country is seated at the Cabinet meetings on the right hand of the President, whereas in England the chancellor of the exchequer, corresponding to our Secretary of the Treasury, has that high position in the cabinet. Mr. Jefferson was an aristocrat and Washington was an aristocrat; so was Lafayette, one of the noblest defenders that came from foreign climes to help us wrest our independence from the old mother, Great Britain. Aristocrat many times have devoted their lives to the service of the whole human race, and the history of the labor legislation in Great Britain is the story of the joint labor of a nobleman and a son of labor. Lord Ashley, I believe it was, on the one hand and John Burns on the other labored hand in hand to redeem the toiling masses of England and to give place on the statute books of England to the most progressive labor legislation that the world up to now has ever seen.

It is not a remarkable thing that the gentleman should now undertake to criticize Mr. Wilson by reading extracts from his book. This thing of reading extracts is a wonderful way of misrepresenting the character of individuals and also their views. I have heard Thomas Jefferson quoted as being in favor of ship subsidies and discriminating tonnage dues, and yet, when you read the passages which are quoted and the context unquoted, it simply shows that Mr. Jefferson said in his writings that as long as England adopted measures oppressing our merchant marine we, in retaliation, should adopt discriminating duties, and that he was in favor of free seas, but it also shows that if he could he would remove all restrictions. Such illustrations of the garbled and isloated extracts from writings will be found in many, many political speeches, and only the full context can sometimes bring a right conception of the views of the writer, whose disconnected expressions are used to distort his views. As to Mr. Wilson's views and relations to labor, while the gentleman comments on the fact that Mr. Wilson has been charging that Mr. Gompers and his companions are seeking to tear down industry in this country and to destroy the industrial supremacy of the country, it is a strange thing that Samuel Gompers himself is for Woodrow Wilson for President. [Applause on the Democratic side.] Samuel Gompers has watched the works of the man and is with him. Mr. RODENBERG can eulogize Thomas Jefferson, yet all of his life he votes the other way, and he criticizes Woodrow Wilson, who all of his life has voted to support and maintain the doctrines of Thomas Jefferson.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FITZGERALD. Mr. Chairman, I yield two minutes more to the gentleman from Texas.

Mr. HARDY. Mr. Chairman, the gentleman from Illinois sings the praises of CHAMP CLARK to-day, and yet his party associates, if not himself, were busy collecting little extracts from the sayings of CHAMP CLARK in order that had he been nominated at Baltimore he also might be torn to shreds by spreading before the country just pieces of what he had said. I wonder if the praise of Mr. CLARK by Republicans to-day is not just with the faint hope of hurting Wilson rather than helping CLARK. I simply wish to say that in this coming race we will meet the gentlemen with their criticisms fair or unfair. Not only will we show that Samuel Gompers is for him, but that in the State of New Jersey, where for over one year he has administered the affairs of that Commonwealth, all the labor unions are unanimously for him, as they are all over the country where they know his work; and when this campaign is over by his fruits he shall be known, and the fruits of labor of Mr. Wilson as a public man the people of this country will approve, and they will elect him President of these United States. [Applause on the Democratic side.]

Mr. FITZGERALD. Mr. Chairman, I yield one minute to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, I ask unanimous consent of the House to print in the RECORD an address delivered by the Hon. P. C. Wadsworth, of Georgia, delivered in Washington, D. C., July 19, 1912, at a meeting of Representatives in Congress from the cotton-growing States, upon the subject of the economical marketing of farm products.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the address referred to be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

[For address, see elsewhere in to-day's RECORD.]

Mr. FITZGERALD. Mr. Chairman, I yield three minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, as an evidence of the very great amount of harmony that is existing in the Republican Party in Illinois, I desire to read a letter confirming that great degree of confidence which the gentleman from Illinois [Mr. RODENBERG] expressed in his party's success this fall:

TAFT'S MANAGERS CUT BY THEIR OWN KNIVES.

NEW YORK, *July 15.*

Oscar King Davis, at national headquarters of the new Progressive Party, has made public the following letter:

[E. R. Shuey, manager Villa Grove branch; L. A. Rider, manager Westfield branch, Shuey & Rider, dealers in general hardware, stoves, queensware, paints and oils, and groceries. Stores at Westfield, Ill.; Villa Grove, Ill.]

WESTFIELD, ILL., *July 1, 1912.*

DEAR SIRS: We have just received, via express prepaid, from you 1 dozen knives etched Taft and Sherman. We are at a loss to know just what to do with them. There is only one Taft man here, the postmaster, and he already has a jackknife. The majority of our people think Roosevelt is the nominee, and it would be justifiable homicide, or at least assault and battery against us, if we should offer the knives you sent us. Honestly, there are not three men in this town who are openly for Taft. Maybe we can sell them to the blind or those who can't read. We are receiving them under protest.

Respectfully,

SHUEY & RIDER.

"We want Teddy."

Now, Mr. Chairman, the above portrays the true situation of the harmonious conditions existing in the great State of Illinois in the Republican Party. What is true in that State is true in every other State, such a demoralized condition of affairs exists throughout the Union in the ranks of that party. Under such a condition, how can it hope to win? How can it expect victory? Defeat stares it in the face everywhere, and all the attacks it makes on Woodrow Wilson fall ineffectual upon the public's ear. Assault him or the Baltimore platform as they will or may, but nothing they can say or do will impede the march to victory of the Democratic Party and its standard bearers in this campaign.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

International Seismological Association: For defraying the necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, including the annual contribution to the expenses of the association, for the fiscal year 1912, $800.

Mr. MANN. Mr. Chairman, I reserve the point of order on this item, and I would like to ask the gentleman in charge of the bill about these various items in this bill relating to international conferences. Last year on the consideration of the diplomatic and consular appropriation bill by the House these same items were in that bill, as reported to the House, if my memory serves me correctly. I think they went out on points of order made by the distinguished gentleman from New York [Mr. HARRISON]. I know that they were not available for the last fiscal year. Now, do I understand it to be the policy of the Committee on Appropriations that in the consideration of one of the other appropriation bills coming from the committee which has jurisdiction of that appropriation bill, where items are not inserted in the appropriation law, thereupon the Committee on Appropriations includes those items in the deficiency appropriation bill? When things are deliberately stricken out, when appropriation bills come from another committee and items do not go into the law, does the Committee on Appropriations sit as a board of review and provide in the deficiency bills items which were estimated for but refused in the regular appropriation bill?

Mr. FITZGERALD. Mr. Chairman, there are three or four of these items. I regret——

Mr. MANN. The gentleman will notice I did not touch the first item.

Mr. FITZGERALD. I regret the gentleman from Illinois has reserved the point of order——

Mr. MANN. I will say to the gentleman I will withdraw the point of order and I will ask the gentleman to explain the matter.

Mr. FITZGERALD. I was about to say I regret the gentleman reserved the point of order on this particular item and did not reserve it on the first item.

Mr. MANN. I think the first item ought to be allowed.

Mr. FITZGERALD. The International Prison Commission, in which the gentleman himself is so vitally interested, is an item as to which he might have directed these remarks in apparent criticism of the committee.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. In that event, if the House had felt that his criticism had been justified, he could have eliminated, on the point of order or by motion, not only the appropriation for the commission, just read, but the commission or congress, in which the gentleman is so much interested, and of which one of his most distinguished constituents is the representative of this Government. The committee's action was based upon these facts——

Mr. MANN. Before the gentleman proceeds, I did not make the point of order or reserve the point of order on the first item, because I was afraid somebody would make the point of order if I reserved it, and I did not want the item to go out on a point of order. I tried to put it on the diplomatic bill, and I did not succeed. I am in favor of that item.

Mr. FITZGERALD. I think the gentleman tried to put it on the deficiency bill the last session of Congress.

Mr. MANN. I tried to put it on every bill I could.

Mr. FITZGERALD. And as a reward of the gentleman's persistency, in part, the committee considered the very persuasive argument made by him and decided to put it on this bill. The facts about these various commissions and associations are these. For a number of years under arrangements made by the Department of State, the United States has been a participant in the International Prison Commission, the International Railway Congress, the International Seismological Association. The cost in one instance is $2,000, $400 a year, and $800 a year. For the last fiscal year, when the items were carried in the diplomatic bill the gentleman from New York [Mr. HARRISON] interposed points of order, and they were all stricken from the bill.

The items for the present fiscal year are carried in the diplomatic bill, which has already received the approval of the President. That leaves us in the anomalous position of having continued our connection with these associations or congresses for a number of years and of having refrained from paying our small subscription for one year. The committee thought that sooner than have the United States be put in the attitude for being indebted for $400 in one instance and $800 in another and $2,000 for the expenses for the distinguished gentleman residing in the district of the distinguished gentleman from Illinois, the Democratic Congress would remedy the dereliction of the Republican Congress and recommend to the House that these slight appropriations be made in order to discharge these obligations which a nation should discharge. We regret that a Republican Congress was unable to find itself able, because of its desire to reduce the appropriations, to appropriate this $3,200; but rather than have the United States placed in that unfortunate position that the Nation could not afford to pay this $3,200 for these various subscriptions, the committee recommended the appropriations.

Mr. MOORE of Pennsylvania. Touching the matter of the influence of committees, do these items have any stronger legal status in the appropriation bill than they would have had had they remained in the diplomatic and consular bill?

Mr. FITZGERALD. Not at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask for a few more minutes.

Mr. MOORE of Pennsylvania. I ask that the time of the gentleman be extended for five minutes?

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. FITZGERALD. These are conferences or arrangements into which the United States has entered through the Department of State. There is no authority for the department to do so. They have been doing it for a number of years, and Congress has acquiesced by making appropriations, but for one year no appropriation was made.

Mr. MOORE of Pennsylvania. My recollection is that is the reason given by the gentleman from New York [Mr. HARRISON], when he made the point of order.

Mr. FITZGERALD. The Department of State had no authority to enter into these arrangements. It only could be done with the approval of Congress or the President and the Senate.

Mr. MANN. Mr. Chairman, while the gentleman is on his feet I wish to ask him a question with reference to another matter. I do not notice any items in this bill for the payment of election-contest expenses.

Mr. FITZGERALD. None were certified to the committee.

Mr. MANN. I would suggest to the gentlemen who were interested that they had best get busy and have them certified.

Mr. FITZGERALD. The committee has no knowledge that there were any contests.

Mr. MANN. I understand.

Mr. FITZGERALD. The practice of the committee has always been to insert in this bill the expenses of the contestants within the amount limited by law upon the certification of the chairman of the Committee on Elections. It has accepted his certificate. Either there have been no contests or those involved in them are reluctant to ask Congress to reimburse them.

Mr. MANN. I will say that the gentlemen who are interested had better get busy before this bill passes. Those items ought not to be inserted in the Senate, although they possibly could be. I know half a dozen or more gentlemen have spoken to me on both sides of the aisle, asking what the procedure was, and they have been told by me and others how to go at it.

Mr. FITZGERALD. No gentleman has made any request, or I would have informed him of the practice to be followed—and I have enough gentlemen seeking my assistance to obtain appropriations without hunting them up.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The unexpended balance after the payment of outstanding liabilities of the appropriation of $170,000 for special repairs to the Subtreasury Building, New York, N. Y., contained in the sundry civil appropriation act approved June 25, 1910, is reappropriated and made available toward construction of vaults and work incidental to their installation in the assay office in the city of New York, N. Y.; and said vaults and work incidental to their installation are authorized, at a total cost not exceeding $322,000, including the sum herein reappropriated therefor, and a contract or contracts are authorized to be entered into within such limit of cost.

Mr. FOSTER. Mr. Chairman, I reserve a point of order.

Mr. MANN. Mr. Chairman, I desire also to reserve a point of order.

Mr. WEEKS. Mr. Chairman, I do not wish to be heard on the point of order. I want to offer an amendment.

Mr. FOSTER. I would like to inquire of the chairman if this language—

And said vaults and work incidental to their installation are authorized, at a total cost not exceeding $322,000, including the sum herein reappropriated therefor, and a contract or contracts are authorized to be entered into within such limit of cost—

is authorized?

Mr. FITZGERALD. The vaults will cost $322,000, and making $170,000 available at this time and giving authority to make a contract for the construction of them is all that is necessary now. The situation is that we have over one thousand million dollars in gold stored at present. We are accumulating gold at the rate of $100,000,000 a year. Within five years all the possible available storage places in the United States will be filled. They have just completed in New York City a refinery for assaying gold, back of the old assay office, on Wall Street. The condition of the vault there is such that it is imperative that a new one be constructed. A vault one story high would cost $168,000. By going any farther down it is necessary to go down sufficiently far to get a rock foundation, and to do that would require but very little more to complete a five-story vault. Four stories of it will be below the water line in the city of New York, which makes a very effectual protection. These vaults when completed will hold over two thousand millions of gold and will furnish all of the storage space for gold for an indefinite period. If the work is to be done, it must be done at this time in connection with the work that is going on at present. In the last Congress $170,000 was appropriated to rearrange and refit the Subtreasury in New York, which is adjacent to the assay office. Upon investigation the Treasury Department states that the advantages to be gained from the expenditure of this money will be so insignificant that it would not be an advisable expenditure, but the necessity for the vaults is very great and very pressing. They ask that that money be made available for the vaults. They presented plans and information which led the committee to believe that if the vaults are to be built at all the most economical and most advisable plan to adopt is the one which gives the five-story vault for the $322,000.

Mr. FOSTER. This $170,000 was not sufficient to build these vaults?

Mr. FITZGERALD. It was not appropriated for that purpose. It was not available. It was for improvements to the subtreasury. A one-story vault could be built for $168,000, but the very greatly increased storage space that could be obtained by less than double that sum, together with the very greatly increased protection that would come from the sinking of these vaults below the water line induced the committee to adopt this plan.

Mr. FOSTER. In view of the statement of the gentleman from New York I withdraw the point of order.

Mr. MANN. I renew the point of order and reserve it. I would like to ask the gentleman from New York [Mr. FITZGERALD] a question. It may be the information has been given, for so long as the gentleman, the chairman of the Appropriations Committee, insists on remaining in the middle of one side of the House it is impossible on the other side of the House to hear what he says. Is not this item an item over which the Committee on Public Buildings and Grounds has jurisdiction?

Mr. FITZGERALD. It is not. It belongs to the Committee on Appropriations.

Mr. MANN. Why?

Mr. FITZGERALD. It is an item intimately connected with the security of funds under control of the Treasury Department, and such items have always been carried in the sundry civil bill.

Mr. MANN. If a bill were introduced for this purpose, it would go to the Committee on Public Buildings and Grounds.

Mr. FITZGERALD. I have no information about that.

Mr. MANN. Nobody in the House has more information than has the gentleman as to how bills should be referred.

Mr. FITZGERALD. I have no information about the matter except that which was submitted by the Treasury Department, and the committee believed it was a desirable thing to do.

Mr. MANN. As I understand, these vaults if completed under the plan proposed will be capable of storing $2,000,000,000 of gold?

Mr. FITZGERALD. Two thousand millions.

Mr. MANN. That is two billions. I understand that is a part of the program of the Committee on Appropriations, to store the gold in the assay office in New York and to abolish the assay offices in other parts of the country—a proposition which came into the House on the sundry civil bill in naked form and was temporarily defeated.

Mr. FITZGERALD. This has nothing to do with that.

Mr. MANN. Oh, I am glad to have the gentleman's assurance that this has nothing to do with that, but I think it is a part of that plan to do away with the assay offices on the Pacific coast and at Denver and St. Louis and in North Carolina and at various other places and concentrate them all in New York City, where there is ample room to store all the gold in the new vaults that we have just provided for. However, I will withdraw the point of order.

Mr. WEEKS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts [Mr. WEEKS].

The Clerk read as follows:

Amend, page 4, by inserting at the end of line 22 the following: "For rent and expenses incident thereto of the building leased for use as a customhouse in the port of Boston for the year ending June 30, 1913, $96,000."

Mr. WEEKS. Mr. Chairman, in the act approved March 4, 1909, an appropriation was made for the remodeling of the Boston customhouse, including the expenses of carrying on that service while the remodeling was under way. There was a proviso in that act as follows:

That the total cost of said enlargement, remodeling, or extension of said customhouse building shall not exceed $1,800,000, including expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension.

Last month an act was passed practically increasing the appropriation for this purpose. The amount of money that was to be expended for rent and other things incident thereto aggregated $285,000. It was virtually the striking out of this part of the act which I have just read, that no part of the amount, $1,800,000, should be used for the expenses incident to the temporary removal of the force employed in the customhouse during the remodeling of the building.

Now, there is enough money available to continue the construction of this building until the 4th of next March, so that it is not necessary in this bill to appropriate any more money for that purpose. But there is no authorization for paying rent in the quarters that are now being occupied by the customhouse, and I am informed by the Treasury officials, and particularly by the Comptroller of the Treasury Department, that there is great doubt whether they have any right to expend any money which would otherwise have been available if this act which I have just read had not been passed—to expend any money for rent or other matters that would be incidental to the rental of these quarters. This amount of money will have to be appropriated, either now or later, for this rental, and it seems to me that it is wise and proper that the item should go in this bill.

Mr. FITZGERALD. Mr. Chairman, this item is not in this bill because it is not necessary. We appropriated for the matters of construction and rent in the sundry civil bill to the amount of $500,000. I am not certain of the exact sum, but it is all that can be used. The law that was enacted does not in

any way change the availability of that appropriation. The purpose of it was to increase the limit of the amount that might be expended on the building proper. There is no necessity of putting this item of $96,000 on this bill. I hope the amendment will not be agreed to.

Mr. WEEKS. Mr. Chairman, I would like to add a word more; I would like to say that the Comptroller of the Treasury Department is in disagreement with the chairman of the Committee on Appropriations on that point. He is in doubt, and he would so say to anybody who would communicate with him—that there is strong doubt as to that authorization.

Mr. FITZGERALD. I may say to the gentleman that the comptroller and myself frequently disagree, and the inclusion of this item in the bill would result in the comptroller resolving the doubt in his own way.

Mr. WEEKS. I would like to find out how many gentlemen agree with the comptroller against the opinion of the chairman of the committee, and therefore I ask for a vote.

Mr. FITZGERALD. There is no disposition to withhold the money authorized by law for the customhouse. The committee gave all that could be expended, not only for the building but also for rent. It is absolutely futile and unnecessary to add $96,000 to this bill.

Mr. WEEKS. Let me ask the gentleman this question: Is it not going to be necessary to appropriate at some time this $96,000 for this year?

Mr. FITZGERALD. On that theory we might as well appropriate at this time, instead of $500,000 to complete that building, the entire balance under the limit authorized by law. The gentleman might as well say it is necessary to appropriate now for the gentleman's salary for the next 10 years. I hope the gentleman will continue his service here for that long, but that is no reason why it should be done this year.

Mr. WEEKS. But, Mr. Chairman, if this money is to be appropriated some time, it should have been appropriated in the sundry civil bill for the year ending June 30, 1913, and inasmuch as it was not appropriated in that bill, it seems to me it should be carried now in this bill. Otherwise we are going on and spending money for rental during the year when there is no actual authorization.

Mr. FITZGERALD. There is an appropriation for it carried in the sundry civil bill, that covers this item for rental.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURRAY. Mr. Chairman, may I ask the chairman of the Committee on Appropriations in what bill it is planned to make the authorization? I understand from the position of the chairman that it is not necessary to appropriate this $96,000 now, because it will be taken care of at some other time.

Mr. FITZGERALD. Because it was included in the $500,000 carried in the sundry civil bill.

Mr. MURRAY. That is a matter of dispute.

Mr. FITZGERALD. I do not understand that it is a matter of dispute.

Mr. MURRAY. Of course it is a matter of dispute.

Mr. FITZGERALD. I do not call these matters of dispute.

Mr. MURRAY. As I understand, there is a lump sum of $500,000 appropriated in the sundry civil bill, and this $96,000 may or may not be included in the $500,000.

Mr. FITZGERALD. There is no question of may or may not. It is included.

Mr. MURRAY. There is no question in the mind of the gentleman, but in the minds of some other gentlemen there is a question. Is that not so?

Mr. FITZGERALD. I do not know. I never heard of it until a few days ago.

Mr. MURRAY. Has the comptroller, for instance, expressed an opinion on it?

Mr. FITZGERALD. I do not know. I never heard from the comptroller about it. The committee gave all the money asked toward the construction and rent of the Boston customhouse in the sundry civil bill.

Mr. MURRAY. Has the gentleman ever heard until to-day that the comptroller takes a different attitude?

Mr. FITZGERALD. No; I never heard that the comptroller did so. If the appropriation were needed, I would not object to it. In my opinion, it is not necessary and should not be made.

Mr. MURRAY. And the House may have the assurance of the gentleman that it has already been appropriated in the sundry civil bill for these purposes? Is that the fact?

Mr. FITZGERALD. The sundry civil bill carries, if I recall correctly, $500,000 toward the construction of the Boston customhouse, and out of that $500,000 it was contemplated and expected and intended to pay the proportion of the $96,000 rent that would be required until the next sundry civil bill becomes a law in March next.

Mr. WEEKS. Will my colleague yield while I ask the gentleman from New York a question?

Mr. MURRAY. Certainly.

Mr. WEEKS. I find in the sundry civil bill this item:

Boston (Mass.) customhouse: For continuation of the enlargement, extension, remodeling, or improvement of the building under present limit, $250,000.

It says nothing about rent.

Mr. FITZGERALD. It was not necessary to say anything about rent. That was covered by the original act.

Mr. WEEKS. Will not the gentleman from New York [Mr. FITZGERALD] agree that this $96,000 must be appropriated some time?

Mr. FITZGERALD. No; I do not. I insist that it has been appropriated and that it is included in the item in the sundry civil appropriation bill.

Mr. MURRAY. Is that the item which the gentleman from Massachusetts has just read?

Mr. FITZGERALD. Yes; that is the item. There was a similar item, out of which they paid the rent last year, and this is the item out of which they will pay the rent this year.

Mr. MURRAY. The item is $250,000 instead of $500,000. I wonder if it is the same item.

Mr. FITZGERALD. I was under the impression that it was $500,000. It is the same item, however.

Mr. MURRAY. I see that says nothing about rent.

Mr. FITZGERALD. And it says nothing about architects' fees, either.

Mr. MANN. The original act provided that the limit of cost should be so much, and out of that should be paid the cost of moving the customhouse. That was considered to include rent. I heard a gentleman the other day wax eloquent upon that. We passed a bill here the other day providing for the reimbursement to this fund of any money that was paid as rent, but these items, so far, have all been like that in the appropriation bill and rent has been paid out of them. It seems to me it is not a question whether $96,000 rent can be paid out of the $250,000 as a matter of law, but whether the $250,000 toward the continuation of the improvement over there is sufficient for the next year with the $96,000 taken out. Whether it was contemplated by the Committee on Appropriations——

Mr. FITZGERALD. The gentleman might just as well have added to his amendment an item proposing to reimburse the appropriation heretofore made by $280,000, as requested by the department.

Mr. WEEKS. The reason I did not add that to my amendment was because I was informed by the department that they had sufficient money for construction purposes until the 31st of next March, and therefore it would not be necessary.

Mr. FITZGERALD. They assured us that the money we appropriated would be sufficient for construction purposes until the 4th of next March, as well as to pay the rent. Perhaps we have given them more than we should have in the item, if the gentleman's statement be correct, but the fact is that the only thing done by the act passed by Congress was to make it possible to spend for construction $300,000 more than originally had been intended. There is no necessity to appropriate the additional $96,000 at this time.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts.

The amendment was rejected.

The Clerk read as follows:

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

The accounting officers of the Treasury Department are authorized and directed to credit in the accounts of W. S. Richards, disbursing clerk, Treasury Department, $93.50, and S. R. Jacobs, disbursing clerk, Treasury Department, $101.16, being amounts disallowed by the said accounting officers for sums paid by the said disbursing clerks prior to April 18, 1911, for wrapping and addressing Public Health Reports and other circulars and publications of the Public Health and Marine-Hospital Service.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I should like to inquire whether, after the comptroller held that the Public Health and Marine Hospital Service could not pay for the work of mailing Public Health Reports out of the general appropriation, that was corrected in making the general appropriation for this year?

Mr. FITZGERALD. It was not. These persons were employed in violation of the act of 1882 prohibiting the payment for personal services at the seat of government out of certain appropriations unless specifically authorized. These men had done the work and the committee thought they should be paid.

Mr. MANN. It was not because the original appropriation did not authorize the work to be done, then, but only because of the method of their employment?

Mr. FITZGERALD. It is very doubtful whether they had any authority to incur the obligation for this service at all.

Mr. MANN. As I understand, they had authority to wrap, address, and mail Public Health Reports, but they could not pay for personal services out of that appropriation.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

CUSTOMS SERVICE.

To defray the expenses of collecting the revenue from customs, being additional to the permanent appropriation for this purpose for the fiscal year ending June 30, 1912, $350,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman from New York inform the House if any of this money is for the purpose of investigation?

Mr. FITZGERALD. This is to meet the pay roll for the latter half of the month of June. It has been customary for Congress in the past to appropriate a sum of money somewhat insufficient to meet the expense of the customs service. Early in the month of June the Treasury Department called attention to that fact and stated that unless the money was to be appropriated it would be necessary to furlough a very large number of employees.

Mr. MOORE of Pennsylvania. It has nothing to do with investigations?

Mr. FITZGERALD. The committee took up the matter with the department, and upon investigation informed the department it would recommend an appropriation of $350,000 to cover the deficiency that would be created. Upon that assurance the department continued these employees, and the amount actually required is within a few hundred dollars of the $350,000, and that is merely to meet the deficiency for the last fiscal year.

Mr. MOORE of Pennsylvania. They are regular employees?

Mr. FITZGERALD. Yes.

Mr. MOORE of Pennsylvania. Not engaged in any special or secret-service work?

Mr. FITZGERALD. The matter to which the gentleman refers, some special investigation, I think, was predicted within a few days by the press.

Mr. MOORE of Pennsylvania. Yes.

Mr. FITZGERALD. And would not come from this appropriation.

Mr. MOORE of Pennsylvania. This item has nothing to do with that.

The Clerk read as follows:

Motor tags: For additional amount required for the purchase of enamel, metal, or leather identification-number tags for motor vehicles in the District of Columbia, fiscal year 1912, $200.

Mr. JOHNSON of Kentucky. Mr. Chairman, I would like to ask the chairman of the committee a question. Inasmuch as these tags when purchased are paid for on the half-and-half system and are sold by the District of Columbia at $2 each, and then afterwards the United States has to put $2 each against that to offset it as a source of revenue for the District of Columbia, does the gentleman not think the District of Columbia should pay for the whole of it? There is a provision later along in the bill providing this and all other items relating to the District of Columbia shall be paid for one-half by the District of Columbia and one-half by the United States. I offer an amendment, Mr. Chairman, that the District of Columbia shall pay this entire sum out of this revenue.

Mr. FITZGERALD. Mr. Chairman, this is to supply deficiencies in these items. This is a small sum. I believe on the District bill which has been enacted into law there is a provision which covers this matter. It covers in the future just what the gentleman wishes to do.

Mr. MANN. Mr. Chairman, if the gentleman from Kentucky will permit, I raised this question a number of years ago, and it was covered as to certain things; and in the last District appropriation bill, which just became a law, there was inserted in the Senate and, I think, agreed to in such form that it would cover this and all similar cases a provision that the money received from the sale of these should be covered into the Treasury on the half-and-half principle. So that the appropriation is payable on the half-and-half principle, one-half from the Government Treasury and one-half from the District treasury, and as the money that comes in equals what is paid out the money that comes in goes into the Treasury, one-half to the credit of the General Treasury and one-half to the credit of the District treasury.

Mr. JOHNSON of Kentucky. Mr. Chairman, I will say that I am thoroughly familiar with that, and there are several items preceding this and some which follow that are small and trifling. Yet it is the principle of the thing. There is a provision following providing that the United States Government shall pay half of this and the District of Columbia shall pay half. When the United States Government pays half of this $200 it thereby paves the way to let that $200 and all that the tags are sold for find its way into the treasury of the District of Columbia as a source of revenue, and then next year the United States Government will have to put up an amount to equal this.

Mr. MANN. If the United States Treasury pays one-half of the $200 and then the tags are sold for $200——

Mr. JOHNSON of Kentucky. They are sold for a good deal more than that. They may be sold for several thousand dollars.

Mr. MANN. Half of that goes into the Treasury of the United States.

Mr. JOHNSON of Kentucky. Not of this item.

Mr. MANN. Oh, yes.

Mr. JOHNSON of Kentucky. No; of the next item.

Mr. MANN. Oh, all of these items.

Mr. JOHNSON of Kentucky. Not of this.

Mr. MANN. I want to say that my understanding is to the contrary.

Mr. JOHNSON of Kentucky. My understanding of it is—and I think I am right—that the tags purchased with the amount in the appropriation bill which has recently passed comes under the description referred to by the gentleman from Illinois, but not under this.

Mr. MANN. There was general language inserted by the Senate and agreed to in conference which was intended to cover all of these items wherein the Government contributed half, that the receipts should go one-half to the Government. Whether that language is sufficient I do not undertake to say. I think it is.

Mr. JOHNSON of Kentucky. My recollection is that it is not sufficient, but it is a trifling thing here—only $200—and, as it is, and as I have overlooked several other small items, I will ask unanimous consent that I may withdraw the amendment which I offered.

Mr. FITZGERALD. This is to pay an outstanding obligation. The tags have been bought. It is possible they have all been sold and the proceeds turned into the Treasury.

Mr. JOHNSON of Kentucky. Turned into the District treasury; and that is the objection to it.

The CHAIRMAN. Without objection, the amendment of the gentleman from Kentucky will be withdrawn.

There was no objection.

The Clerk read as follows:

Horse-drawn vehicle tags.—For additional amount required for the purchase of metal identification-number tags for horse-drawn vehicles used for business purposes in the District of Columbia—
For the fiscal year 1912, $550.
For the fiscal year 1911, $500.

Mr. JOHNSON of Kentucky. Mr. Chairman, I rise to a point of order for the purpose of at least asking the chairman of the committee what disposition will be made of the sale of those tags?

Mr. FITZGERALD. They are covered into the Treasury as miscellaneous receipts.

Mr. JOHNSON of Kentucky. Is it not true they have already been covered into the District treasury?

Mr. FITZGERALD. I have no information on that.

Mr. JOHNSON of Kentucky. I think I can safely say that.

Mr. FITZGERALD. I do not know.

Mr. JOHNSON of Kentucky. I believe, the District having sold these tags and having gotten the money and put it into their own treasury, and the Government having to pay dollar for dollar, unless an amendment be agreed to letting the District pay this, I shall make the point of order.

Mr. FITZGERALD. Mr. Chairman, I am ready to discuss the point of order.

Mr. JOHNSON of Kentucky. I will say to the gentleman before he discusses the point of order that in the report made here they admit the point of order and state in the report that it is "submitted matter."

Mr. FITZGERALD. Nobody can concede a point of order who does not belong to this House.

Mr. JOHNSON of Kentucky. The gentleman can find no authority; if he has it, he must do it.

Mr. FITZGERALD. If I understand correctly, the law authorizes the commissioners to require identification tags. There is a regulation which requires all horse-drawn vehicles to be provided with these tags. Under authority given the commissioners they make these regulations and they furnish these tags at a fixed price.

Mr. MANN. If the gentleman will permit——

Mr. JOHNSON of Kentucky. There is no act of Congress authorizing it.

Mr. MANN. If the gentleman will permit, the act of Congress specifically specifies that there shall be these vehicle tags and that they shall be furnished by the District of Columbia upon

application, and so much shall be paid for them. We had that act up the other day for amendment.

Mr. FITZGERALD. I understand the statute authorizes the commissioners to make regulations, compels them to furnish the tags, and it is an instance in which, the law requiring them to do the act, there is authorization to incur a deficiency. Now, the appropriation last year was $500. The receipts up to the time the estimates were submitted were $3,658.

The proceeds from this tax went into the District treasury, and the purpose now would be a change of that law. The only question, I understand here, is as to the authority of the commissioners to purchase these tags. If there is any question about it I will be glad to have the matter passed until later we can find the statute which authorizes them to do so.

Mr. JOHNSON of Kentucky. I make the point of order, Mr. Chairman.

The CHAIRMAN. What is the point of order?

Mr. JOHNSON of Kentucky. I make the point of order that the purchase has not been authorized, and I will say in the report submitted by the commissioners themselves, which is Document No. 634, they say that in the fiscal year 1912, "submitted," $550; for the fiscal year 1911, they quote the act of March 4, 1911, volume 36, page 1296, section 1, $500, but that is only an appropriation without formal authorization and they claim no authorization for the $550. I have the report in my hand, document No. 634.

Mr. FITZGERALD. The gentleman simply refers to a document in which the estimate is simply submitted, and there is no information there. I would like the matter be passed temporarily until we can find the statute.

Mr. JOHNSON of Kentucky. I might be out for a moment and the gentleman will permit me to be present when it comes up.

Mr. FITZGERALD. If the gentleman only steps out temporarily, but we want to get along with this bill.

Mr. JOHNSON of Kentucky. I make the point of order.

Mr. FITZGERALD. I ask unanimous consent that the matter may be passed temporarily.

Mr. JOHNSON of Kentucky. I object, Mr. Chairman.

Mr. FITZGERALD. Well, I insist that under the law the authority exists.

The CHAIRMAN. The Chair is ready to rule.

Mr. JOHNSON of Kentucky. I insist, Mr. Chairman, the gentleman must produce his authority; that is the rule.

Mr. FITZGERALD. The Chair may have that information without the gentleman producing it, but certainly I do not think that the gentleman would object to passing the matter temporarily. If the Chair is not satisfied that the statute exists I will ask the Chair himself to reserve his decision temporarily, as he has the power to do, and let us pass on until an opportunity is given for the Chair to be satisfied as to what the law is.

The CHAIRMAN. The point of order is overruled.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to amend by providing that the two amounts shall be paid entirely out of the District revenues.

The CHAIRMAN. Where would the gentleman from Kentucky have his amendment inserted, at the end of the section?

Mr. JOHNSON of Kentucky. Yes, Mr. Chairman——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 4, page 8, insert "*Provided*, That half of this amount indicated in these figures be paid out of the revenues of the District of Columbia."

Mr. FITZGERALD. I reserve a point of order on that.

Mr. JOHNSON of Kentucky. The gentleman will not seriously contend——

Mr. FITZGERALD. Well, I make the point of order. Under the law one half of the expenses of the District of Columbia is payable from the District treasury and one half from the Federal Treasury. My recollection is that there are several rulings made, particularly upon the item for playgrounds, in which it was held that an attempt to make the entire cost of the playgrounds payable out of the District revenues was subject to the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, nobody who pretends to be familiar with the act of June 11, 1878, will contend that the United States Government has ever agreed to pay half the expenses of the District of Columbia. The furthest that act goes is, and nobody familiar with it will claim that it goes beyond, paying one-half of such expenses of the District of Columbia as Congress may agree to pay. Congress has not agreed to pay this, and Congress will not have agreed to pay it until at this session it adopts the motion agreeing to pay this. I contend that Congress has never agreed to pay this——

Mr. FITZGERALD. I will ask to have the amendment again reported.

The Clerk read as follows:

Page 8, after line 4, insert the following: "That half of this amount indicated in this paragraph be paid out of the revenues of the District of Columbia."

Mr. JOHNSON of Kentucky. I did not say half; I said the total amount of the two sums be paid out of the District revenues. There is a provision a little later along that says of all these items one-half shall be paid by the District of Columbia and one-half by the Federal Government.

The Clerk read as follows:

Page 8, after line 4, insert "that the total of the two amounts indicated in this paragraph be paid out of the revenues of the District of Columbia."

Mr. FITZGERALD. I insist that it is subject to the point of order.

Mr. JOHNSON of Kentucky. It is subject to a point of order. The provision for it to be paid out of the Federal Treasury makes it subject to a point of order.

Mr. FITZGERALD. Mr. Chairman, I withdraw the point of order. Let us vote on the matter.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky [Mr. JOHNSON].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 4, noes 18.

So the amendment was rejected.

The Clerk read as follows:

Industrial Home School for Colored Children: For maintenance, including purchase and care of horses, wagons, and harness.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word for the purpose of asking unanimous consent to have printed in the RECORD an article on agricultural credit banks, appearing in the June issue of the Journal of the Institute of Bankers, of London. It is not very long, about 25 pages, and it is a very valuable contribution.

The CHAIRMAN. The gentleman from Alabama [Mr. HOBSON] asks unanimous consent to print in the RECORD as a part of his remarks a certain publication which he has named.

Mr. MANN. Would the gentleman prefer to have it printed in the RECORD or as a House document?

Mr. HOBSON. To have it printed as a House document will be satisfactory.

Mr. SHERLEY. You can do that when you get in the House.

Mr. HOBSON. All right. I accept the suggestion of the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Special assessment refunds: The Commissioners of the District of Columbia are authorized and directed to pay to Carrie Madison the sum of $146.47, amount paid by her on account of redemption of erroneous sale of special assessment taxes chargeable to property owned by her.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve a point of order on the item. I would like to ask the chairman of the committee if it is not true that Carrie Madison has paid to the District of Columbia $146.47 as taxes erroneously collected, and that now the District of Columbia proposes by this bill to return her money to her, and under the provisions of this bill, in returning her money which the District of Columbia got, the United States Government is asked to pay one-half of it?

Mr. FITZGERALD. I think not. I think this is assessment work.

Mr. JOHNSON of Kentucky. It says:

Erroneous sale of special assessment taxes chargeable to property owned by her——

Mr. FITZGERALD. Mr. Tweedale, the auditor of the District, makes the following statement:

In this case Congress provided the special assessment should go back, half to the United States and half to the District of Columbia. Previous to that they have been going back to the appropriation. When they went back to the appropriation, if a person made an erroneous payment, we could pay them out of the appropriation. Now the money is put back half in the United States funds and half in the District funds, and there is no way we can refund erroneous payments.

This money having been placed half to the credit of the United States and half to the credit of the District of Columbia, when it is to be repaid——

Mr. JOHNSON of Kentucky. I beg your pardon; it was paid entirely by the District of Columbia.

Mr. FITZGERALD. The gentleman may be better informed than the auditor.

Mr. JOHNSON of Kentucky. I do not think the auditor says that.

Mr. FITZGERALD. I am reading from the statement of the auditor that this money went half to the United States and half to the District of Columbia.

Mr. JOHNSON of Kentucky. Read it and see if you are not mistaken.

Mr. FITZGERALD. It says:

In the case just preceding and in this case Congress provided the special assessment should go back, half to the United States and half to the District of Columbia.

Mr. JOHNSON of Kentucky. Now, read on.

Mr. FITZGERALD (reading)—

Previous to that they have been going back to the appropriation, and if a person made an erroneous payment we could pay them out of the appropriation.

Mr. JOHNSON of Kentucky. They paid them out of the appropriation, and the appropriation was upon the half-and-half plan.

Mr. FITZGERALD. But that is the general appropriation, and this money has been erroneously paid.

Mr. JOHNSON of Kentucky. Into the District treasury.

Mr. FITZGERALD. I assert again that the auditor states it has been paid half to the District treasury and half to the Treasury of the United States, and this proposes to repay it.

Mr. MANN. If the gentleman from Kentucky [Mr. JOHNSON] will permit, a few years ago, upon the consideration of the District appropriation bill, I called the attention of the House to the fact that at that time we were appropriating half out of the general revenues for the maintenance of the office which did this work, and issued permits, and collected special assessments; that all the revenues that came in went entirely into the District treasury. The gentleman in charge of the bill at that time, or subsequently, provided by amendment or by a new bill—it was in different cases—that this money should go half into the Federal Treasury and half into the District of Columbia treasury. I presume by the auditor's statement that this case was covered by that. I do not know.

Mr. JOHNSON of Kentucky. Can the gentleman from Illinois say with any degree of accuracy what is to become of the deficit of $73,000 in that same fund, which was stolen a few years ago?

Mr. MANN. I can not say with any degree of accuracy with reference to that or this item further than I have said. But I will say further, I find upon examination of the recent District bill, which contains section 10, providing for the covering in on the half-and-half principle of receipts, it would not cover this case apparently and would not cover the motor tags or vehicle tags.

Mr. FITZGERALD. This particular matter was taken care of last year.

Mr. MANN. Several years ago, I think. The new provision covers the annual wheel tax on automobiles and other motor vehicles, but I do not think covers the tag proposition which I stated a while ago I thought it did cover.

Mr. JOHNSON of Kentucky. I will withdraw the point, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Judgments: For payment of the judgments, including costs, against the District of Columbia, set forth in House Documents Nos. 402, 634, 648, and 777 of this session, $8,944.04, together with a further sum sufficient to pay the interest, at not exceeding 4 per cent, on said judgments, as provided by law, from the date the same became due until the date of payment.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman to explain the nature of these judgments. There is nothing here to show their nature. I have not seen the hearings.

Mr. FITZGERALD. Mr. Chairman, I did not look particularly to see what the judgments were for. They were final judgments of the court to which no appeal had been taken and from which none could be taken. It is customary for Congress to pay judgments of the courts after the time for appeal has expired.

To be frank with the gentleman, I did not bother to burden myself with the information regarding the nature of the litigation. I ascertained if the judgments were final and whether the time for appeal had expired; and that being shown and the claims being a valid obligation against the Government, I thought they should be paid.

Mr. JOHNSON of Kentucky. Then, the gentleman knows nothing about it?

Mr. FITZGERALD. Nothing more than that. They are all small claims, I will state, except one for $2,500.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Miscellaneous expenses, supreme court: For payment of such miscellaneous expenses as may be authorized by the Attorney General for the Supreme Court of the District of Columbia and its officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, including also such expenses as may be authorized by the Attorney General for the Court of Appeals, District of Columbia, $13,000.

Mr. WILSON of Pennsylvania. Mr. Chairman, I reserve a point of order for the purpose of asking the gentleman in charge of the bill if there is in this paragraph or any other paragraph of the bill included any payment or any appropriation for the payment of services of the three prosecutors appointed by the court for the prosecution of the case of Gompers, Mitchell, and Morrison in contempt proceedings?

Mr. FITZGERALD. This appropriation of $13,000 is to meet certain expenditures, mostly all ascertainble—and $12,000 of the amount is ascertained—in connection with the proceedings to acquire the property to be added to the Capitol Grounds. The attorney in charge of the proceedings appeared before the committee and made a statement as to the sum due. He said it was in the neighborhood of $12,000, and he thought there would probably be an additional thousand dollars or so required to take care of small items. He stated that he had no definite information about them.

No request was made of the committee to pay for the services of the character mentioned by the gentleman, either on the part of the justice or anybody else.

Mr. WILSON of Pennsylvania. No such money is carried on this bill?

Mr. FITZGERALD. No money is carried in this bill for that purpose, according to the understanding or intention of the committee. Whether any of these appropriations is available for the purpose I do not know. The attorneys in those proceedings were appointed by the court and acted as amici curiæ—friends of the court—and I know of no authorization of law to pay for services of that character unless they are specifically authorized. I am not certain about it, but I know of none. No request was made, and no appropriation was made here with the intention of its being utilized for the purpose named by the gentleman.

Mr. WILSON of Pennsylvania. I withdraw the reservation of a point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Reimbursement of State of Texas: To reimburse the State of Texas the amount expended for the increased force of rangers required for policing and patrolling the international boundary along the Rio Grande during the months of October, November, and December of the year 1911, and during the month of January of the year 1912, $9,639.41.

Mr. MANN. Mr. Chairman, I reserve a point of order. I would like to ask if there is any authority of law for this item? That is, the Texas item.

Mr. FITZGERALD. No; there is no authority for it.

Mr. MANN. Was there any agreement that the Government should pay it?

Mr. FITZGERALD. The President, I understand, made an arrangement with the governor of Texas, and sent a message to Congress in regard to it.

Mr. MANN. This is to carry out that agreement?

Mr. FITZGERALD. Yes; this is to carry out the arrangement.

Mr. MANN. I withdraw my reservation of a point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To pay claims adjusted and settled under section 4 of the river and harbor appropriation act approved June 25, 1910, and certified to Congress in House Documents Nos. 313, 664, 713, and 823, at the present session, and 1386, Sixty-first Congress, third session, $1,509.05.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I suppose this item refers to the payment of damages caused by collisions with Government vessels in river and harbor work. There is nothing in the item itself, without reference to the document to which it refers and the text of the law, to indicate what it is, but I think that is what it is. As I am the father of that scheme, I have some interest in it. Why is it not perfectly practicable to put the items in the appropriation bill?

Mr. FITZGERALD. We have put in this bill only the claims certified in accordance with the law.

Mr. MANN. I am not questioning that, but why is it not practicable to put in briefly the items, so that we will know what they are?

Mr. FITZGERALD. It would be pretty voluminous to do that in all these matters, and this is the customary way.

Mr. MANN. Oh, there has been no customary way. This is a new scheme.

Mr. FITZGERALD. Yes. There are other certified claims besides these, and they are done in the same way, because in many instances they include a large number of very trifling claims. But the committee in preparing this bill included only those which were certified under the law. Where they were in excess of the amount limited to the department, the committee declined to insert them.

Mr. MANN. The reason why I asked the question is that I first presented this proposition to the House in connection

with the Lighthouse Board, and it went through, and the War Department copied it, and the river and harbor branch of the service and the Navy Department copied it, providing for the adjustment and settlement of claims not exceeding $500 in any case, and I think I stated, when the first proposition came before the House as the result of that, that these claims would be certified to the Committee on Appropriations, and the items would thus come before the House, so that anybody who wished to know about them would know what they were; but I see I was mistaken.

The reason given by the gentleman is sufficient for me if there are a great many of these claims and they are individually very small.

Mr. FITZGERALD. I am informed by the clerk of the committee that the claims included in this particular document alone would probably take several pages of the bill. They are all small claims.

Mr. MOORE of Pennsyvania. Have these claims been adjudicated by the Court of Claims?

Mr. FITZGERALD. Oh, no. Under the law certain claims for damages arising from collisions are investigated by certain departments, and if they do not exceed $500 do not require to be adjudicated by the Court of Claims. If the department determines that the United States was at fault, the amount of the damages not to exceed $500 is certified, and we make the appropriation.

Mr. MOORE of Pennsylvania. Being interested in a matter of this kind, I want to learn the method of procedure. The total amount appropriated here is slightly in excess of $1,500, but the persons to whom payment is to be made are not specified. There may be one or a number.

Mr. FITZGERALD. These claims are included in five different documents, and they are of this character:

J. Randazzo, for $25, as reimbursement of cost of repairing damages to lugger *Australia* caused by collision with a United States Government barge on the night of December 15, 1910.

The Rathbun Co., for $283.36, as reimbursement of cost of repairing damages to its wharf in Oswego (N. Y.) Harbor, caused by collision with the U. S. tug *W. H. Lee*, formerly the *Wm. C. Chapman*, on November 4, 1910.

F. H. & A. H. Chappell Co., for $140.29, as reimbursement of cost of repairing damages to its dock, New London, Conn., caused by collision with the U. S. lighter *Panuco* on March 29, 1911.

Frygoe Jolstad, for $18.75, as reimbursement of cost of repairing damages to his motor launch *Lyn* by U. S. snagboat *Missouri* at St. Charles, Mo., on July 5, 1911.

Krause & Banks, for $25, as reimbursement of cost of repairing damages to their shipways at North Bend, Oreg., caused by collision with the U. S. dredge *Oregon* on June 6, 1911.

Columbia River Packers' Association, for $100, as reimbursement of cost of repairing damages to its ship *Jabez Howes* and wharf at Astoria, Oreg., caused by collision with the U. S. dredge *Chinook* on February 4, 1911.

Johnson & Hamilton, for $233.17, as reimbursement of cost of repairing damages to their launch *Taurus*, caused by collision with the U. S. dredge *Delatour* at Morgan City, La., on April 5, 1911.

W. G. Downie, for $7.15, as reimbursement of cost of repairing his warehouse at Pomeroy, Ohio, damaged by collision with U. S. snagboat *E. A. Woodruff* on September 19, 1911.

This is one of five documents. The amount in each case is trivial.

Mr. MANN. If the gentleman will permit me, before the act was passed providing for the adjustment of these claims, and their settlement in this way, they came to the House in communications from the department and were referred to the Committee on Claims, or went to the Senate, where the same action was taken. It became the settled policy of both Houses, as frequently stated in the committee reports, for Congress in adjusting damages for collisions, where Government vessels were at fault, not to make an allowance for demurrage for the time that the vessel was laid up. That was the settled policy, as frequently stated by the committees, and time and again I have seen the matter voted upon in the House, and every time the House voted that it would not allow demurrage; that it would only allow the actual damage to the vessel. Yet these claims that are allowed here do cover demurrage. Not only that. Even the Committee on Claims is now undertaking to reverse the policy of the House; and the Senate has taken the back track on the question, and is willing to allow almost any amount of demurrage that anybody claims. It was for that reason that I called the attention of the committee to it, and will do so further if a certain bill now on the calendar gets before the House.

Mr. FITZGERALD. Mr. Chairman, my recollection from an examination I made of these documents was that there was no demurrage in any of these claims. I may be mistaken. My recollection is that they are all amounts fixed for repairs—unless the department includes under the term "repairs" an allowance for demurrage.

Mr. MANN. I have examined the claims, and there are allowances for demurrage; but, of course, the amount is small, and these claims are authorized and will have to be paid, I suppose.

The Clerk read as follows:

To reimburse the German ambassador at Washington, D. C., for expenses incurred by him in procuring information for the Interior Department as to the whereabouts in Germany of the heirs of John A. Beck, and Frank A. Armbruster, who died at the Government Hospital for the Insane, $3.45.

Mr. ANDERSON of Ohio. Mr. Chairman, I offer the following amendment as a new paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, after line 17, add:

"Three hundred thousand dollars, or so much thereof as may be necessary, to employ temporarily extra clerks by the Commissioner of Pensions to aid him in the work incident to the adjudication of pension claims filed under the act entitled 'An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico,' approved May 11, 1912, at salaries not to exceed $1,200 each; and in order to facilitate said work the Commissioner of Pensions is authorized to employ clerks heretofore employed in other departments of the Government service, or others who may be sufficiently skilled to do the required work, without complying with the requirements of the civil-service laws: *Provided, however*, That none of said extra clerks shall continue in the service beyond the fiscal year of this appropriation without further legislation, or, by reason of said employment alone, be eligible for transfer to the service in other departments, or be continued longer than may be necessary to do the work hereby provided for."

Mr. FITZGERALD. I make the point of order on the amendment, Mr. Chairman. This is a deficiency bill. There is no authority for the employment of these clerks.

Mr. ANDERSON of Ohio. Mr. Chairman——

Mr. FITZGERALD. I make the point of order. These clerks are not needed.

Mr. MANN. The year which this bill covers is passed. They could not be employed in the future under this bill.

Mr. FITZGERALD. I make the point of order.

Mr. ANDERSON of Ohio. Mr. Chairman, I can not believe that the gentleman is in earnest when he says——

Mr. FITZGERALD. I make the point of order. The gentleman can believe it or not.

The CHAIRMAN. The Chair understands that the gentleman from Ohio is about to discuss the point of order.

Mr. ANDERSON of Ohio. There is no question in my mind that the gentleman from New York is joking when he states that the Pension Bureau does not need additional help to adjudicate the claims——

Mr. FITZGERALD. I am not only not joking, but I know what I am talking about.

Mr. MANN. This bill only applies to the time before July 1, and if they needed them before the 1st of July, they could not employ them now under this bill.

Mr. ANDERSON of Ohio. The act was passed May 11, 1912, which was before the 1st of July.

Mr. MANN. The gentleman knows that is covered in another bill.

Mr. FITZGERALD. This is a deficiency bill, and the gentleman wants to employ services during this fiscal year.

The CHAIRMAN. The Chair will hear the gentleman from Ohio on the point of order made by the gentleman from New York.

Mr. ANDERSON of Ohio. Mr. Chairman, if an amendment was offered in the Senate to the sundry civil bill and the point was not made there, I can not understand why this amendment should not be adopted here. This House passed the most generous pension bill that was ever passed by any legislative body. It was based on service and disability. It was amended by the Senate and based on age, service, and disability. It passed the House, carrying an appropriation of $75,000,000 approximately. The Senate amended it by cutting it down from a third to a half.

Mr. MANN. Mr. Chairman, I suggest that the gentleman is not discussing the point of order.

The CHAIRMAN. The gentleman will please confine himself to the point of order.

Mr. FITZGERALD. We will not discuss the pension matter at this time.

Mr. MANN. If the gentleman desires to discuss the matter of pensions, I shall make the point of order that there is no quorum present.

Mr. FITZGERALD. We do not care to enter into a competition between the gentleman from Ohio at this end of the Capitol and the gentleman from Ohio at the other end of the Capitol, who are competing for the favoritism of certain classes of persons.

The CHAIRMAN. The gentleman from Ohio will proceed in order on the question of order.

Mr. ANDERSON of Ohio. Mr. Chairman, I withdraw the amendment.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from New York a question. This item under discussion here strikes me as being a peculiar one, and if the gentleman from New York can give the information as to the origin of it I should like to have it. It provides an appropriation of $3.45 to pay the German ambassador for his services in locating the heirs of one John A. Beck and one Frank A. Armbruster.

Mr. MANN. For his expenses.

Mr. WILLIS. It strikes me as a peculiar item.

Mr. FITZGERALD. It is a peculiar item.

Mr. WILLIS. Why was it desirable that the American Government should assume the obligation of hunting up the heirs of these two particular men? It arouses my curiosity.

Mr. MANN. It was not; but he did it.

Mr. WILLIS. Why should we do it?

Mr. MANN. Because the State Department requested him to do it; and in doing it he expended some money, and it is common courtesy that we should reimburse him the money.

Mr. FITZGERALD. Mr. Chairman, John A. Beck, who had been a private in the Kentucky Volunteer Infantry, was sent to the Government Hospital for the Insane, where he died, leaving $101.50 to his credit. According to the records taken at the time of his enlistment he was born in Germany. An effort was made to locate his heirs, in order to turn this money over to them. An effort was made through the German ambassador. The German ambassador incurred an expenses of $3.45, and presented a claim for reimbursement.

There was no appropriation out of which it might be made, and the committee believed that it was highly appropriate that Congress should authorize the payment of this sum of $3.45 to reimburse the ambassador for the expense incurred by him in attempting to obtain for the Government of the United States the information desired.

Mr. WILLIS. Mr. Chairman, I withdraw the pro forma amendment and thank the gentleman for the information and desire to make the observation that it seems to me that it is a very complimentary reference to the care with which the business of this Government is conducted, particularly so far as the Appropriation Committee is concerned, that an item of $3.45 can be figured out here to be paid a representative of a great government such as Germany.

Mr. FITZGERALD. There was no appropriation from which it might be paid.

Mr. WILLIS. I understand, and I think it is perfectly proper.

Mr. FITZGERALD. It was a claim, and while there might be some doubt as to the legality of the expense incurred at the request of the Government, the committee did not wish to raise any question of that character. The German ambassador having stated he spent the money doing this work, the committee felt that he should be reimbursed.

Mr. WILLIS. And I think it is right.

Mr. FITZGERALD. And not compel him to bear the burden of the expenditures while obtaining information for this Government.

The Clerk read as follows:

The accounting officers of the Treasury are authorized and directed to credit the accounts of Charles F. Read, special disbursing agent, General Land Office, under the appropriation for "Expenses of hearings in land entries, fiscal year ended June 30, 1910," with the sum of $8.39, being the amount disallowed by said accounting officers on account of payments in excess of 10 cents per folio made by the disbursing officer to United States commissioners in the State of Colorado for taking depositions in land hearings under section 4 of the act of January 31, 1903.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of calling the attention of the gentleman from New York to the fact that after a long and arduous day's labor it is proper to rise. It seems that we might easily finish this bill by 3 o'clock to-morrow.

Mr. FITZGERALD. The committee has shown so much interest and we have made so much progress that I was in hopes that we might run a little longer.

Mr. MANN. I think we will be able to finish this in a very few hours to-morrow. I withdraw the pro forma amendment.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMMOND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25970, the general deficiency appropriation bill, and had come to no resolution thereon.

INTERNATIONAL PRISON CONGRESS (H. DOC. NO. 890).

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

I transmit herewith for the information of Congress a report of the proceedings of the Eighth International Prison Congress, held at Washington in October, 1910, in pursuance of the invitation extended by the President in virtue of the joint resolution approved March 3, 1905.

The attention of Congress is invited to the accompanying report of the Secretary of State concerning the printing of the report of the proceedings of the prison congress.

WM. H. TAFT.

THE WHITE HOUSE, *July 26, 1912.*

The SPEAKER. The Chair thinks that the letter of the Secretary of State accompanying the President's message ought also to be read to the House, as there seems to be some question of doubt as to who ought to pay for the printing. The Clerk will read the letter.

The Clerk read as follows:

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President a report of the proceedings of the Eighth International Prison Congress, held at Washington in October, 1910.

As this congress was so held by reason of the invitation extended by the President in virtue of the joint resolution of the Congress of the United States, approved March 3, 1905, it would seem to be required that the report should be transmitted to Congress for the information of that body.

In recommending this action the undersigned feels obliged to say, however, that in view of the joint resolution approved March 30, 1906, entitled "Joint resolution to correct abuses in the public printing and to provide for the allotment of certain documents and reports," the transmission of the report is not to be deemed to imply any request that it be printed if the cost of printing would be a charge against the Department of State, inasmuch as the appropriation for the printing of the Department of State is not sufficient to provide for the department's printing and also for the printing of documents of this description, as to which the department serves only as a conduit.

Respectfully submitted.

P. C. KNOX.

DEPARTMENT OF STATE,
Washington, July 25, 1912.

The SPEAKER. Ordinarily the order in this case would be that it be referred to the Committee on Foreign Affairs and ordered printed. There are 131 pages of typewritten matter of letter size constituting the papers in the case. The request of the Secretary of State, or his suggestion is, that he does not want to ask this to be printed, provided it is to be charged up to the printing fund of the office of the Secretary of State, because that seems to be about exhausted.

Mr. MANN. Mr. Speaker, I recall nothing whatever in the resolution providing for the invitation to be extended to this Congress that there should be any report made to the Congress of the United States. I do not see why the Secretary of State sends it here unless it is to have it printed.

Mr. FITZGERALD. At the expense of Congress.

Mr. MANN. At the expense of Congress. It has not been usual, I think, for the Secretary of State to transmit to the House copies of the proceedings of all of the international congresses that are held here.

The SPEAKER. Well, the Chair will refer this message and the Secretary's letter to the Committee on Foreign Affairs and order them printed.

Mr. FITZGERALD. I move that the accompanying document lie on the table.

Mr. MANN. Why not print the document and charge it up to the State Department.

The SPEAKER. He does not want that done.

Mr. MANN. Then he has no business to send it here.

Mr. FITZGERALD. Mr. Speaker, I move that the accompanying document lie on the table.

Mr. MANN. I suggest that the matter remain on the Speaker's table for the present without reference until there can be investigation made.

Mr. SULZER. Mr. Speaker, let us know the nature of the document.

The SPEAKER. It is a letter from the Secretary of State about the last meeting of the prison congress. Now, the Secretary of State in his letter which the President transmits with this bundle of papers, 131 pages of typewritten matter, makes the suggestion in this letter to the President that he does not recommend it to be printed for fear the printer's bill will be charged up to the office of the Secretary of State, and they are rather short in funds up there and did not want to assume that expense, and the Chair was trying to find out what to do with it.

Mr. SULZER. Mr. Speaker, just a word in this connection. This Government is a member of the International Prison Commission, and every year we pay our pro rata share of the expense——

Mr. FITZGERALD. Two thousand dollars.

Mr. SULZER. Yes; and, of course, it is very important, it seems to me, to the people of this country to have the reports of the commission printed, in order that they may know what is being done in prison reform. The taxpayers finally pay for the printing, and it is immaterial which department has it done. In order to get the information the report should be printed.

Mr. MANN. Is not the report of the proceedings of the International Prison Congress already printed by the International Prison Association?

Mr. SULZER. That I do not know.

Mr. MANN. I think it is.

Mr. FITZGERALD. Mr. Speaker, in the deficiency bill now under consideration we carry an item of $2,000 as the subscription of the United States as an adhering member of the International Prison Commission for the expenses of the commissioner, including the preparation of the report. Having done that much, it is somewhat of a presumption for the Secretary of State to endeavor to have printed at the expense of the congressional allotment the proceedings of this prison congress. So far as I am concerned, if it can be avoided, it will not be done at the expense of the congressional allotment.

Mr. SULZER. Mr. Speaker, it is immaterial to me who prints this document. If it is important, it ought to be printed for the benefit of the people of the country, and it will make no difference in the end to the taxpayers whether it is printed by the State Department or printed by the House of Representatives. If it is printed by the State Department, I suppose the State Department would have to send this document out to the various prison associations of the United States and to the various prison officials of the United States. If Congress prints it, then the Members of Congress will get the document, and they can send it out. I think its about as broad as it is long.

Mr. MANN. Is it not a fact that, in effect, this is a request for a deficiency appropriation to help out the expense of this International Prison Congress?

Mr. SULZER. I do not know what the document contains. I want to find out.

Mr. FITZGERALD. I think it is.

Mr. MANN. There was a large fund raised for paying the expenses of the congress—for printing the proceedings and for the actual expenses. If the proceedings have not been printed—I think they have, but I may be mistaken—then they are asking Congress to pay that expense, which was contemplated to be paid by the association.

Mr. SULZER. I will investigate the matter.

Mr. FITZGERALD. I move that the accompanying document lie upon the table.

The SPEAKER. The gentleman from New York moves to lay this accompanying matter on the table, and the gentleman from Illinois suggests it remain on the Speaker's table.

Mr. SULZER. Mr. Speaker, in order to find out what it is and what to do about it, I ask that it be referred to the Committee on Foreign Affairs. We can examine it there.

Mr. HOBSON. May I ask the gentleman from New York what will be the status of the document if laid on the table?

Mr. FITZGERALD. It will not be printed at the expense of the congressional allotment, if printed at all, until we know what is involved.

Mr. MANN. And it will be subject to the control of the House hereafter.

Mr. SULZER. That is so.

Mr. FITZGERALD. If referred to the committee, it will be printed.

The SPEAKER. The gentleman's motion does not go to the message?

Mr. FITZGERALD. No; only to the document.

The SPEAKER. The message and the letter of the Secretary of State will be printed and sent to the Committee on Foreign Affairs. The gentleman from New York [Mr. FITZGERALD] moves that the accompanying papers lie on the table.

Mr. SULZER. Mr. Speaker, until I can look into the matter I have no objection to that course being taken.

The question was taken, and the motion was agreed to.

RETURN OF BILL H. R. 18041.

The SPEAKER laid before the House the following resolution from the Senate.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street-railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

Attest:

CHAS. G. BENNETT,
Secretary.
By H. M. ROSE,
Assistant Secretary.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CORNELIA BRAGG.

Mr. RUSSELL. Mr. Speaker, I ask to take from the Speaker's table the bill (H. R. 25598) and concur in the Senate amendments.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 25598) an act granting a pension to Cornelia Bragg.

The Senate amendments were read.

Mr. RUSSELL. Mr. Speaker, I move to concur in the Senate amendments.

The question was taken, and the motion was agreed to.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 22111. An act for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy;*

H. R. 20347. An act to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.;

H. R. 22043. An act to authorize additional aids to navigation in the Lighthouse Service, and for other purposes;

H. R. 18033. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes;

H. R. 24598. An act for the relief of Jesus Silva, jr.;

H. R. 12375. An act authorizing Daniel W. Abbott to make homestead entry;

H. R. 13938. An act for the relief of Theodore Salus;

H. R. 644. An act for the relief of Mary E. Quinn;

H. R. 1739. An act to amend section 4875 of the Revised Statutes to provide a compensation for superintendents of national cemeteries;

H. R. 24699. An act extending the time for the repayment of certain war-revenue taxes erroneously collected.

H. R. 20873. An act for the relief of J. M. H. Mellon, administrator, et al., all of Allegheny County, Pa.;

H. R. 11628. An act authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii; and

H. R. 4012. An act to authorize the exchange of certain lands in the State of Michigan.

AGRICULTURAL CREDIT BANKS (H. DOC. NO. 891).

Mr. HOBSON. Mr. Speaker, I ask to have printed as a House document an article entitled "Agricultural credit banks," published in the Journal of the Institute of Bankers, London, in the month of June.

The SPEAKER. The gentleman from Alabama asks unanimous consent to have printed as a public document an article on agricultural credit banks, published in the Journal of the Institute of Bankers, London, in June. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned to meet to-morrow, Saturday, July 27, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bill and resolution were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ASHBROOK, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6899) increasing the limit of cost for the erection and completion of a public building in the city of Richford, State of Vermont, reported the same without amendment, accompanied by a report (No. 1069), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. EVANS, from the Committee on the Library, to which was referred the resolution (H. Res. 505) directing the Sec-

retary of the Smithsonian Institution to send to the House of Representatives a complete list of the subscriptions, if any, made by private persons to the Smithsonian Institution or to any of its officers for the expenses in connection with the African hunting trip of ex-President Roosevelt, reported the same without amendment, accompanied by a report (No. 1071), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 3957) for the relief of Isaac Thompson, reported the same without amendment, accompanied by a report (No. 1068), which said bill and report were referred to the Private Calendar.

Mr. DENT, from the Committee on the Public Lands, to which was referred the bill (H. R. 16604) for the relief of Lewis Montgomery, reported the same without amendment, accompanied by a report (No. 1067), which said bill and report were referred to the Private Calendar.

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (S. 1484) for the relief of Ferdinand Tobe, reported the same without amendment, accompanied by a report (No. 1070), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. COVINGTON: A bill (H. R. 25988) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 25989) to equip, build, complete, and furnish water, electric-light, and sewerage systems for the Fort Bidwell Indian School, on the Government reservation at Fort Bidwell, Cal., and for other purposes; to the Committee on Indian Affairs.

By Mr. PRAY: A bill (H. R. 25990) to establish a mining experiment station at Helena, Lewis and Clark County, Mont., to aid in the development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

By Mr. LINTHICUM: A bill (H. R. 25991) to amend section 3186 as amended by section 3 of the act of March 1, 1879; to the Committee on Ways and Means.

By Mr. FITZGERALD: Resolution (H. Res. 642) providing for consideration of the disposition of water rights on Schofield Military Reservation, Hawaiian Islands, in connection with the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations, etc.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ANSBERRY: A bill (H. R. 25992) granting an increase of pension to Franklin Converse; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 25993) granting a pension to Almira M. Meade; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 25994) granting an increase of pension to Henry Wolf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25995) granting an increase of pension to Aries Butcher; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 25996) granting an increase of pension to Rebecca Rice; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 25997) for the relief of Joshua Algeo; to the Committee on Military Affairs.

Also, a bill (H. R. 25998) granting a pension to Andrew Crowl; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 25999) for the relief of the heirs of Lindley Abel, deceased; to the Committee on War Claims.

By Mr. McLAUGHLIN: A bill (H. R. 26000) granting an increase of pension to Hiram E. Staples; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 26001) granting a pension to Harry A. Rhea; to the Committee on Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 26002) granting an honorable discharge to David D. Woods; to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 26003) granting an increase of pension to Moses McGinnis; to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 26004) granting an increase of pension to Annie Liese; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CALDER: Petition of the Allied Printing Trades Council of the State of New York, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of members of the Daughters of Liberty, of Brooklyn, N. Y., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Fourteenth Street Store, New York City, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. DICKINSON: Papers to accompany bill in support of pension claim of George C. Brill, Troop M, Fourteenth Regiment United States Cavalry; to the Committee on Invalid Pensions.

By Mr. FOSTER: Petition of citizens of Mount Vernon, Ill., favoring the passage of Senate bill 5461, to restrict the number of saloons in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FRENCH: Petition of citizens of the State of Idaho, favoring passage of bill regulating express rates, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of the State of Idaho, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of merchants of Stites, Idaho, against passage of bills changing patent laws; to the Committee on Patents.

By Mr. FULLER: Petition of the Ottawa (Ill.) Business Men's Association, protesting against the passage of the Bourne parcel-post bill (S. 6850) and favoring a parcel-post commission; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Petition of the Workmen's Sick and Death Benefit Fund of America, New York, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SPARKMAN: Petition of citizens protesting against the passage of a general parcel-post bill; to the Committee on the Post Office and Post Roads.

Mr. SULZER: Petition of the committee of wholesale grocers, New York, favoring reduction of duties on all raw and refined sugars; to the Committee on Ways and Means.

SENATE.

SATURDAY, *July 27, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 21480) to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming.

The message further returned to the Senate, in compliance with its request, the bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 4930. An act to harmonize the national law of salvage with the provisions of the international convention for the unification of certain rules with respect to assistance and salvage at sea, and for other purposes;

H. R. 21480. An act to establish a standard barrel and standard grade for apples when packed in barrels, and for other purposes;

H. R. 25598. An act granting a pension to Cornelia C. Bragg; and

H. J. Res. 340. An act making appropriation to be used in exterminating the army worm.

PETITIONS AND MEMORIALS.

Mr. JOHNSON of Maine (for Mr. GARDNER) presented petitions of Local Grange No. 134, Patrons of Husbandry, of Sweden; of the Board of Trade of Presque Isle; of the Board of Trade of Yarmouth; and of the State Federation of Labor, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were ordered to lie on the table.

He also (for Mr. GARDNER) presented resolutions adopted by members of the Association of Hebrew Veterans of the War with Spain, in convention at New York City, remonstrating against the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also (for Mr. GARDNER) presented a petition of Local Union No. 270, International Brotherhood of Stationary Firemen, of Madison, Me., praying for the passage of the so-called injunction limitation bill, which was ordered to lie on the table.

Mr. JOHNSON of Maine. I have several communications addressed to my colleague Mr. GARDNER relating to the parcel post, which I ask may be printed in the RECORD.

There being no objection, the communications were ordered to lie on the table and to be printed in the RECORD, as follows:

RIGHT RELATIONSHIP LEAGUE,
Minneapolis, Minn., July 23, 1912.

Senator O. GARDNER,
United States Senate, Washington, D. C.

DEAR SENATOR GARDNER: The Right Relationship League of Minneapolis, Minn., has a membership of some 15,000 farmers who are life members of this league and stockholders in some 150 cooperative stores organized and operating on the English Rochdale system, which stores are scattered throughout several States in the Middle Northwest.

So far as we have been able to learn these farmers are unanimously in favor of the passage of the so-called Gardner-Goeke bill, which is now in Congress, providing for the elimination of the express companies and the articulation of the express facilities with the postal facilities in the cities and on the Rural Free Delivery routes. We are confident that if we could see each one of these farmers personally there would not be a single one who would not sign a petition in favor of the Gardner-Goeke bill and against the bill introduced by Senator BOURNE, of Oregon.

Information gained by the writer during the past 60 days in addressing large gatherings of farmers at picnics has led him to believe that the above statements are absolutely true and to hope that our northwestern Senators will refuse to play into the hands of the interests by passing the Bourne bill or any other measure which shall be less adequate for the benefit of the people in the way of parcel-post or postal-express facilities than are provided for in the Gardner-Goeke bill.

Very truly, yours,

RIGHT RELATIONSHIP LEAGUE,
E. M. TOUSLEY,
Secretary and Treasurer.

—

FARMERS AND TAXPAYERS' ASSOCIATION,
New York, July 24, 1912.

To Senator GARDNER OF MAINE.

DEAR SIR: Reading your speech of yesterday in the New York Times, beg to hasten to sincerely thank you for your attitude regarding the amendments that have been tacked onto Representative WILLIAM SULZER'S parcel-post bill. Will you kindly send us your address if it is printed in the CONGRESSIONAL RECORD? Last spring our committee united with the 100,336 Patrons of Husbandry in this State to ask for a parcel post. Some of our eyes are dimmed watching for it; some of our ears are impatiently listening to the discordant ideas of some Senators whom Mr. GARDNER of Maine does not agree with and whose ideas, if correctly quoted in the press, more clearly represent the people than many another Senator participating in the present consideration of trying to give the people a parcel post.

The citizens of the United States want and are justly entitled to a decent kind of a parcel post, something that will meet the people's need. It is high time that the people should be served and not railroads nor express companies so exclusively. Trusting that our Senators, one and all, may listen to the universal call from Maine to California for a parcel post and give the people, not the railroads and express companies, what they want, I beg to remain,

Respectfully, yours,

T. GARDNER ELLSWORTH,
Secretary on Legislation.

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CRADDOCK-TERRY CO.,
Lynchburg, Va., July 25, 1912.

Senator OBADIAH GARDNER,
United States Senate, Washington, D. C.

DEAR SIR: I noticed from the papers that you made a speech against the parcel-post bill now before the United States Senate, and I sincerely hope that you will be successful in defeating this bill and in passing your bill.

The more I have thought of the matter the more I am convinced that your bill will meet the demands of the people and be popular legislation, and I am to-day writing Mr. UNDERWOOD and Senator SWANSON, and I hope that these gentlemen will assist you in defeating the parcel-post bill and in passing your bill.

With kindest regards, I beg to remain,

Yours, truly,

C. G. CRADDOCK.

REPORTS OF COMMITTEES.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (H. R. 13566) for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy of the United States during any war with any foreign nation or people, reported it without amendment and submitted a report (No. 986) thereon.

He also, from the same committee, to which was referred the bill (S. 7125) to remove the charge of desertion from the military record of Elias Brant, submitted an adverse report (No. 987) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CRAWFORD, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 223) to provide for the inspection and grading of grain entering into interstate commerce and to secure uniformity in standards and classification of grain, and for other purposes, reported it with amendments and submitted a report (No. 988) thereon.

Mr. CLAPP, from the Committee on Interstate Commerce, to which was referred the bill (S. 6099) to amend section 15 of the act to regulate commerce, as amended June 29, 1906, and June 18, 1910, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 6100) appropriating $100,000 for the use of the Interstate Commerce Commission in addition to the sum or sums already appropriated for their use, reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 7377) granting a right of way through the Fort Shafter Military Reservation, Territory of Hawaii, to the Pearl Harbor Traction Co. (Ltd.), and for other purposes; to the Committee on Military Affairs.

By Mr. CULLOM:

A bill (S. 7378) for the relief of James E. C. Covel; to the Committee on Military Affairs.

By Mr. BAILEY:

A bill (S. 7379) to provide for a site and public building at Coleman, Coleman County, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Maine:

A bill (S. 7380) for the relief of the States of Massachusetts and Maine; to the Committee on Claims.

By Mr. SIMMONS:

A bill (S. 7381) granting a pension to Claudia Reid; and

A bill (S. 7382) granting a pension to L. R. Williamson; to the Committee on Pensions.

By Mr. BACON:

A bill (S. 7383) to increase the limit of cost for the post-office building heretofore authorized at Dublin, Ga.; to the Committee on Public Buildings and Grounds.

THE PANAMA CANAL.

Mr. WATSON (for Mr. CHILTON) submitted an amendment intended to be proposed by him to the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, which was referred to the Committee on Interoceanic Canals and ordered to be printed.

CLEARWATER RIVER BRIDGE, IDAHO.

Mr. BORAH. There is on the calendar a brief bill which it is extremely important to have passed as soon as possible. I ask unanimous consent for the consideration of the bill (S. 7315) to authorize the construction of a bridge across the Clearwater River at any point within the corporate limits of the city of Lewiston, Idaho.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Idaho?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. HEYBURN. I will make an inquiry of my colleague. It is provided that there shall be a draw in the bridge?

Mr. BORAH. The bridge is to be constructed in accordance with the provisions of the act to regulate the construction of

bridges over navigable waters of March 23, 1906. It has the approval of the department and of the people of the city of Lewiston.

Mr. HEYBURN. A bridge with a draw is contemplated?

Mr. BORAH. Yes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE PANAMA CANAL.

Mr. BRANDEGEE. Before closing the morning business I wish to give notice that on Monday, immediately at the conclusion of House bill 16571, Calendar No. 446, the matter of the fur-seal convention, which the Senator from Massachusetts [Mr. LODGE] has given notice he will call up, I shall ask the Senate to proceed to the consideration of the unfinished business, and I shall try to keep it before the Senate until it is finally acted on.

THE SUGAR SCHEDULE.

The PRESIDENT pro tempore. The morning business is closed, and the unanimous-consent agreement will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Saturday, July 27, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties," etc. (known as the sugar bill), and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The PRESIDENT pro tempore. The bill will be read in full.

The SECRETARY. The Committee on Finance reported the bill with an amendment, to strike out all after the enacting clause and insert:

That six months from and after the passage of this act there shall be levied, collected, and paid the rates of duty which are prescribed in the paragraphs of this act upon the articles hereinafter enumerated, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), and the said paragraphs and sections shall constitute and be a substitute for paragraphs 216 and 217 of section 1 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

First. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete, and concentrated molasses, testing by the polariscope not above 75°, ninety-five one-hundredths of 1 cent per pound, and for each additional degree shown by the polariscope test, thirty-five one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion; molasses testing not above 40°, 20 per cent ad valorem; testing above 40° and not above 56°, 3 cents per gallon; testing above 56°, 6 cents per gallon; sugar drainings and sugar sweepings shall be subject to duty as molasses or sugar, as the case may be, according to polariscope test: *Provided*, That every bag, barrel, or parcel in which sugar testing by the polariscope less than 99° is packed shall be plainly branded by the manufacturer or refiner thereof with the name of such manufacturer or refiner, and the polariscope test of the sugar therein contained, accurately within one-half of 1°, and a failure to brand any such bag, barrel, or parcel as herein required shall be deemed and taken to be a misbranding of food within the meaning of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes." And the requirements of this proviso shall not apply to any sugar shipped or delivered to a refiner to be refined before entering into consumption.

Second. Maple sugar and maple sirup, 4 cents per pound; glucose or grape sugar, 1½ cents per pound; sugar cane in its natural state or unmanufactured, 20 per cent ad valorem; sugar cane defecated, shredded, artificially dried, or which has been subjected to any manufacturing or other process, 50 per cent ad valorem.

Third. That nothing in this act contained shall be so construed as to abrogate or in any manner impair or affect the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on the 11th day of December, 1902, or the provisions of the act of Congress heretofore passed for the execution of the same, and that upon the taking effect of this act all acts and parts of acts in conflict with the provisions hereof shall be repealed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

Mr. LODGE. Mr. President, I am going to ask first that some graphic tables which I have had prepared, showing various statistics relating to sugar and comparing it with other products, may be reduced to small tables in black and white and printed as a Senate document. (S. Doc. No. —.)

The PRESIDENT pro tempore. Without objection, the request will be complied with.

Mr. LODGE. Mr. President, it is just a hundred years since Napoleon established in France the manufacture of beet sugar. That the beet contained sugar juice had long been known. Olivier de Serres, a distinguished French chemist, had pointed out this fact in 1600. In 1747 a Prussian chemist, Marggraf by name, had demonstrated that a true sugar could be extracted from beets. A pupil of Marggraf named Achard took up the work and made practical demonstrations of the practicability of extracting sugar from beets on a farm near Berlin. Although Achard received royal aid the industry languished and his labors bore little fruit until a letter which he addressed to Van Mons, and which was published in the annals of chemistry, led, in 1799–1800, to the appointment of a committee of the Institute of France to examine and report upon Achard's experiments. The committee reported that Achard overestimated the sugar extraction and underestimated the cost by one-half, but even a cost of 16 cents per pound was only one-half the price at which sugar was then selling, so two small factories were erected in the environs of Paris. Both were financial failures, and public attention was then concentrated on the hopeless plan of making a true sugar from grapes. Public events, however, soon forced active and practical measures which chemical knowledge and experiments, unassisted, had been unable to obtain. The control of the sea passed completely into the hands of England after the Battle of Trafalgar. Then followed Napoleon's continental blockade, and the Emperor's decrees and British Orders in Council between them made neutral commerce hazardous to the last degree and at times well-nigh impossible. One result was a sugar famine which soon prevailed in France and the small amount of sugar which reached the French market commanded fantastic prices. Trelawney, in his autobiography called the "Adventures of a Younger Son," describes his getting into Cherbourg in a fast American schooner which managed to slip through the British cruisers and make a French port. He says that the vessel carried spices, silks, and other articles of both luxury and necessity, then bringing enormous prices, but that the greatest profit was on sugar, which alone made an immense return on the investment. Such a situation as this was obviously intolerable, and on March 25, 1811, Napoleon issued his first decree giving a bounty for the production of beet sugar, and followed it by another in January, 1812, enlarging the reward and founding factories for instruction in the art. Even in the midst of the great events then culminating in the invasion of Russia and destined to result in the fall of the empire, Napoleon gave close attention to the development of this industry, which he was convinced was essential to the military strength and economic independence of France. His efforts were crowned with quick success. In 1813, less than three years after the first attempts, France had 334 beet-sugar factories and produced 3,500 tons of beet sugar. After the fall of Napoleon his plan was, in large measure, abandoned; the beet-sugar industry was neglected, and it was not until the time of the second empire that the policy of the first Napoleon was revived. Since then the industry has grown steadily until in 1900 and 1901 it reached the enormous production of 1,000,000 tons.

The point to which I wish to call attention, however, is not the history of the beet-sugar industry in France, but the reasons which led to its foundation in that country. Owing to the English supremacy at sea Napoleon found that France was dependent on other countries for its sugar supply. He came to the conclusion that this was a serious national weakness, because sugar was one of the important necessities of life. He therefore was convinced that it was a political as well as an economic necessity to make France independent, so far as possible, in regard to her supply of sugar. He took the view that a small and practically unfelt tax, levied on the people of France for the purpose of creating a native sugar industry, was a very trifling price to pay for independence in the production of this important article, and that in the long run the people would pay a great deal more for their sugar if they were left dependent for their supply upon other countries and upon the fortunes of war. It will be generally admitted, I imagine, that the first Napoleon was a man of more than ordinary ability, and I think it is no reflection to say that his intelligence was perhaps as high as the average intelligence of the framers of this House bill, who appear to have overlooked the importance of industrial independence in the production of sugar, which is the fundamental condition involved in this question. The views of Napoleon, moreover, in this matter seem to have been generally accepted by continental Europe. Germany adopted the same policy in the early forties, and we are all familiar with the large proportions which the sugar industry has assumed in Germany, Austria, and Russia, under Government encouragement.

During this development it was found that the production of beet sugar, which it was feared would withdraw too much land from the production of wheat, an objection imperiously disregarded by Napoleon in 1812, had an exactly contrary effect.

It was discovered that the production of the sugar beet, through the necessary deep plowing, thorough cultivation, and removal of foul growth, increased very largely the productive capacity of all other farming land, that it not only made the country independent in the production of sugar, but that it added enormously to its general agricultural capacity.

But the most striking support of the Napoleonic policy really has come from the English, who never accepted the French doctrine and whose policy for seventy years has been one of absolute hostility to the direct or indirect encouragement of industry by any form of legislation. The vast development of the beet-sugar industry in Europe resulted in a large surplus of bounty-fed sugar which the producing countries were enabled to pour into England at prices with which not even tropical cane sugar, unsustained by any bounty, could compete. The first effect of this under the English free-trade system was the practical ruin of her sugar islands in the West Indies. This her free-trade ministers bore with philosophy, pointing out that if those islands could not raise sugar in competition with the bounty-fed beet, it was their duty on the principles of free trade to turn their attention to other crops which they could raise at a profit. They overlooked the fact that there was no other crop in those islands to which the sugar planters could turn with the hope of profit—a fact more impressive, no doubt, to the inhabitants of the islands than to the free traders in London.

The next development was the gradual extinction of the English refineries. England had a very large business in refining cane sugar. A large part of the bounty-fed beet sugar, of course, came into England refined and the English and Scotch refineries began to go out of business. I think I am correct in stating that Glasgow and Greenock, which once had some 18 refineries, now have 6. This destruction of a home industry produced more effect in England than the misfortunes of the sugar islands, and the cherished doctrine of buying in the cheapest market and selling in the dearest began to look less desirable in this particular case. But that which finally turned the scale was that men of sense and foresight in England perceived that the country was becoming hopelessly dependent for a prime necessity of life upon European powers which were her rivals in trade and might very conceivably become her enemies in war. It was bad enough to be dependent for her wheat upon the United States and the Argentine, with whom there was no prospect of war, but to be dependent upon the Continent of Europe for an article like sugar gave pause even to the most ardent disciples of the doctrine of free trade.

The obvious relief of countervailing duties on bounty-fed sugar was, of course, suggested and was at once laid aside, because it was too clearly an abandonment of the free-trade principles. England then resorted to seeking an agreement among the nations producing a large surplus of bounty-fed sugars by which bounties should be restricted or abolished and the surplus available for introduction to her own markets limited. England labored in this direction for many years, and the result was the Brussels convention of 1902. It is not necessary at this point to go into the details of that convention with which I shall deal. Suffice it to say here that through the influence of England a system was established for the limitation of the artificial beet-sugar exportation. This was not as obvious a disregard of the principles of free trade as countervailing duties, but it was just as real and quite as effective. At the time of the Boer War England also put a small duty on sugar, and thus finally recognized, through her support of the Brussels convention and the imposition of a duty, that Napoleon was fundamentally right in the belief that it was for the best interest of a nation to make itself independent, so far as possible, in regard to this great necessity of life, and that sugar was eminently suitable for the production of revenue.

Therefore, in considering the question of the sugar duties, the first thing to be remembered is that the well-considered opinion of the entire world holds that it is important for a nation to be independent in the production of sugar, and yet it is only of late years that the United States, although its policy for a hundred years has been protective, has really adopted this principle in regard to sugar. During most of our history we have been dependent upon the West Indies for our supply, and it was not until the production of beet sugar began in this country that we realized that we were able to make ourselves entirely independent of the rest of the world in regard to sugar, if we would only give a reasonable protection by import duties sufficient to enable the beet-sugar industry to develop. That industry since its inception has made great strides, although it has been hindered in its progress by the constant threat of adverse legislation. There is no reasonable doubt that if the industry could be assured of sufficient protection for ten years the Nation would be entirely independent of the rest of the world for its sugar supply. These views, which the rest of the world have adopted, have been totally disregarded by the makers of the House bill. Under their scheme of free sugar the Louisiana cane and the American beet sugar would go out of existence, and the supply of tropical cane from Porto Rico, the Philippines, and Hawaii, while it might in part maintain a precarious existence, would be so trifling, compared to the total amount of our consumption, that we should be left dependent upon foreign nations for this great necessity of life.

I now come to the attitude of the world in regard to a tax on sugar as a means of raising revenue. Every civilized nation to-day imposes a tax on sugar. Europe derives over $200,000,000 in revenue from its taxes on sugar, and the United States collects over $50,000,000 from the same source. This fact alone shows that the opinion of the civilized world, without any reference to the question of encouraging or building up the industry, is in favor of raising revenue from sugar. The reason for this is obvious. The tax is easily and surely collected. Although so enormously productive, it is not, except in the case of one or two European countries, a heavy tax. It falls lightly on the people who pay it. It also, as nearly as possible with an indirect tax, distributes itself fairly, according to the paying capacity of the population. Those best able to pay pay most, because they are the principal purchasers of the many articles of luxury into the composition of which sugar enters. The rich and well-to-do households, moreover, consume naturally more sugar than the poorer ones.

Every nation lays a tax upon wines, liquors, and tobacco, and no one questions that they are proper subjects of taxation. In the case of wines and liquors, the subject of taxation is certainly a luxury and one which no man suffers from abandoning if he does not care to pay the tax. It is less easy to draw the line on tobacco, which in its simpler forms comes very near the point of being a necessity to those who work hardest and who lead lives of great exposure. Sugar is, of course, a necessity and not a luxury, but by the distribution of its consumption, to which I have just alluded, it bears a tax with as little injustice as possible and has all the other qualities which commend an article for taxation—ease and certainty of collection, lightness in the individual case, and great productiveness in the mass.

Contrary to the general view of all economists and of all civilized nations, the House of Representatives has thought it judicious to take sugar from the list as a revenue producer. They could not have been moved to this action by any idea that sugar bore an unusually heavy burden in this country, because with the exception of England and Denmark the duty or tax on sugar is less here than in any other beet-sugar country in the world. The following table shows the rates of import duties imposed by various European countries:

	Raw (cents per pound).	Refined (cents per pound).
Austria-Hungary	3.99	4.03
Belgium	1.75	1.75
Denmark	1.22	1.22
France	2.67	2.89
Germany	1.99	2.03
Italy	3.29	4.33
Netherlands (excise tax)	4.93	4.93
Russia	6.82	8.56
Spain	7.46	7.46
United Kingdom (98° or over)	.396	.396

The duty paid in the United States on imported sugar is, for the great mass of our importations which come from Cuba under the preferential duty of the reciprocity treaty, 1.34 cents per pound. Very little sugar comes into this country with the full duty paid, the full duty being 1.68 cents per pound for 96° sugar. The average rate of duty for the past eight years collected on all sugar imported into the United States was 1.4 cents per pound. England collects an import duty just short of 0.4 cent per pound; Denmark, 1.22 cents per pound, but a trifle less than is collected in this country; and all the rest collect more in import duties than here, ranging from 7.46 cents per pound in Spain to 1.75 cents in Belgium. It is also to be noticed that import duties are only part of the taxation which is imposed in other countries upon sugar. The European sugar-producing countries levy an excise tax, a direct tax, on the domestic sugar manufacture, and the amount of this excise tax is only half a cent a pound less than the import duty, so that the consumer in the beet-producing countries of Europe is obliged to pay a heavy tax on domestic sugar, while the foreign sugar is kept out by a surtax of one-half cent per pound. I think, therefore, that we

may take it as demonstrated that, in the opinion of all civilized nations, sugar is a proper subject for taxation and that in raising revenue under any system, whether free trade or protection, sugar ought to bear its share.

The theory of the proponents of free sugar as embodied in the House bill, if they had a theory extending beyond the collection of votes, would appear to have been that if the sugar duty was removed the entire benefit of the removal would come to the consumer and that he would receive his sugar, as I have seen it broadly and generously put, 2 cents less per pound than he now pays for it, and that the consumption per capita in the United States being 82 pounds, he would save $1.64 per year. If all the sugar brought into this country came in at 96° and paid 1.68 cents per pound, and each consumer consumed 82 pounds, he would save $1.3776 per year, so that we see at once that we have to abandon the attractive round number of 2 cents and come down from $1.64 to $1.37 as the annual saving, even on the face of the figures. But the proposition has other defects. The average consumption per capita in this country is not 82 pounds per year. According to the report of the Bureau of Labor the yearly consumption per capita is 53.7 pounds, the rest of the sugar consumed in this country being used in the manufacture of confectionery, condensed milk, chewing gum, bread, and other articles, the retail prices of which are not affected materially, if at all, by the price of sugar. Thus, taking the figures of the Bureau of Labor as correct, and my own personal investigation made before I knew them confirms the official statistics, we find that if the whole duty on 96° sugar of 1.68 cents per pound is removed each consumer will save 0.90216 cents per year.

Now, let us take the other factor of the saving. The average duty paid on sugar is not 1.68 cents, but 1.40 cents, as I have just shown, therefore the annual saving to the consumer, if the whole amount of the duty when removed went into his pocket, would be only 0.7518 cents. I will print here, with the permission of the Senate, a table giving the exact annual saving per capita for each tenth of a cent reduction, assuming that the entire duty removed goes direct to the consumer:

The PRESIDENT pro tempore. Without objection, leave is granted.

The table referred to is as follows:

Annual gross saving per capita.

On a reduction in duty of:	Cents.
One-tenth of 1 cent per pound	5.37
Two-tenths of 1 cent per pound	10.74
Three-tenths of 1 cent per pound	16.11
Four-tenths of 1 cent per pound	21.48
Five-tenths of 1 cent per pound	26.85
Six-tenths of 1 cent per pound	32.22
Seven-tenths of 1 cent per pound	37.59
Eight-tenths of 1 cent per pound	42.96
Nine-tenths of 1 cent per pound	48.33
1 cent per pound	53.70
Free sugar	72.28

Mr. LODGE. For purposes of comparison I put beside this table another showing the loss of revenue by each tenth of a cent reduction in the duty:

	Loss in revenue.	
	Total.	Per capita.
By a reduction of—		*Cents.*
One-tenth of 1 cent per pound	$3,899,932	4.33
Two-tenths of 1 cent per pound	7,799,864	8.66
Three-tenths of 1 cent per pound	11,699,796	12.99
Four-tenths of 1 cent per pound	15,599,728	17.33
Five-tenths of 1 cent per pound	19,499,660	21.66
Six-tenths of 1 cent per pound	23,399,592	25.99
Seven-tenths of 1 cent per pound	27,299,524	30.33
Eight-tenths of 1 cent per pound	31,199,456	34.66
Nine-tenths of 1 cent per pound	35,099,388	38.99
1 cent per pound	38,999,323	43.33
By free trade	52,496,559	58.33

I desire now to examine more closely the prospect which the consumer would possess of receiving this benefit of 75 cents a year. In the first place, we should remember that sugar has not been involved in the general advance of the prices of the necessities of life which has attracted so much attention and has become a question of so much gravity throughout the world.

In the lower part of table No. 7 hanging next the door, there is shown graphically from the figures of the Bureau of Labor and Statistics the increase in price of articles of daily consumption, of the necessaries of life, such as articles of food. The figures above the line at the bottom of the sheet represent the increases, running up to the highest, which is in pork products. The decreases are below the line. The first and largest decrease is in molasses, the next is in California raisins, and the third is in sugar. Those are the only articles that have decreased during the three decades from 1880 to 1910.

The average wholesale price of granulated sugar per pound in New York in 1870 was 13.53 cents; in 1880, 9.60 cents; in 1890, 6.17 cents; in 1900, 5.32 cents; in 1910, 4.97 cents. It will be observed that there has been a steady decline in the average price of sugar, decade by decade, although during each period of ten years there have, of course, been fluctuations, generally moderate, in the price.

I will insert here, with the permission of the Senate, a table of New York prices of raw and refined sugar during the calendar years from 1890 to 1910; terms, net cash. The table is taken from Willett & Gray's Statistical Sugar Trade Journal. I may say that Willett & Gray are recognized authorities upon this subject.

The PRESIDENT pro tempore. In the absence of objection, permission is granted.

The table referred to is as follows:

New York prices of raw and refined sugar during calendar years 1890 to 1910; terms, net cash.

[From Willett & Gray's Statistical Sugar Trade Journal.]

Calendar years.	89° Muscovado, per pound (including duty).	96° centrifugal, per pound (including duty).	96° centrifugal, Cuban sugar, per pound (without duty).	Granulated, in barrels, per pound.
	Cents.	*Cents.*	*Cents.*	*Cents.*
1890	[1] 5.010	5.445	[1] 3.238	[2] 6.171
1891	3.370	3.863	3.381	4.641
1892	2.810	3.311	3.311	4.346
1893	3.200	3.689	3.689	4.842
1894	2.600	3.240	2.868	4.120
1895	2.925	3.270	2.335	4.152
1896	3.157	3.624	2.588	4.532
1897	3.071	3.557	2.283	4.503
1898	3.713	4.235	2.550	4.965
1899	3.920	4.419	2.734	4.919
1900	4.037	4.566	2.881	5.320
1901	3.527	4.047	2.362	5.050
1902	3.035	3.542	1.857	4.455
1903	3.228	3.720	2.035	4.638
1904	3.470	3.974	2.626	4.772
1905	3.694	4.278	2.918	5.256
1906	3.183	3.686	2.316	4.515
1907	3.248	3.756	2.396	4.649
1908	3.573	4.073	2.713	4.957
1909	3.507	4.007	2.646	4.765
1910	3.688	4.188	2.828	4.972

[1] Less 2½ per cent for cash. [2] Less 2 per cent for cash.

Mr. LODGE. It will be observed that during the period of 20 years from 1890 to 1910, although, owing to special causes, like short crops, in 1900–1901 when the price of sugar rose to 5 and 5.3 cents, the general course has been steadily downward. In 1911 there was a shortage of sugar in the autumn of that year, and centrifugals in New York touched 5.794 cents in September, 5.896 in October, 5.127 in November, and were down to 4.824 in December; and yet, despite this quite abnormal rise, the average for the year was 4.454 cents, a lower average than for the preceding decade. I print these tables so that they may be examined in detail:

Average price by months for 96-test centrifugal sugars and London beet sugar at New York and the difference from 1901 to Mar. 31, 1912.

[Quotations in cents per pound.]

Month.	1912			1911			1910		
	Centrifugals.	Beet.	Difference.	Centrifugals.	Beet.	Difference.	Centrifugals.	Beet.	Difference.
January	4.424	5.210	0.786	3.584	3.880	0.296	4.087	4.770	0.683
February	4.656	5.338	.682	3.577	3.970	.393	4.208	4.830	.622
March	4.481	5.213	.732	3.823	4.170	.347	4.373	5.104	.731
April	.....	.....	.....	3.894	4.245	.351	4.311	5.080	.769
May	.....	.....	.....	3.852	4.205	.353	4.267	5.170	.903
June	.....	.....	.....	3.911	4.320	.409	4.234	5.136	.902
July	.....	.....	.....	4.285	4.633	.348	4.336	5.160	.824
August	.....	.....	.....	4.880	5.150	.270	4.408	5.185	.777
September	.....	.....	.....	5.794	5.654	.140	4.272	4.566	.294
October	.....	.....	.....	5.896	5.795	.101	3.882	3.970	.088
November	.....	.....	.....	5.127	5.576	.449	3.881	3.867	.014
December	.....	.....	.....	4.824	5.212	.388	3.982	3.878	.104
Average for year	.....	.....	.....	4.453	4.749	.296	4.188	4.722	.534

Average price by months for 96-test centrifugal sugars, etc.—Continued

Month.	1909			1908			1907		
	Centrifugals.	Beet.	Difference.	Centrifugals.	Beet.	Difference.	Centrifugals.	Beet.	Difference.
January	3.706	4.138	0.432	3.862	4.070	0.208	3.513	3.832	0.319
February	3.651	4.120	.469	3.733	4.090	.357	3.416	3.870	.454
March	3.871	4.188	.317	4.121	4.280	.159	3.513	3.910	.397
April	3.940	4.190	.250	4.388	4.450	.062	3.696	3.955	.259
May	3.905	4.222	.317	4.333	4.410	.077	3.835	4.076	.221
June	3.915	4.215	.300	4.338	4.350	.012	3.792	4.050	.258
July	3.946	4.210	.264	4.313	4.350	.037	3.871	4.015	.144
August	4.085	4.395	.310	4.069	4.080	.011	3.917	4.060	.143
September	4.201	4.450	.249	3.941	4.040	.099	3.943	4.117	.174
October	4.268	4.372	.104	3.995	4.070	.075	3.922	3.978	.056
November	4.368	4.592	.224	3.937	4.160	.223	3.769	3.957	.188
December	4.179	4.638	.459	3.805	4.130	.325	3.793	4.030	.237
Average for year	4.007	4.311	.304	4.073	4.208	.135	3.756	3.990	.234

Average price by months for 96-test centrifugal sugars, etc.—Continued.

Month.	1906			1905			1904		
	Centrifugals.	Beet.	Difference.	Centrifugals.	Beet.	Difference.	Centrifugals.	Beet.	Difference.
January	3.640	3.708	0.068	5.106	5.385	0.279	3.360	3.705	0.345
February	3.395	3.672	.277	5.048	5.280	.232	3.356	3.625	.269
March	3.482	3.744	.262	4.943	5.164	.221	3.530	3.712	.182
April	3.456	3.758	.302	4.791	4.888	.097	3.630	3.780	.150
May	3.450	3.668	.218	4.460	4.570	.110	3.828	3.903	.075
June	3.520	3.685	.165	4.312	4.482	.170	3.909	3.934	.025
July	3.735	3.755	.020	4.062	4.258	.195	3.940	3.998	.058
August	3.898	3.910	.012	4.062	4.026	.036	4.171	4.142	.029
September	4.069	4.042	.027	3.798	3.793	.005	4.298	4.258	.040
October	4.000	3.938	.062	3.579	3.775	.196	4.253	4.322	.069
November	3.830	3.836	.006	3.498	3.718	.220	4.549	4.905	.356
December	3.782	3.868	.086	3.608	3.705	.097	4.825	5.008	.183
Average for year	3.686	3.800	.114	4.278	4.420	.142	3.974	4.141	.167

Mr. LODGE. I will also ask leave to print at this point a table compiled from the Willett & Gray returns and the official returns showing the price of sugar in Europe and the United States in July, 1912, which are the very latest figures.

The PRESIDENT pro tempore. Without objection, permission is granted.

Sugar in Europe and the United States.

[Compiled by Truman G. Palmer (July, 1912). All in metric tons, 2,204.6 pounds.]

Country.	Population.	Beet-sugar production, season of 1910–11.			Sugar imports.	Sugar exports.	Sugar consumption.		Import duties and excise.		Retail price of granulated sugar.[1]		
		Factories operating.	Sugar produced per factory.	Total sugar produced.[2]	Aug. 31, 1910, to Sept. 1, 1911.[3]	Aug. 31, 1910, to Sept. 1, 1911.[3]	Aug. 31, 1910, to Sept. 1, 1911, total.	Per capita.[4]	Per 100 pounds.[5]	Total revenue derived from sugar.[6]	City at which quoted.	July, 1911 (per pound).	Nov., 1911 (per pound).
			Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Pounds.*				*Cents.*	*Cents.*
Germany	63,366,000	[7]354	7,316	2,589,869	3,913	1,125,868	1,377,059	47.91	$2.03	$37,800,000	Hamburg	5.9	7.8
Russia in Europe	131,235,000	276	7,640	2,108,760	(7)	148,885	1,338,780	22.49	8.56	55,319,700	Warsaw	7.2	7.2
Austria Hungary	51,300,000	203	7,501	1,522,785	(7)	811,535	663,879	28.53	4.02	38,963,200	Vienna	6.5	9.0
France	39,460,000	241	2,951	711,172	[8]157,680	169,236	766,791	42.84	2.89	31,904,100	Paris	5.9	8.2
Belgium	7,452,000	77	3,678	283,222	7,146	155,444	129,098	38.37	2.23	3,669,600	Brussels	5.4	6.2
Netherlands	5,860,000	27	8,033	216,886	[9]59,483	145,724	121,394	45.67	4.92	9,516,900	Amsterdam	8.7	10.9
Italy	34,565,000	35	5,240	183,400	6,546	.....	158,354	10.10	8.67	19,476,400	Rome	14.0	14.6
Sweden	5,490,000	21	8,276	173,804	893	.....	144,384	57.98	3.64	4,417,400	Stockholm	8.0	8.5
Denmark	2,730,000	8	13,625	109,000	23,369	1,522	104,304	84.23	1.22	1,437,000	Copenhagen	5.0	6.6
Spain	19,800,000	30	2,333	70,000	41	.....	122,953	13.69	7.00	7,006,600	Madrid[10]	12.2	11.5
Roumania	6,960,000	5	10,000	50,000	.....	.....	33,403	10.58	6.56	[11]3,858,050	Bucharest	10.1	11.8
Servia	2,880,000	1	7,443	7,443	3,133	.....	10,264	7.94	5.31	[11]794,861	Belgrade	8.7	9.7
Bulgaria	4,329,000	1	3,700	3,700	14,585	.....	16,848	8.58	4.69	[11]1,694,005	Sofia	[11]7.2	.....
Switzerland	3,765,000	1	2,700	2,700	101,307	.....	130,373	76.34	.79	[11]1,764,397	Zurich[10]	5.1	6.1
Greece	2,640,000	1	.....	[12]	7,885	.....	10,777	9.00	5.06	[11]879,593	Athens[10]	11.4	13.1
Norway	2,393,000	.....	.....	.....	46,174	.....	50,039	46.10	2.43	[11]2,473,623	Christiania	6.3	8.2
Finland	3,050,000	.....	.....	.....	[11]46,000	.....	45,392	32.81	6.48	[11]6,571,471	Finland	[11]8.9	.....
Portugal and Madeira	5,770,000	[12]	.....	.....	33,258	.....	37,924	14.49	7.26	[11]5,323,074	Lisbon	10.3	11.2
Turkey in Europe	6,130,200	.....	.....	.....	[11]40,000	.....	37,815	13.60	[14]	.....	Constantinople[10]	5.1	6.2
United Kingdom	45,677,000	[12]	.....	.....	[15]1,752,906	52,836	1,899,513	91.68	.40	14,408,932	London	5.0	5.5
Europe (totals and averages).	444,822,200	1,281	6,275	8,032,741	2,304,319	2,611,030	7,199,944	35.68	4.43	247,232,907	.....	7.84	9.03
United States	94,818,000	[16]63	7,342	[17]462,529	[18]2,580,360	[19]19,324	[17]3,405,205	[20]79.20	[21]1.90	[22]52,496,559	New York	[23]5.69	6.94

[1] From reports gathered by the State Department from American consuls and published in H. Doc. No. 510, 62d Cong., 2d sess. The marked difference in July and November prices was occasioned by a shortage of over 1,000,000 tons in the 1911 sugar crop of the world, due to drought. In the original report of Consul General Griffith, of London, covering July, 1911, retail prices in London, the following quotations are given in United States cents per pound. In view of these quotations the London figure for July has been placed at 5 cents per pound.

[2] International Association for Gathering Sugar Statistics.

	Cents.
Centrifugal	6
Demarara	4–4½
Demarara, finest	5
Granulated	4
Granulated, finest	5
Castor, fine	4½–5
Castor, extra fine	6
Loaf, good	5
Tate's (loaf) No. 1, best	5–6
Tate's (loaf) No. 2	4
Tate's (loaf) "after tea cubes"	6
Preserving	4–4½
Icing	6
Icing, finest	8
Pure Porto Rico	5
Real West India	5
Sparkling lump	5
Double refined lump	5–6
Lump dust, sifted	4–4½
Lump for preserving	4½

[3] F. O. Licht for imports and exports of Germany, Austria-Hungary, France, and Belgium. Imports and exports of Holland and Russia, from Government official publications, calendar year 1910. Other figures from British Statistical Abstract, calendar year 1910.

[4] Otto Licht in Willett & Gray, Feb. 29, 1912, p. 92.

[5] British Board of Trade Reports.

[6] Official figures.

[7] Not any.

[8] 8,702 tons from Dutch East Indies; balance, raw beet, both for refining and reexport.

[9] 18,971 tons foreign; balance from French Colonial possessions.

[10] Lump and loaf. No quotations given for granulated.

[11] Estimated.

[12] No data.

[13] Factories now under construction for 1912–13 campaign.

[14] 11 per cent ad valorem.

[15] British Statistical Abstract, calendar year 1910; importations consisted of 857,710 metric tons refined beet; 316,126 tons raw beet; 451,110 tons foreign cane, and 127,969 tons cane from British Colonial possessions.

[16] Five factories idle.

[17] Willett & Gray.

[18] Willett & Gray, calendar year 1911. Importations consisted of 489,974 tons from Hawaii; 285,128 tons from Porto Rico; 171,112 tons from Philippines; total insular, 946,214 tons free of duty; 1,431,888 tons from Cuba, with 20 per cent concession from full tariff rates; 202,259 tons of other foreign paying full tariff rates; total importations, 2,580,360. Adding to this the 292,699 tons of Louisiana and Texas cane, 514,963 tons of domestic beet, and 17,182 tons molasses and maple sugar, equals the total United States consumption of 3,405,204 tons.

[19] Willett & Gray, calendar year 1911.

[20] Willett & Gray, Feb. 29, 1912, p. 92; calendar year 1911.

[21] Average rate of United States duty collected on all dutiable exports for fiscal year 1911, 1.346 cents per pound; but 2,049 tons imported at rate of $1.50.

[22] Fiscal year 1910–11.

[23] The average New York retail price of 5.69 cents is derived by adding to the New York wholesale price of $4.90, 79 cents per 100 pounds, which was the average cost of distribution and retailers' profit 1890 to 1907, as ascertained by the Bureau of Labor.

Mr. LODGE. There can be no complaint, therefore, of high prices in the case of sugar, and when the special committee, of which I was chairman, was examining into the question of wages and prices a few years ago it was found necessary to explain the fact that sugar had been falling while all other necessities of life had been rising. The explanation, of course, was that the supply of sugar outran the consumption, taking it over a considerable period of time. Even when there had been a shortage and a temporary rise in price the rise had not been enduring and the average price, taken by years or by decades, had been steadily downward. It can not be doubted that one reason for this decline is to be found in the development of the domestic sugar industry of the continental United States, which has reached some 900,000 tons, a very important addition to the world's supply.

Now let us see whether the American consumer has suffered in comparison with other countries. Early in July, 1911, the wholesale price of refined sugar in New York was 4.9 cents per pound, or 5.69 cents retail if we add to the wholesale price the 79 cents per 100 which was charged in New York for profit and cost of distribution during a period of 17 years, as shown by the Bureau of Labor. At the same time European retail prices of granulated as gathered by the State Department were as follows:

Hamburg, 5.9; Warsaw, 7.2; Vienna, 6.5; Paris, 5.9; Brussels, 5.4; Amsterdam, 8.7; Rome, 14; Stockholm, 8; Copenhagen, 5; Madrid, 12.2; Bucharest, 10.1; Belgrade, 8.7; Sofia, 7.2; Zurich, 5.1; Athens, 11.4; Christiania, 6.3; Finland, 8.9; Lisbon, 10.3; Constantinople, 5.1; London, 5.

It will thus be seen that sugar was cheaper in the United States than in the majority of the great European sugar markets. The difference between even London, the lowest, and the United States was comparatively very small—only 69 cents on 100 pounds. I ought to say that the figures for July, 1911, were taken before the great rise in prices, occasioned by the shortage in the world's sugar crop which developed later in that year. The average retail price of sugar in the United States from 1890 to 1907 was only 5.7 cents per pound, and the average price has been lower rather than higher since then. That which has kept the American sugar prices at this low level has been the home production—the cane sugar of Louisiana and the beet sugar of the West.

Now, what are we to gain if we are put on a free-sugar basis? In order to show the exact situation it is necessary for me to trace in some detail the history of the Brussels convention and its provisions, to which I have already alluded, for it is that convention which will govern the prices of sugar in the United States if our own duties are abolished.

The Brussels convention of 1902 was brought about, as I have said, by Great Britain after more than thirty years' effort on the part of the British Government. The purpose of the agreement was to save the British colonial raw-sugar industry and the sugar-refining industry of the United Kingdom from going into absolute decay through the ever-increasing competition of bounty-fed continental beet sugar.

Under government stimulation the production of beet sugar on the Continent of Europe grew from 200,000 tons in 1860 to 6,682,000 tons in 1901–2. Of this amount 3,043,000 tons were exported, and over one-half of Europe's total exports were dumped into the British markets, more than 1,000,000 tons of it being refined sugar ready for consumption. Under this fierce and unfair competition the price of sugar declined from year to year, dropping from 5.83 cents per pound for muscovados in 1860 to 1.91 cents for raw cane and 1.56 cents for raw beet sugar in 1902. The British colonial planter received as much money for one pound of old-fashioned low-degree muscovado sugar in 1860 as he received for three pounds of 96° centrifugal sugar in 1902. Besides receiving a ruinously low price for his product, the British colonial planter was being driven out of the British market. Great Britain imposed the same import duty on the product of her colonial planters that she imposed on foreign products, and under the European bounty system the odds were too great for the tropical planters to overcome. From 1887 to 1902, during which time the annual consumption of sugar in Great Britain increased 400,000 tons, the British imports of colonial sugar fell from 150,000 to 77,000 tons, and unless some change were brought about the extinction of the British colonial sugar planter seemed to be inevitable. The total sugar imports of the United Kingdom in 1901 were as follows:

	Long tons.
Unrefined beet root	500,470
Unrefined foreign cane and other sorts	91,655
Unrefined from British possessions	77,230
Foreign refined beet	1,062,831
Refined from British possessions	214
Total	1,732,400

The condition of the British sugar-refining industry, once great and powerful and ranking above that of any other nation in the world, shared the same fate as the British colonial sugar industry, suffering not only from continental but from British legislation. When in 1849 the British import duty on sugar was reduced from 36½ cents to 5½ cents per pound there still remained a substantial difference in the duty on raw and refined sugar which served as protection to British refiners, and they were happy and prosperous. I could hardly believe, when I first saw it stated that the British import duty in 1839 amounted to 36½ cents per pound, that these figures were possible, but from a very careful and thorough examination of British duties, going back to 1660, I have had compiled a table which shows the rates of duty extending over a considerable period, from 1803 down to 1850. I ask leave to print it at this point, as it is a very interesting and instructive table.

The PRESIDENT pro tempore. Without objection leave will be granted.

GREAT BRITAIN.

Import duties on foreign raw and refined sugars, 1801–1912.

[Compiled by Truman G. Palmer, from Customs Tariffs of the United Kingdom from 1800 to 1897. British Board of Trade, 1907, ch. 8706.]

	Duty per hundredweight (112 pounds).		Equivalent duty per pound in United States currency.		
	"Foreign brown or muscovado."	"Refined sugar (foreign)."	Raw sugar.	Refined sugar.	Difference per pound.
	£. s. d.	£. s. d.	Cents.	Cents.	Cents.
1660[1]	0 7 4	0 17 0	1.60	3.70	2.10
1685 (added 3d. refined; ¼d. muscovado)	7 4½	17 3	1.61	3.75	2.14
Under William III, "doubled" (reigned 1689–1702)	14 9	1 14 6	3.21	7.50	4.29
Under Anne, "trebled" (reigned 1702–1714)	1 2 1½	2 11 9	4.81	11.25	6.44
1726[2]	[3]1 0 10½	[3]2 8 5½	[3]4.54	[3]10.53	5.99
1757	1 10 0½	3 9 8½	6.54	15.17	8.63
1774	1 17 10½	4 6 8½	8.24	18.85	10.61
1782	2 5 3 1/10	4 18 7 3/10	9.86	21.44	11.58
1787	2 5 6	4 18 8	9.89	21.46	11.57
1801	1 14 0	5 3 7½	7.39	22.52	15.13
1803	2 4 9½	6 14 4½	9.74	29.22	19.48
1804	2 9 5½	7 8 4½	10.75	32.26	21.51
1805	2 10 4½	7 11 2½	10.96	32.87	21.91
1806	2 16 0	8 8 0	12.17	36.52	24.35
From July 5, 1809	3 0 0	8 8 4	13.04	36.59	23.55
1810:					
To May 5	3 0 0		13.04		20.30
May 5 to Sept. 5	3 2 0	7 13 4	13.48	33.34	19.86
From Sept. 5	3 1 0		13.26		20.08
1811 and 1812	3 0 0	7 13 4	13.04	33.34	20.30
1813:					
To May 5	3 0 0	7 13 4	13.04	33.34	20.30
From May 5	3 3 0		13.69		19.65
1814	3 3 0	7 13 4	13.69	33.34	19.65
1816:					
To Sept. 5	3 3 0	7 13 4	13.69	33.34	19.65
From Sept. 5	3 0 0		13.04		20.30
1817	3 0 0	7 13 4	13.04	33.34	20.30
1818	3 3 0	7 13 4	13.69	33.34	19.65
1819:					
To May 5	3 3 0		13.69		22.83
May 5 to Sept. 5	3 1 0	8 8 0	13.26	36.52	23.26
From Sept. 5	3 0 0		13.04		23.48
1820 to 1824	3 0 0	8 8 0	13.04	36.52	23.48
1825, from Mar. 25	3 3 0	8 8 0	13.69	36.52	22.83
1840, from May 15 (additional 5 per cent)	3 6 1½	8 16 4½	14.38	38.35	23.97
1845, from Mar. 14	3 3 0	8 8 0	13.69	36.52	22.83
1846, from Aug. 18	2 2 0	3 3 0	9.13	13.69	4.56
1848, from July 12	1 1 7	1 6 8	4.69	5.79	1.10
1849, from July 5	19 10	1 4 8	4.31	5.36	1.05
1850, from July 5	18 1	1 2 8	3.93	4.93	1.00
1851, from July 5	16 4	1 0 8	3.55	4.49	.94
1852, from July 5	15 2	19 4	3.29	4.20	.91
1853, from July 5	14 0	17 4	3.04	3.77	.73
1854:					
From May 9	16 7 8/10	19 11 3/10	3.62	4.33	.71
From July 5	14 0	17 4	3.04	3.77	.73
From Aug. 2	14 0	16 0	3.04	3.48	.44

[1] 5 per cent ad valorem value, refined, £17 per hundredweight (112 pounds) (73.91 cents per pound), 5 per cent ad valorem=3.70 cents per pound; raw, £7 6s. 8d. per hundredweight (112 pounds) (31.88 cents per pound), 5 per cent ad valorem=1.60 cents per pound.

[2] 15 per cent ad valorem value, refined, £17 per hundredweight (112 pounds) (73.91 cents per pound), 15 per cent ad valorem=11.09 cents per pound; raw, £7 6s. 8d. per hundredweight (112 pounds) (31.88 cents per pound), 15 per cent ad valorem=4.78 cents per pound.

[3] There is a discrepancy in these figures as compared with the figures derived in footnote 2. The figures in the table are "Rate of valuation on refined," £17, and the duty, 15 per cent ad valorem. Upon this basis the duty would be £2 11s. per hundredweight of 112 pounds (11.09 cents per pound), whereas the figures in the book are given as £2 8s. 5 5/8d. per hundredweight of 112 pounds (10.53 cents per pound).

The "Rate of valuation on raw sugar" is given as £7 6s. 8d. per hundredweight. Upon the basis of 15 per cent ad valorem the rate would be £2 2s. per hundredweight (4.78 cents per pound), as shown in footnote 2, whereas the table in the book gives £1 10 3d. as the 15 per cent ad valorem rate of duty on the valuation of £7 6s. 8d. How the original compiler of the British table arrived at these figures it is impossible to state.

The British pound sterling is figured as equivalent to $4.87 in the above conversions.

Import duties on foreign raw and refined sugars, 1801–1912—Continued.

	Duty per hundredweight (112 pounds).		Equivalent duty per pound in United States currency.		
	"Foreign brown or muscovado."	"Refined sugar (foreign)."	Raw sugar.	Refined sugar.	Difference per pound.
	£. s. d.	£. s. d.	*Cents.*	*Cents.*	*Cents.*
1855, from Apr. 21	17 6	1 0 0	3.80	4.35	0.55
1857, from Apr. 5	16 0	18 4	3.48	3.99	.51
1864, from May 5 on refined, from Apr. 16 on raw	11 8	12 10	2.53	2.79	.26
1867, from May 1	11 3	12 0	2.45	2.61	.16
1870 to 1872, from May 2	5 8	6 0	1.23	1.30	.07
1873, from May 28	2 10	3 0	.62	.65	.03
1874, from May 1	(1)	(1)			
	96°.	*98° and above.*			
1901 to 1908	3 8 5/8	4 2	.809	.902	.093
1908 to date (1912)	1 7 1/8	1 10	.361	.401	.04

[1] Free to 1901.

NOTE—Prior to 1801 sugar from British possessions was admitted to the United Kingdom at a lower rate of duty than that imposed on foreign sugar. Subsequent to 1801 the rate of duty has been the same, regardless of origin.

Mr. LODGE. In 1850 this difference amounted to 1 cent per pound. In 1864, at the invitation of the French, Belgian, and Dutch Governments, Great Britain joined an international sugar conference which met in Paris. As a result of the agreement reached at that conference Great Britain lowered her sugar duties, bringing the difference between raw and refined down to 26 cents per 100 pounds. The troubles of her refiners began at once, for from that time on her markets were flooded, first with French and later with other continental refined sugar, and by 1877 there was but one loaf-sugar manufacturer left in the United Kingdom. Notwithstanding the fact that reducing the differential between raw and refined had played such havoc with her own refiners and had transferred a large portion of the business to the Continent, so wedded were British statesmen to free trade that they continued to lessen the differential from year to year, and in 1874 placed both raw and refined sugar on the free list. As a result of continental and British sugar legislation British imports of refined sugar increased from 1864 to 1902 by leaps and bounds. In 1860, 98 per cent of the British sugar imports was raw sugar and but 2 per cent was refined. In 1911 but 39 per cent was raw sugar and 61 per cent was refined, the annual imports of refined sugar increasing from 18,000 tons in 1860 to 1,062,831 tons in 1901.

Meanwhile bounty-fed European sugars were displacing tropical sugars in the markets of the United States as well as in Great Britain. Several hundred thousand tons were coming in yearly, and in 1897 the United States importations of these sugars reached 932,000 tons. With the enactment of the Dingley tariff bill, in July, 1897, the United States countervailed against bounty-fed sugars, forcing them to pay into the United States custom-houses an excess duty equal in amount to the bounty advantages they received at home. In 1898 our imports of these sugars amounted to but 70,000 tons. Later they crept up to 350,000 tons, but they gradually faded away, and since our 20 per cent tariff concession to Cuba very little European beet sugar has been imported into the United States. The Indian markets also were flooded with European sugars, and in 1899 India followed the lead of the United States and countervailed against them, with results similar to those obtained here. The British Government considered the adoption of a similar measure, the advocates of it arguing that its adoption would not be a tax on sugar, but a tax on the bounties paid by foreign Governments and hence would not be an abandonment of the British free-trade policy. Their argument was met with violent indignation and heated controversy, and the plan was abandoned, leaving no means of relief save through an international agreement.

As Great Britain could see no other way to save her tropical raw sugar and her home sugar-refining industries without running counter to her policy of free trade, her only recourse was to force the continental Governments which paid sugar bounties to abolish those bounties. It would seem that the British Government could have done this at any time had she persisted, because of the fact that the bulk of the continental sugar exports were consumed in the United Kingdom, and if the continental Governments refused to enter into such an agreement Great Britain could have closed her ports to continental sugar. This she threatened to do, but never executed the threat. The continental Governments frustrated every effort to secure an international sugar agreement until they had so worked out their economies that they could compete with the world. Then they signed the Brussels agreement, under which they abolished their bounties and kartels, and they since have been supplying the British market with sugar just as they were doing before, although the amount of the refined beet sugar imported was less and the unrefined was more. In 1910 the British sugar imports were as follows, the total imports from British colonies being but 130,000 tons:

	Long tons.
Refined beet	841,671
Unrefined beet	311,130
Total beet	1,152,801
Cane and other sorts	569,918
Total	1,722,719

The movement which resulted in the Brussels agreement of 1902 was started in 1872 by the British refiners. In 1875 the British Government succeeded in calling an International Sugar Conference at Brussels, but no agreement was arrived at. Again, in 1876 and 1877, an international conference assembled in Paris, but came to naught. In 1879 the House of Commons appointed a select committee to examine into every phase of the sugar question. This committee worked for two years, but nothing practical was accomplished and the agitation went on, finally resulting, as I have said, in the Brussels Convention of 1902. Under the terms of the convention the signatory powers—Germany, France, Austria-Hungary, Belgium, Holland, Spain, United Kingdom, Italy, Sweden, and Norway—agreed to abolish all bounties, kartels, and so forth, the result being that since that time it has been impossible for European sugars to be marketed at less than the cost of production and have the loss made up by the home government or kartel. Prior to the signing of the agreement British statesmen confidently expected that it would sound the death knell of European sugar exports and that the colonies would come into their own and supply the British people with their sugar. It gave the European sugar industry a temporary check, but that industry soon recovered the lost ground, and the present annual production is 50 per cent, or 3,000,000 tons, in excess of what it was when the Brussels Convention was signed.

British economists estimate that during the latter years of the bounty period the British people purchased their sugar for £5,000,000 less than the cost of production and that now, by reason of having to pay what the article costs to produce, it is costing them an additional $25,000,000 a year for their sugar. As the industry in the colonies has not been stimulated to any important extent, some British statesmen favor withdrawing from the Brussels agreement, believing that if they did so the continental sugar-producing countries would reestablish the bounty system and thus save Great Britain $25,000,000 a year. Other and more farseeing men realized that the main object of the continental statesmen, in paying export bounties was not a matter of benevolence nor was it because they so loved the British people that they wished to provide them with their sugar supply at a price $25,000,000 below the actual cost of production. These English economists perceived that where Europe lost from twenty-five to fifty million dollars a year on their sugar exports they gained several hundred million dollars a year from the increased yield of other crops through rotating them with sugar beets. By repeated experiments the fact has been demonstrated that British soil produces a greater tonnage and richer beets than are produced in Germany, and farsighted British statesmen are in favor of encouraging the establishment of the beet-sugar industry in the United Kingdom in order to build up their agriculture and keep at home the $120,000,000 which Great Britain annually sends abroad for the purchase of sugar. The present British sugar duty is but 39 cents per 100 pounds, but so confident are these men that the British people will change their attitude that within the last few months they have secured contracts for 3,500 acres of beets and have started the erection of a beet-sugar factory ten miles from Yarmouth and will begin producing sugar next autumn.

In 1801 Achard, the German chemist, who, as I have already said, discovered a method of extracting beet sugar and who erected the first beet-sugar factory in the world, asserted that British emissaries offered him $30,000, and later $120,000, if he would declare the process a failure. Shortly thereafter Sir Humphrey Davy, the eminent British chemist, published an article in which he stated that beet sugar was bitter and unfit for human consumption. Having fought the beet-sugar industry continuously for over a century, it would seem strange, indeed, if at last the British people should derive their sugar supply from British-grown beets.

With these facts before us nothing can be clearer than that if we abolish our sugar duties we shall be left at the mercy of the signatories to the Brussels convention. At the present

time the United States is conventional territory. The signatories have nothing to do in order to get control of the American market except to declare that the United States is not conventional territory, and thereby permit Russia, which possesses a great surplus of sugar, and other beet-sugar producing countries to pour their oversupply into the United States at any price they please. One year of that process would annihilate the domestic sugar industry of this country and probably reduce the production of our islands to a negligible quantity. Having thus destroyed American competition the signatories to the convention could then declare the United States again conventional territory, divide the sugar necessary for the consumption of the United States among themselves, and sell it to us at any price they chose to fix. It is not to be supposed for a moment that anything so obvious as this would be overlooked. The consumer of the United States might have a short period of slightly lower prices and that would be followed by higher prices fixed entirely at the will of a foreign combination. The price at which bounty-fed sugars can be poured into an unoccupied market is shown by what was done by the bounty-fed sugar of Europe in the English market before the Brussels agreement, and we are not left, therefore, to our unassisted imagination to foretell the outcome.

Who, then, in the United States, is seeking as a matter of personal interest to bring about the results which I have tried to portray? I mean what are the forces outside of Congress which are pressing for free sugar or for a heavy reduction in the rates? Certainly neither consumers, who are conscious of no rise in sugar prices, nor sugar growers, who naturally are not laboring for their own ruin. So far as I have been able to learn the movement for free sugar, outside of Congress, has come from two of the three great sugar refineries of the country, and from that source alone. We are accustomed in speaking of the "Sugar Trust" to mean thereby the American Sugar Refining Co., and for many years that company, having absorbed most of the lesser refineries, was fitly described by that phrase. Since those days of absorption there have grown up, however, two other refineries, those owned by the Arbuckles and the Federal Co., belonging to the Spreckels interests. These independent refineries differ in no respect from the American Sugar Refining Co. except that they are perhaps not so large. Although all three are rivals, their general and essential interests are the same. The American Sugar Refining Co. has not appeared in this campaign for free sugar, but the Arbuckles have warmly advocated free sugar, and the Federal Co. has spent money, employed agents and lobbyists, distributed broadcast throughout the country circulars filled with statements more or less false, and has urged the removal of the duties on sugar. It is therefore not amiss to consider briefly what the purposes of these philanthropists may be in seeking unselfishly and at much expense to benefit, as they assert, the people of the United States by giving them sugar free of duty.

The interest of the American sugar refiners in maintaining a tariff on sugar is confined to the difference between the duty maintained on imports of raw sugar—their raw material—and the duty maintained on refined sugar—their finished product; in other words, that portion of the duty known as the "refiners' differential." The refiners say that owing to the increased volume of business which would be brought about by lowering the price of sugar they gladly would give up their differential if they could but import their raw sugar free of duty. But this is not the whole story, and this consideration is not in itself of sufficient importance to account for the strenuous war which the refiners of the Federal Co. are making on the present sugar tariff. Their assertion that they are actuated by philanthropic motives and a desire to give the people cheaper sugar can be disposed of by a brief account of their methods of business during the past year.

In the summer of 1911 it became apparent that there would be a shortage in the world's sugar crop, and although, according to the records of the United States Treasury Department, American refiners were paying no more or but little more for raw sugar, the American Sugar Refining Co. advanced the price of refined sugar from $4.90 in July to $6.50 in October, the Federal Sugar Refining Co. increased it to $7.25, and Arbuckle Bros. to $7.50. Only in October, when the domestic beet sugar came into the market at $6.50, did these refiners lower their prices in order not to retire from the market. (See Hardwick Hearings, pp. 3362–3363, 3364.) By December the price had receded to $5.53, and Mr. Wallace P. Willett, the sugar expert of Willett & Gray, stated that but for the marketing of this domestic beet-sugar product the price of sugar in America would have gone higher than any other price we have seen. Mr. Willett said to the Hardwick committee:

> The moment our American beet-sugar production became available on the market the rise stopped, and, owing entirely and totally to this American production, refined sugars were a cent and a half lower than they were at the highest point. But for that American production we to-day would be buying sugar at the world's prices. (Pt. 37, p. 3084, of hearings.)

Until the domestic crop of beet sugar invaded the market, the refiners had a monopoly and fixed the price of their product at will. To what figure they would have increased the price of their product and the extra millions they would have made at the expense of the people had not the new crop of beet sugar broken their monopoly, it is impossible to say. It also is impossible to say how many extra millions the Federal, the Arbuckles, and other self-styled philanthropic sugar refiners realized before the marketing of domestic sugar interfered with their plans, but the annual statement of the American Sugar Refining Co. shows that their profits rose from $6,380,302 in 1910, to $14,083,054 in 1911, an increase of nearly $8,000,000, which would not seem to indicate that philanthropy is their sole purpose.

To stop first the growth of and then destroy the present domestic beet-sugar industry is the real purpose of the refiners whether active or passive. The beet-sugar industry produces refined sugar for direct consumption, and therefore the volume of business of the sugar refiners necessarily is curtailed in proportion to the amount of domestic beet sugar produced. This domestic product has increased from 32,000 tons in 1898, to 600,000 tons in 1911–12, which means that the present output of the refiners is 600,000 tons per annum less than it would be if the domestic beet-sugar industry did not exist. But this growth of 1,800 per cent in 13 years, is only the beginning. If left to develop under present conditions, unhindered by constant tariff agitation, our domestic sugar industry soon will supply us with all the $100,000,000 worth of sugar we now import from foreign countries. This is what the refiners see and fear. They fear it, because aside from a small quantity of maple and Louisiana raw, of all the sugar we consume, about one-fifth of all the sugar produced in the world, this domestic beet sugar is the only sugar which does not pass through the hands of the refiners and yield them a profit. For every ton of beet sugar produced for direct consumption, one ton less of imported raw sugar will pass through and pay tribute to the American refineries. A domestic product of thirty to forty thousand tons of refined beet sugar did not arouse the opposition of the refiners, but with an increase of 1,800 per cent in thirteen years the refiners realize that if the tariff on sugar be not disturbed, the domestic product will supplant all the foreign sugar we now consume and for which we pay other countries $100,000,000 a year.

The refiners state that what they desire is free raw sugar, and they acknowledge that in their judgment free raw sugar would ruin the home producing industry. If they can not get free raw sugar, they want such a material reduction in the raw sugar duty as would crush the domestic industry, and do it just as surely as would free raw sugar. But failing to secure either free raw sugar or a material reduction in the duty thereon they desire some reduction, be it ever so small, for while a slight cut might not close our present beet-sugar factories it would discourage new capital from embarking in the industry. A slight reduction would accomplish this important purpose of the refiners almost as surely as would a great reduction.

Last year, according to their published statement, the profits of the American Sugar Refinining Co. amounted to 45.7 cents per hundred pounds of sugar refined. It might be fair to assume that the net profit of operation in refining sugar averages 25 cents per hundred, and the profit on manipulation a like amount, but assuming that the total profits amount to only 25 cents per hundred, the present domestic beet-sugar product of 600,000 tons reduces the refiners' profits by $3,000,000 a year, inasmuch as were it not for the domestic industry there would be 600,000 more tons of foreign sugar to be refined. Furthermore, as the present capacity of American refiners is one-third greater than their meltings, they would add this $3,000,000 a year net profits without having to increase their plant investment and without increasing their margin between raw and refined sugar. In addition to this, there is the constant menace of further expansion of the domestic industry under present tariff conditions.

Our imports of foreign sugar last year amounted to 1,800,000 short tons, and if this also were produced at home the refiners' profits would be curtailed to the extent of $9,000,000 more. The overhead charges of the refiners are the same as though they were running to full capacity, and it follows that if the domestic beet-sugar industry be expanded and the refining industry curtailed the expense of refining will be increased, and if the domestic industry be destroyed and the volume of the refiners' business thereby be increased by 600,000 tons, the expense per hundred pounds on their entire output would be materially reduced. But avoiding an additional loss of $9,000,000 a year

through the further expansion of the domestic beet-sugar industry and adding $3,000,000 a year to their profits through crushing the present industry, constitute only a portion of the profits which would accrue to the sugar refiners through placing raw sugar on the free list. With domestic competition destroyed, the refiners, unhindered, could and would increase the margin between raw and refined sugar, and an increase of 45 cents per hundred, such as they made under free raw sugar, would give them on our present consumption of 3,350,000 long tons an extra $33,500,000 profit annually.

A difference of half a cent a pound might not be noticed by the average consumer, but an increase of that amount in the margin between raw and refined sugar means many millions to the refiners, as I will show.

In 1887, 18 of the 21 American refineries were merged into what was known as the Sugar Trust and capitalized at $50,000,000. The New York courts enjoined the Sugar Trust from doing business in the State, and in January, 1891, its successor, *the present* American Sugar Refining Co. of New Jersey, was formed with $25,000,000 preferred and $25,000,000 common stock. During the evolution from trust to refining company raw sugar was placed on the free list and a bounty was provided for sugar of domestic production. Under this free raw-sugar bill of 1890 the refiners were able to increase the difference in price between raw and refined from 70 cents a hundred in 1890 to $1.15 per hundred in 1893, an advance of 45 cents per hundred, while the American Sugar Refining Co. increased its capital stock to $75,000,000, half common and half preferred. The increase in the margin between raw and refined sugar was reflected in the dividends paid on the common stock of the American Sugar Refining Co., which rose from 4 per cent in 1891 on $25,000,000 to 21½ per cent in 1893 on $37,500,000, their total annual dividend payments increasing from $2,750,000 in 1891 to $10,687,500 in 1893, a net increase of $7,937,500. During the four years, 1890 to 1894, the total amount paid out in dividends by this one company amounted to $27,125,000. This is what free raw sugar did for the refiners' stockholders in four years. Then followed an ad valorem sugar tariff, and during the seven years of free sugar and 40 per cent ad valorem (Oct., 1890–July, 1897) the American Sugar Refining Co. paid out $48,500,000 in dividends. In addition to this, their annual statement of December 31, 1897, shows that they had $25,000,000 in cash and bills receivable on hand, $22,500,000 worth of sugar, and $30,000,000 invested in other companies, a total accumulation of undistributed profits amounting to $78,000,000, with debts of $30,000,000, or a net surplus of nearly $50,000,000, in addition to the distribution of a like amount in dividends during this seven-year period. On the basis of the duties levied in 1897, the loss to the Federal Treasury in sugar duties from October, 1890, to August, 1894, amounted to over $240,000,000, and I have shown where 40 per cent of it went. In 1897 a duty of $1.685 was placed on 96° raw sugar to protect and build up a domestic sugar industry and for the protection of the refineries the duty on refined was fixed at $1.95. As a result of this legislation, while the refiners have not reaped such inordinate profits as they did under free sugar, they have prospered and, as I have stated, the domestic beet-sugar crop has grown from 33,000 tons to 600,000 tons, an increase of 1,800 per cent in thirteen years.

The so-called independent refiners who are denouncing the present tariff on sugar claim that they are fighting the trust, although aside from whatever interest it may have in the domestic industry, the interests of the trust—which refines three times as much sugar as the entire domestic industry produces—are identical with all other refiners.

Eleven years ago, when the domestic beet-sugar product amounted to something over 100,000 tons, the president of the American Sugar Refining Co. attempted to secure control of the domestic beet-sugar industry, for what purpose we can only surmise. He bought an interest in several companies, but death overtook him, and since that time much of this stock has been sold, and it appears that the policy of this corporation is to dispose of its remaining holdings as fast as opportunity presents.

Mr. Atkins, the present vice president and acting president of the American Sugar Refining Co., has been largely interested in Cuban sugar estates since his youth, and he does not approve of our developing a home sugar industry which in time might compel him to seek another market for his raw sugar. Mr. Atkins was a director of the American Sugar Refining Co. at the time its president proposed to secure an interest in some of the American beet-sugar companies, and he declares he opposed the policy from the outset. When before the Hardwick committee last year he gave the following as his reason for objecting (pt. 1, pp. 85–86 of the Hearings):

> The beet-sugar business was a competitive business. It produced in the Western Territories, where our market lay. I say, "our market"—I mean the market of the refiners, the various refiners. As that industry grew—and I foresaw that it would grow rapidly—I believed that it would reduce the volume of business, not only of the American Sugar Refining Co., but of all the refiners on the Atlantic coast; and although we had millions of dollars invested in the business there, we were building up a competitive business, one that would compete with ourselves, and one which was bound to get away from us; we could not control it in the end. I say, "we"—I had no connection with it; that was simply a business man's opinion.

As to the effect which the marketing of the 1911 crop of 600,000 tons of domestic beet sugar had on the price of sugar and on the refining industry, Mr. Atkins told the Hardwick committee (Hearings, pt. 1, p. 49):

> All that beet sugar comes on the market at a certain season of the year. It is all produced in about three months' time. They all want to market it just as rapidly as possible, and in order to do that they come to the eastern points. California sugar comes into Chicago and the Michigan sugar into Buffalo and Pittsburgh, and eastern refineries—not only the American Sugar Refining Co., but the others—have to reduce or close down until the beet sugars are out of the way. Any refining that is done between the 1st of October and the 1st of January is done without any profit, and very often at a loss.

At present the American sugar refiners enjoy exceptionally favorable conditions, and their only fear lies in the further expansion of the domestic beet-sugar industry. So long as Louisiana and our insular possessions produce only raw sugar, which must pass through the hands of the refiners and furnish them a profit, they favor the expansion of these industries, especially because these sugars naturally seek the New York market, and the more that market is flooded the cheaper can the refiners secure their raw material. The pressure to sell these and Cuban sugars has become so great and so constant that the New York raw-sugar market ranges from 50 to 80 cents a hundred below the London and Hamburg markets, thus enabling American refiners to purchase their raw material at a lower figure than can British refiners. Naturally, the refiners welcome a glut of raw sugar, and just as naturally will they do everything in their power to discourage the expansion of a competitor which manufactures sugar for direct consumption, as does every beet-sugar factory in the United States.

In 1910, of the total meltings of 2,800,000 tons of raw sugar in American refineries but 72,000 tons were purchased at world sugar prices and in 1911 but 199,000 tons, the increase in 1911 being due to a shortage in the Cuban crop. These are all the foreign sugars on which the full rate of duty was assessed. Over two and one-half million tons of raw sugar with which our refiners are supplied either is free or comes in under a 20 per cent tariff concession, and for that reason seeks no other market. As a consequence, the New York market is glutted with sugar and the price ranges far below that of Hamburg and London.

On June 27 of the present year the London price of 96° Java sugar (c. i. f.) was $2.61 per 100 pounds, while the New York price of the same grade of nonconcessionary sugar was but $2.10 to $2.13 per 100 pounds, a difference of half a cent a pound. The New York price of the same grade of Cuban sugar was higher by 34 cents, the amount of the 20 per cent tariff concession, and hence while the Cuban planter was receiving 34 cents a hundred more for his sugar than would a Javan or Santo Domingan planter in the same market at the same time, he still was receiving 16 cents a hundred less than the prevailing London price. By reason of having these free and concessionary sugars our refiners are able to maintain a difference in price between raw and refined of from 85 to 90 cents per 100 pounds, which is nearly double the difference maintained between these sugars by the refiners of foreign countries.

It might be said that if we were to have free raw and refined sugar it would be impossible for the American refiners to maintain a greater difference between raw and refined than is maintained by foreign refiners, even though the domestic industry were destroyed and the refiners had a complete monopoly of our market, as otherwise the foreign refined product would be shipped into our market, thereby displacing American refined sugar. With this theory I can not agree. In October, 1901, when the New York wholesale price of granulated sugar was 5 and the price of raw was 3¾ cents per pound, the Missouri River price of refined was dropped 1½ cents per pound in one day, and for a time the extraordinary trade condition existed of refined sugar selling in interior markets at a less price than raw sugar was selling for in New York, where the price of granulated was maintained. The domestic beet-sugar crop had entered the market and the object of the localized cut was to compel the domestic producers to sell their sugars below the cost of production, and the probabilities are that any considerable imports of foreign sugar would be met with a temporary reduction at the port of entry, and if the cargo were shipped inland a localized temporary reduction would trail it wherever it might go. The American refiners, with a complete national marketing organization, would be able to discourage

foreign shippers not possessed of marketing facilities and their shipments would cease.

It is a business proposition, pure and simple, and in antagonizing the interests of the domestic sugar industry and endeavoring to prevent its expansion the refiners are doing what most men would do under like circumstances, though they might not claim to be actuated by philanthropic instead of selfish motives, and they might not stoop to pose under the name of an imaginary committee of wholesale grocers.

Some advocates of free sugar assume that such action would injure the refiners, but the only action Congress could take which would be inimical to their interests would be to raise the duty on raw sugar and thus stimulate the more rapid development of the domestic industry. As to tariff agitation looking to a lowering of the duty on raw sugar, the refiners not only welcome it, but instigate and conduct it, aware that even if the duty be not touched, such agitation will prevent millions of dollars from embarking in and expanding a competitive business. A slight reduction in the tariff would discourage other millions and a material reduction or free trade in sugar would ruin the domestic industry and fortify them in their monopoly.

Grouping the several advantages which would accrue to the refiners by materially reducing the duty on raw sugar or placing it on the free list, we have the following seemingly good reasons for their activity:

(a) The construction of new beet-sugar factories would cease, thus removing their fear of losing $9,000,000 a year, which they now make on refining 1,800,000 short tons of foreign sugar.

(b) The present beet-sugar factories would close, thus increasing the volume of business of the refiners by 600,000 tons a year and increasing their annual profits by $3,000,000.

(c) As the refiners' overhead charges would not be increased by reason of the increased volume of business, the cost per 100 pounds on their entire output would be decreased.

(d) They would save the interest on the $50,000,000 they now have to pay into the customhouses in duties.

(e) The removal of their only competitor which now forces them to operate their plants at a loss or close them down for 3 months out of 12, would give them a complete monopoly and enable them to fix and maintain prices at will throughout the year.

(f) It would enable them materially to increase the margin between raw and refined sugar without increasing the price of refined.

Considering the decreased cost of production, the increased volume of business, the lowering of interest charges, and the increased margin the refiners would be able to maintain between raw and refined sugar by reason of regaining a complete monopoly of the sugar industry of the United States, it is fair to assume that a favorable outcome to the war they are waging against the domestic beet-sugar industry will add $25,000,000 to $50,000,000 a year to their net profits, and our Federal Treasury would lose $50,000,000 a year in revenue. A return to free raw sugar, a complete monopoly of the sugar business, and 21½ per cent dividends are the natural desires of the refiners. If we are to judge by the mass of free-sugar literature with which Congress and the country generally is being deluged, no one knows better than do the refiners that, however many millions they expend in their efforts, they will reap ample reward if they win. The beet and cane producing sugar industries are scattered through a large number of States and through our insular possessions. It is impossible for them to organize under one general head to maintain their position. The refining industry is operated in large units, and six men can form a cohesive body which will map out every detail of their business, from shaping tariff policies to regulating the price which 96,000,000 people shall pay for their product. It should be plain to the most simple that when the heads of an industry which turns out an annual product valued at over $300,000,000 a year attacks a competitor, which forces it to run at a loss or close down for three months of the year, it is not done from philanthropic motives; and that permanently cheaper prices to the consumer are not to be secured by establishing a complete monopoly in the production of an article like sugar. As stated before, with such legislative conditions as enable American sugar refiners to purchase their raw material far below the world's price, their conditions are ideal, barring only the output of the domestic beet-sugar industry and its anticipated expansion, which can be stopped by securing even a modest reduction in the duty on raw sugar.

There seems, then, to be but one way by which the American refiners can be kept within bounds, and that is to maintain the duty on raw sugar and thus develop an independent home producing industry which will deprive the refiners of a monopoly of the business and a consequent control of prices. That, of course, which would be best for the refineries would be a heavy reduction of the duty on all sugars, sufficient to destroy the Louisiana cane and the beet-sugar industry and at the same time secure to the refineries an unassailable position in the American market. But, although less advantageous than this situation, it would still be highly profitable to them to get rid of the domestic industries, even at the price of absolutely free sugar. Their margin of profit might be cut down by foreign competition, but the difference in ocean freights, the nearness of the Cuban sugar fields and the enormous increase of the gross sales would enable them to withstand European competition unless it was backed by bounties, which are now rendered impossible under the Brussels agreement. The control of the market of the United States from the Atlantic to the Pacific would be more than worth any sacrifice that they might be obliged to make if the refined sugars of Europe came in free. It is to be doubted, however, whether they would in reality be obliged to make any such sacrifice, for the industry is in so few hands that it would not be difficult for them to come to an agreement with the foreign syndicates.

Free sugar, therefore, and still more largely reduced duties on sugar, would be for the benefit of the American sugar refining companies and could by no possibility benefit anybody else. To give up the great domestic industry and throw away a large revenue without any sensible reduction in the price of the commodity seems a large price to pay for the purpose of increasing still further the profits of the three great refining companies of the United States.

Let me now recapitulate the propositions in regard to duties on sugar which seem to me clear:

First. That it is sound policy and has been recognized as of the highest importance for nearly one hundred years by the civilized world that a country should be at least measurably independent in regard to its supply of sugar and should have the means to furnish itself with that essential article.

Second. That it is the universal opinion of all civilized nations, of all economists and financiers, that sugar is an eminently suitable subject for taxation, providing a large revenue, easily and fairly collected, with the least possible pressure upon the individual consumer.

Third. That sugar is perhaps the one article of general consumption, the one great necessity of life, which has not shared in the general advance of prices which has taken place during the last fifteen years and which has been so much accelerated during the past five years.

Fourth. That the price of sugar in the United States is lower than in any other country in the world except England, Switzerland, Denmark, Belgium, and Turkey, and that the competition of the domestic industry is the principal cause of the low prices of sugar maintained within the United States.

Fifth. That the industry is of great value to the country, particularly the beet-sugar industry, which not only employs many thousands of people directly, but which is of incalculable benefit to the farmers, enhancing the value of their lands and increasing the general agricultural capacity of all those regions where the beet is raised for the purpose of making sugar.

Sixth. That the maintenance of the duties enables us to keep out the cheap surplus sugars of Russia and other countries which, if admitted free, would abnormally depress the price of sugar here and lead to the extinction of our own industry, and which at the same time would take from us the Cuban market, because we could no longer give the Cubans a preferential on their sugar. The removal of the sugar duties would also destroy to a large extent our trade with the Philippines, Porto Rico, and Hawaii, which has now reached the enormous amount of $182,000,000 a year. We sell to Cuba products to the value of $62,000,000 a year and take from her products to the value of $106,000,000 a year, of which $76,000,000 is sugar. Our total trade with the four islands amounts to $351,000,000 a year, and that trade will be very largely lost, certainly very greatly reduced, by the removal of our sugar duties. In the face of such facts as these it is difficult to characterize the folly of such legislation as is proposed by the House bill or to portray the injury which it would bring to the people of the United States.

In dealing with this question I have not given any space to the consideration of labor costs, which have played such an important part in all our tariff discussions as to rates of duty, and my reason for this is that the question of labor cost is not a dominant factor in the case of sugar, although our costs, especially our labor costs, are far higher than anywhere else. I believe that there should be a duty on sugar, because, as I have tried to show, it is one of the best subjects for raising revenue that modern economists and financiers have been able to devise. I believe that this duty should be sufficient also to give reasonable protection and encouragement to the production of sugar within the United States, so that we may develop a home industry capable of supplying all our needs. It seems to me clear that it is of the utmost importance to the well-being of the Nation to be independent in regard to the production of this great necessity of life. I think the duty ought to be maintained at a point under which cane sugar can be grown profitably in Louisiana and Texas and beet sugar can be made with reasonable profits throughout all the vast region

adapted to the culture of the sugar beet. It seems to me that the reasons for a sufficient duty to attain these ends rest upon far broader grounds than most protective duties, strongly as I believe in the system of protection. Upon the evidence submitted to the committee and from such study as I have been able to give to the question, and from such examination of foreign and domestic authorities as I have been able to make, I am satisfied that the present rate of duty can not be materially lowered without seriously injuring the production of sugar in the continental United States. It is to that protection that we owe the very moderate prices at which sugar has been sold during many years, a price which has not shared in the advance common to almost all other articles in our food supply. I am satisfied for the reasons I have already given that the destruction of our cane and beet sugar industries in the continental United States would result not only in an advance in the cost of sugar to the American people, but would put us at the mercy of a foreign combination among the beet-sugar producers of continental Europe. If we lower the present duty below 1.68 cents, we bring the Cuban rate, which is really the rate with which our production has to compete, below 1.34 cents. If we go much below 1.34, we shall, in my opinion, destroy our cane-sugar production in Louisiana and prevent its development in Texas. If we go still further we shall arrest the development of the beet-sugar industry, and in the course of a very few years of progressive reductions we shall begin to diminish our beet-sugar production until it is finally extinguished. If we should adopt the 33 per cent reduction suggested by the Democratic minority in the Senate, we should destroy the cane-sugar and the beet-sugar production of the United States as completely, if not quite as quickly, as by the absolute abolition of duties proposed by the House.

But I draw the line at the rate needed for the protection of the Louisiana cane sugar. That is an American industry carried on for many years under much difficulty and discouragement, but now, in my opinion, at the point of improvements which will enlarge it and make it more profitable than it has ever been in the past. I am against any reduction which will seriously endanger that Louisiana industry. The State of Louisiana has never given any support to the party to which I belong, but I can not bound the policy of protection, in which I believe, by State lines or by political or geographical divisions. The people of Louisiana are my fellow citizens. They are Americans. I believe they are entitled, no matter what their political views may be, to the same protection in their industry that every other industry should have, unless the protective system is to be destroyed. I confess that at the present moment I feel for those people a peculiar sympathy. The appearance of the boll weevil has proved almost fatal to the production of cotton in certain parts of Louisiana, where, if I am correctly informed, owing to climatic conditions, it is less easy to combat that pest and less possible when it appears to raise even a partial crop of cotton than in other regions which have been afflicted by the ravages of the same insect. Undismayed by their misfortunes, many of those people, obliged to abandon the cultivation of cotton, turned to the production of sugar. They found at once that they were not sufficiently supplied with factories to extract the sugar from the cane, and nearly one-third of that crop was consequently lost. With a courage and determination which does them the greatest credit they went to work to raise the money required to build the necessary factories. While they were thus engaged the present House of Representatives passed the bill placing sugar upon the free list. The blow fell upon those people in Louisiana with crushing effect. It became impossible to go on with the construction of the necessary factories and more than that it demoralized, for the time being, many industries which depend upon sugar production, for which they furnish tools, machinery, and supplies. Many hundreds of men, according to the testimony before the committee, were in this way thrown out of employment. While they were staggering beneath this blow the terrible flood from the rising Mississippi came upon them. The Federal Government, I am happy to say, stretched out its strong hand to aid them in that hour of distress, but Mr. President, it would be a far greater aid if we did not select this moment to take from them even the hope of reviving the industry upon which they depend. To pass legislation of this kind at this moment, whether in our opinions we are free traders or protectionists, is nothing short of cruel. I am utterly opposed to any serious reduction of the sugar duties, moderate as they now are, at any time, and if I were able I should like to give to the sugar makers of the United States the assurance that there should be no change in the rate for a period of at least ten years. If that could be done the sugar industry would advance with leaps and bounds, unless all facts and all evidence are false. But apart from this policy, in which I believe, it seems to me that at this time, under these conditions, to smite down that struggling people by removing the duties which give them their only hope of recovery is a wrong which we ought not to inflict upon any community of Americans, and especially upon a community which is bravely fighting against a succession of adversities rarely experienced by any people. I venture to think that in urging the Senate to leave the sugar duties as proposed in the bill of the committee, whether it is right economically or not, upon which men may differ, I am pleading for a broader principle—that of ordinary humanity to a great body of American citizens, weighed down by misfortune and striving with brave hearts to retain their homes and maintain their industry. It may be illogical to make this appeal for the planters of Louisiana. I had never thought of their condition down there until it was brought to my attention in the Finance Committee and I heard the facts, heard their voices, heard their story, and found what they were suffering. My plea may not be in accordance with the doctrines of that free-trade political economy which Carlyle called the "dismal science," but it is in harmony with that human sympathy without which this world of men would indeed be dark and grim to all who dwell within its confines.

Mr. WILLIAMS. Mr. President, I have listened, as has everybody within the Senate Chamber, with a great deal of pleasure to the elegant diction of the Senator from Massachusetts [Mr. LODGE]. I have listened with interest to the pathetic picture which he drew of the demoralization of people and the destruction of their property in Louisiana, not by the passage of a law putting sugar upon the free list but by the passage of a bill through the House of Representatives which has never gone upon the statute books. I am at a loss to see how it could have produced any demoralization or suffering under those circumstances.

The minority of the Senate Committee on Finance have submitted an amendment to be proposed as a substitute for the House bill which sought to place sugar upon the free list. I want to explain briefly the characteristics of that bill and make a comparison between the duties proposed under it and the duties which now constitute the sugar schedule of the Payne-Aldrich bill. Before doing so, however, I shall answer some few things said by the Senator from Massachusetts.

The Senator from Massachusetts has told how the cultivation of sugar beets improves the soil for other crops. There is no doubt about that proposition. There is also no doubt about the fact that where sugar beets have not been raised, to wit, in England, the production and the increase in the production per acre of wheat and of all other crops is greater than it is upon the Continent—in Germany, France, Austria, and Russia—where sugar beets have been raised, showing that, so far as intensive farming, diversified farming, and the improvement of the soil are concerned, there are other methods of farming which improve the soil very much more. The yield of wheat in Great Britain is 32 bushels to the acre; in the United States during the year when that yield was made in Great Britain the yield was about 13 bushels to the acre upon the average throughout this country; the yield in France was next to that of Great Britain; and the yield in Germany next to that of France.

The Senator from Massachusetts says that if sugar were placed upon the free list—and, by the way, there is not the slightest anticipation in the mind of any intelligent man that it will be placed upon the free list, not even if a Democratic Senate and a Democratic House and a Democratic President come into power—but he says that if sugar is placed upon the free list certain dire results would follow. He drew a picture of the result to the industry itself. In that, I presume, he is partially justified. Then he went on to say that after sugar was placed upon the free list the American people would enjoy a short period of cheap sugar or low-priced sugar, and that then they would be handed over to the mercy of the signatory powers to the Brussels Convention, which would raise the price of sugar to any figure, however great, that they might choose to fix. It is strange how plain a statement of obvious facts will put that conclusion down.

Great Britain has no duty upon sugar, and the signatory powers to the Brussels Conference have never been able to demand "any price that they choose" in Great Britain. On the contrary, as a rule, sugar has been cheaper in Great Britain than anywhere else. It follows, of course, that if the fact of free sugar could enable the parties to the Brussels Convention to rob and exploit the American people, the same conditions would have enabled them to rob and exploit the people of Great Britain.

Mr. President, we are not attempting to put sugar upon the free list at this time. I myself agree that it ought not to be placed there. I agree with the Senator from Massachusetts when he says that sugar is one of the best subjects upon which to raise revenue. It has been found so not only in this country,

but in all other countries, and, as a tariff-for-revenue Democrat, I would not be willing to surrender it as a subject for raising revenue for the Government. I think a mistake was made when the House proposed to surrender totally the fifty millions now raised in that way.

I shall refer to one other statement made by the Senator from Massachusetts, and after that I shall go on with the discussion of the bill which we propose. Not he alone, but many people make misleading statements as to the protection extended to their sugar producers by foreign countries upon sugar. For example, it has been stated here frequently that Germany gave a protection to her producers on raw sugar of $1.98. This is not the case. The conclusion is arrived at in this way: They add to the 47 cents German rate of duty the consumption tax levied both on foreign and domestic sugars of $1.51, and they get $1.98; but they neglect to tell you that the German producer and, ultimately, the German consumer also pay the consumption tax of $1.51; so that that is not a protection in any sense at all, and the real protection is only 47 cents per 100 pounds, this being the surtax. Not only does the imported sugar pay the consumption tax, but the home producer of sugar, as well, pays the consumption tax in Germany.

Mr. President, the Senator from Massachusetts and I, in replying to one another here, will be largely fighting windmills, because his argument has been made mainly against free sugar. The minority members of the Finance Committee——

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. WILLIAMS. I do.

Mr. SMOOT. I may have misunderstood what the Senator said with relation to the German duty upon sugar, but I understood him to say that the German duty upon sugar was only 47 cents a hundred.

Mr. WILLIAMS. I said that that was the real protection. The duty is $1.98, but $1.51 of that is a duty which is also levied upon sugars of German production.

Mr. SMOOT. That, Mr. President, is only the consumption tax. The 47 cents is the surtax. The consumption tax of $1.51 applies to all sugar that may be imported into Germany——

Mr. WILLIAMS. Yes; and to all sugar produced in Germany, too.

Mr. SMOOT. Making the duty upon German sugar $1.98, exactly as the Senator from Massachusetts has said.

Mr. WILLIAMS. But the rate of protection is only 47 cents, because the home production of sugar also pays the $1.51 tax.

Mr. SMOOT. The protection is $1.98.

Mr. WILLIAMS. It is not; the rate of the tax on imports is $1.98, but, as $1.51 of it is not only paid as a tax on imported sugar but is also paid upon home-produced sugar, it is not fair to count it as a protection to the home producer.

Mr. SMOOT. Why, Mr. President, if they did not have the $1.98 protection, foreign sugars could enter Germany at 47 cents; but the fact is that no sugar can enter Germany without paying a tax of $1.98.

Mr. WILLIAMS. Absolutely; and I have stated that three or four times.

Mr. SMOOT. Then, Mr. President, the actual protection is $1.98.

Mr. WILLIAMS. But the actual protection is not, because $1.51 of the $1.98 is a tax which is paid by the home producer of sugar himself, and therefore the difference between that and the $1.98 is the real measure of real protection.

Mr. SMOOT. Mr. President, the Senator from Mississippi would have a hard time convincing of that fact the German people or any one exporting sugar into Germany.

Mr. WILLIAMS. Oh, Mr. President, when the Senator from Utah thinks he is thinking sometimes he says things that have very little weight. I am not talking to the German people, and it is not a question of convincing them of anything. I am talking about the real measure of protection which the German sugar producer receives. Now, it follows necessarily—a school boy can see it—that if a part of the import duty is countervailed, compensated, and equaled by a tax at home upon the home production, there is no advantage to the producer in that much of the tax. The German duty upon imported sugar is $1.98. One dollar and fifty-one cents of that amount is a tax upon consumption, which is paid also by the home producer of beet sugar, and therefore as to this $1.51 tax his sugar has no advantage over the sugar of foreign production imported into Germany. I do not know whether I would have a hard time convincing the German people of that or not, but if I did have a hard time to convince them of that they would have to be more stupid than they were when I used to associate with them when I lived and studied among them.

The bill which we offer, and which I wish to explain, as an amendment in the nature of a substitute to House bill 21213, which is the House free-sugar bill, differs from the existing law in these respects: First, it abolishes the No. 16 Dutch standard test entirely; it also abolishes the differential entirely.

I want to congratulte the Republican Party, and especially the Senator from Massachusetts [Mr. LODGE], upon the fact that it has finally dawned upon the Republican mind that the Dutch standard is a legislative joker and a fraud, and that the differential is an unfair special privilege granted to a great trust. It has dawned upon their minds so impressively that they have themselves to-day brought in a bill abolishing the Dutch standard and abolishing the differential. The country may well congratulate itself that they have come to that position. The country can regret that they took so many years to find it out, but it is better late than never.

Now, if I understand the bill proposed by the majority members of the Finance Committee, it makes no change in existing law, except to abolish the number 16 Dutch standard test and the differential and to introduce the following provision, which is new legislation.

We abolish in our bill the differential and the Dutch standard and do not substitute for it this provision. This provision is in itself a legislative joke. That provision in the Lodge bill, the bill of the majority members of the Finance Committee, is this:

Provided, That every bag, barrel, or parcel in which sugar testing by the polariscope less than 99° is packed shall be plainly branded by the manufacturer or refiner thereof with the name of such manufacturer or refiner, and the polariscope test of the sugar therein contained, accurately within one-half of 1°, and a failure to brand any such bag, barrel, or parcel as herein required shall be deemed and taken to be a misbranding of food within the meaning of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes."

Then follows this language—and I call the careful attention of Senators to it:

And the requirements of this proviso shall not apply to any sugar shipped or delivered to a refiner to be refined before entering into consumption.

Here is a burden laid upon the entire sugar business, except that it is carefully not laid upon the sugar refining company—the Sugar Trust. Whatever that burden may cost sugar producers, little or great, the Sugar Trust and the great refining companies are exempt from it.

In addition to that, it is unfair in this, that it favors beet sugar at the expense of cane sugar, because no beet sugar is ever bought for the purpose of being sent to a refinery to be refined in the United States. In some other countries it is the case, but in the United States the beet sugar is turned out in a refined condition from the factory itself. So you burden the Louisiana raw cane sugar; you burden cane sugar generally. It does not burden beet sugar because beet sugar is not sold to be refined. You burden cane sugar with this provision from which by the nature of the case beet sugar is exempted, and then, furthermore, in the proviso you exempt all sugar bought by refiners. While abolishing the differential, they have been careful to put in another unfair advantage to the great refining companies, instead of this unfair differential which they abolish and for the abolition of which they claim great latter-day credit to themselves.

The Senator from Massachusetts, in calling attention to his measure, did not call attention to this proviso and exemption of the measure itself, but engaged in a general discussion of the measure outside. The bill proposed by the minority members——

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. WILLIAMS. Yes.

Mr. SMOOT. I merely wanted to call attention to what may be termed the branding provision that the Senator just spoke of.

Mr. WILLIAMS. I just read it to the Senate.

Mr. SMOOT. Yes. It says:

And the requirements of this proviso shall not apply to any sugar shipped or delivered to a refiner to be refined before entering into consumption.

Now, that is not to lay a burden upon the cane grower of this country, because if his sugar is shipped to a refinery to be refined he is not required to brand it under the provisions of this law. He does not have to brand it if it goes to a sugar refinery to be refined, and I can not see what burden we are laying upon the cane grower under that provision.

Mr. WILLIAMS. The language of the provision is this. I will read it again:

Provided, That every bag, barrel, or parcel, in which sugar testing by the polariscope less than 99°—

Shall be plainly branded, and so forth.

Mr. SMOOT. Does not the Senator know that all Louisiana cane raws are less than 99°?

Mr. WILLIAMS. I know that, but sugar above 99° is not required to be branded.

Mr. SMOOT. Nor is any other, where it is to be shipped to a refinery to be refined.

Mr. WILLIAMS. I do not want to take up the time of the Senate any longer than I am compelled to. Everybody is tired. I read the language to the Senate, and I trust to the intelligence of each Senator to understand it.

Now, the bill introduced by the minority members of the Finance Committee differs, as I was going on to say, with existing law in certain particulars. Two of those I have mentioned.

I come now to the tax itself. The reductions of duty under the proposed substitute are 33⅓ per cent upon sugars and 40 per cent upon molasses.

Under existing law sugars not above 16 Dutch standard in color, tank bottoms, and so forth, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75 degrees, are taxed ninety-five one-hundredths of 1 cent per pound. Under the substitute, if it become a law, the same sugars would be taxed sixty-three one-hundredths of 1 cent per pound. Under existing law for every additional degree shown by the polariscope test the tax is thirty-five one-thousandths of 1 cent per pound; under the proposed substitute the tax would be twenty-four one-thousandths of 1 cent per pound.

This tax of twenty-four one-thousandths of 1 cent per pound upon each additional degree of polariscope test continues under the substitute clear through to the end. Under the existing law when sugar which has gone through a process of refining was reached a tax of 1 cent and ninety one-hundredths of 1 cent per pound was levied.

Our increase per polariscopic test is uniform and continues throughout and makes no jump, and it is in that way that the so-called differential is abolished.

Under existing law molasses not above 40 degrees is taxed 20 per cent. We tax it under the proposed substitute 12 per cent ad valorem. Molasses testing above 40, and not above 56 degrees, is taxed under existing law 3 cents per gallon. We would tax it 1⅘ cents. Maple sugar and maple sirup under existing law is taxed 4 cents per pound. We would tax it 2⅘ cents per pound. Glucose or grape sugar or sugar cane in its natural state or unmanufactured is taxed under existing law 20 per cent ad valorem, and we would tax it 17 per cent. Sugar candy and all confectionery, and so forth, not provided for especially under existing law, valued at 15 cents per pound or less, and sugars after being refined, when tinctured, colored, or in any way adulterated, are taxed 4 cents a pound, and we would tax it 2⅘ cents per pound; in addition to that, there is on all those articles an ad valorem duty of 15 per cent which we reduce to 10 per cent, and where they are valued at more than 15 cents per pound the existing law fixes a tax of 50 per cent, which we reduce to 33⅓ per cent.

Now, a few words generally in explanation of why the minority members of the Finance Committee were not willing to put sugar upon the free list and thought that this reduction was about right. That it is not too little of a reduction both factions of the Republican Party confess. One of them confesses it by contending that there ought to be no reduction at all and the other faction will confess it by offering a bill which will make a reduction of about 22 per cent instead of a reduction of 33⅓ per cent. Both factions, therefore, of our political antagonists confess that we have made a reduction sufficiently ample.

In fact, both of them contend that our reduction is too great. We did not think that it was just and right in carrying out Democratic doctrine as expressed in Democratic platforms, which have demanded that we should proceed toward a revenue basis gradually, to make at one fell swoop overnight a reduction upon this particular product of 100 per cent. We were reenforced in that conclusion by the action of the House of Representatives with regard to all the other schedules concerning which they have sent us tariff-revision bills. They have made a reduction upon the other schedules of about what we propose to make upon the sugar schedule. We have followed their footsteps with regard to other schedules and therefore have paid more real heed to their own convictions—if these bills express their own conviction—than the House itself did.

I do not believe in the doctrine some Democrats seem to believe in, that because somebody somewhere by legislation robs the consumer for his benefit we ought to keep upon a ground of equality with the wrongdoer by robbing the consumer of our products for our benefit; but I do take the position that in reducing tariff taxes, as in doing anything else in this world, people ought to deal fairly. I have not seen why it was right or why it was necessary or fair to single sugars out rather than woolens or cottons or chemicals or anything else for the purpose of putting it upon the free list.

I do not agree with the Senator from Massachusetts that sugar is an absolute necessary of life. People can live without it. But I do agree that it is a comfort which enters into every household, and for that reason it ought to be taxed as little as possible, consonant with revenue necessities and consonant with existing conditions.

I have sympathized somewhat with the view of the Senator from Massachusetts that this peculiar moment, while the people of Louisiana are suffering from the Mexican boll weevil and recently trying to recover from sufferings by the devastation of floods, was not a particularly happy moment to select for putting sugar upon the free list even if it would otherwise have been just and wise treatment.

But we have been led to our conclusion mainly by the consideration that with a reduction of 33⅓ per cent from present duties we then will be upon a revenue basis as to sugar.

We believe that after five or six years with that reduction—in a few years, at any rate—the United States Government will be collecting even more revenue than it is now collecting from sugar duties. We will be untaxing the consumer and at the same time supplying revenue for the Government. This increase of revenue will follow because the reduction in the duty will cheapen the price of the product. Cheapening the price of the product will increase its uses, increase the demand, and will result in increasing its production as well as its importation.

Another reason moving us was, as the Senator from Massachusetts says, that sugar is peculiarly a good subject for revenue. We put $50,000,000 a year into the United States Treasury from sugar. Whatsoever import duties return an actual revenue to the Government can not be said in a certain sense to have been taken away from the people, because the Government's Treasury is the people's Treasury, and what the people have paid upon their consumption is still at their behoof for military, naval, interior improvement, and other governmental purposes. A great majority of the tax levied upon sugar—the major part, I should say—goes into the Treasury, and only a minor part of it goes as largess by operation of law into the pockets of the producer; whereas the statute book is full of import duties upon other articles, in some cases where all of it, the duty being prohibitory, goes into the pockets of the producers as a favored class, and in some cases where nine-tenths goes into the pockets of the producers and only one-tenth into the Treasury of the United States for the use of the people who pay the tax. In a vast number of cases—I very nearly said a majority of the cases, but I am not sure that would be correct—the major part of the tax goes into the pockets of the producer and a minor part goes into the Treasury of the United States. That is the next reason why, as tariff-for-revenue Democrats, we have thought this bill preferable to the House bill.

Mr. President, I hope this bill will pass the Senate. I hope it will be concurred in by the House. I hope it will be signed by the President; but if the bill does not pass the House I hope that some bill reducing the duties upon sugar may pass.

I understand that a Republican Senator has a bill reducing duties about 22 per cent. If we can not get the 33⅓ per cent reduction, which I think is fair and which I think would not hurt anybody, we should like to have the 24 per cent reduction in the interest of the great consuming public. Even the Lodge bill offered by the majority members of the Finance Committee is a real improvement on existing law, and is welcome as a demonstration of a late but promising change of heart.

I do not believe that a reduction of 33⅓ per cent of the present sugar rate will hurt a single beet-sugar enterprise in the United States. I believe that any man who will study the hearings before the Finance Committee and will study the public statistics and records of beet-sugar production, the business having grown enormously, showing that it must be highly profitable—in some cases it has been reported that some of the sugar factories paid for themselves within five or six years after they were erected—and who will study the enormous profits which many of them have been making, because those factories are well equipped and well managed and well administered—and the reason most men do not make money in their business is because they do not manage their affairs well—would conclude that this legislation would not seriously hurt any fair business.

I am a little bit afraid that so far as the Louisiana cane producers of sugar are concerned, when you come to those producers out on the outer edge, who are not handling their affairs well, who are not up to date, some of them may be hurt.

I am sorry that that should be the case, but laws ought not to be made for the ragged edges of an industry. They ought to be made, even by protectionists, for the industry taken by and large and not for its exceptions. If we had a duty of 100 per cent on sugar and were to reduce it to 75 per cent, I have no doubt that some few people, managing their business very badly and barely managing to live with 100 per cent, would have to go out of business. I have no doubt that that is true of every other industry as well as sugar, of wool and cotton and everything else. But to carry the doctrine of protection to the absurd point of wanting it to be high enough to protect the carelessly and ill managed enterprises is carrying it too far.

I do not think it will hurt any well-managed Louisiana cane-sugar producer. If it did hurt some of them, if in hurting them—and they were few—it had benefited a vastly greater number of American citizens, it would stand justified according to my political philosophy. But I do not believe it will, and I am confident that it will not hurt any of the others.

I think we ought to follow the precedent, time honored, when we have got a good revenue subject of keeping a duty upon it for the purpose of raising revenue for the use of the people, to be expended from their Treasury, and we ought to pay some heed not only to the recently announced Democratic platform, but to the one announced at Denver. Both of them say that we shall proceed toward and to a revenue basis gradually.

No man who has good sense, no man who has good feeling, will refuse, when undertaking any great reform, to consider present conditions, nor will he neglect to note in many cases that present conditions, if they are bad and to be remedied by legislation, were produced by legislation. People were induced by law—tariff laws—into artificial, naturally unprofitable pursuits. I mean by that pursuits that would not have been profitable save for the operation of law. They have been induced into them, and some regard, I think, ought to be paid by any sensible man to that fact, as some regard ought to be paid to all facts. So far as I am concerned, a fact is about the only thing in the world that I reverence. I never try to tunnel under it. I never try to jump over it. I never try to walk around it. I just bow to it and confess that it is there.

This is the condition of the sugar industry now. It seems to me it is a great pity that the duties have been kept so high for so long a time. So far as the Louisiana cane-sugar producer is concerned he, years ago, by insisting upon this high duty, cut his own throat—that is to say, if his throat is to be cut at all.

Now, how did he do it? You can not take cheap, inefficient, unintelligent colored labor and compete with the most intelligent, enterprising, energetic, and inventive white labor of the world. You can not do it. If the sugar duty had been fairly right and not too high, the Louisiana cane planter could have gone on forever making a reasonable profit in the sugar production, but the Republican Party and the cane men together managed to make it so high that it hothoused into existence a sugar-beet business, and the beet-sugar business, without the aid and operation of law, would have had difficulty in finding a beginning.

They have by this course built up for themselves, therefore, a competitor—that which will devour them. It is as certain as two and two make four that intelligent, enterprising, thrifty go-ahead, energetic, inventive white labor raising sugar beets in an American country can compete with any labor anywhere in the world engaged in that sort of business after they once get a foothold. They have now got that foothold and could stand to-day, so far as they are concerned, without a dollar of tax and make money and continue to make it; and they will stand as day follows day in a better and better condition, because they will improve the beet itself as to its saccharine contents, and they will improve their machinery. They are making their own machinery now, not buying it from abroad, and some people abroad have come here and bought it from us. American invention has gone to work upon it. They are not only able to stand by themselves in competition with the world, but at the same time in the future Louisiana will find that she has to change either the character of her labor or she will find her task of entering into competition with the American beet-sugar producer a hopeless task—absolutely hopeless. American white labor can raise sugar beets just like it does potatoes, like it does corn, like it does wheat, or any other farm product, in competition with anybody on the surface of the earth. They have demonstrated that they could do it. It is a farming process after all.

Mr. MARTINE of New Jersey. And I want to add that it is very unlike the product of corn and potatoes. They deplete the soil. The cultivation of the sugar beet adds to the fertility of it. So it is a benefit, even.

Mr. WILLIAMS. I have noted that point before. But sugar-beet raising is not the best way of keeping up the soil.

Mr. MARTINE of New Jersey. It will keep up and add to its fertility.

Mr. WILLIAMS. It does undoubtedly add to the fertility of the soil, but not as the raising of alfalfa or cowpeas, I mean any leguminous product, that puts enrichment into the soil does. The fact that it is not the cheapest and best way of enriching the soil is demonstrated by what I said some time ago when the Senator from New Jersey was not here. In Great Britain, where they do not raise any sugar beets at all, the production has increased per acre more than it has either in France, Germany or Russia, and the actual production per acre of every product is greater than it is in any of those countries which are raising sugar beets. But the sugar beet does enrich the soil.

Mr. TOWNSEND. Did I understand the Senator from Mississippi that the raising of beans also enriches the soil?

Mr. WILLIAMS. I said any leguminous plant enriches the soil. It puts nitrogen into the soil, taking it out of the air.

Mr. TOWNSEND. That is an agricultural fact that I think the country generally has not come to appreciate. We have felt that the raising of beans perhaps impoverished the soil about as much as any plant or product that we could produce.

Mr. WILLIAMS. It is an old and familiar fact known to every farmer that any sort of leguminous plant, and among them are cowpeas, alfalfa, red clover, anything of that sort, does take nitrogen out of the air and put it into the soil.

Mr. MARTINE of New Jersey. Infinitely good products are clover and cowpeas if they are plowed under as a fertilizer.

Mr. WILLIAMS. I do not want to get into a general agricultural argument, but I every year and my people have been enriching their soil by planting cowpeas and then cutting the peas off for hay, and the roots and the little that is left have enriched the soil because the little bug or microbe that is on the tubercle of the pea brings nitrogen into the soil.

When you cut off the peas the soil has been enriched both chemically and mechanically; that is, chemically by the process of putting nitrogen into the soil and then mechanically by the pea roots going away down and making the soil to a large extent porous so it takes the water down and gives the water up more easily to other plants.

Mr. TOWNSEND. I quite agree with the Senator from Mississippi if the products raised are given back to the soil, but that is not true of the bean crop. When the bean crop is produced the beans are pulled root and branch and so everything has to be taken off, and there is nothing that destroys the fertility of the soil so much as the raising of beans, at least no crop with us, because no part goes back into the soil.

Mr. WILLIAMS. Perhaps I have been misunderstanding the Senator. Is he speaking of beets?

Mr. TOWNSEND. Of beans.

Mr. WILLIAMS. That is all right. We will leave that out because it makes no difference. It is not relevant to this anyhow. I do not want to deliver an agricultural lecture. The way in which beets improve the soil is not owing to the fact that they put anything in it, as legumes do, but it is owing to the fact that there must be such splendid cultivation for beet raising, such intensive cultivation, such splendid care given to the soil, that it improves the character of the soil mechanically, and not in the way that cowpeas or alfalfa do, by direct addition of chemical properties.

Mr. President, I am very anxious, and I know all of us are, to get through with the question and the session. I feel like I have occupied more time than I ought. I have occupied more than I would have done but for these agricultural dissertations, and I shall surrender the floor.

Mr. SMOOT. Mr. President, I share the opinion of the Senator from Mississippi [Mr. WILLIAMS] that Senators are very desirous of getting through at an early hour to-day. I could address the Senate for the next two hours upon this question, but I hardly think it is necessary. The Senator from Massachusetts [Mr. LODGE] has covered the subject pretty thoroughly, and I shall therefore not undertake to go into a detailed discussion or argument of the sugar schedule at this time.

I did intend to answer some of the statements that have been made recently by circulars sent every day or so to Members of the Senate by a Mr. Lowry, representing an association formed by Mr. Spreckels, of the Federal Sugar Refining Co. The expense and maintenance of the organization is paid for by Mr. Spreckels alone. But I have concluded that it is un-

necessary, and am informed by Senators that the statements made are not such that require an answer.

I believe, Mr. President, that Senators pretty well understand what it really costs to produce beet sugar and cane sugar in this country.

I have made a number of speeches in the past on the subject, showing what it actually costs to produce sugar in this country, both cane and beet. There is no change in those costs. They were taken from the books of the companies, showing the absolute cost at the time I addressed the Senate the last time upon the subject.

As far as I am personally concerned, all the protection that I desire for the sugar industry of this country is sufficient to enable it to hold its own against increased importation of sugar of foreign countries and enable it to develop in the future, and no more. The amount of protection required to accomplish this has been a somewhat disputed question. The sugar hearings in the House, in which the books of most of the sugar companies of the United States were produced, demonstrated that the cost of producing sugar in this country was $3.54 per 100 pounds, without depreciation charges. I believe that it is generally admitted that the production of beet sugar in this country costs about $3.75 to $3.80 per hundred, and it costs a little more to produce cane sugar in the South. All the protection that the sugar producers of this country desire is enough to measure the difference between the cost of producing sugar in this country and in foreign countries.

I believe, Mr. President, if it had not been for the attempts that have been made nearly every year for the last 10 years to reduce the prevailing rates on sugar there would have been sugar factories in all parts of this country, and in numbers sufficient to produce twice the amount of sugar that is being produced to-day.

Mr. President, if it were understood that the present duty imposed on sugar would remain unchanged for the next 10 or 15 years, every pound of sugar consumed by the people of this country would be produced in this country before the end of that period.

Mr. President, the Senator from Massachusetts asked the question: "Who is back of this move for free sugar?" That was demonstrated beyond a question before the hearings in the House and Senate. It is not the people who are crying for free sugar, but it is the great sugar refineries of this country. They want free sugar; and why? If they had free sugar, every producer of sugar in the United States would be destroyed, and when destroyed the few sugar refiners would have the absolute sugar market of this country in their control. They would name the price that the people would pay for sugar, just the same as they named it in the fall of 1911, when they purchased sugar from $3.86 to $5 a hundred and sold it as high as $7.50 a hundred. They were not then looking after the dear people of the United States. They were looking after their own coffers and charging all they thought the people would pay.

The statements of all the companies that are now so interested in the reduction of the price of sugar to the people show they did not make money by the hundreds of thousands, but by the millions of dollars, when they had it in their power to do so, and if it had not been for the fact that beet sugar produced in this country entered the market in the month of October the excessive prices would have continued and the refiners would have continued making their millions monthly.

So, Mr. President, I believe that if anything should happen to destroy the American manufacture of sugar and the great sugar refiners of this country had absolute control of the distribution of sugar, with the power to make the prices for all the sugar that was sold, in the end the American people would pay more for their sugar than they do now with the tariff added.

I shall not take any more of the time of the Senate to-day in discussing this question, because I believe that every Senator has made up his mind—as each Senator no doubt has studied the question—what rate of duty, in his opinion, is necessary for the preservation of the sugar industry in this country.

Mr. BRISTOW. Mr. President, I desire to offer an amendment to the amendment. I move that, on page 4, line 2, the word "thirty-five" be stricken out and the word "twenty-six" inserted.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The Secretary will state the amendment to the amendment.

The SECRETARY. On page 4, line 2, in the amendment reported by the committee, strike out the word "thirty-five" and insert the word "twenty-six."

Mr. LODGE. Mr. President, I shall be glad if it should not be reduced to that point. I am very anxious that we should pass a proper sugar bill in the Senate to-day. So far as I have the power to do so, I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas to the amendment of the committee. Without objection, it is agreed to.

Mr. BRISTOW. Mr. President, the acceptance of the amendment makes the bill, as reported by the majority of the committee, satisfactory to me, but probably I should explain just what the amendment does.

As will be remembered by Senators who are present who were here three years ago, when the Payne-Aldrich bill was before the Senate, I offered an amendment to paragraph 216 which struck out the language in the first line as printed in the tariff bill—

Not above 16 Dutch standard in color.

And also the following provision I moved to strike from the bill:

And on sugar above 16 Dutch standard in color, and on all sugar which has gone through a process of refining 1.90 cents per pound.

The effect of these amendments, if adopted, would have been to reduce the duty on refined sugar from $1.90 to $1.82½ per hundred, and to remove the Dutch color standard, which imposed the same duty on light-brown sugar that was imposed on refined.

The bill, as reported by a majority of the Committee on Finance, omits these provisions in the law which I then moved to strike out. I think I held the attention of the Senate for about three days at that time in explaining what the Dutch standard was, and what I considered the iniquities of its incorporation into the sugar-tariff law, and explaining as best I could the reasons why no differential was needed.

Prior to the Payne-Aldrich law the Dingley law provided for a differential of 12½ cents per hundred pounds on refined sugar over the duty on pure sugar that had not gone through the process of refining. That 12½ cents, in my opinion, was purely a protective duty to a refining company that did not need any protection whatever. The Payne-Aldrich law reduced that from 12½ cents to 7½ cents per hundred pounds. I contended for the striking out of that 7½ cents differential, because, in my opinion, it was not needed and was purely a gratuity to a refining company that had proved itself to be a criminal organization.

In my judgment the provision relating to the Dutch standard was also in the interest of this same refining company, because it placed so high a duty on the light-brown sugars as materially to increase their price, so that they could not be successfully sold in competition with the refined. I was unable at that time to convince the Senate that these provisions should be stricken out, and they remained in the bill.

Last year, as Senators will remember, I again sought to have these provisions stricken out. Three years ago, if the amendments that I had offered to the bill had been adopted, the duty would have remained then on pure and refined sugar $1.82½ per hundred pounds.

Last year, in addition to striking out the differential and the Dutch standard, I sought to reduce the duty, making the maximum duty $1.75 per hundred; that is, reducing it 7½ cents per hundred pounds lower than the amendments I offered two years previously would have reduced it. I failed then to convince the Senate that such a reduction ought to be made.

I want to say that I was exceedingly gratified when the majority of the Committee on Finance reported this bill to find that the provision relating to the Dutch standard had been taken out of the law and that also the differential had been taken off, leaving the duty on pure sugar at 1.82½ cents per pound. I felt that in itself was a great advantage to the people and a very desirable step in our sugar tariff legislation, and I was very much gratified because it was the accepting by the committee of the identical amendments to the law that I had proposed in 1909. But I believe now that the duty can be still further reduced without endangering the sugar industry, especially the beet-sugar industry, that has been built up, in my opinion, as a result of the protective duty that was imposed in 1897 in the Dingley law.

I would not reduce the duty to a point that would endanger the successful operation or the normal and natural growth of the beet-sugar industry of the United States. I am desirous that the Louisiana cane-sugar industry should have the protection that is justified in undertaking to develop the sugar production of this country; but I do not believe that we are justified in maintaining an excessive tariff duty on sugar in order especially to encourage the development of the production of cane sugar in Louisiana, because the territory which can be utilized in the production of cane sugar is limited; so that a high protective duty could not give the country any great production of sugar. There is, however, opportunity for a very large development of the sugar-beet industry in the United

States, and I believe we are justified in maintaining a protective-tariff duty in any reasonable degree to encourage the development of such production. In this respect I fundamentally differ from the junior Senator from Mississippi [Mr. WILLIAMS]; but the difference is one of economic view. I believe that when duties are imposed for the collection of revenue to defray the expenses of the National Government, if they can be so fixed as to result in the development of an American industry that will give diversified employment to our people, it is not only justified but desirable to so fix them.

The Dingley bill was passed in 1897, and I want to call attention briefly to the result brought about by the duties imposed by that law in the development of the beet-sugar industry. In 1895-96—that is, the year previous to the enactment of the Dingley law—there were produced in the United States 32,000 tons of beet sugar. Last year—that is, for the sugar year 1911-12—there were produced 606,000 tons of beet sugar. There has been a gradual development in 15 years from 32,000 tons to 606,000 tons. I believe that the stimulus given the beet-sugar industry by a tariff of $1.95 per hundred pounds on refined sugar resulted in the enormous and unprecedented development in that industry. In my opinion that was wise legislation. The result has been that last year we produced approximately $50,000,000 worth of sugar in the United States. Even if we could have purchased sugar at the same price somewhere else, I am reminded of the illustration which Lincoln once gave and which always comes to my mind when discussing this subject. If this sugar had been produced abroad and we had bought that 600,000 tons last year—that additional amount—from the foreigner, he would have had the money and we would have had the sugar; but since it was produced by our own people in our own country, within the boundaries of our own Nation, we have got not only the sugar but also the money. That is one of those homely illustrations that furnish an unanswerable argument of the advantage of the protective policy. But whenever the tariff duty rises above the point that is necessary for a proper and normal stimulation of the industry, then it becomes an evil instead of a benefit. The fight I have been making since I have been in the Senate against the present tariff has not been against the policy or principle of protection, but against the excesses which selfishness and greed have incorporated into the law. When those excesses are removed, then I stand as a defender of protection as a national policy.

The bill before us provides that there shall be a duty of 95 cents a hundred pounds on sugar that tests 75 degrees pure by the polariscope test, which is a scientific test used by the civilized nations of the world, and adds 3½ cents per hundred pounds for each additional degree of purity, making the duty on 100 per cent sugar $1.82½ per hundred pounds. My amendment strikes out the 3½ cents per hundred and inserts 2.6 per hundred for each additional degree of purity above the 75 degrees, making the maximum duty on pure sugar $1.60 per hundred pounds, or 22½ cents per hundred pounds less than the bill as reported by the majority of the Committee on Finance. The amendment which I submitted to the House bill some time ago provided for a maximum of $1.52½ per hundred on pure sugar. The amendment I now offer and which the committee has accepted imposes a maximum duty of $1.60—7½ cents more per 100 pounds than the amendment as I originally presented it. I increased the maximum duty from $1.525 to $1.60, in the hope that the Senator from Massachusetts and the majority of the Committee on Finance would accept it, and that we might get a law passed that would substantially reduce the duties.

I might contend for exactly what I want in tariff legislation and fail to get anything, but I feel that when the Republican majority eliminates from the law the Dutch standard, which I have been fighting since I have been in the Senate, removes the differential, which I think is unnecessary, and reduces the duty on refined sugar from $1.90 per hundred pounds to $1.60, and on pure unrefined sugar from $1.825 to $1.60, that I am getting substantially what I have been fighting for. I believe that is approximately as much of a reduction as it is safe to make at this time, considering the importance of the beet and Louisiana cane-sugar production.

In this connection I think I should refer to the Cuban reciprocity treaty that was entered into some years ago, because that brought about a material reduction in the protection which the sugar producers in the United States were receiving under the Dingley law. The iniquity of that measure from my point of view is that it reduced very materially—20 per cent—the duty on raw sugar which the sugar refiners bought and left the duty on refined sugar, which they sell, the same as it was before. The result has been that the refiners entered the Cuban market, purchased their supply for their refineries at practically 20 per cent less than they had been paying before, and had the same protection for their product which thus sold in the American market.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. BRISTOW. Certainly.

Mr. SMITH of Michigan. If the Senator will permit me, the benefit which they derived was in no way shared by the people who produced the sugar in the field.

Mr. BRISTOW. I would not say that it was in no way shared. It was shared to some extent, but very little. I think the Cubans got some advantage, but nothing like 20 per cent. They got a very slight advantage, and the American public got a very slight advantage. I figured it out once at about $1\frac{7}{10}$ per cent in the reduction of the price which they paid for the refined product.

Mr. SMITH of Michigan. Very much less, if the Senator will permit me, than the advocates of Cuban reciprocity so enthusiastically represented it would be.

Mr. BRISTOW. Very much less, that is true.

Mr. SMITH of Michigan. And the effect of that act was most detrimental to the development of the beet-sugar industry in our country.

Mr. BRISTOW. Well, Mr. President——

Mr. SMITH of Michigan. I think I ought to say it was detrimental in this, that the uncertainty and the instability of the American policy was such as to discourage rather than encourage the normal and natural growth of that industry.

Mr. BRISTOW. Well, I can hardly agree fully with the Senator in that respect. I think that the beet-sugar industry, in spite of the handicap then put upon it, has grown in a very gratifying way. My criticism is not of the reduction that was made on raw sugar by the Cuban reciprocity treaty, but on the failure to reduce the duty correspondingly on the refined product. If that duty had been reduced correspondingly, then it would have amounted to a reduction of 20 per cent in the sugar duties; but as it was, it was a reduction of 20 per cent in the protection which the sugar producer received and no reduction in the protection which the refiner, the purchaser of the product of the American cane-sugar producer, received.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SUTHERLAND. Does the Senator from Kansas state that quite accurately? I understand the Cuban reciprocity legislation gave the Cubans a reduction of 20 per cent in our tariff duties, but it was not in terms confined to raw sugar; it applied to all kinds of sugar.

Mr. BRISTOW. That is true; but there are no refineries in Cuba and never have been.

Mr. SUTHERLAND. That is correct; but in practical application it applied to both. While I am on my feet, following out the suggestion made by the Senator from Michigan, with whom I quite agreed when this legislation was pending in the House, I think there has been a very gratifying development in the beet-sugar industry in this country, but I feel quite sure—and my opinion is based upon some observations of my own—that it would have been still further developed if it had not been for that legislation, because I think I know of instances in the West where people were prevented from putting their money into the building of additional sugar factories by the passage of the Cuban reciprocity bill.

Mr. BRISTOW. I agree with the Senator from Michigan and the Senator from Utah that the passage of the Cuban reciprocity law checked for a time the development of the beet-sugar industry. That is shown by the production during the years immediately following the passage of the reciprocity bill, due, I think, as the Senator from Michigan has suggested, to the uncertainty and the doubt in the minds of investors as to what effect that law might have upon the sugar market.

Mr. SMITH of Michigan. Mr. President, if the Senator from Kansas will permit me, I will make the further observation that that uncertainty followed very closely upon the withdrawal of the bounty which was promised in different States to the beet-sugar industry in its early stages and which, indeed, was part of the policy of the Federal Government at that time; but, notwithstanding all of these trials and tribulations, the suitableness of our soil to that product has increased the output tremendously, until to-day, as one of those who originally advocated it in the House of Representatives and who has been its constant friend since, I am indeed very proud of the domestic beet-sugar industry. I hope that it will go along and continue

to grow and develop, and that it will stand upon its own feet and keep itself clear from the organizations which are viewing it with such a jealous eye and whose very touch would tend to blight and possibly to destroy it. I do not hesitate to say that I think that has been their object.

The sugar industry in the United States is absolutely dependent upon the tariff. The Senator from Kansas, the Senator from Utah, myself, and other Senators who have given it study, know that the island of Cuba, lying only 90 miles from the American coast line, has a sugar productive capacity of nearly twice the ability of the people of the United States to consume. According to a French statist, who has given the matter very careful thought, it is not beyond the realm of possibility that Cuba could produce annually upward of 6,000,000 tons of sugar and almost have it grow seven times with one planting. In a situation like that, with a crop produced by cheap labor—peons who wear little clothing and whose necessities seem to be small—it would be little less than suicidal to place the American beet-sugar producer upon the same level with sugar producers in this territory so near our coast.

I am glad that the Senator from Kansas by his persistence and his devotion has finally succeeded in bringing into agreement apparently discordant elements upon this question. For him to say that this industry is dependent upon protection, that it is one of the fruits of protection, and that it has his support and good will, is a great encouragement to the beet-sugar industry of this country, which will retain in the circulating medium of our country hundreds of millions of dollars that will flow through other avenues of commerce and trade and employ labor and diversify production, and which will add to the aggregate wealth of our country and to the individual prosperity of its citizens.

Mr. BRISTOW. Referring to the check in the production of sugar during the years immediately following the enactment of the Cuban reciprocity law, I have just been looking at the statistics which I have here. The law was enacted in 1903. In that year there was produced in the United States 218,000 tons of beet sugar, an increase from 1897, in the six years after the Dingley law was enacted, from 32,000 tons for that year to 218,000 tons. That was the increase in the first six years of the operation of the Dingley law in the production of beet sugar.

Prior to 1897, before the enactment of the Dingley law, there had been a very slow development in the beet-sugar industry. The first beet sugar that was produced in the United States was in 1861, which was simply an experiment. The entire production from 1861 to 1870 was only 448 tons, and from 1870 up to 1897, a period of 27 years, it only increased to 32,000 tons, while, as I have stated, in the first 6 years after the enactment of the Dingley law it increased from 32,000 tons to 218,000 tons. In 1904 the production was 240,000 tons, or an increase of 22,000 tons. In 1905 it was but 242,000 tons, an increase of only 2,000 tons, showing that the enactment of the Cuban reciprocity law had a retarding effect; but as soon as the industry recovered from the first effect of that law it began to advance by leaps and bounds. In 1906 there were produced 312,000 tons, an increase of approximately 70,000 tons for that year. Then it continued to increase until, as I have said, last year we produced something over 600,000 tons of beet sugar in the United States.

In this connection I submit a table showing the production of cane and beet sugar in the United States from 1852 to 1912:

Beet and cane sugar—Quantities produced in the United States, 1852 to 1910.

[From Statistical Abstract of the United States, 1910, p. 218 (computed).]

Periods.[1]	Cane sugar.	Beet sugar.
	Short tons.	*Short tons.*
1852–1860[2]	165,613.7	.....
1861–1870[2]	66,214.9	[3] 448.0
1871–1880[2]	84,050.3	425.6
1881–1890[2]	141,000.6	1,176.8
1890–91	248,584.9	3,874.1
1891–92	185,289.7	5,998.7
1892–93	249,227.9	13,460.2
1893–94	305,412.8	22,344.0
1894–95	364,696.3	22,503.0
1895–96	271,816.9	32,726.4
1896–97	322,087.7	42,040.3
1897–98	354,125 9	45,245.8
1898–99	284,394.9	36,367.5
1899–1900	161,274.5	81,729.0
1900–1901	311,887.1	86,082.1
1901–2	364,325.2	184,605.9

[1] The periods relate to sugar-productions years which end with March.
[2] Average for the period.
[3] 1864 to 1870.

Beet and cane sugar—Quantities produced, etc.—Continued.

Periods.	Cane sugar.	Beet sugar.
	Short tons.	*Short tons.*
1902–3	372,902.9	218,405.8
1903–4	262,976.0	240,604.5
1904–5	392,000.0	242,113.2
1905–6	383,040.0	312,920.6
1906–7	272,160.0	483,612.0
1907–8	394,240.0	463,628.2
1908–9	414,400.0	425,884.0
1909–10	375,200.0	512,469.0
1910–11	[1] 348,320.0	[1] 509,846.4
1911–12 (estimated)	[1] 344,960.0	[1] 606,033.0

[1] From Willett & Gray's Weekly Sugar Trade Journal, 1912.

In addition to Cuban reciprocity, the beet-sugar industry, as well as the cane-sugar industry in the United States, has had to contend against free sugar from Porto Rico. Prior to the annexation of Porto Rico, which occurred as the result of the Spanish-American War, sugar from Porto Rico had paid the same duty as sugars from other parts of the world—a maximum duty of $1.95; but with the annexation of Porto Rico its sugar came to the United States free. The annexation occurred shortly after the Spanish-American War, and our importations from Porto Rico in 1900 were 36,000 tons. The importation from Porto Rico has increased, as the result of free sugar, from 36,000 tons in 1900 to 322,000 tons last year—showing the enormous amount of free cane sugar that is brought into the United States from Porto Rico to compete with the American sugar producers.

Then, there has been a large increase from Hawaii. The increase from these islands has been from 252,000 tons in 1900 to 505,000 tons last year.

I submit another table showing the importations of sugar from Porto Rico and other countries:

Sugar imported into the United States from Hawaii, Porto Rico, Cuba, the Philippines, and all other countries.

Fiscal years.	Hawaii.	Porto Rico.	Cuba.	Philippines.	All other countries.
	Short tons.	*Short tons.*	*Short tons.*	*Short tons.*	*Short tons.*
1898	249,883	49,209	220,113	14,745	811,009.99
1899	231,149.94	53,601.3	331,771.83	25,812.64	1,347,789.58
1900	252,356.55	36,279.09	352,727.96	24,745.27	1,392,934.4
1901	345,440.42	68,600.9	549,702.18	2,346.67	1,435,454.07
1902	360,276.68	91,908.52	492,107.54	5,712	1,515,957.94
1903	387,412.71	113,076.75	1,197,963.89	9,386.67	900,703.49
1904	368,246.05	129,615.8	1,409,778.86	23,514.95	967,842.47
1905	416,360.69	135,659.99	962,421.16	27,499.99	774,705.86
1906	373,301.32	205,272.3	1,261,295.25	26,362.34	578,675.63
1907	410,507.41	204,074.99	1,583,081.99	35,253.15	548,183.12
1908	538,785.32	234,602.54	1,231,031.95	14,731.4	524,279.6
1909	511,431.96	244,226.37	1,324,514.89	47,476.41	617,333.43
1910	555,297.24	284,519.94	1,734,303.21	87,766.35	216,229.03
1911	505,607.92	322,917.20	1,805,433.77	115,175.74	48,357.95

NOTE.—From Senate Document No. 15, Sixty-first Congress, first session, pp. 2–3, letter from Assistant Secretary Commerce and Labor.

Figures, 1898, compiled from Statistical Abstract, 1907, p. 719, also 1904; figures for 1901, Porto Rico, Statistical Abstract, 1907, p. 719; Porto Rico, 1899–1900, Statistical Abstract, 1904, p. 351; Cuba, 1899–1905, Statistical Abstract, 1904, p. 351; Philippines, 1899–1903, Statistical Abstract, 1904, p. 353; other countries, 1899–1904, Statistical Abstract, 1907, p. 719; all figures for 1909 from Foreign Commerce and Navigation of the United States, 1909, pp. 965, 1092, 1214, 1236; all figures for 1910 from Foreign Commerce and Navigation of the United States, 1910, pp. 1093, 1117, 1136, 1137, 1387, 1407; figures for Cuba, 1911, from Report on Commerce and Navigation of the United States, 1911, No. 15; other figures for 1911 furnished by Bureau of Statistics and computed therefrom.

In the face of these handicaps during the 15 years that the beet-sugar industry has been in process of development, with the exception of a few years immediately following the reciprocity treaty, it has made a normal, rapid, and desirable advance. During recent years, because of improved methods of extracting the saccharine from the beet and the improvement and development of the beet so as to get a beet richer in saccharine contents, there has been a gradual decrease in the cost of beet-sugar production in the United States; and I am thoroughly convinced—and there can be no doubt in the mind of anyone who will examine carefully and impartially the statistics of the development of this industry—that the tariff reduction suggested in the amendment that I have offered, and which the committee has been good enough to accept, can be made at this time without detriment to the development of the beet-sugar industry in the United States.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. BRISTOW. Yes.

Mr. SMITH of Michigan. Has the Senator from Kansas made any calculations as to the amount of revenue that will be sacrificed by this reduction?

Mr. BRISTOW. About five and a half million dollars.

Mr. SMITH of Michigan. Is it the expectation of the Senator that the reduced duty will stimulate importations, and that we shall make up the revenue in that way?

Mr. BRISTOW. No; I do not think we shall make up the revenue. I do not think it will stimulate importations. My judgment is—many of my protection friends will disagree with me on this—but my judgment is that it will result in a reduction in the price which the American people pay for the sugar they consume and that that reduction can be made without any detriment to American producers. The protective duty will still be high enough to enable them to compete successfully in the American market with any foreign producer, whether it be the beet-sugar producer of Germany or the cane-sugar producer of Cuba.

Mr. SMITH of Michigan. Of course the motive of the Senator from Kansas is to keep the duty sufficiently high to enable them to compete.

Mr. BRISTOW. Certainly.

Mr. SMITH of Michigan. There is no doubt about that.

Mr. BRISTOW. That is the reason I oppose the substitute offered by the Senator from Mississippi [Mr. WILLIAMS], because I think the reductions provided in that amendment would be very detrimental to the beet-sugar industry and particularly detrimental to the cane-sugar interests of Louisiana.

Mr. SMITH of Michigan. Mr. President, if I do not interrupt the Senator from Kansas——

Mr. BRISTOW. Not at all.

Mr. SMITH of Michigan. I am going to observe right there that if the rates of duty embodied in the proposition of the Senator from Kansas could be made permanent, if it were certain that those duties would not be interfered with by a political party whose policy is toward free trade, I venture the assertion that the beet-sugar industry would grow as it has never before grown, and that within a very few years at the outside the American people would not spend outside of the country a dollar for sugar, but would retain all that vast supply of money among our own people and in our own industries.

Mr. BRISTOW. Mr. President, I agree with the Senator from Michigan that it is very desirable, when a great industry, such as this is, is affected so materially by a tariff duty, that there should be stability in the amount of duty levied, and that the rate should not be changed from year to year, because that causes a degree of uncertainty in the minds of men who seek investments or whose fortunes are involved in the production of this commodity. I believe that the doubt as to the effect Cuban reciprocity would have on the development of the beet-sugar industry had as much to do with the retarding of its growth during the years 1904, 1905, and 1906 as the actual reduction in the duty.

Mr. SMITH of Michigan. It had. That was the first step.

Mr. BRISTOW. And I believe that this duty of $1.60 on refined sugar, which in effect is a deceptive duty, because practically no sugar will be imported that will pay $1.60 a hundred pounds—the real actual protection to American sugar to-day is the duty on the Cuban product; that duty to-day is $1.34 on 96° sugar, and 95° and 96° sugar constitute the great bulk of our importations——

Mr. BACON. Why does the Senator say that is the controlling duty? I ask for information.

Mr. BRISTOW. Because the sugar we import comes in at that duty. We imported last year from Cuba 1,800,000 tons of sugar, while we imported from all other countries but 48,000 tons which paid the full duty, showing that 1,800,000 tons came in under the Cuban reciprocity agreement—that is, at a duty of $1.34 on 96° sugars—while there came in but 48,000 tons that paid the full duty.

Mr. BACON. I may be wrong about it, but does not the Senator think that as long as the lower rate of duty does not furnish importations to supply the demand, the higher rate of duty, under which there must be some importations, is the controlling rate of duty?

Mr. BRISTOW. The Senator is right, in a sense. If he will permit me, I will explain.

The real competitors of the American beet-sugar producers are the American refiners of tropical or cane sugars; that is, this 1,800,000 tons that came from Cuba was purchased by the American refiners at this reduced duty. So the American producer of sugar is competing with the Cuban producer, and the protection which the refiner has is the protection imposed upon his refined product, and that is the point at which this reduction on the duty which I suggest is made, and where I think it ought to have been made years ago.

Mr. BACON. The Senator may be correct, but I will ask him this question: Suppose that all the sugar that comes from any country from which we receive sugar without any duty, and those countries or that country from which we receive sugar at a reduced duty, was produced in the United States, and that we produced all the sugar consumed in the United States except 48,000 tons, and that the 48,000 tons came from Germany, would not that be the controlling rate of duty?

Mr. BRISTOW. If all sugar was refined sugar that would be true, but imported sugar is not refined sugar, and therefore the duty on the sugar that is imported is not $1.90.

Mr. BACON. The Senator then recognizes the general proposition as I state it, but thinks the peculiar conditions—the influence of the refiners of sugar is the influence that makes the condition that the Senator says results from the Cuban——

Mr. BRISTOW. That is my judgment. If sugar was all refined, and we produced here all but 48,000 tons, and we had to import that, the natural tendency of the market price in America would be to reach the foreign price, plus the duty.

Mr. BACON. Does it not always do so?

Mr. BRISTOW. That is the tendency, and it approaches it very nearly, but it does not always do it, as a matter of fact.

So, as I was saying, the protection which the American sugar producer receives is really in fact the Cuban duty, and that is $1.34 instead of $1.90, as it has been heretofore. But this amendment of mine reduces the Cuban duty to approximately $1.20.

Mr. BACON. I suppose the Senator recognizes another thing, and that is that if the sugar that is produced, for instance, in Hawaii, upon which there is no duty, was produced by plants which were owned by the sugar-refining industries of this country, the increased price of those sugars coming from Hawaii resulting from the duty imposed on sugars coming from Germany, for instance, would be that much bonus to the sugar refiners, would it not?

Mr. BRISTOW. If the production of Hawaii was refined; yes; but if unrefined, then the competitor is Cuba, and their profit would be controlled by the Cuban duty and not the German duty.

Mr. BACON. I see the point.

Mr. BRISTOW. But they do not produce refined sugar. They produce raw sugar. Their competitor is Cuba, and the duty that protects them is the Cuban and not the duty on the German sugar.

Mr. BACON. The point I am after is this: So far as Hawaiian sugars are concerned, if the production there were owned and controlled by the sugar industries of the United States, they get the price which the controlling duty, whether it is the Cuban or German import duty, influences and controls?

Mr. BRISTOW. They get the price which the Cuban duty creates.

Mr. BACON. Exactly.

Mr. BRISTOW. That is true.

Mr. BACON. And the fact that we import the Hawaiian sugars free of duty does not decrease the price of sugar in this country to the consumer.

Mr. BRISTOW. Not on the refined sugar. I agree to that. I have so contended for years.

I was very much interested and very much pleased at the criticism which the Senator from Massachusetts made upon the sugar refiners. I think that the American sugar refiners have been a gang of pirates, and I am glad that they will no longer have undue favors after this bill becomes a law, as I hope it will, of the American Government.

The reason I am anxious for the bill as amended to become a law is because we will be receiving the fruits of a legitimate reduction in what I consider excessive tariff duties. A number of us have been fighting here for a good many years contending with Senators belonging to our own party for a reduction of these duties.

I have voted with the Democrats on tariff votes a great many more times than I have voted with the majority of the Republicans, because I have been contending for a reduction in existing duties, and the Democrats have voted with us, as the amendments have usually been amendments that the Republicans who have been contending for lower duties have offered.

Now, I want to say to my Democratic friends that we have an opportunity of getting a substantial reduction in duty on one of the most important, I believe the most important American commodity. I have no doubt, and I do not think anyone here will have doubt, that if this bill passes the Senate and the

House accepts it, it will meet the Executive approval and become a law, and if it does we—and in this connection I refer to the progressive Republicans and the Democrats—will get legislation embodying the things we have been voting for now for over three years, and if we want legislation along the lines we have been advocating, then this bill ought to pass, because it means legislation.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from North Carolina?

Mr. BRISTOW. I do.

Mr. SIMMONS. I understand that this morning, while I was absent from the Chamber, the Senator from Kansas changed his amendment, and that it was accepted by the Senator from Massachusetts as an amendment to his amendment.

Mr. BRISTOW. My amendment, I will say to the Senator from North Carolina, made during his absence, was to strike out the word "thirty-five," in line 2, page 4, of the bill as reported by the majority of the committee, and insert the word "twenty-six."

Mr. SIMMONS. Is that the only change?

Mr. BRISTOW. That is the only change made.

Mr. SIMMONS. That is the only change you make in the Lodge bill?

Mr. BRISTOW. In the Lodge bill. That reduced the duty as provided in the Lodge substitute from 1.82½ to 1.60; that is, 7½ cents higher than the amendment was when I introduced it.

Mr. SIMMONS. I am asking for information.

Mr. BRISTOW. Yes.

Mr. SIMMONS. I understood from the Senator, in private conversation, that his original amendment would have reduced the sugar duties upon an ad valorem basis probably about 22 per cent.

Mr. BRISTOW. I never figured that out exactly. It would have reduced the duty from 1.90 to 1.52½. This reduces it from 1.90 to 1.60.

Mr. SIMMONS. I am trying, if I can, not being as familiar as is the Senator from Kansas with the technique of this business, to get at something like the ad valorem of the proposed reduction. I will ask the Senator from Kansas if his original amendment would not have resulted in an ad valorem reduction of somewhere from 20 to 22 per cent?

Mr. BRISTOW. I will say that I have never figured it out, but I think, from a conversation with the Senator or somebody else who had figured it out, that is approximately true. I never have figured it from the standpoint of the ad valorem, but I think that is approximately correct.

Mr. SIMMONS. If that be so, if the original amendment would have reduced it upon that basis from 20 to 22 per cent, how much would the amendment which has been accepted reduce it?

Mr. BRISTOW. I will say to the Senator that I have not figured the ad valorem reduction.

Mr. SIMMONS. Could the Senator approximate it; about how much?

Mr. BRISTOW. I should think if the former was 22 this would be 18 or 19. That would be my guess; about 18 per cent, so I am advised.

Now, as I was saying when interrupted by the Senator from North Carolina, I am anxious that the bill as amended shall become a law, because it gives us legislation and a substantial reduction. It gives what we have been contending for, not so much as our Democratic friends desire, but as much as, in my judgment, it would be safe to make at this time, and it seems to me that it is time we were getting some fruits in this tariff controversy, and we now have the opportunity to get them.

The Senator from Mississippi [Mr. WILLIAMS] criticized the provision in the bill as reported by the Senator from Massachusetts which provides for a marking of the package—stamping the name of the manufacturer and the degree of purity. That amendment simply provides that the pure-food law shall apply to bags and barrels of sugar that are put upon the American market and sold to the consumers, and it also provides that this proviso shall not apply to sugar that is being imported for refining. It makes no difference how impure is sugar that is being imported for refining, because the refining takes the impurities out of it and when it is put upon the market it is refined or pure sugar. So I see no objection to that provision.

There is no occasion for sugar to be marked as to its purity if it is immediately going into a refinery. That is a question between the refiner who purchases it and the producer who sells it. But if that refiner purchases it to put it upon the American market unrefined, or if the producer who imports it into this country imports it for the purpose of putting it upon the American market, I see no objection to its being stamped as to the degree of purity, but I think the provision ought to apply to everybody alike.

The objection that has been made to the removal of the Dutch standard is that it would give opportunity for foreign sugar producers to import into the United States impure sugar highly colored by some mechanical process. That has never had any weight upon my mind. I do not think it is practical to color sugar artificially. You can crush large grains of sugar and pulverize them into smaller grains and make them appear whiter than if the crystals were larger, but the sugar is no purer. I have no objection to stamping the purity of the sugar upon barrels or sacks any more than I would object to stamping the degree of purity of any other article upon its container. I have no objection to a refiner's purchasing sugar in bulk to refine without having any stamp on it as to its purity, for that is his business. But if he purchases it to put on the American market in the condition in which he purchases it, without passing it through his refinery, I think he ought to stamp it, the same as anybody else ought to who imports or manufactures sugar.

So I see no objection to this provision of the bill. I do not think it is necessary. Some people think it is. I am perfectly willing that it should go in, because it simply requires that the package be stamped for just what it is, and the barrels and sacks of sugar that are put upon the open market come under the supervision of the pure-food law the same as other commodities do. The only objection I can see is the inconvenience of stamping.

If the refiner has to refine the sugar he purchases before he puts it on the market, we have no interest in what the purity of that sugar is; but if he has to stamp those packages with the degree of purity, the same as other producers, when he buys it and puts it on the market without refining, the public is protected from any dishonesty which he might attempt to practice on the American people.

I do not believe I have anything more to say. I have taken up more time on the sugar question in the last three years than possibly I ought to have taken, and I believe I can be pardoned for saying that I feel very much gratified, after these three years of controversy with my Republican friends, that at last the measures which I have advocated have been accepted by those who at times have radically differed from me, and that these measures I hope are soon to be incorporated into the law and a larger reduction made in the tax upon our sugar consumption. I am glad that my amendment was accepted by the Senator from Massachusetts, and I sincerely trust that the bill as amended will pass the Senate and soon become a law.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended. Is the Senate ready for the question?

Mr. SMOOT. I ask for the yeas and nays.

Mr. SIMMONS. I should like to know if I understand exactly what the vote is on. As I understand, the vote is upon the substitute offered by the Senator from Massachusetts as amended.

The PRESIDENT pro tempore. The committee amendment as amended on motion of the Senator from Kansas [Mr. BRISTOW].

Mr. WILLIAMS. Mr. President, I got permission of the Senate yesterday to file the views of the minority, and I desire to do so at this time.

The PRESIDENT pro tempore. Without objection, the views of the minority (Rept. No. 763, pt. 2) will be received and printed.

Mr. HEYBURN. Mr. President, inasmuch as everybody will be called upon to vote on this amendment, I desire that the RECORD shall leave no question as to the motive actuating me.

I am still in favor of a protective tariff that protects. I am not in sympathy with any proposition to reduce the existing tariff on sugar for two reasons—first, that it will cost the Government from seven to ten million dollars in revenue. As I estimate it, it will cost it $9,000,000. Some Senators on this side estimate it at $7,000,000, and I do not know whether any estimate it above $9,000,000 or not.

Mr. BRISTOW. Does the Senator refer to the amendment I offered to the bill?

Mr. HEYBURN. Yes.

Mr. BRISTOW. I will say to the Senator that I figured it out quite carefully, and it is about five and a half million dollars.

Mr. HEYBURN. I have had varying figures submitted to me. I, to the best of my ability, made some figures in regard to it, with the result that in my judgment it would cost the Government about $9,000,000 in revenue. That is an important con-

sideration which would go a long ways with me in determining how I would vote upon this amendment.

Then, again, the reasons that are given for making a reduction by the other side of the Chamber do not appeal to me. Confessedly, according to some of the remarks of Senators on the other side yesterday, their purpose is to clear the way for the creation or substitution of another source of revenue to pay the expenses of the Government. It is proposed by the Democracy—and I will make it broad enough to cover Democrats in and out of Congress—to substitute direct taxation for the system of indirect taxation, if it is taxation, in providing for the revenues of the Government. I am unalterably opposed to making a condition in order that an undesirable condition may be brought about.

Of course it must be admitted that a reduction, whether it be five million or nine million or eleven million, is at the expense of our own producers. It is a fair deduction that if we reduce the duty we increase the imports of sugar or the opportunity to import sugar, and it will exert a pressure upon our own producers to compel them to accept less profit and less favorable conditions of production. I can not bring my mind to accept a proposition that will result in doing that thing.

It is probable that with this amendment adopted the legislation would still fail of enactment into law. If I were to vote for this amendment it would be because I believed it would be futile and that the legislation would fail, and I would vote for it if at all in order to defeat what is, in my judgment, a more dangerous and disastrous piece of legislation, namely, the House bill.

One of the most treasured resources of this Government for the production of revenue for the payment of the expenses of our Government has been the sugar tariff. It has been beneficial not only in protecting our market as it exists to-day, but it has been beneficial in building up the sugar industry in this country from a very small production 14 years ago to a very large production to-day, and an ever-increasing production, not only of sugar, but of the prosperity incident to an enlarged use of our land, our labor, and all that pertains to the growth of that industry.

It is conceded that within a very few years under existing conditions the United States would produce all the sugar it would consume, and as the years come after that would produce a surplus for sale in other markets that would add to the wealth of the people of this country who are interested in the production of sugar, the development of the industries that are dependent upon it, and an enlarged use of the lands of the country.

The State I represent is one of the large sugar-beet producing States of the Union. It has grown within a very few years from the beginning to the existing conditions of production. We have large counties in our State that had no substantial existence prior to the introduction of this industry which are to-day among the largest and most prosperous counties in the State. One of those counties is as large as some States in the Union. I have known it since it was in the primitive condition of sagebrush and cattle ranging. I have seen it developed into a fertile, thickly populated county, with large and growing towns, all because of the advantages offered to the American producer by reason of Republican tariff legislation.

I not only am not willing to strike down that industry, but I am not willing to diminish the prosperity of those people to the extent of a single dollar in response to a cry that comes from nowhere, that has no responsible thing behind it except a political scare based upon a desire to win in political controversy. Outside of the Chambers of Congress there are many millions of people who think upon this question. Heretofore their thoughts have led them to support by overwhelming majorities the party of protection, the party that gave us the tariff under which we now live. I do not believe that those people have changed their minds. I know that no responsible call has come up from them for change in legislation.

In the Republican platform there is a short paragraph suggesting that some duties are too high. It should not have been in a Republican platform. Some of those who were instrumental in making that platform tell me they did not know that it was to be contained therein. But it is there, and the question presented by it is one that seems to be considered of general application. Three days we have sat here considering reductions in the duties upon imports, and there have been found during those three days advocates of reduction in the several schedules that have been under consideration. I wonder when going down the list of schedules we would find one that would be considered an exception to that irresponsible statement that some duties are too high. We have not found one in three days, and perhaps if we were to go down the whole line of schedules we would find some one, perhaps many, admitting that all schedules were too high.

Can that possibly be the condition that exists in the minds of the Republicans of the United States? I do not say in the minds of the Republicans in Congress. I am inquiring as to the condition of the minds of Republicans in the United States. That is a larger question, and one more important to be given consideration than is the question as to the condition of the minds of Senators and Members of either House of Congress.

If the proposition contained in the amendment under consideration is one intended to defeat the enactment of a law placing sugar upon the free list, then if I were to vote for it it would be merely as a weapon used in that great and good cause. There are conditions under which a person might conscientiously vote for an amendment that they would not willingly see enacted into a law. Should I vote for this amendment, I propose that it shall be known here and everywhere that I do not vote for it because I approve of a reduction of the duties and a reduction of the revenue of the country at the expense of legislation providing for a substitute in the production of revenues of such a measure as was considered in this body yesterday. Yesterday the Senate of the United States voted in favor of substituting direct taxation upon the people of our own country for indirect taxation upon the people of other countries.

This is the hour of political madness. Men's minds have been wrought up by the discussion and consideration of questions of Government that are fraught with danger to the stability of our institutions until they seem to have lost sight of the old landmarks and to have broken away from the moorings of safety, tried and found to be safe. I deplore the condition. I do not expect to stem the tide to-day, because it is not the first time in the history of this Nation, or of other nations, that we have been forced to submit for a time to conditions of which we could not approve. Our hope is in the present until that hope is shown to be fruitless and without foundation; but still beyond that we have a further hope and an abiding faith that when the hour of sanity returns to the people the wrongs of to-day will be swept away before the wisdom of to-morrow.

I want it to be understood that if I vote for this amendment it will be only that we may use it as a weapon for the destruction of a greater evil threatened us, should the consideration of this question pass beyond the vote upon the amendment.

Mr. JOHNSTON of Alabama. Mr. President, will the Senator from Idaho permit me? I should like to ask him a question. I understood him to say just a few moments ago that he knew of no duties that were too high. I wish to read him what the President said in his message transmitting the Tariff Board report on wool. He said:

> On cheap and medium grade cloths, the existing rates frequently run to 150 per cent, and on some cheap goods to over 200 per cent.

Would not the Senator consider that too high?

Mr. HEYBURN. Mr. President, I am willing to accept the responsibility for my own judgment and my own act. I believe that every man in the party to which I belong is entitled to his own judgment upon these questions. I would like to believe that the wisdom of the question was to be found in the composite judgment of all Republicans. I am not to be led away or driven away from the doctrine of protection, to which I subscribe, to which I have subscribed during all the years of my responsible life, before the quotation of the opinion of any single man in the party. The Republican Party has many mansions. All Republicans do not dwell in the same house. It is the composite wisdom of the party that constitutes the lodestar that directs my course and not the wisdom of any one man. It must be indorsed and subscribed to by those who constitute the Republican Party.

I have the very highest personal regard for the views of the President of the United States. He speaks as an individual and not as a party. The Congress of the United States speaks more directly than does any man in the party, whatever his position may be. I intend to support loyally in the coming contest the nominee of the Republican Party. I intend to do it without apology or without defense. I have more than one reason for doing so aside from my confidence in the ultimate wisdom of the President of the United States in connection with the representatives of the Republicans of this country. I am not going to question it in this hour, neither am I going to cease to strive for the recognition of the principles that I believe to be sound and true.

There is another great reason why I am going to support the nominee of the Republican party, and that is that it will, I hope, prevent the Democratic party from obtaining the control or assuming the administration or legislation of this country.

That is the greatest evil, in my judgment, that can befall the Americans. I do not expect Senators on the other side to agree with me—that is, not spontaneously, nor do they expect me to agree with their policies, but, Mr. President, anything that will keep the Democratic party out of power is a worthy thing to do, and in this is involved the welfare of the American people.

I heard statements upon this floor yesterday which would indicate that some Members seem never to have discovered the boundaries of the United States or to have learned what the boundary of a country such as ours means. They seem not to understand that it marks not only the geographical line, but the line of interest and the line of rights of the people. Senators who talk about the spirit of brotherly love, unbounded and undivided by geographical lines, are talking poetry and not reason. The American people, a nation distinct from every other nation in individual and personal character, necessity, ambition, and destiny, must not be confused with a country, even though inhabited by a like citizenship that exists under different laws and is governed under different principles.

I would make the boundary of our great country mean something not only upon the map, but in the transactions in the world between men. I would make it mean something to be an American citizen. I would make it stand for something that places the American citizen and his rights above the citizenship of any other country in the world. That is what it is to be an American citizen, entitled to participate in the counsels of the American people, to live under the laws of the American people, that are different in principle and application to the citizens than are the laws of any other country.

For that reason no conditions could arise under which I would advocate or support any proposition of legislation that would place the citizenship of any country upon an equal plane with the citizenship of our own country, either from a patriotic standpoint, a business or a personal standpoint. That is the standard that was set up by the founders of the country. That is the standard that was marked out by the Constitution of the United States. It was the purpose of the founders that we should be a distinct and separate nation, and that our citizenship should stand upon a better and higher plane than that of any other country.

I would never bring into competition with our own citizenship in the struggle for prosperity the citizenship of any other country. The rights of all men equal before the law are not equal in the great field of controversy and struggle. I would give the weakest American citizen higher rights and better protection than I would give the strongest foreigner, whether at home or abroad. I would not allow the most highly skilled and best equipped foreigner to compete at the expense of the less equipped American citizen. We legislate in order that all men can be equal before the law. Then we must give them all an equal opportunity before the law. In enacting tariff legislation we must give the weak the protection that will make him stronger than the strongest foreigner. That is the principle, that is the object, that is the purpose of our Government.

Mr. MARTINE of New Jersey. Mr. President, I desire to say that somewhere and somehow I want to vote for free sugar. Whether I shall have the opportunity or not I do not know, but I believe the time has come for free sugar and a free breakfast table to the American people.

I agree thoroughly in many ways with what is expressed by the Senator from Idaho, particularly where he says it means something to be an American citizen. I have no doubt from his standpoint and point of view the Havemeyers, sugar refiners, multimillionaires, of New York, who have robbed this country of millions of dollars, will think so, too.

I think the Senator will agree with me that Henry T. Oxnard is a pretty good authority on the question of sugar beets and sugar raising. It was his testimony that it cost not more than $2.80 a hundred to raise sugar beets. This was in 1898. At that time the sugar content of the American beets was no more than 8 to 9 per cent, and the yield per acre no more than 7 or 8 tons. At the hearings before the Ways and Means Committee of the House in 1909 Mr. Oxnard declared that when we attained the German average of sugar content and yield per acre we could stand against the world without any further assistance from the tariff. It developed before the Hardwick committee that this country had equaled, if not surpassed, the German average, the content of our beets having reached above 15 per cent and the yield per acre 14 tons, while in favorable localities of California, Colorado, Utah, and Michigan there had been as high as 22 per cent content and 20 tons' yield per acre.

If he was right about the cost to produce in 1898, how much more cheaply should his company be able to produce now, under these improved conditions? The Spreckels Beet Sugar Co. of California returned a cost of $2.70 per hundred pounds in the report to the trust, which owns a half interest, of its earnings for 1910. The Hardwick committee, in a unanimous report, placed the average maximum cost of all factories, good, bad, and indifferent, at $3.54 per hundred pounds.

Now, Mr. President, I am satisfied, and it seems to me fair-minded and impartial men must be satisfied, from this testimony that the public has been robbed in order to enrich the sugar refineries of the country, and their greed and avarice have not yet been satisfied. They are asking for more, and the pressure on all sides in legislation is for further privileges.

The Michigan Sugar Co., after sweating the people, paid a stock dividend in 1910 of 35 per cent in addition to regular dividends of 1¾ per cent upon both preferred and common, and transferred $1,025,000 to surplus. The Great Western of Colorado had a surplus of $5,500,000 in 1910, after paying 7 per cent upon $15,000,000 preferred and 5 per cent upon $10,000,000 common stock. It has lately been testified by Chester Morey, president of the latter company, in the suit brought by the Government to dissolve the American Sugar Refining Co., that he and H. O. Havemeyer, to use his term, "cut melons" at the rate of $52.25 per share.

Mr. President, I am unwilling, by my vote, to further swell their dividends, through burdening every breakfast table in the land. No other country in the world would have tolerated such a system of tariff a day. It is robbery pure and simple.

Last year the American Beet Sugar Co. earned $9,000,000, gross, upon a capitalization of $20,000,000. Mr. President, to foster through tariff such results and profits at the expense of the American consumer and toiler is brutal. I can not vote to continue such extortion.

Mr. President, I insist that the sugar-refining companies have reached their limit in fairness and common decency; and when I recall the method only a year or two ago, or less than three years ago, when the great refiners of Brooklyn, N. Y., and of Jersey City were found with their hands in the public purse, in the method of manipulating the scales on the wharves and docks in order to falsify the weight of sugars that came to them, they forfeit all respect and consideration at the hands of a fair people.

I believe the zenith of protection in the sugar schedule has been reached, and I shall vote with all earnestness and with a sense of patriotic duty to give the people of this country free sugar. I am as anxious as is the Senator from Idaho to build up industries, but when industries cease to maintain themselves upon proper lines of business methods, when they simply ask the extra pound of flesh in order that their purse may be better filled with the riches and toils of the people, I say it is not patriotism nor good citizenship to sustain them longer. I shall vote for free sugar if the opportunity shall be given me.

The PRESIDENT pro tempore. The question is on the amendment of the committee as amended.

Mr. SIMMONS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Carolina raises the question of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Martin, Va.	Smith, Ariz.
Bacon	Cummins	Martine, N. J.	Smith, Ga.
Bailey	Dillingham	Massey	Smith, Mich.
Bankhead	du Pont	Myers	Smith, S. C.
Borah	Fall	Newlands	Smoot
Bourne	Foster	Overman	Sutherland
Bradley	Gallinger	Page	Swanson
Brandegee	Gronna	Paynter	Thornton
Bristow	Heyburn	Penrose	Townsend
Bryan	Hitchcock	Perkins	Warren
Burnham	Johnson, Me.	Poindexter	Watson
Catron	Johnston, Ala.	Pomerene	Wetmore
Chamberlain	Jones	Reed	Williams
Clapp	La Follette	Root	Works
Crane	Lodge	Sanders	
Crawford	McCumber	Shively	
Culberson	McLean	Simmons	

The PRESIDENT pro tempore. Sixty-five Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the amendment of the committee as amended.

Mr. SIMMONS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I am paired with the Senator from Montana [Mr. DIXON] and therefore withhold my vote.

Mr. BRADLEY (when his name was called). I am paired with the senior Senator from Maryland [Mr. RAYNER] and therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. BRANDEGEE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the senior Senator from New Jersey [Mr. BRIGGS] and will vote. I vote "yea."

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from Indiana [Mr. KERN] and will vote. I vote "nay."

Mr. WATSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is absent from the city on account of illness. He, however, is paired with the Senator from Illinois [Mr. CULLOM]. If he were present, my colleague would vote "nay."

Mr. CULLOM (when his name was called). As has just been stated, I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. If he were present, he would vote "nay," and I should vote "yea."

Mr. DILLINGHAM (when his name was called). I transfer the general pair I have with the senior Senator from South Carolina [Mr. TILLMAN] to the junior Senator from Iowa [Mr. KENYON] and will vote. I vote "yea."

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is unavoidably absent. If he were here, he would vote "yea."

Mr. SHIVELY (when Mr. KERN's name was called). My colleague [Mr. KERN] is unavoidably absent from the city. He is paired with the junior Senator from Tennessee [Mr. SANDERS]. I am authorized to say that were he present, my colleague would vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I understand he is absent. Were I at liberty to vote, I should vote "yea."

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is absent from the Chamber. If he were present, he would vote "yea" and I should vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent from the city. He has a general pair with the junior Senator from South Carolina [Mr. SMITH]. If he were present and free to vote, my colleague would vote "yea."

Mr. SANDERS (when his name was called). I have a pair with the junior Senator from Indiana [Mr. KERN]. I transfer my pair to the Senator from Pennsylvania [Mr. OLIVER] and will vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. However, under the transfer as stated by the Senator from Connecticut [Mr. BRANDEGEE], I am at liberty to vote. I vote "nay."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. If I were at liberty to vote, I should vote "yea."

I desire also to state that my colleague [Mr. LIPPITT] is unavoidably detained from the Senate and is paired. If he were present, my colleague would vote "yea."

The roll call was concluded.

Mr. CRAWFORD. I desire to state that my colleague [Mr. GAMBLE] is necessarily absent. He is paired with the Senator from Oklahoma [Mr. GORE]. If present, my colleague would vote "yea."

Mr. McCUMBER. I will transfer my pair with the senior Senator from Mississippi [Mr. PERCY] to the senior Senator from Minnesota [Mr. NELSON] and will vote. I vote "yea."

Mr. WARREN. My colleague [Mr. CLARK of Wyoming] is absent from the Senate and is paired with the Senator from Missouri [Mr. STONE].

Mr. REED. Mr. President, I rise for the purpose of making the same announcement that has just been made by the Senator from Wyoming [Mr. WARREN], that my colleague [Mr. STONE] is paired with the Senator from Wyoming [Mr. CLARK].

Mr. SHIVELY. The senior Senator from Maryland [Mr. RAYNER] is unavoidably absent from the city. He is paired with the junior Senator from Kentucky [Mr. BRADLEY]. I am authorized to say that if the senior Senator from Maryland were present, he would vote "nay."

Mr. CHAMBERLAIN. I am authorized to announce that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. If the Senator from Oklahoma were here, he would vote "nay."

Mr. MARTINE of New Jersey. I am authorized to announce the pair existing between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS]. I make this announcement for the day.

The result was announced—yeas 37, nays 25, as follows:

YEAS—37.

Borah	Dillingham	Massey	Smoot
Bourne	du Pont	McCumber	Stephenson
Brandegee	Fall	McLean	Sutherland
Bristow	Foster	Page	Thornton
Burton	Gallinger	Penrose	Townsend
Catron	Gronna	Perkins	Warren
Clapp	Heyburn	Poindexter	Works
Crane	Jones	Root	
Crawford	La Follette	Sanders	
Cummins	Lodge	Smith, Mich.	

NAYS—25.

Ashurst	Hitchcock	Overman	Smith, S. C.
Bacon	Johnson, Me.	Pomerene	Swanson
Bankhead	Johnston, Ala.	Reed	Watson
Bryan	Martin, Va.	Shively	Williams
Chamberlain	Martine, N. J.	Simmons	
Culberson	Myers	Smith, Ariz.	
Fletcher	Newlands	Smith, Ga.	

NOT VOTING—32.

Bailey	Cullom	Kenyon	Paynter
Bradley	Curtis	Kern	Percy
Briggs	Davis	Lea	Rayner
Brown	Dixon	Lippitt	Richardson
Burnham	Gamble	Nelson	Smith, Md.
Chilton	Gardner	O'Gorman	Stone
Clark, Wyo.	Gore	Oliver	Tillman
Clarke, Ark.	Guggenheim	Owen	Wetmore

So the amendment as amended was agreed to.

The PRESIDENT pro tempore. If there be no objection, the bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended.

Mr. NEWLANDS. I offer the amendment which I send to the desk.

Mr. LODGE. Is the bill now in the Senate?

The PRESIDENT pro tempore. The bill is now in the Senate.

Mr. LODGE. And the amendment concurred in?

The PRESIDENT pro tempore. Not as yet. The amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. It is proposed to add to the bill the following section:

That the revenue derived from the special excise tax imposed by the act entitled "An act to extend the special excise tax now levied with respect to doing business by corporations to persons and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships" shall constitute a special fund in the Treasury to be applied to making up any deficit in existing revenue caused by a reduction of customs duties, and any surplus derived from such excise tax above the amount necessary to make up such deficit shall be reserved and applied to the regulation of the navigable rivers, including the prevention of and protection against floods, and the improvement of post and interstate roads in cooperation with the States.

The PRESIDENT pro tempore. If there be no objection, the amendment made as in Committee of the Whole will be concurred in in the Senate. The Chair hears none.

Mr. BACON. I understand if the amendment is concurred in that that will practically cut off amendments to that amendment.

The PRESIDENT pro tempore. The Chair would not think so.

Mr. BACON. There is no objection to that, if the Chair will so rule.

The PRESIDENT pro tempore. The Chair will hold that any amendment to the substitute will be in order in the Senate.

The question is upon the amendment submitted by the Senator from Nevada.

Mr. NEWLANDS. Mr. President, my understanding is that the bills which have heretofore passed the other House reducing customs duties, outside of the sugar bill, will produce a deficit in the revenue of about $16,000,000. I understand that whilst the free-sugar bill as it passed the House makes a reduction of about $53,000,000 more, that the reduction caused by the Lodge substitute, which will probably pass the Senate, will be about $16,000,000. I ask the Senator from Massachusetts whether that is correct?

Mr. LODGE. That this bill will do that?

Mr. NEWLANDS. So I understand.

Mr. LODGE. It is estimated that this bill, as it now stands, would reduce the revenue about five and a half million dollars.

Mr. NEWLANDS. All these bills united, then, will reduce the revenue a little over $20,000,000. We have passed an excise tax bill which, if it becomes a law, will probably raise

$60,000,000, and our purpose in passing that bill was to make up any deficit caused by a reduction in customs duties. The intention of the Democratic Party is to gradually transfer a portion of the great burden of taxation now imposed upon consumption to wealth, such transfer to be accomplished as the customs duties are reduced. Thus as the burden on consumption is diminished the burden on wealth is to be increased. Naturally that will be a moderate and slow process, inasmuch as the Democratic Party expects to continue to obtain a very considerable portion of the national revenue from customs duties.

Mr. President, the situation then will be this: We will have a revenue of $60,000,000 from the excise tax to apply to a reduction in customs duties of a little over $20,000,000. The purpose of my amendment is to guard against employing that money in mere administration, in enlarging the expenses of administration, in, perhaps, wasteful administration. The purpose is to create in the Treasury a fund so that this money derived from wealth shall be applied either to a reduction of customs duties or to the permanently substantial and constructive work of the Nation.

We shall need additional moneys for the constructive work upon which the Government is about to enter. Public opinion is now formed with reference to the development of our waterways as instrumentalities of commerce and not as mere instrumentalities for the waste of public money. Public opinion is demanding continuous work, speedy work, and a large fund for that purpose—at least $50,000,000 annually for the next 10 years. Public opinion has also determined upon taking the public buildings out of the spoils system and putting them upon the merit system as our civil service has been.

In addition to river development, public opinion is demanding the expenditure by the National Government of a considerable portion of the public funds in post and interstate roads in cooperation with the States. Doubtless before long a bureau of architecture or a board of public works will be organized which, under the advice and with the aid of the best architects, artists, engineers, and constructors of the country, will enter upon a scheme of public buildings adapted to the use and the necessities of the public in the various localities, and doubtless that work will be conducted continuously and without the spasmodic breaks in legislation of which we have had experience in the past. There will be ample need, therefore, of taxing wealth in order to take care of this constructive work, apart from any question of supplying any deficit in the revenue caused by a reduction of customs duties. We will find that the wealth of the country will be less disposed to resist placing an additional burden upon them if they find that the money derived from the tax is to be applied to some substantial and useful purpose. So, Mr. President, in view of these facts, I ask for the adoption of the amendment, and I call for the yeas and nays upon it.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment of the Senator from Nevada, upon which he demands the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. NEWLANDS. Mr. President, I offer another amendment.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment, which will be stated.

The SECRETARY. At the end of the bill it is proposed to add the following:

That on the 1st day of January, 1913, a reduction of 10 per cent shall be made in the duties now imposed by law on articles imported into the United States from foreign countries, and that on the 1st day of January of each year thereafter for the period of four years a further reduction of 5 per cent shall be made on such duties until a total reduction of 30 per cent in such duties shall be made: *Provided, however,* That such reductions shall not apply to duties on articles which have been specifically fixed by law at this session of Congress or shall be hereafter specifically fixed by law: *And provided further,* That such reductions shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the production of similar articles in the United States.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Kansas?

Mr. NEWLANDS. Certainly.

Mr. BRISTOW. I suggest to the Senator that, since we will import about two and one-half million tons of sugar and only produce about 800,000 tons, his amendment is wholly inapplicable to this bill.

Mr. CLAPP. The provisions of the amendment of the Senator from Nevada do not apply to any duties fixed at this session.

Mr. NEWLANDS. Of course, Mr. President, this amendment will not apply to sugar, because sugar is an article of which more than one-tenth of the total domestic consumption is imported from abroad. The purpose of the amendment is to confine the reduction by a graduated scale only to duties that are in a greater or less degree prohibitory of importations, and from which no adequate revenue is at present derived. The purpose is to bring every item in our tariff law gradually to a revenue basis. It is not intended to prevent special legislation upon gross abuses such as now exist with reference to the sugar tariff. We can legislate, as we are about to do, definitely and specifically with reference to such excessive duties as have assumed the form of an abuse of the taxing power.

This amendment, I admit, will not reach adequately such extortionate duties as that imposed on sugar, but, on the other hand, it does not prevent action upon such extortionate duties. Cotemporaneous with the reduction which will take place under this amendment, action can be taken by Congress upon each one of the great abuses that now exist under the tariff act, and meanwhile, if such action is not taken, such excessive and extortionate duties will be at least reduced within the period of five years 30 per cent by the action of this amendment.

Mr. President, the reason I urge this amendment now is because it is probable that the only revenue bill that will pass at this session of Congress and be signed is the one now pending. The President of the United States can not, in my judgment, refuse to sign a bill which reduces a duty of nearly 100 per cent only a moderate amount. It is extremely probable that all the other bills which we will pass will be vetoed. In that event, if this bill passes and is signed by the President, accompanying it should go this amendment making a gradual and substantial reduction in the tariff during the next five years and operating automatically without further legislation.

I have already suggested, Mr. President, that after four years of tariff discussion, after all the parties have declared themselves for tariff reduction, after each party to legislation, the House, the Senate, and the President, has declared in favor of reduction, we are about to adjourn without any substantial reduction in tariff duties. I can imagine no more lamentable indictment of representative government than such a contingency. We can not wonder that the people will lose confidence in their Representatives if they ascertain that the three parties entitled to participate in legislation, all agreeing that some reduction should be made, are unable to agree upon any reduction; and so far as I am concerned, I am not ready to stand in that position before the people of the United States without protest.

This amendment is objected to by some on this side of the House because it was what I have termed a "brake." Some Senators on this side have indicated to me that they would sustain the amendment if I would take off this brake. In other words, they want an absolute reduction of 30 per cent provided for, without guarding against any contingency of large importations which may endanger American industries. Let me say to them that they are more scrupulous, in my judgment, than the great party assembled at Baltimore was, for that party has declared that this reduction toward an ultimate tariff for revenue will be accomplished without injury to or destruction of any legitimate American industry.

Now, will such injury and destruction come? None will come except through excessive importations—through a flood of importations.

Many of us believe that the fear of these importations is an exaggerated one. I believe it is; but there is no question about it that in previous elections the imagination of the voters has been impressed by the fear of radical tariff reduction, and the vast body of the employees in the protected industries, naturally affiliated with the Democracy in sympathy, have been persuaded by their employers to vote against the Democratic ticket and for the Republican ticket by reason of such alarm.

Then, again, it will be impossible to get any Republican support for this amendment unless such a brake is applied, for Republican support is necessary to pass it, and the Republican stands for protection. He stands candidly for the protection of American industries. Whilst some, and perhaps all of them, desire a reduction in the tariff, they want to stop short of the point where such a reduction will imperil or destroy an American industry. And so I found upon inquiry amongst my Republican friends that they will not support an amendment making a gradual reduction unless it also provides that where you reach the importing level, when the duty is changed from a prohibitory or a highly protective duty into a revenue duty, at that point the reduction shall cease until at least the judgment of Congress shall be taken upon the subject. It seems to me, judging from their standpoint, that that is a rational demand.

So we find that Republican principles require such a brake, and the Democratic platform in its platform declaration justifies it. This brake is not an indorsement of the protective prin-

ciple by Democrats. It is simply a recognition of the fact which our platform recognizes that the industries of the country have unfortunately become adjusted to a high protective tariff, and that in the process of readjustment we should be so moderate in our movements as not to destroy or impair the industries that are the creation of years, that have been built up upon the faith of the existing law, for which Congress is responsible and for which the people themselves are responsible, and that whatever may have been the exactions, whatever may have been the oppressions under the law, no vindictive, no compensatory action for past wrongs is justified.

Mr. President, I hope that this amendment will receive the support of the Senate.

Mr. CLAPP. Mr. President, I know the hour is late, and the Senate is impatient to have a vote upon this bill, but I am going to put on the record of the body a protest against the prevailing method of tariff revision, as I have often done before, and as other Senators in their experience in the House placed on the record theirs when they were Members of that body.

That the American people are agreed that we shall protect our industries I think goes without saying, and whether you call it a protective tariff or apply the appellation of a revenue tariff, it makes little difference, so long as it sufficiently protects. I believe in calling it a protective tariff, for this reason: If a man stands for protection and goes too high, his motive is readily detected, while if he stands assumedly for revenue he may go higher than he ought to and there is no method of detecting his motive. So, Mr. President, whether we call it a protective tariff or a revenue tariff, in the last analysis the subject reaches its settlement at the customhouse. The question of how much importation, as against our own products, must be finally settled by the result at the customhouse.

While the amendment of the Senator from Nevada may not have been worked out to its last analysis and refinement, I believe it is a start in the right direction. I have taken his amendment and gone over the subject until I am thoroughly satisfied that if the amendment went into operation it could at least do no harm to any American industry.

Mr. President, there is another reason why I am going to support the Senator's amendment. If it were not for the misery that comes to this country from panics, it would be utterly grotesque—the picture of a great Nation like ours alternating from panic to monopoly and back from monopoly to panic again through the radical changes to the extremes of tariff. The idea that we must swing the pendulum ever so far one way or the other as to produce a reaction will never bring about that stability in the subject of customs which ought to be established finally in this country, and established upon a reasonable unit alone relieve us of the effect of going from one extreme to the other.

I believe there is a great deal of unnecessary hysteria over this subject, and yet if hysteria produces on the one hand a panic or on the other a reaction which carries protection to the extreme of monopoly again resulting in a reaction to the other extreme, the fact of the panic or the fact of the monopoly is just as absolutely a fact, although it is a psychological condition or a condition of hysteria which produces it.

Now, Mr. President, I believe and I claim no originality in this suggestion; it was embodied in a bill offered in the House some years ago by the Senator who now very ably represents Michigan in this body, Mr. TOWNSEND, and by the senior Senator from Washington, Mr. JONES, three years ago in the Senate—I believe that sooner or later the American people are going to force us to stop making light of men and measures because they may be novel or supported only by a few, and will compel Congress to adopt a system of dealing with the tariff that will relieve it from this extreme of high tariff, then a reaction in favor of low tariff to the point of business depression, and then a swing upward again to monopoly.

We have established an Interstate Commerce Commission. Of course Congress can not delegate authority to fix rates, but Congress can prescribe a rule for railroad rates, and authorize a commission to ascertain the facts and apply the rule, and that is the spirit of our Interstate Commerce Commission and the law under which it acts. There the rule is a shadowy one. The rule is that the rate must be reasonable. It is difficult to ascertain. It is difficult to lay down. It is difficult to define, and it is somewhat shadowy, but answers the constitutional requirement that Congress must lay down a rule for the commission to act under.

I understake to say there is not a legal proposition involved in the creation of a Tariff Commission and the establishment by Congress of a rule for tariffs, and leaving to that commission the ascertainment of the facts and the application of the rule. That is not involved in that law under which we created an Interstate Commerce Commission and laid down a rule for the rate, and left it to the commission to ascertain the facts and apply the rule. While it would require more care to fix the rule, having regard to revenue and protection, yet the rule itself could be more clearly defined in regard to tariff rates than in regard to railroad rates.

I believe the time will come when the sentiment of the American people will drive Congress—if Congress can not go of its own motion—to that point where it will prescribe a rule for the tariff, create a commission, and leave it to that commission to ascertain and apply the rule.

That because the duty, for instance, upon mercerized cotton or upon any particular article is too high or too low 90,000,000 people should be thrown into the hysteria of a general tariff revision is to my mind absolutely absurd. That is a question which under this plan of a commission and this plan of a law could be settled by that commission, while the other great activities of this country could go on just as to-day a railroad rate from St. Paul to Spokane, for instance, can be settled and the other transportation activities of this country go on.

I believe that time is coming, and believing that the amendment of the Senator from Nevada [Mr. NEWLANDS] is a step in that direction, I for one shall most heartily and cheerfully support it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nevada.

Mr. NEWLANDS. On that I ask for the yeas and nays.

The yeas and nays were not ordered, and the Chair declared the amendment rejected.

Mr. SIMMONS obtained the floor.

Mr. NEWLANDS. Some Senators around me doubt whether there were not sufficient hands up.

The PRESIDENT pro tempore. The Chair will again ask those in favor of ordering the yeas and nays to raise their hands. [After a count.] Nine have seconded the demand for the yeas and nays.

Mr. HITCHCOCK. There are Senators here seconding it.

The PRESIDENT pro tempore. Not one-fifth.

Mr. LODGE. Not one-fifth, or anything like it.

The PRESIDENT pro tempore. The amendment is rejected. The Senator from North Carolina [Mr. SIMMONS] will proceed.

Mr. SIMMONS. By direction of the minority members of the Committee on Finance, I offer the following amendment as a substitute.

The PRESIDENT pro tempore. The Senator from North Carolina offers an amendment in the nature of a substitute, which will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That on and after the day six months after the passage of this act there shall be levied, collected, and paid the rates of duty which are prescribed in the paragraphs of this act upon the articles hereinafter enumerated, when imported from any foreign country into the United States, or into any of their possessions (except the Philippine Islands and the islands of Guam and Tutuila), and the said paragraphs and sections shall constitute and be a substitute for paragraphs 216 to 219, inclusive, of section 1 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

1. Sugar, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75 degrees, sixty-three one-hundredths of 1 cent per pound, and for every additional degree shown by the polariscope test, twenty-four one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion; molasses testing not above 40 degrees, 12 per cent ad valorem; testing above 40 degrees and not above 56 degrees, 1.8 cents per gallon; testing above 56 degrees, 3.6 cents per gallon; sugar drainings and sugar sweepings shall be subject to duty as molasses or sugar, as the case may be, according to the polariscope test: *Provided*, That sugar imported from the Republic of Cuba, being a product of the soil or industry of the Republic of Cuba, shall be admitted into the United States at a reduction of duty equal to 20 per cent of the rate of duty hereinbefore provided for.

2. Maple sugar and maple sirup, 2.6 cents per pound; glucose or grape sugar, 1 cent per pound; sugar cane in its natural state, or unmanufactured, 17 per cent ad valorem.

3. Saccharine, 65 cents per pound.

4. Sugar candy and all confectionery not specially provided for in this act, or in the first section of the act cited for amendment, valued at 15 cents per pound or less, and sugars after being refined, when tinctured, colored, or in any way adulterated, 2.6 cents per pound and 10 per cent ad valorem; valued at more than 15 cents per pound, 33⅓ per cent ad valorem. The weight and the value of the immediate coverings, other than the outer packing case or other coverings, shall be included in the dutiable weight and the value of the merchandise.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from North Carolina [Mr. SIMMONS].

Mr. SIMMONS. Mr. President, I desire simply to say that the substitute which I have offered on the part of the minority members of the Finance Committee upon an ad valorem basis reduces the present duty upon sugar 33⅓ per cent. The amount

of money which will be saved by the taxpayers if this amendment is adopted, upon the basis of the importations of 1910, according to a statement furnished the minority members of the committee by an expert in the Treasury Department, will be $17,292,945.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from North Carolina [Mr. SIMMONS].

Mr. SIMMONS. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I am paired with the Senator from Montana [Mr. DIXON] and withhold my vote.

Mr. BURNHAM (when his name was called). I withhold my vote because of a pair with the junior Senator from Maryland [Mr. SMITH].

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer it to the junior Senator from Indiana [Mr. KERN] and will vote. I vote "yea."

Mr. WARREN (when the name of Mr. CLARK of Wyoming was called). I again announce the pair of my colleague [Mr. CLARK] with the Senator from Missouri [Mr. STONE].

Mr. CULLOM (when has name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. If he were present and I was allowed to vote, I should vote "nay."

Mr. DILLINGHAM (when his name was called). I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the junior Senator from Iowa [Mr. KENYON] and will vote. I vote "nay."

Mr. CRAWFORD (when Mr. GAMBLE's name was called). I again announce the pair of my colleague [Mr. GAMBLE] with the Senator from Oklahoma [Mr. GORE] and will allow this announcement to stand during the other roll calls on this bill.

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is absent from the city and under the transfer just made he is paired with the senior Senator from South Carolina [Mr. TILLMAN]. If my colleague were present, he would vote "nay."

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY], and transfer it to the senior Senator from Minnesota [Mr. NELSON] and will vote. I vote "nay."

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is absent. If he were present, he would vote "nay" and I should vote "yea."

Mr. WILLIAMS (when Mr. PERCY's name was called). My colleague [Mr. PERCY] is necessarily absent on business. He is paired, but if he were present he would vote "yea."

Mr. SANDERS (when his name was called). I have a pair with the Senator from Indiana [Mr. KERN]. I transfer it to the junior Senator from Pennsylvania [Mr. OLIVER] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer it to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. WATSON (when his name was called). I again announce the transfer that I did on the previous vote, and I will vote. I vote "yea."

Mr. WETMORE (when his name was called). I make the same announcement that I did on the previous vote in regard to my colleague and myself. If I were at liberty to vote, I should vote "nay," and if my colleague were present and free to vote, he would vote "nay."

The roll call was concluded.

Mr. REED. I desire to announce the pair of my colleague [Mr. STONE] with the Senator from Wyoming [Mr. CLARK]. I will state that the Senator from Missouri is necessarily absent from the city.

Mr. CULBERSON. The Senator from Delaware [Mr. DU PONT] with whom I have a pair not having voted, I withhold my vote.

Mr. BRANDEGEE. How am I recorded, Mr. President?

The PRESIDENT pro tempore. The Senator from Connecticut is recorded in the negative.

Mr. BRANDEGEE. I have a pair with the junior Senator from New York [Mr. O'GORMAN]. I make the same announcement that I did on the last roll call with respect to the transfer of that pair, and will let my vote stand.

Mr. BRADLEY. I again announce my pair with the Senator from Maryland [Mr. RAYNER] and withhold my vote. I would vote "nay," if it were not for the pair.

Mr. CHAMBERLAIN. I again announce that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. If the Senator from Oklahoma were present, he would vote "yea."

The result was announced—yeas 24, nays 36, as follows:

YEAS—24.

Ashurst	Hitchcock	Newlands	Smith, Ariz.
Bacon	Johnson, Me.	Overman	Smith, Ga.
Bankhead	Johnston, Ala.	Pomerene	Smith, S. C.
Bryan	Martin, Va.	Reed	Swanson
Chamberlain	Martine, N. J.	Shively	Watson
Fletcher	Myers	Simmons	Williams

NAYS—36.

Borah	Cummins	Lodge	Sanders
Bourne	Dillingham	McCumber	Smith, Mich.
Brandegee	Fall	McLean	Smoot
Bristow	Foster	Massey	Stephenson
Burton	Gallinger	Page	Sutherland
Catron	Gronna	Penrose	Thornton
Clapp	Heyburn	Perkins	Townsend
Crane	Jones	Poindexter	Warren
Crawford	La Follette	Root	Works

NOT VOTING—34.

Bailey	Cullom	Kenyon	Percy
Bradley	Curtis	Kern	Rayner
Briggs	Davis	Lea	Richardson
Brown	Dixon	Lippitt	Smith, Md.
Burnham	du Pont	Nelson	Stone
Chilton	Gamble	O'Gorman	Tillman
Clark, Wyo.	Gardner	Oliver	Wetmore
Clarke, Ark.	Gore	Owen	
Culberson	Guggenheim	Paynter	

So the substitute offered by Mr. SIMMONS was rejected.

Mr. BRISTOW. I desire to ask permission to incorporate in the RECORD some tables I quoted from during my remarks.

The PRESIDENT pro tempore. Without objection, that order will be made.

Mr. McCUMBER. I offer an amendment to be inserted at the end of the bill.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to add at the end of the bill the following:

That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and the same is hereby, repealed: *Provided*, That from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in section 2 of said act.

Mr. BACON. I desire to offer an amendment to the amendment. I had no information that the matter was going to be brought up and I have had no opportunity to prepare it. I wish to offer the same amendment that I offered to a similar amendment yesterday.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment to the amendment, which will be read.

The SECRETARY. Strike out the proviso of the amendment and in lieu insert:

Except so far as the same concern the provisions of said act relating to pulp wood, wood pulp, or print paper.

Mr. BACON. Mr. President, I want to say one word about this matter. I have heard some Senators on the other side of the Chamber speak in regard to the reciprocity law as a great menace to some of the industries of this country. I have heard Senators speak most earnestly on that subject and advocate it with all the eloquence and all the vehemence, I might say, of manner which their sincerity and conviction would prompt, and yet on yesterday, when the opportunity was offered to practically do away with all the part of the reciprocity law which did furnish such a menace, such Senators voted against the amendment which would bring about that state of affairs.

Mr. President, as I have understood it, the part of the reciprocity bill which has excited the opposition of Senators—and I will be free to say that no one could criticize them for their opposition to it from their point of view and such dire and injurious effect as they thought would result from the operation of the law—the part of the law, I repeat, which I have understood was the part which furnished the menace which excited their opposition was the part of the law which, when agreed to by Canada, if it should ever do so, would afford the opportunity for the reciprocal interchange, according to the terms of that bill, of the products of Canada and the products of the United States. It has been most earnestly and most eloquently presented within the last few days that there was this menace, which menace might be a reality at any time when Canada should see fit to accede to our proposal for reciprocity; a menace so grave and serious that we should hasten to repeal the law.

Mr. President, I assume that the purpose of the amendment offered by the Senator from North Dakota is to get rid of that part of the reciprocity pact, if I may so call it, which would

give the opportunity for this interchange of products, Canadian and American. The amendment which I have offered to the amendment of the Senator does not interfere in any manner with the repeal of so much of that law as relates to reciprocity. On the contrary my amendment leaves untouched so much of the amendment of the Senator from North Dakota as relates in any manner to reciprocity. My amendment only seeks to retain so much of that reciprocity law as refers to wood pulp and wood connected with that class of products, and print paper. Nobody will say there is any menace in that part relating to wood pulp and print paper which actuates and prompts the earnest opposition of those who object to the reciprocity law. If the amendment offered by the Senator from North Dakota is adopted with my amendment and it becomes law every particle of the reciprocity law which relates to the reciprocal interchange of Canadian and American products free or at reduced rates of duty will be absolutely repealed, and that will be the end of the law. I should like to know, Mr. President, if that is so, why we should hesitate with it. Why do not those who are opposed to the reciprocity law accept my amendment and repeal the law at once? Why trifle with it longer?

I said yesterday, when a similar amendment was proposed, that, so far as I was concerned—I had not then the opportunity to consult with my colleague—if this amendment were adopted I would join Senators on the opposite side of the Chamber in the effort to forever rid ourselves of this menace, as the Senators who are opposed to the reciprocity pact consider it, to the industries of this country in the proposed reciprocal interchange of Canadian and American products. When the vote was taken the large majority of Senators on this side voted that way, and if they were met with a proper spirit on the other side they would do so again, and with an increased majority.

I want to say that while I am not a protectionist, I recognize the foundation upon which Senators have rested their apprehension in regard to the effect of this law as it might affect the industries of the people along the Canadian border or in the neighboring States. I myself do not like the idea of a law resting upon our statute books which those we sought to have reciprocal relations with have repudiated, and I am ready to join with them in its repeal; and I know the majority of Senators on this side are ready to join with them in the repeal of every part of that law which provides for reciprocal interchange of Canadian and American products.

Mr. President, the two Houses of Congress are not now of the same political complexion; there are differences between them; but here is an opportunity which I honestly believe is one which will enable them to get together on this important matter. If Senators are in earnest when they say they believe this reciprocity law is a menace to the industries of the country, and that it is so great a menace that at every opportunity which offers this amendment repealing it is to be presented for action, why will Senators now hesitate to meet us upon this proposition when we present it and say to them that we are ready to join with them in wiping out this reciprocal arrangement?

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. BACON. I do, with pleasure.

Mr. CUMMINS. I want to be put right upon this matter if I am wrong with regard to my understanding of the situation or the facts. Does the Senator from Georgia understand that if the amendment proposed yesterday from this side, and now again proposed, were to become a law the duty upon print paper would be $2 per ton from the whole world?

Mr. BACON. I am not prepared to go into that matter. I confess I have not looked at the details of the law recently. But the Senator will pardon me; I shall not elaborate what I said on yesterday, that so far as that part of it is concerned, if there is any change needed it can be dealt with at another time. However, the pressing and the important matter, one which agitates Senators and prompts them to propose this amendment as one which disturbs the people on our northern border, is not the matter connected with wood pulp or print paper. They are not disturbed about wood pulp or print paper, and we are ready to join with you and absolutely and finally repeal every part of this reciprocity law except the part which relates to wood pulp and print paper. Now we have the opportunity to get rid of it. The question as to the particular rate of duty which shall remain on wood pulp should not stand in the way of getting rid of it if it is a matter of such importance as Senators on the other side and some on this side, for that matter, have heretofore recognized it.

Mr. CUMMINS. I supposed the amendment offered by the Senator from Georgia related only to section 2, which concerns paper and the material out of which paper is made. We are getting now from a little part of Canada—I do not know just how much—free paper, free wood pulp, but the rest of the world is paying $3.75 and $6 a ton for these same materials. Now, does the Senator from Georgia think that it is an approach toward a revision of the tariff and a reduction of duties to maintain free paper from a small part of Canada rather than to get $2 per ton on the same material from the whole world and from a large part of Canada, as I understand it, as well?

Mr. BACON. Mr. President, I repeat, the Senator may be right about that and his inquiry may be a most pertinent one to be considered at another time. But here is a simple question, and will you stop on details of that kind? If the general importance of the riddance of ourselves of this reciprocity law is of such magnitude as has heretofore been represented, will you now stop on a question of detail as to what will remain of this law concerning only wood pulp and print paper? If you have the opportunity, as I assure the Senators I have the utmost confidence they have the opportunity, by joining with us in the adoption of this amendment and leaving the question as to the regulation of those details as to wood pulp and print paper for future settlement, ought we not to act now and get rid of this matter of that reciprocity agreement?

Mr. President, I am in favor of getting rid of it. I am in favor of getting rid of it because we have done our part. Canada has refused it, and I do not want a law remaining upon the statute books in which we are in any such position.

Mr. President, there are a great many thing that could be said upon this subject, but I want to appeal to Senators. Are you in earnest in the desire to get rid of this reciprocity pact, which you say is a menace; which may become not only a menace, but an actuality, whenever Canada sees proper to consent to it? If you are in earnest, I have the utmost confidence that here is the opportunity to get rid of every feature of that reciprocity agreement which furnishes the menace which you fear and which you wish to destroy. Suppose Senators refuse to take advantage of this opportunity now presented and in the meantime Canada should make the mach-dreaded reciprocity a living actuality by passing a law agreeing to the reciprocity. What would Senators then say to their constituents who are demanding its repeal by Congress?

Mr. President, it is said that the question of the annexation of Canada had a good deal to do with the support of this measure by some people in the United States and the opposition to it by some people in Canada. I want to say for myself, Mr. President, and I want to say it in this presence, and I want to say it where it can reach beyond our borders, that I do not believe the people of the United States want the annexation of Canada. I want to say for myself that if the opportunity were furnished me this afternoon to acquire Canada I would vote in the negative. I do not want Canada. I confess the time was in years gone by when I had a feeling that I should have liked for our Government to be extended over a people similar to ourselves in language, in race, and in laws, but I have had occasion to absolutely and utterly change my mind on that subject. I do not believe it is to the interest of the people of the United States ever to have Canada as a part of this Government, and so far as I am concerned every power that is in me would be exercised against it if there was an issue raised on this subject.

I am against it, Mr. President, for two reasons. In the first place, I think this country is big enough. If the essential features of our dual system of government could be preserved as originally designed, the Union could with safety be extended to include an indefinite number of States, each in the exercise of its proper power of local self-government; but if the progress and the tendency toward concentration of all powers in a central government is to increase, it is of the utmost importance that it should grow no larger than it is now. The laws which are suitable to one part of a large country will be unsuited to the local conditions of a distant part of the same country. I will not elaborate that.

But I have another reason, which is a stronger reason with me than that. It is that the people of Canada are a people who, while springing from the same race as ourselves, a people having our language, in a measure our laws, are a people utterly out of sympathy with the nature and the character of the institutions of this Government. They have no possible sympathy with the nature of our Government. They have been trained in a different school of politics. When I say politics I am not referring to party politics; I am referring to governmental policies, to governmental structure, entirely different divisions with altogether different functions and resting upon alto-

gether different principles of the departments of the Government. I believe it would be utterly unsafe to the preservation of our institutions, with our dual system of government, of which they know nothing and with which they have no sympathy, and with our separate divisions of governmental powers, of which they know still less, to incorporate them as a part of our Government.

While I will not take the time of the Senate to discuss this question now, I want to say, in order that our action might not be misunderstood, I did vote for the reciprocity agreement. It is not necessary for me now to state what the reasons or motives were that actuated me in doing so, but I am as earnestly to-day in favor of the repeal of the law as any man who sits on the other side of the Chamber.

I am in favor of it for two reasons. In the first place, I believe that the large majority of people in the tier of States on our northern border, who would be most directly affected by it, are unalterably opposed to it, and I think they are the people whose wishes should be considered in this matter.

In the next place, I am opposed to it because Canada itself has repudiated it, and it is not becoming in us to allow a law to stand upon the statute books which they have declined to avail themselves of and which they will have the opportunity to avail themselves of, if it remains there, whenever they see fit to do so.

Now, Mr. President, let us leave party politics out of this matter. Here is a difference between us, and here is an opportunity to reconcile that difference, and in reconciling it to secure everything of material import which prompts Senators on the other side of the Chamber to favor the repeal of the reciprocity law.

I am in earnest about it, Mr. President, because I think it is important. I do not wish the law to stand upon the statute books when there is an opportunity, as the Senator from Michigan eloquently and forcibly presented to the Senate the other day, for them at their own sweet will to say to us what shall be the law or shall not be the law, according as they may choose to have it one way or the other.

I am ready, Mr. President, not only here, now, to vote for the repeal of so much of that law as relates to the reciprocal interchange of products, but I am ready to say I am opposed to it hereafter. Why? Because I have changed my views as to the advantages to be derived therefrom? No; but because, as stated, I believe I am convinced that the people all along that northern tier of States, who would be most directly affected by it, are opposed to it and believe that it would be a great injury to them, and I think their wishes should be consulted in the matter regardless of party.

Mr. President, I hope this amendment to the amendment will be adopted and that we may get rid of this excrescence of a reciprocity law, for such it is, on our statute books.

Mr. McCUMBER. Mr. President, unlike the Senator from Georgia [Mr. BACON], I do not object to Canadian annexation. They are a very good class of people; they have an excellent country, and I would be very glad to have both the people and the country a part of the United States. But, Mr. President, when I make them a part of the United States I want their allegiance. I want to bring them in under the American flag, and not under a foreign flag. I do not want to give them all of the American opportunities, and at the same time have a foreign allegiance. I do not want to give them the complete opportunities of our better markets, and at the same time impose upon them no obligations to support the country by taxation or in time of war.

I differ entirely with the Senator from Georgia as to the benefits that might be derived had we all that vast territory and that excellent population to add to our own. They are law-abiding citizens; their history is practically the same as ours; their institutions are practically the same as ours; their idea of law and order is certainly as good as ours. With those qualifications they would make excellent American citizens, and with their added territory we would certainly have the accession of a section of country that would for a hundred years, if not longer, banish the bogy of our not being able to produce sufficient food products for the American people.

But, Mr. President, that is neither here nor there at the present time. I agree with the Senator that all of the people in the northern section of the United States are opposed to the Canadian reciprocity law, and we ought to get rid of it. A year ago we extended the hand of reciprocity across the border line to the Canadian people. They refused to grasp the proffered hand, and it is still extending there, waiting until the time arrives when they may see fit to meet us. It does not seem to me that that comports with the dignity of a great nation. The Canadians having once rejected the proposed agreement, we ought to withdraw it now, and not wait until they get ready to determine whether they will change their mind and accept the propositions which have been made to them.

As to the amendment of the Senator from Georgia, I will say that some time ago a committee was appointed to investigate the question of the production of paper and wood pulp and what would be a proper duty for those articles. That committee made what I presume it considered a very thorough investigation, and, if I remember rightly, it reported as a proper rate of duty to be imposed upon print paper $2 a ton. Many Senators in the Senate of 1909 thought that was too low, and a higher duty was imposed; but I have heard no one claim that, taking all the importations and considering all the matters which would affect the trade, a duty of $2 per ton ought not to be levied. That being the case there has been inserted in this amendment just what the committee referred to recommended.

Personally I should be willing, if I could accomplish that, to repeal the reciprocity offer with everything that was connected with it. Part of that agreement went into effect without any action on the part of Canada; and I would say that it would be perfectly proper to withdraw that; but that would bring up again the question of what a great many considered an excessive rate upon print paper, wood pulp, and so forth, and I would prefer to avoid that.

Mr. President, I want to say a word further. If it were proper to adopt this amendment two weeks ago, as it is written here to-day, it is proper to adopt it to-day in that form. If it were proper to adopt it yesterday, it was equally proper, in my opinion, to attach it day before yesterday. I do not know that there has been any change in the conditions between yesterday and to-day that would justify our reversing our vote upon that proposition. It ought to pass.

Senators argued here the other day that they did not wish to place the amendment upon the bill which we had before us at that time because some thought it would jeopardize the bill; and others argued that we had already placed it upon one bill, and that we had better wait to see what would be done with it; but, Mr. President, the matter is pressing and ought to be disposed of. I would sooner vote directly upon a bill specifically repealing the reciprocity law, if I thought I could get it through both Houses, but I am very doubtful if we would have a right under the Constitution to originate in the Senate a bill repealing the reciprocity law, certainly not so far as it had already become effective. That being the case, I want to deal with it in the only way in which it can be dealt with, and I do not want to take any chance. If there is any bill that may possibly become a law during this session upon which we can attach this repeal, I am in favor of attaching it. If the Senator would withdraw his amendment so that we might place the amendment on this bill as we did upon the other bills, I should be perfectly willing that the matter should go to conference, and, of course, the conferees can modify it if after consideration they think they stand a better chance of getting it through both Houses in modified form; but I do insist that we ought to attach a repealing provision as an amendment to every bill that comes over from the other House for the raising of revenue. If the House would send over a bill that dealt with the question of reciprocity alone, I would not then ask that it be attached to any other bill, but, as I can not do that, I hope that it will be placed upon this bill as an amendment and go to conference.

Mr. BACON. Mr. President, I want to say a few words in response to what the Senator from North Dakota has said. So far as the people of Canada are concerned, I certainly do not think anything I said reflected upon their character.

Mr. McCUMBER. Oh, no.

Mr. BACON. The Senator from North Dakota pays a tribute to the people of Canada, every word of which I will echo. What I said had no relation to their character, their intelligence, or their desirability in every way as neighbors. What I said related simply to two features; one was that I thought it was unwise to extend the size of this Government, though I am willing to correct a few border lines that ought to be straightened or extended in some instances; and the other was, that the Canadian people, from their political education, were not properly fitted to take part with us in the support, the maintenance, of our Government and the carrying on and development of our institutions.

I want to say, Mr. President, that my final conclusion upon that subject was largely confirmed by an article which I read last year in September or October from one of the leading newspapers published in Toronto. It was published after the vote in Canada on the reciprocity question and was therefore not written to influence that election. I have no doubt it reflected the views of the people of Canada. I can not now recall the name of the paper, but I wish I had it here that I might read

the article to the Senate, in which there was a general assault upon the political institutions and form of government of the United States. That is not a little paper, but it is one of the principal papers in Canada.

There was a general assault upon our form of Government, upon our method of administration, drawing the contrast between the features of this Government and the features of the Government of Great Britain which have been so closely copied by the Government of Canada, and showing such an utterly radical disagreement with the recognized ideas and policies of our institutions that the idea which I had previously conceived along the same line before that as to the governmental views and prejudices of the people of Canada was largely accentuated and intensified. Of course the utterances of one newspaper could not alone influence my conclusions on so grave a subject, but my previous personal observations and information received through others caused me to recognize and believe the views expressed in that article reflected what are really the views of the larger part of the people of Canada. If so, it is to our interest that they remain on the outside of our northern boundary, and, so far as I am concerned, I hope they will continue to be our good, friendly neighbors, and never a part of us.

I am satisfied, Mr. President, that the political education of that people has unfitted them as a people to come in and be a part of this Government and to be in sympathy with and promotive of the development of our institutions under our peculiar Government, founded upon the lines laid down in the Constitution of the United States.

I believe, Mr. President, that their differences with us on those lines go to an extent that amount to a prejudice which it would take generations ever to reconcile or to eradicate. For that reason I hope never to see the day when Canada will become a part of the United States. Unless I should most radically change my view, if the issue were raised and depended upon my single vote, she would certainly not be permitted to become a part of our sisterhood of States.

But, Mr. President, to come immediately to the question of reciprocity, the question of what we shall do to-day. The Senator speaks in earnest terms of the utmost importance that the reciprocity pact shall be abrogated so far as we are concerned; that our proposition for a reciprocity pact with Canada which has not been accepted should be recalled and the law upon which it is based should be repealed. I repeat, Mr. President, that every part of that proposed pact and every part of that law which is so objectionable and distasteful to the people on the northern border will be repealed if the amendment of the Senator from North Dakota is adopted with the amendment which I have proposed to it.

The Senator says a provision repealing the reciprocity law should be attached to every bill, but does the Senator wish to attach it in a way to accomplish no result, or does he wish the accomplishment of the great result of the repeal of that law? The Senator knows by the fact that such an amendment has been attached to a bill which has gone to the other House and to which the House will not agree. The Senator has every reason to know that so long as it stands in that shape, while the Senate may put it on every bill it is not going to pass; and the Senator has every reason to believe that if the amendment repealing the reciprocity law is put on with the amendment which I have proposed—and such an amendment will accomplish all that is desired in repealing the reciprocity law—it will pass and be agreed to and become law. Now, what is the proper course, if the repeal of the reciprocity law is the real purpose?

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. BACON. I do.

Mr. McCUMBER. If the Senator will allow me to ask a question, is there a greater probability of the amendment passing the House if it repeals all of the reciprocity agreement, leaving the duty on print paper at $3.75 per ton?

Mr. BACON. Mr. President, I am not prepared to go into details as to the rates of duty upon print paper.

Mr. McCUMBER. But does not the Senator agree that if the reciprocity law is repealed as a whole it reinstates the old duty of $3.75 per ton?

Mr. BACON. I mean to say that the Democrats are in favor of the retention, for the present at least, subject to future changes whenever it shall be shown that they are proper to be made, of that part of the reciprocity law which relates to wood pulp and print paper. I mean to say that if you will remove that from the contention at the present time, I have the utmost confidence that a provision repealing the other features of the reciprocity law can receive the support of both branches of Congress, and I have the same confidence that unless that is done it will not receive the support of Congress. If it is a matter of great, prime importance that the part of the reciprocity law which relates to the reciprocal interchange of products shall be repealed and there is an opportunity to do it and Senators will not avail themselves of that opportunity, upon whom rests the responsibility?

I want to say to Senators now that, unless we are disappointed as to the political control of this country in the near future, in my opinion, the reciprocity law will be repealed by the next Congress along the lines proposed by my amendment, and that Senators on the other side now have the opportunity to join in. I want to say that, so far as I am concerned—and I know I echo the feelings of a great many others—if Senators on the other side maintain their opposition to the repeal of the reciprocity law with the restriction which is suggested by my amendment, the time is not far away, if our anticipations are realized, when we intend to repeal it along those lines. I say we intend to repeal it—I judge so from what Senators and Representatives have said to me—and if we now give you an opportunity to join with us in accomplishing that result, and you will not now accept it, the responsibility is upon you; and when it is done hereafter by ourselves, when we have the power without your aid, you will have no part of the credit for assisting in doing it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Georgia [Mr. BACON] to the amendment of the Senator from North Dakota [Mr. McCUMBER].

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment submitted by the Senator from North Dakota.

Mr. WILLIAMS. Let us have the yeas and nays upon that.

The PRESIDENT pro tempore. The yeas and nays are demanded. Is there a second?

Mr. BACON. Mr. President, is the bill in the Senate or as in Committee of the Whole?

The PRESIDENT pro tempore. The bill is in the Senate.

Mr. BACON. If we are going to have the yeas and nays on the main amendment, I hope we may be allowed to have the yeas and nays on my amendment to the amendment of the Senator from North Dakota.

The PRESIDENT pro tempore. The Senator from Georgia demands the yeas and nays on his amendment to the amendment of the Senator from North Dakota.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I again announce my pair and withhold my vote.

Mr. CULBERSON (when his name was called). In view of my pair, which I have already announced, I withhold my vote.

Mr. DILLINGHAM (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the junior Senator from Iowa [Mr. KENYON] and will vote. I vote "nay."

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is absent. Through a transfer he is paired with the senior Senator from South Carolina [Mr. TILLMAN]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY] and the transfer of that pair to the senior Senator from Minnesota [Mr. NELSON]. I vote "nay."

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). My colleague [Mr. MARTIN] has been called from the Senate by important matters. If he were present, he would vote "yea."

Mr. PAYNTER (when his name was called). I withhold my vote because of the absence of the Senator from Colorado [Mr. GUGGENHEIM], with whom I have a general pair.

Mr. WILLIAMS (when Mr. PERCY's name was called). My colleague [Mr. PERCY] is necessarily absent and is paired. If my colleague were present, he would vote "nay."

Mr. SANDERS (when his name was called). I transfer my pair with the junior Senator from Indiana [Mr. KERN] to the junior Senator from Pennsylvania [Mr. OLIVER] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his named was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON], which I transfer to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. WATSON (when his name was called). I transfer my general pair with the Senator from New Jersey [Mr. BRIGGS]

to the senior Senator from Virginia [Mr. MARTIN] and will vote. I vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that to the Senator from Indiana [Mr. KERN] and allow my vote to stand. While I am on my feet I desire to make the same announcement as on previous roll calls in reference to the pair of the Senator from Oklahoma [Mr. OWEN] with the Senator from Nebraska [Mr. BROWN].

Mr. REED. I desire to announce the necessary absence of my colleague [Mr. STONE] and the fact that he is paired with the Senator from Wyoming [Mr. CLARK].

Mr. WARREN. I again announce the unavoidable absence of my colleague [Mr. CLARK] and his pair, as just stated by the Senator from Missouri, with the colleague of the Senator from Missouri [Mr. STONE].

Mr. SMITH of Michigan. The junior Senator from Kentucky [Mr. BRADLEY] is unavoidably absent. He is paired with the Senator from Maryland, [Mr. RAYNER]. The Senator from Kentucky requested me to announce that if he were present and not paired he would vote "nay."

The result was announced—yeas 21, nays 34, as follows:

YEAS—21.

Ashurst	Hitchcock	Poindexter	Smith, S. C.
Bacon	Johnston, Ala.	Pomerene	Swanson
Bankhead	Martine, N. J.	Reed	Watson
Chamberlain	Myers	Shively	
Clapp	Newlands	Simmons	
Fletcher	Overman	Smith, Ariz.	

NAYS—34.

Borah	Dillingham	McCumber	Smoot
Bourne	Fall	McLean	Stephenson
Bristow	Foster	Massey.	Sutherland
Bryan	Gallinger	Page	Thornton
Burton	Gronna	Penrose	Townsend
Catron	Heyburn	Perkins	Warren
Crane	Johnson, Me.	Root	Williams
Crawford	Jones	Sanders	
Cummins	Lodge	Smith, Mich.	

NOT VOTING—39.

Bailey	Cullom	Kern	Percy
Bradley	Curtis	La Follette	Rayner
Brandegee	Davis	Lea	Richardson
Briggs	Dixon	Lippitt	Smith, Ga.
Brown	Du Pont	Martin, Va.	Smith, Md.
Burnham	Gamble	Nelson	Stone
Chilton	Gardner	O'Gorman	Tillman
Clark, Wyo.	Gore	Oliver	Wetmore
Clarke, Ark.	Guggenheim	Owen	Works
Culberson	Kenyon	Paynter	

So Mr. BACON's amendment to Mr. MCCUMBER's amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from North Dakota [Mr. MCCUMBER].

Mr. WILLIAMS. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I desire to announce again my pair with the junior Senator from Pennsylvania [Mr. OLIVER], which I transfer to the Senator from Indiana [Mr. KERN] and will vote. I vote "nay."

Mr. CULBERSON (when his name was called). In view of my general pair with the Senator from Delaware [Mr. DU PONT], in his absence I withhold my vote. I wish this announcement to stand for the day.

Mr. DILLINGHAM (when his name was called). In view of my pair with the senior Senator from South Carolina [Mr. TILLMAN], I withhold my vote.

Mr. JOHNSON of Maine (when Mr. GARDNER's name was called). My colleague [Mr. GARDNER] is necessarily absent from the city. If he were present, he would vote "yea."

Mr. MCCUMBER (when his name was called). I again announce my pair, and transfer it to the senior Senator from Minnesota [Mr. NELSON] and will vote. I vote "yea."

Mr. PAYNTER (when his name was called). I again withhold my vote by reason of my pair with the Senator from Colorado [Mr. GUGGENHEIM].

Mr. SANDERS (when his name was called). I transfer my pair with the Senator from Indiana [Mr. KERN] to the junior Senator from Pennsylvania [Mr. OLIVER] and will vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I announce my pair with the Senator from Delaware [Mr. RICHARDSON], and in his absence withhold my vote.

Mr. WATSON (when his name was called). Making the same transfer as upon the previous vote, I vote "nay."

The roll call was concluded.

Mr. SMITH of Michigan. I again announce the absence of the Senator from Kentucky [Mr. BRADLEY] and his pair with the Senator from Maryland [Mr. RAYNER]. If present, the Senator from Kentucky would vote "yea."

Mr. SWANSON. My colleague [Mr. MARTIN] has been called from the Senate by very important business. If he were present, he would vote "nay." He is paired with the Senator from New Jersey [Mr. BRIGGS].

Mr. REED. I desire to make the same announcement with reference to the absence of my colleague, and the fact that he is paired that I heretofore made.

The result was announced—yeas 24, nays 31, as follows:

YEAS—24.

Borah	Gallinger	McCumber	Smith, Mich.
Burton	Gronna	Massey	Smoot
Catron	Heyburn	Page	Stephenson
Clapp	Johnson, Me.	Penrose	Thornton
Crane	Jones	Perkins	Townsend
Foster	La Follette	Sanders	Warren

NAYS—31.

Ashurst	Cummins	Myers	Simmons
Bacon	Fall	Newlands	Smith, Ariz.
Bankhead	Fletcher	Overman	Sutherland
Bourne	Hitchcock	Poindexter	Swanson
Bristow	Johnston, Ala.	Pomerene	Watson
Bryan	Lodge	Reed	Williams
Chamberlain	McLean	Root	Works
Crawford	Martine, N. J.	Shively	

NOT VOTING—39.

Bailey	Cullom	Kenyon	Percy
Bradley	Curtis	Kern	Rayner
Brandegee	Davis	Lea	Richardson
Briggs	Dillingham	Lippitt	Smith, Ga.
Brown	Dixon	Martin, Va.	Smith, Md.
Burnham	du Pont	Nelson	Smith, S. C.
Chilton	Gamble	O'Gorman	Stone
Clark, Wyo.	Gardner	Oliver	Tillman
Clarke, Ark.	Gore	Owen	Wetmore
Culberson	Guggenheim	Paynter	

So Mr. MCCUMBER's amendment was rejected.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BACON. Mr. President, I wish to say just one word before the bill is put upon its passage. If I had had the opportunity in the parliamentary changes which have been presented I should have voted for the House bill and would still vote for the House bill if given an opportunity to do so.

I voted for the amendment proposed by the minority members of the Finance Committee, because it reduced the rate below the present rate. I voted against the substitute proposed by the Senator from Massachusetts [Mr. LODGE], because while it reduced the rate of duty it was not so low as the rate in the bill for which it was proposed as a substitute.

I wish to say that now that the substitute of the Senator from Massachusetts has been adopted over my vote to the contrary, and stands in the place of the House bill, and now that the alternative is between voting for the bill as it has been perfected by the adoption of the Lodge substitute on the one hand and the sugar duty of the Payne-Aldrich law on the other hand, I shall vote for the bill as now amended by the substitute, not because the rate of duty provided therein is satisfactory to me, but because that rate is lower than the rate in the existing law.

Mr. MARTINE of New Jersey. Mr. President, I desire to indorse the sentiment expressed by the Senator from Georgia [Mr. BACON]. I shall vote for the bill as a makeshift; it is by no means what I desire or that which I feel the American people have the right to expect.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. HEYBURN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I again announce my pair with the junior Senator from New York [Mr. O'GORMAN].

Mr. CHAMBERLAIN (when his name was called). I transfer my pair, as heretofore announced, and will vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I transfer the general pair I have with the senior Senator from South Carolina [Mr. TILLMAN] to the junior Senator from Iowa [Mr. KENYON] and will vote. I vote "yea."

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is necessarily absent. By transfer he stands paired with the Senator from South Carolina [Mr. TILLMAN]. If my colleague were here and free to vote, he would vote "yea."

Mr. McCUMBER (when his name was called). I again announce my pair and transfer it to the senior Senator from Minnesota [Mr. NELSON] and will vote. I vote "yea."

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). My colleague [Mr. MARTIN] has been called away from the Chamber on very important matters. He desired me to say that if he were present he would vote "yea," giving as a reason that this bill is a reduction on the present law.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. If he were present, he would vote "yea," and I myself feel at liberty to vote. I vote "yea."

Mr. WILLIAMS (when Mr. PERCY'S name was called). I again announce the necessary absence of my colleague [Mr. PERCY], the fact that he is paired, and that if he were present, he would vote "yea."

Mr. SANDERS (when his name was called). I again announce the transfer of my pair, and I will vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the junior Senator from Delaware [Mr. RICHARDSON], and I withhold my vote.

Mr. WATSON (when his name was called). Upon this vote I am reliably informed that the senior Senator from New Jersey [Mr. BRIGGS] would vote "yea." I therefore feel at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. BRANDEGEE. I was requested to announce that the junior Senator from New Hampshire [Mr. BURNHAM] stands paired with the junior Senator from Maryland [Mr. SMITH]. If the junior Senator from New Hampshire were present and at liberty to vote, he would vote "yea."

Mr. SMITH of Michigan. I make the same announcement as on the previous vote in regard to the Senator from Kentucky [Mr. BRADLEY]. If he were present he would vote "yea." He is paired with the Senator from Maryland [Mr. RAYNER]. He is unavoidably detained from the Chamber.

Mr. REED. I desire to make the same announcement in reference to the absence and the pair of my colleague [Mr. STONE] that I have heretofore made.

Mr. LODGE. I desire to announce the pair of the Senator from Kansas [Mr. CURTIS] with the Senator from Arkansas [Mr. DAVIS] on this vote.

Mr. WARREN. My colleague [Mr. CLARK of Wyoming] is necessarily absent from the Chamber. He stands paired with the senior Senator from Missouri [Mr. STONE].

The result was announced—yeas 52, nays 3, as follows:

YEAS—52.

Ashurst	Cummins	Massey	Shively
Bacon	Dillingham	Myers	Simmons
Bankhead	Fall	Newlands	Smith, Ariz.
Borah	Fletcher	Overman	Smith, Mich.
Bourne	Gallinger	Page	Smoot
Bristow	Gronna	Paynter	Stephenson
Bryan	Hitchcock	Penrose	Sutherland
Burton	Jones	Perkins	Swanson
Catron	La Follette	Poindexter	Townsend
Chamberlain	Lodge	Pomerene	Warren
Clapp	McCumber	Reed	Watson
Crane	McLean	Root	Williams
Crawford	Martine, N. J.	Sanders	Works

NAYS—3.

Foster	Heyburn	Thornton

NOT VOTING—39.

Bailey	Cullom	Johnston, Ala.	Percy
Bradley	Curtis	Kenyon	Rayner
Brandegee	Davis	Kern	Richardson
Briggs	Dixon	Lea	Smith, Ga.
Brown	du Pont	Lippitt	Smith, Md.
Burnham	Gamble	Martin, Va.	Smith, S. C.
Chilton	Gardner	Nelson	Stone
Clark, Wyo.	Gore	O'Gorman	Tillman
Clarke, Ark.	Guggenheim	Oliver	Wetmore
Culberson	Johnson, Me.	Owen	

So the bill was passed.

STREET RAILWAY IN SOUTH HILO, HAWAII.

Mr. CLAPP. I entered yesterday a motion to reconsider the votes by which the bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii, was ordered to a third reading and passed. The bill has been returned from the House, and I ask for action on the motion to reconsider.

The motion to reconsider was agreed to.

Mr. CLAPP. On page 3, line 1, after the word "passengers," I move to insert the word "freight."

The amendment was agreed to.

Mr. CLAPP. I ask that the bill be put on its passage.

The bill was ordered to a third reading, read the third time, and passed.

LANDS IN WYOMING.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with an amendment as follows: Strike out of the House amendment the words "July 1, 1913," and insert in lieu of the words stricken out the words "otherwise provided by law"; and the House agree to the same.

REED SMOOT,
C. D. CLARK,
GEORGE E. CHAMBERLAIN,
Managers on the part of the Senate.

JOSEPH T. ROBINSON,
EDWARD T. TAYLOR,
F. W. MONDELL,
Managers on the part of the House.

The report was agreed to.

TARIFF DUTIES ON WOOL.

Mr. SMOOT. I ask that there be printed for the use of the Senate document room 200 copies each of the amendments offered by the Senator from Pennsylvania [Mr. PENROSE], the Senator from Wisconsin [Mr. LA FOLLETTE], and the Senator from Massachusetts [Mr. LODGE] to the bill known as the wool bill. At the document room there are no copies of the amendments left, and there is no authority to print them, as they were offered from the floor.

The PRESIDENT pro tempore. Without objection, that order will be made.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 12 minutes p. m.) the Senate adjourned until Monday, July 29, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 27, 1912.

COLLECTOR OF CUSTOMS.

Dascar O. Newberry, of North Carolina, to be collector of customs for the district of Albemarle, in the State of North Carolina. (Reappointment.)

PROMOTION IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Grover A. Kempf, of Ohio, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to take effect from date of oath.

UNITED STATES DISTRICT JUDGE.

John M. Cheney, of Florida, to be United States district judge, southern district of Florida, vice James W. Locke, resigned.

APPOINTMENTS IN THE ARMY.

To be second lieutenants with rank from July 22, 1912.

CAVALRY ARM.

Corpl. Roy Oscar Henry, Troop A, Eleventh Cavalry.
Pvt. William Earle Dorman, Troop D, Fifteenth Cavalry.
Corpl. John Coleman Prince, Troop G, Eleventh Cavalry.
First Sergt. Lindsley Dykeman Beach, Troop C, Thirteenth Cavalry.

FIELD ARTILLERY ARM.

Corpl. John Dilworth von Holtzendorff, Troop G, Eleventh Cavalry.

INFANTRY ARM.

Sergt. Ralph Samuel Kimball, Company E, Fourth Infantry.
Corpl. Francis Bernard Mallon, Company I, Fifth Infantry.
Sergt. Lathrop Boyd Clapham, Company M, Twenty-ninth Infantry.
Pvt. Carl James Adler, Company M, Twenty-ninth Infantry.
Corpl. Otto Godfrey Pitz, Battery F, Second Field Artillery.
Corpl. Theophilus Steele, Company G, Seventh Infantry.

Quartermaster Sergt. Burton Young Read, Troop F, Seventh Cavalry.

Corpl. George Hubert Gardiner, Company B, Twenty-ninth Infantry.

Corpl. Dabney Carter Rose, Fifteenth Recruit Company.

PROMOTIONS IN THE NAVY.

Commander George R. Evans to be a captain in the Navy from the 1st day of July, 1912, to fill a vacancy.

Lieut. Julius F. Hellweg to be a lieutenant commander in the Navy from the 10th day of May, 1912, to fill a vacancy.

Lieut. (Junior Grade) John S. McCain to be a lieutenant in the Navy from the 1st day of July, 1912, to fill a vacancy.

Midshipman Albert C. Roberts to be an ensign in the Navy from the 8th day of June, 1912, in accordance with the provisions of an act of Congress approved March 7, 1912.

POSTMASTERS.

ALASKA.

Augustus E. Kindell to be postmaster at Skagway, Alaska, in place of Augustus E. Kindell. Incumbent's commission expired May 20, 1912.

ILLINOIS.

Hugh P. Faught to be postmaster at Tower Hill, Ill., in place of Hugh P. Faught. Incumbent's commission expired March 10, 1912.

Zeno J. Rives to be postmaster at Litchfield, Ill., in place of William T. Thorp. Incumbent's commission expired March 12, 1912.

LOUISIANA.

Mary G. Pearsall to be postmaster at Bogalusa, La., in place of Mary G. Pearsall. Incumbent's commission expired May 14, 1912.

MISSOURI.

Dwight L. Bishop to be postmaster at Garden City, Mo., in place of Dwight L. Bishop. Incumbent's commission expired March 10, 1912.

NEW MEXICO.

John Becker to be postmaster at Belen, N. Mex., in place of John Becker. Admission of Territory as State.

Fred O. Blood to be postmaster at East Las Vegas, N. Mex., in place of Fred O. Blood. Admission of Territory as State.

George L. Bradford to be postmaster at Dawson, N. Mex., in place of George L. Bradford. Admission of Territory as State.

George M. Chandler to be postmaster at Cimarron, N. Mex., in place of George M. Chandler. Admission of Territory as State.

Louis Garcia to be postmaster at Springer, N. Mex., in place of Louis Garcia. Admission of Territory as State.

Spence Hardie to be postmaster at Vaughn, N. Mex., in place of Spence Hardie. Admission of Territory as State.

John M. Hawkins to be postmaster at Alamogordo, N. Mex., in place of John M. Hawkins. Admission of Territory as State.

Robert W. Hopkins to be postmaster at Albuquerque, N. Mex., in place of Robert W. Hopkins. Admission of Territory as State.

Lucius E. Kittrell to be postmaster at Socorro, N. Mex., in place of Lucius E. Kittrell. Admission of Territory as State.

Ignacio Lopez to be postmaster at Las Vegas, N. Mex., in place of Ignacio Lopez. Admission of Territory as State.

Joseph McQuillin to be postmaster at San Marcial, N. Mex., in place of Joseph McQuillin. Admission of Territory as State.

John S. Mactavish to be postmaster at Magdalena, N. Mex., in place of John S. Mactavish. Admission of Territory as State.

Piedad Medina to be postmaster at Wagon Mound, N. Mex., in place of Piedad Medina. Admission of Territory as State.

O. C. Officer to be postmaster at Raton, N. Mex., in place of Frank A. Hill. Admission of Territory as State.

J. P. Porter to be postmaster at Estancia, N. Mex., in place of Nicholas D. Meyer. Admission of Territory as State.

Arthur H. Rockafellow to be postmaster at Roswell, N. Mex., in place of Arthur H. Rockafellow. Admission of Territory as State.

NORTH CAROLINA.

Estella Cameron to be postmaster at Rockingham, N. C., in place of Estella Cameron. Incumbent's commission expired February 13, 1911.

Roy C. Flanagan to be postmaster at Greenville, N. C., in place of Roy C. Flanagan. Incumbent's commission expired March 2, 1912.

John R. Joyce to be postmaster at Reidsville, N. C., in place of John R. Joyce. Incumbent's commission expired January 28, 1912.

OHIO.

James D. Carpenter to be postmaster at Lodi, Ohio, in place of James D. Carpenter. Incumbent's commission expired May 16, 1910.

J. W. McKee to be postmaster at Celina, Ohio, in place of Charles A. McKim. Incumbent's commission expired May 16, 1912.

OKLAHOMA.

Jasper P. Grady to be postmaster at Hartshorne, Okla., in place of Merrel L. Thompson, resigned.

John L. Morgan to be postmaster at Waurika, Okla., in place of John L. Morgan. Incumbent's commission expired April 28, 1912.

Donald B. Munro to be postmaster at Frederick, Okla., in place of Frances K. Ahern. Incumbent's commission expired February 17, 1912.

OREGON.

Charles E. Culbertson to be postmaster at Clatskanie, Oreg., in place of Michor E. Page, resigned.

PORTO RICO.

Alfredo Gimenez y Moreno to be postmaster at Bayamon, P. R., in place of Alfredo Gimenez y Moreno. Incumbent's commission expired May 26, 1912.

Hortensia R. O'Neill to be postmaster at San German, P. R., in place of Hortensia R. O'Neill. Incumbent's commission expired May 26, 1912.

Simon Semidei to be postmaster at Yauco, P. R., in place of Simon Semidei. Incumbent's commission expired May 26, 1912.

SOUTH CAROLINA.

Walter E. James to be postmaster at Greer, S. C., in place of Isham A. Mayfield, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 27, 1912.

POSTMASTERS.

ALABAMA.

Thomas J. Kennamer, Ensley.
John H. McEniry, Bessemer.

IOWA.

Louis F. Bousquet, Pella.
John M. Wormley, Kingsley.

KANSAS.

Henry S. Mueller, Sedgwick.

NEW HAMPSHIRE.

Lafely Leroy Blodgett, Lisbon.

NEW MEXICO.

John Becker, Belen.
Fred O. Blood, East Las Vegas.
George L. Bradford, Dawson.
George M. Chandler, Cimarron.
Louis Garcia, Springer.
Spence Hardie, Vaughn.
John M. Hawkins, Alamogordo.
Robert W. Hopkins, Albuquerque.
Lucius E. Kittrell, Socorro.
Ignacio Lopez, Las Vegas.
Joseph McQuillin, San Marcial.
John S. Mactavish, Magdalena.
Piedad Medina, Wagon Mound.
O. C. Officer, Raton.
J. P. Porter, Estancia.
Arthur H. Rockafellow, Roswell.

NEW YORK.

David Akers, Hillburn.
Emily V. Auryansen, Sparkill.
Janet S. Green, Narrowsburg.
Louis M. Spaulding, Albion.
Francis Worden, Coxsackie.

WITHDRAWAL.

Executive nomination withdrawn July 27, 1912.

POSTMASTER.

WEST VIRGINIA.

M. F. Kiger, Williamstown.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 27, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Be very near to us, O Father; we need Thee every moment. Thou art infinite, we are finite. Thou knowest all things, we know only a little. Thou art almighty, we are very weak. Thou art divine, we are human; sometimes our zeal displaces judgment, sometimes our desires dethrone reason. Sometimes our egotism makes us forget our dependence upon Thee and we wander far afield. Control our thoughts, direct our ways that we may be profitable servants unto Thee our Father. Amen.

The Journal of the proceedings of yesterday was read and approved.

WOOL AND MANUFACTURES OF WOOL.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 22195, an act to reduce the duties on wool and manufactures of wool, have a reprint of the same ordered, printing and numbering the Senate amendments, and to disagree to the Senate amendments and send the bill to conference.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to take the wool bill from the Speaker's table and have it printed with the Senate amendments numbered, and to disagree to the Senate amendments and ask for a conference. Is there objection?

Mr. PAYNE. Reserving the right to object, Mr. Speaker, I suppose the bill will go to conference eventually anyway. It has been suggested to me to offer a motion to agree to the bill with the amendment offered to it which I offered before, and which was voted unanimously on this side as a substitute for the Senate bill. Having had a record vote on that, I am disposed to let it go to conference without any vote this morning and not make any objection to it.

The SPEAKER. Is there objection?

Mr. WARBURTON. Mr. Speaker, reserving the right to object——

Mr. ANDERSON of Minnesota. I object, Mr. Speaker.

Mr. UNDERWOOD. Mr. Speaker, I ask that the Speaker refer the bill to the Committee on Ways and Means.

The SPEAKER. The bill is referred to the Committee on Ways and Means.

EXTENSION OF REMARKS.

Mr. NORRIS. Mr. Speaker, I want to submit, so that there may be no question about it, a request to extend and revise the remarks that I made the other day. I think I made the request, but the manuscript I have from the reporters does not show it.

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] asks unanimous consent to extend in the RECORD the remarks which he made the other day. Is there objection? [After a pause.] The Chair hears none.

THE RECORD.

Mr. WARBURTON. Mr. Speaker, in the CONGRESSIONAL RECORD of this morning there appears a speech of the gentleman from Wyoming [Mr. MONDELL]. During the delivery of that speech I made some interruptions, and I particularly requested that I might see the RECORD before it was printed, but it was not sent to me. In the speech as revised there are some mistakes which I wish to correct.

The SPEAKER. Does the gentleman claim that his remarks are not properly set forth?

Mr. WARBURTON. Just a moment. I have requested the official reporters to give me a copy of the official report; and next week I desire to make some corrections of the speech as printed and also possibly to make a few remarks in reference to the subject then under discussion.

ALASKA.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 38) providing for legislative assembly in the Territory of Alaska, and ask that it be printed, with the Senate amendments numbered, and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent to take from the Speaker's table the bill H. R. 38, and that the same be printed, with the Senate amendments numbered, and to disagree to the Senate amendments and ask for a conference. The Clerk will report the title.

The Clerk read as follows:

An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, there are several amendments to this bill, introducing entirely new matter, which I think ought to be considered in some shape in the House. I think the gentleman ought to let the bill go to his committee and report it back in the usual way. I shall, therefore, have to object.

Mr. FLOOD of Virginia. Mr. Speaker, I ask that the bill be referred to the Committee on the Territories.

The SPEAKER. The bill is referred to the Committee on the Territories.

CONTINUATION OF COAL MINING IN WYOMING.

Mr. ROBINSON. Mr. Speaker, I call up the conference report on Senate joint resolution 100.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

Senate joint resolution 100, authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 1052).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to Senate joint resolution No. 100, authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with an amendment as follows:

Strike out of the House amendment the words "July first, nineteen hundred and thirteen," and insert in lieu of the words stricken out the words "otherwise provided by law," and that the House agree to the same.

JOS. T. ROBINSON,
EDWARD T. TAYLOR,
F. W. MONDELL,
Managers on the part of the House.

REED SMOOT,
C. D. CLARK,
GEO. E. CHAMBERLAIN,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The conferees on the part of the House on the conference asked by the Senate on the disagreeing votes of the two Houses on Senate joint resolution No. 100 report that the conference agreement leaves the legislation as it passed the House, except that the time limit during which the Secretary of the Interior may arrange for the continuation of the coal-mining operations is stricken out and the termination of the operations is left to the discretion of Congress.

JOS. T. ROBINSON,
EDWARD T. TAYLOR,
F. W. MONDELL,
Managers on the part of the House.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON. Yes; I yield.

Mr. MANN. As I understand, there was a time limit in this resolution as passed by the House?

Mr. ROBINSON. Yes; July 1, 1913.

Mr. MANN. Yes; fairly restrictive; and that, under the conference report now, there is practically no time limit at all.

Mr. ROBINSON. If the gentleman will permit me, I will make a statement. The original bill, as passed by the Senate, authorized the continuance of these operations under the order issued by a Federal court in Wyoming. The Interior Department suggested that in lieu of that bill there should be enacted a provision authorizing the continuance of mining operations on all lands where mines have been established and where the claims to the lands had been rejected. The Committee on the Public Lands of the House did not think it proper under a

bill of this character to consider legislation of that general kind, but on account of the necessity existing in that peculiar locality we did decide that it was necessary to authorize the continuance of the operations by the Owl Creek Mining Co., and therefore we provided that they might be continued until July 1, 1913. The Senate agreed to that amendment, with an amendment providing that the operations might be continued until further action by Congress. The House conferees agreed to that amendment, for the reason that to refuse to do so might make necessary action by Congress again concerning the subject matter, and because under the amendment Congress can take action on the matter at any time it desires under the amendment suggested by the Senate. We did not believe it desirable to enact a general leasing provision in a bill like this.

Mr. MANN. Mr. Speaker, the original bill as it passed the House provided that a certain company should have the right to mine coal on terms to be fixed by the Secretary of the Interior until July 1, 1913.

Mr. ROBINSON. Yes.

Mr. MANN. That was to tide over an emergency situation. Under that bill, when passed, if the company desired to continue operations after July 1, 1913, it would have to secure additional legislation from Congress, either general or special. Now, the conference committee strikes out that limitation and puts in a provision that means nothing—that they may have this right until Congress shall otherwise provide. Of course Congress can otherwise provide at any time. Regardless of that, Congress can legislate upon the subject, whether it is in this bill or not. That provision does not confer any rights upon Congress. We already have the authority to legislate. This provision is a mere subterfuge, a mere throwing of sand in the eyes of Congress. It means nothing except to give this company an indefinite right to mine coal on property which we claim does not belong to it; and then the company, instead of seeking to encourage legislation from Congress, will do everything it can to prevent legislation by Congress.

Mr. FOSTER. And it also settles a lawsuit that has been pending for some time, and is now pending in court?

Mr. MANN. Yes.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes; I yield.

Mr. MONDELL. The gentleman from Illinois wants to be fair, and——

Mr. MANN. Oh, I have heard that so often that I am tired of it. I am fair.

Mr. MONDELL. I presume the gentleman is. The time limit fixed in the provision in the House bill is so brief that there was no way of determining whether the cases between the Government and the company could be settled in that time or not. They may not be settled for a year or more. The cases are not determined at this time, and until they are determined these operations ought to continue; and we simply provide that they shall continue until otherwise provided by law.

Now, if the cases are settled, the Secretary of the Interior can at any time call the attention of Congress to the matter, and action can be had. The idea was simply to avoid the necessity of coming to Congress again within a year.

Mr. MANN. In the one case the company, having its right expire, will want to bring it to the attention of Congress; and in the other case the company, having an indefinite right, will use all its powers to prevent its coming to Congress.

Mr. MONDELL. I do not understand that the coal company would have any power or influence to prevent a matter from coming to Congress. I want to call attention to the fact that the Secretary of the Interior reported favorably upon a proposition indefinite in time.

Mr. ROBINSON. Now, Mr. Speaker, under the bill, if this amendment is agreed to, the Secretary of the Interior has the power to prescribe any regulations or any rules that he sees fit to make, and impose any reasonable charge for rental that he may desire. There is ample power to safeguard every interest of the Government. The objection to the suggestion for general legislation made by the Secretary of the Interior comes from those who oppose the establishment of a leasing system.

There are many members of the committee who believed that that ought to be done. Others objected to it very strenuously, and we regarded it as impracticable to inject a question of that importance into the consideration of a bill of this kind. But the bill does recognize, in a sense, the right of the Government in this particular case to lease these lands, although that term is not used in the bill; and I submit to the gentleman from Illinois, who I regret is not now listening, but who says he is always fair, and who is always so prompt to approve himself and to confirm his own judgment, that there can be no objection on the part of the Government to this proceeding, unless it be that the legislation is not general enough and does not extend far enough.

I have already stated the reasons that moved the committee not to report a general leasing bill affecting all lands on which mining operations are being conducted and the title to which is in litigation. It would effect no useful purpose to fix a time limit unless it can be known when the litigation will end, and the committee could not determine when the litigation will end.

There is nothing to indicate that it will be determined by the 1st of July, although when the House committee reported our amendment we thought probably it would terminate by that time. But upon the termination of the litigation, if it terminates in favor of the United States, Congress will then undoubtedly act further in the matter. Until the litigation is terminated there ought not to arise any necessity for further legislation.

Mr. MANN. Is it not a fact that the petition which was presented for the passage of this bill set out as a reason for passing it that the litigation would probably be determined last winter during the cold weather, when the miners would be thrown out of employment in the wintertime and have no opportunity for any other employment? Now, the gentleman says that although they were then alleging as a reason for passing the bill that the litigation would be determined last winter, it will probably not be determined by a year from the 1st of July.

Mr. ROBINSON. The gentleman knows that the litigation was not determined last winter, so that that statement in the petition, if it was contained there, is now immaterial, and it merely emphasizes the necessity for not placing a restriction in the bill that will make further legislation necessary before the litigation is finished.

Mr. MANN. The reason stated in the petition for passing the bill has fallen to the ground, because the litigation was not determined last winter.

Mr. ROBINSON. There are other reasons that must be apparent to the gentleman, who is evidently acquainted with the situation there. There are hundreds of persons employed in that mine. The operation of the mine is almost of absolute necessity to that community, as well as to the people who are employed in the mine, and it would be absurd and ridiculous for the Congress to legislate twice on the same proposition and be compelled to legislate on it again before the litigation is determined. I believe the proposition is thoroughly tenable; that the Senate amendment improves the bill and does not in any sense injure the Government.

Mr. MANN. Why did not the conferees then provide that this right should be granted until the litigation was determined, instead of granting it indefinitely, so that it will continue, and will not be interfered with, probably, for the next 50 years?

Mr. ROBINSON. That amendment came to conference in the terms that I have suggested, and I submit to the gentleman that it is adequate to carry out the purposes of the legislation, which is to permit the operations to continue until Congress stops them. I ask that the conference report be agreed to.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

NAVAL MANEUVERS, NARRAGANSETT BAY.

Mr. EVANS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk. It is very short and will only take a minute.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 644.

Resolved, That the Secretary of the Navy be directed, if not incompatible with the public interest, to send to the House of Representatives a complete report of the naval maneuvers held this month of July, 1912, in and around Narragansett Bay, in which maneuvers, according to press reports, six battleships have shown themselves to be helpless against the attack of submarines.

Mr. EVANS. The only reason why I ask——

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to inquire respectfully whether it is the policy of the Speaker to recognize gentlemen to ask unanimous consent to pass bills or resolutions before they have been introduced regularly?

The SPEAKER. The policy of the Chair has never changed. That is, that under the rule these resolutions go to the basket; but occasionally there is a resolution of pressing necessity that the Chair has taken the liberty of entertaining by the general consent of the House.

Mr. MANN. Disagreeing with the Chair about the pressing necessity of this resolution——

The SPEAKER. The Chair is not talking about the pressing necessity of this one.

Mr. MANN. I am asking about this one. I do not think it is of pressing necessity, and therefore I object.

The SPEAKER. The regular course will be for the resolution to go through the basket.

UINTA INDIAN RESERVATION, UTAH (H. DOC. NO. 892).

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to have printed as a House document the reports of E. P. Holcombe and James M. McLaughlin, special Indian inspectors, on the conditions found by them existing on the Uinta Indian Reservation in Utah.

The SPEAKER. The gentleman from Texas asks unanimous consent to have printed as a House document a report on the Uinta Indian Reservation in Utah. Is there objection?

Mr. MANN. Reserving the right to object, what is the purpose of it? Is it to help get through this $3,500,000 judgment, or steal, or whatever you call it?

Mr. STEPHENS of Texas. It has some relation to that matter. These inspectors have made a recent report upon irrigation conditions there.

Mr. MANN. If the gentleman would present a request to have printed as a public document the history of the legislation resulting in that judgment, which ought to cast a blush of shame over honest Members of Congress, I would not object, nor will I object to this.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Chairman, a few days ago I gave notice that on Tuesday next, July 30, 1912, I would call up for consideration the conference report on the naval appropriation bill. A number of gentlemen say they can not be here at that time. I desire to give notice now that I shall call it up for consideration on Thursday, August 1, 1912.

STEEL INVESTIGATION.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent to make a very short statement with reference to the minority report of the Stanley steel committee.

Mr. MANN. How much time does the gentleman desire?

Mr. GARDNER of Massachusetts. Only about a minute.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to make a brief statement respecting the minority report of the Stanley steel investigating committee. Is there objection?

There was no objection.

Mr. GARDNER of Massachusetts. Mr. Speaker, the views of the minority of the Stanley steel committee went to the printer three days ago, and yesterday at 1.30 p. m. were given to the press for future release.

I make this statement for the reason that the view on the steel industry given out by Col. Roosevelt last night singularly correspond in two respects with the conclusions of the minority. These two respects relate to the labor situation and to that part of the Stanley bill which deals with corporations which control over 30 per cent of the domestic product of a given article. Of course Col. Roosevelt has made an error in confusing a rebuttable presumption of unreasonableness with an absolute prohibition in the case of corporations of that sort, but that is a mistake which any man might make on a superficial examination of the Stanley-Brandeis bill.

I know that the world is censorious, and I fear lest it might say that the minority of the Stanley steel committee had purloined the colonel's views, if I were to neglect to point out that we gave our views to the press several hours earlier than the colonel gave out his advance statement.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25970, the general deficiency appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill, with Mr. HAMMOND in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SURVEYING THE PUBLIC LANDS.

To enable the Commissioner of the General Land Office to complete the examination and classification of lands within the limits of the Northern Pacific grant under the act of July 2, 1864 (13 Stats., 365), as provided in the act of February 26, 1895 (28 Stats, 683), such examination and classification when approved by the Secretary of the Interior to have the same force and effect as a classification by the mineral land commissioners provided for in said act of February 26, 1895, the unexpended balance, not exceeding $4,500, of the appropriation of $10,000 for the fiscal years of 1911 and 1912, provided in the deficiency act approved March 4, 1911, is hereby continued and made available for expenditure in the examination and classification of said lands during the fiscal year ending June 30, 1913.

Mr. THAYER. Mr. Chairman, I propose to speak for a few minutes on the subject of trusts and the Sherman Act, and in that connection it will be necessary for me to refer to remarks hitherto made by me in reference to the same matter. On May 4, 1911, I addressed the House of Representatives as follows:

"Mr. THAYER. Mr. Chairman, I shall not allude to the size nor the intelligence of this audience. The one is apparent and, I trust, the other will become as evident as I proceed with my discourse. I do not speak, however, merely for the information of this House, but for that far wider audience which reads the daily newspapers and occasionally dips into the CONGRESSIONAL RECORD. Before commencing upon the subject matter of my talk I wish to say a few words to the gentleman from Pennsylvania [Mr. FOCHT], who preceded me. He says that a great many of his Democratic friends hold their seats in this House on account of the abstention of the Republican voters. That may be true of some, but for my district I will say that the vote cast in this last election was over 1,000 larger than that cast in 1908, and that is true of all the vote in Massachusetts. [Applause on the Democratic side.]

"The gentleman from Pennsylvania also alluded to the expense which we would incur in this extra session. Now, the Democrats are not responsible one whit for this extra session, but it was the contumacy of the other branch of the Republican Legislature, the Senate, that caused it. But for my part I welcome this session, and I say that the slight expense to which we are putting the Government of the United States is well repaid by the relief which this House, at least, will offer to the American people. [Applause on the Democratic side.]

"Yesterday the House listened to the able and eloquent speech of my colleague from Massachusetts [Mr. WEEKS], a colleague whose district is adjacent to my own and whose district was enriched in redistricting in 1900 by several safe Democratic towns from the third congressional district, my own, trusting in the assured Republican strength of his and in the weakness which would come to the third district; but the Democratic incumbent at that time was successful in retaining the seat for the Democracy for the two terms which he occupied. He then voluntarily retired, and in this last election the calculations of the Republicans were again upset and the third district became again Democratic. Surely the Lord tempereth the votes to the shorn district. But I bespeak from my Republican colleague in this redistricting, which happened on account of the Massachusetts Congressmen being increased from 14 to 16, a redistricting which I opposed—I bespeak from him the return of my Democratic ewe lambs, and I trust he will not give me back some of those deserted shoe villages with which his county, as well as my own, is so much encumbered. I would ask his reasons for the decadence of these shoe towns, if it is due to the high tariff which has been put upon their products.

"In his discussion of the altruistic business methods of the United Shoe Machinery Co., I asked him if he had in mind the act which was passed by the Massachusetts Legislature in 1907 forbidding a clause of their lease which restricted the lessees from buying or leasing any other machinery from any other vendors or lessors except the said company, and he said he had that in mind, but when I asked him to have that act read from the Clerk's desk he said he could not take up his time to do that. I will ask the indulgence of the House, in the performance of my public duty, to have read this act of 1907 and the supplementary act of 1908 against monopoly. I will ask that the Clerk read act 469 of 1907.

"The CHAIRMAN. The Clerk will read the act in the gentleman's time.

"The Clerk read as follows:

"*Be it enacted, etc., as follows:*

"SECTION 1. No person, firm, corporation, or association shall insert in or make it a condition or provision of any sale or lease of any tool, implement, appliance, or machinery that the purchaser or lessee thereof shall not buy, lease, or use machinery, tools, implements, or appliances or material or merchandise of any person, firm, corporation, or association other than such vendor or lessor; but this provision shall not impair the right, if any, of the vendor or lessor of any tool, implement, appliance, or machinery protected by a lawful patent right vested in such vendor or lessor to require, by virtue of such patent right, the vendee or lessee to purchase or lease from such vendor or lessor such component and constituent parts of said tool, implement, appliance, or machinery as the vendee or lessee may thereafter require during the continuance of such patent right: *Provided*, That nothing in this act shall be construed to prohibit the appointment of agents or sole agents to sell or lease machinery, tools, implements, or appliances.

"SEC. 2. Any person, firm, corporation, or association, or the agent of any such person, firm, corporation, or association, that violates the provisions of this act shall be punished for each offense by a fine not exceeding $5,000.

"All leases, sales, or agreements therefor hereafter made in violation of any of the provisions of this act shall be void as to any and all of the terms or conditions thereof in violation of said provisions."

"An act relative to monopolies and discriminations in the sale of articles or commodities in common use.

"*Be it enacted, etc., as follows:*

"SECTION 1. Every contract, agreement, arrangement, or combination in violation of common law in that whereby a monopoly in the manufacture, production, or sale in this Commonwealth of any article or commodity in common use is or may be created, established, or maintained, or in that thereby competition in this State in the supply or price of any such article or commodity is or may be restrained or prevented, or in that thereby, for the purpose of creating, establishing, or maintaining a monopoly within this State of the manufacture, production, or sale of any such article or commodity, the free pursuit in this State of any lawful business, trade, or occupation is or may be restrained or prevented is hereby declared to be against public policy, illegal, and void.

"SEC. 2. The attorney general, or, by his direction, a district attorney, may bring an action in the name of the Commonwealth against any person, trustee, director, manager, or other officer or agent of a corporation, or against a corporation, to restrain the doing in this Commonwealth of any act herein forbidden or declared to be illegal, or any act in, toward, or for the making or consummation of any contract, agreement, arrangement, or combination herein prohibited, wherever the same may have been made. The superior court shall have jurisdiction to restrain and enjoin any act herein forbidden or declared to be illegal.

"SEC. 3. In such action no person shall be excused from answering any questions that may be put to him, or from producing any books, papers or documents, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him, but no person shall be prosecuted in any criminal action or proceedings, or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, in any such action.

"SEC. 4. Nothing in section 1 of this act shall be construed as impairing, repealing, or superseding any statute of this Commonwealth.

"Approved April 28, 1908."

"The discussion of this farmers' free-list bill has already been worn almost to attenuation, but this phase has not been extensively dwelt upon. The gentleman from Indiana has already referred to the fact that at the time my colleague was defending this trust at the Senate end of the Capitol its methods were being pitilessly disclosed. 'Thus the whirligig of time brings about its revenges,' but not often so quickly. It is more like that incident in the New Testament where, while one disputant was protesting against the facts, the feet of those who had borne out the other protestant were already at the door, and in this matter I refer not to the protagonist but to the principal. The conditions of shoe manufacturing in Massachusetts had become so scandalous that in 1907 a movement was started to restrain the abuses which the United Shoe Machinery Co. had injected into its methods. There were long and acrimonious hearings at the statehouse, in which the most eminent and expensive counsel took part.

"The proponents of this act were represented by Hon. Herbert Parker, a former Republican attorney general of the Commonwealth of Massachusetts. Instead of business men of small means having the opportunity to engage in business with leased machinery, the United Shoe Machinery Co. was but the controlling power in a long line of manufacturers, compelling tribute of a greater part of the profits and owning the body, soul, and brain of the hapless men who have been entangled in its net, a slavery as absolute as that of the Incas of Peru. These acts were passed, after a hard struggle, as a measure of relief to the manufacturers, but subsequent events have shown their futility. Recently an opponent named Plant attempted to start an independent organization and began operations on a great scale and with every prospect of success, but suddenly, almost before the promise of relief had been presented to the manufacturers, the Plant system was absorbed by the United Shoe Machinery Co. It transpired that in order to finance his factory Mr. Plant had been obliged to borrow largely from the banks, which had, indeed, solicited his custom, but in some mysterious way all of Plant's notes had found their way into the possession of the United Shoe Machinery Co., and suddenly he was met by the demands for their payment.

"There was no option but that which the United Shoe Machinery Co. offered, and this independent organization was absorbed by the monopoly. This is instructive in itself as showing for what purposes the accumulated deposits of the common people are used, like the pinions of the eagle, to their own destruction. It is unnecessary to ask 'Upon what meat has this our Cæsar fed that he has grown so great?' There has been competent testimony that a machine which the United Shoe Machinery Co. leases for $1,200 a year it sells outright to foreign purchasers for $400—a difference of $19,600 computed on a 6 per cent basis, of $23,600 computed on a 5 per cent basis, and $29,600 computed on a 4 per cent basis. And then we are asked not to remove the duty from the product because, perforce, the foreign manufacturer is using American machinery and will undersell our own manufacturers. If there are more elevated heights of impudence it remains for some Peary to discover them or some Cook to assume to. As to the reliefs we are entitled to, there are several. First, the removal of all duties from all products of monopoly, whether machinery or product. Second, the invocation of the United States law. I am inclined to agree with Senator BAILEY and the United States Supreme Court as enunciated in Continental Wall Paper Co. against Lewis Voight & Sons Co. (148 Fed. Rep., 939, 950) as pertinent:

"The consumer, at last, is the only real victim. It is the consumer who makes up the public, which it is the object of the law to protect against undue exaction through illegal combinations in restraint of freedom of commerce and fair play in commercial transactions.

"It ill becomes monopolies like the United Shoe Machinery Co., which is throttling independent manufacturers and has become the arbitrary head of a great part of the shoe business, to cry out that we are destroying an American industry when we are reducing the cost of living to that class which works the hardest and receives the least reward for its labor. Conditions will not be bettered until we not only meet their challenge but remove, as above stated, the duties on their products, which are only an extortion on the American people, and, further, refuse admission to interstate commerce of all products of monopolies of whatever kind or nature.

"He that withholdeth corn—

"And by corn I opine Solomon meant not only all cereals but all the necessities of life—

"the people shall curse him, but blessings shall be upon the head of him that selleth it.

"[Applause.]"

On May 15, 1911, the decision in the Standard Oil case was handed down, and on May 29, 1911, the decision in the American Tobacco case, in which cases the contract or monopoly legislated against was by judicial interpretation declared to be only such as was "undue" or "unreasonable." On June 8, 1911, I introduced into the House H. R. 11380 and H. R. 11381, which, as amended, became H. R. 24115 and H. R. 24116, and are set forth in full further on. They had been contemplated for some time previously. They were, however, intended to extend the provision of the Sherman Antitrust Act, but also intended to cover all cases, whether the restraint of trade or competition was sufficient to create a monopoly or not. I am not aware that there is any dispute as to the essential facts on which these remedial bills are based. It is apparent that at least one industry in this country has acquired such a control over certain machines, first by patents, and then when these had expired, by the conditions which naturally follow from the business situation evolved from the manipulation of these monopolies. I use "monopoly" in the last sentence as a patent monopoly and not in the antitrust sense.

By means of the control of certain essential machinery used in the shoe industry the United Shoe Machinery Co. forced the shoe manufacturers to use machinery, and in some cases material, under their control and gradually stifled a competition in the manufacture of shoe machinery.

The Massachusetts condition has been referred to and the measures passed by the legislature for relief, but owing to the extent of territory in the United States in which the manufacture of shoes is carried on, it seemed best that these provisions should be embodied in national legislation and made broad enough to prevent any such restraint of trade or competition as I have set forth. Whether fostered by the patent laws or by monopoly gained thereunder, or by any other method, the evils of monopolies like those set forth are self-evident, and do not need any extensive comment.

All are well acquainted with the monopolistic growth of the last 25 years, and, I believe, are eager to restrain everything that tends to injure the community as a whole. It has been shown and evidenced that not only does monopoly of this kind stifle invention, but also inventions which are obtained by such a monopoly are held back from use as long as possible, so that practically out-of-date machines have to be continued in our manufactories and will be continued until foreign competition grows so keen that they have to be replaced in order to save the life of the monopoly. Last summer it was proposed to put shoes on the free list. Shoe manufacturers complained that they could not continue to manufacture if this was done, although the present tariff is 10 per cent, and although a few years ago the shoe manufacturers had stoutly maintained that they needed no protection whatever; but the burdens imposed upon them by the United Shoe Machinery Co. monopoly were so great that they had been obliged to retract this statement. It has been shown by figures in the Patent Office that patents taken out by the United Shoe Machinery Co. have been pending from 5 to 13 years. It is possible, or rather it is probable, that with the example of this corporation other monopolies of the same

kind will soon grow up and control other business interests as it has controlled the shoe interests.

I asked the Commissioner of Patents if he had any statements in regard to patents in general, as to how long they were in the office, and he stated that he had not, and that he would have to take each patent individually and determine from that how long it had been after the application before it was issued. We have some few statements, showing how long the different patents that the United Shoe Machinery Co. have recently taken out were in the Patent Office before finally issued. This ranged from 5 to 15 years.

The evils which these bills attempt to forestall are set forth in language which is sufficiently explicit for all to understand. Other concerns than the United Shoe Machinery Co. have used its methods, which have resulted in monopolies, restriction of trade, and suppression of useful patents. There have been extended hearings on these bills before the House Judiciary Committee; and the necessity of such legislation has been repeatedly demonstrated since these hearings began.

In the famous case of Sidney Henry et al. against A. B. Dick Co., Chief Justice White said:

But the result of this analysis serves at once again to establish, from another point of view, that the ruling now made in effect is that the patentee has the power, by contract, to extend his patent rights so as to bring within the claims of his patent things which are not embraced therein, thus virtually legislating by causing the patent laws to cover subjects to which, without the exercise of the right of contract, they could not reach, the result being not only to multiply monopolies at the will of an interested party, but also to destroy the jurisdiction of the State courts over subjects which from the beginning have been within their authority.

Again, a curious anomaly would result from the doctrine. The law in allowing the grant of a patent to the inventor does not fail to protect the rights of society; on the contrary, it safeguards them. The power to issue a patent is made to depend upon considerations of the novelty and utility of the invention and the presence of these prerequisites must be ascertained and sanctioned by public authority, and although this authority has been favorably exerted, yet when the rights of individuals are concerned the judicial power is then open to be invoked to determine whether the fundamental conditions essential to the issue of the patent existed. Under the view now maintained of the right of a patentee by contract to extend the scope of the claims of this patent it would follow that the incidental right would become greater than the principal one, since by the mere will of the party rights by contract could be created, protected by the patent law, without any of the precautions for the benefit of the public which limit the right to obtain a patent.

But even if I were to put aside everything I have said and were to concede for the sake of argument that the power existed in a patentee, by contract, to accomplish the results which it is now held may be effected, I nevertheless would be unable to give my assent to the ruling now made. If it be that so extraordinary a power of contract is vested in a patentee, I can not escape the conclusion that its exercise, like every other power, should be subject to the law of the land. To conclude otherwise would be but to say that there was a vast zone of contract lying between rights under a patent and the law of the land, where lawlessness prevailed and wherein contracts could be made whose effect and operation would not be confined to the area described, but would be operative and effective beyond that area, so as to dominate and limit rights of everyone in society, the law of the land to the contrary notwithstanding.

And the President said December 5, 1911, in his message on the antitrust statute:

I see no objection—and indeed I can see decided advantages—in the enactment of a law which shall describe and denounce methods of competition which are unfair and are badges of the unlawful purpose denounced in the antitrust law. The attempt and purpose to suppress a competitor by underselling him at a price so unprofitable as to drive him out of business, or the making of exclusive contracts with customers under which they are required to give up association with other manufacturers, and numerous kindred methods for stifling competition and effecting monopoly, should be described with sufficient accuracy in a criminal statute on the one hand to enable the Government to shorten its task by prosecuting single misdemeanors instead of an entire conspiracy, and, on the other hand, to serve the purpose of pointing out more in detail to the business community what must be avoided.

And again, May 10, 1912, in his message on the patent law:

In recent years, however, combinations based upon patents have been formed which have succeeded in controlling very largely the output of particular industries, and this control has been extended by contracts based upon the patents, requiring the users of patented machines to buy from the corporations owning the patents or from firms under their control supplies or other articles to be used in connection with the patented machines. Some of the circuit courts of appeal have held that such contracts, based upon patents, were valid, and that those who violated the terms of such contracts were liable as contributory infringers. The correctness of such decisions has recently received the approval of the Supreme Court of the United States in the case of Sidney Henry et al. *v.* A. B. Dick Co., by the vote of four justices of the seven who heard the case. An application for a rehearing of that case by the full bench was made and denied, so that the construction put upon the existing law in that case must be regarded as conclusive. Several bills have been introduced into Congress, as I am informed, to obviate the effect of this decision so as to prevent a patentee from extending by contract the monopoly secured to him under the patent law. This question calls for careful consideration.

On this subject the Boston Herald said in an editorial September 29, 1910:

PATENT MONOPOLIES.

One of the many changes that have been made in the leases of the United Shoe Machinery Co. in recent years has an importance that should not be overlooked. It is so strikingly suggestive of the general plan by which ordinary patent rights have been supplemented by the power of leases and the grip of the monopoly on the shoe-manufacturing industry has been perpetuated that it may, in a measure, be said to be the keystone of the structure which has been built up. Former leases of the company contained a clause stipulating that the lessee should pay as rent or royalty a certain sum for each pair of various kinds of boots, shoes, or other footwear "manufactured or prepared whether wholly or in part by the aid of the leased machinery or any part thereof," a previous paragraph in the same lease (relating in this case to turned goods) having stipulated that the "leased machinery shall be used only in the manufacture of boots, shoes, and other footwear, the soles of which are or shall be attached to their uppers by turn sewing machines hereby or by other instrument heretofore or hereafter leased to the lessee by the lessor or its assignor." The later leases contain a similar clause, but with an important change, stipulating that the rent or royalty shall be paid on each pair of boots, shoes, or other footwear "which shall have been in whole or in part attached to welts by the use of any welting or stitching or sewing machinery," or, in the case of turned product, "the soles of which shall have been sewed or attached to their uppers in whole or in part by the use of any sewing or stitching machinery."

It is significant that during the past few years important patent rights on shoe-stitching machinery has expired, and that what was for many years a seemingly insurmountable obstacle for the creation of an independent line of shoe machinery has been removed. The early stitching machine, which in many respects is as serviceable as any improved machine protected by later patents, is now free from the restrictions of patents and is available for any shoe manufacturer. The rights of the patentee or his assigns, as fixed by law for a reasonable and just period, have been observed. But, although the restrictions of the patent rights have been ended, the manufacturer using any part of the monopoly system must continue to pay full royalty on every pair of shoes of his product the soles of which have been sewed or stitched on "any" machine. By virtue of the lease there is therefore secured an indefinite perpetuation of the patent monopoly. Although the essential patent rights on the stitching machine expired more than a year ago, leases issued within the past year have bound the shoe manufacturer to pay royalty on every pair of shoes the soles of which have been sewed, stitched, or attached to the uppers by "any" machinery for a period of 17 years.

Technical discussion of the lease would be folly for a layman. Representing, as it does, the perfecting labor of years and the professional skill of the monopoly's corps of counselors, it requires on its technical side similarly able and expert handling. But the layman, especially the shoe manufacturer and the shoe worker, can appreciate fully the condition created by this system of leases superimposed on patent rights, and although unqualified to judge whether or not the lease is "law" can form a conclusion whether or not it is justice and consistent with the general welfare. And every man is competent to form his share of public opinion to demand, if necessary, new law by which justice and equity can be enforced.

Some points in the lease which are the basis of the shoe manufacturers' complaint have been pointed out. The lessee is required to keep the machinery in such state of repair as may be determined by the inspectors of the lessor, buying all parts exclusively of the company at such prices as they may determine. At the expiration of the lease he must return the machinery to the company's headquarters and pay such sum as may be deemed necessary to put the machine in condition suitable to lease to another lessee. And beyond that he must pay to the lessor the sum of $150 as partial reimbursement for deterioration, etc. He must use the machinery exclusively on shoes made by the monopoly's system, and he is bound to use the machines to their full capacity, limited only by the extent of his factory product. Various other conditions are imposed in this ironclad lease, and, finally, lest some holes may have been made by the legislative "bomb" of 1907, every vulnerable part of the lease is protected by an additional plate of armor, which declares that "independently of and in addition to all other rights, the lessor shall have the right to terminate this lease and license at any time upon 30 days' notice." Apparently the law of 1907 is a worthless protection to the shoe manufacturer. He still holds a 30-days' lease of his shoe-manufacturing equipment, subject to the grace and pleasure of the shoe-machinery monopoly.

It can not be conteaded that such conditions are healthful. The normal rights of the patentee against which no one protests are being exploited to the detriment of the industry. Inventive genius except as it chooses to serve the monopoly is stifled for want of a market. An unwarranted tribute is laid on the shoe manufacturer and in turn on the shoe wearer. There has been and continues to be an enormous aggregation of surplus profits to fortify the monopoly against attack. The situation demands a remedy. If present laws are inadequate, the prosecuting officers of the Government who are the custodians of the people's interests, should speedily determine that fact by a test in the courts. Then, if necessary, the legislatures should act.

The New York Journal of Commerce, January 31, 1912:

A REASONABLE PATENT-LAW AMENDMENT.

Whatever may be thought of the bill introduced in the House of Representatives by Mr. THAYER, of Massachusetts, relating to restrictive terms and conditions in selling, leasing, or licensing patented articles, there can be no doubt that the brief and simple measure "regarding the date of patents, time allowed for interference claims in extending date, and annulment of patents," ought to be passed. We can see no reasonable ground of objection to it and much reason why it should become law.

The first section, which is only half a dozen lines long, provides that when patents are issued they shall date back to the time of the application, except that in case of interference they shall date from the time of the settlement of interference, if that is within two years of the application, otherwise from the end of the two years. An invention is really protected from infringement from the time the patent is "applied for." The result is that delay in issuing the patent prolongs its term by so much beyond the legal limit of 17 years, and advantage has often been taken of this to extend the term to 25 or 30 years. If the patent is not granted in the end, the applicant has had all the advantage of one during the delay. If there is interference, the protection from infringement is in doubt until that is settled, and it is only fair to have the patent date from that time, if it is within a reasonable limit.

The second section of the bill is equally brief and explicit. It provides that patents shall be annulled unless within three years of the date of their issue the patented articles shall be "put upon the market in sufficient quantity, whether by sale, lease, or license, to satisfy the reasonable demand of the public and at reasonable prices." The word-

ing of this is somewhat dubious, but the purpose is important, and properly applied it would put an end to one of the serious abuses of "patent rights" under the present law.

It is a common practice to obtain patents upon new inventions, by application or by purchase from the first patentee, for the very purpose of keeping them out of use, because they would come in competition with patented devices already in use. In this way important improvements are held back and kept out of use for the public benefit in order that old devices may be profitably continued. The holder of the patents does not use them, but prevents anybody else from getting possession. This is in direct conflict with the constitutional purpose of the patent law.

The New York Press, March 18, 1912:

PATENT LEGISLATION.

Our attention has been called to the several bills introduced by Representative JOHN ALDEN THAYER, of Massachusetts, amending the patent laws. They were all offered at various times long before the decree of the Supreme Court was given in the mimeograph patent case, and were apparently in unwitting anticipation of just such decision.

Counsel interested in these bills inform us that H. R. 11381 of this series "provides, in brief, that no owner of, or anyone having any interest in, any letters patent covering any tool, implement, appliance, or machinery shall so sell, lease, or license the article so as to restrain or attempt to restrain or prevent the vendee, lessee, or licensee from using any tool, implement, appliance, machinery, material, or merchandise not furnished by the vendor, lessee, or licensor."

Representative THAYER'S other bills appear also to be well intentioned, but they all need to be carefully considered with regard not only to their intent, but to their effect. And while Congress is at it the time seems to be ripe for a thorough overhauling of all the patent laws. It is generally believed that neither the true inventor nor the public profits very much by the patent law as it exists.

The chief opponent of this legislation has been the United Shoe Machinery Co., and in addition to presenting its case by the most eminent counsel it has caused every Congressman to be besieged by letters prepared by the company from retail dealers who do not understand the purport of the acts and who have failed to reply to requests for information as to whether they have ever read the bills. Another feature in their methods is shown in their attempts in regard to the press.

In the discussion on the Post Office appropriation bill I took occasion in offering an amendment to animadvert on this as follows:

"Mr. Chairman, this amendment which I have offered may meet the suggestion of the gentleman from Illinois [Mr. MANN] in regard to innocent persons mailing newspapers contrary to this bill; but that is not the chief purpose for which I offer it. That great jurist, long an ornament of the Supreme Court of the United States, Joseph Story, never uttered a wiser or more statesmanlike sentence than when he wrote this motto for the Salem Register:

"Here shall the press the people's rights maintain
Unaw'd by influence and unbrib'd by gain.

"If that were the condition of the press to-day, the amendment of the gentleman from Indiana [Mr. BARNHART] would not be necessary, but we are 'fallen on evil days,' and we are obliged to resort to severe measures to restrain what was once the bulwark of our liberties from becoming the artillery park of 'antirepublican tendencies.' The amendment is a step, and but a step, in the right direction. I can foresee many methods by which this salutary amendment will be evaded, and, while I do not now offer any legislation on this subject, I desire to state from my own experience, and what is doubtless the experience of many gentlemen on the floor of this House, an example which will plainly show the need of restrictions like those presented by the gentleman from Indiana [Mr. BARNHART], if not much more drastic ones.

"If we wish to see where the editorial sentiments of the papers come from, we do not need to look so much at the names of the owners, stockholders, and directors as we need to look at the advertising pages of those newspapers. There is where the milk in the cocoanut is to be found. It is through that source that we can tell how the editors will write.

"It was my fortune in attempting to restrain the monopolistic tendencies of modern commercialism to present two bills similar in form and in purpose, but relating to two different aspects of the ways in which the business in articles could be controlled. Those bills, as properly amended, are as follows:

"[H. R. 11380, Sixty-second Congress, first session.]

"A bill to prevent restrictions or discriminations in the sale, lease, or license of tools, implements, appliances, or machinery covered by interstate commerce.

"*Be it enacted, etc.*, That no person, firm, corporation, or association engaged in interstate commerce having any interest, whether as owner, proprietor, beneficiary, licensee, or otherwise, in any tool, implement, appliance, or machinery shall, directly or indirectly, in making any sale or lease of or any license entered into in the course of trade or commerce between the several States or with foreign nations or in any Territory of the United States, or the District of Columbia, or between any Territory of the United States and the District of Columbia, or any Territory of the United States or any State or any foreign nation, or between the District of Columbia and any Territory of the United States, or any State or States or foreign nation, to any such article, restrain or attempt to restrain or prevent the vendee, lessee, or licensee from using any tool, implement, appliance, machinery, material, or merchandise not furnished by or with the approval of the vendor, lessor, or licensor, whether by making any condition or provision, express or implied, against such use by a term of any sale, lease, or license to use, or by requiring any obligation, express or implied, against such use from the vendee, lessee, or licensee of the article, or by imposing any restrictions upon the use of the article sold, leased, or licensed, or by making in the price, rental, royalty, or other terms of any such sale, lease, or license any discrimination based upon whether the vendee, lessee, or licensee uses or purchases any such tool, implement, appliance, machinery, material, or merchandise or not, or by any other means whatsoever: *Provided, however*, That nothing in this act shall be construed to prevent any such vendor, lessor, or licensor from requiring that during the continuance of any letters patent on any such article no patented component or constituent parts of the tool, implement, appliance, or machine required for use thereon be purchased except from such vendor, lessor, or licensor: *And provided further*, That nothing in this act shall be construed to prohibit the appointment of agents or sole agents to sell or lease machinery, tools, implements, or appliances.

"SEC. 2. That any such person, firm, corporation, or association who shall violate the provisions of this act, and any other person, whether or not an agent of such owner, proprietor, or beneficiary, who shall willfully or knowingly assist in or become a party to any such violation shall be punished for each offense by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment.

"SEC. 3. A proceeding in equity to prevent and restrain violations of this act may be brought by any person injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act in any district court of the United States in the district in which the defendant resides or is found or in which the act complained of was committed; and in addition thereto or separately therefrom may sue, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

"SEC. 4. The several district courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition, the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

"SEC. 5. Whenever it shall appear to the court before which any proceeding under section 4 of this act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not, and subpœnas to that end may be served in any district by the marshal thereof.

"SEC. 6. Any property owned under any contract or by any combination or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this act and being in the course of transportation from one State to another or to a foreign country shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

"SEC. 7. That the word 'person' or 'persons' wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States or the law of any of the Territories, the laws of any State, or the laws of any foreign country."

"[H. R. 11381, Sixty-second Congress, first session.]

"A bill to prevent restrictions or discriminations in the sale, lease, or license of tools, implements, appliances, or machinery, or the use of any method or process covered by the United States patent laws.

"*Be it enacted, etc.*, That no person, firm, corporation, or association having any interest, whether as owner, proprietor, beneficiary, licensee, or otherwise, in any letters patent of the United States covering any tool, implement, appliance, or machinery, method, or process shall, directly or indirectly, in making any sale or lease of or any license to any right under such patent or to any article which embodies or includes the invention covered by such letters patent, restrain or attempt to restrain or prevent the vendee, lessee, or licensee from using any tool, implement, appliance, machinery, material, or merchandise not furnished by or with the approval of the vendor, lessor, or licensor which does not infringe such letters patent, whether by making any condition or provision, express or implied, against such use by a term of any sale, lease, or license to use, or by requiring any obligation, express or implied, against such use by the vendee, lessee, or licensee of the article, or by imposing any restrictions upon the use of the article sold, leased, or licensed, or by making in price, rental, royalty, or other terms of any such sale, lease, or license any discrimination based upon whether the vendee, lessee, or licensee uses or purchases any such other tool, implement, appliance, machinery, material, or merchandise or not, or uses any such other method or process, or by any other means whatsoever: *Provided, however*, That nothing in this act shall be construed to prevent any such vendor, lessor, or licensor from requiring that during the continuance of such letters patent no patented component or constituent parts of the tool, implement, appliance, or machine required for use thereon be purchased except from such vendor, lessor, or licensor: *And provided further*, That nothing in this act shall be construed to prohibit the appointment of agents or sole agents to sell or lease machinery, tools, implements, or appliances.

"SEC. 2. That any such person, firm, corporation, or association having interest in any such letters patent who shall violate the provisions of this act, and any other person, whether or not as agent of such owner, proprietor, or beneficiary, who shall willfully assist in or become a party to any such violation shall be punished for each offense by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment.

"SEC. 3. That if any person, firm, corporation, or association is convicted a second time of any offense under this act in connection with such letters patent, such letters patent shall thereupon become null and void.

"SEC. 4. Proof of violation of this act shall be a good defense to any action for infringement of any patent in connection with which said violation occurs.

"SEC. 5. Any person injured by violation of this act may bring an action for recovery of damages against any party so violating in any district court of the United States or in the district wherein the act complained of was committed or wherein the defendant resides or is found.

"In connection with them and with the Lenroot bill, H. R. 15926, a long amendment to the Sherman Antitrust Act, lengthy hearings were held before the Judiciary Committee. At the time these measures were introduced in the House of Representatives the press of Boston especially took considerable notice of them, as the practices at which they were aimed were largely those of the United Shoe Machinery Co., of Boston. From time to time some mention was made of them in the papers, necessitated by the fact that the United States Government had, after these measures were introduced, brought indictments against some of the directors of the company and also a bill in equity for the dissolution of the company.

"But when the hearings on the bill were begun, after brief notices of the opening days, some of the papers ceased all mention of the proceedings, and others mentioned only the evidence which appeared favorable to the United Shoe Machinery Co., but not the evidence advanced in favor of the measures, and not one of the Boston papers gave the final arguments in their favor. About the time the hearings were concluded Judge Gray had made a suggestion on the framing of the final decree dissolving the Powder Trust—

"that the Sherman Act does not make a specific regulation; it is much to be desired that Congress in its future legislation would so regulate commerce between States that, however drastic that regulation may be, the business of the country will be compelled to accommodate itself to it.

"Judge Putnam, in the indictment of the United States versus Directors of the United Shoe Machinery Co., had said substantially the same. These decisions were followed by the dissenting opinion of a strong minority of the court—Justices White, Hughes, and Lamar—in the celebrated Henry case, where the division was four to three. Justice White said:

"Because of the hope that if my forebodings as to the evil consequences to result from the application of the construction now given to the patent statute be well founded, the statement that the application of my reasons may serve a twofold purpose: First, to suggest that the application in future cases of the construction now given be confined within the narrowest limits, and, second, to serve to make it clear that if evils arise their continuance will not be caused by the interpretation now given to the statute, but will result from the inaction of the legislative department in failing to amend the statute so as to avoid such evils.

"On account of this decision it was seen that a change in the law was imperative, and the Boston newspapers, as well as the press of the country in general, took notice of these hearings which had been already held. The Boston Transcript, besides speaking specifically of these measures, devoted considerable space to the patent laws. But the question naturally arises, Why had not the press of Boston paid more attention to these measures, which were honestly intended to restrain monopolistic control and in which New England was peculiarly interested on account of the presence within her borders of one of the offenders of the law, and also because remedial legislation was advocated by one of her Congressmen? Their attitude may be explained in part by the following statement and editorial from the Boston American, which has always been the determined foe of monopoly, whether business or political, and also because—alas, too often we are compelled to look to the advertising columns of the newspaper to discover how the editorial and news columns will treat any subject related to its principal source of revenue:

"[Boston American, Friday, Feb. 2, 1912.]

"SHOE MACHINERY TRUST GOES INTO THE NEWSPAPER BUSINESS—HAS THE BOSTON 'TRAVELER,' GETS THE LYNN 'NEWS,' AND ADDS THEM TO THE 'TIMES' OF GLOUCESTER AND 'NEWS' OF NEWBURYPORT—EDITORIAL AGENTS LOOKING FOR OPPORTUNITIES IN SALEM AND HAVERHILL—BOUND TO HAVE NEWSPAPERS EVERYWHERE THAT WILL BE 'FAIR-MINDED'—TRAVELER EDITOR, WHO WANTED TO PRINT A STORY THAT SHOE-MACHINERY WINSLOW DIDN'T WANT PRINTED, ISN'T THE TRAVELER EDITOR ANY MORE—SMITH AND HIGGINS, THE MEN ON THE TRAVELER JOB FOR SIDNEY W. WINSLOW, AND SMITH AND HIGGINS ARE ALSO THE MEN ON THE JOB IN LYNN, GLOUCESTER, AND NEWBURYPORT—PERHAPS THEY'LL PLANT A 'FAIR' PAPER IN SALEM AND HAVERHILL, TOO.

"Confirmation of the report that the Boston Traveler had passed under the control of the president of the United Shoe Machinery Co. was followed to-day by the discovery that the head of the Shoe Machinery Trust is also a big figure in at least three other Massachusetts newspapers and that his representatives in the newspaper field have their eyes on two cities more.

"The president of the Shoe Machinery Trust is Sidney Wilmot Winslow. Mr. Winslow's shoe-machinery offices are located in Lincoln Street. His homes are at Beverly, at Brewster—the Cape Cod town where he was born less than 60 years ago—and at No. 10 Commonwealth Avenue.

"President Winslow's bright young men in the newspaper business are Fred E. Smith, of Newburyport, once the Republican postmaster of the city at the mouth of the Merrimac, and James H. Higgins, also of Newburyport.

"THE TRUST NEWSPAPERS.

"The list of newspapers now controlled by Sidney W. Winslow, through Smith and Higgins, is as follows:

"In Boston, the Boston Traveler; in Lynn, the Lynn Evening News; in Gloucester, the Gloucester Times; in Newburyport, the Newburyport News.

"Why the shoe-machinery people should be interested in newspaper publications to the extent of securing editorial or financial control is a matter for conjecture, but it was pointed out to-day that in every case save one the shoe-machinery newspapers on the above list are published in what might be called shoe towns.

"The Boston Evening Traveler, now completely under Winslow's control, is printed in the great wholesale center of the shoe business in North America.

"Making shoes is the principal business of Newburyport, where Smith and Higgins get out the Evening News for Mr. Winslow. Lynn, where they print the News, is the 'Shoe City' of the United States.

"The attitude of the local press toward the shoe manufacturers in the shoe cities—and it is known that Mr. Winslow's young men have for some time been feeling out the probable chances for a paper in Salem and Haverhill—is an extremely important factor in the business of these manufacturers.

"Shoe manufacturers occasionally have difficulties with 'labor.' The local paper is able to take the middle of the road in these controversies or it may side with one disputant or the other.

"Shoe manufacturers may also have trouble with the assessors. In these disputes, also, it is not unpleasant to find the local newspaper your friend.

"Suggestions of this sort have been made to American reporters who, for several days, have been investigating the great interest shown by the big fellows of the Shoe Machinery Trust in the newspaper business.

"These suggestions appear to have been based upon suspicion most unjust, for, on the authority of a man who claims to know the situation in Lynn, the American was to-day furnished with information going to show that, in that city, at least, Mr. Winslow has merely taken steps to see that a paper which formely was unfair shall hereafter be fair-minded.

"A COOLIDGE IDEA.

"In addition to its four Massachusetts dailies—with at least two more to come—the Shoe Machinery Trust has for two or three years maintained one of the best press bureaus in the country.

"This press bureau is supposed to have the benefit of the wisdom and experience of Mr. Louis A. Coolidge. Mr. Coolidge is treasurer of the United Shoe Machinery Co. He used to be famous as one of the best newspaper correspondents at Washington, D. C.

"Coolidge in 1904 was president of the Gridiron Club at Washington. He had then been a Washington correspondent for more than a dozen years. He was a great friend of President Roosevelt. He was a member of the Roosevelt 'tennis cabinet,' and in the presidential campaign of 1904 the Roosevelt folks put Coolidge in as director of the Republican literary bureau.

"In 1908 he was appointed Assistant Secretary of the Treasury. He might have gone higher—as high as Hitchcock—if Winslow hadn't come along with the proffer of a place paying considerable more money than Uncle Sam allows even the best of his servants. Coolidge became treasurer of the Shoe in 1909.

"NO POLITICS IN MOVE.

"In addition to its advertising in all sorts and conditions of daily papers, weekly papers, trade journals, souvenir publications, and monthly magazines, the press department of the United Shoe Machinery Co. has at times sent broadcast a lot of advertising to be run as 'pure reading matter.'

"When Smith and Higgins, of Newburyport, under the kind patronage of Sidney W. Winslow, of the United Shoe Machinery Co., began the establishment of a syndicate of newspapers in northwestern Massachusetts, there was commonly supposed to be 'politics' behind it.

"The first guess was that John Hays Hammond wanted something. Mr. Hammond denied the soft impeachment. Gradually Mr. Winslow was uncovered, the Lord Bountiful of a free press.

"If Mr. Winslow wanted anything in politics, it has not been apparent since the time when, in 1908, he set out to be an anti-Taft delegate to the Republican national convention from Beverly. His ambitions were rudely punctured at that time by Capt. Augustus Peabody Gardner, of Hamilton.

"WHAT IS REAL PURPOSE?

"There was, however, last July, a movement to put Treasurer Coolidge up as the Republican candidate for lieutenant governor. Not very much came of that movement at that time.

"With these guesses removed from consideration, there is left the proposition that the shoe-machinery crowd desires to place newspapers in shoe-manufacturing towns for purposes which may appear later.

"It is the belief of everybody on the inside at Washington, according to advices which came a day or two ago to the Boston American, that the shoe-machinery company is in a way of extricating itself from a very unpleasant position before the enforcers of the Sherman Antitrust Act.

"It is, of course, well known that the shoe-machinery company is among the many which have been indicted under the Taft administration. There are cynics in Massachusetts who have thought that able gentlemen would make smooth the way of the 'United Shoe' at Washington, quite as other gentlemen made smooth the way of the New York, New Haven & Hartford Railroad in Mr. Roosevelt's time.

"TRUST HEADS AT WASHINGTON.

"Not only Treasurer Louis A. Coolidge, formerly of the Roosevelt tennis cabinet, but Mr. Charles F. Choate, jr., one of the ablest, if not the ablest, extricator in New England, have been in Washington for many days in the interests of President Winslow's $50,000,000 corporation.

"There was a report last week—since denied by the defendant company—that the Shoe Machinery Trust was about to throw up its hands and surrender. According to a Washington story which has come to the Boston American the Shoe Machinery Trust is getting ready to be let off easily. It is going to reorganize or readjust or re-something.

"First of all the United Shoe has got to drop that 'exclusive' feature out of its contracts with manufacturers. Apparently the shoe manufacturer is to be at liberty to buy and lease where he will.

"And so, it is thought, the shoe-machinery people have decided that it will be helpful under the new agreement to have a daily newspaper in each of the shoe centers. Hence they have to-day the Boston

Traveler, the Lynn News, the Gloucester Times, and the Newburyport News.

"And they have been looking for footholds, as will be explained, in Salem and Haverhill. Shoe-machinery papers in these cities are to come later.

"FIRST WINSLOW PAPER.

"The first of the Winslow newspaper ventures was the News, of Newburyport. Jim Higgins, who took charge of this venture, was one of the Winslow protégés. Mr. Winslow is celebrated for his good judgment in picking able young lieutenants.

"Fred Smith, who had been the Newburyport postmaster and who was close to the Republican State machine at that time, was associated with Higgins in the News venture. The relations that existed between these young men and President Winslow were well known in that corner of Essex.

"Smith and Higgins did so well with the News, of Newburyport, that they next essayed Gloucester. Here they got control of the Times.

"Next on the list of Smith-Higgins-Winslow papers came the Boston Traveler.

"Mr. Winslow inserted his bright young men into the Boston Traveler quietly.

"THE TRUST AND THE TRAVELER.

"Nearly two months ago—on December 13, to be exact—there appeared in the Boston Post an item which said that a number of changes had taken place of late in the Boston Traveler. The Post item said that Mr. E. H. Baker, of Cleveland, Ohio, had retired as general manager and publisher of the Traveler.

"Up to that time—and for some time—Mr. E. H. Baker, of Cleveland, had been the dominating factor in the Traveler. When the 'Cleveland' interests took over the Traveler, Mr. Baker appeared as the Traveler's principal executive. The man 'on the job' for Mr. Baker was Mr. Baker's son, Frank S., who has made his home in Quincy.

"More than a year ago—or early last year—it became known in financial circles in Boston, and to those on the inside of Boston newspaperdom, that one of the 'largest factors' in the Traveler was Sidney W. Winslow, of the United Shoe Machinery Co.

"RUMOR OF TROUBLE IN CAMP.

"To-day it is said that not only was this true at that time, but that other officials of the Shoe Machinery Co. are interested in the Boston Traveler in an alliance with Albert F. Holden, of Cleveland, Ohio, one of the principal officers of the United States Smelting, Refining & Mining Co. President Winslow is one of the directors of that company.

"Along in the middle of last summer there were continuous rumors of trouble in the Traveler camp.

"For one thing it was said that Mr. Marlin E. Pugh, then the managing editor of the Traveler, had been printing in the Traveler altogether too many things tending to annoy and displease President Sidney W. Winslow and the gentlemen quietly associated with Mr. Winslow at that time in the Traveler enterprise.

"It also became known at about that time that Mr. Winslow, now supposed to be merely the 'angel' back of the Traveler, had lost his admiration for Mr. E. H. Baker, of Cleveland, Ohio.

"THE POST CORRECTION.

"And, some time after midsummer, it became known that while Mr. E. H. Baker continued to be known as an official of the Traveler, Mr. E. H. Baker was no longer the gentleman who was giving orders in the Boston Traveler's office. Then came the announcement that Messrs. Smith and Higgins had come in.

"The item which the Boston Post printed on December 13, however, was corrected by the Boston Post on the following day.

"On December 14 last the Boston Post reported that Mr. Frank S. Baker (the son of E. H.) was and would continue to be the publisher of the Traveler. The Post said further, in this correction, that Mr. Frank S. Baker's father had never been active in the management of the Traveler, but would continue to act, as before, as president of the Evening Traveler Co.

"TRUST TAKES OVER LYNN NEWS.

"And then the Boston Post went on to say that Mr. Frank S. Baker had 'recently called into association with him Mr. James H. Higgins and Mr. Fred E. Smith, publishers of the Newburyport News and the Gloucester Times, who will act in an advisory capacity.'

"The picture thus presented, of the Bakers, of Cleveland, Ohio, and Boston, Mass., digging up editorial 'advisers' in Newburyport and Gloucester, caused some quiet merriment at the time. All this was well enough, however, until, lo and behold, along came the Boston Herald last week with an item telling how the Lynn Evening News had been bought by Mr. Winslow's Smith and Higgins.

"Representatives of the bondholders of the Lynn Evening News, the Boston Herald said last week, had sold the News to Smith and Higgins 'free of the mortgage.' The Herald identified Smith and Higgins as the gentlemen 'who have recently secured a large interest in the Boston Traveler.'

"The Boston Traveler, it may be said in passing, did not print this item, nor has the Boston Herald 'corrected' it.

"Public sentiment, it has been pointed out by several with whom reporters of the American have discussed the shoe machinery newspaper syndicate in the past few days, has come to be regarded as a dangerous factor in the affairs of big business.

"The larger corporations and the trusts, therefore, it has been pointed out, are on the qui vive with reference to the 'development' of this public sentiment.

"Having the Boston Traveler, the Newburyport News, and the Gloucester Times, Mr. Winslow and his friends next stepped into Lynn. There they took the plant of the Lynn Evening News.

"The Lynn News was practically down and out. It had some $50,000 in outsanding bonds The paper was largely controlled by the Lynn Gas Co. and the General Electric Co. When the paper blew up, indeed, there appeared in the list of its bondholders the name of President C. A. Coffin, of the General Electric Co.

"Also there appeared there the names of former Gov. Eben S. Draper and former Lieut. Gov. Louis A. Frothingham.

"Interesting stories are told in Lynn about the blowing up of the Evening News.

"The gentleman who had dominated the paper for some time is said to have been a Mr. Bolton, of New Haven, Conn.

"Mr. Bolton had an editor in charge of the Lynn Evening News who appears to have been of the same kidney as Merlin Pugh, the Boston Traveler editor, whose sayings and doings so annoyed the philanthropic Mr. Winslow.

"Regardless of the fact that the Evening News bonds were in hands at least friendly to the Lynn Gas Co., this Evening News editor displayed a most unpleasant penchant for going after the said gas company and lambasting it fore and aft.

"Whereupon, according to the gossip of Lynn, the gas people hied themselves to Publisher Bolton, saying, 'What meanest thou?' and 'Desist,' and like manner of exclamation.

"And the good Mr. Bolton, say the gossips of Lynn, threw up his hands as one who is guiltless and said, 'I can not help it; it's me editor.'

"The which, as was soon to develop, did not go.

"There came a day when it was time to pay interest on the bonds, and the cupboard was bare. The unpleasant editor had gone away some time previously, but the men of money were relentless, and there was nothing doing for the Lynn News.

"At about this time the thought appears to have struck Mr Winslow that the Lynn Evening News should be succeeded by a journal which would treat the business interests of Lynn fairly, and so it came to pass that Smith and Higgins added the Lynn Evening News to a string of papers which already included the Newburyport News, the Gloucester Times, and the Boston Traveler.

"In addition to his controlling interest in the affairs of the Boston Traveler, President Winslow, of the Shoe Machinery Trust, has at least a friendly interest in the affairs of one other Boston newspaper.

"President Winslow has been seen at the Hotel Touraine of late in the company of the editor of this other Boston newspaper. Vice President George W. Brown, of the Shoe, has apartments at the Touraine.

"In Salem the United Shoe Machinery's newspaper set are reported to have made advances to Col. Robin Damon, who has printed the Salem Evening News for a great many years and is generally credited with having found a gold mine in it. Up to this time the Shoe Machinery newspaper set have merely made advances to Col. Damon.

"The Haverhill situation is said to be that the Shoe Machinery folks are waiting for the psychological moment.

"All of which interesting newspaper information is offered to the newspaper readers, the advertisers, and the newspaper people of Massachusetts for the good that it may do.

"President Winslow, of the United Shoe Machine Co., wants the press of Massachusetts to be 'fair.' Of course President Winslow stands by the constitution of Massachusetts, which declares that 'the liberty of the press is essential to the security of freedom in a State; it ought not, therefore, to be restrained in this Commonwealth.'"

"[Editorial in Boston American, Feb. 3, 1912.]

"MONOPOLISTIC GAGGING OF THE PRESS MEANS THE POISONING OF THE WELLS OF AMERICAN PUBLIC OPINION.

"The hundreds of thousands who read this newspaper day by day and who are each day steadily adding to their numbers will have read with amazement the exposure of press gagging which the American made on the first page of yesterday's editions.

"It is an exposure which should blanch the cheek of every thoughtful citizen who reads it. Every paragraph, every line of the shameful story has full material to make men pause.

"This story of the Shoe Trust and its controlled chain of newspapers is the opening of a chapter whose ending no man can foresee.

"It is the unveiling, rather the unmasking, of a powerful conspiracy to muzzle the American press, to poison the wellsprings of American public opinion.

"From the dawn of this Republic onward to this very hour the free, untrammeled, independent, patriotic press of America has been the stoutest bulwark of the people's rights and of the Nation's liberties.

"Greater than fleets and armies, greater than all the genius of statesmanship, the press of America, free, independent, patriotic, has stood firm and strong and true against all injustice and against every encroachment upon the domain of the people's rights.

"Every stone that was laid in the fabric of American institutions during the struggling days which followed '76 was bonded in the cement of a free and solid, patriotic, and independent American press, racy of the soil and loyal in all its utterances.

"Is this bond in danger of dissolution? Is this long-cemented union to be melted 'like snow before the sun,' in the corroding acid of corporation corruptive influence?

"Here is a question for the American people to face; no other people will face it for them.

"It is an issue as deep and as pregnant as any that has reared itself since Washington and his confrères gave this Nation birth.

"It is a problem as serious as any that has come before the people since the martyred Lincoln spoke his inspiring prayer upon the field of Gettysburg.

"Gagging the press of America, bringing it under the control of monopolistic corporations, seven-eighths of whom are said to be persistent violators and defiers of the Nation's laws, is a crime fully in the class with the poisoning of the wells when hostile armies are on the march.

"An independent, patriotic journalism is the very lifeblood of this Republic.

"It is for the people to see that it endures."

"My own home paper, the Worcester Evening Post, was, as far as I know, the only paper in New England that published full and adequate reports of both sides of the subject, as it always does, thus fulfilling the functions of a real newspaper.

"The United Shoe Machinery Co. is a large advertiser—for what purposes its officers can best tell, for it has a virtual monopoly of the shoe-machinery business—in the metropolitan press, and therefore it can be, perhaps, inferred without any large stretch of the imagination that such a good customer's wishes must be respected. Now, during the pendency of these measures it has published in the New York Sun, a full-page advertisement describing its works in Beverly and its general beneficence (?). An experience of a colleague of mine, the Hon. EDWARD W. TOWNSEND, of New Jersey, is somewhat similar. March 29 of this year he made a unique speech on the tariff, showing that the mortality among infants in the textile manufacturing towns was larger than elsewhere. Shortly afterwards a supplement of many pages appeared in the New York Sun describing the various textile industries of the United States.

"I think that in order to have more perfect operation of the Barnhart amendment the sums paid by the largest advertisers

should be quarterly or annually announced. Then perhaps the overt influences in the news and editorial columns might be revealed.

"That one of the greatest agencies through which the English-speaking people obtained and maintain their freedom should now bid fair to become an instrument, if not to destroy it, at least to hinder its accomplishments, is a sad commentary on the plutocratic development of the last two decades. Was it for this that Wilkes suffered imprisonment and fought for years against the Crown; that Fox and Burke thundered their philippics in favor of an untrammeled press; that our own Hamilton fought and won; and that Greeley, Raymond, Webb, and Bennett built great newspapers? We who believe we are right fear no publicity. We are willing that the people should decide the justice of our cause, but we demand and will obtain an impartial hearing. But, perchance, 'because their deeds are evil our opponents love darkness' and do not court publicity. Fortunately, there is one paper in the United States which does not contain any advertisements, avowedly, at least, and here, if nowhere else, a fair and impartial treatment can be given of subjects relating to the interests of the people with the confident trust that they will prevail.

"Because right is right, to follow right
Were wisdom in the scorn of consequence."

The United Shoe Machinery Co. has claimed that it is a beneficent trust, but while considerable could be said in contradiction thereof, it is entirely immaterial whether this is a beneficent trust, as some former President of this country of ours might call it, or whether it is a bad trust, exacting the last pound of flesh from all of its lessees, by the admission of its own counsel it is a monopoly, and it is a monopoly such as this that the Sherman bill is aimed at and which the decisions of the United States courts say are illegal, whether they are beneficent or not. I refer to The United States *v.* Missouri Freight Association (186 U. S., 240).

The following language of the late Mr. Justice Peckham, who delivered the majority opinion of the court in United States *v.* Trans-Missouri Freight Association (166 U. S., 290), well may be applied to the situation presented here. In that case, after stating that the changes resulting from the natural development and improvement in the methods of carrying on different lines of business necessarily leaves behind them for a time men who must seek other avenues of livelihood, the learned justice said (pp. 323, 324):

It is wholly different, however, when such changes are effected by combinations of capital, whose purpose in combining is to control the production and manufacture of any particular article in the market, and by such control dictate the price at which the article shall be sold, the effect being to drive out of business all of the small dealers in the commodity and render the public subject to the decision of the combination as to what price shall be paid for the article. In this light it is not material that the price of an article may be lowered. It is in the power of the combination to raise it, and the result in any event is unfortunate for the country by depriving it of the services of a large number of small but independent dealers who are familiar with the business and who have spent their lives in it and who supported themselves and their families from the small profits realized therein. Whether they be able to find other avenues to earn their livelihood is not so material, because it is not for the real prosperity of any country that such changes should occur which result in transferring an independent business man, the head of his establishment, small though it might be, into a mere servant or agent of a corporation selling the commodities which he once manufactured or dealt in, having no voice in shaping the business policy of the company, and bound to obey orders issued by others. Nor is it for the substantial interests of the country that any one commodity should be within the sole power and subject to the sole will of one powerful combination of capital.

The counsel for the company prepared certain figures in regard to wages in this country. Now, talking in percentages is a mighty handy thing and also mighty confusing. I had prepared by the Census a brief statement of wages in Massachusetts in a number of shoe manufactories, the capital, and so forth. I will not inflict it upon you, but I wish to state that in Massachusetts the number of establishments has decreased from 893 in 1904 to 860 in 1909, a decrease of 3.7 per cent. That in the city of Brockton, the home of the most beneficent recipients of the United Shoe Machinery Co.—Messrs. Donovan, Keith, Douglas, and so forth—the number of establishments has decreased from 82 to 75, or 8.5 per cent, and in Lynn, where the greatest progress was made during this time, the number of establishments has decreased from 211 to 207, 1.9 per cent.

In regard to wages. There is a little book published by the Department of Commerce and Labor which shows the increase in wholesale prices at different periods. The increase in 1904 to 1909 was 18 per cent exactly on articles used by the laboring man to support himself, and I want you to see how much the wages have increased at this time in these factories. In all of them in Massachusetts it has increased $38, or less than 10 per cent.

In the Paper Bag patent case, which Mr. Fish referred to in his argument (210 U. S., 405), particularly 429 and 430, the court says:

But, granting all this, it is certainly disputable that the nonuse was unreasonable or that the rights of the public were involved.

The right which a patentee receives does not need much further explanation. We have seen that it has been the judgment of Congress from the beginning that the sciences and the useful arts could be best advanced by giving an exclusive right to an inventor. The only qualification ever made was against aliens, in the act of 1832. That act extended the privilege of the patent law to aliens, but required them "to introduce into public use in the United States the invention or improvement within one year from the issuing thereof," and indulged no intermission of the public use for any period longer than six months. A violation of the law rendered the patent void. The act was repealed in 1836. It is manifest, as is said in Walker on Patents, paragraph 106, that Congress has not "overlooked the subject of non-user of patented inventions." And another fact may be mentioned. In some foreign countries the right granted to an inventor is affected by nonuse. This policy, we must assume, Congress has not been ignorant of, nor of its effects. It has, nevertheless, selected another policy; it has continued that policy through many years. We may assume that the period has demonstrated its wisdom and beneficial effect upon the arts and sciences.

From that opinion it is plain that Congress has not exhausted its right in regard to restrictions upon patents. Mr. Justice Harlan was the only justice on the Supreme Court who dissented from the opinion of the justices, even in this restricted use of the patent, in the Paper Bag case.

In the Blount Manufacturing Co. *v.* Yale & Towne Manufacturing Co. (166 Fed. Rep., 555), particularly page 560, it says:

It is a fact, familiar in commercial history, that patent rights have a commercial value for purposes of extinction. That many patents are perfected in order to prevent competition of new inventions and of new machines with old machines already installed. The equitable status of an owner of a patent who has purchased and held it in nonuse for this purpose is still an open question, and was not determined by the Paper Bag patent case.

In Bement *v.* The National Harrow Co. (186 U. S., 70), particularly at pages 90 and 91:

If he sees fit he may reserve to himself the exclusive use of his invention or discovery. If he will neither use his device nor permit others to use it, he has but reserved his own. That the grant is upon reasonable expectation that he will either put his invention to practical use or permit others to avail themselves of it upon reasonable terms, is doubtless true. This exception is based alone upon the supposition that the patentee's interest will induce him to use, or let others use, his invention. The public has retained no other security to enforce such expectation. A suppression can be but for the life of the patent, and the disclosure he has made will enable all to enjoy the fruits of his genius. His title is exclusive and so clearly within the constitutional provisions in respect to private property, that he is neither bound to use his discovery himself nor permit others to use it. The dictum found in Hoe *v.* Knapp (17 Fed. Rep., 204) is not supported by reason or authority.

On page 91:

There are decisions also in regard to telephone companies operating under licenses from patentees, giving them the right to use the patents for the purpose of operating public telephone lines, but prohibiting companies from serving within certain districts any telephone company, and it has been held in the lower Federal courts that such a prohibition was of no force; that it was inconsistent with the grant, because a telephone company, being in the nature of a common carrier, was bound to render equal service to all who applied and tendered the compensation fixed by law for the service; that while the patentees were under no obligation to license the use of their inventions for any public telephone company, yet, having done so, they were not at liberty to put restraints upon such public corporation which would disable it to discharge all the duties imposed upon companies engaged in the discharge of duties subject to regulation by law. It could not be a public telephone company and could not exercise the franchise of a common carrier of messages with such exceptions to the grant. Authorities cited.

The difficulty of applying any such bills as this to intrastate commerce has been suggested, and in answer to that I want to refer to the decision of the United States court on the employers' liability act. That will show that the statutes of the United States can work effectively both in and without the State, to the extent that they have jurisdiction. The State courts will be obliged to take notice of the United States statutes.

The platforms of the two parties on the subjects of trusts in 1912 are as follows:

MONOPOLY AND PRIVILEGE.

The Republican Party is opposed to special privilege and to monopoly. It placed upon the statute books the interstate-commerce act of 1887, and the important amendments thereto, and the antitrust act of 1890, and it has consistently and successfully enforced the provisions of these laws. It will take no backward step to permit the re-establishment in any degree of conditions which were intolerable.

Experience makes it plain that the business of the country may be carried on without fear or without distrust, and, at the same time, without resort to practices which are abhorrent to the common sense of justice. The party favors the enactment of legislation supplementary to the existing antitrust act which will define as criminal offenses those specific acts which uniformly mark attempts to restrain and monopolize to the end that all who obey the law may have a guide for their action, and that those who aim to violate the law may the more surely be punished. The same certainty should be given to the law prohibiting combinations and monopolies that characterizes other provisions of commercial law, in order that no part of the field of business may be restricted by monopoly or combination, that business success honorably achieved may not be converted into crime, and that the right of every man to acquire commodities, and particularly the necessaries of life, in open market uninfluenced by the manipulation of trust or combination may be preserved.

DEMOCRATIC PROMISE—ANTITRUST LAW.

A private monopoly is indefensible and intolerable. We therefore favor the vigorous enforcement of the criminal as well as the civil law against trusts and trust officials and demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States.

We favor the declaration by law of the conditions upon which corporations shall be permitted to engage in interstate trade, including among others the prevention of holding companies, of interlocking directorates, of stock watering, of discrimination in price, and the control by any one corporation of so large a proportion of any industry as to make it a menace to competitive conditions.

We condemn the action of the Republican administration in compromising with the Standard Oil Co. and the Tobacco Trust and its failure to invoke the criminal provisions of the antitrust law against the officers of those corporations after the court had declared that from the undisputed facts in the record they had violated the criminal provisions of the law.

We regret that the Sherman antitrust law has received a judicial construction depriving it of much of its efficiency, and we favor the enactment of legislation which will restore to the statute the strength of which it has been deprived by such interpretation.

They are but amplifications of previous utterances by either side. If they mean anything beyond the trite witticism that "platforms are good things to get in on," then we are justified in construing them as not mere empty phrases, but replete and vital with political wisdom. From all this it is apparent that the law should be so plain that "he may run who readeth" if he would escape the penalty of its violation. The need of legislation is plain and of a specific kind to prevent specific violations, which these bills clearly offer. We shall do less than our duty if we fail to heed this need. The greatest foe to the welfare of the American people we can, if we will, lay prostrate at the feet of the law. It is for us to decide, but we can not say that we have not seen the evil nor that a means to eradicate it has not been offered.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MAGUIRE of Nebraska. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to inquire whether all of these speeches are intended to be political speeches, because if they are I think they should be fairly divided between the two sides.

The CHAIRMAN. The Chair can not inform the gentleman.

Mr. MANN. But the gentleman who makes the request can.

Mr. BUCHANAN. Mr. Chairman, will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. BUCHANAN. I would like to ask the gentleman which he would prefer, to have the political speeches delivered here and listen to them or to have them printed?

Mr. MANN. Oh, I have no objection to political speeches being delivered, but what I object to is after all of the gentlemen on that side who wish to get authority to extend their remarks in the RECORD for political speeches have obtained it, then later, when somebody from this side makes the same request, to have some gentleman on the other side object to it, as has been done frequently in recent days.

Mr. BUCHANAN. Oh, I think this side has been quite liberal in that respect.

Mr. MANN. I will say that there have been a number of objections to requests on this side, and, I think, no objections on this side to requests of the gentlemen upon the other side.

Mr. HOWARD. Mr. Chairman, I would like to suggest to the gentleman from Illinois that I think all of these speeches will be attacks on the Bull Moose feature in politics.

Mr. MANN. That does not make any difference to me.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska to extend his remarks in the RECORD? [After a pause.] The Chair hears none and it is so ordered.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SAMUEL W. SMITH. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FULLER. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

RECLAMATION SERVICE.

The accounting officers of the Treasury are authorized and directed to credit the account of C. G. Duganne, special fiscal agent, United States Reclamation Service, Washington, D. C., with the sum of $390.71, covering items suspended and to be disallowed by the accounting officers of the Treasury Department on the ground that the materials and supplies were not purchased under the general supply schedule, in accordance with the provisions of section 4 of the act of June 17, 1910, said items being shown in detail in House Document No. 832 of the present session, and with any further sum which may be suspended or disallowed by the accounting officers of the Treasury Department in the said fiscal agent's accounts for the quarters ending March 31, 1912, and June 30, 1912, covering purchases which were not made in accordance with the provisions of the above-mentioned act.

Mr. MANN. Mr. Chairman, I move to strike out the last word. With respect to this settlement of accounts for purchases not made in accordance with the purchase of supplies act, why should that cover purchases made during the last quarter of the last fiscal year? Did they not know at that time that the law was applicable; and why could they not conform to it?

Mr. FITZGERALD. The purchases under the law through the general supply committee were in a somewhat uncertain state. A decision of the comptroller was rendered—I forget just when—which reopened a number of accounts and which affected purchases made during a brief period thereafter. It was a condition that seemed to be unavoidable.

Mr. MANN. May I ask the gentleman if it is the intention of these divisions of the Government to comply hereafter with the general law?

Mr. FITZGERALD. Oh, yes. The situation was a very peculiar one. A number of these accounts were suspended in instances which under the circumstances the committee thought should be allowed.

The Clerk read as follows:

Opinions of Attorneys General: To enable the Attorney General to employ, at his discretion and irrespective of the provisions of section 1765 of the Revised Statutes, such competent person or persons as will, in his judgment, best perform the service, to edit and prepare for publication and superintend the printing of volume 28 of the Opinions of the Attorneys General, the printing of said volume to be done in accordance with the provisions of section 383 of the Revised Statutes, $500.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman from New York whether it is necessary to set aside a provision of law and grant an unusual discretion to the Attorney General? Is there any good reason for it? I suppose, of course, the committee thought so.

Mr. FITZGERALD. My recollection is that it is to permit additional compensation to some person in the department who is selected because peculiarly fitted for this work. He does it out of hours.

Mr. SLAYDEN. The idea is, I suppose, to get some man familiar with the work to do it.

Mr. FITZGERALD. I understand two men were selected in this case, each to be paid $250.

Mr. SLAYDEN. Will that cost any more?

Mr. FITZGERALD. No; it will cost $250 for each man.

Mr. SLAYDEN. Will this provision in the bill make it cost more than it otherwise would?

Mr. FITZGERALD. No; the Attorney General has authority under the revised statutes to have this work done, and this is the usual compensation.

The Clerk read as follows:

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York and the northern district of Illinois: *Provided*, That all persons employed under section 715 of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *Provided further*, That no such persons shall be employed during vacation; of reasonable expenses actually incurred for travel and maintenance of circuit and district judges of the United States and the judges of the district courts of the United States in Alaska, Hawaii, and Porto Rico, consequent upon their attending court or transacting other official business at any place other than their official place of residence, not to exceed $10 per day, said expenses to be paid by the marshal of the district in which said court is held or official business transacted upon the judge's written certificate of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court, and of compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court, $9,000.

Mr. SLAYDEN. Will the gentleman permit another question?

Mr. FITZGERALD. Certainly.

Mr. SLAYDEN. I desire to call the gentleman's attention to this provision at the bottom of page 37 and running over to the top of page 38:

Provided further, That no such person shall be employed during vacation: of reasonable expenses actually incurred for travel and mainte-

nance of circuit and district judges of the United States and the judges of the district courts of the United States and Alaska, Hawaii, and Porto Rico consequent upon their attending court or transacting other official business at any place other than their official place of residence not to exceed $10 per day.

I would like to ask the gentleman if he does not think it would be a wiser policy to fix a definite sum? I do that because my attention has been called to it by a district judge of the United States court who is scrupulous always to put down the many minute charges properly assessed against that account, and he says that it is a constant source of annoyance. He told me it would be much more agreeable to him, and I believe much more agreeable to the judges of the court generally, if a specific sum were fixed, even though it was somewhat less than the actual expenses incurred. I know this is an academic discussion in this case, but it is a matter that might well be considered, it seems to me, for the future.

Mr. FITZGERALD. Mr. Chairman, the matter has been considered, the gentleman probably recollects, a number of times. This bill, of course, carries only the amount required to supply deficiencies in the appropriations to carry out the law.

Mr. SLAYDEN. I understand.

Mr. FITZGERALD. Personally, I believe it would be desirable to give the actual traveling expenses and a fixed sum for subsistence.

Mr. SLAYDEN. It might and probably would effect an economy for the Government, and would relieve these judges who are scrupulous in such matters from the annoyance of keeping a minute account.

Mr. FITZGERALD. This has been thrashed out during the last 8 or 10 years.

Mr. SLAYDEN. And nothing done.

Mr. FITZGERALD. And has occasioned more controversy than anything else.

Mr. SLAYDEN. And yet nothing has ever been done.

Mr. FITZGERALD. Yes; it was changed back and forth. The judicial code act, which was passed in the last Congress, fixed it in this shape. I suppose the Committee on Revision of the Laws, which codified the judicial code, must have gone extensively into the matter and fixed this as the most satisfactory under all the circumstances.

The Clerk read as follows:

For compensation of Members of the House of Representatives, Delegates from Territories, the Resident Commissioner from Porto Rico, and the Resident Commissioners from the Philippine Islands, $3,708.90.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What is the reason for a deficiency in the salaries of Members of Congress?

Mr. FITZGERALD. There is an additional Member from the State of New Mexico.

Mr. MANN. He only takes the place of a Delegate.

Mr. FITZGERALD. There was only one Delegate and now there are two Members from that State.

Mr. MANN. I withdraw the pro forma amendment.

The Clerk read as follows:

To pay the widow of George R. Malby, late a Representative from the State of New York, $7,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The items which we have just passed provide for the payment of a year's salary to the widows of deceased Members of Congress which I think is quite proper, but it seems to me that in addition to that Congress ought to make a reasonable provision for the payment of the secretaries of deceased Members. Under existing law and practice when a Member of Congress dies his allowance for clerk hire ceases upon his death, and it has been the custom of the Committee on Accounts to bring in a resolution providing for the payment to that particular clerk of a deceased Member of his salary up to the time of the death of the deceased Member. Of course everyone knows that the work of the clerk does not stop upon the death of the Member of Congress, the work of the district does not stop, and I have always thought and desired to put myself on record in favor of the proposition to pay the clerk of a deceased Member at least a month's salary, and I would not object to paying more than that, certainly something beyond the date of the death of the deceased Member.

Mr. FOWLER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FOWLER. What would the gentleman do in case the deceased Member had no clerk?

Mr. MANN. Well, you could not pay it directly to the clerk. I am talking about paying the money directly to the clerk of a deceased Member. Of course if he has no clerk there is nobody to pay the money to.

Mr. BUCHANAN. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BUCHANAN. I think a majority of the Members have clerks.

Mr. MANN. They all certify to it.

Mr. BUCHANAN. If they have not they ought to have, and it seems to me like it would be reasonable to pay the clerk his salary until the vacancy is filled.

Mr. MANN. Well, the clerk might not continue to work until the vacancy was filled. Here is a clerk who attends to the work of the district for its Member; the Member dies, the clerk does not cease to open the mail that comes in and does not cease to give attention to its work; but now he gets no allowance or pay beyond the date of the death of the Member, either for the services he performed or in part compensation to permit him to go home.

Mr. ROBERTS of Massachusetts. If the gentleman will yield, I would like to make another suggestion to the gentleman from Illinois. Many Members bring their clerks from their districts, and on the death of the Member the clerk is left in a very embarrassing position here, and he is stranded, you may say, far from home. His pay is stopped, and there ought to be, as the gentleman from Illinois says, some provision made for clerks to deceased Members.

Mr. MANN. Of course, as a matter of fact, if an employee of the House dies, we pay his widow, or children, or other heirs, six months' salary.

Mr. FITZGERALD. Mr. Chairman, there is very much force in what the gentleman says, but we have no jurisdiction of the matter. I know that in some instances great inconvenience and hardship have resulted. I think some arrangement by which compensation for two months' pay could be arranged by statute would be very desirable.

Mr. MANN. I think we ought to adopt the practice at the first opportunity.

Mr. SHARP. Mr. Chairman, I ask for information. Does this back salary of $7,500 carry any interest?

Mr. MANN. This is not back salary. This is a gratuity to the widow.

Mr. SHARP. Whether it is or not, I am raising this point as to whether it is quite just—at least, the intention may be all right—where the widow has been deprived of the use of this money in some cases, as we see here in this bill, a year longer than others.

Mr. MANN. The widow has not been deprived of the use of it. The widow has had her money as far as her husband earned the salary. This is sort of a mutual insurance which Members get when they come into the House on account of the dangers of serving in this Chamber. [Laughter.]

Mr. SHARP. Some get it earlier than others.

Mr. CANNON. Mr. Chairman, touching the matter referred to by my colleague [Mr. MANN], of course a report from the Committee on Accounts to pay from the contingent fund would cover the ground. The pay of six months' salary to the widow of an employee of the House—money enough to bury him—is covered by resolutions from the Committee on Accounts payable to the contingent fund. I dare say if the Committee on Accounts had acted touching the clerks in cases referred to and passed the resolution auditing the amount and referred the same to the Committee on Appropriations, requesting it be placed in the deficiency bill, following the practice that I understand has obtained in that committee, the bill would have carried that amount for the consideration of the House. But in the absence of some law or some action either from the Committee on Accounts, or some action initiated in the House practically by unanimous consent, I apprehend that the Committee on Appropriations would not act in the premises.

Mr. MANN. If my colleague will yield, it was not in my thought at all to make any criticism of the Committee on Appropriations. I do not think that they would have jurisdiction in this matter. But I merely wished to get a little information, if I could, on the subject for the benefit of the Committee on Accounts.

I have talked with some of the Members of the Committee on Accounts recently and said to them that I thought there ought to be some payment for the clerks beyond the date of the death of a Member. How much it ought to be I would not undertake to say.

Mr. ROBERTS of Massachusetts. Mr. Chairman, the gentleman from New York, chairman of the Committee on Appropriations, expresses sympathy with the clerks of Members who have died while in office. I want to ask him if he would accept an amendment to this pending bill granting to clerks of Members who have died during the present Congress, say, six months' pay, to be in the nature of a deficiency?

Mr. FITZGERALD. No; that is impossible. The gentleman understands I have no right to do anything like that.

Mr. ROBERTS of Massachusetts. Why has not the gentleman the right?

Mr. FITZGERALD. Because I am under obligations to protect this bill against these requests of the House.

Mr. CANNON. I think the gentleman from New York [Mr. FITZGERALD] is correct in his position. Really, the Committee on Accounts ought to move in this matter.

Mr. FITZGERALD. Certainly. They have jurisdiction. There have been a number of requests made to me about different propositions to be offered to this bill. I know that if I should adopt any such policy this bill would carry an enormous sum. This bill is to supply deficiencies in appropriations for past fiscal years, and it has been customary to carry in the bill this gratuity to the widows of the Members of Congress.

Mr. ROBERTS of Massachusetts. Does not the gentleman think it is in the nature of a deficiency to pay to the clerks of Members, who have died prior to this time, a certain amount of money?

Mr. FITZGERALD. It may be in the nature of a deficiency, but it is not of such a character that it can be included in this bill. I could not consent to an amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To pay the official reporters of debates $735 each and the stenographers to committees $952.50 each to reimburse them for money actually expended by them for clerical assistance and for janitor service to July 1, 1912, $8,220.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice that this item provides for paying to the committee stenographers, at least, money expended by them for janitor service. I do not know whether that provision applies to the official reporters or not.

Mr. FITZGERALD. It does not. The janitor and messenger service was provided for, if I recall correctly, for official reporters, and messenger service and janitor service is provided for in the legislative bill for the committee stenographers. This is to take care of the time when they were actually required to have such service and no provision had been made for it.

Mr. MANN. Mr. Chairman, in the Sixty-first Congress both of these sets of stenographers were provided with janitors. And when the Sixty-second Congress met, with great sound of trumpet and beating of drums, the majority on the Democratic side abolished these janitor places, because they were unnecessary, and extravagant, and uneconomical. They announced to the country how much they were going to save. A little while ago they provided for their future in the legislative bill. I see my distinguished friend from Pennsylvania [Mr. PALMER], who fathered the original resolution, listening to me, and I wonder that he does not get excited over going back now in the deficiency bill and paying a year's salary. The amount of the salaries of these janitors who were abolished by this item will not be included in the end in the statement of the monthly expenses of the Sixty-second Congress.

Of course, everybody knew, and everybody knows now, that these stenographers have to have janitors. Everybody except my distinguished friend from Pennsylvania and his Democratic conferees knew when the original resolution was passed that they would have to have janitors. I am glad that in course of time one after another of these places needed for the use of the House is being restored.

Mr. FITZGERALD. Mr. Chairman, at the beginning of this Congress the Democratic majority abolished, in round numbers, about $100,000 of useless positions in the House. The gentleman then predicted that before the expiration of this session they would all be restored and taken as patronage by the Democratic Members. It is now shown that, except to the extent of a janitor or two for the Official Reporters and committee stenographers, no mistake was made in the elimination of these places. They have not been restored, and this side of the House is perfectly willing to admit that in this attempt to reform and eliminate useless and unnecessary places it did go too far—to the extent of one or two janitors only. Having found out the mistake, it frankly and promptly admits it, and is now making provision to reimburse the committee stenographers for the amount expended until the 1st of July. Provision for a janitor and a messenger for the stenographers and reporters was included in the legislative bill for the present year.

It may be that there are one or two other trifling places that I do not now recall which it has been found necessary to restore, but I think the experience of the House has been that it has not missed the horde of employees that blocked every avenue of ingress and egress to and from this Hall in the last 16 years. They have mercifully disappeared.

Mr. MANN. Mr. Chairman, the gentleman is mistaken when he says that I stated that all of these places would be restored as patronage. What I said was that they would either be restored for the use of the House or the House would suffer for the lack of the positions.

As an illustration of the latter, yesterday the Senate sent a resolution to the House asking the House to return to it a certain bill in relation to Hawaii. That bill was a House bill. It had been considered by the House Committee on Territories and reported into the House. It was printed, and, through the handling of some of the employees of the House overburdened with work, it was incorrectly printed. There was a reprint ordered through, I suppose, the committee in order to have it printed correctly, but when it came up to be considered in the House the original print of the bill was read and passed by the House, and went to the Senate and was passed by the Senate, and, through accidental discovery, gentlemen who were interested in the bill learned that the bill that they had intended to have passed was not the bill that had been considered in the House. They did not discover this until they commenced to enroll the bill. The Senate had to reconsider its action and call the bill back. Except for the accidental discovery of the thing at the last moment it would have gone to the President to be signed—a bill that never was really reported by the House properly and was never intended to be passed by the House.

Now, I do not think it was the fault of the employees of the House, except that for lack of sufficient employees of the House in certain places it has been impossible in this and a number of other cases which have been brought to my attention to properly present the papers and to have them properly printed for the use of the House in the consideration of its business.

Mr. PALMER. Mr. Chairman, the gentleman from Illinois [Mr. MANN] has several times, during the present session, made the statement that the Democratic majority in this House would be forced to back water upon its House economy program which it inaugurated at the beginning of this Congress, and he points to this small appropriation for a messenger or janitor for the stenographers to committees as evidence of it. If that is the only evidence which he can produce, he has certainly failed to prove his case.

The fact is that at the time that program was presented to the House I made a statement showing exactly what offices we had abolished and the salaries attached to them, and I coupled with it the frank statement that, as to a few of those places, the plan to abolish was an experiment; that the committee itself was not entirely convinced that we could get along without the services of some of these minor officials and employees; and I named, in the statement which I then made to the House, the positions which we might be compelled, after some experience, to reinstate.

That statement was made at the very beginning, when we knew that it might be possible that we should have to restore some of these places. I mentioned places which, I think, aggregated in annual salaries $11,000 or $12,000. But time has demonstrated and the experience of the House has shown that, of those places, the only ones which it has been necessary to restore are these two messengers or janitors to the reporters of debates and the stenographers to committees. So that, instead of this appropriation being evidence of our having made a mistake at that time, it shows that we knew exactly what we were talking about and what we were doing, and the fact that we have not restored any of the other places that we thought we might have to restore shows that the original plan of the committee was well thought out and has worked properly in practice.

Oh, the gentleman from Illinois [Mr. MANN] can find mistakes made by employees of the House, but the employees of the Sixty-second Congress have had no monopoly in such mistakes. He, with his vivid memory, can find many cases where employees of the House in recent years, in previous Congresses, have made errors and mistakes which have been costly. I recall that the very first bill which was passed by this Congress, after this session began, was a bill to correct a mistake made by seasoned and experienced Republican employees of the former Congress, who had made such an error in enrolling a bill that we were compelled to pass a measure correcting a mistake amounting to several hundred thousand dollars in an appropriation. I would not hold that against them, and it was not evidence that we did not have sufficient employees in a former Congress. It was evidence simply of the frailty of human nature and of the fact that the class of men who become employees of this House can not be expected to do everything with the expertness and exactness with which such duties would be performed if left entirely to the gentleman from Illinois. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, the gentleman is mistaken, in the first place, in stating that these are the only places which have

been restored. I am not complaining about the employees of the House on account of the mistakes which they have made, because a number of them are overworked. I did feel like complaining on last Saturday—although I do not now—when I desired to get a copy of the Indian appropriation bill from the document room and found it locked up at 1 o'clock, although it is supposed to remain open until at least 5 o'clock; and then when I found the Hall of the House locked, so that I could not get into my desk—merely because the Democratic Members of the House had gone on a trip to visit Mr. Wilson, and the employees assumed that Republicans did not work, when the fact is that Republicans do a large share of the work of this House.

Mr. FITZGERALD. That was a holiday.

Mr. SHARP. I suggest to the gentleman that we have not very often had the opportunity to go to see a Democratic President, and we went to see the next President. [Applause on the Democratic side.]

Mr. MANN. The mere fact that the gentleman from New York [Mr. FITZGERALD] went home or some other place does not constitute a holiday, under the precedents of the House.

Mr. FITZGERALD. I did not go away for the purpose of going home. I went to visit the next President.

Mr. MANN. I said "home or some other place." I dare say the gentleman did go home. Did not the gentleman go home?

Mr. FITZGERALD. Oh, yes; and I was glad to go home.

Mr. MANN. I am glad to have the gentleman go home once in a while. It will do him good.

Mr. FITZGERALD. The Democratic Members of the House had hoped that their Republican colleagues would take advantage of that opportunity to visit the White House, where they have not been going very much lately.

Mr. MANN. If the Republican Members of the House took advantage of the opportunity to do nothing every time the Democratic Members were on a loaf, we would have hard work getting through the business of this House.

Now, I want to say further that, in my judgment, before this session of Congress closes the expenses of this session of Congress, so far as the House of Representatives are concerned, will be proved to be greater than the expenses of any other session of Congress ever held in the history of the Government.

Mr. FOWLER. Mr. Chairman, my colleague from Illinois [Mr. MANN] charges the Democrats of the House with being "loafers." I deny that proposition. The Democrats, as well as the Republicans, have been in session here continuously in this House 13 months out of the last 16 for the purpose of discharging their congressional duties.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. FOWLER. Not now.

The CHAIRMAN. The gentleman declines to yield.

Mr. FOWLER. Many of the Democrats in this House have been in attendance here as many days as the gentleman from Illinois [Mr. MANN] has. I remember that a short time ago he took a vacation of some two or three weeks and was away from this Hall continuously during that time.

Mr. FINLEY. Will the gentleman yield?

Mr. FOWLER. Yes.

Mr. FINLEY. That was just after the Chicago convention, was it not?

Mr. FOWLER. No; it was before the Chicago convention, during the Chicago convention, and after the Chicago convention, as I remember.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. He was absent during a much longer time than the Chicago convention.

Mr. MANN. Will the gentleman yield?

Mr. FOWLER. I desire to yield first to my distinguished friend from Pennsylvania [Mr. MOORE], and then I will be glad to yield to my colleague.

Mr. MANN. Unless he yields now I do not care to have him yield at all. I wish to ask the gentleman if he was referring to me. If he was not, I do not desire him to yield.

Mr. FOWLER. I will yield to the gentleman from Illinois.

Mr. MANN. Was the gentleman referring to me on the question of absence?

Mr. FOWLER. I was.

Mr. MANN. Then the statement of the gentleman is entirely erroneous.

Mr. FOWLER. Mr. Chairman, I am not mistaken about my statement. The record of this House will show the absence of the gentleman, and the reason why it will show his absence is because it will show that he was not occupying the floor of the House at any time during that period. Every day he is here the gentleman is "It," so far as the other side of this House is concerned. [Laughter.] I will permit the RECORD to speak as to the truth of my statement. Now I yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. The gentleman from Illinois said yesterday that nobody read the RECORD. Does not the gentleman think that is the worst possible reflection upon the gentleman from Illinois?

Mr. FOWLER. I do not; because of the fact that it is left to gentlemen to read the RECORD or not, as they see fit. Those who are here in attendance do not need to read the RECORD, so far as the House proceedings are concerned, because they ought to be conversant with every subject discussed. It may be necessary for Members to read the proceedings of the Senate in order to be properly informed.

Mr. MOORE of Pennsylvania. Will the gentleman allow me to put the question I wanted to propound a moment ago?

Mr. FOWLER. Yes; I yield.

Mr. MOORE of Pennsylvania. The gentleman said the Democratic Party was reflected upon by the gentleman from Illinois [Mr. MANN]. The gentleman from Illinois [Mr. FOWLER] resented the imputation and said that the Democratic Party could not be charged with a lack of industry. That is correct, is it not?

Mr. FOWLER. Yes; in substance.

Mr. MOORE of Pennsylvania. Had the gentleman special reference to the adaptability of the Democratic Party in securing appropriations?

Mr. FOWLER. My reference was to the continuous attendance here, not only of Democrats, but of Republicans. I am not making a charge against Republicans for their absence.

Mr. MOORE of Pennsylvania. The gentleman does not get the drift of my question.

Mr. FOWLER. I am objecting to the statement made by my colleague from Illinois [Mr. MANN].

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOWLER] has expired.

Mr. MANN. I ask that my colleague have five minutes more.

Mr. FOWLER. I am not asking any extension of time, Mr. Chairman, but I will yield to the gentleman if my time is extended.

Mr. GUDGER. I object.

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, my colleague from Illinois [Mr. FOWLER] stated that I was absent from the House two or three weeks. If I had been absent from the House two or three weeks, I should consider that I had earned the right to be away, and except my colleague from Illinois [Mr. FOWLER] I do not think a single Member of the House would begrudge me the absence from the House, so far as I am personally concerned.

Mr. FOWLER rose.

Mr. MANN. I do not yield at this time. In a moment I will.

But the gentleman stated that I was absent two or three weeks during the time of the Chicago convention and following the convention. The statement is not correct. Any Member of the House could have discovered the fact by examining the RECORD, if he were absent, or, if he had been present, certainly he would remember the fact. I was here during the entire time of the Chicago convention, and have been here since with the exception of absence when the House was not transacting business. I went home before the Chicago convention for a week, and only regret, as far as I am personally concerned, that I could not have made it two or three weeks. It is not necessary for any Member of the House in making statements, which he ought to know about, to so enlarge them through an inflamed imagination that they become wholly lacking in fact. I now yield to the gentleman from Illinois.

Mr. FOWLER. Mr. Chairman, I do not want to have it understood that I am complaining at the absence of the gentleman from Illinois.

Mr. MANN. Oh, I have no doubt that that side would like to see me absent more.

Mr. FOWLER. No; Mr. Chairman, I think that every man in this House counts the day lost when he can not enjoy a joke, and the presence of the gentleman from Illinois here fills that idea completely, because he makes a joke of his side of the House by monopolizing the time and throwing into the teeth of the Members of that side of the House imputations that they are not intelligent enough to take charge of measures here and handle them as representatives of the people.

Mr. Chairman, I am not disposed at all to complain at the absence of the gentleman from Illinois, and would not have said anything with reference thereto if he had not charged the Democrats, for the purpose of making a false record, with being away from the House, loafing—an imputation of laziness and indifference—a condition which is deplorable if true.

Mr. MANN. Mr. Chairman, when I made the statement to which the gentleman refers and which he does not correctly quote, I counted the membership of the House present in the consideration of an appropriation bill carrying millions of dollars, and out of the 250 or 260 Democratic Members of this House I noticed on the floor at the time 2 more than 20—22—less than one-tenth of the responsible majority in the House present in the Chamber attending to the duties for which they ought to come here, for which they were elected, and for which they are sent. They were not attending to business here. I do not know whether they were loafing or not. They were not here.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. FITZGERALD. And this is in the consideration of what bill?

Mr. MANN. The general deficiency appropriation bill.

Mr. FITZGERALD. Oh, that is because of the confidence which the Members have in the committee over which I have the *honor to* preside.

Mr. BUCHANAN. I see about 32 here now, while there are but 18 on the gentleman's side.

Mr. MANN. What I said was true when I made the statement.

Mr. FOWLER. Mr. Chairman, I desire to reply to the statement of my colleague from Illinois, and repeat that when a man has spent 13 months out of 16 months here in continuous work of an arduous character I think he needs a rest, and I am not complaining of any man who asks for an opportunity to go home to see his family or to take a few days' vacation, but what I do object to is the charge of the gentleman from Illinois that such has been done on the Democratic side to the extent of "loafing" and to the extent of neglecting our duties. I do not charge to any Republican any dereliction of duty, and yet, Mr. Chairman, I assert that the attendance on this side of the House is as continuous and as great in number as it is on the other side of the House; and I say that without any reflection upon any gentleman on the other side of the House. I take it, Mr. Chairman, that it is unfair for a gentleman on the floor of this House to stand here and make a charge against Members who are coming here every day and working hard in the discharge of their legislative duties. It is unfair to single out an individual or a party in order to make that charge when, if the charge were true, it would apply to the other side equally as well.

Mr. Chairman, the gentleman refers to a condition that existed here some time ago when the deficiency bill was up for consideration.

Mr. MANN. Oh, I refer to it now.

Mr. FOWLER. It is well understood, Mr. Chairman, that men come here to work each day before eating their dinners. It is also well understood that some time during the daily session of the House Members go down to the restaurant for lunch in this building because it is necessary. This consumes only 20 or 30 minutes. The gentleman from Illinois does it the same as other gentlemen on either side of the House.

Mr. MOORE of Pennsylvania. Everybody's doing it. [Laughter.]

Mr. FOWLER. The gentleman knows that is the custom, and he knows that every man on the floor of the House is doing it. That is where many of the Members are at this time. Mr. Chairman, to try to make a point of absence of Democrats or Republicans while they are at lunch is unfair, and it is unmanly and uncalled for. I trust that my colleague from Illinois will never be guilty of such conduct again on the floor of this House.

Mr. ALLEN. Mr. Chairman, in order that the RECORD may show that I am present here this morning I move that all debate on this paragraph be now closed. [Laughter.]

Mr. GUDGER. Mr. Chairman, I make the point of order that there is no quorum present. I think the roll ought to be called as a reply to what the gentleman from Illinois said.

The CHAIRMAN. The gentleman from North Carolina makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-three Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Austin	Bates	Brantley
Ainey	Ayres	Bathrick	Broussard
Ames	Barchfeld	Beall, Tex.	Burgess
Andrus	Barnhart	Bell, Ga.	Burke, Pa.
Ansberry	Bartholdt	Booher	Butler
Anthony	Bartlett	Bradley	Byrnes, S. C.
Calder	Fornes	Lenroot	Ransdell, La.
Callaway	Foss	Levy	Reyburn
Campbell	Gardner, Mass.	Lewis	Riordan
Candler	Garner	Lindsay	Roberts, Nev.
Cantrill	Garrett	Linthicum	Robinson
Carter	George	Littlepage	Roddenbery
Cary	Gillett	Littleton	Rothermel
Clark, Fla.	Glass	Lobeck	Rucker, Mo.
Clayton	Goldfogle	Longworth	Sabath
Collier	Graham	Loud	Saunders
Cooper	Gregg, Pa.	McCall	Scully
Copley	Gregg, Tex.	McCoy	Sells
Covington	Griest	McCreary	Sheppard
Cox, Ohio	Guernsey	McGuire, Okla.	Sherwood
Crago	Hamill	McHenry	Simmons
Crumpacker	Hamilton, Mich.	McKenzie	Slemp
Currier	Hanna	McMorran	Small
Dalzell	Hardwick	Macon	Smith, J. M. C.
Danforth	Harris	Madden	Smith, Cal.
Daugherty	Harrison, N. Y.	Maher	Smith, N. Y.
Davenport	Hartman	Martin, S. Dak.	Speer
Davidson	Hayes	Matthews	Stack
Davis, W. Va.	Heald	Miller	Stephens, Miss.
De Forest	Helm	Mondell	Stephens, Tex.
Denver	Henry, Conn.	Moon, Pa.	Switzer
Dickson, Miss.	Henry, Tex.	Moon, Tenn.	Talbott, Md.
Dies	Higgins	Moore, Tex.	Taylor, Ala.
Difenderfer	Hinds	Morgan	Thistlewood
Dodds	Howland	Morse, Wis.	Thomas
Donohoe	Hughes, Ga.	Mott	Tilson
Draper	Hughes, N. J.	Murdock	Turnbull
Driscoll, M. E.	Hughes, W. Va.	Needham	Underhill
Dwight	Jackson	Nelson	Utter
Dyer	James	Nye	Vare
Edwards	Kahn	Oldfield	Vreeland
Ellerbe	Kindred	Olmsted	White
Esch	Kinkead, N. J.	Patten, N. Y.	Wilder
Estopinal	Kopp	Patton, Pa.	Wilson, Ill.
Fairchild	Lafean	Peters	Wilson, N. Y.
Faison	Langham	Porter	Wilson, Pa.
Ferris	Langley	Powers	Wood, N. J.
Fields	Lawrence	Prince	Woods, Iowa
Focht	Lee, Ga.	Pujo	Young, Tex.
Fordney	Legare	Randell, Tex.	

The SPEAKER. Call my name.

The name of Mr. CLARK of Missouri was called, and he answered "Present."

The committee rose; and the Speaker having resumed the chair, Mr. HAMMOND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25970, the general deficiency bill, and finding itself without a quorum, he caused the roll to be called, and 189 Members responded, and he reported the names of the absentees to the House.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee finding itself without a quorum, he caused the roll to be called, and 189 Members responded, a quorum, and he reports the names of the absentees, which will be entered upon the Journal. The committee will resume its sitting.

The committee resumed its sitting.

The Clerk read as follows:

The unexpended balance of the sum appropriated for expert clerical and stenographic services, to be disbursed by the Clerk of the House on vouchers approved by Representative OSCAR W. UNDERWOOD, is reappropriated and made available for expenditure during the fiscal year 1913.

Mr. MANN. Mr. Chairman, I reserve a point of order on the item just read, or I will make the point of order. I see the gentleman from Alabama [Mr. UNDERWOOD] here. It is not customary, of course, to appropriate money to be expended under the direction of one Member of Congress. When this appropriation——

The CHAIRMAN. Will the gentleman from Illinois please state to what paragraph he refers?

Mr. MANN. To the paragraph contained in lines 14 to 19. When this appropriation was made in the last Congress it was made to be expended under the direction of the gentleman from Alabama [Mr. UNDERWOOD], knowing he was to be the chairman of the Committee on Ways and Means, and it was not known that there would be a special session of Congress; but it was known that the Democratic members of the Ways and Means Committee would naturally desire to make investigations of tariff questions, and there was no other way to provide the necessary money for it. Now, of course, the Committee on Accounts at any time has authority to allow to the Ways and Means Committee such expenditures of money or such additional aid as may be required. Now, does anyone think we ought to start the practice of appropriating money to be expended by the chairman of an existing committee as he pleases, when the House is organized and has control over the situation?

Mr. UNDERWOOD. Mr. Chairman, I am very glad the gentleman from Illinois has given me an opportunity to make a statement in regard to this item. Before this Congress met the Republican Congress which preceded it, knowing that there would be an effort on our part to take testimony and rewrite

the tariff laws, at my request and at the request of Members on this side of the House, put in one of the bills—I think it was in the general deficiency bill—a provision providing for $7,500 to be used by the Ways and Means Committee for clerical hire; that is, to be used by myself for clerical hire, but really intended for the use of the Ways and Means Committee for clerical hire in the investigation work preparatory on tariff bills. That $7,500, of course, was made available for me to expend as an individual and not as chairman of the Ways and Means Committee, because the Ways and Means Committee had not been organized, but the caucus in the preceding February had practically selected me as chairman of the Committee on Ways and Means. Now, I have taken that money. We have reported to this House six or seven important tariff bills. We have made more voluminous reports to this House on tariff bills than any Committee on Ways and Means has ever made to the House of Representatives. I have been very careful in the expenditure of the money. There is now about, I do not know the exact amount, but there is in the neighborhood of $1,500 still remaining of the $7,500 appropriated, but the appropriation only made the money available up to the 1st day of July. Therefore what remains is not available and can not be drawn out on my signature because the 1st day of July has passed. Now, when you consider the fact that it cost over $50,000 in extra clerical hire for the Ways and Means Committee to prepare the Payne tariff bill, that the Republican House paid to one of its regular employees in the Ways and Means Committee in the preparation of that bill in extra compensation $5,000, whereas I have not paid a single extra dollar of this amount that was allowed by the House to any man who was on the regular rolls of that committee, but a large portion was paid to Mr. Parsons, the expert whom I had employed at $400 a month, to aid the Ways and Means Committee. So that there is none of it that has been paid out except for clerical help that was actually needed. I have not asked this House for a single dollar for all the work that has been done by the Ways and Means Committee. The total amount that we have asked for in the way of furniture or extra stationery or extra work from the Accounts Committee during this entire Congress has been $96. I think that is just as good a showing as any Ways and Means Committee has ever made in the way of expenditure of money allowed to it. We have been as economical as we could. I want to state to the gentleman from Illinois the reason why we ask that this item be made in this way. When the money was appropriated and made available the Clerk of the House under the former appropriation drew the money from the Treasury and put it in the Clerk's office down here in the House. It is there now. It is not in the Treasury, it is in the Clerk's office and in the Clerk's hands. Possibly under those circumstances I could have gone on and checked until the full amount was used, but I did not want to do that.

Now, it is not there to the credit of the committee; it is not in the Treasury; and it is not available to anybody, if you continue this appropriation, except on my order. There is not a voucher in the hands of the Clerk except for clerk hire—for persons employed. Now, we could let the other $1,200 or $1,500 lapse but we have got other tariff work to pursue. I do not often call for extra clerical help, but occasionally I need it. I think before Congress adjourns I probably will need the balance of this $1,200. It is there in the Clerk's office. If I had wanted to use it I could have checked out before the 1st of July came, but as I did not have an immediate necessity for its use I left it there. Now, I think the Ways and Means Committee is asking very little of this House when we ask that we should have available the balance of this appropriation that was made two years ago to continue our clerical force, and if you want to convert it back into the Treasury you will have to provide for the Clerk to return the money to the Treasury, because it is not in the Treasury. To do that the only proper way to make it available is to authorize the expenditure of this unpaid balance. I am not asking any additional appropriation. This bill merely asks that I may be authorized during the balance of this session to expend this $1,200 or $1,500 that is in the Clerk's hands that was made available for the Ways and Means Committee's use two years ago. I think we will need that amount of money. If we do not need it, I certainly will not expend it, because I did not expend it when I did not need it and had the opportunity to expend it. And I can see no reason why it should not go on this bill and be made available.

Mr. FITZGERALD. I discussed this matter with the gentleman from Alabama [Mr. UNDERWOOD], and I think he overlooks this: I call his attention to the fact that this was an unusual method of providing for the expenditure of money, and this balance of $1,500, or whatever it may be, is still unexpended. And as the services that were likely to be required were more or less of a temporary character, and clerks might be employed for a short time, and then dropped and others picked up, the gentleman from Alabama thought that to continue the method that had been followed with the original appropriation would be much more convenient than to ask the Committee on Accounts from time to time for some little assistance when it was impossible to determine definitely how long the assistant might be required.

Mr. MANN. Mr. Chairman, the gentleman from Alabama [Mr. UNDERWOOD] seemed to think that I was making some question about his method of expenditure of the money, and saw fit, I think wholly unnecessarily, to explain how he expended it and how economically he had expended it. When a Republican House provided this appropriation they had confidence in the gentleman from Alabama making any expenditure with reasonable economy and making it fairly, and no one doubts the gentleman has entirely fulfilled the expectations of the Republican Congress when they made the appropriation available under his order.

That is not the question which I raised at all. I am not sure under what authority the Treasury Department has turned over this money to the Clerk as disbursing agent. There is no authority in the appropriation for that purpose. The appropriation provided that the money should be disbursed on vouchers approved by the gentleman from Alabama.

Mr. UNDERWOOD. But the gentleman overlooks the fact that the appropriation provided it should be disbursed by the Clerk on vouchers approved by me, and therefore the Clerk drew the money and put it in the vault.

Mr. MANN. Very well. But the gentleman made a mistake in assuming that he could have drawn this money out before the 1st of July, because he could not draw any of it out, except on vouchers approved by him, and he could not put in false vouchers, because that is not in his moral power.

Mr. UNDERWOOD. I meant that I might have been extravagant.

Mr. MANN. The gentleman might have expended it. But if the gentleman had been the kind of a man who would have expended it unnecessarily, it never would have been appropriated. The point here is whether it shall become the practice of the House, when the House is organized, that any committee can have a resolution presented to the Committee on Accounts and through the Committee on Accounts to the House, and whether with that power we shall still appropriate money to be expended by the chairman of a committee. I have been the chairman of a committee of Congress for a number of years. I often saw occasions where I thought I could profitably, in the interest of the public service, expend money. Yet I never thought that it would have been a desirable thing to have given the chairmen of committees the power to spend money directly on vouchers approved by them; and I do not think the gentleman from Alabama would disagree with me on that proposition at all. If it is understood that this kind of an item is not to be considered as a precedent, granting the appropriation of money to be expended wholly under the personal jurisdiction of Members of the House, after the House is organized, when the committees are organized, when the House has complete control over its contingent fund, out of which such expenditures ordinarily are paid and ought to be paid, I shall not insist on the point of order with that understanding. I am opposed to making precedents here to undertake to make appropriations, however controlled, simply by the personal membership of the House.

Mr. UNDERWOOD. If the gentleman from Illinois will allow me, I will say to him candidly that I agree with him. I think he is absolutely right in his statement that the House should not make appropriations for expenditures to be controlled under one man. It has already been explained how it happened that this appropriation was made available to me.

Mr. MANN. I think the appropriation in the first place was properly made because of the peculiar circumstances at that time.

Mr. UNDERWOOD. It does not make a precedent. If it was to ask for any new money that had not been drawn out of the Treasury and had not been made available, I would go to the Committee on Accounts.

Mr. MANN. The gentleman will admit it is making a precedent. The original appropriation was made because the House was not to be in session until the first of December. The Democrats had a majority in the Sixty-second Congress, not yet having their seats, and desired to have work done in reference to the tariff. The House in the Sixty-second Congress not being organized, and not expecting to be organized until December, there was no way of providing for payment of money out of the contingent fund and no way of providing that the com-

mittee should have control of it. And inasmuch as the gentleman from Alabama [Mr. UNDERWOOD] had been selected by a Democratic caucus as the future chairman of the Committee on Ways and Means, it was entirely proper to allow him to control the expenditure of the money. But of course that situation does not apply now.

Mr. UNDERWOOD. Well, the only thing wherein I say it does apply now is this: As to this particular money, it is in the hands of the Clerk of the House. It has got either to go back into the Treasury or be made available under the old law to my order. What I say is this: This does not establish a precedent. I object to a precedent being established as much as the gentleman from Illinois. I think we have been economical in the expenditure of this money.

Mr. MANN. I think the gentleman has been too economical. He has not given us enough information.

Mr. UNDERWOOD. We certainly have not been extravagant. But I will say to the gentleman that before the end of this session, and certainly before the end of the next session, we have got to send out here and there to get a man to do a little incidental work, and that money will be needed; and as I have been economical in the administration of the affairs of the committee and, as I say, more so than any other chairman that I know of, I think it is nothing more than right that we should have this appropriation—money already out of the Treasury—extended so that we can use it. But I do not desire to make any precedent, and rather than have the House think it is making a bad precedent I would prefer that the House should turn it down. But I think the money will be needed, and it will expedite the work of this Congress. The work in the Ways and Means Committee has not been partisan work. It has always been open to both sides of the House and open for individual Members to go there and get the information they desire.

Mr. MANN. Mr. Chairman, in a few days I shall undertake to test the sense of the House upon the proposition as to whether it is desirable to have information concerning the tariff collected—information which shall be available to all Members of the House and to the country—in connection with a Senate amendment to the sundry civil appropriation bill providing for the Tariff Board. In the meantime I shall not object to the appropriation for the benefit of the Democratic members of the Ways and Means Committee. I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

Mr. PAYNE. Mr. Chairman, I move to strike out the last word. I have no objection to the appropriation being made—all the appropriation that is necessary in the opinion of the gentleman from Alabama—for carrying on the tariff work and getting information. They need it.

But, Mr. Chairman, I would be glad if what the gentleman states were true, in fact, that their work has been open to all the members of the committee, that the minority members had some chance of getting the information which the chairman claims he has gathered together that we may know the sources of that information, from whom it comes, whether it is reliable, what is the nature of it, that we might have a chance to meet the gentlemen who gave that information, if there are any such people; that we might know all about it.

Mr. UNDERWOOD. I will state to the gentleman——

Mr. PAYNE. In a moment. The gentleman has spoken in contrast of the amount expended by the last Republican committee in formulating a tariff bill which covered the whole tariff question, and he says that he thinks we expended some $50,000. I never had the curiosity to know what the sum was. I did examine the individual bills and vouchers, and saw to it that they were proper at the time they were certified by me. But that committee did go into the subject. The committee did examine witnesses. That committee did see to it that the minority members of the committee were present during all those examinations, and the committee did not hide and cover up the results of those examinations. The committee published every day hearings of the day before, every word that was said, and, when we closed, our mailing list was something over 2,500 copies, which were sent out daily to the people of the country, with the invitation to them to come in and correct any misstatements that had been made. We were securing information, and we got information.

The gentleman has spoken of the amount of work that he did. Well, I will not say anything about that. I will simply refer the gentleman to the statement of the present Speaker of this House as to the amount of work done by the committee in 1908 and 1909—work which, he says, shortened the lives, no doubt, of every member of the committee, for a vast amount of work was done during the 24 hours of each day during the period of time that that matter was under consideration and investigation by the committee.

Now, I am making these remarks only because I think my friend from Alabama [Mr. UNDERWOOD] was led into an unfair statement of contrast about the work done and the amount of expenditures, in consideration of the information that was obtained by the committee in 1908 and the amount of information which he has procured for his committee during the past year.

Mr. UNDERWOOD. Mr. Chairman, I am not reflecting on the gentleman from New York [Mr. PAYNE] or on his management of the committee. When I say his committee expended over $50,000 in preparing the last tariff bill, I do not say that they expended it unwisely. I do not say that the amounts he paid for services were more than those services were worth, but I simply call attention to the fact that the gentleman paid in extra compensation to his regular employees more than we have asked for all the work we have done. That is not intended as a criticism, but it is intended as a justification of the amount of our expenditures to show to the House.

Now, as to the information. every bit of information that we have gathered we have published, and it is in reports or on record in the files of this House. The sources of information are noted in the reports. We have had no hearings from the manufacturers, because the manufacturers of this country had appeared before the gentleman's committee only 18 months before we went to work, and had stated their whole case. I stated to them in an open circular, and to many of them personally, that if they had anything new to say by which they intended to supplement their statements when they appeared before the committee presided over by the gentleman from New York [Mr. PAYNE] we would give them hearings. But none of them could show me that they had anything more to add to what they had already stated, and I did not care to take up the time of the committee and the time of the House.

Now, outside of the interested manufacturers, we had no applications for hearings. Most of our information that we gathered, that was not in the hearings that had previously been taken by the committee, came from the department. We needed the clerks to tabulate results. Some of it came from the Tariff Board, for which we spent $250,000 a year to accumulate these results.

Now, when I say that the additional pay for clerical work by the Ways and Means Committee in this Congress to bring up these tariff bills amounted to only about $6,000, and was hardly one-tenth of what the previous Ways and Means Committees have paid for the same class of work, I do not mean to say it as reflecting on the committee presided over by the gentleman from New York [Mr. PAYNE] or to criticize his work, because I am here to testify that he worked strenuously, earnestly, and gave his best endeavors to his committee and to the House. The only point in reference to which I have to criticize the gentleman from New York [Mr. PAYNE] about his tariff work is that I do not believe in the theory on which he produced his results.

I would not ask for the continuation of this appropriation if I did not think it was for the benefit of the House and necessary for the House that we should have a few hundred dollars more in order to finish up the tariff work we have on hand.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. JOHNSON of Kentucky having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 125. Joint resolution making appropriation for checking the ravages of the army worm.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DU PONT, Mr. WARREN, and Mr. JOHNSTON of Alabama as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 21214. An act to extend the special excise tax now levied with respect to doing business by corporations, to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

JUDGMENTS IN INDIAN DEPREDATION CLAIMS.

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress in House Document No. 776, at its present session, $39,971; said judgments to be paid after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian Service: *Provided*, That no one of said judgments provided in this paragraph shall be paid until the Attorney General shall have certified to the Secretary of the Treasury that there exists no grounds sufficient, in his opinion, to support a motion for a new trial or an appeal of said cause.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 44, after line 15, insert a new paragraph, as follows:

"That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,305,257.19, being the net amount of a judgment rendered by the Court of Claims in favor of the Confederated Bands of Ute Indians, dated February 13, 1911, exclusive of the amount awarded for attorney's fee, pursuant to the provisions of the jurisdictional act approved March 3, 1909, the same to bear interest at the rate of 4 per cent per annum from and after the date of said judgment, the amount thereof and the interest accruing thereon to be deposited in the Treasury to the credit of said Indians and be held as a trust fund in accordance with the act of June 15, 1880, being "An act to accept and ratify the agreement submitted by the Confederated Bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes."

Mr. FITZGERALD. Mr. Chairman, I raise the point of order on the amendment.

Mr. BURKE of South Dakota. Mr. Chairman, I do not think the gentleman will contend that this is subject to a point of order.

Mr. FITZGERALD. I do very seriously contend that it is subject to a point of order.

Mr. BURKE of South Dakota. Mr. Chairman, I understand the point of order is reserved. I do not believe the amendment is subject to a point of order, and am sure the gentleman from New York will not make it when he has had an opportunity to examine it.

It has been the custom of the House for many years to provide appropriations in deficiency appropriation bills to pay judgments of the Court of Claims. The amendment which I have offered proposes to pay a judgment of the Court of Claims from which no appeal has been taken, and the time for appeal has expired.

Yesterday, in the general debate, I interrogated the distinguished gentleman from New York [Mr. FITZGERALD], the chairman of the Committee on Appropriations, as to why this item was not included in the pending bill, and he stated very frankly that it ought to be upon this bill if it was going to be appropriated for at all. I want to call attention to the further statement that he made in response to an inquiry by the gentleman from Kentucky [Mr. JOHNSON] with reference to an item in the bill that provided an appropriation to pay certain judgments. He said:

Mr. Chairman, I did not look particularly to see what the judgments were for. They were final judgments of the court, from which no appeal had been taken, and from which none could be taken. It is customary for Congress to pay judgments of the courts after the time for appeal has expired.

Mr. Chairman, this is just such a judgment, a final judgment, of the Court of Claims. No appeal had been filed, and the time for appeal has expired; therefore no appeal can be taken. If it is not in order to provide for the payment of such a judgment in this bill, then I do not know on what bill it would be in order to provide for it. It was stated in the general debate that one of the reasons why it was not provided for in this bill was that it had been added to the Indian appropriation bill as an amendment at the other end of the Capitol.

Certainly it does not belong on the Indian appropriation bill, which is a bill making appropriations for the current expenses of the Indian Bureau; and an amendment proposing to appropriate $3,500,000 to pay a judgment of the Court of Claims would not be in order if offered to the Indian appropriation bill in the House, for it is a deficiency and would only be in order in a deficiency bill.

If the Senate amendment to the Indian appropriation bill is concurred in, it will increase the amount carried by the bill the amount of this judgment, thus seeming to increase the appropriations for the Indian Bureau unfairly, because that item should not and can not be charged to the annual expenditures of the Indian Bureau. Therefore it ought not to be in the Indian appropriation bill, but should be in this or some other bill reported by the Committee on Appropriations. The gentleman from New York [Mr. FITZGERALD] said yesterday: "It is customary for Congress to pay judgments of the courts after the time for appeal has expired."

I am going to briefly refer to the basis for this judgment, and will first state that in 1868 the Ute Indians occupied a very large territory in what is now the State of Colorado and, I think, perhaps extending into adjoining States. A treaty was entered into with the Indians, and article 2 of the treaty which was made in 1868 ceded all of the lands that the Indians claimed, with the exception of about 15,000,000 acres.

Article 2 of the treaty reads as follows:

Said Tabegauche Band of Utah Indians hereby cede, convey, and relinquish all of their claims, right, title, and interest in any, to any, and all lands within the territory of the United States, wherever situated, excepting that which is included within the following boundaries, which are hereby reserved as their hunting grounds.

Then follows a description, by metes and bounds, of the lands reserved, which are set apart for the absolute and undisturbed use and occupation of the Ute Indians, comprising 14,784,000 acres of land.

By treaty dated September 13, 1873, the Indians ceded to the United States 3,059,200 acres. That treaty was ratified by act of April 29, 1874. There is no contention with reference to the payment for these lands, and it does not enter into the questions involved in the judgment that my amendment proposes to pay.

By a treaty approved June 5, 1880, the Indians ceded the balance of their reservation to the United States. In other words, they ceded something over 11,000,000 acres to the United States and relinquished all their right, title, and interest therein, with the exception of such lands as were allotted them in severalty.

The individual allotments were made, and by the terms of the treaty the surplus lands were to be disposed of by the United States at the same price and on the same terms as other lands of like character, and it was expressly provided that none of the lands should be liable to entry and settlement under the provisions of the homestead law, but sold for cash and the proceeds received from the sale to be employed for reimbursing the United States for all sums paid out or set apart by the Government for the benefit of the Indians, the residue to be deposited in the Treasury to their credit. In other words, the Indians ceded their right to 11,000,000 acres of land and the United States agreed to sell it and account to the Indians for the proceeds received from the sale.

There had been sold up to and including June 30, 1908, 1,310,686.38 acres, for the sum of $2,204,694.71.

The Government from time to time has created and established a number of forest and other reservations, covering the lands ceded by the Indians, aggregating 3,199,258 acres. That is, the Government instead of selling this amount of land, as the treaty of 1880 required, appropriated it to its own use and made forest reservations of it.

By a proviso incorporated in the Indian appropriation act of March 3, 1909, jurisdiction was conferred upon the Court of Claims to hear, determine, and render final judgment on the claims and rights of the Indians, including the value of all lands ceded by the Indians which had been set apart and reserved from the public lands as reservations, or for other public uses under existing laws and proclamations of the President, as if disposed of under the public-land laws of the United States.

Right at that point I want to again call the attention of the committee to this situation: This act of 1880, by which the Indians ceded this 11,000,000 acres of land to the United States, provided in express terms that the lands should be sold as other public lands were to be sold, and the proceeds were to go to the Indians, except the United States was to be reimbursed for all sums paid out or set apart for the benefit of the Indians. The jurisdictional act of March 3, 1909, directed the court to "except such sums as have been paid for a specific purpose and an adequate consideration."

The Government did sell, as a matter of fact, and received pay for something over $2,000,000 worth of land—to be exact $2,204,694.71—and withdrew from public sale large areas and incorporated them in forest and other reservations, the amount so withdrawn being 3,199,258 acres.

Mr. Chairman, the jurisdictional act of March 3, 1909, authorized and directed the court to ascertain how many acres of land had been appropriated by the Government, determine its value, and to render a judgment against the United States for whatever that amount might be.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BURKE of South Dakota. Certainly.

Mr. MARTIN of Colorado. Will the gentleman kindly restate the amount received by the Government for the sale of these ceded lands?

Mr. BURKE of South Dakota. I shall do it in a moment.

Mr. MARTIN of Colorado. I want to base a question upon it.

Mr. BURKE of South Dakota. The amount of land that had been sold up to and including June 30, 1908, was 1,310,686.36 acres, and it was sold for the sum of $2,204,694.71.

Mr. MARTIN of Colorado. What part of that sum has been paid to the use of the Indians?

Mr. BURKE of South Dakota. I will say this in answer to that question, that no part of it has been directly paid, as I understand it, but certain moneys have been expended from time to time for the benefit of the Indians, and in the jurisdictional act the court was directed to ascertain how much money had been received from the sale of ceded lands, also the value of lands that the Government had appropriated for forest reservations, and then was to set off against any amount they might find was due such moneys as had been paid or expended for the Indians as gratuities or otherwise, except in cases where there had been an adequate consideration.

Mr. MARTIN of Colorado. The reason I asked the question was that it is my understanding, although that was questioned yesterday by the gentleman from New York, that a large part of the judgment was for the selling price of the ceded lands sold by the Government, but I want to further add that whether that be true or not it does not affect the validity and merit of the claim.

Mr. BURKE of South Dakota. That is not correct in any event. The court found that 3,199,258 acres had been included within forest or other reservations, and that the Indians should be paid therefor at $1.25 per acre, and found the amount that was owing from the United States to the Indians for those lands to be $3,999,092.50.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BURKE of South Dakota. Certainly.

Mr. RUCKER of Colorado. As I understood the gentleman from New York [Mr. FITZGERALD] yesterday, he makes a distinction between what has been reserved and put into forest reservations against what has been sold by the Government. I understand the gentleman makes no distinction about that, because the price has been fixed and is just the same as if the Government had sold, inasmuch as it had taken over into the forest reservations the 3,000,000 acres of land at so much per acre.

Mr. BURKE of South Dakota. Mr. Chairman, I will state to the gentleman that the average price received for the lands that were sold was $1.68 an acre. The court found that as to the lands that the United States had withdrawn and had appropriated for its own use for forest reservations it should pay to the Indians $1.25 per acre, so they do not get quite as much for the lands taken by the Government as they get for the lands that the Government sold for the benefit of the Indians. But in the opinion of the court it is stated that the lands that had been disposed of are probably the better lands, and that in these forest reservations perhaps some of the land is of little value, and therefore the Indians would be getting a fair and adequate price if paid $1.25 per acre, and the court fixed that price, and in making a finding as to the value of the land only did what Congress by the jurisdictional act expressly directed.

I would like to read from the opinion of the court as reported in volume 45, Court of Claims Reports, page 440. I am reading from the opinion on pages 467–8:

> The jurisdictional act directs this court to hear, determine, and render final judgment on the claims and rights of the Utes under the agreement of 1880, including the value of all lands "which have been set apart and reserved from the public lands or public reservations or for public uses under existing laws and proclamations of the President, as if disposed of under the public-land laws of the United States, as provided by said agreement." We are told to render judgment for the value of these lands "as if disposed of under the public-land laws of the United States, as provided by said agreement." The agreement referred to contained directions as to the manner in which these lands were to be disposed of, i. e., they were to be surveyed, were not to be liable to entry and settlement under the provisions of the homestead law, but were to be sold for cash only. Hence the direction that we are to render judgment for the value of these lands as if disposed of "as provided by said agreement" evidently means that we are to regard them as having been sold for cash at the date of entry of judgment, and this sum is to be placed to the credit of the plaintiffs.

The amount allowed by the court for the lands appropriated by the United States, namely, $3,999,092.50, together with the $2,204,000 received from the sale of ceded lands from 1880 up to 1908, aggregates $6,203,767.21. The jurisdictional act directed the court to ascertain all moneys that had been paid to the Indians, whether as gratuities or otherwise, except such sums as had been paid for a specific purpose and an adequate consideration, and set off the amount against any sum found due the Indians. The court found there had been paid to the Indians the sum of $2,795,155.81, which sum, when deducted from the amount found to be due, left a balance of $3,408,611.40, for which judgment was entered.

At this point I desire to call attention to the fact that there are only 2,000 Indians of the Ute Tribes, and that in addition to the amount that they are to receive by the judgment there are 7,569,144.38 acres of land yet to be disposed of, and the proceeds will have to be paid to the Indians. It transpires that, so far as these Indians are concerned, when they made the treaty of 1868 and again in 1880 they made a very good bargain with the United States, and probably the best bargain that any tribe of Indians ever made with the Government; but that does not change the fact that it is the moral duty of the Government to pay its obligations to them and to other Indians, and whatever we owe them under solemn treaties and agreements we ought to pay.

The court, in February, 1911, set aside the judgment and rendered a new judgment, finding that after July 1, 1908, there had been received $207,456.21 for lands disposed of after that time and that the Government had expended $939,835.65 on account of the Indians, leaving a balance of $107,619.65 to the credit of the Indians, which was added to the judgment rendered originally when this case was determined in 1910 and a final judgment of $3,516,231.05 was entered, which amount is due the Indians, less what has been paid to the attorneys who succeeded in getting through Congress the jurisdictional act, a service that consisted almost entirely of lobbying in the House and Senate, $210,973.86, and they have received their money.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. BURKE of South Dakota. I yield.

Mr. CULLOP. When was this last judgment rendered? What was the date of it?

Mr. BURKE of South Dakota. The last judgment was rendered on February 13, 1911, too late to be certified as an item to be appropriated for in the last Congress.

Mr. FITZGERALD. Why was that too late?

Mr. BURKE of South Dakota. There was time for an appeal. In other words, the Government was entitled to some time within which to take an appeal. I do not know just what the time would be, but until the time for appeal had expired the judgment would not be certified to Congress by the Secretary of the Treasury; and as the judgment was entered February 11, 1911, and Congress adjourned March 4 following, I am certain it will be conceded that the time for taking an appeal had not expired.

Mr. CULLOP. There has never been an appropriation made to pay that judgment?

Mr. BURKE of South Dakota. Never.

Mr. CULLOP. How did these lawyers get their money if there was no appropriation?

Mr. BURKE of South Dakota. By their shrewdness in putting into the jurisdictional act a provision that enabled them to obtain their money just as soon as the judgment was rendered; and they have been paid.

Mr. CULLOP. But if no money was appropriated to pay this judgment, who had authority to pay them out of the Treasury?

Mr. BURKE of South Dakota. I am only stating to the gentleman what the facts are.

For the information of the gentleman from Indiana I will say that the jurisdictional act of March 3, 1909, relative to the compensation to the attorneys, contains the following language: "Said compensation shall be paid to such attorney by the Secretary of the Treasury out of any money in the Treasury arising from the sale of said ceded lands or from the proceeds of said judgment."

At that time of the ceded lands there had been sold 1,310,686.36 acres for the sum of $2,204,694.71, and under the act of 1880 this money belonged to the Indians, and they had this amount due them less any moneys that may have been expended on their account, and therefore I assume that the disbursing officer of the Treasury Department considered he was authorized to pay the attorneys, and I do not suppose he could have done so unless the comptroller so decided.

Mr. CULLOP. What disbursing officer paid this?

Mr. BURKE of South Dakota. It was paid through the Treasury Department. I am unable to give the details, except as I have stated.

Mr. CULLOP. Certainly there is no authority to pay it if there had been no money appropriated for that purpose, and there would surely be a liability on the part of the officer who paid it to refund it back to the Government. I do not understand that there is any authority——

Mr. BURKE of South Dakota. I did not yield for a speech. If I can have plenty of time I will gladly yield. I think I have already stated upon what authority the attorneys were paid.

Mr. MARTIN of Colorado. Will the gentleman yield before he gets too far away from the question of this judgment? Was it not provided for in the last appropriation bill, in the last Congress? I wish to say it is my recollection, and I had occasion to inquire into that, that there was considerable time allowed in which to take an appeal from that judgment, and I believe, if the gentleman will inquire and wishes to insert the matter in his remarks, that he will find that there were two or three months in which to take an appeal from that judgment.

Mr. BURKE of South Dakota. I will say to the gentleman it was not certified to Congress until January 6, 1912, and the item is incorporated in House Document 410, Sixty-second Congress, second session.

The letter from the Secretary of the Treasury submitting the estimate is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 6, 1912.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Interior, of this date, submitting an estimate of appropriation for the payment of a judgment of the Court of Claims in favor of the Confederated Bands of Ute Indians, dated February 13, 1911, $3,305,257.19.

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

Accompanying the estimate is a communication from the Secretary of the Interior, which is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 6, 1912.

The SECRETARY OF THE TREASURY.

SIR: I have the honor to transmit herewith an estimate for the appropriation of the net amount of a judgment of the Court of Claims in favor of the Ute Indians, dated February 13, 1911, aggregating the sum of $3,305,257.19, for incorporation in the general deficiency bill.

The estimate has been submitted to the President and has received his approval. It is forwarded, through your department, for the appropriate action of the Congress.

Very respectfully, WALTER L. FISHER, *Secretary.*

I want to say, for the information of the House, that the court took into consideration all of the items that had been expended on account of the Indians and found that there should be a set-off of $2,795,155, and that amount was charged to the Indians. The court did not set off certain other amounts that the defendants claimed ought to be allowed, on the ground that there was an adequate consideration in the treaties under which these expenditures were made and the jurisdictional act so directed. In the opinion the court said:

Congress from time to time made appropriations of money to the plaintiffs, which in terms were made in pursuance of the treaties of 1863 and 1868. (13 Stats., 560; 17 id., 457.) After such treaty stipulations with the plaintiffs and after such recognition of their validity for more than 40 years, we do not think the defendants can successfully set up the claim that these payments were made without adequate consideration. Certainly no such claim would ever be made against any people other than Indians. We do not think, therefore, that the plaintiffs are properly chargeable with any payments made to them under and pursuant to the treaties of 1863 and 1868. We are also asked to charge the plaintiffs with $70,064.78, appropriated by act of Congress May 27, 1902 (32 Stats., 263), to be paid to the Uinta and White River Utes. This appears to relate to an entirely different transaction than the one under consideration, * * * and said sum of $70,064.78 was appropriated to be paid said Indians for relinquishing their title to such unallotted lands, the same to be reimbursed in the manner before stated.

I have examined the treaties, and I find that the court could not, in view of the language in the jurisdictional act, do different than it did in refusing to charge these amounts against the Indians. On the other hand, the plaintiffs contended that they were entitled to compound interest from 1880 and claimed nearly two million and a half dollars of interest, which the court disallowed. It not only disallowed the compound interest, but it disallowed simple interest. The Court of Claims, under date of February 13, 1911, under the heading "Conclusion of law," stated as follows:

Upon the previous findings of fact, and including the above supplemental finding, the former judgment is set aside, and the court now decides as a conclusion of law that the plaintiffs are entitled to judgment against the United States in the sum of $3,516,231.05 as and for the sum due to them up to and including June 30, 1910, out of which judgment, as provided by the jurisdictional act and the stipulation between claimants' attorneys, there shall be paid to Josiah M. Vale, Esq., attorney of record in said cause, for himself and all other attorneys and counsel interested in the prosecution of said cause before committees of Congress and this court 6 per cent thereof, amounting in the aggregate to $210,973.86.

Gentlemen, the attorneys have been paid, and unless Congress makes an appropriation to pay this judgment in the near future I apprehend that these same gentlemen will probably get a contract with the Indians for the purpose of collecting the judgment; and when Congress makes the appropriation they will get $210,000 more, and therefore we ought to provide for its payment now.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. FITZGERALD. Does the gentleman think the Secretary of the Interior will approve any such contract as that, which is necessary in order to make it valid?

Mr. BURKE of South Dakota. I will say to the gentleman there is no approved contract for the fees which were allowed in this case. They were allowed by the court.

Mr. FITZGERALD. The law specifically provides for such allowance, which is very important. If it had not been for that provision of the statute no contract made between the attorneys and the Indians for their services could have been enforced unless it had been approved by the Secretary of the Interior.

Mr. BURKE of South Dakota. I want to call the gentleman's attention to the fact that those gentlemen took care of that when the jurisdictional act was prepared and incorporated in the Indian appropriation bill, and they left it to the court to determine what they should receive.

Mr. MANN. Will the gentleman yield?

Mr. BURKE of South Dakota. Certainly.

Mr. MANN. Is it not a fact the court did not determine the matter, but took the agreement between the counsel as to what the fees should be?

Mr. BURKE of South Dakota. I think not, because the jurisdictional act of March 3, 1909, provides:

In rendering judgment herein the court shall fix upon a quantum meruit and set apart a just and reasonable compensation to the attorneys on behalf of plaintiffs who have rendered actual service in perfecting said claim before the committees of Congress and in conducting the said cause before the courts.

Mr. MANN. See what the judgment says.

Mr. BURKE of South Dakota. The court says:

The jurisdictional act provides that such fees are to be allowed for services before committees of Congress in the matter of this claim as well as for services before the courts.

It appears that the principal services rendered in this matter were before committees in Congress. Such services can hardly be allowed for on the basis of the professional services of a lawyer, and this fact renders it somewhat difficult to determine the amount properly to be fixed. The fact also should be noted that there was no appeal from the decision of this court in this suit, which would necessarily involve considerably more labor and expense; neither were any witnesses examined on either side. In fact, the whole case was tried upon the record as made up by official reports and public documents. The jurisdictional act by which the suit comes to this court provides that upon the rendition of judgment herein the payment to the claimants of the annuity of $50,000 per annum shall cease, and the fund of $1,250,000 set apart for them in the Treasury shall no longer exist as a trust fund for their benefit. This fact materially reduces the actual benefit which the claimants are to receive by virtue of the judgment.

I want to call attention to the fact that these Indians had to their credit, or what amounted to their credit, $1,250,000, about which there was no dispute, and the jurisdictional act provided that that should be included in the judgment, and so it did become a part of the judgment, and the attorneys got 6 per cent on the amount of $1,250,000, which was in the Treasury, and about which there was no contention. In other words, the attorneys have received $75,000 for having a fund that was in the Treasury, to all intents and purposes, for simply having it included in a judgment, and thereby lost $50,000 that was paid to them annually, being 4 per cent interest on $1,250,000, and now the Indians have nothing—only the judgment.

In order that the committee may clearly understand just what this $1,250,000 proposition is, I will read the third article of the treaty made in 1880, which is as follows:

That in consideration of the cession of territory to be made by the said confederated bands of the Ute Nation, the United States, in addition to the annuities and sums for provisions and clothing stipulated and provided for in existing treaties and laws, agrees to set apart and hold, as a perpetual trust for the said Ute Indians, a sum of money, or its equivalent in bonds of the United States, which shall be sufficient to produce the sum of $50,000 per annum, which sum of $50,000 shall be distributed per capita to them annually forever.

In the act of Congress approved June 15, 1880, ratifying the treaty, a provision was incorporated, which is section 5 of the act, and reads as follows:

That the Secretary of the Treasury shall, out of any moneys in the Treasury not otherwise appropriated, set apart and hold as a perpetual trust fund for said Ute Indians an amount of money sufficient at 4 per cent to produce annually $50,000, which interest shall be paid to them per capita in cash annually, as provided in said agreement.

It will be noted that the treaty obligated the United States to pay the Indians $50,000 annually forever. The jurisdictional act, as has already been stated, provided that $1,250,000 should be incorporated in the judgment and thereafter interest should cease.

Mr. GODWIN of North Carolina. If the gentleman will permit, does the gentleman know how many attorneys there were?

Mr. BURKE of South Dakota. I have this information, the court gives the names of the attorneys that appeared as counsel in the case and the names of several that it is stated appeared on the brief.

Mr. GODWIN of North Carolina. Will the gentleman please state the names of the attorneys?

Mr. BURKE of South Dakota. I will be glad to do so, as they appear in the report. They are Mr. J. M. Vale and Mr. Marion Butler for the claimants, and Messrs. C. C. Clements, James M. E. O'Grady, Samuel J. Crawford, Richard F. Pettigrew, Melvin E. Grigsby, Adair Wilson, William C. Shelley, and Kie Oldham were on the brief.

Mr. GODWIN of North Carolina. Will the gentleman state how they received their money if there was no authority at law for it?

Mr. BURKE of South Dakota. I am unable to inform the gentleman, except the disbursing officer of the Treasury undoubtedly assumed, and perhaps rightly, as I have already stated, that he had the authority under the jurisdictional act, there being some $2,000,000 received for the sale of ceded land, that they could pay the attorneys' fees out of that fund.

Mr. MANN. There was over a million of dollars at that time in the Treasury?

Mr. BURKE of South Dakota. Oh, quite a sum.

Mr. GODWIN of North Carolina. You say the attorneys' fee has been paid and the judgment has not been paid?

Mr. BURKE of South Dakota. The judgment has not been paid, and so far as I know the attorneys are not exercising themselves at the present time to see that the judgment is paid, and I presume it would be better from their standpoint if it is not paid, because it affords an opportunity for another good big fee for getting legislation to pay a judgment rendered by the Court of Claims, and a final judgment, the time for an appeal having expired and no appeal having been taken.

Mr. GODWIN of North Carolina. Do you consider the pay reasonable and fair for services rendered?

Mr. BURKE of South Dakota. Mr. Chairman, I have some views relative to services rendered by lawyers and others for lobbying before committees of Congress, and especially with individual Members, for as a general thing they do not make a practice of going before committees, but do their work, as before stated, with a few individuals and usually with those comprising the conferees on the Indian appropriation bill. I think my position is pretty well understood upon that question. I do not care to stop and discuss it now. But I do say that we ought not to pass these jurisdictional acts conferring upon the Court of Claims jurisdiction to determine by an amendment on an appropriation bill put on in another body and agreed to in conference, without any consideration in the House and without either the Senate or the House knowing anything about what is behind the claim or the merits of it.

Mr. GODWIN of North Carolina. What act authorized the payment of this attorney's fee?

Mr. BURKE of South Dakota. I assume the jurisdictional act; I have twice stated my opinion regarding it.

Mr. GODWIN of North Carolina. In what Congress?

Mr. BURKE of South Dakota. In the Fifty-ninth Congress, second session, and I want to say to the gentleman that this came to the House from the Senate as an item in the Indian appropriation bill and was agreed to in conference. I want to further say in justification of my own position as a member of the Committee on Indian Affairs that I was not a Member of Congress at the time this appropriation bill passed. It was during the Sixtieth Congress, when I was not a Member.

Mr. MANN. Will the gentleman yield to a question in reference to the attorneys' fees? Were they not computed by the court upon a percentage basis?

Mr. BURKE of South Dakota. On the basis of 6 per cent, I will say to the gentleman, on the amount of the judgment.

Mr. MANN. Was that not by agreement or stipulation among the counsel?

Mr. BURKE of South Dakota. I think not. I think, Mr. Chairman, if you were to get the facts on that you would find that these gentlemen were claiming 15 per cent of this judgmen. And I will say further that there was a former suit brought in the Court of Claims under a resolution sending the matter to the court under the Tucker Act, and it was dismissed by the court for want of jurisdiction. The attorneys in that proceeding were some of the same attorneys in the later proceeding when the judgment was obtained, and they claimed in the first case that they were operating under a contract which had been obtained from the Indians in 1897 which provided a fee of not exceeding 15 per cent. In that suit they were claiming $10,000,000 from the United States.

Mr. MANN. I would like to make another inquiry of the gentleman in this connection. As I understand, the gentleman who had the contract for representing the Indians in this case was a Mr. Vale?

Mr. BURKE of South Dakota. Yes, sir.

Mr. MANN. And that there appears in the record in this case as counsel in the case one Marion Butler and one Richard F. Pettigrew? I would like to make the bald inquiry whether those two gentlemen were Members of the United States Senate at the time that Mr. Vale secured his contract to represent the Indians in this matter?

Mr. RUCKER of Colorado. The date would show.

Mr. BURKE of South Dakota. In answer to the inquiry of the gentleman, I would say that in the Forty-third Court of Claims Report, page 260, is the report in the case of the White River Utes et al. against The United States, and by reference to this opinion I find that the contracts were made in 1896—I think in November. At that time Mr. Butler and Mr. Pettigrew were Members of the Senate. The jurisdictional act that sent this case to the Court of Claims the first time, which was under the Tucker Act, says:

> The said Indians may be represented in the prosecution of said claims by Josiah M. Vale, Courtland C. Clements, Kie Oldham, William C. Shelley, Adair Wilson, and William S. Peabody, the attorneys named in the contracts between said Indians and said attorneys on file in the office of the Commissioner of Indian Affairs, bearing date November 7, 1896, October 31, 1896, and July 1, 1897; and the Secretary of the Treasury is hereby authorized and directed to set apart and pay to said attorneys as their compensation a sum of money not to exceed 15 per cent of the sum paid to said Indians, or awarded or found to be due to them or deposited in the Treasury for their benefit as hereinbefore provided.

I am reading from the first jurisdictional act.

Mr. MARTIN of Colorado. When was that passed?

Mr. BURKE of South Dakota. In the Fifty-eighth Congress, first session, which would be in 1908, and the reason the suit was dismissed that was brought under that act was that the court said:

> Thus it will be seen that the bill seeks to confer upon the Secretary of the Interior judicial powers; that is to say, the construction of treaties and agreements and the determination of the amount due for use and occupation, etc. In other words, it makes the Department of the Interior a court in which is to be settled and adjudicated the matters in difference between the Indians and the Government, and calls upon the Secretary of that department for something more than the mere exercise of his present duty which would have been needless. The bill does not call for the "payment of a claim" within the meaning of the fourteenth section of the Tucker Act, but directs the Secretary of the Interior to adjudicate this claim in the manner provided by the bill, and upon such adjudication it is to be paid.
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> * * * * * * *
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> What is this court called upon to do by the present reference? There can be but one answer to the question, and that is, That it is asked to do just what it would have been the duty of the Secretary of the Interior to do in case the bill had become a law, and that is to try the lawsuit between parties and determine the amount which shall be recovered.
>
> If Congress desires to give this court jurisdiction to try this lawsuit between these Indians and the Government, and finally adjudicate the matter, it will do so by law conferring upon this court that jurisdiction. It will give this court just the same jurisdiction which the present bill seeks to confer upon the Secretary of the Interior.

Mr. GODWIN of North Carolina rose.

Mr. BURKE of South Dakota. I will yield first to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. This jurisdictional act authorizes compensation by attorneys' fees equivalent to 15 per cent of the amount involved?

Mr. BURKE of South Dakota. Not to exceed 15 per cent. That was the resolution that passed in 1908. The later act left it to be determined by the court.

Mr. MARTIN of Colorado. What did the contract with the attorneys call for?

Mr. BURKE of South Dakota. I suppose 15 per cent.

In the jurisdictional act, which was incorporated in the Indian appropriation bill in 1909, direction was given to the court to consider the evidence that had been taken in the case which had been dismissed for want of jurisdiction, so that in the last trial it was merely a matter of computation, practically, and the examination of the evidence that had already been taken. In fixing the fee, the court commented as follows:

> It appears that the principal services rendered in this matter were before the committee in Congress. Such services can hardly be allowed for on the basis of the professional services of a lawyer, and this fact renders it somewhat difficult to determine the amount properly to be fixed. The fact also should be noted that there was no appeal from the decision of this court in this suit, which would necessarily involve

considerable more labor and expense; neither were any witnesses examined on either side; in fact, the whole case was tried upon the record as made up by official reports and public documents.

Mr. GODWIN of North Carolina. Is it not a fact that at the time these contracts were made for the attorneys' fees Marion Butler was then a United States Senator from the State of North Carolina?

Mr. BURKE of South Dakota. My understanding is that he was.

Mr. GODWIN of North Carolina. Is it not a fact that afterwards he became a law partner with this recipient of attorneys' fees, Mr. Vale?

Mr. BURKE of South Dakota. I think it is well understood that he is the law partner of Mr. Vale.

Mr. Chairman, as to why this appropriation ought to be made, in addition to what I have stated before, this judgment was entered under a provision in the agreement of 1880. The Indians were to be paid annually a sum of money to be determined by computing the interest at 4 per cent on an amount that would equal $1,250,000. Therefore, $1,250,000 was in the Treasury, ostensibly as a paper credit, and the Indians received $50,000 every year. That was charged to them in this judgment.

The jurisdictional act provided that as soon as a judgment was rendered that $1,250,000 should be merged in the judgment, and the interest thereon, which was being paid annually, should cease. Consequently, the Indians have not been receiving the $50,000 a year and have not had a cent since that judgment was entered, so that their condition at the present time is this: Judgment has been entered in their favor against the United States; by reason of that judgment $211,000 in round figures of money that belonged to them has been paid to certain attorneys; $50,000 a year, which they had received annually under the agreement with the Government, has ceased; and the Indians to-day are in a destitute condition. The department, in the estimate which is submitted, makes the statement that the Indians are reported to be in a destitute condition, and by reason of the comptroller's decision there are no means afforded for their relief.

It was thought that under the jurisdictional act this money would be available without an appropriation by Congress. But the comptroller held otherwise, and, consequently, as I have already stated, they are entirely without any income whatever, and we owe it, I say, to these Indians that we make an appropriation to pay this judgment, regardless of whether it is $3,000,000 or $10,000,000; and we ought to do it in order to avoid a further scandal, which will probably follow, in consequence of a large sum of money being paid to somebody who will come here and secure legislation providing an appropriation for the payment of this judgment.

Therefore, I hope that the gentleman from New York [Mr. FITZGERALD] will accept this amendment and take care of this on this general deficiency bill, where it properly belongs, so that the conferees on the Indian appropriation bill may be relieved of an item that is now upon the Indian appropriation bill that is not there properly.

Mr. FITZGERALD. Mr. Chairman, in order to get the matter adjusted, I shall withdraw the point of order and move that all debate on the pending amendment close in 15 minutes.

Mr. RUCKER of Colorado. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. The Clerk will report the amendment.

The amendment was again read.

Mr. FITZGERALD. Mr. Chairman, I move to close all debate in 10 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from New York that all debate close in 10 minutes.

The motion was agreed to.

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not be adopted. It is not necessary to appropriate $3,300,000 to satisfy this judgment or carry out its terms, if eventually they should be carried out. A direction to open an account to the credit of the Indians, and a provision for the payment of the interest upon the designated sum, would be all that would be required. The gentleman from South Dakota [Mr. BURKE] has referred at some length to the more important facts in this case. I have examined, as carefully as possible, the judgment of the Court of Claims. It appears from the findings of fact that sums aggregating $3,322,305.34 expended by the United States for the benefit of these Indians were not set off against their claim. The court states in its opinion that it believes adequate consideration has moved to the United States for these payments.

I have not had opportunity to give that examination which would induce me to be willing to acquiesce in that finding.

From an examination of the opinion of the court it is very difficult to ascertain the reasons for the attitude of the court upon some important phases of the questions involved. I endeavored to have Judge Barney, of the Court of Claims, come here and go over the case with the members of the committee, so that they might be more fully informed regarding it. Unfortunately he is away from the city and will not return until October. There are enough unsatisfactory features about this judgment to make it advisable that the Congress proceed slowly in satisfying it as proposed by the gentleman from South Dakota.

Mr. MARTIN of Colorado. May I interrupt the gentleman?

Mr. FITZGERALD. Certainly.

Mr. MARTIN of Colorado. I should like to know if the gentleman thinks Congress ought to proceed so slowly as to give no consideration whatever to a claim of this character?

Mr. FITZGERALD. But consideration is being given.

Mr. MARTIN of Colorado. The gentleman knows that I repeatedly demanded a hearing on my bill before his committee.

Mr. BURKE of South Dakota. I appreciate the fact that the gentleman's time is limited, but I should like to ask him one more question.

Mr. MARTIN of Colorado. I do not think the gentleman's time needs to be so limited.

Mr. BURKE of South Dakota. I should like to ask the gentleman from New York if this is not a final judgment of the Court of Claims, and if the time for appeal has not expired?

Mr. FITZGERALD. Yes.

Mr. MARTIN of Colorado. Mr. Chairman, I make the point of no quorum present, if the gentleman's time is so precious.

The CHAIRMAN. The gentleman from Colorado [Mr. MARTIN] makes the point of no quorum present. [After counting.] Fifty-one Members present; not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Davis, W. Va.	Hinds	Patton, Pa.
Aiken, S. C.	De Forest	Holland	Pepper
Ainey	Denver	Howard	Peters
Ames	Dies	Howland	Pickett
Anderson, Minn.	Difenderfer	Hughes, Ga.	Porter
Andrus	Dodds	Hughes, N. J.	Powers
Ansberry	Donohoe	Hughes, W. Va.	Prince
Anthony	Draper	Jackson	Pujo
Austin	Driscoll, M. E.	James	Randell
Ayres	Dwight	Johnson, Ky.	Reyburn
Barchfeld	Dyer	Kahn	Riordan
Barnhart	Edwards	Kindred	Roberts, Mass.
Bartholdt	Ellerbe	Kinkead, N. J.	Roberts, Nev.
Bartlett	Esch	Kopp	Roddenbery
Bates	Fairchild	Lafean	Rodenberg
Bathrick	Faison	Langham	Rothermel
Beall, Tex.	Ferris	Langley	Rucker, Mo.
Bell, Ga.	Fields	Lawrence	Sabath
Berger	Finley	Lee, Ga.	Saunders
Booher	Focht	Legare	Scully
Bradley	Fordney	Lenroot	Sells
Brantley	Fornes	Levy	Sheppard
Broussard	Foss	Lewis	Sherwood
Browning	Fuller	Lindsay	Simmons
Burgess	Gardner, Mass.	Linthicum	Slemp
Burke, Pa.	Gardner, N. J.	Littlepage	Small
Butler	Garner	Littleton	Smith, J. M. C.
Byrnes, S. C.	Garrett	Longworth	Smith, Saml. W.
Calder	George	Loud	Smith, Cal.
Calloway	Gillett	McCall	Smith, N. Y.
Campbell	Glass	McCoy	Speer
Cantrill	Goldfogle	McCreary	Stack
Carlin	Graham	McGuire, Okla.	Stanley
Carter	Green, Iowa	McHenry	Stephens, Miss.
Cary	Gregg, Pa.	McKenzie	Switzer
Catlin	Gregg, Tex.	Macon	Talbott, Md.
Clark, Fla.	Griest	Madden	Taylor, Ala.
Clayton	Guernsey	Maher	Thistlewood
Cline	Hamill	Martin, S. Dak.	Thomas
Collier	Hamilton, Mich.	Matthews	Tilson
Cooper	Hamilton, W. Va.	Miller	Towner
Copley	Hardwick	Moon, Pa.	Turnbull
Covington	Harris	Moon, Tenn.	Underhill
Cox, Ind.	Harrison, N. Y.	Moore, Tex.	Utter
Cox, Ohio	Hartman	Morgan	Vare
Crago	Haugen	Morse	Vreeland
Cravens	Hayden	Mott	Webb
Crumpacker	Hayes	Murdock	White
Currier	Heald	Needham	Wilder
Dalzell	Helgesen	Nelson	Wilson, Ill.
Danforth	Helm	Nye	Wilson, N. Y.
Daugherty	Henry, Conn.	Oldfield	Wood, N. J.
Davenport	Higgins	Olmsted	Woods, Iowa
Davidson	Hill	Patten, N. Y.	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Present."

The committee rose; and the Speaker having resumed the Chair, Mr. HAMMOND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the general deficiency appropriation bill; and, finding itself without a quorum, he had directed

the roll to be called, when 174 Members had responded to their names—a quorum—and he reported the names of the absentees to the House.

Mr. MARTIN of Colorado. Mr. Speaker, I rise to a question of personal privilege.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that nothing is in order at this time except for the committee to resume its sitting.

The SPEAKER. Nothing is in order at this juncture except for the committee to resume its sitting.

The committee resumed its sitting.

Mr. FITZGERALD. Mr. Chairman, as I was stating when the point of order of no quorum was made, it appears from the findings of the Court of Claims that credit was not given to the United States for $3,322,000. More than 7,500,000 acres of land additional will be disposed of for the benefit of those Indians, if I understand the decision correctly, under the terms of this decision. For some reason or other no appeal was taken from this judgment on the part of the United States to the United States Supreme Court. So far as the Committee on Appropriations were able to determine, it was impossible to say, without further investigation, whether legislation should not be enacted compelling an appeal to be taken on behalf of the United States Government before the judgment should be accepted as conclusive against its interests. It is true that these Indians appear to be in a condition where some appropriation is needed for their relief. I hope that before this session of Congress expires provision will be made to tide them over the present situation, but I sincerely trust that this amendment to appropriate $3,300,000, and interest thereon at 4 per cent, for their benefit under this judgment, will not be adopted at this time. It is one of those pieces of legislation incorporated in an appropriation bill in another body, agreed to during the short session of Congress under great pressure. After an opportunity is afforded to examine it most everyone fears to have anything to do with it. Here was legislation of a most remarkable character, providing that the United States should consider as disposed of for cash Indian lands placed in a forest reserve under Executive order.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BURKE of South Dakota. I do not want the gentleman to misstate the facts, and I know he does not intend to. He misunderstands the situation. Under the treaty of 1880 the Indians ceded all these lands to the United States.

Mr. FITZGERALD. I understand that.

Mr. BURKE of South Dakota. And the United States agreed to sell the land and apply the proceeds to the benefit of the Indians; and it took about 4,000,000 acres and appropriated the land to its own use, creating a number of forest reservations, and the jurisdictional act, incorporated in the Indian appropriation act of 1909, authorized and directed the court to find how much those lands were worth.

Mr. FITZGERALD. It did more than that. It provided that lands set aside from public lands or in reservations should be considered as sold for cash. The court apparently has ignored or forgotten the Lone Wolf case, in which the United States Supreme Court, in One hundred and eighty-seventh United States, decided that the power of Congress in these matters was so comprehensive as to completely revolutionize the attitude and the action taken by Congress in these respects. These lands could easily have been in reserves and yet utilized beneficially by the Indians.

Mr. BURKE of South Dakota. Mr. Chairman, Congress by the jurisdictional act directed the court to do it.

Mr. FITZGERALD. I understand that, but I am speaking of the extraordinary character of that act and the Court of Claims in fixing the compensation of counsel at $211,000—6 per cent upon the amount of the judgment, which included $1,250,000 already in the Treasury to the credit of the Indians—stated that the services for which compensation was to be awarded were services rendered almost entirely in work before committees of Congress, and it emphasized the fact that it must have required remarkable services and services of a very high order to persuade Congress to treat these lands placed in forest reserves as lands actually sold for cash.

Mr. Chairman, the time does not permit a fuller or more comprehensive discussion of the terms of this judgment. I think it will be sufficient to say to this committee that the Committee on Appropriations took up the question of including an item in this bill to satisfy this judgment. After examination and upon investigation it was so doubtful as to the propriety of recommending the item at this time that, without dissent whatever, it determined that it would be very unwise and improper to make a recommendation until an opportunity should be given to obtain further information that would enable the committee to understand better the decision of the court and to determine whether Congress should not be requested to enact legislation which would require an appeal in order to protect the interests of the United States. I hope that the amendment will not be agreed to.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. RUCKER of Colorado. The gentleman does not mean to lay down the policy that the Committee on Appropriations shall stand here and report an appeal from a judgment of the Court of Claims?

Mr. FITZGERALD. No; I do not lay that down as a policy, but I say this——

Mr. RUCKER of Colorado. Wait one moment. The gentleman has answered that question. Will the gentleman give one single instance wherein he thinks this judgment rendered by the Court of Claims is not founded upon justice, except that it had allowed the $210,000 to these attorneys.

Mr. FITZGERALD. Yes; in the tenth finding of fact, found on page 9 of the decision of the court, the court finds that $3,322,305.34, within $200,000 of the amount found to be due to the Indians, had been expended by the United States for the benefit of Indians, and that amount was not allowed as a set-off against the claims of the Indians.

Mr. RUCKER of Colorado. But will the gentleman not admit——

Mr. FITZGERALD. Let me conclude my statement. I will state the facts. The court stated that in its opinion, under the treaty, it believed that adequate consideration had moved to the United States for this expenditure. Members of the committee are unable to acquiesce in that determination without further opportunity to investigate. They also desire an opportunity to ascertain why an appeal was not taken on behalf of the United States from this judgment. If the United States Supreme Court determined that this $3,322,000 should have been allowed to the United States as a credit instead of a judgment aggregating $3,500,000 in favor of the Indians there would have been only a judgment of $200,000. Under all of these circumstances, disinterested in the matter, and anxious to do only that which will mete out full judgment to the United States and those claiming to be the beneficiaries under this judgment, the committee requests that this item be not agreed to at this time.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. MANN. Mr. Chairman, I think the Chair is in error. The committee did vote to close debate in 10 minutes, but we are proceeding under the 5-minute rule. The gentleman has only had 5 minutes, and therefore the time has not expired.

The CHAIRMAN. The gentleman from New York has occupied a longer period than five minutes.

Mr. MANN. If the Chair has overrun the time, that is not the fault of the committee. There has only been one five-minute period.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. Mr. Chairman, I desire to be notified at the end of three minutes, if I may. I agree with the gentleman from New York [Mr. FITZGERALD] that this judgment ought not to go into this bill at this time. I appreciate the motives of the distinguished gentleman from South Dakota [Mr. BURKE] in offering the amendment. The same proposition is pending as a Senate amendment to the Indian appropriation bill—where it does not belong—and if it is to be appropriated for at this time—where it does not belong—it should be upon this bill. The trouble is, however, this whole case reeks with suspicion, if not with fraud. The claim originally provided by a Senate amendment introduced in those peculiar ways which the body at the other end of the Capitol sometimes agrees to and kept in the appropriation bill in conference in the closing hours of a short session of Congress through the influence of hired or employed counsel friendly to various members of the conference committee or other Members of Congress getting into the Court of Claims under peculiar circumstances like this, not as an ordinary claim, but with direction in the jurisdictional act to the Court of Claims, a judgment has been rendered, which judgment, in my opinion, ought not to be paid until there has been an investigation. When Marion Butler, at one time a distinguished Senator of the United States—or a Senator of the United States, I would say—and since then a lobbyist and attorney for Indian claims, is connected with one of these claims, that fact of itself is enough to excite some suspicion; but when

connected with him in the case there are a number of other names of men who appear in the brief as counsel who never did a stroke of service in the case, except to endeavor to influence the action of Congress through personal influence, the claim still requires further investigation. These gentlemen have been paid over $200,000 for lobbying, and the court has found that most of the money was for lobbying before Congress. I am not in favor of paying the judgment until we know whether we owe the money, regardless of the provisions of the jurisdictional act inserted in this manner. I hope the Chair will now recognize my colleague from Illinois [Mr. CANNON] for the remaining two minutes.

Mr. FOWLER. Mr. Chairman, I desire to ask the gentleman one question before the gentleman from Illinois makes his speech.

Mr. CANNON. The time is all up. Mr. Chairman, in the two minutes I merely desire to say that this is a judgment of the Court of Claims. I am not prepared to say by any manner of means considering the jurisdictional act that the judgment is not correct. I apprehend that it is. I have confidence in the Court of Claims, but it seems by virtue of the jurisdictional act that the Indians under this judgment are cut off from $50,000 a year that they were getting as an annuity and now do not get anything. It seems further that the attorneys got $200,000 plus and the Indians did not get anything. The attorneys have got——

Mr. BURKE of South Dakota. The Indians have lost what they had.

Mr. CANNON. Have lost their $50,000 a year. We made a little investigation and when we found that it was a question that ought to be investigated and that a Senate amendment had put this item upon the Indian appropriation bill, we said under all the circumstances that we were not satisfied and did not report it. Now, I believe before this Congress adjourns that this judgment ought to be appropriated for, but if it is not appropriated for I believe that an amount sufficient to meet the immediate wants of the distressed Indians, 2,000 of them, who have been cut off from what they were getting, should be provided for by appropriation, reimbursable from what in the end ought to come to them from this judgment.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. FITZGERALD) there were—ayes 3, noes 78.

So the amendment was rejected.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to ask leave to extend and revise my remarks in the RECORD on the subject of the amendment I offered in reference to the Ute Indians.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota. [After a pause.] The Chair hears none.

The Clerk read as follows:

JUDGMENTS IN INDIAN DEPREDATION CLAIMS.

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress in House Document No. 776, at its present session, $39,971; said judgments to be paid after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian Service: *Provided*, That no one of said judgments provided in this paragraph shall be paid until the Attorney General shall have certified to the Secretary of the Treasury that there exists no grounds sufficient, in his opinion, to support a motion for a new trial or an appeal of said cause.

Mr. MANN. Mr. Chairman, I reserve a point of order upon the paragraph. I desire to ask the gentleman from New York [Mr. FITZGERALD] if he knows whether the language of this paragraph, which relates to judgment in Indian depredation claims, provides that judgment shall be made according to the discretion of the Secretary of the Interior, and so forth, "shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interest of the Indian Service." My recollection is that the law provided that Indian depredation claims shall be paid when there is no money in the Treasury to the credit of the Indians out of the General Treasury and to be reimbursable out of the fund of the Indians.

Mr. FITZGERALD. That is the provision of the law. The statute provides:

That the amount of any judgment so rendered against any tribe of Indians shall be charged against the tribe by which, or by members of which, the court shall find that the depredation was committed, and shall be deducted and paid in the following manner: First, from annuities due said tribe from the United States; second, if no annuities are due or available, then from any other funds due said tribe from the United States, arising from the sale of their lands or otherwise; third, if no such funds are due or available, then from any appropriation for the benefit of said tribe, other than appropriations for their current and necessary support, subsistence, and education; and, fourth, if no such annuity, fund or appropriation is due or available, then the amount of the judgment shall be paid from the Treasury of the United States: *Provided*, That any amount so paid from the Treasury of the United States shall remain a charge against such tribe, and shall be deducted from any annuity, fund or appropriation hereinbefore designated which may hereafter become due from the United States to such tribe.

Mr. MANN. I will say to the gentleman in all frankness that I am not sure there is a subsequent statute on the subject; and I make a point of order against this language and the paragraph, Mr. Chairman:

On page 45, in line 5, after the word "act," all of the language down to line 8, to and including the word "affected"; and also, beginning in line 9, at the end of the line, down to and including the word "service" in line 12.

Mr. FITZGERALD. I ask the Clerk to report the language.

Mr. MANN. The language against which I make the point of order is this. Beginning on line 5—

and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribes affected.

And then again, beginning, in line 9, with the word "at," at the end of the line—

at such times and in such proportions as the Secretary of the Interior may decide to be for the interest of the Indian service.

Mr. FITZGERALD. You might as well take it all out. The rest is the law, anyway.

Mr. MANN. The rest provides simply, according to statute, for reimbursement.

Mr. FITZGERALD. The gentleman might as well take it out if he is going to take the other out.

Mr. MANN. I do not care to take out what the statute provides for. That leaves it reading right. It does not interfere with the sense of it.

Mr. FITZGERALD. The language to which the gentleman calls attention modifies the statute. It has been incorporated in this particular bill because for a great many years these judgments in Indian depredation cases have been provided for with these modifications of the act of March 3, 1891. I am not aware whether the discretion has ever been exercised by the Secretary of the Interior or not.

Mr. MANN. The committee reporting this bill has followed the practice, and I will say frankly I am not sure but they followed the law. If it is the law, it is not necessary for it to be in here. But the fact is these funds have been paid out of the Federal Treasury for years without any apparent attempt to have them reimbursed.

Mr. FITZGERALD. We might as well get that money as to have it go to some attorneys.

Mr. MANN. I think myself that that is right.

Mr. FITZGERALD. I concede the point of order.

The CHAIRMAN. Both points of order are sustained. The Clerk will read.

The Clerk read as follows:

For transportation of the Army and its supplies, $43,244.21.

Mr. BURKE of South Dakota. I move to strike out the last word, Mr. Chairman. I would like to ask the gentleman in charge of this bill if he can inform us whether or not under the item of "Transportation of the Army and its supplies" we are paying for the transportation of horses and men who go from some of the Army posts to some point—for instance, Washington—for the purpose of playing polo; whether the expenses are paid for out of appropriations that are made by Congress and whether this deficiency item is to cover any such expense?

Mr. MANN. Before the gentleman answers that I will say, in reference to the polo game, that I think it is worth it if it is.

Mr. BURKE of South Dakota. I was riding down on the Speedway one evening after the House had adjourned, during the recent polo contest here, and I stopped my machine to look at the game for a moment, and I was accosted by a policeman——

Mr. FITZGERALD. It probably saved the gentleman from being taken by the Sergeant at Arms.

Mr. BURKE of South Dakota (continuing). Who informed me that if I desired to stop in the street at the point where I did stop I would be required to pay $1, whereupon I moved on, not desiring to be arrested. Subsequently I saw in one of the

local papers that this public park was being used for the purpose of a polo contest, and that some one was collecting money from those who stopped in the street to observe the playing for the purpose of paying the expenses. I am trying to ascertain now whether or not the gentleman knows whether the cost of transporting horses and men from Fort Riley and Fort Sill and other posts in the United States to Washington and from here to other places is being paid for by the Government.

Mr. FITZGERALD. Mr. Chairman, there are a number of inquiries contained in the gentleman's question, and I shall make a statement covering them all.

There was an item submitted here to allow in the accounts of an officer for the purchase of polo ponies for the West Point cadets. Not knowing of any authority to make any such purchase, the item was not included in this bill. The appropriation for the transportation of the Army is carried in the bill for the support of the Army—the military establishment—and is not reported from the Committee on Appropriations. These particular items are audited claims which for some reason or other have not been presented in time to be paid out of the appropriations available, and are a class of claims that are paid when audited and inserted in the deficiency bill. My attention was called to the matter mentioned by the gentleman from South Dakota a short while ago. A few years ago, when the movement for playgrounds was very intense in this city, representations were made to the Committee on Appropriations that certain Government reservations could readily be utilized for playgrounds for children. Provision was made authorizing the engineer officer in charge of public buildings and grounds in the city of Washington to permit the use of such portions of the public service within the city of Washington as he deemed advisable for playground purposes.

It appears that under that statute a part of Potomac Park has been set aside as a playground for those who indulge in the pastime of polo, and under the same statute giving this authority, under such regulations as the Secretary of War might adopt, I am advised from information obtained in various ways that the engineer officer in charge of the public buildings and grounds in the city of Washington decided that he was authorized to impose a charge upon persons for stopping automobiles or other vehicles in public highways in the park in order to view the games.

The justification given for the charge was that it was necessary to expend some money in keeping the field in proper shape, and in order to obtain the revenue authority was given to the association, consisting of various Army polo teams, to make the charge. Of course in doing that several specific statutes were violated. There is no authority to permit anybody to spend other funds than those appropriated, and there is no authority which permits anybody to charge anybody for stopping at any place in the public parks. There is a statute expressly forbidding the acceptance of voluntary services or other contributions except by the authority of Congress.

Mr. BURKE of South Dakota. I would like to ask the gentleman whether or not the money that was collected was turned into the Treasury, and if it was how it was disbursed, or what disposition was made of it?

Mr. FITZGERALD. I doubt if it could be turned into the Treasury, because it could not be taken out and expended in keeping these grounds in shape without an appropriation; and, not having been turned into the Treasury, no other official was permitted to accept it in order to expend it on the grounds.

I do not think there is any authority anywhere which permits the making of such a charge, and I do not think it was contemplated that anybody could be charged. We spend a considerable sum of money in keeping Potomac Park in good condition. I doubt if there is any trouble in getting the money necessary and in getting Congress to keep this park in shape.

Mr. BURKE of South Dakota. Do I understand that the gentleman from New York [Mr. FITZGERALD] thinks that the expenses incident to the coming together of these men and horses that are used in this contest are paid for from the Federal Treasury?

Mr. FITZGERALD. I do not know. That is not a line of appropriations that come within the jurisdiction of the Committee on Appropriations.

Mr. SLAYDEN. Mr. Chairman, if the gentleman will permit me, I would like to make a statement.

Mr. FITZGERALD. I yield.

Mr. SLAYDEN. I will say, Mr. Chairman, that there is no appropriation made by the Committee on Military Affairs, which reports the Army appropriation bill, that would justify the Quartermaster General or any other officer in paying the expenses of transporting horses and men from one post to another for the purpose of playing polo.

Mr. BURKE of South Dakota. That was not my question.

Mr. KENDALL. The question is, Was it done?

Mr. BURKE of South Dakota. My question was whether or not the expenses were in fact paid out of the Federal Treasury.

Mr. SLAYDEN. I say there is nothing in the law that would warrant it, and if such a thing as that has been done it has been done contrary to the provisions of the law.

Mr. BURKE of South Dakota. I have been informed that it has been done.

Mr. SLAYDEN. Then I do not know under what regulations of the Quartermaster General it is done.

Mr. MANN. Mr. Chairman, I am one of the persons who paid a fee for the privilege of witnessing the game of polo on Potomac Park. I do not know how one could get a good opportunity of witnessing it without paying. Of course anybody could look at the game from a distance by taking an automobile out there, or taking a carriage out there, but nobody could see it to good advantage without getting into a good place, and then he would have to pay. I do not think that there is anything in the instruction and exercises that are practiced in the military schools, for which we pay large sums of money, that is worth as much to an Army officer when he comes to the time of fighting in a battle as the experience that he acquires in playing one of these fiercely contested polo games. Anyone who has watched the game can say the same thing. The boy who can play shinny without fear or favor has the nerve to be somebody. [Applause.] These men, I hope, are not "molly-coddles," and unless you want to make an army of "molly-coddles," do not stop the polo games. [Applause.]

Mr. KINKAID of Nebraska. I ask unanimous consent, Mr. Chairman, to recur to page 40, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Nebraska [Mr. KINKAID] asks unanimous consent to return to page 40, for the purpose of offering an amendment. Is there objection?

Mr. FITZGERALD. What is the amendment?

Mr. KINKAID of Nebraska. It is in regard to a game reserve. It will take only a minute.

Mr. FITZGERALD. Let the amendment be reported.

Mr. KINKAID of Nebraska. It is an amendment for a reappropriation of funds heretofore appropriated and unexpended.

Mr. FITZGERALD. Let the amendment be reported for the information of the committee, or I shall be constrained to object.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Nebraska [Mr. KINKAID].

The Clerk read as follows:

Amend by inserting as a new paragraph, after line 21, page 40, the following:

"So much of the fund for the maintenance of the Montana National Bison Range and other reservations as remains unexpended on June 30, 1912, is hereby reappropriated and made available until expended for fencing and necessary sheds on the public lands in Cherry County, Nebr., heretofore reserved for game purposes, and for transporting thereto buffalo, elk, and deer which have been offered free to the Government."

The CHAIRMAN. Is there objection?

Mr. FITZGERALD. I object.

Mr. KINKAID of Nebraska. I would be pleased if the chairman of the Committee on Appropriations would withhold his objection until I can make an explanation.

Mr. FITZGERALD. A little later the gentleman can offer his amendment and make his statement.

The CHAIRMAN. Objection is heard, and the Clerk will read.

The Clerk read as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST OFFICE DEPARTMENT.

For inland mail transportation (star), $396.72.
For inland mail transportation (railroad), $14.09.
For indemnity for losses by registered mails, $292.27.
For shipment of supplies, $236.21.
For freight on mail bags, postal cards, etc., $15.59.
For compensation to postmasters, $201.12.
For special-delivery service, fees to messengers, 8 cents.
For freight and expressage on mail bags, postal cards, etc., $13.07.
For Rural Free-Delivery Service, $131.39.
For rent, light, and fuel, $311.14.
For Railway Mail Service, salaries, $43.01.
For canceling machines, $37.50.
For clerk hire, first and second class, $125.
For clerk hire, third class, $8.
For clerk hire, separating, $72.
For City Delivery Service, incidental expenses, $3.75.
For claims for additional salary of letter carriers under section 2 of act of January 3, 1887, $8,315.81.

Mr. KINKAID of Nebraska. Mr. Chairman, I desire to reoffer at this point the amendment which I sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting as a new paragraph, after line 6, page 59, the following:

"So much of the fund for the maintenance of the Montana National Bison Range and other reservations as remains unexpended on June 30, 1912, is hereby reappropriated and made available until expended for fencing and necessary sheds on the public lands in Cherry County, Nebr., heretofore reserved for game purposes, and for transporting thereto buffalo, elk, and deer which have been offered free to the Government.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that.

Mr. KINKAID of Nebraska. Mr. Chairman, in explanation of the amendment, I desire to have read a letter of the Secretary of the Treasury and a letter of the Secretary of Agriculture out of my time.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 31, 1912.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith, for the consideration of Congress, a communication from the Secretary of Agriculture of the 29th instant, submitting an estimate of reappropriation for inclusion in the general deficiency bill, as follows:

"General expenses, Bureau of Biological Survey: So much of the fund for the maintenance of the Montana National Bison Range and other reservations as remains unexpended on June 30, 1912, is hereby reappropriated and made available until expended for fencing on the national mammal and bird reservations and for transportation of game; and hereafter the appropriation for maintenance of said reservations may be utilized for fencing and for construction of shelters, sheds, and other necessary buildings: *Provided*, That the cost of any one building shall not exceed $500."

Respectfully, FRANKLIN MACVEAGH, *Secretary.*

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., May 29, 1912.

THE SECRETARY OF THE TREASURY.

SIR: I have the honor to submit, as an estimate for inclusion in the general deficiency bill for the fiscal year ending June 30, 1912, the following provision, and would respectfully request its immediate submission to Congress:

"General expenses, Bureau of Biological Survey: So much of the fund for the maintenance of the Montana National Bison Range and other reservations as remains unexpended on June 30, 1912, is hereby reappropriated and made available until expended for fencing on the national mammal and bird reservations and for transportation of game; and hereafter the appropriation for maintenance of said reservations may be utilized for fencing and for construction of shelters, sheds, and other necessary buildings: *Provided*, That the cost of any one building shall not exceed $500."

In explanation of this estimate, I may state that the Bureau of Biological Survey has recently received an offer of a gift of 39 buffalo, elk, and deer. This offer is conditioned on the animals being placed on a reservation in Nebraska and is not available for reservations elsewhere. The Niobrara Reservation is the only place in the State of Nebraska available for this purpose, and in order to avail itself of the present offer the department must construct an inclosure on the Niobrara Reservation immediately and arrange for the transfer of the animals at an early date. The reservation in question is well adapted to the purpose, and the present appropriation, if made available, will admit of the transfer of the herd, but the department is without specific authority to erect the necessary fencing. No additional appropriation is necessary if the balance remaining in this fund can be reappropriated for this purpose.

Very respectfully, W. M. HAYS, *Acting Secretary.*

Mr. KINKAID of Nebraska. Mr. Chairman, as shown by the letter, the purpose is to enable the Government to avail itself of the gift tendered it by the owner of a herd of buffalo, elk, and deer in Nebraska. It is a herd which he has bred up and held for a long time, an exceptionally fine herd. He is a Nebraska patriot, and for that reason wishes the herd kept in Nebraska, and offers it to the Government free, upon condition that the herd be kept at some point in Nebraska.

Heretofore the reservation, which is a part of the former Fort Niobrara Military Reservation, was set apart by Executive order for a game preserve, and this generous offer has since been made. The departmental officials are now very anxious to avail themselves of the gift of this very fine herd. No new appropriation of money is necessary. This amendment proposes to make the existing appropriation available and to enable the department to use it to the best advantage. I would like very much to have a vote upon the amendment.

Mr. STEPHENS of Texas. I desire to know what is the size of this game reservation.

Mr. KINKAID of Nebraska. About 12,000 acres.

Mr. STEPHENS of Texas. What animals are in the reservation at the present time?

Mr. KINKAID of Nebraska. Nothing but birds.

Mr. STEPHENS of Texas. How far are these buffalo from this reservation?

Mr. KINKAID of Nebraska. I should estimate the distance at about 170 miles.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. KINKAID of Nebraska. Certainly.

Mr. MOORE of Pennsylvania. Is this herd composed entirely of elk?

Mr. KINKAID of Nebraska. Buffalo, elk, and deer.

Mr. MOORE of Pennsylvania. Are there any bull moose in it?

Mr. KINKAID of Nebraska. We will keep them in Nebraska, if there are any.

Mr. STEPHENS of Texas. Will the gentleman inform us about how many buffalo there are in this herd, and how many it is proposed to put into this reserve?

Mr. KINKAID of Nebraska. I do not know just how many. I think about one-third of the total number of 39 are buffalo, but I do not remember definitely about that.

Mr. STEPHENS of Texas. Does not the gentleman think 12,000 acres are a good deal of land for 39 buffalo to run over?

Mr. MOORE of Pennsylvania. Not if the herd includes any bull moose.

Mr. KINKAID of Nebraska. We do not expect the herd to remain as small as it is. We expect to have a thousand head there in the course of time.

Mr. STEPHENS of Texas. They are increasing very rapidly, as I understand it.

Mr. KINKAID of Nebraska. I presume so.

Mr. STEPHENS of Texas. I favor the gentleman's amendment.

Mr. RUCKER of Colorado. Is the gentleman going to exclude sheep from this reservation?

Mr. KINKAID of Nebraska. They are going to build a fence around it and that will exclude sheep; yes.

Mr. RUCKER of Colorado. That puts me pretty hard up against the gentleman's proposition.

Mr. KINKAID of Nebraska. We have plenty of room for sheep though, outside.

Mr. RUCKER of Colorado. Outside of the fence?

Mr. KINKAID of Nebraska. Yes; outside of the fence.

Mr. MANN. Does the gentleman think any ordinary barbed wire fence would be sufficient to keep a bull moose inclosed?

Mr. KINKAID of Nebraska. When he is properly domesticated; yes.

Mr. MANN. If the gentleman knows of any fence which will keep a bull moose within bounds, I am sure he can sell the fence at a very high price. [Laughter.]

Mr. KINKAID of Nebraska. I should like very much to have a vote on my amendment. I regard it as a very meritorious proposition.

Mr. FITZGERALD. Mr. Chairman, the document read by the gentleman indicates that this amendment should not be permitted to pass without some comment. It appears that some estimable persons have corraled and have been nurturing and caring for a herd of buffalo, elk, and other wild animals. The care of this herd having become burdensome to them, the suggestion has been made that the Federal Government is the proper place to apply to relieve these individuals of the burden of voluntarily maintaining this very estimable enterprise. The person or party having on its back this peculiar animal or aggregation of animals offered to donate them to the people of the United States, and a representative of the Department of Agriculture urged before the committee, as one of the most persuasive arguments in favor of the Federal Government providing for the animals, that there were some private individuals who themselves had really been anxious to do this work. That was such an unheard-of thing under modern conditions that the Government should not hesitate a moment to appropriate the money and prohibit or prevent any private individual engaging in this enterprise.

I have no doubt that before long gentlemen on that side will regret that they had not included bull mooses in this array of wild animals that are to be corraled at some place in Nebraska, Montana, or other unknown and remote parts of the United States.

Mr. BURLESON. Unexplored regions.

Mr. FITZGERALD. Perhaps as the mangled remains of the bull mooses are found strewn from one end of the country to the other we will later be ready to give them decent interment; but I think it wise to permit certain of them to roam at large at present, conscious that the country and the Democratic Party will be very greatly benefited.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. HARDY. Mr. Chairman, a gentleman sitting by my side has suggested, inasmuch as the gentleman from New York has several times used the term "bull mooses," whether the plural of the term "bull moose" is "bull mooses" or "bull meese."

Mr. FITZGERALD. Mr. Chairman, the chief bull moose is perhaps better equipped to determine that question than anyone else, and I should have to refer to him.

Mr. RUCKER of Colorado. I want to say to the gentleman from New York that the West is not the habitat of the bull moose.

Mr. FITZGERALD. Mr. Chairman, it is anticipated that a certain cross between other breeds of animals will produce a very satisfactory type of animal that will be accepted into full membership in the bull moose herd. But rather than permit any discrimination against this particular type of animal at this time, anxious that they may all have an equal opportunity under the law, with special privilege to none, I shall be compelled to insist on the point of order.

Mr. SLOAN. Mr. Chairman, will the gentleman reserve his point of order for just one moment?

Mr. FITZGERALD. I will reserve it for just one moment.

Mr. SLOAN. Mr. Chairman, in order that there may be no political phase or color to this, I may say that the man who offers to donate this herd is a constituent of mine and is noted for two particular things. One is his lifelong devotion to saving the American buffalo, as there are but few living now, and the other is his lifelong devotion to Democracy, so that the matter has no political flavor.

Mr. FITZGERALD. Mr. Chairman, I would not encourage the gentleman to give up his lifelong devotion to either one of those things.

Mr. SLOAN. He would like to fasten his politics, like the rest of you, on the Government for a short time.

Mr. FITZGERALD. Mr. Chairman, I shall not permit his Democracy to be impaired by permitting him to be a party to a scheme to relieve himself of a burden at the expense of all of the people.

Mr. SLOAN. I regret there is so much fear on the part of any of the gentlemen in the way of a deer or a moose or anything of the kind.

Mr. BURLESON. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

SEC. 3. Refund of sums paid for documentary stamps: The time within which claims may be presented for refunding the sums paid for documentary stamps used on foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries, specified in the act entitled "An act to provide for refunding stamp taxes paid under the act of June 30, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries and authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes," approved February 1, 1909, be, and is hereby, extended to December 1, 1912.

Mr. MANN. Mr. Chairman, I make a point of order against the section.

Mr. FITZGERALD. Does the gentleman make it?

Mr. MANN. I will reserve it for a moment, if the gentleman desires.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Maryland [Mr. LINTHICUM] called the attention of the committee to the fact that a constituent of his has some claims aggregating about six hundred and some odd dollars, and accounts for the delay in obtaining the information upon which the claim may be presented by the fire in Baltimore some years ago. At that time his property was destroyed and with it all his accounts, papers, and other property. At the last session of the last Congress the time was extended one year because of three cases having come to the attention of the committee. It seems this gentleman has now procured the evidence upon which his claim might be allowed, and he asks the committee to extend the time, so as to give him an opportunity to present his claim to the department. The time has been extended on two or three other occasions.

Mr. MANN. Mr. Chairman, this is a claim which is 8 or 10 years old or thereabouts. The Baltimore fire was quite a number of years ago. The time has been extended a number of times, and unless it is the policy to make an unlimited extension of time I do not see why it should be extended another year. I make the point of order.

The CHAIRMAN. The point of order is sustained and the Clerk will read.

The Clerk read as follows:

SEC. 4. The Secretary of War is authorized and directed to grant and lease in the manner hereinafter provided, for a period of 25 years, such surplus water of the United States within the limits of or pertaining to the military reservation of Schofield Barracks (Waianae Uka), island of Oahu, Territory of Hawaii, as may not be needed for the supply of the military post and troops on said reservation; and he is further authorized and directed to include in such grant or lease authority to the grantee or lessee thereunder to enter upon such reservation and make surveys thereon for, and construct and maintain, dams, reservations, canals, ditches, flumes, tunnels, and pipe lines for the purpose of diverting and conducting from the reservation the water covered by such grant or lease at such places on said land as said grantee or lessee may select, subject to the approval of the Secretary of War; and to include also the right to said grantee or lessee to take from the lands of the United States adjacent thereto, subject to the approval of the Secretary of War, earth and stone necessary for such construction and maintenance: *Provided*, That said grant or lease shall be made to or entered into with the highest responsible bidder for such surplus water, under sealed proposal, after public advertisement of the terms and conditions thereof for a period of not less than 30 days in a newspaper or newspapers of general circulation published at Honolulu, in the Territory of Hawaii; such terms and conditions to be fixed by the Secretary of War when not inconsistent with the provisions of this section: *Provided further*, That the right to amend, alter, or repeal this section is hereby expressly reserved.

Mr. MANN. Mr. Chairman, I make the point of order against the section. This is the second time this matter has been up. I would be glad to reserve it if the gentleman desires to discuss it at this time.

Mr. FITZGERALD. Mr. Chairman, unless it is possible to convince the gentleman it is hardly worth while wasting the time now.

Mr. MANN. Mr. Chairman, I will say frankly to the gentleman that I am not familiar with the merits of the case and do not make the point of order upon that ground. I make the point of order because I think a matter of this sort ought to be considered by the Appropriation Committee of the House and brought into the House for consideration.

Mr. FITZGERALD. I shall not delay the committee with a statement of the matter at this time. It will be done a little later.

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMMOND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25970, the general deficiency appropriation bill, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS—MARGARET FURNIER.

By unanimous consent, Mr. Foss was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of H. R. 5218, Sixty-second Congress, granting a pension to Margaret Furnier, no adverse report having been made thereon.

ROBERT W. ARCHBALD.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 122, providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald, which I send to the desk and ask to have read.

Mr. MANN. Mr. Speaker, I suggest that the gentleman ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of Senate joint resolution 122, and pending that asks unanimous consent to consider it in the House as in Committee of the Whole House. Is there objection to the last request? [After a pause.] The Chair hears none. Is there objection to the first? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 122) providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald.

Resolved, etc., That there be appropriated from any money in the Treasury not otherwise appropriated the sum of $10,000, or so much thereof as may be necessary, to defray the expenses of the Senate in the impeachment trial of Robert W. Archbald.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

EXCISE BILL.

The SPEAKER. The Chair refers the bill H. R. 21214, commonly known as the excise bill, to the Committee on Ways and Means.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. J. Res. 125. Joint resolution making appropriation for checking the ravages of the army worm; to the Committee on Agriculture.

HOUSE BILLS WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

H. R. 38. An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes; to the Committee on the Territories.

H. R. 22195. An act to reduce the duties on wool and manufactures of wool; to the Committee on Ways and Means.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 25598. An act granting a pension to Cornelia C. Bragg; and

H. R. 21480. An act to establish a standard barrel and standard grade for apples when packed in barrels, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4930. An act to harmonize the national law of salvage with the provisions of the international convention for the unification of certain rules with respect to assistance and salvage at sea, and for other purposes.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned to meet Monday, July 29, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of Commerce and Labor, submitting estimates of appropriations with reference to additional aids to navigation in the Lighthouse Service (H. Doc. No. 893), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 22589) to provide for the acquisition of premises for the diplomatic establishments of the United States at the City of Mexico, Mexico; Tokyo, Japan; and Berne, Switzerland; and for the consular establishment of the United States at Hankow, China, reported the same without amendment, accompanied by a report (No. 1073), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOBSON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 25715) providing that officers of the Navy be allowed pay from the dates they take rank, reported the same without amendment, accompanied by a report (No. 1089), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (S. 7157) to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus, reported the same without amendment, accompanied by a report (No. 1090), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HEALD, from the Committee on Claims, to which was referred the bill H. R. 20377, reported in lieu thereof a resolution (H. Res. 643) referring to the Court of Claims the papers in the case of Ynchausti & Co., accompanied by a report (No. 1074), which said resolution and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 18894) for the relief of the heirs of the late Samuel H. Donaldson, reported the same with amendment, accompanied by a report (No. 1075), which said bill and report were referred to the Private Calendar.

Mr. CATLIN, from the Committee on Claims, to which was referred the bill (H. R. 23123) for the relief of Lena Schmieder, reported the same with amendment, accompanied by a report (No. 1076), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 24081) for the relief of Henry Hirschberg, reported the same without amendment, accompanied by a report (No. 1077), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 17140) for the relief of John A. Gauley, reported the same without amendment, accompanied by a report (No. 1078), which said bill and report were referred to the Private Calendar.

Mr. HEALD, from the Committee on Claims, to which was referred the bill (H. R. 21849) for the relief of Felix Morgan, reported the same with amendment, accompanied by a report (No. 1079), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 23329) for the relief of the heirs of Robert H. Burney and C. J. Fuller, deceased, reported the same without amendment, accompanied by a report (No. 1080), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9129) for the relief of the estate of William H. Willis, reported the same without amendment, accompanied by a report (No. 1081), which said bill and report were referred to the Private Calendar.

Mr. HEALD, from the Committee on Claims, to which was referred the bill (H. R. 22257) for the relief of Leo Müller, reported the same with amendment, accompanied by a report (No. 1082), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 23253) to compensate G. W. Wall, of Cheatham County, Tenn., for damages sustained by him on account of the construction of Lock and Dam A on the lower Cumberland River, reported the same with amendment, accompanied by a report (No. 1083), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 23254) to compensate J. E. Stewart, of Cheatham County, Tenn., for damages sustained by him on account of the construction of Lock and Dam A on the lower Cumberland River, reported the same with amendment, accompanied by a report (No. 1084), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 12339) to refund certain taxes paid by the Southern Redistilling & Rectifying Co. (Ltd.), of New Orleans, La., reported the same with amendment, accompanied by a report (No. 1085), which said bill and report were referred to the Private Calendar.

Mr. HEALD, from the Committee on Claims, to which was referred the bill (S. 2199) to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell, reported the same without amendment, accompanied by a report (No. 1086), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 4041) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased, reported the same without amendment, accompanied by a report (No. 1087), which said bill and report were referred to the Private Calendar.

Mr. FARR, from the Committee on Claims, to which was referred the bill (S. 4032) for the relief of C. Person's Sons, reported the same without amendment, accompanied by a report (No. 1088), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 25813) for the relief of Bishop T. Raymond; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 16697) granting an increase of pension to Mary A. Pfister; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 26005) to provide for the establishment of one life-saving station on the larger of the two Libby Islands situated at the entrance to Machias Bay, Me.; one life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, Cal.; one life-saving station at Mackinac Island, Mich.; and one life-saving station at or near Sea Gate, New York Harbor, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: A bill (H. R. 26006) to reduce postage rates, improve the postal service, and increase postal revenues; to the Committee on the Post Office and Post Roads.

By Mr. HEFLIN: A bill (H. R. 26007) to authorize the building of a dam across the Coosa River in Alabama, at a place suitable to the interests of navigation, about 7½ miles above the city of Wetumpka; to the Committee on Interstate and Foreign Commerce.

By Mr. REDFIELD: A bill (H. R. 26008) to amend an act of February 1, 1901, chapter 190, entitled "An act providing for leave of absence of certain employees of the Government"; to the Committee on Naval Affairs.

By Mr. GREEN of Iowa: A bill (H. R. 26009) to amend section 4766 of the Revised Statutes of the United States; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 26010) providing for the purchase of a site and the erection thereon of a public building at Olyphant, in the State of Pennsylvania; to the Committee on Public Buildings and Grounds.

By Mr. EVANS: Resolution (H. Res. 644) requesting that the Secretary of the Navy furnish information of the naval maneuvers about Narragansett Bay; to the Committee on Naval Affairs.

By Mr. LAMB: Resolution (H. Res. 645) authorizing the printing of Senate Document No. 10, Sixty-second Congress; to the Committee on Printing.

Also, resolution (H. Res. 646) providing for printing the final report of the National Monetary Commission; to the Committee on Printing.

By Mr. SHARP: Resolution (H. Res. 647) directing the Secretary of the Treasury to furnish information looking to economies in the engraving and printing of national bank notes; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 26011) granting an increase of pension to Delight Hubbard; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 26012) granting an increase of pension to John N. Smith; to the Committee on Pensions.

By Mr. CURLEY: A bill (H. R. 26013) granting an increase of pension to William Fay; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 26014) granting an increase of pension to John F. Pettit; to the Committee on Invalid Pensions.

By Mr. HELGESEN: A bill (H. R. 26015) granting a pension to Flora May Baker; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 26016) granting a pension to Mary C. Pierce; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 26017) granting an increase of pension to Isaac Jones; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 26018) to remove the charge of desertion from the record of Francis G. French, alias Frank Jones; to the Committee on Naval Affairs.

By Mr. PATTON of Pennsylvania: A bill (H. R. 26019) granting an increase of pension to Patrick Kelley; to the Committee on Invalid Pensions.

By Mr. PROUTY: A bill (H. R. 26020) granting an increase of pension to Stephen B. White; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN of South Carolina: Petition of John H. Winder Division, Brotherhood of Locomotive Engineers, Abbeville, S. C., favoring the passage of the workmen's compensation act; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: Papers accompanying bill granting an increase of pension to John N. Smith; to the Committee on Invalid Pensions.

By Mr. CRAVENS: Petition of the railway employees of Little Rock, Ark., protesting against the passage of the employers' liability and workmen's compensation act; to the Committee on the Judiciary.

By Mr. CURLEY: Petition of citizens of greater Boston and Roxbury, Mass., and of the John Mitchell Club, of Boston, protesting against the passage of the Burton-Littleton bill making appropriation for celebrating 100 years' peace with England; to the Committee on Industrial Arts and Expositions.

By Mr. DICKINSON: Papers to accompany bill granting a pension to Sarah J. Drummond; to the Committee on Invalid Pensions.

By Mr. DONOHOE: Petition of Gen. Henry R. Guss Post, West Chester, Pa., favoring legislation abolishing the office of pension agent; to the Committee on Pensions.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska, favoring giving the Interstate Commerce Commission further power toward controlling the express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. McKELLAR: Petition of citizens of Tennessee along the banks of the Mississippi River, praying for relief because of floods; to the Committee on Rivers and Harbors.

By Mr. O'SHAUNESSY: Petition of citizens of New England, favoring all possible means for the suppression of the liquor traffic; to the Committee on the Judiciary.

By Mr. SHERLEY: Petition of citizens of Kentucky, protesting against the passage of the Burnett immigration bill (H. R. 22527); to the Committee on Immigration and Naturalization.

By Mr. WILLIS: Papers to accompany House bill 8070, granting an increase of pension to Seth Clark; to the Committee on Invalid Pensions.

SENATE.

MONDAY, *July 29, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MEMORIAL.

Mr. CRANE presented a memorial of the Board of Trade of Worcester, Mass., remonstrating against the passage of the so-called Bourne parcel-post bill, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. PENROSE. I report back adversely from the Committee on Finance the bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States and I submit a report (No. 989) thereon. As the minority of the committee reserves the right to file minority views, I ask that the bill may go to the calendar.

The PRESIDENT pro tempore (Mr. GALLINGER). The bill will be placed on the calendar.

Mr. McCUMBER. I was just about to announce that members of the Finance Committee would submit minority views in opposition to the adverse report.

Mr. WILLIAMS. I understand also that the Senator from North Dakota will submit a bill as a substitute for the bill adversely reported.

Mr. McCUMBER. That is correct.

Mr. BURNHAM, from the Committee on Pensions, to which was referred the amendment submitted by Mr. McCUMBER on the 26th instant, proposing to appropriate $1,200 to pay Robert W. Farrar for indexing and extra services as clerk to the Committee on Pensions, Sixty-second Congress, first and second ses-

sions, and also to pay $1,200 to Dennis M. Kerr for services as assistant clerk, by detail, to the Committee on Pensions, Sixty-second Congress, first and second sessions, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

FIFTH-THIRD NATIONAL BANK, CINCINNATI, OHIO.

Mr. LODGE. From the Committee on Finance, I report back favorably without amendment the bill (H. R. 16518) for the relief of the Fifth-Third National Bank of Cincinnati, Ohio, and I ask for its present consideration.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to issue a duplicate registered bond of the 3 per cent loan of 1908 to 1918, in favor of the Fifth-Third National Bank of Cincinnati, Ohio, in lieu of United States 3 per cent registered bond, loan of 1908 to 1918, No. 37195, for $1,000, inscribed in the name of Jacob B. Elberfeld, alleged to have been lost or mislaid after having been assigned in blank, sold, and delivered to the Fifth-Third National Bank of Cincinnati.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 7381) to prohibit the making, showing, or distributing of fraudulent photographs.

Mr. LODGE. I ask to have the bill referred to the Committee on the Judiciary, and I desire to say a single word in regard to it, because, it seems to me, it is a bill on which action ought to be taken.

We have all of us noticed in the shops where photographs are for sale here in Washington, pictures representing anybody who happens along shaking hands with the President, as if talking with him. The photographs are made as we know by a process. On the suggestion of the Attorney General the exposure and sale of those photographs have been stopped. There is no sufficient law against it. The reason why I introduce this bill and call attention to it is because one of those photographs was made with the figure of a man named Diamond, representing him as shaking hands with the President. The man is engaged in the white-slave traffic and is being sought for by the inspectors of immigration. I think he has been arrested. The matter was brought to my attention by officers of the Immigration Department. He used this photograph in his infamous business, and of course on poor ignorant people it undoubtedly had a great effect. The fact that it is possible to make fraudulent photographs of that kind shows in this instance how they may be used for purposes of fraud and for purposes of crime.

It is for that reason that I introduce the bill, to which I ask the attention of the Judiciary Committee.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Judiciary.

By Mr. CATRON:

A bill (S. 7385) to relinquish the claim of the United States against the grantees, their legal representatives and assigns, for timber cut on Petaca land grant; to the Committee on the Judiciary.

By Mr. McLEAN:

A bill (S. 7386) granting an increase of pension to Luriette S. Case (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey (for Mr. DAVIS):

A bill (S. 7387) granting an increase of pension to Mary A. Bingham (with accompanying papers); and

A bill (S. 7388) granting an increase of pension to John A. Gates; to the Committee on Pensions.

A bill (S. 7389) for the relief of Thomas M. Mason; to the Committee on Claims.

By Mr. BANKHEAD:

A bill (S. 7390) for the relief of the heirs or estate of John M. Wright, deceased (with accompanying paper); to the Committee on Claims.

RELIEF OF AMERICAN CITIZENS AT EL PASO, TEX.

Mr. FALL. I ask unanimous consent for the immediate consideration of the joint resolution which I introduce.

The joint resolution (S. J. Res. 127) authorizing the Secretary of War to supply tents and rations to American citizens compelled to leave Mexico, was read the first time by its title and the second time at length as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized and directed to cause to be supplied, through the proper military officers at El Paso, Tex., all necessary tents, together with temporary rations, for the care and relief of American citizens who have been compelled to remove and are yet removing from threatened danger in the Republic of Mexico, and who are seeking refuge in El Paso, Tex., and adjacent portions of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. FALL. I desire to read the following telegram as a reason for asking the immediate passage of the joint resolution. I am just in receipt of a telegram from the mayor of El Paso and the county judge of El Paso County, which reads as follows:

EL PASO, TEX., *July 29, 1912.*

Senator A. B. FALL, *Washington, D. C.:*

Twenty-five hundred American women and children, driven from Mexico, to be here within 24 hours; 700 here now; too many for local authorities to care for. Col. Steever says resolution of Congress necessary before he can furnish tents and temporary rations. Please have resolution passed at once.

C. E. KELLY, *Mayor.*
ALBERT S. J. EYLAR, *County Judge.*

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. CULLOM submitted an amendment proposing to appropriate $25,000 to enable the Government to conclude its efforts to mitigate the national opium evil, etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to be printed, and, with the accompanying paper, ordered to lie on the table.

WITHDRAWAL OF PAPERS—JOHN REED.

On motion of Mr. SMITH of Michigan, it was

Ordered, That the original discharge papers in the case of Senate bill 2072, Sixty-first Congress, entitled "To remove the charge of desertion from the military record of John Reed," be withdrawn from the files of the Senate, no adverse report having been made thereon.

ADDRESS OF HON. WHITEHEAD KLUTTZ (S. DOC. NO. 885).

Mr. OVERMAN. I ask to have printed as a Senate document an address delivered by Hon. Whitehead Kluttz, of North Carolina, at Ocean Grove, N. J., July 29, 1911, being a plea for international and intersectional peace.

Mr. CLAPP. I think we are reaching the limit in publishing such matters.

Mr. OVERMAN. I rather think so, too, but it is being done constantly.

Mr. CLAPP. I do not object to the Senator's request.

The PRESIDENT pro tempore. Without objection, the order will be made.

THE INDUSTRIAL DEVELOPMENT OF NATIONS (S. DOC. NO. 884).

Mr. SMOOT. I ask to have printed as a Senate document an article by George B. Curtiss on the industrial development of nations and a history of the tariff policies of the United States, and of Great Britain, Germany, France, Russia, and other European countries.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE PENDING REVOLUTION (S. DOC. NO. 883).

Mr. BAILEY. I ask to have printed as a public document an address by Hon. Alfred P. Thom, of Washington, D. C., delivered before the Alabama State Bar Association, at Montgomery, Ala., July 12, 1912.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SAFETY OF LIFE AT SEA.

Mr. SMITH of Michigan. Mr. President, it has never been my custom to review the statements of newspapers regarding congressional action or failure to act, and I would not do so in this instance were it not for the fact that a wrong impression is very apt to be drawn from the editorial in this morning's Washington Post. The Post, I desire to say, is usually

accurate and, of course, always honest, but I think they overlooked the actual situation in their editorial this morning. They say:

After the *Titanic* went down there was a tremendous display of energy by Congress with a view to safeguarding life at sea. The temper of the people's representatives was aroused to a savage pitch. It appeared that the only danger was that steamship companies might be cinched by too drastic legislation.

More than three months have passed, and Congress is about to adjourn. Nothing whatever has been done in behalf of humanity at sea, excepting a provision requiring two wireless operators to be carried on every vessel. Congress has not provided for extra lifeboats or rafts; it has not passed the seamen's bill, which abolishes involuntary servitude, a relic of barbarism; it has not provided for adequate crews for vessels and lifeboats; it has not provided for the proper number of officers and regulated their hours; it has done nothing but hold hearings and introduce bills.

So far as Congress is concerned, a *Titanic* could be lost every day without incurring any penalty whatever for the loss of passengers and crew.

The editorial then goes on to say that Congress is giving its attention to the questions of politics rather than to the safety of passengers at sea.

Mr. President, I am sure the Post is laboring under a misapprehension of the facts. The truth is that under section 4405 of the Revised Statutes the Board of Steamboat Inspection has the power to require ample lifeboat equipment. A regulation was promulgated on the 1st day of July doing away with the old tonnage basis of life-saving equipment and basing future requirements upon the passenger capacity of ocean-going vessels.

Mr. WILLIAMS. I think perhaps the Senator has inadvertently made a mistake. Does it put it simply upon the basis of the passengers or of the passengers and crew?

Mr. SMITH of Michigan. Passengers and crew, under the description of all persons on shipboard.

Mr. WILLIAMS. That is what I thought.

Mr. SMITH of Michigan. Tonnage was the basis of American equipment and also the ancient basis the British Board of Trade is operating under.

The British rule has been disregarded entirely now by many ocean-going vessels voluntarily. The *Olympic*, for instance, of the White Star Line, has doubled her life-saving equipment of her own accord since the *Titanic* disaster, as have many other ocean-going vessels.

Put I desire the Senate and the people to know that much progress has been made. The American board have formally promulgated a new order which became effective on the 1st day of July, requiring increased lifeboats. Owing, however, to the fact that the additionl equipment was being voluntarily ordered, and this legislation had been anticipated by vessel owners, it has been impossible to secure prompt delivery of new equipment, and the time within which the order should be complied with to avoid penalty has been necessarily extended to September 30. I am sure that no one will be quicker to give the credit for the progress that has already been made than the Washington Post when the facts are understood. I quote from the order:

Ocean steamers carrying passengers must be equipped with lifeboats of sufficient capacity to accommodate at one time all persons on board, including passengers and crew. One-half of such lifeboat equipment may be in approved life rafts or approved collapsible lifeboats.

An amendment was added a few days ago as follows:

Realizing the difficulty experienced by the various steamship and steamboat companies in securing lifeboat and life-raft equipment to meet the amended rules respecting this question, you are advised that the department has concluded that if 50 per cent of the required equipment is installed on or before July 31, 1912, and the remaining 50 per cent installed within the next 60 days thereafter, or, say, by September 30, 1912, it will be considered as a practical compliance with the rules.

It must be understood, however, that efforts to secure this equipment must not be relaxed, and that the companies will use their best endeavors to secure the necessary equipment at the earliest possible date.

Mr. President, I call public attention to this regulation because the Bureau of Steamboat Inspection has been in perfect harmony with the efforts of the Committee on Commerce to give practical effect to a universal demand for sufficient life-saving equipment for all passengers and crew on ocean-going vessels.

We have gone thoroughly into the question of ship construction, have examined many experts and shipmasters, but have reached no definite conclusion, because that involves a scientific question and must be met carefully and intelligently. Our Government has been informed that it was the purpose of the German Government to convene a conference looking to a general agreement upon the question of the international standardization of hull construction and universal rules promoting safety at sea. Congress has signified its intention to participate in such a conference, and the Committee on Foreign Relations reported a resolution authorizing the President to either convene the conference here or send delegates abroad and this resolution has passed both Houses.

The question of lanes of travel, which is important, must have the approval of other countries. We can not prescribe these lanes alone and have such route followed, but an agreement between the leading maritime nations can undoubtedly enforce its decrees.

Many changes have already resulted from the general agitation throughout the world, and our Government has moved with certainty and definiteness to help bring about a better condition of affairs. Army transports have been fully equipped by law. The radio bill, to which the Post referred, requires constant service, day and night, and requires that there shall be established connection between the radio room and the bridge of vessels, in order that no time may be lost in getting messages involving safety promptly to the commander of the ship.

Mr. President, I feel that a great deal has been accomplished in a very short time, and before the Congress adjourns I am very hopeful that we may be able to agree upon the seamen's bill, which is referred to in the Post this morning, and upon some other legislation now pending that will be helpful to travelers.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Georgia?

Mr. SMITH of Michigan. Yes.

Mr. BACON. I did not have the privilege, being engaged in a matter before a committee, of hearing all the Senator from Michigan has said on the subject, and I want to ask if he has referred to the resolution reported from the Foreign Relations Committee in reference to the conference proposed between this Government and other governments on that subject?

Mr. SMITH of Michigan. Yes; I referred to the fact that Congress has already taken action, and that we have placed a fund at the disposal of the President for the purpose either of convening a conference or of sending delegates to a conference which shall be convened in any other capital for the purpose of making international rules on this subject. I think I am speaking with entire propriety when I say that Germany has waived her purpose to call such a conference and that the English Government will convene a conference for the purpose of considering uniformity of international regulations affecting safety at sea. I can think of no more useful work that can be done. We have made progress, and there is greater safety to-day on the sea than ever before, and whether voluntarily or through this requirement, there is lifeboat equipment enough for passengers and crew upon most ocean-going vessels.

Mr. President, every lifeboat establishment in this country is working at its full capacity to meet the requirements both of this regulation and of the voluntary demand of shipowners who feel that the equipment ought to be increased.

Mr. WILLIAMS. Mr. President, I have listened with a great deal of attention to what the Senator from Michigan has said, and I agree with him that it would be well for the Post to recognize the fact that the public service has gone further than the Post seems to think in meeting the issues presented by the loss of the *Titanic*. There are some things, though, in connection with the question that seem to me to justify the general spirit of the article in the Post.

It is all very well to obtain international agreements in order to have uniform regulation for travel at sea, but, in connection with vital and emergent questions, the United States Government ought not to wait upon that. I think that one of the great dangers at sea consists in the involuntary servitude of sailors, reluctant and unwilling sailors, who do not want to be upon the ship at all, who want to keep off the sea and can not do so because they have been pressed into service and work, not like seamen but like slaves. Slaves uniformly work inefficiently and badly and not with the proper spirit. In merchant vessels, as in the war vessels, the man behind the gun in the one case and the man behind the sail or oar, or whatever is necessary to be used in any particular contingency, is a very important item.

Another great evil that entered into the loss of the *Titanic* consisted in the fact that there were not a sufficient number of able seamen on board who could handle the boats. A large percentage of the crew of the *Titanic*, strange to say, could not row a boat.

Congress has thus far neglected these two things of vital and necessary importance, but I share the hope the Senator from Michigan has expressed, that the deficiency may be cured by legislation before Congress adjourns.

I wish to add to what he said that, in my opinion, it would be shameful for the present session of Congress to adjourn without treating these two matters. I express the hope that what the Post very properly called a relic of barbarism, white slavery on shipboard, may be abolished before this session of

Congress is over, and that the steamship companies may be required when enlisting crews to get a sufficient number of able-bodied seamen who know how to row.

Mr. SMITH of Michigan. Mr. President, the distinguished Senator from Mississippi has expressed my views regarding the desirability of congressional action in the direction he has indicated, and I want to say, in order that the RECORD may show it, that a persistent and determined effort has been made in the House of Representatives to pass the seamen's bill—so-called—and I understand it is now scheduled for consideration among the things that will be taken up before adjournment.

Now, as to the presence of able-bodied seamen, it is not within the power of Congress to say what type of men shall be taken aboard vessels sailing under foreign flags.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me, of course, what he has just said would have gone without saying, but it is within the power of Congress to see to it that our coastwise vessels, our Lake vessels, and American-owned trans-Atlantic and trans-Pacific vessels are required to have a sufficient number of able-bodied seamen.

Mr. SMITH of Michigan. I was just going to say that on our coastwise vessels and on American vessels generally we may properly make such regulations. The absence of able seamen among the crew is a discredit to the shipping industry of the world, and I wish that steamship companies might augment their crews with experienced sailors, dignify their calling, and pay them such remuneration as a profession of that character deserves.

DESIGNATION OF PRESIDENT PRO TEMPORE.

Mr. SMOOT. I ask unanimous consent that the Senator from Georgia [Mr. BACON] act as President of the Senate pro tempore from Thursday, August 1, to Saturday, August 10, both days inclusive.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

Mr. SMOOT submitted the following resolution (S. Res. 368), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Thursday, August 1, 1912, to Saturday, August 10, 1912, both inclusive.

Mr. SMOOT submitted the following resolution (S. Res. 369), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Thursday, August 1, 1912, to Saturday, August 10, 1912, both inclusive.

IMPEACHMENT OF ROBERT W. ARCHBALD.

The PRESIDING OFFICER (Mr. GALLINGER). The hour of 12 o'clock and 30 minutes p. m. has arrived. The Senate is now sitting as a court in the impeachment of Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit designated a judge of the Commerce Court. The Sergeant at Arms will make proclamation.

The Sergeant at Arms made the usual proclamation.

At 12 o'clock and 31 minutes p. m. the managers on the part of the House of Representatives were announced, and they were conducted by the Assistant Doorkeeper to the seats assigned them.

At 12 o'clock and 33 minutes p. m. the respondent, Robert W. Archbald, accompanied by his counsel, A. S. Worthington, Esq., and Robert W. Archbald, jr., Esq., entered the Chamber and took the seats assigned them.

The PRESIDING OFFICER. If there are any Senators present who have not been sworn they will kindly present themselves at the desk and take the oath.

Mr. BANKHEAD, Mr. KERN, Mr. FOSTER, Mr. WATSON, Mr. PENROSE, and Mr. POINDEXTER advanced to the desk and the oath was administered to them by the Presiding Officer.

The PRESIDING OFFICER. The journal of the proceedings of the last session of the Senate sitting for the trial of the impeachment of Robert W. Archbald will now be read.

The journal of the proceedings of the Senate sitting as a court on Friday, July 19, 1912, was read and approved.

The PRESIDING OFFICER. Are counsel for the respondent ready to present their answer to the articles of impeachment?

Mr. WORTHINGTON. Mr. President, the respondent presents his answer, and if agreeable to the Senate we should like to have it read from the Secretary's desk.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

In the Senate of the United States sitting as a Court of Impeachment for the trial of Robert Wodrow Archbald, a circuit judge of the United States.

ANSWER OF THE SAID ROBERT WODROW ARCHBALD TO THE ARTICLES OF IMPEACHMENT EXHIBITED AGAINST HIM BY THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

ANSWER TO ARTICLE 1.

For answer to the first article the respondent says:

1. That the said first article does not set forth anything which, if true, constitutes an impeachable offense or a high crime or misdemeanor as defined in the Constitution of the United States, and that therefore the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said first article.

2. The respondent admits that some time early in the spring of 1911 and prior to the 31st day of March of that year Edward J. Williams informed respondent that John M. Robertson owned an interest in the Katydid culm dump near Moosic, Pa., and that he, Williams, could get an option on Robertson's interest in said culm dump, and suggested to the respondent that if a similar option could be obtained from the Hillside Coal & Iron Co. for its interest in said Katydid culm dump the dump could be sold to advantage. At the same time said Williams suggested to the respondent that if both of said interests in the said dump should thus be acquired by respondent and himself a profit of two or three thousand dollars each to said Williams and the respondent could be made by a resale of said dump. At the same time said Williams suggested to respondent that he, the respondent, should communicate with Capt. William A. May, the superintendent of said Hillside Coal & Iron Co., to ascertain whether said company would sell its interest in said culm dump, and if so, on what terms.

The respondent thereupon, by telephone, inquired of Capt. May whether it would be possible to secure an option upon the dump in question from the Hillside Coal & Iron Co. Over the telephone said Capt. May informed the respondent, in substance, that it had been the ordinary policy of said company to keep its culm dumps, but that the circumstances relating to the Katydid culm dump were peculiar, and if the respondent would write a letter to him on the subject he would submit it to the Hillside Coal & Iron Co. Accordingly, on the 31st day of March, 1911, the respondent wrote and handed to said Williams, to be by him delivered to Capt. May, a letter, of which the following is a copy:

W. A. MAY, Esq.,
Superintendent Hillside Coal & Iron Co.

DEAR SIR: I write to inquire whether your company will dispose of your interest in the Katydid culm dump, belonging to the old Robertson & Law operation, at Brownsville; and, if so, will you kindly put a price upon it?

Yours, very truly, R. W. ARCHBALD.

Several weeks thereafter, nothing having been heard by the respondent from Capt. May in response to said letter, and said Williams in the meantime having frequently called upon the respondent in reference to the matter, the respondent again, by telephone, inquired of Capt. May what had been done. Capt. May replied that Mr. G. A. Richardson, one of the vice presidents of the Hillside Coal & Iron Co., was to be in Scranton in a few days, and that he, May, would go over the matter with said Richardson, and would let the respondent know the result. During the greater part of the month of July the respondent was holding a circuit court of the United States in New York City, and spent the whole of that month in that city, except that he went home to Scranton at the end of each week. Up to this time there had been no reply received from Capt. May in regard to said proposed option, and said Robertson, the owner of the other interest, was not disposed to allow the verbal option, which he had given to said Williams, to remain open indefinitely. Upon being informed of this by said Williams, the respondent, on the 4th day of August, 1911, while in New York in performance of his duties as circuit judge, as above stated, called on George F. Brownell, at his office in New York City, said Brownell being then the general counsel of both the Erie Railroad Co. and of the Hillside Coal & Iron Co., the latter company being a subsidiary of the former company. The respondent called upon said Brownell, because he had been informed—by said Williams, as the respondent recollects—that the question of said Robertson's claim to an interest in the Katydid culm dump had been submitted to said Brownell. On that occasion the respondent informed said Brownell that he had called upon him because he understood that he, Brownell, had considered the question of Robertson's interest in the Katydid culm dump, and further told him that he, Robertson, had promised that he would sell his interest in said dump, and that if he, the respondent, could acquire the interest of the Hillside

Coal & Iron Co. in said dump the conflict of interests which had theretofore interfered with any sale of said dump would be ended. Said Brownell thereupon took the respondent to the office of said Richardson in the same building, informing the respondent that said Richardson was the proper officer of the company to pass upon the matter. Said Brownell introduced the respondent to said Richardson. Respondent then stated to said Richardson that he, respondent, was there simply for the purpose of getting an early answer one way or the other from the Hillside Coal & Iron Co. to the request which had been made of that company for an option on its interest in the Katydid culm dump. Said Richardson then informed the respondent that he would communicate with Capt. May upon the subject. The respondent heard nothing further until on or about August 29, 1911, when he casually met said Capt. May on the street in Scranton, and was then informed by Capt. May that the Hillside Coal & Iron Co. had decided to sell its interest in that culm dump and requested respondent to tell Williams to come and see him, May. The respondent immediately notified said Williams of this conversation with Capt. May, and on the following day, as the respondent is informed and believes, said Williams received from Capt. May a letter, in the words and figures following:

[Pennsylvania Coal Co.; Hillside Coal & Iron Co.; New York, Susquehanna & Western Coal Co.; Northwestern Mining & Exchange Co.; Blossburg Coal Co. Office of the general manager.]

SCRANTON, PA., *August 30, 1911.*

Mr. E. J. WILLIAMS,
626 South Blakely Street, Dunmore, Pa.

DEAR SIR: As stated to you to-day, verbally, I shall recommend the sale of whatever interest the Hillside Coal & Iron Co. has in what is known as the Katydid culm dump, made by Messrs. Robertson & Law, in the operation of the Katydid breaker, for $4,500.

In order that it may not be lost sight of, I will mention that any coal above the size of pea coal will be subject to a royalty to the owners of lot 46, upon the surface of which the bank is located.

It is also understood that the bank will not be conveyed to anyone else without the consent of the H. C. & I. Co., and that if the offer is accepted articles of agreement will be drawn to cover the transaction.

Yours, very truly,

W. A. MAY, *General Manager.*

The respondent admits that during the whole period covered by the negotiations and transactions hereinabove referred to he was a judge of the United States Commerce Court, duly designated and acting as such judge; that during the same period the Erie Railroad Co. was a common carrier engaged in interstate commerce and was a party litigant in certain suits, to wit, the Baltimore & Ohio Railroad Co. et al. *v.* The Interstate Commerce Commission, Nos. 38 and 39, in the United States Commerce Court; that said suit No. 38 was commenced by petition filed in said court April 12, 1911, and was heard by said court on May 17, 1911, on motion of the petitioners for a temporary injunction; that on May 22, 1911, a temporary injunction was granted by said court in said case No. 38; that on June 13, 1911, the Interstate Commerce Commission appealed from the order granting said injunction to the Supreme Court of the United States; and that on June 16, 1911, the United States also appealed to the Supreme Court from said order; that the said suit No. 39 was begun by petition filed in the United States Commerce Court April 27, 1911; that a preliminary injunction was granted by said court on May 29, 1911; that on June 6, 1911, the Interstate Commerce Commission appealed from the order granting said injunction to the Supreme Court of the United States; and that on June 16, 1911, the United States also appealed to the Supreme Court from said order.

Respondent denies, except as hereinabove admitted, that he at any time or at any place, by correspondence or by personal conferences or otherwise, undertook to induce or influence or did induce or influence the officers of said Hillside Coal & Iron Co. or the officers of the Erie Railroad Co. to enter into any agreement to sell the interest of the Hillside Coal & Iron Co. in the Katydid culm dump. He denies that he willfully or unlawfully or corruptly or otherwise took any advantage of his official position as such judge to induce or influence the officials of the said Erie Railroad Co. or of said Hillside Coal & Iron Co. to enter into any contract with him and the said Williams, or either of them. He denies that at the times and places stated in said first article, or at any other time or place, through the influence exerted by reason of his position as such judge, he willfully or unlawfully or corruptly or otherwise induced the officials of said Erie Railroad Co., or any of them, or the officials of the Hillside Coal & Iron Co., or any of them, to enter into any contract with him and the said Williams, or either of them.

Wherefore the said Robert W. Archbald denies that he is guilty of misbehavior as such judge or of any crime or misdemeanor as charged in said first article.

ANSWER TO ARTICLE 2.

For answer to the second article the respondent says:

1. That the said second article does not set forth anything which, if true, constitutes an impeachable offense or a high crime or misdemeanor as defined in the Constitution of the United States, and that the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said second article.

2. The respondent admits that on the 1st day of August, 1911, he was a United States circuit judge duly designated as one of the judges of the United States Commerce Court, and that he was then a judge of said court. He further admits, on information and belief, that on said day the Marian Coal Co., a corporation, was the owner—as lessee—of a certain culm dump at Taylor, Pa., and was then and there engaged in the business of washing and shipping coal; that prior to that time the said Marian Coal Co. had filed before the Interstate Commerce Commission a complaint against the Delaware, Lackawanna & Western Railroad Co. and five other railroad companies as defendants, charging them, the said defendants, with discrimination in rates and with excessive charges for the transportation of coal shipped by the Marian Coal Co. over their respective lines of road; that all of the said defendant companies were common carriers engaged in interstate commerce; and that the decision of said case by the Interstate Commerce Commission was subject to review at the instance of any party defendant thereto by the United States Commerce Court. The respondent further avers that at the same time there was pending before the Interstate Commerce Commission another case in which the Marian Coal Co. was complainant and the Delaware, Lackawanna & Western Railroad Co. alone was defendant. He further admits on information and belief that one Christopher G. Boland and one William P. Boland and their brother, one James M. Boland, were the owners of two-thirds of the stock in the said Marian Coal Co., and as to the operation of said company had all the powers which a control of the majority of the stock might legally give them, and that said Christopher G. Boland and said William P. Boland engaged one George M. Watson, an attorney at law, to endeavor to settle said cases then pending as aforesaid before the Interstate Commerce Commission, and certain other litigation in which the Marian Coal Co. was then involved, by selling to said Delaware, Lackawanna & Western Railroad Co. all the stock of the said Marian Coal Co. owned by the said Christopher G. Boland, William P. Boland, and James M. Boland. As to the averment in said article 2 contained that at the time aforesaid there was pending in the Commerce Court a certain suit entitled Baltimore & Ohio Railroad Co. et al. *v.* Interstate Commerce Commission, No. 38, to which suit the Delaware, Lackawanna & Western Railroad Co. was a litigant, the facts are as follows: The said suit was commenced by petition filed April 12, 1911, was heard by said court on May 17, 1911, on motion of the petitioners for a temporary injunction, and on May 22, 1911, a temporary injunction was granted by the said court. On June 13, 1911, the Interstate Commerce Commission took an appeal from the order granting said injunction to the Supreme Court of the United States; and on June 16, 1911, the United States took an appeal from the said order to the Supreme Court.

The respondent denies that on the 1st day of August, 1911, or at any other time, he, for a consideration, agreed to assist George M. Watson, either to settle the aforesaid cases in which the Marian Coal Co. was complainant, then pending before the Interstate Commerce Commission, or to sell to the said Delaware, Lackawanna & Western Railroad Co. the said two-thirds of the stock of the Marian Coal Co. Respondent avers the facts to be that on or about the said date said George M. Watson informed the respondent that he had been engaged as aforesaid by the said Christopher G. Boland and the said William P. Boland, to endeavor to settle the litigation in question and also at the same time informed respondent that at the last hearing of said cases before the Interstate Commerce Commission, in which the Marian Coal Co. was complainant, there had been a suggestion of a possible settlement. Thereupon said Watson requested the respondent to communicate with Edward E. Loomis, who was vice president of the Delaware, Lackawanna & Western Railroad Co. (and with whom respondent was well acquainted), and tell said Loomis that if he would see said Watson there was a possibility of the case being settled. Pursuant to this request of said Watson, the respondent, while in New York holding a circuit court of the United States, on August 4, 1911, saw said Loomis at his office in New York City and told him what said Watson had said, as above stated. Several weeks thereafter said Watson inquired of the respondent whether he had seen said Loomis, and upon being informed of what had taken place between the respondent and said Loomis

as above set forth, he, Watson, informed respondent that he had heard nothing from said Loomis, and said Watson then requested the respondent to again bring the matter to the attention of said Loomis. This occurred at Scranton, Pa., on August 22, 1911. On the day that this second request was made by said Watson as aforesaid, respondent, pursuant to the request of said Watson, saw said Loomis in Scranton and informed said Loomis that Watson had told respondent that he had heard nothing from any official of the Delaware, Lackawanna & Western Railroad Co. in regard to the matter in question. Said Loomis expressed surprise at this and told respondent that he had theretofore given directions to have Reese A. Phillips, an official of the Delaware, Lackawanna & Western Railroad Co., see said Watson on the subject. Following this, on several occasions, said Christopher G. Boland came to the office of the respondent to discuss the proposed settlement, informing the respondent that the troubles growing out of the litigation in which the Marian Coal Co. was then involved were so preying upon his brother, William P. Boland, that he was afraid that the latter's mind might be affected, and he urged the respondent for that reason to endeavor to bring about the proposed settlement. On or about September 27, 1911, said Loomis, referring to the interview between him and the respondent of August 22, 1911, above mentioned, wrote to the respondent a letter, of which the following is a copy:

SEPTEMBER 27, 1911.

Judge R. W. ARCHBALD, *Scranton, Pa.*

MY DEAR JUDGE: As per our recent interview, I instructed our people to call on Attorney Watson in connection with the Boland case, and I find there is little, if any, prospect of our reaching any settlement of this case, owing to the very great difference of opinion as to the merits of Mr. Boland's claims and the value of his properties.

Thanking you, however, for your good efforts in this direction, I am,

Very truly, yours,

E. E. LOOMIS.

On September 28, 1911, the respondent wrote and sent to said Loomis a letter, of which the following is a copy:

(R. W. Archbald, judge United States Commerce Court, Washington.)

SCRANTON, PA., *September 28, 1911.*

MY DEAR MR. LOOMIS: I am very sorry to have your letter stating that you have not been able to effect a settlement with Mr. Boland. I trust, however, that the matter is still not beyond remedy. And if I thought that it would help to secure an adjustment, I would offer my direct services. I have no interest except to try and do away with an unpleasant situation for both parties, and I hope that this still may be possible.

Yours, very truly, R. W. ARCHBALD.

On September 30, 1911, said Phillips called upon the respondent and stated that the Delaware, Lackawanna & Western Railroad Co. could not make any substantial offer to the Marian Coal Co. to settle the controversies between the two companies for the reason that the property of the Marian Coal Co. had comparatively little value.

On October 3, 1911, the respondent, at the request of said Watson, wrote and sent to said Loomis a letter in the following words:

UNITED STATES COMMERCE COURT,
Washington, October 3, 1911.

E. E. LOOMIS, Esq.,
Vice President Delaware, Lackawanna & Western,
90 West Street, New York City.

MY DEAR MR. LOOMIS: I understand that there has been a suggestion that Mr. Watson meet you and possibly also Mr. Truesdale, and that Mr. Watson has written asking for an appointment. It seems to me, if I may be permitted to say so, that this is a very good idea. It will give you an opportunity to discuss the Boland claim with Mr. Watson upon a somewhat different basis than Col. Phillips could representing the coal department.

I have little doubt but that it will appear so to you, and it may be altogether unnecessary for me to write about it. But I am sure you will not take it amiss to have me do so, and I shall hope that a settlement may yet be reached in that way. There is nothing like a personal interview to bring about such a result.

Yours, very truly, R. W. ARCHBALD.

On the 6th day of October, 1911, while the respondent was in the city of Washington, in attendance upon the Commerce Court, he received from said Watson a telegram, of which the following is a copy:

Hon. R. W. ARCHBALD,
Judge, Court of Commerce, Washington, D. C.:

Wire me East Stroudsburg what time to-morrow I can meet you in Washington.

G. M. WATSON.

To this telegram the respondent replied by telegram, as follows:

GEORGE M. WATSON,
East Stroudsburg, Pa.:

Almost any time you wish.

R. W. ARCHBALD.

Pursuant to this telegram said Watson did come to Washington and saw the respondent on October 7, 1911. Said Watson then told the respondent that he had come to Washington to see the respondent at the express request of William P. Boland and Christopher G. Boland, to see whether something further could not be done in the matter of the proposed settlement, to which the respondent had nothing to suggest. As to what further conversation took place between the respondent and said Watson with regard to the said matter at that time the recollection of the respondent is too indistinct to enable him to make any averment, except that he can and does say that if anything further of importance had occurred he would remember it. On the same day, at the request of said Watson, the respondent obtained and gave to him a printed copy of the petition in the case of the Lehigh Valley Railroad Co. *v.* The United States, being No. 49 on the docket of the United States Commerce Court, a case known as the Meeker case, in which the Interstate Commerce Commission had rendered a decision which had a distinct bearing on one of the principal questions involved in the case of the Marian Coal Co. *v.* the Delaware, Lackawanna & Western Railroad Co.

On or about November 13, 1911, at the suggestion of either said Christopher G. Boland or of said Watson, the respondent again saw said Loomis in Scranton and requested him to make an offer of some kind for the property of the Marian Coal Co., or for the interest of said Bolands in that company, by which all the litigation in which said Marian Coal Co. and said railroad were involved could be amicably settled. This endeavor was fruitless, and respondent immediately so notified said Christopher G. Boland by writing and sending to him a letter, of which the following is a copy:

SCRANTON, PA., *November 13, 1911.*

C. G. BOLAND, Esq., *Scranton, Pa.*

MY DEAR CHRISTY: I had an interview with our friend this afternoon, and I regret to say that I did not succeed in doing anything. I tried to get him to make a counter proposition to the one which had been submitted upon your side, but he seemed to feel that the amount which he would be willing to offer was so inconsiderable that it was hardly worth the while. I regret to report this as the final outcome of the efforts of settlement which have been made, but I see nothing to be attained any further here.

I return herewith the papers which you let me have.

Yours, very truly,

R. W. ARCHBALD.

The foregoing is, in substance, a statement of all that respondent had to do with the attempted settlement of the litigation referred to. In all that respondent did in the matter he acted as the friend of said Watson and as the friend of said Christopher G. Boland. Respondent never received from any source whatever any suggestion that he was to be compensated in any way, directly or indirectly, for his attempt to bring about an amicable adjustment of the litigation in question, and in all that the respondent did in that regard he acted without any intention or expectation of receiving or asking for any compensation or reward. Respondent denies that at the times and places mentioned in said second article, or at any other time or place, he willfully or unlawfully or corruptly or otherwise used his influence as a circuit judge or as a judge of the United States Commerce Court to attempt to settle said cases of the Marian Coal Co. against the Delaware, Lackawanna & Western Railroad Co., or to sell or bring about the sale of any stock of the Marian Coal Co. to said railroad company.

Wherefore the said Robert W. Archbald denies that he was and is guilty of misbehavior as such judge or of a high crime and misdemeanor in office, as charged in said second article.

ANSWER TO ARTICLE 3.

For answer to the third article, the respondent says:

1. That the said third article does not set forth anything which, if true, constitutes an impeachable offense or a high crime or misdemeanor as defined in the Constitution of the United States, and that therefore the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said third article.

2. Respondent admits that on or about October 1, 1911, he was United States circuit judge and a judge of the United States Commerce Court, and that the Lehigh Valley Coal Co., a corporation, was practically owned by the Lehigh Valley Railroad Co., which latter company was and is a common carrier engaged in interstate commerce. He further admits that on or about said date said Lehigh Valley Railroad Co. was a party litigant in certain suits then pending in the United States Commerce Court, as stated in said second article, except that as to the pendency of the said suit No. 38 the facts are as follows: Said suit was commenced by petition filed in said court on April 12, 1911. On May 17, 1911, a motion for a temporary injunction was argued, and on May 22, 1911, said injunction was granted. On June 13, 1911, the Interstate Commerce Commission appealed from the order granting said injunction to the Supreme Court of the United States, and on June 16, 1911, the United States appealed from said order to the Supreme Court. At the time in question respondent knew that said railroad com-

pany was a party to said suits pending in the Commerce Court. As to the charge contained in said third article that on or about said last-mentioned date he, the respondent, secured from the Lehigh Valley Coal Co. an agreement which permitted him and his associates to lease a culm dump known as Packer No. 3, near Shenandoah, Pa., this respondent states that the facts are as follows: Said culm dump known as Packer No. 3 was owned by the city of Philadelphia as trustee under the will of Stephen Girard, deceased, which trust was administered through a body known as the board of city trusts. Prior to October 1, 1911, said board of city trusts had leased said Packer No. 3 culm dump, with a large amount of other property, to the Lehigh Valley Coal Co., which lease at that time had about two years to run. It is true that on or about September 28, 1911, at the request of the respondent, the said Lehigh Valley Coal Co. agreed (as respondent understood) that so far as it was concerned it would make no objection to the said board of city trusts leasing to the respondent and his associates said Packer No. 3 culm dump for a term beginning before the expiration of said lease to it, upon several conditions, one of which was that a certain royalty should be paid to the Lehigh Valley Coal Co. for any coal that might be taken from said dump, in addition to the royalty which should be payable to the said board of city trusts, and another of which was that any coal that should be taken from said culm dump should be shipped over the tracks of the Lehigh Valley Railroad Co.

Respondent avers that he and his associates subsequently arranged with certain coal commission men that if said dump should be acquired by the respondent and his associates, the coal to be taken therefrom, after being washed and prepared for market, should be sold to said coal commission men at the dump. The respondent, however, admits that it was his understanding that the coal, by whomsoever sent to market, would have to be shipped over the Lehigh Valley Railroad Co. lines.

As to the averment of said third article that said Packer No. 3 dump contained 472,670 tons of coal, respondent says he has even now no absolute knowledge. His information at the time of the negotiations in question, from one source, was that it contained "about three or four hundred thousand tons," and his information from another source was that it contained a much less quantity.

This respondent denies that in what he did in reference to said Packer No. 3 culm dump, as above set forth, he unlawfully or corruptly or otherwise used his official position or his official influence, as such judge, to secure from the Lehigh Valley Coal Co. said agreement or any agreement.

Wherefore the said respondent denies that he was and is guilty of misbehavior as such judge or of a misdemeanor in such office, as charged in said third article.

ANSWER TO ARTICLE 4.

For answer to the fourth article, the respondent says:

1. That the said fourth article does not set forth anything which, if true, constitutes an impeachable offense or a high crime or misdemeanor as defined in the Constitution of the United States, and that therefore the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said fourth article.

2. The respondent admits that, prior to the 4th day of April, 1911, there was pending in the United States Commerce Court the suit of Louisville & Nashville Railroad Co. *v.* The Interstate Commerce Commission; that that suit was argued before the United States Commerce Court on the 4th day of April, 1911, and that afterwards, on the 22d day of August, 1911, while said suit was still pending in said court and before the same had been decided and while he, the respondent, was a member of the United States Commerce Court, he wrote to Helm Bruce, who was one of the attorneys for the said Louisville & Nashville Railroad Co., a letter, in which he requested said attorney to see one of the witnesses who had testified in said suit on behalf of said company and to get his explanation and interpretation of certain testimony that said witness had given before the Interstate Commerce Commission, and communicate the same to respondent. This letter was written in the endeavor to ascertain the position taken by witness and counsel in regard to what seemed at the time to the respondent to be an ambiguity in the testimony of the said witness, the true construction and meaning of which appeared to the respondent from his study of the case to be contrary to that which had been put upon it by the Interstate Commerce Commission. After receiving the answer of the said Helm Bruce, upon a further consideration of the case, taking the evidence as it stood, without reference to the explanation contained in the letter, the conclusions deduced by the Interstate Commerce Commission were held in the opinion of the court to be unwarranted. As throwing some light upon the matter, however, the respondent inserted the letter in the record at the place in the testimony to which it referred, so that all parties might know and have the benefit of it.

Respondent further admits that afterwards, on the 10th day of January, 1912, while said suit was still pending and before the same had been decided by the United States Commerce Court, he, the respondent, wrote to the said Helm Bruce another letter, in which he said that other members of the United States Commerce Court had discovered evidence in the record with regard to another matter apparently contrary to the statements and contentions made by said attorney, and requested said attorney to make an explanation and answer thereto. This letter was written under the following circumstances:

Upon examination of the evidence by the court after the arguments were closed, a fact was apparently discovered tending to support one of the conclusions of the commission, which is thus stated in the opinion of the dissenting judge:

> For example, the view taken by the commission of the Cooley adjustment is fully justified, in my judgment, by the fact that the relation of rates thereby established in 1886 was departed from, not as to some but as to a great many commodity rates, and that, too, at many times. * * *

Upon this fact an argument adverse to the petitioner was advanced. This fact had not been noticed by the commission or by counsel, and it seemed to the respondent that counsel for the petitioner ought, in fairness and in the interest of justice, to have an opportunity to answer the argument. To give him this opportunity the letter was written.

Respondent denies that in writing or sending either of said letters to said Helm Bruce he was guilty of gross or improper conduct or of a misdemeanor as a circuit judge or as a member of the Commerce Court. He denies that in any proper sense either of said letters was written secretly or wrongfully or unlawfully. He admits that, in so far as he was aware, the fact that either of said letters was so written was not made known to the Interstate Commerce Commission or its attorneys at the time it was so written. But in this connection he avers that in their briefs, and also in the oral argument of the case, the counsel for the Interstate Commerce Commission and the counsel for the United States had distinctly declined to discuss any question relating to the details of the evidence, insisting that the Commerce Court had no right to look into the evidence in the case.

The respondent admits that said Helm Bruce complied with the request contained in each of said letters to him.

Wherefore the respondent denies that he was and is guilty of misbehavior in office or was and is guilty of a misdemeanor, as charged in said fourth article.

ANSWER TO ARTICLE 5.

For answer to the fifth article the respondent says:

1. That the said fifth article does not set forth anything which, if true, constitutes an impeachable offense or a high crime or misdemeanor as defined in the Constitution of the United States, and that therefore the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said fifth article.

2. The respondent avers that some time in November, 1911, he was informed by one Frederick Warnke, whom he had known for a number of years, that a year or two before that time he—Warnke—had been engaged in a coal operation in Schuylkill County, Pa., under a lease which had been executed by the Philadelphia & Reading Coal & Iron Co., as lessors, to other parties, from whom he, the said Warnke, had purchased it; that the said lease included an underground mine and a surface washery, and after having been operated by the said Warnke for some time, during which the washery was burned down and had been rebuilt by the said Warnke, the said Philadelphia & Reading Coal & Iron Co., through W. J. Richards, its general manager, had refused to further recognize his rights thereto, on the ground that said lease was nonassignable. The said Warnke further represented that he had invested in this operation a large amount of money which he would lose unless his rights should be recognized by said company, and he therefore asked the respondent whether he would not see the said Richards and endeavor to have him recognize Warnke's rights. He further said to the respondent that if he should not be allowed to operate the said mine under the said lease, he would be satisfied if he could get from the said Philadelphia & Reading Coal & Iron Co., through the said Richards, a lease of the so-called Lincoln culm dump, which, he said, the Philadelphia & Reading Coal & Iron Co. apparently cared little about, as it was covering said dump with rock and other refuse, which would seriously and permanently injure it. Solely out of friendship for said Warnke, and because of the serious financial loss which was likely to result to him, the respondent ac-

ceded to this request, and on November 24, 1911, arranged with said Richards to meet him at Pottsville, Pa., on November 28 following, on which day the respondent was to be in Pottsville on other business. Accordingly, on the last-mentioned day respondent met said Richards in Pottsville and presented the request of Warnke as above set forth. Said Richards informed respondent that the matter had already been fully considered, in response to requests from several other persons, and that neither of Warnke's requests could be granted, as Warnke had already been told. Respondent did nothing further in this matter, except to report the interview to Warnke.

At the time of said interview respondent did not know, as charged in said article, that the general policy of said company was adverse to the leasing of any of its culm banks; that any communication had been had with George F. Baer, president of said company, with regard to it; or that Warnke had made several attempts, through his attorneys and friends, to have the said George F. Baer and the said W. J. Richards reconsider their decision in the premises, but without avail; or that anything had ever been said to any official of the said company with regard to a lease of any kind to Warnke of the Lincoln culm dump; but respondent is now informed of these facts and believes and admits them to be true.

Respondent further admits that on November 1, 1911, and thereafter until the present time, he was a United States circuit judge, having been duly designated as one of the judges of the United States Commerce Court. Respondent also admits that the Philadelphia & Reading Railroad Co. is a common carrier engaged in interstate commerce, but whether the entire capital stock of the Philadelphia & Reading Coal & Iron Co. is owned by the Reading Co., and whether the last-named company owns the entire capital stock of the Philadelphia & Reading Railroad Co., as averred in said article, he does not know, but has no reason to doubt or deny. At the times aforesaid, however, respondent knew that there was an intimate relation between the said companies.

Respondent denies that he wrongfully or otherwise attempted to use or did use his influence as such judge to aid or assist the said Frederick Warnke to secure a lease of any kind of the Lincoln culm dump or in any of the matters above referred to.

Except as above admitted, respondent at the times above referred to had and now has no knowledge of and no information sufficient to form a belief of the truth of the other matters set forth in the first and second paragraphs of said fifth article.

Respondent denies that at the time referred to in the third paragraph of said fifth article or at any other time he willfully, unlawfully, or corruptly, or otherwise accepted as a gift, reward, or present from the said Frederick Warnke, in consideration of favors shown by the respondent to said Warnke in the effort to effect a settlement or agreement with the Philadelphia & Reading Railroad Co. and the Philadelphia & Reading Coal & Iron Co. or either of them or for other favors shown by respondent to said Frederick Warnke, a certain promissory note for $500, executed by the firm of Warnke & Co., of which the said Frederick Warnke was a member, as the same is averred in the said fifth article. The respondent avers the fact to be that with one John Henry Jones he afterwards rendered services in bringing about the sale by the Lacoe & Shiffer Coal Co. of a certain culm bank known as the Old Gravity Fill, to the Premier Coal Co., with which last-named company said Warnke was connected, and that a note for $510, made by said Premier Coal Co. and indorsed by said Warnke and other persons connected with said Premier Coal Co., was given to the respondent and said Jones as compensation for such services so rendered by them.

Wherefore respondent denies that he was and is guilty of misbehavior as a judge or of high crimes or misdemeanors in office, as charged in said fifth article.

ANSWER TO ARTICLE 6.

For answer to the sixth article, the respondent says:

1. That the said sixth article does not set forth anything which, if true, constitutes an impeachable offense or a high crime or misdemeanor as defined in the Constitution of the United States, and that therefore the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said sixth article.

2. That while respondent denies that on or about the 1st day of December, 1911, or at any other time, he unlawfully or improperly or corruptly or otherwise attempted to use his influence as a circuit judge or as a judge of the United States Commerce Court with the Lehigh Valley Coal Co. and the Lehigh Valley Railroad Co., or with either of them, to induce the officers of said companies, or either of them, to purchase any interest belonging to persons known as the Everhardt heirs in any tract of coal land containing 800 acres, or to purchase any interest in any tract of land, respondent is advised and avers that said article is general, vague, and indefinite with regard to the offense sought to be charged therein; that it does not sufficiently inform respondent in what respect he is intended to be charged as having attempted to use his influence as United States circuit judge and judge of the United States Commerce Court with the Lehigh Valley Coal Co. and the Lehigh Valley Railroad Co., in that it does not state in what said attempts consisted or with what officers or agents of said company, or either of them, or under what circumstances the alleged attempts were made, and does not in any other way give respondent such information as to the real charge intended to be made against him in the said sixth article as will enable him to prepare for trial thereon.

Wherefore the respondent prays that said sixth article shall be adjudged to be null and void and that the same shall be dismissed.

ANSWER TO ARTICLE 7.

For answer to the seventh article the respondent says:

1. That the said seventh article does not set forth anything which, if true, constitutes an impeachable offense or a high crime or misdemeanor as defined in the Constitution of the United States, and that therefore the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said seventh article.

2. Respondent admits that during the months of October and November, 1908, there were pending in the United States Circuit Court for the Middle District of Pennsylvania, in the city of Scranton, Pa., over which court the respondent was then presiding, several actions at law wherein a corporation called the Old Plymouth Coal Co. was plaintiff and certain fire insurance corporations were defendants.

Respondent avers that said suits were commenced by the plaintiff in the court of common pleas of Luzerne County, in the State of Pennsylvania, and on October 3, 1908, on petition of the defendants, were removed to the Circuit Court of the United States for the Middle District of Pennsylvania.

On November 18, 1908, said suits came on to be tried before respondent sitting as trial judge, and a jury, all the suits being tried together, at which time one John T. Lenahan appeared as one of the attorneys for the plaintiff. After the plaintiff's evidence was presented, the defendants moved for a nonsuit. Respondent as trial judge denied said motion. Defendants thereupon introduced evidence, before the conclusion of which, on November 21, 1908, an agreement of settlement was reached of all the suits. The jury was thereupon dismissed, and consent judgments for the plaintiff were entered on November 23, 1908. The judgment in the suit against one company, known as the Pacific Fire Insurance Co. of the City of New York, was for $2,500, to be discharged upon the payment of $2,129.63 within 15 days from November 23, 1908. Similar judgments in varying amounts were entered against the other companies.

At the time of said trial, and for some time before, respondent knew that W. W. Rissinger and his brother owned the principal part of the stock of the Old Plymouth Coal Co.

On or about November 28, 1908, at W. W. Rissinger's request, respondent indorsed a note for $2,500 made by said Rissinger and also indorsed by Sophia J. Hutchinson, which said note was indorsed by respondent solely for the accommodation of the said Rissinger, for the purpose of enabling said Rissinger, by discounting the said note, to raise money to use for his own purposes. This note was discounted by the County Savings Bank, of Scranton, and the whole of the proceeds received by said Rissinger, and has been renewed from time to time with respondent's indorsement, the discount being paid by the said Rissinger; and the last renewal is still outstanding. As to the averment contained in said seventh article that before the expiration of said 15 days the said Rissinger, with the knowledge and consent of the respondent, presented said note to the said John T. Lenahan for discount, respondent says that he has no personal knowledge as to the facts, and that if said note was so presented to the said Lenahan for discount it was without the knowledge, consent, or authority of respondent.

Respondent denies that on or about November 1, 1908, or at any other time, he entered into any agreement with said W. W. Rissinger in relation to the purchase of stock in any gold-mining scheme in Honduras or elsewhere which was in any sense wrongful or corrupt. He admits that beginning in September, 1908, he had conversations with said Rissinger and others in reference to a mining scheme in Honduras and that the negotiations between him, Rissinger, and other persons were pending at the time of the trial of said cases. He further admits that three months after said note was executed, to wit, in February, 1909, he received from said Rissinger certificates

representing stock in a corporation organized by said Rissinger and others for the purpose of operating a gold placer mine in Honduras. Respondent further avers that when he so indorsed said note he understood that he was indorsing it, as hereinbefore stated, solely for the accommodation of said Rissinger, and that when he subsequently received from said Rissinger said certificates of stock they were given him only as collateral security for his liability as indorser of said note. Respondent has recently learned, however, that said Rissinger claims that the agreement between him and the respondent was that the respondent should purchase stock to the amount of one-third of said note, and that respondent was to be liable for one-third of the note, and that he received such certificates of stock not as security but as the owner thereof. To the best of the respondent's present knowledge and belief there was a misunderstanding between said Rissinger and himself, as indicated above, when said note was indorsed and said stock delivered to respondent. Respondent further avers that whether the understanding of respondent or the understanding of said Rissinger with regard to said transactions is correct, the transactions have no relevancy whatever to the judicial action of the respondent in the trial of said cases. In the ruling which he made during the trial of said cases, referred to in said seventh article, he acted solely upon his judgment as to the merits of the question which had been submitted to him in the motion for a nonsuit.

Wherefore respondent denies that any of said acts on his part were improper or unbecoming, and denies that said acts or any of them constituted misbehavior in his said office as judge, and denies that any of them render him guilty of a misdemeanor.

ANSWER TO ARTICLE 8.

For answer to the eighth article, the respondent says:

1. That the said eighth article does not set forth anything which, if true, constitutes an impeachable offense or a high crime or misdemeanor as defined in the Constitution of the United States, and that therefore the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said eighth article.

2. Respondent admits that during the summer and fall of the year 1909 there was pending in the United States Circuit Court for the Middle District of Pennsylvania, in the city of Scranton, over which court the respondent was presiding as the duly appointed judge thereof, a civil action involving a large sum of money, wherein the Marian Coal Co. was defendant. He further admits on information and belief that the said Marian Coal Co. was a corporation and that two-thirds of the stock of said company was owned and controlled by one William P. Boland and one Christopher G. Boland and one James M. Boland. He admits that while said suit was so pending, one John Henry Jones signed a note for $500 payable to the order of the respondent, which note the respondent then indorsed, and that said note was prepared for the signature of the said John Henry Jones by the respondent. As to the averment contained in said eighth article that during the pendency of said suit he, the respondent, wrongfully agreed and consented that the said note should be presented to the said Christopher G. Boland and the said William P. Boland or one of them for the purpose of having the said note discounted, respondent says that the facts are as follows: Said note was indorsed by respondent solely for the accommodation of said Jones, to be discounted for his sole benefit, and it was so discounted by the Providence Bank of Scranton. When respondent indorsed said note he had no knowledge or concern where or by whom it was to be discounted. He did not at any time know to whom it had been or would be presented for discount, except that said Jones, at some time after it was executed and indorsed, respondent is uncertain when, told respondent that one Edward J. Williams, who was interested with Jones in the enterprise for which the money was to be raised, thought that Christopher G. Boland would discount the note because, as he, Williams, claimed, said Christopher G. Boland was indebted to him in a considerable sum of money on account of another transaction, and except also that respondent had a conversation with reference to the discounting of said note by said Providence Bank with one Charles H. Von Storch, the president of said bank. Whether at the time in question respondent knew that Christopher G. Boland was a stockholder in the Marian Coal Co. and interested in the suit against said company then pending in said court, respondent can not now recollect. He does now admit the fact to be that said Christopher G. Boland was at that time so interested in said suit.

The respondent admits that when he was informed, as above stated, that said note might be presented to Christopher G. Boland for discount, he made no comment. If, before that time, he had learned that said Christopher G. Boland was interested in litigation in the court over which respondent was then presiding, that fact did not recur to his mind at that time. The respondent denies that in any proper sense he ever wrongfully agreed or consented that said note should be presented to said Christopher G. Boland for discount, and he denies that he ever, in any way, agreed or consented that said note should be presented to said William P. Boland for discount.

Wherefore the respondent denies that he was guilty of gross misconduct in his office as judge or was and is guilty of a misdemeanor in his said office as judge, as charged in said eighth article.

ANSWER TO ARTICLE 9.

For answer to the ninth article, the respondent says:

1. That the said ninth article does not set forth anything which, if true, constitutes an impeachable offense or a high crime or misdemeanor as defined in the Constitution of the United States, and that therefore the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said ninth article.

2. Respondent admits that on or about December 3, 1909, while he was United States district judge in and for the middle district of Pennsylvania, in the city of Scranton, he, in the city of Scranton, wrote a promissory note in the sum of $500 payable to himself, which said note was signed by one John Henry Jones and indorsed by the respondent for the purpose of having the same discounted. He avers that said note was indorsed by him solely for the accommodation of said John Henry Jones, and that said note is the same note which is referred to in the eighth article. Respondent admits that shortly afterwards said John Henry Jones presented said note for discount to one Charles H. Von Storch, who was then president of the Providence Bank in Scranton. He further admits that thereupon said Von Storch by telephone inquired of the respondent whether he, the respondent, had indorsed said note; that he, the respondent, replied to that inquiry in the affirmative; and that thereupon said Von Storch caused said bank to discount said note. Respondent further admits that said Von Storch at the time in question was an attorney at law, but he avers that to the best of his recollection and belief said Von Storch had never appeared as an attorney in any case before the respondent as a United States judge prior to the time said note was so discounted. He admits that nearly a year before the presenting of said note to said Von Storch as aforesaid a suit in the circuit court of said district presided over by the respondent, in which said Von Storch was a party defendant, was decided in favor of the defendants upon a ruling made by the respondent. The respondent denies that at the time of said transaction he knew that his indorsement would not secure money in the usual commercial channels, and denies that he wrongfully permitted said John Henry Jones to present said note for discount to said Von Storch, and denies that he wrongfully or improperly or otherwise used his influence as such judge to induce said Von Storch to discount said note. On information and belief the respondent admits that said note was discounted by said bank at or about the time of his said conversation by telephone with said Von Storch, and that it has been renewed from time to time for the same amount, except that $25 has been paid thereon by said Jones. He admits that the last renewal is still due and owing.

Wherefore the respondent denies that he was or is guilty of gross misconduct in his said office, or was and is guilty of a misdemeanor in his said office as judge, as charged in said ninth article.

ANSWER TO ARTICLE 10.

For answer to the tenth article the respondent says:

1. That the said tenth article does not set forth anything which, if true, constitutes an impeachable offense or a high crime or misdemeanor as defined in the Constitution of the United States, and that therefore the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said tenth article.

2. Respondent admits that throughout the year 1910 he was United States district judge in and for the middle district of Pennsylvania. As to the averments of the tenth article relating to the alleged receipt of a large sum of money by the respondent from one Henry W. Cannon, respondent denies every allegation of said article except as the same is herein expressly admitted. The facts with regard to the matter are as follows: Said Henry W. Cannon and the wife of this respondent, Elizabeth C. Archbald, are full cousins, in that Benjamin Cannon, father of the said Elizabeth, was full brother to George Cannon, father of said Henry W. Cannon.

On March 23, 1910, Mrs. Archbald received from her cousin, said Henry W. Cannon, of New York City, a letter inviting her to take a trip to Europe at his expense and in his company, for the purpose, among other things, of visiting him at his resi-

dence near Florence, Italy, and suggesting the respondent's daughter, Mrs. Anna Silvey, as a companion. It was stated in said letter that the writer supposed that respondent would not be able to accompany Mrs. Archbald, on account of his judicial work, but it was intimated that if the fact was otherwise, he, the said Henry W. Cannon, would be glad to have respondent accompany Mrs. Archbald in place of their daughter. It was necessary that said Elizabeth C. Archbald while traveling should have a companion, because she was in ill health. Respondent had had no vacation for six or seven years prior to that time. Upon consultation with the other judges of the circuit he found that he could be excused from service without detriment to the work of his district, and thereupon respondent, with Mrs. Archbald, accepted the invitation. On April 16, 1910, respondent and Mrs. Archbald sailed, with said Henry W. Cannon, from New York on the steamship *Kaiserin Augusta Victoria*, traveled with him in Europe, and visited him at his residence in Florence, being gone nearly three months and returning with him to the United States on July 8 following.

When said invitation was given and accepted, and when said trip was made by the respondent and his wife with said Henry W. Cannon, as his guest, respondent knew that said Henry W. Cannon was a director in the Great Northern Railway Co., and that he was president either of the Pacific Coast Co. or the Pacific Coast Steamship Co.; respondent is not sure which, and that the company of which said Henry W. Cannon was president was engaged, among other things, in the mining of coal on the Pacific coast of the United States.

The respondent, when he went with his wife on said trip, did not know that said Henry W. Cannon held the other positions with corporations referred to in said tenth article, and he has no knowledge on that subject now. In this connection the respondent avers that at the time he and his wife made said trip with said Henry W. Cannon at the expense of the said Cannon, the respondent was district judge of the United States for the middle district of Pennsylvania, but that the United States Commerce Court had not then been created, and that respondent had no knowledge or information that any corporation with which said Henry W. Cannon was connected or in which he was interested as officer or stockholder had or was likely to have litigation in the courts in which respondent presided. The respondent denies that the acceptance by him while holding said office of United States district judge of "said favors" from said Henry W. Cannon was improper, and denies that it had a tendency to bring his said office of district judge into disrepute, and denies that it did bring his said office of district judge into disrepute.

Wherefore the respondent denies that he was or is guilty of misbehavior in office, and denies that he was or is guilty of a misdemeanor, as charged in said tenth article.

ANSWER TO ARTICLE 11.

For answer to the eleventh article the respondent says:

1. That the said eleventh article does not set forth anything which, if true, constitutes an impeachable offense or a high crime or misdemeanor, as defined in the Constitution of the United States, and that therefore the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in the eleventh article.

2. Respondent admits that while holding the office of United States district judge in and for the middle district of Pennsylvania on the 16th day of April, 1910, he received and accepted the sum of $525, which was contributed and given to the respondent by various attorneys who were practitioners in the court presided over by the respondent. He avers that the fact that said sum of money or any sum of money was being so raised was unknown to him until the day that he and his wife sailed from New York to go to Europe on the trip referred to in the next preceding article, when it was handed to him in a sealed envelope by Alonzo T. Searle just as the vessel on which respondent was sailing was about to start on its journey across the ocean. Said Searle had formerly been an assistant United States district attorney for the middle district of Pennsylvania, and at the time in question was a member of the judiciary of the State of Pennsylvania. He was one of the persons who contributed to said fund. Said envelope was handed to respondent by said Alonzo T. Searle with the request that it should not be opened until after the vessel had sailed, with which request respondent complied. As to the averments of said eleventh article relating to the manner in which said money was raised, this respondent says that he has no such knowledge or information as enables him to either admit or deny the same. He admits that Edward R. W. Searle at the time in question was clerk of the United States District Court for the Middle District of Pennsylvania; that at that time J. B. Woodward was jury commissioner of said court; and that each of them received his appointment to his said office from the respondent.

With one or two exceptions the persons who were mentioned in the envelope as having contributed to the said fund were close personal friends of the respondent, and the gift was understood by the respondent to be a testimonial of their friendship and regard and was received by him in the spirit of friendship in which he supposed it had been given. The gift could not have been refused without impugning the motives of the givers.

Wherefore the respondent denies that he was or is guilty of misbehavior in office, and denies that he was or is guilty of a misdemeanor, as charged in said eleventh article.

ANSWER TO ARTICLE 12.

For answer to the twelfth article, the respondent says:

1. That the said twelfth article does not set forth anything which, if true, constitutes an impeachable offense or a high crime or misdemeanor as defined in the Constitution of the United States, and that therefore the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said twelfth article.

2. Respondent admits to be true each and every averment of the twelfth article, except that he denies that at the time he appointed said J. B. Woodward a jury commissioner, as set forth in said article, he knew that said Woodward was a general attorney for the Lehigh Valley Railroad Co. The respondent first learned that fact several years after said Woodward was so appointed.

Further answering said twelfth article, respondent says that by section 2 of an act of Congress approved June 2, 1879 (21 Stat. L., p. 43), which act was in force until the adoption by Congress of the judicial code, on March 3, 1911, and is continued in force by section 276 of said code (36 Stat. L., p. 1164), it was provided that in drawing jurors for the Federal courts in the State of Pennsylvania said jurors should be drawn from a box containing the names of not less than 300 persons, which names, the statute provides, "shall have been placed therein by the clerk of such court and a commissioner to be appointed by the judge thereof, which commissioner shall be a citizen of good standing, residing in the district in which such court is held and a well-known member of the principal political party in the district in which the court is held opposing that to which the clerk may belong." The middle district of Pennsylvania was created by act of Congress approved March 2, 1901 (31 Stat. L., p. 880), and was made up of 32 counties, of which 21 counties were taken from the western district of Pennsylvania and 11 counties from the eastern district. That portion of said middle district in which the city of Scranton is situated was taken from the western district. It had been the custom and practice for a long period of years in both the eastern and the western districts of Pennsylvania to select a member of the bar as jury commissioner to serve with the clerk. Soon after the creation of the middle district of Pennsylvania Edward R. W. Searle, who was a Republican in politics, was appointed clerk of the district court for that district by the respondent. It thereupon became the duty of the respondent to appoint a Democrat as jury commissioner of that district. The respondent had known J. B. Woodward, who was a well-known Democrat, intimately and favorably for many years, and, conforming to the custom which had theretofore obtained in said eastern and western districts, and believing that said Woodward would discharge the duties of jury commissioner faithfully and intelligently, and exercising his best judgment in the premises, the respondent appointed said J. B. Woodward for those reasons, and for none other.

Wherefore respondent denies that he was or is guilty of misbehavior in office, and denies that he was or is guilty of a misdemeanor, as charged in said twelfth article.

ANSWER TO ARTICLE 13.

For answer to the thirteenth article the respondent says:

1. That the said thirteenth article does not set forth anything which, if true, constitutes an impeachable offense or a high crime or misdemeanor as defined in the Constitution of the United States, and that therefore the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said thirteenth article.

2. Respondent is advised and avers that in and by said article it is attempted to combine two distinct and independent charges, depending upon different facts and to be supported and met by the evidence of different witnesses, and that to combine the same in one article operates to the serious prejudice of the respondent, not only by embarrassing him and his counsel in his defense, but in preventing him from obtaining the separate judgment of the Senate upon each of such alleged offenses.

Wherefore the respondent prays that the said thirteenth article be adjudged to be null and void and that the same shall be dismissed.

3. The respondent is further advised and avers that said article is general, vague, and indefinite with respect to the first offense sought to be charged therein, to wit, the obtaining of credit from persons interested in suits pending in the courts over which respondent presided, and does not give respondent such information as to the nature and character of the charge intended to be made against him as will enable him to prepare for trial thereon, in that it does not inform the respondent at what times or at what places or from what persons or under what circumstances or in what way it is intended to charge that the respondent obtained credit, and that to require the respondent to further answer said charge would not be agreeable to law or justice.

Wherefore the respondent prays that he be not required to further defend against the said first charge attempted to be made in the thirteenth article.

4. Not waiving, but insisting, upon each of his foregoing objections to the thirteenth article, but being unwilling to appear to admit even by implication the truth of the charges attempted to be made in said article, the respondent states as follows:

As to the first charge attempted to be made in said thirteenth article, he admits that on the 29th day of March, 1901, he was duly appointed United States district judge for the middle district of Pennsylvania, and that he held such office until the 31st day of January, 1911, when he was duly appointed United States circuit judge and designated as a judge of the United States Commerce Court. Respondent denies that at any time or place he sought wrongfully or otherwise to obtain credit from or through any person or persons interested in any court over which he presided or of which he was a member.

As to the second charge attempted to be made in said thirteenth article, the respondent denies that on the 31st day of March, 1911, or at any other time or place he undertook to carry on a general business for speculation and profit in the purchase or sale of culm dumps or coal lands or other coal properties. He denies that for a valuable consideration he at any time undertook to compromise litigation pending before the Interstate Commerce Commission. He denies that in furtherance of alleged efforts to compromise such litigation or in furtherance of alleged speculations in coal properties he willfully or unlawfully or corruptly or otherwise used his influence as a judge of the said United States Commerce Court to induce the officers of the Erie Railroad Co. or the Delaware, Lackawanna & Western Railroad Co. or the Lackawanna & Wyoming Valley Railroad Co., or any other railroad company engaged in interstate commerce, to enter into any contract or contracts or agreement or agreements in which he, the respondent, was financially interested, with Edward J. Williams, John Henry Jones, Thomas H. Jones, George M. Watson, or any other person. He denies that in any contract in which he was interested relating to any purchase or proposed purchase from any railroad company of the character aforesaid he ever concealed or undertook to conceal such interest or connived at such concealment by any other person. He avers that so far as he is aware, in the few such cases in which he had such interest, that fact was disclosed not only to the officers and agents of the company concerned, but to many other persons. Respondent further admits that in the very few cases in which he was interested in the proposed purchase of culm banks or other coal property from railroad companies he did not invest any money or other thing of value, except his own personal services, in consideration of any interest acquired or sought to be acquired by him. He avers that in association with others he rendered services in such cases, but he denies that in attempting to secure any such contract, agreement, or property he used or attempted to use his influence as such judge with the contracting parties thereto or any of them, and denies that he received any interest in any such contract, agreement, or property in consideration of such influence in aiding and assisting in securing same.

Respondent admits that in the year 1911, and until April 15, 1912, the Erie Railroad Co. and the Delaware, Lackawanna & Western Railroad Co. were engaged in interstate commerce. Whether the Lackawanna & Wyoming Valley Railroad Co. was so engaged at any time during that period defendant does not know. And whether the other railroad companies referred to in said thirteenth article but not named were engaged in interstate commerce during said period respondent has no means of either admitting or denying, because he does not know to what other companies the thirteenth article refers. He admits that during the year 1911, and until April 15, 1912, the Erie Railroad Co. and the Delaware, Lackawanna & Western Railroad Co. from time to time had suits pending in the United States Commerce Court, and that other railroad companies during that time had suits pending in said court. Whether the suits referred to but not described in said article were pending at the time of the execution of the several contracts and agreements referred to but not described in said article the respondent can not say, for the reason that he has no means of knowing to what suits or to what agreements the article refers.

The respondent denies that from the 31st day of March, 1911, until the 15th day of April, 1912, or at any other times, he was continuously and persistently engaged in endeavoring to secure or in securing from said railroad companies or from any railroad companies contracts or agreements as charged in said thirteenth article.

Wherefore respondent denies that he was or is guilty of misbehavior as such judge and denies that he was or is guilty of misdemeanors of office as charged in said thirteenth article.

And this respondent, in submitting to this honorable Senate sitting as a Court of Impeachment his answer to the articles of impeachment exhibited against him, respectfully reserves the right to apply hereafter from time to time for leave to amend or add to the same when and as such amendment or addition may become essential to the proper presentation of the defense of the respondent to said articles of impeachment.

ROBERT W. ARCHBALD.

R. W. ARCHBALD, Jr.,
A. S. WORTHINGTON,
Of Counsel for Respondent.

Mr. LODGE submitted the following order, which was considered by unanimous consent and unanimously agreed to:

Ordered, That the Secretary of the Senate communicate to the House of Representatives an attested copy of the answer of Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit, to the articles of impeachment.

Mr. LODGE submitted the following order, which was considered by unanimous consent and unanimously agreed to (S. Doc. No. 886):

Ordered, That the answer of the respondent, Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit and designated as one of the judges of the United States Commerce Court, to the articles of impeachment exhibited against him by the House of Representatives be printed for the use of the Senate sitting in the trial of said impeachment.

Mr. Manager CLAYTON. Mr. President, the managers desire to know if the counsel for the respondent can at this time furnish to the managers a copy of the answer just made by the respondent to the articles of impeachment.

Mr. WORTHINGTON. Mr. President, I regret to say that we had obtained a copy for that purpose, but different newspapers and press associations exhausted the copies, even our own office copy. Otherwise we should be very happy to hand a copy to the managers.

Mr. Manager CLAYTON. I merely wished it in order to facilitate the work of the managers in the preparation of their replication to the answer.

Mr. President, I believe the order heretofore determined upon is that the Senate will reconvene as a Court of Impeachment on the 1st day of August to receive such replication or other response that the managers or the House may see proper to make to the answer just interposed by the respondent.

I presume there is nothing further to be done by the court to-day, and we will therefore withdraw.

The managers on the part of the House thereupon retired from the Chamber.

The respondent and his counsel withdrew from the Chamber.

Mr. LODGE. I move that the Senate, sitting as a Court of Impeachment, do now adjourn in accordance with the order heretofore made until Thursday, August 1, 1912, at 1 o'clock p. m.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate, sitting as a court, do now adjourn in accordance with the order heretofore made.

Mr. BACON. Of course I have no objection to that motion if it is deemed necessary that it shall be repeated every time, but I do not think it is necessary that a motion in the nature of a motion to adjourn should be presented. I think the usual course is for the Presiding Officer to announce that the proceedings of the Senate as a Court of Impeachment are adjourned until a certain date.

Mr. LODGE. No harm can possibly be done.

The PRESIDING OFFICER. The motion is unanimously agreed to.

Thereupon (at 2 o'clock and 5 minutes p. m.) the Senate, sitting on the trial of impeachment, adjourned until Thursday, August 1, 1912, at 1 o'clock p. m.

CORBETT TUNNEL, WYOMING—VETO MESSAGE.

The PRESIDENT pro tempore (Mr. GALLINGER). The Senate resumes legislative business.

Mr. MYERS. Mr. President, as a privileged matter, I ask that the veto message of the President of Senate bill 4862 be laid before the Senate for consideration and action.

Mr. BRANDEGEE. Mr. President, the unfinished business is in order at this time.

The PRESIDENT pro tempore. It is the duty of the Chair to lay before the Senate the unfinished business. It will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I did not hear what the Senator from Montana stated. I should like to have him repeat it.

Mr. MYERS. I will restate it. I do not know what the rights are about a veto message of the President, but I have understood that it is a matter of the highest privilege to be called up at any time. There was a veto message of the President of Senate bill 4862 communicated to the Senate some days ago. The rules, I believe, provide that immediately upon the receipt of a veto message it shall be laid before the Senate, and that the Presiding Officer shall put the question, Shall the bill pass, notwithstanding the objections of the President of the United States? Instead of that being done, at my request the veto message was laid on the table, and it was the understanding that it could be called up at any time.

Furthermore, I had intended to call it up to-day, and I do so at this time because it has been my impression that the Senate is entitled to two hours each day in which to transact morning business or special business or business of a specially privileged nature—in other words, from 12 o'clock to 2 o'clock when the Senate may convene at 12 o'clock. To-day the impeachment proceedings consumed one hour and a half of that time, and it seems to me the Senate ought to have its two hours in which to attend to morning business and business of this nature that may be called up by any Senator.

If I am wrong and if the unfinished business is now the regular order, and it is the desire of the Senator from Connecticut to proceed with it, I will not urge anything further in regard to the matter. It was my impression that, considering the fact that an hour and a half of the two hours for morning business had been consumed by the impeachment proceeding, and the further fact that this is a matter of a privileged nature, I was entitled to have it called up at any time.

Mr. BRANDEGEE. I had no idea that the matter alluded to by the Senator from Montana was a privileged matter. I remember in looking over the RECORD to have seen that the Chair did lay the veto message of the President before the Senate and stated what the question was. That is as far as it went.

Mr. LODGE. If the Senator will allow me, that is the general provision in regard to all messages. I should be glad if the Senator would point out where the privilege of a veto message is.

Mr. MYERS. I can not now put my finger on any rule, but I have been informed by older Senators that that is the case.

The PRESIDENT pro tempore. That the RECORD may be correct, the Chair will state that he laid the message before the Senate and stated that the question was whether the Senate would, notwithstanding the objections of the Executive, pass the bill. The Senator from Montana then asked that it might lie on the table and be printed.

Mr. LODGE. Do I understand the Chair to rule that it is a privileged matter?

The PRESIDENT pro tempore. On the contrary, the Chair holds that it is not a privileged matter.

Mr. MYERS. I will ask for information, when I may have the opportunity of calling up the message for action, at what time during the morning hour, or when will it come up?

Mr. BRANDEGEE. Of course, I am not responsible in any way, nor is the unfinished business, for the fact that the special order of the Senate, the impeachment proceeding, has taken such a large portion of the time from the morning hour. That was done by a special order of the Senate. I have no disposition whatever to delay or impede any action that the Senate may desire to take upon the veto message to which the Senator from Montana has alluded.

I simply called the attention of the Senate to the fact that the unfinished business is now in order. Certain Senators have spoken to me and said they desire to speak on that subject. The Senator from Montana has asked the Chair a parliamentary inquiry, I understand, and I will desist until that has been answered.

Mr. MYERS. I will withdraw the question and I will ask for information from the Chair on this point, considering the fact that impeachment proceedings have consumed one hour and a half of the two hours provided by the rules for morning business, are we not now entitled to further consider morning business or special business for an hour and a half longer?

The PRESIDENT pro tempore. The Chair announced that morning business had closed and other business was transacted before the impeachment proceedings were entered upon.

Mr. CUMMINS. Mr. President, I do not rise to question the ruling that has just been made by the Chair, but the suggestions of the Senator from Massachusetts might leave an erroneous impression upon the Senate with regard to our duty respecting veto messages. We have nothing in our rules which specifically refers to such messages, but we have in our Constitution a provision which, I think, points the way very clearly to our duty. I read from section 7, Article I, of the Constitution:

> Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States. If he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it.

The Constitution then sets forth the portion of the vote which must be had in order to override the veto of the Executive. To me it seems very clear from this provision of the Constitution that it is the duty of the Senate to proceed immediately, unless there be some other order made by the Senate with respect to it. I do think that a message of the President withholding his approval from an act of Congress has a different standing here from the standing which other messages of the President upon general matters may have. I believe it is our duty to go on and consider this veto message for the purpose of determining whether the will of Congress or the will of the President shall stand.

Mr. LODGE. The clause of the Constitution, which of course is a familiar one, has never been held, I think, to confer parliamentary privilege in either House. At this very moment there is a veto message on the Army appropriation bill in the House of Representatives upon which no action has been taken. It has never been the practice, I think, in either House to construe that clause as meaning that the moment a veto message was laid before the House we must immediately proceed to consider it. The practice is to refer the bill with the veto message to a committee. That has been done in the House in the case I have in mind. It has always been done with veto messages here, I think, since I have been in the Senate. That has been the universal practice. Of course, the time may come to change it, but that has been the practice.

Mr. CUMMINS. I do not say it is mandatory to the Senate to proceed immediately to the consideration of a veto message, but I think it is mandatory to proceed in some manner upon the message.

May I say that while it is not so definitely stated in the Constitution of the United States, there is a similar provision in the constitutions of nearly all the States, and to those provisions there is added, I think, almost invariably, that when a veto message is presented the only question shall be, Shall the bill pass notwithstanding the disapproval of the Executive? I do not cite these instances as rules for our guidance, but I do cite them in order to show that when Congress has acted upon a measure and the Executive approval is withheld, then the measure ought to have some higher standing before us than though it were pending here without action or than a message which simply communicated to us the opinion of the Executive with regard to general matters.

Mr. LODGE. Mr. President, there is no question whatever that when the question on a veto message is put it must be put in the precise form stated by the Senator from Iowa. The point is, when shall that question be put? The Constitution says the House in which the bill originated shall proceed—proceed, of course, under its own rules and under its own provisions, which has been the universal practice—proceed in its own way; and when the time has come for acting on the veto message, then it is put in that manner. I should like to ask what bill it is that the veto message is on.

Mr. CUMMINS. I ask the Senator from Massachusetts when, in his opinion, does the time come?

Mr. LODGE. When either House to which the message comes chooses to take it up.

Mr. CUMMINS. Will it be taken up as a bill is taken from the calendar, subject to the rules that prevail in such cases?

Mr. LODGE. I think so.

Mr. CUMMINS. And can it be taken up in the morning hour?

Mr. LODGE. It can be taken up under the rules like any other matter.

Mr. CUMMINS. But what are the rules for taking up a veto message?

Mr. LODGE. The same rules that apply to any other matter before a committee or before the House. I desire to know just what bill it is that the veto message is on?

The PRESIDENT pro tempore. The title of the bill will be reported.

The SECRETARY. A bill (S. 4862) for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project.

The PRESIDENT pro tempore. The Chair will call attention to the proceedings that were had when this veto message was laid before the Senate.

The Secretary read from page 464 of the Journal of July 18, 1912, as follows:

A message was received from the President of the United States by Mr. Latta, his secretary.

The message was read.

The Senate proceeded, as the Constitution prescribes, to reconsider the said bill—S. 4862—returned by the President of the United States to the Senate, in which it originated, with his objections, which bill is in the following words, viz:

* * * * * * *

The President pro tempore stated the question to be, Shall the bill pass, the objections of the President to the contrary notwithstanding?

When,

On motion by Mr. MYERS,

Ordered, That the bill and message lie on the table and be printed.

Mr. LODGE. I was going to say, under the usual course I think the matter would be referred to a committee. I think that is the usual practice of both Houses.

The PRESIDENT pro tempore. It can either be acted upon, referred to a committee, or, as in this instance, it can be laid on the table.

Mr. BORAH. I presume were it not for the fact that the unfinished business seems to have precedence now, this matter could be called up or that it can be called up to-morrow morning during the morning business.

The PRESIDENT pro tempore. If the Senator from Idaho will permit, the Chair will make reply to the inquiry made a moment ago by the Senator from Montana [Mr. MYERS] and which will also answer the inquiry of the Senator from Idaho.

It is the opinion of the Chair that it will be in order at any time, either during the morning hour or at any time after the morning business has closed; the Senator can ask for unanimous consent to take the message up or he can move for its consideration.

Mr. LODGE. A parliamentary inquiry, Mr. President. Of course, if the Senate takes it up now by motion it displaces the unfinished business.

The PRESIDENT pro tempore. Undoubtedly that would be the effect if taken up now.

Mr. MYERS. I have no desire to displace the unfinished business, or even to make a motion to that effect. I give notice that to-morrow morning, immediately after the order of the introduction of bills and joint resolutions, I will call up this veto message and ask that it be laid before the Senate for consideration and disposition.

REPORT ON "TITANIC" DISASTER.

Mr. SMITH of Michigan. I ask unanimous consent to call up the Senate resolution 356, providing for the printing of Senate Report No. 806. It has been reported favorably from the Committee on Printing.

Mr. BRANDEGEE. I shall not object to this unanimous consent, but I desire to give notice that after the conclusion of the resolution called up by the Senator from Michigan I shall press the unfinished business.

The Senate, by unanimous consent, proceeded to consider the resolution, which had been reported from the Committee on Printing with an amendment in the nature of a substitute, as follows:

Resolved, That 12,000 copies of Senate Report No. 806, Sixty-second Congress, second session, Report of the Senate Committee on Commerce on the Titanic disaster, be printed for the use of the Senate folding room.

The PRESIDENT pro tempore. The question is on agreeing to the resolution reported as a substitute.

The resolution was agreed to.

PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. Several Senators have indicated to me a wish to make some remarks upon the unfinished business. I ask the Senator from North Dakota if he is ready to proceed at this time.

Mr. McCUMBER. I am prepared to finish the address I had in mind when I gave way to the Senator from New York [Mr. O'GORMAN].

Mr. BRANDEGEE. Then I yield the floor.

The PRESIDENT pro tempore. The Senator from North Dakota will proceed.

Mr. McCUMBER. Mr. President, I desire very briefly to close my argument on this proposition of our right under our treaty to charge tolls to the coastwise trade of any other nation while we free our own coastwise trade from those tolls.

When the treaty of 1901, the Hay-Pauncefote treaty, was agreed to by the Senate of the United States it was understood by the Senate, by both the high contracting parties, and by the whole world, that the vessels of every nation, including those of the United States or its citizens, should receive absolute equality of treatment; and it was further understood that this treaty pledged the sacred honor of the United States that as proprietor of this canal it would not discriminate in favor of its own vessels.

Every diplomatic utterance for over half a century stands as a warrant for our good faith. Every message of every President who has discussed the subject of an Isthmian Canal during that period is a national declaration of our policy to maintain as a great world canal such connecting highway between the oceans, dedicated to peace, and within whose zone the clamor of war should never be heard.

The spirit of that great purpose was never intended to be abandoned by this Government when it entered into this agreement. It was never intended by us to set up any right or privilege of discrimination in our own favor because of our investment or the duty of maintenance self-imposed upon us. We went even further and by a vote of 43 to 27 declared specifically that we would never claim a preference for our own coastwise vessels.

We understood when we adopted this treaty, and we so said to all the nations, that it should be dedicated to the whole world on terms of exact equality, and that the great benefits that we should derive by shortening the waterway between our Atlantic and Pacific Oceans 4,000 miles, and the equal tolls we might charge to all commerce which should pass through it to meet the interest upon the investment and cost of maintenance, should be full compensation for that investment.

No strained attempt at construction, no bellicose utterances of Senators, can ever efface one line of our historic attitude on this subject or wipe from our records the decisive vote of the Senate which refused to claim a discriminatory right.

If there were no other reasons, a deep pride in the honor of my country, in its standing before the bar of judgment of the civilized world, demands that I should raise my voice and cast my vote against the attempt to cast a stain on that national honor.

And, Mr. President, we can not excuse ourselves from this laxity of a deep concern in our national integrity by suggesting that if our right be questioned we may submit it to The Hague tribunal, because the same spirit that will violate the strict letter and intendment of this treaty will have no difficulty in voting a violation of that treaty which would send the matter to The Hague. The same arguments which are made to sustain our right to avoid the obligations of this treaty would be urged to withdraw the particular subject from the operation of the other treaty. True, that treaty provides that disputes as to the proper construction of a treaty shall be submitted to the international tribunal, but that treaty also provides that certain matters, which would include questions of national safety, honor, or internal policy, are excepted from any provision requiring submission to arbitration.

Those Senators who can see their way clear to avoid the clear letter and purpose of this agreement will, I anticipate, find little difficulty in discerning an avenue of escape from the spirit of the other treaty, based on a claim of internal policy.

When we have violated both agreements, when we have refused to abide by our obligations in this treaty, and followed that by a refusal to submit the question of such violation to The Hague tribunal, what then? War? No; not for one moment. No nation on the face of the earth can afford to go to war with us, and probably least of all the nation with whom this treaty was concluded. Our great expanse of territory, our vast population, our unequaled wealth and almost inexhaustible resources stand as a proclamation to any nation or combination of nations of the futility of any resort to arms as a settlement of an international agreement with us. In these days war's favors are not to the nation that can strike the first or the quickest blow, but to the one which can strike the last blow. It is a contest of endurance. So it will never be a question of war, but solely one of national faith. The very fact

that we are immune from the danger of war, except one that we ourselves may declare, ought to appeal to a greater degree to our high sense of duty to maintain to the utmost the good faith of our contractual obligations. A nation struggling for its very existence may find excuse for failure to maintain its national word; a nation independent and having every advantage in the world in the race for national prestige and greatness is bound by the highest duty to hold its obligations sacred.

I have not had time to examine the decision twice read here in the case of a wharf charge imposed upon foreign vessels under the laws of Texas, but I caught enough of its purport to understand that it had no bearing in this case. Undoubtedly the treaty referred to in the decision was not intended to cover within its purposes our coastwise trade, in which the other contracting party had no possible interest. In fact, as I remember, the case was not really tried upon the question of the violation of a treaty, but that matter was only brought up as an afterthought and incidentally referred to by the court. But the Hay-Pauncefote treaty has for its very foundation not only all the commerce in which the two contracting parties have an interest, but also the coastwise trade of each and every country or state in the Western Hemisphere.

Let us look at these matters just as they are.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. I yield.

Mr. BORAH. The Senator seems to be about to take up another branch of the subject. The Senator stated in his opening remarks that it was understood by everyone at the time of the adoption of this treaty that its construction was such as to preclude us at this time of admitting free our coastwise trade through the canal. The Senator was in the Senate at that time, I think, and I should like to ask him if he understands that the debates in the Senate show no divergence of view upon that subject?

Mr. McCUMBER. The debates disclose a divergence of purpose upon that subject. There were those who claimed that we ought to so modify the treaty that we would have the right to discriminate in favor of our coastwise trade. That was brought to a focus and a vote had upon the amendment offered by the then Senator from California, Mr. Bard, which amendment specifically provided for the right to discriminate in favor of our coastwise trade. That amendment was voted down by a vote of 43 to 27.

Mr. BORAH. Mr. President, is it not true—I have not read the debates at that time——

Mr. McCUMBER. The debates are not published. They were held in executive session.

Mr. BORAH. Is it not true, then, that some Senators expressed the view that it was not necessary to have such an amendment in order that we might be permitted to discriminate in favor of our coastwise trade?

Mr. McCUMBER. I never heard an expression of that kind in the debate. I might not have been present at every moment of the debate, but I was here all the time, and there was no expression of that character.

Mr. BRANDEGEE. But the Senator will remember that Senator Bard, in a letter embodied in the report of the House committee, stated that that was the general understanding. The Senator from Georgia [Mr. BACON], however, said that he was not aware of any such general understanding and that he did not think there was any such understanding, so that there is a difference of opinion about that.

Mr. JONES. The Senator from Massachusetts [Mr. LODGE] suggested that that was his understanding about it.

Mr. BORAH. Is it not true that the Senator from Massachusetts understood that it was not necessary to adopt the amendment which was submitted by the then Senator from California in order to enable us to discriminate in favor of our coastwise trade?

Mr. McCUMBER. If he had that understanding, it was not made very public to my knowledge. Senators may have had some views to which they gave no expression, and I can not tell what those views were; but the general consensus of opinion was that the treaty did bind us to treat all vessels alike. We discussed the general question of whether or not we ought to so amend the treaty in that particular, but it was quite conclusive from our diplomatic correspondence that if we so amended the treaty it would not be agreed to by the other party.

It seems to me that common honesty and candor required of us if we purposed to give that treaty a construction contrary to its fair import, we should then and there have so notified the other party to the agreement. If we so intended and the instrument was susceptible of either construction, national integrity demanded that we should adopt the Bard amendment and made our purpose clear.

Mr. BORAH. Mr. President, I should like to ask the Senator if he proposes to discuss in his remarks the proposition of the effect the change of sovereignty of the Canal Zone has as to our right to disregard or avoid the treaty.

Mr. McCUMBER. Mr. President, I will touch upon that; but I can say right here that I think it was properly expressed by the President when he said in his message that while we practically have all the rights of sovereignty, the titular sovereignty actually remains in the Panama Government. Of course we did not buy that territory and make it wholly American territory. If we should fail to accomplish the building of the canal and fail to operate it as a canal, no one would claim that that zone was a part of our territory, over which we might have exclusive jurisdiction to dispose of or do anything else with that we saw fit. We had the right of operation, and that right of operation necessarily carried with it such a control—and I admit that the control was very complete—over that portion of the territory which was necessary, not only for the operation of the canal, but for its proper protection, and we not only had the 10-mile strip but we also had the right to use rivers, streams, and so forth, in order portions of Panama outside the Canal Zone as might become necessary for the operation of the canal.

Mr. BORAH. The Senator's contention, then, is that we have and can exercise no such sovereignty over the Canal Zone as we do, for instance, over the Territory of Alaska, or any other Territory belonging to the United States.

Mr. McCUMBER. Let me read one article of the Hay-Pauncefote treaty, which the Senator from Connecticut calls to my attention, namely, article 4:

ARTICLE 4.

It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

It seems to me that the article I have just read fully answers the question of the Senator.

Mr. BORAH. Mr. President, I did not advance this as my view, because I have not yet formed an opinion as to that proposition; but those who do take that position say that that article of the treaty contemplated simply a change with reference to the countries surrounding the canal, the Central American countries, and that we would have no power to negotiate a treaty which would in anywise diminish or abrogate our rights of sovereignty over our own territory.

Mr. McCUMBER. If the Senator will read the first article of the treaty he will ascertain that that treaty gives us the authority either to build and own the canal ourselves or to allow our citizens to own it. It allows us to control it or to loan the money for its construction; but there was no distinction drawn as to the rights guaranteed to the other party to the treaty in reference to the neutralization of the canal and equality of treatment, whether we adopted the one course or the other. Absolutely no distinction between the two at all was made, and the Senator, if he will read the first article, will see that it contemplates that we may adopt either course.

Now, let us view another proposition. We are, of course, the greatest country in the Western Hemisphere and will continue to be the dominant power. But we have never claimed that by reason of that domination the principles of the law of nations did not bind us. We have never claimed, and I hope never will claim, that each and every American State has not as complete a sovereignty as the United States. We have never claimed that any other country or the citizens or subjects of any other country had not as great a right to construct that canal as we had. I say as great a right, not as great an interest. All we have claimed was a right of control or domination equal to that of any other country, to the end that no country should secure, by virtue of the construction of any connecting isthmian highway an advantage over us, and to the further end that such highway should always be a world highway, as free as though nature herself had connected those seas. To assure that, we entered into the Clayton-Bulwer treaty, which bound upon both this country and Great Britain the duty to refrain from building or controlling this passage without the consent of the other. In that treaty we acknowledged the cointerest not only of Great Britain but of all other nations in such a canal. In that treaty we solemnly contracted that it was to establish and declare forever equality of world interest as an American policy.

It is worse than idle talk to claim that the Clayton-Bulwer treaty was not regarded as a binding obligation because of a claim of breach of faith by the other contracting party. The

very treaty under consideration, the Hay-Pauncefote treaty, acknowledges its validity and declares that it is entered into for the express purpose of modifying that provision of the old treaty which prohibits us from building and controlling the canal. We can not in the same breath seek to modify a treaty and claim that it is an obligation and also claim that it is void and we were not bound by it.

The most that any man has ever claimed until the other day is that the act of Great Britain in reference to a claim of sovereignty over the Mosquito territory made the Clayton-Bulwer treaty voidable at our option. If we ever had an option, we have exercised it several times in our diplomatic utterances, in every one of which we held that that treaty was binding on both countries.

In the face of all our history and in the teeth of the Hay-Pauncefote treaty, it certainly requires a man whose courage can not be checked by any array of facts, no matter how formidable, to now assert that the Clayton-Bulwer treaty was not regarded by this country as in full force and effect until the adoption of the Hay-Pauncefote treaty.

Admitting that we do not claim that our sovereignty extends from the North Pole to the South Pole, over the whole Western Hemisphere, let us look at facts straight in the face.

Prior to the Hay-Pauncefote treaty and the treaty with Panama, had we any greater right to build that canal than Canada? Not were our interests greater, but were our national rights greater than hers? She has a coastwise trade. Her Atlantic and Pacific shore lines are nearly equal to ours. She has important cities on both oceans. Her eastern population needs the products of her western shores, and vice versa. In time of war both shores must be defended. As long as the Clayton-Bulwer treaty was in existence she was assured of the same toll for her coastwise commerce or her warships as we might receive.

Let us look at Panama or Nicaragua side of the questions. Panama will undoubtedly have a coastwise trade. It may not be important when measured by ours, but when measured by her entire commerce it may be proportionally as important to her as our coastwise trade is to us. If we have a right to say that our coastwise trade shall be free while the coastwise trade of Canada shall pay a toll, we, of course, have the same right to say that the coastwise trade of Panama, of Nicaragua, or any other Central or South American country shall not have the same rights as our coastwise commerce. If we insist upon freeing from tolls our own coastwise vessels, we will be violating our treaty with Panama under which we were authorized to construct this canal, for that treaty bound us to the same concessions that were required of the French Panama Canal Co.—absolute equality of treatment in reference to the use of the canal.

When we entered into our treaty with Panama, we said to her: "We will see that the obligation which was incurred by the Panama Co. shall be our obligation," and that obligation by the canal company was to operate this canal on equal terms with all nations of the world.

Let us remember also that Great Britain had important possessions in the Pacific Ocean and the Caribbean Sea. Australia affords a market for the products of Jamaica and British Guiana. Jamaica might need the forest products of British Columbia. In the provisions of the old treaty she had insisted upon equal rights for these countries. In surrendering certain rights which she claimed by virtue of the old treaty she still insisted upon retaining equal benefits for herself, her dependencies, and all nations.

What were the reciprocal conditions, the rights obtained, or the benefits surrendered by either party to the Hay-Pauncefote treaty? The United States asked Great Britain for a new treaty which should so modify the treaty of 1850 as to allow this country to construct, control, and operate a canal across the Isthmus, or would allow her to lend her support to any other company that might do so. She asked Great Britain to surrender her right to ever build any canal across the Isthmus of Panama, and this last right was a most important one.

Remember that Great Britain could not to-day take advantage of a treaty she had with Nicaragua to construct a canal there, because under the Hay-Pauncefote treaty she obligates herself never to construct or operate any canal across the Isthmus of Panama; and we asked her to enter into that obligation with an assurance upon our part that if she would so obligate herself we would see that the commerce of the whole world was treated with the same consideration.

Under the Hay-Pauncefote treaty Great Britain obligates herself to surrender every right she had obtained from Nicaragua or any other Central American country to construct an isthmian canal. Under it she obligates herself never to construct such a canal. Under it she further concedes to the United States the exclusive right to exercise that which she surrendered. And in consideration of the surrender of all those rights the United States obligates itself to allow Canada and Jamaica and Australia and Panama and Great Britain and every other country the same use of that canal, without any discrimination whatever, which she might enjoy. The consideration for the investment was fully answered in the report of Senator Davis on the first Hay-Pauncefote agreement, in which he says:

> That our Government or our people will furnish the money to build the canal presents the single question whether it is profitable to do so. If the canal, as property, is worth more than its cost, we are not called on to divide the profits with other nations. If it is worth less, and we are compelled by national necessities to build the canal, we have no right to call on other nations to make up the loss to us. In any view it is a venture that we will enter upon if it is to our interest; and if it is otherwise, we will withdraw from its further consideration.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I do.

Mr. CUMMINS. To what part of the Hay-Pauncefote treaty does the Senator from North Dakota refer when he says that Great Britain agreed never to construct a canal uniting the Atlantic and Pacific Oceans?

Mr. McCUMBER. I refer to the provisions contained in the old Clayton-Bulwer treaty that neither of these countries could construct a canal without the consent of the other; and Great Britain simply agreed to the modification of that provision to the extent that the United States might so do, but it was not so modified that she herself might construct that canal.

Mr. CUMMINS. I do not read the treaty in that way. As I read the treaty of 1901, the Clayton-Bulwer treaty was entirely abrogated and superseded by the Hay-Pauncefote treaty, and there is no provision in the latter treaty which contains any obligation on the part of Great Britain with respect to any canal. Great Britain is as much at liberty to construct a canal across the Isthmus as she ever was, so far as this treaty is concerned. There may be other doctrines held by the American people that would prevent Great Britain from constructing such a canal, but I can not see in the Hay-Pauncefote treaty any obligation of that sort, nor do I believe that there is any obligation of that kind outstanding so far as treaties are concerned.

Mr. McCUMBER. I am certain when the Senator from Iowa will again read over carefully in the Clayton-Bulwer treaty and then in the Hay-Pauncefote treaty the provisions relating to what Great Britain surrendered and what the United States surrendered that he will change his mind upon that matter. In a report submitted to the Senate, prepared by such lawyers as the then Senator from Minnesota, Mr. Davis, and the then Senator from Alabama, Mr. Morgan, at least one of them declared specifically that that was the construction to be placed upon it. If the Senator will read the report made by Senator Morgan, he will find that that subject is discussed fully. I can not now, as I have not the papers before me, turn to the two treaties, but before we get through the discussion I will agree with the Senator that I will call his attention specifically to that part of the argument.

Mr. CUMMINS. I will say I will be very glad to have that done. I have the two treaties before me now. I agree that in the Clayton-Bulwer treaty there was such an obligation on the part of Great Britain; that is, it was a reciprocal obligation and rested on the United States as well, but all obligations under the Clayton-Bulwer treaty were abrogated and there came into existence new obligations, which, as I read the treaty, rested only upon the United States. I am not contending against the argument of the Senator from North Dakota that one of the considerations for the Hay-Pauncefote treaty was the surrender on the part of Great Britain of the obligations of the Clayton-Bulwer treaty; I am only saying that there is nothing in our treaty obligations with Great Britain that would prevent her from constructing a canal anywhere on earth.

Mr. McCUMBER. Mr. President, I am going to show the Senator right now—I thought I did not have the records here to show him, but find I have some of them—and I will read from a portion of the Clayton-Bulwer treaty and the new treaty discussed in the report of Senator DAVIS and contained in the confidential printed documents of the Fifty-sixth Congress, in volume 14, on pages 9 and 10. It is stated here—

> The purpose of this convention is—

Then it quotes from the new convention—

> to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, and to that end to remove any objection which may arise out of the convention of April 19, 1850, to the construction of such canal under the auspices of the United States—

The object of the new treaty is here declared to be to that end, to remove the objection "to the construction of such canal under the auspices of the United States," not to the end that such canal may be constructed by either party to the Clayton-Bulwer treaty, but that it might be constructed under the auspices of the United States.

Then, the Senator proceeds:

The "objections" that may arise under the Clayton-Bulwer treaty are—

Here he quoted the treaty itself—

(1) That neither the one nor the other (Government) will ever obtain or maintain for itself any exclusive control over the said ship canal.

Both binding themselves in that agreement never to maintain any exclusive control over the ship canal.

(2) That neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any domain over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America.

(3) Nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same.

(4) Nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be afforded on the same terms to the citizens or subjects of the other.

And then the report proceeds:

Of this series of restrictions there are few, if any, that are not or may not become "objections" to the enjoyment of "all the rights incident to the construction (of the canal) as well as to the exclusive right of providing for the regulation and management of the canal." These grounds of objection to our exclusive control of the canal are all removed by this convention, except those that relate to fortifications which, being expressly restated, are retained in a new or modified form.

This sweeping modification of article 1 of the Clayton-Bulwer treaty, as to all its restrictions upon the right of the United States under its auspices, to construct the canal and to have and enjoy all the rights—such as ownership—incident to its construction as well as the exclusive right of providing for its management and regulation, leaves no ground, substantial or conjectural, on which Great Britain could hereafter contend for any of the restrictions contained in that article (not expressly excepted) as remaining in force against the United States.

She consents to remain under the prohibitions of that article and consents that the United States shall be released from them in her negotiations with Costa Rica and Nicaragua for such exclusive rights in or relating to the canal as they may concede to the United States.

If this convention is ratified Great Britain could not negotiate with Costa Rica or Nicaragua or any other American State for any right to build, own, control, manage, regulate, or protect a canal to connect with the oceans, while the United States is left free to enter upon and conclude such negotiations.

That is all relating to that particular subject.

Mr. CUMMINS. I am entirely familiar with that report. My question was as to that part of the treaty of 1901 to which the Senator from North Dakota referred. I do not believe that Great Britain, under the Monroe doctrine, could build such canal across Central America or the Isthmus.

Mr. McCUMBER. Why could not she or her citizens build it as well as the citizens of France, who were proceeding to build it with our full concurrence and without question?

Mr. CUMMINS. But I do say that there is nothing whatsoever in the Hay-Pauncefote treaty that creates any obligation whatever upon the part of Great Britain, except to obey the rules which are adopted as a part of the treaty, and that every obligation on the part of Great Britain which had been created by the Clayton-Bulwer treaty was abrogated and that there remains no promise of any kind on the part of Great Britain toward us, although I freely admit that the surrender of this treaty and the obligations which it had created formed a part, if not all, of the consideration of the Hay-Pauncefote treaty of 1901.

I have no doubt that this report proceeded upon this theory: That the canal question was settled for all time by it, and that there would be no attempt on the part of Great Britain to construct a canal at this quarter of the earth, simply because the project had been adopted by the United States.

I would not want the treaty of 1901 to be construed as the Senator from North Dakota construes it as creating this obligation on the part of Great Britain.

Mr. McCUMBER. Oh, Mr. President, Great Britain imposed the obligation upon herself when her representatives signed the Hay-Pauncefote treaty. Now, if we will go back to the last treaty and read the beginning of it—its purposes—it will be made manifest that while the United States was to be freed from her obligations under the Clayton-Bulwer treaty not to construct a canal of which she should be the owner or of which she should have the control, Great Britain was not freed from that, and it practically so states in the wording preceding article 1, which reads as follows:

Whereas a convention between the United States of America and the United Kingdom of Great Britain and Ireland, to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization.

Now, take these words:

And to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States.

In other words it goes only to the extent of relieving the United States from her obligations and not Great Britain:

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, King and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850.

Only to the end that would allow the United States to control it. The other portions of the Clayton-Bulwer treaty are still in existence, so far as it binds Great Britain.

Mr. CUMMINS. Will the Senator read article 1?

Mr. McCUMBER (reading)—

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

Certainly; it superseded it, but it superseded it with the understanding that these matters which we are discussing were to remain in force.

I proceed now to the consideration of the claim that as we own the canal, as our money built the canal, that no nation has a right to say whether we shall grant free passage to our own ships or to the ships of any country; that it is our property to do with it as we see fit. If that had been our agreement, if we had not bound ourselves in order to get rid of the other agreement not only with the contracting party with which we made the Hay-Pauncefote treaty, but bound ourselves by an open declaration as relating to a specific contract made with Nicaragua and afterwards with Panama, I presume we would have a right to obtain a portion of the Isthmus of Panama and construct a canal thereon, to own it and control it, the same as we would any other outside territory.

But we were not the owners of any Panaman territory; we had no rights that other nations did not also possess over that territory, and in order to obtain those rights we were compelled to impose upon ourselves certain obligations, the principal one of which was to guarantee equality of treatment of all vessels using the canal which we purposed to construct.

The rights surrendered by Great Britain and the rights acquired by the United States were most valuable rights, constituting a consideration of great moment, and the obligation created thereby ought therefore to be held most sacredly inviolate. If we wish further concessions let us proceed, as we did before, to secure a modification through the treaty-making powers of the two Governments in connection with a modification of the treaty made with Panama.

I have grave doubts myself if the other party to this contract would seriously object to a modification of that treaty which would allow us to differentiate in favor of our coastwise trade. All it could possibly directly affect would be the Canadian Provinces and the small amount of trade in the Caribbean Sea which Great Britain holds in connection with her possessions. I believe that an abrogation of the strict letter of the treaty could be obtained, but until that abrogation is obtained, or until an effort is made to obtain it, and until such conditions arise as would allow any nation to declare at an end any treaty made with another, we ought to stand by this agreement in accordance with the general rules and policies which govern great nations that are bound by a sense of national integrity.

Mr. CUMMINS. I agree with the Senator from North Dakota in this, that we ought faithfully and honestly to comply with and fulfill our agreement; but I wanted to ask him whether he had fully considered the proposition he has just stated, namely, that Great Britain is only concerned in our coastwise trade and with favor shown to the coastwise trade in so far as commerce with the British possessions is concerned.

It seems to me that Europe is just as much concerned in our coastwise trade as she is in our foreign trade. I put the illustration the other day. England, France, Germany, Belgium, Norway, and Sweden especially desire trade with San Francisco, with Portland, with Seattle, and San Diego, and in trading with these cities of North America and of the United States are in strong competition with our own people, especially our own people in the eastern part of the United States.

Mr. McCUMBER. Not in our coastwise trade. Of course, that would not be coastwise trade.

Mr. CUMMINS. The Senator does not quite understand me. They are in competition in the trade. Of course, they can not carry from New York to San Francisco, but they can carry from Liverpool to San Francisco.

Mr. McCUMBER. I gave an illustration of that. I agree with the Senator.

Mr. CUMMINS. Of course, if the commodities which Great Britain was endeavoring to sell in San Francisco were ordinary commodities, such as New York is endeavoring to sell in San Francisco, then Great Britain would have just as much interest in having the same tolls upon her ships passing from Liverpool to San Francisco as the United States charges on our ships passing from New York to San Francisco.

Mr. McCUMBER. Certainly; but she could not complain if she had no further interest, whether we charged tolls or did not charge tolls in the coastwise trade in which she could not possibly take any part. That it would affect her interest, in competition, of course, to the extent of those tolls is admitted.

Much is sought to be made of the phrase "to vessels of commerce and war of all nations," used in article 1 of the treaty. It is claimed that as payment of toll upon our own war vessels would be nothing more than the transfer of money from one pocket to another, the words "of all nations" could not have been intended to cover our own vessels. But that argument falls to pieces the moment it is brought face to face with the first article of the treaty. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations or through subscriptions to or purchase of stock or shares.

So the words that are to be used must be sufficiently broad to cover any one of those contingencies, although they might not be applicable in any one single contingency.

As the question whether the United States might become the actual owner or whether the canal might be owned by others was not certain, those who drafted the treaty very properly refrained from making an exception as to our own warships. On the other hand, if we should become the actual owner of the canal, the failure to so except could not possibly do any harm.

So, too, when we consider the history of the phrase and how persistently we have held to certain words, even in cases where they might well stand a modification in order to be more specific, the claim can have but little force. The same words, "the vessels of commerce and war of all nations on terms of entire equality," had been inserted so often in our preceding treaties and diplomatic utterances to express the equal right of all nations and peoples in any canal that might be constructed that it was most natural that the same phrase should be reinserted in the same words in another treaty in which that same purpose was intended to be carried out, even though by the nature of the toll transaction, which might have been fairly in contemplation, the war vessels of the United States might have been excepted, because the payment of such tolls would be equivalent to a mere bookkeeping transaction.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I yield.

Mr. CUMMINS. At this point I desire to ask the Senator from North Dakota whether it has come to his notice that in a treaty made with Panama—I think about two years later than the Hay-Pauncefote treaty—the United States agreed to pass ships of war of the Republic of Panama through the canal free, without any tolls, and if he has considered that agreement, made so shortly after this treaty was entered into, I should like to know what conclusion, if any, he deduces from this latter treaty?

Mr. McCUMBER. There is but one possible conclusion, and that conclusion, no matter under what construction you attempt to arrive at it, is that if we make an agreement with any nation to allow its warships to pass through the canal free, under this treaty, we are obligated to give the same rights to other nations.

Mr. CUMMINS. So we are in this situation, if this construction is to prevail, that, having agreed with the Republic of Panama to pass its warships through the canal without charge, we must pass the warships of all nations through without charge until we abrogate or modify in some way the treaty with Panama.

Mr. McCUMBER. That would necessarily follow. Let me ask the Senator, also, would the Senator claim that, under the construction he would place upon this treaty, that we would have the right to make a difference between the warships of Panama and any other country?

Mr. CUMMINS. I do not claim it. On the contrary, I think it is all an illustration of the hopeless confusion into which diplomacy of that kind seems to have placed us. I do not know how to explain it. I do not know what the United States will now do concerning it, because I suppose if the treaty with Panama is to be observed, then this bill ought to contain a provision that the warships of all nations should go through the canal free.

I did not ask the Senator the question for the purpose of antagonizing the argument he is now making, but because I wanted to know what his opinion was with regard to that apparent contradiction.

Mr. McCUMBER. The simplest, the easiest way, the most honorable way, is to comply with the letter and the spirit of our obligations.

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from New Mexico?

Mr. McCUMBER. I yield.

Mr. FALL. I merely wanted to call the attention of the Senator from Iowa, with the permission of the Senator who is speaking, to the fact that the United States has another treaty with another country, in which she guarantees no tolls for ships of war through the Panama Canal, and that is the treaty of 1907 with Colombia.

Mr. CUMMINS. I understand that is true. I confess that I am somewhat bewildered when I pass through these treaties and find these irreconcilable things in them.

Mr. FALL. With the permission of the Senator from North Dakota, may I suggest to the Senator that if he will examine these treaties with Colombia and Panama and Great Britain in connection with the concession which we bought from Colombia originally, he may find there is a very distinct connection between the treaties then and the concession which might throw some light on the interpretation of the treaty?

Mr. CUMMINS. However, the agreement that I have suggested is not found in or was not acquired by the United States under any concession. It is in the treaty by which we secured the concession from the Republic of Panama.

Mr. FALL. I am speaking now of the original concession, according to my idea.

Mr. McCUMBER. Mr. President, that our war vessels were not to claim greater rights in time of war than others, except in so far as they might be required to protect, maintain, and operate the canal, was unquestionably the understanding. It was not supposed—and that is one thing we should keep in mind—that this would be a war zone. During all the time of this discussion here the consensus of opinion of all Senators who spoke upon the question was that it should be a zone somewhat similar to that through which the Suez Canal is operated. It was specifically declared in the instrument itself that it should be free from war, not only the canal, but for a distance of 3 marine leagues from either end thereof.

For a distance of 3 marine leagues from the shores of the Atlantic and the Pacific Oceans, for a distance of 10 miles along the canal, the sound of war was not to be heard; and when finally Senators claimed that we should protect either end of the canal by fortifications it was not claimed that it should be protected simply because it would be a war zone, but to assist in assuring that it should not be a war zone and for the protection of the canal itself against those who might attempt to destroy it.

Mr. CHAMBERLAIN. I should like to ask the Senator a question. What would be the obligation of the United States with respect to war vessels of a power that was engaged in war with the United States? Take, for instance, war between Great Britain and the United States or war between Japan and the United States. What would be the obligation of the United States with respect to vessels being permitted to pass?

Mr. McCUMBER. A condition of war is always abnormal, and as an abnormal condition we can not always determine what we would be justified in doing to protect ourselves. When

the life of a nation is at stake, it may be defended and protected even to the extent of breaking its obligations, and it often happens that nations do break their obligations in case of war, but immediately give notice that they will respond in damages for the breach of it to the other nations. Those who are at war are always accorded certain rights, or, I might better say, certain excuses for failure to adhere to their national obligations. In time of war other nations do not hold them up to the same strict obligations that they do in time of peace.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. McCUMBER. I do.

Mr. BRANDEGEE. I wanted to ask the Senator from North Dakota whether he thought it very probable that a nation at war with us would intrust its war vessels with us through the canal.

Mr. McCUMBER. I am going to touch on that a little later.

Mr. CUMMINS. While it is true, as the Senator from North Dakota says, that in time of war little regard is paid to treaties, this treaty specifically provides for the conduct of somebody during war, and the question of the Senator from Oregon seemed to me to ask of the Senator from North Dakota——

Mr. McCUMBER. He seemed to ask whether it would live up to its obligations in time of war.

Mr. CUMMINS. No. It was what the treaty provided should be the attitude of the United States toward nations in time of war. In other words, suppose we had a war with Great Britain. I have no doubt whatever that this treaty requires us to pass the commerce of Great Britain through the canal just as though we were at peace.

Mr. McCUMBER. Undoubtedly, but the Lord pity that commerce when it gets beyond the 3-mile limit.

Mr. CUMMINS. But I do not believe the treaty requires us to pass the war ships of Great Britain through the canal in time of such conflict.

Mr. McCUMBER. I was going to say that was an impossible thing. It is scarcely to be conceived.

Mr. CUMMINS. I believe that is true. I think it is hardly conceivable that this treaty attempts to establish a status for just such situations. And I think that the question of the Senator from Oregon related to their status under this treaty, and it is only material, as it seems to me, as it sheds light upon the interpretation of the first rule of the treaty respecting ships of commerce.

Mr. McCUMBER. I know the Senator agrees with me that in time of war nations do not hold too strictly to their contractural obligations. For instance, in the Japanese-Russian War the Russian fleet fired upon a British fishing fleet and killed a number of persons. That was excused. They immediately acknowledged that in time of war they had mistaken that fleet for hostile vessels. Great Britain did not claim that act was war on her people. Russia said, we will respond in whatever are proper damages to those who suffered loss by reason of our act. It was a breach of the laws of nations and of neutrality and of property rights, yet it was excusable in time of war.

Now, let us put another case. Let us suppose that Great Britain was at war with Japan. Great Britain has the control in the Suez Canal——

Mr. CUMMINS. No.

Mr. McCUMBER. Japan desires to send her war vessels through that canal. Could Great Britain object to it under the general agreement that it had with reference to it?

Mr. CUMMINS. Certainly not, but I say——

Mr. McCUMBER. It is controlled either by Great Britain or British subjects.

Mr. CUMMINS. Great Britain does not control, I understand, a majority of the stock of the Suez Canal.

Mr. McCUMBER. I understand the Senator will correct me if in error that Great Britain, in connection with British subjects, holds the majority stock?

Mr. CUMMINS. I do not know.

Mr. McCUMBER. That is my understanding.

Mr. CUMMINS. But this treaty is perfectly clear with regard to the attitude which the United States should occupy toward two belligerent nations other than the United States. Our duty is as clear as sunlight. The only difficulty arises when the United States is one of the belligerents, and I think the Senator from North Dakota will find great difficulty in applying the treaty as he interprets it to such a condition.

Mr. McCUMBER. Oh, I would find the same difficulty that I would in the United States first charging her own vessels and then putting the money into the Treasury and paying it out again for the expenses of the vessel. There are certain difficulties in reference to that treaty in time of war, but either the word "all," when it says "all vessels of any country," includes war vessels and must either be applied to all or else it need not be applied to other vessels. We can not say that it does not apply to war vessels and at the same time say it does apply to other vessels. If we have not a right to discriminate in favor of our own war vessels or of the war vessels of any country, because it becomes impossible for us to discriminate in reference to our own war vessels, as what we pay out we pay to ourselves; if the word "all" does not refer to war vessels generally, then it does not refer to merchant vessels generally.

Mr. CUMMINS. I have no doubt whatever it refers to all war vessels; but the whole trouble disappears the moment you exclude the United States from the phrase "all nations." Then every difficulty disappears.

Mr. McCUMBER. Then if that difficulty disappears you have another difficulty which immediately comes up, and that difficulty is to square our agreement with our act in getting rid of the difficulty.

If by a modification of the original Hay-Pauncefote treaty we were allowed to fortify, it was understood that the fortifications were to assure its protection and were not an invitation of other nations to make that canal a seat of war or subject to attack.

Mr. President, if in a bellicose mood, if with a chip on our shoulder, we publish to the world that we fortify this canal as a means of war and not as a means of police protection, if we declare to the world that in case of war in which this country is engaged, we shall use the guns of these fortifications to fire upon the vessel of an enemy, either of commerce or of war, at the very mouth of the canal, then in case of such war with a power of any importance the cost of protection will be ten times the benefits we will ever derive from it. Then it will become a source of weakness and not of strength.

No, Mr. President, we said in that agreement that Colon and Panama for a distance of 3 marine leagues therefrom should be neutral ports, and that no act of hostility would be committed therein by ourselves or allowed to be committed by another. The safety of the canal depends upon the good faith with which we keep that contract. Outside that 3-mile limit we may meet the enemy. If he passes our vigilance and our Navy he has a right to pass through that neutral territory unmolested, and we can meet him at the other end, outside the 3-mile limit. I am not for one moment conceding that such a condition would ever arise. There are other reasons which make it almost impossible. Only one vessel can pass through at a time. That vessel must proceed without delay. It can not wait until other vessels pass through and are assembled in the neutral port and then leave. It must take its chances alone outside the 3-mile limit as against the navy of a whole nation that might be there to meet it. With that zone declared by us as neutral, the whole world would be pitted against any nation that would attempt to violate its neutrality. With that zone declared by our acts not to be neutral, a single bomb surreptitiously brought to any point could destroy the grandest structure the world has ever seen and our hundreds of millions of investment become but a memory.

Mr. President, the question which we now have before us is a simple question of construction, whether this country is bound not to discriminate either in its own favor or in favor of its citizens. For, if the word "all" does not include the United States as owner of the canal, then the United States can discriminate in favor of all American vessels as well as those engaged in coastwise trade. If the word "all" does not include the United States, then we can discriminate in any other case. That is the only question here now. The question how we may avoid charging our coastwise vessels the same toll as the coastwise vessels of Canada and other countries I hope will not arise. I hope this because I am opposed to giving the vessels in our coastwise trade which now have a complete monopoly any bonus which must be paid for by all the people of the United States, and the benefit, if there should be any benefit in the remission of such toll, could inure to only a few coast cities. I do not believe that a gift of free tolls will, so long as that monopoly exists, benefit anyone but the direct recipients of the Government's favor. But if it should operate in some slight reduction in the cost of freights, it would be infinitesimal and only to the seaboard cities. The great interior of the country which must pay the taxes that go into the pockets of the stockholders of these ships would secure no benefit whatever.

Much has been said, Mr. President, about our right to use this canal, particularly to lower the freight rates over our trans-

continental roads, and it is assumed that unless we shall be able to give to our coastwise trade the benefit of free tolls we shall not be able to accomplish that very beneficent result. I can scarcely agree with that logic. We have given the coastwise-trade vessels of this country a monopoly of the trade from one port to another all along the United States borders. No other nation can take one pound of goods from one of our ports and land it in another. We now seek to give this monopoly created by our laws an advantage over those that are not monopolies. We are now prepared, according to this bill, to give to the cheaper transportation—transportation by water—a subsidy in effect as against the more expensive mode of transportation.

I doubt very much, Mr. President, that any reduction will follow. Why? First, because the coastwise freight from one ocean to the other by remitting the tolls would not be lessened a sufficient amount to make it felt anywhere in the interior of the country. Every section of this country is taxed to pay interest on that $400,000,000 of investment and several million dollars of expense. Minnesota, Wisconsin, Michigan, Illinois, Iowa, Nebraska, and the Dakotas must pay their share according to the consumption or according to their wealth and population. What benefit will they secure to compensate them for paying out not only the interest upon this investment but also that which amounts to a subsidy in the remission of the canal tolls? The very most, I think, that could be claimed would be that the canal tolls might affect goods in transit from the shore inland, for a few miles, it may be from New York to Pittsburgh, probably from Seattle to Spokane, although I am very doubtful if Spokane or Pittsburgh would reap any benefit whatever, and all the territory lying between those sections is called upon to pay the expenses of the canal, with the interest upon our $400,000,000 of investment, and, in addition to that, the amount which would be equivalent to a remission of the tolls, without any benefit to be derived from it.

Now, will it lower the cost of transportation by inland rail? Let us see. I want to call the attention of Senators to this fact: Some few years ago we in the interior, west of the Mississippi, were receiving practically all our lumber from Washington and Oregon, brought there by rail, brought there almost as ballast, with just enough charge placed upon it to pay the running expenses of running the cars back filled instead of bringing them empty. We got the benefit of that meager freight charge. There is no doubt in my mind that when the canal is opened much of the trade in the western timber, for instance, can pass through the canal and reach New York by that route. New York, of course, may get the benefit, but whilst she is getting the benefit of free tolls we, on the other hand, by a well-known factor in determining freight rates, will lose. Freight rates are fixed according to the volume of business. They have always to be sufficiently high to pay the running expenses and make a little profit. If we decrease the volume of business of any of the great transcontinental roads, like cutting off, for instance, most of the lumber trade and the fruit and transporting them through the canal, I am not certain that we will not in the end pay more in the interior States for our freight than we would if we had no Panama Canal.

Mr. President, I do not doubt our right to grant a ship subsidy to any and all of our vessels. I do not doubt the right of this country to place the amount of that subsidy at any figure we see fit, and therefore I do not doubt the right to fix a bounty that will be about the equivalent of the tolls charged. I am not questioning our right to help out any of our shipping in a way that might possibly be equivalent to tolls, but I do deny that we have a right to rebate or refund the tolls on our own ships which we have agreed shall be equal to the tolls charged to other vessels.

We may provide for carrying coastwise or foreign mails over such routes as our judgment may direct, and we may give a subsidy for carrying those mails; but we may not by any kind of underhanded or indirect means violate an agreement to charge our coastwise or any other vessel the same tolls as we charge the vessels of Canada engaged in the coastwise trade or the vessels of any other country engaged in any trade. If we offset tolls by a subsidy it must be based upon such conditions as would justify the subsidy irrespective of tolls. Otherwise it would not be a good-faith transaction.

I believe also, Mr. President, that we of the interior are interested that the tolls should be the same for another reason, and that is that we may have honest and fair competition, that we may not increase the power of the coastwise vessels of this country to drive other vessels out of the market which might bring our products possibly in competition with them upon an equal basis.

Let me give one illustration, that of vessels from a Canadian port to our own. Seattle may be a port for coastwise trade for lumber designed for New York. Victoria may be another port which would be a competitor of that port for the New York trade. While I would not change our laws so that the Canadian vessel shall take a cargo from Seattle to New York, I would make it so that a Canadian vessel might take a cargo of lumber from Victoria to New York in competition with the American vessel.

Mr. BRADLEY obtained the floor.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Washington suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crane	McCumber	Simmons
Bacon	Crawford	McLean	Smith, Ariz.
Bailey	Cullom	Martin, Va.	Smith, Ga.
Bankhead	Cummins	Martine, N. J.	Smith, Mich.
Bourne	Fall	Massey	Smith, S. C.
Bradley	Gallinger	Myers	Smoot
Brandegee	Gronna	Overman	Swanson
Bristow	Heyburn	Page	Thornton
Burnham	Hitchcock	Paynter	Townsend
Burton	Johnson, Me.	Perkins	Watson
Catron	Johnston, Ala.	Poindexter	Wetmore
Chamberlain	Jones	Pomerene	Williams
Clapp	La Follette	Shively	

Mr. WATSON. My colleague [Mr. CHILTON] is absent on account of personal illness.

The PRESIDENT pro tempore. Fifty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. BRANDEGEE. Will the Senator from Kentucky yield to me for a moment?

Mr. BRADLEY. Certainly.

Mr. BRANDEGEE. I ask unanimous consent to place in the RECORD pages 27 to 41, inclusive, of Document No. 875, entitled "The Relation of the Panama Canal to the Traffic and Rates of American Railroads," by Emery R. Johnson, special commissioner on Panama traffic and tolls.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

IV. TRANSCONTINENTAL RATES TO AND FROM INTERIOR POINTS: EFFECT OF WATER COMPETITION.

(A) RATES BY RAIL AND WATER TO AND FROM INTERIOR POINTS IN THE EAST AND WEST.

The steamship lines now engaged in the coast-to-coast business obtain a part of their freight from interior points in the Eastern States for shipment to the Pacific coast. The manifests of cargo show that a small tonnage is obtained from places as far west as Chicago and St. Louis, and also state that some of the west-bound freight shipped by water is destined to interior points in the western part of the United States. The great bulk of west-bound freight, however, originates at the eastern terminals of the water lines—at New York and points not far distant therefrom—and is destined to the Pacific-coast terminals and to places not far inland. The evidence secured by the Interstate Commerce Commission in the Spokane and other cases led the commission to state that "The principal movement by water is from the Atlantic seaboard itself, from New York and from points having water communication with New York, and from interior territory immediately contiguous. There is a considerable movement as far inland as Buffalo and Pittsburgh, and an occasional movement from Detroit, Chicago, and similar points. A movement of starch from Cedar Rapids, Iowa, of considerable proportions was shown, but, generally speaking, up to the present time comparatively little traffic originating west of the Buffalo-Pittsburgh zone has reached the Pacific coast by water." (City of Spokane et al. v. Northern Pacific Railway Co. et al., 21 I. C. C. Reps., 420.) The present east-bound freight of the steamship lines, to a larger degree than is true of their west-bound tonnage, originates and terminates near the seaboard.

The competition of the intercoastal water lines with the railroads has benefited the sections near the Atlantic and Pacific seaboards more than the interior section, because for most shipments to and from interior points via a combined rail-and-water route the through rate is the sum of the rail rate to or from the coast and the rate by water from coast to coast. There are also transshipment or rehandling charges.

Table XIV, compiled by the division of tariffs of the Interstate Commerce Commission, contains a tabulation of the rail rates from Philadelphia, Pittsburgh, Cincinnati, Indianapolis, Chicago, St. Louis, Kansas City, St. Paul, and Omaha to New York on the same commodities as are listed in Table IX, in which the transcontinental coast-to-coast rates of the railroads and the water lines are quoted. Though the rail rates are not in direct proportion to distance, the charges between the interior points and the seaboard are greater the farther the inland place of origin or destination is from New York. For points west of the Pittsburgh-Buffalo zone the rail rates to New York soon become so high that most goods move directly to the Pacific coast by rail at rates which are usually the same from all places east of the Missouri River. On some commodities the rail rates to the Pacific are less from the Central West than from the Eastern States.

The addition of the rail rates from the interior to New York to the intercoastal—if always made in fixing through rates—would have prevented interior points beyond Pittsburgh and Buffalo from making as many shipments as have been made via the water lines between the Atlantic and Pacific coasts. Fortunately for the interior eastern shippers, the coastwise steamship lines sometimes absorb all or a part of the rail rates to and from the seaboard on west-bound shipments.

Statement showing class and commodity rates to New York, N. Y., from Philadelphia, Pittsburgh, Cincinnati, Indianapolis, Chicago, St. Louis, Kansas City, St. Paul, and Omaha.

[Rates are in cents per 100 pounds, except as noted.]

To New York, N. Y.	From—								
	Philadelphia, Pa.	Pittsburgh, Pa.	Cincinnati, Ohio.	Indianapolis, Ind.	Chicago, Ill.	St. Louis, Mo.	Kansas City, Mo.	St. Paul, Minn.	Omaha, Nebr.
CLASSES.									
First	22	45	65	69½	75	87½	147½	135	147½
Second	18	39	56½	60½	65	76	121	115	121
Third	15	30	43½	46½	50	58½	93½	90	93½
Fourth	12	21	30½	32½	35	41	67	60	67
Fifth	10½	18	26	28	30	35	57	50	57
Sixth	9½	15	21½	23	25	29			
COMMODITIES.									
Harvesters and reapers, k. d. c. l.	10½	18	26	28	30	35	57½	50	57½
Plows and harrows, k. d. l. c. l.	15	33	48	51½	55	65	100	95	100
Beer c. l.	10½	18	26	28	30	35	52	47	52
Beer l. c. l.	15	30	43½	46½	50	58½	93½	90	93½
Boots and shoes c. l. / l. c. l.	22	45	65	69½	75	87½	147½	135	147½
Cement (building) c. l.	9½	15	17½	18½	20	23½	40½	37	40½
Cement (building) l. c. l.	12	21	30½	32½	35	41	67	60	67
Cereal breakfast foods c. l.	10½	18	17½	18½	30	19 11/16	41 7/16	25	41 7/16
Cereal breakfast foods l. c. l.	12	21	30½	32½	35	41	67	60	67
Chinaware (value, $20 per cwt.) c. l.	18	39	56½	60½	65	76	92	85	92
Chinaware (value, $20 per cwt.) l. c. l.	18	39	56½	60½	65	76	136	125	136
Cotton underwear c. l. / l. c. l.	22	45	65	69½	75	87½	147½	135	147½
Green coffee c. l.	10½	18	26	28	30	35	57	50	57
Green coffee l. c. l.	12	24	34½	37½	40	46½	72	65	72
Roasted coffee c. l.	10½	18	26	28	30	35	57	50	57
Roasted coffee l. c. l.	12	24	34½	37½	40	46½	72	65	72
Crackers c. l.	12	21	30½	32½	35	41	67	60	67
Crackers l. c. l.	18	39	56½	60½	65	76	121	115	121
Creamery and cheese-factory machinery c. l.	10½	18	26	28	30	35	59½	55	59½
Creamery and cheese-factory machinery l. c. l.	18	39	56½	60½	65	76	121	115	121
Cotton sheets and sheetings (cotton piece goods) c. l. / l. c. l.	15	33	48	51½	55	65	100	115	100
Stoneware and crockery (in boxes or barrels) c. l.	10½	18	26	28	30	35	54½	50	54½
Stoneware and crockery (in boxes or barrels) l. c. l.	12	24	34½	37½	40	46½	91½	90	91½
Trolley wire (copper) c. l.	12	21	30½	32½	35	41	67	60	67
Trolley wire (copper) l. c. l.	15	30	43½	46½	50	58½	103½	100	103½
Cane-seated chairs (boxed) c. l.	18	39	56½	60½	65	76	110	105	110
Cane-seated chairs (boxed) l. c. l.	33	67½	97½	104½	112½	131½	191½	172½	191½
Common window glass c. l.	10½	18	26	28	30	35	57	50	57
Common window glass l. c. l.	12	24	34½	37½	40	46½	72	65	72
Mechanics' tools (boxed) c. l.	12	21	30½	32½	35	41	101	95	101
Mechanics' tools (boxed) l. c. l.	15	30	43½	46½	50	58½	118½	110	118½
Harness and saddlery c. l. / l. c. l.	22	45	65	69½	75	87½	147½	135	147½
Girders, bars, and plates, No. 11 or heavier c. l.	9	16	26	28	30	35	57	50	57
Girders, bars, and plates, No. 11 or heavier l. c. l.	12	19	30½	32½	35	41	67	60	67
Steel rails c. l.[1]	190	300	430	460	500	580	755	675	755
Steel rails l. c. l.	12	19	30½	32½	35	41	67	60	67
Iron and steel blooms, billets, and ingots c. l.[1]	180	260	430	460	500	580	882 6/16	813 6/16	882 6/16
Iron and steel blooms, billets, and ingots l. c. l.	12	19	30½	32½	35	41	67	60	67
Plates[2] and sheet (boiler), No. 11 to 16 c. l.	10½	16	26	28	30	35	57	50	57
Plates[2] and sheet (boiler), No. 11 to 16 l. c. l.	12	19	30½	32½	35	41	67	60	67
Pipe and fittings c. l.	9	16	26	28	30	35	48½	44	48½
Pipe and fittings l. c. l.	12	19	30½	32½	35	41	67	60	67
Whisky (in wood) c. l.	12	21	30½	32½	35	41	69	68	69
Whisky (in wood) l. c. l.	15	33	48	51½	55	65	110	105	110
Condensed milk c. l.	12	21	30½	32½	35	35	57	55	57
Condensed milk l. c. l.	15	30	43½	46½	50	58½	82	75	82
Nails and spikes c. l.	9	16	26	28	30	35	57	44	57
Nails and spikes l. c. l.	12	19	30½	32½	35	41	67	60	67
Oil-well supplies c. l.	10½	18	26	28	30	35	59½	55	59½
Oil-well supplies l. c. l.	15	30	43½	46½	50	58½	118½	110	118½
Paints (dry) in wood c. l.	10½	18	26	28	30	35	47	47	47
Paints (dry) in wood l. c. l.	15	30	43½	46½	50	58½	82	75	82
Paints (in oil) c. l.	10½	18	26	28	30	35	57	50	57
Paints (in oil) l. c. l.	15	30	43½	46½	50	58½	82	75	82
Building paper c. l.	10½	18	17½	18½	20	23½	34½	30	34½
Building paper l. c. l.	12	24	34½	37½	40	46½	81½	80	81½
Paraffin wax c. l.	10½	18	24	25½	27½	32	49	47½	51 3/16
Paraffin wax (in wood) l. c. l.	15	30	43½	46	50	58½	93½	90	93½
Pickles c. l.	10½	18	26	28	30	35	57	47	57
Pickles (in wood) l. c. l.	15	30	43½	46½	50	58½	82	75	82
Sewing machines, boxed or crated c. l.	15	30	43½	46½	50	58½	93½	90	93½
Sewing machines, boxed or crated l. c. l.	22	45	65	69½	75	87½	147½	135	147½
Soap c. l.	10½	18	26	28	30	35	57	50	57
Soap l. c. l.	13	24	35	37½	40	47	72	65	72
Stamped ware c. l.	12	21	30½	32½	35	41	67	60	67
Stamped ware (nested solid) l. c. l.	15	33	48	51½	55	65	100	90	100
Stoves (cooking and heating) c. l.	10½	18	26	28	30	35	57	50	57
Stoves (cooking and heating) l. c. l.	15	30	43½	46½	50	58½	93½	90	93½
Tin plate c. l.	10½	18	26	28	30	35	57	50	57
Tin plate l. c. l.	12	21	30½	32½	35	41	67	60	67
Tin, sheet c. l.	12	21	30½	32½	35	41	63	55	63
Tin, sheet l. c. l.	15	30	43½	46½	50	58½	82	75	82
Tobacco, unmanufactured, in hogsheads, barrels, or cases c. l. / l. c. l.	12	21	30½	32½	35	41	67	60	67
Malt extract c. l.	12	21	30½	32½	35	41	62	55	62
Malt extract (in wood) l. c. l.	18	39	56½	60½	65	76	136	125	136

[1] In cents per 2,240 pounds. [2] Plate from Philadelphia, 9 cents; from Pittsburgh, c. l., 16 cents; and from Pittsburgh, l. c. l., 19 cents per 100 pounds.

Tariff authority. Class rates: Philadelphia to New York, P. R. R., G. O., I. C. C. 553; Pittsburgh to New York, P. R. R., G. O., I. C. C. 3107; Chicago and Cincinnati to New York, C. C. C. & St. L. Ry., I. C. C. 5893; St. Louis to New York, Cameron's I. C. C. D-62; Indianapolis to New York, C. C. C. & St. L., I. C. C. 5893; Kansas City and Omaha to New York, C. C. C. & St. L., I. C. C. 5893; Cameron's I. C. C. D-62, and Hosmer's I. C. C. A-243; and St. Paul to New York, Hosmer's I. C. C. A-244 and C. C. C. & St. L., I. C. C. 5893.

Commodity rates: To New York from Philadelphia, P. R. R., G. O., I. C. C. 553, 3794, and G-2994; from Pittsburgh, P. R. R., G. O., I. C. C. 3107 and G. O. 1277; from Cincinnati, Indianapolis, and Chicago, Big 4, I. C. C. 5893 and 5891; from St. Louis, Cameron's D-62; from Kansas City and Omaha, Hosmer's A-243, Cameron's D-62, and Big 4, 5893; from St. Paul, Big 4, 5893 and Hosmer's A-244.

NOTE.—Rates from St. Louis and points east of Mississippi River governed by official classification; rates from Kansas City, St. Paul, and Omaha made on Mississippi River and Chicago combinations; proportions west of Chicago and Mississippi River governed by western classification.

The Panama Railroad Steamship Line, which makes the westbound rates applying over its line and Pacific coast connections, deals as follows with charges from interior eastern points. From its New York pier to Pacific coast points the following "minimum rates" apply:

	Per 100 pounds.
To East San Pedro, Cal	$0.50
To Los Angeles, Cal	.55
To Oakland, Cal	.50
To Portland, Oreg	.52½
To Sacramento, Cal	.55
To San Francisco, Cal	.50
To Stockton, Cal	.55
To all other Pacific coast ports	.60

The tariff then provides that, except in case of special rates from New York pier on rates which do not exceed the above minima, the water rates quoted "may apply from interior points, and when a rate is at least 20 cents higher than the minimum, the Panama Railroad Co. will assume the charges from shipping point to New York pier not exceeding 20 cents per 100 pounds, any excess over this absorption to be shown on bill of lading as 'advance charges' to be paid by shippers or consignees, as the case may be. When a freight rate is not at least 20 cents higher than the minimum the Panama Railroad Co. will assume the difference between the minimum and said rate." For example, Table 14 shows that the carload rate on harvesters and reapers, knocked down, from Philadelphia to New York is 10½ cents, which is absorbed by the steamship line, because the water rate on harvesters and reapers from New York pier is 88 cents, or more than 20 cents above the theoretical minimum charge of 50 cents on any commodity from New York to San Francisco. So also is the 18-cent rate from Pittsburgh absorbed; but the Cincinnati rate of 26 cents is absorbed only to the extent of 20 cents, the shipper or consignee being obliged to pay the excess. The 28-cent Indianapolis rate is absorbed only to the amount of 20 cents, and the same is true of the 30-cent Chicago rate, etc. When the water rate on the commodity in question does not exceed the theoretical minimum water rate by 20 cents the Panama Railroad Co. absorbs the rail rate only to the extent of the excess of the actual water rate over the minimum water rate, and if the actual rate is only equal to, or is less than, the minimum, the shipper or consignee is obliged to pay the entire rail charge from the inland point to New York.

The policy of the American-Hawaiian Steamship Co. is to "make its rates from the terminals." (G. S. Dearborn: Testimony Jan. 24, 1912, in hearings on Panama Canal by House Committee on Interstate and Foreign Commerce.) It does not absorb any of the rail rates to New York; but as the rates of this company are not published, it is probable that traffic of large shippers from interior points is solicited at such rates from New York to the Pacific coast as to allow the inland shippers to pay the rail charges to New York and yet enjoy a favorable through rail-and-water rate.

At the Pacific destination of west-bound traffic the Panama Line and connections absorb the rates to certain points not on the coast. The tariffs apply alike to the following points: San Francisco, Sacramento, Stockton, Oakland, Berkeley, Los Angeles, San Diego, Santa Barbara, San Pedro, Redondo, Vancouver, Portland, Astoria, Seattle, Tacoma, Port Townsend, Everett, Anacortes, New Whatcom, and Victoria.

As is shown above, different minima water rates prevail from the Atlantic seaboard to those points on or near the Pacific coast, but upon any particular commodity the same actual rates are quoted from New York to all the above-named Pacific destinations. The actual rate on any given article shipped from an interior point near the Atlantic via New York to any one of the Pacific destinations will depend both upon the amount of rail charge from the interior point to the Atlantic seaboard absorbed by the steamship lines and also upon the minimum water rate from New York to the Pacific destination. The minimum bill of lading for single shipments, likewise, varies from $2 to $2.75. The American-Hawaiian Line does not absorb the rail rates from the Pacific-coast terminals to any interior destinations.

Table XV states the rail rates, on the same list of articles as is included in the former tables of west-bound rates, from San Francisco to Sacramento, Stockton, Fresno, Reno, Salt Lake City, and Denver. Since no interior rates beyond Sacramento and Stockton are absorbed by any line, most of the traffic that reaches the west coast by water does not go far inland, although some freight is carried to points as distant as Reno, Nev.

Table XVI gives the rail rates from Seattle to Spokane and Walla Walla, Wash., and to Butte and Helena, Mont. The east-bound freight moved via combined rail-and-water from and to interior points in the West being relatively light, it has not been thought necessary to present a detailed compilation of rail rates between inland points and other Pacific seaboard terminals.

The Sunset-Gulf Line from New York to the Pacific coast takes traffic from interior eastern points via New York and New Orleans or Galveston at through rates equal to the all-rail rate from the interior eastern points to the Pacific coast. It thus absorbs the rail rate to New York in that the rate is paid out of the through charge. The Sunset-Gulf route, however, is to be classed with the transcontinental rail lines, and not with the intercoastal water lines, because its rates are the same as those by the all-rail carriers.

TABLE XV.—*Statement showing class and commodity rates from San Francisco to Sacramento, Stockton, Fresno, Reno, Salt Lake City, and Denver.*

[Quoted by Division of Tariffs, Interstate Commerce Commission. Rates in cents per 100 pounds, except as noted.]

From San Francisco—	To— Sacramento, Cal.	Stockton, Cal.	Fresno, Cal.	Reno, Nev.	Salt Lake City, Utah.	Denver, Colo.
CLASSES.						
First	24	10	55	97	54	300
Second	21	10	51	81	131	260
Third	18	9	47	73	115½	200
Fourth	16	9	44	59	96	175
Fifth	13	7	[1] 720	50½	79½	160
A	13	7	[1] 670	50½	79½	140

[1] Per 2,000 pounds.

TABLE XV.—*Statement showing class and commodity rates from San Francisco to Sacramento, etc.*—Continued.

From San Francisco—	To— Sacramento, Cal.	Stockton, Cal.	Fresno, Cal.	Reno, Nev.	Salt Lake City, Utah.	Denver, Colo.
CLASSES—continued.						
B	13	[1] 120	[1] 460	41	62	120
C	11	[1] 115	[1] 405	35	56	95
D	9½	[1] 110	[1] 350	31	46	85
E	9½	[1] 105	[1] 295	27	38½	80
COMMODITIES.						
Harvesters and reapers	c. l. 13	7	[1] 670	50½	79½	125
	l. c. l. 18	9	47	73	115½	200
Plows and harrows	c. l. 13	7	[1] 670	50½	79½	125
	l. c. l. 18	9	47	73	115½	200
Beer	c. l. 13	7	[1] 720	50	55	100
	l. c. l. 18	9	47	73	115½	150
Malt extract	c. l. 13	7	[1] 720	50½	79½	100
Malt extract (in barrels)	l. c. l. 24	10	55	97	154	150
Boots and shoes	c. l. / l. c. l. 24	10	55	97	154	275
Cement (building)	c. l. 11	[1] 115	[1] 405	35	56	95
	l. c. l. 16	9	44	59	96	175
Cereal breakfast foods	c. l. 13	7	[1] 720	50½	44	90
	l. c. l. 16	9	44	59	96	175
Chinaware (value, $20 per hundredweight)	c. l. 13	7	[1] 720	50½	79½	160
	l. c. l. 24	10	55	97	154	200
Cotton underwear	c. l. / l. c. l. 24	10	55	97	154	200
Green coffee	c. l. 13	7	[1] 720	50½	79½	75
	l. c. l. 16	9	44	59	96	120
Roasted coffee	c. l. 13	7	[1] 720	50½	79½	75
	l. c. l. 16	9	44	59	96	120
Crackers	c. l. 16	9	44	59	96	175
	l. c. l. 21	10	51	81	[2] 131	260
Creamery and cheese factory machinery	c. l. 13	7	[1] 670	50½	79½	150
	l. c. l. 21	10	51	81	131	260
Cotton sheets and sheeting (cotton piece goods)	c. l. 24	10	55	97	154	110
	l. c. l. 24	10	55	97	154	160
Stoneware and crockery	c. l. 13	9	[1] 460	41	62	85
Stoneware, crockery (in hogsheads)	l. c. l. 16	[1] 120	44	59	96	150
Trolley wire (copper)	c. l. 16	9	44	59	96	175
	l. c. l. 21	10	51	81	131	260
Cane-seated chairs	c. l. 18	9	47	73	70	200
Cane-seated chairs (boxed)	l. c. l. 24	10	55	97	154	300
Window glass, common	c. l. 13	7	720	50½	70	125
	l. c. l. 16	9	44	59	96	175
Mechanics' tools (boxed)	c. l. / l. c. l. 24	10	55	97	154	300
Harness and saddlery	c. l. / l. c. l. 24	10	55	97	154	300
Steel rails	c. l. 13	7	[1] 720	[3] 800	[3] 1,025	160
	l. c. l. 16	9	44	59	96	175
Girders, bars, and plates, No. 11 or heavier	c. l. 13	7	[1] 720	50½	62	160
	l. c. l. 16	9	44	59	96	175
Iron and steel blooms and billets	c. l. 9½	[1] 110	[1] 350	31	46	85
	l. c. l. 16	9	44	59	96	175
Boiler plate and sheet, Nos. 11 to 16	c. l. 13	7	[1] 720	50½	62	160
	l. c. l. 16	9	44	59	96	175
Pipe and fittings	c. l. 13	7	[1] 720	50½	[4] 55 / [5] 69	75 / 160
	l. c. l. 16	9	44	59	96	175
Whisky (in wood)	c. l. 21	10	51	81	100	125
	l. c. l. 21	10	51	81	131	260
Condensed milk	c. l. 13	7	[1] 720	50½	75	80
	l. c. l. 16	9	44	59	96	175
Nails, spikes, and wire	c. l. 13	7	[1] 720	50½	62	160
	l. c. l. 16	9	44	59	96	175
Oil-well supplies	c. l. 13	7	[1] 670	50½	79½	140
Oil-well supplies, n. o. s.	l. c. l. 24	10	55	97	154	300
Paints (in oil)	c. l. 13	7	[1] 720	50½	79½	95
	l. c. l. 16	9	44	59	96	130
Building paper	c. l. 13	7	[1] 720	50½	52	60
	l. c. l. 18	9	47	73	115½	200
Paraffin wax	c. l. 13	7	[1] 720	50½	60	85
	l. c. l. 18	9	47	73	115½	175
Pickles (in wood)	c. l. 13	7	[1] 720	50½	77	100
	l. c. l. 16	9	44	59	96	150
Sewing machines (boxed or crated)	c. l. 18	9	47	73	115½	200
	l. c. l. 24	10	55	97	154	300
Soap	c. l. 13	7	[1] 720	50½	63	80
	l. c. l. 16	9	44	59	96	130
Stamped ware	c. l. 16	9	44	59	96	175
Stamped ware (nested solid)	l. c. l. 18	9	47	73	115½	200
Stoves (cooking and heating)	c. l. 13	7	[1] 720	50½	79½	160
	l. c. l. 18	9	47	73	115½	200
Tin plates and sheets	c. l. 13	7	[1] 720	50½	79½	160
	l. c. l. 16	9	44	59	96	175
Tobacco (unmanufactured)	c. l. / l. c. l. 16	9	44	59	96	175

[1] Per 2,000 pounds.
[2] In lots of not less than 5,000 pounds, per 100 pounds, $1.15.
[3] Per 2,240 pounds.
[4] Applies on pipe, iron, or steel.
[5] Applies on pipe fittings.

Authority: San Francisco to Sacramento and Stockton per Southern Pacific Co., I. C. C. 2631; to Fresno per Southern Pacific, I. C. C. 2622; to Reno, Nev., Southern Pacific, I. C. C. 3432; to Salt Lake City Gomph's I. C. C. 57; and to Denver T. C. F. B., I. C. C. 926.

TABLE XVI.—*Statement showing class and commodity rates from Seattle to Spokane, Walla Walla, Butte, and Helena.*

[Quoted by Division of Tariffs, Interstate Commerce Commission. Rates in cents per 100 pounds.]

From Seattle, Wash.—	To Spokane, Wash.		To Walla Walla, Wash.		To Butte, Mont.		To Helena, Mont.	
CLASSES.								
First	135		109		180		180	
Second	120		91		153		153	
Third	95		77		126		126	
Fourth	80		65		108		108	
Fifth	65		52		90		90	
A	65		52		90		90	
B	55		46		72		72	
C	44		35		54		54	
D	36		26		45		45	
E	26		20		36		36	
COMMODITIES.	C. l.	L. c. l.	C. l.	L. c. l.	C. l.	L. c. l.	C. l.	L. c. l.
Harvesters and reapers, plows, and harrows	65	95	52	77	90	126	90	126
Beer	35	95	35	77	75	126	75	126
Malt extract	35	135	35	109	90	180	90	180
Boots and shoes	135	135	109	109	180	180	180	180
Cement (building)	20	80	26	65	40	108	40	108
Cereal breakfast foods	25	80	25	65	55	108	55	108
Chinaware, value $20 per hundredweight	65	135	52	109	90	180	90	180
Cotton underwear	135	135	109	109	180	180	180	180
Green coffee	65	80	52	65	90	108	90	108
Roasted coffee	65	80	52	65	90	108	90	108
Crackers	80	120	65	91	108	153	108	153
Creamery and cheese-factory machinery	65	120	52	91	90	153	90	153
Cotton sheets and sheetings	135	135	109	109	180	180	180	180
Stoneware and crockery	35	80	35	65	72	108	72	108
Trolley wire (copper)	80	120	65	91	108	153	108	153
Cane-seated chairs (l. c. l., boxed)	60	135	60	109	115	180	115	180
Common window glass	65	80	52	65	90	108	90	108
Mechanics' tools (boxed)	135	135	109	109	180	180	180	180
Harness and saddlery	135	135	109	109	180	180	180	180
Steel rails	50	80	50	65	80	108	80	108
Girders, bars, and plates, No. 11 or heavier	65	80	52	65	80	108	80	108
Iron and steel blooms and billets	36	80	26	65	45	108	45	108
Boiler plate and sheet, Nos. 11 to 16	65	80	52	65	80	108	80	108
Pipe and fittings	65	80	52	65	90	108	90	108
Whisky	120	120	91	91	153	153	153	153
Condensed milk	65	80	52	65	105	108	105	108
Nails, spikes, and wire	65	80	52	65	90	108	90	108
Oil-well supplies (l. c. l., n. o. s.)	65	135	52	109	90	180	90	180
Paints	40	80	40	65	90	108	90	108
Building paper	55	95	55	77	90	126	90	126
Paraffin wax	65	95	52	77	90	126	90	126
Pickles (l. c. l., in wood)	65	80	52	65	90	108	90	108
Sewing machines (boxed or crated)	95	135	77	109	126	180	126	180
Soap	65	80	52	65	90	108	90	108
Stamped ware	80	95	65	77	108	126	108	126
Stoves (cooking and heating)	65	95	52	77	90	126	90	126
Tin plate and sheets	65	80	52	65	90	108	90	108
Tobacco (unmanufactured)	80	80	65	65	108	108	108	108

Authority.—From Seattle to Spokane and Walla Walla per Northern Pacific Ry., I. C. C. 4805; to Butte and Helena per Northern Pacific Ry., I. C. C. 4961.

(B) EFFECT OF WATER COMPETITION ON RATES TO AND FROM INTERIOR POINTS.

Neither the trunk-line nor the transcontinental railways have favored the shipment of commodities from the Middle West to the Atlantic seaboard for carriage thence by water to the Pacific coast. The policy of the railways generally, under the leadership of the western lines, has been to hold to the all-rail lines the traffic to the Pacific coast, both from the Atlantic seaboard and from interior points.

The rivalry of the railways from the Central West to the Atlantic with those from the Central West to the Pacific, and the industrial competition of the Mississippi Valley with the Eastern States, which can ship to the Pacific coast by water lines, brought about the system of blanket rates for most of the traffic to the west coast from the entire section east of the Missouri. The competition of the rail and water lines at the Atlantic seaboard controlled transcontinental rail rates from the Eastern States, and the railroads and the industries of the Middle West insisted upon reaching the Pacific coast on equal terms with the railroads and industries of the eastern section. Upon some articles the rates from the Central West are lower than from the Atlantic seaboard, there being some grading downward of rates by successive lettered rate groups westward from the Atlantic coast.

The policy of the carriers interested in the transcontinental rail traffic from the East and from the Middle West and the influence upon rail rates exercised by the intercoastal water lines are concisely explained by the Interstate Commerce Commission in the decision in the Spokane case. The commission, speaking through Mr. Prouty, says:

"Carriers maintain the same transcontinental rate from Chicago as from New York, not by reason of the direct effect but rather as an indirect result of water competition. The reason for this will be best understood by an actual illustration. Assume that a building requiring the use of a large amount of structural steel is to be erected in San Francisco. That steel is manufactured both at the seaboard and in Chicago. That which is made at the seaboard can be taken by water from the point of origin to the point of destination, and the rate at which it can move is therefore determined by water competition.

"The cost of producing steel is the same at both points. In order, therefore, that the producers may stand an equal chance in competing for this business it is necessary that the rate from both points should be the same, and the business can not move from Chicago unless the rate from that point is as low as from the seaboard.

"The Atchison, Topeka & Santa Fe Railway begins at Chicago. If this steel is bought at Chicago and moves by that line, the entire freight money is retained by it. If, upon the other hand, the steel is bought at New York, moved by some line to Chicago, and there delivered to the Santa Fe, that line receives only a part of the through charge. The service performed by it is the same in either case, but the amount of its compensation is larger when the freight originates at Chicago. It is therefore for the interest of that line to name a rate from Chicago which will originate the business at that point instead of allowing it to originate upon the seaboard. The interest of the line from New York to Chicago is that the business should be taken up at New York, and as a compromise it is finally agreed to apply the same rate from both these points. This clearly shows how water competition, if it does not actually extend to the interior point, may and does dictate the rate from that point.

"What would be true of the steel entering into the construction of this building is true also of almost every article of commerce which moves between the East and the West. The Middle West to-day manufactures nearly everything which is produced upon the Atlantic seaboard, and the effect of this policy of the railroads has been to make the Middle West the almost exclusive market of origin for the intermountain country and largely for the Pacific coast itself." (21 I. C. C. Reps., 422.)

The effect of water shipments upon the interior has, as Commissioner Prouty states, been indirect rather than direct. The tonnage of transcontinental traffic carried from the Mississippi Valley to the Atlantic seaboard for shipment thence by water to the west coast has been relatively small, but the actual or possible shipment of a relatively large volume of commodities by water from the Atlantic coast has controlled the rail rate from the Central West to the Pacific. Water competition has exercised less influence upon east-bound rail rates from the western section to the Middle West and the East; but even on east-bound traffic most rates are blanketed over the entire region east of the Missouri River. There is more grading by distance of east-bound than of west-bound rates; but the difference between the east-bound and west-bound transcontinental rate systems is one of degree, not of kind or of principle.

Such has been the past effect of intercoastal water transportation upon the rates of the transcontinental all-rail lines. There remains for consideration the influence that the Panama Canal may be expected to exercise upon the rates and rate policies of the transcontinental railroads.

V. PROBABLE ADJUSTMENT OF TRANSCONTINENTAL RAIL RATES RESULTING FROM CANAL COMPETITION.

The railroad-rate system that has been worked out by the transcontinental railroads is a complicated structure that has been evolved slowly. It is the resultant of the interaction of numerous forces, of the competition of rival sections, of rival industries, and of rival carriers. As these forces of competition change from time to time the rate system is modified in detail to keep transportation charges adjusted as closely as practicable to economic conditions. The opening of the Panama Canal will so greatly change the industrial relations of different sections of the United States and the competition of the transcontinental railroads and the intercoastal water lines as inevitably to require many changes in the present system of transcontinental rates.

Just what rate policies the railroads will adopt to meet the situation created by the Panama Canal can not be predicted in advance of experience. The railroad companies will solve the problems as they arise, and will cross no bridge until it is reached. It is possible, however, to indicate the rate problems which the canal will probably create and to point out the possible policies open to the railroads. Such an analysis of the probable effect of the canal upon transcontinental railroad rates may, moreover, enable the Panama tolls to be fixed with a clearer understanding of their effects.

1. The railroad rates most completely subject to the competition of the intercoastal lines using the canal will be those west bound to the Pacific coast from the section of the United States between the Buffalo-Pittsburgh district and the Atlantic seaboard. Even under present conditions the transcontinental rail rates between the two seaboards are largely affected by the competition of the routes via the Isthmuses of Panama and Tehuantepec, and it is estimated that one-half of the traffic carried from this eastern section of the United States to the Pacific coast now moves by the water routes. Is it probable that the railroads will endeavor to meet the rates of the intercoastal water lines with the view to holding to the all-rail routes the traffic between the two seaboards? It is hardly to be expected, for the following reasons, that the railroads will make a desperate effort to hold this traffic against the water lines:

In the first place, the tonnage involved constitutes, at the present time, a comparatively small percentage—only 20 to 22 per cent—of the total traffic carried to the Pacific coast by the transcontinental roads—those running from Chicago to the west coast. Only 35 per cent of the through business of these lines originates in this eastern section and in the Buffalo-Pittsburgh territory. In other words, more than two-thirds of the through traffic of the transcontinental lines now comes from the Central West.

In the second place, the system of blanketing rates from the Atlantic seaboard westward to the Missouri River—a system that will probably prevail—will carry through to the Missouri River any rate reductions which the railroad lines may make on traffic from coast to coast, and it is hardly to be expected that the railroads will reduce rates unnecessarily upon two-thirds to four-fifths of their traffic in order to compete more successfully for the remaining minor portion of their possible tonnage. It will be more profitable for the transcontinental rail lines to lose the major portion of their traffic from the Atlantic seaboard section in order to maintain paying rates on the west-bound traffic from the middle section of the United States.

In the third place, it is probable that the eastern trunk lines as well as the Pacific lines originating at Chicago and central western points will be opposed to the policy of reducing coast-to-coast all-rail rates to the lowest possible minimum in order to meet the competition of the water lines. It will be to the advantage of the eastern trunk lines to haul traffic from points within 500 miles of the Atlantic to the seaboard

for shipment by water rather than to prorate with their western connections low, through all-rail rates from the Atlantic to the Pacific.

2. The transcontinental railroads may be expected to endeavor to hold as much as possible of the traffic from the eastern seaboard States to intermediate points in the Rocky Mountain States. The steamship lines through the canal, with the cooperation of the Pacific coast jobbers, will endeavor to supply the cities within a thousand miles of the Pacific coast with supplies handled by way of the canal and the Pacific gateways. Up to the present time the railroads interested in transcontinental traffic have adhered to the policy of charging higher rates to intermediate points in the mountain States than to Pacific coast terminals, and have thus assisted in maintaining the Pacific coast cities as the jobbing centers from which many of the supplies required by the mountain States are obtained.

After the canal is opened the railroads will be obliged to decide whether it is wiser to continue to favor the Pacific coast jobbing trade, or, by reduction of rates from the East to the intermountain cities, to cause those cities to secure their supplies directly from the East and not by way of the Pacific. While it is impossible to predict which of these two policies will be deemed wiser, it would seem a priori that the railroads will prefer to supply the intermountain States directly from the eastern sources of supply.

3. The principal eastern termini of the transcontinental railroads are St. Paul, Duluth, Chicago, St. Louis, Kansas City, and Omaha, and these railroads are concerned, first of all, with the effect which the Panama Canal may have upon the west-bound rates from the central section of the country. The rates to the Pacific coast from Chicago and other points as far east as that city must, after the opening of the Panama Canal, meet the through rates by rail-and-water lines via Atlantic and Gulf ports. It is the expectation of the trunk lines that they will be able to divert to the Atlantic seaports transcontinental traffic originating at points as far west as Cleveland and Indianapolis. It will also probably be possible for the railroads to the Gulf to attract some west-bound transcontinental traffic to Gulf ports from points as far north as St. Louis. This indicates that the transcontinental lines must reckon with the canal route in making rates from the eastern and southern parts of the Mississippi Valley to the Pacific coast.

4. At the present time the transcontinental railroads have a relatively large and a highly profitable traffic from the Central West to intermediate points in the mountain States. The rates generally being the same from the Middle West as from the Atlantic seaboard to the States in the intermountain section of the far West, the manufacturers and other producers of the Middle West have secured most of the trade of the mountain States. Formerly traffic moved from the Atlantic seaboard around to the Pacific coast and from there inland to the intermountain States. Now it moves mainly by direct rail haul from the Middle West

With the opening of the Panama Canal an effort will doubtless be made by eastern producers to regain a greater or less portion of the trade of the intermountain States by shipping commodities at low rates through the canal to the Pacific coast for distribution thence through the intermountain States. The Pacific coast jobbers interested in this trade will be able to secure commodities either from eastern producers by way of the canal or from Middle West producers by way of the railroads. It has thus far been deemed profitable by the transcontinental lines to make through rates to the Pacific coast much lower than to intermediate points, and thus favor the jobbing trade of the Pacific coast. This policy has been justified by the fact that the low through rates were at least slightly profitable and that the distribution of traffic by rail from the Pacific coast through the mountains at high local rates was highly profitable. It seems probable that the Panama Canal will cause the through rates to the Pacific coast to be so low as to make it more profitable for the railroads to carry traffic from the Middle West directly to intermediate points than to haul it to the Pacific coast for subsequent distribution. This view has been expressed in the following words by the traffic manager of one of the transcontinental railroads:

"The railroads have maintained normal rates to these interior points and have resisted the natural demand for rates insuring direct movement of these commodities from eastern sources of supply, because they knew that they were carrying 85 per cent of the tonnage to Pacific coast terminals, and for that reason their revenue on eastern manufactured goods shipped from Seattle to Walla Walla, Spokane, etc., was not measured by the rate charged for that final movement of the traffic, and so far as the competition of water-borne commodities, including imported merchandise, was concerned, there was consolation in the fact that we were getting a comparatively high rate from Seattle to these interior points.

"But we should ask ourselves, What would have been the adjustment of rates to interior points in the absence of these compensating conditions? If the town of Walla Walla uses 10,000 kegs of nails per annum, it is the duty of the railroad traffic manager to make that business contribute as much as possible to the earnings of his railroad. Heretofore we have not worried when we saw these nails coming in from Portland or Seattle, for the reasons above stated, but when we stop carrying the original shipments to Seattle, and when the business from Portland begins to seek the open river route, then we will realize that we must make rates from the East which will insure the direct movement of these commodities to these interior points.

"As to the ability of the railroads to do this, I do not see how there can be any question so far as the territory east of the Cascade Mountains is concerned; they may be driven out of the Pacific coast business but they will stay in the business east of the Cascade Mountains, because they must stay in it so long as it represents any rate over and above the actual cost of the service when considered as additional traffic within the capacity of the railroad, and that is just exactly what it will be."

5. The probable effect of the canal upon east-bound transcontinental rail rates may be briefly considered, because much of the preceding analysis of the relation of the canal to west-bound rates is applicable to east-bound charges. The tonnage carried by rail from the Pacific coast through to the Atlantic section east of Pittsburgh and Buffalo is relatively light and consists in large part of perishable freight, of which green fruits constitute an important item. It is possible that the steamship lines through the canal will handle some of the green fruits from the west coast to the eastern markets, but in all probability the present methods of shipping and marketing fruit will prevail, and the traffic, in spite of somewhat higher rates, will continue to move mainly by rail. The principal markets for all the products of the west coast are in the Rocky Mountain section and the Mississippi Valley, and the transcontinental railroads will be concerned chiefly in maintaining east-bound rates from the west coast to those sections and will hardly decide to reduce rates on traffic destined to points throughout the eastern half of the United States in order to hold against the steamship lines a portion of the comparatively small tonnage which the railroads haul through from the Pacific to the Atlantic seaboard section.

6. The rates on fruits, barley, fish, lumber, and other west-coast products to the mountain States and to the Mississippi Valley are of prime importance to the transcontinental railroads. The traffic taken from the west coast by rail to the southern and eastern portions of the Mississippi Valley must be secured in competition with the combined water and rail routes by way of Panama and the Gulf or Atlantic ports, but for the major share of the east-bound traffic from the Pacific coast over the mountains the railroads will not be seriously affected by canal competition.

7. The traffic from the mines and ranches of the mountain States east bound to the Atlantic coast section comprises a comparatively small tonnage. The rail rates on wool and some other products will, after the opening of the canal, necessarily be influenced by the through rate by rail to the Pacific coast and on by steamship lines through the canal. It is not probable, however, that much traffic will move from points east of the Sierra Nevadas to the Pacific coast for transhipment east bound through the canal.

8. The principal markets for the productions of the Rocky Mountain States are in the Mississippi Valley. It will not be possible for the canal to divert from the railroads the traffic from the western mountain States to destinations west of Buffalo and Pittsburgh, nor will the canal have much effect upon the rates which the railroads may charge for this traffic.

9. The general effect of the canal will be to lower transcontinental railroad rates. If the foregoing analysis proves to be sound, it will be the policy of the railroads to allow a portion of the traffic that might be held to the rails to be shipped coastwise through the canal and to maintain rates upon the traffic which can readily be prevented from taking the canal route. It is probable that the railroads will adopt the general policy of surrendering without serious struggle the minor portion of their traffic in order to maintain profitable charges upon the major share of their tonnage. The immediate effect of the canal will be to lessen railroad profits; the ultimate effect may be the enhancement of the prosperity of the railroads. The canal will aid the industries and trade of the United States. Like other transportation facilities, it will create the need of other means of transportation; and, should the transcontinental railroads be obliged to face reduced profits for a period of years, they need have no serious apprehension as to their future prosperity. The railroads connecting the Mississippi Valley and the Pacific coast are among the most profitable lines in the United States. The country they serve is certain to have a large development during the next quarter century, a development that will unquestionably be appreciably aided by the Panama Canal.

VI. SUMMARY OF THE PROBABLE EFFECTS OF THE PANAMA CANAL UPON TRANSCONTINENTAL TRAFFIC AND RATES.

The probable influence of the Panama Canal upon the trade of the eastern and of the central sections of the United States with the western part of the country, and the anticipated effects of the canal upon the carriers interested in that trade may be broadly summarized as follows:

1. The Atlantic section of the United States will obtain a somewhat larger share of the trade of the Pacific coast and will secure more benefit from the cheap water route than will the Middle West.

2. The inroads upon the trade now possessed by the middle section of the country will, however, probably not be serious, because (*a*) the Middle West now has a firmly established hold upon the west-coast trade; (*b*) the Middle West producers, aided by their rail carriers to the Pacific coast, will probably be able to compete successfully with eastern producers not located in or near the Atlantic ports. The Middle West will lose a part but not all of the trade of the Pacific coast seaboard cities, but may be expected to hold nearly all of the trade of the cities in the intermountain States; (*c*) the trunk lines to the Atlantic seaboard will doubtless aid inland producers east and just west of the Alleghenies by making low through rates from places as far west as Cleveland and Indianapolis to the Pacific via the Atlantic ports and the canal. The rail lines to the Gulf likewise will draw trade from Memphis and St. Louis and possibly Kansas City to the Gulf for shipment through the canal to the Pacific coast; (*d*) the transcontinental rail lines running west from St. Paul, Chicago, St. Louis and the cities on the Missouri River may be expected to assist in building up the direct trade from the Mississippi and Missouri Valleys to the cities in the intermountain States, and thus to limit the entry of goods from the eastern part of the United States via the Pacific coast into the inland markets of the mountain States.

2. The intermountain States will probably secure lower freight rates for their trade with the eastern section of the country and with the Middle West. Instead of cutting deeply into the rates between the eastern part of the United States and the Pacific coast terminals, and thereby, under the ruling of the Interstate Commerce Commission in the Spokane and Reno cases, automatically depressing all rates to intermediate points, the railroads will more probably decide to maintain fairly remunerative through rates to the west coast, to suffer the major share of the coast-to-coast traffic to be supplied by eastern producers and to be carried through the canal, and to make only such reductions in the rates to and from the intermountain territory as may be required to cause that section to continue to trade mainly with the Middle West. The policy of the railroads will probably be to make it advantageous for the intermountain cities to trade less through Pacific-coast jobbers and more, without the intervention of middlemen, directly with the central and eastern sections of the country.

3. The canal will assist the Pacific Coast States in trading with the eastern and southern parts of the United States. Much trade not now possible will develop. The importance of the west-coast cities as jobbing centers may be lessened by the growth of direct trade between the intermountain States and the sections east of the mountains, but this loss will be more than compensated for by the growth of new trade.

4. The effects of the canal upon American trade and upon rail rates will not be much affected by the exemption of coastwise ships from the payment of Panama tolls. If the nonpayment of tolls were to reduce freight rates by the amount of the tolls, the freight rates—which will be from $6 to $20 a ton—might possibly be 60 cents a ton lower. That would be of some assistance to the Pacific-coast jobbers and large shippers, and would somewhat increase the advantage which the canal will give the East over the Middle West in trading with the west coast.

It is not probable, however, that the exemption of the payment of tolls will appreciably affect the rates charged by the regular steamship lines. The nonpayment or remission of tolls will chiefly aid the own-

ers of the coastwise marine, and not the shippers. Most traffic will be handled by the regular lines, which will charge common rates fixed in conference; and competition, while not eliminated, will be so regulated as to enable the carriers to keep charges well above the lowest rates at which traffic can profitably be carried. Whether there be tolls or no tolls, the line steamship rates will not be based on cost of service, but will be such as the traffic will bear and increase.

Canal tolls, being a part of the cost of service, will not make line steamship rates higher, nor will the omission of tolls cause the freight rates to be lower. This is not true of the rates payable on bulk cargoes of traffic handled in individual vessels operated under charters. Charter rates are competitive, and the few large shippers who can use a chartered vessel will be benefited by being relieved of the payment of canal tolls. As is explained in Chapter XIII, it is probable that the payment of tolls by ships engaged in our coast-to-coast trade would affect neither the rates of the regular steamship lines nor the charges of the transcontinental railroads.

Mr. BRADLEY. Mr. President, I deny that the people of the United States have known all the time or know now that our Government has no right to extend any privileges to our commerce which goes through this canal. Had the people of the United States thought that such would be the result, the canal would never have been constructed. They never would have been willing to expend $400,000,000 to build a canal for the joint use of all the nations of the earth in which they had no superior right.

I affirm as the first proposition that under the treaty now in force the Government of the United States has the right to give preference to its own commerce as well as its battleships.

In the second place, I affirm that if this be not true and if the treaty is to be given the strict construction contended for by those who oppose us, that the treaty is an absolute nullity, because by its terms we have endangered the very life of our own country.

In the third place, I affirm that the United States having become the owner of this territory, having become the sovereign therein, for which right they have paid, the United States having bought all the rights and property of the New Panama Canal Co., for which it has paid, not only the canal but the land which adjoins it is the absolute property of the United States, as much so as is Alaska, as much so as is the District of Columbia; and that any question which may arise in regard to these matters is not subject to arbitration, because it is a domestic question, and the United States never has submitted and never will submit the decision of a domestic question to any court of this earth.

In the fourth place, our only duty as to the nations of the world—aside from our own—is to give them perfect equality in the use of the canal, to preserve strict neutrality as between them in case of war and to charge them no more than just and equitable tolls.

In the fifth place, now that the United States has become the sovereign of the country through which the canal passes, our right to control it is purely a domestic right, and any question affecting the same is not the subject of arbitration by The Hague or any other tribunal, but must of right be settled by ourselves. That the changed conditions render the treaty voidable whatever may be its construction.

In order, Mr. President, to understand the exact position of all parties, I call attention to the Clayton-Bulwer treaty, which was adopted in 1850. I think that a comparison of that treaty with the present Hay-Pauncefote treaty, together with the first Hay-Pauncefote treaty, which as amended by the Senate was rejected by Great Britain, throws great light upon the construction of the existing treaty.

In the Clayton-Bulwer treaty it appears plainly, first, that neither the United States nor Great Britain proposed to build the canal, and, as stated to-day very forcefully by the distinguished senior Senator from Iowa [Mr. CUMMINS], it is very doubtful, to say the least, whether England would, under the Monroe doctrine, have a right to build an isthmian canal in this Hemisphere, but, be that as it may, neither one of these nations then contemplated the building of the canal.

The sole object of that treaty was to insure the safety of Great Britain and the United States as far as possible. Hence the agreement was made that if any persons or company, having authority from the local Governments through which the canal was to pass, undertook its construction, Great Britain and the United States would protect them from commencement to completion from unjust detention, confiscation, seizure, or violence.

The next provision was that the contracting parties would use their influence with the States through which the canal passed to induce such Governments to facilitate its construction.

Next, they would use their good offices to procure the establishment of two free ports—one at each end of the canal.

The next stipulation was that they would protect the canal when completed from interruption or unjust seizure and guarantee its neutrality, so that it "may forever be open and free and the capital invested therein secure."

Next, they reserved the right to withdraw the protection of both or either of the Governments if the persons or company undertaking the construction or management of the canal should adopt regulations for the traffic thereof contrary to the spirit or intention of the treaty by making unfair discrimination in favor of the commerce of either of the contracting parties or any others, or by imposing excessive exactions or unreasonable tolls upon the passengers or commerce of either.

In the sixth place the treaty provided that each of the contracting parties would enter into treaty stipulations with such of the Central American States as was deemed advisable to carry out their great design. What was that design? The construction and maintenance of the canal "as a ship communication between the two oceans for the benefit of mankind, on equal terms to all and of protecting the same" when completed.

They next agreed to invite every State in the world with which either or both of them were friendly to enter with them into this agreement, and, in the next place, it was provided that the parties owning or constructing the canal should impose no other charges or conditions of traffic than should be approved by Great Britain and the United States as just and equitable.

In the ninth place it was agreed that the vessels of the United States and Great Britain traversing the canal should in case of war between them be exempt from blockade.

Mind you, the canal was not to be built by either Government; it was not to be the property of the United States, and the canal being so constructed it was provided that in case of war between the two countries their vessels should be exempted from detention or capture by either of the belligerents, "and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient." It was further provided that neither of the contracting parties would ever obtain or maintain for itself any exclusive jurisdiction over the canal, nor erect any fortifications commanding the same.

These were the conditions, none of which existed under the Hay-Pauncefote treaty. Those conditions as between the two countries at that time were equitable. They did not agree to expend a single cent in the building of the canal; they simply agreed to protect those who did build it, and, in the event it was constructed, it was to be made a great waterway connecting the oceans for the benefit of all mankind, and neither country was to have any advantage over the other in case of war.

There was a consideration for that treaty. It was a common enterprise, for which both were equally liable and in which both were equally to share; the consideration was mutual. Under the Clayton-Bulwer treaty, however, nothing was done, except that the old Panama Canal Co. made a futile effort to build a canal. That was the end of it.

What was the object of the new treaty? I have very serious doubt in view of the changed conditions, the United States building the canal herself with her own money, whether she did not have a right to do so, whether the Clayton-Bulwer treaty was abrogated or not, because under that treaty England as an independent nation had no right, in view of the Monroe doctrine, to construct the canal. She never had that right, and she has no such right to-day. Therefore she conceded nothing in agreeing to the new treaty. Under that treaty Great Britain expends nothing and incurs no responsibility. What is the responsibility of Great Britain under the present treaty? She does not even agree to stand by the United States, as she agreed to do under the Clayton-Bulwer treaty as to the persons or company which should construct the canal. Her responsibility under the treaty of 1850 was to guarantee protection to the persons or company building the canal. This she does not undertake under the new treaty? Why? Because the United States did not ask her to do so, and did not desire her to do so. The United States felt that she was able to attend to her own business, take charge of her own property, and while constructing the canal to protect herself without assistance.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Iowa?

Mr. BRADLEY. With pleasure.

Mr. CUMMINS. Let me suggest at this point—I know the Senator from Kentucky will emphasize it during the course of his remarks—that the only agreement or obligation entered into by Great Britain in the Hay-Pauncefote treaty was the agreement that the Clayton-Bulwer treaty might be abrogated

and the new treaty should supersede it. That is the only promise or obligation contained in the Hay-Pauncefote treaty so far as Great Britain is concerned.

Mr. BRADLEY. I thank the Senator for his suggestion, and quite agree with him in what he has said.

As I have said, Great Britain has not furnished a dollar to build the Panama Canal. It is a matter entirely in the hands of the United States; but now when the canal has been about completed we are told that Great Britain objects to the United States managing her own canal, which she has built and paid for with her own money, and objects to us giving our vessels any preference. Great Britain desires to be put on the ground floor with us. She desires to get the benefits of the canal without paying for them. She is like an old man of whom I once heard. He imagined that he was a philanthropist, and he provided in his will that upon his death his herd of cattle should be slaughtered and the product sold to the highest bidder, but, considering his wonderful sympathy for the poor, he provided that the horns, hoofs, and tails should be divided equally among the poor. [Laughter.] That is a fair illustration of the liberality of Great Britain, which come here after we have built the canal and asks us now to allow that country every privilege which we have ourselves.

Now, Mr. President, let us come to the first Hay-Pauncefote treaty. It becomes necessary to look at what occurred in connection with that treaty in order to find what is meant by the last Hay-Pauncefote treaty, because when we examine the two treaties we will find they are essentially different. The distinguished Senator who just took his seat referred to the provision which was attempted to be placed in the treaty giving the United States the right to regulate the traffic, tolls, and so forth, on the canal. That provision was offered to the first but not to the second treaty. It is true it was defeated, but it was defeated because it was thought that there was no necessity for it. In the first treaty the United States was given the exclusive right of providing for the regulation and management of the canal. Now, mark you, in the first Hay-Pauncefote treaty both countries adopted the rules which should govern the canal, and the same rules which were applicable to the Suez Canal. It is said there is some contradition between the provision adopting those rules and the right that was given to the United States exclusively to manage and regulate the canal, but I will not take the time to discuss that, because it is not necessary to this argument. In the first treaty there was inserted by the Senate a very important provision by reason of which it is claimed Great Britain refused to ratify the treaty. That provision was:

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections Nos. 1, 2, 3, 4, and 5 of this article—

Those were the sections regulating tolls, the ingress and egress of vessels, neutrality, and so on—

shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

That amendment was adopted by the Senate of the United States, and by reason of its adoption Great Britain refused, as I have said, to ratify the treaty. Some provision similar to it was probably offered in the discussion of the second Hay-Pauncefote treaty, the one which was finally ratified, and I want to show you, Mr. President and Senators, that this provision which was apparently necessary in the first treaty was not necessary in the present treaty, because of the material change in the language of the two treaties.

Under the first Hay-Pauncefote treaty it was provided that no fortifications should be erected commanding the canal. I call your attention to the fact that under the present treaty that provision is eliminated, so that under the present treaty the United States is not prohibited from building fortifications. As showing that Great Britain is of that opinion it is sufficient to say that notwithstanding an appropriation has been made to erect fortifications and that fortifications are now actually being constructed, Great Britain has never protested against such action, and all she protests against is as to any advantage that may be given to the commerce of the United States. The omission of this very important provision of the first Hay-Pauncefote treaty from the second Hay-Pauncefote treaty goes a long way to show that I am right in my contention.

Let us see why the provision referred to was omitted from it. In the first Hay-Pauncefote treaty, although the United States was to be allowed to build the canal, under article 2 Great Britain and the United States jointly adopted seven rules concerning the operation of the canal; in other words, the two countries made a solemn agreement between themselves as to what rules should govern the canal.

In the present treaty Great Britain does not participate in the adoption of the rules for the administration of the canal; but the United States alone adopts the rules, showing that it was clearly considered between the two countries that the United States, being the builder of the canal, was conceded the right to prescribe the rules, and that Great Britain had nothing to do with the matter. As to the enforcement of the rules, Great Britain is not to-day bound under any of the terms of the treaty. In the last instance the concession to Great Britain allowing her participation was merely a matter of gratuity on the part of the United States in carrying out the original intention that the canal should be neutral.

What is meant by neutrality except that the canal shall be neutral territory as to all nations of the earth except the United States? If Great Britain and Japan should go to war, then the United States could prohibit either of them taking advantage of the canal in any way. She could prohibit any nation on earth from doing so as against a belligerent; but at the same time she does not estop herself from the right of self-protection. By failing to insist on a provision allowing her participation in the making of rules for the canal Great Britain conceded that the United States alone had the right to make the rules. The United States alone having adopted the rules, it could not be considered for a moment that she included herself in the term "all other nations." It is perfectly plain that she did not include herself, and that the rules which were adopted by her for the nations at large do not apply to her, because there is nothing to indicate anything of the kind.

You will find that there is another change in the last treaty. In the first treaty there was nothing specifically binding on the United States or any other country as to tolls. Now, bearing in mind that the Government of the United States is the owner and the proprietor of the Panama Canal, and that she was to build it, a provision was inserted in the Hay-Pauncefote treaty that the United States will not collect unjust or unreasonable tolls. That was not in the first treaty, because in the first treaty it was provided that the traffic should be open and equal to the world; but now that the position of the United States is fully understood and admitted, she agrees, so far as tolls are concerned as to the commerce of other nations, they shall be just and equitable.

Mr. President, I call attention to the further fact that in the first Hay-Pauncefote treaty, while the United States was given the exclusive right of providing for the regulation and management of the canal, its control was subject to the rules then adopted by both countries. In the present treaty the United States is given exclusive right, without any agreement as to rules provided or to be promulgated by the two contracting parties, but with the sole provision that there shall be entire equality of treatment for all nations and that the charges of traffic shall be just and equitable.

I refer to these matters to show what view Great Britain and the United States took, at the time the treaty was written, of the provision as to tolls. It is a mere concession by the United States, which stands as the mistress of the situation. In view of these changes, the exception added to the first treaty was omitted and was no longer necessary, for the United States reserved the right of self-protection in case of war.

It is perfectly plain that Great Britain recognized the justice of this change. It can not be contended that her diplomats were ignorant of changed conditions. So the agreement was made that the United States was to have exclusive right to provide for the regulation and management of the canal. Stripped of former conditions, the United States had, first, the right to direct, order, rule, and govern, because all those terms are synonymous with the term used, which is to "regulate." She had the right to direct, govern, control, order, and conduct, for each of those words is synonymous with the word "manage," and those two words "manage" and "regulate" are the words employed in the present treaty as showing the absolute right of the United States.

I must be pardoned for being a little tiresome when I call attention again to the fact that under the rules jointly agreed to between the two countries in the first Hay-Pauncefote treaty they were to govern the canal. In every contract there must be two parties, and those two parties must agree on something. This treaty is nothing in one sense of the word but a contract—a contract between nations—and, so far as the present rules are concerned, Great Britain does not even agree that they shall be adopted, but the United States, on her own motion, adopts the rules and makes them the basis of operating the canal.

What is the expressed reason for this treaty? In the present treaty the expressed reason is that the parties are desirous of facilitating the construction of the canal without impairing the general principle of neutralization established in article 8 of the Clayton-Bulwer treaty. What is meant by "neutralization"? That the United States, having now become the con-

troller of the situation, guarantees neutrality, so far as she is concerned, between and among all the nations of the earth, always reserving her own right of self-protection.

As I said a moment ago, in the first Hay-Pauncefote treaty it was provided that no fortifications should be erected. That was eliminated from the present treaty. Following the adoption, as I said, of the present treaty, we commenced building fortifications, and against that action there has been no protest. The acquiescence of England by her silence in the construction of fortifications for the defense of the canal speaks eloquently and forcefully as to her opinion of the rights of the United States. If she thought the United States had no right under the treaty to do it, she would have protested against it long ago; but her diplomats know that under the changed conditions the United States has such a right.

Now, let us look at this treaty and give to it the construction that is given by Senators who argue on the other side of this question. If they are right, these conditions apply alike to all nations; in other words, that the Government of the United States is bound by each and all the conditions—not bound in part, not bound partially as to one condition in one respect and released in the other; but, if we take this ironclad construction, the United States is distinctly bound by all these rules.

It has been said that honor requires that we shall accede to the views of Great Britain. No Member of the Senate holds in higher estimation the honor of his country than do I, and I will add that no Member of the Senate holds higher in estimation the protection and life of his own country than do I; but I affirm that no nation is bound, in honor or otherwise, to destroy herself by any treaty, even if the construction contended for by those who do not agree with me is correct.

The first proposition, if we are to adopt the construction contended for, is that—

> The canal shall be free and open to the vesels of commerce and of war of all nations—

Including the United States—

> observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

It we are bound by that, we have no right in case of war to give ourselves any advantage. But that is not the worst part of this treaty by which it is said we are bound. Let us go a little further:

> The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

What does this mean? We must take it at its face value, for we are told that we are governed by this instrument as by bands of iron. What does it mean? That the canal shall never be blockaded, though it may be necessary for us to blockade it for our own self-defense. No right of war shall be exercised. We have no right to take a battleship through that canal in case of war against us in order to protect ourselves, nor have we any right to prevent a battleship from passing through the canal to attack us; nor have we any right to unload munitions of war in the Canal Zone. We can not embark or disembark troops if we should become involved in war with another nation. We can not stop a moment in the canal, except in case of an accidental hindrance of transit, and then the vessel must resume its voyage with the utmost dispatch. What else? The provisions of this article shall apply to whom? It applies to all belligerents. It applies to us as well as everybody else. No vessel shall remain within 3 marine miles of the canal longer than 24 hours. We can not allow our own battleships to remain in these waters longer than 24 hours. What else?

> Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

If we were involved in war to-morrow, this canal completed, and our ships were there for the purpose of protecting us from the invasion of a foreign foe, and some ship of such a foe should come within 3 marine miles of the canal, we would have to wait 24 hours before we could pursue it. In other words, we would be compelled to allow it to escape, although it intended to inflict or had inflicted injury on our commerce or our possessions, because we must stand still 24 hours. O Senators, Senators, what a ridiculous construction! What a comment upon our manhood and intelligence that we have given away our birthright, our freedom, and our safety for less than a mess of pottage, and that we must go hat in hand to Great Britain and on bended knee and ask her to agree that we may attend to our own business under our own flag.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. BRADLEY. Certainly.

Mr. POMERENE. I should like to ask the Senator from Kentucky why it was necessary for the treaty to especially provide for the policing of the canal.

Mr. BRADLEY. I do not think it was necessary at all. I think we had the right without it.

Mr. POMERENE. If we had the right to blockade it without a provision in the treaty, certainly we had the right to police it, I should think.

Mr. BRADLEY. You misapprehend my proposition. I say the proposition about blockading has nothing at all to do with us. It applies to foreign nations and does not apply to us.

Mr. POMERENE. Assuming that to be so, I still do not understand why these great international lawyers should be so specific when it comes to the matter of policing of a property which belongs to us, according to the theory upon which the Senator is proceeding. I frankly confess that I am disturbed by this matter.

Mr. BRADLEY. I beg to call the attention of the Senator to the fact that Great Britain has nothing to do with that. Great Britain does not provide that we shall police this strip. We ourselves provide that certain rules shall govern, and Great Britain has nothing to do with it. She guarantees nothing.

Mr. POMERENE. But this is a pact made between the two high contracting parties.

Mr. BRADLEY. That is right, and without any consideration as to one of them.

Mr. POMERENE. One of the things especially stipulated for is our right to police our property.

Mr. BRADLEY. Certainly.

Mr. TOWNSEND. Will the Senator from Kentucky allow me?

Mr. BRADLEY. I am glad to yield.

Mr. TOWNSEND. The treaty also provides for the possibility of the canal being constructed by somebody else aside from the United States, and under those conditions it might be necessary to police it or do something of that kind. So various constructions have been put upon or reasons given for this particular provision.

Mr. BRADLEY. I do not blame the Senator from Ohio for saying he is disturbed about this matter. We all are disturbed about it, because, if the construction is to be given this treaty contended for by certain Senators upon this floor, we have bound ourselves hand and foot and delivered ourselves into the hands of any nation that sees fit to go to war with us.

Mr. SMOOT. I want to suggest to the Senator that at the time the treaty was made it was not contemplated that the United States would be a sovereign over the land, but it did happen and circumstances did occur under which this country has become the absolute sovereign over that strip of land; and perhaps that was the reason the policing power was mentioned in the treaty.

Mr. POMERENE. But, Mr. President, article 4 of this treaty——

Mr. BRADLEY. I am coming to that in a moment, if the Senator will not anticipate me.

Mr. POMERENE. Very well. I appreciate the force of the Senator's argument upon the question as to what the treaty ought to be, but the question before the Senate now is, What is the treaty?

Mr. BRADLEY. That is the very question I have been discussing. I am not discussing what it ought to be. I am discussing what it is. As I say, every condition in the treaty was put there on our own motion and is not agreed to or disagreed to by Great Britain, and it simply shows the kindness and generosity of the United States as to other nations and not that the United States intended to rob or destroy herself. We can not, we dare not, look our people in the face and tell them that we have expended $400,000,000 to build a canal in order to enable the nations of the earth to invade our own territory, to reach us that much easier and destroy our commerce. It never was the intention of the United States and it never was the intention of this treaty to do anything of that sort, but, as I said in the beginning, if you are going to give this construction as contended for by gentlemen who are on the other side of the question, if you are going to say that under these rules we have crippled ourselves and destroyed our right of self-defense, then I affirm that under the law of nations the treaty is an absolute nullity. I read from Vattel's Law of Nations, section 160, page 194:

> Since, in the formation of every treaty, the contracting parties must be vested with sufficient powers for the purpose, a treaty pernicious to the State is null, and not at all obligatory, as no conductor of a nation has the power to enter into engagements to do such things as

are capable of destroying the State, for whose safety the Government is intrusted to him. The nation itself, being necessarily obliged to perform everything required for its preservation and safety (book 1, section 16, etc.) can not enter into engagements contrary to its indispensable obligations.

So I say that if the construction is to be given this treaty which is contended for, it is a nullity, because those who represent us had no right to bind our Nation to anything of the kind.

The rules adopted by the United States in the treaty apply to nations other than the United States who are at war, and under its terms the United States will maintain neutrality as between them, treating them exactly alike, and in addition will treat all alike as to tolls, charging no toll that is unjust or inequitable.

It is all right to say that under this treaty no nation engaged in war with another shall commit an act of war in our canal or embark or disembark troops or munitions of war therein except in case of accident, as provided. It is all proper to compel their vessels of war to effect their transit through the canal with the least possible delay. It is all right to prohibit vessels of foreign nations engaged in war from remaining within 3 marine miles of either end of the canal for more than 24 hours. And, finally, it is all proper for the United States to agree that there shall be no discrimination in favor of one foreign nation against another and that the tolls shall be just and equitable; but it is the height of absurdity and most shameful injustice to apply these rules to our own Government.

Now, which construction of this treaty will we adopt? Will we adopt this ironclad construction which would render the treaty a nullity under the law, even if it should be correct, or will we adopt the construction which is in harmony with the law as well as all the surrounding circumstances and every principle of justice and reason as well?

I come now to the last proposition that is involved in article 4, concerning which the Senator from Ohio inquired. I was impressed the other day with the position taken by the junior Senator from South Carolina [Mr. SMITH], that under conditions as they now exist the management of this canal has become a purely domestic question. Now, let us see if that is correct. But before doing so, let us consider article 4, which it is said prevents a construction of that character. In article 4 it is said:

It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

I have already shown that Great Britain did not agree specifically nor bind herself to the rules adopted by the United States. Article 4, with its broadest interpretation, has no effect on the present situation. What was meant by it? As we all know, revolutions were common in Central and South America at that time. It was not known how long after this treaty was formed this strip of land, which then belonged to Colombia, would be its property.

Now, the only object of this article of the treaty was that if either of the countries through which the canal was to run, Nicaragua or Colombia, with which we had made this contract, should be taken possession of by another State, the change of sovereignty should not be held to destroy our right to the canal which we had built, and that we were still entitled to exercise all our rights. Otherwise it may be well questioned whether the United States would have been willing to expend her money. About the only thing Great Britain agrees to in this treaty that amounts to anything is that the United States, whatever may be the change of sovereignty of the canal in the country through which the canal is to be constructed, through revolution or otherwise, should have the right to protect and use its canal. It does not mean that the United States shall not buy adjacent territory, because the canal itself is the property of the United States. It does not mean that the United States shall not acquire sovereignty of the country through which the canal runs or become the absolute owner thereof. But it does mean, if any other nation overcomes the nation which has given to the United States the right to construct the canal, Great Britain will stand by the United States in protecting the rights she acquired from the nation she dealt with, despite the fact that another nation has become sovereign.

What is the condition of the Panama Canal to-day? Let me read so much of the language of the treaty with Panama as I think is necessary to this discussion.

The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described * * * which the United States would possess and exercise if it were the sovereign of the territory * * * to the entire exclusion of the exercise by the Republic of Panama or any such sovereign rights, power, or authority.

Now, the United States is the sovereign in Panama, having paid $10,000,000 therefor; just as much the sovereign there as she is in the District of Columbia. Suppose a question would arise here about something that was to be done in the District of Columbia? What Senator would be bold enough to contend that we should arbitrate that matter at The Hague tribunal? What has The Hague tribunal to do with our domestic affairs? This is an affair of our own. It is a right which we possess under these treaties and under the laws of our country, and it is a right that we propose to exercise, and not to ask any nation for its consent; nor do I believe there will be any trouble growing out of our actions. England is too wise and, in my opinion, too just to raise any disturbance without the slightest reason to sustain her contention. I am satisfied that this whole controversy will be adjusted at last by a proper diplomacy and not by turning ourselves over to The Hague tribunal, to a court necessarily constituted of the certain nations of the earth, which nations have an interest directly opposed to ours, and in which we could not have the slightest hope for justice.

Mr. SMITH of Michigan. Will the Senator permit me?

Mr. BRADLEY. Certainly.

Mr. SMITH of Michigan. I should like to suggest to the Senator from Kentucky that the treaty which was defeated here a few months ago by a very narrow margin proposed to endow an international commission with authority to pass upon questions of a justiciable character. That treaty would have deprived the Senate of original jurisdiction in the question referred to by the Senator from Kentucky, and the Senate very appropriately withheld its consent on the ground that a question which was purely national could be best considered by an American tribunal, without the assistance of foreigners unfamiliar with our domestic concerns.

The rule of national independence advanced by the distinguished Senator from Kentucky must never be lightly ignored.

Mr. BRADLEY. I thank the distinguished Senator for his observation. As to what effect this change of sovereignty in Panama has, I call attention of the Senate, first, to page 357 of Hall, the greatest English authority on international law:

The principle which has been mentioned as being a sufficient test of the existence of obligatory force or of the voidability of a treaty at a given moment may be stated as follows: Neither party to a contract can make its binding effect dependent at will upon conditions other than those contemplated at the moment when the contract was entered into, and on the other hand a contract ceases to be binding so soon as anything which forms an implied condition of its obligatory force at the time of its conclusion is essentially altered. If this be true, and it will scarcely be contradicted, it is only necessary to determine under what implied conditions an international agreement is made. When these are found, the reasons for which a treaty may be denounced or disregarded will also be found.

In a recent work in our own country—the most recent that has been published—by our own gifted and forcible law writer, Hannis Taylor, on the subject of international law, this rule is announced (page 400):

After the validity of an international agreement has been firmly established by the concurrence of such antecedents, it may become voidable through the operation of subsequent events, which might not have such an effect in the case of private contract. So unstable are conditions of international existence and so difficult is it to enforce a contract between States after the state of facts upon which it was formed has substantially changed, that all such agreements are necessarily made subject to the general understanding that they cease to be obligatory as soon as the conditions upon which they were executed are essentially altered.

Now, I ask, suppose at the date this treaty was negotiated the Government of the United States had paid for and become the owner of this Canal Zone, had paid the former company for all of its rights, and was absolute monarch of all it surveyed, would our country have ever entered into a treaty with Great Britain to give us the right to manage our own domestic affairs?

If article 4 of the treaty has the effect contended for by our opponents, then it follows that the Senate of the United States has the right, as the treaty-making power, to dispense with and surrender the sovereignty of a part of this country. It can not do it. The sovereignty of any part of this country can in the most extreme case, if at all, be surrendered alone by the action of the Executive and Congress, not by the President and one House of Congress; and if such was the intention, then the treaty is absolutely void, because the agreement is without authority of law. By such a construction we would give the treaty-making power the right to transfer and surrender a sovereignty which our Government did not possess; in other words, to convey something we did not own.

The United States is the only country on the globe that had the courage, the manhood, and the genius to build this canal. It undertook and has well nigh completed it. It is our canal, paid for with our money, constructed by our energy and enterprise, and the people of the United States will never consent that the government of that canal shall be given to foreign countries.

We seek no trouble. Neither do we retreat from it. We only propose to protect our own territory and our own rights. This country has never failed to protect both. Our fathers did not fail and their sons will not fail. The spirit of American liberty and American manhood exists to-day as it existed in seventy-six, in 1812, and during the War with Spain. That spirit has lived through all these years and will continue to live as long as our Government shall stand. And by that spirit, coupled with the intelligence and sense of justice of our own people, shall this and all other questions of a similar character affecting the well-being of this country be decided. The United States has never submitted and will never submit to any other nation or court of arbitration any question affecting the authority to govern itself or to control its domestic institutions.

Mr. CLAPP. I call the attention of the Senator in charge of this bill to the fact that some time ago we reported a bill to fix liability under bills of lading. It is a very important measure, and I should like to get it before the Senate, if there is no one else to speak on the Panama bill this afternoon.

Mr. MASSEY. Mr. President, I had intended this afternoon to occupy some of the time of the Senate in discussing the Panama Canal bill, but I will waive——

Mr. CLAPP. No.

Mr. MASSEY. But I will waive that and yield to the proposition suggested by the Senator from Minnesota.

Mr. BRANDEGEE. I would not want the unfinished business to be laid aside so long as any Senator desired to speak upon it.

Mr. CLAPP. I would not ask for it, and in view of the statement of the Senator from Nevada I withdraw my suggestion. I thought if no one was ready to proceed on the pending bill we might take up the other bill.

Mr. MASSEY. Mr. President, the importance of the questions involved in the passage of the act now pending before the Senate and reported by the Senator from Connecticut is the only justification or excuse I have for consuming at this late hour any of the time of the Senate in discussing this measure and these amendments.

Not only is it important to our shipping and the prosperity of our commercial enterprises, but the bill before the Senate involves the question of the good faith of the American Nation in so far as it may contract respecting its relations and its properties and its rights under the Constitution and the laws of the Government.

I propose, Senators, if possible—and I believe it is possible under well-established rules of legal construction, rules founded upon justice, approved by the judgment of the Anglo-Saxon race in the administration of equity—to eliminate, so far as this bill is concerned, absolutely and unqualifiedly the Hay-Pauncefote treaty. In other words, I propose to address myself to the proposition that, so far as American rights are concerned, so far as American interests are involved, and in so far as the Congress of the United States, with the approval of the Executive, is concerned, the Panama Canal as nearly constructed is not within the terms of the Hay-Pauncefote treaty and is not governed thereby, and that Congress has absolute power for the purpose of legislating not only in a discriminating way in favor of American shipping and in favor of American interests of all kinds, but, in so far as it may desire, to regulate the tolls of other nations, without regard to any of the terms or conditions of the treaty which has been so ably discussed by the senior Senator from Kentucky [Mr. BRADLEY].

I desire to call the attention of the Senate to one or two propositions of interpretation and construction that, to my mind, are conclusive and relieve this question of any international importance so far as this legislation is concerned.

A treaty, as was well said by the Senator from Kentucky, is a mere compact between nations concerning matters over which the respective sovereignties to such treaties have power to contract; and when those treaties are made they stand at the bar of the civilized world as the rights of individuals stand, where construction and interpretation are necessary; and they must be controlled by the same rules of construction, upon just and equitable grounds, as the rights of individuals, and must be determined in so far as rights under a contract may be extended or limited.

I shall assume, Senators, in the discussion of this question that this treaty is not certain and definite in its terms. I think I have a right to say at this time, justified by the diversity of opinion expressed by distinguished Senators on this floor, that the terms of the Hay-Pauncefote treaty, in the language found therein, by which we would be controlled, are not so certain and so definite as that we may not resort to contemporaneous history, to the subject matter that the contracting parties had under consideration for the purpose of determining whether or not the provisions of that treaty are sufficient to extend over and cover the rights of America in the construction, operation, and maintenance of the Panama Canal at the present time.

In doing this I intend to call upon English authority. I intend to rest my conclusion and my contention, to rest the basis of my vote, on the attitude of the Government of Great Britain and upon the statement that emanated from her foreign office when the Hay-Pauncefote treaty was under consideration and before its adoption by either of the two great signatory powers.

I intend to occupy but a few minutes in the discussion of this matter. I call Senators' attention to a letter, and read therefrom, which emanated from the British foreign office on the 22d day of February, 1901. It is a letter of instruction to the ambassador to this country with respect to the very treaty which is now under consideration and involved in the bill that is before the Senate. It shows that England, one of the great powers, did not contemplate, never considered, and had no such thought in her mind, that the treaty which was then being negotiated would ever be extended to the Panama Canal as subsequently acquired by negotiations from the Government of Panama and as constructed by this Nation subsequent to the execution of that treaty and under the obligations by which we contracted with Panama. That in every consideration of that matter she was guided exclusively by the idea that the canal to be constructed under the provisions of the treaty was to be constructed by the American Government or by private parties under authority of the American Government upon soil that was entirely foreign and not upon territory belonging to herself.

Let me read now to show that not only does this treaty not apply, but there is, to my mind, absolutely no question that could be submitted to The Hague conference, because no controversy could arise about that which was never contemplated by the parties to the treaty at the time of its execution in 1901.

On the 22d day of February, 1901, the British foreign office, in instructing their ambassador to this country and in discussing a proposition involved as to the right of this Nation to fortify any canal that should be constructed under the then contemplated treaty, objected seriously to a provision to be incorporated into that treaty, and in discussing this matter the following language was used:

> The other two amendments present more formidable difficulties. The first of them, which reserves to the United States—

Note the language—

> the right of taking any measures which it may find necessary to secure by its own forces the defense of the United States, appears to His Majesty's Government to involve a distinct departure from the principle which has until now found acceptance with both Governments—the principle, namely, that in time of war as well as in time of peace the passage of the canal is to remain free and unimpeded and is to be so maintained by the power or powers responsible for its control.
>
> Were this amendment added to the convention, the United States would, it is presumed, be within their rights, if at any moment when it seemed to them that their safety required it, in view of warlike preparations not yet commenced but contemplated or supposed to be contemplated by another power, they resorted to warlike acts in or near the canal—acts clearly inconsistent with the neutral character which it has always been sought to give it, and which would deny the free use of it to the commerce and navies of the world.

And what was the English foreign officer at that time discussing? I call the attention of Senators to the rule I stated a moment ago, that in the construction of treaties we have a right to consider facts as they existed and about which the contracting parties were stipulating at that time. The Senate knows that the Panama Canal as constructed now was not dreamed of in this country, so far as legislative action was concerned; that the rights to the construction of the Panama Canal at that time were in the possession of a French company, though not engaged at that time in the actual construction of the canal. The Senate knows and must know that at that time the only matter under consideration by the American people or the American Congress was the construction of a canal on the Nicaraguan route, for which concessions had been obtained and upon which rights were fixed as to the ultimate route determined upon and the route upon which it was to be actually constructed either by corporations or individuals or by the Government itself. The English Government at that time was protesting against what? It was protesting against an amendment to the treaty for the construction of the canal upon foreign soil, under a grant that gave to the United States a mere easement, a mere right of way for its construction and maintenance, which would have been contrary and violative of the rights guaranteed by the Clayton-Bulwer treaty, and which to a certain extent, as Senators know, involved the then existing rights of Great Britain.

Now, note the argument of his excellency as to why, and you will see the gist of my contention as to why an amendment

of that kind was not to be permitted to go into the treaty then under contemplation by these two great powers:

It appears from the report of the Senate committee that the proposed addition to article 2 was adopted from article 10 of the Suez Canal convention, which runs as follows:

"Similarly, the provisions of articles 4, 5, 7, and 8 shall not interfere with the measures which His Majesty the Sultan and His Highness the Khedive, in the name of His Imperial Majesty, and within the limits of the firmans granted, might find it necessary to take for securing by their own forces the defense of Egypt and the maintenance of public order."

The English foreign office, calling attention to the asserted rights under the American treaty by amendment providing for defense, similar to that guaranteed under the treaty by which the Suez Canal was constructed, said:

In case—

Still quoting—

In case His Imperial Majesty the Sultan or His Highness the Khedive should find it necessary to avail themselves of the exceptions for which this article provides, the signatory powers of the declaration of London shall be notified thereof by the Imperial Ottoman Government.

It is likewise understood that the provisions of the four articles aforesaid shall in no case occasion any obstacle to the measures which the Imperial Ottoman Government may think it necessary to take in order to insure by its own forces the defense of its other possessions situated on the eastern coast of the Red Sea.

Now, we have the milk in the cocoanut, when His Excellency called attention to the very provision I have been discussing with respect to the sovereignty of the United States and the sovereignty of the Sultan and the Egyptian ruler over the territory in which the Suez Canal was constructed.

It is—

Says the foreign office—

I understand, contended in support of the Senate amendment that the existence of the above provisions in the Suez Canal convention justifies the demand now made for the insertion of analogous provisions in regard to the proposed Nicaragua Canal.

But the analogy which it has been attempted to set up fails in one essential particular. The banks of the Suez Canal are within the dominions of a territorial sovereign, who was a party to the convention, and whose established interests it was necessary to protect, whereas the Nicaragua Canal will be constructed in territory belonging not to the United States, but to Central American States, of whose sovereign rights other powers can not claim to dispose.

Moreover, it seems to have escaped attention that article 10 of the Suez Canal convention receives most important modification from article 11, which lays down that "the measures which shall be taken in the cases provided for by articles 9 and 10 of the present treaty shall not interfere with the free use of the canal."

I call the attention of the Senate to the fact that this treaty was made by the British Government. It was signed by the high officers of the British Crown in contemplation of the construction of a canal by the Nicaragua route, upon foreign territory, and under conditions of sovereignty as to which neither Great Britain nor the United States could dispose of. She therefore objected to an amendment which gave to the Government of the United States the right of defense, and it was never considered or never thought of or dreamed of; and, as suggested by the Senator from Kentucky, the American people would never have tolerated the idea that upon American territory this Government, through any officer, would surrender the right of self-defense in time of war. They were not negotiating with respect to that. It was never contemplated; it was never thought of; it was never dreamed of.

My contention is that this treaty stipulation can not be extended to matters that were not contemplated by the parties to that treaty at the time it was authorized and at the time of its ratification by the two great signatory powers, and that in the construction of that treaty we have a right to look and must look to the conditions as they existed at that time, as we have a right to determine and must determine the ambiguous and uncertain terms therein; but we must interpret the treaty in the light of those facts and construe and interpret that treaty as Great Britain intended it should be interpreted when she placed the restrictions upon the authority of the ambassador to this country with respect to such limitations, basing that limitation as to matters of defense and war upon the idea that the canal, about which this particular agreement was being made, was not to be constructed upon American soil or soil thereafter acquired which might be American, but upon foreign soil, over which neither of the signatory powers possessed jurisdiction and which they could not dispose of by treaty.

And here, Senators, let me ask three or four questions just suggested by the unilateral character of a contract of this kind. As it is sought to be applied to the legislation now pending before the Senate it is absolutely one-sided. What did Great Britain ever give for any rights secured to her under this treaty as applied to existing conditions at Panama to-day? What right has she surrendered to the United States? What privilege, contractual or otherwise, existing under this treaty or under the Clayton-Bulwer treaty did England surrender for the purpose of acquiring an asserted right of interfering in the management of the Panama Canal? Our right to build the Panama Canal does not rest upon anything found in the Clayton-Bulwer or Hay-Pauncefote treaties. It rests upon the Panama treaty, made after the execution of the last treaty and upon rights subsequently acquired. Not only that, but what right had Great Britain surrendered to Panama at the time we acquired the cession under the Panama treaty upon which to base any claim for the enforcement of the Hay-Pauncefote treaty so far as the pending legislation is concerned? She had nothing whatever to surrender; she gave us nothing for it; she surrendered to us nothing; and now, when the fruition of these years of labor is to be realized, when we expect to celebrate the opening of the Panama Canal as a monument to American courage, as a monument to American brains, as a monument to American energy, in the great Panama Exposition of the Pacific coast, at the time when the union of these two great oceans shall be made, she steps in for the first time and says, or is reported to have said, that she is interested in the management of American territory, which under this treaty was not considered by her as involved and could not, at that time, have been so considered or contemplated as involved. It is absolutely a unilateral agreement as applied to existing conditions.

Now, just one word about sovereignty, so far as the canal is concerned. I have heard disputed upon the floor of this Chamber the character of authority that we have in Panama upon the line of the canal. I call the attention of the Senate to the expressed words in the treaty which are an absolute grant of a power, and not only of power but of territory, in so far as the strip of country included within the boundaries mentioned in that treaty is concerned. Not only that, but words of exclusion were used in one of the paragraphs of that treaty which intended to convey and did convey so far as the authority of the American Nation was concerned, sovereignty to the exclusion of Panama; and there can be found no limitation upon that sovereignty in the treaty except such limitations as would protect property then held in private ownership and the rights of citizens then upon the Isthmus of Panama.

If I am rightly informed, Congress has already construed that treaty. Where a treaty or a contract or a stipulation is of uncertain terms, where it is ambiguous, those upon whom devolve the function and duty of its interpretation have a right to take the practical construction by the parties to the contract, for the purpose of making that certain which was uncertain, and that definite which was indefinite; and Congress, exercising its power to legislate over territory of the United States, if I am advised correctly—and if I am not I trust some Senator will call my attention to the error—has already said that that territory shall be fortified for the defense of American interests upon a strip of land ceded by Panama under the treaty. Not one word has been heard in protest from the British Government against the act of this Government in so fortifying the canal, notwithstanding in the original treaty, involving the Nicaragua route, they said they objected to fortifications upon the canal route because the parties thereto had no power to dispose of that territory and it was not within the jurisdiction of either of the signatory powers.

I may be mistaken, but I understand that fortifications are being constructed on the Isthmus of Panama under the authority of the Congress of the United States; and if that is true, England has already acquiesced in and has already accepted the construction that I have sought to place upon this treaty by taking from its terms, as not contemplated by the signatory powers, the Panama Canal, in territory, in construction, in maintenance, and in operation and as a part of our country and of our territory.

Holding these views, Senators, I shall square my conduct with my oath, believing that in so doing I am not surrendering, and that I have not surrendered, any right of America over American territory and that this Nation, our Nation, our country has not violated in spirit or letter any of the terms of the Hay-Pauncefote treaty of 1901.

HOUR OF MEETING TO-MORROW.

Mr. SMOOT. Mr. President, I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 11 o'clock.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive business the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 30, 1912, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 29, 1912.

POSTMASTERS.

CONNECTICUT.

Richard P. Smith, Falls Village.
George K. White, East Hampton.

ILLINOIS.

William T. Grimmett, Palmyra.
William L. Seymour, Raymond.

MINNESOTA.

Frank Withrow, Stillwater.

NORTH CAROLINA.

Roy C. Flanagan, Greenville.

OREGON.

J. P. Morelock, Wallowa.

VIRGINIA.

Edmond L. S. Bouton, Vienna.
Gay R. Cochran, The Plains.
Ozias B. Livingston, Falls Church.
Robert M. McClure, Gordonsville.

WEST VIRGINIA.

R. M. Brown, New Cumberland.
Isaiah Stephens, McMechen.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 29, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God our heavenly Father, who fillest the heavens with glory and the earth with goodness, humbly we bow in Thy presence and acknowledge our indebtedness to Thee for all things temporal and spiritual. Enrich our minds with wisdom and knowledge and fill our hearts with grace divine, that with all diligence and perseverance we may discharge the obligations resting upon us, private and public. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, July 27, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 21213. An act to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 18041. An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, County of Hawaii, Territory of Hawaii.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7315. An act to authorize the construction of a bridge across the Clearwater River at any point within the corporate limits of the city of Lewiston, Idaho.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7315. An act to authorize the construction of a bridge across the Clearwater River at any point within the corporate limits of the city of Lewiston, Idaho; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution and bills:

H. J. Res. 340. Joint resolution making appropriation to be used in exterminating the army worm;

H. R. 21480. An act to establish a standard barrel and standard grade for apples when packed in barrels, and for other purposes; and

H. R. 25598. An act granting a pension to Cornelia C. Bragg.

RADIO COMMUNICATION.

The SPEAKER. The Clerk will report the first bill on the Unanimous Consent Calendar.

The first bill on the Calendar for Unanimous Consent was the bill (S. 6412) to regulate radio communication.

The title was read.

Mr. MANN. Mr. Speaker, reserving the right to object, I take it the gentleman from Missouri [Mr. ALEXANDER] does not desire to consume the day on this bill. Of course it has a privileged status.

Mr. ALEXANDER. I do not think it will take more than an hour to dispose of it, unless there is some obstruction to it, which I do not anticipate. There are a number of amendments that I expect to offer to meet conditions which have developed since this bill was originally considered by the committee. Some of them have been suggested by the gentleman from Illinois [Mr. MANN], to which we readily concede. I do not know of anyone else in the House who has studied this question as closely as he, and I do not know of any objection that will come to its consideration from any source.

Mr. MANN. To be frank with the gentleman, I think it would take more than an hour with a long bill like that, with a number of amendments, and a number of things that would possibly be controverted. I think it would run more than an hour in any event. I think the bill can easily be reached later under the status that it has.

Mr. ALEXANDER. Under the special rule, at the present rate we are going, I do not think we would reach it.

Mr. MANN. At the present rate we are going, if we would reach it in October it would be in plenty of time.

Mr. ALEXANDER. I think the gentleman appreciates the importance of this bill. It ought to be considered during the present session and ought to be passed. I think with his cooperation we can get it through in an hour and a half at the outside.

Mr. MANN. I do not know that I shall object, but I will say to the gentleman frankly that there are a large number of bills, in which various gentlemen of the House are interested, that probably can pass by unanimous consent, and would not be reached for consideration in any other way. This day is not a Monday under the rules for unanimous consents or District day, and because of the situation the gentleman from Alabama [Mr. UNDERWOOD] and myself agreed the other day, as far as we were concerned, that this day might be set apart for unanimous consents, in the hope that we would get through with them, and possibly at some time reach the suspension calendar. Now, it is quite certain, if the House takes up bills like this, that will consume an hour or two hours or perhaps three, the purpose of setting aside this day for unanimous consents will not be accomplished. I think the gentleman's bill can easily be reached.

Mr. ALEXANDER. If we can dispose of this bill to-day it will simply open the way to consider two or three other bills that are included in a special rule in which other gentlemen besides myself are interested. The gentleman from Illinois [Mr. MANN] is the author of one of those bills. Another relates to the physical valuation of property of railroads, and there is still another from the Committee of Agriculture, in which all the agricultural districts represented here are vitally interested. I think we can dispose of this bill in a very short time, and unless there is objection I shall plan to dispose of it as quickly as possible.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, there are probably 60 or 70 bills on the Unanimous Consent Calendar. So far as I recall, I did not put any of them on the Unanimous Consent Calendar. I think it would be an entire departure from the theory of the Unanimous Consent Calendar and the diposition of bills in that way to take up a bill that is certain to take up a lot of time, and I would like to suggest to the gentleman that I think the gentleman has already printed the amendments he proposes.

Mr. ALEXANDER. Yes. This is the third time this bill has gone over by request.

The SPEAKER. Is there objection?

Mr. MANN. I think, under the circumstances, Mr. Speaker, I shall have to object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the bill is stricken from the calendar. The Clerk will report the next one.

MANUFACTURE AND SALE OF PROCESS OR RENOVATED OR ADULTERATED BUTTER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24828) to amend the law relative to manufacture and sale of process or renovated or adulterated butter.

Mr. KINKAID of Nebraska. Mr. Speaker, that bill may go off the Calendar for Unanimous Consent.

The SPEAKER. The Chair knows that, but it can not be got off the Calendar for Unanimous Consent unless somebody objects.

Mr. KINKAID of Nebraska. Then I object.

The SPEAKER. The gentleman from Nebraska [Mr. KINKAID] objects, and the bill is stricken from the calendar. The Clerk will report the next one.

PATENTS TO ENTRYMEN FOR HOMESTEADS UPON RECLAMATION PROJECTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5545) providing for the issuing of patents to entrymen for homesteads upon reclamation projects.

Mr. MANN. Mr. Speaker, I believe the committee has reported a substitute bill.

Mr. TAYLOR of Colorado. Yes, Mr. Speaker, the committee has reported a substitute bill for the Senate bill.

Mr. MANN. I suggest to the gentleman from Colorado that he ask unanimous consent that the substitute be read in lieu of the original bill.

Mr. TAYLOR of Colorado. I ask that that be done, Mr. Speaker.

The SPEAKER. The gentleman from Colorado [Mr. TAYLOR] asks unanimous consent that the substitute bill be read in lieu of the Senate bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That any homestead entryman under the act of June 17, 1902, known as the reclamation act, including entrymen on ceded Indian lands, may at any time, after having complied with the provisions of law applicable to such lands as to residence, reclamation, and cultivation, submit proof of such residence, reclamation, and cultivation, which proof, if found regular and satisfactory, shall entitled the entryman to a patent, and all purchasers of water-right certificates on reclamation projects shall be entitled to a final water-right certificate upon proof of the cultivation and reclamation of the land to which the certificate applies to the extent required by the reclamation act for homestead entrymen: *Provided*, That no such patent or certificate shall issue until all sums due the United States on account of such land or water right at the time of issuance of patent or certificate have been paid.

"SEC. 2. That every patent and water-right certificate issued under this act shall expressly reserve to the United States a prior lien on the land patented or for which water right is certified, together with all water rights appurtenant or belonging thereto, superior to all other liens, claims, or demands whatsoever for the payment of all sums due or to become due to the United States or its successors in control of the irrigation project in connection with such lands and water rights.

"Upon default of payment of any amount so due, title to the land shall pass to the United States free of all encumbrance, subject to the right of the defaulting debtor or any mortgage-lien holder, judgment debtor, or subsequent purchaser to redeem the land within one year after the notice of such default shall have been given by payment of all moneys due, with 8 per cent interest and costs. And the United States, at its option, acting through the Secretary of the Interior, may cause land to be sold at any time after such failure to redeem, and from the proceeds of the sale there shall be paid into the reclamation fund all moneys due, with interest as herein provided, and costs. The balance of the proceeds, if any, shall be the property of the defaulting debtor or his assignee: *Provided*, That in case of sale, after failure to redeem under this section, the United States shall be authorized to bid in such land at not more than the amount in default, including interest and costs.

"SEC. 3. Upon full and final payment being made of all amounts due on account of the building and betterment charges to the United States or its successors in control of the project, the United States or its successors, as the case may be, shall issue, upon request, a certificate certifying that payment of the building and betterment charges in full has been made and that the lien upon the land has been so far satisfied and is no longer of any force or effect except the lien for annual charges for operation and maintenance: *Provided*, That no person shall at any one time or in any manner, except as hereinafter otherwise provided, acquire, own, or hold irrigable land for which entry or water-right application shall have been made under the said reclamation act of June 17, 1902, and acts supplementary thereto and amendatory thereof, before final payment in full of all installments of building and betterment charges shall have been made on account of such land in excess of one farm unit as fixed by the Secretary of the Interior as the limit of area per entry of public land or per single ownership of private land for which a water right may be purchased, respectively, nor in any case in excess of 160 acres, nor shall water be furnished under said acts nor a water right sold or recognized for such excess; but any such excess land acquired at any time in good faith by descent, by will, or by foreclosure of any lien may be held for two years and no longer after its acquisition; and every excess holding prohibited as aforesaid shall be forfeited to the United States by proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction; and this proviso shall be recited in every patent and water-right certificate issued by the United States under the provisions of this act.

"SEC. 4. That the Secretary of the Interior is hereby authorized to designate such bonded fiscal agents or officers of the Reclamation Service as he may deem advisable on each reclamation project, to whom shall be paid all sums due on reclamation entries or water rights, and the officials so designated shall keep a record for the information of the public of the sums paid and the amount due at any time on account of any entry made or water right purchased under the reclamation act; and the Secretary of the Interior shall make provision for furnishing copies of duly authenticated records of entries upon payment of reasonable fees, which copies shall be admissible in evidence, as are copies authenticated under section 888 of the Revised Statutes.

"SEC. 5. Jurisdiction of suits by the United States for the enforcement of the provisions of this act is hereby conferred on the United States district courts of the districts in which the lands are situated."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Colorado [Mr. TAYLOR] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the substitute for the Senate bill.

The question was taken, and the substitute for the Senate bill was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill providing for patents on reclamation entries, and for other purposes."

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TARIFF DUTIES ON WOOL AND WOOLENS AND THE EXCISE BILL.

Mr. UNDERWOOD. Mr. Speaker, I desire to make two privileged reports from the Committee on Ways and Means. I desire to report back to the House the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, with the recommendation that the House disagree to the Senate amendments, and also to report back to the House the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, with the recommendation that the House disagree to the Senate amendments.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] reports back the wool bill and the excise bill, with the recommendation that the House disagree to the Senate amendments thereto. The Clerk will report the bills.

The Clerk read the titles of the bills, as follows:

An act (H. R. 22195) to reduce the duties on wool and manufactures of wool. (H. Rept. 1092.)

An act (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special tax with respect to doing business by individuals and copartnerships. (H. Rept. 1093.)

Mr. UNDERWOOD. Mr. Speaker, I desire to give notice that to-morrow morning, after the reading of the Journal, I shall move to take up these bills and move that the House disagree to the Senate amendments.

Mr. MANN. Mr. Speaker, I call the attention of the gentleman from Alabama [Mr. UNDERWOOD] to the fact that there is a special order for to-morrow morning immediately after the reading of the Journal, when, it is provided, the Indian appropriation bill is to be disposed of. Probably it will not take very long.

Mr. UNDERWOOD. Well, I would like to take up these bills. I presume under the special order it would take only a few minutes to send these bills to conference. In view of the desire for an early adjournment, I would like to take them up promptly.

Mr. MANN. The gentleman could do that by unanimous consent.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] gives notice that as soon as he can do so to-morrow he will call up these reports and have them disposed of. The gentleman from Texas [Mr. STEPHENS], as I understand it, has obtained an order for consideration of the Indian appropriation bill.

Mr. STEPHENS of Texas. Yes; a special order for the consideration of the Indian appropriation bill.

The SPEAKER. The Chair would have to examine that order in order to see if any conflict would occur between the two as to which would come first. The Chair can not do it now, inasmuch as there is not sufficient time. The special order obtained by the gentleman from Texas [Mr. STEPHENS] is that the Indian appropriation bill shall be taken up imme-

diately after the reading of the Journal to-morrow. In the meantime these reports will be ordered printed and referred to the Committee of the Whole House on the state of the Union. The Clerk will report the next bill on the Calendar for Unanimous Consent.

PATENTS TO SEMINOLE ALLOTTEES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to forthwith deliver all patents or deeds to Seminole allottees covering their respective allotments: *Provided, however*, That the delivery of such patents or deeds shall not in any manner operate to validate any void or voidable titles or add to the weight of evidence required to avoid the same, or serve to remove restrictions that have not heretofore been removed by express act of Congress.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. STEPHENS of Texas. Mr. Speaker, I hope the gentleman will not object, and will permit me to explain this bill.

The SPEAKER. The gentleman from Illinois has already objected.

Mr. STEPHENS of Texas. Will the gentleman withhold his objection?

Mr. MANN. If the gentleman desires, I will reserve the objection for a short time.

Mr. STEPHENS of Texas. If the gentleman will permit me, I will state that this bill applies only to the Seminole Tribe of Indians in Oklahoma, one of the Five Civilized Tribes. The other four tribes—the Choctaws, Chickasaws, Cherokees, and Creeks—have had their patents or deeds delivered to them by the Secretary of the Interior. For some reason, unknown to me and also unknown to the committee that has this matter in charge, the department have been withholding from the Seminoles their evidences of title. Congress passed an act April 21, 1904, whereby it removed the restrictions from the surplus lands of adult freedmen in the Seminole Nation. May 27, 1908, Congress passed another act with reference to removing restrictions upon alienation upon lands of allottees in the Five Civilized Tribes, of which the Seminole Tribe is one. The provisions of that act removed all restrictions upon all allottees who were not Indians by blood, and upon the lands of all allottees who were Indian by blood but who were less than half blood, and upon the surplus allotment of allottees who were one-half blood or more and less than three-fourths Indian by blood. The act also gave the Secretary of the Interior, in his discretion, the right to remove restrictions upon application by the allottee from the lands of either the homestead or surplus allotments of those who are one-half blood or more than one-half blood and up to full blood.

In view of the fact that Congress has passed the acts of April 21, 1904, and May 27, 1908, removing restrictions from certain lands of all allottees in the Seminole Nation and from a portion of allotments from other allottees, the committee believes that the patents or deeds to the lands should be delivered. Up to the date of the report upon this bill there were but a few deeds delivered to these Indians. Before the deeds are delivered the land is not taxable. Seminole County, Okla., in which these Indians are located, has a county government to maintain by taxation, including public schools. Neither the State of Oklahoma or the county of Seminole can levy a tax on these Indian lands for school purposes or any other purposes until these deeds are delivered. By the deeds or patents the title passes from the Indian and the land becomes taxable.

It is a matter of great importance to the people of this county that they be permitted to have their title deeds to the lands on which they are now living and upon which their homes are located. Their evidences of title have been withheld, in one instance since 1906, and in the other instance for more than four years. I think the department should be directed by this bill to do what the law requires them to do; that is, to promptly deliver these deeds. Why they have been so dilatory I can not explain to the House, but I have given the reason why this bill should pass.

Mr. MANN. Mr. Speaker, all the gentleman states may be correct. This is a bill to direct the department to deliver certain patents. I think it is the practice of the committee to send bills of this sort to the department for a report, so that Congress may be informed of the views of the department and the facts within the knowledge of the department. I do not know whether this bill was sent to the department for a report, but I know that if it was and the report was obtained it is not included in the report of the committee. Hence I assume that the department gave some unanswerable reason why the bill should not pass, and for that reason the committee, in reporting, not thinking the reasons given by the department were good, left the report of the department out of the report of the committee. Until the committee can furnish a report from the department I shall object, and therefore I do object.

Mr. BURKE of South Dakota. Mr. Speaker, before the objection is formally made, I will state to the gentleman from Illinois that the gentleman from Oklahoma [Mr. DAVENPORT], who introduced this bill, or who is interested in it, is now absent, and I will ask the gentleman if he will not consent to allow the bill to be passed without prejudice and let it retain its position on the calendar?

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] asks unanimous consent to pass this bill without prejudice.

Mr. MANN. I think I will not object to that, although I believe I have made this same statement on three or four previous occasions, and the gentleman from Texas [Mr. STEPHENS] or some one else has made the same statement which he has just made. It seems to me that if gentlemen intend to ask to pass this bill without prejudice they ought to ask it before we go over this same discussion every time.

Mr. CARTER. I should like to state to the gentleman from Illinois that it does not make a particle of difference whether these patents are delivered, so far as the ability of the allottee to transfer is concerned.

Mr. MANN. Is the gentleman going to discuss the merits of the bill?

Mr. CARTER. Just briefly.

Mr. MANN. Because if the gentleman is going to do that I shall object. If the gentleman wants to discuss the bill when it comes before the House at some future time, I shall have no objection to that.

Mr. CARTER. I do not care anything at all about discussing it now.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota that this bill be passed without prejudice?

There was no objection.

DAMS ACROSS DUCK RIVER, HICKMAN COUNTY, TENN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24197) to authorize Carl J. Kiefer and Laurent Lowenberg to construct two dams across Duck River, in Hickman County, Tenn.

The bill was read, as follows:

Be it enacted, etc., That Carl J. Kiefer and Laurent Lowenberg, their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate two dams across Duck River, in Hickman County, State of Tennessee, at points suitable to the interests of navigation, one about 5 miles east of Centerville, near mouth of Swan Creek, and the other about 4 miles east of first dam, near mouth of Willeys Branch, in the State of Tennessee, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. BATHRICK, Mr. FOSTER, Mr. RAINEY, Mr. FOWLER, and Mr. MOORE of Pennsylvania reserved the right to object.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER], the gentleman from Ohio [Mr. BATHRICK], the gentleman from Illinois [Mr. RAINEY], the gentleman from Illinois [Mr. FOWLER], and the gentleman from Pennsylvania [Mr. MOORE] reserve the right to object. Is there objection?

Mr. FOSTER. I object.

Mr. PADGETT. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. FOSTER. Certainly; I reserve the objection.

Mr. PADGETT. Mr. Speaker, I would like to state to the gentleman that this river at the point where this dam is proposed to be erected is not a navigable stream, and never can be a navigable stream at that point. The people there are anxious to develop the water power there, and I would be very glad if the gentleman could see his way clear not to offer an objection. It is a small stream. The consent of Congress is asked simply out of abundant precaution, so that the men may invest their capital and undertake this enterprise in security and without the hazard of interference hereafter. I would be very glad indeed if the gentleman would withdraw his objection.

Mr. AUSTIN. Mr. Speaker, may I ask the gentleman from Tennessee a question?

Mr. PADGETT. Certainly.

Mr. AUSTIN. Is it not a fact that it is a local company who desires this, made up of residents of the gentleman's own district, and they propose to make this improvement.

Mr. PADGETT. Not alone. There are some men from other places who are cooperating with the local people.

Mr. FOSTER. Mr. Speaker, I would state that I would be perfectly willing to take up this bill to-day if the House sees fit to do so, and to discuss the matter of what ought to be provided in these water-power bills, but I am not willing to do so unless the House so decides to give all the time necessary. I judge that it would take several hours to do that, at least it would take some time to take up the different phases of this question and settle them. I would suggest that if the gentleman who has charge of this bill and the chairman of the Committee on Interstate and Foreign Commerce would be willing to discuss some amendments with reference to imposing a reasonable charge for the use of the water after making due allowance for operating expenses, fixed charges, maintenance, and so forth, and that the proceeds might be used for the improvement of that river or any tributary stream, and also that the Federal Government shall reserve the right to regulate the charges for the use of the water power when in its judgment the State or municipality are not able to do so, and that the parties granted this right should file with the Secretary of War their acceptance of these conditions imposed by the Federal Government, then we might proceed with the consideration of this bill. If the gentleman is willing to take the time and discuss these points I am willing to take it up, but I would not be willing to do it upon a limitation of time in which to discuss the matter.

Mr. ADAMSON. Mr. Speaker, as I am included in the hypothetical or conditional statement the distinguished gentleman from Illinois made, I wish to repeat again what I have said to him time and again, that if he has any amendments to offer to this bill, he should stand up flatfooted and squarely and offer them instead of preventing consideration of the bill by objecting thereto, and he should take his chances with the intelligent Members of this House and offer the amendment and permit the House to vote on the amendment. If this House wants to adopt the amendment, we can not help it, whether we vote for it or against it. The way in which he states the question shows that he knows nothing about the general dam act, nothing about the policy of the Congress for the improvement of water power so as not to interfere with navigation, and if he will listen to the speeches made and the reports made by men who have studied the question instead of reading the statements of irresponsible sensationalists outside, who are theorists instead of practical statesmen, he will come to the conclusion that if I were to agree to the amendment in advance it would not be agreed to by this House. Nine-tenths of this House, in my judgment, would rise up and vote it down, if he and I should agree upon it. Let the gentleman be fair, let him do like we do, submit his proposition, and if he is right this House will adopt his amendments, and I will guarantee if I am on a committee of conference that I shall stand by the action of the House until the lower regions freeze over.

Mr. FOSTER. Mr. Speaker, in the opinion of the gentleman from Georgia I may not know much about this proposition, and with his present idea of the disposition of power sites in this country I think it an honor and a distinction to be so considered by the gentleman who is chairman of the Committee on Interstate and Foreign Commerce. I want to say to him that so far as I am concerned as an individual Member of this House I propose to exercise what little influence and right I may have here to protect the rights of the people of the whole country and in the communities in which these concessions are to be granted. And I propose to stand by that, irrespective of what the gentleman from Georgia or any other man in this House or this country may say. [Applause.] I want to say to him that if he is willing to take up this question to-day or any other day and discuss it along these lines if the House decides against me I am willing, and I will do my duty, because I do not consider that in defeating these bills any little victory I might gain is worth anything to me personally and I care nothing for that; but I propose to stand here and do my duty whether there is another man in this House who stands with me or not. When I have done that, I shall have the consciousness at least of having discharged my duty as a legislator in this body, and representing people who sent me here as I do, and as I believe they want me to do, on the floor of this House. I propose to guard the rights and interests of the people of this country against any monopoly wherever it may be situated, whether it is in the district that I have the honor to represent or the district of any other man, and I care not how good a friend of mine he may be, upon this floor. I propose to stand here and assert my right as an individual Member regardless of the opinion of the gentleman from Georgia or any other man on the floor of this House. This is not a local matter. As I view it, these concessions ought to pay considerable revenue into the National Treasury. [Applause.]

Therefore, Mr. Speaker, I object.

Mr. ADAMSON. Mr. Speaker, I will ask the gentleman to withhold his objection for a moment.

The SPEAKER. Will the gentleman from Illinois withhold his objection?

Mr. FOSTER. I will withhold my objection for a moment.

Mr. ADAMSON. Mr. Speaker, I wish to say that I have no water-power sites, no water-power bills, and I simply happen, by the partiality of my colleagues here, to be honored with the position of chairman of this committee. I have my ideas and the committee has its ideas.

Mr. RAINEY. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. RAINEY. Will the gentleman inform the House if there have been any hearings on this bill?

Mr. ADAMSON. I do not know that there have been any hearings at this session by the committee formally on this bill.

Mr. RAINEY. How much water power can be developed here?

Mr. ADAMSON. I will state, Mr. Speaker, on the general principle of granting this consent under the general dam act, we have had hearings three times since I have been on the committee. We have had a report from the Chief of Engineers upon this bill. As to the details of the locality, I shall have to refer the gentleman to the author of the bill, Mr. PADGETT.

Mr. RAINEY. Has the gentleman acquired any information at all as to how much power can be developed here?

Mr. ADAMSON. Mr. Speaker, I shall have to let the gentleman from Tennessee answer that question.

Mr. PADGETT. I will say to the gentleman that this is a small river, and at certain seasons of the year for several months the quantity of water that flows is very small. My friend from Tennessee [Mr. SIMS] is perfectly familiar with the situation. The river rises in the State and empties in another river in the State, and at this point above Centerville it is not a navigable river for boats; and there are times when the shoals are so shoaly that it prevents the going down of a canoe and they have to drag the canoes over the shoals.

Mr. RAINEY. All of which I did not ask about. Do you know, or does anybody know, how much water power can be developed?

Mr. PADGETT. I do not.

Mr. RAINEY. Does the gentleman know, or does anybody know, anything about the solvency of these people who are asking for this franchise?

Mr. PADGETT. I do not know whether they are solvent; I do not know what their money worth is. I think it is utterly immaterial what they are worth; but the people want this development and need the development and ought to have it.

Mr. RAINEY. If they are asking for this franchise, which is a valuable one, although nobody seems to know how valuable, how does it happen the persons who have asked for it are not important enough in the financial world to even be rated in Bradstreet?

Mr. PADGETT. As I said to the gentleman, it is a small river, and there are many people who go into enterprises of a local character who are not in Bradstreet.

Mr. RAINEY. Not in building a plant costing a million dollars.

Mr. ADAMSON. Mr. Speaker, I will say to the gentleman from Illinois I did not ask Dr. FOSTER to withhold his objection to continue a discussion of the merits of the case, but—I understand he is going to object to it—to reply to a suggestion he made.

Mr. RAINEY. I simply wanted to find out if I could the facts of the financial standing, which nobody seems to know, of these people.

Mr. ADAMSON. That is the part of the case I am endeavoring to express our views on if I can. We simply say if the States are willing for them to build these dams they can build them if they do it under the requirements specified by the Secretary of War. The Secretary of War is charged with seeing that all the necessary conditions are put upon it——

Mr. PADGETT. And built in accordance with the laws of the State of Tennessee.

Mr. ADAMSON. But what I rose to say in reply to the distinguished gentleman, Dr. FOSTER, of Illinois, is this: We have no objection to debating the question ad libitum. I admire his courage and the zeal with which he represents his people and the people of the United States. He is right on so many questions in his patriotism and good judgment that I am inclined to bear with him occasionally when he is wrong, which is very seldom. I do not say he is wrong in wanting to amend these

acts. What I say is he is wrong to interpose any objection to considering the bills instead of being able enough and strong enough to offer his amendment fairly and openly, have it debated before the House, and let the House adopt it or not, and say what is right, regardless of the gentleman or myself.

Among the hallucinations and sensational romances circulated in connection with water power, the following is one specific enough to notice:

One of the uncomfortable charges which opponents of these bills are making relates to the different treatment accorded to various bills. For example, there are some bills to grant municipalities the right to develop local powers for producing city light. These bills, obviously in the public interest, don't get reported; they stick in the committee; while the measures which are more than suspected of representing the Power Trust get out.

Congress has consented to a great many bridge projects to be undertaken at the expense of municipalities and counties, but in no instance, except one, has any city or county applied to Congress through the Committee on Interstate and Foreign Commerce for a bill granting consent to build a dam. In so far as granting the consent of Congress is concerned, the same principle identical applies to both dams and bridges. Congress merely consents that a structure, whether bridge or dam, which might otherwise be an obstruction to navigation, may be constructed if it is done in strict accordance with conditions, specifications, and plans approved and imposed by the Secretary of War, the effect of which is intended to prevent the structure, while useful to promoters, from operating as a substantial obstruction to navigation at all. Bridges without draws can be constructed so as absolutely not to obstruct navigation. Where a draw is requisite, however, it is well nigh impossible to avoid the delay of vessels. In cases of dams it is expected that the ponds or lakes created by the dams will greatly aid and facilitate navigation, in some cases for many miles above the dams over the beds of the streams that but for raising the water by the means of dams would defeat navigation. Of course, locks will cause some delay to vessels in passing, but that obstruction is much more than overbalanced by the benefits already enumerated. It must be apparent that cities and counties may by legislative authority wisely undertake the construction and control of bridges, because the expense thereof is comparatively light while the necessity to facilitate travel by the congested population is great. That, however, is rarely resorted to when by other means and through private enterprise the project can be financed; but the expense of constructing and maintaining dams is so great that cities and counties seldom assume the expense themselves. There is little reason for a county ever to do so. A city would only do so when the great necessity for light and power can not be met by private enterprise. That condition seldom arises, and in only one case has a bill been referred to our committee during this Congress for that purpose; that was where a small town asked Congress to grant it consent to build a dam at the same site on which the committee had already reported a bill granting consent for a private company to build it, which bill had been introduced more than a month earlier and was favorably reported by the Chief of Engineers of the War Department. The bill in favor of the town has not been reported by the War Department. On conference with the author of the bills it was determined that it would look silly to grant the consent to two corporations to build at the same site, and it did not appear that the city involved was specifically authorized by law to undertake that enterprise or that it was necessary for such city to do so with a local company, under control of the laws of the same State, offering to do so, or that the city was willing or ready to do so.

Insinuation that the committee would discriminate against a city in favor of the Water Power Trust is entirely gratuitous and unwarranted.

The Committee on Interstate and Foreign Commerce has directed that the chairman, in case the city of Branson should indicate a desire and manifest preparation and readiness to undertake the enterprise, offer the following committee amendment whenever either the omnibus dam bill or the bill in favor of the Ozark Power & Water Co. (H. R. 25035) shall be taken up for consideration by the House:

On page 5, line 6, after the word "meridian," strike out the period and insert a colon and the following language:

Provided, That this consent shall not become available nor operate to permit the Ozark Power & Water Co. to exercise any rights in conformity with it if within 12 months from the approval of this act the city of Branson, Taney County, Mo., shall officially announce its purpose to construct a dam upon the same site or at any site which would conflict with this grant, and in such event the consent of Congress is on the same terms hereby granted to the city of Branson when authorized by the laws of the State of Missouri to construct, maintain, and operate a dam within 5 miles upstream from the city of Branson. If the said city of Branson shall fail within one year from the approval of this act officially to announce its desire to proceed and file with the Secretary of War for approval the necessary plans and specifications, then the Ozark Power & Water Co. shall be permitted under this consent to proceed, and the limitations of time shall be counted against it from that date instead of from the approval of this act.

If objection is to be made to the consideration of all the water-power bills on the Unanimous Consent Calendar, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? The Chair hears none.

Mr. GALLAGHER. Mr. Speaker——

Mr. FOSTER. I will still reserve my right to object.

Mr. GALLAGHER. Is not the gentleman willing to allow debate?

Mr. ADAMSON. Well, I am willing to debate it forever. I have no limitation to put upon the debate.

Mr. GALLAGHER. Dr. FOSTER asked if the gentleman would allow us to debate the question.

Mr. ADAMSON. I have said a hundred times that if the gentleman will stand flatfooted and offer amendments I am willing the question shall be debated as long as he can hold out, as far as I am concerned. I have no objection; I introduced an omnibus bill for that purpose after the consideration of the individual bills had been prevented by objection. The way to debate and amend them is to consider them.

Mr. FOWLER. Mr. Speaker, I desire to ask the gentleman from Georgia a question.

Mr. ADAMSON. Yes, sir.

Mr. FOWLER. Has the Government of the United States heretofore adopted any policy of any kind concerning the building of these dams for the purpose of improving navigation resulting in the development of water power?

Mr. ADAMSON. It certainly has; and I will set that out in the remarks which I secured permission to extend. I endeavored to state last Thursday in my speech that we adopted a permanent policy nine years ago and amended it two years ago, and we have now ordered hearings with a view of amending it again, if gentlemen who are dissatisfied with that policy will kindly show wherein it ought to be amended.

Mr. FOWLER. I am aware that half a dozen power bills have been passed here for that purpose and certain rights given, and that afterwards Congress has repealed the law giving those rights in some instances.

Mr. ADAMSON. There has not been a case since the general dam act that Congress gave anybody anything. Congress has simply consented that a dam may be placed in a navigable stream if the parties building the dams will submit to the conditions that may be imposed by the Secretary of War, which are intended to prevent, in reality, the apparent obstruction from being a real obstruction, and which are intended to restore the stream after the dam is built to substantially the same condition of navigability as if the dam had not been built there.

Mr. FOWLER. Is it not a fact that there is a great rush after this cheap water power?

Mr. ADAMSON. I do not know. I know of a scope of about a thousand miles square where the people are victimized by two trusts, a railroad trust and a coal trust, and where they are praying and begging for the development of water power that will relieve them from the unjust coal barons and excessive railroad freight, and all that they want is permission to develop this power and they can run the machinery at half the cost that they can under present conditions.

And they can not get money except from people who have money, and they get capital when they can, and organize it when they can; but in every one of those cases the States with which I am familiar have performed their duty as States as to laws regulating charges and practices, and do not come to Congress and ask Congress to do what the State is willing and able to do—control the internal affairs of the people and their operations in that State.

Mr. FOWLER. It is admitted on all hands that this power is going to be a very cheap power, is it not?

Mr. ADAMSON. Of course.

Mr. FOWLER. And if that is true, in the consideration of such bills as you have reported, will you agree that there may be an amendment to these bills giving to the Treasury of the United States 7 per cent of the gross income from that water power?

Mr. ADAMSON. I do not have to agree. If you offer that amendment in this House, and the House adopts it, you will have it.

Mr. FOWLER. I give notice now that as long as I am a Member of this House no public-corporation bill can be passed here without my offering an amendment thereto of this character.

Mr. ADAMSON. I know the Coal Trusts and railroads will be glad to hear that. [Applause.]

Mr. FOWLER. I know, Mr. Speaker, that the people of this country would have been glad long ago to have had somebody stand for their rights and secure to the Treasury of the United States money enough to defray the expenses of this Government, instead of having those vast franchises given away to corporations, whereby they can prey upon the people of this country at will.

Mr. ADAMSON. There are some people in this country, I will say to the gentleman from Illinois [Mr. FOWLER], who understand something about the principles of this Government and the truth of the situation, and they know the difference between sensational agitation on one side and rational interpretation of the law and Constitution on the other.

Mr. FOWLER. Mr. Speaker, I want to say to the gentleman that, while I am young here in this body and do not pretend to have as much learning as the sage from Georgia, yet I do have in my heart a schooling upon the question of right and wrong from my mother and my father and from the common people, a schooling which teaches me to stand by their rights, and I intend to do it as long as I am a Member of this House. [Applause.]

Mr. ADAMSON. I commend the gentleman, and I am glad he called me a sage and not a sager.

Under the leave to extend my remarks in the RECORD, I submit the following letter, in answer to one sent to all Members of Congress to-day:

HOUSE OF REPRESENTATIVES, UNITED STATES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C., July 29, 1912.

Hon. GIFFORD PINCHOT,
Colorado Building, Washington, D. C.

DEAR SIR: I have your favor of the 27th instant, with inclosure as stated, of which certain newspapers had given notice on yesterday. Your inclosure suggests nothing new to this committee. I do not know of any member of the committee who is interested in any development of water power, but they have studied the subject and, in all fairness, they believe, men who pretend to know more about it than they do ought to enlighten them by specific charges and evidence as to the unworthy projects instead of obstructing development and reflections upon the motives of honest Members of Congress and committeemen by meaningless generalities and insinuation.

If, instead of resorting to objecting to the consideration of bills, men who know of any valid objection to any of these projects would come upon the floor of the House or before the committee and offer substantial suggestions and verify them nobody would be more ready or willing than the members of the committee to pursue the proper course in the matter.

The committee nine years ago adopted a general policy, or rather recommended it to Congress and Congress adopted a general policy, for the development of water power without interfering with navigation. The committee made no mistake to the injury of the Government or the people, but safeguarded all of those rights. The difficulty with those who object is they have never studied the scheme nor the subject in its true light. If there is any State unwilling or unable to cope with the control and regulation of corporations, that contingency is amply provided for in the general dam act. The Government certainly has power as a condition of its consent to impose fair conditions. At the insistence of people of your way of thinking, the committee arrested the development of water power for two or three years until it could amend the general dam act in conformity, as we honestly thought, to the views of the objectors, but it appears that the objectors have again become active.

This committee proposes now to begin having hearings and invite all persons who know anything about it to come before us and make suggestions to help us amend that act so as to improve it, if possible, but we have not thought that pending that it was fair to delay the promoters of the projects in question. Therefore, we have suggested on the floor of the House two or three times that such of these bills as can not be shown to be objectionable ought to be passed at this session.

It should always be borne in mind that projects reported by our committee and considered by Congress do not in any sense antagonize any of the reasons or objections urged by the present objectors. Their objections are all misapplied, for the reason that we don't deal with projects undertaken by the Government at all. Every project to which the consent of Congress is granted on our favorable recommendation is one in which all the property rights are in individual citizens of States under the control and regulation primarily of States, Congress neither enlarging nor multiplying those rights; nor do we confer any of them; we merely consent that, provided they are exercised under the direction of the Secretary of War so as not to interfere with navigation, the Government will consent to the structure. If the impotency of any State to prevent injustice to the public should at any time be demonstrated, it would not be necessary to mention the State at all in odious comparison or contrast, but the authorities of the General Government could, in strict compliance with the terms of our consent, proceed to do anything necessary to the protection of the public.

In the general dam act we not only vest the Secretary of War with plenary power to impose all rational conditions and restrictions, but we reserve to Congress expressly the right to revoke, amend, repeal, or modify at any time without liability to anybody therefor. The broader propositions to deal with the public domain, to deal with those projects in which the Government furnishes the money and constructs dams and locks, becoming itself the owner of private property as well as the sovereign in relation thereto, are referred to the Committee on Rivers and Harbors. The water-power bills referred to us, as well as those referred to the Committee on Rivers and Harbors, are all ultimately in the last resort referred to the War Department and the Chief of Engineers for approval of plans, who has it absolutely in his power to operate all the acts in perfect harmony with the promotion of navigation and protection of the interests of the Government and the rights of the public, while at the same time permitting private citizens to enjoy the benefits of their property and improve and utilize the assets which their labor and money have bought.

If trusts and combinations mar the general harmony of these operations, it is no more than usual for avarice and greed in every other avenue and relation of human effort. The way to meet it is for statesmen and publicists to use their brains and study out practical methods and specific remedies instead of indulging in indefinite insinuations and inuendo.

There is a very large scope of our country where there is no coal, and two trusts operating—a railroad trust and a coal trust operated to the oppression and throttling the development where a great and industrious people are anxious to utilize the magnificent elements of prosperity with which Providence has bountifully endowed them, but are retarded or prevented from doing so by the extortions of railroads and the coal combines. To generate horsepower is almost prohibited, at least it renders manufacturing unprofitable, by depriving them of the power to compete with other sections less bountifully blessed by nature. In all of these regions there is abundant water power in streams where the Government finds it too expensive to develop navigation at the cost of the Treasury. All of these States are genuine decent States, with power and disposition to regulate their internal affairs, control public-service corporations, fix prices and practices without aimlessly and senselessly hollering to the Federal Government to exercise arbitrarily imperial power to prevent the conservation of abundant water power in their midst, to protect them from the oppression of the coal and railroad trusts. We believe the true conservationists are the men who urge the liberty of private property owners to develop and use their resources, and not the men who would throttle and prevent in order to promote and perpetuate the merciless grasp of coal and railroad trusts upon a struggling people.

I do not mean to say that is their purpose. I recognize that many of them are honest men with good intentions, and some of them are intelligent men, but you know the Lord once said regretfully, "My people doth not consider." I think many of them would be able to reach the truth and practice justice if they would get out of their minds the original prejudice with which they started, and with which they continue to becloud their reason. The committee does not claim to be wiser nor more honest than anybody else. We are open to conviction if we are wrong, and if any people who insist that we are wrong and that they are right would only come before our committee and show us the reasons and the facts, we would gladly report an amendment to the general dam act.

Yours, very truly,
W. C. ADAMSON.

Mr. RUCKER of Colorado. Mr. Speaker, I want to ask the gentleman a question.

Mr. BUCHANAN. Mr. Speaker, what is the parliamentary situation?

The SPEAKER. The parliamentary situation is that the gentleman from Illinois [Mr. FOSTER] and three or four other Members have reserved the right to object, and they are trying to find out whether they are going to object or not.

Mr. BUCHANAN. Is there any limitation?

The SPEAKER. There is no limitation as long as some gentleman does not demand the regular order.

Mr. LEVER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEVER. Is it in order for me to object now?

The SPEAKER. It is in order for anybody to object.

Mr. LEVER. Then I object.

The SPEAKER. The gentleman from South Carolina [Mr. LEVER] objects, and the bill goes off the calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 16518. An act for the relief of the Fifth-Third National Bank of Cincinnati, Ohio.

The message also announced that the Senate had passed the following resolution (S. Res. 368):

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Thursday, August 1, 1912, to Saturday, August 10, 1912, both inclusive.

PENSIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection.

Mr. SLAYDEN. Mr. Speaker, I object to the consideration of that bill.

The SPEAKER. The gentleman from Texas objects, and the bill goes off the calendar.

The Clerk will report the next bill.

RIGHTS UNDER HOMESTEAD ACTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5309) to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., p. 140).

The bill was read, as follows:

Be it enacted, etc., That section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., p. 140), be, and the same is hereby, amended by adding thereto the following:

Provided, That any settler upon lands theretofore designated by the Secretary of the Interior as subject to the provisions of sections 1 to 5 of the enlarged homestead acts of February 19, 1909 (35 Stat. L., p. 639), and June 17, 1910 (36 Stat. L., p. 531), shall be entitled to the preference right of entry accorded by this section, provided he shall have plainly marked the exterior boundaries of the lands claimed as his

homestead: *And provided further,* That after the designation by the Secretary of the Interior of public lands for entry under the nonresidence provisions of the enlarged homestead acts of February 19, 1909, and June 17, 1910, any person who shall have plainly marked the exterior boundaries of the lands claimed under said provisions of law and made valuable improvements thereon shall have a preference right to enter the lands so claimed and improved at any time within three months after the date on which such lands become subject to entry; but such right shall forfeit unless the settler or claimant under the provisions of the enlarged homestead acts shall annually cultivate and improve the lands in the form and manner and to the extent therein required following date of initiation of his claim hereunder: *And provided further,* That this act shall apply to all claims, locations, or entries made under the above-mentioned acts, where no adverse claims have intervened.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The Clerk will report the amendments.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amend, page 1, line 7, by striking out the word "theretofore."

The amendment was agreed to.

Also the following amendment was read:

On page 2, strike out all on line 24, after the word "hereunder," and lines 1 and 2, on page 3.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill was read the third time and passed.

INVESTIGATION INTO THE HIGH PRICE OF ANTHRACITE COAL.

The next business on the Calendar for Unanimous Consent was House resolution 578, directing the Secretary of Commerce and Labor to ascertain and report to the House of Representatives certain facts regarding the cost of anthracite coal and the increased demand upon the public consumer.

The Clerk read the resolution, as follows:

House resolution 578.

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, directed to obtain and report to the House of Representatives, through the Bureau of Labor, full information concerning the different elements of cost and profit included in the present high price of anthracite coal, specifying as far as practicable how much and in what particulars the coal miners were benefited by the recent strike agreement, and how much and for what reasons and by what means the cost of coal to the general consumers was at the same time increased.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves the right to object——

Mr. MANN (continuing). I think the suggestion was made that this investigation might be made by the Secretary of Commerce and Labor, without requiring that it be done through the Bureau of Labor, so that he might utilize that bureau or other bureaus in the department. Is the gentleman willing to strike out the words "through the Bureau of Labor"?

Mr. DIFENDERFER. I am.

Mr. MANN. I think that suggestion was made by Mr. Neill, the Commissioner of Labor, himself.

Mr. DIFENDERFER. Yes. In that connection, Mr. Speaker, I desire to make a statement. When this matter was up two weeks ago inadvertently the word "bill" slipped into my remarks when it should have been "report," and it places Mr. Neill and myself in a very awkward position, for the reason that Dr. Neill had nothing at all to do with the drafting of the resolution, but he made some suggestions regarding the report. I desire to make this statement in order to be fair with Dr. Neill as well as myself and the House.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to his colleague?

Mr. DIFENDERFER. Yes; I will let him get in.

Mr. MOORE of Pennsylvania. I did not hear what the gentleman said.

The SPEAKER. The gentleman said he would yield.

Mr. MOORE of Pennsylvania. I would like to know whether the gentleman thinks his resolution is broad enough to cover the question of transportation as it affects the price of coal? I think that is a polite question.

Mr. DIFENDERFER. I do think it does.

Mr. MOORE of Pennsylvania. The gentleman does think that it covers that point, so that we may ascertain whether it is cheaper to transport coal by rail or by water? The gentleman thinks his resolution is broad enough to cover that?

Mr. DIFENDERFER. Yes; I do. I will say that I have a communication from the Secretary of the Interstate Commerce Commission, in which Mr. Marble takes the position that the Interstate Commerce Commission could not go into an investigation unless the trade extended beyond a particular State. Now, we in Pennsylvania are suffering more particularly from this increase in the price of coal than possibly the people of any other State, for the reason that our freight charges are greater in proportion from the anthracite region to the city of Philadelphia, for instance, than they are to New York. We find that this increased cost to the consumer has been placed upon the sizes of coal that are used for domestic purposes, and we find great complaint in the vicinity in which I live and the region through which most of this coal in Pennsylvania is distributed.

Mr. CULLOP. Mr. Speaker, I hope this resolution will pass, in view of the statement that was made by the chairman of the Committee on Interstate and Foreign Commerce this morning, when he stated that the railroads were in a trust, and that the coal of the country was in a trust, and that some relief ought to be granted by and through the water powers. Now, if they are turned over to a trust without any restraint whatever, as the effort now seems to be, without collecting anything for the use of this valuable commodity for the benefit of the United States Government, they will have a circle around the people of this country from which there will be no escape, and no relief whatever can be secured.

Now, this resolution proceeds upon the basis——

The SPEAKER. The Chair would state to the gentleman that unanimous consent has not been obtained to consider this resolution. Is there objection? [After a pause.] The Chair hears none. Now the Chair will recognize the gentleman from Indiana, if he desires recognition.

Mr. CULLOP. Yes; for a short time, to complete my statement. Now, if the purpose of this resolution is to investigate this condition—the very condition of which the gentleman from Georgia [Mr. ADAMSON] spoke a moment ago—and if it is passed, it calls upon the Secretary of Commerce and Labor to furnish the information bearing upon the cost of the production of coal and the cost of putting it upon the market all of which necessarily has to be borne by the ultimate consumer. And if the water powers are turned over to the Water-Power Trust of this country, and the timber, which has already practically passed into the hands of the Timber Trust, the people will be without opportunity for fuel and power altogether.

I am heartily in sympathy with the proposition of the gentleman from Illinois, Dr. FOSTER, that not a single right should be granted to any water-power company unless there is affixed to it not only a charge from the time that it begins to operate, payable to the United States Government, but also the power to regulate that charge from time to time so long as used for the power, or as long as it is continued to be used by the company.

If these things are to go on, the people of the country will have the coils of the trusts more strictly and stringently drawn around them, and I hope the resolution of the gentleman from Pennsylvania [Mr. DIFENDERFER] will pass.

Mr. MONDELL. Mr. Speaker, I imagine that there is no objection to the passage of this resolution. But I have been very much edified in listening to the centralizing, Federalizing, bureaucratizing arguments on the Democratic side in connection with the so-called water-power or dam bills.

Mr. ADAMSON. I hope the gentleman does not mean me. I have never followed Hamilton in my life.

The SPEAKER. Does the gentleman yield to the gentleman from Georgia?

Mr. MONDELL. Mr. Speaker, we have assumed that the Democratic Party stood for a constitutional government, as established by the fathers. We think that the Republican Party has always stood fairly and squarely for a constitutional government, as provided by the fathers. But our Democratic friends have, time out of mind, plumed themselves as being the peculiar champions of those wise provisions that were placed in the Constitution of the United States by the fathers, whereby the great majority, the overwhelming bulk, if I may use the word, of the sovereignty of the people rests in the people in the States.

The Federal Government has limited authority in regard to certain matters. Among other things, the Federal Government has control of navigable streams, with regard to their navigability, and for no other purpose under heaven. If any of the gentlemen who are now insisting upon the extension of bureaucracy, upon the centralizing of this Government, can find anything in the Constitution of the United States that gives this Nation any authority or power or dominion or control over the navigable streams further than to control in the matter of

navigation, I hope the gentleman will arise and enlighten us right here and now on the subject.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. MONDELL. I shall be glad to.

Mr. MANN. Does the gentleman doubt that the General Government, which by this resolution is proposing to investigate the cost of coal produced, transported, and consumed wholly within the State of Pennsylvania, has an equal right, when it grants permission to construct a dam across a navigable stream or a bridge over a navigable stream, to grant that right upon conditions, one of those conditions being that a revenue shall be paid, or that the Government shall be allowed to fix the charges?

Mr. MONDELL. The Federal Government can not legally or constitutionally do that indirectly which it can not do directly, and as the Federal Government can not directly shorten the sovereignty of the people within the States in the control over their own domestic corporations and in the use of the water over which the State has dominion and control, the Federal Government can not, by indirection, do that which it can not do directly. It may attempt to do it, but there is no power under the Constitution to do it, and it would be unwise to attempt to do it.

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. I shall be glad to.

Mr. MANN. The gentleman says the General Government can not do indirectly what it is not permitted to do directly. Did not the gentleman vote for the bill to put a heavy tax upon the manufacture of white phosphorus matches and thereby do indirectly what it could not do directly—suppress the manufacture of those matches within the boundaries of a State?

Mr. MONDELL. My recollection is I did not happen to be in the House when the bill passed. If I had been, I should have voted for it, and we did it as directly as though we had struck that particular industry right square between the eyes with our fists.

Mr. MANN. You did not collect any taxes on the matches, so you did not do anything directly.

Mr. MONDELL. We did it directly.

Mr. MANN. You passed a law to put a tax on a certain kind of matches for the purpose of indirectly preventing any manufacture of them, a clear case of doing a thing indirectly which you can not do directly.

Mr. MONDELL. We did it as directly as possible, and put the industry out of business by statute law.

Mr. FOWLER. Mr. Speaker, I desire to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. MONDELL. I shall be glad to.

Mr. FOWLER. I will ask you if on May 2, 1895, the United States Congress did not pass what is known as the lottery law, which resulted in the absolute destruction of the lottery business?

Mr. MONDELL. Congress passed the bill, which was clearly within the power of the Federal Government over postal affairs.

Mr. FOWLER. I will ask you if that was not under the theory of the constitutional power to regulate commerce among the States and with foreign nations and with the Indian tribes?

Mr. MONDELL. I do not know anything about the theory. I am not a constitutional lawyer.

Mr. FOWLER. I say was not the law passed on that theory?

Mr. MONDELL. The law was passed under the power of the Federal Government over post offices and post roads and over interstate commerce. But, Mr. Speaker——

Mr. FOWLER. And did it not result in the destruction of the lottery business instead of regulating the traffic in lottery tickets interstate?

Mr. MONDELL. It was intended to. That was its intent, just as it seems to be the intent of the gentleman from Illinois [Mr. FOWLER] to destroy opportunities to create cheap power, thereby perpetuating the control of the Coal Trusts.

Mr. FOWLER. Was not the lottery law sustained by the Supreme Court of the United States in an able opinion delivered by Mr. Justice Harlan in United States 188, page 321?

Mr. MONDELL. There was an opinion, and it was able, because Justice Harlan's opinions always were able.

Mr. ROBINSON. The power in that case, if the gentleman will permit, was derived from the commerce clause of the Constitution, and it dealt with the matter as a commodity of commerce. The destruction of the business was, of course, a result of prohibiting it being transmitted through the mails.

Mr. MONDELL. I thank my friend, the future governor of Arkansas, who is a constitutional lawyer, and whose mind is always clear on these matters. But I started out to say that it is amazing——

Mr. FOWLER. One further question. I will ask you if that law did not go further than to prohibit the transportation of lottery tickets through the mails and if it did not prohibit them from being sent either through the mails or in any other way from one State to another?

Mr. MONDELL. I do not now recall all the provisions of that act.

Mr. FOWLER. It did.

Mr. MONDELL. It did put an end to the lottery business, thank God. That was its intention, and it was direct legislation, but that has not anything to do with the present centralizing tendencies on the Democratic side, following some gentlemen who have constituted themselves the only and original guardians of the public weal. I would not want to say that these gentlemen are in any way connected with or interested in any great coal enterprise, because I do not know that to be true. I know, however, that every day that the construction of these dams is prevented is that much more water poured on the wheel of the coal companies. I know that the great Pocahontas Coal Co. and other concerns are selling more coal because these dams are not constructed. I know that the great railway companies of the country are hauling a great deal of coal that they would not haul if these dams were constructed. I am not putting the two things together, because I do not know, but I know that if I were a coal magnate, or if I were a railroad magnate, I should be likely to assume the same attitude in regard to these water-power bills that is assumed by a certain organization in the country, and following the views of which organization is assumed by certain gentlemen on the floor of the House.

Mr. AUSTIN. Will my colleague yield for a question?

Mr. MONDELL. I shall be glad to.

Mr. AUSTIN. Can the gentleman tell the House whether the Members who are bitterly fighting these bills represent coal districts or not?

Mr. MONDELL. I do not know, and I would not make the suggestion if I did know, because I have never impugned any man's motives on this floor, directly or indirectly, and I never shall, because I have never found gentlemen on the floor of the House in whom I did not have confidence. I have seen a great many men here sadly misled, and they were often misled by the arguments of interested parties.

Mr. FOWLER. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I shall be glad to.

Mr. FOWLER. I take it for granted that the gentleman does not contend that any man who wants to reserve a portion of the income from developed water power is connected with it in any way. I take it for granted that he does not make that imputation at all.

Mr. MONDELL. The gentleman knows that I do not impute any improper motive to any gentleman on the floor of the House, never have, and never expect to, and certainly not to my friend from Illinois, for he is the most honestly mistaken man——

Mr. FOWLER. No; he is too poor.

Mr. MONDELL. He is the most frequently honestly mistaken man I have the pleasure of knowing.

Mr. FOWLER. Mr. Speaker, I desire to ask my friend further if he thinks it would be a mistake for the United States in granting these developments of water power to reserve to the United States Treasury or to the State treasury a certain percentage of the gross income?

Mr. MONDELL. Mr. Speaker, the gentleman is now getting down to brass tacks. He has finally gotten in the words "or to the State treasury," but the arguments that have been made here have been arguments made in favor of Federal control. The gentleman from Illinois made a suggestion awhile ago that reminds me of an occurrence when I was a boy. He is afraid, unless the Federal Government retains the power to regulate the charges and control these water-power developments, that the people are going to have to pay too much for the power. He proposes to help the people by bringing a large revenue into the Federal Treasury by taxing these water powers. That is his idea. He said that we could fix a charge which would bring much revenue into the Federal Treasury.

He reminds me of an occurrence when I was a boy. We had a little two-burr mill in the neighborhood in which I lived, and we boys used to carry a few sacks of wheat at a time to that old burr mill. The boys would go there of an afternoon and swim in the mill pond and catch sunfish while the old burr mill slowly ground out the grist. Finally a fellow came along from the city, with bear grease in his hair and wearing store clothes. He said to the old farmers that owned the mill, "I want to

have the job of running your mill, and I will make a much better mill of it." "What will you do?" "I shall make the flour better." "The flour is good enough." "Well, I shall make more flour out of a bushel of wheat than you fellows are making." "But that is not very material, because what does not go into the flour goes into feed, and we feed it to our stock, and we need the flour and we need the feed for our stock, so it is not very material." "But"—and now he was getting to the point of the gentleman from Illinois—"But, gentlemen, let me run your mill, and I will make 10 pounds more flour out of every bushel of wheat, and I will leave the bran and the shorts richer." He would thus be saving at both ends. The gentleman from Illinois [Mr. FOWLER] proposed to save to the people in charges upon these powers by turning a large revenue from the powers into the Federal Treasury.

Mr. FOWLER. Mr. Speaker, will the gentleman yield there for a question?

Mr. MONDELL. Certainly.

Mr. FOWLER. I desire to say to the gentleman that the State of Illinois in 1854 reserved to the people of that State 7 per cent of the gross income of the Illinois Central Railroad, and to-day the Illinois Central Railroad competes with every other railroad in that State and pays 7 per cent of the gross income and is one of the best railroads not only in that State but in the United States.

Mr. MONDELL. Mr. Speaker, I am glad to have that splendid argument in favor of State's sovereignty in this discussion. The gentleman from Illinois is not now a member of the Illinois Legislature. He is a Member of Congress. If he were a member of the Legislature of the sovereign State of Illinois—sovereign in its control over these propositions within the State—it would be entirely proper for him to propose exactly what he is proposing with regard to these bills. But he is not. He is a Member of the American Congress, and what he is proposing to do is to shorten the sovereignty of the people who sent him here. There is nothing written in my commission from the people of Wyoming that gives me any authority to take from the sovereign power which they reserved unto themselves when they came into the Federal Union.

Mr. FOWLER. Does not the National Government have control completely over the navigation of navigable rivers; and is it not a further fact that the State could not authorize the building of a dam across such a river without the consent of the National Congress?

Mr. MONDELL. We all know, as I have stated several times, that the Federal Government has control over navigable streams with regard to the matter of navigation, and in that respect alone. These bills contemplate that the State shall authorize its citizens to construct these dams, and all we can do—and all we ought to attempt to do—is to say that in the construction of those dams the navigability of the river shall not be interfered with.

On the Democratic side—and I find I have gotten over on that side of the aisle in my discussion of this question in order to point out to them how wrong some gentlemen are over here—what is proposed to do is to shorten and limit the sovereignty of the people with the States by placing or retaining or attempting to do, for I do not think it can be done constitutionally, in the hands of the Federal Government the right of control, which it does not and can not and ought not to have under the Constitution. If the Federal Government is to control in the matter of prices, in the matter of how these operations shall be carried on, as to what they shall do with the power, and how much shall be charged for it, then the towns and the cities, the municipalities, the counties, and the States using it are absolutely robbed of any of their power to control. The gentleman would take from the people of his city, from the communities of his State, that sovereign right which the Constitution gives them to control these organizations, and he would vest it with a Federal bureau. He would build up bureaucracy here, and he would take from the people he represents their right to control their affairs and protect themselves.

Mr. Speaker, it will be a sad day for the American Government, it will be a sad day for a self-governing people, when the sovereign States and the people within them must be saved from the extortions of local corporations by the strong arm of the Federal Government. When the time comes that the people within the States are so pusillanimous, are so careless of their rights, and are so derelict in exercising the authority which is theirs that we must be asked to protect them by the strong arm of the Federal Government, that day will mark the decline of the Republic.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. RUCKER of Colorado. The gentleman, I hope, does not include me when he speaks of the Democrats——

Mr. MONDELL. I never include the gentleman from Colorado, nor any man from any irrigation State, in matters of this sort because in that region these questions have been thrashed out and the people clearly understand their power and their authority and their jurisdiction.

Mr. RUCKER of Colorado. I want to say further that the gentleman is too sweeping in his charge against this side of the House.

Mr. MONDELL. I am excepting the gentleman from Colorado and his colleagues.

Mr. RUCKER of Colorado. Would not he make some more exceptions, because the gentleman from Illinois [Mr. FOWLER] this morning stated this proposition broader than I think it has been stated upon this side of the House, namely, that upon nonnavigable streams——

Mr. FOWLER. No, indeed; I desire to be quoted correctly—not on nonnavigable streams but on dams across navigable streams only.

Mr. MONDELL. The gentleman from Illinois only proposes to protect the people partially, then.

Mr. RUCKER of Colorado. I want to say to the gentleman from Wyoming I think his charge is too sweeping. I do not believe that the Democratic House is wedded to the proposition that there shall be levied a tax or a duty upon every locality of every natural resource as a Federal tax. I do not believe that that is the sentiment of the Democratic side of this House.

Mr. MONDELL. I should hope that the Democratic Party had not wandered so far from its ancient moorings, but I have been pained to see a number of gentlemen on the Democratic side who, following self-appointed and self-labeled champions of the people, are rising up and demanding that the authority and control of the Federal Government shall be so extended as to throttle the sovereign people and take from local communities rights which the Constitution guarantees them. Not only does the Constitution guarantee these rights but it is just and right and proper that it should, because the history of the world teaches us that any centralized Government eventually becomes a tyranny when power is taken from the people of the localities to control their own affairs.

Mr. RUCKER of Colorado. Will the gentleman yield for just one question?

Mr. MONDELL. Will the gentleman allow me to finish one sentence?

Mr. RUCKER of Colorado. The gentleman never finishes a sentence.

Mr. MONDELL (continuing). To take from the people the authority to control their own affairs. When you do that you are on the high road to centralized oligarchy.

Mr. RUCKER of Colorado. Now will the gentleman yield? The gentleman does not forget——

Mr. MONDELL. The gentleman must remember my time is limited.

Mr. RUCKER of Colorado. But the gentleman's memory is very good, but he does not forget that the policy that he is inveighing against originated in the Republican Party and originated through the ex-President of the United States, Mr. Roosevelt.

Mr. MONDELL. Well, wherever it originated, it is a dangerous doctrine, and would eventually take from the people the opportunity to protect themselves.

Mr. TAYLOR of Colorado. If the gentleman will permit, I readily coincide with whatever he has said, and I have been pained to have people on this side of the House deny what we believe are rights to the western part of this country, but I am delighted to call the gentleman's attention to that plank of the Democratic platform at Baltimore, which is the most liberal plank toward the development of the western country that has ever been adopted by any political party, and I have the hope and belief that our standard bearer when he is elected, as I believe he will be, will carry out that plank.

Mr. MANN. The gentleman has a disappointment coming.

Mr. MONDELL. I hope the gentleman, while he is calling attention to the Democratic platform, will call attention to the attitude of a considerable number of gentlemen on this side of the aisle in regard to the matter to which I am now referring, and that is a dreadful illustration of how soon a good many members of the party forget their platform.

Mr. MANN. I trust the gentleman will be a little careful in using the expression, "on this side of the aisle," because the gentleman is temporarily on the Democratic side of the aisle.

Mr. MONDELL. No one on either side of the aisle will ever charge me, whatever else I may be charged with, with belonging on this side of the aisle.

Mr. CANNON. On which side is the gentleman now standing?

Mr. MONDELL. On the Democratic side, with a view of calling the attention of gentlemen on the Democratic side to their shortcomings.

Mr. RUCKER of Colorado. And talking Democratic doctrine.

Mr. MONDELL. Why, the good gentleman from Illinois [Mr. FOSTER] wants Federal control on the plea he wants to protect the people of the local communities, and he proposes to do it by taking from them the authority they now have to protect themselves and lodging it in the hands of a Federal bureau at Washington.

If these limitations which he proposes have any force or effect at all, they will take from the communities and the municipalities and the people of the States the right to control their own affairs.

Mr. FOWLER. The same argument was urged against the passage——

The SPEAKER pro tempore (Mr. CURLEY). The gentleman from Wyoming [Mr. MONDELL] has the floor unless he yields to the gentleman from Illinois [Mr. FOWLER].

Mr. MONDELL. I did not yield to the gentleman from New York [Mr. FITZGERALD] a moment ago, and I suppose as a matter of courtesy I ought to yield to him first.

Mr. FITZGERALD. The gentleman has passed the place at which I wished to interrupt him, but I wish to call his attention to the fact that, in view of some of the remarks made on the other side of the aisle the other day, the gentleman from Wyoming did not feel quite at home now.

Mr. MONDELL. "The gentleman from Wyoming" never feels more at home than he does when he is defending a righteous cause.

Mr. FOWLER. I would like to ask the gentleman if it is not true that the Federal Government has control over navigable streams in America?

Mr. MONDELL. I have answered that question, Mr. Speaker, several different and distinct times; and I say again, that for the purposes of navigation, and for those purposes alone, has the Federal Government control over navigable streams. Otherwise they are the property of the people of the sovereign States through which they flow. [Applause.] And all this argument alleged to be on behalf of the people is an argument such as the coal operators would make, or that the railroads would make, in regard to these same matters if they were trying to serve their interests. The effect of what is proposed is to take from the people the sovereignty they have retained unto themselves within themselves and attempt to place it in the hands of a Federal bureau. The world gives us numberless illustrations of the effect of that.

Mr. FOWLER. Will the gentleman yield further?

Mr. MONDELL. Russia to-day is a fair illustration of what comes from placing in the hands of centralized Federal bureaus control over all the operations of localities and over the resources of the people in far distant provinces.

The gentlemen want to argue these power bills, and I hope the opportunity will be offered at some time in the future to argue them, because it will be very easy indeed to show that what the gentlemen propose who propose these limitations and these charges is not the protection of the people, but the taking from the people of their rights, their sovereignty, their jurisdiction, and lodging them in a Federal bureau. It will not relieve from the danger of monopoly. It is a plan of Federal controlled monopoly.

Mr. FOWLER. If you construct a dam across a river, navigable or nonnavigable, would you be in favor of securing then to the State a certain per cent of the gross income of that developed water power?

Mr. MONDELL. Mr. Speaker, the State that I have the honor to represent has declared in its constitution that the people of the State are sovereign in their control over the waters of the State. This Congress is not called upon to reserve to citizens of sovereign States powers they have to make charges and assume control and regulation. If any gentleman out of excess of caution wants to write in the statute a provision that the people have a right to do that which they have the right to do, I do not know that anybody has any objection to that supererogation. It is absolutely unnecessary. There is not a State in the Union where these powers are established, where the State has not the right to control in any and all needful and necessary ways all of the operations which result from the building of these dams. And all we are called upon to do as representatives of the people of the States here in the Capitol of the Federal Government is to give the assent of the Federal Government to place a dam across navigable waters so as not to interfere with navigation. Why, the gentleman does not pretend that Congress has any power of control on nonnavigable streams, in which event we have this extraordinary condition of affairs, that the gentleman claiming to desire to protect the people of his State could not by the same measure give any protection to the people of my State. There is not a drop of water within the confines of the Commonwealth I represent that is navigable, even from the standpoint of the most fevered imagination seeking an appropriation on the river and harbor bill. Were our forefathers so shortsighted that they provided that the people might be protected by the Federal Government so far as navigable streams were concerned and, on the philosophy of the gentleman from Illinois [Mr. FOWLER], left to the tender mercies of combinations of plutocrats, plundering them on the streams that are not navigable? The people have full power to protect themselves against extortion in either case, but they do not depend on the Federal Government for protection. In my opinion the whole affair of endeavoring to stampede Congress by the bugaboo of a power trust into the most extraordinary extension of Federal authority is the most extraordinary ghost dance ever started anywhere on earth. The arguments in favor of it on the floor of this House are, in my humble judgment, scarcely worthy of Representatives who ought to understand the Government under which they serve and the limitations of the great instrument which has made us the greatest self-governing people the sun ever shone upon. [Applause.]

Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANN] the balance of my time.

Mr. MANN. Mr. Speaker, the gentleman from Wyoming has yielded the balance of his time to me, and I will yield to the gentleman from Pennsylvania [Mr. DIFENDERFER] for the purpose of offering an amendment to the resolution. Then I hope the gentleman from Pennsylvania will move the previous question, so that we will not spend all day on this resolution.

Mr. ROBINSON. Will the gentleman yield to me?

Mr. MANN. Yes.

Mr. ROBINSON. I was just about to make that motion myself.

Mr. SISSON. Mr. Speaker, I want to say now that if that course is pursued, you will have to get a quorum, because the gentleman from Wyoming [Mr. MONDELL] had an hour, and I desire to address the House. I have taken but little time of the House during this session.

Mr. MANN. The gentleman will pardon me. This is unanimous-consent day. Of course anyone can prevent the consideration of these bills by unanimous consent, either by objecting or by taking time. It is absolutely immaterial to me. If the gentleman from Wyoming [Mr. MONDELL] had not seen fit to close when he did, I should have made a point of order. His whole discussion was out of order. I do not think anyone desires to prevent these unanimous-consent bills being called up. The gentleman from Mississippi [Mr. SISSON] can take his time in general debate at some other time.

Mr. SISSON. Mr. Speaker, I wanted to speak at this time on the question that the gentleman from Wyoming [Mr. MONDELL] was discussing. I do not think it exactly fair for gentlemen to sit still and make no point of order when gentlemen may be consuming an hour, and then when somebody else asks the time of the House to interpose an objection.

I had intended to speak on this question, and it happens to be at a time when, under the unanimous-consent rule, these water-power bills are to be considered.

Mr. MANN. If the gentleman will pardon me, this is not the consideration of a water-power bill, unless there is another water-power bill on the Unanimous Consent Calendar.

Mr. SISSON. It happens to be on the calendar, where they propose, if possible, to pass these bills under a suspension of the rules.

Mr. COOPER. I think the gentleman from Illinois [Mr. MANN] is mistaken. There is another bill on the Unanimous Consent Calendar providing for a dam.

Mr. MANN. There may be.

Mr. FOSTER. There are five or six of them.

Mr. MANN. They all went off the other day.

Mr. FOSTER. But they were all put back.

Mr. SISSON. I want to say, Mr. Speaker, that this is a very important question in which the people of the country generally are very much interested, and I do not know of any question that would be of more general interest to every Member of Congress than the proper solution of this water-power problem.

Mr. MANN. I am quite willing, so far as I am concerned, to have it discussed at any time when we can vote on some proposition relating to it, or in general debate. If gentlemen desire

to destroy unanimous-consent day, it can be done either by raising a point of no quorum or in another way by taking time.

Mr. SISSON. The gentleman from Wyoming [Mr. MONDELL] spoke for an hour without objection, and I would like to have the same treatment accorded to me.

Mr. ROBINSON. Mr. Speaker, if the gentleman will permit me, I want to state to the gentleman from Mississippi [Mr. SISSON], although I believe the suggestion has already been made, that the resolution under consideration has no relation to the discussion that has been proceeding here for some time.

Now, under the special order, bills on the Unanimous Consent Calendar are in order to-day. Objection could have been made by the gentleman from Mississippi [Mr. SISSON] or by myself or by anyone else that the debate on the part of the gentleman from Wyoming [Mr. MONDELL] was not germane, and we could have stopped thereby his discussion of the water-power question and in that way we could have resumed the discussion of the resolution pending. But I did not make that point of order for the same reason that I do not object to the request of my friend from Mississippi.

I make this suggestion now to the gentleman from Mississippi: I am always anxious and eager to hear him, but the further continuance of this discussion may consume the entire day and prevent the consideration of other bills that can not be reached except on the Unanimous Consent Calendar. I shall be glad to have the gentleman from Mississippi [Mr. SISSON] reply to the gentleman from Wyoming [Mr. MONDELL]. If he does not reply, I will do it myself, but if he does it, it will obviate the necessity of my assuming the discharge of that arduous task. I hope, therefore, the gentleman will not make the point of no quorum.

Mr. SISSON. You might sometimes cause the Unanimous Consent Calendar to be destroyed entirely by denying to one gentleman the treatment that he thinks he is entitled to. Now, I had no objection to the gentleman from Wyoming [Mr. MONDELL] discussing this important question. I did not object, and all the Members of the House permitted him to take the time of the House in the discussion of this question. Now, when other gentlemen want to have the same treatment accorded to them I find objection is made. I have no disposition to take any course except that which is a perfectly correct one.

Mr. MANN. Well, Mr. Speaker, I was very glad that the gentleman from Wyoming [Mr. MONDELL] in making his speech demonstrated one fact to the House. On the bill that was considered before this there was a reservation of the right to object. There was some discussion on it, and some of the gentlemen of the House became very impatient, they having bills on the calendar lower down, I presume, because there was some time taken on that under the reservation of the right to object, and they objected to that proceeding, and thereupon objected to the bill. I want to demonstrate to this House, so far as I can, that the proper way, on unanimous-consent day, when you want to have a bill discussed somewhat, is to reserve the right to object, so that it will not start a general debate that will take up the day, because then every Member knows that he can not have an opportunity, because he is speaking all the time subject to the reservation of the right of stopping at any moment.

Now, when this water-power matter comes up and the gentleman wants to make a speech he can do so. I disagree just as much with the gentleman from Wyoming [Mr. MONDELL] as does the gentleman from Mississippi. I want to talk about this subject of water power, and so do 40 other men in the House, but if we undertook to do so now and got through there would be nothing to vote for. So what is the use in doing it?

Mr. SISSON. I want to say, Mr. Speaker, that I have no objection to the gentleman's demonstration. I myself want to make a demonstration, and that is of the fact that when you depart from these rules and do not follow them strictly, as judged by the gentleman from Illinois [Mr. MANN], and have the discussion on the reservation of the right to object, you open the door to the killing of unanimous-consent day. But I still insist that equal and exact justice should be done each and every Member of the House who desires the same right.

Mr. MANN. The only way to get equal justice is to let these gentlemen who have bills on the Calendar for Unanimous Consent have their bills reached if possible.

Mr. SISSON. That takes away from me the right that the gentleman from Wyoming [Mr. MONDELL] exercised.

Mr. MANN. The gentleman from Mississippi desires to take away a right that belongs to some other gentleman. I yield to the gentleman from Pennsylvania [Mr. DIFENDERFER] to offer an amendment to the resolution.

The SPEAKER. The gentleman from Illinois [Mr. MANN] yields to the gentleman from Pennsylvania [Mr. DIFENDERFER] to offer an amendment.

Mr. DIFENDERFER. Mr. Speaker, I am very desirous, of course, to have this resolution passed, as it concerns many of my constituents, as well as many others.

I have had a conference with the secretary of the Interstate Commerce Commission, as well as with Dr. Neill, and also with the minority leader on the Republican side, and the suggestion has been made that in line 3, immediately after the word "representatives," the words "through the Bureau of Labor" be omitted. I offer that amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 3 of the resolution, strike out the words "through the Bureau of Labor."

The amendment was agreed to.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. SISSON] may proceed for 30 minutes.

The SPEAKER. The gentleman from Mississippi has the right to be recognized in his own time.

Mr. SISSON. Mr. Speaker, I am very much obliged to my friend from Georgia [Mr. ADAMSON], but if I take the floor at all to-day I shall insist on taking it in my own right. Mr. Speaker, am I entitled to recognition at this time?

The SPEAKER. Certainly. There is no trouble about it. This bill is being considered in the House, and any gentleman who gets recognition has a right to speak in his own time. The gentleman from Illinois [Mr. MANN], however, did not exhaust his 10 minutes that was yielded to him.

Mr. MANN. I yield my time to the gentleman from Pennsylvania [Mr. DIFENDERFER], hoping that he will move the previous question.

Mr. FITZGERALD. The gentleman from Illinois lost the floor.

The SPEAKER. When the gentleman yielded to the gentleman from Pennsylvania he undoubtedly lost the floor.

Mr. FOWLER. He did not limit the time that he yielded to the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania can yield it back to him if he wants to. The gentleman from Mississippi is recognized for one hour.

Mr. SISSON. Mr. Speaker and gentlemen of the House, I listened with interest to the argument made by the gentleman from Wyoming [Mr. MONDELL], and in many things that the gentleman said I agree with him heartily. I agree with him fully about the right of the State to control her local affairs and concerns. We may differ as to a definition of the powers granted to the Federal Government under the Constitution and those powers to be reserved to the State.

All of these water-power projects may be divided into three classes.

First is the right of the Federal Government to build a dam with Federal money for the purpose of developing the navigability of a stream and, as an incident thereto, the development of water power.

Second, you may grant to a private individual or to a corporation——

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman is not discussing the matter before the House.

The SPEAKER. The point of order is sustained.

Mr. SISSON. Mr. Speaker, if the gentleman insists upon that point of order I shall have to state that I do not desire to discuss the resolution of the gentleman from Pennsylvania at all.

Mr. MANN. As far as I am concerned, if the gentleman wants to make a speech for a short time, I shall not object, but I do not think the House ought to spend all the afternoon in discussing matters that can not be voted upon to-day.

Mr. SISSON. I will state to the gentleman from Illinois that I do not think I will consume more than 25 minutes.

Mr. MANN. There are a number of other gentlemen anxiously waiting for an opportunity to get the floor.

Mr. ROBINSON rose.

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Arkansas?

Mr. SISSON. I do.

Mr. ROBINSON. I just want to make a suggestion to the gentleman from Illinois. I hope that he will not at this time press his point of order, for the reason that I do not want to see the consideration of bills on this calendar prevented, and the gentleman from Mississippi [Mr. SISSON] has plainly——

Mr. MANN. The gentleman and I agree on that, but we disagree as to the method. I am satisfied that if we allow the gentleman from Mississippi [Mr. SISSON] to proceed out of order, nobody will then have the conscience to invoke the rule

against the next gentleman, and I am satisfied that there will be a next gentleman.

Mr. SISSON. I appreciate very fully the situation.

Mr. ROBINSON. I hope the gentleman will not insist.

Mr. MANN. If the gentleman desires a little time, I have no objection to that.

Mr. ADAMSON. Mr. Speaker, the anticipation of this situation prompted me to ask unanimous consent in behalf of the gentleman from Mississippi. I thought this point of order would come, and I am anxious that the gentleman from Mississippi be allowed to speak, and I renew my request.

Mr. FITZGERALD. What is the request?

Mr. ADAMSON. That the gentleman from Mississippi be allowed to proceed for 30 minutes.

The SPEAKER. If anybody had raised the point of order against the gentleman from Wyoming, there would have been the same course that we are going through now and the same rule would have applied. In this kind of a situation, unless the House gives unanimous consent, anybody can compel a Member who has the floor to speak to the question before the House. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the gentleman from Mississippi [Mr. SISSON] have 30 minutes in which to address the House.

Mr. SISSON. Mr. Speaker, I appreciate very much the request of the gentleman from Georgia and the purpose in asking unanimous consent that I may address the House for 30 minutes, but I ask to be permitted to address the House in my own right, as the gentleman from Wyoming did.

The SPEAKER. The Chair recognized the gentleman from Mississippi for one hour, and it was no business of the Chair what he was talking about; but the gentleman from Illinois [Mr. MANN] raised the point of order, and then it became the duty of the Chair to rule on the point of order, which he did.

Mr. SISSON. Mr. Speaker, I simply state that I want to be permitted to speak as the gentleman from Wyoming did, and to discuss the water-power proposition. I have no desire to discuss the resolution of the gentleman from Pennsylvania.

Mr. MANN. The request of the gentleman from Georgia was that the gentleman from Mississippi be permitted to address the House for 30 minutes. Under that request the gentleman would not have to confine himself to the resolution.

Mr. SISSON. "The gentleman from Mississippi" understands that perfectly, but he is endeavoring simply to get from the House exactly the same treatment that the gentleman from Wyoming [Mr. MONDELL] received. That is all I am asking for, and for that reason I am declining the courtesy of my friend from Georgia.

Mr. Speaker, unless I can get unanimous consent to proceed as did the gentleman from Wyoming [Mr. MONDELL] I am ready to have the Chair rule upon the point of order made by the gentleman from Illinois.

Mr. ROBINSON. But the gentleman from Wyoming did not have unanimous consent.

Mr. SISSON. I understand. He talked, however, by unanimous consent, and without objection.

Mr. ROBINSON. But any gentleman could have objected.

Mr. SISSON. That is true.

Mr. MANN. The gentleman from Wyoming was admonished privately before he closed that if he did not close soon he would be taken off the floor by a point of order.

Mr. ROBINSON. And I will state that I was about to say the same thing.

Mr. SISSON. If the gentleman from Illinois had waited on me as long as he did on the gentleman from Wyoming before making the point of order that takes me from the floor, I should have been out of the way by now.

Mr. FITZGERALD. Mr. Speaker, it is useless to waste so much time fooling around trying to determine whether the speeches are to be made. I ask the Speaker to submit the request.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the gentleman from Mississippi [Mr. SISSON] be permitted to address the House for 30 minutes. Is there objection?

There was no objection.

Mr. SISSON. Mr. Speaker, I yield so much of the 30 minutes as he desires to the gentleman from Illinois [Mr. RAINEY].

Mr. SHERLEY. But the gentleman can not do that.

Mr. SISSON. I do not desire to address the House under these conditions.

Mr. MANN. I make the point of order that under the consent granted the gentleman from Mississippi can not yield time.

The SPEAKER. That is true.

Mr. SHERLEY. Mr. Speaker, I move the previous question on the resolution to final passage.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on agreeing to the amended resolution.

The question was taken, and the amended resolution was agreed to.

On motion of Mr. DIFENDERFER, a motion to reconsider the vote by which the resolution was passed was laid on the table.

BEAM TRAWLING.

The next business on the Calendar for Unanimous Consent was House joint resolution 173, providing for an examination by the Commissioner of Fisheries as to the destructiveness of the method of fishing known as beam trawling.

The Clerk read as follows:

Resolved, etc., That the Commissioner of Fisheries be, and he is hereby, authorized and directed to make an investigation into the method of fishing known as otter and beam trawling and to report to Congress whether or not this method of fishing is destructive to the fish species or is otherwise harmful or undesirable.

SEC. 2. That in the event that the Commissioner of Fisheries finds this method of fishing to be destructive, harmful, or undesirable he shall recommend to Congress such legislation as he may deem necessary.

SEC. 3. That an appropriation not exceeding $7,500 is hereby authorized for carrying into effect the provisions of this resolution.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent that the resolution may be passed over without prejudice.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to pass this resolution over without prejudice. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I suggest this to the gentleman: I do not know whether there is any opposition to this resolution or not, but this item is included as a Senate amendment in the sundry civil appropriation bill.

Mr. GREENE of Massachusetts. I so understand.

Mr. MANN. If there be no objection to the passage of the resolution—and I do not know whether there will be or not—that might be a warrant for the House conferees to agree to that amendment. Otherwise I doubt very much whether they would be warranted in agreeing to it.

Mr. GREENE of Massachusetts. I have no objection to considering it.

Mr. ALEXANDER. Mr. Speaker, I suggest to the gentleman from Massachusetts that this resolution be submitted to the House. I do not think there would be any objection to it. The Senate has added a provision to the sundry civil appropriation bill appropriating $5,000 to make this investigation. This proposition was pending before the Committee on Merchant Marine and Fisheries, and we had hearings upon it at two different dates. Many people from the New England coast who are interested in fisheries were here, and, after the hearings referred to, we concluded that we were not making any headway in the ascertainment of the real facts in the case. Hence it was agreed to by all parties in interest that this matter be referred to the Bureau of Fisheries for investigation and report to Congress, and this resolution authorizing the investigation and expenditure of $7,500 for that purpose was reported to the House by the Committee on the Merchant Marine and Fisheries.

The Senate amendment to the sundry civil appropriation bill carries $5,000. I have had some conference with one of those who may be of the House conferees, and he understands the merits of the proposition. I do not think the conferees will object to the appropriation for this important purpose.

Mr. GREENE of Massachusetts. Very well, Mr. Speaker; I withdraw my request.

Mr. FITZGERALD. Mr. Speaker, if this carries an appropriation, I shall have to object. I do not know that the bureau has not money in some other fund from which to go on with this investigation. I do not know with whom the gentleman from Missouri conferred as one of the prospective conferees.

Mr. ALEXANDER. Mr. Speaker, I conferred with the gentleman from Kentucky [Mr. SHERLEY].

Mr. FITZGERALD. That may be. I would say that it is customary for the chairman of the committee to be one of the conferees.

Mr. ALEXANDER. Mr. Speaker, I would have conferred with the gentleman, but his time is so much occupied that I did not have the opportunity.

Mr. FITZGERALD. Oh, that is hardly justified.

Mr. MANN. Mr. Speaker, I would suggest that we might pass the resolution and entirely strike out section 3, which is the one that carries the appropriation.

Mr. ALEXANDER. I have no objection to that.

Mr. FITZGERALD. I would not object to that, for if there be an appropriation for this purpose I think it ought to be provided in the manner in which we can keep track of it in the regular appropriation bills.

Mr. MANN. Can we not have an understanding that we pass the resolution and strike out section 3?

Mr. FITZGERALD. That is agreeable.

Mr. GREENE of Massachusetts. Then, Mr. Speaker, I withdraw my request.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. SISSON. Mr. Speaker, I object.

The SPEAKER. The gentleman from Mississippi objects and the resolution will be stricken from the Calendar for Unanimous Consent.

COCONINO CATTLE CO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6735) to authorize the exchange with the Coconino Cattle Co. of lands within the Coconino National Forest.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to the Coconino Cattle Co. patent for the following-described 160 acres of land: The east half of the west half of the northwest quarter of the southwest quarter, west half of the east half of the northwest quarter of the southwest quarter, east half of the west half of the southwest quarter of the southwest quarter, east half of the southwest quarter of the southwest quarter, west half of the southeast quarter of the southwest quarter, west half of the east half of the southeast quarter of the southwest quarter of section 15; and the east half of the northwest quarter of the northwest quarter, west half of the west half of the northeast quarter of the northwest quarter, southeast quarter of the southwest quarter of the northeast quarter of the northwest quarter, east half of the southwest quarter of the northwest quarter, west half of the southeast quarter of the northwest quarter, southwest quarter of the northeast quarter of the southeast quarter of the northwest quarter, and west half of the southeast quarter of the southeast quarter of the northwest quarter of section 22, all within township 17 north, range 4 east, Gila and Salt River meridian, in the Coconino National Forest: *Provided*, That before patent shall issue the said Coconino Cattle Co. shall convey to the United States by properly executed and duly recorded deeds, title in fee simple to the following-described land: The northwest quarter of section 3, township 20 north, range 6 east, Gila and Salt River meridian, in the Coconino National Forest: *Provided further*, That no deed or other instrument of conveyance shall be accepted by the United States until the Attorney General of the United States shall certify that a good and sufficient title to such lands is vested in the United States.

SEC. 2. That upon such acceptance by the Secretary of the Interior the lands so conveyed to the United States shall immediately and by force of this act alone be reserved and set apart as national forest land.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, why should the General Government give to this cattle company this land that is particularly desired?

Mr. ROBINSON. Mr. Speaker, it does not do that. The bill simply provides for an exchange within the national forest for lands which the Government desires.

Mr. FITZGERALD. Mr. Speaker, the report makes the same statemnet, but the correspondence hardly justifies it. The report seems to imply that the Government is anxious to secure a certain tract of land and make this exchange in order to obtain it.

The truth is this cattle company has been occupying this tract of land under permit. The cattle company desires it, and the Department of Agriculture believes it would be a good place for a lookout station, if it took some other land not as valuable upon the report of the forester out there. Why could not the lookout station be erected on the land under the permit of the cattle company in the same manner that the cattle company now occupies this land?

Mr. HAYDEN. I will state to the gentleman it is not customary for the United States to build a lookout station or to make any other improvements except upon its own land. Lookout stations are located according to the altitude—that is, they are built on a high point of ground, so that the ranger can look out over the forest and locate forest fires. This land is chiefly valuable to the Government on that account.

Mr. FITZGERALD. It is a point covered with timber, and not valuable at all except for the timber, and the company has a very desirable location of agricultural land, which is proposed to be traded for this land.

Mr. HAYDEN. The amount of land involved is 160 acres in each case and in the same forest reserve.

Mr. ROBINSON. If the gentleman will permit me, the gentleman's conclusion in regard to the correspondence is wrong. I submit it is the reverse of the statement made by the gentleman from New York, and I will read part of it:

In view of the fact that the bill will authorize the exchange of the small described area wholly within a national forest for a like area also within the same forest; that the tract sought to be acquired is apparently desired for use by the Department of Agriculture as an administrative site and particularly as a lookout station for the protection of the national forest from fire, this department has no objection to its enactment.

The same statement is contained in the letter of the Secretary of Agriculture, so that it appears that the exchange is desired by the Department of Agriculture for the reason that has been stated so clearly by the gentleman from Arizona [Mr. HAYDEN].

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I will read one sentence from another letter which the gentleman did not read:

The tract in the sections described in the bill to which the company desires to acquire has for some time been used by them as a stock ranch under permit from the Forest Service. The company has constructed improvements there which includes fences, cabins, a well, and a windmill. The land is agricultural in character and does not support any valuable timber.

Then, later on, he says:

I am informed by the district forester that the tracts are of equal area and approximately of equal value and that the proposed exchange will not prejudice national-forest interests. I therefore have no objection to the passage of the bill.

If the Department of Agriculture was seeking this legislation, the correspondence upon the bill would be very differently worded; whereas here it says that they would have no objection.

Mr. ROBINSON. That is the form of the language, if the gentleman will permit, that is universally used by this department in reporting the bills referred to it by this committee, and the fact does appear from this statement and from the letter that the gentleman has read that the land is desired by the Agricultural Department for the purpose stated because of its usefulness for this purpose.

Mr. FITZGERALD. They stated it would be a desirable place for a lookout station.

Mr. ROBINSON. I want to suggest, further, to the gentleman from New York that the land being agricultural it can be entered by any homestead settler who obtains it from the Government without any charge whatever. The land which the Government trades has no timber and the Government gets the best of the trade, in my judgment, from the hearings had before the committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBINSON. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The committee amendment was read, as follows:

Page 2, line 21, strike out the period and add the words "by said conveyance."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ROBINSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

SEWER PIPE ACROSS FORT RODMAN MILITARY RESERVATION, NEW BEDFORD, MASS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15509) to authorize the construction and maintenance of a sewer pipe upon and across the Fort Rodman Military Reservation at New Bedford, Mass.

The Clerk read as follows

Be it enacted, etc., That the consent of the United States is hereby given to the city of New Bedford, a municipal corporation existing under the laws of the Commonwealth of Massachusetts, to locate, construct, and maintain a sewer pipe upon and across the military reservation of Fort Rodman in said Commonwealth, upon such location and in accordance with such designs and plans as the Secretary of War may approve and under such conditions and regulations as he may prescribe.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. SISSON. Mr. Speaker, reserving the right to object, how far does this sewer go across the reservation?

Mr. GREENE of Massachusetts. I should think possibly 900 or 1,000 feet. The reservation is at the outlet of New Bedford Harbor, and it is impossible for the city to reach the harbor of the bay except through Fort Rodman Reservation.

Mr. SISSON. When you lay sewers across private property in Massachusetts do you pay any compensation for it?

Mr. GREENE of Massachusetts. I think not with public sewers. This is across a military reservation.

Mr. SISSON. I understand that; but in building sewers across private property in the State of Massachusetts do you have to pay anything for it?

Mr. GREENE of Massachusetts. It may be.

Mr. SISSON. Suppose a private individual should object to it, would you have to condemn it?

Mr. GREENE of Massachusetts. I suppose we would have to buy the right.

Mr. MANN. Will the gentleman permit me to suggest that this sewer is already built on an agreement that it may be used by the reservation for sewage purposes under a temporary permit subject to action by Congress.

Mr. SISSON. Does the Government get the free use?

Mr. MANN. It does.

Mr. SISSON. And without expense to the Government but maintained by the city of New Bedford?

Mr. GREENE of Massachusetts. Maintained by the city of New Bedford without expense.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

Mr. SISSON. Mr. Speaker, I object to that; I want the House to go into the Committee of the Whole House on the state of the Union.

Mr. GREENE of Massachusetts. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15509.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15509, with Mr. SISSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15509, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 15509) to authorize the construction and maintenance of a sewer pipe upon and across the Fort Rodman Military Reservation at New Bedford, Mass.

Mr. HAY. Mr. Chairman, I move that the committee do now rise and report the bill favorably to the House.

Mr. FOSTER. I do not think it has been read.

Mr. HAY. It has been read.

The CHAIRMAN. The Clerk will read the bill.

The bill was again read.

Mr. HAY. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that it be passed.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SISSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15509, and authorized him to report the same to the House with the recommendation that it do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GREENE of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF UNUSED POST-OFFICE SITE AT PERTH AMBOY, N. J.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21888) providing for the sale of the United States unused post-office site at Perth Amboy, N. J.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to sell and convey the United States unused post-office site at Perth Amboy, N. J., at such time and on such terms as he may deem to be to the best interest of the United States, and to deposit the proceeds in the Treasury as a miscellaneous receipt.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. SISSON. Mr. Speaker, I object.

Mr. BURNETT. Then I move, Mr. Speaker, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21888.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21888, with Mr. ROBINSON in the chair.

Mr. SISSON rose.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] is recognized.

Mr. SISSON. Mr. Chairman, I had intended to state all of the divisions into which I would divide the water-power projects over which Congress would have control. The first class would be that class where the Government expends the entire amount of money necessary to construct the dam for the purposes of navigation, and as a result thereof water power is developed.

The other is where a private individual has permission from the Federal Government to build a water-power project across a navigable stream, at the expense of a private individual or a corporation. The other is the building or development of water power where the stream is not navigable, but where the water and the land belong to the Government, as, for example, in a military reservation.

In the discussion of this question, with reference to the rights of the State and the rights of the Federal Government, it is well to keep these three classes of cases in our mind. I maintain we do not entrench upon the powers of the State or the rights of the State when the Federal Government expends all of the money in building a dam necessary for the purpose of creating locks in order that navigation of the stream may be perfected; that it is any infringement on the right of the State for the Federal Government to dispose of that water power under such terms as Congress may see fit and proper; and that the proceeds thereof shall be covered into the Federal Treasury——

Mr. MONDELL. Will the gentleman yield?

Mr. SISSON (continuing). Because the people of the United States, as a whole, developed the water power and developed the value. I contend the Federal Government would have the right to give it to a company that would put in the turbine wheel or the necessary machinery, and determine the conditions upon which the private company might operate it.

Now I yield.

Mr. MONDELL. Does the gentleman understand the proposition which he stated is not the proposition I was stating at all?

Mr. SISSON. I do not undertake to say that it is.

Mr. MONDELL. Just a moment. The gentleman has stated the proposition of construction by the Federal Government at Federal expense and the sale of power thus developed. What I was discussing, as the gentleman well knows, was the authority of the Federal Government to place limitations on development of private parties.

Mr. SISSON. The gentleman simply anticipates. If he will possess his soul in patience, I will reach the class of cases the gentleman was discussing. The gentleman from Wyoming, and I presume almost every man in this House, will agree that when the Federal Government spends the money out of the Public Treasury for the purpose of developing the water power the Federal Government would have the right to dispose of that water power as Congress might see fit.

Mr. SHACKLEFORD. I desire to ask the gentleman from Mississippi what authority the United States Government would have to develop water power in the States?

Mr. SISSON. I did not mean water power. It was a misuse of the term. I meant the development of a power for the purpose of protecting or advancing navigation on the streams, and the right to build the dam is the right that the Federal Government has over navigable rivers and over the harbors of the country.

Mr. SHACKLEFORD. Over the improvements of its easement.

Mr. SISSON. Now, as a matter of fact, if the Federal Government has the jurisdiction over the streams and spends its own money there, spends the money of all the people there, for the purpose of developing a navigable stream, which all the people of the country may use, as an incident thereto, it must necessarily and logically follow that the Federal Government ought to prescribe the law whereby people may use that power which has been developed by the expenditure of Federal money in a proper Federal function, because the Federal Government unquestionably has that right, and if, as an incident to building the dam for the purposes of navigation, benefit shall flow in the way of water power from it, it can be no infringement on the rights of the people in that locality to use that water under the rules and regulations laid down by Congress.

Mr. SHACKLEFORD. Mr. Chairman, I would like to ask the gentleman from Mississippi [Mr. SISSON] if it is not one of the rights of a riparian owner to use the water that flows along the border of his land for the purpose of developing water power, subject to the easement of the Government to use the river as a highway?

Mr. SISSON. That is true; that if the Federal Government shall grant to a private individual, under terms, the right to build a dam across a stream, the riparian owner has the right to the reasonable use of it; the riparian owner in the State of a nonnavigable stream has also the right to use the stream, and the riparian owner below him on the stream has no right to complain, provided the use of the stream by the one above him is reasonable. He has absolutely the right to reasonably pollute the stream, but he has not the right to unreasonably pollute the stream. As to sawmills and dye factories and industrial plants and such institutions, the courts have held that where they pollute a stream to the extent that it is unsuitable for the use of man and beast that it is unsuitable for the use of the riparian owner below, and this rule applies in a State to a nonnavigable stream. The rule is the same on the navigable streams.

Mr. SHACKLEFORD. It being the duty of the riparian owner to make a reasonable use of his riparian rights, is it not also the duty of the Federal Government to make a reasonable use of the easement, so as not to obliterate the right of riparian owners and the rights of the State, to which those riparian owners are subject?

Mr. SISSON. I do not agree with the gentleman from Missouri [Mr. SHACKLEFORD] that the only right the Federal Government has to a stream running between States or through States, if it is a navigable stream, is an easement. I believe that the Federal Government is absolute in the control of that river for purposes of navigation. I believe that the Federal Government's right is an absolute right. Now, if the Government shall do any damage to the riparian owner, the Federal Government has always, either by condemnation proceedings or by an agreement between itself and the riparian owners, to respond damages. But the right of the Federal Government is an absolute one. It exercises the right of sovereignty there, because it has the right to condemn private property along the banks for its use. Therefore the Federal Government's right to develop a navigable stream is an absolute right, and one that can not be denied by the State.

Mr. SHACKLEFORD. Mr. Chairman, I do not want to trespass unduly on the gentleman's patience, but I want to ask him one more question. It is this: Would the erection of a dam and the creation of a large body of water above the dam by the Government warrant the Government in exacting payment for the taking of fish in that dam?

Mr. SISSON. No. I do not believe that the Federal Government should be prevented from charging a certain amount for fishing on its own property. If it is a trespass on the Government's property, the Government can regulate the use of the property without endangering the Government's rights to the use of the dam. The Government could not prevent a riparian owner fishing.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. SISSON. Yes.

Mr. HUMPHREYS of Mississippi. The right of the Federal Government is more than the possession of a mere easement. In the case suggested by my colleague from Mississippi [Mr. SISSON], when the Government builds a lock and dam, the Government must become a proprietor and must itself be a riparian owner. It must itself own the land, and the Government can, on the land it owns, prevent anybody from fishing just as much as the riparian owner can.

Mr. SHACKLEFORD. That is not my question at all.

Mr. SISSON. I do not think that is the question. It was not the point I had in mind. There is no question but that a man can control water on his own property, but it is a different question as to whether the Government would have the right to control the fishing in a dam erected at the expense of the Government.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Illinois?

Mr. SISSON. I yield.

Mr. MANN. I think the gentleman's views and my own are alike in some things. I understand that the gentleman grants the right of the Government to charge for the privilege of use when the Government constructs a dam?

Mr. SISSON. Yes.

Mr. MANN. Does the gentleman say that we have the right and ought to exercise the right when we grant a railroad authority to construct a bridge over a navigable stream?

Mr. SISSON. I see absolutely no reason why the Government should not, under the Constitution, exercise the right of control when it gives a license or privilege that is a valuable grant to a railroad. But I have not given any consideration to that question.

Mr. MANN. I agree with the contention that we have the right to do it, but the question with me is whether, at this time, we ought to exercise the right to charge in the construction of a dam or the right to charge in the construction of a bridge.

Mr. SISSON. I will take up that phase of the question in a moment.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Georgia?

Mr. SISSON. I regret that I can not.

Mr. ADAMSON. I wanted to ask the gentleman from Illinois [Mr. MANN] a question in connection with his remarks.

Mr. SISSON. I must decline, Mr. Chairman, because I want to proceed to the next point in my statement.

Mr. ADAMSON. Just a brief question.

Mr. SISSON. Well, I will yield, if the gentleman will make it very brief.

Mr. ADAMSON. It is this: Whether the gentleman does not think that under the general dam act the Secretary of War can exercise the power suggested by the gentleman from Mississippi?

Mr. MANN. I think the Secretary of War has that power, but that gentleman preferred to talk about it rather than to act.

Mr. SISSON. I have that clause in the general dam act here, marked. It gives in express terms the right to regulate all tolls.

Mr. HUMPHREYS of Mississippi. The provisions of the general dam act do not grant to the railroad an unconditional right to build a bridge across a navigable stream, but to-day the Government does grant the right and privilege to the railroads to build bridges across navigable streams on certain conditions, as set out there, one being that the Government may use the bridge itself, that it can use it as a post road, and carry troops across it; and then the Government imposes numerous conditions on the railroad company when it gives the company the privilege of building the bridge.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman a question.

Mr. SISSON. I will ask the gentleman to be brief, as I want to get through.

Mr. CULLOP. If Congress has the right to authorize a dam to be constructed across a navigable stream, can it fix the terms on which it gives that right?

Mr. SISSON. I was endeavoring to discuss that when I started. That was the first proposition I laid down, that in cases where the Government expends its money in the construction of a dam and as an incident thereto develops water power, the Government has an unquestioned right to control that.

Now, the next clause that I would like to discuss is that where a private individual or corporation comes to the Government or gets permission of the Government under certain conditions to build a dam across a navigable stream. My position is that since the Federal Government has the jurisdiction of the navigable streams, and would have the right to control its own dams, if it built them itself, if it gives the right to another it has the same right to exercise the control not only over the dam, but the right to control, for the benefit of the people of the community and the protection of the public, the manner in which the corporation or individual uses that water.

If that were not true, you would have two separate jurisdictions in this matter. If you should go into the State court, or into the State legislature by a petition, and the legislature should endeavor to act, then the Federal court could intervene if the legislature in any way infringed upon any right or privilege which had been given to the individual or the corporation by the act of Congress. But if the United States should go into the Federal court, then the defendant company would contend that this was a matter over which Congress had taken no jurisdiction, over which it had not exercised its powers; and it being a legislative, governmental function and Congress having failed to act, the court could not.

I know there has been quite a discussion throughout this country about that twilight zone, where the State has a right to go up close to the Federal Government, and the Federal Government has the right to come down close to the State, but there remains a region, exactly how wide we are unable to determine, where the powers of the Federal Government cease and the powers of the State cease, and the lawyers talk about it as the twilight zone between the two jurisdictions.

My contention is that when the Federal Government builds dams of this second class, it ought by general law to prescribe, first the manner in which the dams shall be constructed, and second the maximum charges; because if you wait until all

of these charters have been granted, it will be too late. Suppose, for instance, that the Federal Government should give a New Jersey corporation the right to build a dam across a navigable stream in the State of Arkansas or the State of North Carolina.

Mr. SHACKLEFORD. That can not be done without the consent of that State legislature.

Mr. SISSON. That is true. It can not be done without the consent of the State legislature; but whether the charter be originally a North Carolina one or a New Jersey one, it is absolutely necessary that the rights of the people should be conserved in the act of Congress that gives the right to construct the dam across the navigable stream; and I put no such narrow construction upon the jurisdiction of the United States as is placed there by many people. I do not believe that there is a double power there, or that the Federal Government exercises power over the stream for one purpose and the State for another. I believe the power is just as absolute when it gives the right to a private individual to build a dam as it is when the Government itself builds the dam. If that be true, it becomes the duty of the Federal Government to preserve and protect these valuable rights. I do not believe there is a mind that can now conceive of the enormous value that these water-power privileges will ultimately attain.

Mr. ADAMSON. Will the gentleman yield a moment?

Mr. SISSON. In one moment. Under improved processes of transmission it will be possible to carry across the country the power developed in the mountain fastnesses, and it may be sold to people in distant cities and in other States. Thus it will become subject to the jurisdiction of the Federal Government, not only on account of the power being developed in a navigable stream but because the power so developed will be transmitted from one State to another, and in the sale of this power for the purposes of heat, light, and transportation the regulation of the Federal Government will be required. It may be possible that because of a charter granted on the upper part of a stream, close to a State boundary line, it may be impossible for a State below to exercise its rights, and thereby the people of that State be deprived of the water power, and if it is a navigable stream I say it becomes the duty of the Federal Government to prescribe the maximum charge that shall be made for power. [Applause.] Now I will yield to the gentleman from Georgia.

Mr. ADAMSON. Mr. Chairman, the gentleman has passed on from the place where I sought to interrupt him, but he has come back to a kindred subject. I want to call the gentleman's attention to the fact that in all the bills now pending which provide for a corporation chartered in one State securing the consent of Congress to construct a dam in another State they have been so safeguarded as to provide that it shall be done only when authorized by the State in which the dam is to be located. I desire, further, to suggest to my distinguished and eloquent and learned friend that whenever one of these dams is constructed and proceeds to extend its transmission line across a State boundary into another State, then the transmission from one State into another will give Congress jurisdiction over the charges and practices, regardless of what the States may have done.

Mr. SISSON. I think that is absolutely true, and for that reason it is important for us to consider this matter properly at this time. I do not understand how it is possible for the State government to put proper safeguards around the transmission and sale of power for the purposes of producing light, heat, and transportation in another State, and I do not believe it should be left to an individual State. I believe every individual or corporation that develops water power should be required to develop all the power of which any given stream is capable at that particular point, so that nobody may act as a dog in the manger. But when they have developed the last ounce of water power it is utterly inconceivable to me how it can succeed if one State can prevent another State from selling water power within that State. It seems to me that that is a subject which is essentially within the power of Congress to regulate. My reason for calling attention to these matters at this time is because modern water power is in its incipiency. The wildest imagination of the greatest engineer of the country can not tell what the development of water power may mean to our posterity.

Our Maker has lifted the waters up onto these great mountain heights, and they run down toward the sea. It has been possible for the imagination of man to conceive that every spindle, every drill, and all of the railroad and land transportation companies may be operated and run by virtue of this power; and since it is such a new field, I think Congress should make haste slowly in granting these charters in general terms unless they sufficiently safeguard the rights of the public.

Mr. SIMS. Mr. Speaker, will the gentleman yield?

Mr. SISSON. Certainly.

Mr. SIMS. It is often a question as to what a navigable stream is and what it takes to constitute a navigable stream.

Mr. SISSON. I have no doubt the gentleman will ask me a very hard question if he asks me to define one.

Mr. SIMS. Suppose a company comes to Congress and asks permission to build a dam. It must be upon the theory that the stream is a navigable stream.

Mr. SISSON. Unquestionably.

Mr. SIMS. Can the parties which seek that permission of Congress and who get it be afterwards heard to dispute the power of Congress as to this particular stream? In other words, are they not estopped from raising that question?

Mr. SISSON. I think they would be estopped, and I think the courts would estop them; or if a Representative in the House or in the Senate should introduce a bill at the request of these parties and these parties then take advantage of their rights under that bill and expend money in accordance with the terms of the bill, they would be estopped to deny the jurisdiction thereafter of the United States Government in the premises.

Mr. SIMS. Then, if a dam were built on a navigable stream, as they usually are, with the right reserved to alter, amend, or repeal, could not the Secretary of War, under the power given him by the Constitution, have the dam removed as an obstruction to navigation?

Mr. SISSON. He could not, if there was an injunction against him, until it had been determined whether the party had violated the terms of the contract or agreement with the Federal Government.

Mr. SIMS. Is it not practicable and possible by spending money enough for the Government, by canalizing streams, to make almost any of them navigable?

Mr. SISSON. I think that may be true, but we must deal with the question as it now is, and just exactly how small a boat must be to be called a boat engaged in interstate commerce, and how often it must go up or down the stream to make it navigable, is a very, very difficult question to answer.

Mr. SIMS. It might be rafts or flatboats or anything of that kind, logs. It is all owing to what is meant by navigation.

Mr. SISSON. I think, however, a reasonable definition is about this: That it is such a stream as can be reasonably used during the greater portion of the year for boats sufficiently large to engage in interstate or intrastate commerce, and if it happens to be too small I do not suppose any court would ever declare it to be a navigable stream. There are, however, some who contend now that the Federal Government's right extends to the spring on the hillside, upon the theory that if you are permitted to divert the water from the small stream you thereby injure navigaion in the large stream, and there you find a conflict of jurisdiction again. But I take no such stock in that contention as that I would even give serious consideration to it. because I believe a stream must have a sufficient quantity of water by natural causes to make the stream navigable.

I had not intended to discuss the navigability of streams, I will say to the gentleman, although I had given the subject some thought.

Mr. SIMS. Congress has already passed a bill to buy up the mountain tops in New England and the South in order that they may gather in the clouds, with the hope that they may be condensed and that rain may ensue.

Mr. SISSON. I will state to the gentleman that I opposed that bill, and I do not believe that the Government should have gone into the purchase of the mountain ranges, but that has been done and is now behind us.

Mr. STEVENS of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. SISSON. Yes.

Mr. STEVENS of Minnesota. Is the gentleman familiar with the doctrine laid down by the Supreme Court in what is known as the Rio Grande Navigation case, in which the Supreme Court held that the upper portion of the Rio Grande River in New Mexico, away up in the mountains, was a navigable stream and under the jurisdiction of Congress, under the very doctrine that the gentleman stated.

Mr. SISSON. My own opinion, and my own views, of a great many questions are so far removed sometimes from the decision of the Supreme Court that in the discussion of a question here I am compelled to admit that is the law now, but I am not willing to admit that they have correctly announced the law, because I do not agree to that doctrine at all.

The other class of cases to which I would call attention would be very small, but we do have them here, and we have legislation which affects them. It is where the Federal Govern-

ment owns the land around the stream, as, for instance, at an Army reservation. If the Federal Government owns the stream and owns the bank on either side and the water-power sites, and owns all the watershed on which the water falls, it has, of course, all of the rights that any riparian owner could have, and if it is a navigable stream they could have that additional control of the stream.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Certainly.

Mr. COOPER. That is a very interesting question which the gentleman is discussing about the navigability of streams. I want to ask just one question. Suppose that there were four nonnavigable streams, tributaries, that ran together and made a navigable stream. Does not the gentleman believe that Congress, having full power to protect navigable streams, can go to the fountainheads of those tributaries which make it navigable? In other words, must Congress sit by and permit a navigable stream to be destroyed?

Mr. SISSON. The gentleman is asking the very question which I stated would be a difficult thing to answer when the gentleman from Tennessee interrupted. I anticipated the gentleman from Tennessee injecting it into this discussion, but if the Federal Government has any power at all it has simply the right that all riparian owners would have, that those people living on either of those four streams would have, namely, the right to a reasonable diversion, the right to a reasonable use and to a reasonable polluting of that stream. I do not believe that the rights of the Federal Government over the streams can rise superior to the rights of the individual. Therefore, if the people of a State are reasonably using that stream, I do not believe the courts would ever hold that the people of the State or the riparian owners were violating any of the rights the Government would have.

Mr. COOPER. Will the gentleman permit an answer to that in the form of a question?

Mr. SISSON. Certainly.

Mr. COOPER. The gentleman from Mississippi remembers that the Constitution itself declares that the Constitution and all the laws made in pursuance thereof and the treaties shall be the supreme law of the land. Now, then, the Constitution gives the Congress the exclusive jurisdiction over navigable streams.

Mr. SISSON. Yes.

Mr. COOPER. Then the interest of the general public in the navigability of the stream is paramount over the riparian rights.

Mr. SISSON. I do not understand that at all.

Mr. COOPER. The Constitution is the paramount law, and it declares it is.

Mr. SISSON. I deny the proposition absolutely. I would like to have the attention of the gentleman from Wisconsin. The Constitution specifically says the right of the Federal Government over streams shall be an absolute right—that is, over navigable streams. Now, since a navigable stream is made up of many other streams, the Federal Government having the same absolute right to exercise its authority that an individual would to exercise powers over his own land to preserve the navigability of the stream, would have the right to demand—I understand that is all the court held in the case in reference to the headwaters of the Rio Grande, although the people of the country were considerably startled at the extent of that opinion—but I think the only thing the court held in that case was that a reasonable use of the stream was always within the right of the riparian owners of a nonnavigable stream, and if they unreasonably polluted the stream, if they unreasonably diverted, if they took so much water out of it as to interfere with the rights, the sovereign rights, if you please, of the Government, as to affect navigation the Federal Government would have the right to go into court for the purpose of preventing such use of it. That is my construction and my contention of the right that the Federal Government has over the feeders of a navigable stream, and the Federal Government has only the same right that the other individuals have.

To illustrate, if A lives above B, he would have the right to a reasonable use of the water as it passes by his land and by his property, but if he puts it to an unreasonable use, if he unreasonably pollutes it, if he so diverts it that he injures B below, then B would have the right to go into court and stop A from the unreasonable use of the water. And I believe that is all the court intends in the case that has been just cited from the Rio Grande River. The Federal Government has no other right.

Now, as to what may possibly come out of all of this, none but the most poetic imagination can conceive. It is possible that every home may be heated, that our food may be cooked, that our goods may be transported, that our fields may be cultivated, that all of our factories may be run and our industries developed by this water power of the country and coal and other kinds of fuel may finally be superseded except where it is impossible to have the water power generated and be transmitted over the wires. Now, since this is such a very great question, I am unwilling as a Representative of the American people, I am unwilling as a Representative sent here by a constituency, not to legislate alone for that constituency, the fourth congressional district of Mississippi. Thank God, my views are not bounded by my district. I see the gentleman who represents the district in which Niagara Falls is situated—it is just as much my duty to represent his constituents as it is my own. It is just as much my duty to exercise my best judgment in every vote I cast in reference to a matter which affects the people of the Pacific and the Atlantic coasts as it is upon the Gulf coast, where I live, and no man should hold his representation here so narrow that he does not look beyond the boundaries of his own district. A gentleman spoke of these people who were unwilling to let all of this wonderful power pass into the hands of a few people and want it properly safeguarded, and said that it might be well to look into the congressional districts and ascertain how much coal these people had.

Not an ounce of coal is mined in my district. I do not believe there is an ounce of coal in my district. I do not believe there is an ounce of coal, certainly not an ounce that is minable, in the State which I represent in part. I believe my State has as little water power to be developed as any State in the Union. There are very few streams there upon which water power can be developed, but I take no such narrow view of this question that I would be willing for the Federal Government to surrender its rights to corporations in the State of Colorado, in the State of Montana, in the State of Arkansas, or the great Carolinas or Virginia or Tennessee, where they have great water power. I am unwilling that the State should give a charter to an individual or to a corporation, and after the rights of that corporation shall have been established or the rights of the individual shall have been established that that right should be one which could be sold to another corporation engaged in the same line of industry. I am unwilling that this power should be granted so that A owning water power in one State and B in another and C in another that A, B, and C might sell their rights to D. I am unwilling that these rights given to men shall be transferred unless there is a sufficient safeguard to prevent the complete monopolization of all of this power. Why, in some instances in some sections of the country 1 horsepower is worth $40. In another section it is worth $24, and I do not believe I found upon my investigations that a horsepower is worth less than $24 in any section of the country when produced by the cheapest kind of fuel, and yet it is possible to build a dam where the overhead charges per horsepower will be less than a dollar a year and where the labor in order to generate it will not be more than a dollar a year to keep this horsepower in operation for 12 months, and, as the Indians would say, as long as grass grows and water runs, with the most infinitesimal amount of maintenance the mighty resources which belong to all the people will be controlled in the hands of a few stockholders and one of the mightiest power trusts in the world will be created, and, my friends, I am unwilling as an American citizen to see all of these resources squandered. I want them safeguarded with the greatest care. My friend from Wyoming said he would like to see whether or not some gentlemen were not influenced by some overweening power or influence outside of Congress which blinded their judgment.

I want to say to my friend that there is just as much reason to say that the minds and the hearts of people will be influenced by these men who hang around the lobbies of this Capitol and up in the galleries [applause], asking men to vote for these innocent water-power propositions when Congress shall not have had an opportunity to know how much of value they are granting. Why are they so anxious about it? I find here now numbers of gentlemen who are interested in asking me to vote for water-power sites, but, God bless you, I have not found anybody that ever approached me asking me to vote against the bill. [Applause.] If there be influence around this Capitol for the purpose of securing legislation, it is on the part of people who are anxious to get these mighty values. If it was not so valuable, if there was not so much of power in the future—and, by the way, I do not mean water power there, but I mean power that enables them to become financial powers in this country—if it was not so valuable, do you believe that these men would come from their homes, do you believe that they would stay here for weeks and for months endeavoring to get these matters through Congress?

Now, I have no criticism to make of these gentlemen. I think they have the right, so long as they do nothing but argue the proposition, so long as they do nothing but discuss the

proposition, to come in the interest of that legislation that they may desire, and appeal to the good judgment of Congress to pass it. I would not criticize them nor the men who vote in favor of these water-power projects, nor would I criticize the man who conscientiously endeavors to do his duty against the proposition. I do not believe my good friend from Wyoming [Mr. MONDELL] really meant that there was any railroad influence or any coal-mining influence behind these men who are making the fight to conserve the water power of the country.

Mr. CULLOP. I would like to ask the gentleman if he knows that the present Secretary of War has advised concerning a similar bill against its passage because it did not include in it a provision making a charge for compensation to the Government for the granting of the privilege, and also because it did not have a provision in it authorizing the General Government to control the sale of the product or limiting the price after it had been established?

Mr. SISSON. That is my information, I will say to the gentleman.

Mr. CULLOP. I would like to read to the gentleman, if he will permit, what the Secretary of War said on that subject, and it will only take a moment:

> There is no provision in the inclosed bill providing for any compensation to the Federal Government in return for the grant of the privilege, nor is there any provision made to reserve to the Federal Government the right to control the charges for the water-power service to the consumers in default of adequate regulation on the part of local authorities to protect the public interest. I believe that these are important defects in the bill, and without their correction do not recommend its passage.
>
> It is improvident, in my opinion, to allow the entire cost of the future improvement of this river, if made, to fall upon the general taxpayers of the country, when that burden could so easily be reduced by exacting proper compensation for the water-power privileges granted on the river by the Federal Government.

This was a Tennessee dam. Now, I want to say this——

Mr. SISSON. My time is coming rapidly to a close. Make the question short.

Mr. CULLOP. It is stated that the War Department now is invested with this power, and yet here is the Secretary of War disclaiming that it has that power, and asking that it be incorporated in a bill which was up for consideration here some time ago.

Mr. ADAMSON. Will the gentleman yield to me for a question?

Mr. SISSON. Yes; one question.

Mr. ADAMSON. I want to call the gentleman's attention to the fact that the Secretary of War in that letter did not mention the general dam act, and every report of this committee has been that if he would take the general dam act he would find authority for him to do everything he insisted on, and all he had to do was to do it.

Mr. SISSON. Of course, I am not going to settle the controversy between the gentleman from Indiana [Mr. CULLOP] and the gentleman from Georgia [Mr. ADAMSON].

In concluding my remarks, Mr. Chairman, I wish to state that each generation that will come after this will be infinitely more interested in this question than the present one. As the coal and the timber become scarce this water power is going to become necessary, and as it gets more necessary it shall become more valuable. When Congress thought that land in this country was so plentiful there would be too many homes for the people, they were then clamoring to get people to take up homes and live on the land, and now we awake to the fact that all the best lands in the country have gone into the hands of private individuals. Millions of acres belong to men who were building railroads in the West. Millions of acres belong to men who have organized lumber companies, and people are clamoring for lumber out of which to build homes. And the American people find that a few men own the mighty redwood forests of the West.

We find down in my own State that a few men and a few organizations control, from Georgia to Texas, the finest belt of timbered land on this globe. It is in the hands of a few people, and they are dictating the enormous price to the home builders in this country. That land has been squandered because Congress was too anxious, because these galleries have in them men who wanted to develop the mighty West, who wanted to make it great, and now we find the vast domain, over 600,000,000 acres, has been given away to railroad companies. And the result is that the American people now are paying vast sums for these homes. Will Congress take warning? Do not act too hastily.

Let this particular water-power project and all projects of water power be developed slowly. Have a law passed, a general law, providing that every man in the world who wants to bid on this water power can go on the open market and know what he is doing, know what is required of him, and providing that every man may know the maximum price that he may charge to the public for this water. Give every man an opportunity, but in God's name, give your own posterity in this free Republic, give them all an equal chance and an equal opportunity. That is the highest duty that devolves upon a Congressman here, and let us put our hands to the work. [Applause.]

Now, Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. GALLAGHER].

Mr. CULLOP. Mr. Chairman, I desire to ask a question of the gentleman before he sits down.

Mr. SISSON. I promised to yield 10 minutes to the gentleman from Illinois [Mr. GALLAGHER], and I shall do that now, and suggest to the gentleman from Indiana that he can have some time later.

Mr. GALLAGHER. Mr. Chairman, the granting of water-power privileges to private corporations is evidently becoming a very live question. I am considerably interested in and have given some thought to this question; and it is quite apparent, from the interest that is manifested here in the debate and the general difference of opinion as to how these grants should be made, that we ought to go, as I believe, a little slow in granting any of these privileges to private parties.

I do not believe, from the difference of opinion that is apparent, that we are at present ready to grant these immense and valuable franchises to private corporations—corporations that we know little about. We do not know whether they are capable of constructing these great works or not. Some people go so far as to say that in most of the instances the influences that are creating these water powers are the same as those known as the Water Power Trust.

I refrained from taking part in the discussion on House bill 25069 on Thursday last, for the reason that I desired to obtain all the information possible in the matter of that bill, as well as the omnibus bill now before the House and the other bills which have been recommended by the Committee on Interstate and Foreign Commerce.

The seriousness of the conditions that confront us to-day is pointed out in the report of the committee on one of the present bills. On page 8 of the report is the following:

> The Corps of Engineers and the President are not in accord with the Secretary of War in his demands, and the recommendation of the Chief of Engineers is favorable to those eight bills; therefore, we have not seen proper to adopt the recommendation of the Secretary of War, but reported the bills permitting the construction, maintenance, and operation in accordance with the general dam act, as amended in 1910.

It is clear from the reading of this statement that we have here the President of the United States and the Engineering Department differing with the Secretary of War. We have more; we have the uncertainty which is stated by the committee itself, in which they use the following language on the same page:

> While we wish to give effect to the all-powerful arm of the Government in the exercise of its legitimate functions, we wish carefully to guard the exercise of those functions so as to prevent the infliction by such exercise and incident thereto of harm and injury to property rights and the personal rights of the citizens of the country, being careful not to impair activities of the General Government, local responsibility, or local authority.

Here, then, we have in a nutshell a great difference of opinion, as stated by this committee, and the necessity for urgent action here is simply an excuse, as they state there—

> That these matters should not be delayed on account of notions of particular individuals, who have, perhaps, never given the subject that consideration which might lead them to a different conclusion. It is believed that none of them is obnoxious to any of the objections raised; that no alarm need be felt as to granting the consent of Congress pending the consideration of amendments to the general dam act.

Clearly, then, the consideration of these matters is quite germane at this time, and no speedy action should be taken here without a thorough understanding of the conditions that confront us, notwithstanding the suggestions of this committee.

The other day, when we were considering the general maritime law protecting the rights of our mariners, an amendment was proposed by the gentleman from Washington [Mr. HUMPHREY], which exempted the Great Lakes from the application of the law. In that discussion it was brought out that the great interests making this suggestion of exempting the Great Lakes and our inland streams was none other than the powerful influences of the railroads, who owned and controlled, together with the steel company, the larger number of boats operating on the Great Lakes.

Here, if we analyze the people back of these bills and calmly ask ourselves the question, "Why the necessity of speedy action?" the conclusion is irresistible. The same forces that sought to exempt lake navigation from the perilous hazards sought to be remedied are to-day seeking to give away these

rights belonging to the public for their corporate gain, and the argument is used that men are not informed, owing to the arguments and disputes that now exist, concerning where this authority shall be placed, in the State or in the Nation.

All concede the desirability of protecting the public; even the chairman of this committee, Mr. ADAMSON himself, says that there may be a question, but he sees no necessity for embodying certain suggestions made by the Secretary of War.

I am not a lawyer, nor am I versed in the law, but from my experience as a member of the city council in the city of Chicago for a number of years; a member of the school board, and now a member of the Rivers and Harbors Committee of this House, I am frank to say that these bills are not right; they look suspicious to me, and in view of the grave doubts that exist I can see no reason for pushing them at the closing hours of this session of Congress. I believe that a committee should be appointed, not only Members of this House, but also outside authorities, who have studied these problems and are conversant with the present efforts made by certain combinations to take possesion of all the water rights in the Nation.

Mr. Speaker, I have no desire here to question the motives of any man who is a Member of this House, and I am satisfied that he is acting in good faith, yet when I tell the story of conditions in my State and the awful consequences that have followed from it, I am inclined to think that he should be as anxious for delay as I am in this matter. The argument is used in support of this contention, and I call attention to it from the language of this report on page 9, that if the provisos recommended by the Secretary of War were embodied in this bill, "that such provision would produce such uncertainty as to render it impossible to finance an enterprise." This language is sufficient, in my judgment, to say that the parties back of this bill are either fictitious, who desire to get a corporation on paper, or to have this paper corporation backed by the gigantic corporations representing here not less than $40,000,000.

Why the necessity for affording an opportunity to these corporations on paper at the closing hours of this session of Congress to speculate with public properties and domains? I say and repeat there is no occasion for this speed, for this matter must be tied and nothing should be done now.

The matter of the application of the great power companies at Niagara Falls in seeking to obtain an additional flow of water of 4,400 cubic feet per second over the amount now taken by them under our treaty with Great Britain has not been disposed of. This matter is now pending before the Committee on Foreign Affairs; nay more, it was attempted before this same committee to extend the Burton Act to only last May, but upon a full hearing of the matter before this committee, as well also before the committee of the Senate, the Burton Act was extended by the act of both this House and the Senate until May 1 of next year. This was done, as was stated on this floor, in the interests of the United States and its inhabitants, because this body was not sufficiently informed as to wisely pass upon these questions until further information and data could be obtained.

So here a like condition exists, and, it seems to me, with the information before us, and with the matters in dispute as they are, nothing should be done here save alone the appointment of a committee composed not only of Members of Congress, as I have stated, but others qualified to give the information requested, not only from a legal but also from a practical standpoint, and thereby conserve the interests of the inhabitants of the United States irrespective of locality.

CONDITIONS IN ILLINOIS.

In stating conditions in my State, and in submitting the detail as to these conditions, I desire to acknowledge my indebtedness therefor to the Hon. Edward T. Cahill, of the city of Chicago, whose personal efforts to preserve the rights of the inhabitants of the United States have been commended by the Legislature of the State of Illinois, and who, of his own volition, brought the State of Wisconsin into the suit of the State of Illinois to protect for the inhabitants of the United States and their rights in the Illinois Valley. And from this data, so collected by him, I wish to state that the taxpayers of the city of Chicago, through the sanitary district pursuant to acts of the State legislature in 1888 and 1889, have burdened themselves with the expenditure of not less than $65,000,000 to solve the sewage problem in Chicago as well as aid and assist in building a waterway from the Lakes to the Gulf. Upon the completion of this canal and the flow of water therein it was found that a large flow, increased by the diversion of the waters from Lake Michigan, made it possible to use not only this extra flow but the natural flow of the waters that made the Illinois River and its branches, the Des Plaines and Chicago Rivers, one of the most attractive water sites in the world. Chicago, having dug this vast channel at the enormous expenditure mentioned, petitioned the State legislature in 1903 for permission to erect a water plant at the southern extremity of the canal. This permission was granted, and the right to dam the same was given the sanitary district. Following this, the sanitary district at an expense of over $1,000,000 erected a plant, and this plant to-day furnishes illumination not only along the lines of its canal from Chicago to Joliet but also furnishes to the city of Chicago a large portion of light for its arc-light system, as well as to private owners, electric power at greatly reduced rates, and it is the intention of the city of Chicago to utilize this water power in public interests, and to furnish sufficient light and illumination for the Chicago River, its branches, and outer harbor.

Following this application, and the success of this movement being assured, it was further found that between the points of Lockport and Utica, a distance of 61½ miles, there was another fall of water of about 150 feet, making it possible to develop within this stretch a water power aggregating 100,000 electric horsepower, worth approximately $25 per net horsepower, or $2,500,000 per annum. This would constitute an enormous increase in the revenues of our State. This matter was sifted and discussed pro and con. An additional act of the legislature was passed, authorizing the expenditure of $20,000,000 for the extension of the deep waterway for this distance, and also including here the development and the use of this power so to be created.

Our State had then realized, as Congress should now realize, the great opportunity at its own door. Now, what happened?

Precisely the same as here, a corporation sought to grasp the most valuable site within this stretch. It made application through the War Department, and a hearing was granted, and I regret to say that the President of the United States, William H. Taft, then gave expression to a sentiment which is consistent with his present attitude of approval of these bills in that he, as Secretary of War, said he saw no objections to allowing the representatives of the powerful power companies to proceed with the work. How farsighted and farseeing was this act of Secretary Taft is apparent when we come to examine the brief of one Rome G. Brown, Esq., attorney for the Niagara water-power companies, now made a public document, by direction of the Senate, on page 70 and 71 thereof, wherein he argues that the Federal power can have no application here, quoting the language of Secretary Taft, as used by him when he granted permission to carry on the work in the Des Plaines River without Federal restrictions, as a basis for his—Brown's—argument.

What has followed?

By this act of Secretary Taft and the action of the Engineering Corps of the United States, the State of Illinois has been obliged to expend nearly $500,000, and will be obliged to expend much more in the protection of the public interest here, through the carelessness and want of proper knowledge on the part of the then Secretary of War.

In the State of Illinois these gentlemen, claiming to be prompted by public interests, and with a desire to harness these vast forces of nature so created artificially by the diversion of the waters of the lake and in the manner mentioned, proceeded forthwith to procure the boundary line of every portion of this stream, embracing two full counties, and started to erect their plant at Dresden Heights, when the State of Illinois was obliged to stop the erection of this dam and save the waters for the public use.

Following this a kind and obedient public body, known as the Illinois and Michigan Canal commissioners, gave away these valuable vested rights of the public for a period of 20 years, with the right of an option for 20 years more, for a nominal consideration. It was not discovered for some time who was back of this plan, until the deeds had been signed and the rights of the people given away. Then it was found that the parties back of this were the combinations of capital who undoubtedly are now back of the present bills, and this nominal consideration was insignificant for the grant by the State of Illinois as it was found to be a valuable right, extending into vast millions of dollars.

I now call your attention to statements which are incontrovertible, showing how this power company in Illinois was incorporated for $1,000 April 29, 1910. When these rights, presumably granted for public interests, were in their control these same people increased their stock from $1,000 to $6,250,000, and on June 18, 1910, filed in the recorder's office of Lasalle and other counties, including Grundy County, where this proposed power plant was to be erected, a bond of issue of $10,000,000. Can there be any question who is back of this? Can there be any question, in view of this, who is back of the measures now being pressed before Congress?

Can you conceive of a greater and more outrageous act against public interests than these acts, heralded as for the public good? Yet the moment these franchises are obtained they are worth millions upon millions of dollars, and the people are powerless to find relief from these grasping combinations.

Had Secretary of War Taft taken the precautions when he was Secretary of War as is now being taken by Secretary Stimson the present and future would have been provided for and the interests of the public, and not those of private persons and corporations, conserved.

The matter of the Economy Light & Power Co. litigation is now before the Supreme Court of the United States upon an appeal from the State Supreme Court of Illinois, and the same questions are raised there—as to whether or not these matters in dispute are for the State or Nation to determine. The matters now being discussed by us are discussed there, and the real issue will soon be determined and the responsibility will be assumed by the Supreme Court of the United States, who alone can determine these issues. Had we not better await the decision of the Supreme Court, when this case is on its docket, than to hurry and do another wrong to public interest?

The enormity of the act involved in the passage of these bills can only be realized when we stop to consider what I have related transpired in my State and how far-reaching they are and were.

The public press justly raises its voice against the passage of these bills, and I desire to make a part of the RECORD editorials which I shall read, taken from the great Chicago dailies—the Chicago Tribune and the Daily News. They plead for the public. They point out the evil effects of the proposed grants that you are about to pass, giving these private corporations unheard-of powers and the right to accumulate for years to come the future bounty of the inhabitants of the United States.

[From the Chicago Tribune, July 27, 1912.]

Capitalists desiring a power site induce a local community to believe that they must be encouraged to invest and that thereby the community will prosper. Citizens, naturally eager for prompt development of their property and of local resources, do not try to get the best terms, do not look into their own future to see if they may not regret their liberality, as thousands of other communities have, do not consider the rights of later generations. So they are cajoled and bluffed. They urge their Congressman to get the grant, and unless he is exceptionally courageous, disinterested, and farseeing, he obeys them without protest.

That our resources should be developed promptly every conservationist will concede—developed promptly, not recklessly. There is no power company that can not afford to submit to fair regulation of its monopoly. There is no community that has a moral right to waste its present resources for its own benefit, at the cost of the generations to come. We are trustees for them and are bound to use and not to abuse our possessions which are also to be theirs.

But this is a doctrine of the general good and it stands little chance of recognition in that game of congressional politics in which broader considerations of national welfare go down before the profitable alliances of personal interest. Only the strongest leadership, which has aroused public opinion to the greater issues, can check this process.

[From the Chicago Daily News, July 27, 1912.]

GIVING AWAY WATER-POWER SITES.

Reports from Washington indicate that the House of Representatives has taken a step which may seriously embarrass Congress in its future regulation of water-power development on navigable streams and on nonnavigable streams in the public domain. The House, it appears, has approved a grant on too liberal terms to a power company which plans to build a dam across the White River in Arkansas. This grant threatens to open the way to many similar ones, the grantees not having to pay compensation for the benefits obtained nor to submit to adequate regulation.

It is reported that an omnibus bill has been prepared making 16 more grants to various persons or corporations in different parts of the country.

Liberality in fixing terms for the development of hydroelectric power on waters under Government jurisdiction is desirable in order that capital may be thus invested, creating valuable property of lasting benefit to the public. Still Federal officials are agreed that these resources should not be given away, but that if Government supervision and regulation are not maintained control should be delegated to States or local governments.

In his message to Congress, December 6, 1910, President Taft recommended either direct leasing of Government water-power sites for a period not to exceed 50 years upon a proper rental and with a condition fixing rates to be charged, both rental and rates to be subject to revision every 10 years, or grants to the States of the privilege of leasing water powers on similar terms. Kindred recommendations to "protect the interests of the investor and of the public" were made by Secretary Fisher, of the Department of the Interior, in his annual report last year. The former Commissioner of Corporations, Herbert Knox Smith, in a report issued last March, advocated the rental system. This recommendation was strengthened by facts and figures which he gave to show a tendency toward a great monopoly in the hydroelectric field.

That this field should be developed without undue delay will be generally conceded. That the Government should encourage the development is equally plain. But reasonable and fair encouragement hinges upon the adoption by Congress of a fixed policy similar to that outlined by the national administration. Lacking such legislation, Congress would err in making promiscuous and unrestricted grants of water-power sites.

It is apparent from these editorials, the statements made by me showing the conditions in my State, and other conditions pointed out by Members on this floor that we should move with caution here, for the most serious questions are at issue—questions awaiting the decision of the Supreme Court of the United States, questions that no man or set of men can with intelligence determine at this hour—affecting the rights of the people, for which it is conceded on the floor of this House by every Member that his object is the conservation of public interests.

As I said in my opening, we should do nothing at present but seriously consider the appointment of the proper committee or commission to collect the proper information required to make an intelligent disposal of these great and valuable rights and to determine the agency which shall protect the public interest. The question of a reasonable rental or charge for the privileges granted should be considered, and the Government should reserve the right to control the charge for services to the consumer, and should afford to the State and her municipalities the right to use, free of charge, for her public bodies these water powers as it shall elect; but any revenue derived from private use, either through State authorities or Federal control, shall be used solely for the improvement of the stream upon which the dam is situated or its tributaries.

My object and intention is not to restrict but to develop the great possibility of water-power resources, for its usefulness is yet unknown and its possibilities beyond comprehension.

Everyone who has had experience in the councils of our great cities knows what an injustice it is to grant privileges to private corporations without proper compensation and control by the granting parties.

These great power rights are of immense value to the people, and we should consider well this question before giving away to private companies and thus preventing all the people from sharing in this great future possibility.

Mr. SIMS. Mr. Chairman, I am not going to talk an hour simply because I have got the right to do so, but I want to refer to a matter that I wish Members would think about. We are having bills coming before the committee of which I have the honor to be a member with this kind of a representation: "Here is a navigable stream on which there should be an improvement for purposes of navigation." In other words, there is a proper demand for the expenditure of public money to improve a real navigable stream, as in the case of the Keokuk Dam, to which attention was called the other day. Now, the private company or private corporation says, "We will build the improvement that the Government would have to build in aid of navigation. You have to build dams in order to make slack water in aid of navigation on a real navigable stream. But if you will give us the right to improve this river for purposes of navigation, there will incidentally be created a water power, and if you will give us the benefit that will grow out of the water power we will make the improvement of this navigable river under the supervision of the Government through the engineers of the United States Army and will do just what the Government requires us to do."

Now, on the face of it, that looks like a very desirable thing. It looks like something that is in the public interest—to let somebody take their money and improve our rivers for us and not charge us a cent and do it exactly as we authorize and direct it shall be done.

Mr. AUSTIN. Mr. Chairman, if my colleague will permit, I will say to him that one of my bills now, which is included in the omnibus dam bill, makes a case similar to the one the gentleman is discussing.

Mr. SIMS. The gentleman's bill proposes to improve a navigable stream at the expense of a company and save the Government from the expense of improving it and maintaining it——

Mr. AUSTIN. Yes; for all time; expending $3,000,000 for the construction of the locks and pledging itself to the perpetual maintenance thereof at its own expense.

Mr. SIMS. Yes; and giving the company the profit to be derived from all the power developed.

Now, take the case mentioned by my colleague—a case about which I do not know anything personally—where the Government of the United States would be saved the expenditure of $3,000,000 which it otherwise would have to make for the improvement of the navigable stream. But the water-power value, when created there, will be worth $6,000,000. I do not know that that is the case in the instance cited by my colleague, Mr. AUSTIN, but suppose a private corporation or a private party makes an investment of $3,000,000 and thereby saves the Government an expenditure of $3,000,000, or an investment of that amount, and secures to the private party this $6,000,000 benefit?

Now, according to what Congress has done heretofore we have held that wherever the Government improves a navigable stream for the purpose of navigation, and water power results therefrom, the Government is entitled to dispose of that water power for the benefit of the public. The question comes up right there, as stated by my colleague. It is an interesting matter to me, I being on the committee having charge of these

matters. Should the committee create by Government authority an enterprise worth $6,000,000 by relieving the Government from the expenditure of $3,000,000?

The theory used to be—at least I have heard it claimed—that the Government has no interest at all in anything connected with rivers except navigation, and that whatever it does it must do in the interest of navigation, and whatever results from it by way of water power does not go to the Government under any circumstances. But we have got away from that so far as Congress is concerned. We are now selling what the Government has created by an expenditure of money, not made for that purpose, but incidentally growing out of it.

Now, does not that question arise when the gentleman's company comes before our committee and asks to be allowed to improve a real navigable stream for purposes of navigation, and proposing to maintain it for all time to come by giving it the financial benefits growing out of the water-power rights thus created for all time to come? When it appears to us that the water power is worth twice as much as the cost of the improvements, is it or not our duty to make the improvement directly by the Government and thus secure the resulting financial benefits to the Government? That is the question that arises with me often, as a member of the committee, as to what we ought to do.

Is it not wise in such a case to make the improvement by the Government and retain the water-power benefits to the Government rather than exchange the water-power values for the cost of the improvement? It is hardly conceivable that private capital will offer to relieve the Government of the expense of improving the navigable stream in exchange for the water-power benefits unless the water-power benefits exceed in value the cost of improvement.

Mr. HUMPHREYS of Mississippi. Will the gentleman permit me to ask him a question?

Mr. SIMS. I would rather the gentleman would answer one than ask it. I would be glad if he would answer the one I asked.

Mr. HUMPHREYS of Mississippi. It is indirectly relevant to the gentleman's statement. Does the gentleman think that under the procedure of this House we are apt to arrive at any intelligent and definite policy when we have two committees of the House with jurisdiction of the same subject matter?

Now, the gentleman tells of these bills that are referred to his committee, the Committee on Interstate and Foreign Commerce. The gentleman from Tennessee [Mr. AUSTIN], his colleague, wants to improve a river down in Tennessee, and introduces that bill which ought, it seems to me, to go to the one committee in this House that has jurisdiction of the improvement of the navigable streams of the country.

But it depends entirely on just how the bills are worded whether they will go to the Committee on Rivers and Harbors or to the Committee on Interstate and Foreign Commerce. The Committee on Rivers and Harbors takes up the whole subject of the improvement of the rivers in the country by locks and dams, and so forth, and thrashes out that whole matter, and the first thing they know they wake up some bright morning and find that a bill has been reported to the House by another committee of the House proposing to build locks and dams in that river upon perhaps an entirely different scheme of improvement. I do not know that it is entirely pertinent to this discussion, but it occurs to me that if we want ever to have a definite policy in reference to these matters we ought either to abolish the Committee on Rivers and Harbors and let the jurisdiction that they now have go back to the Committee on Interstate and Foreign Commerce, where it originally was, or we ought to take away from the Committee on Interstate and Foreign Commerce the jurisdiction that they now have over navigable streams. I ask the gentleman if he does not think that would make for harmonious and intelligent legislation?

Mr. SIMS. It might result, of course, in bringing the two questions together, as to the improvement of the rivers and the disposition of the financial benefits that might flow therefrom to the Government; but from what I have seen in some instances before the Committee on Rivers and Harbors, I have the fear that persons who want to create water power rather than to improve a navigable stream will come and assail the Committee on Rivers and Harbors and advance as an argument the great benefit that it will be to improve the river for the purposes of navigation, while all the time they will hold back the idea which really moves them, namely, to create water power; and after they get the Committee on Rivers and Harbors thoroughly committed to the improvement for purposes of navigation and everything necessary for navigation purposes has been done, then the gentlemen who have been agitating the thing will come in and say, "Here, you are going to create a water power that will be of vast benefit, and we will make this improvement which you have authorized if you will only agree that we may have the resultant water power." I do not know but that the question of the disposition of the water-power benefit might well go to another committee.

Mr. HUMPHREYS of Mississippi. It occurs to me that if there is danger of the Committee on Rivers and Harbors being bunkoed into doing these things, then the wise thing for Congress to do is to take away from that committee the jurisdiction which it has and send it back to the Committee on Interstate and Foreign Commerce, and let that committee have it all, but not have two separate committees working.

Mr. SIMS. I do not want the gentleman to think for a moment that I said they were bunkoed. They did exactly what they were asked to do in the interest of navigation, but the parties who asked it had something in their minds beyond navigation.

Mr. HUMPHREYS of Mississippi. Then we will not call it "bunkoed."

Mr. SIMS. Your committee are looking only to navigation and are taking the proper view of it from that standpoint.

Mr. HUMPHREYS of Mississippi. For instance, take the water-power proposition, which the Committee on Rivers and Harbors have given a great deal of thought and discussion to, and on which they have had a great many hearings. A bill on that subject is now pending, which, from my point of view, being the author of it, is a very excellent bill. It covers this whole proposition. Now, while we are considering that, here comes in another committee in the House with a lot of private bills and bunches them all in one omnibus bill for reasons that are entirely satisfactory to the committee that did it.

Mr. SIMS. I suppose they are more certain to have them defeated by having the opposition to all the bills concentrated against the one bill.

Mr. HUMPHREYS of Mississippi. I do not know that the defeat of the bill could be any more certain than it is. I think it is absolutely certain to be defeated.

Mr. SIMS. Either all together or one at a time; it looks that way to me now.

Mr. HUMPHREYS of Mississippi. I think that is true. Now, it does occur to me that in the interest of accurate and harmonious and proper legislation this subject ought to go to some one committee of the House. The chairman of the Committee on Interstate and Foreign Commerce stated here on the floor of the House recently that that committee are now having hearings, and that it is their intention——

Mr. BURNETT. Mr. Chairman, I make the point of order that the discussion is not pertinent to the bill which is under consideration.

Mr. HUMPHREYS of Mississippi. We are under general debate, and everything in the world is in order.

The CHAIRMAN. The point of order is overruled.

Mr. SIMS. I only expected to say a few words. I am waiting for the gentleman from Mississippi [Mr. HUMPHREYS] to ask me a question in reference to the consolidating of the two committees.

Mr. HUMPHREYS of Mississippi. It was not entirely a question. I thought the gentleman had an hour, and that he did not intend to use it all.

Mr. SIMS. I only want to call attention to the fact that these difficulties arise, and there are a great many of them, and we are all trying to act in good faith and have no other motive in view.

Mr. CONNELL. Mr. Chairman, I was very much interested in the gentleman's very lucid statement of this matter, and his illustration of the $3,000,000 improvement to navigation, which is afterwards taken up by those who get a $6,000,000 power franchise which results from it. Is that a supposititious case, or are there any actual cases in point where that has occurred?

Mr. SIMS. The $3,000,000 cost was stated by my colleague, and I only used the other as a supposititious case. I do not know that there would be any resulting benefit. They might lose money from it.

Mr. CONNELL. Has such a thing really occurred?

Mr. SIMS. It was charged the other day that in the Keokuk matter, where the Government charged nothing for the water-power privilege, the resulting water power is worth many times the entire cost of the improvement. Personally, I do not know how that is. It was charged in debate. In other words, it was stated that the income from the water power would very greatly exceed the interest on the investment.

Mr. CONNELL. The point is this, that after Congress has voted the money to build this dam, has it ever occurred to those finding out this power would result from it to go to the Government and say that they would stand the $3,000,000 expense and do it and then get the $6,000,000 result?

Mr. SIMS. We have authorized a number of improvements by private persons or corporations where the Government would have to make some improvement in the interest of navigation, and the thought of the committee in doing so was good—that is, to save the Government paying out anything, because the Government did not know, and could not know, that there would result any financial benefit in the way I mentioned.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Certainly.

Mr. HOWARD. I want to ask the gentleman how you can develop a stream for navigation by building a dam without developing water power, and how you can develop water power by building a dam without affecting naviagtion?

Mr. SIMS. I think the question answers itself.

Mr. AUSTIN. You can build a dam without building a lock.

Mr. SIMS. Oh, yes; of course.

Mr. HOWARD. I mean in conformity with the rules and regulations laid down by the War Department. How can you build a dam for the improvement of navigation without developing water power?

Mr. SIMS. You can not do it.

Mr. HUMPHREYS of Mississippi. I think I can answer that question.

Mr. SIMS. I want to say this, that I do think that often gentlemen come and ask Congress to grant permission to make an improvement on a so-called navigable stream which really is not a navigable stream in any beneficial sense, and I would like to see some one of them go along and build the water powers and let the matter go to the courts and have it decided, but it seems to me when they do come to Congress on the theory that it is a navigable stream and get congressional authority to build a dam on an alleged navigable stream, they are at least estopped from denying the authority of Congress to couple conditions with the grant of such power.

Mr. Chairman, I did not intend to use all the time that I had. I now yield the balance of my time to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, when this discussion was precipitated this morning I did not know it would reach the extraordinary limits that it has. I was amazed at the statement of the gentleman from Wyoming [Mr. MONDELL] that to fix a charge for granting a privilege already authorized by the Constitution was invading the sovereignty of the States. Upon what theory he bases his statement I am unable to understand. If Congress has the power to grant the right to build a dam or bridge across a navigable stream, as a natural consequence of that grant, following as a legal proposition, it has the right to fix the terms upon which it shall be granted, and there is no lawyer, I take it, who will deny this proposition. It is very easy for men to rise in their places and say that this or that is unconstitutional, but they ought to furnish the proof in support of their assertion. Nobody to-day denies that authority exists in Congress to regulate the building of these dams and bridges across navigable streams; and if it has that power, then it has the same power under the same authority to fix the terms upon which that right shall be exercised. But the gentleman from Wyoming said that it was the great coal companies that were here insisting on this kind of provision going into these bills. I deny the proposition. But if the coal companies are here fighting to-day, and if the railroad companies are here fighting to-day, they are fighting against the proposition we contend for, because it is money in their pockets to prevent the exercise of the power that we insist upon. Both of these are gigantic combinations, stifling development and absorbing the frugality of the people all over the country, who are compelled to submit to their arbitrary conduct and pay their unreasonable charges for service. Now, if these two allied combinations can secure the water powers of the country their combination will be complete and their opportunity to plunder the people enlarged. Oh, no; the transportation companies and the big coal combines are not in favor of our position, but they heartily indorse the position of the gentleman from Wyoming on this question. There is every reason why they should support his position and oppose the one we take on this matter. Monopolies are always in sympathy with each other.

The gentleman says that the States ought to exercise this right. Applying the doctrine for which we insist does not take away a single right now belonging to any State in this Union. The right to exercise all the power which exists in the State still remains. If anyone is afraid—so much alarmed—about this proposition invading State sovereignty, then it is the great coal and railroad combines of the country and not the individuals who are to be benefited thereby. Why? Do not forget one thing, namely, that every great commercial and industrial institution in this country is controlled by a few men, and before you can develop any large commercial enterprise, whether it is water power, coal properties, or lumber properties, or railroads, you are compelled to get the money from the same individuals to develop one that you would to develop the other. There is a community of interest under the control of the few who manipulate the financing of almost every proposition. The Money Trust controls every large investment made in this country to-day, and, as far as these water powers are developed, they will control them, as they do all of these other propositions, without the Government deriving any revenue therefrom. They will be in the hands of a few financial magnates of this country, who will hold up the people for extortionate charges for any part of the service used. Monopoly looks upon them avariciously as a most favored field for exploitation.

Let me call attention to another fallacious proposition of the gentleman from Wyoming, and that was this: That these streams out in the States ought to be the property of the States. True; they ought to be, but he overlooked the important proposition that Congress is appropriating millions upon millions of the people's money to improve the navigable streams of the country, and every dam built on every stream in any portion of the United States is deflecting a certain amount of water from some navigable stream and requiring the greater outlay of money to make up for the loss to such navigable streams. Whenever, out in any State on a nonnavigable stream, you build a dam you stop the flow of a certain amount of water that would be turned into some great navigable stream. It is prevented from flowing to swell the volume. You are then requiring by that act that much more improvement of that river, and if the Government—the taxpayers of the country—are to be taxed to improve the navigable streams, it is the duty of Congress to prevent the destruction, as much as possible, of the navigability of those streams or have adequate compensation in return therefor. Failure to do so is unfair to the people.

It has been said for the purpose of preventing this proposition from being legislated into any of these bills that already the power belongs to the Government; that it has been conferred on the War Department by the general dam act. I deny it. I deny that to-day there is a single provision of law authorizing the War Department to exact charges for the exercise of this license or privilege, and I will call the attention of the House, as one of the strongest arguments that can be made against that proposition, to the fact that the present Secretary of War, an eminent lawyer, criticizing one of these bills on the 21st day of May of this year, said that the objection to the measure was because it did not have any provision in it by which compensation could be enforced to the Government for the use of the power. It provided for none; and, furthermore, he stated that there ought to be a provision in these bills which would give power to the Federal Government to regulate the charges when the municipal corporations failed to do so, and when they were imposing upon the public, and every reasonable man knows that when they once get control of these great valuable powers they will impose upon the public. The language of the Secretary, to which I refer, is as follows:

> There is no provision made in the inclosed bill providing for any compensation to the Federal Government in return for the grant of the privilege, nor is there any provision made to reserve to the Federal Government the right to control the charges for the water-power service to the consumers in default of adequate regulation on the part of local authorities to protect the public interest. I believe that these are important defects in the bill, and without their correction do not recommend its passage.
>
> It is improvident, in my opinion, to allow the entire cost of the future improvement of this river, if made, to fall upon the general taxpayers of the country, when that burden could so easily be reduced by exacting proper compensation for the water-power privileges granted on the river by the Federal Government.

The principles which should guide the granting of water-power privileges have now been comprehensively laid down in the final report just rendered of the National Waterways Commission. After long hearings and exhaustive study, that commission, composed of Members of both parties in both Houses, has unanimously reported that a grant for water-power development constitutes a special privilege for which the Government is entitled to proper compensation; that the water power developed on waters subject to Federal jurisdiction should be correlated to the development of navigation; and that in view of the growing intimate relations between the hydroelectric business and the interests of navigation, the Federal Government should reserve the right to control, in the public interests, the relation between the operating company and the consumer.

Now Congress has started in this matter upon the same policy with this great valuable property that 50 years ago it adopted in regard to the public domain, when millions upon millions of acres of the best land that ever was found on earth was granted

to railroads to extend their lines or build new ones throughout the country. It became so burdensome to the public, so odious, that Congress had to revoke the policy and forfeited the grants, amounting in round numbers to about 200,000,000 acres, which were restored to the people's heritage, the public domain, so that it could be turned over to the settlers of this country. To-day, if you follow this policy at the behest of the great interests of the country, the special interests, you are giving away a more valuable property than was given away when the public domain was squandered upon the railroad magnates of the country. We ought to take steps now to protect the people's interest, steps that will render revenue for the Public Treasury in payment of valuable franchises, valuable rights which are now being given to these people; and I hope that no bill will be passed upon this subject unless it provides for an adequate remuneration to the people of this country for these valuable properties. It is right and it is proper, and if we are the custodians and are to take care of the rights of the people of this country we ought to exercise the advice that the Secretary of War gives in that letter and protect the people of the country and the interests of this great Republic; and any failure on the part of Congress to properly do that will be a dereliction of duty which we owe to the people of this country. No man, however wise he may be, can figure out approximately the great value of these rights, yet all over the country a very industrious activity seems to have been exercised lately for the purpose of getting these grants from Congress before the people are sufficiently aroused to the importance of the matter and the real value of the grant.

It is not enough to say that they are building up a section of the country, making a needed improvement, and supplying the people with additional facilities. The charge that the Government will require for the use of such property will never stop the investment of a single dollar, not one, for when you consider the profits, the value of these properties, a charge—small, doubtless, it will be in comparison with the value of the property granted—there will be no reason why any of them will cease to make their investments where there is inducement for capital to float the project. Now, Mr. Chairman, it is contended Congress has not declared a policy. The Secretary of War has indicated that a policy ought to be declared. The people want Congress to declare a policy. It ought not to stand idly by and wait, wait until the most valuable of these properties are gone and then declare a policy. It ought to declare it now and it ought to declare it in such terms that it will produce to the Government a revenue, a fair remuneration commensurate with the value of the great property granted. I hope before this session of Congress adjourns that such legislation will be enacted upon this important subject as will enable the Government to derive a revenue from this source and protect the rights not only of the people now but of posterity as it should be in order that monopoly may not get control of these great natural resources of our country without paying for them an adequate compensation, which will contribute in some measure to the relief of an oppressed people, who are now the real owners and who should be the beneficiaries in their disposal. Monopoly looks upon these properties with avaricious eyes, and, with its numerous tentacles reaching out in every direction to gather the dormant resources from an unsuspecting public, it covets none more than these and estimates none of greater value. With these once safely acquired it will have under complete control our transportation, our fuel, and our power facilities, and will be able to dominate upon its own terms our production, our comfort, and our development—a condition every citizen of the Republic would deplore. It is time now to declare a sound policy on this subject and it should be done before any grants are made, a policy which will redound to the welfare of the people of this Republic. [Applause.]

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

Mr. FOSTER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. FOSTER. I think we had better read the bill.

The bill was read.

Mr. FOSTER. Mr. Chairman, I want to ask the gentleman from Alabama a question. I understand this provides for sale under such terms as the Secretary of the Treasury may deem best; that he can sell it by bid or private sale?

Mr. BURNETT. Yes; does the gentleman ask a question about it?

Mr. FOSTER. Yes.

Mr. BURNETT. I will state to the gentleman this is an old site which was acquired in 1857 for a customhouse and post office. In 1867 there was another site acquired and the customhouse and post-office building constructed and this was abandoned during all of that time. On March 2, 1867, Congress passed an act authorizing the sale and an effort was made to sell it, but there was no authority given to the Secretary of the Treasury at that time to sell otherwise than by public sale, as I recall. The property is worth about $4,500, and the Secretary of the Treasury recommends if these limitations are withdrawn they will be able to sell the property. It is the bill in which Mr. SCULLY, of New Jersey, is interested, and I have no other interest in it——

Mr. FOSTER. It is the opinion of the gentleman from Alabama that this is the best way to dispose of the property?

Mr. BURNETT. Yes. The Treasury had an upset price and we made inquiry into that and found that proposition would defeat the sale entirely.

The CHAIRMAN. The gentleman from Alabama moves that the committee rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ROBINSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21888) providing for the sale of United States unused post-office site at Perth Amboy, N. J., and had directed him to report the same back without amendment with the recommendation that the bill do pass.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BURNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

The SPEAKER. Mr. SHERLEY, of Kentucky, desired the Chair to ask leave of absence for him for 10 days, on account of death in his family. Is there objection? [After a pause.] The Chair hears none.

By unanimous consent, leave of absence was granted—

To Mr. HUGHES of Georgia, for two days, on account of sickness.

To Mr. RICHARDSON, indefinitely, on account of serious illness.

LOTS FOR FIRE DEPARTMENT, HOT SPRINGS, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5145) authorizing the city of Hot Springs, Ark., to occupy and construct buildings for the use of the fire department of said city on lot No. 3, block No. 115, in the city of Hot Springs, Ark.

The Clerk read as follows:

Be it enacted, etc., That the exclusive right to use, occupy, and enjoy the possession of lot No. 3, in block No. 115, in the city of Hot Springs, Ark., is by this act granted to the city of Hot Springs, Ark., for the purpose of erecting and maintaining thereon a suitable and sightly building or buildings for the use of the fire department of said city. The rights and privileges granted under this act shall continue as long as the property is used and occupied for the purposes mentioned in this act, subject, however, to the following conditions and limitations, namely, that unless said city of Hot Springs, Ark., shall within five years after the passage of this act erect and equip on said lot a suitable and sightly building or buildings for the purposes above mentioned, or if said city shall at any time hereafter use or permit the premises to be used for any other purpose than that herein granted, then and in either event all the rights, privileges, and powers by this act granted and conferred upon said city shall be forfeited to the United States.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBINSON. Mr. Speaker, I ask that this bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

DISPOSITION OF LOTS, HOT SPRINGS RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7251) to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation in the State of Arkansas, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That all the estate, right, title, and interest, and all right of reversion of the United States in and to lots Nos. 4 and 5, in block No. 94, situate on Hot Springs Reservation, in the school district of Hot Springs, in the State of Arkansas, be, and is, granted to and vested in said school district of Hot Springs, with full power and authority of the officers of said school district to manage, control, sell, or dispose of the same, or any part thereof, at their discretion, for the use of said school district and the public schools thereof.

SEC. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its approval.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if my information is correct, if these lots were at one time included in a bunch of lots that were intended to be sold at public auction, and that, at the request of the school authorities or other authorities of Hot Springs, they were reserved from sale for the purpose of having a schoolhouse built upon them?

Mr. ROBINSON. The gentleman's statement is in part correct.

Mr. MANN. Which part is not correct?

Mr. ROBINSON. I was just going to state. The lots were reserved from sale, and at that time there was a bill pending before the Congress granting many other lots, in conjunction with these and in close proximity to them, for a building site. Those lots have since been disposed of. The Department of the Interior agreed with the representatives of the school board that these lots should be granted as in the nature of a bonus, another site having been secured by the city to be built upon. These two lots alone are hardly large enough to provide an adequate building site, and for that reason the lots are granted in fee with power in the school board to dispose of them. The city of Hot Springs, as the report shows—and I am sure the gentleman is familiar with it——

Mr. MANN. I never have had the need of going there.

Mr. ROBINSON. The gentleman would doubtless find it very profitable and pleasant to visit that city at any time his arduous public duties would permit him to do so.

These schools are used by children of persons temporarily residing there, and under that practice almost half, if not quite, that number of pupils who attend the public schools are children of nonresident parents; that is, they are only temporarily residing in the city of Hot Springs. For the reason I have stated the city will not use it as a building site, but if the grant is made it will be in the nature of a bonus to the public schools of Hot Springs. At the time the sale was made it was contemplated that lots on the reservation should be sold, but the representatives of the Interior Department, upon arriving at Hot Springs, found there were a number of lots that were desired and required for local use, some for one purpose and some for another, and they entered into a kind of agreement with the representatives of the city, subject to the approval of the Secretary of the Interior, that these lots, or certain other lots, nearly all of which have been disposed of, should be reserved from the sale in order that the Congress might have an opportunity to make special disposition of them if it so desired. I hope the gentleman will not press any objection to the bill.

Mr. MANN. I would like to get a little further information from the gentleman. I am right in my statement, as I understand, that at a public sale where these lots were originally contemplated to be offered they were to be withheld from sale upon the request of the board of directors of the school district?

Mr. ROBINSON. That is true.

Mr. MANN. Am I right in further assuming that the school board, in making the request, made this statement?

In view of these and of the representations which the board in formal session made to Mr. Ucker, chief clerk of the Interior Department, he, acting under his official authority, withdrew and withheld from the sale of Government lots, lots Nos. 4 and 5, in block 94—

Which are the lots referred to in this bill, and the school board in referring to these lots and asking for a transfer of the title, said that these lots were—

to be devoted to and used forever as a site for a public school building.

Mr. ROBINSON. That statement is correct. It was true at the time the application was made, but, as I have stated, if you will examine further the report it discloses the fact that the superintendent of the reservation and the department took that view of it, and in view of the events which have since transpired, decided it would not be desirable to put limitations in the act. Other buildings will have to be erected to meet the growing demands of the city.

Mr. MANN. Am I right in the understanding that the school board asked to have these particular lots set apart for the site for a schoolhouse, and that now the superintendent says that that is not a suitable site for a schoolhouse?

Mr. ROBINSON. Yes; you are partly right. Buildings have been constructed on other lots near by, which make it desirable to locate the school building somewhere else.

Mr. MANN. I did not see anything about other lots in this request.

Mr. ROBINSON. The request, so far as that statement is concerned, was for a large number of other lots.

Mr. MANN. I saw there were several requests for different lots. We just passed a bill to release a certain lot for fire-house purposes. The school board asks for certain lots, with the statement that they want them to put a schoolhouse on them. The school board ought to be able to tell when a place for a schoolhouse is suitable. Now the gentleman wants us to sell the lots, the proceeds to be used as a part of the current expenses of the school board.

Mr. ROBINSON. It is in the nature of a bonus to the school board at Hot Springs.

Mr. MANN. If we undertake to provide for the bonus, is there any logical reason why next year we should not provide an additional bonus?

Mr. ROBINSON. I do not think there could be any logical reason, but at the same time I do not think there will be any request made for any additional lots. Nearly all of them have already been disposed of.

Mr. MANN. I think if we start in to pay a part of the school expenses of Hot Springs on the ground that they educate children who come there with their parents, we will never stop. Of course they are spending money there, and that is what the town lives on.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman a question. It is this: Why should not this money go into the Federal Treasury, the same as the proceeds from the sale of lands at Perth Amboy, N. J.?

Mr. ROBINSON. This bill does not provide for the sale of lots by the Government. It provides for a grant of the lots to the city of Hot Springs. It permits the city to sell the lots and apply the proceeds for school purposes.

Mr. PAYNE. What difference does it make whether you give it away to the city of Hot Springs or for other purposes? We have been doing that at Hot Springs for the past 30 years. We have given away a great deal of land down there, and we have built sewers for the people there, and roads.

Mr. MANN. We are just appropriating money now, large sums, to make a sewer plan—a plan for a sewer that we will have to build for Hot Springs.

Mr. ROBINSON. The gentleman is mistaken when he says that the Government has built a sewerage system at Hot Springs. On the contrary, the city of Hot Springs has maintained a sewerage system, from which not only the citizens there but the Government reservation have had the benefit, without a cent's cost, either for construction or maintenance, since the system was established.

Mr. PAYNE. I think the city of Hot Springs could well do all that and a lot of other things for the Government, and still have a large balance charged against it. In my opinion, if we had sold that reservation down there 30 years ago and got the money for it, we could have let those good people down there take care of themselves, and then they would not be always calling on the Government for help.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. The bill is stricken from the calendar. The Clerk will report the next one.

COUNCIL OF NATIONAL DEFENSE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1309) to establish a council of national defense.

Mr. HAY. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Virginia [Mr. HAY] reserves the right to object.

Mr. HARRISON of Mississippi. Mr. Speaker, the gentleman from Alabama [Mr. HOBSON], who is in charge of this bill, is not in the Chamber, and he left the bill in charge of Gen. ESTOPINAL, the gentleman from Louisiana, who has asked me to have it passed over without prejudice.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] asks that the consideration of the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will report the next one.

GRANT OF CERTAIN LANDS TO THE STATE OF ARIZONA.

The next business on the Calendar for Unanimous Consent was the bill (S. 7163) authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions.

The Clerk read the bill, as follows:

Be it enacted, etc., That all lands, together with the improvements thereon, within that part of the former Fort Grant Military Reservation, in the State of Arizona, situate and being outside the boundaries of the Crook National Forest, be, and the same hereby are, made subject to selection by the State of Arizona in partial satisfaction of the

grant of 100,000 acres made to it for State charitable, penal, and reformatory institutions by section 25 of the act of Congress approved June 20, 1910 (36 Stat. L., 557): *Provided*, That such selection shall be made within three years from the date of approval of this act.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Arizona [Mr. HAYDEN] if, under the enabling act, the State of Arizona has not the entire State from which to select its 100,000 acres of land, where the land has not been already taken or reserved?

Mr. HAYDEN. I will state to the gentleman that the enabling act, admitting Arizona to statehood, granted to the new State over a million acres of land. From such a statement you might be led to believe that the Congress had been very liberal in its donations of land to Arizona, but, as a matter of fact, the State will not receive much that is of value. We are not permitted to make selection from the forest reserves, and these reserves contain the principal areas of unappropriated public lands that are worth having. The lands from which the State can make its selections are mostly of a desert character and are of but little value because of the lack of water. This bill will permit the State to locate its reform school on the outskirts of a national forest.

Mr. MANN. The gentleman refers to a million acres of land. That is one proposition. The 100,000 acres is not in the same reservation?

Mr. ROBINSON. That is an error, a typographical error.

Mr. MANN. I do not see how it can be a typographical error. This is a Senate bill, which passed the distinguished body at the other end of the Capitol. The 100,000 acres is in addition to the million acres, if I am correct.

Mr. HAYDEN. Section 25 of the enabling act grants to the State of Arizona "for State charitable, penal, and reformatory institutions, 100,000 acres."

Mr. MANN. How much land is there in Arizona from which this area could be selected? How many million acres are there in Arizona from which this selection might be made under existing law?

Mr. HAYDEN. There is plenty of land, but there is no water on it. The State desires to locate this school at a place where an irrigated farm can be established.

Mr. MANN. Can the gentleman tell how much unoccupied public domain there is in the gentleman's State?

Mr. HAYDEN. I am sorry to say I can not. I do not happen to have the figures at hand.

Mr. MANN. Can not the gentleman approximate that?

Mr. HAYDEN. I do not see the necessity of approximating it.

Mr. MANN. There may be a necessity if the gentleman wants to pass this bill.

Mr. HAYDEN. Oh, there is plenty of land, but there is no other place where this school can be more properly located.

Mr. MANN. I have heard such rosy statements about Arizona that the gentleman can not make me believe now, so soon after those rosy statements have been made, that there is no place in the Territory with the exception of this one suitable for a reformatory institution.

Mr. HAYDEN. I am referring to the unoccupied public land.

Mr. MANN. We were told by the day and the week and the year about the enormous quantity of land suitable for occupation and how, if we would make it a State, it would soon fill up with people cultivating the soil and carrying on business in all parts of the State.

Mr. HUMPHREYS of Mississippi. The gentleman does not say, does he, that they need a reformatory there?

Mr. MANN. Now, the gentleman says there is no place in the State where they have public domain—Government land thrown open to the public—that is suitable to live on.

Mr. HAYDEN. I said that there was no place in Arizona more suitable for an industrial school than this particular place.

Mr. MANN. This happens to be a military reservation, and I presume that it is good land, and therefore they want it.

Mr. HAYDEN. The State would not want it for this purpose if it was poor, worthless land.

Mr. MANN. Certainly. If there is anything out there that belongs to the Government that is good, they come and ask us for it.

Mr. FITZGERALD. Why are the improvements included in the selection?

Mr. ROBINSON. They have little or no value. They consist of adobe buildings.

Mr. FITZGERALD. No improvements are ever said to have any value when we are asked to give them away.

Mr. HAYDEN. The Fort Grant Military Reservation was established in the time of the Apache wars, but has been abandoned for the past 10 or 12 years. The buildings were constructed of adobe, and have no particular value.

Mr. SLAYDEN. Is not the gentleman mistaken in the statement that Fort Grant has been abandoned for 10 or 12 years? It seems to me that I distinctly remember that it was occupied by an old, experienced veteran officer of the United States Army, on the orders of a Commander in Chief, who exiled him to that place.

Mr. HAYDEN. There have been no troops stationed there for a number of years.

Mr. FITZGERALD. Does the gentleman refer to the case of an officer named Stewart?

Mr. SLAYDEN. Yes.

Mr. FITZGERALD. He was sent to the most desolate place on the face of the earth.

Mr. SLAYDEN. Yes; and I suppose that is why they want it now for a penal institution.

Mr. KAHN. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from California?

Mr. MANN. Yes.

Mr. KAHN. I should like to ask the gentleman from Texas [Mr. SLAYDEN] a question. The gentleman from Texas referred to an officer who was exiled to Fort Grant. I should like to ask him which President exiled that officer to Fort Grant?

Mr. SLAYDEN. I did not use the word "President." I said it was done by a Commander in Chief of the Army of the United States, whose authority to send him there was not questioned.

Mr. FITZGERALD. It was an erstwhile friend of the gentleman from California.

Mr. SLAYDEN. The ex-Commander in Chief.

Mr. MANN. May I ask the gentleman now if this bill should pass, would not the Government be required to survey this land and pay for it out of the Federal Treasury before the State could make its selection?

Mr. HAYDEN. The Secretary of the Interior recommended a special appropriation of $800 for that purpose in his report on this bill, but I do not think it is necessary, because the land from which the State will make its selection is already surveyed. According to the Secretary's letter about 1,900 acres of the reservation has been surveyed. The State does not need the whole 12,000 acres.

Mr. MANN. How much does the State want?

Mr. HAYDEN. Enough land upon which to locate the school properly and to provide a farm where the inmates of the institution may be taught agriculture.

Mr. MANN. How much will that be?

Mr. HAYDEN. I do not know exactly. I understand that the State proposes to again cultivate the old farm land that was used when there was a garrison at the post.

Mr. FITZGERALD. Would it not be well for the gentleman from Arizona to ascertain about that before we pass this bill which permits the State of Arizona to take the entire reservation?

Mr. HAYDEN. The United States has granted to Arizona 100,000 acres of similar land. I do not see that it makes any difference to the United States whether the State of Arizona selects its lands in one place or in another.

Mr. MANN. If the United States have granted to the State of Arizona similar land, why does not the State go and take the similar land. Why do you want to get this land?

Mr. HAYDEN. In the event that this land is not now granted to the State it will be thrown open for settlement, and it can be then selected by the State out of its grant of land under the enabling act.

Mr. MANN. That is a question. There is a law under which it will not be thrown open to settlement without being paid for.

Mr. FITZGERALD. There are in the State of Arizona 12,040,428 acres of surveyed public land which are unappropriated.

Mr. MANN. But the gentleman from Arizona says none of it is fit to live on.

Mr. FITZGERALD. And there are 28,982,455 acres unappropriated and unsurveyed.

Mr. CANNON. My recollection is that Fort Grant Military Reservation is not a great way from the railroad station called Wilcox, on the Southern Pacific Railroad.

Mr. HAYDEN. Yes; that is correct.

Mr. CANNON. Many years ago, in 1885, in connection with a congressional committee of investigation, of which Judge Holman was chairman, I visited Arizona. We got off at Wilcox. Fort Grant was then occupied, and Gen. Shafter was in command. We rode up to the barracks and remained there all

night. The next day we started for the Gila River, going up to the Indian reservation of that name. We found another post on the Gila River.

Mr. HAYDEN. Fort Thomas?

Mr. CANNON. My recollection is that that reservation—and it struck me at the time and was a matter of comment—was worth all of the territory so far as we could see, at least for agricultural purposes, from Fort Grant to the Gila River.

Mr. HAYDEN. Mr. Speaker, I would like to explain the reason why this land was selected by the State of Arizona. The State legislature appointed a commission to relocate the reform school. That commission visited various sections of the State and among others the Fort Grant Military Reservation. The commission decided that this was the best place to locate the school. The matter was taken up with the Department of the Interior by the governor of Arizona and the bill as it passed the Senate was drawn in the department.

Mr. MANN. Mr. Speaker, the department makes a report upon it and recommends something else. We passed recently, I believe—or if not, it is in conference—a proposition to permit the State of Texas to have certain portions of an abandoned military reservation for a tuberculosis sanitarium.

Mr. HAY. This is no longer in a military reservation. It has been turned over to the Interior Department and is a part of the public domain.

Mr. MANN. In the case to which I refer it is proposed that the State of Texas shall pay for the land. Certainly, if anything ought to appeal to Congress on its charity side it would be the establishment of a tuberculosis sanitarium, and if we require Texas to pay for that I can see no reason why we should start in to give the land to Arizona.

Mr. HAYDEN. But the Federal Government did not donate any land to the State of Texas when that State came into the Union.

Mr. MANN. Then Texas has that much more claim on us to have land given to it. I think the gentleman would better ask that this go over and ascertain just what is wanted. This will permit them to take the entire reservation without any cost or paying anything at all.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

S. J. Res. 127. Joint resolution authorizing the Secretary of War to supply tents and rations to American citizens compelled to leave Mexico.

AMERICAN REFUGEES FROM MEXICO.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 127, authorizing the Secretary of War to supply tents and rations to American citizens compelled to leave Mexico, and for its present consideration.

The SPEAKER. The Chair lays before the House Senate joint resolution 127, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized and directed to cause to be supplied, through the proper military officers at El Paso, Tex., all necessary tents, together with temporary rations, for the care and relief of American citizens who have been compelled to remove and are yet removing from threatened danger in the Republic of Mexico and who are seeking refuge in El Paso, Tex., and adjacent portions of the United States.

The SPEAKER. Is there objection?

Mr. HAY. Mr. Speaker, I would like to ask what the reason is for this?

Mr. MANN. What is the request?

The SPEAKER. The request is for unanimous consent for its present consideration.

Mr. FITZGERALD. Mr. Speaker, I reserve the right to object.

Mr. MANN. I reserve the right to object.

Mr. HAY. And I desire to reserve the right to object.

Mr. SMITH of Texas. Mr. Speaker, I would ask that in explanation of the matter that the following telegram be read from the Clerk's desk.

The Clerk read as follows:

EL PASO, TEX., *July 29, 1912.*

Hon. W. R. SMITH,
Member of Congress, Washington, D. C.:

Twenty-five hundred Mormon women and children driven from Mexico to be here within 24 hours; 700 here now; too many for local authorities to care. Col. Steever says resolution of Congress necessary before he can furnish tents and temporary rations. Please have resolution passed at once. Have wired this to Senator FALL.

C. E. KELLY, *Mayor.*
ALBERT S. J. EYLAR, *County Judge.*

Mr. MANN. May I ask the gentleman whether he has consulted with the chairman of the Committee on Appropriations, the chairman of the Committee on Military Affairs, or the minority leader in reference to this matter?

Mr. SMITH of Texas. Mr. Speaker, I have spoken to the chairman of the Committee on Appropriations, but I have not had an opportunity to speak to the others.

Mr. MANN. If the gentleman wants to consider a matter of this nature by unanimous consent, without consulting somebody on this side of the House in advance, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. HAY. Mr. Speaker, I ask that the resolution be referred to the Committee on Military Affairs.

The SPEAKER. The resolution will be referred to the Committee on Military Affairs.

THE BEEF TRUST.

Mr. KINKEAD of New Jersey. Mr. Speaker, on the 16th day of the present month I addressed the House on the subject of the Beef Trust, and on Wednesday, July 24, the following editorial appeared in what is known as the Butchers' Advocate——

The SPEAKER. The gentleman from New Jersey will first have to get consent to make an address.

Mr. KINKEAD of New Jersey. Mr. Speaker, I ask unanimous consent to address the House.

Mr. MANN. But, Mr. Speaker, we have already lost most of unanimous-consent day, and I hope the gentleman will come in with his request to-morrow.

The SPEAKER. Does the gentleman from Illinois object?

Mr. MANN. If the gentleman from New Jersey insists upon making his request and thus interrupting unanimous-consent day, which I hope he will not do, I fear I shall have to object.

Mr. KINKEAD of New Jersey. I do not want a great deal of time and I hope my friend will not object.

Mr. MANN. The gentleman knows that he will be taking the time that should be devoted to some gentleman getting a bill passed which may be of great interest to his constituents.

Mr. KINKEAD of New Jersey. Mr. Speaker, in deference to the explanation and the desires of the gentleman from Illinois, I ask unanimous consent that to-morrow, immediately after the reading of the Journal, I be permitted to address the House for one hour.

Mr. ALEXANDER. Mr. Speaker, to that I shall object.

The SPEAKER. The Chair will state that there is already one special order to be taken up immediately after the reading of the Journal.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from New Jersey that when the gentleman from Alabama [Mr. UNDERWOOD] calls up the tariff bills to-morrow the gentleman can easily get time in which to discuss any proposition that he may desire, and also on Wednesday he can get time.

Mr. KINKEAD of New Jersey. Then I ask unanimous consent that immediately after the reading of the Journal on Wednesday I may be permitted to address the House for one hour on the subject of the Beef Trust.

Mr. BURNETT. Mr. Speaker, I believe that is Calendar Wednesday.

Mr. MANN. I will say to the gentleman from New Jersey that on Calendar Wednesday the House will still be in Committee of the Whole, and if he gets the floor he will be entitled to one hour. I suppose that nobody would object to his address at that time.

Mr. KINKEAD of New Jersey. Mr. Speaker, in view of the conditions that have been outlined by the gentleman from Illinois, I hope he will not press his objection at this time. I will endeavor to conclude in a very short time.

Mr. MANN. Mr. Speaker, I am very anxious to hear what the gentleman has to say, and I know that he can not say in 15 minutes what he ought to say in an hour. I shall therefore object.

The SPEAKER. The gentleman from Illinois objects, and the Clerk will report the next bill on the Calendar for Unanimous Consent.

PATENT TO ENTRYMEN FOR HOMESTEADS UPON RECLAMATION PROJECTS.

Mr. FRENCH. Mr. Speaker, I just want to ask unanimous consent to correct a word in the bill which we passed a little while ago—Senate bill 5545, page 5, line 18.

Mr. ROBINSON. That can be done in conference. The bill has been amended anyhow.

Mr. FRENCH. I think the Senate will probably concur in the House bill, and I want to ask unanimous consent to correct the word "mortgage" so it will read "mortgagee."

Mr. ROBINSON. I shall make no objection.

The SPEAKER. The gentleman asks unanimous consent to make a certain amendment——

Mr. MANN. By adding the letter "e" to the word "mortgage."

The SPEAKER. By changing the word "mortgage" to the word "mortgagee."

Mr. MANN. The gentleman will have to ask unanimous consent to reconsider the vote by which the bill was passed, so as to bring it back to the point where it can be amended.

The SPEAKER. The gentleman from Idaho asks unanimous consent to vacate the proceedings in relation to Senate bill 5545 by which it was ordered to a third reading and passed.

Mr. RAKER. Reserving the right to object, read the sentence to which it applies.

Mr. FRENCH (reading)—

Upon default of payment of any amount so due title to the land shall pass to the United States free of all encumbrance, subject to the right of the defaulting debtor or any mortgage, lien holder, judgment debtor, or subsequent purchaser to redeem the land within one year after the notice of such default shall have been given by payment of all moneys due, with eight per centum interest and cost.

Mr. MANN. It should be mortgagee.

Mr. RAKER. There is no doubt of it.

The SPEAKER. Is there objection to vacating the proceedings on this bill? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 18, change the word "mortgage" to the word "mortgagee."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. FRENCH. The title probably should be corrected to conform to what was done before.

The SPEAKER. Does the gentleman know whether there is anything that requires the title to be changed?

Mr. FRENCH. I do not know, but I simply want to follow the formula adopted before.

The SPEAKER. Without objection, the title will be amended to conform to the text.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF BURNT TIMBER ON THE PUBLIC DOMAIN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24266) to authorize the sale of burnt timber on the public domain.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, under such rules as he may prescribe, to sell and dispose of to the highest bidder at public auction, or through sealed bids, the timber on any lands of the United States, including those embraced in unperfected claims under any of the public-land laws, also upon the ceded Indian lands, that may have been killed or seriously and permanently damaged by forest fires prior to the passage of this act, the proceeds of all such sales to be covered into the Treasury of the United States: *Provided*, That the damaged timber upon any lands embraced in an existing claim shall be disposed of only upon the application or with the written consent of such claimant, and the money received from the sale of damaged timber on any such lands shall be kept in a special fund to await the final determination of such claim.

SEC. 2. That upon the certification of the Secretary of the Interior that any such claim has been finally approved and patented the Secretary of the Treasury is hereby authorized and directed to pay to such claimant, his heirs or legal representatives, the money received from the sale of the damaged timber upon his land, after deducting therefrom the expenses of the sale; and upon the certification of the Secretary of the Interior that any such claim has been finally rejected and canceled the Secretary of the Treasury is hereby authorized and directed to transfer the money derived from the sale of the damaged timber upon the lands embraced in such claim to the general fund in the Treasury derived from the sale of public or ceded Indian lands, as the case may be.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I desire to ask a question in regard to this bill. I would like for the chairman of the Committee on the Public Lands to state if we did not pass a bill early in the present session of this Congress providing for this very purpose?

Mr. ROBINSON. Mr. Chairman, a bill was passed early in the present session, which bill was prepared by representatives of the Department of the Interior and of the Department of Agriculture. That bill was vetoed by the President on the ground that it contained features which would make difficult, if not impracticable, the administration, so far as the proceeds from burnt timber on lands belonging to claimants were concerned. This bill was drawn to meet that objection and relieve it from inconvenience in administration. The present bill provides, where sales are made of burnt or destroyed timber on lands under existing claims, the proceeds shall be held in a special fund until the claim has been determined. If it is determined in favor of the claimant, the proceeds of the sale shall be paid to him, and if it is against him it shall be covered into the Treasury. Now, there is a provision in the bill that no sale shall be made of burnt timber on lands upon which there are existing claims, except upon application of the claimants or after they have consented, which, I think, will meet an objection that has been suggested by the gentleman from Colorado [Mr. RUCKER]. This bill was drafted in the Interior Department to meet the objections which were asserted in the veto message to the other form of the bill.

Mr. MANN. The objection that existed against the other bill would exist against this bill.

Mr. ROBINSON. No; I think not.

Mr. MANN. It is the difference between tweedledum and tweedledee.

Mr. BURKE of South Dakota. The bill, as I understand, reported by the committee with amendment has the approval of the department.

Mr. ROBINSON. It has the approval of the department and was drafted there. And if the gentleman from Illinois will permit me, it not only has the approval of the department, but it was drafted by the department to meet the objection which the department suggested to the President and which caused him to veto the bill. The veto was unquestionably made upon the recommendation of the Secretary of the Interior.

Mr. MANN. And without sufficient information.

Mr. ROBINSON. I think so. I will say frankly I think the veto was unfounded, and I do not think there will be any grave objection made to this bill. I was addressing my remarks to the fact that this bill would relieve from the difficulty that it was claimed would arise under the former bill. Now, under the former bill it was provided after much consideration that such portion of the proceeds of burnt timber from lands upon which there existed claims should be paid over to the claimant as he had earned by residence, and the Interior Department took the view that that was impracticable of operation for this reason, that sometimes a claimant might never perfect his claim by residence, and therefore never become entitled to the proceeds, and in that way he might receive the proceeds of the timber when he should not do so.

Mr. MANN. That was sufficiently guarded in the other bill.

Mr. ROBINSON. I thought so, to be frank with the gentleman.

Mr. BURKE of South Dakota. As a matter of fact, unless you have this legislation the timber that will be sold under the terms of the bill, if it becomes a law, will be lost and——

Mr. ROBINSON. Entirely, and it amounts to a considerable sum.

Mr. MANN. May I ask the gentleman what is covered by the term "ceded Indian lands"?

Mr. ROBINSON. That consists of lands which the Indians have ceded to the United States and which the United States holds in trust for the Indians. The amendment was adopted at my suggestion.

Mr. MANN. I am not speaking about the amendment. I am speaking about the sale of timber upon the ceded Indian lands. What does that cover?

Mr. ROBINSON. There are a number of tracts of land in various Western States which are called "ceded Indian lands." They are now held by the Government in trust for the Indians, and the committee took the view of it that the proceeds of those lands should not be covered into the General Treasury but should be held and disposed of as the act under which the cession was made should require.

Mr. BURKE of South Dakota. In other words, they were authorized to be disposed of in Indian reservations instead of being regarded as public domain, and designated as "ceded Indian lands"?

Mr. ROBINSON. And they are held in trust by the Government for the Indian. It is, therefore, fair that the proceeds of this timber as well as the proceeds of the land go to the Indians. The committee took that view of it, and the Secretary of the Interior approved the same.

Mr. STEPHENS of Texas. Is it not also a fact that in providing for the disposition of the dead and down and injured timber the Indians have the right under the direction of the Secretary of the Interior to do any work that may be necessary to be done toward the marketing of this timber, and sawing it, and putting it into lumber, and so forth?

Mr. ROBINSON. I think so.

Mr. STEPHENS of Texas. The question is, Would the Indian's right to do this work for the purpose of giving him employment be respected by the department if your bill passed?

Mr. ROBINSON. Under the law as it now exists there is no authority for the sale of this timber on these lands, and I think under the statute the Secretary of the Interior would have authority to prescribe rules and regulations concerning the manner of disposal.

Mr. STEPHENS of Texas. I simply wish to call your attention to the fact that the Indians have priority in the work to be done on reservations.

Mr. ROBINSON. The Secretary of the Interior would doubtless recognize that. I call for a vote.

The SPEAKER. It there objection?

Mr. RUCKER of Colorado. I would like to have the gentleman explain this language on page 2:

That the damaged timber upon any lands embraced in an existing claim shall be disposed of only upon the application or with the written consent of such claimant, and the money received from the sale of damaged timber on any such lands shall be kept in a special fund to await the final determination of such claim.

Now, do I understand from the gentleman that there shall be no sale of the dead timber upon the lands without written consent, or does this language mean there shall be no disposition of the money until the claim is disposed of?

Mr. ROBINSON. This language means exactly what I understand it to say, and that is, that there shall be no sale by the Interior Department of fire-killed or seriously or permanently damaged timber—timber which has been damaged by fire—without the consent of the claimant; that is to say, if you claim, under any of the public-land laws of the United States, 160 acres of land where timber has been injured by fire, and I represent the Interior Department, I can not sell that damaged timber unless you consent to it in writing; and after it has been sold, the proceeds do not go to you for the time being, nor does it go to the Government, but it is held in a special fund to await the determination of your claim. If your claim is adjudicated in your favor, and you are given title to the land by the Government, you get the proceeds of this burned timber, and if you do not, you do not get it.

Mr. RUCKER of Colorado. The gentleman uses the term "160 acres." We have another unit in our country, of 10½ acres—a mining claim. Do you include mining claims or not?

Mr. ROBINSON. It says in all of the public land of the United States. It does not contemplate sales where the area is small and the damaged timber is not appreciable. It is only intended to apply to those large areas where the damage is great and whole communities have been affected.

Mr. RUCKER of Colorado. You certainly are not evading my question?

Mr. ROBINSON. I did not intend to do so.

Mr. RUCKER of Colorado. We have another unit—that is, a mining claim of 10½ acres. But the gentleman goes off and refers to a large area of 160 acres.

Mr. ROBINSON. No; I did not go off.

Mr. RUCKER of Colorado. Does this cover a mining claim of 10½ acres?

Mr. ROBINSON. It covers, according to my construction of it, any claim upon the public domain.

Mr. RUCKER of Colorado. That is all I desire.

Mr. TALCOTT of New York. Does the chairman think this bill will relate to lands in the forest reserves?

Mr. ROBINSON. It is intended to relate to all public lands.

Mr. SHARP. How long ago were these lands burned over?

Mr. ROBINSON. Last fall.

Mr. SHARP. What kind of timber is it—hard or soft?

Mr. ROBINSON. The hearings before the committee disclosed the fact that there is a necessity for prompt legislation. Otherwise worms or weevils will eat into the timber and ruin it and render it practically valueless within a year or two. The character of the timber varies with the locality.

Mr. SHARP. I asked the question because if it is soft wood, pine and hemlock, it would last a good many years. If hardwood, the decay would be very rapid.

Mr. ROBINSON. We went into that very fully with a view of considering it in reference to this legislation, and the Secretary of the Interior and the representative of the Bureau of Forestry, Mr. Potter, in the extended hearings before the committee concerning the matter, said it was desirable that prompt action should be taken, because the deterioration will start in, on a part of the timber, at least, within a short time.

Mr. MANN. Did I understand the gentleman to say that under this bill the Secretary of the Interior would have the right to sell the burned timber on the forest reserves?

Mr. ROBINSON. No. He merely asked that sales be made of the burned timber in the forest reserves. That would be done by the Secretary of Agriculture.

Mr. MANN. It does not apply to the burned timber on the forest reserves?

Mr. ROBINSON. No. The Secretary of Agriculture attends to that.

Mr. RUCKER of Colorado. He already has that authority.

Mr. ROBINSON. It is not contemplated that he should be interfered with as to forest-reserve timber.

Mr. PRAY. Mr. Speaker, I would like to ask the gentleman from Arkansas a question.

The SPEAKER. Does the gentleman from Arkansas yield to the gentleman from Montana?

Mr. ROBINSON. I yield to the gentleman from Montana.

Mr. PRAY. I would like to ask the gentleman if the principal purpose of the bill that we passed last December was not to afford the entrymen on these lands some immediate relief on account of the losses which they had sustained during the great fires that swept over Idaho, Minnesota, Montana, and other sections of the West during the fall of 1910, and if section 3 of the bill that we passed in December last did not adequately provide for that relief, in that it enabled the entrymen, if they had resided on the land and complied with the law, to receive an amount of money from the fund derived from the sale of the timber on their claims commensurate with length of residence? Now, under this bill the entryman is obliged to perfect title to his claim, and the Secretary of the Interior must certify to the Secretary of the Treasury that the title has been earned and a patent issued before he can receive any money at all. This is the difference, is it not?

Mr. ROBINSON. That is the difference. Still I can not concede all of the premises that the gentleman has laid down. It was not the primary purpose of the bill, in my judgment, to favor the settler or claimant. The primary purpose was to prevent waste of timber. It must be clear to all gentlemen that unless some one has the power to sell this burned timber, and unless it is sold within a reasonable time and before it deteriorates, there will be a great waste. I think the total amount burned and damaged was probably 5,000,000,000 feet. The proper purpose of the bill was to prevent waste that would inevitably have occurred otherwise.

Now, we did think it imperative that the settler should receive his share of the proceeds as the sales were made, and I think the bill was adequately safeguarded in that respect. But the President—and I will suggest to the gentleman from Montana that the President is just as much his President as he is mine—took a different view of the matter and vetoed the bill, probably at the suggestion of the Secretary of the Interior, who said that it was difficult, if not impossible, to disburse the funds under the terms of the bill, for the reason that the settler who might be on the land for a part of the time required might never complete his title, and then he would have received funds from land to which he had not perfected his claim. So I think it would be best to let the proceeds be held in a special fund.

Mr. PRAY. The former bill was vetoed on request of the Secretary of the Interior, and in my judgment was a much better bill than this one, although I am not opposed to this one. The former bill, however, was introduced as the result of memorials from State legislatures in the interest of entrymen who lost their property in the forest fires, was it not?

Mr. ROBINSON. Yes. Mr. Speaker, I call for a vote.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TALCOTT of New York. Mr. Speaker, I understand the gentleman from Arkansas to say that this does not authorize the sale of timber in forest reserves?

Mr. ROBINSON. Under the existing law the Secretary of Agriculture has been and is disposing of the burnt timber in the forest reserves. This does not take away from him the power to sell that timber.

Mr. TALCOTT of New York. This does not authorize the sale of timber in forest reserves?

Mr. MANN. Not forest-reserve timber.

Mr. ROBINSON. No.

The SPEAKER. This bill is on the Union Calendar.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Arkansas [Mr. ROBINSON] asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, strike out, in lines 19 and 20, the words "from the sale of public or ceded Indian lands, as the case may be," and insert in lieu thereof the following: "from the sale of public lands, unless by legislation the lands from which the timber had been removed had been theretofore appropriated to the benefit of an Indian tribe or otherwise, in which event the net proceeds derived from the sale of the timber shall be transferred to the fund of such tribe or otherwise credited or distributed as by law provided."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the House bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

THE SUGAR TARIFF.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill revising the sugar schedule for the purpose of disagreeing to the Senate amendments.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to take from the Speaker's table the sugar bill, H. R. 21213, disagree to the Senate amendments, and ask for a conference.

Mr. UNDERWOOD. I do not ask for a conference.

Mr. PAYNE. I suggest to the gentleman from Alabama that by unanimous consent we consider a motion to concur in the Senate amendments as pending and let it go over until to-morrow morning and have a vote on it when the gentleman calls up the other tariff bill.

Mr. UNDERWOOD. I will say to the gentleman that that is agreeable; and that if unanimous consent is given to take the bill from the Speaker's table for the purpose of voting on the Senate amendments, I will allow the gentleman from New York to make the motion to concur and then will move to adjourn, with the motion pending, if that is satisfactory.

Mr. PAYNE. Very well.

Mr. MANN. Is the gentleman going to move to adjourn right away?

Mr. UNDERWOOD. Yes. I want to ask unanimous consent to adjourn until 11 o'clock in the morning.

The SPEAKER. What is the agreement?

Mr. UNDERWOOD. Mr. Speaker, the agreement is——

Mr. MANN. You only ask unanimous consent to take the bill from the Speaker's table and to consider it in the House as in Committee of the Whole?

Mr. UNDERWOOD. That is all. I desire, Mr. Speaker, to ask unanimous consent to take the sugar bill from the Speaker's table and consider it in the House as in Committee of the Whole, and will state that if that agreement is ratified I shall not call it up for consideration until to-morrow morning, when I will give the gentleman from New York [Mr. PAYNE] an opportunity to move to concur.

Mr. PAYNE. That is satisfactory, Mr. Speaker.

The SPEAKER. The gentleman from Alabama asks unanimous consent to take from the Speaker's table the sugar bill and to consider the Senate amendments in the House as in Committee of the Whole. Then there is a supplementary agreement, with which the Chair has nothing to do, that the gentleman from New York shall have an opportunity to move to concur.

Mr. PAYNE. I want to reserve that right.

Mr. MANN. The gentleman has the right to make that motion.

The SPEAKER. He has the right, under the agreement, to make a motion to concur. The Chair will suggest to the gentleman from Alabama that there is a special order for to-morrow.

Mr. STEPHENS of Texas. Mr. Speaker, I do not wish the special order to interfere with this bill, but I do desire to have an opportunity to consider it.

Mr. MANN. This would not interfere with that.

Mr. UNDERWOOD. I was going to suggest, to the gentleman from Texas that I desire, if this is granted, to ask unanimous consent that the House meet at 11 o'clock in the morning, and hope to have these matters out of the way in time not to interfere with the special order.

Mr. BURKE of South Dakota. Mr. Speaker, the request for unanimous consent made by the gentleman does not interfere with the special order.

The SPEAKER. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

Mr. MANN. Reserving the right to object, which I shall not do, I suggest to the gentleman that 11 o'clock to-morrow will probably be too early to call up the tariff bill. I think meanwhile, after we meet, we can dispose of the Indian bill, so that by the time gentlemen are here the tariff bill can be taken up.

Mr. UNDERWOOD. If I have an assurance from the gentleman from Texas that he thinks he can dispose of the Indian bill in an hour, or about that time, I have no objection.

Mr. MANN. This bill has the right of way under the rule, anyhow.

Mr. STEPHENS of Texas. I think we can readily dispose of it in an hour.

Mr. RUCKER of Colorado. There is a matter of mine on which I wish to move to nonconcur. I think I ought to have an hour. I have never asked an hour before in this House. I want an hour in which to present that case.

Mr. MANN. I think the gentleman is entitled to it.

Mr. UNDERWOOD. Mr. Speaker, we can arrange that matter in the morning.

Mr. STEPHENS of Texas. We can arrange that to-morrow I think.

Mr. UNDERWOOD. Does the gentleman from New York [Mr. PAYNE] desire to say anything?

Mr. PAYNE. I am anxious that we shall not vote on the tariff bill before 12 o'clock. I have no objection to meeting at 11 o'clock, but I do not want to have the vote taken before people will naturally come in.

Mr. UNDERWOOD. Mr. Speaker, if I have assurances that the Indian bill is not going to occupy the day, so that we can get these tariff bills in conference, I shall have no objection.

Mr. MANN. Oh, the Indian bill will not take very long.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 100. Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming.

SOCIALIST PLATFORM.

Mr. BERGER. Mr. Speaker, I ask unanimous consent to print in the RECORD a statement of the principles of the Socialist Party as contained in the platform adopted at the Socialist national convention, May 12–13, 1912.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to print in the RECORD a statement of the principles of the Socialist Party.

Mr. MANN. How long is it?

Mr. BERGER. Not long.

The SPEAKER. Is there objection?

There was no objection.

The document referred to is as follows:

SOCIALIST PLATFORM ADOPTED AT THE NATIONAL SOCIALIST CONVENTION, MAY 12–13, 1912.

The Socialist Party of the United States declare that the capitalist system has outgrown its historical function, and has become utterly incapable of meeting the problems now confronting society. We denounce this outgrown system as incompetent and corrupt and the source of unspeakable misery and suffering to the whole working class.

Under this system the industrial equipment of the Nation has passed into the absolute control of a plutocracy which exacts an annual tribute of billions of dollars from the producers. Unafraid of any organized resistance, it stretches out its greedy hands over the still undeveloped resources of the Nation—the land, the mines, the forests, and the water powers of every State in the Union.

In spite of the multiplication of labor-saving machines and improved methods in industry which cheapen the cost of production, the share of the producers grows ever less, and the prices of all the necessities of life steadily increase. The boasted prosperity of this Nation is for the owning class alone. To the rest it means only greater hardship and misery. The high cost of living is felt in every home. Millions of wage workers have seen the purchasing power of their wages decrease until life has become a desperate battle for mere existence.

Multitudes of unemployed walk the streets of our cities or trudge from State to State awaiting the will of the masters to move the wheels of industry.

The farmers in every State are plundered by the increasing price exacted for tools and machinery and by extortionate rents, freight rates, and storage charges.

Capitalist concentration is mercilessly crushing the class of small business men and driving its members into the ranks of propertyless wage workers. The overwhelming majority of the people of America are being forced under a yoke of bondage by this soulless industrial despotism.

It is this capitalist system that is responsible for the increasing burden of armaments, the poverty, slums, child labor, most of the insanity, crime, and prostitution, and much of the disease that afflicts mankind.

Under this system the working class is exposed to poisonous conditions, to frightful and needless perils to life and limb, is walled around with court decisions, injunctions, and unjust laws, and is preyed upon incessantly for the benefit of the controlling oligarchy of wealth. Under it also the children of the working class are doomed to ignorance, drudging toil, and darkened lives.

In the face of these evils, so manifest that all thoughtful observers are appalled at them, the legislative representatives of the Republican and Democratic Parties remain the faithful servants of the oppressors. Measures designed to secure to the wage earners of this Nation as humane and just treatment as is already enjoyed by the wage earners of all other civilized nations have been smothered in committee without debate, and laws ostensibly designed to bring relief to the farmers and

general consumers are juggled and transformed into instruments for the exaction of further tribute.

The growing unrest under oppression has driven these two old parties to the enactment of a variety of regulative measures, none of which has limited in any appreciable degree the power of the plutocracy, and some of which have been perverted into means for increasing that power. Antitrust laws, railroad restrictions and regulations, with the prosecutions, indictments, and investigations based upon such legislation, have proved to be utterly futile and ridiculous.

Nor has this plutocracy been seriously restrained or even threatened by any Republican or Democratic Executive. It has continued to grow in power and insolence alike under the administrations of Cleveland, McKinley, Roosevelt, and Taft.

In addition to this legislative juggling and this executive connivance, the courts of America have sanctioned and strengthened the hold of this plutocracy as the Dred Scott and other decisions strengthened the slave power before the Civil War. They have constantly been used as instruments for the oppression of the working class and for the suppression of free speech and free assemblage.

We declare, therefore, that the longer sufferance of these conditions is impossible, and we purpose to end them all. We declare them to be the product of the present system in which industry is carried on for private greed instead of for the welfare of society. We declare, furthermore, that for these evils there will be and can be no remedy and no substantial relief except through Socialism, under which industry will be carried on for the common good and every worker receive the full social value of the wealth he creates.

Society is divided into warring groups and classes, based upon material interests. Fundamentally this struggle is a conflict between the two main classes, one of which, the capitalist class, owns the means of production, and the other, the working class, must use these means of production on terms dictated by the owners.

The capitalist class, though few in numbers, absolutely controls the Government—legislative, executive, and judicial. This class owns the machinery of gathering and disseminating news through its organized press. It subsidizes seats of learning—the colleges and schools—and even religious and moral agencies. It has also the added prestige which established customs gives to any order of society, right or wrong.

The working class, which includes all those who are forced to work for a living, whether by hand or brain, in shop, mine, or on the soil, vastly outnumbers the capitalist class. Lacking effective organization and class solidarity, this class is unable to enforce its will. Given such class solidarity and effective organization, the workers will have the power to make all laws and control all industry in their own interest.

All political parties are the expression of economic class interests. All other parties than the Socialist Party represent one or another group of the ruling capitalist class. Their political conflicts reflect merely superficial rivalries between competing capitalist groups. However they result, these conflicts have no issue of real value to the workers. Whether the Democrats or Republicans win politically, it is the capitalist class that is victorious economically.

The Socialist Party is the political expression of the economic interests of the workers. Its defeats have been their defeats and its victories their victories. It is a party founded on the science and laws of social development. It proposes that, since all social necessities to-day are socially produced, the means of their production and distribution shall be socially owned and democratically controlled.

In the face of the economic and political aggressions of the capitalist class the only reliance left the workers is that of their economic organizations and their political power. By the intelligent and class-conscious use of these, they may resist successfully the capitalist class, break the fetters of wage slavery, and fit themselves for the future society which is to displace the capitalist system. The Socialist Party appreciates the full significance of class organization and urges the wage earners, the working farmers, and all other useful workers everywhere to organize for economic and political action, and we pledge ourselves to support the toilers of the fields as well as those in the shops, factories, and mines of the Nation in their struggle for economic justice.

In the defeat or victory of the working class party in this new struggle for freedom lies the defeat or triumph of the common people of all economic groups, as well as the failure or the triumph of popular government. Thus the Socialist Party is the party of the present-day revolution, which marks the transition from economic individualism to Socialism, from wage slavery to free cooperation, from capitalist oligarchy to industrial democracy.

WORKING PROGRAM.

As measures calculated to strengthen the working class in its fight for the realization of its ultimate aim, the cooperative Commonwealth, and to increase its power of resistance against capitalist oppression, we advocate and pledge ourselves and our elected officers to the following program:

COLLECTIVE OWNERSHIP.

1. The collective ownership and democratic management of railroads, wire and wireless telegraphs and telephones, express services, steamboat lines, and all other social means of transportation and communication and of all large-scale industries.

2. The immediate acquirement by the municipalties, the States, or the Federal Government of all grain elevators, stockyards, storage warehouses, and other distributing agencies, in order to reduce the present extortionate cost of living.

3. The extension of the public domain to include mines, quarries, oil wells, forests, and water power.

4. The further conservation and development of natural resources for the use and benefit of all the people:

(a) By scientific forestation and timber protection.

(b) By the reclamation of arid and swamp tracts.

(c) By the storage of flood waters and the utilization of water power.

(d) By the stoppage of the present extravagant waste of the soil and of the products of mines and oil wells.

(e) By the development of highway and waterway systems.

5. The collective ownership of land wherever practicable, and in cases where such ownership is impracticable, the appropriation by taxation of the annual rental value of all land held for speculation or exploitation.

6. The collective ownership and democratic management of the banking and currency system.

7. The abolition of the monopoly ownership of patents and the substitution of collective ownership, with direct rewards to inventors by premiums or royalties.

UNEMPLOYMENT.

The immediate Government relief of the unemployed by the extension of all useful public works. All persons employed on such works to be engaged directly by the Government under a workday of not more than eight hours and at not less than the prevailing union wages. The Government also to establish employment bureaus, to lend money to States and municipalities without interest for the purpose of carrying on public works, and to take such other measures within its power as will lessen the widespread misery of the workers caused by the misrule of the capitalist class.

INDUSTRIAL DEMANDS.

The conservation of human resources, particularly of the lives and well-being of the workers and their families:

1. By shortening the workday in keeping with the increased productiveness of machinery.

2. By securing to every worker a rest period of not less than a day and a half in each week.

3. By securing a more effective inspection of workshops, factories, and mines.

4. By forbidding the employment of children under 16 years of age.

5. By abolishing the brutal exploitation of convicts under the contract system and substituting the cooperative organization of industries in penitentiaries and workshops, for the benefit of convicts and their dependents.

6. By forbidding the interstate transportation of the products of child labor, of convict labor, and of all uninspected factories and mines.

7. By abolishing the profit system in Government work, and substituting either the direct hire of labor or the awarding of contracts to cooperative groups of workers.

8. By establishing minimum wage scales.

9. By abolishing official charity and substituting a noncontributory system of old-age pensions, a general system of insurance by the State of all its members against unemployment, illness, and invalidism, and a system of compulsory insurance by employers of their workers, without cost to the latter, against industrial diseases, accidents, and death.

POLITICAL DEMANDS.

1. The absolute freedom of press, speech, and assemblage.

2. The adoption of a graduated income tax, the increase of the rates of the present corporation tax, and the extension of inheritance taxes, graduated in proportion to the value of the estate and to nearness of kin—the proceeds of these taxes to be employed in the socialization of industry.

3. Unrestricted and equal suffrage for men and women.

4. The adoption of the initiative, referendum, and recall and of proportional representation, nationally as well as locally.

5. The abolition of the Senate and of the veto power of the President.

6. The election of the President and the Vice President by direct vote of the people.

7. The abolition of the power usurped by the Supreme Court of the United States to pass upon the constitutionality of the legislation enacted by the Congress. National laws to be repealed only by act of Congress or by a referendum vote of the whole people.

8. The abolition of the present restrictions upon the amendment of the Constitution, so that that instrument may be made amendable by a majority of the voters in a majority of the States.

9. The granting of the right of suffrage in the District of Columbia with representation in Congress and a democratic form of municipal government for purely local affairs.

10. The extension of democratic government to all United States territory.

11. The enactment of further measures for general education and particularly for vocational education in useful pursuits. The Bureau of Education to be made a department.

12. The enactment of further measures for the conservation of health. The creation of an independent bureau of health, with such restrictions as will secure the full liberty of all schools of practice.

13. The separation of the present Bureau of Labor from the Department of Commerce and Labor and its elevation to the rank of a department.

14. Abolition of all Federal district courts and the United States circuit courts of appeals. State courts to have jurisdiction in all cases arising between citizens of the several States and foreign corporations. The election of all judges for short terms.

15. The immediate curbing of the power of the courts to issue injunctions.

16. The free administration of justice.

17. The calling of a convention for the revision of the Constitution of the United States.

Such measures of relief as we may be able to force from capitalism are but a preparation of the workers to seize the whole powers of Government, in order that they may thereby lay hold of the whole system of socialized industry and thus come to their rightful inheritance.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Tuesday, July 30, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HARRISON of New York, from the Committee on Ways and Means, to which was referred the bill (H. R. 25806) to provide for the entry under bond of exhibits of arts, sciences, and industries, reported the same without amendment, accompanied by a report (No. 1091), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENT, from the Committee on the Public Lands, to which was referred the bill (H. R. 11478) to quiet title and possession with respect to a certain unconfirmed and located private-land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict, reported the same with amendment, accompanied by a report

(No. 1094), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNSEND, from the Committee on the Library, to which was referred the bill (H. R. 22594) permitting the State of Pennsylvania to place a bronze tablet in the corridor of the National Capitol at Washington to the memory of the 350 Pennsylvania soldiers who reached Washington on the 18th day of April, 1861, for the defense of the National Capital, reported the same with amendment, accompanied by a report (No. 1111), which said bill and report were referred to the House Calendar.

Mr. PICKETT, from the Committee on the Library, to which was referred the concurrent resolution (H. Con. Res. 58) authorizing Herman Walthauser to make a cast of the head of the statue of John Hancock, now located in Senate wing of the Capitol, reported the same without amendment, accompanied by a report (No. 1112), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAGUIRE of Nebraska, from the Committee on Claims, to which was referred the bill H. R. 4496, reported in lieu thereof a resolution (H. Res. 651) referring to the Court of Claims the papers in the case of Engene J. O'Connor and J. B. Schweers, accompanied by a report (No. 1095), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 24137) to refund to the National Cartage & Warehouse Co., of New York City, excess duties, reported the same with amendment, accompanied by a report (No. 1096), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 264) for the relief of Hans Peter Guttormsen, reported the same with amendment, accompanied by a report (No. 1097), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 21324) providing for the refund of certain duties incorrectly collected on a certain horse, reported the same without amendment, accompanied by a report (No. 1098), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16449) to reimburse certain employees of the Washington Navy Yard for loss of mechanics' tools by fire, reported the same with amendment, accompanied by a report (No. 1099), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 2628) for the relief of Libbie Arnold, reported the same without amendment, accompanied by a report (No. 1100), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 104) for the relief of Carl Krueger, reported the same with amendment, accompanied by a report (No. 1101), which said bill and report were referred to the Private Calendar.

Mr. FOWLER, from the Committee on Claims, to which was referred the bill (H. R. 25264) for the relief of W. A. Kelly, reported the same without amendment, accompanied by a report (No. 1102), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 14770) for the relief of Martin A. L. Olsen, reported the same without amendment, accompanied by a report (No. 1103), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9125) for the relief of George Hallman, reported the same with amendment, accompanied by a report (No. 1104), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 998) for the relief of Henry G. Roetzel and Paul Chipman, reported the same with amendment, accompanied by a report (No. 1105), which said bill and report were referred to the Private Calendar.

Mr. WOODS of Iowa, from the Committee on Claims, to which was referred the bill (H. R. 6722) for the relief of Stephen Campbell and Isaac Overdorf, reported the same with amendment, accompanied by a report (No. 1106), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16127) for the relief of William Kaiser, reported the same with amendment, accompanied by a report (No. 1107), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 67) for the relief of Capt. Joseph Herring, United States Army, retired, reported the same without amendment, accompanied by a report (No. 1108), which said bill and report were referred to the Private Calendar.

Mr. GREEN of Iowa, from the Committee on Claims, to which was referred the bill (S. 6408) for the relief of Margaret McQuade, reported the same without amendment, accompanied by a report (No. 1109), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (S. 2733) for the relief of the estate of Almon P. Frederick, reported the same without amendment, accompanied by a report (No. 1110), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 25447) for the relief of William J. Beard, and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McKINLEY: A bill (H. R. 26021) for the purchase of a site and the erection of a public building thereon at Charleston, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. SPARKMAN: A bill (H. R. 26022) to increase the limit of cost for the post-office building heretofore authorized at St. Petersburg, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. MARTIN of Colorado: A bill (H. R. 26023) to amend section 2 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Pennsylvania: A bill (H. R. 26024) to prohibit corporal punishment in the public schools of the District of Columbia; to the Committee on the District of Columbia.

By Mr. BUCHANAN: A bill (H. R. 26025) to place the secretary or clerk of a deceased Member of Congress on the roll of the House of Representatives until the vacancy has been filled; to the Committee on Accounts.

By Mr. SULLOWAY: Resolution (H. Res. 648) relating to violations of the police regulations controlling the operation of chicken, pigeon, or squab farms, or aviaries in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McCALL: Resolution (H. Res. 649) of inquiry concerning the existence of slavery in Peru; to the Committee on Foreign Affairs.

By Mr. ANDERSON of Minnesota: Resolution (H. Res. 650) asking the Secretary of Agriculture for information relative to the definition of "beer," and the labeling, branding, or misbranding thereof, and for copies of papers relating thereto; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 26026) for the relief of William Pool; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 26027) granting an increase of pension to John Wesley Etiner; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 26028) for the relief of the heirs of Frank J. Roth; to the Committee on War Claims.

By Mr. BROWN: A bill (H. R. 26029) granting an increase of pension to Erasmus Ashby; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 26030) for the relief of William Martin; to the Committee on Military Affairs.

Also, a bill (H. R. 26031) for the relief of Henry Marxmiller, alias Henry Miller; to the Committee on Military Affairs.

Also, a bill (H. R. 26032) granting a pension to John Ryan; to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 26033) granting a patent to Mrs. J. W. Arms to certain lands; to the Committee on the Public Lands.

By Mr. CURLEY: A bill (H. R. 26034) for the relief of Joseph Manning; to the Committee on Claims.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 26035) granting a pension to Alice A. Noble; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 26036) granting a pension to George M. Anderson; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 26037) granting an increase of pension to Joseph Bush; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 26038) granting an increase of pension to Charles F. Heichtel; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 26039) granting a pension to Alice C. Kies; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 26040) for the relief of Charles G. Rouse; to the Committee on War Claims.

Also, a bill (H. R. 26041) granting a pension to Lydia A. Hibbard; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 26042) granting a pension to Leslie S. Livermore; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Washington Camp, No. 131, Patriotic Order Sons of America, favoring the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of the Daughters of Liberty of Brooklyn, N. Y., favoring the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Photo Engravers' Union, No. 1, of New York, and of Humphrey's Homeopathic Medicine Co., of New York, protesting against the passage of the Bourne parcel-post bill (S. 6850); to the Committee on the Post Office and Post Roads.

By Mr. CANNON: Petition of St. Hedwig Society, No. 342, Kankakee, Ill., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FLOYD of Arkansas: Papers to accompany House bill 16235, for the relief of Gordon Stamps; to the Committee on Invalid Pensions.

By Mr. McDERMOTT: Petition of the Chicago Allied Printing Trades' Council and the Chicago Printed-Book Binders and Paper Cutters' Union, No. 8, International Brotherhood of Bookbinders, of Chicago, Ill., against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of the Southern California Wholesale Grocers' Association, protesting against the coinage of the one-half cent pieces; to the Committee on Coinage, Weights, and Measures.

SENATE.

TUESDAY, *July 30, 1912.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, as we stand before Thee to acknowledge Thy goodness and to ask Thy guidance we remember before Thee the nation whose people mourn the death of their Emperor. Their sorrow is our sorrow, as their loss is our loss, seeing that none of us liveth to himself and none of us dieth to himself, since we are members one of another. Uphold them, we pray Thee, by Thy gracious mercy, and hasten the time when all the peoples of the earth shall acknowledge Thee to be the Lord. And unto Thee, whose kingdom is an everlasting kingdom and whose dominion endureth throughout all generations, be glory and praise, now and forever more. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 122) providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald.

The message also announced that the House had passed the bill (S. 5545) providing for the issuing of patent to entrymen for homesteads upon reclamation projects with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5145. An act authorizing the city of Hot Springs, Ark., to occupy and construct buildings for the use of the fire department of said city on lot No. 3, block No. 115, in the city of Hot Springs, Ark.;

H. R. 6735. An act to authorize the exchange with the Coconino Cattle Co. of lands within the Coconino National Forest;

H. R. 15509. An act to authorize the construction and maintenance of a sewer pipe upon and across the Fort Rodman Military Reservation, at New Bedford, Mass.;

H. R. 21888. An act providing for the sale of the United States unused post-office site at Perth Amboy, N. J.; and

H. R. 24266. An act to authorize the sale of burnt timber on the public domain.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal mining operations on certain lands in Wyoming, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. FLETCHER presented resolutions adopted by the Board of Trade of St. Augustine, Fla., favoring the enactment of legislation providing that what is known as the powder-house lot, now abandoned for military purposes, be turned over to the city of St. Augustine as a public park and to be used for park purposes only, which were referred to the Committee on Military Affairs.

He also presented a memorial of the board of directors of the American Forestry Association, remonstrating against the adoption of a proposed amendment to the agricultural appropriation bill relative to the selection, classification, and segregation of all lands within the boundaries of national forests that are suitable for agricultural purposes, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted in behalf of the citrus growers of Florida, favoring a continuance of the work of the Department of Agriculture for the benefit of the citrus industry of that State, which were referred to the Committee on Agriculture and Forestry.

Mr. RAYNER presented a memorial of sundry citizens of Maryland, remonstrating against the passage of the so-called Bourne parcel-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the passage of the so-called Owen bill or any similar medical legislation, which was ordered to lie on the table.

MISSISSIPPI RIVER BRIDGE AT SARTELL, MINN.

Mr. NELSON. From the Committee on Commerce I report back favorably with amendments the bill (S. 7209) to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn., and I submit a report (No. 990) thereon. I ask for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, in line 3, to strike out "Sartell Bros. Co." and in lieu thereof to insert "village of Sartell, in the county of Stearns and State of Minnesota"; in the same line, before the word "corporation," to insert "municipal"; in lines 4 and 5, to strike out the words "its successors and assigns, be, and it"; and in line 5, after the word "hereby," to strike out the comma, so as to make the bill read:

Be it enacted, etc., That the village of Sartell, in the county of Stearns and State of Minnesota, a municipal corporation organized under the laws of the State of Minnesota, is hereby authorized to construct, maintain, and operate a wagon and foot bridge and approaches thereto across the Mississippi River, at a point suitable to the interests

of navigation, at the town site of Sartell, Stearns County, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MYERS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Montana suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Martin, Va.	Smoot
Bacon	Fletcher	Martine, N. J.	Sutherland
Bailey	Gallinger	Massey	Swanson
Borah	Gronna	Myers	Thornton
Bourne	Heyburn	Nelson	Townsend
Bristow	Hitchcock	Overman	Warren
Burnham	Johnson, Me.	Page	Watson
Burton	Johnston, Ala.	Perkins	Wetmore
Chamberlain	Jones	Pomerene	Williams
Clapp	Kern	Rayner	Works
Crawford	Lippitt	Sanders	
Culberson	Lodge	Smith, Ga.	
Cullom	McLean	Smith, Mich.	

Mr. THORNTON. I announce the necessary absence of my colleague [Mr. FOSTER]. I ask that this announcement may stand for the day.

Mr. WATSON. My colleague [Mr. CHILTON] is absent on account of illness.

Mr. ASHURST. My colleague [Mr. SMITH of Arizona] is unexpectedly and unavoidably detained from the Chamber on important public business.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. A quorum of the Senate is present. Are there further reports of committees?

ANNA LAGUEE.

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 2637) for the relief of Anna Laguee, reported it with an amendment and submitted a report (No. 991) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 7391) granting a pension to Sarah E. Hood; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 7392) to prescribe the method by which the terms of service shall be computed under the act of May 11, 1912, entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico"; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 7393) granting a pension to Cornelius A. Ahearne (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. HEYBURN submitted an amendment proposing to pay to former employees of the Forest Service and certain other persons named an amount recommended by the Secretary of Agriculture for injuries incurred in and losses resulting from fighting forest fires in 1910, etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to pay E. C. Talbot $750, Addison T. Smith $500, and J. K. White $150 for services rendered the Committee on Privileges and Elections, etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Privileges and Elections and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriations for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to be printed and, with the accompanying papers, ordered to lie on the table.

Mr. SMOOT (for Mr. RICHARDSON) submitted an amendment intended to be proposed to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

LIEUT. EDWARD L. KEYES.

Mr. WILLIAMS submitted the following resolution (S. Res. 370), which was read and referred to the Committee on Military Affairs:

Whereas it is charged that the court-martial by which Lieut. Edward L. Keyes was tried was illegally constituted and was void of jurisdiction; and

Whereas the testimony adduced at this trial was conflicting and insufficient to substantiate the charge; and

Whereas the President of the United States has not the power to convene a board of officers to examine into this case: Therefore be it

Resolved, That the Committee on Military Affairs of the Senate is hereby directed to examine into the trial of said Lieut. Keyes, sending for him to appear before the committee, and to summons such witnesses as it may deem necessary, with a view to authorizing the President to restore said Keyes to the service and place him on the retired list of the Army as a captain of Cavalry.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on July 30, 1912, approved and signed the following acts:

S. 5623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 6340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors; and

S. 6978. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

HOMESTEADS UPON RECLAMATION PROJECTS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5545) providing for the issuing of patent to entrymen for homesteads upon reclamation projects, which were to strike out all after the enacting clause and insert:

That any homestead entryman under the act of June 17, 1902, known as the reclamation act, including entrymen on ceded Indian lands, may, at any time after having complied with the provisions of law applicable to such lands as to residence, reclamation and cultivation, submit proof of such residence, reclamation and cultivation, which proof, if found regular and satisfactory, shall entitle the entryman to a patent, and all purchasers of water-right certificates on reclamation projects shall be entitled to a final water-right certificate upon proof of the cultivation and reclamation of the land to which the certificate applies, to the extent required by the reclamation act for homestead entrymen: *Provided*, That no such patent or certificate shall issue until all sums due the United States on account of such land or water right at the time of issuance of patent or certificate have been paid.

SEC. 2. That every patent and water-right certificate issued under this act shall expressly reserve to the United States a prior lien on the land patented or for which water right is certified, together with all water rights appurtenant or belonging thereto, superior to all other liens, claims or demands whatsoever for the payment of all sums due or to become due to the United States or its successors in control of the irrigation project in connection with such lands and water rights.

Upon default of payment of any amount so due title to the land shall pass to the United States free of all encumbrance, subject to the right of the defaulting debtor or any mortgagee, lien holder, judgment debtor, or subsequent purchaser to redeem the land within one year after the notice of such default shall have been given by payment of all moneys due, with 8 per cent interest and cost. And the United States, at its option, acting through the Secretary of the Interior, may cause land to be sold at any time after such failure to redeem, and from the proceeds of the sale there shall be paid into the reclamation fund all moneys due, with interest as herein provided, and costs. The balance of the proceeds, if any, shall be the property of the defaulting debtor or his assignee: *Provided*, That in case of sale after failure to redeem under this section the United States shall be authorized to bid in such land at not more than the amount in default, including interest and costs.

SEC. 3. That upon full and final payment being made of all amounts due on account of the building and betterment charges to the United States or its successors in control of the project, the United States or its successors, as the case may be, shall issue upon request a certificate certifying that payment of the building and betterment charges in full has been made and that the lien upon the land has been so far satisfied and is no longer of any force or effect except the lien for annual charges for operation and maintenance: *Provided*, That no person shall at any one time or in any manner, except as hereinafter otherwise provided, acquire, own, or hold irrigable land for which entry or water-right application shall have been made under the said reclamation act of June 17, 1902, and acts supplementary thereto and amendatory thereof, before final payment in full of all installments of building and betterment charges shall have been made on account of such land in excess of one farm unit as fixed by the Secretary of the Interior as the limit of area per entry of public land or per single ownership of private land for which a water right may be purchased, respectively, nor in any case in excess of 160 acres, nor shall water be furnished under said acts nor a water right sold or recognized for

such excess; but any such excess land acquired at any time in good faith by descent, by will, or by foreclosure of any lien may be held for two years and no longer after its acquisition; and every excess holding prohibited as aforesaid shall be forfeited to the United States by proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction; and this proviso shall be recited in every patent and water-right certificate issued by the United States under the provisions of this act.

SEC. 4. That the Secretary of the Interior is hereby authorized to designate such bonded fiscal agents or officers of the Reclamation Service as he may deem advisable on each reclamation project, to whom shall be paid all sums due on reclamation entries or water rights, and the officials so designated shall keep a record for the information of the public of the sums paid and the amount due at any time on account of any entry made or water right purchased under the reclamation act; and the Secretary of the Interior shall make provision for furnishing copies of duly authenticated records of entries upon payment of reasonable fees, which copies shall be admissible in evidence, as are copies authenticated under section 888 of the Revised Statutes.

SEC. 5. That jurisdiction of suits by the United States for the enforcement of the provisions of this act is hereby conferred on the United States district courts of the districts in which the lands are situated, and to amend the title so as to read: "An act providing for patents on reclamation entries, and for other purposes."

Mr. BORAH. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 5145. An act authorizing the city of Hot Springs, Ark., to occupy and construct buildings for the use of the fire department of said city on lot No. 3, block No. 115, in the city of Hot Springs, Ark.;

H. R. 6735. An act to authorize the exchange with the Coconino Cattle Co. of lands within the Coconino National Forest; and

H. R. 24266. An act to authorize the sale of burnt timber on the public domain.

H. R. 15509. An act to authorize the construction and maintenance of a sewer pipe upon and across the Fort Rodman Military Reservation at New Bedford, Mass., was read twice by its title and referred to the Committee on Military Affairs.

H. R. 21888. An act providing for the sale of the United States unused post-office site at Perth Amboy, N. J., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

CORBETT TUNNEL, WYO.—VETO MESSAGE.

The PRESIDENT pro tempore. The morning business is closed.

Mr. MYERS. If the President pro tempore will withhold that announcement, I ask that Senate bill 4862, and the President's veto thereof, be laid before the Senate for consideration.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent for the consideration of the bill (S. 4862) for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project, and the veto message of the President. Is there objection? The Chair hears none. The bill is before the Senate, and the question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. LODGE. I ask that the message of the President be read.

The PRESIDENT pro tempore. The message will be read.

The Secretary read the President's message as follows:

To the Senate:

For the reasons stated in the letter of July 12 of the Secretary of the Interior, which accompanies this message, I return without approval Senate bill 4862, entitled "An act for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project."

I do this because I think this legislation is of retroactive character and imposes on certain of the reclamation settlers an additional burden over and above the contract price of the work done, increasing that price by a double payment of part of what was due under the contract from the reclamation fund to the principal contractors. At the time when the work was begun and continued there was no law which relieved the subcontractor or the material man from the necessity of looking after the collection of what the contractor owed him or which imposed on the Government or the reclamation authorities the duty of seeing to it that the money paid under the principal contract was used by the principal contractor to pay his subcontractors or material men. To require that this additional amount should now be included in the assessment upon the lands is by law to increase a contract burden by a change of the character of the liability after it has been assumed and fixed. This is retroactive and is legislation in its nature unjust to the reclamation settlers.

WM. H. TAFT.

THE WHITE HOUSE, *July 18, 1912.*

Mr. SMOOT. I also ask that, in connection with the veto message, the letter dated July 12, 1912, from the Secretary of the Interior be read.

The PRESIDENT pro tempore. Without objection, the letter from the Secretary of the Interior will be read.

The Secretary read the letter, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, July 12, 1912.

MY DEAR MR. PRESIDENT: In reply to that portion of Mr. Hilles's letter of July 8, requesting information whether there is any objection to your approving S. 4862, "An act for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project":

The contractor for the construction of the Corbett Tunnel failed to comply with his contract, whereupon the work was completed by the United States through the Reclamation Service. Suits were begun by the United States on the contract and bond in the district of Montana, and to enforce a lien on the construction equipment in the district of Wyoming. In the latter suit a cross bill was filed by the concern that sold a portion of the equipment to the contractor. A tentative agreement for a settlement has been reached by the representatives of the bondsmen and of this department. The Department of Justice, however, holds that the settlement should be conditional upon the settlement of the Wyoming cross suit at the same time, and my latest advice is that none of the suits have yet been dismissed. The terms of settlement tentatively agreed upon included the payment of $42,000 by the bondsmen to the Government. This is only a fraction of the Government's claim, but is the most that it seems possible to recover.

The pending bill as originally introduced would have directed the Secretary of the Interior to ascertain and pay the laborers and material men's claims outright. As it now reads it gives the laborers and material men priority in recourse to the bondsmen over the claims of the Government. This reverses the existing rule of priority and returns to that prevailing before the act of February 24, 1905 (ch. 778, 33 Stat., 811).

The proponents of the bill cite the act of March 4, 1911 (36 Stat., 1170), as a precedent. That act reversed priorities on the Belle Fourche as is now proposed for the Shoshone project. On the Belle Fourche project the contract was advertised before the rule of priority was changed by the act of 1905, though actually let thereafter. The pending bill would reverse the rule of priority although the contract was advertised several months after the rule of priority was changed by statute.

If the bill becomes a law, it will bring to naught the work done in instituting the suit and in protracted negotiations for settlement. The precedent will probably be followed in future cases with the result that the Government's security will be of little value in any case. I am of the opinion that reasonable security for the claims of laborers and material men should be given by the Government's withholding payment on the contract during a time fixed for the filing of notice of such claims, payment thereafter to be made to the contractor or claimant as may be ordered by the proper court. This would require general legislation.

The bill properly provides that the United States shall not be involved by it in any expense. The laborers and claimants who seek relief through the pending bill have suffered undoubted hardship. The effect of the proposed statute would be to shift that hardship to such water users on the Shoshone reclamation project, or the part of it served by the Corbett Tunnel, as hereafter settle upon the public lands or initiate irrigation on the private lands under the project. The Director of the Reclamation Service reports that there are approximately 150,000 acres of irrigable land in the whole project, of which but a small proportion is private or State land; that there are approximately 80,000 irrigable acres which will be served by the Corbett Tunnel, but that the expense of the tunnel has been charged upon the whole project and not merely upon the 80,000 acres; that about 22,000 acres are covered by existing water-right contracts with entrymen and private owners; and that about 12,000 acres are subject to existing public notices fixing the price of water rights to settlers who shall hereafter make entry, or private owners who shall hereafter contract for water from the project.

As to the 22,000 acres: The existing contracts, so long as they are fulfilled by the water users, are binding upon the United States. This fact precludes the shifting of any of the burden from the laborers and material men to water users on said 22,000 acres. As to the 12,000 acres: The department could cancel existing public notices and charge upon this 12,000 acres, together with other lands for which the price of water rights has not yet been fixed by any public notice, the expense of the proposed relief to the laborers and material men. To ascertain the area upon which this burden ($42,000) could be charged it is therefore necessary to subtract either 22,000 acres or 34,000 acres from the total irrigable acreage (150,000) of the project, or from the irrigable acreage (80,000) which will be served by the tunnel. The result would be a maximum charge of about 91 cents per acre and a minimum charge of about 33 cents. Since the director reports the average holding to be 60 acres, this would be a maximum burden of $54.60 and a minimum burden of $19.80 on each farmer (average).

The chief engineer of the Reclamation Service advises me that the water-right charge already imposed and to be imposed upon the lands in the project is, in view of the nature and value of the lands, now at the maximum of safety, and that the addition which the pending bill would render necessary would be a heavy burden upon all future settlers and water-right contractors and would seriously jeopardize the success of the project. Under these circumstances I am reluctantly compelled to advise that the bill should not receive your approval. If the lands of the project were able to bear the additional charge I would be gladly advise otherwise.

Very respectfully,

WALTER L. FISHER,
Secretary.

THE PRESIDENT,
The White House.

Mr. MYERS obtained the floor.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from California?

Mr. MYERS. Certainly.

Mr. WORKS. Mr. President, I do not remember the provisions of this bill, and am not able to judge of its legal effect. I understand it is quite short, and therefore I should like to have it read.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate, as requested by the Senator from California.

The Secretary read the bill, as follows:

A bill (S. 4862) for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project.

Be it enacted, etc., That all persons having supplied labor or materials for the prosecution of the work of constructing the Corbett Tunnel as a part of the Shoshone irrigation project in the State of Wyoming, under any contract or contracts let for that purpose by the Government of the United States, and their assigns and legal representatives, are hereby given the full rights and remedies awarded to persons supplying labor and materials in the prosecution of public works, as set forth in the act of August 13, 1894, entitled "An act for the protection of persons furnishing materials and labor for the construction of public works," to the same force, extent, and effect as if the act had not been amended, modified, or repealed, with full right of action in the name of the United States for his or their use and benefit against any contractor or contractors and their sureties upon any bond or bonds furnished to the United States under any such contract: *Provided*, That no action prosecuted under this act shall involve the United States in any expense.

Mr. MYERS. Mr. President, I will take the liberty of submitting to the Senate a statement of this matter. I want to present all sides of it and all the facts in the case, so that the Senate may have a full knowledge in the premises. Even though the matter is of minor importance, relatively, I do not want any Senator to vote on this question without a full history of the matter and a full understanding of the facts. It is, of course, a matter of some moment to vote to pass a measure over the President's veto; but it is also a matter of some moment for this body to recede from a position it has heretofore unanimously taken, simply because one man differs in opinion from the stand the Senate has taken.

This bill was introduced by my colleague [Mr. DIXON], and yet I have been, I believe, from the beginning as fully conversant with the facts and details as has he. I have cooperated with him from the beginning in furthering the interests of this bill, being impressed, just as fully as he could possibly be or as any other person could possibly be, with the merits of the proposition, and my zeal in support of the measure is just as great as though I had originally introduced the bill. To me it is a matter of no moment or consequence who is the author of a bill; the considerations which to me are of moment and consequence are the facts and merits of the case.

On September 27, 1905, the Secretary of the Interior awarded a contract to Charles Spear, of Billings, Mont., for the construction of the Corbett Tunnel, in connection with the Shoshone irrigation project. This contract was by Spear sublet to the Western Construction Co. In the following summer both the contractor, Spear, and the subcontractor failed financially, and on August 4, 1906, the contract, according to its provisions, was suspended, and the Reclamation Service thereafter completed the work.

The claims to which this bill relates are claims for labor and material, furnished the subcontractor, the Western Construction Co. The contract price for this work was, I believe, $750,000. A bond of $75,000 was exacted of the contractor by the Government, a bond which, it appears to me, was entirely insufficient and inadequate; in fact, subsequent developments have absolutely proven that the bond was wholly inadequate and insufficient, and I believe the Government officials were derelict in duty in not requiring a larger bond for the performance of that work. Subsequent developments also show that the contractor took the work at entirely too low a price. He took it upon estimates furnished him by the Government officials, as to the nature of the material he would have to handle and the nature of the work he would have to do; and, acting on these facts furnished by the Government, he took the contract at too low a figure and failed. That was the reason of the failure of the contractor and the subcontractor.

During the existence of the contract, while the work was being carried on under the subcontractor, certain people in Montana, small tradesmen, storekeepers, and shopkeepers, and small dealers of limited means, knowing that this was a Government contract, relying upon the fact that a bond had been given for the faithful performance of the work, knowing that they were, in a way, dealing with the Government, and feeling that they were absolutely safe, furnished a quantity of supplies and material for the subcontractor—lumber, hay, provisions, groceries, and such things. Some of them also cashed time checks issued by the subcontractor to the laborers for their labor. That was done in the usual course of business; it is a common practice in the West and all over the country; and the time checks issued to a laborer by a contractor who is operating for the Government and under bond are certainly supposed to be good.

The presumption is that they are good; and many such time checks were cashed. So the money of these small dealers and tradesmen was paid out to laborers who were in the employ of the subcontractor on this Government work.

The situs of this contract, the place where the work was done, was in the State of Wyoming, and the people who furnished the supplies and paid out this money on the strength of the credit of the Government live in both Montana and Wyoming—some live in Montana, others live in Wyoming; but the work was done in Wyoming. When the contractor failed there were outstanding about $42,000 of obligations to small tradesmen and dealers in Montana and Wyoming for supplies and money furnished. Those people were left holding an indebtedness of $42,000.

In 1894 Congress enacted a law to govern such transactions as this. It was long in force; for many years it was the prevailing law. That act of August 13, 1894, was for the regulation of Government contracts. It provided among other things:

That such contractor or contractors shall promptly make payment to all persons supplying him or them labor and materials in the prosecution of the work; and a condition to this effect shall be incorporated in the bond to be given by the contractor.

Here is the gist of this matter—and it is very important in this transaction:

Persons supplying such labor and materials shall have a right of action, and shall be authorized to bring suit in the name of the United States for his or their use and benefit against such contractor and sureties and to prosecute the same to final judgment and execution: *Provided*, That such action and its prosecutions shall involve the United States in no expense.

Under that law of 1894 people who furnished money or supplies to the contractors were given the first right to sue on any bond given by the contractor for the recovery of what might be due them. They were given a prior right to the United States Government; that is, they had the first right to sue on the bonds, to avail themselves of its benefits, and to recoup themselves out of the bond for any losses they might have sustained. By the act of 1894 creditors were given the first right.

In 1905 the law of 1894 was repealed by Congress, and the prior right of creditors to sue on the contractor's bond was repealed; so that, from and after the passage of the act of 1905, creditors did not have the first right to avail themselves of the benefits of the bond.

The bill vetoed by the President, as originally introduced in the Senate, provided that the Secretary of the Interior should be authorized and directed to hear evidence as to the losses of these creditors and to permit them to establish and make proof of their claims before him.

As I say, this bill originally provided that these creditors might make proof of their claims and establish the amount of their claims before the Secretary of the Interior, and he was thereupon ordered to find the amount of money due to each one, and the bill provided that they should be paid out of the reclamation fund. In that shape the bill unanimously passed this body.

When it was introduced it was referred to the Senate Committee on Irrigation and Reclamation of Arid Lands. There were several hearings had before that committee. The matter was fully investigated and exploited. It was gone into fully and discussed fully, and the objections of the Secretary of the Interior to giving these people any relief were communicated to that committee.

As a matter of fact, the people who held these claims had first applied to the Interior Department for relief and to have the money due them paid to them. They were advised by the officials of that department that the Interior Department had no power to grant them any relief, and they were advised by the Interior Department that the only relief was through the introduction of a bill in Congress; and that remedy was suggested by the Interior Department.

Then, when the bill was introduced, the Interior Department opposed its passage. The bill, as is usual, was referred by the Senate committee to the Interior Department, and the objections of the Interior Department were communicated to the committee. But, after several conferences, a quorum of the committee, a majority of the committee present and acting, unanimously reported the bill favorably to this body. Of course, all the members of the committee were not present; and those Senators who did not join in the report are not bound by it; nor are those who did, if they now see the facts in a different light. But a quorum of the committee unanimously recommended the bill to this body for passage, and the bill unanimously passed this body.

Then it went to the House and was referred to the House Committee on Irrigation and Reclamation, and several hearings were had before the House committee, some of which I attended, and the bill was discussed thoroughly before that committee, and the objections of the Interior Department to the bill were made known to the House committee. That is a large committee, having, I think, not less than 20 members, and all but 3 of them united in recommending to the House the passage

of the bill with an amendment, which puts it in its present form. Three joined in a minority report. But a large majority of the committee, after thoroughly discussing and clearly understanding the matter, in every phase and light, reported that as amended the bill be passed by the House.

So it was passed by the House with practical unanimity, I understand. There may have been a few dissenting votes, but it was practically unanimous, and it came to this body, and the Senate unanimously concurred in the House amendment and made the bill, so far as it is in the power of Congress, a law, in its present form.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Oregon?

Mr. MYERS. Certainly.

Mr. CHAMBERLAIN. Is it not a fact, may I ask the Senator, that there is not a single suggestion made in the letter of the Secretary of the Interior that was not embraced in the protest of the Secretary of the Interior to the committee, and is not the President's veto, as a matter of fact, based entirely upon the protest which was fully examined and investigated by the committee?

Mr. MYERS. Yes. That is my understanding of the matter. The Interior Department sent several communications to the House and Senate committees. I think the facts are as stated by the Senator from Oregon.

The bill as it now stands merely authorizes these creditors to avail themselves of what were the provisions of the act of 1894. It simply puts them in the position that they would be if the act of 1894 had not been repealed. That is——

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from South Dakota?

Mr. MYERS. With pleasure.

Mr. CRAWFORD. The act of 1894 gave the right to a lien upon irrigation projects and provided it might be charged up to the settler?

Mr. MYERS. Yes.

Mr. CRAWFORD. I do not understand——

Mr. MYERS. I am going to reach that in a few moments.

Mr. CRAWFORD. I did not understand the Senator to say that.

Mr. SMOOT. I think the Senator from Montana has gone too far in his statement.

Mr. MYERS. How is that?

Mr. SMOOT. That the law of 1894 gives a right to a lien on a reclamation project. It gives a right of lien upon the bondsmen for the contractor.

Mr. MYERS. That remark about the lien was interjected by the Senator from South Dakota and did not emanate from me.

Mr. SMOOT. The Senator from Montana answered in the affirmative, and I just wanted to call his attention to the fact——

Mr. MYERS. I want to be set right.

Mr. CRAWFORD. I want to know whether under the act of 1894 the losses of these material men and subcontractors could be charged up so that the settler on the reclamation project would have to pay for them?

Mr. MYERS. I think so.

Mr. SMOOT. No, Mr. President; under the law it could not be charged to the settler on the reclamation project.

Mr. CRAWFORD. This bill does provide that the settler shall pay an additional amount, and it must finally come out of the settler.

Mr. SMOOT. If the money is paid to relieve the people who furnished the material, then it finally comes out of the settler under the bill vetoed, but under the law of 1894 such could not be the case. It is true a lien could be enforced against the bondsmen of the contractor.

Mr. CLAPP. Is not the Senator from Utah partly right and possibly partly wrong? Of course, the remedy of the laboring man under the law of 1894——

Mr. SMOOT. Of 1894——

Mr. CLAPP. Was against the bond.

Mr. SMOOT. Yes. The law of 1905 took that away in part by providing the lien of the Government should be given preference ahead of any lien.

Mr. CLAPP. I am not asking this question as a matter of controversy. The Senator may be right. But under the old law, although the laborer's remedy went to the bond, was or was it not true that the Government could charge the final cost to the irrigation of the land?

Mr. SMOOT. No, Mr. President.

Mr. CLAPP. I am asking for information.

Mr. SMOOT. No; the Government could not. The Government could only charge against the land the actual contract price.

Mr. CLAPP. Is the Senator sure of that?

Mr. SMOOT. I am positive.

Mr. CLAPP. I am not asking these questions for any purpose of controversy.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Washington?

Mr. MYERS. Certainly.

Mr. JONES. I think the Senator from Utah is a little bit mistaken. The purpose of this bill was to place these people's claims ahead of the Government's on the bond, and the bill itself does not by its terms impose upon the land what it seeks to recover.

But if the Government fails to recover what it has to expend to complete the project, possibly that cost would be assessed against the land and the settler would have to pay it.

Mr. SMOOT. I think the Senator——

The PRESIDENT pro tempore. Senators will kindly get, through the Chair, permission of the Senator entitled to the floor. Does the Senator from Montana yield to the Senator from Utah?

My MYERS. Certainly.

Mr. SMOOT. I think the Senator will agree with me that if this bill passes and the $42,000 is received from the bondsman by the people who furnished the materials, then the $42,000 must be charged to the entryman on the reclamation project.

Mr. BORAH. Mr. President, so far as I am concerned, representing a State greatly interested in this proposition, I do not propose to concede that extra expenses due to the mistakes and derelictions of duty upon the part of the department shall be charged up to the settlers. If the Government failed to take a bond which was sufficient to protect the situation, the settlers should not pay for that proposition. The settler neither in good conscience nor in law should pay for anything other than actual cost under a reasonable and proper administration of the law.

Mr. SMOOT. The $42,000 of which we are speaking, as I understand it, is a compromise on the bond of $75,000, and the Government is to receive $42,000, and if the Government finally receives the $42,000 it will be credited to the reclamation project, but if the Government does not receive the $42,000, then the settlers on the reclamation project must pay that amount of money.

The contractors took a contract to complete the reclamation project for $750,000. They failed in carrying out the contract. They were paid by the Government for all the work done and material furnished up to the time of their failure, and then the Government had to step in and finish the project. Of course it cost more because of the extra cost to the contractor as well as the Government in starting the work. As the Senator well knows, in every project the starting is very expensive, and all that was lost in so doing was charged to the project, and then when the contractors failed the Government had to get together a force of workmen to begin work again, with an extra cost in so doing.

Mr. OVERMAN. Will the Senator let me ask him a question?

Mr. SMOOT. Certainly.

Mr. OVERMAN. Is it not a fact that the contractors bid too low?

Mr. SMOOT. That, of course, I can not say. Evidently they did, because it cost the Government, when it completed the work, $180,000 more than the contract price, but how much I can not say, as all of the expense that was entailed in starting the work by the contractor was charged to the cost of the project as well as the extra expense to the Government in getting the work again started after the contractor had failed.

Mr. OVERMAN. Is it not true that the Government misled the contractor?

Mr. CHAMBERLAIN rose.

The PRESIDENT pro tempore. Senators will please address the Chair. To whom does the Senator from Montana yield?

Mr. MYERS. I yield to the Senator from North Carolina and then to the Senator from Oregon.

Mr. OVERMAN. I want to ask that question which I proposed to the Senator—whether or not the Government in making out its estimates and defining the kind of material to be taken out misled the contractors, and whether the material taken out was a different quality of material from that which the Government laid before him as the material to be taken out?

Mr. SMOOT. I do not believe for a minute that the contractors would have made a contract without going over every foot of the work. They knew what they were bidding on. They knew exactly what they were expected to do.

Mr. CHAMBERLAIN. Mr. President——

Mr. MYERS. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. I wish to say that I have been on the ground; I saw this tunnel in the Shoshone reclamation project; and it is a fact that these contractors were misled largely by the representation of the Government officials who went there and made tests of excavations and tests of the tunnel, and the contractor relied very largely upon the report of the Government engineers.

Mr. President, if I may be permitted, I will state that this is another case where the department undertook to do the legislating. This matter had been fully examined by both the committees of the House and Senate. They had before them the protest of the Secretary of the Interior, and went into an examination of it and made a report on it. Having failed in their efforts to induce the Irrigation Committees of the House and Senate to legislate in accordance with their wishes, they then made the same protest to the President, after both bodies of Congress had acted on the bill.

The President himself in his veto message says expressly that he bases his veto upon the letter he received from the Secretary of the Interior. If there ever was a strong and meritorious case where people had advanced money to the laborers and furnished money to pay for materials which were bought, this is such a case, and I question, as the Senator from Idaho does, the right of the Government to charge this up against the settlers within the irrigation project and make it a charge against them.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from South Dakota?

Mr. MYERS. I do.

Mr. CRAWFORD. This is the particular point upon which I want to hear an explanation. If this were a proposition involving only the Government and the expenditure of its funds to make good the loss of these laborers and subcontractors, because the Government may have been at fault, that is one thing. If this bill is what the Secretary of the Interior seems to say it is, and what the President appears to say it is, it does not intend that this shall simply be a payment of money by the Government out of its Treasury to make good some loss that has been sustained through its laws, but it is a proposal to transfer that loss from these laborers and material men to the settlers upon this reclamation project. The President apparently has had it figured out and finds out how much it will add to the cost of each one of these entrymen, nineteen dollars and some cents in one instance and fifty-odd dollars in another.

Now, if this bill has any such effect as that, and if the loss to these material men, who, as compared with the entrymen, should have looked out for themselves somewhat, is to be transferred to the shoulders of the entrymen, I for one think the veto rests on very good grounds. I want to understand whether or not this bill does commit the shifting of this burden to the entrymen.

Mr. MYERS. I will explain that.

Mr. WILLIAMS. Will the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Mississippi?

Mr. MYERS. I do.

Mr. WILLIAMS. Is not what the Senator from South Dakota calls the loss merely an assessment of the true cost? He talks about transferring the loss to the settler. Is it not merely assessing them with the true cost, even if it should be an assessment against them, which seems to be denied?

Mr. CRAWFORD. I will say to the Senator from Mississippi I have lived in the West long enough and I have been close enough to the burdens borne by the men who are struggling not only upon homesteads elsewhere, but in these reclamation projects, to protest absolutely and as earnestly as I know how against the addition of any burdens upon them.

Mr. WILLIAMS. If the Senator will pardon me, I wish to say that I join the Senator from South Dakota in that. I would not put any additional burdens upon them, but I understand the whole irrigation scheme, all this reclamation work, is based upon the idea that the land reclaimed shall bear the cost of the work. Now, then, if the true cost of this work be x plus 20 and x only has been paid, and this difference has been brought about largely by the fault of the Government in the survey of the character of the soil, and in its reports of what that soil was, is it quite fair to call it a transfer of a loss?

Mr. CRAWFORD, Mr. SMOOT, and others addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Montana yield? Four Senators are asking for recognition.

Mr. MYERS. I yield to the Senator from South Dakota and then to the Senator from Utah.

Mr. CLAPP. Will the Senator from South Dakota yield until I make a suggestion?

Mr. CRAWFORD. I am going to make merely a suggestion, and I would have been through if let alone.

Mr. CLAPP. The bill in express terms limits the remedy, and it will be the remedy provided by the law of 1894 which is limited to a suit on bonds.

Mr. MYERS. Certainly, it does.

Mr. CRAWFORD. There is no question about that.

Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield further to the Senator from South Dakota?

Mr. MYERS. I yield to the Senator from South Dakota.

Mr. CRAWFORD. I merely want to say in answer to the Senator from Mississippi that I have heard nothing here that satisfies me that this is a mere question of a legitimate cost that should be assessed against this project. It cost the Government more to take up the work, after the bond was paid, and carry it on, but it does not necessarily follow that because that was the fact the amount is in excess of the reasonable cost of the project, as it would have been incurred had these men acted in good faith.

Mr. SMOOT and others addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Montana yield?

Mr. MYERS. I yield to the Senator from Utah.

Mr. SMOOT. I wish to answer the question just asked by the Senator from Mississippi.

Mr. MYERS. I yield to the Senator from Utah and then to the Senator from Idaho [Mr. BORAH] and then to the Senator from California [Mr. WORKS].

Mr. SMOOT. The suggestion of the Senator from Mississippi is a pertinent one, and it ought to be answered. It can be answered in this way: That the $42,000 which was furnished by the parties to the contractors was paid by the Government on monthly estimates, and now, if they have to pay it again, it will be a double cost upon the land.

I agree with the Senator from Minnesota that it only allows the parties who furnished these goods to the contractor to bring suit against the bondsmen. Under the law of 1905 the Government has done that, and they have a prior lien. They have brought the suit against the bondsmen to collect this $42,000, and as the Government has already paid it once through estimates to the contractor, the Government will take the $42,000, if collected, and will credit the amount to the project. But if the people who furnished the goods to the contractor are allowed to get the $42,000 from the bondsmen, as the bill provides, then the project will not be credited with the $42,000, and it will be a double charge to the men who may go on the land.

Mr. OVERMAN. May I ask the Senator a question? I wish to ask the Senator from Utah why the Government compromised a $75,000 bond for $42,000?

Mr. SMOOT. I am not in possession of information as to whether that was all that they could get out of the bondsmen or not.

Mr. OVERMAN. These labor and material men say they were ready to compromise, and the Government cut them out of it.

Mr. SMOOT. I do not know why it was.

Mr. BORAH. Mr. President——

Mr. MYERS. I yield to the Senator from Idaho.

Mr. BORAH. It all resolves itself into the proposition whether or not we can compel the settlers on these projects to pay for a conceded mistake of judgment on the part of those who were in charge of the work for the Government. There is no law on the statute book at this time which compels them to do that or equity which authorizes it to be done, and I venture to say there never will be any put on the statute book which will authorize it to be done.

The law contemplates that the settler shall pay what it actually costs to construct the canal or the work, and it does not contemplate and equity does not enjoin him to pay that which has resulted from the failure to take a bond or that which has resulted by reason of a bad compromise or that which has resulted by reason of the fact that they did not in some other way perform their official duty.

The settlers are not responsible for the failure to do their official duty, and the law does not impose it upon them to pay for it. If there is any mistake about that proposition it is the duty of Congress not to impose upon those settlers burdens

which may arise by reason of some mistake on the part of the Government officials.

Mr. WORKS. Mr. President——

Mr. MYERS. I yield to the Senator from California.

Mr. WORKS. It seems to be a little difficult for a Senator who respects the rules of the Senate to be heard, but the Senator from Idaho has practically covered what I desired to say.

It seems to me that in the matter of carrying on these irrigation projects the Government of the United States should be regarded as a trustee for the settlers upon these lands. If there are any mistakes made by which money is lost, that loss should be borne by the Government, and not by the settlers.

Mr. President, this thing of adding to the burden of the settlers under these irrigation projects is a very serious matter, as I know. The burden is altogether too heavy as it is. One of the dangers that is confronting the whole Reclamation Service is the fact that burdens which are imposed upon the settler under these projects are too heavy for them to bear. I am quite sure that before very long the Congress of the United States will have to pass some additional legislation that will bring relief to the settlers under these projects.

The question here is simply one as to which of two innocent parties should bear this loss—whether it should be borne by the contractors and dealers who furnished material to the contractors or whether it should be borne by the settlers under the project. I do not believe that it should be borne by either one of them. I believe that if any loss has been incurred in this matter it should be paid out of the General Treasury of the Government and not be borne by the settlers upon these lands. That, it seems to me, is the vice of this bill. The Secretary of the Interior seems to have construed it in that way.

I think I understand what the terms of the bill are. It seems to me there can be no question but that the final loss will have to be borne by the settlers themselves, and that, it seems to me, is utterly unjust.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Iowa?

Mr. MYERS. Certainly.

Mr. CUMMINS. Personally, I believe this money should be paid out of the Treasury of the United States, but I think there is some misapprehension here with regard to what will happen if the bill passes.

This project proposed to irrigate 150,000 acres of land. Twenty-two thousand acres of the land are already sold, and the Secretary of the Interior says, and I agree with him in respect to that, that the increased cost which might be reached by this amount can not be assessed upon the land that is already sold by the Government, and there is no proposal to increase the assessment upon the land already sold or entered. There are 118,000 acres of the project which have not been sold. There are no entrymen upon these acres. Contracts between the Government and entrymen are yet to be made. If this money is imposed upon any part of the project, it will be imposed only upon the 118,000 acres in which no one has as yet any right whatsoever and upon which no one as yet has expended any money whatsoever.

It is perfectly fair and equitable, as I look at it, if it must be imposed at all, to impose it upon these 118,000 acres, and thus the 33 cents per acre named in the report of the Secretary of the Interior are determined. The Secretary of the Interior says:

> The Director of the Reclamation Service reports that there are approximately 150,000 acres of irrigable land in the whole project, of which but a small proportion is private or State land; that there are approximately 80,000 irrigable acres which will be served by the Corbett Tunnel, but that the expense of the tunnel has been charged upon the whole project and not merely upon the 80,000 acres; that about 22,000 acres are covered by existing water-right contracts with entrymen and private owners; and that about 12,000 acres are subject to existing public notices fixing the price of water rights to settlers who shall hereafter make entry, or private owners who shall hereafter contract for water from the project.
>
> As to the 22,000 acres, the existing contracts, so long as they are fulfilled by the water users, are binding upon the United States. This fact precludes the shifting of any of the burden from the laborers and material men to water users on said 22,000 acres. As to the 12,000 acres, the department could cancel existing public notices and charge upon this 12,000 acres, together with other lands for which the price of water rights has not yet been fixed by any public notice—

But upon which no entries have been made or contracts made.

Mr. BORAH. Mr. President, may I say just a word? Those contracts entered into with these entrymen that cover the 22,000 acres specify the amount they are to pay, and how can they be made to pay any more?

Mr. CUMMINS. And they can not be made to pay a single penny.

Mr. CLAPP. And they can not impose any further burden upon it.

Mr. CUMMINS. This law does not propose to impose any additional burden upon it. The Secretary of the Interior could not do it if he so desired. There is no law which permits the Secretary to impose an additional assessment upon the 22,000 acres, but as to the 118,000 acres which as yet have not been entered, concerning which no rights have accrued, where is the inequity in selling that land for the cost of this project, including the $42,000 proposed by the bill? There is no inequity in it, and if the settlers do not want to take the land with the additional 33 cents per acre, they need not do it. The Secretary of the Interior says:

> As to the 22,000 acres, the existing contracts, so long as they are fulfilled by the water users, are binding upon the United States. This fact precludes the shifting of any of the burden from the laborers and material men to water users on said 22,000 acres.

And everybody will agree with that, that they have no right attached concerning the 118,000 acres that are yet unoccupied and yet unentered.

Mr. WORKS. The Senator from Iowa has a peculiar idea of the object and purpose of this reclamation legislation. I had always supposed that the object and purpose of the Government was to settle these lands upon the payment by the settlers of the actual cost of the project.

The Senator seems to think that no injury would result because of the fact that whoever may settle upon these lands in the future may be compelled to pay an excessive amount on account of the mistake of the Government in constructing these works. There should be an inherent right on the part of the people of this country to settle upon this land under the legislation that we have now at the actual cost of the project under which they propose to take up their land.

There is no contract right or liability with respect to it, I confess, but certainly the purpose of the Government was that this land should be settled by the people of this country at the actual and proper cost of these projects.

Mr. CUMMINS. Mr. President——

Mr. WORKS. If not, I have misunderstood entirely the object and purpose of the reclamation legislation.

Mr. CUMMINS. When settlers yet come in and pay the additional 33 cents which will be required they will then have paid only the actual cost of this work. There is no suggestion that the project could have been built or completed by anybody for less than the amount expended, including the $42,000 covered by the bill.

Mr. WORKS. There, I think, is where the Senator from Iowa is mistaken. As the statement is made here—I do not know how true it may be—the Government failed in its duty with respect to this particular project by not demanding and requiring of the contractors a sufficient bond to protect the parties interested in the construction of this particular project.

Mr. CUMMINS. If that were true, the contractor would have lost the land. If something from the bond was necessary to reimburse the Government, then the Government is taking advantage of a mistake on the part of the contractor in agreeing to do the work at too low a price.

Mr. WORKS. That assumes that the contractor took the contract at too low a price. I do not know whether he did or not; but if he did and the Government let out this contract at a price that must result in the failure of the contractor, and somebody is to lose money by it, I do not know how the Government and innocent parties should be held responsible.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Idaho?

Mr. MYERS. I yield to the Senator from Idaho.

Mr. BORAH. It is apparent to all familiar with the facts in this controversy that the $42,000 is not the amount expended in the actual construction of this reclamation. Therefore, if the loss occurs it will arise by reason of the failure either to take sufficient bond or by reason of the failure to compromise and take the full amount of the bond when settled.

Suppose—speaking now to those who contend that the settler should bear this mistake—suppose they had proceeded to judgment and some representative of the Government had collected judgment and embezzled it, would anybody contend that the settler therefore should suffer by reason of that kind of an act? This law does not contemplate and no fair construction of it can impose upon the settler that kind of a burden, or that kind of an expense. It only contemplates their return to the Treasury that which was the actual expense of construction bona fide expended.

Mr. SMOOT. Mr. President——

Mr. MYERS. I will yield to the Senator from Utah and then I will ask to be allowed to continue.

Mr. SMOOT. I only want to answer the question asked by the Senator from North Carolina [Mr. OVERMAN] as to why the compromise of $42,000 was made by the Government. The reason is because of the fact that $42,000 is all the claims that are made against the project. That is all that was to be collected from the bondsmen, because that pays all the claims made against the contractor.

Mr. OVERMAN. In taking into consideration this compromise of the Government, in connection with the loss of the Government, absolutely they neglected to go into the question of these laborers and material men.

Mr. SMOOT. Not at all.

Mr. OVERMAN. I understand the Senator to say that they compromised for the Government loss at $42,000?

Mr. SMOOT. No; what the Government lost, the claims against the contractor by those very parties whom the bill now undertakes to see paid, amounted to $42,000; and that is all the claims there were made against the contractor and all the claims that the people furnishing material could have sued the bondsmen for.

Mr. OVERMAN. Do I understand the Senator to say that the bondsmen paid into the Treasury $42,000, the amount of these claims?

Mr. SMOOT. No; they have not paid it, but I understand there is a compromise, and they will pay it into the Treasury and the reclamation project will get the credit for it.

Mr. OVERMAN. Then this compromise was for the material and the laborers' lien?

Mr. SMOOT. The compromise covers all claims, as I understand it.

Mr. OVERMAN. The Government compromised to that amount, and that amount belongs to these people?

Mr. SMOOT. No, Mr. President, it does not belong to the people, for this reason: That when the goods were furnished to the contractor by the different people, the Government paid the contractor for the items furnished in estimates every month; that is, the $42,000 that was furnished to the contractor went into the project, and every month an estimate was given as to how much of the project had been completed, and in this amount the $42,000 was included. The Government has already paid it, and it has been charged to the reclamation project.

Mr. OVERMAN. The Government has paid these claims?

Mr. SMOOT. The Government paid the contractors for goods furnished on the basis of the claims.

Mr. CUMMINS. I am sure the Senator from Utah is mistaken about that. The Government paid the contractor upon the estimates and according to the work done. It happened that those estimates were not sufficient to cover the expenses of the contractor while he was doing the work. The Government did not make any estimate with regard to the material furnished, with regard to the labor, or with regard to other things of that sort. The Government made estimates with regard to the work done on the project.

Mr. SMOOT. If the Senator had examined the contract made by the Government he would have found they allowed 90 per cent of all material that is upon the ground for the project, and everything that was furnished up to the time the Government paid for, because there was an estimate made for it.

Mr. FLETCHER. Mr. President, may I ask the Senator one question?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Florida?

Mr. MYERS. Certainly.

Mr. FLETCHER. I desire to be enlightened a little on one phase of this matter mentioned by the Senator from Iowa. It seems to me the suggestion made is not quite a fair one, if it be true that the Government still owns 118,000 acres of land which have not been entered by anyone and not disposed of or sold. I should like to inquire from the Senator what amount of this 118,000 acres is Government land and whether any part of it is land owned by private individuals. Then I desire to inquire further whether or not this 118,000 acres has been benefited by this improvement. If the 118,000 acres has been benefited by the improvement made by reason of this irrigation project, then I see no reason why the Government should not stand this expense of $42,000 and take its chances of getting back the money out of the 118,000 acres to be sold.

Mr. MYERS. Yes; it is Government land, I understand.

Mr. President, I will resume my statement, and, if not interrupted a great deal more, I think I can say all I have to say in a comparatively short time, and then I will be very glad for each and every Senator who may so desire to express his views on the subject.

As I was saying when interrupted, this bill, as passed by the Senate and the House, simply enabled the creditors to avail themselves of the provisions of the act of 1894, to have the first right to sue on the contractor's bond for the $42,000 due them, and to recover it out of the bond. What the Government may do in regard to its deficit caused by the expense to which it was subjected to complete the contract, over and above the contract price, is another matter about which I will say a few words before I get through. The object of this bill is to put these creditors exactly where they would have been under the law of 1894 by enabling them to have the first right under the contractor's bond. I see no justice in the statement of the Senator from Utah [Mr. SMOOT] that the Government is willing to compromise on $42,000 and expects to get that amount, but the creditors are to get none of the money.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Utah?

Mr. MYERS. Certainly.

Mr. SMOOT. The Senator will admit, however, that the contractor signed the contract for doing the work under the law of 1905, will he not?

Mr. MYERS. Yes, sir; and I will have something to say about that a little later.

Mr. SMOOT. When he signed the contract with the Government to do the work he knew exactly what the law of 1905 was.

Mr. MYERS. I will have something to say about that in a few moments. They were ignorant of the law and so were the people who entered into the Bellefourche project a short time prior to the period when this project was entered into. In the case of the Bellefourche project a banker and his counsel were ignorant of the law, and Congress gave that banker relief, while in this case those ignorant of the law were poor workingmen, tradesmen, and small dealers, and the question is, Are we to have one law in this country for bankers and another law for laborers and small tradesmen?

Mr. OVERMAN. Mr. President, does the Senator say——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from North Carolina?

Mr. MYERS. Certainly.

Mr. OVERMAN. Does the Senator say that since the repeal of the act of 1894 Congress has extended to a banker the same relief the Senator is asking for the people affected in this case?

Mr. MYERS. Yes, sir; to the amount of more than $20,000; and I simply want the same right to be granted certain workingmen, small tradesmen, and dealers in Montana and Wyoming that the banker in South Dakota had.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Utah?

Mr. MYERS. Certainly.

Mr. SUTHERLAND. Let me ask the Senator from Montana if there was not this very vital difference between the two cases, namely, that in the Bellefourche case the contract itself, which was entered into between the Government and the original contractors, recited that it was made under the law of 1894?

Mr. MYERS. Yes; after that law had been repealed and nobody knew that fact.

Mr. SUTHERLAND. Yes; but both the Government and the contractor entered into the contract upon the understanding that the law of 1894 was in force.

Mr. MYERS. In ignorance of the fact that it had been repealed.

Mr. SUTHERLAND. But both of them seem to have overlooked the fact that a very short time——

Mr. MYERS. They entered into a contract under a dead law.

Mr. SUTHERLAND. They both seemed to have overlooked the fact that a very short time prior to entering into the contract the law had been changed.

Mr. MYERS. Yes; the Senator is right. I will explain that a little later.

Mr. SUTHERLAND. But both of them understood that it was a part of the contract itself.

Mr. MYERS. I think the Senator is right.

Mr. LODGE. May I ask the Senator from Utah a question before he sits down?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Massachusetts?

Mr. MYERS. Certainly.

Mr. LODGE. I merely desire to ask, in that connection, is it not true that bids in the case of the Bellefourche project were advertised before the law of 1905 was passed?

Mr. SUTHERLAND. Yes.

Mr. MYERS. And the contracts were entered into after it had been repealed.

Mr. LODGE. Yes.

Mr. MYERS. Entered into under a void law.

Mr. SUTHERLAND. It is true that the advertisements were issued under the law of 1894 and that when the contract came to be made both parties evidently overlooked the fact that in the meantime the law had been changed.

Mr. MYERS. Yes; through ignorance of the law.

Mr. BORAH. But it resolves itself back into the proposition that in that case the relief was afforded from a mistake of Government officials, and precisely the same principle is involved in this case. In the one case the Government officials entered into a contract under a law which did not exist, and we relieved them, and that is the same proposition in this instance, although it is put in another way.

Mr. SUTHERLAND. Will the Senator from Montana permit me to say a word in answer to the Senator from Idaho?

Mr. MYERS. Certainly.

Mr. SUTHERLAND. The difference between the two cases is that the subcontractor or the people furnishing the material to the contractor in the case of the Bellefourche project would have exhibited to them a contract which recited that it was made under the law of 1894, and, going to the law of 1894 and having a right to rely upon the recitals in the contract, they would find that they had a right upon the bond superior to that of the Government, while in the case we are now considering the contract recites that it is made under the law of 1905, and the subcontractors who deal with the contractor see by the contract itself that it refers to a law under which their rights are postponed to those of the Government. In the one case innocent parties are misled by the declarations in the contract, and in the other case they are not.

Mr. BORAH. Mr. President, that does not change at all the principle involved here. In that case we did not go into the question as to whether or not it would cost the settlers a little more money, and the objection that is raised here to defeat this measure was not raised in that case at all, but because the Government officials had made a mistake and there was suffering by reason of that mistake relief was afforded.

Mr. MYERS. Mr. President, I will say in reply to the Senator from Utah that it is further true that we can not get away from the inevitable and indisputable fact that under the strict letter of the law the bank of Bellefourche, S. Dak., would have lost over $20,000 had not the Congress of the United States, in a fair, equitable, and just spirit, passed a law to reimburse the bank for that amount; and that is all we are asking here.

As I was saying, this bill simply gives these people the right they would have had under the law of 1894 in regard to suing first on the contractor's bond. As to whether it gives them any lien on anything, whether the amount may be taxed to the remaining acreage of the land, I do not say; that is another proposition. All we want is the right to sue first on the bond. What the after consequences may be and what the rights of the United States may be is another question.

This contract was let very shortly—within two or three weeks, I think—after the law of 1894 had been repealed by the law of 1905. The law of 1905, repealing the law of 1894 and taking away from creditors the first right to have recourse upon the bond, had only just barely taken effect when this contract was entered into. I will admit the showing is that the contractor who entered into the contract and the people who let him have the supplies and advanced the money were all ignorant of the fact that the law of 1894 had been repealed, and the people who furnished the money and supplies thought they were protected by the law of 1894, when, in fact, it had been repealed just a short time—a few days or weeks—before. I will admit they were ignorant of the law.

We have a precedent for the proposed action. Congress has established a precedent almost precisely analogous in fact and absolutely analogous in principle for the relief asked in this bill. I refer to a similar bill in the case of the Bellefourche project.

Mr. CLAPP. Here is the act in full, if the Senator desires to refer to that.

Mr. MYERS. Yes; it is precisely the same as this act.

In regard to this bond, I will say it is my understanding the Government is suing on this bond to recover the amount that it cost the Government to complete the work over and above the contract price, about $180,000. If it settles on $42,000 and gets the money, that is something with which these creditors have nothing to do. They get no part of that money. I shall now quote from a report of the House committee on the bill for the relief of the Bellefourche bank. A few years ago there was another contract of a similar character entered into by the Government, and a bank in Bellefourche, S. Dak., advanced money to the contractor, just as money and supplies were advanced in this case. The contractor failed and left the bank holding an indebtedness of about $22,000. Congress had enacted the law of 1905 and the bank found itself unable, owing to that law, to have the first right of recourse upon the contractor's bond. The bond was not sufficient to protect both the Government and the bank; so a bill was introduced in Congress to give the bank of Bellefourche, S. Dak., the first right to sue on the contractor's bond, to have first recourse on that bond. I will read from the report of the House Committee on Irrigation of Arid Lands the facts in regard to the bill for the relief of the Bellefourche bank. That report gives a history of the Bellefourche case:

The Committee on Irrigation of Arid Lands, having had under consideration the bill (H. R. 2522) for the relief of the First National Bank of Bellefourche, S. Dak., having considered the said bill and subject matter in connection therewith, in lieu thereof respectfully submits and recommends the passage of the bill which this report accompanies.

The evidence brought before the committee tends to show the following facts: That on February 10, 1905, the honorable Secretary of the Interior caused an advertisement to be published calling for sealed proposals for the work provided in schedule 2 of the main supply canal of the Bellefourche irrigation project in South Dakota in accordance with the specifications prepared therefor; that the said specifications, among other things, provided in specification No. 35 as follows:

"Claims for work and material: The contractor shall promptly make payments to all persons supplying labor and materials in the prosecution of the work, and a condition to this effect shall be incorporated in the bond to be given by the contractor in pursuance of the act of Congress approved August 13, 1894." (28 Stat., 278.)

That the act of Congress approved August 13, 1894, and referred to herein was entitled "An act for the protection of persons furnishing material and labor for the construction of public works," and provides, among other things, that any person or persons entering into a contract with the United States for the prosecution of any public work shall be required, before commencing such work, to execute a penal bond with good and sufficient sureties, and "with the additional obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them labor and materials in prosecution of the work provided for in such contract," and that persons "supplying such labor and materials shall have a right of action and shall be authorized to bring suit in the name of the United States for his or their use and benefit against said contractor and sureties and to prosecute the same to final judgment and execution: *Provided*, That such action and its prosecution shall involve the United States in no expense."

The effect of this act was to give the persons supplying material and labor for the prosecution of public works a right of action upon the contractor's bond and to give such persons a prior right for compensation in advance of the claims of the United States in so far as the contractor's bond was concerned. The contract for the construction of the main supply canal of the Bellefourche irrigation project was executed by the Secretary of the Interior on behalf of the United States, and by the Widell-Finley Co., a Minnesota corporation, on its own behalf, and bears date of April 26, 1905. This contract recites that it is made "in accordance with the terms of the attached advertisement, proposal, and specifications, the same being made a part of this contract * * *." Attached to and a part of the contract was a copy of the advertisement of February 10, 1905, and also a copy of the proposal and specifications for the construction of the said canal, containing section 35, making provision for the protection of claims for work and material by the bond to be given under the act of August 13, 1894, as herein set forth.

On February 24, 1905, Congress passed an act the effect of which was to repeal the act of August 13, 1894, and to postpone the rights and claims of persons furnishing material and labor in the construction of public works to the claims of the United States in connection therewith. In other words, the effect of the act of February 24, 1905, would be to give the claims of the United States priority over labor and material claims, which were made prior by the act of August 13, 1894, as to the protection afforded by the bond of the contractors.

Note what the report says now about the Bellefourche project:

Neither the bondsmen nor the contractors were aware of the act of February 24, 1905, when they entered into the contract for the construction of this main canal, for both in the advertisement and in the contract reference is made to the act of August 13, 1894.

Mind you, an act which had been repealed.

Here are the grounds on which this relief was granted:

The verified petition of the First National Bank of Bellefourche sets forth that the bank advanced the sum of $17,680.04 for laborers' time checks for work done by laborers under this contract and the sum of $2,000 to Widell-Finley Co. upon their promissory note for money advanced with which to pay for labor used upon the said public work. The said verified petition also sets forth that before making the said advance the bank received legal advice and counsel as to whether they would be protected in such advances by the contractor's bond; that the bank was assured and advised that the act of August 13, 1894, referred to in the contract would fully protect the claims for labor and material and would fully protect the bank as assignee of such claims, and that, relying upon the said advice and assurances as set forth in the said contract, the bank advanced or paid the amount of money herein set forth for the said purposes.

Here is the language of the committee:

It appears to the committee that these facts make a very strong equitable case. There may be other persons similarly situated toward the work done under this contract. Apparently all persons proceeded in ignorance of the changed condition of the law, and this case affords a striking illustration of the strong equity that always arises where the parties to a contract act under a mutual mistake of the law. It would be manifestly unjust for the irrigation project to accept the full benefit of the work performed by the laborers, and the materials furnished under the contract, and not allow to the parties interested the protection of the bond and its sureties as recited both in the advertisement and in the contract itself.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from South Dakota?

Mr. MYERS. Certainly.

Mr. CRAWFORD. Does not the Senator understand, then, that the Government passed that amount on to the settler and the $20,000 was taxed up to him and he paid it, instead of the Government?

Mr. MYERS. Yes; and I am going to reach that point in a moment.

Now, the only difference——

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Idaho?

Mr. MYERS. Certainly.

Mr. BORAH. I will ask the Senator from Montana or the Senator from South Dakota how the Government passed it up to the settler, when he had already a contract covering his price.

Mr. CRAWFORD. I do not pretend to know. I simply asked the question for information.

Mr. ASHURST. If the Senator from Montana will yield to me, I think I can answer the question.

Mr. MYERS. Certainly.

Mr. ASHURST. When the first estimates for the construction of the Roosevelt irrigation project in Arizona were made and promulgated it was understood that the entire project would cost about $4,000,000, and the landowners thus signed contracts in the belief that the project would not cost above $4,000,000. The project was in the nature of a pioneer proposition, and much of the work was experimental, and from one reason upon the other the cost has now reached a sum a little upward of $9,000,000.

Mr. BORAH. Did the settlers give up their first contracts?

Mr. ASHURST. They were compelled to modify them in order that the construction work might proceed.

Mr. BORAH. I do not know what made them give up their contracts, but we in Idaho refused and did not give up the contracts, and only those who voluntarily waived the contracts went into the new contracts.

Mr. NEWLANDS. I should like to inquire of the Senator from Arizona whether or not the cost of this project and of all irrigation projects was not largely increased by the enormous increase in the price of labor and supplies and material during the period subsequent to 1902.

Mr. ASHURST. That addition and necessary works and equipment partly increased the cost is quite true; but surely the wise and just rule would be that where any inequity, wrong, or injustice is done the party responsible for it, instead of the innocent party, should bear the burden; and certainly, under the circumstances, the party most capable of paying, instead of the party least capable, should bear the burden.

Mr. MYERS. I have stated the facts in regard to the Bellefourche project and the Bellefourche reimbursement, which was purely an equitable act on the part of Congress, that could not have been compelled in any way under the law and it could not have been had in any other way.

Now, then, the only difference that the Secretary of the Interior seeks to make between the Bellefourche project and this project is this: It is about three lines long, contained in the report of the Secretary of the Interior:

> On the Bellefourche project the contract was advertised for before the rule of priority was changed by the act of 1905, though actually let thereafter.

The repeal of the law of 1894 just split in two the proceeding under the Bellefourche project. The contract was advertised for before the repeal of the law of 1894 took effect, but the contract was entered into afterwards and under the law of 1905.

Now, then, it happened that the Corbett Tunnel project came on just a few weeks later and was advertised for and let under the law of 1905. But in both cases all parties to the proceedings were ignorant of the repeal of the law of 1894, and this explanation of the Secretary of the Interior does not do away at all with the fact that the Bank of Bellefourche, S. Dak., would have suffered a loss of $20,000 and more if a bill in the nature of equitable relief had not been passed through Congress for the relief and reimbursement of that bank and approved by the President.

So it was a voluntary and equitable act by Congress, which could not be compelled by any power on earth, for relief which could not be granted under the law nor had through the courts nor had in any other way on earth. Congress enacted this law for the relief of the Bank of Bellefourche, S. Dak., and that is all that is asked in this bill under consideration.

I was asked a question a moment ago by the Senator from South Dakota as to whether this money that was voted or the right that was given to the bank at Bellefourche to have the first right to recover money out of the bond operated to increase the price of the work on the land under the project. The reclamation officials figured out and reported that it would make a certain raise, a certain increase, but whether that increase was ever levied and actually enforced or not I do not know, and the papers and records of this case do not show. I have nothing before me to show, but conceding that it was levied and exacted on the people on the Bellefourche project for the benefit of a bank at Bellefourche, S. Dak., is it right and proper that it should have been levied and exacted in that case for the benefit of the bank and then when we get to this case of poor laboring people and small tradesmen and dealers that that point should be raised to estop proceedings in this matter; that a differentiation should be had between the two cases; that it should be an estoppel or objection or obstacle in this case and should not have been in that case?

Mr. CRAWFORD. Would the Senator from Montana have any objection to a proviso attached to this bill which would say specifically that the amount paid by the Government should not be assessed upon those settlers?

Mr. MYERS. We can not do that, after this bill has been acted on by both branches of Congress and has been vetoed by the President. The only question now is, Shall the bill be passed over the veto of the President? That is all.

Mr. CRAWFORD. It is one of the reasons why it is a very serious proposition as to whether this veto should not be sustained; and I am not governed by any desire to please either the Secretary of the Interior or the President——

Mr. MYERS. I know that.

Mr. CRAWFORD (continuing). Or to discriminate in favor of any bank in my State.

Mr. MYERS. I know that.

Mr. CRAWFORD. I have in mind all the time the settlers upon these claims and their right in the premises; and it seems to me so flagrantly unjust to make them bear the burden of the mistake, the improvidence, and the incompetence of either Government officials or of Government contractors that I protest against in any way making them bear the burdens of failures of that kind.

Mr. MYERS. It is not established by any facts or record that I have or know of that the increased cost was taxed to the settlers in the Bellefourche project.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Kansas?

Mr. MYERS. Certainly.

Mr. BRISTOW. I should like to suggest that it seems to me in this discussion we ought to think something of the poor people who have gone into the project. They have got nothing. Every dollar they had has gone into it. Certainly they ought to have some protection. And who ultimately pays it is not of so much consequence to me as that these people who lost all they had by trusting the Government's contractors, because they believed their figures were accurate, should be made good. Certainly, we ought to have some consideration for them.

Mr. CRAWFORD. I want to say frankly that I am in favor and heartily in favor of making good the claims of these laborers, but I want it done by the Government, out of the Government Treasury, and I do not want it shifted over to the settlers upon these projects, and I want that point settled.

Mr. BORAH. I ask again how can they put it upon the settlers who have a contract?

Mr. NEWLANDS. My understanding is that as to the contracts——

The PRESIDENT pro tempore. Does the Senator from Montana yield; and if so, to whom?

Mr. MYERS. I yield to the Senator from Nevada.

Mr. NEWLANDS. My understanding is that as to contracts, the settler is called upon to pay a proportionate part of the cost, whatever it may be. Now, then, if the Government is compelled to pay these subcontractors, it becomes a part of the enterprise, and hence the proportionate part of it is imposed upon each one of the settlers. I admit the hardship upon the settler, but——

Mr. BORAH. The contracts provide that so much per acre shall be the amount the settler is to pay.

Mr. NEWLANDS. My understanding is that when the Government enters upon one of these projects, it makes an estimate as to what it will cost, and announces what its estimate is, and then it is known what each acre will be called upon to pay. That estimate is not absolutely accurate, but——

Mr. BORAH. We have found that out.

Mr. NEWLANDS. But that estimate does not constitute a contract between the Government and the settler that the settler will pay only the amount of the estimate. The obligation of the settler is to pay his proportion of the cost, whatever it may be.

Mr. BORAH. Now, Mr. President——

Mr. NEWLANDS. If the Senator will permit me to say one word further, following 1902, when the irrigation act was passed, there was a phenomenal rise, as we all know, in the cost of labor and materials. Hence the estimates made with reference to the cost of the project were almost in all cases underestimates, and as I understand the actual cost is apportioned among the settlers regardless of the estimate.

The result has been that the settler has been in many cases compelled to pay much more than the amount of the original estimate. I am glad to say, however, that the value of the land reclaimed has been so great as not to make this a serious imposition upon the settler, particularly in view of the fact that the Interior Department has been exceedingly considerate in extending the time of payments.

Mr. BORAH. I do not know what is the contract covering each and every reclamation project, or what are its terms, but I do know that this question was raised in my State upon a particular project. The settlers had a contract of $22.50 an acre. The Government found it had to impose a greater amount, but it had no power to do so of its own motion. It had to enter into negotiations with the parties upon the project and get, for a proper consideration, a yielding up of the first contract, and that was conceded—that they could not change the $22.50 unless the Government would give the settlers a special consideration in the way of the extension of time, and so forth, to induce them to give up their contracts. I do not know how it is in any other State, but I understood that was the general contract. That was true in Idaho.

Mr. MYERS. I will say, with great respect to all concerned, that I must decline to yield further. I appreciate the suggestions of those who are in favor of this measure, which have been helpful, and I have taken into consideration those of a counter nature, but I want to finish in a few minutes what I have to say and then yield the floor, and if my statement does no good, I hope it will do no harm.

I say again as to the question whether or not that increased cost was taxed to the settlers upon the Bellefourche project I do not know. If it was, from the statement of the Senator from Idaho, which I receive and accept, there was no law for it.

I believe that the department has in some instances imposed upon settlers an additional cost in these matters, but I know of no law for it. The Senator from Idaho says there is no law for it. That being the case, whatever may be done in this case, no increased cost can be taxed to the settler, but even if it were taxed to the settler it would be no more than may have been done in the Bellefourche case. I will read the report of the Reclamation Service on the Bellefourche case. This is the report of the Reclamation Department to a House committee on this Bellefourche bill. This is what the department has to say about it:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., January 31, 1910.

SIR: In compliance with your request at the hearing before the subcommittee to-day, the following information is submitted regarding contract No. 37 with the Widell-Finley Co. for the construction of the main supply canal, Bellefourche project, which is involved in the bill (H. R. 2522) for the relief of the First National Bank of Bellefourche, S. Dak.

The Government has paid to the Widell-Finley Co. for estimates covering the work completed to December 31, 1905.

The value of the work performed by the company and retained by the United States consists of the following items: (1) Twenty per cent of the amount earned to December 31, which, under the terms of paragraph 64 of the contract, is held back until the completion of the work by the contractor to the satisfaction of the Government, amount to $10,726; (2) the estimate for the work done in January, 1906, $9,024.38; (3) estimate for the work performed up to the date of bankruptcy, February 15, 1906, $3,917.20; total, $23,667.58.

Just as it paid up to the time of the failure in this case.

In answer to your question regarding the added cost per acre to the settler which would result from the Government releasing its prior right to the proceeds of the bond which it might claim under the act of February 24, 1905, it is very difficult to make a statement.

The charge for the project heretofore announced is $30 per acre of irrigable land. The amount of irrigable land already covered by completed work is about 50,000 acres. The total amount estimated to be irrigated under the project is 100,000 acres. The area over which the $21,500 would be distributed in case the Government could not collect it would depend upon the acreage not opened to water-right application at the time this matter is finally settled and the exact amount of the Government loss is determinable. Assuming that this amount would be one-half the irrigable acreage of 50,000 acres, the distribution of the sum of $21,500 would be equivalent to 43 cents per acre, or $34.40 for the usual 80-acre farm unit taken by the settler.

Very respectfully,

MORRIS BIEN, *Supervising Engineer.*

Hon. W. F. ENGLEBRIGHT,
House of Representatives.

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. The Senator from Montana has evinced a very ardent desire to proceed with the consideration of the bill he is now engaged upon. On the whole, I am inclined to think it will be a saving of the Senate's time if that matter is allowed to go ahead now and reach a vote, rather than to come up every morning and go over the same ground again. Therefore I ask that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Montana will proceed.

Mr. MYERS. Mr. President, this report only says what the increase would be if levied. It does not say it must be levied. There is nothing here to so show. There is nothing to show that it ever was taxed to the settler in that case, and I undertake to say that if it were not so taxed in that case it will not be in this case.

The Senator from Idaho [Mr. BORAH] says there is no law for it. I know of no law for it. I accept his statement of the matter. He has looked into it. If there is no law for it, it can not be done if the settlers resist it. That is all there is to that.

Furthermore, the very valuable suggestion was made by the Senator from Iowa [Mr. CUMMINS] that, if it should be and is to be levied upon the land, it can only apply to settlers who come hereafter, and if they do not wish to take the land at this cost they need not take it. There is no law compelling them to do it. They would go into it with their eyes open, voluntarily, knowing what they have to pay. They would make inquiry, and if they should want to pay the extra cost, who is there who says they must not pay it?

I think that clearly and completely exculpates the proposition of added cost. But even if it were to be levied the Secretary of the Interior says, in regard to this case, that it would be a maximum charge of 91 cents per acre and a minimum charge of 33 cents per acre, and that on an average holding of 60 acres there would be a maximum burden or $54.60 and a minimum burden of $19.80. That would be an average of $36.50 additional on each 60 acres, if it were required to be paid. In the Bellefourche project there was figured an average increase of $34.40 on each 80-acre tract.

Mr. President, no amount of argument can evade the proposition that whether this additional money was levied on the remaining and untaken lands of the Bellefourche project or not, whether it will be in this case or not, action in the nature of voluntary relief was taken in favor of the Bellefourche Bank in the Bellefourche project. The right was given to have first recourse on the contractor's bond, and that is all that is provided for by this bill under consideration. The relief asked for in this case is precisely the relief asked for and granted by Congress and approved by the President of the United States in the case of the Bellefourche Bank. The relief asked in the two cases is precisely the same. The effect must be the same. The law, in so far as it affects the land, is the same; and while the facts slightly differ, while there is a hair's breadth of difference as to the two contracts, yet there was a mistake of law in both cases, even more egregious and inexcusable in the Bellefourche project than in this case, because from the reports here it appears that the United States officials who let that contract did not even themselves know of the repeal of the act of 1894. There was a mistake of law in both cases, and in each case it resulted in the inability under the existing law of the creditors to recover or to sue on the bond. So the cases in principle are precisely analogous.

Now, I want to refer to a matter which has been spoken of here, and that is the proposition of paying this $42,000 twice. I say the record shows and it is a fact that when the Government took hold of this project it completed the work honestly and fairly and economically. There is no charge of waste or extravagance or corruption or dishonesty. There is nothing in the record to show any intimation or any suspicion of wastefulness or extravagance or misappropriation of funds. The contractor took the work too low. He executed the contract as far as he could go and until he failed financially. The only trouble with him was that he took his contract so low that he could not pay his workmen and his creditors, but the work was well and honestly done. The Government lost nothing by it, the settlers lost nothing by it. Then he failed. Then the Government of the United States took hold of the work and carried it on to

completion in a fair, reasonable, economical manner, without any waste or extravagance, and I say every dollar that has gone into this project has been honestly and economically expended. If this $42,000 is allowed to be recovered on the bond, then the settlers will get the benefit of it and if they should pay the additional cost, which I do not believe they would have to pay, they would only be paying for what they would get. They would be getting value received for their money. They would be paying quantum meruit. They would be paying only the reasonable worth of what they would get.

I wish to refer here to something that is very significant. There is no charge that the Government of the United States did not handle this work economically, competently, and properly. There is no charge of wastefulness or extravagance, but the Government proceeded to and did do the work at a fair, reasonable, justifiable cost.

The work that the contractor did on his part of the contract was done $56,000 cheaper than the ratio at which the Government did the work, which goes to show that the contractor took the work at a ruinous price; that he took it too low, because the Government did this work in a fair, economical, businesslike manner, without wasting or squandering any money, and intending to give the settlers the value of what they paid for; but yet the contractor having taken his contract at a ruinously low figure, at a figure whereby he was not able to pay his workmen and for his supplies, and which broke up the man and drove him into bankruptcy, his share of the work was done $56,000 less than the Government would have done it for, and $56,000 less than the ratio of cost at which the Government did its share of the work. Yet there is no charge that the Government did not handle the work honestly and economically.

So if this $42,000 be recovered from the bonds, and even if it should come out of the land owners, they would be then getting the work that the contractor did at $14,000 less than if the Government had taken the whole job and completed it.

I say, Senators, that even if the settlers should have to pay this money they are only paying for what went into that work; they are only paying the cost of it; they are getting the worth of their money; and they are getting it cheaper than they would have gotten it if the Government had taken hold of the project and carried it from the beginning.

Is there any chicanery, is there any injustice, is there anything wrong in that? It seems to me that in the language of the report of the House committee in the Bellefourche case this presents a strong appeal to the sense of justice and equity of Congress. I have the figures here which bear out what I have to say. It is a statement in regard to the matter compiled from the records.

In the matter of the Corbett Tunnel claims, after having paid these claims, facts and figures prove conclusively that the irrigation project will not have cost the settlers any more than it was reasonably worth, and no more than it would have cost had the Government done the work in full, instead of 83.8 per cent of it. On page 11 of Hearing No. 2 before the House Committee on Irrigation, May 4, 1912, are facts and figures, offered by the supervising engineer of the Reclamation Service, which prove that the amount paid to the contractors for the proportion of the work done by them, viz: 16.2 per cent of the full amount of the contract, up to the time of their suspension, was far less than was the cost to the Government, proportionately, after taking over the project. The figures are as follows:

Full amount of cost of project, $933,075.

Which the contractor undertook to do for $750,000—far less than it was worth—and thereby came all this train of evils and troubles.

Full amount of cost of project	$933,075
Amount paid to contractor for 16.2 per cent of contract	104,085
Amount paid for completing 83.8 per cent of project (by Government)	828,990
Average cost of 16.2 per cent of contract by Government	160,218
Total amount paid contractors for 16.2 per cent	104,085
Total credit balance of first 16.2 per cent project	56,133

The above figures prove that the cost to the project of performing the first 16.2 per cent of the work by the contractors was $56,133 less than the amount required to perform the same proportion of the work at any time thereafter, and is accounted for by the fact that over $40,000 of it was contributed by labor and material men and the balance by the contractors themselves.

I say that upon the whole record there is no crookedness or dishonesty or wastefulness or extravagance in this matter. The Government had to take hold of the work and complete it, on account of having driven a hard bargain with a contractor who broke himself up in trying to fulfill it. The Government took hold of it and finished it without any scandal or suspicion or intimation of waste or extravagance. It did it in a businesslike, economical manner, and even if this $42,000 should come out of the settlers, or may come out of the settlers, which I deny, they would be getting the work done for less than if the Government had done it from the beginning—$14,000 less. They would be getting it done for less than a reasonable cost. The settlers are not hurt. But, as I said, even if the settler should be required to pay, any settler who goes on that land goes on it with his eyes open. You can not drag any settler on the land. He will inquire and learn what he has to pay, and if he goes on with his eyes open and wants to pay his price, who is there here who says he must not be allowed to pay it, if he thinks the land is worth the money? If he is willing to pay the money, why should he not be allowed to do it?

I tell you, Senators, that if relief is denied in this case there is no avenue of escape from the fact that Congress will have declared that there is one law for bankers and another law for workingmen, small tradespeople, and small merchants. It is the cry all over this country that there is one law for the rich and another law for the poor. We all deplore that cry. While there may be some ground for it, I am not in favor with giving any further ground or reason whatsoever for such complaints. I believe that courts ought to be careful to administer the laws in the same manner and spirit to all classes of people, high and low, rich and poor, bankers and workingmen.

If courts will administer the same law to all classes of people, there will not be nearly so much clamor for the recall of judges. I believe, in my humble judgment, if I may be permitted to say it here, in my humble way, that Congress, equally with the courts, ought to be careful and painstaking to enact the same law for the rich and the poor, the high and the low, the bankers, the workingmen, and the small tradespeople.

Here is an opportunity to do it. This Bellefourche bill, which is exactly analogous in principle and from which there is no avenue of escape, Senators, went through Congress and was approved by the President. The President said nothing about it in his message. He refers only to the report of the Secretary of the Interior. The Secretary of the Interior says very little about the Bellefourche project. He differentiates it from the case under consideration only in one insignificant particular, which does not take the case out of the same class. He does not, can not, abolish the analogy. He overlooks that proposition. I say in all fairness and honesty that the Government of the United States ought to treat all citizens, whether bankers or laboring men, rich or poor, high or low, with the same sort of consideration and fairness.

Now, I say to you, Senators, there is merit in this proposition; there is equity in this proposition; and there is justice and fairness in it. If Congress had seen fit to exact its pound of flesh and stand on the exact hair-splitting technicality of the cold, hard law the banker in Bellefourche, S. Dak., would never have been recompensed for his loss; but Congress justly and properly, in a sense of justice and fairness, departed from the strict technicality of the law existing in that case and granted fair and equitable relief. Why should it not do so in this case?

A word as to another thing that is apparent in all the hearings before the committees of the Senate and the House and in the discussion of this matter before this body and in the discussion of it before the House and in the discussions before the committees of Congress. This work is situated in Wyoming. If there be anybody voluntarily to pay any increased cost of land, if there be any settler who will feel one cent of this cost, it is in Wyoming; and if the Senators from Wyoming are not disposed to protest against this matter; if they are not disposed to protest against it as an imposition upon their State and their citizens; if they are not disposed to raise any objection; if they are willing to look upon it as fair and right and just, why should any other Senator in this body raise his voice against it? The Senators from Wyoming are those most directly interested, and never before any committee or in this body has any voice from Wyoming been raised against this bill; never by any Senator or Representative from Wyoming has it been branded as unjust.

In this case the people who are seeking this right to sue on this bond are not rich people; they are poor people. There is one good woman who has spent all winter and spring here looking after the interests of this bill. She and her husband, small merchants in Butte, Mont., have $10,000 tied up in this matter. Yet are they not to be allowed the same privilege that the Bellefourche (S. Dak.) banker had of suing first on this bond? If they are not allowed the same privilege, if this bill is not passed, they will lose every cent in the world they have. They will lose their home. They will lose their business. They will be cast adrift in the world with the savings of a lifetime

lost and gone. They credited these people on the strength of the fact that they were dealing with the Government, believing that the law of 1894 was in force, and were so advised; and they are exactly in the same class as the Bellefourche banker. Now, these good people will be absolutely turned out penniless in the world, will lose their home and business, and every dollar they have in the world, if this relief is not granted to them.

Of course, that is no reason for enacting this bill, but it goes to show, I say in all earnestness, their rights in this matter, and that this bill ought to be as earnestly and as liberally and as conscientiously and as humanely considered as was the Bellefourche bill for the relief of a banker in Bellefourche, S. Dak.

Now, one word more. This is no political matter. It can have no political significance even if the bill be passed over the President's veto. You all know as well as I do that it can in no sense be any reflection upon the President. I esteem the President of the United States; I have a very high esteem and personal regard for him. Not one word of disparagement or degradation concerning him comes from me. I regard him as a very admirable man personally. I can not see that such an act as this would cast one iota of reflection upon him. Notwithstanding I esteem him, however, I am not going to surrender my judgment for his judgment; I am not going to surrender my prerogative for his prerogative.

I have much esteem, too, for the Secretary of the Interior, Mr. Fisher. I have at all times at the hands of Secretary Fisher received the most courteous treatment and considerate attention. My relations with him have always been pleasant. But I am not on that account going to surrender my judgment for his, and I do not believe that the Senate of the United States ought to surrender its prerogative of legislation to either one of those gentlemen, simply because they hold contrary opinions.

Now, as to the veto message of the President, he simply referred this to a department, and I dare say the Secretary simply referred it to some under official in his office. I can hardly believe that the Secretary has given this his strict personal attention. But it raises the same old proposition, are we to legislate by departmental action? Is the legislative function of this Government to be surrendered to department officials? Has it come to a pass where one man or two men shall tell us what legislation we can and can not pass? It has almost come to that pass where we have to go hat in hand and in humble attitude and demeanor ask some Government official if we can pass a certain bill.

We have to go and ask, Will you give your approval to this bill? Can we enact this legislation? When a bill is introduced the very first thing is to refer it some departmental official for his opinion as to whether it ought or ought not to become a law. I do not believe in that principle, Mr. President. I believe Congress ought to be jealous of its prerogatives and guard them more strictly than has been done. In this case the objections of the Secretary of the Interior were before the committee of the House and the committee of the Senate. They were fully considered by those committees, and those committees decided that there was nothing in them whatever. They decided that this case was precisely analogous to the Bellefourche case.

This body unanimously passed the bill in its present form and the House, with practical unanimity, passed it. Now, having taken that stand, simply because the President differs in opinion or because he referred it to some departmental official who differs from us, shall we surrender our views upon it? Shall we say that we unanimously voted for this bill and because the President or some departmental official says it ought not to pass we will recede and give way to his superior judgment?

I do not believe that that spirit ought to be dominant in this body. I believe this bill is just and proper. I believe it is a meritorious measure. I believe there is justice and fairness in it, and that the Government of the United States should not stand upon a hair-splitting technicality in a hard case and say to its citizens, We exact your pound of flesh. I believe the Government of the United States ought to deal honestly and liberally and in a fair and equitable spirit with its citizens, and in this case I believe, with all my heart and soul and feeling, that, notwithstanding the veto of the President, with all due respect to the President and the Secretary of the Interior, this bill ought again to be unanimously passed by this body.

Mr. CRAWFORD. Mr. President, the question as to whether or not the veto of the President shall be sustained, so far as the political, personal, or official attitude of Senators toward him is concerned, has not entered my mind. I care absolutely nothing about that view of it. Naturally, if the question were confined to a simple proposal that the Government as a matter of justice should save these laborers or material men from loss and stop there, I would most cheerfully support the measure and vote against sustaining the veto of the President. I would not hesitate for one minute to so vote because the President belongs to my political party. There is just now little in the way of common sympathy between us, politically, to justify my giving that fact any consideration whatever, and I do not do so. But, Mr. President, it is very clear that it has been the custom heretofore in adjusting claims of this kind to pass the burden, temporarily carried by the Government, on to the settler. The Senator from Arizona [Mr. ASHURST], if I understood him correctly, in his reference to the Roosevelt dam, gave an instance of how, through the mismanagement of the Reclamation Service, the burden of the settlers upon those lands had been doubled. In the Bellefourche project the money paid to the bank appears to have been apportioned, and so far as any evidence is presented here that money was charged up to the settler.

The message of the President and the letter of the Secretary of the Interior clearly show that they have no other thought than that if this claim of $42,000 is paid the amount will be assessed against the settlers, and if not borne by those who are there now, it will be by those who settle upon these lands in the future.

Mr. MYERS. I should like to ask a question.

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. CRAWFORD. Certainly; just for a question, because we have taken a great deal of time in this discussion, and I do not wish to detain the Senate long.

Mr. MYERS. I should like to ask the Senator, even if it should increase the cost to these settlers, what harm would it do?

Mr. CRAWFORD. That is the point that I am going to discuss.

Mr. MYERS. They go there with their eyes open.

Mr. CRAWFORD. That is what I am going to discuss. Mr. President, a stern necessity is every day driving men and women out into the desert, driving them out on the sun-parched plains, where year after year not sufficient rain falls to raise pasture for more than a few head of sheep; men who follow the instinct which craves a little piece of land take risks, endure hardships and privations, and face dangers equal to those met and endured by the soldier upon the battle field. I see them going into the western part of my State, and I see them sometimes coming back again with mere skeletons of horses drawing and cattle following the wagon; men and women with woebegone and hungry faces, who have struggled against hardship, disaster, drouth, and poverty, making their way back to some place where they may be able to exist during the approaching winter. Among the mountains and hills of Montana, as the Senator from that State knows, you will frequently see the dugout and cabin of the settler in many of the little, narrow, irregular draws or valleys in the arid or semiarid regions where some one is making a last desperate stand for the purpose of getting a little piece of God's footstool that he can call a home for his wife and his children.

The land which the Government still owns and in regard to which these laws have been passed for reclamation projects is held in trust. It is held for one purpose, and that avowed purpose is to make it possible for men with families, driven by stern necessity and following the desire which God gave to them to own a little piece of land somewhere, an opportunity to acquire it. The Government should only ask that the settler shall reimburse its actual and necessary expense legitimately incurred in building the project. Reimburse the Government for the mistakes, extravagance, and recklessness of its officers? No. Simply the cost incurred in the careful, discreet, and economical administration and execution of the enterprise or trust. Was it intended that the Government if it made a contract with some man to erect a great dam and neglected to take a bond from him, or took an insufficient bond, or employed an incompetent contractor—one who did not know how to carry on the work and who, through incompetency or recklessness, was unable to carry it on—was wasteful, improvident, and extravagant and failed, when another contractor of experience and prudence at the same figure might have made money—was it intended that all the losses sustained by subcontractors and material men in such case should be passed on and put upon the shoulders of the men who are to settle upon these lands and undertake, in a last struggle, to secure a home upon them?

This seems to be a case where some contractor and some Government official made blunders—I do not know where to place the responsibility, but blunders were made—and it is proposed that the losses be made good, in the first instance, out of the United States Treasury. I would cheerfully vote under all the circumstances that they might be made good in that way; but it is not to end with that, because the avowed purpose of these officials is that when that is done, the amount is to be carried over and charged to the settlers who will to-morrow and next year or the year following go out and settle upon the lands in that project, which means that the claims of these subcontractors are to be paid by the settlers and not by the Government. There I protest; upon that and that alone I make my protest. Brushing all questions of politics and policy aside, because in this case I care nothing about them. I protest in behalf of the settlers who may go upon these lands to-morrow or next year or the year following, because I think it is unjust and unfair to take action here that will permit these officials to do what they openly declare it to be their purpose to do in case this bill becomes a law—places the losses chargeable to the negligence of these subcontractors or of these Government officials—one or both—upon the shoulders of the prospective settlers upon that land. Unless the disposal of this veto can be made in a way which will satisfy me that these settlers will be protected, if mine is the only vote it shall be cast to sustain the veto, because I will not consent that this charge shall be passed on to the settlers.

Mr. ASHURST. Mr. President, it now becomes my duty to supplement the remarks I made a few moments ago in answer to the question propounded by the Senator from Idaho [Mr. BORAH].

The Newlands-Hansbrough Reclamation Act of June 17, 1902, in my judgment, is a lofty and enduring monument to the constructive statesmanship of the framers of that law, and especially to the great Senator from the State of Nevada [Mr. NEWLANDS], whom we all delight to honor.

Again referring to the Roosevelt project in Arizona, it was at first estimated that the cost of that project to the landowners and farmers would be about $3,750,000, but it is now ascertained that the cost will be about $10,000,000. The Senate desires to know how that has been brought about. A mere statement upon such a serious matter, unsupported and unfortified by any facts, would not be conclusive or even persuasive. Therefore, I give some of the reasons why this cost has proved larger than the original estimates.

I am not oblivious to the valuable service Mr. Newell, the Director of the Reclamation Service, has rendered to his country, and I am not ungrateful to Mr. Davis, the Government's engineer, for the service he has rendered. I honor him for the distinguished service he has performed, both in this country and in foreign countries, Turkestan, for instance; but that does not preclude my stating facts as they exist.

The Roosevelt project was in the nature of an experiment. It was an initial project, and for that reason mistakes were bound to occur. For instance, a lateral or a headgate might be erected at a place which the constructors in good faith believed was the proper location, in accordance with workmanlike principles; but subsequent facts might, and sometimes did, indicate that the constructors were mistaken. These unforeseen conditions and contingencies that could not have been anticipated partly brought about the increased cost. The estimate, made upon the cost of the Roosevelt project by the Reclamation Service at the time the contract was entered into between the Government and the Salt River Valley Water Users' Association, representing landowners, was $3,750,000; but by subsequent agreements made and entered into between the Government and said association the project has been enlarged and extended, so that when completed its cost will exceed $10,000,000, which sum, under the reclamation act and the contracts, becomes a lien upon the land of each landowner within the project in the proportionate amounts that the acreage of each individual's holding bears to the whole amount of land included within the project, and which provision makes certain the collection and repayment by the landowners to the reclamation fund of the cost of the project. This increase in the cost of the project over the original estimate will make the repayment within 10 years burdensome to some of the landowners, and in many instances will be in excess of their ability to bear.

As the work proceeded, it was ascertained that the enlargement of the project and the construction of the Granite Reef diversion dam would be necessary. This diversion dam cost $650,000. Then the Chandler system and Mesa system were purchased, which further increased the cost. In addition thereto a power plant was constructed, further increasing the cost over the original estimates, so that when the amount called for by the original estimates, namely, the $3,750,000, had been expended, the project was not one-half completed, and out of the very exigencies of the occasion—I might say by virtue of the doctrine ex necessitate rei—and under a species of menace or duress the landowners and water users were obliged to alter their contracts accordingly.

In the light of these facts—that is to say, by reason of the cost of the construction of the project, amounting to nearly three times as much as the original estimates called for, all of which has been brought about without any fault upon the part of the landowners—it seems to me that in the forum of morals, and, indeed, in strict justice, the Secretary of the Interior, with the consent of the landowners and water users' association, should enter into a supplemental contract with the association providing for the repayment of the cost of said project in 20 annual installments, without interest, instead of 10 annual installments as provided by the provisions of the act of June 17, 1902, and in my judgment the present law is fairly susceptible of being construed so that the payments may be made equally or in graduated amounts, as may be determined by the Secretary of the Interior, in his discretion.

Mr. NEWLANDS. Mr. President, will the Senator permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. ASHURST. With much pleasure.

Mr. NEWLANDS. I should like to inquire whether the expenditure of the $9,000,000 only covered the work that it was expected the expenditure of $3,500,000 would cover?

Mr. ASHURST. It included other work.

Mr. NEWLANDS. Does it not include much other work?

Mr. ASHURST. It does. The expenditure of $9,500,000 covers much other work, as I have already stated.

Mr. President, I repeat that in many instances the reclamation officials could not have foreseen and did not foresee the unpropitious conditions which inevitably arise in all affairs of this magnitude. I am convinced that the honorable Secretary of the Interior and the reclamation officials will clearly see the overwhelming equities and rights of the farmers, landowners, and water users under this project and will grant extensions of time on the payments.

Mr. President, these reclamation projects throughout the West reflect much credit upon the builders and upon the reclamation officers because success has been achieved by these officials after overcoming many obstacles. Doubtless, in some isolated instances, apparent injustices seem to have been done toward this or that particular landowner; but, taken as a whole, the American people should be, and no doubt are, justly proud of this great work, and we of the West are especially grateful to the builders of these giant dams and reservoirs.

Having expressed my appreciation of the creditable work performed by the Reclamation Service—and, indeed, it is a creditable work, valuable not to Arizona alone, but to the whole Nation—I will not be deemed ungenerous if in truth I advert to one circumstance which in my judgment reflects no credit upon the Reclamation Service, as follows:

During the construction of the project it was ascertained that an enormous amount of electrical power could be developed or generated by the Roosevelt project. The farmers, landowners, and water users were given to understand that this power so generated would be sold and thereby appreciable sums of money would continually be coming in to the credit of the project, which at first would assist in defraying the expenditures for "upkeep" and eventually would partly reimburse the Government for the moneys advanced. It was ascertained that the power developed at various points on the project would be about as follows: Roosevelt Dam, through reservoir, maximum horsepower, 5,200; (2) Tempe crosscut, maximum horsepower, 6,000; (3) South Canal, maximum horsepower, 3,000; (4) Arizona Canal falls, maximum horsepower, 700; and (5) at the dam the power canal now building has a maximum horsepower of 4,400.

But, Mr. President, the Reclamation Service, acting, as I believe, in absolute violation of the Sherman antitrust law, entered into a contract with a corporation in the city of Phoenix, namely, the Pacific Gas & Electric Co., to sell this electrical power for 1½ cents per kilowatt hour. The contract was made by Mr. Louis C. Hill, on behalf of the United States, with the Pacific Gas & Electric Co., and by its terms it promises to furnish that company electric current for 10 years at 1½ cents per kilowatt hour, and the Pacific Gas & Electric Co. in turn

compels every householder to pay 12 cents per kilowatt hour. Until recently householders were compelled to pay 15 cents per kilowatt hour, and this company is thus enabled to exact these extortionate rates because the Government agreed to sell its power to said company under the following terms of contract, wherein the Government agrees (here I quote from the contract)—

To refrain from entering into a general retailing of power to customers in the city of Phoenix, Ariz., or from furnishing power to anyone in said city to be again sold or retailed.

This contract was in violation of section 3 of an act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraint and monopolies" (26 Stat. L., 209), which provides that:

Every contract * * * in restraint of trade or commerce in any Territory of the United States * * * is hereby declared illegal.

Mr. President, what a farce it is to observe trust busters fulminating and thundering in the index, the Government spending much money to enforce the Sherman antitrust law, and then, on the other hand, to observe the Government itself entering into a contract which on its face is a violation of that law. The power purchased by the Pacific Gas & Electric Co. is acquired at 1½ cents per kilowatt hour, while the Pacific Gas & Electric Co. sells that power to the citizens of Phoenix and other users of power and light at 12 cents per kilowatt hour.

The Pacific Gas & Electric Co. was incorporated in May, 1906, and is successor to the Phoenix Light & Fuel Co. The latter, in March, 1901, entered into a contract with the Arizona Water Co. for such water power as it might develop incidental to carrying water in canals from the Salt River to irrigate lands in the vicinity of Phoenix. A former owner in the Phoenix Light & Fuel Co. states that this old power contract was made not because of its value, but for fear competition might ensue in the lighting business if this possible power was not controlled.

Subsequent events prove that this power was as valueless as it was declared to be at that time, by experts who investigated it, for the reason that when the Salt River carried a great volume of water the canal company's diversion dam was destroyed, leaving the canal dry, and when there was no water in the river, of course, there could be none in the canals, and therefore no power. It was to remedy these conditions that the Government is expending $10,000,000 in the reclamation project, and which expenditure has made the matter of electrical power there much less hazardous. The United States acquired the Arizona Water Co.'s canals in June, 1907. The Pacific Gas & Electric Co., however, made good use of its asset of doubtful value—the old contract—as shown by the concurrence of the Reclamation Department.

Reputable attorneys who examined the old power contract were of opinion that the Government was neither morally nor legally obligated to consider it. Manifestly the people, generally, would enter no objection to the Reclamation Department selling power to the Pacific Gas & Electric Co., but they do object most strenuously to the Government of the United States using this old contract between two corporations as a basis for an exclusive contract by and between a grossly overcapitalized corporation vending a public necessity.

The Pacific Gas & Electric Co. is capitalized for nearly $1,500,000, and among other assets list the "franchises and rights" at $515,000. As its Phoenix franchise is not exclusive, nor can it be made so under Arizona law, it follows that this company has capitalized this Government exclusive contract as "rights," at $515,000, and which amount of itself is vastly in excess of the company's actual assets.

Mr. President, it is but fair that I should at this point ask unanimous consent to include in the RECORD a copy from a page of the report of the Reclamation Service, giving its reasons for the contract.

The PRESIDENT pro tempore. Without objection, the request is granted.

The matter referred to is as follows:

In purchasing the existing canal system certain obligations were assumed by the Reclamation Service for the supply of electricity to the Phoenix Railway & Light Co. The power canal used in the construction of the Roosevelt Dam is now applied to the generation of electricity for this company, with whom a 10-year agreement has been made, the electricity being furnished at the rate of 1½ cents per kilowatt hour for this period. No restrictions were included in this agreement as to the amount this company should charge the people of Phoenix. The receipts are used to diminish the operation and maintenance of the canal system.

The enlargement of the canals has been expensive, owing to the necessity of carrying on work while the ditches were in use, as the irrigation season lasts throughout the entire year on this project.

Mr. ASHURST. Mr. President, it is the little foxes that destroy the vines; and usually it is the weasel words lurking in an agreement or statement that disclose its vice. I direct especial attention to these words found in the matter above referred to:

No restrictions were included in the agreement as to the amount this company (that is, the Pacific Gas & Electric Co.) should charge the people of Phoenix.

Mr. President, I now ask unanimous consent that I may insert, at the end of my remarks, a memorial of the State Senate of the Legislature of the State of Arizona, asking the Attorney General of the United States to bring suit to set aside the contract with the Pacific Gas & Electric Co. as null and void and as being strictly in violation of the Sherman antitrust law.

The PRESIDENT pro tempore. Without objection, leave is granted.

The matter referred to is as follows:

Senate joint memorial 6.

To the honorable the Senate and House of Representatives in Congress assembled:

Your memorialists, the Senate of the first State Legislature of Arizona, the House of Representatives concurring therein, most respectfully represent:

Whereas on the 22d day of June, 1907, the Reclamation Service, on the part of the United States Government, entered into a certain contract with the Pacific Gas & Electric Co., a corporation having its principal place of business in Phoenix, Ariz., which said contract related to the sale of electric power to be generated in the future by the Roosevelt reclamation project, in the Territory of Arizona, now the State of Arizona, and which said contract sold to said Pacific Gas & Electric Co. all of the electric power generated by said project to be used in the city of Phoenix, Territory of Arizona, now State of Arizona under the following terms contained in article 2 of said contract, to wit: "ART. 2. The party of the first part (the Government) further agrees while serving to the party of the second part (Pacific Gas & Electric Co.) under the terms of this contract, to refrain from entering into a general retailing of power to customers in the city of Phoenix, Ariz., or from furnishing power to anyone to be sold again or retailed. It is agreed, however, that the party of the first part shall have the right to sell or lease power in the city of Phoenix at any time in blocks of 100 to 500 kilowatts and over to anyone to be used in manufacturing industries, waterworks, or pumping plants"; and

Whereas said clause in said contract creates a monopoly and a trust in favor of said Pacific Gas & Electric Co. in said city of Phoenix, relieving it from competition and allowing it to charge consumers in the city of Phoenix charges for electric power controlled and governed only by its desire and conscience; and

Whereas the Twenty-fifth Territorial Legislature of the Territory of Arizona, in session in January and February, 1909, petitioned Congress to call upon the Secretary of the Interior to investigate said contract, to the end that, if found illegal, action be taken to annul same, and the civic organizations of the city of Phoenix, its mayor, and council protested to the Secretary of the Interior against said monopolistic contract, all without avail; and

Whereas a committee, appointed by the house of representatives, is now making a general investigation of the Roosevelt reclamation project, the records of which will be available to determine certain facts as to said contract: Therefore be it

Resolved by the First Legislature of the State of Arizona, That we earnestly and respectfully petition and request the Senate and House of Representatives of the United States, in Congress assembled, to call upon the Attorney General of the United States to procure said contract, and all correspondence and papers relating thereto, and to investigate said contract, and if upon investigation it appears that said contract is unjust, illegal, and creative of monopoly, the proper proceedings be brought to obtain abrogation and annulment of the same, at least to the extent of abrogating such portion of said article 2 as grants to said Pacific Gas & Electric Co. an exclusive monopoly; and now, be it further

Resolved, That the presiding officers of each house of the Legislature of the State of Arizona are hereby directed to forward to the President of the United States and the presiding officers of the Senate and the House of Representatives of the Congress of the United States and to the United States Senators and the Representatives in Congress for Arizona a copy of this memorial.

Adopted by the senate by vote of 18 ayes, 1 excused.

M. G. CUNNIFF,
President of the Senate.

May 16, 1912, passed the house by vote of 32 ayes, 1 no, 2 absent.

SAM B. BRADNER,
Speaker of the House of Representatives.

Mr. TOWNSEND. Mr. President, I realize that there is little use in speaking at this time when Senators are not in their seats, because the only reason for making any remarks now would be to convince somebody of the opinion which the speaker might hold.

Mr. NEWLANDS. I suggest the absence of a quorum.

Mr. TOWNSEND. I would rather not have that suggestion made.

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Nevada?

Mr. TOWNSEND. I am not asking for a quorum myself; but if the Senator from Nevada insists upon it, I will yield to him for that purpose.

Mr. NEWLANDS. I think, Mr. President, that as we are about to act upon this important bill the Senate should be assembled. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Nevada makes the point that there is no quorum present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crane	Jones	Pomerene
Bacon	Cullom	Kern	Sanders
Bankhead	Dillingham	La Follette	Shively
Borah	du Pont	Lodge	Simmons
Bourne	Fletcher	McLean	Smith, Ga.
Bradley	Gallinger	Martine, N. J.	Smith, Mich.
Brandegee	Gronna	Massey	Smoot
Bryan	Heyburn	Myers	Sutherland
Burnham	Hitchcock	Newlands	Thornton
Burton	Johnson, Me.	Page	Townsend
Chamberlain	Johnston, Ala.	Perkins	

The PRESIDENT pro tempore. Forty-three Senators have answered to their names, not a quorum. Without objection, the names of the Senators not responding will be called.

The Secretary called the names of absent Senators, and Mr. LIPPITT, Mr. GUGGENHEIM, Mr. FALL, Mr. OVERMAN, Mr. CATRON, Mr. RAYNER, Mr. CRAWFORD, Mr. BAILEY, Mr. SWANSON, Mr. MARTIN of Virginia, Mr. WATSON, Mr. NELSON, and Mr. WILLIAMS responded to their names.

Mr. ASHURST. Mr. President, my colleague [Mr. SMITH of Arizona] is unexpectedly and unavoidably absent from the Chamber on important public business.

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names; a quorum of the Senate is present.

Mr. TOWNSEND. Mr. President, I do not recall the passage of the pending bill. It has been frequently said to-day that it was passed unanimously through this body and I assume that to be true; but I am sure, therefore, that it must have passed under unanimous consent and without discussion—at least no discussion of this measure occurred while I was in the Senate. I knew nothing about it prior to what I have heard said and what I have discovered to-day. I have, however, learned something about the measure to-day, and some matters which have been undisputed lead me to believe that it is the duty of the Senate to sustain the President's veto of the bill.

According to the statement of the Secretary of the Interior and of the President, there are various matters affecting the bond now in dispute and in process of settlement, which the passage of this bill would terminate, and such termination would be detrimental to the Government. If this bill passes not even $42,000 may be collected on the bond, and then neither these claimants nor the Government recover anything.

There is another thing which I think is practically settled, and that is that whatever is allowed under this bill, whatever is recovered under this suit by these claimants against the bond, must be eventually carried over to the settler, and I do not think that is just or right. The settlers on these irrigation lands are quite as poor and quite as much entitled to the consideration of Congress as are the merchants who are holding claims.

As for me, if it became a question of doing an injustice to these tradesmen or to the innocent settler, I should be quite inclined to favor the latter in preference to the others; and for this reason: We all understand something of the nature of the claims that are presented in cases of this kind. If I understood the Senator from Montana correctly, these pay checks of workmen were cashed by these small dealers, as he calls them—by the merchants—and undoubtedly they were paid for out of the store, which necessarily included a profit to the dealer in exchanging his goods for their checks.

It is also clear to my mind that an unusual profit—because I am simply judging from analogy, from similar cases—undoubtedly went to the dealer. I say, therefore, if it comes to a matter of doing an injustice, if one has to be done, either to the settler who buys his land with the understanding that he is to pay the legitimate cost of the irrigation or an injustice to these men who are thriving through trade on this kind of a project, I am going to favor the settler if I can.

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Montana?

Mr. TOWNSEND. Will the Senator allow me to finish this sentence? I have not quite completed my proposition.

Now, I am in perfect sympathy with the idea that if an injustice has been committed by reason of any act of unwisdom or of ignorance on the part of the Government, then the Government should make good the loss which it has imposed upon the people who have dealt with it and relied upon the good faith and the judgment of the Government of the United States in the transaction.

Mr. MYERS. Mr. President——

Mr. TOWNSEND. I yield, now.

Mr. MYERS. I call the attention of the Senator from Michigan to these lines on page 3 of the Secretary's report. I will read them:

> As to the 22,000 acres, the existing contracts, so long as they are fulfilled by the water users, are binding upon the United States. This fact precludes the shifting of any of the burden from the laborers and material men to water users on said 22,000 acres.

If it may be that any of this cost may be taxable to the lands under this project which are not yet taken, does the Senator see any harm in any settler ascertaining the amount to be taxed to the land per acre under the project, knowing what it would be, believing the land would be worth it, entering into a contract to pay the price, doing it with his eyes open, and knowing what he was doing? Do you see any objection to that?

Mr. TOWNSEND. I see very great objection. I not only read that clause, but I read further, where the Secretary states that the burdens already placed on these lands are as much as men can bear who are going to take up the property; that if the burdens of the settlers are increased, this project will not be used; the land will not be settled.

I take it that when the Government embarked in these irrigation projects it was for the purpose of doing somebody some good. It was for the purpose of opening up land which otherwise could not be used, but would remain desert, in order that it might go into use and help to supply the country with the food it needs. Any project of irrigation entered upon by the United States is supposedly intended for the use of the people—poor people.

I also recognize that while these 22,000 acres might possibly be relieved, the balance of the land would have to bear the burden.

Mr. MYERS. I would ask the Senator this further question: The Senator bears in mind that the increase per acre, if it should be taxed on at all, is less than $1 per acre. I want him to bear that in mind.

Mr. TOWNSEND. I understand that the minimum burden, according to this, would be $19.80 on a farm of 60 acres.

Mr. MYERS. Yes.

Mr. TOWNSEND. And the maximum is $54.60. Those are not small items to a poor and struggling farmer on these lands.

Mr. MYERS. I will call attention to the closing sentence of the Secretary's communication:

> Under these circumstances I am reluctantly compelled to advise that the bill should not receive your approval. If the lands of the project were able to bear the additional charge, I would gladly advise otherwise.

I would ask the Senator if these remaining lands are not able to bear the additional charge; does he think that statement indicates the intention of the Department of the Interior to put the charge on the additional lands which they have not sold, and which could not bear it? Would he attempt to do an impossible and a vain and a futile thing?

Mr. TOWNSEND. There is nothing clearer to my mind than that that is the intention of the department. The land would pay the extra charge if it is occupied.

Mr. MYERS. Then ruin the whole project, because of the finding of no takers.

Mr. TOWNSEND. I do not think the department would have the right to do anything else. Under this bill I do not believe the Government would have any right to pay this except as it imposed it back on the land.

Mr. President, there is a direct way of getting at this, and I have very little sympathy with either the object or the argument of the Senator from Montana when he suggests that this Congress is going to deal differently in the case of a banker than in the case of these poor people, as he calls them. I do not recall the Bellefourche case when it was up in the Senate—it probably was considered before I entered the Senate—but I can see a great difference in principle there, notwithstanding that Senators wiser than I say the principle is the same. In that case there was a written contract entered into under a mutual mistake. We could do nothing less than remedy that mistake, but if I could have had my way about it and had been present I then would have insisted that a separate bill should have been introduced, the money payable out of the Treasury, to make good the mistake that had been made and that it should not have been imposed upon the settler.

Mr. BORAH. The Senator from Michigan says when this contract was entered into there was a mutual mistake. Notwithstanding the fact that every man is presumed to know the law, the department did not know the law, and therefore they entered into that contract; but that the people who were dealing with that contract and who were furnishing money, and

so forth, under the contract were bankers, business men who had an opportunity to know just as well as anyone else what the law was, and must be dealt with with the same presumption against them that they did know the law and had the opportunity in fact to know.

Mr. TOWNSEND. There is no question about that.

Mr. BORAH. Was there equity in that case, where keen business men were involved, and none here, where laborers and those not so well advised are involved?

Mr. TOWNSEND. Does the Senator from Idaho claim for a moment that they believed that the law of 1894 was in effect and they were both laboring under a misapprehension?

Mr. BORAH. Perhaps not, or at least admit it, but they had a right to believe that the United States Government was in a position to protect those people by proper bonds and contracts by which what the Government got the Government would pay for. That is a matter every citizen has the right to assume as against the Government. I will admit that it ought to be dissipated pretty soon if this bill does not pass.

Mr. TOWNSEND. There was no allegation anywhere that there was any mistake on the part of any of the parties to this contract.

Mr. CUMMINS. I think the hearings both in the House and in the Senate show that these people who bought the time checks, these people who trusted the laborers for their groceries, and furnished material, did believe that the law of 1894 was still in force.

Mr. MYERS. Just a word, if the Senator please.

Mr. CUMMINS. And they would not have given them credit at all if they had not believed that the Government would take care of them by allowing them the first right on the bond. I think the hearings show those facts.

Mr. MYERS. Just one moment, if the Senator will permit.

Mr. TOWNSEND. I should like to answer——

Mr. MYERS. It was shown that the law of 1894 was thought still in effect and protected them, and it was repealed only a few weeks before.

Mr. TOWNSEND. These claimants were not a party to the contract—not one of them.

Mr. CUMMINS. Neither was the banker in South Dakota a party to the contract.

Mr. TOWNSEND. No; but I am saying that the parties to that contract were both laboring under a misapprehension of the law, and it was a mutual mistake that it was assented to; that it was made or entered into at the time when it was legal, but——

Mr. CUMMINS. I think the Senator from Michigan is mistaken about that. There is no suggestion that the departmental officers who made the contract were ignorant of the law. Of course they were not ignorant of the law. The truth is, as I infer, that they used a blank which had been well fitted for the case before the repeal of the act of 1894, but which was unfitted for the situation after the repeal of that law. Neither the contractor nor the department was ignorant of the law. I think it might very well be inferred that the bank which advanced the money was ignorant of the change in the law, because I fancy very few people knew the law had been changed.

Mr. TOWNSEND. The only reason I suggest why the Government and the other party were ignorant of the law is because they signed a contract which in express terms was contrary to the law. Therefore I say that I assume that they did that and that they were on equal terms—the two parties to that contract.

Mr. CUMMINS. But the law of 1905 was passed at the instance of the Department of the Interior.

Mr. TOWNSEND. There is no doubt at all about that. I am speaking about the contract entered into, which was a clear violation of existing law or under a law that had been repealed by another act. I think that if in that case, as I said before, this extra charge, $20,000, was carried over to the landholders, it was a mistake to do it—in that case the same as in this case.

Furthermore, Mr. President, as I started to say in answer to the Senator from Montana, when he charges that one was a case of a banker and the other that of poor men, that the parties or their financial conditions have absolutely nothing to do with this case. I do not think anybody will charge that a distinction is attempted to be made here because one was a banker and the other was a storekeeper.

Mr. BORAH. No; but it results that the suggestion is true. We do not intend to do that. We have no idea of making that distinction, but it so comes about that it is made.

Mr. TOWNSEND. Does the Senator from Idaho think there is a man in the Senate who is governed by that idea or influenced by it at all?

Mr. BORAH. I do not desire to modify my statement or to enlarge my statement further than to say that, while none of us intend to do it, we so legislate that it happens to be done.

Mr. TOWNSEND. Personally I have become very tired of this kind of insinuation—something brought into a case for the purpose of appealing to prejudice rather than to reason. The Senate is constantly at work, as it ought to be at work, doing justice to poor people, granting and passing claims carrying thousands of dollars to aid people who are in distress who have no claim against the Government at all. I have never voted against a bill that I thought had merit in it that was founded on justice or equity or right. If it can be proved that these storekeepers actually paid out the money on these claims—and I insist that that is a matter which ought to be determined, and would be if it was a question standing alone—if that could be determined, I would be very glad, indeed, to vote money out of the Treasury to reimburse these people for what they lost or had to pay.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Iowa?

Mr. TOWNSEND. I yield.

Mr. CUMMINS. Is the Senator from Michigan familiar with the hearings on this bill?

Mr. TOWNSEND. I am not. I just looked them over a little bit this morning. The first time I ever heard of this case in detail was when it was brought up in the Senate to-day.

Mr. CUMMINS. I may, then, without offense, advise the Senator from Michigan that the very fact which he suggested ought to be proven, was proved over and over again in the hearings.

Mr. TOWNSEND. Then that step would not have to be taken. But that does not modify my position at all. I said if the claim was just or had been established or could be established I would vote to pay it.

Mr. CUMMINS. I may say again that these poor people wanted it done in that way. They asked the Government under all the circumstances to reimburse them, and the committee refused to consider that proposition at all, believing that this was the way in which it should be done.

Mr. TOWNSEND. What committee?

Mr. CUMMINS. The committee to which it was referred.

Mr. MYERS. The House Committee on Irrigation.

Mr. TOWNSEND. Was it ever presented to the Senate Committee on Claims?

Mr. CUMMINS. I do not know. I think not.

Mr. TOWNSEND. I know the bill never was presented to that committee at a time when I was present.

Mr. CUMMINS. The other committee has just as keen a sense of justice as has the Committee on Claims, and that was the original idea, that they should be reimbursed in that way; but, following the advice of the members of the committee to which the bill was referred, this course has been taken by these people, and now it is proposed, because that advice was followed and the bill appears in this form, to turn them out with the suggestion that at some future time they can get before the Committee on Claims.

Mr. TOWNSEND. I insist it is the proposition to shift the burden from some storekeepers out in the western country to the landholders—the people there who have been buying the land under this project—and they would have to bear the burden instead of the others.

Mr. CUMMINS. That is not the proposition at all.

Mr. TOWNSEND. I think it is.

Mr. CUMMINS. It is utterly impossible under the law that that shall be the result. This additional assessment can only be made upon those lands to which as yet no right whatsoever has been granted or in which no right has accrued.

Mr. TOWNSEND. That is an admission of the correctness of my contention, that the lands have to pay it.

Mr. CUMMINS. Then, I suppose the Senator from Michigan is willing to adopt the policy that the United States must dispose of its public resources at cost. Is he willing to dispose of all of the public resources at cost, as he seems to desire to dispose of this particular piece of land at cost?

Mr. TOWNSEND. I do not quite understand the Senator.

Mr. CUMMINS. What I mean is this——

Mr. TOWNSEND. I desire to state to the Senator that I do not understand him.

Mr. CUMMINS. Then, I may repeat a little of what I said this morning.

This project was intended to irrigate, and it was estimated that it would irrigate, 150,000 acres of land. Twenty-two thousand acres of that area have been entered and sold; contracts have been made with men concerning 22,000 acres.

Mr. TOWNSEND. I understand that.

Mr. CUMMINS. And there is no suggestion that any part of this increased cost shall be assessed against the 22,000 acres sold or entered. One hundred and twenty-eight thousand acres remain. It is a part of the public domain. The Government owns it, and I suppose it is its business to sell it at a fair profit. That is the general policy of the Government.

Does the Senator from Michigan perceive any injustice in taking the real cost of this project and apportioning it upon the 128,000 acres, holding the land out to the world and saying, "Come, if you want to buy this land at this price; we will sell it to you; but if you do not want to buy the land at this price, you need not." Who is injured by that proceeding?

Now, let me say further, because I know the Senator from Michigan wants to be just, this project has cost the Government all this money. The $42,000 represented here by the beneficiaries of this bill was put into this project—their material went into this project. When the Government took possession of the work, took it from the contractor, there was on the ground a part of the material represented in this sum of money, and it was taken by the Government and used by the Government in the further construction of the tunnel. The project is fairly worth all that has been paid by the Government.

The real truth is that nobody is to blame here especially. I do not criticize the Government officials save in taking an inadequate bond; but the real truth is that there was a mistake as to the character of the earth at the point through which this tunnel passes, and the contractor took the contract believing it was of one kind, but it turned out to be another. What the Government agreed to pay him for it was not enough to compensate him for doing it.

Therefore as he went along with the work he could not pay for his material, he could not pay his labor, he could not pay for supplies out of the money which the Government had agreed to pay him. There should have been in the contract, of course, a provision which would have protected the contractor in the event of the discovery of different material, which was more expensive to take out of the tunnel, but there was not.

Now, does the Senator from Michigan believe that under those circumstances a man who goes in next year or the year after and takes a farm upon this project can do it in good conscience when he is using and utilizing the material and the supplies and the labor for which no payment has ever been made? I do not think that is equitable. I do not believe the Senator from Michigan will believe it to be equitable.

Mr. TOWNSEND. I have spoken with poor results if I have not convinced the Senator from Iowa and the Senate that I am not contending for any such proposition as he has stated. I have insisted that the Government should pay for this extra cost.

The Senator asked me if there is anything wrong in having the men who are going to take up these claims pay this extra cost or the pro rata share, whatever it may be. As I said to the Senator from Montana, the Government undertook this project of irrigation on the theory that it was going to furnish opportunities for farming which could be taken advantage of by the settlers. The Secretary states here that the engineer of the Reclamation Service advises that the water-right charge already imposed and to be imposed upon the lands in this project, in view of the nature and value of the land, now is at the maximum of safety.

Mr. CUMMINS. May I suggest, if that is true and this is put upon the land, then there will happen what the Senator from Michigan thinks ought to happen, namely, the loss will be borne by the Government of the United States, for if no one comes there to buy, it will remain the property of the United States.

Mr. TOWNSEND. Of course, and not be used.

Mr. CUMMINS. And not be used.

Mr. TOWNSEND. And the very object for irrigation will have been defeated.

Now, if there are certain legitimate charges that ought to have been imposed, and then through some mistake, either through a failure to understand the nature of the soil through which this tunnel must be constructed or anything else, that would have made the project unreasonable to start with and possibly, therefore, it would never have been undertaken, that contingency should be met by the Government and should not be loaded upon this project, or upon the men who are going to take advantage of it, or might take advantage of it. Else it will not be used, and the object and the whole expenditure will thus become worthless. It would result in an extravagant waste of money, because it can never be utilized.

Mr. CUMMINS. Then the remedy is with Congress.

Mr. TOWNSEND. Sure.

Mr. CUMMINS. Congress can immediately say that the land shall be sold at one-half of the cost. Congress has it all in its own hands.

Mr. TOWNSEND. It has; but the Senator's remedy is not a specific. Mr. President, there is another element to which I wish to call attention very briefly—and I have spoken now longer than I expected. I have been on the Committee on Claims of the Senate long enough to understand that whenever anybody enters into a contract with the Government and fails the Government is asked to reimburse him, to make him good. That is a very common thing which we experience here in Congress, and especially in the Committee on Claims.

I take it there must have been some good reason for changing the law of 1894 by the act of 1905; and yet, now that we have a law giving the Government priority to the provisions of a bond over other claimants, we propose to set that law aside and to open the door to every contractor, who would neglect to pay for his labor and material, knowing that the Government would pay these bills, and he be permitted to evade the provisions of the contract which he so eagerly sought and obtained. I think it is a very good plan to adhere to a contract and to observe the law. The contract should be a just one; but once made, its provisions should be enforced. I believe this is a wise course for the Government to follow. No one is wise enough to foretell what serious effects may flow from the passage of the pending bill. It will establish a precedent which may arise many times to plague us. If these claimants have suffered injury, and the Government, through its agents, is responsible for that injury, let a bill be introduced and compensation rendered out of the United States Treasury; but do not punish innocent people, who are quite as poor as these claimants, by shifting this burden upon them. If we are going to be generous with the people's money and property, let us at least be equitable in its distribution.

I submit, Mr. President, that for these and other reasons the President's veto should be sustained.

Mr. CHAMBERLAIN. Mr. President, I wish to make a brief statement in reference to the matter. I desire to call attention to the fact that the Government is not entirely free from blame in this matter, and I want to prove that fact by a statement from the project engineer himself.

In the first place, the contractor was governed a good deal by the plans and specifications as prepared by the Government engineers. In the very nature of things he could not examine into the condition of the soil where this tunnel was built, and because the contractor found conditions very different from those mentioned in the plans and specifications he was put to a very much larger expense than would have ordinarily been the case.

The supervising engineer, Mr. H. N. Savage, called upon the project engineer at this particular tunnel for a statement as to conditions with reference to the tunnel after the contractors had failed, and in reply to Mr. Savage, the supervising engineer, Mr. Sellew, the project engineer, called attention to the fact that surface elevations over the tunnel line taken in August, 1906, by the Government engineers varied materially from those indicated on the drawings. He called attention to the fact that while the Government engineers had estimated that there was no water in the tunnel, when the contractor got to work he found there was water in the tunnel, and it necessitated putting in pumps.

In addition to that, the Government engineers compelled the contractors to make a variation in the tunnel itself, compelling them to lower it a good deal at the lower end of the tunnel over the plans and specifications, and about this the contractor could not say a word.

In the conclusion of his statement to the supervising engineer he makes a statement in his letter which I will read. I call the attention of the Senate to the fact because there were Government officials there after the Government had completed the work who stated that the Government ought to treat these contractors justly under the circumstances, as they had found conditions very different from the reports made by the Government engineers. Here is what Mr. Sellew says:

> I have attempted to merely call attention to the several points above, and as you are so familiar with the details, elaboration on my part is unnecessary. From our conversation at Cheyenne I inferred that in the final adjustment of the Corbett contract the Government would approach the subject from all sides, and the claims of the contractor would receive careful attention. I certainly hope that such is the case, for I am firmly convinced that the conditions at Corbett were no more anticipated by the engineers than by the contractor, and it would be unfair to charge up to the contractor the cost of difficulties that he had no means of foreseeing and which the surveys and investigations of the Government failed to develop.

This letter is dated December 9, 1907, showing that the project engineer himself recognized that the contractor had not been treated with entire fairness, and in dealing with him upon the subject it ought to be taken as evidence of the fact that the contractors had taken the work at a very much lower cost than they ought to have undertaken it; that after the Government took charge of it, although the contractors agreed to do the work for something like $550,000, it cost the Government of the United States nearly $200,000 more to complete the work. Still it is insisted that the Government is entirely free from blame.

I am simply calling attention to this to show that the Government itself through its proper officers there admitted that they had been guilty of some carelessness and through this carelessness the contractor had been measurably misled.

Mr. NEWLANDS obtained the floor.

Mr. MYERS. I wish to make a request.

Mr. NEWLANDS. I yield to the Senator from Montana.

Mr. MYERS. I understand that the Senator from Ohio [Mr. BURTON] had given notice that he would deliver an address to-day. I was not aware of that when this matter ran over the morning hour. I do not wish to interfere at all with his notice, and I now ask that the consideration of this bill and the Presidential veto thereof go over until the morning hour to-morrow, subject to be called up and the consideration thereof to be resumed at that time.

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). The Senator from Montana asks unanimous consent——

Mr. SMOOT. Is it the request that the bill shall be taken up immediately after the conclusion of the morning business?

Mr. MYERS. Yes.

Mr. SMOOT. Before that is done I should like to ask——

The PRESIDING OFFICER. The Senator from Utah will permit the Chair to state the request. The Senator from Montana asks unanimous consent that the measure now before the Senate and the veto message shall be laid aside and be taken up to-morrow at the close of the morning business.

Mr. SMOOT. I simply wish to say that I shall move immediately afterwards, if that is agreed to, that when the Senate adjourns to-day it shall adjourn to meet to-morrow morning at 10 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and that course will be taken.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 127) authorizing the Secretary of War to supply tents and rations to American citizens compelled to leave Mexico, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEPHENS of Texas, Mr. CARTER, and Mr. BURKE of South Dakota managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and they were thereupon signed by the President pro tempore.

H. R. 16518. An act for the relief of the Fifth-Third National Bank of Cincinnati, Ohio; and

H. R. 18041. An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

RELIEF OF AMERICAN CITIZENS AT EL PASO, TEX.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 127) authorizing the Secretary of War to supply tents and rations to American citizens compelled to leave Mexico, which were, on page 1, line 3, after "authorized," to insert, "to expend not to exceed the sum of $20,000 out of any unexpended balance of the money appropriated for the Mississippi flood sufferers May 9, 1912"; on page 1, line 5, to strike out "all"; and on page 1, line 7, after "who," to insert, "have no other means of obtaining shelter and food and."

Mr. SMOOT. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist upon its amendments and agree to the conference asked by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. GAMBLE, Mr. CLAPP, and Mr. CHAMBERLAIN conferees on the part of the Senate.

HOUR OF MEETING.

Mr. SMOOT. I move that when the Senate adjourns to-day it be to meet to-morrow morning at 10 o'clock.

Mr. BAILEY. In view of the fact that it is difficult to get Senators here at 11 o'clock, I think that ought not to be done unless there is some good reason for it. If there is a special reason, I will make no objection; but the roll has to be called to get a quorum here even at 11 o'clock.

Mr. SMOOT. It is evident that it is going to take some more time to discuss the question which has been before the Senate, and I understand there are no committees specially that meet to-morrow.

Mr. BAILEY. To what question does the Senator refer?

Mr. SMOOT. To the veto message of the President.

Mr. BAILEY. It might be better to save the time and pay the money.

Mr. SMOOT. That may be true. I know the matter is going to be discussed for some time yet. I understand that the Post Office appropriation bill has not yet been presented to the Senate. The chairman of the committee would like to present it to-morrow, but he would not like to present it before 12 o'clock.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. The Chair will state the motion of the Senator from Utah and will then recognize the Senator from Iowa. The Senator from Utah moves that when the Senate adjourns to-day it be to meet to-morrow at 10 o'clock.

Mr. SMOOT. I am informed that there are certain meetings which have been appointed for to-morrow morning in which Senators on the other side are interested. Therefore I will modify the motion and make it 11 o'clock to-morrow.

Mr. CUMMINS. While I will not make any objection to the modification as proposed, I believe we ought to meet at 10 o'clock from now until the close of the session. There are some of us who are getting tired of staying here, and we want to dispatch the business that is to be done as quickly as possible.

Mr. BAILEY. Let us hold night sessions, then.

Mr. CUMMINS. I am perfectly willing to hold night sessions. I am sure of only one thing, and that is that we ought to give more hours to the business in hand if we are to get away within any reasonable time.

The Senator from Texas says that it will be hard to secure a quorum at 10 o'clock. It is hard to secure a quorum at 3 o'clock in the afternoon. We have but a dozen Senators or so who stay here all the time. We might as well do business with them at 10 o'clock in the morning as at 3 o'clock in the afternoon.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah that when the Senate adjourns to-day it be to meet to-morrow at 11 o'clock.

Mr. BAILEY. Mr. President, we can generally find a quorum in the cloak room. Senators are in hailing distance. I am perfectly willing myself to come at 11 and adjourn at 5 and come back at 8, but there is not a Senator in the body who can come here for two weeks at 10 o'clock and stay until 5 or 6 and escape a headache toward the close of every session. This room is built on the principle of a jail, anyway; it is a building within a building; the ventilation is bad; and five hours steadily are as long as any man can remain in this Chamber.

Mr. CUMMINS. I agree to all that. While it may be that the ventilation is bad and the room is bad, a certain number of

hours must be spent here in order to do the business we must transact; and it seems to me it does not make any difference whether it is from 10 to 6 or from 11 until later in the evening.

Mr. BAILEY. The difference is this: If we convene at 11, recess at 6, and come back at 8, we have two hours during which we go about our several ways and come back to the Chamber more or less refreshed.

Mr. CUMMINS. I am perfectly willing for any disposition of the hours of the day. I do know that we must spend here more hours than we have been spending or we will spend the summer and the fall.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah that when the Senate adjourns to-day it adjourn to meet to-morrow at 11 o'clock.

Mr. SWANSON. Mr. President, I suggest to the Senator from Utah that we have a Democratic caucus which meets to-morrow morning at 10. I am satisfied from having attended those caucuses and from the disposition to speak at them that its work will not be concluded by 11.

Mr. SMOOT. Will not one hour be sufficient?

Mr. SWANSON. It will not be sufficient. It usually takes a day for a Republican caucus, but we usually get through in two hours. I suggest that the Senator make the hour of meeting to-morrow 12 o'clock.

Mr. SMOOT. I really think it would not inconvenience Senators to meet at 11 o'clock. If we are going to get through with the business of the session and get away at any time in the early part of August, I really believe we shall have either to begin meeting at 10 o'clock or to hold night sessions, and so that there may be no misunderstanding and no complaint about it, I give notice now that I shall ask the Senate, day after to-morrow, to begin meeting at 10 o'clock or else hold night sessions, and let the Senate decide the question.

Mr. MARTIN of Virginia. I do not think it has ever happened in the history of the Senate that there has been a disposition to interfere with the convenience of the entire body of Senators on one side of the Chamber.

Mr. SMOOT. I will ask the Senator if he feels that 11 o'clock is too early to meet to-morrow?

Mr. MARTIN of Virginia. I do. I would rather have the Senate meet at 12 o'clock.

Mr. SMOOT. Then, Mr. President——

Mr. BORAH. I am perfectly willing to hold a session to-morrow night.

Mr. MARTIN of Virginia. I am perfectly willing, as far as I am concerned, to meet to-morrow night, and to meet at any hour that is convenient to Senators on the following day.

Mr. BORAH. With the understanding that we shall have a session to-morrow night, I will not oppose the proposition to meet to-morrow at 12. Otherwise I shall oppose it.

Mr. SMOOT. Then I will withdraw the motion, so that when we adjourn to-day we shall meet at the usual hour to-morrow.

The PRESIDING OFFICER. The Senator from Utah withdraws his motion.

Mr. MARTIN of Virginia. So far as a night session is concerned, I expressed only my individual opinion. I do not want any Senators to assume that there will be no opposition to a night session. I say that for myself personally it is entirely agreeable to me. That is all I meant to say.

HIGH PRICES AND HIGH COST OF LIVING.

Mr. BURTON. Mr. President, on the 20th of this month I gave notice that to-day I should address the Senate on the subject of high prices and the high cost of living. The discussion of the bill vetoed by the President has taken a great deal of the time, and I am obliged to the Senator from Montana [Mr. MYERS] for yielding to me.

I wish to ask consent to print in the RECORD divers tables and other material with which I do not desire to detain the Senate.

The PRESIDING OFFICER. The request of the Senator from Ohio will be granted unless there is objection. The Chair hears none.

Mr. BURTON. I am also anxious that I shall not be interrupted during my address. When I am through I shall be very glad to answer any inquiries which may be propounded.

HIGH PRICES.

Among existing causes of popular discontent none is more prominent than the prevalent high cost of living. This phenomenon is plainly in evidence, but the reasons given for its existence include an infinite variety. Tariff laws, fiscal policies, dominant political parties, gold production, the trusts, Wall Street, Congress, the exactions of middlemen, and the grasping disposition of merchants, manufacturers, and others, are all indiscriminately blamed for present conditions.

It is evident that not all of these conflicting explanations can be correct and that in seeking the causes of these economic tendencies many prevalent opinions are likely to be erroneous. In each of the last four decades there have been periods of approximately five years in which prices varied materially from the normal level. In the last decade high prices were the feature. In the first three, beginning with 1871, 1881, and 1891, respectively, complaint rested upon low prices. In explaining this condition there was the same contrariety of opinions.

In referring to prevalent low prices and slackened trade in 1878, Prof. Jevons says:

> It is curious to notice the variety of explanations offered by commercial writers concerning the cause of the present state of trade. Foreign competition, beer drinking, overproduction, trades-unionism, war, peace, want of gold, superabundance of silver, Lord Beaconsfield, Sir Stafford Northcote, their extravagant expenditures, the Government policy, the Glasgow Bank directors, Mr. Edison and the electric light, are a few of the happy and consistent suggestions continually made to explain the present disastrous collapse of industry and credit.

It is the aim of this inquiry to ascertain, if possible, the actual causes for the high prices which now prevail. Are there not far-reaching influences controlling sowing and reaping, production and distribution, influences antecedent to and governing the disposition and methods of manufacturers, merchants, business men, and laborers, which are responsible for the phenomena of to-day? It is with the conviction that such is the case that I shall endeavor to set forth certain fundamental facts which adequately account for the situation and eliminate from consideration certain explanations of the course of prices which are manifestly fallacious. At the outset the great general fact must be recognized that the high cost of living is plainly manifest among all advanced nations and approximately in proportion to the degree of progress each has made along industrial and commercial lines. The countries in which the phenomenon attracts least attention are those which are least advanced in civilization.

Reasoning from general principles, it is inevitable that this must be the case. In a time of progress, when invention is furnishing every few years some new implement or facility, there is a constant demand for each successive novelty, and as a result increased expenditure, extravagance, and higher prices must ensue. Progress in European countries and in localities in Asia and Africa, where European influence has been felt, though less marked, has been similar to that in our own. The same results must follow this progress—increased consumption, unequal production of different commodities, and tendencies toward waste and extravagance. The general principles are amply sustained by a recital of actual prices.

In a single newspaper published in Paris last September, there were paragraphs giving accounts of meetings in Berlin, Switzerland, Bohemia, Silesia, and Galicia to protest against high prices, some of which were attended by violence. In other papers about the same time there were paragraphs giving accounts of bread riots in France and of loud complaints against the high cost of living in England and Belgium.

I subjoin as an appendix a list of extracts from reports of American consular officers abroad, together with tables of price ranges in various foreign cities, gathered and compiled by Mr. O. P. Austin, of the Bureau of Statistics, Department of Commerce and Labor, a few of which I will quote.

These reports all point in one direction—rising prices in the British Isles, in Germany, in France, in Spain, and elsewhere. In this latter country the consul at Valencia states:

> There is much popular dissatisfaction with the high cost of foodstuffs in Spain.

The consul at Malaga says:

> The problem of greatly increased cost of living is as acute here as in the United States. All the necessities of life have gone up steadily in price, and there does not seem to be any immediate relief.

It will be noted that the consul at Patras, in Greece, says:

> The same amount of money expended by a family per annum in Greece and the United States would secure in the latter country a larger degree of the comforts and luxuries of life than in the former.

In Italy, the consul general at Genoa says:

> The past few years have witnessed a general increase in the cost of living throughout Italy.

The consul at Milan says:

> In no place in Italy is the increased cost of living more keenly felt than in Milan. The price of meat is steadily increasing. House rents have advanced 30 per cent in three years.

The consul general at Vienna states:

In common with the rest of the world, Austria has been affected by the increased cost of living, and complaints are made on every hand. Unrest over the increased cost of living showed itself in a nation-wide protest against the price of meat.

The consul at Reichenberg states:

In all parts of Austria meetings have been held recently to protest against the continuous advance in prices of all kinds of foodstuffs. Prices had advanced so rapidly in all food products as to have the effect of creating most distressing conditions.

The consul general at Moscow states:

The increased cost of living throughout Russia is perhaps felt more keenly in Moscow than in any other city of the Empire. Conditions have become so serious that many plans have been mooted for the relief of the people.

He shows, by tables giving the prices of meats, that some grades have doubled in cost, while there has been a general advance in food products of 20 per cent, and often much more, in the five years from 1903 to 1908.

The increase extends to China, where the consul at Nanking says:

It is a matter of grave concern to observe from year to year the increasing cost of living which, of course, includes every item of household expenses.

The consul generals in Japan say that the increase in the cost of living is even more marked than in China. The consul general at Yokohama says:

During July and August, 1911, the price of rice on the Tokyo rice and other grain exchanges advanced to nearly $2 per bushel, a price never before reached in Japan.

The consul general at Kobe says:

According to an article in a Japanese newspaper, prices have gone up in Japan over twofold in the last 20 years—

and he states that the Japanese rate of advance has been greater than that in London or New York.

The same phenomenon is apparent in Syria, where the consul reports that outside of a few staple articles, such as coffee, sugar, petroleum, and a few others of less importance, the cost of living has increased 20 to 50 per cent within the past year. Prices of meats have risen over 30 per cent, and butter in proportion. Household servants and similar employees demand from 50 to 75 per cent more than formerly.

The consul at Harput, in Asia Minor, says:

One of the inexplicable things in connection with this country is the remarkable increase in the price of everything, and there is not one article that goes into any of the relations of life that has not almost doubled in price during the past five years.

The consul at Port Elizabeth, Cape Colony, South Africa, says:

The cost of living in Port Elizabeth is high and would equal that of American cities of equal size.

As regards the comparative cost of living of wage earners in Europe and the United States, President Gompers, of the American Federation of Labor, said in an article printed in the American Federationist for January, 1910:

Mentally contemplating the many cities I visited, and having in mind the conversations I had with workingmen who had lived both in Europe and America, I believe I may assert that whether the cost of living in Europe or America is greater to the workingman depends entirely upon the standard of living he adopts while in America. If he voluntarily lives the life of self-denial in this country that he compulsorily lived in his native land his outlay in money will remain about the same. Even then he will hardly be able to escape gaining something from the superior quality of the good things of life in America.

Living is cheap to the wageworker in Europe only because he does without what in America soon becomes a necessity to him—food in good quantity and quality, presentable clothes among his aspiring fellow countrymen and their families, and a comfortably furnished home in quarters responding to his awakened desires and freer life. * * * Fine wool and silk stuffs, furs, laces, and kid gloves cost less abroad than in the United States, a fact, however, which bears as lightly in an inquiry into the conditions of the masses as does the tariff on the masterpieces of art. * * * The main conclusion as to housing is the same as that relating to food: If the immigrant to this country is willing to continue living here at the same level he was obliged to accept in his native land, he can find it for the same money.

So far as we have data, the same phenomena of high prices were in evidence in earlier times in the most progressive and civilized countries. In those days increased resources were partly obtained by the spoils of conquered provinces, which in a measure supplied the increased wealth afforded by the industrial and commercial progress of modern times.

Mr. Boeckh, the German economist, who made a study of finance in Greece, states that in the time of Solon an ox in Athens cost 5 drachmas, or about 85 cents; a sheep, 1 drachma, or 17 cents; a bushel and 3 gallons of corn, the same. Two hundred years later, after the marvelous progress made by the Athenians, prices rose to 5 times, and in many cases to 10 or 20 times, their former amount. In addition to the spoil obtained by successful military operations, progress was made in mining in the islands of the Mediterranean, in Attica itself, and in Thrace and the island of Thasos. In Rome it is more difficult to trace the changes in prices of food. Corn was sometimes exacted as a tribute from conquered countries and sold by the state at less than cost, or even given away. Cattle and corn, however, increased in price. About 400 B. C. sheep sold for about 17 cents each. At the date of the Christian era the price was the equivalent of $6.25. The Romans, like the Athenians, gained wealth from the spoil of conquered countries and acquired gold and silver from their mines. After the Punic wars mines were obtained from the Carthaginians in the western part of Africa, in Sicily, in Sardinia, and the south of Spain. At a later time the mines of Greece and Asia Minor, and still later the mines of Macedonia and Thrace, came into the possession of the Romans.

It is to be noted that with the decline and fall of the Empire in the year 476 A. D., there was a lapse, if not into barbarism, at least into less civilized conditions; prices fell and industrial activity and the mining of the precious metals declined.

In referring to these conditions Mr. Jacobs, in his excellent history of the Precious Metals, says:

In this period from about 480 to 670 or 680 the greatest diligence has been able to discover no trace in any author of the operations of mining having been carried on.

Such operations are alike suspended or less productive of results in less progressive periods and in time of war and political disturbance.

Mr. Jacobs also says:

When the Mahometan power arose, its aspect was sufficiently terrific to continue the suspension of the mines. The precious metals were sought not by exploring the bowels of the earth, but by the more summary process of conquest, tribute, and plunder.

There is extant a dialogue which was printed in England in the year 1581, attributed to one W. S., afterwards reprinted about the year 1751 by an enterprising publisher, and ascribed to William Shakespeare, a manifest effort to obtain a greater sale by deceit. Careful examination of contemporaneous facts shows that this interesting dialogue occurred in the year 1549, when England was beginning to feel the effect of the great awakening which followed the discovery of America, the invention of printing, and other great advances in civilization. The participants in the dialogue are a knight or owner of land, supposed to be Mr. Thomas Hales; a doctor of divinity, who, as it is conjectured, was Bishop Hugh Latimer; a husbandman; a tenant farmer; a merchant; a mercer; and a capper. This document is exceedingly valuable for students who are considering the subject of high prices, for if we leave out the influence of the larger aggregations of capital and the characteristic features of modern business, practically every reason for a rise in prices is advanced in it. Each ascribed the responsibility for the existing situation to faults related to the occupation of the other. Views are expressed upon the benefits of protective tariffs against foreign products, upon the balance of trade, upon the exactions of the middleman, upon the increase in rents of agricultural land. One of the participants in the dialogue expresses the opinion that avarice is the cause of high prices. Another enumerates the great increase in the cost of necessary articles and says:

Within these eight years you could buy the best pig or goose that I could lay my hands upon for 4 pence, which now costs me 8 pence, and a good capon for 3 pence or 4, a chicken for a penny, a hen for 2, which will now cost me double the money, and it is likewise of great ware as of mutton and of beef.

A subject which has received much modern discussion as to whether price determines rent or rent price was treated in the dialogue. It was maintained that price determined rent, and not rent price. One cause of the increase of prices which was pointed out in this dialogue is the clipping of coin, which caused the good coins to go abroad for use in foreign trade. There were, however, more universal causes than this. Bodin, a French political philosopher of the last half of the sixteenth century, states, as an undoubted fact, that there had been a revolution in prices. He gives six reasons for it:

(1) The great abundance of gold and silver, which resulted in a decrease in its purchasing power. The discovery of America and the increase of commerce and the development of banks caused the great abundance.

(2) The monopolies of the guilds and of the tax farmers.

(3) The ease with which wine and corn—the chief products of France at that time—might be exported, thus increasing the price at home.

(4) The extravagance of the court.
(5) The general leisure in the community.
(6) The debasement of money, a practice which was prevalent in France at that time.

These reasons, while perhaps not recognizing the great general fact of the demands of an advancing civilization, will bear the test of analysis to-day.

There are potent reasons why the increase in prices, and especially in the cost of living, should be greater in the United States than elsewhere:

(1) The unusually disproportionate growth of urban and rural population.
(2) The greater increase in average consumption.
(3) The higher scale of wages and higher standard of living.
(4) The temptation to overexpansion of industrial and commercial enterprises by reason of the abundance of natural resources.
(5) The pressing demand for capital and consequent high rates of interest.
(6) The exceptional opportunity for speculative trading always characteristic of new or comparatively new countries.

On examination I think it will appear that the prevailing high prices can be traced to three very manifest and important causes, the application of which to the present problem has in a measure been overlooked:

(1) The phenomenal progress of recent years.
(2) The striking inequality of this progress in different branches of human endeavor.
(3) The inevitable tendencies in every progressive era to extravagance and waste in expenditure and to the diminished productive energy of a large share of the population.

The second and third causes are subordinate or incidental to the first and closely associated with each other. Let us examine the effect of each in its order:

(1) Progress: Notwithstanding long periods of inertia and even of retrogression the dominant note in the history of the race has been that of progress. This has been especially true in the last 100 years, or, to fix an exact date, since the close of the Napoleonic wars in the year 1815. Beginning at that time there has been a more peaceful disposition among nations. Human effort has been less occupied with warfare and more with the development and utilization of the world's resources. This has been accompanied by a constantly increasing development of commerce and industry, which has made its influence felt in both production and consumption. The advancing movement has gained in intensity in almost every successive decade. As ever, scientific progress has been in the van, followed by material, intellectual, and political progress. Science has given to mankind a constantly increasing control over nature. Inventions and discoveries have greatly multiplied the supply of useful articles adapted to satisfy human wants.

Modern means of communication by steamship and railroad, the readier transmission of news by telegraph, cable, and the wireless, the increasing scope of industrial and commercial enterprises and large-scale operations have all powerfully promoted a readier exchange of products within national borders and in international trade. It is now easy to obtain useful articles even from the remotest parts of the earth. More perfect means of communication, together with the diffusion of intelligence, have promoted political progress, the assertion of popular rights, and greater equality of opportunity, so that each individual may occupy a field of endeavor which was denied under the less favorable conditions which formerly existed.

One marked effect of this progress is the alleviation of the struggle for existence, with the resulting opportunity to acquire greater skill and to discover new methods of production. The requirement of less effort in obtaining the necessaries of life gives a wider scope to human enterprise, and makes it possible to multiply the achievements which contribute to the betterment of the race.

These factors have made possible a rising standard of living, which is the most striking feature of present-day civilization, especially here in America. As a result the conveniences and luxuries of one generation are regarded as necessities in the next. Wealth and the consequent enjoyment of conveniences and luxuries are no longer limited to the few. Even in humbler homes a standard of living is made possible which was beyond the fondest hope entertained by generations that have scarcely passed away. The resources of the world have been so developed that abundance is the possession of the most favored peoples, at least a relative abundance, for while many still suffer from the sting of poverty the great body of the people of the more progressive countries enjoy much larger opportunities and larger control over the comforts and necessaries of life. The environment of a refined civilization, as well as the opportunity for education and the wider scope afforded to human endeavor, kindle a desire for better conditions. They awaken new desires, create new wants, stimulate taste, and everywhere result in a demand that the higher aspirations of human nature be gratified. These tendencies are manifest in the general and growing demand for better houses, not only with ordinary facilities and comforts but with some of the luxuries; better clothing, involving quantity, texture, and particularly style; better food, more in quantity, greater in variety, and of superior quality. Along with these there is a desire for the wider outlook which is afforded by higher education, by the pleasures of social life, and an insistent demand for leisure and amusement.

As wealth accumulates in communities, a much larger share of the population withdraws partially or wholly from active or productive employment and gives attention to the gratification of personal tastes and desires. Within reasonable limits all these tendencies are a cause for felicitation rather than for regret. It should never be forgotten that, until a few years since, the most bitter complaints were uttered in periods of low prices. These were regarded as indicative of industrial depression and were accompanied by diminished employment. Legislation and administrative policies alike were blamed, sometimes most unjustly, because of the existence of a low price level. On the other hand, increased prices were very generally regarded as affording an impetus to business activity and promoting universal prosperity.

The statistics of per capita consumption are especially illuminating, notably in the case of food. Some tables prepared by Prof. Richmond Mayo-Smith, one of the ablest of our statisticians in the last decade of the last century, set forth clearly the increased consumption of divers articles in several countries of Europe in periods of about 20 to 25 years:

Annual consumption per capita in different countries in different years.

Article and country.	Date and quantity.	Date and quantity.	Increase.
	1862.	1882.	*Per cent.*
Meat, France	25.9 kilograms.	33 kilograms ..	27.41
	1868.	1890.	
Meat, England	100.5 kilograms	124.5 kilograms	23.88
	1871–1875.	1891–1895.	
Tea, Germany	0.02 kilogram..	0.05 kilogram..	150.00
Petroleum, Germany	3.75 kilograms.	14.82 kilograms	295.20
	1871.	1896.	
Flour, United Kingdom	150 pounds....	257 pounds....	71.33
Tea, United Kingdom	3.91 pounds...	5.77 pounds...	47.57
Eggs, United Kingdom	12.6.....	40.....	217.46
Butter and margarine	4.7 pounds....	11.1 pounds...	136.17
Cocoa	0.23 pound....	0.62 pound....	169.56
Bacon and ham	3.4 pounds....	15.9 pounds...	367.64
Refined sugar	5.28 pounds...	41.53 pounds..	686.55

Consumption and price of wheat in European countries.

Country.	Year.	Per capita consumption.	Price per imperial quarter.
		Lbs.	*s. d.*
Germany	[1890	134	41 2
	[1 1891	123	47 6
	[2 1894	148	26 11
	[1910	172	43 8
France	[1890	504	44 1
	[1 1891	402	47 10
	[2 1895	483	32 9
	[1910	371	43 7
United States	[1890	275	33 9
	[1891	338	37 7
	[2 1894	275	21 ..
	[1 1910	408	38 5

[1] High. [2] Low.

The census statistics of our own country show a marked increase in the consumption of such staple products as cotton, wool, wheat, corn, and sugar. The increase in consumption between the years 1890 and 1910 has been much greater than in production, with a resulting rise in prices. The increase from the period 1871–1880 to 1910 is even more striking, as shown by the tables following.

Table showing the increase of production and the relatively greater increase of consumption for enumerated products, together with per capita consumption and price.[1]

Commodity.	Amount of production.		Per cent of increase.	Amount of consumption.		Per cent of increase.	Per capita consumption.		Price.	
	1890	1910		1890	1910		1890	1910	1890	1910
Cotton.....bales..	8,562,089	12,005,688	40.2	2,604,491	[2]4,559,002	75.0	20.6	[2]24.8	[3]0.0793	[3]0.1511
Wool, fine, April.....pounds..	[4]280,700,000	321,362,750	14.4	[4]369,485,532	581,235,509	57.3	5.8	6.32	[5].19	.33
Wheat.....bushels..	[4]449,695,359	683,349,697	51.9	[4]323,094,123	596,664,336	84.7	5.1	6.48	.983	1.118
Corn.....do....	[4]1,703,443,054	2,552,189,630	49.8	[4]1,645,012,435	2,514,179,252	52.8	26.1	27.3	.481	.668
Sugar:										
Continental.....pounds..	306,219,115	1,775,338,000	479.7	.....	.....	.....	.....	.....	.....	.....
Extra-continental.....do....	561,159,485	1,855,504,086	230.6	.....	.....	.....	.....	.....	.....	.....
Total.....	867,378,600	3,630,842,086	318.5	3,192,735,098	7,360,130,811	130.5	50.72	79.9	.0627	.0497

[1] Figures taken or derived from the Statistical Abstract for 1911. [2] 1909. [3] Price per pound. [4] Ten-year average, 1881–1890. [5] 1896.

Table showing per capita annual consumption of enumerated products.

Commodity.	Annual average 10-year period 1871–1880.	Consumption, 1910.	Per cent of increase.
Wheat.....bushels..	3.59	6.48	86.1
Corn.....do....	17.9	27.3	52.5
Sugar.....pounds..	38.46	79.9	107.9
Malt liquors.....gallons..	6.93	19.79	185.5
Wool.....pounds..	3.97	6.32	59.2
Cotton.....do....	10.14	[1]24.8	144.5
Coffee[2].....do....	7.25	9.33	28.7
Tea[3].....do....	1.33	.89	(4)

[1] 1909.
[2] Average for 10-year period 1901–1910, 10.6 pounds.
[3] Average for 10-year period 1901–1910, 1.14 pounds.
[4] Decrease.

Expenditures for luxuries show an even more marked percentage of increase than in the case of the staple products of life. The importation of diamonds into the United States for the year 1890 was $11,928,030; for the year 1910 it was $39,772,678, or an increase of 233 per cent.

The automobile first came into practical use about the year 1900. It has a certain use from an economic standpoint in that it affords a ready means of transportation. Its effect in promoting health is not to be disparaged, but, for the most part, it is a luxury. The approximate number in actual use in the United States at the present time is probably between 400,000 and 500,000. The rapid growth of the automobile industry is readily seen from the steadily increasing annual output. As late as 1905 it is estimated that there were only 1,500 cars in use. In 1906 the production amounted to 25,000 cars; in 1907 to 45,000; in 1908 to 85,000; in 1909 to 110,000; in 1910 to 160,000; in 1911 to 190,000, with indications that in 1912 the number will reach 225,000. The total expenditure for American-made automobiles in the United States during 1911 was $240,000,000, or an amount about equal to the entire cost of conducting the Post Office Department for the same year. The expenditure for automobiles in this country since the inception of the business reaches the enormous total of $1,020,000,000.

NOTE.—All figures relative to the automobile industry were furnished by the editor of Motor. Figures in substantial agreement were also furnished by the Horseless Age.

The value of paintings and works of art imported for the year 1890 was $2,196,500, while for the year ending June 30, 1911, it was $22,190,053.

In a prosperous country where wealth is increasing there is a constant disposition to indulge in luxuries, often by those who can ill afford them. A new style of house or equipage or of dress, all of which are common in a time when wealth increases, frequently results in the discarding of that which under less favorable circumstances would be regarded as sufficient, and leads to the purchase of other articles in accordance with contemporaneous tastes or fashions. Social ambitions and the general desire for the enjoyment of pleasure tend in the same direction; extravagance grows as attractive objects multiply.

An important factor in the present high cost of living is the rapidly growing cost of government—national, State, and municipal. In case the proceeds derived from taxation are applied to essential improvements naturally no undue burden would result, but there are, nevertheless, manifest differences between public and private enterprises. The former are managed with a less degree of care and supervision. Given a certain object, the expense of securing it by public management is usually greater than under private control. There is a still more important factor. The aim and nature of public expenditures differ materially from private investments. The latter are made with a view to an adequate return, a profitable income on the amount expended; in many instances the former look to objects of a less essential nature, sometimes to monuments of grandeur or of art which do not subserve any immediate purpose of utility. Again, new facilities are oftentimes provided for on a scale which private enterprise would not attempt. Public activities are often undertaken for conserving health or maintaining more perfect order, and have in view considerations of general welfare most commendable in their nature, but such as would not be initiated in expectation of immediate profit. The enormous burden of municipal expenditures in the United States is more and more attracting attention, and there is a crying demand for relief.

The aggregate expenditure of the Federal Government for the year 1890 was $297,736,487; in 1910 it was $659,705,391, an increase of approximately 122 per cent.

To all these must be added—and special attention is called to this—the oppressive burden of military and naval armaments, now involving a cost to the civilized nations of $2,000,000,000 a year, an economic waste which imposes an almost unendurable burden upon the world's resources. The expense of the Naval Establishment of the United States for the year 1890 was $22,006,206; in 1910 it was $123,173,717.

The increased burden of government is most strikingly revealed in the increasing per capita tax rate. The following table shows the increases of both State and Federal taxes in the State of New York since 1860:

Per capita tax rate in New York.

[Derived from report of the comptroller of New York.]

Date.	State ad valorem.	State indirect.	Federal taxes.	Total.
1860.....	$3.96	.....	$1.78	$5.74
1870.....	8.86	.....	10.26	19.12
1880.....	11.09	.....	6.65	17.74
1890.....	12.53	$0.53	6.43	19.49
1900.....	16.69	1.83	7.43	25.95
1910.....	21.82	4.07	7.48	33.37

Increase from 1890 to 1910, 71 per cent; increase from 1900 to 1910, 28 per cent.

It would be incorrect to assert that many of these larger expenditures are not attended by the most beneficial results to the citizens of the municipality and Nation, but they create a more munificent scale of expenditure and one which from an economic standpoint seriously interferes with the relation between production and consumption, and thereby inevitably tends to increase prices and the resultant cost of living.

(2) Unequal progress: The second general cause which should be considered is the notably unequal progress in the different branches of endeavor which satisfy human wants. This is true alike in the production of commodities and in the utilization of personal service.

The index numbers displayed in the following tables indicate clearly how unequal the rise has been in different commodities. They give relative wholesale prices and are compiled from Bulletin No. 99 of the Bureau of Labor, published March, 1912. References are made to pages of that publication.

RELATIVE WHOLESALE PRICES OF COMMODITIES NAMED FOR THE YEARS 1890 TO 1911.

[Explanation of symbols used: P., with the figures following, indicates the page of Bulletin No. 99 from which the figures are taken; = signifies that the commodity under which it is placed bears the same rate of duty in the Payne-Aldrich bill as in the Dingley Act; +, with the figures following, indicates the amount of increase in the tariff rate of the Payne-Aldrich bill over the Dingley Act; −, with the figures following, indicates the amount of decrease in the Payne-Aldrich bill as compared with the Dingley Act. The average price for the period 1890–1899=100.]

TABLE I.—*Farm products and food, cereals.*

Date.	Barley. P. 658. =	Corn. P. 658. =	Wheat. P. 658. =	Flour, average. P. 662. =	Soda crackers. P. 660. =	Bread.[1] P. 660. =	Hops. P. 658. + 4 cents.
1890	111.6	103.8	118.9	120.9	111.4	100.6	148.0
1891	134.5	151.0	128.1	125.6	111.4	100.6	149.1
1892	112.2	118.3	104.9	104.2	106.3	100.6	141.4
1893	103.3	104.2	90.1	89.3	104.5	100.6	128.2
1894	113.2	113.7	74.4	77.6	101.0	100.6	85.5
1895	94.8	104.0	79.9	84.4	94.0	94.1	53.1
1896	65.7	67.8	85.4	91.2	91.6	102.5	49.5
1897	71.2	66.9	105.8	110.1	82.5	100.6	65.5
1898	95.9	82.6	117.8	109.0	105.6	100.6	91.5
1899	97.6	87.6	94.7	87.9	92.3	100.6	88.3
1900	106.2	100.2	93.7	88.3	94.0	100.6	83.7
1901	129.8	130.6	95.7	87.4	97.5	100.6	97.1
1902	139.4	156.9	98.7	89.7	97.5	100.6	134.1
1903	121.2	131.1	105.1	97.1	90.0	100.6	159.5
1904	116.9	132.6	138.3	125.4	91.6	102.5	196.2
1905	107.0	131.7	134.5	122.2	95.1	100.6	150.9
1906	112.8	121.8	105.6	96.8	90.5	100.6	92.0
1907	169.0	138.8	120.8	108.6	90.5	100.6	98.1
1908	161.8	179.9	131.8	118.8	90.5	100.6	67.1
1909	148.7	175.5	159.7	138.6	91.1	106.5	113.4
1910	158.7	152.7	146.1	125.8	97.5	109.6	146.1
1911	243.1	155.1	131.1	111.5	90.5	109.6	206.1

[1] Washington market.

TABLE II.—*Farm products and food, meats.*

Date.	Choice steers. P. 659. =	Fresh beef.[1] P. 664. −½ cent per pound.	Light hogs. P. 659. =	Smoked hams. P. 664. −1 cent per pound.	Lard. P. 663. −½ cent per pound.	Choice wethers. P. 659. =	Dressed mutton. P. 664. −½ cent per pound.
1890	87.4	89.2	88.8	101.1	96.8	118.0	123.7
1891	107.7	106.2	98.2	99.8	100.9	115.6	114.9
1892	95.0	98.8	114.6	109.3	117.9	123.2	121.2
1893	102.2	105.4	148.7	126.9	157.5	104.3	106.5
1894	95.6	97.0	111.6	103.6	118.2	75.4	80.2
1895	104.2	102.7	96.2	96.2	99.8	78.3	82.2
1896	90.2	90.5	80.5	95.8	71.7	79.4	82.9
1897	100.8	99.7	84.2	90.9	67.4	95.3	96.6
1898	103.2	101.3	85.0	82.0	84.4	105.3	98.0
1899	113.7	108.3	92.1	93.8	85.0	105.2	94.3
1900	113.9	104.3	115.7	104.2	105.5	114.3	96.4
1901	118.1	102.1	133.9	109.2	135.3	94.7	89.5
1902	138.5	125.9	152.4	123.1	161.9	105.7	97.9
1903	106.9	101.7	137.0	129.2	134.1	98.0	98.7
1904	109.7	106.1	116.5	108.9	111.8	107.8	103.2
1905	110.2	104.0	120.4	106.3	113.9	128.5	113.9
1906	113.1	101.2	143.1	125.5	135.6	133.5	120.7
1907	122.8	114.7	140.6	132.4	140.7	123.5	116.0
1908	126.7	129.5	127.5	114.3	138.8	109.6	114.5
1909	136.3	133.1	166.5	133.1	178.7	120.1	119.2
1910	148.2	143.2	203.8	167.1	191.6	122.9	133.3
1911	142.1	138.0	152.2	142.1	138.8	89.8	99.7

[1] New York market.

TABLE III.—*Miscellaneous foods.*

Date.	Fish, average. P. 661. =	Coffee. P. 661. Free.	Tea. P. 666. Free.	Prunes. P. 663. =	Raisins. P. 663. =
1890	108.9	136.6	96.3	138.0	157.3
1891	113.8	127.3	99.2	129.2	120.1
1892	99.2	108.9	106.0	128.6	97.9
1893	102.2	131.2	101.7	134.2	113.3
1894	92.9	126.0	98.0	95.0	76.9
1895	98.8	121.2	95.1	86.0	95.2
1896	92.0	93.9	91.0	75.1	67.9
1897	88.6	60.4	98.6	70.5	93.2
1898	94.4	48.2	104.2	70.3	92.7
1899	109.2	46.0	109.8	73.0	85.5
1900	112.0	62.6	104.9	67.4	101.3
1901	108.0	49.2	100.4	67.8	96.1
1902	107.0	44.6	106.2	71.2	112.3
1903	122.6	42.6	80.9	62.1	96.3
1904	123.6	59.6	97.1	59.6	98.2
1905	126.4	63.4	94.2	59.3	79.1
1906	130.8	61.8	82.8	83.5	106.6
1907	128.3	50.1	81.0	76.6	108.4
1908	124.9	47.8	75.1	77.3	120.6
1909	116.8	59.6	82.0	68.6	84.6
1910	130.8	72.5	84.5	80.7	81.3
1911	143.5	102.1	85.3	150.3	94.1

RELATIVE WHOLESALE PRICES OF COMMODITIES NAMED FOR THE YEARS 1890 TO 1911—continued.

TABLE III.—*Miscellaneous foods*—Continued.

Date.	Rice. P. 665. =	Bicarbonate of soda. P. 665. −⅛ cent per pound.	Sugar, granulated. P. 666. −$\frac{1}{16}$ cent per pound.	Onions. P. 666. =	Potatoes. P. 665. =
1890	107.8	131.6	130.5	127.8	119.3
1891	113.5	151.7	99.7	121.3	154.9
1892	101.4	104.3	92.1	106.0	91.1
1893	81.8	136.4	102.3	93.8	134.5
1894	93.8	128.2	87.0	95.6	122.8
1895	95.0	84.7	87.9	91.6	86.7
1896	92.5	72.7	95.9	57.3	39.4
1897	96.6	71.8	95.1	115.5	65.7
1898	108.4	67.7	105.2	96.2	102.1
1899	108.2	56.0	104.2	94.8	83.6
1900	97.7	58.9	112.8	71.4	74.9
1901	97.7	51.2	106.8	103.0	113.0
1902	99.6	51.7	94.2	107.2	119.4
1903	100.9	61.7	98.2	104.9	105.2
1904	78.6	62.2	101.0	104.6	146.3
1905	74.3	62.2	111.2	95.3	83.7
1906	84.5	62.2	95.5	96.8	109.7
1907	95.2	62.2	98.4	103.0	98.4
1908	111.2	52.6	104.5	104.0	142.6
1909	110.3	47.8	100.7	90.9	137.4
1910	97.5	47.8	104.9	87.2	85.7
1911	89.3	47.8	112.8	91.3	154.4

TABLE IV.—*Cotton, wool, and silk.*

Date.	Cotton. P. 658. Free.	Men's hose. P. 670. + (1)	Women's hose. P. 670. + (1)	Lonsdale shirting. P. 673. + (2)
1890	142.9	133.3	131.6	116.2
1891	110.8	123.1	121.1	113.1
1892	99.0	112.8	115.8	111.7
1893	107.2	110.3	113.2	114.4
1894	90.2	102.6	105.3	100.0
1895	94.0	94.9	92.1	95.9
1896	102.0	87.2	84.2	94.2
1897	92.2	82.1	81.6	87.1
1898	76.9	76.9	76.3	81.8
1899	84.7	76.9	78.9	86.1
1900	123.8	82.1	81.6	100.6
1901	111.1	71.8	71.1	101.5
1902	115.1	76.9	78.9	101.9
1903	144.7	82.1	86.8	103.9
1904	155.9	82.1	81.6	109.5
1905	123.1	82.1	84.2	101.7
1906	142.0	85.3	81.6	110.9
1907	153.0	94.8	89.5	141.0
1908	134.8	88.9	84.2	120.1
1909	156.0	96.1	85.3	120.9
1910	194.8	95.4	85.5	122.7
1911	168.0	94.9	86.8	114.1

Date.	Wool, Ohio, fine. P. 676. =	Wool suitings, average. P. 674. =	Wool underwear, average. P. 675. =	Silk, average. P. 673. (3)
1890	129.5	113.1	106.6	126.6
1891	124.1	113.1	111.4	99.1
1892	110.7	113.4	111.4	106.5
1893	102.0	112.7	111.4	115.6
1894	80.5	98.3	94.1	85.1
1895	68.2	89.2	92.6	94.6
1896	71.3	87.8	92.6	85.1
1897	89.7	88.7	92.6	85.9
1898	111.3	103.9	94.1	90.8
1899	112.8	106.1	93.6	110.9
1900	119.3	115.8	97.9	104.9
1901	98.7	104.9	97.9	88.9
1902	104.4	105.8	97.9	95.8
1903	118.5	109.0	97.9	104.6
1904	124.2	109.0	97.9	90.7
1905	137.4	122.7	97.9	97.9
1906	129.9	134.8	110.9	102.6
1907	129.9	133.1	110.9	128.5
1908	129.6	124.6	110.9	97.5
1909	133.5	135.1	110.9	99.2
1910	124.2	134.7	110.9	90.9
1911	117.1	121.9	110.9	88.9

[1] An advance of 20 to 25 cents per dozen on lower grades.

[2] Cotton cloths of this description appear to have been on an average slightly advanced.

[3] The basis of value in silk has been changed. The ad valorem duties levied under the act of 1897 have been very generally discontinued, and a specific duty is now levied instead, which makes comparison difficult.

RELATIVE WHOLESALE PRICES OF COMMODITIES NAMED FOR THE YEARS 1890 TO 1911—continued.

TABLE V.—*Hides, leather, and shoes.*

Date.	Green hides, P. 658. —15 per cent. [Free.] (1)	Leather, average. P. 671. —5 to 15 per cent.	Men's vici shoes. P. 667. —10 per cent.	Women's solid grain shoes. P. 667. —10 per cent.
1890	99.6	100.6	101.0	104.0
1891	101.5	100.9	101.0	97.9
1892	92.8	97.0	101.0	94.8
1893	79.9	96.9	101.0	91.7
1894	68.4	91.5	101.0	91.7
1895	109.7	108.0	101.0	104.0
1896	86.6	95.2	101.0	104.0
1897	106.3	96.1	101.0	104.0
1898	122.8	104.4	97.6	104.0
1899	131.8	109.3	94.3	104.0
1900	127.4	113.2	94.3	110.6
1901	132.0	110.8	96.8	104.5
1902	142.8	112.7	96.8	105.5
1903	124.8	112.0	98.9	108.6
1904	124.4	108.5	98.9	112.3
1905	152.6	112.1	100.0	119.5
1906	164.7	120.4	108.0	126.2
1907	155.3	124.0	109.0	123.1
1908	142.6	119.4	109.0	118.5
1909	175.8	126.8	114.8	127.2
1910	165.0	125.3	117.4	125.1
1911	157.6	121.1	116.7	124.4

[1] Free under Payne-Aldrich Act.

TABLE VI.—*House furnishings.*

Date.	Earthenware, average. P. 689. =	Bedroom sets. P. 689. =	Glassware, average. P. 690. =	Table cutlery, average. P. 690. —(slight)
1890	108.9	113.7	105.0	114.0
1891	106.6	113.7	108.7	114.0
1892	103.4	113.7	106.8	106.5
1893	103.4	104.2	106.8	104.8
1894	101.9	104.2	106.8	95.4
1895	94.0	94.3	105.9	95.4
1896	90.4	82.9	99.0	95.4
1897	90.4	82.9	90.1	88.2
1898	99.7	94.7	88.2	92.3
1899	101.3	95.7	82.5	94.4
1900	106.3	106.6	91.9	94.4
1901	112.0	106.6	112.3	100.6
1902	112.0	111.3	113.3	100.6
1903	111.4	115.3	111.7	100.6
1904	110.2	116.1	104.3	101.9
1905	102.6	117.0	99.6	102.1
1906	102.6	122.8	99.6	96.8
1907	102.6	137.4	99.6	103.5
1908	101.7	134.3	88.7	91.8
1909	101.7	132.8	88.9	88.3
1910	102.5	145.0	83.1	88.3
1911	102.5	167.9	75.9	88.3

TABLE VII.—*Metals and implements.*

Date.	Pig iron, average. P. 681. —$1.50 per ton.	Tin pig. P. 682. Free.	Bar iron, average. P. 679. —$\frac{3}{10}$ cents per pound.	Steel billets. P. 681. (Slight decrease.)
1890	130.9	115.5	126.0	141.5
1891	116.3	110.3	116.9	117.7
1892	105.6	110.9	113.6	109.8
1893	95.7	109.0	103.6	94.9
1894	83.0	98.7	82.3	77.0
1895	90.8	76.5	87.0	85.9
1896	88.1	72.4	84.8	87.5
1897	78.0	74.0	77.9	70.1
1898	77.3	84.5	75.9	71.1
1899	134.4	148.2	130.4	144.6
1900	139.8	163.7	133.9	116.4
1901	112.2	142.6	118.2	112.1
1902	155.4	144.2	131.9	142.1
1903	141.3	153.4	122.1	129.7
1904	103.7	152.5	103.5	103.0
1905	124.0	170.3	123.1	111.6
1906	145.1	213.6	123.8	127.5
1907	174.9	211.1	130.0	135.9
1908	124.8	160.2	106.6	122.2
1909	127.1	161.1	108.5	114.4
1910	124.3	186.3	114.6	117.9
1911	112.1	232.8	98.9	99.7

RELATIVE WHOLESALE PRICES OF COMMODITIES NAMED FOR THE YEARS 1890 TO 1911—continued.

TABLE VII.—*Metals and implements*—Continued.

Date.	Steel rails. P. 682. —$3.87 per ton.	Nails, average. P. 680. —$\frac{1}{10}$ to $\frac{3}{4}$ cents per pound.	Builders' hardware, average. P. 679. (1)	Tools, average. P. 683. (1)
1890	121.9	131.2	103.7	107.2
1891	114.8	107.2	103.7	105.6
1892	115.1	98.8	98.7	104.5
1893	107.9	92.1	99.3	103.0
1894	92.1	80.0	97.9	93.6
1895	93.4	101.7	105.8	95.3
1896	107.4	141.9	104.1	95.7
1897	71.9	70.8	98.9	95.0
1898	67.6	65.9	94.0	93.9
1899	107.9	110.6	94.0	101.3
1900	123.9	122.5	110.0	111.8
1901	104.9	112.5	106.9	110.0
1902	107.4	107.0	119.2	114.6
1903	107.4	108.1	123.1	118.2
1904	107.4	93.9	132.3	118.4
1905	107.4	93.8	174.4	127.5
1906	107.4	98.2	202.6	134.4
1907	107.4	103.1	212.2	115.7
1908	107.4	102.4	194.3	113.6
1909	107.4	95.8	191.6	111.1
1910	107.4	94.4	216.1	112.4
1911	107.4	88.8	141.9	107.8

[1] The exact items carried in these classifications are not indicated in the report, consequently a careful determination of the comparative duties is not possible.

TABLE VIII.—*Lumber and building material.*

Date.	Brick. P. 684. =to 10 per cent decrease.	White oak. P. 685. —75 cents to $1.25 per M.	Pine boards. P. 685. —75 cents to $1.25 per M.	Poplar. P. 686. —50 cents to $1 per M.	Plate glass, average. P. 686. =to $+2\frac{1}{2}$ cents per square foot.	Window glass, average. P. 687. =to $-\frac{1}{2}$ cent per square foot.	Turpentine. P. 687. Free.
1890	118.0	101.2	98.1	97.2	140.5	100.9	120.0
1891	102.6	101.5	99.4	97.2	138.1	100.1	113.5
1892	103.7	102.7	100.2	97.6	110.9	90.2	96.5
1893	104.9	103.5	108.9	107.2	110.9	96.7	89.8
1894	89.9	99.5	106.2	101.2	88.8	91.2	87.7
1895	95.5	96.8	100.8	98.8	87.6	75.4	87.4
1896	91.0	96.8	96.4	98.8	98.9	85.9	82.1
1897	88.8	96.8	92.5	97.8	58.4	105.1	87.5
1898	108.4	96.8	90.6	95.6	78.7	125.9	96.4
1899	102.2	104.1	103.9	103.5	87.6	128.9	137.0
1900	94.4	109.1	125.7	120.2	98.9	126.5	124.7
1901	103.7	98.2	122.0	117.0	91.3	186.2	111.5
1902	93.8	109.2	137.3	134.2	75.1	145.3	141.8
1903	103.2	119.8	140.3	158.3	77.7	120.7	171.0
1904	134.7	124.2	134.4	100.5	66.5	131.1	172.2
1905	145.7	126.5	141.2	153.7	69.1	123.0	187.7
1906	153.7	134.7	137.9	162.5	76.9	129.9	198.9
1907	110.7	147.5	195.7	185.2	78.7	127.0	189.8
1908	91.8	131.7	190.3	185.8	61.5	106.5	135.6
1909	114.8	129.4	194.1	183.7	67.3	104.7	146.8
1910	102.8	144.9	200.1	196.1	83.1	132.3	204.3
1911	105.9	146.1	200.6	196.4	75.3	101.7	203.1

TABLE IX.—*Miscellaneous commodities.*

Date.	Printing paper. P. 691. =to $-\frac{1}{10}$ cent per pound.	Rubber. P. 692. Free.	Castile soap. P. 692. =	Smoking tobacco. P. 692. =	Refined petroleum. P. 673. =
1890	127.8	104.6	104.4	98.2	111.8
1891	113.7	98.8	109.1	98.2	98.8
1892	113.7	84.5	109.7	98.2	89.2
1893	106.4	89.5	108.1	98.2	81.5
1894	108.0	84.2	103.3	98.2	81.5
1895	103.0	92.7	89.1	98.2	103.6
1896	92.0	99.9	88.2	98.2	116.7
1897	90.6	105.6	93.3	98.2	101.1
1898	73.2	115.8	96.7	104.1	102.1
1899	69.9	124.3	98.1	110.0	114.0
1900	94.0	122.6	107.7	110.0	133.5
1901	75.6	106.1	115.1	110.0	123.1
1902	80.9	90.8	116.5	109.9	124.5
1903	84.6	113.1	115.6	112.0	153.1
1904	89.3	135.8	113.7	114.4	153.6
1905	80.9	155.2	114.2	117.9	141.9
1906	73.2	151.5	114.2	117.9	146.1
1907	83.3	132.8	117.9	117.9	151.2
1908	82.9	108.8	123.0	117.9	151.7
1909	68.6	185.0	183.1	117.9	137.6
1910	68.9	238.2	171.4	114.9	121.2
1911	70.9	138.7	148.7	123.3	103.9

RELATIVE WHOLESALE PRICES OF COMMODITIES NAMED FOR THE YEARS 1890 TO 1911—continued.

TABLE X.—*Summary of relative prices by classes of commodities.*

Date.	Farm products. P. 513.	Food. P. 513.	Clothing. P. 513.	Fuel and lighting. P. 514.	Metals and implements. P. 514.
1890	110.0	112.4	113.5	104.7	119.2
1891	121.5	115.7	111.3	102.7	111.7
1892	111.7	103.6	109.0	101.1	106.0
1893	107.9	110.2	107.2	100.0	100.7
1894	95.9	99.8	96.1	92.4	90.7
1895	93.3	94.6	92.7	98.1	92.0
1896	78.3	83.8	91.3	104.3	93.7
1897	85.2	87.7	91.1	96.4	86.6
1898	96.1	94.4	93.4	95.4	86.4
1899	100.0	98.3	96.7	105.0	114.7
1900	109.5	104.2	106.8	120.9	120.5
1901	116.9	105.9	101.0	119.5	111.9
1902	130.5	111.3	102.0	134.3	117.2
1903	118.8	107.1	106.6	149.3	117.6
1904	126.2	107.2	109.8	132.6	109.6
1905	124.2	108.7	112.0	128.8	122.5
1906	123.6	112.6	120.0	131.9	135.2
1907	137.1	117.8	126.7	135.0	143.4
1908	133.1	120.6	116.9	130.8	125.4
1909	153.1	124.7	119.6	129.3	124.8
1910	164.6	128.7	123.7	125.4	128.5
1911	162.0	131.3	119.6	122.4	119.4

Date.	Lumber and building material. P. 514.	Drugs and chemicals. P. 515.	House furnishings. P. 515.	Miscellaneous. P. 515.	All commodities. P. 515.
1890	111.0	110.2	111.1	110.3	112.9
1891	108.4	103.6	110.2	109.4	111.7
1892	102.8	102.9	106.5	106.2	106.1
1893	101.9	100.5	104.9	105.9	105.6
1894	96.3	89.8	100.1	99.8	96.1
1895	94.1	87.9	96.5	94.5	93.6
1896	93.4	92.6	94.0	91.4	90.4
1897	90.4	94.4	89.8	92.1	89.7
1898	95.8	106.6	92.0	92.4	93.4
1899	105.8	111.3	95.1	97.7	101.7
1900	115.7	115.7	106.1	109.8	110.5
1901	116.7	115.2	110.9	107.4	108.5
1902	118.8	114.2	112.2	114.1	112.9
1903	121.4	112.6	113.0	113.6	113.6
1904	122.7	110.0	111.7	111.7	113.0
1905	127.7	109.1	109.1	112.8	115.9
1906	140.1	101.2	111.0	121.1	122.5
1907	146.9	109.6	118.5	127.1	129.5
1908	133.1	110.4	114.0	119.9	122.8
1909	138.4	112.4	111.7	125.9	126.5
1910	153.2	117.0	111.6	133.1	131.6
1911	151.9	120.3	111.1	131.2	129.3

A study of the tables above shows conclusively that the rise in prices has been very uneven in different classes of commodities. The summary given in Table X reveals the fact that the most conspicuous rise has been in the price of farm products, which is very closely related to the increase in population, per capita consumption, and the movement of population to cities, together with the operation of the law of diminishing returns in agriculture.

The next most conspicuous increase has been in the price of lumber and building material, in which lumber is by far the most important item. This increase is readily traced to the diminishing supply of a natural resource.

The next most conspicuous increase is in the cost of foods, of which the farm products mentioned are the principal constituent. Perhaps, however, the most surprising feature is that the price of food has not risen in the same proportion as the cost of farm products. This can be explained by the fact that certain classes of foods, notably tropical fruits, have decreased in price; and also to the fact that the margin of profit between the farm product and the food product may have been considerably decreased.

It will be noted that on the whole there has been comparatively slight advance in the last 15 years in fuel and lighting, metals and implements, drugs and chemicals, or house furnishings. In fact, in the case of house furnishings, excluding manufactures of wood, there is probably no increase, and possibly a decrease. The general conclusion to be drawn from this state of facts is that we must look carefully to particular causes for the advance in the cost of living, and not indiscriminately assert that there has been an increase in prices, nor carelessly attribute the phenomena to causes that have no possible relation to the fact.

In examining these tables in detail, it will be noticed from Table I that flour has not increased in the same ratio as wheat, and that soda crackers and bread have shown almost no increase.

From Table II it will be noticed that there has been a very considerable increase in both steers and hogs, and that the increase in all classes of fresh meat has been in almost perfect rhythm with the price variations of the live animals, which may be taken to indicate a close relation of market conditions between the two.

Table III indicates that the price of granulated sugar has held comparatively steady for a long period of years. That potatoes fluctuate violently is undoubtedly due to crop conditions. The same thing is generally true of onions. A striking example of the effect of crop conditions will be derived from the price of prunes in 1910 and 1911, as shown by the relative price. The recent increase in the price of coffee is also to be noted.

In Table IV it will be noticed that while the price of cotton has advanced very materially, the price of men's hose, women's hose, and Lonsdale shirting, which are typical cotton goods, have shown comparatively small increase or even a decrease. From the same table it will be noticed that woolen goods have a tendency to follow the price of wool, but the prices do not show as marked a downward tendency as those of cotton.

Table V will show a comparison of the price of green hides with leather and leather goods, indicating that there has been a much less increase in both leather and leather manufactures than green hides, although hides were put on the free list.

Table VI shows that there has been comparatively little advance in house furnishings, except in the manufactures of wood, such as bedroom sets, which, of course, is due to the conspicuous rise in the cost of lumber.

From Table VII a comparison can be made between the relative price of iron in its cruder forms and in finished products. The steady price of steel rails is to be noted, undoubtedly indicating a very strong price control. Another striking feature of this table is the exceptional increase of builders' hardware, apparently out of all proportion to its primary materials.

By Table VIII it can be seen that there has been an exceptional increase in certain classes of building material, notably lumber. In this connection it is interesting to note how science and inventive genius tend to supply new materials when the old materials have become excessively high. The increasing use of cement and brick, which show little increase in cost, is perhaps one of the most conspicuous features of modern construction.

Table IX is a tabulation of very striking relative prices of certain commodities not otherwise classified. The spectacular rise of crude rubber is particularly to be noted, which is undoubtedly in response to the enormously increased demand for its use in automobile tires and kindred uses. It will be noted that its last period of rise began in 1902, and with a notable recession in 1908 has kept pace with the development of the automobile industry. It will also be noted that print paper has, generally speaking, shown a steady decline in prices, while petroleum has remained comparatively uniform, but, on the whole, with a decline in price during the past 10 years.

Table X gives a summary of relative prices by classes of commodities. It will be observed that in the year 1911 there was a noticeable recession in prices of all classes except food, and drugs and chemicals, which show a slight increase over any previous year.

In considering the disproportionate rise revealed by these tables special attention may be called to the inequality in the means of producing different categories of products. While new methods in industry and commerce are working a revolution, their effect is far more helpful in some cases than in others.

It is evident that science working through invention and improved methods has not accomplished the same result in agriculture as in manufactures. The revolution accomplished in industrial methods and in the utilization of capital in large-scale operations has not been accompanied by equal progress on the farm. Although very considerable advance has been made in the transportation of agricultural products to the market and in preserving them for use, these pertain to transportation and to the middleman rather than to the original producer. Improvements in agricultural implements have been very considerable, but have wrought no revolution such as has been manifest in many processes of manufacture.

In addition to the less degree of assistance from invention further reasons may be found for the increased prices of agricultural products in the growing scarcity of new lands suitable for profitable cultivation, and in our own country the early cultivation of fertile areas was conducted with too much regard

for immediate returns, and consequently little attention was paid to permanent productive quality.

No description of the diminished relative production of agricultural products is complete without taking into account tendencies which are social as well as economic. The following tables show the growing density of population and the disparity of increase between city and country:

Population per square mile.

Census year.	Population of continental United States.	Land area in square miles.	Population per square mile.
1910	91,972,266	2,973,890	30.9
1900	75,994,575	2,974,159	25.6
1890	62,947,714	2,973,965	21.2
1880	50,155,783	2,973,965	16.9
1870	38,558,371	2,973,965	13.0
1860	31,443,321	2,973,965	10.6
1850	23,191,876	2,944,337	7.9
1840	17,069,453	1,753,588	9.7
1830	12,866,020	1,753,588	7.3
1820	9,638,453	1,753,588	5.5
1810	7,239,881	1,685,865	4.3
1800	5,308,483	867,980	6.1
1790	3,929,214	867,980	4.5

Distribution of population, urban and rural.

[Per cent of population living in cities.]

State.	1890	1900	1910
United States	36.1	40.5	46.3
New Jersey	60.7	70.6	75.2
Ohio	41.0	48.1	55.9
Arizona	9.4	15.9	31.0
New York	65.0	72.9	78.8
Rhode Island	94.5	95.1	96.7

Population of the United States.

	1890	1900	1910	Per cent of increase, 1910 over 1890.
United States	62,947,714	75,994,575	91,972,266	46.1
Urban population	22,720,223	30,797,185	42,623,383	87.6
Rural population	40,227,491	45,197,390	49,348,883	22.6

From the above figures it may also be readily calculated that in 1890 the rural population was 63.9 per cent of the total, in 1900 it had fallen to 59.5 per cent, and in 1910 to 53.7 per cent of the whole.

The above tables are exceedingly significant. Since 1850 the density of population has increased from 7.9 to 30.9 per square mile. Although a density of practically 31 to the square mile is not great as compared with many foreign countries, yet it indicates that the time is near in America when the pressure upon the means of subsistence is becoming a factor to be reckoned with.

As a matter of immediate concern, however, the conspicuous movement of population from the country to the city is more important. This movement is powerfully reenforced in our own country by the distribution of immigrants, who desire to live with those of their own language and to belong to churches or associations of their own people. Beyond this, it is not merely the brilliant glare of the electric light or the alluring attraction of the moving-picture show that directs population to the city. The possibilities for success are regarded as infinitely greater, and although a comparatively few may attain to the highest prizes of fortune, nevertheless the average wage obtained is greater. As a result of these factors the farmer is constantly hampered because of the scarcity of help or by his inability to obtain laborers qualified for work on the farm.

The increase in the price of farm products in the Temperate Zones is well illustrated in the case of the raw material used in the manufacture of clothing. Until very recently the price of cotton showed a marked increase. The price of middling cotton per pound in the year 1895 was 7.11 cents on the New York market; in 1903, 11.18 cents; in 1910, 15.11 cents, or twice as much as 15 years before.

The price of fine wool in the eastern markets in the month of January, 1895, at which time there was no duty, was 17½ cents; in 1903, 30 cents; and in 1910, 36 cents. Attention has already been called to the disproportionate consumption of wool as compared with 20 years ago. A much larger quantity must be imported, and foreign sources of supply are not as abundant as formerly. Wide ranges occupied by sheep are now cut up into farms, utilized for the growing of grain. The great areas of public land in the West, where sheep herdsmen were allowed to pasture their flocks at will, are now under strict Government jurisdiction and a charge is made for their occupation. The increase in the supply of cotton has been materially greater than that of wool, though here the increase of consumption in comparison with production is no less apparent.

In a very valuable report of the Chief of the Bureau of Statistics, in the Department of Agriculture, for the year 1910, a comparison is made between the increase in the price of the articles purchased by farmers during the 10 years from 1899 to 1909 and the increase in value per acre of that which the farmer sells. For the articles purchased by the farmer the average increase was 12.1 per cent, while the average rate of increase in value per acre of that which he sells was 72.7 per cent, or six times as much. The comparison is made even more emphatic when it is noted that among the articles purchased by the farmer flour and lard show a maximum, or nearly maximum, increase in prices paid by him, and these increases are in response to higher prices obtained for his wheat and hogs.

To the rise in the price of articles of food there is one general exception, namely, the price of tropical and semitropical products, most of which show a decrease, for a variety of reasons which do not exist in the case of products of the Temperate Zone.

To briefly summarize the reasons, it may be said that communication with the Tropics by steamship has greatly increased. Large boats provided with refrigerating equipment carry large quantities of bananas and other articles of the Tropical Zones to the ports and centers of population in Europe and in the United States. Agencies for the collection and purchase of fruit have been established in these tropical countries. Plantations have been developed there by foreigners. Salutary progress has been made in sanitation. The yield is very large and crops require only slight attention. There is a practically unlimited quantity of land available for cultivation. In addition to the increased communication between the Tropical and Temperate Zones and the development by outside effort, there must be recognized a certain degree of increased energy and development among the people of tropical regions. In view of all these facts, there has been no commensurate rise in prices, but rather a decrease.

In order to understand the effect of the unequal development which has to do with the present condition of prices, it is unnecessary for us to go outside of a very obvious illustration based upon a comparison of the growth of agriculture and of manufactures in the United States since the close of the Civil War. For a period of approximately a quarter of a century after 1865 the most marked development was in agriculture, though manufactures showed a healthy increase and were rapidly expanding. In contrast from about 1890 to the present date the feature has been the development of manufactures and lines of activity other than agricultural.

This great general fact furnishes the principal cause of the present era of high prices of farm products in the United States. Generally speaking, the same disparity has existed all over the world, though the contrast has been more manifest here. There is nothing mysterious or difficult in the explanation of this unequal development in the two periods. In 1865 there was a great area of fertile land in the United States not yet inclosed or prepared for cultivation. A great army of men had returned from service in the Union Army, many of whom had come back with a spirit of self-reliance peculiarly qualifying them for settlement in new localities. So far as the personal element is concerned, the same conditions existed in the South, though its growth was deferred because of the dislocation caused by a transition from slave to free labor and a greater exhaustion of resources. Awaiting these returning soldiers were great quantities of land at cheap prices, or available for homesteads without cost, or upon bounty warrants for military service. Many millions of acres granted to railroads were offered to settlers at reasonable prices, and in addition year by year State lands were placed upon the market at cheap prices on the theory that the best interests of Commonwealths were promoted by obtaining settlers rather than by retaining lands for higher prices. Indian reservations were acquired for settlement. A great domain was opened in Oklahoma in 1889, and the development of that State is one of the most marvelous illustrations of growth which can be found either in the history of farm or of industrial development. The occupation of new lands was stimulated by the high prices existing in the decade following the Civil War. Wheat sold at $1.08 gold prices in 1866 and at 92.6 cents in 1876. These high prices continued until 1886. A still further fact promoted agricultural develop-

ment. Contrary to the normal rule for the construction of railroads and the growth of systems of transportation, great lines of railways, aided by land grants, preceded settlement and population, instead of as in the eastern country, where railroads followed settlement and development which already existed.

In this agricultural development may be found a most striking illustration of that which happens in any era of progress, namely, a great increase in the preparation or equipment for increased production. In the periods and cycles which mark material development a growth of this kind continues until other lines of activity become more profitable or attractive. Indeed, in the tendency to follow the same course of development it usually continues until prices have been reduced to a level below that which is profitable. By the year 1894 farm products temporarily reached a low level, the result of this settlement of millions of acres of new land in the West and the Southwest and of the business depression of that time.

Nothing could more emphatically show the disproportionate increase in agriculture after 1890 than statistics in regard to cattle. The total number of cattle in the United States, as reported by the Census Bureau, was:

In 1870	23,820,608
In 1880	39,675,533
In 1890	57,648,793
In 1900	52,403,828
In 1910	53,997,327

Thus it is to be noted that from 1870 to 1880 there was an increase in number of 15,854,925, or 66.5 per cent; from 1880 to 1890 there was an increase in number of 17,973,260, or 45.2 per cent; while between 1890 and 1900 there was an actual decrease of 5,244,965, and between 1900 and 1910 an increase of only 1,593,499, or barely 3 per cent.

In seeking to find the cause for the increased prices of beef it is altogether unnecessary to go beyond these figures. They show that in the face of an increase in population of 29,024,552 from 1890 to 1910, not taking into account the conceded increase in consumption per individual, there was a notable decrease in the number of cattle of 3,651,466, or 6.3 per cent. The wholesale price of dressed beef in the New York market in 1890 was $6.96 per hundred; in 1900, $9.73; and in 1910, $14.61.

In tracing the exceptional rise of divers commodities special attention should be called to the growing scarcity or diminished availability of supplies of raw material.

The lumber supply of the United States, which at one time seemed abundant and even inexhaustible, has, in view of the great demand for buildings, furniture, and so forth, been diminished to such an extent as to almost threaten an early exhaustion. The diminishing supply of timber in the face of unusual demand has caused a rapid and continuous increase in the price of products of the forest.

In the comparison of different groups of manufactures the advance from 1900 to 1910 has been greatest in this class. In the 10 years named the wholesale prices of woodenware and furniture, as compiled by the Department of Commerce and Labor, show an increase of about 20 per cent. The increase in the cost of lumber was considerably greater than that of manufactures of wood. But the prices of window glass and certain grades of earthenware, according to the figures of the same department, have decreased nearly as much. For this divergence there is an evident explanation, namely, that the supply of timber is becoming more limited, while that of sand and clay and other materials for glass and earthenware is practically inexhaustible and readily available.

In analyzing the situation as regards prices, it is essential to keep in mind the difference between a rise in the price of certain classes of products and a general rise in the price level. It is confidently asserted that both of these phenomena are in evidence and that an increase is manifest in almost every commodity and in the cost of service as well, so that we may accurately refer to a general rise in prices. On a more careful examination it will appear that this is not altogether true. The increased cost of living is rather due to an exceptional rise in the cost of certain necessaries of life and in the requirement for additional personal service. That which is most noticeable is the marked increase in certain essential commodities or facilities, such as food and shelter. Throughout all periods, notwithstanding changes in fashion and taste, there has existed a demand, amounting to a necessity, for food. Clothing and shelter are in the same class, though somewhat less urgent.

The rising cost of the primary food products can not, perhaps, be better demonstrated than by the comparative cost of food for one soldier of the United States Army at different periods. A table prepared under the direction of Henry G. Sharpe, Commissary General, United States Army, which I shall append, shows that with identically the same ration the annual cost in 1908 was $68.62, and in 1912, $86.32. Assuming that an Army ration represents the actual cost of food necessary for a comfortable subsistence, and that the consumption of an average family of five is equal to that of four able-bodied soldiers, which conforms to the usual estimate, it will appear that food for the average family costing $274.48 in 1908, for the present year will cost $345.28.

It should be carefully borne in mind that a vital distinction between high prices and the high cost of living is apparent. The increased cost of many essential commodities furnishes the reason for but a part of the increased cost of living. The far greater consumption of the average citizen, his demand for luxuries, and for leisure and the wider range of his activities and amusements must also be taken into account.

3. Extravagance and waste: The inevitable tendency in every progressive era is toward extravagance and waste in expenditure, accompanied by the diminished productive energy of a large share of the population.

This tendency has its roots in universal characteristics of human nature. Whenever a new process is invented for satisfying a human want, or a new market is discovered, the inviting prospect of gain will cause investment and effort in that new direction. This oftentimes results in a loss of capital and an oversupply of certain commodities, which leads to waste.

Increased wealth and the accompanying demand for commodities lead to increase of prices, and have incidental results, which frequently assume greater importance than the principal fact. Increasing demands and rising prices are the parents of speculation. The anticipation of profit from such increased demand leads to purchases for the purpose of withholding from the market, and oftentimes the artificial stimulus thus given to prices of land or commodities causes a rise far beyond the normal and legitimate increase in value. Speculation is often accompanied by fraudulent enterprises. The recent report of the Post Office Department estimates that $120,000,000 were lost during 1911 by gullible investors who responded to alluring advertisements promising large profits. Such fraudulent schemes could only be promoted in a time of progress and of successful enterprises. It is during such times that people become careless of the security of their investments and most readily yield to the enticing representations of irresponsible promoters and swindlers.

INCREASED PRODUCTION OF GOLD.

No subject has been more discussed in the consideration of this problem than the effect of the great gold production beginning in the year 1891. The preponderant opinion of commercial and financial writers has been that this increase has been the leading influence in the high cost of living and the present situation as regards prices. It will, of course, be conceded that if the price level of all commodities had been equally affected, and if labor and rent had shown no greater change than commodities, the effect of the greater supplies of gold would be more readily accepted as an adequate explanation, but the variations in the price level are almost as striking as the increases, and thus the question of price changes seems to require a more minute analysis.

Increased production of gold has a substantial effect on prices, which may be described under three distinct phases:

First, a considerable number of persons are attracted to gold mining from other employments. This diminishes the number engaged in the ordinary branches of productive activity, agriculture, manufacturing, as the case may be, thus diminishing production in those lines, while the larger number of those engaged in gold mining increases the demand for essential supplies. In a twofold manner prices are increased. The effect of this diversion from other employments to mining has no doubt been considerably exaggerated by some writers of eminence. It, nevertheless, has a substantial influence.

Second, gold is a measure of value; all the different species of property are measured by it. If an increase in the supply of gold occurs which is out of proportion to that of other objects of utility, the price of objects other than gold must increase. Time, however, is required to bring about this result. The accumulated quantity of the precious metals is so considerable that the accretions of a single year have only a very slight effect on the relation between them and other commodities.

The third effect is more immediate and altogether more potent in its effect upon prices than either of the other two, namely, the increased supply of money which is made available especially in the form of bank reserves upon which an extension of credit may be based. In any progressive society there are always numerous enterprises which await development. Whenever the promoter desires to build a railroad or provide for any great enterprise he must ascertain whether he can obtain the necessary money or what amounts to the same thing—credit.

In determining the commercial or industrial activity of every period it is necessary for us to take into account two clearly distinguishable lines of activity: (1) Provision for near-by consumption, such as food and clothing for the people, and that, too, on the present scale of living; (2) equipment for future production to provide for additional wants. The prominence of the second phase of activity determines the difference between a period of dullness or depression and one of apparently great prosperity. The periodic seasons of business depression which exist are determined very largely by the extent to which provision is being made for the enlargement of existing facilities. The usual history of every business cycle includes a time of increasing activity in making large provision for the future, as in the railway building prior to the crisis of 1873, the great development in Argentina prior to the Baring failure, the building of some work of great magnitude, such as the Hoosac Tunnel or the Panama Canal, or a time of general enlargement of facilities.

In such a time great numbers are always withdrawn from production for near-by consumption, the satisfying of ordinary wants, into enterprises which are not immediately remunerative. When this activity in making provision for the future reaches a certain point, it is found that there are numerous investments of capital, the returns from which will be postponed for a considerable time, and frequently the result is a crisis; that is, the activity which has been maintained, and the prices which have been reached, can not be maintained, and a collapse follows the boom condition which has existed.

Now, in any time of increased gold production, this greater activity, due to the larger amount of money in existence and the greater extension of credit, made possible by additional gold supplies, continues for a long period. It is not restricted to the usual cycle of 10 years, in which we see alternately dullness, greater activity, rising prices, a boom, and then a collapse. There is a general condition of larger activity, and expansion incident to progress, which lasts, with interruption, for a longer time than 10 years. Prices rise partly because of the number engaged in gold mining, as mentioned, partly because of the different relation between commodities and the supply of gold, and partly because of the increased activity which is stimulated by larger quantities of money furnishing a basis for credit.

In time, however, prices adjust themselves to the new supply of gold, and the rise ceases. The increased quantity of gold tends to diffuse itself as water seeks its level. This diffusion is in part accomplished by the greater demand of individuals in the way of per capita circulation in a time of increasing wealth; also by the higher prices, which require a larger amount of money, and by the greater degree of commercial and industrial activity; also in large measure by the shipment of gold to countries which theretofore have had a deficient supply, or in providing for the substitution of gold for silver as the standard coinage. As an illustration of the general increase in industrial and commercial activity it may be said that while the production of gold has been very rapidly increasing since 1890, other commodities have increased in equal, and sometimes greater, measure, and the question arises whether invention and the development of new fields has caused an equal increment in other lines of industry. Have cheapening influences been effective in other branches of production? While the world's annual output of gold was nearly four times as great in 1911 as that in 1890, there was almost as great an increase in the production of coal in the United States, the mining of which has increased from 140,000,000 tons in 1890 to 447,000,000 tons in 1910. Copper showed a greater growth than either, or from 115,966 tons in 1890 to 482,214 tons in 1910. In remote times the movement of surplus gold was from the Orient to the Occident; in more recent times the movement has been from the Occident to the Orient. In this connection Prof. Jevons refers to Asia as the sink for gold.

There is another very potent influence which begins to show its effect under the continued increase, namely, gold mining will prove less profitable. If, in an era of low prices, gold mining is commenced, the greater quantity of commodities which can be obtained with a certain amount of gold is very large; but after this gold supply has gained greater magnitude, as after a period of 20 years of increased production, prices will so rise that the production of gold becomes less profitable and tends to slacken. There is a probability also that the richest fields will be exhausted, and the rise in prices may be checked by that condition.

There is a very substantial difference in the history of gold mining succeeding discoveries in California and Australia about 1850 and at the time of the great increase which commenced in South Africa a little more than 40 years later. The supplies in the first instance were derived largely from placer mining, while in the latter period they were obtained from the reduction of ores. In the first period and in all mining prior thereto there was a much larger element of chance, the amount of production being dependent on the more or less accidental discoveries of pure gold. In the second period vast bodies of varying grades of ore were located. By virtue of the development of mining engineering and the perfection of chemical processes almost exact computation could be made as to whether such ores could be profitably reduced. The invention of the gold dredge and the utilization of the cyanide process about the year 1890 have explained the great increase in gold production in the last 20 years. Formerly mining was largely the result of what is called "a find." It is related that the great silver mine in Peru was discovered by the uprooting of a bush or small tree, which, when pulled out by a pedestrian, disclosed the silver beneath. Gold mining has become a thoroughly established and calculable industry, subject to the effective operations of the economic law of diminishing returns.

Historically it must be admitted that the argument for this opinion that the increase of precious metals has increased prices has very much support. Throughout long eras they have kept pace with prices. This was most noticeably the case in those periods in which gold and silver passed from hand to hand in payment of commodities or articles sold in the various processes of exchange. This is now, with more rapid communication and with modern facilities for settlement of balances and the divers substitutes for currency, much less apparent.

From the discovery of the silver mines of Potosi in 1546 to the discovery of gold in California in 1848, the annual value of silver mined was very considerably greater than that of gold. From that time until 1882, after the development of the mines not only in California but in Australia, the annual coinage value of gold was greater. Then for 15 years to 1897 the coinage value of silver mined in every year was in excess of that of gold.

Beginning with the last-named year, not only the coinage value but the commercial value of gold has in each year surpassed that of silver. From 1851 to 1870 the world's annual production of gold was strikingly uniform, varying from $123,000,000 in the years 1864–65 to about $134,000,000 annually from 1856 to 1860. The annual average was $127,467,583 for the 20 years named. From 1871 to 1890, inclusive, the annual output declined, averaging $107,030,400 for these 20 years. Beginning in 1891 with an output valued at $130,650,000, there has been a practically uninterrupted average annual increase of $21,600,000, save in the three years, 1900 to 1902, inclusive, when there was a diminished production because of the Boer War. In 1911 the production attained the maximum figure of $462,704,000.

The following is the average production for the years named:

1851 to 1870, inclusive	$127,467,583
1871 to 1890, inclusive	107,080,400
1891 to 1895, inclusive	162,947,000
1896 to 1900, inclusive	257,301,000
1901 to 1905, inclusive	322,619,600
1906 to 1910, inclusive	433,359,200

It is maintained that during the greater share of this time the prices of commodities showed a close correspondence with gold supply. From 1849 when the index figure representing the prices of all commodities was only 64 there was an increase by 1873 to 86. Also, from the latter part of the last decade of the last century to the present time, barring such decreases as are due to exceptional production and commercial or industrial depression, there has been a steady increase.

In studying prices throughout the whole period of 60 years, there has, however, been an important exception. Generally speaking, there was a marked decline in prices from 1873 to 1896–97. This can hardly be ascribed to the slightly diminished gold production for the 20 years after 1870.

There are three substantial reasons for diminished prices in this period:

(1) The annual production of gold, which had slightly declined, bore a much smaller proportion to the existing stock, and commercial and industrial operations were on so much vaster a scale as to readily absorb the annual increment.

(2) The demonetization of silver by the most advanced nations. It is shown by figures that India and Japan, in which silver remained the standard, showed no decrease in prices between the years 1873 and 1896, this contemporaneously with a fall in gold-using countries of more than 20 per cent. The index numbers for those countries are less reliable than for others, but the computed increase in India was from 107, in 1873, to 140, in 1896, and in Japan from 104 to 133 for the same years.

It must be remarked in this connection that too much reliance must not be placed upon these figures as showing the controlling effect of using silver as a standard in India and Japan. Both were showing progressive tendencies and Japan especially was not only coming more largely in contact with the civilized na-

tions of the earth, but was manifesting an almost unparalleled growth among her own people.

(3) The third reason for the cheapening of commodities in agriculture was the development of great areas of farm land and better communication with those areas, and, in manufacture, by inventive processes and more economical production under the improved methods of that time.

(4) Two severe seasons of industrial and commercial depression, beginning, respectively, in 1873 and 1893.

The inference that the supply of precious metals has a governing effect upon prices is supported by an analysis of the figures over longer periods. During the years from 1789 to 1809 there was a rise in prices from an index figure of 85 to one of 157, or more than 80 per cent. During these years the average production of gold in the whole world was a little less than $12,000,000 a year and that of silver approximately $37,000,000, or $49,000,000 in all.

There were many contributing causes of high prices, such as the prevalence of war and the interference with international trade caused by the French Revolution and the Napoleonic wars. Mr. Tooke, the author of the History of Prices, lays stress upon the poor harvests of that period, but Prof. Jevons ascribes the increase to the larger production of gold and silver, and points out that metals and oils were more affected than grain.

Beginning in 1809, for a period of 40 years prices fell from an index number of 157 to 64, or nearly 60 per cent. This decrease has been very generally ascribed to the falling off in the precious metals, which did not revive until the gold discoveries in California and Australia. The influence of the precious metals, it must be conceded, is strongly sustained by the great falling off in mining during this period.

Beginning in the year 1811, the annual average for the next 10 years was $7,606,000 of gold, or a decrease from the preceding decade of more than 33 per cent, and $22,000,000 of silver, or a decrease from the preceding decade of about 40 per cent. In the following decade, from 1821 to 1830, there was an increase in the mining of gold and a decrease in that of silver, but the total annual average was slightly less than that from 1811 to 1820. From 1831 to 1840 there was a substantial increase in both metals, amounting to about 33 per cent. The annual average production of gold during the period 1841 to 1850 was $36,000,000, being an increase of about $23,000,000 over the average of the preceding decade. However, in the 40 years from 1811 to 1850, inclusive, an era of low prices, the average annual production of gold was barely $17,000,000 per year, while with the opening of mines in California and Australia the annual average for the decade following 1850 rose from $17,000,000 to over $130,000,000.

The insignificance of this production prior to 1850 may be determined when it is considered that the average annual output of gold for these 40 years from 1811 to 1850 was only equal to that of less than a fortnight in 1911. The production for the single year 1911 was nearly nine-tenths as much as for the whole 40 years.

It should be carefully borne in mind that the period from 1849 was a time of great industrial advancement, in which many inventions and improvements were utilized. In the period from 1849 to 1873 prices rose from 64 to 86, or about 33 per cent. In the period from 1873 to 1896, as already stated, there was a decline in the countries in which gold is the standard. Manifestly there were other causes for the decrease in prices at this time. The great increase in facilities for transportation culminating after the opening of the Suez Canal in 1869 brought different portions of the earth nearer to each other and made it possible to utilize the abundance afforded by outlying countries for the benefit of the more settled areas, where food products were in great demand. Again, there were most notable advancements in the mechanical arts. So considerable was the falling off in prices that several writers, of whom, perhaps, Mr. David A. Wells and M. Émile de Laveleye are the best examples, came to the conclusion that the period of the most buoyant activity in commerce and industry had come to an end, and thereafter the people would occupy themselves with repairs and replacement or in utilizing discoveries already made. In other words, the period of the most profitable production had reached a limit.

In all calculations relating to the mining of precious metals attention must be given to the relation of the annual increment to the accumulated supply. In the year 1851 the annual increment is estimated to have been as much as 3.1 per cent; in 1871 there was an increase of only 1.6 per cent; in 1891 the increase was 1.5 per cent, and since the beginning of the very large production several years later the annual output is equal to about 3 per cent of the total existing money supply. Of the $454,000,000 mined in 1909, it has been estimated that $145,000,000 was utilized in the arts. This may be a large estimate, but in any event the primary money of the gold-standard countries was increased by three hundred millions in the year 1909. The very carefully prepared estimate of Dr. Roberts, Director of the Mint, gives the amount of coinage for that year at $313,000,000.

It is said that the connection between the increased supply of the precious metals and the general level of prices has been so marked and has appeared in so great variety of countries and of periods as to preclude the possibility of mere coincidence.

It must be recognized that certain modifying factors should be taken into account. The rise in prices after the beginning of the increase in the supply of gold and silver does not become manifest until some time has elapsed. This can be readily explained because a substantial increase is necessary to modify the relation between the existing stock of the precious metals and the accretions. Again, after a very largely increased supply has continued for a number of years, the effect seems to be neutralized. As heretofore explained, this is due to a multitude of factors, such as higher prices, more general diffusion of money, the absorption for bank reserves, the greatly augmented transactions of commerce, and, of course, the further fact that the annual production is a smaller percentage of the existing stock than before.

While not intending to belittle the important influence upon prices exerted by increased supplies of gold, it is submitted that the controlling effect of gold production has been materially exaggerated. Along with the increased supply of precious metals, there has almost always existed a concurrence of the great tendencies which make for increased activity and rising standards of living. The development of gold mining on a large scale has followed closely after discoveries and inventions. After the great awakening which marked the end of the fifteenth century and the discovery of America there was a great increase in the supply of gold and silver. On the other hand, with the decadence of the Roman Empire until its fall in 476, gold mining almost entirely disappeared.

TARIFF.

In making these remarks I have sought to avoid as far as possible any subject of political controversy. The facts developed by investigation, however, so conclusively disprove a prevalent misapprehension that the tariff of 1909 is a very prominent factor in the present high cost of living that I can not omit a somewhat extended treatment of that question. Nothing could be more fallacious. It may be conceded that the effect of any tariff policy is to increase prices, certainly in the earlier years of its operation, and on some products to cause a permanent increase. This is clearly true of a revenue tariff upon articles not the product of the country in question. It is also true, to an extent, of competitive articles. The diversity of employment, fostered by protective duties, raises wages and thus has a tendency to increase prices. The extent to which domestic competition is maintained in the manufacture of a protected article has an important bearing upon the price. The increase is materially influenced by the proportion between foreign importations and domestic production. If much the larger share of domestic consumption is supplied by home production, the increase upon prices is slight. Indeed, the possible increase in the cost is measured with a considerable degree of definiteness by the proportion which the domestic supply bears to the total consumption. As the domestic production is smaller, the increase in price is proportionately larger. A most important influence is exerted by the creation of competing sources of supply by fostering tariffs under which an industry is developed so that two countries compete for the same market and there is an inevitable tendency toward a lower price. In the tariff act of 1890 additional duties were imposed upon prunes, raisins, and figs. The result was the development of a competing supply on the Pacific coast and a very great decrease in the price of these articles in the succeeding years. This has been well illustrated in the case of iron and steel products.

While the processes of invention have had a great deal to do with diminished cost, steel rails which cost $160 per ton in 1869, after the lapse of more than 40 years, now sell for $28. It is, nevertheless, incredible that so great a decrease could have occurred without the stimulating effect of a protective tariff, which gives the industry a foothold here and creates a competing source of supply in our own country.

The name of Mr. McKinley was intimately associated with the manufacture of tin plate. Unfavorable opinions were expressed as to our success in the manufacture of this article. But as the result of the tariff in 1890, substantially restored in 1897 after an interval in which lower duties prevailed in the three years after 1894, quotations upon tin plate have been considerably

diminished. The same is true of wire nails and of a great number of articles which might be enumerated.

But the fact that the tariff act of 1909 is not the cause of high prices is conclusively proven by several facts:

(1) As already stated, the increase in prices is world-wide and in evidence in other countries of advanced civilization and progressive tendency as well as in our own.

(2) The most notable increases have been in commodities of which we have a considerable surplus for export, and no tariff can have any material effect upon the price of such articles.

(3) In our own country these increases have been manifested indiscriminately, without regard to higher or lower rates in the tariff act of 1909, and, in fact, have been most considerable in the case of articles on which there are no duties at all.

There has been an increase in the cost of shoes since 1908, especially in the retail price, yet the Payne-Aldrich tariff bill diminished these duties 10 per cent on one grade and 15 per cent on another. Leather is also higher than in 1908, although this duty is from 5 to 15 per cent less than under the Dingley Act. Hides, upon which the duty of 15 per cent was absolutely removed, so that they were placed upon the free list, have shown some decline, especially during the last year, in common with the general price movement toward lower levels. However, they are still quoted higher than in 1908.

In the face of a decrease in the duty on lumber ranging from 75 cents to $1.25 per thousand, the prices have shown an increase since 1909. Turpentine, which during all the time has been on the free list, has risen from an index number of 146 in 1909 to one of 203 in 1911.

Castile soap, upon which there was no change in duty, has fallen from an index number of 183.1 in 1890 to 148.7. The duty on this article is 1¼ cents per pound. Rubber, which for many years has been on the free list, rose from an index number of 185 in 1909 to 238.2 in 1910. Of late, notwithstanding the greatly increased demand for this article, there has been a slump in prices, due to the development of additional sources of supply. Builders' hardware, upon which there was a slight decrease on the different articles included in this classification, increased from an index number of 191.6 in 1909 to 216.1 in 1910. Tin pig, upon which there was only a conditional duty, not effective, rose from an index number of 151.1 in 1909 to 232.8 in 1911.

Indeed, the variations in prices have been so very considerable, both in the way of increase and decrease, as absolutely to disprove any inference that the change in prices have been due to the tariff act of 1909; or, indeed, traceable to any other tariff act. As a result of scientific progress, certain commodities have shown the effect of invention, improved methods in transportation and distribution, and have consequently shown very notable decreases in prices. Others have shown an increased demand, which has not been counteracted by improved processes or by the continuance of equally available supplies of raw material.

Further arguments in regard to the effect of the tariff on prices must be noted. The argument for lower duties, most strenuously asserted by those who have given the greatest thought to the subject, is that undue attention has been given in our own country to the development of manufactures. Should, however, the duty be so reduced on these articles as to drive out of existence plants which are now in use, the diminished supply in our own country would have to be satisfied from abroad, and the diminished market for agricultural products at home must be augmented by uncertain demands from other countries. The inevitable result would be an increased demand upon foreign countries for the articles subject to tariffs, which would be followed by a commensurate increase in their prices both at home and here.

The devices now resorted to in the way of preferential railway rates for exports to the United States and preferences in rates granted by trans-Atlantic ships would disappear, and we should be subjected to the full effect not only of an increased cost of production abroad by reason of the increased demand, but the increased costs of transportation. The prices of products of other countries, which are reduced below the price level of the country of origin in order to obtain access to our markets, would be immediately restored.

It must be recognized in this connection that our own country is for many commodities much the largest market in the world, and for some articles affords a greater demand than all the rest of the world combined. It would be impossible to diminish the local sources of supply without a notable increase in prices of foreign articles which would take their place.

There is a prevalent impression that great quantities of goods are stored in warehouses and factories, to be sold at cheap prices, awaiting shipment to the United States, and only kept out by reason of the tariff. Should the tariff wall be entirely removed, it is probable that the decrease in prices of the majority of commodities in our own country would be only very slight. One illustration of this delusion—for it is nothing else—is derived from a comparison between prices of agricultural products, such as eggs, in the United States and Canada. The groundless expectation that this commodity would be reduced in price by a removal of the duty overlooks the fact that our own exports of this article to Canada are greater than those from Canada to the United States.

But it is alleged that they sell for less at Windsor than at Detroit, and that the removal of the duty of 5 cents per dozen would lead to a decrease in the price by that amount. A very simple calculation will show the absolute futility of this idea. The total production of eggs in Canada is only a small per cent of that of the United States. The removal of tariff duties would be sure to lead to an increase in prices in Canada—if any difference exists—to our level, because the greater consumption here would practically determine the price. There may be some slight increase, especially in times of unusual scarcity in the United States, but the general rule is that the cost in countries of predominant consumption and production would be sure to prevail. This is readily shown by a very simple illustration. Suppose men in a certain trade, 50 in number, received a wage of $2.75 per day, and one person should endeavor to obtain employment along with them who had worked for $2.50 a day; the result would be not a decrease in wages from $2.75 to $2.50, but an increase in wages of the one individual from $2.50 to $2.75.

TRUSTS.

A careful analysis of wholesale prices fails to support the opinion that the trusts and large combinations of capital have caused the present increase in prices. It is clear that complete monopoly or control of the market in the production or sale of any particular commodity affords a chance to increase its price. The same result is apparent when separate producers maintain an agreement or understanding as to prices. As a general proposition, on the other hand, the superior economy and efficiency of large-scale operations materially diminishes the cost of production, and even more, the cost of distribution, and should therefore tend to decrease prices. The formation of such industrial and commercial enterprises, therefore, seems to be a legitimate phase of business evolution. It must be said, however, with greater emphasis, that thus far the general public has not experienced the benefit of reduced prices to which it is entitled in view of the greater economy and efficiency naturally resulting from great combinations.

Overcapitalization, profits of promoters, fees of lawyers, all have tended to make the capitalization so large as to neutralize benefits derived from cheaper operation. There may be said to be two tendencies underlying the movement toward combination: One which is normal and responsive to those economic laws which make for cheapness or efficiency; another, which is not normal, in which cheapness and efficiency are entirely subordinate to private gain and efforts to secure monopoly. In proportion as the latter tendency or method is absent will the public be benefited by the formation and operation of large enterprises. The measure in which the public has enjoyed the benefit of these combinations is in too great degree dependent upon whether a spirit of liberality and fairness actuates the managers. In some instances they have given due regard to popular opinion and lowered prices and improved quality, when the hold upon the market which they possessed was so considerable that they were not compelled to do so.

If the people do not receive their proper share of the benefits of these aggregations, indeed in any event, strict control, beginning with greater publicity and reenforced by official regulation, is the inevitable outcome. So necessary is this governmental control that some have advocated public regulation of prices.

There are two great organizations which have gained a special hold upon the branches of production in which they are engaged—the Standard Oil Co. and the United States Steel Corporation. No doubt both of these corporations have engaged in practices which do not subserve the general weal, and the strong arm of the law has been invoked against them. But it would hardly be correct to say that the effect of the formation of these companies has been to raise prices. In the table prepared by the statistician of the Department of Agriculture, to which reference has been made, it appears that among over 80 enumerated articles purchased by the farmer there are only three the cost of which diminished between the years 1899 and 1909. Two of these are comparatively unimportant. The third is coal oil, which fell off from 15.1 cents per gallon in 1899 to 14.2 in 1909. There are also substantial reductions in prices of various forms of iron and steel in the same period—articles furnished by the Steel Corporation. The conclusion which may be reached

is that, properly regulated, large-scale operations in manufacturing or in the business of the merchant—that is, in production or in distribution—should cheapen prices rather than increase them.

The difficulty is that the enormous power given to great combinations enables them to exert an influence amounting sometimes to absolute control over the prices of necessary commodities, which is subversive of the general interest. In some cases prices of one particular commodity are increased to an exorbitant figure, while other articles are disposed of by the same combination at figures such as to destroy competitors. It is evident that while the future will no doubt utilize the benefit of operations of colossal magnitude, the benefits must be secured by the most stringent requirements. Thus far some prices have increased by the combination movement, though not in sufficient degree to account for present conditions.

GENERAL INCREASE IN PRICES.

Has there been a general increase in prices? A careful analysis of the price movement goes far to disprove a prevalent impression that all prices have risen.

One source of this impression that all prices have risen is the custom of comparing present prices with the average for the decade extending from 1890 to 1899, inclusive. This period of 10 years includes five or six years, from 1893 to 1898, in which notably low prices prevailed.

The most complete comparisons available show that prices in 1890, and also in the decade from 1890 to 1899, inclusive, on which contemporaneous computations are based, were very materially lower than in preceding years.

Mr. Sauerbeck's tables give the 11 years from 1867 to 1877 as the standard represented by 100. The following table shows the relation between those years and certain later years:

Comparative prices of certain articles, 1878–1899.

Period.	Vegetable food.	Animal food.	Sugar, coffee, and tea.	Total food.	Minerals.	Textiles.	Sundry materials.	Total materials.	Grand total.	Silver.	Wheat harvested.
Average of prices, 11 years, 1867–1877	100	100	100	100	100	100	100	100	100	100	100
1878	95	101	90	96	74	78	88	81	87	86.4	108
1880	89	101	88	94	79	81	89	84	88	85.9	93
1885	68	88	63	74	66	65	76	70	72	79.9	108
1890	65	82	70	73	80	66	69	71	72	78.4	106
1878–1887	79	95	76	84	73	71	81	76	79	82.1	97
1890–1899	61	80	63	68	71	56	66	64	66	55.8	104

From this table it appears that vegetable food in the decade from 1890 to 1899 was worth in England only 61 per cent of the average value in the 11 years from 1867 to 1877; animal food, 80 per cent; sugar, coffee, and tea, 63 per cent; all articles of food, 68 per cent; minerals, 71 per cent; textiles, 56 per cent; sundry materials, 66 per cent; all materials, 64 per cent; and the grand total of all commodities, 66 per cent of the values in the 11 years from 1867 to 1877. These tables, of course, relate only to England, and contain also a valuation of silver, which in the decade from 1890 to 1899 was worth as a commodity only 55.8 per cent of its value in the earlier period mentioned.

This fall in silver contemporaneously with a decline in almost all commodities was much used in the latter part of the last century as an argument for its remonetization. However, the decline in prices was due to much more general causes which have already been mentioned.

While we have no tables for this period prepared with similar care in the United States, the same general price movement from 1867 to the last decade of the last century may be noted.

From this it appears that in basing our calculations upon the years from 1890 to 1899 we ignore an era of very much higher prices which, with a downward tendency, had prevailed for more than 30 years.

The statistics supplied by an official report in 1899 furnish the prices of a great variety of articles. From these tables it appears that the price of high-grade flour per barrel in New York in February, 1860, was $8.25; for the same month in 1870 and 1880 it was $9.25; in 1890, $5.65; in January, 1899, $4.30. In 1870 the price was probably somewhat affected by the premium on gold, which for that year was about 16 per cent.

There is little satisfaction in the study of prices in a period so remote as the years 1830 to 1840. Wide disparities appear in different localities. Different figures are dependent not so much upon the excellence of crops or the law of demand and supply as upon facilities for transportation, which in those years could not compare with the present. It does, however, appear that very many prices were higher. The price of calico in the Boston market until the beginning of the Civil War ranged around 10 cents a yard. In the last decade of the last century it averaged about half as much, and for the years from 1880 to 1890 was materially higher than in the succeeding 10 years. The price of carpets from 1850 to and through the Civil War and later was much higher than now. On the other hand, leather and many staple varieties of food were much lower The list showing higher prices in earlier years could be indefinitely extended, and in every case could be accounted for by economic tendencies or special conditions in which the tariff plays but a very subordinate part. In the case of some minor articles the prices of former years were phenomenally higher; for example, the price of quinine was in 1840, $3.25; in 1850 it was $4; in 1860, $1.40; in 1870, $2.20; in 1883, $3.25; while the price in 1899 was only 34 cents. It can not be claimed that the removal of the duty made this great revolution in price.

The following table, showing exports and imports of manufactures and the products of agriculture since 1820, and certain extracts derived from it, shows a revolution in production in our own country:

Commerce of the United States, by great groups, 1821–1911.

[Taken from House Document No. 142, Sixty-second Congress, second session, Foreign Commerce and Navigation.]

TABLE I.—IMPORTS, TOTAL.

Fiscal years.	Foodstuffs in crude condition and food animals.		Foodstuffs partly or wholly manufactured.		Crude materials for use in manufacturing.		Manufactures for further use in manufacturing.		Manufactures ready for consumption.		Miscellaneous.		Total.
	Amount.	Per cent of total.	Amount.	Per cent of total.	Amount.	Per cent of total.	Amount.	Per cent of total.	Amount.	Per cent of total.	Amount.	Per cent of total.	Amount.
1821	$6,081,641	11.15	$10,820,814	19.85	$1,983,706	3.64	$4,079,064	7.48	$30,998,900	56.86	$556,709	1.02	$54,520,834
1830	7,382,274	11.77	9,653,971	15.39	4,214,825	6.72	5,152,486	8.22	35,734,837	56.97	582,563	.93	62,720,956
1840	15,273,321	15.54	15,188,845	15.46	11,510,245	11.71	11,356,196	11.56	44,300,005	45.09	630,094	.64	98,258,706
1850	18,011,659	10.38	21,465,776	12.37	11,711,266	6.75	26,163,152	15.08	95,312,499	54.93	845,174	.49	173,509,526
1860	35,743,826	10.11	53,771,067	15.26	37,073,022	10.48	23,613,395	6.67	199,878,690	56.52	3,536,119	1.00	353,616,119
1870	53,981,838	12.38	96,253,561	22.08	53,118,022	12.18	54,545,306	12.51	173,034,847	39.69	5,024,834	1.16	435,958,408
1872	76,745,348	12.25	121,746,757	19.43	91,715,359	14.64	87,606,647	13.98	237,928,516	37.97	10,852,450	1.73	626,595,077
1873	83,364,065	12.98	122,063,864	19.01	94,293,376	14.68	96,641,675	15.05	232,108,020	36.15	13,665,210	2.13	642,136,210
1874	94,264,481	16.61	119,618,137	21.08	73,366,563	12.93	71,913,498	12.67	192,431,867	33.92	15,811,796	2.79	567,406,342
1875	90,018,885	16.89	113,145,852	21.23	78,891,769	14.80	63,411,606	11.89	177,891,440	33.38	9,645,884	1.81	533,005,436
1876	94,186,516	20.44	91,927,329	19.95	66,370,245	14.41	51,087,445	11.09	145,691,808	31.62	11,477,847	2.49	460,741,190
1877	86,134,465	19.08	114,579,052	25.39	69,592,668	15.42	48,531,632	10.75	125,654,539	27.84	6,830,770	1.52	451,323,126
1878	84,399,969	19.31	102,034,859	23.34	72,485,326	16.58	46,500,681	10.66	124,785,193	28.55	6,845,504	1.56	437,051,532
1879	82,283,989	18.46	102,659,926	23.03	73,328,788	16.45	49,602,449	11.15	130,145,818	29.19	7,666,805	1.72	445,777,775
1880	100,297,040	15.01	118,125,216	17.69	131,861,617	19.74	110,779,516	16.59	196,587,405	29.43	10,303,952	1.54	667,954,743
1881	102,486,852	15.95	123,380,388	19.20	114,244,631	17.77	87,790,890	13.66	203,725,925	31.70	11,035,942	1.72	642,654,623
1882	104,947,672	14.49	139,438,506	19.24	131,356,113	18.13	98,623,768	13.61	238,716,691	32.94	11,556,823	1.59	724,633,574
1883	93,091,358	12.87	142,127,926	19.65	133,612,450	18.48	98,755,423	13.66	242,945,562	33.59	12,648,195	1.75	723,180,914
1884	103,010,830	15.43	130,778,286	19.59	119,150,641	17.84	94,698,249	14.18	207,771,072	31.12	12,288,615	1.84	667,697,693

Commerce of the United States, by great groups, 1821–1911—Continued.

TABLE I.—IMPORTS, TOTAL—continued.

Fiscal years.	Foodstuffs in crude condition and food animals.		Foodstuffs partly or wholly manufactured.		Crude materials for use in manufacturing.		Manufactures for further use in manufacturing.		Manufactures ready for consumption.		Miscellaneous.		Total.
	Amount.	Per cent of total.	Amount.	Per cent of total.	Amount.	Per cent of total.	Amount.	Per cent of total.	Amount.	Per cent of total.	Amount.	Per cent of total.	Amount.
1885	$93,345,583	16.16	$102,937,933	17.82	$106,774,553	18.49	$78,254,677	13.55	$182,543,076	31.61	$13,671,507	2.37	$577,527,329
1886	91,588,644	14.41	112,771,436	17.75	128,434,759	20.22	91,539,244	14.40	194,791,568	30.65	16,310,485	2.57	635,436,136
1887	106,362,234	15.36	111,714,382	16.14	143,361,050	20.71	120,079,754	17.34	202,800,073	29.29	8,002,275	1.16	692,319,768
1888	116,087,107	16.03	111,048,075	15.34	155,057,432	21.42	121,605,094	16.80	211,218,652	29.17	8,940,754	1.24	723,957,114
1889	123,130,984	16.53	122,254,266	16.41	163,548,106	21.94	115,079,918	15.44	212,482,518	28.52	8,635,860	1.16	745,131,652
1890	128,480,142	16.28	133,332,031	16.89	170,637,250	21.62	116,924,080	14.81	230,685,581	29.23	9,251,325	1.17	789,310,409
1891	150,639,399	17.83	147,721,884	17.48	184,175,197	21.80	136,446,309	16.15	217,577,775	25.75	8,355,632	.99	844,916,196
1892	175,558,861	21.22	139,794,773	16.89	188,317,595	22.76	112,729,303	13.63	204,543,857	24.72	6,458,073	.78	827,402,462
1893	131,663,968	15.19	153,739,181	17.75	209,277,112	24.16	135,608,418	15.65	228,764,866	26.40	7,347,377	.85	866,400,922
1894	133,309,989	20.35	155,348,824	23.72	130,086,011	19.86	82,894,732	12.65	148,798,021	22.72	4,557,045	.70	654,994,622
1895	141,377,238	19.31	107,026,180	14.63	180,939,902	24.72	96,486,622	13.18	199,543,108	27.26	6,596,915	.90	731,969,965
1896	130,002,310	16.67	118,805,703	15.24	197,646,852	25.35	101,070,937	12.96	226,639,759	29.07	5,559,113	.71	779,724,674
1897	128,379,785	16.79	129,244,951	16.90	196,159,371	25.66	88,490,406	11.57	217,843,918	28.48	4,611,981	.60	764,730,412
1898	103,984,608	16.88	86,091,010	13.97	189,322,244	30.73	79,288,417	12.88	153,025,210	24.84	4,338,165	.70	616,049,654
1899	98,933,256	14.19	123,448,135	17.71	208,565,691	29.91	91,953,914	13.19	169,516,630	24.32	4,730,863	.68	697,148,489
1900	97,916,293	11.52	133,027,374	15.65	276,241,152	32.50	134,222,045	15.79	203,126,341	23.90	5,407,979	.64	849,941,184
1901	110,385,208	13.43	125,540,654	15.25	248,006,751	30.13	127,576,924	15.49	205,505,580	24.96	6,157,048	.74	823,172,165
1902	120,280,302	13.31	95,350,256	10.56	303,001,868	33.55	147,656,292	16.34	231,420,820	25.62	5,611,410	.62	903,320,948
1903	119,202,674	11.62	116,620,623	11.37	330,491,084	32.22	195,750,847	19.08	257,757,184	25.13	5,896,825	.58	1,025,719,237
1904	132,223,895	13.34	118,222,862	11.93	320,794,431	32.37	160,233,890	16.17	252,857,673	25.51	6,754,620	.68	991,087,371
1905	146,130,903	13.08	145,355,839	13.01	389,160,658	34.82	177,827,960	15.91	252,372,650	22.58	6,665,061	.60	1,117,513,071
1906	134,315,448	10.95	140,358,114	11.44	414,687,999	33.81	220,298,751	17.96	307,801,154	25.10	9,100,980	.74	1,226,562,443
1907	149,747,693	10.44	158,656,263	11.06	477,027,174	33.25	274,096,464	19.11	364,192,884	25.39	10,700,947	.75	1,434,421,425
1908	145,577,427	12.19	147,008,870	12.31	363,482,258	30.43	196,248,409	16.43	331,617,926	27.77	10,406,902	.87	1,194,341,792
1909	164,110,674	12.51	165,700,920	12.63	451,359,259	34.40	222,101,622	16.94	299,106,235	22.80	9,541,514	.72	1,311,920,224
1910	144,776,636	9.30	181,566,572	11.66	566,270,770	36.37	285,138,373	18.31	367,723,367	23.62	11,471,712	.74	1,556,947,430
1911	181,194,863	11.87	172,006,501	11.26	511,362,140	33.48	287,785,652	18.84	361,422,183	23.67	13,454,769	.88	1,527,226,105

TABLE II.—EXPORTS, DOMESTIC.

1821	$2,474,822	4.79	$10,085,363	19.51	$31,245,382	60.43	$4,867,379	9.42	$2,925,165	5.66	$84,523	0.16	$51,683,640
1830	2,724,181	4.65	9,553,993	16.32	36,482,233	62.34	4,117,603	7.04	5,431,553	9.34	182,244	.31	58,524,878
1840	4,554,532	4.09	15,935,103	14.27	75,483,421	67.61	4,841,101	4.34	10,534,079	9.47	246,320	.22	111,660,551
1850	7,535,764	5.59	20,017,162	14.84	83,984,707	62.23	6,053,903	4.49	17,162,205	12.72	139,494	.10	134,900,233
1860	12,166,447	3.85	38,624,949	12.21	216,009,643	68.31	12,641,625	3.99	35,811,383	11.33	988,371	.31	316,242,423
1870	41,852,630	11.12	50,919,663	13.53	213,439,991	56.64	13,711,703	3.63	55,329,137	14.93	363,341	.09	376,616,473
1872	59,355,592	13.85	84,357,982	19.68	194,458,403	45.39	21,087,235	4.92	65,305,501	15.24	3,920,385	.92	428,487,131
1873	69,853,173	13.83	100,857,593	19.97	231,904,077	45.92	24,976,655	4.95	76,059,102	15.03	1,382,839	.27	505,033,439
1874	119,143,282	20.93	114,038,695	20.03	228,149,732	40.03	26,025,258	4.57	81,124,581	14.24	950,963	.17	569,433,421
1875	79,077,679	15.84	110,292,780	22.09	206,271,795	41.31	27,458,054	5.50	74,593,493	14.92	1,680,299	.34	499,284,109
1876	94,181,630	17.92	121,615,589	23.14	202,247,842	38.49	31,459,259	5.98	74,450,509	14.16	1,627,418	.31	525,582,247
1877	90,636,898	15.37	150,101,362	25.45	200,821,765	34.05	31,513,553	5.34	112,673,043	19.11	3,923,597	.66	589,670,224
1878	154,809,695	22.74	170,277,023	25.01	213,128,093	31.31	28,685,480	4.22	110,440,970	16.23	3,368,007	.49	680,709,268
1879	188,523,959	27.00	174,230,816	24.95	198,687,747	28.45	30,169,032	4.32	103,254,499	14.78	3,471,767	.50	698,340,790
1880	266,108,950	32.30	193,352,723	23.47	238,787,934	28.93	29,044,150	3.52	92,774,139	11.23	3,878,448	.47	823,946,353
1881	241,641,847	27.34	223,383,821	25.62	278,918,722	31.55	32,820,713	3.71	102,458,449	11.59	1,699,395	.19	883,925,947
1882	155,008,497	21.14	178,032,738	24.28	233,234,072	31.82	37,164,800	5.07	124,835,385	17.02	4,934,249	.67	733,239,732
1883	163,195,443	20.20	185,392,822	23.18	288,841,684	35.92	37,935,193	4.72	122,448,549	15.23	5,347,935	.66	804,223,632
1884	130,395,872	17.99	194,703,245	23.85	239,510,224	33.04	37,800,437	5.21	118,172,882	16.30	4,382,192	.60	724,964,852
1885	123,323,857	16.97	201,800,801	27.77	248,611,181	34.22	39,437,313	5.42	110,818,835	15.25	2,687,919	.37	725,682,943
1886	100,799,692	15.13	162,689,021	24.43	254,409,407	38.21	34,037,715	5.11	111,627,312	16.76	2,401,382	.36	665,964,529
1887	125,453,685	17.85	175,784,781	25.00	250,235,433	35.60	33,732,490	5.22	112,417,839	15.99	2,397,691	.34	703,022,923
1888	88,368,403	12.63	169,872,314	24.84	271,275,620	39.67	40,176,023	5.83	113,892,689	16.65	2,277,041	.33	683,862,104
1889	98,847,455	13.54	174,504,227	23.90	283,235,227	39.19	42,712,932	5.85	123,181,883	16.87	4,798,885	.65	730,282,609
1890	132,073,183	15.62	224,753,580	26.59	304,565,922	36.03	46,454,932	5.50	132,527,050	15.68	4,915,101	.58	845,233,823
1891	106,155,721	12.17	223,448,393	25.96	345,848,321	39.77	47,951,372	5.49	140,349,741	16.09	4,503,825	.52	872,270,233
1892	262,455,846	25.84	250,438,545	24.66	315,093,548	31.02	50,234,241	4.95	132,792,441	13.07	4,664,390	.46	1,015,732,011
1893	153,277,859	18.43	247,075,031	29.73	247,283,247	29.75	49,070,703	5.94	129,938,284	15.63	4,379,633	.52	831,030,785
1894	133,196,923	15.30	249,845,142	28.77	276,088,989	31.76	67,145,180	7.72	135,659,274	15.61	7,288,415	.84	869,204,937
1895	99,051,108	12.49	219,125,531	27.62	264,194,679	33.30	61,812,893	7.78	143,244,939	18.03	5,963,407	.75	793,392,590
1896	128,550,669	14.90	219,413,574	25.41	251,817,571	29.17	76,219,723	8.85	181,789,157	21.04	5,409,788	.63	863,200,487
1897	181,420,814	17.58	235,051,930	22.79	295,834,853	28.76	98,284,243	9.52	212,959,122	20.63	7,456,636	.72	1,032,007,603
1898	305,108,915	25.21	284,879,827	23.54	283,311,334	23.66	101,990,553	8.43	222,537,358	18.38	9,463,916	.78	1,210,291,913
1899	232,903,066	19.35	304,754,733	25.31	277,723,374	23.07	117,730,230	9.78	262,655,533	21.81	8,163,203	.68	1,203,931,222
1900	227,347,193	16.59	318,126,502	23.21	325,589,000	23.75	152,890,591	11.15	331,955,634	24.22	14,854,001	1.08	1,370,763,571
1901	246,394,140	16.88	335,605,378	23.05	397,767,463	27.24	148,013,625	10.12	317,764,357	21.76	13,917,833	.95	1,460,462,803
1902	184,786,389	13.63	323,831,350	24.27	373,595,243	27.56	131,918,311	9.73	321,946,540	23.75	14,404,023	1.06	1,355,481,861
1903	185,308,064	13.31	323,244,251	23.22	403,679,699	29.35	140,415,620	10.09	327,482,757	23.52	7,100,911	.51	1,392,231,302
1904	135,747,224	9.46	303,835,694	21.52	461,716,323	32.17	174,574,135	12.17	348,745,843	24.30	5,559,792	.38	1,435,179,017
1905	118,185,098	7.92	283,054,630	18.93	472,665,300	31.69	203,361,544	14.03	402,064,030	26.95	6,403,930	.43	1,491,744,641
1906	177,216,467	10.32	347,335,482	20.22	500,533,700	29.13	225,210,513	13.17	459,812,653	26.76	6,791,584	.40	1,717,953,382
1907	167,348,227	9.03	345,706,609	18.65	593,145,135	32.00	239,414,784	13.90	480,703,637	25.93	7,394,612	.40	1,853,718,034
1908	189,051,824	10.30	331,961,663	18.10	558,681,462	30.33	261,105,883	14.23	489,469,953	26.68	6,515,537	.36	1,834,786,357
1909	135,693,409	8.28	302,555,341	18.47	520,907,436	31.80	231,186,607	14.11	440,229,407	26.87	7,783,393	.47	1,638,355,593
1910	109,828,320	6.43	259,259,651	15.16	565,934,957	33.09	267,765,916	15.63	499,215,329	29.19	8,079,822	.47	1,710,083,993
1911	103,401,553	5.13	282,016,883	14.00	713,018,205	35.42	309,151,939	15.35	593,367,852	29.72	7,592,542	.38	2,013,549,025

TABLE III.—EXPORTS, DOMESTIC, SUMMARY AND SPECIAL CLASSES.

Date.	Foodstuffs, crude and manufactured.		Manufactures, all classes.		Wheat.	Agricultural implements.	Animals.	Iron and steel manufactures.	Leather and manufactures.
	Amount.	Per cent of total.	Amount.	Per cent of total.					
1821	$12,560,188	24.30	$7,792,544	15.08	$20,925	.....	.....	$108,083	$304,430
1830	12,281,173	20.97	9,579,195	16.38	46,176	.....	.....	322,747	446,222
1840	20,500,640	18.36	15,425,180	13.81	1,635,483	.....	.....	1,127,877	203,434
1850	27,552,926	20.43	23,223,106	17.21	643,745	.....	.....	1,953,702	224,291
1860	50,791,396	16.06	48,453,008	15.32	4,076,704	.....	$1,855,091	5,870,114	1,547,177
1870	92,772,296	24.65	70,040,845	18.62	47,171,229	$1,068,476	1,045,039	13,483,163	673,331
1880	459,461,673	55.77	121,818,298	14.78	190,546,305	2,245,742	15,882,120	14,716,524	6,760,183
1890	356,829,763	42.21	178,982,042	21.18	45,275,906	3,859,184	33,638,128	25,542,208	12,438,847
1900	545,473,695	39.80	484,846,275	35.37	73,237,080	16,099,149	43,585,031	121,913,548	27,293,010
1910	369,087,974	21.59	766,981,245	44.85	47,806,598	28,124,033	17,447,735	179,133,186	52,646,755
1911	385,418,436	19.13	907,519,841	45.07	22,040,273	35,973,398	19,048,653	230,725,352	53,673,053

While formerly our exports were made up largely of food products, these have been relegated to a subordinate rank, and according to present tendencies before an interval of many years we will be importers rather than exporters. On the other hand, the export of articles of manufacture has very greatly increased. In the year 1898, as shown by the table, for the first time we sent abroad a larger value of articles from our factories than we imported, and the value of manufactured articles, partly or entirely completed, reached a total of 45.07 per cent of our total exports in the year 1911, while exports of all classes of foodstuffs had fallen to 19.13 per cent.

It will be noted from Table II, appended above, that while our food exports attained a maximum volume in 1898, they reached a maximum proportion about 1880. It is hardly necessary to go beyond these tables to show the change in the direction of the efforts of our producers and to explain the great increase in the cost of food.

These significant figures emphasize the increased pressure of the demands for subsistence upon the land and sources of supply. They also bring to light the law of diminishing returns under which, with every increment of supply, there is a substantial increase in cost.

REAL ESTATE AND BUILDINGS.

In addition, all expenses relating to housing or shelter have been revolutionized by changes in the value of real estate, to which must be added the greatly increased cost of materials for building and the higher cost of labor. No one should regret the higher compensation paid to wage earners. Social welfare is a greater advantage than cheap construction or cheap rents.

But labor cost as well as building material and values of real estate have very materially contributed to the present high cost of living. Higher values of land in cities are responsible for a very important part of the resulting conditions. These are due to the growth of population, to the concentration of activity in great centers, which cause a consequent increase in rent. The same increases, while not showing such phenomenal gains in percentages, have been no less general in rural land than in that located in cities. During the last 10 years values of farm lands in many localities have doubled, while the multiplication of real-estate values in growing cities is almost beyond belief.

The following table shows some of the increases in values in the city of Chicago, as determined by sales or leases.

Notable increases in the value of certain parcels of Chicago property.[1]

Location and dimension.	Name of owner.	Date and price of former sale.	Present value of same land.	Per cent present value of former value.
		1843.		*Per cent.*
Northeast corner Adams and State Streets, 60 by 175 feet		$275	$2,000,000	727,272
		1850.		
Block bounded by Madison, Monroe, Dearborn, and State Streets	School property	$10,000	$25,000,000	250,000
		1883.		
Corner Sixty-third Street and Cottage Grove Avenue		Unsalable at $20 a front foot	$3,000 a front foot	15,000
		1870.		
Southeast corner State and Monroe Streets	Potter Palmer estate	$250,000	$15,000,000	6,000
		1853.		
10 by 90 feet on State Street between Madison and Washington Streets		$2,500	$500,000	2,000
		1885.		
Northwest corner Michigan Avenue and Harmon Court, 56 by 127 feet		$25,000	$375,000	1,500
190 feet on Dearborn Street by 46 feet on Monroe Street	Hetty Green	$200,000	$1,650,000	825
		1890.		
Michigan Avenue between Twelfth and Fifteenth Streets		$400 to $500 front foot	$3,500 front foot	700 to 875
		1906–7.		
Michigan Avenue between Twenty-second and Twenty-seventh Streets		$250 to $300 front foot	$1,200 to $1,500 front foot	400 to 600

[1] Figures furnished by Mr. W. K. Young, of Chicago.

While the figures just given of sensational advances in the price of real estate indicate the general tendency, yet it must be admitted that they are exceptional instances. Perhaps a better idea of the general rise in real-estate value may be obtained from the report of the comptroller of the State of New York, which shows the advance in the assessed valuation of all real property in the State of New York from 1870 to the present time. Table follows:

Assessed valuation of real estate in the State of New York for the periods mentioned.

1870	$1,599,930,166
1880	2,340,335,690
1890	3,397,234,679
1900	5,093,025,771
1910	9,639,001,868
1912	11,000,000,000

NOTE.—The figure given for 1912 is that furnished by Hon. William Sohmer, comptroller for the State of New York, and is an estimate based on returns not fully tabulated.

Reference to the high cost of labor and of building material has already been made. In the classification of manufactured products in the report of the Bureau of Manufactures for 1912, lumber showed a greater increase than any other. There have been some exceptions to the increased cost, as in the case of brick, and progress has been made in the use of cement; but the general tendency has been in the direction of a very marked advance in the prices of all things required for construction. The increase in the cost of labor has been exceptionally large in the United States.

The following table shows some changes in the wages and hours of certain laborers, including especially those of the building trades, in which comparison is made of the relative increase of wages in the United States, Great Britain, Germany, and Bulgaria. By this table it will appear that the relative wages in 1907, as compared with 1900, for bricklayers are 135.1; for carpenters, 142.3; for plumbers, 146.5. In the same period there has been but slight advance in England, the compensation of those engaged in the building trades having increased but little, though Germany shows a material increase. The advance is greatest in the case of the bricklayers of Bulgaria, which illustrates the general trend.

THE RELATIVE INCREASE OF WAGES IN THE UNITED STATES, GREAT BRITAIN, GERMANY, AND BULGARIA.

[Taken from the report of the Select Committee on Wages and Prices of Commodities; Senate Rept. No. 912, pt. 1, 61st Cong., 2d sess.]

Hours per week and rates per hour of wage earners in specified occupations in 1900 and 1907.

UNITED STATES.

Occupation.	Hours per week.		Relative hours in 1907 as compared with 1900.	Rates per hour.		Relative wages in 1907 as compared with 1900.
	1900	1907		1900	1907	
Blacksmiths	58.89	56.07	95.2	$0.2537	$0.3290	129.7
Bricklayers	49.32	46.62	94.5	.4672	.6313	135.1
Carpenters	51.86	47.87	92.3	.3049	.4338	142.3
Compositors, newspaper	51.09	46.92	91.8	.4071	.5296	130.1
Machinists	58.56	55.40	94.6	.2484	.3051	122.8
Plumbers	51.40	46.51	90.5	.3811	.5582	146.5

Hours per week and rates per hour of wage earners in specified occupations in 1900 and 1907—Continued.

UNITED KINGDOM.

Occupation.	Number of cities reporting.	Hours per week.		Relative hours in 1907 as compared with 1900.	Rates per hour.		Relative wages in 1907 as compared with 1900.
		1900	1907		1900	1907	
Bricklayers	12	52.13	52.00	99.8	$0.1893	$0.1901	100.4
Carpenters	14	51.57	51.43	99.7	.1840	.1850	100.5
Compositors, union hand, in daily newspapers	9	50.39	49.11	97.5	.2022	.2150	106.3
Machinists:							
Blacksmiths	11	53.55	53.00	99.0	.1645	.1708	103.8
Fitters	13	53.71	53.25	99.1	.1620	.1680	103.7
Turners	13	53.71	53.25	99.1	.1630	.1688	103.6
Plumbers, union, house	14	51.36	51.68	100.6	.1839	.1854	100.8

GERMANY.

Occupation.	Number of cities reporting.	Rates per hour.		Relative wages in 1907 as compared with 1900.
		1900	1907	
Bricklayers [1]	5	$0.126	$0.155	123.0
Carpenters	4	.115	.148	128.7
Plumbers [2]	3	.110	.147	133.6

BULGARIA.

Bricklayers [1]	5	[3] $0.5164	[3] $0.7909	153.2
Laborers—general	5	[3] .3385	[3] .4234	125.1

[1] Masons. [2] Plumbers, gas and steam fitters. [3] Wages quoted per day.

The tables show that the rate of wages for bricklayers increased as follows during the period from 1900 to 1907:

	Per cent.
United States	35.1
United Kingdom	.4
Germany	23.0
Bulgaria	53.2

Carpenter's wages increased during the period as follows:

United States	42.3
United Kingdom	.5
Germany	28.7

Plumbers' wages increased as follows:

United States	46.5
United Kingdom	.8
Germany	33.6

The question has been much discussed whether increases in wages have kept pace with increased cost of living. As a general rule wages respond to changed conditions in values somewhat slowly. Increase or decrease in wages is resisted by employer or employee for a time in order to ascertain whether the change shall be permanent or not.

Figures given in Bulletin No. 77 of the Bureau of Labor, issued in July, 1908, indicate that the advance in wages has almost exactly kept pace with that of commodities. These increases, as already stated, have been most marked in the United States, yet there is no indication that there has been any disproportionate increase in the compensation of labor.

In connection with the tendency toward luxury and the greater scope and abundance of things which administer to human wants, one must consider the necessarily increased cost of almost every form of personal service. This fact assumes importance when we consider how large a share of modern operations are now accomplished or aided by invention or mechanism, and by the conduct of operations on a large scale. This constantly emphasizes the difference between results or operations which are carried on by machinery or en masse, and those which require manual labor or minute service.

DISTRIBUTION.

We are constantly confronted by the unequal development of cheapened processes which pertain to wholesale transactions and those which belong to distribution. The cost of hauling two tons of coal 150 miles by rail is much less than for hauling the same coal a half or even a quarter of a mile and unloading it at the dwelling house for which it is intended.

The best illustration of the excessive cost of distribution is the glaring disparity between the prices obtained by the producer, whether manufacturer or farmer, on the one hand, and the cost at retail or to the consumer. This disparity is nowhere better shown than by a comparison of the manufacturer's cost and the retail price for staple articles made of cotton and wool, such as quilts, men's underwear, ladies' hose, men's hose, ladies' vests, and men's suits. The manufacturer may gather his material from three continents and utilize all economies in the way of manufacture, but the retail price as set forth by the report of the Tariff Board shows an advance to the consumer of from 135.3 to 210 per cent. In the case of a three-piece man's suit the factory cost is figured at $12.41; the wholesale price is $16.50; the minimum retail price is $23. Assuming that the average retail price is $30, there is an increase of 141 per cent over the factory cost. These facts are shown in the table which follows:

Manufacturer's cost and retail price of certain articles as shown by the report of the Tariff Board on the cotton and woolen schedules.

Page.	Serial No.	Article.	Manufacturer's cost.	Manufacturer's price.	Jobber's price.	Retailer's price.	Per cent advance.
546	33	Quilt	$1.29	$2.10	$2.75	$4.00	210.0
594	(1)	Suit of men's underwear	10.20	12.22	15.00	24.00	135.3
609	(1)	Ladies' vest	2.27	3.50	4.25	6.00	164.3
611	(4)	Ladies' hose	2.39	3.25	4.00	6.00	151.0
618	(2)	Men's half hose	2.26	3.50	4.25	6.00	165.5

NOTE.—Prices quoted are per dozen except in the case of "quilt."

THREE-PIECE SUIT.

Regular wholesale price, $16.50; retail price, $23 and up. Cloth, fancy worsted.

CLOTHING MANUFACTURE.

Cost of stock.

Trimmings: Body lining, $0.38½ per yard. Sleeve lining, $0.18 per yard.

Number of yards per suit: (*a*) Coat, 1.8; (*b*) pants, 1.35; (*c*) vest, 0.45; total, 3.6.

Cost of cloth used in suit: (*a*) Per yard, $1.328; (*b*) total, $4.78.

	Coat.	Pants.	Vest.
Cost of cloth	$2.39	$1.793	$0.597
Cost of trimmings	1.963	.278	.527
Total	4.353	2.071	1.124
Credit waste	.024	.018	.003
Total cost of stock	4.329	2.053	1.118
Add freight	.025	.019	.003
Total	4.354	2.072	1.124

CONVERSION COST.

	Coat	Pants.	Vest.	Suit.
Sponging and examining	$0.040	$0.030	$0.010	$0.080
Cutting	.146	.109	.037	.292
Trimming	.034	.025	.008	.067
Fitting	.055	.010	.030	.095
Operating	.380	.255	.188	.823
Basting	.318	.035	.060	.413
Finishing	.345	.138	.027	.510
Button sewing	.037	.040	.023	.100
Buttonholes	.130	.....	.107	.237
Pressing	.450	.150	.123	.723
Busheling	.068	.050	.025	.143
Miscellaneous	.210	.008	.005	.223
Examining finished product	.017	.013	.004	.034
Total manufacturing labor	2.230	.863	.647	3.740

SUMMARY.

Total stock cost	$4.354	$2.072	$1.124	$7.550
Conversion cost	2.230	.863	.647	3.740
General expense distributed to each garment on basis of manufacturing labor in each garment	.669	.259	.194	1.122
Total factory cost	7.253	3.194	1.965	12.412
Selling expense distributed to each garment on basis of ratio of total selling expense to total value of output	.....	.....	.....	1.903
Final cost (factory cost plus selling expense)	.....	.....	.....	14.320

CLOTH MAKING.

Kind of cloth	Fancy worsted suiting.
Number of warp ends to 1 inch	73
Number of picks to 1 inch	61
Width in reed	65½
Width of goods finished	57
Weight of cloth per yard (ounces)	11 1/16
Pounds of cloth to 1,000 yards	693¾

In a computation recently made by an organization of commercial experts known as the Business Bourse of New York an effort was made to trace the increase in the number of those engaged in the work of distribution. Their estimate is that there were seven producers to one distributer in 1870 and three

and six-tenths producers to one distributer in 1900. The per capita production by those engaged in productive employment in 1870 was $700; in 1900, $1,016. In 1870 the per capita distribution by one individual was $4,976; in the year 1900 it had fallen to $3,723, and the rather startling prediction is made that the time will come when those engaged in distribution will equal the number of those engaged in production.

This shows a remarkable change from the simple conditions which Benjamin Franklin advocated in 1785, when he wrote:

> If too many artificers and farmers turn shopkeepers, the whole quantity of that business divided amongst them may afford too small a share for each and occasion complaints that trade is dead. They may all suppose that it is owing to a scarcity of money, while, in fact, it is not so much from the fewness of buyers as from the excessive number of sellers that the mischief arises; and if every shopkeeper, farmer, and mechanic would return to the use use of his plow and working tools there would remain of widows and other women shopkeepers sufficient for the business, which might then afford them a comfortable maintenance.

One of the most notably distinctive features which makes distribution expensive at present is the extreme detail with which the whole work of bringing products to the ultimate purchaser is conducted. There has been no increase but rather a decline in the cost of carrying great quantities of commodities from the sources of production to centers of consumption. The difference which affects the cost of living is in bringing them to the door of the consumer. Fifty years ago merchants had no delivery wagons. The customer who desired to make a purchase went to the village or city store, obtained what he wished, and took it to his home. Now there is an elaborate system, with no end of expense and labor, in the care of packages and in their delivery at the home of the purchaser.

The retailer is by no means to be blamed for this condition. He is confronted at the very outset by increased rents, increased cost of service, the more exacting demands of his customers, both as regards quality and the handling of packages, all of which makes it necessary, if he sustains himself, to secure the greatest possible margin in his selling prices. In an important sense, the retailer is alike the representative and the victim of a faulty system of distribution. In every city of any considerable size the visitor may observe certain streets lined by small and sometimes inferior buildings devoted to the retail trade. In each of these shops and stores devoted to the sale of staple articles there must be several clerks to wait upon patrons. The average sales are comparatively small and, as the conduct of the business includes the delivery of articles sold to customers, there must be much duplication of effort. Stocks are usually small, and if perishable articles are sold there is an exceptional loss from decay and from goods undisposed of at the end of the season.

It requires little reflection to realize that in this present era of high wages and rents, contemporaneously with large-scale operations, such a method of transacting business is unprofitable and not in line with modern methods. It is not a careless forecast to predict that before many years these numerous small shops and stores will be displaced by larger buildings devoted to the sale of specific articles. There will still remain small shops for furnishing articles and services which require distinctive personal qualifications, such as the watchmaker, the pharmacist, perhaps, and any line of business where knowledge of a trade or special qualifications are required. A tendency is already manifest in large cities for these last-named occupations to gather in great arcades or buildings of considerable size.

On the other hand, the sale of staple articles of food, groceries, fruits, as well as articles of clothing and of hardware, will naturally be made in large establishments, in which purchases may be made on the most advantageous terms, and sales and distribution can be accomplished with the benefits which belong to wholesale transactions.

The telephone has already assisted in bringing the producer and consumer nearer together. The parcels post will no doubt contribute to the same result. It is doubtful whether the department stores will effect a lower cost of distribution, though they may have assisted in that regard. In the first place, in a large department store a great variety of articles are sold. Necessarily the profits on different commodities disposed of will be unequal. Small profits on some articles must be equalized by large profits on others. Those which can be more conveniently and profitably handled will have larger sales. There is a constant danger that those in charge of the different branches will manifest unequal capacity for the business. There may be an expert in crockery or glassware, while the one at the head of the department of gentlemen's furnishings may have only inferior qualifications for the place. The overhead charges are very large. Heavy expenditures are sometimes incurred to attract customers by amusements, such as concerts and vaudeville shows. Again, the department enjoys possibilities of monopoly, and where cheaper distribution can be obtained, a larger share of the profits will be claimed by the proprietor, so that the general public may realize only slight benefits.

Large establishments devoted to the distribution or sale of separate categories of commodities, possessed of the best facilities and methods for economical management, would seem to lead to the most probable solution of the present high cost of distribution. The sale of a great diversity of products has its advantages, and that method may be adopted, though greater economies would seem to accrue from the handling of distinct categories of articles.

Public markets are in use on a relatively small scale. They supply but a limited share of the demands of the consumer. The farmer or producer who brings his wares to these markets can not be expected to be actuated by altruistic motives. He will fix his price in accordance with the scale paid by the general public. For instance, if an article is sold at 20 cents a pound and the producer could, with profit, sell the same article in a public market for 12 cents, it is not to be anticipated that he will decrease his charges below the ordinary price of 20 cents, except in so far as it may be necessary for him to do so in order to obtain customers.

No doubt with a general system of markets, with sufficient stocks and a larger share of buyers, the play of competition would lead to a widely different result. The prices would then fall to a figure determined by a reasonable profit to the producer.

The establishment of cooperative societies has been much discussed. These have been adopted on a large scale in England and in Germany. In the latter country doubt has been expressed of their efficiency in securing lower prices to the consumer. Indeed, some German commercial writers, who have made a study of their operation, say that the principal benefit derived from them is the competition created and the check upon exorbitant prices by the regular dealers in the commodities which the cooperative societies handle. In England they not only undertake distribution, but on a large scale manufacture as well; and it is maintained that the result has been a very considerable reduction in cost.

That there is one very substantial objection to these cooperative societies can not be ignored. Different forms of business, all the operations of industry, succeed in proportion to the competency and fitness of those engaged in them. Usually the cooperative society involves the selection of untried men, or at least a greater or less proportion of men without experience, and necessitates turning aside from those who have been trained for mercantile pursuits to others who have no such qualifications. There is also a probably less degree of care and attention to business, a less facility in making progress and improvements, by those who represent a society than would be the case in stores or other lines of business conducted by the responsible owners.

In our present system of distribution very large amounts are expended for advertising. The statistics show the annual amount expended to be between $600,000,000 and $700,000,000. The following table apportions this:

Estimated annual advertising expenses in the United States.
(Estimates furnished by Printer's Ink.)

Newspaper advertising (retail and general)	$250,000,000
Direct-mail advertising (circulars, form letters, etc.)	100,000,000
Magazine advertising	60,000,000
Farm and mail-order advertising	75,000,000
Novelty advertising	30,000,000
Billposting	30,000,000
Outdoor (electric sign, painted sign, etc.)	25,000,000
Demonstration and sampling	18,000,000
Street car advertising	10,000,000
House organs, etc	7,000,000
Distributing	6,000,000
Theater program, curtain, and miscellaneous	5,000,000
Grand total	616,000,000

NOTE.—Similar estimates were furnished by the Business Bourse, placing the total at $682,000,000 annually.

It goes without saying that this cost of advertising must be borne by the consumer, and oftentimes the expense of placing an article on the market by publicity is greater than the cost of production itself. The modern methods of advertising appeal to the consumer. Before the days when advertising had gained so notable a foothold the sale of goods by the manufacturer or jobber was promoted by the commercial traveler, who appealed not to the consumer, but to the merchant.

No doubt one effect of advertising is to increase sales. Otherwise the elaborate system now in vogue would not be undertaken. This increases the aggregate consumption, and hence the cost of living. On the other hand, it is maintained that advertisements bring before the public a higher grade of articles. Outside of mere routine advertising, which has no very different status from that which has existed for many years, its object is to exploit either an article of exceptional cheapness

or one of exceptional quality, some novelty which has not thus far been used.

An important lesson in support of the general theory maintained in this discussion is to be derived from the history of advertising. It has been maintained that high prices were an incident of progress. It is only in a time of increasing consumption, of a desire for newer and better articles, that advertising could be successful. It is perfectly apparent that so large a bill would not be incurred for the exploitation of wares, except in a time when wealth is increasing and demands for improvement and luxury are keeping pace with it. All this goes to show the greater enjoyment and more exacting demands of modern life.

One of the serious influences which are tending to increase prices is that of price agreements of various sorts. It was the purpose of the Sherman Antitrust Act to prevent practices of this sort, and probably the most flagrant cases and the coarser devices for accomplishing this result have been abandoned. However, there can be little doubt that in fact this practice still continues in certain branches of trade. It is alleged that the so-called Gary dinners did away with competition and established uniform prices just as effectively as the older and more illegal form of agreements had done.

Various devices are now resorted to to eliminate competition and control prices. The most effective device has been that of hiding behind patent rights, which the courts have firmly upheld. Under a recent decision of the Supreme Court agreements based upon a patent right may extend even to controlling the supplies which may be used in connection with any patented article, thus requiring the user to buy supplies of a certain make and to pay the price imposed. It will be readily seen that in relation to a great variety of articles it will be entirely possible to protect price agreements by virtue of the patent laws.

Apparently the time has come when price agreements do not need to rest upon expressed contract of any kind. Certain brands of staple articles now appear to be sold at retail under a perfecly maintained price agreement when no formal agreement can be said to exist. These include footwear, articles of clothing, musical instruments, and similar articles of great variety. One method of securing compliance with the retail price fixed by the manufacturer is that of offering the retail dealer a special discount in case he will maintain the established price. Moreover, the time seems to have come, especially amongst large manufacturers and dealers, also in very considerable degree amongst smaller traders, when the firm conviction prevails that "competition does not pay," and it is their claim that price agreements benefit both the seller and the buyer. With such a spirit prevailing amongst dealers the flimsiest sort of an understanding will serve to establish prices.

In this connection it must be noted that the high cost of living attributable to distribution bears with most crushing weight upon those of limited means. They are compelled to purchase in limited quantities and can not take advantage of favorable conditions in the market. Compare, for instance, the position of a purchaser of ample means who buys a supply of anthracite coal for the following winter in the spring, when the price is lower, with that of the family that must buy fuel by the bucketful. Those of adequate incomes buy articles of food by the barrel or hundredweight and provide room for storage, while those who live, as it were, from hand to mouth are compelled to purchase for a single day or even a single meal.

WHAT WILL BE THE FUTURE OF PRICES?

This question is so fraught with uncertainties that it is difficult to offer any prognostications with confidence. Some anticipations, however, may be made with reasonable certainty.

REAL ESTATE.

There is no probability that real estate in any form will cease to increase in value. So long as there is increase in population and in the average consumption and requirements of the individual there will be an increased pressure upon the earth for subsistence and for space. The marvelous growth of cities will accentuate the increase in populous centers, and on the other hand there will be no cessation of the increase in the values of farm land.

In meeting the demand for farm products new fields will be developed. Fertilization and improved cultivation will be resorted to. These will increase the productive power of the land; but so far as regards the products of the Temperate Zone, especially meat and wheat, there is no indication that these means of increased supply will keep pace with the increasing demand. The best and most available agricultural lands have already been utilized. Improved cultivation entails, at least for some staple products, a greater cost than the proportionate return. Methods of transportation from remote fields will no doubt be improved. But the same lack of proportionate returns will no doubt be noticeable here.

In giving this generalization reference is had especially to wholesale prices. There is still an almost unlimited opportunity for cheapening prices in means of distribution. There may be some counteracting tendencies in values of real estate. A tendency is already noticeable in cities to go out into the suburbs and to utilize outlying localities by means of quicker and better facilities for transportation.

So far as residential location is concerned, the tendency between city and country is centripetal toward the city; in the city itself it is centrifugal, or directed toward outside localities where there is more room and better light and air.

The same tendency may become manifest in the location of certain trades and lines of manufacture. A number of factors may contribute to this result—the almost prohibitive price of lands in cities, the difficulty of obtaining light or water or some other essential for manufacturing. There is no reason why smaller towns which afford sufficient facilities for transportation should not be utilized for the location of factories, or, indeed, for certain branches of the wholesale trade. This is especially true of articles which are sold by correspondence or through commercial salesmen or advertising.

It is evident there will be an increased price for articles of which there is a disappearing or diminishing supply of raw material. This is perfectly obvious, and there are numerous articles essential for comfortable living the materials for which are becoming scanty.

THE COST OF LABOR.

It is not at all probable that the wages of labor will decrease. Indeed, that is not to be desired. As a result, partly of political and partly of social conditions, the situation of the wage earner has greatly improved in our own country, and it is agreed that this improvement is not only for his benefit but for the benefit of the Nation as a whole.

There is no more accurate barometer of business prosperity than the employment of labor. Universal employment means that the largest class of consumers is able to buy commodities, and thus create a demand for the products of the farm and the factory. As an indication also it shows clearly that factories and other enterprises are busily engaged.

INDICATIONS THAT LOOK TOWARD CHEAPNESS.

On the other hand, the triumphs of invention and improved mechanism are constantly making easier the task of producing a great variety of articles of utility; better utilization of capital and more improved methods of transacting business alike contribute to this result. Relatively speaking, at least, it is not probable that manufactured commodities will increase in cost unless there is a scarcity of the materials required. Every indication points rather to a decline.

THE INFLUENCE OF GOLD PRODUCTION.

Indications are not lacking that this very important influence in the present course of prices has reached its maximum. In the first place, there is a check in the increased annual production, which is extremely significant. The year 1902 showed a gain in gold production over 1901 of $36,000,000; in 1903, an increase of $31,000,000 over the preceding year; in 1904, of $20,000,000; and in 1905 of $33,000,000; passing to 1908, $30,000,000 in excess of the preceding year; but the increase in 1909 over 1908 was less than $12,000,000, and that of 1910 over 1909 less than a million, while that of 1911 over the preceding year was only $7,000,000. This shows in the last three years, and especially for 1910, a very marked falling off in increased gold production, and furnishes a basis for the conjecture that there has been such a rise in prices that enterprise and capital will—at least in a measure—begin to seek other directions. Indeed, South Africa is the only locality in which the increase has assumed importance in recent years.

It has already been stated in this connection that the effect of a great increase in the supply of precious metals on prices in time is neutralized. The great quantity is widely scattered; it is absorbed partly by nations where it has not been in any considerable use before. The growth of commerce and industry require the additional supply. Larger quantities are used for the ordinary transactions of life, larger bank reserves are maintained, and in every way the demands incident to a season of great progress square themselves with the situation created by increased supplies of gold.

REMEDIES.

It would be rash to predict an early return to low prices. All the great factors, which have only partially been portrayed, depend upon new conditions which have arisen, some of which are inseparably connected with substantial benefits to the human race. If prices have increased, human enjoyments have increased also.

In considering the question of remedies a note of caution is necessary, to the effect that no great reliance can be placed upon legislative action. While the enactment of laws by Congress and State legislatures gives promise of some degree of relief, the real source of the difficulty must be traced to a condition which is world-wide and embraces forces so potent that no political action can effectually meet the situation.

It is no doubt desirable that many rates of duties in our tariff schedule should be materially reduced and others removed entirely, but, as already stated, if such reductions are so drastic as to cause an entire or partial abandonment of local industries, the demand upon foreign supplies will cause an increase in prices both there and here. No real relief will be obtained and the diminished employment and restricted market at home will entail a disadvantage quite out of proportion to the benefits gained.

A proposition for reciprocity with Canada was adopted last year under which wheat, potatoes, and other numerous products of the farmer were to be admitted free. I confidently anticipate that at no distant date an adjustment of this general nature will be adopted between the United States and Canada. It should, of course, give equal regard to the agricultural interests so that, as far as possible, they may enjoy any possible benefit of decreased duties on manufactured articles; but no one can be sanguine that such removal of the duties on agricultural products brought in from Canada or from any country will cause any material decrease in prices. The effect would be somewhat similar to that created by the opening up of great fields in the West, though in view of the much larger and more rapidly increasing consumption of the present day the effect would by no means equal the result of the development of agricultural lands after the Civil War.

Free importations would aid in times of scarcity, would tend to prevent the control of the market by corners or absorption of supply, and would no doubt have some effect in the reduction of the cost of food products. But our own demand for these articles is so great, and shows such increases from year to year, that in connection with an increased demand the world over, the additional supplies available would have but very slight effect upon the prevalent level of prices.

Strict enforcement of the laws for the prevention of monopoly and any and all illegal practices relating to the control of prices will have a most salutary effect. At the same time it is by no means desirable to ignore the beneficial effects of large scale operations and the better utilization of capital and labor under modern methods which utilize by-products, secure economies, and prevent much waste in production and distribution. One object which should always be borne in mind is to so control great aggregations of capital as to retain at least the potentiality of competition and prevent the adoption of oppressive methods.

In the prosecution of large scale operations it is probable that many of the various processes from raw material through manufacture and distribution to the consumer will be prosecuted by one organization. However much we may decry this tendency, or however much we may lack control of industrial enterprises, we may be reasonably certain that this method will be adopted more and more in the future.

More intelligent and more adequate control must be exercised over great industrial and commercial organizations so that the full benefit of modern development in industry and commerce may accrue in proper measure to all classes of consumers. No adequate remedy will be attained until the same advance which has been made in production and in the diffusion of masses of commodities shall be applied to the minutest details of distribution. Our natural resources, much of which have been wasted or too largely absorbed by the few, must be more carefully utilized, and every possible means be taken not only to preserve a proper share of them for the future but to make them a heritage and a source of benefit to all classes of our population.

The increasing prices of farm products may stimulate a "back-to-the-farm" movement. It is a great economic law that effort and enterprise are directed toward those branches of endeavor which promise the greatest profit. The attractions of farm life have been greatly increased by rural free delivery, by the use of the telephone, by the development of good roads, a species of improvement in which there is an almost unlimited opportunity for further advancement. At any rate, more scientific methods of cultivation will be adopted and the average yield per acre will be increased. The wide gap which now exists between prices obtained for farm products and those which are charged to the consumer can be lessened, and thus a benefit conferred both on the farmer and the consumer.

No treatment of this subject is complete unless we recognize the marvelous progress and the abounding opportunities which belong to the American citizen, and the manifest disposition toward development along material lines. There have been instances in which the humble immigrant, coming from his native land to the New World in the hope of enjoying greater equality and opportunity, has achieved such success that he might build a palatial mansion far more stately than the baronial castle of his one-time overlord, and his wife might array herself in jewels and garments eclipsing the coronation robes of the queen. How wonderful have been the triumphs of the American financier and business man! Many can display a munificence far outshining—

> The wealth of Ormus and of Ind,
> Or where the gorgeous East, with richest hand,
> Showers on her kings barbaric pearl and gold.

But all this abundance has in it a menace of an extravagant enjoyment of our opportunities, and an avarice in which lurk dangers of decay. If there is any salutary lesson which we can derive from this present era of the high cost of living, it is that we should practice the old-time virtues of frugality and economy.

It has been said that nations like individuals have their periods of youth, of maturity, and of decay. The olden time is replete with the records of tribes which swept down from the mountain upon the plain and the valley and subdued those who had not the incentive to labor or the discipline of self-denial and effort of those who were nurtured and lived in more barren regions. In many instances the hardy stock of conquerors, after dwelling for a time in fertile lands and with more promising surroundings, in turn succumbed to luxury and to decay. Is there not this same danger that in industrial competition those who have a severe struggle for bread will gain advantages over us? The extravagance and profligacy which wealth sometimes breeds display a danger signal.

In the quickly changing course of events in this modern day there may be ground for apprehension that the same decay from stalwart national life and homely domestic virtues which required long ages in the past may occur in a few cycles of national existence.

In seeking a remedy for the present high prices and high cost of living we may dismiss many of the nostrums which have been proposed, for we are inevitably forced to the conclusion that tendencies quite beyond human control have led to the present situation. Nevertheless we can in a measure combat this tendency by the education of the individual to a higher standard of private virtue and civic interest. Every movement which tends in this direction not only aids our political life but helps to solve the problem of economics and of business. With the assurance that the American people have a surpassing fitness to meet all trying situations and afford an intelligent solution in any emergency, we may hope that the ultimate effect of present conditions will bring substantial benefit rather than harm.

APPENDIX I.

Extracts from reports of American consular officers abroad, together with tables of price ranges in various foreign cities, gathered and compiled by Mr. O. P. Austin, of the Bureau of Statistics, Department of Commerce and Labor:

EUROPE.

ENGLAND, BRITISH ISLES.

For some months there has been a steady increase in the cost of some of the principal articles connected with the grocery and provision trades, which has made the cost to the consumer higher. Sugar has been steadily advancing. Butter has increased in price $7.30 a hundredweight as compared with last year. (Consul Albert Halstead, Birmingham.)

The increased cost of meat is symptomatic of almost every item that figures in the national larder. (Consul Albert Halstead, Birmingham.)

While there has been a moderate advance in the rate of wages, there has been a much greater advance in the cost of living. (Consul W. C. Hamm, Hull, England.)

During the past five years there has been an advance of 20 per cent in purchase price of the following necessities in the markets of the Southampton consular district: Fresh beef, mutton, bacon, ham, butter, eggs, fruit, tea, dried fruits, sugar, coffee, fuel. (Consul A. W. Swaim, Southampton, England.)

The London Daily Mail calls attention to the increase during the last 15 years in the prices of almost all articles of food which enter into the daily consumption of the great masses of people in London. (Consul General J. L. Griffiths, London.)

The Cooperative Wholesale Societies (Ltd.) have prepared the following table showing the increased cost of certain articles in the United Kingdom since 1908:

(In cents per pound.)

Year.	Bacon and hams.	Butter.	Cheese.	Lard.	Flour.	Meal.	Sugar.	Tea.
1898	9.92	22.70	10.48	6.48	2.78	2.46	2.98	32.34
1910	16.38	25.74	13.12	13.66	2.45	2.32	4.06	30.93

(Consul General J. L. Griffiths, London.)

According to several of the leading papers of Great Britain, the cost of living in luxuries and necessities, food, clothing, and transport "has increased enormously in price during the past nine years." At the present time the increase over 1902 is in many instances more than 25 per cent, and the average increase in 22 leading commodities (as worked out by the Economist) is 23 per cent. Since the coronation of King Edward VII the price of foodstuffs has gone up a fraction over 2 shillings (48.6 cents) on the pound sterling ($4.866). (Consul H. D. Van Sant, Dunfermline.)

Price per 100 pounds of commodities specified imported into the United Kingdom during the calendar years 1896–1909.

	1896	1897	1898	1899	1900	1901	1902
Bacon	$7.50	$7.69	$7.85	$7.79	$9.07	$10.23	$11.46
Hams	9.34	9.27	8.58	8.99	10.18	10.57	11.31
Beef, fresh	8.21	8.35	8.29	8.39	8.59	8.58	9.27
Beef, salted	5.33	5.36	5.68	5.63	5.78	5.69	6.90
Beef, preserved	11.39	11.66	15.71	12.62	12.22	12.06	12.85
Mutton, fresh	7.07	6.57	6.43	6.86	7.48	7.95	8.21
Mutton, preserved	7.15	7.08	7.19	7.77	10.18	11.26	10.50
Pork	7.67	7.57	7.74	7.79	8.27	8.54	8.85

	1903	1904	1905	1906	1907	1908	1909
Bacon	$11.47	$10.22	$10.09	$11.48	$12.01	$11.06	.....
Hams	11.96	10.85	10.28	10.64	12.44	10.94	.....
Beef, fresh	8.74	8.05	7.71	7.70	7.88	7.96	.....
Beef, salted	6.14	5.64	6.15	5.87	6.32	8.15	.....
Beef, preserved	13.90	12.57	13.00	16.90	24.23	18.46	.....
Mutton, fresh	8.46	8.54	8.37	8.13	8.24	8.06	.....
Mutton, preserved	9.39	10.35	11.13	11.29	9.47	10.37	.....
Pork	8.63	8.51	8.64	8.70	8.81	8.56	.....

GERMANY.

Living conditions in Germany, as in most parts of the civilized world, are seriously affected by the continued rise in the prices of food products, many having advanced far above all previous records. (Consul General A. M. Thackara, Berlin.)

During the five years last past the cost of living in this part of Germany and throughout the Empire has materially increased. This increase in numerous instances has caused privations. (Consul Frank Dillingham, Coburg.)

There was a marked advance in the prices of almost every kind of food during 1911. Counting the average prices for the decade 1889 to 1898 as 100, the following are the relative averages for prices in main groups of products for 1909, 1910, and 1911:

Classes of products.	1909	1910	1911
Grains	119.05	106.55	112.02
Other domestic agricultural products	120.05	121.77	140.00
Foreign agricultural products	111.90	111.92	124.48
Animal products	128.84	142.05	136.68
Textile products	124.29	131.77	138.77
Minerals	118.76	121.17	131.11

The general index price for 39 articles was 5,148 in 1911, as compared with 4,662 in 1910 and 4,724 in 1909. (Consul General A. M. Thackara, Berlin.)

Price per pound of beef, fair cuts, and pork, fair cuts, in the markets of Danzig, Berlin, Magdeburg, Mannheim, and Stuttgart, in Germany, during the calendar years 1896–1908.

Years.	Danzig.	Berlin.	Magdeburg.	Mannheim.	Stuttgart.
BEEF.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
1896	12.2	13.2	13.5	16.2	(1)
1897	12.2	13.4	13.8	16.2	(1)
1898	12.5	13.5	14.6	16.2	(1)
1899	13.1	13.5	14.6	16.2	16.0
1900	13.1	13.6	14.6	16.2	16.0
1901	13.3	13.0	14.6	16.2	16.0
1902	13.4	14.5	14.9	16.2	16.0
1903	14.4	14.8	14.9	16.2	16.0
1904	14.0	14.9	15.0	16.2	16.6
1905	14.6	15.5	15.8	16.8	17.1
1906	15.9	16.6	16.7	17.8	17.7
1907	15.9	16.7	16.0	19.3	18.1
1908	15.5	16.5	15.2	19.1	18.1
PORK.					
1896	11.9	12.9	12.2	14.5	(1)
1897	12.6	14.0	12.9	15.5	(1)
1898	13.8	15.1	14.3	16.3	(1)
1899	13.3	14.7	14.0	15.5	15.3
1900	12.2	14.5	14.0	15.5	14.7
1901	13.9	15.3	14.0	16.5	15.9
1902	14.6	16.2	15.9	17.4	16.6
1903	13.0	15.3	15.1	15.9	15.2
1904	12.5	14.3	14.0	14.7	14.9
1905	15.6	16.7	15.8	14.4	16.9
1906	17.2	18.2	17.9	19.8	18.0
1907	14.7	16.1	16.2	16.7	15.9
1908	14.9	16.3	15.8	17.1	16.7

[1] No data.

Year.	Tokyo.	London.	New York.	Hamburg.	Paris.
1899	100	100	100	100	100
1900	107	114	109	110	106
1901	101	101	105	99	102
1902	102	98	111	97	103
1903	108	103	111	99	103
1904	114	105	111	103	101
1905	122	105	114	107	104
1906	126	114	121	117	113
1907	136	122	129	124	118
1908	131	107	116	112	107
1909	124	104	121	109	107
1910	126	110	125	115	114

(Consul Talbot J. Albert, Brunswick.)

HIGHER PRICES OF FOODSTUFFS.

The increased cost of living due to the higher prices of foodstuffs is the cause of much complaint in Germany. The advances shown by the most important articles of food during the past year are shown by the following table of wholesale prices:

Articles.	February, 1911.	February, 1912.
Wheat.....bushels [1]	$1.26	$1.38
Rye.....do	.97	1.28
Oats.....do	1.12	1.39
Corn.....do	.88	1.21
Barley (cattle feed).....do	.92	1.20
Peas.....pound	.17	.21
Rye flour.....do	.0203	.0248
Wheat flour.....do	.0259	.0273
Wheat bran.....do	.0105	.0155
Rye bran.....do	.0103	.0155
Straw.....100 pounds	.486	.6055
Hay.....do	.5076	.885
Coffee.....pound	.1183	.1415
Sugar.....do	.0199	.0332
Table beans.....do	.0324	.0432
Lentils	.0216	.0432
Potatoes.....100 pounds	.54	1.188
Beef.....pound	.1728	.1728
Beef (belly piece).....do	.1296	.1404
Pork.....do	.1404	.1404
Veal.....do	.1296	.1512
Mutton.....do	.1404	.1404
Butter.....do	.2376	.2808
Eggs.....dozen	.30	.36
Lard.....pound	.1129	.1021

[1] 60 pounds.

FRANCE.

The increased cost of the ordinary foodstuffs in Paris and throughout northern France has become the most generally absorbing topic of public interest. The prices of meats and produce of all kinds advanced during the month of September, 1911, to figures unprecedented in the markets of Paris. (Consul General Frank H. Mason, Paris.)

The increased cost of living is seriously felt in the city of Lyon, and there has been a great deal of agitation among the local labor unions to find some means to check a further rise in prices. (Consul C. B. Hurst, Lyon.)

The cost of many articles of food increased considerably during the past decade, among the articles being the following, the price representing 2.2 pounds: Bacon, salted, 46 to 48 cents; beef, ordinary cuts, 42 to 48 cents; and ham, 46 to 52 cents. During the decade the price of chickens increased from 68 to 77 cents each, and eggs, per dozen, from 23 to 34 cents. (Consul General Skinner, Marseille, France.

The cost of living in this city has considerably increased in the past 10 years, and is constantly the subject of French comment and continual complaint on the part of those whose salaries remain unchanged. Moreover, there is every indication that the augmentation of prices will continue. (Consul J. E. Dunning, Havre.)

The extremely high price of all food articles was much higher in France in November, 1911, than in the United States. The following table shows French food prices in November, 1900, 1911, and the comparative average American prices during the latter period:

	Beef.	Lamb.	Potatoes.	Eggs.	Butter.	Milk.	Flour.	Sugar.	Tea.
France:	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*
November, 1900	23	30	1	40	30	4½	7	12	75
November, 1911	39	49	2½	58	44	6	8	10	100
United States, November, 1911	25	20	1½	40	40	8	4	7	60

(Consul James E. Dunning, Havre, France.)

Not only the native Spaniards in Seville but also the foreign residents are confronted by the high cost of living here. Local conditions are peculiar and a foreigner is inclined to feel that luxuries are sometimes cheap and necessities invariably expensive. (Vice Consul Harris N. Cookingham, Seville.)

Any comparative study of the cost of living must naturally take account of the comparative well-being of the two peoples, and no report on living conditions in France could be complete without reference to the very remarkable capacity of the people to achieve comfort at a low cost. Despite the very high price of food, it is still possible for the small French family to live happily, according to its own standards, at a much lower rate than would be paid in the United States for the support of an equal number of individuals.

The difference, however, does not come out of the fixed charges of life, such as rent, food, clothing, and fuel, but is created by comparative luxury which applies to the similar class in America. Where the American family of similar class tends to live up to or beyond its income in supplying itself with household luxuries, such as musical instruments, electric lights, ornamental furniture, labor-saving kitchen appliances, illustrated periodicals, modern bathrooms, patented foods in packages, and the many other characteristic American adjuncts, which are placed in such abundance before the most modest households by clever and persistent advertising, the French family of equal station has so far considered all such objects as beyond its reach. The real source of the difference is in the character of the people, average ambition in France being devoted to living comfortably on a comparatively fixed income, whereas in the United States income is regarded as ever subject to increase through effort.

It must be said, however, that within the last five years France has shown, in common with other Continental countries, that decided heightening of the popular appetite for luxury which has been at the bottom of the advanced cost of living the world over. A very marked taste for minor luxuries is making itself felt, and it is quite evident that the difference in favor of lower cost of living in France tends to disappear in consequence. The average family is less and less satisfied to live under the old conditions in which economy rather than physical comfort was the rule. (Consul James E. Dunning, Havre.)

SPAIN.

Much popular dissatisfaction with the high cost of foodstuffs in Spain. (Consul Robert Frazer, jr., Valencia.)

The problem of greatly increased cost of living is as acute here as in the United States. All the necessities of life have gone up steadily in price, and there does not seem to be any immediate relief. (Consul E. J. Norton, Malaga.)

Living is more expensive in Madrid than in any other city in Spain. Rents are about 50 per cent higher and other things about 25 per cent. This is easily accounted for by the fact that nothing is raised in the vicinity of the city and that it is the home of practically all the wealthy people of the Kingdom. (Consul Charles L. Hoover, Madrid.)

NETHERLANDS.

Prices of important foodstuffs increased 16 to 55 per cent in 12 years. The world tendency to higher prices is a partial cause. (Consul F. W. Mahin, Amsterdam.)

The material increase in the price of foodstuffs during the past six months * * * is in the main only a continuation of a movement which has existed for the past 15 years. Since then—1896—prices have steadily mounted. (Consul F. W. Mahin, Amsterdam.)

SWITZERLAND.

Beef, veal, pork, and bacon have gone up in price 25 per cent since January, 1905. Almost every article used in the household has gone up in the same period. So sharp has been the pinch of high prices on the working classes that the Government has decided to permit the importation of frozen beef. (Consul D. I. Murphy, St. Gaul, Switzerland.)

Price per pound of articles specified in the city of Berne, Switzerland, during the calendar years 1889–1907.

	1889–1891	1892–1905	1903	1904	1905	1906	1907
	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.
Beef, ox	13.4	14.0	15.1	14.3	14.3	14.8	15.8
Beef, steer	11.7	12.5	13.0	13.4	13.5	13.7	14.0
Veal	13.7	15.3	17.5	16.9	14.7	17.2	17.5
Mutton	13.3	14.4	15.9	16.3	15.9	15.8	15.9
Pork	16.1	17.0	18.0	18.4	17.0	18.9	19.4
Bacon, raw	7.3	7.7	7.7	7.4	7.0	6.9	7.9
Bacon, smoked	8.4	8.1	8.9	8.5	8.2	8.1	9.3
Fat	14.7	14.2	15.8	14.4	14.0	13.4	14.3
Lard	16.5	14.5	16.2	15.7	14.0	15.5	17.5

GREECE.

The same amount of money expended by a family per annum in Greece and the United States would secure in the latter country a larger degree of the comforts and luxuries of life than in the former. (Consul A. B. Cooke, Patras, Greece.)

ITALY.

The economic conditions of life are becoming, it is alleged, more and more difficult to the poorer classes. Lodgings of an unpretentious nature have materially advanced in rentals; prices of food, wine, and other commodities have increased; and there has been a corresponding advance in the cost of cotton goods, shoes, and other necessary industrial products. The middle classes also suffer much from similar conditions, especially those living on small incomes or pensions. (Consul Long, Venice, Italy.)

In no place in Italy is the increased cost of living more keenly felt than in Milan. * * * The price of meat is steadily increasing. * * * House rents have advanced 30 per cent in three years. (Consul C. M. Caughy, Milan.)

The price of hogs in Milan has reached a figure critically high, and it shows no signs of declining. (Vice Consul J. B. Young, Milan.)

The past few years have witnessed a general increase in the cost of living throughout Italy. (Consul General J. A. Smith, Genoa.)

The cost of living has increased very rapidly at Leghorn during the last two years, especially as regards food products. Wages of factory employees and of common laborers, including domestic servants, are to-day 75 per cent higher than in the spring of 1909.

The following list gives the prices of the ordinary items which enter into the cost of living:

Articles.	1909	1911
Wine, per quart	$0.055–$0.092	$0.118–$0.137
Bread, per pound	.026– .035	.035– .053
Meats, do	.088– .210	.184– .315
Coffee, do	.263– .332	.438– .480
Butter, do	.219– .263	.307– .350
Olive oil, per quart	.912– 1.824	1.461– 1.828
Fish, per pound	.078– .175	.157– .263
Salt, do	.053	.053
Sugar, do	.131	.144
Potatoes, do	.014	.018

Men's clothing sold in 1909 for $11.58 to $16.40 per suit and in 1911 for $13.50 to $17.37. In 1909 a five-room apartment rented for $4.82 to $6.75 per month and in 1911 for $6.75 to $9.65. Apartments of 10 to 12 rooms rented from $9.65 to $15.44 per month in 1909 and $13.50 to $19.30 in 1911. Domestic servants received $2.32 to $2.86 per month in 1909 and $4.83 to $6.75 in 1911. (Consul Frank Deedmeyer, Leghorn.)

AUSTRIA.

Since 1907 the following articles have advanced in price as indicated by the percentage: Lard, 17; butter, 20; flour, 50; potatoes, 25; bread, 40; meal, 60; sugar, 20; veal, 12; pork, 10. In fact, every other article entering into household expenses has advanced in price. (Consul J. I. Britton, Prague, Austria.)

In common with the rest of the world, Austria has been affected by the increased cost of living and complaints are made on every hand. Unrest over the increased cost of living showed itself in a nation-wide protest against the price of meat. (Consul Charles Denby, Vienna.)

In all parts of Austria meetings have been held recently to protest against the continuous advance in prices of all kinds of foodstuffs. * * * Prices had advanced so rapidly in all food products as to have the effect of creating most distressing conditions. (Consul W. J. Pike, Reichenberg.)

The cost of living has increased rapidly in the last 10 years in western Bohemia. (Consul Will L. Lowrie, Carlsbad.)

Average yearly price per pound of commodities specified in the markets of Vienna during the calendar years 1899, 1900, 1905 to 1908.

[Data taken from the Austrian Yearbook.]

	1899	1900	1905	1906	1907	1908
	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.
Beef	12.53	12.52	14.36	15.00	15.66	15.46
Veal	13.08	13.08	14.54	15.46	15.93	15.00
Pork	13.82	13.81	15.65	16.48	16.49	15.74
Mutton	9.76	9.76	11.69	11.23	12.07	12.98
Smoked meat	14.55	14.54	16.85	16.75	18.33	17.40
Bacon	9.95	9.94	11.87	11.41	12.43	11.97
Lard	10.32	10.31	12.52	12.43	14.09	13.99
Butter	21.18	21.17	25.78	26.88	24.68	26.88

Average yearly price per pound of commodities specified in the markets of Trieste (Austria-Hungary) during the calendar years 1899, 1900, and 1905 to 1908.

[Data taken from Austrian Yearbook.]

	1899	1900	1905	1906	1907	1908
	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.
Beef	8.57	8.56	12.24	12.24	13.54	9.94
Veal	10.22	10.22	14.92	16.67	21.28	12.52
Pork	9.21	9.20	12.34	12.06	12.89	11.79
Mutton	6.35	6.35	9.85	.....	12.53	10.22
Smoked meat	27.91	27.90	27.62	27.62	24.59	23.85
Bacon	9.95	9.94	12.24	11.79	13.63	12.43
Lard	11.05	11.04	13.53	13.81	15.20	14.36
Butter	22.10	22.09	24.86	25.78	25.79	28.08

HUNGARY.

The most disquieting feature of the year—1911—was the further rise in the cost of living—an average increase in the value of the necessities of life estimated at 18 per cent. This is particularly remarkable when one considers the steady upward trend of prices since 1907, and unless something is done to relieve the situation those people who depend upon fixed incomes for their sustenance will soon be brought to the verge of absolute want. This applies especially to Government employees, of whom there are over 300,000 in Hungary. The prices of the necessities of life are considerably higher here than in the United States. The average price of beef carcasses here in 1911 was $15.31 per 100 pounds and of hogs $14.95 per 100 pounds. (Consul General Paul Nash, Budapest.)

DENMARK.

From statistics prepared for the Danish Rigsdag in 1908, before the introduction of a bill suggesting the increase of salary for certain Danish officials, it appears that the cost of the necessaries of life during the six previous years had increased 15 to 20 per cent and that wages had increased in the same period 10 to 15 per cent.

The following statement shows the average price of leading foods, per Danish pound (1.1 American pounds), in Copenhagen in 1905, 1907, and 1909 (Minister Maurice Francis Egan):

Article.	1905	1907	1909
	Cents.	Cents.	Cents.
Bacon, pound	15	16½	24
Beef, do	15	16½	16
Butter, do	28	29	29
Eggs, dozen	31	47	48
Fish, pound	9–15	10–17	9–17
Flour, do	3	3	3½
Margarin, do	16	18	19
Pork, do	18	19	17½
Sugar, do	5½	5	5½
Veal, do	16	17	17

RUSSIA.

The increased cost of living throughout Russia is perhaps felt more keenly in Moscow than in any other city of the Empire. Conditions have become so serious that many plans have been mooted for the relief of the people. (Consul General J. H. Snodgrass, Moscow.)

Prices of meats in the city of Moscow, Russia, during the calendar years 1903–1908.

[Price per pound.]

	1903	1904	1905	1906	1907	1908
Beef:	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.
Prime	8.6	9.1	9.7	10.3	10.8	12.0
Good	6.8	7.4	8.0	8.0	9.1	9.7
Fair	3.4	4.0	5.1	5.1	6.8	6.8
Salted	8.6	9.1	8.6	9.7	9.7	10.3
Veal:						
Prime	16.0	16.0	17.1	17.7	16.5	16.0
Good	7.4	8.0	9.1	9.7	8.6	10.3
Fair	5.7	5.7	5.7	6.8	7.4	7.4
Mutton:						
Local—						
Prime	8.0	8.6	9.1	9.7	10.3	10.3
Good	6.3	6.8	6.8	7.4	7.4	8.0
Brought by rail—						
Prime	6.8	6.8	6.8	7.4	8.0	9.1
Good	5.1	4.6	4.6	6.3	5.7	6.8
Pork:						
Local	7.4	7.4	7.4	8.6	9.1	10.3
Brought by rail, frozen	6.3	6.3	5.7	6.8	7.4	8.6
Smoked ham	15.4	13.1	13.1	14.8	17.1	17.7

ASIA.

CHINA.

The Shensi people are complaining this year that prices are gradually advancing, due to the transportation of hundreds of cartloads of brass cash from Honanfu to the Wei Basin. In eastern China the brass cash are being largely displaced by copper coins. In Shensi, Kansuh, and southern Shensi brass cash is still the coin of the realm. It requires 15 pounds of this brass cash to make the equivalent of $1 United States currency. (Consul Arnold, Amoy, China.)

It is a matter of grave concern to observe from year to year the increasing cost of living which, of course, includes every item of household expenses. (Consul J. C. McNally, Nanking, China.)

JAPAN.

During July and August, 1911, the price of rice on the Tokyo rice and other grain exchanges advanced to nearly $2 per bushel, a price never before reached in Japan. The price gradually advanced until on August 9 it reached approximately $2.07 per bushel. The rise was attributed to the clever and so-called "artificial" manipulation of brokers on the exchange, and not to the laws of supply and demand, as claimed by the brokers. The retail price of cleaned rice has advanced 40 to 45 per cent above these figures, being nearly 50 per cent higher than in 1910. (Consul General Thomas Sammons, Yokohama, Japan.)

According to an article in Osaka Asahi, prices have gone up in Japan over twofold in the last 20 years. * * * Compared with the advance in prices in other countries, the Japanese rate of advance has been about 2 per cent greater than that in London and New York. (Consul G. N. West, Kobe.)

The Japanese press comments favorably upon the telegraphic announcement that the President of the United States favors an international conference regarding the question of the high cost of living. The Japanese native press frequently attributes the increased cost of living to the overproduction of gold. It is stated, as set forth in the appended table, that Tokyo exceeds all other cities of the world in the increase in the cost of living. (Consul General Thomas Sammons, Yokohama, Japan.)

Price per pound of mutton in the markets of Danzig, Berlin, Magdeburg, and Mannheim, in Germany, during the calendar years 1896–1908.

Years.	Danzig.	Berlin.	Magdeburg.	Mannheim.
	Cents.	Cents.	Cents.	Cents.
1896	12.3	13.2	12.4	16.2
1897	12.4	13.5	12.7	16.2
1898	13.7	13.9	13.6	16.2
1899	14.4	14.0	13.9	16.2
1900	14.7	14.3	14.4	16.2
1901	14.8	14.3	14.0	16.2
1902	15.3	15.2	15.1	16.2
1903	15.5	15.6	14.1	16.2
1904	14.9	16.0	13.9	16.2
1905	16.2	16.7	14.8	16.2
1906	17.5	17.6	15.9	17.1
1907	18.0	17.5	16.3	18.9
1908	17.7	17.4	16.5	17.8

SYRIA.

A limited supply of edibles has already caused a great increase in prices and considerable hardships to the poorer classes. Meats have risen over 30 per cent, and butter in proportion; flour, 20 per cent; potatoes, 25 per cent; fruits and vegetables, 50 per cent; fuel, 50 per cent; and clothing, 20 per cent. (Consul J. B. Jackson, Aleppo, Syria.)

Outside of staple articles, such as coffee, sugar, petroleum, and a few others of less importance, the cost of living has increased 20 to 50 per cent within the past year. The prices of meats have risen over 30 per cent, and butter in proportion; flour, 20; potatoes, 25; vegetables, 50; fruits, 50; clothing, 20; fuel, 50; and rents, from 25 to 40 per cent. Household servants and similar employees demand from 50 to 75 per cent more than formerly, and common labor has increased from 25 to 35 per cent. (Consul Hollis, Beirut, Syria.)

ASIA MINOR.

One of the inexplicable things in connection with this country is the remarkable increase in the price of everything, and there is not one article that goes into any of the relations of life that has not almost doubled in price during the past five years. (Consul W. W. Masterson, Harput, Asia Minor.)

AFRICA.

CAPE COLONY.

The cost of living in Port Elizabeth is high, and would equal that of American cities of equal size. (Consul E. A. Wakefield, Port Elizabeth, Cape Colony.)

AUSTRALIA.

In the last few years much has been heard of the increased cost of many household commodities, and the question is one which touches the interests of all. (Consul Magellsen, Melbourne, Australia.)

During the past 10 years the increase in the cost of living in New South Wales amounts to an average of 20 per cent. The tariff has had nothing to do with the increase in price of meat; but of all advances there is none more striking than the advance in coal. It costs more to furnish a house now than it did in 1900. (Vice Consul General H. D. Baker, Sydney.)

NORTH AMERICA.

CANADA.

Notwithstanding abundant crops, there has been a decided rise in the price of farm and animal products but not in wages in the Province of Prince Edward Island. (Consul Frank Deedmeyer, Canada.)

MEXICO.

The cost of living in the city has doubled during the past 10 years, and only the well-to-do can afford to buy foreign food products. Laborers' wages have advanced from 38 cents in 1893 to 62 cents in 1911 for 10 hours' work. The increases in clerks' salaries have not kept pace with the advance in laborers' pay, and they range from about $25 to $75 per month. Mechanics earn $1 to $2 per day. (Consul General Canada, Vera Cruz, Mexico.)

Retail prices of provisions at Vera Cruz have steadily advanced in cost to the consumer for years, with no prospect of ever resuming their former level. Wages and salaries have not kept pace with the increased cost of living. (Consul W. W. Canada, Vera Cruz, Mexico.)

SOUTH AMERICA.

The high cost of the first necessities of life was no doubt a prime factor in the year's labor difficulties. The price of second-quality bread advanced 70 per cent in 10 years. (Consul General R. M. Bartleman, Buenos Aires.)

The cost of living has increased greatly in Chile during the last four years, which has made it very hard for the working people. (Consul A. A. Winslow, Valparaiso, Chile.)

APPENDIX II.

Index numbers comparing the cost of living, earnings, and hours of labor in Germany, France, Belgium, and the United States, with Great Britain (100) for the period 1905–1909.

[From an article by Henry J. Harris, published in volume 2 of the American Economic Review.]

	United Kingdom.	Germany.	France.	Belgium.	United States.
Net rents paid	100	123	98	74	207
Cost of food, heating and lighting for a workman's family	100	118	118	99	133
Estimated cost of net rent, food, and heating for an average family	100	119	114	94	152
Weekly earnings	100	83	75	63	230
Hours of labor per week	100	111	117	121	95

APPENDIX III.

The following tables were prepared under the direction of Henry G. Sharpe, Commissary General, United States Army:

TABLE I.—*Statement showing components of a ration and units of quantities for one ration during the fiscal years 1890 to 1912.*

Components of ration.	1		2		3	
	1890		1891 to 1899		1900	
	Quantity.	Unit.	Quantity.	Unit.	Quantity.	Unit.
Beef, fresh	14	Ounce..	14	Ounce..	14	Ounces.
Bacon, issue	3.6	...do....	3.6	...do....	3.6	Do.
Flour, issue	18	...do....	18	...do....	18	Do.
Baking powder						
Beans	1.2	Ounce..	1.2	Ounce..	1.2	Do.
Rice	.8	...do....	.8	...do....	.8	Do.
Potatoes, fresh			12.8	...do....	12.8	Do.
Onions, fresh			3.2	...do....	3.2	Do.
Prunes					.6	Do.
Jam						
Apples, evaporated					.7	Do.
Peaches, evaporated					.7	Do.
Coffee, green	1.6	Ounce..	1.6	Ounce..	1.6	Do.
Coffee, roasted and ground						

TABLE I.—*Statement showing components of a ration, etc.*—Continued.

Components of ration.	1		2		3	
	1890		1891 to 1899		1900	
	Quantity.	Unit.	Quantity.	Unit.	Quantity.	Unit.
Sugar	2.4	Ounce..	2.4	Ounce..	2.4	Ounce.
Milk, evaporated						
Vinegar	.32	Gill....	.32	Gill....	.32	Gill.
Pickles, cucumber						
Salt	.64	Ounce..	.64	Ounce..	.64	Ounce.
Pepper, black	.04	...do....	.04	...do....	.04	Do.
Cinnamon						
Lard						
Butter						
Sirup						
Soap	.64	Ounce..	.64	Ounce..	.64	Do.
Flavoring extract, lemon						

Components of ration.	4		5	
	1901 to 1907		1908 to 1912	
	Quantity.	Unit.	Quantity.	Unit.
Beef, fresh	14	Ounce..	14	Ounce.
Bacon, issue	3.6	...do....	3.6	Do.
Flour, issue	18	...do....	18	Do.
Baking powder			.08	Do.
Beans	1.2	Ounce..	1.2	Do.
Rice	.8	...do....	.8	Do.
Potatoes, fresh	12.8	...do....	16	Do.
Onions, fresh	3.2	...do....	4	Do.
Prunes	.48	...do....	.384	Do.
Jam			.64	Do.
Apples, evaporated	.56	Ounce..	.128	Do.
Peaches, evaporated	.56	...do....	.128	Do.
Coffee, green	1.6	...do....		
Coffee, roasted and ground			1.12	Do.
Sugar	3.2	Ounce..	3.2	Do.
Milk, evaporated			.5	Do.
Vinegar	.32	Gill....	.08	Gill.
Pickles, cucumber			.08	Do.
Salt	.64	Ounce..	.64	Ounce.
Pepper, black	.04	...do....	.04	Do.
Cinnamon			.014	Do.
Lard			0.64	Ounce.
Butter			.5	Do.
Sirup			.32	Gill.
Soap	0 64	Ounce..		
Flavoring extract, lemon			.014	Ounce.

TABLE II.—*Statement showing approximate cost of the ration from 1890 to 1907 and the actual cost from 1908 to 1912.*

Index number.[1]	Fiscal year.	Cost per ration.	Annual cost of food for one soldier.
1	1890	$0.1318	$48.11
2	1891	.1471	53.65
	1892	.1605	58.58
	1893	.1594	58.18
	1894	.1510	55.11
	1895	.1442	52.63
	1896	.1415	51.65
	1897	.1251	45.62
	1898	.1281	46.72
	1899	.1362	49.71
3	1900	.1747	63.87
4	1901	.1948	71.17
	1902	.1936	70.81
	1903	.1971	71.90
	1904	.1916	70.08
	1905	.1908	69.71
	1906	.1801	65.70
	1907	.1862	67.89
5	1908	.1881	68.62
	1909	.2105	76.66
	1910	.2144	78.26
	1911	.2335	85.23
	1912	.2365	86.32

[1] The index numbers 1 to 5 refer to the preceding table and correspond to similar numbers in that table under which are given the standard ration for the years indicated.

Mr. OVERMAN. I move that the Senate adjourn.

Mr. BRISTOW. I hope the Senator will withhold that motion.

Mr. OVERMAN. I will withdraw it for the present.

Mr. BRISTOW. I understand that the Senator from Louisiana [Mr. THORNTON] desires to address the Senate.

Mr. OVERMAN. I think he does not wish to go on this evening.

Mr. THORNTON. I am much obliged to the Senator from Kansas, but the hour is late, nearly all Senators have gone away, and I am perfectly willing to let it go over.

Mr. BRISTOW. Should we not have an executive session, then?

SEVERAL SENATORS. Very well.

EXECUTIVE SESSION.

Mr. BRISTOW. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 31, 1912, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 30, 1912.

COLLECTOR OF INTERNAL REVENUE.

Sim T. Wright, of Alabama, to be collector of internal revenue for the district of Alabama in place of Joseph O. Thompson, removed.

ASSISTANT SECRETARY OF THE INTERIOR.

Lewis C. Laylin, of Ohio, to be Assistant Secretary of the Interior, vice Carmi A. Thompson, resigned.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from July 27, 1912.

Montgomery Herman Biggs, of North Carolina.
Samuel Jayne Fort, of Maryland.
Melvin Marcus Franklin, of Pennsylvania.
Marvin Whitfield Glasgow, of Alabama.
Rufus Hansom Hagood, jr., of Alabama.
Charles Herbert Parkes, of Illinois.
Marshall Carleton Pease, jr., of New York.
William Webster Root, of Pennsylvania.
Joshua Edwin Sweet, of Pennsylvania.
Frank Cary, of Illinois.
Edward Wright Peet, of New York.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 30, 1912.

COLLECTOR OF INTERNAL REVENUE.

Sim T. Wright to be collector of internal revenue for the district of Alabama.

POSTMASTERS.

ILLINOIS.

Hugh P. Faught, Tower Hill.
Zeno J. Rives, Litchfield.

MISSISSIPPI.

H. C. Turley, Natchez.

OHIO.

James D. Carpenter, Lodi.
J. W. McKee, Celina.

OREGON.

William J. Sweet, Bandon.

PORTO RICO.

Alfredo Gimenez y Moreno, Bayamon.
Hortensia R. O'Neill, San German.
Simon Semidei, Yauco.

INJUNCTION OF SECRECY REMOVED.

Tuesday, July 30, 1912.

The injunction of secrecy was removed from a copyright convention between the United States and Hungary, signed at Budapest on January 30, 1912. (Executive C, 62d Cong., 2d sess.)

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 30, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and eternal spirit, father of all souls, we thank Thee for the precious thought taught and exemplified in the life and character of the Jesus of Nazareth which tends to solidify all nations into one family; that what hurts one nation hurts all the peoples of the world; what helps one helps Thy children everywhere; hence our hearts go out in sympathy for the stricken and mourning people of Japan in the loss of their beloved Emperor who has led them through all the vicissitudes attending their country for 40 years, ever onward and upward, to the betterment of conditions in the home, society, and government. Teach them that God lives and reigns in the hearts of men. Grant, O most merciful Father, that they may find in the new Emperor one who will lead them on to the betterment of conditions in the arts of peace, happiness, and good will, and Thine be the praise in the name of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5545) providing for the issuing of patent to entrymen for homesteads upon reclamation projects.

The message also announced that the Senate had passed the following order:

Ordered, That the Secretary of the Senate communicate to the House of Representatives an attested copy of the answer of Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit, to the articles of impeachment.

STREET RAILWAY, TERRITORY OF HAWAII.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 18041, with a Senate amendment, and to concur in the amendment.

Mr. STEPHENS of Texas. There is a special order to-day.

The SPEAKER. The legislative situation is that there is a special order giving the gentleman from Texas [Mr. STEPHENS] right of way with the Indian appropriation bill.

Mr. STEPHENS of Texas. That bill is H. R. 20728.

The SPEAKER. The gentleman from Virginia says it will only take a minute in this case. If the gentleman from Texas will yield to the gentleman from Virginia, why, the Chair is willing to entertain the request.

Mr. STEPHENS of Texas. I withhold, as I understand this is merely to correct a mistake.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

The SPEAKER. What is the amendment?

Mr. FLOOD of Virginia. To insert the word "freight."

The SPEAKER. The Clerk will report the amendment.

The Senate amendment was reported.

Mr. FLOOD of Virginia. I desire to say that the word "freight" was in the bill when it was first reported from the Committee on the Territories. In some way it was not printed, and the committee ordered a reprint in order to get that word in, and when the bill passed the House in some way the original print was passed instead of the reprint, and the bill went to the Senate, and there the word "freight" was inserted in it because the House wanted it done and the Senate thought it proper it should be done. That is the only amendment to the bill.

Mr. MANN. Is it not rather an important amendment?

Mr. FLOOD of Virginia. It is.

Mr. MANN. The bill as read to the House, a copy of the bill which I had as reported to the House, did not contain the word "freight."

Mr. FLOOD of Virginia. The committee intended that word to be in the bill, and I believe the House thought it was there at the time it was passed.

Mr. MANN. I am sure the House did not think it.

Mr. FLOOD of Virginia. At any rate, it ought to be there, and the Senate has put it in. The fact that the word was in the bill as reported was discussed when the matter was before the House, because I remember stating that the only objection to this bill came from a steam railroad that this electric line was to parallel for a short distance, and that the steam road did not want the electric line to have the right to carry freight. This amendment gives that right, and without this amendment it might not have the right to carry freight. With this amendment left out the steam railroad will have accomplished by a mistake what it could not accomplish directly.

Mr. MANN. The steam railroad had no occasion to accomplish anything in the House——

Mr. FLOOD of Virginia. It tried to do it.

Mr. MANN. Because the committee reported the street railway franchise without the word "freight" in it.

Mr. FLOOD of Virginia. It was reported with the word "freight" in it, but in the printing of the bill the word "freight" was left out, and then the committee ordered a reprint with the word "freight" in it, and by some mistake when the bill passed the House the original print was passed instead of the reprint.

Mr. MANN. Of course the committee did not have any authority to order a reprint. The print of a bill when it is reported to the House is not made by the committee but by the House. This bill was not printed with the word "freight" in it.

Mr. FLOOD of Virginia. The second print had the word "freight" in.

Mr. MANN. Another print was made that Members of the House did not have and the Clerk will not have. We got the printed bill as reported, and we are entitled to believe that is the print of the bill as reported. Now, this is a very important matter, as to whether a street car franchise should include freight. I am not going to object to the request, but it seems to me a very careless way of enacting legislation.

Mr. FLOOD of Virginia. The carelessness was not mine or that of the Committee on Territories.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table this bill and concur in the Senate amendment. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16518. An act for the relief of the Fifth-Third National Bank of Cincinnati, Ohio; and

H. R. 18041. An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 122. Joint resolution providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 20728, the special order for this morning.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Texas asks unanimous consent to consider this bill in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, I think that order has already been made by unanimous consent.

Mr. MANN. I think not. That would restrict the time of debate to five minutes to any Member who obtained the floor. The gentleman from Colorado [Mr. RUCKER] desires some time and I might need some time myself.

The SPEAKER. The RECORD shows that this order was agreed to on July 25, 1912, and it states:

On motion of Mr. STEPHENS of Texas, by unanimous consent, *Ordered,* That on Tuesday next, immediately after the reading of the Journal, the bill H. R. 20728, with Senate amendments, be taken from the Speaker's table and considered in the House as in the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas. Now, Mr. Speaker, I move that all the Senate amendments to this bill be disagreed to and conferees be appointed on the disagreeing votes of the two Houses.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that this bill be taken from the Speaker's table and all the Senate amendments disagreed to.

Mr. MANN. Mr. Speaker, it is already taken from the Speaker's table under the order. Now, the gentleman from Colorado [Mr. RUCKER] desires time to discuss one of the amendments. I suggest he take the time now.

Mr. UNDERWOOD. Mr. Speaker, I think there should be a limitation in this time, and I hope before the gentleman from Texas [Mr. STEPHENS] yields the floor that he will insist on an agreement as to time, and hold the floor and yield it himself.

Mr. STEPHENS of Texas. Mr. Speaker, I believe under the rule I am entitled to an hour, and I think that is all we should devote to the bill.

Mr. MANN. Under the rules the gentleman would be entitled to five minutes.

The SPEAKER. If it is considered in the House as in the Committee of the Whole House on the state of the Union, undoubtedly the five-minute rule prevails. That is one of the chief objects of considering it in that way.

Mr. BURKE of South Dakota. This unanimous-consent order that was obtained was under an arrangement made by the chairman of the committee and the gentleman from Colorado [Mr. RUCKER] by which it was understood the gentleman from Colorado was to have some time to discuss the amendment upon which I understand he desires to make a motion to concur.

Mr. MANN. It was understood he was to have an hour's time.

The SPEAKER. There was something said about an hour. There is not any question about that, although the memory of the Chair concerning it is somewhat hazy.

Mr. STEPHENS of Texas. That was on yesterday.

Mr. UNDERWOOD. There was nothing said. If the suggestion had been made, I would have objected.

Mr. BURKE of South Dakota. That was a private arrangement of the gentleman from Texas [Mr. STEPHENS], and I will say to the gentleman from Alabama [Mr. UNDERWOOD] that, so far as the chairman of the committee and other members of the committee are concerned, I think they are opposed to the amendment of the gentleman from Colorado, but they will consume very few minutes, even if the gentleman from Colorado is given an hour.

Mr. UNDERWOOD. My objection to this matter is that there are four important bills here on the Speaker's table that ought to go to conference—three tariff bills and the sundry civil bill—and I think no lengthy delay ought to be occasioned. I hope the gentleman can agree on a reasonable time for debate.

Mr. STEPHENS of Texas. Let the gentleman have 30 minutes by unanimous consent, if the House will agree to that, and I think we will not need that much time in reply on our side.

Mr. RUCKER of Colorado. I really understood last night that there was a tentative agreement that I should have an hour in which to present this matter.

Mr. MANN. Mr. Speaker, the other day when this matter was up I first objected to sending this bill to conference without consideration, in the temporary absence of the gentleman from Colorado [Mr. RUCKER]. It was stated then privately among gentlemen that he desired an hour's time, and it was agreed among them that he ought to have the hour's time if the bill can be disposed of from the Speaker's table; and it was only in that way that unanimous consent was granted, and I think he should have his hour's time.

Mr. STEPHENS of Texas. We would be willing, I think, on our side to accept 15 minutes if the gentleman will agree to use only 45 minutes on his side. It is only one amendment.

Mr. BURKE of South Dakota. So far as the amendment is concerned on which the gentleman from Colorado desires to make a motion to concur, I think the debate ought to be limited to an hour, the gentleman from Colorado [Mr. RUCKER] to have 45 minutes and the gentleman from Texas [Mr. STEPHENS] to control 15 minutes. I do not know how much time other gentlemen may desire in which to discuss this bill as to any other amendments. So far as I am concerned, I do not desire to discuss any amendment.

Mr. RUCKER of Colorado. That is satisfactory to me.

Mr. UNDERWOOD. Mr. Speaker, I have no objection to that arrangement, unless there is going to be unlimited time consumed with other amendments, and if we are going to make an agreement as to division of time, I think there should be an entire agreement as to that division.

Mr. BURKE of South Dakota. My suggestion was only with reference to this particular amendment. I do not know that there is any other amendment to the bill that any gentleman desires to debate.

Mr. MANN. There are several amendments in the bill that I desire to discuss. I am perfectly willing to take a limited time.

Mr. STEPHENS of Texas. What time does the gentleman from Illinois [Mr. MANN] desire?

Mr. MANN. Under the circumstances, 15 minutes. Possibly I will not use that.

Mr. STEPHENS of Texas. An hour and a quarter. Would that be satisfactory, then?

Mr. UNDERWOOD. I think so, if the gentleman asks that all debate on the proposition be closed at a quarter of 1.

Mr. MANN. There are 57 amendments to this bill——

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that debate be closed on the bill and amendments, and final vote be taken at 15 minutes to 1, and the previous question be considered as ordered at that time.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that debate on this bill and amendments close at 15 minutes before 1 o'clock, at which time the previous question shall be considered as ordered.

Mr. MANN. What is the request?

The SPEAKER. That the debate on this bill and amendments close at 15 minutes to 1 o'clock, and at that time the previous question be considered as ordered.

Mr. MANN. How is the time to be controlled?

Mr. STEPHENS of Texas. Fifteen minutes by myself, 15 minutes by the gentleman from Illinois [Mr. MANN], and 45 minutes by the gentleman from Colorado [Mr. RUCKER].

Mr. MANN. Fifteen minutes to me?

Mr. STEPHENS of Texas. Fifteen minutes to the gentleman from Illinois.

Mr. MANN. Would that still give the right to move to concur after the previous question?

Mr. STEPHENS of Texas. I understand the gentleman from Colorado [Mr. RUCKER] intends to move to concur in amendment No. 91.

The SPEAKER. As at present advised, the Chair thinks after the previous question is ordered it does not cut out a motion to concur.

Mr. MANN. It certainly does not.

The SPEAKER. Is there objection?

Mr. MILLER. Reserving the right to object, I want to be clear about how this time is to be divided.

Mr. STEPHENS of Texas. Fifteen minutes on the part of the committee, 15 minutes on the part of the gentleman from Illinois [Mr. MANN], and 45 minutes on the part of the gentleman from Colorado [Mr. RUCKER].

Mr. MILLER. Mr. Speaker, may I ask if it is not rather unusual, when the Indian appropriation bill is to be considered, that the committee is to have 15 minutes, and the gentleman from Illinois [Mr. MANN] a like amount, and the gentleman from Colorado [Mr. RUCKER] 45 minutes?

Mr. STEPHENS of Texas. We are trying to arrive at an agreement, so as to save time.

Mr. MILLER. That may all be true, but several other members of the committee may have something that they care to say on the same question that was raised by the gentleman from Illinois [Mr. MANN]. I do not care to say anything, so far as I am concerned, but if the gentleman from Illinois is to have 15 minutes, which seems to be somewhat incongruous, and if the arrangement is made in order to accommodate him, I think it is entirely right, yet I do not think——

Mr. MANN. I am entitled to 15 hours, if I care to take it, under the rules.

Mr. MILLER. The gentleman from Colorado [Mr. RUCKER] is looking out for his State, and——

The SPEAKER. Is there objection?

Mr. MILLER. I object to that arrangement.

Mr. ROUSE. Regular order!

Mr. UNDERWOOD. Then, Mr. Speaker, we shall have to proceed under the five-minute rule.

Mr. MANN. I give notice now that there will be no more bills taken from the Speaker's table by unanimous consent and disagreed to if such an arrangement as this is not kept.

Mr. UNDERWOOD. When the gentleman from Illinois will point out arrangements that are made in this House they will be observed, but when the gentleman makes a private arrangement without the knowledge of the floor leader on this side he can not expect that it will be observed. The suggestion came from that side of the House, and——

Mr. MANN. This bill was taken from the Speaker's table the other day by unanimous consent, with the distinct statement that the gentleman from Colorado [Mr. RUCKER] should have an hour's time.

Mr. UNDERWOOD. If the gentleman will refer to that statement in the RECORD, the arrangement will be observed.

Mr. MANN. It may not be in the RECORD. If private arrangements made in good faith can not be observed to the conduct of a bill, we will have the regular order all the time.

Mr. CARTER. Mr. Speaker, I want to submit a request for unanimous consent, and that is that we have one hour and a half of debate, 15 minutes of which shall be controlled by the gentleman from Illinois [Mr. MANN], 45 minutes by the gentleman from Colorado [Mr. RUCKER], and 30 minutes by the committee.

The SPEAKER. That would run to 1 o'clock, instead of 15 minutes to 1.

Mr. CARTER. Yes; it would last 15 minutes longer.

The SPEAKER. The gentleman from Oklahoma [Mr. CARTER] asks unanimous consent that this debate close at 1 o'clock. The Chair supposes that the request of the gentleman from Texas [Mr. STEPHENS] as to the previous question goes with it?

Mr. CARTER. Yes.

Mr. MANN. I understood that he requests certain time.

The SPEAKER. Yes. The gentleman from Oklahoma [Mr. CARTER] asks unanimous consent that debate on these amendments and this conference report close at 1 o'clock, and that at that time the previous question shall be considered as ordered and that the gentleman from Illinois [Mr. MANN] shall have 15 minutes, the committee 30 minutes, and the gentleman from Colorado [Mr. RUCKER] 45 minutes.

Mr. UNDERWOOD. Now, Mr. Speaker, reserving the right to object, I wish to make this statement. I desire to give gentlemen on the floor of this House a reasonable opportunity to consider these bills. I have no desire to do otherwise. But, with four important bills awaiting the action of the House to go to conference, which, if not disposed of, will delay the final adjournment of this Congress, I want gentlemen to understand from now on that if they desire to make a division of time by agreements on the floor of this House and want this side of the House to carry out such agreements, they must either put them in the RECORD or communicate with the floor leader on this side of the House.

Mr. MANN. Then I shall make no private agreements of any kind, after this bill is disposed of, with the gentleman from Alabama.

Mr. UNDERWOOD. I think the gentleman is right about that. I do not think they should be made.

Mr. MANN. They are made frequently with this side by the gentleman from Alabama, and carried out.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. CARTER]? [After a pause.] The Chair hears none. It was stated that the request of the gentleman from Texas [Mr. STEPHENS], to the effect that at 1 o'clock the previous question be considered ordered, should be a part of the request made by the gentleman from Oklahoma [Mr. CARTER]. Is there objection to that? [After a pause.] The Chair hears none.

Mr. BURKE of South Dakota. Before that begins, 5 minutes' time has gone. We can not have 15 minutes and 30 minutes and 45 minutes by 1 o'clock.

The SPEAKER. That will make it 5 minutes after 1 o'clock.

Mr. STEPHENS of Texas. Mr. Speaker, amendment No. 91 is the amendment that is objected to by the gentleman from Colorado [Mr. RUCKER]. That amendment reads in this way:

(91) That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the administrator of the estate of John W. West, deceased, out of any money in the Treasury of the United States standing to the credit of the Cherokee Nation of Indians, the sum of $5,000 and interest thereon at the rate of 5 per cent per annum from September 16, 1884, in full payment of the award made by the commission appointed pursuant to the authority contained in the seventh article of the treaty with the Cherokees promulgated August 17, 1846, and which award was approved by the Secretary September 16, 1884, and his action reaffirmed April 26, 1886.

This matter has been before Congress for many, many years. I hold in my hand a statement from the Secretary of the Interior, dated July 24, 1912, in which this language is used:

Amendment No. 91, page 35, beginning with line 7, authorizes the Secretary of the Interior to pay $5,000 to the administrator of the estate of John W. West, together with interest thereon at the rate of 5 per cent per annum from September 16, 1884, in full payment of the award made by the commission appointed pursuant to the authority contained in the seventh article of the treaty with the Cherokees, promulgated August 17, 1846, and which award was approved by the Secretary of the Interior September 16, 1884, and since reaffirmed. This claim has been pending before the department, this office, and Congress for a great many years. It has been carefully investigated and reconsidered a number of times. D. W. C. Duncan, commissioner on the part of the Cherokee Nation, and J. Q. Tufts, United States Indian agent, appointed pursuant to the seventh article of the treaty of 1846, reported in favor of the claim of the heirs of John W. West in the sum of $5,000, together with a "moderate rate of interest" thereon.

The Secretary of the Interior says in regard to a similar bill, on which he reported on December 26, 1911, that—

The department during the last 25 years has made a number of reports on the claim in question. The department, in its report dated December 26, 1911, said that "in view of the history of this claim, the action heretofore made thereon, and the long delay in the prosecution thereof," it would not be justified in recommending the passage of H. R. 6544.

That bill (H. R. 6544) is in the exact language of the amendment No. 91, proposed to be concurred in by the gentleman from Colorado [Mr. RUCKER]. If we concur in this amendment, we do it over the objection of the department, made in a letter dated Washington, D. C., March 3, 1910, in which we find this language:

The claim of certain heirs of John W. West was so interwoven with this case that the record is very voluminous. Bills were introduced in Congress for the relief of the heirs of John W. West on at least two occasions, but were never passed. Nothing in the record shows that these improvements were ever appraised at $42,000, as alleged by the attorneys in this case.

The case having been fully considered and long since closed, it is not thought that any action should be taken in the matter. There is nothing in the record to show that E. C. Alberty, who appears to have employed Messrs. Kight and Lee, is in any way related to any of the parties to the claim. Bluford West was without children, and Nancy Markham, his former wife, also appears to have died without issue. It has been held that John W. West, being an emigrant Cherokee, had no title and had never been awarded any part of the estate either by Congress or by any action of the Cherokee Nation, and if Alberty claims as an heir of the John W. West estate, there is nothing due him.

Very respectfully,

JESSE E. WILSON, *Assistant Secretary.*

In the face of these adverse reports the Senate has put on this appropriation bill amendment No. 91, for the purpose of taking out of the treasury of the Cherokee Nation $5,000 and paying this old stale claim. The Senate has also added amendments amounting to between $7,000,000 and $8,000,000. Many of these amendments are claims similar to this. If this House is willing to pass this West claim, then it instructs your committee in effect to admit the rest of these claims, amounting to several million dollars, as proper legislation on this Indian appropriation bill.

This class of amendments has no place on an appropriation bill, and should not be considered here. This West bill is on the Private Calendar of this House and can be called up under the rules of the House, when it can be thoroughly discussed and its merits can be fully understood and discussed by the House. We should not submit to these claims being placed upon our appropriation bills in the other body in violation of our rules and brought here, as is done in this case, in the hope that we will have to take them as a whole or reject them as a whole.

I reserve the balance of my time.

The SPEAKER. The gentleman from Colorado [Mr. RUCKER] is recognized for 45 minutes.

Mr. RUCKER of Colorado. Mr. Speaker, it is early in the morning and I trust that your eyes are clear. I want simply to brush the cobwebs away from this proposition. I want to address myself first to the lawyers of this body, and next I want to address myself to the laymen in behalf of the justice of this claim.

There are many duties devolving upon Members of Congress. The amount of money involved in this claim is small, $5,000 with interest, amounting in all to $10,000, and I do not believe there is any lawyer in this body who would have undertaken to go through this record and look at it from a lawyer's standpoint for as much money as there is involved in it.

I want to begin by saying that while it is an old claim, and laches has been set up as an objection against it, I am going to develop the fact that the laches has been upon the part of the Cherokee Nation and the Government of the United States, and was not chargeable to the claimants who are now asking for this relief. Not one of these claimants is a constituent of mine. I do not know one of them personally. I was chosen as the chairman of a subcommittee to examine this claim, and I want to say in this connection that before I was honored with membership upon the Indian Committee I discussed this case with the chairman of the committee, who in 1909 put in a similar bill, of which this is a verbatim copy, for the allowance of this claim, and when he replies I am going to ask him to tell us what change has come over the spirit of his dreams to make him reverse the judgment that he formed when he introduced that bill in behalf of these claimants whose claim he is now opposing.

Something has been said to the effect that this claim should not be paid because John W. West was not a Western Cherokee; that he was an Eastern Cherokee, and therefore did not come within the treaty; and that the award made by the commission, regularly appointed pursuant to said treaty, in favor of these claimants may be disregarded on that account. Upon that point some proof has been offered that some children of John W.

West were put upon the roll of the Eastern Cherokees; but I have a letter, written day before yesterday by the commissioner, showing that the original claimant, John W. West and his children, were enrolled in 1851 by the Cherokee authorities as Western Cherokees.

I have this letter before me, but will not take the time to read it. But aside from this, there is positive proof that John W. West was a Western Cherokee, as set out in the report of the committee—House Report No. 820, this Congress—wherein the committee says upon this point:

As to the third objection, viz, that John W. West was an Eastern Cherokee, the record, among other things shows: The commission in its report states that the salt deposit was discovered by Bluford West in 1832, and traces the work done in the development of the property down to October 30, 1843, and then adds:

"All this time John W. West was living about 2 miles from the saline (Testimony, p. 101). * * * John did not work himself, but he worked his two negroes, Bill and Jake. Jake was the blacksmith (Testimony, pp. 102, 117, 131–132, 134; Exhibit F). Some time in the winter of 1841–42 Bluford West, John W. West, and David Vann came to the house of Joe Vann and entered into a contract of partnership for the purpose of operating the saline, each partner taking a third interest (Exhibit F). * * * Political troubles having arisen, the work upon the saline was discontinued, and the Wests were compelled, out of regard to their own safety, to abandon the nation (Testimony, pp. 156, 102; Exhibits I, F2). John W. West settled in Washington County, Ark. * * * Prior to this time [the winter of 1841–42] the saline had been Bluford West's individual property, but John W. West had labored with Bluford from the beginning in helping to develop it." (Testimony, pp. 19, 102, 131–132, 134; Exhibit F.)

This is positive testimony that John W. West was in the nation in 1832 and remained until 1844, when, because of the political troubles and out of regard to his own safety, he was compelled to abandon the nation. As the finding of the commission is clear that he was there in 1832, it follows, of necessity, that John W. West was a Western Cherokee. In addition to this proof we find in the report of the commission appointed in 1844 (S. Doc. 140, 28th Cong., 2d sess., pp. 41–43) positive proof that John W. West was a Western Cherokee. The following question was submitted by the commission to the Cherokee authorities:

"Question. State the relative number and description of official stations held by the 'old settlers' (Western Cherokees) for each year since June, 1840."

The answer contains a list only of the Western Cherokees who held office in the nation from 1839 to 1841, inclusive, in which list (p. 43) the name of John W. West appears. Opposite his name are the letters "T. P.," meaning "treaty party," which was composed of those Western Cherokees who favored the treaty of 1839 between the Eastern and Western Cherokees. In addition to this positive testimony there has been filed with the committee the following telegram, signed by a son of John W. West, deceased, which is corroborative of the official record:

[Telegram.]

PORUM, OKLA., *May 28–29 m.*

WEBSTER BALLINGER,
1415 G Street NW., Washington, D. C.:

I only know what my father told me. He came to the Cherokee Nation with his parents in 1830, then located near the salt well, and in the year 1834 went back to Tennessee after his family and returned in 1835.

JOHN C. WEST.

This proof your committee believes conclusively establishes that John W. West was a Western Cherokee. No evidence has been presented to your committee by the attorney for the Cherokee Nation in support of his statement that John W. West was an Eastern Cherokee, except the alleged fact that the names of certain of the children of John W. West were enrolled by judgment of the Court of Claims in 1910 as Eastern Cherokees. Upon this alleged evidence your committee is asked to set aside the finding of the commission in 1883, which finding was based upon positive evidence. This your committee declines to do. It is significant in this connection that D. W. C. Duncan, the Cherokee commissioner, who, it must be assumed, knew the facts with reference to John W. West, never challenged or questioned the fact that he was a Western Cherokee. But if he were, in fact, an Eastern Cherokee, your committee does not believe that fact would have deprived the commission of jurisdiction of his claim. John W. West acquired an interest in the property at the commencement of the work in 1832, and his interest was defined and recognized as a one-third interest in the contract with his brother, Bluford, which was signed by them in the winter of 1841–42 and before the confiscatory act of October 30, 1843. He did his part in the development of the property and paid partnership debts after dispossession. Neither he nor his heirs have ever received one cent for the property taken. The Cherokee commissioner, D. W. C. Duncan, representing the Cherokee Nation, heard and considered his claim and joined in the award. The Cherokee Nation is therefore, by all the rules of conscience, estopped from raising this question.

I want to say to you lawyers that I am bulwarked in the position I take by a unanimous decision rendered by a commission appointed under treaty of 1846, whereby a representative of the Cherokee Nation was appointed by the Cherokee authorities and a representative of the United States was appointed in accordance with that treaty to hear and finally determine this claim. You have the report before you and it is not necessary for me to read it. The seventh article of that treaty provides:

The value of all salines which were the private property of individuals of the Western Cherokees and of which they were dispossessed, provided there be any such, shall be ascertained by the United States agent and a commissioner, to be appointed by the Cherokee authorities; and should they be unable to agree they shall select an umpire, whose decision shall be final, and the several amounts found due shall be paid by the Cherokee Nation or the salines returned to their respective owners.

The Cherokee Nation refused, for years and years, to appoint its commissioner. Finally the Secretary of the Interior, Mr. Teller, whom you all know, who served as long in the United States Senate, I think, as any other Senator, and who was a painstaking official, decided that the Cherokee Nation had been derelict in its duty in not appointing its commissioner, and demanded the immediate appointment by the nation of its commissioner.

Secretary Teller, in a letter to the Commissioner of Indian Affairs dated November 27, 1882, said:

The treaty provided specifically how the value of the claims for salines should be ascertained and settled.

This treaty provision, enacted into law, has not been complied with; its nonfulfillment is entirely due to the neglect of the Cherokee authorities to appoint a commission to act with the United States agent in fixing the value of the saline.

The Cherokee Nation should follow the treaty. * * * The United States and the Cherokee Nation are alike bound by the treaty, * * * and to see to its fulfillment for the benefit of those whose interests are specially involved in the provisions thereof. * * * The agent should be instructed to advise the proper authorities of the Cherokee Nation that he is ready to proceed under the provisions of the treaty to value the salines * * * and to request the nation to appoint a commissioner to act with him, as required by the treaty, in the matter.

Pursuant to these instructions the commission was appointed, D. W. C. Duncan being appointed by the Cherokee authorities, and John Q. Tufts, the United States Indian agent, acting for the United States.

The treaty required that if the two commissioners did not agree a third, an umpire, should be chosen to determine the difference, if there should be any. Conforming to the evidence, both of these commissioners agreed that John W. West was entitled to a one-third interest in this saline deposit, and a unanimous award was made in his favor for $5,000, and the commission suggested that as the claim was for property actually taken such reasonable rate of interest should be allowed as would be in accord with the dictates of equity and good conscience, the exact finding of the commission being in part as follows:

It is the opinion of this commission that John W. West, in his lifetime, and at the date of his death, was justly entitled to a one-third interest in the saline in question, and that by means of his death his heirs or legal representatives have rightfully succeeded to the same.

As to who these heirs are, see testimony, page 100.

If the valuation ($15,000) approved by this commission should be sustained, then there will be due the heirs of John W. West the sum of $5,000.

As to the matter of interest the commission would only suggest that the claim is for property that was actuall taken, and of the use of which the claimants and their testator have been unjustly deprived. It would seem that some moderate rate of interest would be in accord with the dictates of equity and good conscience.

A rehearing was asked before Secretary Teller, which was denied. In concluding his opinion, Secretary Teller says:

I therefore decline to reconsider the decision of the department of August 29, 1883, for the purpose of declaring that that part of the report of the commission relating to John W. West, or his heirs, is outside of the scope of their duties under the treaty. In the decision of August 29, 1883, your recommendations "that the heirs of John W. West should be left to pursue their remedy before the Cherokee authorities, if they see fit, without interference in their behalf by the department," was concurred in.

It now appears by papers filed by Allen Gilbert, as attorney and agent for the heirs of John W. West, deceased, that the claimants presented said claim to the Cherokee National Council held in November, 1883, praying for its allowance and payment; that the said council adopted a report adverse to the payment of the claim, made by a committee of that body; and that said council still refuses to pay the claim, or any part thereof. In view of these facts he claims that it is the right of the United States Government, as a party to the treaty, to insist on its fulfillment by the Cherokee Nation, and he therefore prays that such steps may be taken by this department as will secure the rights of the claimants. The treaty provided that if the United States agent and Cherokee Commission fail to agree, "they shall select an umpire, whose decision shall be final, and the several amounts found due shall be paid by the Cherokee Nation, or the salines returned to their respective owners."

The Cherokee Nation has not only failed but refuses to comply with the terms of the treaty. There are no funds to the credit of the Cherokee Nation out of which this department can order payment of the amount claimed by the heirs of John W. West, deceased, and as it is therefore not considered within the power of this department to enforce payment of the claim without special legislation by Congress therefor, the matter should be presented to the Congress for appropriate action.

In order to do this you will prepare and submit the necessary papers in proper form to be laid before Congress at the approaching session.

Succeeding Secretary Teller was Secretary Lamar, whom you all knew of, than whom there was never a more efficient Secretary of the Interior. No more painstaking lawyer ever served upon the Supreme Bench of the United States. He heard this case and also confirmed and approved the findings of this commission. Concluding his decision, Secretary Lamar says:

No new evidence has been presented since the decision of September 16, 1884. The hearing took place on 22d and 23d instant, and all the matters stated in argument by the attorneys and counsel have been carefully considered, and the conclusion reached is that no good and sufficient reason has been shown for disturbing the decision on the claim of August 29, 1883, reaffirmed by decision of September 16, 1884.

On the other hand, it is made more clearly to appear that the action already had on the case was right and just. Bills having been introduced in the present Congress (S. 2048, H. R. 7499) for the relief of the heirs of John W. West, deceased, and sent to the department by the Senate and House Committees on Indian affairs for reports, and this day referred to your office, you are hereby instructed to prepare and submit to this department the information called for to be forwarded to those committees.

Now, what else do you want? The only authority fixed by the treaty of 1846, the commission, unanimously found in favor of John W. West for $5,000. That decision was reviewed by Secretary Teller and reopened by Secretary Lamar, and the findings of the commission were in all respects reaffirmed by both Secretaries.

So I say if you will only get the cobwebs away from your eyes and look at this thing from a legal standpoint you will see that the opposition to this claim has not one leg to stand upon.

There is much testimony. All these people are dead. We had to go back many years to find what the testimony was in examining *not only* into the ownership but the value of this saline deposit. The commission in its finding says:

At this time—

Speaking of the time when this well was being operated—

John W. West was living about 3 miles from the saline.

The commission refers to the testimony, page 101, which is within the call of any Member of this House.

Bluford West was living on the saline premises.

The commission again refers to the testimony, giving the page.

At this time the work was carried on by the joint labor of the entire West family, John, Bluford, and Ezekiel. John did not work himself, but he worked his two negroes, Bill and Jake. Jake was the blacksmith.

And if you will observe the minority report, it refers to the fact that when this commission went there and made this examination they talked with the blacksmith, who said that they had been working upon this saline deposit for about three years.

Some time during the winter of 1841 Bluford West, John W. West, and David Vann came to the house of Joe Vann and entered into a contract of partnership for the purpose of operating the saline, each partner taking a third interest.

Now, gentlemen, bear in mind that this testimony is uncontradicted from any source whatever. If they went into a partnership, each partner having a third interest, John W. West had a third interest. It turned out afterwards that Vann purchased the kettles with which to carry on the work, but afterwards withdrew from the firm. That would seem as if it left John W. West and Bluford West one-half interest each, but that claim is not made here. We are still claiming that he only had a one-third interest. Yet the testimony is sufficient to lay the foundation for a claim that he was entitled to one-half instead of one-third.

It seems David Vann purchased the kettles with which to carry on the work, but he withdrew from the firm (Exhibit F); and political troubles having arisen, the work upon the saline was discontinued, and the Wests were compelled, out of regard to their own safety, to abandon the nation. (Testimony, pp. 102, 156; Exhibit I. F. 2.) John W. West settled in Washington County, Ark. Bluford West left his family on the saline place and went to Washington, D. C., on business, and there, in 1844 or perhaps in 1845, died. (Testimony, p. 12; Exhibit I. F.) Nancy West, widow, remained on the saline premises till 1850, and then voluntarily abandoned the place because of the decay of the improvements. (Testimony, p. 23.) In 1849 the witness B. W. Alberty and his brother, William Alberty, attempted to work the saline, but being admonished that it was national property they desisted.

I do not know what purpose the Assistant Secretary had in bringing Alberty into the case in the letter that was read by the chairman of the committee, because that does not pertain to this claim in any way whatever. That was the claim that they sought to make afterwards, after the claim had been abandoned by the Wests.

Mr. STEPHENS of Texas. Mr. Speaker, he simply claimed to be an heir of John W. West, and our contention is that John W. West was an Eastern Cherokee and was not entitled to anything whatever.

Mr. RUCKER of Colorado. I have not seen any record whatever that he claimed to be any heir of West. He did not enter upon these premises by reason of any heirship, but he went there for the purpose of inaugurating a new claim upon this saline. As to this question, whether he was a Western Cherokee or an Eastern Cherokee, the Secretary disposes of the matter, as any lawyer, in my judgment, would, by this statement:

The preamble of the treaty of 1846 sets out that "whereas serious difficulties have for a considerable time existed between the different portions of people constituting and recognized as the Cherokee Nation of Indians, which it is desirable should be speedily settled, so that peace and harmony may be restored among them."

No violence is done to the terms of the treaty by entertaining a claim of any Cherokee Indian to an interest in one of said salines, when such interest was acquired from a Western Cherokee. Such a claim is considered as fairly and reasonably provided for by the treaty.

I take it that any lawyer would say that a purchaser from a Western Cherokee, even though the purchaser were an Eastern Cherokee, would get the title that the Western Cherokee had, even though, as I say, he had been an Eastern Cherokee, which is a disputed fact, because it appears from all of this testimony that these people went there about the same time. John W. West went back to Tennessee, and was gone about a year. He went there to bring out his family, and by reason of his absence it might have been supposed that he was not a Western Cherokee. However that may be, as I say, it is a fundamental proposition of law that whoever has the title may dispose of it to whomsoever he will, and that title will become good, even though the treaty provided that the Western Cherokees should only be the beneficiaries; and so the Secretary of the Interior, Justice Lamar, used that language in discussing and disposing of the question whether this man was a Western or an Eastern Cherokee.

Here is the proposition: Here is a solemn treaty entered into between the United States and the Cherokee Nation, the provisions of which could not be deviated from. The carrying out of these provisions must accord with the treaty, and the treaty provided that the Cherokee Nation should appoint a commissioner and the United States should appoint a commissioner, and should they disagree there should be a third—an umpire—whose decision should be final. It never came to the umpire, because both of these commissioners not only agreed that John W. West had a one-third interest in this claim, but they agreed that it was worth $5,000. That was the only forum these parties could go to. It was the only settlement. The Government of the United States is a trustee for the purpose of carrying out the terms of this treaty. It has done all in its power to carry it out. It has demanded on two occasions that the Cherokee Nation should conform to the terms of the treaty and appoint its commissioner; and finally that was done; and finally these commissioners agreed upon it, and then it was taken to the Secretary of the Interior for review, and two Secretaries of the Interior, one in two decisions and another in one, confirmed the report of these commissioners. How are you going to get away from that proposition? Where is there any answer to it?

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. RUCKER of Colorado. Certainly.

Mr. STEPHENS of Texas. Is it not a fact that the Cherokee Nation, through its council, paid to West's brother, Bluford West, $12,000 in full payment of this entire claim, for the whole West family, and did they not accept that; and is it not a fact that John W. West during his lifetime never did make this claim, but that his heirs did it since his death?

Mr. RUCKER of Colorado. No.

Mr. STEPHENS of Texas. That is the record.

Mr. RUCKER of Colorado. No; that is not the record. I want to say to the distinguished chairman of the committee, the claim that Mrs. Markham, the widow of Bluford West, made was for Bluford West's interests, and she made it as administratrix of the estate of Bluford West. Having made it as administratrix, John W. West's claim could not possibly have been brought before that tribunal as a claim, because she made it as administratrix, and here is the testimony that upon a solemn occasion a tripartite agreement was made between David Vann, Bluford West, and John W. West, dividing this saline into three parts, each taking a third, and there is not a particle of evidence in the record to the contrary. I agree that Mrs. Markham got $12,000 for her interest, but she got that with reference not only to her saline interest, but for the improvements upon this place, whereas John W. West had no improvements upon his claim. It was upon the claim of Bluford West. He had no claim, no personal property there. His sole interest was an interest in the saline, and it was a one-third interest, and that is all that he has ever been asking for. So I disagree entirely with the chairman that $12,000 was paid in full settlement of all the claims of Nancy Markham, sole heir and administratrix of the estate of Bluford West.

It was paid in full settlement of all the claims of Bluford West. It was paid to her as administratrix and not otherwise. Upon this point the commission found:

The ground taken by the claimant in this case is highly abstract and technical—the legal distinction between personal and representative character—between Nancy Markham and Nancy Markham, administratrix. It is not only technical, but in fact erroneous; for if Bluford West, testator, was dispossessed in 1843, the property taken vested at once in the estate, and at his death, in 1845, there was nothing to descend to Mrs. Markham, as heir, but an claim for damages, entire in law, indivisible. Hence her attempt to divide this one cause of action into two, from motives of policy, basing the distinction solely upon a modification of the claimant's name, has no foundation in reason or law, and should not, we think, be countenanced in a tribunal of justice.

But there is no one to explain these legal niceties to these non-professional members of the council. And when we reflect that many of them were full-blooded Indians, unable to speak or understand the

English language (testimony, pp. 75, 55), without any means of knowing the nature of the business before the house except through the hasty translation by an interpreter, we can easily see how these men might be led to believe they were appropriating the $12,000 to pay the whole claim in full, notwithstanding there was before them an "itemized account" that left the saline out.

But the claimant has not always been inconsistent in this respect. She had previously been in the habit of proceeding in her own name for the whole claim, including both the "homestead" and the "saline." (Exhibit B, testimony, p. 128.) That the members of the council should presume that, in this instance also, she was proceeding in the same way (for both "homestead" and "saline") is perfectly natural and reasonable.

From the evidence before them, the commission is satisfied that at the time the $12,000 was appropriated it was the prevailing and candid impression in both the executive and legislative departments of the Cherokee government that it was in full payment of all demands whatsoever and that the claimant's attorneys were cognizant of the fact that it was so understood and ostensibly acquiesced in and encouraged that impression. To hold now that the settlement was anything less than final would be to encourage sharp inaction and effectuate a fraud upon the nation.

It is the opinion of the commission that the settlement was a compromise of all claims and that now there is nothing due to Mrs. Nancy Markham, administratrix, from the nation.

Notice that this related to the claim of Mrs. Markham only and has nothing to do with the claim of John W. West.

Immediately following the above is the finding in favor of the heirs of John W. West. The two claims were at all times treated and considered by the Cherokee Nation, the commission, and the department as separate and distinct claims.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. RUCKER of Colorado. Yes.

Mr. STEPHENS of Texas. Is it not a fact that John W. West lived in that vicinity all of his life, that he died in 1868, and was aware that this woman was pursuing her claim both before the legislative body of the Indians and before these commissioners, and if he had any interest why did he not present the claim himself? Why wait until 1882?

Mr. RUCKER of Colorado. That statement is not correct. Upon this point the commission found:

In 1849 the present claimant, Mrs. Nancy Markham, herself filed a "memorial" before R. C. S. Broson, United States Indian agent, claiming this same property, in which she admits in the most solemn manner that her husband, Bluford West, in his lifetime had conveyed a one-third interest in the saline to John W. West. (Exhibit B.)

As a circumstance bearing upon this point, it seems that John W. West has been a coclaimant of this saline from the earliest times, along with his brother Bluford. In 1845 he went to Washington in the interest of his claim. (Exhibits I, Q, R.) John W. West assisted, through Joel M. Bryan, in getting the seventh article inserted in the treaty of 1846 in the interest of this claim. (Exhibit A; testimony, pp. 116, 117, 119, 160, 120.) John W. West but a few hours before he died spoke to his son, William M. West, about his interest in this saline. (Testimony, p. 103.) He paid partnership debts after the dispossession. (Testimony, p. 156.)

Again, the commission says:

After the close of the war Mrs. Nancy Markham renewed the prosecution of her claim, and on November 8, 1866, she presented her petition before the national council, claiming $10,000 for the saline property. (Testimony, p. 128.) This effort proved a failure, but in 1873 she again presented her claim; C. N. Vann, W. P. Adair, and Joel M. Bryan were her attorneys. (Testimony, pp. 59, 153, 155.) Adair was a Member of the Senate. (Testimony, p. 67.) S. H. Benge was helping Mrs. Markham. (Testimony, p. 16.) At the same time the heirs of John W. West were present looking after their interest in the same saline property. (Testimony, pp. 16, 105.) They were represented by Joab Scales and Perry Brewer. At this time Mrs. Markham obtained an appropriation of $12,000. (Exhibit X.) The heirs of John W. West failed to get anything, and as yet have received nothing. (Testimony, p. 104, answer to interrogatory 22.)

So that it is clear that John W. West during his life prosecuted his claim with diligence; that during his life Mrs. Markham recognized his interest, and that after his death his heirs did all they could to secure payment. This should eliminate in the mind of every lawyer that there was either laches or negligence on the part of the claimant. Mrs. Markham's claim was confounded with an interest in the saline as well as the improvements upon the claim. The treaty of 1846 had nothing to do with the improvements. That had reference to the settlement for the saline, and when Mrs. Markham went before the council and presented her claim she confounded the two interests and asserted a claim for both. One was for an interest in the saline and the other was for personal property. That is how it came.

I want to say that it is true that John W. West died in 1868, but he was exiled from the Territory for a number of years before that, and not only that—and I desire to call this particularly to the attention of my brother lawyers—but the only possible forum, that provided for in the treaty, whereby he or any other owner of a saline claim could go, was this tribunal, made up of a commissioner of the Cherokee Nation and a commissioner of the United States, and that tribunal was never appointed until 1883. I will say to the gentleman he should know that the heirs of John W. West did put in their claim to the Cherokee council. Why did the council refuse to recognize the claim? Because it was not the forum provided for in the treaty.

Mr. STEPHENS of Texas. Does the gentleman desire an answer to that question?

Mr. RUCKER of Colorado. Yes.

Mr. STEPHENS of Texas. It was because John W. West was an Eastern Cherokee and was not entitled to anything whatever under that treaty, and that is the main ground of defense here.

Mr. RUCKER of Colorado. Mr. Speaker, I am very glad now to run the chairman down to the last hole.

Mr. STEPHENS of Texas. And the gentleman will admit this also, that these Eastern Cherokees, he and his heirs, have received funds as Eastern Cherokees and are cut off entirely from anything as Western Cherokees, and that will be found among the records here. Mr. Miller is the man who distributed the Eastern Cherokee funds, and he states that the heirs of John W. West were Eastern Cherokees and had received funds from him in that way. Hence he could not have been a Western Cherokee.

Mr. RUCKER of Colorado. Now, Mr. Speaker, the chairman of as big a committee as the Committee on Indian Affairs will not undertake, I know, to deceive this House, but it is by way of deception. There is no relationship whatever between the distribution of the judgment of the Court of Claims and this claim. There is absolutely no relationship whatever between the two. The gentleman speaks about a letter wherein it says that a "John" West and his children were enrolled in 1851 as Eastern Cherokees. That roll does not contain the name of "John W." West. Now, I have a letter of date of July 22 from the clerk of the Court of Claims, in which he says:

I beg to advise you that the roll of old settlers, of Western Cherokees, made in 1851 and filed in the Court of Claims January 10, 1910, contains, among others, the following names of old settlers from the western district.

Then follows Laura West, Ruth West, John West, Robert West, Jane West, Tallaquah district, Cherokee Nation, group 37. Now, those are the children of John W. West, so in 1851 they were counted as Western Cherokees, and I do not deny what the chairman has said, that Guyon Miller says that they were upon the other roll, but they were upon both rolls, and therefore that does not account for anything but——

Mr. STEPHENS of Texas. Does not the gentleman think if they had been on both rolls and received pay both ways they ought to be satisfied.

Mr. RUCKER of Colorado. Why, I have said to the gentleman that the drawing of pay in the one way or the other has nothing whatever to do with this claim. The two are not associated together. Now, does the gentleman for one moment say that because they drew their allotment or drew the stipend from the one or the other that that has any effect whatever upon this claim? Answer that question.

Mr. STEPHENS of Texas. If they drew their stipend as Eastern Cherokees, then they ought not to be permitted to go along and claim that because they were Western Cherokees they were entitled to this saline. There is such a thing as an estoppel among the Indians as well as white men.

Mr. RUCKER of Colorado. Then I understand the gentleman does not put it upon the ground that because they drew the money by reason of their descent on their mother's side from Eastern Cherokees, but upon the distinction of their being Eastern or Western Cherokees?

Mr. STEPHENS of Texas. If they are Eastern Cherokees, they are not entitled to anything in these salt works.

Mr. RUCKER of Colorado. I have produced here a letter that is of equal credence to the letter the gentleman produced where they are put down as Western Cherokees or old settlers. Now, one is an offset to the other. But aside from that there is positive proof contained in the report of the committee that John W. West was a Western Cherokee, and there is no evidence, either circumstantial or positive, to be produced to the contrary. All that, however, reminds me to refer again, and I want every lawyer in this House to bear that in mind, that it does not make a particle of difference whether they were Eastern or Western Cherokees, yet if we believe the uncontradicted testimony here in that respect it is satisfactorily shown that they are Western Cherokees.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. RUCKER of Colorado. Certainly.

Mr. BYRNS of Tennessee. I have been interested in the gentleman's argument. It seems to me that there is another proposition, and I do not know whether the gentleman has discussed it or not, and that is the question of estoppel in regard to whether John W. West or his estate or his heirs are entitled to the sum which the gentleman claims. I understand that $12,000 was paid to the heirs of his brother, Bluford West, in

full settlement for improvements on these works. Now, I understand also that the heirs of Bluford West began the prosecution of their claim in 1843, that it was not settled until 1873, that John W. West was living in 1868; that he, and his heirs at his death, sat by and saw this sum paid to the heirs of Bluford West and this claim was not put in and no mention was made of any claim until 1882 or 1883. Now, it seems to me that, taking that state of facts, the question of estoppel would arise as to whether they can come in and ask to collect again for the same thing.

Mr. RUCKER of Colorado. I see the confusion in my friend's mind. I have stated that Bluford West's widow made a claim for the improvements in the saline which she made to the Cherokee council and she got $12,000 and which she got as administratrix of her husband, but that has nothing to do with this claim. Now, I want to call the attention of the gentleman to the record here. This claim was asserted by John W. West when the property was taken. He came to Washington in 1845–6 and assisted in securing the inclusion of article 7 in the treaty of 1846, for the creation of a commission to adjudicate the claim. In 1849 Mrs. Markham acknowledged the interest of John W. West in the property by a memorial duly recorded in the office of the United States Indian agent for this tribe. The claim was presented to the Cherokee council for payment and no action taken on it because, at least in part, the treaty had provided another tribunal in which it was to be determined. The members of that tribunal were not appointed until 1882, because of the refusal of the nation until that time to appoint its commissioner, at which time John W. West was dead; but the claim was presented by his heirs to that tribunal in seasonable time, by it considered, and an award regularly made, all of which appears in the findings of the commission.

Mr. BYRNS of Tennessee. Does the record show that the claim made by the administratrix of Bluford West was a claim which he owned entire by himself or was he only claiming a part of the property?

Mr. STEPHENS of Texas. Not only that, but if the gentleman will permit, she states she never heard of John West when she prosecuted her case before the Cherokee council. You will find that in the evidence.

Mr. RUCKER of Colorado. The distinguished chairman of the Indian Committee will certainly not stop with that statement.

Mr. STEPHENS of Texas. It is there anyway.

Mr. RUCKER of Colorado. The gentleman knows she made an affidavit in 1849, and while John W. West was alive, in which she stated that John W. West had a third interest in this claim. After his death she contradicted that affidavit, but she did make an affidavit that John W. West entered in a contract with her husband, Bluford West, and acquired a one-third interest in this claim.

Mr. BYRNS of Tennessee. Now, if the gentleman will pardon me, the point I want to get at is this, whether or not the Cherokee Nation, in making a settlement for the improvements to this property, and so forth, settled with the idea that the $12,000 paid for all the improvements and the entire work, in other words everything that was to be paid for, or whether they paid it with the idea that it was only for a two-thirds interest in the property.

Mr. RUCKER of Colorado. Well now, the gentleman is a lawyer, and he must take the documentary evidence and determine what it amounts to.

Mr. BYRNS of Tennessee. I was asking the gentleman for information; I know nothing myself.

Mr. RUCKER of Colorado. I say the record shows she settled as administratrix of her husband for $12,000 and then came in afterwards and put in another claim for so much more. The nation could not have considered the $12,000 paid her as a payment in full for the property, for at the time the payment was made to Mrs. Farkham the claim of the heirs of John W. West was pending before the Cherokee council, and no action was taken on it. The settlement was for her interest alone as sole heir and administratrix of the estate of Bluford West, and the commission so found, and had no connection whatever with the claim of John W. West.

Mr. STEPHENS of Texas. I do not remember. I very often introduce bills by request. I do not remember of having introduced either one of these bills.

Mr. RUCKER of Colorado. I find you did not introduce this bill by request in 1909, which is a copy of my bill, and there has not been anything changed in the record. The record was there then, as it is now, and I do not believe the gentleman from Texas is in the habit of introducing bills simply to build up a record of the number of bills that he introduces in the House. I believe that he must have examined into the merits of this claim when he introduced this bill in 1909.

Mr. STEPHENS of Texas. The bill came up for discussion in 1911, last year, which was the first time that I ever went into it, and I was satisfied there was nothing in it then.

Mr. RUCKER of Colorado. Now, I want to say, Mr. Speaker, in conclusion, that I am bulwarked by the opinion of two of the ablest Secretaries of the Interior that ever occupied that office, one of them having served upon the Supreme Bench of the United States.

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER of Colorado. Somebody told me that I had five minutes more.

Mr. BURKE of South Dakota. Mr. Speaker, my understanding of the time was that we were to conclude at five minutes after 1 p. m The gentleman from Texas [Mr. STEPHENS] used about five minutes, and I do not see how the gentleman from Colorado [Mr. RUCKER] could have consumed 45 minutes.

The SPEAKER. The gentleman from Colorado [Mr. RUCKER] has one minute more. The Chair was going by the wrong clock.

Mr. RUCKER of Colorado. Now, Mr. Speaker, I have a letter from the Secretary of which the distinguished chairman did not read the whole. I would like to just put in a few of the things that he did not read. It says:

RELIEF OF HEIRS OF JOHN W. WEST.

Amendment No. 91, page 35, beginning with line 7, authorizes the Secretary of the Interior to pay $5,000 to the administrator of the estate of John W. West, together with interest thereon at the rate of 5 per cent per annum from September 16, 1884, in full payment of the award made by the commission appointed pursuant to the authority contained in the seventh article of the treaty with the Cherokees, promulgated August 17, 1846, and which award was approved by the Secretary of the Interior September 16, 1884, and since reaffirmed. This claim has been pending before the department, this office, and Congress for a great many years. It has been carefully investigated and reconsidered a number of times. D. W. C. Duncan, commissioner on the part of the Cherokee Nation, and J. Q. Tufts, United States Indian agent, appointed pursuant to the seventh article of the treaty of 1846, reported in favor of the claim of the heirs of John W. West in the sum of $5,000, together with a "moderate rate of interest" thereon.

The department during the last 25 years has made a number of reports on the claim in question. The department, in its report dated December 26, 1911, said that "in view of the history of this claim, the action heretofore had thereon, and the long delay in the prosecution thereof," it would not be justified in recommending the passage of H. R. 6544. The award made by Messrs. Duncan and Tufts, representatives of the Cherokee Nation and the Government, were reconsidered by both Secretaries Teller and Lamar, and in their letters, dated September 16, 1884, and April 26, 1886, respectively, they both declined to take action to disturb the decisions theretofore rendered in favor of the claim. It appears that the House Committee on Indian Affairs, in Report No. 820, Sixty-second Congress, second session, under date of June 1, 1912, recommended that the claim of the heirs of John W. West be paid. A minority report was filed by seven members of the House committee, signed by Chairman Stephens and others, found in Report No. 820, part 2, Sixty-second Congress, second session, recommending against the payment of the claim. The Senate Committee on Indian Affairs, in report dated May 7, 1912, No. 706, Sixty-second Congress, second session, recommended unanimously in favor of the claim, and adopted the majority report of the House Committee on Indian Affairs. The House and Senate reports herein referred to contain a complete history of the claim of the heirs of John W. West, and attention is invited to these reports, with the view of such action being taken on Senate amendment No. 91 as the conferees and the Congress may deem just and proper in the premises.

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER of Colorado. Mr. Speaker, I would like three minutes more.

Mr. STEPHENS of Texas. I yield to the gentleman three minutes more out of our time.

Mr. RUCKER of Colorado. As I have said, I was sustained by two Secretaries of the Interior, and I have been sustained by three reports made by the Senate, the last one being an exact copy of the report that is now upon your desks. And in addition to that I want to say that there is only one time when this claim has been disapproved, and that was in the Sixty-first Congress. I am sorry that my friend from Oklahoma [Mr. MCGUIRE] is not here. The gentleman from Iowa [Mr. KENDALL] ought to bear some testimony upon that. The gentleman from New York, Mr. Young, whom we all know as a distinguished ex-Member, was a member of the subcommittee having charge of the bill, and I would like to call upon any one member of that subcommittee that ever saw that report that was presented by the distinguished gentleman from Brooklyn. He did not prepare the report, and its authorship has at all times been kept a profound secret. Yet it has been repeatedly stated on the floor of this House that that report received careful consideration at the hands of the committee. Some one prepared it and gave it to its alleged author, and in the absence from the city of the other members of the subcommittee it was presented to the full committee and acted upon without any member of the committee knowing the facts. This is the careful consideration of this matter to which repeated reference is made by those who signed the minority report.

Objection is made to this provision on the ground that it is a private claim on an appropriation bill. When understood, this

objection is not sound. This claim arises out of a treaty stipulation and was adjudicated by a tribunal specially created by article 7 of the treaty of 1846, and the treaty provided that the award should be final and should be paid by the Cherokee Nation. This bill to which it has been added as an amendment is "A bill making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes." As the payment of this award is a fulfillment of a treaty stipulation the amendment was a proper amendment to this bill and would not be subject to a point of order under the rules of this House.

The United States was a party to this treaty. It guaranteed fulfillment of the treaty provisions. The commission was appointed pursuant to the terms of the treaty. The award was regularly made. By the terms of the treaty it was a finality. The Government of the United States can not now shirk its responsibility, particularly as two Secretaries of the Interior—the officer of this Government whose duty it is to supervise such matters, and men whose legal ability and fairness all men must concede—examined into the award with care and approved it in all respects. If such an award had been made in favor of a citizen of this country against a foreign government we would have sent our Navy, if necessary, to have enforced payment. Because the award is against an Indian nation or tribe is no reason why the Government of the United States should shirk its responsibility and place itself in the position of repudiating its solemn treaty agreements. The Government of the United States is in honor bound to see that this award is paid.

There has been no negligence on the part of the claimants in prosecuting their claim. They are not in fault. The sole and only reason this claim has not been paid heretofore is that for the past 30 years the Cherokee Nation has had its attorney on an annual salary and expenses here, who has lobbied before Congress and prevented the enactment of legislation providing for the payment of this award. These claimants were unable to maintain an attorney here to prosecute their claim, and in common fairness they should not have been expected to have done so. When the award was made the duty devolved entirely upon the Government of the United States to see to it that it was paid, and it would have been paid long ago had it not been for the presence in this city, session after session of Congress, of the attorney for the Cherokee Nation.

The interest provided for is less than half the amount recommended by the commission. It dates only from the date the award was approved by the Secretary of the Interior and is at the same rate the Government has allowed the Cherokee Nation for its funds on deposit in the Treasury of the United States.

The SPEAKER. The time of the gentleman has again expired.

Mr. STEPHENS of Texas. Mr. Speaker, I yield to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. I suggest, inasmuch as the time is about half of what has been yielded by the gentleman from Colorado [Mr. RUCKER], the gentleman from Illinois consume his time.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for 15 minutes.

Mr. MANN. Mr. Speaker, in the consideration of appropriation bills, which originate in the House, the House is severely handicapped by the procedure which now prevails. We pass an appropriation bill after consideration in Committee of the Whole, where every item is scanned and may be discussed and amended. We send that bill to the Senate, where every item in the House bill is subject to inspection, discussion, and amendment by the Senate. Thereupon the Senate adds such amendments as it chooses, sends them over to the House, where, without any consideration at all, they are usually sent to conference, and generally, without receiving much consideration in conference, owing to the lack of time, some agreed to and some disagreed to—some meritorious ones agreed to, some meritorious ones disagreed to, some without merit disagreed to, and some without merit agreed to—in the form of a compromise. And it seems to have become the habit in the distinguished body at the other end of the Capitol to add a great many amendments to House appropriation bills which are subject to criticism. Gentlemen who have claims or other propositions without much merit and who fear the discussion in the daylight which appears in the House upon the consideration of bills go over to the Senate and urge that amendments may be inserted with the understanding that they can not become a law unless agreed to in conference.

And through that method of persuasion a great many amendments are agreed to in the Senate which would not be agreed to there if they were considered as final, and would not be agreed to in the House if they were ever considered in the House.

The Indian appropriation bill seems to be the pet place for the Senate to add amendments. We have read in recent months some statements which were reported to emanate from distinguished gentlemen in the other legislative body about how the House was adding legislative provisions to appropriation bills, and yet this Indian appropriation bill now before us is filled with legislative provisions and with claims, none of which ought to be in order under the rules either of the House or of the Senate and which have no proper place in an appropriation bill at all.

In the very limited time which I have, I can not discuss all of the Senate amendments, and can only make a number of references to a few of them. Amendment 33 provides for an appropriation of water for the irrigation of approximately 150,000 acres of land and the maintenance of a public plant, and so forth, in connection with irrigation purposes on the Colorado River. If such a project is to be entered into, it ought to be considered by the House. There were some propositions of the sort before the House, and the House, with the knowledge it had before it, did not incorporate them. That proposition has no proper place in this bill without consideration by the House, which it can not obtain.

Here is another amendment, providing for the purchase of a sawmill and logging equipment——

Mr. STEPHENS of Texas. What is the number of that amendment?

Mr. MANN. No. 57. It is a scheme which ought not to be entered upon without knowledge on the part of the House that it is engaging in that kind of a business enterprise.

I shall not take time to discuss the amendment which has been discussed by the gentleman from Colorado [Mr. RUCKER], the John W. West claim amendment, which is a pure claim, in my judgment, without any merit whatever of its own, and I have examined all of the papers in connection with the matter which I have been able to obtain, and they are quite numerous. But the claim, whether meritorious or not meritorious, has no proper place in an Indian appropriation bill. A bill providing for this claim is on the Private Calendar, where it may be considered. It has no place in an appropriation bill.

Here is an amendment, numbered 105, providing for the construction of a sanitary sewer system for a little park down at Platt, Okla., $35,000. I do not know; we may be starting in to install sanitary sewer systems in all of the parks and forests of the country. What earthly use is there for a sanitary sewer system, or any other kind of a sewer system, in this little park to be constructed by the General Government?

Mr. BUTLER. Mr. Speaker, will the gentleman tell us what that has to do with Indian affairs—the sewer system that he speaks of?

Mr. MANN. Well, it is down in the old Indian country.

Mr. SIMS. It used to be in the old Indian country.

Mr. BUTLER. Perhaps it is because it is in a place where the Indians used to live.

Mr. MANN. I recall that a year or two ago an item of this kind was offered on the sundry civil appropriation bill, and the gentleman from Oklahoma, most concerned in it, voluntarily allowed it to go out. Now we have it here as an item in the Indian appropriation bill.

Mr. BUTLER. I suppose it is inserted here because it happened to cross an old Indian trail.

Mr. MANN. No; the gentleman is mistaken. The reason why they inserted it here is because they think they have more influence on the conferees.

Here are two items, Nos. 111 and 112. One provides for the payment of $41,000 to the Indian, Okemah, trustee of the Kickapoo community in Mexico, and the purpose of the amendment is purely and simply to permit the payment of the $41,000 to an attorney for claimed attorney's fees.

Mr. CARTER. What number is that?

Mr. MANN. That is No. 111. Here is No. 112, which provides for the deposit in the First National Bank of Douglas, Ariz., of all moneys known as lease money now on deposit with or in any manner under the control of the agents and officers of the Interior Department for various Indians, and the receipt by such bank for any such money shall operate as the receipt of the Indian owner and as a complete release of all liability on the part of the officer paying leased money as herein directed; no insinuation, even, that the bank shall turn it over to the Indians, and the purpose is to pay it to the bank in order that the bank may pay it to an attorney. No intention that a cent of it shall ever get into the hands of any Indian; to take the receipt of the bank as the receipt of the Indian and then propose to turn it over to somebody else. The amendment

in its form is scandalous and its intent is fraudulent. [Applause.]

I have not the time to discuss No. 137, proposing a scheme of $1,800,000 in reference to reclamation and irrigation work in the Yakima Indian Reservation, but if such a plan is to be entered upon it ought to be entered upon after consideration by the House and not merely by a Senate amendment agreed to as a trade in conference. There are a whole lot of other amendments relating to the same proposition which I do not have time to discuss.

I shall not take the time to go over again the proposition that was discussed here the other day on the deficiency bill, to pay a judgment of $3,305,257.19, which reeks with scandal from the beginning to the point that it now has reached. Probably the scandal has not ceased there.

Mr. STEPHENS of Texas. What is the number of that?

Mr. MANN. Oh, that is the Ute matter. I do not want the gentleman to think that the only amendments that I object to are those that I am speaking about, because I do not have the time to take them all in.

There is another amendment here, No. 117, providing for the payment of a lot of money to various Indians of the Tillamook Tribe, in Oregon, and various other Indian tribes, and, if they are dead, to their heirs.

And the meat in the coconut is this provision of the amendment, that the Secretary of the Interior shall find and investigate what attorney or attorneys, if any, have rendered services for or on behalf of said Indians, and shall fix a reasonable compensation to be paid to said attorney or attorneys for their services in prosecuting the claims of said Indians.

Every old attorney in town who, through some open or secret connection, is able to get some inside or public information concerning some old Indian claim or treaty, thereupon proceeds to render services, or claims to render services. Then he wants to be paid. I received from a gentleman in town this morning a letter in reference to a statement I made the other day that in the Ute Indian matter the main services rendered by the attorneys were lobbying in Congress. This gentleman denied that. I do not know from personal knowledge whether that statement was correct or not, but the Court of Claims, in allowing the compensation, stated that the man's principal services had been lobbying in Congress.

I am opposed, now and at all times, to the payment of these exorbitant, scandalous claims of attorneys for lobbying with committees or with Members of Congress. I think it ought to be stopped and not encouraged. I hope that if this bill goes to conference the House conferees will have the judgment and the nerve to say, "We will not agree to these amendments which have been placed upon this appropriation bill." [Applause.]

Mr. STEPHENS of Texas. I yield to the gentleman from South Dakota [Mr. BURKE] such time as he desires.

Mr. BURKE of South Dakota. How much time has the gentleman from Texas remaining, Mr. Speaker?

The SPEAKER. He has 22 minutes left.

Mr. BURKE of South Dakota. Then, Mr. Speaker, I will ask that I be notified when I have spoken for seven minutes.

I would like to follow up the last statement made by the gentleman from Illinois, in which he said that he hoped that the House conferees would see that certain amendments to this bill are eliminated in conference, by stating that the House will have an opportunity in 22 minutes to express itself on one proposition that is in the bill—that is, a private claim—because a motion will be made to concur in the amendment of the Senate providing for its payment.

I am not going to discuss the merits of this claim, which is the John W. West claim, which was so earnestly and ably discussed by the gentleman from Colorado [Mr. RUCKER]. I simply want to call the attention of the House to the fact that it is a private claim; that it dates back to the year 1843 or 1845; that it was carefully considered by the Committee on Indian Affairs in the last Congress, and a unanimous report made against it; that it was considered by the Committee on Indian Affairs in the present session of Congress and a favorable report made thereon, with seven members of the committee, including the chairman, filing minority views.

The bill is upon the Private Calendar of the House. I presume it will be considered during this Congress. There will then be an opportunity to discuss the merits of the measure. The proposition for us to consider at this time is whether or not the House will concur in such an amendment on an appropriation bill, it being a private claim.

Mr. Speaker, there is much in what the gentleman from Illinois has said relative to provisions that have been incorporated in the Indian appropriation bill—that were put in after the bill left the House and agreed to in conference. We have one instance where an attorney's fee was paid which amounted to $750,000. The authority for collecting such a fee was incorporated in an Indian appropriation bill in another legislative body and agreed to in conference.

We discussed on Saturday last the matter of paying a judgment in favor of the Ute Indians, wherein it appeared that an attorney's fee had been paid aggregating, in round numbers, $211,000. Before the judgment was entered the Indians had $1,250,000 and were receiving annually $50,000, being 4 per cent interest on that amount. At the present time the Indians have nothing but a judgment, and that the House refused to appropriate for, but the attorneys have received $211,000. The Indians have lost their income. The gentleman from Illinois [Mr. MANN] says it reeks of fraud and scandal, and I agree with the gentleman; but I want to say in reference to that matter and others that he may have had in his mind when he made that statement, that the House is responsible, because the House has consented to agree to conference reports containing provisions that made such scandal possible.

I say we have an opportunity at the present moment to disagree to an amendment of the Senate that proposes to pay one of these old, stale, outlawed claims that does not belong on the Indian appropriation bill, and therefore it is not necessary for me to discuss the merits of that measure. Let the conferees go from the House with all of the amendments disagreed to, of which there are 156, and let the conferees determine whether or not they will concur in this or any other amendment. I do not think the House need have any fears about what the attitude of the conferees on the part of the House will be, so far as this amendment is concerned, upon which the gentleman from Colorado will make a motion to concur. I hope his motion will be voted down; that the House will disagree to all of the amendments of the Senate and ask for a conference.

Mr. STEPHENS of Texas. I yield to the gentleman from Oklahoma [Mr. CARTER] five minutes.

Mr. CARTER. Mr. Speaker, I do not think I shall consume more than about one minute. I just want to make this reference to the claim of John W. West. I do not care to go into the merits of this claim any further than to repeat what has been so well said by the gentleman from South Dakota [Mr. BURKE], to wit, that there is already a bill on the calendar providing for the payment of this claim.

There was some dissension about reporting the bill favorably from the Committee on Indian Affairs. The chairman of the committee, together with the gentleman from South Dakota [Mr. BURKE], my colleague [Mr. FERRIS], the gentleman from Minnesota [Mr. MILLER], the gentleman from Kansas [Mr. CAMPBELL], and myself signed a minority report opposing the payment of the claim. In due time it will come before the House and be considered in the proper way, and I do not think it should be passed on an appropriation bill, for it is purely a claim. We have not now sufficient time to go into a detailed discussion of this amendment, and I think the matter should come up in the regular way, when a full discussion of the merits can be had.

Mr. STEPHENS of Texas. I yield three minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Speaker, just a word in reference to the claim of John W. West, without any time to enter into a thorough discussion of the merits of the case. I wish to call the attention of the membership of the House to one most significant feature of this claim.

It was 69 years ago when this mudhole that they call a salt lick was taken by the Cherokee Nation from Bluford West and Mr. Rogers. Bluford West died 67 years ago. His widow, Nancy West, subsequently married a man named Markham, and as Nancy Markham, in 1873, after repeated efforts with the Cherokee Nation Council, secured $12,000 for this lick and the improvements thereon. It then came into the mind of some one that a brother of Bluford West, John W. West, had a one-third interest in the claim. There was no writing that showed that he had any interest in this real estate. No pen ever marked a word which said he ever had a right or title to any part of it, and his lips now for almost half a century have been sealed with death. During a period of 25 years, however, that he lived those lips never murmured a word that he had a claim in this salt lick spring. Talk about a claim with whiskers, Mr. Speaker; it has not only whiskers, but the whiskers are gray. It has literally been dug up from the earth, hoary headed and phantom formed. While there is much that can be said in an argument such as the gentleman from Colorado [Mr. RUCKER] has said, with good discretion and earnestness, yet unless we are to grasp at a will-o'-the-wisp, unless we are to take tradition

and superstition as a basis for a claim, demanding something substantial, something consistent before we pay out other people's money, then this must be rejected.

Mr. Speaker, the Committee on Indian Affairs in the last Congress gave this a most thorough and careful investigation.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. STEPHENS of Texas. Mr. Speaker, I yield two minutes more to the gentleman.

Mr. MILLER. Mr. Speaker, after that careful and thorough investigation the committee unanimously agreed that for two reasons the claim should not be paid: First, because it had not been established with any degree of certainty that would justify either the committee in reporting in its favor or this House voting to adopt such a report from the committee; and, second, such a long period of time has elapsed and the claimants were guilty of such laches in any view of the case that they could not be granted relief, could not come to this or to any tribunal hoping to get equity. Not having evidence to establish a legal claim, they can not appeal to equity, because they have not observed one of the fundamental principles of equity. So, Mr. Speaker, in view of these considerations, in addition to the fact that it is a personal claim, in addition to the fact that the House ought to have a right to consider it as a bill by itself, in addition to the fact that it has no place on an appropriation bill, I think the motion ought to be voted down.

Mr. STEPHENS of Texas. Mr. Speaker, I yield the remaining time to the gentleman from Alabama [Mr. UNDERWOOD].

The SPEAKER. The gentleman from Alabama is recognized for 10 minutes. The Chair would state that he made a mistake as to the length of time in stating that the debate would run out at 1 o'clock. It will close at 5 minutes past 1.

Mr. UNDERWOOD. Mr. Speaker, I do not desire to occupy the 10 minutes with reference to this claim, because, as a matter of fact, I do not know the facts in reference to the claim itself, but I do know this: That there is a bill pending before this Congress now for this claim, and if it has merits it can be taken up in the regular way and be considered at a proper time. The bill now pending before the House is a general appropriation bill. I think there has always been in this House a great abuse of the rules of the House in putting legislation upon appropriation bills. There may be an excuse for it sometimes—a justification for it sometimes—when there are matters of great public moment that require immediate attention, and when the only way they can be brought immediately to the attention of both Houses of Congress is to put them upon appropriation bills. But that, in my judgment, can only be justified when they are matters of great public moment, where the constituencies of all men in the House are interested There is no justification whatsoever for putting on an appropriation bill and thus delaying its passage a private claim, even though that claim be a very just claim and a very meritorious one. In the first place, there is not an opportunity in considering a claim of that kind on an appropriation bill to go into the real merits of the claim. Public business should not be delayed in passing appropriation bills by the discussion of private claims.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. BURKE of South Dakota. I would like to ask the gentleman if he thinks the House ought to concur in an amendment of the Senate which would not be germane to the bill if it had been offered when the bill was pending in the House?

Mr. UNDERWOOD. I do not; and I certainly do not think so if it is a private claim. If it were some matter of great public moment and the Senate were determined on its suggestion and the House had to yield, it might be different; but I do not think that this House ought to make a precedent of putting any private claim on a general appropriation bill, and for that reason I hope that the House will vote down this claim and reject the Senate amendment, regardless of whether the claim is just or not. It ought not to be considered on this bill, and it ought not to be considered at this time.

I yield back the balance of my time.

Mr. STEPHENS of Texas. Mr. Speaker, I now move to disagree to all of the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Texas moves to disagree to all of the Senate amendments and ask for a conference.

Mr. RUCKER of Colorado. Mr. Speaker, as an amendment, I move that the House concur in amendment No. 91.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Texas that he ask unanimous consent to disagree to all of the Senate amendments except the one stated by the gentleman from Colorado, No. 91, and also amendments Nos. 33, 117, 130, and 137, upon which amendments I desire a separate vote.

Mr. STEPHENS of Texas. Very well, Mr. Speaker, I will make that request.

The SPEAKER. The gentleman from Texas asks unanimous consent to disagree to all of the Senate amendments, excepting the one designated by the gentleman from Colorado, numbered 91, and also amendments 33, 117, 130, and 137. Is there objection?

There was no objection, and it was so ordered.

The SPEAKER. The gentleman from Colorado moves to concur in amendment No. 91.

The question was taken; and on a division (demanded by Mr. BURKE of South Dakota) there were—ayes 2, noes 61.

So the motion to concur was rejected.

Mr. STEPHENS of Texas. Mr. Speaker, I move that amendment No. 33 be disagreed to.

The SPEAKER. The question is on the motion of the gentleman from Texas to disagree to amendment No. 33.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 74, noes 0.

So the motion to disagree was agreed to.

Mr. STEPHENS of Texas. Mr. Speaker, I move to disagree to amendment No. 117.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 63, noes 0.

So the motion to disagree was agreed to.

Mr. STEPHENS of Texas. Mr. Speaker, I now move to disagree to amendments numbered 130 and 137.

The SPEAKER. The question is on the motion of the gentleman from Texas to disagree to amendments numbered 130 and 137.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 72, noes 0.

So the motion to disagree was agreed to.

Mr. STEPHENS of Texas. Mr. Speaker, I now move that the House ask for a conference.

Mr. RUCKER of Colorado. Mr. Speaker, a parliamentary inquiry, and preliminary to that allow me to state that upon the Committee on Indian Affairs the seniority membership contains gentlemen who are opposed to the bill that I am in favor of. This is especially true of the gentleman from Oklahoma [Mr. CARTER] who is a member of that committee and second, I think, in seniority, and who ought not to be upon the committee on conference. He is a Cherokee Indian himself, and I do not believe that he ought to be allowed to sit on that committee.

Mr. CARTER. Mr. Speaker, if the gentleman will permit me for just a moment——

The SPEAKER. Of course all of this is by unanimous consent.

Mr. CARTER. I think I can satisfy the minds of the House very quickly upon that point. I have three-eighths Cherokee blood, but I have no more interest in the estate of the Cherokee Nation than the gentleman from Colorado [Mr. RUCKER]. [Applause.]

Mr. RUCKER of Colorado. Blood is thicker than water.

Mr. CARTER. I have an interest in the estate of the Chickasaw Tribe of Indians, and even if this matter concerned the Chickasaw Indians' funds I doubt if the gentleman's objection would be good; but I have no interest whatever in the Cherokee funds.

Mr. MANN. Would the gentleman's three-eighths Indian blood have more interest than the five-eighths of white blood would have on the other side, in any event?

So the motion of the gentleman from Texas [Mr. STEPHENS] was agreed to.

The SPEAKER announced the following conferees:

Mr. STEPHENS of Texas, Mr. CARTER, and Mr. BURKE of South Dakota.

LEAVE OF ABSENCE.

By unanimous consent, Mr. AYRES was granted leave of absence for two days, on account of illness in his family.

AMERICAN REFUGEES FROM MEXICO.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to discharge the Committee on Military Affairs from the further consideration of Senate joint resolution 127. This is a resolution which came over from the Senate yesterday afternoon and was referred to the Committee on Military Affairs, where it has been amended and restricted in its operation.

The SPEAKER. The gentleman from Texas asks unanimous consent to discharge the Committee on Military Affairs from the further consideration of the resolution named and to take it up for consideration.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I wish to say this: I understand this is an emergency resolution which requires immediate action, and if it is not going to delay the House at this time I have no objection to unanimous consent. If it brings on general debate——

Mr. SLAYDEN. I assure the gentleman it is not the purpose of the proponents of the measure to have any debate. The House, I think, perfectly understands what the resolution is.

The SPEAKER. Of course, the Chair recognized the gentleman to make the motion with the understanding it is a matter of necessity or emergency. Is there objection?

Mr. MANN. Mr. Speaker, I would like to know what the proposition is.

Mr. SLAYDEN. Mr. Speaker, the resolution authorizes the expenditure, under the general direction of the Secretary of War, of so much of $20,000——

Mr. MANN. Can not we have it reported?

Mr. SLAYDEN. There is a report which explains the whole matter, going into it very fully, if the Clerk will read it.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized and directed to cause to be supplied, through the proper military officers at El Paso, Tex., all necessary tents, together with temporary rations, for the care and relief of American citizens who have been compelled to remove and are yet removing from threatened danger in the Republic of Mexico and who are seeking refuge in El Paso, Tex., and adjacent portions of the United States.

Mr. SLAYDEN. I am authorized by the committee to offer the following amendments.

The Clerk read as follows:

After the word "authorize," in line 3 of the resolution, insert the following: "To expend not to exceed the sum of $20,000, out of any unexpended balance of the money appropriated for the Mississippi flood sufferers, May 9, 1912."

In line 5 strike out the word "all"; in line 7, after the word "who," insert the following: "have no other means of obtaining shelter and food."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The joint resolution as amended was read the third time and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to joint resolution (S. J. Res. 127) authorizing the Secretary of War to supply tents and rations to American citizens compelled to leave Mexico.

The message also announced that the Senate had insisted upon its amendments to bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GAMBLE, Mr. CLAPP, and Mr. CHAMBERLAIN as the conferees on the part of the Senate.

WOOL AND MANUFACTURES OF WOOL.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 22195, a bill revising the rates on the woolen schedule, and pending that I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 22195, to consider the Senate amendment, and pending that asks unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

An act (H. R. 22195) to reduce the duties on wool and manufactures of wool.

Be it enacted, etc., That on and after the 1st day of January, 1913, the articles hereinafter enumerated, described, and provided for shall, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), be subjected to the duties hereinafter provided, and no others; that is to say:

1. On wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals, the duty shall be 20 per cent ad valorem.

2. On all noils, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and on all other wastes and on rags composed wholly or in part of wool, and not specially provided for in this act, the duty shall be 20 per cent ad valorem.

3. On combed wool or tops and roving or roping, made wholly or in part of wool or camel's hair, and on other wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this act, the duty shall be 25 per cent ad valorem.

4. On yarns made wholly or in part of wool, the duty shall be 30 per cent ad valorem.

5. On cloths, knit fabrics, felts not woven, and all manufactures of every description made, by any process, wholly or in part of wool, not specially provided for in this act, the duty shall be 40 per cent ad valorem.

6. On blankets and flannels, composed wholly or in part of wool, the duty shall be 30 per cent ad valorem: *Provided*, That on flannels composed wholly or in part of wool, valued at above 50 cents per pound, the duty shall be 45 per cent ad valorem.

7. On women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, composed wholly or in part of wool, and not specially provided for in this act, the duty shall be 45 per cent ad valorem.

8. On clothing, ready-made, and articles of wearing apparel of every description, including shawls whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, and not specially provided for in this act, composed wholly or in part of wool, the duty shall be 45 per cent ad valorem.

9. On webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, on any of the foregoing made of wool or of which wool is a component material, whether containing india rubber or not, the duty shall be 35 per cent ad valorem.

10. On Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description, the duty shall be 40 per cent ad valorem.

11. On Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description, the duty shall be 35 per cent ad valorem.

12. On Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, the duty shall be 30 per cent ad valorem.

13. On velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, the duty shall be 35 per cent ad valorem.

14. On tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise, the duty shall be 30 per cent ad valorem.

15. On treble ingrain, three ply, and all chain Venetian carpets, the duty shall be 30 per cent ad valorem.

16. On wool Dutch and two-ply ingrain carpets the duty shall be 25 per cent ad valorem.

17. On carpets of every description, woven whole for rooms, and Oriental, Berlin, Aubusson, Axminster, and similar rugs, the duty shall be 50 per cent ad valorem.

18. On druggets and bockings, printed, colored, or otherwise, the duty shall be 25 per cent ad valorem.

19. On carpets and carpeting of wool, flax, or cotton, or composed in part of any of them, not specially provided for in this act, and on mats, matting, and rugs of cotton, the duty shall be 25 per cent ad valorem.

20. Mats, rugs for floors, screens, covers, hassocks, bed sides, art squares, and other portions of carpets or carpeting, made wholly or in part of wool, and not specially provided for in this act, shall be subject to the rate of duty herein imposed on carpets or carpeting of like character or description.

21. Whenever in this act the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process.

SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported, and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act and no other duty upon the entry or the withdrawal thereof.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1913.

The Senate amendment was read as follows:

An act (H. R. 22195) to reduce the duties on wool and manufactures of wool.

Be it enacted, etc., That the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out all of Schedule K thereof, being paragraphs 360 to 395, inclusive, and inserting in lieu thereof the following:

SCHEDULE K. WOOL AND MANUFACTURES THEREOF.

360. All wool, hair of the camel, goat, alpaca, and other like animals, shall be divided, for the purposes of this act, into the two following classes:

361. Class 1, that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool, or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood and usually known by the terms herein used, and all wools not hereinafter included in class 2.

362. Class 2, that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and all such wools of like character

as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for; the hair of the camel, Angora goat, alpaca, and other like animals.

363. The standard samples of all wools which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they shall be needed.

364. Whenever wools of class 2 shall have been improved by the admixture of merino or English blood, from their present character as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

365. The duty on wool of the first class shall be 35 per cent ad valorem.

366. The duty upon wools of class 2 shall be 10 per cent ad valorem.

367. The duty on wools on the skin shall be as follows: Class 1, 30 per cent ad valorem; class 2, 10 per cent ad valorem; the quantity and value of the wool to be ascertained under such rules as the Secretary of the Treasury may prescribe.

368. Top waste, slubbing waste, roving waste, ring waste, and garnetted waste, 30 per cent ad valorem.

369. Shoddy, noils, wool extract, yarn waste, thread waste, and all other wastes composed wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, 25 per cent ad valorem.

370. Woolen rags, mungo, and flocks, 25 per cent ad valorem.

371. Combed wool or tops, and all wools which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, 40 per cent ad valorem.

372. On yarns made wholly of wool or of which wool is the component material of chief value, the duty shall be 45 per cent ad valorem.

373. On cloths, knit fabrics, blankets, and flannels for underwear, composed wholly of wool or of which wool is the component material of chief value, women's and children's dress goods, coat linings, Italian cloths, bunting, clothing ready made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, any of the foregoing made of wool or of which wool is the component material of chief value, whether containing india rubber or not, 55 per cent ad valorem.

374. Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description; Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description; Brussels carpets, figured or plain, and all carpets or carpetings of like character or description; velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description; tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise; treble ingrain, three-ply, and all chain Venetian carpets; wool Dutch and two-ply ingrain carpets; carpets of every description, woven whole for rooms; oriental, Berlin, Aubusson, Axminster, and similar rugs, druggets and bockings, printed, colored, or otherwise; all the foregoing, made of wool, or of which wool is the component material of chief value, 35 per cent ad valorem.

375. Carpets and carpeting of wool or of which wool is the component material of chief value, not specially provided for in this section, 35 per cent ad valorem.

376. Mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting made wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpetings of like character or description.

377. Whenever, in any schedule of this act, the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other animal, whether manufactured by a woolen, worsted, felt, or any other process.

378. All manufactures of hair of the camel, goat, alpaca, or other like animal, or of which any of the hair mentioned in paragraph 363 form the component material of chief value, shall be subject to a duty of 30 per cent ad valorem.

SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported, and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act and no other duty, upon the entry or the withdrawal thereof.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1913.

Mr. UNDERWOOD. I suppose the five minutes on a side will be satisfactory to the gentleman.

Mr. PAYNE. I think we had better have a little more time than that.

Mr. UNDERWOOD. If the gentleman wants to reach an agreement about time I am willing to make an agreement, or if he wants a little further extension under the five-minute rule I am willing to agree to it.

Mr. PAYNE. How much time does the gentleman propose to take altogether?

Mr. UNDERWOOD. I do not care to make a general speech, and under the rule speeches are limited to five minutes, but I do not care to hold the gentleman down to that. I would like to dispose of the question, as we have three propositions that we wish to send back to the Senate.

Mr. PAYNE. Suppose we let it run a little while under the five-minute rule. I will not want to talk over 10 minutes, but I want to suggest that perhaps I had better make my motion now, as I wish to make a motion to concur with an amendment.

Mr. UNDERWOOD. Just one moment, the gentleman's motion has precedence. Mr. Speaker, there is but one Senate amendment to the bill, and I move to disagree to the Senate amendment.

The SPEAKER. The gentleman from Alabama moves to disagree to the Senate amendment.

Mr. PAYNE. Now, Mr. Speaker, I move to concur, with an amendment to strike out all after the enacting clause and insert the following:

That the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended by striking out all of the paragraphs of Schedule K of section 1 of said act, from 360 to 395, inclusive of both, and inserting in place thereof the following:

1. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided, for the purpose of fixing the duties to be charged thereon, into the two following classes:

2. Class 1, that is to say, merino, mestiza, metz or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, and Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools or other like combing wools of English blood, and usually known by the terms herein used, and all wools not hereinafter included in class 2, and also the hair of the camel, Angora goat, alpaca, and other like animals.

3. Class 2, that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, Russian camel's hair, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

4. The standard samples of all wools, which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they may be needed.

5. Whenever wools of class 2 shall have been improved by the admixture of merino or English blood, from their present character, as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

6. If any bale or package of wool or hair specified in this act, invoiced or entered as of class 2, or claimed by the importer to be dutiable as of class 2, shall contain any wool or hair subject to the rate of duty of class 1, the whole bale or package shall be subject to the rate of duty chargeable on wool of class 1; and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

7. The duty on all wools and hair of class 1, if imported in the grease, shall be laid upon the basis of its clean content. The clean content shall be determined by scouring tests which shall be made according to regulations which the Secretary of the Treasury may prescribe. The duty on all wools and hair of class 1 imported in the grease shall be 18 cents per pound on the clean content, as defined above. If imported scoured, the duty shall be 19 cents per pound.

8. The duty on all wools of class 2, including camel's hair of class two, imported in their natural condition, shall be 7 cents per pound. If scoured, 19 cents per pound: *Provided*, That on consumption of wools of class 2, including camel's hair, in the manufacture of carpets, druggets and bockings, printed, colored, or otherwise, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting hereafter manufactured or produced in the United States in whole or in part from wools of class 2, including camel's hair, upon which duties have been paid, there shall be allowed to the manufacturer or producer of such articles a drawback equal in amount to the duties paid less 1 per cent of such duties on the amount of the wools of class 2, including camel's hair of class 2, contained therein; such drawback shall be paid under such rules and regulations as the Secretary of the Treasury may prescribe.

9. The duty on wools on the skin shall be 2 cents less per pound than is imposed upon the clean content as provided for wools of class 1, and 1 cent less per pound than is imposed upon wools of class 2 imported in their natural condition, the quantity to be ascertained under such rules as the Secretary of the Treasury may prescribe.

10. Top waste and slubbing waste, 18 cents per pound.

11. Roving waste and ring waste, 14 cents per pound.

12. Noils, carbonized, 14 cents per pound.

13. Noils, not carbonized, 11 cents per pound.

14. Garnetted waste, 11 cents per pound.

15. Thread waste, yarn waste, and wool wastes not specified, 9½ cents per pound.

16. Shoddy, mungo, and wool extract, 8 cents per pound.

17. Woolen rags and flocks, 2 cents per pound.

18. Combed wool or tops, made wholly or in part of wool, or camel's hair, 20 cents per pound on the wool contained therein, and in addition thereto 5 per cent ad valorem.

19. Wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, but less advanced than yarn, not specially provided for in this section, 20 cents per pound on the wool contained therein, and in addition thereto 8 per cent ad valorem.

20. On yarns, made wholly or in part of wool, valued at not more than 30 cents per pound, the duty shall be 21½ cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

Valued at more than 30 cents and not more than 50 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 15 per cent ad valorem.

Valued at more than 50 cents and not more than 80 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

Valued at more than 80 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

21. On cloths, knit fabrics, flannels, felts, and all fabrics of every description made wholly or in part of wool, not specially provided for in this section, valued at not more than 40 cents per pound, the duty shall be 25 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

Valued at more than 40 cents and not more than 60 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem.

Valued at more than 60 cents and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

Valued at more than 80 cents and not more than $1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem.

Valued at more than $1 and not more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

Valued at more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

22. On blankets and flannels for underwear composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty shall be 23½ cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

Valued at more than 40 cents and not more than 50 cents per pound, 23½ cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

Valued at more than 50 cents per pound, 23½ cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

Provided, That on blankets over 3 yards in length the same duties shall be paid as on cloths.

23. On ready-made clothing and articles of wearing apparel, knitted or woven, of every description, made up or manufactured wholly or in part and composed wholly or in part of wool, the rate of duty shall be as follows:

If valued at not more than 40 cents per pound, the duty shall be 25 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem.

If valued at more than 40 cents and not more than 60 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

If valued at more than 60 cents and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem.

If valued at more than 80 cents and not more than $1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

If valued at more than $1 and not more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

If valued at more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 60 per cent ad valorem.

24. On all manufactures of every description made wholly or in part of wool, not specially provided for in this section, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem: *Provided*, That if the component material of chief value in such manufactures is wood, paper, rubber, or any of the baser metals, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem, and if the component material of chief value in such manufactures is silk, fur, precious or semiprecious stones, or gold, silver, or platinum, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

25. On hand-made Aubusson, Axminster, Oriental, and similar carpets and rugs, made wholly or in part of wool, the rate of duty shall be 50 per cent ad valorem: on all other carpets of every description, druggets and bockings, printed, colored, or otherwise, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting, made wholly or in part of wool, the duty shall be 30 per cent ad valorem.

26. Whenever, in any schedule of this act, the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca or other animal, whether manufactured by the woolen, worsted, felt, or any other process.

27. The foregoing paragraphs, providing the rates of duty herein for manufactures of wool, shall take effect on the 1st day of January, 1913.

The SPEAKER. The gentleman from New York moves to concur by striking out all after the enacting clause and inserting an amendment.

Mr. PAYNE. I will state I do not care to have this read unless some gentleman desires it. It is the same amendment I offered to the original bill in the House when the bill was before the House on a previous occasion.

Mr. UNDERWOOD. It was read in the House and the House understands it.

Mr. PAYNE. It was read in the House and offered by the minority of the committee and voted for by the minority membership of the House, but of course if any gentleman desires to have it read——

Mr. MONDELL. I would be glad if the gentleman would ask unanimous consent to dispense with the reading of it.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to dispense with the reading of this amendment.

The SPEAKER. The gentleman from New York asks unanimous consent to dispense with the reading of this amendment.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is it not necessary, before we proceed further, that the Senate amendment be read or disposed of?

Mr. UNDERWOOD. Mr. Speaker, I suppose the vote will come on the Senate amendment, and I ask unanimous consent, as the bill is printed and before the House, to dispense with the reading of both the Senate amendment and the amendment offered by the gentleman from New York [Mr. PAYNE].

The SPEAKER. Is there objection?

Mr. ANDERSON of Minnesota. Reserving the right to object, I would like to ask if the bills will appear in the RECORD if they are not read?

Mr. UNDERWOOD. Oh, yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CRUMPACKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRUMPACKER. The question is, When will a motion to agree to the Senate amendment be in order? The gentleman from New York has moved to agree to the Senate amendment with an amendment. I understand that would have priority over a straight motion to agree to the Senate amendment. The gentleman from Alabama [Mr. UNDERWOOD] moves a disagreement, and I understand that a motion to concur or agree to the Senate amendment would have priority over the motion of the gentleman from Alabama. I want to know whether I am right or not.

The SPEAKER. I think the gentleman is entirely correct.

Mr. CRUMPACKER. So that the motion of the gentleman from New York [Mr. PAYNE] would be first in order, and, if his motion should be voted down, then a motion to agree to the Senate amendment would be in order?

The SPEAKER. It would.

Mr. CRUMPACKER. I want to make that motion at the proper time.

Mr. GARDNER of Massachusetts. Mr. Speaker, I suggest to the gentleman from Indiana [Mr. CRUMPACKER] that the negative of the motion to disagree carries concurrence. If I recollect the rule rightly, there is only one motion in order, except the motion to concur with an amendment. That is the motion to disagree or the motion to concur, but the negativing of the motion to disagree carries concurrence. That is my recollection.

The SPEAKER. There is not any doubt but that is a correct statement of the rule.

Mr. CRUMPACKER. The motion to concur with an amendment is divisible, is it not?

The SPEAKER. The Chair thinks so. The Chair will state his understanding of the situation. The gentleman from Indiana [Mr. CRUMPACKER] can make his motion to concur or let it alone, as he chooses. He can make it now or after the motion of the gentleman from New York [Mr. PAYNE] is voted down. Of course, if the gentleman from New York is voted up, that ends the matter. The Chair is taking it for granted that the motion will be voted down.

Mr. PAYNE. Mr. Speaker, I make a point of order that the Speaker should not express an opinion on anything of that kind. [Laughter.]

The SPEAKER. The Chair was not expressing an opinion. The Chair was trying to get the parliamentary situation simplified. The proposition laid down by the gentleman from Massachusetts [Mr. GARDNER] is correct, that if the motion of the gentleman from Alabama [Mr. UNDERWOOD] to disagree is voted down, that is equivalent to a concurrence, and there is no necessity of putting the motion to concur. If the gentleman from Indiana, however, makes a motion to concur, although it would be superfluous, the Chair does not see how it can do any harm. But if all three of these motions are pending at once, then the order in which they would come would be, first, on the motion of the gentleman from New York [Mr. PAYNE]; second, on the motion of the gentleman from Indiana [Mr. CRUMPACKER]; and then on the motion of the gentleman from Alabama to disagree.

Mr. CRUMPACKER. Then, I desire to move that the House agree to the Senate amendment to the pending bill.

The SPEAKER. If the gentleman offers his motion and the House votes it down, that carries with it the motion of the gentleman from Alabama [Mr. UNDERWOOD].

The gentleman from Alabama [Mr. UNDERWOOD] is recognized.

Mr. UNDERWOOD. Mr. Speaker, I will not detain the House at this time in discussing this proposition. The wool bill has been fully discussed not only at this session of Congress, but at the last session of Congress. The Senate amendment is the

amendment that was adopted by the Senate at the last session of Congress, known as the La Follette bill, which the House disagreed to at the last session of Congress and finally sent to conference, out of which grew a compromise bill. I think the Members of the House are fully advised as to the difference between the Senate amendment and the House bill, and without there is some occasion later on in the debate I will not take up the time of the House in discussing the two bills at the present time. I understand the debate is under the five-minute rule.

Mr. PAYNE. Mr. Speaker, this original wool bill, brought in by the Committee on Ways and Means, came here first with the only excuse for its existence that we needed a revenue duty of about 20 per cent on wool in order to rescue and save a depleted and depleting Treasury.

The next month showed that the depleted Treasury had a surplus of over $47,000,000 to its credit for the year 1911, derived from the present revenue laws. A year has passed since then, and the report of the 30th of June showed a surplus in the Treasury for that year of over $37,000,000 receipts over the expenditures. A month has nearly passed in the present fiscal year, and the Treasury reports show that the Treasury is nearly $14,000,000 better off for this month up to date than it was after a month a year ago. So there can be no excuse for any gentleman who is talking free trade in wool to his constituents to vote for this present House bill in any way or shape. That argument is entirely removed from the controversy by the light of the Treasury statistics and the splendid showing of the present revenue law in relation to raising revenue.

We have as a Senate amendment the same one that came here about a year ago. Of course, every Member of the House knows the authorship of that amendment. At the time the bill was in conference a year ago the author of the amendment confessed that he was working with blacksmith tools, so to speak, or, in other words, that he had not sufficient information with which to form a tariff bill. However, a compromise bill was agreed upon without the information and went to the Executive, who sent it back with his veto, and the bill and the veto are now in the House files without any action. This bill was introduced, as I say, nearly a year afterwards, passed the House, and went over to the Senate, and comes back with the same Senate amendment. The President vetoed the bill because the Tariff Board was gathering information and would soon be ready to report. They have reported. They have made a full report. They have made a report that has met the commendation of experts on the tariff question the world over—not confined to this country alone, but praised in other countries as the most thorough and complete investigation and report ever made anywhere in any country in the world on the wool question, and better than all the information previously gathered upon this subject. When that report came in I was in hopes that my friend from Alabama [Mr. UNDERWOOD] would study it, but he seems to have delegated that matter to some other gentlemen, who made a report which misled him, I am sorry to say, or he never would have indorsed it.

Mr. UNDERWOOD. I wish to interrupt my friend from New York [Mr. PAYNE] on that proposition. Every time he comes into this House he makes that statement. The gentleman from New York knows that his statement is untrue. "The gentleman from Alabama" did study this report and did study the bill. The gentleman from New York knows that that is so. It is not important, however, because I think the gentleman makes the statement in a facetious way, but I do not want it to remain in the RECORD uncontradicted.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. PAYNE. Mr. Speaker, I would like to have five minutes more.

The SPEAKER. The gentleman from New York [Mr. PAYNE] asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. PAYNE. The gentleman who, I said, made the investigation and report has confessed it. I do not need to prove it. That is the evidence that I offer in regard to it. Where a man confesses to such a thing as that—not quite a crime, but much like a misdemeanor—why, I think that the evidence binds even the gentleman from Alabama. Of course, I have no objection to his offering a general denial, but I hope he will not insist that that report was his report, because I shall be led, very much to my sorrow, to think the contrary.

Mr. UNDERWOOD. I will say to the gentleman that he is stating what is untrue when he tries to imply to this House that either I or my committee did not report that bill. We hired experts. I know what the gentleman wants to say. He wants to say that we hired Mr. Parsons and that we hired Prof. Willis and that we hired other employees to aid us doing the mechanical work. We did, but all their work was submitted to the committee, and the committee went over the reports. I went over the reports, and we were responsible for them, and they were our reports just as much as the reports that the gentleman from New York made on his bill were his reports, although he did not write them himself.

Mr. PAYNE. Now, Mr. Speaker, I must still be permitted—because I am careful of the honor and credit of my friend from Alabama and of his intellectual ability, and so forth—to say that I think he is mistaken in this matter and that the man who confesses to have done this thing is really the guilty party.

Let me add, Mr. Speaker, that the minority of the committee did study that tariff report and did study the facts presented by the Tariff Board; and, after much deliberation and, I will say to the gentleman from Alabama, with the aid of experts who figured under the direction of the gentlemen who were engaged in preparing that bill, the gentleman from Connecticut [Mr. HILL], particularly, spending much time in verifying their figures from day to day, we prepared a bill which we presented to this House and which we present again.

I would like to see it become a law. I think if it should be in operation for a couple of years even the gentleman from Alabama [Mr. UNDERWOOD] would not try to disturb it, but would allow it to remain upon the statute book. "It would not injure our business," to repeat the favorite expression of the gentleman from Alabama. It would not destroy any industry. It would allow the wheels of progress to go on, and at the same time it would take away every excessive duty in the present wool schedule. It is an ideal bill in that respect. It ought to receive the vote of every Member on both sides of the House.

Now, Mr. Speaker, one word more. I have a telegram here from a constituent. He is a manufacturer of woolen goods. He is not a bloated aristocrat. He is not a malefactor of great wealth. He is a common, everyday American citizen, who understands his business and who was educated in it and knows what hard work is. He says:

> The La Follette bill will close or seriously injure every woolen mill in your district.

It is signed "A. M. Patterson." I commend that to the attention of gentlemen upon this side and upon the other side of the House.

But, Mr. Speaker, I have spoken at some length upon the woolen schedule in times past, and I do not now propose to inflict myself further upon the House. I understand the gentleman from Massachusetts [Mr. MCCALL] needs a little time, and I think also the gentleman from Connecticut [Mr. HILL]. I do not know what other gentlemen want to use time, but I commend them to the mercies of the House. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. LENROOT. Mr. Speaker, I shall vote against the motion of the gentleman from New York [Mr. PAYNE] to concur with an amendment, and for the motion of the gentleman from Indiana [Mr. CRUMPACKER] to concur, and I shall do that for two reasons, the first being that the Senate bill now before the House is sustained by the report of the Tariff Board, and, when fully analyzed, is not very different from the bill reported by the gentleman from New York [Mr. PAYNE] for the Committee on Ways and Means.

The gentleman from New York has briefly discussed this Senate bill, and has stated that in conference the author of that bill said that it was prepared with blacksmith's tools. Mr. Speaker, when one examines the report of the Tariff Board and examines this wool bill, prepared before that report was made, and finds how nearly they agree, he is compelled to conclude that that author of the bill did a mighty good job with his blacksmith's tools. [Applause.] And one is led further to wish, Mr. Speaker, that when the Committee on Ways and Means of the House and the Finance Committee of the Senate prepared the Payne-Aldrich bill they might have had some blacksmith's tools of this character. [Applause on the Democratic side.] One is compelled further to wonder, Mr. Speaker, what kind of tools they did have in the work that they did there.

Now, Mr. Speaker, I further am opposed to sending this bill to conference and I am opposed to sending it back to the Senate, because if you gentlemen of the Democratic majority want real revision, and want to send a bill to the President with the assurance that he must sign it, because it is in accordance with the Tariff Board, you ought to vote to concur in this amendment now. This country is demanding some action in the way of tariff revision, and is insisting that neither side play politics with reference to this great question. [Applause.]

Mr. HARRISON of New York. Mr. Speaker, I am in favor of disagreeing to the Senate amendment. A year ago, under instructions from my committee, I was one of the conferees who voted for the compromise bill with the Senate, but during the year that has passed the conditions have materially changed. During this interval the three great political parties have made their nominations for the Presidency, and it seems perfectly clear to us, and I believe it is clear to you gentlemen on the other side, that on the 4th of March next a Democratic President will be inaugurated. [Applause on the Democratic side.] Now, if I am right in that forecast, I am in favor of waiting until we get a Democratic administration and can pass Democratic tariff bills. [Applause on the Democratic side.] I am in favor of passing the Underwood bill, and am not in favor of passing the La Follette bill. The La Follette bill has been under discussion both in the Senate and in the House many times, and it is unnecessary for me now to detain this House with a more lengthy discussion of its features.

Mr. LENROOT. Will the gentleman yield?

Mr. HARRISON of New York. With pleasure.

Mr. LENROOT. Can not the gentleman afford some relief to the people by passing this bill now, and then, if his prediction is true, pass a Democratic bill later?

Mr. HARRISON of New York. If we pass a revision of the woolen schedule now, the business community of the country will be entitled to some relief from further agitation on that specific schedule, and rather than imperil a genuine Democratic revision of the woolen schedule, I am willing to postpone for six months the possibility of securing the relief that the people demand.

Mr. LENROOT. One more question.

Mr. HARRISON of New York. With pleasure.

Mr. LENROOT. Does the gentleman think the business interests will not be agitated in the meantime?

Mr. HARRISON of New York. I think that one revision of one tariff schedule in six months is enough, and I am in favor of waiting those six months to get some genuine relief. This Democratic Congress was sent here by the consumers of the country and not by the producers. Your Tariff Board report, to which you make reference, is a producers' report. It deals exclusively with the difference in the cost of production, if any, here and abroad. It is written in the interest of the woolen producers and the woolen manufacturers, and it has no bearing upon a genuine revision of the tariff in the interest of the consuming public. The best proof that I can give in support of my assertion is that the Republican Party themselves, in their recent platform, have entirely abandoned their previous declarations in favor of fixing tariff rates by a difference in cost of production here and abroad. In the present platform they do not say a word about that. They have dropped it entirely, and with it they ought to drop the pretense of fixing tariff rates upon the report of their Tariff Board, because that report of the Tariff Board deals practically exclusively with trying to find out an assumed difference in cost of production here and abroad in the production of wool and in the manufacture of woolen articles.

The Democratic Party were able to drive the Republican Party from their platform position of awarding a reasonable profit to American manufacturers in addition to this assumed difference in cost of production. Now we have been able to drive the Republican Party entirely from their whole platform position, and they did not have the temerity in the platform recently adopted at Chicago to insist upon measuring tariff rates by the difference in cost of production here and abroad. It was found upon an analysis and examination of the Tariff Board's report on wool and woolens that it was impossible to discover the cost of production in this country, let alone the difference in cost of production here and abroad; and for anyone to pretend that that report of the Tariff Board furnishes any basis whatever for the fixing of rates for a woolen schedule is to fly in the face of facts.

I am in favor of passing a Democratic revision of the woolen schedule. I am not in favor of compromising for a frankly protective measure, and I hope this House will flatly refuse to agree to the Senate amendment. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. HILL. Mr. Speaker, there are three measures pending before the House at this time. I ask unanimous consent that I may have 5 minutes on each one; that is 15 minutes altogether.

Mr. UNDERWOOD. I have no objection to the gentleman having 15 minutes, but I should like to see if I can get an agreement with the gentleman from New York about the length of time to be occupied before a vote is taken.

Mr. PAYNE. I do not know of anyone who wants to speak on this side except the gentleman from Connecticut [Mr. HILL], the gentleman from Massachusetts [Mr. MCCALL], and the gentleman from Indiana [Mr. CRUMPACKER].

Mr. UNDERWOOD. How much time will they consume?

Mr. HILL. I should like 15 minutes—5 minutes on each bill.

Mr. UNDERWOOD. On the Hill bill, the La Follette bill, and the Underwood bill.

The SPEAKER. Five minutes on each of the three wool bills.

Mr. UNDERWOOD. Yes; 15 minutes. But when the debate is closed, we will vote on them all at one time.

Mr. HILL. Yes; I understand. We have got to make our choice between these three, and I think we ought to consider them all at one time.

The SPEAKER. How much time does the gentleman from Massachusetts desire?

Mr. MCCALL. Five minutes.

The SPEAKER. And how much time does the gentleman from Indiana desire?

Mr. PAYNE. The gentleman from Indiana wishes five minutes.

The SPEAKER. That will be 25 minutes.

Mr. UNDERWOOD. The gentleman wants 25 minutes on that side?

Mr. PAYNE. Yes.

Mr. UNDERWOOD. Then, Mr. Speaker, I ask that all debate on this bill be closed in 50 minutes, 25 minutes to be controlled by the gentleman from New York and the other 25 to be controlled by myself.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that debate on this bill be closed in 50 minutes, 25 minutes of that time to be controlled by himself and 25 by the gentleman from New York, it being understood that the gentleman from Connecticut [Mr. HILL] is to have 15 out of the 25.

Mr. UNDERWOOD. I assume that the gentleman from New York is going to yield 15 minutes to the gentleman from Connecticut.

Mr. PAYNE. I yield 15 minutes to the gentleman from Connecticut.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Connecticut is recognized for 15 minutes.

Mr. HILL. Mr. Speaker, the three bills pending are, first, the Underwood bill, originally introduced from the Ways and Means Committee, giving 20 per cent duty on wool and 40 per cent duty on cloth, these being the principal items in the bill; second, the Senate amendment prepared and presented by Senator LA FOLLETTE, giving 35 per cent duty on wool and 55 per cent duty on cloth; and third, the Republican House bill, supported I believe by every Republican on this side of the Chamber, giving the rates called for in accordance with the report of the Tariff Board.

The gentleman from New York [Mr. HARRISON] gives it as his opinion that it is impossible to ascertain the difference in the cost of production at home and abroad, and that therefore, the report of the Tariff Board is of no value. If the gentleman is right, then he stands facing the opposite opinion of the whole world, because most of the business in this world has for its basis the fixing of the selling price upon the cost of the product that is sold.

Mr. HARRISON of New York. Mr. Speaker, will the gentleman yield?

Mr. HILL. Certainly.

Mr. HARRISON of New York. The gentleman must concede that the selling price has very little to do with the cost of production.

Mr. HILL. I do not concede it. The selling price must be in accord with cost, or production ultimately stops in any line of business.

What are the characteristics of the Republican bill which was presented by this House and voted for by every Republican? First, that all unnecessary and ineffective duties in the wool schedule as shown clearly and explicitly by the Tariff Board should be eliminated, and they were eliminated. Second, that cotton should not bear a wool duty, coming in in woolen fabrics or woolen manufactures. That great fault in the wool schedule is inherent, both in the Underwood bill and in the La Follette bill, which my friend from Wisconsin [Mr. LENROOT] says he proposes to vote for in preference to the House bill. The Underwood bill absolutely puts a pair of rubber boots—to use the old, familiar illustration—under the wool duty. The La Follette bill does not do that particular thing, but errs in other respects. The Republican bill puts them where they belong, in the rubber schedule or under the clothing paragraph limiting the wool duty to the wool contained therein and nothing more. The

compensatory duty is based exactly upon the report of the Tariff Board.

Another thing. The Republican bill puts carpet wool on the free list, and carpet wool constitutes 60 per cent of our raw-wool importations. That is a Republican proposition. It is a noncompetitive product, which ought not to bear any duty. The La Follette bill makes it dutiable at 10 per cent. The Democratic bill makes it dutiable at 20 per cent, and adds to the cost of the American product, an increase in the cost of every carpet put into every home in the United States.

So much for the distinctive characteristics of that particular bill. It is protective in every item, and yet it is lower than the Democratic bill presented here by the Ways and Means Committee, so far as the whole schedule is concerned, not in particular items. I am perfectly free to admit that you can pick out items from the Republican bill which are higher than the Democratic bill; but the schedule as a whole is lower under the Republican bill, the bill which the Republicans voted for, by several per cent—at least 6 or 8 per cent—than the bill presented by the Democratic members of the Ways and Means Committee.

Now, in regard to the La Follette bill. What is it? I have said that the La Follette bill puts a wool duty on cotton. It does. It differs from the Democratic bill in this respect, that under the La Follette bill the article of chief value must be wool, but any article containing 51 per cent in value of wool and 49 per cent of cotton would come into this country with the cotton bearing the same duty as the wool. No such restriction is found in the Democratic measure. If there is one single woolen yarn in a piece of cloth and all the rest is cotton or jute, under your Democratic measure it bears the full wool duty. That is not in accordance with the report of the Tariff Board.

Now, then, as to the rates. The gentleman from Wisconsin says that he proposes to vote for the La Follette bill and vote down the motion for the bill which he voted for before. Does he deem the La Follette bill a better measure? Let me show him. Thirty-five per cent on wool, 55 per cent on cloth, means 34 per cent on woolen cloth on the basis of free wool. The Wilson bill, with free wool, gave 40 per cent on cloth worth less than 50 cents a pound, and every one of you gentlemen know that the cloth that is made worth less than 50 cents a pound is exceedingly rare, because the scoured wool alone is worth on the average 45 cents. The Wilson bill gave 50 per cent on cloth worth more than 50 cents a pound, and that was all of it practically, and this La Follette bill gives 34 per cent net on woolen fabrics, 16 per cent less than the Wilson bill of 1894. The Underwood bill gives 28 per cent, where the La Follette bill gives 34 per cent, where the Wilson bill gave 50 per cent. Take that home to yourselves and judge what the result will be. We are facing a campaign. I want to ask the Republicans on this side if they are going before their constituents and say that they voted here for a proposition that cut the duty on woolen fabrics 16 per cent below that which they had been condemning for the last 18 years? Are you? I say to Republicans and Democrats alike there is no halfway house in this country. Under both party declarations now there is no halfway house between English free trade and protection. [Applause on the Republican side.] We will have either protection based on the difference in the unit cost of production, fair alike to the consumer and the producer, or we will have English free trade. There is no mistake about that. It is such protection absolutely on farm products, on citrus fruits, on lead and zinc, on iron and steel, on every schedule in the tariff, measured by the difference in the unit cost of production, or it is English free trade on them all, and the people of the United States have got to take their choice in this campaign. Talk to me, the hypocritical talk that you can, about a tariff rate below the difference in the unit cost of production and not hurt an industry! Take this very schedule and talk about not injuring the industry! Ninety-six per cent of the entire consumption in this line of industry is home production now. Only 4 per cent is imported, and yet the Democratic bill, made according to the report of the Democratic committee, absolutely provided for the additional importation of 200,000,000 pounds of foreign wool, either in its raw state or in the fabric. Can that be done without hurting the domestic industry? It provided for an additional importation of $40,000,000 worth of foreign cloth. It transferred the labor of 25,000 men from this country to Europe. Can it be done without injuring the American industry? Oh, I say to you, gentlemen, that it is time to think. Read your own platform, and read our platform. You can not go below the difference in the unit cost of production without encouraging foreign importations. When you encourage foreign importations you drive out the domestic product. That is your modern idea of a tariff for revenue only.

My Democratic friends, if you want a definition of a tariff for revenue only, go back to the South Carolina nullification convention of 1832, that all protected articles must go on the free list, all customs duties laid must be laid on noncompetitive products. That is a tariff for revenue only, and your platform has compelled your candidate to stand upon it, with the declaration that you have no power to lay or collect duties on any other basis. The Republican platform is to-day, and it has been for four years, for protection measured by the difference in the unit cost of production at home and abroad, but with an amendment now that if any duties are higher than that they shall be reduced, after an investigation—careful, protracted, and thorough—by an independent, nonpartisan tariff board. Such investigation has been made in the bill presented here by the gentleman from New York [Mr. PAYNE], cheerfully, enthusiastically, and patriotically offered by him as an amendment to the present law which bears his name. Is there any Republican on this side of the House who will go back upon his former vote in favor of that proposition and advocate for any reason whatever the bill presented by the gentleman from Wisconsin [Mr. LA FOLLETTE] in the Senate, 15 per cent below the Wilson bill? If he does, I wish him joy in answering some of the questions which his constituents, I fear, will ask him during the coming campaign, for, as I have said, there is no halfway house where the Secretary of the Treasury of the United States can stand and collect duties below the difference in the cost of production and not injure, exterminate, or embarrass the American industries upon which those duties are laid. One thing more: I commend to the chairman of the Ways and Means Committee in the conference just about to come, the following telegram.

The SPEAKER. The time of the gentleman has expired.

Mr. HILL. Just let me read this telegram as to the date when this bill shall go into effect.

Farmers, dealers, manufacturers, wholesale and retail clothiers, all carry large investments in raw and finished wool, therefore would recommend in the event of possibility of passage of wool bill, let a period of 9 to 12 months be allowed before bill takes effect. Early date as September might bankrupt many.

The La Follette bill provides for going into effect on the 1st of January, and the Democratic bill, if I am not mistaken, does the same thing. Even the Wilson bill, 18 years ago, recognizing that it took 8 to 12 months to manufacture and put woolen goods on the market, provided a difference of about 6 months between the time when the duty on wool and the duty on the finished product should go into effect. I commend that to the consideration of the chairman of the committee. [Applause.]

Mr. KITCHIN. I do not know of anybody on this side who wants to talk now except Mr. UNDERWOOD.

Mr. PAYNE. If there is only one person on that side, very well.

Mr. KITCHIN. I think Mr. UNDERWOOD will close the debate and perhaps be the only one. Suppose the gentleman now yields to the gentleman from Indiana.

Mr. PAYNE. I will yield to the gentleman from Indiana if the gentleman will send for Mr. UNDERWOOD.

Mr. KITCHIN. I have sent for him; he is at luncheon.

Mr. PAYNE. I yield five minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, at the last session of Congress the so-called Underwood bill for the revision of the tariff on wool was passed by the House and sent to the Senate. The Senate substituted, as I understand, the same bill for the Underwood bill that it presents now. When the measure came back to the House the amendment was disagreed to and the bill was put into conference, and the result was the compromise bill that was vetoed by the President. We have traveled exactly along the same course up to this point in relation to the revision of the woolen schedule at this session of Congress, and it seems that gentlemen on the other side desire to put the same bill into conference again with the hope or expectation of compromising on substantially the same bill as before, with the expectation, I have no doubt—the gentleman from New York [Mr. HARRISON] almost expressed the hope—that it will be vetoed by the President, and there will be no legislation on the wool schedule at all.

Mr. HARRISON of New York. Mr. Speaker, I will call the gentleman's attention to the fact that no request for a conference has been made.

Mr. CRUMPACKER. That is involved in the proposition to disagree to the Senate amendment. It would almost of necessity mean a conference.

Mr. HARRISON of New York. Not at all; there is no request for a conference being made by the House.

Mr. CRUMPACKER. I wondered if the gentleman from New York in his remarks a few minutes ago expressed the senti-

ment of the Democratic side of the House when he, in effect, said the purpose of the Democrats was to practically defeat legislation upon the woolen schedule at this session of Congress, with the expectation that on the 4th day of next March there would be a Democratic President inaugurated, and then there would be a real Democratic revision of the tariff.

Mr. HARRISON of New York. Will the gentleman be courteous enough to yield? I call attention to the fact the La Follette bill is not to go into effect until the 1st of next January.

Mr. CRUMPACKER. It is not a question of the date of its going into effect so much as the certainty of revising this important schedule. Besides, it would be necessary in a measure of this kind to provide that it shall not become operative until some time after its passage, so that business would have time to adjust itself. Let me ask gentlemen on the other side if it is their purpose and intention to prevent the revision of the woolen schedule until the next administration? If that is the attitude of the Democratic Party, let it be known to the country, let the Democratic side of the House carry the responsibility of defeating a measure which, if they would agree to now, would become a law.

Mr. HARRISON of New York. The gentleman knows and every man on that side of the House knows that we have long desired to revise the woolen schedule, and if you will agree to the Underwood bill, you will have a revision now. [Applause on the Democratic side.]

Mr. CRUMPACKER. It looks to the ordinary citizen as if this question had been nursed along for campaign purposes. The Senate amendment will operate in a reduction of the duty on the woolen schedule of from 45 to 50 per cent all along the line. Here is an opportunity, gentlemen, to pass a bill that will reduce the duties on the clothing that the people of the country wear from 45 to 50 per cent. You have the opportunity to do it now.

Mr. HARRISON of New York. Who is responsible for the delay?

Mr. CRUMPACKER. We are not running the business of the House; we are in a helpless minority. I want to say a word in relation to the attitude of the gentleman from Connecticut [Mr. HILL]. He says the so-called La Follette proposition will reduce the duty on wool and woolen fabrics 16⅔ per cent below the rate of the Wilson tariff of 1894. I heard him not very long ago pronounce a very high encomium upon the Payne tariff, because it made the rates below the Wilson tariff.

Mr. HILL. On the whole 14 schedules.

Mr. CRUMPACKER. But the woolen schedule had no share in the glory of getting the duties down below the Wilson rate.

Mr. KITCHIN. I will yield the gentleman two minutes to answer this: Will the gentleman from Indiana [Mr. CRUMPACKER] say whether he favors the Hill bill or whether he favors the La Follette bill?

Mr. CRUMPACKER. If I had my way about it, I would enact the so-called Hill bill into law.

Mr. KITCHIN. Have you ever read it?

Mr. CRUMPACKER. With some degree of care.

Mr. KITCHIN. What is the difference between the Hill bill and the La Follette bill? How much is the difference in the rates?

Mr. CRUMPACKER. There is some difference in the rates. I think the Hill bill is a little higher in some respects.

Mr. KITCHIN. Is not the Hill bill 25 per cent higher?

Mr. CRUMPACKER. It is not; and it is more equitable in a good many respects.

Mr. Speaker, my attitude is this: There is an opportunity now of passing a bill that may become a law. We may agree to the substitute offered by the gentleman from New York [Mr. PAYNE], and that means conference. One bird in the hand is worth two in conference.

Mr. KITCHIN. Does the gentleman believe that the President would sign the La Follette bill?

Mr. CRUMPACKER. I am not authorized to speak for him, but I think he would.

Mr. KITCHIN. If so, why did all the stand-pat Republicans of the Senate vote against it?

Mr. CRUMPACKER. I am not responsible for anything in the Senate.

Mr. HILL. Did the gentleman say that the Payne bill as now offered as a substitute was 25 per cent higher than the La Follette bill?

Mr. CRUMPACKER. No, sir; I did not say that. I say the Senate amendment approximates the facts reported by the Tariff Board. That amendment provides a rate for a large class of fabrics at 55 per cent ad valorem. The rate on raw wool is 35 per cent. The rate on the fabric is 55 per cent, so the process of conversion of wool into cloth is protected by a 55 per cent rate plus the excess of the duty on raw wool of 20 per cent, and it seems to me that is high enough for protective purposes.

Mr. HILL. I wish to say that every individual member of the Tariff Board approves the bill of the gentleman from New York [Mr. PAYNE].

Mr. CRUMPACKER. I freely admit that the bill offered by the gentleman from Yew York [Mr. PAYNE] as a substitute for the Senate amendment, taken as a whole, is perhaps the most equitable and carefully prepared measure that has been submitted for consideration. As I said a moment ago, however, if that bill should be adopted as a substitute, the measure would be sent to the Senate and in all likelihood would go into conference. At this stage of the session it would mean that if the bill goes into conference the prospects for having an agreement between the two Houses and effective action would be very remote indeed. The Senate amendment which I have asked the House to agree to is a substantial embodiment of the essential facts contained in the Tariff Board's report. If the House should agree to that amendment the bill then would be ready to be submitted to the President for his approval. It is substantially different from the bill that passed the two Houses of Congress at the last session and was vetoed by the President. Furthermore, at that time the Tariff Board had made no report, and it was impossible for the President or anyone else to determine whether the bill that was submitted to him even approximately covered the difference in the cost of production here and in foreign countries. Conditions are different now. The report of the Tariff Board on the wool schedule has been before Congress over seven months, and careful examination of the report of the board will justify the conclusion that the Senate amendment substantially covers the difference in cost of production here and in foreign countries.

I am anxious for that amendment to prevail, because if it does I believe it means legislation. It means a thorough revision of the wool schedule. It means a reduction of the duties upon one of the great necessaries of life—from 45 per cent to 50 per cent on an average—and at the same time the maintenance of a rate of duties sufficiently high as to protect American manufacturers against disastrous foreign competition. It is of vital importance to have legislation at as early a date as is practicable, providing always that the legislation is wise and just. We are here offering our Democratic adversaries an opportunity to vote into law a provision that is safe and, from their standpoint, one that will relieve the consumers of woolen goods from a burden that our adversaries claim they have been unjustly carrying for many years.

They seem to hesitate because the measure is not one of their own creation, because it does not carry the label of "tariff for revenue only." They know full well that if the Senate amendment is not agreed to that the bill will go into conference and that it will either die there or that the conferees will report substantially the same bill that was reported last summer, which will be vetoed by the President. The President can not well do otherwise.

The country must know that all of this talk and pretense of revising the tariff schedules in the interest of the consumer is pure buncombe, read in the light of the action of the Democratic majority in this body. They stubbornly refuse to accept anything in the way of tariff revision that does not fully conform to their own unwise and dangerous policy. They will not accept a reduction of 50 per cent of the duties on wool, because they believe in a reduction of 60 per cent. If they can not get a whole loaf, they prefer no bread at all. If they can not secure for the people complete relief, from their own standpoint, they prefer to withhold from the people any relief at all. My judgment is that if their own bill were enacted into law it would paralyze the woolen industry in the country and throw hundreds of thousands of men and women out of employment and go a long way toward precipitating a general industrial panic.

We are told that the report of the Tariff Board is inaccurate and that it is subject to any one of a half dozen interpretations. These criticisms are unfair and unjust. It is true that the differences in the cost of production of woolen fabrics in this country and in foreign countries can not be ascertained to a mathematical certainty, because of the differences that exist in the cost of production in different individual mills and in different localities in the same country. One who studies the report of the Tariff Board with a view to finding facts that will authorize the maintenance of a very high duty upon woolens will accept the highest cost of production in this country as against the lowest cost of production in foreign countries, and upon this premise he will build a tariff that will be practically prohibitive. On the other hand, one who desires to eliminate all protective duties will study the report of the Tariff Board

to find justification for advocating free trade. He will take the lowest cost of production in the United States and compare it with the highest cost of production in foreign countries and conclude that it costs as much to manufacture woolens abroad as it does at home, and therefore there is no need of a tariff on woolen fabrics at all.

Honest, unbiased, sensible men will discover in the report of the Tariff Board the average cost of the great volume of woolen fabrics manufactured abroad that may enter our ports and occupy our markets against home production, unless there is a duty to protect the home product. They will not take the cost of production in a mill here that may produce cheaply, or another there that may produce at a very high cost, but they will take the difference in the cost of production of the great bulk in this country as compared with the great bulk of other countries, and from a business standpoint will ascertain the rate of duty that will be necessary to protect the American producer, and at the same time not be sufficiently high as to enable him to extort undue prices for his products from the consumer. It is a business question to be worked out by business methods.

I have given the Senate amendment careful study, and I am satisfied that under its operation no American industry will suffer. I feel assured that the duties carried in that amendment are high enough to protect every legitimate woolen industry in this country against destructive competition from abroad.

The present tariff on wool is unduly high. It is unscientific and unbusinesslike. If the Senate amendment should be agreed to and become a law, this Congress will have to its credit the enactment of no more important item of legislation than that, nor one that will meet with more earnest commendation of the people.

Mr. McCALL. Mr. Speaker, I am in favor of concurring in the Senate amendment, with the amendment proposed by the gentleman from New York [Mr. PAYNE]. With regard to the Senate bill I would say that, however high the opinion of gentlemen may be concerning the qualities of the author of that bill, and I admit the justice of much that is said in his favor, he did not have the benefit when he drew it of the investigations made by the Tariff Board. I am in favor of the amendment submitted by the gentleman from New York, because it comes as near as the seven minority members of the Ways and Means Committee could bring it to conform with the report of the Tariff Board. And unless we are to have a revision of the wool schedule along lines on which we as a party are pledged to draw such a bill, then I frankly say that the responsibility should go to the other side of the House for drawing a bill according to their theory. I do not believe in mongrel tariff bills which represent neither party, which may do harm, and which may benefit nobody, and for which no single party can be held responsible.

I agree with much that was said by the gentleman from New York [Mr. HARRISON]. I trust that the result may show that he is a false prophet, but if he is correct in his prophecy that Mr. Wilson will be President of the United States on the 4th of next March, then his position is entirely logical. His party has been in the minority for 16 years, and now when they see the promised land before them they compromise away their position on the tariff and agree to a tariff bill which does not conform to their views in any respect. I should hardly like to follow the gentleman as a prophet, because I might have to imitate Cassandra and prophesy evil. But we will have the issue fairly drawn, and if after the 4th of next March the Democratic Party is to be in control in the country and is to frame tariff legislation according to their platform and according to the speeches of its leaders during this session, then the American people will have an opportunity to judge from the effect upon industry, from the derangement, as I believe, of production which will follow, and the evil consequences of their action, whether they want tariff legislation upon Democratic lines or upon Republican lines. But if we compromise, if both parties agree here to a measure that is neither Republican nor Democratic, then no party can be held responsible. I am willing that those gentlemen who have the responsibility, if we are not to have a Republican tariff bill, should bear either the glory or the ignominy of whatever the result may be. [Applause on the Republican side.]

With regard to the bill which is called the "La Follette bill," it is clear that it does not accord with the Tariff Board report as to rates upon many important items, and especially in the character of duties. The Tariff Board recommended specific duties and the La Follette bill is made up of ad valorem duties. I would like to see, as I said, the report of the Tariff Board embodied in law.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield for a very brief question?

Mr. McCALL. Certainly.

Mr. LONGWORTH. Is there not another essential difference in that it does not follow the recommendation of the Tariff Board to assess the duty upon the scoured pound, and not upon the pound of raw wool? Is not that one of the very essential differences?

Mr. McCALL. The gentleman from Ohio is correct about that.

Now, I do not wish to say much more in regard to the report of the Tariff Board, which has been often criticized upon the floor of this House, but I will quote an authority who I think is an authority of the first rank. He is weighty because of the position he has held upon the tariff in the past, in view of his eminence as an economic scholar, and of the world-wide reputation which he bears. Prof. Taussig, of Harvard University, in an article published not long ago concerning the report of the Tariff Board, concluded in these words:

> Economists will long find in these volumes a mine of information, and will be grateful for them when the political squabbles which now turn on them have been forgotten.

I wish to have a law passed here, as our party is pledged to pass one, based upon the report of the Tariff Board. But if we can not have a law on that basis, then let the Democratic Party assume the responsibility, and let them act upon their theories and embody them in law. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Speaker, the report of this Tariff Board is the most remarkable document that has ever been presented to the Congress of the United States. The gentleman from Connecticut [Mr. HILL] states to this House, and I have no doubt in all good faith, so far as he is concerned, that his bill is sustained by the Tariff Board's report. The Senator from Wisconsin [Mr. LA FOLLETTE], at the other end of the Capitol, states to the Senate that his bill is sustained by the Tariff Board's report, and gentlemen on that side of the House assert that the La Follette bill should be passed, because the La Follette bill is written in conformity with the Tariff Board's report.

So far as I have been able to ascertain, the Tariff Board's report sustains the Democratic bill, so far as the report goes; and I want to challenge any man to point out where that report goes, in the ascertainment of facts of its own knowledge, beyond the question of a finding on raw wool and a finding on tops and a finding on yarn.

Now that is all the Tariff Board ever found as a matter of their own knowledge. It is true that they submitted certain samples of cloth to certain manufacturers in this country and abroad, asking them how much it would cost to make this sample in this country, and asking the foreign manufacturers how much it would cost to make it abroad—to make what they stated was a similar sample—and then they quote the statements of those manufacturers. Was that a finding of the Tariff Board? None whatever.

Now, outside of what they found on raw wool and on tops and on yarn, and these statements coming from third parties in reference to cloth, I challenge gentlemen to show me where they had made any statement about anything else in reference to the wool bill. [Applause on the Democratic side.]

Mr. HILL. Mr. Speaker, will the gentleman permit an interruption?

Mr. UNDERWOOD. Yes.

Mr. HILL. Does not the gentleman know that both the bill he had the honor to introduce and the bill that is now presented by the gentleman from Alabama [Mr. UNDERWOOD], with a motion to concur in the amendment, were written months before the Tariff Board made any report at all?

Mr. UNDERWOOD. Yes.

Mr. HILL. So that if there is any real harmony between the two it is a mere guess. The only change in the La Follette bill is a reduction of 5 per cent from the bill written months before the Tariff Board report was made, and the House bill is the same bill, with no change whatever on the part of the gentleman from Alabama. If there is any harmony, it is a good guess, that is all.

Mr. UNDERWOOD. I do not want the gentleman to take my time. I will yield to him all the time he wants. I am not contending that our bill was written on the report of the Tariff Board. I say the Tariff Board accepted the result of our findings and found the same result. [Applause on the Democratic side.]

There is not any man that can deny the proposition that the Tariff Board's findings as to the duty that should be levied on tops sustained the Democratic bill, and that as to the duty which should be levied on yarn they sustained the Democratic

bill, and you did not deny it when the bill was before the House. [Applause on the Democratic side.]

Now, on cloth there is no finding whatever, I say, by the Tariff Board. They went out to some manufacturers to ascertain what it would cost to make cloth here and abroad, and then they came back here and gave that statement as a report, and I asked what the cloth was and who the manufacturers were; they declined to give the information to the Committee on Ways and Means. And yet you ask the Congress of the United States to write a tariff bill on a report of facts that were assembled by British and American wool manufacturers [applause on the Democratic side], and it is on that kind of a report that you and your President desire to deny relief to the American people. [Applause on the Democratic side.]

Now, as I stated, the items reported on by the Tariff Board are about half the number of items in the tariff bill, and your board made no report whatever on the other items—merely threw it out, without information or any desire to give us information.

There was nothing in the world for the Committee on Ways and Means to do after that report came in but to stand by the bill it had originally reported to this House. That bill cuts the tax on raw wool nearly in half. It cuts the tax on the finished product of the woolen manufacturers nearly in half. It reduces the wool schedule from an average of 90 per cent on manufactured wool to 42 per cent. It is not a drastic bill. It is a very moderate tariff bill. And, eliminating what the manufacturer has to pay in the way of tariff on raw wool, it still leaves to the American manufacturer of cloth 32 per cent ad valorem protection.

Now, when this total labor cost, as shown by the report, is only 21 per cent, and the difference in the labor cost is admitted by everyone to be only one-half, and 10 or 11 per cent ad valorem would equal the difference in labor cost, here is a bill that gives the manufacturer 32 per cent protection. Do you say that is drastic and unfair to the American manufacturer? It gives him more than an ample protection.

But the Democratic Committee on Ways and Means did not attempt to be radical in this matter. It did not pretend to be radical. The Democratic platform that was in existence when the bill was written favored a gradual reduction of these tariff rates, and we made a gradual reduction in this bill.

The Tariff Board report has been made. That was an excuse why the President would not sign the woolen bill. Gentlemen on that side predicted that this bill would never come back to the House. It is here. I am not in favor of the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE]. I am ready now and will be ready when this bill goes to conference to give relief to the American people, even if I can not give all the relief that I believe is right and fair and just. [Applause on the Democratic side.]

Mr. ALLEN. Will the gentleman yield?

Mr. UNDERWOOD. I do.

Mr. ALLEN. Is it the purpose in sending the bill to conference to try to defeat legislation, or is it the intention to try to harmonize the differences between the two Houses and agree on a bill as speedily as possible?

Mr. UNDERWOOD. I will say to the gentleman that, of course, I can not answer for my colleagues on the committee. I am assuming that as chairman of the Committee on Ways and Means I will be on the conference committee, and I will speak for myself. So far as I am concerned, my purpose is, if possible, to relieve the American people from the burden of taxation that now rests on them, and I should like to relieve them at once.

Mr. MANN. Will the gentleman yield for a question?

Mr. UNDERWOOD. I will.

Mr. MANN. The gentleman's motion so far has not asked for a conference.

Mr. UNDERWOOD. I do not expect to ask for a conference now.

Mr. MANN. Because the Senate may recede?

Mr. UNDERWOOD. There may be a question as to whether the Senate will recede. I will be perfectly candid with the gentleman and with the House. My reason in not asking for a conference now is because I prefer my bill to the compromise bill. If I can get my bill, I am going to try to get it.

Mr. LENROOT. Will the gentleman yield for a question?

Mr. UNDERWOOD. I will.

Mr. LENROOT. Would the gentleman prefer his bill vetoed to a compromise bill signed?

Mr. UNDERWOOD. I will say to the gentleman from Wisconsin that I believe there is a greater probability of the President of the United States signing the Democratic House wool bill than there is of his signing Senator LA FOLLETTE's bill. [Applause on the Democratic side.] I think there is very much stronger probability, and there is a reason for it. I will tell you why. The La Follette bill has made practically no reduction on raw wool. It has made a reduction on the finished product. The burden of the La Follette bill on the manufacturer will be very much heavier because of the high tax it puts on raw wool and because of the reduction on the finished product than the Democratic tariff bill will be. There is no use of concealing that fact. There is a broader margin between our tax on raw wool and the tax on the finished product than there is in the Senate mendment.

Mr. KITCHIN. But our bill, on the whole, is lower.

Mr. UNDERWOOD. But our bill, on the whole, is lower than the Senate bill would be and less burden on the American people, because we do not put as high a tax on raw wool. That is the whole difference.

Mr. LENROOT. Which bill does the gentleman think offers greater competition from abroad?

Mr. UNDERWOOD. I think our bill does, because it is lower.

Mr. LENROOT. One more question. Is that to the interest of the American manufacturer, does the gentleman think?

Mr. UNDERWOOD. The competition with the American manufacturer comes when you estimate his cost. You could leave the Payne tariff rate, averaging 90 per cent on the finished product, and put a high enough tax on raw wool to put the American manufacturer out of business, notwithstanding the fact that the present rate is purely prohibitory, because when you increase the manufacturer's cost here by increasing his cost of raw wool you enable the foreigner to come in and compete with him, because you cut down his margin of profit.

Mr. KITCHIN. Because the foreigner pays no duty on raw wool.

Mr. UNDERWOOD. Certainly. The foreigner pays no duty on raw wool. If you put the rate high enough on raw wool, even under the Payne law, you could put the manufacturer out of existence. And there is where I criticize the Senate bill. I say there is no justification for the Senate bill. Under the theory of protection, with the tax you have on raw wool, the report of the Tariff Board showed clearly, if it showed anything—and the report of the Tariff Board on raw wool was more full and complete than all the balance of their report put together—they showed conclusively that so far as territorial wool is concerned there was no necessity of levying any tariff whatever for the purpose of protection, and the only place where they held that a tariff was necessary to be levied for protection on raw wool was for the merino sheep in Ohio and that section of the country. There they said that your present tariff rate of 11 and 12 cents a pound was not high enough to protect the growing of that class of sheep, but they also said that the half-breed sheep that could be sold for mutton, that was raised in Ohio and that country, could be grown without any tariff protection whatever on the wool.

If we were writing the tax on the theory of protection, there is nothing in this Tariff Board report that would justify our putting one cent of tax on raw wool. The Democratic Party put a tax on raw wool, not for protection, but for the purpose of raising $17,000,000 revenue that we felt we could not dispense with. That is why we put the tax on raw wool.

Mr. LONGWORTH. Why, then, does the gentleman put raw wool on the free list, when it produces a very large revenue, when the gentleman admits that the revenue is necessary?

Mr. UNDERWOOD. It is a matter of discretion as to where you shall levy a tax for revenue, and the Democratic position on sugar recognized the fact that sugar produces a large amount of revenue; but we said that the tax on sugar went into the home of every man in the United States, high or low, rich or poor.

Mr. LONGWORTH. Does not wool go into every home?

Mr. UNDERWOOD. Not as fully as sugar does. And we substituted for the $50,000,000 tax raised on sugar an excise tax to raise $60,000,000 from the pockets of the wealth of this country. [Applause on the Democratic side.] By that substitution we felt that we could put sugar on the free list, and the reason we have the tax on raw wool is for the purpose of raising revenue, and that alone. Therefore I say you can not go by this Tariff Board report. There is no man on that side of the House that dares say it is a full and complete report. There are no two men on that side of the House who can come to the same conclusion, if you locked them up in different rooms, as to what the Tariff Board's report means. As a matter of fact, when the gentleman from Connecticut [Mr. HILL] brought in his bill before the Ways and Means Committee and submitted it as a substitute, the roll was called, and a record was

taken—and therefore I am not disclosing the secrets of the committee that are not liable to be given out—and the balance of his colleagues did not vote, because they did not know what was in the bill, and he had to sustain the bill in the committee alone.

Mr. HILL. To what bill does the gentleman refer? Every one of them voted for it.

Mr. UNDERWOOD. The wool bill.

Mr. HILL. Why, certainly; it was presented upon the floor of the House by the gentleman from New York [Mr. PAYNE].

Mr. UNDERWOOD. If I am mistaken, Mr. Speaker, I apologize.

Mr. HILL. The gentleman is no more mistaken than in regard to many other things, but he has made a complete mistake in regard to this.

Mr. UNDERWOOD. My recollection is that when the gentleman presented his bill before the committee his colleagues said they did not know what was in his bill and therefore would not vote for it.

Mr. HILL. The gentleman is entirely mistaken in reference to the wool bill. The bill was presented by the gentleman from New York [Mr. PAYNE].

Mr. UNDERWOOD. Mr. Speaker, some of my colleagues advise me that it was the gentleman's cotton bill in respect to which that happened.

Mr. HILL. Oh, we will take that up later.

Mr. UNDERWOOD. But it was in reference to a Tariff Board report, and it merely illustrates the proposition I made—that after the gentleman had written a bill following the Tariff Board report on cotton, his own colleagues could not recognize it. [Laughter on the Democratic side.]

Mr. HILL. I am entirely prepared now to discuss that proposition. Does the gentleman desire to discuss the cotton question at this time?

Mr. UNDERWOOD. No.

Mr. HILL. Then I would suggest that he confine himself to the wool bill.

Mr. PAYNE. Mr. Speaker, my suggestion was that the gentleman from Alabama called up the cotton bill without notice, and I had not even read the cotton bill prepared by the gentleman from Connecticut, and I did not know anything about it.

Mr. UNDERWOOD. Mr. Speaker, I hope that this House will send this bill back to the Senate, disagreeing to the Senate amendments. I hope when the bill goes to the Senate that body will change its mind and conclude to abandon its amendments and send this House bill to the President of the United States. If the Senate does that, then, in compliance with his pledges, in compliance with his statement to the American people that after a tariff board had given Congress the information it desired he was in favor of legislation, he will be compelled to sign the bill. If a Democratic House and a Republican Senate send him legislation, I contend that he can not refuse to sign it without stultifying himself before the American people. [Applause on the Democratic side.] But if the Senate of the United States concludes not to accept the House bill and insists on its amendments and asks for a conference, then the committee on conference, at least those representing this side of the House, will go to that conference in the hope that they can reach an agreement that will ultimately secure relief to the American people.

Mr Speaker, I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from New York to concur with an amendment.

Mr. PAYNE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk called the roll; and there were—yeas 78, nays 158, answered "present" 8, not voting 146, as follows:

YEAS—78.

Austin	Griest	Miller	Speer
Barchfeld	Haugen	Mondell	Steenerson
Bartholdt	Hawley	Moore, Pa.	Stephens, Cal.
Bowman	Howland	Mott	Sterling
Burke, S. Dak.	Hughes, W. Va.	Needham	Stevens, Minn.
Calder	Humphrey, Wash.	Norris	Sulloway
Cannon	Kahn	Patton, Pa.	Switzer
Copley	Kendall	Payne	Taylor, Ohio
Crago	Kennedy	Pickett	Tilson
Crumpacker	Kinkaid, Nebr.	Plumley	Towner
Curry	Knowland	Pray	Utter
Foss	Lafean	Prince	Vare
French	La Follette	Prouty	Volstead
Fuller	Longworth	Rees	Wedemeyer
Gardner, Mass.	McCreary	Roberts, Mass.	Willis
Gardner, N. J.	McKinley	Rodenberg	Wilson, Ill.
Gillett	McKinney	Sells	Young, Kans.
Good	McLaughlin	Simmons	Young, Mich.
Green, Iowa	McMorran	Sloan	
Greene, Mass.	Mann	Smith, Saml. W.	

NAYS—158.

Adair	Driscoll, D. A.	James	Rauch
Adamson	Estopinal	Johnson, Ky.	Reilly
Akin, N. Y.	Evans	Johnson, S. C.	Robinson
Alexander	Fergusson	Jones	Rothermel
Allen	Finley	Kent	Rouse
Anderson, Minn.	Flood, Va.	Kinkead, N. J.	Rubey
Anderson, Ohio	Floyd, Ark.	Kitchin	Rucker, Colo.
Ansberry	Foster	Konig	Russell
Ashbrook	Fowler	Korbly	Shackleford
Bathrick	Francis	Lamb	Sharp
Beall, Tex.	Gallagher	Lee, Ga.	Sims
Blackmon	George	Lee, Pa.	Sisson
Boehne	Glass	Lenroot	Slayden
Brantley	Godwin, N. C.	Lever	Small
Buchanan	Goeke	Lindbergh	Smith, Tex.
Bulkley	Goodwin, Ark.	Linthicum	Stanley
Burke, Wis.	Graham	Littlepage	Stedman
Burleson	Gray	Lloyd	Stephens, Nebr.
Burnett	Gregg, Pa.	Lobeck	Stephens, Tex.
Byrns, Tenn.	Gregg, Tex.	McCoy	Stone
Candler	Gudger	McDermott	Sulzer
Carlin	Hamill	McKellar	Sweet
Claypool	Hamlin	Maguire, Nebr.	Taggart
Clayton	Hammond	Maher	Talcott, N. Y.
Cline	Hanna	Martin, Colo.	Taylor, Colo.
Connell	Hardy	Mays	Thayer
Conry	Harrison, Miss.	Morrison	Townsend
Cox, Ind.	Harrison, N. Y.	Moss, Ind.	Tribble
Cullop	Hay	Murray	Tuttle
Curley	Hayden	Neeley	Underwood
Davis, Minn.	Heflin	Oldfield	Watkins
Davis, W. Va.	Helgesen	O'Shaunessy	Webb
Dent	Henry, Tex.	Padgett	Whitacre
Dickinson	Hensley	Page	White
Dickson, Miss.	Holland	Pepper	Wilson, Pa.
Difenderfer	Houston	Post	Witherspoon
Dixon, Ind.	Howard	Pou	Woods, Iowa
Donohoe	Hull	Rainey	The Speaker
Doremus	Humphreys, Miss.	Raker	
Doughton	Jacoway	Ransdell, La.	

ANSWERED "PRESENT"—8.

Berger	Butler	Hill	Parran
Browning	Dwight	McCall	Sparkman

NOT VOTING—146.

Aiken, S. C.	Denver	Hughes, Ga.	Powers
Ainey	Dies	Hughes, N. J.	Pujo
Ames	Dodds	Jackson	Randell, Tex.
Andrus	Draper	Kindred	Redfield
Anthony	Driscoll, M. E.	Konop	Reyburn
Ayres	Dupré	Kopp	Richardson
Barnhart	Dyer	Lafferty	Riordan
Bartlett	Edwards	Langham	Roberts, Nev.
Bates	Ellerbe	Langley	Roddenbery
Bell, Ga.	Esch	Lawrence	Rucker, Mo.
Booher	Fairchild	Legare	Sabath
Borland	Faison	Levy	Saunders
Bradley	Farr	Lewis	Scully
Broussard	Ferris	Lindsay	Sheppard
Brown	Fields	Littleton	Sherley
Burgess	Fitzgerald	Loud	Sherwood
Burke, Pa.	Focht	McGillicuddy	Slemp
Byrnes, S. C.	Fordney	McGuire, Okla.	Smith, J. M. C.
Callaway	Fornes	McHenry	Smith, Cal.
Campbell	Garner	McKenzie	Smith, N. Y.
Cantrill	Garrett	Macon	Stack
Carter	Goldfogle	Madden	Stephens, Miss.
Cary	Gould	Martin, S. Dak.	Talbott, Md.
Catlin	Guernsey	Matthews	Taylor, Ala.
Clark, Fla.	Hamilton, Mich.	Moon, Pa.	Thistlewood
Collier	Hamilton, W. Va.	Moon, Tenn.	Thomas
Cooper	Hardwick	Moore, Tex.	Turnbull
Covington	Harris	Morgan	Underhill
Cox, Ohio	Hartman	Morse, Wis.	Vreeland
Cravens	Hayes	Murdock	Warburton
Currier	Heald	Nelson	Weeks
Dalzell	Helm	Nye	Wilder
Danforth	Henry, Conn.	Olmsted	Wilson, N. Y.
Daugherty	Higgins	Palmer	Wood, N. J.
Davenport	Hinds	Patten, N. Y.	Young, Tex.
Davidson	Hobson	Peters	
De Forest	Howell	Porter	

So the motion to concur with an amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. JACKSON (to concur) with Mr. HUGHES of New Jersey (against).

Mr. BROUSSARD with Mr. THISTLEWOOD.

Until August 1:

Mr. Cox of Ohio with Mr. ANTHONY.

Until August 28:

Mr. BYRNES of South Carolina with Mr. MADDEN.

Until further notice:

Mr. FERRIS with Mr. GUERNSEY.

Mr. PATTEN of New York with Mr. REYBURN.

Mr. FIELDS with Mr. LANGLEY.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. PALMER with Mr. HILL (with mutual privilege to transfer).

Mr. SAUNDERS with Mr. FOCHT.

Mr. PETERS with Mr. MCCALL.

Mr. FAISON with Mr. DE FOREST.

Mr. THOMAS with Mr. VREELAND.
Mr. SHERWOOD with Mr. WOOD of New Jersey.
Mr. EDWARDS with Mr. DALZELL.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. GARRETT with Mr. FORDNEY.
Mr. SHEPPARD with Mr. BATES.
Mr. HARDWICK with Mr. CAMPBELL.
Mr. SCULLY with Mr. BROWNING.
Mr. CALLAWAY with Mr. MICHAEL E. DRISCOLL.
Mr. LITTLETON with Mr. DWIGHT.
Mr. LEGARE with Mr. LOUD.
Mr. DUPRÉ with Mr. WILDER.
Mr. PUJO with Mr. SLEMP.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. TAYLOR of Alabama with Mr. HARTMAN.
Mr. AIKEN of South Carolina with Mr. AINEY.
Mr. AYRES with Mr. AMES.
Mr. BARNHART with Mr. BURKE of Pennsylvania.
Mr. BORLAND with Mr. CATLIN.
Mr. BROWN with Mr. DANFORTH.
Mr. CANTRILL with Mr. DODDS.
Mr. CARTER with Mr. DRAPER.
Mr. CLARK of Florida with Mr. HAMILTON of Michigan.
Mr. COLLIER with Mr. FARR.
Mr. COVINGTON with Mr. HARRIS.
Mr. DAUGHERTY with Mr. HEALD.
Mr. DAVENPORT with Mr. HENRY of Connecticut.
Mr. DIES with Mr. HIGGINS.
Mr. ELLERBE with Mr. CURRIER.
Mr. FITZGERALD with Mr. HINDS.
Mr. GARNER with Mr. HOWELL.
Mr. GOLDFOGLE with Mr. LAWRENCE.
Mr. HAMILTON of West Virginia with Mr. LAFFERTY.
Mr. HELM with Mr. MCGUIRE of Oklahoma.
Mr. HUGHES of Georgia with Mr. MCKENZIE.
Mr. KINDRED with Mr. MARTIN of South Dakota.
Mr. LEVY with Mr. POWERS.
Mr. MCGILLICUDDY with Mr. MATTHEWS.
Mr. MOON of Tennessee with Mr. MOON of Pennsylvania.
Mr. RICHARDSON with Mr. NYE.
Mr. SHERLEY with Mr. OLMSTED.
Mr. SMITH of New York with Mr. PORTER.
Mr. STEPHENS of Mississippi with Mr. ROBERTS of Nevada.
Mr. UNDERHILL with Mr. J. M. C. SMITH.
Mr. WILSON of New York with Mr. SMITH of California.
Mr. YOUNG of Texas with Mr. KOPP.

For the session:

Mr. BURGESS with Mr. WEEKS.
Mr. HOBSON with Mr. FAIRCHILD.
Mr. BELL of Georgia with Mr. LANGHAM.
Mr. FORNES with Mr. BRADLEY.
Mr. RIORDAN with Mr. ANDRUS.
Mr. BARTLETT with Mr. BUTLER.
Mr. TURNBULL with Mr. HAYES.

Mr. BROWNING. Mr. Speaker, I find I am paired with Mr. SCULLY, of New Jersey. I voted "aye." I desire to withdraw my vote and answer "present."

The name of Mr. BROWNING was called, and he answered "Present."

Mr. MCCALL. Mr. Speaker, I voted "aye," and I am paired with my colleague Mr. PETERS, and I desire to withdraw my vote and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. MCCALL was called, and he answered "Present."

Mr. DWIGHT. Mr. Speaker, I am paired with Mr. LITTLETON, of New York. I voted "aye," and desire to withdraw my vote and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. DWIGHT was called, and he answered "Present."

Mr. BUTLER. Mr. Speaker, I have a general pair with the gentleman from Georgia, Mr. BARTLETT. I find he is absent. I voted "aye," and I would like to withdraw my vote.

The SPEAKER. Call the gentleman's name.

The name of Mr. BUTLER was called, and he answered "Present."

The SPEAKER. Call my name.

The name of Mr. CLARK of Missouri was called, and he voted "no."

The result of the vote was announced as above recorded.

The SPEAKER. The question is—did the gentleman from Indiana want to offer his motion?

Mr. CRUMPACKER. I thought it was pending; if it is not, I move the House concur in the Senate amendment.

The SPEAKER. The question is on concurring in the Senate amendment.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. ASHBROOK. Mr. Speaker, I ask for the yeas and nays.

Mr. CRUMPACKER. Mr. Speaker, I ask for the yeas and nays on the vote.

The SPEAKER. Forty-three gentlemen have arisen, not a sufficient number. It takes 46——

Mr. CRUMPACKER. Mr. Speaker, I demand the other side. The negative was taken.

The SPEAKER. On this vote the ayes are 43, the noes are 192; 43 is a sufficient number, and the Clerk will call the roll. [Applause.] This vote is on the motion of the gentleman from Indiana to concur in the Senate amendment.

The question was taken; and there were—yeas 56, nays 179, answered "present" 7, not voting 148, as follows:

YEAS—56.

Akin, N. Y.	Good	Lenroot	Sells
Anderson, Minn.	Green, Iowa	Lindbergh	Sloan
Ashbrook	Griest	McLaughlin	Smith, Saml. W.
Bowman	Hanna	Miller	Steenerson
Burke, S. Dak.	Hawley	Moss, Ind.	Stephens, Cal.
Copley	Helgesen	Mott	Stevens, Minn.
Crumpacker	Hughes, W. Va.	Norris	Towner
Curry	Kendall	Patton, Pa.	Vare
Davis, Minn.	Kennedy	Pickett	Volstead
Donohoe	Kent	Prince	Wedemeyer
Francis	Kinkaid, Nebr.	Prouty	Whitacre
French	Lafean	Rees	Wilson, Ill.
Fuller	Lafferty	Roberts, Mass.	Woods, Iowa
Gardner, N. J.	La Follette	Rucker, Colo.	Young, Kans.

NAYS—179.

Adair	Finley	Kinkead, N. J.	Reilly
Adamson	Flood, Va.	Kitchin	Robinson
Alexander	Floyd, Ark.	Knowland	Rodenberg
Allen	Foss	Konig	Rothermel
Anderson, Ohio	Foster	Korbly	Rouse
Ansberry	Fowler	Lamb	Rubey
Austin	Gallagher	Lee, Ga.	Russell
Barchfeld	Gardner, Mass.	Lee, Pa.	Shackleford
Bartholdt	George	Lever	Sharp
Bathrick	Gillett	Linthicum	Simmons
Beall, Tex.	Glass	Littlepage	Sisson
Blackmon	Godwin, N. C.	Lloyd	Slayden
Boehne	Goeke	Lobeck	Small
Brantley	Goodwin, Ark.	Longworth	Smith, Tex.
Broussard	Graham	McCoy	Speer
Buchanan	Gray	McCreary	Stanley
Bulkley	Greene, Mass.	McDermott	Stedman
Burke, Wis.	Gregg, Pa.	McKellar	Stephens, Nebr.
Burleson	Gregg, Tex.	McKinley	Stephens, Tex.
Burnett	Gudger	McKinney	Sterling
Byrns, Tenn.	Hamill	McMorran	Stone
Calder	Hamlin	Maguire, Nebr.	Sulloway
Candler	Hammond	Maher	Sulzer
Cannon	Hardy	Mann	Sweet
Carlin	Harrison, Miss.	Martin, Colo.	Switzer
Claypool	Harrison, N. Y.	Mondell	Taggart
Clayton	Haugen	Moore, Pa.	Talcott, N. Y.
Cline	Hay	Morrison	Taylor, Colo.
Connell	Hayden	Murray	Taylor, Ohio.
Conry	Heflin	Needham	Thayer
Cox, Ind.	Henry, Tex.	Neeley	Tilson
Crago	Hensley	Oldfield	Townsend
Cravens	Holland	O'Shaunessy	Tribble
Curley	Houston	Padgett	Tuttle
Davis, W. Va.	Howard	Page	Underwood
Dent	Howland	Payne	Utter
Dickinson	Hull	Pepper	Watkins
Difenderfer	Humphrey, Wash.	Plumley	Webb
Dixon, Ind.	Humphreys, Miss.	Post	White
Doremus	Jacoway	Pou	Willis
Doughton	James	Pray	Wilson, Pa.
Driscoll, D. A.	Johnson, Ky.	Rainey	Witherspoon
Estopinal	Johnson, S. C.	Raker	Young, Mich.
Evans	Jones	Ransdell, La.	The Speaker
Fergusson	Kahn	Rauch	

ANSWERED "PRESENT"—7.

Berger	Butler	Hill	Parran
Browning	Dwight	Mays	

NOT VOTING—148.

Aiken, S. C.	Catlin	Edwards	Hayes
Ainey	Clark, Fla.	Ellerbe	Heald
Ames	Collier	Esch	Helm
Andrus	Cooper	Fairchild	Henry, Conn.
Anthony	Covington	Faison	Higgins
Ayres	Cox, Ohio	Farr	Hinds
Barnhart	Cullop	Ferris	Hobson
Bartlett	Currier	Fields	Howell
Bates	Dalzell	Fitzgerald	Hughes, Ga.
Bell, Ga.	Danforth	Focht	Hughes, N. J.
Booher	Daugherty	Fordney	Jackson
Borland	Davenport	Fornes	Kindred
Bradley	Davidson	Garner	Konop
Brown	De Forest	Garrett	Kopp
Burgess	Denver	Goldfogle	Langham
Burke, Pa.	Dickson, Miss.	Gould	Langley
Byrnes, S. C.	Dies	Guernsey	Lawrence
Callaway	Dodds	Hamilton, Mich.	Legare
Campbell	Draper	Hamilton, W. Va.	Levy
Cantrill	Driscoll, M. E.	Hardwick	Lewis
Carter	Dupré	Harris	Lindsay
Cary	Dyer	Hartman	Littleton

Loud	Murdock	Roberts, Nev.	Stack
McCall	Nelson	Roddenbery	Stephens, Miss.
McGillicuddy	Nye	Rucker, Mo.	Talbott, Md.
McGuire, Okla.	Olmsted	Sabath	Taylor, Ala.
McHenry	Palmer	Saunders	Thistlewood
McKenzie	Patten, N. Y.	Scully	Thomas
Macon	Peters	Sheppard	Turnbull
Madden	Porter	Sherley	Underhill
Martin, S. Dak.	Powers	Sherwood	Vreeland
Matthews	Pujo	Sims	Warburton
Moon, Pa.	Randell, Tex.	Slemp	Weeks
Moon, Tenn.	Redfield	Smith, J. M. C.	Wilder
Moore, Tex.	Reyburn	Smith, Cal.	Wilson, N. Y.
Morgan	Richardson	Smith, N. Y.	Wood, N. J.
Morse, Wis.	Riordan	Sparkman	Young, Tex.

So the motion to concur in the Senate amendment was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SIMS with Mr. HARRIS.

Mr. MAYS with Mr. THISTLEWOOD.

For the vote:

Mr. JACKSON (to concur) with Mr. HUGHES of New Jersey (against).

Mr. MAYS. Mr. Speaker, I wish to change my vote from "nay" to "present."

The name of the gentleman from Florida [Mr. MAYS] was called, and he voted "present."

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he voted "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The amendment of the gentleman from Indiana [Mr. CRUMPACKER] is rejected, and that carries with it the motion of the gentleman from Alabama [Mr. UNDERWOOD] to disagree to the Senate amendment.

On motion of Mr. UNDERWOOD, a motion to reconsider the vote by which the motion to concur in the Senate amendment was rejected was laid on the table.

EXCISE TAX.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21214, known as the excise-tax bill, for the purpose of considering the Senate amendments, and, pending that motion, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the Senate amendments to the excise bill, and, pending that, he asks unanimous consent that the amendments may be considered in the House as in the Committee of the Whole House on the state of the Union.

Mr. PAYNE. Mr. Speaker, I want to say to the gentleman that I have no objection to that order. I want a separate vote on amendments Nos. 12 and 13, one with reference to the repeal of the reciprocity act and one with reference to the Tariff Board.

Mr. UNDERWOOD. There will be no objection on my part to the gentleman getting that.

The SPEAKER. What is the agreement?

Mr. UNDERWOOD. I have just stated to the gentleman from New York [Mr. PAYNE] that there would be no attempt to prevent his getting a separate vote on those amendments.

The SPEAKER. The gentleman from New York [Mr. PAYNE] gives notice that he desires a separate vote on amendments numbered 12 and 13, one on reciprocity and one on the Tariff Board.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is it not true that a separate vote would have to be taken on every amendment except by unanimous consent otherwise?

The SPEAKER. The Chair did not understand.

Mr. UNDERWOOD. I think the gentleman is correct about it.

Mr. MANN. Would not a separate vote have to be taken on every amendment except by unanimous consent otherwise?

The SPEAKER. The Chair thinks so. Is there objection to the motion of the gentleman from Alabama [Mr. UNDERWOOD]? [After a pause.] The Chair hears none. The Clerk will report the first amendment.

Mr. PAYNE. Mr. Speaker, one or two gentlemen who have spoken on the other bill desire unanimous consent to extend their remarks in the RECORD. I do not ask it for myself.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that those gentlemen who spoke on the wool bill when it was pending before the House have five legislative days in which to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that all Members who spoke on the wool bill shall have five legislative days in which to extend their remarks in the RECORD on the bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendments to the excise bill.

Mr. UNDERWOOD. Mr. Speaker, unless there is a desire on the part of some gentlemen on the other side of the House to have a vote on the other amendments to this bill—and most of them are technical amendments, except the two amendments indicated by the gentleman from New York, namely, 12 and 13—I ask unanimous consent to disagree to the other Senate amendments.

The SPEAKER. The gentleman from Alabama asks unanimous consent to disagree to all the Senate amendments except those as to reciprocity and the Tariff Board. Is there objection?

There was no objection.

Mr. UNDERWOOD. Now, Mr. Speaker, if the gentleman from New York desires to make his motion——

Mr. PAYNE. Mr. Speaker, I move that the House concur in the amendment numbered 12.

Mr. UNDERWOOD. Now, on that motion I would like to agree with the gentleman from New York as to how much time he wants.

Mr. PAYNE. No gentleman has spoken to me in regard to time. I do not know of anyone who wishes it, unless it is the gentleman from Illinois [Mr. MANN].

Mr. UNDERWOOD. If no gentleman on that side desires time, I would like to have a vote.

Mr. PAYNE. I do not know whether any gentleman desires time or not.

Mr. MANN. Mr. Speaker, I ask unanimous consent to extend my remarks on amendment numbered 12 in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Connecticut [Mr. HILL] makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. SAMUEL W. SMITH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on amendment numbered 12.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, I make a similar request.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] submits a similar request. Is there objection?

There was no objection.

Mr. CALDER. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on amendment No. 12. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask unanimous consent that gentlemen who desire to speak on amendment No. 12, the repeal of the Canadian reciprocity pact, may have five legislative days in which to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that all gentlemen who desire to do so may have five legislative days in which to extend their remarks in the RECORD on the Canadian reciprocity pact. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I move that the House concur in Senate amendment No. 12.

Mr. UNDERWOOD. I ask for a vote, Mr. Speaker, if gentlemen do not desire to discuss the amendment.

Mr. PAYNE. I ask for the yeas and nays on the proposition.

The SPEAKER. Is this the reciprocity amendment that is to be voted on now?

Mr. PAYNE. Yes; it is the repeal of the reciprocity bill.

Mr. TOWNSEND. Mr. Speaker, I ask that the amendment be reported.

The SPEAKER. The gentleman from New Jersey [Mr. TOWNSEND] asks that the amendment be reported. Without objection, the Clerk will report Senate amendment No. 12.

There was no objection.

The Clerk read the amendment, as follows:

(12) SEC. 11. That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and is hereby, repealed: *Provided*, That

from and after the passage of this act the duty on chemical wood pulp shall be one-twelfth of 1 cent per pound, dry weight, if unbleached, and one-eighth of 1 cent per pound if bleached, and the duty on printing paper as described in paragraph 409 of the act approved August 5, 1909, shall be one-tenth of 1 cent per pound if valued at not above 3 cents per pound, two-tenths of 1 cent per pound if valued above 3 cents and not above 5 cents per pound, and 7½ per cent ad valorem if valued above 5 cents per pound.

The SPEAKER. The gentleman from New York [Mr. PAYNE] moves to concur in Senate amendment numbered 12, and on that motion he demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of repealing the reciprocity pact will vote "yea" when their names are called; those opposed will vote "nay."

The question was taken; and there were—yeas 107, nays 126, answered "present" 8, not voting 149, as follows:

YEAS—107.

Akin, N. Y.	Gillett	Lindbergh	Sells
Anderson, Minn.	Godwin, N. C.	Longworth	Sharp
Ashbrook	Good	McCreary	Simmons
Austin	Graham	McKinley	Sloan
Barchfeld	Green, Iowa	McKinney	Smith, Saml. W.
Bartholdt	Greene, Mass.	McLaughlin	Speer
Bathrick	Griest	McMorran	Steenerson
Bowman	Gudger	Miller	Stephens, Cal.
Broussard	Hammond	Moore, Pa.	Sterling
Burke, S. Dak.	Hanna	Mott	Stevens, Minn.
Burke, Wis.	Haugen	Needham	Stone
Cannon	Hawley	Neeley	Sulloway
Claypool	Heald	Norris	Switzer
Copley	Helgesen	Page	Taylor, Ohio
Crago	Howland	Patton, Pa.	Towner
Crumpacker	Hughes, W. Va.	Payne	Utter
Curry	Humphrey, Wash.	Pickett	Vare
Davis, Minn.	Kahn	Plumley	Volstead
Difenderfer	Kendall	Pou	Webb
Doughton	Kennedy	Pray	Wedemeyer
Foss	Kent	Prince	Whitacre
Foster	Kinkaid, Nebr.	Prouty	Willis
Fowler	Knowland	Rees	Wilson, Ill.
French	Lafean	Roberts, Mass.	Woods, Iowa
Fuller	Lafferty	Rodenberg	Young, Kans.
Gardner, Mass.	La Follette	Rubey	Young, Mich.
Gardner, N. J.	Lenroot	Rucker, Colo.	

NAYS—126.

Adair	Fergusson	Kinkead, N. J.	Reilly
Adamson	Finley	Kitchin	Robinson
Alexander	Flood, Va.	Konig	Rothermel
Allen	Floyd, Ark.	Korbly	Rouse
Anderson, Ohio	Francis	Lamb	Russell
Ansberry	Gallagher	Lee, Ga.	Shackleford
Beall, Tex.	George	Lee, Pa.	Sims
Berger	Goeke	Lever	Sisson
Blackmon	Goodwin, Ark.	Linthicum	Slayden
Boehne	Gray	Littlepage	Small
Buchanan	Gregg, Pa.	Lloyd	Smith, Tex.
Bulkley	Gregg, Tex.	Lobeck	Stanley
Burleson	Hamill	McCall	Stedman
Burnett	Hamlin	McCoy	Stephens, Nebr.
Byrns, Tenn.	Hardy	McDermott	Stephens, Tex.
Calder	Harrison, Miss.	McKellar	Sweet
Candler	Harrison, N. Y.	Maguire, Nebr.	Taggart
Clayton	Hay	Maher	Talcott, N. Y.
Cline	Hayden	Mann	Taylor, Colo.
Connell	Heflin	Martin, Colo.	Thayer
Conry	Henry, Tex.	Morrison	Tilson
Cox, Ind.	Hensley	Moss, Ind.	Townsend
Cullop	Holland	Murray	Tribble
Curley	Houston	Oldfield	Tuttle
Davis, W. Va.	Howard	O'Shaunessy	Underwood
Dent	Hull	Padgett	Watkins
Dixon, Ind.	Humphreys, Miss.	Pepper	White
Donohoe	Jacoway	Post	Wilson, Pa.
Doremus	James	Rainey	Witherspoon
Driscoll, D. A.	Johnson, Ky.	Raker	The Speaker
Estopinal	Johnson, S. C.	Ransdell, La.	
Evans	Jones	Rauch	

ANSWERED "PRESENT"—8.

Browning	Catlin	Glass	Mays
Butler	Dwight	Hill	Parran

NOT VOTING—149.

Aiken, S. C.	Clark, Fla.	Esch	Hinds
Ainey	Collier	Fairchild	Hobson
Ames	Cooper	Faison	Howell
Andrus	Covington	Farr	Hughes, Ga.
Anthony	Cox, Ohio	Ferris	Hughes, N. J.
Ayres	Cravens	Fields	Jackson
Barnhart	Currier	Fitzgerald	Kindred
Bartlett	Dalzell	Focht	Konop
Bates	Danforth	Fordney	Kopp
Bell, Ga.	Daugherty	Fornes	Langham
Booher	Davenport	Garner	Langley
Borland	Davidson	Garrett	Lawrence
Bradley	De Forest	Goldfogle	Legare
Brantley	Denver	Gould	Levy
Brown	Dickinson	Guernsey	Lewis
Burgess	Dickson, Miss.	Hamilton, Mich.	Lindsay
Burke, Pa.	Dies	Hamilton, W. Va.	Littleton
Byrnes, S. C.	Dodds	Hardwick	Loud
Callaway	Draper	Harris	McGillicuddy
Campbell	Driscoll, M. E.	Hartman	McGuire, Okla.
Cantrill	Dupré	Hayes	McHenry
Carlin	Dyer	Helm	McKenzie
Carter	Edwards	Henry, Conn.	Macon
Cary	Ellerbe	Higgins	Madden
Martin, S. Dak.	Peters	Scully	Thistlewood
Matthews	Porter	Sheppard	Thomas
Mondell	Powers	Sherley	Turnbull
Moon, Pa.	Pujo	Sherwood	Underhill
Moon, Tenn.	Randell, Tex.	Slemp	Vreeland
Moore, Tex.	Redfield	Smith, J. M. C.	Warburton
Morgan	Reyburn	Smith, Cal.	Weeks
Morse, Wis.	Richardson	Smith, N. Y.	Wilder
Murdock	Riordan	Sparkman	Wilson, N. Y.
Nelson	Roberts, Nev.	Stack	Wood, N. J.
Nye	Roddenbery	Stephens, Miss.	Young, Tex.
Olmsted	Rucker, Mo.	Sulzer	
Palmer	Sabath	Talbott, Md.	
Patten, N. Y.	Saunders	Taylor, Ala.	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "nay," as above recorded.

So the motion to concur in Senate amendment No. 12 was lost.

The Clerk announced the following additional pairs:

For the session:

Mr. GLASS with Mr. SLEMP.

On the vote:

Mr. PETERS with Mr. FARR.

Mr. JACKSON (for repeal) with Mr. HUGHES of New Jersey (against).

Until further notice:

Mr. SULZER with Mr. MATTHEWS.

Mr. PUJO with Mr. MCGUIRE of Oklahoma.

Mr. RODDENBERY with Mr. J. M. C. SMITH.

Mr. BRANTLEY with Mr. MARTIN of South Dakota.

Mr. COLLIER with Mr. MONDELL.

Mr. DWIGHT. Mr. Speaker, I voted "yea," but I find that I am paired with my colleague from New York, Mr. LITTLETON, and I wish to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. DWIGHT, and he answered "Present."

Mr. STERLING. Mr. Speaker, am I recorded as voting?

The SPEAKER. The gentleman is recorded.

The result of the vote was announced as above recorded.

The SPEAKER. The motion to concur in the Senate amendment is lost, which is equivalent to the adoption of a motion to disagree.

Mr. PAYNE. Mr. Speaker, I ask that Senate amendment No. 13 be reported.

The Clerk read the amendment, as follows:

(13) SEC. 12. That a board is hereby created, to be known as the Tariff Board, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. The members first appointed under this act shall continue in office from the date of qualification for the terms of two, three, four, five, and six years, respectively, from and after the first day of October, A. D. 1912, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate a member of the board to be the chairman thereof during the term for which he is appointed. Any member may, after due hearing, be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three members of said board shall be members of the same political party. Three members of said board shall constitute a quorum. The chairman of said board shall receive a salary of $7,500 per annum and the other members each a salary of $7,000 per annum. The board shall have authority to appoint a secretary and fix his compensation, and to appoint and fix the compensation of such other employees as it may find necessary to the performance of its duties.

That the principal office of said board shall be in the city of Washington. The board, however, shall have full authority, as a body, by one or more of its members, or through its employees, to conduct investigations at any other place or places, either in the United States or foreign countries, as the board may determine. All the expenses of the board, including all necessary expenses for transportation incurred by the members or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the chairman of the board. Should said board require the attendance of any witness, either in Washington or any place not the home of said witness, said witness shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

That it shall be the duty of said board to investigate the cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation, with special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the cost of transportation from the place or places of production to the principal areas of consumption, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws, and said board shall also make investigation of any such subject whenever directed by either House of Congress.

That to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, and as to any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States

which discriminates against the United States or the products thereof, and to assist the President in the application of the maximum and minimum tariffs and other administrative provisions of the customs laws, the board shall, from time to time, make report, as the President shall direct.

That for the purposes of this act said board shall have power to subpœna witnesses, to take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation to produce books and papers relating to any matter pertaining to such investigation. In case of failure to comply with the requirements of this section, the board may report to Congress such failure, specifying the names of such persons, the individual names of such firm or copartnership, and the names of the officers and directors of each such corporation or association so failing, which report shall also specify the article or articles produced, imported, or distributed by such person, firm, copartnership, corporation, or association, and the tariff schedule which applies to such article.

That in any investigation authorized by this act the board may obtain such evidence or information as it may deem advisable, but said board shall not be required to divulge the names of persons furnishing such evidence or information; and no evidence or information so secured under the provisions of this section from any person, firm, copartnership, corporation, or association shall be made public by said board in such manner as to be available for the use of any business competitor or rival.

That said board shall submit the results of its investigations, as hereinbefore provided, including all testimony, together with any explanatory report of the facts so ascertained, to the President or to either House of Congress, from time to time, when called upon by the President or either House of Congress.

That upon the taking effect of this act the body now known as the Tariff Board shall transfer to the Tariff Board hereby created all such property and equipment, books and papers as are now possessed or used by said first-mentioned board in connection with the subjects for which the Tariff Board is hereby created, and thereupon the said first-mentioned board shall cease to exist.

Mr. PAYNE. Mr. Speaker, I move that the House concur in the Senate amendment; and if no gentleman desires to speak——

Mr. LONGWORTH. I should like to ask the gentleman a question. Will the gentleman yield?

Mr. PAYNE. I will.

Mr. LONGWORTH. I desire to know if this amendment is in the same language as the bill that passed the Senate on the 3d of last March and came over to the House and was beaten in the closing days of the session?

Mr. PAYNE. It is substantially the same bill, but not exactly. There is a provision in this which I think was not in the bill to which the gentleman refers. That provision is that the board shall report to either House of Congress.

Mr. LONGWORTH. That was in that bill.

Mr. PAYNE. Then I think it is substantially the same bill.

Mr. LONGWORTH. It is the Tariff Board bill.

Mr. PAYNE. Yes.

Mr. UNDERWOOD. Mr. Speaker, I desire to occupy the time of the House but five minutes.

I wish to say to the House that this amendment placed on the excise bill is an amendment to enact into law the Tariff Board provision that the House has voted on several times before. It is to enact into law the same Tariff Board provision that was proposed in the last Congress, practically, and that has been proposed in this Congress.

I have an objection to this legislation, and had the same objection to the proposal to repeal the Canadian reciprocity treaty being included in this excise tax bill. The excise bill has been agreed to by the Senate. It has been agreed to by this House. It is the greatest piece of remedial legislation for the benefit of the masses of the American people that has been passed in a quarter of a century. [Applause on the Democratic side.]

It proposes to put fifty million or sixty million dollars of the burdens of taxation on the wealth of the country, and to enable the Congress to remove it from the backs of the American people. [Applause.] I think if you had voted a few minutes ago to put a provision in this bill to repeal the Canadian reciprocity pact, you would have sent the bill to the President of the United States expecting a veto as soon as it got there. You would have rung its death knell before you sent it from your hands, and I do not think we ought to jeopardize this bill by putting any amendments on it that are foreign to the real purpose of this act.

In the next place the Senate, under the Constitution of the United States, has no right to originate tariff legislation. This is a proposition that is not germane to the original bill, that has no right on it and no place on it. The gentlemen on that side of the House who believe in a Tariff Board, if they are honest and earnest on that question, have a fair forum in which to fight their battles. They have their proposition on the sundry civil bill to-day. They can fight it out on the sundry civil bill, which is one of the great supply bills of this country. They do not need to jeopardize this great excise-tax bill by trying to complicate its provisions by putting upon it amendments to which they know this side of the House can not agree.

As to the Tariff Board proposition itself, this side of the House has met that issue fairly, and its proposition on that subject will become a law. When the legislative bill was before the House we provided for a bureau of domestic and foreign commerce in the Department of Commerce and Labor. That amendment was adopted by the House, and I understand it stands in the bill ratified by the Senate. In that provision for a bureau of domestic and foreign commerce is a paragraph authorizing the bureau to do absolutely all the investigation that is provided for in this bill and providing that it shall report to Congress.

Mr. GILLETT. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. GILLETT. In that provision was there any larger appropriation given than always has been given for the performance of the functions of the Bureau of Manufactures? Therefore, is there any way for it to do any tariff work?

Mr. UNDERWOOD. There is no appropriation in this proposition at all; and as to the appropriation, it must go to the gentleman's committee anyhow to get the money. The Committee on Ways and Means have no control of appropriations.

Mr. GILLETT. But the provision which the gentleman speaks of does not make any appropriation at all, beyond such as has always been given for the Bureau of Manufactures.

Mr. UNDERWOOD. But it puts the law there, and when the Secretary calls on Congress for the appropriation I have no doubt it will be given. This provision could not work unless Congress gave the money, so there is nothing in that contention at all. But the gentleman from Massachusetts [Mr. GILLETT] knows, because he is on the conference committee, that my statement is correct when I say that in that bill there is a provision, put there by this Democratic House, authorizing as full and as ample investigation as to all facts on which a tariff bill could be written as is provided in this amendment. It provides that the report shall be made to this House, and there is no reason for your adopting this amendment unless you want to jeopardize the passage and the approval of an honest bill. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, the provision in the legislative appropriation bill referred to by the gentleman from Alabama was not an extension of authority to make investigations, but was a restriction of existing authority. It provided for one bureau instead of two that now exist, and instead of increasing the chance to obtain information it decreases the opportunity. The gentleman's excuse for opposing this amendment is the most peculiar excuse that he has ever been called upon to make. With the Senate in favor of the proposition, with the President of the United States known to be in favor of it, he says the House should disagree to the amendment for fear that by agreeing to it we will jeopardize the bill. [Applause on the Republican side.]

Mr. UNDERWOOD. The gentleman from Illinois misunderstood my statement. I said that it was put on here for the purpose of jeopardizing this bill; that the man who placed it on here knew that this side of the House was opposed to the passage of it. [Applause on the Democratic side.]

Mr. MANN. But no gentleman on the other side of the House can excuse himself for voting against the amendment on the ground that it may jeopardize the bill. If that side of the House to-day, with the opportunity before it, agrees to this amendment, the final approval of the President of the United States is already written upon the law. [Applause on the Republican side.] Gentlemen over there are jeopardizing the bill by refusing to accept a proposition which the gentleman from Alabama [Mr. UNDERWOOD] himself only a year ago favored in the Committee on Ways and Means and in the House. It is the same proposition reported from the Committee on Ways and Means in the last Congress by a unanimous vote. [Applause on the Republican side.] But now the gentleman is afraid of his own shadow, afraid he will jeopardize the bill by adding an amendment to it that all Republicans are in favor of.

Mr. UNDERWOOD. I should like to ask the gentleman a question. The gentleman is the leader of the Republicans. He is the mouthpiece, or should be, of the administration. I want to ask him if we agree to put this amendment No. 12, repealing the Canadian reciprocity, onto this excise tax bill, does the gentleman from Illinois believe the President of the United States would sign it?

Mr. MANN. We have disposed of that amendment. [Laughter on the Democratic side.] That is a last year's bird's nest. The gentleman hides behind that amendment in an endeavor to defeat this amendment. I do not wonder that he is afraid to meet the issue on this amendment, and seeks to divert attention to the other amendment. This amendment is now before the House.

Mr. UNDERWOOD. But the gentleman has not yet answered my question.

Mr. MANN. And if the gentlemen on that side of the aisle are in favor of a tariff board, let them vote for this amendment. If they are opposed to a tariff board, let them vote against the amendment.

Mr. UNDERWOOD. But the gentleman has not yet answered my question. I am inquiring for information, and I am going to the source of authority.

Mr. MANN. I do not know, if that is what the gentleman wants to know. But if the gentleman desires to advance the passage of this bill, if he wants to make it so that Republicans can support and defend it, so that a Republican President can approve it, so that a Republican Senate will agree to it, let him yield now his fear and go back to where he stood a year ago and vote for the proposition which he then favored and which we all now favor. [Applause on the Republican side.]

The SPEAKER. The question is on the motion of the gentleman from New York to concur in the Senate amendment.

Mr. PAYNE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 130, answered "present" 8, not voting 153, as follows:

YEAS—99.

Anderson, Minn.	Greene, Mass.	McKinney	Smith, Saml. W.
Austin	Griest	McLaughlin	Speer
Barchfeld	Hammond	McMorran	Steenerson
Bartholdt	Hanna	Mann	Stephens, Cal.
Berger	Hawley	Miller	Sterling
Bowman	Heald	Mondell	Stevens, Minn.
Burke, S. Dak.	Helgesen	Moore, Pa.	Sulloway
Burke, Wis.	Howland	Morrison	Sweet
Calder	Hughes, W. Va.	Moss, Ind.	Switzer
Cannon	Humphrey, Wash.	Mott	Talcott, N. Y.
Copley	Kahn	Needham	Taylor, Ohio
Crago	Kendall	Norris	Tilson
Crumpacker	Kennedy	Patton, Pa.	Towner
Curry	Kent	Payne	Utter
Davis, Minn.	Kinkaid, Nebr.	Pickett	Vare
Donohoe	Kinkead, N. J.	Plumley	Volstead
Doremus	Knowland	Pray	Wedemeyer
Foss	Lafean	Prince	Whitacre
French	La Follette	Prouty	White
Fuller	Lee, Pa.	Rees	Willis
Gardner, Mass.	Lenroot	Roberts, Mass.	Wilson, Ill.
Gardner, N. J.	Lindbergh	Rodenberg	Woods, Iowa
Gillett	Longworth	Sells	Young, Kans.
Good	McCreary	Simmons	Young, Mich.
Green, Iowa	McKinley	Sloan	

NAYS—130.

Adair	Dixon, Ind.	Howard	Rauch
Adamson	Doughton	Hull	Reilly
Akin, N. Y.	Driscoll, D. A.	Humphreys, Miss.	Rothermel
Alexander	Estopinal	Jacoway	Rouse
Allen	Evans	James	Rubey
Anderson, Ohio	Fergusson	Johnson, Ky.	Rucker, Colo.
Ansberry	Finley	Johnson, S. C.	Russell
Ashbrook	Flood, Va.	Kitchin	Shackleford
Bathrick	Floyd, Ark.	Konig	Sharp
Beall, Tex.	Foster	Korbly	Sims
Blackmon	Fowler	Lee, Ga.	Sisson
Boehne	Francis	Linthicum	Small
Buchanan	Gallagher	Littlepage	Smith, Tex.
Bulkley	George	Lloyd	Stanley
Burleson	Godwin, N. C.	Lobeck	Stedman
Burnett	Goeke	McCoy	Stephens, Nebr.
Byrns, Tenn.	Goodwin, Ark.	McDermott	Stephens, Tex.
Candler	Graham	McKellar	Stone
Carlin	Gray	Maguire, Nebr.	Sulzer
Carter	Gregg, Pa.	Maher	Taggart
Claypool	Gregg, Tex.	Martin, Colo.	Taylor, Colo.
Clayton	Gudger	Murray	Thayer
Cline	Hamlin	Neeley	Townsend
Connell	Hardy	Oldfield	Tribble
Conry	Harrison, Miss.	O'Shaunessy	Tuttle
Cox, Ind.	Harrison, N. Y.	Padgett	Underwood
Cravens	Hay	Page	Watkins
Cullop	Hayden	Pepper	Webb
Curley	Heflin.	Post	Wilson, Pa.
Davis, W. Va.	Henry, Tex.	Pou	Witherspoon
Dent	Hensley	Rainey	The Speaker
Dickinson	Holland	Raker	
Difenderfer	Houston	Ransdell, La.	

ANSWERED "PRESENT"—8.

Brantley	Butler	Hill	Parran
Browning	Dwight	Mays	Sparkman

NOT VOTING—153.

Aiken, S. C.	Brown	Currier	Dyer
Ainey	Burgess	Dalzell	Edwards
Ames	Burke, Pa.	Danforth	Ellerbe
Andrus	Byrnes, S. C.	Daugherty	Esch
Anthony	Callaway	Davenport	Fairchild
Ayres	Campbell	Davidson	Faison
Barnhart	Cantrill	De Forest	Farr
Bartlett	Cary	Denver	Ferris
Bates	Catlin	Dickson, Miss.	Fields
Bell, Ga.	Clark, Fla.	Dies	Fitzgerald
Booher	Collier	Dodds	Focht
Borland	Cooper	Draper	Fordney
Bradley	Covington	Driscoll, M. E.	Fornes
Broussard	Cox, Ohio	Dupré	Garner
Garrett	Kopp	Morgan	Sherley
Glass	Lafferty	Morse, Wis.	Sherwood
Goldfogle	Lamb	Murdock	Slayden
Gould	Langham	Nelson	Slemp
Guernsey	Langley	Nye	Smith, J. M. C.
Hamill	Lawrence	Olmsted	Smith, Cal.
Hamilton, Mich.	Legare	Palmer	Smith, N. Y.
Hamilton, W. Va.	Lever	Patten, N. Y.	Stack
Hardwick	Levy	Peters	Stephens, Miss.
Harris	Lewis	Porter	Talbott, Md.
Hartman	Lindsay	Powers	Taylor, Ala.
Haugen	Littleton	Pujo	Thistlewood
Hayes	Loud	Randell, Tex.	Thomas
Helm	McCall	Redfield	Turnbull
Henry, Conn.	McGillicuddy	Reyburn	Underhill
Higgins	McGuire, Okla.	Richardson	Vreeland
Hinds	McHenry	Riordan	Warburton
Hobson	McKenzie	Roberts, Nev.	Weeks
Howell	Macon	Robinson	Wilder
Hughes, Ga.	Madden	Roddenbery	Wilson, N. Y.
Hughes, N. J.	Martin, S. Dak.	Rucker, Mo.	Wood, N. J.
Jackson	Matthews	Sabath	Young, Tex.
Jones	Moon, Pa.	Saunders	
Kindred	Moon, Tenn.	Scully	
Konop	Moore, Tex.	Sheppard	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "No."

So the motion to concur was rejected.

Mr. SLAYDEN. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall and listening when his name was called?

Mr. SLAYDEN. No.

The SPEAKER. The gentleman does not bring himself within the rule.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SLAYDEN with Mr. MATTHEWS.

Mr. ROBINSON with Mr. DRAPER.

Mr. LEVER with Mr. HENRY of Connecticut.

Mr. KINDRED with Mr. HIGGINS.

Mr. HAMILL with Mr. LAFFERTY.

Mr. COLLIER with Mr. KOPP.

Mr. BOOHER with Mr. SMITH of California.

Mr. SABATH with Mr. FARR.

Mr. LAMB with Mr. HAUGEN.

Mr. PETERS with Mr. MCCALL.

On the vote:

Mr. HUGHES of New Jersey (against) with Mr. JACKSON (to concur).

The result of the vote was announced as above recorded.

The SPEAKER. The motion of the gentleman from New York to concur having been defeated, that carries with it the proposition to disagree.

Mr. UNDERWOOD. Mr. Speaker, I move to reconsider the votes and to lay that motion on the table.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. UNDERWOOD. Now, Mr. Speaker, I move the House ask for a conference with the Senate on the disagreeing votes on the excise bill.

The SPEAKER. The gentleman from Alabama moves that the House ask for a conference on the excise bill.

The motion was agreed to.

The SPEAKER announced the following conferees:

Mr. UNDERWOOD, Mr. HULL, Mr. PALMER, Mr. PAYNE, and Mr. MCCALL.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 18041. An act granting a franchise for the construction, maintenance, and operation of a street railway system in South Hilo, county of Hawaii, Territory of Hawaii; and

H. R. 16518. An act for the relief of the Fifth-Third National Bank of Cincinnati, Ohio.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 127. Joint resolution authorizing the Secretary of War to supply tents and rations to American citizens compelled to leave Mexico.

SUGAR SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, under the unanimous-consent agreement of last evening I ask to take from the Speaker's table the sugar bill for present consideration in the House.

The SPEAKER. The gentleman from Alabama asks for the present consideration of the sugar bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The SPEAKER. The gentleman from Alabama asks unanimous consent for its present consideration.

Mr. MANN. That has already been given. I ask that the Senate amendment be read.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That six months from and after the passage of this act there shall be levied, collected, and paid the rates of duty which are prescribed in the paragraphs of this act upon the articles hereinafter enumerated, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), and the said paragraphs and sections shall constitute and be a substitute for paragraphs 216 and 217 of section 1 of an act entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' approved August 5, 1909.

"First. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete, and concentrated molasses, testing by the polariscope not above 75°, ninety-five one-hundredths of 1 cent per pound, and for each additional degree shown by the polariscope test, twenty-six one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion; molasses testing not above 40°, 20 per cent ad valorem; testing above 40° and not above 56°, 3 cents per gallon; testing above 56°, 6 cents per gallon; sugar drainings and sugar sweepings shall be subject to duty as molasses or sugar, as the case may be, according to polariscope test: *Provided*, That every bag, barrel, or parcel in which sugar testing by the polariscope less than 99° is packed shall be plainly branded by the manufacturer or refiner thereof with the name of such manufacturer or refiner, and the polariscope test of the sugar therein contained, accurately within one-half of 1°, and a failure to brand any such bag, barrel, or parcel as herein required shall be deemed and taken to be a misbranding of food within the meaning of the act of June 30, 1906, entitled 'An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.' And the requirements of this proviso shall not apply to any sugar shipped or delivered to a refiner to be refined before entering into consumption.

"Second. Maple sugar and maple sirup, 4 cents per pound; glucose or grape sugar, 1½ cents per pound; sugar cane in its natural state or unmanufactured, 20 per cent ad valorem; sugar cane defecated, shredded, artificially dried, or which has been subjected to any manufacturing or other process, 50 per cent ad valorem.

"Third. That nothing in this act contained shall be so construed as to abrogate or in any manner impair or affect the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on the 11th day of December, 1902, or the provisions of the act of Congress heretofore passed for the execution of the same, and that upon the taking effect of this act all acts and parts of acts in conflict with the provisions hereof shall be repealed."

Mr. PAYNE. Mr. Speaker, I move that the House concur in the Senate amendment.

The SPEAKER. The gentleman from New York moves that the House concur in the Senate amendment.

Mr. UNDERWOOD. Mr. Speaker, I have not a print of the bill before me, but I understand there is but one Senate amendment.

Mr. PAYNE. That is all.

The SPEAKER. That seems to be the case.

Mr. UNDERWOOD. Is that correct?

The SPEAKER. That is correct.

Mr. UNDERWOOD. Does the gentleman from New York desire to consume some time?

Mr. PAYNE. Mr. Speaker, I desire to use about five minutes. The bill has not been printed, except in the RECORD, and I think a word or two in regard to the changes that have been made will not be amiss. The bill eliminates the Dutch standard of test of sugar. Dr. Wiley testified not long since that for 20 years this test of the Dutch standard in color had not been used and had gone into an innocuous desuetude, and it made no difference whether it was used or not. On the contrary, there are some gentlemen who believe, with this test of color, there will come into use again what many of us remember from our boyhood days—an article of bright yellow sugar—that was bought by the farmers of the country, the mechanics, and so forth, and used in the family and took the place of the present white sugar. I remember when Gov. Gear was a member of the Committee on Ways and Means, when we were making the McKinley bill. He had a great deal to say in regard to restoring this sugar so that it might be purchased by the people of the country at a lower price than after going through the process of refining. Gentlemen believe this will restore that sugar to commerce of the country and consumption. If it does so, of course it would cheapen the price of sugar, and in order that people may know what kind of sugar they are buying when it is not refined, there is a provision in this bill that all packages containing sugar under 99 degrees of purity shall be labeled under the pure-food act, and that the penalties under that act shall apply so that the people of the country may know what sort of sugar they are buying and the degree of purity of that sugar. That becomes quite necessary, of course, if this sugar goes into use. This is not required for the sugar going into the refineries, because there is no necessity for it, and, of course, that will save money in the cost of refining the sugar. Some people believe it will save a good deal to the consumer. My faith is a little weak, but I am willing to accept that; and certainly there should be a difference in this sugar from that which goes in the melting pots to be refined.

Of course, gentlemen know sugar is produced in this country to the extent of 900,000 tons, 600,000 of beet sugar and 300,000 of cane, and that the islands, including Hawaii, produce some 800,000 or 900,000 tons. The total of the sugar that goes into the melting pots for refining is 2,800,000 tons, and 1,800,000 tons of that sugar comes from Cuba at 20 per cent less than the duties provided for sugar coming from other countries. In 1910 74,000 tons of sugar only were imported into this country which paid the full duty coming from other foreign countries than Cuba. Last year it was 199,000 tons because of the shortage of the crop in Cuba. The domestic production in Cuba is restricted to sugar used in the United States. The present duty on sugar is ninety-five one-hundredths of a cent per pound on sugar which is 75 degrees and less, with an additional duty for each additional degree of purity of thirty-five one-thousandths of 1 cent per pound; or, to put it down in English, 95 cents a hundred pounds and 3½ cents additional for each additional degree of sugar over 75 degrees. This amendment fixes the duty of 95 cents a hundred pounds of the 75-degree sugar and adds 2.6 cents per hundred pounds for every additional degree, so that the duty on sugar of 99 or 100 degrees would be 1.60 per hundred pounds. Now it is 1.90, so with that degree of purity of sugar 30 cents a hundred pounds is the reduction.

The SPEAKER. The time of the gentleman has expired.

Mr. PAYNE. I will have to ask five minutes more.

The SPEAKER. Is there objection to the request for the extension of the gentleman's time? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I have never been able to understand why a majority of the Committee on Ways and Means are seeking to separate the United States from all other civilized countries in the world by their endeavor to remove the duty on sugar and provide a revenue in some other way different from all other civilized countries. Every other civilized country has a revenue duty on sugar. Great Britain has 40 cents per hundred pounds, Denmark $1.22 per hundred pounds, and other countries have a larger duty than the United States under the present law.

It has always been recognized by economists as a splendid revenue duty, and never has it been departed from except for a short time under the McKinley bill, and under these circumstances and because the tariff revenue laws were producing such an immense amount of revenue that we had bought up all the bonds in sight in order to dispose of it, and were depositing the surplus of the Treasury in the national banks, and there was a great hue and cry over these accumulating deposits, and we were seeking to reduce the revenue, we took the duty off of sugar and protected the interest by a bounty in 1890. I think that that was a mistake. I am perfectly willing to acknowledge it when I discover that I have made a mistake. I voted for that, but I think it was a mistake economically and politically. It was a mistake as a public matter and a public question.

Now this committee takes off the duty on sugar entirely after we have increased the production of beet sugar from some 18,000 tons in 1890, when the McKinley bill was passed, to 606,000 tons under the protection that sugar has enjoyed since. We have reached that point where we can see clearly that in a few years we can produce all the sugar used in the United States in our own domestic industries and our possessions. We can now produce it all in our own domestic industries and our islands, except with the addition of the sugar that comes from Cuba at a lower rate of duty. There was no one demanding that the duty be taken off of the sugar except the sugar refiners, and they were very honest and frank about it. They said they wanted it because they wanted to destroy the beet-sugar industry. Why? That came into market for three months in the year and interfered with their markets in the Mississippi Valley. They marketed that "beet sugar right in our markets," as these refiners said, and they marketed it at a lower price, and consequently it cut down the price of the refined sugar, and it cut off the profits. So they were the ones who were asking before the Hardwick committee that the duty should be reduced or taken off of sugar entirely, just as they asked three years ago from the committee over which I had the honor to preside. They wanted it all taken off. Then they could get along without

any differential duty on refining. This bill takes off 7½ cents a hundred, the differential duty now that the refiner has had to protect him in the process of refining. He does not need it. The amendment takes it off, and I hope the amendment will be adopted.

The SPEAKER. The time of the gentleman from New York has expired.

The SPEAKER. The question is on agreeing to the amendment.

Mr. PAYNE. Mr. Speaker, I ask for the yeas and nays.

Mr. UNDERWOOD. Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT] wants five minutes.

The SPEAKER. The gentleman from Wisconsin is recognized for five minutes.

Mr. LENROOT. Mr. Speaker, if the Democratic majority desired tariff legislation for the purpose of relieving taxation of the American people, they would vote to concur in this amendment now. They have no such desire, however. It has been made plain that their pressing of tariff legislation is for political purposes only, and it has been made especially plain to-day by the remarks of the gentleman from New York [Mr. HARRISON], concerning which I want to make a few comments.

He stated very frankly—I commend him for his candor and I have no doubt that he spoke for a majority of the Members on that side of the aisle—that he was not in favor of any tariff legislation going to the President of the United States unless that legislation was framed according to Democratic principles. Now, the gentleman knows that any tariff legislation going to the President of the United States based upon a tariff for revenue only will meet with a presidential veto, and the gentleman stated that he preferred to wait until after the 4th of next March before seriously attempting any tariff revision, because then he could secure the legislation squarely along Democratic lines. Now, I want to ask the other side, Mr. Speaker, if that is so, why they have pressed this legislation at all. [Applause on the Republican side.] Can they claim that they have been in good faith in doing so? Why was this bill reported out from the Committee on Ways and Means if they are in good faith and if the gentleman from New York spoke for the Democratic majority? He knows that unless this bill goes to the President carrying protective duties it will meet with a veto, and he knows that any bill meeting with a veto denies any relief to the American people. So, Mr. Speaker, those of us upon this side of the aisle who are in favor of real tariff revision propose by their votes this afternoon to say that we intend to reduce the cost of living to the American people now, while you gentlemen on the other side propose to wait until next year. [Applause on the Republican side.]

Now, Mr. Speaker, the gentleman made another statement. He said that it was the consumers and not the producers of the country that sent the Democratic majority here. Mr. Speaker, I know of but two classes of people in this country who are not producers but are consumers only. They are the idle rich and the hoboes, concerning whom my friend from Illinois [Mr. FOWLER] has often spoken so very eloquently [applause on the Republican side], and it was a matter of considerable surprise to me to have the gentleman from New York [Mr. HARRISON] assert that it was those classes—the idle rich and the hobo—that furnished the Democratic majority upon that side of the aisle. [Applause on the Republican side.] But, Mr. Speaker, we must remember that the gentleman comes from the great city of New York, and he is unfair to the Democratic Party in the country as a whole, because I know a great many good Democrats who are neither idle rich or hoboes.

But, Mr. Speaker, one other illustration to show the attitude of the Democratic Party. Nearly two months ago we had a steel schedule come back to this House with a reciprocity repeal attached to it.

There was an opportunity for you upon that side of the aisle—if you are sincere in wanting tariff revision now—to have concurred in that Senate amendment. It has gone into conference, and has been sleeping there for 60 days, and will sleep there until the end of the session; and you on that side of the aisle have now made a record of the fact that you prefer these high tariff duties upon steel products rather than to repeal reciprocity. You are wedded to the reciprocity issue, but you will find next November that as to many, many of you on that side of the aisle you will wish you could forget it. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, unless some gentleman on that side of the House desires to speak, I would like to ask unanimous consent to close debate in five minutes.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the debate be closed in five minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. Mr. Speaker, the proposition that is pending before the House is a Senate amendment to a House bill that places sugar on the free list and will give to the American people a reduction of practically 2 cents a pound on sugar. In place of that the Senate sends back to the House an amendment removing the Dutch standard and the differential from the present sugar schedule and reducing the present tariff tax on sugar from $1.90 a hundred pounds to $1.60 a hundred pounds.

Now, Mr. Speaker, the only way in which you can reduce the price of sugar is to produce competition, and I am satisfied in my own mind and from the testimony of everybody that I have heard on this subject that the reduction of this rate in this bill from $1.90 to $1.60 would not bring about that competition which would reduce the price of sugar to the American people. And yet the Senate bill will cost the Treasury of the United States $5,500,000 annually in loss of revenue.

Now, why should we incur a loss of $5,500,000 of revenue to the Treasury that will go into the coffers of the sugar refiners, and nobody else, unless you are going to reduce the price of sugar to the American consumer?

I am not in favor of the Senate bill. I do not think that any man that is in favor of a real reduction in the cost of living to the American people can stand for this bill under any circumstances. You pass this bill and let it become a law, and what will be the result? Before 60 days have passed you will find that sugar is selling to your constituents at the same price as it is to-day, and you will have given to the refiners of sugars in this country $5,500,000 out of the Treasury of the United States.

That is the legislation that the gentleman from New York [Mr. PAYNE] and the gentleman from Wisconsin [Mr. LENROOT] want you to agree to. [Applause on the Democratic side.] If you are going to deprive the Government of the United States of its revenue, then I say do it in such a way that the American people will get the benefit of the reduction. [Applause on the Democratic side.]

Do not let us go to the country with any subterfuge. Let us make an honest reduction. If you agree to the bills that we have passed, that we have offered to a Republican Senate, we will relieve the American people of $115,000,000 of burden that rests on them to-day by reason of this sugar tax [applause on the Democratic side], and we will put in place of it an excise-tax bill that will raise $60,000,000 and more than compensate the Treasury for the loss of the tax that we remove from sugar. We remove that tax of $115,000,000 from the American people and the consuming masses of the American people, and we place that tax on the wealth of this country, that can well bear the burden. [Applause on the Democratic side.]

That is the issue which the gentlemen on that side of the House ask you to-day to compromise. Can you go to your constituents with a compromise of that kind?

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield for a question at that point?

The SPEAKER. Does the gentleman yield?

Mr. UNDERWOOD. I do.

Mr. LONGWORTH. Is it not a fact that all but two of the gentleman's own party voted for this precise proposition in the Senate?

Mr. UNDERWOOD. I do not know what the vote in the Senate is, or was, and I am not responsible for it.

Mr. COX of Indiana. And you do not care.

Mr. UNDERWOOD. I know what the vote of this House is, and this House represents the only Democratic body that is in authority in this Government. [Applause on the Democratic side.]

I want to say to the gentleman from Ohio [Mr. LONGWORTH] that this sugar bill that was passed by this House and this excise bill have met the approval of the Democratic Party in its convention. In the highest tribunal of the party these bills have received the approval of the Democratic masses of the people. [Applause on the Democratic side.]

Mr. LONGWORTH. Do I understand that the Members of the gentleman's party in the other body are out of touch with the Democratic sentiment in this country?

Mr. UNDERWOOD. I am not responsible for their action. I am not here to speak for them, but I am here to speak for the Democratic Party in this House on this question. [Applause on the Democratic side.] And I say that it would be a repudiation of the promises that we have made to the people, as confirmed by our convention, unless we insisted that the relief that we have demanded for the American people should be honestly carried out. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired. The question is on concurring in the Senate amendment.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 84, nays 144, answered "present" 7, not voting 155, as follows:

YEAS—84.

Anderson, Minn.	Hanna	McLaughlin	Sloan
Austin	Hawley	McMorran	Smith, Saml. W.
Barchfeld	Heald	Mann	Speer
Bowman	Helgesen	Miller	Steenerson
Burke, S. Dak.	Howland	Mondell	Stephens, Cal.
Calder	Hughes, W. Va.	Moore, Pa.	Sterling
Cannon	Humphrey, Wash.	Mott	Stevens, Minn.
Copley	Kahn	Needham	Sulloway
Crago	Kendall	Norris	Sulzer
Davis, Minn.	Kennedy	Patton, Pa.	Switzer
Focht	Kent	Payne	Taylor, Ohio
Foss	Kinkaid, Nebr.	Pickett	Tilson
French	Knowland	Plumley	Towner
Fuller	Lafean	Pray	Utter
Gardner, Mass.	Lafferty	Prouty	Vare
Gardner, N. J.	La Follette	Rees	Wedemeyer
Gillett	Lenroot	Roberts, Mass.	Willis
Good	Longworth	Rodenberg	Wilson, Ill.
Green, Iowa	McCreary	Rucker, Colo.	Woods, Iowa
Greene, Mass.	McKinley	Sells	Young, Kans.
Griest	McKinney	Simmons	Young, Mich.

NAYS—144.

Adair	Dixon, Ind.	Houston	Rainey
Adamson	Donohoe	Howard	Raker
Akin, N. Y.	Doremus	Hull	Ransdell, La.
Alexander	Doughton	Humphreys, Miss.	Rauch
Allen	Driscoll, D. A.	Jacoway	Reilly
Anderson, Ohio	Estopinal	James	Robinson
Ansberry	Evans	Johnson, Ky.	Rothermel
Ashbrook	Fergusson	Johnson, S. C.	Rouse
Bathrick	Finley	Jones	Rubey
Beall, Tex.	Flood, Va.	Kinkead, N. J.	Russell
Blackmon	Floyd, Ark.	Kitchin	Shackleford
Boehne	Foster	Konig	Sharp
Brantley	Fowler	Korbly	Sims
Broussard	Francis	Lee, Ga.	Sisson
Buchanan	Gallagher	Lee, Pa.	Slayden
Bulkley	George	Lindbergh	Small
Burke, Wis.	Godwin, N. C.	Linthicum	Smith, Tex.
Burleson	Goeke	Littlepage	Stanley
Burnett	Goodwin, Ark.	Lloyd	Stedman
Byrns, Tenn.	Graham	Lobeck	Stephens, Nebr.
Candler	Gray	McCoy	Stephens, Tex.
Carlin	Gregg, Pa.	McDermott	Stone
Carter	Gregg, Tex.	McKellar	Sweet
Claypool	Gudger	Maguire, Nebr.	Talcott, N. Y.
Clayton	Hamill	Maher	Taylor, Colo.
Cline	Hamlin	Martin, Colo.	Thayer
Connell	Hammond	Morrison	Townsend
Conry	Hardy	Moss, Ind.	Tribble
Cox, Ind.	Harrison, Miss.	Murray	Tuttle
Cravens	Harrison, N. Y.	Neeley	Underwood
Cullop	Hay	Oldfield	Watkins
Curley	Hayden	Padgett	Whitacre
Davis, W. Va.	Heflin	Page	White
Dent	Henry, Tex.	Pepper	Wilson, Pa.
Dickinson	Hensley	Post	Witherspoon
Difenderfer	Holland	Pou	The Speaker

ANSWERED "PRESENT"—7.

Browning	Dwight	Mays	Volstead
Butler	Hill	Parran	

NOT VOTING—155.

Aiken, S. C.	Dickson, Miss.	Jackson	Prince
Ainey	Dies	Kindred	Pujo
Ames	Dodds	Konop	Randell, Tex.
Andrus	Draper	Kopp	Redfield
Anthony	Driscoll, M. E.	Lamb	Reyburn
Ayres	Dupré	Langham	Richardson
Barnhart	Dyer	Langley	Riordan
Bartholdt	Edwards	Lawrence	Roberts, Nev.
Bartlett	Ellerbe	Legare	Roddenbery
Bates	Esch	Lever	Rucker, Mo.
Bell, Ga.	Fairchild	Levy	Sabath
Berger	Faison	Lewis	Saunders
Booher	Farr	Lindsay	Scully
Borland	Ferris	Littleton	Sheppard
Bradley	Fields	Loud	Sherley
Brown	Fitzgerald	McCall	Sherwood
Burgess	Fordney	McGillicuddy	Slemp
Burke, Pa.	Fornes	McGuire, Okla.	Smith, J. M. C.
Byrnes, S. C.	Garner	McHenry	Smith, Cal.
Callaway	Garrett	McKenzie	Smith, N. Y.
Campbell	Glass	Macon	Sparkman
Cantrill	Goldfogle	Madden	Stack
Cary	Gould	Martin, S. Dak.	Stephens, Miss.
Catlin	Guernsey	Matthews	Taggart
Clark, Fla.	Hamilton, Mich.	Moon, Pa.	Talbott, Md.
Collier	Hamilton, W. Va.	Moon, Tenn.	Taylor, Ala.
Cooper	Hardwick	Moore, Tex.	Thistlewood
Covington	Harris	Morgan	Thomas
Cox, Ohio	Hartman	Morse, Wis.	Turnbull
Crumpacker	Haugen	Murdock	Underhill
Currier	Hayes	Nelson	Vreeland
Curry	Helm	Nye	Warburton
Dalzell	Henry, Conn.	Olmsted	Webb
Danforth	Higgins	O'Shaunessy	Weeks
Daugherty	Hinds	Palmer	Wilder
Davenport	Hobson	Patten, N. Y.	Wilson, N. Y.
Davidson	Howell	Peters	Wood, N. J.
De Forest	Hughes, Ga.	Porter	Young, Tex.
Denver	Hughes, N. J.	Powers	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted in the negative.

So the motion of Mr. PAYNE to concur in the Senate amendments was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SAUNDERS with Mr. CURRY.

Mr. O'SHAUNESSY with Mr. PRINCE.

Mr. REDFIELD with Mr. BARTHOLDT.

On this vote:

Mr. COVINGTON (against) with Mr. ESCH (to concur).

Mr. HUGHES of New Jersey (against) with Mr. JACKSON (to concur).

For the balance of the day:

Mr. WEBB with Mr. VOLSTEAD.

The result of the vote was announced as above recorded.

The SPEAKER. The motion of the gentleman from New York [Mr. PAYNE] to concur is lost, which is equivalent to a vote to nonconcur.

On motion of Mr. UNDERWOOD, a motion to reconsider the last vote was laid on the table.

Mr. UNDERWOOD. Mr. Speaker, I move that the House ask a conference with the Senate on the disagreeing votes of the two Houses on this bill.

The motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. UNDERWOOD, Mr. HARRISON of New York, Mr. KITCHIN, Mr. PAYNE, and Mr. MCCALL.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Wednesday, July 31, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them, reported the same without amendment, accompanied by a report (No. 1116), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 25035) granting to the Ozark Power & Water Co. authority to construct a dam across White River, Mo., reported the same without amendment, accompanied by a report (No. 1114), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 26007) to authorize the building of a dam across the Coosa River, in Alabama, at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka, reported the same without amendment, accompanied by a report (No. 1115), which said bill and report were referred to the House Calandar.

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 8141) to further increase the efficiency of the Organized Militia of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 1117), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII:

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (S. 3452) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors for surveying Yosemite Park boundary, reported the same without amendment, accompanied by a report (No. 1113), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 18531) granting a pension to Alloyed M. Smith and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HOBSON: A bill (H. R. 26043) providing for the construction, erection, maintenance, and operation of a dam across the Sipsey River, in Pickens County, Ala., for the purpose of the development of water power; to the Committee on Interstate and Foreign Commerce.

By Mr. COVINGTON: A bill (H. R. 26044) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KENT: A bill (H. R. 26045) to establish a subport of entry and delivery at Fort Bragg, in the State of California; to the Committee on Ways and Means.

By Mr. CURRY: A bill (H. R. 26046) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation in New Mexico, and for other purposes; to the Committee on Military Affairs.

By Mr. CURLEY: A bill (H. R. 26047) establishing compensation of certain customs officials; to the Committee on Ways and Means.

By Mr. AKIN of New York: Resolution (H. Res. 652) requesting information from the Secretary of the Interior and Secretary of Agriculture; to the Committee on Agriculture.

Also, resolution (H. Res. 653) requesting information from the Secretary of Agriculture; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 26048) for the relief of the estate of Richard W. Meade, deceased; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 26049) granting an increase of pension to Joseph A. Lupton; to the Committee on Pensions.

By Mr. CRAGO: A bill (H. R. 26050) granting a pension to Lennie Anne Shunk; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 26051) granting a pension to John Kennedy; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 26052) granting an increase of pension to Margaret L. Ramsey; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 26053) to correct the military record of William A. Blades; to the Committee on Military Affairs.

By Mr. RICHARDSON: A bill (H. R. 26054) for the relief of the estate of John M. Wright, deceased; to the Committee on War Claims.

By Mr. RUBEY: A bill (H. R. 26055) granting a pension to Samuel H. Barr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26056) granting a pension to Minnie J. Cotrell; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 26057) for the relief of Mathias Keith; to the Committee on Military Affairs.

By Mr. VOLSTEAD: A bill (H. R. 26058) granting a pension to Margaret Prescott; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CURRY: Petition of citizens within the Fort Sumner (N. Mex.) land district, favoring the withdrawal of the clause in the sundry civil appropriation bill abolishing the office of the receiver of the land office; to the Committee on Appropriations.

By Mr. FULLER: Petition of W. Atler Burfee, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Petition of the St. Augustine Board of Trade, of St. Augustine, Fla., favoring passage of bill providing that powder-house lot be used as a park by the city of St. Augustine; to the Committee on Military Affairs.

By Mr. MOTT: Petition of the Board of Trade of St. Augustine, Fla., for turning over of Government property for city park; to the Committee on Military Affairs.

By Mr. SULZER: Petition of W. Atlee Burpee, of Philadelphia, Pa., against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the committee of Wholesale Grocers, New York, favoring reduction of tariff on all raw and refined sugar; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *July 31, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. LODGE. I ask that the further reading of the Journal be dispensed with.

Mr. CULBERSON. I object.

The PRESIDENT pro tempore. Objection is made. The reading will proceed.

The Secretary resumed the reading of the Journal.

Mr. SMOOT. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. LODGE. Objection has been made.

The PRESIDENT pro tempore. Objection has been made to the request.

Mr. CULBERSON. I object.

The PRESIDENT pro tempore. The Journal will be read.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

RADIO COMMUNICATION (S. DOC. NO. 888).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation in the sum of $27,880 to carry out the laws enacted concerning radio communication and the international convention upon the subject ratified at the present session of Congress, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 5309) to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., 140), with amendments, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled joint resolutions, and they were thereupon signed by the President pro tempore:

S. J. Res. 122. Joint resolution providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald; and

S. J. Res. 127. Joint resolution authorizing the Secretary of War to supply tents and rations to American citizens compelled to leave Mexico.

PETITION.

Mr. HITCHCOCK presented a petition of Local Lodge No. 349, Brotherhood of Railway Car Men of America, of South Omaha, Nebr., praying for the passage of the so-called injunction limitation bill, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CULLOM, from the Committee on Foreign Relations, to which was referred the bill (S. 7349) for the relief of Sargeant Prentiss Knut, administrator of the estate of Haller Knut, deceased, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 19339) granting public lands to the cities of Boulder and Canon City, in the State of Colorado, for public-park purposes, reported it without amendment and submitted a report (No. 992) thereon.

He also, from the same committee, to which was referred the bill (H. R. 20498) for the relief of certain homesteaders in Nebraska, reported it with an amendment and submitted a report (No. 993) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (H. R. 14333) for the relief of John Johnson, reported it without amendment and submitted a report (No. 994) thereon.

He also, from the same committee, to which was referred the bill (S. 7197) for the relief of the heirs of L. A. Davis, submitted an adverse report (No. 995) thereon, which was agreed to and the bill was postponed indefinitely.

Mr. ROOT, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 123) authorizing the President of the United States to invite foreign Governments to send representatives to the Fourth International Congress on School Hygiene, reported it without amendment.

He also, from the same committee, to which was referred the amendment submitted by himself on December 21, 1911, proposing to appropriate $53,800 to pay the allowances made to the Malambo fire claimants under article 6 of the treaty of November 18, 1903, between the United States and Panama, etc., intended to be proposed to the general deficiency appropriation bill (H. R. 25970), reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. DILLINGHAM, from the Committee on Privileges and Elections, to which was referred the amendment submitted by Mr. HEYBURN on the 30th instant, proposing to pay E. C. Talbot $750, Addison T. Smith $500, and J. K. White $150, for services rendered to the Committee on Privileges and Elections, etc., intended to be proposed to the general deficiency appropriation bill (H. R. 25970), reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

LAND AT MAGDALENA BAY, MEXICO, ETC.

Mr. LODGE. From the Committee on Foreign Relations I report a Senate resolution, together with a brief report from the committee. I ask to have the report and the resolution read. The resolution is a Senate resolution. It will go over under the rule and come up to-morrow at the end of the routine morning business, when I hope it may be disposed of.

The PRESIDENT pro tempore. The Senator from Massachusetts submits a report (No. 996) from the Committee on Foreign Relations, with an accompanying resolution (S. Res. 371), which will be read.

The Secretary read as follows:

On April 2, 1912, the Senate passed a resolution requesting the President, if not incompatible with the public interest, to transmit to the Senate any information in the possession of the Government relating to the purchase of land at Magdalena Bay by the Japanese Government or by a Japanese company. On April 30, 1912, the President replied to this resolution of the Senate by transmitting a statement in regard to the subject of inquiry from the Secretary of State.

On the 16th of May, 1912, the Senate passed a second resolution asking for copies of the correspondence relative to the American syndicate interested in lands on Magdalena Bay. On the 23d of May, 1912, the President replied to this resolution by transmitting the correspondence asked for by the Senate.

These messages and the accompanying correspondence were referred to the Committee on Foreign Relations. After careful consideration of the subject thus referred, the Committee on Foreign Relations reports that it appears from the correspondence and from all the information that the committee has been able to procure that the government of no other country has concerned itself with acquiring, or has made any attempt to acquire, possession of Magdalena Bay and the land about it. It appears, further, however, from the evidence that the corporations or persons who have, or claim to have, title to the lands surrounding Magdalena Bay have made efforts to form a syndicate and to promote the sale of these lands upon the basis of the existence of some national value to a foreign nation in Magdalena Bay as distinct from any commercial value which that bay and the adjoining territory might possess. The fact that such an idea has formed the basis of a negotiation between the possessors of the title to the lands about Magdalena Bay and the citizens, subjects, or corporations of a foreign power seems to the Committee on Foreign Relations to afford an appropriate occasion for an expression of the view of the Senate of the United States regarding this and similar cases. For this reason the committee recommends the adoption of the following resolution:

"*Resolved*, That when any harbor or other place in the American continents is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States, the Government of the United States could not see without grave concern the possession of such harbor or other place by any corporation or association which has such a relation to another Government, not American, as to give that Government practical power of control for national purposes."

Mr. NELSON. Mr. President, I have listened to the report——

The PRESIDENT pro tempore. The Chair will first state the request of the Senator from Massachusetts.

Mr. NELSON. I want to say just a few words.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the resolution may lie over.

Mr. LODGE. It is a Senate resolution. It will go over under the rule.

The PRESIDENT pro tempore. The Chair is of opinion that, being the report of a committee, it would go to the calendar unless otherwise ordered.

Mr. LODGE. I ask that it may lie over under the rule.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the resolution may lie over, to be called up to-morrow. Without objection, it is so ordered.

Mr. NELSON. I have listened to the report, Mr. President, and it strikes me that in one respect it is incomplete. I understand, but not from the report, that the company or syndicate that are holding the land around Magdalena Bay are American citizens, our people, not Mexicans. I think the report ought to emphasize that fact, and further let the Senate know who those unpatriotic American citizens are, giving us their names, so that we may find out who are these Americans who are willing to engage in such a scheme as that.

Mr. LODGE. That has all been fully set forth in the correspondence and in the papers already presented to the Senate and referred.

Mr. NELSON. If the Senator will allow me, it ought to be included in the report, that the country may know it.

Mr. LODGE. Of course the resolution is general. The report was made as brief as possible, because the papers were already before the Senate. It is very easy to include that in the report.

The PRESIDENT pro tempore. The resolution will lie over.

IMPROVEMENT OF THE HUDSON RIVER (S. DOC. NO. 887).

Mr. SMOOT. From the Committee on Printing, I report back favorably, with amendments, Senate resolution 358, submitted by the Senator from Ohio [Mr. BURTON] on the 15th instant, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That there be printed 300 copies of House Document No. 719, Sixty-first Congress, second session, together with Senate resolution No. 323, Sixty-second Congress, second session, and the response of Hon. Henry L. Stimson, Secretary of War, thereto and inclosures transmitted therewith.

Mr. CHAMBERLAIN. I should like to know what the document is.

The PRESIDENT pro tempore. It will be stated by the Secretary.

The SECRETARY. Information relative to the attitude and action of the State of New York regarding conditions imposed upon the appropriation under the act of June 25, 1910, for the improvement of the Hudson River.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments were, in line 1, to strike out "there be printed 300 copies of," and, in line 5, to strike out the words "thereto and inclosures transmitted therewith" and insert the words "relative to the attitude and action of the State of New York regarding conditions imposed upon the appropriation for the improvement of the Hudson River be printed, with accompanying illustrations, as a Senate document."

The amendments were agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That House Document No. 719, Sixty-first Congress, second session, together with Senate resolution 323, Sixty-second Congress, second session, and the response of Hon. Henry L. Stimson, Secretary of War, relative to the attitude and action of the State of New York regarding conditions imposed upon the appropriation for the improvement of the Hudson River be printed, with accompanying illustrations, as a Senate document.

CAMPAIGN CONTRIBUTIONS.

Mr. CULBERSON. Mr. President, in connection with reports of committees I desire to say that I introduced Senate bill No. 3315, and had it referred to the Committee on Privileges and Elections on the 18th of March of this year—more than four months ago. The general purpose of the bill was to enlarge the prohibition against corporations contributing to political campaign funds and to limit the amount that individuals might contribute to such funds. I ask the Senator from Vermont, the chairman of the Committee on Privileges and Elections, what the probabilities are of having that bill reported out of the committee in some form or other before the adjournment of Congress?

Mr. DILLINGHAM. Mr. President, in answer to the inquiry of the Senator from Texas I can only say that the bill to which he refers has been twice considered in the committee, and a very wide difference of opinion was developed in respect of its merits. The last time it was taken up it was laid over, and since then I have called two meetings of the committee, but have been unable to get a quorum to act.

Mr. CULBERSON. Well, Mr. President, I have no hesitation in saying to the Senator from Vermont that I regard this bill, especially in view of recent events, of such importance that I shall feel myself compelled, unless the committee acts, to have the Senate act directly upon the bill before adjournment at this session.

Mr. DILLINGHAM. Mr. President, I will say to the Senator from Texas that I shall be very glad to call a meeting of the committee on Saturday next, the regular meeting day, and lay the matter before them. I hope that I may then be more successful than I have been in the past in securing a quorum of the committee.

Mr. CULBERSON. Mr. President, I will wait until I see the result of that attempt to get a quorum of the committee.

LIMIT OF VISITORIAL POWERS.

Mr. McCUMBER. On the 29th instant the Senator from Pennsylvania [Mr. PENROSE] reported adversely from the Committee on Finance the bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States. At that time I gave notice that I would submit the views of the minority on the bill. I now ask permission to submit the views (Rept. No. 989, p. 2) and ask that they be printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

Mr. POMERENE. I introduce a bill, which I ask may be read twice by its title and referred to the Committee on Interstate Commerce.

The bill (S. 7394) to amend paragraph No. 2 of section 207 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read twice by its title.

Mr. POMERENE. I suggested that the bill be referred to the Committee on Interstate Commerce, but on second thought it occurs to me that it probably should go to the Judiciary Committee, in view of the fact that the purpose of the bill is to give to shippers the same right to appeal from and to have reviewed decisions of the Interstate Commerce Commission now enjoyed by the common carriers.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

A bill (S. 7395) for the relief of Frank D. Courtade; to the Committee on Public Lands.

By Mr. HITCHCOCK:

A bill (S. 7396) to subject lands of former Fort Niobrara Military Reservation and other lands to homestead entry; to the Committee on Public Lands.

By Mr. KENYON:

A bill (S. 7397) granting an increase of pension to Louisa J. Jackson; to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 7398) granting an increase of pension to Thomas Gannon (with accompanying papers); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 7399) granting a pension to William F. Niederriter (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 7400) for the relief of the American Fire Insurance Co., of Philadelphia, Pa., and another (with accompanying paper); to the Committee on Finance.

A bill (S. 7401) granting an increase of pension to Benjamin F. Kurtz (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 7402) granting a pension to Caroline B. Sloan;

A bill (S. 7403) granting an increase of pension to Jacob Everson (with accompanying papers); and

A bill (S. 7404) granting an increase of pension to Adeline M. Thornton (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL (H. R. 25970).

Mr. CRAWFORD submitted an amendment proposing to appropriate $540 to pay Harry B. Straight for extra clerical services in connection with the preparation of the omnibus claims bill, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MARTIN of Virginia submitted an amendment relative to the salaries of commissioned medical officers of the Public Health and Marine-Hospital Service, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $120,000 for payment to the treasurer of the Mount Vernon Avenue Association, the assignee of the State of Virginia, and $72,000 to the State of Maryland, being the sums advanced by the States of Virginia and Maryland in 1790 and 1791, respectively, to the United States, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

COAL LANDS IN ALASKA.

Mr. JONES submitted four amendments intended to be proposed by him to the bill (S. 7030) to provide for a permanent supply of coal for the use of the United States Navy and other governmental purposes, to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, which were ordered to lie on the table and to be printed.

LIMIT OF VISITORIAL POWERS.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States, which was ordered to lie on the table and to be printed.

WITHDRAWAL OF PAPERS—J. A. FUNK.

On motion of Mr. GUGGENHEIM, it was

Ordered, That the papers accompanying S. 3996, Sixty-second Congress, second session, granting an increase of pension to J. A. Funk, be withdrawn from the files of the Senate, no adverse report having been made thereon.

CORBETT TUNNEL, WYOMING—VETO MESSAGE.

The PRESIDENT pro tempore. Morning business is closed.

Mr. MYERS. Mr. President, I ask that Senate bill 4862 and the President's veto thereof be now laid before the Senate for consideration.

There being no objection, the Senate resumed consideration of the bill (S. 4862) for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project, returned by the President of the United States with his objections thereto.

Mr. CUMMINS. Mr. President, I shall detain the Senate but a very few minutes in the discussion of this measure. The refusal of the President to give his approval to the bill is cruel, in its consequences, beyond expression, and I believe it to be a flagrant misuse of the veto power. The bill as passed by Congress does not concern any policy. No matter what its merits may be, its utmost effect is to put upon 118,000 or 128,000 acres of land which have not yet been sold, which have not yet been offered to the public for sale, an additional burden of about 33 cents per acre.

I do not understand that the veto power given by our Constitution to the President ought to be used in order to overthrow the will of Congress in respect to such a measure. I do not believe that the veto power in a free country is intended to authorize the Executive to veto every measure which he would have opposed had he been a member of the legislative tribunal which passed it. If that is to be the rule upon which the veto power is exercised, I venture the prediction that it will not be long continued in the hands of executives anywhere. The veto power is a most valuable power when properly exercised; it is a worthy part of our system of government; but it is only intended that the Executive shall overthrow the will of the legislative branch of the Government when we transgress our contitutional power or when some great policy which is vital to the welfare and the interests of the country is involved. It can not be true that the Executive, either of a State or of the Nation, may interpose his veto simply because he believes that the legislation is undesirable and simply because he believes that had he been a member of the legislative branch of the Government he would not have given his assent to it.

We have here the simplest and plainest exercise of legislative power and discretion. We have here a bill which not only does not relate to any great policy, which does not involve our constitutional authority to legislate, but which is insignificant from the national standpoint in its consequences and trivial in its amount viewed from the standpoint of national proportions. I think we ought to pass this bill notwithstanding the veto of the President simply, if for no other reason, because Congress has determined that it shall become a law, and because it is not one of the cases in which a President ought to interpose his veto.

Accepting the reasons which he himself gives for the refusal to accord the bill his approval, I regard them as utterly inadequate to warrant any Executive in overriding the act of the legislative department of the Government.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SUTHERLAND. I understand the Senator to say that the veto power ought to be reserved for great questions, and not questions of the character involved in this bill. As I understand, the alternative of the veto is the approval of a bill. Does the Senator think the President ought to approve a bill which he, in fact, does not approve?

Mr. CUMMINS. I do; most emphatically.

Mr. SUTHERLAND. I do not.

Mr. ROOT. May I ask the Senator from Iowa on what he bases this, to me extraordinary, proposition? Does he base it upon anything but his own unsupported judgment as to what the veto power ought to be?

Mr. CUMMINS. Yes.

Mr. ROOT. Does he base it upon anything in the history of the exercise of that power?

Mr. CUMMINS. I do.

Mr. ROOT. I should like to know what it is.

Mr. CUMMINS. I do. I base it upon the almost universal history of the exercise of that power. Never before have I seen it exercised upon such a subject matter. I may say that I was given this power for a period of something like seven years under the constitution of my State. It is given to the executive of that State in substantially the same terms that it is given to the President of the United States. I think the Senator from New York will find there is much literature concerning the power of veto and that it is substantially in its conclusions as I have stated. I never before heard it asserted that it was the duty of the Executive to veto every bill that did not meet with his approval as an original proposition. I have always supposed that while the power is given in unlimited terms—no one questions the President's power to exercise it upon every bill or for any reason—that in a free Government like ours it was intended as a check upon the legislative branch of the Government, only to be used on occasions of some gravity where clearly the legislative will had been improvidently exercised. If, on the other hand, as I said before, it is to be used in every case in which the Executive would have voted against the measure had he been a member of the legislative department of the Government, consequences must necessarily ensue which, in my opinion, will destroy the veto power in those cases where it can be exercised for the high welfare of the people of this country.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I yield to the Senator from New York.

Mr. ROOT. Mr. President, no one can say what he may or may not find in the future, and the suggestion of the Senator from Iowa that he thinks the "Senator from New York" will find that the history of the exercise of the veto power conforms to the view of the Senator from Iowa, of course, is not impossible. I can only say that up to this time I have found nothing, either from reading or from experience or from observation of the Government of the United States, which affords any warrant whatever for the view taken by the Senator from Iowa.

The most conspicuous illustration of the veto power probably that we have had is to be found in the numerous and repeated vetoes by Mr. Cleveland of private pension bills, separate and relatively insignificant measures. I am sure that I have known within my own experience of scores of vetoes by Presidents of the United States of bills no more important than this. It is so important a part of the veto power that in a considerable number of our States the power has been extended by the constitutions thereof to permit the governors of the States to veto items in appropriation bills, so that the power of veto can not be evaded by the legislature by putting just such provisions as in substance this bill contains into an appropriation bill and thereby preventing the veto because of the necessity of having the appropriation bill become a law.

Small and apparently insignificant acts by the legislature may be the beginning of most injurious practices, and it seems to me that if the President finds that the legislature is embarking upon a course of conduct which, according to his judgment, would be injurious, he can not reconcile it to his conscience to approve a bill which may be the first step in such a course of conduct.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I yield to the Senator from Mississippi.

Mr. WILLIAMS. The Senator from New York has just suggested that the smallest item upon an appropriation bill may be the beginning of most injurious practices. I wish to ask him in that connection if he does not think, taking the history of the English-speaking people by and large, that they have been the beginning of all beneficial courses, and whether the power to coerce the Executive by placing measures upon appropriation bills has not been the most valuable instrument the people ever had in their power to exercise?

Mr. ROOT. That is an entirely different subject.

Mr. WILLIAMS. I understand it is different from the main subject, but it is relevant here.

Mr. ROOT. What I was calling attention to is the fact that the veto power is so clearly understood to apply to measures that may be insignificant in themselves that in some of our States, I think in many of our States, it has been expressly extended to items in appropriation bills.

Mr. WILLIAMS. In that I agree with the Senator, and the Confederate constitutional convention granted that power to the President upon the theory that the Senator is following out, and made a great mistake, in my opinion, because they lost thereby the coercive power of the legislative over the executive which must exist in a free government.

Mr. ROOT. May I say one word?

Mr. CUMMINS. I yield to the Senator from New York further.

Mr. ROOT. I do not think the rule which the President should apply in determining whether he shall approve or disapprove of a measure is the rule the Senator from Iowa has mentioned; that is, whether or not the President would have voted for or against the bill. But I do think that when a bill goes to him from the Congress which he does not approve, which he thinks would be injurious, which he thinks ought not to become a law, it is his duty to disapprove it.

Mr. ROOT subsequently said: I ask that an extract from a message of President Cleveland, dated June 6, 1896, in relation to the exercise of the veto power, may be put into the RECORD at the close of my remarks upon this subject delivered a few minutes ago.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

EXECUTIVE MANSION, *June 6, 1896.*

To the House of Representatives:

I hereby return without my approval House bill No. 8293, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes."

To the extent that the Constitution has devolved upon the President a participation in legislation, I suppose his action on bills presented to him for approval involves a duty to be performed, like others pertaining to his office, with care and circumspection and in full view of his responsibility to the people and his obligation to subserve the public welfare. It is difficult to understand why, under the Constitution, it should be necessary to submit proposed legislation to Executive scrutiny and approval, except to invoke the exercise of Executive judgment and invite independent Executive action.

The unpleasant incidents which accompany the use of the veto power would tempt its avoidance, if such a course did not involve an abandonment of constitutional duty and an assent to legislation for which the Executive is not willing to share the responsibility.

Mr. CUMMINS. Mr. President, I did not intend to enter into the history of the exercise of this power by former Presidents in special instances; it would be as fruitless as it would be immaterial. I, however, do not agree at all with the view that seems to be taken by the Senator from New York. I do agree that the Executive himself must determine what his duty is with respect to the matter before him. There are no limitations upon his power. My assertion is that in exercising that power he should be careful to limit it in its exercise to those cases which do, in his opinion, gravely imperil the public interest and seriously injure the public welfare.

It has been disputed from the beginning of this Government that the Chief Executive should be the equivalent of the difference between one-half and one-third of the legislative branch of the Government. The President does not hear the arguments upon the measure. There is no opportunity for him to become advised with respect to all that is to be said for or against the measure, and therefore, unless he clearly perceives that Congress is passing beyond its constitutional authority or unless he clearly perceives that it is embarking upon a course that will be perilous and menacing to the public welfare, he ought to accept the will of the legislative department of the Government and not interpose his veto.

I did not intend, however, to make this suggestion a prominent part of the argument I wished to submit. It is incidental purely. I remarked upon it because I had never before observed an instance that so little warranted executive interference as the one before us; and now I ask the attention of the Senate for a very few moments to the merits of the bill itself.

I confess to a very great interest in it. It passes a little beyond that. I confess to a very great feeling with respect to the matter. One of the chief losers through the unfortunate failure of the contractor and one of the chief beneficiaries of this bill is a woman, who is fighting bravely and courageously and persistently for her home and for her children. The story of it all is one of the most pathetic I have ever heard, and when I heard it I became interested in it, and I studied the bill, because this woman spent her girlhood days in my own State, and her old father, who still lives there, is one of our most estimable citizens.

This was my introduction to the subject, and I have examined the whole transaction with as much care as I ever bestowed upon anything that was to come before the Senate. I did it because this woman, who is trying hard to educate her little girl, was about to lose her home, having mortgaged it in order to carry forward her work, and if she does not now receive the favorable consideration of the Senate she will lose her home, and all that she has courageously accumulated will have been taken away from her, and she will be left helpless in this battle against tremendous odds. I therefore did give the subject the most careful study, and I know all there is to know about it. I know about the hearings which were had, hearings of considerable length, before the two committees, one in the Senate and one in the House.

The truth is that whoever occupies these acres of land that are to be reclaimed through the project, which used the material and used the supplies and used the money that these poor people furnished to the contractors and to the laborers—whoever uses this land will be benefited by every penny that has been contributed by these people in order that the project might be completed. There is no claim whatever in all this record that the cost of the completion of this project is more than a fair cost, including the sums that have not been paid. The hearing is full of proof that the contractors were mistaken respecting the character of the work, and I do not say that the officials of the United States led them into a mistake intentionally. I do not say that. I only say the contractors undertook the work under a misapprehension in regard to the character of the material in which and through which the work was to be done, and, therefore, as they proceeded they found the cost of doing it was greater than the amount the Government had agreed to pay them for it. This was the reason they could not pay their men and could not pay for all of the material and could not pay for the supplies necessary to carry on the work, and therefore these claims which are presented in this measure.

Mr. OVERMAN. Mr. President——

Mr. CUMMINS. I yield to the Senator from North Carolina.

Mr. OVERMAN. There has not been a session of Congress since I have been here, being on the Committee on Claims, that Congress has not reimbursed every contractor who has taken a contract under the Government estimates and has found the conditions different from those stated in the estimates or specifications. Here at this session we paid one contractor some $29,000 because of loss occasioned by reason of errors in the specifications as to the character of the material to be taken out.

Mr. CUMMINS. Those facts are not disputed, and therefore I am led to inquire for a moment into the merits of the case. What are the merits of these claimants? I do not pretend that they have any legal claim against the Government. We all admit that they have none. They are here challenging the sense of justice of their Government. The first thing that I instance as indicating the merit of the case is that the Government has received the benefit of every penny represented in these claims. The land there now ready to take the water from the project could not have had the water without the payment of this money, without the advancement of these supplies and materials. Therefore it seems to me we ought to be willing under all the circumstances to reimburse these people.

The second ground of merit is this: These people did not know that the law was changed in February, 1905. For 12 years the law had been that the persons who furnished material or supplies or labor for a project like this were entitled to sue upon the bond taken by the Government from the contractor or contractors, and they in that way had the very same security that the universal policy of the States gives by way of mechanic's liens to material men and to laboring men. The policy of the law of 1894 was in exact accord with the enlightened and the civilized and the wise policy of the States that gives a lien upon the property to the people who can not protect themselves, whose labor or whose supplies or material enhance in value the property upon which they are used in improvements.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I do.

Mr. WORKS. The Senator from Iowa says the Government has received the benefit of the money expended in this way. Does the Senator know how much of this land is actually Government land and under this project?

Mr. CUMMINS. I do not remember; nearly all of it.

Mr. WORKS. I agree thoroughly with the Senator from Iowa that the Government should be held responsible. That is not the question in my mind at all. The question is whether that burden should be carried on to the settlers, and that is a matter which I think should direct itself to the consideration of the Senate.

Mr. CUMMINS. I answer it now in this way: If the Senator from California—and there are other Senators here who take the same view—feels that it ought not to be passed on to the land—not the settlers; there are no settlers there; there may be settlers there in the future, but there are none there now on these lands of which I am speaking—but if the Senator from California and the Senator from South Dakota and others who, taking that view of it—I am not criticizing that view of it—feel that it ought not to be placed upon these lands as an additional burden, then let us pass this bill, so that these people can have their money and be saved from the ruin which stares them in the face, a ruin which is imminent and which can not long be delayed, and then pass a bill which shall provide that these sums of money shall not be put upon these lands.

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Virginia?

Mr. CUMMINS. I yield to the Senator from Virginia.

Mr. SWANSON. I should like to ask the Senator from Iowa a question, because I heard a statement he made yesterday which, if true, would certainly induce me to vote to pass this bill over the President's veto. I understood the Senator from Iowa to state that there are 118,000 acres of this land which have not yet been settled upon.

Mr. CUMMINS. I did so state at one time. I made a mistake in that respect. There are, in fact, 128,000 acres of land that have not been settled upon.

Mr. SWANSON. And the effect of this bill would be to put this burden on that land which has not yet been occupied by settlers?

Mr. CUMMINS. That is true.

Mr. SWANSON. And the present settlers would not have to pay any part of it?

Mr. CUMMINS. No; it would put a burden of 33 cents an acre, in round figures, payable in 10 years, which means 3 cents an acre per year upon land yet unsold and unentered.

Mr. SWANSON. And it is optional with future settlers whether they will take the land with that additional burden of 3 cents an acre per annum or not?

Mr. CUMMINS. Oh, yes. The land is part of the public domain. The Government can sell it at any price it sees fit.

Mr. SWANSON. There is no question that this money was spent to benefit that land?

Mr. CUMMINS. None whatever.

Mr. SWANSON. It is not any additional burden put upon the settlers who have already taken land there?

Mr. CUMMINS. Not a penny.

Mr. SWANSON. I can not see how any gentleman can object to the passage of this bill.

Mr. CUMMINS. I was remarking that one of the merits which can very well be brought forward by the beneficiaries of the bill is that they did not know the law had been changed. I think the law never ought to have been changed. In harmony with the policy which prevails everywhere, I think the laboring men and material men should have a preference, so that they could be paid. If that be not so, I venture the prediction that no contractors save those of immense credit will ever be able to carry on any work of this character. One of the things that the mechanics' lien law does is to allow contractors who have no large established credit or no great property to compete with others for the construction of work of this kind. But that is neither here nor there.

It may be a wise policy, although I dispute it; but the truth is that these people knew nothing whatever about it. They knew no more about it than did the First National Bank in South Dakota and they went forward and trusted these contractors, believing that they were trusting the Government of the United States, believing that whatever might happen to the contractors they would be abundantly protected in the bond that had been given by the contractor for the faithful performance of his contract.

We all know that there is a maxim which is expressed most frequently in Latin that is rarely heard in English. It runs something like this: "Ignorantia legis neminem excusat." But these people had never heard that maxim. They were trusting to a general policy which had been established by the Government under which a vast amount of work had been done.

Are you going to judge them by all the rigors of the old maxim that ignorance of the law excuseth no man? It is a

hard doctrine. It is remorseless. It is unjust to invoke it against these people. This Senate does too many generous, charitable, and humane things to refuse to now recognize the equities of these unfortunates who have contributed something to the value of the property of the Government of the United States.

I recognize that there is a difference between the South Dakota case, the Bellefourche case, and this one. There are no two cases exactly alike. In that case the proposal was issued before the repeal of the law of 1894, and the contract was made afterwards. In this case the proposal was made a short while after the repeal of the law, and of course the contract was made after its repeal. But essentially there is no difference between the two cases. Abandoning all legal distinctions and technicalities and niceties, in equity and in good conscience, in fairness and decency and justice, there is no difference between the two cases.

Why? Because in the South Dakota case the equity of the bank was that they did not know that the law had been changed so that it could not rely upon the bond. It did not know; I grant that. In this case these people did not know that the law had been changed so that they could not have recourse upon the bond.

If there is to be any discrimination in the application of the harsh legal maxim that ignorance of the law excuses nobody, it ought to be in favor of these people out in Montana and Wyoming, because they had less opportunity to acquire the knowledge and be guided by the information than had the bank in South Dakota.

We are not discussing this case upon rigid legal principles. We are appealing to the sense of right and justice that ought to prevail and that I think does prevail in the hearts of all Senators; and in that forum there is no difference whatever between the South Dakota case and the Montana case.

I qualify my last sentence; there is just this difference: The bank in South Dakota could have survived the loss. These people can not survive the loss. While the law, blind as it is to conditions of men in administering justice, would make no difference between the poor woman, the tradesman, and the laboring man of Montana and the bank of South Dakota, this Senate will make a difference between them, for I know that it would rather give relief to these people who sorely need it than to give relief to an institution that could bear the loss without sensible injury to itself.

I am not bringing these two cases up for the purpose of suggesting that having given relief to the bank we ought now to give it to these people. I am bringing it up to appeal to a sentiment which I know exists here that these people ought to have relief, even though it had been denied to the bank in South Dakota.

I reject any suggestion or any idea that there are any other influences which prevail in this Chamber or any other motives governing the conduct of Senators than a pure desire to render to the people of the country that justice, that protection, that safety, that help, which alone will make our Government the object of the affection of all its own citizens and at the same time make it the admiration of the whole world for the quality of the justice it administers.

Mr. NEWLANDS. Mr. President, the Shoshone project has cost about $4,200,000. The Corbett Tunnell, upon which this work was done, and to which these materials were furnished, has cost approximately $1,000,000. Certain persons furnished labor and materials to the contractors of the Corbett Tunnel to the extent of $42,000, and that labor and that material has not been paid for, although it has entered into and formed a part, and a necessary part, of the subsidiary enterprise costing a million dollars, and the entire enterprise costing $4,000,000.

The question is whether the men who furnished this labor and material should go unpaid or whether they should be paid and the payment be added to the general cost of the enterprise and distributed over 128,000 acres yet to be settled upon, at a cost of about 33 cents an acre, to be paid for in 10 annual installments at the rate of 3 cents per acre per annum.

The President, acting under the advice of the Secretary of the Interior, has vetoed this bill, which met the judgment of the majority of the Senate and the House, upon the ground that it is retroactive, and also upon the ground that it shifts the burden from the men who furnished the labor and the material to the future settlers upon these lands.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. I do.

Mr. BORAH. I wish to ask the Senator what he understands the President to mean by retroactive. I have been unable to discover in what respect it would be retroactive, and I ask the Senator if he has an opinion with regard to that.

Mr. NEWLANDS. Mr. President, I had thought of that. I can not regard this legislation as retroactive in any objectionable sense. It certainly does not impair the obligation of any contract or destroy any property rights. But I am not inclined to indulge in criticism regarding the President's message or the President's views.

Mr. BORAH. Mr. President——

Mr. NEWLANDS. If the Senator will permit me, I do not wish to speak at length, I have only a few views to present, and I wish to present them briefly, and I would prefer not to be drawn into a discussion of side issues.

I propose to discuss this question upon the broad principles of equitable consideration. I do not question the good motives that prompted the Secretary of the Interior and the President in calling the attention of Congress to the salient features of this legislation, and to the fact, which we must all admit, that this legislation does shift the burden from the men who furnished the labor and the work to future settlers not yet in existence, who have the option of settling upon this 128,000 acres of land or not as they choose.

I agree with the Senator from Iowa [Mr. CUMMINS] that an enlightened legislation demands that the man who furnishes labor and material should have a lien upon the property or work into which his labor and material enter. That is the first obligation which civilized society should recognize as attached to property. Civilized society has recognized it in every State in the Union. These laws are now a part of the enlightened legislation of the day.

The Government of the United States, following this example in 1894, passed an act, not giving the labor and material men a lien upon the Government's property but giving them a lien upon the contractor's bond. Later on, in 1905, Congress repealed that act. I regard that as one of the most reactionary pieces of legislation that has been indulged in by Congress. It was an absolute step backward in enlightened legislation, and, so far as I am concerned, in the consideration of the equitable rights of these parties, I am disposed to brush it entirely aside and to recognize the obligation of the Government and the obligation of this property to respond to the men who honestly put labor upon it or furnished materials to it as the prior obligation of the entire enterprise. So I propose by my vote to sustain the action of Congress as against the veto of the President.

CRITICISMS OF RECLAMATION SERVICE.

Mr. President, during this debate I regret that Members from the West have taken occasion to cast slurs upon the Reclamation Service, or, if that is too harsh a term, to indulge in expressions that indicated a doubt of the capacity of that service and the excellence of its work. Some Senators made reference to extravagance and recklessness.

Now, this is a western enterprise embracing 15 States in the arid and semiarid region. At the solicitation of those States the Nation generously turned over the receipts from the sales of public lands into a fund dedicated to the reclamation of the West for all time, a revolving fund, which, through a process of compensation by future settlers, would enable ultimately the reclamation of every acre of land in the West capable of reclamation, without ultimate loss to the Govenment.

WORK HAS STOOD THE TEST OF INVESTIGATION.

That work was undertaken under large powers by the Reclamation Service, a Reclamation Service whose work has stood the test of time and whose work has the general approval of the West. It has stood the test of investigation after investigation. The Carter committee, composed of Members of the Senate, made an investigation some few years ago, and whilst a few minor criticisms were indulged, the general scope and the general efficiency of this great service was approved. I quote from the report, as follows:

> The committee found in the engineers and employees of the Reclamation Service a high-grade, courteous, and intelligent body of men, earnestly devoted to the work in hand * * * and that this work in hand is of vast and enduring national importance and must always be considered from the national rather than from the local point of view. The whole country is profoundly interested in the establishment of permanent homes by thrifty people on the public domain and the consequent development of the productive capacity of the soil. The reclamation policy inaugurated by the act of June 17, 1902, should be faithfully sustained until every acre of arable public land within the arid and semiarid regions of our country for which a water supply can be made available at reasonable cost is furnished with an adequate supply of water for irrigation.

I refer also to Senate Report No. 1281, Sixty-first Congress, third session, a volume of over 900 pages in which has been

included replies sent in response to circular letters to all persons interested, inviting them to suggest or criticize the law and the operations under it.

Later on, when it was proposed to loan the fund $20,000,000, to be repaid later on out of these proceeds, a commission of engineers was selected, five in number, who made a critical examination of every enterprise and who presented to the President of the United States an approving report. This report was transmitted to Congress by the President on January 5, 1911. This board of fair-minded, experienced Army engineers visited every project, examined all of the principal works, met with the settlers, and in their report give commendation to the work as a whole, recommending its continuation. The board states it "was impressed with the ability of the employees occupying positions of responsibility," and comments upon each and every piece of important work ending with recommendations in line with the policy then being pursued.

I ask whence is it that these slurring allusions come? From what source? They come from those settlers who without fault of the Government have been subjected to great hardships and from other settlers upon these great projects, few in number, I believe, who are desirous of escaping the obligations of the contract with the Government. It is the old case of encouraging the expenditure of money and then when the time of payment comes demurring to repayment, and a ground of demurrer must be laid in criticism of the work, charges of extravagance, and inefficiency, by which the burdens of the settlers have been increased. We find in almost every community a small number, and I will say for the credit of American citizenship a very small proportion of men, who make these complaints and impose upon public men who represent these constituencies, and who hear little or nothing from the men who are satisfied, but who hear much from the men who are dissatisfied. In this I am not including the man who after earnest effort has for a time not succeeded and who seeks for extension of the period of repayment, intending to make these payments when his means will permit. His efforts should be met with generous and appreciative assistance proportional to the good intentions and energy he has displayed.

It has been said that the cost of this enterprise has been vastly swollen since 1902, when this work was inaugurated. That is true, but the charge that it is the result of recklessness and inefficiency is not correct. We all know that the cost of labor and material has prodigiously increased during the past 10 years, so much so that some of the contractors upon these great works have been unable to make money, and some have even lost money, the accumulation of years. It can not be contended for a moment that these projects have cost, judged by the prevailing standards of the cost of labor and material, more than they should have cost. They have simply cost more than the estimates of 10 years ago, when the standard prices for labor and material were lower than they are to-day.

SALT RIVER PROJECT.

We have an illustration of this unintentional misrepresentation regarding the existing conditions in the statement that was made yesterday regarding the Salt River project in Arizona, which it is claimed involved in the first instance an estimate of only three and a half million dollars, and which has swollen to over $10,000,000. I can recall when that enterprise was inaugurated that many objected to it because there was so small an area of public land included within the enterprise, most of that land having been taken up by settlers prior to the inauguration of the enterprise by the Government. The settlers had entered there in good faith; they had constructed their irrigation ditches and their dams. They found that their dams were being swept away season after season; they were upon the verge of destruction; and they urged upon the National Government that it was its first duty to save an existing community rather than to create a new community, although in the latter it might have a larger area of unsettled public lands. The Reclamation Service, responding to the demands of humanity and wise public policy, made that the first project under the reclamation act. Certainly, the settlers in that valley have no reason to complain either of the Reclamation Service or the Government.

It is true that the enterprise at first contemplated only the construction of the Roosevelt Dam and certain works connected with it, at a cost of about three and a half or four million dollars; and I have to say that that dam has been constructed and completed pretty well within the estimates, for the Government diminished the cost by setting up a factory there and making its own cement instead of buying it at extravagant prices elsewhere. But the work did not cease there. After that work was inaugurated the headworks, upon which the irrigation system below depended, were destroyed and the settlers were unable to go on with the expenditures necessary for repairs. They were again threatened with destruction. They sent committees to Washington to the Reclamation Service and urged as their only salvation that the Government should take up the distribution system, the construction of diverting dams, and a system of distributing canals, which was not contemplated in the original plan. This involved the construction of permanent structures, not merely temporary structures such as had been put up by the rude work of the settlers. The taking over of that work and its completion by the Government cost $3,000,000 more.

Then, in connection with the headworks and distributing system, there were certain works furnishing power. Among these was the predecessor of the Pacific Gas & Electric Co., of Phoenix, Ariz. I am told that the idea has been to utilize the fall of water in the development of the water power, and thus make the water power partially compensatory of the enterprise. So the Reclamation Service found itself with this power plant on hand. The question was how to utilize this power without interfering with existing vested rights or preventing development of the irrigated area.

The desire of the settlers in the valley was that the Reclamation Service should utilize it as an asset belonging to the enterprise, which ultimately, under the reclamation act, would fall into the hands of the water users' association after they had paid back to the Government its expenditures by a process of installments running over a period of 10 years. Every step in this process has been approved by the water users' association, a corporation composed entirely of the water users themselves, the settlers themselves, and approved by their directors. Every extension was undertaken at their urgent request and demand. So about $3,000,000 more was spent in water-power development, and thus the total expenditures aggregated about $10,000,000, about one-third being spent for the original enterprise—the Roosevelt Storage Dam—and one-third being spent for the distributing system, and one-third for the power system partly used for pumping for irrigation and partly in the general market for light and power. Thus this community of settlers has acquired as its own property the most perfect system of public utilities in the country, free entirely from monopolistic control.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from California?

Mr. NEWLANDS. Certainly.

Mr. WORKS. Does the Senator know what amount per acre the settlers are going to be required to pay on account of the expenditures on that particular project?

Mr. NEWLANDS. I will state that it is estimated that the project will irrigate about 240,000 acres, which prior to the enterprise were worth fifteen or twenty dollars an acre, and that the cost of the entire enterprise, $10,000,000, distributed over the entire acreage, will be about $50 per acre, which will be paid back in 10 annual installments. But the present value of the land is said to range from $150 per acre upward.

Mr. WORKS. Does the Senator know how much of that property to be benefited by the project was in private ownership and not Government land at all?

Mr. NEWLANDS. Oh, a very large proportion of it.

Mr. WORKS. I want to ask the Senator further, as affecting the whole question of the Reclamation Service, whether he thinks the requirement of law that the money shall be repaid within 10 years is a reasonable one, under all the circumstances, or whether the time ought not to be extended?

Mr. NEWLANDS. Well, Mr. President, that is a matter that is pending before the Committee on Irrigation and Reclamation of Arid Lands. My inclination is to a reasonable extension where the necessity of it can be shown. There are many of these enterprises, however, on which the settlers will be entirely able to pay within the next 10 years, and it is desirable that they should do so, because if there is delay in the payments, it delays, to that extent, the inauguration of other enterprises, so that you are really, by making an extension to-day, delaying an enterprise of the future.

Mr. WORKS. I desire, of course, as a western man, to see the Reclamation Service self-sustaining, and I think Congress should make every endeavor to bring about that result; but I have always believed, and I now believe, that the length of time allowed for repayment, in view of the large sums of money which it is necessary to expend in the construction of irrigation projects, was altogether too short. It has resulted in a great deal of discontent, as the Senator knows; and that discontent is not wholly unfounded by any means, because there have been great hardships resulting from the burdens that have been placed on the settlers under the irrigation reservoirs.

SETTLERS HAVE ENDURED HARDSHIPS.

Mr. NEWLANDS. Mr. President, I would not minimize, of course, the hardships of the settlers; many of them have had to endure great hardships, and it is our duty not to add to them or perpetuate them. The hardships have not been due to the action of the Reclamation Service. They have been due to the fact that Congress, when the reclamation bill was up, passed, against my individual protest and the protest of the present officials of the Reclamation Service, an amendment opening up to immediate entry the lands which were subject to the enterprise. The result was that such entries being under the homestead act which required actual residence, the entrymen had to live on arid lands, which were utterly incapable of producing anything for months and years until the enterprise was entirely finished. That this compulsory residence was, in many instances, a great hardship can not be denied. At last the Reclamation Service induced Congress to permit the withdrawal of the lands from entry in the later projects until the completion of the project and the supply of water was assured, but most of the harm was already done.

Mr. WORKS. I did not mean to intimate by what I said that this result had come about by the extravagance or mismanagement of the Reclamation Service.

Mr. NEWLANDS. Oh, no.

Mr. WORKS. I myself have passed no criticism upon the Reclamation Service, and I hope the Senator did not refer to me as one of the western Senators who had taken any such ground as that. My question was founded upon the necessary expense of constructing the reservoirs and distributing systems, not upon the fact that there had been any extravagance connected with the work.

Mr. NEWLANDS. I understood the Senator perfectly, and I wish to say that it is not my purpose to indulge in criticism of the utterances of any Senator upon this floor. I have no doubt that the Senators have acted upon information which has come to them and which they thought it proper to present to the consideration of the Senate; but as an opportunity to explain these matters has presented itself, I thought it incumbent upon me to explain them.

Mr. SMITH of Arizona. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Arizona?

Mr. NEWLANDS. Certainly.

Mr. SMITH of Arizona. Mr. President, I think it unfortunate that the question of the Roosevelt Dam should now be brought up before the Senate in connection with the discussion of the veto message of the President on a very different question. I can not sit quietly and permit the inference to go out that the complaints which have been made are merely carping complaints of men who have no right to be heard and no right to any sort of remedy. If it is the desire of the Senator to protect and defend the Reclamation Service at all hazards at all times, I suggest that he defer the Arizona reclamation question until it shall finally come up for appropriate discussion. I shall then, I hope, find myself heartily agreeing in many respects with the Senator from Nevada, but as to the construction of many of the irrigation projects, and as to the management of many of them, I do not wish by sitting silent to be considered as estopped from making proper criticism at the appropriate time, if criticism be justified. But I protest that this is not the time nor the occasion to debate the question, for the reason that the matter is not before the Senate in any form.

Mr. NEWLANDS. Mr. President, as I have stated, it is not my purpose to enter into a criticism of any Senator's utterance upon this subject, but the fact is that an erroneous impression has been given, according to my judgment, and it is my purpose to correct it.

I agree with the Senator from Arizona that it is unfortunate that the question of the Roosevelt Dam, and of the various minor details of sale of power and other involved technical matters, have been brought before the Senate in the discussion of the veto message of the President on a very different question, but this has been done. We of the West, who are familiar with these matters, do not always appreciate what is the effect on others of bringing these details into various discussions.

The reclamation act, as it is now on the statute books, was the result of a long struggle in which the West was successful only after it had settled its own differences and agreed upon a policy. We have by no means settled all the problems of the West by the passage of the act. It is now being put into effect. We need still further legislation and further united activity in order to bring about the ultimate development of the resources of the country. If, among ourselves, we can not agree upon the course to be pursued, how can others join with us in this great and patriotic work?

WEST MUST UNITE IN SUPPORT OF SERVICE.

What I am trying to develop is that in unity is strength on these questions, and that by bringing to public attention continually in a critical spirit these matters which are relatively of minor importance we are retarding the settlement of the great problems before us. The desirable settler whom we all wish to come to the West learns in a vague sort of way that there is dissatisfaction. He does not know how and can not study into the matter, but he sees a general reference or minor complaint and at once concludes that something must be wrong, so he drops the idea of going to the West to seek a home. The capitalist, especially the man of small means, who desires to put his hard-earned savings into profitable investment, is deterred because he hears these rumors and concludes that if the Government can not carry out its work effectively, therefore no one can do so. The settler who is already on the ground and who should be making every effort to respond to his installment payments and to build up the credit of himself and the country is prevented from so doing by the intangible rumors which he can not exactly locate, but which cause a vague feeling of unrest. I am referring to these matters, as before stated, not because I wish to do so, but because it is incumbent upon some one to call to the attention of all interested the fact that we should either investigate carefully and set at rest these matters or else abstain from comments which cast doubt upon the reclamation act and its operations.

The subject of the Arizona project has been brought up by others. Taking this as an example the criticism has been made that in developing the water-power plant in connection with that project an exclusive contract was given in the sale of a small part of it to the Pacific Gas & Electric Co., of Phoenix, for that power at 1½ cents per kilowatt hour, while it charged the public 12 cents per kilowatt hour, and it is stated that protests were made against that contract.

My information is that prior to the Government undertaking the construction of this water-power plant, the owners of the existing canal were under contract with the predecessors in interest of Pacific Gas & Electric Co. to furnish its power at one-half cent per kilowatt hour, one-third of the price subsequently exacted by the Reclamation Service, and that the Reclamation Service in substituting the new contract for the old one, the obligation of which still remained, limited its operation to 10 years, so that at the end of that time any inequalities could be corrected. I may say in passing that it is not the duty of the National Government to prescribe to a contracting corporation which is getting power from its works the price it shall charge to consumers. That is the duty of the local regulating power, and fortunately there exists in Arizona a body created by the law of that State with power over public utilities, and if that public utility is charging the public too much the matter can be corrected by the action of the State authorities.

It appears from the evidence submitted that this revised contract, which has been in existence five years, and which will soon run out, has existed for many years without comment, excepting as being a fortunate solution of an exceedingly difficult complication. It is undoubtedly a matter upon which men's opinions may vary according to the degree of knowledge of the preexisting conditions, especially those which the contract rectifies. Compared with the great power development and especially of the project as a whole the transaction is relatively insignificant.

Mr. President, it must be recollected that in making this contract the Reclamation Service was substituting a new contract for an old one. It substituted, if my recollection is right, a 10-year contract for a 25-year contract; it substituted a higher price for a lower price, and beyond that the contract which was entered into has been approved by the water users' association, composed of all the settlers themselves, after full publicity and investigation. I have before me the statement of the counsel of the water users' association, presenting in parallel columns the provisions of the old contract and the provisions of the new, and giving it as his opinion that the new contract of June 22, 1907, was more favorable to the people of that locality than the old contract was. This is as follows:

CONCLUSIONS OF THE ATTORNEY FOR THE WATER USERS' ASSOCIATION.

For the purpose of the comparison by you of the terms of these two contracts, that between the Arizona Water Co. and the Phoenix Light & Fuel Co., and that between the Government and the Pacific Gas & Electric Co., so far as that may be readily done, I collate the following provisions:

I speak of the contract of March 1, 1901, as the "old contract," and the one of June 22, 1907, between the Government and the Pacific Gas & Electric Co., as the "new contract."

By the old contract the term of the right was 25 years from its date, a little more than 6 years of which had expired at the date of the new contract.

By the old contract the right was to the exclusive use of all the water power obtainable from water diverted by the Arizona Water Co.

Under the old contract the Electric Co. had a right to the flow of all the water diverted by the Arizona Canal for the development of power.

Under the old contract the exclusive right extended to any person in or out of Phoenix and to any use whatever.

By the new contract the term of the right is 10 years, to date from the time the Government can begin to supply power under its provisions.

By the new contract the right is limited to a maximum delivery of 1,500 kilowatts of energy, being a little more than a third of that contemplated by the old contract to be immediately utilized, and a probability of much more as need for it arose.

Under the new contract the Electric Co. has no right to the flow of any of the water nor any right to interfere with it or its manner of diversion or course of distribution whatever.

In the new contract the right excludes only the general retailing of power to customers in Phoenix or furnishing it to anyone in Phoenix to be again sold or retained. There is no limitation beyond that upon the sale of power contained in the new contract.

It should be noted that the subject of the old contract was the right to the use of water to develop power for the purpose of estimating the price to be paid for it. It was to be reckoned in kilowatts of electrical energy. The subject matter of the new contract is electric power or energy, which is measured in kilowatts.

By the old contract the price to be paid when the development exceeded the amount of $7,500 paid for royalty was $4.50 per 1,000 kilowatt-hours.

By the new contract the price is to be $15 per 1,000 kilowatt-hours.

I have, as you will note, treated the subject solely from the standpoint of the association in its relation to the project in general.

Mr. SMITH of Arizona. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Arizona?

Mr. NEWLANDS. Certainly.

Mr. SMITH of Arizona. By anticipating questions that will ultimately be debated the Senator is entering into a discussion which is somewhat embarrassing to me. He is now referring to a contract with which I am perfectly familiar and which will ultimately come up legitimately some day for discussion. I can not sit silent and admit by my presence that there is no just ground of complaint in connection with the matters to which he is referring, and, inasmuch as another and entirely different question is before the Senate, I think the Senator ought not, at least at this time, in the case of a project in my own State, in which my own people are interested, foreclose me from the opportunity of answering him, which I can not now do by reason of the proprieties of the occasion as I see them.

Mr. NEWLANDS. Mr. President, I am certainly not seeking to foreclose the Senator.

Mr. SMITH of Arizona. I am not criticizing the Senator in the least, but I am simply expressing the hope that my silence and that of my colleague in matters affecting the State of Arizona with which we are perfectly familiar may not be misconstrued. If the matter were properly under consideration at this time I would be glad to reply fully to the Senator from Nevada, but I am inclined to defer doing so until we can have an opportunity of bringing it up in a proper way and without the interference of other legislation. I think it will only cause friction to anticipate the matter. I am only making the suggestion to the Senator and not in any sense criticizing him. I see no reason at this time to either praise or censure the Reclamation Service. It is entitled to much praise at all appropriate times here and elsewhere; but to claim it above any criticism at all times and everywhere is more praise than can justly be bestowed on any work of human hands. Let us hope that the reclamation projects may proceed to accomplish their promised benefits and may be so justly and equitably settled as to exclude the necessity of legislation.

REPORTS OF DISSATISFACTION ARE ILL ADVISED.

Mr. NEWLANDS. Mr. President, I have no disposition to foreclose the Senator in any way or to put him under any embarrassment. I simply say to him—he probably was not here during the debate yesterday—that I am only referring to matters that were presented then, and by way of explanation, not by way of criticizing anybody. No one recognizes more than I do the sincerity and desire for accuracy of the junior Senator from Arizona [Mr. ASHURST], who made some remarks yesterday and presented matters to which I am now making a reply, not for the purpose of going into a discussion of these items, but to emphasize the point that this is not the time or place to try to debate details of this character. I simply wish, in the best of temper, to present to him the view which I think is the correct one with reference to this great enterprise, and I also wish to present, to western men particularly, the importance, if possible, of our adjusting these matters between ourselves in our committee meetings. We are overwhelmingly represented upon the Irrigation Committees of both Houses, and we can undoubtedly adjust all these questions there. We can bring the officials before us at any moment and enter into an inquiry with reference to any one of the irrigation projects, as we have already done. It seems to me quite inadvisable for us to give the southern, the middle western, and the eastern Representatives in the House of Representatives and in the Senate a mistaken impression regarding this entire enterprise, for I find by actual observation that chance remarks made both in the House and in the Senate, the result of communications, oftentimes half truths, oftentimes the result of inaccurate information received from constituents and in letters from constituents, are making an impression upon Senators and Representatives who do not represent our region, and an unfavorable impression regarding the efficiency and the success of this great enterprise.

It is the first great collective effort that the Nation has undertaken, and I should regret to see collectivism in so worthy a work stricken down by its own friends.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. NEWLANDS. Certainly.

Mr. BRANDEGEE. I do not desire to interrupt the Senator, except to say this: The unfinished business is a very important matter, and has been standing in the way of important general appropriation bills for two days now while this private claim, whatever its merits may be, having no general interest to the country whatever, but very important to the claimants, has occupied the floor here for two days, to the exclusion of all other business.

Now, at 2 o'clock the unfinished business will come up again. I want to be perfectly reasonable about the matter, but I think that this time, which is of great value to the proponents of this measure, ought to be consumed in discussion upon the measure itself really. I do not want to lay aside the unfinished business for this bill again to-day, and yet I feel that the claimants are entitled to a vote, if one can be had.

I wish to inquire of the Senator from Nevada whether we could not get a unanimous-consent agreement for a time to vote on this bill, some hour within a reasonable time, say, within an hour, or something like that? I desire to ask the Senator how long, probably, it will be before he will conclude the present theme on which he is now addressing the Senate?

Mr. NEWLANDS. Mr. President, I am quite in sympathy with the Senator from Connecticut in his purpose, and I should not have addressed the Senate at such length had it not been for the incidental reference to these outside matters.

I wish this bill for relief to those who furnished labor and material to the Shoshone enterprise to go through, but I do not wish it to go through upon an indictment against the efficiency and the integrity and capacity of a great service that has served the Government well. I wish it to go through upon its own merits and the equitable considerations that should control the right of these people to compensation. If I can get the consent of the Senate, which I have no doubt will be accorded, to put into the RECORD certain data which I have here, I will conclude my remarks.

Reference has been made to the cost of work executed under the reclamation act and the assertion made that this is more expensive than private enterprise. This depends upon how the comparison is made. If it is made on equal basis, as it should be, the results will probably show, unless I am greatly mistaken, that the Government work is being executed as economically as and more effectively than private work. It must be remembered that when the reclamation act was passed practically all of the easier available projects were taken up. The cheap ones had been built, development was stagnant because individuals did not dare to invest in other more expensive and difficult works.

The passage of the reclamation act, the building of works by the Government, stimulated corporate investment, and if we compare on the same basis the cost of these works, we will find that those private works which have been built since 1902 have cost for the same class of work as much, if not more, than those built by the engineers of the Reclamation Service.

I have before me a statement from a recent hearing, which gives the price per acre of some private works.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent to insert certain matter in the RECORD, and without objection leave will be granted.

Mr. NEWLANDS. The matter referred to is a statement contained in a recent House hearing, which shows:

COMPARATIVE COST OF PROJECTS.

Taking for comparison one of the recent works of private enterprise, namely, that of the Orchard mesa project near Grand Junction, Colo., it is stated that this work is costing the landowners about $125 per acre with interest on deferred payments. This has between 4 or 5 miles of wooden bench flume which will decay in possibly from 7 to 10 years and must be replaced, so that the actual cost of maintenance must be large. In comparison with this are the works built by the Reclamation Service—for example, that of the Uncompahgre project, which has a 6-mile tunnel and permanent concrete structure, the cost per acre for which will probably not exceed one-half the cost of the Orchard Mesa project and will be far more permanent.

The Denver Reservoir & Irrigation Co. is constructing a system of irrigation from which they expect to deliver five-eighths of an acre-foot of water per year for each acre, with a charge of $45 with interest. All of the Government projects furnish from two to three or more acre-feet per year, according to soil and locality, so that even at the same price the Government project is many times cheaper. In Paradox Valley, near the Uncompahgre project, the water will be furnished for $45 per acre with interest. The Routt County Development Co. is preparing to water 39,000 acres in Routt County at $45 per acre with interest. The Colorado Land & Water Co. is reclaiming land in La Platt County, Colo., at $45 per acre. The Two-Butte Irrigation & Reservoir Co. have constructed a reservoir in Prowers County for furnishing additional stored water, mostly to land which already has partial water right, at $35 per acre. The Toltec Canal Co. is reclaiming land in Conejos County for which they propose to charge $45 per acre. The Valley Investment Co. is reclaiming 24,000 acres in Bent County, for which the water right will cost $60 per acre. The Great Northern Irrigation & Power Co. in Routt County is charging $45 per acre for land which they reclaim.

Relative to reclamation in the North Platte Valley in Wyoming and Nebraska, for the North Platte project the charge per acre is $45, including a reservoir supply, and this also includes the first two years of operation and maintenance. In the same valley the Farmers Irrigation Co. have built the Tri-State Canal, for which they are charging $40 per acre for water, with interest, and have no reservoir water and a very insecure supply in the river.

In comparing the relative value of the two water rights last mentioned, it may be stated that below the end of the North Platte project there are 20,000 acres of land that can be watered by the Tri-State Canal, built by private enterprise, or the North Platte project, built by the Government, equally as well, but the farmers demand and are using every effort possible to keep the Tri-State from irrigating this land and trying to get the Government to irrigate it from the North Platte project, for the reason that they know that the Government is prepared to furnish them ample water and that the construction will be so much better than that done by private enterprise. The Government builds all the lateral system to each farm for the price mentioned while the private-enterprise projects do not build any lateral system.

In South Dakota the Bellefourche project is costing the land owners $30 per acre for a minimum supply of 2 acre-feet. On the other hand, the Red Water Canal Co. is charging $50 an inch, or $2,500 per second-foot for the water they supply.

The Government project is supported by a reservoir having a capacity of 200,000 acre-feet, while the Red Water Canal has no reservoir water to supply the land during low periods. The farmers under the Red Water Canal made application two years ago for the Government to take the canal over, and they would be glad to pay the price if the same was incorporated in the Bellefourche project. The Government was unable to do so on account of shortage of funds.

Other projects which may be mentioned are the Pueblo-Rocky Ford Irrigation Co., near Pueblo, which proposes to reclaim a large area of land out of the Arkansas River, which is already twice overappropriated, at a cost of $150 per acre, which includes the cost of the land. However, this land without water would not be worth over $10 or $15 per acre, thus making the water right cost them about $135 per acre. In northern Colorado the Greeley Poudre Irrigation Co. is constructing a system to reclaim a large area of land at an estimated cost of $45 per acre. In Idaho the Big Lost River project will cost $40.50 per acre and the Dietrick project $50.50 per acre. All of the private enterprises must necessarily charge interest on all deferred payments, in addition to the original cost which I have herein given.

With the present organization under the Reclamation Service it is believed that work is being done much cheaper than by private enterprise, if we consider the quality of the work in each case, its durability, and ultimate cost to the landowner.

In attempting to compare the cost of some of the older private canals it must be borne in mind that when these canals were first constructed there was but a small amount of land under irrigation. The water rights were sold for about what they cost the company, or if in a cooperative system for about what the works cost to construct. As the land was brought under cultivation, however, and became more valuable, the water rights increased in value until at the present time these water rights cost considerably more per acre than similar and possibly better rights under the Government projects.

The following table gives approximately the total acreage cost of water right per acre for a number of the larger recent private projects, these being given for comparison with the estimated cost of the Government enterprises:

Cost of private irrigation projects.

Project.	Total acreage.	Water right per acre.
Colorado:[1]		
Denver Reservoir & Irrigation Co		$45.00
Great Northern Irrigation & Power Co		45.00
Greeley Poudre Irrigation Co		45.00
Orchard Mesa Irrigation Works		125.00
Paradox Valley		45.00
Pueblo-Rocky Ford Irrigation Co		135.00
Routt County Development Co	39,000	45.00
Toltec Canal Co		45.00
Two-Butte Irrigation & Reservoir Co		35.00
Valley Investment Co. (Bent County)	24,000	60.00

[1] Cost of lateral systems not included. Interest charged on all deferred payments.

Cost of private irrigation projects—Continued.

Project.	Total acreage.	Water right per acre.
Idaho:[1]		
Big Lost River Land & Irrigation Co	79,122	$40.00
Bruneau Irrigation Co	49,700	60.00
Canyon Canal Co	5,829	40.00
Hansen, C. V., project	3,827	40.00
Idaho Irrigation Co	160,094	50.00
Idagon Irrigation Co	10,112	60.00
King Hill Irrigation & Power Co	17,666	65.00
King Hill Extension	9,738	65.00
Owyhee Land & Irrigation Co	30,400	65.00
Potrneuf Marsh Valley Irrigation Co	12,222	35.00
Twin Falls North Side Land & Water Co	188,850	35.00
Twin Falls Salmon River Land & Water Co	127,707	40.00
Twin Falls North Side Land & Water Co	44,555	45.00
Twin Falls Oakley Land & Water Co	43,773	65.00
Twin Falls Raft River Irrigation Co	99,668	50.00
West End Twin Falls Irrigation Co	45,775	40.00
Montana:[2]		
Billings Land & Irrigation Co		50.50
Conrad Land & Water Co		40.50
Franklin	5,142	40.50
Glass-Lindsay Land Co	35,000	50.50
Great Falls Land & Irrigation Co	36,000	50.50
Musselshell		40.50
Red Rock Reservoir & Irrigation Co		40.50
Teton Cooperative Reservoir Co		40.50
Nebraska:[3]		
Farmers' Irrigation Co. (Tristate Canal)		40.00
Oregon:		
Central Oregon Irrigation Co		60.00
Deschutes Land Co		36.00
Deschutes Irrigation & Power Co		60.00
Eagle & Pine Valley		80.00
Harper Basin Irrigation Co		55.00
Jordan Valley Irrigation Co		60.00
Portland Irrigation Co		35.00
Powder Valley Irrigation Co		150.00
Warner Lake Irrigation Co		120.00
Washington:[4]		
Cascade Canal Co	10,000	50.00
Congdon or Yakima Valley Canal Co	4,200	121.40
Kennewick Canal	14,000	162.80
Lower Yakima Irrigation Co	12,500	129.40
Selah Moxee	7,000	86.40
Selah Valley Development Co	10,000	150.00
Union Gap Irrigation Co	5,000	135.00
Washington Irrigation Co	50,000	46.00

[1] Structures, exclusive of headworks, constructed of wood, indicating high future cost of maintenance. Six per cent interest charged on all deferred payments, adding 20 to 25 per cent to the total cost.

[2] Six per cent interest charged on all deferred payments. Cost of lateral systems not included.

[3] No reservoir or lateral system.

[4] Figures include additional cost for permanent works; also main laterals. Interest charged on all deferred payments.

Mr. MYERS. May I interrupt the Senator from Nevada?

Mr. NEWLANDS. Certainly.

Mr. MYERS. In pursuance of the suggestion of the Senator from Connecticut [Mr. BRANDEGEE], who has kindly expressed his willingness to again temporarily lay aside the unfinished business, which will come up at 2 o'clock, and without any wish whatever to restrict the argument of the Senator from Nevada, or any other Senator, but wishing that there may be full debate to completion on this bill and being glad to hear from the Senator from Nevada and from all concerned, I will suggest, if it meets with the approval of those who are interested in the bill and others that, by unanimous consent, we take a vote on this measure this day not later than 3.30 o'clock.

Mr. BRANDEGEE. Make it 2.30 o'clock.

Mr. MYERS. We may get to it by 2.30 o'clock, and I hope we will do so. But I suggest not later than 3.30 o'clock.

Mr. BRANDEGEE. Not later than 3 o'clock and as much earlier as possible.

Mr. MYERS. There are several other Senators who have taken an interest in this matter and who wish to say a few words, and I wish them to speak and I should like to have the Senator from Nevada conclude.

Mr. BRANDEGEE. Three o'clock would give an hour and a quarter more, and even if there are six Senators who want to speak it would give each Senator 15 minutes, and it seems to me enough could be said in 15 minutes in addition to what has been said.

Mr. MYERS. There may be some Senators who wish to speak against the bill. I do not desire to restrict anybody who wants to speak.

Mr. ROOT. I wish to say I should not feel like agreeing to a unanimous consent which would probably much prolong the discussion on this bill. I think the Senate has devoted all the time it ought to to this subject, and it seems to me that 3 o'clock is as far as we ought to go. There has been very full discussion.

Mr. BRANDEGEE. If the Senator from Montana would modify his request that a vote be taken on this matter not later than 3 o'clock, I certainly would be willing to give my consent to such an agreement, provided that it will not interfere with the position of the unfinished business.

Mr. MYERS. I thank the Senator from Connecticut for his willingness to yield temporarily on the unfinished business, and if there be no objection to 3 o'clock on the part of other Senators it will be agreeable to me. I pause to hear if there is any objection from others. [A pause.]

Mr. BRANDEGEE. I raise the parliamentary inquiry whether such consent would displace the unfinished business.

The PRESIDENT pro tempore. The Chair is of the opinion that it will not interfere with the unfinished business.

The Chair will state the request made by the Senator from Connecticut, which is that the vote be taken on the bill now under consideration at not later than 3 o'clock this afternoon. Is there objection? The Chair hears none, and it is so ordered.

The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. BORAH. I do not desire to delay the matter, but the Senator from Montana was not listening at the time the Chair stated the question. I wish the Chair would again state the question.

Mr. MYERS. Mr. President, I suggest the absence of a quorum. I understand there are other Senators who desire to be heard on the matter, and I should be glad to hear them.

The PRESIDENT pro tempore. The Senator from Montana suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crane	Jones	Simmons
Bacon	Culberson	Kenyon	Smith, Ariz.
Borah	Cullom	La Follette	Smith, Ga.
Bourne	Cummins	Myers	Smith, Mich.
Bradley	Dillingham	Newlands	Smith, S. C.
Brandegee	du Pont	Overman	Smoot
Bristow	Fall	Page	Sutherland
Bryan	Fletcher	Perkins	Thornton
Burnham	Gallinger	Pomerene	Townsend
Burton	Gronna	Rayner	Watson
Catron	Guggenheim	Reed	Wetmore
Chamberlain	Johnson, Me.	Sanders	Works
Clapp	Johnston, Ala.	Shively	

Mr. THORNTON. I wish to announce the necessary absence of my colleague [Mr. FOSTER], and I desire that this announcement shall stand for the day.

The PRESIDENT pro tempore. Fifty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. JONES. Mr. President, I regret that we can not have the attention of more Senators to this matter, because I realize that as Senators generally desire to sustain a committee report, so, on the same basis, they probably expect to vote to sustain the veto of the President. But it seems to me that the facts in this case would warrant every Senator in voting to pass this bill notwithstanding the veto of the President.

These people come here because they have no legal rights anywhere else. They come upon the equities of their claim to Congress, the only body that can give them relief. It has been suggested by some that this bill should have gone to the Committee on Claims; that it is in the nature of a claim; and that it should have been acted upon by that committee. I happen to be a member of the committee to which this bill was referred, as well as the Claims Committee, and I know that very extended hearings were had there. It was suggested in the committee that the bill ought to be reported back to the Senate and referred to the Committee on Claims, but it was finally decided by the committee that the members of the Irrigation Committee, who were especially familiar with the irrigation conditions and the character of these contracts and the difficulties under which the contractors labor in connection with these irrigation works, were really better able to pass upon a bill of this kind than the Committee on Claims, most of the members of which are unfamiliar with these conditions. Therefore the Committee on Irrigation deliberately refused to report the bill back to the Senate with the request that it be referred to the Committee on Claims, but held jurisdiction of it, investigated it, had hearings, inquired into all the facts and all the circumstances in connection with this claim with very great care, and my recollection of it is that the report of the committee to the Senate was unanimous.

By reason of these hearings I became fairly familiar with the case, and its equities appealed very strongly to me. It seemed to me that Congress and the Government could not do any other than allow this bill. It was reported unanimously to the Senate, as I said, and passed, as we pass many other bills—without objection and without special consideration.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. Certainly.

Mr. WORKS. The Senator from Washington makes the statement that the report on this bill was unanimous. The Senator does not mean to say that the whole committee was present in the consideration of the bill and joined in the report, does he?

Mr. JONES. I do not remember now whether all the members of the committee were present or not. When I say a unanimous report, I mean just as we use that term here in stating that a report of a committee is unanimous; that is, that there was a quorum present in the committee, and that there was no objection on the part of any member who was present to its report. When the Senator puts it in that way I will not say that all the members of the committee were present. I do not remember; I do not know.

Mr. WORKS. I asked the question because I am a member of that committee, and I usually try to attend the sessions of all committees of which I am a member, where the sessions do not conflict, and I certainly never joined in any report in respect to this particular bill and never was present at any hearing which we hear talked about so much on the floor of the Senate.

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Montana?

Mr. JONES. Certainly.

Mr. MYERS. The Senator from California was not present, but a quorum of the committee joined in unanimously reporting the bill favorably.

Mr. JONES. I can testify to the faithful attendance of the Senator from California on the committees of which he is a member, because I am a member of two or three of his committees. I did not intend to mean by my expression that every member of the committee was present, because, as I said, I do not know, and, of course, the Senator from California knows whether he was present or not. But what I meant by it was that there was a quorum present, and there was no objection made; and I always understand when a Senator states here that a bill is reported unanimously that it is a report by a quorum of the committee, without any objection. That is all I intended to say.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from Washington yield further to the Senator from California?

Mr. JONES. Certainly.

Mr. WORKS. I did not criticize the statement of the Senator from Washington, but, as I have been saying some things here in opposition to this bill, I do not want it to appear that I was acting inconsistently with respect to it—casting my vote one way in the committee and talking another way on the floor of the Senate.

Mr. JONES. I am glad the Senator made that statement, because I did not want to put him in an inconsistent position.

I desire to call the attention of the Senate to a statement in the message of the President. I believe that the President wrote his message on the information sent to him and given to him by the department. He could not give attention to all the details in connection with this matter and had to take the recommendation and advice of the Secretary of the Interior. But I think the President—and I say this in no criticizing way at all—misapprehended the letter of the Secretary, because the President says:

> To require that this additional amount should now be included in the assessment upon the lands is by law to increase a contract burden by a change of the character of the liability after it has been assumed and fixed.

The liability of settlers upon 128,000 acres of this land has not been assumed and has not been fixed, and no contract has been entered into between them and the Government that could be affected in any way, shape, or form by the passage of this legislation. The Secretary, in effect, says this in his letter printed with the message.

Furthermore, the Secretary of the Interior, in his letter to the President, does not base his recommendation to the President that this law be not signed upon any such contractual relation. The Secretary gives as his reason for recommending the disappproval of the bill the following:

> The chief engineer of the Reclamation Service advises me that the water-right charge already imposed and to be imposed upon the lands in the project is, in view of the nature and value of the lands, now at the maximum of safety, and that the addition which the pending bill would render necessary would be a heavy burden upon all future settlers and water-right contractors and would seriously jeopardize the success of the project.

Now, notice:

Under these circumstances, I am reluctantly compelled to advise that the bill should not receive your approval.

Listen!

If the lands of the project were able to bear the additional charge I would gladly advise otherwise.

The PRESIDING OFFICER. If the Senator from Washington will suspend for a moment, the Chair will lay before the Senate the unfinished business, the hour of 2 o'clock having arrived.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. In accordance with the understanding arrived at a few minutes ago, I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Washington will proceed.

Mr. JONES. So the Secretary of the Interior expressly bases his recommendation to the President that this bill be not signed upon the possibility of an increase in the burden, jeopardizing the success of the reclamation project, and he expressly states that if he were not satisfied of that fact he would recommend the passage of the bill. In other words, Senators, all through this proposition no question is made as to the equities of the claims of these people. The Secretary in his letter said:

The laborers and claimants who seek relief through the pending bill have suffered undoubted hardship.

Now then, it seems to me that these people, having no legal rights or remedies that they can enforce, coming to the Senate upon equities that are unquestioned by anyone, not even by the department itself, the Senate should feel fully justified in giving them relief. If this additional burden is imposed upon the land on which there are now no settlers, 128,000 acres, I think, for which no water rights have been contracted and upon which the Secretary has authority under legislation passed by us to increase if necessary the pro rata burden, if the lands can bear this additional amount, which is no more than 3 cents an acre, it seems to me that we ought not to hesitate in that respect, and if the burden now is figured down to the point where an addition of 3 cents an acre will ruin the project it is in a very precarious condition.

A suggested criticism yesterday as to the department assessing this additional burden upon these lands I do not really agree with, because Congress itself has provided the way in which the cost of these projects shall be assessed upon the land, and the department in doing that simply acts under the law and by the direction of the law. If any change should be made we should do it. The department is simply doing its duty under the law in these matters.

My recollection is that Congress passed a law under which we authorized the department to recancel its notices from time to time fixing the charges upon a project and to readjust them and give new notices, just for the purpose of meeting conditions where the estimated cost of the project was less than the actual cost, and where settlers had not gone in and taken the land. In order that the law should be complied with and the cost of the project assessed against the land, we authorized the Secretary to cancel the notices issued and readjust the charges and issue new notices. So we have recognized in that just exactly what we would recognize by the passage of this legislation, if it did result in imposing the claims of these people upon the lands for which no settlers have yet applied. Notices have been changed and charges increased on lands in different projects, and settlers coming after such increase can not complain.

I have just as much regard and just as much solicitude for the settlers of this country as any Member of this body, and yet it does seem to me that no one can complain if before any contract is entered into the settler knows what he will have to pay for his land. It does not seem to me that he can complain if it is a little bit more than those who first entered on the project had to pay, because he can enter into the contract or not, just as he sees fit. If he thinks the charges are too high, he need not enter the lands.

But, regardless of that, these people should not be required to bear this loss themselves. If it is inequitable and unjust to other settlers who may hereafter go on these lands to pay what amounts to 3 cents an acre for 10 years, if it is unjust to them to bear that burden, let us pass this bill and then pass legislation crediting that project with the amount of it and repay it out of the Treasury of the United States.

Some say let us sustain this veto and let these people come here with a claim. If they would ever get it that way, they would get justice in the end, it is true, but I say we have passed the bill, we have recognized their equity, and why not give it to them now and not turn them back to the uncertainties of getting a claim bill through Congress. I have often thought that if I had the money I would rather pay any claim of my constituents than try to get it through Congress, because it is almost an impossible task. But if we do relieve them, as I said, and if we believe that the project ought not to bear this charge, let us pay these people their money, and let us bring a bill in here to relieve the project from the payment. Do not put on them the burden of getting other legislation. It will not hurt the Government to do without this money for a while. It may ruin these poor people to be put to further delay.

The situation is simply this: The Government entered into a contract with a certain party to build this tunnel for a certain sum. It was a $750,000 contract. It took a $75,000 bond to protect itself. The contractor failed. Why he failed, it seems to me, is immaterial. He failed. But while he was carrying on the work these people furnished supplies and money and goods and all that sort of thing, that went into the project. They furnished these to the contractor in the belief that they had security for it if he did not pay it. As was suggested by the Senator from Iowa [Mr. CUMMINS], they knew that under their State law when they furnished material or labor in any State work that any contractor was carrying on they would have a lien, and they supposed—and this was brought out before the committee—they had a like remedy or a like protection in this case. They did not know what the law was. They had not looked it up. They had not examined the contract between the contractor and the Government. They knew they were dealing with a contractor with the United States. I submit they had every reason to believe that this Government of ours would see to it that material men and labor men had protection. But instead of that the Government had passed a law under which material men and labor men could not hold the contractor on his bond, but the United States was put in the place of those people and its claim for reimbursement for what it may have to expend was put ahead of them. The act had not been passed very long, and even if those people had known of the law under which they had the right to sue the bondsmen of the contractor, they had not had time to learn of its repeal.

The contractor failed. He could not pay these bills. The material and money of these people went into the project. It got the benefit of them. The Government has the contractor's bond, but it is of no benefit to these honest claimants. The equities and the justice are upon the side of paying these people this money, and doing it now by the passage of this bill.

As I said, the President, it seems to me, from his own message and from the letter of the Secretary of the Interior, wrote that message under a misapprehension, because there were no contracts under the letter of the Secretary that would be violated. There were no contracts existing in reference to water rights for these lands. They had their proportionate benefit from the supplies furnished and the moneys paid by these people.

It does seem to me that the Senate ought to act upon this measure favorably in behalf of these claimants. If we think that the project should not bear this burden hereafter, let some one introduce a bill to relieve the project from it, but do not keep these people out of their money any longer, in order that possibly the Government may be protected or saved. There is nothing which makes the people lose confidence in the Government so much as to find the Government mistreating its individual citizens. Everyone concedes the justice of these claims. Congress can not afford to refuse to pay them on a purely technical plea.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES. Certainly.

Mr. POMERENE. As I remember it, it was stated on the floor the other day that the amount of one of these claims is about $10,000. Is that claim held by an original claimant, or is that claim now owned by some speculator who has bought it up, and if so, for what consideration?

Mr. JONES. I do not remember just what the different items of these various claims are. My recollection is that in the hearings before the committee there was no showing at all that any of these claims were held by speculators. My recollection is, but I may be mistaken, that the claims are still held by all the people who actually furnished the money to the labor-

ers, and who took up time checks and labor checks and furnished materials.

Mr. MYERS. Mr. President——

Mr. JONES. The Senator from Montana can probably give more definite information on that point than I can.

Mr. MYERS. Ten thousand dollars of this $42,000 is a claim held by and is due to Mr. and Mrs. McDonald, small merchants of Butte, Mont. The claims for the balance of the $42,000 are still owned and held by the original claimants. They have simply been turned over to Mr. and Mrs. McDonald for the purpose of looking after the collection thereof and getting relief from Congress if possible. Their $10,000 is justly due and owing to them. Outside of that they have no interest in any of the rest of the $42,000. It goes to the original claimants. There is no speculation and there is no speculator involved in the matter at all.

Mr. JONES. Mr. President, I have nothing further to say. This claim, from the time I went into it and got at the facts, appealed to me as one that should appeal to the conscience and sense of justice of Congress, and the more I look into it the more firmly am I convinced of the justice and merit of the case and of the injustice in Congress refusing to pay it, and refusing to pay it now.

Mr. SMOOT obtained the floor.

Mr. KENYON. I wish to ask the Senator from Washington a question.

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. SMOOT. I will be glad to yield.

Mr. KENYON. The Senator from Washington is so much more familiar with the case than I am that I wish to ask him in what respect this legislation is retroactive in character or does he think it is in any way of a retroactive character?

Mr. JONES. I do not think it is at all. I can not see wherein it is retroactive in the legal sense.

Mr. KENYON. The President seems to base his veto on the thought that the legislation is of a retroactive character. The Senator from Washington thinks it is not?

Mr. JONES. I am satisfied it is not. I have my views as to why the President came to make that statement, as far as that is concerned. No doubt he consulted with the Secretary of the Interior in regard to the bill and the claims, and he probably told him about the conditions of the law that we had repealed—the law some years ago taking away the right of the material men to sue a contractor's bondsman and giving back the right to the United States. He was told that the claims of these material men originated after that repeal, and that they had no right to it, and that this bill was really restoring the repealed law for the benefit of these people, and he, no doubt, got the impression that it would impose an additional burden on settlers who now have contracts with the Government. That, of course, should not be done, and could not be done, and is not attempted by this bill.

Mr. KENYON. I wanted to understand how this legislation could be of a retroactive character, and I wanted the views of the Senator from Washington on the subject.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nevada?

Mr. JONES. Certainly.

Mr. NEWLANDS. If the Senator will permit me, I will state that the President was doubtless under a misapprehension as to the effect of this action upon existing contracts. A reading of his message will disclose that he supposed it would affect the prices settlers who had made contracts with the Government would have to pay for their land, whereas as a matter of fact it appears by the statement made by the Secretary of the Interior that the additional price will not be imposed upon those who are now upon the land but simply upon settlers in the future who may enter upon the land.

Mr. JONES. The Secretary states in his letter, which I read a moment ago, that he would advise the approval of this legislation were it not for the fear that it might make the project a failure, and not because it was retroactive.

Mr. SMOOT. Mr. President, I do not intend to take very much of the Senate's time this afternoon. This matter has been pretty thoroughly discussed. I would very much prefer to pay what moral obligation the Government is under in this case by a direct appropriation to the parties making the claim, and if they are entitled to the amount of the claim I want to say they should be paid the amount, but not in the way this bill provides. I recognize the force that an appeal to sympathy has, but that should not be considered, for there is a greater question than sympathy involved in this measure.

Mr. President, the Senator from Montana [Mr. MYERS] in his speech yesterday made this statement:

They—

Speaking of the creditors of the contractor—

They credited these people on the strength of the fact that they were dealing with the Government, believing that the law of 1894 was in force, and were so advised.

The Senator was mistaken in that statement or else the parties certainly were advised by nobody who had read the contract. The contract specifically stated that it was under the law of 1905, and if anyone was led astray it was not by the contract nor was it by the advertisement for bids, because the advertisement for the bids referred to the law of 1905.

Mr. MYERS. May I interrupt the Senator just a moment?

Mr. SMOOT. Certainly.

Mr. MYERS. I have no doubt of the correctness of the Senator's statement. That the contract was made in that way, I think, is entirely correct. But what I meant to say was, and what I will say now is, that I do not believe, and the hearings will show it, that the different small tradesmen and dealers who let this subcontractor have supplies had access to or knew anything about what was in the contract, because the contract was purely between the contractor and the Government. The people who let the contractor have supplies only knew that they were furnishing supplies for a Government contractor, and they had been advised and believed that under the law they had the first right to sue on the bond.

Mr. SMOOT. I wanted the record clear on that point, and that is the reason I called the Senator's attention to the statement made; I thought he would agree to that correction.

Mr. President, this bill was introduced in the Senate and referred to the proper committee. That committee considered it and reported it back to the Senate, with no written report whatever. It went to the calendar, was brought up by unanimous consent, was never discussed a minute, and passed. It went to the House and was considered by a committee of the House. There was a minority report made in the House and signed by three Members, as the Senator from Montana stated.

I was told by a Member of the House yesterday that this bill was brought up for consideration at the time every Member signing the minority report was in Baltimore at the Democratic convention.

I am referring to the legislative procedure on the bill, and I am going to call attention to the minority report. That is in order. It is a House document, and I have a perfect right to refer to the report made by the minority of the House committee. The minority report of the House says:

The claims to which this bill relates are claims for labor and material furnished the subcontractor, the Western Construction Co., for which the Government in no way has bound itself to pay. No one acting for the Government at any time promised to pay these claims or in any way led the claimants to believe or expect the Government would pay them. They were merely the personal obligations of the Western Construction Co.

They also say:

Boiled down, the real question here presented is, Who shall suffer—the water users, who are entirely innocent of any wrongdoing in the premises, or these claimants, who neglected to take security or to protect themselves when they had the opportunity to do so? Their dealings were not with the Government, not with the contractor, but with the subcontractor, and they did so at their peril. What right had they under the circumstances to look to the Government for security?

Mr. President, the Secretary of the Interior, in his letter dated July 12, 1912, addressed to the President, makes this statement:

If the bill becomes a law, it will bring to naught the work done in instituting the suit and in protracted negotiations for settlement. The precedent will probably be followed in future cases, with the result that the Government's security will be of little value in any case. I am of the opinion that reasonable security for the claims of laborers and material men should be given by the Government's withholding payment on the contract during a time fixed for the filing of notice of such claims, payment thereafter to be made to the contractor or claimant as may be ordered by the proper court. This would require general legislation.

Now, as to where this burden will fall, if the veto message is not sustained and the bill becomes a law, there are 22,000 acres under existing contracts in the project that will not be affected. It is true that under those contracts the burden will not fall upon the entrymen, because the Reclamation Service had named the amount per acre that shall be paid for the water under those contracts, based upon its actual cost at the time, and the actual cost did not include the $42,000 involved in this bill. There are, however, 12,000 acres that will be compelled, unless it bears its share of the $42,000, to be canceled, as there are existing to-day public notices of 12,000 acres. Notices have already been given upon 12,000 additional acres, and the proportion of the $42,000 will fall upon that 12,000

acres, even if they decide to spread it over the 128,000 acres, as suggested by the Senator from Iowa.

Mr. CUMMINS. Mr. President, there is no legal difficulty in the Government recalling those notices, I understand.

Mr. SMOOT. None whatever.

Mr. CUMMINS. The Government will simply suffer the expense which it has incurred in issuing the notices. It is simply a question whether the Government ought to suffer that very little expense or whether these people ought to suffer it.

Mr. SMOOT. That is not the only question. I call the Senator's attention to the fact that if they do recall the notices and these people do decide to take up the 12,000 acres which they have already decided to do, then, if the notices are recalled, the price must be made 33 cents an acre more, and this burden will fall upon the entrymen who have already given notice of taking up the 12,000 acres, and not only that, but it will fall upon all the other 116,000 acres, at 33 cents an acre.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. Yes.

Mr. REED. The Senator, I take it, is quite familiar with the irrigation problem. I want to ask him how much this land, speaking broadly, is worth before irrigation?

Mr. SMOOT. Very little, indeed, Mr. President.

Mr. REED. Practically nothing, except——

Mr. SMOOT. In some locations, I will say, not to exceed whatever the grazing value would be, perhaps $2 to $5 an acre.

Mr. REED. What is it worth after successful irrigation?

Mr. SMOOT. That would greatly depend upon the character of the land; but I should judge that if the water project costs $34 an acre, with the original cost of, say, $5, making $39 an acre, it would be at least worth a little more than that.

Mr. REED. That is getting at the value of what it cost to put the water on. Of course that would not be a safe way to get at it, because you might put water upon the ground at an expense of $100 an acre and it might not be worth $50. Then again you might put water on it at an expense of $10 an acre and the land might be worth $100. I wanted to know if the Senator is familiar with this land, and if so what the facts are about this particular land, and if he is not familiar with this land, what the general rule is in regard to the increase of value?

Mr. SMOOT. All I can say is that I have never been upon the land; I do not know what character of land it is; but I notice that the Secretary of the Interior in his letter to the President says:

> The bill properly provides that the United States shall not be involved by it in any expense. The laborers and claimants who seek relief through the pending bill have suffered undoubted hardship. The effect of the proposed statute would be to shift that hardship to such water users on the Shoshone reclamation project, or the part of it served by the Corbett Tunnel, as hereafter settle upon the public lands or initiate irrigation on the private lands under the project.

And then he says:

> The chief engineer of the Reclamation Service advises me that the water-right charge already imposed and to be imposed upon the lands in the project is, in view of the nature and value of the lands, now at the maximum of safety, and that the addition which the pending bill would render necessary would be a heavy burden upon all future settlers and water-right contractors and would seriously jeopardize the success of the project.

Mr. REED. Will the Senator allow me to ask him another question?

Mr. SMOOT. Certainly.

Mr. REED. Does the Senator as a business man—and he is, I understand, a very good business man, as I have been led to believe from many observations I have made of his grasp of business propositions here before the Senate, and I say that in all seriousness——

Mr. SMOOT. I thank the Senator.

Mr. REED. Does the Senator believe that any living man can figure on a project of this magnitude and get within 33 cents an acre of the actual outcome?

Mr. SMOOT. As to the actual result?

Mr. REED. Yes.

Mr. SMOOT. No; Mr. President, I do not.

Mr. REED. Then, does the Senator believe that the Government of the United States would ever be warranted in entering upon an irrigation project of such doubtful value that the expense would come within 33 cents an acre of the total value of the project?

Mr. SMOOT. Mr. President, that is not the question that we are discussing at all. This is a private claim of $42,000 made against the Government, and the question is as to who shall bear the burden of the claim.

Mr. REED. I understand that.

Mr. SMOOT. Shall it be borne by the parties who furnished material and supplies or cashed labor time checks, or shall it be passed on to the entrymen? That is the question.

Mr. REED. I understand that is the question, but I am getting to that question, I think, by a pretty straight road. If it is true that this project costs very nearly the entire value of its possible benefits, and that 33 cents an acre added to it will make the project impracticable, then it is not any use to any man living upon this earth, whether he is a settler or a prospective settler; and if our Government has ever entered upon any such project, then it needs a guardian appointed to oversee the action of the men who are responsible for such an undertaking. It seems to me it can not be true that we are so near the line that 33 cents will push us over it, and that the Secretary of the Interior must be mistaken.

The reason this is in point, if the Senator will pardon me, is this: If this is a good project, then 33 cents an acre will not ruin it; and if 33 cents an acre does ruin it, no prospective settler can be deprived of more than the possible profit of 33 cents an acre. If that is all he can count on, the settler had better never enter the land; it would be absurd to do so.

One thing further—for I do not intend to debate the question, but rather to conclude that thought—the settlers are merely in futuro; they are not required to settle upon this ground. If they find that 33 cents an acre has ruined their fortunes and their chances, they will not be obliged to locate the land. Therefore they are being deprived of nothing. You are not putting the burden on a man who is there, who has made an investment; you are simply saying to a man who may make an investment, "It is going to cost you 33 cents more an acre." If that is all the profit there is to be gained, then it does seem to me that nobody will be very badly hurt by being kept off the ground.

Mr. SMOOT. Mr. President, there is only one question involved in this whole controversy. Here are certain private claims amounting to $42,000, and most Senators, I believe, feel that there is an equity and a right in those claims; but if we pass the bill as it is, the amount of those claims will be passed on to the entrymen, and I can not for the life of me see why the entrymen should be compelled to pay an extra 33 cents an acre. The entrymen were not responsible for the loss incurred, nor was the Government responsible in any way for it.

I want to say to the Senator that from what I know of the claims and from what I have learned from the discussion of this measure in the Senate I am perfectly willing that the Government of the United States should pay $42,000 out of the Treasury of the United States in settlement of the claims, but I do not want that $42,000 transferred to a project the actual cost of which is now so near the value of the land that the additional amount would be an unjust burden. It should not be placed on the entrymen, Senators, but it should be presented here as a claim against the Government. It should go to the Claims Committee, and that committee, if the equities are as presented, would, as the Senator from North Carolina said, report the bill favorably to this body, and the Senate would pass it. That is the proper way to handle this question.

I want to say to the Senator from Missouri, if a bill for such a claim is introduced and referred to the Committee on Claims, I, as a member of that committee, will favor reporting it favorably, providing that the Government of the United States shall pay the $42,000 out of the Treasury of the United States and not to pass it on to the entrymen under this project.

Mr. REED, Mr. WORKS, and Mr. BRISTOW addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Utah yield?

Mr. SMOOT. I yield to the Senator from Missouri.

Mr. REED. If the Senator will allow me, because I rather started this line of discussion, as I understand, this is the situation: The man who took the contract took it for less than actual cost.

Mr. SMOOT. I do not know whether he did or not; but at least he could not perform the contract and carry the work through at the figure at which he took it.

Mr. REED. It seems to be admitted that he took it for less than actual cost. Therefore he failed in the actual construction of the work. He purchased certain materials and supplies, the benefit of which, of course, went into the actual improvement of the land. If that is true, then we arrive at the conclusion that there has been no inflation in the cost of the work.

Mr. SMOOT. Mr. President, allow me to call the Senator's attention there to the fact that the Government has already paid for the $42,000 of material and supplies; that is, it paid the money to the contractor, and it has been charged up to the

project. If the Government pays again the amount as provided in this bill, it is a double charge on the project.

Mr. REED. No.

Mr. SMOOT. It certainly is.

Mr. REED. As I understand, the facts——

Mr. SMOOT. I understand them that way.

Mr. REED. Let me see if I get it right. I think the Senator misunderstands me or I misunderstand him, and we will get a little light, perhaps, by pleasantly discussing it.

This man took a contract to build, at a certain price, a canal to carry the water to the ground. The contract price has been paid, but the contract price was less than the actual cost, and that difference was in part made up by the supplies furnished by the people who now make this claim.

Mr. SMOOT. The contractor only did 16.2 per cent of the work. The Government assumed charge after that and carried on the project to completion.

Mr. REED. Yes; but all the supplies the contractor got went into the work, and the Government took the work off his hands. The Senator does not mean to say that they paid him the full contract, and then are asked to pay this in addition?

Mr. SMOOT. They paid the contractor for all the work he did up to the time he failed and charged the amount to the project. If anyone got the advantage of this $42,000, it was the contractor.

Mr. REED. But did the contractor make any profit?

Mr. SMOOT. The contractor did not; he failed.

Mr. REED. But let us say, to take an illustration, that the contractor was paid $200,000; that he himself actually paid out $200,000, and then owed these debts. Is not that about the condition that the matter is in?

Mr. SMOOT. Well, it would be 16 per cent of $750,000.

Mr. REED. Yes; I am merely taking an arbitrary figure.

Mr. SMOOT. Then, the Senator's suggestion would be correct.

Mr. REED. Then, after all, the Government did not pay any more than this work cost, and will not pay any more than the work actually cost if they pay the $42,000; and it is for that reason only the Senator from Utah says that he is willing to appropriate the money.

Mr. SMOOT. No, Mr. President; that is not the reason at all. The Senator from Missouri and I can not agree upon that if that is the position the Senator is going to take. Now, the facts in the case are these: The contractor undertook the work for $750,000, and started upon it. As the Senator knows, the beginning of any project, the starting-up process, is very expensive. Some contractors are prepared for this class of work, while others are not. Evidently Mr. Spear was not. A contractor prepared for this class of work may have been able to make money on the contract price of $750,000; but Mr. Spear could not do so, nor did he do so. He made a failure of it. The estimates of his work were made every month, and he was paid for what he did.

Mr. REED. The full amount?

Mr. SMOOT. The Secretary of the Interior says that he was paid for the work done.

Mr. REED. He was paid 90 per cent, I understand.

Mr. SMOOT. The general rule is to pay 90 per cent.

Mr. CUMMINS. We are getting into an error there, if I may be permitted to intervene. The contractor did about 16 per cent of the work before he failed and was paid 90 per cent, the amount thereby due, but the contract price was not enough to pay for the supplies and labor in question. If the Senator from Utah is right, then, of course, there ought to be only $750,000 charged up to this project. The Government went on and completed the work, I suppose, as cheaply as it could be done and it cost the Government over $900,000 all told; and the excess is charged up to the project.

Mr. SMOOT. As I understand, what the Senator says is absolutely true; but not only was the extra expense which is attached to all projects in their initial stages charged to this project, but when the Government was compelled to assume charge of the work it had to incur that same extra expense of getting the working force in motion. That, I suppose, is one reason why the project cost a great deal more than was anticipated in the first place.

Mr. REED. Mr. President, we are getting a little aside and beyond the point I had in mind when I took the floor the last time, and I want to return to that. The Senator speaks of the hardships of settlers who may hereafter conclude to locate on this land. They do not have to locate on this land; nobody can compel them to do so; they will not locate there unless it is to their advantage. It seems to me that we are exactly in the shape that a man is in who starts to build a house and employs a contractor to build it. The contractor does not pay the material men, and a mechanic's lien is filed; and it ultimately transpires that the material men have to be paid, and they are paid. A purchaser comes along and wants to buy that house. The man who built it adds to the price of the house or counts in the price all that he has paid out. If the purchaser wants to buy it, well and good; but if he does not want to buy it because he thinks the price is too high, he has not been deprived of any right; he has not been injured; nobody is taking his money away from him. Here is this land. If we add 33 cents an acre to it to pay these claimants their money, and a prospective settler thinks the price of the land is too high, where is that man injured; what right of his has been taken away?

Mr. WORKS. Mr. President——

Mr. SMOOT. I yield to the Senator from California.

Mr. WORKS. The Senator from Missouri has inquired of the Senator from Utah about the value of this land, with water and without it, as though the only question involved here was the value of the land. That is a great mistake. It is stated by the Senator from Missouri that the settlers are at liberty to settle upon the land or not, as they please; but if the Government has expended money on the project to an amount that would exclude settlers from it—in other words, if the amount is so great that they can not afford to settle upon it at all—then the whole purpose and object of the Reclamation Service is defeated. The object of the reclamation law is to reclaim the arid lands and to have them located by actual settlers, and the question is whether under these projects the expenditure of money has been so great that a settler can not enter upon the land, reclaim it, and make it useful to himself. It is not simply a question of the value of the land by any means; but the object and purpose of the law is to secure the settlement of the lands by actual settlers, and if the expense is made so great that they are not able to settle upon them, then the object of the law is defeated.

Mr. REED. If the Senator from Utah will yield to me, inasmuch as the Senator from California directed his remarks to me, I will ask, Does the Senator from California think that in the case of this project we are within 33 cents of the actual value of the land? If so, does he think the project amounts to anything or ever ought to have been entered upon?

Mr. WORKS. Mr. President, in this particular case it is not a question of the amount. There is a principle involved that ought to be very seriously considered by the Senate. It is not a question whether in this particular case the addition of 33 cents an acre would be a great burden upon the particular settlers who may go upon this land in the future, but the whole policy of the Reclamation Service is involved in this controversy. If Congress can add from time to time to the burdens that are to be placed upon the settlers, then you are frittering away the whole purpose of the reclamation legislation.

Mr. REED. But, Mr. President, that is the very ground that is taken by the Senator from Utah and by the Secretary of the Interior, namely, that the only good reason why this bill should be defeated is that this particular project can not stand 33 cents an acre more. The closing paragraph of the Secretary's letter is:

> The chief engineer of the Reclamation Service advises me that the water-right charge already imposed and to be imposed upon the lands in the project is, in view of the nature and value of the lands, now at the maximum of safety.

Then he adds:

> Under these circumstances, I am reluctantly compelled to advise that the bill should not receive your approval.

That is the ground upon which this bill is being attacked; it is the ground the Secretary takes, and I am still undertaking to ascertain whether we have got a project out there that can not stand 33 cents more an acre.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Nevada?

Mr. SMOOT. I yield to the Senator.

Mr. NEWLANDS. Let me suggest to the Senator from Missouri that the total cost of this enterprise is $4,200,000, and the number of acres reclaimed is approximately about 150,000. That means less than $30 an acre for the water rights for this acreage. If we add 30 cents to that $30 it means an addition of only 1 per cent in the ultimate cost to the settler on this land, and that can be paid in a period of 10 years.

Mr. SMOOT. It is just as the Senator from California says; there is a principle involved in this matter. If we undertake to pass this bill, we will establish a precedent that is going to bother us in the future. Suppose the contractor had gone on and had not failed until 50 per cent of the work had been completed, and instead of $42,000 worth of accounts unpaid there had been $200,000 worth of such accounts, and then we were asked that that $200,000 be added to the price of the land

for the entryman to pay, who would claim such a proceeding would be right? If such a precedent is to be followed, the cost of a project can be made so high that it would be an absolute failure, so far as the entryman settling upon the land is concerned, and then, not only would the Government lose its $200,000, or whatever amount it may be, but it would lose all, perhaps, that it had put in the project, or the difference between the cost of the project and the point to which the price was lowered at least, to enable the entryman to locate upon the land. In a case of a $4,000,000 project the loss might be half a million dollars or even more. That is the trouble in passing this bill; not the $42,000 involved, but the precedent we are establishing.

I understand the Senator from Idaho [Mr. BORAH] desires to address the Senate a short time, and as we are to vote in a few moments, I will yield to him.

Mr. BORAH. I do not care to interrupt the Senator.

Mr. NEWLANDS. Mr. President, if the Senator from Utah will allow me, I wish to make one inquiry. Assuming that the principle is now established that hereafter wherever a man furnishes material and labor in connection with an irrigation project he must be paid, as he ought to be paid, does not the Senator think that the Reclamation Service, through precautions with reference to the contractor's bond, through seeing to it, as the owner of a piece of property upon which buildings are being constructed would see to it, that men furnishing material and labor are paid before the Government payments are made, can hereafter properly guard against any such danger as the Senator anticipates?

Mr. SMOOT. No; Mr. President——

Mr. NEWLANDS. Is it not the commonest thing in enterprises involving the construction of buildings in this country for the employer to guard himself even against the contractor, and to guard himself against the imposition of mechanic's liens and liens for supplies by withholding a certain amount of money, so that he can be assured before the enterprise is ended that every claim is paid?

Mr. SMOOT. Mr. President, that would perhaps be the case in constructing for the erection of a building, but on the great irrigation projects time checks are issued to men from all parts of the United States who carry those time checks from one place to another, believing, of course, that they are just as good as the money and that they can get the money for them whenever they want it. I know of railroad contracts where time checks have been issued and not paid for two or three years, the parties simply holding them the same as they would cash, thinking perhaps they are a little safer than cash, and the same thing is often true in the case of a project of this kind.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. I do.

Mr. CHAMBERLAIN. I want to call the Senator's attention to the fact that in some of the States time checks, such as those to which the Senator refers issued in payment of material and labor, are made a preference lien against the railroad company and take precedence over its bonds.

Mr. SMOOT. I admit that, Mr. President, and so they were on Government projects, so far as the bondsmen of contractors were concerned, up to 1905; but the Congress of the United States changed the law of 1894 in 1905, and provided that they should not be a lien in preference to the lien of the Government of the United States. I wish to say that I do not approve of the change in the law. I think the laboring man ought to have the prior lien, and I think the law of 1894 was a better law than the law of 1905.

Mr. REED. Mr. President, if that is true then we can meet the very difficulties which the Senator said we could not meet when he was discussing the proposition of time checks being carried around, and so forth.

Mr. SMOOT. That would make no difference in this case.

Mr. BORAH obtained the floor.

Mr. SHIVELY. Mr. President——

Mr. BORAH. If the Senator from Indiana desires to ask a question, I yield for a moment.

Mr. SHIVELY. I merely wanted to ask whether there is any dispute at all about the fact that the $42,000 involved in this case went into the irrigation project?

Mr. SMOOT. There is no dispute on that question.

Mr. SHIVELY. It was furnished by the laborers and by those who provided the supplies?

Mr. SMOOT. There is no dispute as to that.

Mr. SHIVELY. And they have never received anything for it?

Mr. SMOOT. The Government has paid the amount to the contractor, but the people to whom it is due have not received payment.

Mr. SHIVELY. They have never received any part of it and it is in the land to-day?

Mr. SMOOT. Yes; but if it is paid the second time, as provided for in the bill, and charged to the land, it will be a double charge upon the land.

Mr. BORAH. Mr. President, everyone agrees that there has been a loss to the people who furnished supplies and labor for this irrigation project, and everyone, so far as I know, agrees that it is a great hardship for them to suffer this loss. In its effect it comes not in the way of a general distribution or to hundreds and hundreds of settlers, or to thousands and thousands of taxpayers, but it is gathered and concentrated and falls with its entire effect and weight upon a few individuals who are unable to sustain the loss. Recognizing the fact that a loss has been sustained, everyone feels, it seems to me, that it ought to be taken care of; but we have not been able to agree on just how we should take care of it. A bill was introduced in the Senate and was referred to the Senate Committee on Irrigation and Reclamation of Arid Lands. That bill was reported by the committee and passed by the Senate. It went to the House, where it was amended by the proper committee of the House, and as amended subsequently passed the House, and came back to the Senate and was agreed to in the form in which the House passed it. Had the bill passed as it was first presented to the Senate those who have been objecting to it in its present form would have been satisfied, but it was changed to satisfy those who had a different view. Between these different views, between these complicated propositions, the people who expended their money, their time, and their labor are suffering a loss which they can ill afford to stand and are not in a position to sustain.

Mr. President, they say that this burden will fall upon the settler. It will not fall upon the settler who has already made his contract; he is exempt and secure; it could at most only fall upon the man who goes upon the project hereafter, and who has full notice as to the value of the land, who knows whether he can afford to take the land, who is advised as to its price, and who takes the land with his eyes open and with a full understanding of what it is to cost him. I submit to the Senate, is it equitable to impose this entire loss upon these people, when the Government has received the benefit of the money, when some of the landholders have received the benefit of it, when the future landholders will receive the benefit of it, and when, in fact, everyone will receive a benefit, except those who have furnished it? Is it equitable to impose upon these people this loss without any compensation whatever?

Again, if we do not desire to impose the burden of the loss upon this irrigation project, all we have to do is to pass a simple bill relieving the project from the amount of money. After we have paid these people, we can follow this bill with another bill relieving the project. Such a bill will be offered here, not only with reference to this claim, but with reference to other claims, because in other cases costs have been incurred and expenditures have been made which ought not properly to fall upon the settlers; but, Mr. President, let us do one thing, and that is, as a Government, do justice to those who have furnished the means by which the settler and the Government have been benefited, and settle our difficulties hereafter in adjusting our bills. I am in favor and propose shortly to urge a measure which will relieve all these projects from unjust expenditures.

The PRESIDENT pro tempore (at 3 o'clock p. m.). The hour has arrived at which the vote is to be taken under the unanimous-consent agreement.

Mr. LODGE. I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Massachusetts will state his question of order.

Mr. LODGE. I call attention to the fact that this is a vote requiring two-thirds majority, and that under the practice of the Senate, Senators voting in the negative, or voting to sustain the message, are entitled to double pairs. That was the case in the veto message on the Fitz-John Porter bill and in connection with President Arthur's veto of the river and harbor bill. There have been cases, like the pension vetoes, during the administration of President Cleveland, where it was all one way and no point was made, but it has been the universal practice in regard to treaties, and I merely call attention to that fact before Senators vote. A Senator paired in the negative has a right to a double pair.

Mr. CUMMINS. I rise to a point of order also.

The PRESIDENT pro tempore. The Senator from Iowa will state his point of order.

Mr. CUMMINS. It is that the Senate has nothing to do with pairs. There is no rule which governs pairs, and therefore the subject is one that must be dealt with by individual Senators according to their own judgment of the case.

Mr. LODGE. That is quite true; but I wished to call the attention of individual Senators to the universal practice.

The PRESIDENT pro tempore. The Chair certainly has nothing to do with the matter. The question is, Shall the bill pass?

Mr. BRISTOW. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Kansas will state his parliamentary inquiry.

Mr. BRISTOW. I do not understand what the Senator from Massachusetts means by a Senator understanding that he must have a double pair. Suppose a Senator is paired, and he announces his pair and refrains from voting; how can he get a double pair unless there is some other Senator who volunteers to pair with him?

Mr. LODGE. Under the practice of the Senate, if he does not have a double pair, he is at liberty to vote.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Debate is not in order.

Mr. MYERS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	du Pont	Martin, Va.	Simmons
Bacon	Fall	Martine, N. J.	Smith, Ga.
Borah	Fletcher	Massey	Smith, Mich.
Bourne	Gallinger	Myers	Smith, S. C.
Bradley	Gronna	Nelson	Smoot
Brandegee	Guggenheim	Newlands	Sutherland
Bristow	Heyburn	Overman	Swanson
Bryan	Hitchcock	Page	Thornton
Burton	Johnson, Me.	Penrose	Townsend
Catron	Johnston, Ala.	Perkins	Warren
Chamberlain	Jones	Poindexter	Watson
Clapp	Kenyon	Pomerene	Wetmore
Crane	Kern	Reed	Williams
Culberson	La Follette	Root	Works
Cullom	Lippitt	Sanders	
Cummins	Lodge	Shively	

The PRESIDENT pro tempore. Sixty-two Senators have answered to their names. A quorum is present. The roll will be called.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. He went away a few days ago, and I told him that he could rely on me to protect him. I certainly did not anticipate this situation, where I should be held by only one Senator when I was entitled to two on this occasion, where it requires a two-thirds vote. I do not know what entered into the other Senator's mind, but inasmuch as I have not notified him that he must come here and protect himself, I do not feel at liberty to vote. I therefore withhold my vote and protect my pair.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer it to the junior Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. If he were present, I should vote "nay."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is unavoidably detained, and therefore withhold my vote.

Mr. LIPPITT (when his name was called). I have a pair with the senior Senator from Tennessee [Mr. LEA], and in his absence, not having notified him of a situation like this coming up, I feel that I should protect him, and therefore withhold my vote.

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). I have been requested to announce that the Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. I desire this announcement to stand for the day.

Mr. WILLIAMS (when Mr. PERCY's name was called). My colleague [Mr. PERCY] is absent upon important business, and is paired with the Senator from North Dakota [Mr. MCCUMBER].

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is out of the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If present, my colleague would vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a pair with the Senator from Delaware [Mr. RICHARDSON], and in view of the statement made by his colleague [Mr. DU PONT] I withhold my vote. Were I at liberty, I should vote "yea."

Mr. REED (when Mr. STONE's name was called). My colleague [Mr. STONE] is necessarily absent, and is paired with the Senator from Wyoming [Mr. CLARK].

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Maryland [Mr. RAYNER], but under the arrangement which I have with that Senator, I am at liberty to vote on questions of this kind, where a two-thirds vote is required, when I vote in the negative, unless I am furnished with an additional pair. Not having been furnished with an additional pair, I am at liberty to vote. I vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. I transfer it to the senior Senator from Maryland [Mr. RAYNER] and will vote. I vote "yea."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. BURNHAM. I have a pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. WATSON. I desire to announce the necessary absence of my colleague [Mr. CHILTON]. He is paired, as stated, with the Senator from Illinois [Mr. CULLOM]. If present, my colleague would vote "yea."

Mr. MARTINE of New Jersey. I announce a pair between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS]. This is for the day.

The vote resulted—yeas 42, nays 17, as follows:

YEAS—42.

Ashurst	Cummins	La Follette	Simmons
Bacon	Fall	Martin, Va.	Smith, Ariz.
Bankhead	Fletcher	Martine, N. J.	Smith, Ga.
Borah	Gronna	Massey	Smith, Mich.
Bourne	Heyburn	Myers	Swanson
Bristow	Hitchcock	Newlands	Thornton
Bryan	Johnson, Me.	Overman	Warren
Catron	Johnston, Ala.	Poindexter	Watson
Chamberlain	Jones	Pomerene	Williams
Clapp	Kenyon	Reed	
Culberson	Kern	Shively	

NAYS—17.

Bradley	Gallinger	Perkins	Townsend
Burton	Lodge	Root	Works
Crane	Nelson	Sanders	
Dillingham	Page	Smoot	
du Pont	Penrose	Sutherland	

NOT VOTING—35.

Bailey	Cullom	Lea	Rayner
Brandegee	Curtis	Lippitt	Richardson
Briggs	Davis	McCumber	Smith, Md.
Brown	Dixon	McLean	Smith, S. C.
Burnham	Foster	O'Gorman	Stephenson
Chilton	Gamble	Oliver	Stone
Clark, Wyo.	Gardner	Owen	Tillman
Clarke, Ark.	Gore	Paynter	Wetmore
Crawford	Guggenheim	Percy	

The PRESIDENT pro tempore. Forty-two Senators have voted in the affirmative and 17 in the negative and the bill is passed, notwithstanding the objections of the President.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. DU PONT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 10.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 7, 8, 9, and 11, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 11 of the matter proposed to be inserted by said amendment, after the word "hereafter," strike out the word "graduates" and insert in lieu the words "a graduate"; in line 13, after the word "from," strike out the words "West Point, New York" and insert in lieu the words "his home"; in line 14, after the word "which," strike out the words "they first join" and insert in lieu the words "he first joins"; and in line 14, beginning after the word

"duty," strike out all the rest of the amendment down to and including the word "strength" in line 28; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 3 of the matter proposed to be inserted by said amendment, after the word "sergeant," strike out the word "six" and insert in lieu the word "eight"; in line 4, after the word "sergeants," strike out the word "eight" and insert in lieu the word "ten"; in line 4, after the word "musicians," strike out the word "forty" and insert in lieu the word "thirty-eight"; and in line 5, after the word "and," strike out the word "forty" and insert in lieu the word "thirty-eight"; and the Senate agree to the same.

JAMES HAY,
JAMES L. SLAYDEN,
GEO. W. PRINCE,
Managers on the part of the House.

H. A. DU PONT,
F. E. WARREN,
JOS. F. JOHNSTON,
Managers on the part of the Senate.

The report was agreed to.

PREFERENCE RIGHT OF ENTRY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5309) to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., 140), which were, on page 1, line 7, to strike out "therefore," and on page 2, in line 24, and page 3, lines 1 and 2, to strike out "*And provided further*, That this act shall apply to all claims, locations, or entries made under the above-mentioned acts, where no adverse claims have intervened."

Mr. SMOOT. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

POST OFFICE APPROPRIATION BILL.

Mr. BOURNE. I ask unanimous consent for the present consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. BRANDEGEE. I should like to ask for the regular order in order that the unfinished business may be laid before the Senate, and then I will discuss with the Senator from Oregon the future proceeding.

The PRESIDENT pro tempore. The Chair overlooked the fact that the time had expired, and the Chair lays before the Senate at this point the unfinished business, which will be stated by title.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BOURNE. In asking for the unanimous consent, I had no desire at all to displace the canal bill. I had conferred with the Senator from Connecticut having the bill in charge, and it was with his agreement that I made the proposition.

Mr. BRANDEGEE. That is in accordance with my understanding of it, and I simply wanted to state that upon conferring with quite a number of Senators I found they were unanimously of the opinion that adjournment would be hastened by temporarily laying aside the unfinished business, being the Panama Canal bill, and passing the appropriation bill, so that it may get into conference committee at the earliest possible day, and be considered while the Panama Canal bill is being considered here. If unanimous consent can be had that the unfinished business may be temporarily laid aside, retaining its place as the unfinished business upon the calendar without prejudice until the Post Office appropriation bill can be acted upon by the Senate, I shall make that request. I do make that request.

The PRESIDENT pro tempore. The Chair is of the opinion that under the rule the bill will come up automatically each day and that the Senate could not well make a continuing agreement as to it.

Mr. BRANDEGEE. Then I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, that order is made.

Mr. BRANDEGEE. I wish to state that I will make a similar request at the proper hour each day until the Post Office appropriation bill (H. R. 21279) is finally acted upon by the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon that the Senate proceed to the consideration of the Post Office appropriation bill? The Chair hears none.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post Offices and Post Roads with amendments.

Mr. BOURNE. Mr. President, the Post Office appropriation bill was passed by the House on May 2. In addition to carrying appropriations of over $260,000,000, it also contained more legislation of vital importance than any legislative bill I know of before Congress.

Believing that the Senate shares equal responsibility with the House on all bills of appropriation as well as legislation, the Senate Committee on Post Offices and Post Roads have carefully investigated every item and every legislative feature in the bill. The committee concluded its study on the evening of the 19th and authorized me to report to the Senate the bill now before this body.

During my five years of service in the Senate I have repeatedly been called upon to vote upon items in appropriation bills concerning which I had no information; nor had I the time to obtain it, but blindly followed the chairman of the committee or the opponents of the item or amendment, provided I had confidence in the individual. Such a condition is most irritating.

Believing that the fullest possible information concerning the subject under discussion is most desirable and must result in more intelligent legislation, I have taken the Post Office appropriation bill, dictated a brief explanatory note under each item and section, and had printed what I term an "information print," which is placed upon the desk of each Senator, together with the committee report on the bill. In the explanations I have endeavored as concisely as possible to show the reasons upon which the committee based its recommendations.

I believe the general adoption of this plan on all appropriation bills would be of great benefit to the Government, resulting in more intelligent legislation and economizing the time of the Senators and Representatives, though requiring far more work on the part of the chairman of every committee to which is referred any appropriation bill. However, this extra work on the part of 1 Senator must save the time of the other 95, and, in my opinion, will expedite legislation on the floor of the Senate.

The House bill contained direct appropriations aggregating $260,366,199. The bill now before the Senate, as recommended by the Senate Committee on Post Offices and Post Roads, carries appropriations amounting to $271,126,320, showing an apparent increase of $10,760,121.

While section 9 of the bill increasing the compensation of rural carriers was adopted by the House, the House failed to make any increased appropriation, although its enactment into law would necessitate an increased expenditure of $4,386,900. The Senate committee disagreed to section 9 of the House bill and recommended an amendment to the appropriation for the compensation of rural carriers, increasing the maximum compensation $100 per annum and thereby increasing the appropriation $3,625,000 instead of $4,386,900, as would be required if the Senate agree to section 9 as passed by the House.

The House also failed to make any appropriation for section 5 of the House bill establishing an eight-hour day. The enactment of this section, as set forth in the House bill, would necessitate an additional appropriation of about $3,000,000. While a majority of the Senate committee agreed to section 5, they recommend postponing the time of operation to March 3, 1913, thus saving the Government $2,100,000 over the provision that would have been required by the enactment of said section as in the House bill.

In other words, had the House made the appropriations necessary to the carrying out of the provisions of the bill as passed by that body, the bill would have carried an appropriation of $267,753,099, instead of the $260,366,199 that it actually does carry. Thus in reality the recommended Senate increase over the House bill is only $3,373,231. The principal item of this increase is the $2,598,000 made necessary by the restoration to mail trains of that portion of second-class mail known as the "blue-tag" or freight service, and the further item of $750,000 appropriated in the Senate parcel-post service.

I suggest to Senators if they will consult the information print on their desks they will see the argument as the bill is read.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with.

Mr. LODGE. The bill will be read for amendment, I suppose, at the same time? I suppose the usual course will be followed?

The PRESIDENT pro tempore. That request has not been made.

Mr. BOURNE. I was going to ask unanimous consent that the Senate dispense with the first formal reading of the bill and proceed to the consideration of the committee amendments, but on talking over the matter with some Senators they seemed to think that better information could be received regarding the bill if the bill was read by the Clerk. I will ask the unanimous consent, and then any Senator who prefers to have it read of course can make objection.

Mr. President, I ask unanimous consent that the first formal reading of the bill be dispensed with, and that we proceed to the consideration of committee amendments.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent——

Mr. SMITH of Georgia. It seems to me——

The PRESIDENT pro tempore. Will the Senator from Georgia allow the Chair to put the request?

Mr. SMITH of Georgia. Certainly.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the first formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first considered.

Mr. SMITH of Georgia. Mr. President, I have hesitated about objecting to a custom that has been so uniform in the Senate, but I think that in reading the bill not only committee amendments but amendments to be proposed from the floor ought to be permitted as each section of the bill is read. With that modification I am ready to agree that unanimous consent be given.

Mr. LODGE. The request can be made in that way, that the bill may be read and that amendments be considered as the paragraphs are reached.

Mr. POMERENE. The Senator from Oregon, in presenting the bill, made the statement that there is a considerable amount of legislation involved in the bill, and I think that is true. If amendments which involve new legislation are to be voted on at once, it seems to me that Senators would be at some disadvantage, particularly those who have not had the time to consider them. With that thought in mind, it does seem to me that if we were informed as to the entire contents of the bill we would be in a better position to consider the amendments. I do not like to object, but I confess that there are some amendments I am not prepared to vote upon this afternoon.

Mr. LODGE. Mr. President, the reading of the bill in committee is not one of the regular readings necessary to make the bill a law. It is merely that any Senator has a right to ask for the reading of the bill. It is not strictly a first formal reading, because it is not required.

Mr. POMERENE. Mr. President——

Mr. LODGE. One moment. Let me complete my statement. When a bill is read through from beginning to end without interruption and nothing is done, long habit shows that when a bill is read in that way from the desk, solidly, from beginning to end, nobody pays any attention to it. The practice has been adopted of making that the one reading, so that the amendments are taken up as reached, and if an amendment is an important one, upon which Senators desire to be present, it has always been the custom in the Senate to pass it over so that there could be due notice. But the long, unbroken habit of the Senate for many years, of reading the bill and having the amendments acted on as they are reached—whether not the amendments of the committee alone, but other amendments, is a secondary point—certainly leads to a better consideration of the bill than in any other way, because when the bill is read without interruption nobody pays attention to it. After that is done amendments can be offered to any part of the bill at any time.

Mr. POMERENE. When I endeavored to interrupt the Senator while he was speaking I was going to suggest that if the amendments which involve new legislation will be permitted to lie over on the request of a Senator, I would have no objection to the proceeding proposed.

Mr. LODGE. That has been the universal practice in considering bills of this sort.

Mr. BACON. I understand that the purpose is not to pass finally upon a paragraph when amendments have been adopted, but that we will proceed to the end of the bill, and under the liberal practice, which the Senator will recall was very much in vogue some years ago, on the request of any Senator the Senate will return to a paragraph for any additional amendment which may be suggested.

Mr. LODGE. I never knew about that practice, but I suppose amendments are to be dealt with as reached. We must have an end of legislation at some time.

Mr. BACON. I am not speaking of dealing with amendments as they are reached. I am speaking of the question whether or not Senators are precluded from the fact that amendments have been adopted to a paragraph from offering later additional amendments to the same paragraph.

Mr. LODGE. When an amendment is passed over of course we can return to it. If an amendment is dealt with we can reach it again in the Senate. Certainly we have enough methods of delaying matters in the Senate without multiplying them. Here is a bill read line by line, paragraph by paragraph. Each amendment is considered. If no Senator wishes to have it passed over it is dealt with and adopted or not, as the case may be. If we have the right to return and reconsider every amendment it protracts the consideration of the bill indefinitely.

Mr. BACON. The Senator in his earnestness entirely overlooks the suggestion which I made. I have not been making the suggestion as to going back to any paragraph which has been adopted, nor have I spoken of the case of a paragraph which has been passed over. I am simply suggesting that frequently there may be a paragraph to which certain amendments have been offered, and when they have been adopted, of course, they are final in that regard until the bill gets into the Senate. But before we get into the Senate it may occur that some additional amendments may be desired to certain paragraphs which have been thus acted upon. I am not seeking in any manner to disturb the action which has been taken.

Mr. LODGE. Of course, the bill is open to amendment, and a Senator can offer an amendment at any point in the bill after the reading has been concluded. The Senator understands that as well as I do.

Mr. BACON. I thought I understood it, and I said it would be followed as heretofore; and the contention——

Mr. LODGE. That is a right that can not be taken away.

Mr. BACON. I simply made the statement, and yet the Senator insisted upon contending——

Mr. LODGE. I did not understand that the Senator was contending for a right which nobody proposes to take away and which can not be taken away.

Mr. BACON. I simply wanted to know if that was recognized, and the Senator insisted upon making a contention about questions which I had not raised.

Mr. WARREN. Mr. President, undoubtedly if every Senator would stay in his seat and follow the bill as read it would be better to first have a formal reading of the bill and then go back and take up the Senate committee amendments, but, unfortunately, as the Senator from Massachusetts has said, between the little recesses of luncheon and other business which intervenes that is not always done.

We have lately tried both systems. More than a week ago we were at work upon a bill where we read it through, or nearly through, before we commenced to consider the amendments. It struck me then that there was more confusion in considering the committee amendments after that first reading than there would have been if we had read the bill in the usual way, omitting the formal reading and reading it for committee amendments, because in that way the bill is carefully read and a Senator who is watching it is led up to an amendment and usually understands it by the time he gets to it, whereas if there is a formal reading of the bill and after that we proceed direct to committee amendments and they are considered without further reading of the bill they are not so readily taken up and understood by Senators.

I think it is more convenient for Senators to dispense with the formal reading and have the committee amendments considered as they are reached. After we pass through the bill, of course we can turn back, or any amendment can be laid aside which any Senator wishes to consider further. Then it is open to add anything to any of the amendments, and even to amend the amendments themselves after we get into the Senate. So every kind of privilege is retained to the Senate should assent be given to dispense with the formal reading.

The PRESIDENT pro tempore. Does the Senator from Oregon modify his request along the line suggested by the Senator from Georgia?

Mr. SMITH of Georgia. I do not desire to interpose any objection to the bill, but it is my purpose to object to a unanimous consent allowing simply committee amendments to be considered.

Mr. BOURNE. That was not the intention, I will say to the Senator from Georgia.

Mr. SMITH of Georgia. It is my purpose when I am present on any bill in which I feel an interest, when numerous com-

mittee amendments are before the Senate, to withhold my consent from a unanimous-consent agreement that the bill shall be considered section by section, and that simply the committee amendment shall be considered.

I think that after the committee amendments are presented, while the section is fresh in the mind of the Senate, if any Senator desires to add an amendment it is far easier for him to do so at the time rather than to be cut off until the separate sections have ceased to have their separate consideration and the bill comes up for consideration as a whole.

I am perfectly willing as to this bill to give just the consent that the Senator in charge wishes, and I do not desire in presenting this new suggestion to interfere in any way with his bill, because I have not any amendment myself to suggest.

Mr. BOURNE. It is perfectly satisfactory that after the committee amendments are considered any Member of the Senate can offer to that section such amendments as he may have. I should like to have the unanimous-consent agreement, if made, so construed.

The PRESIDENT pro tempore. Without objection, the unanimous-consent agreement will be reached in that form and the reading of the bill will be commenced.

The Secretary proceeded to read the bill. The first amendment of the Committee on Post Offices and Post Roads was, under the subhead "Office of the Postmaster General," on page 3, line 2, before the word "dollars," to strike out "three" and insert "four," and in the same line, after the words "per day," to strike out "$261,400" and insert "$361,870," so as to make the clause read:

For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster General, not to exceed $4 per day, $361,870.

The amendment was agreed to.

The next amendment was, on page 4, line 6, before the word "thousand," to strike out "thirty-one" and insert "forty-one," so as to make the clause read:

For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the Chief Post Office Inspector, and expenses incurred by inspectors not covered by per diem allowance, unusual and extraordinary expenses necessarily incurred for maintenance by inspectors over and above per diem allowance while traveling on official business in the District of Alaska, and for the traveling expenses of two clerks performing stenographic and clerical assistance to post-office inspectors in the investigation of important fraud cases, $41,400.

The amendment was agreed to.

The next amendment was, on page 4, line 16, before the word "dollars," to strike out "five thousand" and insert "seven thousand five hundred," so as to make the clause read:

For necessary miscellaneous expenses at division headquarters, $7,500.

The amendment was agreed to.

The next amendment was, on page 5, after line 2, to insert:

For printing, binding, and wrapping a revised edition of the Postal Laws and Regulations, such edition to be prepared under the direction of the Postmaster General and printed at the Government Printing Office and to consist of 110,000 copies, 5,000 of which shall be retained by the Public Printer for sale to individuals at the cost thereof and 10 per cent added, the proceeds of such sales to be deposited in the Treasury as provided by law, $55,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be used for the purpose of compiling the above publication.

Mr. BACON. May I ask the Senator there what is the provision to be made for meeting the expenses necessary for compiling? I notice this proviso:

That no part of this appropriation shall be used for the purpose of compiling the above publications.

I simply ask for information what is the provision made for the expense necessary for that compiling?

Mr. BOURNE. That is in order that the compilation shall be done by the clerks in the Post Office Department. I will say to the Senator from Georgia that, in the opinion of the committee, there is great necessity for this new edition of the Postal Laws and Regulations. Some 750 amendments have been made since the last edition was printed and it is entirely out of date now.

Mr. WARREN. It is for the convenience, I understand, of postmasters and those who have to act under the law.

Mr. BOURNE. Yes.

The amendment was agreed to.

The reading of the bill was continued to line 17, page 6, as follows:

OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL.

For compensation to postmasters, $30,000,000.

For compensation to assistant postmasters at first and second class post offices, 5, at not exceeding $4,000 each; 38, at not exceeding $3,000 each; 6, at not exceeding $2,500 each; 6, at not exceeding $2,000 each; 16, at not exceeding $1,900 each; 40, at not exceeding $1,800 each; 81, at not exceeding $1,700 each; 131, at not exceeding $1,600 each; 155, at not exceeding $1,500 each; 141, at not exceeding $1,400 each; 341, at not exceeding $1,300 each; 528, at not exceeding $1,200 each; 480, at not exceeding $1,100 each; 176, at not exceeding $1,000 each; 135, at not exceeding $900 each; 125, at not exceeding $800 each; and 100, at not exceeding $700 each; in all, $3,000,000. And the appointment and assignment of assistant postmasters hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. WARREN. I want to ask right there why there should be an increase in number there and a greater number employed. Would it be at the expense of the salary of the others? Would they have to be reduced? I notice there is a fixed sum.

Mr. BOURNE. It would have to be adjusted according to the number of employees. There would be no increase in the appropriation other than what is fixed in the item itself. It would be administrative and adjusted in accordance with the classification.

Mr. WARREN. The appropriation of $3,000,000 must govern?

Mr. BOURNE. Absolutely.

Mr. WARREN. And under that if you arrive at the maximum and further employees should be necessary they would have to be denied or some of them reduced.

Mr. BOURNE. I do not see how they could be reduced. Their salaries are fixed by law.

Mr. WARREN. Except where they have authority to employ not exceeding a certain number at not exceeding certain salaries.

Mr. BOURNE. Then they would have that latitude in the administration.

Mr. WARREN. I wish to ask the Senator if he thinks there is flexibility enough there to provide for an additional employee or at an advanced salary when they were up to the limit.

Mr. BOURNE. I do not believe that they reach the limit. I imagine deaths, removals, and so on provide places enough.

Mr. WARREN. I want to know whether there is margin enough in the appropriation of $3,000,000 to cover exigencies as they may arise?

Mr. BOURNE. I think that would be a departmental matter, and I am under the impression that they so consider it. Of course a matter of that kind is not one of policy but of administration to be provided for by departmental recommendation.

Mr. BACON. I should like to ask the Senator from Oregon a question for information. I notice in this paragraph all these salaries are fixed at a maximum; that is, they are not to exceed a certain amount. Does the department have the right arbitrarily to fix a salary at some amount greater than that?

Mr. BOURNE. Not according to my understanding.

Mr. BACON. What do the words "not exceeding" mean unless it may be less?

Mr. BOURNE. I think that is the language usually used. My impression is that the salaries and number of employees are fixed by law and that the administrative branch of the Government must conduct itself under the law as it is enacted.

Mr. BACON. I will state to the Senator that the inquiry was suggested to my mind by one expression in the explanatory note. The explanatory note says that this appropriation in the preceding section is—

Deemed necessary because of growth of service and lack of appropriations last year to pay adequate salaries.

Mr. BOURNE. That was——

Mr. BACON. If the Senator will pardon me just a moment until I finish the statement, the use of the word "adequate" suggested to my mind that there must be some discretion somewhere or else there would be a deficiency. If it had said "sufficient to pay the prescribed salaries," I would have understood, of course, that it would be made under a deficiency bill, but when it said "adequate salaries" it would indicate, to my mind, that there had been payments made to cover all the cases, but that there was an authority to adjust the salaries to the total amount, and in that way possibly by less than the amount specified. That caused me to look at the phraseology of the section. I notice in each instance there is this phraseology:

For compensation to assistant postmasters at first and second class post offices, five, at not exceeding $4,000 each.

I, of course, ask for information because I do not understand why that language was used. It runs through the whole section. While it could not exceed $4,000 it might be less.

Mr. BOURNE. I will say to the Senator from Georgia they can not exceed the maximum amount, but I understand they have discretionary power to go under in some instances.

Mr. BACON. That is what impressed me.

Mr. BOURNE. It was to cover that provision exactly.

Mr. BACON. This is exercised by the Postmaster General, I understand?

Mr. BOURNE. So I understand.

Mr. BACON. By a specific provision of law or by a custom which has grown up?

Mr. BRISTOW. Mr. President, if the Senator will pardon me, I will say that it has been the case since I have been acquainted with the department—something over 15 years—to have the language this way, and there are times when it is necessary or desirable that the maximum salary should not be paid, but as a rule this is the prevailing salary. I think it is better to leave it as it is.

Mr. BACON. I am not criticizing the language. I am simply trying to find out what it means.

Mr. WARREN. My inquiry was to preface an inquiry that I am going to make at a later point. I notice at a later point, where a large number of employees are provided "at not exceedings," and so forth, there is put down a footing. The question is, in some cases where there are provided salaries, whether the footing is to govern or whether the subdivisions as to salaries of the employees are to govern. I pass it now, but when I come to the other I want to bring the question up.

The Secretary continued the reading of the bill.

The next amendment was, under the subhead "Office of the First Assistant Postmaster General," on page 6, line 24, after the word "Auditors," to insert "and superintendents of mails," so as to make the clause read:

Auditors, and superintendents of mails, 7, at not exceeding $3,000.

Mr. LODGE. I suggest, at the bottom of page 6, line 25, after the word "dollars," there should be inserted the word "each."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 6, line 25, after the word "dollars," insert "each," so as to read:

Auditors, and superintendents of mails, 7, at not exceeding $3,000 each.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The Secretary resumed the reading of the bill.

The next amendment was, on page 7, line 1, before the word "superintendents," to insert "Assistant superintendents of mails," and in line 2, before the words "of delivery," to strike out "Superintendents" and insert "superintendents," so as to make the clause read:

Assistant superintendents of mails, superintendents of delivery, and superintendents of mails, 15, at not exceeding $2,700 each.

The amendment was agreed to.

The next amendment was, on page 7, line 5, before the word "Cashiers," to insert "Assistant superintendents of mails," and in line 6, before the word "superintendents," to strike out "Cashiers" and insert "cashiers," so as to make the clause read:

Assistant superintendents of mails, cashiers, superintendents of delivery, and superintendents of mails, 18, at not exceeding $2,600 each.

The amendment was agreed to.

The next amendment was, on page 7, line 9, before the word "Cashiers," to insert "Assistant superintendents of mails"; and in line 10, before the word "superintendents," to strike out "Cashiers" and insert "cashiers," so as to make the clause read:

Assistant superintendents of mails, cashiers, superintendents of delivery, superintendents of mails, and superintendents of stations, 21, at not exceeding $2,500 each.

The amendment was agreed to.

The next amendment was, on page 7, line 16, after the words "finance clerks," to strike out "private secretaries" and insert "stenographers," so as to make the clause read:

Assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, bookkeepers, cashiers, finance clerks, stenographers, superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry, 35, at not exceeding $2,400 each.

The amendment was agreed to.

The next amendment was, on page 8, line 1, before the word "Cashiers," to insert "Assistant superintendents of mails"; and in line 2, before the word "chief," to strike out "Cashiers" and insert "cashiers," so as to make the clause read:

Assistant superintendents of mails, cashiers, chief stamp clerk, night superintendents, superintendents of carriers, superintendents of delivery, superintendents of inquiry, superintendents of mails, superintendents of money order, and superintendents of registry, 20, at not exceeding $2,100 each.

The amendment was agreed to.

The next amendment was, on page 8, line 21, after the words "finance clerks," to strike out "private secretaries" and insert "stenographers," so as to make the clause read:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 85, at not exceeding $1,800 each.

The amendment was agreed to.

The next amendment was, on page 9, line 8, after the words "finance clerks," to strike out "private secretaries" and insert "stenographers," so as to make the clause read:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 140, at not exceeding $1,700 each.

The amendment was agreed to.

The next amendment was, on page 9, line 19, after the words "foremen of crews," to strike out "private secretaries" and insert "stenographers," so as to make the clause read:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 140, at not exceeding $1,600 each.

The amendment was agreed to.

The next amendment was, on page 10, line 6, after the words "foremen of crews," to strike out "private secretaries" and insert "stenographers," so as to make the clause read:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 258, at not exceeding $1,500 each.

The amendment was agreed to.

The next amendment was, on page 10, line 17, after the words "foremen of crews," to strike out "private secretaries" and insert "stenographers"; and, in line 21, after the words "superintendents of stations," to strike out "five hundred and sixty" and insert "nine hundred and forty-seven," so as to make the clause read:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, special clerks, examiners of stations, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 947, at not exceeding $1,400 each.

The amendment was agreed to.

The next amendment was, on page 11, line 4, after the words "foremen of crews," to strike out "private secretaries"; and, in line 5, after the word "clerks," to insert "stenographers"; and, in line 9, after the word "thousand," to strike out "five hundred and four" and insert "seven hundred and seventeen," so as to make the clause read:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of money order, assistant superintendents of mails, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, special clerks, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 1,717, at not exceeding $1,300 each.

The amendment was agreed to.

The next amendment was, on page 11, line 15, after the words "foremen of crews," to strike out "private secretaries"; and, in line 18, after the word "stations," to strike out "sixteen thousand four hundred and seventy-nine" and insert "fourteen thousand five hundred and nineteen," so as to make the clause read:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, chief stamp clerks, clerks, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 14,519, at not exceeding $1,200 each.

The amendment was agreed to.

The next amendment was, on page 11, line 21, after the word "clerks," to strike out "private secretaries"; and in line 24, after the word "stations," to strike out "six thousand seven

hundred and forty" and insert "eight thousand one hundred," so as to make the clause read:

Assistant superintendents of stations, clerks, stenographers, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 8,100, at not exceeding $1,100 each.

The amendment was agreed to.

The next amendment was, on page 12, line 4, after the word "stations," to strike out "private secretaries," so as to make the clause read:

Assistant superintendents of stations, clerks, clerks in charge of stations, stenographers, superintendents of carriers, and superintendents of second-class matter, 3,000, at not exceeding $1,000 each.

The amendment was agreed to.

The next amendment was, on page 12, line 8, after the word "stations," to strike out "private secretaries," so as to make the clause read:

Clerks, clerks in charge of stations, and stenographers, 2,500, at not exceeding $900 each.

The amendment was agreed to.

The next amendment was, on page 12, line 16, after the word "pay," to insert "and for payment of services in excess of eight hours," so as to make the clause read:

Substitutes for clerks and employees absent without pay, and for payment of services in excess of eight hours.

Mr. BRISTOW. Mr. President, I think the Senate should disagree to that amendment. I do not think the department ought to recognize overtime in the postal service. That department has not recognized overtime for a number of years, and it ceased to recognize overtime because of the very great abuses arising from the practice. A number of years ago the department paid about three and a half million dollars to letter carriers for overtime during a period covering about three years, and the provisions in the bill recognizing overtime simply invite the making of overtime by employees in the postal service. It will result in a number of employees, carriers and clerks, working overtime, and their salaries will thereby become increased. Nobody can tell what the amount will be, but in the course of years it will entail upon the Government very great expense.

Then, again, in our post offices there are substitute clerks and substitute letter carriers. When there is more work than the regular carriers can do the substitutes are called upon. Thereby they are permitted to earn something, which makes the position of a substitute more desirable, and they acquire experience which equips them for taking the place of the regular employees when the time comes for them to be regularly appointed. I sincerely trust that the Senate will refuse to recognize overtime in the postal service. It will be a very dangerous proposition, and it is one from which the Government receded years ago because of the abuses that arose under it.

Mr. BOURNE. Mr. President, I ask my friend, the Senator from Kansas, if his remarks are not directed rather against the second paragraph of section 5? The proposed Senate committee amendment on page 12, line 17, is necessary and appropriate if section 5 be enacted.

Mr. BRISTOW. No; I do not think it is necessary, even if section 5 is enacted. Section 5 will, of course, necessitate the employment of additional help in order to attend to the Government's business.

Mr. BOURNE. But the second paragraph of section 5 applies to overtime compensation, and this amendment is put in here on the assumption that section 5, as passed by the other House and recommended by a majority of the committee of the Senate, will be enacted into law, and would then require this amendment on page 12, line 17. It is supplemental to the other.

Mr. BRISTOW. If there is no provision in the appropriation bill authorizing payment for overtime they can not employ these clerks overtime; they will have to employ the substitutes to do the work instead of having regular employees work overtime. I think that this amendment should go out, and the other provision also, but even if the other does not go out, then it would stop the evil if the appropriation for this purpose is cut out.

Mr. BOURNE. Mr. President, I ask the Senator from Kansas if it would not be necessary to adopt the committee amendment on page 12, line 17, providing the second paragraph of section 5, to which he makes objection, remains in the bill?

Mr. BRISTOW. Well, of course, that provision recognizes the fact that the clerks may work excessive hours and I think that ought to be amended, but at the same time that does not necessarily call for an appropriation. That merely gives the authority, but if the appropriation does not authorize overtime the overtime could not be made.

Mr. BOURNE. If section 5 be enacted it specifically provides for compensation for overtime, and this proposed amendment simply relates to that.

Mr. BRISTOW. Of course this is the first place where the question of overtime arises in the bill, and I think we should meet it now, because it is a grave danger and the experience of the Post Office Department in the past demonstrates that overtime should not be permitted. Then, the whole trend of modern industrial affairs is against allowing overtime, because more employment is afforded by doing away with it.

We passed an eight-hour law. What was the purpose of that law if not to limit the term of employment to eight hours a day? We have provided for an eight-hour day, a very great limitation, and now we are undertaking to pass a bill authorizing the violation of the eight-hour law. That is what it does. It is an utter inconsistency if we are going to stand for the principle of the eight-hour law.

Mr. BOURNE. As I understand, the Senator's objection is not to the financial reward or payment for overtime, but to overtime being allowed?

Mr. BRISTOW. I am against overtime; yes.

Mr. BOURNE. Then the Senator's objection is really to the second paragraph of section 5 rather than to this particular amendment, which, as I understand, is necessary, provided the whole of section 5, as it came from the other House, is enacted into law.

Mr. BRISTOW. I can not agree with the Senator that this amendment is necessary, even if section 5 stands unchanged. Rejecting the amendment simply refuses to appropriate any money to pay for overtime. The appropriation to which I am objecting is the one providing money to pay for overtime. I think the other clause ought also to be stricken out, but even if that is not stricken out, this one should be.

Mr. BOURNE. I would suggest that we let this amendment go over and not act on it now.

Mr. BRISTOW. I am perfectly willing that that shall be done.

Mr. WARREN. If the Senator will allow me, I wish to ask a question to see if I understand the Senator correctly. As I understand the Senator, it is not proposed by this amendment to make the hours of labor longer?

Mr. BRISTOW. Oh, no.

Mr. WARREN. But it is to employ men eight hours a day only, and then not to pay them for overtime, but instead to employ substitutes and thus not debar others from employment. Is that correct?

Mr. BRISTOW. That is exactly right. The regular employee will work overtime and do the work, and the substitute will never have anything to do. We are pretending to observe the eight-hour law, but are not doing so.

Mr. JOHNSTON of Alabama. I want to ask the Senator if he does not think that in many instances where there is no substitute a little overtime—say, half an hour—can be made by a clerk in the discharge of his duty, and that the clerk ought to be allowed something for it? It is really immaterial.

Mr. BRISTOW. There are substitutes everywhere, I think. I do not think there is any place where there are not substitutes. This proposition is a violation of the whole principle of the eight-hour law.

Mr. JOHNSTON of Alabama. I presume substitutes are not standing around a post office all the time, and, unless a clerk is allowed to work overtime on occasions, he may lose the opportunity of making up mails and expediting operations of that kind while hunting for a substitute.

Mr. BRISTOW. There is not now any provision for overtime service where the eight-hour law applies.

Mr. JOHNSTON of Alabama. I suppose employment over the eight hours is voluntary on the part of an employee? He can not be made to work overtime against his will?

Mr. BRISTOW. Oh, the employee, of course, will want to work 9 or 10 hours; he will want to work more than 8 hours, if he has nothing else to do, because he will thereby receive more pay.

Mr. JOHNSTON of Alabama. The Senator would not save anything at all if he is giving it to some one else.

Mr. BRISTOW. The whole purpose of the amendment is to permit the employee to work more than eight hours.

Mr. BOURNE. Mr. President, I call the attention of the Senator from Kansas to the fact that the overtime provided for under section 5 is only in case of emergency; it is not a general premium that is held out, and the Senate committee amendment would only be applicable to the emergency, as stated in the second clause, section 5.

Mr. BRISTOW. This provision is not for an emergency. There will be no emergencies in the future that have not occurred in the past; the department is getting along now and has done so for years without any overtime, while the eight-hour limit is imposed. There is no occasion to open it up again.

Mr. SMITH of Georgia. I should like to ask the Senator from Kansas to state to what class of employees this amendment applies? Does it propose to change the eight-hour rule as applied all over the United States?

Mr. BRISTOW. All over the United States; yes. It is proposed to apply to clerks and carriers in all the post offices of the United States.

Mr. SMITH of Georgia. Does it apply also to the department here?

Mr. BRISTOW. No.

Mr. BOURNE. I will say for the information of the Senator from Georgia, and with the permission of the Senator from Kansas, that it applies to letter carriers in the City Delivery Service and to the clerks in first and second class post offices, according to section 5 as found in the House bill.

Mr. SMITH of Georgia. That was my impression, and I only wanted it stated, so that it would be clear.

Mr. HITCHCOCK. Is it proposed to apply this provision to the railway postal clerks?

Mr. BOURNE. I will say to the Senator——

Mr. HITCHCOCK. It is not claimed that railway postal clerks are under the eight-hour law at present?

Mr. BOURNE. This amendment refers to the City Delivery Service and to mail clerks in first and second class post offices. It does not apply to the railway mail clerks.

Mr. HITCHCOCK. I was asking for information whether the railway mail clerks were protected by such a provision.

Mr. BOURNE. They are not, in my opinion.

Mr. HITCHCOCK. Because I have complaints, which I desire to bring up at the proper time, by some five or six railway mail clerks running into and out of Omaha, who have been temporarily demoted and subjected to penalties from which they are still suffering—some $200 a year in salary—because they protested against being compelled to work 16 hours a day.

Mr. BOURNE. That will come up under another section; that is in a later part of the bill.

Mr. HITCHCOCK. I will call it up at the proper time.

The PRESIDENT pro tempore. Without objection, the amendment will be passed over for the present.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 12, line 18, before the words "per cent," to strike out "seventy-five" and insert "fifty," and in line 20, before the words "per cent," to strike out "seventy-five" and insert "fifty," so as to make the clause read:

And to provide for the promotion of 50 per cent of the clerks in first-class post offices from the fifth to the sixth grade and for the promotion of 50 per cent of the clerks in second-class offices from the fourth to the fifth grade.

Mr. WARREN. I want to ask the Senator about that. Did the committee in that instance think that the House was too liberal in the matter of promotions?

Mr. BOURNE. No; I will say to the Senator from Wyoming that the idea of the committee was that better service and greater efficiency would be obtained by giving a larger opportunity for promotion in the higher grades than in the lower grades, as the House bill provided. The provision of the House bill for the promotion of 75 per cent of the number of certain clerks would allow promotions from the $1,000 grade to the $1,100 grade in second-class offices and from $1,100 to $1,200 in first-class offices, and it was the opinion of the Senate committee that better service and greater efficiency would accrue by increasing the number of promotions in the $1,300 and $1,400 grades rather than in the $1,100 and $1,200 places, leaving the 50 per cent provision to apply to the lower grades, as it does at present.

Mr. WARREN. That appears in another paragraph?

Mr. BOURNE. Yes.

Mr. WARREN. I want to ask the Senator, if I may be permitted to do so, another question. In lines 23 and 24, on page 12, the total of $37,878,000 has been reduced by the committee, I presume because of the reduction in the paragraph above?

Mr. BOURNE. Yes; because of the changes.

Mr. WARREN. That paragraph is preceded by a long list of clerks and operators whose salaries it is provided shall not exceed a certain sum. Then the total is made up. The total does not in this instance contain the language found on page 6. I assume that it is purposely left out, and is made to read simply, "In all, $37,750,000," which would not cover it, provided the preceding paragraphs amounted to more than that; but I wondered if there was any reason for the restriction in the one case and not in the other. The Senator will see in both cases that if there is an iron-clad rule that the clerks shall not exceed a certain number, and if you figure it up to that number and insert that as a total—and I do not know what other basis you would predicate the total on—you then could not increase the number of clerks or their compensation in any way without taking the money from some other place.

Mr. BOURNE. I will say to the Senator that the point he makes did not come up in the discussion in the Senate committee; that we adopted the amendment in the language of the House provision.

Mr. WARREN. Without going through and adding it up to see whether it amounted to the same or not?

Mr. BOURNE. Yes.

Mr. WARREN. If my estimate is correct, this is about $2,000,000 short.

Mr. BOURNE. As I understand, if this were passed as it is the Treasury Department would set that amount aside, and the Post Office Department, in its operations, would be bound by the provisions of law, so the result would be that there might be an excess of appropriations of $3,000,000, but it could not be utilized in any way under the provisions of this bill.

Mr. WARREN. In that case this $37,750,000, which is as near the total as you could get it, would not really control.

Mr. BOURNE. That is my opinion, but the Senator is a far better judge of that than I am, with his long experience on the Appropriations Committee.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 12, line 24, before the word "thousand," to strike out "eight hundred and seventy-eight" and insert "seven hundred and fifty," so as to read:

In all, $37,750,000.

Mr. POMERENE. Mr. President, I ask that the amendments proposed by the committee on page 12, from lines 18 to 24, inclusive, providing for the promotion of 50 instead of 75 per cent of the clerks in first-class post offices, and the amendments pertaining thereto, be passed over for the time being.

Mr. BOURNE. That is perfectly agreeable to me.

The PRESIDENT pro tempore. Without objection, the votes whereby the amendments were agreed to will be reconsidered, and they will be passed over for the present.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 13, line 10, before the word "hundred," to strike out "one" and insert "two"; and in line 12, before the word "hundred," to strike out "seven" and insert "six," so as to make the clause read:

For compensation to watchmen, messengers, and laborers, 200, at $840 each; 700, at $720 each; and 600, at $600 each; in all, $1,008,000. And the appointment and assignment of watchmen, messengers, and laborers hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

The amendment was agreed to.

The next amendment was, on page 14, line 4, before the word "hundred," to strike out "three" and insert "eight," and in the same line, before the word "thousand," to insert "and fifty," so as to make the clause read:

For temporary and auxiliary clerk hire at first and second class post offices and temporary and auxiliary clerk hire at summer and winter resort post offices, $850,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 8, to strike out:

For allowance to third-class post offices to cover the cost of clerical services in offices where the salaries of the postmasters range from $1,000 to $1,500, $580,000: *Provided*, That no allowance in excess of $200 shall be made where the salary of the postmaster is $1,000, $1,100, or $1,200; nor in excess of $300 where the salary of the postmaster is $1,300, $1,400, or $1,500.

For allowance to third-class post offices to cover the cost of clerical services in offices where the salaries of the postmasters range from $1,600 to $1,900, $750,000: *Provided*, That no allowance in excess of $400 shall be made where the salary of the postmaster is $1,600 or $1,700, nor in excess of $500 where the salary of the postmaster is $1,800 or $1,900.

And in lieu thereof to insert:

For allowances to third-class post offices to cover the cost of clerical services, $1,725,000: *Provided*, That no allowance in excess of $300 shall be made where the salary of the postmaster is $1,000, $1,100, or $1,200; nor in excess of $400 where the salary of the postmaster is $1,300, $1,400, or $1,500; and that no allowance in excess of $500 shall be made where the salary of the postmaster is $1,600 or $1,700; nor in excess of $800 where the salary of the postmaster is $1,800 or $1,900: *And provided further*, That the Postmaster General may, in the disbursement of this appropriation, expend not exceeding $400,000 for the employment, at a maximum salary of $600 per annum, of assistant postmasters at post offices of the third class where the salary of the postmaster is $1,800 or $1,900 per annum.

The amendment was agreed to.

The next amendment was, on page 16, line 5, before the word "thousand," to strike out "five hundred" and insert "six hundred," so as to read:

For rent, light, and fuel for first, second, and third class post offices, $4,600,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 4, to insert:

For additional labor-saving mechanical devices necessary for the economical handling and distribution of the mail matter in the post office at Chicago, $12,000 to be immediately available.

The amendment was agreed to.

Mr. BACON. Mr. President, may I recur to an amendment adopted a few moments ago to ask a question? My attention was diverted at the time. I am asking this not to criticize, but for information. On page 22 of the "information print" of the bill, where there is a provision for an appropriation of $1,725,000, I want to inquire of the Senator from Oregon whether that takes the place of anything else or whether it is a new item altogether?

Mr. BOURNE. One what page?

Mr. BACON. It is on page 22 of the "information print." It is an amendment which covers that entire page.

The question I wish to ask the Senator is whether that appropriation of $1,725,000 is an appropriation originally provided for in some other part of the bill and transferred to this part of the bill, or is it an additional amount?

Mr. BOURNE. The appropriation contained in the italicized portion of the bill on page 22 of the "information print," between line 5 and line 24, and lines 1 and 2, is the combination of paragraphs 50 and 51, on page 21.

Mr. BACON. That is, it is not really an addition, but is simply putting the matter in another shape?

Mr. BOURNE. It is perfecting it and putting it in better shape, in the opinion of the committee.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 17, after line 8, to insert:

The Postmaster General is hereby authorized to pay, in his discretion, rewards to postal employees whose inventions are adopted for use in the postal service, and for that purpose the sum of $10,000 is hereby appropriated: *Provided*, That not to exceed $1,000 shall be paid for one invention.

Mr. GRONNA. Mr. President, I hope the Senator in charge of the bill will let that amendment go over.

Mr. BOURNE. With great pleasure, if the Senator so requests.

Mr. GRONNA. I refer to the amendment on page 17, from lines 9 to 14, inclusive.

The PRESIDENT pro tempore. Without objection, the amendment will be passed over.

Mr. CLAPP. If the Senator from Oregon will pardon me, I want to suggest that there may be some legislation—I do not know how far it is advanced—pending before the Committee on Patents which would render adoption of this amendment unnecessary. I repeat, I am not certain as to the extent of the progress of the proposed legislation.

Mr. BOURNE. I will say to the Senator that if that legislation is in such a stage that this amendment should be unnecessary, I should be very glad to have it go out; and if it is not, the committee is of the opinion that it should certainly remain in the bill.

Mr. CLAPP. I did not know that the Senator was aware of that legislation.

The PRESIDENT pro tempore. The amendment will be passed over for the present.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 17, line 16, after the word "pay," to insert "and for services in excess of eight hours"; in line 17, before the words "per cent," to strike out "seventy-five" and insert "fifty"; in line 19, before the words "per cent," to strike out "seventy-five" and insert "fifty"; and in line 23, before the word "dollars," to strike out "eight hundred and two thousand one hundred and seventy-five" and insert "seven hundred and forty thousand," so as to make the clause read:

For pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, and for services in excess of eight hours, and for the promotion of 50 per cent of the letter carriers in first-class post offices from the fifth to the sixth grade and for the promotion of 50 per cent of the letter carriers in second-class offices from the fourth to the fifth grade; City Delivery Service, $32,740,000.

Mr. BRISTOW. Since a similar amendment on page 11 went over, I think that amendment on page 17, and also the one beginning in line 4, on page 18, ought to go over, as they both relate to the same matter.

Mr. BOURNE. I will say that I shall be very glad to have them go over.

The PRESIDENT pro tempore. The amendments will be passed over.

Mr. BOURNE. The amendments relate to the eight-hour service.

Mr. BRISTOW. Yes.

Mr. BOURNE. And to the provisions in regard to the promotion of letter carriers.

Mr. BRISTOW. The language in line 17, on page 17, refers to the eight-hour service.

Mr. BOURNE. Yes; but there are two or three other amendments in the section.

Mr. POMERENE. I ask that the amendment regarding promotions of letter carriers go over.

The PRESIDENT pro tempore. Without objection, the amendment will be passed over.

The next amendment was, on page 18, line 1, after the word "million," to strike out "one" and insert "six," so as to make the clause read:

For pay of substitutes for letter carriers absent with pay, and of auxiliary and temporary letter carriers at offices where city delivery is already established, $1,600,000.

The amendment was agreed to.

The next amendment was, on page 18, line 4, after the words "letter carriers," to insert "and for services in excess of eight hours," so as to make the clause read:

For pay of letter carriers, substitute and auxiliary letter carriers, and for services in excess of eight hours at offices where City Delivery Service is established, during the year, $50,000.

The PRESIDENT pro tempore. The amendment will be passed over.

The next amendment was, on page 18, line 7, before the word "thousand," to strike out "twenty-five" and insert "seventy-five," so as to make the clause read:

For horse-hire allowance and the rental of vehicles, $975,000.

The amendment was agreed to.

The next amendment was, on page 18, line 9, before the word "thousand," to strike out "four hundred and seventy-five" and insert "five hundred," so as to make the clause read:

For car fare and bicycle allowance, $500,000.

The amendment was agreed to.

The next amendment was, on page 18, line 17, after the word "purchase," to insert "and exchange," and in line 18, before the word "maps," to insert "for the purchase of," so as to make the clause read:

For incidental expenses of the City Delivery Service, including freight and drayage on equipment, furniture, and supplies, and erecting, painting, and repairing letter and package boxes and posts, repairing clocks and other equipment, and for the purchase and exchange of time recorders and for the purchase of maps, $35,000.

The amendment was agreed to.

The next amendment was, on page 18, line 22, before the word "thousand," to strike out "five hundred and fifty" and insert "six hundred," so as to make the clause read:

For fees to special-delivery messengers, $1,600,000.

The amendment was agreed to.

The reading was continued to the end of line 6 on page 19.

Mr. CLAPP. I desire to ask the Senator whether he is familiar enough with the history of this matter to know whether this proviso was in former bills or was inserted in the bill by the House:

That the proviso at the end of section 233 of the Postal Laws and Regulations be, and the same is hereby, amended so as to read as follows:

"*Provided, however*, That this provision shall not apply to the city of Cambridge, Mass., or to Towson, Md., or to Clayton, St. Louis County, Mo."

Mr. LODGE. It is all explained in this statement here.

Mr. BOURNE. I will say for the information of the Senator from Minnesota [Mr. CLAPP]——

Mr. CLAPP. It is not explained in the copy of the bill I have.

Mr. LODGE. The Senator has not the "information print,"

Mr. CLAPP. I have the calendar print.

Mr. ROOT. Get the "informatiion print."

Mr. LODGE. Give the Senator an "information print."

Mr. BOURNE. For the information of the Senator from Minnesota I will say——

Mr. CLAPP. I am asking for information, if the Senator knows, whether this was existing law before the bill passed the House or whether it was put into the bill in the House. I do not desire to make any point. I am simply asking for information.

Mr. BOURNE. If the Senator will permit me, I will try to the best of my ability to give him the information.

Every county seat must have a regular post office. Now, heretofore, Cambridge, Mass., preferred to have Boston its regular post office. Towson prefers to have Baltimore as her

regular post office. The House has provided that Clayton, in St. Louis County, may have St. Louis as its regular post office, and these others simply become substations.

Mr. CLAPP. That is not the point at all. I am not objecting to the legislation, but I desire to know whether the chairman knows if this has been in former bills or if it was put in the bill for the first time in the House.

Mr. LODGE. If the Senator from Oregon will allow me, Cambridge being in my State, I will state that this has been carried in the post-office bills for some years. The amendment simply adds Clayton, Mo.

Mr. ROOT. That is stated in the explanation.

Mr. LODGE. The other two have been carried for years in this way because Cambridge has been for a good many years within the Boston metropolitan district.

Mr. CLAPP. Then Clayton was added in the House?

Mr. LODGE. Clayton, Mo., was added, and it is taken up at St. Louis.

Mr. CLAPP. That is what I desired to know.

The reading of the bill was resumed.

The next amendment was, under the subhead "Office of the Second Assistant Postmaster General," on page 19, line 17, before the word "dollars," to strike out "fifty thousand" and insert "fifty-three thousand seven hundred," so as to make the clause read:

For inland transportation by steamboat or other power-boat routes, $853,700.

The amendment was agreed to.

The next amendment was on page 19, line 19, before the word "dollars," to strike out "fifty thousand" and insert "eighty-one thousand nine hundred," so as to make the clause read:

For mail messenger service, $1,681,900.

The amendment was agreed to.

The next amendment was, on page 19, line 22, after the word "dollars," to insert:

Provided, That a commission consisting of two members of the Committee on Post Offices and Post Roads, United States Senate, and two members of the Committee on the Post Office and Post Roads, House of Representatives, to be appointed by the chairmen of the respective committees, and the Second Assistant Postmaster General, is hereby authorized to investigate the feasibility and desirability of the Government purchasing and operating the equipment for pneumatic-tube service in the cities in which such service is now installed, together with rights to operate and extend equipment in such cities and elsewhere, and to ascertain the cost at which such purchase may be made. The employment of expert and other assistance is authorized, and the expense of such and of the inquiry shall be paid from the appropriation for service by pneumatic tubes, and said commission shall make a report, with recommendations, to Congress at the earliest practicable date.

The amendment was agreed to.

The next amendment was, on page 20, line 19, before the word "thousand," to strike out "seventy-five" and insert "eighty-two," so as to make the clause read:

For mail bags, metal for mail-bag attachments, cord fasteners, label cases, and material necessary for manufacture and repairing of equipment, and for incidental expenses pertaining thereto, $282,000.

The amendment was agreed to.

The next amendment was, on page 21, line 7, before the word "thousand," to insert "and two," so as to make the clause read:

For compensation to labor employed in the mail-bag repair shop at Washington, D. C., and Chicago, Ill., $102,000.

The amendment was agreed to.

The next amendment was, on page 21, line 21, after the words "railroad routes," to strike out "$47,646,000" and insert "$50,036,000."

The amendment was agreed to.

The next amendment was, on page 21, line 22, after the amendment just agreed to, to insert:

Provided, That all second-class mail shall have the benefit of the same facilities and shall receive the same treatment, without discrimination against any portion thereof, in respect to speed of transportation, the purpose being to reestablish the system in vogue prior to the establishment of the blue-tag system: *Provided further*, That the transportation of second-class matter in fast freight trains and the manner of handling incident thereto shall be discontinued after August 31, 1912, and thereafter shall be carried in the regular mail trains, and the Postmaster General is authorized to readjust the compensation from September 1, 1912, for the remainder of the term for which adjustments have been made on the railroad routes affected, upon a weighing of the mails as provided by law.

Mr. BACON. Is this a new provision of law?

Mr. BOURNE. This is a provision put into the bill for the purpose of putting all second-class matter under the same service. It is to reestablish conditions existing prior to what is known as the blue-tag service, whereby part of the magazines and periodicals are sent by freight and part by fast mail. It was the opinion of the committee, in the discussion of this paragraph, that citizens paying the same price were entitled to the same service, and that it was a most dangerous power to give to any member of the Government the right to discriminate as between individual or between classifications provided by law when the payments were the same.

It will cost the Government probably nearly $3,000,000 to reinstate conditions existing prior to the initiation of the blue-tag system. The committee felt that the department in their efforts toward economy were to be commended, but that it could not defend the judgment of the department in initiating or attempting to initiate discrimination between individuals making the same payment; it thought they were entitled to the same service.

The purpose of this amendment of the committee is simply to bring about those conditions by which citizens paying the same price shall receive the same service.

Mr. POMERENE. What was the discriminations to which the Senator refers?

Mr. BOURNE. It was that part of the second-class matter, the payment to the Government being the same in all instances, a cent per pound, was autocratically by the Post Office Department sent without the consent of the publisher by freight, and another large portion going by fast mail.

There were a series of hearings held before the committee; a number of individuals were heard who were affected by this system, and it was demonstrated clearly to the satisfaction of the committee that great delays occur. It was also demonstrated that it was impossible for any individual to make a classification that would be just.

We had before the committee illustrations of periodicals that, in the opinion of the committee, carried relatively the same matter, of the same importance, where part was sent by freight and part was sent by fast mail. It was to correct that that this amendment of the committee was submitted to the Senate.

Mr. LA FOLLETTE. I want to inquire of the chairman of the committee whether the mail that was sent by freight was sent without the consent of the publishers?

Mr. BOURNE. According to my recollection of the hearings, I will state that in a number of instances it was. In some instances I think it was assented to.

Mr. SMITH of Georgia. Would not this, perhaps, more aptly express it: The department required quite a large class of this mail to go by blue tag, by freight; a number protested; some obeyed the order of the department without serious protest?

Mr. BOURNE. Yes.

Mr. SMITH of Georgia. It could hardly be said that the actual consent had been obtained from any considerable portion of the periodicals that were sent by freight. We had a very aggressive protest on the part of some magazines that were being sent by blue tag, by freight, and we had also before us at our committee meeting publications that seemed to be exactly of the same character, some of which, under the classification of the department, required to go by freight, while others were allowed to go by fast mail, the compensation to the Government being exactly the same in each case.

The real trouble about this second-class mail matter is that it all goes too cheaply. It goes at a very great loss to the Government, and the effort by the Post Office Department was to try to save some of this loss, and it seemed it could be sent by freight at about half the cost that it was to the Government when sent by fast mail.

Mr. POMERENE. If I may inquire, what was the purpose of the department in not sending it all by freight and thus avoiding any discrimination between publishers, for instance, if such was the case?

Mr. SMITH of Georgia. I think the department undertook to classify the publications by the rule of news, the theory of the department being that such magazines as did not carry news were not in a position where it was especially important to them to have a delivery with such great promptness; and, so far as I could gather, the department sought to say that those publications which were especially dependent upon the news and to which it was especially important that prompt delivery should be made, should be put into the mail service, and that those which seemed to be in a condition where it was not essential that they should have very prompt delivery, and where two or three days' difference in five or six hundred miles or a thousand miles carriage, in the opinion of the department, would amount to little, they classified for freight.

But I did not mean to take the Senator from Oregon off his feet. I was just going to make a single suggestion.

Mr. PAGE. May I inquire of the chairman of the committee about what the difference in time is in the transportation of this matter, say, from New York to Chicago via freight and via mail?

Mr. BOURNE. I will say to the Senator from Vermont that there was a case before the committee where an apparent delay of nine days in delivery occurred, due to sending it by freight

instead of by the regular mail. There were some instances, but I can not state the specific instances now; but, as I remember, the case I cited was one of the extreme cases.

Mr. PAGE. I was not asking for extreme cases, but, rather, what the general rule of delivery was as between these two means of transportation.

Mr. BOURNE. I do not think they had sufficient data to enable them to give very reliable information on that. The committee took the broad viewpoint, the basic viewpoint, that citizens making the same payment for service were entitled to equal service.

Mr. PAGE. I suppose the change was made in order to make a saving in the expense of transportation. How much was saved per annum because of this change?

Mr. BOURNE. It was the opinion of the department that in a year's operation and its general adoption the Government would save, as I remember, about two and one-half million dollars.

Mr. SWANSON. Mr. President, it seems to me that in this amendment under consideration the committee, in trying to remedy an evil, goes too far. The amendment compels magazines published once a month to be sent through the mails with the same speed, the same facilities, that a daily paper is afforded, and it makes it imperative upon the department to put a monthly magazine, for which a week or 10 days would be ample time for it to reach its destination, on the same fast trains, with the same facilities, and the same method of distribution given a newspaper.

It seems to me that is going too far. I think that that should not be compulsory on the department. A daily paper is worth nothing unless it reaches its destination the same day or the day after it is published. A magazine may come a week afterwards. The proviso on page 21 reads:

> That all second-class mail shall have the benefit of the same facilities and shall receive the same treatment, without discrimination against any portion thereof, in respect to speed of transportation, the purpose being to reestablish the system in vogue prior to the establishment of the blue-tag system.

Now, unless the purpose is to give a magazine the same speed, the same rapidity, in delivery to its subscribers that a daily paper has, that proviso is unnecessary. The provision following gets rid of the blue-tag system, which makes a discrimination between magazines, shipping one magazine by freight and another magazine by the mail. It would seem to me that if what I have read was eliminated and if the Post Office Department was not compelled, as it would be by that provision, to see that a magazine, when it is put in the mail, shall go as quickly and shall as promptly reach its destination as does a newspaper, and if the other clause is retained, the trouble that is complained of would be gotten rid of:

> That the transportation of second-class matter in fast freight trains and the manner of handling incident thereto shall be discontinued after August 31, 1912, and thereafter shall be carried in the regular mail trains.

That is the provision which gets rid of the trouble complained of. That provision is ample to accomplish that purpose, and it does not seem to me necessary, in order to get rid of an evil that exists, that we should here compel a magazine to go on the same fast train, to be carried as promptly, and delivered as promptly, as is the case with a daily paper.

Again, it seems to me the committee should not make it compulsory to send all magazines in the mail, when frequently the publishers are willing to have them sent on freight trains. I think it would be sufficient to provide that magazines should be so sent when desired by those offering the second-class matter. It costs about five or six times as much to handle them through the mails as it does on freight trains.

Mr. SMITH of Georgia. Twice as much.

Mr. SWANSON. More than twice as much.

Mr. SMITH of Georgia. The evidence before us in the case is that it costs us about twice as much on the fast mail as it does on the freight, but it costs about three to four times as much even on the freight as the Government charges for it.

Mr. SWANSON. It seems to me a provision permitting it to be done, if the magazine publishers are willing for it to go by freight, would be sufficient. Why should we have a provision compelling the department to send it by mail when it costs twice as much?

Mr. BOURNE. Will the Senator permit me?

Mr. SWANSON. Yes.

Mr. BOURNE. Can the Senator imagine any publisher of his own volition preferring that his publication should go by freight when it could go by fast mail at the same price?

Mr. SWANSON. The department says there are a great many people who are willing for their publications to go by freight, because there is a clamor in this country on account of the loss entailed by the Government on second-class mail matter, and some persons are willing, in order to get rid of that clamor, to have their publications sent by freight. But I think the option should be put there to send it by freight if desired, and not compel the department to send it by mail at twice the cost. What is the objection to putting in the option?

Mr. BOURNE. Will the Senator allow me again?

Mr. SWANSON. I will, with pleasure.

Mr. BOURNE. If your contention is correct, the Government would be put to the expense of maintaining a freight service as well as a fast-mail service in order to take care of those individuals who were willing to take a slower service, although they paid for and were entitled to the faster service.

Mr. SWANSON. The Government would not be put to any expense for the freight trains, except to pay the railroads for shipping it. The department could require the patron to express a preference, and if he expressed a preference for the mail, the magazines could go by mail. But I do not see why you should compel the department to send it by mail when some of the patrons are willing to have it sent by freight.

Mr. BOURNE. Would not the two services have to be established? Would not the department be obliged to make arrangements with the transportation companies by which they would have fast-mail facilities and freight facilities?

Mr. SWANSON. It would have its fast-mail facilities, and then if you have a number of carloads to go by freight, it would be shipped like any other freight is shipped. The service could be easily obtained and easily provided.

Mr. BOURNE. Then the Senator's idea is that it would come in like so many bags of potatoes or wheat or any commodity of that kind?

Mr. SWANSON. It would come in precisely the same as all freight comes in, except that it would be better taken care of.

Mr. BOURNE. But special arrangements would have to be made for the two services to be maintained.

Mr. SWANSON. One has to make arrangements for a carload of anything that I ever heard of that is to go by freight.

Mr. BOURNE. Yes.

Mr. SWANSON. I have never yet known anybody to go to the depot and wait for a fast train to ship a carload of anything.

Mr. BOURNE. But in the case of the Government there is an activity continuing over the whole of the year.

Mr. SWANSON. Whenever a publisher expresses a desire or willingness to have his publications go through by freight for that year—in a case, for instance, where he publishes two weeks ahead of the time of issuance—why should the department be prohibited from doing it?

It seems that a great many publishers have been cooperating with the department to save the loss entailed by second-class mail matter. I think the Government should not be permitted to discriminate and send some by freight and some by mail; but if some publishers are willing to send their matter by freight in order to save the Government, and to that extent allay the clamor because of the great loss entailed on the Government by second-class matter, I do not see why it should not be left optional with them to do so. Let the option extend both to the Government and to the publisher. It seems to me there is an opportunity to broaden this.

Mr. SMITH of Georgia. Then, is not the way to work out the option to modify it to this extent—to permit the continuation in one sense of the blue-tag freight, and put the price at 2 cents for similar publications going by the fast mail, and then let them have the option? If you give an option to a person without a difference of price, will not everybody take the best?

My own suggestion did not meet with great favor in the committee, and, indeed, it did not seem to meet with special favor on the part of any of the publishers. It was that the publishers of these periodicals, not published like newspapers but published quarterly or monthly or less often than once a week, should have the option to have their publications either go on the fast mail or by the blue-tag service, and let the department continue with the blue-tag service at the very low charge of 1 cent and let the magazines go in the fast mail at 2 cents.

The fast mail costs the Government just twice as much—so the evidence indicated to us—and the proof before us tended to show that the fast-mail service is costing the Government on second-class matter about 7 cents where we charge 1, and that the blue-tag service costs about 3½ cents. That was the evidence submitted before the committee.

I was very much astonished at the figures, but that, I am sure the records will indicate, was the evidence furnished by the department to us. That would be a very simple solution of it, but I do not offer it as an amendment, because I have never found anybody who was willing to vote with me for it.

Mr. SWANSON. I am going to offer this amendment, because the department thinks most of these publishers would ultimately be satisfied by the freight system and especially as there has been an agitation in the country to increase the rate on second-class matter. On page 22, at the end of line 7, after the words "mail trains," I move to insert the words "when desired by those offering the same."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 22, line 7, after the words "mail trains," at the end of the line, insert "when desired by those offering the same," so as to make the proviso read:

Provided further, That the transportation of second-class matter in fast freight trains and the manner of handling incident thereto shall be discontinued after August 31, 1912, and thereafter shall be carried in the regular mail trains, when desired by those offering the same, and the Postmaster General is authorized to readjust the compensation from September 1, 1912, for the remainder of the term for which adjustments have been made on the railroad routes affected, upon a weighing of the mails as provided by law.

Mr. SWANSON. That is second-class matter.

Mr. BRISTOW. Mr. President, I hope the Senator from Virginia will not insist upon an amendment of that kind. The truth is that there are none of the publishers who want their magazines to go by freight. There were a number who, rather than antagonize the department, consented to send them that way, but they did not want them to go that way, and if left to their choice none of them will go that way.

All who are familiar with the character of the fast-mail service and the importance of the service in the circulation of periodicals know that no publisher will want to put his magazines on a freight train when his competitors would send them by mail. It is an impracticable proposiiion. The Senator can not mention a single publisher who would ask to have his magazine go on a freight train when it could go on a mail train for the same price.

Mr. SWANSON. If that is true——

Mr. BRISTOW. If the Senator will suggest one we will communicate with him and find out.

Mr. SWANSON. If the Senator will permit me, if that is true the amendment can not cost the Government one cent. It is only to meet those cases where the department has said the publishers were satisfied, and the dissatisfaction represented about 10 per cent of the publishers. What I desire to do is to have the language so framed that if the department and a majority of these publishers are satisfied to carry the magazines by freight and make a saving to the Government they may do it. If it will work satisfactorily to the publishers they should be permitted to do it. No one will be compelled to do it unless he desires it. To go by freight would save the Government a large amount of money, and it would seem to me if some of the publishers can get their transportation equally as quick they would certainly be patriotic enough to let some of the publications go by freight and save the Government the vast sum of money which would be saved in this case.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. SWANSON. Certainly.

Mr. BACON. Does not the Senator think it might be more effectual if it appealed to the interest of these publishers rather than to their patriotism, by making it less expensive if sent by freight than if sent by mail, leaving it to the publishers to elect whether they will send by mail at the higher rate or by freight at the lower rate? I think the expectation indulged in by my learned friend from Virginia is on rather an unsubstantial basis.

Mr. SWANSON. I will make this remark. I understand that most of the publishers are willing to send by freight, because we have had an investigation of second-class mail matter, and the report shows that there is an immense loss to the Government in carrying it. There has been an agitation going on for years to increase the price of carrying this mail matter, and it has been suggested to meet the losses, which have amounted to a large sum of money, the Government should compel it to go by freight. If the Government could make an arrangement with the publishers who are satisfied to let it go by freight, it seems to me the Government should not conduct an expensive service when a great many would be willing to let their magazines go in this way. Magazines are published two weeks before they are issued. A magazine goes to Chicago. It would seem that if publishers could save the Government a large sum of money they would be perfectly willing to have their magazines go to Chicago and other cities for distribution by freight, if they could get there in ample time, rather than that they should be compelled to send them by mail.

Mr. BRISTOW. The Senator from Virginia is entirely mistaken when he thinks that any publisher would consent to have his magazine go by freight when his competitors in the same city were sending theirs by mail. There are no publishers who would ask for such a service. To hold this open and require the department to preserve two systems of transportation—one by freight with the relays and the wagon service and the expense necessarily incidental to that freight service, when nobody would use it—it seems to me would be a very unwarranted position for Congress to take.

I trust the amendment to the amendment will not prevail.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senate from Virginia to the amendment.

The amendment to the amendment was rejected.

Mr. SWANSON. I move to strike out the proviso that compels newspapers and magazines to have exactly the same speed of transportation. It would seem to me that that is a very dangerous requirement. It ends on page 22.

Mr. LODGE. The first proviso?

Mr. SWANSON. Yes; beginning on page 21.

Mr. LODGE. From line 23, on page 21, to line 3, page 22.

Mr. SWANSON. It reads:

Provided, That all second-class mail shall have the benefit of the same facilities and shall receive the same treatment, without discrimination against any portion thereof, in respect to speed of transportation, the purpose being to reestablish the system in vogue prior to the establishment of the blue-tag system.

Mr. BRISTOW. If the Senator from Virginia will allow me to make a suggestion——

Mr. SWANSON. I yield to the Senator from Kansas.

Mr. BRISTOW. I will inquire of the chairman of the committee if he sees any objection to striking out the words on page 22, lines 1 and 2, "in respect to speed of transportation." I see no objection to striking out those words. Will the chairman agree to striking them out?

Mr. BOURNE. I think there would be objection from an administrative standpoint. While the department itself was strongly opposed to the insertion and adoption of the committee amendments, they believed in order to make it operative and administrative it was advisable to have the very language in that the Senator from Virginia objects to, without discrimination in speed of transportation. The object sought to be obtained by the committee was to restore the conditions existing as far as applicable to second-class mail matter prior to the initiation of the effort on the part of the department to inaugurate economy, and to put things back exactly in the same condition as they were prior to the initiation of the blue-tag system. That is the purpose of the committee amendment. The provision preventing speed discrimination was put in at the suggestion of the department to make it more administrative, although I want it distinctly understood that the department's position was opposed to the amendment as a whole.

Mr. SWANSON. Mr. President, the trouble complained of was that in the shipment of magazines under the blue-tag system some magazines were being sent by freight and others through the mails. That is the evil which was sought to be remedied. That is remedied by the second provision completely, absolutely, and entirely. Then, to remedy that evil, they go further and deprive the department of any discrimination whatsoever in the speed of second-class matter.

What does second-class matter consist of? Daily papers and magazines and all other matter like that. Some magazines are published three or four times a year, while the daily paper must reach its readers the day of its publication.

I think the proviso is a mistake. I do not think the department ought to be prohibited from trying to give rapidity in transportation to the daily papers. It would seem to me that that amendment ought to be eliminated to the extent that it does that. It does not restore former conditions. It puts on new conditions. It does not restore the law as it was before this time. It proposes to say to the department, you can not exercise any discretion in giving quicker transportation and quicker delivery to the daily mail over monthly magazines. It seems to me that is not wise; that it is not a correct administration of the Post Office Department.

All that is desired to be accomplished, which is right, which is proper and just, is that one magazine should not be sent by freight and another through the mails, magazines of the same character and kind, and it is simply an imperious, capricious discrimination on the part of the Post Office Department. That is wrong. That power ought not to be given it. It is taken away by the second provision. Then to come in and say that we will change the law and that a power heretofore exercised to give quickness of delivery in transportation to daily papers shall be prohibited does not seem to me to be wise and proper.

Mr. SMITH of Georgia. Mr. President, there is another difference between the daily paper and magazine that I think ought

to be considered by the Senate. The evidence before us indicated that the average haul of the daily newspaper was about 50 miles while the average haul of the magazine was something like 600 miles. So considering the two elements of expense, the handling being one and the haul being one, the handling expense might be approximately the same for each but the haul expense was about 10 times as great on the average for the magazine as for daily newspaper.

So if we were discriminating in our rates between the magazine and the daily newspaper we would be justified in it by reason of the fact that the average cost of the haul of a magazine is more than 1 cent a pound in excess of the average cost of a newspaper.

It might be possible to work out a difference in charge based upon the distance of the haul, and we might provide that all second-class matter should go by fast freight at 1 cent where the parties so desired, and that any second-class mail going more than 100 miles, if it elected to go by fast mail train, should pay 2 cents. I do not very much expect any discrimination in the price, but I simply wanted to state the result of my study of the subject.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Virginia to the amendment will be stated.

Mr. SWANSON. I will move to strike out, on page 22, the words "in respect to speed of transportation."

The SECRETARY. On page 22, lines 1 and 2, strike out the words "in respect to speed of transportation."

Mr. SWANSON. I should like to say, further, that there are some trains run to carry first-class matter and daily papers to the place of destination, and to say that they, when crowded, must be filled up with magazines two weeks before they are issued and delay the carriage of the first-class mail and the daily papers would be an inconvenience. That is what the proviso would compel the department to do with that provision in it.

Mr. BOURNE. I should like to ask the Senator from Virginia if he does not realize that if his amendment prevails he then forces the department by a law so that there can be absolutely no discrimination in any way, shape, or form as between different classes of second-class mail. The only limitation that is placed in this bill is on the speed of transportation. It was put in purposely so as to enable the department to administer under the enactment. It is a qualification instead of an injustice. It assists the department in its administrative operation. Instead of militating against it, it is for the benefit of the department, if the rest of the provision is adopted.

Mr. SWANSON. I would think the entire provision ought to go out and the law remain as it was before. There was no complaint in that respect. It is simply an addition to the law.

Mr. BOURNE. The purpose is to put conditions back exactly as they were before.

Mr. SWANSON. I move to strike out the first proviso. The second proviso lets the law remain as it was.

The PRESIDENT pro tempore. The Senator from Virginia modifies his amendment to the amendment. It will be stated.

The SECRETARY. On page 21, line 23, after the word "dollars," strike out the following proviso:

Provided, That all second-class mail shall have the benefit of the same facilities and shall receive the same treatment, without discrimination against any portion thereof, in respect to speed of transportation, the purpose being to reestablish the system in vogue prior to the establishment of the blue-tag system.

Mr. BOURNE. Mr. President, in my opinion, if the amendment offered by the Senator from Virginia prevails you simply restore the blue-tag system. The proviso that he asks to have stricken out is what eliminates the blue-tag system and requires that second-class mail matter paying the same price shall receive the same treatment, especially as far as the speed of transportation is concerned, which has been the chief objection on the part of the individuals who have felt that they have been discriminated against.

Mr. LODGE. Will the Senator allow me? How is it possible that the old system can be reestablished if the second proviso is adopted? I do not see how it can possibly be done. The second proviso reads:

That the transportation of second-class matter in fast-freight trains and the manner of handling incident thereto shall be discontinued after August 31, 1912, and thereafter shall be carried in the regular mail trains, etc.

That prevents the reestablishment of the blue-tag system. It can not possibly be done.

Mr. SWANSON. I should like to ask the Senator who has charge of the bill, if the provision which I ask to have stricken out prevents the blue-tag system, what is the necessity for the second provision? The second provision is the one that cures the ills that we tried to cure. That is the one which restores the law as it formerly existed. The first provision puts additional restrictions on the department and would compel them, as I said, to treat the daily papers precisely as they treat a monthly magazine. That will accomplish the purpose the Senator has in view, because they must all go with the same speed, the same methods of distribution, the same quick handling in the Post Office Department, the same quickness in getting them in the mail; but if the first provision goes out, it remains as it was before, and the second provision prevents the shipment by freight cars and destroys the blue-tag system entirely.

Mr. HITCHCOCK. Mr. President, I should like to ask the chairman of the committee whether he has considered this proposition? The Senator from Georgia [Mr. SMITH] has called attention to the fact that the magazines in many cases receive an entirely different service from the service that the newspapers receive; that is, they send their magazines clear across the continent, whereas newspapers travel a comparatively short distance; they are delivered, as a rule, within a few hours from the time they leave the press. Now, I should like to ask the chairman whether he could not accept an amendment to this effect, so that the paragraph would read as follows:

Provided, That all second-class mail shall have the benefit of the same facilities and shall receive the same treatment, without discrimination against any portion thereof, in respect to speed of transportation for all distances less than 300 miles.

That would still enable the department to put upon freight trains those magazines published at wide periods of time, say a month, and send those magazines for which there is no great hurry by freight, but the newspapers, which the subscribers must receive immediately in order to be of any value, would have the protection of the 300-mile provision, and so would other publications, magazines as well. Magazines would have the same right within 300 miles, where they get the same service that the newspapers would. I suggest that as a compromise of this difference.

Mr. BOURNE. Mr. President, if I understand the proposition of the Senator from Nebraska, to my mind it would centralize a power of discrimination in the hands of one individual that would be most dangerous. The right autocratically to designate which portion of second-class matter should go by freight and which should go by fast mail I think would be too great a power to give any individual. I think the only remedy is that suggested by the Senator from Georgia—if you have two services, have two different charges and allow the citizen to elect which service he will take. All citizens are entitled to the same service where they make the same payment.

Mr. HITCHCOCK. I call the Senator's attention to the fact that is in a way an adaptation of the zone system which he himself proposes; that within 300 miles all shall have equal facilities as to speed, because within 300 miles speed is the essential object and it is necessary to get to the people immediately; but where a distance of 1,500 or 2,000 miles is covered the speed element cuts very little figure.

Mr. BOURNE. As between competitors the speed element is vital. If a large amount of advertising is carried, and one periodical can reach the coast a week or ten days sooner than another, the latter would be absolutely put out of business.

Mr. HITCHCOCK. It would not under this amendment, for all would be treated alike.

Mr. SMITH of Georgia. The purpose was to have all over 300 miles go by freight.

Mr. BOURNE. All magazines and periodicals and newspapers as well? I did not so understand the Senator.

Mr. HITCHCOCK. Anything going over 300 miles, say, as a fair limit——

Mr. BOURNE. That is, all second-class mail matter.

Mr. HITCHCOCK. Might be subjected to slower transportation, but those customers—and you have got to think of the customers—who live within 300 miles of the point of distribution should not be subject to having that distribution delayed, but the delay when you have only some three or four hundred miles is an inconsequential matter. I suggest that within the zone system idea, for which the Senator from Oregon is now famous, we can stipulate that all facilities shall be equal within the 300 miles, and that after that point is exceeded and the service becomes greater another arrangement and perhaps a cheaper one can be devised.

Mr. BRYAN. Mr. President——

Mr. BOURNE. If the Senator will pardon me just a moment, I think the suggestion of the Senator from Nebraska is a good one for future consideration, but for immediate action I would not want, so far as I am concerned, to say that it presents itself strongly to my mind except for study. I can not tell how it would work out.

Mr. HITCHCOCK. It is also another adaptation of the very familiar provision of the present law that weekly newspapers are charged no postage for distribution within the county of publication, it being figured that the county is the natural field of activity of the paper and distribution there involves no transportation.

Mr. BRYAN. Mr. President, I want to ask the Senator from Nebraska if, under his amendment, the same discrimination would not be permissible after the matter went beyond the 300-mile limit; that is to say, would not it be within the power of the Post Office Department to do the identical thing they are now doing, except that now distance is not considered? One thing or the other ought to be done—either require all matter to go by freight or else go by mail, even beyond the 300-mile limit.

Mr. SMITH of Georgia. If Senators will allow me to make a suggestion just there: We can guard against that by providing that all second-class mail which goes a greater distance than 300 miles shall, if it goes by fast mail, pay 2 cents instead of 1, but that it can stay under the blue tag and the freight system if the 1-cent rate is desired.

Mr. BRYAN. Is the Senator from Georgia sure that that would take care of the daily papers?

Mr. SMITH of Georgia. I think it would take care, at least, of the bulk of them.

Mr. BRISTOW. Mr. President, I should like to inquire of the Senator from Georgia how he would determine what goes beyond the 300-mile limit? Take a newspaper that has, we will say, 2,500 subscribers. There will probably be four or five hundred of those subscribers at all kinds of distances, and you would have to segregate the distance each paper goes, and that is something which may change every day. Some will stop and others will go on; so that it appears to me it is practically an impossibility.

Mr. SMITH of Georgia. I will answer the Senator with ease. The newspaper would classify its subscribers under two heads—those living less than 300 miles away and those living over 300 miles away—and would pay 2 cents on those papers sent over 300 miles and 1 cent on those sent under that limit. It would be less trouble to do that than to classify by cities and by mail routes. There would be no trouble, I think, in making the classification.

Mr. MARTINE of New Jersey. Mr. President, it seems to me that the amendment suggested would be a restoration in part of the blue-tag system, a system which was most unpopular among those who appeared before the committee. I can not recall a single instance of a publisher suggesting anything which would savor of the blue-tag system. It was universally and generally condemned. I think it is safe to say that I have received 150 telegrams and 100 letters from publishers of various magazines and kindred periodicals protesting against the very thought of a blue-tag system. The man who lives 301 miles from the publisher's office is just as anxious for his publication as the man who lives 200 miles away. To my mind the proposition would be disastrous to the publisher whose paper or periodical circulated beyond the 300-mile zone, and I do not think a more unpopular measure could be advanced. It was thrashed over quite thoroughly before the committee, and I can not recall, nor do I think the Senator from Georgia or the Senator from Virginia can recall, a single publisher who acquiesced in any suggestion along that line. I should vote against any proposition of that kind.

Mr. SMITH of Georgia. Mr. President, I did not insist that it was popular. Why should it be popular? There is absolutely nothing to recommend the retention of the blue-tag system or the increase of a rate except saving the Government perhaps three or four million dollars, and why should a proposition of that kind be popular? Of course it was not popular; but still we have got to watch matters of that sort, look after the Treasury a little, and provide for good business administration.

Mr. MARTINE of New Jersey. I quite agree with the Senator as to the matter of husbanding the public funds, but I believe there are other directions in which that might better be done without delaying the receipt of a publication by a man who lives 300 miles from the publisher.

The PRESIDENT pro tempore. The question is upon the amendment to the amendment submitted by the Senator from Virginia.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs upon the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 22, line 12, after the word "law," to strike out "*Provided*, That no part of this appropriation shall be paid for carrying mail over the bridges across the Mississippi River at St. Louis, Mo., over and above the regular rates for the transportation of the mail by railroad routes" and insert:

Provided further, That no part of this appropriation shall be paid for the special transfer and terminal service between the union station at East St. Louis, Ill., and the union station at St. Louis, Mo., including the use, lighting, and heating of mail building and the transfer service at St. Louis, over and above the regular rates for the transportation of the mail by railroad routes: *Provided further*, That section 3 of the act making appropriations for the service of the Post Office Department, approved March 1, 1899, authorizing the Postmaster General to pay from appropriations for transportation by railroad routes for the special transfer and terminal service between the union station at East St. Louis, Ill., and the union station at St. Louis, Mo., including the use, lighting, and heating of mail building and the transfer service at St. Louis, at the rate not exceeding $50,000 per annum, be, and the same is hereby, repealed: *Provided further*, That on account of the floods in the Mississippi Valley commencing about April 1, 1912, the Postmaster General, for the purpose of adjusting compensation on such railroad routes in the second section as were affected by the floods and the consequent diversion of mails, is hereby authorized and directed to take the weights of mails ascertained on such routes during the successive working days from February 15 to April 3, 1912, both inclusive, and for the remainder of the weighing period from April 4 to May 29, 1912, both inclusive, to estimate the weights by applying to the weights taken during the period from February 15 to April 3, 1912, both inclusive, the ratio shown to exist between the weights taken on all routes during the first 49 days of the quadrennial weighing period of 1908 and the weights taken on such routes during the last 56 days of the said weighing period, the actually ascertained weights and the estimated weights to form the basis for the average daily weight upon which to adjust the compensation according to law on such railroad routes for the transportation of mails during the quadrennial term beginning July 1, 1912, notwithstanding the provision of the act of Congress approved March 3, 1905, requiring that the average daily weight shall be ascertained by the weighing of the mails for such a number of successive working days, not less than 90, as the Postmaster General may direct.

Mr. CULLOM. I make the point of order that the amendment, beginning in line 23, on page 22, and running to line 8, on page 23, ending with the word "repealed," is general legislation.

Mr. BOURNE. Mr. President, the Senate committee having stricken out the proviso in the House bill, as set forth on page 22, from line 12 to the middle of line 16, I think the point of order raised by the Senator from Illinois does not apply. The Senate amendment is germane to the provision in the House bill; and the purpose is to make operative and to perfect the provision of the House bill.

Mr. CULLOM. Mr. President, the amendment contains a plain statement of fact. The provision absolutely repeals the existing statute.

Mr. SWANSON. Mr. President, I have no doubt the House provision would have been out of order if it had originally been offered in the Senate; but it came to the Senate as a part of a House bill, which we are now considering. The amendment is a Senate amendment to a House provision and is, I think, in order. The House provision was struck out, and this substitute is relative to the same subject matter, having the same purpose in view. To rule it out of order would be practically to rule the House provision itself out of order.

Mr. CULLOM. This provision stands by itself and repeals an existing statute.

The PRESIDENT pro tempore. The Chair recognizes the fact that the first proviso, commencing in line 22, on page 16, and going down to the end of line 22, is a substitute for the House provision. The second proviso enlarges the House provision, even going to the extent of repealing existing law. The Chair does not wish to decide the question himself and will submit it to the Senate. Is the amendment in order? [Putting the question.] The ayes have it, and the amendment is declared to be in order. The question is upon the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 24, line 16, before the word "available," to strike out "immediately," and in the same line, after the word "available," to insert "for deficiency for the fiscal year 1912," so as to make the clause read:

For pay of freight or expressage on postal cards, stamped envelopes, newspaper wrappers, and empty mail bags, $648,200, of which the sum of $123,200 shall be available for deficiency for the fiscal year 1912.

Mr. WARREN. Mr. President, I do not wish to stop the Secretary from reading the bill, but before the amendment is passed upon I desire to say a word.

The amendment which has just been read is an item of deficiency, and is so estimated for. It was evidently sought to be covered originally in the bill by inserting the clause "shall be immediately available." The appropriation was clearly for use in the fiscal year of 1912, and had the bill passed when first introduced probably the fact would not have developed that it was a deficiency; but the Senator in charge of the bill has very correctly changed the language, because "immediately available" is no longer applicable, the 1st of July having passed. The question is, whether this bill ought to carry deficiencies

which are estimated as deficiencies and which are included in the regular deficiency bill. I want to call the Senator's attention to that fact.

There are three items in the bill that are on all fours with this one. This is one of the three. We have had for years very stringent legislation to prevent, so far as possible, deficiencies, but they are necessary to some extent; we shall always have them; but in order to make it as plain as possible, and in order to conform to all our rules and practices, all department appropriation bills, no matter whether they are for the Army or the Navy or the Post Office or other branch of the public service, are sent to the Committee on Appropriations and are assembled in the appropriation bill providing for deficiencies.

The situation is this: The Senator from Oregon has included three matters here that are clearly deficiencies and which belong to a deficiency bill. One of these items is included in and has already passed the House in the deficiency bill. The others are before the Committee on Appropriations here, and should be added if we follow the estimates and the desires of the department as to deficiencies.

Now, while the House passed them before they became deficiencies as "immediately available," and it did not meet with opposition from the Committee on Appropriations there, I am wondering what position the conferees might be in if the question of jurisdiction should be raised over there on these matters which are straight deficiencies and so named.

Mr. BOURNE. They had jurisdiction when they passed the bill, and we cut it out because we thought they did not have the jurisdiction on account of the delay in consideration here.

As I understand, the Senator from Wyoming makes no criticism at all on the amount or on the item. It is simply the question whether they should go into the Post Office appropriation bill or the general deficiency bill.

Mr. WARREN. I am not questioning the items, because they are properly estimated for; but they are estimated for as deficiencies of that year, and I do not know how they came to be put in the regular annual supply bill in the first place. They should not have gone in there, because they were estimated for as deficiencies as far back as last February.

Mr. BOURNE. I can not answer the Senator. They went in in the House.

Mr. WARREN. I am not blaming the committee, and surely not the Senator in charge of the bill. I am calling his attention to what may be a vexatious question hereafter. We certainly have got one of these items in both bills.

On the other hand, I want to contend now that the Committee on Appropriations should not yield jurisdiction of deficiencies to any other committee. Personally, if other members of the committee do not object, I do not know that I shall in this case, inasmuch as it came in the way it did, but I fear there will be difficulty in passing it at another place unless we shall include it in the regular deficiency bill, which will now shortly come into the Senate.

Mr. BOURNE. I suggest that the matter go to conference, and the conferees can confer with the House Members. They were not deficiencies when they came over or when they were passed by the House.

Mr. WARREN. They were in reality deficiencies, but they did not so name them. When they sent them over here, it was early in the session, and they put them in with the words "immediately available," but they are deficiencies, as estimated for as far back as February. The reason they were not put in the urgent deficiency bill, I will say to the Senator, was that it was a little late, but they would have been put in had we another deficiency bill before the end of the fiscal year. Whether the House Committee on Appropriations will object to their being incorporated in this bill, I am not able to say.

Mr. BOURNE. I am fully in accord with the views of the Senator from Wyoming. But the House bill, as I remember, passed May 2. This was not a deficiency then, because the fiscal year had not ended. But now it has to be put in this bill as a deficiency, although it went in as "immediately available" in the House bill.

Mr. OVERMAN. Why is it a deficiency if we passed a joint resolution continuing in effect all the appropriation acts that we had last year? How could it be a deficiency when the departments are operating under the old appropriation acts passed for the fiscal year 1912?

Mr. BOURNE. I will acknowledge that that is a difficult question for me to answer.

Mr. WARREN. If I may be permitted there, we have had very urgent calls from the department to pad out that sum, stating that they have furloughed the clerks at different places and furloughed the operatives just because of that restriction.

Mr. OVERMAN. I understand the Committee on Appropriations reported to the Senate a joint resolution to continue in effect for the month of July, 1912, all the appropriation acts of last year.

Now, how is it possible there could be a deficiency under that arrangement?

Mr. WARREN. It was before the 1st of July.

Mr. OVERMAN. Then, it properly belongs to the deficiency bill.

Mr. WARREN. I said it was before the 1st of July, and it is a deficiency, and does not pretend to be anything else.

Mr. BOURNE. In answer to the Senator's question, I want to say that the general continuing appropriation joint resolution is on the basis of one-twelfth of what the previous year's appropriations were.

Mr. OVERMAN. I understand.

Mr. WARREN. That would be insufficient, because the Government is at its greatest expense at the end of the fiscal year. I mean the appropriations are made for the full year upon the estimates, and the decisions of Congress relative to such matters——

Mr. OVERMAN. For July it would not be sufficient?

Mr. WARREN. No.

Mr. President, I do not wish to embarrass the bill in any manner. I am willing that the amendments shall be agreed to with the understanding——

Mr. BOURNE. That it will be taken care of in conference?

Mr. WARREN. Yes; and without making a precedent for the future. We shall undoubtedly pass the other bill, and it will have to be stricken from one of the bills.

Mr. BOURNE. I will be glad to strike it out——

Mr. WARREN. I will say to the Senator——

Mr. BOURNE. I concur absolutely in the policy——

The PRESIDENT pro tempore. The official reporter suggests that he is unable to hear this interesting dialogue.

Mr. BOURNE. I say I concur absolutely with the policy announced by the Senator from Wyoming, but I think this is rather sui generis in view of having come in in the House. I think it would be better to leave it in the bill, and I will say if it is provided for in the deficiency appropriation bill and this bill is still in conference I will be glad to strike out these items.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 24, line 20, before the word "thousand," to strike out "seven hundred and seven" and insert "nine hundred and fifteen," and in line 25, after the words "*Provided further*," to strike out "That after the 1st of July, 1917, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel, steel underframe, or equally indestructible material, and not less than 20 per cent of the new equipment shall be put into operation annually after July, 1912; and after the passage of this act no contract shall be entered into for the construction of steel underframe cars" and insert "That after the 1st of July, 1917, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel or steel underframe or equally indestructible material, and not less than 25 per cent of the railway post-office cars of a railroad company not conforming to the provisions of this act shall be replaced with cars constructed of steel annually after June, 1913; and all cars accepted for this service and contracted for by the railroad companies after the passage of this act shall be constructed of steel: *Provided further*, That the Postmaster General is authorized to pay for full railway post-office cars necessarily used in service by the Post Office Department from July 1, 1911, to March 1, 1912, when in his judgment reasonable and proper effort was being made by railroad companies to comply with the provisions of the act of March 4, 1912, but on account of insufficient time the requisite work could not be completed on July 1, 1911," so as to make the clause read:

For railway post-office car service, $4,915,000: *Provided*, That no part of this amount shall be paid for the use of any car which is not sound in material and construction, and which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned: *Provided further*, That after the 1st of July, 1917, etc.

The amendment was agreed to.

The next amendment was, on page 26, after line 4, to strike out "Railway Mail Service: For 14 division superintendents, at $3,000 each; 4 assistant superintendents, at $2,200 each; 14 assistant division superintendents, at $2,000 each; 139 chief clerks, at $1,800 each; 295 clerks, class 6, at not exceeding $1,600 each; 1,536 clerks, class 5, at not exceeding 1,500 each; 635 clerks, class 5, at not exceeding $1,400 each; 2,889 clerks, class 4, at not exceeding $1,300 each; 2,496 clerks, class 4, at not exceeding $1,200 each; 6,644 clerks, class 3, at not exceeding

$1,100 each; 2,727 clerks, class 2, at not exceeding $1,000 each; 600 clerks, class 1, at not exceeding $900 each; 600 clerks, class 1, at not exceeding $800 each; in all, $21,035,550" and to insert:

Railway Mail Service: For 15 division superintendents, at $3,000 each; 4 assistant superintendents, at $2,200 each; 15 assistant division superintendents, at $2,000 each; 112 chief clerks, at not exceeding $2,000 each; 32 clerks, grade 10, at not exceeding $1,800 each; 304 clerks, grade 9, at not exceeding $1,700 each; 1,501 clerks, grade 8, at not exceeding $1,600 each; 573 clerks, grade 7, at not exceeding $1,500 each; 2,767 clerks, grade 6, at not exceeding $1,400 each; 2,297 clerks, grade 5, at not exceeding $1,300 each; 6,369 clerks, grade 4, at not exceeding $1,200 each; 2,802 clerks, grade 3, at not exceeding $1,100 each; 905 clerks, grade 2, at not exceeding $1,000 each; 900 clerks, grade 1, at not exceeding $900 each; in all, $22,941,711; and the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum; and to enable the Postmaster General to reclassify the salaries of railway postal clerks, he may exceed the number of clerks in such of the grades as may be necessary: *Provided*, That the number of clerks in the aggregate as herein authorized be not exceeded.

Mr. HITCHCOCK. Mr. President, I want to bring up at this time and call to the attention of the chairman of the committee a condition which existed some time ago and which, in part, still exists in the Railway Mail Service. I refer to the demotion of a number of railway mail clerks, by order of the Postmaster General, without a trial or a hearing of any sort, and without the employees being permitted to know the evidence against them or even definitely the charges laid against them.

I secured from the Post Office Department, through a resolution of the Senate, information to the effect that there are, as I recall it, some 23 of these railway postal clerks still suffering under demotion, and I have in my own State 5 or 6 of that number. I know some of these men personally, and it seems to me that the situation is one which calls for some form of protection being extended to them.

Mr. BOURNE. If the Senator will permit me to interrupt him——

Mr. HITCHCOCK. Yes.

Mr. BOURNE. The first paragraph of section 6 of the bill will, if enacted, prevent a repetition of the cases the Senator refers to, and we will reach that paragraph when we get along further in the bill.

It provides that an employee, before removal or demotion, shall know the causes upon which he is removed or demoted, and that he is entitled to a hearing and entitled to full information relative to the matter.

Mr. SMITH of South Carolina. If the Senator in charge of the bill will permit me, I will refer the Senator from Nebraska to page 67 and part of page 68 of the last information print, copied from pages 48 and 49 of the regular print.

Mr. HITCHCOCK. What is guaranteed to the employee?

Mr. SMITH of South Carolina. If you will allow me to read the paragraph, I will do so:

6. That no person in the classified civil service of the United States employed in the postal service shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request.

Mr. HITCHCOCK. I think such a provision would probably have the effect of protecting men in the future, but I am speaking now of some six men in my State who were arbitrarily demoted without being informed as to what the charges were against them, without having any opportunity to present their defense, and although I have applied and appealed to several branches of the Post Office Department, from the Assistant Postmaster General to the inspector, I have absolutely failed to secure any relief for these men. One of them——

Mr. BOURNE. Does the Senator from Nebraska suggest that we put in a provision applying to them?

Mr. HITCHCOCK. I have drawn an amendment which I propose to ask to be inserted at this point, reading:

And no clerk covered by this paragraph shall be demoted, nor shall a previous demotion continue in force until the clerk shall have been supplied with a detailed statement of the charges against him, and by whom made, and be given a full opportunity to meet the same.

Mr. LODGE. Mr. President, I desire at this point to reserve the point of order on that amendment.

Mr. BOURNE. In other words, the Senator's desire is, as I understand, to make the first paragraph of section 6 apply to instances of demotion that have already occurred?

Mr. HITCHCOCK. Yes.

Mr. BOURNE. I suggest to the Senator that he let that go over until we come to section 6.

Mr. HITCHCOCK. I will do so if the Senator requests it.

Mr. President, I myself have felt outraged that these men, one of whom has been serving for 23 years, a man of good standing in the community, of excellent character, should be compelled to appeal as he did to the Post Office Department time and time again for a mere statement of what were the charges against him and who brought them, and be met with the refusal of the department to even state what he was charged with or the evidence against him or who brought the charges.

Here was a man who had secured a sixteen hundred dollar a year position as the result of civil-service examination and merit, and yet that was arbitrarily taken away from him. Without a hearing and without definite charges he was demoted to a twelve hundred dollar a year position without any opportunity for relief. I think there ought to be something done, not only to protect employees in the Post Office Department in the future, but if possible to restore those men who are still suffering under that discrimination and that outrageous use of departmental power to their former positions. If the Senator will accord me an opportunity, when the time comes, I shall be glad to present the matter.

Mr. BOURNE. Certainly.

Mr. BAILEY. Mr. President, if it were now in order I would propose as a substitute for all of this that all these men be turned out every four years. I think the right to hold an office is not a natural right, and that these gentlemen who occupy these offices in this easy way might now and then be sent back to the body of the people to learn how it is to earn a living in other ways than by serving the Government, and they ought to become taxpayers every once in a while instead of taxeaters all the time.

If this provision becomes a part of the law, then these men in the Post Office Service will be as secure in their offices for life as the Federal judges are, the only difference being that we will probably have to have an inquest up in the department instead of having one in the Senate.

I do not believe, Mr. President, there is any place in a Government like ours for life tenure. I am one of the men who do not believe in a life tenure for judges, although I believe in a tenure sufficiently long to remove them from the influences which are supposed to sway the minds of men.

But surely these gentlemen are not of such consequence in the administration of this Government that we must make a class of them, segregate them from the balance of the people, and leave them to work in the shade at a handsome salary for the balance of their lives, while their brothers who are out on the farm are working in the sun for half the compensation in order to earn taxes to pay these larger salaries. I have no sympathy with any proposition to secure men for a lifetime in any kind of an office.

If the Senator from Nebraska will just cast his eyes forward beyond the 4th of next March, he will find much need for some of these places for the worthy Democrats who have been kept out for so many years.

Mr. HITCHCOCK. Mr. President, I resent somewhat what the Senator from Texas says. I can not think that he has applied his remarks with a full understanding of the situation. I am not referring to men who will be placed in position as a result of favor. I am referring to men in the Railway Mail Service who have secured their positions on merit, who hold their positions on merit, under the law of Congress. I am referring to men who have become experts in the Railway Mail Service.

I want to say to the Senator from Texas it is of more importance to the people of the United States whom they serve than it is to the men themselves that their positions should be held permanently and not at the will of political officials put in temporary charge over them.

The men in the Railway Mail Service lead lives so strenuous that anyone who has been in a railway mail car or who knows anything of the Railway Mail Service knows that the tension under which the railway mail clerks work is among the greatest strains that human beings are subjected to.

Mr. BAILEY. Then they ought not to be subjected to it for a whole lifetime.

Mr. HITCHCOCK. It is utterly impossible to think of serving the people of the United States in that wonderful service, with the high degree of skill required, by putting men in office one year and turning them out another.

Mr. BAILEY. No; I would give them four years.

Mr. HITCHCOCK. It is of more importance to the people of the United States that those men should feel that their positions are secure as long as they serve the people faithfully, and they should not be subjected to being ejected from their positions and thrown upon the world without being given an opportunity to know what the charges are which are made against them.

I want to say one word more to the Senator from Texas. This particular controversy arose in the West as the result of men being required to work 16 hours a day in the Railway Mail Service. During the latter part of 1910, what is known as the "slack order" was issued by the Postmaster General, and the chief clerk at Omaha verbally advised the clerks that it was the policy of the department to require eight hours' road duty of clerks, and that they would not be allowed time for delayed trains, or time performed at terminals, and extra runs that they might be called on to make, and they were then taking off crews and reducing the number of clerks on many lines to bring their road duty up to the eight-hour schedule. Clerks were at that time and had been for some time performing extra duty on their own and other lines in counting and verifying the various classes of mails. Also, owing to the reduction in the number of clerks employed throughout the country, stuck or unworked mail was accumulated in all the large cities throughout the country, and clerks off duty were called on during their lay-off period to work this mail. Also what is known as "terminal duty" was established and clerks assigned to road duty were given a regular assignment for their lay-off period of work.

The result of the excessive work required of these men is without any reason, except to grind down the expenditures of that department in order that the Postmaster General may make an apparent showing all over the country of economy.

The result of the hardships on these men was that they held meetings and protested to the department, and the result of those protests, Mr. President, was that the evil was remedied and the Postmaster General was forced to recall that order, and he himself then disclaimed responsibility for it, admitting that it was an outrage upon the clerks. Yet the men who were active in filing this protest have been punished and are still being punished by the department.

Mr. BAILEY. Mr. President, the Senator from Nebraska did not quite understand me if he understood me to mean that his proposition was any more objectionable than the pending proposition. I think, if men are to have a life tenure they ought not to be removed without some notice to them. But I was unfortunate in expressing myself if I did not make it plain that my objection is to the life tenure, not to the suggestion that those who hold for life shall have notice of an intention either to demote them or to remove them.

When the Senator from Nebraska reads his statement in the RECORD he will be rather surprised at the extravagance of his speech when he declared that this service is so important and that in practice it takes a long time to qualify a man for this work. I could easily find enough capable men in 30 days to fill all these places. The man who can not learn to do this work in 90 days can never earn $1,500 at anything in his life. There is no special or technical knowledge required. There is a certain skill of hand in distributing this mail, and I have no doubt that long practice brings a certain proficiency in that; but what happened to the mail service of the country before these gentlemen had held these offices for so long a time? Does the Senator intend for us to understand that during all the time these men were acquiring this knowledge, which he says now makes them indispensable to the Government, the mail service of the country suffered? Oh, no; the mail service of this country has been excellent ever since I can remember, or at least ever since I have been going to the post office.

Mr. President, if there are any people in this Republic who could best serve it by holding their offices for life, I say it would be the Senators and the Representatives. I would not want that to go into effect until after the 4th of next March, but I do not hesitate to say that experience and knowledge are worth more in the Congress of the United States than in any other, indeed, than in all other departments of the Government except the judiciary. Yet I think there is no Senator here who would be willing to give Senators their seats in this Chamber during their good behavior. I think that we all think it better for us to resubmit the fidelity and the wisdom of our service to the people of the several States every six years; and Members of the other House are compelled to do that every two years. Yet they perform a service vastly more important to the welfare of the country than all the mail service put together.

While I would not be willing to go back to the time when the mail was a matter of personal or private distribution, I would rather do that if I could give the American people a wise American Congress through all the years than to give them the best mail service that skill, ingenuity, and experience can provide and still leave them with a Congress less wise than it ought to be.

Oh, no, Mr. President, there is no department of the Government where the efficient administration of it requires a life tenure. If there be any such department, it is certainly the judiciary; and most of the Senators—certainly most of the Senators on this side—would like to see that modified. I think most of us would like to see a term of office long enough to render the judge independent of popular passions, popular prejudices, and still not so long that he must remain on the bench after he has become incapable of properly performing the duties of his great office.

But it will make precious little difference in the destiny of this Republic whether a mail carrier holds for 4 years or 40 years, so far as the efficiency of that service is concerned. There is, however, another and a larger view of this question, and it is of vast consequence whether we are to build up an office-holding class in this country.

Mr. President, I want to go one step further. I want to say here what I have said on more than one other occasion, that when you perfect your civil service and through it establish a life tenure for all the employees of the Government, a civil pension follows as naturally as the night follows the day. When these people have served at excellent salaries for 40 or 50 years, they will come in and they will say, as they have been saying with tremendous effect in some quarters, that they have given their lives to the service of the Government and the Government ought to take care of them in their old age. I can not comprehend the justice or the logic which compels the taxpayer to save something out of his meager income or suffer the consequences of his folly or misfortune in his old age, and yet applies a different rule to those who receive a part of his taxes in the shape of salaries.

When I came to Congress, 22 years ago, we had only a retirement for the Army, Navy, and the judiciary, and nobody then, except a few of us, expected the policy to be extended; but it has been already extended, and recommendations have come to us from more than one President that it be made to include practically all department employees.

So it will go on, from bad to worse. These men are given excellent positions, with salaries above what similar work commands in individual and corporate employment, and yet they are to be taught to imitate the spendthrift, waste what they earn while they are working, in the confident assurance that the taxpayers of this country will be compelled to take care of them in their old age.

So far as I am concerned, I should like to see the office-holder, at least, go back to the people for a renewal of the commission at such intervals as will remind him, and keep him always reminded, that he is not of an office-holding class.

But the inevitable effect of a life tenure in this country is to create a separate class, and to see how large that class is becoming we need only to consult the Blue Book of the United States. There is in the archives of this Government a report, in which it is said that whenever the patronage of the Federal Government should reach one hundred thousand it would seriously menace the power of the people to change its administration. We have now, I believe, passed the three hundred thousand point, and our annual expenditures have risen from the modest sum of $58,000,000, immediately preceding the war, to the stupendous and almost inconceivable sum of a billion dollars now, and still we have not reached the end. We go on multiplying these offices; we go on increasing these salaries; we go on extending these privileges; and yet the taxpayers of the United States must foot the bill. I am opposed unalterably to it.

Mr. WARREN. I wish to ask the Senator from Oregon to accept an amendment to the amendment. It is to strike out, after the semicolon, line 3, page 28, beginning with the word "and," that and the two lines following and to the semicolon in line 6, so as to put it on the same basis exactly as the total sum on page 12, where the appropriation of $37,000,000 provides for employees not in the mail service.

Mr. BOURNE. I gladly accept the suggestion of the Senator from Wyoming.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wyoming to the amendment of the committee will be stated.

The SECRETARY. On page 28, line 3, after the word "dollars" and the semicolon, strike out the words:

> And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. BOURNE. That is to make it conform with the previous provision.

Mr. WARREN. Yes.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BOURNE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 1, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 31, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in heaven, that by the example of every pure, noble, self-sacrificing life, especially by that of the Jesus of Nazareth, which looms brighter and brighter as the years come and go, we are brought, if we will, in contact with the pure, life-giving currents ever flowing from the heart of the Father soul.

I am come, said the Master, that they might have life, and that they might have it more abundantly.

Make us, we beseech Thee, susceptible to Thy holy influence that our lives may be pure, Godlike. In the spirit of the Lord Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a request for unanimous consent. I understand from the gentleman from Illinois [Mr. MANN], the leader of the minority, that a number of gentlemen on his side of the House desire to have an opportunity to-morrow to attend the notification ceremonies when President Taft will be notified of his nomination for the Presidency, and do not desire to be in the House between the hours of 12 and 3 o'clock p. m. Recognizing that that is an important event to that side of the House, I think that we should do them the courtesy of yielding to the request, and therefore I ask unanimous consent that when the House meet to-morrow at 12 o'clock there shall be general debate until 3 o'clock, the time to be controlled by the Speaker.

The SPEAKER. General debate upon what?

Mr. UNDERWOOD. General debate on the state of the Union, the Speaker to control the time. It enables gentlemen on this side, who desire to deliver speeches, to have the opportunity, and at 3 o'clock, unless the conference report on the naval bill is taken up, I give notice that I shall move to take up for consideration the cotton bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House meet to-morrow at 12 o'clock it shall spend three hours in general debate, the time to be controlled by the Speaker, and he gives notice that at the end of that time, unless the naval conference report is taken up, he will call up the bill to revise the cotton schedule. Is there objection?

Mr. WILSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to ask if it would not be possible to arrange that when we adjourn to-day we adjourn to meet at 11 o'clock to-morrow morning, for the purpose of taking up for consideration the seamen's bill.

Mr. MANN. Mr. Speaker, if the gentleman will permit, Members upon this side of the House are invited to the White House to attend the notification ceremonies and to luncheon to-morrow. The ceremonies begin, I believe, at 11 o'clock in the morning, and the luncheon is at 1.30, so that it would not be practicable to accede to the request of the gentleman from Pennsylvania.

Mr. WILSON of Pennsylvania. Would it be possible, then, to reach an understanding that we proceed with the consideration of the seamen's bill at 3 o'clock?

Mr. MANN. Mr. Speaker, the gentleman from Tennessee [Mr. PADGETT] gave notice a few days ago that he would call up the conference report on the naval appropriation bill on Thursday—to-morrow—and I take it that that is likely to be done, and, if not, the gentleman from Alabama gives notice that he will call up the cotton bill. I would say to the gentleman from Pennsylvania that I do not think there will be any difficulty in disposing of the seamen's bill and a number of other bills.

Mr. WILSON of Pennsylvania. I do not think there will be, if we can get it up for consideration.

Mr. MANN. I mean before long, or before final adjournment. I do not see any opportunity of doing it this week.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from Pennsylvania that, so far as I am concerned, I shall be very glad to see him have the opportunity to pass the seamen's bill. I am for it, but that bill has been pending in the House two or three days and has had a fair opportunity. The supply bills of the House and this tariff bill must be passed before adjournment. They are matters of great public importance, and these other bills, in my judgment, ought to give way to them until they are out of the way.

Mr. MANN. Mr. Speaker, when these various bills go to conference I think there will be plenty of opportunity to pass the seamen's bill and a number of other bills that are made privileged.

Mr. UNDERWOOD. Mr. Speaker, I ask the Chair to put my request.

The SPEAKER. Does the gentleman from Pennsylvania withdraw his suggestion?

Mr. WILSON of Pennsylvania. I withdraw my suggestion.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House meets to-morrow at 12 o'clock there shall be general debate for three hours, the time to be controlled by the Speaker. In addition to that request he gives notice that at 3 o'clock, unless the conference report on the naval appropriation bill is up, he will call up for consideration the cotton bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

IMPEACHMENT OF ROBERT W. ARCHBALD.

The SPEAKER. In the matter of the impeachment of Robert W. Archbald the Chair refers to the managers on the part of the House the answer of Mr. Archbald.

Mr. CLAYTON. Mr. Speaker, I am directed by my associate managers on the part of the House to say that the managers were furnished on yesterday with a certified copy of the answer of Judge Archbald, additional circuit judge for the first judicial circuit, designated a judge in the Commerce Court.

The SPEAKER. The Chair merely formally refers the matter.

Mr. CLAYTON. I so understand, Mr. Speaker, and I am further directed to say that the managers have considered the answer in the matter of the impeachment proceedings against Judge Archbald and have directed me to present to the House, and ask its adoption, the replication to such answer, and I ask that the Clerk read the replication, which I send to the desk. (H. Rept. 1119.)

The SPEAKER. The Clerk will read the replication.

The Clerk read as follows:

Replication of the House of Representatives of the United States of America to the answer of Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit, and designated a judge of the United States Commerce Court, to the articles of impeachment exhibited against him by the House of Representatives of the United States of America.

The House of Representatives of the United States of America, having considered the several answers of Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit, and designated a judge of the United States Commerce Court, to the several articles of impeachment against him by them exhibited in the name of themselves and of all the people of the United States, and reserving to themselves all advantages of exception to the insufficiency, irrelevancy, and impertinancy of his answer to each and all of the several articles of impeachment so exhibited against the said Robert W. Archbald, judge as aforesaid, do say:

1. That the said articles do severally set forth impeachable offenses, high crimes, and misdemeanors, as defined in the Constitution of the United States, and that the same are proper to be answered unto by the said Robert W. Archbald, judge as aforesaid, and sufficient to be entertained and adjudicated by the Senate sitting as a Court of Impeachment.

2. That the said House of Representatives of the United States of America do deny each and every averment in said several answers, or either of them, which denies or traverses the acts, intents, crimes, or misdemeanors charged against the said Robert W. Archbald in said articles of impeachment, or either of them, and for replication to said answers do say that said Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit, and designated a judge of the United States Commerce Court, is guilty of the misbehaviors, high crimes, and misdemeanors charged in said articles, and that the House of Representatives are ready to prove the same.

Mr. CLAYTON. Mr. Speaker, I move the adoption of the replication.

The SPEAKER. The question is on the motion of the gentleman from Alabama to adopt the replication.

The question was taken, and the motion was agreed to.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration and adoption of the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 654.

Resolved, That a message be sent to the Senate by the Clerk of the House informing the Senate that the House of Representatives has adopted a replication to the answer of Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit, and designated a judge of the United States Commerce Court, to the articles of impeachment exhibited against him, and that the same will be presented to the Senate by the managers on the part of the House; and also that the managers have authority to file with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they shall deem necessary.

The question was taken, and the resolution was agreed to.

CONSENT TO ADDRESS THE HOUSE.

Mr. HENRY of Texas. Mr. Speaker, I desire to ask unanimous consent that on Saturday next, immediately after the reading of the Journal, I be allowed to address the House for

one hour, or such time as I may desire, in reply to the remarks of the gentleman from Illinois [Mr. RODENBERG].

The SPEAKER. The gentleman from Texas asks unanimous consent that on next Saturday, immediately after the reading of the Journal, he be allowed to speak for one hour in answer to the remarks of Mr. RODENBERG, of Illinois. Is there objection? [After a pause.] The Chair hears none.

LIMITATION OF HOURS OF EMPLOYEES ON PUBLIC WORKS.

The SPEAKER. This is Calendar Wednesday, and the unfinished business before the House is the bill H. R. 18787, and the House automatically resolves itself——

Mr. WILSON of Pennsylvania. Mr. Speaker, pending the House resolving itself into the Committee of the Whole House on the state of the Union I would like to ask if we can have some arrangement about closing general debate on this bill. General debate on this bill continued all of last Wednesday, and I would like to see if we can not have an arrangement by which we can close general debate to-day.

Mr. MANN. Mr. Speaker, reserving the right to object, several gentlemen on this side desire to speak in general debate. I do not know about that side of the House. The gentleman from New Jersey [Mr. KINKEAD] the other day said he desired to be heard in general debate. I would be perfectly willing, I think, to close general debate not later than half past 3.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask that general debate on this bill close not later than half past 3.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that general debate on this bill close not later than half past 3. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The House automatically resolved itself into the Committee of the Whole House on the state of the Union, with the gentleman from North Carolina [Mr. PAGE] in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18787, the title of which the Clerk will report.

The Clerk read as follows:

A bill relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

The CHAIRMAN. The gentleman from Missouri [Mr. BARTHOLDT] is recognized.

Mr. BARTHOLDT. Mr. Chairman, I rise to tell the story of the Chicago contests. I was there, listened to the evidence, and voted on the cases as the facts warranted and my conscience dictated.

A man who loses his case is liable to abuse the court; hence I paid little attention to the cry of fraud and theft emanating from the camp of the defeated. But when United States Senators—when men like CUMMINS and KENYON from Iowa and WORKS from California, in quasi-official pronouncements, talk about "tainted delegates" and an "illegal nomination," I feel it is time to speak out. Of course, it is not political expediency which prompts men of their caliber to make such statements; they actually believe what they say. But I assert without fear of successful contradiction that if they do honestly believe it, they have not read the record. That record—the stenographic report of the proceedings of the Republican national committee and the committee on credentials, as well as an intelligent résumé of both—will soon be within reach of everybody; and after the gentlemen just named have read and studied it, I know what will happen—they will retract. At least, I believe them big enough to do so. The smaller fry, because it does not suit their political purpose, will probably not do it, and I do not expect them to. Although, gentlemen, I say frankly, if ever in our history political necessity imposed upon a public man the obligation of absolute mental honesty, even in the political game, it is at this particular juncture. The life of the Republican Party depends upon it.

It may happen in the life of a nation that it becomes impatient with the truth and with the men who utter it. Such a state of the public mind is invariably due to the poison of malicious aspersion and calumny, insidiously spread, or if the temper of the people will permit, openly disseminated by the demagogue and the disgruntled politician. But, Mr. Chairman, I have an abiding faith in the sense of fairness and justice of the American people, and in presenting my facts confidently rely on that fair play which is always born of their sober second thought.

In my judgment, it is the solemn duty of every good American citizen between now and November to carefully study the evidence in the Chicago contests in order that he may form his own conclusions, and I predict that the Republican cause will be strengthened in exact proportion with the numbers of those who are willing to perform that duty. In other words, to weigh the evidence with impartial care will inevitably and irresistibly lead to the conclusion that every single contest has been decided strictly in accordance with its merits. In one important instance it will be found, the national committee gave the benefit of the doubt to the Roosevelt side when a decision in favor of the Taft delegates could have been defended with equal success. As a result of his investigation it will soon dawn upon the student of the evidence that a crime, unprecedented in its brutality, has been committed against the Republican Party by those who have rashly denounced the action of the committee and vilified its members without knowing the facts, and whose criticism, strange to say, was the more bitter the less familiar they were with the evidence. Therefore, I say again, let each good Republican who believes his great party to be worth saving (I do not appeal to those who are merely looking for an excuse to desert it) read the record for himself. The discharge of this solemn duty will make him a good citizen and a better Republican.

THE MEETING OF THE NATIONAL COMMITTEE.

When on June 6 the national committee convened at Chicago the political atmosphere was pregnant with electricity, and no one realized the gravity of the situation more keenly than did the members of the committee, upon whom at that moment the eyes of the whole Nation were turned. Who are those men? Political accidents, ephemeral nondescripts, satellites of a new will-o'-the-wisp brought to the surface by minority primaries? Oh, no; each one of them was in 1908 the choice of his State delegation for membership in the highest party council; and many of them, as leaders of their State organizations had led their party through the storms of many political campaigns to victory. I found the great majority of them to be men of affairs, earnest and high-minded men of integrity, experience, and standing, but, above all, men actuated by the spirit of party loyalty. Yes; they were and are Republicans. The prevailing sentiment among them was, as they gathered from all the States of the Union, a sense of solemn responsibility coupled with genuine feelings of regret over the bitterness of the contest.

We can not read the hearts of men, but there is strong circumstantial evidence to prove the rectitude of the national committee. It was patent to every member that there was but one possible remedy to relieve the strain, and that was to do justice, to decide the contests fairly and impartially. Let us see whether the members of the committee were actuated by such a desire. Surely, if it had been their intention to steal the nomination, they would have insisted on secret sessions and star-chamber methods, and furthermore, in order to be sure of their prey, they would have convened just about two or three days before the convention and railroaded their plans through by sheer force of numbers, giving as an excuse that lack of time unfortunately made a more careful consideration of the contests impossible. Not only are there precedents for such procedure, but it was the course usually followed; it was the invariable party custom, because, after all, the national committee, by preparing the temporary roll, only determines the prima facie right to seats in the convention, while the final determination of the contests is left to the convention itself. Now, I ask you, what did the national committee do in this instance? If you are fair, you will admit that every single arrangement tended to the promotion of right and justice. In the first place, the committee convened 12 days before the convention and actually consumed 9 working days—from the morning of Thursday, June 6, to the night of Saturday, June 15—with the consideration of the contests, and, needless to say, the presentation of the evidence commanded the closest attention from beginning to end. So thorough, in fact, was the investigation that not a single point, once raised, was allowed to remain in doubt, and it was the consensus of opinion that never before in the history of national conventions were contests heard with more scrupulous care and more searching inquiry into details. So much for that.

Now, as to the custom of hearing and deciding contests in secret session, I am happy to say that the first thing the committee did was to depart from this time-honored custom and to open the doors to all the press associations of the country in order that the public might actually hear the evidence in conjunction with the committee. The minority proposed to also admit correspondents of individual newspapers, but this was deemed unnecessary as every daily paper in the United States is affiliated with either one or the other of the five press associations, so that the purposes of publicity were deemed to be amply subserved by the original plan. Besides, these associations vouchsafed impartial service, their newspaper cus-

tomers being recruited from both camps, while individual correspondents would have written accounts colored to suit the attitude of their papers. Even to-day I sincerely rejoice in the wisdom of an arrangement which insured full publicity and at the same time that impartiality of the reports without which the tongues of calumny would have had a still wider sway. And I leave it confidently to the judgment of the American people whether arrangements which insured ample time for careful consideration as well as fullest publicity smacked of burglary or of an attempt to steal the nomination, or whether they are not corroborative evidence of the most positive kind that the majority, with the sun of heaven as their witness, were bent on doing the fair and square thing.

In discussing these preliminaries which throw so striking a light on the motives of the majority I have purposely avoided all reference to the main issue, and in the following explanation of the contests I shall continue to do so for the reason that the final defeat or success of the one or the other presidential candidate had nothing whatever to do with the merits of the cases we were called upon to decide. In the committee room, too, the main question was never the subject of even private conversation. There was, however, tremendous pressure from the outside, emanating mainly from the impetuous followers of the third-term candidate. One day we were told the committee had no right to sit in judgment on the contests and should make room for the newly elected members, the next day it was argued that the delegates from the South should not be permitted to vote in the convention as these States never contributed any electoral vote to a Republican candidate. These efforts to force a change of the rules while the game was in progress were the more ludicrous because these rules were handed down to us by conventions over which the third-term candidate himself has held undisputed control. Why had he not changed them then? And the southern delegates seem to have been regarded as very valuable acquisitions by that same candidate, judging from the way in which Mr. McHarg went after them and from the indisputable evidence touching attempts to buy them. When all these arguments proved unavailing with the committee, then came the attempt at intimidation by physical force. News reached the hall that the party's chieftains were to be mobbed, and really there must have been some foundation to that rumor, for the police department took extra precautions for the protection of the committee.

BOGUS CONTESTS.

While thus the tempest raged outside of the meeting room the committee calmly proceeded with its business, bent upon allaying the trouble in the party, if possible, by a fair determination of the contests. Permit me now to tell the story of these contests. Altogether there were 252 seats contested, 238 by the Roosevelt people and 14 by the Taft people. While the surprisingly large number of contests filed against Taft delegates seemed significant, the committee was ignorant of their real nature when it began its work, but after the first Alabama cases had been heard it dawned upon the members that they were bogus contests, started, as an afterthought, months after the regular party conventions had elected Taft delegates. They were the work of Ormsby McHarg, who had gone South for that purpose. And what is true of Alabama proved to be also true of Virginia, Florida, and Georgia. In all these States the Roosevelt contests were devised for the sole purpose of deceiving the public—i. e., of making a showing for Roosevelt and cutting down Taft's uncontested totals. I do not ask you to take my word for this, as there is twofold proof for the truth of the assertion. That the Roosevelt members of the committee joined hands with the Taft members to throw these contests out and that the votes of the committee on the motions to seat the Taft delegates were unanimous, is alone convincing evidence of the frivolous nature of these contests, but we have additional proof in the shape of a confession from a Roosevelt newspaper, the Washington Times, owned by Mr. Frank Munsey, one of the largest contributors to the Roosevelt campaign, which, on June 9, 1912 (after the national committee had discovered and exposed the swindle), let the cat out of the bag in the following language:

> On the day when Roosevelt formally announced that he was a candidate something over a hundred delegates had actually been selected. When Senator Dixon took charge of the campaign a tabulated showing of delegates selected to date would have looked hopelessly one-sided. For psychological effect, as a move in practical politics, it was necessary for the Roosevelt people to start contests on these early Taft selections in order that a tabulation of delegate strength could be put out that would show Roosevelt holding a good hand. In the game a table showing Taft 150, Roosevelt 19, contested none, would not be very much calculated to inspire confidence, whereas one showing Taft 23, Roosevelt 19, contested 127, looked very different. That is the whole story of the larger number of southern contests that were started early in the game. It was never expected that they would be taken very seriously. They served a useful purpose, and now the national committee is deciding them in favor of Taft in most cases without real division.

It is needless to describe the effect of the discovery of this fraud upon the national committee. No one had heard the candidate to be benefited protest against it, and the fact that he acquiesced in and condoned it warrants the conclusion that he would have been perfectly willing to profit by it if the majority of the committee had been his pliant tools. Talk about tainted delegates and adopting the motto, "Thou shalt not steal!" Mr. Chairman, it is a well-settled rule that the man who would appeal to a court of equity must come with clean hands. The court of equity in this case are the American people. What do they think of that candidate's hands? Are they not reeking with the filth of deception? And has he not, as a result of this bunko game, forever forfeited his right to raise a moral issue with anybody and on any pretext?

THE REAL CONTESTS.

By unanimous votes or viva voce votes the original number of 238 contests instituted against Taft delegates was finally reduced to the following 72:

	Delegates.
Ninth Alabama	2
Arizona, at large	6
Fifth Arkansas	2
Fourth California	2
Thirteenth Indiana	2
Seventh Kentucky	2
Eighth Kentucky	2
Eleventh Kentucky	2
Michigan, at large	6
Third Oklahoma	2
Second Tennessee	2
Ninth Tennessee	2
Texas, at large	8
First, second, fourth, seventh, eighth, ninth, tenth, and fourteenth Texas	18
Washington, at large	8
First, second, and third Washington	6
Total	72

INDIANA AND MISSOURI AT LARGE.

It is worthy of note that the delegates at large from Indiana are not included in this list. The fact is that the Taft delegates were seated by a unanimous vote, yet you no doubt remember Mr. Roosevelt's shrieking cry of fraud at the time of the Indiana State convention. It is confidently asserted by men who should know that that outcry was in type before the polls were opened. The contest turned on the vote of Marion County with the city of Indianapolis which, according to the Star newspaper published in that city, was as follows: Taft delegates, 6,163; Roosevelt delegates, 1,480. Mr. Roosevelt's followers on the committee voted to sustain the Taft delegates, but has anybody heard Mr. Roosevelt take back his false accusations by which the popular mind was so grossly mislead?

Mr. WARBURTON. Mr. Chairman, will the gentleman yield?

Mr. BARTHOLDT. Would not the gentleman permit me to finish my remarks?

Mr. WARBURTON. It is in reference to a statement the gentleman just made in regard to Indiana.

The CHAIRMAN. Does the gentleman yield?

Mr. BARTHOLDT. I will.

Mr. WARBURTON. I understood the gentleman to say that in Indianapolis, Marion County, Mr. Taft received something like a little less than 7,000 votes, and Col. Roosevelt 1,000. I understand the gentleman that he thinks that was a sufficient vote at the primary and undoubtedly gave Mr. Taft the right to the votes.

Mr. BARTHOLDT. I did not catch the gentleman's question.

Mr. WARBURTON. I will repeat it. I understood the gentleman to say, in Marion County, Ind., in which Indianapolis is located, President Taft received something less than 7,000 and Col. Roosevelt something over 1,000. Now, I will ask him if he thinks that that would be a sufficient vote to control Indianapolis——

Mr. BARTHOLDT. Yes.

Mr. WARBURTON. Well, now I will come to what I want to ask. Indianapolis, in Marion County, is about the size of Seattle, in King County——

Mr. BARTHOLDT. I do not see——

Mr. WARBURTON. I will state to the gentleman——

Mr. BARTHOLDT. I do not see how you can compare those two contests, and when we come to Washington I will be glad to take up that contest with the gentleman, but let me ask the gentleman, since he has interrupted me, Is he a bull moose or for President Taft?

Mr. WARBURTON. I have just filed as a Republican in my State, and I exercise the right to vote for ex-President Roosevelt or President Taft when the time comes.

Mr. BARTHOLDT. You can not do that as a Republican.

Mr. WARBURTON. Watch me do it.

Mr. BARTHOLDT. You can not honorably. You can not ride two horses at a time.

Mr. WARBURTON. I do not try to do so.

Mr. YOUNG of Michigan. Which one?

Mr. CLAYTON. He just has not made up his mind yet.

Mr. WARBURTON. I did not say that.

Mr. BARTHOLDT. When I was interrupted I was speaking about Missouri, and said that the Missouri contest at large had been decided in favor of the Roosevelt delegates.

Missouri is also left out of this list because the contest at large was decided in favor of the Roosevelt delegates. It was a case, as I said before, in which, by the action of the committee, an actual doubt was dissolved in favor of the Roosevelt side. If the committee had ruled that the delegation be divided, such action could have been successfully defended on account of a well-authenticated understanding between the opposing convention leaders to divide the delegates and refrain from instructing them, which understanding had been violated. In the face of the committee's action in this case can you make any sane person believe that the aim and purpose of the committee was to steal delegates? This one case alone should suffice to set public opinion right on this question.

ALABAMA.

Mr. Chairman, I shall not permit myself to be dissuaded from my purpose to tell the truth about the contests above enumerated even by a realization of the difficulty of changing the people's minds. Right in connection with the first case on the list, the ninth Alabama, I can show that the truth has been mortally wounded by poisoned arrows from Oyster Bay, yet I confidently believe that the truth will live and that our great party can not be killed by prevarication. Because of its decision seating the two Taft delegates, Mr. Roosevelt issued a bitter diatribe which the country eagerly swallowed, of course, and in which he intimated that men had been sent to the penitentiary for lesser offenses, but fortunately for the truth he did not stop there. He proceeded to tell the facts in the case as he understood them, and this enables me to show how utterly misinformed he was. Evidently he had heard but one side, and with this faulty information he rushed into print. Says he:

The Republican committee of this district, composed of 30 members, met to call the convention. Eighteen members were favorable to my candidacy, 12 to Mr. Taft's. The Taft men conceded that this was the regular district committee and began by participating in the meeting, but as soon as it developed that the Roosevelt men were in the majority the 12 Taft men left the meeting and called a convention of their own, leaving 18 members, a clear majority of the regular committee, to call the regular convention in which the Roosevelt delegates were named. No serious evidence was presented by the national committee to contravene these facts.

Of course not. The national committee presents no evidence, but it was presented to the committee by the Republicans of the ninth Alabama district, and they did not only contravene the facts as stated by Mr. Roosevelt but told the rest of the story, namely, that the whole controversy had been passed upon by the people themselves, inasmuch as the four counties in the district recognized and responded to the Taft call for the district convention, holding delegate conventions in two and mass conventions in the other two counties. When the district convention met all four counties were represented by unchallenged delegations and two Taft delegates were duly elected without opposition. The call of the Roosevelt faction, on the other hand, was ignored by all but one county. So the people have spoken in this case, and the question as to whether the Taft or the Roosevelt call was the regular one was decided by the Republican voters themselves. Shall the people rule? And more than that, the State convention passed upon the case by recognizing the delegates from those four counties who had been elected under the Taft call, and the national committee, by a unanimous vote, seated the delegates at large elected by that State convention. From these facts—I want the House and the country to listen to this in view of Mr. Roosevelt's course in this case—it appears that even if we conceded every claim he makes in the above statement the decision was bound to be in favor of the Taft delegates, and in truth the attorneys for the Roosevelt side never claimed regularity for the election of their delegates, but merely questioned the regularity of the call owing to a split in the committee. And what about that? When the committee met a dispute arose as to the right of certain persons to serve as members of the committee, and this resulted in each faction holding a separate meeting in the same hall. It was well established by the evidence that the Taft committee had the larger number of members whose right to serve was not questioned, to wit, 13. The right of the other two, William Latham and Harvey Hardin, whose votes were necessary to make a quorum (15) was challenged. It was claimed that not William Latham but his brother James was a member of the committee. There was ample evidence, however, that William Latham had been regularly elected a member of the committee and that he had previously acted in that capacity. As to Hardin, there was no question about his membership, but a few days before the meeting he had sent his resignation, to take effect only in case he was not present. He did appear, however, in ample time for the meeting, yet the Roosevelt chairman refused to recognize him and had appointed other men to fill this as well as other vacancies. His right to do so was sharply challenged, and it developed that his authority to fill vacancies was interpolated in a certain resolution, as it was written in between the lines in different writing and different-colored pencil. This gave rise to a question of fact upon which a very large majority of the national committee held that the lead-pencil insertion was a forgery, hence that the chairman did not have the authority to fill vacancies, and therefore the action of the Roosevelt committee was not valid.

I well remember the following question, asked by a Roosevelt member of the national committee in addressing a Taft witness:

Are you willing to make an affidavit that these lines in the resolution conferring authority on the chairman to fill vacancies were interpolated?

Answer:

Yes, sir.

That ended the matter, of course. Now, compare these facts with what Mr. Roosevelt says:

The contest against the two regularly elected Roosevelt delegates had literally no foundation whatever, even of the most flimsy description. There was no more ground for unseating these delegates than there would be, for example, in unseating the Taft delegates from Rhode Island, or in any district in any State where there is no contest whatever.

Mr. Chairman, as you have seen, this contest would have been decided by any jury in the land in favor of the Taft delegates without them leaving their seats, yet Mr. Roosevelt made it the basis of a most virulent attack, with the plain intention of inciting the passions of his hysterical followers and bringing down upon the heads of the national committee the contempt as well as the indignation and wrath of the American people. The language of the Chicago anarchists which precipitated the Haymarket riots was incendiary, and the law reached out after them, poor wretches that they were. Is there no law to reach a prominent offender? I say it would be unpardonable to incite and poison the minds of the people at a time of great nervous tension, even if there were justification for it, but to do so as a result of misinformation and when you are clearly in the wrong is nothing less than criminal. And as Mr. Roosevelt has not yet seen fit to apologize to the national committee on account of the cruel injustice he has done them, I take this occasion to solemnly protest, on behalf of myself and my then colleagues, against the unwarranted reflection upon the integrity and the honor of the committee, as well as against the infamous attempts to create, by untruthful statements, a false public sentiment regarding the Chicago contests, to the great detriment of the Republican Party and its national candidates.

It is natural that after this Oyster Bay utterance in which, among other things, it is hypocritically asserted that the Republican Party is "an instrument for good government which it is wicked to destroy," the people should have become distrustful and suspicious with regard to the action of the national committee in all the contests yet to be decided, and the Ninth Alabama was only the start. But I am determined upon pitting the truth against that suspicion with a view to eradicating it at least from the minds of all those who are able and willing to read, and, therefore, I propose to discuss all the contests included in the so-called "purging resolution."

ARIZONA.

In the Arizona case the seats of the six Taft delegates at large were contested on the ground of a rump convention having been held by the Roosevelt adherents in a corner of the same hall in which the regular convention was taking place. The rump convention was attended by 25 delegates, while 64 delegates remained in the regular or Taft convention. Although there had been contests in Maricopa and other counties, only one such contest was presented to the State committee when it made up the temporary roll. This was from Cochise County, and it was decided to seat both delegations with one-half vote each, with the understanding that both delegations should present their case to the committee on credentials when appointed by the convention. In the State convention the Taft men were in control by a large majority, but the moment the temporary chairman had taken his seat a number of persons, including about 17 whose names were on the temporary roll, pushed to the right-hand side of the hall, one of their number mounted the platform, and after 15 or 20 minutes of noise and confusion they left the hall and did not return. The Arizona contest is

the result of the proceedings so conducted during that space of time. The record of this so-called convention showed the appointment and report of committees and the election of delegates to the national convention, but it was conceded that these reports, including that of the committee on credentials, had been prepared in advance. In other words, the Roosevelt people knew they would be in a minority in the convention and had staged and prepared for the bolt in advance. The regular convention remained in session for several hours longer and transacted its business in a legal and proper way, not even forgetting a vote of thanks to the citizens of Tucson who had arranged for the entertainment of the first Republican convention in the new State. Is there any one who doubts the correctness of the decision of the national committee that this convention was the only regular and legal convention held in the State of Arizona?

ARKANSAS.

Mr. Roosevelt's list of "stolen delegates" also contains the two delegates from the fifth district of Arkansas. This contest was, as the gentleman from Wyoming [Mr. MONDELL] properly characterized it, a joke and a farce. Four years ago the national committee decided which faction represented the regular organization in that district, and as no appeal was taken to the committee on credentials, that decision remained in force. The organization so recognized was practically the only one in existence; it put congressional candidates in the field in 1908 and 1910, maintained county committees, and on May 6, 1912, held its regular district convention at Little Rock to again nominate a candidate for Congress and elect two delegates to the national convention. All its proceedings were in due and regular form, and the one contest presented was settled by seating both delegations with a half vote each. In the meantime it seems the old defunct organization, called the Redding faction, had been resurrected to secure two Roosevelt delegates, and it held a "convention" on the same day and also at Little Rock but in another hall. Only three days' notice had been given of the convention, and there was no evidence as to how many delegates attended it and whether they were Republicans. The national committee reaffirmed its decision of four years ago and recognized the two Taft delegates elected by the regular organization.

CALIFORNIA.

If noise were a test of merit, the protest of the Californians against the two Taft delegates from San Francisco might be adjudged as valid. The Roosevelt delegation from California, including several Democrats and led by a former Democrat and up to the Chicago convention an alleged Republican, the fire-eating governor of that State, certainly made a desperate attempt to carry the day by physical effort rather than by convincing argument. The facts in the case are as plain as daylight. It was anticipated that President Taft would carry the San Francisco district for several reasons, but especially because of his support of that city as the location for the Panama Exposition. In order to head off this Taft victory and to steal the district, as one of the Taft men put it, a law was rushed through the legislature seeking to enforce the State unit rule. In the fourth district the two candidates on the Taft ticket expressed a preference for Taft, but did not agree, the law permitting such discretion, to vote for the candidate receiving the highest vote in the State. At the election they received a majority of 300 over the Roosevelt delegates in the district. The national call expressly forbade any law or the acceptance of any law which prevented the election of delegates by districts, hence the California statute was passed in direct violation of the party law which, in accordance with the principle of home rule, recognizes the district as the unit and has been in vogue ever since 1880.

Mr. AUSTIN. The California law was passed, was it not, after the national committee had issued its call and had laid down rules under which these delegates should be elected?

Mr. BARTHOLDT. Yes; it was passed for the purpose of getting these California districts which they knew would be for Taft.

Mr. AUSTIN. Before the gentleman passes from that, is it not a fact that in a previous national convention this very issue was fought out and delegates representing every State in the Union decided that the delegates from a district could not be elected by the State convention?

Mr. BARTHOLDT. True; that was the convention of 1880.

It is a well-settled fact that a State has no power to prescribe the manner of representation in the national convention of a voluntary party organization. If the authority of law were to be recognized at all to control national party conventions, it would have to be the authority of national law. Under a strict construction of its call the national committee could have unseated all 24 Roosevelt delegates, but, instead of taking advantage of a technicality, it admitted them together with the two Taft delegates from the fourth district, and the seating of the latter was in strict accordance with the law and precedent established in 1880 and followed in unbroken line ever since.

Mr. WARBURTON. May I interrupt the gentleman?

Mr. BARTHOLDT. I wish the gentleman would not interrupt me now.

Mr. WARBURTON. He has been interrupted by other gentlemen, and I would like to have the same privilege.

Mr. BARTHOLDT. I thought we would fight it out on Washington.

Mr. WARBURTON. You said it had always been the rule. I want to say the State of Washington has always elected its delegates at large, and they have always been seated.

Mr. AUSTIN. I want to ask the gentleman if there is any controversy or question over them?

Mr. WARBURTON. I do not think so.

Mr. MANN. Did they not once elect their Members of Congress at large?

Mr. WARBURTON. Up until about eight years ago.

Mr. BARTHOLDT. If that is the case, they surely have departed from this rule at this particular time, because at the meeting of the national committee of which I speak the Roosevelt people from Washington made a fight with respect to the delegates at large, eight in number, and they also made a fight with respect to the delegates from the first, second, and third districts of Washington.

Mr. WARBURTON. I would like to ask the gentleman a question there. In the third district of Washington, in accordance with the report and rule of the State committee, eastern Washington had four Roosevelt delegates to Taft's one, and yet you seated in some manner—I do not know how—the two delegates from that district.

INDIANA.

Mr. BARTHOLDT. In the thirteenth district of Indiana the two Roosevelt contestants based their claims upon a rump convention which was held by a few Roosevelt followers, not more than 30 in number, after the regular convention had been in session three and one-half hours and had transacted its business and adjourned. At this rump convention there was no roll call of the delegates, the persons present did not sit down, no secretary was elected, but a self-appointed chairman, by viva voce vote, declared the election of two delegates and two alternates to the national convention. The regular convention had been riotous, and the confusion and uproar was kept up by the Roosevelt men for more than three hours. They resorted to these tactics after a Taft man had been elected permanent chairman by a very close vote, 71¼ to 70¾. This vote had been taken while the proceedings were still orderly, and it was a test vote favoring the Taft side. A dispute about the selection of the member from Fulton County for the committee on credentials was the signal for the "rough house" to be started, but during the confusion the report of the committee on credentials was adopted and the Taft delegates were elected. For 15 minutes the chairman, with a loud voice and through a megaphone, had called upon the Roosevelt men to make nominations for delegates, but none were announced. When the ayes and noes were called on the election of the delegates there were no noes, the Roosevelt delegates failing or refusing to vote. Adjournment followed, and the rump convention already described was held. A quorum of the convention was 72, the rump convention was attended by not more than 30 delegates. At the hearing before the national committee a new kind of evidence was presented by counsel for the Roosevelt contestants, namely, affidavits purporting to show that a majority of the convention had not voted for the Taft delegates. But as the result of the vote had not been questioned at the convention, the national committee, while permitting the affidavits to be read, declined to recognize them as valid evidence on the ground that duly declared and certified convention results must stand if no question was raised in the convention itself. This contest was decided for Taft, and I believe properly, by a vote of 36 to 14.

KENTUCKY.

The next on the Roosevelt list of "stolen" delegates are those from the seventh, eighth, and eleventh districts of Kentucky. The contest of the delegates at large of that State had been abandoned by the Roosevelt people after it had been shown before the national committee that if all the contested seats in the State convention—449 in number—had been given to Roosevelt, his strength in the convention would have still been 297 votes short of a majority. The test vote of the convention was taken on the adoption of the report of the committee on credentials, the vote being 1,872 to 434 in favor of Taft. There was no protest or bolt of any description. The contest filed

as an afterthought is on a par with the fake contests from the other Southern States.

As to the seventh and eighth districts I adopt as my views the statements prepared by counsel at the request of the national committee. They are as follows: "In the seventh Kentucky district the total vote of the convention was 145. There were contests from four counties, involving 95 votes. According to the rules of the party in Kentucky, where two sets of credentials are presented, those delegates whose credentials are approved by the county chairman are entitled to participate in the temporary organization. On the temporary roll the Taft chairman was elected by 98 votes and 47 votes were cast for the Roosevelt candidate. The committee on credentials was then appointed, consisting of one member named by each county delegation. The majority report of the committee was adopted unanimously by the convention, no delegation whose seats were contested being permitted to vote on its own case. As soon as the majority report of the credentials committee had been adopted the Roosevelt adherents bolted. There was not the slightest reason for sustaining the contest for the Roosevelt delegates.

The eighth Kentucky district was composed of 10 counties, having 163 votes, of which 82 were necessary to a choice. There was no contest in 5 of the counties, and, although the Roosevelt men claimed that there was one in Spencer County, no contest was presented against the seating of the regularly elected Taft delegates from that county. This gave the Taft delegates 84 votes, or 2 more than were necessary for a choice. In other words, assuming that the Roosevelt men were entitled to all the delegates from the counties in which they filed contests in the district convention, there remained a clear majority of uncontested delegates who voted for the Taft delegates to Chicago.

The contest in the eleventh district of Kentucky resulted in a compromise, the national committee placing one Taft and one Roosevelt man on the temporary roll of the convention. The decision was reached because there was an honest doubt in the minds of the members. The whole trouble in the district convention arose over the arbitrary action of the chairman of the congressional committee, a Roosevelt man, who called the convention to order and, in violation of all party law and custom, appointed a committee on credentials himself, instead of permitting the delegations from the several counties to name the members. This caused the Taft men to hold a separate convention, with 284 lawfully elected delegates out of a total membership of 384. The national committee would have been justified in seating both Taft men, and yet it is said they were "stealing" delegates.

MICHIGAN.

In the "purging resolution" presented to the national convention the Roosevelt contingent also claimed the six delegates at large from Michigan for their chieftain. That contest, after it had been decided by the national committee in favor of the Taft delegates by a viva voce vote, was not even presented to the committee on credentials or the convention. It was too plain a case. The first roll call in the State convention resulted in 67 votes for the Roosevelt side and 818 for Taft. There were contests from Wayne and Calhoun Counties, but when the State committee made up the temporary roll the Roosevelt people failed to present their cases. They also failed to appear before the committee on credentials, although ample opportunity was given them to present their claims. The evidence left no doubt that the Taft men had carried Detroit (Wayne County) by a large majority, but even subtracting from the total vote of the convention the vote of the two contested counties, the Taft delegates still outnumbered the Roosevelt men by several hundred. As was their tactics everywhere in the country, the Roosevelt delegates made all the noise possible, but finally they grew tired and bolted the convention with not to exceed 200 out of a total of 1,312. At all times until the adjournment of the convention nearly 1,000 delegates were present and participated in the proceedings of the election of the six delegates at large. What, I ask, is your opinion of the mental condition or the moral make-up of a man who, in the face of these facts, brazenly sticks to his assertion that these six delegates were stolen by the national committee?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BARTHOLDT. Mr. Chairman, can not I have a little more time?

Mr. MANN. How much more time does the gentleman desire?

Mr. BARTHOLDT. I think I can finish in about 15 minutes.

Mr. MANN. I ask unanimous consent that the gentleman from Missouri have 30 minutes more.

Mr. BARTHOLDT. Thank you.

Mr. ROBINSON. The gentleman states that he can conclude in 15 minutes.

Mr. MANN. Well, the gentleman is mistaken.

Mr. ROBINSON. Reserving the right to object, I would suggest to the gentleman that he take the 15 minutes.

Mr. MANN. I hope the gentleman will not object to my request.

Mr. BARTHOLDT. Let me conclude.

Mr. ROBINSON. I will not object.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Missouri [Mr. BARTHOLDT] have 30 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. YOUNG of Michigan. I will ask the gentleman if it did not also clearly appear that if the Roosevelt delegates had been seated from the counties of Calhoun and Wayne that there still would have been a majority in the convention for Taft?

Mr. BARTHOLDT. Yes; and I am also going to show that in my statement.

Mr. SAMUEL W. SMITH. Is not the gentleman mistaken as to the total number of delegates to the Michigan convention—1,800?

Mr. BARTHOLDT. That was the number of delegates who were entitled to seats in the convention.

Mr. YOUNG of Michigan. I think you are mistaken as to the total number. It was 1,218. You are 500 to high.

Mr. SAMUEL W. SMITH. I think the gentleman is mistaken, and I think it ought to be corrected.

Mr. BARTHOLDT. I am glad the gentleman calls my attention to it. It is evidently a misprint. I shall make the correction. But that does not change in any way the argument.

Mr. SAMUEL W. SMITH. It does not change the result of your reasoning in this respect.

OKLAHOMA.

Mr. BARTHOLDT. In the third Oklahoma district the chairman of the district committee was a Roosevelt man by the name of W. S. Cochran. He knew the committee stood 12 for Taft and 7 for Roosevelt, and so when the 19 members met to make up the temporary roll of the convention Cochran attempted to prevent the majority from taking action.

Mr. AUSTIN. That was the name of the chairman?

Mr. BARTHOLDT. That was the name of the chairman.

Although the convention was to meet at 11 o'clock, he arbitrarily announced the committee adjourned until 1.30 p. m. and walked out with six of his henchmen. A motion to depose the chairman was then made and received 11 votes, a majority, and this majority then elected a new chairman and proceeded to transact the business before the committee. The convention was duly called to order on the temporary roll prepared by the congressional committee, which roll was made permanent, whereupon the two Taft delegates to Chicago were duly elected. Every county in the district was represented and voted in the regular convention. Cochran held a bolting convention in another hall, whose membership was largely made up of bystanders and idlers without credentials from any county in the district. I almost feel like apologizing to the House for taking up so much time with the discussion of contests as flimsy and frivolous as this one, but it forms part of the ground upon which the Roosevelt claims are based. I ask you, was there any alternative for the national committee but to sustain the action of the regular convention?

TENNESSEE.

In the second Tennessee district, so ably represented by my friend Mr. AUSTIN, there were 59 delegates uncontested out of a possible total of 108 in the convention. There were 49 contested. The Roosevelt contestants in the 49 refused to abide the decision of the committee on credentials and withdrew, leaving 59 uncontested delegates. These 59, a number of whom were Roosevelt men, remained in the convention, appointed the proper committees, settled contests, and proceeded to select Taft delegates. A few bolters held a meeting which they styled a convention and elected Roosevelt delegates, but being doubtful themselves about the legality of their procedure they unearthed the skeleton of a defunct committee which years before had been declared irregular, and by this means held another convention in which only a few counties were represented and which selected as delegates two men who had taken part in the regular convention formerly held.

Mr. AUSTIN. If the gentleman will permit me, I will state that a majority of the uncontested Roosevelt delegates participated in the convention that elected the two Taft delegates. They refused to go into the other, or Roosevelt, convention.

Mr. BARTHOLDT. I am glad the gentleman made that statement.

Mr. AUSTIN. Will the gentleman permit me there, in order that we may get all the facts in reference to that contest? The old committee, twice repudiated at the polls by the people and by the Republican national congressional committee, was revived. It is composed of a membership of 10, and of the 10 members 4, I understand, met and issued a call for the second convention, and of the 10 counties composing the second congressional district there were only 4 that held county conventions to send delegates to the second convention, and of the 4 counties, the largest being Knox County, the Taft men captured that convention and by a vote of about 250 to 25 refused to send delegates to the second convention.

Before I close I want to say this, that when this contest was presented to the committee on credentials——

Mr. HOWARD. I will ask the gentleman from Tennessee [Mr. AUSTIN] and the gentleman from Missouri [Mr. BARTHOLDT] to speak a little louder. The tale of this rascality at Chicago is very interesting and we would like to hear it on this side.

Mr. AUSTIN. When this second-district contest was presented to the committee on credentials at Chicago, having 18 Roosevelt men on it, I insisted upon a roll call, and of the 18 Roosevelt men on the committee on credentials only 6 voted to seat the two Roosevelt delegates from the second district of Tennessee.

Mr. BARTHOLDT. Yes. Then, in the gentleman's judgment, the action of the national committee in seating these two Taft delegates was legal and correct?

Mr. AUSTIN. Yes. Not only that, but some of the leading Roosevelt members on that committee—Gen. Capers, of South Carolina; Mr. Heney, of California; Senator KENYON, of Iowa; and Mr. Kellogg, of Minnesota, who held proxies, as I am reliably informed, stated that they voted to seat the two Taft delegates from that district.

Mr. BARTHOLDT. That is true. That statement I can confirm from personal knowledge.

Mr. AUSTIN. And this was one of the cases in which the minority submitted a report to the convention, in which they claimed that these two delegates were stolen from the Roosevelt people.

Mr. BARTHOLDT. Yes. There was not the shadow of a doubt about the validity and regularity of the first convention, and the national committee so decided by a viva voce vote.

In the ninth Tennessee district there are two organizations, one of which elected Taft, the other Roosevelt delegates. The Taft committee, however, had been recognized by the State committee as the regular organization and it was the one whose candidate for Congress had received a much larger vote than the candidate of the other faction. The national committee decided in favor of the regular convention and its delegates.

TEXAS.

By far the most interesting contests were those from the State of Texas, where for the last 10 years a political boss had maintained an oligarchy of officeholders. Nearly every one of these officeholders owes his appointment to the influence of the boss, the national committeeman and the chairman of the State committee, all combined in the one person of Col. Cecil Lyon. Under Mr. Lyon's leadership the Republican vote in the State has dwindled from 167,000 in 1896 to 26,000 in 1910, and this demoralization of the party seems to have suited the boss, as it exempted the party from a State primary law, applicable to parties casting over 100,000 votes, and thus tended to tighten the grip of a political despotism.

Mr. WARBURTON. Mr. Chairman, will the gentleman yield?

Mr. BARTHOLDT. No; I prefer to go on now.

The CHAIRMAN. Does the gentleman yield?

Mr. BARTHOLDT. I can not yield for lack of time. I must go on.

Mr. WARBURTON. But you have yielded to other gentlemen, and I simply ask you to yield to me now.

Mr. BARTHOLDT. I can not yield now.

The CHAIRMAN. The gentleman declines to yield.

Mr. BARTHOLDT. This condition of affairs prompted the national committee to look more closely into political conditions and, particularly, the methods pursued in the election of the delegates to the national convention, and it must be a matter of intense gratification to every good Republican that at last this important work was undertaken. The results of the investigation were astounding. It was found that in 99 out of the 249 counties there was no Republican organization, yet each single one was voted in the State convention upon proxies which the postmasters had sent to Mr. Lyon. Naturally it was an easy matter for the boss to control every State convention by means of those bogus proxies when the total vote of the convention was only 248. Lyon and his machine were for Roosevelt and called themselves "regular"; but if the word is applicable at all, it is clearly an illegal regularity.

The national committee decided—and both the committee on credentials and the convention sustained the decision—that these 99 counties in which the Republican vote was but 2,000 and in which there was no Republican Party, no convention, no primary, no organization, was not the proper source for a proxy to give a vote equal to that to be cast by the other 146 counties in which primaries and conventions were held by regular Republican organizations. These proxies were therefore held to be illegal and not the basis for proper representation. It was decided to deduct the 99 votes from the total of 245 and give the representation to those who controlled the majority of the remainder. The remainder was 152 votes, and out of that the Taft men had carried 89 counties having 90 votes. This gave to the Taft men a clear majority in the State convention, and with it 8 delegates at large to the national convention.

The contests from nine Texas districts in which either the Taft or the Roosevelt men were contestants were heard separately by the committee, and close attention was given by all the members in order that exact justice might be done.

The Taft delegates from the first district were seated by a unanimous vote; hence it is unnecessary to go into details. The Roosevelt members on the committee, in other words, conceded the election of the Taft men, but Mr. Roosevelt insists that the delegates were "stolen."

In the second district, too, the Taft delegates were seated without a division being asked for by the Roosevelt members of the national committee. The convention which elected the Taft delegates was held to have been the regular one.

The contest in the fourth district was also decided in favor of the Taft delegates without a division. The convention which elected them was composed of practically all the regularly elected delegates.

In the fifth district the Roosevelt chairman refused to entertain a minority report touching the basis of representation in the convention. He abandoned the platform and left the hall, seeing that the majority was against him. Thereupon the convention went through its regular business and two Taft delegates were elected, by a vote of 8 to 3, according to county representation. The Roosevelt men later held a meeting, but the national committee recognized the regular convention and not the bolt of a minority.

In the seventh district there are four counties without proper party organization. Col. Lyon had assumed to appoint county chairmen in two of them, but the executive committee, meeting at Galveston prior to the convention, refused to recognize the delegates from any of those unorganized counties. Thereupon one delegate from Fulton County and the alleged representatives of the unorganized counties held a bolting convention, which the national committee refused to recognize.

In the eighth district convention a split occurred over the majority and minority reports of the executive committee as to the temporary roll. The Roosevelt followers controlled the executive committee, but did not have a majority in the convention, which adopted the minority report and gave Taft 5½ votes and Roosevelt 2½ votes. This resulted in the election of the Taft delegates, who were seated by the national committee.

In the ninth district the chairman of the committee refused to call a meeting because he claimed his superior, Col. Lyon, had directed that all district delegates should be elected by the State convention. Thereupon a Mr. Speaker, a member of the committee, called a meeting, attended by seven members, which issued a call for a district convention to be held May 15. Eleven counties out of fifteen responded to the call and took part in the convention, three being unrepresented. Taft delegates were elected. Then the chairman, having changed his mind, also called a meeting of the committee, and at that meeting a congressional convention was called, to meet on May 18. But the call was not properly published, and therefore the committee decided that the regularity was on the side of the Taft convention.

In the tenth district the undisputed evidence indicated that a flagrant attempt had been made to deprive Taft of this district, to which he was justly entitled. Two members of the district committee had acted in bad faith in the seating of delegates, and one of them misused the proxy intrusted to him. The Taft delegates therefore organized another convention, with delegates from six counties, which transacted its business in a legal and proper way. The Taft delegates were seated, and the case was not appealed to the committee on credentials.

When the committee of the fourteenth district met at San Antonio there were 10 members present whose right to act was undisputed. Six of them were for Taft and 4 for Roosevelt.

There were 4 other Roosevelt men present who were clearly not entitled to act, 1 of them holding the proxy of a dead man and the other 3 being postmasters who, under the law of Texas, could not serve as members of any political committee. There was a contest from Bexar County, which contains the city of San Antonio, but the testimony was overwhelming that Taft had carried that county by nearly 5 to 1. On the proper basis the total vote in the district convention was 67, of which the number instructed or voting for Taft was 37½, the number voting or instructed for Roosevelt 28½, not voting 1. Therefore, the Taft delegation was seated by the national committee.

WASHINGTON.

The claim to the delegates at large of the State of Washington was looked upon by the Roosevelt people as their star contest, and I remember well how they cast triumphant glances over to the Taft members while counsel was presenting their side of the controversy. But I also remember how completely crushed was their spirit and what pitiful pictures of collapsed human specimens they presented after the counsel for the Taft side, a brilliant attorney, by the way, had finished his argument. He had left nothing of the Roosevelt case but a memory, and when the committee gave the 14 delegates (the 8 at large and 6 from districts having been consolidated) by a viva voce vote to Taft the Roosevelt adherents, instead of raising the anticipated howl about robbery and theft, meekly took their hats, as adjournment immediately followed, and noiselessly left the hall, together with the Taft members.

Having taken a seat in the front row I was careful that not a particle of the evidence from either side escaped my attention. The majority in the State convention depended upon the recognition of either the Taft and Roosevelt delegates from Seattle or King County.

Mr. WARBURTON. Mr. Chairman, will the gentleman yield there?

Mr. BARTHOLDT. No. There can not be any contention about this. I am stating only the facts.

Mr. WARBURTON. I wanted to suggest one or two things in connection with it.

Mr. BARTHOLDT. When I get through I will give the gentleman the floor; when I get through with the State of Washington, I mean.

The contention of the Roosevelt people was that the county committee had ordered a primary at which their delegates had been elected by about 6,900 votes, that the primary had been properly called and that its result made theirs the legal delegation. The facts, however, as developed by undisputed evidence, were as follows: Under the State law of Washington county committees have the power to either select delegates directly or to call primaries for the purpose. In King County (Seattle) the committee consisted of 250 men from 250 precincts, the majority of whom were for Taft, and that majority, acting through its executive committee, selected the Taft delegates to the State convention.

Mr. WARBURTON. Mr. Chairman, may I interrupt the gentleman there?

The CHAIRMAN. Does the gentleman yield?

Mr. BARTHOLDT. I am stating absolute facts and I do not want to be interrupted. I am stating facts that can not be disputed by anybody.

Mr. WARBURTON. I am undertaking to dispute the facts stated by the gentleman, which I know to be untrue.

The CHAIRMAN. The gentleman from Missouri refuses to yield.

Mr. BARTHOLDT. Meantime the city council of Seattle, by redistricting the city, had increased the number of precincts from 250 to 381, but at a general meeting of the county committee it was resolved that representatives to fill the 131 new precincts should not be selected until an election was held in September, 1912. In spite of this conclusion, the Roosevelt chairman of the committee who had himself presided at that meeting and not dissented, assumed the right to appoint 131 new committeemen, and with those voting it was claimed a primary was ordered. And remember that this was long after the committee had already selected the delegates to the State convention. Even the fact of the primary having been ordered is strongly questioned, because of the confusion prevailing at the meeting, but this is unimportant in view of the illegal action of the chairman.

The Taft men protested against this high-handed proceeding of constituting an illegal majority and refused to take part in the primary at which, as a consequence, only 3,000 votes out of a total Republican vote of 70,000 were cast, according to the newspapers. The national committee held, and properly so, that it was beyond the power of the chairman to add 131 precinct men to the old committee; as his authority to fill vacancies applied only to such places which became vacant after they had been filled. The fact is that nearly all precincts had been changed; consequently if the 131 new precincts were to be filled the entire number of 381 precincts must be filled. When the King County contest reached the State convention, the State committee, in preparing the temporary roll, decided that the Seattle primary election was irregular and illegal and seated the Taft delegates, whereupon the Roosevelt men bolted and held a separate convention. This is the much-advertised Washington contest in a nutshell. It is the duty of the national committee to sustain party regularity and legality in the selection of delegates. What else, I ask you, was there for them to do than to seat the Taft delegates from Washington?

Mr. AUSTIN. Before the gentleman leaves the consideration of the Washington contest will he yield to me for a moment?

The CHAIRMAN. Does the gentleman from Missouri yield?

Mr. BARTHOLDT. Yes.

Mr. AUSTIN. Just in order to clear up a matter. When the gentleman was discussing the California case and the irregular action of the Roosevelt people in selecting all the delegates from the State at large, the gentleman from Washington [Mr. WARBURTON] said that the custom in the State of Washington was to elect all the delegates from the State at large and not from the districts. I wish to state that I have examined the Congressional Directory for 1904, just prior to the Republican national convention of eight years ago, and the Congressional Directory just prior to the national convention of 1908, and it appears from this record that every Congressman from the State of Washington was elected from the State at large and not from districts, and hence under the call it was right and proper and in line with the action and the practice of the national committee to elect all delegates from the State of Washington in 1904 and 1908 from State conventions and not from district conventions.

Mr. WARBURTON. I am not quite certain, but I think about eight years ago that was the case.

Mr. BARTHOLDT. I decline to yield further.

The CHAIRMAN. The gentleman from Missouri declines to yield.

Mr. BARTHOLDT. I want to say, in answer to the question of the gentleman from Washington [Mr. WARBURTON], propounded a little while ago, and in answer to the suggestion of the gentleman from Tennessee [Mr. AUSTIN], that so far as the merits of this contest are concerned, it is absolutely immaterial how those delegates are elected. The manner of their selection, by districts or by the State convention, has nothing to do with the merits of this case.

Mr. AUSTIN. Yes; but the point that the gentleman from Washington [Mr. WARBURTON] was endeavoring to make was that in the discussion of the California case the gentleman from Missouri [Mr. BARTHOLDT] was stating that the people of California had no right, in violation of the call of the national committee, to elect all the delegates in the State at large. Then the gentleman from Washington [Mr. WARBURTON] called attention to the fact that in his State it had been customary to elect them all from the State at large, and not from districts; and in answer to his statement I call attention to the fact that there were no districts in the State of Washington, but under that call it was their duty, and the only way, to elect delegates from Washington from the State at large and not by districts.

Mr. WARBURTON. Certainly, the gentleman will yield to me now, just at that point?

Mr. BARTHOLDT. I can not yield.

The CHAIRMAN. The gentleman does not yield.

Mr. WARBURTON. As a matter of fact, the gentleman does not want to yield to me at all.

The CHAIRMAN. The gentleman from Missouri declines to yield.

Mr. CANNON. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. The gentleman from Missouri [Mr. BARTHOLDT] says he declines to yield, and the gentleman from Washington [Mr. WARBURTON] makes an assault upon him.

The CHAIRMAN. The gentleman from Missouri [Mr. BARTHOLDT] has the floor. If a gentleman on the floor is interrupted and the gentleman making the interruption does not address the Chair, and the gentleman on the floor permits the interruption, the Chair is powerless.

Mr. BARTHOLDT. Mr. Chairman, this completes my review of the contests. It shows conclusively that every one of the 72 delegates whose right to seats in the convention is questioned by Mr. Roosevelt was honestly seated and justly entitled to take part in the work of the national convention as a legal representative of the Republicans of his State or dis-

trict. The decision of the national committee was in each single instance sustained by a two-thirds majority of the committee on credentials appointed by the convention, and finally by the convention itself. Since the convention has spoken and assumed responsibility, the scurrilous charges hurled against the national committee really signify a wholesale indictment against the Republican Party itself; hence the Republican who, with the record before him and in spite of it, continues to talk of "tainted delegates" and an "illegal nomination" is no longer attacking individuals, but is befouling his own nest. And more than that. A careful scrutiny of that record will convince him that if he wishes to leave the Republican Party he must leave it for other reasons than the malicious slanders about "stolen delegates," for, readily assuming the burden of proof, that party has successfully and forever purged itself of that infamous charge. It has bravely faced a great crisis, perhaps the greatest in its wonderful history, and forcing into the open and vanquishing its detractors and secret enemies, it was able, with providential aid, to emerge from the depth of distress with immaculate hands, a clear conscience, and a beneficent new-born program vouchsafing to the American people, as a logical sequence of its glorious record, progress and peace, protection and prosperity. Is there a true Republican in the land who will not heartily rejoice at this great moral victory?

Now, Mr. Chairman, I shall not refer to the slurs of men who have grown tired of their party affiliation, and who, if "convinced against their will, would be of the same opinion still," nor shall I take notice of the unjust denunciations audaciously reiterated on this floor a few days ago to appease a troubled conscience, but I do deem it proper and timely to throw some light on the political situation by examining the fingers which are trying to throttle the Republican Party. When we are unjustly assailed we have a right not only to defend ourselves, but to inquire into the motives of the assailants. Let me open up the inquiry with this question: Do you believe the national committee would have devoted 10 days to their most painstaking and exhausting work if they could have realized that there was to be but one real Republican candidate before the convention? Many delegates had their misgivings at the time. They remembered that in the widely advertised Columbus speech the name Republican was not even mentioned, but they still felt confident that no man would have the audacity to ask for a presidential nomination at the hands of a Republican national convention when at heart he was no longer a Republican. In the light of later events we know, of course, that this was a case of misplaced confidence, in other words, that Mr. Roosevelt never intended to abide by the decision of the convention except he himself would be the nominee. We know now that it was an ordinary holdup, not even without the customary threat "Your purse or your life!" "Give me the nomination or I'll kill you." Yes, and we can go further and say, when the third-term candidate made up his mind to violate all American traditions of political decency and go to Chicago, at that very moment he knew he was beaten, but expected to save the day by personal appeals to the delegates through persuasion, promises, coercion, or threats.

But he came with treachery in his heart and fully determined to bolt if things went against him, hence we are forced to the conclusion that, whatever its decisions on the contests, the national committee would have been condemned in any event except these decisions had resulted in his nomination. The cry of fraud was premeditated, and the shameless ejaculation "Thieves!" with which he shocked his audience on his entrance into Chicago was the battle cry of the new party. There could be no other, for principles and policies were forgotten, and if himself nominated, believe me, he would have made the race on any old platform, with his frantic followers shouting "Hosanna!" There was no more effective means to undermine the old party than to defame its character. In order to put a new party on its feet it became necessary to run down the old one. Certainly no sane citizen will desert his party and all its happy associations as long as he has confidence in it, hence that confidence had to be destroyed. What was there more convenient than to seize upon the contests as the handiest "big stick" for the work of destruction? If the national committee had heeded the injunction "Thou shalt not steal except for me!" all would have been well, but its determination to do its work conscientiously brought all the prearranged plans of party treachery to full fruition. A new party was born, but is it not bound to be stillborn? Can a party live or ought it to live when its birthright is a lie?

The national committee is not entitled to any credit for the faithful performance of its duty, but I predict that the time will come when the people will thank God its members could not be swayed by popular clamor and had the courage to settle all controversies strictly in accordance with the facts and the evidence.

Mr. Chairman and gentlemen, it is for you and not for me to say whether in my 20 years of service in this House I have established a reputation for veracity, but from a most intimate knowledge of the facts and the evidence I again assert upon my personal honor and I am willing to reiterate it before my Maker that there was not a single delegate in the Chicago convention who was not fairly entitled to a seat therein, and that consequently President Taft was honestly nominated. [Applause on the Republican side.]

During the delivery of the foregoing,

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MANN. I ask that the gentleman may have 15 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Missouri may have 15 minutes more. Is there objection?

Mr. ROBINSON. Reserving the right to object, I wish to inquire how much time has been allotted for this general debate.

Mr. MANN. Until half past 3 o'clock.

Mr. ROBINSON. I understand there are gentlemen on this side of the House who wish to speak.

Mr. MANN. I think all gentlemen on that side have been arranged for.

Mr. ROBINSON. I will not object.

Mr. WARBURTON. The gentleman has refused to allow me to interrupt him, and I will object.

The CHAIRMAN. Objection is made.

Mr. MANN. I hope the gentleman from Washington will not do that.

Mr. BARTHOLDT. I am perfectly willing to yield to the gentleman from Washington at the end of my remarks. I told the gentleman I would be willing to yield to him then.

Mr. WARBURTON. Let the gentleman proceed.

The CHAIRMAN. The gentleman from Washington withdraws his objection.

Mr. KINKEAD of New Jersey. Mr. Chairman, how long has the gentleman from Missouri been addressing the committee?

The CHAIRMAN. The gentleman has occupied the time of the House for an hour and a half.

Mr. KINKEAD of New Jersey. And we vote at half past 3?

Mr. MANN. We do not vote at half past 3, but the general debate will be closed at that time.

The CHAIRMAN. Under the order which has been agreed to, the general debate closes at half past 3.

Mr. KINKEAD of New Jersey. The gentleman from Arkansas [Mr. ROBINSON] stated the proposition correctly when he said that there were a number of gentlemen on this side of the aisle who wished to speak this afternoon.

The CHAIRMAN. The Chair has been approached by several gentlemen who desire time. The Chair states that in answer to the inquiry of the gentleman.

Mr. KINKEAD of New Jersey. Do I understand that the extension of the time of the gentleman from Missouri for 15 minutes will shut out any gentleman on this side of the House?

The CHAIRMAN. It will certainly consume that much of the remaining time.

Mr. JAMES. I understand the unanimous consent has been given.

Mr. KINKEAD of New Jersey. No; I am withholding my objection.

The CHAIRMAN. The gentleman from Washington [Mr. WARBURTON] withdrew his objection. Is there objection?

There was no objection.

[Mr. BARTHOLDT resumed and concluded his remarks.]

Mr. HOWARD. Mr. Chairman, for the last few days I have been listening with a great deal of interest to the distinguished gentlemen on the other side of this Chamber in their efforts to justify the conduct of the present administration in the procurement of delegates at Chicago and also other gentlemen in their attempt to justify the conduct of another candidate who sought to procure delegates at Chicago.

When the American people first saw in the public press the reports of the outrageous conduct being carried on at Chicago in the struggle for these delegates they were slow to believe that any such conduct could take place between two men with such distinguished careers as the present President of the United States and the ex-President. For myself, I did not want to believe that such conduct could take place in any convention or in any assemblage in the United States of America. At first I did not believe all of the press reports of the conduct carried on there. But since the gentleman from Wyoming [Mr. MONDELL], the gentleman from Nebraska [Mr. NORRIS], the gentleman from Missouri [Mr. BARTHOLDT], and other gen-

tlemen on the other side have stood up here on the floor of this House with carefully prepared manuscripts and verified every statement made by the papers as to the conduct and the practices of the "machines" in their efforts to procure delegates at Chicago and those individuals who were in charge of the campaigns of Mr. Roosevelt and Mr. Taft, of course I can no longer say that I do not believe those reports.

Gentlemen on that side of the Chamber say that Mr. Taft bought or stole his renomination. I do not believe he did anything of the sort. I do not believe he bought his delegates with money. I can not believe that such corrupt practices as that would be used by a President of the United States. I do not believe that these gentlemen on the other side ought to make a scapegoat of the negro delegates from the South. I rise in my place to defend the Georgia nigger as much as anything else. [Applause.]

They say on that side that these delegates were of a questionable honesty, that these conventions held in Georgia, Alabama, Mississippi, and Texas were irregular conventions. Why, Mr. Chairman, there was nothing irregular about them. They were conducted in the same way that the Republican Party has been treating the negro in the South ever since the war. They got these delegates to Chicago by the same well-oiled machine that they have been using ever since the days of reconstruction—by the Federal patronage route.

Now, I say they did not buy these delegates, and they did not have to steal them, for no man can commit a larceny upon his own property. Mr. Taft's managers had nothing to do with that; but I will tell you how they got them and how they have been getting them.

As a matter of fact, there are not, never have been, and, thank God, never will be enough Republicans in the State of Georgia or the South to count. The only delegates from Georgia who deserted Taft at Chicago were white delegates. One of those white delegates has held a Republican office for 16 years in the district that I have the honor to represent. He has been drawing a salary from the Federal Treasury of $5,000 a year. He went up to Chicago and he deserted the President, and went into the convention and voted for the gentleman who recently emerged from the jungles of Africa dragging a he tiger by the tail and a bull elephant by the snout. [Laughter.]

Mr. Chairman, there must be some reason for a man of the intelligence of this man voting for Mr. Roosevelt, and I will tell you why he did it. I know him personally. He voted for Roosevelt because he knew that the election of Mr. Taft was absolutely impossible in November, he had nothing to lose, and he was out on a limb and it did not make much difference which way he jumped. He thought that ex-President Roosevelt by going throughout the country proclaiming from every stump that the bosses of this country were ruling it, and that they had the convention packed and stacked against him would make the American people listen to him, and that probably he would stand a chance of election. But now he has ruined his chances for election by going up here to Pittsburgh and selecting a manager and side partner, the man who did the work for him in Pennsylvania; and who did he get? He got a man by the name of Bill Flinn. I was in Pittsburgh in 1907 upon a visit. They carried me away upon a hill where the aristocrats live, and they pointed out to me a residence and they would say, that is owned by Mr. So-and-so, he is worth one hundred millions; he made it in steel. Then they would point out another one and say, that man is worth fifty millions, and he made it in steel.

Mr. BUCHANAN. S-t-e-a-l?

Mr. HOWARD. S-t-e-a-l and s-t-e-e-l, both. Finally they came to a magnificent residence and pointed it out to me and said, "That is hog wallow." I said, "What?" They said, "That is hog wallow." I said, "Who lives there?" And they said, "Bill Flinn, the municipal contract boss of Pittsburgh, lives there." They said that he was reputed to be worth millions, and that all of the money that he had made was made out of controlling the contracts for public work in the city of Pittsburgh. Roosevelt has written his O. K. on him, and the Colonel says that he is all right.

Why did Taft and Roosevelt fall out, and what did they fall out about? Just a few months ago they were calling each other "Dear Bill" and "Dear Theodore." They were consulting over the Canadian reciprocity act; they were the best of friends. One was saying what the other did was all right, and the first thing you know they had a fuss, and they fell out and then finally the ex-President said to himself, "I have got to vindicate myself, and the only way I can do it is to run against my good old friend Bill whom I made President three years ago." So he started out, and the first thing he did when he started out was to abuse the President. The President replied by saying, "I never did do a thing, Theodore, since I have been President, that I have not consulted you about, and you have always approved of everything I did." He further said, "You ought not to fall out with me; you know you made me what I am." But, Mr. Chairman, the Republicans had realized that they had to fool the people, and the best man on this earth to fool them with was the ex-President. They knew that he was the only man living who could rate the millionaire and the pauper side by side and make the pauper believe he loved him better than the millionaire. They thought that probably he could keep the Republican Party together, and if he could not they could have an excuse and go before the country the next session and say, "Well, if it had not been for Taft we would have won," and the Taft followers could say, "If it had not been for that fellow Roosevelt, we would have won." They expected to "come back" four years from now and rehabilitate the Republican Party and get into power again.

Mr. Chairman, this is the first time in the history of this country that a man like the gentleman from Wyoming [Mr. MONDELL], one of the most distinguished Members of this House and one of the greatest leaders in the Republican Party, has been called upon to get up on the floor of this House and defend a Republican nomination. The gentleman from Nebraska [Mr. NORRIS] got up and denounced the action of the Taft followers in the late convention, calling them thieves, robbers, and so forth. He then proceeded to defend the action of Mr. Roosevelt at Chicago. Mr. Chairman, I have some information from one of the negro delegates to the effect that if the banks in Chicago and the banks all over this country would keep a sharp lookout they would see passing through their institutions many brand-new $500 and $1,000 bills that had been torn exactly in half and neatly pasted together in the middle. The history of these mutilated bills is not only unique but very interesting.

I am told that the bull moose delegate "herders" would approach a poor southern negro and pull from his pocket in a very indifferent manner a large roll of nice, new yellow-backed bills, and say to him, "Ephraim, I want to see you a minute. Ephraim, six of the leading white delegates from your State have come over to us, and they are all going over in the morning. Now is the day of your salvation. If you do not come now, you are going to miss the best opportunity you ever had in your life to get a big pile of money and get on the band wagon at the same time." And with this statement he just tore that thousand dollar bill in two, and the idea of tearing up money before Ephraim shocked his nervous system and he fainted. [Laughter.]

They had money there to tear up, and Ephraim could not stand it. When he came to this white man said to him, "Ephraim, you go into the convention in the morning and vote for McGovern, and here is half of this bill, and just as soon as you vote for him I will see that you get the other half." Ephraim did not have much confidence in half a bill, and he thought they were fixing to get him into the penitentiary and refused. He said, "No, boss, I got to see one of the gentlemen here before I do that," and he went to him and told him what had happened, and of course this man told him that he must not do it, and he kept an eagle eye on Ephraim ever afterwards.

This same nigger delegate tells me that another thing happened. The Taft managers had a lot of these Georgia darkies in a large room, called by the Republican managers the "bull pen," and one of them had been giving one excuse after another to get out. Every time he would say he wanted anything, somebody would go and get it for him. They thought the best thing to do was to keep him locked up. Finally he gave a very plausible excuse, and told them that he would not be gone more than about five minutes if they would let him out. They told him to go out and they let him out with a delegate from my district to watch him, but in some way or other in the crowd he evaded this man, and got lost from him and was gone about an hour and a half. He came back somewhat under the influence of what the darkies call down in my State "blue-steel corn." He fell on a cot and soon went to sleep. The official "herder" of these delegates, who was a very smart darky, said that the best thing to do was to search that nigger, for he had been up to some devilment, having been off too long. He was serenely sleeping on this cot and they proceeded to search him, and the first thing they ran across, carefully tied up in a red silk handkerchief, was a brand-new $500 bill, and they took it away from him.

He tells me they have got that bill yet, and the President got his vote the next morning, and you are going to hear from that bill in this campaign, gentlemen, I put you on notice, especially those of you who think your candidate was so saturated with the holy water of Republicanism that he could commit no wrong.

Mr. HUMPHREYS of Mississippi. Did he have both halves?

Mr. HOWARD. This delegate had the whole bill. They bought him lock, stock, and barrel on the spot, and he agreed to deliver the "goods" the next morning. Now, when one of these candidates charges corruption against the other, it is like the pot calling the kettle black. Now, I said in the outset Mr. Taft did not buy his nomination with money.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. HOWARD. Yes.

Mr. MONDELL. Do I understand the gentleman from Georgia intimates the $500 was paid in whose interest?

Mr. HOWARD. In the interest of the bull moose candidate.

Mr. ROBINSON. And in whose interest was the torn bills given?

Mr. HOWARD. That was in the interest of the bull moose party also, so I am informed. I do not want to whitewash either of your candidates. You gentlemen have been seeking the truth, and it has been left for me to tell the whole truth *about that* convention, and I am going to give it to you.

Mr. HUMPHREYS of Mississippi. The gentleman said a good deal about the conduct of the negro delegates at this Republican convention. Does not the gentleman think the negro delegates from the Southern States at this Republican convention behaved themselves about as well and as properly as the same number of white Republicans from the South would have behaved themselves?

Mr. HOWARD. I just stated that the negro delegates to the Republican convention, those who went there for the President and those who went there for Mr. Roosevelt behaved themselves better than the crowd of white men who went there to control them. [Laughter.] Now, Mr. Chairman, I say that the present administration did not——

Mr. MONDELL. Is not it true in spite of temptation—and I judge from what the gentleman says there were some temptations—the colored delegates of the South, practically all of them voted according to their instructions?

Mr. HOWARD. Why, certainly; they had heard their "master's voice" before they left home.

Mr. AUSTIN. How about Banks, a delegate from your district?

Mr. HUMPHREYS of Mississippi. What do you mean?

Mr. AUSTIN. Did not he violate his instructions?

Mr. HUMPHREYS of Mississippi. I said the negro delegates from the South behaved as well as the same number of white Republicans from the South would have behaved. I did not refer to Tennessee—simply in Georgia, Alabama, and those Southern States.

Mr. CONNELL. From the remarks the gentleman from Wyoming made the other day and what we have heard this last week of this particular convention it would appear that there was nobody behaving himself.

Mr. AUSTIN. I think the record will show that a greater number of white delegates from the South deserted President Taft than colored delegates. I know of two from the State of Alabama and two from Virginia.

Mr. HOWARD. Did not I say that as plain as I could use the English language?

Mr. AUSTIN. And the two white men from Alabama were postmasters.

Mr. PROUTY. I would like to inquire whether the gentleman considers that the colored delegates from the South to the Chicago convention demeaned themselves any better or any worse than the fellows from the South at the Baltimore convention.

Mr. HOWARD. Why, Mr. Chairman, the Baltimore convention was the most harmonious convention ever held in the history of this country. Why, the police force made the nomination at Chicago possible. You Republicans would not have a candidate at all if the police had not have knocked down a delegate every five minutes, while we got together and nominated one of the greatest men this country ever produced to bear the standard of our party, and what we will do to you in November will be a plenty.

Mr. SIMS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Pennsylvania?

Mr. HOWARD. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I think the gentleman wants to get Pennsylvania into this?

Mr. HOWARD. I do; she is already in it.

Mr. MOORE of Pennsylvania. I want to ask the gentleman one or two questions, if he will permit. Can the gentleman point to any congressional district, precinct, or division in the State of Mississippi in which the colored delegates from that State to the Republican convention voted the Republican ticket at the last general election?

Mr. HOWARD. In answer to that I must confess my ignorance of politics in Mississippi. I do not know what they did there in Mississippi, but I know that Mississippi is represented in this House by her most distinguished citizens, and they can answer any question concerning Mississippi. [Applause.] I am here to defend the Georgia negro, and that is what I got up for.

Mr. SIMS. My question comes in at that point.

Mr. MOORE of Pennsylvania. I will ask the gentleman about his own State. Can the gentleman indicate any particular precinct in his own district in which these colored Republicans voted at the last election?

Mr. HOWARD. Well, very few of them voted; very few, indeed.

Mr. MOORE of Pennsylvania. One more question: Does not the gentleman think it is due to the House and to the country that this $500 man to whom he refers should be named and located so that proceedings might be taken——

Mr. HOWARD. I anticipate the question. I think he will be named, and I think some of that crowd over there on your side is going to name him, from what I hear. I think one officeholder under the present administration, who, drawing $5,000 a year from the Federal Treasury, has an affidavit from that man. Why should I become a witness against Republican debauchery in their conventions when we have so many witnesses who have already testified to the truth of the assertions I now make? We do not need to prove these statements. You have confessed to their authenticity.

Mr. MOORE of Pennsylvania. Does not the gentleman think it is fair, if he has information of that kind, that he should name the bribers and name the bribee, so that proceedings might be brought against them?

Mr. HOWARD. You will get all of that. You may hear from that more than from anything else, and from your own crowd, too.

Mr. MOORE of Pennsylvania. That is something we want to know. We want to be fair on this side.

Mr. SIMS. The gentleman has defended his Georgia negroes and others for not yielding to temptation. I want to ask how they or any other individual can be tested as to temptation when they keep them locked up so nobody can tempt them?

Mr. HOWARD. Well, they have had past experiences at these conventions. And I suppose at these big conventions, where there is so much turmoil and so much money and corruption, the best thing to do is to keep these delegates locked up; and I think it was a wise thing to lock up the Georgia delegates, and the Tennessee delegates, the Mississippi delegates——

Mr. AUSTIN. I beg the gentleman's pardon. The delegates from my State were not locked up.

Mr. HOWARD. Well, Mr. Chairman, from the conduct of some of them they ought to have been locked up. [Laughter.]

Now, Mr. Chairman, I have been very liberal in yielding to these gentlemen——

Mr. SIMS. May I finish my question? What does the gentleman think of any party that selects delegates to the national convention in whom they have no confidence and have to keep them under lock and key?

Mr. HOWARD. I think that the place for my friend and for me to express any opinion as to that will be on the stump this year.

Mr. CANNON. What does the gentleman think of any party that allows one man from Nebraska, William J. Bryan, after eight majority votes cast for another candidate, to demand that the majority give way? If the gentleman will address himself to that a little while, he will clean his own house.

Mr. HOWARD. I will say to the gentleman from Illinois [Mr. CANNON] that the distinguished gentleman from Nebraska, Mr. Bryan, did exert quite an influence at the Baltimore convention. It is to be expected that any man who has enjoyed the confidence of six millions of American voters would wield a wonderful influence in any convention. Whatever may have been his motives, there are those in our party who give him credit for being absolutely sincere. Of course, Mr. Bryan is a great statesman; he is very close to the masses of our people; and if we should follow Mr. Bryan we may do right, and you would promptly say that we do wrong. We do not try to please you in our conduct at conventions. [Applause on the Democratic side.] If we tried to please you, we would not have any hope of being in power in November. [Applause on the Democratic side.] Because of the fact that instead of trying to please you we try to please the great masses of the American people—we are going to be in power next March. While we have forgotten that we ever had any other candidate than the nominee; that great statesman; that man who makes no boasts

of what he is going to do, but does it; that man who wears no yoke of a boss; that man who has proven his faith in the masses of the people by placing them in control and overthrowing every man who looks like a boss. While you standpatters and "Bull Moosers" are over there daily shaking your fists in each other's faces, yelling thief, robber, thug, and using sweet and mellifluous epithets.

Now, let us see about the conduct of the present administration at Chicago. I said they did not buy delegates with money. What has been the policy of the Republican Party in the South? You talk about a machine, you talk about crushing the life out of people that do not agree with you; what chance has any candidate of your party in the United States to get a single vote against the administration in power in the South unless they buy them lock, stock, and barrel?

Mr. MANN. If we could get a fair election, we would have many chances.

Mr. HOWARD. What did the gentleman say?

Mr. MANN. I say that if we had a fair election we would have plenty of chances.

Mr. HOWARD. A fair election? You have not any right to talk about fair elections. [Applause on the Democratic side.]. God in heaven knows if there is anybody on the floor of this House that ought not to talk about popular elections it is the gentleman from Illinois [Mr. MANN], who hails from Chicago.

Mr. MANN. Where the Democrats run the election machinery.

Mr. HOWARD. I want to say a few words as to how these delegates came from the South instructed. I noticed one thing in this campaign, and I expect every Democrat on the floor of this House noticed it, and that was the absence from the councils of the stand-pat Republican Party's advisers of one Hon. Frank H. Hitchcock. The Post Office Department was the delegate machine of this administration. You could not have thrown a pigeon egg on the floor of that convention at Chicago without bursting on the head of a Federal officeholder. Mr. Chairman, I want to say here and now that the conduct carried on in the South in the appointment of postmasters, in the demotion of postal employees, in the promotion of postal employees, is a disgrace to a great Nation like ours. They have taken an honest, faithful public servant, and because of the fact that they could not dictate to that man his political affiliation they have dismissed him from the service on trumped-up charges by what they call "inspectors," or they have demoted him to the extent that his wife and children suffered for bread and he had to leave the postal service.

Now, let us see who these delegates were from the Southern States at Chicago. The gentleman from Nebraska [Mr. NORRIS] the other day, in giving a list of the delegates there, gave a correct and truthful version of the political status of these delegates in Chicago. Why, I have a Republican white postmaster in my district that spells "come" with a "k." He could not write his name so that any man on the floor of this House could read it, unless the Member knew whose signature it was. He is a man who has been noted for nothing else but his great control over the negroes in that particular county. And yet that man is a postmaster in that district, and in a town of over 1,800 inhabitants, and he is left there to wait on my constituents. But he could not do that. He could not make out a receipt for a money order; he could not make out a receipt for a registered letter; and, consequently, the postmaster of this town is his daughter. And this man is one of the bosses down there, and his chief associates are a crowd of these poor, ignorant darkies who believe that they will get something some day at the end of the Republican rainbow.

Mr. ADAMSON. Will the gentleman allow me?

Mr. HOWARD. I will yield to my colleague.

Mr. ADAMSON. I understand the gentleman to be proceeding with absolute impartiality as against the bull elephant and bull moose?

Mr. HOWARD. Absolutely.

Mr. ADAMSON. And I wish to call your attention to the fact that there must be a mutual misunderstanding between you and the gentleman from Illinois [Mr. MANN], who sought to interrupt you a moment ago. You said they could not procure any delegates from the South without buying them. The gentleman from Illinois said they could if they would give them fair elections. You were talking about the selection of delegates to the Republican convention?

Mr. HOWARD. Certainly.

Mr. ADAMSON. Who is responsible if they do not have fair elections in those sections? Do the apocryphal ballot-box stuffers and bulldozers have anything to do with it?

Mr. HOWARD. Nothing in the world. If you did not get an honorable delegation in Chicago, it is because the honorable Frank Hitchcock snapped a cap and his gun did not go off.

Why, just a day or so before the Chicago convention appointments in the State of North Carolina were sent to the Senate for confirmation by the President. All at once we see him hastily withdraw them. The bull moose had cast his shadow in the old North State. Would these appointees stand the test? Some doubt must have been in the mind of the President. He was like the man who approached "Ephraim"; so he decided that it was safer to make these appointments after the convention than before. The goods were delivered, so the appointments were made.

You have got no right to complain about these delegates at Chicago from Georgia or from any other Southern State. You already had them. They were bought and paid for with Federal patronage to the great detriment of the postal service of this country; and a long-suffering public has said, "We have got enough of incompetent service, and we are going to put somebody else in your place." [Applause on the Democratic side.]

Now, I say that you bought the Taft delegates with Federal patronage, and there is not a man on that side who will deny it.

Mr. AUSTIN. I want to say to the gentleman, if his remarks have reference to delegates from the second district of Tennessee, that he is grossly in error.

Mr. HOWARD. At the very outset of my speech I took particular pains to except the second district of Tennessee. [Applause.] No corruption, no taint on honesty, could exist with such a man as the gentleman from Tennessee [Mr. AUSTIN], who represents that district, living in it. [Applause.]

Oh, no; the gentleman will get right some day. He is engaged in bad business. But I see, sometimes, when the gentleman votes for the Wool Trust and for the Cotton Trust and for all these big octupuses, that he is ashamed of his work. I can see that the gentleman blushes when he does it, but he will get right. Tennessee, unfortunately, split up 50 years ago, and she has been split up ever since. But she is getting nearer and nearer together now, and in a few years the gentleman from Tennessee will look back upon the history of the old second district and say, "My God, what a mistake I did make when I represented that district as a Republican!" [Laughter.] Oh, how prosperous you would be if you were just a Democrat! [Laughter.]

Now, gentlemen laugh over there. The gentleman from Wyoming [Mr. MONDELL] defended the present administration the other day. I could not help thinking about that distinguished gentleman. How eloquently he pleaded for the administration! He said that everything done at Chicago was perfectly regular and legitimate. The idea of the President of the United States and the men representing him at Chicago stooping to do anything that was not fair! And then I remember how the gentleman pleaded for sheep last summer; how he pleaded for protection on wool; how he talked about the absolute necessity for this outrageous protection on all these woolen goods, and how little he said about the poor, shivering women and children who could not wear a single woolen garment upon their bodies because of the outrageous tax you had helped place upon these great necessities of life. Yet he says that we have got to have honesty and fairness in these elections.

Well, they had it, and I want to say something to the gentleman from Wyoming [Mr. MONDELL] and to my distinguished friend from Washington [Mr. HUMPHREY]. Oh, he is such a progressive Republican. He does progress so much. He is in favor of everything that is along the progressive line. He is like the toad frog that swallowed a buckshot and fell into the well. He progresses by jumping up 2 inches and falling back 4. [Laughter.] He is a great progressive, and he defended the administration the other day.

Now, if I had been the President, I believe if I wanted intellect and brains to defend me on the floor of this House, I would have selected without hesitation the gentleman from Wyoming [Mr. MONDELL] and the distinguished gentleman from Washington [Mr. HUMPHREY] and my distinguished friend from St. Louis, Mo. [Mr. BARTHOLDT]. But if I wanted Republicans with a record on which I would be willing to go before the country and say to the people, "These men, representing me on the floor of the House, have shown by their votes, on one or more occasions at least, that they were willing to give the common people a crumb from the table of protection," I would not select them. For he can not say that about the gentlemen I have referred to. No wall of protection is too high for the gentleman from Wyoming or the gentleman from Washington or the gentleman from Missouri. You can not impose any tax too out-

rageous on the American people for these three gentlemen to support with all their vigor and all their hearts.

But, Mr. Chairman, I am wandering away from my subject, which is so near and dear to my heart, and that is the Georgia negro. I must not get away from that. [Laughter.]

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from South Dakota?

Mr. HOWARD. With pleasure, for a question.

Mr. BURKE of South Dakota. The gentleman has criticized somewhat a postmaster in his district. I would like to ask the gentleman if he would be in favor of a law providing that postmasters should be selected through the classified service.

Mr. HOWARD. I will say to the gentleman that if I had no hopes of a Democratic administration coming in soon, I would readily agree with him. [Laughter and applause.] But as we Congressmen are going to have something to say as to who shall hand to our sweet women in the South and to those pretty girls in the South their letters in the future, I am "agin" changing the law. [Laughter and applause.]

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield again?

The CHAIRMAN. Does the gentleman yield?

Mr. HOWARD. Certainly.

Mr. BURKE of South Dakota. I want to say to the gentleman that if he has his way some of "we Congressmen" on that side of the House will be with us but a short time.

Mr. HOWARD. I do not think the gentleman is a clairvoyant. I do not think the gentleman has any right to predict such a violent thing as the defeat of the Democratic Party again. Why, my dear sir, your grandchildren will be grayheaded and snaggle-toothed before you ever see a Republican again in the White House. [Applause on the Democratic side.] Why, the American people have just got onto your curves.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman again yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from South Dakota?

Mr. HOWARD. I will yield for a question.

Mr. BURKE of South Dakota. I gather from the gentleman's statement that he has been reading the CONGRESSIONAL RECORD for several years past, because that statement appears regularly in the RECORD every four years.

Mr. HOWARD. I have never been a plagiarist in my life, and I have never been guilty of it here; and if the gentleman says that statement appears in the RECORD, I will withdraw it. I am not going to be guilty of what you gentlemen were guilty of in Chicago—stealing—and I will not steal anything, not even a prediction. I will not be guilty of such reprehensible conduct. [Laughter.]

Mr. BURKE of South Dakota. You have been predicting Democratic success for the last 16 years.

Mr. HOWARD. Now, Mr. Chairman, I must close. The gentleman from Illinois [Mr. RODENBERG], in a magnificent memorized speech, to which he devoted a long, long time, got up here the other day and said something about our nominee for President.

Of course, he made his case as strong as he could, and what did it amount to? It is all bosh. The people of this country do not believe, and the gentleman from Illinois [Mr. RODENBERG] did not believe that Mr. Wilson ever in his life believed that a Chinaman was better than a Caucasian. But, as I say, the gentleman from Illinois [Mr. RODENBERG] made his case as strong as he could. Like the lawyer in court, with the gallows staring his client in the face, with the rope stretched and the noose made, he made the best appeal he could, and he jumped on the Democratic nominee for President. Now, let us see. Mr. Taft has not written any books. He does not need to write any books. Better than books, his cold-blooded acts in vetoing remedial legislation passed by the first session of the Sixty-second Congress are sufficient to write "No!" on the heart of every struggling American citizen in this country. Mr. Roosevelt has written a good many books. He wrote one in many volumes called the Winning of the West, and if you gentlemen want some campaign thunder you can find it there. There is no need to use it; you are just wasting your ammunition. But if you want to make a lot of fuss and do a lot of shooting, just for the sake of keeping up your courage, I remind you that if you peruse Col. Roosevelt's book, the Winning of the West, you will find where he compared the American farmer with the old cowboy of the sixties and seventies; not the cowboy of to-day, but the cowboy of those former days, who carried a pistol and drank liquor and played cards and killed folks and shot out the lights in the small towns, and broke up the grog shops in the villages. Col. Roosevelt said he would rather be "a bronco buster in the West than an American farmer with a dull intellect."

The farmers will appreciate that sort of talk. When the gentleman from Illinois [Mr. RODENBERG] made his attack upon the present nominee of the Democratic Party he forgot that his champion had already had the death knell sounded for him and that the other man lay down in Hog Wallow, on the hills in Pittsburgh, with old Bill Flinn and has had his campaign financed by that great philanthropist, the man who has always attempted to right the wrongs of every poor man in this country, the man who has always stood ready and willing to come out and say, "Thus far shalt thou go in dealing with the poor men in this country and no further." That man is the Hon. George W. Perkins, the right-hand partner of Mr. J. Pierpont Morgan, who, I am reliably informed, has underwritten a campaign fund of two and a half million dollars for the bull moose from the jungles with which to run his campaign.

But there is one other gentleman whom we ought not to forget. There is a newspaper published in Washington. It is a great paper. The only thing that I know that commends that paper to me is the fact that it has a mighty clever set of young men employed on it. They are very bright. I do not see how they can write such articles for that paper when they have instructions from their boss to do the very opposite to what their consciences dictate that they should do. But this man is saying all sorts of mean things about the Democratic candidate for the Presidency and about Mr. Taft. Well, he hopes for his reward. It is not money that he wants, because I understand he is worth over $30,000,000; but it is position that he wants, and I understand that if the bull moose candidate is elected President of the United States he will be the minister to the Court of St. James. So he is turning loose all of his influences, his magazines and his newspapers, on Mr. Wilson and Mr. Taft. This is the first time that I have ever seen in your ranks one man get up from one section, belonging to one faction of your party, and make charges which were absolutely true, and another member of the party, belonging to another faction, get up and charge the same sort of thing—fraud and corruption, and things of that sort, in your conventions—when both of you told the truth.

You are both telling the truth this time. So what hope can you hold out when you go home this fall, all you old Members who have been here for years and who have an extra number of these cedar boxes and books and things of that sort here. Do not take them all home at one trip. Take some with you when the present session of Congress adjourns and leave them at home, because you will be overloaded next March. The people are done with you. [Laughter and applause on the Democratic side.] Maybe one or two of you progressives may get back, but as I said here last summer a real, sure-enough, standpat Republican on that side of the House next year will look as big as a martin on a fodder pole. I imagine that my good friend, the gentleman from Washington [Mr. HUMPHREY], will have a long and lonesome trip home next spring. I imagine that probably some of the other distinguished gentlemen, who have adhered so conscientiously to the standpat principles, will have a powerful lonesome trip. You have my sympathy, gentlemen. We gave you an opportunity to do better. We brought you up where you could have taken the political sacrament with the Democratic Party, and you turned aside. You would not sup with us. Now, I am done with you. [Laughter.]

You fellows are divided into two camps, and each camp accuses the other of high crimes and misdemeanors, and I am satisfied that both factions are guilty of every charge made against you.

Here are Republican witnesses testifying to the bribery and corrupt methods indulged in by the Roosevelt faction and the Taft faction in the primary and at Chicago, and the American people believe that you are both guilty.

O, ye of many political sins and little faith, you remind me of the old negro preacher's camp-meeting hymn. It ran like this—

Your thoughts on awful subjects dwell,
Damnation and the dead.
O what hell-a-shus horrors hang
Around your guilty head.

[Laughter and applause on the Democratic side.]

The CHAIRMAN. The gentleman from Georgia has six minutes remaining, and that six minutes he yields to the gentleman from New Jersey [Mr. KINKEAD].

Mr. KINKEAD of New Jersey. Mr. Chairman, may I suggest to my friend from Connecticut [Mr. TILSON] that since there are but 26 minutes remaining, we make some agreement as to the time? I understand the gentleman from Connecticut [Mr. TILSON] is the only other Member who wishes to speak during the general debate.

Mr. TILSON. If the House will give consent, I am willing that the gentleman from New Jersey [Mr. KINKEAD] may have half the time and I the other half.

The CHAIRMAN. The Chair will state that he had agreed to recognize the gentleman from Connecticut [Mr. TILSON] for the last 20 minutes of this debate. The gentleman from Connecticut can divide the time between himself and the gentleman from New Jersey.

Mr. TILSON. There is no objection to that.

The CHAIRMAN. If there is no objection, the gentleman from New Jersey [Mr. KINKEAD] is recognized for 14 minutes.

Mr. MANN. Can the gentleman from New Jersey conclude in that time?

Mr. KINKEAD of New Jersey. I scarcely think so.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Connecticut [Mr. TILSON] may have 15 minutes after we commence the reading of the bill under the five-minute rule, so that the gentleman from New Jersey [Mr. KINKEAD] may have the additional time.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Connecticut [Mr. TILSON] may occupy 15 minutes when the bill is taken up under the five-minute rule. Is there objection?

There was no objection.

The CHAIRMAN. Then the Chair understands that the gentleman from New Jersey [Mr. KINKEAD] is to be recognized for how long?

Mr. TILSON. For the remainder of the time under general debate.

The CHAIRMAN. The gentleman from New Jersey is recognized for 24 minutes.

[Mr. KINKEAD of New Jersey addressed the committee. See Appendix.]

Mr. KINKEAD of New Jersey. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The request of the gentleman from New Jersey can not be entertained by the Chair for the reason the time was fixed in the House for debate.

Mr. BOWMAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. LAFFERTY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. KENT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HARRISON of New York having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the President of the United States having returned to the Senate, in which it originated, the bill (S. 4862) for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project, with his objections thereto, the Senate proceeded, in pursuance of the Constitution, to reconsider the same, and

Resolved, That the said bill pass, two-thirds of the Senate agreeing to pass the same.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

LIMITATION OF HOURS OF EMPLOYEES ON PUBLIC WORKS.

The committee resumed its session.

The Clerk read as follows:

Be it enacted, etc., That sections 1, 2, and 3 of an act entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia" be amended to read as follows:

"SECTION 1. That the service and employment of all laborers and mechanics who are now, or may hereafter be, employed by the Government of the United States or the District of Columbia, or by any contractor or subcontractor, upon a public work of the United States or of the District of Columbia, and of all persons who are now, or may hereafter be, employed by the Government of the United States or the District of Columbia, or any contractor or subcontractor, in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics or persons employed in constructing, maintaining, or improving a river or harbor of the United States or of the District of Columbia, to require or permit any such laborer or mechanic or persons employed in improving, maintaining, and constructing a river or harbor of the United States or of the District of Columbia, to work more than eight hours in any calendar day, except in case of extraordinary emergency.

The CHAIRMAN. There is a committee amendment.

Mr. MANN. Mr. Chairman, I suggest the gentleman from Connecticut [Mr. TILSON] was given leave to address the House.

The CHAIRMAN. There was unanimous consent given to the gentleman from Connecticut [Mr. TILSON] for 15 minutes, and under that order the gentleman is recognized.

Mr. TILSON. Mr. Chairman, I feel like apologizing to the House for obstructing the real business of the day—political speechmaking—by submitting at this point a few observations that are neither partisan nor political, as that word is commonly used, but relate to the comparatively unimportant subject of the national defense. What I have to say is on the subject of a national military reserve.

It has been the fashion of late—in fact, it always is in time of peace—to speak disparagingly of preparations for war. Even those who advocate, as a matter of common business prudence, a reasonable state of preparedness for war are often regarded as bloodthirsty ogres desiring war.

No one can detest more than I do war and its horrors. The time and place of my birth and early training combined to make me hate war with all the intensity of my being. No vocabulary, not even Gen. Sherman's, is adequate to describe it. He who could have it in his heart to desire war is worse than a traitor to his country; he is an enemy to his race. All the peace societies, congresses, and associations, having for their purpose the prevention of war, have my most cordial sympathy and best wishes. We all agree that wars are wrong, and it is so delightful to dream of a future in which war shall be no more. There is every reason why such a dream should come to pass and no good reason why it should not, and yet there is the fear lurking here, there, and everywhere of the rude awakening.

The experience of the past rests heavily in the other scale. The history of our own and other countries teaches another story. Since the establishment of our Republic not a generation has passed without seeing us at war, and within half the period of a generation every large country and a large majority of the small ones have been at war. It would be pleasant to regard all these instances as exceptions and to hold to the belief that henceforth all nations "shall beat their swords into plowshares and their spears into pruning hooks." It is really quite a shock to see that the workers in iron and steel of other countries are really otherwise engaged.

I am not one of those who believe that trade necessarily means war. It is and should be one of the strongest bonds of peace, and yet we can not ignore the fact that it has often meant war nor blind ourselves to the probability that it will cause war in the future.

To-day we stand among the foremost commercial aggressors of the world and one of the weakest of military powers. In the product of the smelter which converts our inexhaustible resources in minerals into commercial products, in the coal measures of Pennsylvania which supply the needs of the world in fuel, in the cotton belt which furnishes 70 per cent of the world's supply, in the grain belts of the great Mississippi Basin, in the cattle ranges of the West, we are producing the products of the world, by the sale of which we are more and more coming into competition with others, and our continued success in the struggle depends upon our ability to sell in the open markets of the world.

It is not a simple coincidence that the nation that has the greatest foreign trade has also the greatest navy. The navy did not make the trade; the trade resulted from natural conditions; and when trade became great enough it demanded a navy for its protection. It was good business policy to create the navy; no other consideration dictated the result.

It is not necessary to ask what nation has the greatest army. It is necessary only to locate the nation whose natural wealth is among the greatest and whose boundaries are the most vulnerable and accessible to adjacent competitors. It is good business policy to maintain an army for such a nation; no other consideration can prevail.

So it was good business policy to acquire Hawaii, Guam, and Alaska, because of their influence upon trade; good business policy to acquire the Philippines, because these islands lie upon the main trade route to the Orient and because possession of the Philippines means favorable trade relations with 400,000,000 people in China, who have not as yet developed the power to manufacture; good policy to free Cuba and to secure control of

Porto Rico; and good policy to maintain the Monroe doctrine as to our neighbors to the south of us. That war may grow out of such a situation no person can doubt who is not infatuated with the theory that altruism governs the price of stocks on the exchanges of New York, Paris, and Berlin.

We have steel and iron products, cotton, cereals, minerals, and manufactured products to sell, and coffee, silk, rubber, and so forth, to buy. We must, as business men, maintain our markets and secure uninterrupted arrival of raw materials for our manufacturing plants. To accomplish this, when competition becomes sufficiently keen, it is essential that there be adequate military preparedness to secure respect for the just claims of our people. As the business interests of a city demand its police, so the business interests of the Nation demand an Army and a Navy commensurate with the firmness of its foreign policy and the magnitude of its foreign trade.

Fortunately the geographical position of the United States is such that hitherto there has been occasion for only a small standing Army. There should not be need for a large standing Army if proper use is made of our military resources. We have the men and we have the means. It is our duty to have them ready for use when needed. The problem which confronts us is one of being able to use readily, with the least waste possible, the resources at our command.

As business men we should solve that problem with the least expenditure from the Federal Treasury. A brief review of the history of the past suffices to indicate the weakness and the suicidal extravagance of the legislative policy or lack of policy heretofore pursued in connection with this subject.

In every war since Revolutionary times to 1898 we have trifled with short enlistments, bounties, and other dangerous policies until our national integrity has been all but sacrificed. Much of our history on this point is rather painful, so it is not my purpose to go into the details of the subject.

Suffice it to say that during the Revolutionary War we called to the colors 231,771 Continentals and 164,087 militia, a total of 395,858 soldiers, to oppose approximately 150,605 British soldiers. During the War of 1812 we called to the ranks 56,032 Regulars and 471,622 Volunteers, rangers, and militia, a total of 527,654 soldiers, while the greatest number of soldiers operating in the field against this army of Americans amounted to 55,000 British and Canadians; yet the history of that conflict is largely one of disgraceful defeats for our armies during a war which might have terminated in great national disaster had not the situation on the Continent of Europe restrained England from following up her advantages gained here.

Again, despite the experiences of 1776–1781 and 1812, the Mexican War saw us enlisting men for 3 months, 6 months, 12 months, and finally adopting the only safe policy of enlisting for the war. As a result of these mistakes we beheld the disgraceful spectacle of American soldiers demanding their discharges in the face of the enemy and returning to their homes in the United States, thus halting Scott's victorious columns for more than two months at Puebla, within three days' march of the enemy's capital, his army reduced to 5,820 effective men. Despite the fact that we called into the service for this war 31,024 Regulars and 73,532 Volunteers—total, 104,556 enlisted men—to overthrow approximately 46,000 Mexicans, yet so hampered was the commanding general in the field by the policy enunciated in the laws enacted by Congress that Gen. Scott was compelled to advance with a half-trained army of about 14,000 men, 3,000 of whom were sick or in hospital, upon the City of Mexico, defended by about 36,000 Mexicans provided with 100 cannon.

Never during the whole campaign could Gen. Scott muster upon the field of battle a force superior to that of the enemy, though the total enlisted force in the service of the United States at all times greatly exceeded the strength of the Mexican Army.

It would have seemed reasonable to believe that the experiences of this campaign would have served to correct the wasteful and dangerous policy of the past, but success blinded our statesmen to the very valuable lesson of that campaign, and the opening of the Civil War finds the President calling for 75,000 militia for three months. As a result of the lack of proper legislation we called into the service during the war a total of 67,000 regulars and 2,605,341 militia and volunteers.

During the continuance of the war all the errors of the past were repeated and even aggravated. The bounty system was utilized in its most vicious form, and the extent to which bounty jumping was practiced should suffice to warn all succeeding Congresses against legislation which may permit a repetition of scenes so shameful.

More conspicuous, however, than any other error during this long struggle was that of failing to provide any means of maintaining the ranks at their maximum strength in rifles. Instead, the strength of organizations was permitted to decrease until the power of combat had practically ceased to exist, and new organizations were created, supplied with all the costly machinery of administration, and were sent to the front to replace the fragments of veteran organizations whose commanders had become skilled in leadership, but who found themselves without troops to command. The value of their experience was disregarded, a premium was placed on ignorance, the Treasury was unnecessarily drawn upon, and the integrity of the Union was jeopardized. In successive appeals the Government called for 75,000 militia for three months, 100,000 volunteers for one year, and 42,834 volunteers for the war. To all of these calls the people responded with abundant enthusiasm.

On the 4th of July, 1861, the Government found at its disposal the following heterogeneous mixture of troops:

Regulars and volunteers enlisted for 3 months and for the war	225,000
Volunteers for the war	50,000
New regiments of the Regular Army	25,000
Total	300,000

Yet already the enlistments of the three-month men were expiring, and the Government at the outset of the campaign was compelled to deduct from its fighting forces 80,000, or 26 per cent of the enlisted men mustered in.

The disaster of Bull Run resulted in a call for 500,000 volunteers to serve for not less than six months nor more than three years. So enthusiastic was the response that in 1862 the Government believed that it had secured the service of all men necessary for the prosecution of the war and committed the fatal mistake of ceasing to recruit. The Army now amounted to 600,000 men, and the opinion prevailed that 200,000 men could march from Washington to New Orleans without opposition. All that was wanted was for some one to command "Forward, march." Had the directors of the Federal policy but turned to the record of our past experience they would have seen that means must be provided for supplying the fearful wastage in an aggressive campaign, and that if 600,000 men were needed to meet the enemy, every effort of the Government should have been directed toward maintaining that number on the battle front of the Nation's armies. But what happened? For answer let us turn to the Records of the Rebellion and open any volume covering the period of 1863. The campaign of Vicksburg will suffice for the purpose. On pages 579 and 580, volume 24, part 2, Records of the Rebellion, the report of Brig. Gen. Osterhaus, United States Army, commanding the Ninth Division, shows the following:

First Brigade:		
Forty-ninth Indiana Regiment	307	
Sixty-ninth Indiana Regiment	216	
Seventh Kentucky Regiment	199	
One hundred and twentieth Ohio Regiment	386	
		1,108
Second Brigade:		
Fifty-fourth Indiana Regiment	245	
Twenty-second Ohio Regiment	266	
Sixteenth Ohio Regiment	359	
Forty-second Ohio Regiment	434	
		1,304
		2,412

The minimum strength of two Infantry brigades should have been 7,840 enlisted men, and it should have been the policy of the Government to maintain them constantly at that strength by a process of recruiting conducted at the home depots; but no home depots existed.

Again, we find the following return of the Department of Tennessee, Maj. Gen. U. S. Grant commanding, on May 31, 1863, near Vicksburg, Miss.:

	Present for duty, enlisted men.	Aggregate present.	Aggregate present and absent.
THIRTEENTH ARMY CORPS.			
Ninth Division	3,076	3,908	6,764
Tenth Division	3,134	4,225	6,988
Twelfth Division	3,430	4,280	6,239
Fourteenth Division	2,787	4,237	5,455
Total	12,427	16,650	25,446
FIFTEENTH ARMY CORPS.			
First Division	5,043	6,629	10,303
Second Division	4,587	5,723	9,419
Third Division	4,187	5,135	7,412
Total	13,817	17,487	27,134

	Present for duty, enlisted men.	Aggregate present.	Aggregate present and absent.
SIXTEENTH ARMY CORPS.			
First Division	7,282	8,796	11,862
Third Division	5,507	7,140	9,040
Fourth Division	5,943	6,966	9,859
Total	18,732	22,902	30,761
SEVENTEENTH ARMY CORPS.			
Third Division	5,294	6,611	9,981
Sixth Division	4,225	5,141	6,979
Seventh Division	3,967	5,084	7,971
Total	13,486	17,836	24,931

Exact information as to arrival of recruits is not available, and exact comparisons are therefore not possible, but some idea of the operation of the system can be secured by comparision of the preceding table with the following taken from the Records of the Rebellion, volume 24, part 3, pages 567 to 568, as shown in the return of the Department of Tennessee, Maj. Gen. U. S. Grant commanding, for the month of July, 1863, one month after the rendition of the preceding report:

	Present for duty enlisted men.	Aggregate present.	Aggregate present and absent.
THIRTEENTH ARMY CORPS.			
Tenth Division	2,788	4,098	6,406
Twelfth Division	3,605	4,546	6,918
Total	6,393	8,644	12,324
FIFTEENTH ARMY CORPS.			
First Division	4,363	6,419	9,555
Second Division	4,337	5,655	8,914
Third Division	3,419	5,074	7,004
Fourth Division	5,796	7,642	8,896
Total	17,915	24,790	34,369
SEVENTEENTH ARMY CORPS.			
Third Division	4,753	6,572	9,407
Sixth Division	3,706	5,124	6,825
Seventh Division	3,507	4,888	7,411
Total	11,966	16,584	23,643
Grand totals, 9 divisions	36,274	50,018	70,336
Average	4,031	5,557	7,815

A little more than one year had elapsed since recruiting had ceased, yet the average strength of a division present for duty, as seen from the above returns, was 4,031 enlisted men, whereas the minimum strength of a division in enlisted men (Infantry alone) should have been 11,760, and it should have been the business of the Government to maintain the recruiting system so as to supply the wastage as rapidly as it occurred. It is fruitless to say that the political situation compelled the President to call for the organization of new regiments to maintain the necessary force in the field. That which compelled his action was the lack of a system to feed the firing line, and as statesmen, profiting by the experience of the past, it is our sacred duty to see that such a system is provided for the future. We should treat the matter of Army organization as a purely business proposition and remove while we may the causes which will otherwise render certain a repetition of the conditions to which I have referred.

We have lived through one war since the dark days of the Rebellion, yet the experience of 1898 shows that practically all remains yet to be done. War was declared with Spain on April 21, 1898. On April 26 Congress added two companies to each regiment of Infantry, increasing the number of companies in each regiment from 10 to 12, and authorized enlistments to increase the Regular Army to 62,597 men; but again no machinery was in existence to supply the extra men demanded by the situation, and the returns from the field of battle show that we assaulted San Juan on the 1st day of July, 1898, with an average of 556 enlisted men in the Infantry regiments participating in the attack, whereas the enlisted strength of each should have been 1,272.

The following table shows the strength of the regiments concerned:

Enlisted men present for duty equipped.

Sixteenth United States Infantry	655
Sixth United States Infantry	461
Seventy-first New York Infantry	922
Second United States Infantry	618
Tenth United States Infantry	432
Twenty-first United States Infantry	441
Ninth United States Infantry	445
Thirteenth United States Infantry	441
Twenty-fourth United States Infantry	516
Eighth United States Infantry	487
Twenty-second United States Infantry	467
Second Massachusetts Infantry	863
First United States Infantry	438
Fourth United States Infantry	444
Twenty-fifth United States Infantry	509
Seventh United States Infantry	891
Twelfth United States Infantry	564
Seventeenth United States Infantry	482
Third United States Infantry	464
Twentieth United States Infantry	573
Total	11,113
Average per regiment	556

(Campaign of Santiago de Cuba, vol. 3, pp. 214, 215, 216, 217.)

It will be seen from the foregoing outline of history of our wars that the organization of the Army has always resulted in maintaining in the field a minimum organization in rifles requiring a maximum burden of overhead charges. In order that the exact effect of this policy in dollars and cents may be seen I have had drawn up in parallel columns an exact statement of the costs involved in maintaining 400,000 Infantry in the field, organized at full war strength according to the act of February 2, 1901, and in maintaining the same number of riflemen in the field organized into regiments of the same average strength as those engaged in the campaign of Santiago in 1898.

The following comparison is made of the cost of 400,000 Infantry (which means 368,000 rifles) in the field—(a) if organized with ranks full under the act of February 2, 1901; (b) if organized in regiments of the actual strength of those which participated in the campaign of Santiago:

(A) WAR-STRENGTH ORGANIZATION.

Officers:	
1 colonel	$5,000.00
1 lieutenant colonel	4,500.00
3 majors, $4,000 each	12,000.00
15 captains, $3,120 each	46,800.00
15 first lieutenants, $2,400 each	36,000.00
15 second lieutenants, $1,870 each	28,050.00
Total	132,350.00
Noncommissioned officers:	
1 sergeant major (third enlistment)	53.00
1 quartermaster sergeant (third enlistment)	53.00
1 commissary sergeant (third enlistment)	53.00
3 battalion sergeants major, $48 each (third enlistment	144.00
2 color sergeants, $48 each (third enlistment)	96.00
Total	399.00
Total for year	4,788.00
Band:	
1 chief musician (third enlistment)	83.00
1 principal musician (third enlistment)	48.00
1 drum major (second enlistment)	40.00
4 sergeants (second enlistment), $40 each	160.00
8 corporals (second enlistment), $33 each	264.00
1 cook (second enlistment)	33.00
12 privates (second enlistment), $24 each	288.00
Total	916.00
Total for year	10,992.00

(B) SANTIAGO ORGANIZATION.

Officers:	
1 colonel	$5,000.00
1 lieutenant colonel	4,500.00
3 majors, $4,000 each	12,000.00
15 captains, $3,120 each	46,800.00
15 first lieutenants, $2,400 each	36,000.00
15 second lieutenants, $1,870 each	28,050.00
Total	132,350.00
Noncommissioned officers:	
1 sergeant major (third enlistment)	53.00
1 quartermaster sergeant (third enlistment)	53.00
1 commissary sergeant (third enlistment)	53.00
3 battalion sergeants major, $48 each (third enlistment	144.00
2 color sergeants, $48 each (third enlistment)	96.00
Total	399.00
Total for year	4,788.00
Band:	
1 chief musician (third enlistment)	83.00
1 principal musician (third enlistment)	48.00
1 drum major (second enlistment)	40.00
4 sergeants (second enlistment), $40 each	160.00
8 corporals (second enlistment), $33 each	264.00
1 cook (second enlistment)	33.00
12 privates (second enlistment), $24 each	288.00
Total	916.00
Total for year	10,992.00

(A) WAR-STRENGTH ORGANIZATION—continued.

Company:	
1 first sergeant (third enlistment)	$53.00
1 quartermaster sergeant (third enlistment)	36.00
6 sergeants (third enlistment), $36 each	216.00
10 corporals (second enlistment), $24 each	240.00
2 cooks (second enlistment), $33 each	66.00
2 musicians (second enlistment), $18 each	36.00
1 artificer (second enlistment)	24.00
Total	671.00
Total for year	8,052.00
127 privates, average pay, $193.08	24,521.16
Pay for 1 year (total in company, 150 men)	32,573.16
Pay of 12 companies for 1 year	390,877.92
Pay of officers for 1 year	132,350.00
Pay of enlisted men:	
8 noncommissioned staff	4,788.00
28 band	10,992.00
1,800 enlisted men of companies	390,877.92
Total pay	539,007.92
Annual cost for subsistence, clothing, fuel, transportation; mounts, quartermaster's, sanitary and ordnance supplies per annum, for each enlisted man	210.93
Total for 1,836 men	387,267.48
Forage for regimental horses	6,121.00
Loss in horseflesh	739.55
Horseshoes	94.60
Total	6,955.15
Officers:	
Fuel in field	8.00
Sanitation	9.37
Total	17.37
Cost for 50 officers	838.50
Total cost of maintaining 1,836 enlisted men in the field per annum:	
Pay	539,007.92
Equipment, subsistence, etc	387,267.48
Forage, horseflesh, etc	6,955.15
Fuel and sanitary supplies, officers	865.50
Total	934,099.05
Number of men who may be utilized as riflemen in each company	128
Number of companies in regiment	12
Number of rifles available on firing line	1,656
Cost per rifle (934,099.05÷1,656) yearly	$564.07

(B) SANTIAGO ORGANIZATION—continued.

Company:	
1 first sergeant (third enlistment)	$53.00
1 quartermaster sergeant (third enlistment)	36.00
4 sergeants (third enlistment), $36 each	144.00
6 corporals (second enlistment), $24 each	144.00
2 cooks (second enlistment), $33 each	66.00
2 musicians (second enlistment), $18 each	36.00
1 artificer (second enlistment)	24.00
Total	503.00
Total for year	6,036.00
26 privates, average pay, $193.08	5,020.08
Pay for 1 year (total in company, 43 men)	11,056.08
Pay of 12 companies for 1 year	132,672.96
Pay of officers for 1 year	132,350.00
Pay of enlisted men:	
8 noncommissioned staff	4,788.00
28 band	10,992.00
520 enlisted men of companies	132,672.96
Total pay	280,802.96
Annual cost for subsistence, clothing, fuel, transportation; mounts, quartermaster's, sanitary and ordnance supplies per annum, for each enlisted man	210.93
Total for 556 men	117,277.08
Forage for regimental horses	6,121.00
Loss in horseflesh	739.55
Horseshoes	94.60
Total	6,955.15
Officers:	
Fuel in field	8.00
Sanitation	9.37
Total	17.37
Cost for 50 officers	868.50
Total cost of maintaining 556 enlisted men in the field per annum:	
Pay	280,802.96
Equipment, subsistence, etc	117,277.08
Forage, horseflesh, etc	6,955.15
Fuel and sanitary supplies, officers	865.50
Total	405,903.69
Number of men who may be utilized as riflemen in each company	33
Number of companies in regiment	12
Number of rifles available on firing line	396
Cost per rifle (405,903.69÷396) yearly	$1,025.01

Cost of rifle per year in Santiago organization	$1,025.01
Cost of rifle per year, regiments full	564.07
Difference in cost per rifle per year	460.94
Difference in cost per rifle per day	1.262
Difference in cost per day for 400,000 infantry (368,000 rifles)	464,416.00
Difference in cost per month (30 days)	13,932,480.00
Difference in cost per year	169,625,920.00

The following table is presented to show how the cost per annum of maintaining a private soldier, which is used as a basis of calculation in the preceding table, is arrived at:

Subsistence, 365 days, at 24 cents per day		$87.60
Clothing:		
Allowance for 3 years, $129.88. For 1 year	$43.29	
Issue on memorandum receipt of 2 blankets, $2.65 each, $5.30. Life of blanket, 6 years. Cost for 1 year	.88	
Overcoat, $12.38. Life of garment, 6 years. Cost for 1 year	2.06	
Sweater, $2.66. Life of garment, 6 years. Cost for 1 year	.44	
Poncho, $2.72. Life of garment, 3 years. Cost for 1 year	.91	
Miscellaneous	.23	
Total for 1 year		47.81
Fuel		8.00
Transportation, average for the entire Army		22.20
Mounts, average for the entire Army		6.20
Quartermaster supplies, average wear and tear		10.44
Sanitary supplies		9.37
Ordnance, worn out in service		19.31
Total		210.93

The total in the table here presented does not include the cost of barracks nor the heating and lighting of same, as this calculation pertains to the cost incident to maintaining troops in the field only.

For the benefit of those who have not the time to fully examine the tables the following summary is made:

	Per annum.
Cost per rifle, Spanish-American War	$1,025.01
Cost per rifle, ranks filled	564.07
The difference in cost per rifle	460.94

It will therefore require $169,625,920 more per year to maintain 400,000 Infantry in the field (368,000 rifles) with regiments depleted as in the Spanish-American War than to maintain the same number of Infantry in the field with the same number of rifles if the ranks be filled to war strength, as authorized by law. Such expenditures as these will drive us to bankruptcy if we are again confronted with a war of long duration. Some system must be developed to avoid this suicidal extravagance.

It is scarcely necessary to say to business men that it is far better to create in time of peace all the machinery necessary to accomplish the desired results in time of war. The problem is not a simple or easy one, but is one well worth the conscientious study of serious-minded men. For more than a year I have been giving the subject special attention and have come to the conclusion that the most important element in the proper solution of the problem is the creation of a proper military reserve. Therefore, on May 15, 1912, I introduced a bill, H. R. 24601, to provide for a national military reserve.

In my humble judgment that bill enacted into law will produce results far-reaching in their character and beneficent in their operation touching the national defense of this country. The basic fact upon which the proposed bill rests is that with our Army and militia as at present constituted we each year discharge into civil life a large number of trained Regulars and twice as many more trained militiamen, a large percentage of whom may be utilized for filling the ranks to war strength within a few days after the outbreak of war, if a rational system be developed in time of peace for accomplishing this result.

Under the provisions of the bill only such number of these men as may be necessary to fill the ranks of the Army and of

the militia to war strength belong to the active or class A reserves, the remainder to the inactive or class B reserves.

In response to a Senate resolution the Secretary of War under date of January 15, 1912, transmitted to the Senate certain information relative to Army enlistments for the 10 years ending June 30, 1911, which is published as Senate Document No. 259, Sixty-second Congress, second session. In this document it appears that for the 10 years the average number of men discharged by reason of expiration of term of enlistment is 18,103, of which an average of 10,219 reenlist. This leaves approximately 8,000 to be discharged annually into class A reserve.

In figuring the number of reserves necessary to raise the authorized peace strength of our Army to the war strength, the Philippines, Hawaii, Panama, and Alaska may be left out.

The garrison in the Philippine Islands is to be maintained at war strength. It is highly improbable that soldiers discharged from regiments in Hawaii, Panama, or Alaska will remain in the vicinity for a sufficient period of time to form an active reserve sufficiently numerous to raise these regiments to war strength. The necessary men for this purpose must be secured by drafts upon class B reserves and by shipments from general recruiting depots in the United States. The question, then, as to the organization of a reserve will be considered here as relating to the garrisons in the United States only. The following table indicates for these organizations the reserves needed to bring them up to war strength:

Organization.	Authorized strength.	War strength.	Number of reservists needed to expand to war strength.
16 regiments of Infantry	870	1,836	15,456
12 regiments of Cavalry	855	1,236	4,572
4 regiments of Field Artillery	877	1,186	836
Coast Artillery Corps	18,471	19,147	676
Engineers	2,002	1,942	60
Total number of class A reserves needed			21,600

As approximately 8,000 men will be discharged annually into class A reserves, in a period of three years there will be available more than the necessary number of reservists to fill the ranks of the Army to war strength. Under section 6 of the bill this is done automatically by adopting a contract of enlistment requiring three years with the colors and three years with the active reserves. Upon the completion of six years' service—three with the colors and three with the reserves—all further obligation under the oath of enlistment ceases.

In order that it may be known exactly what force may be relied upon in case of war, and in order that a high degree of proficiency in field training may be assured, it is desirable that the active or class A reserves be required to join the organizations to which they belong once each year for 10 days' field training. The feasibility of doing so is dependent principally upon the cost, which may be estimated as follows:

The reservists will be scattered over the entire country. This distribution, for the purposes of rough calculations, may be assumed to be uniform. The zone in which reservists from any garrison will be located may be determined by drawing a line through points midway between the posts and the next garrison. As shown in the table of distances between posts, which I insert in the RECORD without reading, it is found that, assuming a uniform distribution of reservists, each active or class A reservist would travel an average distance of 87½ miles in joining his organization, or 175 miles in joining his organization and then returning to his home. The cost of assembling 21,600 active reservists for 10 days' training would then be as follows:

Rations—21,600 men, at 24 cents a day for 10 days	$51,840
Pay—21,600 men, at 55 cents a day for 10 days	118,800
Transportation—21,600 men, 175 miles, at 2.262 cents per mile	86,400
Total	257,040

If, in addition to the above, the active reservists be allowed $2 per month, or $24 per year, the annual pay for this purpose will amount to $518,400, and the total cost of assembling the reservists for 10 days' training and of paying them at the above rates will amount to $775,440 annually.

Mr. ROBINSON. Might I ask the gentleman what will be the expense if the reserve is not called into the service?

Mr. TILSON. The gentleman means if it is not called into maneuvers?

Mr. ROBINSON. No; I mean the current expenses contemplated by the gentleman's bill.

Mr. TILSON. The current expenses contemplated by the bill when not called into service would be $775,000 per year, which is sufficient to maintain every organization in the present Army at a real war strength. The gentleman will understand that our peace strength is much less than what our war strength is. This bill would carry the peace strength of each organization in the ranks and the war strength on the rolls, the men making up the difference being in a state of furlough, instead of being present with their organization.

Mr. ROBINSON. Then in time of peace we really add $775,000 annually to the expense?

Mr. TILSON. Yes; in case reservists attend maneuvers 10 days, but in case they do not this would be decreased about one-third. In other words, it costs a little over $500,000 to maintain the reserve without maneuvers, but I consider the 10 days' training each year to be very important.

The transportation and subsistence furnished a soldier on discharge includes his actual railroad transportation, tourist sleeper accommodations, and rations commuted at the rate of 50 cents per meal and three meals to a day.

The following is a table showing the actual cost of transportation and subsistence between certain central points:

	Railroad fare cost to Government.	Miles.	Tourist sleeper.	Commutation rations.	Cost per mile.
San Francisco to—					
New York	$59.77	3,191	$7.20	$7.50	$0.0233
Leavenworth, Kans	29.00	1,955	4.40	6.00	.0201
New Orleans, La	42.89	2,482	4.60	6.50	.0217
Atlanta, Ga	50.33	2,810	5.80	7.50	.0226
Boston, Mass	60.76	3,313	7.20	7.50	.0227
Chicago to—					
New Orleans, La	15.75	912	2.20	1.50	.0213
New York	18.52	912	2.00	1.50	.0241
Washington, D. C	16.64	790	1.75	1.50	.0252

The average cost per mile per man to the Government for those men who are actually furnished railroad ticket and sleeping car, based on upper tourist berth, and rations commuted at $1.50 per day, is $0.02262.

Table showing distances between adjacent posts and the average distance which must be traveled to arrive at any given station.

Station.	Adjacent station.	Distance.	Average distance.	Half average distance.
San Francisco	Monterey	125	576	288
	Salt Lake City	823		
	Vancouver	780		
Monterey	San Francisco	125	317	158
	San Diego	509		
	Seattle	175		
Vancouver	San Francisco	780	461	230
	G. H. Wright	372		
	Boise	516		
Seattle	Vancouver	175	257	128
	G. H. Wright	339		
	Seattle	339		
G. H. Wright	Vancouver	368	322	161
	Missoula	258		
Missoula	Harrison	125	191	95
	G. H. Wright	258		
Harrison	Yellowstone	618	564	282
	Salt Lake City	511		
Yellowstone	Mackenzie	321	469	235
	Harrison	618		
	San Francisco	827		
Douglas	Harrison	511	621	310
	Russell	525		
Whipple Barracks	Huachuca	243	319	159
	Apache	295		
Huachuca	Bliss	150	150	75
Bliss	D. A. Russell	948	724	362
	Clark	501		
	Bliss	501		
Clark	McIntosh	298	312	156
	Sam Houston	143		
	Clark	143		
Sam Houston	McIntosh	155	367	183
	Sill	436		
	Douglas	525		
D. A. Russell	Robinson	248	479	240
	Crook	526		
	Riley	410		
	Mackenzie	282		
Robinson	Meade	164	295	147
	Russell	248		
	Crook	486		
	Sam Houston	436		
	Limit westward	200	360	180
Sill	L. H. Roots	441		
	Riley	364		
	Sill	364		
Riley	Leavenworth	131	273	136
	Crook	323		

Table showing distances between adjacent posts, etc.—Continued.

Station.	Adjacent station.	Distance.	Average distance.	Half average distance.
Leavenworth	Riley	134	261	130
	L. H. Roots	556		
	Crook	159		
	Des Moines	197		
Crook	Leavenworth	159	332	166
	Des Moines	156		
	Russell	526		
	Robinson	486		
Snelling	Limit northward	200	310	155
	Sheridan	391		
	Des Moines	340		
Sheridan	Snelling	391	304	152
	Wayne	302		
	Benjamin Harrison	220		
Benjamin Harrison	Sheridan	220	324	162
	Wayne	291		
	Oglethorpe	461		
Wayne	Brady	399	330	165
	Benjamin Harrison	291		
	Sheridan	302		
Oglethorpe	Benjamin Harrison	461	356	178
	L. H. Roots	454		
	McPherson	153		
McPherson	Oglethorpe	153	223	112
	Savannah	294		
Porter	Niagara	36	106	53
	Ontario	175		
Madison Barracks	Ontario	72	138	69
	Plattsburg Barracks	204		
Plattsburg Barracks	Ethan Allen	71	192	96
	Jay	313		

Total of half distances	5,175
Total number of stations	30
Average half distance between stations	175

From data gathered by inquiry of a large number of soldiers it appears that the emoluments in the bill are sufficient to secure the active reserve desired. The maintenance of an active reserve sufficient to fill the ranks of the Army to war strength at the outbreak of war would therefore cost $775,000 per year, and only $518,400 if the reserves are not annually assembled for a 10-day encampment.

The difficulty of keeping track of reservists has been suggested as an obstacle in the way of the establishment of such a reserve. To administer the affairs of those men by direct correspondence with the War Department would probably prove impracticable. The highest officer charged with the administration of such affairs should be the division commander, who should have authority to transfer reservists from one division or one regiment to another in his division, as they change their residence, and to transfer the records of reservists accordingly. Only such correspondence as must come to the War Department in the case of enlisted men at the present time should come to the War Department in the case of reservists.

For practical purposes the localization of regiments will be accomplished as soon as the garrisons for the Philippine Islands, Hawaii, and Panama have reached their prescribed stations. Reservists for each regiment in the United States may then be drawn from a well-defined area which will never change. Under such circumstances the local commanding officer is the official most interested in the maintenance of a local reserve, and it is he who should correspond directly with the local reservists, the latter forming an actual part of his command to be carried on his company reports and returns just as members of his actual command at the present time are carried.

In each company the necessary equipment should be on hand for each reservist pertaining to that company, who should receive his equipment when he reports for his annual field work, just as is now done in a militia company when men report for drill.

Under this plan reservists become furloughed members of companies, with reduced pay, and are required to serve annually only 10 days with their organizations. No extensive change in the existing system of administration is either necessary or desirable.

What has been said of reservists for the Regular Army applies, with some modifications, to the militia. Neither The Adjutant General of the Army nor the adjutant general of a State should be required to keep track of such reservists, except by means of the usual company and other reports now required. Finally, if the enlistment period for both the Regular Army and the Organized Militia be made six years, three of which are to be served with the colors and three to be served on furlough with the active or Class A reserves, then the obligation of the reservist to return to the colors when so ordered by proper authority will be the same as that imposed by the Articles of War upon any soldier furloughed from his regular command.

A sufficient number of class A reserves may be maintained to fill the ranks to war strength, but more men will be necessary to repair the losses in campaign and to form the nucleus of volunteeer regiments. Such men are provided for in the inactive or class B reserves. They should utilize for the purposes of organization, training, and equipment the plant and all the established machinery of Government employed by the Regular Army. Thus, barracks, reservations, and camp sites vacated by the Regular Army when the first line moves to the front would become points of mobilization for class B reserves and for volunteer organizations. Such reservists should be made up of enlisted men discharged from class A reserves and of enlisted men of at least three years' service in the Army, Navy, or Marine Corps who have been honorably discharged, except for physical disability, all of whom should be required to take a proper oath of enlistment requiring them to join the colors upon proclamation by the President announcing that their services are needed. These men, being in excess of the statutory strength of the Army, should not be carried upon the rolls, but in order that exact information may always be available as to their strength, separate lists of class B reserves should be made out by organization commanders in whose districts they reside, and such lists, showing names, addresses, etc., of the reservists, should be forwarded periodically to the War Department.

The provisions of the bill relating to the enlistment of class B reserves are sufficiently broad to permit the Secretary of War to take the necessary steps to provide for the organization of such reservists into tactical units in time of peace and to permit the assignment of commanders and reserve officers thereto; and it is provided that the President may, by proclamation, direct the mobilization of class B reserves at points prepared in time of peace for their reception. Officers of class B reserves provided for in the bill should be drawn from the local regiments of the Regular Army, from graduates of military institutions at which Army officers are retained as professors of military science and tactics, and from other sources. Officers of the Regular Army are to be assigned to the reserve, whereas officers drawn from other sources are to be actually commissioned therein in the grades of captain and first and second lieutenant.

Membership in class B reserves carries with it no right of retirement or retirement pay, or pay or allowances of any kind, but upon proclamation by the President directing the mobilization of reserves, officers commissioned in such reserves pass at once into active service as volunteers with the organizations to which they belong.

There will be no difficulty in officering class B reserves without additional expense to the National Treasury, but in order to keep the ranks filled some advantage should accrue to the soldier who places his name upon the rolls.

Nothing can justify a return to the bounty system practiced in the wars to which reference has already been made. No greater mistake could be made than that of offering or paying a lump sum to any former soldier who presents himself upon the outbreak of war. Such a system invites a return to all the disgraceful scenes, the shameful dishonesty, and the hopeless confusion which characterized the bounty period of the Civil War. The adoption of such a plan would ultimately compel the Government to offer a similar bounty to all who enlisted for the war and would, in the event of a great war, add billions to the cost of our campaigns. In my judgment we may escape all of this and still secure the men we desire by following the sound and well-established policy which now prevails in the Regular Army of paying an increased wage to the men of superior experience. Thus the private of Infantry receives $15 per month in his first enlistment, $18 in his second enlistment, $21 in his third enlistment, and an increase of $1 per month thereafter for each enlistment until in his seventh enlistment, when he receives $25 per month. This principle is incorporated in the sections of the bill providing for the organization of class B reserves. A reasonable inducement is thus offered to enlist in such reserve and to remain therein in time of peace, for such reservist, if called in the event of war, will receive a better wage than his brother in arms who declines to become a reservist.

In section 5 provision is made for officers to command the skeleton organization of the class B reserves. Commissions are to be given only to captains and first and second lieutenants. The principal source of supply will be the militia and the military schools at which officers of the Army are detailed as instructors. Graduates of such schools have received the basic education for a military profession, but many of the benefits resulting therefrom are lost because we have no means of utilizing them. The section of the bill touching this subject is drawn along the lines adopted for the formation of the Medical Reserve Corps of the Army, which has already produced most

satisfactory results. The assignment of not more than four officers of the Regular Army to each regiment of class B reserves will permit the use of the whole machinery of the regular establishment for preserving the records, providing the equipment, and perfecting the organization in time of peace of a trained force which could be called into the service.

The force thus created preserves all the features of a volunteer organization, utilizing the regular service only to the extent which experience has shown to be necessary in order to secure efficiency. With such an organization all of the arms, equipment, and so forth, for a volunteer organization may be accumulated in time of peace at the point of mobilization, and, under the provisions of section 11 of the bill, the necessary depots may be established at such points in order that recruitment may never cease and that a steady flow of enlisted men may be maintained to keep the organizations at the front always filled to their maximum strength with fighting men, thus avoiding a repetition of the experience of 1863 and 1898.

The labor involved and the time consumed in keeping track of class B reserves would probably be too great to require of officers of the National Guard, though they may be properly expected to keep track of class A reserves for their own organizations. Therefore no class B reserve for the militia is provided for in the bill.

Finally, in order that the Government may never lose the service of a man by the expiration of enlistment almost immediately after the outbreak of war, it is provided that all enlistments in the Army, the Organized Militia, and in class A and class B reserves shall, regardless of the time of their beginning, continue in force for one year unless the war sooner terminates. A provision is also added to the effect that nothing in the act should be construed to shorten the prescribed period of enlistment.

With this bill enacted into law and its provisions thoroughly worked out we could confidently rely upon each organization of our Army and Militia being ready at all times should an emergency suddenly arise to take the field at once with ranks filled to war strength with well-trained men. If the emergency should prove to be a serious one, we might expect to see within a few weeks an additional organization made up from class B reserve mobilized at the same place from which the original organization had moved out and ready to follow it to the front.

And bear in mind that only men already trained for their duties are thus far included. The importance of this feature of the plan can be fully appreciated only by those who have kept pace with the rapid development of firearms and the complete revolution in military tactics made necessary by the use of long-range, high-power, rapid-fire rifles and the still more wonderful improvement in artillery. Fifty years ago soldiers made the attack shoulder to shoulder. It would be suicide now. Then the trained men could carry with them by physical contact the untrained. Now, unless each individual soldier knows his duty, there is danger of his lack of training seriously impeding the others.

The plan which I have attempted to outline is in line with the true conservation spirit of our times. With comparatively small expense to the Federal Treasury it undertakes to gather up and keep ready for use when needed that greatest of military resources, heretofore almost disregarded, the men trained at great expense to fight our battles.

I close as I began by saying that I detest war. I do not believe it is imminent and earnestly pray that our people may be delivered from it throughout the years to come. Yet my duty as a Member of this House and of the great Committee on Military Affairs has brought me to consider these questions as a practical man and legislator, and not as an idealist or a dreamer. If I, with my responsibility resting upon me, should close my eyes to facts as they exist and be content to fold my arms in supplication that war may never come again, and then it should come and find my country unprepared, I should surely feel myself subject to the reproach of being an unfaithful as well as unprofitable servant. It is in that spirit I bring these observations upon a bill which I believe will accomplish much toward the solution of one of our serious problems, that of a proper, reasonable, and adequate national defense. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, page 2, line 12, by inserting after the word "day" the following: "Which eight hours shall terminate within nine hours from the beginning of workday."

Mr. MANN. Does the gentleman desire to have that amendment adopted in the form in which it is?

Mr. WILSON of Pennsylvania. Yes; I think it is absolutely necessary because of the statement received from the War Department, and indeed testimony given before the committee, that they work in some cases 12 to 16 hours, and this amendment is necessary in order to correct that.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. SPARKMAN. I would like to ask the gentleman in charge of the bill if he will not accept an amendment to his amendment, reading as follows:

At the end of line 12, page 2, insert:

"Within nine hours from the beginning of workday, except in the case of service which is by its nature noncontinuous, or which requires only a portion of the employee's time, or which is required only for brief periods at intervals; and it shall be unlawful for any officer of the United States, or——

Mr. WILSON of Pennsylvania. Mr. Chairman, I would not agree to an amendment of that kind. That amendment would destroy the entire purpose of the bill. As I stated in reply to the gentleman from Illinois [Mr. MANN], there are many of these workmen whose work is not continuous, although they are on duty continuously, and it has been stated to the committee in the hearings, and it is also stated from the War Department, that there are many of these men who do not now work more than eight hours, and yet they are continuously on duty from 12 hours and upward. So that with the amendment suggested by the gentleman from Florida [Mr. SPARKMAN] the entire purpose of the bill would be destroyed. I have no objection whatever to an amendment which would exclude from the operations of this bill men who are engaged in tending locks, because there are many of those who are not burdened with arduous duties, who only have to tend to the locks two, three, or four times a day, and the remainder of the time they do not have to be on duty because they can be notified in plenty of time in advance of a vessel approaching the locks and attend to their duties there. I have no objection to an exception being made to that class of men, if that is the purpose of the gentleman, but I have an objection to the amendment in the form in which it is presented.

Mr. SPARKMAN. Mr. Chairman, I would like to say to the committee, while I do not intend myself to press this amendment unless the gentleman will accept it, the suggestion was made to me by the Chief of Engineers. I called attention to this matter last Wednesday, when this bill was under discussion, referring at the time to a communication I had from the Chief of Engineers on the subject, and I am going to ask permission to extend my remarks in the RECORD and insert this document, as also a statement which I have since received from the same source, embracing several amendments to the bill, which that official thinks and which I believe should be adopted. One of these I have just read. I would like to insert both of these statements in the RECORD in connection with my remarks.

The CHAIRMAN. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent to extend his remarks in the RECORD by inserting certain papers to which he has referred. Is there objection?

There was no objection.

The papers referred to are as follows:

[Memorandum on H. R. 18787, Sixty-second Congress, second session.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, July 22, 1912.

1. The Chief of Engineers desires to invite attention to certain features of H. R. 18787, amending the act of August 1, 1892 (27 Stat., 340), which was favorably reported to the Committee of the Whole House on June 18, 1912, from the Committee on Labor, with a committee amendment in lines 12 and 13 of page 2 of the bill, as follows: "which eight hours shall terminate within nine hours from beginning of workday."

2. The hearings on this bill by the Committee on Labor February 20 to March 9, 1912, show that the intent of the bill, as stated by the Hon. W. B. WILSON, by whom it was introduced in the House, is to regulate "the hours of labor of men working on the steam shovels, the dredges, and the tugs on the Great Lakes and other seaport towns in possession of the United States," such employees having been declared by the Supreme Court of the United States in Eastern Dredging Co. *v.* the United States and Bay State Dredging Co. *v.* United States (206 U. S., 246) to be beyond the purview of the act of August 1, 1892. The wording of the bill itself, however, is much broader than its declared purpose indicates, and covers "all persons who are now or may hereafter be employed by the Government of the United States or the District of Columbia or any contractor or subcontractor in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia." It will be seen that this language covers not only the dredge workers for whose benefit the bill was introduced, but, while applying only to laborers and mechanics in other branches of the service, it applies to all employees engaged on river and harbor work, of whatever class and designation, no matter what may be the conditions of their employment. It will restrict the service of all masters, mates, and crews of all vessels—cooks, cooks' helpers, teamsters, and stablemen, and hostlers, the operating forces

at locks, and many other employees whose occupation requires them to be subject to call at irregular hours or at times outside the regular working day. The conditions of employment of such persons differ radically from those of the ordinary laborer or mechanic at work in factory, shop, or mine, or on buildings or other works on shore. The latter begin work at a fixed hour, work continuously, and, except for the noon hour, without interruption for eight hours, and is then free to go to his home until the hour for returning to work next day. The application of the eight-hour law to such employees presents no difficulty, and the proposition that it is in principle economically sound is not here questioned, but for the other classes of employees described above the conditions are different and the application of the eight-hour law as proposed by the committee will present great difficulty.

3. These employees fall in two general classes: First, those whose employment is irregular and who may be called on to render service for short periods at intervals throughout a fairly extended tour of duty, the aggregate amount of labor in 24 hours, however, being small; and, second, those who are regularly required to render service before and after the regular working hours, with a period of idleness during the regular working day. Among the first class are lock attendants and operatives on rivers and canals, where the actual amount of work required is less—sometimes very much less—than eight hours per day, but service may be required at irregular intervals, depending upon the arrival of boats desiring to pass through the locks. These men live in Government quarters at the locks, and, except when actually needed to operate the lock to permit the passage of vessels, their time is entirely their own. They are paid by the month, regardless of the amount of work done, and their aggregate service is not usually at all burdensome. In the same class are watchmen and persons in supervisory positions, and other positions of responsibility, who are liable to be called upon at any hour and whose service can not be confined to the hours of a regular working day, such, for example, as masters and chief engineers of vessels, who, under maritime law, are at all times responsible for matters falling within their several jurisdictions and can not shift this responsibility to others. These men must be subject to call at any hour when the need for the exercise of their functions arises. The same is true of assistants in responsible charge of any important work.

4. The second general class of these employees comprises those whose employment requires them to render service before and after the regular hours of a working day in order that the main force may work a full day, but who can be, and are, relieved from duty part of the time during the day. Among these are employees who start the fires and get up steam before working hours in the morning and bank the fires and clean up for the night after the day's work is done; cooks and waiters, hostlers, stablemen and teamsters, boatmen under certain conditions, and others. Under the present law the employment of such persons is considered to be in conformity with law if the aggregate amount of service rendered does not exceed eight hours per day, though the eight hours may not be consecutive. If the pending bill should pass, they can not be called upon to render service after the expiration of nine hours from the time they first begin work, regardless of the amount of leisure intervening.

5. With regard to all of these men it may safely be said that, except in emergencies, none of them perform more than eight hours of work per day. So far as this office knows, there is no general complaint among employees of either of these classes as to their present conditions of employment and no general demand among them for any further legislative restrictions upon their services.

6. The bill now under consideration, especially the committee amendment requiring that every man's work must be performed within nine hours of the beginning of the workday, will require that in almost all cases of irregular employment, as described above, additional men must be provided, so that no man will be subject to call during more than 9 hours of the 24. At all locks three complete operating shifts will be required, since boats are liable to pass at any hour, although there may not be more than two or three lockages per day. There are no quarters for the additional men, and to provide quarters and to pay the additional men will very largely increase the cost of operating the locks and, in many cases, will result in the establishment of what will be practically a free salary list. Cooks and waiters must also be doubled, since under the proposed legislation those who prepare and serve breakfast will not be available to prepare and serve supper and clean up the kitchen for the night. A double force of stablemen and hostlers will be required, since the man who feeds the animals in the morning can not be required to feed them at night, more than nine hours later, although he may have done nothing in the interval; and, in short, double shifts will be required for every class of work and in every case when the work now done by one shift can not be entirely completed within nine hours from the time of beginning. This will, in many cases, result either in paying two men to do one man's work or in reducing the effective hours to considerably less than eight. For example, tugs tending dredges, which may be required to place the dredge in position for work in the morning, to move it as needed during the day, and perhaps return it to its moorings at night, or changing crews when shifts are made, must usually be operated for approximately an hour before the dredge begins to dig in the morning and an hour after the dredge ceases at night. During the day, however, the tug may be idle a good part of the time. If the work of the tug's crew must be performed within nine consecutive hours, either the work of the dredge will be cut down to approximately seven hours or a double crew must be shipped on the tug to do one hour's work. Either of these alternatives is economically unsound. The same considerations apply to tugs and scows engaged in the disposal of material excavated by dredges, especially when a long tow is required. The work on these boats is intermittent and the periods of rest aggregate a considerable part of the day.

7. These remarks concerning the operation of tugboats apply with almost equal force to the operation of the dredges themselves. Owing to the time necessarily consumed in getting into position to work in the morning, time lost by delays and interruptions during the day, and the time consumed in pulling out of the cut and tying up at the moorings for the night the dredge must be under steam and its crew ready for duty for approximately 10 or 11 consecutive hours in order to secure 8 hours of actual dredging work. This matter was fully examined into in connection with dredging operations on the Great Lakes last year, and the reports from all the officers in charge of such work were unanimously to the effect that under present conditions of operation no man on either the dredges or the tugs does regularly more than 8 hours of actual work in the course of the working day and that from 2 to 3 hours or more of the period between the time the crew is called to work in the morning and the time they quit at night is lost through the causes mentioned. To restrict the period of service of each member of the crew to within 9 hours from the beginning of the workday will therefore either cut down the time of actual work of the dredge and of the individual members of the crew to less than 8 hours or will require the employment of an additional shift of men. It should be remembered that these employees are paid by the month and are not subject to loss of pay for lost time, even though the dredge be tied up doing nothing, and that, except in a few cases, they live on the dredge during the time she is in commission. The time occupied in placing the dredge in position for work and moving her out of the cut at night is analogous to the time occupied by the laborer or mechanic ashore in going to and from his place of employment. This time is not counted as part of his day's work, the beginning of which must find him in his appointed place ready to render useful service, and at the end of which—and then only—he is at liberty to leave that place. By analogy it would seem fair to count the time of the dredge worker as beginning when the dredge pump is started or the dredge dipper makes its first swing and as ending when actual dredging stops at the end of the day.

8. The bill, if passed, will apply to the construction and repair of levees and revetments on navigable rivers of the United States, whether done by hired labor or by contract, and will thus operate to nullify the exception made with regard to contracts for such work in the act approved June 19, 1912 (Public, No. 199, H. R. 9061, this Congress). Moreover, as amended by the committee it will prevent the practice followed in some places of beginning work early and "laying off" for more than one hour in the heat of the day.

9. Another feature of the matter is the fact that the bill as drawn will apply the eight-hour law with the nine-consecutive-hour limit strictly to all members of the crews of all vessels employed on river and harbor work, including not only dredges but dispatch boats, tugboats, inspection boats, and work boats of all kinds. These men are universally admitted to be seamen and are now subject to the same conditions of employment as other seamen. This bill as drawn therefore singles out from among all seamen employed by or on behalf of the United States those particular seamen who are engaged upon one particular kind of work, under one particular branch of the Government service, and makes them a favored class under the law, thus creating among seamen the same kind of discrimination between classes as is now complained of by the dredge employees, whose claim is that they are virtually artisans and laborers and that under present interpretations of the law they are less favored than men in similar lines of work on shore.

10. In view of the considerations above advanced, it is suggested that if the bill be passed it be first amended by the omission of the committee amendment requiring every man's work to be completed within nine consecutive hours, and by changing the phraseology "all persons * * * employed * * * in constructing, maintaining, and improving a river and harbor," so as to make it apply only to operators of dredging machinery who live on shore and simply go on board the dredge during the day to perform their day's work. This will accomplish the purpose for which the bill was introduced without involving far-reaching complications, the extent of which can not be fully seen. It will distinguish between persons who are engaged simply and solely for the mechanical work of digging a channel and persons who are engaged to navigate vessels; and it will avoid singling out the employees of one department of the Government for special favor above employees of similar classes who do similar work for other branches of the Government service.

W. H. BIXBY,
Chief of Engineers, United States Army.

[Memorandum on H. R. 18787, which is a bill to amend the eight-hour law of August 1, 1892.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, July 30, 1912.

1. The following amendments are recommended:

a. In line 10, page 2, change "and" to "or," to agree with phraseology in other parts of bill.

b. In line 9, page 2, strike out "in constructing, maintaining, or improving a" and substitute "to perform services similar to those of laborers and mechanics in connection with dredging (snagging, or rock excavation), in any," so as to make the clause read, "and of all persons who are now or may hereafter be employed by the Government of the United States or the District of Columbia, or any contractor or subcontractor, to perform services similar to those of laborers and mechanics in connection with dredging (snagging, or rock excavation), in any river or harbor of the United States or of the District of Columbia." Same amendment in lines 17–18, and in line 21, page 2, and in lines 8–9, and in lines 23–24, page 3.

NOTE.—The object of the bill is to bring within the protection of the eight-hour law the dredge workers who by the decision of the Supreme Court on May 13, 1907, were declared not to be "laborers or mechanics employed on any of the public works of the United States" within the meaning of the act of August 1, 1892. The amendment suggested will cover these men without going so far as to embrace a large variety of other employees the conditions of whose employment are such that they do not need the protection of the proposed law.

c. In line 13, page 2, after "workday," insert "except in the case of service which is by its nature noncontinuous, or which requires only a portion of the employee's time, or which is required only for brief periods, at intervals," so as to make the clause read, "which eight hours shall terminate within nine hours from beginning of workday, except in the case of service which is by its nature noncontinuous, or which requires only a portion of the employee's time, or which is required only for brief periods, at intervals."

NOTE.—In the ordinary case of regular continuous manual labor which this bill is designed to cover, the time and attention of the employee must be given to the work from the time he begins work in the morning until he quits at night, except for the noon stop for dinner. There are, however, many cases among "all persons employed in constructing, maintaining, or improving a river or harbor" in which the work is necessarily intermittent, and the employee has time during the day that is at his own disposal for his own private affairs, or in which incidental service of minor character must be rendered before or after hours. Among employees of this character are cooks, cooks' helpers, waiters, servants, messengers, day and night watchmen, lock masters and lock employees, light keepers on the western rivers, whose duty it is to light the lights at nightfall and extinguish them in the morning, and keep the lamps cleaned and filled ready for service; teamsters, who are required to feed their horses in the morning before beginning work and again in the evening after working hours; firemen, who start boilers in the morning before regular hours and clean boilers or remove ashes after regular hours, and others. The proposed amendment, while

preserving the general intent of the bill, will avoid complications in the employment of these classes of persons.

d. At the end of section 1, page 2, add the following: *"Provided,* That nothing in this act shall apply or be construed to apply to persons performing directory, supervisory, technical, clerical, or subclerical duties, nor to masters, pilots, mates, or other persons duly articled as seamen, whose service is governed by the general navigation laws."

NOTE.—This amendment is suggested to take out of the operation of the act positions of the class which the proponents and advocates of the bill apparently had no intention of covering; also the masters and crews (other than the dredge workers) of vessels regularly in commission when governed by the general navigation laws. A bill (H. R. 23673) amending the general laws for the regulation of the employment of seamen is now before the House; and the provisions of H. R. 18787, which would apply the eight-hour law with the nine consecutive hour limit to seamen engaged in river and harbor work, are in conflict with those of H. R. 23673 governing seamen in general. Should H. R. 18787 be passed without amendment, it would put seamen who may be employed in connection with rivers and harbor work on a different basis from other seamen and would prevent the use of the ordinary watch-and-watch system which is universally recognized and which is provided for in H. R. 23673, and would require seamen on river and harbor work to work eight hours consecutively instead of four hours on and four hours off, as contemplated by the general navigation laws. It is believed that all persons covered by this proposed amendment render services of a character which should reasonably be excepted from the rigid requirements of the bill as drawn, especially from the limitation of service to nine consecutive hours; for example, men in supervisory positions, who do no manual labor, but who may have office work to do or reports to make after hours; clerks, whose employment is governed by other law (R. S., 1764–1765); masters, pilots, and mates who are necessarily responsible and subject to call at all hours, especially on continuous voyages between ports, and one of whom must be responsible for the boat during the entire trip, irrespective of hours.

W. H. BIXBY,
Chief of Engineers, United States Army.

Mr. SPARKMAN. Now, Mr. Chairman, I wish to add that it seems to me that if this bill passes the House in its present shape it is going to work a great hardship on the Government. It will not only cost the Government a great deal more, in my opinion, and in the opinion of the engineers, but it is going to embarrass them very materially in carrying on certain classes of river and harbor work. The amendment which the gentleman says he is willing to accept will not meet the entire situation. It would meet a part of it, to be sure, but not all. I had hoped that he would accept not only that amendment, but others of a similar nature suggested by the Chief of Engineers, and a copy of which I furnished to the gentleman from Illinois [Mr. BUCHANAN] this morning.

Mr. WILSON of Pennsylvania. Mr. Chairman, I will state to the gentleman that I have no objection, so far as I am concerned, to amendment "A" in that document furnished by the War Department, or amendment "B"; and certain amendments to amendment "D" I would be perfectly willing to agree to; but to amendment "C," which is the one the gentleman just suggested, I am opposed.

The CHAIRMAN. The time of the gentleman from Florida [Mr. SPARKMAN] has expired.

Mr. SPARKMAN. Mr. Chairman, I suggest——

Mr. MOORE of Pennsylvania. Mr. Chairman, I move that the time of the gentleman from Florida [Mr. SPARKMAN] be extended five minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent that the time of the gentleman from Florida be extended five minutes. Is there objection?

There was no objection.

Mr. SPARKMAN. I would then offer as an amendment, in line 10, page 2, changing "and" to "or."

The CHAIRMAN. The Chair will state to the gentleman from Florida [Mr. SPARKMAN] that there is an amendment pending, and when that amendment is disposed of his amendment will be entertained.

Mr. SABATH. Will the gentleman yield for a question?

Mr. SPARKMAN. Certainly.

Mr. SABATH. Did I understand him correctly to state a few moments ago that the Engineer Department was opposed to the eight-hour work?

Mr. SPARKMAN. Not in any sense of the word. As I understand it, they are in favor of all reasonable application of the eight-hour principle. But they are of the impression, in fact they are pretty firmly convinced, that this bill, as we are proposing to pass it here, would work a great hardship on the Government in certain kinds of river and harbor work.

Mr. SABATH. How many hours do the engineers work a day?

Mr. SPARKMAN. I can not say as to that, but I think Gen. Bixby and some of the other gentlemen there work 16 hours a day. I fancy I am safe in saying they work more than 8 hours.

Mr. SABATH. Gen. Bixby and the rest of them?

Mr. SPARKMAN. Oh, the clerks there, perhaps, do not.

Mr. SABATH. Then I would say they are overworked and need some relief.

Mr. SPARKMAN. I am inclined to believe that. And I have no doubt the gentleman himself is overworked. He works more than eight hours a day. But that is neither here nor there.

Mr. Chairman, I am in favor of this class of legislation. I have no objection to an eight-hour workday. I think the principle is sound economically and is beneficial to all. I believe that wherever it can be applied to workmen it ought to be applied, and in most cases of continuous work it can easily be applied; but in certain classes of river and harbor work it is not easy of application and would work a hardship on some. In many cases the employee works intermittently a few minutes and then stops for perhaps an hour or two. So that it would be difficult to apply the eight-hour principle or this nine-hour provision to them without entailing a hardship upon the Government or its contractor, which is the same thing.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would like to ask the chairman of the committee a question. I do not exactly understand the amendment that he suggested that he would not object to. I do not have it before me, and I want to ask the gentleman this question: On the Mississippi River they have what are called "range lights" in the river. There is a man employed by the Government to see that these lights are lighted at night and put out in the morning. Now, more than nine hours will elapse between the time the man goes to put them out in the morning and the time when he goes back to light them again in the evening, but it will take perhaps only an hour or two in the morning and perhaps only an hour or two in the evening. Now, the gentleman, I understand, is willing to accept the amendment as offered. I want to ask the gentleman whether under that amendment that class of contractors would be excepted from this nine-hour limitation.

Mr. WILSON of Pennsylvania. If they come within the construction of "laborers and mechanics," they would not be exempted, and they would still be included.

Mr. HUMPHREYS of Mississippi. The gentleman understands that a man takes a contract, as I understand it, to keep these lights burning, and he is paid so much, a very small compensation—as I recall, $10 a month. But he takes a contract with the Government, and it is in relation to the improvement of the navigation of our rivers.

Mr. WILSON of Pennsylvania. That part is stricken out in the amendment, and it is only work in relation to dredging, snagging, or rock excavation that would be included in the amendment. The other works in connection with rivers and harbors would be excluded, and the maintenance would be excluded from the operation of it. Nothing would be included except the dredging and snagging and excavation, as the intent and purpose of the authors of the bill and the committee was to apply the eight-hour workday to the dredgemen, because the Supreme Court had held that they were not laborers or mechanics, but were seamen, and consequently the general eight-hour law did not apply to them. Personally I have no objection to the bill being amended so that it applies to the dredging work alone.

Mr. HUMPHREYS of Mississippi. Under the amendment, as I understand the gentleman, this lamplighter would not, in his opinion, be limited by this nine-hour provsion? The same man could go in the morning and put the lamp out and return in the afternoon to light it, more than nine hours apart?

Mr. WILSON of Pennsylvania. That would not, in my judgment, be considered as work in connection with snagging and dredging and rock excavation; and it not being either of these three, it would not change existing law as applying to them.

Mr. MOORE of Pennsylvania. Mr. Chairman, may we have that amendment reported?

The CHAIRMAN. The amendment has already been reported, but the Clerk will again report it.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Mississippi [Mr. HUMPHREYS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add, after the word "emergency," in line 24, page 2, the following proviso: *"Provided,* That the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States shall be considered to be extraordinary emergency work within the meaning of this act."

Mr. HUMPHREYS of Mississippi. Mr. Chairman, in the river and harbor bill which has recently become a law this provision was carried, because the House believed that that

character of work was extraordinary emergency work. In the eight-hour law which was passed by the House a few weeks ago, known as the Hughes bill, there was also a provision, incorporated in the Senate and agreed to by the House, which excepted from the eight-hour limitation work done on levees and revetments to prevent floods on the navigable streams of the country.

Contractors who are engaged in this work believed that that was emergency work, because there are only a few months in the year in which such work can be done on the levees to protect the country from overflow, and they proceeded upon the theory that that was always emergency work. But the Supreme Court, last fall, in construing that statute, said that as it was a continuing emergency, an emergency that was always present, as the work of levee building was continuous, in the opinion of the court Congress did not intend to except it by the use of the words "extraordinary emergency," and it therefore declared that all levee work came within the limitations of the eight-hour law.

As a matter of fact, whatever it may be as a matter of law, the building of levees to protect the country from floods is an extraordinary emergency, because there are only a few months in the year when this work can be done. We have all seen in the past few months what calamitous results may follow if the work is not prosecuted, and prosecuted vigorously, in the months in which it can be done.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Pennsylvania?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. BOWMAN. If the work described by the gentleman is continuous, why is it not possible to have three shifts of eight hours each?

Mr. HUMPHREYS of Mississippi. It is. It is possible to have three shifts of eight hours always on all work. There never was any extraordinary emergency where it was not possible to have three shifts of eight hours each. The question is not whether it is possible or not. The question is whether it is desirable to require it.

Gentlemen will understand that this work is in no way performed by skilled labor. It is performed, as a rule, by the farmers in the neighborhood. It simply consists in hauling dirt and dumping it onto the levees. Unless it can be done in the months when there is no high water and before the rainy season sets in it can not be done in time. This year the conditions proved to be calamitous to such an extent that at one time the Secretary of War reported that he was feeding and housing 160,000 people who had been rendered homeless by the breaks in the levees.

Mr. MOORE of Pennsylvania. Does not the gentleman think the words "except in case of extraordinary emergency" cover the very point he makes? I think the bill covers his point.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I ask unanimous consent that my colleague have five minutes more.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] asks unanimous consent that his colleague [Mr. HUMPHREYS] have five minutes more. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. It seems to me that the gentleman's amendment is already covered by the bill. The gentleman cites the particular instance of the levees of the Mississippi River. There might be emergencies in other places, so that the specification of the Mississippi River in the bill might work a hardship in other extraordinary emergencies.

Mr. HUMPHREYS of Mississippi. The amendment does not specify the Mississippi River. It refers to all rivers, and it is the exact language which the House incorporated into the recent eight-hour law, and it is the language which we put into the river and harbor bill, because we believed as a matter of fact that this is extraordinary emergency work, although the court, very properly, perhaps, decided under the language of the law that it is not extraordinary emergency work.

Mr. BOWMAN. Will the gentleman yield for one other question?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. BOWMAN. The present speaker has had some experience in the sort of work the gentleman speaks of, and it is very exhausting. I do not think any man ought to be kept at that kind of work more than eight hours.

Mr. HUMPHREYS of Mississippi. The gentleman understands that you can not require anybody to work on that kind of work more than eight hours unless he wants to do it; but the little farmers around there, when they lay by their crops, are all very anxious to get at this work, and they start out in the morning early; and if they can work only eight hours they have to cease work long before sundown, knowing that the two or three hours during which they must remain idle may mean that the floods will come down the river and break the levees and destroy their property.

As to the three shifts of men, of course you can not build levees at night. It would be out of the question to undertake to light up that whole levee line so that they could work at night. They simply work in the daytime.

Mr. WILSON of Illinois. Right there on that point, does not the gentleman think the last two lines on page 2 of this bill cover the very proposition which the gentleman speaks of?

Mr. HUMPHREYS of Mississippi. No.

Mr. WILSON of Pennsylvania. Except in extraordinary emergencies.

Mr. HUMPHREYS of Mississippi. I thought so, and we undertook in that way to allow more than eight hours' work. The parties were indicted and the case finally got to the Supreme Court of the United States, and they held that the building of levees to prevent floods along the Mississippi River was not extraordinary emergency work. Whatever the facts are, the court has held that to be the law. I hope there will be no objection to this amendment. We put it in the river and harbor bill, we put it in the other eight-hour law, and certainly nothing has arisen since then to make it less desirable now than it has been in the past, when it was placed on these other two bills. I hope therefore that the House will agree to put it in this bill, just as they wrote it into both of the others.

Mr. BUCHANAN. Mr. Chairman, I am opposed to this amendment, for the reason that the bill now provides for the exception of extraordinary emergency work. The statement of the gentleman from Mississippi [Mr. HUMPHREYS] leads me to believe that the amendment put in the river and harbor bill was not for an emergency. Where there was a real emergency, and it was necessary to work 10 or 12 hours a day in order to save life and property, that probably could be done; but from the remarks of the gentleman from Mississippi [Mr. HUMPHREYS] it appears that this work is only made emergency work owing to the fact that that amendment went into the bill. It seems to me this provision in the present bill is ample to protect extraordinary emergency work—that is, work which needs to be expedited in order to save life and property. As I understand it, ordinary levee work is not extraordinary emergency work. It is not necessary to work more than one shift, and therefore, in my judgment, the eight-hour law ought to apply to it. If we are going to make this an exception, we probably will have a demand in the near future for another eight-hour bill. By all means let us try to get this bill so that it will apply to Government work and cover all that is intended to be covered by Congress, and not let amendments be inserted here which, in my judgment, would annul the law so far as levee work is concerned. In a case where it is necessary to protect life and property, where there is a great flood threatened, or where, as recently occurred, the levees are destroyed and the water is overflowing the country, destroying property and creating a condition that is unhealthful and will result in preventing farmers from raising crops, that is an emergency. That is why I made no objection in regard to the present levee work, caused, as I understand it, by the washing out of the levees, which makes it necessary to strengthen them and make them higher. Where it is necessary to make the levees higher it does not seem to me to be extraordinary emergency work, and if it is this bill is sufficient, where it says that extraordinary emergency work shall be excepted.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield until I can ask a question of the gentleman from Mississippi?

Mr. BUCHANAN. Mr. Chairman, the gentleman can get time in his own right.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Illinois be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, a few days ago we passed a law limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, and so forth, and provided that in every contract made hereafter in which the United States, and so forth, was a party, a provision for an eight-hour limitation should be incorporated. In that law we made the exception that it should not apply to contracts for the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States.

Mr. BUCHANAN. That was a Senate amendment, was it not?

Mr. HUMPHREYS of Mississippi. Yes; to which the House unanimously agreed. If the United States can contract for this kind of work without incorporating in the contract this eight-hour limitation, why should the eight-hour limitation then be applied to the man who makes the contract with the Government? It occurs to me that if it was good policy then—and that was only on the 19th of June last that the bill was approved—to incorporate that provision in the bill, it certainly ought not to be objectionable now.

Mr. BUCHANAN. Mr. Chairman, I want to say to the gentleman that that was accepted, I believe, by those who were interested in the bill because they feared further delay and possible defeat of the bill. It was acquiesced in because of the fact they thought if they made an effort to secure the approval of the Senate to the bill as they wanted it it would probably result in delay and possibly in defeating it. So far as this eight-hour law is concerned, I want to say that it has been demonstrated time and again that more work can be obtained in that way than with a longer day. Much has been said here about the farmer. I honestly believe, from the information I have from the votes on this question, that if it were left to the farmers they would vote for an eight-hour law. In Colorado and New York, where this question of eight hour or shorter workday has been voted on by the people, so that the State constitution might be revised to permit the enactment of an eight-hour law, the vote has been in favor of the eight-hour law almost three to one, and I have no knowledge of any vote that has ever been taken on that question, when it has been put clearly to the people, that has not been carried by a large majority.

Mr. HUMPHREYS of Mississippi. I am not aware, of course, of that situation, and the gentleman is, as to the modus operandi by which this amendment was agreed to on the other eight-hour bill. The gentleman states that it was put on there in order to prevent objection and further delay to the bill.

Mr. BUCHANAN. I will say the same thing was done in regard to the date it was to take effect—the 1st of January. Those who were interested in it wanted it to take effect at an earlier date than that, but rather than take any chances they accepted the Senate amendment.

Mr. HUMPHREYS of Mississippi. Does the gentleman think it entirely fair if that is true, if the other eight-hour bill was passed through the House by agreeing to exempt this particular work from the eight-hour limitation that we should now put it in another bill and apply it?

Mr. BUCHANAN. I say that I think it is fair to try and get an effective eight-hour law which Congress formerly intended and which the people want and this House favors.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I have just looked at the amendment offered by the gentleman from Mississippi and I feel that it is an amendment that ought to be opposed and defeated. It would defeat to a large extent the very purpose for which this bill is intended. We adopted an eight-hour law for certain Government employees, in the Post Office, on public works, and elsewhere, and now propose to extend that law to those who work on dredges, who by reason of a Supreme Court decision have been held not correctly designated as laborers. This bill proposes to cover that provision of the Supreme Court decision. If this amendment be adopted, it means that we take out of the category of laborers entitled to an eight-hour day the men who must necessarily be employed on permanent works protecting the banks of rivers against floods. It refers not only to the men who will work by the hundreds and thousands building up the levees and revetments along the Mississippi in times of flood and distress but those who work on every other river throughout the country, which rivers by reason of legislation and the ordinary processes of the engineers' office, will be protected against flood when there is no flood. If the amendment meant that we were to except those laborers who were called suddenly while the waters were flowing in, threatening to destroy human life and property, the situation would be different. It applies to any permanent work begun this year or any other time by way of precaution against floods that may happen next year or a hundred years hence. It is not an emergency amendment, and, if adopted, will release from the provisions of the eight-hour law thousands of men who will be engaged upon permanent work not only on the Mississippi but on all the other rivers of the country.

Mr. MANN. Mr. Chairman, I dislike to see the House take a backward step on the eight-hour proposition. I appreciate the difficulty which the gentleman from Mississippi [Mr. HUMPHREYS] has stated to the House in reference to levee work, and yet the existing law applies to laborers in that class of work. To now provide that that class of labor should be excepted from the law, it seems to me, would be taking a backward step. The law now applies to laborers on river and harbor work. The purpose of this bill is to make it apply to these men who are called by the Supreme Court, and I have no doubt that that is correct, seamen; but to say that it shall not apply to laborers in the future is to say that Congress is endeavoring to repeal that provision of the law that has been on the statute books for many years.

Mr. HUMPHREYS of Mississippi. The law that passed in June excepts this work.

Mr. MANN. The law that we passed in June excepts this work, but that law specifically provides, if I remember correctly, that it shall not take out from under the eight-hour law anyone who is included under the eight-hour law under this original act. It does not repeal any provision of the original act.

Mr. HUMPHREYS of Mississippi. But it provides that such contracts need not embrace this eight-hour limitation.

Mr. MANN. Under that law; but the original eight-hour law passed in 1891 or 1892, I believe, expressly applies to contracts with laborers, employees either by the Government or by contractors, and puts that labor on the eight-hour basis, and it has been on an eight-hour basis all that time. Now, as to emergency work like happened this spring. The eight-hour law does not apply to that case. That is a case of extraordinary emergency.

Mr. HUMPHREYS of Mississippi. We have proceeded ever since 1892 and have always proceeded upon the theory that levee building was an extraordinary emergency work, and we proceeded upon that theory until the past year, when the Supreme Court decided otherwise. Thereupon the very first opportunity which arose where the matter was pertinent this Congress excepted levee work in the river and harbor bill, and then in the first eight-hour law afterwards we excepted it, and it occurs to me, having ascertained that this is not emergency work, which we have heretofore thought it was, it would be no step backward now to declare the law to be what we thought it was all the while.

Mr. MANN. I will say there was no vote in the House on that proposition as an amendment of the eight-hour law recently passed here or as an amendment to the river and harbor bill.

Mr. HUMPHREYS of Mississippi. There was no objection.

Mr. MANN. Both items were inserted in the Senate or in conference, and the House never had a chance at all.

Mr. HUMPHREYS of Mississippi. The matter was called to the attention of the House by the gentleman from Illinois himself.

Mr. MANN. Yes; but I was not willing to vote against the conference report on the river and harbor bill, knowing probably we would have a chance to take care of it on this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOWMAN. Mr. Chairman, if there has been an exception in connection with construction work on levees and revetment not occurring while the water is forcing its way through them, it is time it was changed in the interest of humanity. The report on this bill states very distinctly:

> At the present stage of the discussion of reducing the hours of the workday it is no longer necessary to set out to prove the benefits to mankind gained everywhere in industrial life through cutting off all the hours of employment above eight.

That character of employment is very exhausting work, and I do not think there should be any exception made in this case. A vote should be had in this House to decide whether or not such an exception should be made.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move that all debate on this section close in five minutes.

The CHAIRMAN. The gentleman from Pennsylvania moves that all debate on this section close in five minutes.

The question was taken, and the motion was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SHACKLEFORD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested.

S. 7209. An act to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7209. An act to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.; to the Committee on Interstate and Foreign Commerce.

LIMITATION OF HOURS OF EMPLOYEES ON PUBLIC WORKS.

The committee resumed its session.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was rejected.

Mr. SPARKMAN. If the gentleman in charge of the bill is willing to accept some amendments which——

The CHAIRMAN. Does the gentleman rise to offer an amendment?

Mr. SPARKMAN. I am going to offer the following amendment: In line 10, page 2, change the word "and" to "or."

The CHAIRMAN. Will the gentleman from Florida send his amendment to the Clerk's desk.

Mr. SPARKMAN. I have not the amendment written.

Mr. MOORE of Pennsylvania. Perhaps I can help the gentleman from Florida, if his amendment is to line 9, page 2. If the gentleman will permit me, I will offer this amendment which I think is what he wants.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 8, amend, by striking out the words "in constructing, maintaining, or improving a" and substitute the following: "to perform services similar to those of laborers and mechanics in connection with dredging (snagging or rock excavation) in any."

Mr. WILSON of Pennsylvania. I would ask the gentleman from Florida to strike out the parentheses. It seems to me the parentheses ought to be stricken out.

Mr. SPARKMAN. I think that is very proper.

Mr. WILSON of Pennsylvania. With that change, I have no objection to it.

Mr. MANN. Is the gentleman quite sure that will accomplish what the Supreme Court has decided to be seamen on barges? As I understand the gentleman's amendment, it provides that all persons engaged in work similar to that performed by laborers or mechanics in dredging, snagging, and so forth. The Supreme Court has held, I think properly, that men operating upon a dredge on the water are not laborers and are not mechanics, but are under the designation of seamen. The statutes and elsewhere say they are seamen.

Mr. MOORE of Pennsylvania. Will the gentleman permit me to read two sentences which will answer his question?

Mr. MANN. Certainly.

Mr. MOORE of Pennsylvania. The object of the bill is to bring within the protection of the eight-hour law the dredge workers who by the decision of the Supreme Court on May 13, 1907, were declared not to be "laborers or mechanics employed on any of the public works of the United States" within the meaning of the act of August 1, 1892. The amendment suggested will cover these men without going so far as to embrace a large variety of other employees, the conditions of whose employment are such that they do not need the protection of the proposed law.

Mr. MANN. Whose decision is this?

Mr. MOORE of Pennsylvania. Well, I have always believed, Mr. Chairman, that the Engineers of the United States Army are very careful students of the law and make very few moves without they are thoroughly advised. It happens that this is an expression from the Chief of the United States Army Engineers.

Mr. MANN. I have very great respect for his learning as an engineer and his learning as a lawyer, yet I am not entirely clear that the expression "persons performing work similar to laborers" would include seamen.

Mr. WILSON of Pennsylvania. In my judgment, it would not include a seaman in the ordinary sense of the term "seaman," but it would include that class of workmen in dredging work in our rivers and harbors who had prior to that time been considered as laborers and mechanics, but which under the decision of the Supreme Court were decided to be seamen, such as the firemen and the engineers and the laborers in connection with the dredging operations.

The CHAIRMAN. The time of the gentleman from Florida [Mr. SPARKMAN] has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

Mr. MANN. I thought I had the floor, but I yield it. The Chair had started to put the question on the amendment.

The CHAIRMAN. The Chair begs the gentleman's pardon. The gentleman from Illinois did have the floor.

Mr. SPARKMAN. I will say to the gentleman from Illinois [Mr. MANN] that I do not think those words embrace seamen in any sense. I think the language is drawn for the purpose of including seamen. There is a large class of employees who work on dredges that are not seamen in any sense.

Mr. MOORE of Pennsylvania. And are not seamen in any sense.

Mr. BUCHANAN. Mr. Chairman, the trouble we encounter and the necessity for this bill is that the Supreme Court has rendered a decision that they are seamen. If they are, I think there are some grounds for doubting whether this is a wise amendment to which to agree. Any way, it makes it uncertain to me whether or not it will cover the grounds we wish it to cover, taking into consideration the decision as rendered by the Supreme Court. Is not the purpose of this to exclude cooks, waiters, watchmen, and so forth?

Mr. SPARKMAN. All such employees as those; yes. Those who work on dredges, for instance, and in similar work.

Mr. BUCHANAN. And lock tenders? Why could we not have an amendment excluding cooks, waiters, lock tenders, and so forth?

Mr. SPARKMAN. Mr. Chairman, I took this amendment as it was given me by the engineers and submitted it to the gentleman this morning. I did not know he had any serious objection to it at that time. If he had I would have tried to have it conform to his views.

Mr. BUCHANAN. I am in harmony with the purposes of this amendment. As I stated the other day, it seems to me it is difficult, due to the rulings of the department officials and judges, to know just what we can put in to make it a workable law. It would be construed the other way sufficiently, I suppose, to let them "lubricate" it, but when it comes to getting benefit for the workmen, and reduce hours, and better conditions it is mighty hard to get the law applied as it was intended by the creators of the law.

Mr. HUMPHREYS of Mississippi. May I ask the gentleman from Florida [Mr. SPARKMAN] a question?

The CHAIRMAN. Does the gentleman from Florida yield to the gentleman from Mississippi?

Mr. SPARKMAN. I do.

Mr. HUMPHREYS of Mississippi. In the work on the Mississippi River particularly—and I suppose it is true on a great many other public works—they use a great many teams. The contractor hires men to take care of them—to feed them early in the morning, for instance. Under your amendment, if it is agreed to, will it be unlawful for a man to feed the teams in the morning and feed them again at night, or does your amendment except them from this nine hours limitation?

Mr. SPARKMAN. I am not sure that it would go as far as that. Perhaps it ought to, but the amendment that would have covered that feature is one that the gentlemen in charge of the bill will not accept. They are willing, as I understand, to accept this particular amendment, which very likely does not go to the extent the gentleman suggests.

Mr. HUMPHREYS of Mississippi. The amendment that is now pending does not include teamsters?

Mr. SPARKMAN. It does not refer to teamsters.

Mr. HUMPHREYS of Mississippi. Is it the purpose of the gentleman when this is disposed of to offer an amendment to the bill which does make it possible for the contractor to employ a man lawfully to feed the teams in the morning and also to feed them at night?

Mr. SPARKMAN. The provision that I offered awhile ago embraced that class of employees. But I do not propose to offer any amendments here which those in charge of the bill will not accept.

Mr. HUMPHREYS of Mississippi. The gentleman, I understood, did not offer it, but had some discussion with the gentleman from Pennsylvania [Mr. WILSON] on the subject. Is it not his intention to offer such an amendment?

Mr. SPARKMAN. I do not wish to offer an amendment which the gentleman from Pennsylvania [Mr. WILSON] will not accept, and I understand he does not feel inclined to accept an amendment such as that.

Mr. MOORE of Pennsylvania. I want to say if the gentleman from Florida does not offer the amendment, I will.

Mr. MANN. That was an amendment to the amendment.

Mr. MOORE of Pennsylvania. It does not meet the emergency raised by the gentleman from Mississippi [Mr. HUMPHREYS].

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Florida [Mr. SPARKMAN].

The amendment was agreed to.

Mr. SPARKMAN. Just a moment. I want to protect that by another amendment. In line 10, page 2, change the word "and" to the word "or."

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

Mr. WILSON of Pennsylvania. I have no objection to the amendment.

The Clerk read as follows:

Amend, page 2, line 10, by striking out the word "and" and inserting the word "or."

Mr. MANN. What is the purpose of that amendment?

Mr. SPARKMAN. The intention is to make it agree to the amendment just adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Florida [Mr. SPARKMAN].

The question was taken, and the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, line 13, by inserting after the word "workday" the following: "Except in the case of service which is by its nature noncontinuous or which requires only a portion of the employee's time, and which is required only for brief periods at intervals."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, does the gentleman from Pennsylvania [Mr. WILSON] object to the adoption of this amendment?

Mr. WILSON of Pennsylvania. I certainly do. It would destroy the entire purpose of the bill.

Mr. MOORE of Pennsylvania. Then, in support of the amendment, I will simply read the reasons that are given by the department for the amendment to the bill. I am heartily in favor of the passage of this bill. It is a good measure and yet there are some features that might be advantageously added. Therefore I submit these suggestions to my colleague from Pennsylvania [Mr. WILSON] and to the House. I read:

In the ordinary case of regular, continuous, manual labor which this bill is designed to cover the time and attention of the employee must be given to the work from the time he begins work in the morning until he quits at night, except for the noon stop for dinner. There are, however, many cases among "all persons employed in constructing, maintaining, or improving a river or harbor" in which the work is necessarily intermittent, and the employee has time during the day that is at his own disposal for his own private affairs, or in which incidental service of minor character must be rendered before or after hours. Among employees of this character are cooks, cooks' helpers, waiters, servants, messengers, day and night watchmen, lock masters, and lock employees; light keepers on the western rivers, whose duty it is to light the lights at nightfall and extinguish them in the morning and keep the lamps cleaned and filled ready for service; teamsters, who are required to feed their horses in the morning before beginning work and again in the evening after working hours; firemen, who start boilers in the morning before regular hours and clean boilers or remove ashes after regular hours; and others. The proposed amendment, while preserving the general intent of the bill, will avoid complications in the employment of these classes of persons.

Now, Mr. Chairman, these are the reasons assigned by officers of the Government who have charge of these public works, and it does seem to me that in the instances given perhaps there ought to be some latitude; where, for instance, a man is employed to come in and light the fires in the boilers in the morning, and goes away and then comes back and banks them at night; or, in the case referred to by the gentleman from Mississippi [Mr. HUMPHREYS], where a man is employed to feed the horses one hour, and then goes away and comes back later and feeds them again. It seems to me these are cases where there might fairly be an exception and where the department ought to have some discretion, especially since a penalty is imposed upon the employing officer—a penalty which involves fine and imprisonment.

Mr. WILSON of Pennsylvania. Mr. Chairman, the difficulty with the amendment submitted by the gentleman is that it covers a great deal more than is cited in the letter that he has just quoted from. It not only covers men who have to start the fires in the morning in the boiler room, before the day's work in general begins, and to the stablemen and hostlers and to the lock tenders who are employed only a part of the time, but it also includes all of the men employed on the dredges; and I want to quote from the same letter that the gentleman quoted from in order to show that the officers in charge realize that fact. In that letter this statement is made:

This matter was only examined into in connection with dredging operations on the Great Lakes last year, and the reports from all the officers in charge of such work were unanimously to the effect that under the present conditions of operation no man on either the dredges or the tugs does regularly more than eight hours' actual work in the course of a working day, and that from two to three hours or more of the period between the time he is called to work in the morning and the time he quits work at night are lost through the causes mentioned.

So that, if the exception that the gentleman proposes is included in the bill, it will not only take with it the hostlers and stablemen and lock tenders, but it will also take with it the dredgemen, the very men that are sought to be reached by this bill. I hope, therefore, Mr. Chairman, that the amendment will not be agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield before he takes his seat?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to his colleague?

Mr. WILSON of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. I happen to know that there is sometimes great difficulty in the matter of serving meals on dredges. How would the gentleman, as an officer, regard the duty of a man who waits on the table during the meal hours? How would you enforce the eight-hour rule?

Mr. WILSON of Pennsylvania. So far as the culinary department is concerned, I do not see why an eight-hour workday should not apply, although we have not reached that stage as yet. I do not see why it should apply to lock tenders, who have only a brief period of time each day to apply to the work. I do not see any reason why it should apply to the stablemen and men of that kind, and I have no desire to make it apply to them. But when it comes to the culinary department in every large institution engaged in dredging operations, the men employed in the culinary department are actively on duty from 14 to 16 hours a day, they being on duty before the regular day's work begins, making ready to get the meals for the men, and afterwards to clean up the kitchen and dining room after the day's operations are over. So that I see no reason why we could not apply it in a practical way to the men engaged in the culinary department, and keep two shifts, of 8 hours each, engaged for 16 hours. As to the other men that I mentioned, there is no urgent necessity for including them.

Mr. MOORE of Pennsylvania. But there are instances where there might be no service rendered at all, unless you took a man whose services were intermittent for an hour or two and engaged him for eight hours.

Mr. WILSON of Pennsylvania. Then that would be covered by this bill. It would be an emergency.

Mr. LEWIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Maryland?

Mr. WILSON of Pennsylvania. I yield to the gentleman.

Mr. LEWIS. Is it not a fact, sir, as developed in the hearings that took place on this bill before the committee, that almost everybody connected with the work, except the supervising foremen, worked intermittently, and that none of them work continuously? And is it not therefore a fact that the exceptions sought to be introduced would prove the rule for all these employees?

Mr. WILSON of Pennsylvania. That is true, Mr. Chairman, and that is what I have been trying to impress upon the gentleman from Pennsylvania [Mr. MOORE], that his amendment would not only include the men who are cited in the quotation he makes, but would include all the men engaged in dredging operations.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question being taken, the amendment was rejected.

Mr. RANSDELL of Louisiana. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 24, add, after the word "emergency," the following: "*Provided*, That nothing in this act shall apply or be construed to apply to persons performing directory, supervisory, or clerical duties, nor to masters, pilots, or mates, or other persons duly articled as seamen, whose service is governed by the general navigation laws."

Mr. WILSON of Pennsylvania. Mr. Chairman, if the gentleman will strike out that part of his amendment beginning with the word "or" and the remainder of it, I will be perfectly willing to accept it.

Mr. RANSDELL of Louisiana. That is all. I will consent to that modification.

Mr. MANN. I should like to have the amendment reported as modified.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

On page 2, line 24, after the word "emergency," insert the following: "*Provided*, That nothing in this act shall apply or be construed to apply to persons performing directory, supervisory, or clerical duties, nor to masters, pilots, or mates."

Mr. MOORE of Pennsylvania. I should like to ask the gentleman from Louisiana whether he will accept the words "technical or subclerical" as an amendment to his amendment.

Mr. RANSDELL of Louisiana. I have no objection to accepting those words, but the gentlemen in charge of the bill do object to them, and I think it is a pretty good amendment in its present form. Therefore I do not insist on putting in those words.

The question being taken, the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer an amendment, in line 17, after the word "or," where it occurs the second time, to insert the words "of such."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, line 17, page 2, by inserting, after the second word "or," the words "of such."

Mr. MANN. The gentleman will notice that the words "or persons employed in constructing" are an insert in the original law. If this bill should be enacted in its present form, without inserting those words, it would eliminate the eight-hour law from laborers or mechanics engaged in anything except river and harbor work.

The CHAIRMAN. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. MANN. Then, I move, in line 20, after the word "or," where it occurs the second time, to strike out the word "persons" and insert the words "any such person."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 20, strike out the word "persons" and insert the words "any such person."

Mr. MANN. That amendment is offered for the same reason.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

We adopted an amendment in line 9 a while ago, striking out the words "in constructing, maintaining, or improving a" and making an insert in place of it. To make that at all effective it will, of course, have to be carried through the bill.

Mr. WILSON of Pennsylvania. I understood that amendments were to be offered wherever those words occur.

Mr. MANN. That is the reason I call attention to it. In line 21 the same thing comes in.

Mr. WILSON of Pennsylvania. It occurs in two other places besides that, and I understood that amendments were to be offered at those points.

Mr. KENDALL. In line 18.

Mr. MANN. In line 18 and in line 21.

Mr. SPARKMAN. I think an amendment of that kind is very proper.

Mr. MANN. It does not mean anything without it.

Mr. WILSON of Pennsylvania. Does the gentleman expect to follow up his amendments at the points suggested?

Mr. SPARKMAN. No; I had not intended doing so, but I have no objection to the amendment.

Mr. MANN. Of course, unless it is offered, the section does not mean anything after we get through with it. I do not care to offer the amendment. Let the gentleman do it.

Mr. SPARKMAN. Mr. Chairman, in line 18, I move to strike out the words "in constructing, maintaining, or improving a" and insert the words "to perform services similar to those of laborers and mechanics in connection with dredging, snagging, or rock excavation in any."

Mr. MANN. I suggest that the gentleman ask unanimous consent to strike out the same words in lines 18 and 21 that were stricken out in line 9, and insert in lieu thereof the same amendment that was inserted in line 9.

The CHAIRMAN. Is that the request of the gentleman from Florida?

Mr. SPARKMAN. That is perfectly satisfactory.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 18, by striking out the words "in constructing, maintaining, or improving a" and insert in lieu thereof the words "to perform services similar to those of laborers and mechanics in connection with dredging, snagging, or rock excavation in any."

The amendment was agreed to.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that the same amendment apply in line 21.

The CHAIRMAN. The gentleman asks unanimous consent that the same amendment apply in line 21. Is there objection?

There was no objection.

The amendment was agreed to.

The Clerk read as follows:

VIOLATION OF ACT BY OFFICER OR CONTRACTOR PUNISHABLE.

SEC. 2. That any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon a public work of the United States or of the District of Columbia, or any person employed in constructing, maintaining, or improving a river or harbor of the United States or of the District of Columbia, who shall intentionally violate any provision of this act, shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine not to exceed $1,000, or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that the same amendment that was agreed to, in lines 17 and 18 and line 21 on page 2, be agreed to as applying to lines 8 and 9 on page 3.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the amendment agreed to in lines 17 and 18 and line 21 on page 2 be agreed to as applying to lines 8 and 9 on page 3. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read as follows:

EXISTING CONTRACTS NOT AFFECTED BY ACT.

SEC. 3. That the provisions of this act shall not be so construed as to in any manner apply to or affect contractors or subcontractors, or to limit the hours of daily service of laborers or mechanics engaged upon a public work of the United States or of the District of Columbia, or persons employed in constructing, maintaining, or improving a river or harbor of the United States or of the District of Columbia, for which contracts have been entered into prior to the passing of this act.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that the amendment which was agreed to as applying to lines 17, 18, and line 21 on page 2 be agreed to as applying to lines 23 and 24 on page 3.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18787 and had instructed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en grosse. [After a pause.] The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WILSON of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LANGLEY, indefinitely, on account of illness.

To Mr. HUGHES of Georgia, for two days, on account of sickness.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5545. An act providing for patents on reclamation entries, and for other purposes.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Thursday, August 1, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule III,

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 70) to constitute a commission to investigate the purchase of American-grown tobacco by the governments of foreign countries, reported the

same without amendment, accompanied by a report (No. 1118), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 25987) to grant an annuity to Annie Neate, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 26059) to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage and for the protection of watersheds from denudation and erosion and from forest fires and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies; to the Committee on Rivers and Harbors.

By Mr. NEEDHAM: A bill (H. R. 26060) for the relief of persons suffering damages by reason of the construction of the canal diverting the waters of the Mormon Slough into the Calaveras River; to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 26061) to amend the general pension act of May 11, 1912; to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 26062) providing for the erection of a statue of Gen. Robert E. Lee, and also a Lincoln peace memorial arch over Pennsylvania Avenue, in the city of Washington; to the Committee on the Library.

By Mr. SABATH: A bill (H. R. 26063) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. MORRISON: A bill (H. R. 26064) to provide for the purchase of a site and the erection of a public building thereon at Noblesville, in the State of Indiana; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 26065) to provide for the purchase of a site and the erection of a public building thereon at Lebanon, in the State of Indiana; to the Committee on Public Buildings and Grounds.

By Mr. LAFFERTY: A bill (H. R. 26066) supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc.; to the Committee on the Public Lands.

By Mr. RAKER: Resolution (H. Res. 655) authorizing and directing the Committee on Irrigation to ascertain the present condition of the Garden City irrigation project, located in Finney County, Kans., and all matters contained in S. 6784, and to make report to the House; to the Committee on Rules.

By Mr. GRAY: Resolution (H. Res. 656) authorizing the payment of a certain sum of money to Grace G. Jackson; to the Committee on Accounts.

By Mr. FOSTER: Joint resolution (H. J. Res. 343) authorizing Federal bureaus doing hygienic and demographic work to participate in the exhibition to be held in connection with the Fifteenth International Congress on Hygiene and Demography; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 26067) granting a pension to Susan King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26068) for the relief of John Samsel; to the Committee on Military Affairs.

Also, a bill (H. R. 26069) granting an increase of pension to Mary A. Clawson; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 26070) granting a pension to George W. Platter; to the Committee on Pensions.

By Mr. DOREMUS: A bill (H. R. 26071) granting a pension to Dora White; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 26072) granting an increase of pension to Abel Adams; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 26073) granting an increase of pension to Alben Swearingen; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 26074) authorizing the Secretary of War to confer upon Joseph Milton Heller the congressional medal of honor; to the Committee on Military Affairs.

By Mr. KNOWLAND: A bill (H. R. 26075) for the relief of George G. Harris and others; to the Committee on Claims.

By Mr. LINTHICUM: A bill (H. R. 26076) granting a pension to Mary Catharine Flynn; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 26077) granting an increase of pension to Mary Brush; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 26078) for the relief of Charles S. Kincaid; to the Committee on Military Affairs.

By Mr. SMITH of New York: A bill (H. R. 26079) granting a pension to Charles Rosenkranz; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 26080) granting an increase of pension to Salome A. Nelson; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 26081) granting a pension to William H. Watson; to the Committee on Pensions.

PETITIONS ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CALDER: Memorial of the new Seattle Chamber of Commerce, of Seattle, Wash., favoring an investigation of the foreign and domestic fire insurance corporations of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. DIFENDERFER: Petition of Max Gress with reference to a decision given in his case; to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: Petition of the Committee of Wholesale Grocers of New York City, favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of the Fourteenth Street Store; the Simpson-Crawford Co.; New York Typographical Union, No. 6; and Photo-Engravers' Union, No. 1, of New York City, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Allied Printing Trades' Council of New York State, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. KNOWLAND: Petition for the relief of George G. Harris and others; to the Committee on Claims.

By Mr. PARRAN: Paper in support of bill (H. R. 20456) granting a pension to Mary Muller; to the Committee on Invalid Pensions.

Also, memorial of Robert Morris Council, No. 41, Order of Independent Americans, of Germantown, Philadelphia, Pa., favoring passage of bill (H. R. 25309) requiring the flag of the United States to be displayed on all lighthouses of the United States and insular possessions; to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: Evidence in support of claim, to accompany House bill 26054, for relief of estate of John M. Wright, of Madison County, Ala.; to the Committee on War Claims.

By Mr. SABATH: Memorial of the Polish societies of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the new Seattle Chamber of Commerce, of Seattle, Wash., favoring passage of House bill 357, relative to investigation of foreign and domestic fire insurance companies; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: Memorial of the Ladies' Auxiliary of the International Association of Machinists, of Denver, Colo., against the treatment of the textile workers in the strike at Lawrence, Mass.; to the Committee on Labor.

SENATE.

THURSDAY, *August 1, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the order of the Senate of July 29, 1912.

The Journal of yesterday's proceedings was read and approved.

ESTIMATE OF APPROPRIATION (S. DOC. NO. 889).

The PRESIDENT pro tempore (Mr. BACON) laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for "Miscellaneous expenses, Supreme Court, District of Columbia," for the fiscal year 1912, amounting to $8,349.95, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had adopted a repli-

cation to the answer of Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit and designated a judge of the United States Commerce Court, to the articles of impeachment exhibited against him, and that the same will be presented to the Senate by the managers on the part of the House; and also that the managers have authority to file with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they shall deem necessary.

The message also announced that the House had passed a bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. UNDERWOOD, Mr. HARRISON of New York, Mr. KITCHIN, Mr. PAYNE, and Mr. MCCALL managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. UNDERWOOD, Mr. HULL, Mr. PALMER, Mr. PAYNE, and Mr. MCCALL managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 5545) providing for the issuing of patent to entrymen for homestead upon reclamation projects, and it was thereupon signed by the President pro tempore.

CALLING OF THE ROLL—RECESS.

Mr. SIMMONS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum, and——

Mr. PAGE. I hope the Senator will withdraw that suggestion.

The PRESIDENT pro tempore. The rule is imperative. The suggestion can not be withdrawn.

Mr. SIMMONS. I can not withdraw it.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Martine, N. J.	Smith, S. C.
Bacon	du Pont	Myers	Swanson
Bailey	Fletcher	Overman	Thornton
Borah	Hitchcock	Page	Tillman
Bourne	Johnson, Me.	Percy	Warren
Bradley	Johnston, Ala.	Perkins	Watson
Bristow	Jones	Pomerene	Wetmore
Bryan	Kenyon	Reed	Williams
Chamberlain	Kern	Simmons	
Clapp	La Follette	Smith, Ariz.	
Crawford	Martin, Va.	Smith, Ga.	

Mr. WATSON. I announce the absence of my colleague [Mr. CHILTON], on account of illness. I will let this announcement stand for the day.

Mr. THORNTON. I wish to announce the necessary absence of my colleague [Mr. FOSTER]. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 41 Senators have responded to their names. A quorum of the Senate is not now present.

Mr. OVERMAN. Mr. President, I do not think the names of the absentees should be called right now. I think we ought to take a recess. I move that the Senate take a recess for half an hour.

The PRESIDENT pro tempore. The Senator from North Carolina moves that the Senate be in recess until a quarter to 1 o'clock. The question is on the motion of the Senator from North Carolina.

The motion was agreed to, and (at 12 o'clock and 15 minutes p. m.) the Senate took a recess until 12 o'clock and 45 minutes p. m., when it reassembled.

The PRESIDENT pro tempore. The Secretary will call the roll of the Senate, the previous roll call having disclosed the absence of a quorum.

Mr. OVERMAN. The roll having been called, would it not be better to have the names of the absentees called?

The PRESIDENT pro tempore. The Secretary will call the roll. That will be the better course.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Fletcher	Overman	Smith, S. C.
Bourne	Gallinger	Page	Smoot
Bradley	Gronna	Penrose	Sutherland
Brandegee	Johnson, Me.	Percy	Swanson
Bristow	Johnston, Ala.	Perkins	Thornton
Bryan	Jones	Poindexter	Tillman
Chamberlain	Kenyon	Pomerene	Townsend
Clapp	La Follette	Root	Warren
Crane	Lodge	Sanders	Watson
Crawford	McLean	Shively	Wetmore
Cullom	Martine, N. J.	Simmons	Williams
Cummins	Massey	Smith, Ariz.	Works
Dillingham	Myers	Smith, Ga.	
Fall	Nelson	Smith, Mich.	

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. A quorum of the Senate is present.

In order that the record may be complete and understood in the future, the Chair desires to state when the call of the roll disclosed that a quorum was not present the Chair entertained the motion to take a recess. The rule provides that no motion, except a motion to adjourn or to compel the attendance of Senators, shall be entertained when no quorum is present. The Chair simply desires to state that the circumstances to-day were recognized by all as exceptional, and, as no Senator made a point of order, the Chair did not feel called upon to enforce it in that instance.

REPORTS OF COMMITTEES.

Mr. MARTINE of New Jersey, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 21888) providing for the sale of the United States unused post-office site at Perth Amboy, N. J., reported it without amendment and submitted a report (No. 997) thereon.

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 5775) for the relief of William S. McCollam, reported it without amendment and submitted a report (No. 998) thereon.

He also, from the same committee, to which was referred the bill (S. 1384) for the relief of William Mickler, submitted an adverse report (No. 999) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on Military Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 7377. A bill granting a right of way through the Fort Shafter Military Reservation, Territory of Hawaii, to the Pearl Harbor Traction Co. (Ltd.), and for other purposes (Rept. No. 1000); and

S. 6655. A bill for the relief of Lester A. Rockwell (Rept. No. 1001).

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (H. R. 23451) to pay certain employees of the Government for injuries received while in the discharge of their duties and other claims for damages to and loss of private property, reported it with amendments and submitted a report (No. 1002) thereon.

Mr. ROOT. I am directed by the Committee on Foreign Relations, to which was referred the bill (S. 4256) to approve the celebration of the one hundredth anniversary of the treaty of Ghent, to report it favorably, with an amendment, and I submit a report (No. 1005) thereon. I call the attention of the Senator from Nebraska [Mr. HITCHCOCK] to the bill.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. HITCHCOCK. I ask permission to file the views of the minority (Rept. No. 1005, pt. 2) to be printed with the report.

The PRESIDENT pro tempore. It will be so ordered without objection.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (S. 3757) for the relief of the Eldredge Bros. Live Stock Co., a corporation, reported it without amendment and submitted a report (No. 1003) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 7318) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other pur-

poses, reported it with amendments and submitted a report (No. 1004) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PERKINS:

A bill (S. 7405) for the relief of persons suffering damages by reason of the construction of the canal diverting the waters of the Mormon Slough into the Calaveras River (with accompanying papers); to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 7406) to provide for the erection of a public building at Cedar City, Utah; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Georgia:

A bill (S. 7407) increasing the limit of cost of the post-office building at Atlanta, Ga. (with accompanying papers); to the Committee on Public Buildings and Grounds.

By Mr. McLEAN:

A bill (S. 7408) granting an increase of pension to Helena E. Clark (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate $500 to pay Clinton R. Thompson for extra clerical services in connection with the work of the Committee on the District of Columbia, intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

HOUR OF DAILY MEETING.

Mr. GALLINGER. Mr. President, I offer an order for which I ask present consideration. I will say that upon free consultation with Senators on both sides of the Chamber there seems to be no objection to it.

The order was read and agreed to as follows:

Ordered, That the daily meetings of the Senate shall be at 11 o'clock a. m. until otherwise ordered.

HOUSE BILL REFERRED.

H. R. 18787. An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia was read twice by its title and referred to the Committee on Education and Labor.

FOREIGN OCCUPATIONS ON AMERICAN CONTINENTS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution (No. 371) reported by Mr. LODGE from the Committee on Foreign Relations July 31, 1912, as follows:

Resolved, That when any harbor or other place in the American continents is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States, the Government of the United States could not see without grave concern the possession of such harbor or other place by any corporation or association which has such a relation to another Government, not American, as to give that Government practical power of control for national purposes.

IMPEACHMENT OF ROBERT W. ARCHBALD.

The PRESIDING OFFICER (Mr. BACON). The hour of 1 o'clock having arrived, to which the Senate sitting as a Court of Impeachment adjourned, the Senate is now in session for the trial of the articles of impeachment presented by the House of Representatives against Robert W. Archbald.

The managers on the part of the House of Representatives were announced and were conducted by the Assistant Doorkeeper to the seats assigned to them in the area in front of the Secretary's desk.

The respondent, Judge Robert W. Archbald, accompanied by his counsel, Mr. A. S. Worthington and Mr. Robert W. Archbald, jr., entered the Chamber and took the seats provided for them.

The PRESIDING OFFICER. The Sergeant at Arms will make proclamation.

The Sergeant at Arms made the usual proclamation.

The PRESIDING OFFICER. The Journal of the Senate, sitting in the impeachment trial of date Monday, July 29, will now be read. Before the Secretary proceeds with the reading, the Chair will state that almost the entire part of the Journal is made up of the answer to the articles of impeachment, which has already been read in the Senate.

Mr. GALLINGER. I ask unanimous consent that the reading of the answer to the articles of impeachment be dispensed with.

The PRESIDING OFFICER. The Senator from New Hampshire asks the unanimous consent of the Senate that the reading of the answer to the articles of impeachment be dispensed with. Unless objection is made, it will be so ordered by unanimous consent. The Secretary will proceed to read the Journal.

The Journal of the proceedings of the Senate, sitting on the trial of the impeachment Monday, July 29, 1912, was read.

The PRESIDING OFFICER. Are there objections to the Journal? If not, it will be considered as confirmed.

If there are any Senators present who have not been heretofore sworn, they will now present themselves at the desk for that purpose. [After a pause.] The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
July 31, 1912.

Resolved, That a message be sent to the Senate by the Clerk of the House informing the Senate that the House of Representatives has adopted a replication to the answer of Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit and designated a judge of the United States Commerce Court, to the articles of impeachment exhibited against him, and that the same will be presented to the Senate by the managers on the part of the House; and also that the managers have authority to file with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they shall deem necessary.

Mr. Manager CLAYTON. Mr. President, on behalf of the House of Representatives and on behalf of the managers of the House of Representatives I now present the replication of the House of Representatives to the answers made by Robert W. Archbald, United States circuit judge for the third judicial circuit and designated a judge of the United States Commerce Court. The replication is to the answer of the respondent. I ask that it be read by the Secretary.

The PRESIDING OFFICER. The replication of the House of Representatives will be read.

The Secretary read as follows:

"*Replication of the House of Representatives of the United States of America to the answer of Robert W. Archbald, additional circuit judge of the United States from the third judicial circuit and designated a judge of the United States Commerce Court, to the articles of impeachmcnt exhibited against him by the House of Representatives of the United States of America.*

"The House of Representatives of the United States of America, having considered the several answers of Robert W. Archbald, additional circuit judge of the United States from the third judicial circuit and designated a judge of the United States Commerce Court, to the several articles of impeachment against him by them exhibited in the name of themselves and of all the people of the United States, and reserving to themselves all advantages of exception to the insufficiency, irrelevancy, and impertinency of his answer to each and all of the several articles of impeachment so exhibited against the said Robert W. Archbald, judge as aforesaid, do say:

"(1) That the said articles do severally set forth impeachable offenses, high crimes, and misdemeanors as defined in the Constitution of the United States, and that the same are proper to be answered unto by the said Robert W. Archbald, judge as aforesaid, and sufficient to be entertained and adjudicated by the Senate sitting as a Court of Impeachment.

"(2) That the said House of Representatives of the United States of America do deny each and every averment in said several answers, or either of them, which denies or traverses the acts, intents, crimes, or misdemeanors charged against the said Robert W. Archbald in said articles of impeachment, or either of them, and for replication to said answers do say that said Robert W. Archbald, additional circuit judge of the United States from the third judicial circuit and designated a judge of the United States Commerce Court, is guilty of the misbehaviors, high crimes, and misdemeanors charged in said articles, and that the House of Representatives are ready to prove the same."

The PRESIDING OFFICER. The replication will be printed.

Mr. Manager CLAYTON. Mr. President, by agreement of my associates, I present at this time the following order and ask for the adoption of the same.

The PRESIDING OFFICER. The order will be read by the Secretary.

The Secretary read as follows:

Ordered, That lists of witnesses be furnished the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear at 12 o'clock and 30 minutes post meridian on the 7th day of August, 1912.

Ordered, That the cause shall be opened and the trial proceeded with at 12 o'clock and 30 minutes post meridian on the 7th day of August, 1912.

Mr. WORTHINGTON. Mr. President, as far as I know, it is unprecedented to ask the court to fix a time for the trial of a case until it is at issue. By an order which has heretofore been made by the Senate it is provided that after this replication shall have been filed further pleadings on either side may be filed with the Secretary of the Senate, the pleadings to be closed by next Saturday. Having heard the replication read, I am quite clear that it will be necessary to file a further pleading on behalf of the respondent in order to have this case in such shape that it can be legally determined. So far as we are concerned, I think that further pleading may in all probability be filed certainly by 12 o'clock to-morrow.

I would respectfully suggest that it is not in order to fix a time for the trial until what is to be tried is fixed by the pleadings in the case. Under the order of the court the court will convene again on Saturday, by which time the pleadings can be closed; and I submit that that will be the time to bring up this question of the date of the trial. If the Senate shall agree with us on that matter, of course it is not necessary now to discuss the date of the trial. After that preliminary question is disposed of, if the matter is to be determined to-day, we should like to be heard at some length.

Mr. Manager CLAYTON. Mr. President, in reply to the counsel for the respondent, I have to say that the proposition submitted on the part of the managers is not without precedent. I find, sir, that in Senate Document No. 144, in the Fifty-eighth Congress, third session, Judge Charles Swayne filed his acceptance or acknowledgment of the service and the statement that he had employed Mr. Higgins and Mr. Thurston as his counsel, and asking in substance that they be so recognized by the Senate sitting as a Court of Impeachment; and on that same day Messrs. Higgins and Thurston, the counsel, moved the court to grant the respondent a period of seven days in which to prepare and present his answer to the articles of impeachment presented against him. That was before the answer was made, of course. Then I find that on the same day, following that motion made by the counsel for the respondent, this order was made:

Ordered, That the respondent present his answer to the articles of impeachment at 12 o'clock and 30 minutes post meridian on the 3d day of February next.

I quote from the record:

Mr. Manager PALMER. I move the adoption of the order which I send to the Secretary's desk to be read.

The PRESIDING OFFICER. The proposed order will be read.

The order to which I have just referred, Mr. President, which is "that the respondent present his answer to the articles of impeachment at 12 o'clock and 30 minutes post meridian on the 3d day of February next," was agreed to, as the record shows. Then Mr. Manager Palmer said:

I move the adoption of the order which I send to the Secretary's desk to be read.

The PRESIDING OFFICER. The proposed order will be read.

The Secretary read as follows:

Ordered, That lists of witnesses be furnished the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear on the 10th day of February, at 1 o'clock post meridian.

Ordered, That the cause shall be opened and the trial proceed on the 13th day of February, at 1 o'clock post meridian, unless otherwise ordered.

An examination of the record, Mr. President, will reveal the fact that the order was entered requiring the witnesses to be subpœnaed to appear on the 10th day of February. The record will also further disclose the fact that on this same day, to wit, January 27, and before the respondent had even so much as filed his answer, the trial was set down for the 13th day of February. The proposed order is not without precedent, and I think there are other precedents of cases which have heretofore been tried in the Senate sitting as a high court of impeachment.

But, Mr. President, aside from the mere matter of precedent, we are all mindful of the conditions that now confront the Senate and the Congress. We know the lateness of the session. We know that this case has been well considered by a committee of the coordinate branch of the Congress, and by that other branch, the House itself. We know that the House of Representatives has presented articles at length; we know that the answer has been made at length, and we know that the replication has been filed. It appears to the managers that there is no necessity for leaving the question open any longer as to when this case shall be tried. We are all anxious to have that question settled to-day.

On behalf of the House of Representatives and on behalf of the managers I am directed to say that it is the wish of the House of Representatives and the managers that this trial be had at this time. The managers are of opinion that they can have this case ready to be proceeded with on the 7th instant, the day designated in the order, and it does seem to the managers that the respondent's counsel should give some better reason than that which he has assigned for asking a postponement of the consideration of the order which I have offered.

I respectfully ask, Mr. President, that this honorable body now take up that question and settle it now. If the respondent's counsel desire to present further pleading on Saturday this order does not preclude that, and if the managers shall desire to present further pleading this order does not preclude that. It merely settles, Mr. President, the one question, and that is, Shall this case be tried at this session of Congress, beginning on the 7th day of the present month? That is the question, and the sole question, that is to be determined by the order. If at any time during the progress of the case it should become necessary to meet the manifest ends of justice, of course, I assume that this honorable court would do as any other court would do, give the opportunity both to the managers and to the respondent, within the bounds of reason and propriety, to present further pleadings or to amend their pleadings from time to time as justice in the case may require, and as it may meet the judgment of the Senate sitting as a Court of Impeachment.

Mr. WORTHINGTON. Mr. President, the respondent and his counsel up to this morning have taken it for granted that in view of the order which was made the pleadings should be closed on or by Saturday next at the hour mentioned in the order, and that the question of the time of the trial would not be brought up until that time.

I think what has been read from the proceedings in the case against Judge Swayne confirms only what I said here the other day, that it appeared in that case the respondent was anxious and himself pressed for an early trial. The matter was before the Senate about the 1st of February and the short session was to come to an end on the 4th of March. For that reason they were waiving their rights and privileges and the usual rules which obtain in all courts, so far as I know, in regard to fixing the day of trial. Now, I do not see that any injury can be done by letting this matter come up at the time that we had reason to suppose it would come up under the order made by the Senate, which was that pleadings should close and that we should all be here at 1 o'clock or 12.30, or whatever the hour mentioned was, on Saturday next. I respectfully urge, therefore, that the Senate postpone until that hour action upon the question of fixing the time of trial.

It may seem very plain to the managers that the questions which are to be tried are already determined, but from my listening to the reading of the replication especially considering its insufficiency in regard to some of the matters which are set up in the answer, it seems to me it will be necessary for the respondent, with some degree of care, to present his reply to that replication. For all these reasons I ask that the question of fixing the date of trial be passed over for the present until Saturday when the pleading shall be closed.

Mr. Manager CLAYTON. Mr. President, I ask the indulgence of the Senate for one moment to reply to some of the suggestions made by counsel. I beg to say that the replication sets up no new matter. Paragraph 1 of the replication joins issue on the questions of law which the counsel for the respondent raised in the answer; that is, it joins issue on the demurrer as to the sufficiency of the allegations. The second paragraph of the replication joins issue on those questions of fact which the answer of the respondent denies, and traverses the facts which the respondent has set up by way of confession and avoidance in his defense; so that I may say briefly there is nothing new presented in the replication of which the counsel for the respondent was not fully advised when he drew the answer.

Again, Mr. President, the proposed order is not without precedent. I find that in the last case in which the Senate sat as a Court of Impeachment the pleadings did not close until the 10th day of February. I read from the record in that case:

Ordered, That the pleadings in the matter of the impeachment of Charles Swayne having been closed, the Secretary inform the House of Representatives that the Senate is ready to proceed with the trial—

And so forth.

So it seems that the managers have not proposed anything unusual. There is nothing in the replication which can be treated by any possibility as in the nature of a surprise to the respondent or to his counsel. It is merely a joinder of issue, as I have said, on his demurrer as to the legal phases of the matter presented, a joinder of issue on the facts which the respondent denies, and a traverse of the facts which he sets up by way of confession and avoidance. I think it is not unusual, but is quite right and quite proper and just to all parties concerned, that this matter be settled now. I am sure that Sena-

tors want it settled, and I am sure the House of Representatives desires it to be settled now.

In reply to the other suggestion made by the distinguished counsel that the defendant in the Swayne case desired an early trial, it will be recalled by you, Mr. President—for I remember that the distinguished Senator who now occupies the chair was a Member of the Senate at that time—that the end of that Congress was approaching, and it was not possible to long delay the trial of that case because Congress was about to expire. It had to be tried during the month of February. So that it does not appear that the defendant was either opposed to a speedy trial or favored a speedy trial. That is a mere matter of inference, and I would have supposed that perhaps the respondent in that case, as in this case and as respondents generally do, would want time, and I suppose he did not do what he knew would be an unnecessary thing and a foolish thing to do, ask for the postponement of that case further than some time during the month of February—that Congress, during which the trial was had, was to expire by constitutional limitation on the 4th of March next following the date for which the trial was asked to be fixed.

This matter has been under consideration in the House and under consideration in the Senate itself sitting as a Court of Impeachment, and the respondent is fully apprised of the witnesses who will be examined against him. He is fully informed as to the charges, and we have suggested nothing, it seems to me, that requires any further pleading on his part. An answer similar to the one that is interposed here was interposed in Judge Swayne's behalf, and a replication similar to the one here was interposed on the part of the managers of the House. The managers on the part of the House in the late case of Swayne—since the Belknap case—proceeded largely, if not altogether, upon the plan that has been pursued in this case. It will be remembered that in the Belknap case the articles of impeachment were presented, an answer was made, followed by a replication, a rejoinder, a surrejoinder, and, in short, the system of common-law pleadings was pursued down to the similiter, which was finally filed in the case, and the trial then began.

I repeat that the replication filed in this case by the managers on the part of the House joins issue on the questions of law and fact and presents no new matter, and therefore the managers respectfully insist that the order be now entertained and entered.

Mr. WORTHINGTON. Mr. President, nothing could more clearly indicate the danger of haste in this matter in regard to the pleadings than what has just fallen from the lips of my friend Mr. Manager CLAYTON. He says we are informed of the names of the witnesses and know what is coming. Why, Mr. President, the most important question that is involved in this case, and one as to which no issue has been joined and as to which nothing has been said in the replication, is whether a judge of a court of the United States can be brought before this tribunal and tried upon a charge as to which he knows nothing except the mere general allegation that he has committed an offense. I beg leave to call the attention of the President and of the Senate to that with some particularity. In article 6 of the articles of impeachment it is simply charged:

ARTICLE 6.

That the said Robert W. Archbald, being a United States circuit judge and a judge of the United States Commerce Court, on or about the 1st day of December, 1911, did unlawfully, improperly, and corruptly attempt to use his influence as such judge with the Lehigh Valley Coal Co. and the Lehigh Valley Railway Co. to induce the officers of said companies to purchase a certain interest in a tract of coal land containing 800 acres, which interest at said time belonged to certain persons known as the Everhardt heirs.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior in office and was and is guilty of a misdemeanor.

Now, in answer to that article the respondent says:

2. That while respondent denies that on or about the 1st day of December, 1911, or at any other time, he unlawfully or improperly or corruptly or otherwise attempted to use his influence as a circuit judge or as a judge of the United States Commerce Court with the Lehigh Valley Coal Co. and the Lehigh Valley Railroad Co., or with either of them, to induce the officers of said companies, or either of them, to purchase any interest belonging to persons known as the Everhardt heirs in any tract of coal land containing 800 acres, or to purchase any interest in any tract of land, respondent is advised and avers that said article is general, vague, and indefinite with regard to the offense sought to be charged therein; that it does not sufficiently inform respondent in what respect he is intended to be charged as having attempted to use his influence as United States circuit judge and judge of the United States Commerce Court with the Lehigh Valley Coal Co. and the Lehigh Valley Railroad Co., in that it does not state in what said attempts consisted or with what officers or agents of said company, or either of them, or under what circumstances the alleged attempts were made, and does not in any other way give respondent such information as to the real charge intended to be made against him in the said sixth article as will enable him to prepare for trial thereon.

So, in the thirteenth article, I would like the Senate to consider the position of a judge of a Federal court who is called upon to prepare for trial on a charge of this kind:

That during the time in which the said Robert W. Archbald has acted as such United States district judge and judge of the United States Commerce Court he, the said Robert W. Archbald, at divers times and places, has sought wrongfully to obtain credit from and through certain persons who were interested in the result of suits then pending and suits that had been pending in the court over which he presided as judge of the district court, and in suits pending in the United States Commerce Court, of which the said Robert W. Archbald is a member.

In answer to that part of the thirteenth article, after setting up that it charges two offenses and ought to be dismissed for that reason, because the respondent is entitled to the separate judgment of the Senate on each charge against him and not to have two or three embodied in one article, so that there might be less than two-thirds vote him guilty on one and less than two-thirds vote him guilty on the other, but on the whole there would be two-thirds. Waiving for the present moment that consideration, I ask the Senate to take notice of the answer which we make to that charge in another respect:

3. The respondent is further advised and avers that said article is general, vague, and indefinite with respect to the first offense sought to be charged therein, to wit, the obtaining of credit from persons interested in suits pending in the courts over which respondent presided, and does not give respondent such information as to the nature and character of the charge intended to be made against him as will enable him to prepare for trial thereon in that it does not inform the respondent at what times or at what places or from what persons or under what circumstances or in what way it is intended to charge that the respondent obtained credit, and that to require the respondent to further answer said charge would not be agreeable to law or justice.

And in the summons that has been served upon the respondent he is called upon to appear here and answer to such proceedings as may be agreeable to law and justice. I have read what two of the articles charge and the answer made in regard to them; and if you will look at the replication, as I have heard it here, there is no reply to those averments of the answer. It is neither admitted nor denied that those charges are so vague and indefinite that no judge can legally or lawfully be brought into this tribunal to be tried thereon. The replication, as I remember, states:

That the said articles do severally set forth impeachable offenses.

As to that I am making no point now. Then it proceeds to deny each and every averment of the answer which denies or traverses the acts charged in the articles of impeachment. There is no reply here, and there is no issue made upon the great and important fundamental fact in this case, one as to which I would thank the managers if they can find anything which approaches a precedent, that the judge of a Federal court can be brought before this tribunal and asked to answer to an indictment—for this impeachment is nothing but an indictment—which simply charges in general terms that he has committed an offense.

We expect in some manner in our answer which we shall make to this replication to call attention to that fact and either put ourselves in a position in which we may ask the Senate to determine that those charges shall not be considered any further or that the managers may have leave to say whether they stand upon the proposition that a general charge of that kind is sufficient, or to amend their charges so that they shall be specific.

It does seem to me, Mr. President, that it is unduly pressing this respondent and the situation in which he is placed to attempt at this moment and in this way, instead of at the time it would ordinarily be supposed the matter would come up, on next Saturday, to settle the important question of fixing a day for the trial; and I ask that it be allowed to go over until the court meets on Saturday, at the time heretofore fixed.

Mr. Manager CLAYTON. Mr. President, I beg the pardon of the Senate for occupying so much time on this matter, but I merely want to make a suggestion, and that is, that issue is joined. The very question of the insufficiency of the allegations or averments made in articles 6 and 13 is raised by an answer in the nature of a demurrer, which the respondent interposed. We have squarely met that. As I say, we have met that contention of the legal insufficiency of that averment by answer to that demurrer saying that it is sufficient. That presents a law question for the Senate to try when that question comes up after the trial is begun. That is not the question now before the court. The question now before the court is simply whether or not this court shall fix a time for the trial of this case.

As I said in the beginning, there is no disposition on the part of the managers to preclude the respondent from bringing any further pleading into this court that he may deem proper, and certainly the managers have reserved the right in their replica-

tion to bring further pleadings. It is simply a question as to when the Senate will enter upon the trial of this case. You are not now called upon to settle the pleadings; we are not asking you to do that; we are simply asking you to set this case down for trial at a particular time. On Saturday the respondent can file a further answer, if he wants to do so, and on Saturday, if we so desire, we shall ask this honorable court to give us further time to make replication to his further answer, if we deem it necessary.

There is but one question raised by this order: Will this court proceed with the trial of this case on the 7th day of August and have the witnesses subpœnaed, so that they may be here? That is all the managers have asked you to determine to-day.

Mr. WORTHINGTON. All that I am asking now, Mr. President, is that the consideration of that matter be postponed until Saturday, when the court again meets.

Mr. NELSON. Mr. President, I should be glad if counsel for the respondent would state before we act on this question at what time they will probably be ready for trial—what time, if any, they ask in preparing for trial. I should like to hear them on that point.

Mr. WORTHINGTON. Well, Mr. President, I am very anxious to have the consideration of that matter postponed, so that we may properly prepare and present it to the Senate. From what I now know of the situation, while I shall present my reasons to the Senate as fully as I can if I am required to do so now, it will simply amount to a denial of justice to attempt to bring the respondent to trial on the 7th day of August or anywhere near that time. I wish to ask consideration of the fact that there are 13 cases to be tried here instead of 1, and we shall require a great deal of time for that. I should very much like if we could have until Saturday to be able to present to the Senate fully a statement as to the time we shall ask and why we ask it. It is only for the reason that I want time for proper preparation for the discussion of that question that I am asking that the matter go over until Saturday. If the Senate insists that it be taken up now, I will do the best I can.

Mr. CUMMINS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa will state his parliamentary inquiry.

Mr. CUMMINS. Is the question now pending the adoption or rejection of the motion proposed by the managers of the House of Representatives or is it upon the motion or request made by counsel for respondent that a decision of the matter be deferred until Saturday?

The PRESIDING OFFICER. The Chair will respond that counsel for the respondent has not presented any order upon which he has asked the action of the Senate.

Mr. CUMMINS. I understood, however, that counsel for the respondent asked the Senate to postpone until Saturday the fixing of the time for trial. Is that in such form as to permit the Senate to act upon it?

The PRESIDING OFFICER. That is for the Senate to determine. The rule prescribes that if any Senator requires it, any motion made either by the managers or counsel shall be reduced to writing and in that way be presented to the Senate.

Mr. WORTHINGTON. I was about to say——

The PRESIDING OFFICER. The Chair will be glad to submit any motion which counsel for the respondent may make.

Mr. WORTHINGTON. The rule which you have adopted would permit counsel for the respondent or the managers to make orally any request for an order, but it must be reduced to writing if required.

I make orally the motion that the question of fixing a date for the trial be postponed until the court convenes on Saturday next.

Mr. WORKS. Mr. President, counsel simply suggests one reason why this order should not be adopted, namely, that it should not be made at this time, but later, and the issue is very squarely presented by the order itself, and in my opinion the vote should be taken on the order. If Senators believe the order should not be taken to-day, because of the suggestion of counsel that it is called for too early, there is sufficient reason for voting against it, and therefore it seems to me the better practice is to take the vote directly upon the order presented.

Mr. NELSON. Mr. President, pursuant to Rule XIX, I move that the doors of the Senate be closed while the Senate is deliberating upon this question.

The PRESIDING OFFICER. The Senator from Minnesota moves that the doors of the Senate be closed while the Senate is deliberating upon this question.

Mr. WORTHINGTON. Mr. President, before a vote is taken upon that question, may I be assured or may I assume that the Senate, if it decides to entertain now, instead of Saturday, the motion to fix the 7th of August, will give us an opportunity to be heard before it is passed upon?

The PRESIDING OFFICER. That is for the Senate to determine.

Mr. STONE. Why can not counsel be heard now on that—before we go into executive session?

Mr. OVERMAN. I rise to a question of order.

The PRESIDING OFFICER. The Senator from North Carolina will state his question of order.

Mr. OVERMAN. The motion having been made for the closing of the doors, I think there is nothing else before the Senate.

The PRESIDING OFFICER. The Chair will submit the question to the Senate.

Mr. NELSON. If counsel desire to be heard further, I withhold my motion for the present.

The PRESIDING OFFICER. The Senator from Minnesota withdraws the motion.

Mr. SMITH of Georgia. The counsel did not indicate to the Senator from Minnesota the length of time he would wish. I understood the Senator from Minnesota to ask that counsel would at least give us an indication of the length of time he would probably apply for when he made his motion and urged it. That, I think, would be valuable information for the Senate, even in considering the question whether we shall postpone the formal hearing until next Saturday. I think we would all be glad to have an indication from counsel as to the time to which he would probably move that the case be postponed.

Mr. BORAH. Mr. President, as I understand the request of the counsel, it is to the effect that he may have until Saturday to determine what time it will be necessary for him to have in order to try this cause, and counsel have requested at this time not what is in the nature of a postponement, but in the nature of a request for time for preparation, to enable him to advise the Senate when they will be ready for trial. I do not see, therefore, very well how the counsel could advise us at this time of that with respect to which he desires time to seek information.

Mr. SMITH of Georgia. I did not understand counsel to express his views in that way. I understood he wanted until Saturday as the time to present his motion for a postponement. I did not understand him to indicate that he could not now give us some intimation as to the length of time to which he would wish to postpone the case if we agree to his view of postponement.

My reason for adding the suggestion to what was said by the Senator from Minnesota is the peculiar condition in which we are at present. The time of the year, the length of time the session has already lasted, make it desirable for all of us to know as early as possible if the case is to be postponed, the time to which the postponement is to take place. I still think, if counsel can do so, it would be valuable to many of us to know the length of time for which he would probably ask a postponement, if he now knows.

Mr. WORTHINGTON. Mr. President, I should say, from my present information as to what will be required in this case and the means we have of doing it, that it will be utterly impossible for the respondent to be properly prepared for trial before the 15th day of October.

I am at a great loss to know what I ought to say at this time as to the reasons why we ask for that time, or whether the Senate will first pass upon the question whether I may have until Saturday to prepare myself on that subject. It does not seem to me that any great harm can come from waiting from now until Saturday at noon for the purpose of enabling us to prepare and to state properly to the Senate the reasons why we ask for a delay until the 15th of October.

Mr. WORKS. If counsel for the respondent is through, I want to suggest that if counsel now believe that he shall desire as long a time as that, which would take us beyond the present session of Congress, probably, there should be some understanding on the part of the Senate as to whether a formal showing will be required or a sufficient ground for a continuance, so that if the matter should be postponed until Saturday, counsel may understand that in order to secure a continuance it will be necessary on his part to make some showing that will be satisfactory to the Senate.

I suppose there is no Member of this body who is more anxious to see this session of Congress brought to a close than I am, but this is an important matter which, it seems to me, should be disposed of and disposed of speedily. The respondent would naturally desire on his own part that the case should be speedily tried, if he can properly prepare himself for the trial. On the other hand, the Government is interested in the question whether one charged with high crimes and misdemeanors shall

be permitted to hold his seat upon the bench for an unnecessary length of time. In a case of this kind there should be no unnecessary delay, and yet the respondent should have every reasonable opportunity to prepare himself for the trial.

It does seem to me that for that reason there should be some understanding between the Senate and counsel for the respondent whether the Senate is willing to postpone the trial of this case until the 15th of October merely upon the request of counsel, or whether a formal showing of ground for continuance will be required. That, I think, should be done now, in justice to counsel.

Mr. MARTIN of Virginia obtained the floor.

Mr. LODGE. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his question of order.

Mr. LODGE. The Senator from Minnesota made a motion, as provided by the rule, that the Senate consider this question behind closed doors. He withdrew it in order to give counsel for the respondent an opportunity to state the time he desired. I think it is clearly out of order to go on and discuss the merits of the question, inasmuch as the motion to consider it behind closed doors has been made.

Mr. MARTIN of Virginia. I understood the Senator from Minnesota to withdraw his motion.

The PRESIDING OFFICER. The Senator from Minnesota withdrew that motion and the Senator from Virginia has the floor.

Mr. MARTIN of Virginia. Mr. President, I will proceed to say what I had in mind. I hope the Senator from Minnesota will not again present his motion. I hope we will proceed in open session to consider every question involved in this case and every phase of the case, and that there will be no closed doors on any proposition that may arise. But, of course, I simply throw out that in passing for the consideration of the Senator from Minnesota.

What I desire to say at present is this: The managers on the part of the House have moved that the 7th day of August be fixed as the time to proceed with the trial of this case. Counsel for respondent asks that that motion may not be disposed of to-day. He states that he desires to give reasons why the case should not be proceeded with on the 7th of August, but that he is not prepared to give those reasons to-day. He simply asks until day after to-morrow to prepare and present to the Senate the reasons which he desires to present to show that we ought not to proceed with the trial of this case on the 7th of August.

It seems to me it is a matter of very little consequence whether we fix the time to-day or day after to-morrow. I am anxious that it shall be done at the earliest practicable moment. If this case is to be proceeded with to the end before an adjournment of the Senate, I am anxious to know it. The Members of the House are, of course, anxious to know it. But we can not afford to be harsh or unreasonable or to deny any right or to do any injustice in respect to this matter, and surely no harm will come to anyone by giving counsel until day after to-morrow to present his reasons why the case should not be proceeded with on the 7th day of August.

I will be much gratified if the managers on the part of the House can see their way clear to let the consideration of the motion submitted by them go over until Saturday.

Mr. Manager CLAYTON. Mr. President, I have conferred with my associate managers, and I think the suggestion made by the Senator from Virginia is a very proper and reasonable one. In view of the reasons he has assigned for postponing the further consideration of the order which I proposed to the court this morning, we will adopt the suggestion made by the Senator from Virginia and agree that the further consideration of this order to fix the time for the trial of this case for the 7th day of August be postponed until Saturday next—day after to-morrow. We shall then respectfully insist upon the adoption of that order and upon an early trial of this case.

The PRESIDING OFFICER. Counsel on the part of the respondent asks that the consideration of the question as to when the trial shall be proceeded with be postponed for determination until Saturday. Is there objection? If not, by unanimous consent it is so ordered. Is there any other matter the managers on the part of the House desire to present?

Mr. Manager CLAYTON. There is nothing else, Mr. President, and having no other business before the Senate, we beg leave at this time to retire.

The PRESIDING OFFICER. The Chair calls attention to the fact that there is no regular order as to the hour of meeting of the Senate for the trial of the impeachment. Possibly it may be necessary to make one at this time.

Mr. LODGE. Did not the previous order fix the hour for the meeting on Saturday?

The PRESIDING OFFICER. The order which was presented by the Senator from Massachusetts on a previous date and which was adopted by the Senate related only to this day.

Mr. LODGE. Only to this day?

The PRESIDING OFFICER. Yes.

Mr. LODGE. Then I move that when the court adjourns to-day it be to meet at 2 o'clock on Saturday next.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the Senate order that when the Senate sitting as a Court of Impeachment adjourns to-day it shall be to meet at 2 o'clock on Saturday next. Is there objection? If not, it will be so ordered, by unanimous consent.

The managers on the part of the House thereupon retired from the Chamber.

The respondent and his counsel withdrew from the Chamber.

The Senate sitting as a Court of Impeachment thereupon (at 1 o'clock and 55 minutes p. m) adjourned until Saturday, August 3, 1912, at 2 o'clock p. m.

FOREIGN OCCUPATIONS ON AMERICAN CONTINENTS.

The PRESIDENT pro tempore. Without objection, and by unanimous consent, the Senate, sitting as a Court of Impeachment, stands adjourned until August 3, at 2 o'clock. The Senate is now sitting in legislative session. The Chair will call attention to the fact that a resolution is pending. It has already been read. It will be stated by title.

The SECRETARY. A resolution (S. Res. 371) by Mr. LODGE, from the Committee on Foreign Relations, declaring the attitude of the United States under certain conditions as to the possession or ownership of certain strategic alien harbors within the American continents.

Mr. SIMMONS. I ask unanimous consent, if it is necessary to obtain unanimous consent——

The PRESIDENT pro tempore. The Chair suggests to the Senator from North Carolina that the pending resolution can only be acted upon in the morning hour, which has nearly expired.

Mr. LODGE. I ask for a vote.

The PRESIDENT pro tempore. The question is on agreeing to the resolution reported by the Senator from Massachusetts.

Mr. STONE. I object.

Mr. LODGE. There is no question of objection. The resolution comes up——

The PRESIDENT pro tempore. The Chair was about to put the question.

Mr. LODGE. I beg pardon.

Mr. Latta, one of the secretaries of the President of the United States, appeared at the bar of the Senate.

Mr. BAILEY. Mr. President, a message from the President of the United States is here.

The PRESIDENT pro tempore. The question is on agreeing to the resolution reported by the Senator from Massachusetts [Mr. LODGE].

Mr. STONE. I desire to be heard on the resolution.

The PRESIDENT pro tempore. The Senator from Missouri desires to be heard.

Meanwhile, the Senate will receive a message from the President of the United States.

[A message from the President of the United States was received, announcing his approval of sundry bills and joint resolutions. The approvals appear in another part of to-day's proceedings.]

Mr. STONE. Mr. President——

SEVERAL SENATORS. Question!

The PRESIDENT pro tempore. The Senator from Missouri has addressed the Chair. Does the Senator from Missouri desire to proceed?

Mr. STONE. It being within two minutes of 2 o'clock, when the resolution will go over automatically, I ask that its consideration be postponed until to-morrow.

Mr. GALLINGER. Without losing its place.

Mr. LODGE. Without losing its place. To that I have no objection.

The PRESIDENT pro tempore. The request is that, without prejudice, action upon the pending resolution be postponed until to-morrow. Without objection, it will be so ordered.

THE TARIFF BILLS.

Mr. PENROSE. I desire to ask if it is agreeable to the Senator from North Carolina that the tariff bills should be placed before the Senate so that conferees may be appointed?

Mr. SIMMONS. I rose for the purpose of making that request, but at the suggestion of the Chair I deferred it.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolutions:

On July 31:

S. 7027. An act to prohibit the importation and the interstate transportation of films or other pictorial representations of prize fights, and for other purposes.

On August 1:

S. J. Res. 100. Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming;

S. J. Res. 122. Joint resolution providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald; and

S. 4930. An act to harmonize the national law of salvage with the provisions of the international convention for the unification of certain rules with respect to assistance and salvage at sea, and for other purposes.

TARIFF DUTIES ON WOOL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool.

Mr. SIMMONS. I move that the Senate insist upon its amendments and ask for a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The PRESIDENT pro tempore. The Senator from North Carolina moves that the Senate insist upon its amendments and ask for a conference on the disagreeing votes of the two Houses, the conferees on the part of the Senate to be appointed by the Chair.

Mr. SMITH of Michigan. Before that motion is put, I desire to call the attention of the Senate to memorials which I have here from 2,386 working people in the State of Michigan in one industry, and which I was requested to present as a protest against the reduction of tariff duties.

If the Chair will permit me, out of order, I should like to send the protest to the desk and I would like to have the first one read. It is very brief.

The PRESIDENT pro tempore. Is there objection?

Mr. PENROSE. I must object to the memorial being read until after the question of a conference on these bills has been disposed of.

Mr. SMITH of Michigan. I think it very appropriate to have it read now for the information of Senators.

Mr. PENROSE. That may be, but I must object.

The PRESIDENT pro tempore. The Senator from Pennsylvania objects to the reading of the memorial. The question is on the motion of the Senator from North Carolina.

Mr. SMITH of Michigan. The motion of the Senator from North Carolina is debatable, as I understand it.

The PRESIDENT pro tempore. It is.

Mr. SMITH of Michigan. I should like to have the memorials returned to my desk, and I will endeavor to make their contents clear in my own way.

Mr. BRANDEGEE. Mr. President, I demand the regular order.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. It will be so ordered, without objection.

Mr. BOURNE. Mr. President, I desire to give notice that upon the disposition of the request of the Senator from North Carolina I shall ask unanimous consent that the Senate resume the consideration of House bill 21279, the Post Office appropriation bill.

Mr. SMITH of Michigan. Mr. President, the motion before the Senate, as I understand it, is the question of insistence upon the amendments made by the Senate and the appointment of conferees. Am I right?

The PRESIDENT pro tempore. The Chair will state that under the rules the laying of the message of the House before the Senate is always in order, and that has been done. The question as to what shall be done with it is a matter for the disposition of the Senate.

Mr. SMITH of Michigan. Upon that point I desire to address the Senate briefly, if in order.

The PRESIDENT pro tempore. The matter is not now before the Senate, unless the Senate so orders.

Mr. SMITH of Michigan. May I ask what question is before the Senate?

The PRESIDENT pro tempore. The Senator from North Carolina has moved that the Senate insist on its amendments and ask a conference with the House, and that the Chair appoint the conferees on the part of the Senate. The matter is now before the Senate.

Mr. SMITH of Michigan. Mr. President, my purpose in rising is to avail myself of the constitutional privilege of the people of the State of Michigan to memorialize Congress in their own way. Not knowing just what course may be taken upon these tariff bills, and desiring to give encouragement to the conferees who are to be appointed, that they may not lightly yield to this attack upon cherished principles long entertained by the people and recognized as essential to the American system of government, I desire to present these memorials from workingmen in a great Michigan industry.

They come in formal protest, as I said a few moments ago, from 2,386 laboring people in one single industry in the city of Detroit. They represent 558 persons employed in the main division, 329 persons in the service division, 274 persons in the body division, 217 persons in the truck departments, 260 persons in the body paint shop, 205 persons in the chassis machine department, 156 persons in the motor room, 104 persons in the foundry, 97 persons in the office, 54 in the forge, 51 carpenters, millwrights, steam fitters, electricians, et cetera, and 26 persons employed in the ironing room of the Packard Automobile Co. at Detroit.

These people claim—and justly, I believe—that foreseeing a disposition on the part of our opponents in Congress to reduce the tariff, they are impelled to protest against that course on the ground that their employments are jeopardized by this threatened assault on the protective policy of our Government, unnecessarily inviting ruinous foreign competition.

They believe that the price of labor is much less abroad than it is here, and that the cost of production is greater here than it is abroad; and acting strictly within their rights they have formulated these various protests against the reduction of tariff duties.

The memorial is as follows:

We, the undersigned members of the American motor-car industry, foreseeing that tariff reductions on foreign-built motor cars and motor-car parts will admit to our market on equal terms a product on which the price of labor is much less than that of our own, realize that the certain result must be either the loss of the market or a corresponding cut in the American price of labor.

We therefore petition Henry B. Joy as chairman of the committee of manufacturers to protest to the House of Representatives on behalf of ourselves and all other employees of this industry, against any legislation tending to cheapen the American product and so to reduce the wage standard of American workingmen.

I think they are justified in their apprehensions, and I want to urge the Senate to carefully consider this protest against unfair competition from Europe.

Having this in mind, I have risen at this time because I do not know who the conferees upon these bills are to be, but I do know that the principle involved in this legislation is serious and important to the American people, and that a radical change menaces American production and the permanency of the American wage scale; therefore I offer these protests.

Mr. NELSON. I would suggest, if the Senator will allow me, that the memorials be referred to the Senate members of the conference committee on the wool bill.

Mr. SMITH of Michigan. Acting upon the suggestion of my distinguished friend from Minnesota, I prefer the request that these memorials be respectfully referred to the conferees on the part of the Senate on the tariff bill.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from North Carolina [Mr. SIMMONS], that the Senate insist upon its amendments and ask for a conference on the disagreeing votes of the two Houses, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. LA FOLLETTE, Mr. BAILEY, and Mr. SIMMONS conferees on the part of the Senate.

The PRESIDENT pro tempore. The memorials presented by the Senator from Michigan will be referred to the conferees, without objection.

THE SUGAR SCHEDULE.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives on the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, dis-

agreeing to the amendments of the Senate, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PENROSE. I move that the Senate insist upon its amendments and accede to the request of the House for a conference on the disagreeing votes of the two Houses, and that five conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. PENROSE, Mr. LODGE, Mr. BRISTOW, Mr. BAILEY, and Mr. SIMMONS conferees on the part of the Senate.

THE EXCISE TAX.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SIMMONS. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

Mr. STONE. What are the amendments?

Mr. LA FOLLETTE. There is the tariff commission amendment.

Mr. MARTIN of Virginia. And the repeal of the Canadian reciprocity act.

Mr. STONE. I do not insist upon those amendments.

The PRESIDENT pro tempore. The question is on agreeing to the motion made by the Senator from North Carolina.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. SIMMONS, and Mr. LA FOLLETTE conferees on the part of the Senate.

POST OFFICE APPROPRIATION BILL.

Mr. BOURNE. I ask unanimous consent that the Senate now resume the consideration of House bill 21279, the Post Office appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. BOURNE. I will state that in the information print we completed last evening paragraph 85, so that the Secretary will now begin the reading in the information print at paragraph 86.

The PRESIDENT pro tempore. The next amendment of the Committee on Post Offices and Post Roads will be stated.

The SECRETARY. On page 28, beginning with line 11, the committee proposes to insert the following:

That hereafter, in addition to the salaries by law provided, the Postmaster General is hereby authorized to make travel allowances in lieu of actual expenses, at fixed rates per annum, not exceeding in the aggregate the sum annually appropriated, to railway postal clerks, acting railway postal clerks, and substitute railway postal clerks, including substitute railway postal clerks for railway postal clerks granted leave with pay on account of sickness, assigned to duty in railway post-office cars, while on duty, after 10 hours from the time of beginning their initial run, under such regulations as he may prescribe, and in no case shall such an allowance exceed $1 per day.

Mr. GALLINGER. I wish to ask the Senator from Oregon what "acting railway postal clerks" are? What class do they belong to? I know we have railway postal clerks and substitute railway postal clerks, but what are acting railway postal clerks?

Mr. BOURNE. I will state for the information of the Senator from New Hampshire that this was an amendment which was brought to the committee and its adoption strongly urged by the department. It was prepared in the department, and it was the opinion of the committee that it was an administrative matter. From the statement presented to the committee, they felt that it would benefit very much the efficiency of the department, and it was adopted and recommended by the committee.

Mr. GALLINGER. What puzzles me is that these clerks are under the civil service. They are railway postal clerks, and there are the substitute clerks who take the place of the regular clerks when they are off duty for any reason. Does this contemplate that there shall be another class outside of civil-service employees, who are to be acting railway postal clerks whom some one will appoint? I simply want to find out just what it means; that is all.

Mr. BOURNE. It would be purely an inference on my part in reference to that. I presume that a person who was not in the regular substitute class but who is on the eligible list would be appointed temporarily to act. I do not imagine that any new class is to be introduced or that there is to be any innovation in the service.

Mr. GALLINGER. I suggest to the Senator in charge of the bill that he make inquiry in regard to the matter.

Mr. BOURNE. I will do so.

Mr. GALLINGER. I will not interpose any objection to the amendment.

Mr. REED. Mr. President, I have had little opportunity to examine this bill. I therefore want to ask the Senator in charge of it whether the effect of that part of the amendment which appears at line 11, page 28, is not to pay or may it not pay more money than the actual expenses. It reads:

That hereafter, in addition to the salaries by law provided, the Postmaster General is hereby authorized to make travel allowances in lieu of actual expenses, at fixed rates per annum.

Mr. BOURNE. If the Senator will allow me, the next line fixes a limitation, and the concluding line is a limitation, "not exceeding in the aggregate the sum annually appropriated," and in the concluding line of the amendment, "in no case shall such an allowance exceed $1 per day."

Mr. REED. I should like to know why we go from the policy of actual expense to the policy of a fixed allowance. It may be absolutely all right, but I should like to have some explanation.

Mr. BOURNE. I will state for the information of the Senator from Missouri that this amendment was strongly urged for the consideration of the committee on the part of the department for the purpose of avoiding greater labor, delay, and expense in preparing the pay rolls, checking them, and verifying them, and signing the authorizations for each roll. This plan was proposed in order that expense allowances may be a stated amount in lieu of actual expenses paid.

It was fully explained before the House committee, and the explanation is found on pages 273 and 275 of the hearings before the House committee.

The statement of the department is that the change proposed is a slight verbal one in existing law.

That hereafter, in addition to the salaries by law provided, the Postmaster General is hereby authorized—

And then follows the amendment as submitted by the committee.

Mr. REED. Is it the rule now in existence to pay the actual expenses, or do they not get any expenses now?

Mr. BOURNE. The rule is now the payment of the actual expenses. For the purpose of simplicity in keeping the pay rolls they recommend this change. The discretionary power detailed to the department is limited, according to the terms of the proposed amendment, to $1 per day, and it can not exceed the limitation contained in line 14.

The total amount of the appropriation or payment that might be made under this appropriation or the authority granted can not exceed "in the aggregate the sum annually appropriated." In my opinion, every precaution is taken, so that if the amendment is adopted the appropriation can not be misused.

Mr. REED. Mr. President, it is always embarrassing to talk about a matter that one must frankly admit in advance he is unfamiliar with. I am in that position, and I expect many Senators are, with reference to this appropriation bill and other appropriation bills. But if I grasp the situation aright, it is this: At the present time these division superintendents and clerks are reimbursed for the actual outlay while on the road. It is proposed to substitute for that the payment of a fixed sum, or a sum to be fixed by the head of the department, which shall not exceed the amount named in the bill in the aggregate nor exceed the sum of $1 per day for each man, and this is done for the purpose of simplifying and making easier the keeping of accounts. Boiled down, it means in practical operation that $1 a day will be paid to these men, and that is all there is of it.

Mr. HITCHCOCK. Mr. President, I think perhaps I can from my memory of the previous Post Office appropriation bills make a correct statement of this situation.

A number of years ago provision was made for the payment of expenses of railway postal clerks while absent from home on duty, but the amount appropriated was not sufficient, and the department was only able to pay to the clerks an amount, as I remember it, the first year, of about 16 cents per day—a very small allowance. In subsequent years the clerks made constant application to the department for their actual traveling expenses, and one year after another the amount of the appropriation was increased, until it is now made absolute at not to exceed $1 per day while the clerk is absent from his home.

My impression is that this allowance has been considered by the clerks and is considered by the department as a reasonable

adjustment of the difficulty. It is something in addition to what the clerks formerly received and is in the nature of compensation to them while they are absent from home.

Mr. BOURNE. The statement of the Senator from Nebraska expresses the situation as it exists. I find on reference to the hearings that the Second Assistant Postmaster General, Mr. Stewart, said:

> We are paying under the present appropriation an allowance of 60 cents. The limitation of the law is $1 a day, but the appropriation was not adequate to pay the entire amount. That was for the first quarter, but we find that we can allow probably 75 cents for the two remaining quarters, and we are making arrangements to do that.
>
> The CHAIRMAN. The estimate you make here is intended to allow the limit of $1 a day?
>
> Mr. STEWART. Yes, sir; that covers the entire amount.
>
> The CHAIRMAN. That is suggested from the experience of the last two years?
>
> Mr. STEWART. Yes, sir.
>
> We have to suggest, in view of the great labor in making these appointments, preparing the pay rolls, checking them and verifying them, and then signing authorizations for each roll, which takes the time and efforts of many clerks and officers of the service, that there should be a change made in the law so as to allow travel allowance equal to these amounts in lieu of actual expenses, so that we can make an order at the beginning of the year, for instance, stating for each clerk his travel allowance to which his line is entitled, and which will be paid the same as salary is paid. Every run will have a stated expense allowance based upon the provision of the law and the actual expenses of the clerk. If a clerk changes his run, a new order changing his travel allowance would be made, and that would remain in force until his position changed again.
>
> The CHAIRMAN. And that would stop all this bookkeeping?
>
> Mr. STEWART. Yes, sir; all the routine work. We believe it would be economy to change the plan in that respect.

Mr. REED. At present the clerk would be entitled to his actual expenses, provided a sufficient amount had been appropriated. Under the proposed rule the department head or chief would arbitrarily in advance fix the amount of expense to go to each man, dependent upon the conclusion the department chief had arrived at with reference to the amount of actual expenses. So the department will now, under this proposed rule, fix the amount of expense money to go to each man instead of the man receiving what he actually expends. They have had their actual expenses if there was enough money, as I understand it, but there has never been enough to quite pay them. How much will this plan increase the expense to the Government?

Mr. JOHNSTON of Alabama. I should like to ask the Senator if he can conceive of any case where the expense of traveling would be less than a dollar a day?

Mr. REED. No.

Mr. JOHNSTON of Alabama. That is perhaps for a meal, and I do not think he will get overburdened on that if paid a dollar a day for it.

Mr. REED. The Senator, perhaps, misapprehends the purpose of my inquiry. I am not trying to beat these men down to lower figures than they ought to have. I am trying to get some light on the question as to what increased expense this will make to the Government and whether, in fact, it will work a hardship on the men by transferring their present right of their actual expenses into a right which is controlled by the department chief.

Mr. JOHNSTON of Alabama. I understood the chairman of the committee to say that at present they are getting about 75 cents a day.

Mr. BRISTOW. I will state to the Senator from Missouri that postal clerks have never had their actual expenses, but there has been an allowance heretofore of so much per day in lieu of expenses.

This year the maximum allowance for expenses is more than it has ever been heretofore. Formerly they received no allowance whatever for expenses, but paid their own expenses on the road. Subsequently they were allowed 25 cents a day, and afterwards 50 cents a day. This year it has been increased to a dollar a day, which is a more liberal allowance than has ever before been made.

Mr. WARREN. Will the Senator from Missouri yield a moment that I may ask the Senator from Kansas a question?

Mr. REED. Certainly.

Mr. WARREN. I understand—and the Senator will correct me if I am wrong—that, as he says, originally the mail clerks had no expense allowance. Then we made a sort of partial allowance that has never been large enough to enable them to pay their actual expenses?

Mr. BRISTOW. That is right.

Mr. WARREN. As I understand, the present proposition is to pay their actual expenses—no more and no less?

Mr. BRISTOW. No; the plan is to pay their expenses, but not to exceed $1 a day. The allowance for this purpose is limited to a dollar a day.

Mr. WARREN. Yes, I understand that; I should have so stated. It is for their actual expenses up to a dollar a day, but it is not intended to pay a dollar a day as such.

Mr. BRISTOW. No.

Mr. WARREN. Not unless their expenses amount to that. I think these mail clerks ought to have it, by all means. They ought not to be obliged to pay their expenses from their private funds while on duty away from their homes. I do not think there is any expectation that the maximum of a dollar a day will be exceeded except in rare cases; but if the $1 a day be found insufficient I would favor placing the limit higher.

Mr. REED. Mr. President, I grant fully, without any cavil, the proposition that if the salaries of these men are now insufficient they should be increased to a point where they are fair and adequate, but I do not care whether that increase is made by a direct increase in the salary or by an allowance for expenses while upon the road. There is no question there that would be worth discussion. I had risen originally to get some light upon this proposition. The objection I see to it in its present form is found in a few lines; and I think it is an objection. The bill provides:

> That hereafter in addition to the salaries by law provided the Postmaster General is hereby authorized to make travel allowances in lieu of actual expenses, at fixed rates per annum, not exceeding in the aggregate the sum annually appropriated.

Then in the last line is the provision:

> Under such regulations as he may prescribe, and in no case shall such an allowance exceed $1 per day.

That puts in the hands of the Postmaster General the power to farm this money out, to say where it shall go. It is not provided that it shall be distributed to all alike; and it seems to me that if we are to give these clerks a dollar a day for expense money while they are upon the road, then the law ought to provide that they shall get this money as a matter of right under the law and not as a matter of executive order from the Postmaster General, for he may distribute the money more liberally upon one run than upon another.

Mr. BRISTOW. Mr. President, let me call the Senator's attention to a condition in a region of country with which he is doubtless familiar. I remember there is a postal run from Lawrence, Kans., to Gridley on what is known as the Lawrence-Ottawa branch of the Sante Fe Railroad. The clerk leaves Lawrence in the morning and gets back in the evening; he lives at home and is away only for one meal. A railway clerk may go out of Kansas City for La Junta in Colorado, and he is away from home for two days, perhaps three; I do not remember just how long the run is. Does not the Senator from Missouri see that there would be more equity in allowing the full amount to a clerk running from Kansas City to La Junta, who is away all the time for two or three days, than there would be in allowing the full amount to the clerk who would be away from home only for his noon meal? Conditions like that arise everywhere, and there must be some latitude allowed to the administrative department in apportioning the fund where the service is of that character.

Mr. REED. Well, Mr. President, I, of course, understand there may be varying conditions, but I am opposed to placing the money in the hands of the Postmaster General and giving to him the right to distribute it practically at will, trusting alone to his discretion. It is not the wise thing to do. There have been already, either granted by Congress or taken over by the Post Office Department, powers that are so arbitrary and that are being so grossly abused times out of number that I hesitate to increase the powers of that department. There may be difficulties to arrange, but it seems to me to grant to the head of a department this large sum of money, practically to be expended in his discretion, is not in accordance with the usual methods of granting money, and that, instead of giving it to the Postmaster General to distribute it as he may see fit, it would be much wiser if the committee would formulate some rules under which these employees would obtain this money as a matter of right.

Mr. BOURNE. Mr. President, I will ask the Senator from Missouri, though I do not want to interrupt him——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. REED. Certainly.

Mr. BOURNE. Has the Senator evolved any plan which he thinks would be an improvement over this one?

Mr. REED. Well, as I stand here on the floor, I would not undertake to evolve a plan. I am not a universal genius, but——

Mr. BOURNE. The Senator's point is that this is an invitation to favoritism, as I understand?

Mr. REED. Exactly; and I have a further objection, if the Senator pleases, that it is not in accordance with the usual

custom to grant a large sum of money and to allow a department chief to distribute it without laying down the rules specifically under which it shall be distributed.

Mr. BOURNE. If the Senator will permit me, I should like to get his viewpoint. Suppose we allow a per diem in addition to the salary paid, would there not, in his judgment, be an insistent demand later on for a travel allowance on the part of Government employees?

Mr. REED. Not if you made the amount in lieu of travel expenses and paid it specifically for that purpose and gave it to them absolutely. I think we should say where it should go, instead of leaving it in the discretion largely of the Postmaster General, from whose decision there is, in fact, no appeal. I wish the Senator would consider that. I do not wish to delay the bill.

Mr. BOURNE. I would be very glad to let this matter go over if the Senator thinks he can work out a plan that would be an improvement, and consider that later on; or I would be very glad to let this matter go through and then take the matter up in conference, as, of course, it will go into conference, as it is an amendment on the part of the Senate.

Mr. REED. That is satisfactory to me. I merely wanted to call attention to it.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 28, line 24, after the words "postal clerks," to insert "including substitute railway postal clerks for railway postal clerks granted leave with pay on account of sickness," so as to make the clause read:

For travel allowances to railway postal clerks, acting railway postal clerks, and substitute railway postal clerks, including substitute railway postal clerks for railway postal clerks granted leave with pay on account of sickness, $1,340,743.

The amendment was agreed to.

The next amendment was, on page 29, line 4, after the word "hire," to strike out "in classes 1 and 2," and, in line 5, before the word "thousand," to strike out "sixty" and insert "ninety," so as to make the clause read:

For temporary clerk hire for emergency service, $90,000.

The amendment was agreed to.

The next amendment was, on page 29, line 6, after the word "vacation," to strike out "$72,000" and insert "$108,000," so as to make the clause read:

For substitutes for clerks on vacation, $108,000.

The amendment was agreed to.

The next amendment was, on page 29, line 17, before the word "substitute," to insert "or"; in the same line, after the words "postal clerk," to strike out "sea post clerk, or substitute sea post clerk"; and in line 21, before the word "thousand," to strike out "twenty-one" and insert "sixty," so as to make the clause read:

For acting clerks in place of clerks or substitutes injured while on duty, who shall be granted leave of absence with full pay during the period of disability, but not exceeding one year, then at the rate of 50 per cent of the clerk's annual salary for the period of disability exceeding one year, but not exceeding 12 months additional, and to enable the Postmaster General to pay the sum of $2,000, which shall be exempt from payment of debts of the deceased, to the legal representatives of any railway postal clerk, or substitute railway postal clerk, who shall be killed while on duty or who, being injured while on duty, shall die within one year thereafter as the result of such injury, $160,000.

The amendment was agreed to.

The next amendment was, on page 30, line 2, before the word "dollars," to strike out "sixty thousand" and insert "seventy-five thousand," so as to make the clause read:

For actual and necessary expenses, division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post Office Department and away from their several designated headquarters, $75,000: *Provided*, That of this sum $15,000 shall be immediately available.

Mr. BOURNE. I ask that the amendment proposed by the Senate committee be rejected. It was found, after the amendment had been reported, that there was no necessity for the increased amount, the House amount being sufficient.

The amendment was rejected.

The Secretary resumed the reading of the bill, on page 30, in line 2, and read as follows:

Provided, That of this sum $15,000 shall be immediately available.

Mr. BOURNE. I move that that proviso be stricken out.

The motion was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 30, line 5, before the word "miscellaneous," to strike out "and"; in the same line, after the word "miscellaneous," to insert "and"; in line 7, before the word "thousand," to strike out "seventy-five" and insert "eighty"; and in line 8, after the word "headquarters," to insert "and chief clerks," so as to make the clause read:

For rent, light, fuel, telegraph, miscellaneous, and office expenses, schedules of mail trains, telephone service, and badges for railway postal clerks, $80,000, including rental of offices for division headquarters, and chief clerks, Railway Mail Service, in Washington, D. C.

The amendment was agreed to.

The next amendment was, on page 30, line 15, before the word "dollars," to strike out "three" and insert "four"; in line 16, before the word "dollars," to strike out "three thousand eight hundred and thirty-one" and insert "four thousand two hundred and ninety-six"; in line 19, before the word "dollars," to strike out "six hundred" and insert "seven hundred"; in the same line, before the word "hundred," to strike out "four" and insert "nine"; and in line 20, before the word "dollars," to strike out "thirty-one" and insert "ninety-six," so as to make the clause read:

For per diem allowance of assistant superintendents while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster General, not to exceed $4 per day, $4,296, and for their necessary official expenses not covered by their per diem allowance, not exceeding $700; in all, $4,996.

The amendment was agreed to.

The next amendment was, on page 31, line 23, after the word "dollars," to strike out ", to cover one-half of the cost of transportation, compensation, and expenses of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union" and insert ", to cover the cost to the United States of maintaining sea-post service on steamships conveying the mails"; on page 32, line 7, after the word "piers," to strike out "and"; in line 9, after the word "piers," to insert ", and for transferring the foreign mail from incoming steamships at Honolulu from quarantine to the peirs"; and in line 13, after the words "United States mail," to insert "*Provided*, That acting clerks may be employed in place of clerks or substitutes injured while on duty who shall be granted leave of absence with full pay during the period of disability, but not exceeding one year, then at the rate of 50 per cent of the clerk's annual salary for the period of disability exceeding 1 year but not exceeding 12 months additional, and that the Postmaster General may pay the sum of $2,000, which shall be exempt from payment of debts of the deceased, to the legal representative of any sea-post clerk or substitute sea-post clerk who shall be killed while on duty, or who, being injured while on duty, shall die within one year thereafter as the result of such injury"; so as to make the clause read:

For transportation of foreign mails, $3,748,400: *Provided*, That the Postmaster General shall be authorized to expend such sums as may be necessary, not exceeding $111,000, to cover the cost to the United States of maintaining sea-post service on steamships conveying the mails, and not exceeding $80,000 for transferring the foreign mail from incoming steamships in New York Bay to the steamship and railway piers, for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers, and for transferring the foreign mail from incoming steamships at Honolulu from quarantine to the piers; also for transferring the mail from steamships performing service under contract for transporting United States mail: *Provided*, That acting clerks may be employed in place of clerks or substitutes injured while on duty, who shall be granted leave of absence with full pay during the period of disability, but not exceeding one year, then at the rate of 50 per cent of the clerk's annual salary for the period of disability exceeding one year but not exceeding 12 months additional, and that the Postmaster General may pay the sum of $2,000, which shall be exempt from payment of debts of the deceased, to the legal representative of any sea-post clerk or substitute sea-post clerk who shall be killed while on duty, or who, being injured while on duty, shall die within one year thereafter as the result of such injury: *Provided further*, That the sum of $6,000 be immediately available for the payment to the widow or next of kin of J. S. March, O. S. Woody, and W. L. Gwinn, sea-post clerks, who lost their lives on the steamship Titanic, said sum to be equally divided, $2,000 to each widow or next of kin.

The amendment was agreed to.

The next amendment was, on page 33, line 13, after the words "appointed by the," to strike out "President" and insert "Postmaster General, from the Post Office Department," and in line 14, before the word "thousand," to strike out "two" and insert "five," so as to make the clause read:

For two delegates to the International Postal Union at Madrid, 1913, to be appointed by the Postmaster General, from the Post Office Department, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Third Assistant Postmaster General," on page 33, line 25, before the word "envelopes," to strike out "and official," so as to make the clause read:

For pay of agent and assistants to examine and distribute stamped envelopes and newspaper wrappers, and expenses of agency at Dayton, Ohio, $22,800.

The amendment was agreed to.

The next amendment was, on page 34, line 11, before the word "thousand," to strike out "twenty-five" and insert "forty-five," and in the same line, after the word "dollars," to insert "of which the sum of $10,000 shall be immediately available for the fiscal year 1911," so as to make the clause read:

For payment of limited indemnity for the loss of pieces of domestic registered matter, first, third, and fourth classes, $45,000, of which the sum of $10,000 shall be immediately available for the fiscal year 1911.

The amendment was agreed to.

The next amendment was, on page 34, line 15, after the word "mails," to insert "in accordance with convention stipulations"; in line 16, before the word "thousand," to strike out "fifteen" and insert "seventeen"; in line 17, before the word "thousand," to strike out "eight" and insert "seven"; and in line 18, after the word "available," to insert "for the fiscal year 1911," so as to make the clause read:

For payment of limited indemnity for the loss of registered articles in the international mails, in accordance with convention stipulations, $17,000, of which $7,000 shall be immediately available for the fiscal year 1911.

The amendment was agreed to.

The next amendment was, on page 34, after line 21, to insert:

For the employment of special counsel, to be appointed by the Attorney General when requested by the Postmaster General, and at compensation to be fixed by the Attorney General, not exceeding this temporary appropriation, to prosecute and defend, on behalf of the Post Office Department, all suits now pending or which may hereafter arise affecting the second-class mailing privilege, $10,000.

The amendment was agreed to.

The next amendment was, on page 35, line 16, after the word "health," to insert "and by State boards or departments of public charities and corrections," so as to read:

That from and after the passage of this act all periodical publications issued from a known place of publication at stated intervals, and as frequently as four times a year, by or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having a bona fide membership of not less than 1,000 persons, or by a regularly incorporated institution of learning, or by a regularly established State institution of learning supported in whole or in part by public taxation, or by or under the auspices of a trades-union, and all publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by State boards of health, and by State boards or departments of public charities and corrections, shall be admitted to the mails as second-class matter, and the postage thereon shall be the same as on other second-class matter.

The amendment was agreed to.

The next amendment was, in the appropriation relative to admitting to the mails as second-class matter periodical publications issued from a known place of publication at stated intervals, etc., on page 36, line 11, after the word "publications," to strike out "*Provided*, That the circulation through the mails of periodical publications, issued by or under the auspices of benevolent or fraternal societies or orders or trades-unions, or by strictly professional, literary, historical, or scientific societies, as second-class matter, shall be limited to copies mailed to members, exchanges, and bona fide subscribers, together with 10 per cent of such circulation in addition as sample copies" and insert "*Provided*, That the circulation through the mails of periodical publications issued by, or under the auspices of, benevolent or fraternal societies or orders, or trades-unions, or by strictly professional, literary, historical, or scientific societies, as second-class mail matter, shall be limited to copies mailed to such members as pay therefor, either as a part of their dues or assessments, or otherwise, not less than 50 per cent of the regular subscription price; to other bona fide subscribers; to exchanges, and 10 per cent of such circulation as sample copies," so as to read:

But such periodical publications, hereby permitted to carry advertising matter, must not be designed or published primarily for advertising purposes, and shall be originated and published to further the objects and purposes of such benevolent or fraternal societies or orders, trades-unions, or other societies, respectively; and all such periodicals shall be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications: *Provided*, That the circulation through the mails of periodical publications issued by, or under the auspices of, benevolent or fraternal societies or orders, or trades-unions, or by strictly professional, literary, historical, or scientific societies, as second-class mail matter, shall be limited to copies mailed to such members as pay therefor, either as a part of their dues or assessments, or otherwise, not less than 50 per cent of the regular subscription price; to other bona fide subscribers; to exchanges, and 10 per cent of such circulation as sample copies: *Provided further*, That the office of publication of any such periodical publication shall be fixed by the association or body by which it is published, or by its executive board, and such publication shall be printed at such place and entered at the nearest post office thereto.

Mr. TOWNSEND. Mr. President, it may seem a little ungracious to stop action on this bill for a discussion of this item, and I do not do so with any idea of finding fault with the committee. I realize that this has been a very difficult subject with which to deal and that the committee has given it very long and careful consideration. I especially commend the chairman for his patient and painstaking labors on the pending bill. Nevertheless, I believe the House provision is more desirable than the Senate committee amendment.

The question of the admission of fraternal papers and publications to the mails has been one that has been before Congress a great many times. The first act regarding second-class mail matter privileges was passed in 1879, and after that act passed for a good many years fraternal papers were admitted to the mail at second-class rates without any serious question on the part of the Post Office Department until the early nineties when the Post Office Department ruled that such publications were not entitled to admission to the mails because, first, they did not have a bona fide subscription list. The question was brought up and the department ruled that a list of membership could be recognized as a list of subscribers if in the dues or initiation fees or in some other way the question of a payment for the subscription was recognized by the order.

It was also believed under the old law of 1879 that fraternal papers had the right to carry general advertising until the department ruled to the contrary. Then an act was passed in 1894, and the discussion which occurred in Congress at that time will throw a great deal of light upon the question for those who wish to know exactly what the situation then was.

It was believed then that fraternal organizations had been denied rights and benefits of the second-class mail privilege by executive orders of the Postmaster General, and so the law of 1894 was passed. It was believed at that time that the claimants for the second-class mail privilege had been accorded all they required; but after that another ruling by the department came out, in fact there were several rulings, to the effect that they still did not have a bona fide subscription list, for the roll of membership was not regarded as such a list, and that the provision regarding the advertising matter which could be published only included that which applied to the order or to the good of the order, and that the fraternal papers could not carry any advertisements except such as originated in and affected directly the order itself, as, for instance, if they had some old regalia they wished to sell they could advertise in their papers for that purpose, but could not carry any other advertising.

It ought to be understood, Mr. President, that all these fraternal associations are organized under State laws which forbid that they should be conducted for profit. Not one of these organizations can be carried on or can conduct a publication for profit alone; indeed, if it were known that that was the chief object of the advertisements the charter of the organization would be forfeited. Mr. President, I have never heard that the privilege accorded prior to 1894 and some little time thereafter has ever been abused.

Mr. BOURNE. Will the Senator permit me to interrupt him?

Mr. TOWNSEND. Very gladly.

Mr. BOURNE. Do I understand the Senator from Michigan to say that none of these organizations could charge for subscription to their papers any more than it cost the organization——

Mr. REED. Will the Senator please speak so that we can all hear him?

Mr. BOURNE. I was asking the Senator from Michigan if I understood him to say that none of these organizations could charge for subscription to their papers more than it cost the organization for the support and maintenance of the papers?

Mr. TOWNSEND. Oh, no. I was not discussing that point at all.

Mr. BOURNE. I understood the Senator to say they could not charge any profit. Probably I misunderstood him.

Mr. TOWNSEND. Yes. I stated that these orders could not conduct their publications for purposes of profit. They could, however, undoubtedly charge an amount for the publication which would contribute to the expenses of the publication and, incidentally, to the expenses of the order, but they could not issue a publication for the purposes of making money, under the organization or under their charters.

Mr. BOURNE. Then why do they desire the privilege of carrying advertising matter?

Mr. TOWNSEND. For the purpose I have stated. In the first place, it is a known fact that a great majority of these publications are conducted at a loss. They do not receive the amount of money that it costs the organization to publish them, and the reason they are published is because the paper furnishes a means, an easy and adequate means, for giving notices of assessments and other notices incidental to the conduct of the order.

Mr. BOURNE. If the Senator will allow me, how is the determination to be arrived at whether they are conducted at a loss or not if no charge is made to the member of the organization for the subscription to the paper?

Mr. TOWNSEND. The papers are published out of a fund, a lodge fund, drawn upon for that purpose. By reference to that fund one could determine very readily what was the expense of the publication, and the only object of the publications in getting the right to carry advertisements was to secure some means to assist them in defraying the cost of publishing the paper itself.

Mr. BOURNE. If I may interrupt the Senator from Michigan——

Mr. TOWNSEND. Any time.

Mr. BOURNE. How is the amount of the fund that is set aside for the publication of the paper determined? Upon what basis? It is autocratic, absolutely.

Mr. TOWNSEND. Absolutely.

Mr. BOURNE. How can you say, then, that there is a regular subscription price if an amount is autocratically set aside for the maintenance of the paper?

Mr. TOWNSEND. I did not wish to be understood as saying that there was an amount set aside. If I stated that, I did not mean it. I meant that a certain sum was deducted from the revenues of the order for meeting the expenses of the paper.

Mr. BOURNE. And that is charged to whom?

Mr. TOWNSEND. It is charged to the general fund of the order, and paid out as a part of the running expenses of the order, the same as rent would be paid or any other fixed charge, because it has become a fixed charge upon every order which issues a paper.

These papers are in themselves of the highest character, so far as concerns the material in them.

They are contributing to the welfare of their membership. I have never seen a paper which was issued by one of these orders against which there could be the slightest objection. They go to the homes of about 8,000,000 members in the United States.

Now, what was sought by the House amendment was to make absolutely clear the fact that these papers could carry advertisements not inconsistent with the postal rules and laws and not inconsistent, of course, with the charters under which they are doing business, and this bill provides for that; the committee has left that in. It also sought to provide further that a list of members, where the order consisted of a thousand or more members, should be a sufficient subscription list for the circulation of the paper, to meet the requirements of the law. Therefore it has seemed to me that inasmuch as I have never heard any complaint of any abuse of this privilege, these worthy institutions, and I think they are all recognized as worthy, should possess this right and benefit.

I repeat that under a general order of the department for a season the department recognized that membership in this order constituted a subscription, provided in the initiation fees or the dues—it was recognized that a payment had been made or included in it.

Now, the committee has gone a long way in the right direction here, and perhaps it is technical for me to make this objection, namely, I am afraid that under this language the department may still rule that the method adopted by the orders does not square with the notion of the department as to what is a subscription list.

Mr. BOURNE. If the Senator will permit me, the committee of the Senate in considering this matter, as the Senator has stated, spent considerable time and held hearings. They have the same opinion that the Senator has so graphically described in reference to these organizations. The desire of the Senate committee was to put these fraternal organizations on the same basis that we put all publishers of other magazines, periodicals, or newspapers.

Under the law the privilege of becoming second-class mail matter depends upon a regular subscription list. There are some 26,504 publications outside of fraternal and benevolent organizations, of which there are some 1,346. That we should give privileges to or remove conditions from these 1,346 publications that are not given or required of the 26,504 was deemed by the committee as unjust and discriminatory. We have tried in the committee amendment to meet what the representatives of these associations claim they desire. No burden will be put upon the organizations or the members by compliance with the committee amendment. We adopted what is known as the Dodds bill, to which the Senator refers, as it passed the House, with the exception of the proviso, and we substituted a proviso for the House proviso.

Under the Senate proviso the only limitation or restriction put upon the members or upon the organizations is that the subscription price to members shall be not less than 50 per cent of the regular subscription price.

I understand the largest organization in the United States is the Woodmen, representing some 1,200,000. I understand that organization is composed of local lodges of a hundred members each; that members pay to their local lodges certain dues; that the head lodge receives from the subsidiary lodges twice a year a certain payment. If there are a hundred members in a lodge, twice a year, or every six months, $60 is sent by the local lodge to the parent lodge for overhead charges.

According to the committee amendment here, if adopted, all that would be required would be that a certain percentage of that $60 received by the parent lodge each six months should be applied for subscription to the papers in order to come within the requirement of the law and to entitle the publication to the privileges of second-class mail matter. There would thus be a paid subscription list, which is required of the other 26,000 papers and periodicals admitted to the mails as second-class matter.

Mr. TOWNSEND. If the Senator will allow me to interrupt him here, if that were clear in this amendment I should see less objection to the striking out of the House matter. But that is not the way the amendment reads. The amendment you have put in here reads that it shall be limited to those members who pay for it. It "shall be limited to copies mailed to such members as pay therefor, either as a part of their dues or assessments or otherwise."

Mr. BOURNE. "Either as a part of their dues or assessments."

Mr. TOWNSEND. Yes; but you say that the part which is submitted to the grand lodge can be kept out and used as payments for the subscriptions.

Mr. BOURNE. I say, if the Senator will permit me, that according to my interpretation of this and according to the interpretation of the Third Assistant Postmaster General, if the receipts given by the grand lodge to the subsidiary lodges state that of the amount received so much or such a percentage was for subscription to the periodical and such a percentage was for dues, then the department would be obliged, under the amendment proposed by the Senate committee, to construe those members as subscribers within the law.

Mr. TOWNSEND. Does the Senator think——

Mr. BOURNE. The prohibition which would be placed would be, if that amounted to 25 cents a year, for instance, or 20 cents a year, according to the apportionment that may be made for the subscription and the apportionment for dues——

The PRESIDING OFFICER (Mr. WATSON in the chair). Will the Senator from Oregon kindly suspend in order that the Senate may receive a message from the House of Representatives?

Mr. BOURNE. Certainly.

CONTINUANCE OF APPROPRIATIONS—PENSION AGENCIES.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 344) to continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies," in which it requested the concurrence of the Senate.

The PRESIDING OFFICER laid before the Senate the joint resolution (H. J. Res. 344) to continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies," which was read twice by its title.

Mr. WARREN. Will the Senator from Oregon yield to me for a moment?

Mr. BOURNE. With pleasure.

Mr. WARREN. The Committee on Appropriations has already had under consideration the subject matter embraced in the joint resolution, and I suggest that the joint resolution be referred to the committee. The committee is ready to report.

Mr. SMITH of Michigan. Before that is done I should like to ask the Senator from Wyoming whether this emergency legislation—I suppose it is so regarded—goes far enough to meet all urgent expenses, including the payment now due for pensions?

Mr. WARREN. It only goes so far as a one twenty-fourth of the appropriation of last year will take it.

Mr. SMITH of Michigan. I should like to know, if it is possible to obtain the information from the Senator from Wyoming, whether the failure to pass the necessary appropriation bills, which should be effective now, endangers the payment of pensions to veteran soldiers now entitled to the same under the new law?

Mr. WARREN. I will say to the Senator, first, that the due proportion for the half month—and that is what the joint resolution provides for—of course, can be had. If the conferees,

which now have possession of the pension bill, would agree upon the same and report it, there would immediately become available the proceeds of that appropriation bill.

Mr. SMITH of Michigan. Under this joint resolution——

Mr. WARREN. Regardless of this joint resolution.

Mr. SMITH of Michigan. Regardless of this joint resolution.

Mr. WARREN. Yes. That, in fact, would make this joint resolution unnecessary, as the Pension Department under the pension bill——

Mr. SMITH of Michigan. I should like to ask the Senator where the difficulty lies in making appropriations to meet such expenditures as the one to which I refer?

Mr. WARREN. I will say to the Senator that we could here now introduce a joint resolution to provide for that alone and send it to the other House, although it should naturally come from that end of the Capitol. But to undertake to amend this joint resolution—it is a matter I have had under consideration and so have the committee—seems impracticable, because this in a few words makes available for one-half month an amount equal in proportion to the standing regular appropriations of last year. Last month we provided for one-twelfth, and this is for one twenty-fourth.

Now, we find the Post Office Department short, the Agricultural Department short, and a number of other departments are short; but the circumstances are different in each case, so that no general proposition to cover them all is practicable, unless we make a general provision that each department shall spend what it requires—which, of course, is not practicable—or await the passage of the general supply bills.

Mr. SMITH of Michigan. It seems to me we are drifting into a very unfortunate situation.

Mr. WARREN. I agree with the Senator.

Mr. SMITH of Michigan. Where the responsibility rests for a failure to make the necessary appropriations I am unable to say, but the Senator from Wyoming, I think, will agree that the Government is amply supplied with the means to meet all these charges.

Mr. WARREN. It is.

Mr. SMITH of Michigan. Indeed we have an excess of revenue now that is available; but the pension checks which have gone out from the bureau ever since the pension system was established, are, because of inactivity somewhere, now to be withheld from the veterans of the war, who in their old age need this monthly payment, and I should like to see the responsibility for this delay placed where it belongs. If it lies in this Chamber, I should like to know it.

Mr. OVERMAN. Why are not the pensions paid?

Mr. SMITH of Michigan. Because there has been no appropriation made.

Mr. OVERMAN. The appropriation has been made. A joint resolution continuing the appropriations of the last fiscal year was passed 15 or 30 days ago.

Mr. SMITH of Michigan. The pension checks would go out to-day if the money was available.

Mr. WARREN. The pension checks go out once a quarter.

Mr. OVERMAN. Quarterly.

Mr. SMITH of Michigan. From official information which I received this morning from the Commissioner of Pensions, no fund is now at his disposal for this purpose.

Mr. STONE. I will say to the Senator from Michigan that the responsibility lies in this Chamber, in the fact that it did not agree to the bill passed by the House in the form in which it was sent here.

Mr. WARREN. Let me ask the Senator from Missouri to repeat his last remark. I did not catch it.

Mr. SMITH of Michigan. I will tell the Senator what the Senator from Missouri said.

Mr. WARREN. What was the last remark the Senator from Missouri made?

Mr. STONE. I said that if the Senate had agreed to the appropriation bill sent here by the House the bill would have been a law and the money would have been available.

Mr. WARREN. I presume that the Senator from Missouri thinks that that statement is true, but, unfortunately, it is incorrect. The Senate has not delayed appropriation bills. The Senator ought to know that a week or 10 days ago we passed the sundry civil bill, and notified the House by sending the bill back there that we were ready at any moment to go into conference on the bill. Still the bill has not been taken up or sent to conference, and that has been the case with other appropriation bills.

Mr. GALLINGER. Mr. President, when the District of Columbia appropriation bill went from this body with a request for a conference it was held up for two months before the conference was granted.

Mr. WARREN. Yes; and I want to say another thing to the Senator from Missouri and the Senator from Michigan. This very matter which has been talked about was presented fully to the proper committee at the other end of the Capitol, and we have heard nothing from them.

Mr. STONE. This very bill which we are now considering here, which is occupying the time of the Senate, was passed by the House practically two months or more ago. So with other bills that have been passed by the House and sent over here, the Senate committees and the Senate itself have been holding them up.

Mr. WARREN. The Senate Committee on Appropriations has been ready to meet with the representatives of the House every day and every hour.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. The bill will be read twice and referred to the Committee on Appropriations.

Mr. SMITH of Michigan. It is not my intention to delay the passage of the emergency resolution just reported, but there seems to be a wide difference of opinion between the chairman of the Committee on Appropriations, the Senator from Wyoming, and the Senator from Missouri.

Mr. WARREN. The record will show who is correct.

Mr. SMITH of Michigan. I do not pretend to locate the difficulty, but I do know that unless some action is taken, and taken promptly, to insure payment, the veterans of the Civil War, who are entitled to their pensions already adjudicated, will be greatly inconvenienced by the failure to receive that to which they are justly entitled, and I do not want the opportunity to pass without reminding Senators that it is not to our credit that such a condition of affairs should exist.

Mr. OVERMAN. I think the Senator from Michigan is mistaken about these pension warrants. I do not mean to say that he has not correctly stated to the Senate the information he has received, but I think his information itself is incorrect. I think the pension warrants were sent out on the 1st of July, and then the next payment will be October 1. So if these pension warrants for July were taken care of by virtue of the joint resolution which has heretofore been passed extending the appropriations, between now and October there will be no pension warrants to be sent out at all, because they are sent out only quarterly.

Mr. SMITH of Michigan. I was moved to make this statement because of a statement made to me by the Commissioner of Pensions to-day—and I think I am entirely correct—that the department over which he presides is being very seriously handicapped, and the proper treatment of veterans jeopardized, by laxity and neglect on the part of Congress to make necessary appropriations.

Mr. GALLINGER. Mr. President, I think the Senator has been misinformed, even though his informant may have been the Commissioner of Pensions. The general appropriation for pensions for this year is substantially the same as last year, only it is a little more. We passed a joint resolution continuing the appropriations of last year for the month of July, so the departments had one-twelfth of the appropriation of last year, which was almost as much as is carried in the general pension appropriation bill for this year. Now, we propose to pass an emergency measure continuing for the present month the appropriations for one-twelfth of last year.

Mr. WARREN. It is one twenty-fourth.

Mr. GALLINGER. That is true; it is one twenty-fourth. I do not see how there can be any embarrassment on the part of the Commissioner of Pensions in paying these claims.

Mr. McCUMBER. Mr. President, there is embarrassment on the part of the commisioner in paying these claims. I was informed to-day that at the end of the week there will be a deficiency of about $30,000,000. I will not call it a deficiency, because we have not made our appropriation, but there will be new claims fully adjudicated to the extent of about $30,000,000 before the end of this week, and there is not the money appropriated under the joint resolution or otherwise to pay that amount, and we ought to have some provision for making these payments.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. Certainly.

Mr. GALLINGER. Will not the Senator agree with me that if we had passed the general pension appropriation bill a month ago or two weeks ago we would not have had this emergency?

Mr. McCUMBER. That is correct. We had a deficiency last year and the year before——

Mr. GALLINGER. Yes. We may have a larger deficiency, but it would have been cured by the passage of the general pension appropriation bill.

Mr. McCUMBER. It would have been so cured, and, Mr. President, I think it appropriate for me to state at this time the cause of the delay in passing the general appropriation bill for pensions. We have for nearly two months had the matter under consideration day in and day out, adjourning from day to day and sometimes for a few days. We have agreed upon every proposition but one, and that proposition is one that relates to general legislation; and it is the opinion of the conferees on the part of the Senate that when either House seeks to make entirely new legislation or unmake old legislation, which is exactly the same thing, upon an appropriation bill, if it is impossible for the conferees to agree, that House which asks for the repeal of the old legislation should be the one to yield in matters of that character, if it is purely new legislation and not necessarily pertinent to the appropriation bill.

We have been unable to agree upon that point. The Senate conferees have gone halfway—I think a little more than halfway—in their propositions in order to secure an agreement which would allow us to put the bill through.

Mr. OVERMAN. What is the character of this general legislation?

Mr. McCUMBER. The general legislation is to repeal the old law providing for pension agencies.

Mr. OVERMAN. The Senate holds out. The reason we have no bill is because the Senate wants to keep in these agencies, the abolition of which has been recommended by the department.

Mr. McCUMBER. No; the Senator has got it wrong. The House holds out because it wants to repeal an old law, and the Senate is not willing to repeal that law.

Mr. OVERMAN. The House simply fails to make the appropriation for them; is that it?

Mr. McCUMBER. Oh, no——

Mr. OVERMAN. The 17 pension agencies; and the bill as it came over here did not appropriate for those agencies.

Mr. McCUMBER. The proposed law is in effect a repeal, because it has other provisions which in effect repeal all that portion of the law relating to pension agencies.

Mr. OVERMAN. I understand that it is a repeal to the extent that it does not make the appropriation. Now, I will ask the Senator also if the abolition of these agencies has not been recommended by the department?

Mr. SMITH of Michigan. Will the Senator from North Dakota permit me?

Mr. McCUMBER. I yield.

Mr. SMITH of Michigan. I desire to say to the Senator from North Carolina that the starvation policy of another branch of Congress, which withholds support from necessary legislation in order to gratify a mistaken prejudice against a few pension agents, may operate very disadvantageously to those who are entitled to their pensions.

Mr. OVERMAN. It might be, I will say in reply to the Senator from Michigan, that a stubborn Senate would rather keep in 17 pension agents than let the old veterans have their money.

Mr. SMITH of Michigan. No; a loyal Democrat would rather support the mistaken policy of his party in another Chamber and attempt by indirection to weed out a few appointees than pay the soldiers' pensions now due.

Mr. OVERMAN. Another party, your party, and the Democratic Party, to which I have the honor to belong, both have agreed to this policy recommended by your administration.

Mr. SMITH of Michigan. Oh, no, Mr. President. I do not think the Senator from North Carolina is correct. I know of no agreement in this Chamber or among Senators or anywhere else to put on an appropriation bill legislation of this character.

Mr. OVERMAN. The House just failed to make the appropriation.

Mr. SMITH of Michigan. Yes; they failed to make the appropriation. It is an old policy; if they are unable to accomplish their purpose directly they choose this method of strangulation.

Mr. OVERMAN. Does not the Senator know——

Mr. SMITH of Michigan. It has been done before. It has been done by the Democratic majority before.

Mr. OVERMAN. I am told that in the House of Representatives there were only 17 votes against this policy.

Mr. SMITH of Michigan. There is singular unanimity over there when it comes to official reform, they are even willing to withhold pensions from deserving soldiers in their old age, a form of contempt sometimes shown upon other fields of controversy, and I hope that kind of policy will never be approved in this Chamber.

Mr. McCUMBER. Mr. President, there is a simple way out of this proposition. If there are only 17 Members in the whole House against the proposition of continuing these agencies, it will probably not take them 17 minutes to put through a bill of that character, and if a bill of that character comes before the Senate and is referred to the Committee on Pensions, I think I can guarantee that it will not take 17 minutes more for that committee to report the bill into the Senate and allow the Senate to act upon it. It is a matter purely of changing our old law, and is not necessarily a proper matter for an appropriation bill, pure and simple.

I would say, let us pass the appropriation bill for this year, and then, if we want to change our law to take effect at any time, let is be done under the general bill, not attached to an appropriation bill; and you can make it take effect immediately or take effect at any time in the future. You will then, if you pass it, cut off so much of the appropriation as has been made for that specific purpose. There is nothing to be gained that I can see in insisting that this bill relating to pension agencies should necessarily be attached to the appropriation bill.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. I yield.

Mr. STONE. The old soldiers are entitled to the sympathy of the people and the aid of the Government. They are living along in the shadow of what is the final sunset of life. The House of Representatives, recognizing the duty and the obligation of the Government in their behalf, has passed a bill making appropriations to pay the deserved pensions to these old veterans. But the passage of that law is obstructed and held in abeyance here in the Senate by what and why? As I understand the situation and the facts, the House put into this bill a provision dispensing with a number of superfluous officeholders. Perhaps it would be more accurate to say that it failed to make provision for the continuance of a number of high-paid officials burdening the pay roll of the Government, not soldiers, but civilian appointees. My friend from Michigan [Mr. SMITH] says to me that some are soldiers. Possibly that may be so, but for the most part they are men who were never upon a field of battle nor in the hearing of the sound of war. They have been appointed from different States as a part of the official patronage of those who had influence with the Government, holding these places and drawing large salaries, said to be useless places, not necessary to the efficient discharge of the duties of the department.

Mr. GALLINGER. Mr. President——

Mr. STONE. Just a moment and I will yield to the Senator. As I understand the facts to be, the department itself has said that these officials can be well dispensed with, without injury to the public service, saving thousands and tens of thousands of dollars to the Treasury. Yet the old soldiers are held at arm's length waiting for their pensions upon a contention made by the Senate that these official favorites, pensioners themselves on the Public Treasury, shall be kept in their places.

Mr. GALLINGER. Will the Senator yield to me now?

Mr. STONE. I yield with pleasure.

Mr. GALLINGER. I will leave the matter as to the discussion of the pension agencies to the Senator from North Dakota [Mr. McCUMBER], the chairman of the committee; but I know the Senator from Missouri wants to be accurate. When the Senator from Missouri says these pension agents are not as a rule old soldiers he is incorrectly informed. We have three pension agencies in New England, and the agent in each case is a soldier of great distinction. They are men who served long and faithfully and gallantly.

Mr. CULLOM. In Illinois he is an old soldier.

Mr. GALLINGER. In Illinois he is an old soldier; and I think, as a rule, they are old soldiers. There may be exceptions, but the Senator made the statement quite too broad on that point.

Mr. STONE. I did, perhaps, in the first instance, but I modified it, saying on the authority of my friend the senior Senator from Michigan, that there are among these agents some old soldiers.

Mr. GALLINGER. I think the rule is that they are old soldiers. There may be some civilians.

Mr. STONE. But if they were all old soldiers, I do not see that it would change the absolute question before the Senate and before the country. If they are old soldiers, deserving

pensions, they are drawing them, and in order to maintain them in official place, with an additional salary, hundreds of thousands of others who have no places of that kind should not be kept out of their rights.

Mr. McCUMBER. Mr. President, let us get at the truth of this matter. The Senator from Missouri says that the House passed an appropriation bill and the Senate has been holding up that appropriation bill. Nothing could be further from the truth. The House passed an appropriation bill and they attached to that appropriation bill another matter, which repealed a law upon our statute books. The Senate immediately took up that appropriation bill, and in due and proper time passed the appropriation bill. So the Senate passed the bill appropriating money for the pensions to be paid out during the fiscal year from July 1, 1912, to June 30, 1913. They passed that some two months ago, I think.

That bill went back to the House. The House practically says by its action, We will not agree to an appropriation bill pure and simple. We will insist upon a rider, which affects general legislation and repeals an old law, and we will starve you into submission. We reply, Let the old law take its course and let any law to repeal it take its chances before the two Houses. We are perfectly willing to do that, but let us appropriate the money to pay the old soldiers now and let us deal with this question of general legislation, or the repeal of any other legislation, in a separate bill.

Mr. BRYAN. Mr. President——

Mr. McCUMBER. In just one moment. The two Houses disagree upon the question whether or not the pension agencies should be disposed of. Let us lay that aside and let us go ahead and provide an appropriation for carrying out the law as it now exists. That is what the Senate offers to do. The House fails to do that.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. I yield.

Mr. BRYAN. I know the Senator from North Dakota desires to be accurate. I do not think he is exactly accurate in his statement that the House added new legislation on the bill and the Senate struck it off.

Mr. McCUMBER. Let me——

Mr. BRYAN. My recollection is that the bill as it came to the Senate and to the Senate committee was an appropriation bill pure and simple; that it did not provide for the payment of expenses to keep in operation 17 pension agencies outside of the main office at Washington, and that the Senate committee added a sufficient appropriation to keep those 17 pension agencies in existence, notwithstanding the fact that only the 17 Congressmen from the districts affected voted against the House bill as it passed, and notwithstanding the fact that the Commissioner of Pensions and the President of the United States recommended that those 17 useless agencies be abolished.

So I hardly think it is fair, Mr. President, to say that the Senate committee offered to put it back into the shape of an appropriation bill. It was nothing but an appropriation bill when it came to the Senate. The House has a right to refuse to continue those 17 pension agencies if it desires to do so. It was an amendment of the Senate put on in committee and adopted in the Senate that has caused whatever delay has existed.

Mr. McCUMBER. Mr. President, any provision in a bill which repeals an old law is new legislation. It changes the law. The present law provides for 18 agencies.

Mr BRYAN. Mr. President——

Mr. McCUMBER. Any law which abolishes those agencies, directly or indirectly, changes that law, and a refusal to appropriate——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. In just one moment. A refusal to appropriate for the places is the equivalent of abolishing them. But the House did not stop there. It not only refused to appropriate for those agencies, but it provided specially for the transfer of the records of those agencies from the several points where they are located to the city of Washington, and thereby completed the annihilation of those agencies.

Now, that is a new proposition. We differ on whether it would be for the interest of the Government to abolish those agencies. With a fair difference the Senate conferees have offered to recommend in this bill an investigation by the executive department into the necessity for continuing those agencies, and if the executive department reports after an investigation that an economical and efficient administration of the Government will justify the abolition of those agencies, the President will be directed and authorized to abolish them.

Mr. BRYAN. Mr. President——

Mr. McCUMBER. We have gone that far, and we stand ready to recommend to the Senate the adoption of that proposition. If it is established to the satisfaction of the Interior Department and the President to-day, or the President who may be our President next year, that we should not continue those agencies, he would have the authority under the Senate proposition to abolish them. We have gone that far, and I insist that the House ought in good faith to take that proposition off the bill and let us proceed to make the appropriations necessary to pay the soldiers what may be their due the next quarterly pay day.

I yield to the Senator from Florida.

Mr. BRYAN. Mr. President, regardless of the question whether the Senate added new legislation or not, is it not true that the simple fact remains that the only thing keeping this appropriation bill in conference is that the Senate conferees stand for continuing the 17 pension agencies that the President and the Commissioner of Pensions have already recommended should be abolished?

Mr. McCUMBER. Let me ask the Senator when and where has the Commissioner of Pensions recommended that these pension agencies should be abolished?

Mr. BRYAN. The Secretary of the Interior or the Commissioner of Pensions.

Mr. McCUMBER. When?

Mr. BRYAN. In the report last year.

Mr. McCUMBER. I should like to see the report.

Mr. BRYAN. I have it not here.

Mr. McCUMBER. I think the Senator is mistaken. I think he will find no recommendation of that character. The commissioner has not made a recommendation one way or the other.

Mr. BRYAN. Regardless of that, that is the only matter in difference that is keeping the bill in conference, is it not?

Mr. McCUMBER. All that has been done is the testimony taken before the committee some two years ago, and no recommendation has been made by the Secretary of the Interior, by the President, or by any Commissioner of Pensions. The Senator is mistaken.

Mr. BRYAN. I will ask the Senator this question, then: If the Senate conferees will agree to the abolishment of these 17 pension agencies, is there anything to keep this appropriation bill in conference?

Mr. McCUMBER. I suppose if the House would attach any other legislation upon the bill and ask the Senate to agree to it, and the Senate would agree to changing some other law, they might secure the appropriation.

Mr. BRYAN. Will the Senator answer the question I asked him?

Mr. McCUMBER. As has been suggested to me, we might pass all the appropriation bills in a very short time if we would yield everything.

Mr. BRYAN. Is there anything else keeping the pension appropriation bill in conference except the refusal of the Senate conferees to resist the amendment and keep the 17 pension agencies in force?

Mr. McCUMBER. Is it anything except the refusal of the House conferees to leave out of the bill legislation that does not necessarily belong to it?

Mr. BRYAN. What legislation is the House trying to keep in the bill?

Mr. McCUMBER. I think we have been talking about that legislation for a great while.

Mr. BRYAN. The House wants to take away the appropriation to maintain the 17 pension agencies that are said to be useless.

Mr. McCUMBER. Let us put it in clear and concise English. The House desires to abolish the agencies.

Mr. BRYAN. Certainly.

Mr. McCUMBER. The Senate by its vote desires to retain those agencies, and that is the issue.

Mr. BRYAN. Yes.

Mr. SMITH of Georgia. That is all there is.

Mr. WARREN. If Congress carries out the law in making appropriation in the regular way in the appropriation bill it would provide for those agencies, would it not?

Mr. McCUMBER. We now have the law on our statute books. It is a question whether we will appropriate to carry out that law or whether we shall change that law.

I submit that when there is an insistent and a grave difference between the two Houses upon an appropriation bill the House which seeks to interject legislation which abolishes or repeals older legislation it should be allowed to come up as a distinct matter and not upon the appropriation bill.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. I yield to the Senator.

Mr. REED. I concur in the view of the Senator from North Dakota that the situation is a most grave one, the gravest imaginable that could be put up to Republican conferees at this time. The proposition to abolish offices held by Republicans at this time is not only grave, but it is tragic.

Mr. WARREN. Mr. President——

Mr. BRYAN. Will the Senator from Wyoming allow me to suggest one word further?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Florida?

Mr. WARREN. I yield.

Mr. BRYAN. I will state for what it is worth, that I understand from the Senator from Indiana [Mr. SHIVELY], who has been on the Pension Committee for a number of years, that 3 of these agencies were established by statute and the other 14 were established in pursuance of Executive order.

Mr. McCUMBER. Mr. President, so much the less reason for one of the branches of Congress insisting upon putting into a positive law that which the President has a right to do without any law. If the President, without any law upon the statute books, can abolish 14 out of 17 or 15 out of 18 agencies, then there is no crying necessity for a law upon this subject. The fact that the President has not done so is some argument, and convincing possibly to some of us, that the change ought not to be made.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield further to the Senator from Florida?

Mr. WARREN. Certainly; I yield.

Mr. BRYAN. If the House refuses to give money to the executive department to keep in existence the establishment of them, would it not amount to the abolishment?

Mr. WARREN. As I have stated, this legislation is hardly such that it can be now safely amended, because it must reach and secure the signature of the President to-day. I desire to say, with reference to all that has been said as to appropriations for pensions, that the Treasury has plenty of money to pay pensions when they are due, and, so far as I am concerned—and I believe the Senate Committee on Appropriations feels the same way—we are ready to pay that money out as fast as it falls due in the proper way.

I now report from the Committee on Appropriations the House joint resolution No. 344 and ask for its present consideration.

There being no objection, the joint resolution (H. J. Res. 344) to continue the provisions of the joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies," was considered as in Committee of the Whole. It provides that the provisions of a joint resolution entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies," approved July 1, 1912, shall be extended and continued in full force and effect for and during the first half of the month of August, 1912.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POST OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. TOWNSEND. Mr. President, I should be very much better pleased with the House provision than with any of the suggestions which have been made. Nevertheless, I realize that this is a question about which there is a great difference of opinion. I am as anxious as the chairman or any other Member to harmonize our differences and get at the thing we all believe is just and equitable. I understand that the suggestion has been made for an amendment here. If the chairman has it, I would be glad to have it stated.

Mr. BOURNE. I will send to the desk an amendment to be proposed in the first line on page 37 of the bill.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment for information.

Mr. BOURNE. I think it will eliminate any uncertainty the Senator from Michigan seems to think there might be in the proposed committee amendment.

The SECRETARY. On page 37, line 1, after the words "sample copies," insert:

Provided further, That subscriptions by the respective lodges of the aforesaid fraternal societies, unions, and organizations in behalf of their bona fide paying members and receipts to the lodges for their members shall be evidence of subscription and payment, and individual subscriptions and receipts shall not be required.

Mr. TOWNSEND. Mr. President, I recognize the principle that is intended to be carried by those words, but it seems to me that the word "lodges" is hardly a sufficiently comprehensive word to cover literary societies, labor unions, and the other orders which are hoping to receive a benefit under this particular provision.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Washington?

Mr. TOWNSEND. I do.

Mr. JONES. I should like to know what is meant by bona fide paying members. Does it mean subscription-paying members or dues-paying members, or what?

Mr. TOWNSEND. I take it what is meant there is dues-paying members.

Mr. JONES. All the members are dues-paying members, or they are supposed to be. Does it mean subscription to their local paper? It seems to me that that is very indefinite in itself.

Mr. TOWNSEND. The object of putting in bona fide members there is to obviate the possibility of papers being issued to be circulated at a nominal price or for a special and limited purpose rather than for the enduring purposes of the orders themselves.

Mr. JONES. I appreciate what the object is; but it does not seem to me that the language covers the object sought to be attained.

Mr. BOURNE. The purpose of the language in the amendment just sent to the desk is to prevent any members of societies who may make no payment whatever or pay any dues of any nature from being entitled to the privileges under the proviso should it be adopted; that they have to be bona fide paying members of their societies. Then, with the provision which precedes, it would enable the subscriptions paid to a subsidiary unit of the main or parent society to be considered as a subscription to their papers under this authorization.

Mr. JONES. If the Senator will permit me, suppose the society members pay 5 cents or 10 cents dues, would that be a bona fide paying membership for a paper that they might issue?

Mr. BOURNE. I should so imagine, yet under this provision——

Mr. JONES. In other words, a bona fide paying member means a member who pays dues?

Mr. BOURNE. Who pays dues in the organization.

Mr. JONES. Dues paid to the organization not as a subscription to a paper?

Mr. BOURNE. Not as a subscription to a paper, except that part of his dues would be a subscription to the paper.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Kansas?

Mr. BOURNE. With pleasure.

Mr. BRISTOW. I should like to inquire why a publication of this kind should not conform to the same rules as all other publications in regard to subscriptions and advertising? This is not a benevolent publication. If it were a benevolent publication, there is not any reason why the rules that apply to second-class matter should not apply to it. Practically all these publications are printed by members of the society for profit, and the profits from the publications go into the pockets of the publishers.

Mr. TOWNSEND. Will the Senator suggest some such publication that comes under this head?

Mr. BRISTOW. I know a number of them. I have known in the past—I do not know that that is so now—where controversies have arisen in a State organization as to who should have the publication of the paper, because of the profits derived from its publication. The society pays the publisher for a certain subscription list on account of its members.

Mr. TOWNSEND. Mr. President, so far as fraternal organizations are concerned I do not think there is a single organization in the United States that publishes a paper for profit; that is, publishes it because of the profit that might come from the paper itself. These papers are published as a part of the operations of the society itself, for the purpose of notifying members of dues that are to be paid, of special assessments levied, and of other matters of business pertaining to the operation of the societies themselves.

The Senator from New York has suggested an amendment which obviates the objections which I have just made to the proposed amendment. I will state it. It is as follows:

And provided further, That subscriptions by the respective lodges or local organizations of the aforesaid fraternal societies, unions, and organizations—

I think perhaps the word "organizations" there should be changed to "orders," because that is the word used in the bill itself—

in behalf of their bona fide paying members, and receipts for the lodges or local organizations for their members shall be evidence of subscription and payment, and individual subscriptions and receipts shall not be required.

I think that does overcome the objection which I made to the use of the term "lodges" as applied to all these societies.

Mr. BRISTOW. Mr. President, the Senator from Michigan must admit that that legislation is special legislation, exempting from the rules governing the admission of second-class matter these publications.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New York?

Mr. BRISTOW. Yes.

Mr. ROOT. May I make a suggestion? If I thought the proposed amendment of the Senate committee, with the modification that is now suggested, did work that result, I should be against it. It does not seem to me that it does. It seems to me that it merely aims to accommodate the machinery of the law to the organization of the fraternal societies and other similar organizations.

There is a central organization by which the publication is issued and which transacts a large amount of the business necessary for the conduct of the affairs of the society; but that central organization deals not with the individual members but with the local lodges or organizations, and it is to accommodate the working of the machinery of the law to that organization that I understand this amendment has been proposed by the Senate committee. In every case the individual member of the local lodge or organization pays his subscription for the journal or publication of the society. That subscription is paid to the local organization, and the receipt for it from the local organization goes to the individual member. The purpose of this amendment is to provide that the amount included in that subscription for the journal shall be a fixed proportion—at least 50 per cent—of the general subscription price so as to assimilate these publications to all other second-class mail matter, and to relieve these organizations from the necessity of having the central office deal directly with the individual members of the lodges, enabling the central office to take subscriptions for and give receipts to the local organization instead of to the individuals. I think it leaves publications of this character, as a matter of substance, in the same position as is other second-class mail matter.

Mr. BRISTOW. Mr. President, if the Senator will provide in the bill for the system which he has just described, I will certainly offer no objection to it; but the provisions as suggested do not require the member of the local organization to say, to take an illustration, "I pay my dues, $5, for the year, 50 cents or 25 cents of which shall be for the Sprig of Myrtle and the remainder for regular dues." If such a provision is incorporated, and the local member says that he wants a part of his dues to be applied to his subscription to the society paper, then I say that is all right, but this provision does not do that.

Mr. ROOT. Mr. President, my understanding is that he can not help it; that the members of such associations are required to pay so much a year—say $5, and the dues, by the rules of the association, cover the subscription to the society journal.

Mr. BRISTOW. But suppose he does not want the journal?

Mr. ROOT. He can not help it; he can not be a member of the association without paying for it.

Mr. BRISTOW. But he does not have to take it. Certainly it is not proposed to enact legislation to compel him to take it, if he does not want it.

Mr. ROOT. I assume, Mr. President, that when a man becomes a member of one of these associations he becomes a member under the rules of the association. I belong to some associations in which I pay so much a year and my payment covers subscription to the journal issued. I can throw it into the waste-paper basket, if I so desire, when it is received; but every payment certainly is made under the rules of the association, and under those rules the payment includes a subscription for that publication; and I can not help it, except by severing my connection with the association.

Mr. WORKS. Did the Senator know that that was a part of the rules?

Mr. BRISTOW. Will Senators advocate such legislation as that and then complain about burdening the mails with second-class matter at a great loss? Will they force upon men publications which they may not want, give those publications special privileges under the rules governing second-class mail matter, and then say that we ought to raise the second-class rate because the mails are burdened too much with second-class matter?

Mr. WORKS. I should like to ask the Senator from New York if he knows, as a matter of fact, that the rules to which he has referred do require a member of the association to take the society's journal and make payment for it.

Mr. ROOT. This legislation contemplates precisely that situation.

Mr. WORKS. But I understood the Senator from New York to say that the rules of the organization require members to take the journal.

Mr. ROOT. The rules of the organizations to which I referred, of several of which I am a member, do require the payment of so much money, which includes, among other things, payment for the journal, and I can not belong to the association without paying that money for the journal.

Mr. WORKS. Of course, if that be so, we can legislate with respect to that condition of things. I only wanted to know whether or not that was the fact.

Mr. ROOT. Here is the Senate committee amendment:

Provided, That the circulation through the mails of periodical publications issued by, or under the auspices of, benevolent or fraternal societies or orders, or trades-unions, or by strictly professional, literary, historical, or scientific societies, as second-class mail matter, shall be limited to copies mailed to such members as pay therefor, either as a part of their dues or assessments, or otherwise, not less than 50 per cent of the regular subscription price.

And so forth.

Mr. BOURNE. I should like to ask the Senator from New York a question. He certainly does not advocate legislating according to the rules, regulations, and by-laws of fraternal organizations, but that the by-laws, rules, and regulations of such organizations must conform to legislation enacted by Congress?

Mr. ROOT. Of course.

Mr. BOURNE. Mr. President, I will ask the Secretary to insert in the proposed amendment I have sent to the desk, after the word "lodges," the second word in the second line, the words "or local organizations"; then strike out "organizations," the second word in the third line, and substitute in lieu thereof the word "orders"; and after the word "lodges," the fifth word in the fourth line, insert "or local organizations." I ask the Secretary to read the amendment with the changes I have just suggested.

The PRESIDING OFFICER. The amendment will be read as requested.

The SECRETARY. On page 37, line 1, after the word "copies," at the end of the committee amendment, it is proposed to insert the following proviso:

And provided further, That subscriptions by the respective lodges or local organizations of the aforesaid fraternal societies, unions, and orders in behalf of their bona fide paying members and receipts to the lodges or local organizations for their members shall be evidence of subscription and payment, and individual subscriptions and receipts shall not be required.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment proposed by the Senator from Oregon.

Mr. JONES. I desire to ask the Senator from Oregon why that does not make this proposed amendment practically the same as the House provision? If so, why complicate it with all these different suggestions? Why not adopt the House provision?

Mr. SMITH of Georgia. Mr. President, I think I can answer the Senator. Some of these publications are used exclusively for advertising purposes; they do not go to members at all. They have not a pretense of a list of subscribers, and they are not circulated as the result of subscribers' dues or as the result of payment, but are sent or not sent at the option of the organization. They are used largely to be sent into territory ahead of agents who go to seek memberships. They in no sense fall within the class that would justify their being accorded the second-class mail privilege. The real effort of the committee was to limit the advantage of second-class rates to those organizations which send out their publications to their membership as part of their subscription dues or send them to them by straight subscription.

Mr. JONES. I understood from the Senator from Oregon that the publications to which the Senator from Georgia has referred are now excluded by law?

Mr. SMITH of Georgia. I do not think they will be by the House provision, though they have been heretofore. I think the House provision is broad enough to let them also come under this system.

Mr. TOWNSEND. Does the Senator think it is broad enough to repeal the law of 1879 in that respect?

Mr. SMITH of Georgia. Yes; we thought that it was broad enough to do so. It allows them all the second-class mail privilege.

Mr. TOWNSEND. I do not so consider it, because the bill expressly provides that papers issued for advertising purposes only can not be admitted to the mails as second-class matter; but I quite agree with the Senator that if there is any doubt about that proposition, it ought to be resolved.

Mr. SMITH of Georgia. What we are proposing to exclude is not what the bill refers to as publications solely for advertising purposes. That refers to publications filled with advertisements and distributed for advertising purposes. These are lodge papers sent out in many instances without paid advertisements to advertise the order, but not sent to members. We felt that that kind of publication ought not to go on the same basis as other publications with bona fide subscribers. We thought we had worked out a plan that would broadly protect all of the real subscribers, including lodge members who obtained their papers through payment of dues to the lodges, and we were seeking to avoid the other class.

Mr. REED. Just a word, Mr. President, with reference to this matter. I think the amendment which is proposed obviates the difficulty which the Senator from Georgia [Mr. SMITH] thinks exists in the House provision. I hope that the amendment or at least a similar proposition will be adopted. I confess that I have no sympathy with an effort to hamper fraternal and benevolent societies and organizations in their effort to extend their membership and influence.

Mr. BOURNE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. REED. I do.

Mr. BOURNE. If the Senator will allow me, I should like to ask him if he has seen any evidence on the part of the committee or in the amendment to try to hamper these societies in their efforts toward expansion?

Mr. REED. I exculpate the Senator from criticism. I had no thought of criticizing him. His conduct in this matter is beyond criticism, and my regard for him is such that I would not criticize him even if I thought he deserved it. [Laughter.] There has been, however, a disposition to deny organizations of the character referred to in the bill the opportunity to reach their membership through periodicals published by the societies. Of course, we all understand that if an organization is not a good-faith organization, if it is a mere paper concern, maintained for the purpose of defeating the object of the law, then, like any other fraud, it ought to be excluded from the benefits of the law; but it does seem to me that the National Government can well afford to treat with generosity the class of organizations referred to in this bill. They do not exist for pecuniary profit; they are organized for the purpose of promoting morals, patriotism, and education. I say, without qualification, that, next to the church itself, these societies are conservators of morals and that their work has been universally for the benefit of mankind.

In order to propagate their work, they find it necessary to publish papers which circulate among the members and advise the membership with reference to the progress of the order, the questions that interest the order, and, generally, with regard to questions of morals and even of religion. Organizations of that kind existing in good faith ought to have the right to send their papers through the mails certainly upon as favorable a basis as newspapers, which are printed and published for profit, and I trust that the legislation to be enacted here to-day will remove from the path of those societies the obstacles that have been placed there by what I have always regarded as purely arbitrary rulings by the Post Office Department.

I think that originally the Post Office Department aimed to reach periodicals that were simply money-making devices and were devoted to advertising schemes alone; but in laying down their rule they made a rule so broad that when they came to apply it, it included a class of publications which do much good in the country. There can be no question, speaking of the proposition in the large sense, that these papers are necessary to the organizations, and that the organizations themselves tend to build up homes, to improve society, to purify morals, and to teach the doctrines of humanity; and the Senate of the United States can not afford to put itself on record as opposing that class of publications and burdening them as ordinary financial schemes—I will qualify that term and say as ordinary financial ventures—in the shape of ordinary newspapers are not burdened.

I believe we ought to pursue a broad policy with regard to all means of communicating thought to our people; that the Post Office Department ought to be maintained so that every periodical of every kind that conveys useful information to the people and is devoted to decent and proper objects ought to be carried to the people as cheaply as it possibly can.

Mr. BRISTOW. Mr. President, I desire to say, in regard to fraternal publications, I believe they should have the same rights and privileges accorded to other publications; that there should not be the restrictions that have been heretofore imposed upon them; but I do not believe the bars ought to be thrown down and the opportunity given for papers to be published under the auspices of organizations which are practically of no consequence, which take advantage of this privilege in order to circulate through the mails purely advertising matter. The Post Office Department for many years has been struggling to eliminate from second-class mail many publications which are not legitimate newspapers or literary publications, but are circulated in order to carry advertising of various kinds and are purely advertising sheets.

There have been built up in certain centers many publications of enormous circulation without a genuine subscription list, sent miscellaneously through the mails over the country. At times they have circulated by the million. I now have in mind a publication that employed one girl at $8 a week as the entire editorial force, and the circulation of that alleged magazine was more than 1,000,000 copies per week. Carloads of them have been carried through the mails. If we open this door wide enough so that any alleged society may be organized and be entitled to the privileges of second-class matter for its publication, the same abuses which formerly existed and which the department has been trying to correct will be aggravated. My purpose is to protect the mails against this improper use of the second-class privilege. The chairman of the committee thinks that the amendment offered by the Senator from New York [Mr. ROOT] will work that result; I doubt it very much; but I am willing to accept his judgment as to the matter, because he has given it more detailed attention than I have. I regret that the amendment as it came from the committee could not stand unamended, because I think it amply protected legitimate publications, as well as protecting the mails from illegitimate publications.

Mr. ROOT. Mr. President, the only object of the suggestion that I made was to reconcile the difference which seemed to imperil the amendment as reported by the committee, to which I am quite ready to agree. I thought the difference could be reconciled by the addition of the few words I have suggested without imperiling the efficacy of the committee amendment. I had no other interest in it, and I care nothing further about it.

Mr. STONE. Mr. President, before a vote is taken on this amendment I should like to be advised by its proponent, the chairman of the committee, exactly what the difference is in legal effect between the language contained in the bill as it came from the other House and the language contained in the amendment now pending. The proviso in the bill as it came from the other House is in this language:

Provided, That the circulation through the mails of periodical publications, issued by or under the auspices of benevolent or fraternal societies or orders or trades unions, or by strictly professional, literary, historical, or scientific societies, as second-class matter, shall be limited to copies mailed.

I stop there, for up to that point the language of the amendment proposed to the bill as it appears here is identical with the text of the House bill; but the House bill proceeds to say:

Shall be limited to copies mailed to members—

Now—

exchanges, and bona fide subscribers, together with 10 per cent of such circulation in addition as sample copies.

The Senate committee amendment provides:

Shall be limited to copies mailed to such members as pay therefor, either as a part of their dues or assessments, or otherwise, not less than 50 per cent of the regular subscription price.

Then follows, both in the text of the House bill and in the amendment, substantially the same provision having reference to the mailing of sample copies; the House provision being that they may mail 10 per cent of such circulation in addition to what preceded as sample copies. The amendment is, to be mailed "to exchanges, and 10 per cent of such circulation as sample copies."

Now, the real difference between the two is that if the amendment is agreed to instead of allowing admission to the mails of a class of journals described, there would be a limitation upon the admission that 50 per cent of the standard price of the journal shall be paid.

Mr. BOURNE. By the member.

Mr. STONE. Is that correct?

Mr. BOURNE. The Senator from Missouri has answered his own question in the presentation he has made. The only difference between the proposed Senate amendment and the way the proviso was in the House bill is that there is inserted the requirement "to such members as pay therefor, either as a part of their dues or assessments or otherwise, not less than 50 per cent of the regular subscription price" charged to outsiders; that there shall be a constructive charge to the member from his dues or an apportionment of the total amount he pays to the society.

Mr. STONE. Under the House bill what would be the right of a publisher to send the publication to the members of his organization?

Mr. BOURNE. He would be entitled under the House bill to second-class privileges in sending to all members without any requirement that he should be a subscriber or in any way other than be a member of the organization.

Mr. STONE. Under the proposed amendment the publisher could not send—I am asking the Senator if this is correct—his publication to a member of the society who has not paid 50 per cent of the subscription price of the publication either in cash or in the way of dues?

Mr. BOURNE. Or in the apportionment of dues.

Mr. STONE. Is that correct?

Mr. BOURNE. That would be my understanding of it.

Mr. STONE. Now, how will the Post Office Department know whether A or B, to whom one of these publications is sent, has paid the 50 per cent or more of the published price of the journal?

Mr. BOURNE. By the receipt given for the payment of the dues, which specifies that a certain proportion of the amount was for the subscription to the paper and the other proportion was for the dues.

Mr. STONE. How is that account to be kept? How could it be kept? By whom is it to be kept? And to whom is the account to be reported?

Mr. BOURNE. The account would be kept in the manner in which they are usually kept, showing the amount of the revenue received; and it would simply require an additional account, showing that such an amount was allotted to the organization journal, whatever it may be.

Mr. STONE. It would require some official to keep that particular account?

Mr. BOURNE. Not at all, that I can see.

Mr. STONE. Is such an account kept now?

Mr. BOURNE. There would be a difference in the receipt. The receipt itself would say, "$1.25 received; 10 cents for the journal and $1.15 for dues."

Mr. STONE. The Senator means to say the receipt of the subscriber would show that?

Mr. BOURNE. Yes.

Mr. STONE. That is in his pocket.

Mr. BOURNE. The books of the organization will show as to the other.

Mr. STONE. Then is the organization required to make some report to the Post Office Department?

Mr. BOURNE. If called upon. It is not provided for here in the proposed amendment.

Mr. STONE. How then will the Post Office Department know that it has been paid?

Mr. BOURNE. In exactly the same way that is done with the number of bona fide subscribers required for newspapers and magazines to entitle them to the privileges of second-class mail matter; and if an organization were sending out its paper and the Postmaster General had any question in reference to whether it was admissible to second-class privileges under the law, I assume, under the operation of the committee amendment, if adopted, the production of the books of the organization showing it had received so much money, part being for dues and part of it being for subscription for the paper, would comply with the provisions of the proposed amendment.

Mr. STONE. I desire to say just a word or two, and I ask my friend, who has been giving the subject his attention, to hear what I say.

Mr. BOURNE. With great pleasure.

Mr. STONE. Mr. President, I am as much opposed as anybody to imposing upon the appropriations for the postal service, allowing men to take advantage of opportunities. The truth is I think a great number of publications are abusing the privilege.

Mr. BOURNE. A great many are abusive of it.

Mr. STONE. As to their being abusive I have nothing to say. But what I do say is that I have myself—and so have all Senators and most everyone else—seen publications that are filled almost wholly with advertising, with a little reading matter between the advertisements, and reading matter of no great public value. Thousands are sent out. I think this might well be made the subject of investigation. But here are publications issued by societies engaged in different lines of work, but all work of a great public value—some charitable, some scientific, some one thing and some another, but all of great public value.

Now, I have talked with some gentlemen who are interested in these publications, and I have been impressed with this view: That so far there has been no abuse of the postal privilege; no abuse of the right of sending their publications through the mail. I do not believe there has been, so far as I have been able to see, and yet they have been going on for a long time—for many years. Is it not a fact that you are about, by this amendment, to impose an additional and, so far as experience goes, an unnecessary burden upon the societies engaged in caring for their membership, the widows and the orphans, societies eleemosynary in their nature, engaged in spreading very valuable educational information?

What is the need of it? Why should not this thing go on as it has been going on, without imposing an additional burden upon this most deserving class, which in no instance, so far as I am advised, has abused the privileges?

I know the Senator from Oregon and the Senator who offered this amendment had no thought of this kind in mind, but if the effect is to require these societies to expend a considerable sum of money in keeping these accounts, in making these official reports——

Mr. BOURNE. No reports are called for under the bill, I will say to the Senator.

Mr. STONE. Then, if they are not called for, what is the use of this provision?

Mr. BOURNE. They can be asked for; but I say they are not called for specifically.

Mr. STONE. They are not called for specifically by the very letter of the bill; but if power is put in the hands of the Post Office Department, which is urging the passage of this law, as I understand and have been informed, and if we place it within their jurisdiction to do these things, it is to be presumed that they will not allow this law to stand on the statute books as a dead letter.

They will undertake to enforce it in some way, and that means administrative methods to which these societies will be put in doing things they have not been required to do in the past, and, so far as their conduct in the past is concerned, nothing has been done to warrant any drastic legislation against them.

Mr. BOURNE. I will state that the effort on the part of the committee is simply to put all second-class mail matter on the same footing.

Mr. STONE. If the Senator will pardon me, I should like to know what the abuse is, what the evil is, that he seeks to remedy by this legislation. Has there been any abuse; is there any known evil that he seeks to correct by this legislation? If there has been, what is it?

Mr. BOURNE. Mr. President, I will say to the Senator that there is no effort or attempt to correct any abuse, so far as these societies or organizations are concerned. The effort on the part of the committee in offering the amendment is to prevent an injustice against that twenty-six thousand and odd papers and periodicals that come under the second-class privilege, which are required to have a bona fide subscription in order to make them eligible to that privilege, for which service, according to the data presented by the department, the Government receives 1 cent a pound, while the service costs the Government over 8 cents a pound, making a loss of millions of dollars to the Government, which, it is believed by some, is compensated for in the educational value of the literature.

I think all the committee recognize fully the benefits of these orders. I think they are all friendly to them. Speaking for myself, I believe that the Dodds bill as it came from the House was class legislation, and the purpose was to rectify that and to meet, as nearly as possible, the request of the representatives of the fraternal organizations, and without doing an injustice to another class of our citizens. That was the sole purpose of the committee amendment, as I understand.

Mr. CUMMINS. Mr. President, I do not believe I fully understand this matter, and while I am very sorry to prolong the discussion, there is a little information I want from somebody who has it. I will ask the chairman of the committee for it.

Is it true that under the existing law these publications with advertisements in them can not be circulated through the mails as second-class matter?

Mr. BOURNE. I will say in reply to the inquiry of the Senator from Iowa, my understanding is that under the exist-

ing law these periodicals and papers of these societies can not carry advertising matter and enjoy the privileges of second-class mail matter.

Mr. CUMMINS. Precisely. The purpose, then, of the bill, among other things, is to give to these publications the right to circulate or be sent through the mails as second-class matter with advertising in them.

Mr. BOURNE. With advertising privileges.

Mr. CUMMINS. I assume that all the members of the committee desire to extend to the associations or societies that privilege. I take it that is so, because there is no dissent from that general proposition in the bill.

Mr. BOURNE. If the Senator will permit me, I think his manner of presentation might possibly be misleading. The purpose of the committee is to require of the papers of these organizations that they shall have a bona fide subscription list, the same as other periodicals and newspapers enjoying the privileges of the second-class mail.

Mr. CUMMINS. I have not come to that. But the chief purpose of the change in the law that is proposed here is to extend to these publications a privilege which they do not now enjoy, and then other conditions seem to accompany the bill for the purpose of protecting the Government against an abuse of a privilege which is now for the first time extended.

I will not ask the Senator, the chairman of the committee, to answer the question last put, because it is rather argumentative in its form, and I think it is fully answered by the former reply; but I want to ask him one further question. Under existing law these publications, if they do not contain advertising matter, pass through the mails as second-class matter without the ceremony of individual subscriptions or individual receipts, do they not?

Mr. BOURNE. That is my understanding—that under the law of July 16, 1894, they were given this privilege, but were prohibited from carrying advertising matter and relieved of the requirements of a subscription list.

Mr. CUMMINS. Why is it any more necessary to legislate with regard to subscriptions and how they shall be made, whether through the lodges or the chief societies, or otherwise, after we have given them the privilege of carrying advertising matter, than it was before they had that privilege?

Mr. BOURNE. We have not given them the privilege of carrying advertising matter. That is the privilege they seek.

Mr. CUMMINS. I know.

Mr. BOURNE. And they want to come in with the 26,500 other papers of whom we require a bona fide subscription list, and they ask to be relieved of that.

Mr. CUMMINS. But the law now requires bona fide subscription lists. There is no law relating to fraternal society publications, so far as their subscription lists are concerned, that does not apply to every other publication in the land.

Mr. BOURNE. According to my understanding, the act of July 16, 1894, gave the publications of benevolent and fraternal organizations admission to the privilege of second-class mail matter, prohibited them from carrying advertising matter, and relieved them of any requirement of a subscription list, and in my opinion the legislation of 1894 was class legislation.

Mr. TOWNSEND. Mr. President——

Mr. CUMMINS. The Senator from Oregon knows better than I, but I did not remember at least that the law of 1894 did relieve them of the necessity of having a subscription list.

Mr. TOWNSEND. The law of 1894 did make the provision to which the Senator refers, from which I think he draws a very improper conclusion. These are the words, if the Senator will permit me:

Provided further, That such matter shall be originated and published to further the objects and purposes of the society, trades-union, etc.

Nothing was said in that law about advertising, and the department held that advertising was a matter of construction by the department.

Mr. CUMMINS. I so understood. But I ask the Senator whether there is anything in the law of 1894 with respect to the manner in which subscriptions shall be made or the evidences of those subscriptions?

Mr. TOWNSEND. There is not.

Mr. CUMMINS. That is my recollection.

I applaud very highly the purpose of the committee. I believe it has recognized what most people in this country understand to be a wise and high public policy, but what I can not understand is, when this privilege is extended with regard to advertising matter which was denied to these publications under the law of 1894 as construed by the Post Office Department, the necessity of so scrupulously guarding the subscriptions; and I can not see why the practice of the department now enforced with regard to the subscriptions of these papers, when without advertising, should not be continued as to those papers when they contain advertising matter. I have not been able to see any difference between the two cases.

I was not able in the hasty reading of it to understand fully the amendment which has been proposed by the Senator from Michigan. I should like to have the Secretary again read the proposed amendment.

The PRESIDENT pro tempore. The proposed amendment will be stated.

The SECRETARY. On page 37, line 1, after the word "copies," it is proposed to insert:

And provided further, That subscriptions by the respective lodges or local organizations of the aforesaid fraternal societies, unions, and orders in behalf of their bona fide paying members and receipts to the lodges or local organizations for their members shall be evidence of subscription and payment, and individual subscriptions and receipts shall not be required.

Mr. CUMMINS. I see the spirit of that very clearly, but I hardly think it would conform to the practice of these societies. I doubt whether many of them, certainly not all of them, subscribe through subordinate lodges. I doubt whether a subordinate lodge makes a definite subscription for a certain number of papers. It may be so, but I doubt it.

Now, the whole purpose is to see to it that a part of the dues paid by each member shall be separated from other parts and assigned to the subscription for the paper. I suggest that instead of the amendment proposed by the Senator from Michigan——

Mr. TOWNSEND. If the Senator will permit me, I did not propose the amendment. The Senator from New York proposed it. It was submitted to me. I contend, as the Senator from New York does, that what we ought to do is to adopt the House provision; but I thought if we had to provide for subscription, in order to meet the objections of a majority of the Senate, such a provision might be satisfactory.

Mr. CUMMINS. I misunderstood it. I thought the amendment had been offered by the Senator from Michigan, although composed by the Senator from New York. But upon reflection it seemed to me that this would cover the case and would guard against the evil which the chairman of the committee feels might result from the failure to attach any conditions to this additional privilege which is being granted.

Provided further—

May I have the attention of the Senator from Oregon, because I want him to consider this amendment? It is to be added possibly at the end of the proviso we are now discussing.

Mr. STONE. At line 1, page 37.

Mr. CUMMINS. On page 37, page 52 of the information print.

Provided further, That when such members pay therefor—

I am using the same words that are used above—

as a part of their dues or assessments, individual subscriptions or receipts shall not be required.

That does not enter into all the minutiæ or the form of keeping accounts or anything of that sort. It seems to me to put the whole matter where it will meet the views of the chairman of the committee. If the members pay as a part of their dues or assessments, no matter to whom they pay or what may be the form of their payment, then individual subscription shall not be required.

Mr. STONE. The receipts.

Mr. CUMMINS. The chairman of the committee has just asked me to state the connection. I will show him the connection in which this amendment would appear. It is that the privilege of these societies—

shall be limited to copies mailed to such members as pay therefor, either as a part of their dues or assessments, or othewise, not less than 50 per cent of the regular subscription price; to other bona fide subscribers; to exchanges, and 10 per cent of such circulation as sample copies: *Provided further,* That when such members pay therefor as a part of their dues or assessments, individual subscriptions or receipts shall not be required.

I submit that to the chairman of the committee as a solution of the matter.

Mr. SWANSON. I hope the chairman of the committee will accept that. There is some difficulty about this Senate substitute for the House provision. A great many members of societies are entitled to the papers as a matter of right when they pay their annual dues, and then they are required to segregate and get a settlement which requires a good deal of bookkeeping and trouble. It seems to me the amendment offered by the Senator from Iowa will prevent fake societies from organizing for the purpose of getting out advertising journals and at the same time it will get rid of the difficulties of which members of these organizations have complained all the time. Anyway, the amendment can go on the bill and it will be con-

sidered in conference between the House and the Senate. I am satisfied that we can frame an amendment in conference that will suit the situation and take care of honest fraternal societies and prevent the creation of fake ones.

Mr. BOURNE. I will say I had the same idea in mind and under consideration that the Senator from Virginia refers to, that we can take this matter into conference and work it out there. I do not want to be put in a position here of accepting this amendment, because at the present time it seems to me as if it emasculates entirely the provision sought to be put forth in the Senate amendment, and simply puts the matter in the same condition that it was in the Dodds bill as it came from the House.

Mr. SWANSON. If the Senator will permit me, the Dodds bill or amendment applied to any member, whether a bona fide subscriber or not. This section applies to members who pay their dues and subscriptions.

Mr. TOWNSEND. This recognizes the subscription feature of the proposition and obviates the objection which has been made.

Mr. CUMMINS. May I suggest to the Senator from Oregon that there is a great difference between my amendment and the House provision. Of course I see no objection to the House provision, but others do. The House provision limits these privileges, among other things, to copies mailed to members. All that is required is that there shall be a mailing to members. My amendment provides that it must be paid for as a part of the dues of the association, whatever that association may be.

Mr. BOURNE. Mr. President, I should like to ask the Senator from Iowa what provision under his proviso is made for a subscription list for the periodical or paper? Where does he bring in, under that provision if adopted, the parity between conditions required of other newspapers and magazines and the fraternal organization periodicals?

Mr. CUMMINS. The subscription list under the amendment I have offered will be made up of members who have paid for the publication as a part of their dues, but in order to evidence that subscription it would not be necessary to show any direct communication between the publisher of the paper and the subscriber.

Mr. BOURNE. Then, I understand, Mr. President, it would simply be a legislative declaration that of the money received from members of organizations a part would be dues and a part would be for subscription to the paper, with no bookkeeping required and no list of subscribers other than the list of members of the organization.

Mr. CUMMINS. It is perfectly manifest that that result would not follow, because the Post Office Department could insist upon proof that the paper had been paid for by the member through the dues he had paid to his association.

Mr. BOURNE. What evidence would the association have in reference to the membership payment if it gave no receipt to its members for such payment?

Mr. CUMMINS. That would depend entirely upon the manner in which the association did business. It would have to do business so that the fact which I have recited there would appear, but it would not be an inflexible rule which would compel all associations to use the same form of receipt or of bookkeeping or of method of doing business.

Mr. GALLINGER. Mr. President, will the Senator permit me? I was called from the Chamber before the Senator offered his amendment. Therefore I am not familiar with it. I wish to cite an illustration, and see whether I may be anywhere near the idea any other Senator has of this matter. There seems to be a great diversity of opinion.

Take the National Geographic Society as an illustration, of which most of us are members, a society, I think, of nearly 50,000 people. They issue a magazine that comes to the subscribers. I think the magazine is worth about $5 a year, and we pay $2 a year to get the magazine. Would there be any embarrassment to that association in the matter of keeping books? I think they do not keep books; they do not issue receipts; but they simply ask a man to become a member at $2 a year, and they send him this magazine, and that ends it.

As far as that society is concerned, I would not want to embarrass such an association. I do not know that the bill or the amendment the Senator has offered does that. I think we ought to be careful about a matter of that kind. I apprehend that nineteen-twentieths of the members—perhaps almost every member of that society—gets the magazine simply as a gratuity in one sense; yet he pays $2 a year for membership in the society.

Mr. CUMMINS. I do not think really the amendment I have offered would differentiate that case from others, and probably it would not relate to just the thing the Senator from New Hampshire has in mind. The law which is now proposed is intended to require the National Geographic Society, if it issues a publication and receives from each of its members a yearly due, to specify in the receipt that part of the payment which was intended as compensation for the mere privilege of belonging to the society and that part of it which was intended to pay for the paper.

Mr. GALLINGER. They would all accept one or the other, if they chose.

Mr. CUMMINS. That is the general purpose. I say——

Mr. SWANSON. I will state to the Senator from New Hampshire that under the Senate committee amendment the case stated by him could not occur. I am a member of the National Geographic Society. It issues one of the best magazines that is published. I enjoy it very much. It costs $2 a year. The regular subscription is $5. Under the Senate committee amendment you could not receive that magazine, because you could not receive it for less than 50 per cent of the regular price for which they sell it. It would allow a member of a fraternal order to get it at 50 per cent of the regular price included in the dues. What these fraternal orders object to in the Senate committee amendment is the condition as to fixing up the mail and the price of their subscriptions. I offered in the committee an amendment to get rid of that difficulty, but it was not favored. I proposed to limit it to members who are entitled to receive the same by the rules and regulations of the society, union, or order on account of the payment of dues, assessments, or fees. It did not try to fix the amount; it did not require a subscription list to be furnished, but in the case of a society like the National Geographic Society, by its rules and regulations anybody who was a regular member and paid his annual dues each year was entitled to the publication and that he should be considered as a bona fide subscriber. I think that ought to be done to get rid of the fake societies.

Mr. GALLINGER. Mr. President, I have no disposition to delay the consideration of this bill. Indeed, I want it hastened as much as possible, and I have only a word to say on this general subject.

I take great comfort, Mr. President, always in the knowledge that when amendments which are contested on this floor are finally adopted they go to conference, and that six wise men sit down in the solitude of the committee room and, as a rule, reach wiser conclusions than this body or the other House can in a general debate. Whatever amendment we put on this bill dealing with this matter will be subject to that crucial test in the committee room, the conference committee being composed of three Members of this body and three Members of the House of Representatives. So I fell reasonably sanguine that whatever we do, or however crude or unsatisfactory it may be, it will come out of the committee of conference in reasonably good shape.

I have a very profound conviction that we ought to deal very generously with these fraternal orders. They ought not to be subjected to harsh rules and regulations on legislation, because they are doing a work that some of us know, as the Senator from Missouri so well stated to-day, is educational, and, to use a term that I do not very much like, has a tendency to uplift humanity.

I have not any sympathy with another class of publications, and I do not know exactly how this legislation or other legislation may deal with it. I have in my mind a concern in New England that used to ship six carloads of trash each week, carried at a much lower rate of postage than enough to compensate the Government for the transportation. I have not any sympathy with that sort of literature or with concerns that engage by the wholesale in that class of publications.

Now, Mr. President, that is all I care to say. I want to record myself as voting, if I can intelligently grasp this complicated question, to do what I conceive to be the right and generous thing in so far as these literary and scientific and historical publications are concerned. I also want to vote, if I can know just how my vote should be cast, against overloading our postal cars with publications that have not any real value and that are simply published for gain, which reach enormous proportions in some instances of which I have some knowledge.

Mr. BOURNE. Mr. President, I will ask to substitute for the amendment the Secretary read the amendment of the Senator from Iowa [Mr. CUMMINS], which, as I understand, he suggests would follow the word "copies," in line 1, on page 37. I ask the Secretary to read the amendment.

The PRESIDENT pro tempore. The Senator from Oregon modifies his amendment. The Secretary will read the amendment as now offered.

The SECRETARY. At the end of the proposed committee amendment, as printed in the bill at the top of page 37, line 1, after the word "copies," insert:

Provided further, That when such members pay therefor as a part of their dues or assessments, individual subscriptions or receipts shall not be required.

Mr. SMITH of Michigan. I should like to ask the Senator from Oregon if that amendment does not vest a wide discretionary power in the department, and if it is not substantially what it exercises now.

Mr. BOURNE. I would far rather the Senator from Michigan should propound that inquiry to the Senator from Iowa, who is the father of the amendment.

Mr. SMITH of Michigan. I was not looking so much for the father as I was after the welfare of the child and to the effect of the legislation. I asked my question of the honored Senator from Oregon because I knew he had given a great deal of thought to the subject. It seems to me that the amendment makes little concession and practically reiterates the present law.

Mr. CUMMINS. The present law in that particular respect is not objectionable. The only thing in the present law which is objectionable and which is found to be a very great obstacle and, I think, an unjust hardship to the circulation of these publications is that they are not permitted to carry advertisements. The purpose of the change of the law is to remove that obstacle, but in removing it it is sought to attach other conditions, many of which I think are very wise; but among those conditions you will find language which will bear the interpretation that there must be some direct communication between the publisher of the paper and the member of the society—some receipt, some individual subscription. It is to remove any such possible interpretation in what we are now doing that I have proposed the amendment which has just been accepted by the chairman of the committee.

Answering, now, directly the question of the Senator from Michigan, I will say that the law now is that there need be no individual receipt. That is the ruling of the Post Office Department. But unfortunately that ruling applies only to papers published by fraternal societies and other societies which contain no advertising matter. We want to preserve the present interpretation of the law, so far as treating membership in a society and the payment of dues in that society as a subscription to the paper are concerned. So I think there will be no trouble along the line suggested by the Senator from Michigan.

Mr. SMITH of Michigan. My only concern in asking the question is that a bona fide circulation may not be the subject of continual review by the Post Office Department to the annoyance and injury and detriment of the publishers. Every few weeks some one is summoned before the department and required to produce again the receipts of subscribers. If they do not happen to have them on the day they are summoned they are criticized, restrained, and perhaps forbidden the appropriate use of the mails.

I have many instances in my own mind now where that has been done. I would much prefer to see the law plain, direct, and positive. If we are to enlarge the scope of the present law by providing admission of these publications to the mails, I should like to see it done in language that can not be mistaken, and not left discretionary with the Postmaster General.

These publications are entitled to fair treatment and the widest possible liberty consistent with the economical administration of the Post Office Department. I hope the law may not be left indefinite, and that discretionary power may not again be vested by Congress in these officials who, while honest, are vexatious and unnecessarily annoying to people whose vocation and employment is deserving of our solicitude. I favor the Dodds amendment, so called, in the House bill and hope it will be retained in the bill.

Mr. CUMMINS. Mr. President, I quite agree with the Senator from Michigan, but he will at once see that my amendment or the amendment which has been accepted by the Senator from Oregon, whatever else it does, restricts the field of discretion and provides positively that under certain conditions individual subscriptions shall not be required.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the Senator from Iowa a question. Following the same line of argument that he has outlined in his amendment, does he not think that the House provision restricting the circulation to bona fide members of the organization is a more direct and better provision than what we are attempting to enact by this amendment?

Mr. CUMMINS. Undoubtedly; I am for the House provision; but I am doing what little I can to amend a substitute for the House provision which has been proposed by the Senate committee.

Mr. SMITH of South Carolina. I should like to ask the Senator from Iowa another question. There is not a single amendment that has been proposed, either in committee or on this floor, the effect of which can not be avoided by the unscrupulous who may do the very thing that we are trying to keep them from doing. Does the Senator not agree with me there?

Mr. CUMMINS. Not wholly. I think——

Mr. SMITH of South Carolina. What would prevent what might be called a fake society, with only a nominal membership fee, declaring that in that nominal fee were included membership dues and pay for the paper? We do not prescribe how much the subscription shall cost; we do not prescribe how much the membership dues shall be; but we simply say 50 per cent of the regular subscription price. If they desired to send advertisements at the expense of the Government, could they not under any provision that we may make organize societies with nominal dues and load the mails, a practice which we are trying to prevent now?

Mr. CUMMINS. Undoubtedly there is a door there that might be opened by the unscrupulous, and there could be some abuse of the privilege granted; but I think, if we are not to have the House provision, that the Senate committee provision does guard to a degree the public and the Government.

Mr. SMITH of South Carolina. Mr. President, I should like to go on record here on this matter. I was in the committee when the bill was considered and, perhaps, I should have reserved the right not to accept the amendment, but in view of my study of this question I am persuaded that the discretionary powers that would necessarily arise under any amendment restricting circulation would give rise possibly to abuse on the part of the post-office authorities. I think the most direct way to reach the matter is to adopt the House provision, which says that publications may be sent to bona fide subscribers. I would prefer to see the House provision agreed to than to adopt any amendment to shut off, on the one hand, the unscrupulous and at the same time restrict the right worthy societies ought to have. I do not believe it is good policy to penalize institutions of great worth to the people because there are others that are not of great worth, and I do not see how we can afford to restrict meritorious societies by virtue of our legislation for the sake of attempting to save the Government a few dollars and in an effort to shut out some unworthy societies.

Mr. BOURNE. If the Senator will permit me, I will state that we are trying to prevent discrimination, and the remedy we think is a reclassification of the second-class mail matter under which the Government is now carrying the publications of these organizations, allowing benevolent and fraternal societies to carry advertisements, but requiring a subscription list.

Mr. SMITH of South Carolina. You have allowed them all to carry advertising.

Mr. BOURNE. No; we have not. They come here and ask to be permitted to carry advertising.

Mr. SMITH of South Carolina. But it is proposed in this bill to remove that restriction. You allow them, under this bill, to carry advertising and then provide restrictions; that is what this bill proposes.

Mr. BOURNE. This bill proposes to put them on a par with other periodicals and magazines coming under the second-class mail privilege, and nothing else whatever.

Mr. SMITH of South Carolina. Now, let us refer for a moment to those magazines and periodicals which are put on a par with the publications now accorded the second-class privilege. The latter class are not the periodicals of a society or an organization.

Mr. BOURNE. They are second-class mail matter, Mr. President.

Mr. SMITH of South Carolina. I understand; but here is the point I want to bring before the Senate: The individual publications that have the second-class mail privilege are private ventures; they have got to have pay for their publication. The others are the organs of societies or organizations, and the dues that are paid stand in lieu of the subscription price in the case of the others. They are on exactly the same plane. The dues of the organization pay for the subscription; the subscription price of the private publication is paid by the individual. Now, you extend the privilege of advertising to both and yet you do not pretend to try to control the subscription price of the private paper, but you do provide a restriction in connection with the subscription price of the organization paper.

Mr. HITCHCOCK. Mr. President, the Senator is entirely mistaken there. The Post Office Department now exercises

and has always exercised a power of supervision and inspection over newspapers and magazines. It does not hesitate to send an inspector into a newspaper office to examine its subscription list, to check up its cash receipts, and learn whether the paper is going to bona fide subscribers or not.

Mr. SMITH of South Carolina. What minimum are they allowed to charge a year?

Mr. HITCHCOCK. That varies somewhat, and I am not able to state. Of course, it depends on the periodicity, the size of the publication, and so forth. The privileges of the second-class mail have been refused to those publications that merely charge a nominal price and are essentially advertising publications.

Mr. SMITH of South Carolina. But they have no strict supervision over what shall be charged.

Mr. HITCHCOCK. They have, and they exercise it; and I think that the amendment which is offered by the Senator from Iowa is quite a happy solution of this situation. Just as the Post Office Department now enters the newspaper office and the magazine office to see whether it has a bona fide circulation as manifested by cash receipts, so the Post Office Department will enter the offices of the fraternal organizations to see whether those who are receiving the publications of such organizations are members of the society and are paying their dues.

Mr. SMITH of South Carolina. Well, why would it not be exactly parallel for the inspector to go to the secretary of the organization and find out what are the membership dues?

Mr. HITCHCOCK. That will be the practice, I understand, under the Senator's amendment.

Mr. SMITH of South Carolina. Why would it not be the practice under the House provision?

Mr. HITCHCOCK. I am not discussing the House provision. I understand the committee has accepted this amendment; and I think, as modified by the amendment of the Senator from Iowa, it offers a very happy solution of the difficulty. I think that the House provision is rather too vague. I think it might leave even more power with the Post Office Department than would the Senate amendment.

Mr. SMITH of South Carolina. Well, Mr. President, I merely wanted to record myself here as being in favor of the broadest possible liberality to the fraternal organizations. I think the difficulty has been solved in the House provision, and, while I shall not discuss this amendment further, I shall reserve the right to vote against it.

Mr. STONE. Mr. President, I desire some information, and I think the Senator from Oregon can give it to me. As I understand, there are some sixteen or eighteen million people who belong to fraternal organizations or organizations of the different classes described and covered by the provisions of the bill we are considering.

Mr. BOURNE. Does the Senator from Missouri want the answer now?

Mr. STONE. I have not yet asked the question.

Mr. BOURNE. Very well.

Mr. STONE. The societies, with this enormous membership, are engaged in a business we all consider meritorious and highly worthy in every way. I am in sympathy with the general purpose of the Committee on Post Offices and Post Roads to eliminate from the second-class mail the great mass of matter that ought not to be admitted under that classification, burdening it and entailing an enormous expense on the Government, but the publications issued by fraternal societies, in numerous instances at least, do not come within that class. I understood the Senator to say that there were twenty-six or twenty-seven thousand publications issued by somebody that are, in the main, mere advertising publications; fake publications, in a way. I do not ask the Senator, unless he cares to tell me or to tell the Senate, to just what publications he refers, but I should like to have a little more definite information as to their general class. To what kind of publications does the Senator refer?

Mr. BOURNE. I stated that there were over 26,000 newspapers, magazines, and periodicals in the United States enjoying the privileges of second-class mail; but I did not refer to them as mere advertising sheets or fake publications, but as legitimate publications. I should like to say to the Senator from Missouri——

Mr. STONE. Do I understand the Senator to say that he would refuse the second-class mail privilege to all these publications?

Mr. BOURNE. No. I said that we required from these 26,000 and odd newspapers, magazines, and periodicals that they should have a bona fide subscription list in order to entitle them to come under the second-class mail privilege.

I will also state, in reference to the membership—I understood the Senator to say that these organizations had a membership of some sixteen or seventeen million, if I correctly understood him——

Mr. STONE. That is the information I had.

Mr. BOURNE. When we had our hearings, the information we received from the representatives of the various organizations in the United States was that they had in the aggregate about 8,000,000 members in all these organizations affected by the provisions of the Dodds amendment.

Mr. STONE. Mr. President, I do not know whether we shall have a yea-and-nay vote on this bill. If we do not have one, I desire to say that I shall vote to sustain the House provision.

Mr. BOURNE. Mr. President, I will ask to have the Secretary read the amendment proposed by the Senator from Iowa.

The PRESIDENT pro tempore. The amendment offered by the Senator from Iowa to the committee amendment will be read for the information of the Senate.

The SECRETARY. At the end of the proposed committee amendment, at the top of page 37, line 1, after the word "copies," it is proposed to insert:

Provided further, That when such members pay therefor, as a part of their dues or assessments, individual subscriptions or receipts shall not be required.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now recurs upon the adoption of the amendment as amended.

Mr. SMITH of Michigan. Mr. President, if in order, I move to strike out the amendment proposed by the committee, beginning with the proviso, in line 18, on page 36, and going down to the word "*Provided*," in line 1, on page 37. I make this motion for the purpose of restoring so much of the House bill as is known as the Dodds amendment, beginning in line 11 on page 36, and which reads as follows:

Provided, That the circulation through the mails of periodical publications, issued by or under the auspices of benevolent or fraternal societies or orders or trades-unions, or by strictly professional, literary, historical, or scientific societies, as second-class matter, shall be limited to copies mailed to members, exchanges, and bona fide subscribers, together with 10 per cent of such circulation in addition as sample copies.

By striking out the committee amendment we restore so much of the bill as I have just read, included in the House bill, known as the Dodds amendment.

Mr. GALLINGER. Mr. President, I suggest to the Senator from Michigan that a motion to strike out is not necessary. If the committee amendment is rejected it will restore the House provision. That is the proper parliamentary procedure.

The PRESIDENT pro tempore. The Senator is correct.

Mr. SMITH of Michigan. I quite agree with the Senator from New Hampshire.

Mr. GALLINGER. A vote to reject the committee amendment would accomplish the Senator's object.

Mr. SWANSON. Mr. President, I wish to state in connection with this matter that in the committee I offered an amendment to the House provision, which, in my opinion, would have effectually accomplished what we desire to accomplish and prevented the abuse that has been pointed out. That amendment was not adopted by the committee, and I reserved the right to urge it in connection with this matter when the bill came into the Senate. The amendment I suggested would enable a society like the National Geographic Society to send its publications to its members.

As between the Senate committee amendment and the House provision, I shall vote for the House provision in preference to the Senate committee amendment even as amended.

Mr. TOWNSEND. Mr. President, I rise to a parliamentary inquiry. As I understand, the question is upon the committee amendment as amended, and if that is voted down the House provision stands?

The PRESIDENT pro tempore. The Senator is correct. The question is upon the committee amendment as amended. [Putting the question.] The ayes appear to have it.

Mr. SMITH of Michigan and Mr. SMITH of South Carolina called for a division.

Mr. GALLINGER. I ask for the yeas and nays. A division is always unsatisfactory.

The yeas and nays were ordered.

Mr. JONES. The question is on restoring the part of the bill that was stricken out by the committee, as I understand?

Mr. SMITH of Georgia. The Dodds amendment.

Mr. BOURNE. As I understand, the vote is on the adoption of the Senate committee amendment as amended by the amendment offered by the Senator from Iowa [Mr. CUMMINS]. Is that correct?

The PRESIDENT pro tempore. That is correct. The Chair will state, in reply to the inquiry of the Senator from Wash-

ington [Mr. JONES], that nothing has as yet been stricken out of the bill, so that the question of restoration does not apply.

Mr. JONES. So the amendment of the committee to strike out a portion of the bill is not being voted upon now?

The PRESIDENT pro tempore. The Chair so understands.

Mr. JONES. That is what I want to get at.

The PRESIDENT pro tempore. The amendment is to strike out and insert, the two joined together, and the question now is upon both.

Mr. JONES. Is that the amendment?

The PRESIDENT pro tempore. To strike out and insert.

Mr. JONES. Is that the amendment we are now voting upon?

The PRESIDENT pro tempore. The Chair so understands.

Mr. JONES. That is what I want to understand.

The PRESIDENT pro tempore. The Chair will state that a negative vote will leave in the bill all that is proposed to be stricken out. The question is on the adoption of the amendment to strike out and insert, upon which the yeas and nays were ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I announce my pair with the junior Senator from New York [Mr. O'GORMAN].

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr SIMMONS]. If he were present and I were at liberty to vote, I should vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. If he were present, I should vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I am informed by his colleague that he thinks the Senator from Mississippi would vote the same as I would upon this question, and therefore I think I am authorized to vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer the pair to the Senator from Maine [Mr. GARDNER], and will vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER]. I transfer the pair to the Senator from South Dakota [Mr. GAMBLE], and will vote. I vote "yea."

Mr. WARREN (when his name was called). I have a pair with the senior Senator from Louisiana [Mr. FOSTER], and therefore withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], which I transfer to the junior Senator from Indiana [Mr. KERN], and will vote. I vote "nay."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. If I were at liberty to vote, I should vote "yea."

I will also state that my colleague [Mr. LIPPITT], who is unavoidably detained from the Chamber, is paired with the senior Senator from Tennessee [Mr. LEA]. If my colleague were present and at liberty to vote, he would vote "yea."

The roll call was concluded.

Mr. OVERMAN (after having voted in the negative). I desire to inquire whether the senior Senator from California [Mr. PERKINS] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. OVERMAN. I have a general pair with that Senator, which I transfer to the senior Senator from Maine [Mr. JOHNSON], and will let my vote stand.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer it to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

Mr. CULLOM. In order to make a quorum, I transfer my pair to the Senator from Connecticut [Mr. McLEAN] and will vote. I vote "yea."

Mr. WETMORE. I transfer my pair with the senior Senator from Arkansas [Mr. CLARKE] to the Senator from Kentucky [Mr. BRADLEY].

The result was announced—yeas 27, nays 25, as follows:

YEAS—27.

Bourne	Crawford	Lodge	Sanders
Bristow	Cullom	McCumber	Smith, Ga.
Bryan	Fletcher	Martine, N. J.	Smoot
Catron	Gallinger	Massey	Sutherland
Chamberlain	Gronna	Nelson	Wetmore
Cark, Wyo.	Heyburn	Penrose	Williams
Crane	Hitchcock	Root	

NAYS—25.

Ashurst	Martin, Va.	Shively	Thornton
Bankhead	Myers	Simmons	Tillman
Cummins	Overman	Smith, Ariz.	Townsend
Johnston, Ala.	Page	Smith, Mich.	Watson
Jones	Poindexter	Smith, S. C.	
Kenyon	Pomerene	Stone	
La Follette	Reed	Swanson	

NOT VOTING—42.

Bacon	Clarke, Ark.	Gore	Paynter
Bailey	Culberson	Guggenheim	Percy
Borah	Curtis	Johnson, Me.	Perkins
Bradley	Davis	Kern	Rayner
Brandegee	Dillingham	Lea	Richardson
Briggs	Dixon	Lippitt	Smith, Md.
Brown	du Pont	McLean	Stephenson
Burnham	Fall	Newlands	Warren
Burton	Foster	O'Gorman	Works
Chilton	Gamble	Oliver	
Clapp	Gardner	Owen	

So the amendment as amended was agreed to.

Mr. SWANSON. I desire to give notice that when this amendment comes into the Senate I am going to move to strike it out and insert the House provision with the amendment I offered to it.

PAYMENT OF PENSIONS.

Mr. McCUMBER. Out of order I wish to introduce a joint resolution and have it referred to the Committee on Appropriations and printed.

I will state that the object of the joint resolution is to provide for the payment of pensions during the time the two Houses are in conference upon the general pension appropriation bill.

The joint resolution (S. J. Res. 128) making appropriations to pay such pensions as may be due and payable on or before August 4, 1912, was read twice by its title and referred to the Committee on Appropriations.

EXECUTIVE SESSION.

Mr. CULLOM. I ask the chairman of the Committee on Post Offices and Post Roads if he is willing to give way to me to allow a brief executive session? There are some important things to be done.

Mr. BOURNE. I am very glad to accommodate the Senator from Illinois.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 22 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 2, 1912, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 1, 1912.

PROMOTIONS IN THE NAVY.

Ensign Ralph D. Weyerbacher to be an assistant naval constructor in the Navy from the 1st day of May, 1912, to fill a vacancy, and to correct the wording of a former nomination confirmed by the Senate on May 10, 1912.

Ensign Thomas B. Richey to be an assistant naval constructor in the Navy from the 25th day of June, 1912, to fill a vacancy.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of July, 1912, to fill vacancies:

Joel R. P. Pringle,
Charles J. Lang, and
Martin E. Trench.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1912, to fill vacancies:

John D. Wainwright,
Harry K. Cage,
Charles S. Freeman,
Robert L. Berry, and
Ward K. Wortman.

Passed Asst. Paymaster James F. Kutz to be a paymaster in the Navy from the 26th day of February, 1911, to fill a vacancy.

POSTMASTERS.

ILLINOIS.

John Murvin to be postmaster at Louisville, Ill., in place of John Murvin. Incumbent's commission expired May 11, 1912.

KANSAS.

William C. Markham to be postmaster at Baldwin City (late Baldwin), Kans., in place of William C. Markham, to change name of office.

MONTANA.

Benjamin Urner to be postmaster at Harlowton, Mont., in place of Benjamin T. Stevens, resigned.

NORTH DAKOTA.

Charles R. Kendall to be postmaster at Granville, N. Dak., in place of Jessie M. Pierson, deceased.

OHIO.

Charles E. Bake to be postmaster at College Corner, Ohio, in place of John C. Douglas. Incumbent's commission expired May 16, 1912.

SOUTH CAROLINA.

Henry W. Des Portes to be postmaster at Ridgeway, S. C. Office became presidential January 1, 1912.

TENNESSEE.

John W. Akin to be postmaster at Rutherford, Tenn. Office became presidential January 1, 1908.

E. A. Morgan to be postmaster at Huntingdon, Tenn., in place of Atlas M. Lee. Incumbent's commission expired January 30, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 1, 1912.

POSTMASTERS.

GEORGIA.

Mattie Mitchell, Acworth.

MINNESOTA.

George F. Kramer, South St. Paul.

TEXAS.

George H. Sparenberg, Big Spring.

WITHDRAWALS.

Executive nominations withdrawn August 1, 1912.

POSTMASTERS.

TENNESSEE.

Atlas M. Lee to be postmaster at Huntingdon.
William T. H. Thorn to be postmaster at Rutherford.

INJUNCTION OF SECRECY REMOVED.

Thursday, August 1, 1912.

The injunction of secrecy was removed from an agreement signed on July 20, 1912, by the plenipotentiaries of the United States and Great Britain adopting, with certain modifications therein, the rules and method of procedure recommended in the award of The Hague tribunal of September 7, 1910, for the settlement hereafter, in accordance with the principles laid down in the award, of questions regarding the exercise of the fishing liberties referred to in article 1 of the treaty of October 20, 1818, between the United States and Great Britain.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August 1, 1912.*

The House met at 12 o'clock noon.

The Rev. William Couden, of Norwalk, Ohio, offered the following prayer:

Almighty God, our heavenly Father, grant unto us, Thy children, consciences firm yet tender, and obedience true as the path of the daily sun. We thank Thee that Thou hast not made us irresponsible like the creatures of lower orders than we; we thank Thee that Thou hast given us work to do and problems to solve. And we bless Thee that Thou hast provided us guide, counsel, and equipment for life's responsibilities. Grant, O Lord, that what we do and say to-day shall be in accord with Thy commandments, the Sermon on the Mount, and the spirit of the Cross of Christ. We offer this prayer in the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE COTTON SCHEDULE.

The SPEAKER. Under the order of the House——

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may address the House for five minutes on the subject of mines and mining prospects——

The SPEAKER. Under the order of the House we are to have general debate for three hours, and the following gentlemen have applied to the Chair for time: Mr. SHARP of Ohio, 40 minutes; Mr. FERGUSSON of New Mexico, 20 minutes; Mr. RUCKER of Colorado, 20 minutes, and Mr. DONOHOE of Pennsylvania, 20 minutes. That makes an hour and 40 minutes. If the first three use their time, Mr. DONOHOE will only get 10 minutes. Now, the Chair wants to inquire, because he wants to be fair about it, whether there are any Republicans here who want any of this 3 hours?

Mr. FOSTER. You might inquire whether there are any Republicans here.

The SPEAKER. The Chair wants to be fair about the division of this time of 3 hours.

Mr. FOSTER. Are there any Republicans here?

The SPEAKER. The Chair does not recognize any difference between Republicans.

Mr. BURNETT. The bull moose crowd are here.

The SPEAKER. The bull moose are just the same as any other crowd, as far as the Speaker is concerned. The Chair repeats the question, Are there any Republicans here who want any part of this 3 hours time in general debate? The Chair will try to get the gentleman from California in, but the Chair promised to recognize the gentleman from Ohio for 40 minutes.

Mr. RUCKER of Colorado. Mark me down for 10 minutes after the others get through.

The SPEAKER. If we have the 10 minutes.

Mr. FOWLER. Before the gentleman from Ohio proceeds, I will be glad to get unanimous consent to extend my remarks in the RECORD on the question of salaries of public officers.

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] desires to ask unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWLAND. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Mr. Speaker, I would like to ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLEPAGE. Mr. Speaker, I was not in the House when debate took place in reference to the anti-injunction bill, and I would like to ask unanimous consent to extend my remarks in the RECORD on that subject.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD on the anti-injunction bill. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. SHARP] for 40 minutes. [Applause.]

Mr. SHARP. Mr. Speaker, I only wish to express the hope that the kindly and generous applause which has greeted the announcement that I would have 40 minutes' time of the House this afternoon may be reflected in the reception which, if it is not accorded to what I shall say, may nevertheless be given to the merits of the subject on which I wish to speak. This is not a new subject, but still it is so comparatively recent in development that it seems to me it is not inappropriate, especially at this time, to talk somewhat at length upon its merits, as it involves future legislation of Congress in a number of phases in which it may be considered. It seems to me, Mr. Speaker, that it is peculiarly apropos to-day, inasmuch as very soon we shall be called to vote upon a very important question, the determination of which has engaged the attention of both branches of Congress for several weeks past and over which it appears to me we are apparently at loggerheads. However, I make the prediction, if I may assume the rôle for the time being of a prophet, that, as in most cases in the past where the two Houses have been diametrically opposed to each other, we will finally compromise, and the Senate will give way on one side, and this House will rescind its action in caucus finally voting for one battleship. This is merely a gratuitous prophecy in which I am indulging and is given for what it is worth. Surely, neither a false pride nor a stubbornness born of an unwillingness to give in should prevent this House from doing what is right.

While there was no record kept of the learned debates in our caucuses upon this subject of providing for two battleships, yet I think I may with justice say that, judging from the arguments advanced by the advocates pro and con on this question, the difference of opinion arises largely not from a lack of patriotism on the part of any of my Democratic colleagues, because we all want to provide an adequate national defense, but, rather, from a fixed opinion on the part of many that two battleships are not needed at this time. I am perfectly willing to concur in that judgment. At least I shall so vote if given opportunity, though I shall with pleasure vote for a compromise proposition involving the building of one battleship. I have from time to time, as you have, listened to the arguments

of the gentlemen who want a very great and powerful Navy. I have listened, as you have, and been highly edified, especially by those of my friend from Alabama [Mr. HOBSON], and while respecting his learning and judgment—and we all have had abundant attestation of his bravery—yet this query has always run through my mind, whether in a practical sense that gentleman, with all his knowledge of our Navy's needs and the relative strength of other nations, has taken into account that we are surrounded by geographical conditions, if you please, which radically differentiate our Nation from any other nation on the face of the earth. [Applause.]

The Creator of all, who has been wonderfully kind to the people who have settled and multiplied upon our broad lands, in the process of world making ages ago spread on each side of our continent a protection that is greater than all the navies, greater than all the standing armies—an expanse of ocean waters 3,000 miles in width. Only our insular possessions are vulnerable, and we should restore and make free the Philippines just as soon as the ability of whose people to govern themselves seems assured.

While traveling in continental Europe one sees the display of military power almost at every hour and on every hand. We are to take into consideration that only an imaginary line, such as divides our States here, divides those great powers, and only a little channel, that has already been traveled by the birdman in the small fraction of an hour, separates those countries from England. And, then, contrasting our favored geographical position among the nations of the earth, it seems to me the contention for a great navy, to vie with those powers surrounded by conditions so widely different from ours, lacks force.

Mr. BURNETT. May I ask the gentleman a question?

Mr. SHARP. Yes.

Mr. BURNETT. Was the gentleman one of those who signed the call for a Democratic caucus and then bolted?

Mr. SHARP. No, sir; I was not.

Mr. BURNETT. Do you think one has a right to sign that paper and then come out and sign a paper to bolt the Democratic caucus?

Mr. SHARP. No, sir. I refused to sign that paper. [Applause.] Let me call the attention of those gentlemen who would advocate building at this time two battleships to the fact that it means an outlay of the huge sum of $30,000,000. At this present moment the greatest concern of England and of Germany lies in their ever-increasing expense of naval equipment, and the situation seems to me much like two quarreling schoolboys, each challenging the other to knock the proverbial chip off his shoulder. The result each time is the addition of two or three more battleships. At this very moment, while England is struggling for supremacy, or rather to retain the supremacy she already has upon the seas, there is a strike of the dock laborers over in London, thousands of whom are unable to get their daily bread. The taxes upon the people have become so enormous that her own statesmen are questioning if it has not come already to a pass where England, with all her revenues, will have to borrow additional money with which to meet the constantly increasing expenses involved in keeping up her great navy. Where and when will it all end! Must a great war for supremacy actually come before a disarmament shall be agreed to? I have never been one of those who have been willing to believe that Japan, for instance—a friendly country that has been so many times cited as the enemy ever ready to come and overwhelm our shores—even if she intended war at a future time, could do more than inflict damage upon our coast cities. The minute her soldiers would undertake to invade our territory they would be met by an immense, resourceful Army, always ready for the call of duty, and would be stopped and defeated.

But I must confess that, on account of the recent developments of certain inventions which have come about within the last few years, my confidence in the inviolability of our territory from interior attack has been somewhat shaken. It is to the discussion of that new element, which has already become an important factor in the method of modern warfare, that I will devote the remainder of my remarks.

I wish to speak to-day upon the development of aerial navigation. The invention of the aeroplane—the "heavier-than-air" machine as yet only partially perfected in so far as safety is concerned—in my judgment—and I say it after careful thought, for I have given considerable time to the study of this subject—will not only revolutionize the present method of warfare, but will materially affect our methods of transportation and reach over into the scientific field of research, bringing to us truths at which we have only guessed in the past. In the brief time in which I am to speak I am going to divide my remarks into three natural divisions which, it occurs to me, the nature of the subject permits.

I wish, first, to consider it as a means of national defense and attack; then I shall devote some time to its commercial aspect; and, lastly, I shall conclude my remarks, if I may, by a brief summary of that which, it seems to me, this new field of discovery holds in store for the world in the advancement of scientific knowledge.

Among a number of bills and resolutions which I introduced some time ago was one which called upon the Secretary of War to furnish information, to be given to this House, throwing some light on the present development of aviation in the United States, and our standing or position as compared with the advance of this science in other countries. I wish to say that if the gentlemen who hear me have not had the pleasure of reading this interesting report, contained in House Document 718, I would be very glad if, at their leisure some time—if not during the busy closing hours of this session of Congress, then at least in their vacation—they would peruse its pages.

I may at the outset say that upon the face of this report, which contains eighty-odd pages of very interesting matter, our own relative position in the field of aviation is well emphasized when I tell you that but eight pages are devoted to the development of that science in our own country of America, which gave, as we all know, the very founders, the original discoverers—Langley, the Wright brothers, Burgess, and Curtis—in this field of navigating the air by aeroplane.

If I were to use a blackboard at the front of the Clerk's desk and illustrate in another manner the relative extent of our development as compared with that of other countries in this most important work, I could draw a line at least 3 feet in length to represent the position of France, and then away down at the bottom, after such countries as Austria and Italy, I would have to draw one, not exceeding an inch in length, representing its growth in the United States. Or, if I were pictorially inclined and wished to draw upon that blackboard a modern aeroplane and give to it a width of plane of 3 feet, representing the aeroplane strength of France, taking up almost the entire size of the blackboard, I could fairly represent the relative position of the United States Government by pinning upon it one of the smallest butterflies that you may see playing about the Capitol Grounds.

Perhaps a better way of putting it in a dollars-and-cents aspect would be to say that we appropriated, as you gentlemen remember, in a bill reported out of the Committee on Military Affairs, $75,000 for the construction of aeroplanes for the Army for the ensuing year. For a like period France contributed over $4,000,000. Germany came a close second; and then England, Italy, Austria, Russia, and one or two others of the smaller powers.

That shows the position in which we are placed to-day, gentlemen; and it is with the hope that my efforts may at least arouse the spirit of this Congress to lend additional aid in a field of enterprise that is bound to become the most important, along the lines I have mentioned, of anything in modern times that I am making these remarks. Congress can not stop it. It can only aid in its progress.

I know, as most of you gentlemen know in a general way, the relative size of our Navy as compared with the navies of Great Britain, Germany, Japan, and France. But I wish to call your attention to a remarkable change that has come over the continental countries of Europe during the past year. We all remember the ominous headlines which appeared in our newspapers last year over dispatches giving accounts of the ever-increasing friction between France and Germany, and how it was then stated that if war came between those Governments, France would have the cooperation and friendly aid of England. Whether that was true I do not know. But I do know that some of the best experts, some of the most thorough students of the methods of warfare, have said since that time that had war been declared between France and Germany, there is little doubt but what France would have been able to literally overwhelm Germany with its fleet—I might with propriety use another expression and say flock—of bomb-laden aeroplanes.

Let me read to you in this connection the words of our Assistant Secretary of War, Gen. Robert Shaw Oliver, who has given this subject considerable attention. He says:

> It is not at all impossible for several aeroplanes of the present types to start from a vessel off the Virginia Capes, fly to Washington, and each aeroplane drop 150 pounds of explosives upon the Capitol and public buildings of Washington. It is to be hoped that the aviation service of the American Army will be developed to such an extent that such a raid by hostile aeroplanes will not be successful.

I think it is but just to say that the officers of both our Army and Navy who have specialized, so to speak, upon the value of the aeroplane as a necessary adjunct to the regular equipment are entitled to much credit for the results already accomplished in this field. Without any spectacular advertising of the fact in their respective lines of work, they have greatly developed the efficiency with which the aeroplane and hydroplane can be made useful. The work of Capts. Chandler and Beck when flying, before this art had become as free from risk as improvement has now made it, has been of great value, not only in actual development but in popularizing the art among their fellow associates. Quite equal praise is due also to other officers in this work who have assumed risks that few men care to take. That these men ought to be far more liberally recognized, both in advancement in rank and pay, while detailed to their perilous duty seems too evident to need argument. I am glad to say that the House Committee on Military Affairs has already, in a measure, indorsed this view. No reward seems too great for the soldiers of other governments who risk martyrdom for the defense of their country quite as much as though they were constantly placed in the front of the firing line.

I feel confident that the kind of training which turns out, at West Point and Annapolis, the best engineers and navy experts in the world will also give to us the bravest and most skilled aeronauts, no matter whether their services are to be directed in the line of warfare or in the nobler work of increasing our knowledge for the common good of man. To this end Congress—the only branch of the Government that can give such aid—ought to make liberal appropriations. I would have a commission appointed, the personnel of which should comprise men skilled in the science, who would have authority to visit those countries abroad which have made such rapid progress in the development of various kinds of air craft. Who would doubt the value of their investigations in acquainting themselves with the systems employed in the numerous aerodynamic laboratories which are fast reducing the construction of aeroplanes down to a scientific basis and eliminating their dangers, giving to them stability and safety; inspection of the many factories turning out aeroplanes; a study of the military disposition of this "fourth-arm" service, and governmental regulations for the issuing of licenses, etc.? Or who can estimate the advance in the present state of our knowledge of this subject if the Smithsonian Institution, encouraged by a liberal appropriation of money, could be permitted to rehabilitate the laboratory of the late Prof. Langley, who early saw the necessity of such an institution?

Would not a competitive contest, authorized by the Government and conducted under certain rules and requiremens suggested by Gen. Allen, of the Signal Corps, and Capt. W. I. Chambers, of the United States Navy—men who have already done so much to advance this work—be effective through the distribution of liberal prizes in securing better types of equipment, and especially of engines, for which we now have to go abroad?

Not to refer to the splendid work which is being done by several of the journals in the large cities of this country for the cause of aeronautics would be ungenerous. During the past few years they have disseminated a great amount of useful information throughout the country and have done much to arouse public sentiment in favor of its development. They have truly been the pioneers in a work which, even from a material standpoint, will prove to be of great value to our people. The only reason why we have not come to a full realization of the potentiality back of aeroplanes lies in the fact that we have had no real war. I predict that when such a war comes the base of operations will not be the surface of the earth, but up in the clouds.

The trite saying that "truth is stranger than fiction" has not only come to be generally accepted, but it is sometimes stranger than the most unbridled poetic license. More than a half century ago, as if given the power of divination, England's poet laureate wrote this stanza:

> For I dipt into the future, far as human eye could see,
> Saw the vision of the world and all the wonder that would be;
> Saw the heavens fill with commerce, argosies of magic sails,
> Pilots of the purple twilight, dropping down with costly bales;
> Heard the heavens fill with shouting, and there rained a ghastly dew
> From the heavens' airy navies grappling in the central blue.

Tennyson's vision is a reality of to-day. All the civilized nations—I was almost going to say except our own—have come to realize that "from the heavens' airy navies grappling in the central blue" is bound to come the greatest source of danger from attack.

Fifty years ago there were many momentous engagements between the armies of the North and South when, if one army could have known the maneuvering for position of the hostile force only a few miles away, or with only a wood intervening, it would have been of incalculable benefit.

Do you not remember how 14 years ago our fleet was stationed for days in front of the harbor of Santiago and the question was very serious in the minds of our commanders whether Cervera's fleet was back in that landlocked harbor or whether in the nighttime it had taken wings and flown away and escaped?

If we had had an aerial HOBSON flying one of these aeroplanes then, instead of heroically trying to blockade the harbor's mouth with a sunken boat he could have come back in 30 minutes and said to our commanders: "The ships of the enemy lie back of those hills. They are even now preparing to steam out in their dash to escape." He would have given their tonnage, their number, and their disposition. This is all coming to pass in the near future—nay, is now here.

The army experts abroad have referred to aviation as the "fourth arm" of the army. That is a good term, but I think of another one which seems to me quite as appropriate. I would call it the third eye, the eye that sees from the back of the head, and from which no concealment of position is possible. From this time on there will never come a war between civilized nations where either can mask its fort behind a hill or a wood and hope for one single moment to conceal the presence of its forces, because away up in the clouds there will be the far-seeing eye of the aviator, and, without having to alight, he will report back by wireless the position of every detachment of an attacking army.

May I in passing remind you of the wonderful spectacle exhibited by the Italian army in attacking the Turkish forces at Tripoli last spring. You know what terrible havoc those men up in the air created. If the contending hosts of the Greeks and Persians at Salamis twenty-four centuries ago could have foreseen these wonderful instruments of warfare, men flying in the clouds and dropping their implements of destruction upon their ships, they would have created and deified a new god to whom to attribute supernal powers of destruction, for in all their category they had no god, even in the most poetic flights of their imagination, that could rise to the heights of such an accomplished fact. Mythology gives us no instance of a Jovian power so great. [Applause.]

I am not one of those who desire war. I would like to see it eliminated, but I sometimes wonder if it will only be stopped when the means of destruction have become so deadly and have developed to such a dreadful degree of efficiency that the nation which strikes the first blow will annihilate its enemy. Then, and only then, will peace come.

Let me advance one thought along this line of building up our own national defense. Sometimes we are accused of not bringing to bear upon all subjects of legislation the same business acumen which we would use in our own private affairs. I have hardly been willing to believe this, because we have here, as our distinguished Speaker of this House has said on several occasions, an assembly of earnest and patriotic men, and he has had an experience that certainly ought to enable him to speak with knowledge. But it seems to me not an untimely question to ask of the zealous advocates of the two-battleship propaganda, why not take one battleship now, which confessedly can not be built and completed for three years, and which at the end of another 10 or 12 years will deteriorate so fast that it will be almost a useless junk heap at that time.

Conceding that this House will compromise on one battleship, why not take the other $15,000,000, not all in a lump, of course, but extending over years to come as occasion demands, to develop this new means of national defense and national attack by buying aeroplanes? Do you know what that $15,000,000 will do? It will buy 1,000 of the most improved up-to-date aeroplanes that are made to-day in Europe or in this country. In addition to that, it will provide the five centers of aviation which this voluminous report of the Secretary of War recommends to be established on our Atlantic seacoast, along the Great Lakes, and the Pacific slope. It will establish needed schools of aviation. It will build what is more necessary to-day than any other one improvement as affecting the development of this science—it will build a great aeronautic laboratory, of which there exist many in Europe. By connecting that laboratory with the Smithsonian Institution we shall be able to better find out the conditions of the atmosphere, the difficulties that we will have to overcome, and to provide for safety in making flights. I fear sometimes that too many of our people look upon the aeroplane as a sort of a toy, a box-kite affair, but it is one of the most practical things that is in existence to-day considering the time since it was discovered and the difficulties to be overcome. Upon its practicability let me quote from

Capt. W. I. Chambers, of the United States Navy, who recently said:

> There are officers in the Navy to-day who look upon naval aviation as farcical, because they do not yet know that an instrument can be provided by which an aeroplane may be navigated out of sight from a ship at sea, with a reasonable surety of being able to go where sent and to return to the ship that sent her. * * *
>
> In my opinion, aviation will soon be as safe as automobiling, and its sphere of usefulness will be extended far beyond the limits of good roads.

That comes from a gentleman who is preeminently qualified to speak of the adaptability and feasibility of establishing the aeroplane both as a naval resource and an aid to the Army.

Mr. CONNELL. Will the gentleman yield?

The SPEAKER pro tempore (Mr. HAYDEN). Does the gentleman from Ohio yield to the gentleman from New York?

Mr. SHARP. I will.

Mr. CONNELL. In view of the statement by the committee that the present situation in the Navy is that it needs auxiliary attendants rather than battleships, would the gentleman recommend that the money be spent buying ships of the air rather than cruisers and colliers to serve the ships that we already have?

Mr. SHARP. I could easily effect a compromise with the gentleman on that proposition, because the amount of money involved for aeroplanes would be so absolutely insignificant. Why, we have not $75,000 now invested in Government-owned aeroplanes to-day in existence. Two hundred thousand dollars would duplicate three times over our present equipment of aeroplanes. It is too insignificant to talk about. It has no comparison in the outlay required with the expenditure of the vast sum which you ask us to appropriate for these instruments of destruction, battleships, and so forth.

Passing on to the second phase of my subject, there is an alluring prospect in the commercial field of the development of aeroplanes. The first theorem in my geometry at school as I remember was the proposition that the shortest distance between two points is a straight line. That was the first proposition, because it was so axiomatic, so plainly apparent and evident, that the simplest mind could understand its demonstration. But, gentlemen, it is in some respects the most basic, the most fundamental. Why, do you know that the transportation corporations of this country, the railway and steamship companies, have spent hundreds of millions of dollars in trying to carry their freight along a straight line between two points?

In doing that they have had to level mountains, dig great tunnels, dredge deep channels, build expensive canals, and still they have attained the purpose only to a modified extent. They have had to cross great chasms with expensive bridges, some of them more than a mile in length, to reach and attain the shortest distance between two points. But can you conceive such a problem as that to a man who can ignore the natural obstacles on the surface of the earth? He has the ability to go over valleys, to fly aloft over mountains, over chasms, and over the ocean. There is really no topographical obstacle which he can not overcome. He has to set no expensive telegraph or telephone poles, no expensive right of way to acquire.

Awhile ago I had the opportunity, in the consideration of the Post Office appropriation bill upon this floor, to propose an amendment appropriating $50,000 for carrying the mail by aeroplane. I think some of my friends were too kindly disposed toward me, too magnanimous to smile at some of my statements favoring the measure. But it is coming. The questions relating to navigation of the air are going to engage the attention and call for regulations of the Interstate Commerce Commission and the Post Office Department, just as the transportation problems involved in carrying freight and mail by water and rail are to be met.

Already in this city there is planned an immense aeroplane with a 100-foot spread. I went to the factory a number of weeks ago and saw, ready for shipment, an aeroplane with a spread of many feet. It was built upon the cantilever plan that it might better resist the buckling effect of sudden air pressure, and I am pleased to say, in behalf of the people of the city of Washington, that it was designed and constructed by one of its citizens, Dr. Christmas, who was a pioneer in this investigation. Within the next few days, I understand, he is going to attempt to carry several hundred pounds of mail from New York City down to the Capital City of Washington without making a stop. Within another year such feats will be very commonplace. Only last week Count Zeppelin delivered to the German Government a dirigible balloon of great size, capable of carrying many passengers. On trial tests it had sustained itself in the air without alighting, making all sorts of maneuvers, going around the north part of Germany for 10 hours, at a speed of 45 miles an hour. The speed attained by the aeroplane is already in excess of 100 miles an hour. Even with a small, birdlike aeroplane, 11 people at a time have been carried up in the air. It would be a mistake on my part to attempt to tell of to-day's record in aeronautics, because events crowd one another so much that it is almost impossible to keep pace with the progress made. The record of ascent of 13,000 feet above the earth will soon be far exceeded, and I believe that the speed of 100 miles an hour will be increased by 50 per cent in time. Poor Vaniman told me a few weeks before his tragic death that he expected to cross the Atlantic in his great dirigible. Though he died a martyr to his faith before it could be accomplished, yet others will do it in half the time the ocean grey hounds now take.

Is it dangerous? Naturally so. But do you know that whereas we have had two deaths at College Park, yet there have been 1,500 flights made? Do you realize that, with all of the deaths and accidents of which we have read, there have been over 250,000 flights made by the aeroplane? The deaths from accidents mostly happen where a man gets high compensation for doing daring things. I doubt whether the record of mortality is nearly as great as it has been with the automobile. So much for the commercial phases of aviation.

My time is fast passing, and I am going to conclude with just a few observations which, I must confess, come from somewhat of a crank upon a few scientific subjects. We say that every man has a hobby or should have, and I have mine. I have been deeply interested in the possibilities of aviation. This interest was greatly increased from witnessing the impressive feats of Wilbur Wright at Fort Meyer several years ago. Wilbur Wright should have a monument which would reach to the skies. [Applause.] America, first, is proud of Wilbur Wright, and Ohio is especially proud of her native citizen. For all time to come, it seems to me, there will be no names that will shine quite so brightly in her hall of fame for the laying of the foundation of actual achievement in many future kinds of industry and of scientific research as those of Wilbur and Orville Wright. [Applause.]

The other day I was interested in reading an article in one of our magazines having to do in part with the discovery of the aeroplane. In compliment to the magazines of the country let me say that I do not know of a single agency which has contributed more to the progress and advancement of the American people than the monthly magazines.

Only a few years ago, if you went into a bookstore or to a news stand, you had a choice of only one of a half dozen magazines. To-day you would have to take Dr. Eliot's 5-foot bookcase, extend it, making it sectional, and then run across it several times to accommodate the hundred or more monthly magazines that are published. In the Popular Mechanics Magazine for the present month—and I commend it to the attention of everyone—there is a most interesting lot of articles, one of which refers particularly to the phase of my subject which I am about to discuss. There was sent abroad, all over the world, by its editor, to approximately 1,000 of the greatest scientists, a list of 56 recent discoveries, and they were asked as to what constituted, in their opinion, the greatest seven wonders. I will read the result of that vote in the order in which the votes were cast. Wireless seemed to be the most popular, then came in the order named the telephone, the aeroplane, radium, antiseptics and antitoxin, the spectrum analysis, and the X-ray.

Archimedes, the ancient mechanician of Syracuse, who was celebrated in his day, once exclaimed in his enthusiasm in regard to the power of the lever, "Give me a fulcrum on which to rest and I will move the earth." That fulcrum has been supplied by the scientific men of the twentieth century, and, figuratively speaking, they are moving the earth. In comparison with the seven wonders of ancient days, which are of no utility to man, compare the possibilities, the potentialities for good to man in any one of these other enumerated discoveries. If you will analyze these discoveries you will find that although the aeroplane, the cause of which I am championing to-day, has been placed third on the list, every one of those subjects, except antiseptics and antitoxin, is intimately connected with what may come from aeroplane research——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHARP. Just a few more minutes.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent that the gentleman be granted 10 minutes additional to conclude his remarks.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. SHARP. Appreciating the fact, gentlemen, that there are others who wish to speak, I thank you very much for the courtesy, and 10 minutes will be all I ask; and in this connec-

tion, lest I forget it, I desire to ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Mr. SHARP. The world a few years ago was startled by the discovery of a mere boy over in Italy when he announced that he was able to send messages through the air without the use of a wire. It is interesting to read an account of how he first came to discover the properties of wireless telegraphy, if I may call it by that name. Marconi at the age of 15 was already a scientist and an expert in the knowledge of electricity. But wireless, telephone, radium, the spectrum analysis, the X ray, even light itself, owe their power of manifestation to what? Why, to the fact there is a medium which scientists call ether, through which these waves are conveyed. Without that medium there could not have been made known to us a single attribute of the solar energy, the phenomena of the great sun—the producer of all our energy; take from this earth the ether itself and we could not have any communication of the electric current; we could not have any communication of the light waves that travel 186,300 miles a second. The contributor of the article on the discovery of the wireless states that it is a similar wave which sends a current on the wings of the air to the light waves.

The real merit of the discovery of the Roentgen, or the X ray, lies in the fact that the X rays are not natural in actual existence but light waves are. Through all these ages man has been in the condition of a bird in a cage, confined to the surface of the earth. Given a little more stability and safety in the field of aviation, when the scientist can mount above the clouds with his finely constructed instruments, I predict here and now, gentlemen of the House, that almost at every ascent he will discover new conditions in regard to the science of meteorology; that he will acquire a vastly increased knowledge of the properties of this mysterious ether, and even of the silent but all-powerful forces of gravity and magnetic action. Let me tell you of a very astounding incident, if I may say that anything in this great age of discovery is any longer astounding. A gentleman who had his aeroplane at the Minneola field, the other day told me of an incident that out-Verned Jules Verne in its strangeness. He said that a gentleman who had been conducting investigations along certain scientific lines came up to his machine and fastened upon one side of it a little instrument occupying less than a cubic foot in space, and then he said to the pilot, "When you have gotten up several hundred feet in the air with your machine I will wave my handkerchief and then I want you to press this button upon the little instrument."

Just before this he had gone several hundred feet away, and in a little excavation in the earth he placed some powder, after which it was covered over with several inches of dirt. When the machine arose several hundred feet in height he waved his handkerchief, the operator pressed the button, and this powder ignited. Is there anything stranger in the realm of dreams than that? Is there any wonder that the gentleman who built that machine asked, after that incident, "What is to prevent your blowing up any magazine when you fly up in the air and send down that mysterious current"? And the reply was that it could be done if the instrument was sufficiently powerful and properly attuned.

To illustrate another manner in which this substance of ether, if I may call it a substance, communicates light waves let me close with an incident which I wish to relate. A number of years ago a friend of mine having a summer home on Lake Geneva, near the Yerkes Observatory, which has a telescope containing one of the largest glasses in the world—one of the great things that street-car magnate did for the cause of science—knowing my interest in astronomy, accompanied me to that observatory. Covered over with a piece of oilcloth, looking in form much like a gigantic swan of perhaps 3 or 4 feet in height and that many feet in length, resting on the floor beneath the great dome, was a strange-looking object, or would have been had the cover been removed.

And yet not all the wonders contained in Pandora's box could rival the mysterious powers of this apparatus. Possessing the ability to photograph the most distant stars and to analyze their spectrums, the innermost secrets of the physical construction of those luminous suns have been laid as an open book before the inquisitive scientist. Is it, indeed, any wonder that the spectrum analysis should have been chosen as one of the seven most celebrated discoveries? What more strange than for man to be able to tell with unerring accuracy the component parts—the very elements—which compose not only our own sun, but those of every other luminous astral body; nay, even more, to be able, by the shifting of those spectral lines, to tell their motions in space and even their weight from their gravitational pull! Indeed, must I exclaim, not how little but how great is man! And, after all, is it not the power which he possesses to solve the mysteries of creation which stamps him with the impress akin to Divinity itself? It would almost seem as though only a better understanding of the truths of psychology is needed to establish man's connection with that Power.

Mr. Speaker, it is because of my firm conviction that through the practical investigations which we can carry on by a further development of the science of aviation we shall achieve most important results along the lines I have discussed that I stand here to-day advocating that in every possible way the Government stand behind and encourage this new field of discovery.

It is with this thought and with this purpose that I have asked the kind indulgence of my colleagues upon this floor, and if it may result in some agitation, in some examination of a subject that is so comparatively new, I shall feel amply repaid for my efforts. [Applause.]

Mr. FERGUSSON rose.

The SPEAKER pro tempore. The gentleman from New Mexico [Mr. FERGUSSON] is recognized for 20 minutes.

Mr. FERGUSSON. Mr. Speaker, I was surprised when I heard the gentleman from Illinois [Mr. RODENBERG] accuse Woodrow Wilson of deliberate insincerity in his present advocacy of progressive principles, especially the initiative and the referendum. He charged Woodrow Wilson with having insincerely adopted the progressive principles, now so universally demanded by the great mass of the common people, not as being for the common good, but solely for the purpose of attaining high political position.

Doubtless we should judge leniently the contortions of our friends on that side of the aisle. They are in a perplexing dilemma—what to do to be saved. Follow the bull moose, crazed as he is with the rabies of reckless ambition, with menacing front and nostrils belching flames, headed no telling where, or follow the bull elephant who moves not at all except as he is pulled by the iron hook of the trainer?

It is exasperating, and we draw the curtain of charity over the scene.

But the false charge has induced me, gentleman, to attempt in a modest way, partly in justification of myself and of the Democrats and Progressive Republicans of my State, for having enlisted in behalf of these principles, to state the reasons that have moved us, and partly because a statement of the reason and necessity for those principles will justify, if not require, all patriotic men to join in putting them in force. And I doubt not they are the reasons that have moved our Democratic candidate, in common with other distinguished men of both parties of this Republic, to demand so much of change as should be made in our ancient laws under a representative government, as will restore real, pure representative government as our forefathers intended it to be and as it prevailed in our country for more than 100 years; that change to be made in the direction of giving more power—no; not more power than was given under our original form of government, but the same power as existed from the beginning of our Government—by enacting laws, according to progressive principles, that will give direct and immediate control to the people over the acts of their representatives, as well as such control over their representatives themselves, to the end that injurious laws may be quickly annulled, good laws readily forced in the statute books, and unworthy public servants quickly deprived of power. [Applause on the Democratic side.]

Woodrow Wilson, in the seclusion of his educational and scholastic life, in a great history, which has received the commendation of the whole people, enunciated certain views as to the then new principles of the initiative and the referendum. He had in view the historical fact that up to a period decades subsequent to the Civil War, and before collective wealth had become so powerful, so brazen, so insatiable, and so corrupt, and at a time when the astounding developments consequent upon the alliance, the close partnership and cooperation in this country, between corrupt politicians and treacherous representatives of the people, on the one hand, and corrupt and overpowering wealth, on the other, had not yet become fully manifest. What has caused this change in every patriotic man who loves his country, who wants to preserve these principles in their original vigor, as intended by the fathers, is the absolute necessity of preventing the degeneration of our beneficent people's government into a government by a plutocracy; because, by the power of great wealth, by the conscienceless, corrupt, and selfish use of the power of great wealth, the special interests have perverted our original representative government, as created by our fathers, and changed it into a government by representatives of wealthy men and trusts. Laws have been made,

laws have been administered, and laws have been construed by the courts for the further enrichment of the few and to the pitiful impoverishment and misery of the plain people, as Lincoln lovingly called them. [Applause on the Democratic side.]

If Wilson has changed, as has "with such spirit and decency" been charged against him by the gentleman from Illinois, he is in most distinguished company. Look at the names of patriotic, courageous men now in the Senate, now in this House, now in high office in all the States, who are engaged with him in the task of overthrowing this deplorable domination of wealth in our country, not, as charged with conscious falsity, by destroying representative government, but by restoring and safeguarding representative government.

Before the rise of corporate wealth, immediately succeeding the great Civil War; before it had grown so great and so strong and, by long use, had corrupted its possessors; in the early times of this Republic, such a thing as a corrupt representative was unknown; such a thing as a judge on the bench doing aught but expounding the law impartially, had not been dreamed of; such a thing as a councilman in a city being purchased to grant a franchise without compensation to the public, say, to some powerful syndicate to build a street railway, so that it should be oppressive to the people and give undue wealth to the possessors of the franchise, was incredible; before legislators, men composing the legislatures of the States, and, I am sorry to say, in the general belief of the people, at least, before men in the high position of Senators of the United States, openly used their power in high office to pass laws for the benefit of the special interests, for the benefit of men who have forgotten patriotism and have become slaves to the passion of avarice, the necessity for these remedies had not, I say, become manifest. [Applause on the Democratic side.]

The moral side of the use of the initiative, the referendum, the recall, and the depriving legislatures of the power of electing United States Senators, should not be overlooked.

What wealthy man, think you, or syndicate, would expend large sums of money to buy a legislature or a board of aldermen to pass a law or ordinance giving vast profit to the bribers, to the great disadvantage of the public, if by law the people could at once repeal such law or ordinance under a referendum? Likewise, the initiative would tend to discourage the corrupt use of money to prevent the enactment of good laws by legislators; and the recall would destroy the value of corrupt judges in the estimation of bribers. The public servants would be relieved of temptation. The all-wise prayer says, "Deliver us from temptation"; and the human wisdom of Bobby Burns shines resplendent in these lines:

I say na mankind are villains a';
The real, hardened wicked,
That ha nae check but human law,
Are to a few restricted;
But ach, mankind is unco weak,
And little to be trusted,
If self the wav'ring balance shake,
It's rarely right adjusted.

It is statesmanship to adjust government to changed conditions in the evolution of things. Change, in itself, is not bad. Evolution is change. The reactionary would stay all change. It is well that the boy ceased to carry grain to the mill with rocks in the other end of the bag; and we know now that Darius Green, with his flying machine, was not such a fool after all. The motto of the reactionary, "Once a fool, always a fool," is not a good motto. The changes in the science of medicine, of communication, of transportation, in the use of steam and electricity, are all good things; and the changes in human government, freedom of conscience, freedom of thought, free speech, are good things. The sine qua non in changes in human government, in solving the problems of government now confronting us as a nation, is honest men in charge for the people—men of learning, as far as possible—and in the chief place of power a man of deep insight into the science of human government, like Jefferson; of unconquerable resolution, like Jackson; and of broad humanity, like Lincoln. We offer the people Woodrow Wilson, whose public utterances suggest the intellectual grasp of Jefferson, and whose acts as governor of a great State have shown at once the prompt courage of Jackson and the solicitude of Lincoln, to make secure the rights of the common people under a government of the people, by the people, for the people.

The very foundation of our Government was intended to change the awful evils of government that existed in Europe at the end of the eighteenth century, under the monarchical system, and to erect on this side of the Atlantic a government whose prime object was to care for, protect, and make happy the humble and lowly of mankind. The French Revolution was produced by the selfishness of wealth, its heartlessness, and its forgetfulness of the masses of the poor.

Let us indulge a brief review, that is intended to show that under our system of government such a change of point of view was to be expected from the rise and the great power of concentrated wealth; that such a change has taken place in very recent years; that Woodrow Wilson, if at first he proclaimed that the initiative and the referendum were not needed, stood with all the patriots in the one hundred and more years of our history until corporate organizations and trusts began to form in the last three or four decades. He stood with all of those from Jefferson down to Jackson, and on down through the great list of statesmen who administered the powers conferred upon them as representatives of the people, honestly, as intended, in the interest of the people. But with the change of conditions that came with the great growth of wealth, with its power, with its aggression, with its absolutely corrupt heart, the change of opinion came, and with Wilson, if change you will call it, other honorable men have changed.

The greatest speech made by the late Senator Dolliver, in my judgment, was the last one he made on the floor of the Senate, not long before he died, in which in his place in the Senate—and he had been in politics many years—he, in effect, said:

I wash my hands of the methods of this party.

[Applause on the Democratic side.]

He added, in substance:

The powers of government have been seized by corporate and selfish wealth. They have been taken away from the people and prostituted to the enrichment of the mercenary wealthy; and for the future—

He said—

I shall devote my life to the correction of the evils that have grown up under our system of government.

He died in a belief in the necessity of the initiative, the referendum, and the recall. [Applause on the Democratic side.]

We can count on our fingers prominent Senators and Representatives, both Democrats and Republicans, who believe in these principles; and if you will note, you will see that the States that have been most corrupt, like California; most under the dominion of special interests, like Oregon; most under the control of those who have selfishly perverted the great powers of the people vested in themselves, as representatives, to unworthy uses, you will see that everybody is for the initiative, the referendum, the recall, direct primaries, and for every other one of the great progressive principles that have been found necessary, not to destroy representative government, but to restore it to its pristine vigor and purity, as it was intended to be. [Applause on Democratic side.]

The fathers of our Republic were men learned in history; they knew of the results to the masses of mankind of irresponsible power exercised by the few over the many, as was apparent to the world in France, for example, in 1776. They were likewise men of great humanity, whose hearts swelled with sympathy for the helpless misery of the millions of men under the monarchies of Europe. They fully shared the aspirations for individual liberty of the European writers who were even then pleading for liberty and sowing the seeds of the French Revolution.

Finding themselves, as colonists, freed from the domination of England and confronted with the task of founding a government based on the principles set forth in the immortal Declaration of Independence, on which they had won freedom, they established our constitutional form of government, a representative government, in which the power of the people, supreme, was to be exercised through servants or representatives chosen by the people for short, stated periods of time; and the delegated power, while vested in these servants or officers or representatives, was to be exercised only for the benefit of the people themselves. The power of the people, however, was to remain in the people and be supreme, and short terms of office were provided for by the first law in order that the people might often use their power.

The fundamental principles embodied in the phrases the referendum, the initiative, and the recall have, from the foundation of our Government, in some form, modified or remote, been recognized in our Constitution and laws. The recall is in force in that every office, save and except the judges appointed for life, is for a specific length of time, and at the end of that term the officer is recalled by operation of law into the body of the people and becomes subject to the power of the people whether they will return him to power or make his recall permanent.

The reference, or referendum, of all amendments to constitutions and of certain laws and municipal ordinances to a vote of the people has always been the law and practice. But in a broader or indirect sense the referendum has always been in force in that all legislative officers or representatives have served for stated terms, and their acts while in office have been indirectly referred to the people for approval or repeal by

subjecting the representative to reelection or recall by the people. In this way the Payne-Aldrich tariff law has been subjected to, and condemned by, a referendum, and this Democratic House is the result; and it has been unmistakably directed to repeal that law. [Applause.]

In a still more remote and indirect way the people have from the beginning initiated laws. Heretofore, and until within the last two or three decades, when, in some States, direct laws have been enacted, the power of the people to initiate laws was exercised through the force of public opinion. Even though at the end of a bloody war, yet, in its ultimate analysis, the abolition of slavery was brought about by public opinion; the control of railroad rates, through the Interstate Commerce Commission and other like great enactments, has come about in response to that great power called public opinion. But that power, that means of enforcing the will of the people, is slow, is easily thwarted by thimbleriggers, and is often so tedious in its effects that sufferings are terribly prolonged, and intolerable evils become well-nigh ineradicable. As the result of long use, we even hear the hateful hint of vested rights, as invoked in behalf of oppressive, unjust tariff wrongs; that forsooth, from long use, it has become a right vested in overwealthy manufacturers to tax the earnings of the day laborers and the consumers to still further and perpetually enrich the tariff beneficiaries, a vested right, in one class, to tax another class of our citizens.

Here arises the demand for the initiative, the referendum, and the recall, as advocated and partially adopted in our time. It is simply the demand of the people, voiced in a large and rapidly growing public opinion, that their power to control their affairs shall be made by law more easily effective. They demand the right to veto the acts of their representatives in lawmaking bodies by having such laws referred at once to a vote for their approval or rejection; they demand the right to inaugurate or initiate a new law by direct vote in case their chosen representatives are corruptly influenced to refuse or neglect to carry out their will; and they demand the right to recall before the recurrence of the next election any corrupt judge, or at the very least to make the present difficult, if not useless, impeachment laws easily and readily responsive to their will.

Now, when and why originated this demand—this sullen, portentous unrest among the masses of our countrymen; these mutterings, even so deep and despairing as to suggest the awful sufferings in France that preceded the French Revolution? Do not close your eyes to what is visible all around you, you pampered beneficiaries of unjust laws, you malefactors of great wealth, you special-privilege holders, with your monkey dinners and your poodle-dog receptions, your divorce courts, reeking with the records of your idle, indecent lives. [Applause.] The people observe these things and contrast such pictures with the miserable exhibits we have lately seen in the Halls of this very Congress in the form of emaciated little boys and girls, pale young women, looking prematurely old, and poorly clad, all with the shrinking, hunted look of the beleaguered wild animal; and angry men, with the dangerous gleam in their eyes—of resentment at intolerable wrongs, long suffered—all coming from the woolen mills of Lawrence, Mass., one of the proprietors of which mills, I am told, has amassed wealth to the amount of probably $100,000,000 in the last 30 years through the operation of laws enacted by virtue of the conspiracy existing between corrupt, grasping, conscienceless wealth and the complaisant, if not corrupted, representatives of the people. [Applause.]

How many franchises for public-utility purposes, oppressive in their provisions, have been granted in cities to special interests by aldermen corrupted to pass them, without compensation to the public; made invincible by the decisions of the courts that they are vested rights, clothed with the sanctity of contracts, the obligations of which are constitutionally protected from the power of the people? How many laws of States have been enacted by legislatures that have surrendered to the blandishments of wealthy men and corporations—malefactors of great wealth, as Roosevelt calls them? How many laws have been passed by Congress itself in the last 30 years or so in return for campaign contributions?

The Representatives of the people, in some instances voting for such laws, though they were at the time personally interested in the corporations and trusts, the beneficiaries of such laws—have enacted laws that have produced the harmful contrast of conditions existing at this moment—for example, in the woolen factories in New England. Did Carnegie earn his half billion or more of dollars in 40 years; or did he get the lion's share of the taxes from the people, under the guise of providing revenue to carry on the Government and protect our infant industries?

These are some of the reasons why the people are demanding the initiative, the referendum, the recall, direct primaries, the election of Senators by direct vote of the people, and all those so-called progressive principles, principles which long since permeated the Democratic party, which have riven the Republican ship from stem to stern, and which are as sure to triumph as it is certain that this scheme of government, conceived by our forefathers, is too young to die. [Applause.]

The birth of these principles was coincident with the beginning and growth of unrest among the people; and the beginning and growth of unrest among the people began and kept pace with the beginning and growth of corporate, selfish, and corrupt wealth. The keen, statesmanlike mind of Bryan, his patriotism, his indomitable courage, his unflagging devotion to conviction, his fortitude under misrepresentation, contumely, and abuse, and his eloquent tongue and pen, have at last made certain that representative government, which has been destroyed by the activities and power and corrupt use of great wealth, will be restored in our country; and under Woodrow Wilson's administration the fervid prayer, known as Lincoln's Gettysburg address, will be answered, and "a government of the people, by the people, and for the people" will be in force once more, for the continued enlightenment of all the nations of the earth, and for the protection, equal rights, equal opportunities, and equitably distributed happiness of our people. [Applause.]

Mr. CONNELL. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. CONNELL. Mr. Speaker, in the unanimous absence of our friends on the other side, who, I understand, have just heard the astonishing announcement that William Howard Taft has accepted the nomination at Chicago, about which we have heard so much of late, I think I may take this opportunity, especially since gentlemen on this side of the House are present in such enthusiastic and overwhelming numbers, to say something on a subject which I am sure interests everybody here and which may interest a few people elsewhere. That is as to when this Congress is going to adjourn. They are discussing this matter in various parts of the country, and in case the question should arise in the coming campaign as to why we did not adjourn sooner, you will find that there will be some people who will blame the House of Representatives for it. Therefore I have taken the floor simply for the purpose of reading an editorial paragraph which I hold in my hand. I do so with pleasure, because it is refreshing to find a great metropolitan newspaper which goes to the bottom of things, takes up the facts, and gives them to the country. In reading this I mean no reflection upon the Senate, because they may have good reason for their delay; but I want the House to be put right in the matter, and this seems to me to do it. I read from the New York World of this morning:

> In a burst of partisanship the Tribune denounces as "disgraceful" the conduct of the House, and says that "with any degree of diligence most of the appropriation bills should have passed the House before the end of March." If it will look at the calendar it will find that eight of them did, and that most of them were held up two months in the Senate, some longer. In addition, the Indian bill was passed by the House April 9, by the Senate not until July 17; the Post-Office bill by the House May 2, by the Senate not reported until July 23, and still to be passed. The Military Academy and naval bills were passed by the House the last week in May, and on July 24 and July 5, respectively, by the Senate. The Army bill passed the House July 2, and has not yet been reported to the Senate. Why not stick to facts?

[Applause.]

As I said, I mean no reflection upon anyone else; but if I had the time to follow up the question I would like to put before this House some reasons why the facts have not been adhered to in considering and discussing the bills that have gone from this House and the work of this Democratic majority. But the time is coming when these things will be discussed in every corner of the Republic. When that time does come, with our candidate for the presidency shedding the light of learning upon every public question, we will show that in all the history of this branch of the Government, with all its fame and distinction, there never has been a better or a more representative assemblage of American citizens to deal with public questions, or who did it more honestly or more firmly or more effectively or more quickly than this House has done it. With this record we go before the people, and upon our banners must perch the great reward of those who have been faithful to public duty intrusted to their hands. [Applause on the Democratic side.]

Mr. LAFFERTY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on two subjects—that of homesteads and the control of drawbridges by local jurisdiction.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

[Mr. BURLESON addressed the House. See Appendix.]

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. LINDBERGH] is recognized for one hour.

Mr. LINDBERGH. Mr. Speaker and gentlemen, it has been but a few days since this House passed a bill to create a commission on industrial relations, with a life limited to three years. I voted for the bill because it was a step in the right direction. It was, however, a feeble step. I do not expect that commission to do much more than many others that were created in about the same way. Had I known in advance that the bill would be presented at that time I should have been prepared with some amendments to propose. Since then I have introduced a resolution the purpose of which is to secure a committee of this House as a permanent institution, its purpose being to report on bills involving social problems. My resolution, which was introduced July 18, I submit as a part of my remarks. It is as follows:

House resolution 636.

Whereas it is among the declared purposes of our Government to establish justice and insure domestic tranquillity and to promote the general welfare; and

Whereas there is a persistent and irrepressible economic conflict now everywhere manifest in the economies of production and distribution between those who own the principal means, appliances, and materials of socialized production and distribution, on the one hand, and the smaller owner and those who perform the social service, manual and mental, on the other, and since said conflict, unless soon reconciled, threatens to overthrow all social order: Therefore, among other important facts relating to the same, it is important to know—

(a) That it is a fact that the production of permanent, material, capitalistic wealth for speculative and remote future use is so great that in its production and maintenance it robs the industrial forces engaged and consumes the material resources required to produce the urgent necessaries of the present day and generation. On that account there is now insufficient production and distribution of the things necessary to supply the common needs, and therefore most people are in want of many of the actual necessaries. This condition is largely caused by the overgrowth of the larger cities in this and other countries and by the construction of systems of canals, railways, buildings, and other permanent structures, many of which are built solely for the investment of capital, while instead the energy of labor and the use of capital and machinery should be employed in the promotion of industries with the main purpose of supplying the necessaries for the people's use, convenience, and well-being. The people's energies and the material substances are being thus used to provide capital with permanent investment. In this way capital is created from the material resources, and is supplemented by the great wealth that labor adds, but it is controlled by a few individuals whose direct purpose is to use it as a basis on which to collect interest, dividends, and maintenance cost from the people. The cost of living can not be reduced and conditions materially bettered so long as so much of the natural resources and energies are employed to produce profits regardless of the service to be secured.

(b) That it is an economic fact that interest, rent, and dividend indebtedness levied on the present basis are partly made up by enforcing longer days of labor and reducing wages, partly by deduction from the price of the farmer's products when he sells, partly by increasing the price of the necessaries of life that must be purchased by the consumers; but even in all these ways rents, dividends, and interest at the rates charged can not all be paid, because it is impossible to pay in full, and therefore bankruptcy will be constantly in process and the scale of living low for the majority so long as we follow this system. Interest compounded on the large capitalized holdings of wealth at the rates commonly charged equals in a few years all the country's resources. Under such a system periodical panics are bound to occur. The people can not be prosperous under any government that permits a business policy and practice that eventually leads them to bankruptcy. Since our Government now permits and encourages special credit advantages in favor of invested capital that obligates the people to pay its owners higher interest, rent, and dividends than it is possible for them to pay, property is given a more secure status than personal rights, and much property is being produced for the purpose of appropriating the energy of the masses for the profit of the few. Under such practices all but the favored few suffer.

(c) That it is a fact that discriminations exist in our social organization, sometimes practiced privately and sometimes publicly, giving special favors to individuals, concerns, and localities without economic reason therefor. This in itself creates inequality and increases the common burdens.

(d) That it is an economic fact that the burden of production rests on the toilers, mental and manual, whether they be on the farm, in the factory, in the store, or engaged in the sale or distribution of the commodities of commerce, or otherwise. They support and maintain all social institutions, whether these pertain to production for present or future use, and whether such production furnishes necessaries, pleasures, supplies, or other conditions of life. There is no other source from which the necessaries and conveniences may be economically secured. Capital, even after accumulated, can not maintain itself, but depends upon labor for its value and conservation. Even money and credit furnish no material substance, but merely express a convenient measure of exchange used because of the fiat supported by the fact that it is accepted in terms of exchange. The cost of living is increased by all persons who are engaged in any work of unnecessary duplication; also by those occupied in producing things that are not required for the present or future of the living generation or naturally incident to the establishment of practical working conditions where more permanent construction is necessary. Any undertaking which does not have for its purpose the production of conditions that produce the necessaries, conveniences, or luxuries practical to be enjoyed, or for use by the people generally, or in their distribution, sale, and exchange, increases the cost of living. Fellow workers in all useful and necessary pursuits are coordinate, and are cooperators and not competitors under economically governed conditions. Those only are competitors who consume without producing an equivalent, either in producing the necessaries or in their distribution, sale, and exchange. It is an economic fact that modern machinery, new methods, and better appliances have enormously increased the productive energy of the people. Therefore, if economic order governed in the production and distribution of things necessary, convenient, and desirable, there is ample means by which all industrious people can secure all things reasonable and desirable to make them successful. This can be done by very much shorter days of labor than are now being expended by most people in order to work out what proves a burdensome existence under present conditions. It can not, however, be accomplished while each individual pursues indiscriminately this, that, or the other purpose in life without special or even general information that the undertaking fits into any real need. Naturally, under the disorder that exists, there is an enormous waste of energy and resources, and some will be idle while the majority will be overworked, underpaid, and therefore deprived of the advantages to which the industrious are entitled. None would lose by creating order out of the present disorder, but all would gain by the elimination of waste and wanton extravagance.

(e) That it is a fact that corporations have been organized to overcome some of the disorders that have been common in business. But these, in most cases, are trusts, and operate for extremely selfish purposes. The public derives little benefit from their existence, but on the contrary in some cases is actually injured. The trusts have been able to systematize and practice economy in the cost of production and distribution, but, since they are monopolies, the public has not had a proper advantage from their formation. On the contrary the trusts have used the monopoly to reduce prices when they buy from the original producers and increase them when they sell to the consumer. They build up colossal fortunes—commonly called vested capital—for the individuals who control them. On these fortunes the public is charged annual compound interest, rent, and dividends. Experience teaches the managers of the trusts that they may cooperate to their mutual business profit, and therefore there is a community of interest between them. But there is no community of interest between the trusts and the public except in the sense that there is a community of interest between the farmer and his team or his cows.

(f) That it is a fact that in this country there are natural conditions, resources, and advantages sufficient to satisfy and supply every human need under economically governed use and application of our industrial forces in their development. People have the intelligence required to bring about better conditions if they will make the effort. The problem is to direct things in a way to prevent waste of energy and resources in the production of things unnecessary and to exert more energy in the production of the necessaries, and otherwise reconcile the present industrial conflict in a manner which will bring about a reasonable adjustment; and that may be done without any great change in the fundamental principles of government, or even interfering with the system of the individual initiative: Now, therefore, because of the imperative necessity to form a general social and business policy that shall be consistent with the great common interests of the people, to insure independence and equality of opportunity so far as it is practical, and to provide a social order of things that will economize in energy and material to bring about a reduction in the cost of living and in the general burdens that now encumber the plain producers and consumers; to increase the advantages of the people in all ways practical, as well as to induce other countries to enter into like undertakings to lessen the burdens of all people: Be it

Resolved, That there shall be added to the present standing committees of the House of Representatives a Committee on Industrial Relations, which shall consist of 15 members, to be selected by the House from the Members thereof, and to which shall be referred all bills and proposed acts of Congress affecting or proposing to affect the industrial affairs of the United States not referable under the rules of the House to any of the present standing committees thereof, and, in addition thereto, all bills and proposed acts of Congress reported from the present standing Committees on Ways and Means, Banking and Currency, Interstate and Foreign Commerce, Railways and Canals, and Labor for consideration, correlation, and report to the House as to the effect of such proposed legislation on industrial conditions generally.

I have observed that when one states the plain truth he is designated as a radical; that is, if the subject matter on which his statement is made has to do with politics or economics. For the same reason I have been designated as a radical. I was so called even before I introduced this last resolution, as may be observed by an article in the New York Evening Post of July 20, 1912, the last paragraph of which reads as follows:

Representative LINDBERGH has the reputation in Washington of being a radical, but he has also a reputation for getting things in which he is interested accomplished. In the case of his Money Trust resolution of a year ago he asserted at the time that he selected summer as the propitious moment to plant the thought in the consciousness of the public. Events proved that the seed grew and bore fruit. It is possible—and it would be characteristic of Representative LINDBERGH if this proved to be the case—that the idea outlined above, properly watered by its author, and persistently advertised by him, may have equal chances of success.

The Evening Post, in referring to the "idea outlined above," referred to the comment it made on my resolution for the appointment of a committee on industrial relations.

It is well known that my Money Trust resolution was opposed by the Money Trust and by most of the politicians. But the country insisted on its passage, and after I had fought for it a year the chairman of the Rules Committee, Mr. HENRY of Texas, substituted a resolution of his own to take the place of mine, substantially the same. It was practical and wise for him to do that, because his Democratic colleagues wanted the Demo-

cratic Party to get the credit for starting the Money Trust investigation. He thereby removed much opposition, and the Money Trust investigation was arranged for. This new resolution for a committee on industrial relations that I introduced is equally important. I expect considerable opposition to it, and therefore volunteer to let any Democrat adopt it as his if that will secure for it more support. My main purpose is to have the people obtain the benefit that I am sure would result from its adoption. The fact that I am the author is not any more important in this case than it was in the other.

I do not wish my colleagues to understand me as expressing the opinion that we can suddenly change to a true economic basis—that is, one which should have been followed from the beginning of our social and political institutions. We can not do that after generations of practices, many of which are economically bad, but to which we have adjusted ourselves and our institutions. No sane thinking person with a fair knowledge of conditions would advocate that. But we can adjust to what is now a true economic basis, fixed by the relations of things as they are. Above all things we are entitled to know the truth, and should understand what is our condition and what we ought to do. The great advantage the so-called special interests have over us is that the majority of us do not understand the economics or energy and business.

In the recitals of my resolution I have not attempted to enumerate more than a few of the causes that contribute to the high cost of living. It seems to me that the principal reasons for high prices are little understood. When understood there will be less complaint about high prices, but greater effort will be put forth to find a remedy.

Everyone knows that the cost of necessaries is a vitally important problem. Our actual needs must be supplied before we can do anything to advantage. To aid our understanding in this investigation, it is only necessary to observe the things that are going on all around. There we will find evidences that should aid us in forming practical conclusions. We daily require food, clothing, shelter, and so forth. These are prime necessaries and should be obtained by everybody with as little expenditure as possible. All practices that make it difficult to obtain them should be removed.

The methods employed to conduct general business and the deportment of our Government create conditions that make equality of opportunity impossible. Unfortunately, inequality is born into the world. The world itself is unequal in its parts. We should not further exaggerate the inequality by unwise acts. Government is established for the purpose of making the best of all conditions that are within its control.

The old rule that people favored was "the less government the better." That worked well when there was plenty of room for all. But now we crowd each other so that most of us are crowded out from having those advantages to which we feel entitled, and therefore we want government to give us each an opportunity as nearly equal as is practical. It seems that we must have more government, for no one now claims that the opportunities are as equal as they could be. Those who now have all the advantages are fighting to prevent that. A few are succeeding so well that they do not want many changes. But their number is small when compared with the body of the population. To retain their advantage they found it necessary to take part in politics. Thus far they have prevented the rest of us from establishing a system by which we might retain the products of our own energy instead of permitting the few to appropriate them.

Those who now control tell us that we should be satisfied because we have more advantages now than we used to have and more than our fathers had. In other words, they desire to dictate what we should have and to tell us that we should be satisfied because they do not get more out of us.

Each year new discoveries, inventions, methods, and appliances are found to increase our productive power. Intelligence has taken a long step ahead in the last 50 years. By making use of these new advantages we now produce many times as much as our fathers did with an equal expenditure of energy. In different ways a person, by applying his energy to the use of modern machine power, now produces several hundred times better results than could be produced a generation ago by any method then known.

Modern machinery has enormously increased the amount of work that a farmer can do in a day. But the farmer works nearly as many hours per day as he did 30 years ago. Some new inventions also help the wife to do the housework, but she, too, toils nearly as many hours per day as her mother did. So we might go on through the various industries—including all the wageworkers, yes, even including the professions—and enumerate thousands of ways in which the effectiveness of labor has been immensely increased, in some cases several hundred fold, but still we would find the hours of labor per day not greatly shortened or the advantages anywhere near proportionately increased.

My attention is often directed to how little some persons realize the great forces that have been added and brought within the control of humanity, and how thoughtlessly they suggest that people should be satisfied with their lot because they have a few luxuries now that previous generations did not enjoy. As illustrative of this careless way of neglecting the opportunities to further the interests of the plain people, I read from a creditable newspaper published in my district, as follows:

[From the St. Cloud Journal-Press.]

The Journal-Press man took half a day off and attended a circus. Lined up in front of the big tent were over 300 automobiles, many of them coming from Brainerd, Little Falls, Royalton, Becker, Big Lake, Clearwater, Monticello, Sauk Center, Melrose, Albany, St. Joe, Cold Spring, Paynesville, Eden Valley, Kimball, Watkins, Richmond, and a dozen other nearby towns. The money represented in these purely pleasure machines was probably $50,000.

Inside the tent were over 10,000 people, all well dressed, and half of them put up each 50 cents extra to get a reserved seat. The people came from five or six counties, and all professions were represented. Probably a third of the audience lived on farms, and many of the farmers came in with either top carriages drawn by fine horses or else in their own automobiles.

But seriously and honestly, is there so very great grounds for complaint and discontent? Labor is, in this country at least, fully employed and at good wages. Ten or twenty thousand more men could find ready employment at this time in Minnesota alone. Business of all kinds is prospering and the farmers are on easy street, with good crops, high prices, money in the bank, and automobiles in the barn.

Personally we are going to vote against the candidate who puts up the biggest calamity howl.

What is the sense in anybody trying to make us miserable when 10,000 people can take an afternoon off and enjoy the circus, right in the busiest season?

The quotation is worth a little closer analysis. The editor is not only a good man but an intelligent one. He believes in the welfare of the people, but when he wrote the article he had just been to a circus and had been enjoying himself. He saw 10,000 others who were doing likewise, and he looked upon the happenings of a single afternoon as showing a condition, whereas it was an exception.

The five or six counties referred to comprise a district with 150,000 people, 10,000 of whom attended a circus which annually visits that district. It is not strange that in this district, which is one of the most prosperous and happy in the United States, there should be a $50,000 display in autos at a circus. Everyone should be pleased over that fact as well as that all present should be there and happy. All were entitled to the pleasure they could get, and the reporter properly approved of it. But that, notwithstanding the fact that farmers and others take half a day off once each year to go to the circus, is no reason why the well-meaning editor should have built up "a house of straw" to burn down. His suggestion about the "biggest calamity howl" and about "anybody trying to make us miserable" was merely the "house of straw" which he constructed so that he might watch the blaze while he set it on fire.

Many well-meaning people who are in circumstances that make it unnecessary for them to plan how they are to obtain their necessaries, conveniences, and so forth, look to a circus attendance, a big crop, or other exceptional circumstance as an index to general conditions. It does not occur to them to go into the homes of a sufficient number of families in order to obtain a general average of conditions of life, especially of those less fortunate than they. Comparatively few of those present at the circus were fortunate enough to own carriages and automobiles.

It is not sufficient, in answer to this condition, to say that some of the more fortunate farmers and wage earners have carriages and automobiles; that their wives have servants to help them and that their families are prosperous. The problem of vital interest to us is the welfare of the great majority—the farmers, wage earners, and servants. Since all the modern inventions and appliances referred to produce such great results, why should not all industrious people have all the conveniences to which their industry entitles them? It is not sufficient that some of the farmers and wage earners secure a few of the advantages to which they and all others are entitled. Why should the so-called servants have less than those whom they serve, when their capacities are equal? If our civilization is worth the name, it should be for the promotion of equality among people so far as that can be.

Machine power ought to reduce the costs of the necessaries of life and at the same time decrease the hours of labor per day. The reason why it has not is that it has been appropriated by a few who direct its use to a different purpose. The few will generally be found to be trusts. They operate to produce capital exclusively for themselves. They appropriate all the new inven-

tions and employ just enough of us to operate them. If a machine is invented that will do the work that it formerly required a hundred men to do, the trusts get the machine and instead of reducing the hours of labor per day and decreasing the price of the product, they discharge those of us not needed and pay the remainder about the same wages as were paid before. In that way the trusts, not the people, appropriate the principal advantages of the new inventions. The public has been able to get a little advantage from new inventions in some ways, but has lost out in others.

Whatever our condition, whether we are well to do, in moderate circumstances, or poor, we should know our rights and it is proper to discuss them. The simple truth is that all of us are entitled to the advantages that our properly directed energies make natural. The question is, do we get them, and not whether 7 per cent of us can attend a circus once a year, and if we do, whether we go by automobile or on foot. It is our rights that we want and we can not judge by the attendance at a circus whether we are getting them or not. The majority of us do not have the advantages which, under any well-regulated system, the inventions and appliances of this period would entitle us. We are arguing for a well-regulated system, the same as a farmer plans the methods of planting, cultivating, harvesting, marketing, and so forth. It is not a "calamity howl." It is common sense intelligence to which every American citizen should hasten lest America become the laggard among nations. I read a statement made by William Allen White, as follows:

"Society," he says, "has devoted a century to inventions having for their end and aim the accumulation of wealth; society now is turning from the problems of accumulation to problems relating to the equitable distribution of wealth. It is proper that America, having lagged behind the progress of the world in the intelligent legal treatment of property rights, should now set forth to get in step with modern progress by solving modern problems: The conservation of our natural resources; the care of the honest poor; the protection of workingmen against sickness and accident; the proper housing of the masses; the prevention of contagious diseases; the regulation of public-service corporations; and a score of other problems that arise in considering the duty of him who has to him who has not.

"That there is a well-defined feeling in our hearts manifest in our private charities and our public utterances in conventions and legislature that society is not doing its duty toward those who do the world's work, no one who heeds public sentiment can doubt. This sentiment is growing. It is behind the so-called progressive movement in our politics—giving it moral impetus. When that sentiment hardens and becomes the set and fixed expression of the American people, government will respond to it. For neither courts nor constitutions can stand before public sentiment."

Mr. Whites states the facts beautifully. I agree with his statement. The people should enter the fight to secure, retain, and uphold their rights. Do the people get what they earn or is the most of it absorbed by the trusts?

We have very little to say about prices. The farmer, for instance, does not fix the price of his own products. He takes them to market and asks what he is bid. Usually he gets but one bid, because the combination is against him. If he wishes to ship his products; buys machinery or something that has to be shipped to him; or makes a trip by rail; practically in all cases where he is the purchaser this is an invariable rule, he is forced to pay the prices that are fixed by the parties from whom he buys.

The wage earner is in practically the same position as the farmer. It is not often that he can fix his wage. He is told what he will be paid. Thus the two great forces in economic production, the forces on which all humanity depends—the farmer and the wage earner—must accept for their products and services a price fixed by the few who control big business, and the prices that they must pay for their necessaries are also fixed by the same few.

I have a concrete example in mind. Farmers at Park Rapids, Minn., sold potatoes in the fall of 1911 for 40 cents per bushel. They had to sack them and pay 3 cents for sacks which were not returned, after which they loaded them in the car at Park Rapids. The potatoes were shipped to Kansas and sold in the sacks for $1 per bushel. The farmer received 37 cents and the consumer paid $1. Consumers purchasing in less than sack quantities paid still more. The railroads got 30 cents a bushel without loading or unloading. The farmer furnished the seed, cultivated the ground, harvested the crop, hauled it to market, paid the taxes on his farm and possibly interest on a mortgage. It sums up, for the farmer 37 cents, for the railroad 30 cents for hauling from Park Rapids to the Kansas consumer, for the middleman 33 cents. The producer—that is, the farmer—had to take what he was bid, the consumer had to pay what he was asked, the railroad fixed its own price, as did the others between the producer and the consumer.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. LINDBERGH. Certainly.

Mr. BUCHANAN. I would like to ask if that does not apply generally to farm products?

Mr. LINDBERGH. It does.

Mr. BUCHANAN. The farmer has not gotten this large increase in prices that enters into the cost of living which the consumer has been paying.

Mr. LINDBERGH. He has been obtaining only a small proportion of the increased prices.

Mr. BUCHANAN. And are not these prices largely due very often to watered stock and bonds in private corporations that have been loaded on the different industries of the country?

Mr. LINDBERGH. Very largely so.

Mr. BUCHANAN. Much more so than what people are paying on bonds created for public improvements.

Mr. LINDBERGH. That is correct.

I have studied this subject for several years and to show some of my conclusions have made some speeches that I shall quote from. I first read from a speech I made on June 13, 1911, which contains a quotation from an earlier speech on the same subject:

Go into any large city and it will be found that what our fathers and we have built does not satisfy present desires, so we are expending our energy in tearing down our past work and rebuilding new for future use. Some of us may get some benefit from these, but there is no way we can avoid paying for their entire production. Whatever energy this generation spends it pays for. That is an economic fact, and we would do well to consider some economic facts here instead of playing politics.

On June 16, 1910, I made a statement (CONGRESSIONAL RECORD, p. 8270, 61st Cong., 2d sess.) in which I discussed at some length the cause of high prices. I think that any person who will take that statement, read it, and then follow the investigations on his own account will believe that the immense production of property now for future use has had far more to do with increasing prices than the tariff has had. Consider just a few of the many:

The railway systems have been enormously extended. In 1850 there were 8,571 miles of railway in the United States; in 1909 there were 236,838 miles. The passenger traffic has increased approximately 300 per cent in 20 years and the freight over 300 per cent. Many millions of dollars were expended in building railways in that time, a large part of it suited to last as long as the earth stands. Tunnels alone within New York City, built within the last few years and which will last as long as the earth keeps its shape, have cost about $500,000,000, and an order has been made for $257,400,000 more. Old buildings torn down and new ones to take their place, which will last hundreds of years, have lately been and others are being built in this country, costing in the billions of dollars; the increased cost of armies and navies is another great item; canals, the Panama alone to cost $500,000,000, have been and are in process of construction; bridges alone in one city cost about $100,000,000; two railway terminals in the same city, one just completed and the other in process of construction, approximately cost $200,000,000; and so on, I could add to the recent, present, and prospective constructions that have been and are taking place, all of which is to aid in one way and encumber in another the unborn generations at the expense of the present.

Take one item as an illustration and consider it from its different angles:

The Pennsylvania Terminal in New York City cost approximately $100,000,000, and was opened November 26, 1910. The New York Times, at the time, in an editorial commenting on it, said:

"In a sense it is proper to speak of the Pennsylvania's Terminal as a gift to the city. It would be very difficult to show that the road would receive a direct return for its expenditure; that is, that the fares paid for new passengers attracted to its lines by this terminal will suffice to pay interest on its cost."

The editorial did not consider that when the Pennsylvania Railway System undertakes to bolster its freight charges, it figures in the $100,000,000 terminal as a part of the cost of its system on which the Supreme Court holds that it has a right to base its charges and that in fixing them it has a right to a reasonable rate, and that no legislative body can confiscate its property by reducing the rates below a reasonable earning on its capital investment.

The Times editorial further commenting says:

"The Pennsylvania Railroad is a great corporation, and is not exempted from the widespread feeling of hostility to corporations which has been engendered in this country by the talk and writings of countless demagogues and agitators. The Pennsylvania Terminal, admirably serving the needs and promoting the convenience of the public, a magnificent structure which is an adornment to the city, is this corporation's reply to the flow of reckless and irresponsible abuse of corporations."

Here, again, the editor failed to comprehend the fitness of things. The Times errs in its consideration of the Pennsylvania Terminal, for without this new magnificent $100,000,000 terminal the company was, with its old terminals and system of ferries, consistently serving the public, and, as further stated by the Times:

"The road was not compelled to build this station either by law, by any public-service commission's mandate, or by popular clamor."

But as the Times stated, it is a purely voluntary addition to its facilities, the idea of which was born in the mind of A. J. Cassatt.

The directorate of the company erected in a conspicuous place in the station a bronze statue of Mr. Cassatt, with the following inscription carved on the stone setting:

"ALEXANDER JOHNSTON CASSATT, PRESIDENT PENNSYLVANIA RAILROAD CO., WHOSE FORETHOUGHT, COURAGE, AND ABILITY ACHIEVED THE EXTENSION OF THE PENNSYLVANIA RAILROAD INTO NEW YORK CITY."

To the millions of people who will annually inspect it this inscription may be a suggestion that they are being daily charged on the food they eat, the clothes they wear, and the luxuries, if any, they enjoy their quota for the construction, maintenance, and interest on the capital invested for this "purely voluntary addition" to the world's greatest terminals.

The truth is that the terminal is an involuntary gift to that city by the people generally, and is not a voluntary gift by the Pennsylvania Railroad Co., as suggested by the Times, but was voluntarily built by the company, and its cost is added to the freight and other charges on the food the poor people of New York and elsewhere eat and the clothes they wear. Not only that, but every farmer and laborer in the United States, and all people, in fact, are, by the law of general average, being taxed for that terminal. It subtracts from the advantages of the people and is one more of the colossal monuments of vested property

on which to tax us and our children and all future generations, so long as we measure progress by an erroneous standard.

And the Times, to further display the sophistry of its editorial writer on that occasion, wound up the editorial:

"The new station is not only an example to other public-service corporations, but should serve to warn the public against too ready acceptance of the doctrines and calumnies of self-appointed teachers and guides who make the vilifying of great business concerns their profession."

Surely the "example to other public-service corporations" served to cause another great railroad in the same city—the New York Central—to begin a like terminal, which is now well underway, which, when completed, will cost a sum approximately equaling that paid for the Pennsylvania. These and other stations in other cities, costing extravagant sums, all have their share in making the cost of living higher, for all these railways charge higher freight rates in order to get "legitimate" returns on the capital invested. Consult the court decisions about that. The courts have answered by decree—a grim reality that was far removed from the editorial inspiration of the Times.

Who presents these grand gifts to New York and other cities? It is absurd to say the railroads do. We can excuse the Times editor, for he was dazzled by the magnificence of the terminal station opening in his own city; but those he chooses to call "self-appointed guides and teachers" should not be invited to slink away just because the editor sees only one side—and that the selfish—of a proposition that involves every human being who, while this system lasts, has now or in the future to earn his daily bread.

These "purely voluntary additions," as the Times calls them, are built in many cities without regulation, excepting that suggested in the inscription referred to as Cassatt's "forethought, courage, and ability"; and the "vested interest" in them appeals to all future people with a court's decree—"we, the vested interests, have a right to charge you, the people, interest on our capital and add it to the freight rate on your food and your wares, and make you and your posterity pay for it." To have escaped this decree you should have been born before civilization commenced.

The building of the terminals should be regulated so that the railways could not build two where but one is needed, and the cost also should be confined to a reasonable sum.

The inducement for building exclusively for the use of the future is that capitalists find in it a means of converting the collective energy of the people into producing a fixed capital, and then charge the people interests on their capital that they have created by their own energy.

It does not require a profound student to see that the collective energy of the people applied to the use of modern machinery controlled by the Morgans, Rockefellers, Cassatts, and others will rapidly produce a capital so enormous that the "vested rights" as now interpreted by the courts will, if we let things go by this plan, make us and our posterity the abject serfs of the capitalists. We shall have to regulate the constructions if we would avoid the absolute, certain dependence that will rapidly overtake us in following the rule of the court.

In the Minnesota rate case, lately decided, the court held that the railroad companies were entitled to 7 per cent as a reasonable return upon their capital, practically holding at the same time that the increased value of property, caused by the necessities of an increased population, might be taken into consideration, and that the railways are entitled to interest on that, too.

The value of the property in the United States is approximately $125,000,000. Following the construction of the court, the owners are entitled to tax the people for its use 7 per cent after their expenses are paid, which would on compounding double in about 10 years, be four times that in 20 years, and eight times in 30 years. At that rate the average interest charge per capita 30 years from now would exceed the present average earnings of the wageworker. None but the capitalists would then be able to educate their children. Already 80 per cent of the capital is owned by about 3,000 individuals and concerns.

Instead of looking at the economic facts and the industrial tendencies of things we have drifted into the habit of turning away from these and listening to politicians tell how they are going to remedy all this high cost of living with a simple revision of the tariff. It is the sheerest nonsense. The longer we are fooled with that pretense the more difficult it will be to solve the real economic problems in a proper way, and the greater the sacrifice will be.

Going into this subject further, let us look at things as they are, simultaneous with considering things as it is reasonable that they should be. By doing so plainly the conditions confronting us will become so self-explanatory that we will see at once that we have a remedy for most of our ailments within our control, one that can be simply and easily applied. We need not waste time in envying or criticizing the wealthy, for all of the advantages that they have we can have with less encumbrance.

Mankind can not much longer continue in the folly of producing for so-called profit as the main incentive, for with that as the first incentive is what creates the very wealthy. The incentive that should govern in production is necessity—the people's actual requirements. In other words, production should be so regulated as to practically produce those things which would supply the urgent, necessary, and desirable common demands. That is economic law, and if followed, development and production would be natural and not abnormal. We would all have what is properly due us if that were done.

Let us consider the city of New York as a concrete example. It is the most conspicuous example in existence of reckless and wanton extravagance; of social practices and business methods and management that contribute to the high cost of living. New York City is the Babylon of the twentieth century, anno Domini, on a modern and exaggerated scale. Business disaster awaits the people there who depend on the system of investment of their capital for their living and means of entertainment. When people apply true economics in their business management the wealthy of that city will necessarily suffer great losses. That time is near, and the enormous system investment development in process there, now greater than ever, will make the catastrophe to these investors correspondingly greater. To understand this we must analyze and study some of the facts.

New York City's development to its present proportions was based on forced and abnormal conditions that have been and are an injury to the Nation. That city's growth looks greatest now, but it is taking its last grand dash and will soon reach the down turn, after which it will continue to decline until it reaches the plane where natural conditions will be able to support it. Such an overgrowth could not be healthy. It is detrimental to the rank and file of its own people even more than to people elsewhere. Many of that city's expensive structures will be vacated. The districts where the people are crowded together, striving to work out what is a miserable existence, will be abandoned. That should encourage people generally. The selfish interests will attack these statements, but the attack will not be along the lines of economic argument. In all probability there will be an attempt to reduce these statements to absurdity by avoiding a discussion of the economic truths involved.

The New York Times, July 7, 1912, devoted a page to the city's subways. It began with the following headlines:

BILLION-DOLLAR SUBWAY WORLD'S GREATEST UNDERTAKING.

It had the pictures of J. P. Morgan and Jacob Schiff as the bankers backing the scheme. It also showed three of the managers of the subway systems. In large type, formed into an inverted pyramid, appeared the following:

Greatest amount ever spent in a similar area since the world began; it makes the building of the pyramids a small task, and the new additions to the system alone cost more than the Panama Canal.

I direct special attention to the fact that the subways are not New York's prime development, but, rather, an incident of its growth. They are merely one of the evidences of its extravagances. Every year substantial and valuable buildings, enough in number to make a respectable city in themselves, are destroyed in order to give place to more costly and elegant ones—some of them the world's tallest and most expensive. The cost of the Singer Building was mounted into additional millions to make it the tallest building in the world. The directors of the Metropolitan Life Insurance Co. played with the funds of its policy holders to build another that would eclipse the Singer Building, at least in height. Including the grounds, it cost approximately $22,500,000. The Metropolitan Life Building could not long retain the distinction of being the tallest, for the Woolworth Building, in process of construction, is still higher.

Building after building has been constructed in the million-dollar class in that great city, until their aggregate cost may be reckoned in the billions. That is the scale by which things are done in New York City. It is a city of extremes. Even so-called society must there outdo in extravagant expenditure all other places. Even Paris, the example the rest of the world apes in some of its dress and fashion parade, can not equal it.

It is a great picture to see New York by day or night. Its playhouses, its hotels, its clubs, its magnificence in a hundred or more ways amazes the average spectator. He thinks he sees the wonders of New York when he makes such a visit. But all that is visible to the eye is but the pin-money expenditure from the main field of speculative operation, of which neither the humble inhabitant nor the visitor ever gets a view.

If the visitor could see the books of account and know and understand the operations of those who run big business—financial, industrial, and speculative—he would be amazed to see the methods by which the few have not only levied on the industry of all the people in order to maintain the extravagances to which I have referred, but who have also in the same manner amassed the vast individual fortunes through which they now grasp the control of the country's finances, its principal industries, the transportation and distribution agencies, and the main material resources. In the handling and operating of these the toiling millions are employed. In what these toilers produce and in the productions of the farm lie the principal wealth of the country. Upon it capitalists draw for the building of the greater cities, more railways, more canals, more of everything that gives place to permanent investment.

Whatever view we may take as to the advisability of the great and constantly increasing construction that is in process for the sake of investment—whether we favor it or not—we know that it saps the energy of the people and takes too many of us out from the occupation of producing the actual necessaries for physical existence, such as food, clothing, shelter, and so forth. Further, it prevents us from securing the necessary time for personal, moral, and intellectual improvement.

The number of people now occupied in constructing for purely speculative and investment purposes and for the purpose of satisfying vanity, in proportion to those so occupied in any pre-

vious generation, is so much greater that no one should look much further for the principal reason why we pay more for the necessaries of life than we formerly did. To illustrate the point stated, I shall again consider the city of New York.

In this great city we are furnished with examples of the principal causes for the high cost of living. These suggestions should also teach us how the cost may be greatly reduced and at the same time how farm products and the wages of labor may be increased in their purchasing power, with employment for all and the hours of labor per day reduced, thus giving all people more time for study and improvement and the enjoyment of their rights. This again would build up the villages and small cities, making thousands of small distributing centers instead of a few that are overgrown. Two new terminals in New York City, the Pennsylvania and the New York Central, cost approximately $200,000,000. They consist of huge piles of iron, stone, glass, and so forth, orderly shaped, chiseled, and arranged into two beautiful massive depots, the approaches through tunnels and over numerous tracks. Those terminals are exclusively the product of labor. True, their material substances are of the creations of Nature, but the work of forming them into shape for use is entirely labor's. We may ask of what effect is the manner of their construction in the consumption of our time and the power of machinery and whether they were really necessary. At $1,000 per annum there would have been directly employed 40,000 people for a period of five years—some in the quarries getting the rock out from Mother Earth, some getting out the ore, some upon the railroads and the ships, some in the smelters and factories, and others immediately upon the grounds and buildings.

At the same rate the families dependent upon them would add 160,000 more people. While the number of people and the time employed is stated only approximately, it nevertheless serves to show the conditions. Whether there were more or some less employed is not material. The number directly employed does not take into consideration those more remotely occupied in supplying their necessities, namely, the farmer who produces the wheat, the miller who grinds the flour, the baker who bakes the bread, and the merchant who sells and delivers it to these men as food to keep them and their families alive while they construct these terminals. Then, again, we have the farmer who raises the sheep and furnishes the wool; the spinner, the weaver, the tailor, and so forth; in fact, all who produce the things to wear; and still again the builders who construct the houses for these families, and those employed in the transportation of all these things. Further, all of us thus remotely employed must in turn be supported with many of our necessaries from still more remote operators. The response that I frequently receive to these statements is that we must have work, eat, wear clothes, be sheltered, have entertainments and that there is no loss, even when we produce extravagant structures, because it gives employment. That is where shortsightedness so frequently is shown.

Let us see what it means to employ 40,000 people to produce in our generation expensive buildings, tunnels, grades, and all of the other things to which I have referred that will last as long as people exist. Practically 200,000 people were supported for five years by the rest of us while they were building these two New York terminals, mere incidents in that city's growth. Those people produced neither food, clothes, nor shelter for themselves. Others of us did that for them, and therefore we all work more hours each day to supply them what they eat and wear. They competed with the rest of us in consuming the food, clothes, and other necessaries of life, and produced nothing except terminals. These terminals are like a drop in the ocean as compared with the great number of other structures that are permanent in construction and will last for many centuries, and some of them forever, all of which we pay for with our energy at the time of construction.

The truth that it illustrates and teaches us is that in our own generation we make improvements that will be for the use of future generations. Those of us who are thus occupied must be furnished with all of the necessaries of life. Of these we produce no part. No one should claim that the production of these structures is desirable simply because they create a condition that gives us employment. We have passed the period when such a claim should receive our respect. We should seriously consider ways in which we can use our modern machinery, better appliances in the production of the actual necessaries, conveniences, and luxuries, so as to insure our having them, with less cost of energy than is now required of most people to even secure their barest necessaries.

It might be claimed that the New York terminals were a necessity. As a matter of fact, that city and the traveling public entering it had better facilities before the new terminals were constructed than we have in most of our cities. I have been in New York many times before and since, and while I acknowledge that the new terminals are more convenient than the old, there is no such material difference as to justify the charge and incumbrance placed upon humanity for the new terminals.

Some who believe in living in luxury and extravagance and who do not take into consideration the welfare of the people as a whole would advocate, possibly, that it was necessary to have the additional advantages afforded by the $200,000,000 terminals. If we allow such an argument to prevail, there is no limit placed upon those who control the centralized wealth making expenditures wherever they choose, and relying upon the decree of the courts holding that they are entitled to recover a reasonable rate of interest upon the capital invested. The people should not be compelled by any decree of the court or by any Government agency to pay interest and dividends upon investments which are not first determined to be necessary for the general welfare.

The first point to be noted in connection with this extraordinary investment development of the present generation, of which New York City furnishes the most conspicuous example, is the fact that modern machinery, appliances, and human energy is so largely monopolized in the production of buildings, railway systems, canals, harbor and other improvements that give so little present service as compared with their use by future generations. How can we expect to reduce the cost of living and the hours of the laboring day and at the same time increase the production of the necessaries of life if we use up most of the machine power and human energy in producing things which are principally for investment and to serve other generations?

The second point that I wish to impress is the fact that in addition to consuming our energy in the production of things for remote generations there is also the fact that production thus obtained is, under present practice, centralized into the control of a few individuals. That production is called vested capital, on which the general public is taxed rent, dividends, and interest. Thus we see it is not only the burden of production that is heaped upon the toilers of the world, but afterwards there is the burden of maintenance in addition to the interest charge. It must be plain to any thoughtful person that the methods of business as now employed and the manner in which we are producing is one of the principal causes for the high cost of living, and if we would remedy the difficulty we shall have to regulate production. If people were employed in the proper proportion throughout the different industries and occupations that produce or supply the necessaries and conveniences that we require, we should then have those necessaries in greater abundance and with less expenditure of time.

Suppose, for instance, that 3,000,000 of New York City's population and 5,000,000 from Chicago, Philadelphia, Boston, and other overgrown cities were to be distributed into the smaller towns and cities and onto farms, thus bringing the producers and consumers into closer proximity. There would be no $1,000,000,000 subway for the New York Times to brag about; neither would there be $200,000,000 expended for terminals in that city. There would be no 25 to 50 story buildings. Everything would be on a less expensive scale. Then the remaining people in those cities, as well as those who were distributed into the less-populated sections of the country, and also the people living in the districts to which they came, all would be more prosperous. An immense amount of machine power would be saved to be put to more useful purposes than building up extravagant cities. It would mean that the farmer, the wage earner, everyone, would secure better results from his energy and would not be compelled to labor so many hours per day for the necessaries of life.

The subject is so great that to discuss it at length with concrete examples from the works of the times would extend indefinitely, and therefore I shall not attempt to do much more than add to my remarks by quoting from my former speeches on this subject. So many people have been impressed by politicians that the tariff is the great problem before the people that affects the cost of living that political parties as well as candidates have been turned in and out again and again. Nothing so suits the special interests as to have the people occupy their time thinking that the tariff is to blame for our troubles. The tariff system is in bad shape, but it is of minor importance as compared with the financial, the transportation, and the economic systems of the country. Those who claim that the tariff is the principal cause for the high cost of living should be called on to show what the difference in the cost of what one buys in this country would be if the same things were purchased in any other country. That difference would be so little that the fellow who claims the tariff is all to blame for the high prices would be at a loss to make good his claim.

In the management of our social and economic relations natural laws are not sufficiently followed, and the high cost of

living is chargeable to that largely. It can be reduced only by an adjustment to natural conditions. Except for temporary causes that may for a time cheapen the cost, living will in reality grow higher and higher until we establish economic order. I read from one of my former speeches the following:

The idea of future use does not exclude all present use, for in the construction of canals, bridges, tunnels, grading, and buildings of a permanent nature they serve present needs, but the construction bears its cost for remote future service as well. The National Museum here in Washington is an example. We use that building now, but the amount of energy lately expended in its construction is principally for the use of future generations.

The most notable example in the world of a single project to convey the idea of present production for future purposes is the Panama Canal.

January, 1910, there were employed on the Canal Zone 45,000 people, who, on the basis of family heads, would represent a population now supported by that project of at least two and one-half times those so employed. To furnish these with food, clothes, and shelter, and supply the machinery and appliances with which the work is done and the material that goes into the construction, all of which are produced elsewhere, requires a still larger number of people, and these, again, require food, clothing, and shelter, machinery, tools, and appliances with which to do their work; and what they use, too, must be produced mostly by still others; so that, all in all, the Panama Canal, constructed wholly for future use, requires an expenditure of known energy involving several hundred thousand people, including their families.

In the city of Washington alone there are now 104 persons, exclusive of their families, engaged wholly in clerical work connected with that enterprise. The canal will serve no purpose until it is completed and, compared with the more remote future, little during the present generation. The Panama Canal when completed will be one of the world's great means of conservation, but for the present generation it serves to consume only. We tax ourselves for that construction for the use of future generations. I do not mention this as a discouragement to its construction. But when a farmer builds a new house he has to pay for it, and so the people are now paying for the canal, and it adds to the cost of living.

There is each year a proportionately increasing expenditure of energy in making permanent improvements on our rivers and harbors, on forts, in grading, tunneling through hills and mountains and under rivers, and bridging rivers. For example, the new tunnel-railway systems in New York City approach in cost half a billion dollars.

In the publication known as "King's Views of New York," the taxable property of that city is given as $7,158,190,400, and property exempt from taxation is given as $1,239,883,798. It is well known that the taxable value is seldom over one-half of the sale value. In the taxable valuation the greater part of personal property escapes. This increased production has not ceased, for in New York City alone, says the same publication:

"Engineering works to cost $600,000,000 are now underway, and others to the extent of an additional $1,000,000,000 have been planned. The bringing to the city of 200,000,000 gallons of water a day from the Catskill Mountains involves building 12 reserve reservoirs and a conduit 60 miles long, at a cost of $161,000,000."

I read in their daily papers of April 5, 1910, that "civic bodies have asked for $800,000,000 for subways," and the press further states 1,000 citizens visited the city hall clamoring for the above.

The people call for investments that would ruin them if they were to increase in the next 15 years in the proportion that they have in the last 15.

The above are quotations from my remarks made in the House June 16, 1910. The succeeding years have followed along with even greater plans that are being carried out. Quoting further from my former speech:

Nothing would more clearly demonstrate the effect of this increasing production for investment and future use on the cost of living than to print in the RECORD the views of 50 or more of the recent important structures in that city merely as an index to the thousands of others that have recently been and are now being constructed, as well as those in contemplation there and elsewhere in this country.

More people are now employed in building for future use than ever. There is agitation now in this Capital City for many new permanent Government buildings that would cost perhaps more than $25,000,000; $13,500,000 is included in the pending appropriation bill. It is said that the Government rent account is so high that it would be cheaper to issue bonds and pay interest and have the Government own its buildings. Admitting that that may be a fact, the interest and rent accounts do not enter into primary causes, but are social conditions.

The work on that class of improvements has required the continuous energy of largely increasing numbers of people. The product of that energy will serve future generations much more than it does the present. The work is of permanent nature, produced by present energy, and those thus employed, the same as those engaged in the construction of the Panama Canal, require food, clothing, shelter, tools, and machinery with which to work, and all these must be produced by still others, and those so producing likewise require to be supplied by others again, and so on indefinitely. The number of people thus engaged in proportion to the present population is so far in excess of what it was in earlier periods that it is a very material factor in connection with increased costs.

The people of the present seem also to have gone insane on the construction of monuments, statuary, and the like. These are placed in our parks and public places. In cemeteries are vaults, tombstones, and other monumental work requiring an amount of energy in construction far in excess of that employed in any earlier period. And yet it serves no economic end, and those who furnish this energy must be fed, clothed, and sheltered as others are.

I could furnish examples, almost indefinitely, of the great increase in energy employed now over earlier periods in the production of things for permanent use. It indicates clearly that we are living for a different purpose than we were 25 or 30 years ago. The increase has been enormous in the last 10 years.

Duplication of labor makes an enormous addition to the cost of living. The railways early formed a system, the effect of which was to rob the people of a part of nature's resources and advantages, and to reduce their average earning capacity, thereby inflicting on them a general injury. The purpose of the railways in doing this was to force the payment to them of greater freight charges. They divided the country into distributing centers and called these terminals, giving to them preferential rates. I quote part of my speech on the new interstate-commerce bill to illustrate the point:

"Seattle, Wash., is a railway terminal point and Spokane, in the same State, is not. The two cities are 400 miles apart on the line of the Northern Pacific Railway. When freight is shipped from such points as St. Paul, Chicago, and other eastern cities to supply the Spokane market, it is subject to the railway's arbitrary terminal system. Solely on account of that system it is cheaper in many cases for the people in Spokane to have their freight shipped to Seattle and then back to Spokane than it is to consign it directly to Spokane.

"For example, the freight on a certain class of goods from New York or Boston to Spokane is $1.25 per hundredweight; to Seattle it is 95 cents. The freight back to Spokane is 26 cents per hundredweight. Thus it appears that on that class the freight from Atlantic coast terminals to Seattle and back again to Spokane is 2 cents less per hundredweight than it is to ship it directly to Spokane, and there are many other classes of which the same is true. The freight on class 1 from New York to Spokane is $4.15 and to Seattle $3.

"The freight from Seattle back to Spokane is $1.35. On class 1 the railroads obtain 20 cents per hundredweight more for hauling to Seattle and back than they do for the direct haul to Spokane, and yet I have been reliably informed that on account of the physical conditions existing in the territory between Spokane and Seattle the cost of transportation to the railways between those points, 400 miles, the trip one way only is fully 50 per cent of the cost from New York to Spokane, a distance of nearly 3,000 miles. The charge on agricultural implements from New York to Spokane is $1.75 and to Seattle is $1.25. I mention these merely as examples. By the railway's system of calling Seattle a terminal the absurdity of the duplication of labor and capital is made less apparent. That absurdity gives to Seattle an added wholesale trade that is naturally tributary to Spokane. The effect is that freight destined ultimately for Spokane from points east goes through the wholesalers at Seattle. Calling Seattle a terminal creates that absurdity, but nevertheless it is the railway's excuse for discrimination against Spokane. Sometimes the railways excuse themselves on the ground that they are competing with waterways, but they also practice like discriminations in favor of some cities in which there is no natural water competition.

"Briefly stated, Spokane practically pays the total freight charge to Seattle, a long haul by 400 miles, plus the return to Spokane, an additional 400 miles, the return being charged for on the short-haul basis. Before the freight gets to Seattle from the East it passes through Spokane, where it belongs, and naturally should be switched for delivery to the ultimate consignees, thereby saving the trip to Seattle and return, 800 miles extra, but the railways, by the terminal subterfuge, send freight on to Seattle, from which point it must be returned. By doing that the ultimate consignees, in addition to paying extra freight charges, also pay warehouse expenses and handling through middlemen at Seattle. Now, then, picture the real facts. Almost innumerable engines have been, are, and will be attached to as many trains of 30 or more cars each, loaded with freight ultimately destined for Spokane, on their way from the East. Engineers, firemen, brakemen, and conductors are required with each of these trains. Think of these trains all loaded with goods for use in Spokane, the very city from which they take a new start. There they are now, and have been in the past by the thousands, and will continue to be until the folly is stopped by sane legislation, which it is our duty now to enact. These trains are actually run on to Seattle. After reaching there, their freight has to come back over the same track. They make that trip of 800 miles to satisfy greed.

"The railways by that process are depleting the coal supply and unnecessarily and ridiculously using up the energy of men, all as a pretext to charge extra freight to the people tributary to Spokane. I do not mention Seattle and Spokane as exceptions. The system prevails generally in railway practice. Practically every town in the district I represent is unfairly discriminated against to the advantage of a few interests in larger cities elsewhere. The railways everywhere discriminate in favor of their selected terminal points and against all other localities, thereby compelling millions of people to locate at these various terminals who otherwise would have selected localities in which to settle determined by natural physical advantages.

"We can not dismiss the subject here, however, for the waste does not stop with the wanton consumption of labor, the burning of coal, the wear and tear of tracks, etc.; but on account of the discrimination great numbers of people other than those mentioned are compelled to perform additional labor made necessary solely by the subterfuge of separating by long distances producers from consumers by discriminatory rates designed for the purpose of securing the long haul. The long haul where a short haul would do better requires additional sidetracks, additional labor to keep them in repair, additional warehouses, and other expenses of maintenance, and in the terminal cities are required additional systems of street railways, additional middlemen, etc. It keeps growing as it is figured out to its more ultimate effect.

"The railways thus selfishly secure several times the amount of business that they would if they gave the general public the benefit of natural economic conditions, for by the latter production and consumption would be in nearer proximity.

"Without railway discrimination in their favor, cities with as large population as New York, Chicago, Philadephia, and others of that class would be impossible with a general population of only 90,000,000. All our smaller cities would then be larger and the people everywhere more thrifty. It is impossible, even approximately, to determine what great injury this discrimination has caused the general public.

"The consequence of that evil practice of discrimination is that the wholesale business centers arbitrarily in certain cities, say, like in Seattle, which supply the territory that is naturally tributary to Spokane."

Mr. ADAMSON. Will the gentleman permit an interruption?

Mr. LINDBERGH. Certainly.

Mr. ADAMSON. Does not that seem to indicate that God himself did not know which one of these cities should become the place nearest to New York?

Mr. LINDBERGH. That may be; but I should say that God, even in His infinite power and wisdom, could not have anticipated, when He created man, that man, when clothed with the authority of a railway director, would by the subterfuge of long and short hauls so distort the advantages of physical conditions of the earth that it would be necessary to charge less for a long haul than for one 800 miles shorter on the same road, and make that kind of practice the general system of the country, thereby depriving the people generally of the advantages of natural selection.

One of the excuses railways offer where the discrimination is in favor of towns located on water navigation is that they must compete with water transportation. And then there are those who would vote to pay out of the Treasury of the United States for ship subsidy, so that American ships may use the people's money to compete with American railways to still further reduce freight charges to the towns on water transportation and charge the loss, if any, to the people who do not live on navigable waters. If some of you ship-subsidy Members desire to help American shipping you might think a little of what the railways say about the long being charged to the short haul to compete with navigation.

Mr. WEISSE. Would it not be an advantage first to get a real good regulation bill and take care of the American shipper before we start on the ocean to take care of foreign shippers?

Mr. LINDBERGH. There is no doubt about that. We would better adjust ourselves to the natural conditions created by God instead of paying subsidy to help out some of the special interests.

Since answering the above question of Mr. Weise on the floor over two years ago, the question of an indirect subsidy to American ships by giving them free toll on the Panama Canal has come up and been voted on in the House. I believe that there is no more sense in the American people taxing themselves to build that great canal and then giving the American shipowners the free use of it than there would be for the United States to build a transcontinental railway and then turn and give the use of it free to the railways. In neither case would we get advantage for what we pay. To show examples to further emphasize what I mean by that statement I read from a speech I made in the House on February 27, 1912, the following:

We gave away our public domain, our timber, our mineral, our water powers, our ports, and our terminals, etc. That is what the standpatters in Congress gave away. Do the railroads charge us less freight because they get hundreds of millions of acres free land grant? Do we get lumber cheap because the lumbermen got the timber for almost nothing and much of it through political trickery? Do we get the products of the mines cheap because the owners got the ores for little or nothing? Does the owner of a lot, who gets it for a few dollars, sell it cheap when the demand for it has increased the value to thousands? If the rich getting things for nothing makes things cheap, how do you account for the high cost of living? How will you account for the Rockefellers, the Morgans, the Hills, the Harrimans, if when they get things for nothing they give the people the benefit of it—I mean the 3,000 persons who own and control more wealth than all the other 93,000,000 together? Are they letting us have things cheap because what they have cost them so little?

All this talk about the consumer paying the ultimate cost of the toll and that therefore we should make the canal free for the shipowner is ridiculous. If that statement is true, we should exempt the farmers from taxes, because they will be added to the price of wheat, corn, stock, and other products. The farmer is not asked what he charges for his produce. The buyer fixes the price of those and tells the farmer to take it or not, as he likes, but the farmer does not fix the price of what he must buy. That is fixed principally by the trusts.

The farmer must pay it or go without. The wage earner is in practically the same position as the farmer. Both are victims of the big combinations, and they who advocate giving free tolls, which President Taft has said are an indirect ship subsidy, and which every student knows to be true, do so to make a few more rich at the people's expense. Reading again from my former speech:

I noticed that Mr. James J. Hill, one of the greatest men in the country, not only as a railroad man, but generally a well-informed and profound thinker of sound judgment, recently said:

"The tonnage offered the railroads for transportation is constantly on the increase, and there is little doubt that the railroads will be called upon to furnish more transportation units than they have ever before been asked to furnish. From all indications it appears certain that by next fall or early winter the railroads will be totally unable to furnish anything like the amount of transportation facilities which will be demanded by the country."

No man knows better than Mr. Hill that the terminal discrimination system is one of the causes of the conditions to which he refers.

That by next fall or early winter the railroads will be totally unable to furnish anything like the amount of transportation facilities which will be demanded by the country.

Of course Mr. Hill's statement, so far as his interests are concerned, is no complaint, but is a prediction of great fall and winter business. To those who can not get cars or transportation when the times comes, it will be a complaint.

The uneconomic conditions created by discrimination in favor of the long as against the short hauls are the cause of the trouble which Mr. Hill stated as likely to occur; but if Congress will so amend this bill that there will be no discrimination in favor of special interests in the railroad's selected terminals, and then provide that the bill shall take effect 90 days after its passage instead of 6 months as now proposed by the bill, there will not be so many "units" required to take care of that extra 800 miles from Spokane to Seattle and back, and to cover like conditions that exist to greater or less degree in hundreds of other places.

It takes a great stretch of imagination to justify the hauling of freight from New York, Boston, or other Atlantic seaboards, through Spokane to Seattle and back to Spokane for the people of Spokane in order to compete with water navigation.

Some improvements have been brought about by the rulings of the Interstate Commerce Commission since I made the statement, but the discrimination of which I complain is not stopped.

We are paying the penalty of railway discrimination in the shape of increased cost of living.

We should not forget that the effectiveness of machinery, guided by our increased knowledge in the application of our labor, reduces the energy cost of production very many times, and if it had not been for the additional advantages given to production by the use of machinery we would long since have found the present system intolerable. If labor had been employed in the use of all new machinery to the best advantage in economical development of our enormous natural resources, the net cost of production and of living would have been immensely decreased and our advantages correspondingly increased. To illustrate the saving of energy, I call attention to the fact that when my father located at Melrose, less than 50 years ago, the distance from St. Paul was 145 miles by wagon road and is now 108 miles by rail. Freighting was then done principally by ox team. It would have taken 10 wagons, 40 oxen, and 5 men 6 days to haul 40,000 pounds of freight from St. Paul to Melrose.

To-day it would be placed in a small car, and 60 of these attached to one engine, and with 5 men to operate the train they would make the trip in a day. There would be 12 cars to each man. The 5 men so applying their labor to the use of modern methods would haul 60 times as much in 1 day as 5 men under the old way did in 6 days.

One man, by the use of modern methods in the case referred to, now does 360 times as much transportation per day as 1 man did with the old ox-team method. What becomes of the saving of energy? Who gets the advantages of it? The people of Melrose, for instance, do not now get their freight 360 times cheaper than they did under the old ox-team system. A large part of this increased energy has gone into what we now term capital, controlled by a few; part has served to increase our general conveniences and luxuries, enjoyed by us in different degrees.

That is an exceptional case, of course, but that improved machinery has added enormously to the productions of labor stands without challenge. That should decrease the cost of living, but is offset by expenses, interest, dividends, etc., to which I shall directly call attention.

Lately President Taft is reported to have said "This is the automobile age." We shall have to plead guilty to the indictment, if it was intended as such, for we are in the automobile business; not only literally, but figuratively as well, for everything is on the automobile scale, and taking the automobile to illustrate:

The labor department of the State of Michigan for 1909 reports the motor-car output for that year in that State reached the enormous figure of $135,000,000 wholesale. Their pay roll alone showed that 27,996 men were employed directly in the production. In the city of Detroit the figures for labor and cost for the year, as appear in an article on the "Greatest auto town—Detroit," show the progressing increase, as follows:

Year.	Men employed.	Cars produced.	Value.
1907	4,452	.....	.....
1908	8,430	18,260	$23,595,000
1909	14,500	45,560	54,325,000
1910 (estimated)	25,000	123,000	130,000,000

What the total output in that special industry in the entire country is I do not know. No other State equals Michigan, but undoubtedly the total of the others far exceeds the above figures. The life of an automobile is short. It takes an army of chauffeurs to run them. The figures account for one year only, which show that even the Panama Canal in its consumption is small in proportion. We pay it all in the cost of living.

Without giving further examples I wish to inquire from what source we get all this extra energy employed in the duplication of labor and capital and in the production for future use? We realize that the effectiveness of labor has been increased manyfold by the use of machinery. The increased production thus obtained has been absorbed principally in supplying the waste of energy caused by the duplication of labor and capital and in production for future use, but modern machinery and methods were not alone sufficient to meet this increased demand.

To meet this extraordinary demand for human energy there has been a shifting of population from the country to the cities. People have left their farms to take up and do the increased work caused by the condition referred to. Immigration has supplied a part, but farmers have come in greater and in constantly increasing numbers to the cities to do all kinds of work, from the ordinary laborer to the most skilled artisan, and to all the professions and business occupations in general. Most of our great men have come from the farm. Farmers seem to have considered that they were getting better pay and advantages by going to the cities. The cities, on the whole, appear to them to offer greater inducements. That is responsible for the increasing population of the cities over the country, but the tide will turn.

There are some things in connection with this change that the public failed to take notice of. No notice was taken of the fact that labor is not getting pay commensurate with the additional advantages afforded in the fuller and more complete use of machinery. Labor is led to believe that it is paid better now than ever, and as prima facie evidence of this capitalists point to our increased conveniences and luxuries.

The reason the remaining farmers have been able to supply their departing brethren with needed products from the farms was because of their use of improved machinery.

Suppose we had not wasted our energy in keeping up the long duplicating hauls, as illustrated between Spokane and Seattle, and suppose, too, that the population of the country had distributed itself according to natural selection, as it would have done excepting for the fact of the railway's discrimination, then our producers and consumers would be in nearer proximity. Cities of the size of New York, Philadelphia, Chicago, and others now overgrown would have been much smaller and their inhabitants more thrifty and happy, and that which is now their excess would have been distributed over the continent from the Atlantic to the Pacific in obedience to natural laws.

Then all would have been more prosperous. Then modern machinery with the better knowledge of application would be applied to a production more directly connected with our present needs. We would now be getting better results, and we would not be using up our natural resources with such alarming rapidity.

The violation of natural laws to favor a few special interests is most alarming, and, unless we correct our present system, disaster ultimately awaits the Nation.

Conservation of our forests, of our coal, oil, and minerals, and of our water powers is now uppermost in the public mind; but, so far

as I have been able to observe, the way to the best means for the conservation has not been considered.

The greatest service we can do ourselves and future generations is to establish transportation rates determined by the reasonableness of conditions. The transportation systems are the arteries of our commercial relations. To make freight rates that shall give to all localities and to all parties rates governed by the reasonableness of conditions, instead of by the absurdity of the railway terminal system and competition, will stop the excessive growth of the large cities, where most of the waste occurs, and will turn the people back to the smaller towns.

Producers and consumers will then be in closer proximity, and there will not be the waste in unnecessary hauling back and forth as now. It will also reduce the production for future use. It will lessen our own burdens and leave future generations to come in on more natural conditions and give them a chance to solve more problems suited to their times.

Observe, again, that the farmers have gone to the cities for what seems like self-interest to them. Suppose self-interest should turn the tide back to the farms and villages. The terminal cities could not retain all their people if it became clear to them that they would be generally improved by a return to farms and smaller towns. If we make transportation rates meet natural conditions, the farms and smaller towns will rapidly improve. Those who found their lot satisfactory in the large cities would stay, and those who saw better opportunities elsewhere would emigrate to the places that looked best to them. That would improve those who remain as well as those who departed, and all would receive the advantages of the net decrease in *cost of living*. The change would be obeying a law of self-interest.

Labor has been overtaxed by the present methods. The more roundabout method used to employ labor the more labor is taxed to maintain intermediary agencies. All the burdens of production rest on labor in some form. It is the roundabout process, through a multiplicity of intermediary agencies, that has put the price of necessities so high that life is a serious problem to all who maintain themselves by daily toil.

Labor gets its best results from an economical distribution of employment rather than by creating additional work to be done, unless such work supplies actual necessities.

We can maintain several times our present population in prosperity equal to or, in fact, greater than the present if we conserve our natural resources and those created by labor and eliminate the work that absorbs without creating necessities.

When one knows the area of the United States and comprehends its vast natural resources and realizes that at first all of it was wild and most of it unoccupied and unclaimed, except as the public domain, it fills the measure of one's thought as to how, in the short period of our history, the transformation has been made from its wild state to the richest and busiest nation on earth. Orators have made use of the fact to deliver themselves of some great masterpieces. I would take from none his pride or enthusiasm for his country. We all love our American institutions, but we should not rest content with orations nor view with superficial eye the great wealth that has been accumulated out of natural resources and the people's energy without inquiring as to whether these are still intact for the continuing common good. It is not enough that in these we surpass all other countries unless they are enjoyed, in a general way, by those who furnish the energy to make them and are guaranteed to continue for the common welfare.

Very little of the public domain is left. It is now vested in private ownership. It is said that 80 per cent of the wealth in America is owned and controlled by 3,000 estates, corporations, and individuals. Of the remaining 20 per cent a considerable part is owned by other wealthy people and concerns. Time permits only a partial review of why so much property is vested in so few.

Great wealth has come from natural resources, coupled with production of labor. Under present adjustment we require to use wealth, and we pay interest and dividends on it, so the public domain and what labor produced is now vested in a few whom we pay for its use. How much we do not know, but we may approximate it. It is estimated by the Treasury Department that the corporation-income tax, if the law is held valid, will yield about $30,000,000 the first year—1 per cent on $3,000,000,000 of their net earnings in excess of $5,000. I can not state it authoritatively, but I have no doubt that the profits in interest and dividends on capital not subject to this tax exceeds that which is and that the total interest and dividend charge per annum exceeds $7,000,000,000. If we had controlled our public domain for our common welfare and had made rules regulating commerce and trade so that it would have adjusted to natural conditions, then the wealth would have been distributed among the people and we would not now be paying such enormous interest. If things are continued under present practice of compounding interest and dividends for the wealthy, our social system will crush under its own weight.

Distributing $7,000,000,000 on all living, from the cradle to the grave, it is $77 per capita. What happens to a husband and wife with five children under working age and two dependent parents—not an unusual family? Their burden would be $693 per annum and still rising; but "cheer up," for the worst is coming.

In order to enable a few to get this vested wealth, a false system had to be established, permitted by the Government. The expense in energy to support that system dwarfs the $7,000,000,000 interest and dividend accounts in comparison. All expense is charged before interest is computed. If it were seen by us; if we had it in our hands and then paid it, we would realize and be in more haste to correct the evil, but those who cornered the wealth knew that, and by indirection keep most of us blind to the fact.

The rules by which we are governed make it as effectually a charge against us as if we executed and delivered an enforceable mortgage upon our persons. It compels us to work more hours per day. Before our wages are fixed they are reduced by the calculation. What we buy costs us more.

We permitted the Government to be loosely conducted and allowed the forests, minerals, and other primitive wealth to get under exclusive control. Those in control charge all we can stand for the things we must have. For the most of us the limit of our capacity to pay determines the price. In the place of values being governed by relation they are arbitrarily determined by force of circumstances within control of the interests.

These demand us to be content with our prosperity and cite the fact that we enjoy more luxuries, live better than ever. They say no other country has such prosperity. I do not deny that.

My inquiry is: Do we obtain our natural advantages? I say we do not. Every advancement made by civilization is due to add to our common welfare. If not, then the word "advancement" is a misnomer.

Consider what machinery has done in the way of increasing production. Within the period of our country's history new inventions enable one man to produce many times more than a man could at the beginning of our national career.

This increased production is one of the reasons why we have been more prosperous as time has advanced; but if the surplus increase continues to concentrate in the hands of few, and the necessities of the people, by reason of their increased numbers, shall become greater, and those who control the necessaries shall be permitted to increase the price in proportion to the increase in necessity, then we are certain to reach the crashing point.

Another reason why we have been more prosperous than other countries is that our primitive resources were the inducement to people to come from all parts of the world to make this their home and join us in the country's development. We have left to the old countries their aged and decrepit. They have nursed their youth from the cradle to the full strength of manhood and womanhood, and then their young men and women have come developed sufficiently to immediately become a part of our producing energy. We have not expended our Public Treasury for their education; nor was our time expended in making them self-sustaining. It would have made a difference in our progress if 50 years ago immigration had ceased. It would have made still more difference if somewhere else on this globe there had been another continent that offered to our young men and women much better inducements than our own, thus inducing them to emigrate. That was the condition with which the old nations had to contend. To justify our prosperity as sufficient because it is greater than in these old countries is evading the consideration of our natural advantages.

We have permitted some to come who have not made desirable citizens, but until recently comparatively few such have come, and such are a mere fraction. No careful student denies that a part of the prosperity we boast is due to the immigrants who have come in the full vigor of youth to join us in our industry.

Our prosperity is not so much the result of wise government as it is due to natural conditions over which legislation has exercised no control, but, on the contrary, by the failure has permitted certain interests to acquire exclusive control of the resources, and that control has limited our progress and put up the price of our necessities.

Discriminating freight rates in favor of the railroad centers have created abnormal conditions, extravagance, and overdevelopment in those centers. It has been a great tax on human energy. The energy had to be drawn from the country principally. Farms and villages have been deprived of a large part of their natural advantages. In no way could the work in the cities be done without drawing from the country, so the railways sacrificed the country for the cities.

So many are now engaged in the production of the things that are not consumed by the people in general that not enough of us are left to produce what we do consume. The cities may continue a while longer their enormous outlays and expenditures of our resources, but the limit for the good of the country has passed, and when we realize that we are moving in the wrong direction the course of the population will be turned back to the farms and villages. That will be true conservation and make a more prosperous land and happier people.

Conditions are transitory. We do not know to-day what will occur to-morrow. The forces of yesterday left their impression upon affairs of to-day. Those of this day will lap over into the morrow. Thus the past, present, and future are linked. No new force has come into creation. The differences that take place have been but the varied arrangement of original principles. Almost infinite variety is yet to be tried. These trials will bring us to higher planes. Each failure recognized induces the forces of repair. Thus we have come down through the ages with infinite variety; likewise we are passing through the present, and so we shall go through the future.

We ought not to be discouraged. The succeeding periods bring new and better results. Failures are but temporary. They furnish the inducement to strive to correct whatever is wrong. As a result we should always be inspired with hope, reenforced by our reason. The fact that our course is onward and upward whenever and wherever people come to a better understanding should give us satisfaction. Knowledge is the way by which we shall travel safely.

Many of the new arrangements and the most valuable discoveries made in each decade were ridiculed in the decade previous as the visionary dreams of those who were working out their solution. The mind that harnessed steam and made it work for all men; the mind that sent kites to the sky to play with electricity and plan its harness; the mind that arranged wires to send long-distance messages and to carry even the voice in a whisper across a continent; the mind that contrived the apparatus by which to transmit and receive human messages through trackless space on the air waves; the mind that devised the machines with which men fly; yes, the minds that devised political and social reforms, and more than a thousand other discoveries that serve this generation, were first criticized as the visionary and impractical dreams of persons supposed to have unbalanced brains. Sad, is it not, that those who seek to build for the good of all men should be stamped by the unthinking as calamity howlers and dreamers. And now, after all the examples that history has furnished, we still denounce as visionary the work of those who discover new scientific facts, give the world new inventions, and inaugurate new methods and systems for the common welfare.

But hold for a minute lest we enthuse too greatly over the higher civilization. What has it all resulted in? The great discoveries have constantly amazed and electrified the world. People have advanced more than a hundredfold in economic effectiveness; their mental realization has immensely increased and possible social opportunities enormously enlarged; still there has been no correspondingly equitable individual benefit. As a

result of the new order there are a few multimillionaires, but the most of us are striving with difficulty to obtain the bare necessaries of life; and yet, notwithstanding this great difference in the control of the material agencies, there is, perhaps, no difference in the average capacity of intelligence on the part of the poor as distinguished from the rich. Then why should there be such a difference in their life results? This is a fact that I have attempted to explain in part. We should have a committee on industrial relations in this House to deal with this question. The reason I speak now is that I shall press for consideration early in the next session the adoption of a rule to create this important committee. Later a permanent commission may and should be established. Members will readily see its importance.

Knowledge is the means by which we can determine the relations that should be maintained in order to promote the common welfare. How can we have anything even approaching equality of opportunity until we, the people in general, understand the political, economic, and social forces that are in operation. Until we do there will be official, industrial, and social discrimination, and consequently the enormous inequality between people will continue. The few who are informed and understand will use their knowledge to their selfish advantage and keep the rest of us working for them. Why should we continue to follow the same methods that boss politicians, subservient to the interests, have planned for us? Shall we still allow them to continue to employ graft and use patronage in order to serve the interests so that they can get from them campaign funds and other favors? Shall we follow their selfish purposes and tag as "calamity howlers" and "dreamers" those who point the way by which to improve conditions? Shall we fear them and fail to adopt the improved systems proposed in our generation and which would satisfy our most urgent needs? Surely, after all that has passed, we can not believe that we can trust the management of the Government to political bosses who dole out to their favorites all the offices of public trust and to the special interests, favors in the shape of legislation and otherwise. By these methods our greatest material resources have become the property of the specially favored. Surely they should not be allowed to pilot the ship of state. We should no longer be herded by the political bosses within so-called party lines, in order that they may manage the Government. No statesman with the interest of the people at heart, and who has observed in the last few years the traducing of expressed party principles as well as the subversion by party bosses of the machinery of Government to the interests of the few, will say that this is rightly a Government by parties. Those who do state this are either wittingly or unwittingly the spokesmen for the special interests. The political parties in these last years have divided the people. The bosses have controlled the machinery of the parties and regulated them by the caucus system. Further, the caucuses have been divided into factions, each in turn controlled by bosses, so that practically a Government by party proves to be a Government by the special interests. The special interests court the party in control. It matters not to them which party. All they want is that the people should be divided into parties, the parties divided into caucuses, and the caucuses into factions. The strongest faction is generally controlled by the bosses, for the interests always deal with the bosses. As a result he who fights to keep the Government within party control usually fights for the special interests.

Right now is the time for the single voter to begin to exert his undeniable rights. He has seen that party government redounds to the interests of the few. The voter, when he votes in accordance with his own interests, votes in accordance with the interests of the majority of his fellow citizens and against government by bosses. If we would have a Government by and for the people, then it must be essentially a Government by the direction of the voters instead of by political parties, who are in turn governed by the factions and the latter by the bosses. Legislation should never be determined by a political party as such in a separate body from that which has under the laws the responsibility. Political parties may serve most useful purposes through which people may organize for the promotion of reforms, but they do not belong in the halls of legislation as a means of dividing the peoples' representatives into factions, so that a minority instead of a majority of all the peoples' representatives enact laws. That is what is being done in this House now. There are 395 Members, but of this number about 200 have separated themselves from the official House, calling themselves Democrats. They hold caucuses, and what a majority in these caucuses decide the minority yield to. By entering such a body for anything more binding than a fair, honest discussion and conference with a view of clearing up their understanding, amounts to a violation of their oaths. I realize that the Republicans when in power were just as wrong, but that is no justification. That practice creates factional and not national government. Ours is a Nation and we demand a national government.

Mr. SIMS. May I ask the gentleman a question?

Mr. LINDBERGH. With pleasure, I consent.

Mr. SIMS. I have not had the pleasure of hearing the entire address. Does the gentleman accept the theory or the fact that population is increasing more rapidly than the means for its subsistence? I believe it is called the Malthusian theory.

Mr. LINDBERGH. The natural conditions and the material resources of this country are so great that under any well-regulated order in the application of steam, water power, electric, and other mechanical energy of which people can make use in the production of the necessaries of life there is practically no limit to the population that could be maintained in prosperity, contentment, and happiness.

Nothing is so beautiful as the truth when it stands out prominently in contrast to error. Nothing suggests more clearly the duty of people to themselves and toward each other than a well-regulated family. There all is consistent. Each fills the place in life that is natural, and the parents naturally respond to all the requirements of their children. But they do not allow them to remain dependent beyond the period of childhood, nor do they contemplate becoming dependent upon their children. Each trains to respond to the laws of God, and develops in human sympathy from the purity of his nature, and seeks to fill true purposes in life, and especially to be self-sustaining. The ability of mankind to increase in population without men becoming incumbrances on each other is dependent on the working out of this same principle. It should be bred into children from infancy, and if it were not for the oppression forced upon the family from the errors of society and the failures of government, every well-regulated family would succeed without difficulty.

In my remarks I have shown that very many people are idle and that still more are engaged in occupations that do not produce the necessaries of life nor those things that contribute to the common needs of either themselves or others. These are not self-sustaining. They compete with the rest of us who do produce in consuming the products that are necessary. It is apparent, therefore, that those who are idle and those who are engaged in occupations that do not produce necessaries or furnish conveniences that people in general can enjoy are an incumbrance on the rest of us. That is why all able-bodied persons should be self-sustaining. Of course that does not mean that each person should produce what he eats, wears, or enjoys; but it does mean that he must, in order to be self-sustaining, produce or furnish something that fills the actual needs of humanity. The teacher, for instance, produces no material thing, but does fill a necessary place, therefore comes within the purview of a producer. The same is true of all persons who perform necessary social service, manual and mental, or either.

I do not doubt that at least 3,000,000 of the people residing in and adjacent to the city of New York, practically forming one great city, depend wholly on what others produce for their living, but do not produce anything whatever that supplies the actual needs of humanity. They compete in consuming what all humanity must have, and therefore their demand enables the trusts that control so many of the necessaries to increase their price to all who must buy them. In order to support the 3,000,000, every farmer, every person working for wages, everybody, in fact, who serves the needs of mankind, must give a part of his life effort. There is no escape from it. New York is not an exception except in its magnitude. Everywhere we find the same process in action. Because of that condition the farmer, the wage worker, the salesman, and all others, labor more hours per day and pay more for what they buy. As a result the increase to a prosperous population is limited more than it otherwise would be.

We have not and will not for a long time need to study the Malthusian theory with any idea of applying it to restrict the increase of our population. But we should not delay adjusting the social conditions and applying reforms to the way business is done in order to prevent the enormous waste of our material resources and also to prevent the improper employment of our industrial forces. These have been employed in the production of wealth that supplies capitalists with the means for exploiting the people. That is why the overgrowth of New York City has taken place. That is why a few other cities also have overgrown. We should not only have a committee on industrial relations in this House, but, in addition thereto, a permanant national industrial commission should be created. We should invite the cooperation of all the world in the promotion of the common interests of all humanity.

Mr. MANN. Mr. Speaker, under the leave which the House granted to me to extend my remarks in the RECORD, I herewith insert the speech of Senator ROOT, chairman of the committee to notify President Taft of his renomination by the Republican Party as their candidate for President, and also the speech of President Taft delivered in reply to the notification.

The ceremonies attendant upon the notification took place in the large East Room of the White House to-day and were attended by many prominent Republicans from throughout the country.

SENATOR ROOT'S SPEECH OF NOTIFICATION.

Senator ROOT said:

"Mr. President, the committee of notification here present has the honor to advise you formally that on the 22d day of June last you were regularly and duly nominated by the national convention of the Republican Party to be the Republican candidate for President for the term beginning March 4, 1913.

"For the second time in the history of the Republican Party a part of the delegates have refused to be bound by the action of the convention. Now, as on the former occasion, the irreconcilable minority declares its intention to support either your Democratic opponent or a third candidate. The reason assigned for this course is dissatisfaction with the decision of certain contests in the making up of the temporary roll of the convention. Those contests were decided by the tribunal upon which the law that has governed the Republican Party for more than 40 years imposed the duty of deciding such contests. So long as those decisions were made honestly and in good faith all persons were bound to accept them as conclusive in the making up of the temporary roll of the convention, and neither in the facts and arguments produced before the national committee, the committee on credentials and the convention itself, nor otherwise, does there appear just ground for impeaching the honesty and good faith of the committee's decisions. Both the making up of the temporary roll and the rights accorded to the persons upon that roll, whose seats were contested, were in accordance with the long-established and unquestioned rules of law governing the party, and founded upon justice and common sense. Your title to the nomination is as clear and unimpeachable as the title of any candidate of any party since political conventions began.

"REPRESENTATIVE OF REPUBLICAN PRINCIPLES.

"Your selection has a broader basis than a mere expression of choice between different party leaders representing the same ideas. You have been nominated because you stand preeminently for certain fixed and essential principles which the Republican Party maintains. You believe in preserving the constitutional Government of the United States. You believe in the rule of law rather than the rule of men. You realize that the only safety for nations, as for individuals, is to establish and abide by declared principles of action. You are in sympathy with the great practical rules of right conduct that the American people have set up for their own guidance and self-restraint in the limitations of the Constitution—the limitations upon governmental and official power essential to the preservation of liberty and justice. You know that to sweep away these wise rules of self-restraint would be not progress, but decadence. You know that the great declarations of principle in our Constitution can not be made an effectual guide to conduct in any other way than by judicial judgment upon attempts to violate them; and you maintain the independence, dignity, and authority of the courts of the United States. You are for progress along all the lines of national development, but for progess which still preserves the good we already have and holds fast to those essential elements of American institutions which have made our country prosperous and great and free. You represent the spirit of kindly consideration by every American citizen toward all his fellows, respect for the right of adverse opinion, peaceable methods of settling differences—the spirit and the method which make ordered and peaceful self-government possible, as distinguished from intolerance and hatred and violence.

"In respect of all these things our country is threatened from many sides. It is your high privilege to be the standard-bearer for the cause in which you believe; and in that cause of peace and justice and liberty the millions of your countrymen who believe as you do will stand with you, and the great party which was born in the struggle for constitutional freedom will support you."

PRESIDENT TAFT'S SPEECH OF ACCEPTANCE.

"Mr. ROOT and gentlemen of the notification committee, I accept the nomination which you tender. I do so with profound gratitude to the Republican Party, which has thus honored me twice. I accept it as an approval of what I have done under its mandate, and as an expression of confidence that in a second administration I will serve the public well. The issue presented to the convention, over which your chairman presided with such a just and even hand, made a crisis in the party's life. A faction sought to force the party to violate a valuable and time-honored national tradition by intrusting the power of the Presidency for more than two terms to one man, and that man one whose recently avowed political views would have committed the party to radical proposals involving dangerous changes in our present constitutional form of representative government and our independent judiciary.

"This occasion is appropriate for the expression of profound gratitude at the victory for the right which was won at Chicago. By that victory the Republican Party was saved for future usefulness. It has been the party through which substantially all the progress and development in our country's history in the last 50 years has been finally effected. It carried the country through the war which saved the Union, and through the greenback and silver crazes to a sound gold basis, which saved the country's honor and credit. It fought the Spanish War and successfully solved the new problems of our island possessions. It met the incidental evils of the enormous trade expansion and extended combinations of capital from 1897 until now by a successful crusade against the attempt of concentrated wealth to control the country's politics and its trade. It enacted regulatory legislation to make the railroads the servants and not the masters of the people. It has enforced the antitrust laws until those who were not content with anything but monopolistic control of various branches of industry are now acquiescent in any plan which shall give them scope for legitimate expansion and assure them immunity from reckless prosecution.

"The Republican Party has been alive to the modern change in the view of the duty of government toward the people. Time was when the least government was thought the best, and the policy which left all to the individual, unmolested and unaided by government, was deemed the wisest. Now the duty of government by positive law to further equality of opportunity in respect of the weaker classes in their dealings with the stronger and more powerful is clearly recognized. It is in this direction that real progress toward the greater human happiness is being made. It has been suggested that under our Constitution such tendency to so-called paternalism was impossible. Nothing is further from the fact. The power of the Federal Government to tax and expend for the general welfare has long been exercised, and the admiration one feels for our Constitution is increased when we perceive how readily that instrument lends itself to wider governmental functions in the promotion of the comfort of the people.

"The list of legislative enactments for the uplifting of those of our people suffering a disadvantage in their social and economic relation, enacted by the Republican Party in this and previous administrations, is a long one, and shows the party sensitive to the needs of the people under the new view of governmental responsibility.

"Thus there was the pure-food law and the meat-inspection law to hold those who dealt with the food of millions to a strict accountability for its healthful conditions.

"The frightful loss of life and limb to railway employees in times past has now been greatly reduced by statutes requiring safety appliances and proper inspection, of which two important ones were passed in this administration.

"The dreadful mining disasters in which thousands of miners met their death have led to a Federal mining bureau and generous appropriations to further discovery of methods for reducing explosions and other dangers in mining.

"The statistics as to infant mortality and as to the too early employment of children in factories have prompted the creation of a children's bureau, by which the whole public can be made aware of actual conditions in the States and the best methods of reforming them for the saving and betterment of the coming generation.

"The passage of time has brought the burdens and helplessness of old age to many of those veterans of the Civil War who exposed their lives in the supreme struggle to save the Nation, and recognizing this, Congress has added to previous provision which patriotic gratitude had prompted a substantial allowance, which may be properly characterized as an old man's pension.

"By the white-slave act we have sought to save unfortunates from their own degradation, and have forbidden the use of interstate commerce in promoting vice.

"In the making of the contract of employment between a railway employee and the company the two do not stand on an equality, and the terms of the contract which the common law

implied were unfair to the employee. Congress, in the exercise of its control over interstate commerce, has re-formed the contract to be implied and has made it more favorable to the employee. Indeed, a more radical bill, which I fully approve, has passed the Senate and is now pending in the House which requires interstate railways, in effect, to insure the lives of their employees and to make provision for prompt settlement of the amount due under the law after death or injury has occurred.

"By the railroad legislation of this administration shippers have been placed much nearer an equality with the railroads whose lines they use than ever before. Rates can not be increased except after the Interstate Commerce Commission shall hold the increase reasonable. Orders against railways which under previous acts might be stayed by judicial injunction that involved a delay of two years can now be examined and finally passed on by the Commerce Court in about six months. Patrons of express, telegraph, and telephone companies may now secure reasonable rates by complaint to the commission.

"Many millions are spent annually by the Department of Agriculture to investigate the best methods of treating the soil, carrying on agriculture, and publishing the results. We are now looking into the question of the best system for securing such credit for the farmer at reasonable rates as will enable him better to equip his farm and to follow the rules of good farming, which we must encourage. Our platform, I am glad to say, specifies this as a reform to which the party is pledged. The necessity for stimulating greater production of foodstuffs per acre becomes imperative as the vacant lands available for the extension of acreage are filling up and the supply of foodstuffs as compared with the demand is growing less each year.

"Congress has sought to encourage the movement toward eight hours a day for all manual labor by the recent enactment of a new law on the subject more stringent in its provisions regarding works on Government contracts.

"One of the great defects in our present system of government is the delay and expense of litigation, which of course works against the poor litigant. The Supreme Court is now engaged in a revision of the equity rules to minimize delay and expense as to half our Federal litigation. The workmen's compensation act will relieve our courts of law of a very heavy part of the present dockets on the law side of the court and give the court more opportunity to speed the remaining causes. The last Congress codified the Federal court provisions, and we may look for, and should insist upon, a reform in the law procedure so as to promote dispatch of business and reduction in costs.

"We have adopted in this administration, after very considerable opposition, the postal savings banks, which work directly in the promotion of thrift among the people. By reason of the payment of only 2 per cent interest on deposits they do not compete with the savings banks. But they do attract those who fear banks and are unwilling to trust their funds except to a governmental agency. Experience, however, leads depositors to a knowledge of the importance of interest, and then seeking a higher rate they transfer their accounts to the savings banks. In this way the savings-bank deposits, instead of being reduced, are increased, and there is thus available a much larger fund for general investment.

"For some years the administration has been recommending the parcel post, and now I am glad to say a measure will probably be adopted by Congress authorizing the Government to avail itself of the existing machinery of the Post Office Department to carry parcels at a reasonably low rate, so that the communication between the city and the country in ordinary merchandise will be proportionately as low priced and as prompt as the newspaper and letter delivery through the post offices now. This must contribute greatly to reducing the cost and increasing the comfort of living.

"We are considering the changing needs of the people in the disposition of our public lands and their conservation. As those lands owned by the Government and useful for agricultural purposes which remain are as a whole less desirable as homesteads than those which have been already settled, it has been properly thought wise to reduce the time for perfecting a homestead claim from five years to three, and this whether on land within the rain area or in those arid tracts within the reclamation districts.

"Again, a bill has passed the Senate and is likely to pass the House which will not compel the settlers on reclamation lands to wait 10 years and until full payment of what they owe the Government before they receive a title, but which gives a title after three years with a first Government lien.

"On the other hand, the withdrawal of coal lands, phosphate lands, and oil lands and water-power sites is still maintained until Congress shall provide, on the principles of proper conservation, a system of disposition which will attract capital on the one hand and retain sufficient control by the Government on the other to prevent the evil of concentrating absolute ownership in a few persons of those sources for the production of necessities.

"POPULAR UNREST.

"In the work of rousing the people to the danger that threatened our civilization from the abuses of concentrated wealth and the power it was likely to exercise, the public imagination was wrought upon and a reign of sensational journalism and unjust and unprincipled muckraking has followed, in which much injustice has been done to honest men. Demagogues have seized the opportunity further to inflame the public mind and have sought to turn the peculiar conditions to their advantage.

"We are living in an age in which by exaggeration of the defects of our present condition, by false charges of responsibility for it against individuals and classes, by holding up to the feverish imagination of the less fortunate and the discontented the possibilities of a millennium, a condition of popular unrest has been produced. New parties are being formed, with the avowed purpose of satisfying this unrest by promising a panacea. In so far as inequality of condition can be lessened and equality of opportunity can be promoted by improvement of our educational system, the betterment of the laws to insure the quick administration of justice, and by the prevention of the acquisition of privilege without just compensation, in so far as the adoption of the legislation above recited and laws of a similar character may aid the less fortunate in their struggle with the hardships of life, all are in sympathy with a continued effort to remedy injustice and to aid the weak, and I venture to say that there is no national administration in which more real steps of such progress have been taken than in the present one. But in so far as the propaganda for the satisfaction of unrest involves the promise of a millennium, a condition in which the rich are to be made reasonably poor and the poor reasonably rich by law, we are chasing a phantom; we are holding out to those whose unrest we fear a prospect and a dream, a vision of the impossible.

"In the ultimate analysis, I fear, the equal opportunity which is sought by many of those who proclaim the coming of so-called social justice involves a forced division of property, and that means socialism. In the abuses of the last two decades it is true that ill-gotten wealth has been concentrated in some undeserving hands, and if it were possible to redistribute it on any equitable principle to those from whom it was taken without adequate or proper compensation, it would be a good result to bring about. But this is obviously impossible and impracticable. All that can be done is to treat this as one incidental evil of a great expansive movement in the material progress of the world and to make sure that there will be no recurrence of such evil. In this regard we have made great progress and reform, as in respect to secret rebates in railways, the improper conferring of public franchises, and the immunity of monopolizing trusts and combinations. The misfortunes of ordinary business, the division of the estates of wealthy men at their death, the chance of speculation which undue good fortune seems often to stimulate, operating as causes through a generation, will do much to divide up such large fortunes. It is far better to await the diminution of this evil by natural causes than to attempt what would soon take on the aspect of confiscation or to abolish the principle and institution of private property and to change to socialism. Socialism involves the taking away of the motive for acquisition, saving, energy, and enterprise, and a futile attempt by committees to apportion the rewards due for productive labor. It means stagnation and retrogression. It destroys the mainspring of human action that has carried the world on and upward for 2,000 years.

"I do not say that the two gentlemen who now lead, one the Democratic Party and the other the former Republicans who have left their party, in their attacks upon existing conditions, and in their attempt to satisfy the popular unrest by promises of remedies, are consciously embracing socialism. The truth is that they do not offer any definite legislation or policy by which the happy conditions they promise are to be brought about; but if their promises mean anything, they lead directly toward the appropriation of what belongs to one man to another. The truth is, my friends, both those who have left the Republican Party under the inspiration of their present leader, and our old opponents, the Democrats, under their candidate, are going in a direction they do not definitely know, toward an end they can not definitely describe, with but one chief and clear object, and that is of acquiring power for their party by popular support through the promise of a change for the better. What they clamor for is a change. They ask for a change in Government

so that the Government may be restored to the people, as if this had not been a people's Government since the beginning of the Constitution. I have the fullest sympathy with every reform in governmental and election machinery which shall facilitate the expression of the popular will, as the short ballot and the reduction in the number of elective offices to make it possible. But these gentlemen propose to reform the Government, whose present defects, if any, are due to the failure of the people to devote as much time as is necessary to their political duties, by requiring a political activity by the people three times that which thus far the people have been willing to assume; and thus their remedies, instead of exciting the people to further interest and activity in the Government, will tire them into such an indifference as still further to remand control of public affairs to a minority.

"But after we have changed all the governmental machinery so as to permit instantaneous expression of the people in constitutional amendments, in statutes, and in recall of public agents, *what then?* Votes are not bread, constitutional amendments are not work, referendums do not pay rent or furnish houses, recalls do not furnish clothing, initiatives do not supply employment or relieve inequalities of condition or of opportunity. We still ought to have set before us the definite plans to bring on complete equality of opportunity and to abolish hardship and evil for humanity. We listen for them in vain.

"Instead of giving us the benefit of any specific remedies for the hardships and evils of society they point out, they follow their urgent appeals for closer association of the people in legislation by an attempt to cultivate the hostility of the people to the courts and to represent them as in some form upholding injustice and obstructing the popular will. Attempts are made to take away all those safeguards for maintaining the independence of the judiciary which are so carefully framed in our Constitution. These attempts find expression in the policy, on the one hand, of the recall of judges, a system under which a judge whose decision in one case may temporarily displease the electorate is to be deprived at once of his office by a popular vote, a pernicious system embodied in the Arizona constitution and which the Democrats of the House and Senate refused to condemn as the initial policy of a new State. The same spirit manifested itself in the vote by Democratic Senators on the proposition, first, to abolish the Commerce Court, and, second, to abolish judges by mere act of repeal, although under the Constitution their terms are for life, on no ground except that they did not like some of the court's recent decisions. Another form of hostility to the judiciary is shown in the grotesque proposition by the leader of former Republicans who have left their party, for a recall of decisions, so that a decision on a point of constitutional law, having been rendered by the highest court capable of rendering it, shall then be submitted to popular vote to determine whether it ought to be sustained. Again, the Democratic Party in Congress and convention shows its desire to weaken the courts by forbidding the use of the writ of injunction to protect a lawful business against the destructive effect of a secondary boycott and by interposing a jury in contempt proceedings brought to enforce the court's order and decrees. These provisions are really class legislation designed to secure immunity for lawlessness in labor disputes on the part of the laborers, but operating much more widely to paralyze the arm of the court in cases which do not involve labor disputes at all. The hostility to the judiciary and the measures to take away its power and its independence constitute the chief definite policy that can be fairly attributed to that class of statesmen and reformers whose control the Republican Party escaped at Chicago and to whom the Democratic Party yielded at Baltimore.

"The Republican Party stands for none of these innovations. It refuses to make changes simply for the purpose of making a change, and cultivating popular hope that in the change something beneficial, undefined, will take place. It does not believe that human nature has changed. It still believes it is possible in this world that the fruits of energy, courage, enterprise, attention to duty, hard work, thrift, providence, restraint of appetite and of passions will continue to have their reward under our present system, and that laziness, lack of attention, lack of industry, the yielding to appetite and passion, carelessness, dishonesty, and disloyalty will ultimately find their own punishment in the world here. We do not deny that there are exceptions, and that seeming fortune follows wickedness and misfortune virtue, but, on the whole, we are optimists and believe that the rule is the other way. We do not know any way to avoid human injustice except to perfect our laws for administering justice, to develop the morality of the individual, to give direct supervision and aid to those who are, or are likely to be, oppressed, and to give as full scope as possible to individual efforts and its rewards. Wherever we can see that a statute which does not deprive any person or class of what is his is going to help many people, we are in favor of it. We favor the greatest good to the greatest number, but we do not believe that this can be accomplished by minimizing the rewards of individual effort, or by infringing or destroying the right of property, which, next to the right of liberty, has been and is the greatest civilizing institution in history. In other words, the Republican Party believes in progress along the lines upon which we have attained progress already. We do not believe that we can reach a millennium by a sudden change in all our existing institutions. We believe that we have made progress from the beginning until now, and that the progress is to continue into the far future; that it is reasonable progress that experience has shown to be really useful and helpful, and from which there is no reaction to something worse.

"The Republican Party stands for the Constitution as it is, with such amendments adopted according to its provisions as new conditions thoroughly understood may require. We believe that it has stood the test of time, and that there have been disclosed really no serious defects in its operation.

"It is said this is not an issue in the campaign. It seems to me it is the supreme issue. The Democratic Party and the former Republicans who have left their party are neither of them to be trusted on this subject, as I have shown. The Republican Party is the nucleus of that public opinion which favors constant progress and development along safe and sane lines and under the Constitution as we have had it for more than 100 years, and which believes in the maintenance of an independent judiciary as the keystone of our liberties and the balance wheel by which the whole governmental machinery is kept within the original plan.

"WHAT THE ADMINISTRATION HAS DONE.

"The normal and logical question which ought to be asked and answered in determining whether an administration should be continued in power is, How has the Government been administered? Has it been economical and efficient? Has it aided or obstructed business prosperity? Has it made for progress in bettering the condition of the people and especially of the wage earner? Ought its general policies to approve themselves to the people?

"During this administration we have given special attention to the machinery of government with a view to increasing its efficiency and reducing its cost. For 20 years there has been a continuous expansion in every direction of the governmental functions and a necessary increase in the civil and military servants by which these functions are performed. The expenditures of the Government have normally increased from year to year on an average of nearly 4 per cent. There never has been a systematic investigation and reorganization of this governmental structure with a view to eliminating duplications, to uniting bureaus where union is possible and more effective, and to making the whole organization more compact and its parts more closely coordinated. As a beginning, we examined closely the estimates. These, unless watched, grow from year to year under the natural tendency of the bureau chiefs. The first estimates which were presented to us we cut some $50,000,000, and this policy we have maintained through the administration and have prevented the normal annual increase in Government expenditures, so the result is that the deficit of $58,735,000, which we found on the 1st of July, 1909, was changed on the 1st of July, 1910, by increase of the revenues under the Payne law, including the corporation tax, to a surplus of $15,806,000; on July 1, 1911, to a surplus of $47,234,000; and on July 1, 1912, to a surplus of $36,336,000. The expenditures for 1909 were $662,324,000; for 1910, $659,705,000; for 1911, $654,138,000; and for 1912, $654,804,000. These figures of surplus and expenditure do not include any receipts or expenditures on account of the Panama Canal.

"I secured an appropriation for the appointment of an Economy and Efficiency Commission, consisting of the ablest experts in the country, and they have been working for two years on the question of how the Government departments may be reorganized and what changes can be made with a view to giving them greater effectiveness for governmental purposes on the one hand and securing this at considerably less cost on the other. I have transmitted to Congress from time to time the recommendations of this commission, and while they can not all be adopted at one session, and while their recommendations have not been rounded and complete because of the necessity for taking greater time, I think that the Democratic Appropriations Committee of the House has become convinced that we are on the right road and that substantial reform may be effected through the adoption of most of the plans recommended by this commission.

"PANAMA CANAL.

"For the benefit of our own people and of the world we have carried on the work of the Panama Canal so that we can now look forward with confidence to its completion within 18 months. The work has been a remarkable one, and has involved the expenditure of $30,000,000 to $40,000,000 annually for a series of years, and yet it has been attended with no scandal, and with a development of such engineering and medical skill and ingenuity as to command the admiration of the world and to bring the highest credit to our Corps of Army Engineers and our Army Medical Corps.

"FOREIGN RELATIONS.

"In our foreign relations we have maintained peace everywhere and sought to promote its continuance and permanence.

"We have renewed the Japanese treaty for 12 more years and have avoided certain difficulties that were supposed to be insuperable as between the two countries by an arrangement which satisfies both.

"We negotiated certain broad treaties for the promotion of universal arbitration which, if they had been ratified, would have greatly contributed toward perfecting machinery for securing general peace. The Democratic minority of the Senate withheld the necessary two-thirds vote, and amended the treaties in such a way as to make it doubtful whether they are worth preserving.

"In China we have exercised a beneficial influence as one of the powers interested in aiding that great country in its forward movement and in its effort to establish and maintain popular government. In order that our influence might be useful, we have acted with the other great powers and have exercised our influence effectively toward the strengthening of the popular movement and giving the Republic governmental stability. We have lent our good offices in the negotiation of a loan essential to the continuance of the Republic and which we hope that China will accept under such conditions of supervision as are adequate to the security of the lenders and at the same time will be of great assistance to those in whose behalf the loan is made, the people of China.

"Our Mexican neighbor on the south has been disturbed by two revolutions, and these have necessarily brought a strain upon our relations because of the losses sustained by American citizens, both in property and in life, due to the lawlessness which could not be prevented under conditions of civil war. The pressure for intervention at times has been great, and grounds upon which, it is said, we might have intervened have been urged upon us, but this administration has been conscious that one hostile step in intervention and the passing of the border by one regiment of troops would mean war with Mexico, the expenditure of hundreds of millions of dollars, the loss of thousands of lives in the tranquilization of that country, with all the subsequent problems that would arise as to its disposition after we found ourselves in complete armed possession.

"In order to avoid the plain consequences, it seemed the course of patriotism and of wisdom to subject ourselves and our citizens to some degree of suffering and inconvenience and to pass over with a strong protest and a claim for damages even those injuries inflicted on our peaceful citizens in our own territory along the border by flying bullets in engagements between the governmental and the revolutionary forces on the Mexican side. It is easy to arouse popular indignation over an instance of this character. It is easy to take advantage of it for the purpose of justifying aggressive action, and it is easy to cultivate political support and popularity by a warlike and truculent policy, but with the familiarity that we have had in the carrying on of such a war in the Philippines and in Cuba, no one with a sense of responsibility to the American people would involve them in the almost unending burden and thankless task of enforcing peace upon these 15,000,000 of people fighting among themselves when they would necessarily all turn against us at the first manifestation of our purpose to intervene. I am very sure that the course of self-restraint the administration has pursued in respect to Mexico will vindicate itself in the pages of history.

"I am hopeful that the present Government is now rapidly subduing the insurrection, and that we may look for tranquillity near at hand. The demonstration of force which I felt compelled to make in the early part of the disturbance, by the mobilization of some 15,000 or 20,000 troops in Texas, and holding maneuvers there, had a good and direct effect and, as our ambassador and consuls report, secured much increased respect for American and other foreign property in the disturbances that followed. Similar questions have arisen in Cuba, but we have been able to avoid intervention and to aid and encourage that young Republic by suggestion and advice.

"I am glad to believe that we have had more peace in the Central American Republics because of our attention to their needs and our activity in mediating between them than ever before in the history of those Republics.

"THE NAVY.

"The dignity and effectiveness of the Government of the United States, together with its responsibility for the protection of Hawaii, Porto Rico, Alaska, Panama, and the Philippines, as well as for the upholding of the Monroe doctrine, require the maintenance of an Army and a Navy. We can not properly reduce either below its present effective size. The plan for the maintenance of the Navy in proportion to the growth of other navies of the world calls for the construction of two new battleships each year. The Republican Party has felt the responsibility and voted the ships. The Democratic Party, in House caucus, repudiates any obligation to meet this national need.

"THE PHILIPPINES.

"The Philippines have had popular government and much prosperity during this administration in view of the free trade which they have enjoyed under the Payne bill. The continuance of the same policy with respect to the Philippines will make the prosperity of those islands greater and greater and will gradually fit their people for self-government, and nothing will prevent such results except the ill-advised policy proposed by the Democratic Party of holding before the Philippine people independence as a prospect of the immediate future.

"OUR FOREIGN TRADE.

"During this administration everything possible has been done to increase our foreign trade, and under the Payne bill the maximum and minimum clause furnished the opportunity for insisting upon the removal by foreign countries of discriminations in that trade, so that the statistics show that our exports and imports reached for the year ending July 1, 1912, a higher figure than ever before in the history of the country. Our imports for the last fiscal year, ending July 1, 1912, amounted to $1,653,426,174 and our exports to $2,049,320,199, or a total of $3,857,648,262. If there were added to this the business done with Porto Rico, Hawaii, and the Philippines, the sum total of our foreign trade would considerably exceed $4,000,000,000. The excess of our exports over imports is $550,795,914. Manufactures exported during the year 1912 exceed $1,000,000,000 and surpass the previous record. These figures seem to show that the business is large enough to produce prosperity, and the fact is that it has done so.

"PROTECTIVE TARIFF.

"The platform of 1908 promised, on behalf of the Republican Party, to do certain things. One was that the tariff would be revised at an extra session. An extra session was called and the tariff was revised. The platform did not say in specific words that the revision would be generally downward, but I construed it to mean that. During the pendency of the bill and after it was passed it was subjected to the most vicious misrepresentation. It was said to be a bill to increase the tariff rather than to reduce it. The law has been in force now since August, 1909, a period of about 35 months. We are able to judge from its operation how far the statement is true that it did reduce duties.

"It has vindicated itself. Under its operation, prosperity has been gradually restored since the panic of 1907. There have been no disastrous failures and no disastrous strikes. The percentage of reduction below the Dingley bill is shown in the larger free list and in the lower percentage of the tariff collected on the total value of the goods imported. The figures show that under the Dingley bill, which was in force 144 months, the average per cent of the imports that came in free was in value 44.3 per cent of the total importations, and that under the Payne bill, which has been in force 35 months, the average per cent in value of the imports which have come in free amounts to 51.2 per cent of the total; that the average ad valorem of the duties on dutiable goods under the 12 years of the Dingley bill was 45.8 per cent, while under the 35 months of the Payne bill this was 41.2 per cent, and that the average ad valorem of duties on all the imports under the Dingley bill was 25.5 per cent, while under the Payne bill it was 20.1 per cent. In other words, considering only reductions on dutiable goods, the reduction in duties from the Dingley bill to the Payne bill was 10 per cent, and considering reductions on all imports, it amounted to 21 per cent.

"Under the provisions of the Payne bill I was able to appoint a Tariff Board to make investigations into each schedule with a view to determining the cost of production here and the cost of production abroad of the articles named in the schedule, in order to enable Congress in adjusting this schedule to know what rate of duty was necessary to prevent a destructive com-

petition from European countries and the closing up of our mills and other sources of production. We are living on an economic basis established on principles of protection. A large part of our products are dependent for existence upon a rate of duty sufficient to save the producer from foreign competition which would make the continuance of his business impossible. In the making of the Payne bill Congress did not have the advantage of the report of the Tariff Board showing the exact facts. If it had, the bill would have been constructed on a better basis, but we now have had the Tariff Board working and it has made a report on the production of wool and the manufacture of woolens in this country and abroad, and has compiled and made public similar data as to the manufacture of cotton goods. If the Republican Party had control of the House of Representatives, there would be no difficulty now in passing a woolen bill like those which have been presented by the Republicans in both houses of Congress reducing the duty on wool and on woolens to such a degree as not to include more than enough to enable the grower of wool and the woolen industry to live and produce a reasonable profit. The same thing could be done with respect to the cotton industry. On the other hand, our opponents, the Democrats, presented to me for my signature a woolen bill and a cotton bill both of which if allowed to become laws, as the reports of the Tariff Board show, would have made such a radical cut in the rates on many woolen and cotton manufactures as seriously to interfere with these industries in this country. This would have forced a transfer of the manufacture to England and Germany and other foreign countries.

"THE RESULT OF DEMOCRATIC SUCCESS.

"If the result of the election were to put the Democrats completely in control of all branches of the Government, then we should look for the reduction of duties upon all those articles which need protection, and may anticipate a serious injury to a large part of our manufacturing industry. We would not have to wait for actual legislation on this subject; the very prospect of Democratic success when its policy toward our great protected industries became understood would postpone indefinitely the coming of prosperity and tend to give us a recurrence of the hard times that we had between 1890 and 1897. The Democratic platform declares protection to be unconstitutional, although it has been the motive and purpose of most tariff bills since 1789, and thus indicates as clearly as possible the intention to depart from a protective policy at once. It is true the Democratic platform says that the change to the policy of a revenue tariff is to be made in such a way as not to injure industry. This is utterly impossible when we are on a protective basis; and it is conclusively shown to be so by the necessary effect of bills already introduced and passed by the Democratic House for the purpose of making strides toward a revenue tariff. It is now more than 15 years since the people of this country have had an experience in such a change as that which the coming in of the Democratic Party would involve. It ought to be brought home to the people as clearly as possible that a change of economic policy such as that which is deliberately proposed in the Democratic platform would halt many of our manufacturing enterprises and throw many wage earners out of employment, would injure much the home markets which the farmers now enjoy for their products, and produce a condition of suffering among the people that no reforming legislation could neutralize or mitigate.

"THE HIGH COST OF LIVING AND THE PAYNE LAW.

"The statement has been widely circulated and has received considerable support from political opponents that the tariff act of 1909 is a chief factor in the high cost of living. This is not true. A careful investigation will show that the phenomenon of increased prices and cost of living is world-wide in its extent and quite as much in evidence in other countries of advanced civilization and progressive tendencies as in our own. Bitter complaints of the burden of increased prices and cost of living have been made not only in this country and Europe, but also in countries of Asia and Africa. Disorder and even riots have occurred in several European cities because of the unprecedented cost of food products. In our own country changes have been manifested without regard to lower or higher duties in the tariff act of 1909. Indeed, the most notable increase in prices has been in the case of products where no duties are imposed, and in some instances in which they were diminished or removed by the recent tariff act.

"It is difficult to understand how any legislation vaguely promised in a political platform can remedy this universal condition. I have recommended the creation of a commission to study this subject and to report upon all possible methods for alleviating the hardship of which the people complain, but great economic tendencies, notable among which are the practically universal movement from the country to the city and the increased supply of gold have been the most potent factors in causing high prices. These facts every careful student of the situation must admit.

"EFFECT OF EXCESSIVE TARIFF RATES.

"There is one respect in which high tariff rates may make for exorbitant prices. If the rate is higher than the difference between the cost of production here and abroad, then it tempts the manufacturers of this country to secure monopoly of the industry and to increase prices as far as the excessive tariff will permit. The danger may be avoided in two ways: First, by carefully adjusting the tariff on articles needing protection so that the manufacturer secures only enough protection to pay the scale of high wages which obtains and ought to obtain in this country and secure a reasonable profit from the business. This may be done by the continuance of the Tariff Board's investigation into the facts, which will enable Congress and the people to know what the tariff as to each schedule ought to be. The American public may rest assured that should the Republican Party be restored to power in all legislative branches all the schedules in the present tariff of which complaint is made will be subjected to investigation and report without delay by a competent and impartial Tariff Board and to the reduction or change which may be necessary to square the rates with the facts.

"The other method of avoiding danger of excessive prices from excessive duties is to enforce the antitrust laws against those who combine to take advantage of the excessive tariff rates. This brings me to the discussion of the Sherman Act.

"ANTITRUST LAW.

"The antitrust law was passed to provide against the organization and maintenance of combinations for the manufacture and sale of commodities, which through restraint of trade, either by contract and agreement or by various methods of unfair competition, should suppress competition, establish monopoly, and control prices. The measure has been on the statute book since 1890, and many times under construction by the courts, but not until the litigation against the Standard Oil Co. and against the American Tobacco Co. reached the Supreme Court did the statute receive an authoritative construction which is workable and intelligible.

"NEW CONSTRUCTIVE LEGISLATION.

"It would aid the business public if specific acts of unfair trade which characterize the establishment of unlawful monopolies should be denounced as misdemeanors for the purpose, first, of making plainer to the public what must be avoided; and, second, for the purpose of punishing such acts by summary procedure without the necessity for the formidable array of witnesses and the lengthy trials essential to establish a general conspiracy under the present act. But there is great need for other constructive legislation of a helpful kind. Combination of capital in great enterprises should be encouraged, if within the law, for everyone must recognize that progress in modern business is by effective combination of the means of production to the point of greatest economy. It should be our purpose, therefore, to put large interstate business enterprises acting within the law on a basis of security by offering them a Federal corporation law under which they may voluntarily incorporate. Such an act is not an easy one to draw in detail, but its general outlines are clearly defined by the two objects of such a law. One is to secure for the public, through competent Government agency, such a close supervision and regulation of the business transactions of the corporation as to preclude a violation of the antitrust and other laws to which the business of the corporation must square, and the other is to furnish to business, thus incorporated and lawfully conducted, the protection and security which it must enjoy under such a Federal charter. With the faculties conferred by such a charter, corporations could do business in all the States without complying with conflicting exactions of State legislatures, and could be sure of uniform taxation—that is, uniform with that imposed by the State on State corporations in the same business.

"OPPOSED TO PROPOSED DRASTIC AMENDMENTS.

"I am not in sympathy with the purpose to make the antitrust law more drastic by such a provision as is proposed by the Democratic majority of the investigating committee of the House for imposing a rule as to burden of proof upon defendants under antitrust prosecutions different from that which defendants in other prosecutions enjoy. This can not be suggested by any difficulty found in proving to the courts the illegality of such combinations when the illegality exists. I challenge the production of a single record in any case in which an objectionable combination has escaped a decree against it

because of any favorable rule as to the burden of proof. It is true that many defendants in criminal cases have escaped by a failure of the jury to convict, but that arises from the reluctance and refusal of jurors to find verdicts upon which men are likely to be sent to the penitentiary for pursuing a course in business competition which the ordinary man did not regard as immoral or criminal before the passage of the act.

"CONSISTENT COURSE IN PROSECUTION OF THE LAW.

"I think I may affirm without contradiction that the prosecution of all persons reported to the Department of Justice to have violated the antitrust law has been carried on in this administration without fear or favor, and that everyone who has violated it, no matter how prominent or how great his influence, has been brought before the bar of the court either in civil or criminal suit to answer the charge.

"It is the custom of those who find it to their political interest to do so to sneer at, as innocuous, the decrees against the American Tobacco Co. and against the Standard Oil Co., and the administration is condemned in the Democratic platform for consenting to a compromise in the Standard Oil case. There was no compromise. The Standard Oil decree was entered by the circuit court, and then by the Supreme Court, on the prayer of the Government contained in the original bill filed in a previous administration. The decree in the Tobacco case was reached after a full discussion and entered by the circuit court, consisting of four circuit judges, as a proper decree, and the Government refused to appeal from it because it did not feel that it had grounds upon which to base such an appeal. Both decrees are working well. Both decrees have introduced competition, the one into branches of the tobacco business and the other into branches of the oil business. They have not reintroduced ruinous competition, but they have affected certain prices in such a way as to show the presence of real competition. The division of the two trusts by the decrees into several companies was not expected to show immediate radical change in the business. It may take some years to show all the benefits of the dissolution, but the limitations of the decrees in those two cases are so specific as to make altogether impossible a resumption of the old combination against which the decrees were entered. Even if experience shall show the decrees to be inadequate, full opportunity in future litigation will be afforded to supply the defects.

"The contest has been a long one. For years the rule laid down in the statute was ignored and laughed at, but the power of courts of justice pursuing quietly the law and enforcing it whenever opportunity arose has finally convinced the business public that the antitrust law means something, and that the policy of the administration in enforcing it means something. A number of these combinations illegally organized and maintained are now coming forward admitting their illegality and seeking a decree of dissolution, injunction, and settlement. They are quite prepared to square with that policy, provided it be definitely understood that it be impartially enforced and that security shall attend compliance with the law. My belief is that these decrees mark the beginning of a new era in industrial development; that what the great corporations of the country now desire is not what they manifestly did 20 years ago, to wit, to obtain a monopoly in each business, but it is to maintain a large enough plant to secure the greatest economy in production on the one hand and to avoid the danger of the threats of prosecution and disturbance of their business on the other. It will be the work of the highest statesmanship to secure these ends, and the Republican Party if given the power will accomplish it.

"CONCLUSION.

"I have thus outlined, Mr. ROOT and gentlemen, what I consider to be the chief issues of this campaign. There are others of importance, but time does not permit me to discuss them. In accordance with the usual custom I reserve the opportunity to supplement these remarks in a letter to be addressed to you at a later date, when the alignments of the campaign may require further discussion.

"For the present it is sufficient for me to say that it is greatly in the interest of the people to maintain the solidarity of the Republican Party for future usefulness and to continue it and its policies in control of the destinies of the Nation. I can not think that the American people, after the scrutiny and education of a three months' campaign, during which they will be able to see through the fog of misrepresentation and demagoguery, will fail to recognize that the two great issues which are here presented to them are, first, whether we shall retain, on a sound and permanent basis, our popular constitutional representative form of government, with the independence of the judiciary as necessary to the preservation of those liberties that are the inheritance of centuries, and, second, whether we shall welcome prosperity which is just at our door by maintaining our present economic business basis and by the encouragement of business expansion and progress through legitimate use of capital.

"I know that in this wide country there are many who call themselves Democrats, who view, with the same aversion that we Republicans do, the radical propositions of change in our form of government that are recklessly advanced to satisfy what is supposed to be popular clamor. They are men who revere the Constitution and the institutions of their Government with all the love and respect that we could possibly have, men who deprecate disturbance in business conditions, and are yearning for that quiet from demagogic agitation which is essential to the enjoyment by the whole people of the great prosperity which the good crops and the present conditions ought to bring to us. To them I appeal, as to all Republicans, to join us in an earnest effort to avert the political and economic revolution and business paralysis which Republican defeat will bring about. Such misfortune will fall most heavily on the wage earner. May we not hope that he will see what his real interest is, will understand the shallowness of attacks upon existing institutions and deceitful promises of undefined benefit by undefined changes?

"May we not hope that the great majority of voters will be able to distinguish between the substance of performance and the fustian of promise; that they may be able to see that those who would deliberately stir up discontent and create hostility toward those who are conducting legitimate business enterprises, and who represent the business progress of the country, are sowing dragons' teeth? Who are the people? They are not alone the unfortunate and the weak; they are the weak and the strong, the poor and the rich, and the many who are neither, the wage earner and the capitalist, the farmer and the professional man, the merchant and the manufacturer, the storekeeper and the clerk, the railroad manager and the employee—they all make up the people and they all contribute to the running of the Government, and they have not any of them given into the hands of anyone the mandate to speak for them as peculiarly the people's representative. Especially does not he represent them who, assuming that the people are only the discontented, would stir them up against the remainder of those whose Government alike this is. In other campaigns before this, the American people have been confused and misled and diverted from the truth and from a clear perception of their welfare by specious appeals to their prejudices and their misunderstanding, but the clarifying effect of a campaign of education, the pricking of the bubbles of demagogic promise which the discussions of a campaign made possible, have brought the people to a clear perception of their own interests and to a rejection of the injurious nostrums that, in the beginning of the campaign, it was then feared, they might embrace and adopt. So may we not expect in the issues which are now before us that the ballots cast in November shall show a prevailing majority in favor of sound progress, great prosperity upon a protective basis, and under true constitutional and representative rule by the people?"

Mr. AUSTIN. Mr. Speaker, I ask leave to insert in the RECORD a letter, which I heartily approve, and trust will be heeded by this House, in reference to pending legislation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The letter is as follows:

OFFICE OF THE NATIONAL COUNCIL,
DAUGHTERS OF LIBERTY,
Philadelphia, Pa., July 29, 1912.

Hon. RICHARD W. AUSTIN,
House of Representatives, Washington, D. C.

DEAR SIR: From reports at hand it is apparent that the Dillingham bill for the restriction of immigration is to be sidetracked as a political exigency.

Let us quote from Mayor Gaynor, of New York:

"You have the hardest police situation in the world to deal with. We have in this city the largest foreign population of any city, and a large number of them are degenerates and criminals. The gambling of the city is almost all in their hands, not to mention other vices and crimes. The published names of everyone connected nearly or remotely with Rosenthal and his murder show them to be of the same class of lawless foreigners to which he belonged."

The Dillingham bill is the result of facts like the above and others equally alarming brought out by the report on immigration.

After being brought face to face with these conditions, whatever latent and slumbering American patriotism there is should be aroused to the manifest necessity of a restriction of such immigration as has been proven beyond any question of doubt undesirable and positively injurious to America, Americans, and American institutions.

Is it possible that the Representatives of the people are beyond any patriotic impulse except so far as political necessities require?

I can not believe that our fair land has no claim upon you that would deter you from rising and insisting, even at this late day, upon the passage of this bill as a matter of protection of every interest that may be termed American. Does this appeal to you as a call to duty?

Yours, respectfully,

W. V. EDKINS,
National Secretary.

Mr. LINDBERGH. Mr. Speaker, there was an Indian question which came up in my district, involving some important propositions, and an attorney made a brief of them and got together some very valuable information, consisting of probably 3,000 or 4,000 words. I ask unanimous consent to print that brief in the RECORD, so as to preserve it.

The SPEAKER pro tempore. The gentleman from Minnesota asks leave to extend his remarks in the RECORD by inserting the matter to which he refers. Is there objection? [After a pause.] The Chair hears none. The gentleman from Colorado [Mr. RUCKER] is recognized for 20 minutes.

Mr. RUCKER of Colorado. Mr. Speaker, I am provoked to say that I am profoundly grateful to the Members of this House for my success in having brought out from the Members' cloak rooms and their other quarters such an immense audience. Of course, it goes without saying, that when I am put down for a speech, even a speech of 20 minutes, we will get an immense audience, and it is a waste of breath and supererogation to say that the two distinguishing features of my speeches are enveloped in the fact that I have always a most attentive audience, and the least results from amendments offered, for not infrequently the Speaker is relieved from counting more than my own vote on my amendments and motions.

Now, I would not arise on this occasion except to discuss one question about the high cost of living, and it rages around the cost of meats. I will not relate in detail a circumstance that occurred a very short time ago, when I took upon my left arm the hand of a beautiful lady and led her to a reception. She was complaining about how much more than formerly her meat cost her when she went down to market. But if one fact has been developed more clearly than any other one thing, it is that the farmer—the producer—is not getting a greater price for his product than he is entitled to.

Now, the gentleman from Minnesota [Mr. LINDBERGH] goes off into a discussion which is, I think, far afield and out of range of the subject, and has no application whatever to the subject of the high cost of living. The fact that somebody builds a railroad or a subway in New York has not, so far as I can see, any relationship in the world to the question of the high cost of living. All these people must be fed whether they are at work on these projects or not. What we have got to determine here is whether the producer is getting more money than he is entitled to for his product.

Now, it happens that I belong to four organizations—the National Wool Growers' Association, the National Stock Growers' Association, the Grangers' Association, and the Farmers' Union.

Mr. LINDBERGH. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempre. Does the gentleman from Colorado yield?

Mr. RUCKER of Colorado. Certainly.

Mr. LINDBERGH. I want to ask the gentleman a question. Does he consider that the competition is in the production or in the consumption, or in both?

Mr. RUCKER of Colorado. I do not exactly understand the gentleman's question. It is very much involved. I would really like the gentleman to explain his inquiry.

Mr. LINDBERGH. Is it not a question of competition in consumption, just as much as it is in production, that determines the cost of living?

Mr. RUCKER of Colorado. Oh, well, I want to say in answer to that that many, many years ago—more years ago than I would like to mention—I drove cattle from Missouri, swam them across the Missouri River and the Mississippi and the Illinois Rivers, and landed them in the slaughterhouse in Chicago just as fat as they were when we started, and we did not strike a railroad. That illustrates the fact that you are never going to get as cheap meat hereafter as you have had heretofore. Our ranges are being taken up. We have gone almost to the limit of our ranges. It so happened that I have been over to Germany once or twice. How it is that they live and produce their own meat more cheaply than we do here I do not know. Upon the declivities of their mountains they carry back the soil by burro power—carry it back from year to year—and produce their meats cheaper than we do over here. The time is coming in this country when we may have to do the same thing, but that time has not yet come.

Now, I would not have said as much upon this subject as I have but for the speech that was made the other day by the gentleman from New Jersey [Mr. KINKEAD], and I do hope and trust, for the sake of the Democratic Party, that that speech was not censored and approved of by our present nominee for the Presidency. What he means is that we should have free meats from all the world. And there are several gentlemen here, including my friend over there from Texas [Mr. BURLESON], who, strange to say, has a resolution in here asking for free meats from Mexico.

Several gentlemen from Massachusetts and all these men from the great cities, where the stomachs of the inhabitants are craving for cheaper meats, are now falling over each other to have free meats brought into this country, and they base their action upon the ground, Mr. Speaker, that the trusts of this country have got control of the meats, and therefore we should open the markets.

Now, I have not time to read it, but I will put in the RECORD some statements illuminating this question, and particularly applicable to the colloquy I had with the gentleman from New Jersey [Mr. KINKEAD] the other day concerning the American Beef Trust and how that trust has obtained control of the Argentine supply. The American Beef Trust, of course, is now disorganized, and what "disorganization" means I think we will finally, in a year from now, understand, and we will understand that it does not mean anything. But the North American companies have got control of 52 per cent of the Argentine Republic meat supply, and I am going to put that statement in the RECORD. That shows that we are simply taking from one pocket of the trust and putting into the other.

Now, you are not doing that only. That is not the worst of it. It has now already developed that the Meat Trust in this country has got control of the meat product in the Argentine Republic. But, as I say, that is not the worst of it. Every Texas man here, and every man elsewhere from the West, knows that when we hand over to the foreigner the American market, either of meat, beef, mutton, sugar, or wool, we place ourselves, not maybe next year, but the year after that, absolutely in the power of the foreign producer. That is what I have always contended.

Now, Mr. Chairman, in conclusion, and I think possibly my time is up—I think I ought to have been in the Senate. There is where I naturally belong. [Applause.]

Mr. AUSTIN. I would like to say to the gentleman, Mr. Speaker, that if we had the elective power in this House there would be no doubt but that the gentleman would be in the other branch.

Mr. RUCKER of Colorado. I thank the gentleman, but I did not believe I would get a Republican vote for that place.

Mr. AUSTIN. I have just tendered the gentleman mine, although I do not know that it would do any good.

Mr. RUCKER of Colorado. I thank the gentleman. I want to say that I have been kicked out of almost all the Democratic caucuses, but my vote in this House has been sustained by every Democrat in the Senate, and when the bills come back here even the House reversed its votes and joined me.

Mr. STEPHENS of Texas. How would the bull moose gang suit the gentleman?

Mr. RUCKER of Colorado. Well, they sometimes vote all right.

Now, in reference to the sugar proposition, I am talking to this side of the House, because the Republicans are engaged in a purely perfunctory operation this afternoon in notifying Mr. Taft of his defeat at the next election.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Colorado yield?

Mr. RUCKER of Colorado. Certainly.

Mr. MOORE of Pennsylvania. Before the gentleman leaves the question of beef, will he tell us whether he has made a study—for I question whether the gentleman from New Jersey has—of the quantity of beef that is controlled by the packers of the country as against that quantity that goes into common use which is not controlled by the packers?

Mr. RUCKER of Colorado. I have said I think it is 51 or 52 per cent.

Mr. MOORE of Pennsylvania. Then with reference to the speech of the gentleman from New Jersey, is it not a fact that if the meat which goes abroad, which may be sold at prices lower than those in the United States, is the beef which is sent by the packers, the maintenance of the price of meat in the United States at its present standard is of a decided advantage to the majority of the independent slaughterers of beef, including the butchers who serve the people?

Mr. RUCKER of Colorado. I have an idea that the gentleman from Pennsylvania is right about that.

Mr. MOORE of Pennsylvania. In other words, if the American price is to be maintained, is it not maintained more in the interest of the independent and neighborhood slaughterers than it is in the interest of the packers?

Mr. RUCKER of Colorado. Not answering the gentleman categorically, I want to say that I am a platform Democrat. I do not believe in revising the tariff in spots. I do not believe that this Congress will make anything before the American people by reducing the tariff 35 per cent, and leaving sugar, wool, and meat, and our mining products on the free list; because I

want to say that the votes of one-third of the people of this country ought to be considered in this legislation. In my judgment the Democratic Party is very fortunate with the record it has made here in Congress, that there is a third candidate in the field; because, as I have said, I belong to those four organizations, and they will vote as one man for the fair treatment of the products of the American tiller of the soil. Of course you can take that for what it is worth. In my judgment the Democratic Party here to-day is most fortunate in the fact that there is a third candidate in the field.

As I have said, my votes have stood squarely with the Senate votes. I am going down the line upon those votes.

The day after to-morrow an assembly will be held in the city of Denver which will determine whether I shall come back here, or will at least determine whether I shall be nominated for Congress. I have no apologies to make. I think I have stood with the majority of my party. I have stood upon the platform. The platform of 1908 demanded a gradual reduction of the tariff. It did not mean a gradual reduction of the tariff by putting upon the free list the most important agricultural and other products of the West. [Applause.]

By unanimous consent, Mr. RUCKER of Colorado was given leave to extend his remarks in the RECORD.

APPENDIX.

MEAT PRODUCTION AND EXPORT.

PRESENT POSITION AND OUTLOOK.

From the international standpoint the most important and recent development in the meat industry of the Argentine Republic is the entrance and growing ascendancy of North American interests.

Chicago meat companies entered this field only seven years ago, but have already attained such a position that they are a decided, if not a dominating, influence in the progress of the trade and the control of prices. The extent of their interests is only partially known to the public either of Argentina or the United States, but they admittedly hold two of the seven companies engaged in the production and export of cold-storage meat and are believed to have at least a working understanding with several of the others. They have also secured land for the purpose, it is believed, of establishing new plants.

The two avowedly North American enterprises are the La Plata Cold Storage Co. and the La Blanca Co. The former, since coming under its present control, has risen from a state of insignificance to that of the largest single producer in the Argentine field.

A sensation was created by this company at the recent fat-stock show in Buenos Aires by the extraordinary prices paid in order to show breeders what it wanted and encourage them to develop a superior breed of animal. For 5 steers the company gave ₱11,500 (about $5,000) apiece, and for a total of 177 head gave ₱310,600 ($771 each in United States currency). It was estimated that the available beef on the 5 steers that brought top price cost the company about $5 a pound.

Taken together, the La Plata and the La Blanca companies last year produced a third of Argentina's total output of cold-storage beef and almost as large a proportion of the mutton and lamb. Their rapid expansion is indicated by the fact that jointly they have chartered all the space in 19 new steamships ordered by the Nelson Line for the River Plate fresh-meat trade.

NEW METHODS INTRODUCED.

But most important of all, perhaps, as showing the influence of the American companies in the Argentine is the fact that they are generally credited with having stimulated the industry through the introduction of progressive methods, particularly in the development of chilled beef. Chilled beef—the kind to which United States consumers are accustomed and regarded as superior to frozen beef—has been brought into commercial importance within the last year or more by the North American companies and seems destined to supersede in importance the frozen product. In 1909 the La Plata Cold Storage Co. produced more than twice as much chilled meat as any other company, and, together with the La Blanca Co., marketed more than 50 per cent of the entire output of that article.

The importance of the position of the Chicago companies in the Argentine is that, apparently, it puts the meat industry of the two principal producing countries in the same hands. Argentina is the largest exporter of beef in the world, and, next to New Zealand, the largest shipper of mutton. The Argentine now occupies the place formerly held by the United States as a purveyor of beef to Europe, the increase in the home consumption having cut down our exports in marked degree.

NO FRESH COMPETITION.

Argentina has been looked upon as a competitor of the United States in the beef industry, and has even been considered by some as a possible source of cheaper meat for this country. The present outlook there lends no color to such supposition. Shipments of beef from the River Plate to the United States may come shortly, but they will probably be directed by the same interests which supply the market here, not in opposition to them.

So far as the American packers are concerned, their present operations in the Argentine field have nothing to do with the meat supply of the United States. The immediate object is to obtain supplies, which can no longer be secured at home, for their English market. They have not given up their foreign business, as the diminishing export figures of the United States might lead one to suppose, but have simply transferred their base from the Mississippi Valley to the River Plate.

Argentina's export of frozen and chilled beef has grown up practically in the past 10 years, corresponding to the decline in shipments from the United States. Ten years ago Argentina shipped only 25,000 tons, as against 150,000 sent from this country. Five years later her exports of beef passed ours, and in 1909 they amounted to 210,657 tons, while those of the United States had fallen to 55,746 tons.

SHIPMENTS TO THIS COUNTRY NOT PROBABLE.

Even were it not for the position of the American packers in the Argentine field, there would be no likelihood that United States consumers could secure a meat supply from that quarter at less than prevailing rates, and probably not at such low figures. One reason for this is that Argentina has an ample market in Europe. For the year 1909 Great Britain took 98 per cent of the exports both of beef and mutton, but this represented only 65 per cent of Great Britain's total imports of beef and 27 per cent of her total imports of mutton.

It is apparent, therefore, that in Great Britain alone the market can be much extended. Moreover, it appears that the continental nations of Europe, which have heretofore used practically no cold-storage beef, are on the point of taking up that product on account of the scarcity of live animals and consequent rising prices. Hence, if the United States wants Argentine meat, it will be necessary to pay for it at European prices.

Added to this, as a further obstacle in the way of supplies from Argentina, is the fact that the cost of living in Argentina is high. This makes the production of beef high in spite of the country's great natural advantages for that industry.

ARGENTINE TRADE NOTES.

[From Consul General R. M. Bartleman, Buenos Aires; monetary figures in American currency.]

COLD-STORAGE PROFITS—COTTON GROWING.

The La Plata Cold-Storage Co. shows profits for the calendar year 1911 of $636,687.

VESSELS FOR THE MEAT TRADE.

The first of the five new steamers which are being built to the order of the British & Argentine Steam Navigation Co. for the carriage of chilled meat from Argentina to the United Kingdom has arrived in port. The five vessels are each 456 feet in length over all, 59 feet in breadth, and 38 feet in molded depth. They are the largest and fastest steamers yet designed and constructed wholly for the transportation of chilled and frozen meat. Each has an insulated capacity of about 400,000 cubic feet for either chilled or frozen meat and is capable of maintaining a service speed of 15 to 16 knots. In connection with the refrigerating installation there are nearly 50 miles of piping to each vessel, and each has accommodation for about 150,000 carcasses of mutton, or about 9,000,000 pounds of fresh meat.

QUIZZED ON BEEF TRUST—ARGENTINE CHAMBER ASKS AGRICULTURE MINISTER'S VIEW OF AMERICAN PACKERS.

[Special cable to the Washington Post.]

BUENOS AIRES, *July 28.*

The chamber to-day passed a motion inviting the minister of agriculture to state what he thinks about the interference of the American Beef Trust in the Argentine cattle market, what measures he contemplates in order to prevent the danger such interference may have for breeders and for the people at large by increasing the cost of meat, and to what extent such interference has already gone.

BENEFITED BY BEEF TRUST—STOCK BREEDERS IN ARGENTINA GETTING INCREASED PRICE FOR CATTLE.

[Special cable to the Washington Post.]

BUENOS AIRES, *July 31.*

There was a lively session of the chamber last night, when the minister of agriculture, Señor Mujica, answered an inquiry about the agitation among the farmers of the Province of Santa Fe. The minister declared the uneasiness of the farmers is not due exclusively to high land rent, but to many other circumstances, such as lack of credit.

The Government, therefore, will propose the foundation of a bank of agriculture. Señor Mujica also spoke about the American Beef Trust, and said its activity in Argentina up to the present has been beneficial to stock breeders, as is shown by the increase in the price of cattle.

Mr. AUSTIN. Mr. Speaker, as a Republican I should like to bear testimony to the fidelity of the gentleman from Colorado [Mr. RUCKER]. He has not only been a constant attendant upon his public duties in this House, but at every opportunity he has stood for the interests of the people of Colorado on every question in which their interest was involved in legislation in this House. [Applause.] I am not only glad of an opportunity to state what is justly due him, but I think I reflect the sentiment of the Republican as well as the Democratic side of this House in the hope that the Democracy of Colorado will do itself proud and do justice to his splendid record by renominating him to a seat in this House. [Applause.]

Mr. DONOHOE. Mr. Speaker, the importance of the subject which I am about to discuss will be my excuse for taking the time of the House at this hour. I know of no economic question that so deeply concerns the great body of the people as that relating to the high cost of living. The President of the United States has referred to it in more than one of his recent messages to Congress; commissions have been appointed to investigate it; Senators and Representatives, governors of States, mayors of cities, and public bodies have discussed it from various angles, and yet there is no relief in sight. This year's prices of foodstuffs and other necessaries are higher than those of last year, and those of last year were much higher than the prices that obtained five years ago.

I have here two lists showing retail prices that prevailed in Philadelphia in 1896 and in 1911, covering beef, bacon, poultry, lard, butter, eggs, cheese, flour, beans, and apples. These lists show an increase of over 70 per cent in the 15 years.

The report of the Massachusetts commission on the cost of living published in 1910 gives figures showing expenditures for food of 253 normal families in that State. These figures indicate that in 1903 the average amount for food per family was $370.20, while in 1910 it was $478.10. The report also shows that rent has increased 12 per cent, fuel 15 per cent, and clothing 20 per cent in the same period.

So high an authority as Bradstreet's states that from 1896 to 1912 the increase in price of foodstuffs has been over 50 per cent.

According to a statement recently issued by the Association for Improving the Condition of the Poor in New York City the cost of many essential table foods, when bought in small quantities, has gone up nearly 25 per cent in the last year. No doubt the increase has been almost as much in Philadelphia, Chicago, Boston, and other large centers of population. I quote from two sample grocery bills which the New York association has submitted:

	January, 1911.	January, 1912.
Bread	$0.08	$0.08
½ pound butter	.16	.20
¼ pound tea	.10	.10
½ pound coffee	.13	.15
2 pounds sugar	.12	.14
1 dozen eggs	.30	.40
1 can tomatoes	.09	.12
Potatoes	.10	.20
1 can corn	.10	.12
1 pound codfish	.10	.12
Oatmeal	.10	.10
1 pound beans	.06	.06
1 pound rice	.05	.05
1 cabbage	.05	.08
½ pound cheese	.04	.05
Flour	.13	.15
1 pound onions	.03	.05
Total	1.74	2.17

LETTERS FROM WORKINGMEN.

During the past six months I have received many letters touching on this subject from workingmen in the great industrial district of Kensington, Philadelphia, which I have the honor to represent. Here is one dated May 26, 1912, from a man whose weekly wage is $13.50:

I would esteem it a great favor if you will kindly send me any bulletins that are issued by the Department of Agriculture that will help to reduce the cost of living. I have a wife and four children to keep. You know that our State has laws making it necessary for a child to be 14 years old before it can go to work and be of any assistance to its parents. I will try to show you how much food and other necessaries a man can purchase whose wages is $13.50 per week.

This is our weekly list:

Rent ($13 per month)	$3.00
Coal (average)	1.00
Shoes (average)	1.00
Insurance (6 persons)	.60
Gas for lighting and cooking	.50
Flour, 2 bags, at 40 cents	.80
Sugar, 6 pounds, at 5½ cents	.33
Butter, 2 pounds, at 35 cents	.70
Potatoes, 7 quarter pecks, at 15 cents	1.05
Lard, 1 pound	.13
Milk, 7 pints, at 4 cents	.28
Eggs, 1 dozen	.28
Tea, one-fourth pound	.15
Coffee, 1 pound	.25
Soap, 3 cakes, at 5 cents	.15
Car fare to and from work, per week	.60
Total	10.82

These fixed expenses amount to $10.82 per week. You see there is left the sum of $2.68 per week, or 38⅔ cents per day for meats, vegetables, cereals, fish, medical attendance, medicine, and clothing. In addition to these things there must also be purchased, occasionally, household necessities, including cooking utensils, bed clothing, etc.

I do not wish to further impose on your time, but I sincerely hope that something will be done to help the working people. If children are not properly fed when young, how are they expected to make soldiers and sailors in case of war? There is no sense in spending millions for tuberculosis when the root of the evil is overlooked.

WAGES IN PENNSYLVANIA.

Now, let us see whether the rate of wages of the average workingman in Pennsylvania is $13.50 per week. The Bureau of Industrial Statistics of the Department of Internal Affairs of Pennsylvania, in its thirty-eighth annual report, issued in October, 1911, gives the following as the average wages paid to adult male workers in 10 leading industries of the State:

	Per week.
Boilers, tanks, and vats	$11.46
Boots and shoes	9.79
Carpets and rugs	10.61
Dyeing and finishing	11.15
Foundries	10.67
Hosiery	10.54
Leather (miscellaneous)	12.42
Oilcloth	11.71
White lead	11.94
Woolen goods	12.98

This list shows an average of $11.33 per week for adult male employees. Of course, skilled hands in all these lines receive somewhat more than the amount shown in this list, and unskilled hands receive correspondingly less; but skilled and unskilled have to live and so we must include both in our consideration of this great problem.

From the Pennsylvania statistics which I have quoted, it is plain that the average workingman with a family of, say, four children under the working age limit has an extremely hard struggle to make ends meet. And what of the man with a larger family or the one who is not steadily employed? Indeed, I fear there is a great deal of suffering that we never hear of.

CAUSES AND REMEDIES.

What, then, is the trouble and what the remedy? That something is wrong is admitted on all sides. Some would have us believe that our trouble is due not so much to the high cost of living as to the cost of high living; while others, who have evidently given the matter much thought, declare that the supply of gold, our standard of value, has increased so much in recent years that its purchasing power has gradually declined, and hence prices of commodities have steadily advanced. Undoubtedly there are some grounds for both these theories, but to the one I would say that high living, which involves expensive luxuries, is not much indulged in by the family whose income is $11.33 per week; and to the other, that if the increased gold supply has caused vital necessities to rise in price from 50 to 70 per cent in the past 15 years, it should have produced a corresponding advance in wages, the price of labor. [Applause.]

Owing to the beneficent results of the Erdman Act, which tends to settle by conciliation, mediation and arbitration differences between railroad companies and their employees, wages in that line have advanced more than the average in the past 15 years. Figures of the Interstate Commerce Commission show an increase of 25 per cent in railway wages in that time, while, according to Bradstreet's, the prices of foodstuffs have increased more than 50 per cent in the same period. Why this disparity? Some explanation of it may be found in the statement that while the settlement of the recent coal strike involves an increase of wages to the employees amounting to about $5,000,000 per year, the advance in the price of coal to the consumers will amount to some $15,000,000. Who gets the extra $10,000,000? Is it absorbed in the cost of high living, or is it lost in the depreciation of gold, our standard of value?

To my mind there are other and more direct causes than high living and depreciating gold. Our economic malady, it seems to me, is due in large measure to the money power, and the symptoms are manifesting themselves in monopolies, unequal distribution of wealth, and high cost of living. [Applause.]

MONOPOLIES.

The census of 1910 throws some light on land monopoly; how it has discouraged farming, is forcing some farmers into the cities, and driving others to the cheap land of western Canada. In 1900 the average price of unimproved farm land was $15.57 per acre, while in 1910 it was $32.49, an increase of 108 per cent. In those 10 years the acreage of improved land increased only 15 per cent, while the population of the whole country increased 21 per cent. In 1900 the rural population was almost 60 per cent of the whole, while in 1910 it was only 53.7 per cent. The great increase in price of farm lands is, therefore, not due to increase in rural population or, as some would have us believe, to increased profitableness in farming, but rather to the fact that land speculators have boosted prices, and men of small means who would have bought farms to work on, not to speculate with, have been unable to buy. While we had a large, fertile public domain open to settlers there was an outlet to the unemployed and a defense against monopoly. Now, with the public domain practically gone, the land monopolists have full swing.

Take the case of coal lands. One corporation owns 60,000 acres in the Connellsville region, which is the principal known deposit in the country of coking coal used in steel production. Would-be competitors must therefore get coking coal from that corporation at its terms. Does not this condition tend to make prices high? A former president of the corporation owning those coal lands testified that they were estimated to be worth $60,000 per acre. It would be interesting to know how those lands are assessed for taxation. If they are assessed at, say, $48,000 per acre, or 80 per cent of their value, as the poor man's house is assessed, all right; but if they are assessed at $60 per acre, or one-tenth of 1 per cent of their value, then the laborer, the mechanic, the farmer, the merchant, and the manufacturer are paying much more than their share of the taxes and the big corporation is paying much less than its share. Higher taxes mean lower net incomes to the parties that I have named.

Mr. WILSON of Pennsylvania. Will the gentleman allow an interruption?

Mr. DONOHOE. Yes.

Mr. WILSON of Pennsylvania. In connection with the statistics of the coal lands which the gentleman presents I want

to call his attention to the fact that the same corporation which holds 60,000 acres in the Connellsville coke region owns, all told, approximately 500,000 acres of coal lands in the United States.

Mr. DONOHOE. I understand that what the gentleman has stated is true.

Anthracite coal is selling in Philadelphia at $7 per ton. As recent as 1900, Thomas P. Fowler, president of the New York & Ontario Railroad and, by virtue of his position, a director in the Temple Iron Co., otherwise known as the Anthracite Coal Trust, declared, "If there were not some form of restriction, stove coal would be a drug in the market at $2 per ton." What is the restriction? Special privilege; the few who own or control the coal lands will not let the coal be mined unless and until the many are willing to pay the price.

UNEQUAL DISTRIBUTION OF WEALTH.

There surely must be something wrong with our economic system when a few men, less than a score, are in a position to control the money of the country, to extend or withhold credit, to make or destroy enterprises. I understand that the combined wealth of two of these men amounts to more than the assessed value of all the lands and buildings within the limits of Philadelphia, a city of more than a million and a half of people. I do not blame the possessors of those colossal fortunes, but I do find fault with the system under which such unequal distribution of the Nation's wealth is possible. It is not, it can not be, right.

A few years ago a man possessed of $100,000 was regarded as being in good circumstances. He was in a position to engage in business on a liberal scale, to give employment to a goodly number of persons, and to be a useful member of any community. To-day we have instances of individuals owning as much as several thousand such men. The thought suggests itself whether it would be better for us to have several thousand families in good circumstances, each useful to its particular community, or that the total wealth of all of them should be concentrated in a single family.

The salaries of the President and Vice President of the United States, the Cabinet officers, the Senators, and Members of this House, some 500 persons in all, amount to less than $6,000,000 per year. This is a large sum, and yet one individual draws two and a half times as much per year from one great trust.

Mr. AUSTIN. Mr. Speaker, will the gentleman from Pennsylvania give us the name of the gentleman and also the name of the corporation?

Mr. DONOHOE. I feel that both are so well known that it is unnecessary to name them here.

Sixty years ago our per capita of wealth was $307; to-day it is about $1,300, an increase of over 300 per cent. But while our per capita of wealth has greatly increased the distribution of it has been most unequal. Sixty years ago we had few millionaires and few paupers; to-day we have, unfortunately, too many of both and both are still on the increase.

MONEY POWER.

Some would have us believe that brains and energy and thrift alone are responsible for those vast fortunes and that these qualities, combined with laudable ambition and enterprise, have produced the captains of industry and masters of finance who control our industrial system, our railroad system, and our banking system. While unwilling to accept this argument, I would say that if it be true, then we need some means of protecting ourselves from brain domination; for if it be necessary and advisable to have laws to protect society from strong-armed individuals who might use their strength to oppress the weak, our present condition of unequal distribution of wealth would warrant the enactment of laws to protect us from the strong-brained individuals as well. But if brains and energy are alone responsible for these great fortunes, if the possession of unfair advantages conferred by law have had nothing to do with their making, why do the representatives of the "interests" oppose so strenuously the abolition of special privilege? [Applause.]

OVERCAPITALIZATION.

Overcapitalization of corporations, a feature of big business, imposes additional burdens on the consuming public. The cost of railroad building and equipment in the United States is estimated at from $20,000 to $30,000 per mile. But the railroads are capitalized at $60,000, so that at least half of their capital, or, say, $9,000,000,000, has only franchise value or "water" back of it. It is apparent that if the capital stock of a railroad or other public utility company be inflated 100 per cent the people must pay higher rates to produce dividends on the increased capital. In line with this thought the following recent statement by B. F. Yoakum, chairman St. Louis & San Francisco Railroad, is significant:

Last year's agricultural products were worth $9,000,000,000 to the farmers. The Government used farm values in getting figures for this total. Assuming that the farmers kept one-third of the products for their own use, the consumers paid more than $13,000,000,000 for what the producers received $6,000,000,000. The cost of getting the year's products from producers to consumers amounted to the enormous sum of $7,000,000,000. The real problem to deal with is not high cost of living; it is high cost of selling.

The "high cost of selling" to which Mr. Yoakum alludes can not be charged to the legitimate merchant who directly serves the consumer. The local store is a necessity, and when conducted on individual lines that tend not to monopoly renders a decided service to the community.

The high cost of selling is traceable and must be charged chiefly to monopolies and trusts, overcapitalization and cold storage.

COLD STORAGE.

Properly regulated, cold storage would be a blessing to the people. It is certainly an advantage to be able to preserve perishable foods from the time of their abundance to the time of their scarcity. It should not, however, be used as a means of creating artificial scarcity in vital necessaries at times when the warehouses are bursting with foodstuffs. Is there any good reason why butter, eggs, or poultry should be held in cold storage for 15 months, as has been done? There is but one reason, and it is not a good one—to compel the people to pay the high prices. Cold storage run in that way is rather a curse than a blessing. Not only does it mean high prices in the time of natural scarcity, but artificially high prices in time of natural abundance.

WARNINGS OF HISTORY.

If we would take warning from the history of earlier civilizations, we must put an end to special privilege, private monopoly, and all that tends to social inequality. Peerless Greece, great in war, glorious in literature, fell through lack of social harmony. Imperial Rome, unconquerable in the days of her material simplicity and moral soundness, decayed from within and tottered to her pitiable fall when, in the words of HENRY GEORGE, Jr., "public and private morality melted down to almost nothing in the furnace of passions awakened by the despoilment of the masses for the advantage of the few." [Applause.]

The SPEAKER. The three hours agreed to for general debate have expired.

LEAVE OF ABSENCE.

Mr. STEPHENS of Mississippi, by unanimous consent, was given leave of absence for one week from to-day, on account of sickness.

EXTENSION OF APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations, I report House joint resolution 344, to continue the appropriation for half of the month of August, and I ask unanimous consent for its present consideration in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration in the House, as in Committee of the Whole, of the joint resolution which the Clerk will read.

The Clerk read as follows:

House joint resolution 344 (H. Rept. 1123).

Joint resolution to continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies."

Resolved, etc., That the provisions of a joint resolution entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies," approved July 1, 1912, be, and the same are, extended and continued in full force and effect for and during the first half of the month of August, 1912.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 344. Joint resolution to continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies."

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, disagreed to by the

House of Representatives, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LA FOLLETTE, Mr. BAILEY, and Mr. SIMMONS as conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BAILEY, Mr. SIMMONS, and Mr. LA FOLLETTE as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. LODGE, Mr. BRISTOW, Mr. BAILEY, and Mr. SIMMONS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5309) to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., p. 140).

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 344. House joint resolution to continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operation of the Government under certain contingencies."

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5309. An act to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., p. 140).

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 344. House joint resolution to continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies."

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 25069, the sundry civil appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the bill H. R. 25069, the sundry civil appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I wish the gentleman from New York would ask unanimous consent to take from the Speaker's table the bill and to consider the Senate amendments in the House as in Committee of the Whole. I desire a separate vote on three amendments.

Mr. FITZGERALD. Can we not dispose of the other amendments first?

Mr. MANN. I have no objection.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take the bill from the Speaker's table and consider the Senate amendments in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to take from the Speaker's table the bill mentioned and consider the amendments in the House as in Committee of the Whole. Is there objection?

Mr. RUCKER of Colorado. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman if the last section of the bill has been passed?

Mr. FITZGERALD. The gentleman from Colorado has in mind the general deficiency bill. This is the sundry civil bill. The general deficiency bill has not yet been passed.

Mr. RUCKER of Colorado. When will it be taken up?

Mr. FITZGERALD. As soon as we can get a chance, but not this afternoon. I think the gentleman from Alabama wants to take up the tariff bill after this.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I ask a separate vote on amendments numbered 2, 116, and 183.

Mr. FITZGERALD. I ask unanimous consent that all the amendments except 2, 116, and 183 be disagreed to.

The SPEAKER. The gentleman from New York asks unanimous consent to disagree to all the Senate amendments except Nos. 2, 116, and 183. Is there objection?

There was no objection.

Mr. FITZGERALD. Now, Mr. Speaker, I ask the Clerk to report the Senate amendment No. 2.

The Clerk read as follows:

(2) To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws, including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as are authorized by said act, or any existing law, and including the employment of such persons as may be required for those purposes; and to enable him to do any and all things in connection therewith authorized by law, $225,000. Such officers shall report annually to Congress.

Mr. FITZGERALD. Mr. Speaker, I move that the House disagree to the Senate amendment.

Mr. CANNON. Mr. Speaker, I move that the House concur in the Senate amendment No. 2.

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House concur in the Senate amendment No. 2.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 145, answered "present" 4, not voting 131, as follows:

YEAS—109.

Ames	Fuller	Lenroot	Rucker, Colo.
Anderson, Minn.	Gardner, N. J.	Lindbergh	Simmons
Austin	Gillett	Longworth	Sloan
Barchfeld	Good	McCall	Smith, Saml. W.
Bartholdt	Green, Iowa	McKinley	Speer
Bates	Greene, Mass.	McKinney	Steenerson
Berger	Griest	McLaughlin	Stephens, Cal.
Bowman	Guernsey	McMorran	Sterling
Browning	Hanna	Mann	Stevens, Minn.
Burke, S. Dak.	Hartman	Miller	Sulloway
Burke, Wis.	Haugen	Mondell	Switzer
Calder	Hawley	Moore, Pa.	Taylor, Ohio
Cannon	Heald	Morrison	Tilson
Copley	Helgesen	Moss, Ind.	Towner
Crago	Hill	Mott	Utter
Crumpacker	Howell	Needham	Vare
Danforth	Howland	Norris	Volstead
Davis, Minn.	Hughes, W. Va.	Parran	Wedemeyer
De Forest	Humphrey, Wash.	Patton, Pa.	Whitacre
Donohoe	Kahn	Payne	White
Draper	Kendall	Pickett	Willis
Driscoll, M. E.	Kennedy	Plumley	Wilson, Ill.
Dwight	Kent	Pray	Woods, Iowa
Fairchild	Kinkaid, Nebr.	Prince	Young, Kans.
Farr	Knowland	Prouty	Young, Mich.
Focht	Lafferty	Rees	
Foss	La Follette	Roberts, Mass.	
French	Lee, Pa.	Rodenberg	

NAYS—145.

Adair	Doremus	Hull	Ransdell, La.
Adamson	Doughton	Humphreys, Miss.	Rauch
Akin, N. Y.	Driscoll, D. A.	Jacoway	Reilly
Alexander	Estopinal	Johnson, Ky.	Robinson
Allen	Evans	Johnson, S. C.	Rouse
Anderson, Ohio	Fergusson	Jones	Rubey
Ansberry	Finley	Kitchin	Russell
Ashbrook	Fitzgerald	Konig	Sabath
Ayres	Flood, Va.	Korbly	Saunders
Bathrick	Floyd, Ark.	Lamb	Scully
Beall, Tex.	Fornes	Lee, Ga.	Shackleford
Blackmon	Fowler	Lever	Sharp
Boehne	Francis	Levy	Sims
Brantley	Gallagher	Lewis	Slayden
Buchanan	Godwin, N. C.	Linthicum	Smith, Tex.
Bulkley	Goeke	Littlepage	Stanley
Burleson	Goldfogle	Lloyd	Stedman
Burnett	Goodwin, Ark.	McCoy	Stephens, Nebr.
Byrns, Tenn.	Graham	McDermott	Stephens, Tex.
Candler	Gray	McGillicuddy	Stone
Carlin	Gregg, Pa.	McKellar	Sulzer
Carter	Gregg, Tex.	Maguire, Nebr.	Sweet
Claypool	Gudger	Maher	Taggart
Clayton	Hamill	Martin, Colo.	Talbott, Md.
Cline	Hamlin	Murray	Thayer
Connell	Hammond	Neeley	Townsend
Conry	Hardy	Oldfield	Tribble
Cox, Ind.	Harrison, Miss.	O'Shaunessy	Tuttle
Cravens	Harrison, N. Y.	Padgett	Underhill
Cullop	Hay	Page	Underwood
Curley	Hayden	Palmer	Watkins
Davis, W. Va.	Heflin	Pepper	Webb
Dent	Hensley	Peters	Wilson, N. Y.
Denver	Holland	Post	Witherspoon
Dickinson	Houston	Pou	
Difenderfer	Howard	Rainey	
Dixon, Ind.	Hughes, N. J.	Raker	

ANSWERED "PRESENT"—4.

Foster	Mays	Riordan	Sparkman

NOT VOTING—131.

Aiken, S. C.	Dies	Konop	Redfield
Ainey	Dodds	Kopp	Reyburn
Andrus	Dupré	Lafean	Richardson
Anthony	Dyer	Langham	Roberts, Nev.
Barnhart	Edwards	Langley	Roddenbery
Bartlett	Ellerbe	Lawrence	Rothermel
Bell, Ga.	Esch	Legare	Rucker, Mo.
Booher	Faison	Lindsay	Sells
Borland	Ferris	Littleton	Sheppard
Bradley	Fields	Lobeck	Sherley
Broussard	Fordney	Loud	Sherwood
Brown	Gardner, Mass.	McCreary	Sisson
Burgess	Garner	McGuire, Okla.	Slemp
Burke, Pa.	Garrett	McHenry	Small
Butler	George	McKenzie	Smith, J. M. C.
Byrnes, S. C.	Glass	Macon	Smith, Cal.
Callaway	Gould	Madden	Smith, N. Y.
Campbell	Hamilton, Mich.	Martin, S. Dak.	Stack
Cantrill	Hamilton, W. Va.	Matthews	Stephens, Miss.
Cary	Hardwick	Moon, Pa.	Talcott, N. Y.
Catlin	Harris	Moon, Tenn.	Taylor, Ala.
Clark, Fla.	Hayes	Moore, Tex.	Taylor, Colo.
Collier	Helm	Morgan	Thistlewood
Cooper	Henry, Conn.	Morse, Wis.	Thomas
Covington	Henry, Tex.	Murdock	Turnbull
Cox, Ohio	Higgins	Nelson	Vreeland
Currier	Hinds	Nye	Warburton
Curry	Hobson	Olmsted	Weeks
Dalzell	Hughes, Ga.	Patten, N. Y.	Wilder
Daugherty	Jackson	Porter	Wilson, Pa.
Davenport	James	Powers	Wood, N. J.
Davidson	Kindred	Pujo	Young, Tex.
Dickson, Miss.	Kinkead, N. J.	Randell, Tex.	

So the motion to concur was rejected.

The Clerk announced the following pairs:

For the session:

Mr. TURNBULL with Mr. HAYES.

Mr. BARTLETT with Mr. BUTLER.

Mr. FORNES with Mr. BRADLEY.

Mr. BELL of Georgia with Mr. LANGHAM.

Mr. BURGESS with Mr. WEEKS.

Mr. GLASS with Mr. SLEMP.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. TAYLOR of Alabama with Mr. HIGGINS.

Mr. LOBECK with Mr. HAMILTON of Michigan.

Mr. STEPHENS of Mississippi with Mr. ROBERTS of Nevada.

Mr. SMALL with Mr. REYBURN.

Mr. SISSON with Mr. MATTHEWS.

Mr. PUJO with Mr. WILDER.

Mr. RODDENBERY with Mr. PORTER.

Mr. REDFIELD with Mr. POWERS.

Mr. MOON of Tennessee with Mr. MOON of Pennsylvania.

Mr. LITTLETON with Mr. MARTIN of South Dakota.

Mr. KONOP with Mr. VREELAND.

Mr. KINKEAD of New Jersey with Mr. SELLS.

Mr. JAMES with Mr. J. M. C. SMITH.

Mr. HUGHES of Georgia with Mr. MCKENZIE.

Mr. HOBSON with Mr. MCGUIRE of Oklahoma.

Mr. HENRY of Texas with Mr. MCCREARY.

Mr. GEORGE with Mr. LAWRENCE.

Mr. FOSTER with Mr. KOPP.

Mr. GARNER with Mr. LAFEAN.

Mr. FERRIS with Mr. JACKSON.

Mr. FAISON with Mr. HINDS.

Mr. DUPRÉ with Mr. HENRY of Connecticut.

Mr. DIES with Mr. HARRIS.

Mr. COVINGTON with Mr. DODDS.

Mr. COLLIER with Mr. CURRY.

Mr. CLARK of Florida with Mr. CURRIER.

Mr. RANDELL of Texas with Mr. CATLIN.

Mr. BOOHER with Mr. CARY.

Mr. BARNHART with Mr. BURKE of Pennsylvania.

Mr. AIKIN of South Carolina with Mr. AINEY.

Mr. SHERLEY with Mr. OLMSTED.

Mr. SHEPPARD with Mr. BATES.

Mr. RICHARDSON with Mr. NYE.

Mr. LEGARE with Mr. LOUD.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. GARRETT with Mr. FORDNEY.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. FIELDS with Mr. LANGLEY.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. SHERWOOD with Mr. WOOD of New Jersey.

Mr. EDWARDS with Mr. DALZELL.

Mr. MAYS with Mr. THISTLEWOOD.

Ending August 28:

Mr. BYRNES of South Carolina with Mr. MADDEN.

Ending August 1:

Mr. Cox of Ohio with Mr. ANTHONY.

The result of the vote was announced as above recorded.

Mr. FITZGERALD. The next is amendment numbered 116, page 102.

The SPEAKER. What motion does the gentleman wish to make?

Mr. MANN. Mr. Speaker, I ask that amendment numbered 116 be reported.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment 116, page 91, after line 25, insert the following:

"(116) PENSION BUREAU.

"Three hundred thousand dollars, or so much thereof as may be necessary, to employ, temporarily, extra clerks by the Commissioner of Pensions to aid him in the work incident to the adjudication of pension claims filed under the act entitled 'An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico,' approved May 11, 1912, at salaries not to exceed $1,200 each; and in order to facilitate said work the Commissioner of Pensions is authorized to employ clerks heretofore employed in other departments of the Government service, or others who may be sufficiently skilled to do the required work, without complying with the requirements of the civil-service laws: *Provided, however,* That none of said extra clerks shall continue in the service beyond the fiscal year of this appropriation without further legislation, or by reason of said employment alone be eligible for transfer to the service in other departments, or be continued longer than may be necessary to do the work hereby provided for."

Mr. FITZGERALD. Mr. Speaker, I move that the House disagree to the Senate amendment.

The SPEAKER. The gentleman from New York moves that the House disagree to Senate amendment numbered 116.

Mr. CANNON. Mr. Speaker, I move that the House do concur in the Senate amendment.

The SPEAKER. The gentleman from Illinois moves that the House concur in the Senate amendment.

Mr. CANNON. Mr. Speaker——

Mr. FITZGERALD. Mr. Speaker, I think I am entitled to the floor, although the gentleman's motion is preferential.

Mr. MANN. We are under the five-minute rule.

Mr. FITZGERALD. I will yield the gentleman five minutes.

Mr. MANN. We are under the five-minute rule.

Mr. CANNON. We are under the five-minute rule, and I understand the gentleman is entitled to first recognition; but, Mr. Speaker, I shall be glad to have unanimous consent of the House to proceed for 15 minutes to discuss the motion to concur. I think I shall not use so much time.

Mr. FITZGERALD. Mr. Speaker, I suggest the gentleman ask for 10 minutes.

Mr. CANNON. I should prefer 15, although I think I shall not use so much time.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for 15 minutes.

Mr. MANN. I think we could agree upon a time for closing debate, and then we could divide the time.

Mr. FITZGERALD. How much time does the gentleman wish on that side?

Mr. MANN. Fifteen minutes, I think.

Mr. FITZGERALD. Mr. Speaker, I move that debate on the amendment close in 30 minutes, one half to be controlled by the gentleman from Illinois and one half by myself.

Mr. MANN. That will give the gentleman from Illinois 15 minutes.

Mr. CANNON. Precisely; but yet gentlemen upon the Pensions Committee and others may desire to be heard upon this matter, and I would be glad to have 15 minutes myself.

Mr. FITZGERALD. I think we can easily agree on a time.

Mr. CANNON. I will agree with the gentleman at the close of any remarks that he desires to make, but I desire to be allowed 15 minutes.

Mr. FITZGERALD. All that is to be said can be said on this amendment in five minutes. I ask unanimous consent that debate on the amendment be limited to 30 minutes, 15 minutes to be controlled by the gentleman from Illinois and 15 minutes by myself.

The SPEAKER. The gentleman from New York asks unanimous consent——

Mr. CANNON. Make it 40 minutes.

Mr. FITZGERALD. We have another amendment to vote on yet.

Mr. CANNON. I think we have plenty of time; we have not done much in the House to-day—well, I will say, make it 30 minutes.

The SPEAKER. The gentleman from New York asks unanimous consent that debate on the amendment be closed at the end of 30 minutes, one half of that time——

Mr. CANNON. I want to say to the Members of the House——

Mr. FITZGERALD. Let us get an agreement before we begin the debate.

Mr. CANNON. But in getting the agreement I want to say to Members of the House I apprehend I shall use the whole 15 minutes myself.

Mr. MANN. That is understood.

The SPEAKER. The gentleman from New York asks unanimous consent that debate on this amendment be concluded in 30 minutes, one-half to be controlled by him and one-half by the gentleman from Illinois [Mr. CANNON]. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois is entitled to 15 minutes.

Mr. CANNON. The gentleman from New York is first entitled to the floor.

Mr. FITZGERALD. Mr. Speaker, this amendment of the Senate provides $300,000 for extra clerical services during the current fiscal year for the Pension Bureau. Its purpose is to enable the Commissioner of Pensions to obtain such additional clerical services as may be necessary to carry out the provisions of the general pension act approved on the 11th day of May, 1912. This law has been approved since the 11th of May, 1912. No request has come from the Pension Bureau for additional help——

Mr. ANDERSON of Ohio. Mr. Speaker——

Mr. FITZGERALD (continuing). No estimate has been submitted by the Commissioner of Pensions——

Mr. ANDERSON of Ohio. Will the gentleman yield for a question?

Mr. FITZGERALD. I would like to make a statement of a minute or two and then I will yield.

The SPEAKER pro tempore (Mr. MURRAY). Does the gentleman yield?

Mr. FITZGERALD. Not just at present—and no one in this House has any information upon which they can intelligently act regarding this amendment. This amendment was not inserted in the Senate by a committee after investigation.

It was proposed by a Senator when the bill was under consideration and, as is usual in many cases, accepted rather than to provoke debate or controversy. I understand this money is not wanted by the Commissioner of Pensions. This provision is so framed that even if additional clerical service were required the clerks that could be employed under it would not be of the character that would be of any value, but would be of the character that would be imposed upon him in order to take care of needy political helpers throughout the United States.

Mr. ANDERSON of Ohio. Does the gentleman get his information direct from the Pension Bureau?

Mr. FITZGERALD. I did not say so.

Mr. ANDERSON of Ohio. I came from the Pension Bureau, and the commissioner says he wants the help.

Mr. FITZGERALD. The commissioner probably told that to the gentleman from Ohio, understanding his attitude on these matters, but the commissioner has never hesitated to observe the law, and whenever he wanted help or money he has submitted an estimate in accordance with the law. My information comes from a source sufficiently reliable to satisfy me and to justify my statement that the services that could be employed under this item, as shrewdly and carefully prepared, is not the character of services that would be of any value whatever in the Pension Office. But this $300,000 would be very helpful—materially so—to the Republican Party in its distress at this time in providing for a number of persons who can not be provided for in any other way.

Mr. COX of Indiana. Will the gentleman yield for one moment?

The SPEAKER pro tempore. Will the gentleman from New York [Mr. FITZGERALD] yield to the gentleman from Indiana [Mr. Cox]?

Mr. FITZGERALD. I yield to the gentleman.

Mr. COX of Indiana. On last Saturday I was at the Pension Bureau, and was informed by the officers in charge that 450,000 claims had been filed, and they had adjudicated 25,000 of the new claims, and were able with the force that they then had to take care of a thousand claims a day from now on.

Mr. FITZGERALD. I understand that to be the fact. And, moreover, the Commissioner of Pensions has had 71 days——

Mr. ANDERSON of Ohio. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. FITZGERALD. I decline to yield to the gentleman at present. The Commissioner of Pensions has had 71 days in which to submit an estimate or a request for any help that he would need, and he has not done so. Mr. Speaker, when the Sherwood pension bill was under consideration I made the statement to the House that if the House were to enact that bill it should be fair about it, and do so with the understanding that it would give to the Pension Office whatever additional assistance would be required. I made the statement that I would personally insist upon giving to the Pension Office any additional help that might be required by the enactment of that law. That bill did not become a law. A very different bill became a law. My statement was well known in the Pension Office, as it is in the other departments here in Washington, and no one with any responsibility, with any official standing, has requested that this appropriation be made. No one has suggested it. No one familiar with the conditions in the Pension Office has said that this additional help is necessary. I hope the House, in view of these circumstances, will not, in order simply to gratify a whim of gentlemen upon that side, or of others, vote $300,000 unnecessarily to provide help that is not needed. These pensions take effect from the date of the application, and I understand that they will be cleaned up so quickly that nobody will suffer inconvenience or any unusual delay beyond that suffered by any person ordinarily applying for a pension. Indeed, they will not be delayed nearly as much.

Mr. Speaker, I reserve the balance of my time. [Applause.]

The SPEAKER pro tempore. The gentleman from New York [Mr. FITZGERALD] has eight minutes remaining, which he has reserved, and the gentleman from Illinois [Mr. CANNON] has 15 minutes.

Mr. CANNON. Mr. Speaker, I wish the Chair would notify me when I have consumed 10 minutes.

The SPEAKER pro tempore. The Chair will do so.

Mr. CANNON. Mr. Speaker, under the provisions of the new pension law there have been over 420,000 claims filed—a great number. The gentleman from Indiana [Mr. Cox] says—and I do not know by what authority he speaks, but it may be true—that a thousand cases a day may be taken care of at the Pension Bureau.

Mr. COX of Indiana. My authority comes from the bureau itself.

Mr. CANNON. Precisely. That is the gentleman's statement, and I have no doubt he thinks it is correct; but that means 420 working days, with 30 days' leave of absence, for this force in the Pension Office, even upon the gentleman's showing. If nothing else was done touching current business in the Pension Office, it would be substantially two years before these claims could be disposed of.

Now, in 1890, when the law was passed known as the disability pension act, the force was increased by 420 clerks. Since that time the force has been decreased—I am speaking of clerical employees now—to 767 in the Pension Bureau.

Now, I am speaking of facts, and I want to call the attention of the gentleman from New York to a very significant fact—that to-day the current work for the coming fiscal year, without any reference to these 420,000 new claims now pending under the new pension law lately passed, gives employment to 767 clerks, and the legislative appropriation bill carries that number. They are provided to do current work aside from the work that is to be done on these 420,000 new claims, with still other claims to be filed hereafter. Now, are you going to suffer the current work to be put aside in order that the claims under the law that was passed in May last may be taken up?

I am getting letters almost by the score every day from men who say, "I am old and incapacitated; we are dying at the rate of nearly 40,000 a year." I refer these letters, in part, until I find what the answer is to be, to the Commissioner of Pensions, and there comes back the statement that in this avalanche of claims they have got to be docketed and numbered, and they can not even give the number on the docket, and most of them have not been docketed and numbered. I send the answer to the aged and destitute old veteran of the War for the Union, and once in a while I get a letter in reply protesting very seriously.

Mr. ANDERSON of Ohio. Mr. Speaker, will the gentleman yield?

Mr. CANNON. In a moment. Now, one of two things is absolutely certain. The Committee on Appropriations, over which the gentleman from New York [Mr. FITZGERALD] so ably presides, recommended appropriations on the legislative appropriation bill for 767 clerks, on the estimate submitted before the new pension bill was passed, and the gentleman says:

That is enough.

He says:

We have no estimate from the Commissioner of Pensions for additional force. We have not heard. No demand has been made. One thousand cases can be adjudicated in a day.

That would be two years, if you count out holidays and leaves of absence, even if no current work were done during that time.

Mr. LONGWORTH. Does the gentleman believe——

Mr. CANNON. In a moment. Now, then, gentlemen on both sides of this House voted for this new pension legislation. We

on this side almost solidly voted for that legislation, and most of you on that side, under the leadership of that gallant soldier of the Civil War, Gen. SHERWOOD—all of you but about 70 or 80—voted for this legislation. Now, are you going to let from 40,000 to 80,000 of these veterans die annually before their claims are disposed of, because you say it will cost $300,000?

Mr. ANDERSON of Ohio. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. CANNON. I will yield just for a question.

Mr. ANDERSON of Ohio. Does not the gentleman's information agree with mine—the information that the gentleman has received from the Pension Bureau—to the effect that they require necessary help over there to adjudicate these claims?

Mr. CANNON. Oh, I have not had any communication from the Pension Bureau. I do not need any. This new pension law is a dead letter if its execution and administration are unduly delayed. Anybody can see it. Even my friend, the chairman of the committee, can see it, when I call his attention again to it. Seven hundred and sixty-seven clerks are needed in the bureau to dispose of current work there, and would be needed if the bill had not been passed, and the gentleman does not propose to increase the number by one single clerk.

Mr. ANDERSON of Ohio. I had not quite finished my question.

Mr. CANNON. All right. I have very little time.

Mr. ANDERSON of Ohio. I just wanted to make this statement, that any Member of the House who votes against this amendment votes against his private pension bill in the Committee on Invalid Pensions, because they have a rule that they will not consider a claim by special act until the claim of the old soldier has been adjudicated at the Pension Bureau.

Mr. CANNON. That is correct. Now, does the gentleman from Ohio [Mr. LONGWORTH] desire to ask me a question?

Mr. LONGWORTH. Yes. I merely wanted to ask the gentleman if he believed that, with the present clerical force, they could adjudicate more than 1,000 claims a day in addition to the regular current work that they would otherwise do?

Mr. CANNON. No; they could not adjudicate 1,000 claims a day unless these 767 clerks turned aside from their current work and devoted their time entirely to the new claims. They would have to work constantly on these new claims, even according to the statement of the gentleman from Indiana [Mr. Cox], and neglect current business of the Bureau of Pensions. Oh, the gentleman from New York [Mr. FITZGERALD] says there are no good clerks to employ; that there is no trained force. Why, this clerical force has been decreased, and there are many of the former clerks in the city and in the country. There are plenty of experts who will come in for the $1,200 a year. The gentleman from New York said that the Republican Party in its desperation must have these 300 people appointed at $1,200 a year or it will sink. In my judgment that was not worthy of the gentleman.

The SPEAKER pro tempore. The Chair will state to the gentleman from Illinois that he has now used nine minutes of the time at his disposal.

Mr. CANNON. I will ask the Chair to notify me at the end of three minutes more.

Mr. Speaker, what a contention that was for the gentleman from New York [Mr. FITZGERALD] to make. I am glad to see gentlemen present here from the State of Ohio and Indiana, especially the Member from the Muncie district [Mr. ADAIR]. I had many letters written by Indiana Democratic Members while I was Speaker of the House to their constituents sent to me, saying that the wicked Speaker would not let a pension bill be passed, and the Indiana democracy passed a platform that tore passion to tatters. I had no defense except now and then to answer a letter briefly, explaining the conditions, saying that I favored and would do all I could for liberal legislation.

A Democratic House came in. We have the present pension legislation. We Republicans voted for it. You Democrats voted for it, except 70 or 80 of you; and I want to say to you gentlemen, when you flap your wings and crow and say, "We passed this bill," unless you give these 300 clerks to adjudicate these claims you will have to reckon with the soldier population that you sought to deceive at my expense and whom you unjustly deceived while I was Speaker, because you will be saying, "Yes; we enacted the law," but now if you follow the lead of the gentleman from New York you will refuse to give the force to adjudicate the claims.

Now, I will reserve the balance of my time.

Mr. RUCKER of Colorado. Will the gentleman yield for a question?

Mr. CANNON. I will reserve the balance of my time, but will yield to the gentleman later if I have the time.

Mr. FITZGERALD. If the gentleman from Illinois is going to use the remainder of his time, I will ask him to use it now, as I have only one speech.

Mr. CANNON. It is my motion. I have the close.

Mr. FITZGERALD. I think I have the close.

Mr. BATHRICK. Mr. Chairman, a parliamentary inquiry. Is a pro forma amendment in order?

The SPEAKER pro tempore. If the gentleman will state his amendment the Chair will pass upon the question whether or not it is in order.

Mr. BATHRICK. I move to strike out the last word.

Mr. MANN. I make the point of order that the amendment is out of order.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of order that the amendment is not in order, and the Chair rules that the point is well taken.

Mr. BATHRICK. I ask permission to extend my remarks in the RECORD on this amendment.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FITZGERALD. If the gentleman from Illinois is not going to use his time, I will ask for a vote.

Mr. CANNON. Has the gentleman only one speech to make in conclusion?

Mr. FITZGERALD. That is all.

Mr. CANNON. How much time have I?

The SPEAKER. Four minutes.

Mr. CANNON. I yield four minutes to my colleague [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for four minutes.

Mr. MANN. Mr. Speaker, there are over 400,000 pension claims now pending under the new pension law, undisposed of in the Bureau of Pensions. The question is whether the House having added these 400,000 pension claims to the work of the Pension Bureau and having promised the old soldiers that they would give them this additional amount during the balance of their lives, will keep that promise sacred and permit the money to be paid or whether it is an Indian promise—only made to be taken back. [Applause.] You on that side of the House have laid great stress on the fact that a part of the Democrats voted for the Sherwood pension bill. That part who so valiantly and patriotically voted for the Sherwood pension bill are to-day on trial on this amendment, because unless this amendment is passed more than 80,000 of these old veterans will pass away before their claims can be adjudicated. Do you propose to feed them on promises or do you propose to give them money with which to buy food and clothing?

Mr. ALLEN. Mr. Speaker, will the gentleman yield?

Mr. MANN. For a question.

Mr. ALLEN. Has the gentleman any information as to how long it would take one of the regular employees to instruct one of the proposed new employees in the examination and adjudication of these claims?

Mr. MANN. Mr. Speaker, I have talked with the Commissioner of Pensions, and, without attempting to quote him, I say that under the Sherwood bill, which is in part a service bill, it takes a great deal of time to search for and find the service of every applicant, and a new clerk in the Pension Office is as able to do that as one who has been there for years, because it is a new proposition. [Applause on the Republican side.] That is where the main work comes in. Every applicant must have his Army service scanned; there must be taken from the service any time which he has lost. The Pension Office is to-day overcrowded with that work, and we propose from the knowledge we have on our side to relieve the office without an estimate and without a demand; we put the extra work on the Pension Bureau, but we are prepared to give them the extra help. We are willing to say now to these old soldiers that "we promised you additional money in your old age and we will give you the money and not blank promises," as suggested by the gentleman from New York. [Applause on the Republican side.]

The SPEAKER. The gentleman from New York has eight minutes remaining.

Mr. FITZGERALD. Mr. Speaker, the interest of gentlemen on that side of the House in this matter is very amusing. The present Chief Executive returned to the city one night, stopping over between trips in his primary campaign, in order to sign the pension bill, in the hope that it might benefit him in the primaries. Apparently he has grown so cold that, although 71 days have passed since that eventful night, neither he nor anyone else in his administration has discovered the need

for any additional help in the Pension Office. [Applause on the Democratic side.] The gentleman from Illinois himself has special means of obtaining information from the Pension Office. A distinguished citizen of his is one of the deputy commissioners there, and it has been charged from time to time that he was not overburdened with work, and attempts have been made to abolish the place, but even he has sent no communication to the gentleman from Illinois calling attention to the fact that the Pension Office is sadly in need of the additional help.

We understand the anxiety of the gentleman from Illinois in this matter. There is a large soldiers' home in his district, and after eight years' service in the Speaker's chair, during which it was absolutely impossible, until the dying hours of his service, to pass a general pension bill, now when the Democrats have the House and have passed a bill he is trying to outdo himself to show that he is favorable to the old soldier. [Applause on the Democratic side.]

There is a peculiar reason for anxiety on that side of the House for this amendment. Three hundred thousand dollars available now, just before the campaign opens, for the employment of "clerks heretofore employed in other departments of the Government service or others who may be sufficiently skilled to do the required work, without complying with the requirements of the civil service." [Laughter and applause on the Democratic side.]

Oh, yes; the old soldier is what the appeal is made for, but the need of men to spend their time out on the hustings and at the polls on election day is what is desired to help perpetuate this administration in office.

If there be a need for these clerks, the Commissioner of Pensions can estimate for them. This session of Congress has been prolific of and notorious for the supplemental estimates that have been submitted, exceeding those of any other session in the history of our Government. And yet gentlemen would have us understand that in so important a matter as this no one in the administration was sufficiently alive to the situation to suggest the necessity for this help. Not even a Republican Senator made any such suggestion. The amendment was adopted in the Senate upon the motion of a Democrat.

Mr. Speaker, if there be need for additional clerks it is easy for the administration to make that fact known; it is easy to communicate that fact to Congress. This bill is to go to conference, and there will be ample time for the administration to furnish accurate information as to what will be needed, and there will be plenty of opportunities for the conferees to draft an amendment that will provide any additional help that may be needed.

Mr. ANDERSON of Ohio. Will the gentleman yield?

Mr. FITZGERALD. No; I decline to yield. The clerks to do the work can then be selected and required to do their work here in Washington, and not out on the hustings in the next few months in the interest of some gentlemen. I ask this side of the House not to be misled by declarations of sympathy coming from that side of the House, not to be misled by protestations of interest for the old soldier, but to let this matter go to conference. Then, if gentlemen on that side of the House, not having been able to do so during the last 71 days, during the next 5 days or the next 10 days can get accurate information from official sources that these services are actually required, the House can very easily agree upon a provision that will give all of the help actually needed. Until that is done I hope that this amendment will not be agreed to and that the gentleman's motion will be voted down. [Applause on the Democratic side.] I desire to insert as part of my remarks two communications which show the impropriety of adopting the amendment, one from the president of the United States Civil Service Commission, the other from the president of the National Civil Service Reform League.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., July 28, 1912.

Hon. JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives.

SIR: The commission has the honor to invite your attention to the provision contained in amendment No. 116, at pages 102 and 103 of the sundry civil bill (H. R. 25069), which passed the Senate, with amendments, on July 24, 1912, and is now before the House. The provision referred to is one making appropriation of $300,000 to employ extra clerks outside the civil-service law.

The proposed appropriation would permit the employment of 250 clerks at the maximum compensation stated during the entire year, or a much larger number for a shorter period. The proposal seems opposed to the declared policy of the House of Representatives and of the President to secure economy and to the provision in the legislative appropriation bill as it passed the House, that no original appointments should be made to fill vacancies during the present fiscal year.

No legislation permitting any considerable number of appointments without reference to the civil-service act and rules has been passed since the War with Spain. A large number of the clerks then appointed without examination were afterwards covered into the classified service through act of Congress, and the service has barely recovered from this unnecessary and, as the commission believes, ill-advised legislation. The commission has ample eligibles, and many of these eligibles are persons who have had clerical experience in the Census Office, Treasury, and other departments in which reductions of force have been and are being made. It would be an injustice to deprive these persons of proved capacity of opportunity for appointment. The provision will require the separation of the persons appointed without reference to the civil-service law at the end of the year, and the Bureau of Pensions will be unable to avail itself, in filling vacancies in the regular force, of the experience which they have acquired. If it should be found that extra clerks would still be needed, Congress would be importuned to authorize the permanent appointment of such additional clerks. It is within the power of the President to make exceptions and permit the employment of former Government clerks or others. There is therefore no necessity for exception by legislation.

If appointments are made without examination, they will inevitably be persons of inferior ability, the work will be unnecessarily prolonged, and the cost increased. Experience has shown that the majority of employees appointed on the basis of political favor are far below the average of persons of like grade appointed through competitive examinations. To exempt these persons from the civil-service law would be contrary to the party platforms just adopted by each of the great parties. If the additional employees can be appointed as needed from the ample registers of eligibles, better service will be secured than will otherwise be possible, the efficiency of the force will be greatly bettered, and the cost of the work correspondingly reduced.

The experience of the commission shows that little inconvenience is occasioned to the departments in supplying very large numbers of temporary employees in cases of emergency. It is a misconception that it requires red tape, delay, and circumlocution to set the machinery of the commission in motion. Any other way of securing eligibles involves many times the amount of time and labor that is required in choosing eligibles from the registers. Hundreds of appointments can be made from the registers in a few hours, and it only remains to send printed letters of appointment to the persons chosen.

By direction of the commission.

Very respectfully, JOHN C. BLACK, *President.*

NATIONAL CIVIL SERVICE REFORM LEAGUE,
New York, July 30, 1912.

Hon. JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

DEAR SIR: On behalf of the National Civil Service Reform League I desire to submit an earnest protest against the amendment to the sundry civil bill (H. R. 25069) introduced in the Senate and providing for an appropriation of $300,000 to employ additional clerks in the Pension Bureau outside of the civil-service law. This is amendment No. 116, at pages 102 and 103 of the bill.

The argument was made in the Senate that the passage of the act granting a service pension would entail extra work upon the Pension Bureau requiring an additional clerical force. But I can find nowhere in the argument, as printed in the CONGRESSIONAL RECORD, any reasons stated why this additional force of clerks, at salaries not to exceed $1,200, should be appointed outside the civil-service law. The only excuse for such a provision would be inability on the part of the Civil Service Commission to supply an adequate force within a reasonable time, but we are informed by the commission that it has upon its registers a full complement of eligibles from whom selection could be made for these positions. In view of the lack of any necessity for going outside the lists to make these appointments this provision in the bill is a gross injustice to those who have taken the examinations and qualified for positions in accordance with the law and custom.

The force thus thrown open to political appointments would number 250 or more. Congress could continue their appointment by further legislation next year and Members of Congress would be importuned by the force so appointed to grant an extension of employment or transfer to the classified service. There is no precedent for such a widespread exception since the days of the Spanish War, when in the face of full lists of eligibles on the plea of exigency a large force was appointed without regard to the rules. Before the lapse of any considerable time it was shown that this force was distinctly inferior in capacity to the regular civil-service employees, yet by subsequent action they were covered into the classified service. This amendment inserted by the Senate can not and will not be otherwise regarded than an attempt to secure patronage at the expense of the merit system, and we desire to urge as strongly as possible that the House of Representatives should not assent to it.

Respectfully, yours, ELLIOT H. GOODWIN, *Secretary.*

The SPEAKER. The question is on the motion of the gentleman from Illinois to concur in Senate amendment 116.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 165, nays 88, answered "present" 3, not voting 133, as follows:

YEAS—165.

Adair	Calder	Dwight	Gregg, Pa.
Akin, N. Y.	Cannon	Estopinal	Griest
Allen	Claypool	Fairchild	Guernsey
Ames	Cline	Farr	Hammond
Anderson, Minn.	Copley	Fergusson	Hanna
Anderson, Ohio	Cox, Ind.	Focht	Hartman
Ansberry	Crago	Foss	Hawley
Ashbrook	Crumpacker	Foster	Hayden
Austin	Cullop	Fowler	Heald
Barchfeld	Curley	Francis	Helgesen
Bartholdt	Curry	French	Hill
Bates	Danforth	Fuller	Howell
Bathrick	Davis, Minn.	Gardner, Mass.	Howland
Berger	De Forest	Gardner, N. J.	Hughes, W. Va.
Boehne	Denver	Gillett	Humphrey, Wash.
Bowman	Difenderfer	Goeke	Kahn
Brown	Dixon, Ind.	Good	Kendall
Browning	Donohoe	Graham	Kennedy
Bulkley	Doremus	Gray	Kinkaid, Nebr.
Burke, S. Dak.	Draper	Green, Iowa	Knowland
Burke, Wis.	Driscoll, M. E.	Greene, Mass.	Lafferty

La Follette	Mott	Rodenberg	Taylor, Ohio
Lee, Pa.	Murray	Rubey	Tilson
Lenroot	Needham	Rucker, Colo.	Towner
Lindbergh	Neeley	Scully	Underhill
Linthicum	Norris	Shackleford	Utter
Littlepage	O'Shaunessy	Sharp	Vare
Longworth	Patton, Pa.	Simmons	Volstead
McCall	Payne	Sloan	Warburton
McGillicuddy	Pepper	Smith, J. M. C.	Wedemeyer
McKinley	Pickett	Speer	Whitacre
McKinney	Plumley	Steenerson	White
McLaughlin	Post	Stephens, Cal.	Willis
McMorran	Pray	Stephens, Nebr.	Wilson, Ill.
Maguire, Nebr.	Prince	Sterling	Wilson, N. Y.
Mann	Prouty	Stevens, Minn.	Wilson, Pa.
Martin, Colo.	Raker	Stone	Woods, Iowa
Miller	Ransdell, La.	Sulloway	Young, Kans.
Mondell	Rauch	Sulzer	Young, Mich.
Moore, Pa.	Rees	Sweet	
Morrison	Reilly	Switzer	
Moss, Ind.	Roberts, Mass.	Taggart	

NAYS—88.

Adamson	Evans	Houston	Palmer
Alexander	Finley	Howard	Peters
Ayres	Fitzgerald	Hughes, N. J.	Pou
Beall, Tex.	Flood, Va.	Hull	Rainey
Blackmon	Floyd, Ark.	Humphreys, Miss.	Robinson
Brantley	Fornes	Jacoway	Rouse
Buchanan	Gallagher	Johnson, Ky.	Russell
Burleson	Godwin, N. C.	Johnson, S. C.	Sabath
Burnett	Goldfogle	Jones	Saunders
Byrns, Tenn.	Goodwin, Ark.	Kent	Sims
Candler	Gregg, Tex.	Kitchin	Slayden
Carlin	Gudger	Konig	Smith, Tex.
Carter	Hamill	Korbly	Stanley
Clayton	Hamlin	Levy	Stedman
Connell	Hardy	Lloyd	Stephens, Tex.
Conry	Harrison, Miss.	McCoy	Thayer
Cravens	Harrison, N. Y.	McDermott	Tribble
Davis, W. Va.	Hay	McKellar	Tuttle
Dent	Heflin	Maher	Underwood
Dickinson	Henry, Tex.	Oldfield	Watkins
Doughton	Hensley	Padgett	Webb
Driscoll, D. A.	Holland	Page	Witherspoon

ANSWERED "PRESENT"—3.

Mays	Parran	Riordan

NOT VOTING—133.

Aiken, S. C.	Dyer	Langley	Richardson
Ainey	Edwards	Lawrence	Roberts, Nev.
Andrus	Ellerbe	Lee, Ga.	Roddenbery
Anthony	Esch	Legare	Rothermel
Barnhart	Faison	Lever	Rucker, Mo.
Bartlett	Ferris	Lewis	Sells
Bell, Ga.	Fields	Lindsay	Sheppard
Booher	Fordney	Littleton	Sherley
Borland	Garner	Lobeck	Sherwood
Bradley	Garrett	Loud	Sisson
Broussard	George	McCreary	Slemp
Burgess	Glass	McGuire, Okla.	Small
Burke, Pa.	Gould	McHenry	Smith, Saml. W.
Butler	Hamilton, Mich.	McKenzie	Smith, Cal.
Byrnes, S. C.	Hamilton, W. Va.	Macon	Smith, N. Y.
Callaway	Hardwick	Madden	Sparkman
Campbell	Harris	Martin, S. Dak.	Stack
Cantrill	Haugen	Matthews	Stephens, Miss.
Cary	Hayes	Moon, Pa.	Talbott, Md.
Catlin	Helm	Moon, Tenn.	Talcott, N. Y.
Clark, Fla.	Henry, Conn.	Moore, Tex.	Taylor, Ala.
Collier	Higgins	Morgan	Taylor, Colo.
Cooper	Hinds	Morse, Wis.	Thistlewood
Covington	Hobson	Murdock	Thomas
Cox, Ohio	Hughes, Ga.	Nelson	Townsend
Currier	Jackson	Nye	Turnbull
Dalzell	James	Olmsted	Vreeland
Daugherty	Kindred	Patten, N. Y.	Weeks
Davenport	Kinkead, N. J.	Porter	Wilder
Davidson	Konop	Powers	Wood, N. J.
Dickson, Miss.	Kopp	Pujo	Young, Tex.
Dies	Lafean	Randell, Tex.	
Dodds	Lamb	Redfield	
Dupré	Langham	Reyburn	

So the motion to concur was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LEE of Georgia with Mr. MCCREARY.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. LAMB with Mr. HAUGEN.

The result of the vote was announced as above recorded.

Mr. FITZGERALD. Mr. Speaker, I ask that the next amendment be reported.

The SPEAKER. The Clerk will report amendment No. 183.

The Clerk read as follows:

Page 115, line 6, strike out the figures "200,000" and insert "300,000" in lieu thereof.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the paragraph may be reported.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the entire paragraph may be reported. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Page 134 of the bill, line 17:

"Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $10,000 for salaries of necessary employees at the seat of government, $300,000."

Mr. CANNON. Mr. Speaker, I move that the House concur in the Senate amendment.

Mr. FITZGERALD. I move that the House disagree to the Senate amendment.

The SPEAKER. The gentleman from Illinois moves to concur and the gentleman from New York to disagree to the Senate amendment. The question is on the motion of the gentleman from Illinois [Mr. CANNON] to concur in Senate amendment 183.

Mr. FITZGERALD. Mr. Speaker, I simply wish to say a word. In the years 1911 and 1912 a Republican Congress appropriated $200,000 for this purpose. The appropriation for the enforcement of the antitrust law originated in this House when proposed by a Democrat, the gentleman from Georgia [Mr. BARTLETT]. He proposed an appropriation of $250,000, and it was eventually agreed to appropriate half a million dollars. The appropriation was a continuing one until two years ago, when specific appropriations of $200,000 for each year were made. In the general deficiency bill, which was considered last week, the committee reported an item of $60,000 to supply deficiencies in this item and has evidenced a desire to place at the disposal of the Department of Justice all the money required properly to conduct this work. There are some matters connected with the expenditure of the money, however, which has made it necessary for Congress to keep a sharp watch upon it. In March, 1910, a very sharp controversy arose in the House as to the employment of Mr. Wade H. Ellis, of Ohio. It was announced that he had been separated from the service. On the 15th day of March, 1910, this discussion occurred in the House:

Mr. COX of Ohio. Will the gentleman state to this House now that it was not understood at the time that Mr. Ellis was to tender his resignation that he was to be attached to the Department of Justice in the prosecution of trust cases? Will the gentleman deny that to this House?

Mr. LONGWORTH. I have no information of the details of the occurrence the gentleman mentions. I simply make the statement that Mr. Ellis is not in the employ of the Department of Justice or in any other Government department; that since the day he sent in his resignation he has not drawn a cent of salary, and will not draw any.

Mr. COX of Ohio. Has there been a pay day since so that he could draw his salary?

Mr. LONGWORTH. I do not know about that. I know that he has not drawn a salary and that he is not going to.

And yet in a statement submitted to the Committee on Appropriations by the Attorney General and asking for a deficiency for this appropriation this year it appears on the 14th day of December, 1911, Mr. Wade H. Ellis was paid $7,000 for services. The committee has recommended in the bill as it passed the House the money that it was believed the administration could beneficially expend in the proper conduct of the Government's work. It did not allow any to take care of political favorites or of lawyers whom it was necessary to place upon the pay roll in order to enable them to do political work for the administration. Unless the House desires to place $100,000 more at the disposal of this administration for the purpose of enabling it more successfully to conduct its campaign, it will not agree to the motion offered by the gentleman from Illinois. [Applause on the Democratic side.]

Mr. CANNON. Mr. Speaker, the estimate made with the supplemental estimate coming from the Department of Justice formally transmitted calls for the service for the coming fiscal year, now the present fiscal year, $300,000, to enforce the antitrust law. The gentleman representing the Democratic Committee on Appropriations recommends $200,000. The deficiency bill, after a full hearing from the Attorney General, carries $60,000 deficiency for the late fiscal year, making $260,000 for the enforcement of the antitrust law for the year just passed. The estimates for this year, 1912-13, I say again, is $300,000. The House passed it for $200,000 and the Senate amends it by striking out $200,000 and inserting $300,000. The gentleman from New York says that this is an appropriation for the benefit of Republicans in the coming campaign. I deny it; and then he undertakes to muddy the water like the cuttlefish and swim away by saying that somebody said Wade H. Ellis some time or other got too large a fee. I am not discussing that question—I do not know; but I am discussing a live question. Ah, gentlemen, let us look into the facts. The gentleman from Georgia [Mr. BARTLETT], in 1904, when the Democrats were in the minority, made an appropriation, or it was made on his motion, of $500,000 to enforce this law. It was a continuing appropriation, the solid Democratic side voting for it, and we all voted for it upon our side.

Now, when there is an estimate for $300,000 for real service, it is cut to $200,000. There has been much talk upon that side about the acquirement of the Tennessee Coal & Iron Co. by the United States Steel Corporation some years ago. Oh, you have torn passion to tatters about it. Under this administration litigation is pending to dissolve the United States Steel

Corporation. You have spent $40,000 in making an investigation, and there is about to be born a report from the committee on investigation. Whoop-la! [Laughter.]

The SPEAKER. The time of the gentleman from Illinois [Mr. CANNON] has expired.

Mr. CANNON. Mr. Speaker, I would like to have five minutes more.

Mr. MANN. Mr. Speaker, I ask unanimous consent that my colleague may proceed for five minutes more.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that his colleague [Mr. CANNON] may have five minutes more. Is there objection?

There was no objection.

Mr. CANNON. Gentlemen, the enforcement of the law on the part of President Taft is, following his oath, not only commendable, but is to be commended. Under the prosecutions the Standard Oil Co. and the Tobacco Trust have been dissolved. There is a competition, resulting in an increase in the price of tobacco that is raised—a real competition is resulting. And under a vigorous enforcement of this law you propose to go upon the stump and want to enforce the antitrust law, and yet you withhold an increase of the appropriation of $100,000, asked for by the Attorney General and proposed by the Senate amendment, one of the best Attorneys General we have had in a generation. [Applause on the Republican side.] For one, gentlemen, in the enforcement of this righteous law that is being enforced I dare not vote against the proposition to concur in the Senate amendment. You may muddy the water; you may make an unfounded pretense that this appropriation is to be used in the coming elections, but you do not believe it, and there is nobody else who believes it. I want to say to you that if you withhold this appropriation you will impede the enforcement of the law, and will have to answer for it.

I think that is about all I can say in the short time allotted. I can not go into the details of various cases as to the enforcement of this law. But the country understands it. Do you want, pending the prosecution against the United States Steel Corporation to spend your $40,000 in investigation and then cut off $100,000 for the enforcement of the law? Do you want to pretend one thing, and, to use a very adequate word which a constituent of mine used, "protend" another? That seems to be the position of my honorable friend from New York [Mr. FITZGERALD]. [Applause on the Republican side.]

Mr. Speaker, I wish I had time to speak of the enforcement of the law by the present administration. The President has kept his oath—to see that the laws are enforced.

The Standard Oil Co. and the Tobacco Trust organization have been dissolved by the decree of the Supreme Court of the United States.

The National Packing Co., formed by the various meat-packing companies, is being dissolved on their own motion.

The International Harvester Co. proposed to dissolve its combination of many companies alleged to be in restraint of trade, but the Attorney General claimed it did not go far enough and has brought on behalf of the United States an action to dissolve that combination and the case is pending for trial.

Many other combinations believed to be in restraint of commerce among the States are being proceeded against; while many other alleged unlawful combinations, fearing the enforcement of the law, are preparing to dissolve and comply with the law.

Mr. Speaker, in addition to all this, many combinations possible in restraint of trade are not being formed, seeing that if formed they will be proceeded against for violating the antitrust law.

Sir, this administration has accomplished more in enforcing the antitrust law than was accomplished under all administrations since the enactment of the law in the year 1890.

In conclusion, I say if this House, dominated by you Democrats, refuses to appropriate the money necessary to enforce this law, whether intended or not, it is in the interest of the trusts in restraint of trade.

You may investigate and report upon your investigations, but you have no power to enforce the law, and all your investigations and reports are "but as the sounding brass and the tinkling cymbal" unless you appropriate the money to enforce the law by and through the decrees and judgments of the courts.

Mr. STANLEY. Mr. Speaker, I have just heard the remarkable statement that this House has spent $100,000 investigating the steel corporation. The gentleman missed it by over $60,000.

Mr. CANNON. I beg the gentleman's pardon. It was an oversight on my part and I will make the correction. I was thinking of the total amount that had been expended.

Mr. STANLEY. The amount, however, is not so material. It would have been well spent had the Government spent $200,000 instead of $39,000. It is more useless, it is more illogical, for the gentleman to attempt to separate the investigation conducted by the committee investigating the affairs of the United States Steel Corporation and the petition filed by the Government than it is to say we spent $100,000. The day that investigation was inaugurated the Commissioner of Corporations had, in black and white, given that corporation a clean bill of health. [Applause on the Democratic side.]

Mr. CANNON. Will the gentleman yield?

Mr. STANLEY. Certainly.

Mr. CANNON. Who was the Commissioner of Corporations?

Mr. STANLEY. Mr. Herbert Knox Smith.

Mr. CANNON. What has become of him?

Mr. STANLEY. Why, he has gone off after the bull moose. [Applause and laughter.] And it is a blessed thing that he is after the bull moose and that the bull moose is not after him, for he is, like Joey Bagstock, devilishly sly. He would never catch Mr. Smith.

That does not do you any good.

While Mr. Smith was Commissioner of Corporations under the bull moose administration, this letter was written under Mr. Taft's administration. He was Commissioner of Corporations until a week or two ago.

I do not care which horn of the dilemma you take. I am not settling disputes between the bull moose and the bull elephant. [Laughter on the Democratic side.] They both look alike to me. [Renewed laughter and applause.] The fact is that the Commissioner of Corporations had written to the President of the United States, stating that the syndicate which gave both of these concerns their birth was friendly, and that they could not afford to oppose it. The fact is that when the Commissioner of Corporations wrote that letter he had, according to Judge Gary's statement, a box car full of documents and statements showing that it was a guilty concern, as Mr. Herbert Knox Smith, by the investigations of this committee, was afterwards forced to admit.

Why, if you will take the petitions filed by the Government, you will find not one scintilla of proof, not one offense charged, that was not unearthed by that committee. You will not find an exhibit contained in those petitions that was not brought to light by that committee.

More than that, the gentleman that is conducting that suit—an able lawyer, and I do not wish to detract anything from his credit—will not deny that the facts upon which he relies were all brought out by this committee. [Applause on the Democratic side.]

What credit does a Commonwealth's attorney deserve who sits knowingly and silently by and sees the law violated time out of mind, and then when the streets are full of the cry of guilt, when some man has made it so apparent that he becomes particeps criminis if he does not act, he then reluctantly does his duty? [Applause on the Democratic side.]

Why, this administration, this Government, has no more right to claim that it voluntarily broke faith with its ancient ally——

The SPEAKER. The time of the gentleman has expired.

Mr. STANLEY. Mr. Speaker, I ask for five minutes more.

The SPEAKER. The gentleman from Kentucky [Mr. STANLEY] asks unanimous consent to speak for five minutes more. Is there objection?

There was no objection.

Mr. STANLEY. This administration, I say, can no more claim with consistency that it sought and attempted voluntarily, in order to prevent the destruction of competition, in order to prevent the dominance of trusts, to drag the Steel Trust to justice than Becker and Waldo in New York can claim that they were trying to break up gambling in the city of New York. [Applause on the Democratic side.]

Five years ago there was on file in your departments, in the Department of Justice and in the Bureau of Corporations of the Department of Commerce and Labor, the manifest, unquestioned, cumulative, overwhelming evidence that this corporation operated common carriers to the detriment of the public good, that it made railroad rates. Talk about rebates! Why, all the rebates that were ever received by Rockefeller, all the rebates of the Standard Oil, all the rebates of the Beef Trust, all the secret rates that were ever made or given can be piled into one huge mass and they will not equal the inordinate earnings that are made by the Steel Trust's roads in six months; and they knew it, and they suppressed the information concerning it. [Applause on the Democratic side.]

They had on file before them evidence of contracts in restraint of trade, that punished obedience to law with heavier fines than we punish violations of the law, and they suppressed it. [Applause on the Democratic side.]

The Steel Corporation, when it was prepared not to suppress competitors, but competition, over a domain extending from Ashland, Ky., to El Paso, Tex.; to throttle and destroy competition in a region whereon it never before maintained a foot of ground; when that monstrous conspiracy was hatching, they went overnight to the "man higher up" to know if they could get protection. The man to whom they went was Theodore Roosevelt, and they sent Frick and Gary to see him.

Mr. CANNON. Will the gentleman yield?

Mr. STANLEY. I will.

Mr. CANNON. If one-half of what the gentleman has stated is true, is not that a stronger argument than I could make in favor of concurring in the Senate amendment? [Applause on the Republican side.]

Mr. STANLEY. I think not. I see no use in paying a hundred thousand dollars more to enable your administration to lock the door after the horse is gone. [Applause on the Democratic side.]

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. CANNON] to concur.

Mr. MANN. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 149, answered "present" 4, not voting 137, as follows:

YEAS—99.

Akin, N. Y.	Fuller	Lafferty	Rees
Ames	Gardner, N. J	La Follette	Roberts, Mass.
Anderson, Minn.	Gillett	Lenroot	Rodenberg
Barchfeld	Good	Lindbergh	Simmons
Bartholdt	Gray	Longworth	Sloan
Bates	Green, Iowa	McCall	Smith, Saml. W.
Bowman	Greene, Mass.	McKinley	Speer
Browning	Griest	McKinney	Steenerson
Burke, S. Dak.	Guernsey	McLaughlin	Stephens, Cal.
Burke, Wis.	Hanna	McMorran	Sterling
Calder	Hartman	Mann	Stevens, Minn.
Cannon	Haugen	Miller	Sulloway
Copley	Hawley	Mondell	Switzer
Crago	Heald	Moore, Pa.	Taylor, Ohio
Crumpacker	Helgesen	Mott	Tilson
Danforth	Hill	Needham	Towner
Davis, Minn.	Howell	Neeley	Utter
De Forest	Howland	Norris	Volstead
Draper	Hughes, W. Va.	Patton, Pa.	Wedemeyer
Driscoll, M. E.	Humphrey, Wash.	Payne	Willis
Dwight	Kahn	Pickett	Wilson, Ill.
Fairchild	Kendall	Plumley	Woods, Iowa
Farr	Kennedy	Pray	Young, Kans.
Foss	Kinkaid, Nebr.	Prince	Young, Mich.
French	Knowland	Prouty	

NAYS—149.

Adair	Driscoll, D. A.	Johnson, Ky.	Reilly
Adamson	Estopinal	Johnson, S. C.	Robinson
Alexander	Evans	Jones	Rouse
Allen	Fergusson	Kent	Rubey
Anderson, Ohio	Finley	Kitchin	Russell
Ansberry	Fitzgerald	Konig	Sabath
Ashbrook	Flood, Va.	Korbly	Saunders
Ayres	Floyd, Ark.	Lamb	Scully
Bathrick	Foster	Lee, Ga.	Shackleford
Beall, Tex.	Fowler	Lee, Pa.	Sharp
Berger	Francis	Lever	Sims
Blackmon	Gallagher	Levy	Sisson
Boehne	George	Linthicum	Slayden
Brantley	Godwin, N. C.	Littlepage	Smith, Tex.
Brown	Goeke	Lloyd	Stanley
Buchanan	Goldfogle	McCoy	Stedman
Bulkley	Goodwin, Ark.	McDermott	Stephens, Nebr.
Burleson	Graham	McGillicuddy	Stephens, Tex.
Burnett	Gregg, Pa.	McKellar	Stone
Byrns, Tenn.	Gregg, Tex.	Maguire, Nebr.	Sulzer
Candler	Gudger	Maher	Sweet
Carlin	Hamill	Martin, Colo.	Taggart
Claypool	Hamlin	Morrison	Talcott, N. Y.
Clayton	Hammond	Moss, Ind	Thayer
Cline	Hardy	Murray	Townsend
Connell	Harrison, Miss.	Oldfield	Tribble
Cox, Ind.	Harrison, N. Y.	O'Shaunessy	Tuttle
Cullop	Hay	Padgett	Underhill
Curley	Hayden	Page	Underwood
Davis, W. Va.	Heflin	Palmer	Watkins
Dent	Henry, Tex.	Pepper	Webb
Denver	Hensley	Peters	White
Dickinson	Holland	Post	Wilson, N. Y.
Difenderfer	Houston	Pou	Wilson, Pa.
Dixon, Ind.	Howard	Rainey	Witherspoon
Donohoe	Hull	Raker	
Doremus	Humphreys, Miss.	Ransdell, La.	
Doughton	Jacoway	Rauch	

ANSWERED "PRESENT"—4.

Mays	Parran	Riordan	Sparkman

NOT VOTING—137.

Aiken, S. C.	Bradley	Cary	Curry
Ainey	Broussard	Catlin	Dalzell
Andrus	Burgess	Clark, Fla.	Daugherty
Anthony	Burke, Pa.	Collier	Davenport
Austin	Butler	Conry	Davidson
Barnhart	Byrnes, S. C.	Cooper	Dickson, Miss.
Bartlett	Callaway	Covington	Dies
Bell, Ga.	Campbell	Cox, Ohio	Dodds
Booher	Cantrill	Cravens	Dupré
Borland	Carter	Currier	Dyer
Edwards	Hughes, N. J.	Moon, Pa.	Sherwood
Ellerbe	Jackson	Moon, Tenn.	Slemp
Esch	James	Moore, Tex.	Small
Faison	Kindred	Morgan	Smith, J. M. C.
Ferris	Kinkead, N. J.	Morse, Wis.	Smith, Cal.
Fields	Konop	Murdock	Smith, N. Y.
Focht	Kopp	Nelson	Stack
Fordney	Lafean	Nye	Stephens, Miss.
Fornes	Langham	Olmsted	Talbott, Md.
Gardner, Mass.	Langley	Patten, N. Y.	Taylor, Ala.
Garner	Lawrence	Porter	Taylor, Colo.
Garrett	Legare	Powers	Thistlewood
Glass	Lewis	Pujo	Thomas
Gould	Lindsay	Randell, Tex.	Turnbull
Hamilton, Mich.	Littleton	Redfield	Vare
Hamilton, W. Va.	Lobeck	Reyburn	Vreeland
Hardwick	Loud	Richardson	Warburton
Harris	McCreary	Roberts, Nev.	Weeks
Hayes	McGuire, Okla.	Roddenbery	Whitacre
Helm	McHenry	Rothermel	Wilder
Henry, Conn.	McKenzie	Rucker, Colo.	Wood, N. J.
Higgins	Macon	Rucker, Mo.	Young, Tex.
Hinds	Madden	Sells	
Hobson	Martin, S. Dak.	Sheppard	
Hughes, Ga.	Matthews	Sherley	

So the motion to concur was not agreed to.

The following additional pairs were announced:

Until further notice:

Mr. PATTEN of New York with Mr. LAWRENCE.

Mr. CANTRILL with Mr. CURRY.

Mr. CARTER with Mr. AUSTIN.

Mr. HUGHES of New Jersey with Mr. FOCHT.

Mr. HELM with Mr. MATTHEWS.

Mr. CALLAWAY with Mr. VARE.

The result of the vote was then announced as above recorded.

Mr. FITZGERALD. Mr. Speaker, I move that the House ask for a conference with the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. FITZGERALD, Mr. SHERLEY, and Mr. CANNON.

SLAVERY IN PERU.

Mr. SULZER. Mr. Speaker, by direction of the Committee on Foreign Affairs, I report the following privileged resolution and ask to have it read and move its adoption.

The Clerk read as follows:

House resolution 649 (H. Rept. 1124).

Resolved, That the Secretary of State be directed, if not incompatible with the public interest, to transmit to the House of Representatives all information in the possession of his department concerning the alleged existence of slavery in Peru, and especially all information tending to show the truth or falsity of the following statement made in an editorial in the London Times of July 15, 1912: "The Bluebook shows that in an immense territory which Peru professes to govern the worst evils of the plantation slavery which our forefathers labored to suppress are at this moment equaled or surpassed. They are so horrible that they might seem incredible were their existence supported by less trustworthy evidence."

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

DUTIES ON WOOL.

Mr. UNDERWOOD. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 22195, the bill reducing the duties on wool and manufactures of wool, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Alabama asks unanimous consent to take from the Speaker's table the bill (H. R. 22195) reducing the duties on wool and the manufactures of wool, and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. UNDERWOOD, Mr. SHACKLEFORD, and Mr. PAYNE.

DUTIES ON MANUFACTURES OF COTTON.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 25034, a bill to reduce the duties on the manufactures of cotton, and, pending that motion, I ask unanimous consent that all gentlemen who speak on the bill may have permission of the House to extend their remarks in the RECORD for five legislative days after the completion of the bill.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into Committee of the Whole House on the state of the Union to consider House bill 25034, reducing the duties on manufactures of cotton, and, pending that, he asks that all gentlemen who speak on the bill may have five legislative days in which to extend remarks on the bill. Is there objection to the request?

There was no objection.

The motion of Mr. UNDERWOOD was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CURLEY in the chair.

Mr. CURLEY took the chair amid general applause.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 25034) to reduce the duties on manufactures of cotton, and the Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 25034) to reduce the duties on manufactures of cotton.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, I understand that the gentleman from Ohio [Mr. LONGWORTH] wishes to make a short statement, and I yield to him.

Mr. LONGWORTH. Mr. Speaker, a few moments ago the gentleman from New York [Mr. FITZGERALD] referred to a colloquy had about two years ago between the gentleman from Ohio [Mr. Cox] and myself. The gentleman from New York questioned the accuracy of a statement I made that Mr. Wade H. Ellis was not at that time drawing any pay from the Government. I simply desire to refer to the letter by the Attorney General on that subject, in which the following sentence occurs:

Mr. LONGWORTH'S statements are entirely accurate.

This letter was written in response to a request from the gentleman from Illinois [Mr. MANN] to be informed as to the facts in the case, and contains a full account of Mr. Ellis's connection with the Department of Justice. It appears on page 8435 of the RECORD of June 21, 1912. I think, in justice to Mr. Ellis, that I ought to make this statement.

Mr. UNDERWOOD. Mr. Chairman, it is a late hour and I do not desire to detain the House for a long discussion of this bill at this time. I think it but just to myself and to the Democratic members of the Ways and Means Committee that I should place in the RECORD at least the statement of why we do not amend a bill that we passed in the House a year ago after the report that has been made by the Tariff Board. I have a statement here, and instead of taking up the time of the House in making a speech upon it at this time, I shall avail myself of the general leave to print and print it in the RECORD. It is as follows:

Mr. Chairman, as was done with the wool report of the Tariff Board, the Ways and Means Committee has made a careful analysis of the cotton report transmitted to Congress by the President in his message of March 26, 1912. This analysis was made, and the results are being presented to the House because the President based his veto of the cotton bill of last session largely on the ground that the Tariff Board had not reported, and since he so strongly called attention in his message of March 26, 1912, to the value of the cotton report. This is the only additional information on cotton that has become available since the President's veto of last year, and in view of these conditions the committee has thought it proper to ascertain the findings of the Tariff Board in regard to cotton manufactures and to secure all possible benefit therefrom. The result of the committee's analysis of this cotton report affords the committee no ground for changing the duties on manufactures of cotton fixed in the bill passed by the House August 3, 1911. This will appear from the following summarization of the analysis of the report made by the committee:

1. The document has been prepared upon a basis quite different from that employed in the wool report, as the cotton report contains less costs on foreign goods and places a much larger reliance on foreign prices as a basis of comparison.

2. Could the data as to prices employed by the board in making the comparisons between the United States and foreign countries be accepted, it must be concluded that cotton goods can be sold on quite as low a basis in the United States as abroad. The apparent exception to this, according to the board, is found in the case of hosiery and knit goods, and for these goods quite inadequate data are presented.

3. The comparative data presented by the board do not cover the complete cotton schedule, but relate only to yarn, cloth, hosiery and knit goods, and to the cloth-finishing processes. No comparative data are presented for many of the items contained in paragraphs 5, 6, 7, 8, 9, 12, 13, 14, 15, and 16 of H. R. 25034. (See Appendix.) So imperfect and fragmentary are the few comparative data presented that no safe conclusions can be drawn therefrom with regard to fixing tariff rates. It is impracticable to check the alleged findings of the Tariff Board or the results reached from an analysis of its imperfect data against the rates presented in H. R. 25034.

4. The bill H. R. 12812, now H. R. 25034, was not framed with any protective purpose in mind, but with the view only to raising the maximum amount of revenue in keeping with a proper safeguarding of the consumers' interests.

5. So far as conclusions may be drawn from the Tariff Board's report, it shows that the excessive tariff duties are exerting a peculiarly harmful effect in maintaining a system of unnecessarily high prices to the consumer in the United States. The immediate remedy for this condition of affairs is the reduction of the rates which have rendered possible this system of extortion.

6. The board reaches the conclusions of the Democratic Members of Congress in 1909 and since with reference to the Payne-Aldrich revision of the cotton schedule.

CHARACTER OF REPORT.

In submitting the report to Congress, President Taft appears to have been of the opinion that the board's report supplied data necessary to serve as a basis for fixing new rates of duty on cotton manufactures. It has, however, been found that the document supplies information only with respect to paragraphs 1, 2, 3, 10, 11, 12, and 14 of the cotton schedule as numbered in the bill H. R. 25034. It fails to supply complete data covering the items in paragraphs 5, 6, 7, 8, 9, 12, 13, 15, and 16. Thus the data are found quite imperfect for a complete study of the cotton schedule. But it may be stated by gentlemen on the other side of the Chamber that it is not necessary to have the facts as to every paragraph or grouping throughout a tariff schedule; that the necessary material is that which supplies information as to cost of the chief items in the schedule, and that when this has been furnished it is possible to infer the rates on items that have not been included. This is based on the ground that the difference in cost or in conditions of production and sale of goods are about the same in all classes of articles. A superficial warrant for this argument might be found if it were true that the reports of the board show throughout a uniform variation in costs; that is to say, that if it appears that on yarn, cloths, tapestries, and so forth, the difference were of about the same range and description. This, however, is not the case. The board show that there is a maximum difference of about 13 per cent in the cost of production of cotton yarns of specified numbers between this country and England. But it also shows that there is no difference between the two countries in the cost of producing certain of the coarser cotton cloths. On the other hand, it shows that knit goods are enormously higher in cost here than abroad, and it suggests that the rates of duty be fixed to correspond. Nothing is therefore clearer from the report of the board than that there is no uniformity in these costs or prices, as the case may be, between the two countries. If, therefore, data are supplied for each of the items in the tariff schedule, it may fairly be stated that he who would fix rates of duty on the basis of the board's report must be entirely at sea much of the time, inasmuch as he not only has not received the data required, but must be convinced from a reading of the report that on these items, concerning which no comparative figures of costs or prices are presented, he has no basis even of an inferential character for the fixing of the rates to be levied on the goods.

Let us be perfectly frank about this matter, therefore, and admit that even those who claim that the board's work affords a foundation for the establishment of tariff duties can not profess to revise the tariff in more than a very few paragraphs by the use of the data furnished in the board's report. When they have used the figures given in the report for the purpose of guiding them in the establishment of rates on a few of the items, they will still be as much as ever in the dark concerning the rates that must be fixed upon the other items concerning which nothing whatever has been said. The report is therefore imperfect, incomplete, even if it were true that the figures actually furnished could be accepted as an absolute guide in the establishment of duties.

USE OF REPORT BY COMMITTEE.

The Committee on Ways and Means is under the necessity of formulating a bill which shall establish rates upon each item, without exception, throughout the whole schedule. It can not establish rates upon a few items and then say "We have no information as to the remainder of this schedule, but we believe it might possibly be so and so"; it must attempt to arrange the rates of duty upon some general and self-consistent basis. It must seek to make this basis as fair throughout and to adjust its prices to one another as well and as equitably as conditions will permit. Suppose that the committee were to accept the report of the Tariff Board, with the information on a very few paragraphs, as being the absolute guide for the establishment

of rates. How would it go to work to fix the other paragraphs of the tariff? It could not do so on the basis of its previously established information, because that points to an entirely different basis of duties. It could not arrive at the proper basis for the tariff rates on items which are not treated because it has no access to the Tariff Board's material, and the board itself has refused additional information whenever it has been asked to supply it. If, therefore, the basis that has been furnished it for the remodeling of the duties is absolutely out of the question because of its incompleteness, whatever may be thought of it from any other standpoint, it is clear that a revision of the tariff based upon this report would be impossible.

PRESENT RATES INTOLERABLE.

It is generally conceded that the rates of the present law are inequitable and intolerable. President Taft practically admits that in so many words. He says they are too high and should be cut down. Every other student of the cotton schedule recognizes the same fact. Every man who has had the slightest intimate knowledge of the trade admits that such is the case. The Ways and Means Committee was convinced of the situation after its investigation of last summer. It is now urged by the President of the United States who vetoed the cotton bill which was sent him, to prepare another cotton bill and to submit it for his signature. With such general agreement that the present rates are not what they should be, argument is very strong in favor of making a change. Evidently the Tariff Board's report has had an immediate effect upon the mind of the President, since it has convinced him that the time has come for altering the rates of duty, a fact which he has never before conceded. The Ways and Means Committee is therefore in the position of having offered a bill complete in its terms, based upon such careful investigation as it can give, and having on its side the fact that the present rates have been found to be intolerable and absurd, so that there is some reason to believe that the President who vetoed the schedule once might not do so were it offered to him again. On the other hand, the committee finds itself unable, even if it chose to do so, to fix rates upon a basis corresponding to what the board has suggested for the reasons already stated—the incompleteness of the work done by the board.

FORMER BILL INEVITABLE.

All of these facts make the reintroduction of the bill of last summer absolutely inevitable, from any serious or fair-minded standpoint. The committee then honestly believed that the rates fixed in the bill were the best they could get. It has had no information submitted to it since then that could be used as a foundation for establishing new rates. Taking the bill as a whole, the minds of the members of the committee are exactly in the same attitude as they were before reading this report. Called upon for the presentation of a new measure, there is nothing that they can do except to present once more the schedule of rates which, in their judgment, would constitute an improvement over existing conditions and which is justified by the investigation they have carried out.

There is the more reason for adopting this course of action since in the cotton report of the Tariff Board, as in its report on wool, there is nothing to show absolute rates of duty, and its remarks are so general, in this case as in the other, as to leave open a large field for conjecture and difference of opinion, even regarding the duties to be applied to those particular commodities upon which information has been more fully supplied. The reintroduction of the old bill is therefore not only the inevitable result but the course which answers to the dictates of reason and of the information possessed by the members of the committee at the present time. We believe that the bill passed by the House last summer and now again presented will be a great relief from the existing conditions, which have been so severely criticized, not only by the Tariff Board, but by every other investigator. We say to the country: You know from present conditions that they are unsatisfactory; you have been told by the present Tariff Board that existing methods can not safely continue, although the board have not indicated any substitute for them. Will you then try the measure which we have worked out with care, and which we believe to be of a nature to as fully as possible safeguard the interests of all those who are interested in cotton goods, either as producers, consumers, or traders?

AUTHORITY OF BOARD'S REPORT.

In all that I have said up to this point I have been speaking as if the authority of the board's report could not be questioned. I have assumed that the facts set forth in it were unmistakably accurate. But this assumption is an assumption only, and I do not believe it to be founded upon fact. An examination of the board's report has led me to believe that while the report is more complete than its predecessor on wool, it does not show any considerable gain in method of treatment. In many points it is less satisfactory than the wool report. Although President Taft has spoken at some length of the necessity of getting comparative costs of production on cotton cloth, this report does not afford them. It is a startling statement, but a true one, that the report itself does not contain a single cost actually obtained from foreign textile mills by agents of the board. The only actual cost afforded in the report is a collection of figures purporting to represent the cost of production in certain yarn mills in a small district in Lancashire. In offering these costs for seven or eight English yarn mills the board has acted in a way which is misleading and deceptive. Although it leaves upon the reader's mind the impression that the costs were obtained in these mills by the same method that was followed in the United States, this turns out not to have been the case. These costs, if they may be called such, were obtained by purchase from a third person.

The board has not been able to furnish the names of the mills; and about all that can be said, even when language has been restrained, is that the board has presented, as if they were actual data, figures which they obtained from a source unknown to the Ways and Means Committee and to the accuracy of which data the Tariff Board had no absolute or positive assurance. This, under any circumstances, would have been an unworthy act and, it should be added, a perfectly unnecessary one. There is no reason whatever why the source of the data should not have been stated in the report, in order that the reader might be left to judge of the authority with which the figures had been given. It is evident that those who have been urging the Tariff Board as a means of investigation would not take kindly to the belief that the board was accepting as facts material supplied to it by other persons, not in its employ and whose methods are not known, concerning mills whose operations differ a good deal among themselves, and whose names are not known to the board itself.

In this connection, I submit the following correspondence between the Ways and Means Committee and the Tariff Board:

APRIL 20, 1912.

Hon. HENRY C. EMERY,
Chairman the Tariff Board, Washington, D. C.

SIR: In examining the proof sheets of the report of your board on cotton manufactures, I find that the English figures for manufacturing costs of yarn were obtained from eight mills, but I fail to find the names and locations of these mills or any explanation of the method by which these English costs were computed. May I obtain from you in this connection the information covered by the following inquiries?

(1) Were the manufacturing cost figures of yarn obtained from the mills in any foreign country except the eight English mills referred to in the report?

(2) Were the manufacturing costs of yarn in the eight English mills taken directly from the books of the mills by agents of the Tariff Board; if not, how were they secured?

(3) Were the yarn cost figures secured on the same schedule form in English mills as from the mills of the United States?

(4) What method was employed in apportioning the cost among the different kinds and numbers of yarns examined in the English mills?

(5) From what source or sources were the 100 cotton-cloth samples submitted with the board's report obtained?

(6) From what source or sources were the cost figures which are associated with these cloth samples obtained?

These data will be of great assistance to the Ways and Means Committee in its examination of the board's cotton report, and I shall appreciate an early reply to this letter.

Yours, very truly,

——— ———.

THE TARIFF BOARD,
Washington, April 23, 1912.

Hon. OSCAR W. UNDERWOOD,
Chairman Committee on Ways and Means,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th instant, in which you refer to the omission of the names and locations of the English mills in the cotton report of the Tariff Board.

In reply I beg to state that the information was obtained with considerable difficulty, on the condition that the names of the mills and the sources of the information were to be treated in the strictest confidence. Hence the omission of the names of the mills in the report of the board. The location for all the mills is, however, indicated on page 415 of the report as being in Lancashire.

Answering your specific questions, I will say in reply:

1. In view of the limited time at the disposal of the board, it was impossible to obtain the cost of production in all foreign countries. As explained in the report, the board confined its efforts for that reason chiefly to England as the largest producer and the strongest competitor of the United States both in our own and in foreign markets. Owing to the extremely low wages prevailing in Japan, the latter has been reputed to be a country of exceptionally low costs and a dangerous potential competitor of the United States. For that reason the investigation was extended also to that country, the results of which are given on pages 519 to 531 of the report of the board.

2. The manufacturing costs of yarn in the English mills were taken directly from the books of the mills by sworn chartered accountants and checked by another set of sworn chartered accountants.

3. The cost figures secured by these chartered accountants for a complete year's operation were transferred to our schedule forms as used for American mills, except that productive and nonproductive labor, which are given separately for the American mills, were combined under one head, "labor," in the English mills.

4. The same method was employed in apportioning the costs among the different kinds and numbers of yarn manufactured in English mills as was followed in the case of American mills. The method is described in detail on pages 371–379 of the report of the board. The work of apportioning the costs was carried out at the office of the Tariff Board by the same members of the staff of the board who apportioned the costs for the American mills.

5. The 100 cotton-cloth samples submitted with the board's report were obtained by two of the board's agents, Mr. R. K. MacLea and Mr. W. A. Graham-Clark, as explained on page 534 of the report, by visiting a number of the largest and most important jobbing houses in the country, in New York, Chicago, and St. Louis, using the schedules reproduced on pages 535 and 536 of the board's report. As explained on pages 542 and 543, the 100 samples are typical of several thousand varieties of cotton cloth falling under the different classes described. In no case were the agents satisfied with the statement or figure given by any one jobber, always having them checked by other concerns which they visited, so as to make sure that the samples selected were thoroughly representative of the great bulk of cotton cloths handled by the distributing trade of the country.

6. The cost figures for the 100 samples were secured from the mills visited in connection with the general cost investigation. In the case of every mill investigated the entire costs incurred in the production of the mill and all of its products were noted. The costs of the cloths were worked out, as explained in the report of the board, independently of the mill's own figures for all of its cloths. Whenever a mill was found to manufacture a cloth of the identical construction as one or more of the samples secured from the trade sources, these costs were tabulated to form Table 212 of the report. This table therefore gives the costs of each of the 100 samples in every one of the mills which was found to manufacture cloths of that construction.

Very truly, yours,

H. C. EMERY, *Chairman.*

Even under direct inquiries of the Ways and Means Committee in regard to the method of securing the English costs, the chairman of the Tariff Board did not see fit to give the facts, which were, however, brought out in the recent hearings before the Appropriations Committee on the sundry civil appropriation bill. The record is as follows:

Mr. SHERLEY. I want to know whether in making such investigations you have purchased the results of investigations made by any individual rather than have an original made by the employees of the board?

Mr. EMERY. We have in one or two cases purchased reports of investigations, but made by other sources than our own, which were unpublished and therefore hitherto unavailable, but these investigations were not made for Government purposes.

* * * * * * *

Mr. SHERLEY. Will you indicate in your statement just how extensively information has been obtained that way?

Mr. EMERY. Yes, sir. The only instance of any importance was that referred to above, where we paid a small sum for a report on costs based on an investigation made by sworn accountants for industrial purposes and never submitted to the Government.

I do not think I overstep the limit of conservative expression when I say that the presentation of these data in the way I have indicated shows a gross breach of propriety and entirely ignores the responsibilities that rest upon the organization in its present investigation, besides showing a lack of sincerity toward the public. Consider carefully the fact that the board's report is theoretical and comparison of costs between the United States and foreign countries is impossible; that no costs are presented for any foreign country except one, Great Britain, and that in that country actual costs are presented only for one item of production, yarn, and that even the yarn costs are confined to a very few numbers. Add to this the fact that the costs which the board professes to offer on this point and which supposedly are the result of actual investigation were obtained from unknown sources and relate to mills whose names can not be furnished and you have the measure of uncertainty, not to say duplicity, of the board. This one fact alone should be sufficient to discredit the whole report.

QUESTION OF SAMPLES.

The board, however, has offered what by some are regarded as costs of sample fabrics that have been compiled for the purpose of making comparisons between the United States and England in regard to the manufacture of cloths. These costs on samples were obtained nominally by taking the samples to the different mills and getting the mill proprietors to estimate the cost of turning out the goods. Inasmuch as each of the samples was made, so it is claimed, in at least one of the mills which were investigated, it is supposed that information was obtained which would warrant a satisfactory checking of the estimated costs on items supplied by the other mills. There is nothing in this assumption, even if it were correct, that could in the remotest way warrant the belief that data had been obtained sufficient to furnish an index of the actual cost of the samples in question. The board's report shows very great divergencies in every item between different classes of mills. It furnishes no information whatever as to whether the mill which actually made the sample in a given case was one of the more efficient, less efficient, or ordinarily efficient establishments. If it was one of the first-named class and had therefore held a high competitive rank by reason of the efficiency of its production, the information obtained from other mills could not serve as a check upon the figures supplied by this mill in any sense of the word. If the mill itself was not an average mill, data concerning the operations of more or less efficient establishments could be of service only in reaching the average cost. They would, theoretically, have been of service in that connection if they had been obtained from mills that actually made the cloth sample and if they had been taken direct from the records of these mills. But neither of these conditions was established, and therefore they can under no circumstances be regarded as meeting the requirements of the case already laid down. They are in no sense a check upon the figures obtained from the mill which reported itself as actually making the cloth sample.

INADEQUATE FOREIGN INVESTIGATION.

In fact, the slightest scrutiny of the foreign investigation carried out by the board shows what a farce it all was. So far as can be learned, the board did not send agents abroad to get any information on cotton until the latter part of May, 1911. Yet these agents who were sent to Europe furnished no data that have been used in regard to the cotton-cloth paragraphs for any country except Great Britain, and even as to Great Britain their data have been limited in the way already described. The experts returned to the United States before the end of September, so that they were at work in Great Britain little more than three months. It could not be expected that wihin that length of time two men—for that is all the board sent to England—could make very extensive studies.

QUESTION OF DOMESTIC COST.

Reduced to its actual scope, the board's report is merely an analysis of the outlays of a certain number of mills in the United States which have been taken as representative and whose figures have been compiled to show the amount of outlay necessary for the production of specified classes of fabrics. Here again we have the same difficulty that was experienced in connection with the wool report—that of dividing the outlays of the mills between the different products turned out by these mills. It is worth while to note that the board adopts a different method in this case for distributing the cost from that which seems to have been adopted in the wool report for the distribution of the costs there. Which method shall be accepted as correct? It is evident that both can not be, and when one is accepted, the other is necessarily rejected. The cost analysis which the board presented for cotton-yarn mills is anything but convincing, and is admittedly different from the method which is employed by the mills themselves and described by the board as rough or approximate. Yet its own methods of distributing costs are exceedingly rough and can be considered approximate only when the methods of work adopted are understood and accepted. There is no real ground for believing that this method of distribution can be defended from the standpoint of cost accounting. Certainly the board submits nothing to warrant the belief that such a defense can be successfully offered. It is true, therefore, that, in the case of cotton, all the general facts tending to prevent the use of the cost method as a guide in the establishment of tariff rates, which were set forth in connection with the report on wool, hold as true of this report on cotton as they did of its predecessor.

QUESTION OF PRICES.

There is one feature of the report to which I think I ought to draw attention. We complained of the report on wool because it paid so little heed to the actual prices for woolen goods ruling at the time in the United States and foreign countries. The board has apparently attempted to meet this point by furnishing price figures showing quotations for cloth of various kinds in Great Britain and in this country. These quotations have been compiled through jobbers for the purpose of indicating the comparative rate at which the goods left the mill in the two countries which are being studied. It is interesting to observe that in every case where this plan is followed by the board the preponderating number of cloth samples show lower mill prices in the United States than in England. But that is not all. It would seem that the fabrics for which prices were thus obtained could not be exactly matched abroad. The prices furnished, therefore, are prices on two different classes of fabrics in Great Britain and the United States in at least a considerable proportion of the total number of samples. So far as the samples themselves differ, the estimates of cost relating to them must be considered as being correspondingly reduced in value. For purposes of close comparison of competitive conditions, they are, of course, worthless. Further, the fact already referred to that the estimates were obtained under very different conditions in the two countries would largely vitiate their validity under any circumstances.

To supplement what I have said, Mr. Chairman, I desire to say further that the bill that is now pending before the House is the identical bill that was passed by this House a year ago, passed by the Senate of the United States, and vetoed by the President. Under the Payne-Aldrich tariff act the imports

upon this schedule amounted to $28,417,441. The estimated imports under the bill that is presented to the House will amount to $39,163,800. The revenue obtained under this schedule for 1910, the year that the Payne bill was passed, under the Payne bill, amounted to $13,673,801. The estimated revenue under this bill will amount to $10,599,000, or an estimated loss of revenue of a little more than $1,000,000. The average ad valorem rate under the Payne bill in 1910, the year it was passed, amounted to 48.12 per cent. The estimated ad valorem rate under this bill will amount to 27 per cent. The burden of taxes that will rest upon the American people from the passage of this bill will be in the neighborhood of one-half of what it is under the present law. There will be entailed on the Treasury a loss of only about $1,000,000, if our estimates are correct. I believe that the bill is conservative in its reduction, that it is safe, that it will not endanger any business interest that is involved in the manufacture of cotton goods; and yet I believe it will be a very great relief from the present burdens of taxation of the American people if it becomes a law. For that reason I shall favor its passage.

Mr. HILL. Mr. Chairman, I understand that the gentleman proposes to go ahead with the consideration of this bill at 12 o'clock to-morrow?

Mr. UNDERWOOD. That is my expectation, if I can make an arrangement with gentlemen who have business before the House at that time. If not, we will take it up on Saturday.

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25034, to revise the cotton schedule, and had come to no resolution thereon.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p. m.) the House adjourned until to-morrow, Friday, August 2, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ASHBROOK, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 23113) to fix the standard barrel for fruits and vegetables, reported the same with amendment, accompanied by a report (No. 1120), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 19191) for the relief of Christian H. Hedges, reported the same with amendments, accompanied by a report (No. 1121), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAYLOR of Colorado: A bill (H. R. 26082) establishing the Lincoln memorial highway from Boston, Mass., to San Francisco, Cal.; to the Committee on Agriculture.

By Mr. FLOOD of Virginia: A bill (H. R. 26083) to establish agricultural-extension departments in connection with the agricultural colleges and high schools in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto; to the Committee on Agriculture.

By Mr. LAFFERTY: A bill (H. R. 26084) to amend section 1 of an act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved June 25, 1910; to the Committee on Indian Affairs.

By Mr. GARDNER of Massachusetts: A bill (H. R. 26085) to provide badges and ribbons for officers and men now or formerly of the Volunteer and Regular Army who participated in engagements or campaigns deemed worthy of such commemoration; to the Committee on Military Affairs.

By Mr. BROUSSARD: A bill (H. R. 26086) to confer jurisdiction in certain suits and proceedings to the Commerce Court; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AYRES (by request): A bill (H. R. 26087) for the relief of William W. Case and Mattie E. Case; to the Committee on Claims.

By Mr. DICKINSON: A bill (H. R. 26088) granting a pension to Thompson P. McCluney; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 26089) granting a pension to George W. Smith, alias George Smith; to the Committee on Pensions.

By Mr. HILL: A bill (H. R. 26090) granting a pension to Lucy K. Simons; to the Committee on Invalid Pensions.

By Mr. HOWLAND: A bill (H. R. 26091) granting a pension to Emily A. Pinney; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 26092) granting an increase of pension to James W. Howell; to the Committee on Invalid Pensions.

By Mr. REES: A bill (H. R. 26093) granting an increase of pension to James E. Gleason; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 26094) granting a pension to Sophie Stephan; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 26095) granting an increase of pension to Robert F. Prescott; to the Committee on Pensions.

Also, a bill (H. R. 26096) granting an increase of pension to Sarah J. Wood; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Francis Tracy Tobin, of Philadelphia, Pa., relative to impeachment proceedings of Hon. Daniel Thew Wright, associate justice of the Supreme Court for the District of Columbia; to the Committee on the Judiciary.

By Mr. AYRES: Petition of the Inventors' Guild of New York City, favoring commission to investigate the subject of patents; to the Committee on Patents.

By Mr. DRAPER: Memorial of the Inventors' Guild of New York City, favoring appointment of a commission to consider the patent system of the United States; to the Committee on Patents.

By Mr. FORNES: Memorial of the Inventors' Guild of New York City, favoring commission to investigate the patent system of the United States; to the Committee on Patents.

Also, petition of the Postal Progress League of New York City, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of the General Roofing Manufacturing Co., of Marseilles, Ill., against the passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Petition of De Cappet & Doremus, of New York City, favoring passage of bill to provide additional aids to navigation; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Inventors' Guild of New York City, favoring appointment of a commission to consider the patent system of the United States; to the Committee on Patents.

Also, petition of the National Liberal Immigration League, of New York City, favoring building two battleships; to the Committee on Naval Affairs.

By Mr. MONDELL: Petitions of citizens of Wyoming against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. PARRAN: Memorial of Active Council, No. 617, and Southwark Council, No. 144, Order of Independent Americans, of Philadelphia, Pa., favoring passage of House bill 25309, requiring the flag of the United States to be displayed on all lighthouses of the United States and insular possessions; to the Committee on Interstate and Foreign Commerce.

Also, petition of 43 citizens of the State of Maryland engaged in the printing and lithographing trades, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of New York: Petition of the National Liberal Immigration League, of New York City, favoring building two battleships; to the Committee on Naval Affairs.

Also, memorial of the Inventors' Guild of New York City, favoring appointment of a commission to consider the patent system of the United States; to the Committee on Patents.

SENATE.

FRIDAY, *August 2, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 344) to continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operation of the Government under certain contingencies," and it was thereupon signed by the President pro tempore.

MILL OPERATIVES AT LAWRENCE, MASS.

Mr. LODGE. I present a brief letter from the mayor of Lawrence, Mass., making a statement in regard to certain conditions of labor referred to by the Senator from Washington [Mr. POINDEXTER]. I ask that it may be printed in the RECORD.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

CITY OF LAWRENCE, OFFICE OF THE MAYOR,
Lawrence, Mass., July 26, 1912.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

HONORABLE DEAR SIR: I desire to call your attention to a statement made by Senator POINDEXTER a day or two since in regard to labor in the city of Lawrence. He stated that black labor from the Cape Verde Islands was being dumped into Lawrence to replace the Irish and French-Canadian mill operatives.

As a matter of fact there are less than 50 Portuguese negroes employed in any of the mills in Lawrence to-day. It is common knowledge that Cape Verde Islanders do not perform inside labor, except in rare instances, but are acclimated by their own temperature to perform extremely hard outdoor labor, especially on construction work. It is admitted that there are a score or more Cape Verde Islanders employed on mill construction in Lawrence, but they are doing the hardest kind of outdoor labor, which the class of Irish and French-Canadians that live in Lawrence are not compelled to do, and when Senator POINDEXTER says that negroes are replacing Irish and French-Canadian mill operatives in Lawrence he is greatly mistaken.

It would please the people of Lawrence and the city government very much, Senator LODGE, if this letter could be read in the Senate and given as much publicity as the statements made by Senator POINDEXTER.

Thanking you again, I am, sir,

Very gratefully, yours, MICHAEL A. SCANLON,
Mayor of Lawrence.

PETITIONS.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. KERN presented the petition of Henry M. Williams, of Fort Wayne, Ind., praying for the adoption of an amendment to the Constitution prohibiting a second consecutive presidential term, which was referred to the Committee on the Judiciary.

ARMY APPROPRIATION BILL.

Mr. DU PONT. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 25531) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, to report it with amendments, and I submit a report (No. 1006) thereon.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. JONES, from the Committee on Military Affairs, to which was referred the bill (S. 7378) for the relief of James E. C. Covel, reported it with an amendment and submitted a report (No. 1007) thereon.

He also, from the same committee, to which was referred the bill (H. R. 5763) for the relief of William K. Harvey, alias William K. Hall, reported it without amendment and submitted a report (No. 1008) thereon.

SEWER PIPE AT NEW BEDFORD, MASS.

Mr. DU PONT. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 15509) to authorize the construction and maintenance of a sewer pipe upon and across Fort Rodman Military Reservation at New Bedford, Mass.

Mr. LODGE. I ask for the present consideration of the bill just reported by the Senator from Delaware.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SHIVELY. Is there a report accompanying the bill?

The PRESIDENT pro tempore. The bill will be read for information, if desired.

Mr. LODGE. I can explain the bill in a moment. It is simply granting permission to the city of New Bedford to allow a sewer pipe through the grounds of Fort Rodman. It costs the Government nothing and is merely the necessary permission to allow them to lay a pipe, which is the city pipe.

Mr. DU PONT. I will state to the Senator from Indiana that the bill has been carefully considered by the Committee on Military Affairs, and the rights of the Government are fully protected.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTIN of Virginia:

A bill (S. 7409) to constitute a commission to investigate the purchase of American-grown tobacco by the governments of foreign countries; to the Committee on Foreign Relations.

A bill (S. 7410) to authorize the Carolina, Clinchfield & Ohio Railway to construct bridges across the Big Sandy River and the branches thereof, in the States of Virginia and Kentucky; and

A bill (S. 7411) to authorize the Clinchfield Northern Railway, of Kentucky, to construct bridges across the Big Sandy River and the branches thereof, in the States of Kentucky and Virginia; to the Committee on Commerce.

By Mr. McLEAN:

A bill (S. 7412) granting an increase of pension to Edward P. Morgan (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 7413) granting an increase of pension to William H. Moore (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 7414) granting an increase of pension to Louisa B. Highley; to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 7415) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, in New Mexico, and for other purposes; to the Committee on Public Lands.

A bill (S. 7416) granting an appropriation for the destruction of predatory wild animals; to the Committee on Agriculture and Forestry.

By Mr. O'GORMAN:

A bill (S. 7417) granting an increase of pension to Adeleine Minnett; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 7418) granting an increase of pension to William Box (with an accompanying paper); to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its disagreement to the amendment of the Senate to the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. UNDERWOOD, Mr. SHACKLEFORD, and Mr. PAYNE managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendment of the Senate numbered 116 to the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, disagrees to the residue amendments of the Senate to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. SHERLEY, and Mr. CANNON managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 5309) to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., p. 140), and it was thereupon signed by the President pro tempore.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the amendment of the Senate numbered 116 and disagreeing to the residue

amendments of the Senate to the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments still in disagreement and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. WARREN, Mr. PERKINS, and Mr. CULBERSON conferees on the part of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had on this day approved and signed the following joint resolution:

S. J. Res. 127. Joint resolution authorizing the Secretary of War to supply tents and rations to American citizens compelled to leave Mexico.

FOREIGN OCCUPATIONS ON AMERICAN CONTINENTS.

The PRESIDENT pro tempore. There is a resolution coming over from a former day which is now in order. It will be read.

The Secretary read Senate resolution 371, submitted by Mr. LODGE on the 31st ultimo, as follows:

Resolved, That when any harbor or other place in the American continents is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States, the Government of the United States could not see without grave concern the possession of such harbor or other place by any corporation or association which has such a relation to another Government, not American, as to give that Government practical power of control for national purposes.

The PRESIDENT pro tempore. The question is on the adoption of the resolution.

Mr. CUMMINS. Mr. President, I do not rise to object to the passage of the resolution, but I should like to hear from the Senator from Massachusetts a statement with regard to the real meaning of the resolution as it affects what we ordinarily know as the Monroe doctrine. Is it an extension of that doctrine as it has been generally interpreted or is it a mere application of the doctrine? I believe both the country and the Senate would like to hear a word from the author of the resolution in order that we may fully understand just what we are doing and just what notice we are giving to the world.

Mr. LODGE. Mr. President, the declaration embodied in the resolution rests on a much broader and, if I may say, older ground than the Monroe doctrine. It rests on the ground which all nations have recognized and maintained of their right to oppose the founding by a foreign Government or by persons under foreign control of establishments at points which would threaten the safety or the communications of the Government itself.

Mr. STONE. Mr. President, if the Senator from Massachusetts will pardon me, while he is making this explanation there ought to be a quorum of the Senate present. I make the point that there is no quorum present.

The PRESIDENT pro tempore. The Senator from Missouri suggests that there is no quorum present. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Martin, Va.	Shively
Bacon	du Pont	Martine, N. J.	Simmons
Bailey	Fall	Massey	Smith, Ariz.
Borah	Gallinger	Myers	Smith, S. C.
Bourne	Gronna	Nelson	Smoot
Brandegee	Heyburn	Overman	Stone
Bristow	Hitchcock	Page	Sutherland
Burnham	Johnson, Me.	Penrose	Swanson
Burton	Johnston, Ala.	Percy	Thornton
Clark, Wyo.	Jones	Perkins	Tillman
Crane	Kenyon	Poindexter	Warren
Crawford	Kern	Pomerene	Wetmore
Cullom	Lodge	Reed	Williams
Cummins	McCumber	Root	Works

Mr. THORNTON. I announce the necessary absence of my colleague [Mr. FOSTER]. I ask that this announcement may stand for the day.

Mr. MARTIN of Virginia. I desire to announce that the junior Senator from Georgia [Mr. SMITH] is detained from the Senate to-day on official business.

Mr. BOURNE. I wish to announce that my colleague [Mr. CHAMBERLAIN] is detained because of official duty. He has a general pair with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. MARTINE of New Jersey. I desire to announce that the Senator from Florida [Mr. BRYAN] is unavoidably detained on public business.

The PRESIDENT pro tempore. On the call of the roll of the Senate 56 Senators have answered to their names, and a quorum of the Senate is present. The Senator from Massachusetts will proceed.

Mr. LODGE. Mr. President, if I may repeat what I began to say, this resolution rests on a generally accepted principle of the law of nations, older than the Monroe doctrine. It rests on the principle that every nation has a right to protect its own safety, and that if it feels that the possession by a foreign power, for military or naval purposes, of any given harbor or place is prejudicial to its safety, it is its duty as well as its right to interfere.

I will instance as an example of what I mean the protest that was made successfully against the occupation of the port of Agadir, in Morocco, by Germany. England objected on the ground that it threatened her communication through the Mediterranean. That view was shared largely by the European powers, and the occupation of that port was prevented in that way. That is the principle upon which the resolution rests.

It has been made necessary by a change of modern conditions, under which, while a Government takes no action itself, the possession of an important place of the character I have described may be taken by a corporation or association which would be under the control of the foreign Government.

The Monroe doctrine was, of course, an extension in our own interests of this underlying principle—the right of every nation to provide for its own safety. The Monroe doctrine, as we all know, was applied, so far as the taking possession of territory was concerned, to its being open to further colonization, and naturally did not touch upon the precise point involved here. But without any Monroe doctrine the possession of a harbor such as that of Magdalena Bay, which has led to this resolution, would render it necessary, I think, to make some declaration covering a case where a corporation or association was involved.

In this particular case it became apparent from the inquiries made by the committee and by the administration that no Government was concerned in taking possession of Magdalena Bay; but it also became apparent that those persons who held control of the Mexican concession, which included the land about Magdalena Bay, were engaged in negotiations, which have not yet been completed certainly but which have only been tentative, looking to the sale of that bay and the land about it to a corporation either created or authorized by a foreign Government, or in which the stock was largely held or controlled by foreigners.

The passage of this resolution has seemed to the committee, without division, I think, to be in the interest of peace. It is always desirable to make the position of a country in regard to a question of this kind known beforehand, and not to allow a situation to arise in which it might be necessary to urge a friendly power to withdraw when that withdrawal could not be made, perhaps, without some humiliation.

The resolution is merely a statement of policy, allied to the Monroe doctrine, of course, but not necessarily dependent upon it or growing out of it. When the message came in I made a statement as to the conditions at Magdalena Bay which had led to the resolution of inquiry and which has now led to the subsequent action of the committee. It seemed to the committee that it was very wise to make this statement of policy at this time, when it can give offense to no one and makes the position of the United States clear.

Of course I need not say to the Senate that the opening of the Panama Canal gives to the question of Magdalena Bay and to that of the Galapagos Islands, which have been once or twice before considered, an importance such as they have never possessed, and I think it eminently desirable in every interest that this resolution should receive the assent of the Senate.

Mr. CUMMINS. Mr. President, I think every nation recognizes and accepts the principle just announced by the Senator from Massachusetts as being the foundation for the resolution which is before us. The part of it which seems obscure to me is the attempt to create some relation between a private corporation or association of individuals and a foreign nation. I do not understand precisely what that relation must be in order that it shall fall within the scope of the resolution. Suppose, for instance, that a corporation were created to take some land in Mexico or in some other part of the world, and the corporation had for its stockholders only the citizens of a foreign country—of Great Britain, of Japan, of France, or any other foreign country—would that fact alone bring the transaction within the meaning of this resolution?

I would be the last to object to any announcement of our intention to preserve our own integrity, but I should like to know more about the relation which such a corporation must sustain to a foreign country in order to bring it within the scope of the resolution than is contained in the resolution itself.

It seems to me that we are rather vague and uncertain with regard to that phase of the matter. I do not believe it is wise for the United States to say that the stock of the company which owns the concession in or around Magdalena Bay should not become the property of the citizens of some other country without an additional specification as to the relation of those stockholders to their government. The mere fact of ownership ought not, as it seems to me, to be declared to be against the public policy of the United States.

It is true that the resolution says that this must occur under circumstances that indicate control over the corporation or the association so owning the land or water, as the case may be, but all that seems to be so expressed that almost any interpretation can be put upon it. While I do not intend to discuss the matter at length, I could not forbear expressing my opinion that this departure from any doctrine which I have ever heard announced should be so phrased that there could be no doubt whatsoever about it, lest we at some future time, having taken ground that we can not defend, may be compelled to recede from it to our own chagrin and humiliation.

Mr. STONE. Mr. President, I do not rise to make any special opposition to the passage of this resolution, but I do think we ought to have some fuller information respecting it before we act upon it.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New York?

Mr. STONE. Yes.

Mr. ROOT. It appears to me that the proper consideration of this resolution calls for the application of the thirty-fifth rule of the Senate. I therefore move that the doors of the Senate be closed for the discussion of this matter, because, in my opinion, it requires secrecy.

The PRESIDENT pro tempore. Is there a second to the motion of the Senator from New York?

Mr. GALLINGER. I second the motion, Mr. President.

The PRESIDENT pro tempore. The Senator from New York moves that the Senate proceed to the consideration of this question behind closed doors, and the Senator from New Hampshire seconds the motion. Under the rule the galleries will be cleared and the doors will be closed.

Thereupon (at 11 o'clock and 33 minutes a. m.) the doors were closed, and the Senate, with closed doors, proceeded to consider the resolution, which was amended, on the motion of Mr. LODGE, by striking out the word "national" in the last line, before the word "purposes," and inserting "naval or military."

The hour of 1 o'clock having arrived, the President pro tempore laid before the Senate the unfinished business, the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, when, on request of Mr. BRANDEGEE and by unanimous consent, the unfinished business was temporarily laid aside.

At 2 o'clock and 20 minutes p. m. the doors were reopened.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from North Dakota [Mr. MCCUMBER].

The SECRETARY. In line 6, before the word "possession," insert "actual or potential," and in line 7, after the word "any," strike out "corporation or association which has such a relation to another," so as to make the resolution read:

Resolved, That when any harbor or other place in the American continents is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States, the Government of the United States could not see, without grave concern, the actual or potential possession of such harbor or other place by any Government, not American, as to give that Government practical power of control for naval or military purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment just stated.

The amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as amended.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON], but I understand I have a right to vote in this case. I vote "yea."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He does not seem to be in the Chamber. I therefore withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER]. I transfer the pair to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea."

Mr. DU PONT (when Mr. RICHARDSON'S name was called). My colleague [Mr. RICHARDSON] is absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH].

Mr. MARTIN of Virginia (when the name of Mr. SMITH of Georgia was called). The junior Senator from Georgia is detained from the Senate on official business.

Mr. SMOOT (when Mr. STEPHENSON'S name was called). The Senator from Wisconsin [Mr. STEPHENSON] has a general pair with the Senator from Oklahoma [Mr. GORE]. If the Senator from Wisconsin were present, he would vote "yea."

Mr. SUTHERLAND (when his name was called). I am paired with the senior Senator from Maryland [Mr. RAYNER] and therefore withhold my vote. If he were present, I should vote "yea."

Mr. MARTIN of Virginia (when Mr. WATSON'S name was called). The Senator from West Virginia [Mr. WATSON] is unavoidably absent. He is paired with the Senator from New Jersey [Mr. BRIGGS]. If present, and able to vote, the Senator from West Virginia would vote "yea."

Mr. WETMORE (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE] and therefore withhold my vote. If I were at liberty to vote, I should vote "yea."

I desire to add that my colleague [Mr. LIPPITT] is unavoidably absent, and is paired with the senior Senator from Tennessee [Mr. LEA], and if present would vote "yea."

The roll call was concluded.

Mr. SUTHERLAND. The Senator from Maryland [Mr. RAYNER], with whom I am paired, was upon the subcommittee which reported this resolution, and in addition to that I am informed that if he were present, he would vote "yea." I therefore feel at liberty to vote. I vote "yea."

Mr. SHIVELY. I wish to announce that my colleague [Mr. KERN] is unavoidably absent from the Chamber.

I desire to say further that the junior Senator from Arkansas [Mr. DAVIS] is paired with the senior Senator from Kansas [Mr. CURTIS].

Mr. WILLIAMS (after having voted in the negative). I understand the Senator from Pennsylvania [Mr. PENROSE] did not vote. Is that true?

The PRESIDENT pro tempore. The Senator from Pennsylvania has not voted.

Mr. WILLIAMS. Then I must withdraw my vote, as I have a pair with him. If he were present, I should vote "nay."

Mr. SMITH of South Carolina. I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer it to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. BOURNE. I desire to announce that my colleague [Mr. CHAMBERLAIN] is absent from the Chamber necessarily on public business, and that he is paired with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. OVERMAN. My colleague [Mr. SIMMONS] is absent on important public business. He is paired with the Senator from Minnesota [Mr. CLAPP].

Mr. HEYBURN (after having voted in the affirmative). I would inquire whether the Senator from Alabama [Mr. BANKHEAD] has voted?

The PRESIDENT pro tempore. The Chair is informed he has not.

Mr. HEYBURN. I have a pair with the Senator from Alabama [Mr. BANKHEAD], but I understand from his colleague [Mr. JOHNSTON] that if he were present he would vote "yea." So I will allow my vote to stand.

Mr. JONES. My colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber. If he were present, I am satisfied he would vote "yea."

Mr. LODGE. I desire to announce the pair of the Senator from Nebraska [Mr. BROWN] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 51, nays 4, as follows:

YEAS—51.

Ashurst	Cullom	McLean	Shively
Bacon	Dillingham	Martin, Va.	Smith, Ariz.
Bourne	Fall	Martine, N. J.	Smith, Md.
Bradley	Fletcher	Massey	Smith, Mich.
Brandegee	Gallinger	Myers	Smith, S. C.
Bristow	Gronna	Nelson	Smoot
Bryan	Guggenheim	O'Gorman	Sutherland
Burnham	Heyburn	Overman	Swanson
Burton	Hitchcock	Page	Thornton
Catron	Johnson, Me.	Perkins	Tillman
Clark, Wyo.	Johnston, Ala.	Pomerene	Townsend
Crane	Jones	Root	Warren
Crawford	Lodge	Sanders	

NAYS—4.

Cummins	McCumber	Percy	Stone

NOT VOTING—39.

Bailey	Curtis	La Follette	Reed
Bankhead	Davis	Lea	Richardson
Borah	Dixon	Lippitt	Simmons
Briggs	du Pont	Newlands	Smith, Ga.
Brown	Foster	Oliver	Stephenson
Chamberlain	Gamble	Owen	Watson
Chilton	Gardner	Paynter	Wetmore
Clapp	Gore	Penrose	Williams
Clarke, Ark.	Kenyon	Poindexter	Works
Culberson	Kern	Rayner	

So Mr. LODGE's resolution as amended was agreed to.

POST OFFICE APPROPRIATION BILL.

Mr. BOURNE. I ask unanimous consent that the Senate resume the consideration of House bill 21279, the Post Office appropriation bill.

The PRESIDENT pro tempore. The Senator from Oregon asks that the Senate resume the consideration of House bill H. R. 21279, known as the Post Office appropriation bill. Without objection, it will be so ordered.

Mr. BAILEY. Will the Senator yield to me to introduce a joint resolution?

Mr. BOURNE. With pleasure.

RELIEF OF AMERICAN CITIZENS AT EL PASO, TEX.

Mr. BAILEY. I introduce a joint resolution, and I ask unanimous consent for its present consideration.

The joint resolution (S. J. Res. 129) to provide transportation for American citizens fleeing from threatened danger in the Republic of Mexico was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized and directed to furnish transportation from El Paso, Tex., to such place in the United States as each shall elect, those American citizens fleeing from the Republic of Mexico who are now or who may hereafter be temporarily supplied with shelter and sustenance, in whole or in part, by the Government of the United States in or near El Paso, Tex.

SEC. 2. That for the purpose of carrying out the provisions of this joint resolution the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the Secretary of War, upon vouchers to be approved by the commander of the United States forces at Fort Bliss, Tex.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. STONE. Mr. President, we have just passed a resolution relating especially to Magdalena Bay, although general in its terms, that seems to me to be meaningless. We seem to be very greatly alarmed at the prospect of foreign citizens, Europeans or Asiatics, becoming interested in holdings in Latin-American countries. I do not think the resolution will have any practical effect as a declaration of national or international policy. I think it will have the effect of aiding some people who are seeking to acquire holdings about Magdalena Bay by terminating negotiations now pending for the disposition of these holdings to other people, and thereby affording an opportunity to those who are seeking it to acquire this possession at a lower price or, at least, without the competition of those who are now negotiating for it.

We seem to be very much concerned all of a sudden about a danger that is not, in fact, a danger; something up in the air; some remote possibility. At the same time, Senators have not been so careful of the rights of American citizens themselves in South America or in Mexico. Here we have before us an example. I have to-day received a telegraphic request or invitation, as other Senators have, to visit the city of El Paso to see and interview 2,500 or 3,000 American citizens who have been driven from Mexico in destitution. They have been compelled to abandon their homes and possessions, and we are now about to pass a joint resolution to take money out of the Public Treasury—and that joint resolution I shall vote for—to send these wretched people to some place. I do not know whether they have homes to go to, but to send them to some place of refuge at the public expense.

I can not forbear at this juncture from drawing a contrast between that anxiety in a particular case upon the part of Senators to protect the American people against a danger that is, at least, exceedingly remote in its possibilities while we remain silent when our own people, under our treaties domiciled in Mexico, are being ruthlessly mistreated, in many instances losing their lives, and are being driven from their homes in that country. We remain silent, except to authorize the use of the public money to transport them to the interior of the country.

I think we would do well if we cared a little more for the real thing that is confronting us than to lose our heads over the possibility of a danger that hangs, if it exists at all, so far away on the horizon that we can scarcely discern it.

Mr. SMITH of Arizona. Mr. President, if it does not interfere with the joint resolution introduced by the Senator from Texas, I should like to have it embrace such refugees as shall also be at Douglas and Naco, Ariz. But to be frank with the Senator, I am in hearty sympathy with his resolution, and I would not even suggest this amendment if it in any way embarrasses the measure. I am not informed of any refugees at Naco or Douglas, but there have been many coming through these ports for a long time. I have no doubt conditions exist in these cities somewhat similar to that in El Paso, but not in any way to the same extent. I imagine that if the joint resolution included these two cities, the fund provided will be sufficient to care for them. If the Senator gives his permission, I should like to have those two places included in the joint resolution.

Mr. BAILEY. Mr. President, undoubtedly if the same condition exists at the points designated by the Senator from Arizona as we know exists at El Paso, the same provision ought to be made to meet that condition, and I have no objection at all. I would say to the Senator, however, that it would be necessary to provide the machinery by a further amendment as to the disbursement of the money.

The joint resolution was originally drawn providing that the vouchers should be approved by the commander, his name being stated. It occurred to me that if that commander should happen to die or be removed or sent to another place before the joint resolution was executed we would have a difficulty. So I simply provided for the commander, so that whoever might be the commander at the time could act.

Mr. GALLINGER. May I ask the Senator a question?

Mr. BAILEY. Certainly.

Mr. GALLINGER. The fort is at El Paso?

Mr. BAILEY. Fort Bliss is at El Paso.

Mr. GALLINGER. As to the vouchers, these men will have their railroad tickets and they will be on their journeys. What good will a voucher do after they are on their travels?

Mr. BAILEY. The officer who supplies them with money ought to take their receipts so that he may file them with the War Department as an evidence that the money was expended for the purpose of the appropriation.

Mr. GALLINGER. He will take the receipt when they get their transportation?

Mr. BAILEY. Certainly.

Mr. GALLINGER. I think that ought to be done.

Mr. BAILEY. All the parties who come within the provision of the joint resolution are now being cared for by the United States through that Army post supplying them with provisions and doubtless with shelter. There are two or three thousand, and I regret to say that information comes even to-day which makes it entirely probable that that number will be augmented within the next 24 hours.

Mr. GALLINGER. Will the Senator kindly permit me?

Mr. BAILEY. Certainly.

Mr. GALLINGER. What class of people are these? Are they driven from mines and other occupations in Mexico?

Mr. BAILEY. From mines, farms, and ranches, and all employment wherever found.

Mr. President, I hardly think that the resentment which the American people are certain to feel against some recent occurrences there ought to be intensified by a recital of them on this floor, and I intended that the joint resolution should pass without any mention of them.

Mr. GALLINGER. I will say to the Senator that I did not understand the point the Senator from Arizona suggested, but it occurred to me that probably the same condition exists to some extent at Laredo. I do not know whether it does or not.

Mr. BAILEY. If so, I have not been advised of it, and I doubt it. I am sure it is not so serious there, because the war now desolating our neighboring Republic is near and around El Paso, and the people now being driven by unspeakable barbarities and inhumanities from the Republic of Mexico are crossing into the United States at and near El Paso.

Mr. FALL. Mr. President——

Mr. BAILEY. I yield to the Senator from New Mexico. He knows all about the situation there.

Mr. FALL. I will state in answer to the question of the Senator from New Hampshire that the States of Tamaulipas, Nuevo Leon, and Coahuila, which are opposite Laredo, are the three States in the Republic of Mexico that are not in armed revolution, and the people who are coming into El Paso are from the lumber industry at Madero, where 269 women and children came out a day or two ago from the mines at Dolores and other mines in Chihuahua and from the American colonies at Casas

Grandes and other places. There are a dozen agricultural colonies settled by Americans, and they also come from the ranches, such as the Corralitos Ranch. I have here a telegram about the driving out those people from the colonies and mines of Sonora. The Senator from Arizona is correct about that. There are some of the American citizens from those colonies who are being driven out of Sonora, and they are coming into Arizona through Naco and Douglas. A majority of them are able to come across the country, and even those who come from near Douglas generally come out through El Paso; but some of them are arriving at Douglas and Naco.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from North Dakota?

Mr. BAILEY. Certainly.

Mr. McCUMBER. May I suggest to the Senator from Texas that I think we ought to amend the joint resolution with reference to the words "transportation to such place as he may elect" and insert in lieu thereof "the necessary transportation"? If it becomes a law there is no authority to limit the place by the War Department, because the joint resolution itself specifically declares that the transportation shall be furnished to such places as the party desiring it may elect. He may elect to go with his family to New York, or to Minnesota, or any other place in the United States. I think if you have a limit of only $100,000 most of it would be utilized in transportation and very little for the immediate necessities.

I believe the Senator will agree with me that there ought to be some limitation or some one authorized to determine what would be an appropriate amount to expend for transportation in each particular case.

Mr. BAILEY. Mr. President, I am assuming that under the condition which exists there these unfortunate refugees will only ask to be sent to such places as they may reasonably hope to find employment.

If I believed that this generosity of the Government would be seriously abused I would readily accept the suggestion of the Senator from North Dakota, but some of those people will go into Idaho, some to Utah, and some probably will go to other parts of Texas. I feel confident that in their present distressful condition they will not attempt to defraud the Government.

It is not a proposition to do more than to send them where they can again become useful to themselves. I think we are hardly authorized to hope that they could go back with safety to Mexico within a reasonable time, and with the harrowing experience through which some of them have passed they will probably never want to go back there at all. I hope the Senator will not insist on that amendment.

Now, Mr. President, I want to say to the Senator from Arizona [Mr. SMITH] that if it should transpire that places in his State require this provision he can as readily pass it, and more readily, probably, than we are passing this joint resolution; and as he does not know that there is any call for assistance there, I suggest that he leave this to pass and rely upon the willingness of the Senate to respond to his call whenever he finds it necessary to make it.

Mr. SMITH of Arizona. Mr. President, I will adopt the suggestion of the Senator from Texas; but I have in my hand a telegram which led me to make the suggestion. I will not read it for the same reason that the Senator from Texas refrained from stating conditions there, but I know from where the telegram comes that the people of whom the sender of the wire speaks live in the northern part of Arizona, and they would come into the United States either at Naco or Douglas. I said Nogales, but I meant the town of Naco. The refugees of whom this man telegraphs lived in Arizona, as I understand; but adopting the suggestion of the Senator from Texas I shall inquire into the matter. I expect, as he already guarantees, and I know, that the Senate in a case of like necessity will likewise respond to it.

Mr. STONE. Mr. President, I should like to ask what there is about the situation that we need to treat it so tenderly. If it be a fact that American citizens are passing through harrowing scenes in Mexico, that they are being abused and outraged in contravention of our treaty with Mexico, and their rights, if they are being driven like cattle, barefooted and half clothed, out of Mexico, leaving them in such a state of destitution that we must appeal to the Public Treasury to relieve them, what is there about it that should be treated——

Mr. BAILEY. Will the Senator permit me to make a suggestion?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Texas?

Mr. STONE. Certainly.

Mr. BAILEY. I will say to the Senator frankly that there are some things I should like to say, there are some things I have been on the point of saying, not only as to the treatment of these people who have fled from Mexico, but as to the treatment of citizens of Texas by the Army of the United States; but I have refrained from doing so, because the Senate has already authorized the appointment of a committee to inquire into this situation, and I thought it better to withhold my observations until that committee has concluded its work and made its report. If that committee finds conditions such as they have been represented to me, then I will join the Senator from Missouri in such plain speech as will be entirely satisfactory to the most warlike disposition.

Mr. STONE. To what committee does the Senator allude?

Mr. BAILEY. The Senate authorized the Committee on Foreign Relations to appoint a subcommittee to inquire into this situation.

Mr. STONE. To inquire, if the Senator will permit me——

Mr. BAILEY. And, of course, it will, after inquiring, report to the Senate. That subcommittee has already been designated. I applied to the honorable chairman of it this morning to ascertain when he would proceed with the work, and made some suggestions, and when assured by him that the committee intended to proceed without any lack of diligence, I concluded to postpone what I might otherwise have said now.

Mr. STONE. Is that the committee presided over by the senior Senator from Michigan [Mr. SMITH]?

Mr. BAILEY. It is.

Mr. STONE. Well, that committee, as I understand, is authorized particularly to investigate whether any citizen or person owing allegiance to the United States had been engaged in fomenting rebellion in Mexico. The newspapers have contained statements that Americans were interested in financing and supporting and organizing revolutionary movements in Mexico, and this committee was appointed to find out whether that was true, and, if so, to what extent. I do not understand that the committee has been appointed to make inquiry as to the wrongs done by Mexicans to American citizens; that is outside of the purposes for which that committee was appointed. I think it would be well to have that committee or some other committee authorized to extend the inquiry along that line, so that we might have some authentic data, some sound, reliable information respecting the misconduct of Mexicans in their treatment of American citizens lawfully domiciled in that Republic. Whatever others may say or think or do, for one I intend to continue to register my protest against the Senate and the other House looking on at this spectacle that should bring a blush of shame to every American cheek and remaining silent in the presence of it.

Mr. BAILEY. Mr. President, I want to say, and I will detain the Senate no longer than it is necessary to say, that if the committee prosecuting this investigation shall ascertain the condition to be as it has been represented to me, the American Congress will be required to take cognizance of it; but I do not myself feel at liberty to comment upon the things which have been repeated to me, though, in some instances, they have come from correspondence with the most reputable citizens of Texas. I have no shadow of doubt that the statements which they have made are believed by them to be absolutely true. Neither do I doubt—and I question the propriety of saying even this much—that there is now a deliberate and systematic attempt on the part of certain persons to force an intervention upon the United States; but surely Congress will not take a step so serious as that until it is possessed of all the information obtainable and has obtained that information through one of its own committees.

Mr. SMITH of Arizona. Mr. President, it was not from any fear of the responsibility involved in the matter, nor was it from any lack of a desire to protect American citizens to as full a degree as would the Senator from Missouri [Mr. STONE], or any other Senator on this floor, that I refrained from reading the telegram. The person who sent it was many miles away from the scene of the trouble. The information he had was from reports of which I personally can know nothing. I do not wish to read sensational telegrams to the Senate, which, after investigation, might possibly prove to be not altogether correct. I repeat it was not from any fear of saying anything which might be necessary here or elsewhere to protect an American citizen in his rights, not only in Mexico, but in any other country, which prevented me from reading the telegram. Before this session comes to its long-delayed end it may become necessary to read not only the telegram now in my hands, but many others, in order that some action may be taken by Congress to relieve the horrible conditions now prevailing in our sister Republic. That something must be done either by the State Department or by Congress at an early date has gone beyond the necessity of argument or further debate.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POST OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. BOURNE. Mr. President, I will say for the information of Members of the Senate that if they will turn to page 53 of the "information print" of the bill on their desks they will see where the Secretary will now resume the reading.

The Secretary resumed the reading of the bill, beginning on page 37, line 7, and read to the end of line 13, page 37.

Mr. SWANSON. Mr. President, I should like to ask the Senator from Oregon in charge of this bill, if his purpose is to have a session of the Senate to-night? I will state the reason I make the inquiry. There are some Senators who are very much interested in the provision of the bill as passed by the House of Representatives in connection with national aid to Government-used roads who will be compelled to be absent this evening and possibly to-morrow. That provision, with the amendment of the Senate committee, has now been reached. If it is not purposed to have a session of the Senate to-night, I should like to have this amendment go over until Monday. I am very much interested in it, as are other Senators who are cooperating with me, and we are desirous of having the House provision providing aid to roads retained in the bill.

Mr. BOURNE. Mr. President, in reply to the inquiry of the Senator from Virginia, I beg to state that I consider it of the utmost importance that we should, in view of the large amount of appropriations carried in it, expedite the passage of this bill as rapidly as possible. It is my purpose to ask the Senate to hold a session this evening in order to continue the consideration of the bill.

Mr. SWANSON. Is it the purpose of the Senator to ask the Senate to take a recess, say, at 6 o'clock?

Mr. BOURNE. Yes; until 8 or 8.30.

Mr. SWANSON. Suppose the Senator now submits the request to see if consent can be obtained. Then we shall know whether the question will be considered to-night and whether we shall have to remain here.

Mr. BOURNE. Mr. President, in order to determine the matter, I will ask unanimous consent that the Senate take a recess at 6 o'clock until 8.30 this evening.

Mr. MARTIN of Virginia. Say, 8 o'clock.

Mr. BOURNE. Very well; until 8 o'clock this evening.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that at 6 o'clock the Senate take a recess until 8 o'clock, when the Senate shall reconvene. Is there objection to the request? The Chair hears none, and it is so ordered.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, under the subhead "Office of the Fourth Assistant Postmaster General," on page 37, after line 14, to strike out:

That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practically necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural or star-route mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highways not falling within classes A, B, or C: *Provided*, That in calculating or otherwise ascertaining the distance that mail is transported over any highway, such distance shall be measured or calculated in only one direction, and only one use of or travel over any such highway, or any part thereof, on any one trip by a carrier using the same, shall be considered. That any question arising as to the proper classification of any road used for transporting rural or star-route mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act under and in accordance with rules and regulations prescribed jointly by the Secretary of the Treasury and the Postmaster General: *Provided, however*, That no payment shall be made under the provisions of this paragraph for the use of any privately owned or toll road.

The provisions of this paragraph shall go into effect on the 1st day of July, 1913.

And in lieu thereof to insert:

That a joint committee shall be appointed, composed of three members of the Senate Committee on Post Offices and Post Roads and three members of the House Committee on the Post Office and Post Roads, to be designated by the respective chairmen thereof, to make an inquiry into the subject of Federal aid in the construction of highways and report at the earliest practicable date, and said committee shall have power to employ such clerical and stenographic assistance as may be necessary and conduct hearings, and for the payment of the expenses of such inquiry there is hereby appropriated the sum of $5,000, to be paid upon vouchers signed by the chairman of said committee.

Mr. SWANSON. Mr. President, a number of Senators who are very much interested in this question desired that it should go over, as it is a contested amendment; but, as the chairman of the committee desires that we shall proceed with it now and dispose of it, I shall offer no objection. I desire to make a very short statement to the Senate regarding this amendment and why I think the House provision should be retained in the bill.

This provision was adopted by the House of Representatives by a vote, I believe, of 240 to 89. Consequently it has the indorsement of that body by a vote of practically 3 to 1. It was considered in all of its stages in the House of Representatives. It was considered by the Committee on Agriculture of that body, and reported by that committee to the House, and then adopted by the Committee on the Post Office and Post Roads and made a part of the Post Office appropriation bill in the House of Representatives.

Mr. President, we are now confronted with the proposition whether the Federal Government shall or shall not extend aid for the development, improvement, and construction of highways. I do not propose to make any elaborate address as to whether this should or should not be done. I have previously addressed the Senate in advocacy of the National Government extending Federal aid toward the construction of highways. Whatever may be the views of some, it is a question that must inevitably be met, and one that can not be shirked. The time has arrived, or will very soon arrive, when the people of the United States will demand that the Federal Government shall extend proper aid for the construction, improvement, and development of highways.

The constitutional question involved in this matter has been eliminated, because the provisions carried in the House bill limits the appropriation to rural delivery routes and star routes used by the Government. Hence I will not discuss that question, which has been repeatedly debated, both in the other House and in the Senate.

An amazing condition in connection with public roads exists in the United States. While the United States has succeeded in everything else and almost established a primacy, it is cursed to-day with the worst highways of any civilized nation in the world. We have improved our rivers; we have more miles of railroad than any other country; we have better harbors; we are supreme in finance; and yet in the construction of highways the United States to-day is the most backward of all civilized nations. The question naturally presents itself why this Nation——

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. SWANSON. I do.

Mr. GALLINGER. Mr. President, I do not think the Senator, perhaps, is entirely accurate in his characterization of the highways of the United States. As compared with Germany and England and France our area is so much larger and the number of miles of road so much greater that, of course, our highways are not up to the German, French, or English standard of perfection; but I apprehend that under the great movement now going on in the States for the betterment of roads we probably have as many miles of first-class road in the United States as any other nation in the world. I think we are doing pretty well in that respect; but I sympathize with the Senator in his desire for good roads, and if anything can constitutionally be done to extend the system of highway improvement by the National Government, very likely it ought to be brought about.

Mr. SWANSON. Mr. President, out of the 2,155,000 miles of road in the United States less than 200,000 miles are macadam or hard-surface roads. Not one mile in ten in this country is

other than an ordinary dirt road. There is no country in the world so rich, potential, strong, and up to date as is the United States, and yet there is no other civilized country where there is such a disparity between the number of miles of good road and the number of miles of bad road.

Mr. GALLINGER. No, Mr. President, if the Senator will permit me, while an equal number of miles of good roads are to be found in European countries they have not such great stretch of highway to be improved.

Mr. SWANSON. Mr. President, I will say that in proportion to population, in proportion to wealth, in proportion to needs, in proportion to business, in proportion to the commerce passing over the roads, those of the United States are recognized as the worst of any civilized country. Now, the question confronts us, Why does such a condition exist? It is not because of a lack of necessity for good roads. I believe the economic loss to the United States on account of bad roads to-day is greater than from any other source. So, the present condition of the roads of the United States can not be because of a lack of necessity or a lack of profit and benefit that would accrue from good roads. The only reason for the backward condition of the roads of the United States is the bad system of road construction that has existed in this country, in comparison with the systems prevailing in other nations. The same condition that prevails here existed in England until the eighteenth century. Why? Because she had the same method of constructing and improving and keeping in repair her roads that exists in the United States to-day. Until the eighteenth century the roads in England were constructed, improved, and kept in repair entirely by local expenditure and local effort. English roads were noted for their wretchedness and their mud. The roads were so bad even in the vicinity of London that they were almost impassable. Recognizing this, in the eighteenth century England departed from her road law which had been in force from 1555, and commenced a system of road construction under which the nation united with the local authorities in the various counties. France did the same thing. There has been no construction or improvement of roads in any nation except where the burden has been fairly and justly distributed between the central government and the local communities.

New York had no good roads of any consequence until the State government endeavored by its laws to distribute the burden—the State paying so much, the county so much, and the local authorities so much for the improvement of the State roads. In that way a system of good roads was rapidly developed in New York. The same is true of New Jersey, Massachusetts, Virginia, and Indiana. Consequently it is evident that we must have money from a central authority, from a general treasury, State or national, in order to accomplish the results which have been accomplished in some of the States and in other nations.

The question confronts us whether the Federal Government should do anything. Travel over the roads is national, State, and local. Modern conditions are such that no road is used exclusively by the people who live immediately along its course or by the people of the county or the State, but it is used and enjoyed by all the people. Consequently the money to construct the roads and to keep them in repair should be paid from some central source, as the roads are used by the people of all the Nation. With this in view, the Federal Government has heretofore appropriated money for this purpose. It appropriated $14,000,000 for road construction before the Civil War, and it gave 200,000,000 acres of land to increase facilities of transportation by railroad, to benefit towns and communities by providing cheap transportation. There are many communities that are just as much interested in the common road as they are in railroads, and the same reason for extending aid in the one case exists in the other.

When a Government comes to extend aid for roads there are two ways by which it can be done: It can furnish the money and construct the road itself, and it can utilize its own engineers and officers of construction, or it can aid, stimulate, and lend inducement to the local authorities to do the work of road construction and improvement.

Many bills have been introduced in Congress calling for different methods of bringing about this result.

Mr. BOURNE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Oregon?

Mr. SWANSON. I do.

Mr. BOURNE. I should like to ask the Senator whether, in his opinion, the adoption of the House provision will be an incentive for the construction of any more new roads?

Mr. SWANSON. I think it will; but I will get to that at the proper time.

Mr. President, the House provision has been drafted with this idea: Instead of the Government appropriating millions of dollars to construct roads itself, instead of having its own engineers build and improve the roads, it is proposed to appropriate a certain amount of money for two purposes—first, to pay for the use the Government makes of the roads, and, second, to stimulate and encourage the local authorities and the people in the various States and counties to improve their roads and keep them up to a certain standard fixed by the National Government. So the House bill provides that all roads used by the United States Government for star-route purposes and for rural-delivery purposes shall be classified. This includes about 1,200,000 miles of road, which it is proposed shall be classified, so that a road used by a star-route contractor or rural-delivery carrier, if it is a macadam road and measures up to certain requirements, will receive from the Government $25 a mile per year as an inducement to keep the road in good repair and condition. For the use of a hard-surface road, made of burnt clay or otherwise, the United States will pay $20 per mile. For the use of dirt roads measuring up to certain requirements, for instance, that they shall be well drained by ditches, shall be dragged, and shall be kept in reasonably passable condition, the Government will pay $15 a year per mile.

Now, let us see what the total expenditure will be. It can not exceed $18,000,000 a year for all the miles of road used by star routes and the Rural Delivery Service in the United States to-day. It would not amount to that until the roads had been improved sufficiently and kept in such condition as to entitle them to receive payment from the Government.

As to the condition of the macadam and hard-surface roads there can be no controversy. The greatest objection that has been urged to this bill has been because it makes a provision of $15 a mile for the use of dirt roads. The apprehension has been felt by some that that will be simply a waste of money. Let us see whether it will or not. In order to obtain this money that road must be used by a star-route contractor or rural carrier for 12 months. What are the requirements before the money can be paid? First, that the road must be in a certain condition for one year and it must be used by the Government before the money can be claimed. What are the conditions for class C roads as provided in the bill?

Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means.

And follows the condition:

So that it shall be reasonably passable for wheeled vehicles at all times.

Now, Mr. President, if the dirt roads in the United States were brought to that condition within 12 months from now, were well drained, ditched, and dragged, the Government of the United States could easily afford to pay $18,000,000 that this bill carries to get them in that condition.

You get rid of the holes in the roads; you compel them to be drained; you compel them to have a smooth surface; you compel their continuous dragging; you compel them to be ditched; you compel them to be reasonably passable at all times during the entire year. The bill provides that this condition must exist 12 months before the money is paid.

Now, what would be the result of this appropriation? It is not effective till 1913. From now until the 1st of July, 1913, every road supervisor in the United States will have this proposition submitted to his consideration: Improve your dirt roads and make them macadam roads or make them hard surface and you will get twenty-five or twenty dollars per mile per year for their use, as the case may be. Improve your dirt roads, drain them well, fill up the holes, drag them, keep them passable during 12 months, and at the end of 12 months, in 1914, you can get $15 a mile for their being in that condition.

Mr. President, people laugh at dirt roads. For the next 25 years three-fourths of the traffic of this country must be hauled over dirt roads. It is estimated, from the present cost of hauling, that the United States loses $250,000,000 a year on account of the condition of its roads. It is estimated that 90 per cent of all the internal commerce of the United States passes over the roads an average of 9 miles before it reaches the railroads or harbors for water transportation. Consequently, for the next 25 years at least, we have to depend largely upon the condition of the dirt roads to get better and cheaper transportation; and better and cheaper transportation mean great reduction in the cost of living.

There is this stimulation to this bill. It encourages every community to change its dirt roads to hard-surface roads. It encourages every community to improve its dirt roads and make

them passable and make them good. It has been estimated that it will take from thirty to forty or forty-five dollars per annum to keep a dirt road in splendid condition, to keep it smooth, to keep it drained, to keep the mudholes filled, and the United States would be paying about one-third the expense of keeping those roads in that condition.

One advantage of this bill is that all of its benefits do not go entirely to those who will have macadam or splendidly constructed roads. They go to every hamlet, to every village. They give an encouragement and a stimulus to every part of the United States to improve its roads and to keep them in good condition.

Now, no other bill that I have seen introduced has this advantage, of benefiting and stimulating every local community and all sections of the country.

The Senator from Oregon asked me whether I thought new roads would be created because of this bill. Roads are created as they are needed for transportation and traveling purposes.

Mr. BOURNE. Mr. President——

Mr. SWANSON. In just a moment. But when they are created, then it is necessary to keep them in order.

Now, the advantage of this is that it will improve at once present roads. It will also increase the number of roads where they are needed, because when roads are increased and utilized by the Government this will become operative and the new roads will receive the same pay that other roads receive which are already in existence.

I now yield to the Senator from Oregon.

Mr. BOURNE. Is it not true that, under the provisions of the bill no rental for Government usage can be paid by the Government except for its usage by the rural carrier?

Mr. SWANSON. The rural carrier and the star route, both.

Mr. BOURNE. It includes both?

Mr. SWANSON. It includes both. It includes about 1,180,000 miles of road out of the 2,150,000. In other words, that includes more than half of all the roads in the United States, and that one-half are the roads mostly needed and over which most of the traffic and travel would go.

Mr. BOURNE. But if the Senator will allow me, I do not see where the incentive under the Shackleford measure or the House bill lies for the construction of new roads. I do see where preparation is partially made for the maintenance of roads already used by the Government on the rural and star routes, amounting to over a million miles.

Mr. SWANSON. If the Senator will permit me, some wise road builders in the United States who have given the subject great study say that the curse of the United States to-day is too many roads not kept in order, and that we would get along better if we had less roads and put them in order. The problem in the United States is not the building of new roads as much as it is to get the roads into a passable and good condition.

Mr. GALLINGER and Mr. REED addressed the Chair.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Virginia yield, and to whom?

Mr. SWANSON. I yield now to the Senator from New Hampshire.

Mr. GALLINGER. I have been reading the provision carefully within the last two or three minutes, and I want to make one or two practical suggestions to the Senator from Virginia. I am in sympathy with the general proposition, but will there not be a divided responsibility as between the municipality or the State and the General Government in maintaining these roads?

Now, Mr. President, as an illustration, in my own little State we have made very large appropriations from the State treasury—a million dollars at one time—for the construction of good roads, and we have built some roads costing five or six thousand dollars a mile. It takes a very considerable amount of money to keep them in repair. For instance, the oiling of those roads, I think, costs three or four hundred dollars a mile, and we frequently resort to that expedient.

Now, if the United States Government is going to put only $25 a mile into those roads—and that is to be a separate fund—and the State or the municipality is going to expend money for the same purpose, it seems to me there would be a conflict of authority, and that very little good would be done.

Mr. SWANSON. The Senator from New Hampshire is correct, and this bill is drawn so as to get rid of the very objection urged by the Senator. The funds are paid over to the authorities who have control of the roads.

Mr. GALLINGER. Is that so?

Mr. SWANSON. They can do what they please with that money.

Mr. GALLINGER. That is what I wanted to know.

Mr. SWANSON. The Federal Government has nothing to do with it. It does not watch its expenditure; it does not supervise it. The reason it is fixed that way—and it is wiser—is, first, it prevents the Federal Government from interfering with the State administration; it will relieve the Federal Government from the expense and annoyance of local administration in connection with the roads. Second, the Federal Government does not pay this money until more than double or treble the amount has already been spent to get the roads in good condition and to keep them in that condition for 12 months.

Mr. GALLINGER. I think very likely I did not read the act as intelligently as I should have done. The provision, then, is that the contribution from the General Government shall be paid to the local authorities to augment the funds that are contributed by the municipality, the county, or the State?

Mr. SWANSON. It is paid to the local authorities, because they have for 12 months prior to that time kept their macadam or hard-surface or dirt road in good condition in compliance with the requirements of the law or the requirement fixed by the Federal Government.

Mr. GALLINGER. I am glad I asked the question, because that clarifies the situation. I read it hurriedly. I was afraid we were to have two funds, a national fund and a State or local fund, and I think that would be unfortunate.

Mr. SWANSON. The Senator is correct in that statement, and that difficulty and objection were obviated in the drawing of this bill.

Mr. BOURNE. Will the Senator from Virginia permit me for a moment?

Mr. SWANSON. I yield to the Senator from Oregon.

Mr. BOURNE. The bill provides:

> That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act under and in accordance with rules and regulations prescribed jointly by the Secretary of the Treasury and the Postmaster General.

Under the terms of the bill I should like to ask the Senator from Virginia to whom he thinks the money will be paid?

Mr. SWANSON. The money would be paid under this bill, which is correct and proper, to the official who, by the law of the State, has charge of the road, who controls it, who improves the road over which the rural carrier goes.

Mr. BOURNE. Under the rules and regulations which may be prepared, but such rules and regulations——

Mr. SWANSON. That fixes the method of payment, the method of receipt, the proper person to receive the money; and the proper person to receive the money is the person who is required to keep the road in the condition required by the Government—the person who has control of it, the person who improves it, the person who ditches it, the person who gets rid of the mudholes, the person who drags it, the person who keeps it reasonably passable during the year.

Mr. BOURNE. Who determines all of that?

Mr. SWANSON. The law determines that. The State law determines the official in the State who has charge of the road, and in this law it is determined that that State official in authority of the road shall receive the money from the Treasury.

Mr. BOURNE. The law prescribes three classifications. The ascertainment as to the classification has to be determined under the provision of the bill. According to the opinion of the department, it would require $750,000 expenditure on the part of the Government in order first to secure that ascertainment.

Mr. SWANSON. What department made that estimate?

Mr. BOURNE. The Department of Agriculture.

Mr. SWANSON. I wish to say in this connection that the Department of Agriculture is opposed to this proposition and appeared before the committee antagonistic to it. The Department of Agriculture is in favor of the Federal Government's appropriating money to construct roads and to build roads with its own engineers.

Mr. BOURNE and Mr. REED addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Virginia yield?

Mr. SWANSON. I yield to the Senator from Missouri.

Mr. REED. I will give way to the chairman of the committee, but after he is through I will try to answer it.

Mr. BOURNE. I simply wanted to say, Mr. President, that I did not want to be put in the attitude in this discussion of being opposed to good roads. I am heartily in favor of good roads. My opinion is, however, that we have not sufficient information upon which to take intelligent action as to the best method of procedure. That was the reason for my support of the committee amendment as a substitute for the House provision.

Now, the Senator from Virginia, as I understand him, made the statement that the bill in the House received almost a unanimous support and vote. I understand there were only 30 or 40 against it.

Mr. SWANSON. No; there were some eighty-odd votes against it.

Mr. BOURNE. Well, it was a very large vote; but, as I understand, this was taken up for consideration by the Committee on Agriculture of the House and under a rule put on the Post Office appropriation bill, and there was no discussion of the bill on the floor of the House. Am I misinformed?

Mr. SWANSON. The Senator is mistaken. There was a very long and full discussion in the House.

Mr. BOURNE. I am correct in the statement, am I not, that is was not discussed in the Committee on the Post Office and Post Roads of the House, but in the Committee on Agriculture of the House, and put on the Post Office appropriation bill under a rule.

Mr. SWANSON. As I understand, by the consent of a large majority of members of the Post Office Committee, who were satisfied with its wisdom and provisions, and the matter was discussed in the House fully and long. After its discussion, some of the most conservative men in the House gave it their support as the best measure that had been proposed. Ex-Speaker CANNON, a very conservative Member I think, gave it his warm and cordial support, I understand, and after the discussion in the House was convinced it was a wise practical measure which would be fraught with much benefit to the country.

If you are going to have Government aid, what does this bill do? Instead of the Government spending four or five hundred million dollars at the time, as some desire, to construct great highways connecting the large cities, for the use of automobiles, this bill says we will first try to stimulate the local communities and see if we can not encourage them and get them to do the work and to improve their roads. To do this we will include all classes of roads. We will give encouragement so as to stimulate the local authorities and see if they will not improve their roads. I believe it will accomplish good results, because by this local stimulation I believe it will give activity and energy and expenditure for road improvement in every section of this country.

Let us see what will happen for the next 12 months. Here is a supervisor of a dirt road. It is in bad condition now. A rural carrier passes over it. The supervisor will know that, commencing the 1st of July, 1913, if he will get his road in good condition, on the 1st of July, 1914, after he has kept it in good condition for 12 months, he will get from the Federal Government $15 per mile in consideration of that road's having been made and kept in a good condition, fixed by and classified under classification C. That will be a stimulus given to every supervisor of roads in the United States. A man has 10 miles of dirt road to supervise. To-day, if this bill is passed, that man will realize that from the 1st of next July, one year from now, 1913, to the 1st of July, 1914, if he will improve that road, if he will ditch it and drain it and drag it and give it a smooth surface, if he keeps it reasonably passable for 12 months, the Government will contribute $150 at the end of that time. That will be a stimulus which will give force and vigor to road improvement in every hamlet in the United States. Every road supervisor in the United States will have an ambition or have a desire to get his road improved so that it can be put under class C.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from New York?

Mr. SWANSON. I yield.

Mr. ROOT. I should like to ask the Senator from Virginia why the States do not stimulate their own officers to keep their roads in repair? Does he mean to confess the incompetence of the States to take care of their own roads?

Mr. SWANSON. I will answer the Senator that a great many of the States do, and where the States have done that there has been good stimulation and good road improvement. The State of Virginia—and I recommended it in my first inaugural address—commenced working its convicts and afterwards appropriating money out of the State treasury for the improvement of public roads. The State of Virginia appropriated from its treasury $250,000, to be supplemented by an equal amount by the counties. In every county in Virginia the road question became a live question. First the supervisors had to appropriate an amount equal to what the State gave. Consequently it became a live question. Nearly all of the counties responded. After they appropriated enough to be equal to what the State gave, they went further and appropriated five or six times the amount that the State and the local communities combined did at first. In four years about 400 miles of macadam roads were constructed in Virginia. There is the same condition in New York.

Why was that done? The wealth of this Nation is congregated in the great cities. Take the State of Virginia. Fifty-two per cent of all her taxes are paid by the cities in the State. The country is poor. They can not bear the taxes. The land is poor, and they can not bear the taxes. They can not bear the burden of improving these roads, which are of as much importance to the city as to the country.

When we appropriated $250,000 out of the Virginia treasury and spent it in the country, 52 per cent of it was paid by the cities, and to that extent the cities were aiding in road construction. The cities were willing to do it. They voted for it unanimously, and many cities would have aided in road construction but for the fact that their charters prohibited it.

The large wealth of this country is in the cities, and when you appropriate money out of the Treasury and expend it for good-road construction in the country, to that extent the cities are aiding in road construction in the country. I think it is all right. I think the cities are as much benefited as is the country by improved country roads. City people use them. City people get commerce and trade and traffic, and that is the most efficient way to distribute the burden of road construction—out of the Federal Treasury, out of the State treasury, and then let the local communities pay their part of it.

The Federal Government uses these roads. The Federal Government has a monopoly of the carrying of the mails. No private citizen can engage in that business. It is prohibited by law. The Federal Government has its vast mail system going to all parts of this country. Its mail system goes over the railroads, with its private stockholders. Then it is distributed over 2,000,000 miles of road which have been constructed and over which it has been made possible to carry the mail by the expenditure of money by the people of the country. The railroads receive in payment for carrying the mail over railroads $51,000,000 a year, and when it comes to distributing this same mail over the country roads not a cent, not a dollar, is paid. I say, if the Federal Government pays for its mails, it ought to pay for the transportation of its mails everywhere, because the Federal Government ought to be a model citizen and get nothing without paying for it. It ought to teach a lesson.

Mr. ROOT. Mr. President——

Mr. SWANSON. I yield to the Senator from New York.

Mr. ROOT. The Senator from Virginia is speaking of roads which are public highways, open to the travel of all classes. He proposes that over those roads everyone shall pass free except the carrier who brings the mail.

Mr. SWANSON. No——

Mr. ROOT. If the State of Virginia chooses to set up tollgates and charge tolls for passage over its roads, I agree that the carrier of the Federal Government should pay tolls just as any other man who drives a horse and wagon over the road. But that the Government of the United States alone shall pay for the privilege of using a road to carry the mails to the people of Virginia, I say is a mere flimsy subterfuge to get money out of the Treasury of the Government.

Mr. SWANSON. Here is the position of the Senator from New York. The State of Virginia does make every citizen of the State who uses her public roads pay—pay in taxes, which are collected and enforced. There is no way to make the Federal Government pay. And all that this proposition is is that the Federal Government shall be generous enough, be a model citizen, and pay for a thing when it uses it and gets the benefit. There is no way by which the State government can tax the Federal Government and make it pay. It is supreme; it is powerful. What I believe is that the Federal Government not only ought to pay a fair price for that privilege and be a model citizen, but I believe it has a sufficient interest in the development of the trade, in the development of the commerce, in the development of the wealth of this Nation, to make it aid in this direction also.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield further to the Senator from New York?

Mr. SWANSON. I do.

Mr. ROOT. If the proposition were that the Federal Government should pay into the treasury of the State of Virginia an amount of money equivalent to the amount of taxes on the property of the Federal Government in the State of Virginia, proportionate to the amount of taxes that would go to the keeping up of the roads, I would meet the Senator, but to put the Federal Government alone in the position of having to pay for using a public highway which is free to all the rest of the

world, I say is nothing but a subterfuge, a plain, flimsy subterfuge, to get money out of the Federal Treasury and tax the people of this country thousands of miles away to keep up roads in the State of Virginia and other States who want to get this subvention.

I warn the Senator that he can not maintain the sovereignty and the authority of his State if he is going step by step to bring the Federal Government into the payment of the expenses of carrying on of the government of his State.

Mr. SWANSON. In reply to the Senator from New York I will say that I think the Federal Government should pay for any use it makes of property or roads, if it is able to do it. It is an immense expense to the people living along the line of roads. They are taxed and burdened to keep them in condition. I see no reason why the Federal Government should not be a model citizen, and like all other taxpayers, help to keep the roads in condition when it uses them.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. SWANSON. I do.

Mr. LODGE. It seems to me on that doctrine the United States ought to contribute in every city to the maintenance of pavements, both on the sidewalks and in the middle of the streets over which the carriers walk and the mail wagons pass.

Mr. SWANSON. The cities have municipal rights, special charters and special privileges given them by the States, and I am not here arguing the question of the cities. I am here simply saying that the United States Government has an interest in good roads—has as much interest as anybody—and it is as much benefited as anybody, and should contribute to help to keep those roads in good condition, especially when it uses those roads.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Oregon?

Mr. SWANSON. I do.

Mr. BOURNE. The Government receives no benefit from the use of these roads except the benefit for the general welfare of the community that it serves. I understand the Government is expected to pay a rental for the use of the roads, determined by the classification provided in the bill, of $25 or $20 or $15 per mile. If Congress enacts such legislation as that, why could not a municipality as properly call upon Congress to pay a rental for the use of the sidewalks and the streets for the carriers of letters in the municipality?

Mr. SWANSON. If the Federal Government was satisfied that it would be sufficiently benefited, that it would get a sufficient return, the Federal Government would be justified in making any expenditures where the return is equal and exceeds the expenditure made for its own property and its use.

Now, take this case. Here are 42,000 carriers going about 1,000,000 miles daily over the public roads. A carrier can go 20 miles on a bad road, or possibly 19. He can go on a good road 30 or 40 miles. The Government would save 25 per cent on any rural delivery route if it has a good road over the rural delivery route which was improved and benefited and made passable. It would seem to me that the Federal Government by the use of these roads is interested in their improvement, and that it ought to pay something to improve them and put them in a condition for proper use.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Kansas?

Mr. SWANSON. I do.

Mr. BRISTOW. The Senator seems to be proceeding upon the theory that the Federal Government is enjoying a special favor from the community by being permitted to use a road in order to deliver the mails to the citizens living on that road. If the privilege of using the road for this rural mail delivery is a favor to the Government, suppose the Government can not see that in itself as a general proposition it gets any advantage from the rural road? It is expensive. It costs for a carrier, we will say, $1,100 a year, and if then it costs $500 a year additional for keeping up the road, it might conclude that it was a service that was too expensive. What would the Senator say to that?

Mr. SWANSON. I would say to that that the Government has a monopoly of carrying the mails. It has taken that benefit and burden combined on its shoulders. Nobody can engage in the business of carrying the mail. It is done by the Federal Government because it can be done by it better and more economically than anybody else can do it. It has assumed the obligation to give mail facilities quickly, promptly, and immediately to all its citizens. It is one of the special functions of the Government. Having decided to do that, it is its duty to carry the mail to all its citizens. Now, when it carries the mail over a rural delivery route it benefits itself by giving intelligence, by giving wealth, by increasing the population in rural sections. The Government is benefited as much as the citizen is benefited. Then the Federal Government is benefited when it uses the road as its post road, and I do not see any reason why the Federal Government should not pay a part of the amount necessary to keep these roads in use to benefit them, because the Federal Government is improved and benefited by having good roads for the star route, rural delivery, and all the service, in addition to the general benefit that accrues from the development of commerce, the development of the country, and the promotion of the general welfare of the Nation.

Mr. BRISTOW. The Federal Government is maintaining a rural delivery service at a very great expense. It costs from five to six times as much as the service yields in revenue to deliver the mails to the rural communities. And now the Senator from Virginia proposes, in addition to imposing this great tax on the American people to deliver the mails to the rural communities, to tax them and make them keep up the roads in the rural communities, because it is extending this great privilege to the people who live in those communities. To my mind it is the most amazing proposition ever presented to an intelligent body of men for their consideration.

Mr. SWANSON. In regard to the Rural Delivery Service the Senator is mistaken in the attack he has made on the Rural Delivery Service.

Mr. BRISTOW. Mr. President——

Mr. SWANSON. To-day it costs about $42,000,000. It is estimated that it saves in star routes abolished and post offices abolished about $26,000,000——

Mr. BRISTOW. Mr. President——

Mr. SWANSON (continuing). Making it cost about $16,000,000. There are 42,000 rural-delivery routes. If there are gathered on each route $400 in postage, the extension of the Rural Delivery Service has not been expensive, nor has it cost anything to the Government if the average postage on each route equals about $400.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia further yield to the Senator from Kansas?

Mr. SWANSON. I do.

Mr. BRISTOW. The Senator greatly overestimates the amount of revenue that is collected from the rural routes. There is nothing like $26,000,000 collected from the rural routes.

Mr. SWANSON. I did not make that statement. I said the extension of the Rural Delivery Service by the abolition of the star route service and by the abolition of post offices, it has been estimated, and I have seen the estimate made, has saved about $26,000,000 in that respect, which makes the service cost about $16,000,000 without crediting it with any postage. I said that there are 42,000 of these routes. I do not know how much mail goes over each route, but if there is $400 received in postage it does seem to me that it is not costing the Government anything.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia further yield to the Senator from Kansas?

Mr. SWANSON. I do.

Mr. BRISTOW. The Senator is proceeding upon the assumption that $26,000,000 is being collected. The premises upon which the Senator is proceeding are altogether wrong. There is no such amount saved or collected. Now, the Senator speaks of abolishing post offices.

Mr. SWANSON. The Senator makes this mistake. I said that the star routes and post offices abolished have saved $26,000,000.

Mr. BRISTOW. The Senator speaks of the saving of money by abolishing post offices. There have been a number of small post offices abolished where the receipts were very little, but the stamps which were formerly canceled or sold at those post offices are canceled or sold at other post offices, and other postmasters are getting the revenues that formerly went to those postmasters. The Senator knows that in his own State he has had a great deal of trouble at times where a post office was taken away, because the postmaster did not want to lose the revenues of that place and have it transferred to another office. When post offices are abolished there is not any economy in it that amounts to anything, and there is no economy in abolishing star routes of any consequence.

The Senator assumes that I was attacking the Rural Delivery Service. I am not. I am in favor of the Rural Delivery Service, and I think I have done something in my time to promote it.

I think it is a generous contribution the Government of the United States is making for the convenience and benefit of its citizens. But when they claim that because the Government does extend this service at a heavy expense for their benefit it also ought to keep up their roads in order that the mail might be delivered, I say again it is preposterous and almost unthinkable, and I do not believe any considerable number of citizens would demand such a thing. If we are going to make a Federal contribution to the creation of a good-road system in the United States, let us make it openly and squarely and fairly for that purpose and not, as the Senator from New York says, hide behind such a flimsy subterfuge as is contained in the bill.

Mr. SWANSON. Mr. President, I wish to say, in justice to the Senator from Kansas, that when I used the word "attack" I possibly used a stronger expression than I intended. I know he has been a good friend of rural delivery. I know when he was Assistant Postmaster General he took a great deal of pleasure in extending the service and doing all he could to make the service efficient.

Now, as to a flimsy excuse, I stated the reason why this money should be appropriated. First, it is because I believe the Federal Government should aid roads. Second, it is because I believe the Federal Government should pay for the use of roads. Both these I consider are sufficient reasons for passing this appropriation. It amounts to a very small sum of money when you consider the benefits that will accrue to the Nation.

The Federal aid of $18,000,000 a year by this provision would do what? It would stimulate road improvement. It would enable and induce the local communities from one end of the country to the other for 12 months to try to improve their roads of all kinds and put them in better condition. It would give a stimulus and create rivalry. They would try to get their roads up to the requirements. I believe the Federal Government would be benefited by the use of these roads. How? Because the 42,000 rural-delivery carriers could travel much farther and could do more work. It would be a saving of five or six million dollars a year in the improved use of roads and in the greater amount of work that the rural carriers could do. I say that the Federal Government, as the user of these roads, can well afford to pay that money to get the increased benefit as a user of the roads.

Then, as to the argument of the enforcement of State sovereignty, there is a disposition always when anything comes to benefit the country, to benefit the farmer, to benefit the masses of the people, to appeal to State sovereignty to defeat it. But when it comes to other purposes, when it comes to other demands and other uses, State sovereignty is not invoked. The rural communities get very little from the Federal Government. Nearly all the public buildings are erected in cities. The amounts expended for river and harbor appropriations are expenditures that do not reach the great masses of the people. It is the average country road that touches the great mass of the people. The Federal Government has given millions and millions of dollars to aid railroad construction, in order to give cheap transportation and develop commerce, and millions of dollars for river improvements to get cheap transportation on the rivers, and I am at a loss to understand why it should refuse to give good sums of money to stimulate road construction in the rural sections.

Now, there is another feature of this bill that I think is beneficial. It does not refuse to benefit the people who have already benefited themselves. Most bills introduced gave nothing to the people who had already built roads. This does. It pays for the use of macadam roads; it gives to hard-surface roads or burnt-clay roads. This bill carries its benefits to all sections of the country and treats them fairly and justly.

If the Federal Government is going into national aid to roads, I believe it is worth while to try this experiment. I believe it will be beneficial; I believe it will produce a road development, a road stimulus reaching the sections of the country where it will produce good results; I believe if we pass this law and come back here in 1914 the road improvement, the development, the benefits that would accrue would be amazing, because you would have every supervisor of every road in the United States active, energetic, and earnest in trying to get the money that would be paid to him for keeping his road in good condition.

Mr. BOURNE. Will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Oregon?

Mr. SWANSON. I do.

Mr. BOURNE. I wish to ask the Senator upon what method of ascertainment was the $25 rental, the $20 rental, and the $15 rental determined? Was it upon the interest or the capital or the charge for deterioration because of the use each day by the rural carrier, or how?

Mr. SWANSON. It was determined in this way, I presume: It was figured about $20,000,000 as the amount the Government could afford to give at this time to road improvement. This bill would amount nearly to $20,000,000 a year if all the roads were brought up to the class required under the provisions.

Now, then, to make it absolutely constitutional, so there could be no question about it, which was necessary to get rid of the objections of some gentlemen, it was limited to star routes and rural-delivery routes, the Constitution giving express powers to the Federal Government in connection with those. This was thought to be the best way to give general aid, fair aid, efficient aid, and at the same time let the Government pay something for the use of the roads. But I can see no reason why the Federal Government can not expend money on roads it uses and put them in a better condition, so it will save the Government large sums of money and at the same time give a stimulus to State, county, and local communities to get all their roads in good condition and keep them in good condition.

Mr. REED and Mr. WILLIAMS addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Virginia yield?

Mr. SWANSON. I yield to the Senator from Missouri. I have some tables, and so forth, that I wish to put in my remarks. I ask the privilege of putting them in.

The PRESIDING OFFICER. Without objection, the Senator has permission.

The tables referred to are as follows:

Statement showing the number and mileage of rural and star routes, furnished by the Hon. P. V. De Graw, Fourth Assistant Postmaster General.

1. On April 1, 1912, the total number of star routes in operation was 12,656, the number of miles traveled daily on these routes being 318,280.

2. The star routes, classified as to frequency of service, are as follows:

Times served per week.	Number of routes.	Times served per week.	Number of routes.
1	196	18	102
2	875	19	36
3	2,346	20	9
4	11	21	8
5	1	24	38
6	7,368	25	9
7	371	26	4
8	2	27	3
11	1	28	5
12	1,118	30	4
13	94	32	1
14	53	33	1

3. The total number of rural routes in operation is 42,100, of which 681 are served triweekly.

4. On April 1, 1912, the total number of rural and star routes in operation in each State was as follows:

States.	Rural.	Star.	States.	Rural.	Star.
Alabama	1,017	295	Nevada	3	81
Arizona	11	83	New Hampshire	237	132
Arkansas	417	598	New Jersey	303	119
California	378	424	New Mexico	15	229
Colorado	150	257	New York	1,899	550
Connecticut	279	57	North Carolina	1,306	432
Delaware	107	14	North Dakota	531	222
District of Columbia	7	.....	Ohio	2,530	183
Florida	202	233	Oklahoma	1,026	337
Georgia	1,639	169	Oregon	230	245
Hawaii	.....	26	Pennsylvania	2,203	639
Idaho	112	167	Porto Rico	.....	33
Illinois	2,856	90	Rhode Island	43	19
Indiana	2,120	90	South Carolina	774	135
Iowa	2,424	55	South Dakota	559	203
Kansas	1,802	148	Tennessee	1,605	244
Kentucky	733	943	Texas	1,912	679
Louisiana	181	333	Utah	51	124
Maine	468	297	Vermont	340	144
Maryland	437	156	Virginia	1,013	699
Massachusetts	209	144	Washington	301	198
Michigan	2,027	173	West Virginia	369	514
Minnesota	1,594	195	Wisconsin	1,642	170
Mississippi	779	307	Wyoming	10	154
Missouri	2,067	468			
Montana	45	209	Total	42,100	12,656
Nebraska	1,047	231			

5. The aggregate mileage traveled by rural and star route carriers is as follows:

Rural delivery:	
Daily travel	1,010,396
Annual travel	310,191,572
Star route:	
Daily travel	318,280
Annual travel	84,678,423
6. The total length of routes is:	
Rural delivery	1,018,90[1]
Star delivery	[1] 160,058

Mr. WARREN. May I ask the Senator from Virginia if he has concluded?

[1] Total length of star routes is based upon travel one way only.

Mr. WARREN. May I ask the Senator from Virginia if he has concluded?

Mr. SWANSON. At present I am going to yield to the Senator from Missouri.

Mr. WARREN. I wish to ask——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. REED. For what purpose?

Mr. WARREN. I wish to ask whoever has the floor if it would be convenient to yield to a conference report, a privileged question, at the present time?

Mr. REED. I have no objection.

Mr. SWANSON. I should like to yield to the Senator from Mississippi [Mr. WILLIAMS] before I yield the floor, as I thought he desired to ask a question.

Mr. WILLIAMS. No; I rose to be recognized by the Chair.

The PRESIDING OFFICER. The Senator from Virginia has the floor; he has yielded to the Senator from Missouri [Mr. REED]; and the Senator from Missouri yields to the Senator from Wyoming for a privileged question.

Mr. LODGE. Mr. President, I rise to a question of order. The Senator occupying the floor can, of course, yield to another Senator for an interruption, but he can not abandon the floor and yield it to any Senator.

The PRESIDING OFFICER. The point is well taken.

Mr. SWANSON. I yielded to the Senator from Missouri, expecting him to ask me a question, and he told me that he intended to make a speech.

Mr. LODGE. That is all right. Then the Senator from Virginia still retains the floor.

The PRESIDING OFFICER. The Senator from Virginia yielded the floor to the Senator from Missouri, and the Senator from Missouri yielded to the Senator from Wyoming for the purpose of making a privileged report.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WARREN submitted the following report (S. Doc. No. 891):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 83, 86, 91, 92, 98, 104, 105, 106, 110, 115, 116, 117, 119, 120, 129, 142, 143, 154, 155, 161, 162, 166, 170, 171, 172, 173, 174, 187, 192, 244, 250, 251, 252, 254, 255, 256, 257, 260, 261, 262, 263, 269, 271, 272, 279, 280, 288, 289, 291, 293, 294, 296, 297, 298, 300, 303, 304, 305, 307, 308, 312, 316, 317, 318, 319, 321, 322, 323, 324, 325, 326, 328, 329, 333, 334, 335, 336, 341, 342, 343, 346, 347, 352, 353, 354, 355, 360, 361, 366, 367, 368, 369, 370, 374, 375, 376, 377, 379, 383, 384, 385, 388, 389, 410, 412, 413, 414, 415, 416, 417, 418, 423, 424, 426, 428, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 441, 442, 450, 454, 456, 457, 458, 460, 461, 462, 464, 467, 468, 469, 471, 473, 474, 475, 476, 477, 484, 485, 486, 487, 490, 491, 494, 496, 497, 498, 499, 505, 506, 507, 510, and 515.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 79, 80, 82, 84, 85, 87, 88. 89, 90, 93, 94, 95, 96, 97, 99, 100, 101, 102, 103, 107, 108, 111, 113, 114, 118, 125, 126, 127, 128, 130, 131, 133, 134, 135, 136, 137, 138, 139, 140, 141, 144, 145, 146, 147, 148, 149, 150, 152, 153, 160, 163, 164, 165, 167, 168, 175, 176, 177, 178, 179, 180, 181, 183, 185, 188, 189, 194, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 245, 246, 247, 248, 249, 258, 259, 265, 266, 267, 268, 273, 274, 276, 277, 278, 281, 282, 287, 290, 295, 299, 311, 313, 315, 320, 327, 330, 331, 332, 337, 338, 339, 340, 344, 345, 348, 350, 351, 356, 357, 358, 359, 362, 364, 365, 372, 378, 380, 381, 382, 386, 387, 390, 391, 396, 397, 398, 400, 405, 406, 407, 408, 409, 411, 419, 420, 427, 429, 440, 443, 444, 445, 446, 447, 448, 449, 451, 452, 453, 455, 459, 465, 466, 470, 472, 480, 481, 482, 483, 488, 489, 492, 493, 495, 500, 502, and 503, and agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For fuel and advertising, exclusive of labor, $2,500"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the following: "to be immediately available"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$72,056.66"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "2 charwomen"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$229,830"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: "director of the consular service, $4,500; counselor for the Department of State, to be appointed by the President, by and with the advice and consent of the Senate, $7,500; 8 officers to aid in important drafting work, 4 at $4,500 each and 4 at $3,000 each, to be appointed by the Secretary of State, any of whom may be employed as chief of division of far eastern, Latin American, near eastern, or European affairs, or upon other work in connection with foreign relations; assistant solicitor, $3,000; law clerk, $2,500; clerks—2 of class 3; 2 of class 1; 2 at $1,000 each; 3 assistant messengers"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$317,560"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,670"; and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "Hereafter the administrative examination of all public accounts, preliminary to their audit by the accounting officers of the Treasury, shall be made as contemplated by the so-called Dockery Act, approved July 31, 1894, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments, (except those vouchers heretofore prepared outside of Washington may continue to be so prepared) and the disbursing officers shall make only such examination of vouchers as may be necessary to ascertain whether they represent legal claims against the United States;" and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$310,070;" and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-five;" and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eleven;" and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$148,650"; and the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$336,100"; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: On page 52 of the bill, in line 11, strike out the following: "newspapers,"; and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For purchase, exchange, maintenance, and repair of motor trucks, and maintenance of horses and carriages, to be used for official purposes only, including not exceeding $6,000 for the purchase of two motor trucks and one motor delivery wagon, $8,000"; and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,100,000"; and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "On and after October 1, 1912, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 63"; and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "paying teller, $2,000; receiving teller, $1,900; exchange teller, $1,800; vault clerk, $1,800"; and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$34,700"; and the Senate agree to the same.

Amendment numbered 226: That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "1 at $2,300, 1 at $2,100, 2 at $2,000 each"; and the Senate agree to the same.

Amendment numbered 243: That the House recede from its disagreement to the amendment of the Senate numbered 243, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$190,610"; and the Senate agree to the same.

Amendment numbered 253: That the House recede from its disagreement to the amendment of the Senate numbered 253, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

Amendment numbered 264: That the House recede from its disagreement to the amendment of the Senate numbered 264, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "During the fiscal year 1913 no vacancy occurring in the classified service of the War Department herein provided for shall be filled except by promotion or demotion from among those within said service, until the whole number of those herein authorized in said classified service of the department shall have been reduced not less than 5 per cent. And the salaries or compensation of all places herein provided for that may be embraced within such reduction shall not be available for expenditure but shall lapse and be covered into the Treasury"; and the Senate agree to the same.

Amendment numbered 270: That the House recede from its disagreement to the amendment of the Senate numbered 270, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$149,820"; and the Senate agree to the same.

Amendment numbered 275: That the House recede from its disagreement to the amendment of the Senate numbered 275, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$26,600"; and the Senate agree to the same.

Amendment numbered 283: That the House recede from its disagreement to the amendment of the Senate numbered 283, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirteen"; and the Senate agree to the same.

Amendment numbered 284: That the House recede from its disagreement to the amendment of the Senate numbered 284, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixteen"; and the Senate agree to the same.

Amendment numbered 285: That the House recede from its disagreement to the amendment of the Senate numbered 285, and agree to the same with an amendment as follows: In lieu of the number proposed insert "ten"; and the Senate agree to the same.

Amendment numbered 286: That the House recede from its disagreement to the amendment of the Senate numbered 286, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$103,820"; and the Senate agree to the same.

Amendment numbered 292: That the House recede from its disagreement to the amendment of the Senate numbered 292, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,840"; and the Senate agree to the same.

Amendment numbered 301: That the House recede from its disagreement to the amendment of the Senate numbered 301, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$112,440"; and the Senate agree to the same.

Amendment numbered 302: That the House recede from its disagreement to the amendment of the Senate numbered 302, and agree to the same with an amendment as follows: In lieu of the number proposed insert "two"; and the Senate agree to the same.

Amendment numbered 306: That the House recede from its disagreement to the amendment of the Senate numbered 306, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,060"; and the Senate agree to the same.

Amendment numbered 309: That the House recede from its disagreement to the amendment of the Senate numbered 309, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine"; and the Senate agree to the same.

Amendment numbered 310: That the House recede from its disagreement to the amendment of the Senate numbered 310, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$78,600"; and the Senate agree to the same.

Amendment numbered 314: That the House recede from its disagreement to the amendment of the Senate numbered 314, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$102,700"; and the Senate agree to the same.

Amendment numbered 349: That the House recede from its disagreement to the amendment of the Senate numbered 349, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$275,570"; and the Senate agree to the same.

Amendment numbered 363: That the House recede from its disagreement to the amendment of the Senate numbered 363, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$630,650"; and the Senate agree to the same.

Amendment numbered 371: That the House recede from its disagreement to the amendment of the Senate numbered 371, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and on page 100 of the bill, in line 1, after the word "watchmen," insert the following: "for the following under the chief clerk of the Interior Department: Engineer, $1,200, and 2 firemen"; and the Senate agree to the same.

Amendment numbered 373: That the House recede from its disagreement to the amendment of the Senate numbered 373, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,478,100"; and the Senate agree to the same.

Amendment numbered 392: That the House recede from its disagreement to the amendment of the Senate numbered 392, and agree to the same with an amendment as follows: In lieu

of the sum proposed insert "$16,000"; and the Senate agree to the same.

Amendment numbered 393: That the House recede from its disagreement to the amendment of the Senate numbered 393, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,000"; and the Senate agree to the same.

Amendment numbered 394: That the House recede from its disagreement to the amendment of the Senate numbered 394, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000"; and the Senate agree to the same.

Amendment numbered 395: That the House recede from its disagreement to the amendment of the Senate numbered 395, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000"; and the Senate agree to the same.

Amendment numbered 399: That the House recede from its disagreement to the amendment of the Senate numbered 399, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$4,000"; and the Senate agree to the same.

Amendment numbered 401: That the House recede from its disagreement to the amendment of the Senate numbered 401, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,000"; and the Senate agree to the same.

Amendment numbered 402: That the House recede from its disagreement to the amendment of the Senate numbered 402, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

Amendment numbered 403: That the House recede from its disagreement to the amendment of the Senate numbered 403, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

Amendment numbered 404: That the House recede from its disagreement to the amendment of the Senate numbered 404, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 421: That the House recede from its disagreement to the amendment of the Senate numbered 421, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fourteen"; and the Senate agree to the same.

Amendment numbered 422: That the House recede from its disagreement to the amendment of the Senate numbered 422, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-one"; and the Senate agree to the same.

Amendment numbered 425: That the House recede from its disagreement to the amendment of the Senate numbered 425, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$424,610"; and the Senate agree to the same.

Amendment numbered 463: That the House recede from its disagreement to the amendment of the Senate numbered 463, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$104,860"; and the Senate agree to the same.

Amendment numbered 478: That the House recede from its disagreement to the amendment of the Senate numbered 478, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "physicist, qualified in optics, $3,600"; and the Senate agree to the same.

Amendment numbered 479: That the House recede from its disagreement to the amendment of the Senate numbered 479, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$239,940"; and the Senate agree to the same.

Amendment numbered 501: That the House recede from its disagreement to the amendment of the Senate numbered 501, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: " : *Provided*, That no part of any money appropriated in lump sum in this act shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the fiscal year 1912; nor shall any person employed at a specific salary under this act be transferred during the fiscal year 1913 and be paid from a lump-sum appropriation a rate of compensation greater than such specific salary"; and the Senate agree to the same.

Amendment numbered 504: That the House recede from its disagreement to the amendment of the Senate numbered 504, and agree to the same with amendments as follows: In lines 7 and 9 of the matter inserted by said amendment strike out the word "maximum" where it occurs, and add after the matter inserted by said amendment, as a separate section, the following:

"SEC. 5. That on and after September 1, 1913, all appointments to positions in the classified service of the executive departments within the District of Columbia provided for at annual rates of compensation shall be made, after the probationary period shall have expired, for terms of seven years each; at the expiration of each such appointment the employment of each person so appointed shall cease and determine; and the employment of all persons in the classified service of the executive departments within the District of Columbia, at annual rates of compensation, who were appointed prior to September 1, 1912, shall cease and determine, unless previously separated from the service, within one year after the 31st day of August, 1919, the particular date of such termination within said year to be determined by the head of the department concerned, and on the basis of the length of service, within the classified service, of each such person prior to September 1, 1912: *Provided*, That all persons separated hereunder from the classified service shall be eligible for, and may, in the discretion of the head of the executive department, be reappointed without examination for additional periods of seven years if at the time of such reappointment they shall be up to the standard of efficiency then in force and as hereinbefore set forth, and capable of rendering a full measure of service in return for the salary of the place to which they may be appointed: *Provided further*, That in reducing the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped: *And provided further*, That nothing herein shall be construed to prevent the head of any department from removing at any time, in accordance with civil-service rules, for good and sufficient cause, any employee of his department."

And the Senate agree to the same.

Amendment numbered 508: That the House recede from its disagreement to the amendment of the Senate numbered 508, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, before the word "telephone," insert the words "long distance"; and the Senate agree to the same.

Amendment numbered 509: That the House recede from its disagreement to the amendment of the Senate numbered 509, and agree to the same with amendments as follows: Restore the matter stricken out by said amendment amended as follows: On page 144 of the bill, in line 17, after the word "publication," insert the words "for public distribution." On page 145 of the bill, in line 9, after the word "the," insert the word "public." And on page 146 of the bill, after the word "appropriations" in line 5, insert the following: " : *Provided*, That nothing in this section shall be construed as applying to orders, instructions, directions, notices, or circulars of information, printed for and issued by any of the executive departments or other Government establishments or to the distribution of public documents by Senators or Members of the House of Representatives or to the folding rooms and documents rooms of the Senate or House of Representatives"; and the Senate agree to the same.

Amendments numbered 511, 512, 513, and 514: That the House recede from its disagreement to the amendments of the Senate numbered 511, 512, 513, and 514, and agree to the same with an amendment as follows: In lieu of the entire text of the amended section insert the following:

"That the Commerce Court created and established by the act entitled 'An act to create a Commerce Court and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes,' approved June 18, 1910, be, and the same hereby is, abolished and the jurisdiction vested in said Commerce Court by said act is hereby transferred to and vested in the several district courts of the United States.

"All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of the judicial district in which the cause of action in the first instance arose, and the venue of all suits and proceedings hereafter brought by or against the Interstate Commerce Commission to enforce, set aside or modify the decrees and orders of the commission shall be in the district

court of the judicial district in which the cause of action in the first instance arose.

"The venue in suits brought to enforce an order for the payment of money shall be in the district court of the judicial district in which the complainant resides. The procedure in the district court in respect to cases of which jurisdiction is conferred upon them by this act shall be the same as that heretofore prevailing in the said Commerce Court, and the right of appeal from the district courts in such cases shall be the same as the right of appeal heretofore prevailing under existing law from the Commerce Court. No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any order made or entered by the Interstate Commerce Commission shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court, or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. When such application as aforesaid is presented to a justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however,* That one of such three judges shall be a justice of the Supreme Court, or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Commission, to the Attorney General of the United States, and to such other persons as may be defendants in the suit: *Provided,* That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence, and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case; and upon the final hearing of any suit brought to annul, enjoin, or restrain any order of said commission the same requirement as to judges and the same procedure as to appeal shall apply. The provisions of this section shall also apply to the issuing and granting of interlocutory injunctions suspending or restraining the enforcement, operation, or execution of orders made by any administrative board or commission created by and acting under the statute of a State. That in such case the notice required shall be served upon the defendants in the case, and upon the attorney general of the State. All cases pending in the Commerce Court at the date of the passage of this act shall be transferred forthwith to said district courts. Each of said cases and all the records, papers, and proceedings shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases and all the records, papers, and proceedings then pending in the Commerce Court to said district courts."

And the Senate agree to the same.

F. E. WARREN,
GEO. PEABODY WETMORE,
LEE S. OVERMAN,
Managers on the part of the Senate.

J. T. JOHNSON,
A. S. BURLESON,
Managers on the part of the House.

Mr. WARREN. I ask to have inserted in the RECORD the statement which I send to the desk.

The PRESIDING OFFICER. Without objection, permission to do so will be granted.

The statement referred to is as follows:

Total additions by Senate	$740,740.44
Reductions by Senate	47,440.00
Net amount added by Senate	693,300.44
Senate recessions	336,003.34
House agreements	357,297.10
Restored to House bill items stricken out by the Senate	47,440.00
	404,737.10
Amount of bill as passed House	33,782,854.06
Amount of bill as agreed upon	34,187,591.16
Amount of law for 1912	36,157,209.85
Amount of the estimates for 1913	35,684,267.40
The bill as agreed upon is less than the law for 1912	1,969,618.69
The bill as agreed upon is less than the estimates	1,496,676.24

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. REED and Mr. CUMMINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. REED. I merely wished to say that I do not want this conference report to be adopted without our knowing anything about it. I yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I rose to ask the chairman of the Appropriations Committee to tell the Senate, otherwise than by numbers, what has been done with regard to the chief disagreements between the two Houses in this bill. I am in no position to vote upon the conference report until I know more definitely than I now do just what the conferees on the part of the Senate have agreed to relinquish.

Mr. WARREN. What has the Senator from Iowa especially in mind?

Mr. CUMMINS. Well, I have especially in mind the provisions affecting the Commerce Court and the abolition of the civil-service system. Those are the two I have principally in mind.

Mr. WARREN. As to the Commerce Court, that, of course, has been done away with as a court. The Senate conferees receded from the Senate amendment declaring five places vacant, and agreed to the House provision that there should be no more circuit judges appointed until the number is reduced to 29. On the other hand, the House conferees receded from their disagreement to the Senate amendment providing other modes of transacting the business heretofore transacted by the Commerce Court, with an amendment, which I think the Senator understands, which the Senator from Minnesota [Mr. NELSON], the Senator from Iowa [Mr. CUMMINS], and others helped the Committee on Appropriations to construct.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Missouri?

Mr. WARREN. I do.

Mr. REED. It was absolutely impossible for us on this side of the Chamber to understand what the Senator has said. There is some confusion in the Chamber, and he had his face turned in the opposite direction.

Mr. WARREN. I beg the Senator's pardon. In answer to the inquiry about the Commerce Court, I said that the Senate receded from its proposition to abolish five circuit judges. The Senate amendment providing for a transfer of the business of the Commerce Court to the district courts was agreed to with an amendment perfecting it.

Mr. REED. In other words, as this bill is now reported the Commerce Court is retained.

Mr. WARREN. No; there is no Commerce Court; that was done away with by the action of both the other House and the Senate before the bill was sent to conference. The only difference is that there are now 34 circuit judges, and there will be no new ones appointed until the number is reduced to 29, if this bill as now reported becomes a law.

Mr. REED. In other words, the five judges of the Commerce Court keep their offices as judges and continue to draw their salaries?

Mr. WARREN. As circuit judges.

Mr. REED. And then no more circuit judges are to be appointed until the number is reduced to 29?

Mr. WARREN. Not until the number is reduced to 29.

Mr. REED. The Senate succeeded in saving the salary of the judges?

Mr. WARREN. No; on the contrary, the Senate was obliged to recede from its proposition to discharge five judges on the demand of the House conferees. There are no appropriations

for the Commerce Court; and there will be no Commerce Court under the bill.

As to the civil-service provision, the House receded from its objection to the Senate amendment, which provided for efficiency ratings. The Senate receded from its objection to the House amendment, which made the term of employment five years, after inserting in it language making the shortest term seven years commencing next September, and providing that those who enter the civil service thereafter will be appointed for terms of seven years, unless sooner separated from the service, with, of course, provision for their reemployment if their standard of efficiency is sufficient. As to those now in the service, they are required during the period of one year after seven years from the 1st of September next to all pass over the line of reappointment or rejection if they are not up to the requirements which the Civil Service Commission may establish.

Mr. CUMMINS. Mr. President, the effect of the agreement upon the part of the managers of the conference is, I take it, therefore, that the five judges who now constitute the Commerce Court are continued as circuit judges, to be assigned in various parts of the country as the occasion may require. I do not care to discuss that phase of it. I do not believe in constituting our circuit court in that way; but everything has been said—at least on my part—that will be said concerning that subject. I should like, however, to have read just what the managers have agreed to with respect to the procedure in the district courts which now have or will have jurisdiction of the cases heretofore given to the Commerce Court.

Mr. WARREN. I will ask the Secretary to read that portion of the report.

The PRESIDING OFFICER. At the request of the Senator from Iowa, the Secretary will read the provision in the conference report to which the Senator refers.

The SECRETARY. In lieu of the text of the amended section it is proposed to insert the following:

That the Commerce Court, created and established by the act entitled "An act to create a Commerce Court and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910, be, and the same hereby is, abolished and the jurisdiction vested in said Commerce Court by said act is hereby transferred to and vested in the several district courts of the United States.

All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of the judicial district in which the cause of action in the first instance arose, and the venue of all suits and proceedings hereafter brought by or against the Interstate Commerce Commission to enforce, set aside, or modify the decrees and orders of the commission shall be in the district court of the judicial district in which the cause of action in the first instance arose.

The venue in suits brought to enforce an order for the payment of money shall be in the district court of the judicial district in which the complainant resides. The procedure in the district court in respect to cases of which jurisdiction is conferred upon them by this act shall be the same as that heretofore prevailing in the said Commerce Court, and the right of appeal from the district courts in such cases shall be the same as the right of appeal heretofore prevailing under existing law from the Commerce Court. No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any order made or entered by the Interstate Commerce Commission shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court, or a circuit court judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. When such application as aforesaid is presented to a justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however,* That one of such three judges shall be a justice of the Supreme Court, or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Commission, to the Attorney General of the United States, and to such other persons as may be defendants in the suit: *Provided,* That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence, and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case; and upon the final hearing of any suit brought to annul, enjoin, or restrain any order of said commission the same requirement as to judges and the same procedure as to appeal shall apply. The provisions of this section shall also apply to the issuing and granting of interlocutory injunctions suspending or restraining the enforcement, operation, or execution of orders made by any administrative board or commission created by and acting under the statute of a State. That in such case the notice required shall be served upon the defendants in the case, and upon the attorney general of the State. All cases pending in the Commerce Court at the date of the passage of this act shall be transferred forthwith to said district courts. Each of said cases and all the records, papers, and proceedings shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases and all the records, papers, and proceedings then pending in the Commerce Court to said district courts.

Mr. SUTHERLAND. Mr. President, I should like to have the Secretary reread that portion of the proposed amendment which refers to the laws of a State. I did not catch that.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

The provisions of this section shall also apply to the issuing and granting of interlocutory injunctions suspending or restraining the enforcement, operation, or execution of orders made by any administrative board or commission created by and acting under the statute of a State. That in such case the notice required shall be served upon the defendants in the case, and upon the attorney general of the State.

Mr. SUTHERLAND. That is sufficient. I think it is a bad provision; but I think it is substantially as we agreed to it in the Senate.

Mr. CUMMINS. Mr. President, there are two points with regard to the substitution of the conference committee which I think deserve a little further inquiry and investigation. They are these: First, the law which we passed in 1910 provides that all suits brought to set aside on appeal an order by the Interstate Commerce Commission shall be brought against the United States eo nomine. A later provision in the law gives the Interstate Commerce Commission the right to intervene.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. I do.

Mr. JONES. It seems to me that this matter is likely to create considerable discussion, and that the conference report ought to be printed so that we may study it and ascertain what it means.

Mr. CUMMINS. I was about to point out one or two objections in order to justify a request that the report shall be printed so that we may examine it, and I will now make that request.

The PRESIDING OFFICER. The Senator from Iowa asks that the report go over and be printed. Is there objection?

Mr. WARREN obtained the floor.

Mr. SUTHERLAND. Will the Senator from Wyoming yield to me to make a suggestion?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. WARREN. Certainly.

Mr. SUTHERLAND. I notice in the reading of this amendment that it refers in one or two places to the "circuit court judge." Of course, there is not any such officer as a circuit court judge, because there is not a circuit court. It should be "a circuit judge." It is evidently a mere clerical error, and I suggest to the chairman of the committee that perhaps that could be corrected without sending the report back. It ought not to go into the law in that form, at any rate.

Mr. WARREN. What is the Senator's suggestion?

Mr. SUTHERLAND. To strike out the word "court." The title of the judge is "circuit judge," not "circuit court judge."

Mr. GALLINGER. That will take it back to conference.

Mr. WARREN. Does the Senator desire to send the report back to conference?

Mr. CUMMINS. The Senator from Wyoming is not to be blamed for that error. I am sure it was in the amendment which I offered. I took that language from the law which was in force at the time when there were circuit court judges and it has been allowed to pass through without notice, apparently. The Senator from Utah [Mr. SUTHERLAND] is right, of course. However, is there any reason why the report should not be printed?

Mr. WARREN. I am glad the Senator places the blame where it belongs and not with the managers of the conference. I think the Senator will remember that when we came to this part of the bill on its passage through the Senate I asked the learned lawyers of this body to provide the necessary machinery for the transfer to other courts of the business heretofore done by the Commerce Court, and when the matter was so furnished here and voted in, I assumed that it was correct, but upon investigation, finding that there were differences, the matter was referred to the Senator from Iowa and the Senator from Minnesota and also leading gentlemen representing the House.

This proposition of change now comes entirely as a new matter. Possibly I had better withdraw the report and submit it to the House conferees and change it. You can not call it a clerical error, because it is not the error of a clerk.

Mr. CUMMINS. It is a clerical error in a sense. I suppose I directed the clerk to copy the existing law upon that subject, with reference to another matter, and the words "circuit court judge" were in that law.

Mr. SUTHERLAND. I think the Senator from Iowa is taking upon himself some blame that does not belong to him.

Mr. CUMMINS. I want to relieve the conferees.

Mr. WARREN. Put it all on the conferees.

Mr. SUTHERLAND. I think that the suggestion that I made at first is exactly correct. It is a clerical error. As it appears in the amendment proposed by the Senator from Iowa the correct term is used, and the term "circuit judge" is used in most of the cases where the official is referred to. I suggest to the Senator it is a mere clerical error, and it seems to me it could be stricken out without being referred to the House.

Mr. GALLINGER. It could not.

Mr. WARREN. Let me say a word with respect to the suggestion that the report be printed. I desire to have it finished to-night, if practicable, for many reasons. I think the better way is to withdraw the report and for me to get into communication with the managers on the other side; and I will ask the Senators who have mentioned the fault to mark a bill, so that this later view will prevail, and I will try to arrange it. I shall be glad if later in the day we can take it up, so as to accommodate the Members on the other side, who have been exceedingly obliging, because two of those Members desire, for the best of reasons, to have the report considered over there in the morning.

Mr. CUMMINS. There are, however, two matters which are not mere clerical errors, upon which there is some difference of opinion. The distinguished Senator from Minnesota believes that the substitute of the managers means one thing; I am constrained to think that it means another, and it is so vital that I should like an opportunity to reflect upon it and confer a little upon it. For instance, this amendment says that all suits brought by or against the Interstate Commerce Commission shall be brought in such and such a district. Now, the very suits in which the people of this country are most vitally interested are the suits brought by the railroad companies against the United States for the purpose of canceling or annuling an order of the Interstate Commerce Commission.

Mr. WARREN. As Senators know, we can not compose those differences here. Either the report must be accepted or rejected, because if there are differences of that kind they can not be composed by any laying over or withdrawal or printing. I regret that there should be such a condition.

Mr. CUMMINS. I feel a very great interest in this phase of the case. I think we ought to have an opportunity to consider it carefully. I will be compelled to state my views with regard to the matter if a vote upon the report is asked at this time.

Mr. WARREN. What I suggested was that we let the matter go over until we meet at 8 o'clock this evening, and perhaps the Senator could, in the meantime, advise himself as to the true status of the matter.

Mr. CUMMINS. That would suit me. I already have an opinion in regard to it.

Mr. NEWLANDS. It seems to me we can have an intelligent composition of our differences better after reading the report when it is in print than by considering them now. There are certain very important matters in this report, one relating to the civil service. I should like to see what the conferees have agreed upon in reference to that before action is taken upon the report.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington.

Mr. WARREN. What was the motion?

The PRESIDING OFFICER. The motion was that the report go over and be printed.

Mr. NEWLANDS. To what time will the report go over?

The PRESIDING OFFICER. No time was designated.

Mr. WARREN. The Senator from Washington does not seem to be in his seat. Was it the Senator from Washington who made the motion?

The PRESIDING OFFICER. It was the Senator from Washington.

Mr. WARREN. I was about to ask him to withdraw the motion, in view of the one or two words which Senators think should be corrected.

Mr. BORAH. I did not understand that the Senator from Washington asked that the report go over. He was about to suggest it, when the Senator from Iowa finally himself made the suggestion.

The PRESIDING OFFICER. The Chair is informed that the Senator from Iowa made the motion. Is the motion withdrawn?

Mr. BORAH. It is under the control of the Senator from Iowa.

Mr. WARREN. If the Senate desires, let it go over. I have only to say that some of the Senators who have been at work on this for some weeks have to go into conference on another important bill.

The PRESIDING OFFICER. The Senator from Wyoming has asked to withdraw the report temporarily, as the Chair understands.

Mr. WARREN. I am willing, on the request being made, that the report be withdrawn to correct, if possible, a word or two—what Senators, as they term it, deem a clerical error. I will ask unanimous consent to withdraw it for the present.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent——

Mr. REED. Then it will be printed? That is understood.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent to withdraw the report.

Mr. WARREN. I ask unanimous consent to withdraw the report, and, if possible, to correct what Senators term a clerical error.

Mr. REED. Will it be printed when it is returned, so that we may read it?

Mr. WARREN. I will bring it before the Senate and——

Mr. REED. In order to save any question about that, I move that the report be printed.

Mr. WARREN. That cuts off my opportunity to make this correction, of course.

Mr. REED. Oh, no. I do not mean it in that way. If the Senator——

The PRESIDING OFFICER. The Senator from Wyoming has withdrawn the report by unanimous consent. It is not before the Senate for a motion to print.

Mr. GALLINGER. If the report is withdrawn, it is not in possession of the Senate, and no motion can be made concerning it.

The PRESIDING OFFICER. The Chair so holds.

Mr. REED. I did not understand that unanimous consent had been granted. I do not care to stand on a technicality, however. I take it that the Senator, having asked to withdraw the report, when he presents it again will do so in such manner that we shall have an opportunity to have it printed.

POST OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. BOURNE. The Senator from Missouri [Mr. REED] had the floor when the conference report was presented.

Mr. REED. I understood the Senator from Mississippi [Mr. WILLIAMS] had the floor. I had the floor and yielded to him, and he addressed the Chair.

Mr. WILLIAMS. Mr. President and Senators, I am very much opposed to the provisions of the House bill which a moment ago were being discussed by the Senator from Virginia [Mr. SWANSON]. If the Senate will bear with me for a few moments, I will try to tell, first, why I am opposed to the provisions of the House bill with regard to the sort of Government aid thereunder extended to public roads; secondly, what sort of provision it seems to me ought to take the place of it; and third, why it is perfectly clear to my mind, as it was to the mind of John C. Calhoun, perhaps the strictest constructionist of the Constitution that ever lived except Jefferson Davis, that the Government has a right to extend aid to post roads.

I am opposed to the provisions in the House bill because they are at once dribbling and driveling, and until something substantial can be done, I am in favor of the Government not attempting to do anything.

The Senator from Virginia says the provision of the House bill will stimulate the building of good roads. The Senator from Virginia is mistaken. The House provision will stimulate nothing except road supervisors to make proper certificates in order to get $25 or $20 or $15 per mile per annum, and will result in no good at all to the cause of good roads.

The House provisions are a delusion, a snare, a farce, apples to the eye and ashes to the taste. They are a sop thrown out to Cerberus, the people, in order to keep them quiet upon the subject of building good roads.

The idea of contributing $25 per mile per annum to this sort of a road—I must read the provision—a road to construct

which would cost from $2,000 to $2,500 per mile upon the average in the United States, and in my own country twice that amount, owing to the fact that the material would have to be brought long distances—a road "composed of shells, vitrified brick, or macadam."

Under the House provision that road will receive an aid of $25 per mile per annum. It is like saying when you go to improve the Mississippi River, let us say, that you will contribute a hundred dollars a mile, the hundred dollars to be spent each year on each mile of the course of the main stream. That is no way to build roads. You must make one road good, then you must make another good, and then a third and then a fourth. There must be some scheme whereby that could be done with fairness to the States and the several sections of the Union.

The next road is a road "well drained, composed of burnt clay, gravel, or a proper combination of sand and clay," and so forth, and to that road there is extended the munificent aid of $20 per mile. In my own county we have large and extensive gravel beds, and a good gravel road costs from twelve to fifteen hundred dollars per mile. That is a little bit over 1½ per cent, although I have not time to calculate it exactly.

Then comes class C, to which is extended the sum of $15 per mile. It provides:

> Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times.

That is an ordinary dirt road. To that is extended $15 per mile, which comes nearer being a reasonable aid than the aid extended to any other class of roads under the bill.

These are the aids that are provided in this bill for the roads of the country. I submit that the aids are both driveling and dribbling; that no human being with a particle of sense can believe they will be of any substantial benefit in road building; that the aggregate amount of money paid by the United States Government will be very large, and that the amount of money received by any mile of road will be infinitesimal; it will be negligible; it can do no good at all.

My own idea of how the Government should aid in roads, if it shall do it at all, is about this: The Government should contribute a lump sum per annum to be devoted to road building, upon condition that the State shall contribute an equal amount and the county, or in New England, where the township system prevails, the town, or in Louisiana the parish, shall contribute an equal amount, being one-third for each, because each shares in the benefits, and that lump sum should be divided and expended approximately in equal amounts in each State in proportion to the population of the State, excluding from the count cities of 100,000 population and over, so that substantial aid and assistance may be rendered. I want to be brief, and I shall not enter into the details of that proposition. I leave it to each Senator to amplify and to explain in his own mind.

The one point that I want to settle now beyond all doubt and peradventure is the constitutional right of the Federal Government to aid in road building, provided the roads are post routes. The clause of the Constitution to which I refer is in section 8 of Article I, and reads as follows, giving the powers of Congress, substantially the powers of the Federal Government, "to establish post offices and post roads." That is the express language under which the Federal Government has undertaken to erect post-office buildings, and it is the only clause of the Constitution under which it could have erected a single post-office building in the United States. The words "post offices" are followed by "post roads." If the phrase "to establish post offices" be construed, as it uniformly has been construed, to mean to build a post office, then to establish a post route also means to build a post road or post route.

One of the clearest arguments ever made in favor of that provision was made by the apostle of strict construction, John C. Calhoun himself. The question comes upon me rather as a surprise to-day; I wish I had his language and could quote it, but it was as clear and as conclusive as his utterances almost uniformly were.

Now, Mr. President, reasoning from the reason of the thing as well as from the direct language of the Constitution, the United States Government has never hesitated to aid in the construction of railroads. It aided in the construction of the transcontinental line, and based its action upon two grounds—the right to make interstate commerce easy and cheap and the right to establish a railway post route for the carriage of its mails. So this holds, even if I were forced to resort to an implied power—and no good Democrat ever denied the doctrine of implied powers, as so many people have said they did. They have merely asserted that an implied power must be a necessary inference from an express power; that it must be necessary and not inferential by metaphysical reduction to the end of the limit. A railroad contributes in no greater kind, although in greater degree, to the facilities and cheapening of interstate commerce than a river, and our improvement of rivers has rested entirely upon that ground. It contributes no more in kind, though it does in degree, than does a country road.

The main reason why men who are so easily satisfied of the constitutionality of everything that can be jumped up have hesitated about acceding to the constitutionality of the power of the Federal Government to aid in post routes has been the fact that aiding in post routes seemed upon the surface of it to help nobody but small interests of a rural character. The real truth, however, is that good roads help everybody. They help the railroad and the water transportation companies more than anybody in the beginning. They help the ultimate consignee of the goods. They help the producer of the goods. The Federal Government has just as much right to aid in making interstate commerce cheaper and easier by aiding in the construction of highways without rails laid upon them as in the construction of highways with rails laid upon them.

My opposition to the House provision is that it is a delusion, that it is a snare, that it is a sop thrown out to Cerberus, that it will have a tendency to discourage the agitation for good roads and to make the people who have not time to follow the matter believe that they have something when they have nothing.

Although as a rule I am willing to take a half loaf where I can not get a whole one, I am not willing to take .0001 as a part of a loaf instead of an integer. This does not amount to 1 mill on the dollar, not one-tenth of 1 per cent, if I am figuring aright in my mind. I was afraid to say so, but I believe it is less than that. I believe that it goes to the next decimal. But whatever it may be, I want to assert the right of the common people of this country engaged in agricultural pursuits to the expenditure of some reasonable proportion of the immense amounts of money that are yearly spent, most of it, by the way, for absolutely unproductive purposes.

There is no better investment than a good road. It is not only an investment returning a dividend in money, it returns a dividend in school attendance, in church attendance, in neighborhood sociability, which have an effect toward higher culture. It returns a dividend in better morality, because there can be better enforcement of law and better attendance at church and at school. But I do want to warn the people as well as Senators of the fact that I can see nothing in these House provisions except an attempt to persuade me and men like me to convince ourselves that we have accomplished something. It is an old adage that a man is a criminal who fools another, but a man is not only himself a criminal but a fool who undertakes to fool himself, and I for one am not willing to try to fool myself with this sort of a sop.

I now yield the floor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4663) granting to the Washington-Oregon Corporation a right for an electric railroad and for telephone, telegraph, and electric transmission lines across the Vancouver Military Reservation in the State of Washington.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18642) to reduce the duties on metals and manufactures of metals and further insists upon its disagreement to the amendments of the Senate numbered 3 and 4 to the bill upon which the committee of conference have been unable to agree.

INCITEMENT OF INSURRECTION IN MEXICO.

Mr. CULLOM. I ask unanimous consent that the senior Senator from New Mexico [Mr. FALL] be appointed a member of the subcommittee of the Committee on Foreign Relations in conformity with Senate resolution 335 authorizing the Com-

mittee on Foreign Relations to investigate whether any interests in the United States have been or are now engaged in inciting rebellion in Cuba and Mexico.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the Senator from New Mexico [Mr. FALL] be appointed as an additional member of the subcommittee to make the investigation required by Senate resolution 335. Is there objection? The Chair hears none, and it is so ordered.

PERSONAL EXPLANATION—SEMICENTENNIAL CELEBRATION OF EMANCIPATION.

Mr. BRADLEY. Mr. President, I rise for a few minutes to a question of personal privilege.

The PRESIDENT pro tempore. The Senator will proceed.

Mr. BRADLEY. My attention being called to a severe stricture in a leading newspaper on my action the 24th of July concerning the amendment proposed by me to the sundry civil bill providing for an appropriation for the holding of the semicentennial anniversary exposition, and for other purposes, charging, among other things, that I was guilty of mendacity, I therefore promptly reviewed the proceeding in the RECORD and discovered, much to my surprise, that misunderstanding a question propounded by the Senator from South Dakota [Mr. CRAWFORD], I had unwittingly given an incorrect answer. This grew out of my defective hearing, which at that time was greatly augmented by a cold. Showing the extent of that disability, I refer to the fact that although the presiding officer [Mr. GALLINGER] announced after the vote that the amendment had passed, misunderstanding his ruling, I called for the yeas and nays, whereupon he explained that the amendment had already been adopted.

It appears from the RECORD that the Senator from South Dakota, speaking of the exposition act, asked, "Did not that act itself make an appropriation?" to which I responded, "It did not." In offering the amendment I had in mind the fact that as the House had not passed the bill making the appropriation the amendment was open to a point of order, and hence I understood the Senator as making an inquiry concerning the action of the House, and when I made the answer expected him to raise the point of order.

It is no less than ridiculous to suppose that I should have answered his question in the negative with any purpose of misrepresentation, first, because nothing could have been gained by the answer, and, secondly, because three-fourths of the Senators present knew it was manifestly untrue. The bill had been thoroughly discussed preceding its passage by the senior Senator from New York [Mr. ROOT], the senior Senator from Massachusetts [Mr. LODGE], the senior Senator from Idaho [Mr HEYBURN], the junior Senator from Nebraska [Mr. HITCHCOCK], and myself, and for this reason the fact that the bill carried an appropriation was, as I have said, well known to a large majority of the Senators present. The point of order of Senator SMITH of Georgia, on which the amendment went out, was that the Senate had passed the bill carrying an appropriation, which bill was then pending in the House and not acted upon, the failure to act in the House alone being material.

I am criticized in the article mentioned for attempting to procure an appropriation for the benefit of a private corporation.

The present bill is substantially along the lines of some others enacted heretofore providing for expositions. The object of the bill was public, namely, to "illustrate the history, progress, and present condition of the negro race and to celebrate the fiftieth anniversary of the proclamation of emancipation by President Lincoln," and was conditioned that the corporation having the matter in charge should raise not less than $50,000 for the enterprise.

Showing the justice and propriety of the bill and the estimation in which it was held by the Senate, it is proper to add that it was, after amendments, reported favorably by unanimous consent, irrespective of party, by the Committee on Industrial Expositions, 10 members of which were present. Not only so, but after the bill had been thoroughly discussed in the Senate it was passed without a dissenting vote.

The sundry civil bill, as you all know, is passed toward the conclusion of Congress, and frequently where one branch has failed to act amendments providing for appropriations are passed by the branch which has acted, which amendments, when agreed upon in conference, render the legislation effectual There was therefore no impropriety in the amendment proposed, and such amendments are frequently passed.

THE POST OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. LODGE. Mr. President, I have no more doubt than the Senator from Mississippi [Mr. WILLIAMS] as to the constitutional power of the Government of the United States to establish post roads or aid in establishing post roads, but the question of the United States entering upon that policy is a very large question, indeed. If we are to enter upon it, it will involve the expenditure of many more millions than the Panama Canal will have cost, and it ought to be done, as the Senator from Mississippi pointed out, only after most ample consideration, and on a broad, well-understood, well-arranged plan, so that for the millions we expend we may get the value and the return we desire in good roads.

I do not propose to discuss the merits of that policy, but I do want to say a few words in regard to the proposition embodied in the bill as it comes from the House. I can not add materially to the argument made by the Senator from Mississippi against this clause, but I can add, I think, something in the way of illustration.

My objection to the House provision is that it is a sheer waste of money. It is throwing away $16,000,000, which the Senator from Virginia [Mr. SWANSON] did not seem to think a very important sum. It is sixteen millions without the classification expense, without the expense of inspection. It is throwing it away. There will be no return. It will not be a stimulus to good roads; it will be a premium on the maintenance of bad roads in keeping them as they are.

Mr. President, the State of Massachusetts has gone into the improvement of the roads very extensively. The State roads of my State, I believe, to be as good roads as exist anywhere in the world; and I have been over the roads of France and England, which have a very high reputation. The State roads are as good in their construction as the park roads of the Government here in the neighborhood of Washington. The State has built 879.6 miles of State highways in Massachusetts. It has cost the State $8,000,000 to build those 879 miles. It costs the State $500,000 a year, between six and seven hundred dollars a mile, to keep those roads in good repair and in order.

Mr. President, a road of that character is, of course, the easiest road to keep in repair, owing to the fineness and perfection of its construction. In England, on the Continent, and in this country to keep a macadam road in repair after it has been built costs from $250 to a thousand dollars a mile. To build those State roads which I am describing and which are, of course, much finer than the macadamized roads, costs in the neighborhood of from nine to ten thousand dollars a mile, for roads built as automobile roads, with oiled surfaces and all that.

The little town in which I live, the smallest town in area in the State of Massachusetts, has only 11 miles of road. It has maintained extremely good macadamized roads. It is also at the end of a star route, the mails being carried 4 miles from the city of Lynn to the village of Nahant, where I live. I have been familiar all my life with the appropriations for and the construction of the roads in that town. The average cost to that town of maintaining 11 miles of macadamized roads has been over $10,000 a year. We had as good macadamized roads as there were in the State. The place is one to which many people drive in the summer, and many automobiles pass over the long neck of land lying between Lynn Bay and the Atlantic Ocean; and the automobiles destroyed those macadamized roads, good as they were, and it became absolutely necessary to rebuild them. To build 2½ miles of road fit to carry that automobile traffic, which is very heavy over those roads, will cost the town this year $41,000. Those two and a half miles and a mile and a half more are traversed by a star route, and you propose to give that town $100 to keep those 4 miles in order, when it now costs them a thousand dollars a mile to keep their macadamized roads in proper order.

The money would be thrown away on those roads, Mr. President. Nobody would know that the money had been spent. It would be a sheer waste. Where there is a fine road the amount is so trifling that it never would be heard of; it would be turned into the town treasury and lost sight of. Yet that is the amount proposed to be given for the best kind of roads; and when you come to the dirt roads, $15 a mile, as the Senator from Mississippi [Mr. WILLIAMS] said, would be like giving a hundred dollars a mile to maintain the levees on the Mississippi River.

It would be a sheer waste of money to take $16,000,000 and spend it in this way. If we are going to have the United States enter upon a policy of good-road building, as we have an undoubted constitutional right to do, that is a great policy to be carried out in conjunction with the States, the cities, the towns, and counties in a proper manner after full consideration. It

will cost much more than $16,000,000 to do anything effective; but when we expend whatever amount shall be determined upon we shall get returns; we shall get very many miles of good road every year, while under this proposed plan you would take $16,000,000 a year and throw it away. You propose to give $15 a mile to keep a dirt road in repair. It is only a premium to leave it a dirt road.

Mr. President, if we are going to enter on the policy of building good roads, let us enter on it in the spirit and in the manner which such a great policy demands and not with a helter-skelter appropriation which would simply waste the money of the Government and mislead the people of the United States into the belief that we are doing something in behalf of good roads when we are doing nothing of the kind.

Mr. HEYBURN. Mr. President, the question of good roads is a more important question in the newly settled regions than it is in the older portions of the country. What are called roads in New England are practically streets. The country is so thickly settled with villages and towns that you are only out of one to pass into another, and I can realize the importance to those people of maintaining the highest class of roads; but there is another class that bears a closer relation to the growth of the country, and that is the roads in the Western States without limit to the Pacific coast. We started with trails—long trails, with 20, 30, or 50 miles between places of consequence—over which the mail is packed on the backs of animals or carried upon the shoulders of men. In most instances we have developed those trails into roads traveled with vehicles, crude at first, but built at the expense of the people directly interested in their construction and maintenance, in order that not only the mails might be carried and that people might be able to pass from one section of the country to another, but in order that the commodities of the country might be carried to the markets and from one town to another, or from town or country to the lines of transportation.

We are intensely interested in the question of good roads, and we would welcome an era of construction and maintenance entered upon by the Government; but we do not want the Government to contribute to the construction and maintenance of dirt roads. When the Government enters upon this class of work it should be for the construction of roads up to the standard of the highest use, not all at one time, but continuously and gradually; not roads one part of which would be worn out before the other part was constructed, but a system of progressive construction that would result within a reasonable time in a system of permanent good roads.

That is the only system to which I would be willing to vote any money whatever. I would not vote a dollar for the repair of old roads by the Federal Government; I would leave that to the local governments. I would have a Government road constructed by the Government of such a character that it would be recognized as soon as noticed, so that the only expense thereafter would be the minimum expense of maintaining a good road. It costs infinitely less to maintain a good road than it does a bad road, and after you have maintained a good road you have something with which to be satisfied, while after you have maintained a bad road you are no better off than you were when you started. So that I do not believe the legislation upon which this system is to be based should be contained in an amendment to an appropriation bill. I believe we should have reports from competent engineers, embracing the whole system of roadways in the United States, and then, acting upon those reports, commence a systematic construction of roads. After they are constructed, I would see to it that adequate provision was made for their maintenance and repair. It would be easy to determine what was necessary, what force of men would be required, and the system of organization best adapted to the maintenance of those roads. While I am sincerely in favor of the construction and maintenance of roads by the Government, I am not in favor of entering upon a system that would only afford an excuse for condemnation and for final abandonment.

Mr. REED. Mr. President, I ask to have printed as a part of my remarks that portion of the pending bill relating to roads which is proposed to be stricken out by the committee.

The PRESIDENT pro tempore. It will be so ordered, without objection.

The matter referred to is as follows:

That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practically necessary in view of the natural topography of the locality, well drained, with a road track of not less than 9 feet wide, composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide, of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural or star-route mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C: *Provided*, That in calculating or otherwise ascertaining the distance that mail is transported over any highway, such distance shall be measured or calculated in only one direction, and only one use of or travel over any such highway, or any part thereof, on any one trip by a carrier using the same, shall be considered. That any question arising as to the proper classification of any road used for transporting rural or star-route mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act, under and in accordance with rules and regulations prescribed jointly by the Secretary of the Treasury and the Postmaster General: *Provided, however*, That no payment shall be made under the provisions of this paragraph for the use of any privately owned or toll road.

The provisions of this paragraph shall go into effect on the 1st day of July, 1913.

Mr. REED. Mr. President, there is a singular contrariety of views expressed by the Senators who oppose this measure, but they all succeed in developing the same philosophy, namely, that nothing is to be done for roads at the present time, and that the longer the adoption of any plan is delayed the better it will suit them. The House provision is very short and plain. It is not intended at one time to produce perfect roads; it is intended to encourage and promote the building of good roads. I believe if it is enacted into law the result will be a nation-wide movement in the direction of road improvement.

One of the objections urged to this provision in the bill is that we should build no roads until we build permanent roads. Mr. President, there is no such thing as a permanent road; there has never been a permanent road constructed, and there never will be. There are roads which last longer than others, but if you build the highest class of macadam road it will, under heavy travel, speedily disintegrate. In the course of a few years, unless it is constantly repaired, it will become as bad as the original dirt road. The fact I assert is sustained by the Senator from Massachusetts [Mr. LODGE], who proclaims that some 10 miles of road near a city in his State has cost a thousand dollars per mile per year for maintenance. The Senator from Massachusetts states that it cost $41,000 to construct 2½ miles of rock road in the State of Massachusetts. If it costs that much to build the so-called permanent roads, we might as well abandon the hope of ever having roads of that character, for the value of property in the farming districts of the United States would not sustain the burden. If the Government or the States undertake to improve the roads of the country at a cost of nearly $20,000 per mile, the National and State Governments will be bankrupted and the plan will fail. The proposition of permanent roads to be built by the Federal Government is, therefore, a fallacy, if we adopt the standard suggested by Senators who have preceded me.

There is another question involved which I want to touch upon. If the Government of the United States proposes to enter upon the improvement of roads and adopts the plan of what have been termed permanent, that is to say, very high-priced roads, I want to know where those roads will be built, and the people of the United States will want to know where they are to be built. Manifestly such roads can only reach a small part of the country. Are you to construct one road across the country from east to west? If so, of what value will that road be to the people who live 40 or 50 miles away from it? Are you to construct another road from north to south? If so, of what value will that road be to the people who live a few miles from it? It is manifest if you start upon such a plan as that it will be years and years beyond the lifetime of any man now upon this earth before permanent roads constructed by the Federal Government can reach the great mass of the people of this country.

Furthermore, you will simply beget controversies between different States and different communities as to which one shall first receive the benefit of the permanent roads constructed by the Federal Government It must, therefore, be manifest to all who consider the question that if we are to bring benefit to the people of the United States fairly, equitably, and justly, and have those benefits realized within the lifetime of men now upon this earth, some plan must be adopted which will reach into every community of the United States and encourage the activities of the people in the aggregate.

Mr. OVERMAN. Will the Senator from Missouri yield to me?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. With pleasure.

Mr. OVERMAN. Would it not be a better system for the benefit of the people if we were to take this $18,000,000 and divide it among the States according to population? According to population, my State, which has 2,300,000 people, would get over $400,000. If the State of North Carolina would supplement that with $400,000, it would make, in the aggregate, $800,000. Carrying the system down the line into the counties, if each county would supplement what the State gives to a double amount, and the townships would do likewise, by that means the State of North Carolina would have an income of more than a million dollars with which to build good roads. Would not that be better than to give $25 a mile? Would not that produce a great system of roads throughout the United States? Missouri would get something like two or three million dollars on that basis, and would have a great road fund. Would not that, in the Senator's opinion, be a better system of road improvement?

Mr. REED. If I were to stop now and analyze the Senator's plan I would not be able to analyze this plan. The plan he outlines would be an improvement over some I have heard suggested here. There are objections to it, and if I have time later on I will call attention to them. But the point I want to challenge attention to at this time is that the great movement is on in the United States for better roads and the demand for Federal aid is Nation-wide. Federal aid will be granted by this Congress or by some other Congress in some form, and that before long.

The plan that is now submitted by the House of Representatives appeals to me for many reasons, and I want to present those reasons. I do so with fear and trembling, because the Senator from Mississippi [Mr. WILLIAMS], to whom I yielded a little while ago, informed us in language that was certainly sufficiently plain that "no human being with a particle of sense can believe that the bill will be of any substantial benefit." That language was so highly complimentary to the House of Representatives, which passed the bill by a decisive vote; to the Senator from Virginia [Mr. SWANSON], who but a few moments previously had occupied the floor in earnest advocacy of the measure; and fell with such crushing force upon the spirits of all those who have ventured to indulge the notion that the House bill really did have some sense in it, that I feel it is an act of extreme temerity to take the floor and advocate the bill. However, I am somewhat reconciled to the sad condition in which the Senator's denunciation has left me by the fact that the Senator, further denouncing the bill, declared it to be only "a sop thrown to Cerberus, to wit, the people."

This is the first time I have ever heard the people of the United States catalogued with the dog-headed monster Milton placed on guard at the gates of hell. I venture the opinion that if the Senator from Mississippi continues to indulge in that kind of language regarding the people, after they have spoken at another election the Senator will be inclined to further refer to Milton, and in describing the people's protest to exclaim:

> With wide Cerberean mouths full loud, they rung
> A hideous peal.

I am astonished that the Senator from Kansas [Mr. BRISTOW] should so vehemently oppose this bill. He comes from an agricultural State, where they need good roads as much as they are needed in other States. Kansas is a splendid State, but her population is widely scattered. The farmers of Kansas must reach their market places over the ordinary country dirt roads.

So far as I am personally concerned, I happen to live in a county that has nearly 300 miles of macadam road, which were paid for out of the revenues of that county. No one can deny that the rock roads of the county have added to the value of the farms four or five times their actual cost. And while I am upon that question I want to say there must be a singular way of letting road work in Massachusetts. If it costs $41,000 to build 2½ miles of macadam road in Massachusetts, where there is more rock to the square acre than any other place on earth, I can not understand why we are able to build rock roads in my State for from $3,000 to $4,000 a mile.

Mr. President, there has been a claim made here that for the Government of the United States to pay something to encourage good roads will destroy all of the rights of the sovereign States. That was the plea offered by the Senator from New York [Mr. ROOT]. If ever there was a place where the doctrine of State rights was absolutely upon foreign territory, it was when it found a place upon the lips of the Senator from New York. State rights! How are they invaded under this bill? Let us examine its language. Under this bill the Federal Government does not have the right to enter a single State, to stick a spade in a single road, to lay its hand of authority upon a single culvert, to do anything to a single bridge, to interfere in the slightest degree with a single local authority.

What the Federal Government does, all it is proposed it shall do is this: When the local authorities have brought a road up to a certain standard then, and not till then, the Federal Government takes action. What is that action? The Government simply pays a premium to the State authorities of $15, $20, or $25 a mile, dependent upon the character of the road. If anybody will tell me how the payment of that money destroys the rights of sovereign States, how it strikes down those privileges reserved to the people of the States by the Federal Constitution, then he can tell me something which, indeed, I might characterize in the language of the Senator from Mississippi as a proposition which no man of sense can understand.

Mr. President, this doctrine of State rights which has been urged to-day by those who never defended it before, and never will again, has a strange sound. It is proposed by this bill that the Federal Government shall aid in improving roads over which the Federal agents, to wit, the carriers of the mails, travel upon Federal business. We are told if the Government appropriates some money for that purpose it destroys the rights of the sovereign States.

Ah, Mr. President, we did not hear that cry when under the claim of establishing and improving post routes the General Government granted of the public domain millions of acres to great railway companies. That was eulogized as an act of patriotism. The doctrine of State rights did not appear in ghostly warning before the predecessors of the Senator from New York nor stay the hand of his party when it looted the public domain and plundered the people under the pretext of aiding in the establishment of post roads.

Moreover, if it is an invasion of the doctrine of State rights for the Government to appropriate money to improve the country roads over which it carries the mails, what shall we say of the act of the Government when it expends millions of dollars to improve the rivers of this land upon the claim that they are public highways over which the mails and commerce of the country can be carried? If this appropriation of a few dollars to each county or road district in the United States will destroy the rights of these sovereign States, I ask why our rights have not already been destroyed by the fact that we have expended thousands of dollars of the public moneys to build canals over which the commerce of the land may go and the mails may be carried; why it is that the improvement of harbors lying along the coasts of Massachusetts and New York have not already sapped the independence of the States; why it is that Senators rise up in clamorous protest against the expenditure of this money to build roads to the farms of the land, claiming that thereby the rights of the sovereign States will be destroyed, when they have established a policy of taxing the farmers upon everything they put upon their backs and every implement of their husbandry for the benefit of mills and manufactures of certain other States? State rights, in the conception of these Senators, is a very good doctrine to get back of when they want to prevent the doing anything for the benefit of the farmers of the United States, but it has never yet stood in their way when they wanted to give the people's lands or money to the railroads. It has never disturbed them when they taxed the people of all the States for the benefit of the great monopolies of the East.

Mr. President, the same influences fight this measure, which proposes to do something for the farmers, that fights for every measure that proposes to levy a tribute upon the farmers. I, of course, do not apply that remark to those who are honestly in favor of road improvement, but who take exception to this particular plan and think a better one can be adopted, but I do apply it to those gentlemen who are always willing to put their hands into the Public Treasury when there is some-

thing to be done for the great cities of this country or the great manufacturing industries of their particular communities.

Mr. President, let us see what a frightful thing this bill is. It is said it will take $20,000,000. That is less than the price of two battleships equipped; it is about the price of two battleships unequipped. Its influence, if those who advocate it are not mistaken, will be felt in every hamlet and village of the United States. Its benefits, if those who advocate it are not mistaken, will be participated in by every man, woman, and child of the United States. Each good road in the country lessens the labor and cost of bringing goods to town; you can not build a good road in the country but you encourage men to go from the cities to the farms.

The cause that is to-day denuding the rural districts of their population is found principally in the fact that there are so many difficulties attendant upon farm life which do not go with city life. Each time you build a better road between the farm and the town you make the farm a more desirable place of residence. Each time you induce a family to remove from the city to the country you help to reduce the cost of living in the city. When the time comes that splendid roads lead from every city and village to every farm of the land, when the telephone reaches all farmhouses, and the trolley lines cut across all parts of this country, you will find that men and women will want to return to the country where they can enjoy the beauties of country life and at the same time enjoy some of the advantages of city life. So that when you build these roads to the city the benefit is not limited to the country, the benefit is not limited to the farm alone; a corresponding benefit flows to the inhabitants of the city.

Mr. President, let us look at this bill just as it is, not as it has been pictured in the vain imaginings of men who have not read it or who do not choose to discuss it fairly. I will admit frankly that no plan or scheme of this kind can possibly be entered upon where objections do not rise to confront us. But I also insist that if we forever pause in the presence of all objections, we will never make a beginning, and consequently we can never hope to make an end of the enterprise.

Let us look at the bill just as it is: First, it is not true, as was urged here by opponents of the measure, that the moneys to be paid under this bill will simply be handed over to road overseers and by them squandered so that no benefits will be realized by the Government or the people. The Senators who make that objection have not read the measure or do not choose to understand its terms. There is no attempt here to turn this money over to road overseers and permit them to waste it and give nothing in return. The proposition contained in this bill is that when a road has been brought up to a certain standard and has been maintained at that standard, that then, and not until then, the money shall be paid. A Federal authority passes upon the question whether the road has been brought up to that standard. And so, Mr. President, I insist that it is unfair to make the statements that have been made, and that such assertions are in the face of the bill itself.

The language of the bill is expressed:

> The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C.
>
> * * * * * * *
>
> That any question arising as to the proper classification of any road used for transporting rural or star route mail shall be determined by the Secretary of Agriculture.

Not by a road overseer, but by a Federal authority.

> That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

Mr. WARREN. Will the Senator from Missouri [Mr. REED] yield to me that I may present a conference report on the legislative appropriation bill and ask to have it printed?

Mr. REED. I yield for that purpose.

LEGISLATIVE APPROPRIATION BILL.

Mr. WARREN. I submit the conference report on the legislative appropriation bill (H. R. 24023) and ask that it be printed.

The PRESIDENT pro tempore. The report will be received and printed.

RECESS.

The PRESIDENT pro tempore. The Senator from Missouri will kindly suspend. The hour of 6 o'clock having arrived, the Senate stands in recess until 8 o'clock this evening, under the order already passed.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

AGRICULTURAL APPROPRIATION BILL.

Mr. BURNHAM. Mr. President, I present a conference report on the agricultural appropriation bill. I desire to have it printed in the RECORD without reading.

The PRESIDENT pro tempore. The Senator from New Hampshire presents a conference report and asks that it be printed in the RECORD without reading. Without objection, it is so ordered.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 42, 57, 58, 72, 73, 101, 103, 104, 105, 106, 107, 111, 120, 124, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 155, 170.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 46, 47, 49, 51, 53, 54, 55, 62, 63, 64, 67, 68, 70, 75, 76, 78, 80, 81, 82, 83, 84, 91, 93, 98, 99, 100, 108, 110, 112, 114, 118, 119, 125, 126, 127, 128, 129, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 156, 157, 158, 159, 160, 161, 162, 165, 166, 167, 168, 171, 172, 173, 174, 175, 176, 177, 179, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$600,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,217,866"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: After the word "the," where it occurs the first time in the amendment, strike out the words "exhibition of animals"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,670,316"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$25,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$8,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$52,430"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$40,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$80,765"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$35,795"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$300,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with

an amendment as follows: After the word "demonstrations," strike out the word "in" and insert the words "and for"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$125,000" and add thereto the following: "*Provided, however*, That the sum of $50,000 of this amount, or so much thereof as may be necessary, shall be used for the purchase of land and equipment and the construction of buildings necessary to establish, equip, and maintain an experimental farm in the northern section of the Great Plains area to demonstrate the kind and character of plants, shrubs, trees, berries, and vegetables best adapted to the climate and soil of the semiarid lands of the United States: *Provided further*, That the limitation in this act as to the cost of farm buildings shall not apply to this paragraph"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,658,080"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,323,580"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following: "That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that may be opened to settlement and entry under the homestead laws applicable to the national forests, and the sum of $25,000 is hereby appropriated for the purposes aforesaid"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$35,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: At the end of the amendment, after the word "forests," insert the following: "but it is not the intent of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in the act of June 4, 1897"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$170,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following: "And the Secretary of Agriculture shall investigate the best methods of distillation of Douglas fir and other northwestern species of fir and timber and ascertain the yields of distillates of various species, and the refining and commercial use of the distillates"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$20,180"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$165,640"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$400,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following as a new paragraph:

"That an additional 10 per cent of all moneys received from the national forests during the fiscal year ending June 30, 1912, shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$3,107,285"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,343,045"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$968,940"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$75,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$30,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$328,750"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$672,340"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum inserted by said said amendment insert the following as a new paragraph:

"For the establishment of a national game preserve, to be known as the Wind Cave National Game Preserve, upon the lands embraced within the boundaries of the Wind Cave National Park, in the State of South Dakota, for a permanent national range for a herd of buffalo to be presented to the United States by the American Bison Society, and for such other native American game animals as may be placed therein. The Secretary of Agriculture is authorized to acquire by purchase or condemnation such adjacent lands as may be necessary for the purpose of assuring an adequate, permanent water supply, and to inclose the said game preserve with a good and substantial fence and to erect thereon all necessary sheds and buildings for the proper care and maintenance of the said animals, $26,000, to be available until expended."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$45,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$166,300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$191,400"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$194,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the sum inserted by said

amendment insert "$219,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following: "And that the Secretary of Agriculture be and he is hereby directed to secure from the various branches of the department having authority to investigate such matters, reports relative to systems of marketing farm products, cooperative or otherwise, in practice in various sections of the United States and of the demand for such products in various trade centers, and shall make such recommendations to Congress relative to further investigation of these questions and the dissemination of such information as he shall deem necessary"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$100,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,871,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$16,264,496"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following: "To enable the Secretary of Agriculture to investigate the cultivation, acclimating, and development of the most nutritious and productive types of potatoes, and for the purpose of experimentation and development of American sugar-beet seed adapted to the irrigated lands of the arid West, $10,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert $16,651,496; and the Senate agree to the same.

HENRY E. BURNHAM,
F. E. WARREN,
J. H. BANKHEAD,
Managers on the part of the Senate.

JOHN LAMB,
A. F. LEVER,
G. N. HAUGEN,
Managers on the part of the House.

VANCOUVER MILITARY RESERVATION, WASH.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4663) granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation, in the State of Washington, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 3.

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same.

H. A. DU PONT,
F. E. WARREN,
JOSEPH F. JOHNSTON,
Managers on the part of the Senate.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

The report was agreed to.

POST OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. BRYAN. Mr. President, we have had a discussion of this section in the Post Office appropriation bill by several Senators, but by none from the Committee on Post Offices and Post Roads, who favor the committee amendment as against the provision in the House bill. I joined with the majority of the committee in the opinion that it is not wise at this time, if it ever shall be, to adopt the provision contained in the bill as it passed the House. What I shall have to say will not detain the Senate long, but in brief outline I desire to state the considerations which led the majority of the committee to the conclusion they reached.

It will be noticed by an examination of the House provision that while there is a provision as to the roads falling in the classes A and B, and the width of the road is prescribed, as to class C there is no requirement as to the width of the road. A little further examination into class C roads will, in my judgment, lead to the conclusion that this was not an oversight on the part of the framers of this House provision, because, as it is said:

> Class C shall embrace roads * * * with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted, and with a firm, smooth surface, by dragging or other adequate means.

And there is this remarkable conclusion to that provision:

> So that it shall be reasonably passable for wheeled vehicles at all times.

I assume it will not be disputed that almost any of these 2,000,000 miles of dirt road are passable for wheeled vehicles.

The objections to the provision of the bill briefly stated are these. First, it is considered to be impracticable. The Chief of the Office of Good Roads of the Agricultural Department appeared before the committee in opposition to the House provision. He stated that in order to protect the Government it would be necessary to have inspections of these roads. Many of the roads falling under class C are clay roads. In fact, that is one class of roads designated specifically as falling within class C.

It must be admitted, Mr. President, that the Government can not have an inspector go every day or every week or every month or every quarter over these country roads. The most that can reasonably be expected is that an inspector will get over the roads about once during a year.

Now, a clay road in dry weather is as good as a macadam road, and in wet weather it is the worst road imaginable. So it will work out that if the inspector strikes a part of the country in dry weather in which the roads are clay he will approve the road as being entitled to the benefit of this provision of the act, and when he goes into another part of the country during the wet season he condemns the road as not complying with the provision of the act. Yet one road is equally as good as the other and equally as much entitled to be compensated for as the other.

Mr. OVERMAN. Mr. President, the bill does not provide for any kind of inspection of roads?

Mr. BRYAN. It does not provide for any kind of inspection.

Mr. OVERMAN. Some roads in my state are bad in the winter time and in the summer time they are fine. Is there no provision as to how the roads shall be inspected?

Mr. BRYAN. No, sir. So if the inspector goes into North Carolina in the wintertime and inspects their roads none of them will pass, and if he goes into Alabama in the wintertime in dry weather they will all pass.

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Virginia?

Mr. BRYAN. Certainly.

Mr. SWANSON. If the Senator will permit me, the bill provides that when there is a dispute between the Post Office Department and the local authorities as to whether a road has measured up to the requirements, and if they are not satisfied with the ruling of the Post Office Department, then the Secretary of Agriculture can make an examination to ascertain as to whether the road measures up so as to obtain the money.

Mr. BRYAN. That is one of the most humorous features of the bill. I heard the Senator from Missouri [Mr. REED] a short while ago say, in answer to what was stated by the Senator from Mississippi [Mr. WILLIAMS], that if no superintendent kept one of these roads up to the standard the Secretary of Agriculture would do it. Can the Senator from Virginia tell me how the Secretary of Agriculture of this great Government can perform the duties he is required to perform and at the same time during his vacation find leisure to inspect over a million miles of dirt roads?

Mr. SWANSON. Since the Senator has asked me the question, I can answer it very easily. There goes over every one of these roads every day a star-route contractor or a rural-delivery carrier. They are anxious to have good roads, because they can do their work more easily and more cheaply.

The Post Office Department can require them every week and every day, if it sees proper, to make a report to that department as to the condition of the road over which they pass. It has over every one of these roads an individual under the pay of the Government—under the control of the Government—giving it daily inspection—daily examination in going over it. Consequently the department can require its officer to make his report. It seems to me that I know of nothing the Government pays for where it has such an efficient quick way to get daily inspection as it has under this bill over rural-delivery routes and over star routes.

Mr. JOHNSTON of Alabama. How could the Secretary of Agriculture get that information from them?

Mr. SWANSON. I will tell you how. All these reports come in from the rural carrier or the star-route contractor. If the roads are not sufficient to justify the payment of the money, and a dispute arises as to whether the money shall be paid or not, then the Agricultural Department can have the power to go there and settle it. But I am willing to adopt an amendment, and leave it to the Post Office Department to pass on it and let its decision be final, so far as the expense to be incurred is concerned. I favor that in preference to having the Agricultural Department finally pass on it.

When the Government erects a public building it has an inspector there daily in its pay to see whether there is good material put in the building or not, but the Government, in this case, has a man in its pay subject to its order, a man interested in reporting a bad road and having it improved, and the department can require him to make a daily report if it sees proper.

Mr. BRYAN. I think if the Senator from Virginia takes time to reflect, he will himself be convinced that there are several other amendments which he also might be willing to accept to the bill.

Mr. SWANSON. I am not talking about other amendments. I favored that in committee for the simple reason that I believe the inspection will be done better by traveling over it by Government officials under the control and subject to the rules and regulations of the department, officials who are interested in reporting bad roads, and that it would be a very good guaranty to the Government that it would not pay for any roads except the roads that are good.

Mr. BRYAN. At least the Senator from Virginia has abandoned the idea that the Secretary of Agriculture must personally inspect all these roads, and it now comes down to this, that he will depend upon the star-route contractors and the rural-mail carriers.

Mr. SWANSON. If the Senator will permit me, every star-route contractor——

Mr. BRYAN. I should like to finish this one point, and then the Senator can——

Mr. SWANSON. I will not interrupt the Senator further unless it is agreeable to him. Besides, the Post Office Department has now four or five hundred inspectors subject to its control. They yearly visit the star routes to see whether the boxes are properly located and to hear all complaints and to see that the rural carriers discharge their duties. If there is any complaint that a road is not satisfactory, there is already a large force of inspectors who go over these routes two or three times a year to see that the rural carrier does his duty. The same inspectors could also see as to the condition of the roads and report on their condition.

Mr. BRYAN. So it comes to this in the end, that the roads will have to be inspected. If it would be necessary to use inspectors in addition to those already employed, then there would be that much additional cost.

That brings me to a consideration of a statement made by the Chief of the Office of Good Roads before the committee. The Senator from Virginia thinks that the officer is prejudiced against good roads, and especially against this bill, but as I understand his position he is heartily in favor of Federal aid to good roads, but he does not believe this is the character of bill that should be adopted by Congress.

He said that in the beginning it would cost $700,000 to have these roads inspected and classified, and that annually thereafter it would cost $200,000 to have them inspected once a year. In the report of the House committee, and it is undoubtedly true, they expect every one of these roads used for rural routes to come within one of the three classes.

Now, Mr. President, if we are going to have a rigid inspection, I undertake to say that a very small percentage of the country roads will come even under class C. If the inspection is to be a mere formality, and, as indicated by the report of the House committee, all these roads are to get under class C, then I submit that the spending of the $700,000 in the first place and the spending of a quarter of a million dollars annually in the second place is a useless waste of money.

Mr WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Florida yield to the Senator from Mississippi?

Mr. BRYAN. Certainly.

Mr. WILLIAMS. I wish to ask the Senator from Florida a question. Of course, he knows who the rural free delivery carriers are in our country. Can he imagine a rural free delivery carrier incurring the enmity of the county road supervisors and contractors by reporting their roads to be in a bad condition and have the Government cut off the payment of $20 a mile?

Mr. BRYAN. I think a man would have highly imaginative powers to conceive anything of that kind.

Mr. SWANSON. Can you imagine a rural free delivery carrier reporting a road in good condition, splendid and passable, when it might be inspected a week afterwards by a general inspector who would ascertain that he had made a false report, and he would stand the risk of being dismissed from the Government service for having sent in false reports to the Government?

Mr. WILLIAMS. He could very easily say it was in good condition when he made the report, but bad when the inspector got there.

Mr. BRYAN. He would say it had rained in the meantime.

Mr. SWANSON. It will be the reverse. Instead of the carrier reporting the roads good the usual custom has been to report them bad to give an excuse why they did not bring the mail in properly to meet the train. A rural carrier has a certain schedule. If he reports that the roads are good he has to make the schedule on a good road, and if he does not make the schedule in time it could not be any excuse that the roads were bad.

Mr. OVERMAN. I will ask the Senator from Virginia whether in a part of Virginia and a part of North Carolina the roads are not for about six months very bad and for about six months very good? Would they be entitled to this $10 or $15 for the whole year or would they only get half of it for half a year?

Mr. SWANSON. It is the proportion for the time the roads were kept in good order.

Mr. OVERMAN. But half the year the roads would be good and half the year they would be bad.

Mr. SWANSON. You get paid for all the time that you keep the roads in good order. You would get compensation for the good work you did, and no pay until you got the roads in good order and rendered good service.

Mr. WILLIAMS. How long does the provision require good roads before they can receive anything?

Mr. SWANSON. The provision speaks for itself. I suppose the Senator has read it.

Mr. WILLIAMS. My recollection is that it is 12 months.

Mr. SWANSON. No.

Mr. WILLIAMS. I ask the Senator for information.

Mr. SWANSON. My opinion is that if you get the entire pay it must be for the entire 12 months.

Mr. WILLIAMS. I thought from my reading of the bill that it had to be for at least the specified time. Let us look that up.

Mr. BRYAN. Mr. President, if it be true that it is the intention that all these roads used for the carriage of mails over rural routes are to be beneficiaries of this provision we might as well be frank about it, and instead of paying money for useless inspection provide that there shall be paid to the State treasury of each State the amount which would come under the provisions of the bill in proportion to the rural routes in that State.

Now, to those Senators who to-day have argued so strenuously for the farmer and for the man who lives in the country and on these rural routes, who are so anxious to see this system extended so that all of those who do not have the opportunity and the benefits of rural route at all, I submit this proposition:

On the average standard route there will be an additional expense of between four and five hundred dollars, for which provision must be made, so that it will add to the present requirements about 40 per cent; and thereafter when you appeal to the Post Office Department to establish an additional rural route the Postmaster General must figure that it will cost 40 per cent more than heretofore. I submit to the judgment of the Senate whether present routes can be extended and new routes put in as rapidly with this provision as without it.

There is another question which is involved in any good-roads measure we may pass. I apprehend it has been in the past perhaps one of the causes of the postponement of this matter. Here is a small State with a large population and small

area; here is a large State with large area and a small population; one has good roads and one has bad roads; what is fair as between those States? The State of small area, large population, good roads, and few rural routes would receive a relatively small proportion of the appropriation, while a State of large area, small population, bad roads, and many rural routes would receive a relatively large proportion of the appropriation. Let me illustrate that.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me for a moment, we were talking a moment ago about a matter in connection with which I want to read a provision of the bill. If anybody can make heads or tails out of it, I can not. It is as follows:

That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act under and in accordance with rules and regulations prescribed jointly by the Secretary of the Treasury and the Postmaster General.

There is no provision at all for any division of money in proportion to the number of months that the road has been kept good; there is no provision requiring that the road should have been good for any specific time prior to the payment. That is all that is in the bill about it.

Mr. BRYAN. There is a provision further back, in the same section, which says payments shall be paid at the rate of $15, $20, or $25 per year.

Mr. WILLIAMS. That is per mile.

Mr. BRYAN. Per mile.

Mr. WILLIAMS. Yes; it is provided that compensation shall be paid at the end of the fiscal year, but there is nothing to justify the assertion that if the road was good six months and bad six months $7.50 would be paid.

Mr. BRYAN. Oh, it is impossible, as I said, probably before the Senator came in——

Mr. WILLIAMS. If the Senator will allow me a moment, there is nothing which prescribes any specified length of time during which the road shall have been good prior to payment.

Mr. BRYAN. In a wet winter the roads may be bad and almost impassable, yet at the time the inspector comes—and he can not come but once a year, and is not expected to come oftener—they may be in good condition and so will be allowed payment for the year, and necessarily so. I agree with the Senator from Mississippi that a rural-route mail carrier living on the route, a citizen of the community he is serving, securing his position because of the indorsement of his neighbors, anxious to see all the money possible given to his community, is not going to be unusually active in reporting cases where the roads fall below the standard fixed by the Post Office Department.

Now, Mr. President, I want to illustrate the statement I made when the Senator from Mississippi last interrupted me. Perhaps I had better repeat that statement. It was that a State of small area, large population, good roads, and few rural routes would receive a relatively small proportion of the appropriation, while a State of large area, small population, bad roads, and many rural routes would receive a relatively large proportion of the appropriation.

The State of Massachusetts has an area of 8,315 square miles, a rural-route mileage of 6,673, and a population of 3,366,416. Forty-nine per cent of the roads in Massachusetts are improved roads, and under the provisions of this bill they would get about $100,000. The State of Texas has an area of 265,780 square miles, a rural-route mileage of 45,751, and a population of 3,896,542, slightly in excess of the population of Massachusetts; yet the improved roads in Texas are only 3.8 per cent of the road mileage of the State. Missouri has 69,415 square miles of area, and would be entitled to draw under this bill for 48,810 miles of rural roads. She has a population of 3,293,335, and 4.41 per cent of her roads are improved; so that both Texas and Missouri would get from seven and a half to eight times as much as the State of Massachusetts, although the improved roads in both Missouri and Texas fall below 5 per cent of the total road mileage, while the roads of Massachusetts are 49 per cent improved.

States of relatively large area, large population, and few rural routes would receive a relatively small proportion, while States of relatively small area but many rural routes would receive a relatively large proportion, although the percentage of the good roads in each did not materially differ. Take Texas again, a State of large area and large population, but, as compared with some States, of relatively small mileage of rural routes. Kansas has an area of 81,000 square miles, 49,000 miles in rural routes, and 1,690,000 population—less than one-third of the area of Texas, less than half of the population of Texas—but would get $50,000 more money per annum, although the roads in Texas are improved 3.80 per cent and the roads in Kansas are 0.38 per cent improved. Iowa, with a smaller area than Kansas, 55,000 square miles, with a larger rural-route mileage, 60,000 miles, and with a slightly larger population, 2,200,000, would get $110,000 more than Kansas and $150,000 more than the State of Texas.

Mr. President, Senators interested in this matter would find House Document 582 of the present session interesting reading. It was prepared by the Department of Agriculture in 1909. On page 40 of that document is a valuable table, giving, by States, the total mileage in 1904 and 1909 of improved roads and the percentage of all roads improved. After the committee had considered the House provision and had heard a large delegation from the other House, appearing in behalf of the bill, the Chief of the Office of Good Roads appeared to oppose the provision or to give his opinion; I believe he was under subpœna by the committee; I do not think he volunteered to come.

After hearing his testimony it occurred to me that it would be valuable to know the mileage by States of rural-route roads. Information had been given already—and it can be found in some of the reports by the Chief of the Office of Good Roads or some other officer of the Department of Agriculture—as to the number of routes by States, but not the mileage by States. I requested him to get up that information for me. He did so after considerable trouble and some time. I have taken from this House document information bearing upon this particular question, and have taken from his report the rural-route mileage by States. I have added to that the area of each State in square miles, and also the population, so that Senators can take this table and at a glance ascertain about what their States would be entitled to under this appropriation, and from a study of it they will be convinced, in my judgment, that it would not be fair or proper to pass such a provision as this upon the idea that we are undertaking to encourage the building of good roads.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from South Dakota?

Mr. BRYAN. Certainly.

Mr. CRAWFORD. I want to ask the Senator whether it would be possible under any system that would square with the Constitution to avoid the inequalities or matters of disproportion to which the Senator has been referring in his discussion; in other words, is it not absolutely necessary, in order that such a provision have any constitutional basis whatever, that it rest upon the mileage of the roads in the States which come under the designation of post roads? If in a small area like Massachusetts or Rhode Island they have, owing to the density of population, a very large mileage of post roads, while in a State of vast geographical extent they may have a comparatively small mileage of post roads, nevertheless the expenditure of Federal funds must, in the nature of things, rest upon the fact that the road is a post road, and, consequently, the inequalities, concerning which the Senator is addressing himself, are inevitable if we embark upon the enterprise at all.

Mr. BRYAN. If the Senator will allow that question to remain in abeyance, I shall reach it before I conclude.

Mr. CRAWFORD. Very well.

Mr. BRYAN. I was explaining this table and had finished doing so.

Mr. President, I think it is hardly fair to the committee to say that the report which it has made and the amendment which it has submitted indicate that the committee is opposed to Federal aid to good roads. As I am speaking somewhat for the committee, I may say that the committee itself, as a whole, favor Federal aid to good roads. I am of the opinion that money has to be collected somewhere before it can be spent; and that whether the Government spends it or the State spends it or the county spends it, it has to be taken out of the taxes of the people; but the committee recognizes the fact that there is a demand for Federal aid to good roads.

The proposition we had before us was as to which method should be favored by the committee. Starting out with this proposition, which means an expenditure of millions upon millions of the people's money, it occurred to the committee that to have a subcommittee of the Senate and of the other House take 90 days to investigate this plan and other plans—some plans submitted here to-day—would not be a matter that could be justly criticized by anybody.

So far as I am concerned, I do not believe that the farmers are demanding hasty and ill-advised legislation. I was much amused by the remark of the Senator from Missouri [Mr. REED] that some here in this body would vote and had voted to donate to the railroad companies millions of acres of public lands to enable them to build railroads and now would not vote

any money to enable the farmers to have good dirt roads or hard roads. Senators, the oldest Member here is older than I think he is if any of the present membership of this body was sitting in the Senate from 1850 to 1860 when those acts of Congress were passed.

Mr. President, the farmers have never yet asked any special favor at the hands of this Government, and that we will do justice by them is all they want and all they ever will ask.

Mr. WILLIAMS. Before the Senator from Florida takes his seat——

Mr. BRYAN. I had not said anything about taking my seat.

Mr. WILLIAMS. I was very much interested in the tables which he had. The State of Iowa, the State of Mississippi, and the State of Indiana are pretty nearly the same area. If the Senator does not object, I should like to have him read the figures for those three State—Iowa, Indiana, and Mississippi—so that they may appear in his speech in the CONGRESSIONAL RECORD in juxtaposition one with another.

Mr. BRYAN. Yes; I will be very glad to do that.

Mr. Page, Chief of the Office of Good Roads, outlines this position. While upon investigation it might be determined that it ought not to be adopted, yet it is worthy of consideration. Before I come to that, I will comply with the request of the Senator from Mississippi.

Indiana has 51,175 rural-route roads; 24,955 miles of improved roads. The percentage of all roads improved in 1909, 36.70; population, 2,700,876.

Mr. WILLIAMS. What amount would Indiana get under this plan?

Mr. BRYAN. Indiana would get three-quarters of a million.

Mr. WILLIAMS. Three-quarters of a million.

Mr. BRYAN. Iowa has 60,020 miles of rural routes.

Mr. WILLIAMS. Now?

Mr. BRYAN. And would get $900,000; percentage of improved roads, 2.45, as against 36.70 in Indiana, and she has a population of 2,224,711. Mississippi has 18,570 miles; percentage of improved roads, eighty-six one-hundredths of 1 per cent; population, 1,797,114.

Mr. WILLIAMS. She would get how much?

Mr. BRYAN. Mississippi would get about $300,000.

Mr. WILLIAMS. Mississippi would get $300,000, Iowa $900,000, Indiana three-quarters of a million, or $750,000.

Mr. BRYAN. Yes.

Mr. SWANSON. I know the Senator from Florida does not wish to leave a wrong impression upon the Senate. His figures are correct to this extent: That is limited to the rural routes, but this provides also for star routes. In sections of the country where there are a great many rural routes there are very few star routes. Of course, putting in rural routes takes off certain star routes. Star routes deliver now to some extent like rural cars, by depositing the mail in the road box. This bill provides for paying for star routes.

The average star route in the United States is 13 miles, and there are about 160,000 miles of star routes. They would be paid by this bill. The right way to make the estimates is to add the star-route mileage to the rural delivery routes.

Mr. BRYAN. Let me explain that right now. The reason the star-route mileage was not placed in the rural-route mileage is that so many of the star routes are over water.

Mr. WILLIAMS. One word, if the Senator will pardon me.

Mr. BRYAN. The Senator will wait a moment. There are so many of them over water that it is hardly to be supposed that under any classification at all they could come within the provisions of roads entitled to receive under class C.

I want to ask the Senator from Virginia if in his remarks he has incorporated this table?

Mr. SWANSON. I have.

Mr. BRYAN. Then I will not incorporate it in mine.

Mr. SWANSON. Does not——

Mr. BRYAN. Let me say this: It would make very little difference so far as the three States to which reference has been made are concerned. I will put that in right now.

Indiana has 99 miles of star route; Iowa, 55; Mississippi, 309.

Mr. SWANSON. You will see how it is equalized, as I have suggested. The average length of a star route in the United States is 13 miles, and I presume the average in Mississippi would be the same as elsewhere. If you will multiply 300 star routes by 13 it would give the number of miles in Mississippi which would be paid for.

Mr. WILLIAMS. But the star routes in Mississippi are mainly on the Mississippi and other rivers.

Mr. REED, Mr. SWANSON, and others addressed the Chair.

The PRESIDENT pro tempore. Senators will be in order. Does the Senator from Florida yield, and to whom?

Mr. BRYAN. I yield to the Senator from Missouri.

Mr. REED. I understand the Senator from Florida in figuring the distribution of this money has taken the number of miles of star routes and rural routes.

Mr. SWANSON. No. Rural routes.

Mr. REED. Rural routes; and he computed upon that basis the amount coming to each State. Is that correct?

Mr. BRYAN. That is correct.

Mr. REED. Now, Mr. President, he might as well have figured on the problem based upon the railroad mileage of a State. This bill does not propose at any place to pay a certain amount per mile upon the rural routes, and that is what the Senator figured on. This bill proposes to pay upon the number of miles of road that are improved and brought up to the specifications of the bill. Accordingly, a State might have 10,000 miles of road and 5,000 miles of rural routes and not get one dollar under this bill, and another State might have 500 miles of road and might collect on every mile of it, if it was improved to the proper standard and that entire mileage used as a rural route. So that the figures so painfully prepared by the Senator have not anything to do with the case at all.

Mr. BRYAN. Of course, that is always the last refuge of a man who can not answer an argument.

Mr. REED. I have not answered it. I have demolished it. There is not anything left of it.

Mr. BRYAN. I know the Senator has, in his opinion.

Mr. WILLIAMS. I will say to the Senator from Florida that if he will permit one more interruption I will try to let him alone.

The Senator from Missouri thinks he has demolished; he is absolutely confident of the fact that he has murdered Macbeth; but the truth is that under this bill a State may receive fifteen or twenty or twenty-five dollars a mile for each mile of road that it brings up to a certain stage, and the possibilities of its receipts are limited by the number of rural routes in the State. So that Iowa could receive $900,000 Indiana could receive $750,000, and Mississippi could receive only $300,000, if all three improved up to the Agricultural Department specifications every mile of road they had that was a rural free-delivery route.

Moreover, one more word. I have had experience enough here in Washington to know that the States which are doubtful politically receive rural free-delivery extensions and accommodations much more than the States which are not doubtful.

Mr. BRYAN. It is a fact disclosed by the table of figures I produced that with States having practically the same area, practically the same population, some have a very small number of rural delivery routes and some relatively a very large number. I use that simply as one argument to show that it is a difficult proposition to undertake to divide fairly and equitably this appropriation between the States.

Mr. WILLIAMS. As I understand your table, it does not undertake to show what each State actually would receive, but the possibilities of receipt in each case.

Mr. BRYAN. I am of the opinion that if the Department of Agriculture could, by employing a sufficient number of inspectors, hold each community rigidly up to the requirements of this bill, make every road be maintained throughout the year with smooth, compact surface, the only States that would be benefited would be those having roads of a high grade. But no man can read the report and the debates upon this question and come to any other conclusion than that it is the intention to give these rural routes the benefit of this bill under classification C.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Missouri?

Mr. BRYAN. Just one word further on that; and if this bill does not do it, it is inevitable that as this system grows the demand will be so great that every rural route, regardless of whether it comes up to any specification or not, will receive the benefits of this act. That is bound to come; and if so, I would vote for it, because I can not see a difference between a road which shows wheel tracks and one which does not; and if the Government should pay rent for the use of the road, there are sand roads which show wheel tracks just as good as and better than clay roads that would not do it in dry weather.

Now I yield to the Senator from Missouri.

Mr. REED. It is a little tardy now to say what I wanted to say.

Mr. BRYAN. I hope the Senator will realize I can yield to only one Senator at a time.

Mr. REED. Oh, yes. I am not complaining. I am thanking the Senator for his courtesy.

The defect which I sought in my humble way, and in my ignorant way to point out in the argument of the Senator from Florida, was that he had based his calculations not upon the

number of miles of road that would be improved or that were now improved, so that they would come within the provisions of this bill, but he had based his conclusions upon the number of miles of road that now happen to be used for rural routes. I thought I had made that plain until the Senator from Mississippi took the floor and accused me of having convinced myself and nobody else.

Now, I do not expect to convince the Senator from Mississippi. I have never known him to be convinced after he had once taken a position; but as he is generally right, and as I generally agree with him, I am always content that he should maintain his opinion. I am now. But I call attention to the fact that what the Senator from Florida was doing was to give us a mathematical deduction based upon certain figures, and that now both the Senator from Florida and the Senator from Mississippi have abandoned mathematics and have gone into the realms of possibilities, and they are talking now about what it might be possible for the State to get, and not answering the point I sought to make that these figures were misleading because they depended upon a wrong basis.

While I have the floor, with the courtesy of the Senator from Florida, a word further on that point. The rural routes in any State may be extended or contracted at any time. The rural-route system has not yet by any means been fully established or completed. There may be States that have been unfairly treated; but I take it that those inequalities will be removed speedily, particularly after the 4th of next March. But how futile it is to stand and argue that because one State to-day has more rural mileage than another that that is a reason why we should not improve any of the roads. I am directing my attention now simply to that one argument, and I shall take pleasure, when I resume my remarks, to spend some little time on it.

Mr. BRYAN. Of course it is my fault, but there is nothing in what I intended to say that would deceive anybody about that table. I said frankly that if the roads under class C are rigidly inspected they would not come within this provision, and I invite the attention of the Senator from Missouri to the debates and the report where it is estimated that it will cost $18,000,000.

The Senator from Missouri and the Senator from Virginia, who argued strenuously for the House provision, should have a conference, because the Senator from Virginia argued that the postponement for a year would give all of the States an opportunity to come within the provisions of the act and have their roads up to the standard of class C by the time the act goes into effect in 1914.

Now, Mr. President, when I was interrupted, I was about to outline the plan recommended by the Chief of the Office of Good Roads. Two or three Senators here to-day have advocated the plan of the Government building the roads. The plans recommended by this officer of the Agricultural Department is that a board of engineers in consultation with the State authorities shall lay out a system of roads in this country, estimated at 33,000 miles.

It is estimated that 33,000 miles of road would be reasonably sufficient, and if the State would build roads as outlined up to a certain standard the Government would then undertake to keep them up to that standard. I was surprised to hear him say that a road costing $10,000 a mile required an expenditure of $1,000 per annum to keep it in condition. It seemed like a large sum, but he stated that upon an investigation of the accounts of the State of New York on roads costing $10,000 a mile the average was $1,000 per annum. So I was not surprised to-day to hear the Senator from Massachusetts [Mr. LODGE] make the statement that it took about a thousand dollars per mile to keep up the splendid roads in his State. I am not undertaking to oppose Federal aid to good roads, but believing that this provision in the House bill is not the last and final word of wisdom on this subject, it appeared better to the Committee on Post Offices and Post Roads to propose instead the following amendment:

That a joint committee shall be appointed, composed of three members of the Senate Committee on Post Offices and Post Roads and three members of the House Committee on the Post Office and Post Roads, to be designated by the respective chairmen thereof, to make an inquiry into the subject of Federal aid in the construction of highways, and report at the earliest practicable date, and said committee shall have power to employ such clerical and stenographic assistance as may be necessary and conduct hearings, and for the payment of the expenses of such inquiry there is hereby appropriated the sum of $5,000, to be paid upon vouchers signed by the chairman of said committee.

I think it is well for Senators to understand that this committee of three members of the committee of each House are instructed to report at the earliest practicable date, and that if we are going into this tremendous business we will have some information and be in a position to do a larger degree of justice at least to the States affected, and at least it can be said that if any sensible plan is adopted it will go into the roads and not into the hands of township or county roads supervisors in a way that does not require the spending of a single dollar upon the roads.

I was not surprised by the statement of that man that the only way roads are maintained after they are built is to have a central authority, as a State engineer. County commissioners do not keep up the roads when they build them. They build a road to one community to satisfy it and to another community to satisfy it, and in the endeavor to satisfy various communities the roads theretofore built have gone to pieces and the money is thrown away.

Mr. MARTINE of New Jersey. Will the Senator from Florida allow me?

Mr. BRYAN. Certainly.

Mr. MARTINE of New Jersey. I want to correct the Senator in that statement. My own State of New Jersey is noted for its superb roads. We are fairly gridironed with them. We are a small State, it is true, but we have something like 800 miles of roads there, and they have been built by the county system. Our roads run from the line of one county to the county line of another, and are taken up by the supervisors or freeholders under the supervision of a county engineer. The roads do not blow away, but they are put there to stay by our county commissioners. We have a State-aid law and the State contributes a certain proportion to the building of our roads.

I want to disabuse the Senator's mind of the thought that because they are built by the various counties they are necessarily poorly and miserably built.

Mr. BRYAN. I hope the Senator from New Jersey understands that I was stating the argument of the Chief of the Office of Good Roads before the committee.

Mr. MARTINE of New Jersey. I thought it was the Senator's own argument.

Mr. BRYAN. Of course we all know that New Jersey is an exception to the rule.

Mr. MARTINE of New Jersey. We have a model road man, I am frank to say, and a model in many other ways; and I am happy in the thought that that will be recorded as the great consensus of public opinion in a few months. But, as to the road system, I do believe that our system is about the perfection of road making.

Mr. BRYAN. I am very glad to have the statement of the Senator from New Jersey incorporated in my remarks.

Now, I have detained the Senate much longer than I expected.

Mr. SWANSON. Before the Senator concludes, I should like to show this great disparity he has made between Mississippi and Iowa, and to give a striking case of gross and glaring injustice. I want to explain how this works out, and I want to show what the most glaring disparity amounts to.

In Mississippi there are 18,570 miles of rural routes. Suppose that all of them were put under class C, and all were in class C at $15 per mile, Mississippi would receive $278,550.

In Mississippi there are 779 star routes, and where there are a great many rural-delivery routes there are more star routes. The star-route average in the United States is 13 miles. So there would be in Mississippi 10,127 miles of star routes which would receive $151,905. The aggregate amount received by Mississippi would be $430,455.

Mississippi has a population of 1,790,000 in round numbers, and Mississippi would receive 24 cents per capita for every citizen in the State.

Iowa has a great many rural delivery routes and very few star routes. In Iowa there are 60,020 miles of rural delivery routes, which, figured at $15 per route, would amount to $630,100. Now, having a great many rural-delivery routes, the whole State of Iowa has 55 star routes which, at 13 miles each, would amount to 915 miles, and at $15 a mile it would amount to $9,225 per star route, making the aggregate in Iowa, if these figures are true, $639,325.

Iowa has a population of 2,240,000. Divide the amount received by the population of the State and every man, woman, and child in Iowa would get 28 cents, or 4 cents per capita more than Mississippi.

Iowa has 55,000 square miles and Mississippi has 46,000 square miles.

That is a most glaring exhibition of disparity.

Mr. O'GORMAN. I wish to put a question to the Senator from Virginia. In the distribution of the estimated amount that would have to be appropriated by the Government for the purpose of building good roads in the several States, I should like to know, under this calculation of the Senator from Virginia,

how much of the $20,000,000 would go to the State of New York. I can tell about how much the State of New York would contribute.

Mr. SWANSON. How much does the Senator think it would contribute?

Mr. O'GORMAN. About a sixth or a seventh of the entire amount.

Mr. SWANSON. That would be about $3,000,000. Now, if the Senator from Florida will permit me further, there are 79,279 miles, and you would get about a million and a half, I assume. This is one of the advantages——

Mr. BRYAN. I do not yield for an argument, Mr. President.

Mr. SWANSON. The only way you can build up——

Mr. BRYAN. I decline to yield further.

The PRESIDENT pro tempore. The Senator from Florida declines to yield further, and he will proceed.

Mr. BRYAN. All I have to say in reply is that it is difficult to argue with a man who in multiplying $60,000 by 15 makes only $600,000 instead of $900,000.

Mr. O'GORMAN. I prefer to take the figures of the Senator from Florida to the figures of the Senator from Virginia.

Mr. BRYAN. I ask permission to insert at the end of my remarks a table showing number of rural routes, rural-route mileage, road mileage, and so forth, in the United States, by States.

The PRESIDENT pro tempore. In the absence of objection, permission is granted.

The table referred to is as follows:

Number of rural routes, rural route mileage, road mileage, etc., in the United States.

State.	Number of rural routes, 1912.	Rural route mileage, 1912.	Road mileage, 1909.	Mileage of improved roads, 1909.	Percentage of all roads improved, 1909.	Area in square miles.	Population, 1910.
Alabama	1,019	24,335	49,639	3,263.93	6.58	51,279	2,138,093
Arizona	11	256	5,987	273.00	4.56	113,840	204,354
Arkansas	419	9,630	36,445	1,085.25	2.97	52,525	1,574,449
California	382	8,818	48,069	8,587.75	17.87	156,092	2,377,549
Colorado	154	3,992	29,693	320.50	1.08	103,658	799,024
Connecticut	279	6,111	12,583	3,030.54	24.08	4,820	1,114,756
Delaware	107	2,528	3,000	186.44	6.22	1,965	202,322
District of Columbia	7	149	----------	----------	----------	60	331,069
Florida	202	4,786	17,579	1,752.35	9.97	54,861	752,619
Georgia	1,640	38,967	82,230	5,978.00	7.27	58,725	2,609,121
Idaho	119	2,921	18,403	510.50	2.77	83,779	325,594
Illinois	2,856	69,025	94,141	8,914.00	9.47	56,002	5,638,591
Indiana	2,121	51,175	67,996	24,955.75	36.70	35,885	2,700,876
Iowa	2,424	60,020	102,427	2,505.10	2.45	55,586	2,224,771
Kansas	1,811	49,240	98,302	374.71	.38	81,774	1,690,949
Kentucky	735	17,102	53,744	10,114.95	18.82	40,181	2,289,905
Louisiana	182	4,246	24,962	329.50	1.32	45,409	1,656,388
Maine	468	10,695	25,528	2,703.06	10.59	29,895	742,371
Maryland	437	9,767	16,773	2,142.32	12.77	9,941	1,295,346
Massachusetts	301	6,673	17,272	8,463.18	49.00	8,039	3,366,416
Michigan	2,031	49,757	68,906	6,900.54	10.01	57,480	2,810,173
Minnesota	1,594	42,258	79,323	5,416.85	6.83	80,858	2,075,708
Mississippi	782	18,570	39,619	342.25	.86	46,362	1,797,114
Missouri	2,069	48,810	107,923	4,755.50	4.40	68,727	3,293,335
Montana	49	1,236	23,319	95.00	.41	145,776	376,053
Nebraska	1,052	28,037	80,338	248.55	.31	76,808	1,192,214
Nevada	3	68	12,751	46.00	.36	109,821	81,875
New Hampshire	238	5,372	15,116	1,448.48	9.58	9,031	430,572
New Jersey	303	6,792	14,842.00	3,377.86	22.76	7,514	2,537,167
New Mexico	16	440	16,920.00	104.00	.61	122,503	327,301
New York	1,902	43,740	79,279.00	12,787.36	16.13	47,654	9,113,614
North Carolina	1,306	29,858	48,285.00	2,313.00	4.79	48,740	2,206,287
North Dakota	534	15,481	61,593.00	140.00	.23	70,183	577,056
Ohio	2,530	60,193	88,861.00	24,106.00	27.13	40,740	4,767,121
Oklahoma	1,037	27,877	71,325.00	361.00	.50	69,414	1,657,155
Oregon	231	5,624	29,475.00	2,799.25	9.49	95,607	672,700
Pennsylvania	2,203	50,663	87,386.79	3,364.76	3.84	44,832	7,665,111
Rhode Island	43	943	2,120.75	1,042.07	49.14	1,067	542,610
South Carolina	775	18,193	32,075.00	3,534.75	11.02	30,495	1,515,400
South Dakota	565	16,471	56,354.00	286.00	.50	76,868	583,888
Tennessee	1,604	37,382	45,913.00	5,353.50	11.66	41,687	2,184,789
Texas	1,924	45,751	128,971.00	4,896.00	3.80	262,398	3,896,542
Utah	51	1,102	8,320.00	1,018.00	12.23	82,184	373,351
Vermont	340	7,497	14,406.00	2,650.63	18.40	9,124	355,956
Virginia	1,015	22,520	43,399.00	1,902.75	4.38	40,262	2,061,612
Washington	304	7,366	34,283.60	4,520.68	13.19	66,836	1,141,990
West Virginia	370	8,259	32,109.00	591.40	1.84	24,022	1,221,119
Wisconsin	1,644	40,464	61,090.00	10,167.33	16.64	55,256	2,333,860
Wyoming	10	287	10,569.00	416.00	3.94	97,594	145,965
Total	42,199	1,021,447	2,199,645.14	190,476.32	[1] 8.66	3,026,789	91,972,266

[1] Average per cent.

Mr. REED. Mr. President, I was a little late when the Senate reconvened and hence did not have the opportunity to continue my remarks in order, and now that I have heard a good deal of this debate I am rather glad I was late, because the debate makes manifest the necessity of doing just what I was attempting to do when the Senate took its recess, namely, the analysis of the bill so that we may clearly understand just what the bill actually does propose to do. I had, when the hour of adjournment arrived, reached the point of demonstrating, at least to my own satisfaction—I do not include my friend from Mississippi [Mr. WILLIAMS]—the fact that the road overseer is not the man who determines when the money shall be paid or whether the road has been kept up to the standard, but that these facts are determined by a Federal authority. The language of the bill is so plain there can be no dispute.

I come now to the question that was under discussion as I entered the Chamber, namely, whether these roads must be kept up to the standard during the entire year or only a portion of the year, and whether if kept to the standard only a part of the year the payment would be prorated and paid for the period of the year during which the road was maintained.

Mr. President, if I understand this bill, there is no question of prorating in it. In order to receive any pay under the bill the road must be brought to a certain standard and kept at that standard continuously throughout the year. I think that is plain from the reading of the bill itself.

Class A is defined, and I quote from the bill—

Class A shall embrace roads of not less than 1 mile in length—

And so forth—

Here follows a description of the materials—

crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface.

Class B shall embrace roads—

And so forth—

Describing the materials—

constructed and maintained in such manner as to have continuously a firm, smooth surface——

Mr. WILLIAMS. Mr. President——

Mr. REED. In a moment; when I get to the end of my sentence.

Class C shall embrace roads—

And so forth—

crowned so as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means——

Mr. OVERMAN. Right there I should like to ask the Senator——

Mr. REED (reading)—

so that it shall be reasonably passable for wheeled vehicles at all times.

Mr. OVERMAN. Right there I want to ask the Senator a question.

Mr. REED. If the Senator will wait until I get through with this sentence, I will yield then.

Now, that does not mean for one day in a week or one week in a month or one month in year. It means just what it says—"continuously."

Mr. OVERMAN. That is what I wanted to ask the Senator.

Mr. REED. Yes. Will the Senator wait until I conclude the paragraph, and then I will yield to him—

That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural or star-route mail, compensation for such use shall be made at the rate of $15, $20, or $25 per annum per mile for highways.

Now, that language, all taken together, means that the Government shall pay $15, $20, or $25 per mile for such mileage as shall have been continuously maintained, not intermittently maintained, not occasionally maintained, not sometimes maintained, but continuously maintained at the particular standard specified.

Now I yield to either of the Senators.

Mr. OVERMAN. I wanted to know really the Senator's construction of that section, because he seems to differ with the Senator from Virginia [Mr. SWANSON].

Mr. REED. I do, most emphatically.

Mr. OVERMAN. I ask the Senator from Virginia as to our red hills in Virginia and North Carolina, when a part of the time we have bad roads and a part of the time good roads, whether we get the money in the State for half the time. As I understand the Senator from Missouri, these roads have to be kept continuously in good repair before we get any money at all during the whole year.

Mr. REED. Yes.

Mr. OVERMAN. So when they are muddy and impassable in the wintertime those roads would get nothing.

Mr. REED. Mr. President, I think we want to discuss this bill with an effort to get at just what it means. It is an important matter. We may in the good nature of debate, and in an effort to try to get a little temporary advantage, sometimes reach a little over the line, but in the end we must come to the merits of the bill. This bill was not prepared altogether by amateurs. Some pretty sensible men sat down in the House for a long time over it, and the more you study it I think the more you will find the House committee met every question.

Now, let me show the Senator from North Carolina, if I can, how they met this very question with reference to the dirt roads of his State. The language of the bill, in defining class A, which is a road constructed of shells, vitrified brick, or macadam, is that it shall be continuously a firm, smooth, rounded surface.

When you come to class B, which is also a hard-surface road, composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, the bill requires that it shall be constructed and maintained in such manner as to have continuously a firm, smooth surface.

Those two kinds of roads must have continuously a firm, smooth surface throughout the year, because they are hard roads and can be maintained throughout the year hard and smooth and firm. Now come to the third class, which is dirt road, and observe the language there. It shall be—

continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means—

Not so that it shall be hard and kept continuously hard, but this is the language:

So that it shall be reasonably passable for wheeled vehicles at all times.

So that it is only required that a dirt road at every season of the year shall be reasonably passable for wheeled vehicles, but it is not required that a dirt road shall at all seasons of the year be perfectly smooth and perfectly hard. Thus the House committee provided a sensible rule for the dirt roads, viz, they must be at all times reasonably passable. I believe the provision meets thoroughly the question asked by the Senator from North Carolina. Nothing impracticable is required.

The House committee, I think, are quite as wise as any United States road overseer, by whatsoever name he is technically known, who says it takes a thousand dollars to keep each mile of rock road in repair each year, because, speaking of the country at large, I know that a man who makes that kind of a statement does not know anything about road building or road maintenance. We have 300 miles of rock road in my county, nearly half as much as there is in the entire State of New Jersey, according to the statement of the Senator from that State. We have been building those roads for 15 years, and our experience has been that approximately $250 a mile annually will keep them in excellent condition, although they lie in a county contiguous to a large city where the traffic is two or three or four times what it is in the more sparsely settled portions of the State. Any statement of any man that it takes on the average the country over a thousand dollars a mile annually to maintain a gravel or rock road is the mere vaporing of one who does not know his business as well as an ordinary country road overseer, who has been so mercilessly denounced by the opponents of the House provision.

Now, Mr. President, we get down, then, to this: Where there is a rock road it must be kept smooth and hard throughout the year; where there is a gravel or shell road it must be kept smooth and hard throughout the year. That kind of road can be traveled in all sorts of weather. A good road of that kind is actually better immediately after a dashing rain than it is after a long dry spell. There is no difficulty in traveling it. When you come to the dirt road the requirement is that it shall be kept reasonably passable and that it shall be constructed in a certain manner. The results of actual experience on that kind of road in my State—of course, soil differs, climate differs, conditions differ; and I can not speak for the entire country—but in my State a road that is ditched, properly constructed, and regularly dragged as it ought to be will be reasonably passable throughout substantially the entire year. So that the men who framed this bill did it with some wisdom and with some foresight and did take into consideration varying conditions and the different kinds of roads.

I come now to the next objection urged, which is that it will cost much money to determine whether a road is up to the standard or not. In reply, I say that if the certificate of the local road overseer should be falsely made, if the certificate of the county court or board of supervisors should be falsely made, if the certificate of all the local authorities should be false, you have yet left the certificate of the rural delivery carrier who passes over the road two or three times every day. It has been said the rural deliverer is a local man, and that he will be controlled by local influences, and therefore he will not tell the truth about the road he must travel over every day of his life; and so Senators sit here in much the frame of mind that the old prophet was when he said in his heart, "All men are liars," and they add, "All men are cowards"; but is their argument true with reference to the rural route carrier? As a matter of fact, he generally lives somewhere near his route, often in a small country village or a little country city. He has to travel his route each day. He drives his own horse. If the roads are not maintained, he can not deliver his mail or is obliged to overwork his horse and overtax himself. Under such conditions the rural carrier will be the first man to file a complaint against that road and try to have it brought up to the proper standard. But over and above all that is the fact that at very small expense the United States Government, through its post-office inspectors and its army of employees, can easily determine whether the roads are kept to the standard.

But the objections I have just discussed apply with the same force and to the same effect to every plan for road improvement that can be devised in the brain of any man in the Senate. All plans for road improvement involve some plan of inspection.

I come now to another argument, that there will be an unequal distribution of these funds among the respective States. That is a very seductive argument to offer to the man who comes from a small State. This provision is a part of a post-office measure, and if we were to get down to the kind of argument I am replying to we could apply it to the entire Post Office bill and to the entire Post Office system. So, we might find it argued here that we ought to abolish the Post Office system, because under it Delaware does not get as much benefit, does not have as much mail delivered to it, and does not have as much money spent within its borders as is expended in the Empire State of New York or in the great principality of Texas. Why, sirs, that argument is a boy's argument, because if you use it at all you must apply it all along the line; and when you do, you strike at every appropriation the Government makes for internal improvements, because if you apply it in one case you should in all.

Moreover, it is a narrow argument—an argument so narrow that I hesitate to take the time of the Senate to answer it. A man in the city of New York mails a letter which is to be delivered in a remote portion of Mississippi or of Texas. That man pays 2 cents to send his letter. He is interested in the rapidity and certainty of its transmission. He therefore receives a benefit from every good road that is built, infinitesimal of course, but out of these infinitesimals are made the great

aggregate of benefits conferred by the Postal Service. On the other hand, the man in the remote districts of a State or Territory is interested in having his mail speedily delivered to the city or delivered to another State, and he, in turn, acquires his fair share of the advantages that flow from good roads. Thus to the people of the United States in the aggregate accrue the aggregate benefits of this bill, each citizen getting his share as nearly as such benefits can be distributed. Mr. President, is it any argument against improving the roads of this country to say, "Well, Delaware would not get as much as Texas"? That argument would stop every kind of improvement. It would halt governmental projects at each State line in order that it might apportion its expenditures not according to necessities or benefits but according to population.

The Government of the United States does not maintain a Post Office Department, sir, for the benefit of the States. The Government of the United States when it establishes a post office knows no State line; it does not enter the States as States, but it starts upon its business and it pursues its business as an agency not of the States but of the sovereign citizenship of the United States of America, and it comes in no other capacity. When it does so, it trenches not upon the rights of a State, for it is within the constitutional powers which were conferred upon it when the people founded the Government.

Mr. President, so much for these narrow arguments. Before I conclude my remarks, I feel that I ought to reply briefly to the argument of my good friend the Senator from Kansas [Mr. BRISTOW]. Generally he is not only of the people and for the people, but he is, in fact, the voice of the people calling, like "the noise of many waters," for their rights. Yet when he stood here this evening opposing this provision he told us that the Government had "already been very generous to the people in establishing rural routes"; that "it is preposterous to ask the Federal Government to do more for the people." Thus he pictured the Federal Government as an entity outside of and separate from the people of the United States, going down into its coffers and conferring largess and benefactions upon the people of the country. Why, sirs, what is the Federal Government? It is only the agency of the people of the United States created by the people for the use and benefit of the people; and as long as it serves the people it has a right to exist. When it ceases to serve the people there will no longer be excuse for its existence.

Whence came these benefactions that the Government has been conferring upon the people? From whom were they obtained? What benefit, what largess, what charity did the Government bestow upon the people of the United States when it established the rural routes? It took some of the people's money and expended it for the benefit of the people. That is what it did, and that is all that it did. I greatly fear that, if the Senator from Kansas lives much longer down here in Washington, he will really conclude that he is the Government of the United States, and that when he votes the people's money for the benefit of the people he is conferring a special favor upon them and bearing the expense himself.

Mr. President, this is the people's money. These roads are to be used by the Government in the exercise of its agency for the people.

The only question that ought to be discussed here is whether this plan is the best one we are able to conceive.

I started to say a while ago, and I say now, that I do not profess to claim that this is necessarily a perfect measure. Objections can be made to any bill that is offered; every scheme and plan that can be devised will be met with objections; but all we can do, as human beings, is to thrash out these objections, reason together, and try to arrive at a just conclusion.

It has been argued here that this plan will involve a vast amount of Federal inspection; it has been urged that the money will be wasted; and in that argument the Senator from Mississippi [Mr. WILLIAMS] has taken a conspicuous part; yet I hold in my hand a bill introduced in the House of Representatives by the Senator from Mississippi when a Member of that body. I challenge attention to his bill, and I ask the Senator now if it is not open to many, if not all of the objections that have been insistently advanced against the bill under consideration? The Williams bill was introduced in 1907, and I compliment the Senator from Mississippi upon the fact that at that early day he was interested in the Federal Government assisting in the building of roads. I shall not read the bill in a spirit of criticism, but rather to show that it contains some of the very provisions contained in the bill under discussion which the Senator has to-night so vigorously criticized. That bill provided:

> It shall be the duty of the Secretary of the Treasury at the end of each fiscal year to take an account of all the funds in the Treasury of the United States, and after deducting from said sum the amounts required by law to be kept in said Treasury, the remainder, if any, shall be declared a surplus.
>
> SEC. 2. That it shall be the duty of the Secretary of the Treasury to provide immediately for the distribution of said surplus, not exceeding $25,000,000 annually during the continuance of this law, on a per capita basis to the States, Territories, and the District of Columbia—

I pause there long enough to say that that means an unequal division among the States—more unequal than would result probably if the money was distributed according to the mileage of rural routes that are improved; but it is a minor criticism. The division had to be based on something, and I do not think that a bad basis. I read again:

> to be computed from the last general census taken by the national authorities, and shall prorate the same accordingly, for the sole purpose of improving the postal roads in said States, Territories, and District of Columbia.

Mr. WILLIAMS. Mr. President——

Mr. REED. Mr. President, like the present bill, the Senator based the distribution upon the fact that the Government had established the postal routes of the country. I yield to the Senator from Mississippi.

Mr. WILLIAMS. If the Senator will pursue his investigations further, he will find that the gentleman from Mississippi, at that time a Member of the House of Representatives, after that introduced another bill as a substitute for that, for the purpose of correcting the glaring inequalities of basing the distribution per capita, and provided in the subsequent bill that in computing the population of each State the population of cities of 50,000 souls and over should be subtracted from the total.

Mr. REED. Very well. The statement of the Senator simply shows that I was wrong a little while ago when I said he never changed his mind.

Mr. WILLIAMS. The Senator from Mississippi is notorious for changing his mind whenever a sound argument is presented.

Mr. REED. Very well; let it rest at that. The bill proceeds:

> For the sole purpose of improving the postal roads in said States, Territories, and District of Columbia, under such rules and regulations as the States, Territories, and District of Columbia may provide.

That left the distribution to the governments of the States, and the governments of the States could provide for distributing it among the road overseers if they saw fit without any limitation, without any restriction, without any protection as far as we have thus far got in the bill. There is more of the bill, and I am going to be fair and read the rest of it:

> And said Secretary shall immediately notify the governors of said States and Territories and the Commissioners of the District of Columbia the amounts due each, and that the same will be paid over to such person or persons as may be duly authorized by said States, Territories, and the District of Columbia to receive and receipt for the same.
>
> SEC. 3. That should any State, Territory, or District divert said funds for any purpose other than the improvement of the postal roads that they shall not be allowed to participate in any further distribution of said funds until said State shall show to the satisfaction of the Secretary of the Treasury that a like amount so diverted has been expended from the treasury of said State, Territory, or District, so diverting the same in a judicious manner upon the postal roads of said State, Territory, or District diverting the same.
>
> SEC. 4. That it shall be the duty of the governors of the several States and Territories and the Commissioners of the District of Columbia to make a full and complete report to the Secretary of the Treasury on the 15th day of November, each year, what legislation, rules, and regulations have been adopted for the expenditure of said funds upon the postal roads, the manner in which the same has been spent, and the results accomplished. And it shall be the duty of said Secretary to submit said reports to Congress on the first day of each regular session.

Here we have been challenged because this bill did not provide for cooperation, that was said, although the first proposition of the present bill is that there must be not only cooperation, but that cooperation must be in advance and must bring the work up to a certain standard. But in the bill which was introduced by the learned and distinguished Senator, then the leader of the House of Representatives, provided for absolutely turning this money over to the various States and left it to the local authorities to expend it upon roads, how, when, and where they would, and did not require contribution or cooperation to any extent whatever. And yet the bill does the Senator honor, because he was a pioneer in this great scheme; at least in the revival of this great scheme that found expression in that provision of the Constitution which provided for the establishment of post roads.

Now, Mr. President, if it was wise and prudent when the Senator from Mississippi introduced his bill to turn the Government's money over to the several States, not in proportion to the mileage of their roads, not in proportion to the extent of their territory, not in proportion to the density of their population, but in proportion to population, what becomes of the argument that this bill is unjust, because under it those States with

large populations, large area, and large rural-route mileage will receive more money than the States with small area, population, and rural mileage?

Mr. President, I have quoted this bill for the purpose of showing that no plan can be devised even by the wise and cunning brain of my good friend, the Senator from Mississippi, whom I so much admire, which does not contain the very inequalities of the present bill against which he so dramatically inveighs.

Mr. President, one word further. They tell us that this money will be expended by road overseers, and that road overseers will squander it. I will answer that argument now. I do not know why men should go outside of the record in a case to argue matter that never was put in evidence. I do not know why men, in arguing a bill, should go outside the plain terms of the bill and discuss something that is not contained within its four corners. The fact of the matter is, that the provision of this bill requires the road overseer or the authority that has charge of the road, by whatsoever name known, to bring these roads up to a given standard and to maintain them at that standard. That embraces the cooperation of the States. That does away with any possibility of the road overseers squandering the money. That gives you the result in advance. After you have the result, after the goods, if you please, are laid upon the counter, you pay. To abandon my poor metaphor and stick to the text, after the road has been laid out, improved, and kept in condition then there goes into the funds of that district this little premium for the improvement of the roads. What is wrong with that?

Mr. SMITH of South Carolina. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. REED. Certainly.

Mr. SMITH of South Carolina. Before the Senator finishes his argument, in order that we may have a clear comprehension of the facts in dispute as to the cost of roads I desire to state that I have here the department's bulletin of February 29, 1912, showing the mileage and cost of public roads in the United States of the standard type of sand and clay, the gravel, and the macadam road, and if the Senator will allow me I will read the figures as to just a few States.

In Alabama the sand and clay road costs $680 per mile to construct up to the standard; in California, $412; in Florida, $829; in Georgia, $387; in Kansas, $785; in South Carolina, $415. I believe Georgia was the lowest. The average cost of construction of a standard, well-kept sand and clay road in the 34 States enumerated is $723 per mile.

Now, here is your gravel road. In some of the States it costs only $940 per mile, but, taking into consideration that in some places the gravel is scarce, the average is $2,000 for the gravel road. For the macadam road it is as low in some States as $2,000 and as high in some as $7,000, but the average is only $4,000 per mile. The bituminous used on streets costs $10,000; I suppose that was the road the Senator from Massachusetts was referring to. I just thought I would give these official figures in order that the Senator's argument might contain the exact facts.

Mr. REED. I thank the Senator for these figures. They are very illuminating. Mr. President, I have very little to add, except that I want to drive home the argument that this money is not given to road overseers to waste. I repeat that the money is paid after the work is done and inspected. Let us, then, make an end of the talk that the money will be wasted by rural overseers—not because of my assertion, but because it is the plain language of the instrument itself.

Mr. WILLIAMS. Before the Senator from Missouri goes farther—and I very much dislike to disturb him——

Mr. REED. You do not disturb me.

Mr. WILLIAMS. The Senator has read a bill which I introduced some time in 1907, and in justice to myself I want to say a few words right here concerning it. It will not take me long. This bill, Mr. President, was my first; somewhat crude groping for a plan to help any good-road construction throughout the United States. One reason why it was drawn as it was is because at that time the Government had a very considerable surplus, so that two ideas contributed in the construction of the bill. One the old ideas of the distribution of the surplus to the States, which is familiar to the history of our country, and the other the construction of roads. The Senator will notice this bill only applies so long as there is a surplus in the Treasury. Now, when you come to the idea of returning a surplus to the States, it is but right and proper that the surplus should be returned per capita, no matter for what purpose it is returned.

Later on I introduced a bill which more nearly expresses my present convictions, although even that did not do it. I would not reintroduce this bill to-day, nor would I the last bill which I introduced in the House. So far from its being difficult for me to change my opinion, I find it rather difficult to keep from changing it too often as I grow older and learn more. Finally I introduced a bill which differed from this in this respect: First, that in computing the population of the States, being no longer a distribution of the surplus, but the main object being the roads, cities containing over a certain number of souls should be deducted. I have forgotten whether it was fifty or one hundred thousand. Then I had likewise come to the conclusion that I had made another error in the bill, and that was in not providing that the aid extended by the Federal Government should not be above a certain percentage of what was paid out by the local authorities. I, therefore, provided that the Government should not pay the money into the State treasury unless the State made a satisfactory showing of having spent twice that much; in other words, the Federal Government would be contributing 50 per cent of the total cost and after the work was done.

To-day, if I were to introduce another bill, I would change the proportion to be paid. I would have the Federal Government contribute only one-third, and the State one-third, and the local community, county, or town one-third. But I would keep the other provisions of the bill, and especially this provision which the Senator from Missouri does not seem to have understood the reason for. I do not think the Federal Government ought to go into a State and build or repair roads.

Mr. REED. I understand that.

Mr. WILLIAMS. I think that its agency in that respect should be confined to helping the States do the work. Now, believing that, I did not want to concoct any sort of machinery by means of which the Federal Government could undertake to visit a penalty upon a State or by means of which it could tarnish or hurt the good name of a State. Nor did I, upon the other side, want the State to accept money for one purpose and use it for another, as was notoriously done under the swamp-land grant act of our early history. I, therefore, wanted the Federal Government to keep a string upon the State, but with due respect to its absolute sovereignty. I, therefore, provided that where a State did not show to the Secretary of the Treasury—and in my later bill I believe I changed it to the Secretary of Agriculture where the Good Roads Bureau was, but to the Federal authority at any rate—that the money had been expended for roads and had not been diverted to other purposes, then that particular State should not receive any more money until it had restored that money to the roads of the State. Just the same provision that is in this bill. I say that merely in justice to my own position upon that bill.

Mr. REED. Mr. President, the statement of the Senator from Mississippi is highly proper. He misapprehends my attitude, however, if he thinks that I do not fully understand the importance of the States retaining absolute control over their own highways, without any interference by the Federal Government. That is one of the features of this bill that commends it very strongly to me. But, Mr. President, this is the basic fact with reference to the expenditure of that money under the bill which we are now considering, or under the bill of the Senator from Mississippi, or under any of these measures, that unless the Federal Government does enter the State and does do the work, a thing which we, at least the Senator from Mississippi and I would not consent to, and I am sure our associates on this side of the Chamber would not, then the expenditure of that money must be left to the local authorities.

Mr. WILLIAMS. I agree absolutely with the Senator about that, nor have I directed any criticism on that ground.

Mr. REED. I understand that. The laws of the State must govern and the State through such agencies as it may create will build its own roads and use this money. Therefore it is no argument against this bill that this money might be wasted by a local authority, because that would be true of any other bill.

Mr. WILLIAMS. And it can be prevented from going on by stopping it.

Mr. REED. It is entirely proper, if any State should misuse this money, to add such a provision as there was in the House bill introduced by the Senator, that the money should not thereafter be paid.

Mr. President, these interruptions have led me to take up more time than I had intended to take. I have simply this to say in conclusion. I am not willing that this important legislation should be laid aside to take further advice from the Commissioner of Roads of the United States. My experience with heads of departments is that when you get through with all the learning and wisdom they can bring to your aid you know less about the proposition than you would if you had started

out on your own motion to collect the facts. I do not belong to that class of men who think that the appointment of a man to an office with a high-sounding title confers wisdom upon him. I believe that the Congressmen called in from all parts of the United States and knowing their local communities, and the wants of those communities, the kind and character of soil, and the topography of their States, know as much about what is necessary as some one man selected by the Government can possibly know. I say again when that man comes in and tells me that it will take a thousand dollars a mile to maintain a rock road that under the figures just read by my friend from South Carolina only cost $4,000 a mile, it seems to me we had better have a committee of Congress appointed to instruct the Commissioner of Roads rather than have him attempt to instruct Congress.

Now, let us see what can be accomplished by this bill, what its effect will be. The money provided will not build these roads. Nobody claims that. What will the bill do? It will be a notice to every community, every township, every road district in the United States, that if they will bring their roads up to a little better standard and put a little more work on them than they are now doing they will get this premium. It will stimulate their energies, it will arouse their ambition; it will in the end be returned a thousand fold.

Take a sand and dirt road, such as has been described here, that costs only $400 or $500 a mile to construct. Fifteen dollars a mile will, in all human probability, go a long distance toward keeping that road in repair. As suggested to me by the Senator from South Carolina, it would pay half of the interest on the bonds. I am not familiar with that kind of road, because we do not have many of them in my State, but I am familiar with the dirt road that is kept up to a high standard by dragging and by ditching, and $150 a year will, in my opinion, pay for the dragging of 10 miles of that kind of road. If it will not entirely pay for it, it will pay a large per cent of it.

Thus the incentive will constantly be kept before every community of the United States to improve its roads. That means an added interest, an interest that is nation wide. It means arousing the ambition from one end of the country to the other. When once started, the movement for good roads will go on. Soon people will not be satisfied to live upon a road that is not reasonably passable. When once gravel or shell roads have been constructed in a portion of the community, they will surely be extended, until in the end, in many years, perhaps, still in a short space of time measured by the great achievement that lies before us, we will have throughout this country a network of roads that will reach every hamlet and village and almost every farm; all roads will be passable, and many of them will be beautiful and splendid highways.

Mr. President, one advantage of this plan is that the money will not be expended in one spot. It will not be used up to build one great automobile thoroughfare. It will not be put at some portion of a county or State that is remote from the great body of the population as one road must necessarily be, but it will reach into every community and it will stimulate the ambition of every portion of the people.

I do not say it is a perfect plan; I do not claim that it can not be improved upon; but I do say that it seems to me to be a working plan, a fair way to start, and that when we have once started upon this great scheme it will develop and prove an immense benefit to this country. I said awhile ago, in effect, and I repeat now, the blessings will flow to all parts of the country. If there is one thing to-day against which our people cry it is the enormous cost of living. One element of that cost is the farm products. The man who examines the statistics of this country will find that while our city population is mounting with wonderful rapidity there has been an actual decline in the rural population of some of the best agricultural States. That is, in part, because boys and girls reared upon the farm are not willing to stay where they have no decent means of reaching the city, and hence are denied all the pleasures of town life. If you will give the people of this country good roads, telephone connections, the service of interurban cars, you will soon find that the population will flow back to the country. The cost of transporting goods to the market will be cheaper. So in the end every citizen of the city, as well as every inhabitant of the country, will get his share of benefit.

We have been doing a great deal in this country for railroads. We have been granting franchises of inestimable value to great corporations that operate in the cities. I am making no complaint of that at this time. We have been so regulating the charges for carriage that the great cities are built up at the expense of the small country village, and as its commercial life blood is drained the country suffers correspondingly.

And now it is asked that we confer a small portion of the benefits of government upon the farmers of the United States, that great class of men who in the sweat of their brows and the labor of their hands have laid the foundations of our national greatness. We should deal with them justly and generously.

I favor the provision of the House bill.

Mr. SIMMONS. Mr. President, we have been in session a very long time to-day, and have now been in session something over two hours to-night. There are Senators here who are anxious to be heard upon this proposition. Those of us who are in favor of the House provision are deeply in earnest about it. There has been an effort to laugh out of court, so to speak, the provision in the House bill. We believe that the more thoroughly that provision is discussed the more it will impress itself upon the Senate. We desire full and ample time for its discussion.

I trust, as anxious as the Senator from Oregon is to get his bill to a final vote and anxious as he is to get a vote upon this proposition, he will not press to an early conclusion this debate. I hope he will consent that every Senator shall have ample time to present his views on this question. As I said, we are in earnest about it. There are more people in the United States I believe interested in this proposition than in any other matter pending before this session of Congress.

Mr. BOURNE. Mr. President, replying to the Senator from North Carolina, I desire to state that I have no wish or intention to shut off debate in the consideration of this subject. I am anxious to get the bill to passage as rapidly as possible, but not to stifle debate in any way.

I realize that we have had a long session to-day. I should like to ask the Senator from North Carolina if he has any idea of the length of time that will be required, from his knowledge of the situation and of the number of Senators expected to speak upon the bill, for the further consideration of this particular item?

Mr. SIMMONS. Mr. President, I think we could finish this discussion to-morrow unless more time than we expect is taken in connection with the impeachment trial. I do not feel that we ought to consent to any limitation of debate upon this matter. I think it is too important. I believe we ought to discuss it so long as anyone wishes to speak upon it.

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Virginia?

Mr. SIMMONS. Certainly.

Mr. SWANSON. I suggest to the Senator from Oregon that we have an understanding that we will take up this provision to-morrow when the Senate shall proceed to the consideration of the Post Office appropriation bill, and that it be understood that we will continue the discussion of the provision until it is disposed of.

Mr. SIMMONS. That will be satisfactory to me. I simply meant that I do not desire any limitation to be placed on the debate.

Mr. BOURNE. I assume that course will be agreeable.

Mr. PENROSE. Would the Senator from North Carolina object to a unanimous-consent agreement fixing a time to vote on this provision, say, to-morrow at a quarter before 2 o'clock?

Mr. SIMMONS. I do not think we can agree upon an hour to-morrow, because we can not tell how much of our time to-morrow will be taken up with the impeachment trial.

Mr. SWANSON. I would not consent at this time to such an arrangement, for the simple reason that there are other provisions in the bill. I think to-morrow possibly we can reach a conclusion and take a vote on this provision. It must be remembered that we are now proceeding as in Committee of the Whole, and if any agreement should be reached now and the debate had not been completed, if everyone had not spoken who desired to speak, it would simply be continued when the bill was reported to the Senate. I think we had as well dispose of the amendment now as to have it thrashed out twice.

Mr. BOURNE. Then, Mr. President, I wish to announce that I shall ask unanimous consent, immediately after the conclusion of the morning business to-morrow, to resume the consideration of the Post Office appropriation bill.

I now move that the Senate——

Mr. SWANSON. Pending the motion, I wish to make a little correction, if the Senator from Oregon will yield to me for just one minute.

Mr. BOURNE. Very well.

Mr. SWANSON. In making some estimates, while the Senator from Florida [Mr. BRYAN] had the floor, as to the amount some States would receive, they were made hurriedly by myself. I have had them made by some one else who is much more accurate at figures than myself. The estimate made is that Iowa would receive $911,025, Mississippi would receive $338,415, and

New York would receive $763,350. That is the estimate made by a very accurate person, who can figure much better than I can on these matters.

I also wish to say in addition——

Mr. BAILEY. Would the Senator from Virginia, having told us how much the States would receive, be good enough to tell us just how much they would pay?

Mr. SWANSON. It is impossible to determine how much they would pay.

Mr. BAILEY. It is a poor partnership that enables us to say how much we are going to take out without also enabling us to say how much we are going to put in.

Mr. SWANSON. The Senator has not followed that course himself in the appropriations made for Texas. I do not think that he has estimated how much the United States would pay for river and harbor improvements in Texas.

Mr. BAILEY. I do not want to have the Virginia rule applied to Texas.

Mr. SWANSON. The State would be much improved if the Virginia rule was applied to Texas.

Mr. BAILEY. Texas will be the judge of that.

Mr. SWANSON. She has been the judge, and so will Virginia be. The best part of Texas is made up of Virginians.

Mr. BAILEY. As soon as we get a Virginian down there we make a Texan out of him, and he never goes back to Virginia except on a visit.

Mr. SWANSON. We have had a number who have come to Virginia from Texas and they have always remained in Virginia.

Mr. BAILEY. Having been born in Virginia they had sense enough to leave it.

Mr. SWANSON. They seem to be glad to get back to Virginia. I do not think, even in humor and in good nature, the Senator felt what he said about Virginia.

Mr. BAILEY. No; Mr. President, I do not. I cherish a great reverence for that ancient Commonwealth, for all her people, and for none of them more than for the Senator from Virginia.

Mr. SWANSON. I wish to heartily reciprocate the compliment just bestowed by the Senator from Texas.

Now, Mr. President, there is another statement I wish to make so that we can be considering it. When I spoke this afternoon and said the bill prorated the amount of money according to the condition of the roads for the year, I had an idea it was for the entire year before anything could be received. One of the Members of the House who aided in preparing the bill, who is one of the best lawyers I know, and an able judge, has a contrary opinion. On his statement presented to me I have reached the conclusion he did, that it would be prorated according to the month, or time the roads were kept in good condition during the year.

As that seems to be ambiguous, I think an amendment should be made that would make the policy one way or the other clear and distinct. This provision of the House is before the Senate for amendment for improvement, for perfection, and I should like to have those gentlemen who antagonize it one way or the other offer an amendment to carry out their views in this respect. I think it prorates it, and I think the language is sufficiently clear for that purpose.

Mr. OVERMAN. The Senator from Missouri [Mr. REED] differs from the Senator from Virginia. I hope the Senator will prepare an amendment to make that clear.

Mr. PENROSE. I hope the Senator from Oregon will withhold his motion to adjourn.

Mr. BOURNE. Very well.

EXECUTIVE SESSION.

Mr. PENROSE. At the request of several Senators who desire to have nominations acted on to-night, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 10 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Saturday, August 3, 1912, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 2, 1912.

UNITED STATES DISTRICT JUDGE.

Arthur J. Tuttle, of Michigan, to be United States district judge for the eastern district of Michigan, vice Alexis C. Angell, resigned.

UNITED STATES ATTORNEY.

Clyde I. Webster, of Michigan, to be United States attorney for the eastern district of Michigan, vice Arthur J. Tuttle, nominated to be United States district judge.

REGISTER OF THE LAND OFFICE.

Thomas B. Murphy, of Minot, N. Dak., to be register of the land office at Williston, N. Dak., vice Samuel Adams, deceased.

POSTMASTERS.

ALABAMA.

Joe Ray McCleskey to be postmaster at Boaz, Ala., in place of Joseph D. McCleskey, resigned.

IDAHO.

Walter E. Hood to be postmaster at Elk River, Idaho. Office became presidential July 1, 1912.

ILLINOIS.

Frank C. Eckard to be postmaster at Vandalia, Ill., in place of Frank C. Eckard. Incumbent's commission expired June 28, 1910.

MISSOURI.

John T. Farmer to be postmaster at Atlanta, Mo., in place of John T. Farmer. Incumbent's commission expired April 13, 1912.

NEBRASKA.

John F. Brechbuhl to be postmaster at Anselmo, Nebr. Office became presidential January 1, 1912.

Fred H. Whitmore to be postmaster at Valley, Nebr., in place of Mons Johnson, resigned.

OHIO.

John S. Ellen to be postmaster at Willoughby, Ohio, in place of John S. Ellen. Incumbent's commission expired May 20, 1912.

WEST VIRGINIA.

J. D. Hewett to be postmaster at Bramwell, W. Va., in place of William H. Hamilton, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 2, 1912.

ASSISTANT SECRETARY OF THE INTERIOR.

Lewis C. Laylin to be Assistant Secretary of the Interior.

SPECIAL EXAMINER OF DRUGS, MEDICINES, AND CHEMICALS, ETC.

William H. Parker, of Massachusetts, to be special examiner of drugs, medicines, and chemicals, and assistant appraiser of merchandise in the district of Boston and Charlestown, in the State of Massachusetts.

APPOINTMENTS IN THE ARMY.

To be second lieutenants.

CAVALRY ARM.

Corpl. Roy Oscar Henry.
Pvt. William Earle Dorman.
Corpl. John Coleman Prince.
First Sergt. Lindsley Dykeman Beach.

FIELD ARTILLERY ARM.

Corpl. John Dilworth von Holtzendorff.

INFANTRY ARM.

Sergt. Ralph Samuel Kimball.
Corpl. Francis Bernard Mallon.
Sergt. Lathrop Boyd Clapham.
Pvt. Carl James Adler.
Corpl. Otto Godfrey Pitz.
Corpl. Theophilus Steele.
Q. M. Sergt. Burton Young Read.
Corpl. George Hubert Gardiner.
Corpl. Dabney Carter Rose.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Montgomery Herman Biggs.
Samuel Jayne Fort.
Melvin Marcus Franklin.
Marvin Whitfield Glasgow.
Rufus Hansom Hagood, jr.
Charles Herbert Parkes.
Marshall Carleton Pease, jr.
William Webster Root.
Joshua Edwin Sweet.
Frank Cary.
Edward Wright Peet.

PROMOTIONS IN THE NAVY.

Ensign Ralph D. Weyerbacher to be an assistant naval constructor.

Ensign Thomas B. Richey to be an assistant naval constructor.

The following-named lieutenant commanders to be commanders:

Joel R. P. Pringle,
Charles J. Lang, and
Martin E. Trench.

The following-named lieutenants to be lieutenant commanders:

John D. Wainwright,
Harry K. Cage,
Charles S. Freeman,
Robert L. Berry, and
Ward K. Wortman.

Passed Asst. Paymaster James F. Kutz to be a paymaster.

POSTMASTER.

ALASKA.

Augustus E. Kindell, Skagway.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August 2, 1912.*

The House met at 12 o'clock noon.

Prayer by the Rev. William Couden, of Norwalk, Ohio, as follows:

Again, O God, Thou layest upon us the solemn trust of a day. How fair it drops upon us from Thy hand! We pray that Thou wilt comfort us with the sense of Thine all-searching presence and never-failing strength. Illumine our minds and hearts and wills with the light that radiates through Thy Son, our Savior Jesus Christ. Make us faithful to our Nation, our homes, our friends, our fellow men, and our own manhood, and enable us to put back into Thine eternal keeping these hours of service, all untarnished by sin. For Jesus' sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

REPORTS ON INVESTIGATION OF STEEL TRUST.

Mr. STANLEY. Mr. Speaker, on behalf of the committee to investigate violations of the act of 1890, and other acts, I desire to submit the following report (H. Rept. 1127).

The SPEAKER. The gentleman from Kentucky sends up a report from the committee to investigate the Steel Trust. It is ordered printed and put on the calendar.

Mr. YOUNG of Michigan. Mr. Speaker, I ask unanimous consent that the minority may have the usual time of five days in which to file the minority views.

The SPEAKER. The gentleman from Michigan asks that the minority may have five days in which to file their views. Is there objection? [After a pause.] The Chair hears none.

Mr. YOUNG of Michigan. Mr. Speaker, I send up a supplemental report of my own from the minority.

The SPEAKER. Is this the minority report?

Mr. YOUNG of Michigan. It is one of the minority reports.

Mr. MANN. It is one of the minority reports.

The SPEAKER. The Chair did not have any official information that there were more than one. It is ordered printed and put on the calendar.

Mr. STERLING. Mr. Speaker, I ask leave to present my separate views on the steel investigation.

The SPEAKER. The gentleman from Illinois sends up his views, which are ordered printed and put on the calendar. The Chair will suggest to whoever has charge of these things that these reports ought to be printed together. The Chair will ask the gentleman from Michigan if this is all of them?

Mr. YOUNG of Michigan. No, Mr. Speaker; Mr. GARDNER of Massachusetts will present a report which is agreed on by three members, at least, of the committee; but he does not seem to be in his seat this morning.

Mr. MANN. Mr. Speaker, may I ask whether that report is likely to be presented to-day?

Mr. YOUNG of Michigan. It is ready now.

Mr. MANN. I suggest that, when presented, all the reports be printed together.

Mr. YOUNG of Michigan. Might it not be just as well to leave that matter open until Mr. GARDNER of Massachusetts is present, which will be during the day?

The SPEAKER. Very well, then.

Subsequently,

Mr. GARDNER of Massachusetts. Mr. Speaker, I present a report containing the views of the minority of the special committee elected to investigate the United States Steel Corporation, and I ask unanimous consent that it be printed as a document separate from the main report.

The SPEAKER pro tempore (Mr. CURLEY). The gentleman from Massachusetts [Mr. GARDNER] submits a minority report of the committee on the investigation of the Steel Trust and asks that it be printed as a separate document. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. (H. Rept. 1127, pt. 2.)

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 15509. An act to authorize the construction and maintenance of a sewer pipe upon and across the Fort Rodman Military Reservation at New Bedford, Mass.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. PERKINS, and Mr. CULBERSON as the conferees on the part of the Senate.

CONFERENCE REPORT, MILITARY ACADEMY BILL.

Mr. HAY. Mr. Speaker, I call up the conference report on the bill H. R. 24450, the Military Academy appropriation bill, and ask unanimous consent that the statement may be read instead of the report.

The SPEAKER. The gentleman from Virginia calls up the conference report on the Military Academy bill and asks that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read as follows:

A bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

The conference report is as follows:

CONFERENCE REPORT (NO. 1122).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 10.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 7, 8, 9, and 11, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 11 of the matter proposed to be inserted by said amendment, after the word "hereafter," strike out the word "graduates" and insert in lieu the words "a graduate"; in line 13, after the word "from," strike out the words "West Point, N. Y.," and insert in lieu the words "his home"; in line 14, after the word "which," strike out the words "they first join" and insert in lieu the words "he first joins"; and in line 14, beginning after the word "duty," strike out all the rest of the amendment down to and including the word "strength," in line 28; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 3 of the matter proposed to be inserted by said amendment, after the word "sergeant," strike out the word "six" and insert in lieu the word "eight"; in line 4, after the word "sergeants," strike out the word "eight" and insert in lieu the word "ten"; in line 4, after the word "musicians," strike out the word "forty" and insert in lieu the words "thirty-eight"; and in line 5, after the word "and," strike out the word "forty" and insert in lieu the words "thirty-eight"; and the Senate agree to the same.

JAMES HAY,
JAMES L. SLAYDEN,
GEO. W. PRINCE,
Managers on the part of the House.
H. A. DU PONT,
F. E. WARREN,
JOS. F. JOHNSTON,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on H. R. 24450 submit the following statement:

Amendment No. 1 provides for the appointment of two cadets from the District Columbia and for mileage to graduates of West Point when ordered to their stations; it also provides for a new method of appointment of cadets to West Point. The House agreed to the first two provisions of the amendment and refused to agree to the last provision and receded with an amendment.

Amendment No. 2 provides for two assistant professors in the department of English and history, and the House recedes.

Amendment No. 3 makes a verbal correction, and the House recedes.

Amendments Nos. 4 and 5 provide that the engineer detachment now at West Point shall remain there permanently, and the House recedes with an amendment increasing the sergeants and corporals by four and cutting off four privates.

Amendment No. 6 dispenses with the name of the typewriter authorized, and the House recedes.

Amendment No. 7 makes a verbal change, and the House recedes.

Amendment No. 8 gives to the Secretary of War the authority to grant leave of absence to the Superintendent of the Military Academy, and the House recedes.

Amendment No. 10 struck out the House provision for the relief of Lieut. Col. J. M. Carson, and the Senate recedes.

Amendment No. 11 provides for the promotion of Col. Wilcox, a professor at the academy, and the House recedes.

JAMES HAY,
JAMES L. SLAYDEN,
GEO. W. PRINCE,
Managers on the part of the House.

Mr. HAY. Mr. Speaker, I move the adoption of the conference report.

The question was taken, and the conference report was adopted.

RIGHT FOR ELECTRIC RAILROAD, ETC., ACROSS VANCOUVER MILITARY RESERVATION.

Mr. HAY. Mr. Speaker, I call up the conference report on the Senate bill 4663 and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Virginia calls up the conference report, which the Clerk will read, and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (S. 4663) granting to the Washington-Oregon Corporation the right for an electric railroad and for telephone, telegraph, and electric transmission lines across the Vancouver Military Reservation in the State of Washington.

The conference report is as follows:

CONFERENCE REPORT (NO. 1072).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4663) granting to the Washington-Oregon Corporation a right of way for an electric railroad, and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation, in the State of Washington, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 3.

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

H. A. DU PONT,
F. E. WARREN,
JOS. F. JOHNSTON,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The managers on the part of the House make the following statement with regard to the action of the conferees on S. 4663:

The amendments of the House Nos. 1 and 2 struck out of the Senate bill the words "the right" and the word "grant" and inserted the word "license," and the Senate receded.

The House inserted the words "at the discretion of the Secretary of War" in place of the words "during the pleasure of Congress," and the House recedes.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

Mr. HAY. Mr. Speaker, I move the adoption of the report.

The question was taken, and the report was adopted.

IRON AND STEEL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I desire to return the papers on the bill amending the iron and steel schedule to the House, reporting a disagreement on the part of the conferees.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

H. R. 18642. An act to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] reports a disagreement on the part of the conferees on the bill H. R. 18642.

Mr. UNDERWOOD. Mr. Speaker, I move to take the steel bill (H. R. 18642) from the Speaker's table and further insist on the disagreement of the House to Senate amendments Nos. 3 and 4. Senate amendment No. 3 is an amendment repealing the Canadian reciprocity pact and Senate amendment No. 4 is merely a technical amendment renumbering the bill.

The SPEAKER. What is the number of the amendments?

Mr. UNDERWOOD. Senate amendments Nos. 3 and 4. Senate amendments Nos. 1 and 2 have already been agreed to.

The SPEAKER. Are these two amendments the only ones pending?

Mr. UNDERWOOD. The only ones pending.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves to take from the Speaker's table the bill H. R. 18642, and to further insist on the disagreement to Senate amendments numbered 3 and 4.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. I do not know as I have any objection to the action proposed to be taken, but is not this a conference report that, under the rules, would have to be printed in the RECORD? The bill is not on the Speaker's table.

Mr. UNDERWOOD. It is there now, because I returned it there.

Mr. MANN. That action does not return it to the Speaker's table. It is in the custody of the House and not of the Speaker.

Mr. UNDERWOOD. I do not agree to that. The proper place for it is to go to the Speaker's table, and there is no conference report in the matter. The gentleman would be accurate if there was a conference report to be acted upon. But it is the custom and precedent of the House when the total disagreement is reported that there is no action required by the House. We therefore have no conference report to act upon, and the reading of the rule clearly establishes the fact that the purpose of the report and statement is to indicate to the House the points at issue between the conferees. The report made does not require action by the House. I do not desire to call up any report. I merely move to take from the Speaker's table the bill, and I think, Mr. Speaker, my motion is clearly in order and I insist upon it.

The SPEAKER. The Chair will ask the gentleman from Illinois, when this comes back here in this shape, is it or is it not in the exact position it was when it was first taken from the Speaker's table?

Mr. MANN. If the bill had come from the Senate it would go to the Speaker's table for reference to a committee. The bill has been to the committee and is not on the Speaker's table now. It is a conference report reported back from the committee and is in possession of the House, and like any other bill that is in the possession of the House is in the hands of the Clerk. I wish the gentleman would not precipitate a question of that kind. He could get what he wants by unanimous consent.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that I am going to insist on the motion because I think I am correct. But if the gentleman does not want the question raised—and I think I have a right to raise the question—I am perfectly willing, if the gentleman does not want any precedent made, to ask unanimous consent to consider the iron and steel bill. The only reason I want to take it up at this time is that it will facilitate adjournment.

Mr. MANN. I have no objection to taking it up. If the gentleman's contention is correct, when a conference report on the naval bill, for instance, is submitted to the House, the conference report under the rule could not be acted upon, but the

amendments could be acted on. The purpose of the rule is to have the conference report printed for a day in the RECORD so that the House may have notice of what the agreement or disagreement is.

The SPEAKER. The Chair will suggest that in this case there is no report.

Mr. MANN. Oh, there is a conference report.

Mr. UNDERWOOD. No report to be acted upon.

Mr. MANN. Oh, I say there is a conference report.

The SPEAKER. Have the two gentlemen come to an agreement about what they are going to do?

Mr. UNDERWOOD. I would rather not take up the time of the Chair if unanimous consent is given, but otherwise I would like to argue the point of order with the Chair. But first I will ask unanimous consent that I may present the iron and steel bill to the House for the purpose of moving to disagree to Senate amendments numbered 3 and 4.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to present to the House the iron and steel bill for the purpose of disagreeing to Senate amendments numbered 3 and 4. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I move to disagree to Senate amendments numbered 3 and 4. I do not desire to discuss the question, but if gentlemen on that side do desire to discuss it I will not object.

Mr. PAYNE. Mr. Speaker, I want to enter a motion to concur in the amendments regarding the reciprocity pact.

The SPEAKER. The gentleman from New York [Mr. PAYNE] moves to concur in Senate amendments numbered 3 and 4.

Mr. UNDERWOOD. I desire to ask the gentleman from New York if he desires any time?

Mr. PAYNE. I do not.

Mr. UNDERWOOD. Then, Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York [Mr. PAYNE] to concur in Senate amendments numbered 3 and 4.

The question was taken, and the motion to concur was rejected.

Mr. UNDERWOOD. Mr. Speaker, a negative on the motion to concur carries a motion to nonconcur.

The SPEAKER. Yes; that carries the other proposition with it.

On motion of Mr. UNDERWOOD, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. DOUGHTON, for 10 days, on account of illness in his family.

To Mr. WILSON of New York, for 10 days, on account of illness.

DUTIES ON MANUFACTURES OF COTTON.

Mr. UNDERWOOD. Now, Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25034) to reduce the duties on manufactures of cotton.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of H. R. 25034—the cotton bill.

Mr. UNDERWOOD. Mr. Speaker, pending that motion, I would like to see if I can reach an agreement with the gentleman from New York [Mr. PAYNE] as to the time of general debate.

Mr. PAYNE. I would say to the gentleman that I do not know much about it. The gentleman from Connecticut [Mr. HILL] wants some time.

Mr. HILL. Yes; I would like some time, Mr. Speaker, and I understand that the gentleman from Wisconsin [Mr. LENROOT] desires time, and one gentleman from Iowa, Judge GREEN, also desires time. I think altogether four or five hours would be required.

Mr. PAYNE. How much time does the gentleman want?

Mr. HILL. I should like to have an hour and a half if I can have it.

Mr. MANN. And I would like to have half an hour.

Mr. UNDERWOOD. Mr. Speaker, I can not agree to that length of time. I am willing to agree to three hours' general debate on the bill, but I can not agree to a longer time than that.

Mr. PAYNE. I will say to the gentleman that this side is asking for about four hours.

Mr. UNDERWOOD. I will say to the gentleman from New York that this bill is the identical bill that was discussed for over two weeks in the House, and there is no change in it, and it is necessary to pass it in order to reach an adjournment.

Mr. PAYNE. The gentleman refers to the debate that was had a year ago?

Mr. UNDERWOOD. Yes.

Mr. PAYNE. And before the report of the Tariff Board came in on the bill?

Mr. UNDERWOOD. I am willing to agree to three hours' general debate, and I think possibly I can yield some of my time to gentlemen on the other side.

Mr. HILL. Make it five hours.

Mr. UNDERWOOD. I can not agree to more than three hours—an hour and a half on a side. I will endeavor to yield half an hour of that to gentlemen on the other side.

Mr. LENROOT. My views not coinciding exactly with those of either the majority or minority of the committee, I dislike to ask time at the hands of either of them.

Mr. UNDERWOOD. Three hours of debate will allow three speeches, and if it is agreed to, I will be willing to give half an hour of my time to any gentleman that the gentleman from New York [Mr. PAYNE] desires me to yield it to.

Mr. MANN. I would like to have half an hour myself.

Mr. HILL. I would like to appeal to the chairman of the Committee on Ways and Means on the ground that under the rule each member of the committee is entitled by virtue of his membership to an hour.

Mr. UNDERWOOD. I do not know of any rule of that kind. I may suggest that the gentleman has brought a new rule into this House at this time. If Congress is to adjourn at an early day, I think it is important that this bill be passed to-day. I should like to see if I can come to some agreement with gentlemen on that side about the consideration of the bill under the five-minute rule. I understand you have a substitute. If you have, and are willing to take that substitute instead of amendments under the five-minute rule, I am willing to have a greater latitude in general debate.

Mr. PAYNE. As far as I am concerned, there is no disposition to try to make single amendments to the bill.

Mr. LENROOT. If I can get the time in general debate, I will not take any time under the five-minute rule. If I can not, I shall have to take it under the five-minute rule.

Mr. UNDERWOOD. Undoubtedly; but I want to make a reasonable agreement with gentlemen on that side, so that we can dispose of the bill to-day.

Mr. MANN. Does the gentleman think it is reasonable to insist——

Mr. PAYNE. I suggest to the gentleman that we have five hours' general debate and no debate under the five-minute rule. If any amendments are offered, I do not suppose we can cut them off, but they can be decided without debate.

Mr. UNDERWOOD. The gentleman wants five hours' general debate——

Mr. PAYNE. I should like three hours of it on this side. I do not want over 5 minutes myself, or 10 at the outside.

Mr. UNDERWOOD. The gentleman is enlarging his demand for time on that side. Five hours' general debate means two hours and a half on a side.

Mr. PAYNE. For myself I do not want more than 5 or 10 minutes.

Mr. MANN. The gentleman from Connecticut [Mr. HILL] desires an hour and a half, the gentleman from Wisconsin [Mr. LENROOT] desires an hour. I desire half an hour, which I think is a very modest request. I do not think, on a great bill like this, the gentleman should insist on cutting off reasonable debate.

Mr. UNDERWOOD. The gentleman from Connecticut [Mr. HILL], under the rules of the House, would be entitled to only an hour. The gentleman from Wisconsin [Mr. LENROOT] would be entitled to an hour. The gentleman from Illinois says he only wants half an hour.

Mr. MANN. I would be entitled to an hour. I only want half an hour for myself. I want to yield the other half hour to the gentleman from Connecticut.

Mr. UNDERWOOD. We are trying to reach an agreement, and I hope the gentleman will be reasonable about it. If we can reach an agreement for four hours' general debate, two hours and a half to be controlled by the gentleman from New York [Mr. PAYNE] and an hour and a half to be controlled by myself, and that the gentlemen on that side of the House shall be entitled to offer a substitute, and the previous question be ordered and the bill voted on, I will ask unanimous consent for that.

Mr. FITZGERALD. And to consider the bill in the House as in Committee of the Whole.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole; that there be four hours' general debate, two and one-half hours of it to be controlled by the gentleman from New York [Mr. PAYNE], one and one-half hours to be controlled by myself; that at the end of that time the previous question shall be ordered, with the understanding that gentlemen on that side of the House may offer a substitute, and that then the vote shall be taken.

Mr. PAYNE. Mr. Speaker, I want to suggest to the gentleman that if he would make it half an hour more on this side I think we could reach an agreement, although that will discommode some gentlemen who are very anxious to talk on the bill.

Mr. UNDERWOOD. Mr. Speaker, with the understanding that we are not to have any five-minute debate, four hours and a half will carry it to 5 o'clock, and I will yield to the gentleman's wishes.

The SPEAKER. How much time does each side get? The Chair wants to know how to apportion the time.

Mr. UNDERWOOD. I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole; that there shall be four hours and one-half general debate, three hours to be controlled by the gentleman from New York, one hour and a half by myself, and that at the end of that time the gentlemen on that side of the House may have the privilege of offering a substitute, and that then the previous question shall be considered as ordered on the substitute, and the bill to its final passage.

The SPEAKER. The gentleman from Alabama asks unanimous consent that general debate shall continue not more than four and a half hours; that three hours of that time shall be controlled by the gentleman from New York and an hour and a half by himself; that at the end of the four hours and a half the previous question shall be considered as ordered, and the gentleman from New York shall have the privilege of offering a substitute; and that the previous question shall be ordered, both on the bill and the substitute.

Mr. LENROOT. Reserving the right to object, Mr. Speaker, I want to say that if there is any Member on this side who desires to offer an amendment I shall object, but I do not desire to offer any.

Mr. UNDERWOOD. There can be no objection to cutting off consideration under the five-minute rule.

Mr. LENROOT. No; and I shall not object if any Member does not wish to offer an amendment.

Mr. MANN. I do not object, Mr. Speaker, simply because, under the statement of the gentleman from Alabama, with the majority of the House behind him, determined to cut off debate on the bill, we can accomplish nothing by it, although I think it is a very autocratic proposition.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, I will ask the gentleman from New York to consume the greater portion of his time because the time used on this side will probably all be used in answering the arguments. I made a statement yesterday in reference to the bill, and I have no further statement to make at this time.

Mr. PAYNE. Mr. Speaker, I yield 50 minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL. Mr. Speaker, when the Democratic cotton bill was reported in the Ways and Means Committee——

Mr. PAYNE. If the gentleman from Connecticut will pardon me, I understand that the gentleman from Illinois [Mr. MANN] would like to address the House now, and if the gentleman from Connecticut will yield back his time I will yield 30 minutes to the gentleman from Illinois.

Mr. HILL. I am perfectly willing.

Mr. PAYNE. Then, Mr. Speaker, I will yield 30 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I propose to make brief reference to the legislative history of our country for the last half century. That history may be divided into three distinctive periods.

The first, consisting of 14 years, extended from March 4, 1861, to March 4, 1875, during which time, with the exception of President Johnson, the Republicans were in control of the Government, including the House of Representatives. That period was alive with great questions and filled with the legislative solution of progressive policies of tremendous importance. The Civil War was carried on and ended. Slavery was abolished. The Union was preserved. A tremendous army was disbanded and returned to peaceful pursuits. The homestead law was passed. The Department of Agriculture was created. Agricultural and industrial colleges were provided for by national aid. Alaska was acquired. The return of specie payments was provided for. The connection of the far east and the far west by transcontinental railroads was inaugurated and the development of the great West commenced. The system of building up American industries by the aid of a protective tariff was determined upon and carried into effect.

In spite of the tremendous loss by war, the development of the country was marvelous beyond prior conception.

The second period extends from March 4, 1875, to March 4, 1897—22 years. During that time the Democrats had control of the House of Representatives all of the time, with the exception of three two-year terms. From March 4, 1881, to March 4, 1883, from March 4, 1889, to March 4, 1891, and from March 4, 1895, to March 4, 1897, the House was Republican, but during the rest of the 22 years the House was Democratic.

The third period extends from March 4, 1897, to March 4, 1911—14 years—during which time the Republicans were in control both in the House and in the presidential office.

During these 14 years the gold financial standard was firmly established; Cuba was freed; Hawaii, Porto Rico, and other insular possessions acquired; the Department of Commerce and Labor was created; the Agricultural Department was developed and expanded; the regulation of railroads and interstate commerce was vitalized; the irrigation of arid lands by national aid was provided for; the difficulties surrounding an isthmian canal were removed, and the construction of the Panama Canal was authorized and commenced; the Navy was enlarged and really recreated; the pure-food law was enacted; white slavery was attacked by national legislation; a drastic meat-inspection law was passed; the daily hours of labor on railways was restricted; the use of many safety appliances on railroads was required; a general policy of national forests was started; conservation of natural resources was made a dominant issue; water-power sites and coal and other mineral lands reserved from exploitation; the construction of dams and bridges over navigable waters was regulated by law; rural free delivery of mail was provided for; an income-tax amendment was submitted to the States, and such an impetus was given to industrial development that the growth and expansion of material prosperity during those 14 years has never been equaled or approached in any other period of the world's history. [Applause.]

Take, for example, what was accomplished in one 10-year period.

From the year 1900 to 1910, while the population of our country increased from 76,000,000 to 92,000,000, the national wealth increased from $88,000,000,000 to $137,000,000,000.

The savings deposits increased from $2,389,000,000 to $4,070,000,000.

The postal receipts increased from $102,000,000 to $224,000,000.

The expenditures for public schools increased from $200,000,000 to $401,000,000.

The number of depositors in savings banks increased from 6,107,000 to 9,142,000.

The capital invested in manufactures increased from $8,978,000,000 to $18,237,000,000, the wages and salaries paid in manufactures increased from $2,390,000,000 to $4,353,000,000, and the products of manufactures increased from $11,411,000,000 to $20,092,000,000, these figures not including neighborhood industries or hand trades.

The materials consumed in manufactures increased from $6,577,000,000 to $11,675,000,000, the number of employees from 5,079,000 to 7,399,000, and the primary horsepower used increased from 10,098,000 to 19,065,000.

These are the figures of the census for the respective years 1900 and 1910, though as to manufactures they relate to the years 1899 and 1909.

During the same period, from 1900 to 1910, the value of the farm lands increased from $13,000,000,000 to $28,000,000,000. The value of the farm buildings from $3,556,000,000 to $6,294,000,000. The value of the farm implements and machinery from $749,000,000 to $1,261,000,000.

The exports from our country increased from $1,370,000,000 to $2,049,000,000, and in the year ending June 30, 1912, the manufactures exported from this country, not including foodstuffs, amounted to the enormous sum of over one thousand million dollars.

While from 1899 to 1909 the school population in the public graded and high schools increased only from 21,917,000 to 24,239,000, the expenses for public schools increased from $200,154,000 to $401,397,000.

In 1900 the farm value of the corn produced in the country was $751,000,000; in 1910 it was $1,523,000,000. The farm value of the wheat produced in 1900 was $323,000,000; in 1910, $621,000,000.

The farm value of oats produced in 1900 was $208,000,000; in 1910, $384,000,000. The farm value of cotton produced in 1900 was $438,000,000; in 1910, $820,000,000. The farm value of cotton seed increased from $77,000,000 during the 10 years to $142,000,000.

The value of horses in 1900 was $603,000,000; in 1910, $2,276,000,000. The value of milch cows in 1900 was $514,000,000; in 1910, $780,000,000. The value of sheep in 1900 was $122,000,000; in 1910, $233,000,000. The value of hogs in 1900 was $185,000,000; in 1910, $436,000,000.

The total value of farm animals in 1900 was $2,228,000,000; in 1910, $5,138,000,000.

The total value on the farm of farm productions in 1900 was $5,017,000,000; in 1910, $8,926,000,000.

The total production of coal in 1900 was 240,000,000 long tons; in 1910, 477,000,000.

The total production of pig iron in 1900 was 13,789,000 tons; in 1910, 27,298,000 tons.

The production of petroleum in 1900 was 2,672,000,000 gallons; in 1910, 8,801,000,000 gallons.

Nothing so marvelous in increase of production and prosperity was ever before known. The wise legislation put upon the statute books by the Republican Party, including the Dingley tariff law, was largely responsible. [Applause on the Republican side.]

We point with swelling pride to the policies adopted, the legislation enacted, and the achievements consummated during the two periods of Republican control; but who points with pride to things accomplished during the 16 years that the Democrats had charge of the House. Then, as now, they were engaged in seeking to break down the governmental policies which produced prosperity, were carrying on useless and expensive investigations productive of no good, and generally engaged in a program of faultfinding.

The present Democratic majority in this House has now disclosed its intentions. It has advertised its purposes. It has declared its will. It speaks for the Democratic Party through its concrete acts, and that party is bound by those acts.

The Democrats have already passed four tariff bills through this House at this session. A fifth is now proposed. They are all free-trade or tariff-for-revenue-only bills. They all abandon completely the theory of protection. The friends of the bills admit this.

Those bills all lower the rates of duties on imported articles, but contemplate increased importations to produce the revenue.

The authors of these bills insist that the tariff rates fixed in them are based solely upon the idea of producing revenue, even though such rates will not equal the difference between the actual cost of production in this country and foreign countries.

These bills, therefore, are intended to encourage importations, to give comfort and aid to foreign manufacturers, to help pay the taxes in foreign lands, to give labor to foreign workmen and help pay the wages of foreign laborers, to build up and make thriving foreign communities, to aid in the consumption of foreign raw materials, to do for foreign lands what patriotic statesmen strive to do for their own country. [Applause on the Republican side.]

The metal bill would increase our importations of foreign ores, would add greatly to the quantity of manufactured metals brought to us from foreign shores, and would deliver the trade in our seacoast cities to the foreigners.

The chemical bill puts a tariff tax upon raw materials not produced here, but coming from tropical countries, while at the same time reducing the tariff on the manufactured finished products in which such raw materials are used, thus cutting off from our home manufacturer at both ends.

The sugar bill would drive out our own cane sugar, would prevent the growth of our beet-sugar industry, and injure, if not ruin, those now engaged in the production of raw sugar in this country.

The wool bill would largely destroy sheep raising by us, would make us dependent upon foreign lands for our wool in time of peace, and might make us do without in time of war. It would largely drive our woolen factories to foreign shores.

These Democratic tariff bills would add many new factories in the lands of our foreign competitors, but not one in our own country. [Applause on the Republican side.]

They would give employment to many additional people in other lands, but to no one here.

They would send our money abroad to pay the wages of foreign workmen, but would bring despair to the hearts of those seeking employment here.

They would add to wages paid abroad; they would add to idle labor here; they would add to the growth of manufacturing abroad and to the number of labor strikes here; they would add happiness to the foreign laborer and cause notices of decrease of wages to the American laborer; they would open mills over there and close mills here; they would bring a smile of contentment abroad and a wail of despair here.

That they would for a time reduce prices I do not deny. They would thereby destroy the small producer here, even if the larger trusts and combinations were able to survive.

The reduction in prices would mean cutting off the profits and cutting down the wages; would mean strikes and riots and starvation and hell for the wage earner and his family, destruction for the manufacturer, and damnation for the home industry, to be followed by a rise in prices for the benefit of the trusts here and the foreign producers, while many of our own people would still be out of employment and without sufficient means to buy at higher or lower prices. [Applause on the Republican side.]

I quote from Genesis:

> And Jacob sod pottage: and Esau came from the field, and he was faint:
> And Esau said to Jacob, Feed me, I pray thee, with that same red pottage; for I am faint: therefore was his name called Edom.
> And Jacob said, Sell me this day thy birthright.
> And Esau said, Behold, I am at the point to die: and what profit shall this birthright do to me?
> And Jacob said, Swear to me this day; and he sware unto him: and he sold his birthright unto Jacob.
> Then Jacob gave Esau bread and pottage of lentiles; and he did eat and drink, and rose up, and went his way: thus Esau despised his birthright. (Verses 29 to 34, ch. XXV, Book of Genesis.)

Our birthright is the right to be industrious, the right to labor, the right to produce, the right to have, the right to earn, the right to live in comfort, the right to be happy, the right to feed and clothe and shelter our wives and our children, the right to consume what others produce, and the right to produce what others shall consume—the right to live and work on the scale of American citizenship and civilization.

The Democratic Party would trade off this birthright of the American people, this basic principle of permanent happiness and success, for the mess of pottage of temporary cheaper prices, caused by increasing importations of foreign goods. Such statesmanship would eat the seed corn instead of planting it. [Applause on the Republican side.]

If Democratic victory shall become assured and Democratic policies be enacted into law, we will again walk through the valley of the shadow of death, again learn the value and troubles of painful economy, again experience the pangs of desperate hunger, again witness the desolation of idle mills and silenced machinery.

But, though temporary Democratic success may injure, it can not destroy our land.

Though the clouds of fatuous Democratic policies may gather thick and black, though despair may fill the air, though destruction may threaten farm and factory interests, miner and magnate, the permanent resources of our country will remain. The sun will still continue to shed its light and heat. The rich fertility of the soil will still be there. The rains and the dews will not stop. The wealth of minerals beneath the surface will continue to invite the enterprise and ingenuity of man and urge that they be made use of in providing the necessities, the comforts, and the luxuries of civilized life. The unused bounties of nature will not vanish.

And reason will regain its throne. Hope will revive. Men will again realize that no theories or policies of statecraft will enable them to sell what they produce at high prices and to buy what they consume at low prices; that the country at large must be prosperous and busy if individuals shall thrive; that factories and farms go hand in hand to success or to adversity; that prosperous mills and mines are dependent each upon the other; that order and stability of law, policies, and business are essential to the growth and maintenance of contented society, happy homes, work for all, and a prosperous country.

And with this realization will come a renewed faith in the Republican Party, its leaders, and its policies. [Applause on the Republican side.] Confidence will be restored in the land; the hearts of the people will swell. They will put forth renewed effort.

The enterprise, the ingenuity, the inventive genius, the honest toil of man will combine with the accumulated wealth of the past and the unbounded plenteousness of the resources of nature to again make the wheels of the machinery of industrial prosperity hum and whir in the midst of a happy, a contented, a busy, a well-paid, and a prosperous people, represented by a Republican House and a Republican administration. [Applause on the Republican side.]

The Republican Party—its memories are too sacred, its principles are too righteous and too enduring, its achievements are too inspiring and too lasting, its record is too grand, its need to the country is too great, its leadership and its membership are too patriotic and too filled with hope for the country for it to be destroyed by the assaults of its enemies from without or within. [Applause on the Republican side.]

It will continue its organization and its work with renewed vitality, with continued loyalty, the possessor of a noble past and with a wonderful future of deeds to be accomplished lying before it.

It will not die. It will not cease. It will go on and on, with heroic devotion to the principles of constitutional government

and with continued faith that our right-thinking people will maintain order and preserve equality and prosperity. [Loud applause on the Republican side.]

Mr. PAYNE. Mr. Speaker, I yield one hour to the gentleman from Connecticut [Mr. HILL]. [Applause.]

The SPEAKER pro tempore (Mr. CURLEY). The gentleman from Connecticut [Mr. HILL] is recognized for one hour.

Mr. HILL. Mr. Speaker, when the cotton bill was considered before the Committee on Ways and Means I offered a substitute for the Democratic proposition. Since that time there has been some change in the phraseology but not in the rates of the substitute. I will ask the pages to distribute among the Members copies of the bill, which I have brought up to date, and my hope is that without many changes it may be finally offered as a substitute for the Democratic bill. I am for the improvement of this schedule. My reason for distributing the substitute now is that I wish to refer to it and the Underwood bill in the progress of the discussion.

Mr. Speaker, on August 22, 1911, the President of the United States sent to the Congress a veto of a bill identical in every respect, except the dates, with the one now under consideration.

In that message he said:

> The bill would not go into effect, by its terms, until January 1 next, and before that time a full report to be submitted to Congress by the Tariff Board, based upon the most thorough investigation, will show the comparative cost of all the elements of production in the manufacture of cotton in this and other countries. The investigation by the Committee on Ways and Means of the House did not cover the facts showing this comparative cost, for the reason that the committee was preparing a bill on a tariff-for-revenue basis, and their view of a proper tariff was avowedly at variance with the theory of protection. Pledged to support a policy of moderate protection, I can not approve a measure which violates its principle. * * *
>
> When the reports of the Tariff Board upon these schedules are received, the duties which should be imposed can be determined upon justly and with intelligent appreciation of the effect that they will have both upon industry and upon revenue. Very likely some of the changes in this bill *will prove desirable* and some to be undesirable. So far as they turn out *to be just and reasonable I shall be glad to approve them*, but at present the proposed legislation appears to be all a matter of guesswork. The important thing is to get our tariff legislation out of the slough of guesswork and logrolling and ex parte statements of interested persons and to establish that legislation on the basis of tested and determined facts, to which shall be applied, fairly and openly, whatever tariff principle the people of the country choose to adopt.

On March 28, 1912, the President sent to Congress another message, from which I quote:

> In several messages to Congress I have expressed my wish for a revision of the present tariff schedule by schedule when justified by an adequate knowledge of facts regarding each industry, as shown by an impartial and nonpartisan inquiry. In order to secure such an impartial inquiry into the facts I established, under the authority vested in me by law, a Tariff Board of five members. On December 20, 1911, I transmitted to the Congress a report of the board on Schedule K (wool and manufactures of). The board was unanimous in its findings of fact, and on the basis of these findings I recommended a revision of that schedule.
>
> I now transmit a report of the Tariff Board on Schedule I (cotton manufactures). In this report, also, the board is unanimous in its findings. On the basis of the report I now recommend that the Congress proceed to a consideration of this schedule, with a view to its revision and a reduction of its rates.
>
> I base this recommendation on the declaration of the platform on which I was elected—that a reasonable protective tariff should be adjusted to the difference in cost of production at home and abroad.

Reviewing the work of the board on this schedule, he closed as follows:

> These matters are set forth fully in the report of the board, which presents in impartial manner the necessary facts on which an intelligent revision of this schedule can be based.
>
> I therefore recommend that the Congress proceed to such a revision without delay.

Loyalty to a Republican administration, to the platform of my party, and to the constituency which sent me here seemed to demand that at least a thorough study of the report should be made, for the investigation had been an exhaustive one and had cost a large amount of time and money. Feeling my own unfitness for the work, I called to my assistance several of the experts who had conducted the investigation, and after many weary days of careful study a new Schedule I was constructed, which, if the report of the Tariff Board as to American costs is correct, is protective in every item and yet is in strict accord with the Republican platform as to the elimination of excessive duties, while still preserving the security against foreign competion to which American producers and wageworkers are entitled.

GUESSWORK OF TARIFF MAKING.

It is no light task to adjust the rates of a tariff schedule to the basic facts of a great industry like this. It is far easier to guess at them, as our Democratic friends have done, their only object being to guess, first, as to the amount of money needed to meet expenditures not yet incurred, and, second, to guess again as to the rates which will be most productive on importations, the amount of which must also be the subject of further guessing.

In such a task the first thought of a Republican must be the preservation and encouragement of the competing domestic industry, the maintenance of the home standard of living, and the scale of wages which a distinctively American civilization demands.

The first thought of a Democrat who honestly believes in the modern idea of a tariff for revenue only must be to encourage foreign purchases by domestic consumers and to tax the imported articles up to the point of the greatest revenue, but always below the point where the added cost will give to the home producer the chance of successful competition. It was on this basis that this Democratic cotton bill was framed, as shown by the chairman of the committee, when in response to the question of Mr. HINDS, of Maine, whether this bill "left out entirely the principle of protection," Mr. UNDERWOOD replied, "Absolutely, so far as my knowledge is concerned." The facts since ascertained and agreed to and certified in writing by the cotton manufacturers from the Northern and Southern States alike show beyond the possibility of impeachment that in some of the rates of the Democratic bill excessive, ineffective, and uselessly protective duties are found, and in others duties so low as to compel the transfer of portions of the industry to foreign countries.

It is the bud, the flower, and the full fruition of the guesswork process of tariff making, the wonder being that any of the guesses of 1911 are even partially sustained by the facts of 1912.

THE SUBSTITUTE BILL.

The bill which was offered in committee as a substitute for the Democratic cotton schedule revision is a protective measure in every item of it, as will be easily seen by examination of the report of the Tariff Board. It is based upon the bedrock foundation of American costs, and as evidence of the accuracy with which these were taken I submit the following statement of Mr. H. C. Emery, chairman of the board, written in response to my inquiry concerning the methods employed:

> THE TARIFF BOARD,
> *Treasury Building, Washington, May 25, 1912.*
>
> Hon. EBENEZER J. HILL,
> *House of Representatives, Washington, D. C.*
>
> MY DEAR MR. HILL: Referring to your questions in conversation with Mr. Cowgill regarding the accuracy of the cost figures in our cotton report and your request that a statement be made in writing, I beg to say that in all instances where reports were obtained from cotton-manufacturing companies the results of our cost extensions were carefully examined by the officers of the mill before the report was forwarded to the Tariff Board. This examination was complete, and went into each detail of the extensions rather than merely to have the officers sign their names without making a close examination. The cost-extension figures were carefully compared with the cost extension made by the mills, and all the reports forwarded to the board were agreed by the officers of the company and representatives of the board to be correct. As to the accuracy of these extensions, I wish to state that the total expenditures of the company were carefully checked to agree with the figures published in their annual financial statement. Using these sums as a basis, we then made up our own cost statement according to our own methods, which we believe to be accurate and not merely the accepting of the company's own estimates of cost.
>
> In one instance a company was doing an $8,000,000 annual business; after the costs had been extended for this company and the total number of yards of each kind of goods multiplied by the cost per yard as shown by the report, the figures checked within $8.33 of the total amount of money expended by this company in manufacture during the year for which the costs were taken. In another case, by the same method, the variation amounted to $332. The greatest variation in any of the reports was in the case of a company doing a $2,000,000 annual business where, by multiplying the number of yards produced by the cost per yard ascertained by us, the difference amounted to $3,500. But this difference would not affect the costs in the sixth decimal place.
>
> In every case the companies agreed, after a careful examination, that our costs were correct, and in some few cases the mills have adopted our cost extensions in toto, while in others our system of extensions have been adopted at least in part.
>
> These facts I believe fully justify the statement that the most accurate costs possible have been obtained.
>
> Very truly, yours,
>
> HENRY C. EMERY, *Chairman.*

In view of that letter and the facts stated therein, any claim that the cost figures are not correct must necessarily be an impeachment not only of the experts who took them from the mill books, but of the books, the mill managers who reviewed and signed the statements, and indeed of everybody and everything except the one-year-old guesses of the Democratic members of the Ways and Means Committee.

Mr. FITZGERALD. The gentleman is speaking of the cotton report?

Mr. HILL. Yes.

Mr. FITZGERALD. Will the gentleman yield there?

Mr. HILL. I would be glad to, but I have not the time.

Mr. FITZGERALD. The gentleman read Mr. McRae's analysis of the wool report?

Mr. HILL. Yes. I can not yield now. I asked for an hour and a half with the expectation of answering questions, but I could not get it.

A COTTON SCHEDULE ONLY.

As the substitute is drawn it is a cotton schedule relating to articles composed wholly or in chief value of cotton, the words "or other vegetable fiber" being stricken out of it wherever found, thus sending articles composed in chief value of linen to the linen schedule, where they naturally belong, and bringing back to the cotton schedule sundry manufactures of cotton, which have nested for years in other schedules at higher rates of duty than the facts justified. The easiest possible way to change a tariff rate without seeming to do it is by a change of classification or by cutting out specific mention of the article and letting it fall innocently into a basket clause.

In my judgment a schedule of taxation should always be so plain that he who pays may read and know how much and for what the payment is made.

AD VALOREM DUTIES.

But it is said that the rates are ad valorem. That is true, and made so intentionally. If it is wrong, then every Republican who voted for the wool bill a few days ago is wrong, and every Republican who voted for the Payne or Dingley wool schedules is wrong, for every fabric-conversion duty in all of those schedules is an ad valorem duty and the only specifics are the direct and compensatory wool duties. In the cotton schedule there is no duty on the raw material, and hence no need for compensatory specifics.

On page 18 of the wool report, the board says:

It is probably impracticable to adopt a purely specific system of duties on woven fabrics. No feasible scheme of classifying and describing fabrics in terms corresponding to differences in conversion cost has yet been worked out.

On pages 65 to 75 of the cotton report, this question is exhaustively discussed and the consensus of the argument is overwhelming in favor of ad valorem rates as against the present law system.

On page 73 the board says:

So far as the motive for undervaluation is concerned, it is more powerful under the scheme adopted in the present law than it would be under a straight ad valorem tariff.

On page 74 they say:

A system which puts a specific rate on an ad valorem basis seems to combine the evils of both systems.

As further testimony on this point, I quote from an opinion given three years ago by a member of the New York Board of Appraisers. He says:

It is respectfully urged upon the committee that lines of demarcation dependent on value as in this case should be eliminated so far as possible from the tariff act. The fact that a few cents increase in the value of commodities raises the amount of the duty levied 125 to 150 per cent, as sometimes occurs in this paragraph, is a great incentive to fraud. In such cases the unscrupulous merchant enjoys an extraordinary advantage over the scrupulous one. The incentive to undervalue is so great and the difficulty of precise ascertainment of the actual market in these goods which constantly fluctuates, render satisfactory and just administration almost impossible.

This view was also confirmed by another member of the board of appraisers a few days ago when the substitute bill was submitted to him for suggestions both as to plan and rates, in a conference of several hours' duration.

Other eminent authorities might also be cited along the same line, but it would seem to be unnecessary.

CLASSIFICATION.

It is claimed also that the substitute bill changes the present system of classification. That is true and such a change is made absolutely necessary by the surprising statements of the Tariff Board concerning the weaving and finishing branches of the industry. Three years ago reputable men represented to the committee that an increase of duty of one-fortieth of a cent per number was needed on yarns and 1 cent per yard on all cloths, because of the excess cost of mercerizing here over the cost of like processes abroad. I have not the slightest doubt but that they honestly believed that this was true. As one of the committee, I accepted it as true then, and cheerfully voted for the additional duty. But it is now proven beyond dispute that in 1911, not only was there no excess in cost here, but that, taking all finishing costs of bleaching, dyeing, printing, and mercerizing on an average of all, the American cost was only about 80 per cent of that of our English competitors. The subject is discussed on pages 496 to 518, and the tabulated comparison of the respective charges in England and the United States will be found on page 502 of the report. Even if some slight variations should be found in the accuracy of a conclusion reached by taking an average cost, the differences would be fully met by the application of the regular ad valorem to the increased value of the cloths and yarns, because of the finishing processes.

It inevitably follows, therefore, that the classification by which cotton cloths receive cumulative duties under the present law should be changed, and the same thing is much more true of the Democratic bill, in which 5 per cent additional duty for finishing processes was provided last year and defended in the majority report. In the report of the Democratic majority this year, on page 25, they say (Rept. No. 829, 62d Cong., 2d sess.):

The conclusions, therefore, to be drawn from the board's study of the processes of finishing, including mercerizing and dyeing, is that no duty whatever is called for with respect to these processes in manufacture, and that such duty as may be imposed in that connection will be of service merely from the standpoint of revenue and might as well be discarded entirely, unless it be desired to impose a revenue duty upon goods which have been subjected to these particular processes.

In other words, they acknowledge the mistake in their classification guess of last year and now continue it under the pretense of a revenue duty, knowing full well that it is prohibitive and will not bring the revenue calculated in their last year's estimates. Would it not be far better for both sides of the House and the country if we should all manfully acknowledge that we were all mistaken in some of these things and make rates now based on the facts as the Tariff Board have given them to us?

AUTOMATIC LOOMS.

There is, however, another and far more important fact which absolutely controls the question of classification and wholly nullifies all former tariff legislation in this respect, and that is the automatic loom. I do not see how it could have been possible to have made classifications of plain woven cloths, based on fineness of yarns or number of threads to the inch, if the Congress had ever before had the knowledge which the Tariff Board has given to us with reference to this matter. It will be seen at once, by reference to pages 490 to 495 of the board report, that one of the determining factors of the difference in cost between Europe and the United States as to plain woven cotton goods is the use here of the automatic loom and the inability to use it in Europe. Take, for example, the bleached domestic No. 12 in the board's list of 100 samples, and it will be found that the number of looms tended by a single weaver on this fabric runs from 14 to 28, and that the product per hour of each weaver is from 64 to 101 yards, whereas the English weaver on the same fabric, operates 4 looms with a product of 18 yards per hour. Take the ordinary calico No. 41; the number of automatic looms tended by a single weaver in this country is 14 to 20, with a product per hour of 102 yards, whereas the English weaver tends 4 plain looms, with a product per hour of 24 yards. Take No. 76, an outing flannel; the weaver in the United States tends 12 to 20 looms, with an hourly product of from 60 to 80 yards, against the weaver of England, tending 4 plain looms, with an hourly product of 24 yards.

The summary of this statement shows that the production per weaver per hour on 29 of the 31 different kinds of cloths exemplified was very much greater in the United States than in England, reaching in some instances to five times as much, and the board states that the reason for this is the number of looms attended per weaver.

Now, when you add to this statement the fact that at the date of this report there were only between five and six thousand automatic looms in Lancashire out of a total of 741,000, and that in all Great Britain there were about 10,000 automatic looms, as against approximately 220,000 in the United States, it becomes manifest immediately that all classifications heretofore made on any other basis than that of loom production are completely nullified by this astounding fact, for the manufacture of plain woven cloth under these conditions is absolutely determined by the unit cost rather than by the wages paid to the individual.

The classification in this substitute bill, therefore, has been made first on the basis of plain woven goods in which the automatic loom is used in this country. Second, fancy woven goods produced on the plain looms with sundry mechanical attachments, where it is impossible for the weaver to attend to many of them, and hence where a much less production is secured than with automatics. As, for example, in No. 26, a checked lawn, where the report shows that on what is styled the dobby loom, the American weaver will tend from 8 to 12 machines and produce from 29 to 36 yards per hour, while the English weaver is not allowed to attend but 4 machines and produces but 14 yards per hour. This is one of a number of similar devices, but in all of them the number of looms attended and the product per hour is considerably in favor of the American weaver.

The third classification is the Jacquard loom, where the number of looms tended and the product in both countries is practically alike, and where because of this the marked difference in wages in the two countries necessitates a high protective duty.

The fourth classification is tapestries and pile fabrics, the production of which is also distinctly affected by the difference in the wage cost

On page 11, synopsis of the report, the board say:

Where automatic looms can be used a single weaver commonly tends 20 looms, and sometimes as many as 28. The result is that whereas the output per spinner per hour in England is probably as great or greater than in this country the output per weaver per hour is, upon a large class of plain goods, less, and in the case where automatic looms are used in this country and plain looms in England it is very much less.

It is manifest, therefore, that the determining factor in classifying fabrics is the style of weaving and not the fineness of the material used or the number of threads to the inch, and I do not see how it is possible for anyone who has read the report, even in the most casual way, to come to any other conclusion.

Indeed, the merest glance at the present law will justify the change.

Distinction between plain woven and other weaves, with a demarcation of weight per yard, is found in paragraph 357 of the linen schedule. In 323 of the cotton schedule fancy weaving is used as a reason for a cumulative duty of 1 and 2 cents per yard. In the silk schedule an arbitrary ad valorem limit of duty is fixed for fabrics made on Jacquard looms, and in paragraph 326 of the present cotton schedule, as in this substitute bill, all upholstered goods weighing over 6 ounces per yard woven on Jacquard looms carry a straight ad valorem duty.

If the rule of weight and style of weave is good for the present law, why is it not equally good for the substitute?

The cold facts in the case are that the distinction between plain and fancy weaves in part provided for in paragraph 323 by cumulative duties is duplicated in the classification by values in the countable paragraphs of the present law. A like duplication was stricken out in 1909 by an amendment in committee offered by the chairman, Mr. PAYNE. It was put back again in the Senate. I have no comments to make on it now. This classification again strikes out the duplication, and it ought never to go back again.

METHODS OF COMPARISON.

In the report on the wool schedule, comparisons between this and other countries were made on the basis of the difference in the cost of production, what the board terms the difference in conversion cost. In the cotton report a different method was generally used, although in yarns and to some extent in knit goods actual costs were secured. Speaking generally, however, the method used with regard to cotton cloths was, in the first place, to secure with an accuracy which, in my judgment, has never before been equaled in this country the actual American costs of production which, as I have shown by the letter of Chairman Emery, have been agreed to and certified after completion by the manufacturers themselves over their own signatures. They go into the most minute details, and are carried from the original material straight through to the finished articles in the hands of the ultimate consumer, so far as the 100 samples are concerned, out of a total of 1,268 standard cloths analyzed and reported upon by the board. The 100 samples so selected may be construed as fairly typical of the American production of cotton fabrics. They are followed through every process of manufacture, and photographic copies of the fabrics will be found in the report. For 91 of these samples the figures are complete, and I have them tabulated as follows:

1. List of 40 samples, where the American selling price is less than the English selling price without any duty.

2. List of 26 other samples, where the American cost plus the selling expense is less than the English selling price without any duty.

3. List of 17 other samples, where the American cost plus selling expense is less than the English selling price plus the duty proposed in the substitute bill.

4. List of eight samples, where the American cost plus selling expense is more than the English selling price plus the proposed duties in the substitute bill.

Averaging the costs of the American and foreign selling prices in each table I find the following: That on the goods named in class 1 they are reported to carry an average profit of 13.2 per cent, and that even then the American selling price is 20.3 per cent less in this country than the English selling price of like goods by the English mills in England. This class consists very largely of fabrics made upon the automatic loom. Is it not perfectly manifest that the selling price of the cloths in this class is not in any way affected by the existing tariff laws, but that domestic competition alone controls them, and that the American consumer pays no increased price whatever because of the tariff?

Class 2, a higher grade of fabrics, shows an average margin between the American cost plus selling expense and the American selling price of 36.2 per cent; but it also shows that the margin between the American cost plus selling expense and the English selling price without any duty is but 16.8 per cent, which indicates in a general way that these cloths are affected by the existing tariff law.

Class 3 shows that the margin between the American cost plus selling expense and the English selling price plus the proposed duty in the substitute bill is only 14.2 per cent, which, in a general way, indicates that it would be impossible for the American manufacturer to compete with his foreign competitor on the fabrics named in this list unless protected by duties as high as those prescribed in the substitute bill.

Class 4 is a list of exceptional cases, which, after much trouble and reinvestigation, were found in every case to furnish good and sufficient reasons why they might be considered exceptional, as, for example, where the articles compared here and abroad had differences in the texture and where in some cases the materials for the cloth manufacture had been taken from subsidiary concerns, and where one or more profits had been taken before the finished fabric was estimated upon. I am well aware that an average cost and an average selling price taken in this way only gives an indication of the general condition of an industry, and that here and there there may be an item which can not and ought not to be treated on the basis of a general average, and it has been a task of exceeding difficulty to adjust the rates in the substitute bill in such a way as to cover every case. On the face of the reports made by the Tariff Board and on the basis of the Chicago platform of 1908, no man can justify a duty of 5 per cent, which I have put on duck and unbleached sheetings, selling, as they are to-day, far below the prices which our competitors fix upon their products, but there are good and substantial reasons why every one of these products should bear a duty. In the first place, it is manifest by the report, as shown by the general summary of yarn costs, that it is not possible for the American manufacturer to make cotton yarns now as cheaply as his English competitor, and a small duty is needed in order to secure this market to our own producers. That we do have it practically now is shown by the fact that the importations are only about four tenths of 1 per cent of the domestic consumption and that exports are exceedingly small, amounting only to about $600,000 in 1911.

The difference in the conversion cost of yarn between the United States and England will be found on page 423 of the report. In figuring the rates of duty 10 per cent was added to the English cost to make the English export selling price, and the average found for yarns below No. 40 was 5.7 per cent. The American manufacturer was given the benefit of the doubt and the rate fixed at 7½ per cent.

The average for yarns from No. 50 to No. 70, inclusive, is shown to be 8½ per cent, and the rate fixed in the substitute bill is made 10 per cent.

Exceeding No. 80 the rate is fixed at 15 per cent.

These duties are in excess of the present difference in the cost of their production.

With this excess of duty fixed upon yarns it is only fair to the smaller manufacturers of this country, who buy their yarns and weave and finish only, that an equivalent or compensatory duty should be placed upon the cloth, and this alone would justify a small duty on the heavier and coarser products which are covered by the classification of not more than 5 square yards to the pound.

In the second place the selling prices on the goods named in all of these classes were taken in 1911, when the cotton industry was laboring under a marked depression, as is shown by the fact that the three calicoes named in class 1 were sold at about 10 per cent less than cost.

A third reason why a duty should be placed upon these products is the uncertainty of trade-union conditions both in this country and in England. Here no restriction is placed by the trade-unions on the number of automatic looms which a weaver may tend. In England the limit is four, but as American competition on many of these products becomes sharper and sharper in Canada, China, and other neutral territory, it is by no means impossible that these restrictions may be removed. That a material difference, however, will always exist in this respect can be inferred from the following quotation from page 494 of the Tariff Board report:

The automatic loom costs about two and one-half times the ordinary plain loom, and this has deterred many English mills already equipped with plain looms from adopting them. Again, English mills do not run such a large number of looms on a single-standard fabric as do American mills, and the automatic loom has not been found so suitable as plain looms for the varied Lancashire trade in dhoties and other fancies. Furthermore, the automatic loom requires stronger and better warp yarn than the plain loom, for the breakage of a single warp thread stops the loom. The American mills use strong ring-spun warp yarns, while a large portion of the English mills, producing mainly for the poorer classes of the Orient and other regions, have to size heavily to make goods cheap enough, and they ordinarily use a much lower grade of yarn than would American mills for fabrics that pass under the same trade name. The warp yarns used in the bulk of English cloths are mule spun, and since they are soft twisted to enable them to take

up a larger amount of sizing and to give the required feel to the cloth, they are not so suited to the automatic loom as are the stronger American yarns.

A fourth reason why a duty should be placed upon them is that already, since these figures of costs and selling prices were taken, there has been a general advance in wages in the cotton industry throughout the United States of about 15 per cent, which of itself would be equivalent to an increase of cost of about 5 per cent on the finished fabric.

A fifth and last reason is Japanese competition. Personally I do not think it is serious at the present time because of the low grade of the product of the Japanese mills, due to their inexperience in the use of machinery and the inferior character of much of the material used. Japanese competition, however, as I know from personal observation, is a cloud on our western horizon which it is well worth our while to watch.

I desire now to call your attention to the rates in the Underwood bill, now pending before the House.

Since the substitute bill which I offered in the Ways and Means Committee was voted down and the Democratic bill was reported out favorably, the two great national parties have made new tariff declarations. Are these bills in accord with them? Let us go right to the foundation of the industry as shown by the difference in cost of production of yarns between England and the United States, found on page 423 of the Tariff Board report. I will insert a table showing the difference in cost on each of three warp yarns and five filling yarns there given and the duties under the present law, the Underwood, and substitute bills;

Yarn duties compared per pound.

Yarn number.	American cost.	English cost.	Difference.	Present law duty.	Underwood duty.	Substitute bill duty.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
No. 30 warp	25.12	22.99	2.13	0.05	2.52	1.89
No. 40 warp	32.71	29.62	3.09	.08	3.25	2.44
No. 50 warp	35.90	31.63	3.27	.10	3.47	3.47
No. 30 filling	24.25	22.97	1.28	.05	2.52	1.89
No. 40 filling	31.53	29.52	2.01	.08	3.24	2.43
No. 50 filling	34.28	31.46	2.82	.10	3.46	3.46
No. 60 filling	37.93	34.54	3.39	.12	5.69	3.79
No. 70 filling	41.31	37.14	4.17	.14	6.11	4.08
Total			22.16	.72	30.26	23.45
Average			2.77	.09	3.78	2.93

NOTE.—Duties figured on 10 per cent additional to English mill cost. Underwood duties average 36 per cent in excess of difference in cost. Substitute bill duties average 5 per cent in excess of difference in cost. Present law duties average 225 per cent in excess of difference in cost.

It appears that all show an average excess over and above the entire difference in cost in the present law by 225 per cent, in the substitute bill by 5 per cent, and in the Underwood so-called revenue bill by 36 per cent.

Mr. KITCHIN. Right there, may I interrupt the gentleman?

Mr. HILL. I can not yield. I have not the time.

Now, I do not care whether these yarns are the staple product of the East or the West, the North or the South, but what I do claim is that the Underwood bill covers in its yarn duties the entire difference in cost of production, including conversion cost and raw material as well, on every one of these items by an excess of from 5 per cent to 97 per cent, and averaging 36 per cent, and that such duties are in no sense whatever for revenue only, but are positively prohibitory in their character and flatly in violation of the Democratic platform, and if this policy is to prevail in regard to one part of the cotton industry it should be carried straight through the bill and take in knit goods, and reach out to all of the other schedules of the tariff law.

If the tariff is to be reformed, let it be done on national and not on sectional lines. For one, I am not yet ready to make tariff rates for the avowed purpose of transferring industries from one part of the country to another, as indicated by one gentleman in the debate on this bill last summer, when he said, "We in the South intend to make New England mill owners come and put their mills in the South or else go out of business."

If we have sinned heretofore in ignorance, that is no excuse for sinning now against the light and knowledge which the Tariff Board has given us concerning the cotton and woolen schedules, and if we are to have an excess of 36 per cent over and above the difference in cost on low numbers of cotton yarns and far more than that on plain woven cotton fabrics, I want to see like rates of duty written into the farmers free-list bill, the metal, chemical, and woolen schedules, and it does not make the slightest difference to me whether it is done under the name of a revenue, a protective, or a prohibitory tariff.

When Schedule K was under consideration we heard much from our Democratic friends of the claim that the ad valorem equivalents of duties found therein were in some cases higher on the fabrics used by the majority of the people than on those which were ordinarily purchased by the rich or well-to-do. Whatever there is to that claim is due to the specific duty placed upon the raw material.

In the cotton schedule there is no duty on the raw material, and I desire now to reverse the situation and show to our Democratic friends precisely what they have done with reference to white goods and calicoes, which are the fabrics from which very much of the clothing of the great mass of the people of this country is made.

Sample No. 41, an American-made calico, sold in 1911 at wholesale at 4.11 cents per yard, as against an English selling price of 5.09 cents, or 23.8 per cent less than the Englishman was selling it for. That fabric carries in the substitute bill a duty of 10 per cent, but in the Underwood bill a duty of 20 per cent.

If the tariff is a tax added in all cases as they claimed in the discussion on the wool schedule during the extra session, do our Democratic friends intend by continuing their duty of 20 per cent, which was proposed last summer, to increase the cost of clothing to the poor people of this country beyond the point indicated by the report of the Tariff Board as fair and reasonable? Why will they not frankly acknowledge their mistake and at least accept the provisions of the substitute bill?

Take sample No. 5 of unbleached sheeting. In 1911 this article was sold by the American mills at 7 cents a yard, and at that price showed a profit of 7.3 per cent. The like article in England sold at 8.14 cents per yard, 16 per cent higher than it did in this country. The Underwood bill bears a duty of 15 per cent on this fabric; the substitute bill a duty of 5 per cent.

Why do our Democratic friends insist on continuing their mistake of the last session and thus, if their theories are correct, adding to the cost of the articles made from this fabric for the use of our own people? Fifteen per cent is a prohibitive duty. What is the reason that they insist upon it? It will bring no revenue.

Take sample No. 1 of unbleached duck. The Underwood rate is 15 per cent; the rate in the substitute bill is 5 per cent. The American selling price last year was 12.97 cents per yard; the English selling price of the same article was 17.1 cents per yard. They will get no revenue from it, or none that will amount to anything, for the whole business of manufacturing duck is practically controlled by a trust, and the entire revenue received in 1910 was only $33,195 on this whole line of fabrics.

But why go into further details in regard to these cases? The figures in the report show for themselves, and nowhere more strikingly than in the statement of imports and exports of these plain woven fabrics for the year 1911. Last year we imported 4,180,906 yards of unbleached cotton goods and exported 165,418,000 yards. We imported of bleached cotton goods 14,266,228 yards and exported 27,419,000 yards. We imported of colored goods, and so forth, 37,141,426 yards and exported 153,753,000 yards, a total importation of 55,516,561 yards and a total exportation of 346,590,000 yards.

Imports from United States into Canada.

	Yards.
Unbleached	1,495,361
Bleached	2,670,215
Colored	7,043,064
Total	11,208,640

Imports from United States into Great Britain.

	Yards.
Unbleached	1,100,000
Bleached	764,912
Colored	1,225,527
Total	3,090,439

Duty from United States 32½ per cent; from Great Britain, 25 per cent.

Under these circumstances is it not trifling with well-established facts—facts fully admitted in the report of the Democratic majority on this bill—when that majority claim that the excessive duties which they have thus fixed on these plain woven fabrics are for revenue purposes, knowing as they do that these fabrics are practically noncompetitive in this market, and that whether the rates are raised or lowered will in no way affect the importations, and that their estimates of increased revenue are thus wholly invalidated and made of no account?

A year ago, without the facts now shown by the Tariff Board before them, the Democratic Party offered their cotton bill, and claimed that more than $200,000,000 was annually added to the cost of domestic cotton manufactures by reason of the tariff, and that by their reduction of rates and increased importations to the amount of $11,000,000 worth because of it they would

save $88,000,000 to the people annually and only lose about two millions of net revenue.

Now, the total production of cotton cloth in 1910 was $428,203,850. As we imported only 1.79 per cent of that amount and exported 3.18 per cent, the consumption of the American people for 1910 must have been the total production less the surplus exports, making an actual consumption of $422,251,817. If the respective importations of plain woven and figured cloths given by tariff bulletin No. 5 from Charlotte, N. C., are a fair indication of consumption, more than 50 per cent of our cloth production is plain woven.

As is now shown by the Tariff Board, the American average selling price of these cloths is 20 per cent below the average selling price of our nearest competitor, and this is practically admitted in the report of the Democratic majority. If that is so, and I believe it is, instead of a hypothetical increase in cost of $200,000,000 on the domestic product because of the present tariff, there is a real, demonstrable, actual saving of more than $60,000,000 annually to our people as the direct result of the domestic competition which has come as the natural result of the development of this great industry under the Republican system of protection. [Applause on the Republican side.]

Now, if this country could have a guaranty that this tremendous saving under the protective system would not be imperiled by the combination and consolidation of the industry and the elimination of home competition, there would not be the slightest necessity for the reduction of rates to the basis of the facts as found by the Tariff Board, but these combinations and consolidations have already begun, in the Northern and Southern States alike, if the reports in the daily press are correct. It is true that the industry is widely scattered and the raw material for it difficult to be controlled, but it is no more so than the meat and tobacco, the sugar and steel, and combinations in these trades have been successfully made. In no one of them has the killing of domestic competition and the control of the price of the raw material and finished product offered so great a return as the cotton industry would give. In the face of the facts shown by the Tariff Board the political party, either Republican or Democratic, which ignores the situation and permits the possibility of a monopolizing of this great industry by the retention of excessive and unnecessary duties and a consequent increase of the cost of cheap clothing for the masses of our people, will receive and deserve the censure of the people, whether it is done under the specious plea of a tariff for revenue only by the Democratic Party, or by nonaction by the Republican Party. Neither party can complete legislation now, but neither party can shake off the responsibility of impeachment of the facts or else adjusting legislation to them.

The trouble with the Democratic cotton bill is that it is like a last-year's bird's nest, which was a misfit when it was made and is a misfit now, besides being badly battered by a hard winter's storm of facts.

The bill is wrong at both ends—high enough at the beginning to breed combinations and low enough at the end to destroy the knit-goods industry and drive it out of this country, which would be an abject surrender to Germany.

On plushes and velvets, bought and used by the well to do, the Underwood bill puts the same duty as on the plain woven Sunday dress cloth of the working girl.

On full-fashioned hosiery the Underwood rate is 45 per cent.

If Members will turn to page 615 of the board report, they will find comparisons with the corresponding German product, showing an average difference of 58 per cent, and the only excuse I have to offer for the low rates of 55 and 60 per cent in the substitute bill is the reduction in the duties on the yarns from which they are made. On knit underwear the Underwood rate is a straight 30 per cent. In the substitute bill a graded rate of 20, 30, 40, and 45 per cent.

On men's and boys' gloves the Underwood rate is 35 per cent, and in the substitute bill 50 per cent.

Now, there is not the slightest doubt but that with reference to all of these knit goods the Underwood bill can properly be called a bill for revenue only, for it will insure a large revenue immediately and a constantly increasing one year by year as the industry gradually dies out in this country.

But why go further into the details of this guesswork Democratic cotton schedule called a tariff for revenue only?

The sum and substance of it is: High duties and no revenue from the cloth fabrics used by the poor; on the knit fabrics used by the rich, low duties, large revenue, and a young and growing industry strangled.

Indeed, thus far in this Congress the whole Democratic tariff legislation has been a hideous, economic farce. The free-list bill of the extra session was a flat violation of every theory which the party ever held and a repudiation of every promise made to the American people. It did not give one cent of revenue to the Treasury, but it stripped every particle of protection from nearly $3,000,000,000 worth of American products. That was a sectional tariff for politics only, and for all time to come will hold a unique place in American history as a monumental specimen of class legislation. [Applause on the Republican side.]

The extra-session attempts to revise the metal and chemical schedules were stabs in the dark at the system of protection and amazing mistakes which have since been repudiated by their authors with as cheerful unanimity as that with which they approved them six months before.

The Democratic revision of the chemical schedule for revenue only at this session and this substitute Republican revision of the cotton schedule based on the report of the Tariff Board demonstrate the irreconcilable conflict between a tariff for revenue and a tariff for protection.

Under the application of the latter policy all noncompetitive raw materials must be admitted free of duty, and as our industries develop and domestic costs are lessened it follows that the free list of finished products can be gradually enlarged, tariffs materially reduced, and at the same time the American wage scale and standard of living maintained, or what in my judgment is better yet, duties reduced in part and a higher wage scale and better standard of living made possible for the men and women employed in industrial pursuits.

No better illustration of this could be found than is afforded by the progress of the cotton industry.

On the other hand, with $48,000,000 worth of raw materials for the chemical industry taken from the free list of the Payne bill and increased in cost by a Democratic revenue duty, and with reduced duties on the finished product at the same time, there is no possible place from which the reduction can come except from the wages of labor.

It is not a question of the amount of taxation, for in the aggregate that must be the same in either case, for the expenses of Government must be met.

It is simply and solely whether in applying those taxes it shall be done in such a way as to encourage and develop our own industries or the industries of Europe.

It is whether we shall make life better—and better, worth living here—or sacrifice our own people to the uplifting of the people in other lands.

It is a question of a plenty of work and good wages or no work or low wages.

The two policies are before you. "Choose you this day which you will serve." [Applause on the Republican side.]

The following is submitted as an appendix:

A REPUBLICAN PROTECTIVE SCHEDULE I BASED ON THE REPORT OF THE TARIFF BOARD, RELATING TO PRODUCTS COMPOSED WHOLLY OR IN CHIEF VALUE OF COTTON.

A bill (H. R. ——) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Be it enacted, etc., That the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended by striking out all of the paragraphs of Schedule I of section 1 of said act from 313 to 332, inclusive of both, and inserting in place thereof the following:

1. Cotton card laps, sliver, roving, or roping, 5 per cent ad valorem.

(NOTE.—Present law, ad valorem, 35 per cent; Underwood, 10 per cent. Not practicable to import in large quantities.)

2. Cotton waste and flocks manufactured, 10 per cent ad valorem; antiseptic, medicated, or sterilized cotton, cotton waste, or flocks, 20 per cent ad valorem.

(NOTE.—Present law, 20 per cent; Underwood, 5 per cent.)

3. Cotton yarns in the grey, or otherwise, not advanced beyond the condition of singles, by grouping or twisting two or more single yarns together, not exceeding No. 40, 7½ per cent ad valorem.

Exceeding No. 40 and not exceeding No. 80, 10 per cent ad valorem.

Exceeding No. 80, 15 per cent ad valorem.

(NOTE.—Present law, up to No. 15, 12.7 per cent; Nos. 16 to 30, 15.37 per cent; Nos. 31 to 40, 22.12 per cent; Nos. 41 to 80, 23.3 per cent; Nos. 100 to 120, 27.12 per cent; remainder, 15 per cent; total grey single for 1911, 16.39 per cent; colored, etc., total, 30 per cent. Underwood, up to No. 50, 10 per cent; Nos. 51 to 100, 15 per cent; above No. 100, 20 per cent.)

4. Cotton yarn or thread not otherwise provided for, in the grey or otherwise, advanced beyond the condition of singles by grouping or twisting two or more single yarns together, and cable laid yarns or threads, in the grey or otherwise, made by grouping or twisting two or more twisted yarns or threads together, shall be subject to the same rates of duty as the single yarns from which they are made, and in addition thereto 5 per cent ad valorem.

(NOTE.—Present law, total cable laid, etc., 30.52 per cent; colored, 20.54 per cent; single, mercerized, 23 per cent; total, all yarns, 30.5 per cent. Underwood, yarns advanced same rate as singles.)

Spool thread of cotton, crochet, darning, and embroidery cottons on spools, shall be dutiable at the same rates of duty as the single yarns from which they are made.

(NOTE.—Present law, thread average of all, 24 per cent. Underwood, 15 per cent.

Differences in yarn conversion costs between United States and England (p. 423): Yarns No. 30 filling, 3.4 per cent; No. 40, 4.5 per cent; yarns No. 30 warp, 6.8 per cent; No. 40, 8 per cent; average, 5.7 per

cent. Yarns No. 50 filling, 6.6 per cent; No. 60, 7.5 per cent; No. 70, 8.9 per cent; yarns No. 50 warp, 10 per cent; average, 8.5 per cent.

Ten per cent added to English cost to make selling price on which to figure duty. No yarns made for sale in this country above No. 140. Total imports of yarns to production, four-tenths of 1 per cent. Total imports of thread, 2½ per cent of home production.

One company controls thread trade in Great Britain, United States, Canada, Russia, Austria, Germany, France, and Spain and fills orders from local factories.)

5. Cotton cloth, plain woven, in the gray, or bleached, dyed, colored, stained, painted, printed, mercerized, or otherwise finished, containing not more than 5 square yards to the pound, 5 per cent ad valorem.

Containing more than 5 and not more than 7½ square yards to the pound, 10 per cent ad valorem.

Containing more than 7½ square yards to the pound, 15 per cent ad valorem.

(NOTE.—Present law, average of all cotton cloth containing only ordinary warp and filling threads either in the gray or bleached, or dyed, etc., 39.54 per cent. Underwood, made from No. 50 yarn or less, 15 per cent; Nos. 50 to 100, inclusive, 20 per cent; above No. 100, 25 per cent; if bleached, dyed, etc., No. 50 yarn or less, 20 per cent; Nos. 50 to 100, inclusive, 25 per cent; above No. 100, 30 per cent.

These cloths principally woven on automatic looms, see pages 490 to 495 of report. Costs of cloth from low-cost mills. Industry depressed in 1911. Trade-union rules as to looms run may be changed in either country. For finishing costs see page 502. The duties named herein should cover all contingencies. Wages have been advanced since Tariff Board figures were taken.)

6. Cotton cloth, fancy woven, in the gray, or bleached, dyed, colored, stained, painted, printed, mercerized, or otherwise finished, containing figures produced by various weaving devices known as dobby, dropbox, leno, lappet, swivel, or any other name except Jacquard, 20 per cent ad valorem.

(NOTE.—Present law. Average of fancy cotton cloth containing other than ordinary warp and filling threads, gray, bleached, dyed, etc., 49.13 per cent; Underwood, by number of threads.)

7. Cotton cloth woven by means of the Jacquard attachment, not otherwise provided for, 25 per cent ad valorem.

Cotton table damask, 25 per cent ad valorem; manufactures of cotton table damask, or of which cotton table damask is the component material of chief value, not specially provided for in this section, 25 per cent ad valorem.

(NOTE.—Present law. Cotton damask, 40 per cent; Underwood, by number of threads.)

8. Cloths containing silk or artificial silk, in which cotton is the component material of chief value, shall be subject to the same rates of duty as cotton cloths of similar weave, and in addition thereto 5 per cent ad valorem.

(NOTE.—Present law 1911, 50 to 58 per cent; Underwood, 30 per cent.)

Clause 8. If silk exceeds 10 per cent in quantity, it will be of chief value and go into silk schedule.)

9. Cotton cloths filled or coated, in whole or in part, including oilcloth of cotton, waterproof cloths composed of cotton or in which cotton is the component material of chief value, 20 per cent ad valorem.

(NOTE.—Present law 1911, 42 to 50 per cent; Underwood, filled or coated, 25 per cent; waterproof, 25 per cent.)

10. Handkerchiefs or mufflers of cotton, in the piece or otherwise, finished or unfinished, hemstitched or not, not otherwise specially provided for, shall pay the same rate of duty as the cloth of which they are made, and in addition thereto 5 per cent ad valorem.

(NOTE.—Present law average, 55.11 per cent; Underwood, all, 30 per cent.)

11. Plushes, velvets, velveteens, corduroys, and all pile fabrics made of cotton, or of which cotton is the component material of chief value, whether the pile covers the entire surface or not:

Uncut, 15 per cent ad valorem.

Cut, in whole or in part, 40 per cent ad valorem.

Provided, That manufactures or articles in any form, including such as are commonly known as bias dress facings or skirt bindings, made or cut from plushes, velvets, or other pile fabrics composed of cotton, or of which cotton is the component material of chief value, shall be subject to the same rates of duty as the fabrics from which they are made.

(NOTE.—Present law average, 52.85 per cent; Underwood, all, 30 per cent.)

12. Curtains, table covers, and all articles manufactured of cotton chenille, or of which cotton chenille is the component material of chief value; cotton reps, Jacquard figured tapestry and Jacquard figured upholstery goods, weighing over 6 ounces per square yard, made of cotton, or of which cotton is the component material of chief value, 40 per cent ad valorem.

(NOTE.—Present law, 50 per cent; Underwood, no distinction in weight, 35 per cent.)

13. Stockings, hose, and half hose, made wholly or in part on knitting machines or frames, commercially known as seamless, composed of cotton, or of which cotton is the component material of chief value, 20 per cent ad valorem.

(NOTE.—Present law, 30 per cent; Underwood, 20 per cent.)

14. Stockings, hose, or half hose, made wholly or in part on knitting machines or frames or knit by hand and commercially known as full-fashioned, composed of cotton, or of which cotton is the component material of chief value, valued at not more than $2 per dozen pairs, 50 per cent ad valorem; valued at more than $2 per dozen pairs, 60 per cent ad valorem.

(NOTE.—Present law, 55 to 92 per cent; Underwood, 45 per cent.)

15. Shirts and drawers, pants, vests, union suits, combination suits, tights, sweaters, corset covers, and all underwear of every description, made wholly or in part on knitting machines or frames or knit by hand, finished or unfinished, not otherwise provided for, composed of cotton, or of which cotton is the component material of chief value, valued at not more than $1.50 per dozen garments, 20 per cent ad valorem; valued at more than $1.50 per dozen garments and not more than $3 per dozen garments, 30 per cent ad valorem; valued at more than $3 per dozen garments and not more than $6 per dozen garments, 40 per cent ad valorem; valued at more than $6 per dozen garments, 45 per cent ad valorem.

(NOTE.—Present law, 63 to 50 per cent; Underwood, 30 per cent.)

16. Men's and boys' gloves, knitted or woven, composed of cotton, or of which cotton is the component material of chief value, 50 per cent ad valorem.

(NOTE.—Present law, 86 to 50 per cent; Underwood, 35 per cent.)

17. Tire fabric or fabric suitable for use in pneumatic tires, made of cotton, or of which cotton is the component material of chief value, 25 per cent ad valorem.

(NOTE.—Present law, 45 per cent; Underwood, 25 per cent.)

18. Bone casings, garters, suspenders and braces, webs, webbings, and tubing, any of the foregoing composed wholly or in chief value of cotton, or of cotton and india rubber, and not embroidered by hand or machinery; spindle banding, woven, braided or twisted lamp, stove, or candle wicking; loom harness, healds or collets; boot, shoe, and corset lacings; labels for garments or other articles, composed of cotton, or of which cotton is the component material of chief value, 30 per cent ad valorem.

Belting for machinery made of cotton and india rubber, or of which cotton is the component material of chief value, 20 per cent ad valorem.

19. Clothing, ready-made, and articles of wearing apparel of every description, wholly or partly manufactured, not specially provided for, composed wholly or in chief value of cotton, 30 per cent ad valorem.

(NOTE.—Present law, 50 per cent; Underwood, 30 per cent; collars and cuffs, 25 per cent.)

20. All articles made from cotton cloth, and all manufactures of cotton, or of which cotton is the component material of chief value, not specially provided for, 30 per cent ad valorem.

(NOTE.—Present law, 45 per cent; Underwood, 30 per cent.)

21. The term cotton cloth wherever used in the paragraphs of this schedule, unless otherwise specially provided, shall be held to include all woven fabrics composed wholly or in chief value of cotton, in the piece or cut in lengths, and shall not include any article finished, or unfinished, made from cotton cloth.

SEC. 2. That the last clause of paragraph 347 of said act of August 5, 1909, is hereby amended so as to read as follows:

"Waterproof cloth composed of vegetable fiber other than cotton, whether composed in part of india rubber or otherwise, 10 cents per square yard and 20 per cent ad valorem."

SEC. 3. That paragraph 347 of said act of August 5, 1909, is hereby amended by adding the following proviso: *"Provided*, That none of the foregoing shall apply to coated or filled cotton cloth, or articles made therefrom."

SEC. 4. That paragraph 348 of said act of August 5, 1909, is hereby amended so as to read as follows: "Shirt collars and cuffs, composed of linen, or of which linen is the component material of chief value, 40 cents per dozen pieces and 20 per cent ad valorem."

SEC. 5. That paragraph 349 of said act of August 5, 1909, is hereby amended by striking out therefrom the words "webs and webbings."

(NOTE.—Total production of the industry for 1910, $628,391,813; total production of cloth only, $428,203,850; per cent of imports to total production, 1.79; per cent of exports to total production, 3.18; per cent of cloth imports to cloth production, 2.62; per cent of cloth exports to cloth production, 4.66 (see p. 177).)

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THE TARIFF BOARD,
Treasury Building, Washington, May 25, 1912.

HON. EBENEZER J. HILL,
House of Representatives, Washington, D. C.

MY DEAR MR. HILL: Referring to your questions in conversation with Mr. Cowgill regarding the accuracy of the cost figures in our cotton report and your request that a statement be made in writing, I beg to say that in all instances where reports were obtained from cotton-manufacturing companies the results of our cost extensions were carefully examined by the officers of the mill before the report was forwarded to the Tariff Board. This examination was complete, and went into each detail of the extensions rather than merely to have the officers sign their names without making a close examination. The cost extension figures were carefully compared with the cost extension made by the mills, and all the reports forwarded to the board were agreed by the officers of the company and representatives of the board to be correct. As to the accuracy of these extensions, I wish to state that the total expenditures of the company were carefully checked to agree with the figures published in their annual financial statement. Using these sums as a basis, we then made up our own cost statement according to our own methods, which we believe to be accurate and not merely the accepting of the company's own estimates of cost.

In one instance a company was doing an $8,000,000 annual business; after the costs had been extended for this company and the total number of yards of each kind of goods multiplied by the cost per yard, as shown by the report, the figures checked within $8.33 of the total amount of money expended by this company in manufacture during the year for which the costs were taken. In another case, by the same method, the variation amounted to $332. The greatest variation in any of the reports was in the case of a company doing a $2,000,000 annual business where, by multiplying the number of yards produced by the cost per yard ascertained by us, the difference amounted to $3,500. But this difference would not affect the costs in the sixth decimal place.

In every case the companies agreed, after a careful examination, that our costs were correct, and in some few cases the mills have adopted our cost extensions in toto, while in others our system of extensions have been adopted at least in part.

These facts I believe fully justify the statement that the most accurate costs possible have been obtained.

Very truly, yours,

HENRY C. EMERY, *Chairman.*

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List of 40 samples where the American selling price is less than the English selling price without any duty.

Sample No.	Trade name of cloth.	American cost excluding selling expense.	American cost including selling expense.	American selling price.	English selling price.	Proposed duty.	English selling price plus duty.
						Per ct.	
1	Duck	$0.1020	$0.1140	$0.1297	$0.1710	5	$0.1795
2	....do	.0838	.0889	.1085	.1384	5	.1453
3	Osnaburg	(1)	(1)	.0765	.0768	5	.0806
4	Heavy sheeting	.0515	.0541	.0561	.0750	5	.0787
5	Sheeting	.0600	.0652	.0700	.0814	5	.0855
6	Brown domestic	.0491	.0535	.0600	.0659	5	.0692
7	Brown drill	.0700	.0767	.0787	.0918	5	.0964
8	Canton flannel	.0778	.0855	.0898	.1137	5	.1194
9	Cheesecloth	.0210	.0192	.0262	.0362	15	.0416
12	Bleached sheeting	.0533	.0564	.0512	.0580	15	.0667
13	Shirting	.0954	.0994	.0950	.1123	5	.1179
18	India linon	.0573	.0588	.0712	.0806	15	.0927
22	Checked nainsook	.0574	.0590	.0625	.0736	5	.0773
24	Pique or welt	.0832	.0856	.1200	.1358	5	.1426

List of 40 samples where the American selling price is less than the English selling price without any duty—Continued.

Sample No.	Trade name of cloth.	American cost excluding selling expense.	American cost including selling expense.	American selling price.	English selling price.	Proposed duty.	English selling price plus duty.
						Per ct.	
20	Curtain swiss or madras	$0.0747	$0.0788	$0.0778	$0.0813	20	$0.0976
31	Fancy swiss	.1035	.1214	.1400	.1440	25	.1800
32	Lappet dotted swiss	.0584	.0600	.0650	.0737	15	.0848
33	Mercerized jacquard	.0964	.1019	.1050	.1137	25	.1421
37	Striped marquisette	.0669	.0829	.1250	.1492	15	.1716
39	Cotton challie	.0407	.0426	.0384	.0600	10	.0660
40	Printed lawn	.0357	.0376	.0360	.0470	15	.0541
41	Calico print	.0417	.0419	.0411	.0509	10	.0560
42	do	.0479	.0500	.0452	.0763	10	.0839
43	do	.0539	.0544	.0497	.0659	10	.0725
44	Printed percale	.0579	.0608	.0675	.0757	10	.0833
46	Printed organdie	.0577	.0581	.0650	.0679	15	.0781
51	Scrim	.0675	.0736	.1033	.1044	10	.1148
52	Crepe kimona cloth	.0896	.0914	.1150	.1191	5	.1250
55	Galatea cloth	.0961	.1000	.1150	.1254	5	.1317
59	Madras shirting	.1138	.1139	.1150	.1189	10	.1308
61	Book cloth	.0626	.0687	.0728	.0893	20	.1071
67	Poplin	.0815	.0975	.1250	.1260	5	.1329
69	Sateen	.0924	.0984	.0921	.0950	5	.0997
70	do	.1109	.1187	.1400	.1453	5	.1526
73	Cheviot shirting	.0682	.0711	.0700	.0948	5	.0995
74	Madras	.0656	.0684	.0675	.0869	5	.0912
77	Ticking	.1237	.1291	.1300	.1779	5	.1868
79	Cotton plaids	.0587	.0642	.0600	.0969	5	.1017
81	Fancy gingham	.0512	.0541	.0687	.0982	20	.1178
82	Gingham	.0512	.0541	.0687	.0923	20	.1108
	Total	2.7302	2.9099	3.2937	3.8865	405	4.2658
	Average	.0700	.0746	.0823	.0971	10.12	.1066

Per cent.

Margin between American cost plus selling expenses and the American selling price 13.2
Margin between American cost plus selling expenses and English selling price without duty 33.5
Margin between American cost plus selling expenses and English selling price plus the proposed duty 46.6
In addition to the English selling price plus the duty there is an actual expense of 5 per cent for freight and landing charges which has not been added, which will be an additional protection of 5.5

NOTE.—Under conditions existing in 1911, the American selling prices in this list were fixed by domestic competition and were not controlled by the present tariff law.

List of 26 samples where the American cost plus the selling expense is less than the English selling price without any duty.

Sample No.	Trade name of cloth.	American cost excluding selling expense.	American cost including selling expense.	American selling price.	English selling price.	Proposed duty.	English selling price plus duty.
						Per ct.	
11	Linen finish suiting	$0.0733	$0.0785	$0.0875	$0.0790	5	$0.0829
15	Long cloth	.0534	.0564	.0625	.0606	10	.0666
17	Nainsook	.0519	.0573	.0800	.0606	15	.0696
19	Persian lawn	.0720	.0725	.0900	.0847	15	.0974
26	Checked lawn	.0719	.0725	.1150	.0910	20	.1092
27	Mercerized corded check	.0980	.1166	.1450	.1241	20	.1489
28	Dotted swiss check	.1070	.1125	.1300	.1241	20	.1489
29	Dotted swiss	.0773	.0813	.1250	.1097	20	.1316
34	Fancy white goods	.0960	.1216	.2000	.1544	20	.1852
36	Marquisette	.0836	.1022	.1450	.1286	20	.1543
45	Printed lawn	.0485	.0488	.0650	.0560	15	.0644
47	Printed batiste	.0671	.0675	.0850	.0721	15	.0829
49	Printed lawn	.0815	.0870	.1050	.0834	15	.1016
64	Pongee	.0715	.0716	.0825	.0783	10	.0861
65	Soisette	.1083	.1100	.1500	.1164	10	.1280
66	Pongee	.0960	.0975	.1250	.1164	10	.1280
71	Chambray gingham	.0541	.0575	.0800	.0653	10	.0718
72	do	.0541	.0575	.0800	.0626	15	.0719
75	Gingham	.0586	.0622	.0850	.0783	20	.0939
76	Outing flannel	.0553	.0605	.0700	.0685	5	.0719
83	Fancy gingham	.0975	.1061	.1450	.1215	20	.1458
86	Fancy wash fabric	.0966	.1050	.1426	.1189	20	.1426
89	Turkey red damask	.2105	.2283	.3022	.2882	25	.3602
98	Silk mull	.0923	.0942	.1400	.1206	20	.1447
99	Dotted silk mull	.0902	.0980	.1600	.1247	25	.1558
100	Jacquard swiss mull	.1048	.1061	.1750	.1335	30	.1735
	Total	2.1776	2.3292	3.1723	2.7216	430	3.2177
	Average	.0837	.0895	.1220	.1046	16.53	.1237

Per cent.

Margin between American cost plus selling expense and the American selling price 36.2
Margin between American cost plus selling expense and English selling price without any duty 16.8
Margin between American cost plus selling expense and English selling price plus proposed duty 38.1

In addition to the English selling price plus the duty there is an actual expense of 5 per cent for freight and landing charges which has not been added, which will be an additional protection of 5.9 per cent.

List of 17 samples where the American cost plus selling expense is less than the English selling price plus the proposed duty.

Sample No.	Trade name of cloth.	American cost excluding selling expense.	American cost including selling expense.	American selling price.	English selling price.	Proposed duty.	English selling price plus duty.
						Per ct.	
14	Wide sheeting	$0.1962	$0.2005	$0.2042	$0.1984	5	$0.2083
16	English long cloth	.0720	.0741	.0825	.0731	10	.0804
20	Persian lawn	.0887	.1033	.1114	.0991	15	.1140
21	Fancy white goods	.0872	.1000	.1000	.0939	20	.1116
23	Dimity check	.0576	.0613	.0650	.0603	20	.0727
25	Fancy white goods	.1097	.1283	.1450	.1228	20	.1473
38	Table damask	.2003	.2135	.2250	.2001	25	.2501
48	Printed lawn	.0803	.0858	.1050	.0833	15	.0961
57	Fancy dimity	.0762	.0922	.1250	.0837	15	.1020
58	Dimity check	.0692	.0732	.0900	.0719	15	.0823
60	Leno fancy	.0959	.1029	.1125	.0989	20	.1186
68	Rep	.3513	.4098	.4750	.3533	40	.4942
80	Scotch gingham	.1128	.1222	.1450	.1034	20	.1240
90	Corduroy	.2947	.3720	.5875	.3383	40	.4743
91	Velveteen	.2121	.2527	.3050	.1997	40	.2795
94	Cotton voile	.1051	.1078	.1475	.0909	20	.1090
96	Silk gingham	.1243	.1343	.1500	.1157	25	.1443
	Total	2.3341	2.6349	3.1766	2.3862	365	3.0093
	Average	.1373	.1549	.1868	.1403	21.47	.1770

Per cent.

Margin between American cost plus selling expense and the American selling price 20.5
Margin between American cost plus selling expense and the English selling price plus the proposed duty 14.2

In addition to English selling price plus duty there is an actual expense of 5 per cent for freight and landing charges which has not been added, which will be an additional protection of 6.3 per cent.

List of 8 samples where the American cost plus selling expense is more than the English selling price plus the proposed duty.

Sample No.	Trade name of cloth.	American cost excluding selling expense.	American cost including selling expense.	American selling price.	English selling price.	Proposed duty.	English selling price plus duty.
						Per ct.	
35	Striped voile	$0.1251	$0.1430	$0.1460	$1.1099	20	$0.1319
54	Cotton serge	.1073	.1152	.1350	.0933	20	.1123
56	Printed dimity	.0780	.0835	.0800	.0647	15	.0749
63	Chambray	.1324	.1449	.1050	.0895	10	.0985
87	Tissue or fancy fabric	.1408	.1539	.1550	.1136	20	.1363
93	Cotton tapestry	.8503	1.0351	1.5000	.6416	40	.8982
95	Novelty gingham	.1747	.1833	(a)	.1086	25	.1357
97	Silk gingham	.2343	.2576	.2750	.1792	25	.2240
	Total	1.8429	2.1170	2.3900	1.4010	175	1.8120
	Average	.2303	.2646	.3414	.1751	21.87	.2265

Per cent.

Margin between the American cost plus selling expense and the American selling price 21.5
Margin of deficiency between the American cost plus selling expense and the English selling price plus the proposed duty 16.8

In addition to the English selling price plus the duty there is an actual expense of 5 per cent for freight and landing charges which has not been added, which would reduce the deficiency 4.2 per cent, leaving the deficiency of 12.6 per cent.

NOTES ON LIST NO. 4.

Sample No. 35: Striped voile is an estimated cost, no actual cost being obtained.

Sample No. 54: Cotton serge is a printed stripe compared with a single dyed yarn stripe.

Sample No. 56: Printed dimity, slight variation in organization of cost.

Sample No. 63: Chambray, American cost obtained in exceptionally high-cost mill, that purchased its yarn in limited quantities.

Sample No. 87: Tissue, considerable variation in the organization of the cloths compared.

Sample No. 93: Cotton tapestry, a high American cost for cards and designs. This cloth was sold in limited quantities with a high selling expense (18 cents per yard).

Sample No. 95: Novelty gingham, American cost estimated.

Sample No. 97: Silk gingham, American cost obtained in high-cost mill, manufacturing a limited quantity of cloth of this construction.

NOTE.—Without regard to differences in selling prices, the differences in costs of conversion are believed to be fully covered by the duties named herein.

CHARACTER OF FUTURE TARIFF LEGISLATION.

The keynote of the declaration of the Republican Party with reference to future tariff legislation is found in the following extract from the Chicago platform, adopted on June 22, 1912:

"We hold that the import duties should be high enough, while yielding a sufficient revenue, to protect adequately American industries and wages. Some of the existing import duties are too high and should be reduced. Readjustment should be made from time to time to conform to changing conditions and to reduce excessive rates, but without injury to any American industry. To accomplish this correct information is indispensable. This information can best be obtained by an

expert commission, as the large volume of useful facts contained in the recent reports of the Tariff Board has demonstrated.

"The pronounced feature of modern industrial life is its enormous diversification. To apply tariff rates justly to these changing conditions requires closer study and more scientific methods than ever before. The Republican Party has shown by its creation of a Tariff Board its recognition of this situation and its determination to be equal to it."

In order that one may see whether the rates provided in the foregoing bill are in accordance with the declarations of the platform a table is herewith submitted, showing the percentage which can be added to the American cost of the following fabrics, plus selling expenses, in order to equal the selling price of the competing English fabric in New York, with landing charges and the duties paid under this proposed bill. It must be understood that the English competing price includes a profit, but that the profit for the American manufacturer, together with all the contingencies of the business, such as "dumping," future advances in wages, trade-union restrictions, etc., must come from the percentage of margin shown herein.

List of 40 samples where the American selling price is less than the English selling price without any duty.

Margin between American cost plus selling expenses and selling price of competing English goods landed in New York, with proposed duty paid.

Sample No.	Trade name of cloth.	Per cent.
1	Duck	62.9
2	....do	68.9
3	Osnaburg	
4	Heavy sheeting	50.9
5	Sheeting	36.6
6	Brown domestic	35.0
7	Brown drill	31.1
8	Canton flannel	45.1
9	Cheesecloth	103.5
12	Bleached sheeting	23.7
13	Shirting	24.1
18	India linon	63.1
22	Checked nainsook	36.5
24	Pique or welt	72.0
30	Curtain swiss or madras	29.1
31	Fancy swiss	53.7
32	Lappet dotted swiss	46.8
33	Mercerized jacquard	44.9
37	Striped marquisette	112.0
39	Cotton chaille	59.8
40	Printed lawn	49.3
41	Calico print	39.1
42	....do	72.5
43	....do	38.7
44	Printed percale	42.5
45	Printed organdie	39.9
51	Scrim	61.0
52	Crepe kimona cloth	42.2
55	Galatea cloth	37.2
59	Madras shirting	20.3
61	Book cloth	61.4
67	Poplin	41.8
69	Sateen	6.8
70	....do	34.0
73	Cheviot shirting	39.2
74	Madras	38.8
77	Ticking	50.1
79	Cotton plaids	63.9
81	Fancy gingham	123.2
82	Gingham	110.3

List of 26 samples where the American cost plus the selling expense is less than the English selling price without any duty.

Margin between American cost plus selling expenses and selling price of competing English goods landed in New York, with proposed duty paid.

Sample No.	Trade name of cloth.	Per cent.
11	Linen-finish suiting	11.5
15	Long cloth	23.9
17	Nainsook	27.3
19	Persian lawn	40.2
26	Checked lawn	56.5
27	Mercerized corded check	29.2
28	Dotted swiss check	38.2
29	Dotted swiss	67.7
34	Fancy white goods	58.2
36	Marquisette	56.8
45	Printed lawn	37.8
47	Printed batiste	28.7
49	Printed lawn	22.6
64	Pongee	26.1
65	Soisette	22.2
66	Pongee	37.1
71	Chambray gingham	30.7
72	....do	30.9
75	Gingham	16.3
76	Outing flannel	24.7
83	Fancy gingham	43.3
86	Fancy wash fabric	41.7
89	Turkey red damask	63.6
98	Silk mull	59.5
99	Dotted silk mull	64.9
100	Jacquard swiss mull	69.4

List of 17 samples where the American cost plus selling expense is less than the English selling price plus the proposed duty.

Margin between American cost plus selling expenses and selling price of competing English goods landed in New York, with proposed duty paid.

Sample No.	Trade name of cloth.	Per cent.
14	Wide sheeting	10.1
16	English long cloth	14.8
20	Persian lawn	16.6
21	Fancy white goods	22.3
23	Dimity check	24.9
25	Fancy white goods	21.1
38	Table damask	18.7
48	Printed lawn	18.3
57	Fancy dimity	16.2
58	Dimity check	19.1
60	Leno fancy	21.5
68	Rep	26.8
80	Scotch gingham	7.7
90	Corduroy	33.4
91	Velveteen	16.9
94	Cotton voile	7.4
96	Silk gingham	13.0

Comparison of yarn duties.

No. of yarn.	Present law.	Proposed specifics.	Equivalent ad valorem rates 7½ per cent up to and including No. 40; 10 per cent, No. 41 to and including No. 80; 15 per cent, above No. 80.
	Cents.	*Cents.*	*Cents.*
15	2.50	1.00	
30	5.00	1.75	1.7242
40	8.00	2.50	2.2215
50	10.00	3.75	3.163
60	12.00	4.50	3.454
70	14.00	5.50	3.714
80	16.00	6.50	
90	18.00	7.50	
100	20.00	8.50	
110	22.00	9.50	
120	24.00	10.50	

Proposition based on specific rates is an advance of one-tenth of a cent per number for each number on yarns exceeding No. 60, or 4½ cents + 6 cents = 10.5 cents for No. 120. The ad valorem rates more than cover the difference in conversion cost.

Mr. PAYNE. I will ask the gentleman from Alabama [Mr. UNDERWOOD] to use some of his time.

Mr. UNDERWOOD. So far as I am advised at present, there will be only one closing speech. I may have other requests for time, but I am not prepared to use any of our time now.

Mr. PAYNE. I yield 45 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, of the many iniquitous things contained in the Payne-Aldrich law the cotton and woolen schedules are the worst. President Taft, while pronouncing the bill as a whole the best tariff law ever enacted, declared that the woolen schedule was indefensible I think even the President will admit now that the cotton schedule was also indefensible. These two schedules especially were condemned by Progressive Republicans the country over. They were condemned by voters of all parties at the election in 1910 and are largely responsible for the Democratic majority in this House to-day.

Vindication of a position taken is always a pleasant thing, but it is peculiarly so when that vindication comes from a tariff board selected by the same President who condemned Progressive Republicans for taking the position they did.

We contended that the increases in the rates in the cotton schedule were unwarranted from any standpoint and were far beyond any difference in the cost of production at home and abroad. The Tariff Board has so found.

And, Mr. Speaker, let me say just a word with reference to the position of the Democratic majority upon this Tariff Board. I say without any hesitation that, although there are things that may be criticized, so far as the report not being complete is concerned, there is more real information with reference to this subject in that report of the Tariff Board than has been gathered from the beginning of tariff agitation to the present day from any other source. [Applause on the Republican side.] And I say further, without any hesitation, if it had not been for the fact that that Tariff Board is a product of the Republican Party, that if the members of that board had not been appointed

by a Republican President, instead of condemning that report you upon the other side would be quoting from it in your campaign textbook this fall. [Applause on the Republican side.]

The board finds that the difference in cost of production of cotton yarns in the United States and England is from 3.8 per cent to 11.9 per cent ad valorem, while the rates in the Payne-Aldrich law range from 15 to 48 per cent ad valorem. The board finds that the duties are in some cases four and five times greater than the difference in cost of production.

In the case of cotton cloth the rates are even more unjustifiable. We have heard much about the lower wages paid abroad, and it has been assumed by some that the duties should at least equal the difference in wages, thus assuming that there is no difference in efficiency. We have often heard upon this floor the statement made that wages in the Orient are 10 and 15 cents per day, and for that reason alone it was assumed that high tariffs were needed for protection.

The Tariff Board has so completely exploded that bugaboo that I do not think it will be heard of again in this Chamber. But for fear that some gentleman may ignorantly fall into the same error, I wish to spend a moment upon it now. In the debate at the special session upon the cotton schedule the gentleman from Tennessee [Mr. AUSTIN], speaking of the cotton mills of Japan, said:

> Their mills are the best equipped made in the English workshops, and their labor the cheapest on the face of this earth—10 cents for boys and girls, 15 cents for women, and 22 cents for men per day.

A moment later he said:

> If this bill should become a law, there is not a cotton mill in a single Southern State that will ever sell a yard of calico on the Pacific coast or in the far Western States in competition with calico made in the mills of Japan.

Now, I do not quote this language for the purpose of criticizing the gentleman from Tennessee, but only to illustrate how lack of information leads to recklessness of statement. In refutation of the statement of the gentleman from Tennessee I ask you to turn to Table 162 of the report of the Tariff Board, which gives a comparison of the employees necessary to operate a 1,000-loom weaving mill in the United States and in Japan. The wages of the weavers in the Japanese mills are, it is true, only 18½ cents per day as against $1.59 per day in the American mill, but it requires 700 weavers to do the work in a Japanese mill as against only 53 in an American mill, and the total cost per day for weaving in the Japanese mill is $129.50 as against only $84.27 in the American mill. Putting it in another way, one American weaver for $1.59 does as much work as 13 Japanese weavers for $2.40.

Believing that ghost will not walk again, let us get back to a consideration of the difference in cost of production in this country and England. We find that an American weaver, as a rule, produces a great deal more than his English brother. Quoting from the report of the Tariff Board, on page 11:

> In the case of plain looms (not automatic) the English weaver seldom tends more than 4 looms, while in this country a weaver rarely tends less than 6, and more frequently 8 or even 12, if equipped with "warp stop motions."

The report then goes on to say that automatic looms are little used in England, while there are over 200,000 in the United States, and on such looms the American weaver commonly tends 20 and sometimes as high as 28.

After going into a full recital of the facts, the board, on page 12 of the report, sums up the matter as follows:

> Keeping the above facts in mind, it may be stated that in the case of a large variety of plain goods the labor cost of turning yarn into cloth in the United States is not greater, and in some cases is lower, than in England.

The report then goes on to state that in finer goods the cost is greater in this country, and we then find the following:

> Figures are presented in the report showing that although labor costs in the cotton industry are in many cases lower in the United States than England, yet the actual hourly earnings in this country are, in most of the principal occupations, much greater.

This corroborates the assertion made by most economists that higher wages may often lower labor costs.

In the Payne-Aldrich law higher rates of duty are imposed upon cloth which is bleached, printed, dyed, mercerized, and so forth. Concerning this the board finds, on page 13:

> A comparison of 60 specific samples for which finishing data were obtained shows that in most cases the difference between the charges in the two countries were slight, but that the American charges were slightly lower on most of the samples.

Another interesting comparison is furnished by Table 136, where 100 samples of cloth are taken, ranging from calico print to cotton tapestry, and a comparison is made between the American cost of production, both including and excluding selling expense and the English selling price, which of course includes a profit to the English manufacturer.

On 40 of the 100 samples the English price is 42.3 per cent greater than the American cost, excluding selling expense. It is 33.5 per cent greater, including selling expense.

On these 40 samples it is clear that there should be no duty at all, either from the Republican or Democratic standpoints, for any duty is practically prohibitive. From a Republican standpoint no duty is needed to protect the American manufacturer. From a Democratic standpoint no duty should be imposed, for it will produce no revenue, and from their standpoint is nothing but a tax upon the American people, a "robbery," as they put it, enriching the tariff barons alone. That is what they did in their bill at the special session and what they have done in this bill when on these 40 samples they placed duties ranging from 15 to 30 per cent ad valorem.

Again returning to the 100 samples compared by the Tariff Board, in addition to the 40 I have already spoken of, there are 26 samples where the American cost both including and excluding selling expense is less than the English price, but the margin of difference is not so great as in the case of the 40 samples. Of these 26 samples the English selling price is 25 per cent greater than the American cost, excluding selling expense. It is 16.8 per cent greater, including selling expense. It is clear that this margin is amply sufficient to enable the American manufacturer to successfully compete with the English price, but remembering that the English price includes a profit, and we do not know exactly what English cost is, a small duty would be justified both from the standpoint of protection and revenue.

So far, then, out of 100 samples of cotton cloth we have 66 of them where the average English price is from 16.8 per cent to 33.5 per cent greater than the average American cost of production, including selling expense.

There are 25 samples where the average English price is less than the American cost of production. On 17 of the samples the English price is 2 per cent greater than the American cost, excluding selling expense, but including selling expense the American cost is 10.4 per cent greater than the English selling price.

On 8 samples the American cost, both including and excluding selling expense, is greater than the English price. It is 31.5 per cent greater excluding and 51.1 per cent greater including selling expense. On these 25 samples therefore a substantial duty is justified both from a protective and a revenue standpoint.

I have not the time to analyze the entire report of the Tariff Board and shall confine myself to this statement regarding cotton yarn and cotton cloth. I will, however, frankly state that upon the balance of the schedule the report of the board is not so complete as it should be, and as I am satisfied it would have been could the board have had further time to complete their investigation. However, we have sufficient information to deal intelligently with every paragraph of the schedule.

We have before us the Democratic bill, which is the same bill that was passed at the special session. I propose in the time I have left to discuss that bill and make some comparisons between it and the report of the Tariff Board.

When the bill was under consideration at the special session I voted for it and spoke for it. I undertook to show then that notwithstanding its label, and notwithstanding the declaration of its sponsors, it was in the main a protective measure.

The report of the Tariff Board now conclusively shows that this Democratic bill was and is a protective measure but that many of the rates in it are higher than can possibly be indorsed by any Republican who stands upon the Chicago platform of 1908. After a careful examination of the report of the board I was satisfied that if our Democratic friends brought in a bill at this session revising the cotton schedule that the rates in it would, upon such a staple necessity as cotton cloth, be much lower than those in the bill passed last year, but to my utter amazement we find that notwithstanding the information they now have, they offer the same bill as they did at the special session, and we have to-day a situation unparalleled in American history of the Democratic Party offering a tariff bill that carries prohibitive duties upon necessaries of life which are much higher than the Republican Party can indorse. [Applause on the Republican side.]

Never again can the Democratic Party boast that it stands for a tariff for revenue only. Never again can it, without the rankest hypocrisy, go before the American people and denounce the robber tariff barons and condemn the Republican Party for taxing the people for the benefit of the cotton manufacturer. What explanation there may be for this strange attitude of the Democratic Party I will not undertake to say. The fact that there are very large cotton mills in the South

may be one reason, but I am more inclined to think that it is merely another evidence of the stubbornness of the Democracy, and this exhibition makes the emblem of the Democratic Party more appropriate than ever.

Mr. CANNON. Will the gentleman yield for a question?

Mr. LENROOT. I will.

Mr. CANNON. I understand from reports in the newspapers and otherwise that Marshall Field & Co. have bought a large number of these mills that make the kind of cotton cloth to which the gentleman refers, and we all understand that Marshall Field & Co. would not object to a prohibitive duty. Although they are the great distributing merchants in our Middle West, they have sense enough to keep quiet when their friends are around.

Mr. LENROOT. That may be, Mr. Chairman.

Mr. CANNON. I am only stating what I understand from the reports.

Mr. LENROOT. I understand the gentleman. But after all, and to be entirely fair to the Democratic majority, they are only pursuing their ordinary course of seldom being willing to progress and never able to learn. They are always looking backward, never forward, so far as constructive statesmanship is concerned. To paraphrase and adapt a statement of the candidate of the Democratic Party for President, Woodrow Wilson: "The Democratic majority in this House occupies a place in the ship of state—in the stern, looking back at the wake of the ship." [Laughter and applause on the Republican side.]

But it is not for me to attempt to explain the utterly indefensible position of the Democratic majority with respect to this bill. We know that it has information now from a Tariff Board appointed by a Republican President, a Tariff Board the reports of which the Democrats said less than a year ago would be unreliable because they would unduly favor the protected interests of the country.

They know that that charge has fallen to the ground. They know that the report of the Tariff Board will not sustain many of the rates in this bill. They know that many of the rates in this bill should be lower, according to the report of the board.

The Democratic majority are not brave enough nor patriotic enough to frankly confess that they were mistaken as to the nonpartisan character of the Tariff Board. They are not brave enough nor patriotic enough to frankly take advantage of the report of the board in the interest of the American people. They evidently take the position that they would rather be consistent than right, and they are very seldom either. [Laughter and applause on the Republican side.]

I am confirmed in this by an article in the Washington Post of yesterday morning. I intended to have it with me, but it is an interview with the gentleman from New York [Mr. REDFIELD], who had just come from a conference with Gov. Wilson, the Democratic candidate. You remember at that interview he stated that the policy of the Democratic Party would be a gradual reduction of the tariff, and that they would not attempt to come at one time down to a revenue tariff only, and he gave a specific illustration; that if the reduction of 30 points was necessary to bring the tariff down to a revenue basis, they would favor first bringing it down 15 points, or halfway. Now, they might make that kind of contention were it not for the fact that only the day before yesterday that very proposition was presented to this House, the very proposition that Mr. REDFIELD contends for, in the woolen bill that came from the Senate, and the Democratic majority, then voiced by the gentleman from New York [Mr. HARRISON] took the position that they were not in favor of going halfway; they were all in favor of making no reduction unless they could cut to the very bottom, and it seems to me, Mr. Speaker, that the position the Democratic majority would like to take is that to avoid any revision now, for the benefit of the protective manufacturers, they say, "We will not have any tariff revision now; we will let you alone." They say, "When we get into power do not worry, because then we will vote for such reductions as we are voting against now."

But I now desire to submit some proof that many of the rates in this Democratic bill are too high, are prohibitive, and will produce no revenue.

The first paragraph relates to cotton yarn and imposes duties according to numbers from 10 per cent to 20 per cent ad valorem. The Tariff Board finds that the difference in cost of production of yarns, except those of the highest numbers, ranges from 3.8 per cent to 11.9 per cent ad valorem, while the lowest rate in this Democratic bill is 10 per cent ad valorem.

Paragraph 3 relates to cotton cloth on which duties are imposed ranging from 15 per cent ad valorem, and in addition 5 per cent is added if the cloth is bleached, dyed, colored, stained, painted, printed, or mercerized.

The report of the board conclusively shows that these rates can not be sustained from a revenue standpoint, and they are too high from a protective standpoint. Cotton cloth enters into the cost of living of every American home, and if the Democratic majority was at all sincere in its profession of concern for the American people they would have reduced the rates in this paragraph of the bill. The report of the board shows conclusively that the coarser and heavier fabrics are produced cheaper here than abroad, and that a duty of 15 per cent, as proposed in this bill, can not possibly be a revenue producer. It is just as prohibitive, as far as importations are concerned, as is the present law.

I am aware that the distinguished chairman of the Ways and Means Committee [Mr. UNDERWOOD] and others upon the Democratic side attempt to meet this criticism by declaring that the rates proposed in the present bill are a great reduction from those contained in the Payne-Aldrich law; that they do not claim that the rates could not be made much lower without injury to the American industry; that they are making gradual reductions and do not propose to go the whole distance at one time. But, Mr. Speaker, the gentleman from Alabama and the Democratic majority is estopped from making any such claim now. To make such a claim is an admission by them that this bill does contain protective rates, a proposition which was most vigorously denied when this same bill was under consideration at the special session. It was then claimed by every Democratic Member who spoke upon the subject that this bill was purely a revenue measure; that it had no other design than to produce revenue.

The majority of the Committee on Ways and Means, in their report upon this bill at the special session, used the following language:

> The most important feature to be kept in mind in revising Schedule I in the interest of the welfare of the general public is that the rates be made truly competitive as far as possible—that is, that they be made low enough to permit potential competition from imports for the sake of natural and proper regulation of domestic prices.

The gentleman from Alabama, in opening the debate upon this bill at the special session, had a colloquy with the gentleman from Maine [Mr. HINDS], as follows:

> Mr. HINDS. The gentleman says this cotton bill is framed solely to the end of the revenue in view?
>
> Mr. UNDERWOOD. I do not think the gentleman can doubt that proposition.
>
> Mr. HINDS. Therefore, does the gentleman say also that it leaves out entirely the principle of protection?
>
> Mr. UNDERWOOD. Absolutely, so far as my knowledge is concerned.

It therefore does not lie in the mouth of any Democrat to now claim that when this bill was presented at the special session that there was in the minds of the Democratic majority any other thought than that this was purely a revenue measure, and that if enacted into law it would permit a sufficient competition from abroad to regulate prices in this country.

Upon this plain cotton cloth fabric it must be entirely clear now to every Member of the House that the rates in this bill are not sufficiently low to permit any competition, that they are not sufficiently low to provide any revenue to the Government, and I shall await with great curiosity an explanation from the other side as to how they propose to raise revenue for the Government under the rates proposed in the cloth paragraph of this bill. They can only do so by completely reversing their position with reference to the Tariff Board, by claiming that whereas a year ago they claimed that the findings of the Tariff Board would favor protected interests, that now the findings of the Tariff Board are unjust to protected interests in that they do not justify as high tariff rates as protected interests are entitled to receive.

But to get back to the cloth paragraph of the cotton schedule. The report of the board shows that duties greater than 5 to 20 per cent can not be sustained from either a Democratic or Republican standpoint.

But that is not all in this paragraph. The bill adds 5 per cent ad valorem for cloth bleached, dyed, colored, and so forth, or what is known as finishing, while the facts presented by the board show beyond peradventure that the cost of finishing is less in this country than in England. I challenge any Member on the Democratic side of the House to defend this additional rate of 5 per cent, and before this debate is over I demand that they either give some reason for imposing this burden upon the people or else strike it out from the bill.

I can not go through the bill in detail within the time allotted me. According to the report of the board, the other rates in the bill are not greatly different than those warranted by the report of the board. Some duties are higher than are necessary and some are lower than are warranted by the report.

The bill as a whole, as stated by the chairman, reduces duties from 48 per cent ad valorem under the present law to 27 per cent ad valorem. The report of the board shows that the rates

can be still further lowered both from a Democratic and Republican standpoint. From computations which I have made, I am satisfied that an average rate of 20 per cent ad valorem can be sustained from a protective standpoint, and surely a higher rate can not be defended from a revenue standpoint.

The gentleman from Connecticut [Mr. HILL] will, I understand, offer a substitute to this bill, levying duties from the standpoint of protection to the American industry. I have carefully gone over his figures, and while some of them are higher than I believe are warranted by the board, yet, recognizing the difficulties of classification, and in view of the fact that the rates proposed by him are lower in the main than in the Democratic bill, I shall have no hesitation in giving it my support.

And in this connection permit me to say that while I have often differed with the gentleman from Connecticut in tariff matters, especially as to the reciprocity bill, too much credit can not be given him for the fearless stand he has taken upon this schedule and upon the woolen schedule. He comes from New England, supposedly the section receiving greater benefits than any other from high protection, but when he has the facts before him as they have been presented by the Tariff Board, he honestly applies those facts to these two tariff bills, regardless of whether such action condemns the Payne-Aldrich bill or not. The American producer has a right to expect protection from undue competition from abroad when the cost of production is greater here. He who demands more than that is not a Republican. He is the greatest enemy the Republican Party has. If in the years to come Republicans generally will follow the example of the gentleman from Connecticut in his treatment of the cotton and woolen schedules, then the principle of protection to American industries will be safely intrenched as one of the established policies of this Nation, and all of the misrepresentations and academic theories of the Democracy shall not prevail against it.

I have said that the general average of the duties in the substitute to be proposed by the gentleman from Connecticut is less than the Democratic bill. The average in the Democratic bill is 27 per cent ad valorem. Now, I ask you to follow me for a moment in the consideration of what these reductions from the Payne-Aldrich law mean to the American people according to Democratic authority.

In the debate upon this bill at the special session the gentleman from New York [Mr. HARRISON], a member of the Ways and Means Committee, stated:

> It is believed by our committee that the revenue will not be materially disturbed and that the burden of taxation upon the American people will be lifted to the amount of $200,000,000.

Mr. HARRISON states that the Committee on Ways and Means believed that this bill will save the American people $200,000,000 annually. While, as a matter of fact, this amount is largely exaggerated, for the purpose of my argument I will assume that it is correct. The Democratic majority can not complain if I make that assumption, for I am merely adopting for the time being their own theory.

If this pending Democratic bill would save the American people $200,000,000 per year, then the Hill bill, by the same reasoning, would save the American people more than $221,000,000 per year, for the Democratic bill reduced duties from 48 to 27 per cent ad valorem, while the Hill bill reduced duties from 48 to 25 per cent ad valorem. In other words, the Hill bill reduced duties 48 per cent while the Democratic bill is a reduction of only 44 per cent.

When the vote is taken upon the Hill bill and the solid Democratic majority vote against it, as I expect they will, I give Democratic Members notice now that they will have some explaining to do in the fall campaign. It will not suffice for them to rail against the Payne-Aldrich law.

It is a matter of sincere regret to me that the Republican minority of the Committee on Ways and Means has not seen fit to indorse the Hill bill in a minority report or offer any bill revising the cotton schedule. I believe the gentleman from Connecticut [Mr. HILL] is the only member of the Republican minority that proposes affirmative action upon the part of the Republicans revising the cotton schedule.

At the special session last year when this same bill was under consideration and just before its passage the gentleman from New York [Mr. PAYNE] made the following motion to recommit the bill:

> Mr. PAYNE moves to recommit the bill H. R. 12812 to the Committee on Ways and Means, with instructions to that committee to hold the bill in committee until the Tariff Board makes report to Congress of the information secured by said Tariff Board in regard to the production, manufacture, use, and consumption of cotton goods, and especially covering every element of the cost of production, and to report said bill back to the House with such provisions and amendments as it may deem proper after examination and consideration of the information so reported by the Tariff Board.

The Tariff Board has reported now. The Democratic majority has ignored that report and apparently a majority of the Republican minority of the Committee on Ways and Means has also voted to ignore it, for otherwise they would have presented as a minority a bill revising the cotton schedule.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. LONGWORTH. With regard to the action taken originally by the minority upon the Hill bill, I can state to the gentleman that it came at a time when definite assurance, practically, had been given by the leader of the majority that a cotton bill would not be reported at this session of Congress. This meeting was called with only a day's notice, and it was the first time that any members of the minority committee had an opportunity to inspect the bill offered by Mr. HILL. Therefore definite action was not taken for the reason stated at the time that the members of the minority desired some further time to look into it.

Mr. LENROOT. Mr. Speaker, I do not, of course, question the statement of the gentleman from Ohio.

Mr. HILL. Mr. Speaker, I concur in the statement of the gentleman from Ohio.

Mr. LENROOT. Mr. Speaker, if the minority members of the Committee on Ways and Means shall vote for this Hill bill when the vote is taken, then I shall regard it as a complete explanation.

Mr. LONGWORTH. Mr. Speaker, I will state to the gentleman that he will be satisfied to some extent, at any rate.

Mr. LENROOT. Mr. Speaker, I, of course, in reading the report assumed that that was the action of the minority committee—it so states that they did not propose to offer any affirmative legislation, and I am satisfied, I say, if that was the attitude of the minority of the committee it does not represent the wishes or the sentiments of the Republican membership of this House.

An overwhelming majority of the Republicans in this House are sincere in their desire that this question be investigated by a Tariff Board, and after investigation honestly and impartially made, they are willing to act upon that information. I am confident that the Hill bill will receive practically the unanimous support of this side of the House.

In line with the position taken by a majority of the Republican members of the Committee on Ways and Means is the attitude of the American Protective Tariff League. As is well known, the American Protective Tariff League vigorously opposed the creation of a Tariff Board, and no tariff could be placed so high that would not meet with its approval. Its membership is made up very largely of that class of citizens who seem to believe that the great purpose of the Constitution of the United States was to protect industrial wrongs. They are loud in their profession of fealty to "constitutional government." They denounce at every opportunity any change in the Constitution, and they grow red in the face condemning such revolutionary theories as the initiative, referendum, and recall. That is, they do that when they fear that those things may interfere in the slightest degree with their control of government and their special privilege existing by virtue of that control.

But such things do not seem dangerous when they would like to use them for their own purposes, to illustrate which I wish to quote from a letter received by me—no doubt similar letters were received by other Members—from Wilbur F. Wakeman, treasurer and general secretary of the Protective Tariff League:

> We earnestly recommend that all tariff reduction measures should be submitted to the people of this country in November. We mean by this that the measures now proposed and pending shall be submitted to the voters of this country, and we have not a doubt as to what the voters of this country will decide.

Reference of these measures to the "mob," or to the "bleachers," as my friend from Kansas, Mr. CAMPBELL, would term it, advocated by the treasurer and general secretary of the American Protective Tariff League! Evidently they regard the referendum as a most meritorious thing when used to delay action against the public interest, but a vicious thing when used in the public interest.

I am not one who fears to submit these matters at the coming election, as is suggested by the American Protective Tariff League, but I want definite proposals by the Democratic Party and definite proposals by the Republican Party as to just what they propose to do, as is done in this case by the gentleman from Connecticut [Mr. HILL].

But there is no occasion for delaying action. If the people disapprove of any action taken by either Republicans or Democrats, that disapproval will find itself evidenced in tariff legislation enacted at a special session of Congress in 1913.

If the Republican membership of this House shall, in the consideration of this measure, show their sincerity in advocating a tariff board by voting for the Hill bill, which will be proposed, their action will do much to insure a Republican majority in the next House. [Prolonged applause on the Republican side.]

Mr. PAYNE. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from New York has 53½ minutes remaining.

Mr. PAYNE. Mr. Speaker, I yield to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, I favor the bill introduced by the gentleman from Connecticut and shall be unable, in any event, to vote for the bill presented by the Democratic majority. I voted for the La Follette wool bill, although I did not like its general plan, and considered it imperfect in many respects, because I believed it removed the most objectionable features in the present law; but when this opportunity of removing these objectionable features and offering relief against them to the people was given to our Democratic friends, the gentleman from New York [Mr. HARRISON], speaking for them, told us that they would revise the tariff in their own time, in their own way, and absolutely according to their own plan, or not at all. For myself this reply was not unexpected. They will have an opportunity now to accept a bill which corrects the errors in the cotton schedule and affords the consumer all proper relief. I expect their answer to the proposition made through the bill presented by the gentleman from Connecticut will be the same as before, but I imagine there will be hereafter less of the talk on their part that they desire to relieve the consumer by lowering the tariff rate, and certainly they must abandon their claim that the Republican Party is not willing to do anything in this direction.

If the Underwood bill, now presented by the Democratic majority, removed any of the objectionable features of the present law, or corrected any evil growing out of it, without causing a greater injury, I trust I am not such a hidebound partisan that I would be unwilling to accept it; but the fact is that it makes no improvement on the present law in any direction, corrects no evil existing in it, and must inevitably injure our manufacturers if put in force.

What can be said in defense of a bill, from the standpoint of any Republican, which raises the tariff on goods which are manufactured cheaper here than abroad—upon which the tariff is now prohibitory—but which lowers the duty on goods which are already being imported in large quantities? The great bulk of the cotton goods used in this country are manufactured at home and sold at a less price than they can be bought abroad and shipped here. Upon this class of goods the rates are now prohibitory. The Democratic bill leaves them prohibitory, and even increases them in some instances. The substantial reductions that are made by the Democratic bill are in connection with the goods as to which our manufacturers now with difficulty compete with foreigners and which, as a rule, are used more largely by people in comfortable circumstances.

On the former discussion of the Democratic bill the gentleman from New York [Mr. HARRISON] admitted that the rates had been raised on some grades, and excused the raise on the ground that the importations of the goods on which the duties were thus raised were inconsiderable and that the rates had been lowered where the importations had been large. I did not expect to find that the bill had in fact taken a form so absurd, but an examination of it shows that a large portion of it is so drawn as to effectively condemn it.

Lest this statement should seem overdrawn, I propose to support it by a few illustrations, of which I could give a large number did my time permit. During the former debate on this bill it was shown from the report that accompanied it that a very small quantity of bleached muslin cloth, valued not to exceed 9 cents per yard, was imported in 1910. The duty on this, according to the same report, was less than 11 per cent ad valorem, and the small quantity imported showed that it was practically prohibitory. This rate is raised by the Underwood bill to 20 per cent. Perhaps a better illustration of how the Democratic bill works out is found in sample No. 9, referred to in the table of samples given in the tariff report. It is bleached cheesecloth, and is manufactured in this country and sold at the mills for 2.62 cents. The selling price in England is 3.62 cents. In such an instance even a nominal tariff of 5 per cent, proposed by the Hill bill, is unnecessary, but the Underwood bill keeps it at 20 per cent. Unbleached sheeting containing not to exceed 100 threads to the square inch is now quoted by all the mills of this country at lower prices than at the mills of England, yet the duty on this class of goods is kept in the Underwood bill at from 15 to 20 per cent. Sample No. 19 of the Tariff Board, bleached Persian lawn, is made cheaper in this country than abroad. The Underwood bill puts a tariff on it of 25 per cent. Sample 46, bleached and printed organdie, is also manufactured here cheaper, and again the Underwood bill puts a 25 per cent rate upon it. In the list of 100 samples of various kinds of cloth given in the Tariff Board's report, 40 are shown to be sold at a less price in this country than abroad without any duty, but the Underwood bill still maintains a high rate upon these goods.

Where the rate is prohibitory, to make a new rate which is still prohibitory means nothing. It is a change, but a change that is needless and useless. Staple cotton goods, as I have before stated, are sold in this country at the mill doors for less than they can be bought abroad. What excuse can be given for maintaining rates of which the instances given above are fair examples? Why not bring them down to those fixed by the Republican bill introduced by the gentleman from Connecticut [Mr. HILL]? I know of no good reason and none can be given unless it be that these goods are largely manufactured by the southern mills; that the southern Democrats are now in control and ready to slash the rates that apply only to the products of the northern mills, but maintain them prohibitory as to factory products of the South. It is true that most of these rates are lower than those under the present law, but the present law affects nobody and injures no one on these staples as to which the American mill is already the cheapest place in all the world at which to buy them. The rates of the Democratic bill are not low enough to affect these mills if they saw fit to go into a combination, rumors of which are now in the air. For real reduction on these goods we must look to the Republican bill, which imposes on them merely a nominal rate.

If the majority desires to eradicate an evil that has grown up under the present law, it might have found an opportunity under the thread schedule. The combination of the thread manufacturers has resulted in the formation of one of the few trusts known to the cotton industry. It would have been supposed, after all the outcry which has been made on the other side against trusts, that this combination would have received a cut in rates deeper than in any other line. A reduction was indeed made, but it was not one that will in the slightest way affect this trust. It should have gone far lower—as the Republican bill does.

When we come to schedules as to which our manufacturers now compete with difficulty with the foreigners, and of which the imports are large and increasing, we find that the revenue principle upon which the Democratic bill was framed has been relentlessly applied. As a matter of course, if severe cuts are made in these schedules the importations will largely increase and we will receive more revenue, but as we do not need the revenue it would hardly seem advisable even from a Democratic standpoint, and certainly this plan can commend itself to no Republican. If more goods are imported, the inevitable result is the displacement of our manufactures and a loss of wages to our workingmen. If the tariff is to be framed for revenue only, this is immaterial. For those, however, who wish to see our money kept at home and our wage earners given employment, this is a matter of the highest importance.

An example of how the bill was framed in relation to goods now imported in large quantities abroad is found in the plush schedule, which is reduced by the Underwood bill more than 40 per cent, and in the report accompanying this bill it was estimated that the 1910 exports would increase under it about $267,000. As a matter of fact, they increased over $1,400,000 without any change in the law, and now it is proposed to nearly cut the rate in two by the Underwood bill. The result of such a proposition will be simply to close the American mills without any appreciable benefit to the consumer and with a great loss to American labor.

Heretofore, whenever the cotton schedule was mentioned, gentlemen on the other side have presented some tables, made by I know not whom, showing inordinate profits claimed to have been made by some of the great mills which manufacture staple cotton goods. The accuracy of these tables has been denied, but I care nothing about the question so raised at this time. Has this bill sought to reach the great mills? No. It strikes at the small manufacturer—the plush-goods makers, the knit-goods industry, the makers of chenille, and the like. In these goods the imports are already large and increasing. Of the plush goods there was three times as much imported in 1911 as in 1910; of chenille twice as much. So severe reductions in the rates on these goods, as are contemplated by the Underwood bill, simply means that in many branches the American mills and manufacturers will no longer be able to compete and must give way to the foreign producers.

The hosiery schedule, as it now stands, may be admitted to be faulty in some respects, especially in that the duty on cheap hose

ought to be lowered. The small mills making hosiery are scattered all over the country, and the gentleman from Connecticut, in preparing the Republican bill, cut this schedule to the bone. My own calculations, taken from the report of the Tariff Board, would indicate that the industry could not stand the rates which he proposed, but I have such a high opinion of him as an authority on this subject that I yield out of deference to his views. The Democratic majority, not content with these rates, proceeded to go still further and lower and make up a hosiery schedule which, according to the report of the Tariff Board, would close every hosiery mill in this country except those making certain brands of a class not easily obtained abroad. What reason can be given for this? On the former discussion of this bill the gentleman from Alabama [Mr. UNDERWOOD] was asked by the gentleman from New York if he did not know that hosiery and stockings, considering the quality, were cheaper in this country than ever before, nothwithstanding an advance of from 25 to 50 per cent in the cost of cotton. The gentleman from Alabama did not deny the claim thus made, but said that it was because of a Republican panic. Where was the "panic"? The same kind of a "panic" now prevails and the same prices on hosiery are maintained. Who is there that does not know that hosiery is cheaper than it was 20 years ago? If there is any doubt upon the subject, I would refer to table No. 4, given by Senator BURTON in his recent speech on the cost of living, which shows the scale of prices on hosiery for each year since 1890. Hosiery is somewhat higher than it was 10 years ago, but the advance is not equal to the proportionate advance in wages or in other commodities. No one claims that there is any trust among the hosiery mills; on the contrary, it is acknowledged that there is the keenest competition between them. This is the only country in the world in which you can buy at any price hose warranted to stand any kind of wear for six months. What reason can be given then for destroying this industry which produced nearly $60,000,000 worth of manufactured products in 1909?

The knit-goods industry, which is so seriously affected by the Democratic bill, paid $44,000,000 in wages to the American workingman, by him again to be distributed to the farmers and other workingmen who supplied the articles that entered into his living expenses.

The gentleman from New York [Mr. HARRISON] stated that the Democratic Members of this House were sent here by the consumers and were interested in the consumers alone. Like the gentleman from Wisconsin [Mr. LENROOT], I know of no one who is merely a consumer except the tramp and individuals whose occupation is that of collecting rents or cutting off coupons. The producer and consumer must stand together. I speak for perhaps the largest class of producers—the American farmer—who has learned by bitter experience that when the mills are closed and the wages of their operatives stop that the market for his produce is gone. He knows that money sent abroad to buy manufactured goods does not find its way back to him. He has found that he and the mill worker must stand together hand in hand to maintain adequate wages for one and a home market for the other.

It is no argument to say that because the Republican bill averages somewhat lower than the Underwood bill that therefore Republicans should be willing to accept it. Averages are no criterion for that purpose. One might as well tell a farmer that a harness which was weak here and there but had increased strength somewhere else averaged well, or that a wagon tongue that was unnecessarily heavy in front and weak to the point of danger at the rear averaged stronger than one which was made of the proper dimensions, or that a corn planter that dropped one kernel in one hill and five in others was averaging the right number. Each separate item of a tariff bill might be utterly wrong and yet be of the same average as one properly prepared. The reductions in the Hill bill, while far beyond some of those in the Underwood bill in some items, continue to give the active, energetic, and up-to-date manufacturer an opportunity to pursue his business and give employment to his men on the American scale of wages, the highest known in the world. The Underwood bill would accomplish nothing except to ruin the manufacturer in certain lines and deprive his employees of their wages.

I have taken the figures which I present from the report of the Tariff Board. It is not necessary at this time to make any defense of this board. The Underwood bill itself furnishes an unanswerable argument in defense of the Tariff Board report. Who is there that does not know that the Underwood bill would not have been drawn in its present form if the report had been in existence when the bill was prepared? The bill now is only adhered to because to change it would be only to admit the necessity of a Tariff Board, and it would be necessary for the new bill to run the gauntlet of another caucus.

The gentleman from Connecticut [Mr. HILL] frankly admits that were it not for the information supplied by the Tariff Board he would not have thought it possible to make the reductions proposed by his bill, and what excuse is given by the Democratic majority for not accepting the rates proposed by him? None whatever, except the statement made by the gentleman from New York [Mr. HARRISON] to which I have already referred, namely, that the majority proposed to revise the tariff in its own way or not at all. I leave it for the public to judge whether this is any defense of the bill in which I have shown such glaring defects to exist.

A favorite phrase with the Members of the Democratic majority when discussing their tariff bills is that they desire to lessen the burdens which rest upon the people. Even the distinguished gentleman from Alabama [Mr. UNDERWOOD] has adopted it.

Well, the Democratic Party has established a reputation as a burden lifter through tariff legislation. By the Wilson bill it took from the workingman the burden of labor and left him free to tramp the road. It took from the manufacturer the burden of keeeping his mill in motion, for nobody had money with which to buy his products. It took from the merchant the burden of attending to his business, for it left him no business which needed his attention. It took from the farmer the burden of hauling his crops to market, for it left him no market worth the hauling.

The Democratic Party never has given the country tariff legislation which has not been followed by financial depression and commercial distress. It has never enacted a tariff measure which after six months of trial the people have not clamored to have torn from our statute books. When sufficient time has expired so that a new generation of voters has appeared on the scene and the memory of its former actions has become somewhat faded, then it seeks to beguile the public once more by raising the cry that a tariff for revenue only would benefit the consumer. It may create a wave of discontent upon which it will ride into power, but history will repeat itself and the people, taught again by bitter experience, will return to take up those principles which have given the laborer employment at the highest wages paid anywhere on the broad earth; which have furnished a market for the crops of the farmer and a demand for the products of the manufacturer; which has kept trade and commerce in motion and given a degree of prosperity to this Nation that has never before been equaled. [Applause on the Republican side.]

Mr. UNDERWOOD. I yield to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, the following official letter was given to the public press by the writer at the same time that it was sent to the recipient. It is deemed perfectly proper that it should be disclosed for the benefit of Congress; therefore I submit it under leave to extend my remarks in the RECORD.

The letter is as follows:

WAR DEPARTMENT,
Washington, July 30, 1912.

Hon. W. C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

MY DEAR MR. ADAMSON: I have had brought to my attention the report of your committee on the omnibus dam bill (H. R. 25882), in which you discuss my objections to the said bill in its present form. I have also had brought to my attention the debate in the House yesterday on the same subject.

You quite misunderstand my position if you think that the question of the right to obtain compensation for the Federal Government from the grantees of the privileges conveyed by these bills is merely theoretic. On the contrary, it is one of the most practical questions confronting the War Department at the present time. One of the most important engineering projects now confronting the country is the method of improving our navigable rivers by what is known as the "slack-water" method. This method is applicable to a very large number of rivers in this country, which in their natural condition are too swift or too shallow for ordinary commerce. The method consists in building throughout the length of these rivers a series of dams, by which the river is converted into a succession of deep pools adequate for commerce of a far more important character than what could use the river in its unimproved condition. In fact, many rivers which are not capable in their natural state of being used at all commercially can by this method be made useful and available for important commerce.

As you may know, under sanction of Congress this "slack-water" method of improvement is being applied already to very many of our rivers, including the Ohio, the Monongahela, the Muskingum, the Little Kanawha, the Great Kanawha, the Big Sandy, the Kentucky, the Green, and Barren Rivers, and very many others unnecessary now to enumerate. The method, however, is an expensive one, and on account of its cost the Nation has as yet been unable to extend it to countless streams where it would be very useful.

Most of the dams thus constructed in a "slack-water" improvement, particularly in the rapid portions of the streams, will create water power of commercial value. Now, it is manifest that unless the commercial value of the water power thus created can be applied by Congress toward continuing and extending this method of improvement of the stream in question a very much greater financial burden for the improvement of the stream will fall upon the general taxpayers of the country and will therefore necessarily retard and postpone the im-

provement of our rivers for navigation. On the other hand, if Congress avails itself of this asset and applies it to the improvement of the navigation of our rivers the Nation will be very much more speedily placed in the condition of having all of its rivers available for commerce.

Again, as a matter of constitutional law, I can not see that it makes the slightest difference whether the Federal Government builds these dams in the first place at its own expense, thereby, as is generally agreed, obtaining for itself the value of the water power thus created, or whether, assuming that the stream is navigable and the dam an element in the improvement of the stream, the Government chooses to have the dam constructed by a private person as its agent, giving to the private person in return for his action a portion of the value of the water power created. By thus combining the improvement of the river for navigation with the legitimate desire of private parties to develop water power in that neighborhood a great improvement in the navigation of the river can be initiated through this cooperation at a time when otherwise the improvement might be indefinitely delayed. What the Government has the right to do by itself in the interest of navigation it can do through the agency of another.

Now, I am informed by the Chief of Engineers that every one of the rivers included in the omnibus dam bill (H. R. 25882) is susceptible of improvement by the "slack-water" method, and that each of the dams for which the permit is asked will create pools which may be made available for such an improvement. My former recommendations to you, when the bills were first sent me, were intended to bring out this fact. Unless this bill is amended so as to give to the Secretary of War authority to exact proper compensation for the right thus created and to apply it to the future improvement of the navigation of the river by other dams, I do not believe that I have authority under the general dam act to exact such compensation. While its construction is not free from doubt, I believe that the compensation which the general dam act authorizes the Secretary of War to exact would be limited to compensation sufficient to maintain the physical condition of the dam and its locks, and, if necessary, to compel the dam to be torn down or modified should it in future be deemed an obstruction in the river. If you agree with me in the propositions I have heretofore attempted to set out, I think you will agree with me that Congress should not leave the power of the Secretary of War in these premises in any doubt or confusion. In the report of your committee you do not inform me flatly whether your view coincides or differs with mine on this point. You do not, in other words, inform me whether you think that the conditions which the general dam act authorizes me to impose will include compensation of the character which I have outlined above. In the interest of harmonious cooperation by my department with your committee on a subject within our joint jurisdiction and which is of such a great public importance, I should be very glad if you would kindly advise me as to this question.

The development and utilization of these water powers is a most important matter and should not be delayed. The development of the navigability of our rivers for commerce is of equal importance and merits equally prompt treatment. A solution, therefore, which will permit both developments to go hand in hand and by which the interests of the public will be protected and not sacrificed should not be retarded through uncertainty or ambiguity in the phraseology of a statute.

Very respectfully,

HENRY L. STIMSON,
Secretary of War.

It is equally appropriate that the following official reply to the foregoing letter should be communicated to Congress and to the public, therefore, at the same time that the letter is transmitted to the War Department. I submit it also to the consideration of Congress under the same permission to extend my remarks in the RECORD.

The letter is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C., August 1, 1912.

Hon. H. L. STIMSON,
Secretary of War, Washington, D. C.

DEAR MR. SECRETARY: I have received your communication of the 30th ultimo in relation to certain dam bills now pending. I appreciate the kindly spirit of your letter and assure you that, in common with the committee over which I have the honor to preside, I appreciate your situation and honor your high character and great ability. I would be glad to secure your cooperation in promoting the interests of the people by permitting progress on the projects in question. Your letter presents a singular admixture of correct statement of facts long well known, unwarranted conclusions, and erroneous opinions of both law and fact.

Your *apt description* of the shoal rivers of the country, the method in vogue to a limited extent of pooling them by dams to permit slack-water navigation, clearly depicts the situation apparent to us all 15 years ago when we undertook the discussion and preparation of a general dam act to serve the double purpose of aiding the Government to hasten the navigation of those streams by consenting for the owners of the shoals and the riparian lands to develop their water power and use it at their own expense. It was estimated that projects had been approved to the amount of about $400,000,000 to be promoted by the Government at the cost of the Treasury.

There were other streams and parts of streams, however, capable of navigation by the slack-water method where no projects had been approved and where the Government had no purpose of spending any money in the near future. To make these navigable it was estimated would require about $600,000,000 more. The people who needed the transportation to be afforded by those rivers were dismayed by the remote prospect of improvement by the Federal Government at the rate of progress being made. Nobody believed that the billion dollars necessary to improve all of those streams would be expended by the Government in centuries. It is slow progress being made toward the completion of even the approved projects. Many shoals on the streams where no projects had been undertaken nor even considered by the Government invited the development of valuable water power, which, by the dams constructed, would create ponds or lakes and make navigation of large extent and value. Yet, as the Federal Government asserted jurisdiction over every stream any part of which was nominally navigable, dams could not be built therein without the consent of the Government. Where the Government was willing to incur the expense of the lock and dam, acquiring property rights, and paying for riparian rights, and all other expenses, it would thereby become the property owner as well as the sovereign. As such owner of the premises it would also own the power generated and could sell or lease it. The former owners having been paid by the Government for the land taken or overflowed by its action, purchase, or condemnation would be satisfied and the consumers of power would be content to lease it from the Government.

The difficulty was the projects were so numerous and expensive that it was and still is impracticable for the Government to construct and operate all those enterprises rapidly enough to promote the interests of the people, the development of the country, and the navigation of the rivers. So the general dam act was formulated, not to operate on Government projects at all, but to permit the owners of shoals and riparian lands to improve the water power on sites where the Federal Government had neither approved nor contemplated any projects on condition that the structures should conform to the direction of and meet the approval of the War Department, so as to foster and promote navigation in harmony with any present ideas on the subject of improving the streams or any plans that might be adopted in the future, to that end even giving way and going out of existence if subsequently plans should be adopted inconsistent with the use of the structure. In that act we did not trench at all upon any enterprise or right of the Government as to any projects or interests of its own, but limited its scope to granting the consent of the Government for property owners to utilize their property which the Government was not ready to take or to use, on condition that in so using their own property the owner should conform to any general plans for the improvement of the stream and help the Government by such structure as would promote navigability, which the Government might not yet be ready to promote at its own expense.

Some of the conditions which the Secretary of War may impose in approving plans are as follows, taken from the general dam act:

"Such dam shall not be built or commenced until the plans and specifications for such dam and all accessory works, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and the Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such dam and accessory works; and when the plans and specifications for any dam to be constructed under the provisions of this act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans or specifications either before or after completion of the structure unless the modification of such plans or specifications has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *Provided*, That in approving the plans, specifications, and location for any dam, such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate, without expense to the United States, in connection with any dam and accessory or appurtenant works, a lock or locks, booms, sluices, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress at any time may deem necessary in the interests of navigation, in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock or other structures for navigation purposes in connection with such dam, the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States free water power or power generated from water power for building and operating such constructions: *Provided further*, That in acting upon said plans as aforesaid the Chief of Engineers and the Secretary of War shall consider the bearing of said structure upon a comprehensive plan for the improvement of the waterway over which it is to be constructed with a view to the promotion of its navigable quality and for the full development of water power; and, as a part of the conditions and stipulations imposed by them, shall provide for improving and developing navigation, and fix such charge or charges for the privilege granted as may be sufficient to restore conditions with respect to navigability as existing at the time such privilege be granted or reimburse the United States for doing the same, and for such additional or further expense as may be incurred by the United States with reference to such project, including the cost of any investigations necessary for approval of plans and of such supervision of construction as may be necessary in the interests of the United States.

* * * * * * *

"SEC. 2. That the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built in accordance with the provisions of this act, a suitable lock or locks, booms, sluices, or any other structures for navigation purposes, and at all times to control the said dam and the level of the pool caused by said dam to such an extent as may be necessary to provide proper facilities for navigation.

"SEC. 3. That the persons constructing, maintaining, or operating any dam or appurtenant or accessory works, in accordance with the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise. The persons owning or operating any such dam, or accessory works, subject to the provisions of this act, shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe, and for failure so to do in any respect shall be deemed guilty of a misdemeanor and subject to a fine of not less than $500, and each month of such failure shall constitute a separate offense and subject such persons to additional penalties therefor.

"SEC. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail, after receiving reasonable notice thereof, to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War, including the payment into the Treasury of the United States of the charges provided for by section 1 of this act: *Provided*, That Congress may revoke any rights conferred in pursuance of this act whenever it is necessary for public use. * * * *And provided also*, That the authority granted under or in pursuance of the provisions of this act shall terminate at the end of a period not to exceed 50 years from the date of the original approval of the project under this act, unless sooner revoked as herein provided or Congress shall otherwise direct.

* * * * * * *

"SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof

to the owner or owners or any other persons interested in any dam which shall have been constructed in accordance with its provisions."

* * * * * * *

Severe pains and penalties follow the disregard of those conditions when imposed or if projects be undertaken before they are imposed. Every interest of the Government is safeguarded if the Secretary of War does his duty in accordance with the provisions of the act. In your former letters you suggested that the pending bill be so amended as to authorize you to regulate the charges and the relations between the power company and the consumers, also to authorize you "to fix a charge for the privilege granted." I respectfully suggest that when the transmission wires cross State lines and the company engages in business between different States there is no doubt that then, and not until then, the right and power of Federal regulation attaches under the commerce clause of the Constitution. Otherwise the Federal Government has no concern with those relations, which are strictly within the jurisdiction reserved exclusively to the States. In every bill reported we have expressly required State action and responsibility as a condition of consent by providing in every instance where the promoters are not already shown to be authorized by the State that the consent shall take effect only when so authorized by the State wherein located.

Your other demand, which seems to be the leading if not the main topic of your last letter, is that the Secretary of War be authorized by amendment of each bill to "charge for the privilege granted," and you ask whether or not that power is clearly conferred upon you by the general dam act. There is no doubt that the act authorizes you "to fix charges for the privileges granted," for it expressly says so.

The difficulty arises from inability to agree as to what constitutes the privilege granted. We believe the consent to be to build a dam on the builder's own land at the builder's own expense and risk, in strict accord with plans and purposes of the Government in order, without expense to the Government, to create slack-water navigation for the Government as complete and satisfactory as if the Government had incurred the expense of several hundred thousand dollars to accomplish the improvement, which, it seems to us, constitutes some compensation for the privilege. The power of control, condemnation, and taxation over the promoters, their customers, and their property, is in the State. I observe that in reporting on two bills proposing dams at one site you insist on the same conditions where a city desired to build a dam for public utility as you sought to impose on a water-power company. It seems to me your argument led you up to a rather strange position when you failed to relax or modify your insistence at that point. The general dam act confers upon you all the powers in respect to fixing compensation that Congress can constitutionally delegate. The difficulty in making progress under the general dam act is not found in peril to the rights of the Government or of the people, but consists in securing or, rather, failing to secure capital available to assume the burdens and risks of operation under the conditions imposed. Capitalists hesitate to operate and build under the hard and possibly unprofitable exactions of the general dam act. Your suggestion of a scheme by which the Government can make the landowner the agent of the Government, gratuitously to build, at his own expense on his own land, a lock and dam which he will operate for the benefit of the Government and under the direction of the Government as to navigation and in addition give to the Government the profits from water power with which the Government may build another dam is a splendid idea if you can find capitalists easy enough to be worked that way, but practical experience fails to find that kind of capitalists.

As to the 10 projects pending, it is indicated by the reports of your engineers that the Government will probably not undertake the improvement of navigation on any of the streams involved for generations to come, but that the prospect of profitable water power may induce capitalists to promote slack-water navigation for the benefit of the Government and the people, under the direction of the Government, if permitted to use the water power developed at their own expense for the benefit of themselves and the people, thereby relieving the people from the oppressive exactions of coal and transportation monopolies.

The only exception among the 10 projects is the one on the site of Lock and Dam No. 18, on the Coosa River, which is one of thirty-odd projects planned by the Government more than a quarter of a century ago. Only three or four of the thirty-odd dams have been constructed on a stream which the expenditure of fifteen or twenty million dollars would convert into the most important domestic waterway in this or any other country, providing cheap transportation for over 900 miles of river through the best country and among the best people the world ever saw. Yet with all the prevalent talk by people who do not correctly apprehend existing conditions, this work of such transcendant importance is held in abeyance, the Government failing to proceed itself and misguided objectors refusing to allow its accomplishment by private capital on terms alike beneficial to the promoters, the Government, and the public. Reporting that project is an exception to our rule and was not originally contemplated by the general dam act, but the Government is not proceeding with it nor with about 30 others on the same stream. In this case capitalists propose to take up the plans of the Government, build the dam and lock as specified by the Government, save the Government all expense, promote the navigation by a long pool of slack water, and comply with any terms the Secretary of War may impose. He has it under the immediate care and supervision of the Board of Engineers, and there is no possibility of loss or injury to anybody if the Secretary of War and the Chief of Engineers do their duty.

As to these 10 projects, I think you are demanding a great deal, and I trust you will not use your powerful official position and personal influence to obstruct and arrest the universal development of resources promised in these projects for the relief of people all over the country from the clutches of monopoly and trusts to enable them to enjoy prosperity in their day and generation. I know you would not purposely do so, but your views are contrary to the reports of your engineers; they are in conflict with the opinions of lawyers and practical business men everywhere and inimical to the interests of all the people.

Instead of conserving resources, as vainly pretended by some people, those views oppose progress, deny to the people the use of the bounty with which nature has blessed them, and antagonize local authority and responsibility. But you may be right, and we may be wrong, on these propositions. If you think so, please advise those Members of Congress who entertain your views to refrain from obstruction and objections which prevent consideration of those bills. It is impossible to debate or amend them unless their consideration is permitted. Let them withdraw their objections to consideration and then offer on the floor of the House the amendments you suggest. Then the amendments can be debated and voted upon, but not otherwise. That is the only fair and candid course to pursue. If Congress wishes to adopt those amendments, it will certainly be able to do so, regardless of our position, if those who insist on amendment will only be consistent and permit Congress to consider and vote upon their amendments. Our own view is that even if you are correct in insisting on your amendments, they ought to be placed on the general dam act instead of in each particular bill. We have now taken up again the consideration of amending the general dam act. We think it wise to promote harmony in a general plan by a general act, rather than to make the various individual bills extended and inharmonious codes of contradictory provisions. We shall ask you and all other objectors and critics to furnish us suggestions and drafts of proposed amendments. So anxious are we to permit progress, development, and prosperity among the people that, as far as right and reason may permit, we are willing to yield our views in order to obviate the objections of those persons in and out of official life who obstruct the concurrent development of water power and promotion of navigation, which by fair treatment to property owners and constitutional recognition of local and personal authority and right may be secured without cost to the Government.

There is a great evil connected with the subject never mentioned in the many reformatory suggestions offered. The more drastic the terms of our consent the less able are the ordinary citizens of moderate means to develop their water-power sites, which but for Federal embargo they would be able to improve in a manner commensurate with their financial ability. Unable to hold unremunerative property, they are forced to sell on the best terms obtainable to those who have the money. The purchasers buy up many of these sites, not for the sole purpose of improving them and charging high prices for the power, which seems to be the only thing dreaded by the critics of the general dam act. The States can regulate those charges, and, unhampered by Federal claims, could and would regulate the property rights. The purchasers may sell one at a high price to somebody else to develop and hold the other sites on speculation, or they may, and often do, improve one and hold all the others to prevent their improvement to create competition. That is the most common form of the evil, though if the Government seeks to improve one or more of the sites for navigation it finds the difficulty and expense of condemnation to be prohibitive. Development of water power and navigation is halted by the effective holdup, unless the Government submits to terms which enrich the masters of the situation. The public will welcome a remedy by amendment of the general dam act, the amendment or enforcement of the antitrust act, or by any other method, but all the other suggestions made sink into insignificance in comparison with the trouble herein referred to.

With high regards and best wishes,

Yours, truly, W. C. ADAMSON, *Chairman.*

Mr. CONNELL. Mr. Speaker, with mingled feelings of grief and hope I listened this afternoon to the oration of the gentleman from Illinois [Mr. MANN]. I rise to praise it, not to adversely criticize it. This I say because I believe that when the course of an individual or a party has been run, justice, as well as custom, grants to the departed the benediction of a funeral discourse. Therefore, Mr. Chairman, do I, in the name of the admiring and advancing hosts of Democracy, embalm forever in the amber-like history of this day the classical, biblical, tearful, yet hopeful political funeral oration over his party of the distinguished gentleman from Illinois. It was an effort worthy of the subject, for notwithstanding all that has been said by its members on this floor of late concerning its most recent performances, the Republican Party will not be denied the tribute of an eloquent and comprehensive funereal farewell. Thanks to the devoted gentleman from Illinois, no facetious Democratic orator can wax dramatic during the campaign and exclaim, as he struts the rostrum describing the Republican Party, with these lines from Shakespeare:

> But yesterday the word of Cæsar might have stood against the world;
> Now lies he there, with none so poor to do him reverence.

How can we ever forget the picture, rhetorical yet melancholy, which the gentleman from Illinois drew of this fair land as he peered into the future and illumined with his imagery the consequences of coming Democratic victory. Piles of twisted machinery here, bleak wastes of abandoned lands over yonder, while from out the débris stand silent and smokeless the chimneys of a million factories. As the orator proceeded with this lugubrious oration methought I saw the ghost of energy and the flitting shade of prosperity dolefully hovering over the country in which they once lived. And then I am sure I heard some wailing voice sobbing in the distance, "Hard times come again no more," while the American people, so industrious, so thrifty, so inventive, so enterprising, and so optimistic under Republican rule, in one horrible resolve dropped all and straightway took to idleness, indifference, and self-inflicted disaster. "Oh my countrymen, what a fall was there."

Then I remembered that for well-nigh two years a Democratic majority has been in control of this branch of the Government, and I wondered how the country had survived through it all, when there came to my mind a brief editorial note in the Republican New York Sun of this morning, as follows:

CHEER UP!

We are not so bad off after all. Here are a few things culled at random from the news in the Sun of yesterday:

Wheat dropped 8 cents a bushel.
The harvests promise to be unusually good.
The price of copper is high.
The coal trade is brisk.
A serious car shortage is promised owing to trade activity and the crops.
Europe owes us a large trade balance.
Congress will adjourn within a month.
And—
It will be lawful to shoot the bull moose full of holes on November 5.

But the gentleman from Illinois left us a few peeping rays of hope. He admitted that even after Democracy had done its worst the sun would still shine, the streams would still flow down to the wider waters, the rain would fall, and the crops would grow. Oh, gracious admission; oh, rainbow of promise, how glorious thou art!

Let no man hereafter say that the gentleman from Illinois is not a progressive Republican, for were he a real standpatter he could not have admitted so much. The standpat phophecies which have made this session of Congress grewsome as well as memorable are all against him, for in those dire forecasts the moon is to lose its mellow light, the sun is to stand still evermore, since it will have nothing worth while to shine upon; crops are to be withered in the blow, and blossoms are to congeal into ice balls in the orchards, while ghastly death wraps all in its smoky mantle, and all on account of Democratic victory.

Surely the admission of the gentleman from Illinois is as a sunbeam through a keyhole to the wretch inside. It is for this reason that I would, if I could, enrich with every gem of literature the funeral oration over the party of the gentleman from Illinois; but the Democracy is already upon us, we hear the rumble of its chariots and discern through lifting mists the splendor of its legions. So we join the gentleman from Illinois and say—

To call the field to rest: and let's away
To part the glories of this happy day.

Mr. AUSTIN. Mr. Speaker, I ask permission to extend my remarks in the RECORD by publishing a letter addressed to the Secretary of War, and his reply to the same, in regard to a water-power bill I introduced and which was favorably reported upon by the Committee on Interstate and Foreign Commerce.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. AUSTIN] asks unanimous consent to extend his remarks in the RECORD by printing certain letters. Is there objection?

There was no objection.

Following are the letters referred to:

HOUSE OF REPRESENTATIVES,
Washington, D. C., August 1, 1912.

Hon. HENRY L. STIMSON,
Secretary of War, Washington, D. C.

DEAR MR. SECRETARY: I am inclosing copy of H. R. 24028, with report upon the same from the Committee on Interstate and Foreign Commerce. This bill, as you will see, provides for the construction of locks and dams on the Clinch River, Tenn. This is a unanimous report, and a measure in which the people I represent are vitally interested.

The survey of the Clinch River was authorized by Congress 12 years ago, and as a result a project was recommended for its improvement for navigation for 75 miles. The project provided for crib dams, to cost $1,400,000. This would give slack-water navigation all the year round and enable the coal operators of the district to ship coal by water—cheap transportation.

The coal fields of my district are 300 miles nearer New Orleans than the coal fields of western Pennsylvania. We are completely shut out of the New Orleans and lower Mississippi River markets on account of not having the Clinch River improved. Millions of tons of coal are shipped from western Pennsylvania to New Orleans, and not a ton from my district. It costs about a dollar per ton to ship coal from Pennsylvania to New Orleans by water and $2.25 from my district by rail. As a result, of course we do not sell any coal in New Orleans. If the Clinch River was improved, we would get into this market, and as a result receive our share of the business.

The town in which I live, Knoxville, with a population of over 80,000, and extensively engaged in the manufacturing business, is compelled to pay 50 cents per ton on transportation by rail on steam coal from the mines, 30 miles distant. With the improvement of Clinch River and cheap water navigation we would reduce the cost of this transportation as least one-half.

There are extensive beds of undeveloped iron ore, zinc, and onyx on the Clinch River that could be developed if said river was improved.

In addition to the district engineer recommending the improvement of this river, the Board of Army Engineers only recently pronounced it a meritorious proposition, but did not recommend its immediate improvement.

When the project was recommended for the improvement of Clinch River at a cost of $1,400,000, labor and material was much cheaper than at present.

The Tennessee Hydro-Electric Co., mentioned in the inclosed bill, proposes to build these locks and dams at its own expense, thus relieving the National Government of the expense, etc., of said improvement. Instead of building crib dams, this company would put up concrete dams—more lasting and expensive. This private company would also pay the damages caused from the overflow of farming lands, etc., and maintain, at their expense, the operation of the locks on said river.

Considering the importance of the river and the number of miles to be improved by navigation, I believe this is the best proposition that has been submitted to Congress in the way of compensating the Government for the use of the power to be generated by the construction of locks and dams on a navigable river.

I am endeavoring to pass this bill, and the Speaker has agreed to recognize me to make a motion to suspend the rules and place it upon its passage.

In view of everything that has been published in the press, including a letter that you have only a few days ago written to the chairman of the Committee on Interstate and Foreign Commerce, I would be pleased to have you write me if, in your judgment, this bill meets with your approval, and if not, kindly point out what changes, in your judgment, should be made.

If you are of the opinion that a certain amount should be paid per horsepower per annum, kindly state said amount, and also if you do not think that the company should be credited with whatever amount your department should find they had expended in providing locks and dams, payment of overflow or damage to property, and annual cost of maintenance and operation of locks.

Thanking you in anticipation,
Respectfully,

R. W. AUSTIN.

WAR DEPARTMENT,
Washington, August 1, 1912.

Hon. RICHARD W. AUSTIN,
Representative in Congress, House of Representatives.

MY DEAR MR. AUSTIN: I have your letter of August 1, 1912, and have carefully considered all you say, as well as House Report No. 895, in support of H. R. 24028, authorizing the construction of locks and dams on the Clinch River, Tenn.

As I stated in my letter to Chairman ADAMSON, I believe that one of our great needs is the development of our waterways in the interest of navigation, and this development can be correlated with the much-needed utilization of water-power sites on our navigable streams. Specifically I believe that the public interest will be furthered by the general project on the Clinch River, for the carrying out of which the authority of the Federal Government is sought by H. R. 24028, and I believe that the interests of navigation, the development of commerce, and the fruitful utilization of the water-power sites on the Clinch River can all be reconciled with a proper safeguard of the public interest in the amendments I have heretofore suggested.

Apparently the only difference between the House committee and me is as to the existence of adequate power under the general dam act. To say the least, there is the gravest doubt whether, under the general dam act, I now have the power to exact compensation as one of the conditions for the grant of the privilege, the proceeds of which are to be used in the interest of navigation. If we are agreed that the Secretary of War should have such power, its existence should be put beyond doubt, and there can be no reasonable opposition to the amendment which I suggest. I inclose herewith a draft of the amendment which carries out the suggestions I have made. Of course I believe that a grantee should be credited with all reasonable outlays and contributions in the way of works that relieve the Federal Government from otherwise necessary expenditures. All these and similar considerations are matters for specific adjustment in each case, for, as you will notice, my amendment provides for the fixing of a reasonable charge "under all the circumstances" and for making all due allowances. Undoubtedly proper account should and will be taken for the investment of capital, energy, and enterprise.

As to the second part of the amendment, the committee is of the opinion that the reservation of the right to supervise the price charged to the consumer is sufficiently guarded by the provision reserving the right "to alter, amend, or repeal the act." The reservation of this right to control the charges in nowise involves any presumption that "the several States will be derelict in their responsibility" to the people. There is every reason for presuming the heartiest cooperation between the State and National authorities in the adequate protection of the public in these matters. But the extension of the hydroelectric industry is increasingly becoming an interstate matter, and due provision should be made to guard against the lack of power of the State adequately to control the situation, no less than the exercise of such power as it may have. I, therefore, think that, as a general principle, the reservation of this right to the Federal Government should be made in every bill granting the privilege on a navigable stream. It is true, broadly speaking, that the right to alter or amend caries with it the power to exercise this right in the future. However, I think it is important specifically to reserve this right now, with due notice in advance to all, rather than to unsettle in the future an established situation. Here, again, if the power, as the committee says, is already contained in the general terms of the general dam act, there should be no reasonable objection to its specific expression. This particular amendment embodies in haec verba the amendment introduced by Senator BURTON to the general dam act in his bill S. 6796.

In short, as I have heretofore stated, my amendments merely carry out the carefully considered recommendations of the National Waterways Commission, and spring from the heartiest sympathy with the most effective development of our waterways.

Sincerely, yours,

HENRY L. STIMSON,
Secretary of War.

(Copy of amendment to the omnibus dam bill, H. R. 25882, inclosed in letter dated July 30, 1912, from the Secretary of War to Representative WILLIAM KENT.)

Page 5, at end of line 12, insert the following:

"*Provided*, That in carrying out the provisions of this act the Secretary of War is authorized to require, as one of the conditions and limitations of the privileges herein granted, that the grantee pay periodically to the United States such sums as the Secretary of War may fix as being reasonable under all the circumstnaces, including due allowance for operating, maintenance, renewal, and depreciation charges, and a reasonable return to the grantee, the proceeds to be used for the development of the stream in respect to which the privilege is granted or waters connected therewith: *And provided further*, That there is hereby reserved to the Federal Government the right to control the charges for service to the consumers in the event that the law and authority of the State or municipalities where the service is being rendered prove inadequate to protect the public interest."

Mr. UNDERWOOD. Mr. Speaker, I would like to inquire how much time has been used?

The SPEAKER pro tempore. The gentleman from New York has 37½ minutes remaining and the gentleman from Alabama has 1 hour and 29½ minutes remaining.

Mr. UNDERWOOD. I will say to the gentleman from New York that I do not expect to yield any further time, and there will be one speech in closing, except I may yield to some gentleman for a minute to extend his remarks. I therefore ask the gentleman to use some of his time.

Mr. PAYNE. I yield 15 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, when I voted for the Payne bill I voted for a bill which in its operation is shown to be lower

in average rates both upon all imports of merchandise and upon dutiable merchandise than the Wilson bill of unfortunate memory. And this illustrates most strikingly the difference between Republican and Democratic tariff bills—the difference between tariff bills framed without regard to their effect upon the industries of the country and without due knowledge and understanding, and bills framed for the purpose of producing sufficient revenue and at the same time keeping the wheels of industry humming and affording abundant opportunities for American labor.

The Republican Party has found that it is possible to maintain prosperous conditions in the country, to keep our mills and factories in operation, under a tariff bill whose average of rates is lower than those of a Democratic tariff bill, under which our industries went into bankruptcy and our people were unable to find employment. We now have before us two bills affecting the cotton industry—a Democratic bill, drawn without regard to its effect upon industries, upon the confession of its authors without regard to them, and a Republican bill, drawn upon full information furnished by the Tariff Board, every item of which has been carefully considered with a view of keeping American mills running and American operatives employed; and yet the Republican bill is lower in its average rates than the Democratic bill. As has been conclusively proven, in my opinion, by the gentleman from Connecticut [Mr. HILL] and the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Iowa [Mr. GREEN], the practical effect of the two bills would be as wide apart as has been the effect of the Payne bill, on the one hand, and as was the effect of the Wilson bill, on the other. High rates are not in all cases essential to due and proper protection, and all that the Republican Party has ever stood for in its policy of protection are rates high enough to enable Americans to compete fairly with their foreign competitors, to keep the mills and the factories open, to keep industries in operation, to keep our people employed at good wages. I shall vote with a great deal of pleasure for the Republican bill affecting the cotton schedule, which is lower, on the average, than the Democratic bill, and yet so drawn as to protect our people, while the Democratic bill would prove destructive to those portions of the cotton industry which depend on skilled labor and particularly the knit-goods industry.

But I did not intend, Mr. Speaker, to discuss at any considerable length the bill now before us, but I propose to discuss in the time at my disposal some of the issues of the coming campaign.

The two great national political parties, each in the midst of storm and stress and contention, have nominated their candidates for the highest office in the gift of the American people. Both of the men nominated are of high character and honest purpose. Neither of them would, if elected, willfully or intentionally do anything or countenance the doing of anything which he did not believe was for the best interest of all our people. Either could be depended upon to so perform the duties of his high office as to safeguard the liberties of the people, and neither would do anything which he believed would directly or remotely change the fundamental character of our political institutions. Mr. Taft and Mr. Wilson are good and able men of wide learning. Both are progressive; neither is revolutionary.

Having said this much of qualities which these two men possess in common, we have reached the point where their marked differences of temperament, of experience, and of political and economic philosophy become apparent. President Taft is a man of the widest and most varied experience. He has been referred to by high authority as the best equipped man ever elected to the Presidency. To great natural ability and broad educational training was added years of experience as a Federal judge, before whose court came some of the most important cases in our legal history, cases involving the fundamental principles of the rights of labor, issues challenging the acts of great combinations of capital, serious problems, of receiverships of railway systems forced into bankruptcy in the dark days of Democratic administration. Judge Taft, blazing the way, *upheld* the *rights of labor, dissolved illegal combinations of capital*, and wisely performed his duty in connection with the rehabilitation of the shattered arteries of commerce.

Called to other responsibilities, he proved himself a splendid administrator in the Philippines and an able diplomat and mediator in many difficult situations. His administration of the War Department was in keeping with the splendid record he had made in other fields. In view of all this it was not strange that a President, who generally displayed excellent judgment in calling strong men into his councils, should have approved him as his successor in terms of almost extravagant commendation and praise. Three and a half years as Chief Executive of the Nation has revealed the President to the American people as the *broad-minded widely sympathetic man* that he is, *free from all bias and prejudice;* in active sympathy with, and having a fellow feeling for all *classes* and *conditions* of his fellow citizens without regard to *race, belief, or condition.*

President Taft has not had the knack of appealing, as some others have, to the popular fancy, but he is acknowledged by all to hold the perpetuity of our Government and the welfare of the people above all personal ambition. In the past year a condition has existed on our southern border in Mexico, and recently in Cuba, that might well tempt an *ambitious man or even an impulsive one* to have taken action which would have plunged the country into war with all its evils, its enormous waste of the people's money, and wanton sacrifice of precious lives. But through it all the President has so guided our affairs as to protect our citizens, preserve the national honor, maintain the respect and confidence of our neighbors and of the world, and save the people from the horrors of bloody conflicts. How different the story might have been, approaching presidential nominations and elections, under a less wise, unselfish, and patriotic leadership.

THE DEMOCRATIC CANDIDATE.

When we turn to the Democratic candidate we see a man whose life has been spent, in the main, among books. We find him displaying to a marked degree that curious lack of appreciation of the actual struggles and problems of the average man, coupled with a cocksureness of opinion relative to practical problems to which he is an absolute stranger, which often characterizes men whose lives are thus spent. Of learning, such as the books give, he has a plenty; of practical experience with the real basic problems of mankind, industrial and political, precious little. He writes well, speaks with fluency, and hence, has written and spoken much; and much it would have been well for his presidential aspirations had he not spoken or written; and yet these utterances before they became tinctured with presidential aspirations, revealed the true spirit of the man. He was a Virginia-born Democrat of the old school, having no sympathy with and little tolerance for either the doctrines or leaderships which new problems and advancing movements in the country developed. His expression of the hope "that some way could be found to knock Mr. Bryan into a cocked hat" like his disapproval of the initiative and referendum and other plans for giving the people a more effective and direct voice and control in the selection of candidates and the enactment of legislation on the ground that "our Government is most safe when least democratic," were characteristic of the man at a time when he felt free to express his real sentiments.

DR. WILSON ON UNION LABOR.

No true friend of labor can read with approval the sentiments which Dr. Wilson expressed in an address at Princeton in June, 1909, as follows:

> You know what the usual standard of the employee is in our day. It is to give as little as he may for his wages. Labor is standardized by the trades-union, and this is the standard to which it is made to conform. No one is suffered to do more than the average workman can do. In some trades and handicrafts no one is suffered to do more than the least skillful of his fellows can do within the hours allotted to a day's labor, and no one may work out of hours at all or volunteer anything beyond the minimum. I need not point out how economically disastrous such a regulation of labor is.
>
> It is so unprofitable to the employer that in some trades it will presently not be worth his while to attempt anything at all. He had better stop altogether than operate at an evitable and invariable loss. The labor of America is rapidly becoming unprofitable under its present regulation by those who have determined to reduce it to a minimum.
>
> Our economic supremacy may be lost because the country grows more and more full of unprofitable servants.

Is a man qualified for the great office of the Presidency who holds such an opinion of American labor and of the effect of labor unions? Is he qualified for any position in public life, and how can any friend of labor or unionism support such a man?

HIS VIEW OF IMMIGRANTS.

Several years ago Mr. Wilson wrote what he was pleased to call a "History of the American people." On pages 212 and 213 of volume 5 he makes some observations in regard to immigration and immigrants as follows:

> The census of 1890 showed the population of the country increased to 62,622,250, an addition of 12,466,467 within the decade. Immigrants poured steadily in as before, but with an alteration of stock which students of affairs marked with uneasiness. Throughout the country men of the sturdy stock of the north of Europe had made up the main strain of foreign blood, which was every year added to the vital working force of the country, or else of the Latin-Gallic stocks of France and northern Italy; but now there comes multitudes of men of the lowest class from the south of Italy and men of a meaner sort out of Hungary and Poland, men out of the ranks where there was neither skill nor energy nor any initiative of quick intelligence; and they came in numbers which increased from year to year, as if the countries from the south of Europe were disburdening themselves of the more sordid and hapless elements of their population, whose standards of life and of work were

such as American workmen had never dreamed of hitherto. The people of the Pacific coast have clamored these many years against the admission of immigrants out of China, and in May, 1892, got at last what they wanted, a Federal statute which practically excluded from the United States all Chinese who had not already acquired the right of residence, and yet the Chinese were more to be desired as workmen, if not as citizens, than most of the coarse crew that came crowding in every year at the eastern ports. They had, no doubt, many an unsavory habit, bred in unwholesome squalor in the crowded quarters where they most abounded in the western seaports, and seemed separated by their very nature from the people among whom they had come to live; but it was their skill, their intelligence, their hardy power of labor, their knack of succeeding and driving their duller rivals out, rather than their alien habits, that made them feared and hated and led to their exclusion at the prayer of the men they were likely to displace should they multiply. The unlikely fellows who came in at the eastern ports were tolerated because they usurped no place but the very lowest in the scale of labor.

HE PREFERS CHINESE TO EUROPEANS.

What do the people who have come to us from Poland and Hungary and southern Italy and all south and southwest Europe think of a man holding such views as these as a candidate for the highest office in the land? What does any thoughtful citizen think of one so woefully lacking in appreciation of the fundamental requisites for useful citizenship in a free Republic?

Dr. Wilson assails the people from Poland, "the fair land of Poland," which gave us in our struggle for independence the brave and dashing Pulaski, whose gallant figure adorns the splendid avenue leading from this Capitol, and many other brave soldiers; Poland with her marvelous and soul-stirring history of brave struggles for freedom and the rights of man. Dr. Wilson scorns the people from Hungary; brave, picturesque, romantic Hungary, which contributed to our Revolutionary struggle the able and heroic Kosciusko, whose noble monument holds an honored place in front of the presidential mansion, to which Dr. Wilson aspires; Hungary, whose people unaided turned back the tide of Moslem invasion and saved Christian Europe from the awful domination of the unspeakable Turk. Italy, Greece, Servia, Austria, glorious in history, exalted in aspiration, holding the faith of the true God and acknowledging responsibility to Him, all these and others like them are, in the opinion of the Democratic candidate for the Presidency, less desirable as citizens of this Republic than the pagan Chinese.

THE PLATFORMS.

Passing from the candidates to the platforms of the two parties and viewing these platforms in the light of our recent legislative experience, we find an even wider difference than that shown by the candidates themselves. Our Democratic friends have in this campaign announced their choice of a battle ground, and fortunately for the Republicans the gauge of battle is thrown down in a field in which our party has been uniformly victorious, once the situation was clearly outlined before the people. The issue could not have been more clearly defined. The Republican Party reaffirms its belief in a protective tariff, and holds that import duties should be high enough, while yielding a sufficient revenue, to protect adequately American industries and wages, and to the end that tariffs may be wisely adjusted along these lines the party declares that it is favorable to securing, through a tariff board or otherwise, the information requisite for intelligent tariff legislation. A declaration in keeping with the fundamental and time-honored principles of the party and yet progressive in the highest degree in its declaration for scientific schedules based on the most complete information.

On the other hand, the Democratic Party in its tariff declaration harks back to the nullification doctrines of Calhoun and to the principles enunciated in the constitution of the late Confederacy. Calhoun proposed to nullify a protective law passed by Congress on the theory that Congress had no right or authority to pass such a law. If old Andrew Jackson were alive now and still a Democrat, instead of threatening to hang Calhoun higher than Hamen he would have to apologize to him, for the party that still claims to be the party of Jackson at Baltimore the other day declared it to be—

A fundamental principle of the Democratic Party that the Federal Government, under the Constitution, has no right or power to impose or collect tariff taxes except for the purpose of revenue.

But although the Democracy harks back to nullification days for its tariff policy it can lay claim to a more recent indorsement of it, for we find that the constitution of the late Confederacy was also true to Calhoun's doctrine and declared—

nor shall any duties nor taxes on importations from foreign nations be laid to promote or foster any branch of industry—

from all of which it would seem that the principle they now announce has good Democratic authority behind it.

The issue is thus fairly joined between Republican protection and Democratic free trade, for there is no difference, so far as the effect on industries is concerned, between a tariff for revenue and free trade. Both mean that the necessary revenue shall be obtained in such way as will not encourage or promote industries by protecting them.

TARIFF AN ISSUE.

There are many reasons why the tariff issue is one that will not down so long as any party in this country challenges the correctness of the policy of protection, for, after all is said and done, the most persistent and insistent issue in this world revolves around the questions of *what we shall eat and drink and wherewithal we shall be clothed.* There are many questions of method and procedure in government which, while important, the people will temporarily put aside in the presence of an attack upon the sources and the foundation of their opportunities for a livelihood, and that is exactly the situation which now confronts us. There need be no lack of interest in the questions of methods and procedure in our Government which have so largely occupied the public mind for the last three or four years, but the people will not allow them to obscure or displace the issue of prosperity.

Not only does the Democratic platform stand for free trade, but the Democratic candidate has always been a free trader rather from theory than from knowledge, as was curiously illustrated on one occasion when he appeared before a tariff board. He contended that we could compete with foreign countries in wages without protection "just as we do in regard to agricultural products," which, he said, came in free. Having had his attention called to the fact that there was a duty on agricultural products, amounting in the case of wheat to 20 cents a bushel, he said, "then I was misinformed"; but he went right on with his argument just the same. *Facts are never allowed to interfere with the theories of a free trader.* We have many statements of his, made at one time and another on the subject, and to complete the picture we have a Democratic leadership in Mr. UNDERWOOD, of Alabama, avowedly free trade, apologizing for bringing legislation into the House because it contained some little ray of protective legislation, and explaining that nothing of the kind would be allowed to occur unless the revenue which the slightly protective duty raised were needed.

DEMOCRATIC TARIFF LEGISLATION.

We have witnessed the procession through the House in the last year of five Democratic tariff bills. Nothing has pleased the authors of these bills so much as their failure to become laws. Were they now all on the statute books their calamitous effect upon the industries and the welfare of the people would have destroyed every ray or vestige of hope of the Democratic Party for success this fall. If it were not for the awful responsibility involved in bringing disaster upon the people, the Republicans might have been tempted to allow these bills to become laws as an object lesson of the destructive character of Democratic tariff legislation.

Each one of these bills would in turn have destroyed great industries and impoverished multitudes of people. The *free sugar bill* would have *impoverished the farmers and manufacturers* alike, in the beet and cane districts of the country, and would have *bankrupted* the Treasury. The House wool bill would have been *a death blow* to the great American *wool and woolen industries*, while the cotton, the chemical, the steel, and the so-called free-list bills would have each furnished its quota of *bankruptcy, idleness, hunger, and despair.* Together they would have created a condition as *disastrous* as that which existed under the *Wilson* bill; and all this loss and poverty and ruin would have had no recompense in better conditions for any class of American citizens *except loan sharks and auctioneers.*

What makes me confident that the people will rise in defense of the Republican Party and protection and prosperity is the fact that in the midst of these threats, bluffs, and fourflushings by the Democratic Party the industries of the country have continued reasonably prosperous and labor quite steadily employed. It must be because the people realize that they propose to smite the free-trade policy when they get a chance this fall.

We realize that some schedules are unnecessarily high, and our party stands pledged to a reasonable reduction of such schedules. That the schedules of the present tariff are, however, in the main, low compared with former tariffs is abundantly demonstrated by the figures of imports. All sorts of lies were told about the Payne tariff bill when it passed. Never in the history of the country was there so much misstatement and downright lying about a tariff bill as there was about the Payne bill, and unfortunately the people largely believed them.

PAYNE TARIFF LAW.

We have passed from the day of prophecy and prevarication to the time when we have the actual facts and figures about the Payne bill. They show on the basis of imports of merchandise

during the 34 months that the Payne tariff law had been in operation down to May 31, 1912, the following results compared with the operation of the Wilson Democratic and Dingley Republican tariffs, respectively: First, that the free list under the Payne law—that is, the amount of goods imported without paying any duty—was a considerably larger percentage of the total of importations than under either the Wilson or the Dingley bills; second, *that the average amount of duties paid per dollar of dutiable imports was very considerably lower under the Payne bill than under the other two laws;* and that the same was true with regard to the entire volume of our importations. It sometimes takes the truth a long time to catch up with a lie well told and persistently reiterated, and it never can undo the harm the lie has accomplished, but the facts I have stated, taken from the record, give the lie direct to perhaps the most persistent falsehoods ever uttered in American political history. Not only was the Payne bill a revision downward of the Dingley law, but its average rates are demonstrated by the table which I shall place in the RECORD to be lower than those of the Wilson bill of mournful memory. Was a Republican President far from right in saying that the Payne tariff law was the best we ever had, in view of the fact that, with a larger free list than the Wilson law, with lower average ad valorem rates than that law, both as to the dutiable list alone and as to all imports, it has produced an abundance of revenue, placed a surplus in the Treasury, and promoted prosperity in the face of persistent agitation and calamity howling, while under the Wilson bill the Treasury was empty, industry was paralyzed, and the people were in despair. I can imagine no more striking comparison between Democratic and Republican legislation than this, between a crude unbalanced Democratic law which did not produce sufficient public revenue and did paralyze private industry, and a carefully drawn Republican bill with lower average rates, which does produce abundant revenue and at the same time promotes the prosperity of the people. The following is the table I have referred to:

Imports of merchandise into the United States, showing percentage thereof free of duty, customs receipts, and average ad valorem rate of duty during the 34 months' operation of the Payne tariff law, Aug. 5, 1909, to May 31, 1912, compared with like results under the entire operation of the Wilson and Dingley tariffs, respectively.

Entire period of—	Imports.			Free.	Customs receipts.	Average ad valorem on—	
	Free.	Dutiable.	Total.			Dutiable.	Total imports.
Wilson law:	*Millions.*	*Millions.*	*Millions.*	*Per cent.*	*Millions.*	*Per cent.*	*Per cent.*
35 months [1]	$1,080.4	$1,132.7	$2,213.1	48.8	$485.0	42.8	21.9
Monthly average	30.9	32.4	63.3		13.9		
Dingley law:							
144 months [2]	5,428.5	6,821.5	12,250.0	44.3	3,121.8	45.8	25.5
Monthly average	37.7	47.4	85.1		21.7		
Payne law:							
34 months [3]	2,301.4	2,192.4	4,493.8	51.2	902.6	41.2	20.1
Monthly average	67.7	64.5	132.2		26.5		

[1] Excludes last 4 days of August, 1894, included under McKinley law, and includes July 24-31, 1897, under act of 1897.
[2] Excludes last 8 days of July, 1897, included under Wilson law; excludes Aug. 1-5, 1909, included under Payne law.
[3] Includes Aug. 1-5, 1909, under act of 1897.
NOTE.—A reduction of about $55,000,000 was caused in customs receipts under the McKinley Act, due to reduced imports in the closing months under that act in anticipation of the passage of the Wilson tariff, whose revenues were correspondingly increased. Likewise a reduction of about $45,000,000 was caused in customs receipts under the Dingley Act, due to heavy imports in the closing months under the Wilson law, whose revenues were correspondingly increased.

THE TARIFF ISSUE IN WYOMING.

The people whom I have the honor to represent, though they are not a manufacturing people, are as dependent on a protective tariff for the prosperity of their industries as any people under the flag. We have approximately a *tenth of all of the sheep in the Union.* Not only are a large number of our people directly interested in the industry, but a still larger number are directly and indirectly benefited by the millions of dollars of annual expenditure in the industry. *The dependence of our wool industry upon the tariff is so well known and understood, so universally acknowledged, even by those who do not favor a protective tariff, as to make argument on the subject superfluous.* We have a *great cattle industry protected,* on the one hand, from importations of *cheap cattle* from Mexico and, on the other hand, from *meats* from Australia and the Argentine.

The farmers along our northern border are vehement in their opposition to Canadian reciprocity, on the ground that it would bring them into competition with the cheap products of Canada. We share in that opposition, but Wyoming would suffer infinitely more under *free trade in coal* than she would from Canadian reciprocity, which did not propose free coal. Several of our great coal mines must find a large part of the market for their products in competition with Canadian coals of as good or better quality, more cheaply mined, and with a shorter and cheaper freight haul. It has been estimated that free trade in coal would result in our losing a third of our present market, with its consequent disastrous effect upon the industry and wages.

We have in various parts of Wyoming, notably in the Big Horn Basin, the Wind River Valley, Sheridan and Johnson Counties, and on the Platt and its tributaries, large areas of land suitable for the growth of sugar beets. After years of waiting for transportation facilities, for the completion of reclamation enterprises, and after thorough experimentation and practical demonstration in the growing of beets, we had finally reached the time when, but for Democratic agitation of the sugar tariff, our hope of the establishment of sugar factories was about to be realized. Speaking with knowledge of the situation, I can say with assurance that but for the Democratic free-sugar bill this year *at least two beet-sugar factories would have been under way in Wyoming at this time.* With the election of a Republican President and Congress there is no reason why Wyoming should not have as many beet-sugar factories as Colorado, which has 17, in the next five years. Elect a Democratic Congress and a Democratic President and our hope of sugar-beet factories goes glimmering forever.

Wyoming is becoming a great alfalfa State, and this great staple product depends for its market upon the great live-stock business, and so the success of the alfalfa farms and ranches is in a large measure dependent upon the protective policy.

Flax is destined to become one of our staple products; the Democratic Party proposes to put flaxseed, which now has a protection of 25 cents a bushel, on the free list. Potato culture, in a large way for the eastern market, presents a promising and profitable field for the enlargement of our agricultural output on both our irrigated and dry lands. Democratic free trade proposes to deprive us of the protection without which our eastern markets can be flooded with foreign potatoes, paying only a low water freight rate.

The railroads of the State, so far as their local business is concerned, can not be prosperous without the prosperity of these local industries which depend upon protection. Even our through railroad business is largely in products of the coast to the East and in manufacture from the East to the West which would be displaced by foreign products and manufactures under free trade; therefore the men on the railroads of the State are as much interested as any class of our people in the continuation of protection.

TRUE ECONOMY.

Our Government makes larger annual expenditures than any National Government in the world; it is also the most honestly administered Government in the world, and our people do not begrudge the vast annual outlay made by the Government for their protection and benefit, so long as it is honestly and economically expended. There is, however, a tendency toward unnecessary expenditure which must be constantly guarded against. With President Roosevelt's liberal views of the legitimate and useful fields of national activity and his intolerance of delay in carrying out any work or enterprise he believed should be undertaken, he could not have been expected to promote or practice economy in national outlay. In fact expenditures increased so rapidly during his administration that ordinary outlay finally outran ordinary income to the amount of over $65,000,000 in the last two years of his administration. This condition inherited by President Taft laid upon him the hard and thankless task of holding down constantly mounting appropriations without crippling or hampering the really useful and helpful expenditures of the Government.

He took hold of the matter with judgment and determination and to such good purpose that while the ordinary outlay of the Government under President Roosevelt had increased $41,000,000 in the fiscal year 1909 over the expenditures in 1908, the expenditures in 1910, the first full year of President Taft's administration, was over three millions less than the year previous, and though the country is growing rapidly and the demand for national expenditures have constantly increased, our ordinary national outlay for each of the fiscal years 1911 and 1912 has been kept below that of 1909 by several million dollars.

Not only this, but the much abused Payne tariff law has proven such a good revenue producer that our ordinary revenues were in the fiscal year 1912 over $90,000,000 more than under the Dingley law in 1909. In 1909 the ordinary receipts were more than fifty-eight millions less than the ordinary disbursements. In 1912 our ordinary income was over $37,000,000 more than our ordinary outlay. This is a record of real economy without injury to the public service.

FALSE ECONOMY.

This Democratic House of Representatives has given us a brilliant example of fake economy. Starting out with a widely advertised plan to economize in the administration of the House, the gentlemen on the other side of the aisle have promoted a series of largely useless and unnecessary investigations which have, and will, cost more than all the much advertised economies saved.

At various times during the discussion of appropriation bills I have called to the attention of the House the farce comedy you gentlemen are treating the country to in connection with appropriations. By your own confessions, in many large and important items, you are only appropriating for 8 months instead of 12. You have provided for practically no new projects or expenditures, and in many cases have turned down estimates made by the Government departments for needed repairs and replacements.

Your Army bill prohibited any expenditures for necessary repairs and improvements to our western Army posts. The sundry civil bill did not provide adequately for the ordinary necessary care of public buildings. You turned a deaf ear to our urgent demand for sufficient money to make necessary surveys of public lands, and denied the request of the Forest Service for sufficient sums to build roads and bridges and trails in the forest reserves. All this was done in the name of economy, and yet you appropriated millions for wholly useless and valueless fortifications on the Panama Canal.

Fortunately the Appropriation Committee at the other end of the Capitol has taken a different view of the needs of the public service, and your policy has driven Members of the House to appeal to the Senate for consideration of items of appropriation essential for the Government service and to meet the just obligations of the Nation. I realize that this fake showing of economy is considered necessary to the success of the Democratic ticket in the coming campaign, but I doubt if it will be effective. The people of the country are neither blind nor foolish.

I do not think the gentlemen on the other side are very proud of, or happy over, the results of the numberless investigations that have been instituted and carried on. No wicked or idle tale prompted by self-interest, envy, or malice, has been too remote from the jurisdiction of the investigation committees, or too frivolous to escape investigation, and yet how miserably meager the harvest of results has been. I said I did not think our Democratic friends were proud or happy over the results of these investigations, and yet, as patriotic citizens, they should be, for they have proven, as perhaps no other means could have done, how free from wrong-doing and how little subject to criticism the administration of the vast volume of our public affairs has been under a party that has been in control of all branches of the Government for 15 years. That ought to be a matter of pride to any American citizen.

PARTY ACHIEVEMENT.

The Republican Party to-day, as always, points with pride to its record of achievement and looks forward with hope and confidence to the future. As has been well stated in our platform:

The Republican Party looks back upon its record with pride and satisfaction, and forward to its new responsibilities with hope and confidence. Its achievements in government constitute the most luminous pages in our history. Our greatest national advance has been made during the years of its ascendancy in public affairs. It has been genuinely and always a party of progress; it has never been either stationary or reactionary; it has gone from the fulfillment of one great pledge to the fulfillment of another in response to the public need and to the popular will.

Referring first to our latest party achievements under the present administration, we can point with pride to the establishment of postal-savings banks; of the Bureau of Mines, which has been so useful and helpful to our miners; to the Children's Bureau; to the legislation for the suppressing of the white-slave traffic; to the enactment and enforcement of the pure-food law; to the increase of pensions to the soldiers and sailors of the Civil War; to the bringing into the Union of the Commonwealths of Arizona and New Mexico.

In that class of legislation which so vitally affects the citizen in his rights and property under present industrial conditions—legislation to control great combinations of capital and to prevent monopoly and restraint of trade, and legislation regulating railways and other means of transportation—the party has been faithful, wise, and progressive. All of the laws for the suppression of monopoly and for the control of railways have been placed upon the statute books by Republicans, and generally in the face of Democratic opposition. The antitrust act of 1890; the interstate-commerce act of 1887 and its important amendments, giving ample powers to the Interstate Commerce Commission; the so-called 16-hour law, limiting the hours of employment of those engaged in train service; the prohibition of free passes, all are Republican legislation enforced by a Republican Executive.

COMBINATIONS OF CAPITAL.

The antitrust act of 1890 remained a dead letter under the Democratic Cleveland administration except for its enforcement against a labor organization. The McKinley administration was the first to energetically enforce the statute, and prosecutions were continued under Roosevelt; but it remained for the *present administration to make the statute a vital force in the breaking up and prevention of monopoly.* The decisions in the Tobacco and Standard Oil cases, the prosecution of the Beef Trust, the pending suits against the Steel and Harvester Trusts, have finally put the terror of the law in the hearts of trust magnates.

Possibly it is not to be wondered at that in their wrath and resentment against the administration which is making them answer for their crimes against the American people, the men at the *head of these trusts*, like Mr. Perkins, should be giving their *millions* and their influence to a movement through which they *hope to defeat* President Taft for reelection. Certain false friends of the people have sought to detract from the credit due the administration for its trust prosecutions by claiming that the outcome of these successful suits would not be effective in the suppression of monopoly. The *rage of the trust magnates*, their *flocking to the standard of a proposed new party*, their *millions* contributed to *defeat* Taft and wreck the Republican Party, are the best answers to such a claim.

In Wyoming we happen to know of the potent and beneficial effect of the Standard Oil decision. Every man interested in the development of the great oil resources of our State can tell of the changed conditions since the Standard Oil decision. It is as though an atmosphere charged with storm, laden with threatenings, and burdened with gloom had been suddenly, as by magic, cleared and purified; no longer the haunting fears of a subtle power liable to manifest itself in any one or all of a hundred ways to baffle, thwart, and defeat effort and endeavor, but a universally recognized opportunity to develop and do business. *And yet there are sinister influences in the name of virtue and under the guise of reform which would rob the people of the victories they have won under this republican administration.*

TAFT THE ANTITRUST CANDIDATE.

Leaving out of consideration our friends the Socialists and the Prohibitionists, who base their campaigns on other issues, the only candidate who will be before the American people this fall who is *entirely free from all association or alliance, direct or indirect, with the trusts is William Howard Taft.* We all recall how Prof. Wilson's candidacy for the Presidency was launched. George Harvey, of Harper's Weekly, friend and confidant of J. Pierpont Morgan, brought him out and widely advertised his candidacy. It is true that after Prof. Wilson had profited mightily by Harvey's support he displayed the basest ingratitude toward him and declined his further open support, but that does not alter the fact *that great trust magnates like the Belmonts and Ryans are supporting the Democratic candidate.*

Mr. Bryan's sensational desertion of CHAMP CLARK, who was the people's candidate, in the Baltimore convention and his support of Mr. Wilson has had the effect of making the people temporarily forget the origin and source of Mr. Wilson's real strength. It is, and always has been, largely among the friends, sympathizers, and supporters of the great financial magnates of the country. Tammany did not vote for Wilson, because Tammany is wise in not showing its hand; but all of the elements in New York that are for Wilson most heartily, Tammany included,

are in sympathy with the objects and purposes of those controlling great trusts.

THE THIRD PARTY AND THE TRUSTS.

The close commune between the third-term party candidate and the third-term party organization and the trusts is so notorious as to make extended argument or elaboration superfluous. Mr. Perkins, late partner of J. Pierpont Morgan, *who wants the Federal Government to issue licenses to the trusts to plunder the people, and others like him, have from the beginning been the promoters, supporters, and underwriters of the third-term party movement.* The Steel and Harvester Trusts particularly are so notoriously supporting the thirty-term party movement, and the movement is so universally acknowledged to have an abundance of funds from these sources at its command that further comment is unnecessary.

PRESIDENT TAFT AND THE TRUSTS.

The Republican Party, under President Taft, could have no alliance or affiliation with great trusts or combinations of capital, seeking to unlawfully restrain trade and create and establish monopolies, if it wanted to, and they certainly do not want to. *The administration of President Taft has so continuously, forcefully, and successfully prosecuted combinations of capital in restraint of trade that in their fury they rush to the support of the Democratic nominee or the third-term party candidate, whichever seems to them to hold out the best promise of defeating the Republican Party and President Taft.* Every resource of money and influence will be used directly and indirectly to defeat the President for reelection, and it is difficult at this time to say in which direction the greatest efforts will be made to accomplish this purpose, whether through the Democratic or the third-term party.

It ought to be clear to the dullest understanding that the only hope of the people in their battle for the suppression of monopoly is in the support of the party and the candidate which has been and is at this time vigorously enforcing the law against illegal combinations. It ought to be equally clear that the Democratic candidate and party are not and can not be clear from alliances with great corporate wealth, and certainly no one can be so poorly informed as not to know that the third-term candidate and his organization has as its principal prop and support the officers, the beneficiaries, and the friends of great trusts and combinations seeking to monopolize the industries of the country.

REGULATION OF RAILWAYS.

The Interstate Commerce Commission was established by the Republican Party in 1887. It was strengthened and made a really vital force by successive amendments developed in the school of experience, but it never really found itself and became the vital efficient force for good it was intended to be until the present administration. *No administrative bureau ever erected has so universally commended itself to public sentiment as the Interstate Commerce Commission under the administration of William Howard Taft.*

It has been impossible, in view of the magnitude of the problem, for the commission to give attention to and adjust all of the manifold problems arising in connection with our enormous system of interstate transportation, but it has passed upon and wisely adjusted many of the larger and controlling problems. It stood like a wall of adamant against a demand by all of the railways for a general increase of rates. It has *cured* and prepared the way for the further curing of oppressive rates affecting vast tonnages in the intermountain and western States by the decisions in the so-called *Spokane case, the Salt Lake case, and the cases affecting wool rates.* The recent order of the commission *reducing express rates from 15 to 50* per cent will be of *great and lasting benefit to the people,* and is only the beginning of the regulation and reduction of express rates.

THE MEAT PACKERS.

One of the important problems in this connection is that of bringing the *retail price* which the people must pay for *meats* in reasonable harmony with the *price* which the *stock grower receives for his product.* The cost of meat production, owing to the breaking up of the ranges into farms and the better price which the farmer receives and should receive for corn and hay, has largely increased. Yet there is a well-founded belief that the great packers so manipulate the prices they pay for live stock and charge for meat as to secure an inordinate profit at both ends of their business. The peculiar practices and methods of the packers have made it exceedingly difficult for the Government to prove to the satisfaction of a jury that the packers have been guilty of violating the criminal provisions of the antitrust laws.

The packers, like some other large combinations, in view of the known determination of the administration to put an end to their monopolistic practices, have in contemplation dissolution of the great holding combination known as the National Packing Co., and there is hope, if the people do not unwisely desert the administration which has fought their battles, for permanent relief from the exactions of the great packers.

The facts that President Taft's administration has developed and the reforms it has accomplished in reducing the powers of the packers are an illuminating commentary on that famous report made by former Commissioner of Corporations and Secretary of the Interior Garfield, under President Roosevelt, to his chief, in which he consumed several months of time, spent a large amount of Government money, and spoiled several hundred pages of good white paper in a labored effort to prove that the packers were a much-abused band of philanthropists, working overtime for the benefit of the people and getting only a measly 3½ per cent on their investment for their trouble.

Mr. Garfield, like his successor as Chief of the Bureau of Corporations, Mr. Herbert Knox Smith, appointed by Mr. Roosevelt, who likewise gave Mr. Perkins's Harvester Trust a good name and a clean bill of health to his chief, is now and has been one of the supporters of the third-party movement. *These two patriots can not tolerate a party and an administration which is so inconsidcrate as to prosecute the trusts they particularly favor.*

THE MEAT PROBLEM.

It is my opinion that we shall not reach a really satisfactory condition in regard to our meat supply until, by the more general distribution of slaughtering establishments, large and small, we shall insure more real competition in the purchase of sheep and cattle for slaughter, and hence a better price to the stock raiser. Such a policy, by bringing the producer of meats nearer the consumer and preventing monopoly, will also give the consumer relief from exorbitant prices.

One obstacle in the way of such a distribution of packing establishments in the past has been the difficulty of securing satisfactory railroad rates. I have already pointed out how, under our efficient Interstate Commerce Commission, reasonable rates can now be secured. The commission now has such complete knowledge of the situation as will render speedy adjustment of other unfair and unjust rates possible and certain, and yet all has been done and will be done for the relief of the people, in full recognition of the rights of the common carriers to fair compensation, to the end that investments in railroads shall not be jeopardized or discouraged and that the roads may be able to pay liberal compensation to their employees.

THE PARTY OF PROGRESS.

The Republican Party has always been and is to-day the party of real and not sham progress and progressiveness—ever alert and responsive to the necessity and demand for progressive legislation which shall apply the principles of justice, equity, and righteousness to the constantly changing problems confronting a mighty people under a free government. We recognize that great as the achievements of the past have been, there always will be new problems, to be met in the spirit of fairness and to be settled in accordance with the principles of justice in the interest of all the people.

We are pledged to an unceasing warfare against monopoly and privilege and to such additional legislation as may be necessary to make clear the line of demarcation between the opportunities for the fair rewards, due real service rendered by individuals or corporations, and the practices which seek the amassing of great fortunes through methods of industrial piracy and monopoly.

We stand pledged to a supreme effort along all lines to reduce, as far as possible, the gap between the *fair prices and rewards to which the producer on the farm, or the ranch, and in the workshop receives for the product of his labor, his genius, and his energy,* and *the price which the ultimate consumer must pay for these products.* We stand pledged to legislation calculated to increase the attractiveness and the *rewards* of life upon the *farms* and *ranches* of the Nation. That life which has and always will develop the highest and best class of citizenship; those industries upon which the feeding and the clothing of the Nation primarily depend. To this end we favor the establishment of a parcel post which shall be just to all; the encouragement of better agricultural loan facilities; the betterment of conditions of inland transportation.

IN THE INTEREST OF LABOR.

We stand as we always have stood, *pledged and dedicated to the highest and best interests of labor;* to a protective tariff which will maintain the American wage rate and the American standard of living. We favor legislation which will lift from the shoulders of *widows and orphans,* so far as financial compensation can do it, *the want and misery* entailed by the loss or injury in industrial pursuits of their natural supporters and protectors.

It is intolerable to the sense of justice that the burdens of the inevitable casualties connected with industries, beneficial to all of the people, should be laid upon *the bereaved and helpless.* To be *truly* helpful the response and compensation should be *swift, certain, and adequate.*

To all good citizens it is axiomatic that those engaged in *labor, like all classes of our citizens, should be established, confirmed, and protected in all their rights.* I always have and always will favor and support legislation to accomplish that purpose. My youth and early manhood was spent among and sharing the burdens of those who toil. I have felt the pinch and grip of poverty, and I have also felt the wholesome satisfaction that comes from a hard day's work honestly performed. *I could not be lacking in knowledge of and sympathy with the problems and aspirations of labor unless I forgot my own experience.* I could not fail to appreciate and proclaim the honor and dignity of labor without surrendering the just pride I have in my own record.

THE DEVELOPMENT OF THE WEST.

In the face of a prejudiced and misguided sentiment, fostered largely by men with selfish personal ambitions, it has not been possible to secure all of the legislation needed for the speedy settlement and orderly development of the public domain; but the Republican Party, *author of the homestead policy,* has, as an organization, been true to its historic policy, and much has been accomplished in the face of difficulties. Following the *national reclamation law* has come the *enlarged homestead act* and the act for the *agricultural entry of coal land.* Quite recently the *three-year homestead law was enacted.* Thanks to earnest and determined effort, this law was secured free from the limitations which the extreme conservationists would have put upon it, and carrying the highly beneficial provision for an *annual leave of absence.* These and a number of minor but helpful provisions of law have marked the progress of the orderly evolution of the Republican homestead policy.

The opposition of certain extremists, now largely marshaling themselves under a third party banner, has prevented other needed legislation to make possible the more advantageous use and development, in the interest of all of the people and without monopoly, of some of our mineral resources and of those portions of the public domain which are more suitable for grazing than for farming. But with the triumph of the Republican Party and its freedom from certain influences which now seem to be seeking their purposes through another organization, we may confidently hope and expect additional legislation and such reasonable administration as will relieve the West from the handicap of those policies which, under the false claim of serving the people, have been oppressive in their effect upon individuals honestly seeking homes and opportunities on the public domain and retarding in their effect upon general development.

THIRD PARTY MOVEMENT.

The Republican Party for the third time in its history is confronted with a serious defection in its ranks. Those who are old enough will remember the abuse heaped upon the immortal Lincoln by members of his own party when he was a candidate for reelection. They will recall now the reelection of the great emancipator, which we now know to have been essential to the integrity and prosperity of the Nation, was for months after his nomination despaired of. The differences then developed led to the nomination of Horace Greeley by the Liberal Republicans in 1872; and up to within a month of the date of election that movement gave every promise of sweeping the country and defeating Grant. It is not so far back to the Silver Republican bolt of 1896, when those who adhered to the party and particularly in the West, were denounced as hirelings of Wall Street and enemies of mankind; and many remember the certain and cocksure predictions up to the very day of election of the defeat of McKinley; and so to-day we are confronted with a breach in the party lines and the promise of an independent nomination.

No citizen under a free government is justified in abusing men for honest differences of political views. Members of any political party have a perfect right, for proper reasons, either to support the candidates of another party, or, if they see fit, ally themselves with a separate and independent organization. On the other hand, all good citizens have a right, and it is their duty, to calmly, dispassionately inquire into the motives which actuate such conduct and to insist upon truth of statement relative thereto and that honesty of purpose and real, and not false or merely fanciful, reasons shall constitute the motive or the excuse for such action.

THE PRECONVENTION CAMPAIGN.

In the campaign preceding the Republican national convention there was a wide difference of opinion, as there generally is, relative to the choice of candidates. Some of the active supporters of a certain candidate frankly admit that for what they were pleased to term "psychological reasons" they instituted a large number of fictitious contests, many of them long after delegates had been elected without opposition, and thereupon presumedly for the same "psychological reasons" started a nation-wide campaign of accusation and abuse, continuing it on down during and subsequent to the national convention in ever-increasing violence and volume.

There was no single note of moderation in all this torrent of abuse and villification. The national committee, containing many friends and supporters of the candidate who had been most emphatic and vehement and abusive in the claim that delegates and delegations had been stolen, by their unanimous vote in a considerable majority of the contests—and in many cases where the claims of fraud had been the most positive, emphatic, and violent—declared against the delegates pledged for him. Even then the charges of fraud were in no particular or in the slightest degree modified or withdrawn; on the contrary, each succeeding unanimous judgment of the national committee against delegates and delegations which had been claimed by and for Mr. Roosevelt but led to a fresh outburst of extravagant claims, astounding charges, and unmeasured abuse.

Evidently somebody was wrong. Either Mr. Roosevelt was mistaken, misled, or carried beyond all bounds by disappointed ambition, or his friends and supporters on the national committee were, after 15 days of examination of contest cases, all misled or were wicked and disloyal to him.

Later, the cases still contested were presented and argued at great length before the committee on credentials of the convention, and a period equal to five eight-hour days was consumed in hearing and consideration of contests. No one was denied a hearing; ample time was allowed. By a majority of more than two-thirds, including, in most cases, the members from States whose delegates were not for either Mr. Taft or Mr. Roosevelt, the committee decided the cases as they had been decided by the national committee.

The fact is, that in cases of doubt, the doubt was generally resolved in favor of delegates pledged to Mr. Roosevelt. Much has been said of the two delegates from the fourth California district. The fact is that under terms of the call for the committee none of the Roosevelt district delegates from California were entitled to seats, and yet they were all seated, except in the district where the Taft delegates had a clear majority.

The Republican Party has always stood for the principle of local representation and can not agree to the doctrine that the people of a district shall be disfranchised in the election of their own representatives by the vote of people living outside the district. If the policy adopted in California should become general, New York City, Pittsburgh, Philadelphia, Chicago, and other large cities would elect and control all the delegates to national conventions from the States in which they were located. What a snap for bosses such a plan would be is proven by the fact that Boss Johnson absolutely controlled the California delegates.

CONTESTS HONESTLY DECIDED.

Not only were the delegates in the Republican convention at Chicago honestly seated, but the demand that no contested delegate should be allowed to vote on any question was most preposterous. No delegate was allowed to vote on his own case, but if the rule were adopted in conventions that no delegate placed on the temporary roll whose seat was contested was allowed to vote on any question, the flimsiest *minority* could absolutely control any convention by the simple process of disfranchising the *majority* by trumped-up eleventh-hour contests.

To fully realize how preposterous the proposition presented was, it should be remembered that it was not proposed to deny all of the 252 delegates whose seats had been contested the right to participate in the convention, or to deny that right to any of the Roosevelt delegates whose seats had been contested by Taft men. The demand was made as to a select list referred to as 92, but really only 72, of Taft delegates who, a self-appointed arbiter had taken it upon himself to judge, were not entitled to seats, though he had not heard a single contest presented or argued. *This action reminds one of the case of the hotel keeper who, having presented an exorbitant bill to a departing guest, was interrogated by the guest as to just why he fixed his outrageous charge at the exact figure he did, to which the landlord grimly replied that he had been doing some figuring and had concluded that was exactly the sum he needed in his business.*

Unfortunately, many good people have been misled by the cocksureness and vehemence of the charges made against the action at Chicago in the seating of delegates. Such people should recall that the leaders of a movement may originally be

misled by the statements of superserviceable and dishonest subordinates on whose suggestions contests have been brought. Once having made declaration, disappointment, the lack of courage to confess an error, or overweening personal ambition will sometimes lead men to almost any length or act or accusation.

Those Republicans who are inclined to follow the third-party movement should ponder long before doing so. While the leader of the movement did not secure delegates enough to place him in nomination, he could have brought about the nomination of any one of half a dozen candidates known as leaders in the so-called progressive movement long before he sought to appropriate to himself the strength of that movement; but he refused to do so or to allow his supporters to do so, insisting that if there was to be a compromise, "the compromise candidate will be me."

THE THIRD TERM.

I can not believe the people will support a third-term candidate. *The warning and example of Washington and all the great men of our history are against it. The present aspirant for the third term has, in the most solemn manner, declared against it.* Furthermore, I can not imagine how a movement can commend itself which is notoriously financed and fostered by the heads of great trusts which the Government is prosecuting. Self-seeking men will join a movement because of the fact that it has unlimited corporate capital backing it, as we are constantly assured by its friends that the third party has, but it certainly can not appeal on that ground to the ordinary citizen. Mr. Perkins and other great trust magnates are not likely to go into political movements requiring large outlay without expecting a return on their investment in the opportunities to plunder the people. A party long established, with complete organization, may carry on a campaign with a limited amount of contributions, but to build up an entirely new organization is a costly process. The plan of Government regulated and controlled monopolies advocated by Mr. Perkins and other leaders of high finance and approved by Mr. Roosevelt *only needs a complaisant administration to make easy* the oppression and looting of the public to an extent beyond the dreams of avarice.

Nor can the common people be expected to follow in the lead of rich dilettantes like the Pinchots and the McCormicks who, born to great wealth and the possessors of vast incomes which they find it hard to spend, with no practical knowledge of or real sympathy for the struggles, the trials, and the problems of the plain people, are eager for power that they may exploit their theories and gratify their ambitions at the expense of the public. *Add to these the Flinns and the Wards and all the other representatives of the worst types of bossism, masquerading under a false pretense and groping for issues which it is hoped will temporarily mislead the people, and the wonder is that they can secure any considerable following, particularly when to follow the third party only serves to aid the Democratic candidate.*

OPPORTUNITY FOR USEFUL SERVICE.

The Republican Party is to-day, as it has always been, big enough to afford an opportunity within its ranks for useful work and earnest and faithful endeavor for men of widely differing views as to the wisest course to pursue to secure the best results in the interests of all of the people in matters of detail of procedure, administration, and legislation. Its glorious history, its marvelous record of achievement, its long line of patriots and statesmen among the wisest, the bravest, and the best in American history, all of these are at one and the same time an inspiration to party loyalty and an assurance that if, forgetting minor differences, we stand shoulder to shoulder for our great principles we shall accomplish as much in the future for the cause of liberty and righteousness and good government as has been accomplished in the past.

The Republican Party is to-day as it always has been the *true party of progress.* It has, like all organizations composed of mortal men, made mistakes, but it never has as a party been guilty of a *fraud or dodged an issue.* There have been times in its history when it might have purchased *temporary success* at the *price of abandonment of principle,* but as it refused to excuse or temporize with *slavery,* as it declined to compromise the national credit in the day of *greenbackism,* as it stood as a wall of defense against the *depreciation* of the currency in 1896, as it has declined to abandon the doctrine of *protection* in the hours when it was temporarily unpopular, as it stood for the rights of the *black man* even at the cost of success in the South, so it stands to-day, determined in its adherence to the *fundamental principles* of our Government, *steadfast* for the protection of the *rights* of all classes of citizens, and *firm* in *its faith and confidence in the wisdom of the ultimate judgment of the people.*

Mr. PAYNE. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. GREENE].

Mr. GREENE of Massachusetts. Mr. Speaker, this bill is the same as House bill 12812, introduced in the first session of the Sixty-second Congress.

That bill was agreed to in conference between the committees of the Senate and the House of Representatives, and it was finally adopted by both branches and submitted to the President. He promptly vetoed it, and his veto was sustained.

At that time the report from the Tariff Board had not been received. The Democratic majority of the Ways and Means Committee prepared their former bill without holding any hearings for the purpose of obtaining any information from either the manufacturers of cotton goods or the operatives employed in this great industry.

This action was in conspicuous contrast with past actions by the Committees on Ways and Means of both the Republican and the Democratic Parties.

When the Wilson bill was prepared, the committee, a majority of whom were Democrats, listened patiently to the testimony of both manufacturers and operatives, who were sent from New England to Washington to give the information which was then eagerly sought for the purpose of submitting a bill which should foster and promote the cotton-manufacturing industry. The result was that a bill was adopted by the Congress which, in so far as it related to the cotton industry, was acceptable to both capital and labor.

Had the Ways and Means Committee of that Congress displayed as much wisdom and common sense in preparing the remaining schedules of the Wilson Tariff Act, and had they also not allowed themselves to become Bryanized, and rushed wildly after the financial heresies accompanying the "free-silver" crusade, the victory of the Republican Party in the campaign of 1896 might never have been written into history. But, true to its past history, the Democratic Party blundered in the preparation of the Wilson Tariff Act, and the result was that mills and all classes of manufactures were unfortunately and vitally affected. Men and women were thrown out of employment, with the usual result that when the wage earner is deprived of his wages his purchasing power is reduced. His inability to obtain the necessities of life immediately affected the farmer in the disposition of the products of his farm, and the result was there was general business depression and disaster.

This showed how interdependent we are. There can be no permanent prosperity where a definite attempt is made to attack any especial industry of such vital importance to both the North and the South as the cotton industry is by so reducing the duties upon manufactured products that, in addition to the competition between manufacturers in this country, these manufacturers and their employees shall be subject to the competition of foreign manufacturers and foreign labor. A careful investigation would have disclosed the fact that domestic competition so reduces the price of the manufacture of cotton goods that the profits, except in rare cases, are very limited.

The added competition of the foreign manufacturer which this bill will cetrainly produce would only result in a reduction of the price of the product below the necessary profit required to keep the cotton mills running, and if this foreign competition continued, as it certainly would, the inevitable result would be a reduction in the cost of production at home. If that reduction in cost of manufacture necessitates a reduction of wages and the stopping of mills, it would disastrously affect the wageworker and his family by depriving him of employment.

I fail to understand the wisdom or logic which takes possession of the Democratic majority and leads them to promote legislation of the character written into this bill when past experience has shown that it leads to disaster to business interests of great importance and, worse than all, the throwing out of employment thousands of men, women, and children who find work and wages, which means happiness in the home and greater opportunity for the education of the rising generation. I have heretofore referred to the wisdom displayed in the preparation of the cotton schedules of the Wilson Tariff Act in 1894. The Committee on Ways and Means gave patient attention to the testimony of both operatives and manufacturers, and they were induced by the prominent representatives of the Democratic Party in New England to so write the cotton schedule that the industry which was then of so great importance to that section of the United States that even the Democratic leaders then in Congress hesitated and gave such consideration to the facts that had been furnished them that they

proceeded to prepare a bill which dealt reasonably fair with both the operative and the manufacturer.

The cotton manufacturing industry in the South was developing largely then by the influx of capital and the furnishing of machinery by machinery builders from the Northern States, and there were no large southern investments in the industry there. Consequently the tariff was virtually prepared throughout through the assistance and advice of the northern operative and manufacturer in the cotton industry.

The election of 1896 restored the Republican Party to power and the Dingley Tariff Act was written into law. Hearings were held and all of the schedules were given careful consideration. Operatives and manufacturers in the cotton industry appeared before the Ways and Means Committee and expressed themselves satisfied with the cotton schedules, and the only changes made in the cotton tariff were a very few, made necessary by changes in the processes of manufacture, and the consequent need of guarding against the competition of the foreign manufacturer. In fact, the tariff, in so far as it related to the cotton industry, was practically unchanged. The general revival of business in every other line of manufacture gave a healthful impetus to the cotton industry.

Mr. Speaker, I have never known of such a scale of wages prevailing as marked the period from March 4, 1857, to March 4, 1861, or of such a long period of lack of employment as marked the history of that memorable Democratic administration.

For the first time since 1861 the cotton manufacturing industry has been singled out for attack by the Democratic majority in the Sixty-second Congress.

There is no other industry in the country which can show as small a margin of profit in a general sense as the cotton industry. That there have been phenomenal cases where conditions in the purchase of raw material, ability in management of the plant, and fortunate conditions have prevailed in disposing of the product at limited periods where the business has been profitable, but those conditions have been the exception and not the inflexible rule. Foreign competition will make the conditions in the United States disastrous to the ordinary manufacturer and injurious to the more successful and prosperous manufacturer.

It has frequently been the experience of the cotton operative that long-continued depression and disastrous conditions to the manufacturer result in a reduction in the wage scale, for that is an element of cost that is most easily attackable when competition becomes so keen that profits are eliminated.

The competition is, and has been, so keen for a long period in the cotton industry in our own country that prices of cloth and yarn, except in particular and especial lines, show but a small margin of profit.

The cotton-goods schedules prepared by the Committee on Ways and Means of this House in the Payne Tariff Act were practically unchanged when that bill was sent from this body to the north end of the Capitol.

In another body it was deemed wise to make many important changes in the bill to meet the changing conditions in the industry and to provide for checkmating and reducing the competition from the fine cotton-goods industry in foreign countries. I listened to the debates that took place at that time, and certainly, from samples of goods shown and facts given as to the construction of the law by appraisers and decisions of the courts, there appeared to me to be ample reason for a more specific and definite tariff to be determined in order that the fine-goods industry in this country might receive more ample and definite protection from the competition of the manufacturers from abroad.

Amendments were offered and were finally considered in a conference between the committees of the two Houses, and the Payne-Aldrich Act was enacted into law.

The principal objections to the cotton schedules of that measure came from the interests of the importers, wholesalers, and the large department stores of the country. The newspapers, on account of dissatisfaction arising from the wood-pulp and print-paper schedules, very largely joined hands with the importing interests in attacks upon the bill. The importers are an important aggregation of business men in New York and other large business centers. They have no interest or sympathy with those who toil for their daily bread, nor are they engaged in promoting or encouraging the manufacturing industries of the United States, because they find their most profitable occupation to discredit the tariff laws of the United States and also to make it easier to bring into our seaports the products of other countries where the wages paid the employees are smaller and the cost of maintenance and fixed charges of the manufacturing plants are less than those of similar establishments in the United States.

These men are alert, sharp, and naturally they endeavor to provide for their own households, and they do not give consideration to American interest preferentially over the interests of the foreigner, and therefore they become powerful allies with the free traders, tariff reformers, and incidentally they naturally gravitate to the Democratic Party in its present efforts to destroy the tariff wall which has for so long a period defended the interests of American industries and American labor. I have read the earnest appeals of the American Cotton Manufacturers' Association, whose headquarters are at Charlotte, N. C., addressed to the chairman and members of the Committee on Ways and Means asking that they would give heed to their demand that the cotton schedule should not be subject to a radical revision without granting to these important factors in the development of the southern cotton industry an opportunity to appear before the committee and present facts for their consideration. If I am correctly informed this request was denied.

One of the most prominent and successful manufacturers in the district which I have the honor to represent is Mr. Walter H. Langshaw, president and agent of the Dartmouth & Bristol Mills, of New Bedford, Mass., who expressed some criticisms of the Payne-Aldrich Tariff Act, and it was quite natural that Chairman UNDERWOOD, of the Committee on Ways and Means, should look to him for aid and assistance in destroying the effectiveness of that act.

Mr. Langshaw wrote to Mr. UNDERWOOD during the special session of the Sixty-second Congress expressing his inability to aid in preparing the schedules of the pending bill, because of the complex nature of the work and lack of time to properly prepare for such an important undertaking. Mr. Langshaw further expresses his regret that men connected with the dry goods committee, comprised largely of importers, had been engaged for the purpose of assisting in making a new cotton schedule, and he informed Mr. UNDERWOOD that he would not wish to be identified with men whose interests lie so diametrically opposed to those of investors in this country, and whose statements are the best evidence of their ignorance on the subject. As for a revision by politicians, Mr. Langshaw states he has no patience with that. Mr. Langshaw also further added that he esteemed the time too limited at that session of Congress to do the work justice, and he further stated that he does not want, either directly or indirectly, to be identified with such bungling as has been done in the past or with any action for which political expediency is a dominating factor. This plain language from a successful manufacturer who is in no sense a "standpatter" ought to be carefully considered. Neither Mr. Langshaw nor anyone else was granted a hearing by the Committee on Ways and Means.

I also quote the following interview with Mr. John Hobin, secretary of the textile council of the city of New Bedford, Mass., as taken from the New Bedford Evening Standard of July 26, 1911:

OPERATIVES INTERESTED—FEAR RADICAL REDUCTION IN TARIFF ON COTTONS—NOT OPPOSED, HOWEVER, TO SLIGHT LOWERING OF RATES TO LEVEL OF THE DINGLEY BILL—INCREASES NOT ASKED FOR HAVE PROVED DETRIMENTAL TO THE MILL WORKERS.

That the textile operatives of this city and of other cotton-manufacturing centers strenuously object to the proposed radical reductions in the cotton schedule, although they insist that some reductions should be made, is the opinion of John Hobin, secretary of the textile council of this city. While cotton manufacturers, converters, finishers, importers, and politicians are quarreling over what should be done with the cotton schedule—which was presumably framed to protect the wage earner in American cotton mills—this expression of opinion from a prominent official of the labor men themselves ought to have interest:

"When the Payne-Aldrich tariff bill was under discussion," Mr. Hobin said yesterday, "the textile unions joined with the manufacturers in a petition that the cotton schedules be retained at the existing level. That was all they wanted, and, through the delegation that the United Textile Workers sent down to Washington, all they asked. They certainly did not want the duties pushed up higher, as was done. So they are consistent when they ask that the cotton schedules be reduced.

"We feel that the raising of the duties is as injurious to the wage earner as would be a serious reduction in them. By the undue elevation of the duties, the converters and retailers have been permitted to charge prices for the cloth so high as to place them comparatively out of reach of a large part of the consumers. We believe that the retention of the present abnormally high duties can not fail to produce such high prices for cloth as to limit the market and force curtailment in the industry.

"But, on the other hand," Mr. Hobin continued, "we protest against the reduction of duties to the extent proposed by the Democrats. In saying this I am not raising a party issue nor talking from a political standpoint. I believe that the textile operatives as a whole feel the same way, irrespective of politics. We are very much afraid that the party in power at Washington is going to injure us as seriously by reductions in the tariff as the other party did by undue elevations of it.

"Personally, I favor very much President Taft's scheme of submitting this matter to a Tariff Commission. The cotton schedule ought to be capable of scientific adjustment, and in my opinion this is the best solution of the problem."

The pending bill proposes to benefit the consumer by creating greater competition for the American manufacturer by reducing the tariff on imports to such an extent that the American manufacturer will be compelled to lower his cost of production to enable him to meet this new element of competition, if this bill should be enacted into law. As previously stated, there were, in 1910, 1,713 cotton mills, all constructed at high cost of labor, material, and machinery; very much higher in cost than our foreign competitors are called upon to pay. These mills are too costly and are built of too heavy material to be removed from their present locations, even if more favorable locations could be obtained, and these facts ought to receive consideration when new elements of competition are to be suddenly forced upon the investor by the proposed radical reduction of the tariff.

The proposed revision of the tariff affects every one of the 1,713 cotton mills in the United States and every one of the vast number of operatives in the different mills in many States of the Union, but it more directly and unfavorably affects the finer grades of yarns and finer qualities of cotton cloth than any other product of the industry, for the importations have been in the past, and will continue to be in the future, on the finer qualities of production, and the amount of the importations will, in the judgment of every manufacturer and operative whose views I have seen quoted, exceed by manyfold the estimate quoted by the chairman of the committee in presenting the proposed bill.

New Bedford, Mass., is the center of the fine-yarn and fine-goods industry in the United States, and although Fall River, Mass., exceeds it in number of cotton spindles, it ranks second in the production of fine yarns and fine goods. These two great cotton centers will be called upon to bear the greater burden which the reduction of the tariff proposed in this bill will impose upon any community in the United States. I protest against this proposed iniquitous legislation in the name of and in behalf of every man, woman, and child in the district which I have the honor to represent on this floor.

Under the existing tariff act the cotton business has been fairly prosperous, and continuous employment has been the rule rather than the exception.

Wages have been increased and the hours of labor have been reduced in the cotton industry in the State which I represent, in part, on this floor. There is a strike in the city of New Bedford, in the district which I have the honor to represent, occasioned by a difference of opinion between the operative and the manufacturer on the question of fining the operatives for imperfect work in the weaving departments. While this difference of opinion on this question is very unfortunate, it is not in any way involved in the tariff problem.

In the first session of the Sixty-second Congress House bill 12812 was introduced by the chairman of the Committee on Ways and Means, and it was adopted and reported to the House of Representatives by the Democratic majority of said committee. For some reason best known to the Democratic members of the Committee on Ways and Means they did not hold any public hearings on the bill. It was reported to the House and only a very limited time for debate was allowed. The bill was finally passed by the House. It went to the Senate and the bill was agreed to and it was presented to the President for approval or disapproval. It met with the disapproval of the President.

At that time there was no report from the Tariff Board, and the President showed the inconsistencies and fallacies of the bill, which he thought was prepared without due care and consideration and without having possession of facts necessary to the framing of a bill of such vital importance to the many thousands employed in this industry and to the large amount of capital invested in the industry.

After the bill had passed the House it had been sent to the Senate. Southern manufacturers sought there an opportunity to be heard regarding some phases of the industry which vitally affected them, but they were denied the privilege of presenting their views except in a limited manner.

It was not expected that any bill affecting the manufactures of cotton would be presented at this session of Congress. But as the other body began to actively consider other tariff schedules on the floor of the Senate, the Democratic majority of the Committee on Ways and Means determined to report another bill to the House. It was supposed, in view of the report of the Tariff Board, which they by their votes had helped to create in the Sixty-first Congress, and the objections made by the President in his veto of House bill 12812, that in the presenting of a new bill some features might be changed so that there might be some possibility of enacting into law a bill which should meet the approval of the President.

But with the same obstinacy that has characterized all attempts to prepare tariff bills, we find ourselves confronted with the same bill that had heretofore been debated and passed by both the House and Senate. Not an "i" dotted nor a "t" crossed, but a change in number only, being the result of many months' incubation.

That is certainly constructive statesmanship with a vengeance. It involves no labor to prepare such a bill, because with no hearings being held the only act necessary is to put a new number on the bill and report the same to the House. I think no one will be deceived by such unheard-of practices.

Clearly the bill was only introduced in order to demonstrate that the Congress was busy with tariff legislation, and therefore there was some excuse for the two bodies to remain on guard in Washington. The discourtesy shown to operatives and manufacturers by the abrupt refusal of the Committee on Ways and Means to grant any opportunity for the presentation of facts showing the bearing that the proposed changes in the cotton tariff would have on the wage earners as well as the manufacturers was in marked contrast to the course pursued in the preparation and consideration of the Wilson tariff, the Dingley tariff, or the Payne tariff acts and all former tariff bills heretofore enacted, all of which have vitally affected the grower of cotton or the operative or manufacturer.

The district which honors me with its confidence contains more than one-fourth of all the cotton spindles in the United States, and the city of Fall River, Mass., where I reside, has more than one-seventh of all the cotton spindles in the country.

Nearly 70,000 persons are directly employed in the cotton mills of the district. The question of their employment and wages is not only of importance to themselves and their families, but it affects the farmers of the surrounding country, who obtain their sustenance by selling the products of their labor.

When the former bill was considered in the House of Representatives many questions were propounded to the gentleman from Alabama [Mr. UNDERWOOD], the chairman of the Committee on Ways and Means.

These he answered in a flippant manner, which I am sure would not have been applauded by the operatives in the cotton mills, but which had the approval of his partisan colleagues.

Nearly every one of these operatives in the cotton mills of New England know what it costs to make a yard of cloth, and they are also familiar with the selling price of the product. If the Members of this honorable body had the same amount of information, they would be a little more careful than they now are about throwing open the American market to the competition of the lower priced labor and the less cost of production, because of the less amount of capital invested by the foreign manufacturer in the construction of a similar manufacturing plant, in many of the countries on the other side of the Atlantic Ocean or in the oriental countries across the Pacific Ocean.

Who is calling for the reduction of the tariff on cotton goods? I will answer, the free trader. His love of country is based upon the narrow idea of procuring whatever he needs for his comfort, luxury, or necessity in the cheapest market. He thinks not of employment for his fellow men. He can not see beyond himself. He is the best representative of sordid selfishness. The golden rule is not one of his cardinal precepts.

Does anyone in his right mind believe that a single person employed in a cotton manufacturing plant is complaining of the high price of the product of his labor? They realize that the market price of the product of their labor is but slightly above the cost of production. They know that if the theories of the Democratic Party are put into practice the result will be that goods will be manufactured abroad, and as a consequence they know that every yard of goods manufactured abroad will take the place of the products of American labor.

Neither the mill operative, the manufacturer, or the laborer is calling for a reduction of the tariff on cotton goods. Therefore we can conclude that the nonproducer is the element in society which is calling the loudest for a reduction of tariff duties on cotton goods.

The laboring and producing members of the body politic can not agree to a reduction of duties when they know that it would result in providing more employment for mill operatives in Great Britain, Continental Europe, India, Japan, or China, and no argument put forth by gentlemen on the other side of the aisle regarding the cheapness with which goods can be produced abroad and the advantage it would be to have the tariff reduced so that these productions of foreign capital and foreign labor can be more readily brought into competition with the capital and laborers employed in the cotton mills of this country will be accepted as logical.

Past experience has demonstrated every time this antiquated method of producing prosperity has been put in practice by the unwise legislation of the Democratic Party that it brings disaster and ruin to the cotton industry, and distress, lack of employment, and deprivation of the comforts of life to the mill operative and his family.

I am opposed to all such theories, as the Democratic Party by proposing such legislation endeavors to foist upon the people, because it can benefit no one; but on the other hand it means disaster to the capitalist and distress and ruin to the operative.

As it would take away the purchasing power of both of the parties I have alluded to, each of whom are dependent upon the prosperity of the other, it would have a far-reaching influence upon every other industry in the United States.

We have indications of great crops of every kind to be produced by the American farmer.

Every citizen of the United States is vitally interested in the production of the necessities of life. I would assume that no American with a spark of patriotism in his soul would desire that the producer of raw cotton should be compelled to sell the product of his investment and labor at a price below the cost of production.

In fact, I believe that it is a sound business proposition that labor and capital should find adequate compensation. Cotton is distinctively an American product, which is practically without competition from abroad. It has puzzled my brain to understand why the Democratic majority in this House, when to that cotton is added the cost of erecting a factory building and equipping the same with machinery, there should be a determined and insistent demand that the product of that added labor and capital should be subjected to competition from abroad.

This is an unexplainable mystery, which the American voter will be interested to have explained without equivocation in the coming national campaign by the Democratic orators at the same time that they are whining because President Taft vetoes their ill-considered and carelessly prepared legislation which they send to him not with the purpose of having the same enacted into law, but with the intention of putting the President "into a hole."

My colleague from Connecticut [Mr. HILL], a single member of the Republican minority of the Ways and Means Committee, presented a bill which was supported by nearly all of the minority Members present in the House.

The gentleman from Connecticut is able and distinguished. He was for many years a successful woolen manufacturer.

There is a vast difference between the manufactures of cotton and that of wool. I would coincide quite fully with his views on the wool industry, but I could not coincide with his conclusions on the cotton industry. Therefore I voted against the bill presented by Mr. HILL, as I did against the bill reported by Mr. UNDERWOOD, the chairman of the Committee on Ways and Means.

Neither of them, in my judgment, were accorded sufficient consideration or hearing before the Committee on Ways and Means—the most important committee of the House of Representatives.

The Democratic Party were in full control of the Government from March 4, 1853, to March 4, 1861.

After that period they were sometimes in control of the House and sometimes in the control of the Senate. They have been twice intrusted with the office of President, and during the sessions of the Fifty-fourth Congress they controlled the Senate and House in addition to the Presidency.

Their record of constructive legislation is practically unknown to the present generation.

During the year 1909 more than $10,000,000 additional capital was invested in the fine yarn and fine goods industry in the city of New Bedford, and more than $6,000,000 was invested in that city during the year 1910. Sixteen mills in number were added to the number that the city formerly contained. They use the finer grades of sea-island and Egyptian cotton and the better grades of American cotton, and their product is very largely of the quality heretofore imported. The reduction of the tariff proposed in this bill will cause a much greater quantity of similar products to pass the customhouses and enter into active and severe competition with the individuals who have massed their contributions in taking stock in the various corporations which have been organized to promote and extend this important industry.

During the past 10 years the city of New Bedford increased in population 54.6 per cent and now contains more than 100,000 people.

No adequate reason for the vicious attack made upon the principal industry of this thriving community by the proposed bill has been advanced, nor is there any valid reason why the special industry located in the district which I have the honor to represent should be called upon to meet the great burden proposed to be inflicted upon it by the radical conditions contained in the bill presented in this House, and which it is proposed to enact into law as far as this House can, by a decree of the caucus of the Democratic Party, without granting a hearing to either the owners of the mills or the operatives who earn their daily bread by the sweat of their brows.

Before the special session of the Congress had been called after the adjournment of the last session of the Sixty-first Congress, during conversation which took place between myself and a leading cotton manufacturer of fine goods of my own city, he related to me an interesting fact, which I desire to bring to the attention of the Members of the House.

He stated a short time previously he had made up a grade of goods that he thought he could find a ready market for at the price of 8¼ cents per yard. He placed the samples in the hands of his New York brokers, but owing to the depressed condition of the cotton industry no buyer could be found. He therefore placed the samples with a Boston broker, who received an offer of 8¼ cents per yard. This offer was finally accepted.

After filling the first order and the same being duplicated and further demand seeming in prospect, the manufacturer stated that he journeyed to Boston and visited the large department store which had purchased the goods and sauntered around the great establishment until he arrived in that portion of the store where the goods were being sold to the consumer, and he found that the customers were buying these goods which he had sold at 8¼ cents at 25 cents per yard.

Mr. Speaker, if the gentlemen on the other side of the aisle desire to benefit the consumer by the legislation which they enact, it is very clear to my mind, as I doubt not it is to yours and to the minds of those who listen to me to-day, that the point of attack should not be at the customhouse, but at some point to be determined by careful study and deliberation of the conditions which prevail between the manufacturer and the ultimate consumer.

The great advance and growth of the cotton-manufacturing industry in the Southern States is but a natural and welcome feature of the prosperity of the Nation itself. The northern manufacturer welcomes this new factor in the Nation's life. They recognize that the more modern factories and the former abundance of native help were advantages which, added to the close proximity to the raw material, were important factors in the competitive line of production to which they were compelled to adapt themselves.

The South has produced very largely the coarser grades of yarn and cloth. With the lapse of time and the benefit of experience and improvements in methods and machinery, the southern manufacturer at this time is seeking to produce the finer grades of yarn and cloth; but this condition arouses no feeling of indignation or dissatisfaction with their northern competitors.

The competition of the foreign manufacturer, who is not bound by American regulations, American standards of living, American wages, nor hampered by the larger capital required to construct and maintain his plant, is the competition to which neither the northern nor southern manufacturer have heretofore been subjected; and by the granting of redutcions at the customhouse to the foreign manufacturers, who have long sought the American market—the best market in the world—the provisions of the pending bill will make it a great deal easier for them to flood the American market with the products of their capital and labor to the detriment of American industries and American labor.

The Commonwealth of Massachusetts, realizing that education has been one of the greatest factors in its advancement to the higher standards of excellence since the Pilgrim Fathers nearly 300 years ago landed on Plymouth Rock, several years ago entered upon the policy of establishing textile schools, in order that the rising generation might be the better equipped with the requisite knowledge in the production of higher grades of textile manufacturing. Builders of modern, improved machinery contributed liberally to each of three textile schools established in that Commonwealth. The State appropriated the money necessary for their construction, and the city of Lowell, where my colleague, Representative BUTLER AMES, resides, and the cities of Fall River and New Bedford, in the congressional district which I have the honor to represent, cooperated with the State in providing money for their maintenance in order to provide for the free education of its people.

The purpose of this higher education was to equip with experimental knowledge the rising generations, in order that they might produce the higher grades of textile manufacture in America, instead of buying the same abroad. No foreign manu-

facturer contributes to this enterprise, but by the provisions of the pending bill the foreign manufacturer finds encouragement at American customhouses to neutralize the efforts of the Commonwealth of Massachusetts to improve its methods of textile manufactures and advance the interests of its citizens. I am one of the trustees of the textile school in Fall River and was the first signer of the petition for its establishment.

In the matter of hours of labor in the cotton manufacturing establishments Massachusetts takes the foremost rank. They were the first to enact the 10-hour law. By acts of legislation since that time they have reduced the hours of labor to 58 hours and to 56 hours, and the Legislature of Massachusetts, at its session for 1911, enacted the 54-hour law for cotton operatives, and it went into effect January 1, 1912.

Massachusetts has now a Democratic governor, but the Republican Party has always had a majority in its legislature since the party was formed in 1854, a period of 58 years.

Massachusetts is a manufacturing State. She produces none of the raw materials which her artisans, mechanics, and operatives by their labor, skill, and intelligence prepare for the use of the American people. She does not want the pending bill enacted into law.

If I were to be governed wholly by political considerations, I would gladly welcome the passage of the pending bill. But, Mr. Speaker, viewing the proposition upon the broader lines which should govern a subject of such great importance, I sincerely hope the bill may not be enacted into law.

Mr. UNDERWOOD. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Speaker, the Dingley law as passed by the Republican Party in 1897 remained in force for 12 years, which was a longer existence than had been accorded to any other tariff act in the history of this country. For 10 years after the passage of this law the Republican Party confidently claimed that the country was prosperous as the result of this act. Yet a short study of the facts will show that prosperity resulted in spite of the Dingley Act, and not because of it. An exactly similar wave of prosperity followed the tariff act of 1846, which was passed by the Democrats and continued in force for 11 years, making it second to the Dingley Act in point of duration. This period is commonly spoken of as the free-trade era, though this act did no more than apply the principle of tariff for revenue on an ad valorem basis. During this period the country enjoyed a long era of prosperity, and this being the case, the tariff remained untouched, for the country was involved in a discussion of slavery and weightier questions were at issue. An exactly similar state of affairs explains the long continuance of the Dingley Act. The country, owing to internal conditions, prospered in spite of this law, and centered its attention upon the problem of dealing with great trust combinations, destined to be the great question of the twentieth century. These trusts owed their existence in a large measure to the high-protective tariff, hence after 10 years, prompted by the business complications resulting in the panic of 1907, the tariff came in for its share of attention and its revision was demanded by the American people as a step in the curbing of the trusts.

The Republican Party, having become conscious of the trend of public opinion, and of the general demand throughout the country for a reduction in tariff duties, went before the people in the campaign of 1908 with a promise of downward revision They made the campaign solely on this issue, and the people of this country, relying on their promise of downward revision, returned the Republican Party to power.

On March 15, 1909, President Taft called an extraordinary session of Congress for the purpose of revising the tariff. The tariff was revised, but the Republican Party, unable to break away from the habits of a lifetime, again revised the tariff, not in the interests of the people whom they had been placed in power to serve, but in the interests of the great trusts of this country, to whom their first allegiance has always been given. As a result, the average ad valorem rate of duty on dutiable imports amounted in 1911 under the Payne-Aldrich Act to 41.22 per cent as compared with 44.16 per cent in 1905 under the Dingley Act. Because of the prohibitive rates of duty which exist on many articles in the present tariff act making it impossible for imports to come in, the average of 41.22 per cent in 1911 is below the average rate of duty assessed in the act. In the campaign of 1910 the Republican Party went before the people with this tariff as the fulfillment of its pledges to revise downward, and the results of that election show the appreciation felt by the people of this country for the way in which the Republican Party had broken faith with them. A Republican majority of 45 in the House of Representatives in the Sixty-first Congress was changed to a Democratic majority of 68 in the Sixty-second Congress. The voice of the people had spoken, and in unmistakable terms it demanded lower tariff duties levied in the interests of the people of this country and not in the interests of predatory wealth.

Government is and has always been merely the organized form of the state through which the general will is expressed. The state, by which is meant the people of the entire country, and which is only another expression for the national consciousness, subject always to the limitations of the Constitution, is the supreme power, and when its will is clearly indicated it must be carried out. Government is only the mechanism for executing the will of the people, and that government best performs its functions which most nearly expresses the General Will, clearly and intelligently indicated. Of all the governments which have been evolved in the history of the world the American Government most nearly reaches perfection in this respect. It most nearly approaches man's ideal of a true democracy, and over the earlier democracies of the world it possesses the added advantage of certain checks, of which the chief bulwark is the Constitution, insuring stability to this Government and protecting the people from hasty and ill-advised changes in the fundamental principles of the Government. Once in two years the people of this country are given the opportunity of saying whether their will is being expressed by the manner in which the party in power is conducting the Government. Two years ago they showed in unmistakable terms their disapproval of the work of the Republican Party and of its policy, which has always been to levy tariff duties, not primarily for the support of this Government, but for the protection of the great corporations, with revenue for the Government as only an incidental factor.

The Democratic Party was restored to power in the House of Representatives on the promise that gradual reductions should be made and the tariff restored again to a basis of revenue. In compliance with these promises that party has proceeded to make a reduction in the schedules of the tariff to a point where they will give no unnecessary taxation while still yielding an income adequate for the support of the Government. The Democratic Party has never stood for free trade; it has always maintained that tariff duties for revenue should be imposed, and incidentally, of course, some protection will always follow. It has not held, however, as has the Republican Party, that protection should be the essential feature with revenue for the Government as only an incidental factor. It was Francis Lieber, one of the greatest political economists this country has ever seen, who, in speaking of duty in its higher sense, enunciated this maxim, "No right without its duty, no duty without its right." The latter part of this maxim, if we may be allowed to take duty in its tariff sense, may be said to well express the attitude of the Democratic Party toward the levying of tariff duties. No duty should be levied unless Congress has an absolute right to impose it, and the only right given Congress for levying any tariff duty is to provide sufficient revenue for the support of the Government. This principle is enunciated in the words of that great Democrat, Andrew Jackson, whom I quote with especial pride because he was born in the district which I have the honor of representing in this House. In his farewell message he said:

> There is perhaps no one of the powers conferred on the Federal Government so liable to abuse as the taxing power. The most productive and convenient sources of revenue were necessarily given to it, that it might be able to perform the most important duties imposed upon it; and the taxes which it lays upon commerce being concealed from the real payer in the price of the article do not so readily attract the attention of the people as smaller sums demanded from them directly by the tax gatherer. But the taxes imposed on goods enhances by so much the price of the commodity to the consumer, and as many of these duties are imposed on articles of necessity which are daily used by the great body of the people, the money raised by these imposts is drawn from their pockets. Congress has no right under the Constitution to take money from the people unless it is required to execute some one of the specific powers intrusted to the Government; and if they raise more than is necessary for such purposes it is an abuse of the power of taxation, both unjust and oppressive. It may, indeed, happen that the revenue will sometimes exceed the amount anticipated when the taxes were laid. When, however, this is ascertained it is easy to reduce them; and in such case it is unquestionably the duty of the Government to reduce them, for no circumstance can justify it in assuming a power not given to it by the Constitution, nor in taking away the money of the people when it is not needed for the legitimate wants of the Government.

In these words are found a true statement of Democratic principles. The Democratic Party has remained true to its standards, and to-day stands as the champion of the great mass of the citizens of this Republic, advocating, as regards both the humblest citizen and the greatest corporation, equal rights and equal privileges. The words of Jackson are reechoed in the latest platform of the Democratic Party, as well as the platform of 1908, upon which that party was restored to power in

the House of Representatives, and from which I quote the following plank:

We favor immediate revision of the tariff by the reduction of import duties. Articles entering into competition with trust-controlled products should be placed upon the free list, and material reductions should be made in the tariff upon the necessities of life, especially upon articles competing with such American manufactures as are sold abroad more cheaply than at home, and gradual reductions should be made in such other schedules as may be necessary to restore the tariff to a revenue basis.

Immediately upon the convening of Congress in April, 1911, the Democrats of the House of Representatives proceeded to a fulfillment of these pledges. Tariff bills were passed by the House so just and beneficial in their provisions that not even a Republican Senate dared to stop their passage, and but for the hasty vetoes of a Republican President would have resulted in laws of untold benefit to this country.

The first bill passed by the Sixty-second Congress was the farmers' free list, which removed all tariff duties from agricultural implements, leather, boots and shoes, cotton ties, cotton bagging, lumber, meat, flour, food preparations, saddles and harness, salt, fence wire, and sewing machines. The estimated total value of these articles consumed in this country per annum is $2,760,000,000. The tariff rate on them ranged under the Payne-Aldrich law from 7 per cent to 51 per cent, or an average of about 18.75 per cent on the entire group. Now, assuming that the rate of tariff duty is 50 per cent effective in increasing prices to the consumer, the estimated saving to the consumers of this country from putting these articles on the free list would have amounted to $390,000,000 in a 12-months' period. This saving would have been directly felt, especially by the poorer people of the country, for the articles from which it was proposed to remove tariff duties are all among the first necessities of life. The President, although elected upon a platform promising reduction in tariff duties and of the cost of living, at once vetoed the Underwood bill, giving as a pretext that he had not yet heard from his so-called Tariff Board, and therefore any tariff revision made by the Democrats was unreliable.

No Tariff Board report or the report of any other board is necessary to show that tariff duties should be removed from the articles included in this bill. Agricultural implements, so necessary to the great farming class, which is the backbone and future hope of this country, are taxed so heavily that a complete monopoly is given to the Harvester Trust, and the farmer is forced to pay whatever price that trust demands. In fact, the protection given this trust is so high that the cost of transportation can be paid on American-made machines and they may still be sold abroad, with profit, at a lower price than they are sold at home. The same thing is true of sewing machines, which are as much a necessity to the American household as are agricultural implements to the farmer. When the Payne-Aldrich tariff bill was before Congress manufacturers of boots and shoes declared that if hides were put upon the free list they could manufacture boots and shoes in competition with the world. In the Underwood bill hides have been put upon the free list, and there is therefore no reason why protection should be granted to manufacturers of boots and shoes. Meats, flour, timber, salt, cement, and lime are among the first necessities of life to all the 92,000,000 people of this country, and any protective duty placed upon them only raises the cost of living for those who can least afford to pay it.

This country has become an exporting rather than an importing country as regards these articles, and there can be no excuse, therefore, even from a protective standpoint, for keeping them on the tax list. To illustrate, our production of agricultural implements amounts to almost $111,000,000 per annum, our exports of them to over $25,000,000, and our imports to less than $170,000. Again, in the case of fresh and preserved meats our production is valued at approximately $800,000,000, of which we export about $150,000,000 and import about $500,000.

In view of facts such as these it is evident that tariff duties on the above-named articles bring to the Government a minimum amount of revenue. Yet the policy of the Republican Party is to maintain a high duty on these articles, although it results in little benefit to the Government and in great hardship to the consumers. The Democratic platform, on the other hand, declares specifically that it favors the placing upon the free list of trust-controlled products and material reductions in the tariff duties upon the necessities of life. The free-list bill as passed by the Democrats of this House and by the Senate was in full compliance with this declaration, and, as was said above, had it become law it is estimated that the saving to the American consumer would have been over $390,000,000 per annum.

The next bill passed by the Democrats of the House was one reducing the duties on wool. The tariff duties on wool as contained in Schedule K of the Payne-Aldrich tariff bill were declared by President Taft himself in his Winona speech in 1910 as being "indefensible."

In this schedule as now constituted under the Payne bill the Republican principle of protection finds a more complete expression than in any other schedule of the tariff. On woolen goods, which after food are among the first necessities of life for all the people of this country, a tax was placed by the Republican Party which was almost prohibitive. The ad valorem tariff rate on imported woolen manufactures for 1910 was 90.10 per cent, being the highest rate imposed by the Payne-Aldrich law. Such a rate is not designed to obtain revenue for the Government, for by its very nature it is so prohibitive as to yield very little revenue. It is levied in the interest of the woolen manufacturers, and in effect gives them complete control over the woolen trade in America.

In 1909 we imported $18,102,416 of woolen manufactures, as against a production at home of $514,732,000. At the same time the woolen manufactures which we exported amounted to only the nominal sum of $1,971,739, thus showing what a complete control of the American woolen market has been given to the American woolen manufacturers. Yet such a state of affairs is in accordance with the avowed Republican principle of protection, which holds, as announced in its 1908 platform—

that the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries.

In accordance also with the Republican idea to insure protection to the American manufacturers, the manufacturer himself was allowed to state to the Ways and Means Committee what was the difference between the cost of production at home and abroad, and his statements were blindly followed by the Republicans and the rates fixed in accordance with them. That persons so vitally interested in the result should have been allowed to testify at all seems surprising, and the inaccuracy of their statements, upon which the schedule was based, can not be a matter of wonder. These manufacturers declared with much insistence that to maintain "the true principle" of protection the duties must be kept very high, if not higher than they were before. As a further proof that the prosperity of the country depended upon the maintenance of such high duties, they declared that otherwise they could not afford to pay such high wages as at present, and the workingman would suffer. It was the old cry which has been raised so often, that to compete with cheap foreign labor the manufacturer must have protection if he is to pay the present high wages. Prof. Taussig exposes this fallacy in his Tariff History of the United States, page 365, from which is quoted the following extract:

One of the most familiar facts of industry, though one most commonly forgotten in the protective controversy, is that high wages do not necessarily mean high prices of things produced. When labor is effective high wages and low prices go together. The truth is that high general level of real wages is the outcome of high general efficiency of labor. Given such efficiency it would continue, tariff or no tariff.

In his speech of June 17, 1911, in this House, Mr. REDFIELD gives facts which clearly bear out these observations of Prof. Taussig and prove that because of the efficiency of the American workman high wages will continue to be paid and can afford to be, nor will high prices necessarily follow. Indeed, low prices result or else our American manufacturers could not afford to pay the high wages demanded by American laborers at home and yet sell goods in foreign countries, in competition with foreign labor, as many American concerns certainly do. All this goes to prove the inaccuracy of the statements made by manufacturers upon which the woolen schedule rates were based.

The Underwood bill, as passed by the Democrats, reduced the duty on raw wool from an equivalent ad valorem duty of 42.20 per cent in 1911 to an ad valorem rate of 20 per cent, and on manufactures of wool from an equivalent ad valorem rate of 87.65 per cent in 1911 to 42.55 per cent. Another change provided by the bill was the substitution of ad valorem duties for the combination of specific and ad valorem duties, which make the interpretation of the Payne-Aldrich bill impossible by any except a Government expert. The President, however, chose to veto this bill also, and the woolen trusts were allowed to further enrich themselves at the expense of the consumers in this country.

At the present session of Congress the report of the President's Tariff Board, on which he placed so much reliance, was submitted to the House of Representatives.

It was carefully analyzed by the Democrats, but was found to contain no information which justified the Democrats in changing the woolen bill as passed at the last session. Not even the Republicans can agree on what the report of the Tariff Board means, or what would be a fair rate, in accordance with the so-called scientific information. This grows out of the impracticability of the theory of the President and his party of at-

tempting to ascertain the difference in cost of production here and abroad. Had the President chosen to aid the Democrats in their efforts to serve the country by passing the woolen bill of last session over $50,000,000 in the past 12 months would have been left in the hands of the American people. Such, however, would not be in accordance with the avowed Republican program of protection for the trusts.

The next schedule which the Democrats undertook to revise at the last session of Congress was the cotton schedule. Under the Payne-Aldrich law an equivalent ad valorem duty of 47.05 per cent during 1911 was imposed on all cotton manufactures. The Democrats passed a bill through the House reducing the duties to an average of 27.06 per cent, but the presidential veto was again evoked to prevent the enactment of this measure into law. On March 26, 1912, the President sent a message to Congress with which he submitted a report of the Tariff Board on the cotton schedule. As with the wool report of the Tariff Board, the Democrats very carefully analyzed the cotton data thus submitted with a view to checking up the results of their work of last summer on the cotton schedule. No reason was found for changing the rates of duty already fixed by the Democrats, and the cotton bill of last session was again introduced during the present session of Congress. As a matter of experiment, a Republican Member, under the guidance of the light shed by the Tariff Board's report, worked out a revision of the cotton schedule in accordance with the facts given in this report. As a result, the bill evolved by him is made to impose a duty within 2 per cent of the duty imposed under the Democratic bill of last session. It is certainly worthy of note that the Democrats, having access to the same information as had the Republicans in 1909, produced a bill levying a duty within 2 per cent of the rate recommended by the Tariff Board's report, while the Republicans, in 1909, evolved a bill levying a duty so far in excess of a justifiable rate.

At the present session of Congress the Democrats passed a bill reducing the duty on metals and the manufactures of metals from an average ad valorem rate in 1911 of 32.03 per cent under the Payne-Aldrich law to 22.42 per cent. The United States Steel Corporation, with its net earnings of a billion dollars in 10 years, is one of the most appalling examples of the giant growths that have sprung up under the Republican policy of high protection. No one is more interested in the prosperity of this country or in the growth of its commercial and manufacturing interests than is the Democratic Party, for in this age a country's greatness is, to a large extent, measured by its commercial supremacy. When, however, the growth of the corporate interests of a country is at the expense of the great mass of its citizens and works for the benefit, not of the people of the country, but of a small body of capitalists, then the further growth of such a corporation should not be aided by undue advantage given it by the Government under the guise of tariff laws. The United States Steel Corporation at the present time is in active competition with all the world in the manufactures of metals, and by such great steel manufacturers as Carnegie, Schwab, and Gary, it has been admitted that iron and steel products may be manufactured in this country as cheaply as anywhere in the world. The surplus products of the United States Steel Corporation are sold abroad in active competition with the markets of the world, and I contend that it is the duty of this Government not to promote a state of affairs where the foreigner and not the American citizen enjoys the advantages accruing from the marketing of this surplus production.

In the chemical schedule the Democrats reduced the duties from an average ad valorem rate in 1911 of 25.72 per cent, under the Payne-Aldrich law, to 16.66 per cent. This schedule was revised on a strictly revenue basis, reducing the duties on articles of general use, as medicine, chemicals, and dyestuff used in the wool, cotton, and paper industries, and placing the burden of raising the revenue on those industries most capable of supporting it.

Sugar has been placed by the Democrats on the free list. This bill will directly affect every household in this country by removing the heavy tax on an article of absolute necessity. Should the free-sugar bill proposed by the Democrats become law, fully $115,000,000 annually, which the people of this country now pay to the Sugar Trust, will be saved. To make good the loss of $53,000,000 in revenue from placing sugar on the free list the Democrats propose to raise sufficient revenue by an excise tax, which will extend the corporation tax so as to bring under it individuals, firms, and copartnerships, and will place the burden of taxation on those most able to bear it.

Such has been the constructive tariff legislation which the Democratic Party has tried to enact into law in accordance with the promise whereby it was restored to power in this House. The tariff revision that has been proposed has been honest and made in the full conviction that it will result in benefit to the great mass of citizens of this Republic. The issue between the Democratic and the Republican Parties is clear. The policy of the Republican Party is to place on all articles manufactured in this country a tariff so high that the manufacturer will be protected from all outside competition. As a result a majority of the necessities of life (such as clothing, sugar, farming implements, sewing machines, and many other articles too numerous to mention) can be purchased in foreign countries at from 25 per cent to 100 per cent cheaper than they can be bought in the United States. From a tax on such goods the Government derives very little revenue, for the manufacture of practically all such articles is controlled by the trusts and the high protective tariff gives them a complete monopoly of the American market.

To illustrate, take the Steel Trust, the Harvester Trust, and the Meat Trust, to whom such protection is given by the law that they are enabled to charge the American consumer exorbitant and unreasonable prices for their products. From this high-protective tax maintained on their products practically no revenue goes in the Treasury of the United States, but a great deal of revenue does go into the pockets of these trusts. The revenue raised by tariff taxes annually amounts to a little more than $330,000,000. For the money that is raised in this way for the support of the Government it is estimated that under the Republican tariff laws there is taken out of the pockets of the American consumer and given to the trusts more than two thousand million dollars, not one cent of which goes into the National Treasury.

Will the American people longer consent to be robbed in this way by Republican tariff laws, framed for the protection of the trusts of this country? The fight is on now, and I believe that in November the people of this country will assert their right to have the laws administered for their benefit, and will place the Democratic Party in full control of this Government. Since the Democrats came into power in the House of Representatives on the 4th of March, 1911, a Republican President and a Republican Senate have blocked the efforts of the Democrats to give relief to the people, but the time is near at hand when these obstacles will be removed.

In its convention at Baltimore the Democratic Party adopted a sane and truly progressive platform, and in it the wishes of the people of this country find complete expression. As candidates for President and Vice President, Democracy has nominated men whose splendid character, brilliant attainments, high order of statesmanship, and exalted patriotism are exemplified in both their public and private lives. Next November, by larger majorities than any Democratic nominees have received in the last 90 years, the people of this country will elect to the presidency, Woodrow Wilson, scholar, patriot, and statesman, and will place in the vice presidential chair that splendid type of American manhood, Indiana's favorite son, Thomas R. Marshall. These men on whom Democracy's choice has fallen, have made good abundantly in the offices they now hold as governor of their respective States. The American people in November will call them to higher stations and wider fields, confident that in the offices of President and Vice President the welfare of all the people, the prosperity of the whole country, and the perpetuity of its institutions will be safe in their hands. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, will the gentleman from New York [Mr. PAYNE] use the balance of his time?

Mr. PAYNE. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from New York [Mr. PAYNE] has 20 minutes remaining, and the gentleman from Alabama has 1 hour and 22 minutes remaining.

Mr. PAYNE. Mr. Speaker, I did not expect to say anything on this subject this afternoon, inasmuch as I have talked so much about cotton, but still there are a few matters to which I wish to allude. The Tariff Board did not have time to send experts abroad to get the cost there in the thorough manner which they did upon the wool schedule, and hence the cost abroad does not appear in the board's report. They have, however, an exhaustive statement as to the prices abroad and the prices here, and an exhaustive and conclusive statement as to the cost in the factories in the United States. These are the facts upon which a bill must be based in the present tariff report.

I am not able to agree entirely with the gentleman from Connecticut [Mr. HILL] as to his conclusions concerning the bill which he introduces here. It is a much better bill than the bill presented by the majority of the committee, and for that reason I shall yield to the gentleman to make such motion as he desires in connection with it, and shall also vote to sub-

stitute it for the Underwood bill, reserving, however, to myself the privilege, if that report is ever completed by an investigation abroad, to act in accordance with the facts that then shall appear in the Tariff Board report.

The gentleman speaks of the duty placed upon mercerized goods under the present law; as he said upon mercerized manufactured goods we arrived at the duty from the statement of an old Member of the House, who had been for many years engaged in the cotton-goods industry, but who had been out of the business for several years at the time he made his statement. Later, when the matter came up before the conference committee, I found out to my satisfaction that we were misled about the difference in cost. The process of mercerization costs no more here than it does abroad. There is, however, some shrinkage in the weight and also in the measurement of the goods in going through the process of mercerization, and some duty was necessary in order to make up for the difference in the specific duties on those goods where they were based either upon the yard measure or upon the weight of the goods. But that was a small duty, and if there had been any amendment pending I should have exerted myself to have eliminated the duty on mercerized goods in the yard.

The mercerized process in yarn also costs no more here than abroad. It costs exactly the same, according to information I then obtained, and which is confirmed by the information obtained by the Tariff Board. But the duty on yarn in that bill was based on the 100-yard measurement, and I found in the process of mercerization that the length and weight of the yarn, the weight particularly, shrank 4 or 5 per cent. The Senate had put on a greater duty than that through misinformation, and I succeeded in putting it down to the exact difference according to the weight of the yarn, and I have no apology for the duty on the mercerization of yarn.

In the bill offered by the gentleman from Connecticut [Mr. HILL] and in the bill offered by the committee there is some discrimination in favor of mercerization, perhaps not to so great an extent, because the duty is the same per cent ad valorem on cloths in the gray and the mercerized cloth, and the difference in the value makes up the difference in the duty, which is equal to the shrinkage in the cloth. There is no advantage in either of these bills over the present law on that question.

An interesting subject for investigation at the time we made the present tariff law was the question of children's and women's hosiery, which got to be a national question, starting out of the countingroom of a department store in the city of Chicago, and advertised in the editorials of the Chicago papers, and it seemed as if the independence and hosiery, especially of the female sex were all bound up with what we proposed to do with children's and women's hose of a certain class.

We have accurate information, Mr. Speaker, as to the cost here and the cost abroad. We acted upon exact information, and we placed the additional duty on children's and women's stocking hose, and the women and children are all wearing hose to-day at the same retail price per pair, or per dozen pairs, under the schedule where we placed them in the present law, and they are happy. And there are thousands of young women, some of whom came here—young ladies who would grace any parlor in the land—to ask us to put on a little duty and start up the stocking mills. We did this, and we started the mills, and the girls are happy. And the women who came down here representing the department stores of Chicago are happy. And there is no one who feels any the worse for it except merchants in Chicago who are manufacturing stockings abroad and have to pay a little more duty to get them in here than they did before.

Now, what I object to in Mr. HILL's bill is that he did not preserve that duty according to the present law and not go into any ad valorem duty, however high it may be, and subject those mills to the tender mercies of the guilty consciences of those importers of stockings in this country who run the department stores and are not satisfied with getting retail and wholesale profits, but demand also the profits on undervaluations in getting those goods over here. He made a mistake in it; but his bill is better in that respect than the Underwood bill, because the duty upon these goods is higher.

Mr. Speaker, the Tariff Board's report shows that the cheaper grades of cotton cloths, such as they make in Alabama and the surrounding Southern States, and some of which business is left in some of the Northern States, are sold actually cheaper from the mills in the United States than abroad in competition with the mills we meet in mutual markets abroad; and, as the gentleman from Connecticut says, some of them have been sold in the Lancashire district in Great Britain, showing, or tending to show, at least, that they can be produced as cheaply or more cheaply here. And the Tariff Board supplied the reason for it in their report. We have been improving in cotton machinery, and have got to that point where an American mechanic can run from 20 up to 28 looms at once, because of the automatic machinery which changes the bobbin from an empty bobbin to a full bobbin without stopping the operation of the machine or calling the attention of the operator of the machine.

Our people have introduced those looms almost exclusively in the United States in some makes of cotton goods. The same looms are open to our English competitors. They can buy them over there and make them there. They are allowed under the patents the same privileges of these machines that we have here. But they have not seen fit to adopt them.

Why? Because the rules of the labor unions in Great Britain prevent generally their using more than 4 looms per operative, instead of from 20 to 28 as here, and in consequence only 4 looms can be used there, while the manufactory is under the control of the labor unions over there.

That is the reason why we make these goods cheaper. We pay higher wages, and if they could run the 28 looms that we do they could make the goods more cheaply, and the difference would have to be met by a duty.

Now, that is a pretty uncertain foundation on which to base a tariff bill and an uncertain reason for taking off the duty, because now the labor unions seem to be controlling this thing. How long will it be before their grip will be removed? Why, it will be just when Great Britain loses her cotton trade, as she is now losing it, under these conditions that are imposed, to such an extent that the workman can not get even four looms to run, or any looms to run; and then labor will wake up and they will put in those men who are more efficient, even if they are as efficient as those who run the woolen looms, where labor produces more in England than it does in the United States.

When they do that we shall need the protective duty. It will take a little time to change that condition, but it is not safe to take off all the duty, and I believe that the duties provided for in the Hill bill ought at least to be kept on these goods. The author of the Hill bill has reduced the duties below those of the Underwood bill; he has cut them in two. On those goods the Hill bill has a protection, and the Underwood bill has protection twice over.

It would seem, Mr. Speaker, that there ought not to be any sectionalism in this bill. I do not like to charge that there is anything of the kind. It only "happens" so that these duties are so outrageously high on these goods that are made down there, and it "happened" when these gentlemen brought in a fake farmer's free-list bill that they put everything known to science in the farming industry and everything produced on farms in the Northern States on the free list, but rice was left off.

Rice remains where it is under the present law, with a protective duty upon it. Of course there was no design in that. That was thoroughly an accident. And accidents, like lightning, sometimes strike more than once in the same place. [Laughter on the Republican side.]

Now, Mr. Speaker, the Underwood bill is an unbalanced bill. It is prohibitive in some of its duties, and yet they call it a revenue-only measure. For heaven's sake, what do you gentlemen mean? Prohibitive revenues for revenue only! Yet you have them there.

Then when you come to knit goods, your bill does not measure up to protection, and you do not measure up to full revenue in your duty. So you go on a hop, skip, and jump all through the bill. Why did you not go over it again? Why did you not profit by what you have learned in the last year, even if you had to turn your backs on the Tariff Board report and maintain your insane opposition to what the people of this country want, namely, a board of experts to examine into all these subjects and report, in order that we may have a more intelligent tariff revision?

So, Mr. Speaker, as I said, I shall vote for the Hill substitute as a good deal better than the Underwood bill.

The gentleman from Alabama [Mr. UNDERWOOD] will say I am looking at it from a different standpoint, that I am looking at it from a protectionist point of view. Well, I am looking at it from a point that will adjust the duties to the difference in cost here and abroad on these important articles. I stand for that, as I have always stood for it. I stand for it as the majority of the American people have always stood for it whenever we have had a square vote on it.

Mr. HEFLIN. Will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Alabama?

Mr. PAYNE. I have only two or three minutes. I do not think the gentleman will throw any light on my remarks.

Mr. HEFLIN. I want to ask the gentleman——

Mr. PAYNE. The gentleman will excuse me. I decline to yield. Now, Mr. Speaker, having embalmed that fly—I do not

mean to speak disrespectfully of my friend from Alabama. I mean the fly that he was pushing out in this direction. I am for protection, Mr. Speaker, because the greatest prosperity in this country, from the foundation of it down to to-day, has been while we have had a protective tariff that fostered our industries. It has helped everybody. It has helped the wage earner by giving him continuous employment at good wages. It has helped the farmer by giving him a market at his own door. Why, God bless you gentlemen from the West, how do you suppose our farmers in the State of New York would live if it was not for the protective tariff that gives them a market right at their own doors? When you bring your wheat and corn and the products of your farms and sell them against our markets the New York farmer can not make much money on those articles, and he is raising garden stuff and berries and fruits, and everything that he can grow there, and selling them to the people who work for wages which the protective tariff enables them to earn, which in that way gives the farmer a nearby market. Yes, and he has a little advantage, too, when he has a little wheat left over that he can sell for use in the nearby prosperous town. He can get a little better price for it than you can get for yours after you have paid your transportation. And so our farmers live and are prosperous. And out of this magnificent work of the protective tariff that brings prosperity to the people of the United States, a prosperity which comes to no other people under the sun, a prosperity which is recognized by every great statesman of all the nations of the earth, the other nations want a share. So it has happened that no country in the world to-day is without a protective tariff save Great Britain; and even in Great Britain they have so many wharf and dockage charges, and official fees and things of that kind, that they get somewhat of the benefit of protection even without a tariff on protected industries.

So I am for a bill that protects. I wish the Hill bill had been drawn a little more on the line of protection. I wish they had not overlooked the stocking schedule, but had maintained the present duties on stockings, which this Tariff Board report shows were as nearly right as you could make them to-day. That is shown in the evidence presented on page 615 of the board's cotton report. If the gentleman from Connecticut had done that, then he would have had a better bill.

When we come to pass it in the next Congress, or soon after, we will make it ideal all the way through; we will give the Tariff Board a little more time and a little more money to get the exact cost across the water. We are not afraid of the light, we are not afraid of the facts. Turn on the light, and we will make a bill in accordance with the facts and the light that comes to us.

I wish we could have had the light three years ago that we have got now from the Tariff Board. I wish we could have had the benefit of the Tariff Board then. We did the best we could, we worked night and day to get at the facts, but the life of a Congress is too short. Why, the great industries of this country, the work of this country, is so broad, so varied, so magnificent in all its proportions, that the life of a single Congress is not long enough, no matter how diligent men may be, to get all of these facts. When the Democracy comes to settle for the moment with their constituencies they will see it as we do, and once more, as a little over a year ago, we will be unanimous for a Tariff Board in the House and in the country. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, has the other side consumed all its time?

The SPEAKER pro tempore (Mr. HARRISON of New York). All the time of the minority has been exhausted. The gentleman from Alabama has 1 hour and 28 minutes.

Mr. UNDERWOOD. Mr. Speaker, I will not detain the House with an extended argument in reference to this bill. When it was presented to the House a year ago I fully discussed all the details of the bill and it is not necessary to make an extended argument now.

Yesterday, I stated in the RECORD our conclusions in reference to the report of the Tariff Board. I have been entertained and somewhat amused by the arguments that have been made by the gentlemen on the other side of the House, especially those arguments of my Republican brethren, explaining why they intended to vote for the substitute that will be offered by the gentleman from Connecticut [Mr. HILL]. They pride themselves on the fact, and state in the House that the Hill substitute is lower in its rates of duty than the Democratic bill that is presented to the House.

In the first place, I do not think that argument sets in the mouth of the standpat Republicans on that side of the aisle, when it has hardly been two years since they drove through the House the Payne tariff bill, that instead of reducing the rates of duty on the cotton schedule raised the rates of duty. [Applause on the Democratic side.] When they enacted into law a bill that the first year it became a law levied taxes on the American people under the cotton schedule to the amount of 48 per cent ad valorem and the following year levied rates of duty which amounted to 47 and a fraction per cent ad valorem; that these same gentlemen who to-day say they can not afford to vote for the Democratic tariff bill that only levies taxes on the American people, if it becomes a law, to the extent of 27 per cent ad valorem—that they can not afford to vote for it because they are in favor of a bill that levies a lower rate of duty. [Applause on the Democratic side.]

I would not say anything that reflected on the character or the intelligence or the integrity of gentlemen on that side of the House, but when they come before the country with the blood of the Payne tariff bill dripping from their fingers, exacting rates that they to-day admit are exorbitant and murderous to the consuming masses of the American people, and then say, "No; we can not give you tariff relief; we can not afford to vote for the Democratic bill that cuts the rates of that bill nearly in half, because, forsooth, you have not reduced it low enough," they can not expect the American people to take them seriously. [Laughter and applause on the Democratic side.]

Ah, my friends, do you expect to carry that argument to the American people? Do you expect to get the American people to believe any such argument coming from your lips? I do not; and I do not believe the people of the United States will give faith and credit to the position you are taking in the House to-day. [Applause on the Democratic side.]

As a matter of fact, I am glad the gentleman from Connecticut has introduced his bill. It sustains the Democratic position. He may be on some item a point lower than we are and on another item a point higher than we are, but it repudiates the Republican position on the tariff question. When you stand on that side of the House and vote for the bill offered by the gentleman from Connecticut, you will repudiate the position which the President of the United States took yesterday. In his letter accepting the nomination again for the Presidency of the United States, he states to the people that his position in signing the Payne tariff bill has been justified by facts and conditions. [Applause on the Democratic side.]

The gentleman from Connecticut [Mr. HILL] proposes a bill that he says cuts the cotton schedule in the Payne-Aldrich bill nearly in half. Does that justify the position of the President of the United States in signing the Payne-Aldrich tariff bill? [Applause on the Democratic side.] When you go to your constituents this fall, are you going to stand for the President of the United States or for the gentleman from Connecticut? The President of the United States, in his letter of acceptance, in referring to the tariff work of Congress, said:

> On the other hand, our opponents, the Democrats, have presented to me for my signature a woolen bill and a cotton bill, both of which, if allowed to become a law, as the reports of the Tariff Board show, would have made such a radical cut in the rates on many woolen and cotton manufactures as to seriously interfere with those industries in this country. This would have forced the transfer of manufactures to England and Germany and other foreign countries.

That was the Republican position dripping down to Congress from the White House, and yet to-day the gentleman from Connecticut brings an indictment against the Democratic Party because, he says, we have not reduced our rates low enough; and the gentleman from New York [Mr. PAYNE], who wrote the Payne bill, says that he is in favor of the substitute proposed by the gentleman from Connecticut because it reduces the rates of duty lower than the Democratic tariff bill. Gentlemen, you may be able to explain this position to some one else, but you can not explain it in that way to me, and I do not think you will be able to explain it to any intelligent American constituency. [Applause on the Democratic side.]

There is nothing in the rate of duty that destroys an industry if it does not bring competition. There is nothing that can injure the American manufacturer unless it comes from competition from abroad, and yet we have the Republican Party to-day contending that their bill is at a lower rate and therefore will bring greater competition, and at the same time the President of the United States saying that our bill would bring too much competition, which you say bears higher rates, and because it contains a higher rate and less competition, according to your arguments, we are going to destroy an American industry.

As a matter of fact I showed and demonstrated, to my judgment, in the House last year that the total increase of importations under the cotton schedules, if this bill becomes a law, will amount to but a little over $10,000,000; that the total consumption of cotton goods in the United States amounts to over $800,000,000; that if all the goods were admitted under our bill the experts estimate may come into this country, it could not seriously injure any legitimate industry, but it will bring about

some more competition. It certainly wipes out a great many of the prohibitive tariff rates that exist in the Payne-Aldrich law to-day, and, if that is the case, I say that when you voted against this bill last year your votes were not justified; that if Mr. HILL'S substitute is voted down and you vote against it to-day you can not justify your votes with the argument that your own side of the House has made [applause on the Democratic side]; that if the Republicans in this House believe that the bill introduced by the gentleman from Connecticut is correct, then the President of the United States can not justify a veto of this bill when it reaches him before this Congress adjourns.

As to the Tariff Board, their report upon this schedule is really lamentable. There is no raw material for them to report upon, because cotton is on the free list. They made some effort to investigate the cost of the yarn and the lower-grade products of the cotton industry. In reference to cloth, they did exactly what they did in the woolen schedule. They submitted samples to manufacturers.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. No; I do not care to yield at this time. They submitted samples to manufacturers to ascertain from them what the manufacturer said the price should be, and then reported to Congress what conclusion they had come to after the manufacturer had told them. [Applause on the Democratic side.] More than that, as shown by the letters from the President to the Tariff Board, which I printed in the RECORD yesterday afternoon, they refused to give to the Ways and Means Committee even the information as to who the manufacturers were who told them the facts. The President of the United states challenges our bills and condemns our action, because we do not comply with the report of the Tariff Board, which is no report at all to begin with, and in the second place that same Tariff Board refuses to disclose the material facts on which their report is based. Can any man here deny the fact that it is material for a Ways and Means Committee to know who the witnesses were and how many witnesses they had before the Tariff Board? Were we not entitled to know from what sources they got their information? And yet this board did not dare give to the House of Representatives the information to which we were entitled, and you stand here ready to go to your constituents and justify your position on the report of a Tariff Board that made a report on only two or three items and then refused to disclose to you the sources of information from which they made their report. [Applause on the Democratic side.]

Mr. HEFLIN. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. HEFLIN. Mr. Speaker, a little while ago I undertook to interrupt the gentleman from New York [Mr. PAYNE] when he was discussing the difference in the cost of production at home and abroad and stating that he stood for a tariff based on such a difference, the information to be secured by the Tariff Board; my purpose in rising then was to inform the gentleman that it is absolutely impossible to obtain this information

In the first place no sensible man is going to acquaint his competitors in the manufacturing business with the secrets of his success in the manufacture of certain goods, nor will he teach his competitor how to successfully compete with him by giving him in detail the knowledge that he has acquired as to the cost and manner of producing certain goods.

About three years ago I read a statement from an American official to the effect that the German Government had issued an edict that the secret processes used in the manufacture of cotton goods should be kept a secret. They should be given to nobody. Especially was it desired that this information be kept from the United States. The German manufacturer did not want the American manufacturer to know these secrets. France and England, I think, guard their manufacturing secrets in the same way, and it is impossible to empower any inquisitorial board to get these facts from the foreign manufacturer. Then how are you going to tell what it costs to produce cotton goods abroad? We can not obtain these facts. This is another effort on the part of the Republican Party to delay and postpone honest tariff revision. That party broke its promise to the American people, violated its platform pledges, and now hides behind a Tariff Board appointed and controlled by the President. Gentlemen, you can not deceive the American people any longer. [Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Speaker, I agree with what my colleague says, that one of the most difficult problems that confronts any expert board is to ascertain accurately the difference in the cost of production either at home or abroad, or the difference between the cost of productions of domestic manufacture.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. UNDERWOOD. I really do not care to yield for a question at this point.

Mr. BARTHOLDT. I merely want to state in reply to what the gentleman from Alabama [Mr. HEFLIN] says that I happen to know one of the secret agents in Germany, who for the last 10 years has been intrusted with the task of securing from the manufacturers figures as to the cost of their production, and I asked him the question last year at Berlin whether he had ever been refused information that he desired. He said that everywhere, in all the manufacturing concerns that he had occasion to visit, he was received with the greatest courtesy, and that they were entirely willing to give him all the facts and figures——

Mr. UNDERWOOD. Now, I will ask the gentleman to give his informant's name. I would like to ask the gentleman who his witness is.

Mr. BARTHOLDT. He is one of the confidential agents of the Treasury Department.

Mr. UNDERWOOD. What is his name?

Mr. BARTHOLDT. I am perfectly willing to give his name.

Mr. UNDERWOOD. I would like to have it.

Mr. BARTHOLDT. I will say this, because what he does is done at the request and by direction of the Treasury Department; his name is Mr. Frederick Achenbach.

Mr. UNDERWOOD. I am glad to get the information.

Mr. HEFLIN. If the gentleman from Alabama will permit me, I got my information from the consular report made by the Government agents abroad. I can not lay my hand on it just now, but I stand by the statement that the German Government has issued an edict—as I stated it was reported—and will not permit anybody connected with the factories that manufacture cotton goods to give the secret processes by which they manufacture and dye those goods; and it is impossible to get the cost of the production of cotton goods in Germany.

Mr. UNDERWOOD. I do not care to pursue that line of argument.

Mr. BARTHOLDT. If the gentleman will permit, I want to say I did not ask particularly with respect to cotton, but I asked him whether in any instance information had been refused, and he said:

No, sir; they have received me almost with open arms, and gave me everything they knew.

Mr. UNDERWOOD. Mr. Speaker, it only shows that this Tariff Board in its report is the more reprehensible not to give to this House the information and the sources of information that it had at its command; but be that as it may, I challenge any man in this House to show that there is any material difference between the Tariff Board report on these items on which it did report and the conclusions reached in the bill that is now presented before us and the House. Of course, there is a broad range of cost prices presented in this report. Some are high in one material and some are low in another, but if you make anything like a reasonable average cost price of the yarns and low-grade products on which the Tariff Board did report, their report justifies the bill that we are presenting to the House to-day, and on those items on which they did not report certainly the President of the United States or gentlemen on that side of the House have no right to complain of us.

The gentleman from New York [Mr. PAYNE] criticized our bills, saying they were drawn without care and that they are a matter of guesswork. But I want to say to the gentleman from New York and other gentlemen on that side of the House that this bill and our other tariff bills were sent to the President of the United States more than a year ago. During that time there never has been an occasion for a Democrat, either in this Congress or out of it, to apologize for the work we have done. [Applause on the Democratic side.] And yet, so far as the bill is concerned that was passed by the gentleman from New York [Mr. PAYNE], so far as the legislation is concerned that that side of the House is responsible for, you came and started to apologize for it before the ink was dry on the paper when the President signed the bill. You had hardly put it into law before you begged an apology from the American people and asked to have some tariff experts, employed without warrant of law, to tell you how to rewrite a tariff bill to take the place of the Payne-Aldrich bill that you admitted you could not justify.

Now, Mr. Speaker, I do not for one moment believe that the American people misunderstand this proposition. You may becloud it with words and misleading statements, but the fact remains that the American people know that the Payne-Aldrich bill was written in the interest of protective monopoly of the United States [applause on the Democratic side]; that it was dictated by manufacturers, who, many of them, wrung from the American people over 100 per cent by reason of this tariff

wall that you place on the statute books and that your Republican President is maintaining there because of his veto. [Applause on the Democratic side.] We are making an earnest effort to repeal that law, to relieve this burden that the American people are suffering from, and we have made so much progress that on our votes in the past on this bill we have received the votes of a large number of Republicans on that side of the House. [Applause on the Democratic side.] More than that, on a woolen bill and on a cotton bill, we have been able to secure enough votes in a Republican Senate to send those bills to the President of the United States. When he says that he can not sign these bills he does not point alone to a Democratic House. He points as well to men who sat in the Senate of the United States, holding their commissions from Republican constituencies, who say that the legislation that we have sent to him is justified.

You can not go to your constituency on any false assumption that if you are returned to power you intend to revise the tariff downward. The President of the United States, the standard bearer of your party, took that claim away from you on yesterday. He says that the enactment of the Payne bill into law has been justified. He does not proclaim again to the American people, like he did four years ago, that if he is returned to power he will stand for a revision downward. No, my friends on that side of the House, the President of the United States four years ago was a progressive on the tariff question. He is progressing from stand-pat Republicanism, from the tariff bills of Mr. PAYNE and Mr. DALZELL and Senator Aldrich, toward the Democratic position of an honest revision in favor of the American people. [Applause on the Democratic side.] But he does not stand there to-day. On the tariff question he has gone—horse, foot, and dragoons—into the camp of the Republican stand-pat faction of the party. [Applause on the Democratic side.] He is dependent on the stand-pat tariff Republicans for his support in the coming campaign. He is dependent on the Republican stand-pat tariff Republicans for the campaign funds that he will get to run his campaign. [Applause on the Democratic side.] You know that as well as I know it, and by offering the substitute here that you would not dare vote for or pass if you were in power, that you put here as a cloud to befog and befuddle the American people, you can not avoid the issue. Your candidate for President four years ago, as I stated, was moving toward an honest revision of the tariff. To-day he has returned to the camp of the enemy, and if you elect him to power next November there will be no honest revision of the tariff [applause on the Democratic side], and the great trusts and tariff barons in this country will once more, for four long years, stand behind the protective-tariff wall of the Payne tariff bill. [Loud applause on the Democratic side.]

I ask for a vote on the question.

Mr. HILL. Mr. Speaker, I desire to offer a substitute for the pending bill.

The SPEAKER pro tempore (Mr. CURLEY). The gentleman from Connecticut [Mr. HILL] offers a substitute for the pending bill, which the Clerk will report.

The Clerk read as follows:

Amend, by striking out all after the enacting clause and inserting, in lieu of the matter stricken out, the following:

Mr. HILL. Mr. Speaker, I will ask, unless any Member desires to have it read through, that the reading of the substitute be dispensed with, in view of the fact that it has already been distributed among the Members.

Mr. PAYNE. It has not been read in the House?

Mr. HILL. No.

The SPEAKER pro tempore. The Clerk will read the substitute.

The Clerk read as follows:

Amend, by striking out all after the enacting clause and inserting, in lieu of the matter stricken out, the following:

"That the act entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' approved August 5, 1909, be, and the same is hereby, amended by striking out all of the paragraphs of Schedule I of section 1 of said act from 313 to 332, inclusive of both, and inserting in place thereof the following:

"1. Cotton card laps, sliver, roving, or roping, 5 per cent ad valorem.

"2. Cotton waste and flocks manufactured, 10 per cent ad valorem; antiseptic, medicated, or sterilized cotton, cotton waste, or flocks, 20 per cent ad valorem.

"3. Cotton yarns in the gray, or otherwise, not advanced beyond the condition of singles, by grouping or twisting two or more single yarns together, not exceeding No. 40, 7½ per cent ad valorem.

"Exceeding No. 40, and not exceeding No. 80, 10 per cent ad valorem.

"Exceeding No. 80, 15 per cent ad valorem.

"4. Cotton yarn or thread not otherwise provided for, in the gray or otherwise, advanced beyond the condition of singles by grouping or twisting two or more single yarns together; and cable laid yarns or threads, in the gray, or otherwise, made by grouping or twisting two or more twisted yarns or threads together, shall be subject to the same rates of duty as the single yarns from which they are made, and in addition thereto 5 per cent ad valorem.

"Spool thread of cotton, crochet, darning, and embroidery cottons, on spools, shall be dutiable at the same rates of duty as the single yarns from which they are made.

"5. Cotton cloth, plain woven, in the grey, or bleached, dyed, colored, stained, painted, printed, mercerized, or otherwise finished, containing not more than 5 square yards to the pound, 5 per cent ad valorem;

"Containing more than 5 and not more than 7½ square yards to the pound, 10 per cent ad valorem;

"Containing more than 7½ square yards to the pound, 15 per cent ad valorem.

"6. Cotton cloth, fancy woven, in the grey, or bleached, dyed, colored, stained, painted, printed, mercerized, or otherwise finished, containing figures produced by various weaving devices known as dobby, drop-box, leno, lappet, swivel, or any other name except Jacquard, 20 per cent ad valorem.

"7. Cotton cloth woven by means of the Jacquard attachment, not otherwise provided for, 25 per cent ad valorem.

"Cotton table damask, 25 per cent ad valorem; manufactures of cotton table damask, or of which cotton table damask is the component material of chief value, not specially provided for in this section, 25 per cent ad valorem.

"8. Cloths containing silk or artificial silk, in which cotton is the component material of chief value, shall be subject to the same rates of duty as cotton cloths of similar weave, and in addition thereto 5 per cent advalorem.

"9. Cotton cloths filled or coated, in whole or in part, including oil-cloth of cotton, waterproof cloths composed of cotton or in which cotton is the component material of chief value, 20 per cent ad valorem.

"10. Handkerchiefs or mufflers of cotton, in the piece or otherwise, finished or unfinished, hemstitched or not, not otherwise specially provided for, shall pay the same rate of duty as the cloth of which they are made, and in addition thereto 5 per cent ad valorem.

"11. Plushes, velvets, velveteens, corduroys, and all pile fabrics made of cotton, of which cotton is the component material of chief value, whether the pile covers the entire surface or not:

"Uncut, 15 per cent ad valorem.

"Cut, in whole or in part, 40 per cent ad valorem.

"*Provided*, That manufactures or articles in any form, including such as are commonly known as bias dress facings or skirt bindings, made or cut from plushes, velvets, or other pile fabrics composed of cotton, or of which cotton is the component material of chief value, shall be subject to the same rates of duty as the fabrics from which they are made.

"12. Curtains, table covers, and all articles manufactured of cotton chenille, or of which cotton chenille is the component material of chief value; cotton reps, Jacquard figured tapestry and Jacquard figured upholstery goods, weighing over 6 ounces per square yard, made of cotton, or of which cotton is the component material of chief value, 40 per cent ad valorem.

"13. Stockings, hose, and half hose, made wholly or in part on knitting machines or frames, commercially known as seamless, composed of cotton, or of which cotton is the component material of chief value, 20 per cent ad valorem.

"14. Stockings, hose, or half hose, made wholly or in part on knitting machines or frames or knit by hand and commercially known as full-fashioned, composed of cotton, or of which cotton is the component material of chief value, valued at not more than $2 per dozen pairs, 50 per cent ad valorem; valued at more than $2 per dozen pairs, 60 per cent ad valorem.

"15. Shirts and drawers, pants, vests, union suits, combination suits, tights, sweaters, corset covers, and all underwear of every description, made wholly or in part on knitting machines or frames, or knit by hand, finished or unfinished, not otherwise provided for, composed of cotton, or of which cotton is the component material of chief value, valued at not more than $1.50 per dozen garments, 20 per cent ad valorem; valued at more than $1.50 per dozen garments and not more than $3 per dozen garments, 30 per cent ad valorem.

"Valued at more than $3 per dozen garments and not more than $6 per dozen garments, 40 per cent ad valorem.

"Valued at more than $6 per dozen garments, 45 per cent ad valorem.

"16. Men's and boys' gloves, knitted or woven, composed of cotton, or of which cotton is the component material of chief value, 50 per cent ad valorem.

"17. Tire fabric or fabric suitable for use in pneumatic tires, made of cotton, or of which cotton is the component material of chief value, 25 per cent ad valorem.

"18. Bone casings, garters, suspenders and braces, webs, webbings, and tubing, any of the foregoing composed wholly or in chief value of cotton, or of cotton and india rubber, and not embroidered by hand or machinery; spindle banding, woven, braided, or twisted lamp, stove, or candle wicking, loom harness, healds or collets, boot, shoe, and corset lacings, labels for garments or other articles; composed of cotton, or of which cotton is the component material of chief value, 30 per cent ad valorem.

"Belting for machinery made of cotton and india rubber, or of which cotton is the component material of chief value, 20 per cent ad valorem.

"19. Clothing, ready-made, and articles of wearing apparel of every description, wholly or partly manufactured, not specially provided for, composed wholly or in chief value of cotton, 30 per cent ad valorem.

"20. All articles made from cotton cloth, and all manufactures of cotton, or of which cotton is the component material of chief value, not specially provided for, 30 per cent ad valorem.

"21. The term cotton cloth wherever used in the paragraphs of this schedule, unless otherwise specially provided, shall be held to include all woven fabrics composed wholly or in chief value of cotton, in the piece or cut in lengths, and shall not include any article finished, or unfinished, made from cotton cloth.

"SEC. 2. That the last clause of paragraph 347 of said act of August 5, 1909, is hereby amended so as to read as follows:

"'Waterproof cloth composed of vegetable fiber other than cotton, whether composed in part of india rubber or otherwise, 10 cents per square yard and 20 per cent ad valorem.'

"SEC. 3. That paragraph 347 of said act of August 5, 1909, is hereby amended by adding the following proviso: '*Provided*, That none of the foregoing shall apply to coated or filled cotton cloth, or articles made therefrom.'

"SEC. 4. That paragraph 348 of said act of August 5, 1909, is hereby amended so as to read as follows: 'Shirt collars and cuffs, composed of linen, or of which linen is the component material of chief value, 40 cents per dozen pieces and 20 per cent ad valorem.'

"SEC. 5. That paragraph 349 of said act of August 5, 1909, is hereby amended by striking out therefrom the words 'webs and webbings.'"

The SPEAKER pro tempore. The question is on agreeing to the substitute as reported.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the reading of the bill may be dispensed with.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on agreeing to the substitute as reported by the Clerk.

Mr. MANN. Mr. Speaker, has that question been stated?

The SPEAKER pro tempore. Yes. Those in favor of the substitute as reported by the Clerk will, when their names are called, answer "yea"; those opposed "nay."

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present.

Mr. MANN. It takes 196 to make a quorum.

The SPEAKER pro tempore. The Chair will count. [After counting.] Eighty-one Members are present—less than a quorum. A call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. MANN. Will the Speaker state the question?

The SPEAKER pro tempore. Members in favor of the substitute as reported by the Clerk will vote "yea"; those opposed "nay."

The question was taken; and there were—yeas 86, nays 147, answered "present" 8, not voting 149, as follows:

YEAS—86.

Akin, N. Y.	Gardner, N. J.	La Follette	Sloan
Anderson, Minn.	Good	Lenroot	Steenerson
Barchfeld	Green, Iowa	Lindbergh	Stephens, Cal.
Bartholdt	Guernsey	Longworth	Sterling
Bates	Hanna	McKinney	Stevens, Minn.
Berger	Hartman	McLaughlin	Sulloway
Bowman	Haugen	Mann	Switzer
Browning	Hawley	Miller	Taylor, Ohio
Burke, S. Dak.	Heald	Mondell	Tilson
Catlin	Helgesen	Morse, Wis.	Towner
Copley	Hill	Mott	Utter
Crago	Howell	Needham	Volstead
Crumpacker	Howland	Norris	Warburton
Curry	Hughes, W. Va.	Patton, Pa.	Wedemeyer
Danforth	Humphrey, Wash.	Payne	Willis
Davis, Minn.	Kahn	Pickett	Wilson, Ill.
Donohoe	Kendall	Plumley	Wood, N. J.
Farr	Kennedy	Pray	Woods, Iowa
Foss	Kent	Prouty	Young, Kans.
French	Kinkaid, Nebr.	Rees	Young, Mich.
Fuller	Knowland	Roberts, Mass.	
Gardner, Mass.	Lafferty	Rodenberg	

NAYS—147.

Adair	Dickinson	Holland	Raker
Adamson	Dixon, Ind.	Houston	Ransdell, La.
Alexander	Doremus	Howard	Rauch
Allen	Doughton	Hughes, N. J.	Reilly
Ames	Driscoll, D. A.	Hull	Robinson
Anderson, Ohio	Estopinal	Humphreys, Miss.	Rouse
Ansberry	Evans	Jacoway	Rubey
Ashbrook	Fergusson	Johnson, Ky.	Russell
Austin	Finley	Kitchin	Sabath
Ayres	Flood, Va.	Korbly	Scully
Bathrick	Floyd, Ark.	Lee, Ga.	Shackleford
Beall, Tex.	Foster	Lee, Pa.	Sharp
Blackmon	Fowler	Lever	Sims
Boehne	Francis	Levy	Sisson
Brantley	Gallagher	Linthicum	Slayden
Broussard	George	Littlepage	Small
Brown	Godwin, N. C.	Lloyd	Smith, Tex.
Buchanan	Goeke	Lobeck	Stanley
Bulkley	Goldfogle	McCoy	Stedman
Burke, Wis.	Goodwin, Ark.	McDermott	Stephens, Nebr.
Burleson	Graham	McGillicuddy	Stephens, Tex.
Burnett	Gray	McKellar	Stone
Byrns, Tenn.	Greene, Mass.	Maguire, Nebr.	Sweet
Candler	Gregg, Pa.	Martin, Colo.	Taggart
Carlin	Gregg, Tex.	Morrison	Talcott, N. Y.
Carter	Gudger	Moss, Ind.	Taylor, Colo.
Claypool	Hamill	Murray	Thayer
Cline	Hamlin	Neeley	Townsend
Connell	Hammond	Oldfield	Tribble
Conry	Hardy	O'Shaunessy	Underhill
Cox, Ind.	Harrison, Miss.	Padgett	Underwood
Cravens	Harrison, N. Y.	Page	Watkins
Cullop	Hay	Palmer	White
Curley	Hayden	Pepper	Wilson, Pa.
Davis, W. Va.	Heflin	Post	Witherspoon
Dent	Henry, Tex.	Pou	The Speaker
Denver	Hensley	Rainey	

ANSWERED "PRESENT"—8.

Burgess	Draper	Johnson, S. C.	Sparkman
Butler	Driscoll, M. E.	McMorran	Sulzer

NOT VOTING—149.

Aiken, S. C.	Booher	Campbell	Cooper
Ainey	Borland	Cannon	Covington
Andrus	Bradley	Cantrill	Cox, Ohio
Anthony	Burke, Pa.	Cary	Currier
Barnhart	Byrnes, S. C.	Clark, Fla.	Dalzell
Bartlett	Calder	Clayton	Daugherty
Bell, Ga.	Callaway	Collier	Davenport
Davidson	Helm	Madden	Saunders
De Forest	Henry, Conn.	Maher	Sells
Dickson, Miss.	Higgins	Martin, S. Dak.	Sheppard
Dies	Hinds	Matthews	Sherley
Difenderfer	Hobson	Mays	Sherwood
Dodds	Hughes, Ga.	Moon, Pa.	Simmons
Dupré	Jackson	Moon, Tenn.	Slemp
Dwight	James	Moore, Pa.	Smith, J. M. C.
Dyer	Jones	Moore, Tex.	Smith, Saml. W.
Edwards	Kindred	Morgan	Smith, Cal.
Ellerbe	Kinkead, N. J.	Murdock	Smith, N. Y.
Esch	Konig	Nelson	Speer
Fairchild	Konop	Nye	Stack
Faison	Kopp	Olmsted	Stephens, Miss.
Ferris	Lafean	Parran	Talbott, Md.
Fields	Lamb	Patten, N. Y.	Taylor, Ala.
Fitzgerald	Langham	Peters	Thistlewood
Focht	Langley	Porter	Thomas
Fordney	Lawrence	Powers	Turnbull
Fornes	Legare	Prince	Tuttle
Garner	Lewis	Pujo	Vare
Garrett	Lindsay	Randell, Tex.	Vreeland
Gillett	Littleton	Redfield	Webb
Glass	Loud	Reyburn	Weeks
Gould	McCall	Richardson	Whitacre
Griest	McCreary	Riordan	Wilder
Hamilton, Mich.	McGuire, Okla.	Roberts, Nev.	Wilson, N. Y.
Hamilton, W. Va.	McHenry	Roddenbery	Young, Tex.
Hardwick	McKenzie	Rothermel	
Harris	McKinley	Rucker, Colo.	
Hayes	Macon	Rucker, Mo.	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "no."

So Mr. HILL's substitute was rejected.

The Clerk announced the following pairs:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. GLASS with Mr. SLEMP.

Mr. BURGESS with Mr. WEEKS.

Mr. FORNES with Mr. BRADLEY.

Mr. BARTLETT with Mr. BUTLER.

Mr. HOBSON with Mr. FAIRCHILD.

Until further notice:

Mr. COX of Ohio with Mr. ANTHONY.

Mr. YOUNG of Texas with Mr. SIMMONS.

Mr. HUGHES of Georgia with Mr. MOORE of Pennsylvania.

Mr. PUJO with Mr. MCMORRAN.

Mr. CLAYTON with Mr. LAFEAN.

Mr. PATTEN of New York with Mr. GRIEST.

Mr. LAMB with Mr. FOCHT.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. PETERS with Mr. MCCALL.

Mr. LITTLETON with Mr. DWIGHT.

Mr. CANTRILL with Mr. SAMUEL W. SMITH.

Mr. DICKSON of Mississippi with Mr. ROBERTS of Nevada.

Mr. REDFIELD with Mr. SPEER.

Mr. JAMES with Mr. CANNON.

Mr. ELLERBE with Mr. CURRIER.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. EDWARDS with Mr. DALZELL.

Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. FIELDS with Mr. LANGLEY.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. GARRETT with Mr. FORDNEY.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. LEGARE with Mr. LOUD.

Mr. SHERLEY with Mr. OLMSTED.

Mr. WEBB with Mr. PRINCE.

Mr. TAYLOR of Alabama with Mr. PORTER.

Mr. SULZER with Mr. MATTHEWS.

Mr. STEPHENS of Mississippi with Mr. MARTIN of South Dakota.

Mr. SHERWOOD with Mr. WILDER.

Mr. SHEPPARD with Mr. VREELAND.

Mr. RUCKER of Colorado with Mr. J. M. C. SMITH.

Mr. RODDENBERY with Mr. ROBERTS of Nevada.

Mr. MOON of Tennessee with Mr. MOON of Pennsylvania.

Mr. RICHARDSON with Mr. REYBURN.

Mr. KONOP with Mr. MCKINLEY.

Mr. KINKEAD of New Jersey with Mr. MCKENZIE.

Mr. HAMILTON of West Virginia with Mr. MCGUIRE of Oklahoma.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. GARNER with Mr. MCCREARY.

Mr. FITZGERALD with Mr. HINDS.

Mr. FAISON with Mr. LAWRENCE.

Mr. DUPRÉ with Mr. KOPP.

Mr. DIFENDERFER with Mr. AINEY.

Mr. DIES with Mr. HIGGINS.

Mr. COVINGTON with Mr. HENRY of Connecticut.

Mr. COLLIER with Mr. HAMILTON of Michigan.

Mr. CLARK of Florida with Mr. MICHAEL E. DRISCOLL.
Mr. CALLAWAY with Mr. DODDS.
Mr. BOOHER with Mr. DE FOREST.
Mr. BARNHART with Mr. CALDER.
Mr. AIKEN of South Carolina with Mr. BURKE of Pennsylvania.
From July 27 for the balance of the session:
Mr. TURNBULL with Mr. HAYES.
From Thursday for the balance of the session:
Mr. BELL of Georgia with Mr. LANGHAM.
Until August 28:
Mr. BYRNES of South Carolina with Mr. MADDEN.
On this vote:
Mr. WILSON of New York (against the substitute) with Mr. JACKSON (in favor of the substitute).

Mr. SPARKMAN. Mr. President, I voted "no," but being paired with the gentleman from Wisconsin, Mr. DAVIDSON, I desire to be recorded as present.

Mr. BUTLER. I voted for this substitute, but as I am paired with the gentleman from Georgia, Mr. BARTLETT, who is out of the city, I desire to be recorded as present.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum being present, further proceedings under the call are vacated. The Doorkeeper will open the doors. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. MANN. On that I demand the yeas and nays, Mr. Speaker.

Mr. UNDERWOOD. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 72, answered "present" 9, not voting 151, as follows:

YEAS—158.

Adair	Driscoll, D. A.	Hull	Ransdell, La.
Adamson	Estopinal	Humphreys, Miss.	Rauch
Akin, N. Y.	Evans	Jacoway	Reilly
Alexander	Fergusson	Johnson, Ky.	Robinson
Allen	Finley	Kent	Rouse
Anderson, Minn.	Flood, Va.	Kitchin	Rubey
Anderson, Ohio	Floyd, Ark.	Konig	Russell
Ansberry	Foster	Korbly	Sabath
Ashbrook	Fowler	Lafferty	Saunders
Ayres	Francis	La Follette	Scully
Beall, Tex.	French	Lee, Pa.	Shackleford
Berger	Gallagher	Lenroot	Sharp
Blackmon	George	Lever	Sims
Boehne	Godwin, N. C.	Levy	Sisson
Brantley	Goeke	Lindbergh	Slayden
Brown	Goldfogle	Linthicum	Small
Buchanan	Goodwin, Ark.	Littlepage	Smith, Tex.
Bulkley	Graham	Lloyd	Stanley
Burke, Wis.	Gray	Lobeck	Stedman
Burleson	Gregg, Pa.	McCoy	Stephens, Cal.
Burnett	Gregg, Tex.	McDermott	Stephens, Nebr.
Byrns, Tenn.	Gudger	McGillicuddy	Stephens, Tex.
Candler	Hamill	McKellar	Stone
Carter	Hamlin	Maguire, Nebr.	Sweet
Claypool	Hammond	Martin, Colo.	Taylor, Colo.
Cline	Hanna	Morrison	Thayer
Connell	Hardy	Morse, Wis.	Townsend
Conry	Harrison, Miss.	Moss, Ind.	Tribble
Cox, Ind.	Harrison, N. Y.	Murray	Underhill
Cravens	Haugen	Neeley	Underwood
Cullop	Hay	Norris	Warburton
Curley	Hayden	Oldfield	Watkins
Davis, Minn.	Heflin	O'Shaunessy	White
Davis, W. Va.	Helgesen	Padgett	Wilson, Pa.
Dent	Henry, Tex.	Page	Witherspoon
Denver	Hensley	Palmer	Woods, Iowa
Dickinson	Holland	Pepper	Young, Kans.
Dixon, Ind.	Houston	Pou	The Speaker
Doremus	Howard	Rainey	
Doughton	Hughes, N. J.	Raker	

NAYS—72.

Ames	Gardner, Mass.	Knowland	Rodenberg
Austin	Gardner, N. J.	Longworth	Simmons
Barchfeld	Good	McKinney	Sloan
Bartholdt	Green, Iowa	McLaughlin	Steenerson
Bates	Greene, Mass.	Mann	Sterling
Bowman	Guernsey	Miller	Stevens, Minn.
Browning	Hartman	Mondell	Sulloway
Burke, S. Dak.	Hawley	Mott	Switzer
Catlin	Heald	Needham	Taylor, Ohio
Copley	Hill	Patton, Pa.	Tilson
Crago	Howell	Payne	Towner
Curry	Howland	Pickett	Utter
Danforth	Hughes, W. Va.	Plumley	Volstead
De Forest	Humphrey, Wash.	Pray	Wedemeyer
Draper	Kahn	Prince	Willis
Farr	Kendall	Prouty	Wilson, Ill.
Foss	Kennedy	Rees	Wood, N. J.
Fuller	Kinkaid, Nebr.	Roberts, Mass.	Young, Mich.

ANSWERED "PRESENT"—9.

Burgess	Johnson, S. C.	McMorran	Sparkman
Butler	Lee, Ga.	Peters	Sulzer
Driscoll, M. E.			

NOT VOTING—151.

Aiken, S. C.	Dupré	Lafean	Redfield
Ainey	Dwight	Lamb	Reyburn
Andrus	Dyer	Langham	Richardson
Anthony	Edwards	Langley	Riordan
Barnhart	Ellerbe	Lawrence	Roberts, Nev.
Bartlett	Esch	Legare	Roddenbery
Bathrick	Fairchild	Lewis	Rothermel
Bell, Ga.	Faison	Lindsay	Rucker, Colo.
Booher	Ferris	Littleton	Rucker, Mo.
Borland	Fields	Loud	Sells
Bradley	Fitzgerald	McCall	Sheppard
Broussard	Focht	McCreary	Sherley
Burke, Pa.	Fordney	McGuire, Okla.	Sherwood
Byrnes, S. C.	Fornes	McHenry	Slemp
Calder	Garner	McKenzie	Smith, J. M. C.
Callaway	Garrett	McKinley	Smith, Sami. W.
Campbell	Gillett	Macon	Smith, Cal.
Cannon	Glass	Madden	Smith, N. Y.
Cantrill	Gould	Maher	Speer
Carlin	Griest	Martin, S. Dak.	Stack
Cary	Hamilton, Mich.	Matthews	Stephens, Miss.
Clark, Fla.	Hamilton, W. Va.	Mays	Taggart
Clayton	Hardwick	Moon, Pa.	Talbott, Md.
Collier	Harris	Moon, Tenn.	Talcott, N. Y.
Cooper	Hayes	Moore, Pa.	Taylor, Ala.
Covington	Helm	Moore, Tex.	Thistlewood
Cox, Ohio	Henry, Conn.	Morgan	Thomas
Crumpacker	Higgins	Murdock	Turnbull
Currier	Hinds	Nelson	Tuttle
Dalzell	Hobson	Nye	Vare
Daugherty	Hughes, Ga.	Olmsted	Vreeland
Davenport	Jackson	Parran	Webb
Davidson	James	Patten, N. Y.	Weeks
Dickson, Miss.	Jones	Porter	Whitacre
Dies	Kindred	Post	Wilder
Difenderfer	Kinkead, N. J.	Powers	Wilson, N. Y.
Dodds	Konop	Pujo	Young, Tex.
Donohoe	Kopp	Randell, Tex.	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "aye," as above recorded.

So the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. BATHRICK with Mr. CRUMPACKER.

Mr. CARLIN with Mr. HARRIS.

Mr. DONOHOE with Mr. VARE.

The result of the vote was then announced, as above recorded.

On motion of Mr. UNDERWOOD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On July 27, 1912:

H. R. 11628. An act authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii;

H. R. 644. An act for the relief of Mary E. Quinn;

H. R. 22043. An act to authorize additional aids to navigation in the Lighthouse Service, and for other purposes; and

H. R. 24699. An act extending the time for the repayment of certain war-revenue taxes erroneously collected.

On July 30, 1912:

H. R. 1739. An act to amend section 4875 of the Revised Statutes, to provide a compensation for superintendents of national cemeteries;

H. R. 13938. An act for the relief of Theodore Salus; and

H. J. Res. 340. Joint resolution making appropriation to be used in exterminating the army worm.

On July 31, 1912:

H. R. 4012. An act to authorize the exchange of certain lands with the State of Michigan;

H. R. 12375. An act authorizing Daniel W. Abbott to make homestead entry;

H. R. 22111. An act for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy;* and

H. R. 24598. An act for the relief of Jesus Silva, jr.

On August 1, 1912:

H. R. 25598. An act granting a pension to Cornelia C. Bragg;

H. R. 18041. An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii;

H. R. 18033. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes; and

H. J. Res. 344. Joint resolution to continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies."

On August 2, 1912:

H. R. 16518. An act for the relief of the Fifth-Third National Bank of Cincinnati, Ohio; and

H. R. 20873. An act for the relief of J. M. H. Mellon, James A. Mellon, Thomas D. Mellon, Mrs. E. L. Siverd, J. M. H. Mellon, Bessie Blue, Mrs. Simpson, Annie Turley, C. B. Eyler, Luella C. Pearce, John McCracken, A. J. Mellon, J. J. Martin, Eugene Richmond, Springdale Methodist Episcopal Church, Heidekamp Mirror Co., James P. Confer, jr., W. P. Bigley, W. J. Bole, and S. A. Moyer, all of Allegheny County, Pa.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. There is a conference report on the legislative bill, a conference report on the wool bill, and I would like to get through both reports and not keep the House to too late an hour to-morrow.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

There was no objection.

INVESTIGATION OF CLAIMS GROWING OUT OF LATE INSURRECTION IN MEXICO.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that Senate joint resolution 103, now on the Speaker's table, be taken from the table and laid before the House for present consideration.

The SPEAKER. The gentleman from Texas asks unanimous consent that Senate joint resolution 103 be taken from the Speaker's table and laid before the House for present consideration. Is there objection?

Mr. MANN. Reserving the right to object, I ask to have the resolution reported.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 103) directing the Secretary of State to investigate claims of American citizens growing out of the late insurrection in Mexico, to determine the amounts due, if any, and to press them for payment.

Resolved, etc., That the Secretary of War be, and is hereby, authorized and directed to make, or cause to be made under his direction, a full and thorough investigation of each and all claims of American citizens and of persons domiciled in the United States which may be called to his attention by claimants or their attorneys for damages for injuries to their persons or property, received by them or by those of whom claimants may be the legal representatives, within the boundaries of the United States, by means of gunshot wounds or otherwise inflicted by Mexican Federal or insurgent troops during the late insurrection in Mexico in the year 1911.

For the purpose of such investigation the Secretary of War is authorized to appoint a commission of three officers of the Army, one of whom shall be an inspector general. Such commission shall have authority to subpœna witnesses, administer oaths, and to take evidence on oath relating to any such claim and to compel the attendance of witnesses and the production of books and papers in any such proceeding by application to the district court of the United States for the district within which any session of the commission is held, which court is hereby empowered and directed to make all orders and issue all processes necessary for that purpose, and said commission shall have all the powers conferred by law upon inspectors general of the United States Army in the performance of their duties. Such commission shall report to Congress, through the Secretary of War, as soon as practicable, its findings of fact upon each and all the claims presented to it and its conclusion as to the justice and equity thereof and as to the proper amount of compensation or indemnity thereupon.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SMITH of Texas, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

By unanimous consent a similar House joint resolution, No. 255, now on the calendar, was laid on the table.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House, under its previous order, adjourned to meet to-morrow, Saturday, August 3, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Assistant Secretary of War, transmitting a letter from the Quartermaster General of the Army submitting a detailed report and statements of receipts and expenditures as provided for in the fortifications appropriation bill approved August 1, 1904 (H. Doc. No. 895); to the Committee on Expenditures in the War Department and ordered to be printed.

2. A letter from the Postmaster General, transmitting the claims of Edgar Allan, jr., postmaster at Richmond, Va. (H. Doc. No. 894); to the Committee on Claims and ordered to be printed.

3. A letter from the Secretary of Commerce and Labor, acknowledging receipt of House resolution 578, in regard to high price of anthracite coal (H. Doc. No. 896); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolution were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 23627) to amend section 3 of an act entitled "An act to provide for the examination of certain officers of the Army, and to regulate promotions therein," approved October 1, 1890, reported the same without amendment, accompanied by a report (No. 1126), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (S. 5808) granting right of way across Port Discovery Bay United States Military Reservation to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington, reported the same with amendment, accompanied by a report (No. 1128), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CALDER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 3010) to fix the requirements governing the receipt, transmission, delivery, and preservation of messages of interstate telegraph and telephone companies, reported the same without amendment, accompanied by a report (No. 1129), which said bill and report were referred to the House Calendar.

Mr. McCOY, from the Committee on the Judiciary, to which was referred the bill (H. R. 4718) to authorize the use of certain unclaimed moneys now in the registry of the United States Circuit Court for the Northern District of Ohio for the improvement of the libraries of the United States courts for said district, reported the same with amendment, accompanied by a report (No. 1131), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JACOWAY: A bill (H. R. 26097) for the purchase of a site and the erection of a public building thereon at Conway, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. LEVY: A bill (H. R. 26098) to authorize the Secretary of the Treasury to use at his discretion the moneys in the general fund of the Treasury which at the close of the fiscal year are in excess of $125,000,000 for the purpose of reducing the tariff on certain necessities of life; to the Committee on Ways and Means.

By Mr. MILLER: A bill (H. R. 26099) authorizing the towns of Ball Bluff, Libby, and Cornish, in the county of Aitkin, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 26100) conveying certain lands to the T. R. Foley Co.; to the Committee on the Public Lands.

By Mr. ANDERSON of Minnesota: Resolution (H. Res. 657) asking the Secretary of Agriculture for information relative to the definition of beer and the labeling, branding, or misbranding thereof and for copies of papers relating thereto; to the Committee on Agriculture.

By Mr. FOSS: Resolution (H. Res. 658) regarding the sanitation of the cities of the island of Cuba; to the Committee on Rules.

By Mr. HULL: Joint resolution (H. J. Res. 345) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MARTIN of Colorado: Joint resolution (H. J. Res. 346) to correct an error in H. R. 21230; to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Wisconsin: A bill (H. R. 26101) granting a pension to Lizzie Nichols Wood; to the Committee on Pensions.

By Mr. CONNELL: A bill (H. R. 26102) for the relief of the city of New York; to the Committee on War Claims.

By Mr. DAVIS of West Virginia: A bill (H. R. 26103) to amend and correct the military record of Henry H. Willis; to the Committee on Military Affairs.

By Mr. DENVER: A bill (H. R. 26104) for the relief of Loren W. Greeno; to the Committee on Naval Affairs.

By Mr. HAWLEY: A bill (H. R. 26105) granting an increase of pension to Isaac V. Vossman; to the Committee on Pensions.

By Mr. MAYS: A bill (H. R. 26106) for the relief of the heirs at law of Bartlett Baker and others; to the Committee on Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 26107) granting an increase of pension to Michael Fitzgerald; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 26108) for the relief of Patrick H. Murphy, alias Henry Watson; to the Committee on Military Affairs.

By Mr. SLOAN: A bill (H. R. 26109) granting an increase of pension to William Barker; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 26110) granting an increase of pension to Charles E. Hillis; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 26111) granting an increase of pension to Daniel K. Gillett; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Washington Camp, No. 22, Patriotic Order Sons of America, Berkeley Springs, W. Va., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Memorial of the National Association of Talking-Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill; to the Committee on Patents.

By Mr. BARTHOLDT: Petition of E. C. Rouse, of St. Louis, Mo., favoring passage of House bill 22589, providing for embassy buildings abroad; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of the Committee on Railway Mail Pay, of New York City, against changing basis for railway mail pay; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Memorial of the National Association of Talking-Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill; to the Committee on Patents.

Also, petition of the Inventors' Guild of New York City, favoring the creation of a patent commission; to the Committee on Patents.

Also, memorial of the Committee on Railway Mail Pay, against changes in the basis for railway mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of W. Atlee Burpee, of Philadelphia, Pa., favoring passage of the Sulzer parcel-post bill (H. R. 26006); to the Committee on the Post Office and Post Roads.

By Mr. PARRAN: Memorial of Keystone Council, No. 11, Order of Independent Americans, of Manayunk, Philadelphia, Pa., favoring passage of House bill 25309, requiring the flag of the United States to be displayed on all lighthouses of the United States and insular possessions; to the Committee on International and Foreign Commerce.

By Mr. PRAY: Memorial of the Grand Commandery, Knights Templar, of Montana, favoring passage of House joint resolution 271, permitting emblems or insignia to be inscribed on monuments, tombstones, etc.; to the Committee on Military Affairs.

By Mr. RAKER: Petition of the Committee on Railway Mail Pay, of New York City, against changing the basis for railway mail pay; to the Committee on the Post Office and Post Roads.

Also, memorial of the National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill (H. R. 23417); to the Committee on Patents.

By Mr. SLOAN: Petition of citizens of the State of Nebraska, favoring prohibiting sectarian garb in Indian schools; to the Committee on Indian Affairs.

By Mr. SULZER: Petition of the Committee on Railway Mail Pay, against changing the basis for railway mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of the National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

Also, petition of De Cappet & Doremus, of New York City, favoring passage of bill to provide additional aids to navigation; to the Committee on the Merchant Marine and Fisheries.

By Mr. TILSON: Memorial of the National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill; to the Committee on Patents.

By Mr. WILSON of New York: Memorial of the National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

SENATE.

SATURDAY, *August 3, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ESTIMATE OF APPROPRIATION (S. DOC. NO. 893).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney General, submitting an item for inclusion in the general deficiency appropriation bill authorizing the disbursing clerk of the Department of Justice to pay from the appropriation for "salaries, fees, and expenses of marshals, United States courts, 1912," the salary of Creighton M. Foraker for acting as United States marshal, and W. R. Forbes for acting as chief office deputy marshal, from January 7 to March 1, 1912, the interim being between the admission of the Territory of New Mexico to statehood and the appointment of a marshal by the court, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 103) directing the Secretary of State to investigate the claims of American citizens growing out of the late insurrection in Mexico, to determine the amounts due, if any, and to press them for payment.

The message also announced that the House had passed a bill (H. R. 25034) to reduce the duties on manufactures of cotton, in which it requested the concurrence of the Senate.

MEMORIAL.

Mr. KERN presented a memorial of members of the Business Men's Association of Lebanon, Ind., remonstrating against the passage of the proposed parcel-post bill, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (H. R. 606) for the relief of John Treffeisen, reported it with amendments and submitted a report (No. 1009) thereon.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (H. R. 19190) for the relief of John P. Risley, reported it with an amendment and submitted a report (No. 1010) thereon.

Mr. DILLINGHAM, from the Committee on Privileges and Elections, to which was referred the bill (S. 3315) to prohibit corporations from making contributions in connection with political elections and to limit the amount of such contributions by individuals or persons, reported it with an amendment and submitted a report (No. 1011) thereon.

INTERNATIONAL CONGRESS ON HYGIENE AND DEMOGRAPHY.

Mr. WARREN. From the Committee on Appropriations I report back favorably without amendment the joint resolution (S. J. Res. 126) authorizing Federal bureaus doing hygienic and demographic work to participate in the exhibition to be held in connection with the Fifteenth International Congress on Hygiene and Demography, to be held at Washington, September 16 to October 4, 1912. I ask the attention of the Senator from New Hampshire [Mr. GALLINGER] to the reading of the joint resolution.

Mr. GALLINGER. After the joint resolution has been read, I will ask unanimous consent for its consideration. I think there will be no objection to it.

The PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL INTRODUCED.

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 7419) increasing the limit of cost of the post-office building at St. Petersburg, Fla.; to the Committee on Public Buildings and Grounds.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. JONES submitted an amendment proposing to appropriate $55,000 for the protection of buildings and property of the United States at Valdez, Alaska, from glacial floods, etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS OF GOVERNMENT EMPLOYEES.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 23451) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property, which was ordered to be printed and, with the accompanying paper, ordered to lie on the table.

THE JUDICIAL RECALL (S. DOC. NO. 892).

Mr. McCUMBER. I present an article on the judicial recall by Rome G. Brown, attorney at law of Minneapolis, containing also other references to this subject, which I consider very important. I ask that it be printed as a public document.

The PRESIDENT pro tempore. The Senator from North Dakota asks that the paper, the nature of which he has stated, shall be printed as a public document. Is there objection? The Chair hears none, and it is so ordered.

HOUSE BILL REFERRED.

H. R. 25034. An act to reduce the duties on manufactures of cotton was read twice by its title and referred to the Committee on Finance.

SOLDIERS' HOME AT LOS ANGELES, CAL.

Mr. WORKS. Mr. President, more than six months ago I introduced a resolution (S. Res. 160) calling for an investigation of the soldiers' home at Los Angeles, Cal. The resolution was referred in the first instance to the Committee on Contingent Expenses. I understand the committee referred the matter upon its merits to the Committee on Military Affairs. I understand also that it was referred to a subcommittee, and that that subcommittee some time ago made its report.

It is a matter which should be investigated now, if it is ever to be investigated. The conditions are such that I think there should be no delay with respect to it. The old soldiers in that home ought not to be allowed to live or die in the condition that, according to my information, exists at the soldiers' home.

I therefore inquire of the chairman, or any member of that committee who may be present, what the prospect is of having some report on the resolution, if any member of the committee here is prepared to answer.

Mr. WARREN. The chairman of the committee does not seem to be here. While I am the next ranking member I have not had my attention called to this matter. I am not on the subcommittee that has considered it, and I am unable to give the Senator any information. Possibly some other member of the committee may do so.

Mr. BRISTOW. I understand the resolution was referred to a subcommittee, but the subcommittee, as I understand it, has not yet reported to the full committee, but I think it is about ready to report. The matter was taken up and discussed by members of the subcommittee at a meeting of the full committee, I think the last meeting, and I believe at least one member of the subcommittee stated that they are practically ready to file a report with the full committee.

Mr. WORKS. I may have been misinformed as to the fact of the report having been made. I knew the subcommittee had agreed upon a report, and my information was that they had reported to the full committee.

Mr. BRISTOW. The subcommittee may have agreed on a report, but my recollection is that it has not yet made its report to the full committee.

Mr. WORKS. I bring the matter before the Senate more to attract the attention of members of the committee to it. In my judgment speedy action should be taken in respect to it, if any action is to be taken at all.

CONDITION OF MILL WORKERS AT LAWRENCE, MASS.

Mr. POINDEXTER. I ask the unanimous consent of the Senate, Mr. President, that 1,000 additional copies of the report of the Commissioner of Labor on the Lawrence strike be ordered printed for the use of the Senate. (S. Doc. No. 870.)

The PRESIDENT pro tempore. The Senator from Washington asks that 1,000 extra copies of the report upon the Lawrence strike shall be printed for the use of the Senate. Is there objection?

Mr. GALLINGER. I will ask the Senator how many copies were printed. I have had some calls for it and have been unable to supply them. Was it a small edition?

Mr. POINDEXTER. There have been a vast number of calls, and I understand that only 200 copies were printed.

Mr. GALLINGER. I was informed at the document room that I had 2 copies to my credit. Of course, we ought to have more than that number. I have not examined the document, but I imagine that it is of sufficient merit to have a reasonable number printed. Perhaps 1,000 copies will be enough; I do not know.

Mr. SMOOT. About 1,274 copies were printed, but I suppose that would give each Senator only 2 copies. The only reason why I bring this to the Senator's attention now is that if the additional copies cost more than $500, the printing will have to be ordered by a joint resolution. If the Senator will just give me a very little time I will find out what the additional copies would cost and bring it to his attention and agree to whatever number is necessary.

Mr. POINDEXTER. That is entirely satisfactory.

Mr. SMOOT. I have no objection to the printing of a thousand additional copies if the cost does not reach beyond the amount that under the law requires a joint resolution to cover it.

Mr. POINDEXTER. What do I understand the Senator to state that the printing of the usual number cost?

Mr. SMOOT. It cost four thousand three hundred and some odd dollars. So it is my opinion that it will require a joint resolution to print the additional copies.

Mr. OVERMAN. Mr. President, this conversation has been going on for about 10 minutes and I have not heard a word of it.

Mr. SMOOT. I ask the Senator from Washington to let the matter go over and we will see into it.

The PRESIDENT pro tempore. Senators complain that they do not hear what the Senators are saying.

Mr. POINDEXTER. I do not know whether it is the fault of the Senator who does not hear or the fault of the Senator who is speaking. Perhaps it is the fault of the acoustic properties of the hall.

Mr. OVERMAN. The debate has been proceeding in a very low tone of conversation, and we on this side would like to know what is going on.

Mr. SMOOT. I will state to the Senator that the Senator from Washington requested that 1,000 additional copies of the public document referring to conditions at the mills at Lawrence should be printed. I have no objection to the printing of 1,000 extra copies or whatever number the Senate may desire, but I do believe that the cost of printing a thousand copies will be more than $500, and if so, a joint resolution of the two Houses will be required. I simply asked the Senator from Washington to let the matter go over until I could find out what 1,000 copies would cost and bring it to his attention, and then he can bring it before the Senate in the proper way.

Mr. POINDEXTER. I wish to call the attention of the Senator from Utah to the fact that I am informed by the Government Printing Office that the document is now about ready to be printed, and whatever number is going to be printed ought to be known now and the printer instructed, so that when the edition is printed he may print the proper number.

Mr. SMOOT. That is quite true.

Mr. POINDEXTER. I wish to make one further remark. If it requires a joint resolution of the Senate and House, the House will probably need and claim a portion of them and there ought to be, in that case, more than a thousand additional copies ordered.

Mr. SMOOT. They could amend the joint resolution to whatever number they might desire.

Mr. POINDEXTER. If the Senator will give his attention to the matter of which he speaks promptly, so that the additional copies can be printed, I will not insist upon the motion now.

Mr. SMOOT. I will give the Senator the information within 15 minutes.

The PRESIDENT pro tempore. The Senator from Washington withdraws the motion for the present.

Mr. SMOOT subsequently said: Mr. President, this morning the Senator from Washington [Mr. POINDEXTER] asked for an order to print 1,000 additional copies of the report on the Lawrence strike. I did not know at that time whether that number could be printed within the limit under the law. I find that it can be printed if ordered immediately with the first order. Therefore, I ask that 1,000 extra copies of Senate Document 870 be printed for the use of the document room.

Mr. POINDEXTER. While on this subject, I understood that over 1,200 copies had been printed before, and only 2 copies were distributed to each Senator.

Mr. SMOOT. They are distributed under the law, so many going to the libraries of the country and so many to each Rep-

resentative and Senator. That is the way they are distributed whenever it is made a public document. In this order I understand that the Senator desires to have the copies for the use of the Senate, and therefore I made the request that it be printed as a Senate document.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That 1,000 additional copies of Senate Document 870, being the report on the Lawrence strike, be printed for the use of the Senate document room.

THE METAL SCHEDULE.

Mr. PENROSE. Mr. President, it is quite important, in order to facilitate the meetings of conferees on other tariff bills, that the conference report on the metal bill should be submitted to the Senate. I understand that this course meets the approval of the Senator from North Carolina [Mr. SIMMONS].

Mr. SIMMONS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Martine, N. J.	Simmons
Bacon	Fletcher	Massey	Smith, Ga.
Bankhead	Gallinger	Nelson	Smith, Mich.
Borah	Gronna	O'Gorman	Smith, S. C.
Bourne	Guggenheim	Overman	Smoot
Brandegee	Johnson, Me.	Page	Sutherland
Bristow	Johnston, Ala.	Penrose	Thornton
Bryan	Jones	Perkins	Tillman
Burnham	Kern	Poindexter	Townsend
Burton	La Follette	Pomerene	Warren
Clark, Wyo.	Lodge	Reed	Watson
Crawford	McCumber	Sanders	Works
Cullom	Martin, Va.	Shively	

Mr. BOURNE. Mr. President, I desire to announce that my colleague [Mr. CHAMBERLAIN] is unavoidably detained on official business, and that he has a general pair with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. FOSTER]. I ask that this announcement may stand for the day.

Mr. MARTINE of New Jersey. I was requested to announce that my colleague [Mr. BRIGGS] is unavoidably detained from the session of the Senate.

The PRESIDENT pro tempore. On the call of the roll of the Senate 51 Senators have responded to their names, and a quorum of the Senate is present.

Mr. PENROSE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, with Senate amendments, having met, after full and free conference have decided to report and do report to their respective Houses as follows:

That the conferees have been unable to agree on amendments numbered 3 and 4.

BOIES PENROSE,
H. C. LODGE,
F. M. SIMMONS,
Managers on the part of the Senate.

O. W. UNDERWOOD,
A. MITCHELL PALMER,
SERENO PAYNE,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

Mr. GRONNA. Mr. President——

Mr. SIMMONS. I move that the Senate recede from its amendments.

Mr. PENROSE. I ask for the yeas and nays on that motion.

Mr. OVERMAN. I suggest the absence of a quorum.

Mr. PENROSE. That same suggestion has been recently made, and the roll called.

Mr. OVERMAN. I know that; but I think the Senator will agree that there are very few on this side of the Chamber.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Martin, Va.	Simmons
Bacon	Cullom	Martine, N. J.	Smith, Ariz.
Bankhead	Dillingham	Massey	Smith, Ga.
Borah	Fletcher	Myers	Smith, Mich.
Bourne	Gallinger	O'Gorman	Smith, S. C.
Brandegee	Gronna	Overman	Smoot
Bristow	Guggenheim	Page	Sutherland
Bryan	Johnson, Me.	Penrose	Swanson
Burnham	Johnston, Ala.	Perkins	Thornton
Burton	Jones	Poindexter	Tillman
Chamberlain	Kern	Pomerene	Townsend
Clapp	La Follette	Reed	Warren
Clark, Wyo.	Lodge	Sanders	Watson
Crane	McCumber	Shively	

Mr. WATSON. I desire to announce the absence of my colleague [Mr. CHILTON], on account of illness.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 55 Senators have responded to their names. A quorum of the Senate is present. The question is——

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota rise to this question?

Mr. GRONNA. I rise to this particular question. Mr. President, I wish to address myself to the conference report.

The PRESIDENT pro tempore. The Senator will suspend until the Chair states the pending question to the Senate. The question before the Senate is on the motion of the Senator from North Carolina [Mr. SIMMONS] that the Senate recede from its amendments. The Senator from North Dakota has the floor.

Mr. PENROSE. If the Senator from North Dakota will permit me——

Mr. SIMMONS. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from North Carolina will state his parliamentary inquiry.

Mr. SIMMONS. I desire to inquire whether my motion to recede should be preceded by a motion to agree to the conference report, which is a report to the Senate of the disagreement on the part of the conferees.

The PRESIDENT pro tempore. The Chair is of the opinion that it does not have to be preceded by such a motion, but if there is a precedent to the contrary the Chair is ready to conform to it.

Mr. PENROSE. Mr. President, if the Senator from North Dakota [Mr. GRONNA] will permit me one moment, for the information of the Senate, as it has been, I believe, nearly two months since this bill passed the Senate, I will state that the question now before the Senate is that the Senate should recede from the amendment repealing what is known as the reciprocity bill, which was attached to the metal bill by the Senate. In the numerous tariff transactions which have occurred since the metal bill was passed, I think it well to remind the Senate of the exact status of this particular measure. The question is on the Senate receding from the amendment repealing the reciprocity act.

The PRESIDENT pro tempore. The Senator from Pennsylvania correctly states the question. If it is desired, the amendment from which it is proposed to recede will be read to the Senate.

Mr. PENROSE. I ought to say, Mr. President, that the second amendment in disagreement is merely the numbering of a paragraph, the introduction of the amendment repealing the reciprocity act having required a change in the numbering of the paragraphs.

Mr. GRONNA. Mr. President, it is not my purpose to detain the Senate this morning for any considerable length of time, but I do wish to know what is intended by Senators on the other side of the Chamber so far as the reciprocity amendment is concerned. I understand that the purpose is to move that the Senate recede from its amendment providing for the repeal of the reciprocity act. I should like to know what opportunity there will be, or if there will be any opportunity, to have the measure reported by the Senator from Idaho [Mr. HEYBURN], repealing the reciprocity act, taken up and passed during this session. I am not stating it as a fact, but I apprehend, Mr. President, that the amendment providing for the repeal of the reciprocity act will be retained on such bills as the President is sure to veto. I never offered the reciprocity amendment to any bill for the purpose of defeating the bill. I am interested in the measure itself and to help, so far as I am able, to do justice to the struggling millions in this country.

You may think you can fool the American farmer, but I want to say to you that you can not. Are we to eliminate the reciprocity amendment from all such bills as by a possibility the

President might approve, and leave it on a measure the President is sure to veto?

I do not know whether I have a right to ask the question or not, and if I do not have the right I shall be glad to withdraw it, but I should like to know from Senators on the other side of the Chamber, and especially from the Senator having this bill in charge, what opportunity, if any, will be afforded to pass as an independent measure the bill providing for the repeal of the reciprocity act?

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. GRONNA. I do.

Mr. SIMMONS. In reply to the inquiry of the Senator from North Dakota, with respect to some independent measure dealing with the repeal of the reciprocity act, I can only say to him that I myself have not any knowledge of the attitude of Senators on this side of the Chamber with reference to the measure to which he refers. I understand that the Senator from Idaho [Mr. HEYBURN] has reported a bill of that character, but what opportunity will be afforded to vote upon that bill and what will be the attitude of this side of Chamber with reference to it, I am not authorized to say.

The Senator has just stated that it is proposed to retain the amendment repealing the reciprocity act upon a bill which the President would be sure to veto. Mr. President, two of the tariff bills which have been passed had attached to them this amendment to repeal the reciprocity act. One is the bill now before the Senate, known as the metal bill, and the other is the excise bill. The Senator has expressed the opinion, as I understood him, that the President would veto the excise bill. I do not know what the President will do in reference to that bill; but has the Senator any reason to suppose that the President is more likely to veto the excise bill than he is to veto the metal bill now under consideration? The statement has been made by Senators on the other side, professing to speak for the President, that the President has already made up his mind and has probably notified the steel producers and manufacturers of this country, that if the metal bill were sent to him he would veto it. That is not a part of our business, however. I am simply answering the suggestion of the Senator from North Dakota.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. Certainly.

Mr. GALLINGER. Will the Senator specify any Senator on this side who has made a declaration of that kind?

Mr. SIMMONS. I could do so, but I do not care to.

Mr. GALLINGER. It must have been in private conversation.

Mr. SIMMONS. For that reason I decline to give the name of any Senator who has spoken to me in reference to it.

Mr. GALLINGER. I simply want to put in the RECORD the fact that no such declaration has ever been made on the floor of the Senate on this side of the Chamber.

Mr. SIMMONS. No such declaration has been made on the floor of the Senate, and I have not said that any such declaration has been made on the floor of the Senate; but I was advised yesterday—I am not now speaking about any conversation I have had with Senators on the other side about this matter—but I was advised yesterday by a newspaper man that the President had authorized the statement to be made to the manufacturers of Pennsylvania that he would veto it and that they could rely upon his doing so. That is a mere rumor, and I am not vouching for it.

Mr. GALLINGER. A mere newspaper statement.

Mr. SIMMONS. All I can assure the Senator with respect to this matter is that there will be action on the part of the conferees upon the excise bill. The conferees have been appointed; they have had a preliminary conference, and they will on Monday or Tuesday meet and act. I can assure the Senator that when that bill comes before the Senate—and it will come before the Senate as it will come before the House, and I think I can say it will be acted upon by the House and by the Senate, and when that action is taken the Senator will have an opportunity to vote for the repeal of at least a part of the reciprocity act, that part in which the Senator is interested and in which the millions of farmers for whom he says he is speaking are interested. I can give the Senator that assurance, but further than that I am unable to go.

Mr. GRONNA. Mr. President, I thank the Senator from North Carolina for his frank statement. I have no right to speak for nor do I propose to speak for the President of the United States. I do not know what he intends to do, but I have a right to my opinion as to what he will do. I believe the reciprocity act should be repealed, and believe the Democrats should face that proposition the same as they should face every other question, unafraid and frankly. I do not believe that Democrats can hope to be successful at the polls by passing bills, or by refusing to repeal an act that discriminates against the many in the interest of a few—in the interest of corporations, which are absolutely in control of the great industries of this country.

Mr. PENROSE. Mr. President, will the Senator permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Pennsylvania.

Mr. GRONNA. Yes.

Mr. PENROSE. Can the Senator from North Dakota imagine any reason which would render a provision repealing the reciprocity act objectionable on the metal bill and not objectionable on the excise bill? If it is a good amendment to the excise bill, why is it not a good amendment to the metal bill?

Mr. GRONNA. Well, Mr. President, I would much prefer to see the amendment on the sugar bill.

Mr. MCCUMBER. Mr. President, if my colleague will allow me, the question suggested by the Senator from Pennsylvania is the same question I asked quite a number of Republican Senators who voted against an amendment repealing the reciprocity act the other day in connection with another bill.

Mr. GRONNA. I know my colleague offered such an amendment and I voted for the amendment, as the RECORD will show. I am extremely anxious, Mr. President, to see the reciprocity act repealed.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. GRONNA. Yes; I yield.

Mr. SIMMONS. While I was on my feet a moment ago I should have made an additional statement, but I will make it now to the Senator. It is this: If the conferees should agree, as I am sure they will, to report the excise bill, Senators on this side of the Chamber will join the Senator from North Dakota in repealing that part of the reciprocity act which has not up to this time gone into effect because of the nonaction of Canada.

Mr. GRONNA. The Senator assures me that the Members on the other side of the Chamber will place such a provision——

Mr. SIMMONS. I meant on the excise bill. If I said the steel bill, I meant the excise bill——

Mr. GRONNA. The Senator also assures me that the Senators in this Chamber will to the best of their ability exert every influence on the House to see that it passes that body.

Mr. SIMMONS. I can speak only for the Senators on this side of the Chamber, and I have undertaken to speak for them because I have authority conferred upon me to do that. But, of course, I can not give the Senator any assurance with reference to the action of the House. I can express to the Senator an opinion, and that opinion is that the majority of the House will concur in the repeal of that part. I may be mistaken about that. I only express the opinion which a Senator, who, having interested himself in this matter, might properly entertain and with propriety, I think, express.

Mr. GRONNA. Mr. President, when I rose this morning it was with the hope that I could prevail upon some member of the Finance Committee to call up this measure this morning and that the Senate would give unanimous consent for the immediate consideration of an independent measure providing for the repeal of the reciprocity act.

As I have said before, I do not know that the President will veto these bills if they are agreed to here, but I have reason to believe that he will not approve all of them. We are very much interested in this measure, and there are interested in it a great number of people in the United States, the farmers all over this country, 35,000,000 people, who depend upon the agricultural industry for their comfort and for their living, and it means more than any mere political policy. It means doing justice to a great number of American citizens.

I have on every occasion, by my vote and otherwise, tried to have this iniquitous measure repealed. If the reports in the papers are true, even the President of the United States now realizes that it was a mistake to pass it. But I can readily see that it will afford an excuse for vetoing reciprocity on these tariff bills if the rates of duty are too low, if they are lower than the rates such as are advocated, not by the President of the United States, but the Republican Party of this country.

I again want to ask the Senator from North Carolina if it will not be possible to come to some agreement and have some understanding that this independent measure shall be taken up and passed not only in this body but in the other body, providing the paper provision is eliminated.

Mr. SIMMONS. I did not understand the latter part of the Senator's inquiry.

Mr. GRONNA. The question I propounded to the Senator from North Carolina is whether it is not possible to come to some agreement or to have some understanding that we shall take up this measure as an independent measure, or agree on some particular time when this measure shall be taken up and passed at least in this body, providing we eliminate the provision that is objectionable to the other side of the Chamber.

Mr. SIMMONS. As far as I can answer the inquiry of the Senator, I will say that I know of no disposition on the part of this side of the Chamber to interfere or obstruct in any way the consideration of such a measure as he refers to.

Mr. McCUMBER. Mr. President——

Mr. GRONNA. Just a moment, if the Senator from North Dakota pleases.

I could not, of course, indicate to the Senator what action the other side of the Chamber would take upon a measure of that sort. I can only say I am satisfied there is no disposition over here, and there will be none, to interfere with the speedy consideration of a measure of that character.

Mr. McCUMBER. Will my colleague allow me to ask the Senator from North Carolina a question?

Mr. GRONNA. With pleasure.

Mr. McCUMBER. I should like to ask the Senator from North Carolina how under the Constitution we will be able to take up this measure and originate it in the Senate—a measure which affects the raising of revenue?

Mr. SIMMONS. Oh, Mr. President, I was not considering that phase of it. Of course, the Senate could not take the initiative in the matter. It is a matter affecting the revenues, and would repeal a revenue act, and, of course, it would have to come to us from the House.

Mr. McCUMBER. As a matter of fact, we would not have any control over it unless it was introduced in the House and sent over from there to us. So it is idle to discuss that question.

Mr. SIMMONS. The Senator will understand I was not discussing that phase of the proposition.

Mr. GRONNA. I understand the House conferees ask the Senate to recede from our action placing this provision on this tariff bill. I take it the strong opposition comes from the Members of the House, and for that reason I had the right to ask the Senator from North Carolina and all the Senators on the other side of the Chamber when this opposition would cease.

Mr. SIMMONS. If the Senator will permit me, I will say I think if the plan I have indicated, as the result of the probable action of the House with reference to the amendment as it is on the excise bill, is followed, he will accomplish what he wants; but if the Senator insists upon and shall be able to defeat that, he will accomplish nothing in the direction he desires to go.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from New York?

Mr. GRONNA. I yield.

Mr. ROOT. Mr. President, I should like to state what I understand to be the position of the Senator from North Carolina; and I would be glad to be corrected by the Senator if I am wrong.

I understand his position to be this: We have on the statute books a law to give effect to a tentative agreement with Canada for modifications of the tariff laws of the two countries. That agreement has been rejected by Canada, and our statute as it now stands amounts to a continuing authority to the Parliament of Canada to pass a tariff bill for the United States whenever it sees fit to do so.

Many of us believe—and I am one of them—that that authority ought not to continue; that the rejection of the agreement by Canada should be deemed an end of the offer by the United States, and that our statutes should be made to show that the offer was ended by the rejection.

The statute which it is necessary to repeal in order to revoke that authority to the Parliament of Canada to make a tariff law for us in a revenue measure, and the repeal can be accomplished in only one of two ways. One is by the origination of an independent bill in the House of Representatives. The other is by attaching an amendment here to a bill coming from the House of Representatives, and an amendment to a revenue bill, to which it would be germane.

The Senator from North Dakota, desiring that this authority to the Canadian Parliament shall be repealed, has offered to revenue measures coming to the Senate from the House of Representatives amendments repealing the statute which gives the authority.

Now, I understand the position of the Senator from North Carolina [Mr. SIMMONS] to be that he is willing to have such an amendment attached to any bill which he believes can never become a law, but he is unwilling to have it attached to any bill which he thinks may become a law.

Mr. SIMMONS. Mr. President, the Senator from New York has——

Mr. GRONNA. I yield to the Senator from North Carolina.

Mr. SIMMONS. The Senator from New York has misstated altogether my position. The Senator was probably not here when I made my first statement. I said in my first statement, speaking about the metal bill, which is now before the Senate and to which this amendment has been attached, and from which I am asking that it be detached, would be, in my opinion, basing that opinion upon statements which have been made to me by those who I think have some authority to speak, vetoed by the President. I shall regret exceedingly if the President shall see fit to veto it, but——

Mr. GALLINGER. Mr. President, if the Senator will permit me a moment, does the Senator mean the metal bill?

Mr. SIMMONS. I am talking about the metal bill and only the metal bill.

Mr. GALLINGER. What harm will it do to let this amendment stay on if the bill is going to be vetoed?

Mr. SIMMONS. We want to perfect the bill before it reaches the President.

Mr. GALLINGER. That is what we are trying to do.

Mr. GRONNA. If the Senator from North Carolina is anxious, as I am sure he is, to have this bill passed and become a law; and if it be true, as has been reported in the newspapers, that the President of the United States now would be glad to see that measure repealed, would it not stand a better chance of receiving the approval of the President with a reciprocity repeal on it than by taking it off?

Mr. SIMMONS. I can not answer, with reference to that question, whether it would or would not. I do not know the present attitude of the President of the United States with reference to reciprocity. I do not know whether he has changed front somewhat on that question, as those who seem to speak for the administration on the other side of the Chamber have changed on that question.

Mr. GALLINGER. The Senator himself has changed.

Mr. SIMMONS. The Senator from New Hampshire is mistaken when he says I have changed front on that question.

Mr. GRONNA. I believe, if I may be pardoned for making the statement, that the President would be glad to have an opportunity of approving a measure to repeal the reciprocity law. Now, entertaining at least the hope that he would do so, it seems to me, Mr. President, as the Senators on the other side of the Chamber say they do not now object, at least to repealing a part of this provision, they should welcome something on these tariff bills that might perhaps to some extent be an inducement for the President to approve of their tariff bills.

I do not wish to detain the Senate any longer. To the farmers of the United States, not only of North Dakota farmers, but to the farmers as a whole, this law is objectionable. The farmer who says he approves of a measure of this kind does not know that if we fail to repeal it Canada can at any time accept it; it will injure him, and that it will continue to be a disadvantage to him, and that in the future, until it shall have been repealed, it will reduce the prices of his products. For that reason, and for no other, I want to have it repealed.

Mr. McCUMBER. Mr. President, I wanted to ask the Senator from North Carolina this question: Has the Senator any information or belief that if this reciprocity repeal clause were attached to this metal schedule bill it would be vetoed by the President because it was so attached?

Mr. SIMMONS. If the reciprocity repeal were attached to it?

Mr. McCUMBER. Yes. Does that endanger the bill in the hands of the President?

Mr. SIMMONS. Mr. President, I have stated that I do not know what the attitude of the President may be in reference to that matter. His attitude has changed very frequently upon various and sundry public questions. It may be that the President, who at the last session of Congress was such an ardent advocate of reciprocity, seeing that it is so very unpopular with a large and influential and in many States a controlling element of the electorate, may have changed his position in order to meet the present political exigencies of his candidacy: and it may be that, reversing that position, he would sign a bill repealing reciprocity, but——

Mr. McCUMBER. Then the Senator's conclusion is that the President would sign it?

Mr. SIMMONS. But I have no authority to say that; and I have no reason, from anything the President has said which has

come to me, to know, or to predict even, what the President would do about that matter. I presume, however, that there are Senators on the other side of the Chamber who have conferred with him. I have seen in the newspapers the statement that certain Senators and probably Representatives have been requested by the President to express to him their views about this question. Those Senators who have enjoyed the President's confidence in this matter may be able to enlighten the Senator from North Dakota as to the present attitude of the President with reference to this pet measure of his.

Mr. McCUMBER. The point I wanted to arrive at was whether the Senator had any fear about the signature of the President being placed to this bill, if it should pass both Houses, because of the reciprocity clause being attached thereto. From what the Senator says I understand that he has no such fear. I also understand that the Senator now believes that probably the Democratic Party would be in favor of the repeal of this offer to Canada so far as it now remains upon the statute books. If that is the case, and if there is no fear of the President, and the sentiment of the other side is in favor of the repeal, let me ask the Senator what objection, then, can there possibly be to allowing this amendment to remain as a part of the bill?

Mr. SIMMONS. Mr. President, that matter has not been considered by the conferees. That matter has not been considered by me in connection with my associates on this side. All I am able to answer the Senator is that the conferees have reported upon this matter disagreeing to the amendment, and I have made the motion that the Senate recede from its amendment.

Mr. McCUMBER. I can not for myself understand the position of the other side. I can not understand why that side voted almost solidly against placing this same clause upon the sugar bill. They had reason to believe that probably the sugar bill would be signed. They had no reason to believe that the President would refuse to sign it because that provision was attached. Then it has the appearance to me to be about like this: That the other side are willing to attach this provision to any bill which they believe will not be signed by the President——

Mr. SIMMONS. May I ask——

Mr. McCUMBER. And while professing a friendship for the repeal they are opposed to attaching it to any bill that will probably be signed by the President.

Mr. SIMMONS. May I ask the Senator a question?

Mr. McCUMBER. Certainly.

Mr. SIMMONS. The sugar bill was a bill which was finally agreed upon——

Mr. McCUMBER. I confess I can not hear the Senator.

Mr. SIMMONS. I say when we were considering the sugar bill, brought to us from the House, the other side of the Chamber got together upon an amendment to that bill making a very slight reduction in the duties on sugar. That would go to the President as a Republican bill. That side of the Chamber, I understand, expect it to become a law. They expect it, if it meets the approval of the House of Representatives as it has of the Senate, to go to the President and be signed by the President. When we were considering that bill, as I remember it, the Senators on the other side of the Chamber of both factions of the Republican Party voted solidly, or with practical solidity if not solidly, against attaching the reciprocity amendment to that bill.

Mr. McCUMBER. Oh, the Senator is mistaken. The majority of the votes on this side of the Chamber were in favor of so attaching it.

Mr. GALLINGER. A large majority.

Mr. McCUMBER. A very large majority. The Senator and all his colleagues who voted the other way——

Mr. SIMMONS. My impression is the other way. The vote was—yeas 21, nays 34. The nays were:

Messrs. Borah, Bourne, Bristow, Bryan, Burton, Catron, Crane, Crawford, Cummins, Dillingham, Fall, Foster, Gallinger, Gronna, Heyburn, Johnson of Maine, Jones, Lodge, McCumber, McLean, Massey, Page, Penrose, Perkins, Root, Sanders, Smith of Michigan, Smoot, Stephenson, Sutherland, Thornton, Townsend, Warren, and Williams.

Mr. McCUMBER. What is the Senator reading from?

Mr. SIMMONS. I am reading what I suppose to be the vote on that amendment.

Mr. McCUMBER. That is a violent supposition.

Mr. SIMMONS. It was handed to me by the Senator from Maine [Mr. JOHNSON].

Mr. McCUMBER. That was not the vote on the amendment.

Mr. SIMMONS. It was handed to me by the Senator from Maine, and I assumed that he had examined it.

Mr. McCUMBER. The Senator is reading the wrong vote; that is all.

Mr. SIMMONS. That was on the Bacon amendment, the Senator from Maine advises me. On the other page is the vote on the amendment to which I refer. The yeas were 24 and the nays were 31.

Mr. McCUMBER. On the mendment offered by myself?

Mr. SIMMONS. On the amendment offered by yourself. I was mistaken when I said that there was unanimity. There were a part of the Republicans voting against attaching it. I will read it, if the Senator desires me. The nays were:

Messrs. Ashurst, Bacon, Bankhead, Bourne, Bristow, Bryan, Chamberlain, Crawford, Cummins, Fall, Fletcher, Hitchcock, Johnston of Alabama, Lodge, McLean, Martine of New Jersey, Myers, Newlands, Overman, Poindexter, Pomerene, Reed, Root, Shively, Simmons, Smith of Arizona, Sutherland, Swanson, Watson, Williams, and Works.

Mr. McCUMBER. Every Democrat, with the exception of probably one or two—and I do not know but that every one—voted against placing that amendment upon the sugar-schedule bill.

Mr. SIMMONS. Now, what I desire to ask——

Mr. McCUMBER. A few Republicans voted the same way, and with the combination between the two they defeated the amendment.

Mr. SIMMONS. I notice that the Senator from New York [Mr. ROOT], the Senator from Massachusetts [Mr. LODGE], who was the author of the bill, the Senator from Kansas [Mr. BRISTOW], who was the author of the amendment which was accepted to the bill, voted against attaching that amendment to the sugar bill.

Mr. McCUMBER. They voted that way for a certain reason, and I can give the reason.

Mr. SIMMONS. I do not know what they did it for, but I assumed at the time, and it was assumed on this side of the Chamber at the time, that they did it because of their apprehension that the President might on that account veto that bill.

Mr. McCUMBER. I think everyone of them would deny that proposition. They did it upon the apprehension that the Democratic House might possibly not pass it, that the Democratic Party would not agree to it. That was the reason, not through any fear of the President's veto, but through the fear of the veto of the Democratic majority in the House.

Mr. SIMMONS. Mr. President, I should like to inquire of the Senator from North Dakota if he is authorized to say to the Chamber that the President would not veto it on account of this amendment or that he would not permit the amendment if attached to influence his action in the premises?

Mr. McCUMBER. Oh, Mr. President, I could answer that by asking another question of the Senator, as to whether he is authorized to say that the President would not?

Mr. SIMMONS. I have no authority to speak for the President. The President does represent the party of the Senator from North Dakota.

Mr. McCUMBER. The Senator has indicated his belief that the President would sign it.

Mr. SIMMONS. I have not indicated that at all.

Mr. McCUMBER. I am perfectly willing to say that I believe he would sign the bill with that amendment attached.

Mr. SIMMONS. The Senator from North Dakota entirely misrepresents what I have stated. I have stated nothing upon which the Senator could infer that I have entertained any opinion with reference to what action the President would take on account of the attachment of this amendment to this bill. I have no opinion about it and I have expressed no opinion about it.

Mr. McCUMBER. I thought that the Senator in his quite lengthy answer to my question——

Mr. SIMMONS. The Senator assumed I have that opinion.

Mr. McCUMBER. Expressed an opinion after drawing certain conclusions. From the fact of Senators having seen the President and from the fact that a great many Republicans were opposed to this reciprocity proposition the Senator gave it not as his opinion, but indicated that probably the President would sign now a bill that contained this repeal. He did not give it as his opinion, but put it in such words that anyone could draw the conclusion that the Senator did believe the President would not refuse his signature because this proviso should be attached.

Mr. SIMMONS. The Senator did not hear me say anything which would justify in the slightest that inference. The Senator is speaking about the invitation that I extended to the other side, to those Senators who are said in the newspaper prints to have been in conference with the President about this matter, to rise in their seats now and enlighten the Senate and the country as to what is the President's view in the matter.

Mr. McCUMBER. We can bring that argument to a focus very quickly. If the Senator has no opinion one way or the

other, then he has no justification for the assumption that the President will not sign it, and having no justification for an assumption of that kind, there is no reason why he should oppose this proposition being attached to the bill. If I believed it ought to be repealed, then I would put it upon a bill that would go to the President and allow him to exercise his judgment upon it, and that is all we are asking on this side.

Mr. THORNTON. Mr. President, if the Senate has honored me by paying the slightest attention in the past to my position on the subject of the Canadian reciprocity treaty, its Members must know of my intense opposition to that measure. For reasons which I have stated before on this floor and do not deem it necessary to restate now, from the standpoint of principle, the bill is to me particularly odious. Yet I am going to vote on the pending question with my fellow Democrats; but I wish it to be very distinctly understood that in doing so I do not relax any of my opposition to the Canadian reciprocity bill. However, I do feel justified in believing that my act in this matter will assist toward the ultimate repeal of the reciprocity bill, and for that reason I feel justified in taking the action that I will this morning.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina [Mr. SIMMONS], that the Senate recede from its amendment.

Mr. PENROSE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I am paired with the Senator from Montana [Mr. DIXON]. I therefore withhold my vote.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the Senator from South Dakota [Mr. GAMBLE] and vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I withhold my vote. If he were present and I were free to vote, I would vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. The Senator from West Virginia [Mr. WATSON] has a pair with the Senator from New Jersey [Mr. BRIGGS]. So that we may both vote, I transfer my pair with the senior Senator from Mississippi to the Senator from New Jersey [Mr. BRIGGS]. I vote "nay."

Mr. PENROSE (when his name was called). The junior Senator from Oregon [Mr. CHAMBERLAIN] has a pair with my colleague, the junior Senator from Pennsylvania [Mr. OLIVER], and I have a pair with the junior Senator from Mississippi [Mr. WILLIAMS]. I will transfer my pair with the Senator from Mississippi [Mr. WILLIAMS] to my colleague [Mr. OLIVER], which will permit the Senator from Oregon and myself to vote. He having already voted, I will vote. I vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent from the city. He has a general pair with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. SMOOT (when Mr. STEPHENSON's name was called). I desire to announce the absence from the city of the Senator from Wisconsin [Mr. STEPHENSON]. He has a general pair with the Senator from Oklahoma [Mr. GORE]. If the Senator from Wisconsin were present and free to vote, he would vote "nay."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Maryland [Mr. RAYNER]. In his absence I withhold my vote. If I were free to vote, I should vote "nay."

Mr. WARREN (when his name was called). I have a pair with the senior Senator from Louisiana [Mr. FOSTER] and therefore withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], but under the double transfer as stated by the Senator from North Dakota I am at liberty to vote. I vote "yea."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE], and therefore withhold my vote. If I were at liberty to vote, I should vote "nay." I desire also to announce that my colleague [Mr. LIPPITT] is unavoidably absent. He has a pair with the senior Senator from Tennessee [Mr. LEA]. If my colleague were present and free to vote, he would vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that to the junior Senator from Mississippi [Mr. WILLIAMS] and will let my vote stand. While I am on my feet I desire to announce that the Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN].

Mr. GUGGENHEIM. I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is not in the city. I will transfer that pair to the junior Senator from Kentucky [Mr. BRADLEY] and will vote. I vote "nay."

Mr. MARTINE of New Jersey. I desire to announce the pair existing between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS]. I make this announcement for the day.

Mr. BANKHEAD (after having voted in the affirmative). I have a general pair with the senior Senator from Idaho [Mr. HEYBURN], who is absent. I therefore withdraw my vote.

Mr. WATSON. In announcing the absence and pair of my colleague [Mr. CHILTON] I desire to say that if he were present he would vote "yea."

The result was announced—yeas 33, nays 28, as follows:

YEAS—33.

Ashurst	Johnson, Me.	Overman	Stone
Bacon	Johnston, Ala.	Poindexter	Swanson
Bristow	Kern	Pomerene	Thornton
Bryan	La Follette	Reed	Tillman
Chamberlain	Martin, Va.	Shively	Watson
Clapp	Martine, N. J.	Simmons	Works
Crawford	Myers	Smith, Ariz.	
Fletcher	Newlands	Smith, Ga.	
Hitchcock	O'Gorman	Smith, S. C.	

NAYS—28.

Borah	Cullom	Jones	Penrose
Bourne	Cummins	Lodge	Perkins
Brandegee	Dillingham	McCumber	Root
Burton	Fall	McLean	Sanders
Catron	Gallinger	Massey	Smith, Mich.
Clark, Wyo.	Gronna	Nelson	Smoot
Crane	Guggenheim	Page	Townsend

NOT VOTING—33.

Bailey	Curtis	Kenyon	Smith, Md.
Bankhead	Davis	Lea	Stephenson
Bradley	Dixon	Lippitt	Sutherland
Briggs	du Pont	Oliver	Warren
Brown	Foster	Owen	Wetmore
Burnham	Gamble	Paynter	Williams
Chilton	Gardner	Percy	
Clarke, Ark.	Gore	Rayner	
Culberson	Heyburn	Richardson	

So the motion of Mr. SIMMONS was agreed to.

The PRESIDENT pro tempore. The bill stands passed.

POST OFFICE APPROPRIATION BILL.

Mr. BOURNE. I ask unanimous consent that the Senate resume the consideration of the Post Office appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. SMITH of South Carolina obtained the floor.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. The Chair has recognized the Senator from South Carolina.

Mr. WARREN. I was about to ask the Senator from Oregon [Mr. BOURNE] to yield for the consideration of the conference report on the legislative, executive, and judicial appropriation bill (H. R. 24023). It is exceedingly important that it should be acted upon and disposed of as early to-day as possible. As the Senator from South Carolina has the floor I ask whether he will yield to me for that purpose.

Mr. SMITH of South Carolina. I have no objection to yielding the floor for that purpose, with the understanding that I will resume it as soon as that matter is disposed of, if that is agreeable to the chairman of the Committee on Post Offices and Post Roads in charge of the Post Office appropriation bill.

Mr. BOURNE. It is perfectly agreeable to me, Mr. President. I realize the importance of the request of the Senator from Wyoming, and, with the consent of the Senator from South Carolina, I am glad to yield to him.

Mr. WARREN. Then, I ask the Senate to resume the consideration of the report of the committee of conference on the legislative, executive, and judicial appropriation bill. The

report has been printed in the RECORD, and has also been printed as a separate document, which has been distributed and is on Senators' desks.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. CUMMINS obtained the floor.

Mr. OVERMAN. Before the Senator from Iowa begins to speak I should like to make a brief statement.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I yield.

Mr. OVERMAN. For the information of the Senate I desire merely to make a brief statement. I was a member of the conference committee. The Senate attached an amendment to the legislative, and so forth, appropriation bill abolishing the judges of the Commerce Court. From some remarks made upon the floor yesterday it seems that an impression prevails in some quarters that the Senate conferees are responsible for the amendment of the Senate abolishing the Commerce Court judges being disagreed to. I think it is due the Senate to state that the Senate conferees insisted all the time upon the amendment of the Senate abolishing those judges. It was very evident, just as soon as we went into conference, that the House conferees would not agree to the Senate amendment. About the last action taken by the conferees on the part of the Senate was to recede from our amendment, but we had to do so in order to reach an agreement. One of the conferees and myself took the position, which I think is the right position to take, that wherever the Senate after long debate puts an amendment of that kind upon a bill, the conferees on the part of the Senate ought not to yield at all, but should report the matter back to the Senate for instructions from the Senate as to how to act; but after being in conference for weeks and weeks it looked as though we could not get an agreement, and the Senate conferees finally had to yield to the House, and they gave up the amendment only after a long and strenuous attempt to secure the adoption of the Senate provision. We tried to get the conferees on the part of the House to agree to the Senate amendment, but they would not do so. Therefore we finally were compelled to yield. I think I state the situation correctly.

Mr. WARREN. Mr. President, the Senator has stated the situation exactly right, with one possible exception. He speaks of two of the Senate conferees insisting. As a matter of fact, there was no difference on that question on the part of the Senate conferees, and it was decided very early that if we must come back to the Senate with any amendments in disagreement that amendment should be included.

Mr. OVERMAN. That is correct.

Mr. WARREN. We had no dfferences in regard to that.

Mr. OVERMAN. I do not think there really was any difference, but I think that two of the conferees were very strenuous in the position that this matter ought to be reported back to the Senate before we agreed to the House provision and receded from the Senate amendment.

Mr. WARREN. I will say to the Senator—perhaps he overlooked it—that when the observation was made yesterday by the Senator from Missouri [Mr. REED] that we had saved the court my reply corrected him, as per the following in the RECORD:

Mr. WARREN. I beg the Senator's pardon. In answer to the inquiry about the Commerce Court, I said that the Senate receded from its proposition to abolish five circuit judges. The Senate amendment providing for a transfer of the business of the Commerce Court to the district courts was agreed to with an amendment perfecting it.

Mr. REED. In other words, as this bill is now reported the Commerce Court is retained.

Mr. WARREN. No; there is no Commerce Court; that was done away with by the action of both the other House and the Senate before the bill was sent to conference. The only difference is that there are now 34 circuit judges, and there will be no new ones appointed until the number is reduced to 29, if this bill as now reported becomes a law.

Mr. REED. In other words, the five judges of the Commerce Court keep their offices as judges and continue to draw their salaries?

Mr. WARREN. As circuit judges.

Mr. REED. And then no more circuit judges are to be appointed until the number is reduced to 29?

Mr. WARREN. Not until the number is reduced to 29.

Mr. REED. The Senate succeeded in saving the salary of the judges?

Mr. WARREN. No; on the contrary, the Senate was obliged to recede from its proposition to discharge five judges on the demand of the House conferees. There are no appropriations for the Commerce Court; and there will be no Commerce Court under the bill.

In the newspapers of this morning it is stated that the conferees agreed to do away with the Commerce Court. As a matter of fact, the action of the House and the Senate together had already done away with the Commerce Court before the bill went to conference. All that was before us was with relation to the judges of whom the Senator has spoken and the procedure by which the business of the Commerce Court should be transferred to other courts, and I so stated yesterday.

Mr. OVERMAN. The reason I make this statement, if the Senator from Wyoming will excuse me a moment, is because of a remark made by the Senator from Missouri, which he has kindly corrected in the RECORD. I understood him to say that the Senate conferees had succeeded in saving the salaries of five judges. I wanted him to understand that we had yielded only after a very strenuous opposition on the part of the other House, finding that we could not agree without yielding.

Mr. CUMMINS. Mr. President, the subject that I was about to bring to the attention of the Senate first does not relate to the Commerce Court, but it relates to the civil service of the United States. The effect of the bill agreed upon by the conferees would be to abolish the civil service as we understand it. We might as well face the proposition squarely and consider what we shall do with it. The proposition is to appoint for terms of seven years, and at the end of seven years the reappointment is to be absolutely at the discretion of the head of the department. The only rule which is laid down for the guidance of the head of the department is that the employee in order to be eligible must have reached a certain standard of efficiency in his previous work. No matter how efficient he may be and how high he may have risen above the standard, his appointment is at the pleasure of the head of the department. It restores the old spoils system in all its completeness. The only difference is that the spoils are to be distributed at periods of seven years instead of periods of change of administration.

Mr. WARREN. Mr. President, I do not believe the Senator intends to befog us with a misstatement, and he surely will admit that that statement is incorrect.

Mr. CUMMINS. I do not admit that it is incorrect. I do not intend to misrepresent anything.

Mr. WARREN. I know the Senator has no such intention; so I think I can correct the statement he has made. I do not rise to say that this plan is mine, nor is that of the Senate conferees, but it is here as the best we could do. I will add that the more you consider it the better it looks. The Senator says that it restores entirely, as a whole, the spoils system.

Mr. CUMMINS. It does.

Mr. WARREN. We shall follow that up a moment: At the end of seven years or eight years, as the case may be, all these employees end their service. What follows? The head of the department can reappoint every one of them who has not fallen below the grade that calls for his dismissal. How will he fill a particular place if he does not reappoint the old employee? There is where the rub comes. Formerly, all he had to do was to employ whom he might choose. There were no civil-service restrictions to control him, as now. Under this proposed law he can not employ a man or a woman except through the civil service. The most he could possibly do would be to refuse to reappoint the old employee, and call for new certifications from the civil service, but the civil service has just as closely in its grasp every place that is now in the classified service as it had before, because whenever one goes out, the one who follows must come from the civil service.

Now let us look at the matter reasonably for a moment: If the Senator himself, without regard to his politics, or any other Senator, were the head of a department, and had a corps of clerks and at a time, we will say, one-half——

Mr. SMITH of Georgia. We over here can not hear the Senator from Wyoming.

Mr. WARREN. I thought I was talking loud enough.

Mr. SMITH of Georgia. But the Senator was facing the other way.

Mr. WARREN. Suppose it comes to the end of the term of appointment. I want to know what man, applying it to himself or his place, would say, "Get out, all of you clerks. You are all efficient and trained clerks of experience in my department, but I do not know your politics and I want somebody else." How is he going to get somebody else? All he can do is to send his requisition to the Civil Service Commission and have others certified without regard to politics—others unknown to him and without experience. What is he going to do? Reappoint his employees who are all right or enter upon a sea of uncertainty? He will reappoint them, of course.

So that the proposition that this does away with the civil-service jurisdiction and restores the old spoils system is not correct.

Mr. CUMMINS. I think it is correct.

Mr. LA FOLLETTE. I want to ask a question at this point, and I will address it to the Senator from Wyoming. If it is reasonably certain that the head of a department would retain in the service such of the employees as had reached the required standard, why then should he not be required to retain in the service such employees? Why throw the whole list open

to reappointment when the scale of markings ought to guarantee on the ground of efficiency retention in the service?

Mr. WARREN. Mr. President——

Mr. CUMMINS. I want to reply, if I can.

The PRESIDENT pro tempore. There is too much audible conversation in the Chamber.

Mr. WARREN. I was going to reply, if I may have a moment.

Mr. CUMMINS. Very well. I yield to the Senator from Wyoming.

Mr. WARREN. That question and many others have come up. I may as well say here what I shall have to say on the subject at some time.

We are confronted with propositions such as we have never before been confronted with in my service. We have before us appropriation bills coming over from the other side that are filled with legislation. The House has adopted rules that make these legislative items strictly within the rule. The House is a coordinate branch of the Government. We meet its Members in conference. We struggle day after day, night after night, week after week, and in some cases month after month, and it has been impossible to get any one of these appropriation bills through that had legislation in it without conforming in some degree to that proposed legislation.

Now, appearing as I do as one of the managers of the conference, it is incumbent upon me, of course, to state what I believe about the results that we present here; but as to this legislation being in the bills and as to its not suiting all of the Senators here, I do not feel that we are responsible.

I observed, as all Senators did, when this matter was up before, that on both sides of the Chamber there seemed to be many Senators who thought there ought to be some term of renewal of service.

Mr. CUMMINS. Mr. President——

Mr. WARREN. And may I say one word more, that both of these sections as they appear here came from civil-service commissioners, and nothing has been added to or taken from them except to the one we added what had been presented in the other, as to soldiers and sailors.

Mr. LODGE. May I ask a question at this point? I should like to know if the Civil Service Commission recommended a limited term.

Mr. WARREN. I do not at this moment have it here, but I will later call attention to a letter from the chairman of the Board of Civil Service Commissioners.

Mr. CUMMINS. It is the personal expression of the chairman of the board. It is not the opinion of the Civil Service Commission.

Mr. WARREN. So far as I know—of course I can not speak for the Civil Service Board——

Mr. CUMMINS. I venture to say that the letter does not attempt to speak for the commission.

Mr. WARREN. We asked for the representatives of that board, and we were visited by the acting chairman of the board before we reported the bill to the Senate, and the result of that meeting was the section we put in. Since that time there has come a letter from the chairman of the board, which, like the first one, was not on the assumption that it was by the board as an official document. The first one was sent in by Mr. McIlhenny; the last one was sent by the chief of the board, Gen. Black. Neither one of them stated it was or was not the united action of the board. The members of the board may be, as we are, of different opinions, or they may be united; I can not attempt to say.

Mr. OVERMAN. He also says——

Mr. CUMMINS. I want a little order preserved during my speech.

Mr. WARREN. But the fact remains that we have those proposition to deal with. We can not avoid it.

Mr. OVERMAN. I just want to ask the Senator along that line, did Mr. Washburn agree to the plan?

Mr. WARREN. I do not know.

Mr. OVERMAN. I heard a letter read in the committee room, and that was from Gen. Black. Is not Mr. Washburn a member of the commission?

Mr. WARREN. I have not met him. I do not know. I do not know what his opinions are.

Mr. OVERMAN. The letter should be read.

Mr. CUMMINS. If the Senator from Wyoming will produce the letter, which I have never seen and of which I never heard before, I believe it will appear it was written by Gen. Black and not for and on behalf of the commission. I know——

Mr. WARREN. I stated that neither one of these appeared in the form of coming from the organized board as such.

Mr. CUMMINS. Then the Senator from Wyoming ought not to say that this is the recommendation of the Civil Service Commission. I believe I know that at least two members of the commission are very much opposed to introducing this idea of a term with a discretion in the head of the department to reemploy or not at the end of that term, irrespective of the standing of the employee in the service.

Mr. WARREN. Mr. President——

Mr. SMITH of Georgia. I should like to ask——

The PRESIDENT pro tempore. Does the Senator from Iowa yield, and if so, to whom?

Mr. CUMMINS. I yield to the Senator from Wyoming until he shall have finished.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. The Senator from Iowa has yielded to the Senator from Wyoming.

Mr. WARREN. I have only a word to say, and then I shall yield.

I do not want to be misunderstood. I undertake to state, and I state again, that we asked the opinion of the board, but were unable to get it, because some of its members were absent from the city or ill, and we got from Mr. McIlhenny what I understood him to mean was a substitute for section 5. We struck out section 5 and put in the other and numbered it section 4, and the debate ensued here when the bill was on its passage over that and also over section 5.

In conference a statement was made as to Mr. Black's position, he having returned or recovered, if he had been ill, and this letter was exhibited as his opinion. I do not believe it states whether it is the opinion of anybody else. I have not attempted to state that I had the board appear in full before the committee. I do not know anything about the other member.

Mr. CUMMINS. I yield now to the Senator from Georgia.

Mr. SMITH of Georgia. I want to ask the Senator from Wyoming a question, if the Senator will answer. Does not this measure, as you finally leave it, give the Secretary a discretion to drop even proficient clerks if he sees fit?

Mr. WARREN. What Secretary?

Mr. CUMMINS. That is the plain reading of the bill.

Mr. WARREN. The head of the bureau can undoubtedly at the end of that time refuse to reemploy all of those clerks, but——

Mr. CUMMINS. He can refuse to employ any of the clerks.

Mr. SMITH of Georgia. Suppose he was a politician; could he not retain those who are his partisan followers, who are efficient, and drop all those who belong to the other party, if he saw fit?

Mr. WARREN. One moment.

Mr. SMITH of Georgia. The Senator can answer it yes or no.

Mr. WARREN. I do not know whether the time has come in the United States Senate when one Senator can say to another that he shall answer a question by saying "yes" or "no," and stop there. I am not sure that time has come.

Mr. SMITH of Georgia. The time does not seem to have come when he will answer "yes" or "no," whether he can or not.

Mr. WARREN. I will say this: He has no power to select partisans for his office.

Mr. SMITH of Georgia. I did not ask that question at all.

Mr. WARREN. If the Senator will permit me, in relation to that, how is the Secretary going to employ partisans or select partisans when the civil service prevents it, when every clerk he obtains must come from civil-service lists and under civil-service regulations? And so it is idle to say the old spoils system is restored through this proposed law.

Mr. SMITH of Georgia. I did not ask the Senator that question at all. I understand perfectly that he must go back to the civil service to get new clerks. I asked the Senator the direct question, Does this measure leave with the Secretary the privilege of picking his partisan friends and dropping those belonging to the other party if he sees fit, although they have made splendid records?

Mr. WARREN. I understand that it does not.

Mr. SMITH of Georgia. I understand that I can not force the Senator from Wyoming to answer "yes" or "no," but I insist that this is just what this amendment does.

Mr. CUMMINS. Mr. President, I insist on order. The Senator from Georgia is entirely right. That is just what it does, and I think that is just what it was intended to do.

I want to straighten up this matter of the relation of the members of the Civil Service Commission.

I know there are differences of opinion in regard to this, and I have reasons to believe that one member of the commission

is in harmony with the action of the House originally and now the action of the managers, but if I understand the Senator from Wyoming correctly no other member of the commission proposed what is contained in section 4. That is the amendment which was originally reported to the Senate by the committee. That does not contain any such provision as is now found in the conference report. On the contrary, while there may be some objections to it it is a substantial continuance of the present system. Now, the other member of the commission, I know, is opposed to any such change as is here proposed.

Now let us see. I want to get back to my original statement that this was the spoils system over again. Let us see what will happen. At the end of seven years—and, of course, with twenty-two or twenty-three thousand classified employees in the District of Columbia, the seven years will come to a great many of them at the same time—at the end of seven years, no matter how high the rating of the employees, no matter how efficient they may have been, the head of the department or the Secretary is at liberty to disregard everything which they may have done, their whole record, and go to the civil-service register for the new employees.

It is not difficult to secure admission to the civil-service register. The examinations are not such as to preclude men and women of ordinary attainments from being placed on the register. They are of all political parties, and, of course, with the great number of clerks that are turned out all the time, their terms having expired, the heads of departments can select under the influence of their political friends in Congress or under the influence of their political friends elsewhere just such people from the civil-service register as they may desire to favor.

Therefore I state that we are here abolishing practically, and as I think completely, the whole civil-service idea, because I regard the right of continuance, if there is efficiency and competency in the employee, as even more important than the merit disclosed by competitive examination.

Mr. OVERMAN. Will the Senator yield to me?

Mr. CUMMINS. I do.

Mr. OVERMAN. Do I understand the Senator correctly, that he maintains that at the end of the seven-year period Senators and Members of the House could go to the Civil Service Commission and have their own partisan friends appointed to positions in the departments?

Mr. CUMMINS. I do not know what the Senator from North Carolina would do. He might be strong enough to resist that temptation.

Mr. OVERMAN. The Senator did not understand——

Mr. CUMMINS. I say there is opportunity for that.

Mr. OVERMAN. What I want to know—and I am not very well acquainted with the civil service, I confess—is if it is possible.

Mr. CUMMINS. It is.

Mr. OVERMAN. Under the law?

Mr. CUMMINS. It is if this law is adopted.

Mr. OVERMAN. I want to know if it is now.

Mr. CUMMINS. It is possible for Senators and Members of the House to use their influence to secure promotions and demotions.

Mr. OVERMAN. I understand.

Mr. CUMMINS. I wish that were excluded.

Mr. OVERMAN. I agree with the Senator.

Mr. CUMMINS. But I know it is possible, and I know it is done.

Mr. OVERMAN. Is it possible to-day for any Senator or Member of this House, by reason of his influence, to have any man on the civil-service register appointed to an office?

Mr. CUMMINS. If this report is adopted——

Mr. OVERMAN. No.

Mr. CUMMINS. It is possible.

Mr. OVERMAN. I ask the Senator, under the law as it is now, can they do it?

Mr. CUMMINS. They can not.

Mr. OVERMAN. How does this change the law?

Mr. CUMMINS. The law now is that if the head of a department wants an employee there are three men, the three highest men, certified to the head of the department. He may reject those and require other certifications. There are, of course, very few vacancies; the vacancies come rarely, and therefore there is no opportunity for the influence which I have described. But suppose there were 5,000 employees in the District of Columbia turned out within a month, and you recur to the civil-service register in order to supply their places. Then, of course, there is the opportunity, and the full opportunity, that I have suggested.

Mr. OVERMAN. I understand this does not change the law, that in case of a vacancy, even if there were 5,000 vacancies, the Civil Service Commission should send up three names on its register, and in doing that it must consider the number of employees and their prorating as between the States. The law is not changed in that respect.

Mr. LODGE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Massachusetts.

Mr. LODGE. I will give the Senator a direct illustration of the effect.

Under the law creating the census, as the appropriations were expended it was necessary to make continuous reductions in the force. The reductions could not be avoided; they had to be made. Every time a reduction was made—I do not know how it was with other Senators, but I do not believe their experience differs from mine—we were harassed to go down there and urge the head of the census to keep this person or that person and let somebody else go.

Mr. OVERMAN. I know that is true.

Mr. LODGE. The mere fact that there was that dropping, required by the failure of appropriations, gave the opportunity for selection among those who should be kept and those who should be dropped.

Mr. OVERMAN. That is the point. The Senator is correct in that.

Mr. LODGE. That is the precise point. Every seven years there would be an opportunity for such selection as to who should be kept and who should be put out. We should be harassed all the time.

Mr. OVERMAN. That is to be done according to the efficiency record in the department.

Mr. LODGE. That would not amount to very much under the pressure.

Mr. CUMMINS. That is, with some of us. The efficiency record the clerks have made is no guide under this law to their right to reappointment—none whatever.

Mr. SMITH of Georgia. The seven years applies to the service of each clerk. It does not mean that at the end of each seven years they go, all of them. It applies to the service of any one clerk.

Mr. CUMMINS. At the end of seven years, according to this bill. Suppose that all the employees of the Interior Department had gone in at the same time, and the seven years, we will assume, have expired, there is in this bill no requirement that the Secretary of the Interior shall employ or reemploy a single one of them. There is in the bill a provision that prohibits him from employing any of them if they have not maintained the standard of efficiency which will be prescribed. That is a prohibition, but there is no command that if they have maintained this efficiency they shall be employed.

Mr. SMITH of Georgia. Why is not that as far as any legislation for the good of the service should go?

The PRESIDING OFFICER (Mr. STONE in the chair). The Senator will suspend for a moment while the Chair lays before the Senate the unfinished business, the hour of 1 o'clock having arrived. It will be stated.

The SECRETARY. A bill (H. H. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Georgia will proceed.

Mr. SMITH of Georgia. The question I was seeking to ask the Senator from Iowa is that if the inefficient must be absolutely dropped, what occasion is there possibly to go any further with the measure.

Mr. CUMMINS. I can not quite hear the Senator.

Mr. SMITH of Georgia. Does the Senator know what the reason is for leaving the proficients in doubt as to the retention of their services? If we drop the inefficient why should we in any way desire to interfere with the proficient?

Mr. CUMMINS. I assume the purpose is to enable the heads of departments to discharge whomsoever they please, and rid the department of their old employees every seven years.

Mr. SMITH of Georgia. But it goes further, and allows them to drop the proficient, if they shall see fit.

Mr. CUMMINS. I say they are not permitted to reemploy the inefficient and they are not required to remove the efficient. That is the substance of it.

Mr. SMITH of Georgia. The terms of the provision, then, would mean the getting rid of the inefficient.

Mr. CUMMINS. I have stated my view of it as clearly as I can. I think it destroys substantially the adopted idea of the civil service, and will be exceedingly disastrous to the public welfare.

I now desire to say a word with regard to another point in the bill.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. Yes; I yield.

Mr. NEWLANDS. Before the Senator proceeds to another subject, I should like to ask him whether the Committee on Civil Service, of which he is chairman, has not been considering matters relating to the organization of the Civil Service, or is about to enter upon such consideration.

Mr. CUMMINS. Mr. President, I answer that by saying that certain members of the committee, and particularly the chairman, have been considering it most carefully, and that committee, I think, will shortly present to the Senate a comprehensive act or bill relating to the entrance to the civil service, promotions in it, and demotions in it. We already have presented a bill regarding retirement from it, but of course there is no——

Mr. NEWLANDS. I will ask the Senator whether he thinks it the proper method of proceeding to the investigation of this question and action upon it to allow a provision of this kind to be put in by the Appropriations Committee of the House, and then have the Senate forced to its consideration and action upon it during the closing days of the session, with the danger of the failure of the bill unless the Senate complies with the requirements of the House.

Mr. CUMMINS. I regard it as exceedingly unwise and very destructive. This is as fine an illustration of the evil of legislating on general subjects upon appropriation bills as can possibly be exhibited. I know that we have all been guilty of that practice, but I earnestly hope that at least after the present session it will become a habit of Congress not to legislate upon appropriation bills.

It has just been suggested that possibly I did not make it clear that this provision reported by the committee of conference applies not only to employees hereafter coming into the service but applies to all the employees now in the service.

Mr. SMITH of Georgia. So that at once a great many of the terms of service will have expired?

Mr. CUMMINS. No; the bill provides that it shall be seven years. In 1919 is the first expiration under the bill. It allows those who are now in to remain seven years more.

Mr. WARREN. If the Senator will allow me, it will be seven years from the 1st day of September, 1912, before the commencement of the reconsideration of those concerned, and then they have a year in which they may renew their terms. They do not all go at once. They have one year.

Now, as to the new ones, the date does not commence until after their regular appointment succeeding the probation period, which is 6 months in some cases and 12 in others. So it is 7½ to 8 years in the case of the new appointees, and it is between 7 and 8 years in the case of the old ones.

Mr. CUMMINS. It does give for the entire service one year to change 22,000 or 23,000 employees, a most considerable undertaking if it were carried out.

Mr. WARREN. Does the Senator think that it would really change any considerable percentage?

Mr. CUMMINS. I do not know. I hope it would not result in a universal change, but that is the possibility. That is the right that is given to the heads of departments.

Mr. WARREN. I think the Senator upon reflection will agree with me that it is highly improbable.

Mr. SMITH of Georgia. Then, as I understand the Senator, it does nothing toward getting rid of the inefficient for seven years.

Mr. WARREN. Oh, yes. There are two sections. There is the section as to the efficiency. If the Senator from Iowa will allow me, the efficiency report from each department will be sent to the Civil Service, which shall establish an efficiency bureau. On the examinations those whose percentages are reported—to use numbers so as to put it in the RECORD—say, at 50, will be immediately dismissed because of inefficiency. If they arrive at, we will say, 60, they are candidates for demotion because of partial inefficiency. If they arrive at 75, we will say, they remain stationary, and if they arrive at, say, 85, they are subjects for promotion. That is to go on constantly under the other section—the one that passed the Senate in the first place.

Mr. CUMMINS. The Senator from Wyoming has stated it fairly, but, of course, the rating that will be established for dismissal will probably be so low that a good deal of inefficiency would be retained, as it is now retained.

I refer now to the part of the bill which relates to the abolition of the Commerce Court and the transfer of the business which is there pending and the bringing of new suits. I stated yesterday that I feared if the report of the committee were adopted there would be great confusion, if not very great danger, for the future. I want it to be known that I did not concur in the provision that is made. I understand and I know it is true, because I have collaborated with the Senator from Utah [Mr. SUTHERLAND] with respect to it—I understand that there will be a concurrent resolution introduced for the purpose of taking out a part of the report and substituting what I believe to be an effective provision. If the concurrent resolution passes and the bill is modified in that way, I think it will be effective; but if the concurrent resolution does not pass and the bill remains as it is reported by the conferees, I gravely doubt whether we will have a workable law.

I have not known just what to do with regard to the matter—whether to take it for granted that the concurrent resolution would pass and that the bill would be corrected or whether to endeavor to secure a correction through the medium of the conference committee. But on the whole I have concluded that I will pursue the course which has been suggested, to allow the bill to be corrected by a concurrent resolution.

Mr. SMITH of Georgia. Have the provisions of the conference report with reference to the Commerce Court been read to the Senate?

Mr. CUMMINS. They were read yesterday.

Mr. SMITH of Georgia. I was out of the Senate yesterday and did not hear them. Have the conferees stricken out the amendments offered by the Senator from Iowa?

Mr. CUMMINS. The amendment which was proposed originally by the Senator from Georgia, and which I attempted by a further amendment to elaborate a little, removing these circuit judges, has been abandoned.

Mr. SMITH of Georgia. These circuit judges now are to be assigned to different parts of the country where deaths take place?

Mr. CUMMINS. They are.

Mr. SMITH of Georgia. And, although one of them lives in a northeastern circuit, if a circuit judge dies in the fifth circuit, where I live, instead of having a circuit judge appointed from the bar of that circuit he is to be detailed down there to come and take the place on our circuit? Is that the plan?

Mr. CUMMINS. The Senator from Georgia may have to suffer that experience under this bill.

Mr. SMITH of Georgia. My hope, then, would be that our circuit judge did not die.

Mr. CUMMINS. I believe I have pointed out the objections that I have to this report. I regard the matter of the civil service as so vital that I very much hope the report will not be adopted and that the bill may be recommitted to the conferees.

Mr. SMITH of Georgia. Mr. President, I desire to say just a word or two in perfect agreement with the views of the Senator from Iowa. It is eminently proper that there should be some legislation with reference to our civil service, but it ought to be carefully prepared; it ought to be comprehensive; it ought to be laid upon the desks of Senators and left here to be studied all by itself. It ought not to be done in piecemeal; it ought not to be tied onto an appropriation bill, and it ought not to be forced through the Senate as little understood as this measure is now.

I confess that still I do not comprehend in detail these provisions. I have not read them and studied them. I know that those originally coming from the House were objectionable and the Senate rejected them. It seems to me that this being brand-new legislation upon a question of great importance it ought to go out of this appropriation bill altogether, and the subject should be taken up when coming from the proper committees and we should legislate upon it. I am satisfied that the object to be accomplished in this proposed legislation can be accomplished effectually in a better way if it is handled as a separate measure.

Again, Mr. President, I do not think that these circuit judges ought to be allowed to wander all over the country. If they are to remain circuit judges and are to take places, they ought to be confined to their own territory. It will be a very unsatisfactory situation if the court is abolished and these judges are to take places outside of their own circuits and do work for which they were really not intended. I shall certainly vote against the report.

Mr. BAILEY. Mr. President, to me it seems perfectly plain that if the Commerce Court ought to be abolished the judges who were appointed to serve in that court ought to go with the court itself, and I can not agree that they shall be left a charge upon the Public Treasury when their services are not needed. I think no Senator here would have advocated the creation of five additional circuit judges except for the creation of this court. If in the wisdom of Congress it is deemed best to abol-

ish this court, there is certainly no sufficient work for these judges to do, and no man ought to draw a salary from the Public Treasury unless he renders a public service equivalent to his compensation. Therefore, if I were willing to abolish the court, I could not consent to an arrangement under which the court should disappear and the judges remain.

But, Mr. President, I must say to the Senate, as I said when this matter was before the body originally, that I can not consent to the abolition of this court, because, in the first place, I regard it simply as a legislative recall and subject to all the objections that can be made against that assault upon our judiciary system. In the next place, I believe it is a mistake to abolish the court, because I am confident that if it is left it will more than justify the wisdom of those who originally established it. I can not comprehend why it shall be determined to discontinue this court before it has existed long enough to demonstrate the wisdom or the mistake of its creation. Particularly as you are going to leave the judges, why not leave the court until by an orderly procedure it shall be demonstrated to the country that it is unwise?

I would not hesitate to vote to abolish a court that had fully answered the purposes for which it was created. If we were to establish a court of patents, and then we were to repeal our patent laws and leave every inventor to his own devices to protect himself, I would not hesitate to abolish the patent court. If I had lived at the time the private land claims court existed, and when it had completed its work, whether it had done it well or ill, I would not have hesitated to abolish it.

But here is a court created to serve a most important purpose, which still must be served by some tribunal; and yet it now is proposed to abolish it before it has been in existence long enough to justify any man in saying whether the creation of it was wise or otherwise.

I am perfectly confident, Mr. President, that if this court is permitted to remain until it could have a fair test it will so thoroughly vindicate its existence before the people of this country that there will be no effort to abolish it.

I do not pretend to say that the courts existing before this court was created can not try these cases and can not try them conformably to the law and the testimony, but I do say that if those courts try these cases there are many cases pending in them which they can not promptly try; and if the Government is to be heard, and the Government ought to be heard, in preference to all of the other litigants, because a great public interest is at stake in these cases, then it is inevitable that many private suitors to whom the settlement of their case is of vast and sometimes of vital importance must be denied a prompt disposition of their cause.

Not only that, Mr. President, but it is inevitable that a judge engaged about the ordinary trial of causes in the average district court of the United States must require a longer time to hear and decide these cases than would be true of a judge who has devoted himself for a term of years to their exclusive consideration.

I was originally of the opinion that there ought to have been no change in this court. I was originally of the opinion that a commerce court ought to have been created and that the President ought to have appointed to that court men whose character, intellect, and standing at the bar qualified them for a place on the Supreme Bench of the United States.

But after a careful consideration of the question I am not by any means certain that I was right, and I am rather disposed to accept the reasoning of those Senators who believed that it was desirable to avoid making the judges of this court purely specialists by sending them back at stated intervals to their circuits to resume the ordinary work of a United States judge, and thus liberalize their minds by a consideration of general subjects.

Mr. President, to my mind it is clear that average district judges who will be appointed by any President of the United States will not be as well qualified to try these cases as the judges who will be designated by the Chief Justice of the United States under the law as it now stands. The Chief Justice is in a peculiarly fortunate position to make these selections. Coming to that great tribunal from all parts of the country are appeals from these various courts, and the Chief Justice and his brothers—and I have no doubt that he would consult his brothers before he exercised the power vested in him by this act—know who are the greatest intellects and the highest characters of the inferior Federal bench. They know the men who have most deeply studied these peculiar questions, and it would be such men that the present Chief Justice and any other man who follows him in that great office would be certain to call to this special court.

Do you think it wise to abolish a court which is selected under this arrangement by the Chief Justice and remit these litigants to a court appointed by Presidents, many of whom were not lawyers and some of whom, I regret to say, though lawyers, have not been good lawyers?

Two of the three principal candidates for the Presidency to-day are not lawyers. Can you expect them to make such wise selections for this particular work as men who are lawyers? Conceding that they are as well qualified to select the judge as a President who is a lawyer, it still remains true that no man in this world so fully appreciates the necessity of a great lawyer for the bench as a lawyer himself, and the appreciation of the lawyer for a great judge will always be in exact proportion to the President's ability and learning as a lawyer.

By the abolition of this court we put ourselves on record as saying we would rather commit these great causes to the trial of judges appointed by a President who may not be a lawyer than to commit them to trial in a court whose members were selected by the greatest of all lawyers, for we must always assume that the Chief Justice of the United States is the head of his profession in this country.

Mr. President, I have no hesitation in saying that this court will so far expedite the trial of these cases that one-half the time will suffice for their final disposition if this court remains that will be required if this court is abolished.

It may not be any argument for the existence of this court, but I can not close my mind to the fact that this is the second time in the history of this Republic that a United States court has ever been abolished, and the courts themselves were not really abolished in the other instance. There the court remained and the judges were legislated out of office, but here we are asked to destroy the court and leave the judges still in office. Toward the close of John Adams's administration, and after the Federalist Party had been defeated and driven from power in the presidential and vice presidential offices, after it had lost control of both Houses of Congress, it sought refuge in the judiciary.

John Adams appointed John Marshall, then his Secretary of State, to be Chief Justice; and notwithstanding he appeared in the Supreme Court and took the oath of office as Chief Justice on the 4th of February, he continued to serve President Adams as Secretary of State until the expiration of his term at midnight on the 3d of the following March. As a further part of that plan to control and nationalize the Government through the judiciary, the Federalist Congress created 17 additional circuit judgeships, and John Adams appointed 17 Federalist lawyers to fill them. It is sometimes said—though I doubt if that is true, for I have never been able to verify it—that Jefferson's Attorney General appeared at the door at midnight—it was then supposed that a term expired at midnight on the 3d of March and not, as is now the case, at noon on the 4th of March—with Jefferson's watch in his hand and called time on John Adams and John Marshall as they were filling out these commissions. But whether it is exactly true or not, we do know that they were engaged in that not creditable work until the expiration of Adams's term, or so nearly to it that they were not able to deliver all the commissions which they had filled out; and the case of Marbury against Madison arose out of the circumstance that a commission for a justice of the peace in that part of the District of Columbia which then included Alexandria had not been delivered, and Thomas Jefferson ordered James Madison, his Secretary of State, not to deliver it. Almost immediately upon the convening of the new Congress Jefferson is supposed to have set John Randolph on those midnight judges, as they were called then, and have since been known in our political history; and Congress repealed the act which created the new judgeships. Had I lived at that time I would have voted to have repealed that act, because a purely political advantage was sought in the creation of those judges, and political considerations justified its repeal. But there is no suggestion that this court was created to serve a political purpose. This court was created under the deliberate opinion of the American Congress that it would be a useful instrumentality in exercising a great power of the General Government; and before we make the courts of this country the football of shifting political control in the two Houses of Congress it is best that we should pause. Let us, at least, pay the decent respect to the wisdom of our predecessors of giving the court they created time enough to justify their wisdom, if it can, and if it can not, then we may hope—we may more than hope—we may expect practical unanimity in its repeal.

Mr. WORKS. Mr. President, the proposed legislation contained in this conference report would lead us to some complications and rather strange results, as it seems to me.

The statute under which the Commerce Court was created, as I understand, is left absolutely intact; there is no repeal of the statute authorized; there is simply the abolition of the court that was created by that act; and the purpose is to transfer the

jurisdiction that was vested in that court to the district courts throughout the country. That being the case, the transfer of the circuit judges by the Chief Justice of the Supreme Court is absolutely taken away. The statute provides:

The Commerce Court shall be a court of record, and shall have a seal of such form and style as the court may prescribe. The said court shall be composed of five judges, to be from time to time designated and assigned thereto by the Chief Justice of the United States, from among the circuit judges of the United States—

Bear that in mind. There can be no transfers to this court—

except that in the first instance the court shall be composed of the five additional circuit judges to be appointed as hereinafter provided, who shall be designated by the President to serve for one, two, three, four, and five years, respectively, in order that the period of designation of one of the said judges shall expire in each year thereafter.

Now, although that particular provision in the statute is not repealed in express terms, the effect of it is entirely destroyed. Then we have this further provision:

If, at any time, the business of the Commerce Court does not require the services of all the judges, the Chief Justice of the United States may, by writing, signed by him and filed in the Department of Justice, terminate the assignment of any of the judges or temporarily assign him for service in any circuit court or circuit court of appeals.

Now, bear that in mind—he can transfer him only to circuit courts and circuit courts of appeal.

Under that provision of the statute, which is left in force, the five additional judges that are provided for can not be so assigned as to assist in doing the work that is imposed upon the district courts, because under this provision, unless there is some authority for it under the general law relating to that subject, there can be no transfer of these judges to the district courts to assist in that labor. I read further:

In case of illness or other disability of any judge assigned to the Commerce Court the Chief Justice of the United States may assign any other circuit judge of the United States to act in his place, and may terminate such assignment when the exigence therefor shall cease; and any circuit judge so assigned to act in place of such judge shall, during his assignment, exercise all the powers and perform all the functions of such judge.

It will be seen, Mr. President, that this act deals exclusively with judges of the circuit court; it has no application to district courts or district judges; it does not authorize the transfer of any judge who is designated to sit in the Commerce Court to serve in any of the district courts; and we are left just in this position, that all of this business is transferred from the Commerce Court to the district courts, and no provision is made to assist in doing that work that will be cast upon the judges of the district courts.

I do not know how it may be in other districts throughout the country, but I know in the district of Southern California the district judge of that court is utterly unable—physically unable—to try the cases that are now presented to him for consideration. He is one of the ablest judges, I think, this country has to-day, a man who is diligent and industrious, but it is an utter impossibility for him to take care of the business that he has now to look after. If this additional business is thrown into that court it will simply tend to deny justice to private litigants.

It seems to me, Mr. President, that if these five additional judges are to be continued in office there should be some provision made by which they could be transferred or assigned to the district courts to assist in doing the work that the district judges in some cases are unable to perform within a reasonable time.

I simply call this to the attention of the Senate and of the committee in order that, if it can be done at this late day, some provision may be made by which the business that is transferred to the district courts may be disposed of more readily and promptly by the assignment of these judges to that work.

Mr. SUTHERLAND. Mr. President, I voted against the abolishment of the Commerce Court, and I should be quite glad if an opportunity presented itself to vote against it again. I quite agree with what the Senator from Texas [Mr. BAILEY] said with reference to that court. We created it with the belief that it would be a useful court, and we are undertaking to abolish it before it has been thoroughly tried out. If in the early history of this Government that method had been followed with reference to the Supreme Court of the United States, if it had been possible to abolish that court under the Constitution—which it was not—that court would have been gotten rid of, because the Supreme Court of the United States for the first two or three years of its history had less business to do than the Commerce Court has had. I feel quite certain that if the court might be continued it would only be a few years until it would more than justify its creation.

I am glad, however, that, notwithstanding the fact that it was found impossible to retain the Commerce Court, the managers of the conference upon the part of the Senate have agreed to recede from the amendment which we adopted here abolishing the judgeships, because, while I have no doubt of the power of Congress to abolish the Commerce Court or to abolish any court which Congress creates, I have, on the other hand, no doubt whatever that Congress has not power to abolish a judgeship when once created. The reasons——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. If the Senator will allow me to finish the sentence. The reasons for making that statement I gave very fully upon a prior occasion, and I do not intend to enter upon them again.

Mr. BORAH. Did not Congress abolish certain judgeships in 1799 or 1800?

Mr. SUTHERLAND. Yes; Congress undertook to abolish, as the Senator from Texas said, 17 judgeships, but my recollection is that 16 judgeships were abolished; but the vote upon that question was purely a partisan vote. It was antagonized by the greatest lawyers in both branches of Congress, and it has been condemned by law writers, and, personally, I have no doubt that the action of Congress at that early day was utterly without constitutional warrant, as I believe the vote of the Senate upon this same question was without constitutional warrant.

But, Mr. President, I rose to speak briefly about another proposition. In the amendment reported by the conferees with reference to the jurisdiction heretofore possessed by the Commerce Court it is provided:

All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of the judicial district in which the cause of action in the first instance arose, and the venue of all suits and proceedings hereafter brought by or against the Interstate Commerce Commission to enforce, set aside, or modify the decrees and orders of the commission shall be in the district court of the judicial district in which the cause of action in the first instance arose.

If the Commerce Court is to be abolished, as, apparently, it is, we are all concerned in having the jurisdiction possessed by that court properly transferred to some other court, and I think very clearly the language of the provision I have just read does not do it. I want to analyze it for just a moment:

All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of the judicial district in which the cause of action in the first instance arose.

As I view it, there are two defects in that provision as I have thus far read it. First, the action is to be transferred to and deemed pending in the district court of the judicial district in which the cause of action arose. If it is intended by that to mean the original cause of action, it may have arisen in a half dozen different districts, a case involving railway rates upon the Union Pacific Railroad, for example, and its connecting line between Omaha and San Francisco. Such a cause of action would arise in every judicial district through which the road ran, so that it is not sufficient to say "pending in the district court of the judicial district."

In addition to that the reference is to the "district in which the cause of action in the first instance arose." The cause of action which is involved in a proceeding before the Commerce Court is based upon an order made by the Interstate Commerce Commission, and that cause of action necessarily arises where the order is made. The order of the Interstate Commerce Commission is made in Washington; so that, applied in that way, the provision would be utterly meaningless. The same criticism that I have made with reference to that would apply to the further provisions with respect to the venue of suits hereafter to be brought. All such suits shall hereafter be brought—

in the district court of the judicial district in which the cause of action in the first instance arose.

If I did not believe that that could be corrected by a proceeding to be immediately taken I should feel constrained to vote against this conference report, because I feel—and in that respect I concur entirely with the Senator from Iowa, who first raised the question yesterday—that if this provision should remain in the law as it now reads it would be utterly ineffective; that there would be no court that would possess jurisdiction in this class of cases; but I think the matter may be corrected by a concurrent resolution authorizing a change in the enrollment of the bill as has been done heretofore in similar cases. If this report of the conference committee shall be accepted by the Senate and by the House I intend to offer a concurrent resolution to that end which will provide, in place of the language now in the amendment proposed by the conferees, the following:

All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of any of the judicial districts within which the original cause of action brought before the Interstate Commerce Commission arose—

I think that will correct both the defects to which I have called attention—

such district to be designated by the complainant—

It is necessary to make provision that the district shall be designated by the complainant, otherwise there would be no way of determining which one of these particular districts should receive the papers—

and the venue of all suits and proceedings hereafter brought to enforce, set aside, annul, or modify any order of the Interstate Commerce Commission shall be in any of the judicial districts within which the original cause of action brought before the Interstate Commerce Commission arose.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from California?

Mr. SUTHERLAND. I yield.

Mr. WORKS. I should like to ask the Senator from Utah whether he concurs in the view I have expressed, that under this provision there can be no assignment of the additional circuit judges to district courts? If so, I desire to inquire whether it would not be wise to include in the concurrent resolution to which he has referred, if that can be done, so as to avoid the defeat of this report, a provision that assignment may be made as provided in this act or otherwise of the additional judges to service on the district bench?

Mr. SUTHERLAND. I listened to what the Senator from California had to say upon that subject, and I think there is great force in his suggestion.

Mr. WORKS. It seems to me that the language of the act absolutely excludes any idea of their assignment to the district court.

Mr. SUTHERLAND. It seemed to me—I followed the Senator as closely as I could in his presentation of the matter—that the Senator was right about it, and perhaps that matter should be taken care of as well. However, I have been examining the Judicial Code with a view to seeing whether or not there is a provision in that code which permitted the assignment of circuit judges. I know there is a general provision upon that subject.

Mr. WORKS. I thought perhaps there might be some general provision, and I suggested that in the few remarks I made on the subject. Of course if that be so it would be unnecessary to take cognizance of it here in any way. I am not as familiar with that code as is the Senator from Utah, because I was not here when it was enacted, and I have had no occasion to examine it with any degree of care. Of course, if there is a provision already in the general statute on the subject, it need not be dealt with here.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. Yes.

Mr. CUMMINS. I agree with the Senator from Utah in his suggestion as to this matter, but I rise only to suggest that, in view of the further uncertainty pointed out by the Senator from California and in view of the positive legislative wrong that is being done with regard to the civil service, the best way to deal with these things is to defeat the conference report and send it back to the conferees, so that they can cure not only the points covered by the proposed concurrent resolution, but the point covered by the suggestion of the Senator from California and the civil-service proposition at the same time.

Mr. WARREN. Mr. President, the Senator has probably observed the differences that arise here from time to time among the lawyers in the Senate, and what assurance have we, if the bill is sent back to conference——

Mr. CUMMINS. None at all.

Mr. WARREN. And is thrown open on all sides, that we may not again meet differences, for the whole conference report falls if we do not adopt it, and every item is remanded to disagreement?

Mr. CUMMINS. But the conferees on the part of the Senate will have ascertained in this debate some of the objections and difficulties, and I am sure will be quick and effective to remedy them. I know that the conferees on the part of the Senate have a hard time of it, but the first consideration is to get legislation that will do what we want done. I know that it is bothersome and troublesome, but I am sure that in the end we will get what we desire, if we persevere.

Mr. WARREN. If the Senator will allow me, I wish I could arrive at a time when there would be a conclusion among those interested so that we would know what all desire. One source of trouble in sending back a bill of this kind to conference is that every item in the bill is opened again for reconsideration, and our experience is that when the Senate sends a bill back the conferees on the part of the Senate are met with counter propositions from the other side, because those who favor items not in the conference report wish them inserted and to take advantage of the situation; so we have a very hard proposition to face. Is it not better to do as the Senator from Utah has proposed—follow the bill with a concurrent resolution—and undertake to correct it in that way?

Mr. CUMMINS. No; I am very much opposed to the adoption of the report on other grounds than the one pointed out by the Senator from Utah. I think it is to the last degree unwise to adopt the provision that has been brought forward with respect to the civil service, and I think if we would arm our conferees with a direct vote of the Senate upon that point there would be no difficulty in securing a proper adjustment. It seems to me that with regard to everything except raising salaries, that is the chief point in this bill that the Senate has surrendered to the House, and I do not see why it can not insist upon some of the chief things—first, the civil service; and, second, the abolition of the Commerce Court judgeships.

Mr. SUTHERLAND. Mr. President, there were, as the record shows, 515 amendments adopted by the Senate to this bill. The conferees have been dealing with the subject for many days; their labors, I know, have been most arduous, and I for one would only vote to send it back to conference for the strongest reasons, and I do not, for the reasons I have stated, feel constrained to vote to reject the conference report. I think the matters to which I have adverted can be corrected in the way I have suggested, and I do not believe that the other matters are of sufficient gravity to warrant us in sending the bill back to conference.

With reference to the suggestion made by the Senator from California, I call the attention of the Senator from California to the language of section 18 of the Judicial Code, which provides that—

Whenever, in the judgment of the senior circuit judge of the circuit in which the district lies, or of the circuit justice assigned to such circuit, or of the Chief Justice, the public interest shall require, the said judge, or associate justice, or Chief Justice, shall designate and appoint any circuit judge of the circuit to hold said district court.

He has full power in that respect.

IMPEACHMENT OF ROBERT W. ARCHBALD.

The PRESIDING OFFICER (Mr. BACON). The hour of 2 o'clock having arrived, to which the Senate sitting as a Court of Impeachment adjourned, the Senate is now in session for the trial of the articles of impeachment presented by the House of Representatives against Robert W. Archbald.

The managers on the part of the House of Representatives were announced and were conducted by the Assistant Doorkeeper to the seats assigned to them in the area in front of the Secretary's desk.

The respondent, Judge Robert W. Archbald, accompanied by his counsel, Mr. A. S. Worthington and Mr. Robert W. Archbald, jr., entered the Chamber and took the seats provided for them.

The PRESIDING OFFICER. The Sergeant at Arms will make proclamation.

The Sergeant at Arms made the usual proclamation.

Mr. GALLINGER. Mr. President, I will ask if it is in order to make a point of no quorum. If it is, I desire to make it.

The PRESIDING OFFICER. The Chair holds that it is.

Mr. GALLINGER. I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Martine, N. J.	Smith, Ariz.
Bacon	Cummins	Massey	Smith, Ga.
Bailey	Dillingham	Myers	Smith, Mich.
Bankhead	Fall	Nelson	Smith, S. C.
Borah	Fletcher	Newlands	Smoot
Bourne	Gallinger	O'Gorman	Stone
Bradley	Gronna	Overman	Sutherland
Brandegee	Hitchcock	Page	Swanson
Bristow	Johnston, Ala.	Perkins	Thornton
Bryan	Jones	Pomerene	Tillman
Burnham	La Follette	Reed	Townsend
Burton	Lodge	Root	Warren
Catron	McCumber	Sanders	Watson
Clark, Wyo.	McLean	Shively	Wetmore
Crawford	Martin, Va.	Simmons	Works

The PRESIDING OFFICER. Upon the call of the roll of the Senate 60 Senators have responded to their names. A quorum is present.

Mr. BORAH. May I inquire how many Members of the Senate have not yet been sworn in the court?

The PRESIDING OFFICER. If it is desired, the Secretary will report the names of the Senators who have not yet been sworn.

The Secretary read as follows:

Messrs. BROWN, CHILTON, CURTIS, DAVIS, DIXON, DU PONT, GORE, LEA, OWEN, RAYNER, and RICHARDSON.

The PRESIDING OFFICER. The Journal of the last sitting of the court will be read.

The Secretary read the Journal, and it was approved.

The PRESIDING OFFICER. The order which has just been read, in reciting the proceedings of the former meeting, is the order which was pending at the time of the adjournment of the Senate at its last session sitting as a Court of Impeachment. The Chair will inquire of the managers on the part of the House whether they desire now to bring that to the attention of the Senate?

Mr. Manager CLAYTON. Mr. President——

Mr. WORTHINGTON. Excuse me for a moment.

Mr. Manager CLAYTON. Yes.

Mr. WORTHINGTON. Mr. President, before the question of fixing a date for the trial is taken up, I wish to state that after more careful consideration of the pleadings in the case and what was said in reference to what has been put upon those pleadings, and especially the replication, the counsel and the respondent himself have concluded that it is not necessary to file any further pleadings; and I accordingly notified the managers of that by a letter to Mr. Manager CLAYTON. I should like to have that letter incorporated in the record at this point as explaining why, after what took place here on Thursday, we are now willing to go on without any further pleadings.

Mr. Manager CLAYTON. Mr. President, the managers have no objection to the suggestion made by counsel for the respondent.

I beg to say to the court that I brought along with me the letter referred to by the counsel for the respondent. I received the letter this morning, and I think it proper that it be incorporated into the proceedings at this point. I therefore ask that the clerk, in accordance with the suggestion of the counsel, read the letter at this time.

The PRESIDING OFFICER. It will be so ordered, without objection.

The Secretary read as follows:

LAW OFFICES OF A. S. WORTHINGTON,
COLUMBIAN BUILDING, 416 FIFTH STREET NW.,
Washington, D. C., August 2, 1912.

Hon. HENRY D. CLAYTON,
Chairman Board of Managers in the matter of the impeachment of Robert W. Archbald.

DEAR SIR: Inasmuch as counsel for Judge Archbald have decided not to file any further pleadings in his case, it is due to the board of managers that I should notify them of that fact and inform them why counsel have changed their minds on this subject since the argument in the Senate yesterday.

In the respondent's first answer to each of the articles of impeachment he avers in substance that the article does not set forth an impeachable offense. In the first paragraph of the replication filed on behalf of the House of Representatives issue was joined on these answers. But as to the whole of the sixth article and as to part of the thirteenth article the respondent pleads in substance that even if the article sets forth an impeachable offense it sets it forth in such general and indefinite terms that the respondent should not be called upon to answer it. And as to the thirteenth article, the plea is made that it is bad because it undertakes to charge in one article two separate and distinct offenses.

We do not find in the replication any distinct reference to either of these two last-mentioned defenses, relating one to both the sixth and the thirteenth articles and the other to the thirteenth article alone. It was our impression yesterday that for this reason some further pleading would be necessary on our part as to these two matters. However, as you stated in the Senate yesterday that it is the understanding of the board of managers that their replication is a denial of all our allegations as to the insufficiency of the articles of impeachment, whether on one ground or another, counsel for the respondent have decided that they will accept this construction of the replication made by the board of managers. This being so, no further pleading seems to be necessary, and we will be ready, when the Senate meets to-morrow, to take up the question of the date of trial.

Yours, very truly,
A. S. WORTHINGTON,
Of Counsel for Respondent.

Mr. Manager CLAYTON. Mr. President, I do not desire to be hypercritical of the language employed by the counsel, but so far as my investigation goes, I am led to understand that the managers of the House have never before been spoken of as a board of managers. I therefore ask the counsel to strike from his letter the words "board of" wherever they occur. We are not a board of managers. We are the managers on the part of the House of Representatives; and while not a purist, not a hair-splitting dealer in technicalities, I think it is proper that in papers of this character and of this solemnity the usual forms be followed.

Mr. WORTHINGTON. Mr. President, I accede to the request of the managers. I am happy to call them by the name they select.

The PRESIDING OFFICER. The Secretary will make the correction.

Mr. Manager CLAYTON. With the permission of the court, I ask that the order which was pending before the court when adjournment was last had be now reported.

The Secretary read as follows:

Ordered, That lists of witnesses be furnished the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear at 12 o'clock and 30 minutes post meridian on the 7th day of August, 1912.

Ordered, That the cause shall be opened and the trial proceeded with at 12 o'clock and 30 minutes post meridian on the 7th day of August, 1912.

Mr. Manager CLAYTON. Mr. President, I have conferred with the counsel for the respondent, and desire to move that the first paragraph of the order—or, if the order were divided, it would be the first order—be amended by adding after the words "nineteen hundred and twelve" the words which I ask the Secretary to report.

The SECRETARY. Add at the end of the first order the following:

And further ordered, That in case hereafter the managers or the respondent may desire the attendance of additional witnesses, in such case the managers or the respondent may have the witness or witnesses desired subpœnaed in accordance with the practice and usage of the Senate upon application in such form as may be approved by the Presiding Officer.

The PRESIDING OFFICER. The Chair understands that the managers on the part of the House desire that the order presented by them shall be modified to that extent.

Mr. Manager CLAYTON. Yes; and that meets the approval of counsel for the respondent.

Mr. WORTHINGTON. It is true we have agreed upon that language so far as the first part of the order is concerned.

Mr. Manager CLAYTON. I will say, if I may be permitted for just one minute, that I find, upon investigating cases like this that have been before the Senate, that sometimes the proposition which is embodied in this amendment has not been incorporated in the order; but, so far as I can ascertain, the uniform practice of the Senate sitting as a Court of Impeachment has been always to give in a proper case to either party to the controversy the right to have additional witnesses subpœnaed; and the amendment is in proper form.

It may be said that in one case, at least, where the question of the adoption of a proper order for additional witnesses was raised, the application was referred to a committee of three, as provided in the order. We think that duty can be well discharged by the Presiding Officer, and so we have drawn the amendment in the form in which it is presented.

The PRESIDING OFFICER. Is it the desire of the Senate that the order as modified shall be read at this time? [A pause.] If not, the Chair will inquire whether the managers on the part of the House have anything to submit in support of that order.

Mr. Manager CLAYTON. Mr. President, nothing more upon the amendment; and in support of the main proposition, the subpœnaing of witnesses and fixing a day for the trial of the case, I have but little to add to what I had the honor and privilege of saying to the Senate the other day.

As will be observed, the order as presented embodies two propositions, one the necessary forerunner of the other, the first proposition being to provide for process upon the witnesses and having the witnesses present, and then the second order or the second proposition involved in the order, if we treat it as one order, provides for a day for the trial.

I may say that, so far as I know, whenever an order of this kind has been presented, involving the two propositions, but necessarily related, there perhaps has been a division of the question. But in its finality it is really but one question, because there would be no use to have the witnesses subpœnaed without having a day fixed for the trial, and if a day for the trial is fixed, then an appropriate order of course as a corollary ought to be made providing for the subpœnaing of witnesses.

Mr. President, I want to say a word in regard to the action of the court on the 1st day of this month, in which the managers were persuaded to acquiesce in the postponement of the consideration of the question of fixing a day for the trial, upon the suggestion of the Senator from Idaho [Mr. BORAH] and the Senator from Virginia [Mr. MARTIN], that the respondent should have until to-day to prepare a formal application for a continuance. Perhaps I should not use the word "continuance," for the counsel for the respondent this morning informed me that he was not pleading for a continuance, but for a postponement, and therefore to accommodate him and for the sake of euphony I use the word "postponement"; but it is a continuance as a matter of substance for which he is pleading.

I have nothing more to say, Mr. President, except that upon further conference with my associate managers we are more

than ever convinced that this trial ought to be proceeded with now. But I was about to say a bit ago, and I desire now to call the attention of the Senate to the fact, that yielding to the suggestion made by the Senator from Idaho and the Senator from Virginia, and agreeing that this matter should be determined to-day, instead of on the 1st day of the month, when the application for the order was made, subtracts from the time allowance fixed in that order, for the preparation of the subpœnaing of the witnesses and the trial of the case, three days. That order contemplated seven days for the subpœnaing of witnesses and for the preparation of the trial. To-morrow is Sunday, and therefore we could not have the process to-morrow, and we would have only Monday and Tuesday intervening between now and the 7th, the day which was originally fixed in the order for the trial.

I doubt very much, Mr. President, to be frank and candid with the court, and I hope I shall be so all through the trial of this case, the ability of the Sergeant at Arms of the Senate to serve the process on these witnesses in time to have them here on Wednesday. But we shall leave that matter entirely to the judgment of the Senate. If the Senate is of the opinion that we can have the witnesses here Wednesday the managers on the part of the House will be ready to proceed. We are entirely ready to proceed on every other phase of the case, and therefore I do not ask that the time be put over beyond Wednesday, but I make the suggestion in order that the Senate itself may take it into consideration.

Mr. President, the managers have nothing else to suggest now except to insist that this case be set down for trial on Wednesday next, and, of course, if counsel opposes that, as we understand he is here to oppose that proposition, then we shall ask to be heard in reply to him.

Mr. WORTHINGTON. Mr. President, I do not recall that the Senate or any Member of it, when we were here on Thursday, held or said that what was to be done to-day was the presentation of a motion for a formal continuance, by which I understand, as that term is used in courts of justice, an application to have the case go over to the next term. The Senate of the United States is a continuing body, and I am not asking for any postponement beyond the time when the present session of Congress will last. We are here therefore before a court, the case at issue, and the question is simply, When shall the case be tried or when shall it come on for trial?

Admonished, however, by the suggestions made by my friends, the managers, or some of them, I have, so far as concerns the grounds upon which I make the application for the fixing of a later day, put the papers in the form of an affidavit by the respondent, and accompanying affidavits which are referred to in it, and I will ask that the affidavit of the respondent be read at this point.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

In the Senate of the United States sitting as a Court of Impeachment.

UNITED STATES v. ROBERT W. ARCHBALD.

DISTRICT OF COLUMBIA, *ss:*

The respondent, Robert W. Archbald, on oath says as follows:

Shortly before the articles of impeachment in this case were presented to the House of Representatives by its Committee on the Judiciary, I attempted to confer in Scranton with those of my counsel who reside in that city (where the labor of preparing for the trial of the case must mainly be performed) with reference to certain matters relating to my defense. I found that one of them, Mr. M. J. Martin, was in a hospital in Scranton, where he had just undergone a severe surgical operation, and that the other, Mr. Samuel B. Price, had broken down in health and in consequence thereof had left Scranton, and that it was expected that he would be absent for at least several weeks. I have recently obtained affidavits from their physicians as to their present condition, which I submit herewith.

The summons of the Senate requiring me to appear on July 19, in answer to the articles of impeachment against me, was served upon me in Scranton at half past 11 o'clock on the night of July 17. I came to Washington at once, my son, Robert W. Archibald, jr., of my counsel, accompanying me from Philadelphia. Ever since that time I have been almost constantly engaged in conference with my counsel in reference to the pleadings in the case, especially with reference to the answer to the articles of impeachment, and I have not been able, nor have my counsel, to give any time to that part of the preparation of the case relating to the actual trial.

Ever since I arrived in Washington on July 18 I have been endeavoring to engage the services of additional counsel, being advised by my present counsel that that is necessary. In every such case I have found that the person with whom I sought to communicate was on his vacation, either in Europe or in this country, and for that reason I was either unable to engage his services or unable to get into communication with him at all.

For the foregoing reasons, and for other reasons which are apparent on the record in this case and which will be stated by my counsel, it will be impossible for me to properly prepare for my trial upon the several articles of impeachment before the middle of October next. I have no wish to delay the trial a single day beyond what I myself and my counsel think is absolutely essential to fully prepare and present to the Senate the important questions of law involved in the case, and to investigate and obtain the evidence relating to the numerous questions of fact which will arise or may arise during the trial.

R. W. ARCHBALD.

Subscribed and sworn to before me, a notary public in and for the District of Columbia, this 3d day of August, 1912.

[SEAL.] JOSIE A. GORMAN,
Notary Public, District of Columbia.

Mr. WORTHINGTON. Now, Mr. President, I should like to have read the affidavits of physicians as to the present or very recent condition of the two counsel referred to in the affidavit of the respondent.

The PRESIDING OFFICER. The affidavits will be read by the Secretary.

The Secretary read as follows:

To the honorable the United States Senate, sitting as a Court of Impeachment:

This is to certify that M. J. Martin, Esq., attorney at law, of the city of Scranton, Pa., was operated upon for appendicitis by me, a practicing physician and surgeon of said city, on Saturday, July 6, instant; and that since that time he has been and still is in my hospital under my charge, and that his condition is such that he can not with safety undertake professional work for upward of eight weeks from date.

REED BURNS.

CITY OF SCRANTON,
State of Pennsylvania, ss:

Dr. Reed Burns, being duly sworn according to law, deposes and says that he is a practicing physician and surgeon of Scranton, Pa., of upward of 30 years' experience, and that the statements made in the above certificate are correct and true.

REED BURNS.

Sworn and subscribed before me this 22d day of July, A. D. 1912.

[SEAL.] RALPH W. HYMER, *Notary Public.*

My commission expires January 21, 1915.

To the honorable the United States Senate, sitting as a Court of Impeachment:

This is to certify that S. B. Price, Esq., attorney at law, of the city of Scranton, Pa., is now and has been since June 20, 1912, under my professional care. On that date he had a breakdown, and by my advice and direction has undertaken no professional work since that time, and in my judgment can not with safety undertake any active professional work for upward of three months from date, during which time it will be necessary for him to give himself to complete rest and recuperation.

LUCIUS C. KENNEDY.

STATE OF PENNSYLVANIA,
County of Lackawanna, ss:

L. C. Kennedy, being duly sworn according to law, deposes and says that he is a practicing physician of Scranton, Pa., and has been for upward of 14 years, and that the statements made in the above certificate are correct and true.

LUCIUS C. KENNEDY.

Sworn and subscribed before me this 27th day of July, A. D. 1912.

[SEAL.] GEORGE L. PECK, *Notary Public.*

My commission expires February 21, 1915.

Mr. WORTHINGTON. Mr. President, I wish to call the attention of the Senate for a moment or two to some of the matters which are apparent upon the record in this case, and as to which therefore no affidavit or formal paper is necessary, as corroborating what is set forth in the affidavits which have just been read, and as indicating that it would be a denial of justice to ask this respondent to come here and to be prepared for trial in this case on the 7th day of August, or at any time approaching that date.

There are 13 articles of impeachment here, so that instead of having to prepare for the trial of one case we have to prepare for the trial of 13. Not being advised, as we can not be, as to just what evidence the honorable managers may intend to introduce in support of each one of these 13 articles, we are required to prepare ourselves to meet every possible contingency in regard to each one of them.

Some of these articles, as is apparent upon inspection, lead necessarily to the investigation of a great mass of detailed evidence. The first article of impeachment refers to a series of transactions in regard to what is known as the Katydid culm dump. In my humble judgment (and I think it will be corroborated by Senators familiar with the trial of cases who may examine that article and the reply to it), the trial on that case alone might well last a week, and to prepare for it would take more than that time.

So as to the second article, which involves a long series of transactions relating to alleged efforts on the part of the respondent with a lawyer named Watson to have certain litigation settled, to which a railroad company was a party. Take a case of that character and examine it alone, and I think you will find that it would simply be impossible for the counsel to properly prepare for a trial of even one of these cases in the time to which it is proposed to limit us.

Mr. MARTINE of New Jersey. I ask pardon, but if the gentleman will face this way we might get the benefit of his statement. We can scarcely hear him.

Mr. WORTHINGTON. I am much obliged to the Senator.

Mr. MARTINE of New Jersey. I do not mean that you shall turn your back on the Presiding Officer, but if you can face this way we would benefit by your remarks.

Mr. WORTHINGTON (stepping to one side of the Secretary's desk). If there is no objection, may I stand here?

Now, there is another matter. There are here several articles of impeachment which are of the most general character that it is possible to imagine. There is the sixth article, for instance, in which it is simply charged that the respondent, at some time, in places not mentioned, with somebody not indicated except that he was an officer of a certain railroad company, used his influence in a certain matter, which is not described, with the officers of a certain railroad company. In order to properly prepare for the defense on that article alone, it is necessary for the respondent to consider everything that has happened in regard to that railroad company, not only where he was directly concerned, but where it might be reasonably supposed the managers would claim he was concerned. Our past experience in this case shows that it is very possible we may be held, or attempted to be held, responsible for what was done by others, without anything tending to show knowledge on the part of the respondent.

Then, as to the thirteenth article, there is a charge in general terms that the respondent, being a circuit judge of the United States and judge of the Commerce Court, used his position as such judge to obtain credit with persons who had or might have litigation in his court. There is not a single word to indicate what transactions are intended to be relied upon by the managers in support of this general charge, when they come to the trial of this case. The managers may say that something took place before the Judiciary Committee of the House which indicated some things that might be offered in evidence under that part of that article. That is true. But if it stands as it stands at present, and we presume it may stand, we are bound to inquire of everything that went on in the city of Scranton, certainly, and elsewhere, whenever we can, and to consider and prepare for any possible charge that might be made under that general allegation.

My honorable friend, Mr. Manager CLAYTON, said the other day that if in the course of the trial it should occur that we needed time, then the Senate could give us time. But I should like to ask the Senate to consider whether, if at this stage of the session, at this time of the year, this trial should go on at the time proposed by the managers and something of that kind should develop, what consideration would the Senate give us, or with what patience would they consider an application to stop proceedings two or three days, while we could go to Scranton to see what we could find out about that new matter?

In this situation, with 13 cases to be tried, with so many questions of fact involved, there are also as important questions of law, I undertake to say, as ever came before this honorable tribunal. The Constitution of the United States provides only in general terms that Federal judges may be removed from office for treason, bribery, or other high crimes or misdemeanors without defining what crimes or misdemeanors are to be included. And it was contended in the argument which was presented here by the Judiciary Committee of the House to that body in this case that because there is another provision of the Constitution which says that Federal judges shall hold their offices only during good behavior anything which amounts to a misbehavior is an impeachable offense. We have here a series of articles which certainly include, if true, with the adverbs which are applied to them, misconduct on the part of the respondent, but also articles as to which no wrongful intent is charged and which could not by any possibility be wrongful unless there was some bad motive.

It is charged, for instance, in one of the counts that the respondent appointed a lawyer living at Wilkes-Barre, Pa., a jury commissioner under the Federal statute, and that lawyer happened to be an attorney for a certain railroad company. There is not to be found in this article one of the adverbs—unlawfully, corruptly, etc.—which are sprinkled through the other articles, nor is there in any words a charge that the jury commissioner was wrongfully or corruptly or illegally appointed. There is simply the mere fact that he appointed a lawyer who happened to be counsel for a railroad company.

Under the pleas that have been filed there must be as to each of these articles a determination of the question whether it presents an impeachable offense. This will require a presentation of the authorities, a review of the cases, and an argument on the merits of the several contentions by the ablest counsel. It surely will not be considered ultra modesty for the counsel who now represent the respondent to urge that for this reason time should be given to engage additional counsel.

In that state of the case, with all these important questions of law involved, and all these divers questions of fact arising, as to many of which we can only guess what is intended, it happened by a dispensation of Providence that the two members of the bar who reside at Scranton who are counsel for the respondent and who attended with the present counsel the hearings before the Judiciary Committee of the House have been stricken, as has been shown by the affidavits, so that we are unable to get the aid of either of them. The only counsel that are at hand now are those who are not familiar with the persons or the localities involved in almost all the cases which are presented here in the 13 articles of impeachment.

The respondent shows under his oath that since the day he arrived here, summoned here at midnight of one day to be here at noon the second day afterwards, he has made continuous efforts to get additional counsel, and you find what you might expect at this season of the year, one man on his vacation, who would not leave his vacation, and another in Europe, who can not be reached in time, and so on. So it is that of all the persons whom the respondent has sought to reach not one of them can be reached, nor can we obtain his aid at this time.

The same difficulty is likely to arise, I respectfully submit, in regard to witnesses. If we go on with the trial in the month of August or the month of September, we will be almost sure to find some of the witnesses who are required on one side or the other away on vacation.

I may say here in passing that in this city in the dog days of August and September it is almost impossible to transact business that can be avoided, and that from time immemorial no court here has tried cases at this time in the year except those of the most inferior jurisdiction. From the Supreme Court of the United States down to those judges who have the courts of first instance here there never has been a trial or a hearing or a final determination of any case in the month of August or September, as I believe, and certainly not during the 40 years or more that I have been here.

There is another thing I feel that I ought to suggest in this connection. The urgency or speed to be used in the bringing on of an impeachment trial necessarily involves a consideration of the enormity of the offense charged. If this respondent were charged with being in the habit of seizing citizens and sending them to jail without cause and without law, if in the decision of cases he had been bribed and had decided cases by favoritism and not according to what he conceived to be the right and justice of the case, it might properly be urged that he should be speedily brought to the bar for trial.

But in the 13 accusations brought here not in a single one is there a charge or intimation that in the discharge of his duties as a judge the respondent ever decided any case or ever acted upon any motion except as he might act upon it with a clear conscience and an upright mind. All that is charged against him in any of the articles is that either he placed himself in such a position or allowed himself to be placed in such a position by others that he might be influenced in the determination of his judicial duties.

Another thing that I feel bound to mention, because I have seen it mentioned in the public prints, is that, considering the proprieties of such a situation as he unfortunately finds himself placed in, Judge Archbald from the first day when the public hearings began before the Judiciary Committee of the House in this matter, in the early part of May last, has declined to take any part in the performance of his duties as a judge. He has not sat on the Commerce Court in any case, nor has he entered into consultation with any of the judges of that court respecting any matter before them. He has felt from the beginning, and feels still, that under the circumstances in which he is placed it is proper for him to decline to act as a judge at all. I say that because I have seen it intimated that he might be going on performing his duties as a judge, and for that reason he should be speedily put where he could not do so.

One word more, and then I will take my seat, Mr. President. It is that the respondent feels, and his counsel feel, that to take up this case at this time in the session, when Members have been here so long and, as we are given to understand, approaching the termination of their ordinary labors, that it will be impossible either to keep in attendance here a full body of the Senate on a matter of such importance as this or to have them listen with that patience to the presentation of the case which they might exhibit at other times in the year and when they are not situated as they are now. We fear that there will be a tendency to hasten things, which ought not to obtain in any trial, and especially in such a trial as this.

On behalf of Judge Archbald, I will simply say, in conclusion, that this is a matter which involves everything which is dear

to him. It is more to him than is life itself. If the impeachment should succeed and you should find him guilty, you strip him of his judicial robe and clothe him forever in dishonor. If the case is rushed through in the way in which it is attempted to be rushed now, and an adverse result is attained, it will leave upon his mind as long as he may live a feeling that he was not justly and fairly treated. It will leave that impression upon those who are near and dear to him, and it will leave that impression upon the hundreds of people who know him in the region where he lives and the members of the bar who have practiced for many years before him, and who, he has reason to think, still believe in his integrity and his honor, and they will not be satisfied if the trial is rushed through to a conclusion in these August days.

For all these reasons I respectfully suggest, and move, if necessary, that the proposition which has been submitted by the honorable managers be amended by inserting, instead of the 7th day of August, the 15th day of October next. I mention that date as the nearest date at which we first can be properly prepared for trial. We have no particular reason for selecting that time rather than any date subsequent to it which will suit the convenience of the Senate. Any time after the 15th of October will be satisfactory to him. If he shall be given the time he asks to prepare for trial he will have no reason to complain and will make no complaint, whatever the conclusion which may be reached by this honorable tribunal.

Mr. Manager CLAYTON. Mr. President, in the written application for this postponement in the form of the affidavit submitted by the respondent there appear to be three grounds which are submitted as reasons for the postponement. The first ground, I may say, is that one of his counsel, Mr. M. J. Martin, is sick in a hospital in Scranton, Pa., and that the other absent counsel, Mr. Price, is away on a vacation.

Mr. President, of course we all regret the illness of Mr. Martin, and we wish he were here so that the judge might have the benefit of whatever assistance he could give him, but I would be unfaithful in the discharge of my duty did I not call it to the attention of the Senate that for 30 days an investigation was had involving every one of the charges brought now to the bar of the Senate; that present during that whole time was the respondent himself and the distinguished counsel who now speaks for him, and the other counsel who is present and up to this time has not seen proper to speak.

Mr. Price and Mr. Martin had hardly anything to do with the conduct of that investigation. The printed testimony taken by that committee engaged in that solemn investigation of the conduct of this judge occupies about fourteen hundred pages of printed matter, and that volume will disclose the fact, if it is perused, that question after question, comprising pages of that record, were propounded by the distinguished counsel who had the honor of addressing the Senate a few minutes ago.

Mr. President, I may say to the Senate that when you have heard the distinguished counsel for this respondent half as long as I have heard him you will know, as I know, that he is quite able to defend his client and to see that justice is done. He needs not the help of sick Mr. Martin, nor does he need the aid of Mr. Price, away on a vacation.

And, Mr. President, I may say that the counsel for the respondent is not only well informed on this particular case, but he stands in the very forefront of the bar of the District of Columbia. It seems to me that the absence of Mr. Martin and the absence of Mr. Price do not form a sufficient reason for the postponement of the trial of this case.

The second ground is that the respondent was served on July 19 with a summons.

Mr. WORTHINGTON. July 17.

Mr. Manager CLAYTON. Well, here is the summons to appear July 19. I am reading from the typewritten copy you furnished me: The summons of the Senate "requiring me to appear on July 19."

That is the way it reads, Mr. President. But for the sake of agreeing with the distinguished counsel I make it the 17th; it is immaterial whether it is the 17th or the 19th.

Mr. WORTHINGTON. The manager misunderstands me. It was served on him on the 17th to appear on the 19th. The manager said it was served on the 19th.

Mr. Manager CLAYTON. I misunderstood the counsel. Mr. President, then it proceeds to advance the proposition as an additional ground for a postponement that ever since he was served with the process of the Senate citing him to appear here he has been constantly engaged in conferences with his counsel in reference to the pleadings in the case, and, therefore, he wishes it to be inferred at least that he has not had sufficient time to consider the matter of the details, the actual trial of his case and the examination of witnesses as to what evidence he shall offer.

Now, Mr. President, in reply to that suggestion I have to say that, so far as the managers know or now believe, every witness in this case who will testify has already testified, and the testimony is in print and has been available and has been furnished to the respondent and to his counsel. He knows who the witnesses are; he has known, I believe, since about the latter part of June. I will not be accurate as to the precise date, but about the latter part of June he knew who the witnesses were and what those witnesses would testify in this trial. Therefore, Mr. President, so far as witnesses are concerned, he knows who they are now.

It may be possible that he may have other witnesses whom he may desire to call in his own behalf; but I desire to call the attention of the Senate to a fact now, which will appear to the Senate, I think, when the witnesses are examined before the Senate, namely, that with the exception of one witness every witness who was examined and who will be examined before this honorable body was the friend of, or at least friendly to, the respondent. There was but one witness, according to my recollection, against whom a suspicion of hostility was preferred. Some of the witnesses showed a very strong desire to so shade their testimony, to so guard their answers, as to be of as little hurt as possible to this respondent and yet at least try to make a compliance with the sanctity of the oath which they took before testifying. I can now, therefore, inform the Senate and the counsel that the witnesses whom we have examined heretofore and whose testimony is in print will be the witnesses we propose to examine on the part of the House of Representatives.

There is one witness possibly—I may say here and ought to say—whom we endeavored to get that we have been unable to find, although we had the assistance of most vigilant officers to find that witness. Why that witness has gone I know not. I certainly, Mr. President, will not charge the respondent with any agency or any instrumentality in having that witness to so depart or to so secrete himself as to put himself beyond the process of the House or the Senate. I would not be justified if I were to make such a charge, for I have no knowledge that would bear out the charge, and hence I do not make it.

But it is necessary for me to say, in order that the Senate may understand it, that there may be that witness whom we have not examined that we hope to get to examine hereafter; and possibly, Mr. President, we may have other witnesses, but I can state in perfect candor to the Senate that so far as we now know or believe the witnesses whom we have heretofore examined will be all the witnesses we propose to examine hereafter, with the one possible exception I have indicated.

Then, Mr. President, another ground for the postponement is that ever since the arrival of the respondent in Washington on July 18 he has been endeavoring to engage the services of additional counsel.

Now, Mr. President, if the accused in this case were an unlearned man, unacquainted with legal procedure, if he had an inexperienced lawyer and his chief counsel were away, perhaps it might appeal to the sound discretion of this court to grant a postponement of this trial; but the facts are, Mr. President, that the man who stands accused at the bar of this honorable court is himself learned in the law, skillful in all of the technicalities and intricacies of the law, knows how cases are tried, how witnesses are examined, how pleadings are perfected, and how every defense known to an able and skillful lawyer can be made available and interposed. He has known for months that he would probably have to face this trial; he has not been surprised at any stage of this proceeding; and to say, with the able counsel now representing him, and with his own great learning and ability, that because some lawyer—in Washington it may be—has gone to Europe or to a summer resort, that this high and honorable court should postpone a case of this gravity until next October is, I think, advancing ground that will not appeal to the sound discretion of the Senators here, who, I am sure, want to meet and discharge an unpleasant duty even in unpleasant weather.

The managers on the part of the House do not, and the House does not, desire to stay here any more than does the respondent or his counsel or perhaps some of the Members of this honorable body. But, Mr. President, the Senate and the House of Representatives are charged with a high and responsible duty. Will the argument of inconvenience persuade this honorable court to set aside the discharge of a great public duty in order—to use the language of the honorable counsel—that "the dog days" may pass by? It appears to me, if I may make the observation at this point, that for some days—we know August is generally a wet month, and therefore cooler than the rest of the summer—that Washington has been and right now is a pretty fair summer resort. Let us

face the discharge of an unpleasant public duty and perform it now.

Mr. President, may I say, with the permission of the Senate and in this august presence, that the question involved is not so much whether this man shall be tried, but the remedy of impeachment itself is now on trial? I do not urge that against the respondent. He is nowise responsible for any failures there may have been heretofore in the resort to that remedy whenever it has been attempted to be invoked to remove an unfaithful or unworthy public official; but shall we accentuate the charge that is often made that the remedy of impeachment is slow, cumbersome, ineffective? I apprehend not. Postpone this case until a more convenient time, and while you may not contribute to the argument that it is an ineffective remedy you do contribute to the suggestion that it is a slow remedy.

I have about reviewed the three grounds which are stated by the counsel for the respondent for a continuance in this case. It addresses itself to the sound discretion of this court whether this case shall be tried now. I want to say that my own opinion is that whenever this case is tried the Senate will be guided solely by the law and the evidence, and I shall be fully convinced that whenever the judgment of this honorable court is pronounced it will be the judgment both of the law and the facts according to the best reasoning and the best judgment of what I believe to be one of the highest and most honorable of courts.

The honorable counsel have found some fault with the pleadings in this case. It is not my purpose at this time to discuss the pleadings. Let me remind him, however, that in the majority of the impeachment cases heretofore brought before this honorable body, crimes have not been the basis of the majority of the articles of impeachment. The Senate has never restricted the words "high crimes and misdemeanors" so narrowly as to embrace only crimes so denominated under the Constitution or so denominated by statutory enactment. The words have a broader significance. I have before me several authorities on the subject, Mr. President.

Let me quote:

IMPEACHMENT.

The offenses for which a guilty officer may be impeached are treason, bribery, and other high crimes and misdemeanors; art. 2, s. 4. The Constitution defines the crime of treason; art. 3, s. 3. Recourse must be had to the common law for a definition of bribery. Not having particularly mentioned what is to be understood by "other high crimes and misdemeanors," resort, it is presumed, must be had to parliamentary practice and the common law in order to ascertain what they are; Story, Const. Par. 795. It is said that impeachment may be brought to bear on any offense against the Constitution or the laws which is deserving of punishment in this manner or is of such a character as to render the officer unfit to hold his office. It is primarily directed against official misconduct, and is not restricted to political crimes alone. The decision rests really with the Senate. Black, Const. L. 121. (Bouvier's Law Dictionary, vol. 1, p. 989.)

Mr. President, I can refer you to Wharton's State Trials, where he quotes with approval the definition of an impeachable offense given by Mr. Bayard in the argument in the Blount case, and with the kind permission of the Senate, without detaining you longer with that phase of the question, I shall ask to have printed in the RECORD a few citations of authority at variance with the views which the counsel for the respondent has advanced as to what constitutes an official impeachable offense.

The PRESIDING OFFICER. Is there objection to granting the permission requested? Without objection, it will be unanimously so ordered.

Some of the citations referred to are as follows:

IMPEACH—IMPEACHMENT.

The object of prosecutions of impeachment in England and the United States is to reach high and potent offenders, such as might be presumed to escape punishment in the ordinary tribunals, either from their own extraordinary influence or from the imperfect organization and powers of those tribunals. These prosecutions are therefore conducted by the representatives of the nation, in their public capacity, in the face of the nation, and on a responsibility which is at once felt and reverenced by the whole community. State *v.* Buckley (54 Ala., 599, 618, citing Story, Const., par. 688). (Words and Phrases, vol. 4, pp. 3419–3420.)

In his Commentaries on the Constitution, John Randolph Tucker defines impeachable offenses as follows (vol. 1, sec. 200):

To confine the impeachable offenses to those which are made crimes or misdemeanors by statute or other specific law would too much constrict the jurisdiction to meet the obvious purpose of the Constitution, which was, by impeachment, to deprive of office those who by any act of omission or commission showed clear and flagrant disqualification to hold it.

In Cooley's Principles of Constitutional Law it is said (p. 178):

The offenses for which the President or any other officer may be impeached are any such as, in the opinion of the House, are deserving of punishment under that process. They are not necessarily offenses against the general laws. In the history of England, where the like proceeding obtains, the offenses have often been political, and in some cases for gross betrayal of public interests punishment has very justly been inflicted on cabinet officers.

In Watson on the Constitution (vol. 2, p. 1034), published in 1910, it is said:

There is a parliamentary definition of the term "misdemeanor," and a modern writer on the Constitution has said: "The term 'high crimes and misdemeanors' has no significance in the common law concerning crimes subject to indictment. It can only be found in the law of Parliament and is the technical term which was used by the Commons at the bar of the Lords for centuries before the existence of the United States." Synonymous with the term "misdemeanor" and the terms "misdeed," "misconduct," "misbehavior," "fault," "transgression."

In Story on the Constitution (5th ed., vol. 1, sec. 799) it is said:

Congress has unhesitatingly adopted the conclusion that no previous statute is necessary to authorize an impeachment for any official misconduct; and the rules of proceeding and the rules of evidence, as well as the principles of decision, have been uniformly regulated by the known doctrines of the common law and parliamentary usage. In the few cases of impeachment which have hitherto been tried, no one of the charges has rested upon any statutable misdemeanors.

In speaking of the convention which framed the Constitution Mr. Bayard, in the trial of Blount, said that the convention—

proceeded in the same manner, it is manifest, they did in many other cases; they considered the object of their legislation as a known thing, having a previous definite existence. Thus existing, their work was solely to mold it into suitable shape. They have given it to us not as a thing of their creation, but merely of their modification; and therefore I shall insist that it remain as at common law [parliamentary] with the variance only of the positive provisions of the Constitution. (Wharton's State Trials, 264; Rowle on Constitution, 200.)

Mr. Manager CLAYTON. Mr. President, let me return to the discussion of the application for postponement. I do not arrogate to myself the wisdom, and certainly do I not claim for myself the fairness and the impartiality, that characterize the Members of this honorable body. We shall have to submit to the judgment of this court.

We do not wish injustice to be done to the respondent; but the public side of this question, however, should not be ignored. Counsel for the respondent should not—and I do not say he has done so—treat this case as being in the category of an ordinary courthouse trial, criminal in its nature, if you please. The magnitude of this controversy rises into a higher and serener atmosphere than that which usually fills the ordinary criminal courtroom. The public is concerned here more than in an ordinary courthouse trial. Here is one of the judges of one of the appellate courts of our country offering to lay aside his official duties and his judicial functions until next fall.

Mr. President, does that appeal to the Senate? Is it not to be answered by saying that if the case is of such grave nature that he ought not to act in his high office and perform the duties of his position, then the public demands are such that he either ought to be restored to the discharge of his duties or else he ought to be removed from office and another person be designated to discharge those functions?

Were this not a serious case, did it not involve so much, perhaps the suggestion of the honorable counsel to fix the 15th day of October for trial would excite one's risibilities. I dare say, Mr. President, that he little apprehended—I certainly do not apprehend—that the Senate will by any possibility set this case down for trial on the 15th day of October. Courts take judicial notice of public events, for even courts are presumed to know some things without being told. They take judicial notice of an event like a general election. Everybody knows that Senators will not come back here on the 15th day of October and then go home to vote at the November election. So I need not combat the date counsel has named for trial. We do not suggest any date other than that which has been mentioned in the order, and do not suggest any change of that date other than that possibly it might take two or three days longer than the 7th of August to have the process of the Senate executed.

Mr. President, the next session will be a short session, and your public duties and the public duties of the managers require us to take cognizance not only of our present duties but the duties that will confront us next winter. Probably it will occupy some little time to try this case. I have no doubt that you, Mr. President, have tried many a case where there were as many witnesses examined as will be examined here, and as many complicated questions involved as in this case, and I have no doubt you have tried many such complicated cases and disposed of them within three or four days; but I do not apprehend that it will be possible to dispose of this case quite so speedily as that. If, however, it is postponed until the next term of Congress it certainly will draw upon the time and attention of the Senate and a part of the membership of the other House, and, therefore, militate, at least to some degree, against the proper discharge of our public duties. So, then,

why not, in the dog days, if you please—in August, while we are here—when the testimony of the witnesses is fresh in the minds of the counsel and fresh in the mind of respondent, and when the pleadings are fresh in the minds of the Senate, when we are ready and prepared to try the case, why not meet this high and responsible duty now?

Mr. WORTHINGTON. Mr. President, I should like to say just a word or two in reference to some of the matters referred to by Mr. Manager CLAYTON. It certainly will occur to every lawyer who is a member of this tribunal, and it will be clear, I think, to those who are not lawyers, that the mere fact that one particular lawyer in a trial is the spokesman of his side of the case is not evidence that he is prepared to go on and try that case himself. The man who is the spokesman in court is aided by those who do the work outside of the court and in the preparation for trial. The fact, which is apparent here, that Mr. Price and Mr. Martin, practitioners of eminence and long standing, live in the city of Scranton, while the counsel who is referred to as one who did the mere questioning in the case has always lived, during his professional life, in the city of Washington—that mere fact, I say, shows that the real work in the case was done by them. Everyone knows that the work done out of the court was done by them, and they are the persons upon whom the principal reliance of this respondent would be in the trial of this case.

I might here advert to the fact that there are but two of us who have been able to be here, and one is necessarily embarrassed by the fact that he would have difficulty in speaking to this tribunal, because his feelings are so involved on behalf of his father.

I may refer to the fact that on the other side there are no less than seven distinguished lawyers who, as was said here the other day by the Senator from Texas, have won their way to a place on the great law committee of the House, and who have been almost continuously engaged on this case since early in May, or before that time, I believe; and yet, if we may be governed by what we learn in the public prints, as to which I suppose there can be no doubt, these gentlemen have sought the aid of a lawyer, sent down from the Department of Justice, in the preparation of this case, if not in the trial of it; so we have eight counsel opposed to two, and one of those two is embarrassed in the manner to which I have referred.

At this moment, after his application for an immediate trial is before the court, and is about to be passed upon, for the first time we are told by my friend, Mr. Manager CLAYTON, as we now understand, that only the witnesses who were examined before the committee of the House will be examined in the trial—that is, those who are to be examined on behalf of the managers. We learned that at this moment from his lips, but he knows, as everybody knows, that as this trial goes along if it develops that other witnesses are needed to establish the case presented against the respondent they will be subpœnaed and put upon the stand. He will make no bargain here—his duty would not permit him to make any bargain—to examine only those witnesses who were heard before the Judiciary Committee of the House. But the other witnesses are those about whom we are concerned—those who are to answer the statements and charges in the articles of impeachment.

Here my friend falls into error in regard to what I said as to my position. I am not trying to bring on, now, the great question of the constitutionality of any of these articles of impeachment—as to whether they present or any one of them presents a constitutional offense. That is a great question, upon which I do not feel competent to enter at this time, and I do not know that I shall ever feel competent to enter upon it before this tribunal. Nor have I entered into any discussion as to whether the articles which do set forth charges which may be considered impeachable have set them forth in such an indefinite way as to lack legal sufficiency. Those questions will arise at one time or other during the trial. What I say now is that here are two or three articles which are so general in their allegations and so indefinite in their statement that it is impossible for the respondent to come here prepared for trial upon them without inquiring into everything during a long period of years. I will inquire of my associate how many years has Judge Archbald been a Federal judge?

Mr. ROBERT W. ARCHBALD, JR. Ten years.

Mr. WORTHINGTON. For 10 years he has been upon the bench, and no one knows as to what transactions during any one of those long years may be brought up during the trial of this case and the charge made that in some particular transaction he sought to obtain credit by virtue of his position as a judge from those who had or might have litigation before him.

As to matters that have taken place before the Judiciary Committee, it is apparent upon the record, which has been printed and is accessible to everyone, that, as a matter of fact, the principal charges which were presented against this respondent are abandoned here. This case originated in a presentation that was made to the President of the United States by one of the members of the Interstate Commerce Commission, who took a paper to the President on behalf of all the members of that commission. In that paper it was charged that—and this is what we mainly supposed we were to be tried upon—that the respondent, because a man who had a case pending in his court had refused to discount his note, had overruled a demurrer to a bill in equity, which demurrer was filed on behalf of a company in which that man was largely interested.

It was further charged in that paper that this respondent, at the request and upon the demand of counsel for the Lackawanna Railroad Co., had gone to Judge Wetmore, who succeeded the respondent as district judge, and commanded that judge to enter a certain judgment in that case against W. P. Boland, or the company he represented, and that Judge Wetmore had complied with that demand. It was as to such matters that the original charges were brought. But the witnesses who came before the committee so thoroughly demonstrated that there was not the slightest foundation for these charges that they were abandoned. And when the articles of impeachment were actually presented we were surprised to find charges as to the most of which we had supposed it would be impossible that there should be thought to be a proper foundation for prosecution by impeachment in this Chamber. So that we are not prepared, by reason of what has taken place before the Judiciary Committee, to know even what may be proved by the witnesses the managers may summon, and much less what we shall be able to prove in reply.

As to the statement that my client, the respondent, is a lawyer of eminence and ability, that is true; but I have only to remind the Senate of the old adage about the man who undertakes to be his own lawyer.

I am surely surprised, Mr. President, that in considering this application my distinguished friend, the chairman of the managers, should make the argument he has in reference to the remedy of impeachment being imperiled and the question brought before the people whether they should find some other way of getting rid of a judge whom they do not like. The question before this court now is, What is a reasonable time to allow this respondent to prepare for his defense? It is his honor that is involved; and in discussing that question I respectfully submit, Mr. President, it is not proper to consider, and no Member of the Senate should for a moment give any consideration to, the question whether the matter of time which is required properly to present this case to this tribunal will have this, that, or the other effect upon any law of the United States or any paragraph of the Constitution. The greatest principle involved in that Constitution and in the amendments thereto is that every man when brought to trial shall have a right to a fair defense; that he shall be advised of the charges against him and have an opportunity to be represented by counsel properly to prepare and present his case. There is no higher principle in the Constitution of the United States than that; and that is all we are asking. If it shall turn out, because this matter has been brought to the attention of the Senate at this time by the managers who represent the House of Representatives, that to give the respondent a reasonable time will interfere with the duties of the members of the court in reference to the coming election, that is not anything that ought to affect the respondent. The sole question is, What will be fair to him? And when that is decided, I respectfully submit, Mr. President, the Constitution of the United States and the conscience of every member of the court must suggest to him that the thing to be done is to give him such time, regardless of any effect it may have upon the Constitution of the United States or upon any amendment thereof that is now pending or that may be hereafter presented.

Mr. President, that is all that I have to say in reference to what the manager has stated. We submit this matter to the judgment of the Senate, so far as we are concerned.

Mr. CLARK of Wyoming. Mr. President, anticipating that the decision of this matter will lead to some debate, and as under the rules it must be considered behind closed doors, I move that the doors be closed for the purpose of deliberation.

The PRESIDING OFFICER. Without objection, the motion will be agreed to by unanimous consent. The Sergeant at Arms will clear the galleries and close the doors.

The managers on the part of the House and the respondent and his counsel having withdrawn from the Chamber, the doors were thereupon (at 3 o'clock and 30 minutes p. m.) closed.

At 5 o'clock and 32 minutes p. m. the doors were reopened.

The managers on the part of the House of Representatives entered the Chamber and took the seats assigned them.

The respondent, Judge Robert W. Archbald, accompanied by his counsel, entered the Chamber and took the seats assigned them.

Mr. GALLINGER. Mr. President, I submit the order which I send to the desk.

The PRESIDING OFFICER. The order submitted by the Senator from New Hampshire will be read.

The Secretary read as follows:

Ordered, That lists of witnesses be furnished the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear at 12 o'clock and 30 minutes post meridian on the 3d day of December, 1912.

Ordered, That the cause shall be opened and the trial proceeded with at 12 o'clock and 30 minutes post meridian on the 3d day of December, 1912.

Mr. MYERS. Mr. President, I submit an order as a substitute for the order submitted by the Senator from New Hampshire.

The PRESIDING OFFICER. The order submitted by the Senator from Montana will be read.

The Secretary read as follows:

It is ordered that the trial of the accused under these impeachment proceedings and charges be, and is hereby, set for the 15th day of August, 1912, at 12.30 p. m., and that orders for witnesses be filed on or before August 10, 1912, and thereafter as the Senate may order.

The PRESIDING OFFICER. The order asked by the managers on the part of the House of Representatives will also be read.

The Secretary read as follows:

Ordered, That lists of witnesses be furnished the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear at 12 o'clock and 30 minutes post meridian on the 7th day of August, 1912.

And further ordered, That in case hereafter the managers or the respondent may desire the attendance of additional witnesses, in such case the managers or the respondent may have the witness or witnesses desired subpœnaed, in accordance with the practice and usage of the Senate, upon application in such form as may be approved by the Presiding Officer.

Ordered, That the cause shall be opened and the trial proceeded with at 12 o'clock and 30 minutes post meridian on the 7th day of August, 1912.

The PRESIDING OFFICER. The Presiding Officer would inquire whether the counsel for the respondent desires to submit any order?

Mr. WORTHINGTON. No, Mr. President.

The PRESIDING OFFICER. The several orders are before the Senate for consideration. Under the view taken by the Presiding Officer, the question should first be put on the order fixing the most distant time. That is in accordance with parliamentary procedure and also in accordance with such procedure as might be considered proper in a court. The order proposed by the Senator from New Hampshire [Mr. GALLINGER] is the one which fixes the longest period, and the vote will first be taken upon that. The rule of the Senate requires that the vote shall be taken by yeas and nays. It is therefore not necessary that the yeas and nays should be ordered as in other instances. As Senators' names are called, those who favor the date fixed by the order proposed by the Senator from New Hampshire will vote "yea." Those who are opposed to that date and favor other dates will, as their names are called, vote "nay." The Secretary will call the roll.

The Secretary having called the roll, the result was announced—yeas 44, nays 19, as follows:

YEAS—44.

Bankhead	Crawford	Kern	Root
Borah	Cullom	Lodge	Sanders
Bourne	Cummins	McCumber	Smith, Ariz.
Bradley	Dillingham	McLean	Smith, Mich.
Brandegee	Fall	Massey	Smith, S. C.
Bryan	Fletcher	Nelson	Smoot
Burnham	Gallinger	Newlands	Sutherland
Burton	Gronna	Overman	Swanson
Catron	Guggenheim	Page	Townsend
Clark, Wyo.	Johnson, Me.	Penrose	Warren
Crane	Johnston, Ala.	Perkins	Wetmore

NAYS—19.

Ashurst	Clapp	Pomerene	Stone
Bacon	Jones	Reed	Thornton
Bailey	La Follette	Shively	Tillman
Bristow	Martine, N. J.	Simmons	Works
Chamberlain	Myers	Smith, Ga.	

NOT VOTING—31.

Briggs	du Pont	Lea	Poindexter
Brown	Foster	Lippitt	Rayner
Chilton	Gamble	Martin, Va.	Richardson
Clarke, Ark.	Gardner	O'Gorman	Smith, Md.
Culberson	Gore	Oliver	Stephenson
Curtis	Heyburn	Owen	Watson
Davis	Hitchcock	Paynter	Williams
Dixon	Kenyon	Percy	

So Mr. GALLINGER's order was adopted.

The PRESIDING OFFICER. The Presiding Officer would inquire whether the managers on the part of the House have anything further to submit to the Senate at this time?

Mr. Manager CLAYTON. Mr. President, as a matter of information, the managers desire to know when it is contemplated that they shall furnish the list of witnesses. I should like for that part of the order to be read again.

The PRESIDING OFFICER. The Secretary will again report the order.

The Secretary read as follows:

Ordered, That a list of witnesses be furnished the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear at 12 o'clock and 30 minutes post meridian on the 3d day of December, 1912.

Mr. Manager CLAYTON. The order does not say when the list is to be furnished. That is what I wished to ascertain. It leaves that entirely to the judgment of the managers and to the judgment of respondent. Am I correct in that contention, Mr. President?

The PRESIDING OFFICER. The Presiding Officer will respond that there is no designation in the order as to what shall be done in that regard, evidently leaving it as the manager concludes.

Mr. Manager CLAYTON. I have not a calendar before me, but I presume the 3d day of December is the first Monday in December, the day for the regular convening of the Congress.

The PRESIDING OFFICER. The Chair is informed it is Tuesday, the second day of the session.

Mr. Manager CLAYTON. It is the second day of the session?

Mr. LODGE. Monday is the 2d day of December.

The PRESIDING OFFICER. The 3d of December is the second day of the session.

Mr. Manager CLAYTON. Then, the Senate sitting as a Court of Impeachment having decided that this case shall not be tried at this time, but that it shall be tried beginning on the 3d day of December next, the managers of the House respectfully bow to the decision of the Senate, and beg to inform the Senate that they will be here on the 3d day of December ready to proceed with the trial of this case.

In the meantime, on behalf of the managers of the House, I desire to say that the managers will furnish—I presume that it ought to be furnished to the Secretary of the Senate—a list of the witnesses whom the managers desire to have subpœnaed on behalf of the prosecution, if I may so term the side which is occupied by the managers on the part of the House. Am I correct in the view that we shall furnish this list to the Secretary of the Senate?

The PRESIDING OFFICER. The Presiding Officer is not advised as to what are the precedents, but as the Sergeant at Arms is to execute the order, the Chair will suggest that the Sergeant at Arms is the proper person to whom the list should be supplied.

Mr. Manager CLAYTON. Then, Mr. President, under the intimation of the Chair, the managers beg to say at this time that they will in due time furnish the Sergeant at Arms a list of the witnesses they desire subpœnaed, and they expect to be ready, by having the witnesses here and ready otherwise, to proceed with the cause, if it meets the pleasure of the Senate, on the 3d day of December next.

Mr. President, there is one other thing that the managers desire to know. There is no settled practice, it appears from my rather imperfect examination of the precedents in the case, but I have reached the conclusion from such examination as I have been able to make that after this list is furnished by the managers and the list furnished on behalf of the respondent by the respondent that then it is the practice or the usage of the Senate, under, I suppose, certain discretion vested in the Presiding Officer, to entertain and to direct the issuance of subpœnas for other witnesses whose names may not appear on the list which is furnished in the first instance; and believing that to be the practice and believing that the managers should have that right, I shall not insist upon the proposition which I offered in the beginning of the cause to-day; that is, to provide that these additional witnesses might be subpœnaed on application made by the managers or the respondent, as the case might be, but that the application should be made to the Presiding Officer, the Presiding Officer having the discretion and presumably the authority to grant a request for additional witnesses.

Putting that interpretation upon the matter, Mr. President, we shall not ask any amendment of the order at this time, for it is presumed that this court, like any court that wants to do justice in the premises, would, notwithstanding any rule to the contrary, or because of the absence of any positive rule making provision for such an emergency, direct the subpœna of witnesses if, in the judgment of the court, it ought to be done to meet the manifest ends of justice.

The PRESIDING OFFICER. The Chair will state that the manager has stated the practice as it is understood and contemplated by the Senate in that regard.

Mr. Manager CLAYTON. Then, Mr. President, the managers at this time have no further business before the Senate sitting as a Court of Impeachment.

The managers on the part of the House thereupon retired from the Chamber.

Mr. CLARK of Wyoming. I move that when the court adjourns it adjourn to meet on the 3d of December next at 12.30 o'clock p. m.

The PRESIDING OFFICER. The Senator from Wyoming moves that when the Senate, sitting as a Court of Impeachment in the case of Robert W. Archbald, adjourns it adjourn to meet at 12.30 o'clock on the 3d day of December next. Without objection it is unanimously so ordered.

Mr. STONE. Mr. President, I should like to propound an inquiry. The Presiding Officer, in other words, the Senator who shall preside, I presume is to attach his signature to the subpœnas for witnesses. Is that correct?

The PRESIDING OFFICER. The Chair will call the attention of the Senate to Rule VII, which will be read for the information of the Senate as to the power of the Presiding Officer to issue subpœnas.

The Secretary read as follows:

VII. The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the Presiding Officer on the trial shall direct all the forms of proceedings while the Senate are sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise specially provided for. And the Presiding Officer on the trial may rule all questions of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless some Member of the Senate shall ask that a formal vote be taken thereon, in which case it shall be submitted to the Senate for decision. (Rule VII of the Rules for Impeachment Trials, page 175 of the Manual.)

Mr. ROOT. I suggest that the fifth rule is relevant to the question.

Mr. STONE. What I desired to ascertain was——

The PRESIDING OFFICER. The present occupant of the chair, handling the book carelessly, did not call attention to the proper rule. The rule which has been read also states what duties shall devolve upon the Presiding Officer, but the particular rule is the one indicated by the Senator from New York, Rule V, which will be read.

The Secretary read as follows:

V. The Presiding Officer shall have power to make and issue, by himself or by the Secretary of the Senate, all orders, mandates, writs, and precepts authorized by these rules, or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide. (Rule V, at the bottom of page 174.)

Mr. STONE. Then under the rule the Vice President will be the Presiding Officer who would sign all writs.

The PRESIDING OFFICER. Whoever is the Presiding Officer at the time the writ is required would in the opinion of the present occupant of the chair be clothed with that power.

Mr. STONE. Would the present occupant of the chair be clothed with that power during the vacation? Application for the issue of subpœnas for witnesses will be made during the vacation of the Senate in all probability; probably in November. It puzzles me a little bit to know who would sign those writs.

The PRESIDING OFFICER. The Chair does not think there is any trouble at all about it. The Vice President, of course, will be during the vacation the Presiding Officer of the Senate, and if the Senate should indicate anyone else to be President pro tempore during that time, the power would be exercised in the first instance by the Vice President or, if he should be under disability, by the President pro tempore, whoever he might be. That is the opinion of the Chair. He may be wrong about it.

The respondent and his counsel withdrew from the Chamber.

Mr. CLARK of Wyoming. I move that the Senate sitting as a Court of Impeachment adjourn, and that the Senate resume legislative session.

The motion was agreed to; and thereupon (at 5 o'clock and 55 minutes p. m.) the Senate, sitting for the trial of the impeachment, adjourned, the adjournment being, under the order previously adopted, until Tuesday, December 3, 1912, at 12.30 o'clock p. m.

TARIFF DUTIES ON WOOL.

The PRESIDENT pro tempore. The Senate is in legislative session.

Mr. PENROSE. I should like to ask the Senator from Wisconsin, who is chairman of the Senate conferees on the wool bill, when it is his intention to present the conference report on the wool bill (H. R. 22195) for action by the Senate. I think the Senate ought to know what time a matter of that importance is proposed to be taken up.

Mr. LA FOLLETTE. Mr. President, answering the inquiry of the Senator from Pennsylvania, I will say that on Monday, at 12 o'clock, I will lay before the Senate the conference report on the bill known as the wool bill.

Mr. PENROSE. I ask unanimous consent to have noted on the calendar, among the other notices, that the conference report on the wool bill will be submitted to the Senate at 12 o'clock on Monday.

The PRESIDENT pro tempore. It will be so ordered, without objection.

THE PARCEL POST (S. DOC. NO. 895).

Mr. LA FOLLETTE. I ask leave to present a memorial, which I have not had time to examine, it having just been handed to me, prepared by George P. Hampton, secretary of the Farmers' National Committee on Postal Reform and secretary of the Postal Express Federation, setting forth, on behalf of the organized farmers of the country, certain views on the parcel post. I request that it be printed in the RECORD. I am informed that it contains matter which will be useful to Senators in the discussion of that paragraph in the bill when it is reached.

Mr. GALLINGER. And also as a document.

Mr. LA FOLLETTE. And I will also ask that it be printed as a public document, and laid on the desks of Senators.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the paper presented by him may be printed in the RECORD, and also separately as a document for the use of the Senate. Is there objection? The Chair hears none.

The memorial referred to is as follows:

MEMORIAL PRESENTING THE FARMERS' POSITION ON PARCEL POST AND IN FAVOR OF AMENDMENTS TO THE BOURNE BILL.

[By George P. Hampton, secretary Farmers' National Committee on Postal Reform; secretary Postal Express Federation.]

To the honorable United States Senate:

The postal appropriation bill with its provisions for parcel-post legislation is now before you for action, and on behalf of the organized farmers of the country, I desire to submit for your consideration a final word on their desires as to parcel-post legislation and their objections to the parcel-post section of the bill—commonly spoken of as the Bourne bill—as it now stands.

The speech delivered in the Senate on July 23 by the Hon. ORADIAH GARDNER, of Maine, and printed in the RECORD of that date, clearly sets forth the views of the farmers as to what constitutes an adequate general parcel post, and we respectfully urge you to give this speech your careful consideration. I beg to differ from the statement made in the committee report (No. 955, p. 16) that "neither has the public in mind government ownership of express companies." The farmer organizations are practically unanimous in their demands for a postal express founded on the absorption of the express companies' package business as set forth in Senate bill No. 5474. Senator GARDNER submitted abundant evidence in his speech to prove this. We have not urged that legislation should be enacted at this session providing for establishing the postal express, but we have urged that the investigations so well begun in Congress should be continued by the appointment of a joint committee of the House and Senate, said committee to report at the next session. We have urged further that whatever legislation is enacted at this session should be considered merely as a beginning, and that no limited parcel-post measure could be accepted as meeting the reasonable expectations of the people which did not provide in unmistakable language for:

(a) The handling of farm products;

(b) For the regulation of rates, weights, and zones by the Postmaster General, subject to the review or order of the Interstate Commerce Commission; and

(c) For the appointment of a joint committee, above referred to, to continue the investigations.

The Bourne bill is unsatisfactory as it stands even as a beginning. I submit the main objections:

(1) It does not contain the above provisions.

(2) Measured by the Government cost the short-distance rates (the rates for city and rural routes excepted) are exorbitant and penalize the short-distance shipper and subsidize the long-distance shipper.

(3) The rates proposed are, in the main, higher than the express rates for corresponding distances—so high in fact as to give over all the most profitable business to the express companies.

From the data furnished in the report on the Post Office appropriation bill (Rept. No. 955), I have compiled the following tables, which show the injustice and impracticability of the rates of the Bourne bill, except the local rates for city and rural routes which we indorse.

The Bourne bill rates and corresponding express rates ordered by the Interstate Commerce Commission for express rate zone No. 1.

Pounds.	Outer limits of zones in miles.							
	50		150		300		600	
	1	2	1	2	1	2	1	2
1	05	....	06	....	07	....	08	....
2	08	....	10	....	12	....	14	....
3	11	....	14	....	17	....	20	24
4	14	....	18	....	22	24	26	26
5	17	....	22	23	27	25	32	27
6	20	22	26	24	32	26	38	28
7	23	23	30	24	37	27	44	30
8	26	23	34	25	42	28	50	31
9	29	24	38	25	47	29	56	33
10	32	24	42	26	52	29	62	34
11	35	24	46	26	57	30	68	35

The Bourne bill rates and corresponding express rates ordered by the Interstate Commerce Commission for express rate zone No. 1—Con'd.

Pounds.	Outer limits of zones in miles.								
	1,000		1,400		1,800		All above 1,800.		
	1	2	1	2	1	2	1	2	2
								Miles.	*Miles.*
1	09	....	10	....	11	....	12	2,000	3,000
2	16	....	19	....	21	....	24	.....	.....
3	23	26	28	29	31	33	36	39	49
4	30	28	37	32	41	38	48	45	59
5	37	30	46	34	51	42	60	51	68
6	44	32	55	37	61	47	72	57	78
7	51	34	64	40	71	51	84	64	88
8	58	36	73	43	81	56	96	70	97
9	65	38	82	46	91	60	108	76	107
10	72	39	91	49	101	64	120	82	116
11	79	41	100	53	111	69	132	89	126

Column 1, Bourne bill rate.

Column 2, express rate on the average.

Express-rate zone No. 1 includes all territory east of the Mississippi River north of Washington, D. C., the southern boundary of Ohio, Indiana, Missouri, except Michigan north of Grand Rapids, Wisconsin north of Milwaukee, and Minnesota.

All the Bourne rates below the line dividing the table into two parts are higher than the express rates, making competition with the express companies impossible.

The Bourne bill rate on 11 pounds for 150 miles is 57 cents; the express rate for the same distance is 28 cents, or less than half.

In the 50-mile zone all rates for weights above 6 pounds are above the competing point with the express companies.

In the 150-mile zone all rates for weights above 5 pounds are above the competing point.

In the 300-mile zone all rates for weights above 4 pounds are above the competing point.

In the 600-mile zone, and in all succeeding zones up to 2,000 miles, all rates for weights above 3 pounds are above the competing point.

That is to say, that all the best part of the territory and all the best part of the business is surrendered to the express companies.

If this were necessary in order to provide self-sustaining rates, there would be some excuse for such rates, but in some instances the rates are considerably over 100 per cent above cost, and this, too, after the liberal profit on overhead charges provided by Senator BOURNE has been figured in the cost. A comparison of the Bourne rates with the Government cost shows the injustices of the Bourne bill rates, and by including in the comparison the express rates which the parcel post must meet in competition we can see how much lower it is perfectly feasible to make rates yielding the Government a good profit. To complete the comparison we should add the rates which taking over the express company contracts would make feasible.

In the tables which follow the Bourne bill rates for 5 and 10 pounds are submitted in comparison with—

(a) The new express rates;

(b) The Government cost;

(c) Rates feasible under present railway mail contracts; and

(d) Rates feasible with the postal-express rates provided for in the Gardner bill (S. 5474).

Comparison of rates for 5 pounds from 50 to 1,200 miles, by distances of 50 miles.

Rates.	Miles.											
	50	100	150	200	250	300	350	400	450	500	550	600
	Cts.	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*
Bourne bill	17	22	22	27	27	27	32	32	32	32	32	32
1. Express	22	23	24	24	25	25	26	26	27	27	27	28
2. Government cost	6.7	8	9.3	10.6	12	13.2	14.5	15.7	17	18.3	19.6	20.9
3. Feasible under present railway mail contracts.	14	14	14	14	19	19	19	19	24	24	24	24
4. Feasible postal express	8	9	10	10	11	12	12	13	13	13	14	14

Rates.	Miles.											
	650	700	750	800	850	900	950	1,000	1,050	1,100	1,150	1,200
	Cts.	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*
Bourne bill	37	37	37	37	37	37	37	37	46	46	46	46
1. Express	29	29	30	30	31	31	32	32	33	33	34	34
2. Government cost	22.2	23.5	24.8	26.1	27.4	28.7	30	31.2	32.5	33.8	35.1	36.4
3. Feasible under present railway mail contracts	29	29	29	29	34	34	34	34	39	39	39	39
4. Feasible postal express	14	14	15	15	15	15	16	16	16	16	17	17

Comparison of rates for 10 pounds from 50 to 1,200 miles, by distances of 50 miles.

Rates.	Miles.											
	50	100	150	200	250	300	350	400	450	500	550	600
	Cts.	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*
Bourne bill	32	42	42	52	52	52	62	62	62	62	62	62
1. Express	24	26	27	28	29	30	32	33	34	35	36	37
2. Government cost	11	13.6	16.2	18.8	21.3	23.9	26.5	29.1	31.7	24.2	36.8	39.4
3. Feasible under present mail contracts	24	24	24	24	34	34	34	34	44	44	44	44
4. Feasible postal express	16	17	18	19	20	21	21	22	23	23	24	24

Comparison of rates for 10 pounds from 50 to 1,200 miles, by distances of 50 miles—Continued.

Rates.	Miles.											
	650	700	750	800	850	900	950	1,000	1,050	1,100	1,150	1,200
	Cts.	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*
Bourne bill	72	72	72	72	72	72	72	72	82	82	82	82
1. Express	38	39	39	40	41	42	43	43	45	46	47	49
2. Government cost	42	44.6	47.1	49.7	52.3	54.9	57.4	60	62.6	65.2	67.8	70.4
3. Feasible under present mail contracts	54	54	54	54	64	64	64	64	74	74	74	74
4. Feasible postal express	25	25	26	26	27	28	29	30	31	32	32	33

1. Express rates ordered by Interstate Commerce Commission in zone No. 1 (including all territory east of the Mississippi River north of Washington, D. C.; southern boundary of Pennsylvania, Ohio, Indiana, and Missouri, except Michigan north of Grand Rapids; Wisconsin north of Milwaukee and Madison; and Minnesota).

2. Government cost under present railway mail contracts compiled from the official data in Senate Report No. 955 on post office appropriation bill.

3. Rates based on Government cost, so as to provide self-sustaining rates of real service to the people and competitive with the express rates, so far as practicable, under present railway mail contracts.

4. Rates feasible with the postal express proposed in the Gardner bill (S. 5474).

These tables I submit demonstrate—

(1) The impracticability of the Bourne bill.

(2) That compared with cost the Bourne bill rates are unnecessarily high.

(3) That rates insuring the Government a good margin of profit can be formulated that are lower than the corresponding express rates in a large part of the territory, namely:

(a) For the 5 pounds up to 800 miles and fairly competitive up to 1,000 miles; and

(b) For the 10 pounds up to 200 miles and fairly competitive up to 400 miles.

(4) The impossibility of making rates under the existing railway contracts that can compare with express rates in the long hauls up to 2,000 miles.

(5) The tremendous advantage the Government would have in making postal express rates if it secured the express railway contracts as provided for in the Gardner bill (S. 5474).

I call your attention to the following from Senator BOURNE's report (p. 12, Rept. No. 955):

"The department estimates that it costs the Government under existing conditions and contracts $0.00258 to transport 1 pound of fourth-class matter 50 miles. One cent is our smallest unit of money; hence if we make any transportation charge for 50 miles it is necessary to make a cent-per-pound charge, although giving the Government nearly 300 per cent profit on the transportation charge. There will not be so large a profit on the handling charge."

What kind of a show would any express company have before the Interstate Commerce Commission if it was demonstrated that it had 300 per cent profit in the transportation charge of any of its rates in addition to a profit, though not so large, in the handling charge? Surely this can not be called scientific rate making. I call your attention also to the important fact that this enormous profit had reference to the rates proposed in the first Bourne bill. If adding 1 cent per pound to the 50-mile zone rate gave the Government a transportation profit of nearly 300 per cent, what profit does the Government get by adding 2 cents instead of 1, as is the case in the rates adopted?

The evidence is conclusive that the rates proposed for the 50-mile zone in the first Bourne bill would give the Government a good margin of profit in a zone of 200 miles. I submit the figures in comparison with the Government cost up to 200 miles.

Bourne bill rate for 50-mile zone compared with Government cost for 50, 100, 150, and 200 miles.

	Pounds.										
	1	2	3	4	5	6	7	8	9	10	11
Government cost:	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*
50 miles	3½	4½	5	6	6¾	7½	8¼	9¼	10½	11	12
100 miles	3½	4½	5¾	7	8	9	10¼	11½	12½	13½	14¾
150 miles	3¾	5½	6¾	8	9½	10½	12	13½	14¾	16½	17½
200 miles	4	5¼	7¼	10	10½	12¼	14	15	17	18¼	20½
Bourne bill rate for 50-mile zone	5	8	11	14	17	20	23	26	29	32	35
Bourne bill rate for 50-mile zone originally proposed	6	8	10	12	14	16	18	20	22	24	26

The rates proposed by the report for the 50-mile zone with the single exception of the 1-pound rate are equal to the Government cost at 450 miles, and the original Bourne bill rates for the same zone are equal to the cost for the first pound for a distance of 600 miles, for the second pound over 400 miles, for the third and fourth pounds over 350 miles, and for all the weights over 4 pounds over 300 miles. If these original Bourne bill rates for the 50-mile zone were adopted for a first zone of 200 miles, it would provide lower rates than the express rates and give the Government control of all small package trade within a 200 mile radius and yield the Government a profit within all that territory of an average of over 100 per cent above cost. The tables show that the profit would be on an average of 80 per cent computing the business entirely on packages at the full maximum weight, whereas the greatest bulk of the packages are but fractions of these maximum weights and the Government profit on these fractions is so enormous as in the judgment of many experts to be amply sufficient to yield the Government a big profit, even if rates were computed at the actual cost of the maximum weights and distances. In the face of such possibilities of making profit-producing rates lower than the

corresponding express rates, what justification can there be for "jumping" the rates to a much higher level than the rates at first proposed instead of reducing them to a competing level with express rates? While no doubt not intended, it is a surrender to the express companies and a guarantee of protection to them in their monopoly. The committee devotes six lines in the report to a justification. I quote:

"There was also a fear on the part of some that the proposed rates would not be self-sustaining. Partly because of this and party because of the desire to give the local merchants more protection against catalogue houses the rates for the shorter distances were slightly raised, as will be seen by reference to the printed bill."

The short-distance rates are raised enormously above cost, while the long-distance rates remain the same, thus bringing the rates proposed more nearly to the level of a general flat rate, and yet the argument is seriously put forth that it is to give the local merchant more protection against catalogue houses. If increasing the short-distance rates will protect the local merchant, why not increase it to the level of the flat rate? If the argument is sound, it would be more honest to abolish the zone system entirely. The vital essence of a perfect zone system is rates in each zone based on cost, and to increase the short-haul rates away above cost and ever so much higher than competing express rates is to destroy the tremendous advantages of the zone principle. And we are asked to accept this as scientific rate making, and the people are to be compelled to accept such a bill without any power of review for the readjustment of rates or correction of such glaring errors, until another Congress under stress of aroused public opinion makes the revision and establishes a parcel post on true scientific lines.

The postal railway pay is shown to be about 1 cent (0.01032) per pound for 200 miles (report, p. 12). Why, then, if the country is to be given a square deal, is not 200 miles fixed as the maximum limit of each zone if the 1 cent increase per pound of transportation costs is to be made the basis of division of the country into zones? One hundred miles would be better, so as to make the change in the larger weights average 5 cents instead of 10 cents or more. If this were done it would provide rates as nearly competitive with the express rates as they could be made under the present railway mail pay, while yielding the Government larger profits than are possible under the Bourne rates.

The fact is that it is impossible to establish under present railway mail contracts a parcel post based on any scientific theory of rate making that will be self-sustaining in all cases or provide rates in all cases as low as express rates. The Government must have a transportation cost as low as that of the express companies before that is possible. If your committee, then, having refused to consider the postal express, finds itself under the necessity of making a 12-cents-a-pound rate in all the territory above 1,800 miles, although such a rate is away below cost. I respectfully submit that such rates should be frankly allowed to stand on their own merits and the Government made openly to stand such loss as the business developed may involve. The report shows that the losses would be insignificant even if they actually occurred, as all the territory within 2,200 miles would yield a profit, and that constitutes (excluding Alaska) the bulk of the territory. But whatever the loss, there is absolutely no justification in saddling it on to the farmers and local merchants. Congress should not tolerate any jugglery with the short-haul rates so as to rob the short-distance shipper to make up this loss. That is taxing the many for the benefit of the few. As I have pointed out in previous memorials to your honorable body (S. Doc. No. 557) and in my testimony before the committee, "the farmer, the consumer, and the local merchant have a common interest in the cheapest possible service for the short haul. They have little or no interest in the long haul. The retail trade between the consumer and the merchant is essentially a short-distance proposition. The prosperity of all these will be best served by making the lowest possible rates for the short haul." A zone system that can not be established without increasing the cost of service in any zone can not be called scientific, and one that makes the charge on the short haul outrageously excessive in order to recoup the Government for losses on the long haul at rates away below cost is undemocratic, violates every principle of square dealing, and is against public welfare. To make fair comparison with corresponding express rates Senator Bourne has presented a distance table divided into 36 zones. The express rates, both old and those ordered by the Interstate Commerce Commission, vary even in the larger weights a few cents for short distances. If long experience has taught the express companies that these fine gradations are necessary, why has it not been considered worth while to provide for corresponding gradations in the postal service by providing for administrative regulation if experience proved such gradations desirable? The main protest against the Bourne bill rates are their inflexible rigidity and lack of provision for readjustment without recourse to Congress if the zones and rates now adopted should prove defective in any particular. That the rates proposed in the bill are defective is beyond dispute.

Senator BOURNE says the appointment of a joint committee is unnecessary. On this point the report states:

"We do not submit this substitute as being perfect in all its provisions, but believe that it is approximately scientific in its plan, and that a committee appointed at the beginning of the summer vacation, while a political campaign is in progress, would not, in the four months allotted for the work, add anything of material importance to the information already gathered by a subcommittee of this committee in the investigation which has been conducted during a period of over 11 months, or that such a committee would be able to devise a better plan than that which we respectfully submit."

I respectfully submit that the bill reported by the committee and the committee report are all sufficient evidence of the desirability of the appointment of a joint committee. The bill reported can hardly be considered "approximately scientific," as the report states, for it is plainly an eleventh-hour compromise. It has rates excessively high as compared with the rates of the original Bourne bill which, we must assume, expressed the ripened judgment of Senator BOURNE. The rates of the first bill had received the unqualified indorsement of the Postmaster General. Why, then, were they "jumped" to a much higher lever, a level which the cost statement of the report shows to be wholly unjustifiable and which put them away above the express rates which will go into effect in October? The zones have been changed, and the third-class consolidation has been abandoned. Surely you can not consider these changes, suddenly made on the eve of reporting the bill, as scientifically made, and surely you must admit that changes of such importance so suddenly made are worthy of the most careful consideration by a committee of experts, such as the joint committee would be. There are other grave objections to the bill as reported. It is not only unscientific as to its zone adjustments, but the Robinson plan for determining distances, while admirable in its basic features, is crude and unwieldy in the way the details have been worked out. The evidence is conclusive that it can be greatly simplified, its efficiency increased, and the cost reduced. Surely these are matters worthy of final review by a joint committee.

Another objection of Senator BOURNE to the appointment of a joint committee is that the political distraction would make the work of the committee ineffectual. I respectfully submit that the political turmoil which might prevent any general consideration of parcel-post measures during the next four months by a special joint committee has been continuous during the present session of Congress. Conditions have been such as to absolutely prevent many Senators and Congressmen from weighing all the evidence that should be considered before final action is taken on a matter of such vital importance. If Senator BOURNE is confident that he has produced a bill which will stand the test of time, we are unable to understand why he should oppose the appointment of the special joint committee or the addition of the provision giving the Interstate Commerce Commission power to amend rates and zones, should experience and investigation prove such changes to be desirable. While it is true that an immense amount of valuable data fully covering the subject has been accumulated and is now available in Government documents, little of it beyond that presented by the postal-express advocates is in available form for ready reference by Members of Congress. All the really valuable matter is practically buried in a mass of other matter of no reference value, and if the joint committee is appointed, experts could well occupy the time until after the general election putting this matter into available form, and by a proper codification and index make the matter bearing on any feature of the subject instantly available. Then the briefing of the matter would be comparatively easy, and with these briefs in hand and data available for verification or reference the joint committee could do more effective work in a few weeks than has hitherto been possible.

I append a table of Government costs, together with rates for zones 200 miles apart which would yield the Government a big profit. In my judgment they are the highest rates that should be tolerated in beginning a zone system, and if established, with the other amendments urged, would make a beginning we all could indorse.

Table of Government costs under present railway-mail contracts and feasible parcel-post rates based thereon.

[Compiled from data furnished the Senate Committee on Post Offices and Post Roads by the Second Assistant Postmaster General, Mr. Joseph M. Stewart (S. Rept. No. 955, 62d Cong., 2d sess., pp. 10 and 12.)]

	Pounds.											Average profit.
	1	2	3	4	5	6	7	8	9	10	11	
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Per cent.*
Cost, 50 miles	3.26	4.12	5	5.84	6.7	7.55	8.4	9.3	10.13	11	11.9	110
Cost, 100 miles	3.52	4.64	5.75	6.87	8	9.1	10.2	11.4	12.45	13.6	14.7	80
Cost, 150 miles	3.75	5.15	6.53	7.9	9.3	10.65	12	13.4	14.8	16.2	17.6	60
Cost, 200 miles	4.04	5.67	7.3	10	10.6	12.2	13.9	15.5	17.1	18.8	20.4	30
Feasible rates up to 200 miles	6	8	10	12	14	16	18	20	22	24	26	[1] 80
Cost, 250 miles	4.3	6.2	8.1	10	12	13.75	15.7	17.52	19.5	21.3	23.2	.....
Cost, 300 miles	4.55	6.7	8.85	11	13.14	15.3	17.5	19.6	21.8	23.88	26	.....
Cost, 350 miles	4.8	7.2	9.62	12	14.5	16.84	19.24	21.65	24.06	26.5	28.86	.....
Cost, 400 miles	5.1	7.8	10.4	13.1	15.7	18.4	21.05	23.72	26.36	29.1	31.7	.....
Feasible rates 200 to 400 miles	7	10	13	16	19	22	25	28	31	34	37	[2] 45
Cost, 450 miles	5.33	8.25	11.2	14.1	17	20	22.86	25.8	27.7	31.7	34.5	.....
Cost, 500 miles	5.6	8.76	12	15.12	18.3	21.5	24.7	27.84	31	34.2	37.4	.....
Cost, 550 miles	5.81	9.28	12.72	16.2	19.6	23	26.5	29.9	33.4	36.8	40.3	.....
Cost, 600 miles	6.1	9.8	13.5	17.2	20.9	24.6	28.3	32	35.7	39.4	43.1	.....
Feasible rates 400 to 600 miles	8	12	16	20	24	28	32	36	40	44	48	[2] 33
Cost, 650 miles	6.4	10.3	14.3	18.3	22.2	26.13	30.1	34.1	38.	42	45.9	.....
Cost, 700 miles	6.7	10.83	15.1	19.25	23.5	27.7	31.9	36.1	40.4	44.6	48.8	.....
Cost, 750 miles	6.87	11.34	15.9	20.3	24.8	29.3	33.7	39.2	42.7	47.1	51.6	.....
Cost, 800 miles	7.13	11.86	16.6	21.4	26.1	30.8	35.5	40.3	45	49.7	54.5	.....
Feasible rates, 600 to 800 miles	9	14	19	24	29	34	39	44	49	54	59	[2] 25

[1] General average.

[2] About.

Table of Government costs under present railway-mail contracts and feasible parcel-post rates based thereon—Continued.

	Pounds.											Average profit.
	1	2	3	4	5	6	7	8	9	10	11	
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Per cent.*
Cost, 850 miles	7.4	12.4	17.4	22.4	27.4	32.4	37.3	42.3	47.3	52.3	57.3	.....
Cost, 900 miles	7.65	12.9	18.2	23.4	28.7	34	39.1	44.4	49.6	54.9	60.1	.....
Cost, 950 miles	7.9	13.4	18.9	24.4	30	35.5	41	46.5	52	57.4	63	.....
Cost, 1,000 miles	8.2	14	19.7	25.5	31.2	37	42.8	48.5	54.3	60	65.8	.....
Feasible rates, 800 to 1,000 miles	10	16	22	28	34	40	46	52	58	64	70	[1] 20
Cost, 1,100 miles	8.7	15	21.2	27.5	33.8	40.1	46.4	52.6	58.9	65.2	71.5	.....
Cost, 1,200 miles	9.2	16	22.8	29.6	36.4	43.2	50	56.6	63.6	70.4	77.2	.....
Feasible rates, 1,000 to 1,200 miles	11	18	25	32	39	46	53	60	67	74	81	[1] 16
Cost, 1,300 miles	9.71	17	24.33	31.64	38.6	46.3	53.6	60.9	68.3	75.5	82.8	.....
Cost, 1,400 miles	10.3	18.1	25.9	33.7	41.6	49.4	57.2	65	72.8	80.7	88.5	.....
Feasible rates, 1,200 to 1,400 miles	12	20	28	36	44	52	60	68	76	84	92	[1] 12
Cost, 1,500 miles	10.8	19.1	27.5	35.7	44.2	52.5	60.8	69.2	77.5	85.9	94.2	.....
Cost, 1,600 miles	11.3	20.2	29	37.9	46.7	55.6	64.4	73.3	82.1	91	100	.....
Feasible rates 1,400 to 1,600 miles	12	22	31	40	49	58	67	76	85	94	103	[1] 8
Cost, 1,700 miles	11.8	21.2	30.6	39.8	49.4	58.7	68	77.5	86.8	96.2	105.6	.....
Cost, 1,800 miles	12.3	22.2	32.1	42	51.9	61.8	72.6	81.5	91.4	101.3	111.2	.....
Feasible rates, 1,600 to 1,800 miles	12	24	34	44	54	64	74	84	94	104	114	[1] 7½
Cost, 1,900 miles	12.8	23.3	33.7	43.9	54.6	64.9	75.2	85.8	96.1	106.5	117	.....
Cost, 2,000 miles	13.4	24.3	35.2	46.1	57	68	78.9	89.8	100.7	111.6	122.6	.....
Feasible rates, 1,800 to 2,000 miles	12	24	36	48	59	70	81	92	103	114	125	.....
Cost, 2,001 miles	13.4	24.3	35.2	46.1	57	68	78.9	89.8	100.7	111.6	122.6	.....
Cost, 2,100 miles	13.8	25.4	36.8	48	59.8	71.1	82.4	94.1	105.4	116.8	128.4	.....
Cost, 2,200 miles	14.4	26.3	38.3	51.3	62.2	74.2	86.2	98.1	110	122	134	.....
Cost, 2,500 miles	15.9	29.4	42.9	56.4	69.9	83.4	96.9	110.4	123	137.4	151	.....
Cost, 3,000 miles	18.5	34.6	50.6	66.8	82.8	98.9	115	131	147.1	163.2	179.3	.....
12 cents a pound limit rate for all distances are 2,000 miles compete	12	24	36	48	60	72	84	96	108	120	132	.....

[1] About.

Competing express rates in last zone showing the small volume of business the post office would have at the 12-cent-a-pound rate in any event.

	Pounds.										
	1	2	3	4	5	6	7	8	9	10	11
Express rates:	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
2,150 miles	27	33	40	46	53	60	66	73	79	86	93
2,300 miles	28	34	41	49	56	63	70	77	84	91	99
2,500 miles	28	36	44	51	59	67	75	83	91	98	106
2,750 miles	29	37	46	55	63	72	115	89	98	106	115

At 2,150 miles express rates are lower than Bourne bill rates on all weights above 3 pounds.

At 2,500 miles express rates are lower than Bourne bill rates on all weights above 4 pounds.

At 2,750 miles express rates are lower than Bourne bill rates on all weights above 6 pounds.

As express rates provide c. o. d. privileges, insurance, etc., the advantages in favor of the express are such that there is no prospect of parcel-post business at these distances above 3 pounds at a 12-cent per pound rate. The farmer, the consumer, and the local merchant are not interested in the long-distance haul, so there will be no increase of business in the last zone from the extension of the service to villages and rural routes. The amount of parcel-post business in this zone in all distances below 3,000 miles would be negligible.

The estimates of profit in each zone in the above table do not take into account the profit the Government would have in the fractional weights. The average weight of a package is about one-half pound below the maximum weight, and as the Government mail pay at 2,500 miles is 12.9 cents per pound, there would be a further saving to the estimated cost of 6.4 cents in each zone. This would bring the 1 and 2 pound rates in the last zone to show a profit of 2½ and 1 cent, respectively, and would reduce the average loss for all weights to approximately one-quarter of 1 cent per pound, a loss so small that it would be more than made up by the profit in the liberally computed costs of the overhead charges. The profit to the Government in each zone, by allowing a half-pound reduction in the railway mail pay for the fractional weight of the average package, would be 30 per cent in the 1,000-mile zone, 26 per cent in the 1,200-mile zone, 24 per cent in the 1,400-mile zone, 22 per cent in the 1,600-mile zone, 20 per cent in the 1,800-mile zone, and 16 per cent in the 2,000-mile zone. Thus such a series of zones as we have suggested can be operated without any loss and be brought within the range of competition with the express companies. Even such rates as these should not be enacted into law without provision for their regulation by the administrative branch of the Government. They are outrageously high as compared with the feasible postal-express rates, as a comparison of these rates with the table in Senator GARDNER'S speech and the brief comparison I have made herein will show. The great snag in the way of making really low rates is the railway mail pay on hauls of over 400 miles. The average railway mail pay for 2,500 miles is $258 per ton. The old express company pay to railroads for the same distance on a 10-pound package is less than $140 per ton and under the new rate less than $94 per ton. Is it not in the public interest for Congress to take into consideration this enormous difference in railway pay in its efforts to establish profitable long-haul rates? We ask for a joint committee to carefully consider these things, and on this point we desire to unqualifiedly indorse the statement of Senator BOURNE on page 14 of the report, namely:

"Formation of legislative commissions or committees, rather than delegating the power to administrative commissions, appeals to me most strongly. I feel that all governmental problems requiring legislation should be worked out through ascertainment studies conducted by joint committees of the two branches of Congress. Thus is insured the appearance on the floor of both Houses of the individuals directing the method of ascertainment, and being the authors of the deductions and recommendations based on the same."

I repeat and can not impress on you too strongly that the farmers are not opposing parcel-post legislation, even if the rates are outrageous and unfair. Our protest is against the ironclad provisions that make the Bourne bill a finality, absolutely prohibiting any readjustment as errors are detected and experience proves their necessity, and the elimination of the House provision for a joint committee. On these points Senator GARDNER voices the sentiment of the farmers in his speech. I quote.

"No parcel post or postal express legislation will be satisfactory in practice that does not provide for administrative control over the adjusting of rates and weight limits, and the other conditions of traffic movement, as experience in practical operation may demonstrate to be necessary to move the traffic and give the best service. With such provisions properly safeguarded to protect the public from administrative abuses, Congress can, regardless of widely divergent opinions on these features, enact a parcel post or postal express bill which, whatever the rates, weights, and zones first put into effect may be, will give the country almost immediately the best postal-package system of any country. Instead of following haltingly behind other nations, this great Republic should at once take the place of leader among the nations of the world in providing the best possible form of public service for the benefit of its people. There has been considerable criticism indulged in by the public press and by some Members of this Congress as to who would be responsible for the failure of Congress at this session to enact a parcel-post bill regardless of whether it meets public needs or not. I want to go on record right here that those Senators and Members of the House alone are responsible who insist upon a rigid bill as to rates, weights, and zones, and who refuse to incorporate several indispensable

elements to a working system, or support any parcel-post or postal-express bill that provides for their administrative regulation. On them must rest the responsibility if this Congress fails to enact adequate legislation on this matter so vitally important to the prosperity of the whole people."

And again:

"Mr. President, 90,000,000 of people are to be directly affected by the adoption of parcel-post legislation. The great consuming public will bear a heavier burden or become a larger beneficiary as an inadequate or adequate parcel post is established. Are the 49,000,000 of people in our cities and towns to have the advantage of a low transportation charge for the small shipment? Are the forty-odd millions in our agricultural sections to have the relief from unequal transportation facilities that they have been asking of Congress for years? Gentlemen, the eyes of these people are now turned upon the Senate. They believe they have a right in demanding recognition of their needs. They do not ask that the Senate spend the rest of the summer discussing this subject. They do not want the Senate to accept any old bill bearing the name of "parcel post" in an attempt to satisfy them or make political capital. They do want the Senate to give this question, which is all important to them, the attention its importance requires. They are willing that Congress should take the time necessary to obtain the best parcel-post system. They are satisfied that the House of Representatives has honestly tried to meet their demands and in the action it has taken is trying to grant their demands, but they are determined that their efforts to secure a real, workable parcel post, as good as that enjoyed by Germany, shall be crowned with success."

The preliminary work for establishing a general parcel post has been well done so far as it has gone; but the joint committee is, in our judgment, absolutely necessary to complete the work in order to insure a general parcel post of real service to the people. We therefore respectfully urge that the parcel-post section of the appropriation bill be amended to include the amendments urged in this memorial.

Respectfully submitted.

FARMERS' NATIONAL COMMITTEE ON POSTAL REFORM,
By GEORGE P. HAMPTON,
Secretary.

RAILROAD, TELEGRAPH, AND TELEPHONE FRANCHISES IN PORTO RICO (S. DOC. NO. 894).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

As required by section 32 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the Executive Council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me. Such of these as relate to railroad, street railway, telegraph, and telephone franchises, privileges, or concessions have been approved by me, as required by the joint resolution of May 1, 1900 (31 Stat., 715).

WM. H. TAFT.

THE WHITE HOUSE, *August 3, 1912.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 22195) to reduce the duties on wool and the manufactures of wool.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 4663. An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation, in the State of Washington;

H. R. 15509. An act to authorize the construction of a sewer pipe upon and across the Fort Rodman Military Reservation at New Bedford, Mass.; and

H. R. 24450. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WARREN. I believe the pending question is upon the adoption of the conference report on the legislative appropriation bill (H. R. 24023).

Mr. LODGE. I hope action will not be demanded on that report. It is 6 o'clock; we have been in session about seven hours; and the attendance in the Senate is very thin. There is a matter involved in the conference report which I regard of very great importance—the matter affecting the tenure of the civil service—on which I wish to be heard briefly. I have no desire to detain the Senate unreasonably, but I think it is a matter too important to be disposed of at this moment. There are other Senators, I know, who desire to be heard on it, and I hope the Senator will not press it at this time.

Mr. WARREN. That is the pending question. While I did not expect to demand, or could not demand, a vote it seemed to me that in the press of business we are under, when last night we had an evening session, we might run on for a half hour or an hour and try to dispose of some of the pending business. We have at the desk some other conference reports, all of which are important.

If the Senator will allow me, I want to say that, with the rumors that have circulated for the last 20 or 30 days as to what might happen to this bill in a certain quarter, it does seem to me if we expect to get through in any reasonable season this summer we ought to improve all the time possible and dispose of this bill in some manner, so that we may get to the end of the lane.

I have no desire to cut anyone off; I simply desire to transact the public business as rapidly as possible.

Mr. LODGE. I sympathize fully with the Senator's desire. I have not done anything, I think, to delay the transaction of the public business, but this is a very important matter. The debate was stopped in the middle by the impeachment proceedings. As I said, I desire to say something on that point, and there are other Senators I know who desire to say something about it. I shall be very brief, but it is a matter upon which we ought to have a vote. Many Senators have already gone. I think on a matter of such importance it might well go over.

I have no desire to prevent the Senate from sitting and disposing of other conference reports. If there are other reports to which there is no objection, I shall be only too glad to stay for that purpose, but this one I hope may be allowed to go over until Monday.

Mr. WARREN. The conference report that follows this one will probably provoke discussion too. I want earnestly to express my readiness and my anxiety to bring to a close the consideration of these measures, but if the Senate is unwilling to proceed I am helpless of course, and I shall be obliged to lay it aside. According to the notice just elicited by the inquiry of the chairman of the Committee on Finance, there will come up on Monday a privileged question which is of even higher privilege perhaps than the laid-over report, that of another conference committee.

I can only say that I give notice now that I shall ask the Senate to proceed to the consideration and finish of this conference report immediately after the conference report is presented, notice of which has just been given.

The PRESIDENT pro tempore. What is the further pleasure of the Senate?

Mr. OVERMAN. I move that the Senate adjourn.

Mr. BOURNE. Mr. President——

Mr. OVERMAN. If there is any business to be brought up I will withdraw it. But there is no quorum here to do business.

Mr. BOURNE. Will the Senator withdraw his motion for a moment?

Mr. OVERMAN. I will withdraw it.

Mr. BOURNE. I understand that the Post Office appropriation bill, under the unanimous-consent agreement, was before the Senate when I yielded to the Senator from Wyoming, the chairman of the Committee on Appropriations. I was going to suggest that we adjourn to meet on Monday morning at 10 o'clock.

Mr. OVERMAN. I will accept that and move that the Senate adjourn to meet at 10 o'clock Monday morning.

Mr. PENROSE. Had there not better be made a regular order for meeting next week at 10 o'clock?

Mr. BOURNE. I would be glad to have that done.

Mr. PENROSE. I move that hereafter the hour of meeting of the Senate be 10 o'clock a. m., until otherwise ordered.

Mr. GALLINGER. We adopted just two days ago an order to meet at 11 o'clock, and if agreeable to the Senator I should like to have him let it go over until Monday. I think we can have an agreement then to make the hour of meeting 10 o'clock, and we will adjourn to-night to meet on Monday at 10 o'clock.

Mr. PENROSE. Very well.

The PRESIDENT pro tempore. The motion is that the Senate do now adjourn to meet at 10 o'clock Monday morning.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, August 5, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *August 3, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal and ever-living God, we would approach Thee in the spirit of Him who taught us to pray: Our Father, who art in heaven, hallowed be Thy name; Thy kingdom come; Thy will be done in earth as it is in heaven. Give us this day our daily bread. And forgive us our debts, as we forgive our debtors. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 129. Joint resolution to provide transportation for American citizens fleeing from threatened danger in the Republic of Mexico.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4663) granting to the Washington-Oregon Corporation a right for an electric railroad and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation, in the State of Washington.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. J. Res. 129. Joint resolution to provide transportation for American citizens fleeing from threatened danger in the Republic of Mexico; to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 15509. An act to authorize the construction of a sewer pipe upon and across the Fort Rodman Military Reservation at New Bedford, Mass.; and

H. R. 24450. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4663. An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation, in the State of Washington.

ORDER OF BUSINESS.

Mr. LLOYD rose.

The SPEAKER. The special order for to-day is that the gentleman from Texas [Mr. HENRY] shall have an hour, immediately after the approval of the Journal, in which to answer the gentleman from Illinois [Mr. RODENBERG].

Mr. HENRY of Texas. Mr. Speaker, with the understanding that the gentleman from Missouri [Mr. LLOYD] is to occupy half an hour on some matters, and that the gentleman from Alabama [Mr. UNDERWOOD] will present a conference report, I yield.

Mr. MANN. Mr. Speaker, there is no understanding about the matter, but I have no objection to the gentleman temporarily yielding.

The SPEAKER. The Chair would rule, if it came up at all, that the conference report would have the right of way over everything.

Mr. GOLDFOGLE. Mr. Speaker, I have a privileged report in respect to an election-contest case, from the Committee on Elections No. 3, which I would like to present.

Mr. UNDERWOOD. Mr. Speaker, I do not like to yield the right of way for the conference report, unless I understand what the gentleman desires.

Mr. GOLDFOGLE. It is the case of Jodoin against Higgins.

The SPEAKER. And the gentleman wants to make a report?

Mr. GOLDFOGLE. Yes; and to move the adoption of the resolution.

The SPEAKER. Is it a unanimous report?

Mr. GOLDFOGLE. Yes.

Mr. UNDERWOOD. Mr. Speaker, I will yield for that purpose.

Mr. HENRY of Texas. Then the understanding is that I am to proceed after that is over, and after the gentleman from Missouri presents the matter from the Committee on Accounts, to take not to exceed 30 minutes, and the gentleman from Alabama presents the conference report.

The SPEAKER. Yes. The strict letter of the rule is that the gentleman may proceed now, but the understanding is that as soon as the matter referred to by the gentleman from New York is attended to, and the gentleman from Missouri presents a resolution, and the gentleman from Alabama gets through with the conference report, the gentleman from Texas may proceed.

CONTESTED-ELECTION CASE OF JODOIN AGAINST HIGGINS.

Mr. GOLDFOGLE. Mr. Speaker, by direction of the Committee on Elections No. 3, I present a privileged report in the case of Raymond J. Jodoin against Edwin W. Higgins, a contested-election case from the third congressional district of the State of Connecticut, and move the adoption of the resolutions recommended by the committee, which I send to the desk and ask to have read.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 661 (H. Rept. 1136).

Resolved, That Raymond J. Jodoin was not elected a Member of the Sixty-second Congress from the third congressional district of Connecticut and is not entitled to a seat therein.

House resolution 662 (H. Rept. 1136).

Resolved, That Edwin W. Higgins was elected a Member of the Sixty-second Congress from the third congressional district of Connecticut and is entitled to a seat therein.

The SPEAKER. The gentleman from New York states that this is a unanimous report, and unless objection is made the Chair will put the motion on both resolutions. [After a pause.] The question is on agreeing to the resolutions.

The resolutions were agreed to.

HERMAN GAUSS.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 562 (H. Rept. 1133).

Resolved, That there be paid, out of the contingent fund of the House, to Herman Gauss the sum of $600 for expert and extra services rendered to the Committee on Invalid Pensions from March 4 until October 8, 1911, as examiner by detail from the Pension Bureau, pursuant to law.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ALLEN D. ALBERT.

Mr. LLOYD. Mr. Speaker, I also present the following privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 555 (H. Rept. 1134).

Resolved, That there be paid, out of the contingent fund of the House, to Allen D. Albert the sum of $1,200 for services rendered to the Committee on Invalid Pensions for the second session of the Sixty-second Congress as examiner by detail from the Pension Bureau, pursuant to law.

Mr. LLOYD. Mr. Speaker, there is an amendment to that resolution which I desire to offer, to strike out, in lines 2 and 3, the words "one thousand two" and insert in lieu thereof the word "six," so that it will read "$600" instead of "$1,200."

The SPEAKER. The question is on agreeing to the amendment.

Mr. FITZGERALD. Mr. Speaker, I would suggest to the gentleman that it is customary to give $500 to these examiners.

Mr. LLOYD. No; $600.

Mr. MANN. I have looked at it, and I think it is in the usual form.

Mr. FITZGERALD. It is customary to include $500 in the appropriation bill, and has been for years, for Mr. Gauss.

Mr. RUSSELL. Mr. Speaker, the gentleman from New York is mistaken about that. Mr. Gauss was paid in the last Congress $2,400.

Mr. FITZGERALD. Oh, the gentleman is mistaken.

Mr. LLOYD. Mr. Speaker, in order that that may be understood, Mr. Gauss has heretofore been allowed from time to time through the Committee on Accounts $1,200 for his services for several years past. He began service in this Congress on the 4th of March of last year and concluded on the 8th day of October of last year, covering a period of about seven months,

for which time he asks $600. That has been allowed in previous resolutions.

Now, this resolution provides pay for Mr. Albert, who has performed duty during this session of Congress, and allows the same amount of $600.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the resolution in lines 2 and 3 by striking out "$1,200" and inserting "$600."

The amendment was agreed to.

The resolution as amended was agreed to.

JOSEPH M. M'COY.

Mr. LLOYD. Mr. Speaker, I submit the following privileged resolution from the Committee on Accounts.

The Clerk read as follows:

House resolution 559 (H. Rept. 1137).

Resolved, That there be paid, out of the contingent fund of the House, to Joseph M. McCoy, the sum of $1,200 for services rendered to the Committee on Pensions for the first and second sessions of the Sixty-second Congress as examiner by detail from the Pension Bureau, pursuant to law.

Mr. LLOYD. Mr. Speaker, the committee offers the following amendment: In line 3, strike out the words "two hundred," so that the resolution will provide for the payment of $1,000 instead of $1,200.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the resolution by striking out, in line 3, the words "two hundred."

The question was taken, and the amendment was agreed to.

The resolution as amended was agreed to.

STEEL TRUST INVESTIGATION.

Mr. LLOYD. Mr. Speaker, I offer the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 632 (H. Rept. 1135).

Resolved, That the sum of $1,000 shall be paid out of the contingent fund of the House of Representatives, on vouchers ordered by the committee appointed under the resolution of the House of Representatives adopted May 16, 1911, to make an investigation for the purpose of ascertaining whether there have occurred violations by the United States Steel Corporation, or other corporations or persons, of the antitrust act of July 2, 1890, and the acts supplementary thereto, the various interstate-commerce acts, and the acts relative to the national banking associations, etc.; and that all vouchers ordered by said committee shall be signed by the chairman thereof and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

Mr. MANN. Mr. Speaker, is this the final allowance for the steel investigating committee?

Mr. STANLEY. Yes.

Mr. MANN. How much does it make altogether?

Mr. STANLEY. Thirty-nine thousand dollars.

Mr. MANN. Does the gentleman from Kentucky know how much the printing bill has amounted to?

Mr. STANLEY. That is not presented to this committee.

Mr. MANN. I understand.

Mr. STANLEY. There is a resolution for 10,000 copies of the hearings. Those hearings were not sent out on the instance of members of the committee, only 200 or 300 of them. They were only sent out on requests, and we received requests for about 5,000 daily.

Mr. MANN. How many were printed?

Mr. STANLEY. There were some 6,000 printed, just enough to keep ahead. The rest will be printed and bound and be for distribution. There was an authorization for 10,000.

Mr. MANN. I think there was an authorization for 10,000, but I do not think it was understood they would all be printed unless required.

Mr. STANLEY. I think the authorization gave the right to print and bind the rest if necessary.

Mr. MANN. I do not so recall, but the gentleman may be correct. Has there been any estimate at the Printing Office of what the amount of printing is?

Mr. STANLEY. I have not received such estimate.

Mr. MANN. What occasion is there for binding 5,000?

Mr. STANLEY. There will not be that many. The pamphlet form, with back numbers, continues to come in. I think I have received 600 or 800 requests already for copies in bound form from various sources.

Mr. HUMPHREYS of Mississippi. Does this provide for the printing?

Mr. LLOYD. This has nothing to do with the printing.

The question was taken, and the resolution was agreed to.

CHARLES L. WILLIAMS AND MARSHALL PICKERING.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk, House resolution 565.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 565.

Resolved, That there shall be paid to Charles L. Williams and Marshall Pickering, respectively, as special messengers in the majority and minority caucus rooms, $1,200 per annum each.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, for how long—forever?

The SPEAKER. The gentleman from New York seems to be asking the gentleman from Missouri a question.

Mr. LLOYD. I did not hear his question.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to ask the gentleman how long this is to be.

Mr. LLOYD. One year.

Mr. MANN. This is only an authorization. The gentleman from New York will have to settle that.

Mr. FITZGERALD. I understood it to provide for the payment.

Mr. LLOYD. No; it is just an authorization.

Mr. FITZGERALD. I withdraw the objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

STEEL TRUST INVESTIGATION.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent that on Thursday next, at 11 o'clock, the House convene and proceed with the consideration of the report of the majority (H. Rept. 1127) and the various reports of the minority investigating the affairs of the steel corporation—it would perhaps be more proper to say a discussion of it—from 11 o'clock until 5, and then to consider it at a night session from 8 o'clock until 11.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that on next Thursday——

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would ask the gentleman from Kentucky in his request to except from the order conference reports and appropriation bills. I do not think we can agree to any order at this time that would give anything the right of way over conference reports and appropriation bills.

Mr. STANLEY. I accept the suggestion.

Mr. BUCHANAN. Mr. Speaker, reserving the right to object, we have had before the House the consideration of H. R. 23673, the seamen's bill, all of which has been read, I believe, except two paragraphs. To me this is emergency legislation, and I believe that this House is properly going to be open to just criticism unless the bill is taken up and passed in time for the Senate to act upon it before Congress adjourns. This is largely due to the fact that we have recently had the great ocean disaster, with the loss of many lives, which a law of this kind, had it been passed before that disaster, would have averted. The lives of many seamen are jeopardized under the present system, and it seems to me that this House ought to find time in the very near future, not later than next Thursday, at least, to take up and pass that bill. It should not take more than an hour's time. Therefore I would like to ask especially the Democratic Members of the House, as well as those on the Republican side who are interested in this matter, to help us get this bill before the House, when it will possibly take less than an hour for its consideration and passage, and get it to the Senate.

Mr. FITZGERALD. I wish to ask the gentleman from Kentucky [Mr. STANLEY] a question. Does this report come in the nature of legislation? Is it in the form of a bill?

Mr. STANLEY. No; there will be no bill.

Mr. FITZGERALD. Is it expected the House will vote?

Mr. STANLEY. No.

Mr. FITZGERALD. The question is just to set aside time for discussion of it?

Mr. STANLEY. Yes.

Mr. BUCHANAN. Mr. Speaker, I do not like to object. I believe it is a matter of great interest to have the steel report discussed, but I am getting in about the position where, unless there is some sincere effort made here to get this bill up and secure its passage, I shall have to object to unanimous consent in the future.

Mr. MANN. Mr. Speaker, reserving the right to object, I suppose what the gentleman from Kentucky [Mr. STANLEY] desires is to have authority on Thursday next to move that the House resolve itself into the Committee of the Whole House on the state of the Union for general debate upon the report of the steel investigating committee?

Mr. STANLEY. That is it.

Mr. MANN. Now, the gentleman couples with his request not to meet at 11 o'clock, but to commence debate at 11 o'clock.

I think that would be better settled afterwards, and the question of a night session settled on Thursday night. I ask that the gentleman modify his request so as to make it in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union, subject to conference reports and appropriation bills.

Mr. STANLEY. I have no objection.

Mr. UNDERWOOD. I can not agree to that myself, Mr. Speaker, because I am perfectly willing and glad for the gentleman to have opportunity for debate. Of course, this report has gone to the calendar. There is nothing in the proposition but to have general debate, and I think it very proper that the gentleman from Kentucky and his colleagues have opportunity to discuss this matter before the committee, but if you go into committee you can not bring up these other bills if you desire to do so.

Mr. BUCHANAN. Mr. Speaker, I think unless there is some time agreed upon as to the seamen's bill, I shall have to object.

Mr. STANLEY. You do not object to this, do you?

Mr. BUCHANAN. Well, I withdraw the objection.

Mr. AUSTIN. Mr. Speaker, I reserve the right to object. If this House can find time to discuss the reports on the steel investigation, losing many hours without final action on those reports, I think that time should be given to the consideration of one of the most important measures that has been pending in this Congress, and that is upon the Dillingham or Burnett bill, looking to the restriction of undesirable foreign immigration. Why waste the valuable time of this House in its closing hours in a useless discussion which does not mean action on the part of the House——

Mr. BOWMAN. Mr. Speaker——

The SPEAKER. Does the gentleman from Tennessee [Mr. AUSTIN] yield to the gentleman from Pennsylvania [Mr. BOWMAN]?

Mr. AUSTIN. In a moment. And deny a day in the House for the consideration of the most important legislation to the American people that is now pending before Congress, namely, for the restriction of undesirable foreign immigration? And, unless there is some understanding in reference to a hearing and consideration of that legislation, I shall object.

Mr. FITZGERALD. Mr. Speaker, does the gentleman yield to me for a question?

The SPEAKER. Does the gentleman from Tennessee yield?

Mr. AUSTIN. Yes.

Mr. FITZGERALD. Does not the gentleman think he should welcome a discussion of this steel report that will clear up some matters connected with the Tennessee Coal & Iron Co., in which the people of his State may be interested?

Mr. AUSTIN. The people of this country are more vitally interested in the subject I have mentioned than they are in a lot of speeches on the subject of the steel investigation, which will be made without any action by Congress on the steel reports.

Mr. FITZGERALD. The gentleman, by indulging in rather extreme language, is endeavoring to avoid the exposition of a lot of valuable information that may not be pleasing to the gentleman's party at this particular time.

Mr. AUSTIN. I do not object to a thorough investigation and airing of every Republican national administration, but every Member of this House knows the appeal that is being made daily for legislation along the lines I have suggested; and unless those in control of legislation give us a promise and an assurance of action on one of these two bills I have named, I shall object to the waste of time in this House for mere discussion.

Mr. BUTLER. Will the gentleman from Tennessee request the gentlemen on the other side to fix a day when we can consider the Dillingham bill or the Burnett bill?

Mr. AUSTIN. Yes; I insist upon a day being named for the consideration of the legislation I have named.

Mr. BOWMAN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Will the gentleman yield?

Mr. AUSTIN. I yield.

Mr. BOWMAN. I want to say, Mr. Speaker, that I have received several hundred letters regarding this immigration question from the people in my district. Those letters have been referred to the House with the request that they should be referred to the committee having charge of this legislation. I have received this morning several letters, and this question should surely be considered by this House and some conclusion arrived at. I fully agree with the opinion of the gentleman from Tennessee [Mr. AUSTIN] that this is an extremely necessary piece of legislation.

Mr. UNDERWOOD. I would like to ask the gentleman which side he is on. [Laughter.]

Mr. BOWMAN. I will state that when we come to the consideration of the bill.

Mr. BURNETT. This is a good time to express yourselves.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] has the floor.

Mr. UNDERWOOD. Mr. Speaker——

Mr. AUSTIN. I yield to the gentleman from Alabama [Mr. UNDERWOOD].

The SPEAKER. Is there objection?

Mr. AUSTIN. I object until we can have an understanding.

Mr. FITZGERALD. Then I demand the regular order. The gentleman can not have an understanding.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] demands the regular order.

TARIFF DUTIES ON WOOL.

Mr. UNDERWOOD. Mr. Speaker, I desire to call up a conference report on the wool bill (H. R. 22195), and ask that the Clerk report it.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. UNDERWOOD. I will ask the gentleman from Illinois if he will not withhold his point of order. There may be some little discussion on the conference report, and I am not going to try to force a roll call on the gentleman in the absence of a sufficient number of Members here. Possibly when we get into the discussion we shall have a quorum here.

Mr. MANN. Mr. Speaker, first I would like to submit a parliamentary inquiry to the Chair.

The SPEAKER. The gentleman will state it.

Mr. MANN. The House having set apart, by special order, one hour for the gentleman from Texas [Mr. HENRY] to address the House immediately after the reading of the Journal, is it in order to call up any other matter?

The SPEAKER. Well, if it were at the beginning of the session, instead of toward the end of it——

Mr. NORRIS. This is not "toward the end of it"——

The SPEAKER (continuing). The Chair would be very much disposed to rule that where an agreement of that kind had been entered into it took precedence over conference reports and everything else. But the business of the House must be wound up some way or other.

Mr. MANN. Was it not for the House, Mr. Speaker, to consider that when it made the order?

The SPEAKER. When the House makes these special orders—if the Chair may be permitted to state the case according to his ideas—it makes them without any consideration whatever.

Mr. MANN. I do not think the House made this order in that way.

Mr. UNDERWOOD. The special order obtained by the gentleman from Texas [Mr. HENRY] was passed over, as was stated in the House, until after the conference report on the wool bill should be disposed of. I understand that if we get the wool bill over to the Senate to-day it will probably be disposed of there and thus expedite adjournment.

The SPEAKER. The Chair will rule that under the agreement that was made here half an hour ago——

Mr. MANN. If the Chair will pardon me, there was no agreement made.

The SPEAKER. If it was not an agreement, what was it?

Mr. MANN. The gentlemen proposed an agreement, but I expressly stated that I would not make any agreement.

Mr. HENRY of Texas. Mr. Speaker, in order to expedite the business of the House, I ask unanimous consent that the conference report on the wool bill be submitted and considered before proceeding with my remarks.

Mr. MANN. It is perfectly patent that the wool bill could not be voted upon for some time, because Members of the House understood yesterday that the distinguished gentleman from Texas [Mr. HENRY] would make his speech this morning. I notice a considerable attendance on the Democratic side of the House and some lack of attendance on the Republican side of the House, denoting the varying degrees of interest that the two sides of the House have in the speech. I suggest that if the gentleman from Texas will go on and make his speech gentlemen on both sides will come in in time for the wool report. But no one now would want to have a roll call on the wool bill without time being allowed for gentlemen to get here. I think it shortens it for the gentleman from Texas to address the House first, and he will hold everybody who comes and attract others to come. [Applause.]

The SPEAKER. Now, the gentleman from Texas [Mr. HENRY] does not seem to care particularly as to the time at which he speaks, and there was some kind of a loose agreement here 30 minutes ago to the effect that certain things should be

attended to. The Chair thinks the gentleman from Alabama [Mr. UNDERWOOD] has the right of way.

Mr. UNDERWOOD. Mr. Speaker, I ask that the gentleman from Illinois make his point of order when we come to a vote on the bill. The House has about as many Members present now as is usual, and it will be after 12 o'clock when the vote will come.

Mr. MANN. Mr. Speaker, does the gentleman intend to consume time on the bill?

Mr. UNDERWOOD. I do not expect to consume any great length of time.

Mr. PAYNE. Mr. Speaker, I do not know anything about it. The report came in late last evening. The gentleman from Alabama asked that the session commence this morning at 11 o'clock, and did so at a time when nearly everybody had left the Chamber. One or two gentlemen have spoken to me about debate on this bill. I do not know whether they want to talk or not. They are not here.

Mr. UNDERWOOD. Mr. Speaker, I ask the Clerk to report the conference report.

Mr. MANN. Mr. Speaker, I think it is taking advantage of the House to have the House meet at 11 o'clock, with the understanding that one gentleman is to occupy an hour, and to then call up another matter in the House, and therefore I insist on the point of order of no quorum.

Mr. UNDERWOOD. Mr. Speaker, it was stated in the RECORD last night that either the wool bill or the conference report on the legislative bill would be considered at 11 o'clock to-day. That was the reason I asked the House to meet at that time.

Mr. MANN. Oh, no; it was stated that the gentleman from Texas would occupy one hour.

The SPEAKER. The gentleman from Illinois makes the point of no quorum. Evidently there is not a quorum present.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following gentlemen failed to answer to their names:

Adair	Dies	Jacoway	Pray
Aiken, S. C.	Difenderfer	Jones	Pujo
Allen	Dixon, Ind.	Kindred	Randell, Tex.
Ames	Dodds	Kinkead, N. J.	Rauch
Anderson, Ohio	Donohoe	Knowland	Redfield
Andrus	Doughton	Konig	Reyburn
Anthony	Dupré	Konop	Richardson
Barchfeld	Dwight	Kopp	Riordan
Barnhart	Dyer	Lafean	Roberts, Nev.
Bartholdt	Edwards	Lamb	Roddenbery
Bartlett	Ellerbe	Langham	Rodenberg
Bathrick	Esch	Langley	Rouse
Bell, Ga.	Fairchild	Lawrence	Rucker, Mo.
Berger	Farr	Legare	Scully
Boehne	Ferris	Levy	Sells
Booher	Fields	Lewis	Shackleford
Borland	Focht	Lindsay	Sharp
Bradley	Fordney	Linthicum	Sheppard
Browning	Fornes	Littleton	Sherley
Burke, Pa.	Gallagher	Loud	Sherwood
Burke, S. D.	Gardner, Mass.	McCall	Slemp
Byrnes, S. C.	Gardner, N. J.	McCreary	Smith, J. M. C.
Calder	Garner	McGuire, Okla.	Smith, Cal.
Callaway	Garrett	McHenry	Smith, N. Y.
Campbell	Glass	McKenzie	Speer
Cantrill	Gould	McKinley	Stack
Carlin	Gray	Macon	Stephens, Miss.
Carter	Gregg, Tex.	Madden	Stephens, Tex.
Cary	Griest	Maher	Sulzer
Clarke, Fla.	Guernsey	Martin, S. Dak.	Talbott, Md.
Cline	Hamilton, Mich.	Mattbews	Taylor, Ala.
Collier	Hamilton, W. Va.	Mays	Taylor, Colo.
Cooper	Hanna	Moon, Pa.	Taylor, Ohio
Copley	Hardwick	Moon, Tenn.	Thayer
Covington	Harris	Moore, Pa.	Thistlewood
Cox, Ind.	Hartman	Moore, Tex.	Thomas
Cox, Ohio	Hayes	Morgan	Turnbull
Cullop	Heald	Morrison	Tuttle
Curley	Helm	Moss, Ind.	Utter
Currier	Henry, Conn.	Murdock	Vare
Curry	Higgins	Nelson	Vreeland
Dalzell	Hill	Nye	Weeks
Daugherty	Hinds	Olmsted	Whitacre
Davenport	Hobson	Palmer	Wilder
Davidson	Howard	Parran	Wilson, N. Y.
De Forest	Hughes, Ga.	Patten, N. Y.	Young, Mich.
Dickson, Miss.	Jackson	Powers	Young, Tex.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Present."

The SPEAKER. The roll call shows 204 Members present, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to; and the Doorkeeper was directed to open the doors.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the Clerk may read the statement in lieu of the report.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the Clerk may read the statement instead of the conference report on the wool bill. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 1130).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the act approved August 5, 1909, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' is hereby amended by striking out all of Schedule K thereof, being paragraphs 360 to 395, inclusive, and inserting in lieu thereof the following:

"'SCHEDULE K. WOOL AND MANUFACTURES THEREOF.

"'360. On wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals, the duty shall be 29 per cent ad valorem.

"'361. On all noils, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and on all other wastes and on woolen rags composed wholly of wool, or of which wool is the component material of chief value, and not specially provided for in this section, the duty shall be 29 per cent ad valorem.

"'362. On combed wool or tops and roving or roping, made wholly of wool or camel's hair, or of which wool or camel's hair is the component material of chief value, and all wools and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, the duty shall be 32 per cent ad valorem.

"'363. On yarns made wholly of wool, or of which wool is the component material of chief value, the duty shall be 35 per cent ad valorem.

"'364. On cloths, knit fabrics, flannels not for underwear, composed wholly of wool or of which wool is the component material of chief value, women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, on any of the foregoing composed wholly of wool or of which wool is the component material of chief value, and on all manufactures of every description made by any process of wool or of which wool is the component material of chief value, whether containing india rubber or not, not specially provided for in this section, the duty shall be 49 per cent ad valorem.

"'365. On all blankets, and flannels for underwear, composed wholly of wool, or of which wool is the component material of chief value, the duty shall be 38 per cent ad valorem.

"'366. On Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description; on Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description; and on carpets of every description, woven whole for rooms, and Oriental, Berlin, Aubusson, Axminster, and similar rugs, the duty shall be 50 per cent ad valorem.

"'367. On Brussels carpets, figured or plain, and all carpets or carpeting of like character or description; and on velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, the duty shall be 40 per cent ad valorem.

"'368. On tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on

the warp or otherwise; on treble ingrain, three-ply, and all-chain Venetian carpets; on wool Dutch and two-ply ingrain carpets; on druggets and bockings, printed, colored, or otherwise; and on carpets and carpeting of wool or of which wool is the component material of chief value, not specially provided for in this section, the duty shall be 30 per cent ad valorem.

"'369. Mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting made wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

"'370. On all manufactures of hair of the camel, goat, alpaca, or other like animal, or of which any of the hair mentioned in paragraph 360 form the component material of chief value, not specially provided for in this section, the duty shall be 49 per cent ad valorem.

"'371. Whenever in this act the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process.'

"SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to no other duty upon the entry or withdrawal thereof than the duty which would be imposed if such goods, wares, or merchandise were imported on or after that date.

"SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1913."

And the Senate agree to the same.

O. W. UNDERWOOD,
D. W. SHACKLEFORD,
Managers on the part of the House.
ROBERT M. LA FOLLETTE,
J. W. BAILEY,
F. M. SIMMONS,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 22195) to reduce the dutics on wool and manufactures of wool, submit the following written statement in explanation of the action agreed upon and recommended in the accompanying report:

The agreement reached by the conference committee is in the form of a substitute for the House bill and the amendment of the Senate, and is set forth in extenso in the accompanying conference report.

In brief, the salient points of agreement recommended as to the differences between the two Houses on the rates of duty on wool and manufactures thereof are as follows:

The rate of duty recommended on raw wool is 29 per cent ad valorem, instead of 20 per cent ad valorem as proposed in the House bill, and the varying rates, ranging from 10 to 35 per cent ad valorem, on the three classifications of wool proposed by the Senate.

The rate on wool wastes and rags agreed upon is 29 per cent ad valorem, instead of 20 per cent ad valorem as proposed in the House bill and the rates of 25 or 30 per cent ad valorem as proposed in the Senate amendment.

The duty on combed wool or tops agreed upon is 32 per cent ad valorem, instead of 25 per cent ad valorem as proposed in the House bill and 40 per cent ad valorem as proposed by the Senate.

The duty agreed upon for yarns is 35 per cent ad valorem, instead of 30 per cent ad valorem as proposed in the House bill and 45 per cent ad valorem as proposed in the Senate amendment.

The rate of duty on blankets and flannels for underwear is fixed at 38 per cent ad valorem, instead of 30 per cent ad valorem in the House bill for blankets and the cheaper flannels.

The duty agreed upon for cloths, ready-made clothing, knit fabrics, flannels not for underwear, women's dress goods, webbings, gorings, etc., and articles not specially provided for, is 49 per cent ad valorem, instead of the varying rates in the House bill, ranging from 35 to 50 per cent ad valorem, and 55 per cent ad valorem as proposed by the Senate.

Three classifications were agreed upon for carpets, ranging in duty from 30 to 50 per cent ad valorem instead of the varying classifications in the House bill carrying duties from 25 to 50 per cent ad valorem, and 35 per cent ad valorem as proposed by the Senate amendment.

The date when the act shall take effect is made January 1, 1913.

O. W. UNDERWOOD,
D. W. SHACKLEFORD,
Managers on the part of the House.

Mr. UNDERWOOD. Mr. Speaker, the statement that has just been read at the Clerk's desk indicates to the House the difference and the change of rates between the present law and the House bill and the conference report that has been agreed upon by the conferees of the two Houses. A comparison of the rates of duties on imports with the last year on the wool bill shows that the imports on raw wool under the Payne law for the year 1911 amounted to $29,572,000. The amount of estimated imports was $66,000,000 under the House bill. The estimated amount of imports under the conference bill is $60,000,000. With these imports it would show a duty on raw wool raised by the House bill of $13,389,000 and by the conference bill $17,400,000, as against $12,482,000 raised by the present law last year.

The reduction in the rate of duty on raw wool is shown by a comparison of the rate of duty of last year under the Payne bill and the House bill and the conference report to be as follows: Last year the average rate of duty on raw wool was 42.21 per cent of all raw wool imported. The House bill provided a rate of duty of 20 per cent, and the conference report bill provides a rate of duty of 29 per cent. In other words, there will be a reduction of something over 13 per cent ad valorem on raw wool if this bill becomes a law.

Now, in the manufactures of wool last year the total importation under the present law was $18,823,000. The estimated importation under the House bill was $63,000,000. The estimated importation under the conference bill would be $51,000,000.

Under that basis of importation the revenue under the Payne bill last year amounted actually on manufactures of wool to $16,499,000. The estimated revenue under the House bill would have been $27,000,000 and under the conference bill $25,000,000.

The average tax levied by the Payne bill, the present law, on manufactures of wool last year amounted to 87.65 per cent. The estimated tax on manufactures of wool, as provided by the House bill, is 42.55 per cent, and under the conference bill now presented to the House amounted to 48.36 per cent.

So that if this bill becomes a law the reduction of rates on manufactures of wool will be the difference between 87.65 per cent and 48.36 per cent, or 37.5 per cent. The year before that the average rate of duty under the Payne bill was 90 per cent.

Now, assembling the entire woolen schedule, including raw wool and manufactures of wool, the imports under the Payne bill last year were $48,395,000. The estimated amount of imports under the House bill was $130,000,000, and the estimated imports under the conference report bill is $111,890,000. The revenue derived from Schedule K last year amounted to $28,982,000, as compared with $41,904,000 for the year 1910, or a falling off in this schedule of about $30,000,000 last year over the year before. The estimated duty that would be raised by the House bill is about $40,000,000. The estimated revenue that would be raised by the conference bill is $42,000,000. The total ad valorem tax levied by the present law for the year 1911 amounted to 59.89 per cent. The estimated ad valorem rate under the House bill would be 31 per cent ad valorem, and under the conference report 37.98 per cent. In other words, the average ad valorem rate of the House bill was about 7 per cent ad valorem less than the rate proposed in the conference report.

The conference report itself is nearly 22 per cent less than the average rate by the present law.

Now, I am satisfied, Mr. Speaker, that if this bill becomes a law it will raise as much, if not more, revenue, and probably considerably more revenue than is raised by the present law, and yet at the same time there will be a reduction on the entire schedule of something like 22 per cent.

But as the consumer pays the tax on the manufactured product and not on the raw product the real relief to the people would be shown in the difference between the average rate on manufactured wool under the present law of 87.65 and 48.36, the estimated rate under the conference report, or a reduction to the consumer of nearly 40 per cent. Now, Mr. Speaker, I think it is clear that if we can pass a bill that will not reduce the revenue and at the same time make a reduction to the con-

sumers of the United States of 40 per cent of the taxes that they pay on the manufactured wool, that we are accomplishing a great result for the American people. More than that, this bill itself leaves an average ad valorem rate of 48 per cent on manufactured wool. I think it is but just, though, to state that the manufacturer, having to pay the duty on the raw wool, that that should be taken into consideration when you estimate incidental protection that would grow out of a bill of this kind, and as we estimate it that when you carry the raw wool ad valorem rate into the finished product the amount that you have got to estimate to take care of the manufacturer for what he has to pay for the raw wool is about one-half the rate levied on raw wool when you are estimating in ad valorem rates, and the reason of that is that the value has increased and therefore the estimate of the ad valorem rate grows higher, and as under this bill the ad valorem rate is 29 per cent on raw wool, 15 per cent would amount to a compensatory rate to the manufacturer, and deducting 15 per cent from the 48 per cent in this bill that the manufacturer has as an incidental protection leaves an average of 33 per cent incidental protection to the manufacturer. When you consider that for years the great iron and steel industry only had about 33 per cent protection even under a Republican bill and was reduced by the Payne tariff law, it will be greatly reduced by the law that we sent to the Senate the other day, it seems to me clear that the manufacturers of this country, having an incidental protection under this bill of something over 33 per cent, have no right to complain that they will be injured, much less destroyed, by the passage of this bill.

I believe the bill is just to the manufacturer. I believe it is fair and reasonable. I believe it is demanded in the interest of the American people. I believe that this Congress should enact it into law at once. [Applause on the Democratic side.] And now that the President has had a report from the Tariff Board, I think that the American people have a right to demand of him when the Congress of the United States, which is charged with the responsibility of legislation, once more returns its bill to him for his signature. [Applause on the Demoeratic side.] Mr. Speaker, I desire to ask how much time I have consumed?

The SPEAKER. Fourteen minutes.

Mr. UNDERWOOD. I desire to yield——

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. UNDERWOOD. I will.

Mr. LONGWORTH. Is this bill exactly the same as the bill adopted by the conference report?

Mr. UNDERWOOD. There is a clerical change in one line of two words that are added in one line, but outside of that——

Mr. LONGWORTH. What is that?

Mr. UNDERWOOD. There is no change in rates. The gentleman from New York [Mr. PAYNE] has the interlineation there.

Mr. LONGWORTH. I desire to ask the gentleman one more question. He has been speaking about the rates on manufactured wool, and I want to ask him this question: Does the gentleman believe that the rate of 29 per cent on raw wool is a protective rate?

Mr. UNDERWOOD. Well, I will say candidly to the gentleman from Ohio that it is very much higher, I think, than necessary for revenue purposes and that as an independent proposition I would not have agreed to it. I agreed to it as a matter of compromise in order that we may get a bill to the President.

Mr. LONGWORTH. But is it, in the gentleman's judgment, a protective rate?

Mr. UNDERWOOD. Oh, if we look at it from the standpoint of protection, I do not believe that the sheep industry of this country needs any rate for protection whatever. If any rate, looking at it from a protective standpoint, would be a protective rate, the only thing to justify the levying of a tax on raw wool, in my judgment, as shown by the Tariff Board report and by my own opinion on the subject, is to levy a tax for revenue and revenue alone.

Mr. LONGWORTH. Then it is, in the gentleman's opinion, a protective rate.

Mr. UNDERWOOD. I think any——

Mr. LONGWORTH. It is largely in excess of the revenue rate, is it?

Mr. UNDERWOOD. I do not think that there is any rate levied on raw wool justified from the standpoint of protection as the gentleman looks at the standpoint of protection. In other words, as I take it, the position of the gentleman from Ohio on protection is that a rate should be levied that will equal the difference of cost at home and abroad, together with a reasonable profit to the producer. As I understand, that is his position. Now, I say to the gentleman, from my investigation I do not believe that there is any real difference in the cost in this country and abroad on the raising of raw wool, except in merino sheep in Ohio, and there is only 5,000,000 sheep in that herd, and that on all other sheep in the United States, as shown by the Tariff Board's report, there is no difference in the cost of production. I do not think we ought to levy a tax merely to protect one herd of sheep when the sheep raisers of Ohio, as far as cross-bred sheep are concerned, have shown that they can be raised without protection and a living made out of them. There is no justification in merely levying a tax to protect merino sheep when the sheep industry can survive without it, and I think the gentleman himself will agree with me that the report of the Tariff Board shows that there is no difference in cost on other flocks of sheep. Therefore, if that is the case, there is no difference in cost on anything except the merino sheep in Ohio.

Mr. LONGWORTH. I do not agree with the gentleman at all. I think it is shown to the contrary conclusively, but I will not go into that now. Let me ask the gentleman another question. Does he believe the passage of this bill will reduce the price of raw wool?

Mr. UNDERWOOD. Well, I do not know that it will. I think that it will bring about the importation of a larger amount of raw wool. As a matter of fact, last year territorial wool in this country was selling for less than imported wool after you removed the tax. And, therefore, I am not prepared to say that it will reduce the price of raw wool, but I do say most emphatically that if you pass this bill it will reduce the price of a great many articles to the benefit of the American people.

Mr. LONGWORTH. The reason I asked the question is that I want to be perfectly clear as to the gentleman's position. It is this: That the passage of this bill would reduce manufactured wool 40 per cent but would not reduce the price of raw wool at all?

Mr. UNDERWOOD. As I stated to the gentleman, on last year's statement territorial wools last year vary. It might reduce it as to some years, but last year territorial wool was sold cheaper in this country than imported wool with the tariff taken off. And I can not say, under those circumstances, as compared to last year it would reduce the price. It may do this: It may prevent an exorbitant price being asked in the future, but it will undoubtedly reduce the taxes on a great many articles where the present tariff is prohibitive.

Mr. LONGWORTH. I am not speaking of manufactured wool at all.

Mr. UNDERWOOD. I have answerd the gentleman's question.

Mr. LONGWORTH. Let me ask the gentleman one more question as to his position. If it were not for the necessities of revenue, to which he has alluded, would he favor putting wool on the free list?

Mr. UNDERWOOD. If it was not for the purpose of revenue, I would not lay a tax on anything. [Applause on the Democratic side.]

I will ask the gentleman from New York [Mr. PAYNE] how much time he desires me to yield?

Mr. PAYNE. I do not want any more time than the gentleman has already consumed.

Mr. UNDERWOOD. Mr. Speaker, how much time have I consumed?

The SPEAKER. Twenty minutes.

Mr. UNDERWOOD. Then I yield to the gentleman from New York 20 minutes.

Mr. PAYNE. The gentleman from Wyoming [Mr. MONDELL] wants five minutes. That is the only request I have for time.

Mr. UNDERWOOD. I will take pleasure in yielding the gentleman from Wyoming five minutes.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] is recognized for 5 minutes, and then the gentleman from New York [Mr. PAYNE] is to be recognized for 20 minutes.

Mr. MONDELL. Mr. Speaker, the gentleman from Alabama referred to the merino sheep of Ohio as a "herd," which, of course, illustrates how much the gentleman knows about the sheep business. The man who refers to a flock of sheep as a "herd" can not be very well informed on the fundamental propositions connected with the wool industry.

Coming from a State that has nearly a tenth of all the sheep in the Union, and a larger proportion of the sheep of merino blood, I should be very glad indeed if it were possible to settle the question of the wool tariff at this time. And the flock masters whom I represent would be willing to accept any measure which would make it possible, or under which it would be possible, for them to continue in business with a reasonable assurance of a fair profit.

But this bill is objectionable not only to them, but to all who believe in American industries, including both the raising of sheep and the manufacture of wool. First, the bill is not

carefully or wisely drawn. It is not scientific in its schedules. While some of its rates may be high enough, others are altogether too low; and if the average were a correct one, it is not a well-balanced bill, and would be destructive to certain very important lines of industry.

As to the rate on raw wool, not only is the ad valorem itself too low, as shown by the report of the Tariff Board, which, contrary to the views expressed by my friend from Alabama [Mr. UNDERWOOD], shows that the average of American wool needs a protection amounting to about 35 or 36 per cent ad valorem; but, further, no ad valorem rate can properly protect the wool industry; no ad valorem rate on wool can properly protect the American Treasury. Wool is brought from the ends of the earth. It passes through oftentimes half a dozen hands before it finally reaches the customhouse. It is practically impossible for the customs officials adequately and properly and fairly to adjust and levy an ad valorem rate. The result would be inevitably undervaluations, cheating, and fraud. All honest importers would be driven out of the business, and the Treasury would be robbed at one end and the American sheep raisers would be put out of business at the other end.

Not only would the merino-wool industry in this country suffer—and nearly nine-tenths of our sheep have some merino blood in them—not only would the merino-wool industry suffer under this bill, if it were not largely destroyed, but no part of the wool industry could be prosperous under the rate proposed in the manner in which it is proposed as an ad valorem rate, because it can not be administered in a way to afford protection either to the grower of the wool or to the Treasury.

And therefore, though I should be glad to vote for a rate even somewhat lower than the rate which the report of the Tariff Board indicates would be surely protective, if that could settle the question, I can not in justice to the American industries manufacturing wool or in justice to the people who are growing wool on the farms and ranches, support this measure, which would be destructive of all these industries. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Wyoming has expired, and the gentleman from New York [Mr. PAYNE] is recognized for 20 minutes.

Mr. PAYNE. Mr. Speaker, this is substantially the same wool bill that was sent to the President before, and which encountered his veto—not simply because of the report of the Tariff Board, because we did not have it at that time, but also because of the information then at hand that showed it was not a protective measure.

Since that time we have had the report of the Tariff Board, and the mind of the gentleman from Alabama [Mr. UNDERWOOD] is in the same state of confusion on this subject as it was in then. He was then for a revenue duty of 20 per cent, because the Treasury needed it, although at heart he was for free wool. Then, we had the Senate action upon the question, with the same old duty of 35 per cent on wool as now. The majority behind this bill in the Senate seems to have learned nothing from the Tariff Board's report. Then they go into conference, and it is not 20 per cent or 35 per cent as the result, but 29 per cent, and I suppose that all three rates are according to the opinion of all these gentlemen, in accordance with the findings of the Tariff Board.

Now, no intelligent gentleman can read carefully and study the report of the Tariff Board without coming to the conclusion that the necessary lowest protection on wool needed is over 35 per cent. With an ad valorem it ought to be more, because of the undervaluations and the cheating of the duty. They do not seem to have considered at all the recommendations of this board for a specific duty on the scoured content of the wool, which all experts agree is the only scientific way of levying a duty upon wool, instead of resorting to the 29 per cent ad valorem duty; and now the gentleman from Alabama [Mr. UNDERWOOD], toward the close of his remarks, is trying to persuade himself that he is protecting the wool and woolen industry.

Mr. UNDERWOOD. Oh, no; the gentleman is mistaken. I never assumed to protect anybody. I simply stated what the incidental protection was.

Mr. PAYNE. The gentleman says that the duty he provides—29 per cent on wool—is more protection than the wool needs; that it does not need any. If that is not protecting the wool industry, according to that statement, I would like to know what the word "protection" means.

Mr. UNDERWOOD. I would like to ask the gentleman from New York how he can levy any duties without incidental protection.

Mr. PAYNE. Oh, if you put the duty below the difference in cost, it is not protection. Now, in reference to manufactures, he figured that there was a duty of 33 per cent over and above the compensation for the wool duty, and he said that that was more than the difference in cost, and hence was a protection to the wool manufacturing industry. Why is the gentleman making that argument? What is the meaning of this whole performance from beginning to end? Does any gentleman who is for this bill honestly desire that the duties be lowered by legislation, or are we simply still playing politics in sending a bill to the President which we feel sure the President will not sign? Is there some more of this "putting the President in a hole" which did not succeed in the first attempt, and which will not succeed now any better than it did the first time? [Applause on the Republican side.] Because now we have the report of the Tariff Board, which shows that there should be a duty of more than 35 per cent to make up the difference in the cost of the wool generally entering into the market, generally raised both here and in competing countries, the bulk of it.

Now, after allowing proper compensation for the duty on wool, the value of the wool being about about 65 per cent of the cloth, as is calculated by experts, it leaves a margin of less than 30 per cent duty on woolen cloths for the protection of the conversion of the wool into cloth, knit goods, flannels, and all manufactures of cloth in this country over and above the cost in foreign countries. The duty was 40 to 50 per cent in the Wilson bill, because then we had free wool. It was 40 per cent on cloths costing not over 50 cents a pound and 50 per cent on the higher-priced cloth. But what happened under the Wilson bill? I do not care anything about the theories of the gentleman or the theories of any other gentleman. Did or did not nearly every woolen mill and knitting mill in the country close under the Wilson bill? Did or did not the slaughter of the sheep commence and continue during the life of the Wilson bill, and did it stop only when we had the Dingley bill enacted? If there was sufficient protection, why the slaughter of the sheep? If there was sufficient protection on manufactures, why the closing of the mills?

They impudently send this bill to the President, and tell him what? Why, that it is all the protection that is needed under this report of the Tariff Board, when he knows, and the Tariff Board knows, and experts know that it is not protection either to the wool industry or to the manufacturing business. If this is sufficient protection, why does the gentleman calculate that instead of $48,000,000 of imports under the woolen schedule there will be $111,000,000? I think those were his figures as I caught them. Why this increase in imports if there is to be protection under this bill?

And then the gentleman draws on his fancy again, and his interest is for the dear consumer, and he will not stop playing politics even for six months, his interest in the dear consumer is so great; and he says it is not only on the goods that are imported but it is on the goods made here that the consumer has to pay these duties under the present law, which duties we acknowledge are greater than they should be. Yet if there is anything more clearly demonstrated than another in the Tariff Board report, it is that this duty is not added to the price, that the competition on domestic cloths is so great in manufacturing that they are sold in the market at a price much below the cost of imported articles of the same kind with the duty added. The consumer is not paying the duty in that respect. It is one of the things that is so clearly demonstrated in this Tariff Board report that the wayfaring man, though a Representative in Congress, need not err therein.

Now, why do you send this to the President? Do you gentlemen expect he is going to sign it? Not a mother's son of you expects anything of the kind. You know the bill does not give the protection which the report of the Tariff Board shows to be absolutely necessary to make up the difference in cost between this country and the cost abroad. You know that it does not make up that difference. You know that the President of the United States believes, not in overprotection, not in excessive protection, but in protection that makes up the difference in cost. Do you expect him to stultify himself?

Why, gentlemen, you can not keep up this masquerade. You can not fool the people into the idea that no matter how you cut down tariff duties, and cut out an industry by cutting down the duties, you are doing what they want. The majority of the people of this country believe in protection to American industries under tariff laws. The majority of them do not believe in excessive protection, but they believe in that protection which makes up the difference between the cost here and abroad, and you may go on sending your bills to the President, as though you had learned nothing from that wonderful work of the Tariff

Board. You call them compromise measures. Compromise for what purpose? To get something to the President that you believe he will veto. Why do you not take a bill that comes up to the requirements of the report of the Tariff Board? Why do you not take the minority House bill, if you please, and criticize it, and if you can find any flaws in it, correct them, and send that bill to the President, and see whether he will sign or veto it?

I want to say to you gentlemen, if you sent that bill to the President, there would not be any doubt about a radical reduction on the wool schedule during this session of Congress.

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Alabama?

Mr. PAYNE. Yes.

Mr. UNDERWOOD. The gentleman's point of view, of course, is different from that of gentlemen on this side of the House; but the minority to-day on that side of the House were the majority in the last Congress, and the bill that the present minority and the then majority passed was vetoed by the American people. We prefer a veto at the White House rather than a veto by the American people. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Speaker, there is not a man within the sound of my voice that does not know that we labored to make a better bill than the present law, and still the present law is a better law than has been written on the statute books of this country within the last 50 years with reference to the tariff. [Applause on the Republican side.] I did not get all that I wanted; I was not able to revise this woolen schedule; the time was too short, the information was not sufficient. If we had had the report of the Tariff Board back of us the woolen schedule would have been revised, and in accordance with the ideas of some of the wise politicians who sit on the other side of this Chamber, such a revision of that schedule at that time in connection with the present tariff law would have given us a majority on this side of the Chamber in 1910 instead of a majority on that side.

O gentlemen, do something besides shed crocodile tears for the consumers of this country. Do something besides playing politics. You pretend to be enthusiastically triumphant now about the next election. Why in the world are you all the time neglecting the dear people, with whom you sympathize on these wool duties, to play petty politics, to put the President, nominated for reelection, in a hole, as you say? Why do you not pass that bill which the minority presented, which is a radical reduction in these rates, and still so adjusted as to cover the difference between the cost here and the cost abroad, and send that to the President, and see whether he will sign or veto that bill? If he signs it, it will give the people the relief which you say you are so anxious to give them. Gentlemen, why not revise the woolen schedule so that it will become a law and not revise it simply for election day? Possibly there may be a little boomerang about this joker of yours that you are trying to play for the second time. It did not amount to much when you tried it first, and it will amount to less now.

I am for the relief of these dear people you talk about so much, and I would like to pass the minority bill in this House, which would not only give the people relief but enable the farmers in the Western States to keep on raising sheep. It would enable our mills to run and the prosperity under the present law to be continued. True, if you do not amend the present law, that law is doing well by the people; it is not closing the mills; it is not making farming unprofitable; it does not include free trade on all farm products raised in the North, free trade on all farm products except rice. The farmers are doing well. The factories are doing well. People are at work, and men are agonizing to get people to work in the fields and in certain localities to get people to work in the factories. Perhaps you are doing the best thing to let well enough alone when it is so much better than anything you propose by any of the bills you have brought in here. Keep on playing to the galleries, and by and by, not in the dim and distant future, but in the near by and by, the galleries will be looking down on a majority in this House who are the true friends and not the false friends, like yourselves, of the people of the United States. [Applause on the Republican side.]

I will take advantage of the leave given me to print to add to the foregoing remarks. After they had been delivered it was stated in the House that the average rate of duties under the Wilson law was 40 per cent ad valorem, which, it was stated, is higher than the bill which I offer as a substitute. Of course the latter is nothing but a guess, as you can not get a correct average under any bill except by actual results, and the bill has not yet become a law.

Aside from all this, conditions have changed in the last 18 years, and on both sides of the Atlantic they use more effective machinery and employ more efficient operatives, and the difference in cost of production is less, generally, now than it was 18 years ago.

The bill I offer is based upon a careful study of the Tariff Board report, and I confidently believe is as nearly correct as it can be made. Like the present law, if this bill is enacted it will close no mill and injure no farm. That mills were closed and sheep by the millions were slaughtered under the Wilson law is a matter of history; that the slaughter was stopped and the mills were opened was a result of the Dingley law.

Mr. UNDERWOOD. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, at the special session last year I voted for this conference bill. I propose to vote for it again to-day. [Applause on the Democratic side.] I shall do so, Mr. Speaker, with less hesitation than I did then, for since then we have the report of the Tariff Board. I want to frankly say that I wish the rates in this bill were somewhat higher. I believe that as to some of them they ought to be higher to be clearly beyond the danger point; but, Mr. Speaker, as between the present schedule, the present outrageous schedule of the Payne-Aldrich law and this schedule, I prefer this one. [Applause on the Democratic side.]

So far as raw wool is concerned, Mr. Speaker, it is demonstrated now that the purported protection of the woolgrower in the Payne-Aldrich bill is a fraud upon him, that he does not in fact get more than 50 per cent of the purported protection afforded by that bill. The fact is that this 29 per cent given in this bill, while I would like to see it higher, is actually more than the great majority of the woolgrowers have been getting during the past two years under the Payne-Aldrich law. Now, so far as the manufactures of wool are concerned, so far as the interest of the manufacturer is concerned, it may be that some of the rates in this bill are such that his profits are not going to be so great as what, under ordinary circumstances, would be reasonable.

But, Mr. Speaker, if that be so, it is his own fault, for previous tariff bills have been written by him and for him enabling him to secure exorbitant profits at the expense of the American people. [Applause on the Democratic side.]

Mr. Speaker, let me say further, the Committee on Rules during this session of Congress had an investigation of the Lawrence strike. We made a very thorough investigation of the wages paid in some of the great woolen mills of the country, and found the wages paid in those woolen mills, the highest protected industry in the United States to-day, were such as ought not to exist anywhere in this great American Republic of ours, and if those wages can not be increased, then, I say, we would better get along without woolen mills in this country. I believe in American standards of living, and I believe in a reasonable wage to American laboring people, and if we can not, without taxing the American people millions of dollars a year, do that in our woolen mills, then we had better let those people stay across the water and make the things there and get them cheaper here.

But, Mr. Speaker, it is not so. They can and ought to pay higher wages. The trouble has been that these woolen manufacturers have been getting exorbitant profits and not passing on the protective duties to the laborers. They must be made to understand that if they are to get protection at the hands of the American people, which the Republican Party has always afforded, in order that they shall be able to pay American wages to American laboring men, then they must pass the benefits on to the laboring man.

My friend from Wyoming [Mr. MONDELL] has said that this bill is not carefully drawn; that it is not scientifically drawn, but, Mr. Speaker, the present schedule of the Payne-Aldrich law was too carefully drawn in the interest of the woolen manufacturer. [Applause on the Democratic side.] While this bill may not be and is not as scientifically drawn as I would like to see it, I prefer this bill to the present law, for it does afford protection to a reasonable degree to the American manufacturer and the American woolgrower, and at the same time does afford relief to the people who use woolen goods. I prefer that rather than to maintain the present schedule of the present Payne law, which the President himself has pronounced as indefensible. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, the gentleman from New York [Mr. PAYNE] in his statement about the bill made a very remarkable statement. He said that the rates under the Wilson bill ruined the country. The rates under the Wilson bill were 40 per cent ad valorem. The gentleman now proposes to save the country by advocating the passage of a bill in which he says

the average rate is only 35 per cent. [Applause and laughter on the Democratic side.]

Mr. Speaker, in connection with this debate, I desire to have read from the Clerk's desk a statement of the amount of rates of duty charged under the woolen schedule.

The Clerk read as follows:

Table showing rates collected under the Payne law for the year ending June 30, 1911 (the last full report), as shown by the Bureau of Statistics.

	Per cent.
Class 1 wool, unwashed	43 to 46
Class 1 wool, washed	60 to 97
Class 2 wool	49 to 120
Class 3 wool	30 to 105
Wool and hair advanced	74 to 178
Yarns	76 to 149
Blankets	55 to 168
Carpets	50 to 72
Cloths	63 to 149
Women and children's dress goods	94 to 157
Flannels	71 to 121
Knit fabrics	95 to 153
Plushes	99 to 122
Wearing apparel	65 to 92
All other manufactures of wool	61 to 157

In this table are given the minimum and maximum ad valorem rates for the year 1911 as reported in the volume named.

Mr. UNDERWOOD. Mr. Speaker, the Tariff Board did not think it was necessary to advise the House in its report in reference to blankets and flannels, and I will ask to have read from the desk a statement of the taxes levied on blankets and flannels under the present law.

The Clerk read as follows:

Rates taken from "Imported merchandise entered for consumption in the United States and duties collected thereon for 1911," issued by the Bureau of Statistics.

Blankets costing 47 cents a pound paid 105 per cent; blankets more than 3 yards in length, costing 28 cents a pound, paid 168.54 per cent; valued at 59 cents a pound, 124.94 per cent; valued at 93 cents a pound, 102.54 per cent. Cloth valued at 33 cents a pound paid 149.59 per cent; valued at 60 cents a pound, paid 123.71 per cent; valued at $1.12 a pound, 94.17 per cent; valued at $1.77 a pound, 63.92 per cent; the dearer the cloth the less the rate. Women's and children's dress goods, weighing 4 ounces or less to square yard, costing from 13 cents to 14 cents per square yard, 103 per cent; weighing more than 4 ounces to square yard, costing 38 cents per square yard, 130.68 per cent; costing 61 cents a yard, 116.07 per cent; composed wholly or in part of wool, costing 31 cents a yard, 157.69 per cent; costing 58 cents a yard, 125.82 per cent.

Flannels costing 46 cents per pound, 108 per cent; weighing over 4 ounces to square yard, costing 61 cents per pound, 121.93 per cent; costing 85 cents per pound, 107.08 per cent; knit fabrics costing 32 cents per pound, 153.19 per cent; costing 64 cents per pound, 118.62 per cent; costing $1.10 per pound, 95.09 per cent; plushes costing 60 cents per pound, 122.30 per cent; costing 98 cents per pound, 99.95 per cent; other manufactures, wholly or in part of wool, 157 per cent.

Mr. UNDERWOOD. Mr. Speaker, I move the previous question on the adoption of the conference report.

Mr. PAYNE. Mr. Speaker, before the gentleman does that I desire to ask him a question. The table which has just been read is what? What does the gentleman pretend that to be?

Mr. UNDERWOOD. It is a selection of the rates of duty from the reports of the Bureau of Statistics showing the enormous rates that are levied on some products under the Payne law.

Mr. PAYNE. Was somebody experimenting on importing four or five dollars' worth?

Mr. UNDERWOOD. Oh, no.

Mr. PAYNE. There are those instances in the book, and only those.

Mr. UNDERWOOD. They are instances of how prohibitive the rates are when there are only a few imported.

The SPEAKER. The question is on ordering the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the conference report.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 161, nays 62, answered "present" 5, not voting 162, as follows:

YEAS—161.

Adair	Buchanan	Cullop	Foster
Adamson	Bulkley	Davis, Minn.	Fowler
Akin, N. Y.	Burke, Wis.	Dent	Francis
Alexander	Burleson	Denver	George
Anderson, Minn.	Burnett	Dickinson	Godwin, N. C.
Anderson, Ohio	Byrns, Tenn.	Dixon, Ind.	Goeke
Ansberry	Candler	Doremus	Goodwin, Ark.
Ayres	Carlin	Driscoll, D. A.	Graham
Bathrick	Carter	Evans	Gray
Beall, Tex.	Claypool	Faison	Gregg, Pa.
Berger	Cline	Fergusson	Gudger
Blackmon	Connell	Finley	Hamill
Boehne	Conry	Fitzgerald	Hamlin
Broussard	Cox, Ind.	Flood, Va.	Hammond
Brown	Cravens	Floyd, Ark.	Hanna
Hardy	Lee, Pa.	Peters	Stephens, Cal.
Harrison, Miss.	Lenroot	Post	Stephens, Nebr.
Harrison, N. Y.	Lever	Pou	Stephens, Tex.
Haugen	Lindbergh	Rainey	Stevens, Minn.
Hay	Linthicum	Raker	Stone
Hayden	Littlepage	Ransdell, La.	Sweet
Heflin	Lloyd	Rauch	Taggart
Helgesen	Lobeck	Rees	Talcott, N. Y.
Henry, Tex.	McCoy	Reilly	Thayer
Hensley	McDermott	Roberts, Mass.	Townsend
Holland	McGillicuddy	Robinson	Tribble
Houston	McKellar	Rothermel	Underhill
Howland	Maguire, Nebr.	Rubey	Underwood
Hughes, N. J.	Martin, Colo.	Rucker, Colo.	Volstead
Hull	Miller	Russell	Warburton
Humphreys, Miss.	Morrison	Sabath	Watkins
James	Morse, Wis.	Shackleford	Webb
Johnson, Ky.	Moss, Ind.	Sims	White
Johnson, S. C.	Murray	Sisson	Wilson, Pa.
Kent	Neeley	Slayden	Witherspoon
Kinkaid, Nebr.	Norris	Sloan	Woods, Iowa
Kitchin	Oldfield	Small	Young, Kans.
Korbly	O'Shaunessy	Smith, Tex.	The Speaker
Lafferty	Padgett	Stanley	
La Follette	Page	Stedman	
Lee, Ga.	Pepper	Steenerson	

NAYS—62.

Ainey	French	Kennedy	Prouty
Ashbrook	Fuller	Knowland	Rodenberg
Austin	Gardner, Mass.	Longworth	Simmons
Bates	Gardner, N. J.	McKinney	Smith, Saml. W.
Bowman	Gillett	McLaughlin	Sterling
Burke, S. Dak.	Good	McMorran	Sulloway
Cannon	Green, Iowa	Mann	Switzer
Catlin	Greene, Mass.	Mott	Tilson
Crago	Guernsey	Needham	Towner
Crumpacker	Hartman	Patton, Pa.	Wedemeyer
Curry	Hawley	Payne	Willis
Danforth	Howell	Pickett	Wilson, Ill.
De Forest	Hughes, W. Va.	Plumley	Wood, N. J.
Draper	Humphrey, Wash.	Porter	Young, Mich.
Driscoll, M. E.	Kahn	Pray	
Foss	Kendall	Prince	

ANSWERED "PRESENT"—5.

Burgess	Palmer	Scully	Sparkman
Butler			

NOT VOTING—162.

Aiken, S. C.	Doughton	Kinkead, N. J.	Randell, Tex.
Allen	Dupré	Konig	Redfield
Ames	Dwight	Konop	Reyburn
Andrus	Dyer	Kopp	Richardson
Anthony	Edwards	Lafean	Riordan
Barchfeld	Ellerbe	Lamb	Roberts, Nev.
Barnhart	Esch	Langham	Roddenbery
Bartholdt	Estopinal	Langley	Rouse
Bartlett	Fairchild	Lawrence	Rucker, Mo.
Bell, Ga.	Farr	Legare	Saunders
Booher	Ferris	Levy	Sells
Borland	Fields	Lewis	Sharp
Bradley	Focht	Lindsay	Sheppard
Brantley	Fordney	Littleton	Sherley
Browning	Fornes	Loud	Sherwood
Burke, Pa.	Gallagher	McCall	Slemp
Byrnes, S. C.	Garner	McCreary	Smith, J. M. C.
Calder	Garrett	McGuire, Okla.	Smith, Cal.
Callaway	Glass	McHenry	Smith, N. Y.
Campbell	Goldfogle	McKenzie	Speer
Cantrill	Gould	McKinley	Stack
Cary	Gregg, Tex.	Macon	Stephens, Miss.
Clark, Fla.	Griest	Madden	Sulzer
Clayton	Hamilton, Mich.	Maher	Talbott, Md.
Collier	Hamilton, W. Va.	Martin, S. Dak.	Taylor, Ala.
Cooper	Hardwick	Matthews	Taylor, Colo.
Copley	Harris	Mays	Taylor, Ohio
Covington	Hayes	Mondell	Thistlewood
Cox, Ohio	Heald	Moon, Pa.	Thomas
Curley	Helm	Moon, Tenn.	Turnbull
Currier	Henry, Conn.	Moore, Pa.	Tuttle
Dalzell	Higgins	Moore, Tex.	Utter
Daugherty	Hill	Morgan	Vare
Davenport	Hinds	Murdock	Vreeland
Davidson	Hobson	Nelson	Weeks
Davis, W. Va.	Howard	Nye	Whitacre
Dickson, Miss.	Hughes, Ga.	Olmsted	Wilder
Dies	Jackson	Parran	Wilson, N. Y.
Difenderfer	Jacoway	Patten, N. Y.	Young, Tex.
Dodds	Jones	Powers	
Donohoe	Kindred	Pujo	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "aye" as above recorded.

So the conference report was agreed to.

The Clerk announced the following pairs:

Until August 28:

Mr. BYRNES of South Carolina with Mr. MADDEN.

Until further notice:

Mr. ROUSE with Mr. VREELAND.

Mr. GALLAGHER with Mr. UTTER.

Mr. KINDRED with Mr. LAWRENCE.

Mr. ALLEN with Mr. BARCHFELD.

Mr. BOOHER with Mr. BARTHOLDT.

Mr. BRANTLEY with Mr. CALDER.

Mr. CALLAWAY with Mr. COPLEY.

Mr. CLARK of Florida with Mr. DODDS.

Mr. COLLIER with Mr. FOCHT.

Mr. CURLEY with Mr. HAMILTON of Michigan.
Mr. CLAYTON with Mr. HEALD.
Mr. DONOHOE with Mr. HINDS.
Mr. DOUGHTON with Mr. KOPP.
Mr. DUPRÉ with Mr. LAFEAN.
Mr. GARNER with Mr. MCCREARY.
Mr. GREGG of Texas with Mr. MCKENZIE.
Mr. HOWARD with Mr. MCKINLEY.
Mr. JACOWAY with Mr. MATTHEWS.
Mr. KINKEAD of New Jersey with Mr. MONDELL.
Mr. LAMB with Mr. SELLS.
Mr. PUJO with Mr. J. M. C. SMITH.
Mr. SULZER with Mr. TAYLOR of Ohio.
Mr. YOUNG of Texas with Mr. VARE.
Mr. SHARP with Mr. WILDER.
Mr. SCULLY with Mr. BROWNING.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. PETERS with Mr. MCCALL.
Mr. LITTLETON with Mr. DWIGHT.
Mr. ELLERBE with Mr. CURRIER.
Mr. MAYS with Mr. THISTLEWOOD.
Mr. EDWARDS with Mr. DALZELL.
Mr. RANDELL of Texas with Mr. SMITH of California.
Mr. RUCKER of Missouri with Mr. DYER.
Mr. FIELDS with Mr. LANGLEY.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. GARRETT with Mr. FORDNEY.
Mr. HARDWICK with Mr. CAMPBELL.
Mr. LEGARE with Mr. LOUD.
Mr. SHERLEY with Mr. OLMSTED.
Mr. STEPHENS of Mississippi with Mr. MARTIN of South Dakota.
Mr. RICHARDSON with Mr. REYBURN.
Mr. HAMILTON of West Virginia with Mr. MCGUIRE of Oklahoma.
Mr. TAYLOR of Colorado with Mr. AMES.
Mr. KONIG with Mr. HENRY of Connecticut.
Mr. AIKEN of South Carolina with Mr. BURKE of Pennsylvania.
Mr. DIES with Mr. HIGGINS.
Mr. DIFENDERFER with Mr. FARR.
Mr. RODDENBERY with Mr. ROBERTS of Nevada.
Mr. PATTEN of New York with Mr. GRIEST.
Mr. REDFIELD with Mr. SPEER.
Mr. PALMER with Mr. HILL (with mutual privilege of transfer).
Mr. HUGHES of Georgia with Mr. MOORE of Pennsylvania.
Mr. MOON of Tennessee with Mr. MOON of Pennsylvania.
Mr. COX of Ohio with Mr. ANTHONY.
For balance of session:
Mr. TURNBULL with Mr. HAYES.
Mr. BELL of Georgia with Mr. LANGHAM.
Mr. RIORDAN with Mr. ANDRUS.
Mr. GLASS with Mr. SLEMP.
Mr. BURGESS with Mr. WEEKS.
Mr. FORNES with Mr. BRADLEY.
Mr. BARTLETT with Mr. BUTLER.
Mr. HOBSON with Mr. FAIRCHILD.

Mr. PALMER. Mr. Speaker, has the gentleman from Connecticut, Mr. HILL, voted?

The SPEAKER. He has not.

Mr. PALMER. Then I desire to withdraw my vote of "aye" and answer "present."

The name of Mr. PALMER was called, and he answered "Present."

Mr. BUTLER. Mr. Speaker, may I withdraw my vote? I am paired with Mr. BARTLETT of Georgia. I am making my daily statement.

The SPEAKER. How did the gentleman vote?

Mr. BUTLER. I voted "no."

The SPEAKER. Call the gentleman's name.

The name of Mr. BUTLER was called, and he answered "Present."

Mr. LEVY. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. LEVY. No, sir.

The SPEAKER. Then the gentleman does not bring himself within the rule.

Mr. LEVY. I had just reached the door when the roll was concluded.

The SPEAKER. It makes no difference; if the gentleman was not in the Hall, he can not vote.

Mr. LEVY. Mr. Speaker, I would have liked to have voted "aye."

The SPEAKER. The gentleman can not make an explanation about his not voting.

The result of the vote was announced as above recorded.

On motion of Mr. UNDERWOOD, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

The SPEAKER. The gentleman from Texas [Mr. HENRY] is recognized for an hour.

Mr. HENRY of Texas. Mr. Speaker, I do not know that I shall exceed the hour, but I would like to proceed without feeling that I am under restraint as to time. I shall not trespass upon the time of the House, and I ask unanimous consent that I be allowed to complete my remarks.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent to be permitted to conclude his remarks. Is there objection?

Mr. MANN. How much time does the gentleman wish?

Mr. HENRY of Texas. I do not think many minutes over the hour.

Mr. MANN. I shall not object.

Mr. HENRY of Texas. Mr. Speaker, the gentleman from Illinois, in closing his spectacular remarks, said:

> Mr. Chairman, I shall not go much further into the record of this anti-Jefferson, antiforeign, antilabor, antisoldier, and pro-Chinese candidate for the Presidency.

This statement is not in keeping with the facts and is a cunning effort to present false issues to the American voters. The gentleman should have known, or could have known with the slightest investigation, that his charges are absolutely unwarranted. The plain truth is Gov. Wilson is not against foreign immigration, labor, and the soldiers of our country, and is not an advocate of Chinese immigration. The gentleman knows this, and if he desired to be candid with the country would correctly state the truth of current politics. I here deny and challenge his statements. Gov. Wilson stands before the country as the Democratic nominee in courageous attitude, with nothing to conceal, with no apologies to make, and as the one candidate aspiring to the Presidency unfettered, independent, clean in politics, able, faithful, and with an incomparable record of public service. In this contest the chance remarks of any candidate made or written in the past will count for naught.

What the candidate and his party stand for, with the ability and intention to faithfully perform pledges and platform promises, will be the supreme test. And from that standpoint we present our candidate, with a brilliant record of official achievement as executive of his State, with every promise literally and faithfully redeemed, in contrast with Taft and Roosevelt, whose records are shattered, with pledges and platform promises unredeemed, with faithless words of hope to the people long since forgotten by both of them. We enter the fray with eagerness and go to the people with the pledge that our candidate stands for the things that will bring relief to the overburdened masses and will keep his party's plighted word, as he has kept it in the past, and challenge its comparison with the historic fact that Mr. Taft won the votes of the people with his pledges and his party platform, and after the election turned his back upon those who had lifted him into his high office and utterly failed in his performances, as was done by Mr. Roosevelt, the candidate of George W. Perkins, E. H. Gary, and the Steel Trust, the greatest financial organization in the world's history. [Applause on the Democratic side.] We gladly join issue and enter the lists with the Republican candidates and the cause they typify; and Democracy's candidate will not be found apologetic, timid, and shirking the issue, but brave and able and honest in the people's struggle.

RODENBERG ON "PRACTICAL POLITICS."

RODENBERG says:

> In this enlightened day and age, when the standard of general intelligence is higher than it has ever been, the personality of the candidate becomes in a very large measure the platform of his party. The people are more vitally interested in ascertaining the honest convictions of the candidate, formed in a time of sober and mature reflection, uninfluenced by ambition or hope of political preferment, *than they are in any professions or promises contained in a platform which they know has been constructed to meet the exigencies of practical politics.*

This quotation from the gentleman's speech indicates the quality of his politics. It places him in the class of "practical politicians," where he aspires to be numbered.

Again, it thoroughly explains and establishes another thing, perhaps not intended by him, to wit, why the Republican Party and Mr. Taft, in 1908, at Chicago promised specific things to the American people in their platform and then, after deceiving them as to "tariff revision" and certain other things, deliberately and faithlessly repudiated their solemn pledges and raised the tariff burdens, because, as RODENBERG says, "pro-

fessions or promises contained in a platform" must "be constructed to meet the exigencies of practical politics." Hence, that Chicago platform was made to deceive the people, and, according to the gentleman from Illinois, Taft was the real platform and embodiment of his party's intentions and only nominated for the purpose of repudiating such platform, as he did on the tariff and other issues after he was elected, and through his real self serve the special interests regardless of party pledges. The gentleman from Illinois calls that "practical politics." He wishes to be so classified, and I promptly accord him the coveted honor. According to his standard, the platform is only made to delude, and the candidate, as a "practical politician," must conceal his real views and convictions till the ballots are cast and then trample his party's pledges into the dirt as meaningless, in accordance with Mr. Taft's well-known record.

WILSON ON THOMAS JEFFERSON.

The gentleman quotes a brief extract from two of Gov. Wilson's books—the History of the American People and The Life of George Washington. They read:

The difference between Mr. Jefferson and Gen. Jackson was not a difference of moral quality so much as a difference in social stock and breeding. Mr. Jefferson, an aristocrat, and yet a philosophical radical, deliberately practiced the arts of the politician and exhibited oftentimes the sort of insincerity which subtle natures yield to without loss of essential integrity.

* * * * * * *

Washington found him a guide who needed watching.

Read those extracts in regard to every quotation made and the gentleman frequently confuses and misinterprets their real meaning. Gov. Wilson has not written a thing in any book for which he should apologize before the American people. [Applause on the Democratic side.] The true answer to this effort to prejudice the public mind against Gov. Wilson is that such tactics are puerile. Because if the great Democrat, Thomas Jefferson, could return to this earth to-day he would be found following the flag of Woodrow Wilson in this contest, just as we find that illustrious living Democrat, William J. Bryan, giving adherence to the Democratic nominee against the party of unredeemed and broken promises [applause on the Democratic side], members of which are now lost in confusion trying to follow Taft and Roosevelt, both of whom have given and would give aid and comfort to the special privileged classes and interests seeking favors at the hands of the Government.

The "cocked-hat" letter brought Bryan and Wilson together, and so would Wilson's fight against the greed of trusts, special privilege, and avarice unite Jefferson and Wilson in this fight for the people, could the Sage of Monticello be permitted to return to the scenes of earthly action.

WILSON ON FOREIGN IMMIGRATION.

Again, the gentleman from Illinois undertakes to prejudice the minds of this House and the country against Wilson in regard to foreigners and foreign immigration. He totally misinterprets the distinguished governor on that subject. He understands full well that Gov. Wilson is not opposed to worthy foreigners of every clime in the universe coming to our country as the abode of liberty to make this Republic their home. [Applause on the Democratic side.]

Let us analyze the language. And I intend to set it out in the RECORD so that the American people may scrutinize it:

Now, there came multitudes of men of the lowest class from the south of Italy and men of the meaner sort out of Hungary and Poland, men out of the ranks where there was neither skill nor energy nor any initiative of quick intelligence; and they came in numbers which increased from year to year, as if the countries of the south of Europe were disburdening themselves of the more sordid and hapless elements of their population. The people of the Pacific coast had clamored these many years against the admission of immigrants out of China, and in May, 1892, got at last what they wanted—a Federal statute which practically excluded from the United States all Chinese who had not already acquired the right of residence; and yet the Chinese were more to be desired, as workmen if not as citizens, than most of the coarse crew that came crowding in every year at the eastern ports.

Consider the meaning of the expression, "men of the meaner sort." What did Wilson mean when he said, "More to be desired as workmen"? By whom "desired"? Wilson does not say by himself. I answer RODENBERG with his own words, expressed immediately following his quotation and comment thereon. In the same speech in which he arraigns Wilson he says:

While I believe in the strict enforcement of our immigration laws, to protect us against *the vicious, the lawless,* and *the depraved,* yet I would not draw the line against admitting immigrants who, judged by our own experience, possess the possibility of developing into useful American citizenship.

He, too, charges that there are the "vicious," the "depraved," the "lawless" in foreign countries. Does he wish them for American citizens? Does any right-thinking man of any nationality desire such immigration? The mere propounding of the query answers the point with every patriotic voter. Are not the views of Wilson and RODENBERG identical on immigration? He, too, would exclude the "vicious," the "lawless," and the "depraved." Are they not the "meaner sort" to which Gov. Wilson referred?

I challenge and defy the gentleman to point to a single instance where Wilson ever in his history or elsewhere said one word against the worthy immigrants from Italy, Poland, or Hungary, the homes of Garibaldi, Kosciuszko, and Kossuth.

Again let Wilson speak for himself. In refuting these false interpretations and charges, he wrote a letter to N. O. Piotrowski, Esq., of Chicago. The gentleman can not arouse the prejudice of the foreigners against Gov. Wilson by such claptrap argument. The letter is well worth perusal by every liberty-loving American citizen and every man throughout the country who loves freedom and good government:

[Personal.]

MARCH 13, 1912.

MY DEAR MR. PIOTROWSKI: I remember with pleasure meeting you when I was in Chicago, and esteem it a privilege to reply to your frank and interesting letter of March 11.

My history was written on so condensed a scale that I am only too well aware that passages such as you quote are open to misconstruction, though I think their meaning is plain when they are fairly scrutinized. No one who knows anything of the history of Europe can fail to be familiar with the distinguished history of the Polish people, and any writer who spoke without discrimination of members of that nation as constituting an undesirable element in population would not only be doing a gross injustice but exhibiting a great ignorance. I did not know all of the facts you so interestingly set forth in your letter, but I did know, in a general way, of the honorable and useful careers of the Polish citizens of America and the self-respect and steady achievement of the Polish communities which have been established in various parts of the country. In the passage quoted from my history I was speaking of a particular time when it had become the practice of certain employers on this side of the water to import large numbers of unskilled laborers under contract for the purpose of displacing American labor, for which they would have been obliged to pay more.

Here permit me to give the instances. The American Woolen Co. imported foreigners from every part of the earth to Lawrence, Mass., and paid children in their factories two and three dollars a week and adults six and seven dollars a week. This great protected industry allowed the children to pay five and ten cents a week for water, and saw them crying for bread and shivering for clothing around their very factory doors. And still the Republican Party must protect the Woolen Trust.

They were drawing, in many cases, upon a class of people who would not have come of their own motion and who were not truly representative of the finer elements of the countries from which they came.

* * * * * * *

I know that a just and thoughtful man like yourself will pay no attention to the miscellaneous misinterpretations which have been put upon the passage referred to, and that you will have already interpreted my meaning as I have here endeavored to interpret it.

Your letter has very graciously afforded me an opportunity to make this explanation.

Cordially and sincerely, yours,

WOODROW WILSON.

Hon. N. O. PIOTROWSKI,
City Attorney, 59 Clark Street, Chicago, Ill.

[Applause on the Democratic side.]

And as late as July 22, 1912, at Seagirt, N. J., Gov. Wilson, in a signed statement, gave his views on foreigners and foreign immigration to Mr. Geza Kende, the able editor of the Hungarian paper, Amerikai Magyar Nepszava, of New York:

"I believe in the reasonable restriction of immigration, but not in any restriction which will exclude from the country honest, industrious men who are seeking what America has always offered, an asylum for those who seek a free field. The whole question is a very difficult one, but I think can be solved with justice and generosity. Anyone who has the least knowledge of Hungarian history must feel that stock to have proved itself fit for liberty and opportunity.

* * * * * * *

"I never have had any objection to sound immigration from any country," he said, and being asked just how he defined "sound immigration," he said he referred to the coming of honest men and women from other lands whose presence in the United States is not calculated to interfere with the health and moral conditions of this country.

It is a wholly false insinuation to say that ever Wilson for a single day of his life opposed the right kind of immigration to our country. Never did he breathe or write such opposition anywhere.

The gentleman will fail in his efforts to prejudice the voter. His party must meet the real issue. For more than a generation the American people have been moving up to this great conflict, and the battle is on. Democracy asks no quarter at the hands of the opposition. We know that Wilson carries the flag typifying the rights of the people and are confident of victory in November. [Applause on the Democratic side.]

Let us examine how this charge, oft repeated, has affected the foreigners in our country. Here is what they say through their

papers. As a matter of fact, the mendacious use of these quotations when the situation is once explained, has failed to deceive the people most intimately concerned. Foremost in repudiating these attacks are the Italians and Poles themselves. The leading newspapers in representing the nationalities are placing Gov. Wilson in a proper light. The editor of La Voce del Popolo, the national Italian newspaper in New York, after writing to Gov. Wilson and receiving an explanation, has come to his support.

All Italians can be satisfied—

Says this paper—

with Gov. Wilson's frank and clear explanation. Gov. Wilson has now made it entirely plain, and a man who has no political or party ends to serve gladly acknowledges it. We have had the greatest esteem for Woodrow Wilson ever since he became governor of New Jersey and undertook to eliminate corruption, and we entertain toward him to-day the same deep and disinterested admiration.

So we have here an explanation of the feeling with which that quotation has been received by the so-called foreigner. Let me for a moment refer to the record of gentlemen on that side of the aisle in regard to the labor question, the Chinese issue. The gentleman from Illinois undertook to place Gov. Wilson in the attitude of being a pro-Chinese advocate, and his party with having opposed the immigration of the Chinese to this country.

He is indeed ignorant of history, or else seems to be ready to suppress some of the facts. Why, do you know that back in the early eighties, when the American laborer was endeavoring to secure action excluding the Chinese from this country, the Democratic Party was advocating that legislation and the Republican Party, almost in solid phalanx, stood on that side of the aisle favoring the Chinese? [Applause on the Democratic side.] The CONGRESSIONAL RECORD shows that two Congresses passed bills to exclude the Chinese from the Pacific shores and other ports of our country, and two Republican Presidents vetoed these Chinese-exclusion acts. It was a Democratic House that passed a Chinese-exclusion act in 1892. Back in those days two Republican Presidents stood by the Chinese and against the American laborer. Presidents Arthur and Hayes vetoed these Chinese-exclusion bills, and when they came back to Congress the Democrats, almost in solid fashion, voted to pass the bills over the vetoes of these Republican Presidents, and nearly every Republican voted in favor of the Chinese coming here in competition with American labor. [Applause on the Democratic side.]

On January 28, 1879, Hayes sent his veto message to Congress; and on March 1, 1879, 83 Democrats could only secure the pitiful number of 22 Republican Members to vote with them to pass the bill over the veto, while 81 Republicans voted "nay," and the veto prevailed. I am sure RODENBERG's face will blush with shame when he reads that vote of his party.

Then, in 1882, another bill excluding the Chinese laborers was passed by Democrats; and on March 9, 1882, Arthur vetoed that. And in the Senate 31 Democrats voted to pass the bill over his veto, and could not secure a single Republican Senator to vote with them, while 28 voted with the Chinamen and against the bill. And when the bill came up in the House on April 17, 1882, 103 Democrats voted to pass it over the President's veto, and few Republicans dared to defy the protective-tariff lords and vote with the Democrats.

And now, Mr. RODENBERG, when you talk about your party opposing Chinese laborers, I can only cry "Shame!" And yet the gentleman from Illinois says that his party defended the American laborer. Ah, Mr. Speaker, the Republican Party ought not to take the flattering unction to its soul that it did anything for the American laborer. For 14 years I have sat on this floor and have seen Republican Speakers occupying that chair refuse to allow legislation favorable to labor to come before this House.

The distinguished gentleman from Illinois [Mr. CANNON] during his incumbency as Speaker of the House, whenever the labor people came to him and asked for legislation to prevent government by injunction, remedies limiting the power of Federal judges in the issuance of injunctions, touching trial by jury in cases of indirect contempt, and kindred measures, scoffed at their demand and turned them away from the door of the Speaker's room. Year after year we have heard them appeal for legislation, and not until the Democratic Party came into power two years ago was their cry heeded. This very Congress has passed a bill limiting the power of Federal injunctions, the power of petty judicial tyrants. Such enactment will prohibit them from governing people through the writ of injunction. When we brought the bill to the floor of the House for consideration, the Republican Party that had sat here for all these years stifling legislation became afraid and did not have courage to vote against the relief demanded by labor. [Applause on the Democratic side.]

When we brought up the measure providing for jury trial in cases of indirect contempt, a splendid measure which is now pending at the other end of the Capitol, Democrats supported and pressed it. When a division was demanded, the Republicans, who for 15 years had suppressed this legislation, did not have the courage to again suppress it, but ran to cover and voted with the Democrats. [Applause on the Democratic side.] It is idle to boast of the Republican Party being the friend of labor and Wilson being inimicable to their interests. We are glad to welcome the issue, and when we have finished this contest it will be ascertained that we are standing by the people, and the Republican Party is still consistently fighting the battle of the special interests, as they have always done. [Applause on the Democratic side.]

Mr. Speaker, it is appropriate that the standpat Republican from Illinois [Mr. RODENBERG], who loved the former Speaker of this House [Mr. CANNON] so well that he characterized him as the "Iron Duke of the Republican Party," should assail the candidate of the Democratic Pafty. There could be no more fitting representative to make this assault on Democracy's nominee than the distinguished gentleman from the East St. Louis district, whose record is so graphically portrayed in the magazine of Senator ROBERT M. LA FOLLETTE. The recital of the record is commended to the consideration of all those who wish to read an interesting congressional biography of the gentleman now assailing Democracy's nominee.

GOV. WILSON'S NEW JERSEY RECORD.

Permit me here to proceed with the consideration of Wilson's magnificent record as governor of New Jersey. That State for more than 15 years had been under the control of the Republican Party. If there was a boss-ridden State in the Union it was the State of New Jersey, and the man who is now the standard bearer of the Democratic Party converted a great Republican State completely dominated by the special interests into a Democratic State of 50,000 majority. [Applause on the Democratic side.] He made promises to the people and redeemed every one to the letter. The test is not what may be taken from one or two sentences in a book, but where does this man stand and what has he accomplished and is he honest? In less than six months he accomplished more for the people than had been done in that State for 20 years.

There were four laws put on the statute book of New Jersey that should alone commend Gov. Wilson not only to the people of his own State but to the voters of the entire country. The people, as I say, were under the domination of the bosses in New Jersey and could not control their own elections. Gov. Wilson demanded a direct-primary law in which the bosses could be eliminated and every voter could walk up to the polls and express his choice. Permit me to recite to you some of the provisions of that law, in order that you may see how well he kept his word.

NEW JERSEY ELECTION LAW.

The election law provides:

Direct primaries.—The people, not the self-constituted bosses, name the candidates openly at a regularly conducted, legally constituted election, not privately in a corner.

The Geran election law insures against repeating. A voter in a municipality of over 5,000 must register personally and sign his name to the registration book. When he comes to cast his ballot he must again sign the poll book. If a voter attempts to vote on another's name he must forge the signature. Forgery means imprisonment if detected, and there is the signature on the registration book as a check.

The election law chooses election officers from a list of candidates who have passed a civil-service examination. These men know the law and their duties under it. They are also familiar with the penalties for any violation of the law. Under its provisions the people have taken their government into their own hands. [Applause.]

EMPLOYERS' LIABILITY AND WORKINGMEN'S COMPENSATION ACT.

Next we will consider the employers' liability and workingmen's compensation act. It is the crowning act of justice to employees.

This law prescribes the liability of an employer to make compensation for injuries received by an employee in the course of employment. It establishes an elective schedule of compensation and regulates the procedure for determining the liability and compensation of each party. It provides that an employee who is injured need not sue to obtain damages. A regular schedule covering the different classes of injuries is drawn up and the employer's liability is set opposite each. It is fair and just to those employed, because in case of accident it secures to them without delay a fixed income at a time when it is most needed. It avoids a long-drawn-out litigation, with its attendant expense, delay, and suffering. It abolishes the barbaric

doctrines of assumed risk, the negligence of fellow servants, and contributory negligence. [Applause.] Let laboring men consider that measure, which has taken them from under the iron heel of corporations and placed them where they may speedily get their rights when injury occurs, and where their families may be compensated in case of death. [Applause on the Democratic side.]

Pursuing his four great measures, let us next analyze

THE CORRUPT-PRACTICES ACT.

This law provides for a committee to receive and expend campaign funds. It directs that this committee make an itemized statement showing every receipt and expenditure, together with the sources from which the money came, which shall be filed as a public document and shall be open to inspection by any citizen. Each candidate must file a sworn statement of his personal contributions to the campaign committee, and this statement must show the names of any persons who paid, loaned, contributed, or otherwise furnished any moneys to said candidate in aid of his election or nomination. If any candidate does not file such statement within the period required by law he forfeits the office to which he was elected.

The law prohibits the use of money to secure election to office in excess of these clearly specified amounts:

A candidate for governor may spend	$2,500
A candidate for Congress may spend	1,500
A candidate for any county office	500
A candidate for State senate	500
A candidate for general assembly	250
A candidate for any municipal office	250

These sums can not be spent by the candidates personally, but must be disbursed by the legally appointed campaign committee. This provision can not be evaded by spending larger sums through relatives, corporate associates, or friends. The law construes all such contributions as part of the candidate's personal contribution. The law prohibits corporations from contributing to the campaign fund of any candidate or any political party. It prohibits colonizing, betting on the result of the election, intimidating voters by threat or otherwise; printing political expressions on pay envelopes, posting political handbills on factories by individuals or corporations.

And the Democratic Party has passed through the House a bill providing for publicity of campaign contributions and expenditures before nomination as well as afterwards, and it was passed by almost a unanimous vote. If it ever gets out of the other end of the Capitol and gets up Pennsylvania Avenue to the White House, we may know something about the sources of funds of the candidates for President. [Applause on the Democratic side.]

As one of Gov. Wilson's great achievements will stand out the act reviving and placing teeth in the obsolete New Jersey commission law in the enactment known as the—

PUBLIC UTILITIES COMMISSION.

The public utilities board is given general supervision of, and control over, all public utilities, and also their property, property rights, equipment, facilities, and franchises, so far as may be necessary, for the purpose of carrying out the provisions of the act. The term "public utility" is legally defined to include every individual, copartnership, association, corporation, or joint-stock company, their lessees, trustees, or receivers appointed by any court whatsoever, that now or hereafter may own, operate, manage, or control, within the State of New Jersey, any steam railroad, street railway, traction railway, canal, express, subway, pipe line, gas, electric light, heat, power, water, oil, sewer, telephone, telegraph system, plant, or equipment for public use, under privileges granted or hereafter to be granted by the State of New Jersey or by any political subdivision thereof.

This board has power, either upon its own initiative or upon complaint in writing, to investigate any matter concerning any public utility as herein defined. It can appraise and value property. It can fix rates, test appliances, fix junction points and connections, fix rates of depreciation, prohibit unjust discrimination, regulate extensions of indebtedness and capitalization of franchises, and it must approve all sales, leases, or mortgages and all transfers of stock to other companies. All franchises or grants by municipalities come under its jurisdiction.

POWERS OF THE BOARD.

The board can compel the attendance of witnesses and the production of records. No witness may escape testifying on the ground of incrimination, and no immunity can inure to any witness on account of his testimony.

All orders of the board to continue service or rates in effect at the time said order is made shall be immediately operative; all other orders shall become effective upon the date specified therein, which shall be at least 20 days after the date of said order.

Violations of the provisions of the law subject every officer who participates to personal punishment for misdemeanor, and every public-service corporation must file a sworn analysis of its methods of doing business, so that the officers responsible may in every case be identified. In default of compliance with any order of the board, when the same shall become effective the person or public untility affected thereby shall be subject to a penalty of $100 per day for every day during which such default continues to be recovered in an action of debt in the name of the State. No finer law for regulating public-service corporations can be found in any State. [Applause on the Democratic side.]

Since the gentleman from Illinois has deliberately assailed Gov. Wilson with a spirit akin to malevolence, and charged that he is not a friend of labor, let me set out more at length for the sake of truthful history and the benefit of honest voters his exact record touching labor measures. Here it is. The following labor laws were passed under his administration:

Fire-escape law, amending factory laws, and placing New Jersey in the vanguard of States in the protection of workers in factories and workshops.

Regulating employment agencies and licensing the same.

Making the improper influencing of labor representatives or foremen a misdemeanor.

Employers' liability and compensation act.

Prohibiting the employment of children in mercantile establishments during school hours; providing for a 58-hour week; and prohibiting children under 16 years to work between the hours of 7 p. m. and 7 a. m.

Appoint of commissioners on old-age pensions and old-age insurance.

Providing for the safety and health of foundry workers by minimizing drafts and doing away with noxious gases, and so forth, by exhaust fans in foundries.

Increasing factory inspectors by the number of 6—making in all a total of 17—for the better enforcement of factory and workshop laws.

Eight-hour day on State, county, and municipal work.

Providing for at least one-half hour meal time for six continuous hours of labor.

A plumbers' license act.

Providing for sanitation in bakeshops, and so forth, and also compelling the licensing of same.

Prohibiting the employment of persons under 21 years in first-class cities and 18 years in second-class cities as telephone or telegraph messengers between the hours of 10 p. m. and 5 a. m.

A semimonthly pay act for railroad employees.

Eliminating contract labor in penal institutions and providing for a State-use system.

And because of this magnificent record in behalf of the toiling masses, the laboring people of New Jersey love this governor. When he went into office he found her citizens prostrate under the tyranny and oppression of the bosses and tools of the special interests, *and before six months had expired he had written all these things into the statutes of New Jersey and redeemed his pledges which he made during the campaign.* [Applause on the Democratic side.] He had done more in these few months than all the Republicans for 20 years; and yet we hear this idle talk that Wilson is not the friend of labor. We meet the Republican Party on any part of the ground in this contest, and our candidate will be found able to stand any sort of test applied to him. [Applause.] The gentleman from Illinois [Mr. RODENBERG] has undertaken to put the stigma of unfriendliness to labor on the New Jersey governor. Let us see how well he can succeed. After these things above recited were performed by Gov. Wilson and the legislature under his administration, here is what the labor organization of New Jersey said. This is the message they sent to the people throughout the country. I incorporate it in my remarks in order that every honest voter may read it and see what the laboring people think of him in his own State. Because of this magnificent record in behalf of the toiling masses a glowing resolution was adopted by the labor people showing the high esteem in which Gov. Wilson is held because of those faithful performances. After reciting the large number of new laws passed by the Wilson administration favorable to labor, these resolutions were adopted:

Resolved, That the executive board of the New Jersey State Federation of Labor, representing the organized workers of New Jersey, in regular session assembled this 13th day of February, 1912, at Trenton, N. J., hereby commend His Excellency Gov. Woodrow Wilson for his unremitting and untiring efforts in assisting to bring about better conditions for the wage earners of New Jersey: And be it further

Resolved, That the administration of Gov. Wilson be indorsed by the New Jersey State Federation of Labor, and that copies of these preambles and resolutions be forwarded to Gov. Woodrow Wilson, the public press of New Jersey, and the various labor organizations throughout the United States.

NEW JERSEY STATE FEDERATION OF LABOR.
HENRY F. HILFERS, *Secretary.*
CORNELIUS FORD, *President.*

This record ought to bring a quick apology from the gentleman from Illinois if he believes in a square deal and the truthful recital of facts. [Applause on the Democratic side.] Contrast such record with the miserable failure of Taft and Roosevelt in the performance of anything for the benefit of the laboring masses. The laboring people in New Jersey honor and love Wilson, and those who believe in truth and justice must quickly acquiesce in this statement if they make honest investigation. We challenge gentlemen to deny that statement. Gov. Wilson stands before this country as the friend of labor, while the Republican Party has made its record of broken promises. The labor organizations went to the Republican national convention in Chicago four years ago and you spurned them; you turned them away from that great convention. They went there this year and the Republican Party again turned a deaf ear. They went to the Baltimore convention and presented their requests and Democracy placed those requests in our platform, and we intend to redeem every one of them. [Applause on the Democratic side.]

WILSON AND BRYAN.

The gentleman endeavors to fan into flames of fury a supposed difference between the Speaker of this House and William J. Bryan. It is not my purpose or province to here discuss the incident. Suffice it to say the Speaker is loyally supporting the nominee of his party, while the gentleman from Illinois seeks to defame Democracy's standard bearer. The Speaker of this House has been able to take care of himself on every occasion, and I am sure has not lost his superb ability in that respect, and will continue to do so. He is present in this House and needs no defense here when his name is brought in issue except his eloquent tongue, high character, and own strong record. [Applause on the Democratic side.] The gentleman from Nebraska, thrice the standard bearer of a great party, is absent and can not in this forum resent the vicious and almost brutal assault made on his good name by the strong standpat Republican from Illinois. This occasion is not the first one upon which the gentleman from Illinois in violent and unwarranted and, I might say, malevolent language has attacked the name and political integrity of the distinguished Nebraskan. Replying to the studied and almost indecent assault of the Illinois Member, permit me to say that no living American is better loved than Bryan. [Applause on the Democratic side.] Millions of citizens follow his unsullied flag of leadership, knowing full well that when his sword leaps from its scabbard it will be to fight in their defense. For two decades he has defiantly led the people's fight against entrenched privilege and predatory special interests. He is truly the Great Commoner of America. Ranking with Jefferson and Jackson and the immortal names enriching the achievements of Democracy, his name will be emblazoned in the permanent annals of history as the people's idol and courageous friend. [Applause on the Democratic side.] His character will stand forth in history typifying him as the people's redeemer in the century's struggle for political freedom and individual rights. Generations to come will teach their descendants to emulate his life as a model of consistency and ideal Christian citizenship. [Applause on the Democratic side.]

WILSON NOT AGAINST THE SOLDIERS.

The gentleman's quotation from Gov. Wilson's "History of the American People" is as follows, touching pensions. He seeks to array the old soldiers against Wilson:

What most attracted the attention of the country, aside from his action in the matter of appointments to office, was the extraordinary number of his vetoes. Most of them were uttered against pension bills, great and small. Both Democratic House and Republican Senate were inclined to grant any man or class of men who had served in the Federal Armies during the Civil War the right to be supported under the National Treasury, and Mr. Cleveland set himself resolutely to check their extravagance. He deemed it enough that those who had been actually disabled should receive pensions from the Government and regarded additional gifts for mere service both an unjustifiable use of the public money and a gross abuse of charity.

No other human being but the gentleman from Illinois would contend that Wilson was doing anything except giving Cleveland's position from his standpoint. He was not making such contention for himself.

The Baltimore platform reads:

We renew the declarations of our last platform relating to generous pensions.

I declare that Wilson stands squarely on this plank and will carry forward its provisions with sacred fidelity. The gentleman plainly, and apparently knowingly, misinterprets the language quoted. [Applause on the Democratic side.]

Gentlemen, such are the quotations made from Gov. Wilson's books intended to condemn him before the American people. They have already been read and reread in every part of this country prior to the Baltimore convention, and in that forum these things were all considered, and finally in spite of them Gov. Wilson was triumphantly nominated. Notwithstanding these unjust attacks, he is the choice of the American people. [Applause on the Democratic side.]

I want to contrast him with the candidates of the other party. It is not what a man has said in years gone upon which the people are going to try the candidates in this contest. They will say to themselves, "What has this man accomplished? Is he honest, and what will he do if we elevate him to the Presidency?" There are some plain things that I shall charge here in contrasting these candidates.

CONTRASTING WILSON WITH TAFT AND ROOSEVELT.

First, let me analyze the political character of Theodore Africanus, the Mad Mullah of American politics. [Applause on the Democratic side.] He parades himself as the people's advocate, and yet I charge and will establish that he is the friend and instrument of the special interests and the predatory classes seeking favors at the hands of the Government. In fact, I think and feel sure their causes and interests are linked together as "two souls with but a single thought, two hearts that beat as one." Roosevelt, ensconced on the bosom of Perkins, Gary, and the minions of the Steel Trust, whispers sweet sympathy in their ears in New York City and is sent forth in the rest of the country to preach a sham crusade in behalf of the people's rights and against the trusts and predatory interests. We owe the duty of plain speech in this crisis, and I do not intend to fail to-day in its performance as a representative of the people. Before I have finished I believe it can be established that Roosevelt is backed by those interests and will become their willing instrument in the future, as he was in the past when President.

But, first, however, permit me to read some utterances from the books and speeches of Roosevelt, showing his attitude toward "labor," the "farmers," and "government by injunction." In comparison with these statements the quotations from Gov. Wilson reproduced by the gentleman from Illinois are as mild as a May morning. Here they are:

ROOSEVELT'S ESTIMATES OF COWBOYS.

They are much better fellows and pleasanter companions than small farmers or agricultural laborers; nor are the mechanics and workmen of a great city to be mentioned in the same breath.

We relish the memory of the cowboys, but why should he contemptuously stigmatize the farmers, mechanics, and workmen of the cities?

OF FARMERS.

I shall confine my remarks to what Gen. Porter has said about patriotism. Patriotism comes first, and I hope you will not fail to display it next Tuesday. *Mr. Bryan and his adherents have appealed to the basest set in the land—the farmers.*

OF OPPONENTS OF GOVERNMENT BY INJUNCTION.

The men who object to what they style "government by injunction" are, as regards the essential principles of government, in hearty sympathy with their remote skin-clad ancestors who lived in caves, fought one another with stone-headed axes, and ate the mammoth and wooly rhinoceros. They are interesting as representing a geological survival, but they are dangerous whenever there is the least chance of their making the principles of this ages-buried past living factors in our present life. They are not in sympathy with men of good minds and sound civic morality.

[Laughter and applause on the Democratic side.]

Mr. Speaker, has it come to this, that I am associating in this House with friends of labor like HUGHES of New Jersey, ROBERT E. LEE and WILSON of Pennsylvania, BUCHANAN, of Illinois, and a score of labor representatives who are "*not in sympathy with men of good minds and sound civic morality*"? [Applause on the Democratic side.]

ROOSEVELT'S CONNECTION WITH MERGER OF TENNESSEE CO. AND STEEL TRUST.

Let us analyze thoroughly his disgraceful connection with the merger of the Tennessee Coal & Iron Co. as a part of the Steel Trust. Here his unholy alliance and conspiracy with them began. Here he linked up with and became a part and parcel of the Steel Trust and became Perkins's and Gary's friend, ally, and instrument. They constitute the greatest financial organization and combination in the world's history. He has never forsaken them and is now making this fight for them and under their wing and direction. They have not separated and will not should he again win the Presidency, as long as Roosevelt serves them with the same fidelity characterizing his conduct in the absorption of the Tennessee Coal & Iron Co. and the indecent and outrageous covering up and suppression of the misdeeds and crimes of the Harvester Trust officials, his other political sponsors and financial backers in this contest.

Permit me to discuss Perkins and his methods for a few moments in order to lay his real character before this presence. I have had a good Democrat, who knows Perkins through and through, to make an estimate of him and his devious political

and financial methods in order that I may photograph it in this record and show the kind of "birds" that "flock together" when Roosevelt and Perkins are "flocking" with one another. [Applause on the Democratic side.]

Here is his estimate:

Roosevelt will have at his disposal as much money as both the other parties, and he has in Mr. George W. Perkins the most astute, untiring, and far-seeing organizer that our country has ever known. Do not for a moment underrate Mr. Perkins. I know him and his methods almost as intimately as any man can know them. It is to Mr. Perkins's efforts that the United States Steel Corporation and the Harvester Co. owed more of their organization at the outset than to any other man. It will be found that he and his assistants are now silently at work in their underground way setting up Roosevelt clubs and organizations all over the land, and that by autumn he will have a more perfect machine.

How do these things look, showing Roosevelt's financial affiliations and political moorings as compared with the clean and honorable man against whom the gentleman from Illinois urges quotations showing merely political opinions as written in his books? Compare these two candidates, and which must suffer the most in public esteem?

Permit me here to analyze the Harvester Trust conspiracy between Roosevelt, Herbert Knox Smith, Strauss, George W. Perkins, and E. H. Gary. If those things had been known to the American people when they happened under Roosevelt impeachment proceedings would have resulted and criminal prosecution been demanded against Perkins, Gary, and the McCormicks.

Allow me to call attention of Representatives to a few facts. This merger occurred in 1907. Gary came to Washington; Perkins also came, and they went to Roosevelt when he was President of the United States and asked if they could make the merger, and he agreed to it. He said, "I was personally cognizant of and responsible for its every detail." He did not stand in the way of it, and authorized the Steel Trust to absorb their greatest competitor for a price far less than the real value of the holding. Again he said, "I felt no public duty of mine to interpose any objection." Clandestinely he knowingly allowed them to get a huge monopoly on the iron-ore and raw-material supply of the country.

What did it mean? It meant that the special interests composed of his personal friends could go to him and confer with him. Let not the attitude of the Democracy and of our candidate be misunderstood. We are not against wealth legitimately acquired. We are not opposed to legitimate corporate interests; we believe they are essential. But we are against monopolies, we are opposed to combinations in restraint of trade, and we do oppose these men who would secretly conspire with the President of the United States in violation of the antitrust laws of the country, as was done by these conspirators with Roosevelt, and as was found and denounced as criminal by the Senate committee in 1907. [Applause on the Democratic side.]

The absorption appears to have been contrary to the provisions of the antitrust law. * * * The transaction appears to be within the prohibition of the Federal statute. * * * And the President was not authorized to permit the absorption of the Tennessee Co. by the Steel Corporation.

Thus the committee found. He knew he was violating the law, but wished to accommodate the Steel Trust magnates, his personal friends, and did not stop at the violation of his oath and the laws of his country if he could make himself solid with these commercial pirates whom he expected to aid and finance him in his campaigns.

We are making no assault on wealth. We would defend the legitimate rights of the corporations as loyally as those of the individual. We are engaging in no warfare on corporations; we would defend their just rights as faithfully as we would those of the humblest citizen of this land. But what Democracy and her candidate stand for is absolute equality before the law whether it be a corporation or an individual. [Applause on the Democratic side.]

If the Senate of the United States will allow the Pujo bill, endowing the Money Trust committee with ample power, now pending there, to come out of the Senate and become a law, the American people will know more about this unholy alliance. I do not know whether they dare to let it come forth or not, but we ought to have the truth and understand these questions. Already the committee investigating the Money Trust affairs have uncovered enough things to repay us for ordering the investigation. It can be badly crippled if the special interests can smother the bill.

Perkins and Gary and the Steel Trust and the Harvester Trust are running and financing Roosevelt. Let me remind you that recently in the city of New York the Money Trust Investigating Committee, upon slight inquiry, ascertained that in 1907, the same year in which Roosevelt winked at and allowed the combination of the Tennessee Coal & Iron Co. and the Steel Trust, within 48 hours there was sent from the Treasury of the United States of the people's money $42,000,000, without one dime of interest, to J. Pierpont Morgan, ostensibly to stop the panic of that year. He instructed his Secretary, Mr. Cortelyou, to carry the money to the Wall Street gamblers, speculating in stocks and bonds and illegal transactions throughout this country, to be parceled out to them by Morgan and Perkins and that coterie of financiers. Morgan told the American people that he stopped the panic with his money, that it was $25,000,000 of his money that brought an end to the panic, *whereas this investigation has revealed that it was the money of the people, taken secretly from the vaults of the Treasury and carried to New York under the direction of Mr. Roosevelt and Mr. Cortelyou, in order that it might be loaned to these gamblers on Wall Street without interest.* [Applause on the Democratic side.] Perkins said to Morgan in the conference, when Cortelyou was there: "I think you ought to loan $25,000,000 to stop this panic." Morgan said, "All right; you can have my money," and then Perkins said, "Mr. Morgan, I think you ought to parcel this $25,000,000 out to various men and institutions in New York." Parcel it out! How? They parceled out the people's tax money to stock gamblers, the men who had been fattening and feasting on the bone and sinew and blood of our citizens for the last 40 years.

Morgan took the people's money and concealed the fact, and boasted that he stopped the panic, and charged those gamblers interest. The Money Trust investigation revealed the fact that the people thought Morgan had been their savior. In 1907 we have this combination between these two great rivals in the iron and steel business, and in 1907 the Treasury of the United States was looted by the Secretary of the Treasury, under the direction and instruction of Roosevelt, and the money sent to New York to accommodate his friends, Morgan, Gary, and Perkins. Do the American people know that?

IMPORTANCE OF THE PUJO MONEY TRUST BILL PENDING IN THE SENATE.

I promise you gentlemen if the Senate will pass that bill and allow the power to go into the records of the institutions of these gentlemen in New York and elsewhere, we will unearth things that will make the American voters rise up and call the Democratic Congress blessed. [Applause on the Democratic side.] They are fighting the Pujo bill to the death in the Senate as a last desperate effort, because they know if the Money Trust investigating committee is given power to go into the records of those great financial institutions, *it is certain to be discovered the men to whom Morgan parceled out the people's money when Cortelyou took it to him in 1907, under Roosevelt's direction,* the purposes for which it was expended, and many acts of criminality on the part of that coterie of financiers. It would reveal a putrid condition of financial affairs on the part of those men, and that too in connection with the Government's funds, that would startle the civilized world. Hence the death grapple in the Senate now to stay the passage of that bill giving the people the right to examine the very creatures of the law, the great national banks. We of the South then will know how those gamblers manipulate the prices of cotton, and you in the West will understand how they send up and down the prices of your grain and cattle. And we will all learn how they have worked the stock markets, dislodged securities, and wrecked competitors and ruined their rivals throughout the length and breadth of this country. And that is the combination running this man Roosevelt before the American people to-day.

PROOF OF CONSPIRACY BETWEEN ROOSEVELT AND HARVESTER TRUST OFFICIALS—MORGAN, PERKINS, GARY, AND THE M'CORMICKS.

There is correspondence between the President, George W. Perkins, Herbert Knox Smith, and Mr. Strauss, the Secretary of Commerce and Labor, which sets forth facts that every American should know covering up the affairs of the Harvester Trust. If those facts had been known in 1907 when the letters were written, impeachment proceedings would have been brought against the President and his Cabinet officer. For it is certain that he, Strauss, and Herbert Knox Smith deliberately entered into a conspiracy to violate the antitrust law and protect the International Harvester Co. Furthermore, criminal proceedings would have been insituted against Perkins and Gary and the McCormicks, if the facts had been known. Roosevelt was willing then for his friends—Perkins, Gary, and the McCormicks—to grind the farmers, whom he professes to love, with exorbitant charges for harvesters, reapers, and agricultural implements. He was cheerfully acquiescent in allowing the law to be violated daily, facts within his knowledge to be concealed from the public pointing to criminality, in order that "good trusts," as Herbert Knox Smith terms them, might fatten and feast upon the agricultural classes, because it was composed of his friends. He was willing to inclose "confidential" letters to his Attorney General not to prosecute the trust, which has since pleaded guilty to violating the law. May the people save the country from such a candidate. He wrote Mr. Bonaparte,

his Attorney General, "Do not prosecute that Harvester Trust organized by Perkins and Gary." He said to Mr. Strauss, his Cabinet officer, "You must not molest those men for violating the antitrust law." He called on this man, Herbert Knox Smith, for a report, and Smith sent it to him. Smith admits the trust. In this document sent by Smith it is proved they have violated the antitrust law, and Smith writes that it is a fact they are guilty of committing crime, but he maintains these men are great financiers and combined with Perkins and the Morgan interests. They tell Smith, he writes, *"If you allow this prosecution, they are going to fight."* Mr. Speaker, there never was a more scandalous and disgraceful document lodged in the archives of this country *than this letter, and correspondence, dated April 24, 1912.* It could not be gotten from the records of that department until the Senate commanded it, and then it came only after the second demand. It showed that Roosevelt, and Bonaparte, and Strauss, and Herbert Knox Smith knew of these violations of the law and they were covering up the criminal acts of Roosevelt's friends. Allow me to quote some parts of that telltale correspondence. It is deplorable that it can not go in full to the home of every voter in the land. Here are some excerpts. Herbert Knox Smith writes Roosevelt:

On January 18 and 19, 1907, Mr. Garfield and myself met at New York City Messrs. Gary, McCormick, Deering, and Perkins, all directors of the said company, and went over generally the subject matter of the company's organization and operation, receiving, so far as I know, absolutely frank and complete answers and further assurance of complete cooperation in carrying out the investigation.

Smith writes, referring to Perkins:

That, as he phrased it, he was now being laughed at in New York by the Standard Oil people, who were saying that he had tried to be good and keep solid with the administration, but that now he was going to get the same dose as other people who had not followed such policy. He concluded with great emphasis with the remark that if, after all the endeavors of this company and the other Morgan interests to uphold the policy of the administration and to adopt their methods of modern publicity, this company was now to be attacked in a purely technical case, the interests he represented were "going to fight."

* * * * * * *

This case raises the question included in what the President has called "good and bad trusts"; the question whether mere combination, as such, shall be prohibited; whether the Government is going to try to forbid all combinations regardless of their methods or ends, or whether, on the other hand, it is going to pursue the policy, frequently stated by the President, of regulation and control rather than of prohibition.

* * * * * * *

Smith comments:

I believe that industrial combination is an economic necessity, that the Sherman law, as interpreted by the Supreme Court, is an economic absurdity and is impossible of general enforcement, and even if partially enforced, will, in most cases, work only evil. I believe the principle it represents must ultimately be abandoned; that combination must be allowed and then regulated, and that the best means of regulation is by publicity, aided by the action of the Department of Justice and of the courts in case of proven violation of the interstate-commerce laws and other laws which deal with unfair methods of business.

Here he shows his contempt for the Supreme Court and the law and advocates open defiance to serve the trusts.

He here states the essence of the conspiracy between the President, Perkins, the Morgan interests, and the Harvester Trust officials:

While the administration has never hesitated to grapple with any financial interest, no matter how great, when it is believed that a substantial wrong is being committed, nevertheless, it is a very practical question whether it is well to throw away now the great influence of the so-called Morgan interests, which up to this time have supported the advanced policy of the administration, both in the general principles and in the application thereof to their specific interests, and to place them generally in opposition.

A careful study of this document will prove that Roosevelt was studiously protecting and cautiously concealing the misdeeds of his friends who are now financing this campaign for him.

See the "confidential" letter from Loeb to show his secretiveness:

OYSTER BAY, N. Y., *September 24, 1907.*

MY DEAR MR. ATTORNEY GENERAL: The President directs me to send you, for your *confidential reading*, the inclosed letters from the Secretary of Commerce and Labor and the Commissioner of Corporations concerning the Harvester Trust. * * *

Very truly, yours,

WM. LOEB, Jr.,
Secretary to the President.

Hon. CHARLES J. BONAPARTE, *Attorney General.*

The document shows that Morgan and Perkins were backing all these interests. The people were not satisfied; they demanded investigation. They said this trust that Roosevelt protected must be prosecuted. *And it was investigated, and the trust threw up its hands and said, "We are guilty of violating the law and will dissolve.* We can no longer be protected, because we have defied the law." The present Attorney General is now endeavoring to agree upon a decree for dissolution. And these men have confessed they are guilty. They had to do it after they were exposed. I make no attack on Roosevelt, but shall let the record condemn him. There it is. Read the Senate document and put it in the hands of the American voters, and they will wonder why there were not impeachment proceedings and why these things did not leak out. And this Harvester Trust covered up by these men has at last been run to cover; they have surrendered and now are dissolving. And these same men—Perkins and Morgan and the McCormicks—who financed them and were sponsors for that trust are the men who are sponsoring Roosevelt in this contest. And I want to say in simple justice to that brave Democrat, that knightly gentleman, that courageous man, and his coworkers on his committee, the Hon. A. O. STANLEY, of Kentucky, that it was by his investigation of the Steel Trust that the prosecution was forced. They uncovered this felony and laid it bare before the American people, and the Attorney General was compelled to bring suit. [Applause on the Democratic side.] Am I unfair when I make that statement? Is it not a fact? Did not Theodore say in Massachusetts, "Yes, Perkins is my friend, and I do not deny him; I always acknowledge my friends." Ah, he is more than a friend. He has tried clandestinely to be his savior in this contest. He is his faithful ally.

TAFT—HIS BROKEN PROMISES.

What can I say of Mr. Taft? What should be said of him? It does seem harsh, indeed, to speak in uncomplimentary terms of one almost politically dead. [Laughter and applause on the Democratic side.] Let me examine two or three salient points in Mr. Taft's record and study their significance. He said in Milwaukee before the election four years ago:

It is my judgment that a revision of the tariff in accordance with the pledge of the Republican platform will be, on the whole, *a substantial revision downward*, though there will probably be a few exceptions in this regard.

He promised a revision downward. He went into office on that speech; the voters believed him; but since he became President the Democrats reduced the tariff, schedule after schedule, and sent the bills to him, only to meet his veto with pledges broken. Why? Because he is helpless to do anything else. He stood with the men who are the beneficiaries through the protective tariff and could not keep his word. In some of his speeches he said he had to veto the bills for the sake of "party solidarity." Has it come to this that any President will sacrifice his whole country for party solidarity, and especially the solidarity of the present Republican party? Where is his party solidarity now? Roosevelt after him from one direction and the people from the other, the Republican Party is hopelessly divided because it broke its word of promise. Then he said:

With respect to the wool schedule, I agree that it is too high and that it ought to have been reduced. I am not saying that the tariff does not increase prices in clothing and in building and in other items that enter into the necessities of life.

He admits that the tariff is too high, and yet, when Congress reduces it and sends reduction bills to him, he vetoes them. And when we send the reduction bills now pending to him, we are informed by the distinguished gentleman from New York [Mr. PAYNE] that he will also veto them. He admits that the records of the Treasury Department for the year 1911 show that the wool duties under the Payne law range from 61 per cent to 157 per cent. The protective duties are enormous and out of all reason. The President knows and admits it, and yet will not and can not yield relief to the oppressed masses through Executive approval of our measures. If he is determined to veto all reductions of the tariff taking the burdens off the backs of the people, when will he be able to shake himself loose from special privileged classes and those who are seeking favors at the hands of the Government? In God's name, when the strike investigation revealed that children are starving and crying for bread in Lawrence, Mass.; when they are without clothing; when they are forced to drink unwholesome water from the factories and pay 5 and 10 cents a week for it, living on starvation wages; when factory hands, heads of families with families of six and seven are getting $6 and $7 per week, the wool trust protected with duties ranging all the way from 60 per cent to 180 per cent, when will the President sanction the reduction of those burdens? He is willing to witness the squalor and suffering, all those hideous things brought by that investigation to his very eyes which aroused the sympathy of the good women of the country as they flocked by the hundreds to hear the statements of those factory workers who have been ground to the dust by the protected industries and the American Woolen Trust. And yet Mr. Taft stands with them and against those who toil in this Republic. [Applause on the Democratic side.] His acceptance speech at the White House the other day indicated that he has taken the back track, which means he knows the people have forsaken him, and now he throws himself into

the embraces of those who control frenzied finances and "big business" and establishes himself again in that speech as the candidate of the special interests and so-called big business.

In contrast with him to-day as the President who has broken his sacred avowal of tariff reduction to the people in order that he still might bask in the smiles of the protective-tariff favorites fattening through the instrumentality of the Government out of the pockets of the great masses of the overburdened public, we present to the country Woodrow Wilson, who never broke a pledge and with an unchallenged record of every promise to the people faithfully redeemed.

The Republican Party talks about government by injunction, and yet Mr. Taft is the father of government by injunction. Never has he done a thing to show his friendship to labor. Let me refer you to two of his decisions when he was a circuit judge. In the case of the Toledo A. A. & M. M. Railway Co. *v.* The Pennsylvania Co. (54 Fed. Rep., Apr. 13, 1903), you will find his sympathies were all with what is called "big business" and against the men who toil in the factories, in the mines, and on the railroads. Read the decision delivered on July 13, 1894, when Mr. Taft was a Federal judge. He showed his contempt for the rights of labor under the Constitution. He dragged far away from his home Frank W. Phelan and imprisoned him in the county jail of Warren County, Ohio, for six months without the poor privilege of being tried by a jury of his peers. He thus exemplified his antipathy to the rights of labor and became the father of government by injunction. The case is styled Thomas *v.* The Cincinnati N. O. & T. P. R. R. Co. (62 Fed. Rep.), and throws a flood of light upon the temperament and tendencies of Mr. Taft. [Applause on the Democratic side.]

Gentleman, I shall not occupy your time now with the recital, but shall place in the RECORD the achievements of the Democratic Party in this Congress under the wise guidance of the great Speaker of the House, the distinguished gentleman from Alabama [Mr. UNDERWOOD], and other prominent Democrats. [Applause on the Democratic side.] I submit that this is an enviable record of achievement and constructive capacity on the part of the Democratic Party.

A PART OF THE DEMOCRATIC RECORD OF THE SIXTY-SECOND CONGRESS.

1. A bill prohibits dealing in cotton futures.
2. A bill limits to eight hours the daily service of laborers and mechanics employed on Government work.
3. We have passed various tariff bills revising the wool, cotton, steel, and chemical schedules, and a farmers' and laborers' free-list bill, giving free farming implements, free cotton bagging and ties, and free meat and bread to the American people.
4. Amended the rules of the House and eliminated Cannonism by providing for the election of committees by the membership of the House.
5. Provided for a parcels post and governmental aid for public roads.
6. A bill authorizes the Director of the Census to collect and publish statistics of cotton.
7. A bill provides for levying an excise tax on incomes.
8. A bill creates a department of labor.
9. A bill provides for publicity of contributions and expenditures for the purpose of influencing the nomination of candidates for President and Vice President.
10. A bill protects American trade and shipping from domestic and foreign monopolies.
11. A bill gives the accused the right of trial by jury in cases of indirect contempt.
12. A bill limits the power of Federal judges in the issuance of writs of injunction.
13. A joint resolution submits to the States an amendment to the Federal Constitution that United States Senators shall be elected directly by the people.
14. A bill provides for free sugar.
15. The House has authorized and directed investigations of the Steel Trust, the Beef Trust, the Shipping Trust, and the Money Trust.
16. We have passed bills for the better protection of life at sea.
17. Admitted Arizona and New Mexico to statehood.
18. Passed a bill abrogating the Russian treaty of citizenship.
19. We have passed at this session a bill creating a commission to investigate industrial conditions, and will pass a bill to establish agricultural extension departments in connection with agricultural colleges in the several States.
20. We have passed the seamen's wage bill in behalf of labor and a righteous measure.

Thus we present a part of the record to the country. Who would undo it? It has been said that the Democratic Party is one of negation and not of constructive statesmanship. And yet I assert here to-day that within less than two years Democracy has passed through the House more measures of benefit to the people of America than the Republican Party has given them since the conclusion of the Civil War. [Applause on the Democratic side.] Some have asserted that the Democratic Party is not constructive, but I assert that if the voters will reinvest us with power, if they will elect a Democratic Senate, and give the country New Jersey's great governor for President, we will redeem every pledge and bring relief to the people that they have not known during the last half century.

Ah, Mr. Speaker, the Democratic Party is a constructive party. Its birth was coeval with that of the Republic. It sprang into life with the Constitution. We have won contests and we have lost some, but during all those conflicts our party has been representing the people's cause. Democracy is destined to live while liberty is loved and constitutional government is cherished. [Applause on the Democratic side.]

We have seen other parties go to defeat. We have witnessed them dissolve and pass from the scenes of action, as the Republican Party is now dissolving. And still Democracy abides with us as the party of representative government and the hope of the masses. [Applause on the Democratic side.] We know, we assert, and the people shall know, that we are representing their cause in this contest. We charge that both the candidates of the Republican Party are fighting for the few, the few who would put their hands into the pockets of the masses and fatten at their expense. [Applause on the Democratic side.] That they stand for the principle that would build a high protective-tariff system, establish monopolies, and oppress the consumers.

Mr. Speaker, permit me to add in conclusion that if Gov. Wilson and his party are not fighting the cause of the people in this great conflict, the greatest political battle since the beginning of this Government, we are not entitled to win. If Democracy wavers in this crisis, it does not deserve to triumph and has no right to live. Standing in my place to-day as a Representative of the people, I say with all the fervor of my soul that Democracy carries the unsullied banner of the people's cause, and when this conflict is ended will again have earned the right to their enduring confidence. [Prolonged applause on the Democratic side.]

STEEL TRUST INVESTIGATION.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent that on Thursday next, at 11 o'clock, the House proceed to the discussion of the report (H. Rept. 1127) of the committee investigating the affairs of the United States Steel Corporation—from 11 o'clock in the morning to 5 o'clock in the afternoon.

The SPEAKER. As a matter of fact, the House meets without special agreement at 12 o'clock.

Mr. STANLEY. Then, I move that the House meet on that day at 11 o'clock.

The SPEAKER. The gentleman from Kentucky [Mr. STANLEY], as a part of his request, asks that when the House adjourns next Wednesday it adjourn to meet on Thursday at 11 o'clock, and immediately after the reading of the Journal it shall proceed to the discussion of the report on the Steel Trust, and continue from 11 o'clock until 5 o'clock, and have a night session from 8 o'clock until 11.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I am glad and anxious for the gentleman from Kentucky [Mr. STANLEY] to have the opportunity to discuss this important matter; but in the condition of public business at this time I do not think that any arrangements for unanimous consent should be agreed to without the reservation that they shall not conflict with appropriation bills and conference reports.

Mr. STANLEY. I accept that reservation.

The SPEAKER. The gentleman from Kentucky [Mr. STANLEY], so far as he is concerned, accepts that amendment.

Mr. MANN. Mr. Speaker, I do not think, in the present state of public business in the House and in Congress, that there ought to be any agreement to set aside a day a week ahead for the consideration for any proposition. When Wednesday comes, if the state of business is such that the House can use Thursday for debate on the steel investigation, I shall be very glad to have it done and will make no objection.

The SPEAKER. Does the gentleman object?

Mr. MANN. I shall have to object.

PENSION APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, in to-day's issue of the Washington Post is an article on the situation relative to the pension appropriation bill, and in it is this passage:

SENATOR M'CUMBER EXPLAINS.

Prompt passage of the pension bill was predicted last night by Senator MCCUMBER, who declared that the abandonment of the pension agencies, as proposed by the House and opposed by the Senate, would be a false economy.

"The pensions have been held up chiefly because of the absence from the city of two members of the joint committee," Senator MCCUMBER stated last night. "They are Representative WILLIAM P. BORLAND, of Missouri, and Representative CHARLES L. BARTLETT, of Georgia. But a settlement will soon be reached, and I believe that the appropriation will be passed either Monday or early next week, making the entire $165,000,000 available.

This purported statement is so grossly unjust, so manifestly unfair, and so lacking in every element of truth that I know that Senator MCCUMBER never uttered it. But if those who read it are not familiar with the facts, it is important, in justice to these two gentlemen, as well as to this House, that the facts be stated.

The House passed the pension appropriation bill (H. R. 18985) on the 2d of February. It passed the Senate on the 30th of May. The House disagreed to the Senate amendments on the 1st of June. The Senate insisted upon its amendments on the 4th of June and asked for a conference. Since that time, as I am reliably informed from different sources, the managers upon the part of the House have been going back and forth to the Senate, endeavoring to reach some agreement upon this bill, and have been treated with a contempt and a discourtesy that, in my opinion, would have justified the raising of a question involving the privileges of the House.

A gentleman in charge of this bill in one instance received a note requesting him to attend a conference at the place usually fixed, and when he arrived there, he was informed that he could not see the Senator in charge of the conference on behalf of the other body and was denied admission to the room. He was permitted to talk to a clerk of the Senate. My information is that the managers upon the part of the House, although frequently, day after day, seeking an opportunity to confer with the Senators, have never been able to meet with them more than about four times. Finally the gentleman from Georgia [Mr. BARTLETT], despairing of getting any agreement whatever upon any item in the pension appropriation bill, left the city because of important business. At my suggestion the gentleman from Missouri [Mr. BORLAND] communicated to the Senators that unless they were willing either to make an agreement upon the amendments or to report a disagreement to the Senate, he would take advantage of the first opportunity that occurred in the House to state to the House what the situation was and why no agreement could be reached. And finally, upon the 25th day of July, after a number of suggestions of various kinds had been offered by the House, the Senate representatives were induced to sign a report of disagreement. Every amendment in the pension appropriation bill proposed by the Senate was speedily acquiesced in by the Representatives of the House, excepting those which the Senate added providing for the abolishment of 17 useless pension agencies. The conference report was signed on the 25th of July. It was presented to the House on that day by the gentlemen in charge of the conference on the part of the House. It has never seen the light of day in the Senate. Under the rules of procedure action must be taken first in the Senate, and until the gentleman at the other end of the Capitol who has that conference report stowed securely either in his pocket or some secluded pigeonhole will consent to present it to the Senate, it is impossible for any action to be taken.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MANN. Where are the original papers?

Mr. FITZGERALD. The original papers are practically in my possession. They have never left the Committee on Appropriations.

Mr. MANN. How can the Senate act upon the conference report without having the original papers?

Mr. FITZGERALD. The gentleman knows that the Senate is entitled to the possession of the papers and will have them if it desires. If no one will raise the question as to our right to proceed I shall very gladly call up the conference report to-day and determine on behalf of the House what shall be done. The Senate can then determine whether it will deprive deserving and needy soldiers of their pension within the next few days simply from a desire to retain 17 offices at an expense of $200,000 a year which, since 1885, efforts have been made to abolish.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Certainly; but, first, let me say one thing further about the possession of the papers. It is not due to any fault or trick on behalf of the House, but apparently the Senate did not desire the papers.

Mr. MANN. The gentleman from New York knows that the rules of the Senate with reference to conference reports are unlike the rules of the House, in that they do not require the conference report to be printed before it is agreed to by the Senate. The gentleman further knows that neither body can act on a conference report without having the original papers in its possession. Now, how can the Senate conferees present their conference report and ask for its consideration, which is the practice in the Senate, unless they have possession of the papers which have not yet been turned over to them? May it not be a matter of misunderstanding?

Mr. FITZGERALD. The gentleman need not be alarmed about that situation. The papers are safely put away awaiting the request of the Senate for them and an indication that it really desires them and will take care of them and not lose them.

Now, Mr. Speaker, if I may continue, on the 4th of August a very large number of pensions should be paid. The bill as it passed the House carried $152,000,000 for the payment of pensions during the current year. The Senate adopted an amendment increasing the amount to $164,500,000, and the conferees on the part of the House accepted that amendment. Under the resolution adopted on the 1st of July one-twelfth of $152,000,000 was made available for the payment of pensions during the month of July. Under the resolution adopted on the 1st of August one twenty-fourth of $152,000,000 was made available on the 1st of August for the payment of pensions during the month of August. As nearly as I can ascertain it will require about $15,000,0000 to pay the pensions——

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Speaker, I ask for 10 minutes more.

The SPEAKER. The gentleman from New York asks that his time be extended 10 minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. As I was saying, it will require about $15,000,000 to meet the obligations. About $6,500,000 will be available, and about $9,000,000 additional will be required. Senator MCCUMBER introduced a joint resolution in the Senate on the 1st of August which recites that owing to a disagreement between the two Houses the appropriations for pensions have not been made. "Whereas," the resolution reads, "it is probable that some considerable time will elapse before an agreement shall be reached upon said bill"—somewhat inconsistent with the statement purported to have been uttered by the Senator to-day or last night that there would be an agreement by Monday or Tuesday. Whereas about $30,000,000 will be needed, it proposes to appropriate $30,000,000 for the payment of these pensions.

Mr. Speaker, prior to 1885 pension agents were paid by fees, and they were among the most lucrative offices in the gift of the entire Government. In 1885 the House of Representatives, which was then Democratic, passed a pension appropriation bill with a provision reducing the number of agents to 12 and specifically fixing their compensation at $4,000 a year. The Senate, which was Republican—a similar situation to that of to-day—increased the number of pension agents to 18 and assented to the salary of $4,000 a year.

During the Sixtieth and Sixty-first Congresses, in 1908, 1909, 1910, and 1911, the Republican House of Representatives passed in the appropriation bill provisions providing for the abolition of these offices. At this session of Congress we voted to abolish these offices. In the Committee of the Whole House on the state of the Union there were 107 votes in favor and 16 votes against the proposition, and the bill was passed with a record vote of 243 ayes and 33 noes. In the last Congress the managers on the part of the House were the gentleman from Ohio, Gen. Keifer, and the gentleman from Michigan, Mr. Gardner, both of whom served with great distinction in the Civil War, and both of whom unquestionably had at heart the interests of the old soldiers, believed that the continuance of these pension agents was indefensible, particularly as the Commissioner of Pensions had stated before the Committee on Appropriations the only excuse for their continuation was to provide 17 places at $4,000 for deserving persons.

Mr. Speaker, many attempts have been made, as I have pointed out, to get rid of these useless offices. On the 6th of February, 1897, President Cleveland by Executive order reduced the number to nine, to take effect December 1, 1897. On the 14th of July of the same year President McKinley issued an order suspending the consolidation of the agencies. I do not intend to say anything in criticism of President McKinley, because I am convinced from my investigation of this matter

that unless by positive legislation these agencies be abolished the pressure for the places will be so great that it is practically impossible for the President to execute the power he has under the statute to consolidate them.

I have received during this session of Congress a large number of resolutions from Grand Army posts protesting against the continuation of these agencies and stating that the men who served in the Civil War have no desire that money be squandered uselessly in this way, but that whatever is chargeable against the pension roll shall be paid to the deserving soldiers who are entitled to their pensions.

It has been said that this has not been recommended officially; that it is simply a desire to make a showing. Without taking the time of the House, I shall ask permission to append to my remarks the statements made by the various Commissioners of Pensions every year since 1906 before the Committee on Appropriations, showing that these agencies should be abolished, as well as the report of the Secretary of the Interior in 1907, showing that there would be an increased efficiency in the payment of the pensions and the elimination of every possible delay, and that there would be an actual saving of $200,000 a year.

Mr. Speaker, we are face to face with this situation: The House has accepted and is willing to agree to all of the Senate amendments providing the money necessary to pay the pensions due to the soldiers. It has declined to appropriate or to countenance a continuation of unnecessary, useless offices. If there be delay or inconvenience to the old soldier in the payment of the pensions within the next few days, it is due to the fact that the Senate, because of the interest of a few Senators, who imagine that their political fortunes will be advanced by the retention of these agencies, decline to consent to the abolition of useless agencies. This is not a partisan question in this House. Both sides of the House have acquiesced in this movement. The House, when under the control of both parties, has recommended that these agencies be abolished, and it has done whatever is possible to abolish them. The conferee from that side of the House, the gentleman from Iowa [Mr. GOOD], I am informed, is in accord with the gentleman from Georgia and the gentleman from Missouri; and I think it is not only unfortunate but grossly unjust, when whatever delay may be occasioned from the failure to pay these pensions is due to the greed of a few men desiring to retain useless offices, that an attempt should be made to attribute it to the absence of gentlemen who were not only here but who exerted everything in their power and exercised the patience of Job in the attempt to adjust the differences between the two Houses.

I wish the House and the country to know that if there be any inconvenience, if there be any delay, the responsibility for it is not upon the House, not upon Members upon either side of the House, but that it belongs at the other end of the Capitol. If that branch of the Legislature desires to take the responsibility for delaying and preventing these pensions being paid in order to protect political appointees, it must take it with the knowledge of the facts in possession of the country. [Applause.]

On January 19, 1906, this transpired in the Committee on Appropriations:

Mr. GARDNER of Michigan. I would like to ask the commissioner what is the necessity of having 18 pension agencies.

Mr. WARNER—

Who was then Commissioner of Pensions—

None whatever. They should be reduced to six. That could be done by an Executive order.

Commissioner Warner said later:

If I had the power, I would decrease the number of agencies in the United States to six.

Mr. KEIFER. Who can do that?

Mr. WARNER. The President can do it by an Executive order.

On January 17, 1907, Mr. Warner, Commissioner of Pensions, was before the Committee on Appropriations, and speaking of the work of his bureau, he said:

I have no complaint to make of the organization, or laws, or anything else, so far as that is concerned. There is only one point; that is the question of the agencies for the payment of pensions throughout the United States. That is within the control of the President, as to the number of them. There are now 18, and I think it would be good policy to reduce the number to 9, anyway.

Mr. GARDNER. Have you any recommendation to make in that respect?

Mr. WARNER. It is entirely within the control of the President. I recommend that the number be reduced from 18 to 9, but of course it is an embarrassing proposition. There are 18 agents, at $4,000 salary each, scattered around over the United States, and Senators and Representatives are interested in them, etc. You do not have to tell a Member of Congress what that means. I think it would be economy in policy to reduce the number to 9. It could be reduced to 6.

Mr. BROWNLOW. Do you think that would improve the efficiency of the service?

Mr. WARNER. I think it would benefit the efficiency of the service, because you can do business better with 1 man than with 3, and you can do business better with 9 than with 18 agencies. You can enforce policies better with 9 than 18. The checks and vouchers would be made all the same then. As it is now we have separate checks for each agency with the agent's name printed in them and a separate voucher for each agency.

On January 27, 1908, Commissioner Warner said:

As far as I personally am concerned it would be better for me if the agencies should remain just as they are, as their consolidation would make me additional responsibility and labor. But looking at it from a business point of view and as if it were my own business, I would consolidate them instantly, or as soon as it could be done. It would be more economical for the Government and it would work better than to have these agencies scattered all over the country. The work would go smoother, mistakes could be corrected more quickly, information obtained at once, and the record kept in better shape.

On January 7, 1909:

Mr. KEIFER. On page 5 is the item for the salaries of 18 agents for the payment of pensions, at $4,000 each, $72,000. That would be the same as before?

Mr. WARNER. Yes. I wish you could knock them down to 9.

Mr. BOWERS. I think it ought to be done.

Mr. WARNER. You would do it in a moment if it was your own business. You take New Hampshire and Maine and Massachusetts—three little agencies up there that would not make a vest pocketful, hardly.

On February 5, 1910:

Mr. KEIFER. If you care to state, will you please say whether you think it would be advisable to pay all of these pensions at one agency from Washington?

Mr. DAVENPORT. I think it would be in the interest of economy.

Mr. KEIFER. Have you made any calculations as to what would be the approximate saving of money if they were all paid from one agency?

Mr. DAVENPORT. I have not the figures before me, but I think we would save about $200,000.

In the report of the Secretary of the Interior, dated December 31, 1907, he says:

A special report, House Document No. 352, Sixtieth Congress, first session, has been made to Congress on the advisability of discontinuing all the agencies except the one in Washington. In the present condition of the roll this change would effect an immediate saving of approximately $200,000 a year, and there would be no loss in the efficiency of the service and in the promptness of payment to the pensioners.

PROPOSED CONSOLIDATION OF PENSION AGENCIES.

Letter from the Secretary of the Interior submitting a report in relation to the proposed reduction in the number of the pension agencies:

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 13, 1907.

SIR: The "act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes," approved March 4, 1907, contained the following proviso:

"*Provided*, That the Secretary of the Interior shall make inquiry and report to Congress, at the beginning of its next regular session, the effect of a reduction of the present pension agencies to one such agency upon the economic execution of the pension laws, the prompt and efficient payment of pensioners, and the inconvenience to pensioners, if any, which would result from such reduction. This provision shall not be construed as interfering with or limiting the right or power of the President under existing law in respect to reduction or consolidation of existing pension agencies."

In compliance with said provision I submit herewith the following report:

1. Economic execution of pension laws: The annual expenditure on account of the payment of pensions, including the salaries of pension agents, clerk hire, contingent expenses, and the printing of vouchers and checks, is approximately $550,000, an average cost per pensioner of 55 cents per annum. It is estimated that after a consolidation has been completed and in perfect working order, all pensioners could be paid by the Commissioner of Pensions or one disbursing officer, located in the city of Washington, with an annual expenditure of, at most, $350,000, a saving of 20 cents per annum per pensioner, or $200,000. After the first year of the consolidation, I am of the opinion that the appropriation for the expense of paying pensions could be safely reduced at least $25,000 more.

2. The prompt and efficient payment of pensioners: If all pensioners are paid by the Commissioner of Pensions, or one disbursing officer, provision should be made for a division of the pensioners into three groups, one group to be paid each month, as at present, and all pensioners could be paid as promptly by the Commissioner of Pensions, or one disbursing officer, as by 18 agents.

3. Inconvenience to pensioners: As all pensioners could be paid as promptly by the Commissioner of Pensions, or one disbursing officer, as by 18 agents, there would be no inconvenience to pensioners except the slight delay which would be caused in the case of pensioners living remote from Washington in the time required for a voucher to reach Washington through the mails and for the check to be returned. The checks would, however, be issued quarterly as now and the pensioner receive his payment regularly every three months after the receipt of the first payment. Many of the pensioners now paid by the San Francisco agency do not receive their checks until seven or eight days have expired from the date of mailing of vouchers. Pensioners now living in Montana, Utah, Washington, and Wyoming, who are now paid by the San Francisco agency, would experience but a slight delay in receipt of their checks if paid in this city. In this connection attention is invited to the fact that there are 52,201 pensioners in the agency district paid by San Francisco. More than 10,000 of these pensioners are now being paid by other agencies, and there is no complaint of delay in receiving payment. All Navy pensioners residing in the Southern States are now paid by the Washington agency, and there is no complaint about delay in payment. There are 26,448 pensioners residing in the State of California. Of this number nearly 5,000 are not paid by the San Francisco agency, but are paid by other agencies.

There are certain other conditions to which attention should be invited if all pensions should be paid by the Commissioner of Pensions, or one central disbursing officer located in this city. The records would be readily accessible for reference by the bureau. A large amount of extra correspondence is now required to furnish information to correspondents relative to the payment of pensions. The bureau must first

obtain such information from the pension agents, and a great deal of time is consumed in securing this information, especially from agencies located in distant cities.

All vouchers now required by pensioners are printed by the Government Printing Office in this city and forwarded to the different pension agents, there to be prepared and mailed to the pensioner with checks for the preceding quarter. All checks now used by the pension agents are likewise printed in this city. A considerable saving would result in the cost of printing vouchers and also in the cost of printing checks if such vouchers and checks were prepared for 1 agency rather than for 18.

All paid vouchers must be forwarded by the pension agents to the Auditor for the Interior Department in this city. There is always danger of the loss of such vouchers in the mails. Many vouchers of widow pensioners under the general law and under the act of June 27, 1890, were recently lost in transit from one of the pension agencies to the auditor in this city. No trace of the missing vouchers has as yet been discovered. The pension agent has since died, and his accounts can not be settled for many months on account of the lost vouchers.

It is further suggested that if it be decided to consolidate the 18 agencies into one agency the entire 18 agencies be abolished and provision be made that the payments be made by the Commissioner of Pensions or one disbursing officer, to be appointed by the Secretary of the Interior.

The statute now provides (26 Stat. L., 138) that the pension agent, with the approval of the Secretary of the Interior, may designate and authorize a clerk to sign the name of the pension agent to official checks. There are 18 such designated clerks now employed, one at each agency. The name of the pension agent is printed on all checks used, but before the check is issued it must be countersigned by the designated clerk. Only one clerk may be thus authorized to sign such checks for any one pension agent under the law as it now stands. If all pensioners were paid by the Commissioner of Pensions or by one disbursing officer the services of six or eight clerks would be required to sign such checks, and if the 18 agencies be abolished and all payments made by the Commissioner of Pensions or one disbursing officer provision should be made authorizing the Commissioner of Pensions or the disbursing officer, with the approval of the Secretary of the Interior, to designate the necessary number of clerks to sign the name of the Commissioner of Pensions or disbursing officer to such official checks.

Ample accommodation for the consolidated agency could be furnished in the Pension Building.

Under the practice now in vogue there is a duplication of records. Each of the 18 agents receives from here the certificates of pensions for the pensioners residing in his district. A record is made here and also by the agent at the agency, who then forwards the certificate with the voucher to the pensioner. A consolidation of the agencies would require but one record of the certificate, etc., which would be kept in the office here in Washington, and the certificate and voucher would be mailed direct to the pensioner from here. This would do away with having the certificate mailed to the agent, the making of a record by the agent, and the mailing by him of the certificate and voucher to the pensioner.

It would seem that the law should leave to the discretion of the commissioner and the Secretary as to when the transfers from the different agencies should be made. To require all of such transfers to be made on one date would entail unnecessary work and might result in delay and complications in making payments.

If the 18 agencies are abolished and provision made for the payment of all pensions from the city of Washington, I respectfully suggest that an appropriation of at least $10,000 should be made, to be immediately available, for the purpose of carrying out the consolidation and defraying the necessary expenses of the removal of the records, etc., of the agencies to the city of Washington.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, this disagreement between the House and the Senate, protracted beyond the beginning of this fiscal year, is most unfortunate. Like everything else, there are two sides to the question. I am willing that it should be settled either way. I think it entirely likely that it is equally as efficient and slightly more economical to settle it according to the contention of the House, but there are $165,000,000 to be dispensed and, my friend says, $200,000 to be saved if the disbursement is from the city of Washington rather than throughout the country from the various agencies. On the other hand, it is claimed—whether truly so or not is not necessary for me to discuss—that it is more economical to continue the former practice, that the clerks throughout the country get about half the pay they do in the Pension Office, without any leave of absence, that the clerks in Washington would receive. I shall not go into the merits of it. I say, again, I think it is most unfortunate, and I would be glad, if there is any feeling about the matter, if the Senate is entitled to the papers, to see them transmitted to the Senate if there has been an agreement upon all except one point, because they must have the papers. I suppose they are entitled to them as a matter of right, although I did not know, I will say to the gentleman from New York, that they did not have the papers, that being the matter that did not come directly under my observation.

Now, how much will it take to pay the pensions during August; I did not catch it exactly?

Mr. FITZGERALD. My information is about $15,000,000.

Mr. CANNON. In addition?

Mr. FITZGERALD. No; all told.

Mr. CANNON. And how much is the deficiency; how much are we short?

Mr. FITZGERALD. Six and a half millions available under the extension resolution.

Mr. CANNON. That would be eight and a half millions additional necessary to pay the pensions starting to-morrow, is that right?

Mr. FITZGERALD. Starting on the 4th of August.

Mr. CANNON. Now, there is a rule of this House and a rule between the two bodies where an irresistible force meets an immovable body that we proceed under those rules, namely, that legislation shall not be carried by an appropriation bill unless both the House and the Senate agree.

Mr. FITZGERALD. There is no such rule in this House; there may be one in the other.

Mr. CANNON. Oh, I have found, and I fancy the gentleman has as well, when the Senate having insisted almost to the crack of doom on putting legislation upon appropriation bills that where the House has said we will not submit to legislation upon general appropriation bills that the Senate has been compelled to recede.

Mr. FITZGERALD. The gentleman understands this legislation is legislation designed to accomplish an administrative reform, and the House, being the guardian of the people's purse, has always insisted upon it.

Mr. CANNON. Precisely; but it is legislation. Now, the Senate, if they invoke that rule and say they will not recede, there will be no legislation until the Senate does recede. In the meantime by misunderstanding, possibly by something of temper, something of insistence on the part of the House, and something of objection on the part of the Senate, there are eight and a half millions short of the necessary amount of money to pay the pensions to-morrow. Now, then, I fancy this matter, back and forth between the House and the Senate, will not be understood very much by the—how many—900,000 people who are upon the pension rolls.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I ask for two minutes more, if I can get it.

The SPEAKER. The gentleman from Illinois asks unanimous consent that he may have five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. I think that is more than I wish. I say again, I will not discuss the merits of this proposition between the House and the Senate, but I think that we would be justified, considering a further contention between an irresistible force and an immovable body that results in no legislation and no appropriation bill, I think I want to submit to the gentleman from New York if he will not ask unanimous consent as a member of the majority and as chairman of the Committee on Appropriations to here and now pass a deficiency bill or a bill providing eight and a half million dollars to enable the 900,000 pensioners to be paid? [Applause.]

Mr. MANN. Mr. Speaker, I ask for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, it is a rule of legislative bodies that in passing any action in regard to a bill after the bill has been engrossed the House which acts upon it must be in physical possession of the papers, and the practice in reference to conference is this: This body disagreed to the Senate amendment and asked for a conference, sent a message to the Senate announcing that fact, and with the message the papers went also. The Senate agreed to the conference and sent a message to the House stating they had agreed to the conference, and with that message came the papers. The papers went into the hands, or should have gone into the hands, of the House conferees. The rule is that when an agreement is reached in conference the conferees having possession of the papers transfer them to the conferees of the other body, so that the body that asks for the conference is the body that acts last upon the conference report, and the body that agrees to the conference is the body that acts first upon the conference report. In this case, under this practice, it is the duty of the Senate to act first upon the conference report, and the papers should be in the hands of the Senate conferees. If there has been a conference report signed, when the conference report was signed the papers should have been delivered by the House conferees to the Senate conferees. I understand that that was not done. I think it should be done now. Now, Mr. Speaker, a word more.

I have been in favor for years of abolishing the pension agencies. I urged the conferees, when the Republicans were in a majority in the House, not to agree until the Senate receded from its amendment adding the pension agencies to the bill as it passed the House. And I still maintain that position. If it

is a question of stubbornness between the House and the Senate, I can be just as stubborn as anybody in the Senate can be. [Applause.] I do not believe that the House ought to recede from its position. [Applause.] My colleague from Illinois [Mr. CANNON] who has just addressed the House, has been on more conference committees and had more experience in conference work than any other Member of the House or the Senate, and I have the highest respect for his opinion. The rule that he states is undoubtedly the rule as to legislative matters or new propositions, but in this case it is a question whether we appropriate the money for 17 pension agencies or 1 pension agency. I think that the logic of the rule is that when the House declines to appropriate for more than 1 pension agency the Senate must recede from its demand to have 16 extra agencies appropriated for. [Applause.] If the Senate wants to stand responsible before the country for the lack of money with which to pay the pensions now due, that responsibility is on the Senate and not on the House. [Applause.] The House is prepared to increase the amount of money provided by the Senate amendments to the appropriation bill, but I think is not prepared to provide the 16 extra pension agencies. I hope that the gentleman in charge of the House conferees will deliver the papers to the Senate conferees and leave the responsibility with them if they delay the appropriation. [Applause.]

PRESIDENTIAL APPROVAL.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill of the following title:

On August 3, 1912:

H. R. 21480. An act to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and that the Senate had receded from its amendments numbered 3 and 4.

FRANCHISES GRANTED IN PORTO RICO (S. DOC. NO. 894).

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Insular Affairs and ordered printed. Also the accompanying papers were referred to the Committee on Insular Affairs, with instructions that they be not printed:

To the Senate and House of Representatives:

As required by section 32 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the Executive Council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me. Such of these as relate to railroad, street railway, telegraph and telephone franchises, privileges or concessions have been approved by me, as required by the joint resolution of May 1, 1900 (31 Stat., 715).

WM. H. TAFT.

THE WHITE HOUSE, *August 3, 1912.*

LAWS RELATIVE TO SEAMEN.

The SPEAKER. The unfinished business is the bill H. R. 23673, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

The SPEAKER. The Clerk will read the next section of the bill.

The Clerk proceeded to read.

Mr. HUMPHREY of Washington. Mr. Speaker, I want to ask a question. I thought the Clerk commenced back on page 14.

The SPEAKER. The Chair's understanding was, although it may be wrong, that there were just two sections of this bill that had not been considered.

Mr. HUMPHREY of Washington. The Speaker is mistaken. There are several sections that have not been considered.

Mr. ALEXANDER. The Clerk should finish this section, and then we will return to section 12.

The SPEAKER. The Clerk will finish reading this section. Section 12 was passed, the Chair will state to the gentleman, and we can return to it.

Mr. HUMPHREY of Washington. What section is this?

The SPEAKER. Section 17, page 18. The Clerk will report the section.

The Clerk read as follows:

SEC. 17. That this act shall take effect as to all vessels of the United States 90 days after its passage and as to foreign vessels 12 months after its passage, save and except that such parts hereof as provide for the abrogation of any stipulation by treaty or convention with any foreign nation shall only take effect after such notice and at the expiration of such time as may be required by the terms of such treaty stipulation or convention.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, line 13, by striking out the figures "17" and inserting in lieu thereof "16."

The SPEAKER. Without objection, the amendment is agreed to.

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask now to return to section 12. I have two amendments to submit to the section.

Mr. HUMPHREY of Washington. I have an amendment to this section if it is time for it.

The SPEAKER. The Chair will recognize the gentleman from Missouri [Mr. ALEXANDER] to offer his first amendment.

Mr. ALEXANDER. The Clerk has the amendment.

The SPEAKER. The Clerk will report it. The Chair will inquire of the gentleman from Washington [Mr. HUMPHREY] if his amendment was printed the other day in the RECORD?

Mr. HUMPHREY of Washington. No; it was not. As I understand it, the gentleman from Missouri [Mr. ALEXANDER] is offering an amendment to section 12, but I was offering an amendment to the section just read—the last section.

The SPEAKER. Where is the amendment?

Mr. HUMPHREY of Washington. It is on page 18.

The SPEAKER. But where is the physical property of the amendment?

Mr. HUMPHREY of Washington. I sent it up to the Clerk.

The SPEAKER. This amendment is to the section just read, which is now section 16?

Mr. MANN. Not yet.

The SPEAKER. Yes, it is, because the Chair put that amendment and it was carried. Nobody objected to it. The Clerk will now report the amendment of the gentleman from Washington [Mr. HUMPHREY].

The Clerk read as follows:

Page 18, line 9, strike out all after the word "vessel" and all of lines 10, 11, and 12 and insert:

"That all treaties of the United States with foreign nations, in so far as they require the arrest, or detention, or return to his ship of any American sailor for desertion, are hereby abrogated."

The SPEAKER. The Clerk informs the Chair that this amendment really applies to section 15 and not to section 16.

Mr. HUMPHREY of Washington. I do not know what section it applies to, but I have read both of them. I gave the line and the page. That is the reason why I interrupted the reading.

The SPEAKER. The Clerk will report the amendment again.

Mr. MANN. Mr. Speaker, the provision that the gentleman seeks to amend is on page 18, lines 10, 11, and 12.

Mr. HUMPHREY of Washington. This section was not read before.

Mr. ALEXANDER. Yes; it was read the other day.

Mr. HUMPHREY of Washington. If that is true, I offer the amendment, then, to the other section.

The SPEAKER. Where does the gentleman want it to come in?

Mr. MANN. It was passed over before.

Mr. HUMPHREY of Washington. It was passed over before, and it would be inserted on page 18, line 9, striking out all of line 9 after the word "vessel" and all of lines 10, 11, and 12 of page 18 and inserting that amendment. I desire to be heard on it just a moment, Mr. Speaker, in order to explain what is meant by it.

Mr. BUCHANAN. Mr. Speaker, is it in order—the section already having been considered?

The SPEAKER. It can not be done except by unanimous consent. By unanimous consent it can be done.

Mr. MANN. The sections were passed over the other day.

The SPEAKER. The understanding of the Chair was that it had been passed over.

Mr. BUCHANAN. It was read the other day.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 18, line 9, by striking out all after the word "vessel" and all of lines 10, 11, and 12, and inserting: "That all treaties of the United States with foreign nations, in so far as they require the arrest or detention or return to his ship of any American sailor for desertion, are hereby abrogated."

Mr. HUMPHREY of Washington. Now, Mr. Speaker, I want to offer an amendment to the next section, and I ask to offer it now, so that both of them may be considered at the same time. They cover the same subject.

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] asks to have pending another amendment for the purpose of considering both it and the other one together. Is there objection? [After a pause.] The Chair hears none. The Clerk will report it.

The Clerk read as follows:

Amend, page 18, by striking out section 16 and inserting the following: "That the President of the United States is hereby requested to enter into negotiations with all foreign nations with whom we have treaties upon the subject looking to the abrogation of all provisions in such treaties for the arrest and punishment of seamen for desertion, and also negotiations with such nations looking to the formation of treaties between this country and such other countries to improve the condition of seamen and to produce greater security for life and property at sea, and to report the result of such negotiations to Congress at the earliest convenient time."

Mr. HUMPHREY of Washington. Now, Mr. Speaker, the bill as it stands abrogates a large number of treaties; in fact, treaties that we have with every commercial nation of the world; and it does it without any notice, without asking them to enter into any negotiations.

It vitally affects our commercial relations in a great many ways, and the sole purpose of it is to do away with what they call the "imprisonment" of the sailor—that is, to keep him from being returned to his ship for desertion.

Now, I am perfectly willing that that portion of the treaty so far as it applies to American sailors should be abrogated without notice to foreign countries. I think we have a perfect right to say what we shall do with our own sailors without consulting other countries. But for us to abrogate these various treaties that we have with commercial nations without giving them any notice does not seem to me to be such action as this body ought to take. Nor do I believe it will hasten the final time of this bill's becoming law. I am satisfied that the Senate will not pass a bill absolutely abrogating these various treaties without some notice being given to foreign nations. I am also satisfied that the Department of Commerce and Labor would not approve the legislation in this form, nor do I believe for one moment that the President of the United States upon a matter so small as the abolishing of imprisonment for desertion, which affects only foreign sailors, would sign the bill abrogating those treaties without notice. Now, if we are going to free the foreign sailor—and that is all this does—if we are going to make him free, why not at least consult the country that keeps him in bondage, and the country that he is willing to serve? I think we are making progress if we will take this plan and abrogate the treaties in so far as they affect American sailors, and then take up the negotiations with foreign countries in regard to their own sailors. That is all I have to say upon this amendment.

Mr. MANN. Mr. Speaker, the provision in the bill is that—

All treaties in conflict with this act are hereby abrogated, and the President of the United States is required at once to so notify every nation having any such treaty.

I am not familiar with the form of the treaties. The matter that would be in conflict with this provision would be in a commercial or navigation treaty, would it not?

Mr. WILSON of Pennsylvania. It would. We have commercial treaties with some 22 nations in which this question is involved.

Mr. MANN. Those treaties, I think, as a rule have provisions in reference to notice of abrogation.

Mr. WILSON of Pennsylvania. The time is usually one year. I do not know of any exception to that. But section 16 provides that this shall not go into effect until after the expiration of that notice, no matter how long notice may be required.

Mr. MANN. Where is that?

Mr. WILSON of Pennsylvania. That is in section 16:

That this act shall take effect, as to all vessels of the United States, 90 days after its passage, and as to foreign vessels 12 months after its passage, save and except that such parts hereof as provide for the abrogation of any stipulation by treaty or convention with any foreign nation shall only take effect after such notice, and at the expiration of such time as may be required by the terms of such treaty, stipulation, or convention.

Mr. MANN. I remember reading that, now. Does the gentleman think that absolutely covers the proposition?

Mr. WILSON of Pennsylvania. I think it does, and I see no reason why the amendment offered by the gentleman from Washington [Mr. HUMPHREY] should be agreed to under these circumstances.

Mr. MANN. I did not catch the amendment offered by the gentleman from Washington. I was looking at the provisions of the bill.

Mr. WILSON of Pennsylvania. If there are any provisions of this bill that are in conflict with any of our treaty obligations, then it becomes the duty of the President to give notice of the abrogation of the treaty, whether it applies to deserting seamen or to any other particular phase of the bill. Then the bill itself, as to that particular phase, does not go into effect until the expiration of the time required by the treaty for notice to be given to the foreign government.

Mr. MANN. I think probably that covers it, although it seems to me rather an inartificial way of getting at it.

The SPEAKER. The question is on the first amendment offered by the gentleman from Washington [Mr. HUMPHREY].

The amendment was rejected.

The SPEAKER. The question is on the second amendment offered by the gentleman from Washington.

The amendment was rejected.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The last two amendments were offered to the original section 16. I think the committee amendment changing the number of the section was not agreed to. That does not amount to anything, as the Clerk will do it anyhow.

The SPEAKER. The gentleman from Illinois is mistaken. The gentleman happened to be engaged when the Chair put that amendment in this way: That if there was no objection the amendment changing the number of the section would be agreed to.

Mr. MANN. It would not make any difference anyway. I was only trying to identify it. Now, this section was passed over.

The SPEAKER. Section 12.

Mr. MANN. Section 15 was passed over the other day. Now, if we go back to section 12, does that dispose of section 15? In other words, if anybody has any other amendment, let him produce it now.

The SPEAKER. If any gentleman has any amendment to section 15 let him offer it.

Mr. O'SHAUNESSY. Or forever after hold his peace.

The SPEAKER. If not, we will return to section 12. The Clerk will read section 12.

The Clerk read as follows:

SEC. 12. That no vessel, except those navigating rivers exclusively and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers, are of a rating not less than able seaman: *Provided*, That no vessel carrying passengers, except those navigating rivers and harbors exclusively, shall be permitted to depart from any port of the United States unless she shall have a sufficient crew to man each lifeboat with not less than two men of the rating of able seaman or higher.

No person shall be rated as an able seaman unless he is 19 years of age or upward and has had at least three years service on deck at sea or on the Great Lakes. Any person may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit, under rule approved by the Secretary of Commerce and Labor, showing the nationality of the applicant and the vessel or vessels on which he has had service and that he has had at least three years service on deck at sea or on the Great Lakes, the board of local inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

Each board of local inspectors shall keep a complete record of all certificates of service issued by them and to whom issued and shall keep on file the affidavits upon which said certificates are issued.

The collector of customs may, upon his own motion, and shall, upon the sworn information of any citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section.

Mr. ALEXANDER. Mr. Speaker, I ask that the Clerk report the committee amendment.

The Clerk read as follows:

Amend by adding at the end of line 14, page 15, the words "who shall be drilled in the handling and lowering of lifeboats under rules and regulations to be prescribed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce and Labor."

The SPEAKER. The question is on agreeing to the amendment.

Mr. ALEXANDER. Mr. Speaker, the amendment provides that those who are charged with maintaining the lifeboats shall be drilled in the handling and lowering of the lifeboats under rules and regulations prescribed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce and Labor. It is not necessary to detain the House by discussing the merits of this amendment. The *Titanic* disaster developed that there were not sufficient men to man the lifeboats, and that they were wanting in skill. This amendment is to charge the officers of the vessel with the duty of drilling these men in the lowering and handling of lifeboats, so that they may be available when accidents occur.

Mr. HUMPHREY of Washington. Mr. Speaker, I offer a substitute for the amendment.

The Clerk read as follows:

Page 15, line 17, strike out the words "on deck," after the words "Great Lakes," and insert the following: "Or as a fisherman, and upon examination by the local inspector, under such rules and regulations as the Commissioner of Navigation, under the direction of the Secretary of Commerce and Labor, shall direct, shall satisfy such inspector that he is competent to handle a lifeboat and other craft and equipment used for saving life at sea."

Mr. ALEXANDER. That amendment does not relate to the same part of the section as my amendment, and is not now in order.

Mr. HUMPHREY of Washington. I think that takes the place of the amendment offered by the gentleman from Missouri. I want to be heard on the amendment.

The SPEAKER. Which amendment does the gentleman wish to be heard upon?

Mr. HUMPHREY of Washington. On the substitute.

The SPEAKER. But the gentleman from Missouri raises the point of order that the substitute is not germane, or that it does not appertain to the amendment offered by him.

Mr. ALEXANDER. He can offer his amendment after this is disposed of.

Mr. HUMPHREY of Washington. As I understand the amendment offered by the gentleman from Missouri, it is exactly for the same purpose that I offer mine.

Mr. ALEXANDER. It relates to a different paragraph of the bill and is not inconsistent.

The SPEAKER. These two amendments have nothing on earth to do with each other. The amendment of the gentleman from Missouri comes in at the end of line 14 and reads:

Add at the end of line 14, page 15, "who shall be drilled in the handling and lowering of lifeboats under the rules and regulations to be prescribed by the Board of Supervising Inspectors, to be approved by the Secretary of Commerce and Labor"—

and the amendment of the gentleman from Washington comes in after the word "deck," in line 17:

Or as a fisherman, and upon examination by the local inspector, under such rules and regulations as the Commissioner of Navigation, under the direction of the Secretary of Commerce and Labor, shall direct, etc.

Mr. HUMPHREY of Washington. Mr. Speaker, I withdraw my amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was agreed to.

Mr. ALEXANDER. Mr. Speaker, I now offer the following amendment.

The Clerk read as follows:

After the word "section," in line 14, page 16, add the following words: "*Provided*, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs, or is scheduled to depart."

Mr. MANN. Mr. Speaker, may I ask the gentleman from Missouri, in connection with this matter, whether he proposes to offer any amendment to the first part of that section, where it provides that the collector shall upon sworn information do certain things?

Mr. ALEXANDER. Mr. Speaker, there is an amendment printed in the RECORD and suggested by the gentleman from Illinois [Mr. MADDEN], which I do not care to offer myself, but my amendment was to meet the criticism that it would place too much power in the hands of one individual to cause a muster of the crew, because he might do it for vexatious purposes and to delay the sailing of the vessel. My amendment provides that the collector shall have the discretion to order the muster, and he shall not be required to do it unless the affidavit is filed at least six hours before the vessel departs or is scheduled to depart.

Mr. MANN. I failed to get that part of it that gave him any discretion.

Mr. ALEXANDER. Oh, he has a discretion, unless the affidavit is made at least six hours before the vessel is scheduled to depart.

Mr. MANN. The first part of the paragraph provides:

The collector of customs may, upon his own motion, and shall, upon the sworn information of any citizen of the United States, etc.

If it should read:

May upon his own motion or upon the sworn information of any citizen of the United States—

That would leave him discretion, without anything further, and it seems to me would cover the case even better than the gentleman has covered it.

Mr. WILSON of Pennsylvania. That would give him discretion without limiting it as to time. The amendment as proposed by the gentleman from Missouri gives him discretion if the affidavit is not filed six hours prior to the sailing of the vessel, and my opinion is that six hours' time would be sufficient in which to muster the crew of the largest vessel that floats, so that by giving him discretion within those six hours no difficulty such as has been complained of would arise.

Mr. MANN. Mr. Speaker, I am not a seaman, and I regret that the gentleman from Texas [Mr. HARDY] nor the gentleman from Missouri [Mr. ALEXANDER] nor the gentleman from Pennsylvania [Mr. WILSON] is not, and therefore better posted than probably any of us upon the subject; but it would seem to me that even on a six-hour permit it provides the easiest kind of blackmailing opportunity.

Mr. WILSON of Pennsylvania. It does not seem so to me. In the first place, there are but two things to be found out as a result of the muster. One is as to whether or not the proper percentage of qualified seamen are there, and we have provided a means by which their qualifications can be determined almost on sight. The other is with regard to language.

Mr. MANN. Does it not require an examination of the papers in every case? How would one know whether a man is an able seaman unless you examine the certificate?

Mr. WILSON of Pennsylvania. We provide that the papers themselves shall be prima facie evidence.

Mr. MANN. But you have to examine the papers in each case.

Mr. WILSON of Pennsylvania. That is true, but it does not take long, as the gentleman knows, to examine the papers that state that a seaman has certain qualifications, unless you attempt to go behind the returns and undertake to find out whether the papers have been properly issued.

Mr. MANN. Well, take my part of the country. He files an affidavit with a collector of customs in the city of Chicago, and it would take him an hour or two hours to get down to South Chicago to get in touch with the vessel at all; and if he had to go to Michigan City it would take him more than six hours to go to Michigan City. Michigan City is controlled by the collector of customs at the port of Chicago, and the same condition is true all over the coast of the United States. How would you be able to do it? All you could do in the last instance would be to send a telegram demanding that the vessel be held. It would be the easiest thing in the world to blackmail.

Mr. WILSON of Pennsylvania. In the general run of cases six hours is ample time.

Mr. MANN. That might be true in the general run of cases.

Mr. HUMPHREY of Washington. Mr. Speaker, I desire to be heard in opposition to the amendment. I want to ask the gentleman who has charge of the bill if he will not accept the amendment offered by the gentleman from Illinois [Mr. MADDEN]? He is not here; there are several gentlemen who are vitally interested in this bill, who, not knowing that it was going to come up to-day, are not here this afternoon. As the gentleman from Illinois [Mr. MANN] has pointed out, to leave this section the way it is would absolutely place it within the power of any one citizen to hold up every ship in any port in the United States. With as few members as there are here present now I do not think we ought to undertake to pass such drastic legislation.

Mr. WILSON of Pennsylvania. Mr. Speaker, as far as I am concerned, and I presume the chairman of the committee has the same opinion, I would not agree to that amendment. The amendment offered by the chairman of the committee gives protection of six hours' time, in which the collector of the port has discretion. If you strike out the words "and shall" and insert the word "or" in the case, it gives to the collector discretion without qualification as to the time. Now, with regard to permitting any citizen of the United States by affidavit——

Mr. HUMPHREY of Washington. May I interrupt the gentleman?

Mr. WILSON of Pennsylvania (continuing). To furnish information of this kind——

Mr. HUMPHREY of Washington. Just a moment. I have no objection to the gentleman talking, but I hope he will get five minutes' additional time, because he is talking in my time now.

I want the gentleman to ask for five minutes when he gets through, because he has been consuming my time.

Mr. WILSON of Pennsylvania. I am simply replying to the gentleman's interrogatory, and if he does not desire a reply to the question I have no desire to impose myself either upon him or the House.

Mr. HUMPHREY of Washington. I want the gentleman to ask for five minutes, so that I may have some time to talk.

The SPEAKER. The gentleman declines to yield.

Mr. HUMPHREY of Washington. No; I do not decline to yield, of course not.

The SPEAKER. If nobody is going to argue the amendment the thing to do is to put the question.

Mr. HUMPHREY of Washington. I am going to argue it when the gentleman gets through. I have yielded to him.

The SPEAKER. Does the gentleman from Pennsylvania desire to make any remarks?

Mr. HUMPHREY of Washington. Mr. Speaker, I am sorry if the gentleman from Pennsylvania misunderstood me. I did not refuse to yield to him, my colleague on the committee; I would yield to him always. The only thing I suggested was that he was taking up my time with a statement, and I hoped that he would get some time for me. Waiting for six hours is of no advantage. I have talked to shipping men, and they tell me it would take from 6 to 24 hours to make a muster of the crew and go through the necessary examination. You put into the hands of any person, without any punishment, the power to compel absolutely a muster of the crew just as often as he wants to of every ship that comes into a port, and I repeat what I have said before, that if we do that we would put it in the power of any one man to tie up indefinitely all the shipping in any port in the United States.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HUMPHREY of Washington. I offer the following amendment, to come at the end of this section.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, line 14, after the word "section," insert:
"*Provided*, That any person that shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury, and upon conviction thereof shall be punished by a fine not exceeding $500 or be punished not exceeding one year, or by both such fine and imprisonment, within the discretion of the Secretary."

Mr. ALEXANDER. That ought to go in after the amendment which has been agreed to.

Mr. HUMPHREY of Washington. I thought the gentleman's amendment was agreed to.

Mr. ALEXANDER. You say after the section, and that is where my amendment was inserted.

Mr. HUMPHREY of Washington. I wanted it at the end.

Mr. HARDY. We have no objection to the penalty, but it seems to me that the law already provides a penalty against perjury, and I want to know whether the gentleman thinks he is adding anything to the law as it stands?

Mr. HUMPHREY of Washington. The gentleman is mistaken; I have looked into that, and there is no law on the statute books that makes a false affidavit a perjury.

Mr. HARDY. We have no objection to it.

The SPEAKER. The Chair calls the attention of the gentleman from Washington to the fact that evidently there is a clerical error toward the last of his amendment. It says "or be punished not exceeding one year." Of course it ought to be "imprisonment."

Mr. HUMPHREY of Washington. Yes.

The SPEAKER. The gentleman from Washington asks leave to change the phraseology of his amendment by striking out the words "be punished" and inserting in lieu thereof the words "by imprisonment."

Mr. RAKER. Mr. Speaker, I want to call the gentleman's attention to the latter part of his amendment, where, I think, it is wrong, if the Clerk will read it.

The SPEAKER. The Clerk will report the amendment.

Mr. RAKER. Of course the "in the discretion of the Secretary" should be "in the discretion of the court."

Mr. HUMPHREY of Washington. I did not look at the amendment after I dictated it.

The SPEAKER. The Clerk will report the amendment.

The amendment was again read.

Mr. RAKER. Mr. Speaker, I move to strike out the word "Secretary" and insert the word "court."

The SPEAKER. Without objection, the word "Secretary" will be changed to the word "court."

There was no objection.

The SPEAKER. The question is on agreeing to the amendment as amended.

The question was taken, and the amendment was agreed to.

Mr. HUMPHREY of Washington. Mr. Speaker, I offer as an amendment, on page 15, to strike out all after the word "crew," in line 1, and the whole of lines 2 and 3, down to and including the word "vessel," in line 4.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 15 by striking out all after the word "crew" in line 1, the whole of lines 2 and 3 and line 4 up to the word "nor."

The SPEAKER. The question is on agreeing to the amendment.

Mr. HUMPHREY of Washington. Mr. Speaker, I want to be heard on that amendment.

The SPEAKER. The gentleman from Washington is recognized.

Mr. HUMPHREY of Washington. Mr. Speaker and gentlemen, the purpose of that amendment is to strike out the language test. I would like very much for the gentlemen who are present to understand the situation in regard to this matter.

The bill as it stands proposes that all vessels that come into American ports, not only American vessels, but all vessels that come into American ports, shall carry a certain percentage of their crew in all departments that can understand any order of their officers. Now, the purpose of that amendment is well understood by everyone who has had anything to do with this bill. It is to do away with Chinese crews upon various vessels, a consummation devoutly to be wished. There is no patriotic American but would like to see that accomplished, and I do not believe that there is anyone who has given the question study but that thinks it ought to be done if it can be done.

But I want to call attention to the situation as it is upon the Pacific in particular as to what the result of this amendment will be. I want to quote just a sentence or two from the hearings—a statement made by the distinguished chairman of the committee when Mr. Schwerin, of San Francisco, was before it. The chairman said:

As I understand you, you suspect that this language is inserted here for the purpose of excluding Chinese crews from the ships?

The CHAIRMAN. Well, if it does, I am opposed to it, because I quite agree with you that under existing conditions it is proper to use Chinese crews.

Mr. SCHWERIN. That is what is aimed at here, and it has been openly stated so by many labor leaders, and I know it.

Then I asked Mr. Schwerin what would be the result. He replied:

Mr. SCHWERIN. The Americans would lose five ships under their flag—that is all—and American officers their jobs.

I want to call your attention to the fact as to why the distinguished chairman, I am satisfied, made that statement, and why I agree with him in regard to it. You take it upon the Pacific Ocean to-day, and there is one line of American vessels running from San Francisco to the Orient, namely, the Pacific Mail. That line runs in direct competition with a Japanese line that is subsidized $100,000 in gold for each round trip for each ship. Now, do not forget that. The Japanese vessels employ oriental cheap crews. The Pacific Mail employs the same character of crews. If this bill goes into effect in regard to the language test, the American vessel will have to have English-speaking crews, which will add about $100,000 expense to each round trip, making a difference, considering the subsidy, between the Japanese and American ships of $200,000 for each round trip. It is not necessary for me to stop and argue what will be the result. The result will be exactly as Mr. Schwerin says: "The Americans will lose five ships under their flag." They will immediately take the Japanese flag. That will be the only result. And at once, instead of having the American ships and Chinese crews, we will have Japanese ships with Japanese crews. Now, that is the condition at San Francisco. Up at Seattle there are two lines of Japanese vessels which run out of that port. They are subsidized, but they are slower ships. They are subsidized about $25,000 on one line for each round trip for each ship and about $50,000 in gold for each vessel for a round trip on the other line. From Seattle still runs one American ship, the only ship engaged exclusively in the over-seas trade under the American flag which is to-day running without a subsidy. Now, if you make the change, the result will be that vessel—the *Minnesota*—will have to employ English-speaking crews, against oriental-speaking crews upon the Japanese vessel. The result will be the Japanese flag will at once fly on that great American ship.

The SPEAKER. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask for 10 minutes more.

Mr. MANN. How much time does the gentleman want?

Mr. HUMPHREY of Washington. Ten minutes.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 10 minutes more.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the time of the gentleman from Washington [Mr. HUMPHREY] be extended 10 minutes. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Now, I want to call the attention of the gentlemen of the House to a further point. I have been trying to find some way, and I have sought earnestly and honestly to see if there was any way in which this bill could be supported and not absolutely destroy American shipping on the Pacific coast. If so, I was willing to vote for it. But it will only destroy American shipping and not benefit a single American sailor or a single American ship upon the Pacific Ocean. Then, why should we do it?

There is not a single American sailor, so far as I know—perhaps there may be a few, but I doubt if there is a single American sailor—upon the Pacific Ocean, upon any of these lines, that would be affected. Now, I want you to understand that when you are making this change you are not making it for the benefit of American sailors. You are proposing to put these vessels under the Japanese flag, without benefiting anybody in this country. These ships will go under the Japanese flag, and continue to carry their oriental crews, but will lose their American officers.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Washington yield to the gentleman from California?

Mr. HUMPHREY of Washington. I will yield in just a moment. I want to finish with this point, and then I will yield to the gentleman. I want to call the attention of the House to the situation at Seattle and on Puget Sound, where it is a little more aggravated than it is at San Francisco, because at San Francisco the difference would be that you would have American vessels under the Japanese flag. But up at Seattle we have two English lines that run from Seattle to the Orient. We have two Japanese lines that run from Seattle to the Orient. We have one line that runs from South America up to Seattle, making four lines in all. Those English vessels employ Chinese crews. I am not sure about the German line, whether it employs a Chinese crew or not, but I think it does.

Now, suppose we should pass a law that would compel them to take off their Chinese crews. That would impose an expense for each round trip of at least $50,000. Right here, across the border [indicating on map], right at this point, in sight of Seattle, is Vancouver, British Columbia, a foreign port. The Canadian Pacific Railway has its terminus there. The Northern Pacific Railway has its terminals there. The Great Northern has its terminals there, and the Milwaukee is rapidly building to that port. Now, do you suppose that these foreign vessels coming from the Orient to Puget Sound are going to come down to Seattle or Tacoma, take chances on the desertion of their crews, and pay $50,000 for each voyage, when they can just as well stop at Vancouver, when there is not a single disadvantage in their so doing—not one? They have a good port there. They have spent millions of dollars to improve it. So that the only thing you will do by this bill will be to drive these vessels—all of them—from American ports to British ports. Instead of coming to Seattle they will go to Vancouver. What justification can there be for such legislation? The friends of this bill admit its main purpose is to induce foreign sailors to desert in American ports.

There is no doubt about it. No one who is in favor of this bill and studies it carefully will dispute that fact. That is the object of the bill. I am not going to argue whether that is a good proposition or a bad one. The friends of this bill argue that it is a good one because, they say, after a sailor deserts they will have to increase his wages to get him back on the vessel, and therefore it will raise the wages of sailors all over the world, and that will be a good thing. I doubt whether this will be the result when they come to the crews of vessels flying the English, German, or Japanese flag.

But however that may be, is the Japanese vessel going to come down to Seattle, where crews will be induced to desert? Men favoring this bill say that the Japanese sailors are learning to desert. Is the Japanese vessel going to come down to where its crew will desert, where they will be subject to the restrictions that this bill proposes in regard to the character of the crew and in other respects, when they can just as well stop at Vancouver? I want the Members from the Pacific coast to understand the situation and to know when they vote for this bill that, if it goes on the statute books, in six months' time there will not be an American flag on the Pacific Ocean in the deep-sea trade. If it goes on the statute books, so far as Seattle and Tacoma are concerned, with reference to the foreign trade, they might as well be blotted from the map.

You will absolutely destroy those cities as foreign ports, and I want the gentlemen here, especially those from the Pacific coast, to know it when they vote, so that they can not plead that they did not understand the result that was going to follow.

Mr. RAKER. Will the gentleman yield right there?

Mr. HUMPHREY of Washington. Certainly.

Mr. RAKER. Speaking of these Japanese lines from San Francisco to the Orient, is it not a fact that they have Chinese crews to the extent of at least 75 per cent?

Mr. HUMPHREY of Washingon. No, sir; it is not a fact.

Mr. RAKER. Is it not a fact that the Japanese vessels that sail from Seattle have at least 75 per cent Chinese crews?

Mr. HUMPHREY of Washington. No, sir; it is not a fact.

Mr. RAKER. What proportion?

Mr. HUMPHREY of Washington. A very small proportion of the crews upon Japanese vessels are Chinamen. There are a few in the steward's department. To make absolutely sure that I was not mistaken about that matter I asked the president of the sailors' union not two hours ago, and he assured me that there are only a few Chinese employed in the steward's department. Most of the crew upon Japanese vessels are Japanese. They employ their own people.

There is just one other point that I want to call attention to generally on this language-test proposition. The bill not only prescribes what kind of crews foreign vessels shall have and what language they shall speak on Japanese and other vessels, but under this bill an English vessel is prohibited from employing British subjects in many cases, because there are a great many British subjects who are sailors who do not speak the English language.

Mr. RAKER. Will the gentleman yield for a further question?

Mr. HUMPHREY of Washington. Certainly.

Mr. RAKER. Is it not a fact that under the present arrangement between the United States and Japan these Japanese could not desert and keep in line with the treaty agreement or the gentleman's agreement; that by deserting they would come into the United States and violate the very treaty or gentleman's agreement I was talking about in regard to the Japanese?

Mr. HUMPHREY of Washington. On the contrary, I will quote the authority that I referred to awhile ago, that I think is the highest authority there is on this question. I quote the distinguished president of the sailors' union. He says that the Japanese will desert. He thinks that thereby he will be enabled to increase wages at all Pacific ports.

I think there is no question that they will desert. This bill leaves it wide open anywhere in the United States for any sailor to come in, leave his vessel, and evade our immigration laws. That is one of the beauties of this bill.

Mr. MANN. I should like to ask the gentleman a question, if he will yield.

Mr. HUMPHREY of Washington. Yes.

Mr. MANN. I should like to ask the gentleman whether he thinks a Japanese sailor who had made a contract to serve for a certain length of time would be restrained by a gentleman's agreement between nations, not to desert if he was going to break his contract.

Mr. HUMPHREY of Washington. I should not think so. I should think any sailor who would enter into a solemn agreement with the owner of a vessel to serve for a round trip, and then desert, would not be restrained by a gentleman's agreement or any other kind.

Mr. O'SHAUNESSY. Will the gentleman elaborate the point that higher wages will follow the desertions?

Mr. HUMPHREY of Washington. I have never been able to follow that argument exactly. I will try to state it as I understand it.

The SPEAKER. The time of the gentleman has again expired.

Mr. HUMPHREY of Washington. I want to answer the gentleman's question. This is the vital part of the whole bill.

Mr. MANN. I ask that the gentleman have five minutes more.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Washington [Mr. HUMPHREY] be extended five minutes. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. The theory upon which this bill has been drawn, as I understand it, is this: I will take an exact illustration. A vessel comes into Seattle from Japan. It has a Japanese crew. That crew deserts when it gets into the port of Seattle. Under this bill there is no authority to take those men back to their vessel. They can leave

it at will. Now, their theory is that the crew will not go back until they have agreed to increase their wages. It might work in some places, but it will not work in Seattle, where they can stop at Vancouver. No Japanese shipowner is going to be so negligent of his own interest as to come down to Seattle when it would be of no advantage to him and might cause him endless trouble and great expense.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. MARTIN of Colorado. Will not either Chinese or Japanese vessels——

Mr. HARDY. Mr. Speaker, I raise the point of order that this discussion is not on the question before the House; it is the language test.

The SPEAKER. The Chair overrules the point of order.

Mr. MARTIN of Colorado. Will not both Chinese and Japanese sailors be taken up by the authorities and deported?

Mr. RAKER. You can not deport the Japanese laborers.

Mr. MARTIN of Colorado. You can deport the Chinese.

Mr. HUMPHREY of Washington. I will tell you, gentlemen, that as far as the Pacific Ocean is concerned, this bill is in every way in favor of the Japanese. Japan will control the entire trade in that ocean with the United States within six months after this law goes upon the statute books. If it in any way favored the American sailor or the American shipowner I would be in favor of it, but I am opposed and shall not vote knowingly to turn the Pacific Ocean over to Japan.

Mr. RAKER. If the same law applied to the Japanese that now applies to the Chinese there would be no objection raised; the objection now raised by the gentleman from Washington would not apply, would it?

Mr. HUMPHREY of Washington. Oh, if conditions were different, the same result might not happen.

Mr. RAKER. If the Japanese laborers were prevented from entering into the United States, the question of their desertion would not be an objection.

Mr. HUMPHREY of Washington. No; the question of the desertion would not be, but you would turn the whole matter over to the Japanese, as far as the ship is concerned, in any event.

Mr. RAKER. What is the difference between a Japanese vessel having a Japanese crew and an American vessel having Japanese and Chinese crews registered under the American flag?

Mr. HUMPHREY of Washington. The difference is twofold. You have American officers and pay them high wages on American ships; you would replace them with Japanese. If the time should come when we had difficulty and need of transports, these vessels of the Pacific Mail Co. are suitable for that purpose, and they are the only vessels under the American flag except one on the Pacific Ocean that are.

Mr. RAKER. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. RAKER. Are not two-thirds of the Japanese vessels manned by American captains?

Mr. HUMPHREY of Washington. No; that was true a few years ago, but it is not true now.

Mr. RAKER. How long since it ceased?

Mr. HUMPHREY of Washington. Not until recently.

Mr. RAKER. Very recently, indeed.

Mr. HUMPHREY of Washington. No; within two or three years.

Mr. PAYNE. Mr. Speaker, I desire to ask unanimous consent to extend my remarks on the wool bill in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks on the wool bill in the RECORD. Is there objection?

There was no objection.

Mr. HARDY. Mr. Speaker, in less than five minutes I think I can do away with the argument of the gentleman from Washington. This bill will drive no ship from the sea under the language test. The gentleman speaks of Mr. Schwerin, who testified before our committee that nearly every Chinaman he had could comply with the requirements of this bill, for the reason that he understood every order naturally to be given on board ship.

The English law requires that 70 per cent of their crew shall understand the language of the officers. The Swedish law is more strenuous still, and to show how little there is in what the gentleman from Washington has been saying, Mr. Hibberd, representing the Pacific coast interests, appeared before our committee, and this statement appears in the hearings:

Mr. HARDY. Do you thinks it is safe for a ship to be navigated unless 75 per cent of the crew understand the orders—it need not be English, but they can not understand? Mr. Parine said that among his sailors, Chinese though they were, every one of them understood orders such as were given.

Mr. HIBBERD. We never carry Chinese crews, so I can not answer that.

Mr. HARDY. The thing there is that they ought to have enough knowledge of English for a member of the crew to understand when he is spoken to and do what he is told to do.

Mr. HIBBERD. Yes.

Mr. HARDY. Then, if 75 per cent of them understand you can trust nearly all of them, and I think that the English law requires that 75 per cent can speak the English language.

The CHAIRMAN. We did not put that in for the reason that we did not want to prohibit against Germans, Swedes, Chinamen, nor Japanese, but simply that he understands the orders of the master when given in Chinese, Japanese, Hindu, or in a sign language—he ought to understand the orders.

Mr. HIBBERD. That does not interest the men on the coast very much.

Mr. Hibberd, representing that interest, said that it did not concern the men on the coast very much; and it is a fact that each and every one of them said that the provision would not interfere with their sailing or their vessels. The truth is, Mr. Schwerin said his Japanese sailors understood all of the orders perfectly, and that not 75 per cent but that 100 per cent of them understood the orders.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. ALEXANDER. Mr. Speaker, I would like to have the Clerk report the first amendment that appears in the RECORD.

The Clerk read as follows:

After the word "States," in line 10, page 2, amend by inserting the words "navigating the ocean and the Great Lakes and on voyages of more than 12 hours' length."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, where does that amendment come in? Is that an amendment to section 1 of the bill? Is that something that has been passed over?

Mr. ALEXANDER. Mr. Speaker, I desire to ask unanimous consent to return to section 1 for the purpose of offering that amendment.

Mr. MANN. I have no objection to that.

The SPEAKER. The gentleman from Missouri asks unanimous consent to return to page 2, section 1, for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none and the Clerk will report the amendment.

Mr. BULKLEY. Mr. Speaker, I object.

The SPEAKER. The gentleman's objection comes too late.

Mr. BULKLEY. Mr. Speaker, I was on my feet.

The SPEAKER. Was the gentleman up trying to object before the Chair announced the decision?

Mr. BULKLEY. I was.

The SPEAKER. Very well. The gentleman from Ohio objects.

Mr. HUMPHREY of Washington. Mr. Speaker, I do not know what the gentleman's purpose is in denying unanimous consent, but if he is trying in that way to make time, he is mistaken in his attitude in regard to it, for if he insists upon it I shall make the point of no quorum.

Mr. ALEXANDER. Mr. Speaker, I did not understand what the gentleman said.

Mr. HUMPHREY of Washington. I merely said that I did not understand the purpose of the gentleman from Ohio in making his objection, and of course I have not the right to ask him, and do not ask him.

Mr. BULKLEY. But I am perfectly willing to answer the gentleman. I object because I do not like the amendment.

Mr. ALEXANDER. I suppose the gentleman does not want it to apply to the Great Lakes?

Mr. BULKLEY. No; I want it to apply to the Great Lakes, and I think it does as it reads now; but I object to the 12-hour part of it.

Mr. ALEXANDER. When the amendment is pending, why not move to strike out that part of it at that time?

Mr. BULKLEY. I do not want the 12-hour part of it in at all. If the gentleman will assure me that he will cut that out, I will give unanimous consent to return to the paragraph.

Mr. ALEXANDER. If the gentleman wants to move to strike that out, I shall not force it. It was put in at the suggestion of other parties.

Mr. BULKLEY. I would rather not give consent unless that is understood.

The SPEAKER. Does the gentleman from Ohio withdraw his objection?

Mr. BULKLEY. No; I object.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to strike out the last word for the purpose of asking the gentleman who is in charge of the bill a question. On page 14, section 12, line 24, we find this language:

Except those navigating rivers exclusively and except as provided in section 1 of this act.

I do not know what is meant by the statement "section 1 of this act."

Mr. WILSON of Pennsylvania. Mr. Speaker, section 1 of this act provides for the amendment of section 4516, and requires that the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of, and the clause to which the gentleman has reference——

Mr. HUMPHREY of Washington. That refers to ships, but the language is:

That no vessel, except those navigating the rivers exclusively, and except as provided in section 1 of this act.

Mr. WILSON of Pennsylvania. Where is the gentleman reading?

Mr. HUMPHREY of Washington. On page 14, lines 23, 24, and 25. I never have been able to understand what that language means.

Mr. WILSON of Pennsylvania. That applies to section 1. Section 12 says that no vessels, except those navigating rivers exclusively and except as provided in section 1 of this act, shall be permitted to depart from any port, and so forth. Section 1 of the act provides that he must secure certain seamen when desertions take place, if obtainable, so that if they are not obtainable he would still be permitted to depart, and that is what that language applies to.

Mr. HUMPHREY of Washington. I think the gentleman is mistaken.

Mr. WILSON of Pennsylvania. That is what it is intended to apply to.

Mr. HARDY. It is intended to apply to the unalterable requirements in section 1 that exempt the vessels which could not get a crew the other way.

Mr. HUMPHREY of Washington. I want to ask the gentleman from Missouri a question. The gentleman from Pennsylvania [Mr. MOORE] has an amendment to offer, but he is not here. I am willing to go through the discussion of this bill to-day, but if the gentleman is going to insist upon a vote upon it without giving the gentleman from Pennsylvania an opportunity to be heard, I do not like to do it. The gentleman has been very courteous, but I do not think he ought to try to pass the bill——

Mr. ALEXANDER. We are going to pass the bill to-day, and if the gentleman wants to offer the amendment in the absence of Mr. MOORE of Pennsylvania, I will not object and will not resist his amendment.

Mr. HUMPHREY of Washington. I do not know what it is.

Mr. ALEXANDER. At the same time, the gentleman wants us to delay the bill.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move the previous question on the bill as amended to final passage——

Mr. HUMPHREY of Washington. I have an amendment pending.

The Clerk read as follows:

Page 16, line 17, strike out the words "on deck," and after the words "Great Lakes" insert the following: "Or as a fisherman, and upon examination by the local inspector, under such rules and regulations as the Commissioner of Navigation, under the direction of the Secretary of Commerce and Labor, shall direct, shall satisfy such inspector that he is competent to handle a lifeboat and other crafts and equipment used for saving life at sea."

Mr. HUMPHREY of Washington. Mr. Speaker, I want to be heard on that amendment. Especially to vessels on the Great Lakes and on inland waters this is very important. I call to the attention of the House that the bill provides that every ship shall have two able seamen for each lifeboat. Under the regulations made recently the number of lifeboats in some instances has been more than doubled. Now, if we adopt this amendment which I have offered, it makes any man who has been drilled and is capable of handling a lifeboat an able seaman. If you do not do this, you increase, in some instances, three times the number of men upon the deck for no purpose whatever except to be used in time of accident. I want to call the attention of the House to the fact, as I said the other day, in regard to able seamen, that many men have been upon the Great Lakes and upon the ocean on deck for three years and more and yet know nothing whatever about handling a lifeboat, have never handled a rowboat, and know no more about them than if they had been spending their time in this House. Now, this proposes to make a definition of able seaman that will mean something, so when we put men on a lifeboat they shall know something about it. By striking out the words "on deck," then it includes both firemen and those in the steward's department. The fireman and those in the steward's department know as much about handling the lifeboats as the so-called able seaman.

They all get exactly the same training. If you adopt this amendment, when a man makes an application for a position upon a vessel he will have to know something about handling a lifeboat. I have not been able to understand how any man on either side of this House can object to this amendment in view of the fact that we have been saying that we want to increase the safety of life at sea. If you want to do that, let us put the right kind of men in the lifeboats. This will not work a hardship on anybody unless on the shipowner. I hope there will be no opposition to this amendment on either side of the House.

Mr. ALEXANDER. Mr. Speaker, the gentleman's purpose is not alone to provide that skilled seamen shall be used in lowering the lifeboats. The amendment agreed to awhile ago expressly provides that the men used in lowering lifeboats shall be drilled in the handling and lowering of lifeboats under rules and regulations to be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce and Labor.

And the very purpose of that amendment was to provide that vessels shall not depart from any port of the United States unless they shall have a sufficient crew with which to man each lifeboat, and that they shall be drilled in lowering and managing lifeboats. And that amendment has been already agreed to. The gentleman's purpose is to qualify the provision with reference to able seamen. He is opposed to that provision in the bill, and hence his amendment provides:

Strike out the words "on deck," and after the words "Great Lakes," insert the following:

"Or as a fisherman, and upon examination by the local inspector, under such rules and regulations as the Commissioner of Navigation, under the direction of the Secretary of Commerce and Labor, shall direct, shall satisfy such inspector that he is competent to handle a lifeboat and other crafts and equipment used in saving life."

Now, the effect of this amendment will be to nullify the other amendment which has been agreed to, that not less than two of these seamen shall be able seamen and qualified to lower lifeboats. In other words, the purpose is to permit the ship's officers to use stewards, waiters, or anybody else on board for this purpose, provided they are drilled in that work. Our object in framing this section is to provide that the deck crew shall be able seamen, and at least two able seamen to each lifeboat, and that all those who man lifeboats shall be qualified to handle them.

Mr. MANN. Will the gentleman yield for a question?

Mr. ALEXANDER. Yes.

Mr. MANN. The language of the bill to which the gentleman from Washington [Mr. HUMPHREY] offers his amendment is:

No person shall be rated as an able seaman unless he is 19 years of age or upward, and has had at least three years' service on deck at sea or on the Great Lakes.

Does that expression "on deck" include fishermen's boats?

Mr. WILSON of Pennsylvania. I do not think there is any question but that it does.

Mr. HUMPHREY of Washington. I do not think it does.

Mr. WILSON of Pennsylvania. I think there is not any question but that a fisherman, when he is at sea, is on deck.

Mr. MANN. Having heard the opinion of my seaman friend from Pennsylvania, I would like also the opinion of my seaman friend from Missouri, whether he thinks service on deck will include service on fishermen's boats?

Mr. ALEXANDER. I do not know why it would not.

Mr. MANN. That is not my question.

Mr. ALEXANDER. The best seaman we have is the fisherman.

Mr. MANN. Is this service on deck? I want it, so it, at least, will go in the RECORD.

Mr. ALEXANDER. We do not want it so that those in the steward's department, the waiters, and the chambermaids, and so forth, shall man the ship. [Laughter.]

Mr. MANN. The gentleman is talking about the paragraph that is not under consideration. I am talking about the one that is, namely, the definition of what an able seaman is. Let us have no misunderstanding about it. If it does not include men doing work on fishermen's boats, it ought to do so, and if it does, let us say so.

Mr. WILSON of Pennsylvania. If there is any question about it, we would have no objection to the words "fishermen at sea or on the Great Lakes" being included, but to take the rest of the gentleman's amendment would be another proposition.

Mr. MANN. I am supposed to be talking about the gentleman's amendment. Do the gentlemen in charge of the bill have any doubt that it does include service on fishing boats?

Mr. WILSON of Pennsylvania. I have no doubt but that it includes fishermen, but if there are any gentlemen on the floor who have any doubt as to its including fishermen I, for one, have no objection to an amendment being offered that will include fishermen on the seas and on the Great Lakes.

The SPEAKER. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

The question was taken, and the amendment was rejected.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 126. Joint resolution authorizing Federal bureaus doing hygienio and demographic work to participate in the exhibition to be held in connection with the Fifteenth International Congress on Hygiene and Demography.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. J. Res. 126. Joint resolution authorizing Federal bureaus doing hygienic and demographic work to participate in the exhibition to be held in connection with the Fifteenth International Congress on Hygiene and Demography; to the Committee on Foreign Affairs.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 103. Joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory and growing out of the late insurrection in Mexico.

THOMAS DAVIDSON.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to send to the Clerk's desk and have read the House joint resolution that I hold in my hand.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 346.

Whereas, by an error in printing the report of the House Committee on Invalid Pensions upon H. R. 21230, approved June 19, 1912 (Private, No. 26), the designation of the military service of one Thomas Davidson, late of Company G, Seventeenth Regiment Massachusetts Volunteer Infantry, was changed to read "Company H" of said regiment: Therefore be it

Resolved, etc., That the paragraph in H. R. 21230, approved June 19, 1912 (Private, No. 26), granting an increase of pension to one Thomas Davidson be corrected and amended so as to read as follows:

"The name of Thomas Davidson, late of Company G, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 a month in lieu of that he is now receiving."

The SPEAKER. The gentleman from Colorado moves to discharge the Committee on Invalid Pensions from the consideration of this resolution and consider it now. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I will suggest that in passing the resolution the reference should be made to the law, not to the bill, both in the title and body of the resolution. The gentleman should put in the title of the law. That is what we want to correct. We do not want to correct the bill.

Mr. MARTIN of Colorado. The title to the law is in the resolution. I copied the title of the law in the resolution. I did not refer to the number of the omnibus bill, but referred to the number of the act—Private, 26.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the title of the law be inserted in the body of this resolution and in its title. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution as amended.

The House joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

COMMERCE OF THE MISSISSIPPI VALLEY.

Mr. RANSDELL of Louisiana. Mr. Speaker, I ask unanimous consent to print in the RECORD a very interesting address delivered by Mr. O. P. Austin, Chief of the Bureau of Statistics, on the commerce of the Mississippi Valley.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to print in the RECORD a speech on the commerce of the Mississippi Valley delivered by Mr. O. P. Austin. Is there objection?

There was no objection.

SURVIVORS OF THE ANDREWS RAID.

Mr. WILLIS. Mr. Speaker, I desire to submit a request for unanimous consent to extend my remarks in the RECORD, and before the Chair submits that request I wish to make a very brief statement.

On the 21st of December, 1911, I introduced a bill (H. R. 16639) granting pensions to William Bensinger, William J. Knight, Wilson W. Brown, John R. Porter, and Daniel A. Dorsey, five of them in all, being the survivors of the famous Andrews raid. This bill is pending in the Committee on Invalid Pensions, and I earnestly hope it may receive early consideration and favorable report at the hands of the committee. I suppose every gentleman in the House knows the story of that heroic exploit, unexcelled for bravery and daring in the bloody annals of war.

The cool deliberation of their leader, the carefully wrought plan, the noble patriotic devotion of the heroic men who risked and some of whom lost their lives in executing that plan, the capture of that famous old engine "The General," the mad race for life, the fruitless attempt to destroy track and bridge so as to block pursuit, the final abandonment of "The General" by the raiders, their pursuit and capture by the Confederate forces—all these make a thrilling story of dash and excitement and courage without a parallel in history.

Of the 22 men in this expedition, 20 were furnished by Ohio, most of them coming from the Twenty-first, Second, and Thirty-third Regiments. Many of these men I have known well, some of them, I am proud to say, intimately. They were a heroic band, the story of whose courage and fortitude stirs the heart of every American. Of the 22 men who thus contributed one of the most brilliant pages in our country's history, only five remain; four of them are residents of Ohio, one lives in Illinois, but wherever they may abide, the story of their heroism will continue to inspire the youth of the land, and when the last of the five shall have answered the final roll call and gone to meet his comrades on "fame's eternal camping ground" the Andrews Raiders will be remembered, and I trust that a grateful Nation may not have to regret that it failed to provide for these old heroes in their declining years.

In connection with House bill 16639 and the story of the Andrews or Mitchell raid, as it is sometimes called, a very interesting account recently appeared in the Pittsburgh Gazette-Times, and I ask unanimous consent to print this account in the RECORD as a part of my remarks.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WILLIS. The bill and the newspaper article to which I have referred are as follows:

A bill (H. R. 16639) granting a pension to William Bensinger and others.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $100 per month, the names of William Bensinger, Company G, Twenty-first Regiment Ohio Volunteer Infantry; William J. Knight, Company K, Twenty-first Regiment Ohio Volunteer Infantry; Wilson W. Brown, Company F, Twenty-first Regiment Ohio Volunteer Infantry; John R. Porter, Company G, Twenty-first Regiment Ohio Volunteer Infantry; and Daniel A. Dorsey, Company H, Thirty-third Regiment Ohio Volunteer Infantry, the pension herein provided to be in lieu of any and all pensions now received by said soldiers, whether under the general law or by special act of Congress.

[From the Pittsburgh Gazette-Times, Jan. 14, 1912.]

EXPLOIT OF THE ANDREWS RAIDERS REVIVED—CONGRESSMAN'S APPLICATION TO GIVE SPECIAL PENSIONS TO THE FIVE SURVIVORS OF THAT WILD RIDE ON "THE GENERAL," A LOCOMOTIVE THE RAIDERS STOLE FROM THE CONFEDERATES, RENEWS INTEREST IN ONE OF THE MOST DARING INCIDENTS OF THE CIVIL WAR—20 OF THE MEN FROM OHIO.

One of the most daring exploits of the Civil War was recalled a few days since by the publication in the Gazette-Times of the following dispatch from Findlay, Ohio:

"Almost fifty years after they had pierced the Confederate lines near Chattanooga and stole a locomotive in the heart of the Confederacy the five survivors of the Andrews raiders will be granted a special pension of $100 a month, if a bill introduced by Congressman WILLIS, of this district, becomes a law. The survivors are William Bensinger, 72, of McComb, this county; W. J. Knight, Strycker, Ohio; W. W. Brown, 74, East Toledo; D. A. Dorsey, 76, Lincoln, Nebr.; and John R. Porter, residing in Illinois."

The story of the Andrews raiders and their bold seizure of "The General," the locomotive destined to become famous (it now occupies a post of honor in the Union Station at Chattanooga), will bear telling again. Grayheads there be who will yet thrill at its recital, and there may be many younger persons to whom it will come as interesting information. The narrative is most interestingly set forth in an attractive brochure issued some months ago at Nashville. Here it is:

BEGINNING OF THE ADVENTURE.

When, on a bright April day in 1862, the trainman sang out, "Big Shanty: 20 minutes for breakfast," the hearts of a score of brave men beat faster, as they knew the hour had come for the beginning of one of the grandest exploits in history.

The men, from their dress, were citizens, and had boarded the northbound train at Marietta, a pretty little Georgia town 20 miles north of Atlanta. They paid their fares to different points, and from the conversation one would suppose that they were refugees from the Yankees; but in reality they were disguised soldiers of the United States Army under command of Gen. Mitchell, then in middle Tennessee, bound south.

They were volunteers to do a dangerous work, and were to get through the country as best they could to Marietta, then board a train bound for Chattanooga, and at Big Shanty, 7 miles away, while the crew and passengers were at breakfast, detach the engine, run north, obstruct the track, cut the wires, and burn bridges, of which there were 15 between Big Shanty and Chattanooga. This was the brilliant scheme. How well it was carried out is here shown:

STRANGERS BOARD TRAIN.

On the morning of the 12th of April, 1862, Capt. W. A. Fuller left Atlanta at 6 o'clock in charge of the passenger train, having three empty freight cars next to the engine, which were intended to bring commissary stores from Chattanooga to Atlanta. When he reached Marietta, 20 miles distant from Atlanta, a considerable party of strangers, dressed in citizens' clothes, got on board and paid their fares, some to one point and some to another. They all claimed to be refugees from within the Yankee lines desirous of joining the Confederate army.

Seven miles from Marietta, at Big Shanty, the train stopped for breakfast. Most of the passengers and train's crew went to the breakfast house, which was situated some 40 feet from the track. At this time Big Shanty was the location of a camp of instruction, called Camp McDonald, and there were about 3,000 Confederate recruits there at the time, being drilled ready to send to the front for active service. The passengers had taken seats at the table. Capt. Fuller was sitting on the opposite side of the table from the railroad, and facing the train. He saw through the window some of the strangers who got on at Marietta get on the engine in an excited manner and start off rapidly, with the three freight cars detached from the passenger train. He remarked to his engineer, Jeff Cain, and to Anthony Murphy, who was present, and at that time foreman of the Western & Atlantic Railroad shops: "Some one has gone off with our train." All three arose and hurried out of the house just as the engine passed out of sight.

NOT DREAMED THEY WERE FEDERALS.

Some deserters had been reported as having left Camp McDonald, and the commanding officer had requested Capt. Fuller to look out for them and arrest any soldier who attempted to get on his train without a passport. No one had any idea that the parties in possession of the engine were Federals, but supposed that it had been taken by parties desiring to desert Camp McDonald, and who would run off a short distance and abandon it.

Capt. Fuller, Murphy, and Cain left Big Shanty with a clear and well-defined motive and a fixed determination to recapture the engine, no matter who the parties were. They started out on foot and alone, nothing daunted in putting muscle in competition with steam. Capt. Fuller outran his companions and soon reached Moon's Station, two miles from Big Shanty. Here he learned from the trackmen that the men with the engine stopped and took their tools from them by force. They reported that on the engine and in the freight cars there were 24 or 25 men, and that while some of the men gathered the tools, others climbed the telegraph poles and cut the wires in two places, carrying away about 100 yards of wire. This statement satisfied Capt. Fuller that these men were Federals in disguise. This added new stimulus to his resolve. The determination then was not only to capture his engine, but the Federals.

PURSUIT IN HAND CAR.

With the assistance of the track hands he placed on the track a hand car and pushed back for his engineer, when he soon met Messrs. Murphy and Cain.

Knowing the schedules, grades, stations, and distances so well, he was confident that by using great effort he could reach Etowah River by the time the fugitives could reach Kingston. At Kingston he knew they would have to contend with a number of freight trains, which would necessarily detain them several minutes.

As soon as he got Mr. Murphy and Mr. Cain on board he told them his plan to push on to Etowah as quickly as possible, for there he hoped to get old "Yonah," an engine used at Cooper's iron works; and his plan proved successful. In the "rapid transit" by hand car Capt. Fuller, Mr. Murphy, and Mr. Cain took turns in pushing, two running on foot and pushing, while the other rested; one mile from Moon Station they found a large pile of crossties on the track—placed there by the fugitives to obstruct pursuit. The obstructions were removed, and they pushed on to Acworth.

Here they pressed into service such guns as they could find and were joined by two citizens—Mr. Smith, of Jonesboro, and Steve Stokely, of Cobb County—who rendered valuable service in the subsequent pursuit. Resuming their journey they found no obstruction until they reached a short curve 2 miles from Etowah. Here two rails from the outside of the curve had been taken up.

The result was the hand car was ditched. In a few seconds Capt. Fuller and his men had the car on the track beyond the break, and with renewed energy and determination they pushed on to Etowah, where, to their great joy, they found the engine, as they supposed they would. And yet it appeared a slim chance. The engine was standing on the sidetrack, with the tender on the turn table. The tender was turned around and pushed to the engine and a coal car attached. Some six or eight Confederate soldiers volunteered in the chase and took passage in the coal car.

RAN 60 MILES AN HOUR.

From Etowah to Kingston Capt. Fuller ran at the rate of 60 miles an hour, and found that the fugitives had passed by. A large number of freight trains had pulled by the station so as to let the fugitives out at the farther end of the track.

The agent informed Capt. Fuller that the leader of the fugitives claimed to be a Confederate officer who had impressed the train at Big Shanty, and the three cars were loaded with fixed ammunition for Gen. Beauregard, at Corinth. Capt. Fuller, he said, was behind with the regular passenger train. He insisted that the agent should let him have a switch key and instruct the conductors of the down trains to pull by and get out of his way, as it was important for him to go on to Chattanooga and Corinth as rapidly as possible.

So authoritative was he in his demands, and so plausible in his speech, that the agent, a patriotic man, believing his story, carried out his request, and so the fugitives, by the finesse of their leader, passed by one great obstruction. The freight trains were gathered here, and so heavy to move that had Capt. Fuller stopped to get them out of his way, to pass, his delay would have been too long. Finding that he could not pass with old "Yonah," he abandoned it.

The Rome engine was on the "Y," headed for Chattanooga, with one car attached. He immediately took possession of it, and continued the chase with all who would volunteer to go with him. He had not proceeded far before he found crossties on the track every 200 or 300 yards.

DROPPED TIES FROM REAR.

After passing Kingston the fugitives punched out the end of the rear car, which enabled them to drop out ties without slacking up. Capt. Fuller was forced to lose time in stopping to remove these obstructions.

Laboring under these disadvantages, the pursuers redoubled their energy and proceeded to Adairsville. When he reached a point 4 miles from Adairsville he found 60 yards of track torn up, and set out on foot, calling on his men to follow. When he had gone half a mile he looked back and saw none but Anthony Murphy following him. He made 2 miles as quick as he could run, and met the express freight. Having a gun and knowing the signal, the engineer recognized Capt. Fuller and stopped the train immediately.

Knowing that Mr. Murphy was only a short distance behind, the train was detained until he came up. He then took a position at the rear end of the train, 20 car lengths from the engine, and started backward, in the direction of Adairsville, without taking time to explain to the engineer or conductor. When he got within 200 yards of the switch at Adairsville, Capt. Fuller jumped off the train, ran ahead, and changed the switch so as to throw the cars on the sidetrack.

He accomplished this, changed the switch to the main track, and jumped on the engine, which had been uncoupled from the train. This feat was accomplished so quickly that the train and engine ran side by side for fully 300 yards. He now had only the engine with the following crew: A. Murphy, Peter Bracken, the engineer, Fleming Cox, the fireman, and Alonzo Martin, wood passer. He resumed the chase, making Calhoun, 10 miles distant, in 12 minutes. As he approached Calhoun, Capt. Fuller recognized the telegraph operator from Dalton, a lad 12 years old. The operator also recognized Capt. Fuller, and as the engine passed by, at the rate of 15 miles an hour, grasped Capt. Fuller's hand held out to him, and was safely landed on the engine.

NOTIFIES GEN. LEDBETTER.

The operator, having discovered that the wire had been cut, made his way down to Calhoun, looking for the break. As they sped along backward as fast as an engine with 5-foot 10-inch wheels could possibly run, Capt. Fuller wrote the following telegram to Gen. Ledbetter, then in command at Chattanooga:

"My train was captured this a. m. at Big Shanty, evidently by Federal soldiers in disguise. They are making rapidly for Chattanooga, possibly with an idea of burning the railroad bridges in their rear. If I do not capture them in the meantime, see that they do not pass Chattanooga."

Capt. Fuller's desire now was to reach Dalton and send the telegram before the fugitives could cut the wire beyond Dalton. Two miles beyond Calhoun the fugitives were sighted for the first time, and from their movements they were evidently greatly excited. They detached one of their freight cars and left it at the spot where they were discovered. They had partially taken up a rail, but that or the car did not detain Capt. Fuller.

He coupled the car to the engine without stopping, got on top of the freight car, and gave signals to the engineer by which he could run, as the car in front obscured his view. Two and a half miles farther Capt. Fuller came across another freight car which the fugitives had detached. As before, he coupled this on without stopping, and pushed on to Resaca, where he switched the two cars off on the siding.

JUMPS OVER RAILS.

Again he started with an engine only. Two miles north of Resaca, while standing on the rear of the tender, he discovered in a short curve a T rail diagonally across the track and being too close to stop, the engine went over it at the rate of 55 miles an hour. After this, until they reached Dalton, only occasionally were obstructions met with. At Dalton he dropped the telegraph operator with instructions to put through the telegram at all hazards, and continued the chase. Two miles beyond he overtook the fugitives tearing up the track in plain view of Col. Jesse A. Glenn's regiment, camped near by. They cut the telegraph wire just after the Dalton operator had flashed Capt. Fuller's telegraph over it, preventing him from receiving the usual acknowledgment from Chattanooga.

The fugitives resumed their flight, and never, perhaps, did two engines with 5 feet 10 inch wheels make faster time than the pursued and the pursuer. The fugitives had the advantage, from the fact that the "General," a "Rogers," was headed for Chattanooga, while the "Texas," a "Danforth & Cook" engine, was running backward.

The 15 miles to Ringgold and 3 miles beyond was made in less time than Capt. Fuller ever made the same distance in 22 years' experience as a conductor. Half way between Ringgold and Graysville he got within one-quarter of a mile of the fugitives, who, being so closely pressed, set their only remaining freight car on fire, with a view of cutting it loose on the next bridge. The smoke of the "General" plainly evidenced that she was fagging.

The fugitives abandoned the engine and took to the woods in a westerly direction. Capt. Fuller now ran up and coupled on to the burning car. The fire was extinguished and the car sent back to Ringgold in charge of the engineer. As Capt. Fuller passed Ringgold he noticed some 50 or 75 militia mustering, and sent back word to the commanding officer to put all his militia on horseback and send them into the woods in pursuit of the fugitives as quickly as possible.

This was about half past 1 o'clock p. m. Although jaded and fatigued, Capt. Fuller, Anthony Murphy, Fleming Cox, and Alonzo Martin took to the woods in pursuit. When the fugitives abandoned the engine, Andrews, their leader, said: "Everyone take care of himself," and they left in squads of three or four. Four of them were run down in the fork of the Chickamauga River at Graysville, and one was forcibly persuaded to tell who they were.

The militia, mounted on fresh horses, scoured the woods that afternoon, and in a few days the last of the fugitives were captured.

Later there was a trial by military court, and eight of the number were executed in Atlanta as spies. Six were exchanged and eight escaped from prison at Atlanta. Thus ended one of the most daring exploits on record.

There were 22 men engaged in the enterprise. Twenty of them were from Ohio and two from Kentucky.

THE MEN IN THE PARTY.

The following-named men participated in the famous raid:
James J. Andrews, leader, citizen of Flemingsburg, Ky.
William H. Campbell, citizen of Kentucky.
Marion A. Ross, sergeant major Second Ohio Infantry.
William Pittenger, sergeant, Company G, Second Ohio Infantry.
George D. Wilson, private, Company B, Second Ohio Infantry.
Charles P. Shadrach, private, Company K, Second Ohio Infantry.
Elihu H. Mason, sergeant, Company K, Twenty-first Ohio Infantry.
John M. Scott, sergeant, Company F, Twenty-first Ohio Infantry.
Wilson W. Brown, corporal, Company F, Twenty-first Ohio Infantry.
Mark Wood, private, Company C, Twenty-first Ohio Infantry.
John A. Wilson, private, Company C, Twenty-first Ohio Infantry.
William Knight, private, Company E, Twenty-first Ohio Infantry.
John R. Porter, private, Company G, Twenty-first Ohio Infantry.
William Bensinger, private, Company G, Twenty-first Ohio Infantry.
Robert Buffum, private, Company H, Twenty-first Ohio Infantry.
Martin J. Hawkins, corporal, Company A, Thirty-third Ohio Infantry.
William H. Reddick, corporal, Company B, Thirty-third Ohio Infantry.
Daniel A. Dorsey, corporal, Company H, Thirty-third Ohio Infantry.
John Wollam, private, Company C, Thirty-third Ohio Infantry.
Samuel Slavens, private, Company E, Thirty-third Ohio Infantry.
Samuel Robertson, private, Company G, Thirty-third Ohio Infantry.
Jacob Parrott, private, Company K, Thirty-third Ohio Infantry.

Eight of these men, whose names appear below, were executed by the Confederate authorities at Atlanta, Ga., in June, 1862: Andrews on June 7; and Campbell Ross, George D. Wilson, Shadrach, Scott, Slavens, and Robertson on June 18. On October 16, 1862, the eight following-named made their escape from prison at Atlanta, Ga.: Brown, Wood, John A. Wilson, Knight, Porter, Hawkins, Dorsey, and Wollam. The remaining six members of the raiding party were paroled at City Point, Va., March 17, 1863. Their names follow: Pittenger, Mason, Bensinger, Buffum, Reddick, and Parrott.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned until Monday, August 5, 1912, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 26112) to prescribe the method by which the terms of service shall be computed under the act of May 11, 1912, entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico"; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 26113) granting an appropriation for the destruction of predatory wild animals; to the Committee on Agriculture.

By Mr. ADAMSON: A bill (H. R. 26114) to authorize the people of Porto Rico to construct a bridge across the Cano de Martin Pena, an estuary of the harbor of San Juan, P. R.; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON: A bill (H. R. 26115) to provide for a uniform national bank currency; to the Committee on Banking and Currency.

By Mr. FITZGERALD: Resolution (H. Res. 659) to pay Michael Doyle for services as a Capitol policeman; to the Committee on Accounts.

By Mr. BROUSSARD: Resolution (H. Res. 660) authorizing the appointment of a committee to investigate the Mississippi River levees and defining its duties, etc.; to the Committee on Rules.

By Mr. LAFFERTY: Resolution (H. Res. 663) to make H. R. 22002 privileged; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 26116) granting an increase of pension to Adele Norton; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 26117) authorizing the Secretary of War to confer upon David Davis the congressional medal of honor; to the Committee on Military Affairs.

By Mr. CLAYPOOL: A bill (H. R. 26118) granting an increase of pension to George M. Walton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26119) to remove the charge of desertion from the record of George Osborn, alias George Allen; to the Committee on Military Affairs.

By Mr. CRAGO: A bill (H. R. 26120) granting a pension to Mary Jane Kuhns; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 26121) for the relief of Louis Burle, alias Ganter; to the Committee on Military Affairs.

By Mr. HOLLAND: A bill (H. R. 26122) for the relief of William Allman and others; to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 26123) granting a pension to Virginia A. Hunt; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 26124) for the relief of John Dennis; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 26125) granting a pension to Henrietta Gard; to the Committee on Pensions.

By Mr. WILLIS: A bill (H. R. 26126) to remove the charge of desertion from the military record of Joseph P. Leiter; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOWMAN: Petitions of H. E. Young, of Alden Station, and of Hanover Council, No. 251, Junior Order United American Mechanics, of Sugar Notch, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BUTLER: Memorial of Spring City Council, No. 900, Junior Order United American Mechanics, Spring City, Pa., and of Paoli Council, No. 500, Paoli, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Petition of the Inventors' Guild, favoring commission to investigate need of change in patent laws; to the Committee on Patents.

Also, petition of the National Association of Talking Machine Jobbers of Pittsburgh, Pa., against passage of House bill 22417, relative to change in patent laws; to the Committee on Patents.

By Mr. FULLER: Petition of the National Liberal Immigration League, favoring two battleships each year; to the Committee on Naval Affairs.

By Mr. HARTMAN: Petition of the American Opera House, Hopewell. Pa., favoring the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Association of Talking Machine Jobbers of Pitttsburgh, Pa., against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

By Mr. LINDSAY: Memorial of the National Association of Talking Machine Jobbers of Pittsburgh, Pa., against passage of the Oldfield bill, proposing change in the patent law; to the Committee on Patents.

By Mr. PARRAN: Petitions of George Bancroft Council, No. 571, and of Fourth Estate Council, No. 170, Order Independent Americans, favoring passage of House bill 25309, requiring the flag of the United States to be displayed on all lighthouses of the United States and insular possessions; to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petition of citizens of Lansford, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Bishop Rowe, of Alaska, favoring betterment of conditions of natives of Alaska; to the Committee on the Territories.

By Mr. REILLY: Petition of the National Association of Talking Machine Jobbers of Pittsburgh, Pa., against passage of the Oldfield bill, proposing change in patent law; to the Committee on Patents.

SENATE.

MONDAY, *August 5, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4838) to amend section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The message also announced that the House had passed the bill (S. 7163) authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 22650. An act to amend sections 4214 and 4218 of the Revised Statutes;

H. R. 23673. An act to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen; and

H. J. Res. 346. Joint resolution to correct an error in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved June 19, 1912.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the President pro tempore:

H. R. 18642. An act to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; and

S. J. Res. 103. Joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory and growing out of the late insurrection in Mexico.

POST OFFICE APPROPRIATION BILL—POST ROADS.

Mr. BRYAN. Mr. President, at the session on Friday night, while the Post Office appropriation bill (H. R. 21279) was under discussion, I had the privilege of submitting some remarks on the provision relating to good roads. In the course of my remarks I received the permission of the Senate to have a table inserted.

I find upon an examination of the RECORD that the table was inserted on pages 10809 and 10810, but appended to the speech of the Senator from Virginia [Mr. SWANSON]. I am not particular as to who may receive the credit for the insertion of the table, my object in making this statement being that Senators may know to what page of the RECORD to refer in order to find the table. While I would prefer that the information collected by the department should have been credited to me, because I had the honor to submit it, and the Senator from Virginia, in view of the position he takes upon this question, might consider it as a liability rather than an asset to his argument, I have taken this opportunity to call the attention of Senators to the place in the RECORD where they can find the table.

OCCUPATION OF MEXICAN TERRITORY (S. DOC. NO. 896).

Mr. CATRON. I ask unanimous consent to have printed as a public document a portion of Executive Document No. 60 of the Thirtieth Congress, first session, in 1848, being the part between pages 149 and 229. It has already been printed as a Senate document, but it is out of print.

Mr. BRANDEGEE. Will the Senator kindly state what the document relates to? What is the subject?

Mr. CATRON. It relates to the occupation of the Territory of New Mexico and the order which was made at that time by Gen. Kearney.

Mr. SMOOT. It is entitled "Occupation of Mexican Territory," message from the President of the United States upon the same.

Mr. CATRON. The part of the document that I wish to have reprinted relates entirely to New Mexico.

The PRESIDENT pro tempore. The Senator from New Mexico asks that the part of the document the nature of which has been indicated by him may be reprinted. Is there objection? The Chair hears none, and it is so ordered.

There being no objection, the order as agreed to was reduced to writing, as follows:

Ordered, That Executive Document No. 60, "Occupation of Mexican Territory," message from the President of the United States, December 22, 1846, Executive Documents, first session Thirtieth Congress, pages 149 to 229, inclusive, be reprinted for the use of the Senate document room.

INITIATIVE AND REFERENDUM (S. DOC. NO. 897).

Mr. CHAMBERLAIN. I should like to have published as a public document an address delivered by Mr. Judson King, March 6, 1912, before the Political Science Club of the University of Washington.

Mr. SMOOT. What is the subject?

Mr. CHAMBERLAIN. It is a comparison of the "checks and balances" of the Constitution with the "safeguards and restrictions" proposed by the initiative and referendum. It is an excellent address.

The PRESIDENT pro tempore. The Senator from Oregon asks that the address may be printed as a Senate document. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. SANDERS, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 5135. An act for the relief of John J. Troxell (Rept. No. 1013); and

S. 4030. A bill for the relief of Sylvester W. Barnes (Rept. No. 1014).

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 7434) for the relief of Patrick Howe, reported it with an amendment and submitted a report (No. 1015) thereon.

Mr. CRANE, from the Committee on Commerce, to which was referred the bill (S. 7317) to provide increased quarantine facilities at the port of Portland, Me., reported it without amendment and submitted a report (No. 1016) thereon.

Mr. CUMMINS, from the Committee on the Library, to which was referred the bill (S. 5009) authorizing the President to appoint a commissioner to supervise the erection of monuments and markers and locate the general route of the Oregon trail, reported it with amendments.

JAMES S. BAER.

Mr. SANDERS. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 21952) for the relief of James S. Baer, and I submit a report (No. 1012) thereon. I ask for immediate action on the bill.

The PRESIDENT pro tempore. The Senator from Tennessee asks for the immediate consideration of the bill (H. R. 21952) for the relief of James S. Baer. Is there objection?

Mr. SIMMONS. What is the bill?

The PRESIDENT pro tempore. The Secretary will again read the title.

The SECRETARY. A bill (H. R. 21952) for the relief of James S. Baer.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in the administration of the pension laws James S. Baer, late captain Company G, First Regiment Maryland Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 28th day of September, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. SMITH of Georgia. Can an objection still be made to the consideration of the bill?

The PRESIDENT pro tempore. No; the Chair submitted the request to the Senate and consent was given for immediate consideration.

Mr. SMITH of Georgia. Just the title had been read.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

The bill was reported to the Senate without amendment.

Mr. SMITH of Georgia. I should like to hear the report on the bill. I wish to know what it is.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report (No. 1012) this day submitted by Mr. SANDERS, as follows:

Mr. SANDERS, from the Committee on Military Affairs, submitted the following report, to accompany H. R. 21952:

The Committee on Military Affairs, to whom was referred the bill (H. R. 21952) for the relief of James S. Baer, having considered the same, report thereon with a recommendation that it do pass.

The following statement by The Adjutant General, under date of January 28, 1911, covers the case completely, and from a careful examination of the same the committee agreed that the relief carried in the bill was proper:

It is shown by the records that James S. Baer was mustered into service June 30, 1861, as second lieutenant Company A, First Maryland Infantry Volunteers, to serve three years. He was promoted to first lieutenant, same company and regiment, and was mustered in as such to take effect November 5, 1861. He was subsequently promoted to be captain and transferred to Company G, same regiment, and he is recognized by the War Department as having been in the military service of the United States in the grade of captain Company G, said regiment, from December 12, 1862. With the exception of a short absence on detached service in April, 1864, it appears that he was present with his command from the date of his original muster-in to August 31, 1864.

He was tried by a general court-martial convened in September, 1864, on charge of "drunkenness on duty"; found guilty, and sentenced to forfeit all pay and allowance that were or might become due, and to be dishonorably dismissed the service of the United States. The proceedings, findings, and sentence were approved and promulgated in an order from headquarters of the Army of the Potomac dated September 28, 1864, which order announced that Capt. Baer ceased to belong to the military service of the United States from the date of that order.

In an order of the War Department dated February 5, 1867, so much of the order of the Army of the Potomac of September 28, 1864, publishing the sentence of Capt. Baer, was amended so as to omit so much of the sentence as "forfeits all pay and allowance that are or may

become due him," that part being deemed "inoperative under the forty-fifth article of war," an article then in force which prescribed cashiering simply as the penalty for this offense.

Under date of November 15, 1864, a petition numerously signed by former officers of Capt. Baer's own regiment, as well as the officers of other Maryland regiments, was addressed to the Secretary of War in terms as follows:

"Capt. James S. Baer, Company G, First Regiment Veteran Volunteer Infantry, having been found guilty of the charge of drunkenness on duty (vide inclosure No. 1) by his own plea before a general court-martial convened by orders of headquarters Second Division, Fifth Corps, has been sentenced to be dismissed the service of the United States, with forfeiture of all pay and allowances due him or to become due him; and this sentence, being approved, has since been executed (vide inclosure No. 2).

"Now, without wishing to question form or substance of his trial and sentence we, the undersigned, beg leave to submit to you the following petition:

"Whereas Capt. James S. Baer, Company G, First Maryland Veteran Volunteer Infantry, has tested his patriotism on the 19th day of April, 1861, in Baltimore, Md., not only standing up to the national flag under dangerous and trying circumstances, but actually turned out in arms and defended for five days, under command of Col. E. Petherbridge, the threatened United States arsenal near Pikesville, Md.

"Whereas he furthermore displayed his zeal for the Union by entering the service of the United States on the 11th day of June 1861, and serving faithfully up to the Battle of Front Royal, Va., May 23, 1862, when he was taken prisoner whilst bravely defending and covering the extreme rear of the retreating forces over the bridge, and suffered captivity for over four months.

"Whereas he served out his original term of service and remustered as veteran for another term and as such was in discharge of his duty at his post with his company and regiment in every engagement of the present campaign in which his command participated.

"Whereas the inclosed certificate shows that his physical condition at the same time of the offense was such as if not to exculpate the offender, at least to mitigate the culpability to such an extent as not to call for the extreme penalty awarded under the mentioned charges.

"Whereas this penalty falls more unduly hard upon him and his family, as by the emergencies of this campaign and not by his neglect the arrearages of this pay had accrued to over seven months' salary, of which six months were due him before the offense was committed.

"That in consideration of these reasons the sentence against him may be remitted and he be reinstated, or, if this should be inadmissible, that he may be honorably discharged the United States service."

Accompanying the petition was a letted dated Baltimore, Md. November 14, 1864, and addressed to the Secretary of War, by John R. Kenly, brigadier general of volunteers, in terms as follows:

"The undersigned unites with the officers of the First Maryland Regiment of Volunteers in respectfully requesting that Capt. James S. Baer of that regiment, lately dismissed the service by sentence of general court-martial, may be reinstated.

"Capt. Baer was one of the first in this community who took up arms in behalf of the Government. He was mustered into the service in my regiment in June, 1861, as second lieutenant, and has risen to his present rank by successive promotions. Upon the expiration of his original term of service in June last he again volunteered and has since participated in several battles.

"In view of his courage, capacity, and length of service, I beg you to overlook his indiscretion."

There was also submitted with the petition a certificate of A. A. White, surgeon Eighth Maryland Volunteers, dated November 16, 1864, as follows:

"I hereby certify that at the time Capt. James S. Baer, Company G, First Maryland Volunteers, was put under arrest for drunkenness on duty and court-martialed that he had been under treatment for chronic diarrhea for two months, from the effects of which he was very much reduced and debilitated; and in consequence thereof, in my opinion, a small quantity of stimulant would produce inebriation which in a state of health would have been harmless."

Under date of December 10, 1864 the Judge Advocate General of the Army (Holt) made the following report upon the case:

"Accused pleaded guilty of drunkenness on duty. Proof was also introduced showing that when ordered to assume command of his regiment he was unfit to do so by reason of intoxication.

"His sentence was dismissal, with forfeiture of all pay and allowances. The latter part of this sentence, according to the uniformly expressed opinion of this bureau and the practice of the department, is inoperative and void under the forty-fifth article of war.

"Application is now made for removal of the disability to reenter the service.

"First. A surgeon's certificate states him to have been debilitated by chronic diarrhea to the degree that a small quantity of stimulant would affect him.

"Second. A large number of officers formerly associated with him in the Army testify to his loyalty and faithful and valorous service since June, 1861.

"Third. Gen. Kenly earnestly recommends clemency for the same reason.

"Fourth. Gen. Ayres and Gen. Warren approve the application. Gen. Meade, however, withholding his approval. Gen. Warren states that the accused belongs to one of the most respectable and devoted Union families in Baltimore.

"Fifth. It is represented that he tested his patriotism on the 19th day of April, 1861, in Baltimore, Md., not only standing up to the National Flag under dangerous and trying circumstances, but actually turned out in arms and defending for five days under command of Col. E. Petherbridge the threatened United States arsenal near Pikesville, Md.

"In view of the loyal adherence to the cause of the Union, so bravely exhibited in a disaffected community and at a critical period, as well as the general excellent conduct of the accused in the Army, it is suggested that the disqualification to be recommissioned may be removed without detriment to the service."

Under date of December 17, 1864, a communication from the War Department was addressed to the governor of Maryland advising him that the disability resulting from the dismissal of Capt. James S. Baer, First Maryland Volunteer Infantry, had been removed, and that Baer might be recommissioned should the governor of Maryland so desire; and on the same date Capt. Baer was advised of this action by the department.

Under date of November 1, 1890, James S. Baer applied to the War Department for a certificate of honorable discharge, stating as follows:

"He is the identical James S. Baer who was a captain in Company G in the First Regiment of Infantry, Maryland Volunteers; that he was enlisted in said regiment on or about the 30th day of June, 1861, at Baltimore, Md., as second lieutenant Company A, regiment as aforesaid, promoted first lieutenant Company A November 1, 1861, and promoted captain Company G December 16, 1862; that some of the officers and soldiers of his company were as follows, viz: Col. Nathan T. Dushane, Col. John R. Kenly, Capt. John W. Wilson, Lieut. Seth G. Reed, Robert Neely, Sergt. David L. Stanton; that he was honorably discharged on or about the 28th day of September, 1864, at Washington, D. C., in the State of ——; that his discharge certificate was never received; that he was court-martialed for alleged drunkenness on duty and dismissed from the service; but it having been made apparent to the major general commanding the Army of the Potomac that the claimant being a severe sufferer with chronic diarrhea and by order of the regimental surgeon having taken a prescription of wine that had but a brief temporary effect; that a personal animus prompted his prosecution; that injustice had been done him, the findings of the court-martial were annulled, the claimant restored to duty, and ordered to rejoin his command, paid up in full, but when he rejoined his command found vacancy filled, never received a discharge up to date of restoration, which he now prays as a legacy for his children."

The application for an honorable discharge was denied, and now stands denied, on the ground that the department is without power to set aside or modify a duly executed sentence of a general court-martial or to grant an honorable discharge to a soldier dishonorably discharged pursuant to such sentence.

Respectfully submitted.

F. C. AINSWORTH,
The Adjutant General.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
January 28, 1911.

The SECRETARY OF WAR.

The bill was ordered to a third reading, read the third time, and passed.

OMNIBUS CLAIMS BILL.

Mr. WATSON. Mr. President, I should like to make an inquiry of the chairman of the Committee on Claims. I wish to inquire if he intends to call up at this session House bill 19115, the omnibus claims bill?

Mr. CRAWFORD. Mr. President, I had not intended to call up that bill for consideration at this session, because I have felt that with the mass of important matters pressing for the attention of the Senate and the length of time it would require to consider the bill, it would be practically impossible to consider it at the present session.

Mr. WATSON. Mr. President, this bill has been favorably reported to the Senate for about three months, and there has been no effort to bring it up. As I understand, these are judgments against the Government. All of these claims are due these people, and many of my constituents are urging the passage of the bill. I do not see any good reason for the action of the chairman in this matter. I have understood indirectly that the chairman of the committee does not want this bill passed; that he does not want the Government to pay judgments against it.

Mr. CRAWFORD. Mr. President, I do not recall having expressed any such opinion as that. The majority of the committee have amended the bill and reported it. A number of the members of the committee have joined in a minority report. I have no objections to the Senate considering the bill whenever there is a manifest desire on the part of a majority of the Senate to do so. I assure the Senator from West Virginia that personally I have no desire to play the part of an obstructor against the consideration of the bill. When it comes up, however, I will say to the Senate that it contains perhaps 2,000 different items, and that they are separate and distinct, each resting upon its own facts, which are reported here. In addition to that, I presume there are on the table, awaiting the consideration of that bill, possibly 100 amendments, which contain proposals to enlarge the bill by adding that many divers claims to it. There will doubtless be sharp differences of opinion among Senators as to the merits of a number of these claims; and for the Senate to enter upon the consideration of them will necessarily involve a very lengthy discussion, take it in the aggregate, of the different items.

If it is the sentiment of the Senate that they want to enter upon the consideration of the bill at this session, I wish to assure the Senator from West Virginia that, so far as the chairman of the committee is concerned, there will be no attempt and no inclination on his part to oppose the consideration of the bill in any arbitrary manner whatever.

Mr. MARTIN of Virginia. Mr. President, in justice to the chairman of the Committee on Claims [Mr. CRAWFORD] I feel that it is proper that I should say that I am a member of that committee. I was not present when the bill was reported, but I have discovered no hostility on the part of the chairman of the committee to the payment of proper claims against the Government. The other House sent over to the Senate an omnibus bill embracing cases as to which there had been favorable findings by the Court of Claims. The bill is limited, if not absolutely, substantially—I think entirely—to claims which have passed through the Court of Claims. They are not judgments; they are findings of facts. The Senate committee eliminated a very large number of those claims which had been passed

through the House, claims which were just and proper and ought to have been reported favorably; at least that was my judgment about them. The committee entertained different views and found differently in the report they made. That report of the Senate committee rejecting a very large number of claims which had been passed through the other House opens a wide field for controversy and discussion.

In addition to that, both the Senate and the other House omitted a great many claims which are in serious difference in the Senate, like the French spoliation claims. The Committee on Claims instructed the chairman to press this bill in the Senate and try to get consideration of it in the Senate. The Senator from Kansas [Mr. BRISTOW], who has been a rather persistent opponent of the payment of a large class of the claims that are presented against the Government, entertaining the opinion that they should not be paid, agreed to unite—unfavorable as he ordinarily has been to the payment of any of these claims—with the chairman of the committee to endeavor to get the Senate to take up and consider this bill as reported by the Senate committee. I am sure both of those Senators in good faith desire to carry out that instruction from the Committee on Claims, and that they would have asked the Senate to consider this bill if there had seemed to be the slightest possibility that anything would be accomplished by their efforts.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. MARTIN of Virginia. I do.

Mr. GALLINGER. I will ask the Senator if any of the French spoliation claims are now in the bill?

Mr. MARTIN of Virginia. They are not. No French spoliation claims are in the bill, and the fact that they are not in the bill is one that would bring about a protracted discussion and violent opposition to the passage of any bill that did not include those claims. That was one of the reasons which seemed to make it inexpedient to obtain action of the Senate during the short remaining time of the session.

Mr. GALLINGER. It is quite proper that it should be understood that, if any bill of this kind is to be considered, the French spoliation claims will be offered as an amendment to such a bill.

Mr. MARTIN of Virginia. Many other amendments are to be offered, and a prolonged discussion of the scores of items in difference among Senators is inevitable. I say this as much to set myself right as to do what I consider justice to the chairman of the committee. There is not a Senator on the floor more anxious to have this bill considered than I am. Virginia has a great many claims in the bill, which I believe to be absolutely just, the payment of which has been denied during many years. I am exceedingly anxious to have the bill considered. I know neither the Senator from West Virginia nor any other Senator could be more anxious than am I to have this bill taken up and considered; but in justice to the chairman of the committee and to the Senator from Kansas, I desire to say that I have concurred with them that it would be absolutely impossible at this late day to get the consideration of the Senate for this bill. So I felt that it was necessary for it to go over to the next session and that it would be but a waste of time to attempt to pass it at the present session.

Mr. CRAWFORD. Mr. President, I will say that there is an amendment offered, which the committee did not adopt, which lies on the table, and whenever the bill comes up for consideration it will undoubtedly be pressed with great vigor, which provides that the French spoliation claims be incorporated in this bill. Two years ago, when a similar bill was pending here, the discussion of the French spoliation claims alone occupied the attention of the Senate in debate for days. The Senator from Kansas led the opposition to that bill, and there was an extended debate here running over weeks, when the omnibus claims bill was under consideration by the last Congress, directed to that one series of claims alone. Undoubtedly, if the bill comes up for consideration, those claims will be again presented and involve this Senate in an extended discussion of no one knows how many days. There is an amendment offered proposing that a claim of the Cramp Shipbuilding Co. be attached to this omnibus claims bill, a separate bill upon that subject having been reported unfavorably by the committee. It is a large claim; there seems to be a sharp difference of opinion as to its merits; it will be very vigorously opposed; and it will involve the Senate in an extended discussion.

There are other items in the bill which I know will involve the Senate in extended discussion. Senators will understand that there has been a desire here for weeks to close the business of the session, so that Senators may get away. The appropriation bills, however, are not yet disposed of, and in view of that situation I have felt that unless some general agreement could be arrived at, by which these numerous amendments might be dropped for the purpose of getting the bill through, it would be utterly useless to undertake to dispose of the bill at this session.

I thank the Senator from Virginia [Mr. MARTIN] for his kindness in the matter. I have had repeated conferences with that Senator over the situation. I think he understands that I have been anxious, provided the way could be smoothed so as to avoid extended discussion, to get up the bill, to have it disposed of, and to let the differences be adjusted in conference; but it does not seem possible, Mr. President, to do that.

Mr. TOWNSEND. Mr. President, unfortunately I came into the Senate late. I desire to ask if the Senator is discussing the proposition of now considering the omnibus claims bill?

Mr. CRAWFORD. The chairman of the committee is only discussing it, as he was practically required to discuss it by a rather sharp and pointed inquiry made by the Senator from West Virginia [Mr. WATSON] as to why the omnibus claims bill had not been brought before the Senate prior to this time.

Mr. WATSON. Mr. President, I am very glad indeed to know that the chairman of the Committee on Claims is so anxious to push this bill. The bill having been reported to the Senate for three months, no action having been taken on it, and no effort having been made on his part to get it up, I think I was justified in my remarks.

Mr. GALLINGER. I ask for the regular order, Mr. President.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. The Senator from New Hampshire calls for the regular order.

Mr. GALLINGER. I will withhold that demand if the Senator from Kansas desires to make a statement.

Mr. BRISTOW. Mr. President, on behalf of the chairman of the Committee on Claims I think it is proper for me, as a member of the committee, to say that there is not a Senator on this floor who more conscientiously devotes his entire time to the public service than does the chairman of the Committee on Claims; and if the Senator from West Virginia, after he has completed his term here, makes as good a record he will have reflected great credit upon himself and upon his State.

Mr. GALLINGER. Regular order!

Mr. BURNHAM. Mr. President——

The PRESIDENT pro tempore. The Senator from New Hampshire calls for the regular order. The regular order is reports of committees. If there are no further reports of committees, the introduction of bills is in order.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BACON:

A bill (S. 7420) for the relief of the heirs or estates of Turner Brown and Nancy Brown, deceased; to the Committee on Claims.

By Mr. KERN:

A bill (S. 7421) granting an increase of pension to Joseph Loughry (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A joint resolution (S. J. Res. 130) proposing an amendment to the Constitution providing that judges of the inferior courts shall be subject to recall; to the Committee on the Judiciary.

AMENDMENTS TO THE CONSTITUTION.

Mr. LA FOLLETTE. Mr. President, I beg leave to introduce a joint resolution.

The PRESIDENT pro tempore. Does the Senator from Wisconsin ask for its present consideration?

Mr. LA FOLLETTE. I ask that it may be read, so that it may appear in the RECORD. It will take but a moment.

The joint resolution (S. J. Res. 131) proposing an amendment to the Constitution of the United States was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ART. XVIII. The Congress, whenever a majority of both Houses shall deem it necessary, or on application of 10 States by resolution adopted in each by the legislature thereof, or by a majority of the electors voting thereon, shall propose amendments to this Constitution to be submitted in each of the several States to the electors qualified to vote for the election of Representatives, and the vote shall be taken at the next ensuing election of Representatives in such manner as the Congress prescribes, and if in a majority of the States a majority of the electors voting approve the proposed amendments and if a majority of all the electors voting also approve the proposed amendments, they shall be valid to all intents and purposes as part of this Constitution."

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on the Judiciary.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. JONES submitted an amendment providing for additional pay to the Second Assistant Commissioner of Indian Affairs, whose salary shall hereafter be $2,750, intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

The PRESIDENT pro tempore. Morning business is closed.

AGRICULTURAL APPROPRIATION BILL.

Mr. BURNHAM. I desire to give notice that immediately following the disposition of the conference report on the legislative, executive, and judicial appropriation bill (H. R. 24023), I shall ask the Senate to consider the conference report on the agricultural appropriation bill (H. R. 18960).

DEPARTMENT OF LABOR.

Mr. BORAH. Mr. President, I desire to give notice that tomorrow morning, after the routine morning business, I will ask the Senate to consider House bill 22913, Calendar No. 856, being a bill to create a department of labor.

Mr. SMOOT. Mr. President, will the Senator include in his notice a statement that it is not to interfere with appropriation bills?

Mr. BORAH. Well, I do not expect to interfere with appropriation bills. I do not know that it is necessary to put that in the notice, for I can yield at any time.

Mr. SMOOT. Very well.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 22650. An act to amend sections 4214 and 4218 of the Revised Statutes; and

H. R. 23673. An act to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

H. J. Res. 346. Joint resolution to correct an error in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved June 19, 1912, was read twice by its title and referred to the Committee on Pensions.

POST OFFICE APPROPRIATION BILL.

Mr. BOURNE. I ask unanimous consent that the Senate resume the consideration of House bill 21279, known as the Post Office appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. SMITH of South Carolina. Mr. President, I think it was understood when the Post Office appropriation bill was laid aside on Saturday last, during the consideration of the item relative to Federal aid to the construction of roads, that I should have the floor when the consideration of that bill was resumed. I want to address myself for a few moments this morning to specific data in connection with this matter, without regard to any theory that may have been advanced pro or con.

I have before me certain references, which I have been at pains to gather, showing what the attitude of the Government has been in reference to this matter of such prime importance. I myself have no practical knowledge as to what would be the ultimate outcome so far as expenditures by the Government are concerned in reference to road construction; but I have a very clear idea that, dating from the very inception of the Government, nothing has been of more importance to the people at large than efficient highways, particularly throughout the rural sections. These matters that I have gathered I think will throw sufficient light upon the question at issue, at least to modify the contention of some of those who are opposed to the House proposition.

In the discussion of this question the argument of those opposing the House provision is that the amount provided to be contributed by the National Government is absurdly small, in view of the statements made by Senators upon this floor as to the cost of adequate road construction; and it is particularly to that point that what I have to say this morning will be addressed.

The Senator from Mississippi [Mr. WILLIAMS] said that the amount provided was so dribbling and trifling that it would not and could not be seriously considered as entering into the construction of the public highways of the country or contributing materially to their maintenance once they were constructed. According to statistics printed by the United States Department of Agriculture, there is no class of roads which has increased so rapidly and given such efficient satisfaction as sand-clay roads. In a bulletin, House Document No. 582, Sixty-second Congress, second session, after reviewing the different kinds of standard roads and the percentage of increase and decrease, it is said:

> In no other class of improved roads has the mileage increased so rapidly during the five-year period as in the case of the sand-clay roads. The sand-clay construction consists of mixing sand and clay together in such a way as to produce a road which does not become muddy and which remains comparatively firm during wet or dry weather. * * * The progress in this class of construction is shown in Table 4.

I will ask that this table be inserted in my remarks.

I will read a portion of it and ask that the rest be inserted in my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SMITH of South Carolina. Before I read this table, I wish to call attention to the fact—and I hope this matter is of sufficient importance that some of the Senators who oppose the House provision, and particularly the Senator from Kansas, will give me their attention—that the Agricultural Department in its bulletin, House Document 582, in reviewing road construction in its table, Table 4, says:

> From this table it will be seen that the mileage of the sand-clay road has increased from 2,979 miles in 1904 to 24,601.42 in 1909.

It says further in reference to this, on page 8 of the same report:

> In no other class of improved roads has the mileage increased so rapidly during the five-year period as in the case of sand-clay roads. The sand-clay construction consists of mixing sand and clay together in such a way as to produce a road which does not become muddy and which remains comparatively firm during wet or dry weather. This method of construction is confined principally to the southeastern States, although it is now being used to some extent in the Gulf Coast and Middle Western States. The progress in this class of construction for the five-year period is shown in Table 4.

According to Table 5, the average cost of this sand-clay road does not exceed $723 per mile for construction.

I have here also a table which shows the cost of maintenance after construction, but I will take it up later on.

As I take it, the prime object of good-roads construction is to reach the sections of agricultural production and give to these sections a practical, cheap, efficient road. And according to the testimony of the Department of Agriculture the sand-clay method, with the dragging process, seems to be the solution of the problem.

As I shall show and will quote later on, even in the clay districts this method of dragging the roads immediately after a rain has produced roads at a minimum cost which have been as efficient in their service as the best macadam roads for a certain kind of traffic.

Thirty-two States of the Union report a marvelous increase of these roads and a satisfactory use thereof. Granting that these roads cost but an average of $723 per mile for construction, and that a State or county bonds itself to procure the money to construct them, and that this money is secured at from 3 to 5 per cent interest, the $15 per mile proposed in the House bill will practically pay one-half of the interest on these bonds.

The cheaper the money may be borrowed upon these bonds the nearer the appropriation will come to paying the interest thereon, so that a community bonding itself for the construction of the road will practically be at no expense for the construction, so far as the taxpayer is concerned, or an additional taxation for the interest on the bonds. The enhanced value of the property contiguous to such roads increases its taxing value, and the State or community can by this additional increase in the valuation of the property create a sinking fund for retiring its bonded indebtedness without having the additional burden of paying the interest on these bonds and at the same time granting to the people of the community an efficient means of transportation and communication.

Mr. BOURNE. Will the Senator from South Carolina permit a question?

Mr. SMITH of South Carolina. Certainly.

Mr. BOURNE. As I understand from the Senator's presentation, he expects, on the cost of the construction of roads which he has stated, that the contribution or the rental paid by the Federal Government will pay half the interest charge.

Mr. SMITH of South Carolina. In some instances it will pay all.

Mr. BOURNE. The Senator says that on the average the cost of construction is seven hundred and odd dollars a mile.

Mr. SMITH of South Carolina. Yes.

Mr. BOURNE. What provision could be made for a sinking fund without a burden on the community or on the land itself served by the increased facilities?

Mr. SMITH of South Carolina. My language there was to the effect that it would relieve to the extent of the amount the Government paid in the remittal of the interest on the bonds the burden of the local government to pay the interest on those bonds. In other words, if the community bonds itself at 3 per cent for the amount used in the construction of the road, the interest on that amount, the bonded indebtedness, would be paid by the Government, and the community would only be at the expense of keeping up the roads, maintaining them at that standard of perfection, and would, by virtue of the increased value of the property, be enabled, if it saw fit, to take the taxes from the increased value and create a sinking fund, and thereby practically relieve the community in the course of time from paying any interest on its bonds and ultimately liquidate the bonds.

Mr. BOURNE. Under the Senator's presentation, if the cost of construction of roads on the average was $700 per mile of road and the bonds bear 3 per cent interest—providing the community was able to float bonds at that rate of interest—still the community would have to bear a portion of the interest on the bonds. It would also have to bear the expense of the maintenance of the roads. It would also have to bear the taxation or the burden incident to a sinking fund for the retirement of the bonds.

Mr. SMITH of South Carolina. Yes.

Mr. BOURNE. The Government would simply pay about two-thirds of the interest on the bonds, on the assumption that the road cost $700 per mile and that the bonds bearing 3 per cent interest could be sold at par.

Mr. SMITH of South Carolina. I will say that further on I will show, according to experts—Government officials—that there is a difference of opinion as to the cost of construction of these rural roads, which is the matter of greatest importance to us, and that the highest average cost is $700.

I want to say further that according to one expert in a statement in a Government document, in different communities where experiments were made with sand-clay roads, that the increased valuation of the property contiguous to the roads had risen in two years from 50 to 100 per cent. Therefore the taxing valuation of the property had risen by virtue of the increased facilities for transportation for what is produced and for what is received from 50 to 100 per cent, and therefore the taxes that were laid upon it under the first valuation would practically, by the same number of mills, have doubled. Therefore those who had charge of the tax matters of the community had that increased tax to use in their judgment as a sinking fund to liquidate the bonds at their maturity, while the Government practically paid upon the cheap and efficient construction the interest on the bonds for the construction, and thereby give the whole rural community an efficient road service without an appreciable burden upon them; or, in other words, without giving a quid pro quo for what they received in the way of taxation upon the increased valuation of the property.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from New Hampshire?

Mr. SMITH of South Carolina. I do.

Mr. GALLINGER. I understand the Senator from South Carolina to say that in some sections of the country the construction of roads at a cost of seven hundred and odd dollars a mile had increased the value of the contiguous property 50 to 100 per cent.

Mr. SMITH of South Carolina. I do.

Mr. GALLINGER. What kind of roads had they before the $700 a mile road?

Mr. SMITH of South Carolina. They had streaks—not roads. They just had the surface.

Mr. GALLINGER. In what part of the country was that?

Mr. SMITH of South Carolina. I shall be glad to read from House Document 121, from the Government of the United States, page 754, a document printed in 1912:

> During the spring of 1910 an investigation was begun to ascertain the economic effect of road improvement upon communities. In this work counties were selected in which the roads were exceedingly bad and in which bonds had been issued for the purpose of improving the main roads. A preliminary study of these counties was made after the bonds had been issued and the roads selected, but before the actual work of improvement had begun. The amount of bonds issued and the names of the counties included in this investigation are as follows.

Then it gives Spottsylvania County, Va.; Dinwiddie County, Va.; Lee County, Va.; Wise County, Va.; Lexington Township, Davidson County, N. C.; Beat No. 1, Lauderdale County, Miss.; Russell County, Ala.; Dallas County, Ala.; Mantee County, Fla.; Wood Township, Clark County, Ind.; Riverton Township, Mason County, Mich.

That is a Government report, not my word.

Here is their conclusion, not my word.

The report says:

> In the counties where this investigation has now been in progress for two years it has been found that the price of land lying along the improved roads has already increased in value from 50 to 100 per cent.

Mr. GALLINGER. Who made that report, if I may ask the Senator?

Mr. SMITH of South Carolina. This is the report made by the Secretary of Agriculture, Mr. Wilson, upon the investigation, as I understand, of over 400 experts, and hence the contention and the argument I am making now.

Now, I will go further. He says——

Mr. GALLINGER. If the Senator will permit me, all I want to put in the RECORD on that point is that it seems to me incredible that any such result could have followed, scattered all over this country, including portions of several States—that the improvement of a road at an expenditure of $700 a mile would have doubled the value of the real estate contiguous to that road.

Mr. SMITH of South Carolina. Without making any reflection upon the Senator from New Hampshire, it is simply because the Senator from New Hampshire is not familiar with the conditions of all of the country or of most of the country. I mean the rural districts.

Mr. GALLINGER. The Senator from New Hampshire has been over a considerable part of the country and is very familiar with rural conditions.

Mr. SMITH of South Carolina. I suspect, then, if the Senator from New Hampshire was as familiar with rural conditions over the entire country as he is with conditions in New Hampshire, that he would agree with this. The Senator from South Carolina has considerable intimate knowledge of rural conditions on the Atlantic seaboard, and also the Piedmont, and believes the Government statement correct. I am not familiar with conditions that may obtain in and around and contiguous to the large cities and villages of New Hampshire, but I will take occasion, in the course of the remarks I am making to show that the cost of construction in some of the rural districts is higher, but it is almost a negligible quantity, when you come to consider the vast area of the agricultural districts over which light vehicles go. These ramifications of roads from villages and towns to which they converge divide their traffic as they multiply, while as they converge to the towns they multiply rather than divide the amount of the traffic. I suspect that wherein we get our incorrect idea of the kind of roads and the cost of construction is by virtue of being dwellers of cities and towns, accustomed to the great and congested traffic coming into the centers of transportation.

It was very startling to me when I first had occasion to search the figures. There are 2,151,379 miles of public rural roads in America. There is a total of improved roads in America of only 190,467 miles. Only 8 per cent of the entire public roads of America are improved.

Mr. BOURNE. Will the Senator from South Carolina permit me?

Mr. SMITH of South Carolina. I do.

Mr. BOURNE. Do I understand, then, that only 8 per cent of the roads in America to-day would come under the provisions of what is known as the Shackleford bill, if enacted?

Mr. SMITH of South Carolina. Only 8 per cent.

Mr. BOURNE. Only 8 per cent would come under it?

Mr. SMITH of South Carolina. Yes.

Mr. BOURNE. What would you do with the million miles of road which are used now by rural carriers?

Mr. SMITH of South Carolina. The bill itself provides an argument in favor of the contention of those who favor the House provision—that out of 2,151,379 miles of public roads in America only 8 per cent are improved; and some of us find out by that why it is that the cost of living is so high and the unequal distribution of prices throughout this country, by virtue of the fact that we have not given sufficient attention to these great roadways that run into the agricultural communities, by giving them a sufficient means of transportation and communication.

Mr. BOURNE. I think every Member of the Senate—I am sure every member of the Committee on Post Offices and Post Roads—is favorable to good roads, is favorable of a plan when demonstrated to be practicable and desirable, that will be conducive to the construction and maintenance of good roads. I think every member of the committee is cognizant of the fact

that improved transportation facilities are beneficial to the communities served by same.

The question and study before the committee have been whether the Shackleford bill, as passed by the House, was, in the opinion of the committee, a practicable plan, which warranted them in giving it their support. The majority of the committee did not believe that there had been sufficient study given to the subject or that there had been sufficient data collected to justify the bill presented in receiving their support. They recommended as a substitute the creation of a joint committee for the purpose of making a study and reporting to Congress at its next session.

The question before the Senate is not the desirability of good roads—not whether they would benefit the community. I think we all concur that they are desirable and that they will benefit. The question is whether the bill as passed by the House should receive the support of the Senate.

Mr. SMITH of South Carolina. That is exactly the point I *am addressing* myself to. I am arguing that the principle involved in the House proposition is the correct principle. Later on in my speech I shall discuss that and I shall give some evidence as I go further into it to prove my conclusion.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from South Carolina yield to the Senator from Nevada?

Mr. SMITH of South Carolina. I do.

Mr. NEWLANDS. Let me suggest to the Senator from New Hampshire that the statement to which he has called attention, that the construction of roads may add 50 per cent to the value of the adjoining property, perhaps 100 per cent, of course sounds very absurd as applied to thickly settled regions like those of the New England States. Massachusetts, for instance, is almost one vast municipality, and the country roads connecting the different towns and cities have the perfection of city streets. There lands are of higher value, and perhaps it would be a startling statement to say that a section of good road there would add 10 per cent to the value of the adjoining lands, worth perhaps from $50 to $200 and more an acre.

But in the South and in the West there are large areas where the land possibly may not be worth more than $5 or $10 an acre, and the construction of a road, however rude, would add $5 or $10 or $15 an acre to that land, because it makes it accessible and convenient, whereas the addition of $5 or $10 or $15 an acre to the value of the land in New England would hardly be appreciable. In the one case it doubles the value of the land; in the other case it adds only 5 per cent, or perhaps 10 per cent, to the value of the land.

Whilst I have not any well-defined view in regard to the present Shackleford bill, I think the principle is a correct one, and that a mileage appropriation throughout the country will do more to advance roads throughout the entire country and increase agricultural production and diminish the cost of agricultural products than any other thing that can be done.

Mr. GALLINGER. Will the Senator from South Carolina permit me?

Mr. SMITH of South Carolina. Certainly.

Mr. GALLINGER. I think the differentiation the Senator from Nevada has made does to a large extent make answer to the objection I ventured to submit. There is a very great difference between the thickly settled parts of the country and the sparsely settled parts of the country, and there is a great difference between parts of the country where we have tolerably good roads and those——

Mr. SMITH of South Carolina. Where we have intolerable roads.

Mr. GALLINGER. And those the Senator from South Carolina stated were trails, or something of that kind. I can see very clearly that if the land is to-day at a very low cost in certain portions of the States and the roads are intolerable an improved road would undoubtedly increase the value of the property to a very considerable figure.

Mr. SMITH of South Carolina. Now, Mr. President, in pursuance of the idea that I suggested, that at $700 per mile this $15 would go largely toward the liquidation of interest on bonds in case the communities saw fit to issue bonds and would pay the interest on the money that they themselves advanced in case they did not issue the bonds, I wish to say, what everyone appreciates, that the cheaper money may be borrowed, the cheaper the road may be constructed, the nearer the appropriation will come to pay the interest thereon.

The Senator from New York [Mr. ROOT] in his remarks the other day said:

> To put the Federal Government alone in the position of having to pay for using a public highway which is free to all the rest of the world—I say, it is nothing but a subterfuge, a plain, flimsy, subterfuge—to get money out of the Federal Treasury and tax the people of this country thousands of miles away to keep up roads in the State of Virginia and other States who want to get this subvention.

There is a cry throughout the country in reference to the high cost of living. The Senator from New York is as much interested in the truck-growing, food-producing, textile-producing—in a word, the agricultural districts, the horticultural districts, the animal-industry districts—as the man in the South or West, where these things are produced. It is of prime importance to the producers of farm products to have adequate facilities for reaching the market as it is of prime importance to the nonproducer, but consumer, who buys these products.

Therefore it is not a question of one community—what they will receive or what they will spend—but it is a question of the united communities providing for such facilities that all may enjoy the benefits of these facilities.

Coming to the point that the Senator from New Hampshire raised, the towns and cities and villages, by virtue of density of population, the power of municipal taxation, and therefore small per capita taxation representing concentrated traffic need and should have in and around within a reasonable radius heavier and perhaps more costly roads. Traffic greater, wear and tear greater; but the ramifications of country roads in different directions as they diverge from these centers have less traffic per road, less wear and tear, therefore cost less. It is therefore to these branching roads—these feeders to the centers—that the attention of the Government should be particularly addressed.

Page 574, House Document No. 121, I have already practically quoted. Also, in reference to the increased value of the land. The Scientific American of date March 16, 1912, in an article by Logan Waller Page, Director of the Office of Public Roads of the Department of Agriculture, in discussing Federal assistance in the good-roads movement, says, and I invite the attention of those Senators who are interested to what Mr. Page says in reference to this very question under discussion:

> In order to reduce the cost of road building to a minimum and place good roads generally within the reach of every community, it is necessary that local materials be utilized to the fullest extent possible. Available materials, local conditions, road location, and character and density of traffic must all be carefully studied if we would avoid costly mistakes. Thus in large areas of the United States hard road materials are almost or wholly lacking, while the traffic is in general not very heavy. Here we find that by proper grading and drainage, together with systematic maintenance, our common earth or clay roads can be made to answer the present needs fairly well.

I invite just here at this point the attention of Senators, as to the cost of construction of this kind of road, to the statement by the head of the Good Roads Department of the Department of Agriculture. He says:

> In the greater portion of the agricultural districts of the South the cost of this form of construction is very low, ranging from about $300 to $600 per mile. This is no more than some of our States are finding that it costs annually to maintain the macadam roads subject to heavy automobile traffic.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Oregon?

Mr. SMITH of South Carolina. I do.

Mr. BOURNE. I should like to ask the Senator if the Agricultural Department are favorable to the passage of the House bill?

Mr. SMITH of South Carolina. I have not interrogated them, and therefore I am unable to answer that query.

Mr. Page further said:

> In order to reduce the cost of road building to a minimum and place good roads generally within the reach of every community, it is necessary that local materials be utilized to the fullest extent possible. Available materials, local conditions, road location, and character and density of traffic must all be carefully studied if we would avoid costly mistakes. Thus in large areas of the United States hard road materials are almost or wholly lacking, while the traffic is in general not very heavy. Here we find that by proper grading and drainage, together with systematic maintenance, our common earth or clay roads can be made to answer the present needs fairly well, nor is there any loss through this method of procedure. The earth built up in this manner forms the very best foundation on which to place a hard surfacing later, when means become available or the traffic becomes so heavy as to demand it. In the meantime we are learning the lesson of proper, systematic road maintenance, which at the present time is generally most sadly neglected on all of our roads.
>
> In the Southern and Southwestern States especially there are large sections where sand and clay are readily obtained. Clay and sand, when mixed in proper proportions, make a very good road surface for moderate traffic. The sand is very hard and admirably suited to resist abrasion, lacking only in adhesion or in binding power to form a firm road surface. The binding value is supplied by the clay. Only enough clay should be added to fill the voids, as its only purpose is to act as a binder. To secure the best results the sand should be sharp and fairly coarse, while the clay should possess a high binding value and be of fairly constant volume; that is, it should vary but little in volume with different amounts of moisture. Some of the so-called "ball clays," or sticky clays, while very difficult to incorporate uniformly with the sand, when properly mixed with a suitable sand form a very good road surface. The ball clays give much better results than loam or slaking clays. Such a road surface seems to be affected but little by moderate automobile traffic. Surface treatments of different kinds of oils have been tried on the sand-clay roads, but so far these

applications have been productive of but little good. The material seems to be too dense to permit even a quite liquid oil when applied hot to penetrate appreciably into the surface. * * * In the South the automobile traffic is as yet comparatively light, so that we have very little definite knowledge of how the sand-clay roads are going to behave under heavy auto traffic. All we can say is that so far under moderate traffic the results obtained from this class of construction are most gratifying. The advantages of the sand-clay road have proved so great in the South that it would be advisable for many other rural regions to consider the possibility of using this class of construction before adopting other and more expensive methods.

I notice particularly the last paragraph. I think it is very essential to this discussion.

It says:

In the greater portion of the agricultural districts of the South the cost of this form of construction is very low—

I invite the attention of the chairman of the Committee on Post Offices and Post roads to this language—

ranging from about $300 to $600 per mile. This is no more than some of our States are finding that it costs annually to maintain the macadam roads subject to heavy automobile traffic.

I hope those Senators who are present will note what it indicates as being one of the means of the destruction of that very costly road.

Mr. Page says:

In the South the automobile traffic is as yet comparatively light, so that we have very little definite knowledge of how the sand-clay roads are going to behave under heavy auto traffic. All we can say is that so far, under moderate traffic, the results obtained from this class of construction are most gratifying. The advantages of the sand-clay road have proved so great in the South that it would be advisable for many other rural regions to consider the possibility of using this class of construction before adopting other and more expensive methods.

In substantiation, as cumulative testimony on this point, in Bulletins Nos. 21 and 26, United States Department of Agriculture, proceedings of the National Good Roads Congress held at Buffalo, N. Y., September 16–21, 1911, Col. W. H. Moore, president of the association, says in his address, on page 7 of this bulletin, what I shall read. I should like to read it just to give the experience of those who have dealt with this subject. I will begin with the first part of the paragraph:

In going through the various States, and I have recently had rather a large experience along that line, inquiry has been made again and again by those high in authority as to why Congress should do so much for the rivers and harbors, appropriating sometimes $20,000,000 for their betterment, and at the same time give to this question of primary importance—the question of common roads—little or no attention. It has been a mystery to a vast number of people that so little should be done by Congress for good roads.

To this I invite special attention. He says:

I do not believe that the Government will for a long time be in a position to build roads for the States. I do not believe such a thing should be advocated; but I do believe that, as the Government owns our post offices and carries the mails, it is proper for Congress to further the improvement of roads. The Government is pushing forward along the line of free mail delivery to all the people. Congress has set aside millions of dollars for that purpose, yet the office of public-road inquiries received from Congress at its last session an appropriation of but $20,000. I can not understand why more liberality was not shown. It is the duty of Congress to promote organization.

It is not a question of how much each State shall now receive, if the House provision becomes a law, it is simply a question as to whether or not this House provision will materially aid in the maintenance of roads constructed and serve to stimulate further construction of distinctly country roads, such roads as cost a minimum and in the aggregate give a maximum of beneficial results to the public at large.

In my opinion the principle involved in this proposed legislation is correct. Whether the amount proposed to be appropriated for the different classes of roads is correct, experiments and practical application will prove.

It appeals to those who have studied the question in one peculiar phase, that of eliminating governmental interference with the sovereignty of the States.

As early as 1819 John C. Calhoun, then Secretary of War, in his report to Congress on January 7, began this report by saying:

A judicious system of roads and canals constructed for the convenience of commerce and the transportation of the mails only, without any reference to military operations, is itself among the most efficient means for the more complete defense of the United States.

The Senator from New York [Mr. ROOT] said the other day in discussing this question he did not think it equitable, right, or just for the United States Government to appropriate money for the benefit of people thousands of miles away, while John C. Calhoun, clear, logical reasoner, says:

The expense ought not to fall wholly on the portions of the country more immediately interested. As the Government has a deep stake in them * * * it ought at least bear a proportional part of the expense of their construction.

In conclusion I desire to say that where the material for cheap, efficient road construction is not available, where the cost of construction and maintenance of these roads become more costly, the appropriation of the Government should likewise be greater. Every citizen of the United States is directly and personally interested in every mile of public road in these United States. As they become more efficient the facilities for transportation and communication become more efficient; and as these become more perfected the prices of commodities and the cost of living become more uniform and stable. It is therefore not a question of the United States Government taking money from its Treasury and benefiting people a thousand miles away, but it is a question of a united people contributing out of their common fund to aid citizens of a State a thousand miles away in becoming efficient contributors to the common welfare and prosperity of all the States.

Now, Mr. President, I want it distinctly understood that, in conclusion of what I have to say on this subject, I believe in the light of figures submitted in the experience of road construction throughout the rural districts of America this proposed legislation by the House is eminently in the right direction and constructed along proper lines.

I do not know—I have no means of knowing—whether $15 for the rental of a dirt road when kept in adequate condition is enough; I do not know whether $20 for the gravel or clay road is enough; I do not know whether $25 for your macadam road is enough; but I do know that where all the people desire to contribute of their surplus products to the benefit of those who do not produce, the foodstuffs and the different raw materials that enter into the consumption of our people, and where those who do not produce these desire efficient means of receiving them, the Government can not enter into a better work than that of seeing that the means of transportation and communication to the remotest districts shall be as efficient as possible, and whether one State under this bill by virtue of its good roads shall receive twice as much as another has nothing to do with the argument at all.

If I, in South Carolina, have not the facilities for sending my produce to market and thereby am eliminated from competition, all other States, every market in the world, feels this lack of competition. It is for the common people, all the people, who want an efficient supply from American soil for the American consumer to enter into this road construction that the produce of this country may have equal facilities for reaching the centers of distribution for the benefit of all the people. Then the State that has not good roads will double and treble, in the form of produce put on the market, its payment back to the different States who contribute out of their taxes to promote road building in that State.

It is almost puerile to argue this point for the reason that the undeveloped West with its marvelous resources had but to knock at the door of the Federal Treasury in order to promote railroad building, trail-building, wagon-road building, in order to invite settlers to settle along these highways; and from the produce of the soil contributes to the general welfare.

The main point of this proposed legislation from the House that appeals to me more than another is that the Government simply says that the different States shall construct efficient highways over which Government mail may go and that the Government will contribute. As Mr. Calhoun said in his report in 1819, as the Government has such a great stake at issue, to bring these roads to the standard which is designated in A, B, and C, it will contribute its pro rata share out of the common funds of all the people for the benefit of all the people.

I am not wedded to the appropriation of fifteen, twenty, and twenty-five dollars, according to classification of road; I am simply wedded to the principle, and if two, three, four, or five years from to-day I, as a friend of the development of agricultural communities, find that this amount is not sufficient, I shall without hesitation vote to double it, to quadruple it, and, if necessary, to add whatever may be necessary from all the people to develop the means of bringing all the people into communication each with the other, and allow those districts of our common country which produce citrus fruits to find easy and efficient means of supplying those who desire that kind of produce, and those who produce textiles to find easy and efficient means of reaching the market for those who desire textiles; and in like manner the manufacturing centers, when they have worked over our raw materials, to find easy and efficient means of reaching the consumer without burdening him with a mudhole tax and the ruin of his vehicles.

No man on this floor has a right to stand here and carp at this proposed legislation because it may be immature, tentative, experimental, and plead for a commission composed of those who live in and around cities and ride in Pullman cars; who do not understand that, as the roads leave the cities and villages they ramify, that the traffic is divided as many times as the number of roads ramify in different directions and concentrate in the same proportion as the roads find the turnpikes that lead into the cities. Hence the cost of the construction

of roads contiguous to our cities must of necessity be more. This leads to a fallacious idea by those who are inhabitants of the cities and towns as to the cost of public road construction.

For one, I shall vote for the House provision on the ground that the Government proposes to begin to pay its pro rata share for the use of this efficient means of reaching all the people by a contribution of all the people for the benefit of all the people.

Mr. POMERENE. Mr. President, I only care to say a few words. I have no doubt about the constitutional authority of Congress to give national aid for the building of public highways; I have no doubt that right policy suggests national aid. The only question in my mind is the extent to which the National Congress should go and the plan that should be adopted. I had hoped that the House of Representatives would present some plan which could meet my approval. A portion of this plan is not seriously objectionable; but that which calls for the largest expenditure of money, in my judgment, is objectionable. I am disappointed that the Senate Committee on Post Offices and Post Roads has not seen fit to suggest some plan which we could adopt now, in order that we might at the earliest moment possible give substantial aid to the State and to the local authorities in the construction of permanent highways.

In my own State of Ohio, on September 3, we propose to vote on a constitutional amendment which will authorize the issuance of $50,000,000 of bonds for road improvement. The State of Pennsylvania, I am advised by the public prints, contemplates an expenditure of $100,000,000 for the same purpose. This is an opportune time for Congress to take up this subject; but it does seem to me that if we are to adopt the plan which is proposed by the House instead of encouraging the permanent improvement of highways we shall be discouraging it, for this reason: In the report which I have before me, that was submitted by the Committee on Agriculture of the House, it appears that under what is known as class A there are now in the country 35,000 miles of improved highways, in class B there are 83,000 miles, and in class C 1,061,000 miles. Class A, without referring to the bill, includes such roads as are made by vitrified brick or by shell; class B includes roads which are made with burnt clay, gravel, or a combination of sand and clay or sand and gravel or rock and gravel; and class C, which includes the 1,061,000 miles of highways, embraces roads which are continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that they shall be reasonably passable for wheeled vehicles at all times. It does not pretend to describe the material with which this class of roads shall be improved, as I construe it. It embraces roads or highways composed simply of the soil which may exist in the locality, whether it be sand or gravel or clay.

The appropriation which is contemplated by this bill under the House plan would mean an expenditure of $25 per mile for class A roads, a cost to the Government of $875,000. Class B roads, with 83,000 miles, at an expenditure of $20 per mile, would cost $1,660,000, while class C roads, including, if I construe this provision rightly, that class of highway which is composed simply of the soil which may exist in the several localities, have a mileage of 1,061,000, which, at $15 per mile, would mean an expenditure of $15,915,000; in other words, we will expend for the improvement of high-class roads about two and a half million dollars, whereas we will under this bill give for unimproved roads $15,915,000; so that about five-sixths of this expenditure will go to keeping in repair simply dirt roads which exist in every community, irrespective of the amount of the improvement which the localities may make.

I am not sure that I am placing the right construction upon the language of the House provision, because in order to get any of this money the road must be—

> Continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times.

Now, what does that mean? In many of our localities where the soil is composed of clay, during an open winter or when frost is coming out of the ground in the spring, the very best of the highways are almost impassable.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. POMERENE. I do.

Mr. SMITH of South Carolina. I have not the bulletin with me, and am sorry that I left it at my office; but the Division of Good Roads has demonstrated beyond any doubt that even in the districts to which the Senator refers, namely, the clay country, the piedmont country, and the foothills in our mountainous regions, wherever there is anything like adequate drainage on the sides and the surfaces are rounded by a process of dragging, which costs—I will not repeat the figures, but will get the bulletin and submit the figures to-day, if this discussion does not close—by subsequent dragging just after a rain, within a year or two years the surface becomes as hard, as compact, as impervious to water, and as a consequence of being impervious to water, as impervious to freezing necessarily as the best bound clay or macadam road.

Mr. POMERENE. Mr. President, meaning no disrespect, I suspect that that commission obtained its information in the office instead of by actual travel upon the highways; otherwise that statement would not be made.

Mr. SMITH of South Carolina. I hope the Senator wants to be perfectly fair in this, and I am sure I do.

Mr. POMERENE. I do absolutely.

Mr. SMITH of South Carolina. They name the localities, they name the parties engaged in this kind of construction, and give the result of their investigation by States. Therefore it would be very easy for the Senator from Ohio and myself, if we were in doubt as to the truthfulness of the statement I have just made, to inquire of those communities whether the result as claimed in this bulletin is true or untrue.

Mr. POMERENE. Mr. President, I do not know to what localities the Senator refers, neither do I know of the chemical composition of that soil; but I do know by actual experience in certain sections of Ohio, where they have clay roads, that it would be a physical impossibility by the mere dragging process to have the roads smooth during the winter season when they have an open winter or during the spring when frost is coming out of the ground.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield further?

Mr. POMERENE. I do.

Mr. SMITH of South Carolina. I should like to state right there, because it is the proper place to state it, that it is claimed that during the period intervening between frosts the road can be so perfected by virtue of the cheap process of dragging that the winter frosts have practically no effect even where there is nothing but pure clay, going upon the theory that dragging and repeating the process after each rain during the period intervening between the frosts produces the same effect as the mixing of clay by mechanical processes, getting it ready for burning the bricks, both under the old method of tramping with animals and the modern method of mixing with a machine, so that by the time the frost does come you have a compact clay surface so amalgamated that it is bound together and produces a satisfactory road at a minimum cost, even in the mountain regions.

Mr. POMERENE. I trust I may be pardoned if I should prove to be a doubting Thomas on that proposition, but I think an ounce of experience is worth a pound of theory. I have not the figures at hand which would justify me in making any estimate as to the cost of keeping up one of these clay roads by the process of dragging, but I do think that I am safe in making the statement that $15 per mile per year would be a very substantial portion of that cost. It seems to me that if we are to get the most out of the appropriations which we are to make for this subject, we should encourage the permanent improvement of the highways rather than the keeping in repair of the ordinary dirt road.

Mr. SMITH of South Carolina. It is claimed that the dirt road is permanent after a few years of the treatment to which I have referred.

Mr. POMERENE. Well, as I have said, I am a doubting Thomas on that subject.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. POMERENE. Yes.

Mr. REED. If the Senator will pardon me, I do not rise to get into any argument on this subject at all, but I think the Senator probably has overlooked the fact that the $15 a mile is not to be used for ordinary dirt roads; it is only to be used on those roads which are ditched, rounded, and dragged, so as to produce a hard surface, although the material may be the ordinary material——

Mr. POMERENE. Which exists in that locality——

Mr. REED. Which exists in that locality; but there is a vast difference between that kind of a road and simply a native road which is not ditched, which is not dragged, and which is not brought to this condition; in other words, it is the difference between a high-class dirt road well kept up and an ordinary road, so that it would seem to me that would make a difference.

Mr. POMERENE. I think the matter of mechanical construction would have something to do with it, but it is nevertheless an ordinary dirt road; and, in my judgment, if the Federal Government should pay at the rate of $15 per mile for keeping

in repair that kind of a road, instead of its encouraging the local authorities permanently to improve their roads, it would encourage them to rest on their oars and permit all improvements and repairs to be made at the expense of the Federal authorities alone.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. POMERENE. I do.

Mr. BRYAN. I suggest to the Senator from Ohio that there is no provision as to the width of the roads falling under class C. Class A and class B roads are required to be at least 9 feet wide. I think it will be taken for granted that hardly any improved road would exist which would not have a width of at least 9 feet, because otherwise it would be impossible for wagons meeting each other to pass, yet when you come to class C roads there is no provision as to even that width; in other words, they are not required to be even 9 feet wide, leading to the conclusion that they might only be of the width necessary to accommodate one wagon and not of sufficient width to allow wagons to pass. Why, then, if these roads are to be drained by ample side ditches, would it be objectionable to have a provision requiring them also to be at least 9 feet wide? The answer, it seems to me, must be that the roads are not expected to be maintained at 9 feet in width, and that they are intended to be classed within class C, so that the ordinary country road in its natural condition shall receive benefit under this act.

Mr. POMERENE. The Senator from Florida is entirely correct in his statement of facts, and I am afraid he is correct in his statement of the purpose of the manner in which this act is drawn.

Mr. SMITH of South Carolina. I should like to say to the Senator that the figures as to the cost of construction of the sand-clay road, the macadam road, and the bituminous road, which goes up into the tens of thousands, were all predicated upon a hard surface of 13 feet. The usual road bed, or the right of way as it is called, is 30 feet. The contemplation here was a hard surface to be put on as a means of continuing passage and to avoid the delay of hardening the surface the entire 30 feet of the right of way——

Mr. POMERENE. To what plan does the Senator refer?

Mr. SMITH of South Carolina. I am referring to the estimate which I read, where it said it cost $723 a mile. The hardened surface was 13 feet. This bill—I have not looked at it—the Senator from Florida says proposes 9 feet. I should suppose that if the estimate had been for only 9 feet in the figures I have read, a sand-clay road might be built for the difference between 9 and 13 feet, and therefore cost less than the Scientific American says—cost less than $300 a mile.

Mr. POMERENE. The Senator is referring to a highway which is permanently improved by some composition of sand and clay. But that is not the kind of road to which I have been addressing myself. It seems to me that before we appropriate this vast sum of money there ought to be more consideration given to the adoption of some permanent plan of improvement which the Federal Government would be willing to aid. I realize that a comparatively small sum of money may do a great deal toward encouraging the permanent paving of highways throughout the country.

Perhaps two years ago I gave some little investigation to this subject, and, with the permission of the Senate, I want to give some of the figures which I then collated.

The average cost of a battleship is $10,000,000. The average cost of making a paved roadway 14 feet wide, constructed out of the best vitrified shale paving brick, is about $15,000 per mile. The price of one of these battleships would build 660 miles of paved highway, made out of the best vitrified brick, to a width of 14 feet. In other words, at the price of one of these battleships, three highways could be constructed across the State of Ohio from north to south or from east to west.

The Senator from Mississippi [Mr. WILLIAMS] the other day suggested that it would cost $1,200 per mile to make a good gravel highway. Assuming that it would cost $1,250 per mile, at the cost of one of these battleships you could build 8,000 miles of graveled highway. Now, I do not say this in opposition to the improvement of our Navy so much as I do to show what we can do with the expenditure of a few million dollars carefully and economically placed.

My thought has been that the Federal Government should grant this aid in such a way as to give the maximum of encouragement to the local authorities, and I believe that if some plan were adopted whereby the Federal Government would give to the local authorities so much per mile for the construction of a paved highway, and so much per mile for a graveled highway, or any highway made of any material which was of a permanent character, we would thereby encourage the local authorities and the State authorities to help along this good cause.

All of us must agree that there is a great necessity for this kind of improvement; we will all agree that it has been too long neglected, and the concern of all is to adopt some plan which will give the maximum of good at the least expenditure. For that reason it seems to me it would be unwise now to expend nearly $16,000,000—accurately speaking, $15,915,000—out of a total contemplated expenditure of $18,450,000, in order to help to drag a few dirt roads. I do not believe that by so doing we would be encouraging the cause of good roads.

In order that this may be hurried along as rapidly as possible, assuming that this amendment of the Senate committee shall be adopted, I would suggest that instead of requiring the joint committee to make its report at the earliest moment practicable, we require them to report on the first day of the coming session of Congress.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. POMERENE. I do.

Mr. BOURNE. In reference to the suggestion of the Senator from Ohio, I am sure he would not want the joint committee to make an unfinished report. He would not wish them to report the result of the progress made, if they have come to no definite conclusions at the time. I think it is the desire of the committee to expedite the matter as rapidly as any Member of the Senate can desire it to be done, but it would be their purpose to do it in an intelligent way and to submit their conclusions based upon an ascertainment—a study, an analysis, a deduction, a conviction—and that submitted to the Senate.

Mr. POMERENE. I have no doubt the committee, both in the Senate and in the House, have given a great deal of time to the consideration of this subject, and I have no doubt they have collected valuable data, and that this can be supplemented by information which can be had from other sources.

The difficulty is that if we are going to delay fixing a date for this report the end of the next session of Congress will be here before there is any report made, and it seems to me it would be a very good way for Senators and Representatives on this committee to spend a part of their vacation, to take up this subject and give it the diligent and thoughtful attention, as I know they will, and make the report in the early days of the coming session of Congress.

Mr. SMITH of South Carolina. Before the Senator from Ohio takes his seat, does he think that that would be exactly fair, first, to the American people and then to the Department of Good Roads in the Agricultural Department, when they are working, issuing bulletins, getting up the data, visiting every State, and examining every possible kind of road construction, giving the cost both of construction and maintenance? I have in my hand here their report of 1912. We have a Department of Good Roads that was provided for some 8 or 10 years ago. They are at work every day and every week, and are issuing their bulletins and giving us exhaustive tables as to the different kinds of roads and the different costs of construction and the durability of the various kinds of roads.

It seems to me it would be an additional cost and an extraordinary expense for no possible good, when these bulletins and these data are at the command of every Senator.

I suspect that what is the matter is that we have not studied the data we have on hand, and want the joint committee to gather from the good-roads department and the other sources at our command what we as Senators in this body ought to know before we formulate legislation.

Mr. BOURNE. Mr. President——

Mr. POMERENE. The Senator will pardon me for a moment. I have no doubt the committee would avail itself of all this information in the consideration and preparation of its report. Certainly they want all the information they can get from any and every source. But let me ask the Senator from South Carolina a further question.

He first called the attention of the Senate to the fact that valuable data had been collected. Let me ask whether this provision of the House bill, with reference to the expenditure of nearly $16,000,000 upon the ordinary dirt roads of this country, is the result of the information which has been collected and to which he referred a moment ago.

Mr. SMITH of South Carolina. I beg to state, in answer to that question, that it is not the ordinary dirt road as insisted upon by the Senator from Ohio. The bill provides that there shall be certain specifications, a certain standard of excellence, that the road shall be reasonably passable at all seasons of the year for traffic, for wheeled vehicles, and that it shall be drained

on each side; and the department further says that in case that is done, at a minimum cost, the road can, by a cheap process of dragging and putting a little clay mixed with sand on it, be made permanent, and once made permanent with this amount, it can be kept permanently in repair.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. POMERENE. Certainly.

Mr. BOURNE. The Senator from South Carolina has referred repeatedly to the Department of Agriculture and particularly to the Bureau of Good Roads. On the 22d of June I submitted a letter to the Secretary of Agriculture in reference to this particular bill and the practicability of carrying out its provisions, and the opportunity under the bill of getting the information necessary in order to make the classification A, B, C, as set forth in the bill, and the cost to the Government of so doing.

Under date of June 26 I received the following reply:

DEAR SENATOR: In reply to your letter of June 22, asking for information concerning the possible participation of this department in the carrying out of the Shackleford amendment to the Post Office appropriation bill, I have the following statement to make:

(1) There is no available force in this department at present that could be assigned to this work.

(2) The appropriation recommended for the Office of Public Roads for the coming fiscal year is $202,120, all of which is apportioned for special lines of work.

(3) A force of from 250 to 300 trained men would be necessary to classify the post roads as designated in the Shackleford bill. It would be exceedingly difficult, if not impossible, to obtain and organize such a force, the duties of which would occupy such a short period of time.

(4) The cost for the first year for making such a classification would probably be from $750,000 to $1,000,000, and this work would be of an absolutely nonproductive nature.

(5) The cost of continuing this classification after the first year would probably be between $200,000 and $300,000 per year, depending on the demand for the work.

Hoping that I have answered these questions to your satisfaction, I am,

Very respectfully, JAMES WILSON, *Secretary.*

Further, Mr. President, in the hearings before the Senate Committee on Post Offices and Post Roads Mr. L. W. Page, the gentleman who has been referred to several times here in this discussion, stated, in response to a question asked by Senator GORE:

I think the worst feature of this measure—

Referring to the Shackleford bill—

I think the worst feature of this measure is that it is not going to help the road situation at all, but it is ultimately going to bring a very heavy expenditure on the part of the Government.

Mr. Page further stated in the hearing referred to that—

Up to the present time about 62 bills for national aid in some form have been presented to this Congress, and they call for very large sums of money. There are a great many of them the results of which have not been considered and the effects of which, I think, would be very dangerous. I consider this measure—

Referring to the provision now under consideration—

among the more dangerous. If all the roads of this country—there are about 2,250,000 miles—were constructed in a first-class manner it would cost about $22,000,000,000. This is a very conservative estimate. I think there are only about $16,000,000,000 in the world, and four or five billion of that are unsecured notes. If we were to sprinkle the roads of this country for one summer season with ordinary watering carts and water, it would cost about $880,000,000, which is $200,000,000 more than the national revenue. Any plan for the Government to participate seems to me to require a good deal of consideration.

I do not think that the bulletins that are issued by the Department of Agriculture would give the Senate or Congress sufficient information upon which to take intelligent action upon a subject of this moment and importance to the country.

I thank the Senator from Ohio for yielding.

Mr. POMERENE. Mr. President, I do not care to occupy the attention of the Senate further, except to say that I am willing to go any length in encouraging the cause of national aid for public highways, but I want the money expended in such a way that we will get value received for it.

THE PANAMA CANAL.

The PRESIDENT pro tempore. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it will be so ordered.

TARIFF DUTIES ON WOOL.

Mr. LA FOLLETTE. Mr. President, I present the conference report on House bill 22195, and move its adoption.

The PRESIDENT pro tempore. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the act approved August 5, 1909, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' is hereby amended by striking out all of Schedule K thereof, being paragraphs 360 to 395, inclusive, and inserting in lieu thereof the following:

"'SCHEDULE K. WOOL AND MANUFACTURES THEREOF.

"'360. On wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals, the duty shall be 29 per centum ad valorem.

"'361. On all noils, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and on all other wastes and on woolen rags composed wholly of wool, or of which wool is the component material of chief value, and not specially provided for in this section, the duty shall be 29 per centum ad valorem.

"'362. On combed wool or tops and roving or roping, made wholly of wool or camel's hair, or of which wool or camel's hair is the component material of chief value, and all wools and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, the duty shall be 32 per centum ad valorem.

"'363. On yarns made wholly of wool, or of which wool is the component material of chief value, the duty shall be 35 per centum ad valorem.

"'364. On cloths, knit fabrics, flannels not for underwear, composed wholly of wool or of which wool is the component material of chief value, women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, on any of the foregoing composed wholly of wool or of which wool is the component material of chief value, and on all manufactures of every description made by any process of wool or of which wool is the component material of chief value, whether containing india rubber or not, not specially provided for in this section, the duty shall be 40 per centum ad valorem.

"'365. On all blankets, and flannels for underwear, composed wholly of wool, or of which wool is the component material of chief value, the duty shall be 38 per centum ad valorem.

"'366. On Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description; on Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description; and on carpets of every description, woven whole for rooms, and Oriental, Berlin, Aubusson, Axminster, and similar rugs, the duty shall be 50 per centum ad valorem.

"'367. On Brussels carpets, figured or plain, and all carpets or carpeting of like character or description; and on velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, the duty shall be 40 per centum ad valorem.

"'368. On tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise; on treble ingrain, three-ply, and all-chain Venetian carpets; on wool Dutch and two-ply ingrain carpets; on druggets and bockings, printed, colored, or otherwise; and on carpets and carpeting of wool or of which wool is the component material of chief value, not specially provided for in this section, the duty shall be 30 per centum ad valorem.

"'369. Mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting

made wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

"'370. On all manufactures of hair of the camel, goat, alpaca, or other like animal, or of which any of the hair mentioned in paragraph 360 form the component material of chief value, not specially provided for in this section, the duty shall be 49 per centum ad valorem.

"'371. Whenever in this act the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process.'

"SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to no other duty upon the entry or withdrawal thereof than the duty which would be imposed if such goods, wares, or merchandise were imported on or after that date.

"SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1913."

And the Senate agree to the same.

ROBERT M. LA FOLLETTE,
J. W. BAILEY,
F. M. SIMMONS,
Managers on the part of the Senate.

O. W. UNDERWOOD,
D. W. SHACKLEFORD,
Managers on the part of the House.

During the reading of the report,

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from Wisconsin to the fact that in constructing the report there has been a repetition of section 370 and paragraphs 2 and 3 of section 371. There is nothing to do but to erase it.

Mr. LA FOLLETTE. After the conference reached an agreement, it adopted the same report made upon this same schedule one year ago. The preparation of the report, which consisted in attaching the printed pages of the former report, was left to the clerks of the two committees.

The PRESIDENT pro tempore. It is evidently a manual error.

Mr. LA FOLLETTE. I presented the report just as they handed it to me. The error arises probably from using the printed pages of the conference report of 1911, which is identical with the present report, and I presume an extra page has been attached by mistake.

The PRESIDENT pro tempore. That is the fact. It has been constructed by pasting a printed page.

Mr. LA FOLLETTE. That is the way it occurred, I have no doubt.

After the conclusion of the reading of the report,

Mr. SMOOT. Mr. President——

Mr. PENROSE. I should like to ask the Senator from Wisconsin whether this is the same bill that was passed by the Senate.

Mr. LA FOLLETTE. I was just going to make a statement, unless the Senator from Utah——

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Martine, N. J.	Smith, Mich.
Bacon	Cullom	Massey	Smith, S. C.
Bailey	Cummins	Myers	Smoot
Bankhead	Dillingham	Nelson	Stone
Borah	Fall	Newlands	Sutherland
Bourne	Fletcher	Overman	Swanson
Brandegee	Gallinger	Page	Thornton
Bristow	Gronna	Penrose	Tillman
Bryan	Johnson, Me.	Perkins	Townsend
Burnham	Johnston, Ala.	Pomerene	Warren
Burton	Jones	Reed	Watson
Catron	Kern	Root	Wetmore
Chamberlain	La Follette	Shively	Williams
Clapp	Lodge	Simmons	Works
Clark, Wyo.	McCumber	Smith, Ariz.	
Crane	McLean	Smith, Ga.	
Crawford	Martin, Va.	Smith, Md.	

The PRESIDENT pro tempore. Upon the call of the roll of the Senate, 65 Senators have responded to their names, and a quorum of the Senate is present.

Mr. LA FOLLETTE. Mr. President, the error to which the Chair called attention arises from the clerks having inserted an additional page of the former conference report—the printed report. It is exactly in accordance with the conference agreement excepting in that respect. I have compared it with the report as presented to the House, and except for that page, which was inadvertently inserted by the clerks in putting the papers together, the two reports are in perfect agreement. I ask leave of the Senate to withdraw that page, the insertion of which was a mere clerical error.

The PRESIDENT pro tempore. The Chair thinks it proper to call the attention of the Senate to the fact that it is simply a duplication of what is in the report. It does not differ in any particular from what appears in the report.

Mr. LA FOLLETTE. It does not belong there, in any event, and it should be stricken out.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

Mr. LA FOLLETTE. Mr. President, I do not desire to take a moment of the time of the Senate, unless it should be made necessary later, further than to say that the conference report presented at this time is identical with the conference report of 1911 upon the same schedule. It was found impossible to make any changes. I would have been glad to have secured the rates fixed in the bill as passed by the Senate, but if an agreement was to be arrived at at all some compromises were necessary, and it was found that the only compromise which could be effected was upon the lines of the compromise on the same schedule of one year ago.

If it will be at all helpful to Senators I can say that the reduction of duties, as compared wtih the existing law, taking the duties as figured out one year ago on the Payne-Aldrich bill, are as follows:

On clothing wool, to begin with, the duty under the Payne-Aldrich law, and I repeat that I am using the importations of last year and in figuring out the ad valorem, is 44.5 per cent. I am certain the importations at the present time will not make that rate materially different. The duties on clothing wool under the Payne-Aldrich law are 44.5 per cent and under the conference report 29 per cent.

On carpet wool 37.24 per cent, and under the conference report 29 per cent.

On combed wool or tops and on wool or hair advanced in any manner beyond the washed or scoured condition the duties fixed under the Payne-Aldrich law are 73 per cent, 111 per cent, 112 per cent, and 252 per cent. The duty fixed under this conference report covering the entire paragraph is 32 per cent.

On yarns valued at not more than 30 cents per pound the duty under the Payne-Aldrich law is 134 per cent, valued at more than 30 cents a pound it is 76 per cent, and under the conference report these duties would be 35 per cent.

Cloth, knit fabrics, plushes and other pile fabrics, dress goods, wearing apparel, trimming, and so forth, under the Payne-Aldrich law carried duties of from 60 to 159 per cent. Under the conference report they would carry a duty of 49 per cent.

Blankets and flannels for underwear under the Payne-Aldrich law take a duty of 71 to 182 per cent. Under the conference report, if it were to become a law, they would carry a duty of 38 per cent.

Carpets under the Payne-Aldrich law, or under existing law, take a duty of from 50 to 80 per cent. Under this conference report the duty would be from 30 to 50 per cent.

Now, Mr. President, I think I need make for the present no further statement than to say to the Senate that in so far as the duties are concerned the conference report presented at this time is identical with the conference report presented one year ago on this same schedule.

There is in one section a change of a dozen words to correct a verbal error that was found in the conference report upon reviewing it, to which, let me say to the Senate, the conferees upon both sides and of both Houses were agreed. It makes no alteration whatever in the rate as fixed in the conference report of 1911 and the conference report which I present to-day.

Mr. GRONNA. Mr. President, I ask the Senator from Wisconsin how these rates compare with the rates submitted by the Tariff Board. Are they very much lower?

Mr. LA FOLLETTE. Mr. President, that opens up a pretty wide subject for discussion. I think it would be difficult indeed for any two men taking the report of the Tariff Board to arrive at exactly the same conclusion with respect to the rates. I think I may say, however, as a corollary to what I have already

said, that no absolute rate can be deduced from the report of the Tariff Board on any specific thing, and if it were possible to figure out a rate upon which everybody would be agreed was the specific thing as reported by the board, upon which there could be no dispute, then I think it would follow as a matter of reasoning that that could not safely be taken as an absolute rate. A very slight change in the condition which the Tariff Board found when they made their investigation would alter any conclusion which they reached. Suppose, for instance, the mills were to vary the hours of labor, laying off their hands, we will say, on Saturdays for a period of time. If that occurred after the board had made its investigation of the cost of production in that mill or in those mills, then the results would quite materially change.

So it is not possible to put your finger upon any particular rate and say that that is the absolute finding of the board. Neither would it be possible for the board to make an absolute finding which they could say to Congress should guide them in making rates.

I think that the duty of 29 per cent fixed upon all wools in the conference report just presented is a little lower than can be fairly inferred to be from the conference report, in the judgment of the Tariff Commission, upon the duty to be fixed on raw wool, but at the same time an examination of that report will show that in 20 per cent of the wool production of this country, that being the production of wool upon the large farms or ranches, where the keeping of sheep is a matter of relative importance, the cost of producing wool is nothing; that the business is conducted mainly for the profit derived from the production of mutton; that the production of mutton gives upon the great flocks upon the ranges a profit, and that the wool produced is really a by-product, and is, to use a common expression, what would be regarded as velvet, or clear gain, while on the small farms, where sheep are kept in little flocks, if the expense is figured out there it is so materially increased that perhaps 75 or 100 per cent would not be a sufficient protection; that is, that sheep so kept are not considered as a business by itself—is not an economic business—but fitted in the general economy of the farm, kept as a sort of scavenger in their grazing; the small flocks, when taken with everything else on the farm, are worth while to the farmer.

Now, that is a somewhat extended and somewhat perhaps disconnected answer to the Senator's inquiry, but I think it makes the best answer that can be given from the report of the Tariff Board.

Mr. PENROSE. Mr. President, I should like to ask the Senator from Wisconsin whether he considers the report of the Tariff Board to be in favor of ad valorem rates?

Mr. LA FOLLETTE. No; Mr. President, I do not, and if we are to go into that subject, and I am perfectly willing to go into it, I think it can plainly be shown upon the best authority in this country that the Tariff Board are radically wrong. I am prepared to go into that subject at length if it is raised, and to demonstrate, I think, beyond any question, upon the very highest authority of this country, recognized as the highest authority of the country among manufacturers, by which it can be shown that the conclusions of the Tariff Board in that respect are radically wrong.

Mr. MASSEY. Mr. President, the question involved in the report of the conference committee involves, as I understand it, something more than a mere question of schedules. It involves, as I understand the matter, a question of principle upon which for many years I have entertained and have now decided views.

So far as other Senators are concerned, I presume they possess an advantage in determining how they ought to vote on this report. Upon education and by principle based upon the legislative history of the country I am now, and expect to continue to be, without apology, a believer in the doctrine of a protective tariff. Wool and sugar are two of the industries from which the people of my State expect to receive and have received advantages under a protective tariff.

I do not rise, Mr. President, for the purpose of making a tariff speech, and I do not intend at this time to do so further than to say that while I am not wedded to a schedule and while I realize that any tariff schedules that may be agreed upon by this Congress will probably not meet the changing conditions of the country five years from now, or possibly less, I, as a protectionist and a believer in the doctrine of protection, have my doubt as to the wisdom of voting for a bill that meets the approval of Senators upon the other side of the Chamber. Therefore, I shall be compelled, not because my own State is peculiarly or particularly interested in the wool industry, to vote against the substitute tendered in the way of amendment by the conference committee.

I say this so that my attitude may be understood and so that there may be no question of my action as a Senator from one of the sovereign States of the Union. I realize in saying it that Senators upon the other side of the Chamber are just as sincere in their attempt to secure a revenue tariff as I am to secure a protective tariff; but, as I have said, having very serious doubt as to the protective features of a wool schedule that can meet the support of the Democratic majority in the House of Representatives, I shall not vote for the pending conference report upon the theory that we are getting any protection. Therefore, I shall vote against the conference report.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] to concur in the conference report.

Mr. PENROSE. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks for the yeas and nays.

Mr. CUMMINS. Mr. President, I do not rise to discuss the conference report, but to make a very brief statement with respect to my own attitude toward it.

A year ago I voted for a conference report that was identical with the report now before the Senate. Since that time the report of the Tariff Board upon this subject has been made. I have given it the most diligent and the most impartial study of which I am capable. I agree with the Senator from Wisconsin in the statement that it is impossible for any man to make deductions from the report and assert that they are the only deductions that can be made from it. Nevertheless, I reached the conclusions which I stated when I presented my amendment to the House bill. I stated then, and I believe it to be true, that the minimum duty upon scoured wool or clean wool warranted by the report of the Tariff Board for all wools of a higher price, say, 40 cents a pound or more, is 15 cents a pound, with a maximum duty on the lower-priced wools of 40 or 45 per cent. The duty of 29 per cent on all wools, as measured by the facts, as I understand them, disclosed in the Tariff Board report, is substantially less than 15 cents a pound on clean wool. It is so substantially less that, following the course which I originally laid out for myself, viz, that without good evidence to the contrary I would accept the information furnished by the Tariff Board, I can not vote for the conference report, much as I desire a substantial, even a radical, reduction in the duties upon wool and the manufactures of wool. In the coming roll call, if I were at liberty to vote, which I shall not be, having paired myself with a Senator who would, if present, vote for the conference report, I should vote against it.

Mr. LA FOLLETTE. Mr. President, instead of taking the time of the Senate to discuss this subject, and particularly the report of the Tariff Board on Schedule K, the schedule under consideration, I am going to ask unanimous consent to have printed in the RECORD an analysis of the report of the Tariff Board upon this schedule made by Mr. Samuel S. Dale, editor of the Textile World Record, published in Boston. I will only say in introducing this analysis that Mr. Dale is not a theoretical expert upon this subject. He attained his commanding position as the leading authority in this country through practical experience. He served his apprenticeship in the business of wool manufacturing, worked up through all the grades, became the superintendent of a large mill, had an extended experience as such superintendent, and finally became editor of the Textile World Record. His standing is such among all wool manufacturers and among tariff experts that the Tariff Board engaged him to prepare a critical analysis of Schedule K and to advise the board as to the best methods of making a study of the cost of production in the woolen industry.

I understand that he was connected with the board from the fall of 1910 until April or May, 1911, when he resigned, because he disagreed with the methods the board proposed to follow in the investigation of the industry. They disregarded his advice, and since he was convinced that they were proceeding along wrong lines, he severed his relations with the board. Since the publication of its report on the wool schedule he has made a comprehensive review of it, which I have here in printed form.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. LA FOLLETTE. I do.

Mr. SIMMONS. I should like to suggest to the Senator from Wisconsin that I think Mr. Dale's analysis has been printed in the RECORD at the instance of some Member of the other House, and practically all of it has been printed in the RECORD at my instance in connection with a speech I delivered the other day. I would suggest to the Senator that, instead of printing it in the RECORD, it be made a public document.

Mr. LA FOLLETTE. Well, I should like to have it put in the RECORD in connection with the proceedings of to-day, and

I make that request now, without taking further time of the Senate.

Mr. SIMMONS. Then I suggest to the Senator, in addition to that, that he ask that the analysis be printed as a public document.

Mr. LA FOLLETTE. I ask, in addition, that Mr. Dale's analysis be printed as a public document. (S. Doc. No. 898.)

The PRESIDENT pro tempore. The Senator from Wisconsin asks that the paper, the nature of which he has stated, be printed in the RECORD without now being read, and also that it be printed as a public document. Is there objection?

Mr. WARREN. I do not object, but I simply wish to say that I shall probably ask that there may be put in the RECORD a similar document, prepared on somewhat different lines, but, I think, with equally good authority.

Mr. LA FOLLETTE. Prepared by whom? Who is the author?

Mr. WARREN. I may bring in one or two or three authors. I do not present the paper now, but I simply say that I shall present it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

The analysis referred to is as follows:

[Reprinted from the Textile World Record, Boston, June, 1912.]

ANALYSIS OF THE TARIFF BOARD REPORT ON SCHEDULE K.

(By Samuel S. Dale.)

The report of the Tariff Board on the wool and wool-goods schedule should be judged first by the extent to which the board has succeeded in attaining the professed object of its investigation, namely, the determination of the difference between the foreign and domestic cost of producing the raw materials and the partly and wholly manufactured products of wool manufacturing.

THE DIFFERENCE IN COST FORMULA.

This object has been definitely and repeatedly stated during the last four years, and recently by the President in these words:

"First, by fixing the rates at figures * * * based on the difference between the cost of production here and the cost of production abroad, ascertained by means which preclude all doubt of the substantial accuracy of the calculation."

In order to show to what extent this object has been attained by the Tariff Board I have made the following list of the principal products affected by Schedule K, and annexed a brief statement of the information disclosed by the Tariff Board regarding the difference in the domestic and foreign cost of each: Raw wool, wool by-products, shoddy, worsted tops, roving, yarn, cloths and dress goods, carpets and rugs, underwear, hosiery, felts, and narrow fabrics.

RAW WOOL.

The method adopted by the board for calculating the cost of wool is stated on page 313, as follows:

"We have considered wool as the chief product and the receipts from mutton are offset against costs. When the receipts from mutton are less than the total flock expense, the difference is called the 'net charge against wool.' When, on the other hand, the receipts from mutton are greater than the expense, the difference is the 'net credit to wool.' And this net charge against or net credit to wool, divided by the number of pounds of wool, is the 'net charge against or net credit to a pound of wool.'"

On the preceding page, 312, the board condemns this method in these words:

"Another method is to consider wool the chief product and mutton the by-product and to charge the total operating costs to the mutton and credit the net income of the business to the wool. * * * When, however, the receipts from mutton equal the operating costs, the cost of producing a pound of wool, as found by this method, is nothing; and when the receipts from mutton exceed the operating costs it is less than nothing. * * * It is evident that this method also is inadmissible, because the cost of producing a pound of wool thus determined varies with the relative importance of the receipts from wool and mutton. When wool is the chief source of income and the receipts from mutton are merely incidental and relatively small, this method is approximately correct; but as the receipts from mutton become relatively more important, the degree of error increases, and when mutton is the chief source of income and the receipts from wool are merely incidental, the futility of the method is clearly apparent."

This condemnation of its own method was superfluous. The absurdity of a calculation by which the cost of wool is a positive quantity under some conditions, zero under others, and under others the wool is obtained without cost, bringing a bonus with it, is self-evident. The report contains extensive tables of cost of American wool based on this misleading method of inquiry.

For the foreign branch of the wool inquiry this method of calculation, of course, could not be carried out in such great detail, but the results are given for Australian wool on page 11, as follows:

"In New Zealand and on the favorably situated runs of Australia it seems clear that at the present range of values for stock sheep and mutton the receipts from other sources than wool are carrying the total flock expense. So that taking Australasia as a whole it appears that a charge of a very few cents per pound lies against the great clips of that region in the aggregate."

The report itself supplies the proof that the board has failed completely to determine the difference between the foreign and domestic cost of wool. The board admits this in these words on page 10:

"It is not possible to state in exact terms the actual cost of producing a pound of wool considered by itself."

WOOL BY-PRODUCTS.

These products include noils and the various wastes that are unavoidably made in converting wool and by-products into finished goods. They are inferior grades of raw material. In calculating the cost of wool goods the value of the by-products is deducted from the cost of the raw material used in order to determine the net cost of the latter. No part of the cost of manufacturing is charged to the production of by-products. For this reason the Tariff Board is right in the following conclusion, page 12:

"No comparison as to the cost of production of such products can be made."

SHODDY.

Wool rags may be properly classed as a wool by-product, and the omission of any reference to their cost is explained on that ground, but shoddy is a manufactured product for which rags are the raw material. The report contains no statement on the cost of manufacturing shoddy.

WORSTED TOPS.

In taking up the various wool products in their order of manufacture, worsted tops are the first for which the Tariff Board offers a detailed comparison of cost. A number of important features of the board's investigations of comparative costs will therefore be considered under this head, but it should be borne in mind that the remarks apply not only to tops, but to wool manufactures generally.

The report gives a comparative statement of the domestic and foreign cost of converting wool into tops, but makes no attempt to give the cost of raw material. It is evident, however, that the difference in the total cost of a wool product must be known in order to apply the difference in cost principle in fixing tariff rates. The omission of any important items of cost makes the comparison worthless for that particular purpose. In the case of worsted tops the board has omitted the item of raw material, which constitutes approximately 90 per cent of the total cost of worsted tops. The reason for such omission is plain. The variations in the cost of raw material, not only for tops, but for other forms of wool manufactures, are so great from grade to grade and from time to time that its determination is impossible. This impossibility in the case of wool fabrics was recognized and frankly stated by the board, page 628, in these words:

"The question of raw material was eliminated altogether, since this is such a fluctuating element."

That is true of worsted tops as well as cloths. Turning to the board's investigation of the conversion cost of tops, attention is called to the fluctuating and uncertain elements involved as outlined on pages 640 and 641 of the report. Admitting these fluctuations and uncertainties does not eliminate them, and they alone would thwart the purpose of the inquiry. But on top of all these factors the board informs us, page 641, that the mill records disclose "the widest divergencies" in the conversion cost of worsted tops:

"In attempting to arrive at the cost of tops from a consideration of actual mill records for a given period of time, we have found the widest divergencies due to the difference in output. For a six months' period in one mill the average cost of production for all tops was only 4.28 cents per pound, while for another six months' period in the same mill running upon practically the same quality of tops the actual average was 9.37 cents per pound. In the first period, however, the output was about three and one-half times the output in the second period. In the first case the mill was running overtime and in the second case much of the machinery was idle, while the fixed and overhead charges continued the same."

The Tariff Board attempts to meet this situation by assuming a theoretical production on the basis of a full running time. This, however, is assuming a condition that is never found to prevail throughout the industry or continuously in any combing plant.

If so much emphasis had not been placed on the difference in cost theory we might profitably stop here and accept the evidence disclosed by worsted tops as conclusive that the theory can not be applied to the revision of Schedule K. As far as tops are concerned, we find that an item constituting approximately 90 per cent of the total cost has been omitted entirely, because it could not be determined, while the items making up the remaining 10 per cent are subject to "the widest divergencies." The conclusion is unavoidable that the board has not determined and can not determine the difference between the domestic and foreign cost of tops.

ROVING.

No attempt is made to give the costs of roving separately. This cost is made up of raw material and the various processes up to and including worsted drawing. Raw material, as we have seen, is eliminated entirely from the board's calculations. The final process, drawing, is considered on pages 1031 to 1034, but, as in the case of woolen yarn, the figures relate to the labor cost only, all the other items of expense being omitted. We have noted the defects in the calculations for tops, the cost of which is included in the cost of roving, so that it is now necessary only to record the unavoidable conclusion that the difference in cost has not been determined for roving.

YARN.

The noteworthy feature of the board's report on yarn costs is the omission of essential details relating to the cost of carded woolen yarn. On pages 1025 and 1026 there are the reports of the labor cost of woolen carding in 26 mills. On pages 1040 and 1041 are reports of the labor cost of woolen spinning in a like number of establishments. Nowhere is there a statement of the cost of the other items, such as raw material and manufacturing expense, which make up much the greater part of the cost of woolen yarn. The report deals in greater detail with the cost of worsted yarn. On page 645 there begins a general survey of the question. On page 646 are statements of cost for four separate weeks in one mill. It is rather puzzling to find the output given as "yarn shipped," but, accepting the figures as indicating the yarn spun, we find the conversion cost varying from 9¼ cents on August 26 to 26½ cents a pound on August 5, with the yarn size practically the same. No better proof of the impossibility of determining cost for the purpose of applying the difference in cost formula to the revision of tariffs is required. The board attempts to avoid this difficulty, as in the case of tops, by assuming a full output. Thus on page 646:

"In view of this difficulty the Tariff Board has adopted a general rule of figuring all costs on the basis of full normal output, as in the case of tops."

This is assuming a condition that never prevails for any considerable time throughout the industry. Moreover, the question arises, How did the board revise the cost returns received so as to determine the result that would have been actually reached if the mill had been doing something that it was not doing?

On page 650 the report says:

"Figures of cost were secured in England from various manufacturers on actual samples, and in the second column in the table below are given the figures which represent the average of these various calculations."

From this it is evident that the board obtained from "various manufacturers" in England estimates of cost of certain grades of worsted yarn. These estimates were averaged by some unexplained process and the results tabulated on page 650 for the purpose of comparison with the figures obtained from American mills and revised by the board at Washington. That is the result, or, rather, lack of result, attained by

the board in investigating the cost of the material, white worsted yarn, which of all the multitudinous products of wool manufacturing offered the least difficulty in such an inquiry.

CLOTHS AND DRESS GOODS.

The cost of cloths and dress goods includes the cost of the yarn and the conversion cost of the yarn into the finished product. To include in the cost calculation for cloth the operations which the board adopted for the preceding processes would concentrate in this calculation all the uncertainties and errors which have been referred to under the head of raw wool, wool by-products, shoddy, worsted tops, roving, and yarn. Moreover, such a method was impossible because of the omission of essential items, as in the case of by-products and shoddy. The Tariff Board evidently recognized this dilemma, for a new start was made with yarn treated as a raw material and the cost calculations for the preceding processes eliminated entirely. The report thus explains how this result was accomplished, page 628:

"An arbitrary price was assumed for different qualities of wool and yarn, this arbitrary price being the actual price so far as it could be accurately determined for a given date."

This method has the merit of boldness and simplicity, although it can not be claimed that it "precludes all doubts of the substantial accuracy of the calculation." The figures thus adopted by the fiat of the board as a substitute for the cost of raw material and its conversion into yarn are termed "prices for a given date." This does not change the fact that they are not costs as contemplated in the formula. It makes the matter worse, for it shows that the board's ideas were so *unstable as* to shift from production cost to price without hesitation. This confusion of ideas regarding cost and price is so complete that one of the estimates, No. 32, page 672, contains this:

"This gives a total cost of 86 cents per yard for those making their own yarn and 95.5 cents per yard where yarn is purchased."

The adoption of the fiat figures of cost for wool and yarn would alone make the results of this part of the inquiry worthless, regardless of the accuracy of the subsequent calculations, and for that reason it is perhaps unnecessary to say more on this particular point. Attention is called, however, to the fact that the list of the figures thus adopted by fiat for wool and yarn is omitted from the report. It is to be found on Tariff Board schedules 1128 and 1129. The following grades and prices are given in the list to cover carded woolen yarn made of wool and mixtures of wool, cotton, shoddy, and by-products:

12 to 16 cut, one-fourth blood worsted waste and shoddy	$0.55
12 to 20 cut, one-fourth blood and shoddy (colors)	.65
12 to 20 cut, one-fourth blood and noils (white)	.70
12 to 20 cut, one-fourth blood and noils (colors)	.75
12 to 20 cut, straight one-fourth blood (white)	.80
20 to 28 cut, straight, three-eighths blood (white)	.85
From 20 to 28 cut add 1 cent per cut.	
32 cut, fine white carbonized	.95
40 cut, fine white carbonized	1.10
2–12 to 2–18 cut, one-fourth blood worsted waste and shoddy	.50
2–18 to 2–20 cut, in grease	.62½
2–18 to 2–20 cut, in colors	.70
2–22 to 2–24 cut, skein dyed in colors	.77½

There are no established standards for such yarns. They are spun from new wool of every grade; also from mixtures containing wool, cotton, shoddy, and by-products, in every imaginable proportion—some with the wool, cotton, shoddy, or by-products omitted, and the mixture made up of the whole or a part of the remaining materials. Not only the proportion, but also the cost per pound of each of these materials varies widely from grade to grade and from time to time. As a result the average cost of the mixtures is subject to even greater fluctuations.

Fixed prices or cost figures are equally absurd in the case of worsted yarn and wool. No feature of the Tariff Board's investigation excites greater astonishment than does this substitution of arbitrary prices for actual cost. This extraordinary method has evidently been adopted not only for American costs, but for foreign costs as well. Take, for example, sample No. 26, page 667. This cloth is made of two grades of cotton yarn and one of worsted. The report says, page 667:

"The average cost of the yarn used was $0.692 per pound; the resulting cost of the stock material in a yard of cloth is $0.55."

The English cost of the yarn is thus stated, page 668:

"The yarn material for a yard of cloth is taken at a cost of $0.4085."

These figures do not represent cost in any mill, either in this country or abroad. They result from some undisclosed system of estimating, based on arbitrary prices for foreign and domestic yarn. Such calculations do not come up to the level of ordinary guesswork.

As was the case when studying the board's cost figures for worsted tops, the temptation again becomes strong to leave this feature of the report with the conclusion that the case against the difference in cost formula has been proved, but so much emphasis has been placed on this formula that we will go on to the end of the list.

CONVERSION COST.

Turning to the inquiry into the cost of converting yarn into cloth, the fact claiming attention first is that the board's figures do not relate to the actual cost of the cloths, but to estimates of their cost. This is admitted on page 628, where the report, after stating the impossibility of determining the actual cost, says:

"The only method available was to start with certain specific cloths and get the most accurate estimates possible from a number of different mills on the cost of making goods of this quality."

The inherent difference between actual cost as contemplated in the formula and an estimate of cost is evident. A manufacturer may estimate the cost of a fabric regardless of whether the goods were made in his mill or not. He determines the character of the raw material by the exercise of judgment and the construction of the fabric by analysis, and with these particulars makes an estimate of cost based on assumed conditions of market price of materials and expense in the mill. This, however, is not the actual cost, which is determined only by the actual manufacture of the goods, and it is the actual cost which is meant in the difference in cost formula. Not only has the board substituted estimated cost for real cost, but these estimates have been obtained under conditions that make irregularities and errors inevitable.

The report states, page 629, that the agents of the board "visited the mills with samples and worked out with the proper officials the cost under each separate process." The published results of their labors are found on pages 651 to 690, in the form of estimates of cost of 55 samples of American wool goods, and on pages 694 to 704 in the form of estimates of the cost of 14 samples of foreign fabrics.

Fortunately it is not necessary to rely solely on one's own judgment or on the opinion of others as to the merits of this system of cost estimates. Three years ago, in 1909, the American Association of Woolen and Worsted Manufacturers adopted the same plan and submitted to a large number of manufacturers the specifications for three worsted and two carded woolen fabrics, with a request that estimates of the cost of these goods be returned to the association. As was done by the Tariff Board, uniform prices were assumed by the association for the wool and yarn. Following is a statement of the lowest, highest, and average estimates.

Statement of the lowest, highest, and average estimates.

	Lowest.	Highest.	Average.
Fabric A	$1.50	$2.02	$1.75⅝
Fabric B	1.47½	1.93	1.78
Fabric C	1.06	1.53	1.29
Fabric D	1.10	1.65	1.37
Fabric E	.85	1.02½	.93¾

Such figures are worthless, and it is certain that the estimates of the Tariff Board are no better.

The sole difference between the estimates of the association and those of the Tariff Board is that the agents of the board worked out the figures with the mill officials in accordance with a definite system prescribed by the board. But a cost system can not be applied successfully in a mill on short notice. It is necessary first to apply a system for a long period, a year or more, in order to determine the cost per unit of production in the various departments of a mill. Not before this is done does it become possible to make a fairly close estimate of the cost of a given fabric when made in that mill under like conditions. An attempt, such as was made by the Tariff Board, to apply suddenly to a large number of unprepared mills a new system of cost estimating is calculated to give results as misleading and erroneous as were those obtained three years ago by the American Association of Woolen and Worsted Manufacturers. This is evident from the details of the board's estimates. For example, the conversion cost of sample No. 1 is given as 8 cents per yard, and this note of explanation is annexed, page 652:

"Taking all of the cost secured by the board, from mills of all sizes, the average conversion cost is 11.1 cents per yard."

This means that some of the estimates must have varied from 8 cents to considerably over 11 cents a yard. No two mills would agree as to the estimated cost, yet the board adopts one set of figures for each sample. Why was 8 cents selected for the figures given in the report when the average was 11.1 cents? And was this average calculated by a method that gave the mills an equal weight regardless of size? These questions may appear superfluous in view of the fundamental defects already noted in the calculations, but reference is made to them in order to make the analysis as complete as possible. For the same reason a review will be made of various other features of the estimates.

A number of the estimates refer to fabrics made of wool yarn mixed with cotton or silk yarn. An application of the difference in cost formula would make it necessary to determine the cost of the cotton and silk yarn as well as the wool. Nowhere is such cost given. Apparently arbitrary figures have been assumed for the cost of the silk and cotton yarn as well as for the wool yarn, and an average of the three calculated by some unexplained process. For example, sample No. 24, page 666, is made of a mixture of cotton, silk, and worsted yarn, and the "cost" of the three is given as follows:

"The average cost of the yarn described is $0.714 per pound, making a total stock cost of $0.571 per yard of finished cloth."

The plan pursued in the board's estimates of the foreign cost of the various samples is thus explained on page 630:

"The method adopted in securing foreign costs on American samples was similar to that used in this country. Samples of identical fabrics, cut from the same piece, were taken to England and to the Continent. These were shown to a number of manufacturers, and their estimates on the cost of production secured, but not in the same detail as in American mills, because foreign manufacturers do not keep their costs in any such detail. In England the costings on these samples are given with the authority of a cloth expert, himself a manufacturer, who took the English estimates secured and corrected or verified them from his own experience or from the costs in his own mill."

The woolen and worsted industry in England is organized on a different basis from that generally prevailing in this country. Cost calculations are simpler and probably more accurate in that country than they are here. For these reasons a fair comparison of the costs in the two countries is possible only after careful revision. Such a complicated cost estimate schedule as the one prepared by the Tariff Board would stagger English manufacturers. The above extract from the report makes it plain that they did not understand the board's system and did not attempt to carry it out. Figures, however, are easily obtained, and the agents of the board obtained them from a few English manufacturers. Evidently these figures bore the marks of unreliability, for they were referred to a "cloth expert, himself a manufacturer," who "corrected or verified them from his own experience or the costs in his own (English) mill." It is unnecessary for us to follow this system into France and Germany. Adopted in response to an order to determine the difference in the cost of production, "by means which preclude all doubt as to the substantial accuracy of the calculation," it abandons the cost of production entirely, and substitutes estimates based on assumed figures for the greater part of the cost, and for the remainder on methods that are unworthy of serious consideration either at home or abroad. The Tariff Board knew of the defects in estimates of cost, as the following passage, page 628, shows:

"The difficulty here lay in the well-known fact that estimates on the same sample by different manufacturers may vary very widely, and experience in this regard by associations in the trade who have attempted to arrive at some standard cost method showed the necessity for adopting every precaution to make these figures as detailed, accurate, and fair as possible."

But stating a difficulty does not overcome it, and the knowledge on the part of the board that estimates would not disclose what they were seeking only increases the surprise that such a plan was adopted. No precautions can make estimates conform to actual cost. In the absence of a knowledge of the actual cost there is no way of verifying or correcting the estimates.

CARPETS, RUGS, UNDERWEAR.

The report gives no information regarding the cost of these goods, this explanation for the omission being found on page 9:

"It proved impracticable to carry out at one and the same time an indefinite number of separate cost inquiries and bring them all to conclusion at a given date. For this reason we are not able to include in the present report data as to the cost of underwear and carpets, regarding which our investigations are not sufficiently advanced to make the results practically useful."

HOSIERY, FELTS, NARROW FABRICS.

On the cost of these products the Tariff Board makes no report deserving consideration.

We have reached the end of the list of products. Summing up the situation we find that the Tariff Board's inquiry into cost of production has nowhere given results in whose accuracy any confidence can be placed. Some wool products were omitted entirely—carpets, knit goods, felts, and narrow fabrics—for lack of time; by-products, because the task was impossible.

A fundamentally unsound method was adopted for raw wool. Where costs were actually investigated, as in the case of worsted tops and yarn, the fluctuations from time to time and from mill to mill made self-evident the impossibility of determining the costs for the purpose of fixing tariff rates. For some materials, roving and yarn for example, the manufacturing expenses other than labor were omitted. Likewise in some cases raw material, subject as it is to constant, extreme, and indeterminate variations in cost, was eliminated bodily from the calculations. In other cases arbitrary figures were assumed to indicate the fluctuating and uncertain cost of raw material. Estimates were substituted for statements of actual cost. Calculations that could be but little better than guesswork were made for the board by foreign manufacturers. And finally the reports thus collected were "revised" and "edited" at Washington in an attempt to make them harmonize with each other and conform to conditions of production that seldom if ever exist.

The contrast between this result and the President's definition of what was required is grotesque, but the failure to attain the announced purpose of the inquiry does not necessarily carry with it any reflection on the ability, industry, or faithfulness of those who did the actual work of investigation. The fact is, they were engaged in an undertaking that reached far beyond the limits of the possible. The difference between the domestic and foreign cost of producing wool and wool goods can not be determined for the purpose of fixing tariff rates. Criticism, if it is indulged in, should be directed to the failure to recognize the impossibility of the difference in cost formula and direct the inquiry into practical channels. If that had been done, the cost of production would not have been ignored, but would have received its proper share of attention in connection with many other factors bearing on the tariff question. The primary mistake was in making the inquiry hinge on the difference in cost formula. That placed on the board the work of accomplishing the impossible.

FEATURES OF VALUE.

Although the chief purpose of the investigation resulted in failure, as was inevitable, the four volumes of the report contain a considerable body of useful information. In this may be included many of the conclusions regarding the existing tariff law and among which are the following:

"Wools of heavy shrinkage can not be profitably imported into the United States (p. 381).

"Clean wool of the light shrinking sorts (is procured) at a materially lower net rate of duty than the law apparently contemplated (p. 381).

"Low-priced grades of wool can not be profitably imported (p. 391). If admitted under a revised tariff, they could be substituted for large quantities of cotton and shoddy that are used at present.

"There is no valid reason for the discrimination that now exists as between the wools of class 1 and class 2 (p. 11).

"The duty on sorted wool was made excessive for purposes of exclusion, and that is its effect (p. 49).

"The present duty of 33 cents per pound on scoured wool is prohibitive, preventing effectually the importation of clean, low-priced foreign wools of the lower grades that would be exceedingly useful in the manufacture of woolens in this country, and if so used might displace in large measure the cheap substitutes now so frequently employed in that industry (p. 11).

"The present tariff excludes all noils except a small quantity of high grade (p. 75).

"The present tariff on wool waste, rags, and shoddy is prohibitive, except on a small quantity of very high grade (pp. 4, 5, 12, 13, 69, 71, 78, 82). Shoddy is not necessarily the cheap undesirable material that many take it to be (p. 69).

"Wools of class 3 are used in the manufacture of goods other than carpets (p. 413).

"The present duty on worsted tops is prohibitory, because the compensatory duty is excessive (pp. 107, 189).

"The present duties exclude all yarn except very high grades, of which but a small quantity is consumed (pp. 116, 190).

"The present specific or so-called compensatory duties on manufactures of wool are excessive, and result in making the tariff on such goods prohibitory, except for a small quantity of high-priced products, the duties being the highest on low-priced goods (pp. 5, 13, 14, 139, 149, 164, 182, 188, 124, 125, 133, 147, 167, 184).

"Domestic prices of wool goods are not always increased to the full amount of the duty imposed on competing foreign products (pp. 5, 14).

"Prohibitive duties eliminate the possibility of foreign competition and offer a temptation to monopoly and conspiracy to control domestic prices" (p. 5).

These are statements of fact, but of well-known facts that have been iterated and reiterated, particularly during the last three and one-half years, and their appearance in the report of the Tariff Board now is but the acceptance of what has been publicly demonstrated and spread upon the records of Congress.

THE SCOURED WEIGHT OF GREASE WOOL.

We now come to a consideration of the conclusions reached by the Tariff Board. The first to claim attention is the recommendation that a specific tariff on wool be based on the scoured weight (p. 12):

"That the chief objection to the present rate on the grease pound could be met by levying some form of specific duty based on the clean or scoured content of the wool imported.

"That the necessary machinery for testing at ports of entry could be installed promptly and cheaply and could be maintained efficiently at small expense."

After recommending a specific duty based on the scoured weight of wool as a desirable and entirely practicable substitute for the present specific duty on grease wool of classes 1 and 2, the board qualifies its opinion, on page 397, as follows:

"Objection is made to a flat rate upon the scoured pound on the ground that it would not be fair to subject wools of varying value to a uniform rate of duty. It must be conceded that there is some reason in this, but in any event it would give access to all fine, heavy fleeces on equal terms with the lighter-conditioned wools, thus meeting one great objection to the existing law."

IS THE SCOURED WEIGHT TARIFF DESIRABLE?

Two questions must be answered in passing upon this scoured weight proposition. Is the plan desirable? Is it practicable? Fortunately the first question can be readily and conclusively answered by applying a specific rate to the very large quantity of scoured wool sold at the London wool auctions. This scoured wool is, as regards variation in price, fairly representative of the wool sold in the greasy condition. Thus by applying a specific duty to the scoured wool an illustration is obtained of how such a duty would operate if imposed on the scoured weight of foreign grease wool imported into the United States. This test of the scoured weight wool duty has necessitated considerable labor in classifying the wool sold at London according to price. In view of the superior facilities possessed by the board and the importance of the question involved, it is somewhat surprising that such a test was not made and the results given in the report. In a letter to the Ways and Means Committee on March 15, 1909, I gave a statement of the high, low, and average prices of about 80,000,000 pounds of wool sold by auction at the last sales at London, Liverpool, and in Australia. Following are the prices for the scoured wool included in that statement, with a specific duty of 20 cents per scoured pound applied in order to show the effect of the plan recommended by the Tariff Board. Corresponding variations would result regardless of the particular specific rate imposed:

Scoured wool sold at London in January and February, 1909.

	Price.	Duty.	Ad valorem.
	Cents.	*Cents.*	*Per cent.*
Highest price	63	20	32
Lowest price	8	20	250
Average price	26.4	20	76

Scoured wool sold in Australia, December, 1908.

	Price.	Duty.	Ad valorem.
	Cents.	*Cents.*	*Per cent.*
Highest price	39	20	51
Lowest price	6½	20	308
Average price	24	20	83

Another illustration of how a wool duty based on the scoured weight would operate in practice is shown in the following statement of 2,847 bales of West Australian, Adelaide, and New Zealand wool sold at the first series of London sales in January, 1910. In this case the number of bales sold at each price is given. The ad valorem equivalent of a specific duty of 20 cents per scoured pound is given for each price and also for the average price of the 2,847 bales:

Two thousand eight hundred and forty-seven bales scoured wool from West Australia, Adelaide, and New Zealand sold at London, first series, January, 1910.

Bales.	Price per pound.	Per cent ad valorem 20 cents per pound.
	Cents.	
1	10	200
2	13½	148
5	14	143
5	14½	138
6	15	133
3	15½	129
8	16	125
50	17	118
52	18	111
197	19	105
231	20	100
560 bales 100 per cent and above.		
215	21	95
140	22	91
112	23	87
59	24	83
192	25	80
1,278 bales 80 per cent and above.		
117	26	77
235	27	74
93	28	71
123	29	69
127	30	67
1,973 bales 66⅔ per cent and above.		
98	31	64
95	32	62
43	33	61
45	34	59
31	35	57
46	36	56
45	37	54
99	38	52
36	39	51
20	40	50
2,531 bales 50 per cent and above.		
174	41	49
65	42	47
51	43	48
17	44	46
8	45	45
1	46	44
2,847[1]	[2] 27 1/10	[2] 72

[1] Total bales. [2] Average.

Following is a summary of the 2,847 bales showing the quantity included within given limits of the ad valorem equivalent of the 20-cent rate per scoured pound:

Bales (per cent ad valorem, 20 cents per pound):

560	per cent	100	and above.
1,278	do	80	and above.
1,973	do	66⅔	and above.
2,531	do	50	and above.
2,847	do	43⅓	and above.

In order to make these illustrations of the scoured-weight wool tariff as comprehensive as possible, I have compiled from the wool circular of Stables, Straker & Co. the following statement of the 30,644 bales of scoured wool sold at the fourth series of London auctions in July, 1911:

Scoured wool sold at fourth series of London sales, July, 1911.

Bales.	Price per pound.	Per cent ad valorem 20 cents per pound.
	Cents.	
1	6	333
11	6½	308
1	7	286
1	7½	267
11	8	250
9	9	222
5	9½	210
22	10	200
18	10½	190
16	11	182
8	11½	174
66	12	167
22	12½	160
91	13	154
15	13½	148
139	14	143
36	14½	138
228	15	133
85	15½	129
428½	16	125
587½	17	118
801	18	111
1,144½	19	105
1,172	20	100
4,918 bales 100 per cent and above.		
1,325	21	95
1,450	22	91
1,166	23	87
1,095	24	83
1,163	25	80
11,117 bales 80 per cent and above.		
1,173½	26	77
1,034	27	74
1,163	28	71
987	29	69
1,114	30	67
1,188	31	64
1,071	32	62
1,058	33	61
770	34	59
1,128	35	57
1,012	36	56
901	37	54
1,093	38	52
843	39	51
706	40	50
26,419 bales 50 per cent and above.		
944	41	49
896	42	47
932	43	48
522	44	46
427	45	45
30,140 bales 45 per cent and above.		
286	46	44
69	47	43
47	48	42
50	49	41
11	50	40
14	52	38
18	56	36
9	61	33
30,644 [1]	[2] 29¾	[2] 67

[1] Total bales. [2] Average.

THE DEFECTS OF THE SCOURED BASIS FOR TARIFF RATES.

These exhibits tell their own story. They show that a specific duty based on the scoured weight of wool is subject to ad valorem variations fully as great as those now resulting from a specific duty on the grease weight. This is not at all surprising to those familiar with the prices and shrinkages of different grades of wool, although it had escaped the attention of the Tariff Board up to the time of making their report on Schedule K. In recommending the scoured weight as a basis for a specific duty on wool they apparently assumed that the scoured yield was the main factor in determining the value of grease wool, ignoring the equally important factor of grade. The value of grease wool depends upon both shrinkage and grade. These two factors may work in conjunction to raise or lower the price per pound, as when a low-grade wool of heavy shrinkage results in a low price in the grease, and when a high-grade wool of light shrinkage makes a high price in the grease; or they may work in opposition to each other, as when low grade is combined with a light shrinkage and when a high grade is combined with a heavy shrinkage. In each of the last two cases one factor tends to increase the grease price, while the other tends to depress it. These factors of shrinkage and grade are found in such endless proportions, sometimes working together to determine the grease price, at other times in opposition, that a specific duty per scoured pound is subject to ad valorem variations practically as great as in the case of a specific duty per grease pound.

Illustrations of these conditions, which the board has overlooked, are found in the report itself. On pages 387 to 391 is a statement of the yield, scoured cost, and ad valorem equivalent of the Dingley duty of 11 cents a pound on various lots of wool imported by an American worsted mill. We will take for comparison the 30 bales of Australian merino bought on March 8, 1909, and the 50 bales of South American crossbred bought on December 22, 1906. The Payne (Dingley) duty on the grease weight and a specific duty of 20 cents a pound on the scoured weight of these two lots are as follows:

	Australian.	South American.
Grease cost, cents	26.15	26.13
Dingley duty, per cent	42	42
Shrink, do	49.12	34
Scoured cost, cents	51.39	39.6
20 cents per scoured pound, per cent	38.9	50.5

Here are two lots of wool costing the same per grease pound and on which the ad valorem equivalent of the Payne duty is the same. But as a result of the varying shrinkage the costs per scoured pound are 51.39 cents and 39.6 cents, respectively, and the ad valorem equivalents of a 20-cent rate per scoured pound are 38.9 per cent for one lot and 50.5 per cent for the other.

For another illustration, take the 105 bales of Australian merino bought on November 25, 1907, and the 100 bales of South American crossbred bought on June 20, 1908. The results from these two lots are as follows:

	Australian.	South American.
Grease cost, cents	26.6	15.28
Dingley duty, per cent	41.3	71.8
Shrink, do	53	33
Scoured cost, cents	56.6	22.82
20 cents per scoured pound, per cent	35.3	87.6

In the case of these two lots the specific duty per grease pound varies from 41 per cent ad valorem on the first lot to 72 per cent on the second, but great as this variation is the 20-cent rate per scoured pound varies even more, from 35 per cent on one lot to 87.5 per cent on the other. The 20-cent rate per scoured pound has decreased the ad valorem duty on the fine wool 6 per cent and increased it on the coarse wool 16 per cent.

This feature of the wool tariff is so important that I have calculated the ad valorem equivalents of the 20-cent rate per scoured pound for the lots in this statement that were bought in 1907 and 1908. The results follow, compared with the ad valorem equivalents of the 11-cent rate per grease pound:

AUSTRALIAN MERINOS.

Date.	Shrinkage.	Ad valorem 11 cents grease pound.	Ad valorem 20 cents scoured pound.
1907.	*Per cent.*	*Per cent.*	*Per cent.*
Jan. 24	47.2	38.2	36.6
24	48.9	39.8	37.2
24	45.0	35.1	35.1
29	49.8	39.5	36.0
31	48.5	39.8	37.2
31	48.5	38.4	35.9
31	48.5	38.4	35.9
31	48.5	39.8	37.2
31	49.8	40.1	36.6
31	49.5	39.3	36.0
Feb. 1	47.6	44.5	32.3
8	47.7	41.8	39.8
Mar. 10	50.6	43.3	39.0
Oct. 4	50.0	40.2	36.5
Nov. 25	53.0	41.3	35.3
25	52.5	43.0	37.1
18	49.0	41.9	38.8
19	46.0	36.0	35.3
19	44.4	32.9	33.2
25	47.0	36.9	35.5
25	47.0	35.0	33.7
23	46.3	34.4	33.6
16	48.2	36.2	34.0
23	47.3	37.2	35.6
Dec. 30	48.0	35.9	33.9
30	48.0	37.9	35.8
6	46.5	39.2	38.1
10	47.5	41.0	39.1
1908.			
Jan. 6	47.5	37.4	35.6
6	46.5	34.6	33.6
25	47.9	37.1	35.1
31	46.0	40.2	39.5
31	49.0	43.6	40.4
11	47.5	39.5	37.7
31	48.8	43.3	40.3
11	47.5	37.4	35.6
20	48.5	40.6	37.9
20	49.0	38.9	36.0
25	47.5	37.4	35.6
Oct. 9	49.8	43.7	39.9

AUSTRALIAN MERINOS—continued.

Date.	Shrinkage.	Ad valorem 11 cents grease pound.	Ad valorem 20 cents scoured pound.
1908.	*Per cent.*	*Per cent.*	*Per cent.*
Dec. 11	50.0	44.0	40.0
Nov. 23	47.0	50.5	39.0
23	48.0	41.6	39.3
23	47.1	40.6	39.0
21	50.6	44.7	40.1
21	50.8	45.0	40.2
28	47.5	41.8	39.9
28	47.0	39.7	38.2
28	47.8	40.5	38.4
28	50.1	44.2	40.0
28	50.8	45.0	40.2
28	49.8	46.6	42.4
Dec. 2	51.0	55.3	40.3
21	46.0	41.0	39.5
21	50.0	48.9	44.4
15	46.8	44.6	43.1
15	44.6	38.0	38.3

AUSTRALIAN CROSSBREDS.

1907.			
Jan. 12	33.2	33.9	41.2
12	40.5	37.3	40.3
16	41.1	37.8	40.5
23	38.0	35.3	39.7
Feb. 8	38.0	35.3	39.7

SOUTH AMERICAN MERINOS.

1907.			
Mar. 19	51.5	43.3	38.2
19	50.5	41.5	37.3
16	51.5	43.3	38.2
28	53.0	49.7	42.4
28	47.0	44.1	42.4

SOUTH AMERICAN CROSSBREDS.

1907.			
Jan. 7	33.5	41.8	50.5
Mar. 14	42.0	39.5	41.6
Dec. 28	32.5	54.4	66.8
1908.			
Jan. 2	33.3	56.7	68.8
2	36.0	52.8	61.4
13	33.5	56.9	68.8
Apr. 7	33.5	68.3	82.6
28	33.5	70.9	85.7
28	33.5	75.2	90.9
May 15	33.5	75.2	90.9
June 20	33.0	71.8	87.6
27	34.0	72.9	87.4

Here are 79 lots of foreign wool bought in 1907 and 1908 by an American worsted mill. On some of them the 11-cent rate of duty per grease pound gives a higher ad valorem than does the 20-cent rate per scoured pound. On others the 20-cent rate per scoured pound is the higher. This variation is the result of the varying shrinkages. With a shrinkage of 45 per cent the 11 cents per grease pound and the 20 cents per scoured pound give the same ad valorem rate. On wools shrinking more than 45 per cent the 11 cents per grease pound gives the higher ad valorem equivalent. On wools shrinking less than 45 per cent the 20 cents per scoured pound gives the higher ad valorem rate. The 11-cent rate per grease pound on these 79 lots varies from 32.9 per cent to 75.2 per cent ad valorem. The 20-cent rate per scoured pound on the same lot varies from 33.2 per cent to 90.9 per cent. In other words, the application of a specific duty per scoured pound has resulted in a fluctuation of 174 per cent above the minimum in place of a fluctuation of 129 per cent under a duty per grease pound.

As only the lightest shrinking wools are imported into the United States under the present duty, the 79 lots given above fail to disclose the comparative effects of the specific tariffs based on the grease weight and scoured weight of wools of low grade and heavy shrinkage. On such wools the specific duty would be prohibitory, regardless of whether it was based on the grease or scoured weight. Take, for example, the very large quantity of foreign wool shrinking about 65 per cent and selling for 8½ cents, giving a scoured cost of 25 cents a pound. The Payne duty of 11 cents per grease pound would be equivalent to 126 per cent ad valorem, while the 20-cent rate per scoured pound would amount to 80 per cent ad valorem. Both rates would have the same effect—exclusion. It would help neither the manufacturer nor the ultimate consumer to know that they were deprived of these low-priced but useful materials by a duty of 80 per cent instead of 120 per cent. The burden of exclusion would be as heavy in one case as in the other. For all practical purposes the 20-cent rate per scoured pound on those low-priced wools would be as high as the 11-cent rate per grease pound.

Such are the practical effects of the scoured-weight duty, which the Tariff Board tells us (p. 398) "would remedy most of the primary faults of Schedule K; and (p. 396) would admit on equal terms wools of light and of heavy shrinkage which our present method fails to do." Such are the practical effects of the scoured-weight duty which President Taft states (p. 4) "obviates the chief evil of the present system and tends greatly to equalize the duty." The President and the Tariff Board are wrong in their conclusions. The facts are the reverse of what they state. Instead of decreasing the diversity resulting from the present duty per grease pound a specific duty on the scoured pound would increase it. A specific duty per scoured pound would bear heaviest on low-priced wools, which would be wholly excluded, whereas now under a specific duty per grease pound a small quantity of low-priced light shrinking wools is imported. Bad as a specific tariff based on the grease weight of wool is, a specific tariff based on the scoured weight would be worse.

IS THE SCOURED-WEIGHT TARIFF PRACTICABLE?

Having found that a tariff based on the scoured weight of wool is even more objectionable than the present tariff based on the grease weight, it is not worth while to devote much time to a discussion of the practicability of the scoured-weight basis. It claims some attention, however, because the President and the Tariff Board have laid special emphasis on the practicability of that system. Thus, on page 397, the board says:

"The Tariff Board has carefully investigated this matter and, with the aid of the Bureau of Standards, has reached the conclusion that it is not only possible, but it is relatively a simple matter to test wool by sample at the time of importation. It is also ascertained that the machinery required for scouring and conditioning wool in small lots is inexpensive and could be promptly installed, and the cost of operation would be light. If Congress should deem it wise to adopt this method of collecting duties upon raw wool, it would seem that the details necessary for its prompt, efficient, and economical administration may safely be left to the proper administrative officers of the Government."

The President accepts this conclusion in these words, page 4:

"The board reports that this method is feasible in practice and could be administered without great expense."

This statement of the board is ambiguous. Of course it "is a simple matter to test wool by sample at the time of importation," but will the results of the test show the average shrinkage of the entire lot in each case? Like Glendower, the Tariff Board and Bureau of Standards can, of course, call spirits from the vasty deep. So can I or any other man, but will they come when we call? That is the question. To aid in reaching a conclusion as to whether the testing of imported grease wool to determine its shrinkage is feasible, let us consider some of the conditions under which it must be carried out.

DRAWING SAMPLES FOR THE TESTS.

The first difficulty to arise in testing the shrinkage of a lot of wool is the drawing of a sample to represent the entire lot. Wool as it comes from the sheep carries grease, dirt, dung, and other impurities which are removed by the scouring process. This shrinkage in scouring varies widely, not only in different fleeces, but in different parts of the same fleece. The grease wool, usually in separate fleeces, is packed in bales each weighing 180 to 1,000 pounds, and a cargo is made up of different lots varying from 1 bale to 200 bales or more in size. Take a lot of 100 bales. If a manufacturer wanted to test the shrinkage of such a lot before buying, he would buy and scour several, say, 2 to 5, bales selected as fair samples. Testing on such a scale is out of the question in the case of the Government. In a year like 1909 it would mean scouring from 3,500,000 to 9,000,000 pounds of wool. Not only is that impracticable, but it would mean a depreciation of 8 to 10 cents a pound in the market value of the wool so scoured, say, a loss of $350,000 to $900,000. On the other hand, if a small sample, say, 50 pounds, is tested the problem is how to draw 50 pounds from 30,000 pounds more or less so as to have the small quantity represent the entire lot. My belief is that it is impossible and that the small sample, even if drawn by an experienced, careful, and thoroughly honest man, would represent the large lot only by a rare chance.

LARGE NUMBER OF TESTS.

It would be necessary to make a separate test of each lot. The average size of the lots sold at London is about 10 bales. At that rate it would be necessary in a year like 1909 for the United States Government to make approximately 50,000 scouring tests of 50,000 lots of grease wool, or 167 tests per day. The size of this undertaking depends on the size of the test samples, and on that point the board says nothing.

VARIATIONS IN RESULTS OF TESTS.

Scouring tests vary frequently from 2 to 5 per cent or more. The conditioning process, which the Tariff Board recommends, offers no guaranty against such variation. Conditioning will guard against such variations due to the presence of moisture, but will not guard against the variations due to imperfect scouring.

DELAYS.

The testing of wool for shrinkage takes time. Add to this the accumulation of tests in a crowded season and the certainty of disputes involving retesting, the question of delay at the port of entry becomes serious for customs officers as well as for importers and manufacturers. The importer will not know what his wool is to cost him until it has been tested by the Government. This introduces an additional cause of uncertainty in a business already noted for its uncertain features.

DISPUTES.

The difficulties and impossibilities involved in the testing of grease wool in order to assess a duty on the scoured contents make it clear that every test will offer an excellent opportunity for a dispute between the Government and the importer as to the proper duty to be collected. This gives an added significance to the making of 50,000 tests a year.

ERROR AND FRAUD.

Under the conditions that surround a scoured-weight tariff on wool serious errors are certain to occur. In addition there is the opportunity for fraud, with but slight chance of detection and conviction. Fraud would be easy in drawing the samples and in handling the test lots. Concealment of guilt would be equally easy. The opportunities for defrauding the Government would be far greater with the scoured-weight tariff on wool than by undervaluation with an ad valorem duty, and the work of detection and conviction would be practically impossible.

RECOMMENDED IN DISREGARD OF EXPERIENCE.

The Tariff Board evades the practical difficulties involved in a specific tariff based on the scoured weight of wool by stating (p. 397) that "it would seem that the details necessary for its prompt, efficient, and economical administration may be safely left to the proper administrative officers of the Government." Prominence is given in the report to the indorsement of the practicability of such a tariff by the

Bureau of Standards. But what the report fails to state is that, as I am informed on the highest authority, this scoured-weight tariff has been recommended by the Tariff Board in total disregard of the judgment of an administrative officer in the customs service who has had years of practical experience in the handling of wool, both as a dealer and as an official in the Government service. And the judgment of this official is in accord with that of all of the many experienced wool dealers with whom I have discussed this question. There is no escape from the conclusion that the proper administration of a tariff based on the scoured weight of grease wool is utterly impracticable.

ENGLISH AND FRENCH EXPERIENCE.

Reports have just been received from two men, one at Bradford, England, the other at Amiens, France, who at my request made an investigation of the conditioning process in their respective countries and obtained the opinions of men experienced in the management of conditioning houses. My Amiens correspondent says that "le conditionnement des laines à l'état brut ne se pratique que tres rarement." (Grease wool is rarely conditioned.) His statement is confirmed by the official statistics of the Roubaix and Tourcoing conditioning houses, which give the quantity of tops, yarn, and noils tested, but make no reference to scouring tests of grease wool.

My Bradford correspondent went into the subject in considerable detail, making a careful inspection of the processes at the Bradford conditioning house. He reports that in 1911 the Bradford establishment made 237,967 tests, representing 95,930,026 pounds of wool and goods, and that of these tests, 222,998 were for moisture and only 3,464 were "scours for fat and oils." Moreover, these 3,464 scouring tests included tops, noils, wastes, and yarns, the scourings of raw wool being comparatively insignificant.

Another fact of importance is that the wool samples are usually drawn by the submitting party and not by the representatives of the conditioning house, the latter thus taking no responsibility for the essential question as to whether the test lot represents the entire lot. Another point is that some of the scouring tests at Bradford require two days. The tests for moisture are made at Bradford with only 2 pounds drawn from each bag. A Bradford conditioning house manager with long experience told my correspondent that the only way he could suggest for obtaining fairly correct scouring tests of large lots of grease wool was to install full-sized scouring, drying, and air-cooling machinery and testing as many bales of each lot as might be considered necessary. And after this was done the grease left in the wool could be determined only by a chemical analysis. This is the judgment of men experienced in testing textile materials at Bradford, the most important wool-manufacturing center in the world. Against this we have the ambiguous statement, page 397, that "the Tariff Board has investigated the matter, with the aid of the Bureau of Standards, and has reached the conclusion that it is not only possible, but it is a relatively simple matter to test wool by sample at the time of importation."

I have made some inquiries regarding the conditioning of textiles by the Bureau of Standards, and am informed on the best authority that their work thus far has been mainly a study of methods, that the work has not progressed sufficiently to enable them to fix a definite schedule of fees for public service, that they are still working on the problem of sampling from large lots and have not decided on a standard method, and that the determination of the shrinkage of raw wool could be made on samples as large as 3 to 5 pounds. The bureau's work in conditioning textiles is still in its preliminary stage, and while it may in time reach a point where its officials will be able to report from experience on the practicability of administering a tariff based on the scoured weight of grease wool, it has not yet arrived there.

Although the statement of the Tariff Board just quoted is ambiguous, it is calculated to convey the idea that the shrinkage of large lots of grease wool can be easily determined. As such it is unfair to Congress and to all who desire a prompt and wise revision of Schedule K, and it is also unfair to the Bureau of Standards, whose officials, I am sure, would not indorse such a proposition.

My own experience, the statements made to me by many experienced wool dealers, the reports from Bradford and Amiens, and the information obtained regarding the work of conditioning by the Bureau of Standards at Washington all confirm the conclusion already reached that the plan to base specific tariff rates on the scoured weight of grease wool is hopelessly impossible.

IMPOSSIBLE AND UNDESIRABLE.

And for what purpose is it proposed to adopt the impossible scoured-weight proposition? Why, in order to establish a tariff system under which the inequalities would be far greater than they are now under the specific tariff on grease wool, whose serious defects are no longer denied.

CARPET WOOLS.

The recommendations of the board regarding wools of different classes are somewhat conflicting. They decided that the scoured basis should be adopted for wools of Class I and Class II, but when they faced the problem of carpet wool they concluded that the grease basis should be adopted. The report states, page 414:

"The objection hereinbefore conceded to lie against the flat specific on the scoured content, as in the case of Classes I and II, becomes in the case of this heterogeneous mixture of grades, qualities, and values a much more serious one."

The objection to which the board refers and which has already been quoted is, page 397:

Objection is made to a flat rate upon the scoured pound on the ground that it would not be fair to subject wools of varying value to a uniform rate of duty. It must be conceded that there is some reason in this."

As a matter of fact, the scoured values of wools of Class I and Class II vary far more than do the scoured values of carpet wools, so this objection applies with less force to carpet wools than to the others, although a scoured-weight tariff is undesirable for wools of any class. The board suggests, page 414, that—

"This problem might be settled by a single specific rate, regardless of either value or condition, as meeting best the problems of administration and revenue, and at least relieving the carpet trade of much of the uncertainty inherent in the present system."

This recommendation of a flat specific rate on carpet wool can easily be subjected to the acid test by applying any such rate, say 7 cents a pound, to the different grades. A list of these grades was obtained from one of the leading dealers in carpet wools, with the approximate prices on March 15, 1912. The list follows, with the ad valorem equivalents of a 7-cent specific rate:

Name.	Price, cents per pound.	Per cent ad valorem (7 cents per pound).
SOUTH AMERICA.		
Argentine-Cordova	12	58
Chile-Valparaiso	12	58
ASIA.		
East India Kandahar white, washed	20	35
Kandahar yellow, washed	17	41
Vicanere white, washed	21	33
Joria white, washed	24	29
Yellow, washed	17	41
Heavy low yellow, washed	12	58
China filling in grease	12	58
Combing in grease	14	50
Washed	24	29
Tibet in the grease	12	58
Persia, White Bushire in grease	12	58
Black Bushire in grease	11	64
Bokhara white, washed	17	41
Black, washed	12	58
Khorassan, I clip, washed	17	41
II clip, washed	14	50
TURKEY IN ASIA.		
Caramanian in grease	12	58
Jaffa in grease	12	58
Erzeroum in grease	10	70
EUROPE.		
Corsican in the grease	11	64
Sardinian in the grease	12	58
Cyprus in the grease	12	58
RUSSIA.		
Georgian, I clip in grease	15	47
II clip in grease	16	44
Lambs, in grease	18	39
Turkestan, greasy	12	58
Trans-Caspian, washed	18	39
AFRICA.		
Very coarse hairy wools in small quantities	12	58
ASIA MINOR.		
Aleppo in grease	12	58
Washed	23	30
Orfa in grease	12	58
Washed	23	30
Awassi and Karadi in grease	12	58
Washed	20	35
Damascus in grease	12	58
Washed	23	30
Angora in grease	12	58
Washed	21	33
Kashgar, washed, white	20	35
Syrian pieces	11	64
Smyrna in grease	12	58
Mexican	13	54
EUROPE.		
Austrian Zackel in grease	12	58
Washed	23	30
Pulled	15	47
Scotch blackfaced in grease	14	50
Haslock, pulled	21	33
Greece, unwashed	12	58
Germany and Holland, heath greasy	11	64
Heath, washed	14	50
Iceland, washed	22	32
Pulled	18	39
Portugal-Oporto, washed	20	35
In grease	8	88
Russia-Calmuc in grease	9	77
Crimean, washed	14	50
Donskoi, washed	23	30
Donskoi, in grease	12	58
Lambs	19	36
Kasan, washed	17	41
Spain and France Pyrenean, unwashed	12	58
Pyrenean, washed	24	29
Turkey-Albania	12	58
Bosnian	12	58
Kasabachia	12	58
Salonica, unwashed	12	58
Salonica, washed	24	29
Servian skin wool	16	44

This is the operation of the tariff recommended by the board for carpet wool. The rates vary from 29 to 88 per cent ad valorem, the highest being 200 per cent above the lowest. Comment would seem to be unnecessary. In fact, it was hardly necessary to test the board's recommendation, as it is now well known that a specific duty on a material varying as widely in condition and value as wool does is indefensible.

The board's recommendation of one rate for so-called carpet wools and a very different rate for all other wools is seriously objectionable because of the impossibility of classifying wools according to the uses to which they are to be put. Under the present classification of the Payne bill a large quantity of wool is imported at a low duty as class III (carpet) wool and used in the manufacture of goods other than carpeting. This is admitted in the report, page 413:

"These wools (class III) are chiefly used in the manufacture of carpets and rugs, but an inquiry by the board develops the fact that, while the great bulk of the consumption is devoted to such use, certain grades are in demand for other purposes, such as the manufacture of felt boots, horse blankets, coarse upholstery goods, robes, paper maker's felt aprons, and wadding for gun cartridges. The better grades also find their way into various blends in the manufacture of coarse cloths, such as the cheaper grades of cloakings, overcoatings, coarse tweeds and cheviots, and occasionally into worsted-spinning mills.

"The truth seems to be that the demand for the so-called carpet wools for better than carpet-making purposes depends largely upon the price of clothing wools."

So it will be with any reasonable classification intended to admit carpet wools at a rate different from that placed on other wools. It follows that under such an arrangement the manufacturers using so-called carpet wools for goods other than carpets will obtain an advantage over other manufacturers making competing goods from wool subject to the higher duty.

COMPENSATORY DUTIES.

The report devotes much space to the compensatory duty on goods made wholly of wool and on pages 621 to 626 gives a detailed account of how this duty could be adjusted to provide compensation for a specific tariff based on the scoured weight of wool. The shrinkage of wool in the various processes of manufacturing and the value of the various by-products from noils to shear flocks are calculated with apparent exactitude. To provide compensation the rate per scoured pound of wool is increased 10 per cent when applied to tops, by 19 per cent when applied to yarn, and by 42 per cent when applied to cloth. All this leaves the impression that here we have a method by which compensation for the compensatory tariff can be adjusted to the duty on wool with scientific accuracy. This method, however, is based on the false assumption that the cost of the raw material in wool goods is increased by exactly the amount of specific duty imposed on imported wool. But this is not the case. The specific duty, bearing no uniform relation to the value of the wool, restricts the supply of different grades unequally. A new, unstable, and usually higher price level is established behind such a tariff. And the difference between the domestic and the foreign price of wool is nearly always less than the tariff on the wool imported. That has been the rule under the various wool tariffs since 1867. The last three years have supplied a striking illustration of it, for during a considerable part of that time the domestic price of wool has been but little above the foreign price, although a specific duty has been in force with ad valorem equivalents varying from 35 to 550 per cent.

This would be the condition under a specific duty based on the scoured weight of wool for which the Tariff Board has calculated a compensatory duty with such seeming accuracy. Suppose that the 30,644 bales of scoured wool already referred to are offered for sale in foreign markets and that a duty of 20 cents per scoured pound is in force in this country. The American manufacturer would run his eye down the list and find that on 26,419 bales, or 86 per cent of the entire quantity, the duty varied from 50 to 333 per cent ad valorem; that on 4,918 bales the duty varied from 100 to 333 per cent; and that the average duty for the entire 30,644 bales would be 67 per cent ad valorem. This would mean that the low-priced wools were excluded from the country and that the only wools available for importation were those of the best quality and highest price adapted for high-priced fabrics.

NO COMPENSATION FOR EXCLUSION OF RAW MATERIALS.

The manufacturer would thus be forced to use such substitutes as were offered for sale in the United States, such as the limited quantity of low-grade wools, shoddy, wool by-products, and cotton. Under these conditions the compensatory duty framed by the Tariff Board would be but a mockery. No tariff on goods can compensate a manufacturer for a duty which deprives him of raw material. With a duty of 20 cents per scoured pound, wool costing abroad 25 cents a pound scoured would cost 45 cents duty paid. The Tariff Board says: Put a specific duty of 22 cents a pound on tops, 23¾ cents a pound on yarn, and 28½ cents a pound on goods to compensate the American manufacturer for this 20-cent duty on wool. But the trouble with this plan is that the business will not stand the 20-cent rate. The foreign prices of different grades of wool are determined by their respective adaptability for supplying the wants of consumers. When specific duties interfere with the extension of such natural adjustment of values to the United States, the result is not, as the Tariff Board assumes, a uniform increase in the American market by the amount of the specific duty. Such interference results, instead, in a new adjustment based on the adaptability of the restricted American supply of raw materials for supplying the wants of American consumers. And it is these conditions that the American manufacturer must meet. He must make his goods out of low-priced materials in order to sell them at prices the consumer can pay. The so-called compensatory of 28½ cents a pound becomes under such conditions largely protective and thus the scoured weight duty leaves us just where we are now, with low-priced raw materials excluded from the country and the tariff on goods largely in excess of requirements because of the concealed protection in the compensatory duties.

PROTECTIVE DUTIES ON WOOL MANUFACTURES.

That part of the report dealing with protective duties on partly and wholly manufactured goods is confused and conflicting. Great emphasis is placed on what the board considers to be the serious defects of ad valorem duties, the following from page 709 being a typical passage:

"One serious disadvantage of ad valorem duties is that the amount of duty increases with every increase in the price of the article. In other words, at the time when prices are high and when the consumer would be most benefited by the active competition of foreign fabrics, the duty automatically increases. Conversely, the amount of duty diminishes when prices fall; that is, when the consumer least needs relief and when the competition of foreign manufacturers is most injurious to the home producer."

The report then goes on to point out the supposed advantages of specific duties and the disadvantages of an ad valorem tariff for purposes of protection, page 709:

"From the point of view of protecting the domestic manufacturer by equalizing the difference in cost of production at home and abroad by means of tariff duties, the system of specific duties is the natural and logical method. Market values fluctuate continuously, according to the prices of the raw material. The cost of manufacturing this material, however, remains relatively constant and does not change with such fluctuations; that is, the difference in the cost of production is a relatively constant quantity, and consequently a duty assessed in ad valorem terms would inevitably be at one time in excess of the difference in the cost of production and at another time less than the difference in the cost of production, according to the temporary and speculative changes of the market."

Then the report condemns specific duties for goods with a saving clause for yarn, pages 709 and 710:

"The successful operation of a system of specific duties, however, depends upon the possibility of classifying the articles on which duties are levied in definite terms familiar to the trade and corresponding to actual difference in cost of manufacture. Many efforts have been made to find an accurate basis for such classification for manufactures of wool, but thus far not with success so far as woven fabrics are concerned. In the case of yarns the problem is relatively simple. Yarns are comparatively well standardized and their cost varies in a certain regular relation to the fineness or count of the yarn. It is a simple matter, then, to adopt the specific system in this particular case. A duty can be assessed on No. 1 yarn and be made to increase by a certain proportion with each additional count of yarn. The proper additions could, furthermore, be made for doubling, dyeing, hard twisting, etc.

"But no satisfactory method of classifying woven fabrics, in the case of manufactures of wool with a view to the assessments of specific duties, has yet been devised."

These conclusions, if accepted as final, deprive us of any satisfactory basis for protective duties, but the report supplies this want on page 710 by adopting the ad valorem system which it had so severely condemned on page 709:

"It would seem, then, that in so far as woolen and worsted fabrics are concerned the only present practicable method of levying duties is to adopt in some measure a system of ad valorem duties. Such ad valorem duties would necessarily be in addition to any compensatory duties levied because of the duty on the raw material."

It is difficult to understand the state of mind in which a system of protective duties is condemned on one page and then adopted on the next without referring to the objections previously stated or adopting any measures whatever to overcome them. The market fluctuations which made an ad valorem tariff on goods so objectionable and so burdensome to the consumer on page 709 would have exactly the same effect under the stepladder ad valorem duties recommended on page 710.

RAW MATERIAL AND MANUFACTURING COSTS.

Without wasting time in further consideration of the contradictory reasoning of the Tariff Board, let us look at their recommendations regarding protective duties, page 18:

"There are grave difficulties, however, in attempting to place a flat ad valorem rate on manufactures of this kind. In certain grades of fabrics the value of the material is a very large proportion of the total value and the cost of the manufacture relatively small. In the case of expensive and finely finished goods, on the other hand, the cost of material becomes less important and the labor or conversion cost becomes an increasingly large proportion of the total cost. The result is that a flat rate adequate to offset the difference in cost of production on the finer goods must be prohibitive on cheaper goods. Conversely, the rate which merely equalizes the difference in cost of production on cheaper goods would be inadequate to equalize the difference in the cost of finer goods. A fair solution seems to be the adoption of a graduated scale under which an ad valorem rate, assessed properly on goods of low value, should then increase progressively, according to slight increments of value, up to whatever maximum rate should be fixed."

This recommendation is also found in the President's message, page 6:

"No flat ad valorem rate on such fabrics can be made to work fairly and effectively. Any single rate which is high enough to equalize the difference in manufacturing cost at home and abroad on highly finished goods, involving such labor, would be prohibitory on cheaper goods, in which the labor cost is a smaller proportion of the total value. Conversely, a rate only adequate to equalize this difference on cheaper goods would remove protection from the fine-goods manufacture, the increase in which has been one of the striking features of the trade's development in recent years. I therefore recommend that in any revision the importance of a graduated scale of ad valorem duties on cloths be carefully considered and applied."

The President and the Tariff Board are mistaken in their assumption that the cost of manufacturing is less on low-priced fabrics than on high-priced goods. This is not in accordance with mill experience. To show what the truth is regarding the proportions of raw material and manufacturing in the cost of different grades of wool goods, the figures for 86 fabrics made at the Merchants Woolen Mill, Dedham, Mass., during the two years four and one-half months from December, 1891, are given below:

Cost of goods.

No.	Goods.	Per pound.	Raw material.	Manufacturing.
			Per cent.	*Per cent.*
1497	Beaver	$0.453	36.7	63.3
913	do	.473	41.5	58.5
2103	Chinchilla	.476	55.5	44.5
1491	Beaver	.488	41.8	58.2
2105	Chinchilla	.502	54.0	46.0
1452	Serge	.504	59.7	40.3
912	Beaver	.506	47.2	52.8
1382	do	.507	43.9	56.1
463	do	.523	52.5	47.5
509	do	.534	52.6	47.4

Cost of goods—Continued.

No.	Goods.	Per pound.	Raw material.	Manufacturing.
			Per cent.	*Per cent.*
1415	Beaver	$0.582	51.0	49.0
1226	Cloaking	.586	59.9	40.1
1415	Beaver	.588	51.3	48.7
901	do	.588	52.4	47.6
1486	do	.598	43.2	56.8
1429	do	.598	52.4	47.6
908	do	.600	53.6	46.4
903	do	.601	51.5	48.5
1382	do	.605	50.6	49.4
1423	do	.605	52.5	47.5
1422	do	.606	53.9	46.1
1219	do	.609	53.3	46.7
904	do	.615	54.8	45.2
1436	Serge	.631	52.4	47.6
461	Beaver	.633	46.0	54.0
904	Cloaking	.642	52.0	48.0
4608	Kersey	.647	50.3	49.7
1219	Beaver	.650	53.4	46.6
1418	Melton	.652	64.1	35.9
1428	Serge	.652	52.5	47.5
1487	Beaver	.663	58.0	42.0
1476	Frieze	.664	71.0	29.0
910	do	.687	69.6	30.4
907	Beaver	.689	56.5	43.5
1459	Cloaking	.701	57.7	42.3
1438	Melton	.715	68.1	31.9
4608	Kersey	.77	60.0	40.0
1483	do	.723	59.7	40.3
1428	Beaver	.741	60.6	39.4
1402	Serge	.748	57.9	42.1
1434	do	.746	53.0	47.0
1443	Thibet	.757	48.1	51.9
497	do	.764	60.4	39.6
1417	Kersey	.766	66.0	34.0
1318	Beaver	.767	54.2	45.8
92	do	.767	52.0	48.0
447	Kersey	.771	56.4	43.6
1470	Melton	.772	61.5	38.5
1408	Kersey	.788	62.1	37.9
1417	Worsted	.788	61.9	38.1
1467	Melton	.788	57.5	42.5
1416	Kersey	.789	60.7	39.3
906	Beaver	.794	57.3	42.7
1413	Kersey	.797	67.7	32.3
1410	do	.797	57.2	42.8
1450	Thibet	.793	54.3	45.7
1424	Kersey	.809	61.8	38.2
900	Beaver	.816	52.2	47.8
1791	Kersey	.829	70.1	29.9
1230	Thibet	.834	58.0	42.0
1427	Beaver	.835	51.6	48.4
118	Chinchilla	.840	61.0	39.0
1461	Beaver	.843	52.7	47.3
1489	Serge	.848	65.7	34.3
911	Dress goods	.893	53.9	46.1
1490	Serge	.905	64.3	35.7
1449	do	.911	57.6	42.4
301	Kersey	.614	60.1	39.9
1230	Thibet	.918	61.4	38.6
1481	Melton	.923	70.2	29.8
4800	Beaver	.958	60.9	39.1
1477	Serge	.993	53.1	46.9
1442	Thibet	.993	59.4	40.6
1448	Serge	1.048	54.7	45.3
1419	do	1.081	65.5	34.5
53	Dress goods	1.113	60.3	39.7
1240	Serge	1.114	54.2	45.8
1462	Kersey	1.118	57.0	43.0
57	Dress goods	1.146	56.6	43.4
909	Flannel	1.22	58.0	42.0
902	Cassimere	1.242	60.6	39.4
1472	Thibet	1.29	59.8	40.2
5000	Piece dye	1.36	71.2	28.8
1468	Thibet	1.43	60.4	39.6
905	Kersey	1.444	67.3	32.7
479A	Worsted	1.82	62.6	37.4

These cost figures refute the contention of the President and the Tariff Board as to the proportion of the cost of manufacturing to the total cost of low and high priced wool goods. Of these 86 fabrics the 43 lowest priced cloths show an average manufacturing cost of 46.1 per cent. The 43 highest priced show an average manufacturing cost of 40.2 per cent. The general principle to be drawn from these particulars is the opposite of that formulated by the President and the board. There is a slight preponderance of manufacturing cost in the total cost of the low-priced goods.

THE BOARD'S RECOMMENDATIONS IN CONFLICT WITH THE BOARD'S STATISTICS.

The indorsement by the President and the board of the opposite claim is the more remarkable because it conflicts not only with mill experience but with the cost estimates which the board gives on pages 651 to 690. The form in which these estimates appear is misleading, because the cost of the raw material and the cost of manufacturing this material into yarn are not given separately, but are both included in the single item of yarn cost. This may explain why the board formulated a general principle which was in conflict with its own figures. On 42 of the samples listed on pages 651 to 690 I have calculated the cost of converting the raw stock into yarn, using as far as possible the data which the board gives. This conversion cost of yarn has been added to the board's estimate for converting the yarn into cloth, and thus we arrive at the board's estimate of the cost of raw material and the cost of manufacturing, which are given in percentages in the following table along with the cost per pound of cloth:

No.	Goods.	Per pound.	Per cent cost raw material.	Per cent manufacturing.
13	Woolen, cotton shoddy	$0.453	33	67
14	Woolen	.566	54	46
11	do	.632	64	36
21	do	.729	53	47
25	do	.903	56	44
16	do	.963	48	52
46	do	1.008	63	37
9	Woolen, worsted	1.012	63	37
8	Woolen	1.014	56	44
22	Worsted	1.022	59	41
14	Woolen	1.036	59	41
3	Cotton worsted	1.072	48	52
41	Woolen	1.074	58	42
44	do	1.107	67	33
23	Worsted	1.113	58	42
1	do	1.12	55	45
26	Cotton worsted	1.141	44	56
32	Woolen	1.147	49	51
12	Worsted	1.154	57	43
19	do	1.18	54	46
33	Woolen	1.19	50	50
27	Worsted	1.228	61	39
20	Woolen	1.232	53	47
37	Worsted	1.26	62	38
10	do	1.27	55	45
15	do	1.277	67	33
34	do	1.339	52	48
36	do	1.383	71	29
49	do	1.434	55	45
47	do	1.502	59	41
6	do	1.52	49	51
39	do	1.54	59	41
48	do	1.542	57	43
40	Worsted, woolen	1.546	55	45
29	Worsted	1.614	60	40
43	Worsted, woolen	1.682	58	42
51	Worsted	1.683	56	44
42	do	1.744	59	41
7	do	1.89	52	48
35	do	1.96	60	40
5	do	2.07	48	52
53	do	2.464	50	50

These figures do not give the slightest support to the claim advanced by the President and the Tariff Board that the proportionate cost of manufacturing increases with the total cost of the goods. On the contrary, the board's own cost estimates show that the proportionate cost of manufacturing is greatest on the cheapest goods. The 21 lowest priced fabrics show an average manufacturing cost of 45½ per cent, while the average of the remaining 21 highest priced cloths is 43 per cent. Thus we find that starting with a false assumption regarding the cost of manufacturing the Tariff Board recommends a system of stepladder ad valorem duties on goods (p. 710):

"In general it may be said that the fabrics of high value have a relatively high conversion cost. There are, of course, individual exceptions to this general statement, but they are not of sufficient importance to materially affect the case. Consequently, if the purpose of legislation be to adjust duties so far as possible to relative labor or conversion costs, this can now best be done, so far as woolen and worsted fabrics are concerned, by assessing ad valorem rates and have them vary with the value of fabric. A system of graduated duties, increasing regularly with different increments of value, could be made equitably to equalize the difference in cost of production on the more expensive fabrics without placing prohibitory rates on fabrics of lower grades."

Mill experience and the board's own figures stamp the premise as wrong and the recommendation as unsound. If protective ad valorem rates on wool goods are to be varied at all with the value of the fabric, the highest rates should be placed on the lowest priced goods. As a matter of fact, however, the relative proportions of raw material and manufacturing making up the cost of wool goods of different values are fairly uniform and the variations so slight that one flat ad valorem rate answers well for protective purposes.

An additional fact of interest bearing on this question of the relative proportions of material and manufacturing expense is found in the cost of the carded woolen goods made in the Hecla mill, Uxbridge, Mass., from December 31, 1886, to October 31, 1891. The total cost of the goods was $1,343,076.47. Of this amount $795,996.02, or 59.3 per cent, was the cost of the wool, while the remainder, $547,080.45, or 40.7 per cent, covered all other expenses of manufacturing. While these Uxbridge figures have no direct bearing on the claim advanced by the President and the board as to the variation of these proportions in the cost of low and high priced goods, they do show that the average at the Hecla mill corresponds approximately with the results obtained at Dedham, where the average for the 86 fabrics was 56.8 per cent for raw material and 43.2 per cent for manufacturing. The item of raw material in both cases covers only the cost of the materials, wool, cotton, and by-products, converted into cloth, while all other expenses, including such materials as fuel, soap, and dyestuffs, are included in the cost of manufacturing.

AD VALOREM DUTIES.

The report of the Tariff Board is emphatic in condemnation of ad valorem duties on wool, the objections being summarized in the following extracts:

Page 4: "These discriminations could be overcome by assessing a duty in ad valorem terms, but this method is open to the objection, first, that it increases administrative difficulties and tends to decrease revenue through undervaluation; and, second, that as prices advance,

the ad valorem rate increases the duty per pound at the time when the consumer most needs relief and the producer can best stand competition, while if prices decline the duty is decreased at the time when the consumer is least burdened by the price and the producer most needs protection.

Page 11: "The board finds that an ad valorem is open to grave objection from the point of view of administration and revenue, in the case of a crude, bulky commodity like wool, produced in many remote regions and finding its way into the markets through so many various channels of trade.

"That, furthermore, an ad valorem rate would give a high duty per pound when prices were high; that is, when the consumer most needs relief and the producer is most able to bear competition. With a low price of wool the duty per pound would be low; that is, at the time when the consumer has less need of competing wools and the producer is least able to bear competition."

If these two objections to ad valorem duties are sound in respect to wool, they have even greater force when a tariff on manufactured goods is considered. The value of raw wool is easily determined, whereas the appraisal of manufactured goods is difficult. Moreover, if the evil effects of fluctuating prices, over which the President and the Tariff Board express so much concern in the case of wool, are not imaginary, they will certainly be far more serious in the case of manufactured goods, because the protective duty on goods involves not only the protection of the woolgrower but of the wool manufacturer as well. And yet the President and the board unite in recommending an ad valorem duty for goods, where all of their objections, if valid, have the greatest force. If they are right in recommending an ad valorem duty for goods, they are wrong in condemning it for raw wool. No part of this contradictory report and the message accompanying it excites more surprise than the condemnation of ad valorem duties for raw material and the approval of such duties for manufactured goods.

THE BURDEN OF SPECIFIC RATES.

Equally surprising is the manner in which the report and the message ignore the serious objections to a specific duty on a material varying in value as widely as scoured wool. In the preceding pages of this analysis are illustrations of these variations. A typical example is supplied by the 30,644 bales of scoured wool sold at London last July, which showed ad valorem equivalents of a 20-cent rate per scoured pound, varying from 33 per cent on the highest-priced lot to 333 per cent on the lowest priced. The President and the board unite in recommending a wool duty subject to such burdensome inequalities, at the same time condemning a uniform ad valorem rate because of the possibility of undervaluations which could not exceed 5 per cent without gross official negligence. Suppose that under an ad valorem tariff two vessels laden with wool should reach an American port, each carrying 3,000 bales, 900,000 pounds scoured weight, of wool; that the wool in one vessel was valued at $216,000 and in the other at $432,000. A fair method of taxing this wool would make the tax on the low-priced cargo one-half of that imposed on the other, which is worth twice as much. It would unquestionably be a great injustice to collect the same tax, say $108,000, on each cargo. That would be like taxing real estate at so much per parcel, instead of so much per thousand dollars of valuation. It would increase the cost of one cargo by 50 per cent and the cost of the other by only 25 per cent. It would be injustice, discrimination, and special privilege. And yet it is exactly that objectionable system which the President and the Tariff Board recommend for the duty on wool. And one of the reasons for their recommendation is the possibility, under a straight ad valorem tariff, of a variation due to undervaluation that could not exceed 5 per cent if the administrative officers did their duty.

Another serious objection to specific duties which the President and the board ignore when advising a specific duty on wool is the heavy burden it places on low-priced materials suited for consumers of low purchasing power, while the high-priced goods that go to consumers of high purchasing power escape with a light duty. This analysis is filled with illustrations of this particular evil, to which the President and the Tariff Board are apparently indifferent in their zeal for a specific tariff based on the scoured weight of wool. The objection to an ad valorem duty because of the fluctuation of market values deserves little consideration. Price fluctuations comparable to the fluctuations of the ad valorem equivalents, which we have seen to be certain under specific duties, are unthinkable. The ordinary fluctuations of prices offer no serious difficulties to either producer or consumer in connection with an ad valorem tariff. Prices do change, like all other things, and with an ad valorem tariff the duty collected will change in harmony with them. And it is only by an ad valorem tariff that the injustice of collecting a fixed tax regardless of value, as under the present tariff on wool, can be avoided. Moreover, if a protective tariff is to be adjusted to the difference in the cost of production between this country and abroad, the value is the only proper basis for the rates.

ADVANTAGES OF AD VALOREM RATES.

I have already shown the practical uniformity of the proportions of material and manufacturing costs that make up the total cost of different fabrics, and which show how well an ad valorem basis is suited for a tariff based on the manufacturing cost. Moreover, the cost of partly manufactured products increases with each process. The value increases with each step in manufacturing, thus automatically apportioning and adjusting the basis of the tariff to the protective requirements. For example, if wool is converted into worsted cloth the total value of the wool is divided, part of it being represented by the value of the by-products at the successive stages of manufacturing and the remainder being combined with the manufacturing cost to make up the total cost of the cloth. Eliminating profits, the market value of the cloth and by-products thus provides the basis for the proper protective-tariff rates. And the practical uniformity of the proportions of raw material and manufacturing in the cost of cloths makes the value the best basis for the compensatory duty.

There is another important point in this connection. Let us assume that there is an ad valorem duty of 40 per cent on wool, and that the American cost of manufacturing is twice the foreign cost. As the proportions of raw material in different fabrics are, with few exceptions, found to vary between 50 and 65 per cent, we will take for illustration two cloths of which one represents a foreign cost per yard made up of 50 cents for wool and 50 cents for manufacturing, while the cost of the other per yard consists of 65 cents for wool and 35 cents for manufacturing. To equalize the foreign and domestic costs of these two fabrics the following duties would be necessary:

	Foreign cost.	Difference.	American cost.
NO. 1 CLOTH.			
Wool	$0.50	$0.20	$0.70
Manufacturing	.50	.50	1.00
	1.00	.70	1.70
NO. 2 CLOTH.			
Wool	.65	.26	.91
Manufacturing	.35	.35	.70
	1.00	.61	1.61

This shows that, while the difference in the cost of manufacturing varies 15 cents a yard, the difference in the total cost duty paid varies only 9 cents per yard. For that reason a flat ad valorem rate of 70 per cent on goods would, in extreme cases, exceed the required protection by only 5 per cent. This is a negligible difference when compared with the extreme variations under a specific tariff, which have been such powerful factors in arousing public sentiment against not only the Payne bill but the policy of protection itself.

A TARIFF BILL "IN ACCORDANCE WITH THE REPORT."

I have endeavored to confine the foregoing analysis to the more important features of the Tariff Board's report on Schedule K. This has resulted in the omission of reference to a number of points which, though deserving attention, are of comparatively minor importance. The Hill bill (H. R. 22262) for revising Schedule K has recently been introduced into the House of Representatives, and as its author, Mr. HILL, announced that it was in accordance with the report of the Tariff Board, a brief examination of this measure may not be out of place here, affording, as it will, an opportunity to illustrate the practical application of various recommendations in the report.

THE HILL TARIFF ON WOOL.

The Hill bill provides for a specific duty of 18 cents a pound on the scoured weight of grease wool. The difference between this rate and the rate (20 cents a pound) which is used in this analysis to illustrate the operation of a scoured-weight duty on wool is so slight that my previous comments on this feature of the board's report can be applied to the wool duties on the Hill bill. Take, for example, the 30,644 bales of scoured wool sold at London last year. The 20-cent rate made the highest ad valorem equivalent 333 per cent, the lowest 33 per cent, and the average 67 per cent. The Hill rate of 18 cents would make the highest ad valorem equivalent 300 per cent, the lowest 29 per cent, and the average 60½ per cent. The proportionate variation is the same in both cases; the reduction would be of negligible value to either manufacturer or consumer. The Payne rate on scoured wool is 33 cents a pound, giving on the scoured wool above named extremes of 550 and 54 per cent, the three rates showing the following comparison:

	Hill, 18 cents.	20 cents.	Payne, 33 cents.
	Per cent.	*Per cent.*	*Per cent.*
High	300	333	550
Low	29½	33	54
Average	60½	67	111

BY-PRODUCTS.

The Hill rates on wool by-products are as follows:

"Top waste and slubbing waste, 18 cents per pound; roving waste and ring waste, 14 cents per pound; noils, carbonized, 14 cents per pound; noils, not carbonized, 11 cents per pound; garnetted waste, 11 cents per pound; thread waste, yarn waste, and wool wastes not specified, 9½ cents per pound; shoddy, mungo, and wool extract, 8 cents per pound; woolen rags and flocks, 2 cents per pound."

All that has so far been said regarding the inequalities and burdens resulting from specific duties on wool and wool goods applies with special force to such duties on wool by-products, the use of which is essential to the proper clothing of people living in temperate and cold climates. The operation of the Hill duties on by-products is illustrated by applying them to the 42 samples of noils, waste, and shoddy to which reference was made in Senate Document No. 38, Sixty-first Congress, first session. This illustration is conservative, because by-products will be found in the market both higher and lower in price than any on this list:

Price and ad valorem equivalent of 42 samples of by-products.

No.	Name.	Price.	Ad valorem equivalent.	
			Hill.	Payne.
		Cents pound.	*Per cent.*	*Per cent.*
4	Black shoddy	6½	123	385
6	Cheviot shoddy	6½	123	385
22	Carbonized serge	7	136	286
1	Green worsted shoddy	8	100	312
2	Dyed black mungo	8½	94	118
3	Dyed green mungo	8½	94	118
32	Carbonized black worsted	9	122	333
5	Medium worsted shoddy	9	89	222

Price and advalorem equivalent of 42 samples of by-products—Continued.

No.	Name.	Price.	Ad valorem equivalent.	
			Hill.	Payne.
		Cents pound.	*Per cent.*	*Per cent.*
21	Black worsted, carded	10½	90	190
2640	Crossbred noils	12½	88	160
16	Colored waste	13	73	154
2541	Crossbred noils	14	79	143
2880	Olive shoddy	15	53	167
11	English noils	15	73	133
2537	Crossbred noils	15	73	133
18	Gray waste, carded	15	63	133
2469	Fine shoddy	16	50	157
10	English noils	16	69	125
9	....do	16½	67	121
2534	Crossbred noils	16½	67	121
2536	N. Z. noils	17	65	117
2535	Crossbred noils	17½	62	114
20	Colored crossbred	19	57	157
2539	50s noils	19½	56	102
2533	Lister noils	20	55	100
8	English noils	20	55	100
15	Hosiery waste	20½	46	97
2532	Lister noils	20½	53	97
17	White waste	20½	53	146
13	White hosiery waste	21	45	95
13	Down noils	21½	51	93
2990	Light shoddy	22	36	114
3155	Light waste	22	43	91
2785	Black shoddy	22	36	114
14	Hosiery waste	23	41	87
26	Crossbred noils	23½	47	85
7	White noils	29	38	69
27	Botany noils	31½	35	63
28	Cape noils	33	33	61
19	Botany waste	35	31	86
25	Aust. 80s noils	35	31	57
21	Colored botany	39	28	77

The Hill rates appear moderate compared with the Payne duties, but for nearly all the materials in the list the former would have the same effect as the latter—exclusion.

WORSTED TOPS.

In order to show how the Hill rates on worsted tops would operate I have calculated the ad valorem equivalents of both the Hill and Payne rates for eight grades of tops ranging from the highest to the lowest sold at Bradford, England, the prices being for March 15, 1912. The results follow:

Name.	Price, cents per pound.	Ad valorem equivalent.	
		Hill.	Payne.
		Per cent.	*Per cent.*
40s Colonial	26½	80	163
44s Colonial	28	76	161
50s Colonial	34	64	138
56s Colonial	39	56	124
60s Colonial	48½	46	105
70s Colonial	52	43	100
80s Colonial	54	42	97
90s Colonial	60	38	91

Here again we see the irregularity of ad valorem equivalents and the heaviest burden on the lowest-priced materials that always result from specific duties. The Payne rates on worsted tops are all prohibitory. The Hill rates would be prohibitory on low-priced tops and under certain conditions of domestic supply and demand would probably permit of a limited importation of high-priced tops. The Hill duty on tops is made up of a specific duty of 20 cents, called the compensatory duty, and a protective duty of 5 per cent ad valorem. This division is only nominal. On low and medium priced tops the specific duty would fail to compensate for the exclusion of the low-priced wools of which such tops are made.

YARN.

Under the Hill bill yarns would be subject to a duty of 21½ cents per pound and an additional ad valorem rate graded according to value as follows:

	Per cent ad valorem.
30 cents and under	10
30 to 50 cents	15
50 to 80 cents	20
Above 80 cents	25

The Tariff Board's recommendation that the protective duty on goods be ad valorem and increase with the value of the goods in order to protect the supposed greater proportionate cost of manufacturing high-priced goods has been adopted in framing the Hill tariff on yarn. I have shown that that assumption is incorrect. The progressive increase in the Hill protective rates is consequently unwarranted. The specific rate of 21½ cents per pound, giving the highest ad valorem equivalent on the lowest-priced yarns, serves in some measure to correct the inequalities resulting from the progressive increase of the ad valorem rate. This correction is only partial, however, as is shown by the Hill ad valorem equivalents on 13 grades of worsted yarn quoted at Bradford, England, on March 15, 1912:

Name.	Price per pound.	Ad valorem equivalent.	
		Hill.	Payne.
		Per cent.	*Per cent.*
2/16s crossbred (32s)	$0.32	82	160
2/15s 3-ply carpet	.34	78	153
2/32s crossbred (40s)	.37	73	145
2/36s crossbred (44s)	.40	69	136
2/40s crossbred (46s)	.44	64	128
2/20s crossbred (50s)	.48	60	120
2/20s crossbred (56s)	.54	60	111
2/48s crossbred (58s)	.65	53	99
1/60s Botany super (64s)	.72	50	93
2/60s crossbred (70s)	.77	48	90
2/48s twist (64s)	.82	51	87
2/40s medium mohair	.84	50	86
1/30s super mohair	1.16	43	73

The irregularity of rates and preponderance of duty on low-priced materials, with which we have become familiar, are illustrated again by the application of the Hill and Payne rates on these worsted yarns. The list fails to show the full extent of the irregularity, however, because it does not include the low-priced carded woolen yarns made of mixtures of wool and by-products.

TARIFF ON CLOTHS.

The Hill bill imposes a compound duty on cloths, knit goods, and felts. The specific rate is 25 cents per pound on goods valued at not more than 40 cents per pound, and 26 cents on goods valued at more than 40 cents. The ad valorem rates are graduated according to value as follows:

	Per cent ad valorem.
Not over 40 cents	30
40 to 60 cents	35
60 to 80 cents	40
80 cents to $1	45
$1 to $1.50	50
Over $1.50	55

These rates, so far as they apply to felts and knit goods, are not in accordance with the report of the Tariff Board, for the board made no report on these goods. The limitation of the specific rates to the wool contained in the goods is, in the case of cloths as well as yarn, in disregard of the opinions of the Tariff Board, page 626:

"Goods made with a cotton warp and wool weft may be easily recognized and rated; but it frequently happens that both warp and weft contain more or less of cheaper materials. There are, of course, well known and simple tests for discovering the cotton content of a fabric, but their application to imported cloths in the customhouse would involve considerable difficulties. Moreover, there is no test known that will disclose the proportion of noils, shoddy, mungo, etc., to new wool in many varieties of fabrics. Difficulties of this kind, however, could be partly overcome by graduating the compensatory duty according to the value of the fabric."

The Hill bill evidently contemplated confining the specific duty to the wool fiber in a fabric, regardless of whether the fiber was new wool, wool by-products, or reclaimed wool. The 25-cent rate on goods valued at not more than 40 cents per pound is but a pretense of accepting the graduated compensatory duty recommended by the board, because the reduction of 1 cent a pound from the regular rate is negligible, so far as the professed object is concerned.

The sliding scale of ad valorem duties is in accordance with the recommendation of the Tariff Board. We have seen that this recommendation is based on a false assumption regarding the proportionate cost of manufacturing goods of different values. If 55 per cent ad valorem is required for protection on goods valued at more than $1.50 per pound, that rate is necessary on goods valued at less than $1.50 per pound.

In order to illustrate the operation of the Hill rates on different grades of cloths and to afford a comparison with the Payne rates, I have calculated the ad valorem equivalent of the Hill and Payne rates for 34 fabrics, 17 of which are taken from the report, pages 660, 704, and 705:

Ad valorem equivalent of the Hill and Payne rates for 34 fabrics.

Name.	Value per pound.	Per cent wool.	Ad valorem equivalent.	
			Hill.	Payne.
			Per cent.	*Per cent.*
No. 14	$0.35	.....	101	144
E 382	.428	80	83	153
E 24	.47	.....	90	143
A 207	.516	67	69	135
A 220	.571	14	41	127
E 15	.566	.....	81	145
A 96	.597	46	55	124
A 560	.638	47	59	113
A 561	.656	50	60	111
A 562	.663	52½	61	110
A 563	.84	51	61	102
A 25	.88	.....	75	106
608	.80	.....	73	110
C 96	.955	.....	72	101
E 119	.993	.....	71	99
A 566	1.015	68	67	98
A 211	1.05	.....	75	97
D E	1.07	.....	74	96
A 412	1.214	61	63	91
E 55	1.28	61	62	91
D	1.295	.....	70	88
E	1.404	.....	69	87
F	1.419	.....	68	86

Ad valorem equivalent of the Hill and Payne rates for 34 fabrics—Contd.

Name.	Value per pound.	Per cent wool.	Ad valorem equivalent.	
			Hill.	Payne.
			Per cent.	*Per cent.*
M	$1.444		68	85
B	1.448		68	85
N	1.496		67	84
G	1.557		72	83
A	1.587		71	82
K	1.587		71	82
I	1.611		71	82
J	1.685		70	81
H	1.823		69	79
C	1.896		69	78
L	1.99		68	78

The limitation of the Hill specific duty to the wool content of the cloth has resulted in a marked decrease of the ad valorem equivalents on the 11 fabrics containing cotton. The list, however, exhibits the same general features that were evident in the case of partly manufactured goods, namely, wide variations and the highest rates on goods of the lowest price, these being the results of the flat specific rate. These 34 fabrics do not include samples of that important class of low-priced goods made of mixtures of wool and wool by-products. On such goods the full Hill specific rate would apply and, by reason of the low valuation and excess of the compensatory duty, ad valorem equivalents higher than any shown in the above list would be the result. The Hill tariff on blankets is based on a system of compound duties similar to those on cloths, so the criticism of the latter applies equally well to the former.

CARPET WOOL.

The Hill bill provides for a specific duty of 7 cents a pound on carpet wool imported in the grease, and 19 cents if imported scoured. We have already applied this rate—7 cents—to the carpet wools grown throughout the world, and that application will illustrate the effect of the Hill rate on carpet wool. These wools are light shrinking, so the effect of the Hill rate on carpet wool of 19 cents a pound scoured would be to prohibit the importation of such wool in the scoured condition. The bill also provides that 99 per cent of the duty on carpet wool shall be refunded to the producer who uses such wools in the manufacture of carpets, rugs, and similar goods, the intention being to give the carpet manufacturers free wool. The bill provides that:

"Such drawback shall be paid under such rules and regulations as the Secretary of the Treasury may prescribe."

This drawback provision would certainly be impossible of administration. It is impossible for any manufacturer to trace the wool through the mill and give proof that it has been converted into certain goods. Moreover, there are mills making carpet yarn for sale. How could the wool in such yarn be traced from spinner to dealer, from dealer to dealer, and from dealer or spinner to the weaver, and then through the weaving mill where it becomes inextricably mixed with other materials, wool, linen, hemp, jute, cotton? Again there are spinners making yarn from both carpet and other wools, which would add a new element of uncertainty to a task already impossible. Part of a lot of yarn may be converted into carpets and rugs and the remainder be held indefinitely in the form of yarn. And the by-products, how are these to be traced to their final destination in a carpet or into cloth for other purposes? This drawback plan to give the carpet manufacturer free wool does not deserve serious consideration.

CARPETS AND RUGS.

The Hill bill provides for rugs an ad valorem duty of 50 per cent; for carpets, 30 per cent. These rates are in disregard of the recommendation of the President and the Tariff Board that ad valorem rates, increasing as the value increases, should be adopted in order to provide adequate protection for the supposed higher proportionate cost of manufacturing high-priced goods. And these straight ad valorem rates, according to the evidence I have submitted, are the best form of a tariff on wool goods, whether the object is to provide compensation for a duty on the raw material or protection against a lower cost of manufacturing abroad.

In order to compare the Hill and Payne rates I have calculated the ad valorem equivalents on five grades of English carpets, with the results following:

Grade.	Price per yard, 27 inches wide.	Ad valorem equivalent.	
		Hill.	Payne.
		Per cent.	*Per cent.*
A 417 tapestry Brussels	$0.30	30	110
A 416 tapestry Brussels	.50	30	82
A 415 stout Brussels	.60	30	95
A 414 best Brussels	.90	30	77
A 413 super Wilton	1.40	30	72

The irregularity of the Payne rates, with the highest duty on the lowest-priced goods, are features of the Payne equivalents, the effect of the specific duties per square yard, whereas the Hill rates are uniform, bearing equally on all grades in proportion to their respective values.

In conclusion I desire to express my keen regret at having found the statements of fact in the report deficient and the conclusions generally erroneous. The Tariff Board's work on Schedule K may, nevertheless, serve a useful purpose by awakening interest in a question of great importance, provided the real character of the investigation is clearly understood.

BOSTON, MASS., *April 27, 1912.*

Mr. NELSON. Mr. President, I desire to make a brief statement before voting upon the conference report. When the Payne-Aldrich bill was under consideration here in the Senate, I felt that one of the most grievous mistakes made in connection with that legislation was in omitting to revise and to reduce the woolen schedule. I privately importuned my friends in the Senate to the right and to the left to permit us to make a reduction of that schedule, but, as we all know, we were unable to effect a reduction. A year ago when the bill of the Senator from Wisconsin [Mr. LA FOLLETTE] was under consideration, if my memory serves me aright, I voted for his bill in the first instance. I think the ad valorem rate, if I remember rightly, on wool provided by that bill was 35 per cent. I will ask the Senator if I am not correct that that was the rate as the bill originally passed?

Mr. LA FOLLETTE. As the bill passed the Senate the ad valorem rate on wool was 35 per cent. The Senator from Minnesota is correct in that.

Mr. NELSON. That is my recollection. I voted for the bill in that form, but when the conference report came in reducing the rate, as it does at this time, I voted against it because I thought the reduction was too great. When the bill was under consideration at the present session of the Senate I voted for the amendment proposed by the Senator from Iowa [Mr. CUMMINS]. I voted for it for two reasons: First, because I believed it was based on the correct principle; that is, the principle of specific duties as opposed to ad valorem duties. In the next place I felt that it effected a reasonable and just reduction. When that amendment failed I voted for the amendment proposed by the Senator from Pennsylvania [Mr. PENROSE]. I voted for that amendment because I felt that it was based on the right principle, although I did not think it made as great a reduction as it ought to have made. If I could secure legislation to suit me I would have such legislation as that proposed by the Senator from Iowa. That, to my mind, provided a fair and just reduction and it was based on the correct principle. I will not enter into any extensive argument, but, in my opinion, the great vice of the plan proposed by the Senator from Wisconsin is that the duties are based upon the value of the wool, and the value of wool is affected and goes up and down with the price in the foreign market. In round numbers, about one-third of the wool used in this country is imported, and the price of that imported wool, to a large extent, governs the price of our domestic wool. As that price goes up and down, as it ebbs and flows, so will this ad valorem duty ebb and flow, and there will be no certainty in it as there would be if a specific duty were provided.

I do not care to go into any further argument on this point. These are my views. While I am strongly in favor of reducing the wool tariff, I can not vote for this conference report, first, because I believe it is founded on a bad principle; that is, on the principle of ad valorem duties as against specific duties; and, in the next place, the reduction provided is too great, and it is unjust and unfair to the farmers and wool raisers of this country.

Mr. TOWNSEND. Mr. President, the Senator from Minnesota [Mr. NELSON] has expressed the views that I was going to express in the Senate much better than I can. I feel, however, that I should like to go on record as stating practically the same thing that he has stated, and that I voted, as he did, for the Cummins amendment and also for the committee amendment. I voted for the Cummins amendment because I believed it represented the most careful, conscientious, and scientific review of this subject that has been presented since the enactment of the Payne-Aldrich bill. It occurred to me that we could adopt that provision and be in harmony with the report of the Tariff Board; not that I am particular about being in harmony with it, but because it occurs to me that that is the clearest and best determination of the facts upon which to base a revision that could be, or at least that has been, presented to Congress. It is for this reason that I shall vote against the conference report; and I am sorry that the Cummins amendment could not have been the measure presented to the Senate.

Mr. McCUMBER. Mr. President, my own view of the matter as it now stands before the Senate is that the reduction is below the protective point, and I shall vote against it for that reason.

There is another view that has not been fully expressed here in reference to ad valorem duties. It has already been suggested that under such a system the duty will rise as the wool advances in value, and that it will fall as the wool decreases in value. Mr. President, if the producers of wool need any protection they need it at the time when wool is the lowest in value, and at that time under an ad valorem system they will receive the least amount of protection. If there is any time when they do not need protection, it is when the price of wool is highest, and at that time under an ad valorem duty they will receive

the greatest protection. Therefore, measuring the bill by the standard of what is necessary as a protective measure, it seems to me to be an unscientific method of levying a tariff.

Mr. PENROSE. Mr. President, I recognize the pressure on the time of the Senate, and do not myself want to enter into any debate or to do anything to provoke debate. I ask unanimous consent, therefore, to have printed in the RECORD certain passages from the report of the Tariff Board bearing on ad valorem rates, the recommendation of the Secretary of the Treasury in his last annual report, and some data which I have compiled bearing on the question of specific and ad valorem rates.

The PRESIDENT pro tempore. The Senate has heard the request of the Senator from Pennsylvania that the papers indicated by him may be printed in the RECORD without being read. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

In the article "Zölle, Zollwesen," by Max von Heckel, in the latest edition of Conrad's "Handwörterbuch des Staatswissenschaften," it is held that the technical accomplishment of the assessment of duties according to the value of the merchandise is attended only with greatest difficulty. The declarations of the persons responsible are not always reliable, and the customs authorities are only seldom able to correct their deficiencies. The regulations and other precautionary measures promulgated are, as a rule, ineffective. Specific duties are easier, simpler, and cheaper to collect, cause less burden on commerce, less drudgery and litigation, give less inducement to frauds, and can be easily collected at a great many customs stations.

Say's "Dictionnaire des Finances" states under the caption "Droits ad valorem":

"For the application of a specific tariff nothing is easier than the weighing of merchandise, the gauging of casks, the counting of the heads of a flock. But it is altogether another thing to set the value of a product. The authors of the treaty of 1860 and of later agreements took such good account of this difficulty that in instituting the valuation for determining the disputes which arise between customs and commerce they stipulated that wrong valuations declared by experts would not warrant penalties when they amounted to less than 10 per cent. They admitted, also, that there are men who manufacture and sell goods who might make errors in their calculations of 10 per cent. What can be expected of a mere fiscal agent whose ability is necessarily less extensive?

"The experience which the French customs service had with *ad valorem tariffs* from 1860 to 1880 demonstrated that this system, while it is seductive in theory, is unsatisfactory in practice. More than any other system it encourages frauds because of the difficulty of recognizing inaccuracies in declarations. It robs the treasury, which is deprived of a part of the customs dues; it causes injury to honest merchants, whom it involves in litigation, and tends to dishonest competition on the part of unscrupulous traders. It is only advantageous to the fraudulently inclined."

Under the heading "Ad valorem duty," Palgrave's Dictionary of Political Economy says:

"At first sight this form of taxation appears the more equitable one. In practice, however, customs duties ad valorem have been found to work out with great inequality and also to be inconvenient to levy, for various reasons, among which are the following: (1) The difficulty of ascertaining correctly the values of the goods charged with the duty; (2) the opening to fraud; (3) the delay and hindrances caused to importers and others. In theory it might be supposed that ad valorem taxes on all commodities would not affect their relative values, but it has been maintained that, owing to the different proportions in which fixed and circulating capitals enter into their cost of production, this would not be so. Thus J. S. Mill remarks (Principles of Pol. Econ., book 5, ch. 4, sec. 1) that in case of an ad valorem duty on all commodities exactly in proportion to their value there would be a disturbance of value owing to 'the different durability of the capital employed in different occupations.' * * * At the present date ad valorem duties as such are practically unknown to the British fiscal system; the wine duties levied differently on different classes of wine approach them."

British parliamentary investigations made in 1851 and 1852 resulted in committee reports favoring specific duties and showing the disadvantages of ad valorem duties.

Prof. E. J. James, writing on "Customs duties," in Lalor's Cyclopedia of Political Science, Political Economy, and the Political History of the United States, says:

"Duties ad valorem seem to be the best on account of their inherent fairness, and probably no other kind would ever have been imposed if it had not been for the many difficulties in the way of collecting ad valorem dues. The greatest obstacle in the way of collecting duties ad valorem is, naturally enough, the impossibility of arriving at a proper valuation of the goods to be taxed."

Prof. James also says:

"It can easily be seen how many opportunities there are for fraud; how easily, on the one hand, the Government may lose enormous sums by the carelessness or venality of its officers; how easily, on the other, commerce may be impeded or destroyed by the arbitrariness of the officials. The United States Government loses enormouns sums every year by undervaluation. In the case of silk goods it is estimated that the Government loses from 15 to 20 per cent on account of undervaluation, in spite of the most earnest efforts to prevent it. But worse than this loss is the delivering over of trade and commerce to the mercy of a set of officials. To leave an opportunity of arbitrary interference on the part of officials is to introduce into commerce an element which can never be estimated. Even the storms and winds of ocean may be subjected to an estimate of probabilities, but the whims of bureaucracy defy all attempts at computation. This uncertainty bears hardest on the small importer, for if he gets into trouble with the customs officials he has neither time nor money to carry on the contest. He must make a compromise immediately or be ruined. As a result the man of small capital must disappear from the ranks of importers, as he has, in fact, disappeared in America. There is another objection to the system of ad valorem duties. It prevents even the wholesale dealer from taking full advantage of the fluctuations of trade, for the duties must be paid according to the ruling market price; and even if a merchant has purchased a lot of goods at favorable prices, he must pay just as much duty as if he had paid the ordinary price, and he is thus deprived of a part of his gain. In this manner the very foundation of all healthful trade is constantly undermined. If we add to these points two other considerations we shall readily understand why ad valorem duties are gradually disappearing from the tariffs of civilized nations. The first of these is that we need officials of a much higher grade to administer a system of duties ad valorem than to administer a system of specific duties, and that they must consequently be paid higher wages. The second is that as the vigor of a system of ad valorem duties depends more completely on the administration, there is always danger that the customhouses of the various cities will vie with each other in leniency in order to attract trade from one port to another. Some charges of this sort have been made in our own country by the officials of one city against those of another. If we now turn our attention to specific duties, we find that they are free from many of the objections to duties ad valorem. They are easily administered, offer less chance for frauds, require less skill on the part of the officials, and are therefore cheaper and more lucrative."

In 1888 the Committee on Finance, in its report on the Mills bill, said, with reference to ad valorem and specific duties:

"The feature of the bill which most clearly indicates its purpose is the proposed substitution of ad valorem for specific duties. This substitution could have no other result than to change rates now protective for others which would not protect. The promoters of this bill must have been familiar with the testimony submitted to Congress by Secretary Manning, disclosing enormous frauds upon the revenue and honest merchants through the use of ad valorem rates. The frequency and notoriety of these frauds and the widespread demoralization resulting from them should have prevented any attempts to extend the system.

"The use of ad valorem rates has been condemned by the experience of every commercial nation in the world, by the judgment of those who have been intrusted with the responsibility of customs administration, and by honest importers and merchants, as well as by intelligent political economists and legislators of every shade of economic belief. The reasons for this general and sweeping condemnation are obvious; ad valorem rates are equally unsatisfactory and uncertain whether levied for revenue or for protective purposes; duties based on foreign-market value are, even under the most favorable circumstances, with honesty of purpose on the part of the importer and the highest degree of knowledge and unquestioned integrity on the part of the appraising officers, necessarily uncertain and unequal; but when, as now, many foreign importers deem the successful evasion of our revenue laws by unscrupulous methods the highest evidence of business capacity, ad valorem rates fail lamentably of their purpose. They greatly exaggerate variations in foreign prices. When business is depressed and foreign prices are abnormally low, when foreign competition is most to be dreaded, and when a defensive barrier is most needed by domestic producers, then ad valorem rates are lowest, protection is reduced, and depression is intensified. On the other hand, when foreign values are highest rates are highest and restriction enlarges into prohibition.

"If it is desirable that a sliding scale of duties should be adopted, rates should increase as foreign prices diminish. Ad valorem rates afford facilities for the grossest frauds upon the revenue; through undervaluations they invite evasions of the law and reward dishonest importers, while they destroy the business alike of honest importers and of domestic manufacturers. The foreign manufacturer practically fixes the duty which he is willing to pay, and in many cases the only limitation upon the amount of foreign importations is the extent to which the fear of detection influences the persons who make the invoices. The evils which flow from ad valorem rates are so great and so manifest that this plan of collecting duties has no advocates but professional and political revenue reformers and dishonest consignors.

"In illustration of the effect of the House bill to increase importations and break down domestic producers, we cite the application of ad valorem rates to the manufacture of fine cotton cloths. The specific rates now levied upon cotton cloths furnish no reasonable grounds for adverse criticism, either by the producers or consumers of cotton manufactures. The inevitable effect of the substitution would be to largely increase the importation of all the finer and more expensive classes of these goods, and to produce disorganization and depression in this important industry. The uniform rate of 40 per cent proposed bears very unevenly upon the various grades of goods. It would be, if collected upon an honest valuation, protective upon the coarser and commoner kinds, which are largely consumed by all classes of our people, but it would encourage the importation without restraint of those fine fabrics which may be properly designated as luxuries.

"The leading cotton manufacturers of the country joined in an emphatic protest to the framers of the bill against the adoption of ad valorem rates, and submitted the following strong statement of their objections to the system:

"'While the ad valorem method seems to theoretically have the merits of simplicity and equity, it is in practice found to be unreliable, a prolific source of undervaluation, false invoicing, and false oaths, and a premium upon commercial dishonesty, and to tend toward a transfer of legitimate business from honorable importers to the most irresponsible and unscrupulous class of foreign traders. A reference to the records of revenue from the customs department and the United States courts, or inquiry among importing houses, will convince you, it is believed, of the truth of the foregoing assertion, and that the gravity of the danger inherent from the ad valorem system is not exaggerated.

"'It is therefore thought to be proper to call your attention to this proposition of the adoption of ad valorem rates pure and simple, and to urge in the strongest manner that no such backward step be taken, however enticing it may appear theoretically, but that the ad valorem rates be used only where the specific form is inapplicable, or to supplement the latter in order to better equalize rates, as it is wisely applied in the present tariff.

"'While no classification of cotton cloths can be equitable, and discrepancies will from time to time appear and disappear, consequent on changes in processes and the fickleness of fashion, these inequalities are found in practice under the specific form to be so inconsiderable in amount as to have but an insignificant bearing upon the principle and a trifling effect upon the revenue or volume of business, and any objection based upon such inequalities would be found to be imaginary rather than real.'

"The proposal to apply this principle to all manufactures of wool would be equally unsatisfactory and destructive. The rate proposed in the woolen schedule would prevent importation of the low grades of flannels, blankets, and hats of wool, and all low and medium grades of cassimeres and other cloths which enter into the clothing of the great mass of our people, but would be insufficient upon all the

finer classes of dress goods and cloths for men's wear. All the articles in both these schedules which could be classed as necessaries of life, and which are worn by our working men and women, would be protected by the rates proposed to the extent of exclusion of the foreign article, while upon all the finer and more expensive products, which are in the nature of luxuries and purchased largely by the rich, the rates would place no restraint upon importations and would furnish no protection to the American producer.

"Specific duties have been advocated by all our Secretaries of the Treasury, with one notable exception, Mr. Robert J. Walker, from Hamilton to the present incumbent of the office. The opinions of these officers are given in Appendix A. All the leading statesmen and financiers of Europe and all acknowledged authorities on taxation on either side of the Atlantic have advocated specific duties. They have been commended by all the principal administrative officers of customs, by the leading merchants, and by the chambers of commerce in all of our large cities for their simplicity and certainty in execution. No expert knowledge is required for their enforcement by customs officials, as the articles upon which they are levied have only to be counted, weighed, or measured. While specific duties are less liable to evasion and are certain and uniform in their operations, giving greater stability to the revenues, they also have the beneficial tendency to exclude from the country inferior, adulterated, and worthless goods.

APPENDIX A.

SPECIFIC DUTIES.

In 1795 Secretary Hamilton reports to the House of Representatives that, by existing laws, about one-third of the duties was derived from articles rated ad valorem, and adds:

"In other nations, where this branch of revenue, as with us, is of principal or very considerable consequence, and where no peculiarity of situation has tended to keep the duty low, experience has led to contract more and more the number of articles rated ad valorem, and, of course, to extend the number of those rated specifically—that is, according to weight, measure, or other rules of quantity. The reason of this is obvious; it is to guard against evasions, which infallibly happens in a greater or less degree when duties are high. * * * It is needless to repeat that this will contribute as much to the interest of the fair trader as to that of the revenue.

"It is believed that in our system the method of rating ad valorem could, with convenience, be brought within a much narrower compass, and it is evident that to do so will contribute materially to the security of the revenue." (American State Papers, Finance, vol. 1, p. 348.)

Secretary Gallatin, reporting to the Senate in 1801, said:

"In order to guard as far as possible against the value of goods being underrated in the invoices, it would be eligible to lay specific duties on all such articles now paying duties ad valorem as may be susceptible of that alteration." (American State Papers, Finance, vol. 1, p. 702.)

Secretary Dallas, reporting to the House of Representatives in 1816, says:

"Articles imported to a great amount should rather be charged with specific duties upon their weight and measure, in order to guard against evasions and frauds, than with ad valorem duties on their value.' (American State Papers, Finance, vol. 3, p. 91.)

Secretary Crawford, in 1817, in the report concerning revision of the revenue laws already referred to, calls attention to the subject of frauds, particularly in the importation of articles upon consignment paying ad valorem duties, and recommends a series of remedial provisions, which are mainly applicable to importations subjected to ad valorem duty, to which he adds:

"Whatever may be the reliance which ought to be placed in the efficacy of the foregoing provisions, it is certainly prudent to diminish as far as practicable the list of articles paying ad valorem duties," and submits a list of 124 enumerations to be transferred to the class of specifics. In 1819 he submitted a further list. (American State papers, Finance, vol. 3, pp. 236, 415.)

Secretary Meredith, in his report of December 3, 1849, says:

"I propose a return to the system of specific duties on articles on which they can be conveniently laid. The effects of the present ad valorem system are twofold, viz, on the revenue and on our own productions. Experience has, I think, demonstrated that, looking exclusively to the revenue, a specific duty is more easily assessed, more favorable to commerce, more equal, and less exposed to frauds than any other system. Of course such a duty is not laid without reference to the average cost of the commodity. This system obviates the difficulties and controversies which attend an appraisement of the foreign market value of each invoice, and it imposes an equal duty on equal quantities of the same commodity. Under the ad valorem system goods of the same kind and quality, and between which there can not be a difference in value in the same market at any given time, nevertheless may often pay different amounts of duty. Thus the hazards of trade are unnecessarily increased.

"To levy an ad valorem duty on foreign valuation equably at the different ports is believed to be impossible. That the standard of value at any two ports is precisely the same at any given time is wholly improbable. The facilities afforded to frauds upon the revenue are very great, and it is apprehended that such frauds have been and are habitually and extensively practiced. The statements annexed (marked O), to which I invite special attention, exhibit in a strong light the dangers to which this system is necessarily exposed.

"As the standard of value at every port must at last depend upon the average of the invoices that are passed there, every successful attempt at undervaluation renders more easy all that follow it. The consequences are, not only that the revenue suffers, that a certain sum is in effect annually given by the public among dishonest importers as a premium for their dishonesty, but that fair American importers may be gradually driven out of the business and their places supplied by unknown and unscrupulous foreign adventurers."

The adoption of specific duties has been uniformly favored by the executive officer of the Government and has been specially recommended by a number of the Secretaries of the Treasury in recent years.

Secretary Bristow, in his annual report for 1876, in commenting upon the administration of the customs revenues, said:

"Another remedy, and the most effective which could be adopted for correcting the evils of the appraisement system, is the substitution, so far as practicable, of specific for ad valorem duties. This change would work a great reduction in the amount of labor requiring the knowledge of experts. The entire process of ascertaining duties would be more simple, certain, and safe. Opportunities for collusive undervaluation would be greatly lessened, and if errors were committed they could not, as to specific rates and amounts, be accounted for except upon the supposition of culpable negligence or actual fraud, whereas, in respect to ad valorem duties, an error of judgment may readily be assigned as a sufficient explanation.

"Such change, either with or without a decrease in the number of dutiable articles, would insure a very considerable reduction of the force at the chief ports, with a consequent diminution of expenses."

Secretary Sherman, in his report to Congress for 1878, made the following suggestions with respect to specific duties:

"While not recommending a general revision of the tariff at the present time, it is deemed important that upon some articles the ad valorem duties now assessed should be converted into specific duties. As a rule, specific duties are to be preferred to either ad valorem or compound rates, and in any future revision of the tariff it is hoped that Congress will give preference to this system of imposing duties as far as practicable. The argument in favor of specific duties applies with great force to kid gloves, concerning the value of which, under the present ad valorem duties, serious differences of opinion have occurred between the importers and the Government during the past year, which have led to protracted delays in the ascertainment of the dutiable value, and consequent injury to the mercantile community."

In his report on the collection of duties for 1885 the late Secretary Manning said:

"In a system of ad valorem rates there are two critical points: One is dutiable value and the other is rate of duty. The present rate of duty on certain silk goods is 50 per cent of the market value at the time of exportation in the principal markets of the country, or what is equivalent to one-half of the importation. If the law were so administered by the Treasury Department that on the importation of one importer 50 per cent was levied, and on the importation of another importer 40 per cent, and on that of another importer 30 per cent, there would be a general outcry. So there would be if an importer at New York was required to pay only 30 per cent and if of another at Buffalo was demanded 40 per cent and of another at Chicago was required 50 per cent. But none the less illegal and intolerable result would follow if the dutiable value on one importation were fixed at $100, on another, by the same vessel, at $80, and on another, by the same vessel, at $60, the merchandise in all of the three being similar. If importers can illegally control dutiable values, they can control the amount of duties paid on the merchandise, although the ad valorem rate may be fixed and uniform for everybody and every port in the country.

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"I do not make a recommendation to Congress for the restoration of the 'old moiety system' and the statutory inducement to informers, or the law concerning intent and burden of proof, which existed from 1799 to 1874. And I do not so recommend for the reason that the purpose of the House and Senate, in respect to the simplification of the rates of duty and a prudent enlargement of the application of specific rates, is necessarily unknown. Should some such last-named change be not made, I have little faith that the existing power of the Executive and of the courts will be adequate to secure honest invoices and full appraisement.

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"The following extracts from the report of Mr. Forward, made nearly half a century ago, are instructive now, by way of showing his appreciation of the relation between ad valorem and specific rates, and the light in which foreign manufacturers sending their goods to this country on consignment were then regarded:

"'With a view to guard the revenue against fraudulent undervaluations which can not be entirely prevented by the existing scheme of ad valorem duties, specific duties are proposed in nearly all cases when practicable. The operation of the system of specific duties may not be perfectly equal in all cases in respect to the value of the articles included under it, but this inconvenience is more than compensated by the security of the revenue against evasions and by the tendency of specific duties to exclude worthless and inferior articles, by which purchasers and consumers are often imposed on.'

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"One advantage, and perhaps the chief advantage, of a specific over an ad valorem system is in the fact that under the former duties are levied by a positive test, which can be applied by our officers while the merchandise is in the possession of the Government, and according to a standard which is altogether national and domestic. That would be partially true of an ad valorem system levied upon 'home value,' but there are constitutional impediments in the way of such a system which appear to be insuperable. But under an ad valorem system the facts to which the ad valorem rate is to be applied must be gathered in places many thousand miles away, and under circumstances most unfavorable to the administration of justice."

The present Secretary of the Treasury, in that portion of his last annual report relating to the administration of the customs laws, used the following language:

"Whatever the rates of customs taxation may be, the laws for the collection of the same should be made as efficient as possible. In this the bona fide importer, who wishes to gain only the legitimate profits of his business, the home manufacturer, and laborer are equally interested. They all have a right to demand that the laws be so administered as to give them every possible protection in their business. The high ad valorem tariff of the last quarter of a century has been the fruitful cause of devices to gain improper advantage at the customhouse. It is therefore desirable that in revising and reducing rates of duty they should be made specific instead of ad valorem, so far as the nature of the merchandise will admit. Theoretically considered, ad valorem are preferable to specific duties, but in practice, under such rates as we have had and must continue to have for years to come, the former are the too easy source of deception and inequality at the customhouse. Congress has it in its power to change from time to time, as may be advisable, specific rates, so as to meet any permanent changes in values."

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In his report of December 4, 1911, Secretary MacVeagh likewise says:

AD VALOREM AND SPECIFIC DUTIES.

"The experience of the Treasury Department in administering the tariff laws brings to all who share this experience the most positive conviction that tariff legislation should adopt the policy of establishing specific duties instead of ad valorem duties wherever the nature of the article involved makes that a possibility. The practice of adopting ad valorem duties adds to the ease and quickness with which legislation may be prepared; but that is its only helpful quality—and that lonely quality has its palpable drawbacks. Ad valorem duties lead directly to the great majority of all the frauds upon the revenues with which

the Treasury Department has to contend; and they do all they can to drive honest importers out of business. They add exceedingly to the expense and responsibility of administration and are responsible in largest measure for whatever demoralization exists in the importing appeal, but in practice they are a delusion and a snare."

The Tariff Board in its report on Schedule K discusses the objections to the present system of levying duties. On page 394, it says:

"The economic objection to an ad valorem duty on wool arises from the fact that the amount of duty paid, since it fluctuates with the foreign value of the commodity, would not be adjusted to the needs of the Government, of the consumer, nor of the American woolgrower. A speculative change in the market which increased the price of wool would automatically lead to an increase in the amount of duty at the very time that the manufacturer is most hampered by the existing high price, when the consumer most needs relief, and the woolgrower is most prosperous. On the other hand, a fall in price brings a reduction of duty at a time when the woolgrower is at greatest disadvantage and when manufacturers can best afford to pay the tax.

"The tendency of sheep breeding all over the world is toward crossbreds, and the advocates of ad valorem wool duties have complained that under the present system of specific duties crossbreds can be imported more favorably than merinos, and that when the market for crossbreds declines the advantage in favor of the crossbreds is still further increased. During the season 1906–7, which was a normal one, the specific duty on South American crossbreds, taking into account the prices then prevailing in the foreign markets, was equivalent to an ad valorem rate of about 43–45 per cent. In the following season, 1907–8, including the time of the financial panic prices abroad declined steadily, so that in May, 1908, the specific duty on the same grade of crossbred wool was equivalent to an ad valorem rate of 75 per cent. By thus increasing the ad valorem equivalent when foreign prices are low and decreasing it when foreign prices are high the specific duty automatically protects American woolgrowers against declines in the wool markets abroad and at the same time favors the American buyer when the foreign wools increase in value. In the case of drought or other calamity in the American woolgrowing industry and overproduction abroad, or vice versa, the specific duties would have a corrective tendency. Ad valorem duties would act in an entirely contrary manner—decreasing with the decline of values abroad and increasing with the rise of foreign markets, thus tending to throw open the American market to foreign wools in times of depression, when they could least withstand such pressure, and, on the other hand, when there was a scarcity of wool at home and prices soared, it would be impossible to find relief abroad.

"America occupies a unique position among the nations with regard to her woolgrowing and wool manufacturing, having practically no outlet for either in foreign markets. The American woolgrower is entirely dependent upon the home market. If the basic idea of the duty on wools is to give the domestic grower permanent protection, it should remain as uniformly effective as possible under all changes of foreign conditions (shortage, overproduction, etc.). Ad valorem duties would not accomplish this, being ineffective in times of overproduction and low prices abroad, and giving an unnecessarily high protection in times of scarcity and high prices in foreign countries."

Mr. GRONNA. Mr. President, the rates proposed by the conference committee are not what I wish they were—that is, I would prefer a specific duty rather than an ad valorem duty; but when we take the Payne-Aldrich bill and consider the provision for skirted wool, I believe that even this rate is as high, or nearly as high, as it is under the Payne-Aldrich bill so far as it applies to raw wool. For that reason I shall vote for the adoption of the conference report.

The PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. PENROSE] has asked for the yeas and nays on the adoption of the conference report. Is there a second?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I have a pair with the Senator from Idaho [Mr. HEYBURN]. I transfer that pair to the senior Senator from Arkansas [Mr. CLARKE] and will vote. I vote "yea."

Mr. BRANDEGEE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. Not seeing him present, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the senior Senator from Mississippi [Mr. PERCY] and will vote. I vote "yea."

Mr. WATSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is absent on account of illness. He is paired with the Senator from Illinois [Mr. CULLOM]. If my colleague were present, he would vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. If he were present he would vote "yea," and if I were at liberty to vote I should vote "nay."

Mr. THORNTON (when Mr. FOSTER's name was called). I announce the necessary absence of my colleague [Mr. FOSTER], and I ask that this announcement may stand for the day. I will state further that he is paired with the Senator from Wyoming [Mr. WARREN].

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is detained from the Senate.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. The senior Senator from Oregon [Mr. CHAMBERLAIN] stands paired with the junior Senator from Pennsylvania [Mr. OLIVER]. We have arranged for a transfer so that we may both vote. I therefore transfer my pair with the Senator from Mississippi [Mr. PERCY] to the junior Senator from Pennsylvania [Mr. OLIVER] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. SMOOT (when Mr. STEPHENSON's name was called). The Senator from Wisconsin [Mr. STEPHENSON] is out of the city. He has a general pair with the Senator from Oklahoma [Mr. GORE]. If the Senator from Wisconsin were present he would vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER]. The Senator from Texas [Mr. CULBERSON] has a pair with the Senator from Delaware [Mr. DU PONT]. By arrangement I transfer my pair to the Senator from Delaware [Mr. DU PONT] so that he will stand paired with the Senator from Maryland [Mr. RAYNER]. I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], and therefore withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], but transfer that pair to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE], but by mutual arrangement that pair has been transferred to the Senator from Idaho [Mr. HEYBURN], and I am therefore at liberty to vote. I vote "nay."

I also desire to say that my colleague [Mr. LIPPITT] is unavoidably absent from the Chamber. He is paired with the Senator from Tennessee [Mr. LEA]. If my colleague were present he would vote "nay."

The roll call was concluded.

Mr. CULBERSON (after having voted in the affirmative). Under the arrangement announced by the Senator from Utah [Mr. SUTHERLAND] I will allow my vote to stand.

Mr. GALLINGER. I am requested to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER].

Mr. BAILEY. I have now, and have had for quite a time, a pair with the Senator from Montana [Mr. DIXON], and I therefore refrain from voting on this question. In order to save myself and the Senate the trouble of repeating this announcement from time to time, I desire it to answer for all votes until the Senator from Montana returns.

Mr. CHAMBERLAIN. I am requested to announce that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. I desire to have this announcement stand for the day.

Mr. MARTINE of New Jersey. I desire to announce the pair existing between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS].

The result was announced—yeas 35, nays 28, as follows:

YEAS—35.

Ashurst	Fletcher	Newlands	Smith, S. C.
Bacon	Gronna	Overman	Stone
Bankhead	Johnson, Me.	Pomerene	Swanson
Bristow	Johnston, Ala.	Reed	Thornton
Bryan	Kern	Shively	Tillman
Chamberlain	La Follette	Simmons	Watson
Clapp	Martin, Va.	Smith, Ariz.	Williams
Crawford	Martine, N. J.	Smith, Ga.	Works
Culberson	Myers	Smith, Md.	

NAYS—28.

Borah	Crane	McCumber	Root
Bourne	Cullom	McLean	Sanders
Bradley	Dillingham	Massey	Smith, Mich.
Burnham	Fall	Nelson	Smoot
Burton	Gallinger	Page	Sutherland
Catron	Jones	Penrose	Townsend
Clark, Wyo.	Lodge	Perkins	Wetmore

NOT VOTING—31.

Bailey	Davis	Heyburn	Paynter
Brandegee	Dixon	Hitchcock	Percy
Briggs	du Pont	Kenyon	Poindexter
Brown	Foster	Lea	Rayner
Chilton	Gamble	Lippitt	Richardson
Clarke, Ark.	Gardner	O'Gorman	Stephenson
Cummins	Gore	Oliver	Warren
Curtis	Guggenheim	Owen	

So the conference report was agreed to.

The PRESIDENT pro tempore. The bill stands passed.

LEGISLATIVE APPROPRIATION BILL.

Mr. WARREN. I wish to ask the Senate to take up the conference report on the legislative, executive, and judicial appropriation bill (H. R. 24023).

Mr. McCUMBER. Will not the Senator from Wyoming yield to me to have disposed of the conference report on the pension appropriation bill?

Mr. WARREN. I have nothing to yield, because I have not yet got up the report, but I will do so if the report is taken up.

The PRESIDENT pro tempore. The Senator from Wyoming asks that the Senate now take up for consideration the conference report on what is known as the legislative bill. Is there objection? The Chair hears none. The conference report is before the Senate.

Mr. McCUMBER. Will the Senator from Wyoming yield to me?

Mr. WARREN. For what purpose? I ask the Senator.

Mr. McCUMBER. It is for the purpose of disposing of the conference report on the pension appropriation bill as soon as it is possible to do so.

Mr. WARREN. As the pensioners of this country are to-day without their last quarter's pensions, and there is no money with which to pay them the amounts that were due on the 4th day of this month, I feel I am justified, although I am anxious that the conference report on the legislative bill shall be disposed of, in yielding to the Senator from North Dakota time to present his conference report; and I hope it may proceed as rapidly as the pleasure of the Senate will permit, as it is a very important matter.

Mr. McCUMBER. I am obliged to the Senator from Wyoming.

PENSION APPROPRIATION BILL.

Mr. McCUMBER. I present the report I send to the desk.

Mr. SMITH of Georgia. Mr. President, the Senate having taken up the other report by unanimous consent, can it be displaced in this way?

The PRESIDENT pro tempore. The Chair does not understand it is displaced, but the Senate can permit it to be temporarily interrupted for the purpose of considering another matter.

Mr. SMITH of Georgia. But that would also require unanimous consent, would it not?

The PRESIDENT pro tempore. The Chair is of the opinion that it would not. It can be done by a majority vote or when no objection is interposed.

Mr. LODGE. But a conference report is privileged.

The PRESIDENT pro tempore. Unanimous consent is not required to receive a conference report.

Mr. WARREN. The first presentation of a conference report is, under our rules, privileged, and it can be made at any time except during the reading of the Journal.

The PRESIDENT pro tempore. The Senator from Wyoming is correct.

Mr. WARREN. Its consideration afterwards is another matter.

The PRESIDENT pro tempore. The Senator from Wyoming is entirely correct. The only suggestion presented to the Chair was whether the unanimous consent to take up the report for consideration could be displaced, even for an interruption, except by unanimous consent. But the Chair will hold——

Mr. OVERMAN. Are not unanimous consents always made subject to the rules of the Senate?

The PRESIDENT pro tempore. The Chair does not understand a unanimous consent to take up a bill to stand in the same category as a unanimous consent fixing the procedure of the Senate, and that it will after thus taking up a bill continue its consideration until finally disposed of. It is only an acquiescence or consent on the part of the Senate in taking up a bill. But the Chair does not hold that that would prevent the Senate from laying it aside at any time it wishes to do so. It is not in the nature of a unanimous consent which would bind the Senate to consider it until a final vote upon it.

Mr. McCUMBER. I think we can dispose of this report within a very few moments.

The PRESIDENT pro tempore. It is consent to proceed to its consideration, but it is not in the nature of a unanimous consent that binds the Senate to continue its consideration until the matter is disposed of. There is no such provision in the agreement which the Senate made. It was simply to proceed to its consideration. It was not an agreement that it might proceed longer than might suit the pleasure of the Senate.

Mr. SMITH of Georgia. The matter which was before the Senate was the report of a conference committee.

The PRESIDENT pro tempore. Yes.

Mr. SMITH of Georgia. It was certainly as privileged as any other report of a conference committee, and having been taken up by unanimous consent for action——

The PRESIDENT pro tempore. The Senate will please be in order——

Mr. SMITH of Georgia. Surely the chairman in charge of the first conference report would not have authority to consent to displace it and take up another conference report.

The PRESIDENT pro tempore. The Senator from Wyoming could not do anything more than consent to an interruption, and it would then at last depend upon the action of the Senate if there were objection made.

Mr. LODGE. When the unfinished business has once been laid aside temporarily by unanimous consent, any business can be taken up without displacing it.

Mr. BRANDEGEE. They are not talking about the unfinished business.

Mr. LODGE. I know. But as to a conference report, of course, it is privileged. That conference report was under debate. This conference report has never been presented to the Senate.

The PRESIDENT pro tempore. The Chair will hold that the right to present a conference report is a privileged right under the rule.

Mr. LODGE. Of course.

The PRESIDENT pro tempore. Then whether the Senate will proceed to its consideration is a matter always within the control of a majority of the Senate. As to the conflict with the prior consent, the Chair will repeat that the prior consent was simply to take up the matter. It was not a consent which could not be displaced at any time by a majority vote of the Senate. If it had been that the Senate should take up the measure and proceed with its consideration to a final conclusion, then it could not have been displaced; but there was no such agreement on the part of the Senate. It was simply an agreement to proceed to the consideration of it, which the Senate could withdraw at any time it saw fit to do so.

Mr. SMITH of Georgia. I did not mean to suggest a view in any respect different from the ruling of the Chair. I understood that——

The PRESIDENT pro tempore. The Chair will hold that if the question of the consideration of the report presented by the Senator from North Dakota is raised, then that is a matter to be determined by a majority vote of the Senate. If not raised, the Chair will consider it as acquiesced in by the Senate and will proceed to put the question on its adoption.

Mr. McCUMBER. I ask that the report be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In the matter inserted by the Senate strike out the words "$500,000, or so much thereof as may be necessary, to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 8, and 12, and agree to the same.

The conferees further report that they are unable to agree as to amendments numbered 2, 3, 4, 5, 9, 10, and 11.

P. J. McCUMBER,
HENRY E. BURNHAM,
BENJAMIN F. SHIVELY,
Managers on the part of the Senate.

WILLIAM P. BORLAND,
JAMES W. GOOD,
Managers on the part of the House.

Mr. McCUMBER. Mr. President, there has been so much discussion of this matter within the last two or three days by the press of the country and the other House that it seems incumbent upon me to make some explanations concerning the delay of the conferees in reaching an agreement up to the present time; and so also some of the charges that have been made with respect to the action of the Senate conferees seem to me also to demand an answer upon my part.

For the past two days there have appeared divers articles in the press purporting to quote from addresses made in the other House in reference to the matter of the disagreement between the two Houses upon the pension appropriation bill. I have not had an opportunity to examine the RECORD, but as portions of these addresses were under quotation, I assume that they were as published.

Taking these addresses as a whole, the comedy of A Midsummer Night's Dream is the soul of seriousness compared with the theatrical display apparent in the charges of discourtesy and contempt made against the Senate conferees, or any member thereof, for refusing to surrender their strong and tenable position that whenever in an appropriation bill any general legislation is sought to be enacted, and the two Houses are unable to agree with respect thereto, such proposed legislation should be eliminated from the appropriation bill and placed on its merits before the Houses in a separate bill. In other words, that a bill whose proper scope is limited to appropriations ought not to be seriously delayed by an attempt to force through as a rider that which the two Houses can not agree upon.

Mr. President, they pay scant compliment to the average intelligence of the great army of Civil War veterans who suppose that the even tenor of their way, political or otherwise, will be changed by blatant buncombe or pseudo sympathy.

These veterans have long since passed the days of childhood, and are still very far from the second childhood of age. Therefore any argument in Congress or out of Congress which deals with them with such shams and pretenses as would scarcely appeal to a child over 10 years of age is an insult to their intelligence.

They are just as capable to-day of discerning friend from foe in the political field as they were on the physical field of battle; and I am certain that the only influence that will be created by any attempt to make political capital out of the inability of the conferees to reach an agreement on the question of the abolition of pension agencies will be a sentiment of disgust at so cheap and puerile an attempt.

Therefore that part of the arguments published in the press and purporting to come from the Representative of a great State which seeks to capitalize soldier sentiment by such arguments as I have mentioned seems to me to be not worthy of any reply, and I shall not dignify it by an attempt to answer it.

There are, however, charges against the conferees of the Senate of disrespectful treatment which should not go unanswered. It is somewhat strange that this disrespectful treatment only impressed one who is not a member of that conference. In justice to the conferees on both sides it is proper for me to say that such a statement is worse than untrue. The relations between the members of the conference committee on both sides have been most cordial and friendly. If failure to surrender a point constitutes contemptuous treatment, then of course each side has treated the other in a contemptuous manner, and that is true of every conference on every appropriation bill, as all have been delayed for the same cause.

Much has been said concerning the cause of delay in the matter of this pension appropriation bill. There has been just one cause of delay, and that is that the Senate conferees and the House conferees have so far not been able to reach an agreement. There are, of course, a number of incidents which have prevented meetings at times, such as the engagement of Senators and Members and other causes of delay in either one House or the other, but they are incidental only.

There has been sufficient time to consider the differences, and they have been considered many times when the conferees were in session together and many times when the conferees of each one of the Houses were separately considering the matter. The one great important cause has been the inability of the conferees to agree. Practically every other appropriation bill is in exactly the same position. The conferees were unable to agree, and resolutions had to be passed making appropriations for the fiscal year until such an agreement could be reached.

The House proposes to change existing law. The Senate proposes to continue the existing law. Each body has a right to its own convictions. The members of the conference on each side are supposed to support the sentiment of their respective Houses on the matter, or, failing in their efforts, then to secure an agreement that will conform as nearly as possible to the expressed desire of the Senate.

The position of the two Houses to-day on the pension appropriation is about this: The House has voted to abolish 17 out of the 18 agencies. The Senate has voted to retain those agencies. The House bases its action upon the ground that a saving can be had to the Government by abolishing these agencies. The Senate bases its stand upon the assumption that no saving would follow, but in the long run that the abolition of all of the agencies would tend to increase the cost of pension administration. The two Houses differ upon this question.

I insist, with this radical difference between the two Houses, if the difference can not be reconciled by the conferees then the House should recede and should not hamper the passage of necessary appropriations, but should take up the matter of changing this law by a bill for that purpose, pass it through the House, and submit on its merits to the Senate.

I have before suggested that if it comes before the Committee on Pensions there will be no question but that we can call a meeting at any time and report it out of the committee and into the Senate, so that it can be acted upon either affirmatively or negatively, and that is the proper way to dispose of it in case the two Houses are unable to come to an agreement.

There need be no delay, and if an appropriation is made covering these agencies and afterwards the agencies should be abolished then the appropriation will not be spent. We should not jeopardize the speedy passage of the appropriations, on which we are all agreed, by insisting upon something upon which we do not agree and as to which up to the present time there has been an irreconcilable difference between the conferees on each side.

Now, Mr. President, this brings me directly to the point whether or not it is proper that we should change these agencies. That matter has been discussed upon this floor, and votes have been had upon it in past Congresses. Let us remember that the work which is now done by these agencies and their clerks must be done by some one; the work has to be done; it can not be left out of consideration in abolishing the agencies. The clerical service and other service that would be required under the agency system will be required here in the city of Washington if a change should be made. The grade of clerks who will be compelled to perform the services here and the grade of those who will oversee the work, the heads of the bureaus or bureau which has it under consideration, will be such that I assume it will cost very nearly as much here as it does at the several agencies. For instance, these agency heads are paid $4,000 annually. We will, of course, cease paying the agents $4,000 each if we abolish the agencies, but some one will have to be paid here for overseeing that character of work. Probably it will be assigned to clerks or officials who are receiving, say, a salary of from $2,000 to $2,500 annually. Then, Mr. President, there would be a saving of from twenty-five to thirty thousand dollars upon that item.

Now, that, in my opinion, would be the only saving, and the saving of some $4,000, I think, in rent; but I am not certain there would be a saving there, because I am inclined to think you would have to rent other buildings here for the extra clerks who would be required.

Now here arises, then, the difference in clerk hire, and my candid belief is that it will cost more than the saving of from twenty-five to thirty thousand dollars. Let us remember that in Washington the average clerk receives from twelve to fourteen hundred dollars per annum, or over $100 per month, with a month on sick leave and a month of vacation. I believe that the average paid to the clerks in these several agencies runs from $50 to $75 per month. Then let us remember that here the clerks cease to work always at half-past 4, and, whether it is the climatic conditions or otherwise, it is well known by everyone that a given number of clerks in a department in the city of Washington never accomplish as much as would the same number of clerks anywhere else in the United States.

I received word from a very important land office in Montana the other day in which it was stated to me, and stated as a positive fact, that 7 clerks were there doing the work that would ordinarily be done by from 15 to 20 clerks in the city of Washington; that they were working until 7 o'clock every evening—sometimes later—and were also working part of Sunday, in order to keep up the work. Now, I place that as against the efficiency of the clerks in the departments in the city of Washington. Thus remembering, Mr. President, that the clerical work will have to be done by clerks somewhere, I believe that the extra cost of doing the work in the city of Washington, upon our strict limitation of hours, will cost us in the long run much more than we could possibly save by abolishing these agencies.

Mr. President, this matter was discussed by the Senate last year. It was most thoroughly discussed, I think, two years ago by the Senator from New Hampshire [Mr. GALLINGER], the Senator from Kansas [Mr. CURTIS], the Senator from Kentucky [Mr. BRADLEY], and by other Senators, and the facts and figures they produced were such as to convince me, and, I believe, to convince the majority of the Members of the Senate, that there would be no economy in the abolition of these agencies.

Mr. WILLIAMS. Mr. President——

Mr. McCUMBER. I yield to the Senator.

Mr. WILLIAMS. I should like to ask the Senator if he can give a list of the States in which these agencies exist?

Mr. McCUMBER. I have not a list here, but I could undoubtedly get it. I would have to send for the report of the Commissioner of Pensions in order to give it. I will state that

the principal places in the West are San Francisco, Milwaukee, Chicago, and Topeka (Kans.). Then there is one in New Hampshire, one in New York, one in Pennsylvania, one in Tennessee, one in Kentucky, one in Georgia, and in a number of other places.

Mr. WILLIAMS. That is the information I desired.

Mr. McCUMBER. There is one in Columbus, Ohio, and one in Detroit, Mich.

Mr. NEWLANDS. May I inquire how many there are in all?

Mr. McCUMBER. There are 18 in all, including the 1 in the city of Washington. The bill as it passed the House would abolish only the 17 outside of this city. I can see no reason for abolishing those outside of the city any more than abolishing the 1 in this city. If they are to be abolished all should be abolished and their duties performed by officials and clerks in the Pension Bureau.

Mr. NEWLANDS. May I inquire what is the total expense of these agencies?

Mr. McCUMBER. I think some seventy-odd thousand dollars—in the neighborhood of that.

Mr. NEWLANDS. The impression prevails on the part of those around me that the expense is between two and three hundred thousand dollars.

Mr. McCUMBER. That can not be established by any kind of reasoning, nor have I ever heard it claimed that it was any such sum. I have heard it stated that there might be a saving of $250,000, but there could not be such a saving. Though the pension agencies were abolished, all the work now performed by the pension agents would have to be performed by others, and such others would have to be paid.

I wish to speak of another thing, and that is the convenience of the soldiers.

Mr. SMITH of Georgia. Will the Senator allow me to ask him a question?

Mr. McCUMBER. Certainly.

Mr. SMITH of Georgia. There are 18 agencies. The head officer of each gets $4,000, does he not?

Mr. McCUMBER. Yes.

Mr. SMITH of Georgia. There is an average of half a dozen clerks at each, running up as high as $1,500 apiece for some of them.

Mr. McCUMBER. I do not think any receive as high a sum as that, but the clerks are very low priced compared with what is paid here. The Senator must remember that if the clerks do not do the work at these agencies other clerks must do the work somewhere else.

Mr. SMITH of Georgia. I wish to ask the Senator one more question. How many of these agencies were established by the President and not by act of Cngress?

Mr. McCUMBER. I think that some three or four were established by act of Congress and the others were established under a law authorizing the President to establish them. I will come to that a little further on.

Mr. OVERMAN. I wish to ask the Senator a question. The amendments upon which the conferees of the two Houses could not agree are amendments Nos. 2, 3, 4, and 5.

Mr. McCUMBER. They all relate to this subject of agencies.

Mr. OVERMAN. The salaries of these agents in amendment numbered 2 amount to $72,000. For clerk hire and other services——

Mr. McCUMBER. I said seventy-odd thousand dollars. I did not have the exact amount before me.

Mr. OVERMAN. The expense at the existing pension agencies, amendment third, is $385,000, and amendment 5, for examination and inspection of pension agencies, is $4,000 more, which would make in the neighborhood of $450,000.

Mr. WILLIAMS. What is the total rental paid at the 17 agencies?

Mr. McCUMBER. There is only one place for which that appropriation is made.

Mr. OVERMAN. In New York for rent $4,000 is paid. Then the inspection is $4,000 more, making $8,000, which, added to $385,000, is $393,000, and with the $72,000 it makes nearly $500,000.

Mr. WILLIAMS. Not for rent?

Mr. OVERMAN. No; for the whole expenditure.

Mr. WILLIAMS. I asked what was the amount paid for rent.

Mr. OVERMAN. For rent of the pension agency at New York, $4,250. That is the only place where rent is included.

Mr. McCUMBER. What I suppose the House would hope to save would be the higher salaries that are paid to the agents. I do not understand that there is any claim that the clerk hire could be materially lessened. I am convinced that the clerk hire here will be considerably more if we abolish the agencies, and the expense will be considerably greater under a system of bringing all here to the city of Washington than under the present system.

I do not desire, Mr. President, to go into a lengthy argument upon that point, because it was argued so fully by Senators some two years ago, but I want to consider for a moment the convenience also of the soldiers. In the large cities there are a great number of old soldiers. Most of those can go directly to the agency and execute their vouchers and obtain their checks the same day.

Mr. OVERMAN. Mr. President——

Mr. McCUMBER. Those who are not so favorably situated, but who are at a convenient distance, can receive their vouchers and their checks very much sooner than they could if mailed from Washington. For instance, if the agent is located at San Francisco and the payment is to be made on the 4th of August from that city and the vouchers are there ready to be signed, the pensioner in that city can sign his voucher at that time and receive his pension the same day, while, if it were mailed from the city of Washington at the same time, on the 4th, he would receive it some considerable time thereafter. In the end I do not think it would make a great deal of difference to those who receive by mail, because the difference between the receipt on one month and on the other after the first adjustment would probably be the same.

The PRESIDING OFFICER (Mr. CLAPP in the chair). Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I do.

Mr. OVERMAN. The Senator has about answered what I was going to ask him. He answered it in his last remark. Under our present system, I understand, all the vouchers are made out here, payable to the pensioner, and instead of being sent direct to the pensioner by mail they are sent to that agent, and that agent remails them.

As I gathered from the information this morning as we had it, the checks get there in the office and stay there in the office while if sent direct to the pensioner from here he would get them just as quickly as they would reach the pension agency. These same vouchers go to the pension agent, and all that he and his clerks have to do is to send them out. Suppose the voucher were sent from Washington to the pensioner in Illinois or South Dakota. It goes directly to him as fast as the mail can carry it. Under the present system it goes to the agency—I suppose in Milwaukee, if that is the nearest agency, and from Milwaukee it is remailed to a pensioner in South Dakota. Therefore it would be bound to get to the pensioner two or three days earlier if sent direct from Washington than if sent under the present system.

Mr. McCUMBER. I think the Senator is not wholly conversant with the system of making these disbursements. If I understand the method correctly, long before the 4th of each month in which a payment is to be made, the vouchers and everything else necessary are in the hands of the pension agent, and the pension agent mails them on the 4th of the month.

Mr. OVERMAN. Does he send the voucher first or send the voucher afterwards?

Mr. McCUMBER. Under the present system the voucher is first sent.

Mr. OVERMAN. It is sent from here?

Mr. McCUMBER. No; the voucher is not sent from here to the pension agency on the 4th day of the month, but the pension agency has the voucher before the 4th day of the month and sends it out on the 4th.

Mr. OVERMAN. I understand that, but——

Mr. McCUMBER. Just a moment. The Senator must easily see that the pension agency issuing the voucher in San Francisco on the 4th day of August will get that voucher in the hands of the claimant sooner than if it were sent on the 4th day of the month from the city of Washington.

Mr. OVERMAN. Now——

Mr. McCUMBER. But, as I said, I do not consider that of vital importance. It might be at first, but after that time the length of time between payments would be practically the same. But I do say there is a convenience to those in the same place, in the large cities, who can go personally to the pension agencies and make out the vouchers and sign them and swear to them there, and in the matter of having corrections made or anything else that may be necessary. The pensioner would lose considerable time by a system that would require it to be sent through the mails, for if there was any error to be corrected it would have to be sent back to him and corrected and resworn to and be sent through the mails again.

I yield to the Senator from North Carolina.

Mr. OVERMAN. As I understand it, everything is done from Washington. The check is made out and signed here and the voucher, I understand, is made out here, and everything is sent

to the pension agency, and all the pensioner does, as I understand it, is to go to the agency and sign the voucher.

Mr. McCUMBER. They are not made out in Washington at all. All the vouchers are in the hands of the agent and the checks are in the hands of the agent. The agency sends out the vouchers. It issues them and sends them out, as I understand, on the 4th day of the month for which the payment is to be made. Then upon the return of the voucher the check is sent out, and it is sent by mail. If the soldier can repair to the agency himself, as he can in a great many cases in a city like Chicago, which has a population considerably more than many of the States and necessarily has a large soldier population, he can get his voucher and his check on the same day and settle the whole matter in a single transaction.

But, Mr. President, there is another reason, which I have urged before, why I believe the system of dealing with the matter through the agencies is far better than to concentrate everything here in the city of Washington. I have claimed before, and I still claim, that it is better for the Government itself if the functions of Government—if the hand of governmental power—can be exercised at different places all over the United States.

It is better as a matter of information, as a matter of bringing the population in close contact with governmental matters, as a matter of creating a patriotic feeling, as a matter of making people feel and know that they are a part of the Government itself. I say, even taking that alone into consideration, even though it may cost a little more, it is really better for the people of the United States that some of the great functions of government should be exercised outside the city of Washington. There are a great many people in the United States who only know of their relation to the General Government and its powers by what they hear of the amount of taxes they pay—nearly a billion dollars a year to support the Government. As to how it is done, under what system, they know but very little, except as to the Post Office Department.

I believe, therefore, first, that the work can be done much more cheaply in the country, that more can be accomplished at the agencies, that the same number of persons will accomplish far more in the matter of work, and will save to the Government a far greater amount than could possibly be saved by abolishing these agencies and performing all the clerical service connected with those agencies in the city of Washington.

I therefore move, Mr. President, that the Senate further insist upon its amendments not agreed to by the conferees, and that the conferees at the further conference be appointed on the part of the Senate by the Chair.

Mr. OVERMAN. As a substitute for that——

The PRESIDING OFFICER. The Chair is informed that the question now pending is on agreeing to the conference report.

Mr. GALLINGER. That is the first question to be disposed of.

Mr. McCUMBER. I believe that would come first, and I therefore withdraw my motion for the present.

Mr. OVERMAN. I desire to make a motion which I think is in order. It is that the Senate recede from amendments No. 2——

Mr. GALLINGER. I suggest to the Senator that the question is first on agreeing to the conference report.

The PRESIDING OFFICER. The Chair understands that the motion the Senator from North Carolina proposes to make is not now in order.

Mr. GALLINGER. Agreeing to the conference report disposes of the amendments which have been agreed to by the conferees.

Mr. OVERMAN. Yes; I have no objection to that.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BRYAN. Mr. President, I hope that the Senate may recede from its amendments and agree to the bill as it was passed by the House. This matter seems to have been given much consideration in the House. When it came to the Senate it was referred to the committee, reported back, was passed here by a unanimous-consent agreement when but few Senators were present, and it has been in conference for some time.

On the first of this month, during a discussion of this matter, the chairman of the committee, the Senator from North Dakota [Mr. McCUMBER], in answer to a suggestion which I made that the Secretary of the Interior had recommended that these agencies be abolished, stated that he had no knowledge of any recommendation of that character, either by the Secretary of the Interior or by any Commissioner of Pensions. If the Senator had known that, I am sure that this morning he would not have argued that it would cost just as much or perhaps more to consolidate these 17 agencies as to maintain them as they now are. The Secretary of the Interior did make a recommendation that these agencies outside of the District of Columbia be abolished, and he made it upon the report of the Commissioner of Pensions.

Mr. President, it has been recommended to Congress several times by the Interior Department. The last time was in the report of the Secretary of the Interior dated December 10, 1910, as follows:

> From time to time Congress has been asked to abolish or decrease the number of pension agencies in the United States, with a view to economy in the disbursements of pensions.
>
> I recommend that this matter be given careful consideration by Congress, as it appears from the annexed report that in the neighborhood of $200,000 can be saved in the cost of the payment of pensions by the abolishment of all of the agencies.

Then he appends a letter to him from Mr. J. L. Davenport, Commissioner of Pensions, and I ask permission to have inserted, without reading, as a part of my remarks this letter from the Commissioner of Pensions.

Mr. GALLINGER. Before that is done I will ask the Senator if he finds anything in Mr. Davenport's letter that justifies the conclusion that Mr. Davenport has affirmatively advised that these agencies shall be abolished?

Mr. BRYAN. I think he demonstrates here——

Mr. GALLINGER. A day or two ago I had occasion to examine what I think was the last hearing at which Mr. Davenport appeared, and while he did not oppose it, because he is not a man who opposes what Congress wishes to do, this was the concluding sentence in that hearing on the part of Mr. Davenport:

> It is such a radical change in the way of payment that we would have to try it first in Washington and see if it was feasible to work out.

Mr. BRYAN. What is the date of that?

Mr. GALLINGER. That, I think, was a couple of years ago. I have not the hearing before me now, but I had it before me two or three days ago, and I noticed that that was the concluding sentence of Mr. Davenport's statement made to that committee.

Mr. BRYAN. The Senator will find that in his letter he shows there would be a saving of $80,000 if nine were abolished. Then he also makes the statement—

> Should the law be so changed as to abolish the pension-agency service and provide for the payment of pensions through a disbursing officer, under the Commissioner of Pensions, the cost of paying pensions would be as follows:
>
> | | |
> |---|---|
> | Clerk hire | $300,000 |
> | Stationery and other necessary expenses | 20,000 |

Then he says:

> There would be still a further reduction in the cost of printing pension vouchers, etc., which would make a reduction of over * * * $200,000.

Mr. GALLINGER. In what document does the Senator find that—in the last report of the Commissioner of Pensions?

Mr. BRYAN. It is in a House document. I will send it to the Senator's desk.

Mr. GALLINGER. I should like to look at it for a moment.

Mr. BRYAN. Have I permission, Mr. President, to print the letter to which I have referred in the RECORD?

The PRESIDING OFFICER. Without objection, permission is granted to insert the matter referred to by the Senator from Florida.

The letter referred to is as follows:

OCTOBER 4, 1910.

The honorable the SECRETARY OF THE INTERIOR.

SIR: I have the honor to submit herewith estimates for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1912, and for other purposes, as follows:

Army and Navy pensions	$153,000,000
Fees and expenses of examining surgeons	200,000
Salaries of 18 pension agents, at $4,000 each	72,000
Clerk hire and other services, pension agencies	385,000
Rent, New York City agency	4,500
Examination and inspection of pension agencies	1,500
Stationery and other necessary expenses of pension agencies	25,000

This estimate is based upon the law as it now stands, providing for 18 pension agencies. If, however, the number of agencies be reduced from 18 to 9, the expense of conducting the agencies would be as follows:

Salaries of 9 pension agents, at $4,000 each	$36,000
Clerk hire	345,000
Stationery and other necessary expenses	25,000
Examination and inspection of pension agencies	1,000

This would make a reduction in the expense of conducting the agencies of $80,000 per annum. Should the law be so changed as to abolish the pension-agency service and provide for the payment of pensions through a disbursing officer, under the Commissioner of Pensions, the cost of paying pensions would be as follows:

Clerk hire	$300,000
Stationery and other necessary expenses	20,000

This would make a reduction in the cost of paying pensions in this one bill of $168,000, as compared with the estimates for the 18 agencies. There would be a still further reduction in the cost of printing pension vouchers, printing pension checks, and in the keeping of records in this bureau which are now necessary under the present system, which would make a reduction (including the $168,000 above mentioned) of over $200,000 in the cost of the payment of pensions.

Very respectfully,

J. L. DAVENPORT, *Commissioner.*

Mr. BRYAN. Mr. President, the Senator from North Dakota was mistaken when he said the Commissioner of Pensions had never recommended that these agencies be abolished. He was mistaken when he said that the Secretary of the Interior had never recommended that they should be abolished. The Secretary of the Interior says from time to time the abolishment of these useless agencies has been recommended to Congress after Congress.

The Senator from North Dakota is also mistaken that there would be no saving, if the figures of the Commissioner of Pensions are to be relied upon. After that statement was made I was so sure that the recommendations had often been made that these useless agencies be abolished, and I was so surprised to hear the chairman of the committee say that he had never heard of such a proposition that I went to the library and got the volumes and placed them under my desk waiting for this matter to come up.

In 1907, in an appropriation act for the payment of invalid and other pensions, a proviso was adopted instructing the Secretary of the Interior to make inquiry and report to Congress whether these agencies ought to be retained or abolished, and in December, 1907, Secretary Garfield recommended that they should be abolished. He takes up the objections to which the Senator from North Dakota refers, the matter of delay in the receipt of the pension vouchers, and says that while there might be some delay of two or three days, yet checks are mailed so as to reach their destinations at a certain time and that could very easily be avoided. If the recommendation of the Secretary of the Interior be followed, that the old out-of-date system of using vouchers be abolished and a system of checks be substituted therefor, there then can be no merit in that contention.

But again he says:

All vouchers now required by pensioners are printed by the Government Printing Office in this city and forwarded to the different pension agents, there to be prepared and mailed to the pensioner with checks for the preceding quarter. All checks now used by the pension agents are likewise printed in this city. A considerable saving would result in the cost of printing vouchers and also in the cost of printing checks if such vouchers and checks were prepared for 1 agency rather than for 18.

But, Mr. President, what seems to be the objection considered to be of most weight by the Senator from North Dakota is that as a matter of patriotism it is better to have these 17 agencies so that the people can swarm around and look at a pension agency and imbibe some knowledge of the affairs of their Government.

The suggestion is also made by the Senator that we would have to rent space here in Washington, but the Secretary of the Interior says there is already space enough and to spare in the building provided for the Bureau of Pensions.

Then, finally, it is submitted that clerks work shorter hours here and are paid more than they are elsewhere. If that be true, Mr. President, the way to remedy that evil is to make them work longer hours and pay them less.

There is nothing so expensive about living in Washington as compared with any other city. It is not the only attractive city where people like to live. The purpose of having agencies established so that 17 men can draw high salaries and have under them clerks costing the Government necessarily between $100,000 and $200,000 does not seem to me, Mr. President, to justify the Senate in rejecting the bill as it comes from the House and insisting upon the Senate amendments, because it is not a question of politics in the House. The leader of the minority there also said that he hopes the conferees on the part of the House will stand firm and never give in on this proposition.

Mr. President, when this thing is boiled down to its final meaning it is that there is some pleasure or some benefit supposed to be derived by the States or the congressional districts or the cities or the towns in which these agencies are located. I rather sympathize with the view submitted by the House that the House has the right to make appropriation for the maintenance of whatever branch they see fit to keep and to provide for.

Mr. MARTINE of New Jersey. Mr. President, I should like to ask the Senator if there is any difference or any cost to the soldiers?

Mr. BRYAN. There is not a bit of difference to the soldiers. The only difference is it would save about $200,000 and abolish some offices that are useless.

Mr. MARTINE of New Jersey. I thought perhaps there might be a commission charged.

Mr. LODGE. Mr. President, I only want to call attention briefly to this matter of costs. I have here tables showing the cost per pensioner at each of the agencies, and the average cost per pensioner for all agencies is 56½ cents. The average cost of Washington is 63.8 cents—that is, Washington is 7 cents per pensioner higher in expense. If you will carefully examine the total, it will be seen that of course the expenses per pensioner decline with the number of pensioners; but if you will take New York, it is about the same as Washington, but if you take Philadelphia, which has 52,660 pensioners, only 2,000 more than Washington, it is only 50 cents a pensioner, as against 63.8 cents in Washington, according to this table which I ask to have printed. Chicago is a large agency. The cost there is only 46 cents per pensioner; at Knoxville, with 59,253 pensioners, the cost is only 50.3 cents per pensioner; at Boston, with 54,538 pensioners, the cost is 48.8 per pensioner; but, as I have said, the average is 56½ cents, while for Washington it is 63.8 cents, with 50,663 pensioners—a large number. I shall ask leave to have this table printed in the RECORD.

I want to say, in regard to the local pension agencies, that they are of very great value to the old soldiers in their respective neighborhoods. They are saved a great deal of trouble. If they wish to make out an application for an increase of pension, or anything of that kind, the agent is there; he is able to help them, to save them from counsel fees, to furnish them with papers, and also to give information which can only be obtained through a local man. I do not believe there would be the slightest saving in money if the local agencies were abolished, and I believe that it would add very much to the inconvenience of the old soldiers, who are universally in favor of the maintenance of these local offices.

The fact that the other House stand firm does not seem to be an argument why the Senate should not also stand firm if they think they are in the right. If there is no objection, I ask that the table be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The table referred to is as follows:

Cost per pensioner at the various agencies.

	Number of pensioners.	Cost per pensioner.
		Cents.
Augusta	15,257	77.6
Boston	54,538	48.8
Buffalo	38,292	61
Chicago	69,955	46.4
Columbus	87,603	46.1
Concord	14,213	82.1
Des Moines	49,597	51.7
Detroit	36,917	59.9
Indianapolis	55,841	43.6
Knoxville	59,253	50.3
Louisville	24,254	66.6
Milwaukee	45,721	50.2
New York	50,378	63.6
Philadelphia	52,660	50.6
Pittsburgh	40,362	59.5
San Francisco	43,766	54.7
Topeka	102,828	40.8
Washington	50,663	63.8

Average cost per pensioner for all agencies is 56½ cents.

Mr. WILLIAMS. Mr. President, the Secretary of the Interior says that it has often been recommended to Congress to dispense with these useless pension agencies. Not only is that true of the pension agencies, but it is true as to ports of entry and as to various other things. The Secretary of the Treasury has recommended again and again that useless ports of entry, where the expenses are more than the receipts, be done away with. When the recommendation gets to the two Houses it is found that there are a lot of political interests at stake, and as a consequence they are not done away with.

I find that one of these pension agencies is in Massachusetts. I find that one of them is in New Hampshire; that one of them is in New York; one of them is in Chicago, Ill.; one is in Ohio; one is in Iowa; one is in Michigan; one is in Indiana; one is in Kentucky; one is in Wisconsin; two are in Pennsylvania; one is in California; one is in Topeka; and one is in Washington. They are scattered, if I have counted aright, through 15 different States. Of course each State has two Senators, and

if each Senator from each State where there is a pension agency is going to vote against its abolition it will require a very strong public sentiment and very strong departmental recommendations to secure the abolition of such agencies. I take it for granted that both Senators from each State in which there is a pension agency will not fight the continuance of the pension agency.

The Senator from Massachusetts [Mr. LODGE] says he can not see how the abolition would bring any saving of money. I do not know what the rent is. I have not the figures by me, but incidentally in the debate it seems that the rent in New York is $4,000 per annum. I presume that it is about $1,200 per annum in the other places, on the average.

Mr. GALLINGER. In the other places the agencies are in the public buildings, and no rent whatever is paid.

Mr. McCUMBER. No rent is paid.

Mr. GALLINGER. New York is the only place where any rental is paid.

Mr. WILLIAMS. In all the other places——

Mr. GALLINGER. In all the other places they are in public buildings.

Mr. WILLIAMS. Very well. Then it would seem that the saving in rent would not be so very immense, but that is something. It is admitted all around that there would be a saving by the abolition of the offices of the chiefs of these various pension agencies. They will not be needed here if the force shall be moved here. I do not think all the clerks will be needed here, because a great deal of the work can be done by clerks who are already employed; and as the clerks now employed in the agencies, who would be removed here at first, die or otherwise become separated from the public service it will not be necessary to fill all of their places.

I think it is a sad commentary, Mr. President, upon our way of doing things, which is evident not only with regard to these pension agencies, but evident, too, with regard to ports of entry, National Guard encampments, and heaven knows what else, that whenever an expense is fixed upon the Federal Government it is almost impossible to get rid of it. There is always standing in the way some patronage interest that will be damaged, and somebody representing in the best of way, generally more out of good nature than anything else, the patronage interest at stake; and then, whenever you have even a military post anywhere in the country, if the War Department wants to get rid of it as being useless for military purposes, harmful in fact, as necessitating a too great division of the Army forces of the country, there immediately arises some Representative or some Senator, who imagines that trade is encouraged or something else good is done for a particular locality which he represents, and he attempts to put his veto upon the abolition of it. This sort of feeling runs all through the entire Government, until somebody has shrewdly said that perhaps this is the only Government in the world where each Representative in Congress considers it his duty to get out of the Treasury all that he can for some local purpose and to keep out of the Treasury all that has already been gotten out. It is almost impossible to bring about any economy in any way.

That these pension agencies are absolutely useless is the burden even of the argument as made for them, because there has not been an argument made for them which undertakes to show that their existence is any more advantageous or any more economical than would be attending to the business in Washington. All that has been said in favor of them is to attempt to prove that they are not much less economical and that the advantage would be equal as to the locality of attending to the governmental affair at stake. I do not think that we ought to stand in the way of the recommendations of the department.

One other word, Mr. President. It seems to be taken for granted in this body that whenever the representatives of the people—not of the States—attempt to put reformative legislation upon an appropriation bill, they are committing some sort of treason to the Senate. I have said it several times, but I can not too often repeat it, that the only way in which popular government has ever been inaugurated or ever preserved anywhere was by putting reformatory legislation upon appropriation bills, and putting it there in that House which represented the people directly. There is no other way of coercing the other branch of the Government; and the coercive power of the purse was placed in the House of Commons, with us in the House of Representatives, and the House of Representatives is our House of Commons for that express purpose. I do not subscribe to the doctrine that merely because a provision upon an appropriation bill is new legislation, therefore the House placing it there ought to have the burden of proof against it. The thing, after all, is to consider the merit of the propbsition. If it be meritorious, then it ought to pass; if it be in any way harmful and detrimental to the public service, then it ought not to pass; but the argument that it ought to go out because our House of Commons had placed it upon an appropriation bill is an argument made in contempt of all history. For my part, I hope the Senate will agree to the House provision and will permit these useless pension agencies to be abolished.

Mr. OVERMAN. Mr. President, I shall vote to agree to the conference report and then I shall make a motion, if some one else does not do so, that the Senate recede from its amendments numbered 2, 3, 4, and 5, upon which there is a disagreement.

Last week the Senator from North Dakota introduced a joint resolution appropriating $30,000,000, to be at once available, because, as is stated in the preamble to the joint resolution, there is not enough money by that amount to pay the pensioners on account of pensions now due. The pension appropriation bill carrying $158,000,000 passed the House in February last and passed the Senate on the 4th day of May, three months ago. Whose fault is it that there is no money provided for the payment of the pensions? I do not agree to what is stated in the preamble of the joint resolution introduced by the Senator. The amount lacking is $9,000,000, according to the report of the Secretary of the Interior and according to the statement of the Commissioner of Pensions, whom we had before our committee this morning. If we want the pensioners to have their pensions, if you take notice of what has been said in the House of Representatives, we have got to recede. Said by whom? Not only by the leader on the Democratic side, but by the leader on the Republican side. It is not a party measure, because the Republicans and Democrats of the House of Representatives, speaking for the people, as the Senator from Mississippi [Mr. WILLIAMS] has said, have united in their judgment upon this matter that the pension agencies are an extravagance and an expense to this Government that ought not to be longer incurred; that they are no longer necessary for the efficient administration of the affairs of the Pension Office; and there was read in the RECORD the testimony of the Commissioner of Pensions that there would be a saving to the taxpayers of the Nation of more than $250,000 a year by their abolition.

Are we to toss this back and forth and do nothing for the pensioners of this country? Both Houses have passed the bill making appropriations for the payment of pensions. The House sent the bill over here and we sent it back to them with certain amendments. Shall we send it back to the House again when, according to the notice given us, they will not agree to the Senate proposition? Shall we send it back again in the face of that fact? What is the wise and proper thing for us to do today? If we want the pensioners to have their money, the wise thing to do is to adopt my motion to recede from the Senate amendments. What are the two or three amendments from which we should recede? They involve the abolition of the 18 pension agencies scattered over the country. Their abolition has been recommended by the Department of the Interior, and a provision providing for their abolishment has been passed by a Republican House of Representatives in two or three Congresses. By abolishing the agencies we will eliminate the rent paid for pension agencies. It is true it amounts to only $4,000, but that is quite a sum when we consider the fact that we have public buildings in various places throughout the United States. It will also involve a saving of $385,000 in clerk hire in the various pension agencies, which the Commissioner of Pensions says are not needed; so that the only difference between the House and Senate is whether we will stand here and insist on something against which the department has recommended and against which both the Republican and Democratic Parties in the other House have recommended. Are we to insist on these amendments holding on to these 18 agencies at a useless expense because some Senators want to keep them in their own States? That is the question and the only question before us. I say, Senators, that if you recede from these amendments, in 24 hours there will be $158,000,000 in the Treasury of the United States to pay the pensioners. Shall we send the conference report back again and deprive the pensioners of this money which is justly due them?

The Senator from North Dakota says they are $30,000,000 short in the necessary amount for the payment of pensions. By mistake he included the payments due on the 4th of September. By that time the amount would reach $30,000,000. The vouchers are sent out on the 4th day of the month, and there is now a deficiency of $9,000,000 to pay them. The pensioners are entitled to this money, and they can get every dollar that is coming to them if the Senate will recede. Should we deprive the pensioners of their money by insisting upon the Senate amendments in order to retain 18 pension agencies?

Will we insist on a disagreement between the Senate and the House when we have notice that the House is tired of sending this provision over here time and time again and when the administration in power, through the proper officer recommends the abolition of the agencies? The House has sent over such a provision in several previous Congresses; they have sent it to us again this year, and by insisting on its amendments the Senate prevents the pensioners from drawing the money that is justly due them.

So, Mr. President, I say it is an easy matter for us to settle this question and let the pensioners get their money without doing the unprecedented thing of the Senate inaugurating an appropriation bill calling for an appropriation of $30,000,000 and sending it to the House, instead of letting the House inaugurate the appropriation bill, as is the invariable custom, and send it here. The House will never consent to such a proceeding.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. OVERMAN. Certainly.

Mr. GALLINGER. We could settle all the appropriation bills on that basis by yielding to the House and adjourn to-morrow.

Mr. OVERMAN. Yes; but we do not yield on great questions. The question here is whether or not we ought to yield in this instance. The bill has been in conference since the 4th day of May last and both parties in the House of Representatives—the Democratic and Republican—say they will never stand for the Senate amendment. The leader of the House says that the pension agencies ought to be abolished, and that the House will never recede from its position. If that is so—and we have that notice—if we want the pensioners to get their money let us recede, and they will have every dollar of it very shortly.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield further to the Senator from New Hampshire?

Mr. OVERMAN. Yes.

Mr. GALLINGER. It is noticeable that most of those gentlemen in the other House who were so belligerent are not on the conference committee.

Mr. OVERMAN. Well, I take it for granted that they speak the voice of their conferees.

Mr. GALLINGER. They speak their own opinions, and it is not the first time they have done so.

Mr. OVERMAN. The conferees have not yielded, although the bill has been in conference for months. May, June, and July have passed and they are still holding out. I do not know anything about the matter, but probably many conferences have been held.

Now, let us see whether the pension agencies are necessary or not. I am going to read from the statement of the former Commissioner of Pensions, Mr. Warner, who was a good administrator in that office. I believe I have heard him very highly complimented in this Chamber, and I want to read from some testimony he gave before the committee in the House.

As far back as 1906 he was before the Committee on Appropriations of the House and gave the following evidence:

Mr. GARDNER of Michigan. I would like to ask the commissioner what is the necessity of having 18 pension agencies.

Mr. WARNER. None whatever. They should be reduced to 6. That could be done by an Executive order.

He said later:

If I had the power, I would decrease the number of agencies in the United States to 6.

Mr. KEIFER. Who can do that?

Mr. WARNER. The President can do it by an Executive order.

These men were put in by Executive order, I think the Senator from North Dakota said, and they can be removed by Executive order. But suppose the President does not do so; then it is the duty, I think, if they are useless, for Congress to refuse to appropriate for them. The Commissioner of Pensions said if he had the power he would decrease the number. In January, 1907, Mr. Warner, the Commissioner of Pensions, also said:

I have no complaint to make of the organization, or laws, or anything else, so far as that is concerned. There is only one point, that is the question of the agencies for the payment of pensions throughout the United States. That is within the control of the President, as to the number of them. There are now 18, and I think it would be good policy to reduce the number to 9, anyway.

Mr. GARDNER. Have you any recommendation to make in that respect?

Mr. WARNER. It is entirely within the control of the President. I recommend that the number be reduced from 18 to 9, but of course it is an embarrassing proposition. There are 18 agents, at $4,000 salary each, scattered around over the United States, and Senators and Representatives are interested in them, etc. You do not have to tell a Member of Congress what that means. I think it would be economy in policy to reduce the number to 9. It could be reduced to 6.

Mr. BROWNLOW. Do you think that would improve the efficiency of the service?

Mr. WARNER. I think it would benefit the efficiency of the service, because you can do business better with 1 man than with 3, and you can do business better with 9 than with 18 agencies. You can enforce policies better with 9 than 18. The checks and vouchers would be made all the same then. As it is now we have separate checks for each agency with the agent's name printed in them and a separate voucher for each agency.

Then, on January 27, 1908, Commissioner Warner also said:

As far as I personally am concerned it would be better for me if the agencies should remain just as they are, as their consolidation would make me additional responsibility and labor. But looking at it from a business point of view and as it it were my own business, I would consolidate them instantly, or as soon as it could be done. It would be more economical for the Government and it would work better than to have these agencies scattered all over the country. The work would go smoother, mistakes could be corrected more quickly, information obtained at once, and the record kept in better shape.

Gen. Keifer, who was an old veteran and then a Member of the House, favored abolishing these useless offices.

On page 5 is the item for the salaries of 18 agents for the payment of pensions, at $4,000 each, $72,000. That would be the same as before?

Mr. WARNER. Yes. I wish you could knock them down to 9.

Mr. BOWERS. I think it ought to be done.

Mr. WARNER. You would do it in a moment if it was your own business.

That is what the commissioner said—"You would do it in a moment if it was your own business."

You take New Hampshire and Maine and Massachusetts—three little agencies up there that would not make a vest pocketful, hardly.

I did not intend to refer to New Hampshire. I did not know I was coming to that.

Mr. GALLINGER. I have no objection.

Mr. OVERMAN. On February 5, 1910, the present Commissioner of Pensions, Mr. Davenport, appeared before the committee and testified as follows:

Mr. KEIFER. If you care to state, will you please say whether you think it would be advisable to pay all of these pensions at one agency from Washington?

Mr. DAVENPORT. I think it would be in the interest of economy.

Here you have the Commissioner of Pensions, the Secretary of the Interior, and both parties in the House of Representatives uniting in asking for the abolition of the agencies; pensioners all over the country are without their money, and the provision for their payment is $9,000,000 short. The Senate has the opportunity to recede from its amendments striking out the provision which has passed the House of Representatives three times and which has been recommended by two Republican administrations. If you will recede from the Senate amendment, in 24 hours, I repeat, the pensioners will get their money, and there will be no harm to anybody, because the agents have been fed at the public crib long enough and are useless.

Mr. McCUMBER. Mr. President, if the receding be done on the other side, we will not have to wait 24 hours; we can get the matter disposed of in 24 minutes. It is simply a question, after all, as to which side ought to recede. I agree entirely with the Senator from Mississippi that if the pension agencies ought to be abolished, then we ought to recede; if they ought not to be abolished, then we ought not to recede. If it is a question whether it is a character of legislation not necessarily germane to an appropriation bill, then the equities at least would be on our side.

Mr. President, I know what the Commissioner of Pensions and others have stated under examination with reference to this matter. I know what they have stated also on a further cross-examination before the Senate committee upon the question of saving and how it would be made. Let us remember, in considering the question of cost, that the salaries paid to clerks in the pension agencies outside of Washington range, I think, from 20 to 40 per cent less than they do in Washington—I am giving the average—and the work accomplished by each of the clerks outside of Washington will range about from 40 to 50 per cent more than in the city of Washington, according to the way they are being worked now. Then, with from 20 to 30 per cent higher salaries and with from 30 to 40 per cent less efficiency in labor, I can scarcely comprehend how there is going to be any great saving by transferring the work of the pension agencies from the country to the city.

But that is not all, Mr. President. The Senator from North Carolina says that this matter has been before the committee for some time and that the bill was passed by the House in January or February. It does not make any difference when it was passed. We had sufficient time to consider it and to arrive at an agreement before the 1st day of July. We have had it under consideration in the neighborhood of two months, but so far we have been unable to agree.

In connection with the question of saving, we have other things to consider than the mere matter of the salaries of the agents. We adopted an amendment a few days ago to one of the appro-

priation bills providing for 300 extra clerks, I believe, for the Pension Office. We have a provision in another bill, I think, for about 175 temporary clerks and perhaps 300 more permanent clerks, or as many as may be necessary, in the Census Office.

Where are you to put them? Have you stopped to consider that? Where are these people to do their work? We have not room here at the present time. Here are all the clerks in 16 agencies, where not one dollar of rent is being paid. You are to bring those clerks to the city of Washington. They can not perform their services out on the street. You must make room for them, and you have to rent buildings for them, and the experience we have had in renting buildings in the city of Washington for governmental purposes ought to cause any Senator to pause a long time and consider whether there is not some other way, so as to avoid the payment of these extortionate rents.

You have to provide for the extra 300 clerks and all of those from the several agencies who may be brought here to perform their services.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. I yield.

Mr. BRYAN. Does the Senator from North Dakota doubt the accuracy of the statement of Commissioner Garfield to the effect that it would not be necessary to rent any buildings—that there is ample space in the Pension Building for these records and what other clerks were necessary?

Mr. McCUMBER. Commissioner who?

Mr. BRYAN. Secretary Garfield.

Mr. McCUMBER. At what time?

Mr. BRYAN. In 1907, in his report to the House.

Mr. McCUMBER. The Government service has grown since 1907. I have the present statement from the officials of the Pension Department, brought right up to date.

Mr. BRYAN. The pension service has not grown to any great extent.

Mr. McCUMBER. We are adding 300 clerks. We have already provided for them; and then you have to take care of those at present in the service at the 18 agencies and bring them here, and you have to provide room for them.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I yield.

Mr. WILLIAMS. I will ask the Senator if he does not admit that most of this increase of force to which he has referred is of a temporary character?

Mr. McCUMBER. That employment, even if it is of a temporary character, will last a year.

Mr. WILLIAMS. Suppose it does.

Mr. McCUMBER. You will have to rent space for a year. It does not make any difference whether it is temporary or not, the clerks can not perform their duties outside of a building.

Mr. WILLIAMS. We can easily take care of those few people from the agencies during that time, and after the temporary force is out there will be plenty of room in the Pension Building.

Mr. McCUMBER. Oh, no. There is no room for them now. We have had to crowd the Indian Office over into the Pension Office, and to-day it is being crowded out of there to make room for the other clerks.

Mr. WILLIAMS. In other words, the lack of room, to which the Senator refers, would not be due to the removal of the employees from the pension agencies hither, but is due to the appointment of these extra clerks for this present emergency?

Mr. McCUMBER. I have here a statement by one of the officials, speaking of the 300 extra clerks, and he says:

> If the provision for extra clerks which has been adopted by the Senate in the sundry civil bill and which was adopted by a vote of the House, prevails, it would be impossible almost to find room for these clerks to work in the Pension Bureau Building, as so much of the space there is occupied by the Indian Office, and the Indian Office would probably have to be moved out and another building rented. If these 300 clerks were appointed, and then the pension agencies were abolished and all brought to Washington, as is proposed by the House of Representatives, it would require some two or three hundred additional clerks, and with present conditions in the Pension Bureau and congestion of work there there is no question but that it would cause a great deal of confusion and inconvenience, and would delay the payment of pensions. If the pension agencies are continued for another year—

And this answers the question of the Senator—

> the congestion in the Pension Bureau will have been pretty well cleaned up by those 300 extra clerks, and at that time if it is decided to discontinue the agencies they might be brought in without inconvenience.

But during the ensuing year, with all these extra clerks, we have to make provision for housing them.

Mr. WILLIAMS. I suggest that during that year the Indian Bureau employees could be very comfortably housed in the Maltby Building.

Mr. McCUMBER. I do not know. We are still using this building. I am doubtful whether we could use the Maltby Building for that purpose.

Mr. WILLIAMS. There is ample room.

Mr. McCUMBER. Have the Senators stopped to consider another thing which bears upon the question of economy, and that is the extra number of post-office clerks who would be required in the city of Washington to handle the mail that is sent out to about 800,000 pensioners? This extra work is to-day distributed over 18 agencies, and the present post offices at the points where those agencies are located are able, without additional help, to handle that mail.

I do not suppose, and I do not think any other Senator believes, that if we should discontinue these agencies we would dismiss any of the clerical force in the post offices in the cities where the agencies are now established. But when you increase the mail in the one city of Washington by the amount of mail that goes out to nearly a million people, you must necessarily have additional clerks at the post office here to take care of that mail. I do not remember the exact number that it was estimated would be necessary, but it was a considerable number.

Mr. President, I say again that we could not accomplish anything in the matter of economy. I am willing to concede that others are equally as strongly convinced that we would save something by the abolition of these agencies. But the Senate conferees have acted in the best of faith and have attempted to bridge over this gulf that divided them from the House, and we have advanced far more than halfway in our propositions.

As has already been suggested, all but three or four at least, of these agencies were created by Executive order under a general law for that purpose. Some three or four of them were created by special law. Undoubtedly the President of the United States, upon the recommendation of the proper department, could abolish any of those agencies which were created by Executive order if he thought that the economic administration of the Government required it.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. Yes; I yield to the Senator.

Mr. GALLINGER. I will ask the Senator if it is not a fact that President Cleveland did reduce the number of the agencies to some extent?

Mr. McCUMBER. I think probably he did. I do not remember. I could not speak positively about it.

Mr. GALLINGER. That is a fact.

Mr. McCUMBER. But here is a question of abolishing these agencies now. It is stated that the departments have recommended that these agencies be abolished. It is stated that the Commissioner of Pensions favors that proposition. If he does favor that proposition, and that can be established to the satisfaction of the President of the United States, then the proposed amendment which the Senate conferees have offered would result in the abolition of all of those agencies, and in order to bring the two Houses together we have submitted propositions and counterpropositions for some considerable time. The last one which I was requested to reduce to writing and submit to the conferees on the part of the House and on the part of the Senate reads as follows, after allowing the provision relating to the appropriation for the agents to remain in:

> *Provided, however*, That after the 1st day of March, 1913, the President of the United States shall inquire—

It is made his duty under this to inquire—

> into the propriety of abolishing any or all of said pension agencies, and if after such inquiry and investigation he shall conclude that the economical and efficient administration of the pension laws requires the discontinuance or consolidation of any such agency or agencies, he is hereby authorized and directed to discontinue and abolish any or all of such agencies, or to consolidate any two or more of them, as in his judgment the best interest of the service may require.

Now, a number of us—and a majority of the Senate, I think—insist that there will be no economy in the abolition of these agencies. I agree that the majority of the House insists that there will be a considerable economy in their abolition. If the President is compelled to investigate this, if he is compelled to act upon the suggestion of his department, as he undoubtedly would, then we have met the contention that the President would not act unless compelled to, and have put in motion the necessary investigation that will result in the abolition of these agencies if they ought to be abolished.

Now, I think when we have gone that far and are willing to submit to the very departments themselves and to the President in the future, after a thorough investigation in the department, in which every matter of saving and expense could be taken into consideration—after we have provided for the submission of that to the President and given him authority and directed him to act in accordance with the results of his investigation, then it seems to me we have gone as far as we ought to be asked to go, and the House should meet us at this point.

Mr. WILLIAMS. I will ask the Senator from North Dakota if he really thinks that his proposition authorizes the President to do anything or directs him to do anything except what he is already authorized by law to do, and directed by duty to the public service to do, and which he has hitherto failed to do?

Mr. McCUMBER. He is now neither authorized nor is he directed in any way to abolish those agencies created by law.

Mr. WILLIAMS. No.

Mr. McCUMBER. So that leaves those agencies entirely outside of the question.

Mr. WILLIAMS. But, Mr. President, there are only four of those, I understand.

Mr. McCUMBER. He has undoubtedly, as I have already said, authority to abolish or to consolidate the other agencies; that is, that implied power follows from the power granted to him to create them as in his judgment might be necessary for the expedition of the pension laws——

Mr. WILLIAMS. Yes; take the agencies which were not created by Executive order.

Mr. McCUMBER. It might possibly be that those were the particular agencies, if any, that should be abolished, or that should be first considered.

Mr. WILLIAMS. And if I am correct an Executive has a right to order an inquiry at any time for the purpose of determining whether the things that he himself has created ought to be abolished or not. So he has a right to order the inquiry. He has a right to abolish the agencies.

Mr. McCUMBER. Some Senators have questioned whether he would do it. We make it imperative that he shall do it.

Mr. WILLIAMS. No; you merely make it imperative that he shall have an inquiry.

Mr. McCUMBER. No; the Senator failed to catch the meaning of the words I read.

Mr. WILLIAMS. Then I did not properly catch that.

Mr. McCUMBER. He is at first required to make the inquiry and the investigation, and—

if, after such inquiry and investigation, he shall conclude that the economical and efficient administration of the pension laws requires the discontinuance or consolidation of any such agency or agencies, he is hereby authorized and directed to discontinue and abolish—

And so forth, as the case may be.

Mr. WILLIAMS. I was evidently mistaken about the last wording there. But the only difference then would be that as regards those agencies which he has himself created he would have no greater power than he has now, while, if I understand your amendment, with regard to those created by law, the amendment would confer additional power.

Mr. McCUMBER. It would confer additional power with reference to those, and compel him to act upon the others.

Mr. GALLINGER. Mr. President, I am so extremely anxious to have this conference report disposed of, as well as the one of which the Senator from Wyoming [Mr. WARREN] has charge, that if I had a disposition to occupy much time in this discussion I would forego it. I will engage the attention of the Senate for only a few minutes.

I was quite surprised a day or two ago to pick up a local newspaper and find in it a statement that, in conjunction with my colleague, I was holding up the pension appropriation bill. At that time I had scarcely thought about the bill, and certainly I had not said a word about it to any one of the conferees. I had done nothing whatever in reference to it, either to hold it up or to promote its passage, because it was in the hands of other Senators, and I thought they were quite competent to deal with it.

The newspaper further said—and that has been repeated here to-day—that there were political considerations back of the opposition to this bill, which, to say the least, is absurd. There is an agency in my own city, and it is a well-conducted agency. A soldier, a man who served with distinction in two wars, is at the head of it. He is an old man, but a very efficient man; and I believe there are in that office five or six clerks. The chief clerk is a Democrat of Democrats. He certainly could not help me politically; the rest, I believe, are women; and I never have appealed to women to render me any assistance in my political campaigns. So there is no politics in the matter, so far as New Hampshire is concerned, and I apprehend that is the case in the other States.

In almost every one of these agencies an old soldier is the pension agent, most of whom are men well advanced in life; and I submit to you, Senators, who are so solicitous for the clerks in the departments, who are so unwilling that a clerk shall be thrown out of employment in Washington without having a hearing, that they might well pause and give consideration to the question whether or not they want to throw out of employment 17 old soldiers who happen to occupy these positions.

Those men deserve quite as much consideration as the ordinary clerk, either in the Pension Office here or in any other department of the Govermnent in this city, and we all know how solicitous public men are, how solicitous the President of the United States is, and how solicitous the heads of the executive departments are that these clerks shall be protected in the places which they now hold, and that they shall not be thrown out on the charities of the world. Indeed, it is being argued in high quarters that they ought to be protected in office and afterwards pensioned and taken care of as long as they live.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Missouri?

Mr. GALLINGER. I yield.

Mr. REED. Are not all these 17 men now pensioned?

Mr. GALLINGER. I do not at all agree to the proposition that they are, any more than the Senator from Missouri is pensioned. They are performing the duties of their offices——

Mr. REED. I do not know why the Senator should make that application.

Mr. GALLINGER. I make it understandingly. If those men are pensioned on the ground that they hold public office, we are all pensioned.

Mr. REED. These men will draw pensions under the pension act that has been passed, if they are not already drawing pensions. I ask again if they are not now pensioned.

Mr. GALLINGER. I apologize to the Senator. I did not understand that the Senator had reference to a pension because of Army service.

Mr. REED. Of course.

Mr. GALLINGER. Some of them, I apprehend, do draw pensions for military service. I think the agent in my own city has never applied for a pension, but possibly some of the others have.

Mr. REED. If the Senator means that any man who draws a public salary is a pensioner, and includes himself in that class, that he is a mere pensioner, he can so classify himself. I have always thought that men who held public office and represented the people were not exactly in the class of pensioners. But I refer to the fact that those old soldiers, over whose wrongs and trials the Senator so regularly weeps in this Chamber, are already drawing pensions, and if not large enough to support them, they ought not to be supplemented by a public salary.

Mr. GALLINGER. I have yielded as far as I propose to when the Senator from Missouri misrepresents my position and refers to me as weeping over the wrongs and trials of the old soldiers. I have done nothing of that kind. If any weeping has been done on that score, it has been done by others and not by me. However, I am a friend of the soldier under all circumstances.

Again, Mr. President, the Senator from Mississippi [Mr. WILLIAMS] was a little unfortunate—I believe it was a quotation which he gave us—when he said that the average man in public life wants to get into the Treasury and to get out of the Treasury all he can for his own State or his community. I do not think that is true.

I was on the Committee on Commerce for a great many years, and I did a great deal of work for other Senators, chiefly from the Southern States, in getting appropriations for rivers and harbors. I did not have any appropriations for my own State, but I was very glad to cooperate in getting appropriations for other sections of the country. For the most part they were proper appropriations. There were some that I questioned, but I gave the benefit of the doubt to my associates, and voted for them. I have never secured an appropriation for a public building in a town or city that did not have 10,000 inhabitants. Some of the Senators who are so much troubled about the extravagance in keeping these 17 old soldiers on the pay roll might well ask themselves the question whether or not they have been as careful as that in asking for appropriations for public buildings.

I know we have passed bills carrying as much money in a single instance for a public building in a town having three or four thousand inhabitants, as is involved here, and in some instances having only a few hundred inhabitants, but such buildings are not to be found in New England. If there is extravagance in the pension agencies of the country, there is extravagance to an extent that is scandalous in the matter of appropriating for public buildings in these inconsequential country villages. I have not done it, and I have not purloined any money from the Public Treasury either for such public buildings or for the improvement of rivers that can never be made navigable.

Now, Mr. President, there is no real reform in this matter. In my judgment there will be no economy in it. Take the matter of rentals. We pay out two or three thousand dollars in the city of New York in the matter of rental, but we pay out nothing for that purpose in any of the other places where these agencies are established.

We have in the Pension Office Building to-day a state of congestion. The Indian Office, or a part of it, is in that building, but the Commissioner of Pensions has announced, in view of the fact that we are to employ 300 more clerks, that the Indian Office must leave the building. It will have to go out and rent a building, and Senators all know what it means to rent buildings in the city of Washington. So instead of saving money we will unquestionably lose a good many thousands of dollars in that operation. That certainly will not be a matter of economy.

Now as to the clerks. There are a few clerks in each agency. They are getting small salaries, as the Senator from North Dakota has said, in comparison with salaries paid in Washington. Possibly some of them may be dispensed with, but that is doubtful; but, however that may be, we might well have as much sympathy for those clerks as for the clerks in Washington. If their services are not dispensed with, they will come here and work at shorter hours and larger salaries; which will not be a matter of economy, but a matter of added expense to the Government.

Mr. BRISTOW. Does not the Senator think that they would be petitioning Congress, after they had been here a year or two, and employing lobbyists to try to get pensions?

Mr. GALLINGER. Of course. They will join the army of patriots who are now demanding pensions for all the clerks in all the departments in this city. That will certainly follow. They will not get behind in the procession, so far as the pensions are concerned.

There have been recommendations, and there will doubtless be in the future recommendations, for the abolition of these agencies. Mr. Warner, the gentleman whom the Senator from North Carolina [Mr. OVERMAN] quoted with so much approval and earnestness, recommended that half of the agencies should be abolished. Mr. Garfield, who, in the matter of so-called reform, goes everybody one better except his chief, advised that they all be abolished, and that the work should be put under the Commissioner of Pensions, in the Pension Office; and so it goes. Mr. Davenport has been quoted as having approved of it, and yet Mr. Davenport has always been very guarded in any utterance he has made. Evidently he has had very grave doubt in his mind, and, as I quoted from his testimony a little while ago, he said it might be well to try abolishing one agency, and, seeing how it worked out, and if satisfactory, then take up the question of abolishing the others.

Mr. President, I have said all I care to say. I have no earthly interest in the matter. I have no special interest in the war veteran who is pension agent in my own city. I have never asked a political favor of him in my life, and never expect to. The soldiers in my State feel that they are better served by having an agency there, and a great many of them have said to me, as the Senator from Massachusetts [Mr. LODGE] suggested they have said to him, that in the matter of securing pensions they can always go to the agency and get advice and help, and that they are saved some money in that way.

Mr. President, I think we can well allow this matter to rest as it is at least for another year. After a careful investigation by the Secretary of the Interior, the Commissioner of Pensions, or the proper committees of Congress, we can better judge whether or not it is desirable to make the change. When all the evidence has been collected and all the facts presented to Congress, we can with much greater intelligence and justice to all concerned legislate upon this question than we can at the present time.

Mr. President, I do not think our conferees are censurable for standing out in this matter any more than the House conferees are censurable for standing out on items in this and in all the other appropriation bills. If the conferees on the part of the Senate honestly believe that this is not an economical matter; that it is not in the interest of the soldiers of the country; if that is their conviction, I do not think, however severely they may be criticized in the public press or in another place, that their associates here ought to take them to task and tell them they are not doing the right thing and that they ought to recede. Why should they recede any more than the House, and why should not we stand by our own conferees? I trust, Mr. President, that we will send this matter back to conference and allow our conferees to further try to adjust the differences with the other House. If they again fail, we can then take the matter up at a later date and make such disposition of it as we think wise. I trust the motion of the Senator from North Carolina will not be agreed to.

Mr. BRADLEY. Mr. President, we have been told that it is very necessary that this matter should be acted on at once so that the pensions of the soldiers can be promptly paid. In my judgment, if there is anything that will prevent the pensions of the old soldiers from being promptly paid it is this identical legislation insisted upon by the House conferees.

So far as the statements are concerned of Commissioners of Pensions or Secretaries of the Interior in the past as to whether the agencies should be abolished, the conditions which exist now are so very different from the conditions which existed then as to render them valueless. Only a few days ago we authorized the employment of 300 additional clerks to carry out the provisions of the new pension bill, and if we are to bring in addition to them 372 clerks from the agencies to the department in Washington—even conceding the curtailment suggested of 100 clerks—and if we take the time to transport to the city of Washington the immense number of records that are now in these various pension offices, it can amount to nothing more nor less than, as stated in the letter read a few moments ago by the Senator from North Dakota, almost interminable confusion and delay.

If I thought that those who contend with us were right, that this is a measure of economy, I might look upon it with some degree of favor, provided it was not an injury to the old soldiers, but, Mr. President, it is not a measure of economy. If this measure is adopted, it will increase instead of decrease the expenses and do a great injustice to the old veterans.

We have in these various pension offices 472 clerks drawing an average salary of $977.79, making a total of $451,516.88.

We have 17 pension agents with salaries of $4,000 each, making a total of $68,000. The amount of the two is $519,516.88.

It has been said that we can do with a hundred less clerks if these pension agencies are consolidated in Washington. This was said, however, before the passage of the late McCumber bill, and no sane man thinks it can now be done. I do not believe it, for the reason that in the different pension agencies the clerks frequently work until 7 o'clock p. m., that 100 less clerks working in Washington, only until 4 o'clock p. m., can do the work, certainly not in a rapid or satisfactory manner.

But suppose that it is true, when we bring the remainder of these clerks here their salaries, according to the average in the departments, will amount to $1,280.72 each. The clerks who work in Knoxville, for instance, or Louisville, or Columbus, have their homes there, and are able to work at $800 or $700 or $900 a year, but they can not come to Washington and work for the average salary paid for clerks here.

Now, let us take this number of clerks less 100 and we find that even deducting the salary of 100 clerks, it would require $476,427.14 to pay the remainder.

Then, according to the contention made, there would be a saving of $43,089.74.

But let us see what additional expense will be necessary. In the first place we can not bring 672 clerks to Washington without having additional room for them in which to work, because the Pension Office is now crowded, and we can not rent another building for less than $15,000.

In the next place, we will have, necessarily, an increase of 10 clerks in the Post Office Department on account of the immense increase in mailing matter sent out from Washington. These will cost $1,000 apiece, or $10,000. Bear in mind that the cost of each payment from Washington is 63 cents to each pensioner. The average cost of other offices is 56 cents, the excess in Washington being 7 cents. Considering there are 800,000 pensioners, there will be an increase in this respect of $56,000.

Now, when you add that $56,000, 10 clerks at $10,000 in the Post Office, $15,000 for rent, and the cost of removal, $10,000, we have $91,000. That is the additional expense under the present plan proposed by the House.

Take from that amount the $43,897 which will be saved by abolishment of the pension agencies on the basis named, and we have an actual increase of expense to the Government of

$48,000. This is true even if 100 clerks are dispensed with, which I am sure can not be done; and if it can not, then the amount of their salaries, $128,072, added to the $48,000, will make a loss to the Government of $176,072.

And this is the economy of the proposition of the House. The approval of the House bill, in addition, will result in turning 17 deserving old soldiers out of office. Not only so, it will result in turning out of office hundreds of clerks who are now serving, because they can not come to Washington and work, even for the increased salaries. These clerks are many of them old soldiers or widows and children of old soldiers.

Another thing, the clerks who are now in the pension offices have acquired great experience. It will take new clerks months and probably years to acquire the experience and do the work that the present force is doing, and meanwhile the soldiers must bear the brunt.

Another matter, Mr. President, whenever we remove this vast quantity of records from all over the country we run the risk of loss by fire and otherwise. We entail an enormous amount of labor. We delay pensioners in the collecting of their money. The loss of papers may work great hardship in the future.

When these agencies were established, Mr. President, there were fewer pensioners than there are to-day. If there was a necessity for these agencies then, there is surely greater necessity for them now. Why this measure of false economy should be insisted on I am unable to see. It does nobody any good; it injures instead of relieves the soldiers; it increases the expense instead of diminishing it; and it prevents the soldiers from prompt payment of pensions.

For those reasons, Mr. President, I shall vote against the adoption of the conference report.

Mr. McCUMBER. I believe the pending question is upon my motion that the Senate insist upon its amendments.

Mr. GALLINGER. No; it is first on agreeing to the conference report.

The PRESIDENT pro tempore. The only question now before the Senate is on agreeing to the conference report. The Chair will have it again read if desired.

Mr. McCUMBER. I do not think that is necessary.

The PRESIDENT pro tempore. The Chair will state that the conference report shows an agreement as to some items and an inability to agree on others. The question is on agreeing to the report.

Mr. SMITH of Georgia. I understand this question does not affect really the general subject which has been under discussion.

Mr. GALLINGER. Not at all.

Mr. SMITH of Georgia. But that will come up later.

The PRESIDENT pro tempore. It does not, as there are some items on which the conferees agree. It does not affect the question which may be subsequently submitted on which there is a disagreement. The question is on agreeing to the conference report.

The report was agreed to.

Mr. OVERMAN. I do not know whether the Senator from North Dakota heard a motion I gave notice of—that I would move to recede. But I yield to the Senator if he desires to make another motion.

Mr. McCUMBER. I think that I made the motion, and I asked that it be laid aside until we disposed of the conference report. My motion was that the Senate further insist upon its amendments to the House bill still in disagreement and that a further conference be appointed on behalf of the Senate by the Chair.

Mr. OVERMAN. I move as a substitute for that motion that the Senate recede from amendments numbered 2, 3, 4, and 5.

The PRESIDENT pro tempore. The Senator from North Dakota moves that the Senate further insist upon its amendments still in disagreement. The Senator from North Carolina moves that the Senate recede from its amendments. The motion to recede has precedence.

Mr. WILLIAMS. Mr. President, this is a very important question. I think there ought to be at least a quorum of the Senate present. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Bryan	Cullom	Johnston, Ala.
Bacon	Burnham	Cummins	Kern
Bankhead	Burton	Dillingham	La Follette
Bourne	Catron	Fall	Lodge
Bradley	Chamberlain	Gallinger	McCumber
Brandegee	Clapp	Gronna	McLean
Bristow	Clark, Wyo.	Johnson, Me.	Martin, Va.
Martine, N. J.	Perkins	Smith, Ga.	Thornton
Massey	Pomerene	Smith, Md.	Townsend
Nelson	Root	Smith, Mich.	Warren
Newlands	Sanders	Smith, S. C.	Watson
Overman	Shively	Smoot	Wetmore
Page	Simmons	Sutherland	Williams
Penrose	Smith, Ariz.	Swanson	Works

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is absent from the city. I will allow this announcement to stand for the day.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 56 Senators have responded to their names, and a quorum of the Senate is present. The question is on the motion of the Senator from North Carolina [Mr. OVERMAN].

Mr. McCUMBER. I ask that the Chair restate the motion.

The PRESIDENT pro tempore. The motion was first made by the Senator from North Dakota [Mr. McCUMBER], that the Senate insist upon its amendments and ask for a further conference. Pending that motion the Senator from North Carolina moves that the Senate recede from its amendments upon which there is a difference between the two Houses. The latter motion has the precedence of the two, and therefore that question will be first put.

Mr. OVERMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SHIVELY. Mr. President, of course, if the motion of the Senator from North Carolina [Mr. OVERMAN] prevails, the House provision for the abolition of these pension agencies will go into effect immediately on the approval of the bill by the President. While it is not my purpose to detain the Senate by discussion on the merits of the controversy that has arisen on this provision, it should be noted before this vote is taken that language which was quite suitable in the House provision when the bill passed the House months ago may not be suitable now. This provision was considered in both House and Senate with reference to the appropriations carried by the bill becoming effective at the beginning of the present fiscal year. This is true both of the appropriations for pensions and the appropriations to defray the expense of administration. The bill did not become law before the beginning of the present fiscal year. Had it become law in May or June, with the House provision in it, no difficulty or little difficulty, so far as administration is concerned, would have ensued. But we have entered on the fiscal year ending June 30, 1913. Over a month of the year has expired. The language of the House provision contemplated the provision going into effect July 1, 1912. It is too late for that language to be given effect in the full sense in which it was adopted. I suggest that to adopt the pending motion without qualification is to leave the situation with reference to these agencies in the air. If a conclusion should be eventually reached to abolish the agencies, the time of their termination should be fixed far enough ahead to give reasonable opportunity to wind them up and make the required transfers to Washington. When the provision was adopted by the House it fixed a time in the future when the agencies should terminate. To now adopt the same House provision, as is sought by the pending motion, is to fix the termination of the agencies as of five weeks in the past.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina [Mr. OVERMAN] to recede from the Senate amendments. Upon that question the yeas and nays have been ordered.

Mr. SMITH of Michigan. Mr. President, I only desire to say that in voting "nay" on this motion I am but voicing the wishes of most of the pensioners in the State of Michigan, who have personally memorialized me to oppose the abolishment of the pension agency at Detroit, who have been accustomed to doing business there, and who have, by petition and otherwise, asked that that office shall not be abolished. For that reason I propose to vote "nay."

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina to recede from the amendments of the Senate. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). In accordance with my previous announcement as to my pair, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the senior Senator from Florida [Mr. FLETCHER] and will vote. I vote "yea."

Mr. CULLOM (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. CHILTON] to the Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I will transfer that pair to the junior Senator from Iowa [Mr. KENYON] and will vote. I vote "nay."

Mr. McLEAN (when his name was called). I have a general pair with the Senator from Montana [Mr. MYERS], and therefore withhold my vote.

Mr. ASHURST (when Mr. MYERS's name was called). I have been requested to announce that the Senator from Montana [Mr. MYERS] is paired with the Senator from Connecticut [Mr. McLEAN].

Mr. SMITH of South Carolina (when his name was called). I have a pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). On account of the absence of the Senator from Maryland [Mr. RAYNER], with whom I am paired, I withhold my vote.

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Louisiana [Mr. FOSTER].

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from New Jersey [Mr. BRIGGS] to the Senator from Nebraska [Mr. BROWN] and will vote. I vote "yea."

The roll call was concluded.

Mr. BRANDEGEE. I am informed that I may transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Massachusetts [Mr. CRANE], and will do so and vote. I vote "nay."

Mr. BANKHEAD. I have a pair with the senior Senator from Idaho [Mr. HEYBURN]. I transfer that pair to the senior Senator from Arkansas [Mr. CLARKE] and will vote. I vote "yea."

Mr. WETMORE. I announce the general pair of my colleague [Mr. LIPPITT] with the senior Senator from Tennessee [Mr. LEA]. I make this announcement for the day. If present and at liberty to vote, my colleague would vote "nay."

Mr. CHAMBERLAIN (after having voted in the affirmative). I transferred my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from Florida [Mr. FLETCHER], but, inasmuch as the Senator from Florida has appeared and voted, I desire to withdraw my vote, and will let my general pair stand.

The result was announced—yeas 24, nays 33, as follows:

YEAS—24.

Ashurst	Johnston, Ala.	Reed	Stone
Bankhead	Jones	Simmons	Swanson
Bryan	Martin, Va.	Smith, Ariz.	Thornton
Fletcher	Martine, N. J.	Smith, Ga.	Tillman
Gronna	Overman	Smith, Md.	Watson
Jonhson, Me.	Pomerene	Smith, S. C.	Williams

NAYS—33.

Borah	Clark, Wyo.	Lodge	Shively
Bourne	Crawford	McCumber	Smith, Mich.
Bradley	Cullom	Massey	Smoot
Brandegee	Cummins	Nelson	Townsend
Bristow	Dillingham	Page	Wetmore
Burnham	Fall	Penrose	Works
Burton	Gallinger	Perkins	
Catron	Kern	Root	
Clapp	La Follette	Sanders	

NOT VOTING—37.

Bacon	Davis	Kenyon	Percy
Bailey	Dixon	Lea	Poindexter
Briggs	du Pont	Lippitt	Rayner
Brown	Foster	McLean	Richardson
Chamberlain	Gamble	Myers	Stephenson
Chilton	Gardner	Newlands	Sutherland
Clarke, Ark.	Gore	O'Gorman	Warren
Crane	Guggenheim	Oliver	
Culberson	Heyburn	Owen	
Curtis	Hitchcock	Paynter	

So Mr. OVERMAN's motion that the Senate recede from its amendments was rejected.

The PRESIDENT pro tempore. The question now is on the motion made by the Senator from North Dakota [Mr. McCUMBER] that the Senate further insist upon its amendments disagreed to by the House of Representatives and ask for a further conference with the House.

The motion was agreed to.

Mr. McCUMBER. I ask, Mr. President, that the same conferees be appointed.

The PRESIDENT pro tempore. The Senator from North Dakota asks that the same conferees be appointed, and it will be so ordered. The Chair appoints the Senator from North Dakota [Mr. McCUMBER], the Senator from New Hampshire [Mr. BURNHAM], and the Senator from Indiana [Mr. SHIVELY] as the conferees on the part of the Senate at the further conference.

THE COTTON SCHEDULE.

Mr. PENROSE. I ask unanimous consent to make a report from the Finance Committee at this time.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks, out of order, leave to make a report at this time. Without objection, permission is granted.

Mr. PENROSE. I am directed by the Committee on Finance, to which was referred House bill 25034, entitled an act reducing the duties on manufactures of cotton, to report with a negative recommendation.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. The Secretary will state the title of the bill.

The SECRETARY. A bill (H. R. 25034) to reduce the duties on manufactures of cotton.

Mr. PENROSE. Mr. President, I desire to state in this connection that the minority and majority have reserved the right to file reports later, and the Senator from Wisconsin [Mr. LA FOLLETTE], I understand, will have a report of his own to submit.

The PRESIDENT pro tempore. The bill will go to the calendar in accordance with the rule, unless there be objection.

Mr. SIMMONS. Mr. President, I desire to inquire if we can not agree upon a day to vote upon this measure? I would suggest a unanimous-consent agreement to take up this measure on next Friday and vote upon it.

Mr. PENROSE. I hope the Senator from North Carolina will ask unanimous consent that we vote on this bill next Friday before the expiration of the calendar day.

Mr. SIMMONS. I send to the desk a request for unanimous consent.

Mr. WARREN. Mr. President, I shall have to object to unanimous consent, unless it is made secondary to reports from conference committees and appropriation bills.

The PRESIDENT pro tempore. The Secretary will read the request for unanimous consent submitted by the Senator from North Carolina.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, August 9, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 25034) to reduce duties on manufactures of cotton; and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

Mr. GALLINGER. I ask the Senator if he will not make it at a certain hour in the afternoon, say 5 o'clock?

Mr. SIMMONS. That will be satisfactory. I understand the Senator from Oregon [Mr. BOURNE] is very anxious to get through with the Post Office appropriation bill, and desires that the request for unanimous consent be changed.

Mr. BOURNE. I will ask the Senator if he will not make it Monday instead of Friday?

Mr. SIMMONS. Would Saturday suit the Senator?

Mr. JONES. Mr. President, we might as well save a little time. I will not consent to the request for unanimous consent until the Panama Canal bill is out of the way.

The PRESIDENT pro tempore. The Senator from Washington objects.

THE PANAMA CANAL.

Mr. BAILEY. I ask unanimous consent that the Panama Canal bill be voted on, say, on Thursday. That is a bill that ought to be disposed of before we adjourn. It has long been the regular order, and I think its friends are entitled to have a vote upon it. I therefore ask unanimous consent that the Panama Canal bill be voted on next Friday. Then the Senator from North Carolina can renew his request for Saturday.

Mr. WARREN. Let it be the calendar day.

Mr. SIMMONS. I will change the request to Saturday, if that will suit the Senator from Oregon.

Mr. BOURNE. I would prefer to have it Monday.

The PRESIDENT pro tempore. It is impossible for the reporters to hear Senators who interchange their views in a conversational tone. The Senator from Texas [Mr. BAILEY] has the floor.

Mr. BAILEY. Pending the request of the Senator from North Carolina, I ask unanimous consent that the Panama Canal bill shall be voted on before the Senate adjourns on Friday next.

Mr. SIMMONS. Make it the calendar day.

Mr. BAILEY. During the calendar day, of course; I did not state "the legislative day."

The PRESIDENT pro tempore. The Secretary will state the request made by the Senator from Texas.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, August 9, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the

Panama Canal, and the sanitation and government of the Canal Zone, and that before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

Mr. CUMMINS. Mr. President, unless that is accompanied with an agreement that we may take up the canal bill on Thursday, I can not consent to it. It is impossible to predict at this time how much debate will ensue upon its various provisions.

Mr. BAILEY. I would say to the Senator that it is within his power to have it taken up by demanding the regular order, and that will bring it up on Thursday.

Mr. CUMMINS. I do not want, however, to be subjected to that contingency, and I think that must be the view of a good many here. I think we ought to have at least two days for the consideration of the canal bill. We have not touched in the debate upon a single subject in the bill. I should like to see it disposed of; and if we can take it up on Thursday morning, under unanimous consent, and hold it under consideration until disposed of, I am perfectly willing that that shall be done.

Mr. BAILEY. Would this suit the Senator from Iowa: That we take it up immediately after the routine morning business on Friday and then vote on it before adjournment on Saturday? That would give him two days.

Mr. CUMMINS. So far as I am concerned, all I ask is two days for the consideration of that bill.

Mr. BRANDEGEE rose.

Mr. BAILEY. I ask the pardon of the Senator from Connecticut. I was simply trying to help him, and not trying to take his bill out of his hands.

Mr. BRANDEGEE. I appreciate that, and I am only too glad to have the aid of the Senator from Texas. I simply rose to express my entire willingness and earnest hope that the unanimous consent asked by the Senator from Texas may be granted, for I think in two days we can do justice to the bill.

Mr. WORKS. Mr. President, I had expected to make some remarks upon the canal bill at the proper time, but I agree with the Senator from Iowa that if a vote on the bill is fixed for one day, and only that one day is given for debate, it will certainly not give opportunity for some of us who desire to speak to be heard. For that reason I join in the request that at least two days be given for debate.

Mr. BAILEY. Then I will ask the Senator to modify the request so as to provide for two days and dispose of the bill on Saturday.

The PRESIDENT pro tempore. The Secretary will state the request as modified.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, August 9, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone; and that before adjournment on the calendar day of Saturday, August 10, 1912, the Senate will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

Mr. SUTHERLAND. I ask the Senator from Texas whether he would not consent to fixing an hour to vote on Saturday—any reasonable hour—say, 6 o'clock.

Mr. BAILEY. I think that would provoke some objection, because it might happen that we could conclude the debate by sitting a little late, and in that way let every Senator have an opportunity fairly to express himself; and we will not be apt to do anything else Saturday, except as to conference reports and such business as that. I hope the Senator from Utah will not insist upon the suggestion.

Mr. SUTHERLAND. I shall not insist upon it; but I think we might fix an hour to vote. I do not think there is a particle of sense in our sitting here until 12 o'clock at night, as we did upon a prior occasion.

Mr. CUMMINS. The proposed agreement is satisfactory now, with this addition, that the bill be taken up immediately after the routine morning business on Saturday. That is not provided for in the agreement.

Mr. GALLINGER. That is understood.

Mr. BRANDEGEE. Let the unanimous-consent request be again reported.

The PRESIDENT pro tempore. The Secretary will again report it.

The Secretary again read the request for unanimous consent.

Mr. BAILEY. That includes the suggestion——

Mr. LODGE. That cuts out the routine morning business on Saturday.

Mr. BAILEY. That includes the suggestion of the Senator from Iowa—to the exclusion of the routine morning business on Saturday.

Mr. CUMMINS. I did not so understand it, and I made the inquiry of the Chair if the agreement was adopted would the bill be taken up automatically Saturday morning to the exclusion of morning business.

The PRESIDENT pro tempore. In the opinion of the Chair the order as just read would require the Senate to continue in its consideration of the measure from the time it was taken up Friday until it was finally disposed of on Saturday.

Mr. GALLINGER. Without interruption.

The PRESIDENT pro tempore. Without interruption.

Mr. CUMMINS. With that understanding and with that interpretation of the agreement, I am satisfied.

Mr. WARREN. Mr. President, I ask for information. I very much want to have an agreement and have this matter disposed of. I want to ask whether it will exclude—it strikes me that it will unless we make an exception—the appointment of conferees, and so forth. We are now here with only four of the appropriation bills signed by the President out of the 13 or 14 annual bills. For instance, suppose the Committee on Pensions were ready to make a report; it would take five minutes; or a bill comes over as to which we would wish to ask that conferees be appointed. It seems to me that in the agreement it ought to be provided that conference reports and the appointment of conferees, and so forth, at least, should be taken care of. Of course if there were a morning hour, it could be done within that. I suggest that modification to the Senator from Texas.

Mr. BRANDEGEE. Would it satisfy the Senator if there were added to the request the words "this agreement does not, however, exclude the presentation of conference reports and the appointment of conferees."

Mr. WARREN. I should be glad, of course, to except appropriation bills, but now I am only making this point. We can at least have these reports presented. I shall make no objection to that.

Mr. BRANDEGEE. Does not the suggestion I have offered meet the views of the Senator from Wyoming?

Mr. WARREN. I think it will be all right.

Mr. CUMMINS. I think the Senator from Connecticut should add "without debate."

Mr. BRANDEGEE. I think, of course——

Mr. CUMMINS. Otherwise we might be engaged all day in the consideration of a conference report, as we have been today.

Mr. BRANDEGEE. I think the unanimous-consent agreement proposed by the Senator from Texas as it stands unquestionably cuts out the consideration of conference reports. I am perfectly willing to have the words "without debate" added to the addition I suggested; that conference reports may be presented and conferees appointed, without debate.

Mr. WARREN. I think there will be no question about that. Some one might ask a question of the Senator making the motion. But, of course, consideration like the one that is now inflicted on the conferees is not expected to occur.

Mr. CUMMINS. All I ask is that debate be excluded, so that if Senators desire to proceed with the discussion of the canal bill, they will not be prevented from so doing by a long debate over a conference report.

Mr. BRANDEGEE. I think that is a wise provision, for somebody might want conferees appointed by the Senate instead of by the Chair, and that might lead to debate; and I should like to have the words "without debate" included in the agreement.

Mr. BRISTOW. I can not consent to this agreement unless it is made for the legislative day, because this I regard as the most important bill before Congress, or that has been during this session, and I am not willing to have its consideration cut off before it is finished. There are a number of very important matters in it, and we may be able to get through by Saturday night, and I hope we will be, but I can not take any chance of having a full consideration of every section of this bill interfered with. I must ask that the unanimous-consent request be so modified that the vote shall be taken upon the legislative day of Friday. Then when we get through we are through.

Mr. LODGE. That makes the agreement worthless.

Mr. BAILEY. I think that is better than to encounter an objection. If we can get through that day, it will take care of the matter. If we can not get through that day, we will be in no worse condition than we would be under the objection of the Senator from Kansas, and, consequently, rather than have the request defeated by that objection, I will say "the legislative day of Saturday."

Mr. WARREN. I can not consent to a legislative day that may last a week or longer, unless——

Mr. BAILEY. The Senator will be in no better condition.

Mr. WARREN. Very well; unless it shall be subject to the consideration of conference reports and appropriation bills.

Mr. BAILEY. That is understood.

Mr. WARREN. No. That has not been understood.

Mr. BAILEY. That has been agreed to and will be a part of the order, if the order is agreed to.

Mr. WARREN. No; only as to the presentation of a report without debate. We have here the Army bill, which must be passed; we have here the Post Office appropriation bill, which must be passed——

Mr. BAILEY. Mr. President, I demand the regular order.

The PRESIDENT pro tempore. The Senator from Texas demands the regular order.

Mr. WILLIAMS. What is the regular order?

The PRESIDENT pro tempore. What is known as the Panama Canal bill. The Chair lays the bill before the Senate.

THE PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. ROOT, Mr. LODGE, Mr. WILLIAMS, and others. Question!

Mr. LODGE. State the first amendment.

The PRESIDENT pro tempore. The Senate will please come to order. The bill is in the Senate as in Committee of the Whole and is open to amendment.

Mr. LODGE. Let the first amendment be reported.

The PRESIDENT pro tempore. The Chair is informed that several committee amendments have not yet been acted upon.

Mr. LODGE. Let the first committee amendment be reported.

The PRESIDENT pro tempore. Which the Secretary will proceed to do.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LODGE. Let the amendment be reported. I ask that the first amendment be reported.

The PRESIDENT pro tempore. That is what the Secretary is about to do.

Mr. LODGE. I think I have a right to have that done before anybody else is recognized.

The PRESIDENT pro tempore. The Senator from Connecticut addressed the Chair.

Mr. LODGE. When a request is made by a Senator occupying the floor that an amendment be stated, he has a right to have the amendment reported before any other Senator is recognized.

The PRESIDENT pro tempore. The Chair did not know for what purpose the Senator from Connecticut rose. It might have been a point of order.

Mr. LODGE. He did not say so.

The PRESIDENT pro tempore. The Chair does not know. If the Senator rose to a point of order, it is the duty of the Chair to recognize him.

Mr. BRANDEGEE. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Connecticut will state his parliamentary inquiry.

Mr. BRANDEGEE. If Senators desire to speak upon the bill before it is read for committee amendments, have they the privilege to do so?

Mr. LODGE. The bill as a whole has been read and is now open for amendment, and I ask that the first amendment be read.

The PRESIDENT pro tempore. What is the parliamentary inquiry?

Mr. BRANDEGEE. My inquiry was, Whether Senators have a right to discuss the bill, as they have been doing, until the amendment has been stated?

The PRESIDENT pro tempore. The bill being before the Senate a Senator has the right to discuss it.

Mr. BRANDEGEE. I asked the question because two Senators, who are members of the committee, inform me that they desire to speak and have prepared speeches. I did not want them cut off if it was possible for them to make their remarks——

Mr. LODGE. There is no rule in the Senate about general debate as there is in the House.

Mr. BRANDEGEE. I do not think I used the term "general debate." I spoke of Senators discussing the bill as a whole, irrespective of the particular amendment.

Mr. LODGE. I think we have reached a stage in the Senate where we can act on the amendments. If Senators desire to address the Senate, they should be here.

Mr. BRANDEGEE. They are here.

Mr. LODGE. Then let them speak. They can speak just as well on the amendment as on the bill.

Mr. BRANDEGEE. Of course, if Senators desire to speak I assume they will. The Senator from Washington advised me he was ready to proceed. The Senator from Louisiana said he would like to say a few brief words on the bill.

Mr. OVERMAN. Can we not take up the bill section by section and dispose of the amendments?

Mr. BRANDEGEE. I am perfectly willing. The bill has been read.

Mr. OVERMAN. We can take it up section by section.

Mr. LODGE. We do not have to vote on each section unless there is an amendment to it. I ask for the reading of the first amendment.

The PRESIDENT pro tempore. The Secretary will report the first committee amendment.

The first amendment of the Committee on Interoceanic Canals was, in section 1, page 2, line 1, before the word "excluding," to strike out "excepting," and in line 7, after the word "and," to strike out "Falmenco" and insert "Flamenco," so as to read:

That the zone of land and land under water of the width of 10 miles extending to the distance of 5 miles on each side of the center line of the route of the canal now being constructed thereon, which zone begins in the Caribbean Sea three marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of three marine miles from mean low-water mark, excluding therefrom the cities of Panama and Colon and their adjacent harbors located within said zone, as excepted in the treaty with the Republic of Panama dated November 18, 1903, but including all islands within said described zone, and in addition thereto the group of islands in the Bay of Panama named Perico, Naos, Culebra, and Flamenco.

The amendment was agreed to.

The next amendment was, on page 2, line 22, before the words "by treaty," to strike out "to acquire"; in line 23, before the words "any additional land," to insert "to acquire"; and on page 3, line 2, before the word "exchange," to strike out "may, in like manner" and insert "to," so as to read:

The President is authorized, by treaty with the Republic of Panama, to acquire any additional land or land under water not already granted, or which was excepted from the grant, that he may deem necessary for the operation, maintenance, sanitation, or protection of the Panama Canal, and to exchange any land or land under water not deemed necessary for such purposes for other land or land under water which may be deemed necessary for such purposes, which additional land or land under water so acquired shall become part of the Canal Zone.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 14, after the word "until," to strike out "Congress shall otherwise provide" and insert "the courts provided for in this act shall be established," so as to make the section read:

SEC. 2. That all laws, orders, regulations, and ordinances adopted and promulgated in the Canal Zone by order of the President for the government and sanitation of the Canal Zone and the construction of the Panama Canal are hereby ratified and confirmed as valid and binding until Congress shall otherwise provide. The existing courts established in the Canal Zone by Executive order are recognized and confirmed to continue in operation until the courts provided for in this act shall be established.

The amendment was agreed to.

The next amendment was, on page 4, section 4, line 5, after the word "when," to strike out "in the judgment of the President."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. LODGE. Wait a moment, Mr. President. As I understand, these amendments all hang together, and are necessary to make the amendment proposed by the Senate committee read properly. Are the first amendments unnecessary to the adoption of the principal amendment? Perhaps the chairman would tell me. It seems to me possible that they might all stand together really as one amendment.

Mr. BRANDEGEE. I will state, for the information of the Senator from Massachusetts, that section 4, now under consideration—on the amendment to it as it came from the House—provided for the government of the Canal Zone by a governor to be appointed by the President, and the amendment adopted by a majority of the Senate committee substituted for that program the establishment of a commission of three to govern the canal.

The Senator is correct in his suggestion, that perhaps before these particular amendments and particular lines of the bill are acted upon separately, it would be more logical to consider the whole scheme—whether it should be by one governor or by a commission of three.

Mr. LODGE. I see on examining the text more closely that the first amendment simply changes the phrase, not leaving it to the judgment of the President, but simply says "when the construction of the Panama Canal shall be completed," which is all right, and to which there is no objection. It does not con-

nect with the other. I have no objection to the first amendment being considered. It seems to me quite proper.

The PRESIDENT pro tempore. The question is on agreeing to the amendment which has been stated.

The amendment was agreed to.

The Secretary proceeded to state the next amendment, which was, in line 6——

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. The Chair will suggest to the Senator that the bill is in the Senate as in Committee of the Whole, and if there is any trouble, it can be corrected in the Senate.

Mr. LODGE. It is in the Senate as in Committee of the Whole.

The PRESIDENT pro tempore. As in Committee of the Whole.

Mr. LODGE. Certainly.

The next amendment was, on page 4, line 6, after the words "shall be," to strike out "sufficiently advanced toward completion" and insert "completed so as."

Mr. LODGE. Now, I think that does connect with the rest. No; that is all right. There is no objection to it.

Mr. BRANDEGEE. I want to call the attention of the Senator from Louisiana to the language on page 4, line 7, as he suggested to me an amendment that he would like to have appear at that place.

Mr. THORNTON. I have not the bill.

Mr. BRANDEGEE. As I recall, the Senator from Louisiana wanted that changed.

Mr. THORNTON. What does the chairman of the committee say?

Mr. BRANDEGEE. The Senator will remember that he came to me and requested that when page 4 of the bill was reached, in line 7, in lieu of the words recommended by the committee to be inserted, to wit, "completed so as," there should be inserted the words "completed, thereby rendering."

Mr. THORNTON. The chairman of the committee is correct, but since I told him that—some days afterwards—an amendment was filed in the name of the Senator from West Virginia [Mr. CHILTON] by his colleague covering that ground. I then knew nothing of his intention to do that.

Mr. BRANDEGEE. I know that was the fact; the amendment was printed; but I did not see the Senator from West Virginia here to offer the amendment and so I referred to the Senator from Louisiana.

Mr. THORNTON. Then I will offer that amendment to the amendment of the committee.

Mr. BRADLEY. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BRADLLEY. Are amendments in order on the floor before the amendments offered by the committee are disposed of?

The PRESIDENT pro tempore. The Chair understands that the order did not exclude them, and therefore such amendments are in order. The amendment to the amendment will be stated.

The SECRETARY. In lines 6 and 7 strike out the words "sufficientiy advanced toward completion to render" and in lieu insert "completed, thereby rendering unnecessary," so that if amended it will read:

SEC. 4. That when the construction of the Panama Canal shall be completed, thereby rendering unnecessary the further services of the Isthmian Canal Commission, etc.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The next amendment of the committee will be stated.

The SECRETARY. In section 4, line 9, strike out the word "unnecessary" and insert the words "as now constituted."

Mr. LODGE. Mr. President, I think the words "as now constituted" ought not to be inserted unless we are going to have a commission of three, because then the President is authorized under the bill as passed by the House to go on as described in the part stricken out. That implies continuing the commission in some form. Personally I am in favor of the House provision as against the triple-headed commission. I think if there is anything on earth that ought to be under the conduct of one responsible head it is that zone and that canal.

I do not care to argue it at length, but I do want to have a vote on that clause before it is disposed of.

Mr. BRISTOW. Mr. President, personally I am very much in favor of the amendment which has been submitted by the Senate committee. The construction of the canal has been in charge of a commission consisting of seven members. After it is completed, after the construction work is done, then there will not be needed as large a commission as the present commission. The work is now segregated and subdivided. One commissioner is the chairman of the commission—Col. Goethals. Another commissioner is Col. Hodges, who is the assistant to aid in the construction. Another commissioner is Col. Gorgas, who is in charge of sanitation. Another commissioner is Gov. Thatcher, who is the governor and exercises the civil authority. The other members of the commission are Sibert, Gaillard, and Rousseau, who are engineers engaged in the construction work. After the construction is over there will then be the three departments of government on the zone the same as there are now. At present one commissioner is in charge of sanitation, another commissioner is charged with the civil administration, and five commissioners are engaged in construction; they are engineers. After the construction is completed there will be no need of the five engineers, but there will be need for one engineer who shall have charge of the operation of the canal.

It seems to me that it will be unsafe and unwise to put in charge of one man not only the operation of the canal, which is a technical and professional work, but also the sanitation, which is a department within itself, and the civil government. These three departments of government will be necessary. Those functions will have to be exercised. There is nothing more important than the sanitation of that zone, and for one I am not willing to put into the hands of one man complete control of the operation of the canal, the sanitation of the zone, and the civil administration.

It is the custom, and indeed a growing and popular system of government throughout our country, for the larger municipalities to adopt what is known as the commission form of government. We have the commission form of government here in the District of Columbia and a great many cities have adopted that form. I believe it is a wise form of government. The various departments of municipal government are divided among these commissioners and each commissioner is held responsible for his branch of the service. Reducing the commission from seven to three simply eliminates the unnecessary engineers and retains the commission with its present efficiency, each commissioner performing the responsible duties which he has heretofore performed. It seems to me that it certainly will be the wisest and most desirable form of government.

I know that some of the military officers are anxious that this should be a government of one man who has supreme military authority and that everything else should be subordinate to his wishes and his will, but, in my opinion, we make a grave mistake when we jeopardize the sanitation of this zone by placing that work in the hands of a man whose business it is to operate the canal.

I do not believe that the civil administration there should be placed in the hands of a military officer. There is a strip of land 50 miles long and 10 miles wide. It will be inhabited by thousands of American citizens. The population at the lowest estimate will be somewhere between 20,000 and 30,000. After the employees who are engaged in the construction have been removed and are no longer there, and only those who are used in the operation of the canal, there will be somewhere from 2,500 to 3,500 men, and they and their families will constitute a population of somewhere from 10,000 to 12,000.

Then there are to be towns located; there is to be civil administration; there are to be schools; courts are provided for and different employees; business will be established. There will be a city at each end. Provision is already made for a city on the zone on the Pacific side. For one, I am not willing that that should be exclusively a military government, except as to the operation of the canal; and as far as I am concerned I shall cast my vote and do what I can to have the Senate amendment retained as it is.

Mr. POMERENE. May I ask the Senator a question before he takes his seat?

Mr. BRISTOW. Certainly.

Mr. POMERENE. Do I understand the Senator's position to be that if there were a governor as constituted by the House provision he would necessarily be a military man, or is that discretionary with the President?

Mr. BRISTOW. I think probably that is discretionary with the President. I do not remember just what the House provisions are, but I know the intention of the authorities is that the governor shall be an Army officer, who will be in charge of the operation of the canal, and I am not in favor of providing that the whole civil administration and the sanitation of that Isthmus shall be placed in the hands of the engineer who may be thought the most efficient to superintend the mechanical operation of the canal. I think it is a very grave mistake. You might as well put into the hands of the mayor of a city the entire government of the city where you have a commission form of government.

Mr. ROOT. Mr. President, I am sorry to be unable to agree with the Senator from Kansas [Mr. BRISTOW]. I think he fails to appreciate a very essential consideration in dealing with this subject. Of course, there is, there always has been, and I suppose there always will be, a conflict between two opposing ideas of efficiency and liberty.

We started in this country with a very high development of liberty and government in the original constitution of the State of Pennsylvania—Franklin's idea. That idea prevailed in the old Confederation. The Constitution of the United States was the result of the appreciation of the evils that came from the lack of centralized control, and the pendulum swung over to the other side.

That is going on all the time. You can not have the highest efficiency without concentration of power, concentration of responsibility, and to get that you have to give up something of liberty; you have to surrender something of everybody's right to have his own way in order that you may have efficiency in the highest degree. On the other hand, the universal experience of mankind is that you can not have government in which everybody has his own way and have any degree of efficiency.

Now, that same old question comes up about the Panama Canal. It seems to me, sir, that the American people never have been engaged in any enterprise which called for organization with a view to the highest possible efficiency as does the operation of the Panama Canal, except when we were engaged in war. When we are engaged in war, by common consent the right of individual participation in saying what shall be done in the direction of affairs is surrendered to one single commander. That is because you can not carry on war successfully in any other way.

We have a commission engaged in the construction of the Panama Canal. The work has been done admirably; a very high degree of efficiency has been attained. If you will observe the personnel of the present commission you will perceive that it has been so arranged that the work is practically under a military autocracy.

Col. Goethals is the absolute commander in the Canal Zone. All the tremendous power of military authority is vested in him. The rest of the commissioners are but his assistants. That is the way in which we have accomplished the efficiency. Until we got into that situation we had a rather disquieting and disagreeable state of affairs. We had a number of very able men there; we had commissions attempting to carry on the work in a civilian way, in which each man had his say, and one after another, very able, upright, and devoted men came back from the Isthmus without having accomplished success. It was not until the work was put into military hands and a military officer with the one-man power of control took hold of it that real success in that great undertaking began.

Mr. BOURNE. May I interrupt the Senator?

Mr. ROOT. Certainly.

Mr. BOURNE. Does the Senator from New York think the same condition would exist after the completion of the Panama Canal that existed during the progress of the construction?

Mr. ROOT. Not the same, but equally requiring the highest degree of efficiency. No one would think, sir, of putting a great railroad in charge of three men of equal authority. You put a railroad in the hands of a general manager, and under him are the general superintendent, the master of transportation, the chief engineer, and so on.

Mr. BOURNE. The practical management of the railroad may be put in the charge of the manager, but he is directed by the executive committee or the dominant influence of the executive committee.

Mr. ROOT. We here are the executive committee. We are the board of directors for this transportation company. The Congress of the United States, the committees having within their jurisdiction the affairs of the Panama Canal, and the President of the United States, with such authority as we vest in him, are always present to control the action of the man who has charge of the actual executive work, and if we are going to have efficiency we must put it in the hands of one man.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from California?

Mr. ROOT. I yield to the Senator.

Mr. WORKS. The Senator from New York refers to the head of the organization now as military in its character. I should like to ask the Senator whether he believes in making it military, with a military officer at its head?

Mr. ROOT. I do, sir.

Mr. WORKS. Then, why not be frank about it and so provide in the bill, that there may be no misunderstanding with respect to it?

Mr. ROOT. I do not think it is very material whether we do or not. I think it should be put in the hands of one man, and I shall advise, as I urged in the very beginning of the enterprise, that that one man shall be an officer of the United States.

Mr. WORKS. Mr. President, I think it a very important matter to determine that question. I think it is one that should be determined right here and not leave it to somebody else to determine that question, if that is the judgment of the Senate.

Mr. BOURNE. Mr. President——

Mr. ROOT. I am quite willing to put it so. I yield to the Senator from Oregon.

Mr. BOURNE. Mr. President, I shall interrupt the Senator from New York but a moment. I concur with the Senator that we are in the nature of directors, but I think we have an absolute right to appoint such an executive committee practically to manage the operations of the canal as we see fit. We are not the executive committee; we are the directors; and the general direction, where practicable, should be under such rules and regulations as Congress may lay down, and not such as the commission may prescribe.

Mr. ROOT. Mr. President, what is called an executive committee is a body to exercise the authority of the board of directors when that board is not in session. That is not what is proposed in this amendment; what is proposed is a division of executive power. I beg Senators to consider that there ought to be nothing in that Canal Zone that does not contribute directly to the one great thing that is to be done—that is, the maintenance and operation of the canal. To that should contribute the sanitation; to that should contribute the business; to that should contribute the activity of all the people who live in that zone. We did not acquire the Canal Zone as territory for general purposes; we did not acquire it for the purpose of founding colonies or building cities or maintaining a population; we acquired it solely for the specific purpose of building and maintaining a canal; and no man, woman, or child should be allowed to be in that zone or to do anything there except for that purpose.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Iowa?

Mr. ROOT. Certainly.

Mr. CUMMINS. I should have been glad if the Senator from New York had analyzed the provisions of the House bill and the provisions of the Senate amendment, in order that he might have told us whether there is greater concentration in the House bill than in the Senate amendment. I ask him now this question: All that has been accomplished at Panama has been accomplished with a commission. Technically speaking, the present chairman of that commission, or president of the commission, has no greater authority than has any other member of the commission. If he has exercised more authority—and undoubtedly he has, and it has been a very good thing for this country that he has, in my judgment—it has been solely because he was a dominating intellect and was able through his personal power to impress his will upon his fellow commissioners.

In that connection I beg the Senator from New York to notice that in the House bill the President is authorized to appoint a governor of Panama and "such other persons as he may deem competent to discharge the various duties connected with the completion, care, maintenance, sanitation, operation, and protection of the canal."

No one of these officers is required to be an Army officer or to have any connection whatsoever with the military arm of the Government. On the contrary, in the Senate amendment the commissioners are three—there may be a dozen under the House provision—but there is an absolute requirement that one of these be from the corps of Army engineers; they may all be from the corps of Army engineers, but one of them must have had experience in sanitation in the Tropics.

Mr. ROOT. One of them must be a civilian.

Mr. CUMMINS. I meant that two of them must be Army engineers or officers, and one of them must be a civilian. Does not the Senator think that this is a far greater concentration of authority than we now have in the law and indeed a greater concentration and more effective organization than is provided in the House bill?

Mr. ROOT. Mr. President, I think it is quite probable that under the provision suggested by the Senate committee the President would create substantially the same kind of relation between the president of the commission and the other members of the commission as that which now exists. I think that is quite probable. I am inclined to think that the necessities of the occasion—the necessities of the work—would require that, as they have required it in the case of the old commission; but I think the House provision more clearly declares the

will of Congress that that shall be done than does the Senate amendment. I think ultimately the same result will be accomplished in either event, for, Mr. President, that work is to be done in the eyes of all the world. We have got to be efficient there or be humiliated. Whatever provision we may make, it will be the duty of the President to see to it that there is a kind of government over the operations of the canal that will produce efficiency. I think the House provision more clearly indicates the will of Congress to have that done than does the Senate provision, although I think any President who was worth his salt would bring about practically the same result under both. That is my view.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

Mr. BRANDEGEE. Mr. President, the amendment of the Senate committee to the House bill was adopted by a majority of the committee. I was in the minority, and I desire to indorse everything that the Senator from New York [Mr. ROOT] has said in favor of the House provision. Referring to the inquiry of the Senator from California [Mr. WORKS], I will say that the bill as it passed the House provides that—

> Any of the persons appointed or employed as aforesaid may be persons in the military or civil service of the United States.

If there is one governor of the canal and of the Canal Zone, as I think there should be in the interest of efficiency, the President could, if he so desired, appoint an Army engineer as the governor of the canal and Canal Zone. Whether he would think it wise or best to do so, I do not know; but the responsibility would be upon him. I have no doubt that if an Army engineer were appointed to govern the zone and to operate the locks of the canal, the work would be just as efficiently done as it has been done during the process of construction by an Army engineer.

I agree with the Senator from New York that, so far as possible, the zone should be stripped of its population, except such as is necessary for the operation and protection of the canal and its works. I think that policy, if it be adopted, will not necessitate the government by any commission.

The suggestion that a sanitary officer will be required upon the Canal Zone, of course, is wise and is evident. There will always have to be a sanitary officer there; but it does not follow at all that because you must have a sanitary officer he must be a member of the commission to govern the Canal Zone and the canal. It seems to me that if the President is responsible, as he will be responsible in the appointment of these men, whether the number be one or three, he is the man the country will have to look to for the wise administration and the successful government of the canal and the Canal Zone. If he appoints a man who does not give good results, of course he can recall him and appoint another.

It may be said that he could do the same if he appointed three men for the work. Of course, that would be true; but I myself see no advantage in complicating matters by providing for a commission under which it might be possible, if two out of three men disagreed with the chairman of the board, that confusion and lack of authority or divided authority might result to the detriment of what I consider to be one of the most important works of the United States.

I hope the House provision will be reinstated in the bill. If that provision should be reinstated, I think there are a few amendments that should be made. They are, however, of a very minor character; but, in general, the House provision, so far as it provides for one governor of the zone instead of three, meets with my approval, and I intend to offer that amendment at the proper time.

Mr. CUMMINS. May I ask the Senator from Connecticut a question?

Mr. BRANDEGEE. Certainly.

Mr. CUMMINS. Under the House provision it would be entirely within his authority, if the President were to appoint an Army officer or any other person and put him in charge of the sanitation of the district, to remove him wholly from the authority of the governor, would it not?

Mr. BRANDEGEE. Yes. I think the House provision contemplates the appointment of as many persons upon the work as the President may think necessary.

Mr. CUMMINS. So that you are not securing here the work of one man. If you want one man to be in charge of this work and all its incidents, why do you not say that he shall have that power and that the President shall not be permitted to appoint another person who shall have complete authority in sanitation, and another person who shall have complete authority in civil matters? It occurs to me that the House provision is susceptible of all the confusion that could possibly inhere in a commission and a great deal of confusion that could not find its way into the work of a commission.

Mr. ROOT. Mr. President, may I suggest, referring to the statement of the Senator from Connecticut that he thought there should be some amendment of the House provision if that were reinstated, that the difficulty mentioned by the Senator from Iowa would be met if, in place of the words "such other persons," in line 15, there were substituted the words "such assistants as he may deem proper." That would leave no doubt of the subordination of the various persons engaged to the general manager of the transportation of the zone.

Mr. CUMMINS. I think, Mr. President, that would remove the objection I have just made. I, of course, do not want to have it understood that I am in favor of a single will upon the Canal Zone. If I had my way about it, I would have the commission to whom was given the maintenance and the operation of the canal absolute; I would have the sanitation and the civil procedure in the hands of the commission. I rather agree with the proposition that, so far as the mere maintenance and the operation of the canal are concerned, there ought to be no disagreeing minds on that subject; but when it comes to the preparation of the Canal Zone for human beings in the way of sanitation, when it comes to the administration of justice among the people who live there, whether through the courts or in any other way, when it comes to the establishment and maintenance of schools, I can see no reason whatsoever for putting that authority into the hands of the man who should be charged with the maintenance and operation of the canal as a mechanical proposition. The duties are very widely different. I think we will have many more than the number of people suggested by the Senator from Kansas. If we fulfill our hopes and pass through that canal eighteen or twenty million tons of freight every year, when we consider all the accessories that will be necessary to take care of the people who pass through there, all the ships which pass through there, and the business which will grow up around Colon and Panama and in the interior, I do not think that all that should be in charge of a military officer. I agree that an Army engineer, or at least such an Army engineer as is there now, is the fittest person in the world to manage and operate the canal itself; but there is no such necessary connection between that management and operation, as it seems to me, to render it desirable to repose the other powers exclusively in the hands of the man who puts the ships through the canal and who is responsible for the maintenance of it in order that it may be in readiness for the ships.

Mr. ROOT. Does not the Senator from Iowa think that there would immediately, or very soon, grow up conflict of jurisdiction? If you have one man managing the operation of the canal, the mere mechanical work of getting the ships through, another man looking after the sanitation, and another man governing and acting as the chief executive of the people who are collected there for the purpose of doing all sorts of things, in the nature of things the line between these different functions must be very undefined and doubtful, and you will immediately have conflicts of jurisdiction, quarrels, and controversies; we will have three men there getting cross-eyed looking at each other, each one afraid that the other is going to get some little more power and take power away from him, and you will have a miserable controversy there all the time, instead of having effective operation of this great work, to which everything ought to contribute. Everything ought to be made subordinate to the successful operation and the continued safety of that canal. The man who operates it has got to guard it. A half dozen sticks of dynamite will blow up one of these locks at any time.

Every activity of that zone should be made to contribute toward the safety, preservation, maintenance, and operation of the canal. Just as soon as you put in three other men, coequal in authority to take care of other things, you have the kind of controversy that destroys efficiency.

Mr. CUMMINS. I think the Senator from New York did not entirely understand my suggestion. I believe if I had my own way I would put the sanitation and civil administration in the hands of the commission—these three—with equal power. The mere management and operation of the canal I would put in the hands of one man, because I think that work demands undivided power. But I take it from what the Senator from New York says that he does not believe there ought to be any courts down there.

Mr. ROOT. Oh, yes; I do.

Mr. CUMMINS. And that these people ought all to be judged by military law in order that there may not be any dissension whatever there, either among the commission or in any other governmental activity. We will have a lot of people there.

and we will have to take care of them according to civil procedure in some respects rather than wholly according to military procedure.

I wish to see the canal itself managed efficiently, and I have no doubt, even if the Senate provision were adopted, the man who is appointed chairman of the commission will exercise a dominating influence precisely as he does now.

Mr. THORNTON. Mr. President, I was one member of the committee who voted with the majority in adopting this amendment. I could not see then, nor am I able to see now, how that provision would interfere in any way with the efficient management of the Canal Zone operation, because if I could see so I would wish to recede from the position I took in the committee.

Now, we all know that practically it has been a one-man power down there, and that was the president of the commission, Col. Goethals, who had most efficient subordinates under him—for they were for all practical purposes subordinates.

The Senator from New York, while admitting that the commission as at present constituted has been practically dominated by the will of Col. Goethals, suggested that was due possibly to his strong personality and his ability to convince his brother members of the commission that he was the best qualified to dominate. That may be so. But I incline much more strongly to the opinion that every member of that commission, while recognizing the fact that greater efficiency, greater unanimity, greater harmony could be secured by paying attention to the wishes of the president of the commission, Col. Goethals, I think in addition to that knew that that was what they were expected to do by their creator, the President of the United States, and that any friction caused by them in undertaking to disregard his wishes would simply have resulted in their being relieved of their positions.

Now, in my opinion, an exactly similar condition will ensue, provided the canal is governed in accordance with the recommendations of a majority of the committee. I believe that the president of that commission, the Army engineer spoken of, will most certainly be Col. Goethals, if he is willing to accept the office. I believe that the sanitary officer provided for in the amendment will most certainly be Col. Gorgas, provided he is willing to accept the commission. The civilian is not so necessary, at least so far as concerns his personality, but I think is very important nevertheless concerning the question of a certain civil or quasi civil administration of the Canal Zone, because even admitting that there will be no one in that zone except the Army and Navy, and the members thereof, and the employees of the government and their families, there will still be a population which will not be less anyhow than 25,000. They have to be provided for in some way. They require schools, and there the work of a civilian comes in. Courts are required, and there the work of a civilian also comes in.

I am not one of those who believe that the zone should be thrown open to settlement. I never have thought, and do not now think, that there should be any occupants of that zone except those who are in the employ of the United States. But even admitting that, I do not see how this amendment can interfere in the slightest degree with the efficiency of the operation of the canal or of the Canal Zone in all of its operations, because it is more than simply the passing of ships through the canal; and in my opinion every necessary work can be subserved by the appointment of a commission such as this. For these reasons I favor the amendment.

Mr. BRANDEGEE. Mr. President, the Senate provision in this section does not show entirely the House bill provision as I think it should be shown. I have taken the House provision, section 4, as to the governor of the Canal Zone, and have interpolated certain verbal suggestions made by the Secretary of War during the hearings, the effect of which is to make the governor not only governor of the Panama Canal, but of the Canal Zone, and to provide that it not only shall be completed and operated through the governor, but also the word "governed," and I have carried those suggestions through the section.

I will send to the desk and ask the Clerk to read section 4 of the House bill with the interlineations I have made, in order that it may go into the RECORD and in order that Senators may understand the complete system provided by the majority.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary proceeded to read section 4, as proposed to be amended.

Mr. BRISTOW. The Senate has adopted amendments changing that language. Does the Senator from Connecticut seek to reconsider the amendment?

Mr. BRANDEGEE. Not to reconsider. I assume that the few amendments which have been adopted—which would be proper provided the amendment recommended by the majority of the Senate committee were to be finally agreed to—will stand only in case the complete scheme provided by the Senate committee is adopted.

Mr. BRISTOW. Certainly.

Mr. BRANDEGEE. And if those amendments which we have been making to-day, in the nature of perfecting the section, are all agreed to, as proposed by the majority of the Senate committee, then I shall offer what I send to the desk as a substitute for the entire section. Thinking they would be in order in that shape——

Mr. BRISTOW. I call the attention of the Senator to the fact that the Senate has adopted the amendments down to line 9, and they relate to an entirely different thing from what we are now discussing. That is a provision for perpetuating the present commission as it is until the canal is completed. The amendment we are now discussing proposes to formulate a government for the canal and the Canal Zone after the completion of the canal.

Mr. BRANDEGEE. Perhaps I did not make myself clear. What I mean is this: Whatever action we shall take upon section 4 in the Senate print of the bill, I propose to offer what I ask the Clerk to read as a substitute for this section, if it be in order.

Mr. CRAWFORD. The Senator wants to get it before the Senate.

Mr. BRANDEGEE. I want to get it before the Senate, and if we do not vote on it to-night, I shall ask to have it printed, so that Senators may see it in print to-morrow.

Mr. BRISTOW. That will necessitate a reconsideration of the amendments we have already adopted or it would have to be offered in the Senate instead of in the Committee of the Whole.

Mr. BRANDEGEE. I do not think it would necessitate a reconsideration.

The PRESIDENT pro tempore. The Senator from Connecticut proposes, as the Chair understands, that after the section has been perfected he will move to strike it out and to substitute in place of it what he proposes to have read.

Mr. BRANDEGEE. Precisely.

The PRESIDENT pro tempore. That would be in order. The Secretary will read as directed.

The Secretary read as follows:

SEC. 4. That when in the judgment of the President the construction of the Panama Canal shall be sufficiently advanced toward completion to render the further services of the Isthmian Canal Commission unnecessary the President is authorized by Executive order to discontinue the Isthmian Canal Commission, which, together with the present organization, shall then cease to exist; and the President is authorized thereafter to complete, govern, and operate the Panama Canal and Canal Zone, or cause them to be completed, governed, and operated, through a governor of the Panama Canal and such other persons as he may deem competent to discharge the various duties connected with the completion, care, maintenance, sanitation, operation, government, and protection of the canal and Canal Zone. Any of the persons appointed or employed as aforesaid may be persons in the military, naval, or civil service of the United States; but the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act. The governor of the Panama Canal shall be appointed by the President, by and with the advice and consent of the Senate, commissioned for a term of four years and until his successor shall be appointed and qualified. He shall receive a salary of $10,000 a year. All other persons necessary for the completion, care, management, maintenance, sanitation, government, and operation of the Panama Canal and Canal Zone shall be appointed by the President, or by his authority, removable at his pleasure, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may, by law, regulate the same, but salaries or compensation fixed hereunder by the President shall in no instance exceed by more than 25 per cent the salary or compensation paid for the same or similar services to persons employed by the Government in continental United States. That upon the completion of the Panama Canal the President shall cause the same to be officially and formally opened for use and operation.

The PRESIDENT pro tempore. Does the Senator desire to have printed the section as proposed to be amended?

Mr. BRANDEGEE. I will ask that it may be printed; and of course if we vote on the section before we adjourn to-night the order may be vacated.

The PRESIDENT pro tempore. The order for printing will be entered, in the absence of objection.

Mr. BRISTOW. Referring to the remarks of the Senator from New York in regard to the construction of the canal, I would not take from Col. Goethals any of the honors that are due him, and they are many; but I call the Senator's attention to the fact that there has been no material change in the plan of constructing the canal since the order of the President requiring the commissioners to live upon the Isthmus and since he appointed as commissioners engineers who were required to be there and to attend to their official duties.

The troubles that attended the early days of canal construction were due to the fact that there was appointed a commission

of engineers, as well as civilians, who did not go to the Isthmus at all and tried to construct a canal from Washington.

Mr. MARTIN of Virginia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Virginia?

Mr. BRISTOW. I do.

Mr. MARTIN of Virginia. I did not wish to interrupt the Senator from Kansas, but to make an inquiry of the Senator from Connecticut about the amendment which he offered and which was ordered to be printed. Before it is printed, I want to call his attention to a feature of it which seems to me to be important, and if he concurs in that view the correction should be made before the amendment is printed.

I will inquire of the Senator from Connecticut whether it is the intention by the amendment just proposed to give the governor of the Isthmus a right to hold the office of governor for four years without any power of removal. It seems to me, as I caught the reading of it, while all the other officers in the zone are subject to removal at the will and pleasure of the President, the governor is appointed for four years and there is no power of removal.

Mistakes, of course, are frequently made in the selection of agencies of that character, and it would seem to me very dangerous to have a governor appointed for a term of four years with no power of removal whatever. It seems to me there ought to be the same power of removal in the case of the governor as is given to the President in the case of other employees of the Canal Zone.

Mr. BRANDEGEE. I supposed the President, after he had commissioned a person for a certain term of office, had authority to remove for cause. If he has not, I certainly would not have any objection to having that inserted.

I think the matter was discussed before our committee. I will call the attention of the Senator to the fact that at the top of page 5 the amendment suggested by the committee was that these commissioners, if we have commissioners instead of a governor, shall hold office until their successors are appointed and qualified, which would be quite as secure a tenure of office as the four years' commission of the governor, and that does not provide that they may be removed at any time by the President.

Mr. MARTIN of Virginia. When a man is appointed to office for four years the constitutional provision that he shall hold office until his successor is appointed and qualified does not give the power of removal before the expiration of the term for which he was appointed. I do not say the President may not have that power, but I say it ought not to be left in doubt and make room for controversy in the courts. If it be the purpose of the Senator to give that power, the addition of a few words making it clear might save a great deal of trouble, and, in my judgment, they ought to be inserted.

Mr. BRANDEGEE. I agree with the Senator entirely. I would suggest, after the language in the amendment which I send to the desk, which provides that a governor shall be appointed for four years, that it be provided that he shall be removable at the pleasure of the President. I simply called the attention of the Senator from Virginia to the language in the Senate committee amendment because that is open to the same criticism.

Mr. MARTIN of Virginia. It is open to the same criticism. I think it is best to avoid controversy in respect to it.

Mr. BRANDEGEE. So do I. I quite agree with the Senator.

Mr. BRISTOW. Mr. President, I beg to differ with the Senator from Connecticut as to the indefiniteness of the Senate committee provision. When an officer is appointed by the President, by and with the advice and consent of the Senate, to hold until his successor is appointed and qualified, there is not an officer in the Government who is so appointed who is not removable at the will of the President. The internal-revenue collectors in the various States are appointed under exactly the same provision, and the President can remove them whenever he wants to. It is an indefinite term.

Mr. MARTIN of Virginia. I am not taking issue with the view expressed by the Senator from Kansas, but I say there might be room for some controversy in respect to the language and it had better be removed now than left to construction later.

Mr. SMITH of Georgia. I should like to suggest further that the language, "All other persons necessary for the completion, care, management, maintenance, sanitation, and operation of the Panama Canal shall be appointed by the President, or by his authority removable at his pleasure," would seem to indicate a purpose to draw a distinction between the right of removal of the governor and other persons. If the Senator from Connecticut would, in that portion, provide that the governor and all other persons——

Mr. BRANDEGEE. I am perfectly willing, but I think it makes no difference whether the proviso as to the removal of the governor be separated from that of all other persons or included in it. It is immaterial to me.

Mr. BRISTOW. Mr. President, I was saying before the interruption that the President appointed a commission and required them to live upon the Canal Zone and take an active part in the work of construction. Then the friction which existed prior to that time was eliminated. But the plan of construction that was formulated when Mr. Wallace was the engineer in charge has been practically carried out by the commission that has succeeded him. Mr. Wallace resigned, and he was succeeded by Mr. Stevens. Then there was one change made. A lock canal was determined on instead of the sea-level canal, which had been theretofore contemplated. With that exception, the present plan of construction has simply been the carrying out of that formulated during the régime of Mr. Wallace. There has been no friction other than that incident to all commissions of that kind.

Col. Gorgas has been in charge of sanitation from the beginning. He was sent to the Isthmus when we took control, and he is the one man on the commission whose services date from the beginning of the canal construction down to the present time. I do not know a man who has been connected with the canal construction who has contributed more to the success of that enterprise than he, and I make no exceptions. He has been in charge of the sanitation for 10 years, or almost that period. In the beginning of the construction of the canal there were more men engaged in making the necessary provision for the sanitation of the Isthmus than in construction work, and it was necessary. The attempted construction under the French had failed because of the insanitary condition that existed on the Isthmus and the diseases which prevailed there which swept off the French by the scores and the hundreds. It was through the wonderful sanitary provisions made that has resulted in the success of our enterprise there; and I am not willing that the Army engineer in charge of construction should be placed superior to or given greater praise than the Army medical officer who has been in charge of the sanitation of the Isthmus.

I am not willing to concede that the sanitation of that Isthmus after the canal is in operation is not just as important as the operation of the canal itself, because with carelessness in the sanitary arrangement there disease will come back. There has never been a month when the Canal Zone is not threatened with the same deadly diseases that were so fatal during the French occupation, and I think it would be unwise to substitute a new government in the place of the one we now have, which has worked so successfully.

The canal has been constructed by a commission, not by one man, and just as great wisdom was exercised by the President of the United States in selecting the subordinate commissioners, if they may be so termed, as in selecting the president of the commission himself.

Why is it necessary for us to take any chances by changing the form of government that has been so successful during the period of construction and institute a new one after the construction is completed, when the same conditions will exist that have been met, with the exception that it is to be an operation of the canal instead of a construction of it?

As to the population, there will be a large population on the Isthmus, whether the United States Government retains in its possession every foot of land in the zone or not. I am not disposed to object to the provision of the bill which authorizes the President of the United States to acquire all of the land which we now do not own, and hold it as land belonging to the United States. I believe that possibly is a wise provision, but there will be a large population there.

I talked with a young man but a few days ago who was engaged by a commercial company to represent them in Central and South America on the western coast. He is going to live at Panama, on the Pacific side. He will live at Balboa, on American soil, within the authority of the American Government. There will be hundreds and hundreds of others, unless we intend to bar business men from having representatives live upon the Isthmus, where they can come in convenient contact with their customers in the Central and South American States, which I think would be preposterous, and no one would contend that we should do it.

Now, should an Army officer be in absolute authority as the governor of the zone over the sanitation and the civil administration of affairs where there are thousands and tens of thousands of people living? I think not. Nor do I believe that a

civilian who might be appointed governor of the Canal Zone by the President should have charge of the operation of the canal, because that is a professional and technical business. I think one of the Army engineers should be assigned to that duty.

These three men will be the advisers of the President. If it is feared that there will be friction in a commission, we can by law fix the responsibility of each, but I have thought it wiser to leave that to the President. He can segregate and divide the responsibility of each and assign the duties of each, Congress providing that these three branches of the government shall be represented by these distinct heads.

I am sorry that I can not agree with the Senator from New York [Mr. ROOT] in the view that an arbitrary one-man government is better than a commission government of three. Of course, it has been said that a beneficent despotism is the best government. That may be, but we are not proceeding in this age of civil government along that line.

When we organize a government for the District of Columbia we do not appoint a mayor who will have absolute authority. We have three commissioners, each with his responsibilities. They doubtless have differences of opinion, but each man has his work to do. When a city organizes its commission instead of its council it assigns to each commissioner his duties, and he is held responsible for the administration of those duties.

This provision in the Senate committee amendment is simply in harmony with the modern idea of commission government.

For one, I am not willing that all civil authority shall be subordinate to military authority. I do not believe it would be wise for a President to have solely as his adviser one governor, who is a military officer, and I think it would be very unwise for the supreme authority there over canal operation to be placed in the hands of a civilian. It is as necessary to have the three branches of government there as it can be anywhere. Whatever the decision of the Senate is as to the provisions of this law, I am confident that in its final operation the very necessities of the case will demand that three men be placed in charge of these three divisions. I think the Congress ought to take such position and perpetuate the system which has been so successful up to the present time, and in this reorganization simply eliminate the officers who will no longer be needed after the construction is completed.

Mr. BRANDEGEE. Mr. President, of course it is not proposed to give this governor of the Canal Zone supreme authority over everything. There always have been courts on the Canal Zone, and the bill contains a clause providing for a reformation and readjustment of the judicial system upon the Isthmus. The bill does not compel the appointment of a military officer. It provides for the appointment of an engineer of the Canal Zone, and the President may, if he prefers, appoint a military officer. I do not see anything oppressive about that.

The fact is that those who have had the administration of large affairs far from home, such as the Senator from New York [Mr. ROOT] when he was Secretary of War, the present Secretary of War, the President, who has been Secretary of War, and Col. Goethals himself, all advocate the House provision of the bill, and they were much disturbed at the amendment proposed by the majority of the Senate committee. Col. Goethals in his testimony, taken on the Canal Zone before our committee, said, on page 11 of the book:

> The form of organization I think we ought to adopt is one by which an officer of the Corps of Engineers should be at the head.
>
> The CHAIRMAN. You mean as director?
>
> Col. GOETHALS. As superintendent, or anything you please—the same position as I occupy. He is educated by the Government; is sent down here on a detail, and would be a continuation of the service of canal operation our officers are doing all over the United States. His pay should be a certain fixed percentage over and above his pay received as an officer of the Army of the United States. His assistant should be an officer of the United States Army. I also think civil engineers of the Navy would be fitted for either position. I believe that on his staff should be a doctor from the Army, to have charge of the sanitation of the Canal Zone, reporting directly to him. I believe that the quarantine should be under the Marine-Hospital Service, also Government officials. I believe the hospitals for the health of the employees should be under a doctor of the Army or Navy, as these men are specially trained for that service.

Of course I have never had any experience in administration of this kind. The Senators and the men in public station I have named have had, and I am free to confess, even if my judgment did not agree with theirs, I would be inclined to defer to them. It seems to me perfectly patent that this is the wise thing to do, at least to start the operation of the canal that way, and if upon trial we should want to change the law or to have a commission we could do it at any time. The House of Representatives have thought that way, and the House committee and the officials of the Government in charge of this work think that way.

I sincerely hope that when it comes to a vote the Senate will substitute the amendment I have sent to the desk in place of that recommended by the Senate committee.

Mr. TOWNSEND. Mr. President, I was one of the Members of the committee who voted against the amendment adopted by the committee. I believed then, as I do now, that the principal business we have is the construction first, and then the operation of the canal. I think some Senators and others have magnified the government of that zone until it becomes greater than the canal itself. From some talk that I have heard here and that we hear everywhere it would seem that one of the desires is to take care of some of the gentlemen who have contributed very largely to the construction and the completion of that work.

So far as I am concerned, while I have the greatest respect for all the commissioners, and I believe that some of them, at least those who are necessary, will be retained under any form of government which we may adopt, if they wish to remain, yet I think now that the canal is completed, or at least we are contemplating its completion by this legislation, it is of the utmost importance that the highest efficiency possible should be secured. I submit, Mr. President, that it is my opinion that if there were not in mind several distinguished gentlemen who have worked on that plan and the proposition was up to us unembarrassed or uninfluenced by any consideration of those other gentlemen, there would not be a large minority voting for this proposition. It seems to me that inasmuch as we have carried the work on during the last few years at least practically under one man, although we have had a commission, as the Senator from Iowa, I think, said, under this arrangement the chairman would probably dominate the commission; he would exercise a dominating and controlling influence over those three men. Why not hold him responsible, and him alone, so that there shall be no chance to evade responsibility on the ground offered by the other gentlemen that one man was superior to them in the influence which he could exert? If we place it under the charge of one man we will know to whom we can look in case of failure in any particular.

No man is going to be placed at the head of that commission who does not look after its sanitation, and look after it as well as it is now looked after; no man is going to be at the head of that canal as the governor of the zone who does not look after the civil government, limited as it ought to be down there. It is a great big enterprise, but the territory covered is small. It is not a republic; it is a zone 10 miles wide and forty odd miles long. One man placed in charge, or at least having the responsibility placed upon him, it seems to me, would make for economy; it would make for efficiency. The success of that canal is the thing that we are all working for, as it seems to me, and if we could start it out under some such responsible head, it occurs to me that we could make any changes that experience would demonstrate to be necessary after the canal is completed.

I say this in order to explain the reason I had for voting for the House provision, having in mind all the time, as was suggested in the committee, that the House provision would need some perfecting in order to meet the clearly expressed object of that provision itself.

Mr. CRAWFORD. Mr. President, as a member of the committee, I myself have had very serious doubt as to the propriety of undertaking to establish any permanent commission of three members to have charge of the canal after its completion. The condition of things upon the Canal Zone is unique and interesting. I presume nothing just like it can be found anywhere else upon the earth. Perfect discipline is maintained, laws are enforced, educational facilities are furnished, and the statutory law upon which all of it is based and goes on is very scant indeed. It practically all rests upon Executive order. A system of civil law is in force, a civil code and a criminal code exist, not by virtue of any specific enactment by the Congress but as a result of Executive order. The most perfect organization has been developed that can be found anywhere in this world. That organization has been the result of an adaptability of men for the particular places which they fill.

I discovered, as I think other visitors did, soon after we arrived on the Isthmus in a trip down there, that underneath the smooth running of this organization there was a certain amount of suppressed jealousy, if you might call it that; but, because of the fact that the men in charge felt their responsibility and were trained men of a military caste, those jealousies were kept in the background and the work was allowed to proceed without friction in any way becoming dangerous to its progress. I think no visitor could be there more than 24 hours without discovering that, no matter what the formal name of

the organization might be, one man was in fact in charge of it, and that the will of that one man controlled its movements. I believe that had the men in charge there been civilians who had not been trained and disciplined as the skilled Army officers there are, this suppressed jealousy, that did not become strong enough to obstruct the smooth running of things down there, would have done so and a great deal of trouble would have followed.

As has been said, we are not in possession of the Canal Zone for the purpose of opening up homesteads and establishing commercial communities. We acquired it for the purpose of building and operating a canal, and should we ever abandon the operation of a canal our right of sovereignty in the territory would cease. The whole thing rests upon the fact that we are in possession there for the purpose of maintaining and operating the canal. I believe that Col. Goethals's advice is worthy of the most serious and profound consideration when he says that he would remove from the Canal Zone the natives who inhabit each side of it along the canal, take their little holdings, pay them, put them off, and allow the canal strip, outside of the necessary towns, to grow up into a jungle because, in his opinion—and I am profoundly impressed by it—the safety of the canal itself will be promoted by just such a condition as that. If we are to permit a motley collection of irresponsible people of all colors, shapes, and sizes to live along the banks of the canal and within the Canal Zone, enemies of the United States, enemies of the canal, with a design to do it injury, they may find just the character of surroundings they are looking for if they should desire to lurk in the vicinity for the purpose of doing any harm.

Mr. OVERMAN. Mr. President, if the Senator will yield to me for a question, under present conditions, with a strip a few miles wide and jungles on each side, what is there now to prohibit an enemy from coming in and doing the damage to which the Senator refers?

Mr. CRAWFORD. I do not know that there is anything; but I am calling attention to the condition that Col. Goethals, in his testimony, advises us would be the best condition for the safety of the canal. It is that each side of the canal between Ancon and Colon be a jungle, with a strong fortification at each end, and the territory between the termini practically uninhabited. He advised that as the best course for the safety of the canal itself. If that condition should exist, we need only the most simple form of civil government in the Canal Zone.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Kansas?

Mr. CRAWFORD. Yes.

Mr. BRISTOW. I desire to state to the Senator that the Senate committee concurred in that feature of the House bill, that the United States Government should acquire the land on each side of the canal, and no provision is made for its sale, so that the question as to whether or not the natives should be permitted to live there, so far as Congress is concerned, has been left with the President. The question involved in this amendment is what shall be the nature of the government for the people who must live there in the towns which we are establishing.

Mr. CRAWFORD. Certainly; that is what I am going to discuss.

Mr. President, if that view meets the approval of Congress, and the jungle is allowed to grow up on each side of the canal between the termini, there will be no large population anywhere within the zone, except in the communities at each end of the canal, Colon and Panama, which, of course, are under the general control of the Panama Republic, and perhaps at Christobal and Ancon, which will be within the zone. We will, of course, have certain sanitary regulations and police regulations over Colon and Panama, but they are within the Panaman jurisdiction, as all other towns will be with the two exceptions I have named.

When the 25,000 employees who are now engaged there have finished their work, on the completion of the canal, they will vanish; the American engineer, the American workman will come back to the United States; the Spanish laborers will go home; the negro laborers from the adjacent islands will go back to Jamaica, or wherever they came from, and those who remain will go into the jungle outside of the Canal Zone, so that the present population of laboring men now there will have disappeared in a short time. When the population of the Canal Zone will be largely confined to the cities at each end of the canal and the intervening territory is allowed to grow up in a jungle, why will we need a division of responsibility there?

Even under the provisions the Senate has recommended it is going to be a one-man government in this—that it will be in the hands of the President of the United States to appoint and remove at pleasure. He can appoint the governor and remove him at pleasure, and he can appoint the other officers and remove them at pleasure. It will be a one-man government, and necessarily so, under the circumstances, as it is now a one-man government, but it will not run so smoothly as the present one-man government if you undertake to establish three heads to it and have questions of power and jurisdiction arising between these individuals.

Members of the Senate should remember that that isthmus lies a couple of thousand miles away from the Capital of the United States; the people there can not appeal to Congress and get relief for the little grievances and disturbances that are bound to come up every once in a while, and the simpler the form of government and the higher the degree of efficiency for the purpose for which it is established the better it will be.

I notice in section 7, with reference to the rights of individuals, their protection in civil and in criminal courts, as has existed heretofore under the law, there will be a provision for the appointment of magistrates; their jurisdiction will be clearly defined; they can try civil causes; they can try criminal causes, and the right of appeal will lie in cases of certain importance to the courts of the United States; so that under this system there is no chance for an arbitrary tyrant or czar to ride roughshod over those people in their property rights or personal liberty. But instead of having three heads, three coordinate branches in authority over a little strip of country 2,000 miles away, over which we are exercising control for one purpose only, namely, the operation of a canal—instead of dividing the governmental authority into three divisions I think the House provision is the better, and simplifies matters by providing one head who shall be given necessary and adequate assistance. No one for a moment will think that by putting a governor there he will do away with sanitation; that he will neglect to employ a competent physician or health officer and put him in charge of the sanitation of the Canal Zone. It is certainly hardly a fair presumption to assume that one man placed in that responsible position will neglect to make the appointment of magistrates to enforce the laws; but there will be a single head to the government. I think conditions in that country so far from home require single responsibility, and I believe that high efficiency will be better promoted by the principle of the House bill than by the division of power contemplated by the Senate amendment.

Mr. THORNTON. Mr. President, I should like to inquire of the Senator before he takes his seat whether he supposes that the governor of the Canal Zone, who necessarily would have to be an engineer of high standing, and who would appoint the sanitary officer and the civilian, would undertake to interfere or to direct the operations of those officers? For instance, does he suppose for a moment that Col. Goethals now would undertake to suggest to Col. Gorgas the proper methods to be used for sanitation, knowing as he does that he is not qualified by his training to judge of such matters, while the sanitary officer in charge is so qualified; or does he suppose that Col. Goethals would undertake to make suggestions to the officer in charge of the civil administration as to how he should conduct that service, knowing perfectly well that he is not qualified by training for that any more than is Col. Gorgas; or that the present governor would undertake to make suggestions to Col. Goethals as to what to do in the present digging of the canal or in its operation after it was completed?

Mr. CRAWFORD. I am sure I do not know how far these gentlemen might go in suggesting to each other the matters of detail in connection with the execution of their duties. But I do know——

Mr. THORNTON. I think it will go on just exactly as it is going on now. Col. Goethals is not undertaking to suggest to Col. Gorgas, the sanitary officer, what he should do, and the same thing would happen under the new government, assuming that the Senate acts favorably on the Senate committee amendment, and the same thing would go on in the future, just exactly as it has done in the past, and there would be no friction at all.

Mr. CRAWFORD. I will say to the Senator, from what opportunity I had to make observations when I was there, I personally am inclined to believe that there is some ground for apprehension that there would be more or less friction in that form of government. Now, of course, after all these years practically all of these questions regarding details in administration, in sanitation, in discipline have been settled.

Col. Gorgas is entitled to the greatest credit and all the honors that can be bestowed upon him for what he has done, not

only on the Isthmus but in Habana and elsewhere in Cuba. And yet the rules and methods he has applied to bring about these conditions are now well known; and I dare say if Col. Goethals should die to-morrow, and if Col. Gorgas should go to his long rest to-morrow, the organization they have established there, the men who have grown up under them there and executed their orders and know what the remedies and the system are, could carry on that work, and we would hardly know, so far as the future is concerned, that they had disappeared. It seems to me from this time on, or after the canal is completed, the question is one of simplicity and effectiveness, and personally I believe that both would be promoted by having the matter in one man's hands.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Wyoming?

Mr. CRAWFORD. I do.

Mr. WARREN. I agree with the idea expressed by the Senator from South Dakota that there should be a one-man head. We must have, in order to have good government, one executive and not three. It is true that whoever may have that place would have to depend for sanitation, for instance, upon those who understand it, and he would be able to command the assistance that he might wish; the same as to other branches of the work.

We do not have three Presidents of the United States; we have one President and his corps of assistants, known as the Cabinet. We do not have three or four commander generals of the Army of equal rank; and I do not believe any business can be carried on in a businesslike way, economically and forcefully and up to date, unless we have an executive head.

It is true that with a board of three or a board of more one man may be chairman, but in the visits I have made to the canal and in the reports I have had from time to time—and I have given them considerable attention—there have been times when there were very broad differences and a great deal of friction. It has been eliminated, more or less, but at the same time there have been some burning spots all the way through.

The canal is a military affair; a military asset. I listened to Col. Goethals one evening—and he is as able in expressing his ideas as he is in digging the canal—and there were present 140 members of the American Engineers' Society. The question whether the canal would pay came up—the question as to its commercial value—and he was frank enough to put it at once: "It is a military asset. While it is a measure of commercial value, its main and intrinsic value is the protection of the United States." And when the matter of battleships arose the question was put to him, "If $400,000,000 is necessary to build the canal, why not spend it in battleships?" and he remarked at once, "A battleship costs $10,000,000, and in five years it is on the scrap pile. We want battleships, but we want this canal through which to transport them from ocean to ocean, so we can quickly meet a foe approaching us from either east or west."

We want a government at the Canal Zone in the nature of a military government. We want it strong. We want it focused in one head. We want the assistants, whether commissioners or others, if put there for specific purposes, to report to the one head. It may be very necessary to have a good cashier or a very good bookkeeper, but it is not necessary that he should have equal rank with the president of a bank or any other business concern. It is indispensable from my point of view that we have one head with the proper assistants.

Mr. OVERMAN. I desire to inquire of the chairman of the committee how he construes the language between lines 6 and 8:

> Any of the persons appointed or employed under the provisions of this act may be persons in the military, naval, or civil service of the United States.

Does that mean that the President, in his appointments, shall be confined to the Army, Navy, and civil service of the United States?

Mr. BRANDEGEE. It never would have occurred to me that it meant that, and I should be opposed to it if I thought it did mean that.

Mr. OVERMAN. Does not the Senator think it means that?

Mr. BRANDEGEE. No. I think it means that the people down there, the officials on the canal, may be appointed from the Army or the Navy on a detail, and if they are, the amount of their official salary there shall be deducted from that which is paid them as their regular Army and Navy salaries.

Mr. OVERMAN. It looks to me like it provided for the appointment—I did not read all of it; my eye happened to glance at the words "persons in the military, naval, or civil service of the United States."

Mr. BRANDEGEE. They may be; that is, that officers of the Army and Navy and persons in the civil service should not be excluded. That would be my interpretation.

Mr. OVERMAN. Why should they be mentioned? The very fact that you mention them might be construed to mean that otherwise they would be excluded. If you said nothing about them, they could appoint whom they pleased, but having mentioned them from the Army and the Navy and the civil service there is danger of that interpretation. I think the words should be "civil life," instead of "civil service."

Mr. BRANDEGEE. Perhaps the word "service" should be changed to "life."

Mr. OVERMAN. You can have "civil service," too, but add "from civil life," so as to read "from civil life or the civil service of the United States."

Mr. BRANDEGEE. I am perfectly willing that the Senator should make that amendment. It never occurred to me. That was the language in the House bill, and it did not occur to anybody in the committee that it was anything but permissive; that is, that the Army and the Navy should not be excluded. I am perfecly willing to have it read "from the Army or Navy or civil service or from civil life," if the Senator will suggest that as an amendment.

Mr. BURTON. I think the paragraph is in a degree susceptible of the interpretation placed upon it by the Senator from North Carolina. A very simple amendment would make it clear, so as to read:

> If any of the persons appointed or employed under the provisions of this act shall be persons in the military, naval, or civil service of the United States—
>
> Strike out the word "but"—
>
> the amount of the official salary paid to any such person shall, etc.

It is perfectly clear why this provision was inserted here. It was to adjust the salaries of persons chosen from the military naval, or civil service of the United States; but in view of the fact that "may" is so often interpreted "must" or "shall," the provision as it is now creates a certain degree of ambiguity.

Mr. BRANDEGEE. I think the suggestion of the Senator from North Carolina is prudential, and I think the remedy proposed by the Senator from Ohio is a perfect one. I therefore suggest that the Secretary at the desk, in line 13, before the word "any," on page 4, insert the word "if," and, in line 15, strike out "but."

Mr. BURTON. One other correction is necessary. In line 7, instead of the word "may" insert "shall be," so as to read "shall be persons in the military, naval," and so forth.

Mr. BRANDEGEE. I was reading from the House print and therefore my reference to the page is not correct. I will ask the Secretary to state it.

The SECRETARY. On page 5, line 6, before the word "any," insert "if," beginning the word "any" with a small "a"; in line 7 change the word "may" to "shall"; and, in line 9, strike out the word "but"; so as to read:

> If any of the persons appointed or employed under the provisions of this act shall be persons in the military, naval, or civil service of the United States the amount of the official salary paid to any such person shall be deducted, etc.

Mr. CUMMINS. I do not understand the application of that part of the bill to the civil service. Is it possible that a person could be appointed from the civil service to a position created by this act and still continue to receive the salary which he formerly received under the civil service and under a former appointment? There is no provision of law for any such transfer. If he is appointed to a position under this act, he at once, of course, abandons his position in the civil service.

Mr. BRANDEGEE. Of course, Mr. President, I do not suppose that if anybody is appointed from the civil service here his salary as such official in the civil service would go on and he would get another salary down there.

Mr. CUMMINS. No.

Mr. BRANDEGEE. It may be that the provision in the House bill which provides as to the amount of the official salary paid to any such person, when it alludes to the military and naval and civil services all together, is not a proper one.

Mr. CUMMINS. I think that applies properly to the military or naval service, but it does not apply properly to the civil service.

Mr. BRANDEGEE. I think the Senator is correct about that.

Mr. BURTON. I suggest a possible explanation of that. If a person were transferred from the auditing department of the Treasury, as in the case of transfers made to Cuba, it would be temporary in its nature, but that is not what this bill means. This bill means an absolute transfer which would seem to involve the loss of his position in the civil service.

Mr. CUMMINS. It might not involve the loss of his position as a civil-service man or as a classified employee, but it would at once involve the loss of his former salary. It would terminate, and he would get whatever salary was given in his new position under this proposed act.

Mr. NELSON. In the phrase commencing with the word "any," in line 6 on page 5, I suggest that, before the word "any," the word "if" be inserted, so that it would read:

If any of the persons appointed or employed under the provisions of this act may be persons in the military, naval, or civil service of the United States—

I think the wiser way would be to put in the word "or" between the words "military" and "naval" and strike out "civil service." It would then read:

If any of the persons appointed or employed under the provisions of this act may be persons in the military or naval service of the United States—

The word "but" should be stricken out—

the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation.

That makes it consistent and makes it read in a proper manner. I suggest that amendment.

Mr. OVERMAN. Strike out "or civil service of the United States."

Mr. CRAWFORD. I suggest that the word "may" should be changed to "shall."

Mr. NELSON. "May" is sometimes construed to be mandatory.

Mr. BRANDEGEE. I was going to ask the Secretary, if he had it in mind so that he could report it, as I did not follow, please to do so.

The PRESIDENT pro tempore. The Secretary will report the proposed changes.

The SECRETARY. So that it will read:

If any of the persons appointed or employed under the provisions of this act shall be persons in the military or naval service of the United States, the amount of the official salary paid—

And so forth.

Mr. BRANDEGEE. I think that expresses the idea.

Mr. NELSON. That makes it clear. That covers the point.

The PRESIDENT pro tempore. The question is on agreeing to the amendment which has been suggested.

Mr. CUMMINS. There is an amendment pending, I believe.

The PRESIDENT pro tempore. There is.

Mr. CUMMINS. And this is sort of superimposed upon it. I have no objection to this particular amendment, but I did not want it to be forgotten that we had an amendment pending.

Mr. BRANDEGEE. The Senator from North Carolina [Mr. OVERMAN] drew attention to this matter somewhat in advance.

Mr. OVERMAN. If the Senator from Ohio will accept that amendment——

The PRESIDENT pro tempore. The amendment is not now in order. The pending amendment is one on page 4.

Mr. CUMMINS. Mr. President, I desire to make an inquiry here, and possibly to ask the consent of the Senate to the consideration of that amendment with the amendment proposed by the committee, from line 18, on page 4, to the end of the italics in line 6, page 5. They ought to be considered together, because they relate to the same subject, and it would not be intelligible to adopt one without also adopting the other.

The PRESIDENT pro tempore. If that is the sentiment of the Senate, the Chair will put the amendment that way.

Mr. BRANDEGEE. I was going to suggest to the Senator from Iowa that if the House provision should be restored in accordance with the amendment I sent to the desk, these words would be just as necessary.

Mr. CUMMINS. That is true, but we ought to have an opportunity to perfect this amendment. I have an amendment to offer to the amendment proposed by the committee, and before the substitution is voted upon, which, I take it, would end the matter, I should like a chance to offer the amendment perfecting the amendment presented by the committee.

Mr. BRANDEGEE. Of course, the Senator has that right, but I understood the Chair to rule that this amendment is not now in order; that the pending amendment is the amendment on page 4.

Mr. CUMMINS. Precisely. I ask consent that that amendment—that is, the insertion of the words "as now constituted"—shall be considered in connection with the proposed amendment of the committee from line 18 on page 4 to line 6 on page 5.

The PRESIDENT pro tempore. If it is agreeable to the view of the Senate, the Chair will treat it as one amendment.

Mr. CUMMINS. As one amendment.

The PRESIDENT pro tempore. Beginning at line 9, to strike out the word "unnecessary" and insert the words "as now constituted," and then to strike out the succeeding seven or eight lines as marked in the bill and insert the words in italics between line 18 on page 4 and line 6 on page 5. The Chair will treat it as one amendment; and that being the case, the amendment now proposed by the Senator from Iowa will be in order.

Mr. CUMMINS. I present the followig amendment.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. On line 20, page 4, amend the part proposed to be inserted by the committee by inserting, after the word "reorganized," the words "and who shall have control of the maintenance and operation of the canal," so that it will read:

One chosen from the Corps of Engineers of the Army, who shall be president of the commission as so reorganized and who shall have control of the maintenance and operation of the canal, one experienced in the work of sanitation in the Tropics, and one civilian.

The PRESIDENT pro tempore. The question is on the adoption of the amendment proposed by the Senator from Iowa to the amendment proposed by the committee.

Mr. NELSON. I suggest that the word "sole" be inserted before the word "control."

Mr. CUMMINS. I am quite willing to accept that modification. That is what I supposed the amendment I sent to the desk to mean. It emphasizes it and I am quite willing to accept it.

Mr. BURTON. Mr. President, I can reach no conclusion except that the House provision is better than the proposed Senate committee amendment. I say that with the utmost regard for the careful attention given to it by the Senate committee.

It seems to me in our discussion there has been some misapprehension of the meaning of the House provision. It does not mean that the governor shall be a dictator. He can not say that a man must go to prison. He is under well-defined restrictions. The bill most carefully provides for the creation of a district court, the incumbent of which shall be appointed by the President. It provides for the making of regulations by the President. It recognizes the fact that there is already a code of laws in force on the Isthmus. It clearly has in view the performance of executive functions alone. In the performance of those executive functions the management and operation of the canal would assume so great importance that he who has charge of that branch of the work is entitled to be governor of the zone. That looms so much that everything else must be subordinate to it.

I am inclined to think there is some degree not of vagueness but of insufficiency in the provisions on page 5 in the definition of the duties of other employees. It is, of course, intended that there should be some one in charge of sanitation, and there may be other duties to perform. It is for Congress to define the duties of each of these officials, although that duty is in the first instance imposed upon the President.

I am a very decided believer in the idea of a single executive instead of a triple-headed body. If the provision as given in the Senate committee amendment should be adopted it would not be in the power of the president of the commission to determine the control and operation of the canal. His action might be overruled at any time by the other two members of the commission. He could not choose the lock tenders; he could not determine the method of operation or the general management of the canal without the concurrence of the two other commissioners.

Mr. CUMMINS. Mr. President, the Senator from Ohio is asserting a principle to which I can not agree. Does he believe that in the government of our States there should be no secretary of state, no auditor of state, no superintendent of public instruction?

Mr. BURTON. By no means.

Mr. CUMMINS. All these are executive officers. Why not allow the governor to perform the functions of all these officers? The officer who is here described as a civilian is to have charge of the schools of the zone and the general civil welfare. That has really nothing whatever to do with either the maintenance or the operation of the canal.

Mr. BURTON. I have not succeeded in making myself clear. I certainly believe in other officers in the State, a secretary of state, a superintendent of instruction, and so on; but I do not believe in a collegiate body, such as this amendment would create, in which the secretary of state, the superintendent of instruction, or other State officials engage in deliberations with the governor and have just as much power as he has. Under such a plan we would have three commissioners, and in deter-

mining the management of the canal those two would have the power to overrule the ruling of the president himself.

Of course, the question of commission government has been very much discussed, and also the so-called federal plan in cities, which has been largely adopted, under which all responsibilities center in the mayor. We have the appointment of the director of public works, the director of safety, and director of law much after the form of the Cabinet of the President. The object of that is to center responsibility and control in one man, so that the people may know with whom they may find fault.

Mr. CUMMINS. The Senator from Ohio is mistaken about the commission form of government, at least so far as it generally prevails in this country. The mayor has not the power to do these things. The commission itself determines as to which of its members shall have charge of this department or that department. At least that is the case in the city of Des Moines, which, I believe, was the first city in the country that adopted the so-called commission form of government.

Mr. BURTON. The Senator from Iowa misunderstood me. I stated that there were two forms of government—one the commission form of government and the other the so-called Federal plan. I described the Federal plan.

Mr. CUMMINS. I did not understand the Senator.

Mr. BURTON. Under the commission form of government there are three. The main difference between the Federal plan and the commission form of government is that the latter does not include a legislative body. There is still a legislative body under the former, while the latter, the commission form of government, vests in the three commissioners the power vested in the legislative body as well as that ordinarily vested in an executive body.

There is a very wide difference between this Canal Zone, however, and the ordinary municipal government. The municipality is an organized public center. There is an electorate alert and awake to watch those who rule them and the press to criticize. Then, in addition to that, there are taxpayers whose rights are involved.

Mr. GALLINGER. This is not true of the District of Columbia, if the Senator will pardon me.

Mr. BURTON. There is at least a press. There is a legislative body—that is, Congress—and there are the three commissioners. The District of Columbia does not have the modern type of commission government. It is of its own class. There is no other like it.

Mr. GALLINGER. I assume Congress is the legislative body of the Canal Zone.

Mr. BURTON. It is rather remote from the scene of action.

Mr. NELSON. Mr. President, I should like to make a suggestion to the Senator from Connecticut. It is now 10 minutes after 6. I would be very glad if he would move to adjourn until 10 o'clock to-morrow.

Mr. BRANDEGEE. I was going to do that, but before that is done the Senator from New Hampshire [Mr. GALLINGER] wishes to offer an order.

HOUR OF MEETING.

Mr. GALLINGER. I offer an order. I ask that it be read.

The PRESIDENT pro tempore. The order will be read.

The Secretary read as follows:

Order, That the daily meetings of the Senate shall be at 10 o'clock a. m. until otherwise ordered.

Mr. OVERMAN. There are to be night sessions?

Mr. GALLINGER. It is quite probable that this will tend to prevent them. I ask for a vote on the order.

The PRESIDING OFFICER. The question is on the adoption of the order just read.

The order was agreed to.

THE PANAMA CANAL.

Mr. ASHURST. Mr. President, I ask unanimous consent that I may print in the RECORD a very illuminating editorial from the New York American of date of July 16, entitled "The Panama Canal; It is Ours, not England's."

Mr. BURTON. I should like to ask the Senator from Arizona if it is true that the proprietor of the American has repudiated an alleged interview? Is that the interview?

Mr. ASHURST. No; this is an editorial.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arizona?

Mr. BRANDEGEE. I shall not object, but I will say to the Senator that I have a wastebasket upstairs filled with editorials from all the papers of the country on various sides, and I am not going to ask to have them printed in the RECORD.

Mr. ASHURST. If the distinguished Senator from Connecticut had read this editorial he would not have thrown it in the wastebasket; he would have preserved it.

Mr. BRANDEGEE. I shall not object to the Senator's request.

Mr. WILLIAMS. If the Senator from Arizona was speaking and desired to insert it as a part of his remarks or to read it to the Senate, I should not object; but if we begin the business of just permitting editorials independently of speeches to be inserted in the RECORD, I do not see much end to it. I shall object.

Mr. ASHURST. Mr. President, I will not embarrass the Senator by insisting that it be printed. I will withdraw it.

Mr. WILLIAMS. The Senator can bring it in afterwards—some time in the course of a speech, or something of that sort.

Mr. ASHURST. I withdraw the request. I will not offer anything that might be objectionable under the rules or to the distinguished Senator from Mississippi.

Mr. THORNTON. Mr. President, I wish to give notice that at the close of the routine morning business to-morrow I desire to address the Senate on the Panama Canal bill.

The PRESIDENT pro tempore. The notice will be entered.

Mr. JONES. Mr. President, I desire to state that at the conclusion of the remarks of the Senator from Louisiana [Mr. THORNTON] I will submit some remarks to-morrow on the Panama Canal bill.

The PRESIDENT pro tempore. The notice will be entered.

SCHOOL LANDS IN ARIZONA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7163) authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions, which was, on page 2, line 3, after "act," to insert: "*Provided further*, That no more than 2,000 acres of such lands shall be selected under the provisions of this act."

Mr. SMITH of Arizona. I move that the Senate concur in the amendment of the House.

Mr. SMOOT. Does the Senator remember how many acres are in that reservation?

Mr. SMITH of Arizona. Some six or seven thousand, in my judgment, and the amendment limits it to 2,000.

Mr. SMOOT. Why was it limited to 2,000 acres?

Mr. SMITH of Arizona. Because the gentlemen in the other House simply put it as an abstract matter, without any reason that I could see, and insisted on it. They would not consent to the passage of the bill unless that limit was made. The Secretary of the Interior had recommended a larger quantity.

Mr. SMOOT. The Secretary of the Interior recommended that all be selected?

Mr. SMITH of Arizona. I know; but this was the only way of getting it through.

Mr. SMOOT. The Senator feels that he is justified in accepting that limitation?

Mr. SMITH of Arizona. Yes, sir; it is all I could do.

Mr. SMOOT. I would not agree to it.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Arizona that the Senate concur in the amendment.

The motion was agreed to.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 16 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, August 6, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *August 5, 1912.*

The House met at 12 o'clock noon.

Prayer was offered by Rev. William Couden, of Norwalk, Ohio, as follows:

Thus far, dear Lord, Thou hast led us on. And after the sweet day of rest Thou gavest, we face the opportunities and duties of a new week. We thank Thee for all Thou hast done for us and bestowed upon us. We confide in Thee, because Thou art more interested in us than we are in ourselves, and Thy wisdom is infinitely transcendent. Help us, therefore, in all our thoughts and affairs to keep close to Thee, to fulfill Thy perfect will in love to God and love to man. Hear and answer our prayer according to the depth of our needs, and the reach of our hopes, and the love of Jesus our Redeemer. Amen.

The Journal of the proceedings of Saturday was read and approved.

CONTESTED-ELECTION CASE OF JODOIN AGAINST HIGGINS.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent that the report in the case of Jodoin against Higgins from the Committee on Elections No. 3 be printed in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the RECORD the report of the Committee on Elections No. 3 in the case of Jodoin against Higgins. Is there objection?

There was no objection.

The report is as follows:

[House Report 1136, Sixty-second Congress, second session.]

RAYMOND J. JODOIN AGAINST EDWIN W. HIGGINS.

Mr. GOLDFOGLE, from the Committee on Elections No. 3, submitted the following report (to accompany H. Res. 661):

The Committee on Elections No. 3, to whom was referred the contested-election case of Raymond J. Jodoin against Edwin W. Higgins, from the third congressional district of Connecticut, having duly considered the same, respectfully report:

After the contestee served his answer to the notice of contest, both parties and their several attorneys entered into a stipulation, dated March 16, 1911, in which, among other things, the following was stated:

"That in many voting districts it is probable that the moderators were mistaken in their decisions as to the validity or invalidity of ballots cast for said office of Representative in Congress from said district, and that without opening the boxes and examining the ballots therein it is impossible to determine the extent of such mistaken decisions.

* * * * * * *

"That it is impossible to tell with accuracy what ballots have been improperly counted or rejected for the contestant or contestee without opening said boxes and examining said ballots.

* * * * * * *

"That said contestant desires that said boxes be opened and said ballots examined and recounted and that the lawful and correct count of said ballots be ascertained thereby, without objection on the part of the contestee.

* * * * * * *

"That said contestant and contestee waive any question of formality or sufficiency of the pleadings as to said matter of contest and agree that all issues are properly raised and presented for the opening of said ballot boxes and for a recount of all the ballots cast at said election for the office of Representative in Congress for said congressional district in said Sixty-second Congress.

* * * * * * *

"That said contestant and contestee stipulate and agree to waive any and all claims which they or either of them might make under any of the pleadings or any part of the proceedings for the determination of said question, so that a full recount of all ballots cast for Member of Congress from said congressional district in said Sixty-second Congress may be had."

At the hearings before the committee counsel for the contestee in substance reiterated the willingness of the contestee that the ballots be recounted.

The evidence taken before the committee disclosed the fact that under the law of the State of Connecticut a recount of ballots could be had only if an application for such recount, founded on facts sufficient to justify the application, was made within three days after the election by an elector in the town in which the recount was desired. Under this law the elector in the town of Plainfield applied within three days after the election. The application was granted and the contestant (Jodoin) on such recount gained three votes in that town, thus reducing by that number the majority with which Higgins had been credited.

The third congressional district of Connecticut is composed of 36 towns. In no town other than that of Plainfield was an application for a recount made.

It was expressly conceded by the contestant and contestee—

"That said ballot as used in said election was novel to the voters of said district; that said ballot had never been used before at any election in said district for the election of a Representative in Congress to the United States, although a similar ballot had been used in most of the towns in said district at the preceding October election held for the election of town officers; and that there was a diversity of opinion amongst competent attorneys and judges as to the proper construction of the law as to said ballots and as to the effect of different marks and the location of the same upon said ballots and as to what ballots should be rejected for various causes."

A stipulation of parties to an election contest for a recount of ballots cast for Representative in Congress is not binding or conclusive either on the House of Representatives or its Committee on Elections. In view, however, of the stipulation to which we have above referred and of the declarations upon the hearings by the counsel for the contestee of his willingness that such recount should be had, and of the circumstances existing with regard to the counting of the vote in the town of Plainfield which reduced the meager majority by which the contestee was declared elected, and of the difficulty that the contestant would experience to secure a recount under the Connecticut law within the very brief period of time limited by the laws of that State, the committee concluded to give heed to the stipulation and render it effective by ordering a recount.

By direction of the House of Representatives, under the resolution passed March 21, 1912, the ballots were brought to the committee from Connecticut, where they had been securely kept. The boxes were opened in the presence of counsel and representatives of both parties and the recount was proceeded with, after the integrity of the ballots had been clearly established.

The fullest opportunity was afforded to the parties and their respective counsel to examine the ballots. A number of days were consumed in the examination, classification, and counting of the ballots, in which work counsel for the parties participated.

On May 17, 1912, at a meeting of the committee, counsel for both parties appeared and the counsel for the contestant, Jodoin, stated that after having made an examination of all the ballots he was convinced that the result would not be changed. The following colloquy took place at the close of the hearings:

"Mr. CARLIN. You represent the contestant?

"Mr. THAYER. Yes, sir.

"Mr. CARLIN. And you now admit that it is useless for the committee to expend any further time in the examination of these ballots, because the result would not be changed?

"Mr. THAYER. The result would not be changed. That being so, it is only a question of what the committee desires with regard to a report—whether it wants a report of the true state of the ballots, or a simple statement that an examination of the ballots, we believe, would leave the matter unchanged.

"Mr. CARLIN. Would the gentleman have any objection (of course, I do not know the feeling of the committee; I am just expressing my own idea) to entering into a stipulation that from an examination of the ballots counted you have both considered that the result could not be changed?

"Mr. THAYER. I would prefer not to, in view of my instructions from my client. I would prefer not to enter into such a stipulation, but in fairness to the committee I have to state that these disputed ballots, when classified as they are, would not change the result.

"The CHAIRMAN. And so you concede it would be useless for this committee to go ahead and look over the ballots?

"Mr. THAYER. Yes. It is only a question of whether, on the agreement as to classes, you want a report of the true result of the count, or simply a report that a recount would not change the result.

"Mr. CARLIN. Of course, the committee will take that up in executive session.

"The CHAIRMAN. I believe I express the sentiments of the committee when I say that we are thankful to you for the frankness with which you have treated the committee; and we appreciate the services of both counsel in this case. They have worked hard and have lessened the labors of the committee very much indeed. We are obliged to both counsel for the services they rendered in the matter.

"Mr. THAYER. I desire to thank the committee on behalf of my client, as well as personally, for the great courtesy we have received at the hands of the committee."

Your committee therefore recommend the adoption of the following resolutions:

"*Resolved*, That Raymond J. Jodoin was not elected a Member of the Sixty-second Congress from the third congressional district of Connecticut and is not entitled to a seat therein.

"*Resolved*, That Edwin W. Higgins was elected a Member of the Sixty-second Congress from the third congressional district of Connecticut and is entitled to a seat therein."

CONTESTED-ELECTION CASE OF GILL AGAINST CATLIN.

Mr. HAMILL. Mr. Speaker, I am directed by the Committee on Elections No. 2 to present the report of that committee in the contested-election case of Patrick Gill against Theron G. Catlin, from the eleventh congressional district of Missouri. (H. Res. 666, H. Rept. 1142.)

The SPEAKER. The gentleman from New Jersey asks unanimous consent to file a report in the case of Gill against Catlin.

Mr. MANN. Reserving the point of order, I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is the gentleman entitled to present a report unless he gets unanimous consent, to-day being Monday, unanimous consent, suspension, and committee discharge day?

The SPEAKER. The gentleman from New Jersey is asking unanimous consent.

Mr. MANN. I did not so understand it.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to file the report in the contested-election case of Gill against Catlin. The Chair will pass on the point of order which the gentleman from Illinois has raised. The Chair does not think that anything is in order on unanimous consent, suspension, and committee discharge day except such things as will forward the business of the House.

Mr. MANN. In that connection, Mr. Speaker, I wish the gentleman would couple with his request a request that the minority shall have five days in which to file their report.

Mr. HAMILL. That is satisfactory, provided the House does not adjourn before the five days have expired, because we want to consider this case.

The SPEAKER. There is not one chance in ten thousand that the House will adjourn within five days. That is not an official opinion, but a private opinion publicly expressed. [Laughter.]

Mr. HAMILL. Then, Mr. Speaker, I couple with my request the request that the minority may have five days in which to file minority views.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to file the report in the contested-election case of Gill against Catlin; and in connection with that he asks that the minority shall have five days in which to file views. Is there objection?

There was no objection.

THE TAYLOR SYSTEM.

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Taylor system, or scientific method of shop management.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the Taylor system of shop management. Is there objection?

There was no objection.

WHITE OAK POINT BAND OF MISSISSIPPI INDIANS.

Mr. LINDBERGH. Mr. Speaker, on August 1 last I filed a brief which I had permission to print in the RECORD. That brief has been printed in the RECORD as if it was my speech, whereas it is by another party. I would like to make a short statement in the RECORD to correct that error.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to print a short statement in the RECORD to correct a mistake which attributes to him an article written by some one else. Is there objection?

There was no objection.

Mr. LINDBERGH. Mr. Speaker, on page 10782 of the temporary RECORD of August 1 appears a statement that is not in the exact terms in which I presented it. From the way in which it appears it might be inferred that I adopted the brief set forth as my own, whereas it was not presented as such. The brief is an exhaustive one, carefully drawn by John G. Dudley, Esq., of the city of Washington, in behalf of the committee sent to Washington by the White Oak Point Band of Mississippi Chippewa Indians, of the State of Minnesota. The committee consisted of Mr. Charles A. Wakefield, Mr. Wahbasegay, and Mr. William H. Lyons, members of the band, and I submit the following as the articles of their authority:

To the honorable United States Congress, the honorable Commissioner of Indian Affairs, and the honorable Secretary of the Interior:

At a certain general council of the Mississippi Chippewa Indians, composed of residents of the Chippewa Reservation, the so-called Minnesota National Forest, and the White Oak Point Indian Reservation, in the county of Cass, State of Minnesota, held pursuant to a notice given at a former council and recorded in the notes thereof according to the custom and usages of the tribe at Bena, Minn., on the 20th day of December, 1911, at which time and place the council was called to order. Mr. Odenegum was duly elected chairman, and Mr. William Losh was duly elected secretary, and Mr. Wahboze was called upon to state the object of the meeting, after which the following resolution was passed:

Now, therefore, we, the male members of the Chippewa Indian Tribe, being over 18 years of age and residents of the Chippewa Reservation, the so-called National Forest, and the White Oak Point Indian Reservation, in the county of Cass, in the State of Minnesota, hereby most urgently and respectfully petition the honorable Commissioner of Indian Affairs, the honorable Secretary of the Interior, and the honorable United States Congress to concede to the following demands of the red man and give them in addition to what they already have the following land: To each Indian man, woman, and child 80 acres additional to the allotment which they already may have, and 160 acres to every man, woman, and child who has not as yet received an allotment, it being conditional that said men, women, and children be members of the above-named tribe and reside on or near to the territory aforesaid; giving them the right to hold their mineral rights whether on their individual allotments or on their tribal lands without respect to the location thereof, and giving them the further right to recover their allotment timber money in cases where the timber has been sold, cut, and removed without their consent; also in cases where the stumpage was taken and placed in the general fund; or, in other words, giving the Indians their just dues for the allotment timber.

The reasons for asking your consideration in these matters are plain and obvious, and we think that we are as much entitled to an 80-acre additional allotment, or 160 acres in all to each and every Chippewa Indian and woman and child, as are our brothers at the White Earth Indian Reservation in Minnesota, who have already received that amount at your hands; and we feel that in right and justice we are as much entitled to this additional grant as they are, who are our tribal brothers, the people with whom we are interested in tribal affairs. And we can not understand why we should have less than they if justice and right were taken into consideration.

We also most urgently and respectfully petition the honorable United States Congress to repeal Minnesota national forestry act, for the reason that it is contrary to the treaty under the Nelson Act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians of Minnesota." And in right and justice to the Indians it should not be fractured or amended in any way without first consulting those who were parties to the treaty, namely, the Indians. Further, the national forest lies in the midst of the Indian territory, and its location is a detriment to the tribe and is of no benefit to the public; and also the national forest, because of its inert condition, is retarding the development of the country lying in and about it, and in its dormant state it is a menace to civilization and it will be of great interest to us as well as to the general public to have this reserve thrown open to us and the incoming settlers, whether red or white. And, lastly, we do not feel that we are receiving our just dues by having this land taken from us without receiving pay for it, and the taking of land by the United States Government is without precedent. We do not understand why the United States Government, one of the most powerful and wealthiest nations under the sun, is desirous of acquiring land in this manner, being without comparison in the history of civilization.

The swamp lands which are now in controversy and pending settlement between the United States and the State of Minnesota we most urgently ask to have settled in favor of the United States Government and in the interests of the Indians, who, without doubt, own and are entitled to the lands in question.

We also pray that the United States Government pay over to us at once the proceeds from the sale of the Chippewa Indian timber. The reasons being that the Indians are in a greater want now than they ever have been and are suffering for the want of money, and many who are not able to work are on the verge of starvation, and, furthermore, those able to work would then be in a position to improve their allotments and make them suitable places in which to live, for since liquor has been refused us those hitherto unable to save their money are now making better use of it by providing for their families and improving their lands.

We most urgently, respectfully, and sincerely pray your consideration in the foregoing requests and know that after you have investigated you will have found the conditions to be as stated herein, and feel that you will then act in our behalf.

At the foregoing council it was decided that in order to be able to present this petition intelligently and in the proper manner before the department and Committees on Indian Affairs, that Mr. Charles A. Wakefield, Mr. Wahbasegay, and Mr. William H. Lyons be elected to act as delegates to proceed to the city of Washington and there to act in our behalf and to do everything possible to bring about the desired ends, and they were further empowered by the council herein, if need be, to employ an attorney to more clearly present and prosecute the above claims.

We furthermore ask the Secretary of the Interior and respectfully petition him to authorize and allow these delegates a reasonable compensation for their services, not to exceed $5 per day, while actually employed, and furthermore to pay their board while in Washington and their transportation, out of any money in the hands of the Government belonging to this tribe of Indians not otherwise appropriated.

The council herein do furthermore appoint Mr. Maushkahwahnahquot and Mr. Iahzhowegeshig to go before the United States Indian agent at Onigum, or before any judge of a court of record in the State of Minnesota, and have the foregoing petition certified to as being the minutes of the general council aforesaid, held at Bena, Minn., on the 20th day of September, 1911, in due form according to the tribal usages and customs.

We hereby certify that the above council was held at the time herein stated and that the foregoing are the minutes thereof.

ODE NE (his finger mark) GUM, *Chairman.*
WM. LOSH, *Secretary.*
J. F. BEEKER,
Proprietor Beeker House, Bena, Minn.

STATE OF MINNESOTA, *County of Cass, ss:*

I hereby certify that I believe the council mentioned in the foregoing minutes was duly held in accordance with the customs and usages of the Chippewa Tribe, and I recommend that the delegates therein named be given a hearing in such manner as may be deemed advisable.

J. F. GIEGOLDT, *Superintendent.*

The committee was very faithful in its work, spending several months in Washington in behalf of the band which sent them. They had Mr. Dudley assist them, and he drafted the brief. I would not want to take any part of the credit that belongs to him in the preparation of the brief, nor was it my purpose to adopt his argument. I have presented it because the brief was carefully prepared and the references verified so that it will serve the House in future as a reference brief.

The brief is not intended to support the bill to which it refers so much as it is to call attention to the justice and right of the claim of these Indians to relief. The bill was introduced in order to give them a hearing, and following its introduction a resolution was introduced, being House resolution 564, to secure the appointment of a committee of three from the Committee on Indian Affairs to investigate the property rights of these Indians. I am promised consideration of this resolution early in the session beginning in December next. The purpose is to get at the real facts. That can not be done without sending a committee onto the grounds. There are many bills now pending before the Committee on Indian Affairs that can not receive proper consideration till this investigation is made. This little band of Indians have been grossly wronged, and, so far as it is possible and reasonable, they should be placed in a position of independence. They parted with their property and have received little in return except broken promises. The mere fact that we have the power to keep them from securing their rights is not a justification for doing so. It is fair to give them and all others in that territory a fair hearing, after which proper remedies may be provided.

TOLLS THROUGH THE SUEZ CANAL.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Washington asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Speaker, it has been repeatedly both asserted and denied on the floor of the House that foreign countries paid tolls for their ships passing through the Suez Canal. The Commissioner of Navigation, Mr. E. T. Chamberlain, has furnished me with a copy of a contract entered into by the French Government with the largest steamship company under the French flag, about 10 days ago. The Government agrees not only to pay the company a subsidy, but to pay the tolls for going through the Suez Canal in addition. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD on the subject of tolls through the Suez Canal, is there objection?

There was no objection.

The following is the matter referred to:

TRANSLATION.

Following is translation of article 3 and marked part of article 96 (balance of 96 covers mode of paying subvention):

"ART. 3. The tolls based on tonnage for transit through the Suez Canal paid by the company on its subsidized ships shall be reimbursed to the company in addition to the subsidy according to the provisions of article 96 of the schedule of charges and obligations: *Provided*, That during the temporary period covered by that schedule the expenses of passing through the Suez Canal of ships on the route to Haiphong shall be paid by the company."

"ART. 96" (first paragraph relates to the subsidy). "The amount of reimbursement of the special navigation toll on tonnage through the Suez Canal is payable monthly at the end of the month at the same time as the subvention according to the estimates of expenses based on the figures for the previous year with the reservation of adjustment of balances at the end of the business year based on tolls actually paid." (Third paragraph relates to general subsidy.)

LEAVE OF ABSENCE.

By unanimous consent, the following leave of absence was granted:

To Mr. AUSTIN, for one day, on account of sickness.

To Mr. JACOWAY, for two days, on account of sickness.

To Mr. GOODWIN of Arkansas, indefinitely, on account of sickness in his family.

To Mr. ANDERSON of Ohio, indefinitely, on account of serious illness in his family.

PATENTS TO SEMINOLE ALLOTTEES.

The SPEAKER. This is Unanimous Consent Calendar day, and the Clerk will report the first bill.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to pass without prejudice this bill until Mr. CARTER, of Oklahoma, can be present.

The SPEAKER. The gentleman from Texas asks unanimous consent to pass the bill without prejudice.

Mr. FITZGERALD. I would like to ask the gentleman if the report has been obtained from the department which was spoken of last week?

Mr. STEPHENS of Texas. I do not know. The bill is the bill of the gentleman from Oklahoma, Mr. DAVENPORT.

Mr. FITZGERALD. Does it appraise any land the patents of which are in suit or have not been issued?

Mr. STEPHENS of Texas. It especially exempts them.

Mr. FITZGERALD. The bill does not exempt them. Does it include patents of land which have been held up?

Mr. STEPHENS of Texas. It can not, because it only pertains to lands where the title is clear where they can issue the patents. It is only because they have not been delivered that complaint is made.

Mr. FITZGERALD. I think the gentleman is mistaken as to the effect of this bill.

Mr. STEPHENS of Texas. I ask unanimous consent that it be passed without prejudice.

Mr. MANN. The request of the gentleman was that it be passed without prejudice. The gentleman from Oklahoma, Mr. CARTER, is not prepared to take up the bill, and the gentleman from Oklahoma, Mr. DAVENPORT, is not present.

The SPEAKER. The gentleman from Texas asks unanimous consent to pass the bill without prejudice. Is there objection? [After a pause.] The Chair hears none.

COUNCIL OF NATIONAL DEFENSE.

The next business on the Private Calendar was the bill (H. R. 1309) to establish a council of national defense.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. HAY. I object.

Mr. HARRISON of Mississippi. Mr. Speaker, the gentleman from Alabama [Mr. HOBSON] introduced this bill and is in charge of it, and is not now in the Chamber. I have been asked to ask that it be passed without prejudice, and I hope the gentleman from Virginia will not object.

Mr. HAY. Mr. Speaker, this bill has been passed before on the ground that the gentleman from Alabama was absent. I would like to ask, if the bill is passed without prejudice, if it can be called up again to-day?

The SPEAKER. The Chair would say that it could.

Mr. HAY. Then I object.

The SPEAKER. The gentleman from Virginia [Mr. HAY] objects to the consideration of the bill.

FORT GRANT MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 7163) authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think this bill was read on the last unanimous-consent day. I would like to inquire of the gentleman from Arizona [Mr. HAYDEN] whether, if consent is given for the consideration of the bill, he would be willing to agree to an amendment to add at the end of the bill the words:

Provided further, That no more than 2,000 acres of such lands shall be selected under the provisions of this act.

Mr. HAYDEN. Mr. Speaker, I will accept such an amendment.

Mr. ROBINSON. Mr. Speaker, reserving the right to object to the agreement between the gentleman from Illinois and the gentleman from Arizona, I should like to know the object of that limitation. What is the purpose of limiting it to 2,000 acres?

Mr. MANN. Mr. Speaker, as I understand, there are 12,000 acres in this tract, and it is the desire of the gentleman to permit the State of Arizona to select a farm site, a reform-school site, upon this land. It seems to me from what I have heard that 2,000 acres is quite ample for that purpose.

Mr. ROBINSON. Mr. Speaker, will the gentleman from Illinois yield to me to ask a question of the gentleman from Arizona?

Mr. MANN. Certainly.

Mr. ROBINSON. Mr. Speaker, is the gentleman from Arizona prepared to state whether the limitation suggested of 2,000 acres would furnish adequate area for the purposes for which the land is desired?

Mr. HAYDEN. I think it would be enough for the present needs of the State industrial school.

Mr. ROBINSON. And the gentleman is satisfied with the amendment?

Mr. HAYDEN. Yes; I have agreed to such an amendment.

Mr. ROBINSON. I shall make no objection, then.

Mr. MANN. And I understand that the Senator from Arizona has also agreed to the amendment.

Mr. SLAYDEN. Mr. Speaker, will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. SLAYDEN. I suppose it is the purpose of the State of Arizona to take not merely the land in the reservation, but the post itself—the buildings and things of that kind.

Mr. HAYDEN. The most valuable part of the reservation is located near the old Army post, where it is possible to irrigate a considerable area of land. The State of Arizona desires to obtain this irrigable land as a farm for the State industrial school. I do not know whether the State will be able to use the old buildings or not. We will probably have to construct new buildings.

Mr. SLAYDEN. The State would certainly be able to make use of the buildings there.

Mr. HAYDEN. Yes; for what they are worth. They are very old, and are built of adobe.

Mr. SLAYDEN. An adobe building is not necessarily very old when it is but 50 years old.

Mr. ROBINSON. Mr. Speaker, will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. ROBINSON. The Secretary of the Interior, in reporting upon the matter, stated that there are a number of buildings on the reservation, but that they are mostly of adobe, and not believed to be of great value.

Mr. SLAYDEN. My purpose in asking the question is to emphasize a point I raised the other day. I have not the slightest objection to the concession of this land to the State of Arizona for the purpose for which it is wanted, but the action of the House is in marked contrast to its attitude in respect to the effort by the State of Texas to purchase land for the erection of a tuberculosis sanatorium, where we not only have to take care of the unfortunate consumptives of our own State, but have loaded on to the State every year from other States in the Union a large number of them.

Mr. ROBINSON. Mr. Speaker, I will ask the gentleman whether the bill to which he refers, relating to Texas, has been reported by any committee.

Mr. SLAYDEN. It has.

Mr. ROBINSON. By what committee?

Mr. SLAYDEN. By the Committee on Military Affairs, but it is now in another bill in the Senate. I do not object to this bill.

Mr. ROBINSON. Mr. Speaker, I have no objection to the agreement suggested by the gentleman from Illinois.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

Mr. MANN. Mr. Speaker, the bill was reported last week, and I think we can dispense with the reading of it now.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

Mr. FITZGERALD. Oh, let the bill be reported.

The SPEAKER. The gentleman from New York objects and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That all lands, together with the improvements thereon, within that part of the former Fort Grant Military Reservation, in the State of Arizona, situate and being outside the boundaries of the Crook National Forest, be, and the same hereby are, made subject to selection by the State of Arizona in partial satisfaction of the grant of 100,000 acres made to it for State charitable, penal, and reformatory institutions by section 25 of the act of Congress approved June 20, 1910 (36 Stat. L., p. 557): *Provided*, That such selection shall be made within three years from the date of approval of this act.

Mr. MANN. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amend, page 2, at the end of line 4, by adding the proviso:
"*Provided further*, That no more than 2,000 acres of such lands shall be selected under the provisions of this act.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 21952. An act for the relief of James S. Baer.

The message also announced that the Senate had passed the following order in the impeachment trial of Robert W. Archbald:

Ordered, That lists of witnesses be furnished the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear at 12 o'clock and 30 minutes p. m. on the 3d day of December, 1912.

Ordered, That the cause shall be opened and the trial proceeded with at 12 o'clock and 30 minutes p. m. on the 3d day of December, 1912.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 18642. An act to amend an act entitled "An act to provile revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 15509. An act to authorize the construction of a sewer pipe upon and across the Fort Rodman Military Reservation, at New Bedford, Mass.; and

H. R. 24550. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

FORT ASSINNIBOINE MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assinniboine Military Reservation, in the State of Montana.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, has the gentleman from Montana an amendment which he expects to offer to the bill?

Mr. PRAY. Mr. Speaker, I have no amendment, but from what happened during the consideration of the bill when it appeared on the calendar before I should judge that probably Uncle Sam, speaking through the gentleman from Illinois [Mr. MANN], is not willing to make an outright gift of this property to the county of Hill. Fort Assinniboine was abandoned last November for military purposes, and the buildings and land, embracing an area of 343 square miles, were turned over to the Interior Department by the Secretary of War. Last February the county of Hill was created. A part of the reservation lies within the boundaries of this new county. The buildings at the post are 6 or 7 miles from the city of Havre, which is now the county seat of Hill County. The city had very poor facilities for taking care of persons held under the city government or awaiting preliminary hearings. Havre has made wonderful progress in other respects during the past few years. They have always needed a good jail building there, and now that the city has become the county seat of the new county of Hill, it is imperative that a new building and fixtures be provided at once. The county commissioners and city authorities have decided that they can afford to take down the brick jail at the post and remove it to Havre. It will no doubt be an expensive undertaking, but they are willing to do it if Congress will grant authority. The jail can be of no further use to the Government, and will deteriorate and fall to ruin if it remains where it is. We have a number of precedents for this legislation, and I regret that there should have been objection raised by anybody.

I had a conversation with the gentleman from Illinois [Mr. MANN] a short time ago in reference to an amendment providing a consideration for the building on account of previous objection to the bill.

Mr. ROBINSON. What was the amendment suggested?

Mr. PRAY. A nominal consideration. It is impossible for me to say how much the county commissioners of this newly created county would be willing to give. I should certainly not feel authorized to suggest anything more than a nominal sum. Of course, the gentleman understands that I do not believe the county ought to be obliged to pay anything. If I should consent to a payment in any sum, it would be done simply to avoid an objection to the present consideration of the measure. The bill has already been stricken from the calendar once, and if the same thing should happen again there would probably be no further opportunity to consider it this session of Congress. If the bill should have to go over to the next session, it would then be too late to be of any benefit to Hill County. If this attempt should fail, the commissioners will then have to make other provisions for a jail.

Now, I will say this to the gentleman, at the time the bill was under consideration before the gentleman from Illinois [Mr. MADDEN], speaking from his personal experience in business, made the statement that the county commissioners could not afford to tear down this building and move the bricks and fixtures 7 miles, that it would not pay them to do it.

Mr. ROBINSON. If the gentleman will permit me, this same matter was discussed by the Committee on the Public Lands and given consideration there, and I believe I myself raised that question.

Mr. PRAY. The gentleman did.

Mr. ROBINSON. And after full consideration of it the committee reached the conclusion that the best manner of disposing of the matter was under the terms of the bill, that if you should require the appraisement of the building, and fix the value and methed of sale, and so forth, that it might prevent the sale of the jail building, which is not found of any considerable value to the Government under existing conditions, whether the appraisement was directed by the Secretary of War, or the Secretary of the Interior, or somebody else. From the fact that the property is abandoned by the Government and it is not used and can not serve any useful purpose as far as the Government is concerned, and from the fact that it would be expensive to remove the building, the committee reached the conclusion it was not wise to put that in the bill. For my part, if the gentleman from Montana wishes to agree to some amendment, I shall raise no objection to his offering the amendment.

Mr. MANN. I do not desire, so far as I am concerned, to have its appraised value for the purpose of removing it, but I have no desire to transfer the title of the property without any consideration and, as a matter of fact, as a precedent. I am perfectly willing, as far as I am personally concerned, to accept a nominal consideration.

Mr. ROBINSON. The citizens of Hill County need a jail. That is evidently true or the gentleman from Montana would not have introduced this bill. It seems to me the precedent would be rather a good one than a bad one.

A MEMBER. Make the consideration love and affection.

Mr. MANN. That is what they want to do; make it love and affection. I do not care what the amount is, but I am not in favor of a precedent being established of giving property without any consideration at all. I thought the gentleman would have had an amendment prepared.

Mr. PRAY. I do not think it requires any time to prepare an amendment. In view of the gentleman's statement, I would suggest that an amendment carry the consideration of $10, and I will offer such an amendment at the proper time. I think that would meet the gentleman's objection.

Mr. ROBINSON. Mr. Speaker, I would not consent to putting such an amendment in this bill, because the committee reporting it did not place such an amendment in the bill, and the placing of even a nominal sum it seems to me as a precedent would be worse than that denounced by the gentleman from Illinois.

Mr. CANNON. As long as the fate of the bill hangs without any consideration—love and affection on the one hand and $10 on the other—if the gentleman will withdraw his objection I will donate to the United States the $10. [Laughter.]

The SPEAKER. Is there objection?

Mr. MANN. I object under the statement made by the gentleman from Arkansas.

Mr. PRAY. I hope the gentleman will withhold his objection for a moment.

Mr. MANN. I am willing to do that.

Mr. PRAY. It seems to me there is not any principle involved here as serious as all that. In fact, there is no principle involved here at all. Gentlemen talk about establishing precedents. Precedents have already been established for the passage of this bill as it is. These people have been anxiously awaiting results for the last three or four months, and they want to know whether they are going to get the jail. They need it badly, and Congress can give it to them without breaking precedents. If they are obliged to pay any considerable amount for the jail, they can not afford to take it.

Mr. ROBINSON. Mr. Speaker, I do not like to accept the amendment suggested by the gentleman from Montana, and I ask unanimous consent that the bill be temporarily passed. If we can ascertain the value of these improvements, I will offer an amendment requiring the county to pay the full value of the improvements; but the Interior Department reported that the buildings were not of much value, and for the reasons I have stated we did not require the county to pay for them to make a jail in which to confine citizens of Hill County when they are violators of the law, which will conserve a very useful purpose. Certainly it is better than remaining on the abandoned reservation without any use whatever. To require that for the sake of precedent that a mere nominal consideration should be put on this bill does not meet my idea of public duty from any standpoint.

Mr. MANN. How long has Hot Springs been in the gentleman's district?

Mr. ROBINSON. Hot Springs has been in my district since my service in the House began, and I hope it will continue there until my service in this great body expires. Now, I ask unanimous consent——

Mr. FITZGERALD. I desire to ask the gentleman a question. In the report of the department calling attention to the bill it states that there is another bill pending elsewhere proposing to grant to the State these buildings for agriculture, manual training, and other educational purposes.

Mr. ROBINSON. No; the other bill is to grant the land. Of course, that would carry the buildings.

Mr. FITZGERALD. And the buildings thereon; and the statement is made there that these buildings are of no value.

Mr. ROBINSON. That is true.

Mr. FITZGERALD. But it seems they would be valuable for that purpose. I desire to inquire of the gentleman whether his committee went into the question of the value of utilizing the buildings for that purpose rather than for the purpose of a jail?

Mr. ROBINSON. There was a Senate bill pending providing for a grant of that land and the committee reached the conclusion that the buildings would be more useful if applied for jail purposes than for an agricultural and educational institution. We could not conceive how the jail could be of any value to an educational institution, and we found that Hill County did need a jail very badly.

Mr. FITZGERALD. If the gentleman will permit me, is this building a jail? Is it not a building that was used by troops?

Mr. ROBINSON. The building to be granted by this bill consists of a jail only and fixtures.

Mr. PRAY. The other bill in all probability will not go through at this session of Congress. The passage of this bill could not interfere in any manner whatsoever with the other bill.

Mr. ROBINSON. No. The other bill will probably not be passed at this session. Mr. Speaker, I ask that the consideration of this bill be temporarily passed to-day.

The SPEAKER. The gentleman from Arkansas [Mr. ROBINSON] asks that the consideration of this bill be passed temporarily, without prejudice. Is there objection?

There was no objection.

LICENSING OF PLEASURE YACHTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22650) to replace sections 4214 and 4218 of the Revised Statutes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor may cause yachts used and employed exclusively as pleasure vessels or designed as models of naval architecture, if built and owned in compliance with the provisions of sections 4133 to 4135, to be licensed on terms which will authorize them to proceed from port to port of the United States and to foreign ports without entering or clearing at the customhouse; such license shall be in such form as the Secretary of Commerce and Labor may prescribe. Such vessels, so enrolled and licensed, shall not be allowed to transport merchandise or carry passengers for pay. Such vessels shall have their name and port placed on some conspicuous portion of their hulls. Such vessels shall, in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this title.

SEC. 2. That every yacht, except those of 15 gross tons or under, visiting a foreign country under the provisions of sections 4214, 4215, and 4217 of the Revised Statutes shall, on her return to the United States, make due entry at the customhouse of the port at which, on such return, she shall arrive.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] reserves the right to object.

Mr. FOSTER. I would like to have the gentleman in charge of this bill explain it, and especially the letter from the Acting Secretary of the Treasury, in which he says that—

> This department doubts the advisability of making this unqualified exemption, as it would tend to facilitate smuggling in small boats along the northern frontier and endanger the revenue.

Now, it seems to me that this is of some importance, coming, as it does, from the Acting Secretary of the Treasury.

Mr. ALEXANDER. Yes; but if the gentleman had read further on and would then examine the bill he would find that the amendment suggested by the Secretary of the Treasury had been incorporated in the bill, so as to protect the Treasury.

Mr. FOSTER. I had not gotten through. Does the gentleman think that this protects all that feature of it, that might permit any smuggling to take place in these small boats?

Mr. ALEXANDER. I think so, and that is the judgment of the Secretary of the Treasury.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, the title of this bill is "To replace sections 4214 and 4218 of the Revised Statutes."

Mr. FOSTER. I withdraw my objection, Mr. Speaker.

Mr. MANN. I assume that the purpose is to amend those provisions of the Revised Statutes?

Mr. ALEXANDER. Yes; and I think the amendments I shall offer will put the bill in the proper form.

Mr. SLAYDEN. Mr. Speaker, will the gentleman from Missouri permit a question?

The SPEAKER. Does the gentleman from Missouri yield?

Mr. ALEXANDER. Yes.

Mr. SLAYDEN. What particular class of American citizens would be benefited by this bill—just the yacht owners?

Mr. ALEXANDER. No; not only the yacht owners, but a large class of people who live on the Northern Lakes and on the Detroit River, who own pleasure vessels of various descriptions and who have summer homes on the Canadian side. This bill will permit them to go over the Lakes or Detroit River from ports of the United States to the Canadian ports and return without entering or clearing at the customhouse.

Mr. SLAYDEN. Does the gentleman mean excursion boats?

Mr. ALEXANDER. No; I refer to yachts and pleasure boats on the Lakes. Many own launches and yachts and have summer homes in Canada, and go over on Saturdays and Sundays and holidays to the Canadian side to their summer homes. Without this legislation they are put to great inconvenience in entering or clearing at the customhouse.

Mr. MANN. Will the gentleman yield to me in that connection?

Mr. ALEXANDER. Yes.

Mr. MANN. Does not the first section of this bill merely extend a privilege of the same character to boats on the Great Lakes as now exists with reference to boats along the seaboard?

Mr. ALEXANDER. Yes; the same privilege as now exists on the seaboard, referred to in section 4214; and the first section of this bill amends section 4214.

Mr. SLAYDEN. Of the Revised Statutes?

Mr. ALEXANDER. Yes; but only in this regard: It strikes out the words "by sea." Section 4214, Revised Statutes, is construed by the Department of Commerce and Labor as applying to the ocean and not to the Great Lakes.

Mr. SLAYDEN. It extends privileges, then, to these owners of pleasure boats on the Lakes such as are enjoyed now on the ocean?

Mr. ALEXANDER. Yes.

Mr. SLAYDEN. And only that?

Mr. ALEXANDER. Yes. The Secretary of the Treasury, to guard against danger of smuggling, suggested an amendment, which is added by the committee as an amendment to the second section of the bill.

Mr. FOSTER. Is there any precaution taken to prevent these boats from smuggling in going back and forth?

Mr. ALEXANDER. Yes. The matter has been gone over very carefully. The same penalties against smuggling apply to these vessels as to other vessels. We not only submitted the bill to the Secretary of Commerce and Labor but also to the Secretary of the Treasury, and have the approval of both of them.

Mr. FOSTER. In making frequent trips across the Lakes or the river it would be different from going across the ocean.

Mr. ALEXANDER. This applies only to pleasure boats of less than 15 tons; small boats.

Mr. SLAYDEN. They would not cross the ocean.

Mr. FOSTER. I know; but it is usually a more difficult matter to carry on smuggling in case of a vessel only crossing the ocean than one making frequent trips across some narrow portion of a lake.

Mr. SLAYDEN. Well, even if it does encourage a little smuggling, that would be in the direction of free trade.

Mr. FOSTER. Well, we ought to get it by law and not by stealth.

Mr. SABATH. Stealth. [Laughter.]

Mr. FOSTER. Yes; by stealth. However, I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will first report the committee amendment.

The Clerk read the committee amendment, as follows:

Provided, That nothing in this act shall be so construed as to exempt the master or person in charge of a yacht or vessel arriving from a foreign port or place with dutiable articles on board from reporting to the customs officer of the United States at the port or place at which said yacht or vessel shall arrive, and deliver in to said officer a manifest of all dutiable articles brought from a foreign country in such yachts or vessels.

SEC. 3. That all acts and parts of acts not consistent herewith are hereby repealed.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the amendment of the gentleman from Missouri [Mr. ALEXANDER].

The Clerk read the amendment, as follows:

Amend, by striking out on page 1, line 3, the words "That the" and inserting in lieu thereof the following: "That sections 4214 and 4218 of the Revised Statutes be, and the same are hereby, amended to read as follows: 'Section 4214. The' and by adding quotation marks after the word 'title,' on page 2, line 12, and by striking out on page 2, line 13, the words 'Section 2. That' and inserting in lieu thereof the following: 'Section 4218' and by adding quotation marks at the end of the section."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. ALEXANDER. There is an amendment to the title.

The amendment was read, as follows:

Amend the title, so that it will read as follows:
"A bill to amend sections 4214 and 4218 of the Revised Statutes."

The amendment was agreed to.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

IMMIGRATION OF INSANE PERSONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19544) to amend section 9 of the immigration act approved February 20, 1907.

The bill was read, as follows:

Be it enacted, etc., That section 9 of the immigration act approved February 20, 1907, be amended as follows:

After the word "epileptics" insert the words "insane persons," so that section 9 shall read as follows:

"SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epileptics, insane persons, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor."

With the following committee amendments:

Page 1, line 4, after the word "amended," insert the words "so as to read."

Page 1, strike out lines 6 and 7, the words proposed to be stricken out being as follows:

After the word "epileptics," insert the words "insane persons," so that section 9 shall read as follows:

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object to the present consideration of this bill, I desire to say that I am doing so, not for any reason that I have any objection to the bill itself, but simply for the purpose of saying a few words about the report accompanying the bill.

As you will notice, the bill provides—

That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epileptics, insane persons, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each and every violation of the provisions of this section—

and notwithstanding the fact that I am against any additional unreasonable restrictive immigration legislation, I wish to go on record in favor of this bill and am desirous of informing the membership of this House that I am not opposed to any bill which honestly aims to protect our country from the criminal, the insane, or those suffering from loathsome, dangerous, or contagious diseases, or legislation which aims to protect our country from gross negligence on the part of the steamship companies.

And right here I desire to state that the people I have the honor of representing and those for whom I at times speak are not opposed to any legislation which tends in the right direction nor to legislation which actually may protect us from really objectionable immigration and which might be detrimental to the welfare of our country. And I feel confident that they, as well as myself, are as desirous as any professional and capital-making individual of keeping out the idiot, the imbecile, the epileptic, insane persons, persons suffering from tuberculosis or with loathsome, dangerous, or contagious diseases, or others that are actually undesirable.

What I take exception to is the unfair and unwarranted report accompanying this bill, which, on page 2, embodies a part of a report of the New York State Board of Alienists for the year 1911, and reads as follows:

It must be remembered that foreign countries look with favor upon the emigration to America of diseased and defective persons. Examination by American officials at the ports of embarkation in Europe has been strenuously opposed by certain foreign Governments, and it is a notorious fact, commented upon in every annual report of the Commissioner General of Immigration, that the steamship companies make only the most perfunctory medical examination of passengers upon their departure for America. Thus there are no obstacles in the way of diseased persons embarking for this country. In the case of those returning, however, the conditions are reversed. The passengers are carefully scrutinized by ships' surgeons at the gangway, as they embark at the port of New York, and those who do not satisfy the steamship officials or the representatives of foreign Governments stationed on such ships are peremptorily refused passage, even although they have been only a short time away from the countries to which they still owe allegiance. Cases are not decided individually, upon their merits, but as soon as it is learned that an applicant for passage has been in an institution for the insane he is at once rejected. It can be seen that, with an unimpeded flow of inferior immigrants to this country, and with an outflow which is so carefully regulated that only the prosperous and sound can return, we must ultimately become the asylum for an increasing number of those unable to sustain themselves.

Now, Mr. Speaker, this portion of this report is unjustifiable by any facts or any evidence that can be substantiated. Again, on the same page, the report contains another extract from page 22 of the same New York Board of Alienists, which reads as follows:

For the first few years after the commencement of that remarkable migration of the races of southern and eastern Europe to this country (to which Austria-Hungary, Italy, and Russia have contributed nearly 500,000 persons a year), it is noted that the increase of patients of those nationalities in the State hospitals was gradual. By 1905, however, it was possible to predict that when the effects of the "new immigration" commenced to be felt the "old immigration" (of Germans, Irish, and Scandinavians) would be outdone in the numbers of insane added to the foreign-born population of our State hospitals. To-day that prediction is fulfilled, and during the year more than 55 per cent of the aliens deported by the United States Immigration Service were natives of those three countries.

Mr. Speaker, I am satisfied that the figures as well as the statements contained in these two extracts are incorrect, and furthermore, are direct insults not only to the people coming from Austria-Hungary, Italy, and Russia, but as well to those from Germany, Ireland, and Scandinavia.

These people never have been and are not now a burden upon the State of New York, as they pay more than their proportionate share toward maintaining the public institutions. And again, Mr. Speaker, I am obliged to take exception to the extract in this report, purporting to be an article from the New York Times, which purports to be furnished by the secretary, McGarr, of the same lunacy commission, and which reads as follows:

INSANE ALIENS.

The Times is informed by Secretary McGarr, of the State commission in lunacy, that of the 31,432 insane patients under treatment in the 14 State hospitals on February 10 last, 13,163, or 41.9 per cent, were aliens. Foreign-born patients have increased since the Federal census of December 31, 1903, by 1,552, or 13.4 per cent. In the two State hospitals for the criminal insane there were 1,230 patients on February 10, of whom nearly 44.4 per cent were of alien birth; the Federal census of 1910 showed a percentage of aliens to total population in this State of 29.9 per cent.

The prevalence of insanity among immigrants is evidently much greater than among the native born. Of the 5,700 patients admitted to the civil hospitals for the year ending September 30, 1911, 2,737, or 48 per cent, were aliens, and 1,481, or 26 per cent, were of alien parentage, while only 1,224, less than 26 per cent, were of native stock. Of the whole number, the nativity of but 218, which is 3.8 per cent, was not ascertainable. Insanity among the foreign peoples of this city occurs in a still larger percentage of cases. Of the first admissions to the hospitals 2,006 out of 3,221 residents of the city were of foreign birth; that is 64.1 per cent, although the foreign-born population is but 40.4 per cent of the whole.

In this article, as well as in the two above-mentioned extracts, the percentages and the statistical data are so juggled as to place the foreign people in a disadvantageous position. I admit that the deplorable conditions under which these people are often obliged to work and live drive some of them insane, but, on the whole, if you take into consideration the percentage of the foreign population of New York and the percentage of those in the insane asylums you will find that it is not greater—yes, not as large—than that of the native born who at no time are obliged to undergo the hardships, the trials, and the tribulations that the foreign-born citizen must.

Mr. Speaker, I have heard the gentlemen representing this New York Board of Alienists before our committee complain of the great sum of money which it costs the State of New York to provide for these people, and I have seen and heard them give figures—what it costs the State of New York annually, nearly $8,000,000, to provide for its feeble-minded and its insane. On one of the occasions I have remarked to them, and I will state it again, that if the public officials of New York State having charge of these institutions would be more careful and practice some economy in expending the public money that one-third of that amount would amply suffice to provide properly for the maintenance and care of all its unfortunates of these institutions.

Mr. Speaker, I do not desire to be unjust or unfair, but I can not help believing that the main reason for these reports published by this board is that these gentlemen, these members of the New York State Board of Alienists, are endeavoring to develop a sentiment in our country which will force this House to enact legislation creating a new board of medical examiners which will be composed only of the specialists and alienists from their school. And that this is their desire I can substantiate by their own evidence before our committee only a few months ago.

We in the city of Chicago have as large a foreign population in proportion to the population as the city of New York, and I have yet to hear a single complaint from any source whatever about the cost of the large number that may be confined in our city, county, or State institutions, and I feel confident, notwithstanding the fact that I have not the statistics at hand, that the percentage of foreign born and those of foreign parentage is not greater than that of the natives. Mr. Speaker, the consideration of this bill has given certain gentlemen again an opportunity to inquire why the Dillingham bill, which passed the Senate some time ago, can not receive consideration.

Mr. Speaker, I feel obliged to inform these gentlemen that notwithstanding the fact they are advocates of restrictive legislation and desirous to pass most any restrictive bill, having confidence in their judgment, I feel satisfied that they never would or could vote for the Dillingham bill. Personally I consider it a makeshift—a bill for which no fair-minded man who desires intelligent, fair, and just legislation would vote. It is a hodgepodge. It is a bill composed of six or eight other bills, and sent over to this House in such shape that really no one can tell what some of its provisions mean and aim to accomplish.

If anyone will read it carefully he will find that it repeals the Chinese-exclusion act. Now I shall pause for an answer, and inquire, Are there any Members who desire to go on record in favor of repealing the Chinese-exclusion act? Or are there any Members who would be willing to vote for the now known and celebrated Root amendment? Surely not.

If the time permitted I could point out many other objectionable features in the bill which this Democratic House would never vote for. What we stand for is fair and just legislation—legislation which is actually demanded by and would be beneficial to the people and to our country.

Mr. ROBINSON. Mr. Speaker, reserving the right to object, I will say that I can not understand how anybody can object to the consideration and passage of this bill. Every possible source of information indicates the necessity of the passage of this legislation. I myself regret that the bill is not more general in its terms, but it is a step in the right direction. It is an improvement on existing law, and therefore I hope that the bill will pass. Of course, we are not enacting into law the report of the committee accompanying the bill, but statistics in my possession and information which I deem reliable disclose an alarming situation with reference to the alien insane, idiots, and imbeciles in some of our State institutions. For instance, in the State of New York the cost of maintaining foreign insane in the institutions of that State exceeds $4,000,000 per annum. That is only in one State. I sincerely hope the bill will pass.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to be informed whether my understanding is correct, that all this bill does is to insert in the existing law the words "insane persons"? Is that correct?

Mr. BURNETT. If the gentleman will permit me, I will state the change which the bill makes.

Mr. MANN. Is that the only change it makes?

Mr. BURNETT. It increases the penalty from $100 to $200.

Mr. MANN. Those are the only changes?

Mr. BURNETT. Those are the only changes.

Mr. MANN. If consent is given for the consideration of this bill, is it intended to have other amendments offered?

Mr. BURNETT. None by me. I have not thought of any such thing. I want this bill to pass on its merits, and I hope it will pass in just that way.

Mr. MANN. Does the gentleman know whether anybody else intends to offer any amendments?

Mr. BURNETT. I do not know of any others. This is an important and urgent bill.

Mr. ROBINSON. While I should like to offer some amendments to the bill, I shall not do it in the event that unanimous consent is given for its consideration, because I understand from the gentleman from Illinois that there will probably be objection if other amendments are offered.

Mr. MANN. I should like to suggest that this is a matter that might be passed on under an armed neutrality agreement, without involving the main question in reference to immigration. I think no one objects to these proposed changes, and the injection of anything else would probably prevent the passage of the bill.

Mr. BURNETT. I have no doubt it would, and for that reason I hope no gentleman will jeopardize its passage by offering any amendments.

Mr. FITZGERALD. Mr. Speaker, one statement of the gentleman from Illinois [Mr. SABATH] should not be permitted to pass unchallenged. Some statements in this report, consisting of quotations from newspaper clippings, are accurate. It costs the State of New York more than $2,000,000 a year to take care of the alien insane.

Mr. ROBINSON. It costs more than $4,000,000 a year to provide for the alien insane.

Mr. FITZGERALD. I am speaking of the insane who escape the scrutiny of immigration officials that come into the State. It costs altogether about $9,000,000 a year to take care of the insane in New York, $2,000,000 of which is due to the coming in of insane aliens because of inspection that is not adequate. In the sundry civil bill this year provision has been made for some additional inspectors, who are to be especially qualified to detect mental defectives, and it would be of great value to the entire country if legislation could be enacted that will prevent the European countries from relieving themselves of the burden of taking care of the mental defectives and placing it on the various States of the Union. I believe that the bill is a very wise one and should be enacted.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the previous question may be considered as ordered on the bill and amendment to final passage.

The SPEAKER. But the House has not yet given permission to consider it.

Mr. MANN. I ask unanimous consent for its present consideration and that the previous question may be considered as ordered on the bill and amendment to final passage.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the committee amendment shall be considered as agreed to and the bill be passed and a motion to reconsider laid on the table. [Laughter.] That would dispose of it in one motion.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent for the present consideration of the bill; that the committee amendment be considered as agreed to and the bill be considered as passed, and a motion to reconsider lay on the table. Is there objection?

Mr. GARDNER of Massachusetts. Reserving the right to object, Mr. Speaker, I wish to point out that that will prevent an amendment being offered to the bill putting in the educational test for immigrants.

Mr. FITZGERALD. That is exactly what is intended.

Mr. ROBINSON. Reserving the right to object, Mr. Speaker, I desire to say to the gentleman from Massachusetts that a moment ago I made the statement that I myself would like to offer some amendments to the bill, but I was assured by gentlemen on that side of the Chamber that if amendments were to be offered objection would be made to its consideration.

Mr. GARDNER of Massachusetts. I know that the gentleman from Arkansas feels the same way I do about the educational test, and if the gentleman from Alabama wishes to put the bill through in that way I shall not object.

Mr. FITZGERALD. I wish to say to the gentleman from Massachusetts in regard to these amendments being offered to the bill, that if the amendments were offered they would not be germane and could not be considered.

Mr. GARDNER of Massachusetts. I think they are germane.

Mr. FITZGERALD. I think they are not.

Mr. GARDNER of Massachusetts. I know what I am talking about. I was on the committee that reported it, and examined it thoroughly.

Mr. BURNETT. Mr. Speaker, no gentleman in this House has worked harder, in season and out of season, to get a report and action of the House on the illiteracy-test bill than I have. I have tried by all means to have it reached on the call of committees on Wednesdays, but the Immigration Committee has not been reached on that call. I have besieged the doors of the Committee on Rules and have been unable to secure a rule for its consideration. I have a letter from the chairman of the Committee on Rules, which I desire to insert in the RECORD.

In that letter he says that the Rules Committee could not give us a rule at this session. I asked for a rule on the Dillingham bill, as substituted by the Burnett bill by the House Committee on Immigration. The letter states that the committee could not give consideration to that rule at this session or report it out at this session, on account of many other matters before the committee. That is the substance of the letter, and that at the beginning of the next session, in early December, a rule would be reported by which the bill could be taken up and action be had on it. That being true, and the fact that one objection would defeat the bill now under consideration, introduced by the gentleman from New York [Mr. KINDRED], and on account of the acute conditions that prevail as to the incoming insane aliens, I hope that no effort at this time will be made to load this bill with amendments that might jeopardize its passage.

Mr. GARDNER of Massachusetts. I want to ask the gentleman from Alabama a question. I have been shown a letter from the gentleman from Texas [Mr. HENRY] and a letter from the gentleman from Alabama [Mr. UNDERWOOD], and I think one was addressed to the gentleman from Alabama [Mr. BURNETT] and the other to the gentleman from South Carolina [Mr. FINLEY]. I can not say which letter makes the explicit statement, but one or the other of those letters says definitely that we shall have a rule to consider this Burnett-Dillingham bill in December. Is that so?

Mr. BURNETT. That is true as to the letter from Mr. HENRY to myself.

Mr. GARDNER of Massachusetts. One thing more. I have been shown replicas of letters sent by the gentleman from Alabama himself, stating to various Members on the Democratic side that they have done their best to help him to secure the rule, and that it is impossible to get it.

Mr. BURNETT. That is true.

Mr. GARDNER of Massachusetts. Is it not true, also, that the gentleman from Kentucky [Mr. STANLEY] asked for the entire day of next Thursday for the discussion of the majority and minority reports on the steel investigation, when in fact there is no bill before the House in relation to the matter?

Mr. FOSTER. I hope the gentleman will put in the fact that the request was objected to.

Mr. GARDNER of Massachusetts. Not on that side of the House, but on this side by Mr. AUSTIN, of Tennessee.

Mr. SLAYDEN. Will the gentleman from Alabama yield to me for a brief statement?

Mr. BURNETT. I will yield to the gentleman from Texas.

Mr. SLAYDEN. Mr. Speaker, I am in sympathy with the proposition to restrict immigration in such a way as to keep undesirables out of the country, but I think it would be particularly unfortunate to complicate with the general question of immigration the bill under consideration. It is urgently important that this legislation should be enacted. I have here the hearings before the committee on the sundry civil appropriation bill, in which the statement is made that there are at the present time 8,000 alien insane, one-quarter of the whole, supported at the public expense in the New York State Hospital, at a cost to the State of $2,000,000 annually. It says that the great number of alien insane is being rapidly increased, and they want the law amended in such a way as to protect the public. I am personally in favor of amending the immigration laws so as to keep out all undesirables. But I hope that no gentleman occupying that position will object to the consideration of this bill or insist that it be complicated with amendments, because in my judgment it is legislation that is urgently needed.

Mr. BURNETT. Mr. Speaker, the gentleman from Texas [Mr. SLAYDEN] has well said that the bill which we now have under consideration is of the greatest importance. The purpose of the bill is to check the influx of insane aliens to this country.

Under the law as it now exists insane aliens are debarred from this country, but there is no penalty on the steamship companies for bringing them in. Under section 9 of the present immigration law steamship companies are subject to a fine of $100 for bringing in aliens who are idiots, imbeciles, epileptics, or who are afflicted with tuberculosis, and so forth. This bill proposes to make this penalty $200 and to make it apply to persons afflicted with insanity. There is a growing necessity for this law. The insane asylums of New York and some other Northern States are being filled with insane aliens coming from eastern and southern Europe, and if immigration from these countries is not checked the asylums of the Southern and Western States will soon begin to be crowded with this same class of people.

The steamship companies do not care how many of these people they dump on our shores so long as they can get the passage money, and they will continue to pour them in unless they are made to feel the heavy hand of the law forbidding it. I will here quote from the report of my Committee on Immigration on this bill:

An acute condition has arisen in certain sections of the country, conspicuously in New York State, where great numbers of insane aliens become the inmates of the State hospitals and are cared for at the State's expense. This imposes a tremendous burden upon the State from a financial standpoint as well as throwing it into jeopardy from excessive numbers of insane aliens.

The Commissioner of Immigration in his report for the fiscal year ended June 30, 1911, has this to say in regard to the question:

One of the most useful provisions of the present statute is section 9, by which a fine of $100 is assessed against any steamship line that brings to a United States port an alien afflicted with a loathsome or dangerous contagious disease, or with tuberculosis, or with idiocy, imbecility, or epilepsy. During the past year such fines were assessed in 246 cases, the aggregate amount being $24,600, of which $23,700 was on account of the first, $100 on account of the second, and $800 on account of the third class, respectively. It is believed this statute would be much more effective, however, if the amount of the fine were made considerably larger—sufficiently large to compel the transportation companies as a measure of self-protection to use greater care in the medical inspection of embarking passengers. The fine should also be made to cover cases of insanity, a class omitted from the present statute probably by inadvertence.

On page 9, report of New York State Board of Alienists for the year ended September 30, 1911, is the following:

It must be remembered that foreign countries look with favor upon the migration to America of diseased and defective persons. Examination by American officials at the ports of embarkation in Europe has been strenuously opposed by certain foreign Governments, and it is a notorious fact, commented upon in every annual report of the Commissioner General of Immigration, that the steamship companies make only the most perfunctory medical examination of passengers upon their departure for America. Thus there are no obstacles in the way of diseased persons embarking for this country. In the case of those returning, however, the conditions are reversed. The passengers are carefully scrutinized by ships' surgeons at the gangway, as they embark at the port of New York, and those who do not satisfy the steamship officials

or the representatives of foreign Governments stationed on such ships are peremptorily refused passage, even although they have been only a short time away from the countries to which they still owe allegiance. Cases are not decided individually, upon their merits, but as soon as it is learned that an applicant for passage has been in an institution for the insane he is at once rejected. It can be seen that, with an unimpeded flow of inferior immigrants to this country, and with an outflow which is so carefully regulated that only the prosperous and sound can return, we must ultimately become the asylum for an increasing number

On page 22 of the same report is the following:

For the first few years after the commencement of that remarkable migration of the races of southern and eastern Europe to this country (to which Austria-Hungary, Italy, and Russia have contributed nearly 500,000 persons a year) it is noted that the increase of patients of those nationalities in the State hospitals was gradual. By 1905, however, it was possible to predict that when the effects of the "new immigration" commenced to be felt the "old immigration" (of Germans, Irish, and Scandinavians) would be outdone in the numbers of insane added to the foreign-born population of our State hospitals. To-day that prediction is fulfilled, and during the year more than 55 per cent of the aliens deported by the United States Immigration Service were natives of those three countries.

The New York Times of March 28, 1912, says:

INSANE ALIENS.

The Times is informed by Secretary McGarr, of the State commission in lunacy, that of the 31,432 insane patients under treatment in the 14 State hospitals on February 10 last, 13,163, or 41.9 per cent, were aliens. Foreign-born patients have increased since the Federal census of December 31, 1903, by 1,552, or 13.4 per cent. In the two State hospitals for the criminal insane there were 1,230 patients on February 10, of whom nearly 44.4 per cent were of alien birth; the Federal census of 1910 showed a percentage of aliens to total population in this State of 29.9 per cent.

The prevalence of insanity among immigrants is evidently much greater than among the native born. Of the 5,700 patients admitted to the civil hospitals for the year ending September 30, 1911, 2,737, or 48 per cent, were aliens, and 1,481, or 26 per cent, were of alien parentage, while only 1,224, less than 26 per cent, were of native stock. Of the whole number, the nativity of but 218, which is 3.8 per cent, was not ascertainable. Insanity among the foreign peoples of this city occurs in a still larger percentage of cases. Of the first admissions to the hospitals 2,006 out of 3,221 residents of the city were of foreign birth; that is 64.1 per cent, although the foreign-born population is but 40.4 per cent of the whole.

The extracts from the report of the New York State Board of Alienists show an alarming condition. These reputable officials state that many foreign countries encourage the emigration of their insane and diseased people to this country in order to rid themselves of their care and expense. Then, is it not high time that we begin to protect ourselves against such outrages by most drastic laws? It is believed that placing a heavier penalty on the steamship companies for bringing them in will make them more careful about receiving them and in that way greatly check the outrages being perpetrated on our own people.

The following extracts from the New York State Hospitals Bulletin of April, 1912, show an appalling condition. On pages 5 and 6 it is said:

In February, 1912, there were 31,432 patients in the 14 State hospitals, 41.9 per cent of whom were of foreign birth. Careful studies have shown that the frequency of insanity in our foreign population is 2.19 times greater than those of native birth.

On page 13 the following is stated:

The relatively large contribution of Italy to the population of the hospitals for the criminal insane is worthy of comment. Although the Italians constitute but 5 per cent of the foreign-born insane population of the civil hospitals, they number 23.1 per cent of the foreign-born of the hospitals for the criminal insane. This nationality also contributes largely to the prison population of the State. The report of the State superintendent of prisons for the year ending September 30, 1910, shows that the Italians constitute 36.6 per cent of the foreign-born prison population of the State.

Relatively, the Germans and Irish contribute a much smaller percentage of insane with criminal tendencies.

On page 21 is the following:

First admissions of various nationalities committed before having been in the United States 5 years.

	Patients residing in New York City.		Total in New York State.	
	Number.	Per cent.	Number.	Per cent.
Austria	53	13.5	73	14.3
Canada	5	1.3	13	2.5
England and Wales	8	2.0	14	2.7
France	7	1.8	7	1.4
Germany	34	8.7	41	8.1
Hungary and Bohemia	28	7.1	32	6.3
Ireland	31	7.9	36	7.1
Italy	49	12.5	69	13.6
Russia and Poland	113	28.8	142	27.9
Scandinavia	16	4.1	20	3.9
Scotland	3	.8	6	1.2
All other foreign countries	46	11.7	56	11.0
Total	393	100.0	509	100.0

This table shows conclusively that the larger part of the immigrants who are admitted to hospitals for the insane within five years after landing come from Austria-Hungary, Italy, Russia, and Poland.

On page 36 it is said:

13. The larger part of the immigrants who are admitted to a State hospital within five years after landing come from Austria-Hungary, Italy, and Russia.

14. The foreign born first admissions show a higher rate of illiteracy than the native born.

15. The largest percentages of foreign-born illiterates are found among the Austrians, Russians, and Italians.

On page 46 it is said:

At $262 per patient the total annual cost to the State of the hospital care of the foreign-born patients now in the civil hospitals is $3,448,706. So long as the yearly addition of immigrants to the hospitals continues to increase this annual burden will continue to grow.

At the rate of $2,882 per patient the admission of 2,737 new foreign-born patients to the State hospitals in 1911 will involve a total expense to the State before these patients are finally discharged of $7,888,034.

The New York Herald of April 13, 1912, speaking of conditions in that State, said:

Recently the Herald published statistics showing that more than 60 per cent of the occupants of charitable institutions and insane asylums in New York were foreign born and likely entered here under the lax system of the immigration authorities.

For the most part the immigrants come from the unhealthy parts of southern Europe and carry contagious diseases. Many are weak minded, a condition difficult to detect, especially in children, and they are sent here by their relatives abroad, because they can receive better care in American institutions. A majority of the immigrants get no further than this city, and prominent medical authorities here have often declared that the foreigners are responsible for much of the disease in the tenement quarters.

JULY 24, 1912.

Hon. JOHN L. BURNETT,
Chairman Committee on Immigration and Naturalization,
House of Representatives.

DEAR MR. BURNETT: Permit me to acknowledge receipt of your letter of July 16, and to say that the same has had most careful consideration. Your request that the Committee on Rules take favorable action so as to bring before the House the Dillingham bill has been thoroughly considered.

On behalf of the Committee on Rules I will say, as chairman, that early in December of the next session of this Congress the bill will be brought, by rule, before the House of Representatives in order that it may be duly considered. Just at this time the condition of business before the Committee on Rules and in the House of Representatives is such as to render it impracticable to report a rule and give the bill consideration during the present session. Thanking you for your letter, I am,

Very truly, yours,

R. L. HENRY,
Chairman Committee on Rules,
House of Representatives.

Mr. CANNON. Mr. Speaker, just a word, if the gentleman from Alabama [Mr. BURNETT] will permit. This bill further guards, as I understand the gentleman from Alabama, the immigration of insane people from foreign countries to this country. Therefore, I made the request which I did, that it might be considered as passed. I want to say further, that while I have certain fixed notions about immigration to this country I have no stone to throw in the way of the consideration of an immigration bill, but being in the minority I am powerless, although I am told that for months past a Senate bill has rested upon the calendar. It seems, however, our friends, the majority side of the House, are side-stepping it until after the next election. Whom do they want to fool?

Mr. BURNETT. Mr. Speaker, in reply to that I desire to say that while the gentleman was the Speaker of the House, during the last Congress, the Committee on Rules of that Congress had a similar resolution pending before it for months, and I do not know whether it was inspired by the former Speaker or not, but for some reason we were unable ever to get a resolution reported from that committee to make it in order when we were clamoring for it all of the time.

Mr. CANNON. Mr. Speaker, if the gentleman will permit, then as now, it was in the power of a majority of this House on any day, except Mondays and Wednesdays, to reach the calendar and consider and pass this bill. If you do not get a special rule, you have rules a plenty, if the majority of the House want to consider it on any day except Mondays and Wednesdays.

Mr. BURNETT. Mr. Speaker, it seems that the former Speaker's clamor never did come in during the days in 1907, when we were trying to get a bill passed containing an illiteracy test for immigrants, when the gentleman was Speaker, and when he secured the absence of many of his side of the House, as we all saw him do, in order to break a quorum and defeat the passage of that bill.

Mr. CANNON. Mr. Speaker, the gentleman from Alabama is mistaken, honestly I think, and I want him to take that back.

Mr. BURNETT. Very well. There were a hundred or two of them that were present.

Mr. CANNON. Mr. Speaker, the gentleman is again mistaken in that statement and I ask him to take it back.

Mr. BURNETT. If I am mistaken in the statement, of course I do not insist upon it, but that was the understanding

and the statement of gentlemen upon the gentleman's side of the House who saw the performance.

Mr. CANNON. Mr. Speaker, I say again that the gentleman is mistaken in letter and substance.

Mr. BURNETT. Very well, let it go at that.

Mr. CANNON. Very well. Then the gentleman withdraws that statement?

Mr. BURNETT. I do not withdraw the statement that I had that statement from Members on the gentleman's side.

Mr. CANNON. Then the statement is an unqualified untruth.

Mr. BURNETT. I am quoting from gentlemen on that side of the House who gave me the statement, and when the gentleman from Illinois states it is untrue he makes them out as stating an untruth.

Mr. MANN. Mr. Speaker, the fact is the quorum was not broken, so the gentleman must be mistaken.

Mr. BURNETT. No; the quorum was not broken—I withdraw that part of the statement.

Mr. MANN. But the gentleman makes the statement now.

The SPEAKER. The gentleman from Alabama has the floor.

Mr. MANN. The gentleman's statement is incorrect.

The SPEAKER. The gentleman from Alabama has the floor, and anybody who desires to interrupt must first address the Chair.

Mr. BURNETT. But the absence of enough Members was secured to defeat the proposition of the illiteracy test on the vote and not by breaking a quorum, as I erroneously stated.

Mr. CANNON. Mr. Speaker, I say again that a majority of the House then could have, as a majority of the House now can, on any day, except Mondays and Wednesdays, under the rules of the House, and without a special rule, consider and pass the Senate bill with or without the illiteracy test if it desires so to do.

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. Under what is the House now proceeding?

The SPEAKER. It is proceeding under an effort to get unanimous consent to consider this bill.

Mr. HOWARD. Mr. Speaker, I have not heard any of these gentlemen who have interrupted the gentleman from Alabama reserve the right to object.

The SPEAKER. That kind of talk takes a very wide latitude.

Mr. MANN. But the gentleman was not here.

Mr. HOWARD. Oh, I have been here all of the time.

Mr. BURNETT. Mr. Speaker, I ask that the request be put.

The SPEAKER. Does the gentleman from Georgia object?

Mr. HOWARD. I do not. I wanted to know under what rule we were proceeding.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent for the present consideration of this bill and to consider the committee amendments as adopted and the bill passed and the motion to reconsider made and laid on the table. Is there objection?

Mr. SULZER. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York objects.

Mr. BURNETT. Mr. Speaker, there was no objection to the consideration of the bill.

The SPEAKER. That request has never been put. Is there objection to the present consideration of this bill?

Mr. MANN. Mr. Speaker, I again submit the request which I made before, that unanimous consent be given for the immediate consideration of the bill and that the previous question be considered as ordered on the bill and committee amendments to final passage.

Mr. RAKER. Mr. Speaker, I reserve the right to object.

Mr. COVINGTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COVINGTON. Is there anything now before the House?

The SPEAKER. There is before the House a unanimous-consent request of the gentleman from Illinois [Mr. MANN], and the gentleman from California [Mr. RAKER] reserves the right to object.

Mr. RAKER. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. Whether or not under the request of the gentleman from Illinois, if it is granted, the bill will be permitted to be amended?

The SPEAKER. If the gentleman's request is granted, the bill can not be amended except by the committee amendments. Is there objection?

Mr. GARDNER of Massachusetts. Mr. Speaker, reserving the right to object, I would ask to have the request again stated.

The SPEAKER. The gentleman from Illinois will please again state his request.

Mr. MANN. Mr. Speaker, the purpose of my request was to facilitate the passage of a bill to which no one objected, and was that the bill might be taken up for consideration and that the previous question should be considered as ordered upon the bill and committee amendments to final passage.

Mr. GARDNER of Massachusetts. Does the gentleman request it be considered in the House, or is it a House bill?

Mr. MANN. It is a House Calendar bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of this bill and that the previous question shall be considered as ordered on the bill and committee amendments to final passage. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object, I gather from the statement of my distinguished colleague from Alabama that the Committee on Rules advised him that on account of the rush of other matters they have not time to consider a rule at this time. I do not know that I shall object to the present consideration of this particular bill, but when we approach the consideration of this bill I apprehend that it should be on a fair and correct basis of the facts in regard to it. For two months there has been pending before the Rules Committee of this House——

Mr. COVINGTON. Will the gentleman permit an interruption?

Mr. RODDENBERY. Not just now. A resolution making the Burnett immigration bill, a general restrictive bill, a special order. The Committee on Rules has considered dozens of special orders which have been brought to their attention subsequent to that time, and if we are not at this session to have consideration of general restrictive immigration legislation it should not be placed upon an incorrect excuse or attributed to a false reason. A suggestion has been made to the distinguished gentleman from Illinois [Mr. CANNON] that during his Speakership a similar bill was reported, and the Committee on Rules of the Republican House would not act upon it. It is true; and just about that time organizations interested in the advancement and passage of general restrictive immigration legislation wrote to the Members of the House of Representatives asking how they stood on such legislation. They began at the top. They addressed one of their communications to the honorable Speaker of the House a little prior to March 14, and at that time the Speaker replied:

> I am in favor of all just, proper, and rational legislation along the lines of regulating foreign immigration, but am not in favor of every proposition to restrict foreign immigration that may be proposed. Undoubtedly the right sort of immigration is desirable and the wrong sort ought to be shut out.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. RODDENBERY. Not at this moment. At the same time a letter was addressed to the Democratic leader of the House, Mr. UNDERWOOD, and he answered in a letter under date of February 26, 1910——

Mr. GOLDFOGLE. Will the gentleman give me a chance to ask him a question?

The SPEAKER. Does the gentleman from Georgia yield?

Mr. RODDENBERY. I decline to yield. The letter addressed by the Farmers' Union to these gentlemen was——

Mr. GOLDFOGLE. Mr. Speaker, I raise a question of order.

The SPEAKER. What is the question of order?

Mr. GOLDFOGLE. That the gentleman is not discussing the matter before the House, and that his remarks are not germane.

The SPEAKER. The question before the House is whether there shall be unanimous consent to the request made by the gentleman from Illinois. Any gentleman can bring this matter to a head by calling for the regular order. The gentleman will proceed.

Mr. RODDENBERY. In the letter the question was asked:

> Are you in favor of securing without delay more stringent legislation along the lines of restricting foreign immigration?

To which Mr. UNDERWOOD replied, under date of February 26, 1910:

> Fourth. Securing without delay more stringent legislation along the line of restricting foreign immigration.
>
> I have for many years been in favor of restricting immigration. Some years ago, on my motion, an educational test for immigrants coming into this country was passed by the House of Representatives, but defeated in the Senate. This proposition will continue to have my hearty support.

I desire to read now from the distinguished chairman of the Rules Committee——

Mr. GARDNER of Massachusetts. Mr. Speaker, I call for the regular order.

Mr. RODDENBERY (continuing). Mr. HENRY, and from Mr. POU, of the Committee on Rules, and Mr. HARDWICK, of the Committee on Rules, and others.

The SPEAKER. The gentleman is out of order. The question is on the request of the gentleman from Illinois [Mr. MANN] that the House grant unanimous consent for the present consideration of this bill, that the previous question on the bill and committee amendments be considered as ordered. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object——

Mr. GARDNER of Massachusetts. The gentleman can make no reservation of the right to object; the gentleman must know that.

The SPEAKER. The gentleman from Massachusetts has the right to demand the regular order, and that is equivalent to an objection. Is there objection now to the request of the gentleman that——

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. I would like to ask the Chair if it is not a fact as we are proceeding under unanimous consent that unanimous consent has to be acquired before the motion of the gentleman from Illinois is in order?

The SPEAKER. Why, that is exactly what the gentleman from Illinois is asking—unanimous consent.

Mr. HOWARD. I understand, Mr. Speaker, but he couples with the unanimous consent all of these provisos shutting off any amendment.

The SPEAKER. The gentleman could couple with it the Ten Commandments if he chose to do so. [Laughter.]

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Does the request for unanimous consent by the gentleman from Illinois interrupt the proceedings and prevent the conclusion of my remarks touching the position of distinguished Democrats on this question?

The SPEAKER. It shuts the gentleman out absolutely.

Mr. RODDENBERY. I shall therefore be obliged to object. I am in favor of a fair hearing and will continue my remarks on another day.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] objects. The question recurs, then, on the same request for unanimous consent to consider this bill. Is there objection?

Mr. BARTHOLDT. I object.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] objects, and the bill is stricken from the calendar. The Clerk will report the next one.

Mr. RODDENBERY. Mr. Speaker, may I have unanimous consent to extend my remarks in the RECORD?

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. RODDENBERY. The extension desired is to put in the RECORD——

Mr. FITZGERALD rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. FITZGERALD. In view of the character of the gentleman's remarks, he referring to the attitude of other gentlemen in this House, I think the extension he proposes should be specifically stated, and I therefore object.

The SPEAKER. The gentleman from New York objects.

Mr. RODDENBERY. Mr. Speaker, I withdraw my request.

The SPEAKER. The gentleman from Georgia withdraws his request. The Clerk will report the next bill.

INCREASING THE LIMIT OF COST OF CERTAIN PUBLIC BUILDINGS.

The next business on the Calendar for Unanimous Consent was the bill (S. 6688) to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.'"

The bill was read.

The SPEAKER. Is there objection?

Mr. BURNETT. Mr. Speaker, I want to state that I am going to ask to have this bill passed over without prejudice.

Mr. MANN. Why not pass the bill?

Mr. BURNETT. Oh, no. I understood that perhaps there has been an arrangement by which the lands involved have been deeded to the Government——

Mr. FITZGERALD. Pass it, anyway.

Mr. MANN. Why not pass the bill?

Mr. BURNETT (continuing). And for that reason I agreed with the gentleman from Illinois [Mr. RODENBERG] that it be passed over.

Mr. MANN. If the gentleman has an agreement, all right.

Mr. FITZGERALD. The authority would still be there.

Mr. BURNETT. I understand the matter has been settled, and I want to get the bill up and passed at this session; but if that has not been done, I want to confer with the gentleman from Illinois [Mr. RODENBERG] first. I told him I would request on Monday to have it passed over, and without further conversation with him I do not think it should be considered at this time. I ask, Mr. Speaker, that the consideration of the bill be passed without prejudice.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] asks unanimous consent that the consideration of this bill be passed without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next one.

PREVENTING THE MANUFACTURE, SALE, OR TRANSPORTATION OF ADULTERATED FOODS, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, be, and the same is hereby, amended by striking out the words "Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package," and inserting in lieu thereof the following:

"Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however,* That reasonable variations shall be permitted, and tolerances shall be established by rules and regulations made in accordance with the provisions of this act, which shall not in the average reduce the weight, measure, or numerical count below that marked on said package."

SEC. 2. That this act shall take effect and be in force from and after its passage: *Provided, however,* That no penalty of fine, imprisonment, or confiscation shall be enforced for any violation of its provisions as to domestic products prepared or foreign products imported prior to 18 months after its passage.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

On page 2, lines 11, 12, and 13, strike out the following language, beginning with the comma after the word "Act": "which shall not in the average reduce the weight, measure, or numerical count below that marked on said package."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Chair will request the gentleman from New York to wait for a moment. There is one more committee amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, line 19, by striking out the word "eighteen" and inserting in lieu thereof the word "twelve," so that it will read "twelve months after its passage."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move to strike out, on page 2, lines 14 and 15, the words "That this act shall take effect and be in force from and after its passage."

The United States Supreme Court has held that an act of Congress takes effect from the time of its approval, unless otherwise specified in the act. Congress should not include a declaration that is unnecessary under the decisions of the court.

Mr. COVINGTON. Mr. Speaker, I concede the accuracy of the statement of the gentleman from New York. Under ordinary circumstances referred to an act ought not to contain the expression, but, as the gentleman will observe, immediately after

that clause in the pending bill there is a proviso which sets forth that the enforcement of the act shall begin 12 months after the date of its passage. At the same time the establishment of the tolerances provided in the bill and the creation of the machinery of administration must begin at once. Consequently it is of some importance that the language of this act remain as it is. It makes clear to all persons who may have to comply with it the exact time when it will be enforced.

Mr. FITZGERALD. The act becomes effective except that part of the act which is specifically excepted from the operation of the rule as laid down by the courts—the law becomes effective, but under the act the penalty of confiscation shall not be enforced until a period of 12 months after the approval of the act.

Mr. MANN. Mr. Speaker, the statement of the gentleman in reference to the time when the act takes effect is absolutely correct. When this bill was first prepared there was this difficulty in reference to it: It was not desired to put the act into effect until a period of time had elapsed after its passage except as to that part of it which permitted regulations to be made.

The regulations would have to be made before the act would go into actual effect. Therefore, instead of providing that only so much of the act should take immediate effect as concerned the matter of regulation, the item in the bill provides that the act shall take effect; but, following that, it provides the enforcement of the act shall not take effect itself—plain language—for 12 or 18 months, as the case may be, depending upon the adoption of the amendment.

It seems to me that without the provision inserted here, that the act shall take effect upon its passage, the people who would obtain copies of the act would be entirely misled as to when the act does take effect. While it may be considered a matter of tautology and the statement of a truism, yet with the other provision in the bill it was thought desirable, and I think it is still desirable, to have that provision inserted there for the information of people who are interested in the bill. People all over the United States in the manufacturing business are very much interested in the provisions of this law and desire to know when and how far it takes effect. I hope the gentleman will not insist upon his amendment under the peculiar circumstances surrounding this bill.

Mr. FITZGERALD. I am by no means convinced by the gentleman, and if I had been drawing the bill I would have used the word "approval" instead of "passage."

Mr. MANN. It might never be approved. It is passed when it is approved.

Mr. FITZGERALD. That is a term not used in legislation. Laws do not take effect on their passage.

Mr. MANN. "Passage" is correct. An act is not passed until it is approved.

Mr. FITZGERALD. If the experts on the pure-food law are standing together on this matter——

Mr. MANN. I admit the impeachment.

Mr. FITZGERALD. Then I shall defer to their judgment and withdraw the amendment.

Mr. MANN. The gentleman from Maryland and myself are standing together on this matter.

Mr. COVINGTON. The gentleman from Illinois and myself usually stand together on matters relating to the pure-food law.

Mr. FITZGERALD. I withdraw the amendment, and in that way will relieve the gentlemen of the embarrassment under which they are laboring.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. COVINGTON, a motion to reconsider the last vote was laid on the table.

UNITED STATES DISTRICT COURT FOR PORTO RICO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10169) to provide for holding the district court of the United States for Porto Rico during the absence from the island of the United States district judge, and for the trial of cases in the event of the disqualification of or inability to act by the said judge.

The bill was read, as follows:

Be it enacted, etc., That whenever the United States district judge of the district of Porto Rico shall be absent from the said district, and that fact shall be made to appear by the certificate in writing of the United States attorney or marshal of that district, filed in the office of the clerk of the United States district court for said district, or when for any reason the said judge shall or may be disqualified or unable to act as such in any cause pending in the district court of the United States for Porto Rico, and that fact shall be made to appear either by proper order entered in the record of said cause by the regular district judge, or by the certificate in writing of the United States attorney or marshal of that district filed in the office of the clerk of the United States district court for said district, the governor of Porto Rico may, by writing filed in the said clerk's office, designate a justice of the supreme court of Porto Rico either as temporary judge of said district court or as special judge thereof; and the temporary judge so designated as aforesaid shall have and may exercise within said district, during the absence of the regular district judge, all the power of every kind by law vested in said district judge, and after the return of said district judge to said district, shall continue to have and exercise said powers with respect to any cause, the trial of which shall have been commenced before him or which shall have been submitted to him for decision prior to the return of said district judge; and the special judge so designated as aforesaid shall have and may exercise within said district all the power of every kind by law vested in said district judge with respect to any cause named in the writing by the governor, filed as aforesaid, designating the said special judge as aforesaid: *Provided*, That no additional compensation shall be paid to either such temporary district judge or special district judge for services rendered pursuant to such designation.

The SPEAKER pro tempore (Mr. HOUSTON). Is there objection?

Mr. SISSON. Reserving the right to object, I should like to ask who has charge of this bill?

The SPEAKER pro tempore. The bill was introduced and reported by the gentleman from Alabama [Mr. CLAYTON].

Mr. FLOYD of Arkansas. Mr. Speaker, I will state to the gentleman from Mississippi the facts in regard to the necessity for this legislation as I understand them.

There is now no provision in the law under which the district court can be held in Porto Rico in the absence or disqualification of the district judge.

Mr. SISSON. I gathered that from the bill. I should like to inquire about the compensation of the judge who sits in the absence of the regular judge. Is any additional expense imposed upon the Federal Government to pay the salary of the judge who sits temporarily in the absence of the regular judge?

Mr. MANN. There is a proviso in the bill that there shall be no additional expense.

Mr. FLOYD of Arkansas. The bill expressly provides that.

Mr. SISSON. In other words, the Federal judge loses his salary during his absence.

Mr. MANN. The bill says that no additional compensation shall be paid to either such temporary district judge or special district judge for services rendered pursuant to such designation.

Mr. SISSON. I did not have the bill before me.

Mr. FLOYD of Arkansas. It protects the Government from any additional expense, and is intended as a matter of public convenience.

Mr. SISSON. If additional compensation could be allowed, the regular judge might be encouraged to be absent; and he might be absent for 12 months. I have no objection to the bill.

Mr. FLOYD of Arkansas. I will state to the gentleman from Mississippi that that is taken care of in the bill, which provides that there shall be no additional expense incurred in such cases. Mr. CLAYTON, the chairman of the Committee on the Judiciary, is the author of this bill, and his report, made to the House on the same, sets forth the facts fully, and is as follows:

[House Report No. 614, Sixty-second Congress, second session.]

TEMPORARY OR SPECIAL JUDGE, UNITED STATES DISTRICT COURT OF PORTO RICO.

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report (to accompany H. R. 10169):

The Committee on the Judiciary, having had under consideration the bill (H. R. 10169) to provide for holding the District Court of the United States for Porto Rico during the absence from the island of the United States district judge and for the trial of cases in the event of the disqualification of or inability to act by the said judge, report the same back with the recommendation that it do pass.

This bill seeks to make provision for the designation by the Governor of Porto Rico of a justice of the Supreme Court of Porto Rico to act, either as temporary judge of the United States District Court for Porto Rico or as a special judge thereof, during the absence of the judge of the said court or his disqualification to sit in any case or cases before that court. Such temporary or special judge would, under the provisions of the bill, receive no compensation in addition to that received by him as justice of the Supreme Court of Porto Rico. Its enactment would remedy such a situation as that which existed during the April (1911) term of the District Court of Porto Rico when the late Judge John J. Jenkins was in his last illness and the business of the court was suspended. In fact it was this very condition which called attention to the necessity for such legislation as it is here proposed.

In the second contingency mentioned—that is, in case of the disqualification of the United States district judge to sit in any case—it would be necessary without this proposed amendment of the law for a judge to be sent from the United States to Porto Rico. It is not settled that a circuit judge or a circuit justice has the power to assign a district or circuit judge from one of the districts in continental United States to the district of Porto Rico. At all events it would seem wise to save the expense of sending a district judge to Porto Rico by a proper measure such as your committee believe this bill to be.

The enactment of the legislation was recommended by the Attorney General in his letter to the chairman of the Committee on the Judiciary under date of April 25, 1911, which letter and the memorandum therein mentioned for the Secretary of War from Gov. Colton, of Porto Rico, under date of April 20, 1911, are hereto appended.

OFFICE OF THE ATTORNEY GENERAL,
Washington, April 25, 1911.

Hon. HENRY D. CLAYTON,
Chairman Committee on the Judiciary, House of Representatives.

MY DEAR MR. CLAYTON: The Secretary of War advises me that he has had a talk with you with respect to procuring some legislation under which during the absence of the United States district judge for Porto Rico a justice of the supreme court of the island may act in his stead. Both Judge Jenkins, United States district judge, and Gov. Colton recommend the passage of such an act, and it would seem to me to be quite necessary that there should be some such legislation. It may be a question whether or not under the general power of a circuit judge or circuit justice to assign a district or circuit judge from one district to another a judge from one of the districts in the United States proper could be assigned to Porto Rico. Aside from that the expense of sending a judge from the mainland to the island is worthy of consideration. The supreme court of the island is composed of a chief justice and four associate justices, two of whom are Americans and three native Porto Ricans. During the absence from the island of the regular United States district judge, it seems to me that one of these justices might properly hold the district court, and I have drafted a bill, which I inclose for your consideration, which would authorize that to be done.

I also inclose a memorandum from the Governor of Porto Rico and a letter from Judge Jenkins recommending this legislation.

Faithfully, yours,

GEO. W. WICKERSHAM,
Attorney General.

[Memorandum for the Secretary of War.]

WAR DEPARTMENT,
BUREAU OF INSULAR AFFAIRS,
Washington, April 20, 1911.

There is considerable business pending in the United States District Court for Porto Rico, and the time for opening its April term has passed.

Judge Jenkins, the incumbent, is in the United States and is in such ill health as to make his return at all problematical, and under the most favorable circumstances impossible for two or three months.

Meanwhile all business of the court is suspended, and the rights of litigants are thereby prejudiced, and there is no one with judicial authority to act upon applications for emergency writs or to sign orders; neither is there any authority in law for the designation of a substitute judge during the absence or disability of the regular incumbent.

To relieve the immediate situation, as well as to enable the designation of a substitute judge whenever necessary in an emergency or when the regular judge may be absent on leave, it is suggested that Congress be requested to authorize the President to designate one of the judges of the Supreme Court of Porto Rico to act, without extra compensation, as judge of the United States district court during any absence of the regular judge.

Attached hereto is a letter from Judge Jenkins upon this subject.

Respectfully submitted.

GEO. R. COLTON,
Governor of Porto Rico.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. FLOYD of Arkansas, a motion to reconsider the last vote was laid on the table.

FORT M'HENRY.

The next business on the Calendar for Unanimous Consent was the bill (S. 6354) to perpetuate and preserve Fort McHenry and the grounds connected therewith as a Government reservation under the control of the Secretary of War and to authorize its partial use as a museum of historic relics.

The bill was read, as follows:

Be it enacted, etc., That Fort McHenry and the Government grounds therewith connected shall remain a Government reservation under the exclusive jurisdiction of the United States and in the control of the War Department for military purposes: *Provided*, That said fort proper and appurtenant grounds may, with the assent and under the control of the Secretary of War, be occupied as a military museum under such rules and regulations as he, in his discretion, may prescribe.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object——

Mr. ROBINSON. Reserving the right to object, I should like to ask the gentleman the area and location of this reservation.

Mr. LINTHICUM. Mr. Speaker, the area of Fort McHenry is now 50 acres. Formerly there were 52¾ acres, but 2¾ acres were given by the Government to the Skinner Shipbuilding & Drydock Co., who now maintain a drydock for the use of the Government.

Mr. ROBINSON. What is the purpose in making the reservation?

Mr. LINTHICUM. It is primarily to take care of one of the historic forts of this country.

Mr. ROBINSON. Did the committee consider the administrative cost of the proposition?

Mr. LINTHICUM. I am not a member of that committee. I am simply representing Senator RAYNER for the bill. I can not see where there will be any expense, except, probably, cutting the grass and keeping the buildings and fortifications in order.

Mr. ROBINSON. Has the reservation any source of revenue?

Mr. LINTHICUM. None whatever.

Mr. ROBINSON. The gentleman knows that it will require a superintendent and other employees to take charge of it and look after it, will it not?

Mr. LINTHICUM. It is Government property, with Government buildings on it, and troops have been there until within the last 10 days, and no doubt troops will be placed there later on. There are officers' quarters and quarters for soldiers, and the Government naturally will not allow its property to run down.

Mr. ROBINSON. Why not keep it for that purpose?

Mr. LINTHICUM. It will be kept for that purpose. I will say to the gentleman that the primary reason for this bill is that for the past 10 years there have been efforts by various parties to use these grounds for other purposes. Eight years ago the Agricultural Department wanted these grounds as a quarantine station for cattle, and it was only by the alertness of the citizens of Baltimore in procuring a lease of these grounds from the Government for a nominal rent that we kept it from being turned into a quarantine station for cattle at that time.

Mr. ROBINSON. How far is it from Baltimore?

Mr. LINTHICUM. It is in Baltimore. At the time of the Battle of Fort McHenry it was about 4 miles. I think the gentleman remembers the historic facts connected with the old fort.

Mr. FINLEY. Will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. FINLEY. Is not this place that you propose to make a reservation probably the most historic point in all Maryland connected with the War of 1812?

Mr. LINTHICUM. I think we Marylanders and all patriotic societies consider it the most historic point.

Mr. FINLEY. I agree to that, and that is the real reason why the passage of this bill is urged.

Mr. ROBINSON. Does the gentleman from South Carolina agree that it will involve no cost to the Government?

Mr. FINLEY. I think the cost to the Government would be inconsiderable. I am one of those who believe that to honor those who have gone before us and to mark the spot of greatest historic interest we do a credit to ourselves; and, as I say, I think the cost to the Government will be inconsiderable.

Mr. ROBINSON. Mr. Speaker, in view of the statement made by the gentleman from Maryland, I shall not object.

Mr. SISSON. Mr. Speaker, reserving the right to object, I notice that the proviso in the bill says that the fort property and appurtenant grounds may, with the assent of the Secretary of War, be occupied as a military museum under such rules and regulations as he may in his discretion prescribe. It seems that it is contemplated in this bill that the Secretary is directed to use this as a museum, and it will cease to be used as a fort.

Mr. LINTHICUM. I think not; but the gentleman will find that it says that the Secretary of War may assent, and so forth.

Mr. SISSON. I understand that if the Secretary of War should not agree to it, of course it could not be set apart as a museum, but in the event that he did assent to it, when his order was once entered, it then becomes a museum, and could not under the provisions of this bill ever become again a military reservation.

Mr. SLAYDEN. I wish to ask, if the gentleman from Maryland will permit me, if it is not contemplated by the War Department to abandon this as a military post?

Mr. LINTHICUM. It is the contemplation of the War Department to abandon it is a military post, and it is contemplated by patriotic societies to collect here all the historic relics they can get which are of interest, and probably erect a museum at some future day.

Mr. SLAYDEN. Mr. Speaker, with the further consent of the gentleman from Maryland, I want to say that when my attention was drawn to the fact that the Government expected to abandon this post for the stationing of troops—they have had the Coast Artillery there for some time—I suggested, and I think it is something that ought to be done, that as they were seeking an appropriation from Congress to erect a building for an engineers' school, the economic and wise thing would be to go to Fort McHenry and establish the school there. It is close enough to Washington to keep the school in easy touch with the Capital, closer than the artillery school at Fort Monroe, and it would establish something that the people at Baltimore and

Maryland would like to have—an important school. It would also preserve this historic fort, which is the scene, I believe, of the writing of the Star-Spangled Banner.

Mr. TALBOTT of Maryland. The flag that was floating at twilight and at dawn inspired the hymn.

Mr. SISSON. I want to state that there is a good deal of uncertainty as to what might finally become of the property under the terms of this bill. It seems to leave it within the discretion of the Secretary of War to determine what sort of a museum shall be put up there, and for what purposes the property might be used in the future. In view of the statements made by the gentleman from Texas, do you not think it wise to wait until the Secretary of War or the War Department abandons it for a fort before you undertake to dispose of it?

Mr. LINTHICUM. The War Department has practically abandoned it already. Within less than 10 days they have removed all of the troops. We are trying to get an engineers' school there and use the property for some purpose. The property is so close to the city of Baltimore that for the purposes of a fort it is of practically no use.

Mr. SISSON. If you use it for a museum you can not use it for a school.

Mr. TALBOTT of Maryland. The buildings are all there and there would be no additional cost to the Government to establish the school.

Mr. SISSON. But that does not answer my question.

Mr. MONDELL. Mr. Speaker, we are all interested in Fort McHenry, but we can not hear the conversation on the other side of the House in regard to it.

Mr. SISSON. I want to thank the gentleman from Wyoming for that compliment he has just paid me, because what I say may not amount to much, but I never was accused before of not talking loud enough to be heard. What I want to try to get at in this matter is whether or not under the provisions of this bill, if it passes, and the Secretary of War should set it apart as a museum, it can be used in the future for any other purpose without repealing the act?

Mr. LINTHICUM. I will say that I just told the gentleman that there were 50 acres of ground there. The engineers' school which we are trying to get located there would take up but a very little space. It would be a magnificent site for it, and it would be absolutely under the War Department.

Mr. SISSON. But under the act you get that ground for a museum. The bill says the "fort property and appurtenant grounds," and that would include all the grounds appurtenant to this fort—entirely too much to be set apart for a museum. If you want any reservation for school purposes the bill ought to provide for it. It should be set apart for museum purposes and for such other purposes as the War Department might desire.

Mr. MANN. Mr. Speaker, it has not been possible to hear all the private conversation that has been going on in the southeast corner of the hall. Will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Maryland yield to the gentleman from Illinois?

Mr. LINTHICUM. With pleasure.

Mr. MANN. Mr. Speaker, how much is the cost of this museum to be?

Mr. LINTHICUM. I will say to the gentleman from Illinois that there is no present prospect of a museum there.

Mr. MANN. There is no limit of cost of the museum in this bill, I notice.

Mr. LINTHICUM. The Government is not expected to erect any museum there and there is no present prospect of one.

Mr. MANN. But the bill says that it shall be occupied as a military museum, and there is no limit of cost. Does not the gentleman know that that at any time would authorize an appropriation in unlimited amount, year after year, for a museum there?

Mr. LINTHICUM. I would say to the gentleman, as I said before, that there is no present prospect or any idea of asking for any appropriation for this fort, but we do feel that a fort which occupies the place in history that Fort McHenry has occupied, when the British forces had taken this city and burned the buildings and were checked at Fort McHenry and North Point, it is entitled to be preserved to all posterity.

Mr. MANN. What is the purpose of putting in the bill that it is to be occupied as a military museum if there is no intention of doing it?

Mr. LINTHICUM. There is nothing in the bill that says that it shall be occupied as a military museum, but that it may be occupied as a military museum, with the idea that is carried out at Mount Vernon and at other places, where patriotic societies may be able to collect relics pertaining to the War of 1812, and that subsequently they may have a museum, but there is no present prospect whatever of it or any idea of it.

Mr. MANN. If there is no intention of having a museum there I can see no object in passing a bill providing for it.

Mr. TALBOTT of Maryland. Mr. Speaker, will the gentleman yield?

Mr. SISSON. Mr. Speaker, I believe I have the floor. I reserved the right to object.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. LINTHICUM] had the floor, and he yielded to the gentleman from Illinois.

Mr. SISSON. Mr. Speaker, in order that we may settle this matter permanently, if my objection is to be dealt with in that way I can stop the discussion by making an objection now, but I had some matters in respect to which I desired to be satisfied.

The SPEAKER pro tempore. The gentleman from Maryland has the floor.

Mr. TALBOTT of Maryland. Mr. Speaker, I would ask the gentleman from Maryland to give me three minutes' time to explain this bill, and probably there will not be so many objections to it.

Mr. HAY. Mr. Speaker, I suggest to the gentleman from Maryland, in order to meet the objection of the gentleman from Illinois and possibly of that of the gentleman from Mississippi, that if he would amend the bill by striking out the proviso he would accomplish everything that is desired.

Mr. TALBOTT of Maryland. Or he could say "such other purposes as the War Department may use the property for."

Mr. SISSON. Mr. Speaker, I would say to the gentleman from Virginia that I have no objection to the passage of the bill if he will strike out the proviso. In the first place, I do not want to commit the Government to using all of this land for a museum, and I do not want to commit the Government in any way, directly or indirectly, to the establishment of a museum there. I am willing to have it remain as Government property, and am willing that it may be preserved for military purposes and taken care of, but I do not want to commit the Government indirectly to the establishment there of a museum.

Mr. HAY. Mr. Speaker, I suggest to the gentleman from Maryland that he cut the Gordian knot by doing that.

Mr. MANN. Mr. Speaker, will the gentleman from Mississippi yield?

Mr. SISSON. Yes.

Mr. MANN. Would the gentleman from Mississippi and the gentleman from Maryland and the gentleman from Virginia agree to strike out all after "department," in line 6?

Mr. SISSON. Yes.

Mr. HAY. No; we want to preserve it for military purposes. That is the purpose of the bill.

Mr. MANN. I do not know whether we want to preserve it for military purposes or not. The purpose of the bill is to prevent it from being turned over to the Interior Department for sale.

Mr. HAY. Or to the Agricultural Department to establish a quarantine station for cattle there.

Mr. MANN. That would leave it read that the grounds shall remain a Government reservation, in the exclusive jurisdiction of the United States, in the control of the War Department.

Mr. HAY. That is what it is now.

Mr. SISSON. I have no objection to that. If it is for the purpose of committing Congress to the preservation of Fort McHenry, I have no objection to the bill at all.

Mr. TALBOTT of Maryland. Mr. Speaker, I will ask the gentleman from Maryland to yield me three minutes.

Mr. LINTHICUM. Mr. Speaker, I yield three minutes to the gentleman from Maryland.

Mr. TALBOTT of Maryland. Mr. Speaker, the people of our State are very much exercised as to what is to be the final disposition of Fort McHenry. It is an historic spot, not only with us, but it is with the Nation. It is the place where at twilight the flag was flying and where it was still flying at dawn, the place where Key was inspired to write his immortal hymn. Our people do not want this historic place taken from the Army or from them. That is all there is in it. It belongs to us. We ought to have there a monument to Key and the Government ought to have that as a reservation. It ought to be occupied as an historic place, where was inspired the grandest national hymn for liberty-loving people that has ever been written. That is all I desire to say about it.

Mr. LINTHICUM. Mr. Speaker, I want to explain to the gentleman from Mississippi that the idea of that clause in this bill is not for the purpose of committing the Government to anything. It is for the purpose of allowing the patriotic societies, if they so desire, to get space there for a museum of some kind. It is not worth while for me to talk to this House about the historic importance of Fort McHenry. Everybody

ought to realize and know it. It is the place where the British troops were checked in their march through this country, and from that time on were defeated, and we regained our prestige. Had it not been for their repulse at Fort McHenry and North Point there is no telling whether this Union would have kept together, because the New England States were talking very peculiarly at that time. It was not only the question of writing the Star-Spangled Banner, but it was the question of saving the Star-Spangled Banner at that time.

When Francis Scott Key went to get his friend released from that British battleship, when he remained there during the darkness and when the sun went down he saw the Star-Spangled Banner floating he naturally wanted to know whether that flag was still flying at the dawn's early light, and when he beheld that flag he wrote that immortal poem, the Star-Spangled Banner. Now, it is a question whether this Government wants to preserve its historical spots; whether it wants to desecrate those spots or hand them down to posterity. I hope the day may come, Mr. Speaker, when this country will have preserved all its historical spots, when it reveres the memory of its great battles and its wars more than it does the mere getting of money, as now seems to be the ruling passion in all parts of this country. Therefore this bill has been pushed forward by the patriotic societies not for the purpose of having the Government spend any money, because it will not take any money except to cut the grass and keep the building and fortifications in shape, but for the purpose of preserving it and handing it down to future generations as the Fort McHenry where the British were repulsed and where our national honor was upheld.

Mr. STEPHENS of Texas. Will the gentleman yield? I desire to suggest an amendment which, I think, will satisfy all parties in this matter.

Mr. LINTHICUM. I want to say to the gentleman from Mississippi that if he is in doubt as to this question about the Government having the right to make it a military museum, I am perfectly willing to leave it in the hands of the War Department and let them handle it.

Mr. SISSON. Mr. Speaker, I will say to the gentleman from Maryland I think he will get all he wants, because it will be left in the control of the War Department, and the bill then will provide that it shall be kept as a Government reservation, and it in no way commits the Government to a museum, and if these societies desire to use the building for that purpose they could get a permit from the War Department, because it is under its control. I think that is all the gentleman is asking for.

I am in sympathy with it, but I do not want to commit the Government to the establishment of a museum. The Mount Vernon proposition, to which the gentleman referred, he will realize is a proposition where the patriotic ladies of the country made up a subscription to purchase Mount Vernon. It was not done by the Federal Government. As far as the school is concerned, my information is that the War Department has estimated already an appropriation for the present school. I would not care anything about that except I would not like for the bill to commit us to——

Mr. SPARKMAN. What school?

Mr. SISSON. This military school—engineering school.

Mr. SPARKMAN. The last river and harbor bill provided for it.

Mr. SISSON. If the gentleman from Maryland will agree to the suggestion made by the gentleman from Illinois [Mr. MANN], I have no objection, if he will strike out all after the words "War Department," in line 6.

Mr. LINTHICUM. I have no objection to it if the gentleman thinks it is an advantage.

Mr. SISSON. With the understanding that the bill will be amended, in line 6, by striking out all after the word "Department," I will withdraw my objection.

The SPEAKER. There is no one who can give that assurance. Of course, you can have an agreement with the gentleman from Maryland that he will not oppose it. The Chair has ruled, in ordinary practice, that if a man in charge has no objection to an amendment and nobody else objects——

Mr. SISSON. If anybody should object to that statement, I think they ought to object to the agreement, and I assume that the House does not object to the agreement.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask my distinguished friend from Maryland whether, if the amendment referred by the gentleman from Mississippi be agreed to——

Mr. LINTHICUM. I have no objection to it if the gentleman from Mississippi and the gentleman from Illinois think it ought to be done.

Mr. MANN. I would like to ask whether when the bill goes back to the Senate and the Senate will disagree to the House amendment and ask for a conference, having obtained the bill in a privileged status, in the closing hours of the session they would expect to pass the bill as it now is?

Mr. HAY. Mr. Speaker——

Mr. MANN. I am trying to get the attention of the gentleman from Maryland first and then of my friend from Virginia. Does the gentleman think that will be satisfactory to the body at the other end of the Capitol?

Mr. LINTHICUM. Certainly, I think I can answer that question, but the Senator who introduced the bill is not here, and I could not say; but, so far as I am concerned, it will be perfectly satisfactory, because I am sure the War Department would not have any objection to the use of one of these old buildings for a museum or something of that kind without any expense upon the part of the Government. I can not answer for the conference committee, but I can see no objection to it.

The SPEAKER. Is there objection?

Mr. MANN. Just one remark. If that is the understanding on the part of the House, and if this bill goes to conference and the language we have stricken out by the amendment is reinserted, I would consider a confidence game had been played upon me, and I would not have it happen again during this Congress.

The SPEAKER. The House can instruct the conferees. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I offer the following amendment, to strike out all after the word "Department," in line 6, page 1.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of the bill after the word "Department," in line 6, page 1.

The question was taken and the amendment was agreed to.

Mr. HAY. Mr. Speaker, I will say in response to the gentleman from Illinois that I do not know upon what authority the gentleman could state that a confidence game would be played upon him if the Senate insisted upon disagreeing to the amendment of the House and asked for a conference.

Mr. MANN. Oh, no; I did not state that.

Mr. HAY. That is equivalent to what the gentleman stated. Now, of course, nobody here can speak for what the Senate will do. They may disagree to the House amendment or may agree to it. I do not know what they propose to do; but I do not think that the House can take previous action upon a question of this kind.

Mr. MANN. The House can not control the Senate.

Mr. SISSON. In reference to the statement made by the gentleman from Illinois, to which the gentleman from Virginia excepted, I stated that, in view of the statement made here in the presence of all the Members, virtually unanimous consent was obtained for the passage of the bill with the amendment, which simply commits the conferees to the proposition, and if the House was unwilling——

The SPEAKER. Well, at this stage of the proceedings the House can not bind the conferees anyway, and the question is on the third reading of the bill.

Mr. LINTHICUM. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Maryland [Mr. LINTHICUM].

The Clerk read as follows:

Amend by inserting after the word "department," page 1, line 6, the following: "*Provided further*, That nothing in this act shall interfere with the present use of the piers now erected upon said fort ground nor the erection by the Government of any other pier thereupon for Government purposes, with necessary egress and ingress thereto."

Mr. LINTHICUM. Mr. Speaker, I ask that the word "further" be stricken from that amendment, inasmuch as the other amendment provided for it.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] asks unanimous consent to modify his amendment by striking out the word "further." Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Maryland [Mr. LINTHICUM].

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the title of the bill will be amended to conform to the text of the bill.

There was no objection.

Mr. LINTHICUM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LINTHICUM. In the amendment I have made it came in after the word "department," as the balance of the clause was stricken out by the previous amendment. Is that correct?

The SPEAKER. That is the way to do it.

On motion of Mr. LINTHICUM, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to bills of the following titles:

H. R. 22195. An act to reduce the duties on wool and manufactures of wool; and

H. R. 18985. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

RELIEF OF HOMESTEAD ENTRYMEN.

The SPEAKER. The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23351) to amend an act entitled "An act to provide for an enlarged homestead."

The Clerk read the title of the bill.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the amendment in the form of a substitute be read in lieu of the bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read the substitute, as follows:

Be it enacted, etc., That sections 3 and 4 of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, and of an act entitled "An act to provide for an enlarged homestead," approved June 17, 1910, be, and the same are hereby, amended to read as follows:

"SEC. 3. That any homestead entryman of lands of the character herein described, upon which entry final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his former entry, which shall not, together with the original entry, exceed 320 acres.

"SEC. 4. That at the time of making final proofs, as provided in section 2291 of the Revised Statutes, the entryman under this act shall, in addition to the proofs and affidavits required under said section, prove by two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: *Provided*, That any qualified person who has heretofore made or hereafter makes additional entry under the provisions of section 3 of this act may be allowed to perfect title to his original entry by showing compliance with the provisions of section 2291 of the Revised Statutes respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from the date of such original entry, but the cultivation required upon entries made under this act must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry, or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvements made under his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed; and to this end the time within which proof must be made upon such combined entry is hereby extended to seven years from the date of the original entry: *Provided further*, That nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence, as required by section 2291 of the Revised Statutes."

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves the right to object.

Mr. ROBINSON. Mr. Speaker, I will make a statement concerning the purposes of the bill.

This bill is amendatory of the two acts providing for enlarged homesteads, one approved February 19, 1909, applying to Colorado, Montana, Nevada, Oregon, Utah, and Washington, and the second approved June 17, 1910, applying to Idaho.

Both of these acts relate solely to nonmineral, unreserved, and nonirrigable lands which the Secretary of the Interior may have designated as not susceptible of successful cultivation at a reasonable cost from any known source of water supply—dry-farm lands.

The primary purpose of the bill is to carry out what may be regarded as one of the original purposes of the two acts referred to, namely, to permit entrymen of this class to have the advantage of residence on their original entries. The two acts referred to contain the following provision:

Residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

The department construes this to mean that full term of residence must be had after the additional entry is made. The bill will permit the residence on the original entry to be taken into consideration.

Other amendments are adopted to conform to the three-year homestead act of June 6, 1912. Under the existing laws one-eighth of the area embraced in the original entry must have been continuously cultivated in agricultural crops other than native grasses, beginning with the second year, and one-fourth must have been so cultivated, beginning with the third year.

The bill under consideration is more liberal with the homesteader, and provides, in conformity to the three-year homestead act of June 6, 1912, that one-sixteenth, beginning with the second year, and one-eighteenth, beginning with the third, must have been continuously cultivated. Under the proposed act the entryman, in making proof upon his additional entry, shall be credited with residence upon his original entry from the date of such original entry, but the cultivation must be shown respecting such additional entry, and made upon the original or additional entry, or upon both, and must be cultivation in addition to that relied upon and used in making proof upon the original entry. Or, if he elects, his additional and original entries may be considered as one.

Now, I yield to the gentleman from Illinois.

Mr. MANN. First, may I ask as to the form of the bill? It provides for an amendment of sections 3 and 4 of two different acts.

Mr. ROBINSON. I will state to the gentleman that the title should be amended.

Mr. MANN. I am not speaking of the title. It says "sections 3 and 4 of the act," and names two acts.

Mr. ROBINSON. That amendment was made to conform to the suggestion of the Secretary of the Interior in his communication to me as chairman of the Committee on the Public Lands.

The bill as originally drafted by the gentleman from Colorado [Mr. TAYLOR] did not embrace the second act, which applies to Idaho, and it is desired, both by the department and those seeking the legislation, that it shall apply to both of those acts.

If the gentleman will permit me just one further statement, I will say that there seems to be a great demand, coming from the States named, for this legislation. I myself have received several hundred letters from persons alleging themselves to be entrymen, and the bill is designed in its primary feature to give the benefit of the original acts to entrymen and at the same time to conform to the enlarged homestead act of June 6, 1912, as I have already stated.

Mr. MANN. With all due respect to the gentlemen who have written to the gentleman from Arkansas, I believe it is a universal rule that there is always a great demand for something that can be gotten for nothing.

Now, let us see whether that is the case here or not. That is what I want to know. You leave out of section 3 of the law the provision in reference to cultivation and residence, on the ground that under the existing law the residence and cultivation of the original entry, in order to be good on the additional entry, must be made after the additional entry is made.

Mr. MONDELL. Will the gentleman from Arkansas yield to me for a moment?

Mr. ROBINSON. I will yield to the gentleman from Wyoming.

Mr. MONDELL. I judge that the gentleman from Illinois, from the inquiry he makes, does not clearly understand what was intended or done.

Mr. MANN. I have asked a simple question.

Mr. MONDELL. Nothing was left out of section 3 excepting for the purpose of putting it in section 4 in a somewhat different form.

Mr. MANN. You left it out of section 3, did you not?

Mr. MONDELL. We left a paragraph out of section 3 in order to put it in another way in section 4. If we were going to put it in section 4, we had to leave it out of section 3.

Mr. MANN. Oh, no; you did not have to leave it out of section 3 at all. You left it out of section 3 for the reason I indicated. Do you deny that?

Mr. MONDELL. Yes; I deny that.

Mr. MANN. For what reason did you leave it out of section 3?

Mr. MONDELL. Because the department had practically nullified the provision in section 3, and it was on the suggestion of the department that the proviso was added to section 4, con-

taining the provisions which were in section 3 in a modified form.

Mr. MANN. The gentleman does not deny the statement I made about leaving it out of section 3, and he admits the correctness of the reason I gave for leaving it out of section 3. The question now is, What is the reason for inserting it in section 4, and how is it inserted in section 4? Does the gentleman claim that under this bill when a man makes an original entry and then wishes to take an enlarged homestead he will be required to make any cultivation at all upon the additional land taken?

Mr. MONDELL. Oh, yes.

Mr. MANN. Then what does this mean:

or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvements made under his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed.

What does that mean if it does not permit a man to use the cultivation upon his original entry in order to get the additional land without any cultivation of the additional land?

Mr. MONDELL. That is what he could have done under the language that is stricken out, as the gentleman knows.

Mr. MANN. I know better. I know he could not.

Mr. MONDELL. If the gentleman will yield for a moment, the language stricken out is this:

And residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

Mr. MANN. Yes.

Mr. MONDELL. Clearly under that language it was unnecessary for the entryman either to live upon or to cultivate the additional entry. The Secretary, in construing that, held that it should be read as though the statement was that residence upon and cultivation of the original entry subsequent to the additional entry shall be deemed as residence upon and cultivation of the original entry. Even under the Secretary's ruling it was unnecessary either to reside upon or cultivate the additional entry, but sufficient residence and sufficient cultivation must be had subsequent to the additional entry to meet the requirements of the law as to residence and cultivation. Now, in order to meet that ruling and leave the law as nearly as possible as it was originally intended, but still not quite as favorable as it was to the entryman, these words were left out of that section and a proviso added to section 4.

Mr. MANN. Does the gentleman think this would not make it quite as favorable to the entryman as it was originally?

Mr. MONDELL. No; it is not quite as favorable to the entryman.

Mr. MANN. That is sufficient reason for me to object. I do not believe in taking away rights already possessed by homesteaders.

Mr. MONDELL. It is not as favorable as the original legislation would have been, except for the rather extraordinary ruling of the Secretary relative to it.

Mr. MANN. I thought the gentleman would change his statement. The gentleman treats his construction of the law as final, whereas the people who construe the law in the administrative department are the ones who make the construction and not the gentleman from Wyoming after the act is passed.

Mr. MONDELL. I think it is scarcely necessary to discuss this construction of the Secretary.

Mr. MANN. I think not, because I think it was clearly understood that the construction made by the Secretary was the construction that would be put upon it; and it never was intended that a man who had an original homestead entry should, when the time came for him to make final proof, be permitted to acquire another 160 acres which he never had stepped on and never had done anything with, and gain the title to the additional land without turning his hand over.

Mr. MONDELL. If the gentleman from Illinois, whose memory is usually excellent, will refresh his memory by referring to the discussion at the time the act was passed, he will find that he himself made that very statement with regard to the act, and that he somewhat objected to the act on that ground.

Mr. MANN. The gentleman was persuaded then that the act would be construed otherwise. Now he complains of that construction and insists that I was right then, although he then insisted that I was wrong.

Mr. MONDELL. I never insisted that the gentleman was wrong, because the language is so plain that I do not believe there is anyone under the sun, save the man who decided it, who would have decided it as he did. I will read it again:

And residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

That certainly is plain English, but the Secretary decided that that did not mean what it said, although he admitted that his decision created a hardship, and he himself suggested the amendment in the language in which we have it before the House.

Mr. LAFFERTY. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. LAFFERTY. Is not the object of the law that was passed some time ago, which you are seeking to amend, simply to give those who had made a homestead entry without exercising the right to the 320 acres to take 160 acres additional in order to make the 320 without making proof?

Mr. MONDELL. Yes; and for this logical reason: Within the past few years men have been taking 160-acre homesteads of the dry lands which are properly enterable under the enlarged-homestead law, but which were not so designated at the time they made the original entry. Subsequently the land was designated as coming under the law—the land they are living upon as well as the additional entry. That being true, there is no reason why the man who located two or three years ago should be denied the right which the man now gets by making entry on the land.

Mr. RAKER. If the gentleman will yield, I suggest that this bill puts the man who heretofore filed on the location on the same basis as the man who now files.

Mr. MONDELL. Yes; if the land is enlarged-homestead land.

Mr. RAKER. And you can not get 320 acres unless it is that kind of land.

Mr. MANN. He can get it if he works it, but you want to let him get it without doing a stroke of work on it. He can get it now if he wants to cultivate it.

Mr. MONDELL. Under the Secretary's ruling it is not necessary for the man to cultivate the additional land or reside upon it. The Secretary makes no such ruling as the gentleman from Illinois claims.

Mr. MANN. He is required to cultivate the additional land on the original entry, which, in this bill, you propose to cut in two.

Mr. MONDELL. The gentleman does not mean that. He does not have to cultivate it under the Secretary's ruling any more than he is required to under this bill. The only change this makes under the Secretary's ruling is this: If this act should pass, he would not be required to reside upon his entry after he took the additional land only long enough to complete his residence from the date of the original entry.

Mr. LAFFERTY. I would like to ask the gentleman another question.

Mr. MONDELL. I will yield.

Mr. LAFFERTY. Is it not a fact in practice that no lands can be entered under the 320-acre homestead law until they have been designated by the Secretary as being lands incapable of irrigation?

Mr. MONDELL. That is true.

Mr. LAFFERTY. And also lands of a semiarid nature?

Mr. MONDELL. And lands that do not contain merchantable timber.

Mr. LAFFERTY. And do we not, in order to get applications started, take a year or two to get them through, and the man files on the land expecting to enlarge his homestead entry at such time as the lands are designated as subject to the law?

Mr. MONDELL. Yes; it often occurs that a man settles on dry lands in anticipation of their being designated under the enlarged-homestead law.

Mr. MANN. May I ask whether under the existing law they are compelled to have under cultivation one-eighth of the area embraced in the entry for agricultural crops other than grasses beginning the second year of the entry?

Mr. MONDELL. The language of this statute is exactly the language of the three-year homestead bill that we passed, so that it does not change that.

Mr. MANN. It changes these sections.

Mr. MONDELL. We wrote the same provisions in here because it is already the law. The three-year homestead law fixes the period of residence, and we followed that law.

Mr. MANN. This has nothing to do with the period of residence. I am talking about the cultivation.

Mr. MONDELL. That was fixed in the law.

Mr. MANN. I do not understand that the three-year homestead law changes these sections.

Mr. MONDELL. I will say that the three-year law did change them exactly as they are here. The three-year law provided specifically for the amount of cultivation, including the enlarged homestead, and fixed the area exactly as we fix it in this bill.

Mr. LAFFERTY. Will the gentleman yield again?

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Oregon?

Mr. MONDELL. I will.

Mr. LAFFERTY. If a man should avail himself of the provisions of this bill to enlarge his homestead to 320 acres, would not he be required to double the amount of cultivation before he could prove up?

Mr. MANN. He would not be required to double anything if he was cultivating under the original law one-eighth, as the law requires, of the original entry. Under this bill he would be permitted to take the additional 160 acres without cultivating an additional acre or an additional piece of ground.

Mr. MONDELL. He must cultivate, as the gentleman from Illinois knows, one-sixteenth of the area of the entry, whatever it is, and later, one-eighth of the area, whatever it is, and therefore if he increases the area he would have to increase the acreage of cultivation unless he was already cultivating an amount which was equal to one-eighth and the one-sixteenth of 320 acres.

Mr. MANN. This law applies to entries already made, and that law requires, beginning the second year, that he must have one-eighth under cultivation. The gentleman now proposes to reduce that to one-sixteenth.

Mr. MONDELL. The gentleman does not want to state what is not true, I know, and if the gentleman will remember—and I am sorry I have not a copy of the three-year homestead law here——

Mr. MANN. But assuming that it was taken by the homestead law, that did not apply to this additional 160 acres——

Mr. MONDELL. It did apply to it in terms.

Mr. MANN. If the gentleman will ever permit me to make a statement without interrupting until I get through, we will get along better—did not apply to this 160 acres, under the provisions of this act. The gentleman now proposes to make the cultivation of that one-eighth already made a sufficient excuse for a man to take the additional 160 acres, and provide that in cultivation, as in the homestead law, one-sixteenth of the entire amount, which is no more than one-eighth of the original 160 acres, shall be sufficient, so that the purpose of this bill is to grant an additional 160 acres to every homesteader in this region who has not already acquired 320 acres without any additional cultivation.

Mr. MONDELL. Mr. Speaker, if the gentleman will permit me, I will try and state again briefly just what this law does, because I think the gentleman has not the matter clearly in his mind. The only change this makes in the present law is this: That under the present law as interpreted by the department a man making an additional entry can not receive credit for residence and cultivation on his original entry prior to his taking the additional entry, and this bill provides that he may have credit for such residence and cultivation on his original entry both prior and subsequent to the additional entry, but it does not reduce the amount of land that he must cultivate. It does change the period during which, under certain conditions, cultivation would have to be had. In other words, if this bill were not passed, and a man had for two years cultivated enough of a 160-acre homestead to entitle him to a 320-acre homestead, all he would be required to cultivate on a 320-acre homestead, he would get the credit for it, whereas under the present interpretation of the law the cutivation that applies to the additional entry must be for a period subsequent to the taking of the additional entry. That is the only difference.

Mr. FRENCH. And the bill would practically restore the original interpretation of the present law.

Mr. MONDELL. As we understood it—as the committee understood it—at the time, it does not perfectly restore that condition, however, for this reason: Should the entryman make proof on his original entry separate from his additional entry, it does not give him credit for the cultivation he may have had on the original entry, and in that respect it is not as favorable to the entryman, as we understood the bill to be as it originally passed. But if he sees fit to combine his two entries, then it leaves him practically in the position we understood he was in when we passed the other bill. It does not relieve him from any cultivation that he would now be required to make. It does relieve him in some cases from the necessity of a certain amount of cultivation subsequent to the time he takes his additional entry.

Mr. MANN. Does the gentleman deny that this would give a man there now having a homestead entry, of which he has cultivated 10 or 15 acres, the right to an additional 160 acres without compelling him to do anything more?

Mr. MONDELL. I deny that he could get it without cultivating first a one-sixteenth and then a one-eighth of the entire area.

Mr. RAKER. Mr. Speaker, would the gentleman permit an interruption?

Mr. MANN. Not unless he desires to answer the question.

Mr. MONDELL. If he has cultivated a sufficient amount of his original entry to meet the requirements of the law as to the entire 320 acres, that would be true.

Mr. LAFFERTY. That would be 40 acres.

Mr. MANN. No; if he has cultivated 20 acres of his original 160 acres and is ready to take up the homestead under this bill, would he not be entitled to increase it 160 acres more?

Mr. MONDELL. No; because that would not be an eighth of 320 acres.

Mr. MANN. But it does not require an eighth of the entry, whatever it is.

Mr. MONDELL. Yes; of final cultivation. It requires an eighth. That would be 40 acres.

Mr. MANN. Forty acres.

Mr. RAKER. Mr. Speaker, will the gentleman from Illinois permit me to call his attention to the language of the bill that we passed, known as the three-year homestead law:

Provided further, That the entryman shall, in order to comply with the requirements of cultivation herein provided for, cultivate not less than one-sixteenth of the area of his entry, beginning with the second year of the entry, and not less than one-eighth, beginning with the third year of the entry, and until final proof, except that in the case of entries under section 6 of the enlarged homestead law double the area of cultivation herein provided shall be required, but the Secretary of the Interior may, upon a satisfactory showing, under rules and regulations prescribed by him, reduce the required area of cultivation.

Mr. MANN. What is the point the gentleman is making?

Mr. RAKER. The law already provides, the law which we passed, the same area of cultivation that is provided for in this bill, one-sixteenth and one-eighth.

Mr. MANN. Yes; but that is not the gist of this bill.

Mr. LAFFERTY. Will the gentleman permit me to answer his question?

Mr. MANN. The purpose of this bill is in the new part, and the new part absolutely eliminates in practice what the gentleman has read.

Mr. LAFFERTY. As I understand it, the gentleman from Illinois figures that under certain circumstances the man who now has a homestead entry might under this bill be permitted on proving up on it to get 160 acres more without doing anything in addition to what he had already done, and it is true that if the present homestead entryman in a dry area had 40 acres cultivated he could add, at the time he made final proof, another 160 acres without doing anything additional in the way of residence or cultivation; but I want to ask the gentleman why that is not fair and right. If a man went there at a time when he could not avail himself of the 320-acre homestead law, in the dry region, and has cultivated an eighth of 320 acres and the law has since been liberalized and there is a vacant 160 acres adjoining his, why should he not have the same right that other people making those entries now have, and why should he not have 320 the same as an entryman now going out into this country? Only in rare instances would the exception which the gentleman from Illinois has suggested apply.

Mr. MANN. This will apply to a great many homestead entries, will it not—quite a few?

Mr. LAFFERTY. Very few.

Mr. MANN. Quite a few where people have already gone on the land under the theory it was not subject to the 320 and have been satisfied with the 160 acres.

Mr. LAFFERTY. No.

Mr. MANN. Then, if there is no demand, why should you have the bill?

Mr. LAFFERTY. The demand comes from many others.

Mr. MONDELL. The rather insistent demand now and the demand which I think we ought to give heed to is largely coming from men who understood that they could prove up on their combined entries and get title, and who under the new ruling, having made their additional entry quite recently, would be required to live on their land three years before they could make final proof.

Mr. MANN. I suppose that will not kill them.

Mr. MONDELL. It affects them very seriously. A good many of such men are affected seriously and will need relief, and the department thinks it ought to be afforded.

Mr. MANN. One would suppose from hearing gentlemen from the so-called public-land States speak on the floor that the only object of men in getting a homestead was to get away from it, whereas plenty of them got homesteads to live upon them.

Mr. MONDELL. A man frequently proves up his homestead as a basis of credit. It is not for the purpose of moving but——

Mr. MANN. What basis of credit would it be to present a man 160 acres if he has already 160 acres that is not worth anything?

Mr. MONDELL. Well, 320 acres of land, even if it is not very good land, is better than 160 acres, which is not large enough in area, if the land is fairly good land, to take care of the man.

Mr. LAFFERTY. I would like to state I have gone into this subject with reference to Oregon and we have in one county over 4,000,000 acres—that is Harney County—of vacant unreserved lands subject to homestead, and we are anxious for people to come and take it, but they do not do it; and it is in reference to such lands that we need this law.

Mr. MANN. Gentlemen often state on the floor that because all the land in the United States has not been occupied that therefore it is not worth anything, and yet you can go around the city of Washington, the Capital of the country, in any direction and find land that is not under cultivation.

Mr. LAFFERTY. We have over 17,000,000 acres in Oregon, over one-fourth of the State, vacant, unreserved, and open to all comers.

Mr. MANN. They have taken up in the last year one-fourth as much as in the last 20 years.

Mr. LAFFERTY. They did not come to Oregon.

Mr. RUCKER of Colorado. Will the gentleman yield for a suggestion? I would like to get back to the first chapter of Genesis upon this proposition.

Mr. MANN. Nobody on that side of the House will be familiar with what you are going to talk about. [Laughter.]

Mr. RUCKER of Colorado. The fact is I do not think my friend MONDELL has put this case before the House just as it is and as it should address itself to your minds. In the first place the addition of 160 acres, the enlarged-homestead act, was passed with a view of allowing a cultivation of 160 acres one year and 160 acres the other year, allowing the cultivation of 160 acres that would otherwise lie fallow. Now, then, that view was taken by the Secretary and it was compromised by reason of the bill that I put in, which required not a cultivation at all of the additional 160 acres or the original 160 acres unless the settler himself concluded it was the best thing for him to do, and he after all was the best judge of that. Now, we provide in my bill that he would put in catch basins, he would dig wells, and put other improvements upon the land in lieu of the cultivation, or, in other words, the plowing up of this land.

Now, I have in my district I think as much, possibly more than any other Member here, of this arid land outside of the district of the gentleman from Wyoming. Of course his land is not worth anything anyhow, and dry farming or any other kind of farming would not do any good up there in Wyoming, but in our section of the country we run across this proposition, that if you plow up this land and undertake to put it in cultivation and you do not pursue that Campbell system of dry cultivation, cultivating the soil every month throughout the year, then you are going to lose all the profits that might come from the land, and so, therefore, there was a compromise in that the land should not be plowed up where the grass was growing unless the settler concluded it was the best thing for him to do, because I know from my own experience that the original grass will not grow for 20 years upon the land when it is once plowed up. So, therefore, the settler under this bill—I think this is an infamous bill in my judgment—would be required to put it in cultivation. Cultivation means plowing up of the soil, and unless you follow it up by the Campbell system of dry farming then you are going to lose the entire usufruct of the land, because the grass will not grow upon that land for 20 years.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I shall have to object.

The SPEAKER. The gentleman from Illinois objects. The bill is stricken from the calendar.

EXTENSION OF REMARKS.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill (S. 6354) in relation to Fort McHenry.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none.

CONFEDERATE CEMETERY AT LITTLE ROCK, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24365) providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark.

The bill was read.

Mr. TILSON. Mr. Speaker, the gentleman from Arkansas [Mr. JACOWAY] introduced this bill, and also placed it on the Unanimous Consent Calendar after it had been reported by the Committee on Military Affairs. Mr. JACOWAY, I am informed, is ill and can not be here to-day. I should like to ask unanimous consent that this bill remain on the calendar and be passed without prejudice.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to pass this bill without prejudice. Is there objection? [After a pause.] The Chair hears none.

INCREASE OF PENSIONS TO SURVIVORS OF INDIAN WARS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14053) to increase the pensions of Indian War survivors in certain cases.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act the rate of pension to survivors of the various Indian wars who are now on the pension roll or who may hereafter be placed thereon under the acts of July 27, 1892, June 27, 1902, and May 30, 1908, shall be $12 per month.

The SPEAKER pro tempore (Mr. SISSON). Is there objection to the consideration of this bill?

Mr. MANN. Reserving the right to object, I would like to ask if anybody here represents the Committee on Pensions?

Mr. RUCKER of Colorado. I will say, Mr. Speaker, in answer to the question of the gentleman from Illinois, that the gentleman from Alabama [Mr. RICHARDSON] is ill and can not be here. I would like to have this bill passed over, therefore, without prejudice.

Mr. MANN. I would like very much to pass the bill, while reserving the right to object, but I do not believe that the bill ought to be passed fixing the rate of $12 per month. These survivors of the Indian wars are all survivors of wars prior to 1860. We have granted to Mexican War soldiers $30 a month. I do not believe, if we are to amend the law and change it, that it comports with the dignity of the Republic to provide only $12 a month for these old veterans.

Mr. FOSTER. Let me say this: I served four years on the Committee on Pensions, and these survivors were granted $8 a month under the law. It has always been the rule of the committee and the rule of the House that any one of these Indian war survivors getting $8 a month is increased by special act to $16 per month without objection. They were all considered in cases that the committee and the House always passed.

Mr. MANN. Now, I will explain a complication about the bill, if I may, in just a moment. There are three acts of Congress referred to here, putting survivors of Indians wars upon the pension roll at $8 a month in each case. That puts the survivors of Indian wars who served for 30 days, and also their widows, on the roll at $8 per month. They are under the same law, so that the rate fixed in this bill, if enacted into law, would apply both to the survivors of the wars and their widows. I think the survivors ought to have the same rate, or very close to it, that is now granted to Mexican War veterans. This goes back and covers some of the Texas Rangers in the fifties.

If you are going to increase the pensions of these few men, now away on in years, they ought to be increased to a reasonable amount. Whether or not the widow ought to have her pension increased to $30 a month is another question. The widows probably ought not to be increased beyond the amount paid to the widows of Mexican War soldiers.

Mr. HAY. I want to ask the gentleman from Illinois if it is not a fact—as I believe it is—that when a man is granted a pension by special act the Committees on Pensions refuse to increase the amount, and if one of these survivors has been granted a pension by special act at the rate of $8 a month, this bill would not do him any good?

Mr. MANN. This would not do him any good; but under the language of this bill, if an Indian war survivor had obtained a special act for $16 a month——

Mr. HAY. Well, for $8 a month——

Mr. MANN (continuing). This bill would reduce him to $12, because there is not inserted here the usual provision that it shall not operate as a reduction in any case.

Mr. HAY. I know of one case where a man obtained a pension for service in one of these Indian wars under a special act.

Mr. MANN. He probably was not entitled.

Mr. HAY. He got it by special act, and the committee declined to consider any bill for an increase.

Mr. MANN. Well, I will offer an amendment.

Mr. SPARKMAN. Mr. Speaker, I would like to suggest, in connection with what the gentleman from Illinois has said, that he is entirely right. Twelve dollars a month is too small an

amount for the surviving soldiers of those old Florida and other Indian wars.

Mr. MANN. I will say to the gentleman that if consent is given to the consideration of this bill, I have an amendment prepared to strike out "$12" and insert "$30"; and if that comes up I am going to offer the amendment.

Mr. SPARKMAN. I shall certainly support that.

Mr. FITZGERALD. The gentleman proposes to do what?

Mr. MANN. To make the pension $30 a month instead of $12.

Mr. FITZGERALD. Widows as well as veterans?

Mr. MANN. That feature will probably be corrected.

Mr. FITZGERALD. I do not think we ought to legislate on that theory.

Mr. MANN. I think the gentleman is right about that.

Mr. FITZGERALD. If this bill is not correct, it ought to go over. I am not sure that it should not be corrected. But if we are to start the precedent of pensioning widows of wars at $30 a month, the House should have full knowledge of it. I suggest that the bill be passed over.

Mr. SPARKMAN. This does not seem to provide for pensioning widows at all.

Mr. FITZGERALD. It does, it is stated, under the wording of the act.

Mr. MANN. It does provide for the widows.

Mr. FITZGERALD. I think the consideration of this bill had better be deferred. There will be another day for its consideration.

Mr. MANN. I say it applies to widows. The language is "survivors." Maybe it would not apply under the original act. The original act specifically applied to widows. This is "survivors of the Indian wars." Perhaps that would not apply to the widows.

Mr. SPARKMAN. I think the intention of it was to have it apply only to the surviving soldiers of those wars.

Mr. RUCKER of Colorado. That is my understanding about it.

Mr. SPARKMAN. I will say that I have introduced a bill increasing the amount to $24.

Mr. MANN. Why not amend the bill, and say "surviving soldiers" instead of "survivors," at $30 a month? That would cover it.

Mr. WARBURTON. That is good.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. MANN. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to strike out, in line 4, the word "survivors" and insert in lieu thereof the words "surviving soldiers."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 1, line 4, by striking out the word "survivors" and inserting the words "surviving soldiers."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. I move to strike out, in line 9, the word "twelve" and insert in lieu thereof the word "thirty."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 9, by striking out "twelve" and inserting "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. MANN. I ask that the title of the bill be amended.

The SPEAKER. If there be no objection, the title will be amended to conform to the text.

There was no objection.

On motion of Mr. SPARKMAN, a motion to reconsider the last vote was laid on the table.

GREAT NORTHERN RAILWAY CO. BRIDGE ACROSS MISSOURI RIVER.

The next business on the Calendar for Unanimous Consent was the bill (S. 7195) to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River.

The bill was read, as follows:

Be it enacted, etc., That the Great Northern Railway Co., a corporation organized and existing under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches across the Missouri River at a point suitable to the needs of navigation, to be selected by said company and approved by the Secretary of War, either in the county of McKenzie or Williams, in the State of North Dakota, or the county of Dawson or Valley, in the State of Montana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is expressly hereby reserved.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I notice that this bill provides that the location of this bridge shall be selected by the company and approved by the Secretary of War. The general bridge act provides that the company shall submit a map, and so forth, of its proposed location, and that before the bridge can be built it must be approved by the Secretary of War and the Chief of Engineers. It does not seem to me desirable to depart from the requirement that it shall receive the approval both of the Chief of Engineers and of the Secretary of War. I will ask the gentlemen interested in the bill whether they are willing to strike out that provision.

Mr. SIMS. Mr. Speaker, I reported the bill, but I will yield to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Speaker, this proposes to permit the construction of a bridge across the Missouri River between Montana and North Dakota. The reason why this bill differs from the ordinary form, as the committee are informed, is that the banks of the river are very high and there was some difficulty in finding the right sort of location along the river. So this sort of latitude was given for the location of the bridge by the company, subject to the approval of the Secretary of War. If the gentleman cares to add the Chief of Engineers, I have no objection.

Mr. MANN. Why not strike out the words "to be selected by said company and approved by the Secretary of War"?

Mr. STEVENS of Minnesota. There will be no objection to that. That leaves it subject to the provisions of the bridge act.

Mr. MANN. That would leave sufficient latitude without making any change in the usual form.

Mr. STEVENS of Minnesota. Certainly; there is no objection to that.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend, page 1, lines 8 and 9, by striking out the words "to be selected by said company and approved by the Secretary of War."

The SPEAKER. The clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, lines 8 and 9, by striking out the words "to be selected by said company and approved by the Secretary of War."

The amendment was agreed to.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

BRIDGE ACROSS MISSISSIPPI RIVER, MOLINE, ILL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25073) to authorize the construction of a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa.

The bill was read, as follows:

Be it enacted, etc., That the Moline-Bettendorf Bridge Co., an Illinois corporation, be, and it is hereby, authorized to construct, maintain, and operate a railroad and wagon bridge across the Mississippi River at a point suitable to the interests of navigation, from a point east of Twenty-third Street, in the city of Moline, in the county of Rock Island and State of Illinois, to the town of Bettendorf, Iowa: *Provided*, That the bridge shall be built in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided further*, That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the approval of the act.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. COOPER. I should like to ask the gentleman to what use this bridge is to be put. I see it is to be constructed by a bridge company, and the words "a railroad and wagon" are stricken out.

Mr. COVINGTON. At the time this bill was before the committee the gentleman's colleague [Mr. ESCH] looked into the matter and reported upon it. I presume it is to be an ordinary bridge, to be used for the traffic between one county and another. The gentleman from Illinois [Mr. MCKINNEY] is the author of the bill, and can no doubt state precisely what use is to be made of the bridge.

Mr. MCKINNEY. I will say in reply to the inquiry of the gentleman from Wisconsin that after being drawn in its original form the bill was changed by certain amendments proposed by the committee, which make it comply with the general bridge bill for bridges over navigable streams. The purpose is to

have a wagon bridge and also a railroad bridge. It is to serve the purposes of those two communities. The bridge company is not a foreign company at all, but is composed of citizens of the two communities.

Mr. COOPER. Is the company to charge tolls?

Mr. STEVENS of Minnesota. They would have a right to do so under the general law.

Mr. McKINNEY. The project would not pay at all if they did not.

Mr. COVINGTON. If the gentleman from Illinois [Mr. McKINNEY] will permit me, I will state to the gentleman from Wisconsin that the general bridge act in existence to-day provides ample safeguards, even in the matter of fixing tolls.

Mr. COOPER. Moline is a city. Is Bettendorf the name of a private individual?

Mr. McKINNEY. It is the name of a place.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Amend, page 1, line 5, by striking out the words "a railroad and wagon."

Mr. MANN. The word "a" should not be stricken out. That should remain in the bill, and therefore should be eliminated from the amendment proposing to strike out.

The SPEAKER. If there be no objection, the modification suggested by the gentleman from Illinois will be agreed to. The question is on the amendment as modified.

There was no objection. The amendment as modified was agreed to.

The Clerk read as follows:

Page 1, lines 9 and 10, strike out in line 9, after word "Iowa," the words "*Provided*, That the bridge shall be built."

The amendment was agreed to.

The Clerk read the following committee amendment:

On page 2, after the word "six," in line 2, strike out the words: "*Provided further*, That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the approval of the act."

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

Mr. COVINGTON. Mr. Speaker, there is an amendment to the title.

By unanimous consent, the title was amended to read: "To authorize the Moline-Bettendorf Bridge Co. to construct a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa."

On motion of Mr. COVINGTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

SUBPORT OF ENTRY AT PORT BOLIVAR, TEX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22199) to establish a subport of entry and delivery at Port Bolivar, in the State of Texas.

Mr. GREGG of Texas. Mr. Speaker, I ask unanimous consent that the substitute be read in lieu of the bill.

The SPEAKER. The gentleman from Texas asks unanimous consent that the substitute be read in lieu of the bill. Is there objection?

There was no objection.

The Clerk read the substitute, as follows:

Be it enacted, etc., That the limits of the port of entry of Galveston, Tex., be, and the same are hereby, extended to include Port Bolivar, in that State.

The SPEAKER. The question is on agreeing to the substitute.

The question was taken, and the substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to extend the limits of the port of entry of Galveston, Tex., to include Port Bolivar, in that State."

EXCHANGE OF LANDS WITHIN INDIAN, MILITARY, AND NATIONAL FOREST RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25738) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, or national forest or other reservation, and for other purposes.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. RAKER. Mr. Speaker, I hope the gentleman from Illinois will withhold that objection. I would like to ask unanimous consent to address the House for 10 minutes on this bill.

Mr. MANN. Mr. Speaker, I think in view of the fact that this bill and one like it has been on the calendar for three months, and the gentleman has been heard upon it frequently, and the fact that we have a large calendar to-day to get through with, I must object.

The SPEAKER. Does the gentleman adhere to his objection?

Mr. MANN. I do.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes on this bill that the gentleman objects to.

The SPEAKER. The gentleman from California asks unanimous consent to address the House for 10 minutes.

Mr. MANN. Reserving the right to object, I will say to the gentleman that I will be glad to cooperate with him and get unanimous consent for him to address the House for 10 minutes or 20 minutes at any other time, but there is a long list of bills yet to be disposed of, and I feel constrained to object.

TERMS OF COURT AT TRENTON, N. J.

The next business on the Calendar for Unanimous Consent was the bill (S. 4838) to amend section 96 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and hereby is, amended so as to read as follows:

"SEC. 96. The State of New Jersey shall constitute one judicial district, to be known as the district of New Jersey. Terms of the district court shall be held at Trenton on the third Tuesdays in January, April, and September. At each term of the district court it shall be lawful for the judge holding such term, on consent of both parties or on application therefor and good cause shown by either party to any civil cause set for trial or hearing at said term, to order such cause to be held or tried at the city of Newark, in said district, upon the day set for that purpose by said judge: *Provided*, That such application shall be made to said judge, either in vacation or term time, at least one week before the date set for trial of said cause and on at least five days' notice to the opposite party or his or her attorney; and writs of subpœna to compel the attendance of witnesses at said city of Newark may issue, and jurors summoned to attend said term may be ordered by said judge to be in attendance upon said court in the city of Newark."

The SPEAKER. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, I want to call the attention of the House to the fact that heretofore I have not objected to any bills on the Calendar for Unanimous Consent. I have tried to give consideration to other Members of this House. The bill that was just objected to—I hate to say it, but I can not help but believe that it was because of some personal matter. If there is anyone from the West wants to object, let him do it. We will then know who it is, and can then obtain his reasons for such objections and it may be obviated by proper amendment. That bill has been gone into by the Public Lands Committee on two public hearings, testimony was taken and published, parties interested were heard and given an opportunity to be heard.

Mr. MANN. Mr. Speaker, I raise a point of order.

The SPEAKER. The gentleman will state it.

Mr. MANN. I make the point of order, Mr. Speaker, that the gentleman from California is not discussing anything before the House.

Mr. RAKER. I want to say, Mr. Speaker, before the Chair rules, that if the gentleman intends to drive all the rest of the bills from the calendar to-day he can do so. I have sat here patiently for two months——

The SPEAKER. The point of order is well taken. The Chair will state to the gentleman from California that no Member is obliged to give his reasons for objecting to any bill. It may be for personal pique; it may be for the public interest; it may be for one thing or it may be for another; but he does not have to state his reasons.

Mr. RAKER. Mr. Speaker, I do not want to transgress the rules, but I believe that I ought to be able to state to the House the further fact——

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

STATUS OF ARMY OFFICERS IN AVIATION SERVICE, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17256) to fix the status of officers in the Army detailed for aviation duty, and to increase the efficiency of the aviation service.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage and approval of this act the pay and allowances as are now or may be hereafter fixed by law for officers of the Regular Army shall be doubled for such officers as are now or may be hereafter detailed by the Secretary of War on

aviation duty: *Provided*, That this increase of pay and allowances shall be given to such officers only as are actual flyers of heavier-than-air craft, and while so detailed, as provided in section 1: *Provided further*, That no more than 30 officers shall be detailed to the aviation service.

SEC. 2. That paragraph 2 of section 26 of an act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," shall not limit the tour of detail to aviation duty of officers below the grade of lieutenant colonel: *Provided*, That nothing in this act shall be construed to increase the total number of officers now in the Regular Army.

SEC. 3. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Virginia whether he considers it necessary in order to provide sufficient officers for purposes of aviation to double both the pay and the allowance?

Mr. HAY. I do. I do not know of any branch of the military service which is more important than military aviation.

Mr. MANN. I have been trying to urge that idea upon the House for some years, and I am glad the gentleman has come to agree with me.

Mr. HAY. I can assure the gentleman that it has been urged successfully upon me, and I have given this matter a great deal of consideration. I am satisfied that if aviation progresses in the same way for the next five years that it has done in the last five years a great many problems of war which now confront us will be solved, and solved in the interest of peace. Therefore, I am anxious, so far as I can, to do all that is possible for that service in this country.

Mr. MANN. Mr. Speaker, I fully agree with the gentleman about that.

Mr. HAY. As to the compensation of these gentlemen who are engaged in it, I will state that they are unable to obtain accident insurance as well as life insurance. They take their lives in their hands every time they go up into the air. If anything happens to the engine of the machine they are liable to be killed instantly. These men, it is true, are volunteers. The department does not compel anyone to engage in this service. They are volunteers, and in justice to their families—and some of them are married and others have people dependent upon them—I think they should receive extra compensation. They should not engage in this work unless they receive extra compensation. I do not believe that the compensation provided in this bill is more than it ought to be.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. HAY. Certainly.

Mr. HUMPHREYS of Mississippi. Under the law as it exists now is there any bounty or pension paid to the widows and dependent children of officers who are killed by accidents in these aeroplanes?

Mr. HAY. Under the law the widow and dependent children of any officer who dies in the discharge of his duty are entitled to a pension, but it is small.

Mr. HUMPHREYS of Mississippi. How much?

Mr. HAY. I think the widow of a captain gets $30 a month.

Mr. MANN. It depends upon the rank.

Mr. HAY. And a major $40. None of them gets over $50 a month. I think a brigadier general's widow gets only $50 a month.

Mr. HUMPHREYS of Mississippi. And that same pension goes to the widows of men who are killed, without regard to the manner in which they meet their death?

Mr. HAY. Yes; killed in the line of duty.

Mr. HUMPHREYS of Mississippi. It is only when killed in line of duty that they are entitled to a pension?

Mr. HAY. Only when killed in line of duty. If they are out of the service and they are killed by accident when they are not performing military duty, as I understand it, they are not entitled to a pension.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. HAY. Certainly.

Mr. FITZGERALD. Has the gentleman considered the propriety of limiting the operation of this law to five years? I agree with the gentleman that at this time there are conditions which I think appeal to everyone, but the feeling is that within a few years the science of aviation will be a comparatively safe one, when we realize the great advance that has been made for it in the last few years; and if it is developed to a point where it becomes safe, I doubt whether there should be this distinction. It occurred to me that perhaps if this law were enacted to last during a period of, say, five years, it would be wise. If in that time the improvements were such as to make the science safe, then this extra compensation should not be given.

Mr. HAY. I have no objection to putting a limitation upon the time.

Mr. FITZGERALD. I make that suggestion to the gentleman.

Mr. HAY. I have no objection to that, and I will offer it as an amendment, if the gentleman will suggest it.

Mr. TILSON. Mr. Speaker, what is the gentleman's proposition?

Mr. HAY. To limit the provisions of the bill to five years.

Mr. TILSON. So that each officer who goes into it will understand that at the end of that period——

Mr. FITZGERALD. No; that during the next five years this law shall apply.

Mr. HAY. Yes; and if, as the gentleman seems to think, aviation becomes much safer, then it will not apply after that time.

Mr. TILSON. And we all hope it will become much safer.

Mr. HAY. It will not be necessary then to pay them as much, and the law can be extended if it does not become any safer.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. HAY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I understand the chairman of the committee desires to offer an amendment limiting the time, and after that I desire to offer some amendments.

Mr. HAY. Mr. Speaker, I move to amend the bill in line 3, after the word "that," by inserting the words "for five years."

The Clerk read as follows:

Amend, page 1, line 3, by inserting after the word "that" the words "for five years."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I offer the amendments which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

After the word "Army," page 1, line 5, insert "Navy and Marine Corps."

Mr. MANN. Mr. Speaker, I reserve a point of order upon that amendment.

Mr. ROBERTS of Massachusetts. What is the objection?

Mr. MANN. What is the reason for it? It is limited to five years—I will withdraw the point of order.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

After the word "War," page 1, line 7, insert the words "or the Secretary of the Navy."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

On page 2, line 2, after the word "officers," insert the words "of each service."

Mr. MANN. Just a moment. Will that amendment include 30 for the Army, 30 for the Navy, and 30 for the Marine Corps?

Mr. ROBERTS of Massachusetts. That is the purpose.

Mr. MANN. Does the gentleman wish to have 60 in the Navy?

Mr. ROBERTS of Massachusetts. I will say at the present there are no officers of the Marine Corps detailed to aviation work, and the developments of the future may be such that it may be thought advisable to put that branch of the service on the Marine Corps.

Mr. MANN. I think it will be time enough to wait some time before we provide 30 officers for that service.

Mr. HAY. I would suggest to the gentleman from Massachusetts that he make it 30 officers for the Army and Navy.

Mr. ROBERTS of Massachusetts. That is agreeable, as long as I get the Marine Corps in.

Mr. MANN. The Marine Corps would be included in the term "Navy."

Mr. ROBERTS of Massachusetts. Then, change the amendent so it will say "not more than 30 officers of the Army and 30 officers of the Navy and Marine Corps."

The Clerk read as follows:

Insert, after the word "officers," line 2, page 2, the words "of the Army and 30 officers of the Navy."

Mr. HAY. I understand the amendment of the gentleman from Massachusetts provides there can be 30 officers of the Navy and Marine Corps combined, and not of each.

Mr. ROBERTS of Massachusetts. That is the idea.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

On page 2, line 11, after the word "Army," add the words "Navy or Marine Corps."

Mr. ROBERTS of Massachusetts. I will say that provision is for the purpose of providing there shall be no increase of the officers in the service by reason of aviation.

The question was taken, and the amendment was agreed to.

Mr. HAY. I suggest an amendment, page 2, line 1, to strike out the words "in section 1" and insert the word "herein."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, strike out the words "in section 1" and insert the word "herein."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended to read as follows: "To fix the status of officers of the Army, Navy, and Marine Corps detailed for aviation duty, and to increase the efficiency of the aviation service."

On motion of Mr. HAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

During the consideration of the above bill,

EXCHANGE OF LANDS WITHIN FOREST RESERVATIONS.

Mr. RAKER. Mr. Speaker, I would like to have unanimous consent to address the House for two minutes. I began a statement which I do not like to leave uncompleted.

Mr. MANN. Does the gentleman from California feel that he can relieve his mind in two minutes?

Mr. RAKER. I think I can get relief by continuing. [Laughter.]

Mr. MANN. I ask unanimous consent that the gentleman have five minutes, so as to be sure.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from California [Mr. RAKER] be allowed to address the House for five minutes. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, the original bill, H. R. 25738, that was objected to a few moments ago, is a copy with two important amendments upon it of a bill which was considered by the Committee on the Public Lands, as I stated, and after public hearings and after due consideration by the committee at least at three sessions the bill was favorably reported, and when this bill 25738 was introduced it was again considered by the Committee on the Public Lands and reported favorably by that committee, and unanimously at that.

The same bill was introduced in the Senate by Senator PERKINS, hearing was had before the Committee on Public Lands, and that committee unanimously reported the bill with slight amendments, which we agreed to.

The California delegation, composed of Senators and Members of the House, met in conference upon the bill and agreed upon it. They informed me that there was no objection to this bill, because it relates to over 500,000 acres of land in California, where the people have been in doubt as to their titles from two to twenty-five years. The State is losing in taxes by virtue of the nonsettlement of the matter. It has gone to the Attorney General of the United States, to the Secretary of the Interior, and the legal officers, both Mr. Clemens and Mr. Cobb. It has gone before the attorney general of the State of California and the surveyor general, and they were on here for at least six weeks in regard to it. This matter was gone into by the Department of the Interior, the State surveyor general, and the attorney general of California last year; the governor of the State of California made it a part of the call for the special extra session of the legislature, which unanimously passed the legislation and asked that it be carried out by Congress.

Now if there is any reason for it, and I ask the gentleman to state what his reason is, if the delegation from California, both Senators and Members of the House and Members of the West are in favor of it, there can be no damage done to anybody. It is necessary for the State of California to settle the land titles and should become a law. It is for the interest of the State, and it seems to me there ought to be some valid reason why such necessary legislation should not be enacted. The entire State is interested in the matter. Over 500,000 acres of land, as I have stated, is affected by the legislation. No title can be had until legislation is provided by Congress, as the attorney general for the State of California says, and also the surveyor general, by this appropriate legislation. I have been persistent in the matter. I have given every consideration to it that could be given, and I have hoped and asked the gentleman to withdraw his objection, and that the bill might be passed, the Senate Committee on Public Lands having gone into it, the House Committee on the Public Lands having gone into it, and a thorough investigation having been made, it ought to be permitted to be heard by the House. It is only giving us an opportunity to straighten the title, to clear up a condition that has been in existence for 30 years, and is now acute. I feel, in justice to myself and in justice to the gentleman's objection to the bill, that I ought to explain this to the House, and I believe if the gentleman understood the features of the bill, the reason for it and the matters that have been heard, he would offer no objection to the bill being considered by the House at the present time.

Mr. MANN. Mr. Speaker, if I did not understand the bill I should not have objected.

COMPILATION OF REVOLUTIONARY WAR RECORDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 271) to authorize the collection of the military and naval records of the Revolutionary War with a view to their publication.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to collect or copy and classify, with a view to publication, the scattered military records of the Revolutionary War, including all troops acting under State authority, and the Secretary of the Navy is hereby authorized and directed to collect or copy and classify, with a view to publication, the scattered naval records of the Revolutionary War.

SEC. 2. That all such records in the possession or custody of any official of the United States shall be transferred, the military records to the War Department and the naval records to the Navy Department.

SEC. 3. That there is hereby appropriated for the purposes of this act, out of any money in the Treasury not otherwise appropriated, $50,000 for the War Department and $10,000 for the Navy Department: *Provided further*, That no part of the sum hereby appropriated shall be used in the purchase of any such records that may be discovered either in the hands of private owners or in public depositories.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. PAGE. Mr. Speaker, I hope that the gentleman will merely reserve the right and not object. The matter of gathering these records of the Revolutionary War has, in the judgment of a great many people and my own judgment, been too long delayed. There has been legislation previous to this time upon the subject, but not the sufficient authority to enable the work to be done. Scattered through the original 13 States, the most of them in State departments and historical societies and other places, are a great many records of our first war. It seems to me that they ought to be gathered together and placed as a matter of record in the department here. This bill has passed the Senate, passed the Committee on Military Affairs of the House, has the approval of patriotic organizations of the country who are interested in the preservation of these records. The Congress has authorized the gathering of records of practically every other war in which our people have been engaged. They have been gathered, and it seems to me that this bill ought to pass, and I hope that the gentleman will not object to its consideration.

Mr. MANN. I will say to the gentleman that I am very heartily in favor of gathering together the military and naval records of the Revolutionary War. This bill provides for that and then appropriates a certain sum of money out of the Treasury. Does the gentleman anticipate that the money herein appropriated is sufficient to do the work required, or is this only a preliminary appropriation with no limit of cost?

Mr. PAGE. The gentleman confesses that he has no opinion upon that subject but is taking the action of the committee which investigated the matter and that of the department. I believe the department made no recommendation as to the amount of the appropriation, but I am sure I am expressing the opinion——

Mr. MANN. Then I can give the gentleman a little information upon the subject. The original bill carried $10,000, and the bill as reported carries only $7,000 for this work in the Navy Department. The Secretary of the Navy stated:

It is estimated that for selection, copying, compiling, and preparing the two volumes for the printer the cost would be $20,000, with an additional $10,000 for printing the first 1,000 of the two.

That is $20,000 for preparation.

Mr. HAY. I would like to call the gentleman's attention to the fact that this bill does not propose to compile anything for the purpose of being printed, but it proposes to collect this material and place the material in this department. I will state to the gentleman that those interested in the bill who appeared before the committee stated that the sum which the House committee recommended to be appropriated would be sufficient; but if it is not sufficient I submit to the gentleman that it would be sufficient for a year or two.

Mr. MANN. Now, I will submit to the gentleman this proposition and see if he will not agree to it: In the first place, the

departments have both estimated that it will cost more to do this work than the amount appropriated, even if they do not buy any of these records.

Mr. HAY. There is no authority given them to buy.

Mr. MANN. Oh, but there is. The authority to collect records is authority to buy them. The bill provides:

The Secretary of War is hereby authorized and directed to collect or copy and classify, with a view to publication, the scattered military records of the Revolutionary War.

Now, if you will put a limitation of cost in, so that the Secretary will not purchase the records which somebody wants to sell——

Mr. PAGE. The last proviso of the bill says:

That no part of the sum hereby appropriated shall be used in the purchase of any such records that may be discovered either in the hands of private owners or in public depositories.

Mr. MANN. Well, there may be some other places.

Mr. HAY. I do not know where they could be.

Mr. PAGE. Could the gentleman suggest some other place?

Mr. MANN. Yes. There are plenty of other places besides the hands of private owners and public depositories. They might belong to a municipality or to a State. That would not necessarily be in a public depository.

Mr. PAGE. Does not the gentleman think that if they belong to the States the States would very gladly cooperate with the National Government, without selling them, or without cost?

Mr. MANN. I do not know whether they would or not. It seems to me there ought to be some limitation of cost inserted here.

Mr. HAY. What limitation of cost would the gentleman suggest?

Mr. PAGE. I have no objection, if the gentleman favoring the proposition will mention a sum which he thinks will cover the cost.

Mr. HAY. The House committee reduced the appropriation, as the gentleman sees.

Mr. MANN. Well, I see, and thereby I was led to believe that this was not intended as a limitation upon the cost.

Mr. HAY. Well, I think so. The gentlemen who appeared before us were gentlemen belonging, one of them, to the Society of the Cincinnati, and others to other patriotic societies; and we gathered from them that the amount recommended to be appropriated by the House committee would be sufficient. But if the gentleman thinks that it is necessary to put a limitation upon it, and to make that limitation the sum carried in the bill, I shall be very glad to accept it.

Mr. McCALL. Mr. Speaker, I trust the gentleman will accept the suggestion of the gentleman from Virginia. These records are scattered, and a good many of them are liable to perish. Of course, the gentleman recognizes the fact that the object of this bill is to preserve those records. Now, to protect us against extravagance, it might be well to impose a limitation, but I trust the gentleman from Illinois [Mr. MANN] will not object to the bill.

Mr. MANN. Oh, I have stated that I was very heartily in favor of the proposition in the bill. The gentleman from Massachusetts and myself and various others have been around here long enough to know that when you are dealing with somebody with an unlimited appropriation you do not always meet with that same kind of feeling that you do when there is a limitation upon the expenditure.

Mr. PAGE. We are waiting upon the gentleman from Illinois [Mr. MANN] for a suggestion as to the limitation.

Mr. MANN. I suggest that these words be inserted on page 1, line 4, after the word "publication": "within the limits of the appropriation herein provided."

Mr. PAGE. That is acceptable, so far as I am concerned.

Mr. CANNON. After all is said and done, why not strike out all the appropriation and be content, if the act must pass, with perfecting the act, and let the appropriations for this purpose be made as they are for other branches of the public service?

Mr. MANN. That would be no limitation upon the amount that could be expended.

Mr. CANNON. Well, I am not much in favor of the bill. I recollect very well—to show how these ancient records that our fathers did not gather together are preserved—it is, I believe, 121 years ago, is it not, that the records of the First Census were gathered?

Mr. PAGE. Yes; but the gentleman will recollect that these records are already gathered. This is not intended to gather records. It is to get records that are already in the hands of certain people.

Mr. CANNON. Very well. I want to call the gentleman's attention to the fact that records are accumulating very fast. Many years ago the Committee on Appropriations reported a provision to destroy, as old junk, the census returns, the returns of the First Census, and, perhaps, some other returns—all the papers connected with those returns. People rose up all over the country against it. We found out, upon inquiry, according to my recollection, that from fifteen to twenty thousand dollars had to be paid as rent for the building in which these records were stored, and we found a salary roll of from $12,000 to $15,000, if my recollection serves me, required to take care of those returns. But there was a unanimous or a very well concerted effort that defeated that legislation. When we came to get the remonstrances against it, they seemed to arise principally from the great desire of people to trace descent from those people who lived when the First Census was taken.

Those returns are there yet and are still increasing. Unless the legislation has escaped my attention, every paper of every kind of the 90,000,000 of people in the United States—all the returns—are all to be kept, so that it is the greatest lot of old junk, so far as the census is concerned, that serves no useful purpose in the world. I do not know—I have great respect for those who want to trace their descent from the people who served in the Revolution; but, after all, what other object is there in this?

Mr. MANN. I am sure my colleague does not want to resist the blandishments of the Daughters of the Revolution. [Laughter.]

Mr. CANNON. Oh, the Daughters of the Revolution are well established, but this is an effort——

Mr. MANN. They will be better established when these records are gathered.

Mr. CANNON. This is an effort to make more Daughters of the Revolution. [Laughter.]

Mr. SLAYDEN. The gentleman does not want to discourage that? [Laughter.]

Mr. PAGE. This is not to encourage an effort to trace descent. It is an effort to put on record, for the benefit of this generation and succeeding generations, the patriotic services of our forefathers contained in records which are now in such a condition that you can not trace them.

Mr. CANNON. How about the War of 1812? How about the Indian wars, and so on, and so on? I want to suggest only one thing for the consideration of the gentleman. Do not the pension rolls show fairly well the names of those who served in the Revolutionary War?

Mr. PAGE. Well, if the gentleman will allow me, I may say that they are by no means complete, for the reason that their patriotism, possibly, ran naturally higher in our early history than in recent years, and a great many of the men who then served their country eminently never succeeded in getting on the pension roll.

Mr. CANNON. I understand that quite well, and I had occasion at one time to examine into that matter; and the legislation of Congress shows that there was more of opposition, from the legislative standpoint, to pensions for the soldiers of the Revolution than there has been since, and on more than one occasion the pension laws that were passed were repealed; so that, after all, the gentleman is only measurably correct. I commend to the gentleman the history, and he can get it by calling on the Commissioner of Pensions.

Now, if the gentleman from North Carolina [Mr. PAGE] will allow me, I think I ought to insist on this bill being matured and on striking out the appropriation, and let Congress from time to time determine what the size of the divisions is to be in the Navy Department and in the War Department.

Mr. PAGE. If the gentleman will allow me, since we have agreed to accept the limitation suggested by the gentleman's colleague [Mr. MANN], if it is the Treasury that the gentleman is now guarding, I think if he will allow the bill to pass, carrying this appropriation without limitation, it will require very much less money to accomplish this purpose than it will to carry out the purpose that he has suggested. I hope he will not do that.

Mr. MANN. There should be no further appropriation.

Mr. CANNON. Oh, a further appropriation would be in order.

Mr. PAGE. Not for this purpose, under the amendment suggested by the gentleman from Illinois [Mr. MANN].

Mr. FITZGERALD. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. FITZGERALD. Does the gentleman remember that some years ago the State Department had some scheme similar to this before the Committee on Appropriations?

Mr. CANNON. It seems to me I have a dim recollection, but I do not recollect particularly about it.

Mr. FITZGERALD. I think for the present I shall object until we have some estimate of the probable cost of the clerical force for this work.

Mr. HAY. In the nature of things there could not be any such estimate, could there?

Mr. FITZGERALD. For the last 15 years we have been appropriating for the force engaged in the collection of the naval records of the Civil War, which appropriation is carried on the legislative bill. We specifically appropriate for the services of the persons employed. During a period of 20 years Congress provided for the collection of the military records of the Civil War; and before we undertake this work, not only should there be some accurate and definite information as to the extent of it and how long it will take, but, in my opinion, the legislation should be so guarded that the departments will not use this money to pay unnecessary compensation.

Mr. MANN. Does not the gentleman think that if we put in the limitation which was suggested here, so that the first part of the bill would read:

That within the limits of the appropriation herein made the Secretary of War is hereby authorized and directed to collect or copy and classify, with a view to publication, the scattered military records of the Revolutionary War—

And so forth, that would be a sufficient limitation?

Mr. FITZGERALD. There is no certainty that it could be accomplished, and it would be useless to authorize work to be done within a certain sum unless there was some possibility of it being done. I have very grave doubt—and I think every gentleman here has grave doubt—that $7,000 will be sufficient to enable the Navy Department to collect the naval records of the War of the Revolution and put them in shape for publication.

Mr. HAY. Does the gentleman know the character of the work to be done under this bill? Has the gentleman examined the subject, and does he know what sort of records are to be collected?

Mr. FITZGERALD. The information I have on the subject is gathered very largely from the committee report on the bill.

Mr. HAY. If the gentleman has read the report on this bill, he knows that these records are scattered over the entire country.

Mr. FITZGERALD. I understand that.

Mr. HAY. They are not like the records of the Civil War, which were all here, or brought here from where they were and copied here. These are in the different States, scattered throughout the whole country, and it is impossible——

Mr. FITZGERALD. I think it would be much more expensive on that account.

Mr. HAY. Certainly it would be more expensive, and therefore it is impossible to make an estimate with regard to the expense.

Mr. FITZGERALD. If it be necessary to send persons throughout the 13 original States, and to other places where there are records in public libraries and private collections, for the purpose of collating and copying them, the extent of the work, in my opinion, will be such that I doubt the advisability of authorizing it at this time.

Mr. HAY. Perhaps we can find some other way.

Mr. FITZGERALD. It should be deferred, and for the present I object.

The SPEAKER. The gentleman from New York objects.

GLACIER NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1679) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within Glacier National Park, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the provisions of the act of the Legislature of the State of Montana, approved February 17, 1911, ceding to the United States exclusive jurisdiction over the territory embraced within the Glacier National Park, are hereby accepted, and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the said State the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecution for or on account of rights acquired, obligations incurred, or crimes committed in said State, but outside of said park, and saving further to the said State the right to tax persons and corporations, their franchises and property, on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Montana.

SEC. 2. That said park shall constitute a part of the United States judicial district of Montana, and the district and circuit courts of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries.

SEC. 3. That if any offense shall be committed in the Glacier National Park, which offense is not prohibited or the punishment is not specifically provided for by any law of the United States or by any regulation of the Secretary of the Interior, the offender shall be subject to the same punishment as the laws of the State of Montana in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Montana shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any bird or wild animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting an injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park by means of seines, nets, traps, or by the use of drugs or any explosive substances or compounds, or in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to the passage of the act of May 11, 1910 (36 Stats., p. 354), natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, receiving for transportation any of said animals, birds, or fish so killed, caught, or taken, shall be deemed guilty of a misdemeanor and shall be fined for every such offense not exceeding $300. Any person found guilty of violating any of the provisions of this act, or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, other than those legally located prior to the passage of the act of May 11, 1910 (36 Stats., p. 354), natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $1,000, or imprisonment not exceeding two years, or both, and be adjudged to pay all costs of the proceedings.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or wild animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 6. That any person who shall, within the said above-mentioned park, commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to the passage of the act of May 11, 1910 (36 Stat., p. 354), natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $100 and be adjudged to pay all costs of the proceedings.

SEC. 7. That any United States commissioner duly appointed by the United States court for the district of Montana and residing in said district shall have power and jurisdiction to hear and act upon all complaints made of any and all violations of this act or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by this act. That any such commissioner shall have power, upon sworn complaint, to issue process in the name of the United States for the arrest of any person charged with the violation of this act or of the rules and regulations made by the Secretary of the Interior, as aforesaid, or with any misdemeanor or other like offense the punishment provided for which does not exceed a fine of $100, and to try the person thus charged and, if found guilty, to impose the punishment and adjudge the forfeiture prescribed. In all cases of conviction an appeal shall lie from the judgment of any such commissioner to the United States district court for the district of Montana. The said United States district court shall prescribe rules of procedure and practice for said commissioner in the trial of cases and with reference to said appeals.

SEC. 8. That any such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 6 of this act, to hear the evidence introduced, and, if he is of opinion that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States district court for the district of Montana and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State.

SEC. 9. That all process issued by the commissioner shall be directed to the marshal of the United States for the district of Montana, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government, or any person employed by the United States in the policing of said reservation, within said boundaries, without process, of any person taken in the act of violating the law or this act, or the regulations prescribed by said Secretary as aforesaid.

SEC. 10. That such commissioner and the marshal of the United States and his deputies in the district of Montana shall be paid the same fees and compensation as are now provided by law for like services in said district.

SEC. 11. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 12. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States or the marshal of the United States collecting the same with the clerk of the United States district court for the district of Montana.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I reserve the right to object.

Mr. ROBINSON. Mr. Speaker, I will make a brief statement concerning the bill, and will then yield to the gentleman from Montana [Mr. PRAY] to make a further explanation of its provisions.

The act of May 11, 1910, set aside a large tract of land on the public domain, consisting of about 1,300 square miles in the State of Montana, to be known as the Glacier National Park.

Subsequently the Legislature of the State of Montana passed an act ceding jurisdiction to the United States Government, and this bill is to accept the jurisdiction over the national park so created.

I am in receipt of a letter from the Secretary of the Interior stating that it is very desirable that the bill pass, for the reason that it is necessary in order to protect the park property from depredations that are now being committed there.

The form of the bill was worked out by the subcommittee during my absence, but it is thought that it is well and carefully safeguarded, and some features of it are designed to improve the administrative character of this bill. I now yield to the gentleman from Montana [Mr. PRAY].

Mr. PRAY. Mr. Speaker, I will say, by way of supplementing what has already been stated by the chairman of the Committee on the Public Lands [Mr. ROBINSON], that the Secretary of the Interior is exceedingly anxious to have this bill passed at the earliest possible moment in order that he may have full control of this park and be able to protect the property of the Government and animal life in the park. The season is now open and the Secretary is without adequate authority to act. Although the park was not established until the spring of 1910, over 4,000 people visited there during the season of 1911. It has become one of the most celebrated parks in the world, and thousands of people will view its glaciers and lofty mountains during the present summer. This wonderful region contains over 60 glaciers, 200 mountain lakes, and every kind of fish and game known in that latitude. The bill before the House is based very largely upon the act of May 27, 1894, for the protection of birds and animals in the Yellowstone National Park. It has been carefully examined at the Department of Justice and also by officials at the Interior Department. The Public Lands Committee scrutinized the bill and amended it in some particulars. The amendments proposed by both departments were substantially adopted by the committee.

Mr. MANN. Will the gentleman yield for a question?

Mr. PRAY. Certainly.

Mr. MANN. Has the Secretary of the Interior been over this bill and recommended its passage?

Mr. PRAY. The Secretary has examined the bill and the Attorney General has also examined it, and the recommendations of both departments have been complied with in so far as it seemed practicable to do so.

Mr. RAKER. The gentleman will find that statement on pages 4, 5, and 6 of the report.

Mr. MANN. I have read it. I would like to know whether the Secretary of the Interior or the gentleman from Montana thinks it is permissible to do as is proposed by this bill in section 4—make one penalty for the interference with the protection of property in the park—and then in section 6 make an entirely different penalty for the same act; whether the Interior Department and the gentleman from Montana believe that in the same law you can provide in two different sections different penalties for the same act?

Then I would like to further inquire if, in the opinion of the gentleman, under the Constitution we have the power to provide that a man shall be tried for a felony by the commissioner of the court and sentenced to the penitentiary.

Mr. PRAY. Has the gentleman read the recommendations of the Department of Justice covering these features?

Mr. MANN. I have read the report and I have read the bill.

Mr. PRAY. I do not see anything in the bill providing for two different punishments for the same offense.

Mr. ROBINSON. The offenses referred to in section 4 and in section 6 are of a different character. That in section 6 relates exclusively to damage, injury, spoliation to or upon any building, fence, hedge, gate, guidepost, and so forth.

Mr. MANN. Let us see whether that is the case. I will read from section 4:

> Any person found guilty of violating any of the provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, * * * natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, shall be deemed guilty of a misdemeanor—

And so forth. Then, in section 6, it is provided:

> That any person who shall, within the said above-mentioned park, commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, * * * natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor, and upon conviction—

Both precisely leveled against the same act relating to natural curiosities, and that is what the park consists mainly of. In one place one penalty; in another place another penalty for precisely the same act. I do not know; it may be that you can do that under the Constitution. With my limited knowledge of the Constitution, I had supposed you could not punish a man twice for the same offense.

Mr. PRAY. Even admitting that the contention of the gentleman is correct, it would be a very simple matter to strike out the penalty in one section and refer to the other. I do not think the sections are the same by any means, except perhaps in a few minor respects. They relate to many different subjects. If the House should agree with the gentleman, the change can be easily made.

Mr. MANN. I can explain very easily how it came about. The bill is made up of sections taken from the Yellowstone act and sections from the Hot Springs act. Both these acts attempt to cover the offenses described, so the gentleman, in order to make assurance doubly sure, included the section covering the Hot Springs act and then put in the same section of the Yellowstone act.

Mr. PRAY. It is based on the two acts, and it was reviewed by both departments after it was introduced. I think if the gentleman should try to put both sections together that he would have to take nearly everything now contained in the two sections in order properly to cover the ground. Of course there is no opportunity to make a fair comparison of the two sections, while the right to object is reserved. If no objection is made to the consideration of the bill, both sections can be examined, and if it is the judgment of the House that two different penalties are prescribed for the same offense, it will be a very simple matter to strike out one and retain the other. If any penalty in the bill does not meet with approval of Members, it can be modified. The Yellowstone Park and Hot Springs laws have been on the statute books for many years, and I have heard no complaints about them. This bill is based upon those acts, and follows the recommendations of both departments of the Government.

Mr. MANN. It would be like two special acts to protect one place. One is punished here with one offense and another there with another offense, and you combine them in one bill and attempt to make two offenses in the same act.

Mr. SISSON. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SISSON. I want to ask the gentleman from Illinois this question: On page 7 it authorizes the commissioner to try certain cases. Is there any provision here that the offender shall be tried by a jury?

Mr. MANN. Not at all. This bill and the Yellowstone act authorizes the commissioner to declare a man guilty of a felony and put him in the penitentiary. I do not know that anybody has ever done it, and I do not know that anybody would go to the penitentiary. Of course, it is plainly outside of the power of Congress to enact any such legislation.

Mr. ROBINSON. Mr. Speaker, referring to section 4, the Secretary is empowered to make rules and regulations for the proper control of the park and prescribe penalties for violations. Section 6 makes it unlawful to commit the trespasses and acts referred to there, and I still suggest that a careful reading of the sections discloses the fact that the two sections seek to accomplish different purposes.

Mr. MANN. Take a practical case. Suppose a man goes into the park, takes his ax, and commits waste against one of the natural curiosities. He can be punished under section 4, can he not?

Mr. ROBINSON. I am not sure whether he can or not.

Mr. MANN. It says that he can.

Mr. ROBINSON. Section 4 relates to the rules and regulations. It is doubtful whether you can make a crime of the violation of a rule or regulation of the Secretary of the Interior, but section 6 makes the act itself unlawful, and it is unquestionably true that you can punish for that violation.

Mr. MANN. Section 4 relates to the violation of the regulations and also to violating any of the provisions of this act. You put one penalty in one place for the violation of the provisions of this act, and you took it out of the Hot Springs act; and then you go over and fix another penalty in another place because you took it out of the Yellowstone act. Does the gentleman from Arkansas believe that if a man commits an act which is a violation of the provisions of the act and also a violation of the regulations of the Secretary of the Interior that he can be punished twice for that one act?

Mr. ROBINSON. No.

Mr. CARLIN. You could if it was not the same offense.

Mr. MANN. You might if it was two different jurisdictions.

Mr. ROBINSON. You may give the Secretary of the Interior the power to make rules and regulations for the control of the park or the property. You may not give to the Secretary the power to make regulations to punish citizens for violation of the regulations. You can make the act itself a violation of the law, as it is done in section 6, and perhaps you can thus catch him "going and coming."

Mr. MANN. Under section 4 you can put a man in the penitentiary for two years for violating the regulations, and under section 6 you can imprison him for one year for violating the law under your contention. Which is the worst? It may be that you can take him both ways.

Mr. ROBINSON. Mr. Speaker, the offense under section 4 is defined as a misdemeanor. It may be true that the punishment is disproportionate to the character of the offense, but still I submit to the gentleman from Illinois that that is no valid objection to the consideration of the bill.

Mr. MANN. I am not going to object to the consideration of the bill or its passage. I asked preliminarily whether the Secretary of the Interior or the Interior Department had approved this bill, and whether the gentleman had, because it violates the Constitution in a number of different particulars.

Mr. CARLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Virginia demands the regular order. Is there objection?

Mr. SISSON. Mr. Speaker, reserving the right to object, did the chairman of the committee, when drafting this bill, consider the proposition of vesting the commissioner with the power of trying a man without a jury?

Mr. ROBINSON. Yes. That is done in all cases of that sort. An appeal is provided to the district court of the district in which the park is situated. That question has been gone through with in relation to the Hot Springs Reservation and the Yellowstone National Park, and I want to suggest to the gentleman that it is not desirable that trial by jury be had in the first instance in these cases of misdemeanor, so long as the right of trial by jury is preserved on appeal. It will gravely interfere with the administrative features of the bill to require a trial by jury before the commissioner.

Mr. SISSON. Would it not be infinitely better to invest the commissioner with the right to bind the man over rather than to give him the right to try the man, and thus have the man twice placed in jeopardy, once before the commissioner and then again before another judge and jury?

Mr. ROBINSON. No; I do not think it would be better.

Mr. CARLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. SISSON. I object.

The SPEAKER. The gentleman from Mississippi objects, and the bill will be stricken from the Calendar for Unanimous Consent.

HISTORICAL PAGEANT, PHILADELPHIA, PA.

The next business on the Calendar for Unanimous Consent was House joint resolution 333, to authorize the loan of obsolete Springfield rifles, etc., to the historical pageant committee, Philadelphia, Pa.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of War be, and is hereby, authorized to loan to the historical pageant committee of Philadelphia, Pa., for use in the ceremonies pertaining to the celebration of the one hundred and twenty-fifth anniversary of the framing of the Constitution of the United States, not to exceed 2,000 obsolete Springfield rifles, caliber .45, and such number of obsolete swords or sabers as may be desired and are on hand and available: *Provided*, That prior to the issue of these articles the committee shall execute a good and sufficient bond in such sum as may be fixed by the Secretary of War, guaranteeing the safe return of the articles to the Government arsenal from which originally issued, and guaranteeing the payment of the value of all articles not returned and the cost of repairs, if any be required, to such articles as may be damaged: *Provided further*, That this issue shall be made without any expense to the United States.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MOORE of Pennsylvania, a motion to reconsider the vote by which the resolution was passed was laid on the table.

PUBLIC BUILDING, OLYMPIA, WASH.

The next business on the Calendar for Unanimous Consent was the bill (S. 6283) increasing the cost of erecting a public building at Olympia, Wash.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost heretofore fixed for the erection of a public building at Olympia, Wash., be, and the same is hereby, increased to $150,000.

The SPEAKER. Is there objection?

Mr. SISSON. Mr. Speaker, reserving the right to object, the original estimate was $92,700, it seems. Who has charge of the bill?

Mr. WARBURTON. Mr. Speaker, I presume I have charge of it. It is in my district, although it is not my bill. I know this, that there have been three unsuccessful attempts to let a contract for the construction of a building at Olympia, which is the State capital, and they have been unable to secure a bid that would enable them to construct a fireproof building. Nevertheless the contract was let to construct a building of ordinary stone construction, and not fireproof. The department is anxious that the building be fireproof. It is utterly impossible to construct it unless this appropriation is made. The contract has been let, and I understand the work has been begun on the basement of the building.

Mr. SISSON. The original bill provided for $30,000, did it not?

Mr. WARBURTON. One hundred and twenty thousand dollars, and this proposes to increase the amount $30,000.

Mr. SISSON. The original estimate was $110,000?

Mr. WARBURTON. I think that included the ground. I think the amount available was $100,000.

Mr. SISSON. And they are asking, then, for $50,000 more?

Mr. WARBURTON. No.

Mr. SISSON. The report shows that only $30,000 more is needed.

Mr. WARBURTON. The contract is let for $92,700. The balance of it, I presume, was taken in the purchase of the land. That is all that is available, and in order to make it fireproof and complete it, they will have to have $30,000 more, they tell me, which will make the building cost $122,000.

Mr. FITZGERALD. What excuse is given for letting a contract for a building that is inadequate for the public service?

Mr. WARBURTON. It will not be inadequate for the public service, but it will be an ordinary construction of stone and timber.

Mr. FITZGERALD. How large a place is Olympia?

Mr. WARBURTON. It is the capital of the State of Washington, and has between eight and ten thousand people.

Mr. FITZGERALD. And they are not able to construct an adequate building there for $100,000?

Mr. WARBURTON. I have been before the architects myself, and there have been three unsuccessful attempts to get bids to construct the building.

Mr. SISSON. And the population of the place is from eight to ten thousand?

Mr. WARBURTON. Yes.

Mr. SISSON. And $150,000 is wanted for a public building in a town of that size?

Mr. WARBURTON. It is the capital of the State.

Mr. SISSON. Even if it is the capital of the State, why should they get $150,000 for a public building for a place of 10,000 people?

Mr. WARBURTON. The post office evidently is not planned for anything larger than the needs of the city.

Mr. SULZER. Mr. Speaker, the gentleman from Mississippi is in error when he says the total amount required for this building is $150,000. As I understand it, the amount will be $132,000.

Mr. SISSON. That is my understanding; but the bill provides $150,000.

Mr. SULZER. Then the bill is wrong.

Mr. SISSON. There are $92,700, and that would make $132,000. I think fifty or sixty thousand dollars would be ample to construct a building in a town of that kind.

Mr. WARBURTON. The contract is already let, and the building will be constructed, but it will not be fireproof. It ought to be fireproof.

Mr. SISSON. Mr. Speaker, I shall have to object.

The SPEAKER. The gentleman from Mississippi objects, and the bill will be stricken from the Calendar for Unanimous Consent.

Mr. SULZER. I suggest to my friend to let this bill go over until Mr. CLARK of Florida can be here. It is his bill.

The SPEAKER. The gentleman from Missouri has exercised his right to object, and the Clerk will report the next bill.

FOURTH INTERNATIONAL CONGRESS ON SCHOOL HYGIENE.

The next business on the Calendar for Unanimous Consent was H. J. Res. 327, requesting the President of the United States to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene.

The bill was read.

Mr. FOSTER. Mr. Speaker, reserving the right to object——

Mr. MANN. Reserving the right to object—I defer to my distinguished colleague on medical matters.

Mr. FOSTER. I want to call attention to this voluminous and enlightening report.

Mr. MANN. That attracted my attention, I will say to the gentleman.

Mr. FOSTER. And I want to congratulate the committee or whoever wrote this report on the information that it gives to the House, so that the Members might act intelligently on the bill. I think in view of this we ought to have possibly some information which inadvertently was left out, and that is in regard to the amount that would be expected should be appropriated and some little history of this organization that is to meet here at the time mentioned.

Mr. SULZER. Mr. Speaker, this bill was introduced by the gentleman from New York [Mr. DANIEL A. DRISCOLL] and reported without objection from the Committee on Foreign Affairs. It carries no appropriation. Mr. DRISCOLL informed the committee that no appropriation would be necessary, and that no appropriation will be asked for either now or in the future, and on that representation the committee reported the bill. The bill simply directs the President to request the Secretary of State to invite the people who are interested in school hygiene to participate in this assemblage. These assemblages regarding school hygiene have been held for a number of years in different places, and it is a very important matter, not only to the children, but to our school system, and of vital importance to the people of our country.

Mr. MANN. Will the gentleman yield for a question?

Mr. SULZER. Certainly.

Mr. MANN. Is the gentleman aware that under the provision inserted in the recent District of Columbia appropriation law if we should issue these invitations to foreign Governments to participate in this Congress they might come, but that our own Government and its officials could not participate in that Congress?

Mr. SULZER. I am not aware of it.

Mr. FOSTER. They might go and pay their own expenses.

Mr. MANN. Why, the gentleman, my colleague, just introduced a resolution to permit the officials of the Government to participate in a congress of hygiene and demography, because it was claimed by Government officials that under the recent District of Columbia appropriation law they were not authorized now to accept and participate in these expositions.

Mr. SULZER. This is an entirely different matter——

Mr. MANN. That is precisely the same question.

Mr. SULZER. This has nothing to do with the Government making an exhibition——

Mr. MANN. The gentleman is mistaken.

Mr. SULZER (continuing). This assemblage will meet and discuss things about school children and good for the schools from a sanitary and hygienic point of view. The resolution should pass.

Mr. MANN. I suppose we would not want to issue invitations to have foreign nations come to an international congress here where the United States Government was not represented, where nobody could participate in it, for the reason that the resolution in that respect does not meet the present exigency, probably because the author of it, like most others, is not familiar with this little item inserted in the District appropriation bill. I am going to object when the time comes.

Mr. DANIEL A. DRISCOLL. I would like to state the citizens of Buffalo, by public subscription, will care for the people invited to this congress.

Mr. MANN. Well, I should doubt that. I do not doubt the gentleman believes it and the citizens state it, but I have heard that statement a great many times. There is no provision in the legislation upon that subject. I believe when we invite foreign Governments to participate in an international exposition or anything of the kind held within our boundaries we ought to be courteous enough to spend a little money to be properly represented there ourselves; but under existing law we should not be represented.

Mr. DANIEL A. DRISCOLL. I would like to ask the gentleman from Illinois, providing this amendment was passed, would he object, provided that no appropriation shall be granted at any time hereafter in connection with said congress?

Mr. MANN. Well, I will say to the gentleman frankly, I am not in favor of inviting foreign Governments to an international exposition or a meeting of any kind without our Government can be represented.

Mr. DANIEL A. DRISCOLL. Would the gentleman be opposed to an appropriation to care for our representatives?

Mr. MANN. Well, probably not, but I do not desire to put myself on record for that. I never make promises in advance.

Mr. DANIEL A. DRISCOLL. I thank you.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I will have to object unless the gentleman asks that it go over so as to permit them to properly prepare the resolution.

Mr. DANIEL A. DRISCOLL. Mr. Speaker, I ask unanimous consent that the joint resolution be passed for the present without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 19544.

The SPEAKER. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object, what is the bill?

Mr. SABATH. The Kindred bill.

Mr. RODDENBERY. The immigration bill?

Mr. SABATH. Well, it is not an immigration bill, although it comes from the Immigration Committee.

Mr. RODDENBERY. This is a bill which was objected to by Mr. BARTHOLDT, of Missouri?

Mr. SABATH. Some one objected.

Mr. RODDENBERY. To prohibit insane aliens from being received in New York, except under restrictions?

Mr. SABATH. Amending that act, yes, which prohibits the bringing in of the insane.

Mr. RODDENBERY. I am very indisposed, Mr. Speaker, to object to the gentleman's request, but inasmuch as the House declined to permit debate on it and the extension of remarks by other gentlemen on the same subject were objected to, I must object.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] objects.

Mr. SISSON. Mr. Speaker, I ask to insert in the RECORD the following article by J. B. Barnhill, editor of the American Anti-Socialist, of Washington, D. C.:

With his usual adroitness, Hon. VICTOR L. BERGER, the Socialist member of the House of Representatives, in his recent speech in the House on socialism carefully avoided the fundamental principles of that doctrine.

I desire to direct the attention of the public to the fact that socialism seeks to destroy three things—private enterprise, private profits, and private property—and when you destroy these three you destroy competition.

Socialism seeks to convert private enterprise into community enterprise, private profits into community profits, and private property into community property. This is the fundamental teaching of socialism, and if Mr. BERGER really believes in the doctrine of socialism why did he not in some part of his speech, which we are told he intends to circulate by the million during the coming campaign, discuss the fundamental principles upon which socialism is founded?

The universal experience of mankind is that private enterprise, private profits, and private property are the indispensable bases of an advancing civilization; but socialism condemns these three factors of progress.

On numerous other occasions Mr. BERGER has pronounced sentence of death upon the principle of competition. It appears to be an irreparable calamity that Mr. BERGER was not present at the creation, for he could probably have saved the Creator from the mistake of building the world on a competitive plan. "Competition is dead," says Dr. BERGER. Something contradicts thee—I am afraid it is nature.

Individual profit is a thing which socialism will not countenance. Yet it is the desire for profits, the hope of this reward, which awakens all private and commercial enterprise. It is certain that if you take away the hope of individual reward for individual exertion you will destroy individual exertion. In other words, profit is the mainspring of all industrial activity.

Lastly socialism attacks private property. Here it arrays against itself all the strongest and tenderest affections of the human heart. Such a plan would destroy the home, which is the unit of government. The prophet and patriot alike unite in saying that the noblest dream of man is of a time when each may sit "under his own vine and his own fig tree and none durst make him afraid."

Arthur Young was well inspired when he said: "Give a man the secure possession of a rock and he will turn it into a garden." But Young did not tell the whole truth. All experience proves that the surest way to turn a garden into a desert is to make possession insecure, to substitute community interest for private interest, community property for private property, community profits for private profits, community enterprise for private enterprise.

Socialism has over and over again taken some of the finest garden spots in the world and turned them into deserts. Ruskin Colony in Tennessee, New Australia in Paraguay, Topolobampo, and a score of other such pathetic failures will occur to every student of this subject.

But the greatest and most instructive of such failures was at New Harmony, Ind. Here Robert Owen, father of ex-Congressman Robert Dale Owen, sank a princely fortune amounting to an annual income of $200,000 in a vain effort to supplant the competitive system with the "cooperative commonwealth." Dying penniless he left a priceless legacy in the record of that great social experiment at New Harmony, which teaches us that the doctrine that you can found a society where competition does not exist is a delusion, and that the effort to realize such a society must necessarily result in failure.

Individualism makes the desert blossom as the rose. Socialism would turn every garden into a desert.

Hon. A. J. Balfour, late Prime Minister of England, recently said:

"I say that a community based upon the perfectly impossible scheme proposed by the socialists—the scheme, I mean, which substitutes, for the individual enterprise, energy and self-sacrifice, which are the very

roots of industrial prosperity, the bureaucratic arrangement of every man's life and every man's industry and every man's earnings—I say that that ideal is one which not only will bring disaster upon the existing generation, but which will absolutely ruin, as I think, the whole future of the community.

* * * * * * *

"It is upon the productive capacity, the inventiveness, the enterprise, the knowledge, the readiness to run risks, and to bear the result of risks when they go wrong; it is on this that a great community depends, and on this alone for the wealth it can use."

Mr. AKIN of New York. Mr. Speaker, I make a request for unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York [Mr. AKIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the same request.

Mr. BURLESON. And, Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] makes the same request. Is there objection?

Mr. FOSTER. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] makes the same request.

Mr. SULZER. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from New York [Mr. SULZER] makes the same request.

Mr. RAINEY. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] makes the same request.

Mr. CANNON. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] makes the same request.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the same request.

Mr. HARRISON of New York. Mr. Speaker, I make the same request.

Mr. WARBURTON. I make the same request, Mr. Speaker.

Mr. EVANS. Mr. Speaker, I make the same request.

Mr. HAWLEY. Mr. Speaker, I make the same request.

Mr. PRAY. Mr. Speaker, I make the same request.

Mr. SIMMONS. I make the same request, Mr. Speaker.

The SPEAKER. The gentleman from New York [Mr. SIMMONS] makes the same request.

Mr. RAKER. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from California [Mr. RAKER] makes the same request.

Mr. TALCOTT of New York. And I, too, Mr. Speaker, make the same request.

The SPEAKER. The gentleman from New York [Mr. TALCOTT] makes the same request. All these gentlemen—Mr. AKIN of New York, Mr. MANN, Mr. BURLESON, Mr. FOSTER, Mr. SULZER, Mr. RAINEY, Mr. CANNON, Mr. MOORE of Pennsylvania, Mr. HARRISON of New York, Mr. WARBURTON, Mr. EVANS, Mr. HAWLEY, Mr. PRAY, Mr. SIMMONS, Mr. RAKER, and Mr. TALCOTT—ask unanimous consent to extend their remarks in the RECORD. Is there objection?

Mr. ADAMSON. I ask unanimous consent, Mr. Speaker, to let everybody speak.

Mr. MANN. After these requests are granted, I shall call for the regular order.

The SPEAKER. Is there objection to the requests?

There was no objection.

Mr. SABATH. Mr. Speaker, I renew my request for unanimous consent along with the other gentlemen.

The SPEAKER. And the gentleman from Illinois [Mr. SABATH] asks unanimous consent to extend his remarks in the RECORD.

Mr. ADAMSON. Mr. Speaker, I think after this large number of gentlemen have been granted permission to extend their remarks in the RECORD that right should be extended to everybody. I think there should be universal amnesty. [Laughter.]

The SPEAKER. Does the gentleman put that request seriously?

Mr. ADAMSON. No. It is a joke, and the Speaker can so label it, if he desires. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. SABATH].

There was no objection.

The MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is the next bill.

HOMESTEAD ENTRY ON FORMER FORT NIOBRARA MILITARY RESERVATION LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25764) to subject lands of Fort Niobrara Military Reservation and other lands to homestead entry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the unreserved lands within the former Fort Niobrara Military Reservation, in the State of Nebraska, and the adjacent public lands on the east and south thereof withdrawn from entry by Executive order June 22, 1904, except as hereinafter expressly provided, shall be subject to homestead entry at such time and in such manner and under such rules and regulations as the Secretary of the Interior may prescribe, as follows: All that portion lying north and west of the Niobrara River, together with that part of the southeast quarter of section 22, the southwest quarter of section 23, the west half of section 26, and all of section 27, in township 34 north, range 27 west, lying south and east of the said Niobrara River, shall be appraised under the direction of the Secretary of the Interior, entered and patented under the general provisions of the homestead laws, subject to the payment of the appraised price to be made in three annual payments as prescribed by the Secretary of the Interior; and all the remaining portion of said lands lying south and east of the said Niobrara River shall be entered and patented under the provisions of the one-section homestead law for a certain part of Nebraska, approved April 28, 1904, and acts amendatory thereof: *Provided*, That lands open to entry under this act shall not be subject to disposition under section 2306 of the Revised Statutes of the United States or other form of scrip or lieu selection, nor shall homestead entries made thereof be subject to commutation.

SEC. 2. That the Secretary of the Interior shall, of such military lands, lease to the State of Nebraska for the term of 20 years, for a reasonable price, the lands it now occupies as a State agricultural experimental station, and shall cause patent to issue to the city of Valentine, upon payment of the appraised price, for such area as it may reasonably need for waterworks, water power, and electric-light plant system, and for a fish hatchery, including the lands it now occupies for such purposes, and shall issue patent to Stephen H. Gilman, upon payment of the appraised price, to not exceed 5 acres adjacent to his milldam, and shall cause patent to issue to Charles H. Cornell, upon payment of the appraised price, not to exceed 68 acres.

SEC. 3. That the Secretary of the Interior is hereby directed to reserve from entry under this act a tract of land, not exceeding 640 acres in area, upon which the buildings used in connection with said military reservation are located, and to sell the lands so reserved and the buildings thereon at public auction at not less than their appraised value within one year from the date of the approval of this act if the Government shall not have appropriated the same to some public purpose: *Provided*, That the disposition of the said military reservation lands shall be subject to rights, if any, acquired by Charles H. Cornell and by the city of Valentine, when a village, by any acts of Congress: *Provided further*, That all lands so opened to settlement under this act, remaining undisposed of at the expiration of three years from the date of its approval, shall be sold and disposed of under rules and regulations to be prescribed by the Secretary of the Interior, not more than 640 acres to any one purchaser.

SEC. 4. That the costs of carrying out the provisions of this act, including the necessary compensation of the custodian, not exceeding $60 per month, may, in the discretion of the Secretary of the Interior, be paid from the appropriations for the expense of the survey, appraisal, and sale of abandoned military reservations.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves the right to object.

Mr. MANN. No; I do not object. I have an amendment to offer.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The bill is on the Union Calendar.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Arkansas [Mr. ROBINSON] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Amend, page 2, line 24, by striking out the word "lease" and inserting in lieu thereof the words "issue patent."

Mr. CANNON. Mr. Speaker, I would like to ask the gentleman a question. Does this include the whole of the reservation?

Mr. ROBINSON. This provides for the disposition of the reservation.

Mr. CANNON. All of it?

Mr. ROBINSON. Yes.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 2, line 25, by striking out the words "for the term of 20 years, for a reasonable price."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will read the next committee amendment.

The Clerk read as follows:

Amend, page 3, line 1, by inserting at the beginning of the line the word "for."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will read the next committee amendment.

The Clerk read as follows:

Amend, page 3, line 2, after the word "station," by inserting the following: "upon payment of $1.25 an acre."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 3, line 23, by striking out at the end of the line the word "and" and inserting in lieu thereof the word "or."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Nebraska [Mr. KINKAID] that there may be some doubt whether Mr. Gilman has a middle initial "H" or "F," because line 8, page 3, says "Stephen H. Gilman." Which is it?

Mr. KINKAID of Nebraska. It is "Stephen F."

Mr. MANN. Then, it should be amended on page 3, line 8, so as to make it read that way.

Mr. ROBINSON. Mr. Speaker, I move to amend by striking out "H" in line 8, page 3, and inserting "F", so that it will read "Stephen F. Gilman" instead of "Stephen H. Gilman."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Arkansas [Mr. ROBINSON].

The Clerk read as follows:

Strike out the initial "H" in the name "Stephen H. Gilman" and insert in lieu thereof the initial "F."

The SPEAKER. Without objection, the amendment is agreed to.

There was no objection.

Mr. MANN. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk, to be inserted at the end of line 22, page 2.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 2, at the end of line 22, by inserting the following: "*Provided further*, That the Secretary of the Interior is authorized, in his discretion, to reserve from sale or disposition any lands chiefly valuable for power purposes."

Mr. ROBINSON. Mr. Speaker, the committee considered that amendment and decided that it is unnecessary. Under the law that power now exists, and while I do not know of any objection to the amendment, it is merely reenacting existing law. That is the view that the Secretary of the Interior takes of the matter himself. On page 3 of the report is contained a communication addressed to myself, in which the Secretary used this language:

In view of the department, H. R. 25764 would not, if enacted, preclude the withdrawal by the President of the United States, under authority contained in act of Congress approved June 25, 1910 (36 Stat., 847), of such tracts as may be found to be valuable for water-power sites, but if any doubt as to the authority for such withdrawal exists the bill should be amended by adding to section 3 thereof the following—

He then suggests an amendment in the exact language offered by the gentleman from Illinois [Mr. MANN].

Chapter 421 of Statutes at Large, page 847, volume 36, reads as follows:

Be it enacted, etc., That the President may at any time, in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States, including the District of Alaska, and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes, to be specified in the orders of withdrawal; and such withdrawals or reservations shall remain in force until revoked by him or by an act of Congress.

The committee did not include the amendment suggested by the gentleman from Illinois, for the reason that it is already the law.

Mr. MANN. Mr. Speaker, there may be and probably is some doubt whether the existing law would permit the Secretary to reserve water-power sites. He believes that he has that authority, but has also stated that he does not feel certain of the matter.

I doubt very much whether under the law the Secretary has that authority, because he has not as yet reserved these water-power sites, and this bill, which would become a subsequent law, expressly provides that all the unreserved lands within the former reservation shall be disposed of in the manner provided in the bill. Being subsequent legislation, it would take effect when it was passed as to all unreserved lands. I do not believe that the Secretary would have the power after the passage of this bill to make any reservations. As the gentleman from Arkansas [Mr. ROBINSON] and other gentlemen contend that the Secretary now has the power, and as some of us believe that he does not now have the power, why can anybody object to a provision being inserted in the bill making it clear that the Secretary has the power of reserving the water-power sites?

Mr. ROBINSON. Mr. Speaker, I have said that as far as I am concerned I do not object, but I do not like to pass needless legislation when I am convinced that it is unnecessary. Hereafter it may be insisted that we intended to repeal some provision of existing law with reference to the power of the President to withdraw power sites, and so forth, for the reason that we did not embrace every provision of existing law concerning withdrawals. But unless the gentleman from Nebraska [Mr. KINKAID] wishes to raise an objection, for my part I shall not object to the amendment, although I do not think the gentleman from Illinois should insist upon it for the reasons stated. I am perfectly willing that the gentleman should make his mark upon this bill if he insists upon doing so.

Mr. MANN. I have stated all the time that I should insist on the amendment.

Mr. KINKAID of Nebraska. I have never had any objection to the amendment. It is a matter for the disposition of the committee. I do not object.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. KINKAID of Nebraska, a motion to reconsider the last vote was laid on the table.

FORT ASSINIBOINE MILITARY RESERVATION, MONT.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent to recur to the bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assiniboine Military Reservation in the State of Montana. It was passed temporarily. I am informed that the author of the bill (Mr. PRAY) has reluctantly agreed to offer some amendments which will not be objectionable to me. I do object, however, to writing a mere nominal consideration into the bill. I shall insist that there be a consideration; that the Secretary be authorized to sell upon terms that may be fixed by him. I yield to the gentleman from Montana for the purpose of offering his amendments.

Mr. PRAY. Mr. Speaker, in order that this bill may receive consideration, I have reluctantly consented to offer these amendments.

The SPEAKER. The gentleman from Arkansas asks leave to recur to Senate bill 5817. Is there objection?

Mr. MANN. Reserving the right to object, let us hear what the proposition is.

The SPEAKER. The Clerk will report the amendments.

The Clerk read the amendments, as follows:

In line 3, page 1, strike out the word "that" and insert the words "that the Secretary of the Interior be, and he is hereby, authorized to sell."

In lines 5 and 6, page 1, strike out the words "be, and the same are hereby, granted."

In line 6, page 1, after the word "Montana," insert: "at a price to be agreed upon by the Secretary of the Interior and the board of county commissioners of said county."

In line 1, page 2, after the word "after," strike out the words "the passage of this act" and insert the words "such sale has been consummated."

Mr. MANN. I suggest that the Clerk read the bill as proposed to be amended.

Mr. PRAY. I send up the bill with the proposed amendments inserted.

The SPEAKER. The gentleman from Illinois suggests that this bill be read as it will read if these amendments are agreed to.

The Clerk read the bill as proposed to be amended, as follows:

Be it enacted, etc., That the Secretary of the Interior be and he is hereby authorized to sell the jail building and the fixtures of said building now situate on the abandoned Fort Assiniboine Military Reservation, in the State of Montana, to the county of Hill, in the State of Montana, at a price to be agreed upon by the Secretary and the board of county commissioners of said county, and said county, by its duly authorized officials, shall have the right to enter upon the said abandoned Fort Assiniboine Military Reservation at any time after such sale has been consummated and remove said buildings and such fixtures.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas to recur to this bill?

There was no objection.

Mr. ROBINSON. I move the adoption en bloc of the amendments as read by the Clerk.

The SPEAKER. You have not yet obtained unanimous consent to consider the bill. You have simply obtained consent to return to it.

Mr. ROBINSON. Very well.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ROBINSON. Now I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. ROBINSON. I ask unanimous consent, Mr. Speaker, that the amendments be agreed to en bloc.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act authorizing the Secretary of the Interior to sell to the county of Hill, in the State of Montana, the jail building and fixtures now on the abandoned Fort Assinniboine Military Reservation, in the State of Montana."

FOURTH INTERNATIONAL CONGRESS ON SCHOOL HYGIENE.

Mr. DANIEL A. DRISCOLL. Mr. Speaker, I ask unanimous consent to return to House joint resolution 327.

Mr. MANN. That has just been objected to, and I shall withdraw my objection if the gentleman offers his amendment.

The SPEAKER. The gentleman from New York asks unanimous consent to return to House joint resolution 327. Is there objection? [After a pause.] The Chair hears none. The gentleman asks unanimous consent for the present consideration of the joint resolution. Is there objection?

There was no objection.

The Clerk read the House joint resolution, as follows:

Joint resolution (H. J. Res. 327) requesting the President of the United States to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene.

Resolved, etc., That the President of the United States is hereby requested to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene, to be held in Buffalo, N. Y., August 25–30, 1913.

Mr. DANIEL A. DRISCOLL. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Insert at the end of the resolution the following:

"*Provided*, That no appropriation shall be granted at any time hereafter in connection with said congress."

The amendment was agreed to.

The amended joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DANIEL A. DRISCOLL, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

SUBWAY UNDER POST OFFICE, NEW YORK CITY.

The next business on the Calendar for Unanimous Consent was the bill (S. 7012) to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in the name and on behalf of the United States of America, to grant, convey, and release unto the city of New York, in the State of New York, for such consideration, nominal or otherwise, and upon such terms, conditions, provisos, and limitations, if any, as he shall deem proper, such temporary rights and easements and such permanent and perpetual underground rights, easements, and rights of way in, under, through, and across the property of the United States situated in the Borough of Manhattan, in the city of New York, in the county and State of New York, and comprising the block bounded by Broadway, Park Row, and Mail Street, and also comprising part of Mail Street, as he shall deem necessary or proper for the construction and for the maintenance and operation in perpetuity of a two-track underground rapid-transit railroad running under, through, and across said property from Park Place to Beekman Street in said Borough of Manhattan, and also, if he shall deem proper, for the construction and for the maintenance and operation in perpetuity of a one-track spur or connection running under, through, and across said property from a point under Mail Street where a connection can be made with the existing City Hall loop of the so-called Manhattan-Bronx Rapid Transit Railroad to a point under Beekman Street where a connection can be made with the said two-track rapid-transit railroad above mentioned. The tracks of said rapid-transit railroad and of said spur or connection within the limits of said property shall be placed in subway or tunnel. The tracks of said two-track rapid-transit railroad within the limits of said property may either be placed in the same subway or tunnel or there may be a separate subway or tunnel for each track. In case the tracks shall be placed in the same subway or tunnel, such subway or tunnel may have a width of not exceeding 40 feet, outside dimensions; and in case there shall be a separate subway or tunnel for each track, such subways or tunnels shall be substantially parallel with each other and on substantially the same level, and each of said subways or tunnels may have a width of not exceeding 25 feet, outside dimensions, and such subways or tunnels may be placed not more than 20 feet distant from each other. The top of the roof of such subways or tunnels of said two-track rapid-transit railroad within the limits of said property shall be not less than 35 feet below the present established grade of the surface of the street at the intersection of the center line of Broadway with the center line of Park Place extended. The subway or tunnel for the said one-track spur or connection above described within the limits of said property may have a width of not exceeding 25 feet, outside dimensions, and the top of the roof thereof shall be not less than 15 feet below the present established grade of the surface of the street at the intersection of the center line of Broadway with the center line of Park Place extended.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized to execute and acknowledge in proper form for record within the State and county of New York, and deliver to the public service commission for the first district of the State of New York, a deed or deeds to said city of New York as authorized in this act.

SEC. 3. That this act shall take effect and be in force immediately.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I want to say that this provides that it shall take effect and be in force immediately. It should have provided immediately, if not sooner. I would like to ask the gentleman in reference to this bill whether the post-office building in New York City is occupied for any other purpose?

Mr. UNDERHILL. It is occupied by the Federal courts.

Mr. SULZER. And the United States marshal and district attorney.

Mr. MANN. Are there any offices in it except the post office, the courts, and the offices attached to the courts?

Mr. UNDERHILL. All the United States offices.

Mr. SULZER. Oh, no.

Mr. MANN. What does the gentleman mean by "all the United States offices"?

Mr. UNDERHILL. The immigration office, and so forth.

Mr. MANN. Customhouse?

Mr. UNDERHILL. No.

Mr. MANN. I wanted to find out what was there.

Mr. SULZER. I can tell the gentleman.

Mr. MANN. I did not ask the gentleman from New York, Mr. SULZER.

Mr. SULZER. I thought the gentleman from Illinois wanted information.

Mr. MANN. That is the reason I asked the other gentleman from New York.

The SPEAKER. Is there objection?

Mr. MANN. I was going to ask the gentleman whether this authority, if granted at all, ought not to be granted on the recommendation of the Postmaster General, whether or not he ought to have the power to determine in reference to the plans if the building is mainly occupied for a post office?

Mr. UNDERHILL. The bill is simply permissive, anyway, and it is placed in the hands of the Secretary of the Treasury.

Mr. MANN. The gentleman thinks it is merely permissive. Would he have any objection to making it clearly so by inserting after the word "authorized" the words "in his discretion"?

Mr. UNDERHILL. I do not think that would make any difference. I think that is fully covered in the text of the bill. It would delay its passage perhaps.

Mr. MANN. If the gentleman will agree to accept that amendment so that it will be within the discretion of the Secretary of the Treasury, I shall not object.

Mr. UNDERHILL. I will accept it.

Mr. MANN. Is that satisfactory to my friend from New York, Mr. SULZER?

Mr. SULZER. This bill was introduced in the Senate by Senator O'GORMAN for the public service commission of New York. It passed the Senate unanimously.

Mr. MANN. That does not add any weight to it.

Mr. SULZER. Just a moment. There is no objection to this bill. The Secretary of the Treasury approves of the bill. The authorities are building a great subway in New York City and it is being held up until this bill can become a law. As a matter of fact, the city of New York gave the Government the property on which the post-office building is located. It is a part of the City Hall Park. The city gave it to the Government for a post office. The Government built the post office on the property a good many years ago, and the deed to the Government provided that when the property is no longer used for a post office it shall go back to the city of New York as a part of the City Hall Park..

Another matter. It is contemplated to build a new post office ere long in New York City, and so this land will soon go back to the city of New York. All the city wants is the permission of the Government to build a subway down 100 feet below the surface of the street, and, of course, there ought to be no objection to it. The work is being delayed and contracts are be-

ing held up until the Government gives its consent. The Government is anxious to have the work proceed, and if we accept the amendment offered by the gentleman from Illinois the bill will have to go back to the Senate, and that may delay it until next year. The compensation that the city is to pay to the Federal Government is merely nominal.

Mr. MANN. This is of great value to the city of New York?

Mr. SULZER. Yes. It is the greatest engineering work that has ever been done in the city.

Mr. MANN. Have they got permission to run under anybody else's property in New York without compensation?

Mr. SULZER. Yes; unless great damage is done.

Mr. MANN. I guess not.

Mr. SULZER. Then the gentleman guesses different from the court of appeals.

Mr. MANN. Is this the only place, under this post office, where they can construct this subway?

Mr. SULZER. Yes. It is the route fixed by law.

Mr. MANN. If this is the only place where they can make the turn they had better enlarge the city. Nobody believes that story.

Mr. SULZER. This work is provided for by the legislature of the State.

Mr. MANN. That is all very true, but the gentleman can not make us believe that in New York City it is absolutely essential to go under one building, which the city does not own and does not control; that it is the only building in the city that the State itself can not control and that they made plans to that effect. If they have they had better get wiser men in charge of the plans.

Mr. SULZER. The work is being done by the city authorities and the public service commission. The legislature provided for it, and the routes are fixed by law and contract and can not now be changed.

Mr. MANN. Oh, I apprehend the routes are not all fixed by law, so that they can not be changed.

Mr. SULZER. Yes; they are.

Mr. MANN. If the gentleman has that information, I would like to see the law, and, pending that, I suggest that the gentleman ask unanimous consent to pass the bill over without prejudice, so that we may have an opportunity to look into the matter.

Mr. UNDERHILL. Mr. Speaker, I shall accept the amendment.

Mr. SULZER. The gentleman from Illinois wants to delay the greatest piece of construction work in the country.

Mr. MANN. Oh, no; the gentleman wants to prevent a holdup.

Mr. SULZER. If the gentleman wants to gratify himself by doing that, very well. I was trying to give the gentleman information about it, but the gentleman knows so much about everything in New York that no one can enlighten him.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent to pass the bill over without prejudice. Is there objection?

There was no objection.

PENSION APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the conference report on the bill H. R. 18985, the pension appropriation bill, and lay the same before the House.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the conference report on the pension appropriation bill and lay it before the House. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 1065).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agreed to the same with an amendment as follows: In the matter inserted by the Senate strike out the words "$500,000, or so much thereof as may be necessary, to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 8, and 12, and agree to the same.

The conferees further report that they are unable to agree as to amendments numbered 2, 3, 4, 5, 9, 10, and 11.

WM. P. BORLAND,
JAMES W. GOOD,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM,
BENJ. F. SHIVELY,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The amendments of the Senate, Nos. 1, 6, 7, 8, and 12, to which the House recedes from its disagreements are as follows:

Amendment No. 1 adds $12,500,000 to the appropriation. This amendment was made necessary by the enactment of the law known as the act of May 11, 1912, which became a law after the passage of the bill in the House which increased the amount paid for pensions.

Amendment No. 6 is an amendment striking out the word "hereafter" and inserting in lieu thereof "not later than January 1, 1913," at which time pensions should be paid by check instead of by the present voucher system.

Amendment No. 7 is an exception made in the matter of payment by check in cases where pensions are paid to persons other than the pensioners, and is upon the recommendation of the Secretary of the Interior.

Amendment No. 8 provides for the conduct of postmasters and post-office employees in the matter of delivering pension checks going through their hands and which are to be sent in advertised envelopes. It is practically the same provision as was contained in the bill as it was reported to the House but which was stricken out on the floor of the House on a point of order.

Amendment No. 12 is simply changing the number of a section from 6 to 5.

Amendments Nos. 2, 3, 4, 5, 9, 10, and 11, on which the conferees have been unable to agree, are amendments inserted by the Senate restoring to the bill a provision for the continuance of the 18 agencies and rent of the New York agency, as provided for in existing law.

WM. P. BORLAND,
JAMES W. GOOD,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move that the House recede from its disagreement to amendment of the Senate numbered 2 and agree to the same with the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Omit the matter inserted by said amendment and in lieu of the paragraph stricken out insert the following:

"For salaries of 18 agents for the payment of pensions at the rate of $4,000 per annum each during the first half of the fiscal year 1913, $36,000.

"For salary of one agent for the payment of pensions, at the rate of $4,000 per annum, for the last half of the fiscal year 1913, $2,000; and from and after the 31st day of December, 1912, there shall be only one agent for the payment of pensions, to be appointed in the manner now provided by law, and who shall receive a salary at the rate of $4,000 per annum; and section 4780 of the Revised Statutes of the United States authorizing the appointment of agents for the payment of pensions is repealed, to take effect from and after December 31, 1912."

The SPEAKER. The question is on the motion of the gentleman from New York to recede from Senate amendment No. 2 with an amendment which the Clerk has reported.

The question was taken, and the motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move that the House recede from its disagreement to amendment of the Senate No. 3, and agree to the same with an amendment which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Omit the matter inserted by said amendment and restore the matter stricken out, amended to read as follows:

"For clerk hire and other services at 18 pension agencies during the first half of the fiscal year 1913, and at one pension agency during the

last half of the fiscal year 1913, and including not exceeding $10,000 for expenses of consolidating and removing records and equipment of pension agencies, $350,000, or so much thereof as may be necessary: *Provided*, That estimates in detail shall be submitted for the fiscal year 1914 and annually thereafter for clerks and others employed in the pension agency, and the amounts to be paid to each."

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York to recede and agree to the Senate amendment numbered 3 with the amendment which the Clerk has reported.

The question was taken, and the motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 4 and agree to the same with the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In lieu of the sum named in said amendment insert $2,125.

The SPEAKER. The question is on the motion of the gentleman from New York to recede from Senate amendment numbered 4 and agree to the same with an amendment, which the Clerk has reported.

The question was taken, and the motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I now move that the House further insist on its disagreement to amendments of the Senate numbered 5, 9, 10, and 11.

The motion was agreed to.

CONSTRUCTION OF SUBWAY, ETC., UNDER POST-OFFICE BUILDING, CITY OF NEW YORK.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to return to the bill (S. 7012) to permit the construction of a subway and the maintenance of a railroad under the post office at or near Park Place, in the city of New York—the one we have just passed over.

The SPEAKER. The gentleman from New York asks unanimous consent to recur to the bill S. 7012. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I understand the gentleman is willing to accept the amendment referred to, making it discretionary with the Secretary of the Treasury.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of this bill. Is there objection? [After a pause.] The Chair hears none. It has been reported once, and there is no use in reporting it again.

Mr. MANN. Mr. Speaker, I move to insert in line 4, after the word "authorized," the words "in his discretion."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 4, after the word "authorized," insert the words "in his discretion."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. UNDERHILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, I would like to suggest to somebody that it is getting pretty late.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. I rise for the purpose of asking unanimous consent that the bill H. R. 25738 be permitted to remain on the calendar, to be considered the next time.

Mr. MANN. The gentleman has authority to place that on the calendar again.

Mr. RAKER. I would like for it to retain its place on the calendar. It may be arranged so it can be considered next unanimous day; therefore I would like to have it remain on the calendar, to be disposed of the next time.

Mr. MANN. I have no objection.

The SPEAKER. The gentleman from California asks unanimous consent that the bill H. R. 25738 (No. 337 on the calendar) be passed without prejudice and that order is to take the place of the one requiring it to be stricken from the calendar. Is there objection?

Mr. COVINGTON. Mr. Speaker, reserving the right to object, I should like to ask the gentleman what peculiar merit this bill possesses that it should retain its place on the calendar in front of 40 or 50 other bills that do not happen to be reached, especially when this bill is of such serious moment that objection is raised when it came up?

Mr. RAKER. In answer to the gentleman I will say that all objection to this bill may be withdrawn. I have observed that after bills of considerable importance had been objected to, by a little talk and by a little seeing of individuals and amendments unanimous consent was had, and in five minutes the bill is passed; and it might possibly be that this bill might be in the same position. I certainly should have the opportunity to have it considered if there is no valid objection. It may not occur next time. All opposition, if any, may be withdrawn.

Mr. MANN. I do not see the gentleman had any complaint. He had one bill on the calendar objected to twice and it was stricken off——

The SPEAKER. Is there objection? [After a pause.] The Chair hears none and it is so ordered.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p. m.) the House adjourned until to-morrow, Tuesday, August 6, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of channel between the St. Johns River, Fla., and Cumberland Sound, by way of the Sisters Creek out of the St. Johns River, with plan and estimate of cost of improvement, with a view to straightening and deepening the channel (H. Doc. No. 898); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of Bronx River, N. Y. (H. Doc. No. 897); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. COVINGTON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11877) to amend section 8 of the food and drugs act approved June 30, 1906, reported the same without amendment, accompanied by a report (No. 1138), which said bill and report were referred to the House Calendar.

Mr. MARTIN of Colorado, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 26023) to amend section 2 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, reported the same without amendment, accompanied by a report (No. 1141), which said bill and report were referred to the House Calendar.

Mr. FLOOD of Virginia, from the Committee on the Territories, to which was referred the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, reported the same without amendment, accompanied by a report (No. 1140), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LEWIS, from the Committee on Military Affairs, to which was referred the bill (H. R. 3769) to grant an honorable discharge to Theodore N. Gates, reported the same with amendment, accompanied by a report (No. 1125), which said bill and report were referred to the Private Calendar.

Mr. HAYDEN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 24942) for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims, reported the same without amendment, accompanied by a report (No. 1143), which said bill and report were referred to the Private Calendar.

Mr. TALBOTT of Maryland, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Depart-

ments, submitted a report (No. 1139) on the files and papers described in the report of the Acting Secretary of Commerce and Labor in House Decument No. 667, Sixty-second Congress, second session.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 26127) to amend the general pension act of May 11, 1912; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 26128) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts under the reclamation acts, and for other purposes; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 26129) to amend an act approved February 24, 1905, for the protection of persons furnishing labor, materials, plant, and supplies for the construction of public works; to the Committee on Irrigation of Arid Lands.

By Mr. STANLEY: A bill (H. R. 26130) to further protect trade and commerce against unlawful restraints and monopolies; to the Committee on the Judiciary.

By Mr. PICKETT: A bill (H. R. 26131) requiring common carriers engaged in interstate commerce by railroad to equip locomotive engines with electric or other power light of not less than 1,500 candlepower; to the Committee on Interstate and Foreign Commerce.

By Mr. STANLEY: A bill (H. R. 26132) to regulate the ownership of common carriers engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: A bill (H. R. 26133) appropriating $5,000 for the improvement of the ostrich industry; to the Committee on Agriculture.

By Mr. LA FOLLETTE: Joint resolution (H. J. Res. 347) proposing an amendment to the Constitution providing that the President and the Vice President shall be nominated and elected by direct vote of the people of the several States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. AKIN of New York: Resolution (H. Res. 664) requesting information from the Secretary of Agriculture; to the Committee on Agriculture.

By Mr. STANLEY: Resolution (H. Res. 665) setting time for discussion of report of committee investigating violations of antitrust act of 1890 and other acts, etc.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 26134) granting a pension to Lent B. Gage; to the Committee on Pensions.

By Mr. ALEXANDER: A bill (H. R. 26135) granting an increase of pension to Mary A. Hooker; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 26136) granting a pension to Hiram Hill; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 26137) granting an increase of pension to Sullivan McKibben; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 26138) granting an increase of pension to John Klein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26139) granting an increase of pension to Topley T. Dodge; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 26140) for the relief of John B. Worsley; to the Committee on War Claims.

By Mr. HAYDEN: A bill (H. R. 26141) to correct the military record of Joinville Reif; to the Committee on Military Affairs.

Also, a bill (H. R. 26142) granting an increase of pension to Mary E. Heydenburg; to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 26143) granting a pension to Elizabeth J. Mitchell; to the Committee on Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 26144) granting an increase of pension to William H. Cornell; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 26145) to remove the charge of desertion from the military record of James W. Clouse; to the Committee on Military Affairs.

By Mr. VARE: A bill (H. R. 26146) for the relief of William Force; to the Committee on Claims.

By Mr. WHITACRE: A bill (H. R. 26147) granting an increase of pension to Mahala R. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26148) granting an extension of patent to Joseph H. Mathews; to the Committee on Patents.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of National Association of Talking Machine Jobbers of Pittsburgh, Pa., against passage of House bill 23417, relative to change in patent law; to the Committee on Patents.

Also, petition of assistants to superintendents of construction, United States life-saving stations, favoring passage of House bills 25235 and 25236, to promote efficiency of Life-Saving Service and to create the coast guard, etc.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of citizens of Pottawatomie County, Okla., against passage of House bill 25593, relative to termination of Shawnee Training School, etc.; to the Committee on Indian Affairs.

By Mr. ASHBROOK: Evidence to accompany House bill 26117, a bill authorizing the Secretary of War to confer upon David Davis the congressional medal of honor; to the Committee on Military Affairs.

By Mr. AYERS: Memorials of New York Produce Exchange, favoring an extension of jurisdiction of Commerce Court, and American Association of Dairy Food & Drug Officials, favoring passage of the Gould weight and measure bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Inventors' Guild, favoring appointment of a commission to investigate and suggest needed changes in the patent laws; to the Committee on Patents.

By Mr. HARTMAN: Petition of the Woman's Christian Temperance Union of Van Ormer, Pa., favoring passage of bill to forbid the sale of intoxicating liquors in buildings and ships used by the United States Government; to the Committee on the Judiciary.

By Mr. KAHN: Petition of Workmen's Sick and Death Benefit Fund, Branch 102, of San Francisco, Cal., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of American Mercantile Co. and E. G. Lyons, of San Francisco, Cal., against passage of the Works liquor bill; to the Committee on the District of Columbia.

Also, petition of Local 410, B. M. & I. S. B., of San Francisco, Cal., favoring passage of House bill 16844, known as the Campbell bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of United States Indian Warriors of San Francisco, Cal., favoring passage of House bill 779, for pension of officers and soldiers of Indian wars between 1870 and 1891; to the Committee on Pensions.

Also, petition of Bruce Hayden, of San Francisco, Cal., favoring revision of patent laws; to the Committee on Patents.

Also, petition of Deremer & Co. (Inc.) and Hirsh & Kaiser, of San Francisco, Cal., against passage of bill relative to change in patent laws; to the Committee on Patents.

Also, petition of Sherwood & Sherwood, of San Francisco, Cal., against passage of the Works bill relative to license in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Brotherhood of Locomotive Engineers of United States, favoring passage of workmen's compensation act, etc.; to the Committee on the Judiciary.

Also, petition of Sign and Pictorial Painters' Local No. 510, of San Francisco, Cal., favoring passage of the Clayton bill, H. R. 23635; to the Committee on the Judiciary.

Also, petition of S. E. Schwartz, of San Francisco, Cal., against passage of the Root amendment to the immigration law; to the Committee on Immigration and Naturalization.

Also, petition of rector and members of St. James Church, of Richmond District, San Francisco, Cal., favoring passage of bill for relief of natives of Alaska; to the Committee on the Territories.

Also, petition of citizens of San Francisco, Cal., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KORBLY: Memorial of League of Library Commissions, favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. LEVY: Memorial of New York Produce Exchange, of New York City, relative to act to amend laws relating to

the judiciary; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Memorial of Regular Colored Democratic Association, of Brooklyn, N. Y., favoring passage of Senate bill No. 180 relative to celebration of fiftieth anniversary of the freeing of the negro; to the Committee on Industrial Arts and Expositions.

Also, memorial of board of managers of the New York Produce Exchange, favoring passage of House bill 25572, to amend the laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

Also, memorial of American Association of Dairy, Food, and Drug Officials, favoring passage of the Gould weight and measure bill; to the Committee on Interstate and Foreign Commerce.

By Mr. McCOY: Petition of Order of Railway Conductors of America, Division No. 175, against passage of employers' liability and workmen's compensation act; to the Committee on the Judiciary.

Also, memorial of Hebrew Veterans of the War with Spain, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Memorial of freight traffic committee of the Chicago Association of Commerce, favoring passage of House bill 25572, to amend the laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

By Mr. PARRAN: Memorial of F. D. Pastoritis Council, No. 1, and Greble Council, No, 13, Order Independent Americans, of Philadelphia, Pa., favoring passage of House bill 25309, relative to displaying flag of United States on lighthouses, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN of New York: Petition of Inventors' Guild of New York City, relative to changes in patent laws; to the Committee on Patents.

Also, memorial of Inventors' Guild of New York City, relative to change in patent law; to the Committee on Patents.

Also, memorial of the National Association of Talking-Machine Jobbers, Pittsburgh, Pa., against passage of House bill 23417, known as the Oldfield bill, relative to change in patent law; to the Committee on Patents.

Also, memorial of the St. Augustine Board of Trade, of St. Augustine, Fla., favoring passage of bill providing for use as a park for city of St. Augustine of the powder-house lot; to the Committee on Military Affairs.

Also, memorial of New York Produce Exchange, of New York City, favoring passage of House bill 25572, to amend laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

By Mr. RAINEY: Petition of citizens of East St. Louis, Ill., favoring passage of the excise-tax bill with amendment relative to domestic building and loan associations; to the Committee on Ways and Means.

Also, petition of Herman Englebach and others, of Arenzville, Ill., against passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Memorial of Chamber of Commerce of Sacramento, Cal., favoring passage of House bill 357, relative to investigation of foreign and domestic fire insurance companies; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Memorial of Regular Colored Democratic Association of Brooklyn, N. Y., favoring passage of Senate bill 180, for exposition to celebrate the fiftieth anniversary of the freeing of the negro; to the Committee on Industrial Arts and Expositions.

Also, memorial of New York Produce Exchange, of New York City, favoring passage of House bill 25572, to amend the laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. M. Johnson, of New York City, favoring international conference on the cost of living; to the Committee on Foreign Affairs.

By Mr. UNDERHILL: Petition of Inventors' Guild of New York City, favoring commission to consider change in patent laws; to the Committee on Patents.

Also, memorial of the St. Augustine Board of Trade, of St. Augustine, Fla., favoring passage of bill providing that powder-house lot be used as a park by the city of St. Augustine; to the Committee on Military Affairs.

Also, memorial of National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of House bill 23417, known as the Oldfield bill; to the Committee on Patents.

SENATE.

TUESDAY, *August 6, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Martin, Va.	Smith, Ariz.
Bacon	Cullom	Martine, N. J.	Smith, S. C.
Bailey	Cummins	Massey	Smoot
Bankhead	Gallinger	Myers	Sutherland
Borah	Gronna	Nelson	Thornton
Bourne	Johnston, Ala.	Overman	Townsend
Brandegee	Jones	Page	Warren
Bristow	Kenyon	Perkins	Works
Burnham	Kern	Reed	
Burton	Lodge	Sanders	
Catron	McCumber	Simmons	

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. FOSTER]. I ask that this announcement may stand for the day.

Mr. BOURNE. I desire to announce that my colleague [Mr. CHAMBERLAIN] is unavoidably detained on a conference, and that he has a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I will let this announcement stand for the day.

The PRESIDENT pro tempore. On the call of the roll of the Senate, 41 Senators have answered to their names. A quorum of the Senate is not present.

Mr. WARREN I ask that the names of the absentees be called.

The PRESIDENT pro tempore. Without objection, the Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. SMITH of Michigan answered to his name when called.

Mr. CLAPP and Mr. CHAMBERLAIN entered the Chamber and answered to their names.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is out of the city on important business. I will let this announcement stand for the day.

Mr. SMITH of Georgia entered the Chamber and answered to his name.

Mr. LODGE. If there is no quorum as yet, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDENT pro tempore. The Chair has not yet ascertained whether there is a quorum and can not make the announcement until the Secretary reports.

Mr. BAILEY. I thought the Senator from Massachusetts desired to submit some motion.

Mr. LODGE. I did; that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. BAILEY. That requires a motion.

Mr. LODGE. I make that motion.

Mr. BAILEY. I did not understand that the Chair put the motion.

Mr. LODGE. No; the Chair has not made the formal announcement.

The PRESIDENT pro tempore. Upon the call of the roll——

Mr. POMERENE entered the Chamber and answered to his name.

The PRESIDENT pro tempore. Forty-six Senators only are present, including the name of the Senator just called.

Mr. LODGE. Then I move——

Mr. BAILEY. This is what comes of trying to meet at 10 o'clock, before Senators can attend to their correspondence and department work. If the Senate wants to proceed with due dispatch it will revoke the order about meeting at 10 o'clock and meet at 12 and have a night session. Then we will be able to put in 9 or 10 hours a day.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Sergeant at Arms be directed to request the presence of absent Senators. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to.

The PRESIDENT pro tempore. The order of the Senate will be executed by the Sergeant at Arms.

Mr. CRAWFORD and Mr. McLEAN entered the Chamber and answered to their names.

The PRESIDENT pro tempore (at 10 o'clock and 20 minutes a. m.). Upon the call of the roll of the Senate 48 Senators have responded to their names. A quorum of the Senate is present.

Mr. LODGE. I move that the order directing the Sergeant at Arms to request the attendance of absent Senators be rescinded.

The motion was agreed to.

DERRICK SCOW "EDNA" (S. DOC. NO. 901).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury transmitting a letter from the Secretary of the Navy reporting, under the provision of the naval act of June 24, 1910, that the Navy Department has considered, ascertained, adjusted, and determined the claim of the owners of the derrick scow *Edna* for damages arising out of the collision with the navy-yard tug *Hercules* in the harbor at the navy yard, Norfolk, Va., March 12, 1912, and found the sum of $183.76 due the claimants as owners of the scow, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4838) to amend section 96 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

The message also announced that the House had passed the bill (S. 6354) to perpetuate and preserve Fort McHenry and the grounds connected therewith as a Government reservation under the control of the Secretary of War, and to authorize its partial use as a museum of historic relics, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

S. 7012. An act to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York; and

S. 7195. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 10169. An act to provide for holding the district court of the United States for Porto Rico during the absence from the island of the United States district judge and for the trial of cases in the event of the disqualification of or inability to act by the said judge;

H. R. 14053. An act to increase the pensions of surviving soldiers of Indian wars in certain cases;

H. R. 17256. An act to fix the status of officers of the Army and Navy detailed for aviation duty, and to increase the efficiency of the aviation service;

H. R. 22199. An act to extend the limits of the port of entry of Galveston, Tex., to include Port Bolivar, in that State;

H. R. 22526. An act to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906;

H. R. 25073. An act to authorize the Moline-Bettendorf Bridge Co. to construct a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa;

H. R. 25764. An act to subject lands of former Fort Niobrara Military Reservation and other lands to homestead entry;

H. J. Res. 327. Joint resolution requesting the President of the United States to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene; and

H. J. Res. 333. Joint resolution to authorize the loan of obsolete Springfield rifles, etc., to the Historical Pageant Committee, Philadelphia, Pa.

PETITION.

The PRESIDENT pro tempore presented the petition of William W. Latham, assistant to the superintendent of construction of the Life-Saving Service, and André Fourchy, assistant to the superintendent of construction of the Life-Saving Service, on behalf of themselves and other assistants to the superintendents of construction, United States Life-Saving Service, praying for the adoption of certain amendments to the bill (S. 5173) to promote the efficiency of the Life-Saving Service, and (S. 7061) to create the coast guard by combining therein the existing Life-Saving Service and Revenue-Cutter Service, which was referred to the Committee on Commerce.

HISTORY OF THE FEDERAL ELECTIONS.

Mr. BORAH, from the Committee on Education and Labor, to which was referred the amendment submitted by Mr. CULLOM on the 25th ultimo, proposing to appropriate $6,250 to purchase 25,000 copies of the history of the Federal elections, etc., intended to be proposed to the general deficiency appropriation bill (H. R. 25970), reported it without amendment, submitted a report (No. 1018) thereon, and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

COOSA RIVER DAM, ALA.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back favorably, with amendments, the bill (S. 7343) to authorize the building of a dam across the Coosa River, Ala., at a place selected for Lock No. 18 on said river, and I submit a report (No. 1017) thereon. I call the attention of the Senator from Alabama to the bill.

Mr. BANKHEAD. I ask unanimous consent for the present consideration of the bill.

Mr. BURTON. Mr. President, I shall not object to the present consideration of the bill, but I desire to be heard at some length on it, if it comes before the Senate. I have certain amendments to propose; and, unless those amendments are adopted, I shall desire to oppose the bill.

Mr. GALLINGER. Why not object to its consideration?

Mr. WARREN. I hope the Senator from Alabama, if that is to be the case, will not ask for the consideration of the bill at this time.

Mr. BANKHEAD. I do not think the Senator from Ohio will consume very much time with his amendments. This is a very important matter to us. If it is not passed now, the probabilities are that we shall not be able to have it passed at this session. Let us try it.

Mr. WARREN. I yielded the floor yesterday for a matter of 5 or 10 minutes and was not able to recover it during the entire day. Therefore I feel as if I must insist upon the privilege, at least, of asking that this conference report come up in the regular way and not allow the day to drift along in matters that should come up from the calendar. I want very much to accommodate the Senator from Alabama, but I do not feel that I can do so under the circumstances. Of course, if the bill will involve any debate—I have no objection to debate at proper times—but if there is to be debate now I must object to the present consideration of the bill.

Mr. BANKHEAD. Do I understand the Senator from Wyoming to object to the consideration of the bill?

Mr. WARREN. Under the circumstance that the statement is made that amendments will be offered and that there will be long debate, I shall be compelled to object.

Mr. BANKHEAD. Then, Mr. President, I move that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. The motion is not now in order. Pending morning business, that can not be done except by unanimous consent.

Mr. LODGE. One objection takes the bill over.

The PRESIDENT pro tempore. The Chair has just stated that fact.

Mr. LODGE. I beg pardon; I did not so understand.

Mr. BANKHEAD. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BANKHEAD. Under ordinary conditions in the Senate, when will it be in order to consider this bill, either by unanimous consent——

The PRESIDENT pro tempore. At any time except during the morning hour. The motion, however, if made when there is a special order, must be made in a way to displace the special order in order to get consideration; but notwithstanding, at any time during the morning hour after morning business is closed, unless there is a special order, the motion would be in order.

Mr. BANKHEAD. My motion will now be in order, I understand, Mr. President.

The PRESIDENT pro tempore. The Chair has not yet declared morning business closed, but was about to do so.

Mr. WARREN and Mr. BANKHEAD addressed the Chair.

The PRESIDENT pro tempore. The Senator from Wyoming.

Mr. WARREN. I ask that the Senate resume the consideration of the conference report on the legislative, executive, and judicial appropriation bill.

Mr. BANKHEAD. I had the floor, Mr. President, and asked recognition of the Chair with the suggestion that the Chair has announced.

The PRESIDENT pro tempore. The Senator from Alabama had addressed the Chair before the morning business was announced as closed, but that did not give him the floor for the purpose indicated. The Senator from Wyoming then addressed the Chair, but the Chair will ask the Senator from Wyoming to withdraw his request in order that there may be no controversy on the subject, so that the Chair may recognize the Senator from Alabama. With the consent of the Senator from Wyoming, the Chair will recognize the Senator from Alabama.

Mr. BANKHEAD. Then I move that the Senate proceed to the consideration of the bill reported by the Senator from Virginia [Mr. MARTIN].

Mr. LODGE. I make the point of order that if one objection is made to a bill on the day it is reported it can not again be taken up on that same day.

The PRESIDENT pro tempore. The Senator is correct. The motion of the Senator from Alabama is not in order, and one objection will carry the bill over until to-morrow.

Mr. BANKHEAD. Then, Mr. President, one further inquiry. Will it be in order to-morrow morning after the morning business to make the motion that I have now submitted to the Senate?

The PRESIDENT pro tempore. If the Senator makes it at the proper time it will be in order.

Mr. BANKHEAD. Will the Chair kindly inform me when the proper time will be?

The PRESIDENT pro tempore. The Chair does not feel called upon to suggest when the proper time will come, but if the present occupant is in the Chair it will then be decided. The Chair has already, in response to a previous inquiry by the Senator from Alabama, stated the time when the motion would be in order.

Are there further reports of committees? If not, the introduction of bills and joint resolutions is in order.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Michigan:

A bill (S. 7422) to remove the charge of desertion from the military record of Conrad Springer; to the Committee on Military Affairs.

By Mr. O'GORMAN:

A bill (S. 7423) for the relief of Frances A. Bliss; to the Committee on Claims.

By Mr. MARTIN of Virginia:

A bill (S. 7424) to amend an act approved July 20, 1912, entitled "An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River"; to the Committee on Commerce.

By Mr. WARREN:

A bill (S. 7425) giving a new right of homestead entry to former homesteaders; to the Committee on Public Lands.

WITHDRAWAL OF PAPERS—ANDREW MARTIN.

On motion of Mr. SMITH of Michigan, it was

Ordered, That leave be granted to withdraw from the files of the Senate certain papers accompanying the bill S. 4803, Sixty-second Congress, second session, to remove the charge of desertion from the military record of Andrew Martin, no adverse report having been made thereon.

CLAIMS OF GOVERNMENT EMPLOYEES.

Mr. REED. Mr. President, a few days ago when the Senate——

The PRESIDENT pro tempore. Does the Senator from Missouri rise to morning business? Morning business is not yet concluded.

Mr. REED. I think the Chair will call it morning business. My explanation will be so brief, anyway, that I can get through it quicker than I can explain what I desire to state.

A few days ago the Senate passed the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims. Subsequently I gave notice that I desired to enter and would enter a motion to reconsider the votes by which the bill was ordered to a third reading, read the third time, and passed. I now withdraw that motion, and will let the bill stand passed.

If I may be permitted, I desire to make a word of explanation. I withdraw the notice at this time because I am satisfied at this late hour of the session, if we were to undertake to further consider the bill, it would result in its not passing at this session. Therefore I prefer to have the bill stand in its present form.

The PRESIDENT pro tempore. The notice of the motion of the Senator from Missouri to reconsider is withdrawn. Is there further morning business? If not, that order is closed.

POST-OFFICE SITE AT PERTH AMBOY, N. J.

Mr. MARTINE of New Jersey. I ask unanimous consent for the present consideration of calendar No. 879, House bill 21888.

The PRESIDENT pro tempore. The Senator from New Jersey asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 21888) providing for the sale of the United States unused post-office site at Perth Amboy, N. J.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Jersey for the present consideration of the bill?

Mr. WARREN. Mr. President, I shall reserve the privilege of objecting if the bill leads to any debate.

Mr. MARTINE of New Jersey. I desire, if I may be permitted, to say that the bill provides for the sale of the unused site of a former post office at Perth Amboy, N. J. There are parties who are ready to purchase it, and the bill authorizes the Secretary of the Treasury to make the sale.

The PRESIDENT pro tempore. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FIVE CIVILIZED TRIBES IN OKLAHOMA—VETO MESSAGE (S. DOC. NO. 899).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

I return herewith, without my approval, Senate bill 4948, entitled "An act relating to inherited estates in the Five Civilized Tribes in Oklahoma."

The reasons for my action are stated in the accompanying letter from the Secretary of the Interior, dated August 5, 1912.

WM. H. TAFT.

THE WHITE HOUSE, *August 5, 1912.*

—

DEPARTMENT OF THE INTERIOR,
Washington, August 5, 1912.

MY DEAR MR. PRESIDENT: By reference from the White House I am in receipt of Senate bill 4948, as passed by both Houses of Congress, and entitled "An act relating to inherited estates in the Five Civilized Tribes in Oklahoma." I am requested to inform you whether any objection is known to its approval. The bill reads as follows:

"Be it enacted, etc., That conveyances of inherited allotments by full-blood Indian heirs, members of the Five Civilized Tribes in Oklahoma, made subsequent to May 27, 1908, in cases of allottees dying prior to May 27, 1908, shall have the same effect as if the allottee had died subsequent to May 27, 1908, and shall not require the approval of the Secretary of the Interior: *Provided*, That no conveyance of any interest by a full-blood heir of inherited allotted land heretofore or hereafter made shall be valid unless approved by the county court, sitting in probate, of the county where the deceased allottee was a resident at the time of his death."

The history of this legislation is that prior to April 26, 1906, allotted lands belonging to full-blood Indian heirs, members of the Five Civilized Tribes in Oklahoma, were not subject to alienation unless there had been actual removal of restrictions by the Secretary of the Interior prior to the conveyance. On the date mentioned Congress passed an act providing that such conveyances would be valid if subsequently approved by the Secretary. Disregarding these provisions in the law many conveyances were made for inadequate consideration and in fraud of the rights of the Indians, and extensive litigation has since resulted in connection therewith. The Supreme Court of the United States disposed of the contested questions of law in favor of the Indians and of the contention of this department in the Marchie Tiger case about a year ago. Meanwhile, however, the effective supervision of this department over many of these transactions was prevented, when on May 27, 1908, Congress passed an act which provided in section 9 thereof as follows (35 Stats., 312):

"That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's land: *Provided*, That no conveyance of any interest of any full-blood Indian heirs in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee: *Provided further*, That if any member of the Five Civilized Tribes of one-half or more Indian blood shall die leaving issue surviving, born since March 4, 1906, the homestead of such deceased allottee shall remain inalienable, unless restrictions against alienation are removed therefrom by the Secretary of the Interior in the manner provided in section 1 hereof, for the use and support of such issue, during their life or lives, until April 26, 1931; but if no such issue survive, then such allottee, if an adult, may dispose of his homestead by will free from all restrictions; if this be not done, or in the event the issue hereinbefore provided for die before April 26, 1931, the land shall then descend to the heirs according to the laws of descent and distribution of the State of Oklahoma, free from all restrictions: *Pro-*

vided further, That the provisions of section 23 of the act of April 26, 1906, as amended by this act, are hereby made applicable to all wills executed under this section."

It will be noted that this section reads, "That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions," etc. The question having arisen as to whether such restrictions were removed by the death of an allottee which occurred prior to the passage of this act, the matter was submitted to the Attorney General for an opinion. He exhaustively considered section 9 of the act of May 29, 1908, and held that where allottees had died prior to the date of that act, conveyances by their full-blood heirs of lands inherited from such allottees required the approval of the Secretary of the Interior in order to insure their validity, even though the conveyances might be made subsequent to the date of the act. In a later opinion, rendered June 7, 1911, the Attorney General again considered at length this matter in the case of an attempted conveyance made April 11, 1906, and held that the land was inalienable. The question having arisen in the local courts of Oklahoma, State and Federal, two decisions were rendered which were not in accordance with the opinion of the Attorney General, but the United States was not represented in the suits, and the different classes of cases requiring consideration in the several tribes do not seem to have been considered. From the opinion rendered in the United States district court in Oklahoma it appears that the decision of the judge went upon the ground that no reason appeared why Congress should have intended to distinguish between conveyances where the ancestor died prior to May 27, 1908, and conveyances where the ancestor died subsequent to that date. It is believed that a full consideration of the far-reaching effect of his construction of the law under the different conditions, and different statutes and agreements relating to the various tribes would have disclosed such a reason and might have led the court to a different conclusion. At all events, the Oklahoma decisions above referred to have not been regarded locally or in this department as finally determining the law, and on January 30, 1912, the bill now under consideration was introduced in the Senate.

In its then form the bill simply amended the act of May 27, 1908, by adding to section 9 thereof the words, "This section shall apply to the lands of all deceased allottees who died prior to the passage of this act." The bill was referred to this department for a report, and on February 26, 1912, a report was made recommending that the proposed legislation be not enacted. In that report it was pointed out that "the very purpose of the proposed amendment is to give section 9 of the act a retroactive operation so as to annul the effect of the Attorney General's opinion of August 17, 1909, and to validate, without departmental approval, all deeds which were illegally taken by purchasers of Indian lands inherited prior to May 27, 1908. Many fraudulent transactions would be legalized by the passage of this bill."

It was also pointed out that there was no reason for opposition to the existing law requiring the approval of this department in such cases—

"except by those who seek to avoid the payment of an adequate consideration for the lands received, as the department is now approving deeds executed by full-blood Indian heirs, conveying lands of deceased allottees of the Five Civilized Tribes who died prior to May 27, 1908, whenever it appears that the transaction has been made in good faith and for an adequate consideration."

There are, however, many cases now pending before the department for approval which would be validated without approval by the Secretary of the Interior if Congress should pass an act in the original form of S. 4948, upon which the above departmental report was made, or if that bill in the form in which it was actually passed by Congress should now be permitted to become a law. Among these cases are many where conveyances have been sanctioned by the local Oklahoma courts, but where the price paid to the Indians has been so inadequate that this department has insisted upon a reappraisal, and the white claimants are now tendering substantial amounts in addition to those which they have already paid. They are being disposed of in the department as rapidly as they can be properly considered.

Notwithstanding the specific statement in the report of the department above quoted, that "many fraudulent transactions would be legalized by the passage of this bill," on April 2, 1912, the bill was reported out of the Senate Committee on Indian Affairs without making any reference to the report of this department, and on the same day the bill was called up and passed by the Senate. In the meanwhile, a bill on the same subject had been introduced in the House as H. R. 22083. This bill was not in form an amendment to section 9 of the act of 1908, but read as follows:

"*Be it enacted, etc.*, That conveyances of inherited allotments by full-blood Indian heirs, members of the Five Civilized Tribes in Oklahoma, made subsequent to May 27, 1908, in cases of allottees dying prior to May 27, 1908, shall have the same effect as if the allottee had died subsequent to May 27, 1908, and shall not require the approval of the Secretary of the Interior."

On May 14, 1912, the House bill was reported out from the Committee on Indian Affairs without having been referred to this department, and the committee simply stated that the bill was similar to Senate bill 4948, and quoted the report of the Senate committee already mentioned. Two days later, however, the chairman of the House Committee on Indian Affairs requested a report from this department on the House bill. In view of the record then existing it was clear to the department that the matter required the most careful consideration, and a letter was written to the Attorney General asking him for an expression of the views of the Department of Justice. I inclose herewith a copy of its reply. I would say, in addition to the objections vigorously expressed by the Department of Justice, that great confusion is almost certain to arise from the adoption of the pending bill. The Secretary of the Interior, acting under the advice of the Attorney General above referred to, has in many cases not only refused his approval to deeds which would be validated by the pending bill, but has approved deeds to lands in cases where previous deeds, which he had not approved, would be validated by it. There are many other possible complications too numerous for detailed mention here.

The careful consideration due to the importance of the subject and the pressure of departmental business caused a little delay in sending a report to the House committee. In view of occasional criticism of such delays it should be stated that the Department of the Interior has made approximately 1,000 reports on pending legislation to the present Congress. This does not include the mass of special pension legislation, for which special representatives of the Pension Office are detailed at the Capitol. It takes no account of the personal attendance of the Secretary and other departmental officials upon many meetings of congressional committees. In particular, during the past year there have been extraordinary demands upon the office force of the Indian service by investigating committees of the House.

On June 17, 1912, without waiting for a report from the department, the House bill was called up, and after some discussion was passed. Subsequently—on the same date, however—the Senate bill 4948 was called up and all after the enacting clause was stricken out and the language of the House bill substituted. The order by which the House bill had been passed was then vacated. In the discussion of the House bill the following statement was made:

"Mr. CARTER. Mr. Speaker, I want to repeat what I said some time ago in the discussion on the Indian appropriation bill. We have in Oklahoma what we call a State board of charities and corrections. In that board there has been organized a special bureau for the specific purpose of looking after this very character of case—minor children's allotments and inherited estates. That department is very ably presided over by a young lady named Miss Katie Barnard, and her assistant in charge of this specific work is Dr. J. H. Stolper, and the grafter who gets anything past the vigilant eye of these two guardsmen will have to show something better than they have ever yet conjured up."

In view of the reference thus made to the recent establishment in Oklahoma of the State board of charities and corrections this department promptly, on June 19, wrote to Miss Barnard, inclosing a marked copy of the CONGRESSIONAL RECORD covering the discussion, and inquired as to the extent of her authority in these matters and whether she had in fact exercised any supervision over the class of cases referred to. Her suggestions were also requested with a view to making a further report to Congress if the conditions seemed to justify. To this communication a reply from the assistant commissioner was received in this department on July 26, 1912, and I inclose herewith a copy. I shall call particular attention to some features of this letter later. Before it was received, and on July 13, 1912, the Senate bill was again called up in the Senate and a motion made to concur in the substitute amendment of the House of Representatives, with the following additional amendment, which was offered from the floor to be inserted at the end of the bill as it had been passed by the House:

"*Provided*, That no conveyance of any interest by a full-blood heir of inherited allotted land heretofore or hereafter made shall be valid unless approved by the county court, sitting in probate, of the county where the deceased allottee was a resident at the time of his death."

The purpose of the proviso was stated to be to make certain that the deeds in question must be passed on by the county court. Objection was made upon the specific ground that this amendment had never been submitted to the Department of the Interior for a report. Senator SMOOT said:

"This is a very, very dangerous way of legislating."

Senator LODGE said:

"I do not think it is a wise way to legislate on any bill. The Senate has passed the bill and the House has amended it; and it is now proposed that we, without consideration, without understanding the purport of it, in a complicated matter, shall amend the amendment and send it back to the House. It seems to me it ought to take the regular course."

The bill was sent back for conference with the House. No report from this department was asked for by the conferees, and on July 19, 1912, a conference report recommending that the Senate agree to the House bill with the amendment which had been proposed in the Senate was submitted to the Senate and on the same day was agreed to without discussion. On the same day the conference report was presented in the House and led to a considerable discussion, in which objections to the bill as it was then worded were forcefully pointed out. Nevertheless, the conference report was agreed to.

The bill as thus passed removes all necessity for securing the approval of the Secretary of the Interior to conveyances of inherited allotments of full-blood Indian heirs, members of the Five Civilized Tribes, made subsequent to May 27, 1908, in cases of allottees who had died prior to that date. This is subject to all of the objections urged in the report of this department on the original measure, and to other additional objections.

It will be noted that section 9 of the act of May 27, 1908, provided—

"That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee."

The proviso to the present bill intrusts this approval to "the county court, sitting in probate, of the county where the deceased allottee was a resident at the time of his death."

It is stated that many of the Indians who would be affected by this legislation have removed permanently from Oklahoma. The result of this proviso in the pending bill would be to transfer all questions relating to the approval of conveyances in such cases by the heirs of the deceased to courts far removed from the land itself and unfamiliar with its value and the conditions under which conveyances of this character are made.

But the proviso has a much more serious effect than that. It is sweeping in its terms and does not provide for a new approval by any court of deeds of the character herein given. An approval heretofore made possibly at a time when the court assumed that the matter would be passed on by this department, would nevertheless validate the conveyance. Previous approvals of the Oklahoma courts have been given in many cases where the conditions are those forcefully described in the letter from the State Board of Charities and Corrections of Oklahoma. The Department of the Interior is now obtaining for the Indians substantial sums in settlement of just such cases. I am glad to believe that, due to the efforts of Miss Barnard's department and to other causes, conditions in this regard in Oklahoma are now greatly improved, but this will be of no avail where approvals have already been given by the local courts. I invite special attention to the letter of the Oklahoma Department of Charities and Corrections in this connection. It adds to the explanation given on the floor of the House as to the reason why "there is very little market for this class of titles." The letter, as already stated, was not received until July 20, which happens to be the very day upon which the engrossed bill was sent to the White House for your approval.

It makes clear—

(1) The appalling extent to which Indian heirs in Oklahoma have been imposed upon in transactions of this character.

(2) That the State commissioner of charities and corrections has not been and is not now given the assistance necessary to cover the ground.

(3) That many improper transactions have already been approved by the local courts and would be validated if this bill should become a law.

(4) That until the State commissioner of charities and corrections has been given adequate assistance the scope of the act of May 27, 1908, should not be extended.

The complaint of the lack of cooperation from the tribal attorneys is now being given consideration by the department.

I recommend that the bill be returned to Congress without your approval.

Respectfully, yours,

WALTER L. FISHER,
Secretary.

The PRESIDENT,
The White House.

DEPARTMENT OF JUSTICE,
Washington, D. C., May 22, 1912.

The SECRETARY OF THE INTERIOR.

SIR: I am in receipt of a letter dated the 17th instant from the First Assistant Secretary of the Interior, in which he requests an early expression of the views of this department concerning H. R. 22083, entitled "A bill relating to inherited estates in the Five Civilized Tribes in Oklahoma."

This bill in substance declares that conveyances made by full-blood members of the Five Civilized Tribes after May 27, 1908, of allotments inherited by them before that date shall have the same effect as if the allottee had died subsequently to that date, and shall not require the approval of the Secretary of the Interior.

The act of May 27, 1908 (35 Stat., 312), provides in its ninth section:

"That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's land: *Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee * * *."

In an opinion rendered by the Attorney General August 17, 1909 (27 Opin., 530), it was held that this section is not to be construed retrospectively, and that consequently a conveyance of the allotment of a deceased full-blood allottee could not lawfully be made by his heirs if his death occurred prior to May 27, 1908, the date when that section took effect; but that the approval of the Secretary of the Interior was indispensable to validate such conveyance in view of section 22 of the act of April 26, 1906 (34 Stat., 137).

This view, it seems, did not meet with the favor of the Supreme Court of the State of Oklahoma and the United States district court for the eastern district of that State in the cases cited in the report of the House committee touching the bill in question. While this is to be regretted, I do not concede that the adverse decisions afford a sufficient reason why the Attorney General should recede from his formal opinion, particularly in view of the fact that in neither of the two cases was the Government represented or directly or indirectly given control of the litigation. Indeed, the case in the United States district court was not brought to the attention of the department until after the period for an appeal therein had expired.

Whether the opinion of August 17, 1909, be or be not correct, it strikes me that the bill, in so far as it attempts to validate the conveyances already made, is subject to the criticism that it is either altogether unnecessary in that regard or constitutes an attempted violation of the vested rights of the allottees. If, as a matter of law, the heirs have been entitled since May 27, 1908, to alienate without the approval of the Secretary of the Interior and irrespective of the time when their ancestors died, the courts may be relied upon to say so whenever the question is properly presented for judicial determination; and no declaration now by Congress as to what the existing law was intended to mean is to be deemed necessary or proper to influence their action. If, on the other hand, the conveyances which the heirs have made without the assent of the Secretary of the Interior are void, I seriously question the constitutionality of an attempt by Congress, through a retroactive declaration, to make them valid and operative without the consent of the Indian landowners.

The allotments are the property of the heirs until they convey them to others. This private property is protected by the National Constitution as fully as any other property whatsoever, and is not subject to be taken away by an act of Congress any more readily than is the property of a white citizen. In the recent case of Choate et al. *v.* Trapp, No. 809, October term 1911, the Supreme Court said:

"There have been comparatively few cases which discuss the legislative power over private property held by the Indians. But those few all recognize that he is not excepted from the protection guaranteed by the Constitution. His private rights are secured and enforced to the same extent and in the same way as other residents or citizens of the United States. (In re Heff, 197 U. S., 504; Cherokee Nation *v.* Hitchcock, 187 U. S., 307; Smith *v.* Gooddell, 20 Johns (N. Y.), 188; Lowrie *v.* Weaver, 4 McLean, 82; Whirlwind *v.* Vanderahe, 67 Mo. App., 628; Taylor *v.* Drew, 21 Ark., 487.) His right of private property is not subject to impairment by legislative action, even while he is, as a member of a tribe and subject to the guardianship of the United States as to his political and personal status."

If the conveyances made are to be tested by the act of April 26, 1906, they are invalid—mere nullities—without the approval of the Secretary of the Interior. That statute, of course, presupposes that the Secretary, in approving such a conveyance, shall have satisfied himself, among other things, of its fairness and desirability from the standpoint of the Indians and its accordance with the rules and regulations laid down to govern such matters. It would be no less than a repudiation of his plain duty under that statute were the Secretary to approve all such conveyances en bloc without investigation and regardless of whether the Indians had or had not been imposed upon in the transactions. As the present law does not tolerate but would actually condemn such a course upon his part, it seems obvious that Congress would not be justified in the same course upon the theory that it was merely taking over and exercising the function which now is lodged with the Secretary. The proposed validation of the existing conveyances, arbitrarily, and in violation rather than in accordance with the conditions under which they might now lawfully be validated may be difficult to sustain on constitutional principle. The conveyances, as they now stand, being void, the lands sought to be affected remain the property of the Indians as fully as though no conveyances had been made. (See 29 Opin., 131–138.) Congress, it would seem, might as well legislate the title away directly as by this indirect manner of breathing life and force into transactions which, in the eye of the law, are nothing. It may, of course, be argued that they at least suffice to enable the Secretary of the Interior to pass the titles by his approval, and that Congress may properly take unto itself and exercise directly this power which it has vested in him. But, as just indicated, that is not what this bill is intended to accomplish. It is not based upon such an examination into the merits of the transactions as the Secretary would be required to make, or upon any examination at all. I am not here concerned with the question whether such a measure if passed and approved could be technically supported by resort to a presumption that it had been preceded by a proper examination. The inquiry now respects the essential nature and effect of the legislation as determined by the facts as they are.

I would suggest, therefore, that before this bill is submitted for passage it might well receive the scrutiny of the Judiciary Committee.

In so far as this or any similar measure may be designed to operate prospectively, I have nothing to say beyond this, that such legislation inevitably adds to the number of ignorant and incompetent Indians bereft of the protection of the Federal law and subjected to the mercy of unscrupulous speculators.

Very respectfully,
For the Attorney General:

ERNEST KNAEBEL,
Assistant Attorney General.

STATE OF OKLAHOMA,
DEPARTMENT OF CHARITIES AND CORRECTIONS,
Oklahoma City, July 23, 1912.

Hon. WALTER L. FISHER,
Secretary Department of the Interior, Washington, D. C.

DEAR SIR: Your letter of June 19 addressed to Miss Kate Barnard, commissioner of charities and corrections, has been duly received. Miss Barnard has been out of the State for many months, as she is in very bad health, and I happened to be out of the State when your letter came and have just returned.

In regard to the powers and duties of the State commissioner of charities and corrections, I beg leave to say that under our law it is the duty of Miss Barnard to appear as next friend for every minor orphan in the State when it appears to her that the estate is being mismanaged or dishonestly handled. Armed with this authority Miss Barnard has intervened in behalf of approximately 3,000 orphans, nearly all of them Indian children whose estates were being exploited or disposed of by incompetent or grafting guardians. We have had many guardians removed, and we have saved for these children since this law became operative something like $100,000 in money and prevented the sale or return of something like 115,000 acres of land. In a large number of cases we have proceeded by what might be termed arbitration proceedings. In the case of the McCurtain County lands we challenged every transaction made through the county court, and by this means several large holders of land, such as mill corporations, etc., have agreed to abide by the findings of an arbitration board. We have several arbitrations involving two or three thousand titles pending. One arbitration has been completed. In this case the Interior Department named Hon. Dana H. Kelsey, this department named Dr. J. H. Stolper, and the party who had profited by many grafting transactions named Judge Thomas C. Humphrey, ex-Federal judge. The result of this arbitration was that $32,000 in cash was returned to the Indians and a number of parcels of land was reconveyed to the original allottees. By terms of the agreement we practically gave a clearance to all titles that we did not find enmeshed with graft and wrongdoing.

Because this department is only given the services of one lawyer, we have had our hands full, and in fact our legal department has been swamped. Naturally, we have only been able to operate in the several counties where the worst cases of graft were known to exist. I am confident that we could clear up the situation thoroughly did we have enough legal force.

We have been invited to come down in several counties by county judges who do not seem to be able to compel wholesale guardians to report, and while we have not been able to cover the ground as thoroughly as we wish to, yet the number of petitions for the sale of Indian children's properties has been reduced almost to a minimum. People are afraid to buy these lands, because they fear that we will intervene and spoil the deal. Therefore our moral power has been really greater than our actual work has shown. We have taken a decided stand against guardians' fees, lawyers' fees, and court fees eating up the proceeds of the sale of children's lands. Of course this does not make us popular with the legal profession, because up to the time we began to operate under the new law it was the fashion for lawyers to appear in most trivial proceedings so that they could get a slice out of the proceeds of children's properties sold by order of probate courts.

Strange to say, that while nearly all of our efforts have been made in behalf of Indian minor children, we have never received the slightest help, and in many cases we have experienced the open antagonism of the tribal attorneys who have not protected the children themselves but who do not seem to want us to protect them. Of course there may be some politics in this, because this administration is Democratic, while, of course, nearly all of the tribal attorneys are of the opposite faith. However, at the time we asked for this law it seemed impossible for tribal attorneys or any other attorneys for the children to get any hearing in any of our county courts. It was called Federal interference and was resented by all of the courts, but as soon as we appeared on the scene an entire change was made, and while we had several uphill fights at the start most of the county judges now cooperate with us gladly, and, as I stated above, the moral effect has been that the majority of petitions for sale of minor children's properties are very carefully considered and oftentimes refused.

You will find our law in the revised statutes of Oklahoma, a copy of which will surely be in your law library.

Yours, truly,

H. HUSON.

[S. 4948. Sixty-second Congress of the United States of America; at the second session, begun and held at the city of Washington on Monday, the 4th day of December, 1911.]

An act relating to inherited estates in the Five Civilized Tribes in Oklahoma.

Be it enacted, etc., That conveyances of inherited allotments by full-blood Indian heirs, members of the Five Civilized Tribes in Oklahoma, made subsequent to May 27, 1908, in cases of allottees dying prior to May 27, 1908, shall have the same effect as if the allottee had died subsequent to May 27, 1908, and shall not require the approval of the Sec-

retary of the Interior: *Provided*, That no conveyance of any interest by a full-blood heir of inherited allotted land heretofore or hereafter made shall be valid unless approved by the county court, sitting in probate, of the county where the deceased allottee was a resident at the time of his death.

CHAMP CLARK,
Speaker of the House of Representatives.
J. H. GALLINGER,
President of the Senate pro tempore.

I certify that this act originated in the Senate.

CHAS. G. BENNETT,
Secretary.
By H. M. ROSE,
Assistant Secretary.

Mr. GALLINGER. Mr. President, I believe the Senator from Oklahoma [Mr. OWEN] was particularly interested in that bill. I ask that the message with the accompanying papers lie on the table and be printed, in the absence of that Senator.

The PRESIDENT pro tempore. It will be so ordered in the absence of objection.

Mr. CULBERSON. Mr. President, I ask that the letter from the Secretary of the Interior upon which the veto message just read is based appear in the RECORD, together with the message.

The PRESIDENT pro tempore. It will be so ordered. The Chair understood the motion of the Senator from New Hampshire to embrace that.

Mr. GALLINGER. My motion was that the message and the accompanying papers be printed.

The PRESIDENT pro tempore. The Chair so understood, and it is so ordered.

THE PANAMA CANAL (H. DOC. NO. 900).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Interoceanic Canals and ordered to be printed:

To the Senate and House of Representatives:

In my annual message of December 6, 1910, I recommended legislation directing the Executive to fix, within limits established by law, the rate of tolls for vessels using the Panama Canal. I then said:

> The present consideration of this question is necessary in order that the commerce of the world may have time to adjust itself to the new conditions resulting from the opening of this new highway.

In my message of December 21, 1911, I renewed this recommendation, and called attention to the fact that we are now near enough to the completion of the canal to make it imperatively necessary that legislation should be enacted to fix the method by which the canal should be maintained and controlled and the zone governed.

National as well as international considerations urgently demand the prompt adjustment of those questions, and I therefore deem it my duty again to invite your attention to this subject, in order that the necessary provisions may be made before the close of the present session of Congress.

There are certain needs which must be satisfied at once if there is to be no delay in the opening of the canal and the utilization of it by commerce. These needs are—

(1) The organization out of the construction force of a permanent force for the operation of the canal and the government of the zone;

(2) The announcement of the maximum tolls which will be imposed upon the commerce of the world; and

(3) The establishment of adequate coaling and other marine facilities, such as dry docks and repair shops.

If the necessary steps toward these ends be taken, the great waterway can be thrown open to shipping before the close of 1913—that is, within 15 months.

The establishment of a permanent organization to operate the canal and exercise our control over the surrounding zone is vital. The manipulation of the locks and the machinery, the administration and maintenance of the canal, will require a force of about 2,500 men, most of whom will need special training in the performance of their duty. As fast as one part after another of the construction is now being completed, the men, especially those with the most initiative, are returning to the United States to engage in other employment. It is plainly the dictate of foresight and economy to blend the present construction force into a trained force for permanent operation, instead of later going through the wasteful process of organizing a new force.

The establishment of maximum toll rates is another indispensable immediate need of the situation. In order that the canal may secure commerce against its competitors as soon as it can be handled, business must be given an opportunity to adjust itself to the new trade route; in order that they may make their calculations and build their ships, shipowners must know, about two years in advance, the maximum tolls which they are to be charged. We are already somewhat behind a safe margin of time in informing the commercial world of the proposed tolls, although, in anticipation of the appropriate machinery and in cooperation with committees of Congrees, the War Department has been collecting data under expert direction as to the proper rates of toll and the formulation of working rules as to the basis on which they shall be fixed.

Finally, an indispensable factor in the success of the canal is the certainty to the shipping world of securing necessary coal and marine facilities at reasonable prices at the canal. The ability to recoal at the Isthmus, instead of carrying coal in ballast to the diminution of income-earning cargo, may be a decisive factor in the availability of the Panama route. The same is true of docking facilities. Such facilities can not be improvised, and express authority should be given at once in order to commence with the necessary construction.

Congress is now in possession of the fullest information necessary for immediate action in regard to these essential points. Fortunately, there is no serious controversy as to the policy which enters into either of them. The subject is, happily, outside of the sphere of party differences. The discussions and differences of opinion which have arisen as to other phases of canal policy should not, in my opinion, be allowed to delay action on these vital and pressing subjects, which are by their nature entirely distinct and severable.

I earnestly again invite your attention to these matters in order that the necessary legislation may be obtained before the coming adjournment of Congress, and in order that the great work which has been so successfully carried on thus far may not be marred in the hour of its completion.

WM. H. TAFT.

THE WHITE HOUSE, *August 6, 1912.*

MISSOURI RIVER BRIDGE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7195) to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River, which was, on page 1, in lines 8 and 9, to strike out "to be selected by said company and approved by the Secretary of War."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

POST-OFFICE FACILITIES IN NEW YORK CITY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7012) to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York, which was, on page 1, line 4, after "authorized," to insert "in his discretion."

Mr. O'GORMAN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 17256. An act to fix the status of officers of the Army and Navy detailed for aviation duty, and to increase the efficiency of the aviation service;

H. R. 25764. An act to subject lands of former Fort Niobrara Military Reservation and other lands to homestead entry; and

H. J. Res. 333. A joint resolution to authorize the loan of obsolete Springfield rifles, etc., to the Historical Pageant Committee, Philadelphia, Pa.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 22199. An act to extend the limits of the port of entry of Galveston, Tex., to include Port Bolivar, in that State; and

H. R. 25073. An act to authorize the Moline-Bettendorf Bridge Co. to construct a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa.

H. R. 10169. An act to provide for holding the district court of the United States for Porto Rico during the absence from the island of the United States district judge and for the trial of cases in the event of the disqualification of or inability to act by the said judge, was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

H. R. 14053. An act to increase the pensions of surviving soldiers of Indian wars in certain cases, was read twice by its title and referred to the Committee on Pensions.

H. R. 22526. An act to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of

adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, was read twice by its title and referred to the Committee on Manufactures.

H. J. Res. 327. Joint resolution requesting the President of the United States to direct the Secretary of State to issue invitations to foreign governments to participate in the Fourth International Congress on School Hygiene was read twice by its title and referred to the Committee on Foreign Relations.

THE PANAMA CANAL.

Mr. WORKS. Mr. President, I desire to give notice that to-morrow morning, after the routine business, I shall submit some remarks on the Panama Canal bill.

The PRESIDENT pro tempore. The notice given by the Senator from California will be entered on the calendar.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WARREN. I ask that the Senate now resume the consideration of the conference report on the legislative, executive, and judicial appropriation bill.

The PRESIDENT pro tempore. The Senator from Wyoming moves that the Senate resume the consideration of the conference report on the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The motion was agreed to.

Mr. BORAH. Mr. President——

Mr. WARREN. As I understand, the question now is on the adoption of the conference report.

Mr. BORAH. Will the Senator from Wyoming yield while I make a request?

Mr. WARREN. I will be glad to yield if it is for something that does not lead to debate. If it does, I shall be compelled to object.

Mr. BORAH. It may lead to objection, but it will not lead to debate.

Mr. WARREN. I reserve the privilege of objecting if it does lead to debate.

DEPARTMENT OF LABOR.

Mr. BORAH. I ask unanimous consent that on Saturday morning after the routine morning business the Senate proceed to the consideration of House bill 22913, Calendar No. 856, and vote upon the bill, together with the amendments, before the close of that legislative day.

Mr. SIMMONS and Mr. WILLIAMS. What bill is that?

The PRESIDENT pro tempore. The Secretary will state the title of the bill.

Mr. BORAH. It is the bill to create a department of labor.

The SECRETARY. A bill (H. R. 22913) to create a department of labor.

Mr. SIMMONS. Mr. President, while I do not desire to object to the request of the Senator, in connection with this bill I do wish to express the hope that we may combine in the unanimous-consent agreement the cotton bill and the Panama Canal bill.

Mr. SUTHERLAND. I object, Mr. President.

Mr. BORAH. I desire to give notice——

The PRESIDENT pro tempore. To what does the Senator from Utah object—to the request of the Senator from Idaho?

Mr. SUTHERLAND. I object to the request of the Senator from Idaho.

Mr. BORAH. I desire to give notice that on Saturday morning after the routine morning business I will move to take up the bill for consideration.

Mr. BAILEY. I desire to give notice that, unless somebody else does so, I will try to have taken up in lieu of that the joint resolution proposing an amendment to the Constitution providing for a single term for the President.

Mr. BORAH. All of which will make a very interesting discussion.

AMENDMENT OF INTERSTATE COMMERCE ACT.

Mr. KENYON. Mr. President, will the Senator from Wyoming yield to me that I may offer a resolution?

Mr. WARREN. I make the same observation, that if it leads to no debate I will yield.

Mr. KENYON. I ask that the resolution which I send to the desk may be read, and that it lie over until to-morrow.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 372), as follows:

Resolved, That the Committee on Interstate Commerce be discharged from the further consideration of the bill S. 3345, being a bill to amend the act to protect trade and commerce against unlawful restraints and monopolies, and that the same be laid before the Senate for its consideration.

Mr. BAILEY. What is that bill, Mr. President?

The PRESIDENT pro tempore. The Secretary will again read the resolution.

Mr. BAILEY. I heard read the number of the bill and the title of it, to amend the interstate commerce act, but is that the bill to regulate the interstate shipments of liquor?

Mr. KENYON. Mr. President, it is not. It is a bill providing an amendment to the Sherman law to strike out fines as to individuals and making jail sentences imperative as to individuals.

Mr. WARREN. It does not come up until to-morrow.

Mr. BAILEY. I have no objection; I should like to strike it out myself.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WARREN. I hope we may now proceed with the consideration of the conference report and get a vote on it.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. BURTON. Mr. President, I am fully aware of the anxiety of the Senate to dispose of this conference report, and I should not interpose any objection except some valid reason existed for the rejection of the agreement of the conference; but it seems to me a reason does exist in the provision relating to the civil service.

The conference committee has agreed upon limiting the term of civil-service employees within the District of Columbia to seven years. This, Mr. President, must lead to a deterioration in the service and to its demoralization. I do not know that I would state the case quite so strongly as the Senator from Iowa [Mr. CUMMINS] stated it a few days ago, that it means a restoration of the spoils system, but it does at least mean an inauguration of the policy of rotation in office; and that policy is the partner and the twin brother of the spoils system. The two have always been associated.

This subject has been frequently under discussion since the very foundation of the Government. Until the year 1820 the term of appointive officers confirmed by the Senate was unlimited. They were supposed to hold their positions during good behavior. At that time a bill was passed limiting the term of such officials to four years. On that Mr. Jefferson expressed himself as follows:

> This is a sample of the effects we may expect from the late mischievous law vacating every four years nearly all the executive offices of the Government. It saps the constitutional and salutary functions of the President and introduces a principle of intrigue and corruption, which will soon leaven the mass, not only of Senators, but of citizens. It is more baneful than the attempt * * * to make all officers irremovable but with the consent of the Senate; it puts all appointments under their control every four years and will keep in constant excitement all the hungry cormorants for office.

This objection applies with equal validity to those appointive officers who are selected by heads of departments and bureaus as well as to those appointed by the President. In the year 1846 Mr. Andrew Johnson, afterwards President, introduced a resolution in the House of Representatives fixing eight years as the maximum period for subordinate positions. This resolution was not regarded favorably. If there is any one thing that is necessary in our civil service it is that it should afford a career, an opportunity for a life work for those who aspire to hold positions in the Government service. No private business could succeed under such a regulation as this by which at the end of seven years an incumbent automatically goes out of office. It is true there is a provision here authorizing the head of the bureau or the department to reappoint; but if that is intended in good faith to maintain the civil service in its efficiency, why was there not incorporated a provision to the effect that if his record be good the clerk shall remain? As it is now, indiscriminately, without regard to the record, ignoring efficiency, the occupant of an office loses his position at the end of seven years, and is at the tender mercy of whoever may be at the head of the bureau or department.

Mr. President, I think this proposed legislation is of so serious a nature that it ought not to be adopted. There is another phase of it. The provision is limited to the District of Columbia. What have the subordinate officials in the District of Columbia done that they should be discriminated against in this manner? I know there is an impression on the part of some that those in the Government employ in the District are chiefly occupied with securing increases of salary or an enlargement of their holiday privileges; that many of them seek

to give the minimum of service with the maximum of compensation. Mr. President, while some may share this disposition, there is no justification for any such sweeping condemnation. The opportunity of a subordinate official in the District of Columbia is not of the best. He has little opportunity for promotion; the larger promise of American life is denied to him, yet these subordinates have shown a degree of earnestness and zeal—at least most of them—in the service of the Government, which is worthy of all commendation. It is rather alien to the American spirit to continue men in one position, but we certainly need and must have men who are willing to give their lives to some department of Government activity, and they should be allowed to occupy their positions under the very best auspices.

Now, I want to call attention to some rather singular features of this conference agreement which, it seems to me, may have been overlooked by the conferees. It is stated in section 5, as agreed upon:

That on and after September 1, 1913, all appointments to positions in the classified service of the executive departments within the District of Columbia provided for at annual rates of compensation shall be made, after the probationary period shall have expired, for terms of seven years each; at the expiration of each such appointment the employment of each person so appointed shall cease and determine.

Then follows another provision, slightly different, affecting those who are already in the service. What do these propositions mean? They mean that a carrier in the post office, a clerk in the post office, a machinist in all departments, except the Navy, if he is so unfortunate as to be employed in the District of Columbia, is put out of office at the end of seven years. You make one rule for post-office employees at Washington, namely, one of a limited tenure of seven years, and another rule at Baltimore, namely, of unlimited tenure.

Mr. President, there are certain possibilities which lurk in this proposed law, to which I think it would be well to call attention. It is the habit of many to judge of a law or a legislative enactment according to the evasions which might be practiced under it. Let us see what might be done if this 7 years' limitation in the District is adopted. After 6 years and 11 months of service in the District of Columbia a subordinate employee could be transferred to some locality outside of the District, and the provision would not apply at all. At the expiration of the same period some one might be brought in from the outside and the provision would not apply to him until another seven years. If there is to be a limitation of tenure—and I should most decidedly oppose that—let us have the courage to apply it not merely to those in the District of Columbia but to all Federal employees in all cities.

I repeat what I said a few minutes ago, that if we are to insure competency in any particular department, there is no method so favorable as permanency of tenure. You will not be able to obtain the best talent for these positions if it is known that the tenure is limited to seven years or any other period. There will be at least the impression that when that time has expired favoritism will rule, and not only will the limited tenure but the probability of favoritism prevent many of the best young men and young women from taking the examination and seeking to enter the Government service.

Again, Mr. President, this provision of the conference report, it seems to me, is hardly fair to the Senate. There was a provision in the bill as it came from the House limiting the tenure to five years. That was stricken out practically without objection. The Senate put the seal of its disapproval on the policy of limited tenure. Another proposition was presented here even more objectionable, as I think, limiting absolutely to 10 years the term of service of subordinate employees. That was discussed and voted down without a roll call, and, as I recall, with practical unanimity.

Mr. President, it seems to me that this provision is so serious and works such a revolution in our civil service that, notwithstanding our earnest desire to conclude the session and dispose of this bill, it should be rejected and sent back to conference.

Mr. WILLIAMS. Mr. President, it is curious to me that in all the discussion of this question gentlemen avoid the real issue. The real issue is to prevent, if possible, a civil-service pension list in this country; and in their discussion of every possible remedy that has been offered to avoid that, Senators themselves never offer anything as a preventive. It is useless to try to disguise from the people of the country that that is what is behind this discussion and difference of opinion.

I agree with the Senator from Ohio perfectly that, take the civil-service employees of the Government by and large, they are wonderfully efficient and they are industrious up to the full mark of the requirements; but every Senator must admit—and a Senator so candid and so full of intellectual integrity as the Senator from Ohio above all must admit—that if we continue in the present system we must either always have a lot of superannuated deadwood in the service, weighting it down and obstructing its efficiency, or we must after a while go to a civil-service pension list or retirement list, whichever you choose to call it.

The people of this country, in my opinion, are not ready for that, and never will be ready for it until they are also ready to accept a much broader proposition, and that is a proposition to put upon a retirement list and to furnish with a sufficient old-age pension to prevent absolute suffering all men everywhere who have worked hard through their lives, who have reached an old age, and who can not maintain themselves by their independent exertions any longer. Whenever that day shall come, then it may be that fair-minded people will also be prepared to do the same thing for those who are engaged in the public service.

But speaking for what I believe to be the people's opinion and expressing, at any rate, my own, I do not think they think that it will be ever just to put upon a retirement list at public expense a nonworker simply because he happens to be superannuated and further happens to have been in the public service, when the same thing is not done for a shoemaker, for a blacksmith, for a teacher, for a preacher, and all the other people who make up our society, all of whom do at least an equally useful work, and most of whom receive less pay if you take their returns in their business and calculate what they receive by the year.

Mr. President, efficiency is a great thing in public service, but efficiency even in the individual case is not all nor is it the chief thing. If you want merely an efficient public service in its administrative characteristics you can go to Prussia and get it to-morrow in a much higher condition than you have here. It has spelt bureaucracy there; it spells, in the long run, bureaucratic influence and bureaucratic control everywhere.

I, last of all, would be willing to "call down upon ourselves" what Mr. Jefferson calls "the cormorants" who are seeking office. But this provision, agreed to in conference, seems to have been more misunderstood than anything I have heard discussed in the Senate. I deny absolutely that it does deteriorate in any way the public service and that it will call down any more upon our heads than at present the cormorants who are seeking office.

Mr. President, the Senator who has just taken his seat, quoting further from Jefferson, referred to his criticism of the order of four-year tenure. It was a totally different thing than this. The men who got into the public service under it did not get into it through any civil-service rules at all. They were appointed in the first place purely arbitrarily, and the law then proposed, and passed, I believe, permitted them to be discharged at the end of four years arbitrarily again. This law neither admits them arbitrarily nor does it permit them to be discharged arbitrarily. All any Senator has to do in order to arrive at those two conclusions is to read the conference provision itself.

The Senator says that no business establishment could have been run upon the lines of this conference report. No; and no business establishment could be run, and no business establishment ever has been run, upon the lines of our present system either. The reason is very plain in both cases. A private business is one thing and public service is another. What man engaged in a great business would undertake, for example, when he was employing men to do certain things, to establish a board outside, to submit them to examination, and to admit into his service such men only as made a certain mark from an eligible list, to be transferred to him whenever a vacancy occurred in the machine shop or somewhere else? What farmer of common sense would undertake to hire his employees that way? What factory man would undertake it in a cotton factory or a steel factory or anywhere else? So that the attempted analogy falls to the ground because it is equally destructive to both systems.

Nowhere do we model our public service upon the example of private industries, because the object sought in private industry is the making of money, and the dead wood in private industry is unscrupulously thrown aside in most cases, although I am glad to see now that some great industrial establishments are beginning to think that the industry ought to stand the loss of the worn-out human machinery as much as it stands the loss of the worn-out metal machinery, and that some of them are beginning to have a retirement list of their own, and I believe that where they have they get better service from those who are not superannuated, because of the hope that they have that when they are superannuated they will be taken care of. But this analogy, too, falls all to the ground.

The Senator says that this provision "ignores efficiency." How the Senator from Ohio could have drawn it after reading the provision I simply can not understand.

In one criticism I join him. This provision ought not to be limited to the District of Columbia. I see no sense in that, and if, in advocating the provision, I advocate it as it is limited to the District of Columbia, it is simply because that is the best I can get just at this time. It ought to apply to the entire public service.

If the Senate will pardon me a moment, I will read the provision. I am afraid it has not been generally read:

That on and after September 1, 1913, all appointments to positions in the classified service of the executive departments within the District of Columbia provided for at annual rates of compensation shall be made after the probationary period shall have expired.

Now, I want to call your attention to the fact that there is in the present system a "probationary period," just as there is under this proposed law, except that the present probationary period is one year instead of seven years. If all the great ills that the Senator from Ohio prophesies would come from the adoption of this conference report would flow from that fact, why do they not flow from the fact of the existing probationary period of one year? In nine cases out of ten, I may safely say—I believe in ninety-nine cases out of one hundred—the man who goes into service on a probationary period under the present system continues in the service, and he continues in the service substantially for the same reason that he will be permitted to be continued in the service under this conference report, to wit, that he is up to the prescribed standard of efficiency during his probationary period. So much for that. Let me go on with the reading:

After the probationary period shall have expired, for terms of seven years each; at the expiration of each such appointment the employment of each person so appointed shall cease and determine.

Yesterday, or the other day, I do not remember when, some Senator upon that side, I do not remember now who it was, said that at the end of seven years there would be a wholesale going out of office and a wholesale substitution of new employees. The Senator who said that forgot that somewhere between 12½ and 15 per cent of the employees of the Government go out every year, either by death or by resignation, and with a probationary period of seven years, if you take 15 per cent as the average of those who go out each year, 90 per cent of the full force of the civil service would have gone out before the expiration of the seven-year period by death or resignation. So 15 per cent of them would have substitutes appointed one year from this year, 15 per cent two years from next year, 15 per cent three years from this year, and thus on down to the end of the seven-year probationary period. So it is not true that there would be at any one time "a wholesale replacing" of public officials.

Let me go on with the reading:

And the employment——

Mr. GALLINGER. Mr. President, and out of those appointed many of them would be reappointments, of course, under the terms of the bill.

Mr. WILLIAMS. Yes; and they are required to be reappointed by this very provision and under a prescription of standards of efficiency contained elsewhere in the bill.

Mr. GALLINGER. All the efficient ones.

Mr. WILLIAMS. Provided they will come up to a fair standard. I will read the language in a few minutes. I might as well read it now. The language is—

Provided, They shall be up to the standard of efficiency then in force and as hereinbefore set forth.

In this same bill—

And capable of rendering a full measure of service in return for the salary of the place.

In other words, everybody understands what that is for. It is to have a system which will work by its own motion to get rid of the superannuated, those who are not "up to the full measure of service in return for the salaries of the place." Now, in private business——

Mr. GALLINGER. Superannuated and inefficient men.

Mr. WILLIAMS. The Senator is right; and inefficient; but the real trouble is, for the most part, that the inefficient are inefficient because of superannuation.

Mr. GALLINGER. Most of them.

Mr. WILLIAMS. As a rule, the longer a man stays, everything else being equal, the more efficient he is, unless he becomes superannuated.

I remember once under Mr. Cleveland's administration—to show how these things work—when the Senator from Georgia [Mr. SMITH] was Secretary of the Interior, a very distinguished officer in the Confederate service had been employed in the Bureau of Engraving and Printing, I think it was, and was discharged. He had to be rolled to his office in a chair; he was performing no service of any sort. At once a cry went up from all over the South and among the southern Members. Nearly every southern Senator and every southern Congressman went down at once to the Secretary of the Interior insisting that this man should be reinstated—not that he was doing any good, but because we had become accustomed to the idea that other men who were doing equally no good all through the service were being kept in. The Secretary of the Interior subsequently had to give way to the pressure and restore this man, who was incapable of doing any work at all.

I have in my mind right now a condition stated to me by one of the most efficient employees in one of the great departments here, a man who, although a Democrat, has become under Republican administrations a foreman in his room purely by force of the efficiency of his services. He tells me that he does, in addition to his own work, the work of two old ladies nearly every day almost, in order to keep them from being discharged.

Now, that is going on all through the service. You must come to one of two things—to one of three things. You must either change the present system or else you must do what private businesses do, unscrupulously and inhumanly hurl these people out. For the most part they have saved nothing, not because they could not have saved, but because they would not; but the fact is there all the same. You have to thrust them out into a poorhouse or else you have to originate some system whereby without throwing upon the bureau chiefs the affirmative burden of discharging these old men and old women they will be discharged by operation of law, and discharged before they have reached this condition, and discharged with the warning beforehand that they may be discharged. That will make them save money to take care of themselves in their old age. Put in any man's mind the idea that he has a job for his entire lifetime, regardless of old age inefficiency, and unless he is an exception to the general rule of human nature he is not going to put aside anything for a rainy day.

Mr. CUMMINS. Mr. President——

Mr. WILLIAMS. One moment. If, on the contrary, you put into any man's mind the idea that at the end of a certain period he may have to go if he does not come up to a certain requirement, then the man is going to do two things. He is first going to so conduct and train himself during the probationary period that he may, if possible, come up to the requirement, and, in the next place, for fear he may be discharged anyhow, he is going to save something for himself to meet that event.

Why is it that our sheriffs, who are elected for four years, our clerks and various people in the civil offices in the States, who are elected by the people, generally save something? It is because they know that at the end of each term they may go out. Why is it that a Representative elected for two years and a Senator for six years does not spend every single thing that he gets as a rule? It is because although he hopes to remain in, if his service recommend him to the people, he knows he may go out, and it would be a matter of idiocy to leave himself stripped in his old age of all support.

I yield to the Senator from Iowa.

Mr. CUMMINS. By superannuation I suppose the Senator from Mississippi means those who have reached a certain age in the service.

Mr. WILLIAMS. No; I do not. If you should undertake to have a civil-service retirement list you would be compelled to designate a certain age as a rough way of approximating real superannuation or inefficiency on account of it.

Mr. CUMMINS. Real superannuation——

Mr. WILLIAMS. One minute. This provision not only does not fix any age, and it ought not to, but it uses the words "lacking in efficiency" and "not coming up to the full measure," leaving the party to go out not only because he is inefficient because of superannuation, but because of any other marked inefficiency which prevents him from giving a full measure of service for the salary which he gets.

Mr. CUMMINS. There are about 35,000 employees in the classified service of the United States. Does the Senator know how many of those employees have reached the age at which, under our ordinary acceptation of the term, superannuation would be compelled to leave it on account of age?

Mr. WILLIAMS. Mr. President, I not only do not, but from my standpoint it has nothing under the sun to do with this case. I am speaking of real superannuation, not of a nominal superannuation fixed by naming a certain year. I know men who are 80 years of age who are just as efficient for all ordinary work as I myself am, and I know men who are no older than I or some years younger who are really superannuated. Now I——

Mr. CUMMINS. I agree——

Mr. WILLIAMS. One word——

Mr. CUMMINS. I will not disturb the Senator.

Mr. WILLIAMS. If you were going to fix a retirement list, and you were going to put men on half or quarter pay when they reach a superannuation, you would be compelled to fix a year. It would be rough and approximate but the only way of legally designating superannuation.

Now, one of the good things about this provision is that you are not compelled to fix a year which frequently sounds false to the fact. I go on with the reading:

Who were appointed prior to September 1, 1912, shall cease and determine, unless previously separated from the service, within one year after the 31st day of August, 1919, the particular date of such termination within said year to be determined by the head of the department concerned, and on the basis of the length of service, within the classified service, of each such person prior to September 1, 1912.

Now, here follows the provision:

Provided, That all persons separated hereunder from the classified service shall be eligible for and may, in the discretion of the head of the executive department, be reappointed without examination for additional periods of seven years if—

And so forth.

Now, this measure has not only been misunderstood upon the floor, but it has been very much more seriously misunderstood, and therefore misrepresented—and when I use the word "misrepresented" I do not mean anything offensive by it; I assume that the misrepresentation has come honestly from misunderstanding—in the public prints here in the city of Washington. You would not gather from reading the editorials in any one of the three papers that I have read here that anything of this sort was in the law at all—"be reappointed without examination"—nor that all without exception would have a right to reexamination.

If 85 or 90 per cent of these people have become separated from the service before the expiration of the seven-year period prescribed here by either death or resignation, and there were only 20 or 15 per cent who would be left, it is fair to suppose that any honest man executing the law would reappoint perhaps three-fourths of those left in on their efficiency record. This provides for an efficiency record; this language, "herein provided for," in the bill, to which this is a provision, means that; and it is to be taken for granted that where no self-interest intervenes to misguide public officials they are going to obey the law in its spirit. The spirit of this law is that when a man comes to the end of his seven-year period he shall be appointed without reexamination, provided he has lived up to the standard of efficiency, and provided, which is very important, that he is "capable of rendering a full measure of service in return for the salary of the place to which he may be appointed."

Then follows the provision safeguarding honorably discharged soldiers or sailors. Then follows the provision safeguarding the constitutional right of executive officers to remove, at any time, in accordance with the law, "for good and sufficient cause, any employee of his department."

Now, that is the whole conference provision.

I hold in my hand an analysis of what this law means. I am going to terminate my remarks by putting it in the RECORD, reading it first. The analysis is in nine parts, and it has been made by one of the most efficient and experienced public servants known to all of us. I do not name him, merely because I do not think that he would like to be named in connection with it. I have gone through with it and I do not find a single point he makes that can be quarreled with as inaccurate:

1. No person now in the classified service can be separated from the service before September 1, 1919.

That is right important, because in the meantime if this provision be found to be crude in any respect then it can at any time during seven years be cured and remedied by the Congress of the United States, so that the great object aimed at, the prevention of the obstruction of the public service by inefficient people, can be arrived at in a more satisfactory way.

2. Under existing conditions, according to the Civil Service Commission, about 15 per cent of the force is changed each year as the result of deaths, resignations, etc.

That I have gone into sufficiently without further comment.

3. When the period arrives—September, 1919—when those now in the service will be affected by this provision, approximately only about 20 or 30 per cent—

Approximately that; really, according to my calculation, only between 15 and 25 per cent as the utmost outside measure—

of those now employed will be subject to the provision, providing for their separation from the service.

4. Of this number all those who are up to a "fair standard of efficiency" under the rules of the Civil Service Commission may be reappointed without any reexamination.

5. No opportunity for spoils is afforded, because the successor of any person separated from the service must be appointed and come into the service under the rules and regulations of the Civil Service Commission.

I have dwelt somewhat upon that. You would think from what was in the Washington papers and from some of the utterances upon this floor that this conference provision would carry us back to the old spoils system. Men seem to forget that these men can not get into the service after this provision any more than now by any other route than the civil-service examination route.

6. Under the law and the rules and regulations of the Civil Service Commission, as it now is, any head of a department can now remove an employee who is superannuated and not up to a proper standard of efficiency, but the trouble is the heads of the departments through pity will not act.

Now, it is not their pity alone. Do not blame them. You may say the head of a department ought, under his oath as a public officer, to say when John Brown is not rendering good service that he ought to be discharged, but not only does he pity the man but you pity him and I pity him, and all of us pity him, and we all go down there now and exert every bit of influence we have in individual instances to procure the retention of the inefficient, superannuated public servant. In that far we are also neglecting a strictly construed duty and not abiding by our public duty any more than is the department chief. The only excuse for it is that human nature has in it a great deal of the milk of human kindness, and that the average man never does execute a law unless he is forced to it up to the point of cruelty to the man against whom he executes it, except in cases where the guilt of the victim is involved—some absolute moral guilt.

7. Under this provision, by operation of the law and the rules of the Civil Service Commission, the separation takes place, and it is believed that it will be easier for the head of the department to free the service of those who are found by the Civil Service Commission to be wholly superannuated or inefficient.

Now, upon that the only comment to make is that that is not only true, but under the operation of this proposed provision fewer of these pitiable cases would present themselves. As I said a moment ago, if the man thought that at the end of seven years he might have to go, he would not be a child, as he is now, relying upon some governmental provender, but he would try to take care of himself by saving a little per week and per month and per annum, and at the end of the time, even if old, he would not be necessitous, as he is now.

8. Under the existing civil-service requirements imposed by the Executive all appointments are for probationary periods of 6 or 12 months, at the expiration of which it is optional with the appointing power whether the appointment shall be made permanent. It is rare that such appointments are not made, for the reason that all probationers exert their very best efforts to demonstrate fitness and qualifications for their jobs.

And they will do it, too, under the seven-year period.

Under the seven-year tenure the Government will have the probationary period and its resultant zeal multiplied just seven times more than it now is.

It is a notorious fact in Washington that the men who are appointed do their work in their probationary period better than they do it afterwards in so far as zeal is concerned. I do not mean in so far as accuracy is concerned, because practice is necessary for that to some extent, but so far as being at their posts always and being zealous and trying to demonstrate that their services are valuable to the Government, this is marked in the probationary period.

9. This is the only alternative that can be adopted if we are to avoid a civil pension list.

Now, the question is, Do you want to avoid it, and if any of you have any other way of avoiding it than something like this, why not give the country the benefit of it? If any of you can, even at this late day, give the country the benefit of it. The country would be glad to hear it from you, because the country is not going to sit tamely down and bear, in addition to the overwhelming burdens of the military and naval pensions, a burden of civil servants, pensions growing, after a while, perhaps, to be almost equally overwhelming, to be borne upon the backs and bent forms of the farmers and mechanics and teachers of the land.

You either, then, must avoid that civil-service retirement pension list, with its burdens, or you must put up with the present deadwood, which obstructs every office in the city, or you must adopt either this or something like it to prevent it, or you must suggest of your own motion something else that will prevent it.

Mr. LODGE. Mr. President, I am very reluctant to take the floor, even for a moment, for I dislike to contribute, even in the smallest degree, to the endless flood of debate which is now holding Congress in session. I can not, however, allow this provision in reference to the seven-year term to go through without entering my protest, and I will do so as briefly as I can.

I recognize the intent on the part of the House in this clause; I recognize the intent of the conferees; and I do not, in the least, question the good purpose which they have in view. I

recognize fully that some method must be adopted to rid the service of the inefficient and, so far as possible, of the superannuated.

I have always strongly opposed civil pensions; I should with great reluctance go so far even as to support a scheme for insurance; but I am not going to enter upon that large field now. I want to call attention simply to the defect, to the danger, of this provision, however good its purpose may be.

In section 4, as agreed on by the conferees, and to which nobody seems to have paid much attention, there is a very wise provision which, I think, largely meets the difficulty. It says:

Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted.

It also provides a rating. I drop out the word "maximum," which I understand is left out in the agreement. It reads:

It shall also provide a rating below which no employee may fall without being demoted.

By which I suppose they mean "reduced"—

It shall further provide for a rating below which no employee may fall without being dismissed for inefficiency.

That provides an automatic system requiring the removal of the inefficient as fast as they fall below a certain rating, giving the head of the department no choice. I recognize that the right of removal exists; I recognize, as the Senator from Mississippi [Mr. WILLIAMS] has pointed out, the unwillingness of any man on his own motion to put in force the removal, and that he should be given a system which compels him, and, therefore, helps him to do it. The error of this clause, the trouble is, that it does not require the head of the department or bureau to reappoint the efficient; that is the mischief of it. This provision does not read "that all persons separated hereunder from the classified service shall be eligible for, and shall be reappointed without examination if they fulfill the conditions of efficiency." It says "may." It is all left to the discretion of the head of the bureau or the department.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. LODGE. Yes.

Mr. WILLIAMS. Does not the Senator from Massachusetts think, however, that if the provision had been worded in that way it would have been trenching upon the constitutional power of removal by the Executive? Perhaps that was the reason that this language was put in, the conferees believing that these executive officers would obey the spirit of the law without attempting to circumscribe the constitutional power of removal vested in the Executive.

Mr. LODGE. Yes. I am pointing out the error, the great mischief of this provision, which is that it leaves it in the discretion of the Executive, of the head of the bureau, or whoever it may be, to remove all of these men. That will have but one effect. The people who are threatened with removal at the end of the seven-year period will all be gathering together all the forces they can to bring all the pressure that is possible upon the appointing power to retain them. It occurs every day and all the time; and it is the most inefficient who bring the heaviest pressure. Under the present system the efficient clerks never come up here for assistance; it is the inefficient who come for political help. We should not, in my view, put this limitation on. It does not add in the slightest degree to the good effect that will be produced by section 4, but it seems to me that it will deteriorate the whole service, and it will make those men just struggle to keep sufficient force behind them to hold their places at the end of seven years, whereas if they should have over them a provision like section 4, it would oblige them constantly to attain a certain rating, or otherwise they would lose their places automatically. There you have the effect of the probationary period that would make them work to retain their places. If you throw them all upon a reappointment at the end of seven years, they are bound to introduce political pressure. That is not a full restoration of the spoils system, but it is a reintroduction of the worst feature of the spoils system, which is the outside political pressure to enable a man to retain his place.

Mr. President, I am not going into the details of the matter. I have taken more time now than I wished to take. I only desired to record my protest against this clause, because I believe that its adoption would be very injurious to the Government service.

Mr. ROOT. Mr. President, I wish to say that I think the provision of the Senate amendment, section 4, as it appears in the House print of the bill, and which is now the first part of the present section in the conference report, is very admirable. I think the provision for an efficiency record, for regulating promotion and demotion, and for automatically dropping the employees according to the grade reached in the efficiency record, is a most admirable improvement of our system. I can not, however, agree with the provision of this amendment which is called section 5 in the report. I think it would be most injurious to the morale and the efficiency of the system, and I can not agree to any report which contains that provision.

Mr. WILLIAMS. Mr. President, before the Senator from New York takes his seat I want to call his attention to the fact that the very provision to which he adverts and of which he so highly approves is made a part of this conference report by the language "hereinafter prescribed."

Mr. ROOT. I understand that.

Mr. WILLIAMS. So that the rule by means of which the executive department shall at the end of the seven-year period guide themselves in attempting a reappointment without examination of employees is the rule prescribed in that fourth section—I think it is, or wherever it is—which the Senator has just read, and of which he so highly approves, and which was also so highly approved by the Senator from Massachusetts [Mr. LODGE]. Therefore that is part and parcel of this conference agreement as much as if it were set forth in so many words in it.

Mr. ROOT. I understand that, Mr. President, and I should be sorry to lose it; but there is nothing in these provisions which imposes the observance of that efficiency record upon the head of the department who makes the reappointments or refuses to make them in his discretion. He can reappoint whom he pleases and leave out whom he pleases; and it is a complete subversion of the principle that faithful and efficient service shall be a title to continued employment.

Mr. McCUMBER. I wish to ask the Senator from New York a question in reference to the matter about which he has been speaking. It is stated that there are 250,000 employees under the civil service. How many are upon the waiting list upon which the spoils system could operate? Is there now or is there likely to be upon the waiting list certified for appointment one-half of 1 per cent of the whole number? If that be the case, what opportunity is there then for the spoils system to operate upon them? We at least could have only 1 perhaps out of 250, and if 15 per cent were to be discharged where would the departments secure others to take their places? It seems to me from the very nature of the case all of those, or practically all of those, who are efficient would be compelled to be reappointed in order to maintain the service.

Mr. SMITH of Georgia. Mr. President, I desire to say a word in opposition to section 5. I sympathize with much that has been said by the Senator from Mississippi [Mr. WILLIAMS]. I have no doubt that the real object of this proposed legislation is to get rid of the inefficient and to put a block in the way of the effort to establish a pension list. I believe there ought to be some more practical and certain way to get the inefficient out of the service, and I am not prepared to support a pension list for the old or the incompetent. I think we have gone too far already with pension lists on account of old age and incompetency; but I will not now enter into a discussion of that question.

My objections are twofold to this section. I think it weakens the value of section 4, for when it prescribes a seven-year period for the term of office section 4 will be used much less effectively to remove the inefficient. There will be a disposition to carry them over the entire seven-year period of their appointment, and there will be a hindrance to the prevention of the retention of the inefficient, the inefficient all having a seven-year commission. When legislation upon this line is to be passed, if a term of office is to be fixed, I think it should be much less than seven years. Four years at the most would be long enough.

I object to the provision that the efficient shall require the discretion of the head of the department or the head of the bureau to be reappointed. If the provision declared for a four-year term and required at the end of that time that only those who have made a record for excellency should be reappointed, and provided that those who have made the record should positively be reappointed, then the measure would be valuable.

Section 5 does not go into effect for seven years. There is, therefore, no necessity for hurrying it through on an appropriation bill. We have seven years in which to legislate to meet any need that section 5 proposes to meet.

Mr. WILLIAMS. Mr. President, will the Senator from Georgia yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. SMITH of Georgia. Certainly.

Mr. WILLIAMS. The Senator has just stated that his objection would cease if there was a positive requirement that in one event the employee should be reappointed and in the other

event that he should be dropped. Does the Senator think that any possible action by the Congress of the United States could deprive the President of any constitutional power that he possesses? The Executive has the discretion to appoint and to remove, and it is only pursuasively and in so far as he is guided by rules and regulations to which the Executive himself by his particular conduct becomes a party that these rules are carried out, because if a President of the United States, or a Secretary of the Treasury with the approval of the President, chooses to discharge a man, he would be discharged, civil-service rules or no civil-service rules. John G. Carlisle brought that point to an issue under Cleveland's administration. He made it too plain for argument and acted upon it, the Civil Service Commission to the contrary notwithstanding. So that when we merely say that this is in the discretion of the Executive we are adding nothing to what would exist, anyhow, no matter what we said.

Mr. SMITH of Georgia. I do not agree with the Senator from Mississippi in the position he has just taken. Our civil-service rules limit the places from which these appointments are to be made; they exclude the privilege of appointing from the outside; and the law could be so framed that the men with a four-year term should automatically receive a reappointment for four years longer. I believe it is a mistake to leave open their reappointment. If they are efficient, we want them, and we ought to keep them, and it is not desirable legislation to change their continuation of service from one of certainty into one of uncertainty.

Mr. McCUMBER. Mr. President, the Senator from Massachusetts [Mr. LODGE] rose to protest against this provision upon the ground that it was introducing the spoils system. I rise to protest against this hue and cry of "the spoils system" every time any effort is made to change the present law regarding appointments in the Government service. If I understand what "the spoils system" was—it was before my day in the Senate—it was a system whereby, through the influence of Members of the House of Representatives or of the Senate, persons were appointed to the Government service without any examination as to their fitness, and positions were being filled by men and women who were not competent to fill them. I understand that to be what is meant by "the spoils system"; and I can not understand how we can still insist that we are going back to the spoils system when we have here a provision for a most rigid examination of every person who desires to apply for a Government position.

I have looked over the questions that have been propounded to those who are to be examined in the civil branches. I am quite certain that the average Senator in this Chamber could not reach the 75 per cent required in answering those questions, and would be wholly unfit and incapable of filling one of those positions under the civil-service examination; but with that examination, rigid as it is, with that examination continued as one of the requirements of entry into the public service, I fail to see how any change in the matter of fixing a limitation upon the term of office or the position of these employees is reintroducing the old spoils system. That proposition is just as hazy to me as the new proposition of putting the Government back into the hands of the people, from which, by some method, it is claimed that it has been wrested, though we never knew it during the 140 years of our living under the Constitution.

Mr. President, only the three highest upon the civil-service list can be appointed to any position when there is a demand, and, as I have stated before, I do not believe there are 2,000 of those upon the list now waiting to be appointed. If I am correct, the percentage would be about as 2,000 to 250,000.

Mr. BURTON. Mr. President, will the Senator from North Dakota yield to an interruption?

Mr. McCUMBER. Certainly. If I am in error, I always desire to be corrected.

Mr. BURTON. I think the Senator has very much underrated the number. In the report of the Civil Service Commission for the year ending June 30, 1911, a statement is given of the number who were examined and passed during that year. The number who were examined was 113,628, and the number who passed and who would be eligible to appointment was 77,236; so that, if we may take that year as a criterion, there would be at least 30 per cent on the eligible list. I think the Senator from Iowa stated the number in the classified civil service as 235,000; but whether it be 235,000 or 250,000, as has been stated as an approximation, there would be an eligible list of more than 30 per cent, instead of the very small percentage the Senator from North Dakota mentions.

Mr. McCUMBER. But, Mr. President, the Senator from Ohio undoubtedly did not catch the force of my remarks. I said that, subject to appointment on call, are only the three highest on the eligible list. They must first be taken, and those must first be exhausted. Therefore when you begin the operation of "the spoils system" you do not operate it upon the 60,000 or 70,000 that may be upon that list, but it must operate upon the three highest upon the list as it is presented at the time the application is made for another civil-service appointment.

Mr. BURTON. Mr. President, will the Senator yield for another interruption?

Mr. McCUMBER. Certainly.

Mr. BURTON. The fact that the appointing officer has the right to name one of the three does not mean that the other two will be rejected. The whole list is eligible and if one having the appointive power should habitually reject the two highest and choose the third he ought to be called down for it.

Mr. McCUMBER. Oh, Mr. President, undoubtedly he would be called down on account of it. The Senator certainly understands that there has been no serious complaint about that provision of the law, and it has been upon our statute books for some considerable time. I have no doubt if it would be abused we could very easily change the law so as to take the applicant who stands highest, and give no place for the operation of the spoils system even as to that list.

But, Mr. President, there is a principle at stake, a great American principle, that has been abused ever since we have had the civil-service law, and that is, the moment we separated ourselves from the system of monarchy that moment we declared in favor of every man and woman who sought an official position dependent upon his or her ability to fill that position and the consent of the public. I am opposed, and always have been opposed, to any law that should give a life position to any employee of the Government. It is un-American; it unfits a man or woman for the ordinary battle of life; it makes them unnatural, because nature has never created a condition in which humanity has advanced to a point where each individual does not have to depend upon his own energy and his own ability to contend against the obstacles that lie in his path.

Mr. President, the great elements in our nature that are necessary for human progress in the industrial, in the political, and in any other line of human activity are hope and fear, ambition and necessity. No man, woman, or child ever advanced in this world unless there was always before him or her the goddess of hope to lure him or her on; and not only that, but the god of necessity, with a sharp spear to accelerate the forward movement.

Mr. President, whenever we eliminate those two factors we have taken that out of our nature, we have eliminated that from our surroundings which is necessary for our own proper development and for the proper development of our abilities in the particular line in which we are engaged. I am opposed to life tenure in any position. For that reason, Mr. President, I shall heartily support this provision.

Mr. SMITH of Georgia. I should like to ask the Senator one question.

Mr. McCUMBER. I shall be glad to answer it if I can.

Mr. SMITH of Georgia. Does not the Senator think that we are entitled to have this subject come to us as separate legislation and not on an appropriation bill?

Mr. McCUMBER. If the two Houses can not agree, then I believe that all general legislation should be eliminated from appropriation bills.

Mr. CUMMINS. Mr. President, I desire to be very brief in the last word I have to say upon this subject, and I would not say anything if I did not believe that this is a dangerous attack upon the system which seems to have met the approval of most of the thinking people of the United States. I understand perfectly that there is a school of thought opposed to the civil service. I have heard it expressed here in somewhat this way, that when one enters the service and remains there a long time he becomes unfitted for the general battle of life, and that he ought to be turned out while still young and strong in order to again make his position in the general business of the world.

There is something to be said in favor of that proposition, but this is not that proposition. This, as it seems to me, is a plain invitation to the heads of departments to decline to recognize honest and faithful and efficient service at any age in life and turn back the employee by reason of personal disfavor or political influence.

I do not suggest even that those who are for the proposition have any other than the highest motives and the best intent for their country, but when it is said, as it has been said so eloquently this morning, that the present system leads inevitably to a civil pension list, and that we must sustain this change in the law because if we do not resort to a limited

tenure we must adopt a civil-pension list, it seems to me that sufficient reflection did not precede that assertion. I dispute it. I am opposed to a civil pension; I have always been and am now; and if I believed that the alternatives were on the one side a civil pension and upon the other side a limited tenure, I would accept the limited tenure, for I recognize the force of the argument made by the Senator from Mississippi. There is no reason why the people of this country in private pursuits should be compelled to bear the burden that would be created through and by a civil-pension list. It is not, however, necessary to accept either of the alternatives.

The Committee on Civil Service and Retrenchment has now before the Senate a solution of that problem. Possibly Senators have not read it. It employs, however, a very familiar principle. It is simply a compulsory saving system. It requires every employee who enters the civil service to contribute monthly from his compensation a sum that will be sufficient at his retiring age to do what a civil pension in some countries is designed to do. There is no difficulty whatsoever in the application of that solution to this problem. If we can not solve it in that way, there still remains the alternative of compelling separation from the service at the retiring age by law without any compensation whatsoever, leaving the employee, knowing that this time and this condition are approaching, to make such provision for his old age as may seem possible to him.

Therefore we ought not, as it seems to me, to judge of the wisdom of this measure through the fear of a civil pension list, for, as I have just suggested, that is not the necessary outcome to the present system.

It is not true that employees of the Government are appointed for life. No one suggests a tenure of that sort. They are not even appointed during good behavior, as are our judges. They are appointed during efficiency; and if the law and the regulations are not sufficient to secure the efficiency, then let us change the law and prescribe other regulations which are intended to secure efficiency.

Employees of the Government are appointed precisely as are the employees of a railway company or of a bank or of any other great industrial institution. I know that the analogy is not perfect, but in both cases they are appointed, and they ought to be appointed, during such time as they are able to render the service which their employer requires of them. When they are unable to render that service, then they ought to be dismissed and returned to a field of employment in which they could render service.

What would be thought of a financial or an industrial institution taking on its employees under a term of one year or five years or seven years, with the statement that if during these years you are faithful and efficient you may or may not be reappointed, but if you are inefficient or unfaithful then you are to be dismissed?

I do not liken these employments to offices. There is no sense in which these employees are officeholders. They are simply performing the business of the Government, and I think we ought to take them on and dismiss them according to the law which governs business in its relation to its employees.

In my opinion—it is only opinion, and can only be—if we pass this law we will not be able to secure as high capacity in our civil list as we now have. There is little enough reward now. There is little enough hope now. As the Senator from Ohio said, the public service ought to be a career; but it is not a promising career. The rewards for high capacity, high efficiency, great ability are not sufficient to tempt men and women so endowed into the service. And when we put this additional discouragement upon them in my judgment we will have done much to deteriorate the service of the country.

I can not believe that there is anything good to be accomplished in notifying all the civil-service employees that at the end of seven years they will then be at the discretion of their heads of departments, without respect to the quality of the work that they have performed during those seven years.

A day or two ago the attitude of the Civil Service Commission toward this question was mentioned by the Senator from Wyoming [Mr. WARREN]. I have high regard for the members of the Civil Service Commission and I accept their opinions as I accept the opinions of other men of wide observation and, in this instance, of great experience. I want, however, to make it perfectly clear to the Senate, and I think I have the authority to do so, just what the members of the Civil Service Commission believe with respect to the proposition contained in the report of the conferees.

The PRESIDENT pro tempore. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. Yesterday the Senator from Louisiana [Mr. THORNTON] and the Senator from Washington [Mr. JONES] both gave notice that they would make remarks upon the bill as soon as it came before the Senate, and therefore I shall not ask that the bill be laid aside. I desire to state that I shall endeavor to keep it before the Senate continuously until it is finally acted upon.

Mr. THORNTON. I did not catch the conclusion of the remark of the chairman of the committee, but personally I am willing to wait until the Senator from Iowa can conclude.

Mr. BRANDEGEE. I simply stated that I would endeavor to keep this bill before the Senate until it is finally acted upon, and if no Senator desires to speak at present, of course the question I assume is on the pending amendment.

Mr. CUMMINS. Have I the floor?

The PRESIDENT pro tempore. The Senator from Iowa has the floor.

Mr. CUMMINS. I was just remarking respecting the attitude of the Civil Service Commission upon the question. While it may be true, I have no reason to doubt that it is true, that the distinguished and venerable chairman of the Civil Service Commission is in favor of the plan stated in the conferees' report—I do not know that, I only infer it from the remarks of the Senator from Wyoming—I have been authorized to say on behalf of the two remaining members of the board that they look upon this departure with serious alarm. I beg to read a copy of the letter which was transmitted by one of the members of the commission to the chairman of the Appropriations Committee of the Senate.

Mr. WARREN. Is that a copy of the letter which was sent to the committee?

Mr. CUMMINS. It is.

Mr. WARREN. I hope the Senator will give me credit for having already read it, so far as the chairman of the committee is concerned.

Mr. CUMMINS. I did not hear it read. I know the Senator from Wyoming referred to it. But I read it simply to show the position of one of the members of the commission, and then I will read another which I have upon my desk in order to show the opinion of the other.

This is a letter written May 28, 1912, to the Senator from Wyoming, the chairman of the Committee on Appropriations:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., May 28, 1912.

Hon. F. E. WARREN,
Chairman Committee on Appropriations, United States Senate.

MY DEAR SENATOR: I have the pleasure, complying with the request made by you when I appeared before your committee yesterday, of submitting observations respecting section 5, H. R. 24023, to establish a five-year term of office act and offering a substitute for it. I desire also to invite your attention to a copy of a report made by me to the Civil Service Commission on February 1, 1910, constituting a detailed explanation of an efficiency system under the substitute proposed for section 5 of the bill.

In submitting these remarks, I beg to express my belief that it is necessary that a method be provided for the elimination of the incapable and unfit from the service, but the experience of this commission makes it certain that the measure as embodied in the House bill, so far from promoting the purpose sought to be attained, will have disastrous results; and the commission is convinced that the purpose may be effectively attained by the establishment of a system of efficiency regulations to be promulgated by the President.

The adoption of such a system will avoid the pressure upon Members of Congress which would be inevitable if the term of office shall be adopted, and at the same time relieve executive officers from excessive demands upon their attention and an intolerable burden in giving them so wide a latitude of discretion in making reappointments at the expiration of the term of office.

The substitute provision is calculated to provide an efficiency system which shall be continuous and whereby unfit persons will be automatically separated from the service without waiting for expiration of term of office. It is believed that this is a more scientific method of accomplishing the results desired by Congress, and at the same time unattended by the manifest evils of a tenure of office provision.

Very sincerely, yours,

JOHN A. MCILHENNY.

Mr. WARREN. Will the Senator permit me?

Mr. CUMMINS. Certainly.

Mr. WARREN. That letter was as it purported to be in reply to a request on the part of the subcommittee after they had had a conference with I think the chairman or president of the unofficial Civil Service Association.

After a conference with those who represent the unofficial Civil Service Association, we asked for a substitute to section 5. Later, it was sent to us by one of the Civil Service Commissioners, and we adopted it. It has been changed as to two words, and we added what is in section 5 as to soldiers and sailors.

We came to the Senate with that, and, as the Senator remembers, there was a good deal of debate. It was passed in that way and we went to conference with it. Thereupon in conference we met those from the other side who had a letter considered to be of equal importance from the Chairman of the Board of Civil Service Commissioners proposing, as the other member had done, something in place of section 5, showing that there was a division of opinion, as oftentimes and generally there is a division here. In the conference, both of these propositions were before the conferees, and the final determination was that which is now before us.

Mr. CUMMINS. I understood all that. I was trying to vindicate the judgment of the Appropriations Committee of the Senate in accepting the views of Mr. McIlhenny, and I am trying to say that the Senate, with deliberation and after a good deal of argument, adopted the views of the Senate committee, which were the views of Mr. McIlhenny, speaking for the commission at that time. I am endeavoring, with all the earnestness I possess, to persuade the Senate to stand by its Appropriations Committee in its original action and stand by its original decision with regard to this important matter.

Mr. WARREN. Right there, I wish to make only an observation. I hope the Senator will credit the conferees on the part of the Senate with standing by through many a long day and many a long meeting. It is not a matter where the conferees went into conference and yielded at once to the demand of the House, but it was among the last things that was agreed upon. First, there seemed a necessity that we should have an agreement on the whole bill; and, second, I am free to say that the more I look at the matter the more I am convinced that the proposition made by the Senate—long before the seven years have elapsed—will have so cured the want of other or further reform in the civil service that the seven-year clause will not be the last word, and legislation favorable to civil service will follow.

Mr. CUMMINS. The Senator from Wyoming will understand that just now I am trying to show the attitude of the commission toward this question, and I am not criticizing the chairman of the committee. I want to see his report overthrown, of course. I think we ought to stand more firmly for the system as it is now organized.

But I now refer to the letter which I received yesterday from the one other member of the Civil Service Commission. It reads as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., August 5, 1912.

Hon. A. B. CUMMINS,
Chairman Committee on Civil Service and Retrenchment, United States Senate.

DEAR SENATOR CUMMINS: Referring to the debate in the Senate on last Saturday relating to the limited-tenure proposition for civil-service employees reported by the conferees on the legislative, executive, and judicial appropriation bill, and in order that there may be no misapprehension of the views of a majority of the commission, I am inclosing herewith a copy of a letter addressed to the chairman of the Appropriations Committee of the Senate under date of May 28, 1912. The substitute for the limited-tenure provision as passed by the House was agreed upon by Commissioner McIlhenny and myself and transmitted by Commissioner McIlhenny in response to a verbal request of the Senate committee. This substitute was incorporated in the Senate bill as section 4 of that bill.

Very sincerely, yours, WM. S. WASHBURN.

I believe, Mr. President, that the general judgment of the country will sustain the judgment of these two members of the Civil Service Commission. I believe it will sustain the original action of the Committee on Appropriations. I fear that if we overturn this system now we will deeply regret it in the days to come. It is a marvelous, it is an astonishing proposition to say that there can be no original appointments except from a list indicating efficiency created by the Civil Service Commission, but that there can be dismissals from the service after long and faithful and efficient work. What a spectacle it is to say that no one can enter the service until he has proved his efficiency in the way required by the law and regulations, and yet to add to that the announcement that at the end of seven years, having demonstrated his fitness for the work, he must then surrender, with the experience of the seven years, and be retired to the general life of the world at the discretion of the head of a department.

I earnestly hope that the report will not be approved, and that our conferees will be instructed to stand still further for this wise, sound principle in our public service.

THE PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. THORNTON. Mr. President, as a member of the Interoceanic Canals Committee, I have attended all of its 21 sittings on this subject save 5, and on those occasions I was with other committees, principally that on Naval Affairs, and I doubt if this attendance record was excelled by any other member of the committee except the chairman, and I have closely followed the discussion in this Chamber from the beginning.

I wish to briefly state my conclusions on two important matters pertaining to the Panama Canal bill, which are productive of great diversity of opinion in the Senate, viz: First, the right of the United States to permit the free use of the canal to any ships sailing under the American flag, while collecting tolls from the ships of all other nations; and, second, whether admitting the right to thus exempt ships sailing under her own flag, it would comport with public policy to extend this privilege to all such ships.

Able arguments in favor of and against the right of control of the United States in this matter have been made on the floor of this Chamber during the discussion, and to me it seems wonderful that the Hay-Pauncefote treaty, the construction of which has produced such discordant views, a document treating of matters of such great interest to the world in general and to the United States in particular, should have been so drawn that different Senators seem compelled to look at it from such different angles and draw diametrically opposite conclusions from a study of it.

It is the first part of paragraph 1 of article 3 which is the bone of contention, if I may be pardoned for using such a reference to it, and which reads as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect to the conditions or charges of traffic, or otherwise.

It is contended by some that this language includes the United States in the term "all nations," and hence precludes her from extending favors to her own citizens or commerce not extended to the citizens or commerce of other countries, while others maintain that the term "all nations" necessarily means all other nations, and does not preclude us from favoring our own people, but only binds us to deal impartially with all other people.

As for myself, I had no difficulty in reaching the conclusion that the United States had under the terms of the treaty the undoubted right to exempt from the payment of tolls all American vessels engaged in the coastwise trade.

It is a well-known legal rule that in the interpretation of a statute its context must be studied and the spirit and object of the law sought for.

We see in the first part of the disputed paragraph that the canal shall be free and open to the vessels of all nations on terms of entire equality; but we also see in the second part of the same paragraph that the end sought to be accomplished by this first part, the spirit and object of the law, as it were, is that there shall be no discrimination against any nation.

Now, it is well known that at the time of this treaty the ships of no other nation were permitted to do business in the coastwise trade of the United States, and that is the law still, and certainly it can not be abrogated by this treaty.

It follows then, that as no foreign ship can operate in our coastwise trade and compete with us in that trade we are not discriminating against such ships by allowing to our own coastwise ships the free use of the canal.

These were the views I expressed in the committee sessions, as will appear by the printed report of the proceedings, and I voted in accordance with them.

But when it came to the proposition of giving free passage to American ships engaged in the foreign trade a different condition prevailed, for foreign ships using the canal might compete with our own ships in the foreign trade, and free tolls to our own ships might be a discrimination against the ships of other nations.

This view I also expressed during the committee sessions, as will appear by the report, and for that reason I declined to vote on the question, stating to the committee that I wished further time to consider it, a statement in which I was joined, as I now remember, by one other member of the committee, the Senator from North Carolina [Mr. SIMMONS].

And as I was in doubt then, candor to the Senate and to myself as well compels me to say that I am in some doubt still on this particular question, though I am reluctant to admit that I have been unable to come to a positive opinion on the pure question of law presented.

However, I have concluded that I would be justified in resolving my doubt in favor of the interest of the people of the United States, and shall accordingly vote to allow the free passage through the canal of all American ships.

The next question of difference is whether American ships engaged in transoceanic trade, owned or controlled by railroads, shall be permitted to use the canal if they also engage in coastwise trade.

There are some who fear that if such permission is given it will result in a monopoly of the trade by the railroad owned or controlled ships and that independent steamship lines will be driven out of the coastwise trade through the stifling of competition.

There is at this time only one American steamship line doing either a trans-Atlantic or trans-Pacific business.

This line is the Pacific Mail Co., which has four fine ships operating between San Francisco and the Orient, competing with the heavily subsidized Japanese lines.

This company has been in existence for many years, but it was owned by private persons until 1900, when 51 per cent of its stock was acquired by the Southern Pacific Railroad, which still owns that amount of stock, the remaining 49 per cent being distributed between some 1,100 stockholders.

This Pacific Mail Co. is the only railroad owned or controlled steamship line that appeared before the committee asking to be allowed the use of the canal, and in the nature of things it would seem to be the only American railroad owned or controlled steamship line that would wish to use it.

The great bulk of the business of this company is a passenger business between San Francisco and the Orient, where it is operating four splendid steamers.

What it now wishes to do is to build four more splendid, fast steamers, making eight in all, and have one to leave New York for the Orient once every two weeks, making no stop until reaching Colon, the Atlantic entrance to the Panama Canal, where it will take on freight for the Orient that has been brought to Colon by smaller steamers from the Gulf ports, then proceed through the canal, touching at Los Angeles, San Francisco, and over the sea to Honolulu, on to Yokohama, Japan, Manila, and Hongkong, and thence back to New York by same route, a voyage of 25,000 miles.

Four new ships, costing $12,000,000, are to be immediately contracted for in American shipyards, if the company is permitted to use the canal.

The company will have to depend on its passenger traffic to make the enterprise pay, but wishes to supplement this by getting such freight for the Orient as it can pick up at Colon, Los Angeles, and San Francisco.

Yet there is opposition to this plan based on the fear that it will stifle competition, although the outside cargoes of freight carried by these boats could not exceed 200,000 tons per year, while it is estimated that several millions of tons per year will pass through the canal.

I do not see how competition on the great highway of the ocean can be stifled in this way.

I wish to help American shipyards, employing thousands of American workmen, by all legitimate means that I can; and I wish to see the American flag flying from all the ships possible; and these ships must be built in American shipyards and must sail under the American flag.

I would not for a moment be willing for them to use the canal if they could thereby destroy competition, but I have no fear that they can do it or that they will attempt to do it, knowing as they do that the same governmental agency that permits them to use the canal will be invoked to forbid its use for them if they try to abuse the privilege.

Congress is in session practically all the time and could, whenever deemed necessary, forbid the use of the canal to any railroad owned or controlled ship that sought to act in a manner detrimental to the public interest.

It is useless to say that if these ships are once allowed to use the canal it will not be possible to ever revoke the permission, for we all know that in this country the antirailroad side is the popular side.

These ships could be put under the jurisdiction of the Interstate Commerce Commission, if necessary, from the outset, and that would certainly remove the possible danger of attempting to strangle competition.

I know the Interstate Commerce Commission does not desire to be vested with this jurisdiction, but that is no reason it should not be if deemed necessary, and it is idle to say that it is not practicable to do it, for it is a matter of administration that could be certainly worked out.

But I do not think it is necessary to do so, for the knowledge of the company that it would be denied the use of the canal by Congress if it acted against the public interest would be sufficient in itself to make it careful.

Personally I believe that there would be more danger to competition without the operation of these railroad ships than with their operation, for independent steamship lines can easily enter into a combination between themselves that will prevent competition; and it is in evidence before the committee that no competition exists between the foreign lines between New York and Europe nor in the coastwise trade on the Atlantic coast, and yet these are not railroad-owned ships.

I do not believe in prohibiting these railroad-owned ships from using the canal, but I believe in regulating them if their use of it should appear to be against the public interest.

And in this view I am in pretty good company, for the committee hearings show it is shared by the President of the United States, who has changed his previous views on the subject, and by the Secretary of War, and by Prof. Johnson, the Government Special Commissioner of Panama Canal and tolls, and by Col. Goethals, and by the officials of the Panama Railroad, and by the directors of the port of Boston, and by the Chamber of Commerce of the State of New York, and by the Arkwright Club of Cotton Manufacturers, and by others.

I expressed my sentiments in this matter speaking to a witness before the committee when I said I wished all the ships possible to go through that canal and the more American-built ships and ships flying the American flag the better I would be pleased, provided always that it did not conflict with the general public interest.

That is my feeling about it, and I wish to see American shipyards and American ships given a chance in this matter.

The majority of the committee voted to give to railroad owned or controlled ships the right to use the canal on the terms desired, but on the condition that one-half of their cargoes going or returning should be freight consigned to or from the Orient.

I object to this proviso, considering that it is impossible of practical execution, because subject to contingencies beyond the power of the ship to control; and I should like to see that provision struck out of the bill.

I believe that all American ships should be allowed the use of the canal on equal terms and that these Pacific Mail Co. railroad ships should either be allowed to use the canal without conditions or not allowed to use it at all.

But I should wish to see them allowed to use it in the beginning, at least, and then let their continued use of it be contingent on the fact whether results proved such use was beneficial or detrimental to the public service.

I fully agree with the Secretary of War when, in discussing this question before the committee, he said:

> My general principle has been that I would not kill a child for fear that it was going to have the mumps. I would not kill any merchant marine that we have.

And I likewise fully agree with the statement made during the committee hearings to a witness opposed to railroad ships by the Senator from Michigan [Mr. TOWNSEND]:

> I am looking at the thing to find the solution of the problem that is best for the people. I do not give a rap for your boats or for any other boats. I do not think we are here to legislate for your benefit or for the benefit of the railroads, but we are here to legislate for the benefit of the people if we can get at it.

Later on during the hearings I said to the same witness that Senator TOWNSEND expressed the sentiment of the whole committee when, speaking for himself, he said that he did not care either more or less for a ship line because it was owned by a railroad or by an independent line, but the question was how best to conserve the general public interest, and, speaking for myself, I thought that on general principles the more ships use the canal the better the public interest is apt to be conserved.

Those were my views then and they are unchanged.

Mr. JONES. Mr. President, the United States owns a strip of territory across the Isthmus of Panama 10 miles wide. It is ours by grant from the Republic of Panama; no one disputes our title and no one can dispute it. Over it flies the flag of the Republic representing the sovereignty and proprietorship of the Nation just as it represents that sovereignty and proprietorship over any other territory belonging to the United States. We have established a government. Order is maintained; our courts administer justice; civil rights are enforced, and all the rights and powers of sovereignty are being exercised.

Through and across this strip of territory, and wholly within its limits, we are building with our people's money, and will soon have completed, a great canal through which will pass much of the world's commerce. This canal will be built by us and by our money. It will be operated by us. We will protect it. It is ours. It will be built through our territory; our Nation owns it. Can we say how we shall use it? That is the question which meets us at the threshold of the consideration of this bill. I have no doubt as to what the American people think about it. There is no doubt as to their answer to the

question; in fact, they are very likely to be surprised that such a question should arise. It has never entered their mind that this Government could not use its own property and deal with its own people as it sees fit without asking the consent of any other government or people.

Some contend, however, that although we bought the territory, built the canal, and own them both, we must use the canal for the benefit of others and to the disadvantage of ourselves and our own people. Is this so? Can we exercise only those rights of a sovereign and of a proprietor that benefit other nations at the expense of our own people and deny them the privileges and benefits which every sovereign and proprietor ordinarily can extend to his own? If I believed that we were limited in our treatment of our own people and our own vessels, as some have contended, I would not discuss the question in open session, but if I felt compelled to advocate such a position, I would do it only in executive session, where no record would be made that could be used against our Government and people in any controversy that may hereafter arise. I do not say this in criticism of those who have publicly discussed and advocated this side of the controversy, but simply as expressing my own views as to the proper action to take. In any controversy that may arise between our Government and a foreign power, where there is room for doubt I will never admit that my Government is in the wrong except within the secret walls of this historic Chamber.

In my judgment, however, we can use this territory and this canal just as we can use any other territory or any other waterway of the country. We can permit our ships and our people to use it and occupy it just as we permit them to use any of our other waterways or territory. This is denied, however, because of a treaty between this Government and Great Britain, under which it is claimed that we can not permit our own people to use this canal except upon exactly the same terms that we allow the people of Great Britain and other nations to use it. The American people are jealous of their rights, but they also hold sacred their promise.

However unfair and however burdensome any treaty solemnly made and ratified may be, it will be sacredly kept until abrogated, and I yield to no one in upholding at any cost the Nation's honor.

Is there any treaty that restricts our power to permit the use of this canal by our own people upon such terms as we see fit to impose? Could any treaty be made that limits and restricts the power and right of the Government to deal with its own people and its own property? In my judgment the treaty-making power can not take away or cede away this right. The Senate and the President can not deprive the United States of any of its rights of sovereignty, and that is what this would be doing. If it be said that this is not ceding away sovereign rights, but it is giving or granting proprietary rights, I say this can not be done by the President and the Senate in the exercise of the treaty-making power. The right to use our canal and the territory through which it runs as we may desire is a property right, and the establishment of rules respecting the use of this canal is the establishment of rules in respect to the property or territory of the United States, and under section 3, Article IV, of the Constitution only "the Congress," and not the Senate and the President, "shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." Any treaty purporting to make rules and regulations respecting that canal or the territory through which it passes and purporting to restrict its use by the United States is beyond the power of the President and the Senate and not binding upon the Government or the people of the United States. It will not be presumed that an attempt was made to do what there was no constitutional power to do.

Does the Hay-Pauncefote treaty assume to deprive us of our right to deal with and treat our own ships in the use of our own canal as we deem best? I do not think so. Surely, no one will contend that the President and Mr. Hay, who negotiated that treaty, and the Senate, which ratified it, intended to give up our right to allow our own ships to use our own canal and our own territory as we might deem best. They were patriotic men, devoted to the welfare of our country and jealous of its rights and the rights of its citizens, and I will not believe that they intended anything of the sort. If the people of this country believed that they intended to give up such rights, no words could express their indignation, and such a deliberate intention would be regarded as little short of faithlessness to the great trust reposed in them. If they had thought so when this treaty was pending, such a wave of indignation would have swept the country as would have buried such treaty in oblivion. I am sure, and the people believe, that they simply agreed that the United States would treat all nations with absolute impartiality, and insure equal treatment among them without depriving itself of any of its sovereign or proprietary rights and without recognizing the right of any people to interfere or question its treatment of its own people in regard to its own property and territory.

Ever since Balboa stood on the crest of the Cordilleras at the Isthmus of Panama and gazed upon the placid waters of the Pacific the people of the world have dreamed of a canal across the Isthmus connecting the two oceans. From the independence of the Spanish-American Republics the American people have interested themselves in this great undertaking. In 1835 the Senate instructed the President to enter into negotiations with the Governments of Central America and New Granada, with the view of affording protection to individuals or companies proposing to construct such a canal and to insure the free use and navigation of it to all nations. The Nicaragua route came into favor, and franchises were secured by various parties looking to the construction of such canal through Nicaraguan territory. Prior to 1850 Great Britain asserted a claim to a protectorate over the Mosquito coast country. Gold was discovered in California, and renewed interest in the canal was taken by the United States. In 1850 the Clayton-Bulwer treaty was made and ratified.

This treaty, by express terms, had reference only to the canal to be constructed "by the way of the River San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua to any port or place on the Pacific Ocean," but it recognized in the eighth section the possibility of the construction of such canal by way of Tehauntepec or Panama. This treaty did not contemplate the construction of the canal by either Government, but, on the contrary, expressly declared that neither the United States nor Great Britain "will ever obtain or maintain for itself any exclusive control over the said ship canal." No fortifications were to be erected or maintained by either Government in connection with or in the vicinity of the canal, nor was either Government to acquire any rights or advantages for itself or its citizens in regard to commerce or navigation through the said canal not enjoyed by the other. Both Governments obligated themselves to protect any persons constructing the canal from "unjust detention, confiscation, seizure, or any violence whatsoever."

Article 5 of this treaty reads as follows:

> The contracting parties further engage that when the said canal shall have been completed they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal and guaranteeing its neutrality and security when completed, always understand that this protection and guaranty are granted conditionally and may be withdrawn by both Governments or either Government, if both Governments or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other or by imposing oppressive exactions or unreasonable tolls upon the passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guaranty without first giving six months' notice to the other.

In other words, the United States and Great Britain guarantee the neutrality of any such canal, but such neutrality and equal use are granted conditionally upon equal obligations, and either Government might withdraw from such obligations if those managing the canal should make "unfair discrimination" or impose "oppressive exactions or unreasonable tolls."

It will be noted that under article 5 the United States and Great Britain simply provide for securing fair and equal treatment to themselves by those operating the canal. In order, however, that other nations might have the benefit of the canal upon equal terms, but also with equal obligations, article 6 obligated the contracting parties "to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated."

Article 8 is as follows:

> The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges

or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

This, in brief, is the Clayton-Bulwer treaty made in 1850. It is not worth while here to discuss why any recognition was given, if given, to the claims of Great Britain in Nicaragua or the Mosquito Coast country contrary to the Monroe doctrine. Nothing was said concerning such claims in this treaty, but it did recognize for some reason or other Great Britain's interest in the construction of a canal connecting the two oceans, and Great Britain and the United States assumed equal obligations in relation to such canal and were to receive equal treatment. The canal was to be constructed through territory foreign to both of these Governments, and was to be constructed by private parties or companies. Both nations were desirous that such canal should be constructed and were anxious to further such construction in every way possible. The object of this treaty was to promote the construction of the canal by encouraging, assisting, and protecting those who were engaged in the great enterprise and to insure its neutrality wherever located and to guarantee equal treatment by those operating the canal to all nations entering into stipulations similar to those between Great Britain and the United States. The treaty was entered into "to accomplish a particular object"; that is, the construction of a canal connecting the waters of the two oceans, and also to establish "a general principle"; that is, that such canal, wherever constructed, should be a neutral canal as among all nations entering into stipulations similar to those agreed to between Great Britain and the United States.

After the ratification of the Clayton-Bulwer treaty various steps were taken and various enterprises inaugurated looking toward the construction of this canal. In June, 1867, after the close of the Civil War, a treaty was concluded between the United States and Nicaragua by which the citizens of the United States were to have free transit over any canal constructed under the authority of the Government of Nicaragua. From 1872 until 1882 almost every possible route across the Isthmus was surveyed by engineers of the United States Navy, and in 1876 a report favoring the Nicaraguan route was made by a commission of military and naval engineers appointed by President Grant in compliance with a Senate resolution. An international congress held at Paris in 1879 decided in favor of the Panama route. In 1884 a treaty was concluded between the United States and Nicaragua by which the United States was to build the canal, to be owned jointly by the two powers. This treaty was never ratified. De Lesseps's attempt to construct the canal at Panama had been a disastrous failure. In 1887 a Nicaragua Canal Association secured from Nicaragua a concession granting the exclusive privilege of constructing and operating a canal. Surveys were made and the line of the canal definitely fixed, and in 1889 Congress granted a charter of incorporation to the company. After the expenditure of about $2,000,000 operations ceased in 1893, owing to the lack of funds and the failure of Congress to guarantee the bond issue. Congress provided for various commissions to report upon the feasibility and cost of constructing a canal through Nicaragua, and these commissions reported favorably upon the Nicaraguan route and made an estimate of the cost of the same.

In the meantime an international commission of experts made a report upon the feasibility of constructing the canal across the Isthmus of Panama and the whole matter was submitted in 1889 to a new commission provided by Congress, which, after a very exhaustive investigation of all the routes, recommended the Nicaraguan route simply on account of the financial difficulties in the way of acquiring the property of the Panama Canal Co. These difficulties were eventually overcome, and Congress finally adopted the Panama route with the understanding that the Nicaraguan route should be reverted to in case a satisfactory title could not be secured to the Panama property and the necessary concessions from the Government of Colombia.

The Nicaragua Canal Association ceased its operations in 1893, and any hope that had existed of any private parties or company constructing this canal was dissipated, and it was generally accepted that if the canal was to be built, it would have to be done by the United States or by some company or association supported by the United States. The people were insistent that the canal be built and, as I already have said, various Government commissions had made investigations and reports and recommendations. There was no thought of the United States acquiring territory across the Isthmus, but negotiations were had looking to concessions to the United States under which the canal might be constructed through the countries granting such concessions.

While but little attention had been paid to the Clayton-Bulwer treaty it had never been formally abrogated. Under that treaty the Governments of the United States and Great Britain had declared that neither would "ever obtain or maintain for itself any exclusive control" over any canal constructed across the Isthmus. It had become evident that the United States must construct the canal or guarantee its construction, and in so doing it would be necessary for it to have exclusive control over it. The abrogation of the Clayton-Bulwer treaty was sought by the United States. That treaty, if it amounted to anything, was solely a hindrance to the construction of the canal. It was of no benefit to England, whose pretensions to the Mosquito coast and Nicaragua at the time had long since lapsed. In consenting to its abrogation England gave up nothing except the pretext of obstructing the building of the canal by the United States if it desired to do so. While some contend that Great Britain made or gave up valuable concessions in the abrogation of the Clayton-Bulwer treaty, and while they may be right, I can not myself agree to this. At any rate, the Clayton-Bulwer treaty was expressly abrogated by the treaty of November 18, 1901, transmitted by President Roosevelt to the Senate December 4, 1901, and ratified December 16, 1901, by a vote of 72 yeas and 6 nays. This treaty is known as the Hay-Pauncefote treaty.

This treaty was expressly declared in its preamble to be for the purpose of facilitating the construction of the canal to connect the Atlantic and Pacific Oceans by whatever route might be considered expedient and "to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, and the construction of such canal under the auspices of the Government of the United States, without impairing the 'general principle' of neutralization established in article 8 of that convention." This treaty expressly superseded the Clayton-Bulwer treaty.

Article 2 of this treaty reads as follows:

It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

From this it will be seen that the United States was at liberty, without any possible objection upon the part of Great Britain, to proceed with the construction of the canal directly at its own cost or by gift or loan to individuals or corporations or through subscription to or purchase of stock or shares. Great Britain was relieved of any and all obligations in connection with the construction of the canal and from all obligations for the protection of anyone constructing the canal. She also was relieved from any obligation whatever to protect the canal when constructed or in guaranteeing its neutrality.

The only provision of the Clayton-Bulwer treaty that was retained was the "general principle" of neutralization established in article 8 of that convention, and that "general principle" was that the canal should be open on equal terms to all nations having equal obligations in connection with the canal and, as the United States assumed all the obligations in connection with the construction, maintenance, operation, and protection of the canal, this "general principle" simply meant that under this treaty the United States was to give all other nations equal terms in connection with the use of this canal.

Those contending that this canal under the Hay-Pauncefote treaty must be open to vessels of all nations, including the vessels of the United States, on equal terms, it seems to me, overlook the essence of the "general principle" set forth in section 8 of the Clayton-Bulwer treaty, as well as that the canal "shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford." Keeping this in mind as the essence of the "general principle" referred to, it seems to me to be absolutely conclusive that under the new treaty the only obligation placed upon the United States by this "general principle" was that the other nations of the world and their citizens should be treated exactly alike in the use of the canal.

It is significant in this connection that the original draft of the Hay-Pauncefote treaty, as transmitted to the Senate by President McKinley, obligated Great Britain as well as the United States to maintain the neutralization of the canal under certain rules prescribed in the treaty, and article 3 provided as follows:

The high contracting parties will immediately upon the exchange of the ratifications of this convention bring it to the notice of the other powers and invite them to adhere to it.

This provision was stricken out in the Senate. In view of the fact that England had bound herself to neutral conduct in con-

nection with the canal, she objected to the release of other nations from these obligations.

In connection with the negotiations with reference to the action of the Senate in striking out this article, Lord Lansdowne submitted a memorandum, under date of August 3, 1901, wherein he said:

The omission of the article inviting the adherence of other powers placed this country in a position of marked disadvantage compared with other powers, while the United States would have a treaty right to interfere with the canal in time of war or apprehended war, and while other powers could with a clear conscience disregard any of the restrictions imposed by the convention of 1900, Great Britain alone would be absolutely precluded from resorting to any such action or from taking measures to secure her interest in and near the canal.

While indifferent as to the form in which the point is met, I must emphatically renew the objections of His Majesty's Government to being bound by stringent rules of neutral conduct not equally binding upon other powers. I would, therefore, suggest the insertion in rule 1, after "all nations," of the words "which shall agree to observe these rules." This addition will impose upon other powers the same self-denying ordinance as Great Britain is desired to accept and will furnish an additional security for the neutrality of the canal, which it will be the duty of the United States to maintain.

It will be noted that Great Britain did not feel that she should be bound to neutral conduct in regard to the canal unless other nations also were so bound. This, as I have said before, was the very essence of the "general principle" contained in section 8 of the Clayton-Bulwer treaty.

In regard to the suggestion made by Lord Lansdowne that the canal should be free and open to all nations observing the rules adopted by the United States and Great Britain, Mr. Lowther, in a communication of September 12, 1901, said:

With regard to the changes suggested by His Majesty's Government, Mr. Hay was apprehensive that the first amendment proposed to clause 1 of article 3 would meet with opposition because of the strong objection entertained to inviting other powers to become contract parties to a treaty affecting the canal. If His Majesty's Government found it not convenient to accept the draft as it stood, they might perhaps consider favorably the substitution for the words "the canal shall be free and open to the vessels of commerce and of war of all nations which shall agree to observe these rules" the words "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules," and instead of "any nation so agreeing" the words "any such nation." This, it seemed to Mr. Hay, would accomplish the purpose aimed at by His Majesty's Government.

To this Lord Lansdowne replied, under date of October 23, 1901:

Mr. Hay has suggested that in article 3, rule 1, we should substitute for the words "the canal shall be free and open to the vessels of commerce and of war of all nations which shall agree to observe these rules," etc., the words "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules," and in the same clause as a consequential amendment, to substitute for the words "any nation so agreeing" the words "any such nation." His Majesty's Government were prepared to accept this amendment, which seemed to us equally efficacious for the purpose which we had in view, namely, that of insuring that Great Britain should not be placed in a less advantageous position than other powers, which they stopped short of conferring upon other nations a contractual right to the use of the canal.

Article 2 of the original treaty transmitted to the Senate by President McKinley contained this paragraph:

The high contracting parties, desiring to preserve and maintain the "general principle" of neutralization established in article 8 of the Clayton-Bulwer convention, which convention is hereby superseded, adopt as the basis for such neutralization the following rules, substantially as embodied in the convention between Great Britain and certain other powers, signed at Constantinople October 29, 1888, for the free navigation of the Suez Maritime Canal, that is to say:

In line with the suggestions above referred to, in the final draft of the treaty as sent to the Senate by President Roosevelt, and which was finally ratified, this paragraph reads as follows:

The United States—

Not the United States and Great Britain, but the United States—

adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal; that is to say.

In the memorandum submitted by Lord Lansdowne of August 3, 1901, referring to this change, he says:

In form the new draft differs from the convention of 1900, under which the high contracting parties, after agreeing that the canal might be constructed by the United States, undertook to adopt certain rules as the basis upon which the canal was to be neutralized. In the new draft the United States intimate their readiness "to adopt" somewhat similar rules as the basis of the neutralization of the canal. It would appear to follow that the whole responsibility for upholding these rules, and thereby maintaining the neutrality of the canal, would henceforward be assumed by the Government of the United States. The change of form is an important one; but in view of the fact that the whole cost of the construction of the canal is to be borne by that Government, which is also to be charged with such measures as may be necessary to protect it against lawlessness and disorder, His Majesty's Government are not likely to object to it.

From these negotiations and from the nature of this treaty as compared with the Clayton-Bulwer treaty it is clear that Great Britain recognized that the "general principle" of section 8 of the Bulwer treaty under the new treaty simply imposes upon the United States the obligation to treat all the other nations of the world equally and without discrimination in the use of the canal. The United States was not only to build the canal or to see that it was built, but the United States alone was obligated to protect it and to maintain its neutrality. England was relieved of all obligations and responsibilities, as well as other nations.

That construction is also borne out by the treaty negotiated between this Government and the Government of Colombia after the Hay-Pauncefote treaty was entered into. In article 17 of that treaty it is provided that the vessels, troops, and munitions of war of Colombia shall go through the canal without charge. It reads:

The Government of Colombia shall have the right to transport over the canal its vessels, troops, and munitions of war at all times without paying charges of any kind. This exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Colombia or of the Department of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war, and supplies.

Why was that provision put in the treaty with Colombia? I believe it was placed there because under article 23 it was the duty of Colombia, in case there was trouble on the canal, "to provide the forces necessary for such purpose." Article 23 reads:

If it should become necessary at any time to employ armed forces for the safety or protection of the canal, or of the ships that make use of the same, or the railways and other works, the Republic of Colombia agrees to provide the forces necessary for such purpose, according to the circumstances of the case; but if the Government of Colombia can not effectively comply with this obligation, then, with the consent of or at the request of Colombia, or of her minister at Washington, or of the local authorities, civil or military, the United States shall employ such force as may be necessary for that sole purpose; and as soon as the necessity shall have ceased will withdraw the forces so employed. Under exceptional circumstances, however, on account of unforeseen or imminent danger to said canal, railways, and other works, or to the lives and property of the persons employed upon the canal, railways, and other works, the Government of the United States is authorized to act in the interest of their protection, without the necessity of obtaining the consent beforehand of the Government of Colombia; and it shall give immediate advice of the measures adopted for the purpose stated; and as soon as sufficient Colombian forces shall arrive to attend to the indicated purpose those of the United States shall retire.

That is for the purpose of preserving peace and order and protecting the canal. So that was in line with the general principle of the Clayton-Bulwer treaty that the nations with equal obligations should be treated equally with reference to the use of the canal.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. SIMMONS in the chair). Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. Certainly.

Mr. REED. If the view so often expressed here by Senators is correct, that our Government can not permit the free use of the canal by our own vessels or vessels flying our flag because it is barred from so doing by the clause of the treaty providing that all nations shall have the equal use of the canal, giving to that clause the construction that the expression "all nations" includes the Government of the United States, does not the Senator think that that same clause would have barred us from making the treaty we did make with the Government of Colombia, and have we not already violated it?

Mr. JONES. I think so, Mr. President. By no possible construction can it be held that the United States would be violating the "general principle" by giving a preference to her own citizens and vessels in the use of the canal constructed under her "auspices." On the contrary, such preference is expressly authorized by this "general principle," as under it Great Britain and the United States were not bound to allow the use of such canal on equal terms to any except those who would join with them in affording protection to the canal or those who would assume equal obligations with the United States and Great Britain.

It is contended, however, that rule 1 of article 3 prohibits us from giving any preference to our own ships. It must be borne in mind that the rules adopted as the basis for the neutralization of the canal are rules adopted by the United States to insure the neutralization of the canal. It seems to me that in the discussion of this provision in the treaty that point is overlooked. We simply quote the language of the rule itself without quoting the preamble to it, that it is a rule adopted by the United States. They are not rules adopted for the United States or to govern the United States, but they are rules adopted by the United States to be observed by other nations in the use of the canal consistent with its neutrality.

The United States says, not to herself but to the nations of the world, "You may use this canal if you observe these rules."

Rule 1 is as follows:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

The canal shall never be blockaded, nor shall any right of war be exercised, nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

It is plain to me that this rule refers to nations other than the United States. The United States stands on one side as the maker of these rules. The other nations of the earth are those who stand on the other side and who are to observe the rules and for whose observance the rules are made. This is the natural and ordinary construction to give to this language in connection with the preceding declaration that the "United States adopts" these rules.

The owner of a ferry promulgates rules for the use of his ferry to be observed by his passengers, not by himself, and when he says that "all persons observing these rules may pass his horses and cows over this ferry" no one would understand that the terms "all persons observing these rules" includes himself and that he would charge himself for crossing his horses and cows on the ferry. If the owner of certain lands puts up a sign "All hunting on these premises is prohibited," no one would contend that he could not hunt thereon. So it is with the language of this rule.

It is a rule made by the United States for and under which all other nations or "all nations," if you please, "observing" the rules shall be admitted to the use of the canal, so that when the United States says that the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules it is the same as the ferryman saying that "all persons paying him 25 cents" will be transported across the stream on which his ferry operates, and there is nothing in the world that makes it a discrimination against any of these nations to permit our vessels to go through the canal free, while they pay, any more than it would be for the ferryman to carry himself across without charge.

This rule simply says that all those nations observing the rules laid down by the United States will be treated without any discrimination the one against the other. This is in harmony with the "general principle" contained in section 8 of the Clayton-Bulwer treaty. The United States is the only nation upon which any obligations are imposed in connection with the construction, operation, protection, and maintenance of the canal. All other nations are free from any obligations of any kind, and according to that "principle" the nations without obligations are to be treated alike, while the nation with obligations may receive different treatment.

It seems to me that there is no room for argument and no room for construction. The language is plain and the meaning is clear, and there is not an American citizen with average intelligence who will take any different view as to the obligations and as to the rights of the United States in this respect. While the meaning of this article and of this rule must be arrived at from the language used, the construction that I have given to it is confirmed by what would result from any different construction. If we are to hold that the United States can show no preference to its own vessels, then we must say to the people of this country that their money has built the canal; they must maintain it and operate it at their own expense; they must protect it from disorder, from lawlessness, and from damage; they must maintain its neutrality at the possible expense of much blood and treasure; and, notwithstanding all this, the vessels of war of the United States can not go through the canal except upon the same conditions, with the same restraints, and the same charges which the vessels of war of any other nation must bear and pay, and that the vessels of citizens of the United States can not go through the canal without paying the same charges that are paid by the vessels of the citizens of other countries who have no obligations and who have been to no expense in connection with the canal. If any other construction is advocated, we must admit to our people that the President of the United States, who made this treaty, and the Senators who ratified it, had no regard for the rights and interests of the people of the United States in framing this treaty. This I will not admit.

A further examination of these rules makes it certain that they were adopted by the United States for the observance of other nations. It is said that the canal "shall never be blockaded." The United States would never blockade its own canal or the canal or ports within its control. This can mean nothing except that the canal shall never be blockaded by nations other than the United States; in other words, by "those observing these rules."

Again, it provides that "vessels of war of a belligerent shall not revictual, except so far as may be strictly necessary, in the canal." Does anyone suppose for a moment that a war vessel of the United States going through the canal could not revictual to any extent desired, even though the United States might be at war with some other nation? Is it possible that there is territory under the Stars and Stripes in which our war vessels can not stop to revictual? I can not think so. Our people will never admit it.

It is further provided that "the transit of such vessel through the canal shall be effected with the least possible delay in accordance with the regulations in force and with only such intermission as may result from the necessities of the service."

This clearly refers to nations at war with nations other than the United States. The regulations in force would be regulations made by the United States for the purpose of governing the passage of ships of belligerent nations through the canal. It is ridiculous to suppose that a war vessel of the United States would have to pass through the canal any more rapidly or expeditiously than the United States itself would desire.

Again, it is provided "no belligerent shall embark or disembark troops in the canal." It also is provided in rule 5 that—

Vessels of war of a belligerent shall not remain in such waters—

Referring to waters adjacent to the canal, within 3 marine miles of either end, and which are owned by the United States—

longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible.

Were these rules made to apply to vessels of the United States? Must our war vessels leave our own territory within 24 hours? If so, where will they go? It is too plain to admit of argument that these rules were not made by the United States to govern themselves, but were made to be observed by the nations that were to use the canal on terms of equality. It is unthinkable that we would agree to a treaty that required our warships to leave our own territory within 24 hours, and yet that is what we have done if any other construction is given to this treaty.

Mr. BRISTOW. Mr. President, referring to the matter of the landing of troops, the Senator is aware, of course, that, as a matter of fact, we are now constructing barracks and expect to maintain on the Isthmus and along the canal some two or three thousand American soldiers all the time.

Mr. JONES. Certainly; and we expect and have voted to fortify the canal, and England has not made any objection.

Mr. MASSEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nevada?

Mr. JONES. Certainly.

Mr. MASSEY. I merely want to interject the remark that we are fortifying it for offensive and defensive purposes, so far as this Government is concerned.

Mr. JONES. Certainly; we are dealing with it just as if it were our own, as indeed it is.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES. Certainly.

Mr. POMERENE. Mr. President, the Hay-Pauncefote treaty was made before we acquired title to the Panama strip. The Senator's position, as I understand, is that we have the right to fortify the canal and to blockade it, as we see fit.

Mr. JONES. We have the right to do with it as we please. The provision against blockading does not apply to the United States, because no Government would blockade its own ports.

Mr. POMERENE. Very well. In other words, we have the right to control it. When the Hay-Pauncefote treaty was before the Senate for consideration, the Senator from Texas [Mr. CULBERSON] offered the following amendment:

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections Nos. 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

I take it there is nothing in this proposed amendment which would be inconsistent with the position now taken by the Senator from Washington. It certainly would have added to the clearness of the contention which the Senator is now making. Can the Senator explain why, in view of at least a certain amount of obscurity which there is in the treaty, this proposed amendment was defeated?

Mr. JONES. Mr. President, I do not concede that there is any obscurity in it. It is just as plain to my mind as it is now

worded as it would be with that language in it. I have no doubt that those amendments were voted down by the Senate on the theory that the treaty was plain and that we had that right already, just the same as in the matter of fortifications.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. JONES. Certainly.

Mr. O'GORMAN. Confirming the view of the Senator from Washington, the statement has been made repeatedly during the discussion of this bill that the amendment referred to by the Senator from Ohio [Mr. POMERENE] was voted down at the time under the belief that there was no need of amplifying the language of the treaty; that the treaty as it stood was susceptible only of the interpretation that is now being argued for by the Senator from Washington. The Senator from Massachusetts [Mr. LODGE] has stated during the discussion that when he reported the Hay-Pauncefote treaty it was his belief that the provisions referred to respecting the rules that were to be observed by all nations were rules that were not intended for the control of the United States; that it was the United States that prescribed the rules which were to be observed by all foreign powers that sought the use of the canal upon the terms prescribed by this country, the country that built the canal.

Mr. JONES. Mr. President, that is my position exactly. I do not think that we have any right to infer because certain amendments were offered and voted down, that they were voted down because of opposition to the substance of the amendments themselves. I would prefer, where no record was made, to infer that they were voted down, because they were not considered at all necessary, but that the same ground was covered by the treaty itself. I can not in fact conceive, Mr. President, why any Senator should vote against those amendments unless he thought that the treaty as it was then worded accomplished that very purpose. To think otherwise would be to reflect on his intelligence and patriotism.

Mr. PERKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. Certainly.

Mr. PERKINS. I wish to state that Senator Davis, of Minnesota, was at that time chairman of the Committee on Foreign Relations. He was, as is conceded by all, an authority on international law, and took the view stated by the Senator from New York and that stated by the Senator from Washington. There is no question about it, that the rules we did make were to govern other nations than ourselves.

Mr. JONES. Mr. President, it seems to me it would be a great reflection upon the intelligence and patriotism of Senators who voted against those amendments to accept any different construction.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. Certainly.

Mr. TOWNSEND. Another thought has occurred to me, Mr. President, in reference to that proposition. If the amendment offered by the Senator from Texas at that time had prevailed, it would certainly have excluded the other proposition, namely, the right of the Government to admit its own vessels engaged in the foreign trade through the canal without toll. It would, then, in that case, be recognized as having limited the power of the United States simply to vessels engaged in its coastwise traffic and have excluded those engaged in the foreign trade.

Mr. JONES. But why multiply words? The treaty is plain. Its purpose is clear. There is no ambiguity about it. The canal is to be built under "the auspices" of the United States. It is to assume all the obligations in connection with the canal—to pay the money, to bear the cost, to protect it, to insure its neutrality—and the nations of the world, who have been to no expense and who are under no obligations with reference to the canal, will be treated impartially and without discrimination if they observe the rules prescribed for them by the United States. That is all there is to it. That is our agreement.

If this canal had been constructed under the "auspices" of the United States, as contemplated when this treaty was entered into, it is clear to me that it would be at perfect liberty to give a preference to its own vessels and citizens using the canal, and we might well stop here upon this proposition. There is another phase of it, however, which appeals to me.

When this treaty was entered into there was no thought upon the part of anybody that the United States would acquire the title to and sovereignty over lands on the Isthmus through which the canal could be built. This treaty was made on the basis that the United States would secure concessions of some kind through the territory of the Central American States in accordance with which it would put in the canal or see that it was constructed. Negotiations had been had from time to time with Nicaragua, and negotiations were even pending with Colombia at the time the treaty was made for such concessions, and, under date of January 23, 1903, President Roosevelt transmitted to the Senate a treaty made with the Republic of Colombia under which the United States was given "the exclusive right for a term of 100 years, renewable at the sole and absolute option of the United States for periods of similar duration, so long as the United States may desire, to excavate, construct, maintain, operate, control, and protect the maritime canal, with or without locks, from the Atlantic to the Pacific Ocean to and across the territory of Colombia," and for this purpose the Republic of Colombia granted to the United States for the term of 100 years, renewable as above provided, the use and control of the territory along the route of the canal 5 kilometers in width on either side of the same. This grant, however, amounted to nothing more than a perpetual lease, and was granted upon the conditions set out in the treaty. The United States bound itself to pay Colombia $10,000,000 on ratification of the treaty and an annual payment of $250,000 during the life of the treaty, beginning nine years after its date.

It was expressly provided in article 4:

> The rights and privileges granted to the United States by the terms of this convention shall not affect the sovereignty of the Republic of Colombia over the territory within whose boundaries such rights and privileges are to be exercised.
>
> The United States freely acknowledges and recognizes this sovereignty and disavows any intention to impair it in any way whatever or to increase its territory at the expense of Colombia or of any of the sister Republics in Central or South America, but, on the contrary, it desires to strengthen the power of the Republics on this continent and to promote, develop, and maintain their prosperity and independence.

When this treaty was negotiated no thought was entertained of acquiring the title and sovereignty to the lands through which the canal was to be constructed.

The canal, however, was built under conditions never contemplated by anyone at the time of the making of the Hay-Pauncefote treaty. The essential conditions underlying the treaty are entirely lacking. The canal was to have been built under concessions secured from other countries when using foreign territory. It has been built, however, through territory owned by the United States and over which the United States has full sovereignty. The canal is the actual property of the United States, built in and through the territory of the United States. We own a strip of territory across the Isthmus of Panama 10 miles wide, acquired from the Republic of Panama by a treaty concluded November 18, 1903, ratified by the Senate, and finally proclaimed February 26, 1904. By this treaty—

> The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed, the said zone beginning in the Carribean Sea 3 marine miles from mean low-water mark and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of 3 marine miles from mean low-water mark, with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant. The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise.
>
> The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described, and in addition thereto the group of small islands in the Bay of Panama named Perico, Naos, Culebra, and Flamenco.

As showing beyond question the absolute character of the grant and the transfer of sovereignty from Panama, article 3 of the treaty reads as follows:

> The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article 2 of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article 2 which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

In other words, the United States is, by the express terms of the grant, made the sovereign and proprietor of the land through which and in which the canal is built. These 10 miles across the Isthmus of Panama are the territory or property of the United States. As such, its control and its use is a matter of domestic concern with which and about which no foreign nation can interfere.

The Hay-Pauncefote treaty did not contemplate, and could not contemplate, this state of affairs, and even if under the

terms of the treaty the United States would have been prohibited from giving a preference to its own vessels if the canal had been constructed under the conditions contemplated by the treaty it can not apply to the present situation and to its rights in its own territory.

As I have said before, it would be beyond the power of the President and the Senate by treaty to prescribe rules and regulations with reference to the use or in respect to the property or territory of the United States. That can be done only by Congress. What they could not do they will not be presumed to have attempted to do, and this, in my judgment, is a conclusive argument against the contention that under the treaty the United States is prohibited from giving a preference to its own vessels passing through the canal.

Hon. Hannis Taylor, a high authority on international law, writing to the Washington Post under date of July 24, 1912, states that under international law—

> It is well settled that a treaty becomes "voidable," not void, whenever a change has taken place in the fundamental conditions existing at the time it was made. Hall, the highest English authority on international law, has thus stated the matter:
>
> "SEC. 116. The principle which has been mentioned as being a sufficient test of the existence of obligatory force or of the voidability of a treaty at a given moment may be stated as follows: Neither party to a contract can make its binding effect dependent at will upon conditions other than those contemplated at the moment when the contract was entered into, and on the other hand a contract ceases to be binding so soon as anything which forms an implied condition of its obligatory force at the time of its conclusion is essentially altered. If this be true—and it will scarcely be contradicted—it is only necessary to determine under what implied conditions an international agreement is made. When these are found the reasons for which a treaty may be denounced or disregarded will also be found."
>
> In my own work on international law I have stated the matter in this way: "After the validity of an international agreement has been firmly established by the concurrence of such antecedents it may become voidable through the operation of subsequent events, which might not have such an effect in the case of private contract. So unstable are conditions of international existence, and so difficult is it to enforce a contract between States after the state of facts upon which it was formed has substantially changed, that all such agreements are necessarily made subject to the general understanding that they cease to be obligatory as soon as the conditions upon which they were executed are essentially altered. In 1870, when Russia determined to repudiate some of the vital provisions of the treaty of Paris relating to the Black Sea—by which she had been fettered at the close of the Crimean War, and which her subsequent development had rendered unbearable—she rested her case, in part, upon that ground in the circular 'addressed to the powers asserting that the treaty of March 30, 1856, had not escaped modification to which most European transactions have been exposed, and in the face of which it would be difficult to maintain that the written law founded upon the respect for treaties as the basis of public right and regulating the relations between States, retains the moral validity which it may have possessed at other times.'"
>
> The two great humiliations to which Russia had been subjected by the treaty of 1856 consisted of the forced surrender of her protectorate over the Eastern Christians and of the abrogation of her rights to keep war vessels in the Black Sea and to maintain naval arsenals on its coasts. So keenly did Russia feel the restraints placed upon her sovereignty by the stipulations last named that the moment the ally who had aided England in imposing them upon her was stricken down she notified the other signatory powers, in a circular issued in October, 1870, that it was impossible for her to be longer bound either by the objectionable articles of the treaty of 1856 or by the convention of the Straits, really a part of it. To save appearances England deemed it best to call a conference in which the demands of Russia could be duly ratified. The representatives of the powers, who met in London in January, 1871, after declaring that no State can break or modify a treaty without the voluntary assent of the other contracting parties, finally annulled, on March 13, articles 11, 13, and 14 of the treaty of Paris, while Russia and Turkey, by a separate agreement, abrogated the special convention made between them at that time as to the size and number of armored vessels the two riparian proprietors might maintain for police purposes.
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> The radical change wrought in conditions existing at the time of the making of the Hay-Pauncefote treaty by the transformation of the Canal Zone from foreign territory into domestic territory of the United States beyond all question renders the treaty "voidable" at the instance of the United States, under the principles of international law stated above. Apart from our peculiar position and rights under the Monroe doctrine, how can we permit the European powers so far to interfere with our domestic affairs as to dictate the regulations to be made of the tolls to be charged in a domestic waterway built exclusively with our money and within our own territory? Certainly no patriotic American statesman or publicist should ever consent to the submission of such purely American and domestic interests to the arbitrament of The Hague tribunal, which will always be dominated by European jurists naturally hostile to us on questions of that character.

This treaty does not apply to the canal as constructed. If we had acquired the 10-mile strip we now own, the treaty would never have been entered into. We would have gone on and built the canal without consulting any other nation on earth. If we want to build another canal or promote its building through foreign territory this treaty would apply, but so far as the canal is now built is concerned it is just as if the treaty had never been made.

But, in any event, under the plain terms of the treaty we are not prohibited from giving a preference to our own ships, and by reason of the changed conditions not contemplated in the making of the treaty by which the canal is our own absolute property, constructed in and through our own territory, the treatment of our vessels is a purely domestic matter, with which no other nation has any concern and with which we will tolerate no interference whatever upon the part of any other government. We may quibble and split legal hairs all we please here, but the people of the country know that this canal is ours, that it passes through our territory; and they know that, being ours and passing through our territory, we can use it as we please and permit its use to our citizens upon such terms as we see fit to impose, and they will brook no interference with our rights in this respect by any nation on earth.

Mr. President, foreign countries never hesitate to protect their own. Foreign statesmen deem it their duty to promote the interests of their own citizens rather than those of other people. They assert their own claims rather than the rights of others. We will do likewise. We will observe our treaties with scrupulous honor, but we will insist upon our rights with unyielding firmness. The title to our territory, the integrity of our sovereignty, will be maintained at any cost. The American people will be fair, just, and impartial toward the nations of the earth, but interference in the control of their domestic affairs and their treatment of their own people will not be tolerated. When we surrender to a foreign power the right to determine the treatment we shall accord to our own citizens, then we have surrendered the Nation's strength and we will become a "hissing and a byword" among the nations of the earth.

If we have the right to relieve our coastwise shipping from the payment of tolls, as I am firmly convinced we have, should we do it? It has been our policy to relieve domestic commerce from restrictions and burdens rather than to increase them. At one time tonnage taxes were imposed, but in their imposition our own vessels were always favored as against foreign ships. Now no tonnage duties are imposed on vessels in the coastwise trade. These burdens were not removed for the sole purpose of benefiting shipping, but more for the benefit of the people, because such taxes were a greater burden on the consumers than they were on shipping.

To impose tolls on our coastwise trade passing through the canal is to discriminate in the coastwise trade. It is claimed that about 10 per cent of our coastwise trade would pass through the canal. This would pay tolls. The other 90 per cent will be entirely free. While this 90 per cent does not go through the Panama Canal, it goes on rivers and into harbors and through canals upon which the Government has just as surely expended hundreds of millions of the people's money. I can conceive of no reason why tolls should not be charged on these rivers, at these harbors, and in these canals that does not apply to the Panama Canal. We can not afford to begin now the policy of discriminating in our coastwise trade. Millions have been spent at the Soo Canal; 50,000,000 tons of commerce pass through it in a year without the payment of a dollar of toll. Why? Because it is and has been our policy for many years not to impose such burdens on domestic commerce. It is said that to remit the tolls on the Panama Canal would be a gift to shipping.

Is this a gift to the shipping interests of the Great Lakes? No; because if tolls were levied, it would be a legitimate charge against consumers. No; it is in the interest of the people, of the consumers and producers of the United States, of the Middle West, and the East that no tolls are charged. No; it is rather in the interest of the whole Nation, because the whole Nation is benefited thereby. The Soo Canal is a great national work. While it may be of special benefit to certain sections of the country, it is of benefit to all. It was put in by the Nation's money, and it is a narrow view that sees no benefit except to the immediate territory served. The people of the Pacific coast did their part toward paying the cost of this improvement, as well as the cost of improving the harbors of the Atlantic and the Gulf and the rivers of the East and the great Middle West. We are glad to do it, because these are great national works of national benefit.

The Panama Canal is a national work and a national benefit; the more nearly national of any work ever undertaken by the Government. Why should not the domestic commerce passing through it also pass through free the same as it does through the Soo? If we impose tolls on the commerce passing through the Panama Canal, what objection can be urged against imposing taxes on the commerce through the Soo? Freedom of domestic commerce is a national policy and was placed in the statute law in 1884, when it was provided—

> That no tolls or operating charges whatsoever shall be levied or collected upon any vessel or vessels, dredges, or other passing water craft through any canal or other work for the improvement of navigation belonging to the United States.

This law applies to the Panama Canal unless repealed. It was enacted as a wise governmental policy. Its wisdom has never before been questioned, and I submit that it is unwise, unjustly

discriminatory, unpatriotic, and un-American to single out this, the greatest of American internal improvements, and the American commerce that may pass through it, and impose upon it a burden that is not borne by commerce passing from port to port under similar conditions.

We have boasted of the freedom of our internal trade. To this freedom we have attributed much of our wonderful growth and development. No partisan differences have arisen as to the wisdom of this policy. The products of the East and of the West, of the North and of the South, go to any port of our great country untrammeled and unvexed by governmental tolls, taxes, or exactions. Under this powerful stimulus great cities have been built, vast sections of the country have been populated and cultivated, heavy forests have been leveled and given place to fruitful farms and prosperous homes, deserts have been reclaimed, and the fertility and energy of the ages have been turned into wealth for the happiness and comfort of thousands. The continent has been crossed, rivers have been spanned, mountains have been tunneled, and great transportation lines constructed from coast to coast. Under its benign influence billions of wealth have been created, millions of people have been attracted to our shores, and the greatest commercial and national development of the world's history has been attained in a little more than a century of time. Under this influence the development and civilization of the Pacific coast have made the Panama Canal a military, commercial, and national necessity, and it would be nothing short of national folly to impair the effectiveness of that canal by the imposition of financial burdens.

What is the objection to free passage of American ships through the canal? This: It is urged that to relieve shipping of these tolls amounts to a gift to them, and that this is unfair to the American people, who have built the canal; and it is pointed out that $400,000,000 of the people's money will be expended in the construction of the canal and that it will cost from ten to fifteen million dollars each year to maintain it; and the question is asked, Why should the people bear this burden? Why should not the ships passing through the canal bear their share? If the ships use the canal why should they not pay for it? It ought to be a sufficient answer to say that if payment is exacted of the ships passing through the Panama Canal why not from ships at the Soo, on the Mississippi, on the Columbia, on the Ohio, at New York, Galveston, and all other ports which have practically been made by the people's money and for which we appropriate each year for maintenance and further improvement millions of the people's money? No suggestion is made, however, that this should be done, or that the law to which I have referred should be repealed, and I venture to say that if it were proposed to impose tolls on the ships passing to these ports through the canal and on these rivers there would be determined opposition to it; but just as sure as tolls are imposed upon American ships passing through the Panama Canal so sure has the end come to the free passage of ships through domestic ports and channels of transportation made and improved by the people's money, and those who favor the imposition of tolls at Panama might just as well understand now that they will have to face that proposition.

I do not favor no tolls at the Panama Canal as a special benefit to shipping. It is significant that those interested in shipping transportation who appeared before the committees when hearings were held did not attach very much importance to the question as to whether shipping should be free or not. This indifference, in my judgment, came from the fact that in the end the shipowners would not pay the tolls. They would pass them on to the consumers as they do other operating expenses. This is the very reason why I am opposed to imposing tolls, and it lies as the basis for the law to which I have called attention. I oppose these tolls in the interest of the people, of the consuming public, who, in the end, must pay them, and not in the interest of shipping.

If I believed the burden of paying the tolls ended with the shipowner, I would not be so much opposed to levying tolls; but I do not believe it. The business interests of the country do not believe it. They know that it is a burden on them and upon their consumption, and this is the reason why they are almost universally against it, and this is the reason why, in 1884, we enacted the law relieving all domestic commerce from these burdens.

One great object in the construction of the Panama Canal, aside from its military benefit, was to secure the shortest possible unobstructed water route from coast to coast in competition with the transcontinental railroad lines; not to destroy them, but to regulate and control their rates. Such a controlling influence is very desirable and of the greatest benefit to the people of every section of our great country. The ideal water route would be secured by leveling the Isthmus of Panama so as to allow the ocean waters to go over it of sufficient depth to float the largest ships. This we can not have, and the nearest to it is a canal with the fewest and lightest possible burdens.

Why should we impair this competitive agent by imposing burdens upon it at the very beginning? Why not give it a fair test—a fair trial—and see just what the effect of its competition will be on railroad rates?

I believe, and I think the country believes, that water transportation is far cheaper than railroad transportation and that water competition will do more to lower and maintain railroad rates at a just level than any other influence that can be brought to bear. Let us give it a fair test and see whether or not this is true. If it does not bring about the result expected we can then impose such burdens as we think the traffic will stand without passing them on to the people.

Levy tolls on American shipping passing through the canal and you impose just that much of a tax, not on the shipping, but on the people of the country, on the consumers of products carried through the canal just as the consumers of products carried on the railroads pay the freight. You may argue all you please that these tolls would be so small that if distributed to the pound and the ton they would be so light that no one would feel them and the same would not be collected from the people, but we know that in the year's business they will be collected from the consumers just the same as any other legitimate expense.

But this is not all. Every burden by way of tolls placed on this competitor of the transcontinental railroads diminishes the efficiency of that competitor just to that extent. This, it seems to me, is axiomatic. Do the people of the country want the efficiency of the competitor they have created at such a tremendous cost diminished by the imposition of tolls? I can not think so. Again, and this to my mind is the most important consideration in connection with the question of levying tolls, all tolls laid on the competitor of the railroads enables the railroads to maintain their rates at a higher level than they could if there were no tolls. This is certainly true if the Panama Canal is a real competitor with the railroads. How much higher the railroads could maintain their rates no one can tell. It probably would not be the amount of the tolls per ton but in the aggregate it doubtless would amount to far more than the aggregate of the tolls collected on the Isthmus. We know this, too, that a tax levied on a competitor is often made an excuse for charging more by the nontaxed competitor on his products than he otherwise would charge, and oftentimes an excuse for charging a greater amount even than the tax itself.

To levy tolls on domestic ships going through the canal is to make the people pay not only these tolls in the increased cost of the things they buy transported by the ships, but it also will make them pay a far greater amount in freight rates to the railroads of the country. This is not only true as to the coast-to-coast business, but it also will be true of the interior business of the country. Water routes from coast to coast affect the railroad rates far inland, and the more effective the coast-to-coast competitor the farther inland will railroad rates be affected.

Mr. GALLINGER. Mr. President, some years ago I spent a delightful hour watching American shipping go through the Sault Ste. Marie Canal, which, I assume, goes through free of toll. I noticed what is well known to most people, that the Canadian Government has built a parallel canal to ours, through which Canadian ships also go free.

Mr. JONES. I think so.

Mr. GALLINGER. If that Canadian canal had not been built, would we have exacted tolls from the Canadian shipping if it had passed through our canal?

Mr. JONES. I should think so, unless some other arrangement were made by the two Governments.

Mr. TOWNSEND. No.

Mr. GALLINGER. Would the Canadian shipping have passed through our canal free of toll?

Mr. TOWNSEND. Our treaty with Canada provides for the free mutual use of international waters and of Lake Michigan by the signatory nations. Under it the Sault Canal, the Welland Canal, the St. Clair Canal, and the St. Lawrence Canals are open to the boats of both countries. Part of these waterways are wholly in American territory and some are entirely in Canadian territory, and the treaty gives the benefits of navigation in all four to both countries.

Mr. GALLINGER. So there was reciprocity as between the two countries?

Mr. TOWNSEND. There was.

Mr. GALLINGER. Then we would get a quid pro quo for any benefit we might give the Canadian shipping. I simply wanted to clear that in my own mind, because I did not know

exactly what the rules were there. I very strongly sympathize with the position the Senator has taken and is so ably advocating to-day, and I will join with the Senator in endeavoring to get our vessels through the Panama Canal free. I think we ought to legislate in that direction, and not burden our American shipping on the ground that we are tied up by some treaty that never would have been made had the same conditions existed at that time as existed when the canal was built.

Mr. JONES. Knowing the broad and patriotic view the Senator from New Hampshire takes with respect to all great problems, I was satisfied that he would take that position in reference to this matter.

So, as I view it, if we should levy $1,500,000 annually as tolls on American shipping going through the canal this would be paid in the first instance by the shipping interests and, if it stopped there and if they alone bore this burden there could not be much objection to it, but it would not stop there for at the end of the year they will have collected from the people of the country this $1,500,000. The people will have paid it. In addition to this the railroads of the country will have been enabled to collect from the consumers of the products transported by them many times $1,500,000 in additional freight rates that they have been enabled to collect because of the imposition of tolls on their competitor through the canal. The business interests of the country know this and they look to us to relieve them from this burden. The railroads are not to be condemned for taking advantage of such a situation. They are not to be condemned for looking with apparent indifference upon our attitude upon this important question, although I am satisfied that they are doing all that they can to encourage the sentiment favoring the levying of tolls. We, as the representatives of the people, ought to be condemned, in my judgment, if we allow this burden to be placed upon the people of the country by our legislative action. We should not permit the charge that we are favoring the shipping interests at the expense of the Federal Treasury to swerve us from what we believe to be for the real and lasting benefit of the people of the country.

And right here, as I have done before, and as I expect to do at every opportunity, I want to refer to the intolerant spirit that sees wrong motives in everyone who does not agree with us. I note on the part of those who are in favor of free tolls the charge and suggestion that those opposed to free tolls are the tools of the railroad interests of the country. Their motives are questioned, and the impression is given to the people that the Senators and Representatives who are opposed to free tolls are willfully and purposely working for the railroad interests. This is not true. Their motives are just as honorable and just as patriotic as are the motives of those who favor free tolls. They believe their opposition is in the interests of the people, and any suggestions to the contrary are wholly unfounded and unjust. On the other hand, I note that it is charged that those favoring free tolls are working for the benefit of the shipping interests and the suggestion is made to the people that these Senators and Representatives are disregarding the interests of the people and are purposely aiding and promoting the shipping industry to the detriment of the people's good. This is unfair, unjust, and unwarranted. The differences on this great question are honest differences upon the part of Representatives and Senators who are all reaching for a common goal, and that is legislation which will be of the greatest good to their people and their country. I am for no tolls not because this will benefit shipping, not because it will injure the railroads, but because it will benefit the people and I believe this is the motive actuating every Senator in his action on this bill.

The levying of tolls will decrease the use of the canal to a greater or lesser extent; how much no one can say. The people want the greatest possible use made of it. We can get this only by relieving the shipping of all possible burdens. The greatest possible use of the canal by domestic shipping means the greatest possible influence toward lowering railroad rates. It is contended by some that if tolls are charged on American ships no ships will be built to use the canal. This statement I believe to be too strong. There will be no inducement to build ships for the foreign trade but there may be, and doubtless will be, business sufficient to induce the building of additional ships for the coastwise trade. I have no doubt, however, but that no tolls will mean the building of many more ships than would be built if tolls were levied. If this is true, it would be a great national benefit in the employment of additional labor in American yards at American wages and more happiness and comfort in American homes.

We ask no favors, but we do ask that the policy of more than a quarter of a century toward our domestic interstate commerce in our rivers, harbors, and canals be applied to our domestic commerce through our canal across our territory on the Isthmus of Panama. We ask that no toll gatherer be stationed at the portals of this the greatest of all national works to halt and burden our own ships seeking to use our national waterway, and especially those going from one American port to another loaded with American products for American consumers. We ask that this great competitor of the transcontinental lines be unfettered and untrammeled to do the great work of lowering and controlling rates in the interest of the great American consuming public. We ask that its cost and expense be borne by the Nation, as the cost and expense of all similar works are borne in order that all the people of the Nation may receive the blessings and benefits that we expect to flow from it. We ask that the flag of our country may mean the same on all American ships passing through this canal that it means on an American ship in any other American waterway—equal opportunity, equal rights, equal benefits, equal treatment to all our people and to every section of our beloved land, and no interference by any foreign power.

The other important question in this bill is the one as to whether or not we should exclude railroad owned or controlled ships from the canal. They are deserving of fair treatment and just consideration, the same as any other great business. They have been a tremendous influence in the wonderful development of our country. They have had much to do with producing the civilization of which we are so proud and are lasting monuments to the nerve, confidence, ability, and genius of American enterprise. They furnish to-day a service that is keeping pace with the demands of a rapid-living people, and nowhere in the world are accommodations so excellent, the service so perfect, or the rates so reasonable as in the United States.

The railroads are quasi public agencies. They perform governmental functions, and as such they should be confined to the purpose for which they are built, to wit, the transportation of passengers and freight on land over the lines constructed and operated and under Government supervision and control. While owned and operated by private individuals they secured their franchises through the Government, State or National, for a particular purpose, and they ought to be restricted in their operations to the particular service for which they are organized.

Because of the abuses which have grown out of their engaging in other than transportation business legislation has been enacted to eliminate their ownership and dealings in commodities in conjunction with their transportation business, and such legislation has met the approval of the people. Railroads are operated by men moved by the same purposes and impulses as dominate those engaged in other enterprises, and it is not to be wondered at that they strive to monopolize transportation. It is natural that they should seek all the business and profit possible. They are big enterprises and big men, powerful men, domineering men, and they bend their energies to securing the profits that accrue to the business and also keenly enjoy the feeling of conquest that comes from the overthrow of a rival competitor.

It has been the policy of the railroads in the past to stifle, control, and to minimize water transportation. As a result transportation on our rivers has practically disappeared. In many cases it has been driven out of existence by the cutthroat rates made by railroad lines for that very purpose. So often had this been done that two or three years ago legislation was enacted to prevent it. It also is generally known that the principal steamship lines of the Great Lakes and the Atlantic and Pacific coasts are to-day under the control and operated by railroad lines, and the result is that there is no great difference between the rates charged by the railroads and those charged by the water lines for the same service. This result has come about not by the reduction of railroad rates but by the raise of water rates.

In the opinion of the Interstate Commerce Commission, in the case of the Jennison Co. et al. *v.* The Great Northern Railway Co. et al., rendered March 15, 1910, and involving rates on the Great Lakes and corresponding railroads, the commission says:

> Certain railroads with lines reaching from Chicago to the seaboard, or from Buffalo to the seaboard, own and control practically all of the railroad mileage between Chicago and the seaboard, and also own or control all of the regular lines of package-freight-carrying boats on the Great Lakes. Therefore practically all of the tonnage of wheat and wheat products that is transported either all-rail or lake-and-rail, or rail-lake-and-rail from Minneapolis or Duluth to the seaboard or to New England is transported in whole or in part by these carriers.
>
> Prior to the absorption of the lake lines the rail-lake-and-rail and lake-and-rail rates on flour had fluctuated considerably, but, in general, the rail-lake-and-rail rate was a well understood and established differential of 5 cents per 100 pounds under the all-rail rate. Early in 1898, after the railroads had secured control of most of the lake lines, that differential was narrowed to 3 cents by increasing the rail-lake-and-rail rate, and in April, 1902, after the railroads had completed their control of the lake lines it was narrowed to 2 cents by another increase in the rail-lake-and-rail rate. Sixty-five per cent of the product of the

Minneapolis mills that goes to the territory east of Buffalo or Pittsburgh is shipped rail-lake-and-rail.

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In 1900 the rate on flour via lake and rail from Milwaukee to New York was 24 cents per barrel, and in 1907 it had been increased to 31 cents per barrel, while during the same period the rate on wheat via the Lakes from Milwaukee to Buffalo was reduced.

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The traffic manager of one of the defendants herein expressed the opinion that 3 cents per 100 pounds would be a fair difference between all-rail and rail-lake-and-rail rates on flour, and admitted that, because of common ownership between the all-rail and lake-and-rail carriers, if a 5-cent differential were agreed upon it could be maintained. Another traffic officer of one of the defendants expressed the opinion that a differential of 2 cents is not sufficient.

This is sufficient to show what has been done on the Great Lakes.

I also desire to call your attention to the statements made by Hon. J. N. Teal, of Portland, Oreg., before our committee. Mr. Teal represented the various organizations and business interests of the Pacific coast and has given special attention to the matter of railroad and water rates. He says:

Let me give you an illustration in which I have said I am interested. I may not be able to speak about it understandingly, but I can speak feelingly, because I have helped pay for it. We have on the Columbia River a boat line that was started by the people for the purpose of operating on the Columbia River. Upon one bank of that river runs the O. W. R. & N. Railroad and on the other bank the Spokane, Portland & Seattle Railway. The latter railway company also operates a boat line upon the same river between Portland and The Dalles in competition with itself and in competition with this boat line. Let me show you the result when you are operating against this kind of a proposition. You have a railroad owning a boat line, or rather two railroads owning a boat line—the Great Northern and Northern Pacific—with an income of not less than $130,000,000 or $140,000,000 a year, and, on the other hand, you have a boat line operating on the same river simply to get the traffic and to get it on reasonable terms. I will submit to the committee that if rates are put so low as to be nonremunerative and the railroads lose $100 a day running their boat line on that river they could take this insignificant sum out of their $130,000,000 or $140,000,000 and not miss it. On the other hand, suppose some steamboat company or some small organization that is trying to operate a legitimate line has to go down into its pocket every day and dig up $100 to meet the deficit, how long would it last? When this boat line was started, in 1905, the rate on cement to The Dalles was 10 cents per hundred and the rate on cement to Salida was 13 cents. The rate to The Dalles has been reduced to 6¼ cents by rail, and the railroad boat line has hauled it as low as 4 cents per hundred to The Dalles, or 80 cents a ton. If you gentlemen understood the river as some of these Senators do, you would understand what these rates mean; but this is the kind of competition you meet in attempting to establish boat lines all over this country.

Dr. Johnson stated that he was not familiar with the fact of boat lines being operated in competition with railroad lines, but from the report of the Union Pacific Railroad Co. of 1911 it appears this railroad company owns all of the stock of the San Francisco & Portland Steamship Co., which is a steamship company operating between Portland and San Francisco. The report further shows the ownership of the steamships by the Union Pacific and an explanation that they are operated by the San Francisco & Portland Steamship Co. between San Francisco and Portland, the charter for which has not yet been agreed upon. You are familiar with the fact that the Southern Pacific Co. operates a line of railroad between San Francisco and Portland, and that the Southern Pacific and the Union Pacific Railway Co. are closely merged and affiliated institutions, and I give you that simply as illustrative of the situation.

Mr. Teal also submitted a letter from Mr. E. W. Spencer, from which I quote—it may be stated that Capt. Spencer was in the steamboat business on the Ohio River as well as the Columbia River and other rivers of the West for many years:

A subject of legislation which is of very great importance to the independent transportation interests is that which would tend to prohibit the ownership of steamboat and steamship lines by the railroad interests where there is any competition whatsoever between rail and water transportation. The railroads of the United States owe their very existence to the right of eminent domain. This right was granted them by their customers, the shippers, and has been usurped by them and used by the larger interests to throttle small independent railroads and water transportation facilities, to the detriment of the shippers.

During the 38 years that I have been interested in water transportation in the Pacific Northwest my experience has been that wherever a good paying line of steamers has been established that the railroad companies and those interested with them have inaugurated rival and competing lines of steamers, and the competition thus begun has always tended to the depletion of the financial interests of the weaker water lines and to their utter extermination.

Thirty years ago there were plying on the Willamette River from Portland to upper Willamette Valley points, such as Salem, Corvallis, Dayton, Eugene, and intermediate points, nine steamboats. Those interests, now represented by the O. W. R. & N. Co., inaugurated steamers in competition with the established steamboat lines and the O. & C. Railroad Co., later the Southern Pacific Railroad Co. Later the O. W. R. & N. Co. and their connecting steamer lines were absorbed by the same interests that absorbed the Southern Pacific. Since that time the ruinous rates put into effect by the railroad interests have driven these steamers out of the profitable business of the Willamette Valley, until now there are but two craft plying on the Willamette River, and these are giving very poor and infrequent service. This state of affairs exists, in spite of the fact that the Willamette Valley has been developing year by year and is one of the largest producing sections in the State of Oregon. No other reason can be attributed for the cessation of water transportation on the Willamette River than that of railroad-owned steamboats. No small operator can afford to install a steamboat line in competition with the railroad interests on this river without it resulting in crippling him financially and in accomplishing his utter ruin. The vast wealth behind the railroad interest is too strong to buck against.

In this same vein can be cited my own personal experience on the Columbia River between Portland and the head of navigation for vessels plying out of Portland on the Columbia River, namely, The Dalles. In 1903 I inaugurated service between these points by placing the steamer *Charles R. Spencer* on the run. A fight was immediately commenced by the Regulator Line, who had theretofore been more or less intimately connected with the O. W. & N. Co. through traffic agreements. When the Great Northern interests commenced to build their road down the north bank of the Columbia from Spokane to Portland they secured a controlling interest in the Regulator Line. The river transportation, both as to freight and passengers, could be carried profitably at a less rate than the railroad company were charging for the same business. When the North Bank Railroad was placed under the control of the operating department the steamboat line, which had been used for the construction of the road, was utilized to drive the remaining vestiges of river competition into oblivion. I contended against these odds until the summer of 1910, when I was forced by the utter lack of returns in a financial way to withdraw from the business and to sell the steamer. Since that time this same line of steamers has been running in opposition to the Open River Transportation Co. This company was formed and promoted by the business men of Portland and the Columbia River Valley to utilize the natural advantages afforded by the Columbia River for the transportation of farm products and farm supplies to and from Portland and upper Columbia Valley points in connection with the State Portage Road, built by the State of Oregon around The Dalles Rapids, from the Big Eddy to Celilo. This road was originally built by the State of Oregon to assist water lines in transporting freight in direct competition with the railroad companies and has since been extended to The Dalles, Oreg., because of better connecting facilities. At the completion of the Celilo Canal, now under construction around The Dalles Rapids, this portage road will be abandoned.

If the competing lines of railroads, one the O. W. R. & N. Co. on the south bank of the Columbia River, and the other the Spokane, Portland & Seattle Railroad, a child of the Greath Northern Railroad, on the north bank, are permitted to own and operate steamboats in competition with those operated by local companies, there can be but one result: The present company, which is fighting for its existence, will be driven from the river and will retire a financial wreck. Railroad-operated steamboats will then begin to curtail their service until it will become so inadequate and such poor accommodation to the farmers in the upper Columbia River Valley that rather than be subjected to the delay in transportation and infrequent service they will ship their goods by railroad at much higher rates. When this result has been accomplished, and it will not take a great period of time, the railroad-owned steamers will be tied up somewhere in winter quarters and they will not be brought out and again placed in operation until some private steamboat interests again have the nerve and audacity to reestablish a new line of steamers. At that time the railroad-owned steamboats will again be brought into operation and but for the one proposition—to drive out honest and legitimate competition.

It appears that this control is so complete on the Atlantic coast that the business and the territory are divided or distributed so that the boats of one line stop at one port and the boats of another line pass that port by and stop at another terminal, so that there is absolutely no competition.

With these conditions known to all we face the question of allowing railroad-owned ships to pass through the canal or to exclude them. I do not like to exclude an American ship from the canal, however owned, but I do not want to see one of the prime purposes of the canal throttled. We have always looked upon the canal, when constructed, as a great regulator and leveler of railroad rates. We have expected it to be the one great free highway of commerce, safe from railroad control and domination. The people of this country are almost universally against its use by railroad owned or controlled ships. The business interests generally and those directly connected with the business of the canal are especially for their exclusion. The people who are to be served are for their exclusion, and the sections of the country directly affected are for such exclusion. On a matter of this kind I am willing to accept the judgment of the people. I have great confidence in the wisdom of the ultimate aggregate judgment of the people of the country and believe in enacting it into law. I wish the railroads had not given the people cause to feel this way toward them, but they have. The people are satisfied that the construction of the canal across the Isthmus was delayed many years by great railroad influences. They now fear that this great work, being about accomplished, that these same influences are seeking to control it. They do not want this done and, in view of their influence on other waterways, and in view of the almost universal sentiment of the country, I feel that we should keep the Panama Canal as free from railroad influence as we possibly can by legislation.

I shall take this course, not in any special antagonism to the railroads of the country, but giving them full credit for being the greatest agency in the building up of our splendid civilization and for doing more to bring all the people the many comforts and blessings and the great prosperity they now enjoy than any other agency. I believe it is for the best interests of the people as a whole that they should be excluded from the canal. This should be done now. If we wait until they build their ships, establish their service, and secure their business, we will not exclude them except after a tremendous struggle, if at all. We know what influences can be brought to bear, what arguments advanced, and what fears aroused against a disturbance of established conditions. It would take a political

revolution to do it. There is no business to be disturbed now, no property values to be impaired, and no injustice will be done.

It is urged that if we do not let railroad ships pass through the canal the waterway will be idle. I do not believe this. The very moment we decide that such ships can not go through the canal in the coastwise trade independent capital will begin to prepare to handle the business between the two coasts that all know will be waiting the opening of the canal. The present coastwise business will not be disturbed by the withdrawal of the ships now engaged in it, and our shipyards will be put to work to build the ships to carry the traffic that all well know to be waiting. If we allow railroad ships in the canal many of those now in the coastwise business will go into this trade and the present service will be lowered and allowed to deteriorate. By excluding them we will induce more shipbuilding with all that that means in the employment of American labor and the purchase of American supplies.

I realize that we may not be able to keep the railroad-owned ships of Canada from the canal. I wish we could and hope we may devise some way to do it; but these ships will not act in conjunction with the railroads of this country, and they will be more active competitors with our railroads than their own ships would be, and so this may not be entirely bad. That is one of the evils we may have to bear and may offset some of the disadvantages that some seem to think Canada will be under by reason of free tolls.

I know of but four railroad-controlled ships that are now proposed to be built—the Pacific Mail, controlled by the Southern Pacific, under the advice of Mr. Schwerin, who says it wants to build four steamers for the transoceanic trade, with the privilege of doing some coastwise business. This proposal is attractive to me. I admire the ability, energy, enthusiasm, and patriotism of Mr. Schwerin. I believe he is sincere in his patriotic purpose to fly the American flag over these vessels in the foreign trade. I do not believe, with some, that he has an ulterior motive. I can appreciate the patriotic pride of a man like him in being instrumental in having constructed four great steamers to fly the American flag across the seas in foreign ports, bearing from our shores the products of our farms and factories. I would vote for it in a minute if the ghosts of throttled water lines did not come before me from the rivers and lakes and harbors of my country and protest against it.

I hope we may shut out the railroad ships, and I earnestly hope that the Pacific Mail will separate itself from the Southern Pacific and that Mr. Schwerin can get the money to build these great ships and see the American flag flying at their mastheads in oriental ports.

If Congress decides now that railroad-owned and railroad-controlled ships can not use the canal, I believe money can be secured for the building of these four ships as well as others that may be needed in and demanded by the business that will desire to use the canal. Do I know where? Of course not. But Capt. Dollar, an experienced shipping man, said in his testimony before us:

Senator BRISTOW. Suppose that the railroads were not permitted to have any steamship that used the canal and it was left open free from competition with the transcontinental railway companies' ships, do you think there would be a traffic developed, so good a traffic, that it would insure the investment of money in ships to handle the business via the canal?

Capt. DOLLAR. Yes; I feel quite sure of it.

Senator BRISTOW. It has been said to us here by a number of persons that unless the railroads build these ships nobody else would build them, and that the canal would not be used by anybody else.

Capt. DOLLAR. If I had a certainty, or even a prospect, of bucking up against the railroads there, I certainly would not build any ships. If I had a fairly good certainty of getting a square deal, I would not hesitate to build ships for that business.

Senator BRISTOW. Then, as a shipowner and an operator and builder of ships, you would not want to get up against such competition as railroad-owned steamship lines could give you in this coastwise traffic; you would not want to risk your capital in that enterprise, would you?

Capt. DOLLAR. No, sir. That is the sentiment of all shipowners with whom I have come in contact. Other than the ships nowadays constructed for the American-Hawaiian Line, there are no ships being built to engage in the canal traffic.

Senator BRISTOW. Your opinion is, then, as I understand it, that if it were known that the railroads would not be permitted to engage in that traffic, and that it would be free and open to steamship men to use, that steamships would be built and put in there by others?

Capt. DOLLAR. I think so, sir; there are a great many ships building now to engage in the coastwise trade on the west coast of South America—there are quite a number of ships being built for that trade.

Mr. Evarts, who appeared in behalf of the Pacific Mail, and who is the counsel of the Southern Pacific Railway Co., made this significant statement before the committee:

If the canal is not regulated, the real danger will not be that ships owned by railroads are going to stifle competition in the canal and drive out other business. If unregulated, the danger will come from the aggregations of foreign capital now engaged in shipping, that are now waiting and considering and preparing and planning to go into the canal. These foreign lines are backed by enormous amounts of capital. Their ships for the coastwise trade will be built in this country, of course, and put in the name of an American, but they will be to all intents and purposes foreign ships. It may be a fact, not perhaps important here, but yet one of general interest, that when there was a likelihood of the subsidy bill being passed by Congress the foreign shipowners sent to the shipyards of America and asked, with no conditions or anything: "How soon can you build us 20 ships?" That was from one line. If canal traffic is left unrestrained the danger of stifling competition in the canal will not come from American railroads, but from foreign capital.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. JONES. Certainly.

Mr. GALLINGER. I desire information. Will the Senator, as briefly as may be, state precisely what harm is to come from permitting so-called railroad-owned ships passing through the Panama Canal? The people of the country, the men and women of the country, own these railroads. What harm exactly is to come? The Senator speaks of throttling competition. Are they going to reduce rates to a nonproductive point and thus make it impossible for private-owned ships to profitably navigate the canal, or what are they going to do? What is the danger?

Mr. JONES. Mr. President, I thought I had pointed out some of the dangers that I apprehend. One is, of course, as I said, based on the experience we have had in reference to water lines of transportation and what heretofore apparently has been the policy of the railroads. Congress became so convinced of the policy of the railroads in this connection that we put a provision in the last railroad bill to prohibit them from cutting rates for the purpose of destroying water competition. They—the railroads—have cut rates to destroy water transportation, and when that was done they have put rates back to what they thought the traffic would stand.

The fear is, also, as stated here by Capt. Dollar, that if we allow railroad-owned ships to go through the canal independent shipping interests will be afraid, to put it that way, to build ships for that trade, that it will prevent the establishment of new lines for the operation of independent ships.

Mr. GALLINGER. I want that particular point clear. The danger that is in the Senator's mind and in the minds of those who agree with him, including Capt. Dollar, is that the railroads will reduce rates to a point so disastrous that private-owned ships will not be able to compete with them?

Mr. JONES. No; if the Senator will permit me, that was not exactly the point I made. The point was that if we allow railroad-owned ships to go through the canal, independent shipping, because of their experience heretofore, will not be constructed to engage in that trade. Possibly they will be afraid to do it because they will fear that rates would be put down and drive them out. The reduction of rates under such conditions would be only temporary. When the independent ships are driven out the rates would be again raised. If we had assurance that the rates would be kept down, I would not worry much about the railroad-owned ships going through.

Mr. GALLINGER. I think the suggestion I made is in strict accordance with the view the Senator holds, that the only danger to the independent shipping interests is that railroads will navigate their ships through the canal at a cheaper rate than private parties can do. The building of ships I do not think enters into the computation. The railroads will build just as many ships, if the trade demands it, as private interests will. So I do not think that would make any difference.

Mr. TOWNSEND. In that connection, may I ask the Senator from Washington, can he conceive of any reason a railroad company would have in constructing boats to run through the canal to compete with themselves, to take their own business away from them, unless it was eventually to help the railroads by destroying competition?

Mr. JONES. I can not myself conceive of any different purpose from that.

Mr. GALLINGER. I wanted to get a clear idea of what the contention was. This matter of railroad-owned ships, I confess I have not made a study of at all. If there is a reasonable fear that it will operate to stifle competition and destroy private enterprise, of course I am against it, but I want to get the Senator's view, because he has given it close study, I have no doubt.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Kansas?

Mr. JONES. Certainly.

Mr. BRISTOW. With the permission of the Senator from Washington, if when we get to section 11 the Senator from New Hampshire will be patient enough to listen to a few remarks that I hope to make on it, I believe I can convince him that the danger which the Senator from Washington anticipates

will be very limited. I shall certainly be very glad to submit some facts to him along that line.

Mr. JONES. The Senator from Kansas can go into the details in that matter much better than I can.

Mr. GALLINGER. If the Senator will permit me, I will anticipate listening to the Senator from Kansas, who is always entertaining and instructive.

Mr. JONES. I expect to go more into details myself when we come to consider section 11 of the bill.

Mr. BRANDEGEE. Will the Senator from Washington yield to me for a moment?

Mr. JONES. Certainly.

Mr. BRANDEGEE. On page 575 of the hearings before the committee the Senator from Kansas [Mr. BRISTOW] asked Capt. Dollar:

> Are you familiar with section 11 of the House bill now under discussion?
> Capt. DOLLAR. I have glanced through it, but I am not very familiar with it.
> Senator BRISTOW. Do you favor it or not?
> Capt. DOLLAR. That provides, does it not, for the Interstate Commerce Commission regulating it?
> Senator BRISTOW. It prevents the railroad-owned ships from using the canal, and provides that the Interstate Commerce Commission shall determine whether or not it is a competing ship.
> The CHAIRMAN. It prevents any railroad from being interested in any steamship which does or may compete with it.
> Senator BRISTOW. And permits the commission to determine whether or not that railroad ship is a competitive steamship line with the railroad's rail; that is it.
> Capt. DOLLAR. I would be in favor of regulating it. I do not think it would be right to cut them out altogether. I think they have just as much right to run boats through there as I have, provided they do not run all competitors off the route.

So he is in favor of regulating them and letting them go through.

Mr. BRISTOW. Mr. President——

Mr. JONES. I yield to the Senator from Kansas.

Mr. BRISTOW. If the chairman of the committee will, when we get to section 11, bear with me, I hope to show that what Capt. Dollar anticipated would inevitably and surely happen; that is, they would all be run off except those that conformed to the demands of the railroad lines.

Mr. JONES. Of course, it has been my observation that where a man is on the witness stand before an investigating committee any considerable length of time upon a very particular and complicated matter we can find something in his testimony somewhere to sustain almost any position anyone desires to take. But the statement I read from Capt. Dollar awhile ago in reference to his views in regard to whether new ships would be built or not was right in line with Capt. Dollar's business experience, and I believe the statements I read as given by him show a just ground for fear as to the effect of the railroad-owned ships. But that is a matter, as I said a moment ago, in regard to details that I expect to go fully into when we get to the particular section. I am simply summing up my general views in reference to the matter.

Mr. BRANDEGEE. It seems to me if I thought a witness would take almost any position anybody wanted I would not cite him as a very high authority on any point.

Mr. JONES. I did not intend to convey that impression at all. I think the Senator understands what I meant to convey with reference to the testimony of witnesses. You can take a detached statement from a witness's testimony and construe it to support almost any particular contention you may desire. A careful examination of the statement from Capt. Dollar is not in any great conflict with what I read, if carefully considered. The statement which I have just referred to from Mr. Evarts is a statement from a man who should know what he is talking about.

If foreign capital is ready to build ships and operate them in our coastwise trade, and should do so, it would have to build the ships in American shipyards, out of American materials, and with American labor, and operate them under American laws and conditions. While I would prefer American capital, I do not see very much objection to the use of foreign capital in this country for this purpose. In fact, it simply adds that much more capital to our own wealth and, as it must be used in accordance with our laws and our labor and industrial conditions, it is a benefit rather than an injury. If foreign capital is ready to be invested under these conditions, why can not American capital be secured? The same intelligence and business capacity that would use foreign capital advantageously certainly can be relied on to use home capital under exactly the same conditions and for the same purpose profitably.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Kansas?

Mr. JONES. I do.

Mr. BRISTOW. I would suggest to the Senator that foreign capital is solicitous to construct our railroads for us, and probably the road which Mr. Evarts represents has millions of foreign capital invested in it. Why should not foreign capital likewise be invested in steamship lines as well as in railroads?

Mr. JONES. I think that is true, especially when they operate in our coastwise trade and under coastwise conditions.

Mr. BRISTOW. And under American laws and by American seamen.

Mr. JONES. Yes. If we can get that additional capital added to our own capital, it will be used largely in the employment of American labor.

Mr. GALLINGER. Does anybody object to that? Certainly I do not.

Mr. JONES. No; but I am simply presenting that to rebut the proposition that if the railroads are not permitted to construct ships to go through the canal there will be none constructed. To exclude railroad ships does not mean an idle canal. Ships will be built, the canal will be used, business demands will be met, the free use of the canal and American capital, energy, and industry, independent of railroad domination, will stimulate our shipbuilding industry, furnish employment to thousands of American workmen at good wages, increase the market for American products, promote great steamship lines from coast to coast, and reduce and hold railroad charges at a lower rate, lessen the burdens to our consumers, develop and build up the business, cities, and civilization of the two coasts, and relieve the interior of many exactions now borne by it and fulfill the hope of our people that this stupendous enterprise would be the most beneficial triumph of war or peace.

Mr. President, this is the most momentous legislation of this Congress and of many years. We must assert our right to develop with our own, for our own as we deem wise and proper without interference by any foreign power. We must deny the right of the treaty-making power to surrender to any other nation the right to control the use we shall make of our own property or the treatment we shall accord to our own people. The flag which flies over the Panama Canal must mean there the same as it does in any other Territory of the Republic. No toll gatherer should stand at its portals and exact tribute from American ships and American commerce any more than at the entrance of any other Government work. This greatest of all national undertakings must be kept free from railroad control and preserved as the most efficient defender of American enterprise and American business from monopolistic exactions. Built by American capital, completed by American energy and pluck, operated and controlled by the American Republic, with justice to our own people and impartiality toward all nations, this greatest achievement of the ages will glorify us and bless all mankind.

Mr. BRANDEGEE. Mr. President, I do not know of any other Senator who wishes to make an address on this subject at this time. Therefore I assume we shall very shortly proceed to vote on the amendments to the bill. I do not think, with the present slim attendance, we ought to attempt that, and I therefore suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Connecticut suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clark, Wyo.	Lodge	Sanders
Bacon	Crawford	McCumber	Simmons
Bailey	Culberson	McLean	Smith, Ga.
Bankhead	Cullom	Martine, N. J.	Smith, S. C.
Bourne	Cummins	Massey	Smoot
Bradley	du Pont	Myers	Sutherland
Brandegee	Fletcher	Nelson	Thornton
Bristow	Gallinger	O'Gorman	Townsend
Bryan	Johnson, Me.	Overman	Warren
Burnham	Johnston, Ala.	Page	Wetmore
Burton	Jones	Perkins	Williams
Chamberlain	Kenyon	Pomerene	Works
Clapp	La Follette	Root	

The PRESIDENT pro tempore. Fifty-one Senators have responded to their names. A quorum of the Senate is present.

Mr. BRANDEGEE. Mr. President, I should like to inquire what was the last amendment which the Senate agreed to yesterday before adjournment?

The PRESIDENT pro tempore. There is a pending amendment, which the Secretary will state.

Mr. BRANDEGEE. Let it be stated.

The SECRETARY. The pending question is on the amendment offered by Mr. CUMMINS to the amendment of the committee, on

page 4, line 20, after the word "reorganized," to insert "and who shall have sole control of the maintenance and operation of the canal," so that if amended it will read:

To reduce the membership of the commission to three, one chosen from the Corps of Engineers of the Army, who shall be president of the commission as so reorganized, and who shall have sole control of the maintenance and operation of the canal——

Mr. BRANDEGEE. I was laboring under the impression that the amendment to the amendment just stated by the Secretary had been agreed to. If not, it is perfectly satisfactory to me and, so far as I can do so, I will accept it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. CULBERSON. I ask that the amendment to the amendment be again stated.

The PRESIDENT pro tempore. The Secretary will again state the amendment to the amendment.

The Secretary again stated Mr. CUMMINS's amendment to the amendment of the committee on page 4, line 20.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment offered by the Senator from Iowa [Mr. CUMMINS] to the amendment proposed by the committee. Without objection, the amendment is agreed to.

The Chair would suggest that on page 4, line 21, after the word "Tropics," the comma should be changed to a semicolon. Without objection, that amendment will be made. The Chair hears none.

Mr. BRANDEGEE. Mr. President, if I may be allowed to make a suggestion, I would say that I think it will facilitate matters if the other amendments proposed by the committee may be considered and acted upon. Then I will state that I offered yesterday, and had printed, an amendment proposing to restore substantially the House provision instead of section 4, the House provision being the scheme of one governor for the canal and the Canal Zone, and the Senate provision being a scheme for a commission of three to govern the zone. I think most people will agree if we are to have a commission of three, as provided in the Senate amendment, that the committee amendments indicated here should be agreed to. If there then be other amendments, of course, they may be proceeded with. Then I shall offer my amendment as a substitute for the section.

Mr. SIMMONS. Mr. President, I understand that the Senator from Connecticut now proposes to offer the House provision for the Senate amendment. Is that what I am to understand?

Mr. BRANDEGEE. That is correct.

Mr. SIMMONS. Does the Senator do that as for the committee?

Mr. BRANDEGEE. Not at all. The majority of the committee proposed the amendment which is indicated in the bill. I was one of the minority who voted against it. The amendment as proposed by the committee is now being perfected as in Committee of the Whole of the Senate. After it is perfected, I am going to offer, on my individual responsibility, an amendment.

Mr. SIMMONS. I did not know whether the Senator from Connecticut was offering the amendment for himself or for the committee.

Mr. BRANDEGEE. Oh, no, Mr. President; I was not offering it for the committee.

Mr. SIMMONS. I was going to say, as a member of the committee, that I had no notice of a recession from our original amendment.

Mr. BRANDEGEE. Since the committee reported the bill with amendments, there has been no meeting of the committee and no understanding that anybody has authority to speak for the committee further than as indicated in the Senate print of the bill, as I understand the situation.

The PRESIDENT pro tempore. There is now pending no amendment to the committee amendment.

Mr. BRANDEGEE. Not to the committee amendment, but there are committee amendments pending to the section.

The PRESIDENT pro tempore. Yes.

Mr. GALLINGER. The Senator from Connecticut does not want those amendments adopted before the substitute is offered.

Mr. BRANDEGEE. The Senator from New Hampshire says sotto voce that I did not ask that the committee amendments be adopted at the present time, but I suppose, under the ruling of the Chair yesterday, that after section 4, as it is printed in the bill, has been perfected by the adoption or rejection of the committee amendments, it would be in order for me to present the House provision as a substitute for the whole section. If I am in error about that, I should like to be corrected.

The PRESIDENT pro tempore. The amendment now suggested by the Senator from Connecticut——

Mr. SIMMONS. I do not understand the parliamentary situation. The subject before the Senate is the House bill, and this is an amendment of the committee to the House bill. I understand the Senator from Connecticut now proposes to offer an amendment in place of the Senate amendment. That seems to me to present rather a remarkable parliamentary situation.

The PRESIDENT pro tempore. The Chair understands that the Senator from Connecticut proposes to substitute a new section for the entire section. Is the Chair correct?

Mr. BRANDEGEE. After the House text has been modified to suit the views of the Senate by the adoption or rejection of such amendments as the Senate chooses to put upon the section, I propose to offer the House provision as a substitute for the section as amended by the Senate, if that be in order.

The PRESIDENT pro tempore. The Chair would inquire of the Senator from Connecticut whether the amendment which is proposed is identical with the House provision?

Mr. BRANDEGEE. No; it is not identical. There were some changes made in it yesterday. It is printed here.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. If the Senator from Kansas will pardon the Chair a moment, as a parliamentary inquiry has been made, the Chair would hold if the amendment were identically the same, that simply voting against the committee amendment would be the same thing as voting for the House provision, but if it is not identical, then the motion of the Senator from Connecticut will be in order after the section has been perfected.

Mr. SIMMONS. I understood the question before the Senate was the Senate committee amendment to the House provision.

The PRESIDENT pro tempore. Undoubtedly; and the Senator from Connecticut [Mr. BRANDEGEE] will not offer the amendment which he proposes until the Senate has first acted upon the amendments proposed by the committee. They have not yet been completed.

Mr. BRISTOW. Mr. President, I desire to state that in section 4 there are two distinct propositions: One is that the present commission shall be abolished whenever the President sees fit to do so; and the other is, that the present commission shall remain intact until the construction of the canal is completed. The Senate yesterday passed upon that proposition, and so amended section 4 as to provide for the continuance of the present commission until the construction of the canal has been completed. We are now considering an amendment which provides that after the canal is completed it shall be operated and the Canal Zone shall be governed by a commission of three, instead of by a single governor. The amendment contained in the words "as now constituted," in line 9, page 4, and the italics from line 18, on page 4, down to and including the words "the canal," in line 6, on page 4, is the amendment that is now before the Senate.

The PRESIDENT pro tempore. The amendment before the Senate, as stated on yesterday, includes as a part of the general amendment, the amendment on line 9, page 4, striking out the word "unnecessary" and inserting the words "as now constituted," and the amendment striking out the words beginning with the word "by," in line 9, down to the word "canal," in line 18, and inserting the words in italics from line 18, page 4, to line 6, page 5, as it has been amended by the amendment offered by the Senator from Iowa [Mr. CUMMINS]. The question now is upon agreeing to that amendment as amended.

Mr. SIMMONS. Mr. President, being a member of the committee and not having been able to be at the sessions very regularly on account of other business claiming my attention, I confess I do not exactly yet understand this matter, and I want to make some further inquiry. I understand that the Senate committee recommends as a substitute for the House plan of a single-man government in the Canal Zone the continuance of the commission after the canal is completed, but reduces the commission to three from the present number. Now, the Senator from Connecticut proposes to substitute for the commission provided for in the Senate amendment the House plan.

Mr. BRISTOW. Mr. President, the chairman of the committee, who is opposed to the committee amendment, has announced that if the Senate sees fit to support the committee amendment and incorporate that amendment in the bill, then he proposes again to try to defeat the wishes of a majority of the committee by offering to substitute practically the language which the committee has rejected and which, if the Senate sustains the committee, the Senate will have rejected.

Mr. SIMMONS. Exactly.

Mr. BRISTOW. But the question now before the Senate is whether or not the amendment recommended by the com-

mittee shall be incorporated in the bill, and that is what we are now to vote upon.

Mr. SIMMONS. We are not voting, then, on the proposition of the chairman of the committee?

Mr. BRISTOW. Oh, no.

Mr. SIMMONS. Very well.

Mr. BRANDEGEE. I have not yet offered any proposition, Mr. President.

Mr. NELSON. Mr. President, without desiring to take up the time of the Senate unnecessarily, it seems to me, if we have the welfare of the administration of the Canal Zone in view, we ought to retain the provision of the House bill for one head instead of three. To-day, before the session opened, I saw a gentleman upon whom I rely who is familiar with conditions in the Canal Zone, and he informed me that there has been more or less friction—mild, it is true, but nevertheless friction—existing between Col. Goethals, the head of the commission, and the head of the sanitary department. With three coequal heads the unity and balance of the administration will be destroyed, whereas with one head, as the House proposes, there can be easily appointed under him a man to take charge of the sanitary affairs, and as for the civil business there is no occasion for any commissioner, because all the civil business that is necessary to be transacted can be transacted through the courts. To provide three coequal heads to manage the canal I regard as a very dangerous experiment. I have no interest in saving any of these commissioners, in having them keep their places. I do not care whether they are turned out of office or not; the main thing is the welfare of the canal.

Mr. BRISTOW. Mr. President, I should like to ask the Senator from Minnesota if the present commission as organized has not done good work?

Mr. NELSON. In a way they have done good work, but the only two men who have done any special work are Col. Goethals, *the head of* the engineering department, who has had charge of the construction of the canal, and the man who has been at the head of the sanitary division. Outside of those two, if you can point to anything extraordinarily good that has been accomplished by the commission I should like to be informed what it is.

Mr. OVERMAN. Mr. President, I resent what the Senator from Minnesota has said. While I would not detract in any way from Col. Goethals, because I know he is a man of great ability and a great executive officer, the men who are building that canal are Col. Sibert, from Alabama, who has had charge of the construction of the Gatun Dam and the locks on the Atlantic side; Col. Williamson, a Virginian, who has had charge of the lock construction on the Pacific side; Col. Gorgas, also of Alabama, who has had charge of the sanitation of that canal, one of the greatest physicians in the world, who will go down in history as one of the greatest men of his time; and the man who is in charge of the work on the great Culebra cut, Col. Gaillard, of South Carolina.

I say that the cause of the friction which has been referred to is that the officers have not been called together, but have submitted to one-man power there. There have been too many commissioners. I believe in dividing these powers. With the adoption of the amendment of the Senator from Iowa, giving an engineer of the Army charge and control of the mechanical part of the canal itself, let us have a civilian who will manage the financial part of it, the schools and matters of that kind, and a man like Dr. Gorgas in charge of sanitation, through whose efforts the building of the canal had been made a success. I heartily indorse the amendment of the committee which provides for a commission of three. I do not believe in one-man power; I do not believe in having a dictator on that Isthmus. As I have said, I think the powers ought to be divided, but the commission ought to act under the President of the United States.

Mr. BRADLEY. Mr. President, I also desire to resent the statement which has been made by the Senator from Minnesota [Mr. NELSON]. In the first place, I will indorse the remarks made by the Senator from North Carolina [Mr. OVERMAN], and I will add to them that the man who has been and now is at the head of the civil government in the Canal Zone has fully and ably discharged every duty imposed upon him. Under his management educational interests have been given great impetus and force; roads have been constructed; the police system in the cities properly attended to; and all the various other duties growing out of the civil administration of the zone have been satisfactorily and efficiently performed. I believe that with the amendment proposed by the distinguished Senator from Iowa there can be no friction among these men. A civil engineer is to be appointed president of the commission and is given complete power in the management and control of the canal. While I have great admiration for the ability of Col. Goethals, I do not think that what he knows about running civil government, if published, would constitute anything like as large a book as Greeley's Almanac; and if he were to publish what he knows about sanitation it would be even a much smaller document.

I do not believe in making the civil power subordinate to the military power. I do not believe in a military satrap. Experience has taught us that men who are Regular Army officers exercise a species of tyranny that is exercised by few other men. If Col. Goethals is to control the canal, that should be the end of his power; but to allow him to control the sanitation would be ridiculous, because he has not shown himself to be possessed of any ability in that respect; and to allow him to control the civil government would be, if possible, more ridiculous and would result only in failure.

We were told yesterday that there were but two cities in the zone. In addition there are various towns in the zone lying along the railroad and along the banks of the canal from Colon to Ancon. These towns and cities have to be policed, not by military officers but by the civil authorities.

I think it would be a grave mistake to undertake to consolidate all power in one man. It would lead to misgovernment in the zone. I quite agree with the distinguished Senator from North Carolina in saying that the government there ought to be divided, the president of the commission, of course, having supreme control of the management of the canal.

Another matter to which I call attention is that some of these commissioners have been working on the canal for years. The language of the amendment proposed by the Senator from Connecticut, as I understand it, is:

> That when in the judgment of the President the construction of the Panama Canal shall be sufficiently advanced toward completion to render the further services of the Isthmian Canal Commission unnecessary, the President is authorized, by Executive order, to discontinue the Isthmian Canal Commission.

Mr. President, every member of that commission should be allowed to hold his office until the canal is completed. Every one of them should be permitted to reap the distinction he has justly earned in connection with this great work. A portion of them should not be turned out and this canal turned over for the glorification of one individual; and I believe that when the canal is completed and a government is established there permanently, the departments should be retained as provided in the Senate bill.

Now, as this amendment has been reported by the committee, why should the Senate repudiate it and adopt the substitute provision which will be offered by the Senator from Connecticut [Mr. BRANDEGEE], and which is substantially the provision of the House bill? This matter has been discussed and this amendment is about to be voted upon. It has been improved by the amendment offered by the Senator from Iowa [Mr. CUMMINS], and the House proposition has been rejected by a majority of the committee. I see no good reason for repudiating the action of the Senate committee, and I hope it may not be done.

Mr. SIMMONS. Mr. President, the canal and the Canal Zone up to the present time have been managed and governed by a commission. We have heard from time to time that there was more or less friction down there, as there is apt to be when there is a partition of duties and of power; but, notwithstanding that slight, incidental, and, I think, necessary friction, the work has gone on admirably under the present commission. I doubt very much whether any similar work was ever more successfully prosecuted and more speedily brought to completion than this will be some time during next year.

Now, the provision which the committee has adopted as an amendment to the House bill is not to go into effect until the canal is completed. At that time the number of commissioners, according to the Senate committee amendment, will be reduced to three. The present head of the commission will continue to be the head of the smaller commission, who are to manage this zone after the canal has been completed and is open. I understand it is expected that Col. Goethals will continue to be chairman of the commission.

Mr. BRANDEGEE. Will the Senator yield to me for a moment?

Mr. SIMMONS. Certainly.

Mr. BRANDEGEE. Col. Goethals told me down on the Isthmus that under no possible circumstances would he take the government of the zone after the canal is completed; that he was nearly crazy with the responsibility and the efforts he had made there; and he proposes to go abroad and stay for two years and try to recuperate.

Mr. SIMMONS. I am very sorry to hear that. So much the worse, however, because if Col. Goethals, who has proved his

capacity and his fitness for control and administration, is to retire, then, if we are to have but one man in control of the zone, it is likely that he may be an inexperienced man.

Mr. President, the Government business on the Canal Zone naturally subdivides itself into three parts. After the canal is completed it will require supervision by capable engineering upon it, and it will be an important part of the Government business down there to look after, care for, govern, supervise, and control the canal proper. But there is a strip of country on either side of the canal which belongs to the Government of the United States, 5 miles in width on either side. There are towns already located on the line of the canal. There are people living along the line of the canal. The population will increase from what it is to-day. I am not able to state how many people are living there to-day, but a considerable number are living there and a considerable number will continue to live there. It is necessary, therefore, that there shall be inaugurated upon that canal a civil government. We have provided for the establishment of courts; we have provided for the appointment of magistrates; we have provided for a system of laws for the government of the people who are to live along the canal. This is a part of the business of the United States Government upon the canal, and is wholly separate and distinct from the management of the canal considered as an entity.

Then, Mr. President, there is another important work that the Government has to do there in order that this enterprise may be carried to its fullest potentiality and in order that the canal may be continued in a sanitary and habitable condition, and that is that the work of sanitation which was commenced and has been prosecuted with such marvelous success by Col. Gorgas shall continue. This part of the business is of itself of great importance. The work of sanitation in the climatic conditions which exist down there is a work of tremendous consequence in connection with the success of the canal and the health of the people who live along the canal. So, naturally, the management of the canal divides itself into three parts—one the management of the canal, the other control of the civil government, and the third the sanitation of the Canal Zone.

The committee having this matter under consideration, feeling that it was not necessary to continue the present large commission, thought it was wise policy to reduce the number to three—one to control the canal, who is at the head of the commission, another to have charge of affairs connected with the civil government of the Isthmus, and the third to have control of the great and important work of sanitation in the Canal Zone.

Now, Mr. President, it is proposed to place the control of the civil government of the zone in whose hands? Let me read from the provision:

> To reduce the membership of the commission to three, one chosen from the Corps of Engineers of the Army, who shall be president of the commission as so reorganized.

Mr. President, if we have one manager down there he will be a civil engineer and nothing else but a civil engineer. If he were to be of the high grade of Col. Goethals that would help the matter, but we are told that Col. Goethals is to retire; and we are to place, according to the House provision, the whole interest of the government of the canal and the people and the sanitation of that Isthmus under the control and the sole control and management of an Army engineer.

Mr. President, I have the highest respect for the Army engineers of this country. They are generally able and highly educated men. They have done their work magnificently in whatever line they have been required to perform work for the people and the Government. But the last thing that I want to see in this country is a civil government anywhere where the flag of the United States floats under the control of an Army engineer. That is one reason why I am opposed to this government by one man, this single head, this absolute control in one man. I know under the circumstances and conditions that that man will be an Army engineer, and he is, I hold, utterly unfit by reason of education and training to perform the functions and duties that pertain to civil government. There is to be a civil government of importance there. The people upon that Isthmus will multiply. There are a great many of them there now. There will be prosperous towns, and possibly cities, along the Isthmus who are to be governed, and I want them to be governed, as has been the custom of the Anglo-Saxon race from the beginning, not by a man of military training, of military experience and instincts, beginning, as they do, with an arbitrary disposition, but I want them to be governed by a man trained in the affairs of civil government.

I am perfectly willing, Mr. President, to vest what you might call the chief power in the hands of one man, but with three great departments of momentous interest to the Government, some of business, some affecting the life and liberty in the citizen, some affecting the health of the citizen, I want each one to have a fit representative in its control.

Therefore, Mr. President, I am opposed to the House proposition to turn over all these great interests to one man, and that man an engineer of the Army.

Mr. BRISTOW. Mr. President, I can not refrain from speaking a word in behalf of the engineers who have devoted the best years of their life to the work of the construction of this canal. I would not take from Col. Goethals any of the honor that he so richly deserves. I am glad the Senator from Minnesota [Mr. NELSON] did not refer to Col. Gorgas as one of the men who had contributed nothing of consequence to the construction of the canal. As I said yesterday, Col. Gorgas was assigned to the Isthmus of Panama when we first took possession of the strip and began our work. He has been there in charge of the sanitation down to the present time, and no criticism has ever been offered against him to my knowledge.

But I want to speak specially in behalf of the men who have been in charge of these divisions, whom the Senator from Minnesota thinks have contributed nothing to the construction of the canal. Col. Sibert has been in charge of the construction of the Gatun Dam, which is the greatest enterprise of its kind that mankind has ever undertaken, and it will soon be completed and stand as a monument to his energy and genius. I want to speak a word in behalf of Col. Hodges, who, I am told, is the best-equipped man in regard to canal locks probably that there is in the United States. He was selected by President Roosevelt because of his great ability demonstrated in the line of duty as an Army engineer. I want to speak a word in behalf of Col. Gaillard, who has had charge of the excavation at the Culebra Cut, and the work of organization and the detail over which he has authority and supervision have been performed, I might say, without fault.

It is unfortunate that remarks were made in the United States Senate which intimated that these men, who have devoted the best years of their lives, have not contributed anything commendable in the construction of this great enterprise. It is not the man who is in the limelight who always deserves the greatest credit. I care not how great a man may be, unless his immediate subordinates, his lieutenants, are equal to the task imposed upon them, the man in charge will fail.

I have no sympathy with the spirit that seems to prevail now in some quarters that it is desirable to get rid of these men who have devoted years in that climate to this work as quickly as possible. If there is any friction there I am certain that they are not to blame for that friction. If there is any friction there it is because some men are desirous of having their own way about some detail matters when probably it is not best that they should.

What we ought to do is to preserve the condition as it is, not to do anything that will in any way humiliate the men who have done such fine work, but to contribute as much as we can to their honor, and credit them with the achievement that they have worked out.

I trust that the amendments submitted by the committee will prevail, because I am not in favor of establishing a bureaucracy in any of our possessions. I know that fundamentally the judgment of three men is better than one on any proposition.

The PRESIDENT pro tempore. The question is on the amendment proposed by the committee as it has been amended.

Mr. REED. Mr. President, I was trying to prepare a substitute for the amendment, and I suggest to the chairman of the committee that this matter be passed over temporarily and some other part of the bill taken up, and that we return to it a little later.

Mr. BRANDEGEE. Did the Senator from Missouri address an inquiry to me?

Mr. REED. Yes.

Mr. BRANDEGEE. I did not hear it.

Mr. REED. I was asking if this particular clause which is now under discussion could not be passed over temporarily and returned to later, and other parts of the bill taken up. I desire to draw a substitute for it and submit it.

Mr. BRANDEGEE. I would hesitate to agree to that proposition unless the Senate voted for it. We have been on this matter now for two afternoons. The other parts of the bill are just as important as is this. If the Senator desires to prepare a substitute I will say to him he was not present when I said I am going to offer a substitute, and if that is agreed to, or whether it is or not, the Senator will have plenty of time before the bill goes into the Senate to prepare his substitute and offer it. As we go along I should like to feel that what is behind us is behind us. I suppose the Senator could move to reconsider

later on and offer his substitute. I should like to have a vote on this matter if no Senator cares to speak further on it.

Mr. OVERMAN. The Senator from Missouri can give notice that he will offer his amendment in the Senate.

Mr. REED. Of course I can do that; but when the bill gets in the Senate no one will desire then to stop and debate it at length again. It did not seem to me to be an unusual request to pass over this amendment now and take up some other matter and return to it this afternoon. It will only take a few minutes to prepare my substitute, and I want to prepare it right. I, of course, can stand up here now and take time talking about it, but I do not want to do that.

Mr. SIMMONS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	McCumber	Simmons
Bacon	Culberson	McLean	Smith, Ariz.
Bailey	Cullom	Martine, N. J.	Smith, Ga.
Borah	Cummins	Massey	Smith, Mich.
Bourne	du Pont	Myers	Smith, S. C.
Bradley	Fall	Nelson	Smoot
Brandegee	Fletcher	O'Gorman	Stone
Bristow	Gallinger	Overman	Sutherland
Bryan	Gronna	Page	Swanson
Burnham	Johnson, Me.	Penrose	Thornton
Burton	Johnston, Ala.	Perkins	Townsend
Catron	Jones	Pomerene	Warren
Chamberlain	Kenyon	Reed	Wetmore
Clapp	La Follette	Root	Williams
Clark, Wyo.	Lodge	Shively	Works

Mr. WILLIAMS. I wish to state that my colleague [Mr. PERCY] is absent necessarily on important business.

The PRESIDENT pro tempore. Upon the call of the roll of Senators, 60 Senators have responded to their names. A quorum of the Senate is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, receded from its disagreement to the amendments of the Senate numbered 2, 3, and 4, and agreed to the same with an amendment to each, in which it requested the concurrence of the Senate, and further insists upon its disagreement to the amendments of the Senate numbered 5, 9, 10, and 11 to the bill, upon which the committee of conference have been unable to agree.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 21952. An act for the relief of James E. Baer; and

H. R. 22195. An act to reduce the duties on wool and manufactures of wool.

PENSION APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, receding from its disagreement to the amendments of the Senate numbered 2, 3, and 4, and agreeing to each with an amendment, in which it requested the concurrence of the Senate, and further insisting upon its disagreement to the amendments of the Senate numbered 5, 9, 10, and 11, upon which the committee of conference have been unable to agree.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
August 5, 1912.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2, and agrees to the same with amendments, as follows: Omit the matter inserted by said amendment and in lieu of the paragraph stricken out insert:

"For salaries of 18 agents for the payment of pensions at the rate of $4,000 per annum each during the first half of the fiscal year 1913, $36,000.

"For salary of 1 agent for the payment of pensions, at the rate of $4,000 per annum for the last half of the fiscal year 1913, $2,000; and from and after the 31st day of December, 1912, there shall be only one agent for the payment of pensions, to be appointed in the manner now provided by law, and who shall receive a salary at the rate of $4,000 per annum; and section 4780 of the Revised Statutes of the United States authorizing the appointment of agents for the payment of pensions is repealed to take effect from and after December 31, 1912."

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: Omit the matter inserted by said amendment and restore the matter stricken out amended to read as follows:

"For clerk hire, and other services, at 18 pension agencies during the first half of the fiscal year 1913 and at 1 pension agency during the last half of the fiscal year 1913 and including not exceeding $10,000 for expenses of consolidating and removing records and equipment of pension agencies, $350,000, or so much thereof as may be necessary: *Provided*, That estimates in detail shall be submitted for the fiscal year 1914 and annually thereafter for clerks and others employed in the pension agency, and the amounts to be paid to each."

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$2,225."

That the House insist on its disagreement to the amendments of the Senate numbered 5, 9, 10, and 11.

Mr. McCUMBER. Mr. President, I move that the Senate disagree to the amendments of the House to the amendments of the Senate, that the Senate ask for a conference upon the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

I wish to say, Mr. President, that this matter comes over to us again in substantially the same shape as it was before, with the exception that the House has adopted what seems to me at least to be a novel procedure, and that is the matter of amending a conference report. The result, I understand, is in effect that that action discharges the conferees on the part of the House and leaves it to the Senate to adopt the House measure, or, refusing to adopt it, to ask for a conference upon its part.

I have assumed that to be the parliamentary status, and I have made my motion to conform to it. I desire to say simply in explanation that there has been no change in the proposition of the House, with the exception instead of an immediate abolition of the agencies they propose to abolish them on the 31st day of December, and appropriations are made up to that time.

Mr. SMITH of Georgia. Mr. President, is this matter open for discussion now or to an objection?

The PRESIDENT pro tempore. If the Senate decides to proceed to its consideration, it is.

Mr. BRANDEGEE. If the matter is going to provoke discussion, I shall have to insist upon the regular order.

Mr. McCUMBER. I desire simply to say to the Senator from Connecticut that I hoped it would not lead to any extended discussion. We are now several days behind in the matter of the payment of pensions, and the action of the House leaves the matter in abeyance, so that there are no conference on the part of the House. We will hurry the matter through, and also make a final disposition of it by sending the bill again to conference as soon as possible.

Mr. SMITH of Georgia. My own view, Mr. President, is that the Senate should recede and accept the action of the House. That is the reason why I object to the appointment of conferees.

Mr. McCUMBER. That motion could be made now and voted on. I do not see the necessity of further discussion.

Mr. SMITH of Georgia. I ask that the regular order be continued this afternoon, and if by insisting upon the regular order it will continue, I do insist upon it.

Mr. McCUMBER. Then I will ask the Senator having the unfinished business in charge if he will consent to lay it temporarily aside until we can dispose of this matter. I make this request in behalf of a great army of veterans who are being discommoded, at least, if not further than that, in not receiving their pensions.

Mr. BRANDEGEE. The Senator from North Dakota knows that the regular order can be demanded by a single Senator. It takes unanimous consent to temporarily lay aside the Panama Canal bill. The regular order has been demanded, which is equivalent to an objection to the request for unanimous consent to temporarily lay the bill aside.

Mr. McCUMBER. I thought if the Senator having the bill in charge would indicate on his own part a willingness to lay it aside possibly we might meet the objection that otherwise would be interposed.

Mr. GALLINGER. Mr. President, a parliamentary inquiry. My impression is that the rule of the Senate is that when a Senator asks for the consideration of a conference report and objection is made the question shall be submitted to the Senate. Am I correct?

The PRESIDENT pro tempore. The Chair would undoubtedly so hold were it not that the Senate is engaged in the regular order. So long as the regular order is before the Senate the demand of one Senator will necessitate the continuance of that order, unless the Senate by a majority vote should otherwise order, in which case the regular order would be displaced.

Mr. GALLINGER. I would not wish to have that done. I had an impression that the rule is pretty clear that a confer-

ence report having been submitted to the Senate and the Senator having it in charge asking that it should be considered, if an objection was made the question of consideration should be submitted to the Senate.

The PRESIDENT pro tempore. The Senator is correct as to the general proposition. The Chair simply added that that could only be done in a way which would displace the regular order if the motion to proceed to its consideration should be adopted.

Mr. LODGE. If the Chair will permit me, if the question of consideration is submitted and prevails, of course that sets aside and displaces the regular order.

The PRESIDENT pro tempore. It displaces the regular order.

Mr. McCUMBER. I assumed that that would be the case, and that is the reason why I sought to find a way out by getting the Senate to agree that the unfinished business might be temporarily laid aside, so that we could dispose of this matter in a short time and facilitate the purpose of securing money for the payment of the pensioners.

Mr. BRANDEGEE. That has already been objected to. The Senator can bring it up in the morning hour to-morrow. I would accommodate the Senator if I could.

THE PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment of the committee as it has been amended.

Mr. THORNTON. Mr. President, before putting the question to a vote I ask the indulgence of the Senate for a time not exceeding two minutes.

It seems to me that the real question in controversy in this matter is as to who shall have the appointment of the officials charged with the administration of affairs in the Canal Zone. We must all admit that there will be three departments at work there, the engineering department, the sanitation department, and the civil government part.

Those who prefer the House provision wish to have the person who is designated as governor of the zone to appoint the officials to carry out that work, for necessarily he must appoint others to do it, for he can not be expected to do it himself; whereas we who favor the Senate committee amendment think that the President of the United States should be charged with the power and responsibility of appointing those officials. That, I believe, is the real difference between us.

Mr. BURTON. Will the Senator from Louisiana yield for a question?

Mr. THORNTON. I have finished.

Mr. BURTON. I wish to read from page 5 of the bill, beginning in line 17. After stating that the governor of the Panama Canal shall be appointed by the President, by and with the advice and consent of the Senate, the following is the House provision:

> All other persons necessary for the completion, care, management, maintenance, sanitation, and operation of the Panama Canal shall be appointed by the President, or by his authority, removable at his pleasure, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may, by appropriation act or other law, regulate the same.

Mr. THORNTON. I will ask the Senator from Ohio to what portion of the bill he is referring?

Mr. BURTON. That is found on page 5, beginning with line 17, immediately after the provision for the appointment of the governor. It would seem that the contention of the Senator from Louisiana is secured by the provision of the House bill.

Mr. THORNTON. The House bill provides that—

> The President is authorized thereafter to complete and operate the Panama Canal or cause it to be completed and operated through a governor of the Panama Canal and such other persons as he may deem competent to discharge the various duties connected with the completion, care, maintenance, sanitation, operation, and protection of the canal.

I take it for granted, Mr. President, that the governor of the canal is the one who will really appoint and have the sole authority over these other officials, and that is the point that I am objecting to in this provision.

Mr. REED. Mr. President, I feel a great deal of regret at taking a moment of the Senate's time to discuss this matter. I would not do so if it did not appear to me that we are multiplying the machinery of the Government in a wholly unnecessary way. It is very easy to create a great many positions, but when once created it is almost impossible to abolish them. We had an experience of that kind the other day. Report after report had been filed stating that it was wholly unnecessary to have some 17 pension agencies in this country. It must have been apparent to everyone that the simple form of sending out payments of pensions was a thing that could be transacted from 1 office even better than it could be transacted from 17 separate offices. There is not a business concern on earth that, charged with duties as simple as the payment of pensions, would ever think of establishing more than one office for the purpose of distributing those funds; yet when we came to be asked to abolish these places we found a solid party vote arrayed for the preservation of the jobs that now exist.

We are now about to take the initial step toward the establishment of a government in the Canal Zone. It is a strip of land 10 miles wide and about 50 miles long. I am not sure that I am correct as to the length, but it does not embrace more than one-quarter of the territory that is embraced in the ordinary county of an ordinary State. It does not embrace in population anything like the number of people contained in the ordinary counties of an ordinarily populous State. It has very few white people who are there permanently; perhaps we might almost say none who are there permanently.

Now, it is proposed to set up a machinery of government more complicated and more extensive than that which is established in the great States of this country—a governor, with a salary of $10,000 a year, yet the governors of most of the States of this Union do not receive to exceed $5,000 a year, and in many States they receive less. Two other governors at $9,000 a year each are provided for. We are about to divide this government of the Canal Zone into three parts. It looks to me a great deal like the same kind of division that was once made of Gaul when it was divided not so much for the purpose of government as for the purpose of revenue.

The argument for this complicated machinery is grouped around a very seductive thought, one that appeals to every one of us, namely, that there should not be a military government over the people in their civil affairs, and I grant that argument with all the force with which it was uttered; but it seems to me that it does not, therefore, follow that we should have a sanitary governor and a canal governor. It strikes me that this is a very simple proposition. There are some people living along the Canal Zone there; not very many; I do not know what the population is——

Mr. SIMMONS. Mr. President——

Mr. REED. Just one second, if the Senator will pardon me. Can some one here enlighten me as to the total population of the Canal Zone when our employees shall have moved out?

Mr. TOWNSEND. Mr. President, it is estimated by Col. Goethals that not to exceed 2,500 people will be required to operate the canal, and it is proposed to move all the remainder of the people from the Canal Zone excepting, of course, the families of the employees. A great portion of that territory will be covered by the lake, and it is necessary to remove them. The best-advised men down there say that they all should be removed. Of course that is a mooted question; but there are practically no white people down there, as the Senator from Missouri suggests, except those who are engaged in the construction of the canal.

Mr. REED. The Senator from Michigan speaks now of employees, but, in addition to employees, what will be approximately the population?

Mr. TOWNSEND. There is no white population down there in addition to the employees.

Mr. REED. About how many are there of the other kind?

Mr. TOWNSEND. Well, it is very difficult to say how many are there who are not engaged in the operation or construction of the canal, but not to exceed a few thousand.

Mr. OVERMAN. I am surprised to hear what the Senator from Michigan says about the number of people in those towns in the Canal Zone. When I was there it was pretty thickly settled, though those I saw may have been employees. There were some merchants, and I was told that a good many young men had bought plantations there and gone into the coconut business. I visited the Isthmus and I saw a great many people in the towns, owning houses, many of them beautiful houses.

Mr. TOWNSEND. To what town is the Senator from North Carolina referring?

Mr. OVERMAN. Of course, that was in Panama.

Mr. TOWNSEND. I am not speaking of the termini of the canal—Colon and Panama.

Mr. OVERMAN. That is what I am speaking of.

Mr. TOWNSEND. At Colon and Panama, while we are, in a measure, responsible for the government we are not in control of the people. They have governments of their own, except, of course, that we have been acquiring a large portion of Colon, and that may eventually be considered as a part of the population.

Mr. REED. But we do not exercise sovereignty over the part the Senator is referring to.

Mr. TOWNSEND. Not yet.

Mr. REED. Well, when we get a larger sovereignty it will be time enough to talk about the officering of that part of it; but we may never get sovereignty.

Mr. SIMMONS. Will the Senator allow me to make an inquiry of the Senator from Michigan?

Mr. REED. Yes.

Mr. SIMMONS. I have not been to the Isthmus, and I know nothing about it from personal observation, but I was under the impression that on the Isthmus, along the line of the canal, there were several very thrifty little towns. I am told that on the map there are 10 towns marked out; and I was under the impression that there was quite a little population there outside of those who are engaged in work upon the canal. I should like to know about that.

Mr. TOWNSEND. I have not been at the Isthmus during the *past* three years. I was there prior to that time; but in discussing the matter with members of the commission and others who have been there, I have been led to believe that we have not any considerable permanent white population down there, except at the termini of the canal—at Panama and Colon.

Mr. REED. And that part the Senator refers to we do not exercise sovereignty over?

Mr. TOWNSEND. Except, as I say, in a measure, in Colon, where we own or are acquiring property.

Mr. REED. But I am speaking of governmental sovereignty.

Mr. TOWNSEND. We do not, except to maintain order for purposes of canal construction.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED. Yes.

Mr. BRISTOW. Do I understand the Senator from Michigan to maintain that we will not exercise sovereignty over the population of Balboa and Cristobal?

Mr. TOWNSEND. I was not discussing that.

Mr. BRISTOW. And over towns or cities that are developing at the termini of the canal?

Mr. TOWNSEND. The Senator did not understand me to say anything of that kind. I was not discussing that; I was discussing the question of Panama and Colon. That was the question the Senator asked me.

Mr. SIMMONS. Mr. President, if the Senator from Missouri will permit me, I started to interrupt him a little while ago, but desisted. The Senator has been discussing the salaries of officials and the partition of power and jurisdiction on the Isthmus. I want the Senator to understand that my chief objection to a single head there has been the conviction that I have had that that head would be a military man. If he were to be a civilian, if the law required that he should be a civilian, a large part of my objection would be removed; but if we had a civilian head, he would, of course, have to be paid a salary. I understand we have to pay somewhat higher salaries down there than we do here.

As to the other two officers, the manager of the canal would have to be, I understand, a high-class man, and the man in charge of sanitation would have to be a high-class man. Even if he were a mere subordinate, appointed by the governor or appointed by the President subject to the governor, he would have to be a high-class man, and we would have to pay him probably a salary something like the salary that we have been paying the president of the canal commission, and something like the salary we have been paying Col. Gorgas, who has been at the head of the sanitary work down there. So I do not see, from the economical standpoint, that the situation would be very much changed.

Mr. REED. I was about coming to that, and will in a moment. I do not think the Senator from North Carolina and myself are very far apart in our fundamental views in regard to this question. It frequently happens, when a plan is brought in and we begin discussing the plan, we never pause to consider whether the plan itself is the right plan, and thus we begin considering that particular plan which is submitted in various lights and phases, when it may be fundamentally wrong.

If the Senate will pardon me for going back, I was saying this is a very small strip of ground, about one-quarter of the size of an ordinary county in an ordinary State. Its population, it appears, is not equal to the population which would exist in the same strip of territory in an ordinary State. Indeed, we are now told that when our Government shall have withdrawn its surplus force there will be about 2,500 people living within that territory over which the Government now exercises sovereignty.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. Yes.

Mr. CUMMINS. Whoever stated that I believe to have been mistaken. It is the estimate of the commission, I believe, that it will require 2,500 men to operate and maintain the canal. That estimate does not include the families of the men, nor does it include those who will be engaged in some kind of business at either end of the canal or in the towns that may be necessary and will exist along the route of the canal. I believe there is no dispute with regard to the facts I have just stated. It is inconceivable to me, having recently visited the Isthmus, that there can be less than twenty-five or thirty thousand human beings at the termini of the canal and along the route of the canal.

Mr. REED. Mr. President, before the Senator takes his seat, he has been down and investigated, and I know the Senator from Iowa is so fair that he will give us his candid views. He speaks, however, of the towns at the termini. Does he mean to include in his statement any people living outside of the territory over which we exercise sovereignty?

Mr. CUMMINS. I do not. The termini to which I refer are Cristobal, on the Atlantic side, and Ancon, or, rather, Balboa, as it undoubtedly will be ultimately named, upon the Pacific side.

Mr. REED. The Senator's estimate of the population is 25,000?

Mr. CUMMINS. I have said that it seems to me that there can not be less than that number there.

Mr. REED. Very well.

Mr. CUMMINS. There may be many more than that number.

Mr. REED. I will take the estimate of the Senator from Michigan of 2,500.

Mr. TOWNSEND. Mr. President, I think the record will show that I said there would be 2,500 persons employed on the canal.

Mr. REED. But the Senator further said that he thought there would be very few white people outside of that. I do not care to be critical about it, but whether the Senator from Michigan be correct in his estimate or the Senator from Iowa be correct in his, makes no difference in the deduction I am about to draw. Even if there should be 50,000 people there, still the population would not be greater than that of a city very moderate in size, and 25,000 or 10,000 or 15,000, whatever it may be, is still a small population, such as we find in our little cities scattered throughout the country.

Now, it is proposed to establish a civil government. What is necessary to that end? Do we need more than one man for that civil government? Manifestly not. If the great city of New York can be put under the control of one man, its mayor, if the other great cities of this country can be put under the control of one man, if the Philippine Islands can be put under the control of one man, then why can not this little narrow strip of land, at the present time almost without population, except those who are there employed by the Government, be put under the control of one man? Why do we need more than one man for the civil government? That man, because he deals with civil government, and with the rights of the people in their civil relations to each other and to the government, ought to be a civilian. I agree with all the Senator from North Carolina [Mr. SIMMONS] said when he inveighed against ever placing a military governor over people engaged in the peaceful pursuits of civil life. So I am agreed to a governor who shall be a civilian.

Now, let us see what else there is down there which requires any other office of government. We have constructed at enormous expense this great canal. It is distinctly the property of the Government. It is the most expensive piece of governmental property we have or that has ever been built in the history of the world. It is of vast importance to our commerce and to our Nation and to the world. But it was constructed by officers of the United States Army. Its maintenance involves no greater degree of care, no greater degree of skill, than does the maintenance of other great public works of this country, and the best management, the best maintenance, the best guardianship you can establish over it is to have the President of the United States designate a high-class engineer of the Army and place him there in control of the canal proper, without any governmental power, without any governmental function, but in charge of the canal the same as the commander of a fortress is in charge of a fortress.

I say it is utterly wrong, in my opinion, not to use a harsher term, to talk about appointing a man as governor of the canal; it is as useless as talking about appointing a man governor of

Fortress Monroe; it is as useless as it would be to appoint a man governor of Fort Riley. It is absolutely without any virtue. What the President ought to do is to designate a high-class, skilled, wise Army engineer and put him in supreme control of the canal itself, with all its locks and all its valuable property, and that should be done merely by detail, and no man should be put down there to stay forever. No man should be put down there for the salary. He ought to be put down there at the salary he receives in his position, with a liberal and proper allowance for his expenses.

Now, that takes care of that. What else is there? We are told that there are difficult problems of sanitation. But who solved them? Was he not an Army officer, and have we not given in our Army profound and careful thought and study to the great question of sanitation, and do we not boast that we have solved many of these difficulties, and that to-day the officers charged with the sanitation of our Army are abreast of the foremost in the world? If that be true, why should not the President designate to serve under the civil governor, but with broad powers, an officer of the Army, who may have charge of the sanitation?

What have you got there? The simplest plan in the world—a civil governor to set up civil government, to establish courts, and manage the civil affairs of those people. When it comes to the control of the canal, two officers of the Army to be designated by the President for that purpose. Why have three governors? Why have this machinery? Why set up this expensive and complicated system?

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED. Certainly.

Mr. BRISTOW. I think if the Senator had been present yesterday he would have understood that this commission in fact provides for exactly what he says ought to be there. There is an Army officer, and the provision which the Senate committee recommends provides that a member of the Corps of Engineers of the United States Army shall be in charge of the operation and maintenance of the canal, as the Senator has suggested. The committee amendment provides that there shall be one commissioner appointed from civil life, who shall be charged with the civil affairs, and then a sanitary officer who is to do the work which is to correspond with the work that has been performed by Col. Gorgas as sanitary commissioner. The provisions which the Senator says ought to be in the bill are provided for in the bill.

Mr. REED. The one that is printed?

Mr. BRISTOW. Yes.

Mr. REED. Oh, no, Mr. President. It is a very different scheme. This provides for the continuance of a commission. That is just the thing you do—the reduction of the present commission to three members, one chosen from the Corps of Engineers of the Army, who shall be president of the commission as so reorganized.

Mr. BRISTOW. If the Senator will permit me, that provision has been amended by an amendment offered by the Senator from Iowa placing him in complete charge of the operation of the canal and its maintenance.

Mr. REED. I suppose the Senator refers to the discussion. Very well. I have not the benefit of that amendment. I was not here when it was offered. But does it propose to put an Army officer in control?

Mr. BRISTOW. It proposes to put a member of the Corps of Army Engineers in control of the operation of the canal.

Mr. SIMMONS. I do not understand that.

Mr. REED. I should like to have it reported. I should like to hear it.

Mr. SIMMONS. I do not understand that. The civil affairs of the Isthmus are put under the control of one of the commissioners.

Mr. BRISTOW. The one chosen from the Corps of Engineers of the Army, who shall be president of the commission as so reorganized; and then it was amended so as to provide that he is to have control of the operation and maintenance of the canal.

Mr. SIMMONS. Yes. Then there is another one of the commissioners who is in charge of civil affairs.

Mr. BRISTOW. Certainly. But the Senator from Missouri asked if this governor would be in charge of the operation and maintenance of the canal, and my answer was that he would be.

Mr. REED. No; the Senator is mistaken. At least the Senator is mistaken or I do not understand it. I may be mistaken. I should like to have this amendment that has been offered reported. It has not been printed, and I have not seen it.

The PRESIDENT pro tempore. The Secretary will report the amendment.

The SECRETARY. On page 4, line 20, after the word "reorganized," and after the comma, insert:

And who shall have sole control of the maintenance and operation of the canal.

So that if amended it will read:

One chosen from the Corps of Engineers of the Army, who shall be president of the commission as so reorganized, and who shall have sole control of the maintenance and operation of the canal.

Mr. CUMMINS. Will the Secretary please read the entire sentence, so that it may be more fully understood?

The Secretary read as follows:

SEC. 4. That when the construction of the Panama Canal——

Mr. CUMMINS. The entire sentence. I meant to begin at the amendment of the Senate committee and read the first sentence. I know the former part of the sentence, but it will not aid in the present situation.

The Secretary read as follows:

One chosen from the Corps of Engineers of the Army, who shall be president of the commission as so reorganized and who shall have sole control of the maintenance and operation of the canal, one experienced in the work of sanitation in the Tropics, and one a civilian.

Mr. REED. The rest of the paragraph stands unchanged?

The PRESIDENT pro tempore. Up to this time.

Mr. REED. Now, Mr. President, of course the amendment of the Senator from Iowa takes away from the Army engineer the civil control, but the commission of three still exists that does exercise supreme control over all parts of the Canal Zone, including the canal; and this Army officer—and there may be two Army officers still exercise control because they are members of the board.

Now, the Senator from Kansas stated—I am sorry he has left the Chamber—that my plan was the same plan. It is a very different proposition. One is a government of the canal by a commission, two members of which may be, and one of which certainly must be, a member of the Army—an Army officer; and these Army officers exercise a predominating control in the commission. Thus you have a military government of the Canal Zone, or at least you have a government of the Canal Zone by the military. Then you have a board of three engineers, and you have three salaries aggregating, I believe, $28,000 a year.

The proposition I make is almost diametrically the opposite of that. It is to have a civil governor, one man, who shall have charge of the civil affairs of the Canal Zone, and that ends the government question. The President shall detail a skilled Army engineer, who shall have charge of the works of the canal itself, and if necessary the President shall detail another Army engineer or officer skilled in the business of sanitation, who shall look after the sanitation of the Canal Zone.

What have you got then? You have simply detailed two Army officers to do that kind of work which they are doing in this country, and you have put one man, a civilian, as governor of this little strip of ground, and you have saved a lot of money and a lot of red tape and a lot of machinery, and you have civil officers administering civil government. I can see no objection to that plan.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. Certainly.

Mr. SIMMONS. The Senator in his remarks spoke about the size of the territory and the number of the people, and he said, what is true, that in this country we have mayors governing great cities. The Senator recognizes the fact that while in this country the mayor governs a great city, the mayor does not appoint all the officers. The people elect the officers who are to perform the duties under the mayor.

Now, that was one of the conditions the Senate committee was trying to meet by this amendment. Under the House provision all the subordinates who were to perform the actual functions of government were to be appointed by the President. There was a governor, and all other persons necessary to the government of the zone, appointed by the President or by his authority. That meant by his authority. It meant that the President should vest in the governor the right and the function of appointing all subordinate officials.

But we sought to get rid of that, and to give the commission the authority to appoint. But let me ask the Senator a question. I like his plan. It is the plan of the Senate somewhat reversed, and better. He proposes a civil head. Then he proposes to put the canal under the control of a subordinate, and to put the work of sanitation under the control of a subordinate. I grasp that, of course. I like that better.

If the Senator's plan is adopted, who will appoint these officers—these subordinate officers outside, I mean, of the head of the Canal Zone; the manager of the canal and outside the

manager in charge of sanitation? Who will appoint the other officers? Is it expected that the President will appoint them or that the civil governor will appoint them? We have tried to avoid putting into the hands of one man the right to appoint all the officers of that zone, whether they are engaged in work connected with the civil government or in work connected with sanitation or in work connected with the Canal Zone. Under the plan proposed by the Senator, who would make those appointments? I think that is a very important consideration.

Mr. REED. Of course the only difference now between the plan submitted by the Senate committee and the plan I suggest upon the one point is who shall appoint the subordinate officers of the government, excluding from the term subordinate the manager of the canal itself and the inspector or manager of sanitation; that is to say, the inferior officers, by which, I presume, it means perhaps the policing and the other work that goes with government. The only difference between the Senate committee's plan and my plan as it stands here now is that the Senate committee vests it in a board of three, while my plan would vest it in one man. But the Senate committee plan sets up a board of three, two of whom are Army officers, and I would rather leave the entire appointment in civil government to one officer selected from civil life than to leave it to a board the majority of whom are selected from the Army or Navy. I say that with due respect to the Army or Navy. I agree with the sentiments expressed by the Senator from North Carolina. These men are good men, skillful men, brave men, splendid men, but they have been trained to the business of the Army and Navy and not to the business of common civil life, and I am unwilling that they shall exercise, except in a time of actual danger, control over the civil affairs of the people, either here or elsewhere.

Mr. President, answering a little more in detail the statement of the Senator from North Carolina, for it was more a statement than an interrogatory, and I thank him for it, I would be unwilling, if we are ever to have any considerable population in the Canal Zone, to confer arbitrary power upon either a board of men or upon one man. I think when you get down to the question of really establishing a government there that is to be permanent in its character, we must pass some necessary laws giving to the local population some rights of setting up their local government. I am unwilling that any part of the world which is American territory shall be permanently placed under a guardianship established here in Washington. Of course to have a governor is one thing, but to absolutely give to that governor the entire right of control and government is quite a different thing.

Mr. SIMMONS. Will the Senator allow me? In the House plan the Senator will see that exactly that point was involved, and that is what the committee was confronted with:

> All other persons necessary for the completion, care, management, maintenance, sanitation, and operation of the Panama Canal shall be appointed by the President, or by his authority, removable at his pleasure.

That meant of course in the last analysis that they would all be appointed by this one man. That is one of the difficulties in the whole situation.

Mr. REED. Sometimes a bad plan will start traveling along a certain road and those who follow it will never get down to consider the right plan. We go in a direction because we started that way sometimes. But the Senator did not read all of the House plan. Reading, beginning where he did, and following on:

> All other persons necessary for the completion, care, management, maintenance, sanitation, and operation of the Panama Canal shall be appointed by the President, or by his authority, removable at his pleasure, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may, by appropriation act or other law, regulate the same.

Whether that means to be limited to salaries or not I am not certain. At first glance I thought not, but it may be that that is the meaning. However that may be, the fact that the House in its bill did not provide for a government is no reason why we should not do it. There is no insuperable obstacle presented here to-day for the amendment of this measure so that a government shall be established. But I take it that this is a temporary measure at best and at worst, and all we are undertaking to do now is to provide a temporary government. I see no special wrong in vesting in a civil governor these powers at the present time. Certainly I would as willingly do that as I would vest it in a board two-thirds of which were military. Then as soon as the canal is open surely Congress can pass a law that will provide for the other functions of government that must be employed.

I have taken a great deal of time here in discussing this matter, to the weariness undoubtedly of the Senate, but I am unwilling to set up machinery that we will never be able to take down again. If you appoint three governors there, with fat salaries, they will be there until the youngest man in the Senate has been gathered to his fathers. I am opposed to it, and I offer as an amendment the following——

Mr. SIMMONS. Will the Senator permit me to say, before he reads his amendment, that I agree entirely with him about the matter of salaries, but I do not see that his plan will avoid the difficulties on that score which confronted the committee. I think the salaries will have to be maintained at about the same rate whether we adopt the committee's plan or the Senator's plan.

I want to say, if the Senator will permit me, that I am not satisfied with the House plan; neither was I satisfied with the plan adopted by the committee; and that was the reason why I was trying to aid the Senator a little while ago to get time in order to frame something that would more nearly meet the situation.

Mr. REED. I understand the Senator's position and that he does not specially prefer one plan over the other, but he thinks the bill might be improved.

Mr. SIMMONS. That is right.

Mr. REED. Mr. President, I am sorry I have not had time to write it out—the amendment—in proper form, but I move to amend section 4 so that it shall read as follows:

> That when in the judgment of the President the construction of the Panama Canal shall be completed so as to render unnecessary the further services of the Isthmian Canal Commission as now constituted, the President is authorized by Executive order to discontinue the Isthmian Canal Commission, which together with the present organization, shall then cease to exist; and the President is authorized thereafter to complete and operate the Panama Canal or cause it to be completed and operated through such officer or officers of the United States Army as he may deem competent to discharge the various duties connected with the completion, maintenance, and operation of the said canal. The President shall appoint a civil governor of the Canal Zone who shall be a civilian, and shall receive a salary of $7,500 per annum. All other persons necessary for the care, maintenance, and sanitation of the Canal Zone shall be detailed from the military or naval forces of the United States. The governor shall have power to appoint such assistants and employ such aids in the conduct of the civil government of the Canal Zone as may be hereafter authorized by Congress. Officers of the United States Army or Navy detailed for service in the Canal Zone may, in the discretion of the President, be allowed a compensation in addition to that now fixed by law not to exceed 25 per cent of the salary now paid. Upon the completion of the Panama Canal the President shall cause the same to be officially and formally opened for use and operation.

The PRESIDENT pro tempore. The Chair understands the Senator to offer that as a substitute for the paragraph.

Mr. REED. As a substitute.

The PRESIDENT pro tempore. The substitute offered is in order, but before it is put it is proper to perfect the original section by acting upon the amendment that has been proposed or amendments that may be proposed. The pending amendment is that reported by the committee to the original section. After the section has been perfected the amendment proposed by the Senator from Missouri to strike out and insert will be in order. First, the amendment now proposed to the section as it stands will be acted upon and then the question will be presented to the Senate on the amendment offered by the Senator from Missouri.

The question now is on the adoption of the committee amendment as it has been amended by the amendment offered by the Senator from Iowa [Mr. CUMMINS], the amendment extending only to and including the word "canal," on the sixth line of the fifth page. That is the amendment now before the Senate. The question is on agreeing to the committee amendment as thus amended. [Putting the question.] The ayes appear to have it. The ayes have it, and the amendment as amended is agreed to. The next amendment of the committee will be stated.

The SECRETARY. On page 5, lines 6 and 7, the committee propose to strike out the words "as aforesaid" and to insert "under the provisions of this act."

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment of the committee will be stated.

The SECRETARY. In line 8, after the word "military," insert the word "naval."

Mr. LODGE. Do I understand that the vote was taken on the main amendment substituting a commission? I thought not.

The PRESIDENT pro tempore. The question was taken on the amendment reported by the committee to this section, ending with the word "canal," line 6, page 5.

Mr. BRANDEGEE. But not on the section as amended.

The PRESIDENT pro tempore. But not on the section itself: simply on the amendment proposed by the committee as it had been amended by the Senate.

Mr. JONES. We adopted the amendment providing for a commission of three?

The PRESIDENT pro tempore. We adopted that as an amendment.

Mr. LODGE. That surely has not been adopted.

The PRESIDENT pro tempore. That is not the adoption of all the section.

Mr. JONES. But we adopted that amendment.

Mr. LODGE. When was it adopted?

Mr. JONES. Just now.

Mr. LODGE. It was not understood. I had no idea that that chief amendment was being put.

The PRESIDENT pro tempore. The Chair distinctly stated it; but the Chair will again put the question if it was not understood.

Mr. LODGE. Then it was my misfortune that I did not understand it. I ask that it be put again.

The PRESIDENT pro tempore. The Chair will put it again.

Mr. BRANDEGEE. May the amendment be stated so that all may know what it is.

Mr. LODGE. An amendment of such importance can not be put through in that way.

The PRESIDENT pro tempore. The amendment was stated with the utmost deliberation.

Mr. LODGE. I did not understand it.

Mr. THORNTON. I will say that I certainly understood it and voted on it.

Mr. REED. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will suspend a moment. The Senator from Massachusetts asks that the amendment be restated, and the Chair will then again put the question to the Senate.

The SECRETARY. On page 4, line 9, strike out the word "unnecessary" and insert the words "as now constituted," and after the word "authorized" strike out the word "by" and the remainder of the text down to and including the word "canal," on line 18, and insert "to reduce the membership of the commission to three, one chosen from the Corps of Engineers of the Army, who shall be president of the commission as so reorganized"——

Mr. LODGE. It is not necessary to read further. It was the principal amendment, and I did not in the least understand that the question had been put. I move to reconsider, and make the point that there is no quorum present, and I shall ask for the yeas and nays.

The PRESIDENT pro tempore. It had not passed beyond the point where the Chair is authorized to again submit it to the Senate, the Senator stating that he did not understand that the question had been put.

Mr. LODGE. Very well; then I make the point of no quorum.

Mr. REED. I wish to make a parliamentary inquiry; that is all.

The PRESIDENT pro tempore. The Senator from Massachusetts has suggested the absence of a quorum, and the Secretary will proceed to call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	McLean	Simmons
Bacon	Culberson	Martine, N. J.	Smith, Ga.
Bailey	Cullom	Massey	Smith, Md.
Bankhead	Cummins	Myers	Smith, S. C.
Bourne	du Pont	Nelson	Smoot
Bradley	Fletcher	O'Gorman	Swanson
Brandegee	Gallinger	Overman	Thornton
Bristow	Gronna	Page	Tillman
Bryan	Johnson, Me.	Penrose	Townsend
Burnham	Johnston, Ala.	Perkins	Warren
Burton	Jones.	Pomerene	Wetmore
Catron	Kenyon	Reed	Williams
Chamberlain	La Follette	Root	Works
Clapp	Lodge	Sanders	
Clark, Wyo.	McCumber	Shively	

Mr. ASHURST. My colleague [Mr. SMITH of Arizona] has just been called from the Chamber and is unavoidably absent on important public business.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 58 Senators have responded to their names, and a quorum of the Senate is present.

Mr. LODGE. Mr. President, I have only a desire to get a direct vote on the question whether we shall have one man at the head of the Canal Zone or three men; and if it is preferred, first, to adopt the committee amendments and then take the vote on substituting the amendment to be proposed by the chairman of the committee, I have no objection to that method of procedure.

The PRESIDENT pro tempore. That is the parliamentary method of procedure.

Mr. LODGE. I make no objection to the adoption of the committee amendments, if it is understood that the chairman of the committee is then to offer an amendment which will bring up the direct question as between a triple-headed government and a single-headed government.

The PRESIDENT pro tempore. The Chair will state that the Senator from Missouri [Mr. REED] has already offered an amendment to that effect, and the Senator from Connecticut [Mr. BRANDEGEE] had simply given notice of an intention to offer such an amendment. Therefore the substitute proposed by the Senator from Missouri will be the first one to be acted upon. If that should not be carried, then the amendment proposed to be offered by the Senator from Connecticut will be in order for consideration in lieu of the present section.

Mr. BRANDEGEE. Whether the amendment proposed by the committee be agreed to or disagreed to, I shall offer the substitute which I have indicated providing for a single governor of the zone.

The PRESIDENT pro tempore. The Senate is simply proceeding now to perfect the amendment before entertaining the motion to strike it out and to substitute another in its place.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Connecticut if the amendment offered by the Senator from Missouri is in the exact wording of the amendment he himself proposes to offer?

Mr. BRANDEGEE. The amendment proposed by the Senator from Missouri was not reduced to writing; so far as I know, was only taken down by the Secretary at the desk. I am opposed to that amendment, but I do not speak for any other Senator. It is not at all the amendment which I am going to offer.

The PRESIDENT pro tempore. The Senator from Massachusetts, the Chair understands, withdraws his request for another vote on the last amendment.

Mr. LODGE. I withdraw the request, it being understood that we are to have the same question decided later by a yea-and-nay vote.

Mr. FLETCHER. As I understand, the vote is to be taken on the substitute offered by the Senator from Missouri [Mr. REED]?

The PRESIDENT pro tempore. Not yet; not until the Senate has acted upon the amendments which are offered to the original section. When those amendments have been acted on and the section shall have been perfected, the question will then be on striking it out and substituting the amendment offered by the Senator from Missouri.

Mr. FLETCHER. Mr. President, I ask to have the amendment stated.

The PRESIDENT pro tempore. The amendment will not be in order until after the Senate has acted upon the amendments proposed to the original section. Then it will be in order. The question now is upon the amendment striking out on page 5 certain lines, which the Secretary will state.

The SECRETARY. In section 4, on page 5, line 8, after the word "military," it is proposed to insert the word "naval."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. BRANDEGEE. I ask if there was not yesterday a suggestion made, on page 5, line 6, before the word "Any," to insert the word "If"; and also several other amendments?

The PRESIDENT pro tempore. The Chair understands there are certain amendments pending to that effect, which the Secretary will state.

The SECRETARY. On page 5, line 6, before the word "Any," it is proposed to insert the work "If"; in the same line to strike out the word "Any," with a capital "A," and to insert "any," with a small "a"; in line 7, before the word "be," strike out the word "may," and insert the word "shall"; in line 8, after the word "military," to insert the word "or"; in the same line, after the word "naval," to strike out the comma and the words "or civil"; and at the beginning of line 9, to strike out the word "but," so that if amended it will read——

Mr. LODGE. I think I must have the wrong print of the bill. Those amendments do not appear in the print I have.

Mr. BRANDEGEE. The amendments were offered on the floor yesterday.

The PRESIDENT pro tempore. The text will now be read as it will stand if amended.

The SECRETARY. If amended as proposed the clause will read:

If any of the persons appointed or employed under the provisions of this act shall be persons in the military or naval service of the United States, the amount of the official salary paid to any such person shall be deducted, etc.

The PRESIDENT pro tempore. Without objection, the amendments will be agreed to.

The Secretary will state the next amendment proposed by the committee.

The SECRETARY. In section 4, page 5, line 12, after the word "act," it is proposed to strike out the following:

The governor of the Panama Canal shall be appointed by the President, by and with the advice and consent of the Senate, commissioned for a term of four years, and until his successor shall be appointed and qualified. He shall receive a salary of $10,000 a year.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment reported by the committee will be stated.

The SECRETARY. In section 4, page 5, line 20, after the words "by the," it is proposed to strike out "President, or by his authority" and to insert the word "commission."

Mr. LODGE. Mr. President, that seems to me, under any circumstances, whether we have a commission or a single governor, a most objectionable amendment. I should like to ask the chairman of the committee whether the amendment just stated, in line 20, which, I repeat, I think is a most objectionable amendment, is covered by his proposed amendment?

Mr. BRANDEGEE. The House bill provides that the President shall appoint all the other persons necessary upon the zone, and inasmuch as the Senate committee amendment contemplates the government of the Canal Zone by a commission, the sense of the committee was that the commission should have the authority to appoint the other persons necessary for the government of the zone.

Mr. LODGE. If by the House provision the appointments are reserved to the President when there is only one head, I think it is even more desirable that the power of appointment ought to be reserved to the President when there is a commission. I think responsibility ought to be lodged somewhere as to the men who are to manage the canal, and I think to give to the commission the power of appointment would be most unfortunate.

Mr. ROOT. Mr. President, the effect of this provision would be that the man in charge of sanitation and the man in charge of the civil government could absolutely deprive the man who is responsible for the operation of the canal of all power whatsoever.

Mr. BRANDEGEE. Mr. President, I think if a commission is provided for, two members of the commission, if they should disagree with the chairman, could deprive him of all power. That is the reason I am opposed to the commission plan.

Mr. REED. I should like to ask the Senator from New York whether, in his opinion, this great canal ought not to be kept directly and at all times under the immediate control of the President and be in charge of an officer of the United States Army?

Mr. ROOT. I think it should.

Mr. REED. I think so, too.

Mr. ROOT. I think, through the exercise of the power of appointment by the President of the United States, this Government should keep its hand upon all matters in connection with the canal instead of leaving it to a commission on the Isthmus composed of three men, two of whom, by the exercise of the power of appointment, can render powerless the man who is responsible for the successful operation of the canal. I think, Mr. President, that we are making such arrangements that we hazard being humiliated before the world by a miserable failure in the administration of the canal.

Mr. BRISTOW. Mr. President, I desire to state, for the information of the Senator from New York, that during his absence an amendment was adopted on motion of the Senator from Iowa [Mr. CUMMINS] giving the president of the commission the complete control of the operation of the canal; and, so far as I am concerned, as a member of the committee who voted originally in favor of this amendment, if the other members of the committee who agreed with me at the time would be satisfied, I would be perfectly willing for that amendment to be disagreed to.

Mr. ROOT. The amendment providing for the appointment of officials by the commission?

Mr. BRISTOW. The one amendment in line 20, striking out the words "President, or by his authority," and inserting the word "commission."

Mr. ROOT. That would be a very great improvement.

Mr. JONES. I desire to say that I opposed that amendment in the committee. I think we should leave these appointments to the President, either directly or by his authority. So I should like to see the amendment striking out the words "President, or by his authority," and inserting the word "commission," disagreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee, striking out the words "President, or by his authority," and inserting "commission."

The amendment was rejected.

The next amendment of the Committee on Interoceanic Canals was, on page 5, at the end of line 20, to strike out the word "his" and insert "its."

Mr. JONES. That should be disagreed to.

The PRESIDENT pro tempore. Without objection, following the other amendment, that amendment will be disagreed to.

The next amendment of the Committee on Interoceanic Canals was, in line 23, to strike out the words "appropriation act or other."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. That completes the committee amendments to the section.

Mr. BRANDEGEE. Now, Mr. President, I assume the substitute offered by the Senator from Missouri [Mr. REED] is in order.

The PRESIDENT pro tempore. It is.

Mr. REED. I should like to have it stated, Mr. President. I am not certain as to the form of the amendment. I undertook to dictate it here, and I suppose the Secretary did his work all right, but I am not sure that I did mine.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In lieu of section 4 it is proposed to insert the following:

That when, in the judgment of the President, the construction of the Panama Canal shall be completed so as to render unnecessary the further services of the Isthmian Canal Commission as now constituted, the President is authorized by Executive order to discontinue the Isthmian Canal Commission, which, together with the present organization, shall then cease to exist; and the President is authorized thereafter to complete and operate the Panama Canal or cause it to be completed and operated through such officer or officers of the United States Army as he may deem competent to discharge the various duties connected with the completion, maintenance, and operation of the said canal. The President shall appoint a civil governor of the Canal Zone who shall be a civilian and shall receive a salary of $7,500 per annum. All other persons necessary for the care, maintenance, and sanitation of the Canal Zone shall be detailed from the military or naval forces of the United States. The governor shall have power to appoint such assistants and employ such aid in the conduct of the civil government of the Canal Zone as may be hereafter authorized by Congress. Officers of the United States Army or Navy detailed for service in the Canal Zone may, in the discretion of the President, be allowed a compensation in addition to that now fixed by law not to exceed 25 per cent of the salary now paid. Upon the completion of the Panama Canal the President shall cause the same to be officially and formally opened for use and operation.

Mr. REED. Mr. President, I have only a few words to say in addition to the remarks I have already made. I will try to condense what I want to say in three or four minutes' time.

I believe that the civil affairs of the Canal Zone, the civil rights of the inhabitants of the canal, ought to be safeguarded by a civil officer. I believe that the sanitation of the Canal Zone is so important that it probably ought to be conducted under an expert appointed by the President direct. I believe that the canal itself is not merely a commercial enterprise; that, vast as its value may be to the commerce of the world and great as the benefits from a commercial standpoint will be to this country, the chief value of the canal in the last analysis to our country is its strategic value in time of national danger. I believe that we ought not to divide the control of the canal any more than we would divide the control and management of one of the great fortresses standing guard at the gateways of the Republic; that the management of the canal ought to be in the President of the United States; and that one of the most skillful and wise officers of the Army ought to constantly act there for the President as the Commander in Chief of the Army of the United States.

I can readily see that a condition might arise when immediate action would be necessary. I can readily see that a condition might arise when a division of counsel and a war of opinions among three governors, with divided responsibility and divided opinions, might result in serious consequences to our Government. This canal may be the great gateway through which we shall send our vessels to the rescue of our country; it may be the gateway through which the enemy can reach our shores. It ought to be regarded as a military post and should be directly in the control of the President of the United States.

The amendment I have offered has not been perfected as I would like to have it, but it covers this question, and I think has been fully as well considered as has the bill now before us.

Mr. BRANDEGEE. Mr. President, I send to the desk an amendment which I intend to propose to this section as a substitute, and will ask the Secretary to read it in my time, in order that Senators may see whether and to what extent it covers the points made by the Senator from Missouri.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY. As a substitute for section 4, it is proposed to insert the following:

SEC. 4. That when in the judgment of the President the construction of the Panama Canal shall be sufficiently advanced toward completion to render the further services of the Isthmian Canal Commission unnecessary the President is authorized by Executive order to discontinue the Isthmian Canal Commission, which, together with the present organization, shall then cease to exist; and the President is authorized thereafter to complete, govern, and operate the Panama Canal and Canal Zone, or cause them to be completed, governed, and operated, through a governor of the Panama Canal and such other persons as he may deem competent to discharge the various duties connected with the

completion, care, maintenance, sanitation, operation, government, and protection of the canal and Canal Zone. If any of the persons appointed or employed as aforesaid shall be persons in the military or naval service of the United States, the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act. The governor of the Panama Canal shall be appointed by the President, by and with the advice and consent of the Senate, commissioned for a term of four years, and until his successor shall be appointed and qualified: *Provided*, That he be subject to removal at the will of the President. He shall receive a salary of $10,000 a year. All other persons necessary for the completion, care, management, maintenance, sanitation, government, and operation of the Panama Canal and Canal Zone shall be appointed by the President, or by his authority, removable at his pleasure, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law regulate the same, but salaries or compensation fixed hereunder by the President shall in no instance exceed by more than 25 per cent the salary or compensation paid for the same or similar services to persons employed by the Government in continental United States. That upon the completion of the Panama Canal the President shall cause the same to be officially and formally opened for use and operation.

Mr. CULBERSON. I will ask the Senator from Connecticut if the amendment he proposes is not substantially the House bill?

Mr. BRANDEGEE. It is almost identical with the House bill provision, except it provides that the governor shall not only operate, but govern the Canal Zone. It is practically the House provision, and the only respect in which it differs are the suggestions, as I stated yesterday, made by the Secretary of War to the committee. I shall offer it in case the amendment of the Senator from Missouri is voted down.

Mr. WORKS. Can the Senator from Connecticut point out the difference between this amendment and the one offered by the Senator from Missouri?

Mr. BRANDEGEE. Not having his amendment before me, the Senator's recollection of the amendment is as good as mine.

Mr. WORKS. But I thought the Senator might have compared the two.

Mr. BRANDEGEE. There has been no opportunity for comparison except as the Clerk read the two amendments.

Mr. CLARK of Wyoming. The amendment of the Senator from Missouri refers exclusively to the canal itself and the operation of it.

Mr. ROOT. I gathered the impression, from having heard read the amendment of the Senator from Missouri, that there would be two authorities on the zone—one the manager of the canal, the other the manager of the zone.

Mr. BRANDEGEE and others. Question!

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri.

Mr. REED. The Senator from New York made some remark that I could not hear about the divided authority.

Mr. ROOT. I was merely answering the question of the Senator from California.

Mr. REED. I want to say, if I caught aright the question of the Senator from California, that it is not the intention in the amendment to divide authority at all. If I have expressed my thought—and I think I have—in that amendment, it provides for a civil government; that is, merely a government of the people, but the canal itself, the management of the canal and the control of the canal will be completely in charge of an officer appointed by the President.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Missouri to strike out the section and insert the substitute offered by him.

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The substitute was rejected.

Mr. BRANDEGEE. I submit an amendment in the nature of a substitute for section 4.

The PRESIDENT pro tempore. The Senator from Connecticut moves to strike out section 4 and to insert a substitute therefor. The Secretary will report the same.

Mr. BRANDEGEE. The amendment was reported a moment ago.

The PRESIDENT pro tempore. The question is upon the amendment of the Senator from Connecticut to strike out section 4 and insert in lieu thereof the amendment which has just been read to the Senate.

Mr. BRANDEGEE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BANKHEAD (when his name was called). I have a pair with the Senator from Idaho [Mr. HEYBURN], who is absent, and therefore withhold my vote.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer it to the junior Senator from Indiana [Mr. KERN] and will vote. I vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON] and therefore withhold my vote. If he were present, I should vote "yea."

Mr. LODGE (when Mr. DILLINGHAM's name was called). The Senator from Vermont is absent from the city. He requested me to announce that he is paired with the Senator from South Carolina [Mr. TILLMAN], and if he were present and permitted to vote, he would on this vote vote "yea."

Mr. SHIVELY (when Mr. KERN's name was called). My colleague [Mr. KERN] is necessarily absent from the Chamber on important business. He is paired with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I am informed that the junior Senator from Massachusetts [Mr. CRANE], if present, would vote "yea." I therefore transfer my pair with the senior Senator from Mississippi [Mr. PERCY] to the junior Senator from Massachusetts [Mr. CRANE] and will vote. I vote "yea."

Mr. REED (when his name was called). I feel that I am paired on this question with the Senator from Michigan [Mr. SMITH]. I am informed that I can transfer the pair to the Senator from Nevada [Mr. NEWLANDS]. I do so, and will vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I am paired with the Senator from Delaware [Mr. RICHARDSON]. I transfer the pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. WETMORE. I desire to announce that my colleague [Mr. LIPPITT] is paired with the Senator from Tennessee [Mr. LEA]. If my colleague were present he would vote "yea."

Mr. BRYAN. May I inquire whether the Senator from Oregon [Mr. BOURNE] has voted?

The PRESIDENT pro tempore. The Chair is informed he has not.

Mr. BRYAN. I have a pair with that Senator on this vote, which I transfer to the Senator from Arkansas [Mr. CLARKE] and will vote. I vote "yea."

Mr. CHAMBERLAIN. I have been requested to announce that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]; and I make this announcement for the day.

Mr. WILLIAMS. I desire to announce that my colleague [Mr. PERCY] is necessarily absent, and is paired. I ask that this announcement stand for the day.

Mr. MARTINE of New Jersey. I desire to announce a pair between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS].

Mr. GALLINGER. I have been requested to state that the Senator from South Dakota [Mr. GAMBLE] stands paired with the Senator from Nevada [Mr. NEWLANDS].

The result was announced—yeas 43, nays 14, as follows:

YEAS—43.

Ashurst	Culberson	Massey	Smith, Ga.
Bacon	du Pont	Myers	Smith, Md.
Borah	Fletcher	Nelson	Smith, S. C.
Brandegee	Gallinger	O'Gorman	Smoot
Bryan	Gronna	Page	Stone
Burnham	Johnson, Me.	Penrose	Swanson
Burton	Kenyon	Pomerene	Townsend
Chamberlain	La Follette	Reed	Warren
Clapp	Lodge	Root	Wetmore
Clark, Wyo.	McCumber	Sanders	Works
Crawford	McLean	Shively	

NAYS—14.

Bradley	Fall	Overman	Thornton
Bristow	Johnston, Ala.	Perkins	Williams
Catron	Jones	Simmons	
Cummins	Martine, N. J.	Smith, Ariz.	

NOT VOTING—37.

Bailey	Davis	Kern	Rayner
Bankhead	Dillingham	Lea	Richardson
Bourne	Dixon	Lippitt	Smith, Mich.
Briggs	Foster	Martin, Va.	Stephenson
Brown	Gamble	Newlands	Sutherland
Chilton	Gardner	Oliver	Tillman
Clarke, Ark.	Gore	Owen	Watson
Crane	Guggenheim	Paynter	
Cullom	Heyburn	Percy	
Curtis	Hitchcock	Poindexter	

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So Mr. BRANDEGEE's amendment in the nature of a substitute was agreed to.

The PRESIDENT pro tempore. The next amendment of the committee will be stated.

The next amendment was, on page 6, section 5, line 10, after the words "Panama Canal," to insert a colon and the following:

Provided, That no tolls, when prescribed as above, shall be changed, except six months notice thereof shall have been given by the President by proclamation.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. BURTON. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. BURTON. I take it it is in order for amendments other than those proposed by the committee to be offered during this reading of the bill?

The PRESIDENT pro tempore. What is the inquiry of the Senator from Ohio?

Mr. BURTON. It is whether the bill is open to general amendment.

The PRESIDENT pro tempore. As the sections are read, the Chair understands amendments are in order.

Mr. BURTON. Then I move to strike out line 13 and the first five words in line 14, on page 6, reading:

No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

Mr. BRANDEGEE. Before the vote is taken upon that question, I want to suggest in the italics just read, to change the word "except," in line 11, to "unless," so as to read "unless six months notice," and so forth.

The PRESIDENT pro tempore. The amendment having already been adopted, that change will be made, if there is no objection, by unanimous consent.

The next committee amendment will be stated by the Secretary.

The SECRETARY. In lines 20 and 21——

Mr. BURTON. What disposition was made of my amendment?

The PRESIDENT pro tempore. The Senator from Ohio presents an amendment, which will be stated.

The SECRETARY. In lines 13 and 14 on page 6, the Senator from Ohio proposes to strike out—

No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Ohio to strike out the words which have just been read.

Mr. SIMMONS. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BRANDEGEE. Mr. President, of course that brings up the whole question whether coastwise trade shall be exempt from toll charges or not. That has been discussed a good deal by Senators in their general speeches on the bill.

I do not intend to take up more than one minute of the Senate's time.

I want to state that from the beginning I have been, and am now, in favor of the amendment proposed by the Senator from Ohio [Mr. BURTON]. I do not see any reason why a vessel engaged in the coastwise trade of this country that wants to get from the Atlantic to the Pacific Ocean, or the reverse, should have any right to come to that canal and say to the United States, which has already paid $400,000,000 for the construction of the canal: "Here, get to work. Burn up the coal you have bought with Treasury funds; maintain your operating force; transport me; not only give me the use of the waterway which you have provided at this enormous expense, as you would in the case of a harbor, but pay the expenses of transporting my vessel across the continent, and also insure her against any accident," for as the Senators who have read the bill know, it provides that the vessel must absolutely put itself in the hands of the operating force of the United States.

If any accident happens to it or damage results to it, the United States is responsible in damages for that vessel. I understand the claims that Senators make who believe the other way, but to me there is no moral claim whatever. Any shipping engaged in our coastwise trade, which already has a monopoly in the business, has bound the Government not only to spend the money collected in taxes from all the people in a special service to it, but also to guarantee it and insure it against damage if a vessel is injured. I am heartily in sympathy with the amendment of the Senator from Ohio.

Mr. O'GORMAN and Mr. SIMMONS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield, and to whom?

Mr. BRANDEGEE. I yield to the Senator from New York.

Mr. O'GORMAN. I should like to ask the Senator from Connecticut in what section of the bill it is that the United States agree to indemnify the owner of it for all loss or damage sustained by it?

Mr. BRANDEGEE. I have it not before me at present. I will look it up and inform the Senator. There is a section which provides that any claim made by a vessel for damage going through shall be adjudicated, and it provides the court in which the claim shall be presented. I will refer the Senator to it as soon as I have taken my seat and have had an opportunity to find it.

Did the Senator from North Carolina rise to make an inquiry?

Mr. SIMMONS. I simply wanted to make an inquiry of the Senator. I understood the Senator to say there is a great deal required to maintain the locks, to bear the expense of furnishing coal and supplies, and we should not allow American ships to pass through free. In our interior waterways does the Senator know where the Government has built a lock canal that it does not maintain the lock canal and permit the free passage of vessels without charge?

Mr. BRANDEGEE. Mr. President, I will say to the Senator from New York that the provision I referred to occurs on page 8, lines 7 to 19, inclusive.

Now, in answering the inquiry of the Senator from North Carolina, I will say that I do not consider this Panama Canal to be at all on a parity with our inland waterways. I see no analogy whatever between them but the fact that they are both waterways upon which ships sail. I do not regard it as a part of our coast line, as some Senators do. Two foreign countries intervene between our country and the canal. To my mind it is no more a part of our coast line than the Straits of Magellan would be. It is simply a question of degree as to the distance.

Mr. SMITH of South Carolina. May I ask the Senator from Connecticut, then, upon what authority have we just passed legislation to establish a civil government for that zone?

Mr. BRANDEGEE. I was talking about the canal. We organize a civil government for the Canal Zone upon the authority under the treaty with a foreign country to which I have alluded.

Mr. SMITH of South Carolina. Then the Senator will admit, I presume, that as under the treaty we appoint a civil governor within that zone, and the canal happens to run through it, all the riparian rights there are as much ours as is the coast of America?

Mr. BRANDEGEE. I am talking about what signification shall be given to the word "coastwise." I am not discussing the extent of our sovereignty there. As I said the other day, it does not, in my opinion, have any relevancy to this discussion.

The sole question with me is with what moral force does the appeal come to the Congress of the United States as representatives of our States here and the people from a private shipowner, who already has a monopoly of our coastwise trade, to appear from the Atlantic or Pacific Ocean and signal to the operatives of the canal upon which we have spent $400,000,000, the interest charge of which is some $11,000,000, the annual maintenance of the operation of the two and a half or three million dollars—with what right in equity does that man say to us: "You have saved me some 8,000 miles of travel around the Straits of Magellan, and you allow me to sail over this water as you would a harbor, but in addition to that I demand that you shall keep it equipped, that you shall go into the market and buy coal, that you shall carry it down there and burn it in running the machinery for my peculiar benefit, and I will keep the tolls, the amount of money which the service is worth to me."

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Kansas?

Mr. BRANDEGEE. Certainly.

Mr. BRISTOW. Since we have expended $120,000,000 on the improvement of the Mississippi River, why should we not charge for its use?

Mr. BRANDEGEE. That is practically the same question in another form that the Senator from North Carolina put to me as to the interior waterways. I do not see any analogy between the two things.

We had for years a Panama railroad down there, and it did as far as it could the same business that this canal is going to do, only the cargoes of ships had to be transferred from the ship to the railroad. We never put the cargoes of the ships through free on the railroad. On the contrary, we charged them for the service performed.

I could talk about it for half an hour or an hour, I suppose, but if Senators do not grasp my idea about it or the way I feel about it after what I have said, they would not after an

hour, and I am not saying this to change anybody's opinion. Senators are just as well qualified to have an opinion about it as I am, but that is my view of it, and that is the reason why I shall vote for the amendment of the Senator from Ohio.

Mr. STONE. Mr. President, I should like to make an inquiry. If I understand the Senator from Connecticut, he is opposed to the passage of vessels through the canal without the payment of tolls. Is he opposed to it merely on grounds of economy or domestic policy, or does he go further and oppose the view that such vessels can not be permitted to go through without the payment of tolls because of our treaty obligations?

Mr. BRANDEGEE. I beg the Senator's pardon. There is so much conversation going on that I could not hear the Senator's question.

The PRESIDENT pro tempore. Senators will refrain from audible conversation.

Mr. BRANDEGEE. It is just the last part of it that I did not hear.

Mr. STONE. I asked if the Senator also contends that coastwise vessels can not go through the canal free of tolls without violating our obligations under the Hay-Pauncefote treaty?

Mr. BRANDEGEE. I have said upon a previous occasion that I do not think we can do it under the treaty. I am frank to say so. But, irrespective of the treaty, I do not think the proposition has any intrinsic merits of its own. If I were certain that we had the right to do it under the treaty, I should still be in favor of charging the ships for the people's money that we have burned up in putting them through. I think even if I were willing to grant a ship subsidy, which this is to an extent, I would want it impartially distributed among our ships. If I were going to subsidize our coastwise trade I should want a law so that any vessel in our coastwise trade could get its share; but if this be a subsidy it is a subsidy which discriminates between that portion of our coastwise trade which goes through the Panama Canal and all the rest of it, and says that those vessels which go through the Panama Canal shall be subsidized, and those which do not shall not.

Mr. STONE. I am more concerned about the interpretation to be placed by the Government of Great Britain and other foreign governments upon the action of the Senate as it relates to the right of the United States to control this canal and to exercise absolute sovereign jurisdiction over it, even to the extent of permitting any vessel of American registry to go through without the payment of tolls, than I am about the temporary policy, whether it be of one line or the other. I would dislike to have Congress take such action as would be in effect a congressional interpretation of the treaty to the extent that we ourselves in Congress denied the right of this Government to use the canal in the way indicated, if this Government saw proper to do so.

Mr. BRANDEGEE. I never should have raised any treaty question at all, with the view that I entertain upon the subject. The fact that we had a note of a diplomatic character from Great Britain upon this question is absolutely immaterial and irrelevant to me, because, as I said, if Great Britain had never written such a note I would not be in favor of presenting this subsidy to these vessels.

There is another thing about this matter. I know we can have no trouble if we start in and charge every vessel for which we perform this special service. We can work on that theory for a year or two. If then Congress wants to remit the tolls, or is satisfied that it can lawfully give a preference to our domestic shipping, it can do it easily; but if it starts with free tolls and it is desirable to put tolls on, it never will be possible to do it, in my opinion.

There is another thing I will say in passing. If it shall be the policy of Congress to grant free tolls to its ships in the coastwise trade, which have the monopoly of the market, I think it much more deserving to grant subsidies or free tolls to our shipping in the foreign trade, which has been almost wiped from the ocean, while our coastwise trade is profitable. I certainly would not permit that discrimination as between our two classes of shipping.

Mr. LODGE. Mr. President, I can not see the precise distinction that is drawn between spending millions on the harbors of New York, Boston, San Francisco, and Philadelphia and admitting foreign ships and American ships on an equality with no payment except the trifling port and lighterage dues and for the management of the port and the expenditure on lights. I do not see why all our ships—coastwise ships and other ships—are allowed that privilege if they should not have the privilege of using the canal that we have built. I do not at all agree with the House provision which allows coastwise vessels to go through without paying tolls and compels the foreign tonnage—that is, American ships engaged in foreign trade, such few as remain—to pay the tolls. If tolls are to be exacted, there is much more reason for exacting them from the coastwise trade, which has an absolute monopoly, than from the few vessels we have engaged in the foreign commerce which are struggling for their lives without any help whatever, not only against the competition of the world but against the competition of heavy subventions and subsidies. If anybody is to be aided by being allowed to pass through the canal without paying tolls it ought to be the vessels carrying foreign tonnage. As far as the treaty is concerned, I can see no distinction between the two.

Mr. President, I do not want to raise the question of our rights under the treaty. I thought when the treaty was ratified that we could make any arrangement about our own tolls as we chose. I think so still; but I do not want to put the country in any light in which it can be supposed that it is dealing unfairly, nor do I want to raise any question about it that shall go before The Hague tribunal. I think the better way, therefore, would be to adopt the plan which is adopted by other nations in the Suez Canal of paying the tolls of vessels of the flag when they go through the canal. Of course, it costs the Government nothing. It is simply another form of giving them free passage.

I hold in my hand a copy of a contract between the French Government and the Messageries, which is the great line running from Marseille to the East. This is a contract made on the 22d day of July, 1912—just made. Article 3 of the contract reads—I will read simply the first clause, because that carries it all—

> The taxes for transit upon the tonnage paid by the company for the passage of the Suez Canal by the subsidized ships will be repaid to the company in addition to the subvention conformably to the arrangement of the provisions of article 96 of the schedule of charges.

During the calendar year 1911 the voyages of the steamers of the Messageries Maritimes through the Suez Canal numbered 172, tonnage 603,400, and the Suez tolls amounted to about $850,000. France by a new contract has just arranged to pay to her one line of steamships in addition to the subvention for the passage through the canal. There are some little details here about the charges which I will ask to put in the RECORD, but which it is not necessary to read.

I cited the other day when this matter was under discussion cases of Austria and Sweden, who directly paid. Here is absolutely the most direct form possible. Yet the Suez Canal under the original agreement with the Khedive, and under the subsequent arrangement by the Sultan, provided for equality to all vessels of all nations. Of course this puts the French vessels on an inequality with the others. It amounts to giving them free passage. It is only done in that way. England does not venture to protest or say that that is an evasion of the provisions of the treaty.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. Certainly.

Mr. GALLINGER. If the Senator will permit me, I think the Senator perhaps suggested it with sufficient distinctness, the subvention to the vessels of Sweden are precisely the amount of the tolls that would be exacted from those vessels going through the Suez Canal.

Mr. LODGE. Yes; I remember that was the case. It was not done for that precise purpose, of course.

Mr. STONE. Will the Senator allow me?

Mr. LODGE. Certainly.

Mr. STONE. The French Government has made the contract the Senator has read with a line of ships by which that Government pays tolls exacted from the ships passing through the Suez Canal.

Mr. LODGE. In addition to the subvention.

Mr. STONE. I have no reference now to the subvention.

Mr. LODGE. It has no connection with the subvention.

Mr. STONE. Why could not that same Government or any other Government do the same thing in reference to the Panama Canal?

Mr. LODGE. It could; and will, no doubt.

Mr. STONE. Pay the tolls?

Mr. LODGE. They could and will, without any question.

Mr. STONE. Then, would not that leave American vessels still at great disadvantage in competing with the world's trade?

Mr. LODGE. It would leave them at the greatest possible disadvantage. That is just what I desired to point out. France and Austria and these other countries will no doubt follow the same course with Panama that they have with Suez. They will pay the tolls of their vessels.

Mr. STONE. That is very important.

Mr. LODGE. And our vessels will be required to pay tolls in the canal we built and which is ours. We own the zone and we govern it, and we will be paying tolls while the other vessels of foreign powers will be passing through our canal with their tolls paid. Our vessels will be under a burden of taxation put by our own Government upon them against all the rest of the vessels of the world. There may be a difference of method as to getting rid of that, but I say it would be a disgrace if the Government actually taxed our own ships and allowed the ships of other nations to go through the canal free, making the canal a burden on the American shipowner, whether engaged in the coastwise or in the foreign trade.

Mr. STONE and Mr. MARTINE of New Jersey addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Massachusetts yield?

Mr. LODGE. I first yield to the Senator from Missouri.

Mr. STONE. I think the Senator from Massachusetts states the case very clearly and, I believe, accurately. There are but two ways that I see—and he has suggested them—of avoiding this difficulty, so as to place American vessels on a footing of equality with foreign vessels, for it is almost certain to happen that France and other countries will pay the tolls on their vessels going through the Panama Canal.

Mr. LODGE. I have no doubt that Great Britain will do so.

Mr. STONE. Then we must either pay the tolls on our ships or we must by law attempt to give our vessels free passage.

Mr. LODGE. We must put our vessels on an equality in our own canal with the vessels of the rest of the world. We must either relieve them from paying tolls or we must take the toll in one hand and pay it out with the other. It amounts to the *same thing precisely.*

Mr. STONE. Then, to avoid the opposition very likely, indeed almost certain, to arise from the notion that to pay tolls is a form of subsidy and furnishing a precedent, it may be, for additional subsidies in the future, why not provide at once that all American vessels shall go through without the payment of tolls?

Mr. LODGE. It ought to be all or none. I have here a bill, which I mean to offer as an amendment, which was prepared by the late Senator Frye and introduced by him in the last Congress. I reintroduced it in this Congress simply to bring it before the Senate. It provides:

> That all tolls and transit charges which may hereafter be imposed on public vessels of the United States and on merchant vessels of the United States for passing through the Panama Canal shall be paid from any money in the Treasury not otherwise appropriated, and there are hereby appropriated annually out of any money in the Treasury not otherwise appropriated such sums as may be necessary for the purpose; and such appropriations shall be deemed permanent annual appropriations.

Of course the Government pays the toll to itself. That is all that is done.

Mr. MARTINE of New Jersey. Mr. President, if the plan as expressed by the Senator from Massachusetts [Mr. LODGE] should come in vogue as it is in vogue in France, it would be paying a subsidy pure and simple. I do not believe it would be possible on this side of the Chamber at least to ever pass such a measure. The ramifications of such a system would be limitless. In the northeast corner of my farm I have a 12-acre lot so unfortunately poor that it will not raise buckwheat, but if the Congress of the United States will sufficiently subsidize me I will carry 15 inches of good soil to that lot and raise buckwheat. I think, with as much reason, I might plead before the Congress of the United States and ask the people for subsidy as that the shipowners should be paid back the dollars that they may be asked to pay for passing their vessels through the canal.

For myself, I beg to say that I am in favor of a canal as free as God's air. I believe that it would enhance our shipping. I have seen it stated that there are something like 1,200 various craft that are to-day under construction for the purpose of engaging in the trade across the Isthmus. I believe a free canal would induce further shipping and would do more toward the floating of the American flag than any other one thing of recent years. I am in favor, Mr. President, on page 6, line 13, wherein it is stated that "no tolls shall be levied upon vessels engaged in the coastwise trade of the United States," of inserting, after the word "coastwise," the words "or ocean trade carrying the American flag and having an American register."

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. LODGE. I yield to the Senator from Kansas.

Mr. BRISTOW. If the Senator from New Jersey will read the italics beginning in line 25, on page 6, and on down to line 14, on page 7, he will see that the provision of which he speaks is contained in the italics.

Mr. MARTINE of New Jersey. I now notice that. I did not at first grasp it. I thank the Senator from Kansas. That entirely meets with my approbation.

Mr. LODGE. Mr. President, there is no relation between a subvention and these tolls. They are perfectly distinguished in the French contract, which I have read, and which I will ask to have printed in the RECORD. It is simply a form of remitting the tolls, that is all.

The PRESIDENT pro tempore. In the absence of objection permission to print in the RECORD the contract referred to by the Senator from Massachusetts is granted.

The matter referred to is as follows:

FRENCH SUEZ CANAL TOLL REFUNDS.

On July 22, 1912, the new 25-year ocean mail contract (expiring November 30, 1937) between the French Government and the Messageries Maritimes Steamship Co. went into effect.

Article 3 of the contract reads:

"ART. 3. Les taxes de transit sur le tonnage payées par la compagnie pour le passage du canal de Suez par les navires subventionnés lui seront remboursées en supplement de la subvention, conformément aux dispositions de l'article 96 du cahier des charges.

"Exceptionnellement, pendant la période transitoire prévue au cahier des charges, les frais de passage du canal de Suez par les navires de la ligne de Haïphong seront supportés par la compagnie."

Article 96 referred to in article 3 reads:

"ART. 96. La subvention est payable par douzième, à terme échu, sur la production d'un certificat dressé par le commissaire du Gouvernement et constatant la réguliére exécution du service. Ce certificat est donné sous toutes réserves des reprises que l'Etat serait en droit d'exercer pour des faits non encore révélés. Les payements ont lieu a Paris ou au port d'attaché du service, au choix de la compagnie.

"Le montant du remboursement de la taxe spéciale de navigation dans le canal de Suez (tonnage) est payable par douzième, à terme échu, en même temps que la subvention, d'après les prévisions de dépenses basées sur les chiffres de l'annee antérieure, sous reserve des redressements à apporter en fin d'exercise, d'après les taxes effectivement payées.

"A l'expiration de la concession, les derniers payements n'ont lieu qu'après constatation qu'il n'y a aucune reprise à exercer contre la compagnie."

During the calendar year 1911 the voyages of the steamers of the Messageries Maritimes through the Suez Canal numbered 172, tonnage 603,400; so the Suez tolls amounted to about $850,000. The toll rate for 1912 is 50 centimes (9¾ cents) less, or on the same tonnage about $750,000.

The contract calls for 156 Suez-Canal-toll-refunded voyages annually, beginning last week, the toll to be refunded amounting to about $680,000. The 26 voyages to Haiphong, on which temporarily there is no refund, are not included.

TRANSLATION.

Following is translation of article 3 and marked part of article 96 (balance of 96 covers, mode of paying subvention):

"ART. 3. The tolls based on tonnage for transit through the Suez Canal paid by the company on its subsidized ships shall be reimbursed to the company in addition to the subsidy, according to the provisions of article 96 of the schedule of charges and obligations: *Provided*, That during the temporary period covered by that schedule the expenses of passing through the Suez Canal of ships on the route to Haiphong shall be paid by the company."

"ART. 96" (first paragraph relates to the subsidy). "The amount of reimbursement of the special navigation toll on tonnage through the Suez Canal is payable monthly at the end of the month at the same time as the subvention according to the estimates of expenses based on the figures for the previous year, with the reservation of adjustment of balances at the end of the business year based on tolls actually paid." (Third paragraph relates to general subsidy.)

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. Certainly, I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, other nations are to a very large extent, though not wholly, getting rid of requiring their ships passing through the Suez Canal to pay tolls, and already there is a movement on the part of European nations to pass their ships free through the Panama Canal. There is no doubt about that.

The Peninsula & Oriental Line, the great British line, pays tolls to the amount of $1,700,000 a year, and the British Government gives that line $1,500,000, nearly as much as the tolls amount to. The North German Lloyd is paid—call it subsidy or what you please—$1,385,000; and the tolls through the Suez Canal for the North German Lloyd steamers are much less than that. Japan pays the Nippon-Yusen-Kaisha Line a subsidy of $1,336,000 for its ships passing through the Suez Canal. France pays the Messageries Maritimes $2,145,000 a year. The Russian Government gives directly for the passing through the Suez Canal to the Russian ships 650,000 rubles annually. The Austrian Government pays a subsidy to her ships of 4,700,000 crowns, and in addition pays the tolls through the Suez Canal. Sweden gives a subsidy of 1,850,000 crowns directly to pay the tolls of her ships through the Suez Canal. That is what is

going on so far as the ships of foreign countries are concerned; and unless we make some provision to protect our own ships in that regard going through the Panama Canal, we shall be put in the attitude of requiring those ships to pay the tolls, while the other Governments will remit the tolls in the nature of subsidies or direct payments to offset the tolls.

I am myself, Mr. President, in favor of the provision in the House bill that no tolls shall be paid by American ships. If it is the judgment of the Senate that that is not good legislation, then in this bill—and we ought not to delay it for some other bill—we ought to have a provision that the Government itself shall become responsible for the tolls so as to put our ships on an equality with the ships of foreign nations.

This great Nation of ours has only about 10 ships now engaged in the foreign trade. I think I state it with considerable accuracy when I say that we have 10 ships engaged in the overseas trade with the entire world. Those ships ought not to be required to pay tolls through this canal any more than should the coastwise-trade ships, because the ships of other nations engaged in the over-seas trade will be granted subventions which will offset the tolls that they will pay for going through the canal, and our poor little languishing merchant marine—that I have tried to rehabilitate, but have not succeeded, and I have given up the struggle so far as any further effort is concerned—our poor little languishing merchant marine, 10 ships in number, will be put at a disadvantage in competition with the enormous merchant marine of Great Britain, France, Germany, Sweden, Italy, and other nations.

I feel a great deal of interest in this matter, and I want to vote either directly for the House provision or else for an allowance—call it subvention, subsidy, what you please—that will at least put our ships on a parity with those of foreign nations.

Mr. MASSEY and Mr. BRANDEGEE addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Massachusetts yield?

Mr. LODGE. I yield to the Senator from Nevada.

Mr. MASSEY. Mr. President, I desire to ask the Senator from Massachusetts a question involving rather a matter of wisdom or policy than a question of law. If the Senator believes, as he indicates he does believe, that we should discriminate in favor of American shipping, so far as the fixing of tolls is concerned, in the use of the Panama Canal, would it not be wise for this Congress to pass a provision such as is contained in the House bill, directly giving to American coastwise shipping and shipping engaged in the foreign trade free use of the canal rather than to confess by legislation at this time that the provisions of the Hay-Pauncefote treaty extend over and against the action of Congress in respect to legislation now before us? Would not, in other words, the enactment of indirect legislation at this time be a confession that the American Congress were violating by the act the terms of the Hay-Pauncefote treaty in so far as tolls are concerned?

Mr. LODGE. Mr. President, I personally interpret that treaty, and have from the beginning, as giving us complete control over tolls to be charged American vessels. There is a dispute upon that point. Members of this body and Members of the other House hold different views as to that; in other words, there is a doubt as to the interpretation of that clause. The interpretation I gave it is doubted by Members of the American Congress and by many others in this country. It is therefore impossible to suppose that other countries would not doubt and question it, and demand that the controversy go to The Hague tribunal.

Mr. MASSEY. Will the Senator permit me to interrupt him further?

Mr. LODGE. Let me finish the sentence. Of course, if the question goes to that tribunal, as I said the other day, it is decided beforehand. It would be for the interest of every nation represented on that tribunal to decide the case against us, and their representatives would do so, no matter how good was our case. They would decide it, I think, in their own interests. I have no disposition to take that question to a tribunal where every judge is, through his country, against our contention.

The other alternative would be to refuse to go to The Hague at all. That we could do; but then many other Senators think that that would be violating one of our existing treaties of arbitration. It would probably be covered under the head of a vital interest, if we chose to refuse to go to The Hague tribunal, but I do not want to open up those questions with other countries. I object very strongly to doing that. The proposition which I make is one to which no country can possibly object; it is wholly a domestic question; and to undertake to make the argument about that such as was intimated, I believe, in the English dispatch, it seems to me, little less than impertinence.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from California?

Mr. LODGE. I yield to the Senator.

Mr. WORKS. I should like to ask the Senator from Massachusetts whether he thinks there will be any legal difference between the express granting of free passage to our ships and a like express provision that we will repay or rebate the amount that is collected from our own ships? What difference would there be in a legal sense between the two as between ourselves and other governments?

Mr. LODGE. I think there is a very broad distinction legally, though none practically.

Mr. WORKS. The legal question, is strikes me, is very much the same as the practical question in that respect.

Mr. LODGE. One thing is prohibited by the treaty, if the interpretation of those who think the treaty prohibits us from making a distinction in tolls is accepted, but the treaty does not say, and does not pretend to say, who shall pay the tolls or where the money shall come from.

Mr. WORKS. No, Mr. President; but it is perfectly evident that it would be a pure and unadulterated evasion.

Mr. LODGE. Unquestionably it would be, just as it is a pure and unadulterated evasion in the case of certain nations that pay the tolls on their ships passing through the Suez Canal, a practice which is recognized by all the nations of the earth.

Mr. WORKS. Certainly; I understand that. There is another phase of this matter which should be seriously considered. When this matter was under discussion only a short time ago it was maintained by some Senators on the floor of the Senate that the Senate was estopped from questioning the construction the British Government placed upon this treaty by reason of the fact that one of its members had offered an amendment providing specifically that our ships might be relieved from the payment of tolls, and that amendment had been rejected. Now it is proposed, Mr. President, to pass directly upon that question by an affirmative vote, which, in effect, is to give just that construction to the treaty, or confess by the vote of the Senate that the British Government is right in its contention that the treaty should receive that construction. It seems to me that the Senate ought to hesitate a long time, leaving out of the question other considerations, before it casts a vote that places that construction in effect upon the treaty.

Mr. MASSEY. Mr. President——

Mr. LODGE. I yield to the Senator from Nevada.

Mr. MASSEY. I desire to suggest to the Senator that we are all anxious to avoid complications which would permit any questions involved in this legislation to be submitted to The Hague tribunal for adjustment; yet I do suggest to the Senate and to the Senator that if there is any well-established rule of law—and I apprehend that that rule would apply to the determination of international disputes as well as to disputes between individuals—it is that the conduct of one party admitting the contention, or, in effect, the contention of the opposite party, is always taken into consideration in determining a liability based upon that conduct; and if this Congress by its legislation admits, even in an evasive way, that the discrimination proposed by this legislation is in violation of the Hay-Pauncefote treaty England could well rely upon this legislation as an admission upon the part of the American Nation that we had violated the Hay-Pauncefote treaty when we had attempted to discriminate in the way suggested by the Senator from Massachusetts, although in an evasive manner.

Mr. ROOT. Mr. President, before the vote is taken upon any provision which involves the question of our rights under the Hay-Pauncefote treaty, I wish to call the attention of the Senate to the idea which has been suggested several times, I believe, that by reason of our having acquired sovereignty over the Canal Zone we have rights that are superior to the provisions of the Hay-Pauncefote treaty; that we are entitled to exercise the rights of sovereignty, and that neither under that treaty nor any other is any other country entitled to call them in question.

I venture to say that no such idea has any just foundation, because we acquired our rights and all the rights we have to the Canal Zone and to the canal expressly subject to the provisions of the Hay-Pauncefote treaty. Our rights on the Isthmus, in respect to the canal, come from the treaty with Panama of November 18, 1903. The second article of that treaty provides:

> The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed.

The eighteenth article of that treaty provides:

The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

That is the Hay-Pauncefote treaty. So we take all the rights we have on the Isthmus expressly under a trust to observe in respect thereto the provisions of the Hay-Pauncefote treaty. And, sir, I know of no higher rule of ethics or of interest than that which requires nations to observe the good faith of treaties.

Mr. LODGE. Mr. President, it all goes back to the Hay-Pauncefote treaty. I was aware, of course, of the treaty with Panama. I do not think it adds anything to the force of the Hay-Pauncefote treaty.

Mr. ROOT. I referred to it as showing that whatever the Hay-Pauncefote treaty binds us to we are still bound by. We can not escape from the provisions of that treaty.

Mr. LODGE. That is not to be disputed.

Mr. ROOT. It has not been disputed.

Mr. LODGE. I certainly did not intend to dispute it. I was not aware that I had disputed it. But I do say that the provisions of the Hay-Pauncefote treaty in regard to the equality of tolls is open to more than one interpretation. I think it is a clause of doubtful interpretation. My own opinion has been clear from the beginning. But I do not want, as I said the first day I spoke upon this matter, to put the United States in an attitude where its action can be questioned—where its good faith can be questioned—by any nation on earth.

That is the reason I am unwilling to vote for the exemption from tolls for American vessels. I see no other way of meeting it except by the Government paying the tolls into its own Treasury. It is not a subvention. The vessel gets nothing; it goes free. That conforms to the letter of the treaty, as I was about to say a few moments ago.

I resent, as I said before, this attempt to go behind the treaty and asking, "Where did the vessel get the money?" If France comes over here and chooses to pay the tolls on her vessels, or England, or any other country, it would be mere impertinence to inquire where the money came from and to say, "You can not pay the tolls for your own ships." At the same time it produces the case which I described in answer to the Senator from Missouri—there is no escape from it—where it will end that in our own canal, built by us—and what we got from Great Britain in giving up the Clayton-Bulwer treaty did not amount to a snap of your finger. Great Britain gave up nothing; the treaty was worthless; there was nothing left of it——

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. LODGE. I do.

Mr. BRISTOW. Great Britain makes the same protest against the proposition made in the amendment suggested by the Senator from Massachusetts.

Mr. LODGE. I am aware of that.

Mr. BRISTOW. Then, is it not better for us to meet this proposition squarely on the ground that England has no business to interfere with our own canal? We are not evading the controversy.

Mr. LODGE. The Senator will excuse me. If we pay the toll, that is purely a domestic question, and no nation can take cognizance of the question.

Mr. BRISTOW. Is it any more of a domestic matter than if we exempt our own vessels from the tolls which we ourselves would collect?

Mr. LODGE. We say in the Hay-Pauncefote treaty that the tolls shall be equal. The dispute arises on the words "all nations"—whether the term "all nations" governs us when we are making a treaty, or whether it does not. But it applies only to tolls, and nothing else. If the tolls are equal, there is nothing more under the treaty that anyone is pledged to.

Mr. BRISTOW. But England, in the note, makes protest against either way. Why not meet the controversy in a direct way, and refuse to arbitrate? I think it is preposterous to have European nations pass upon the question what we shall collect as tolls upon our vessels passing through the canal which we have built.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. I do.

Mr. GALLINGER. I have not had the privilege of reading the note of the British Government. I want to ask the Senator if I am correct in assuming—and I gather it from discussions here—that England not only protested against our ships passing through the canal free, but likewise protests against our Government reimbursing them?

Mr. LODGE. So I understand from the published statement. I have not seen the original.

Mr. GALLINGER. It is a most extraordinary position in view of what is happening at Suez.

Mr. LODGE. Of course it is. Every nation that pays the tolls of a vessel going through the Suez Canal, of course, destroys at once the equality which is pledged under the agreement with the Khedive, the original contract between De Lesseps and the Khedive, and the subsequent firman of the Sultan.

Mr. SMITH of Georgia. I wish to ask the Senator from Massachusetts if he does not recognize the fact that the House provision, by simply applying to coastwise vessels, does not offer a distinction between our vessels and foreign vessels, having in view, of course, the further fact that any vessel at any time admitted to the coastwise trade would fall within the same provision? The policy of this Government being to exclude all but American vessels from doing coastwise trade, American vessels alone would have the privilege; but if that policy were changed, then the vessels of other countries permitted to enter our coastwise trade would be admitted to the canal free of toll.

In this connection I wish to mention the fact that the Supreme Court in the Galveston case, to which I called attention the other day, held that the Clayton-Bulwer treaty, requiring no distinction between our own vessels and foreign vessels, was not violated by discriminations generally in favor of coastwise vessels.

Mr. LODGE. In that connection, I have secured the facts in regard to the coasting trade of other countries, and the coasting trade is reserved like ours, unless reciprocal arrangements are made, in all countries except Great Britain and Turkey, where it is open to foreign vessels, except to foreign steam passage boats. It is partially reserved there. So the reservation of the coasting trade by the United States is not unusual. I will ask to have this printed.

The PRESIDENT pro tempore. Without objection, the matter referred to by the Senator from Massachusetts will be printed in the RECORD.

The matter referred to is as follows:

Statement submitted on June 17, 1902, by the British foreign office, with additions supplied by the board of trade, to the select committee of the House of Commons on steamship subsidies.

STATEMENT OF COASTING TRADE OF VARIOUS FOREIGN COUNTRIES, WHETHER RESERVED OR OPEN TO GREAT BRITAIN.

AUSTRIA-HUNGARY.

Treaty, article 2, April 20, 1868: National treatment, also open to certain colonies.

BELGIUM.

Treaty, article 11, July 23, 1862: Coasting trade reserved. (Treaty expired, but system in force continued by exchange of notes of July 27, 1898.)

BOLIVIA.

Treaty, article 2, September 29, 1840: Coasting trade reserved. (Bolivia at present has no seaboard.)

BRAZIL.

Constitution, 3, 13: Coasting trade reserved.

BULGARIA.

Arrangement, July 12–24, 1897: Coasting trade to British vessels during arrangement of July 12–24, 1897.

CHILE.

Convention, article 1, May 10, 1852: Coasting trade reserved by treaty, but now foreign ships engage in the trade. (See Sir B. Cusack Smith's telegram 1, commercial, June 29, 1901: British ships engage in coasting trade without restriction.)

CHINA.

1863, etc.: Coasting trade between open ports opened by treaty.

COLOMBIA.

Treaty, article 9, February 16, 1866: Coasting trade reserved.

COSTA RICA.

Treaty, article 2, November 27, 1849: Coasting trade reserved.

DENMARK.

Law, April 14, 1868: Coasting trade allowed by reciprocity in Denmark.

Law, April 17, 1868: Coasting trade allowed in case of Iceland and Faroe Islands by reciprocity.

DOMINICAN REPUBLIC.

Decree, December 30, 1858: Coasting trade reserved except at certain ports.

EGYPT.

Convention, article 5, October 29, 1889: Coasting trade reserved.

ECUADOR.

Coasting trade open to foreign vessels. (Mr. Lawrence, No. 8, Sept. 22, 1888.)

FINLAND.

(No information in library.) Probably covered by Russia.

FRANCE.

Treaty, article 9, February 28, 1882: Coasting trade reserved.
Note, December 28, 1898: Coasting trade, Madagascar, left open.

GERMANY.

Law, May 22, 1881: Coasting trade reserved except where granted by treaty.
Law, May 11, 1898: Most favored nation treatment.
Decree, December 29, 1881: Opened to British vessels subject to reciprocity.

GREECE.

Treaty, article 7, November 10, 1886: Reciprocal national treatment.

GUATEMALA.

See treaty, article 2, February 20, 1849: Coasting trade reserved. (Treaty has expired.)

HONDURAS.

Treaty, article 3, January 21, 1887: Vessels of both countries placed on national footing in every respect.

ITALY.

Law, article 15, December 6, 1885: Coasting trade reserved.

JAPAN.

Treaty, July 16, 1894: Coasting trade between open ports to British vessels during treaty.

MEXICO.

Treaty, articles 2 and 4, November 27, 1888: Most favored nation treatment. (Coasting trade not mentioned, but, as a fact, foreign vessels do participate.)

MOROCCO.

Treaty, article 8, December 9, 1856: Coasting trade allowed.

NICARAGUA.

Open to British vessels. (See Mr. Corbett's No. 9, of Aug. 11, 1872.)

PARAGUAY.

Protocol, October 16, 1884: Coasting trade opened.

PERU.

Decree, August 31, 1886: Coasting trade reserved. (But see Mr. Beauclerk's telegram of June 30, 1901: Coasting trade allowed to steamers obtaining Government authority.)

PORTUGAL.

Decree, April 31, 1895: Coasting trade reserved.

PORTUGAL (COLONIES).

Decree, October 21, 1880: Coasting trade of Macao and Timor and between those ports and ports of the Portuguese colonies opened to foreign vessels.
Decree, August 18, 1881: Coasting trade between ports of Portuguese transmarine provinces and of Guinea, St. Thomas, and Principe opened to foreign vessels.
Law, April 16, 1885: Coasting trade between Portugal and the transmarine provinces to the east of Cape Good Hope (Mozambique, India, Macao, and Timor) opened to foreign vessels.
Law, April 16, 1885: Coasting trade, Portugal and adjacent islands and Portuguese West Africa reserved.
Decree, December 29, 1892: Mozambique coasting trade thrown open. (Mozambique tariff, art. 14.)
Decree, April 30, 1895: Coasting trade Portuguese ports and Madeira opened.

RUSSIA.

Treaty, article 8, January 12, 1859: Coasting trade reserved. (Trade between Russia and her far eastern possessions reserved. Law of 1897 operating from January, 1900.)

SPAIN.

Decree, article 26, November 17, 1852: Coasting trade reserved.

SWEDEN.

Proclamation, August 15, 1854: Coasting trade opened to British vessels.

NORWAY.

(No information in library.)

TURKEY.

Coasting trade open to foreign vessels (except to foreign steam passage boats).

UNITED STATES.

Coasting trade reserved to United States ships.

URUGUAY.

Treaty, article 3, November 13, 1885: Coasting trade reserved.

VENEZUELA.

Decree, February 20, 1871: Coasting trade reserved.

Mr. SMITH of Georgia. Can we not plant ourselves upon the proposition that permitting free passage to coastwise vessels would in no sense be a discrimination against vessels of other countries?

Mr. LODGE. That distinction I am unable to make. There is a distinction in the practical importance of it which was drawn by the London newspapers, which stated at the beginning of this matter—I had the quotations here the other day, but I have mislaid them—that they had no objection to the coasting trade going through the canal free, because Great Britain could not enter it and could not compete with us at any rate; but as a matter of principle under that treaty I do not see that the coastwise trade differentiates it from a vessel in the foreign trade.

Mr. SMITH of Georgia. Would it not be more entirely free from criticism than to require all to pay and at once take the money and hand it back to them?

Mr. LODGE. I do not know how about the criticism, but if we let through American coasting vessels, there is no reason, as far as the treaty is concerned, why we should not let through those few American vessels engaged in the foreign trade. The language of the treaty is "all vessels." There is no distinction drawn in the treaty between what trade one vessel is engaged in and what another is.

> The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and war of all nations.

Mr. SMITH of Georgia. On equal terms.

Mr. LODGE. "On terms of entire equality."

Mr. SMITH of Georgia. "On terms of entire equality."

Mr. LODGE. "So that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise."

Mr. SMITH of Georgia. Would it be any discrimination against any other nation for us to carry the House provision, that the coastwise vessels should pass through free? It would be no discrimination against any nation, because the coastwise trade is a matter of domestic policy, and we have already determined that it shall be done alone by our vessels.

Mr. LODGE. It would be a discrimination against the Canadian traffic, which is at the bottom of this whole difficulty that has been raised, through the canal from one Canadian port to another. You give the advantage to the American coasting trade, which can take at Portland or Boston or any near point to the Canadian frontier, through goods, sent under bond, and carry them through the canal and land them at a point on our western coast, where they can again go under bond to Vancouver; and thereby the American coasting trade is at once given, by being free of tolls, an advantage as against the Canadian trade. That is the bottom of all this trouble.

Mr. BRANDEGEE. Will the Senator from Massachusetts yield to me?

Mr. LODGE. Yes.

Mr. BRANDEGEE. Article 2 of the Hay-Pauncefote treaty not only provides that it shall be on terms of entire equality as to tolls, but provides that—

> There shall be no discrimination against any nation, or its citizens or subjects, in respect to the conditions or charges of traffic or otherwise.

Now, it seems to me that if we are bound by that treaty, if the treaty applies to us, it is a discrimination for us to attempt to exempt our coastwise vessels from tolls, in this sense: A British vessel, from Liverpool via the canal to San Francisco, has to pay the tolls, while an American vessel from San Francisco to New York, going via the canal, does not have to pay any tolls. If Great Britain has a market in San Francisco, we are able to have just that much preference in the retail prices or the wholesale prices there by the fact that our vessels go through the canal free, while theirs are charged, and it might result, if the margin was close enough, in transferring the trade from old England to New England.

Mr. GALLINGER. Those tolls are paid by Great Britain.

Mr. BRANDEGEE. What does that matter?

Mr. LODGE. Under those circumstances one vessel could be run profitably and another could not.

Mr. BRANDEGEE. Of course, foreign vessels are subsidized; and the Senator from New Hampshire says the remission of the tolls would put them upon equal terms.

Mr. LODGE. The Senator from New Hampshire did not say anything like that. He objected to putting an additional burden upon them.

Mr. GALLINGER. That is right.

Mr. PAGE. I should like to ask the Senator from Massachusetts if, in his opinion, it would be a discrimination if we should say that vessels running from the coast of Africa through the Panama Canal should pay $1 per ton and all vessels from Europe $2 per ton?

Mr. LODGE. Obviously, that would be a discrimination.

Mr. PAGE. But not a discrimination between nations.

Mr. LODGE. Does the Senator mean to make it apply to all nations alike?

Mr. PAGE. All nations.

Mr. LODGE. That would not be a discrimination.

Mr. PAGE. It would not? Then why would it be a discrimination between nations to say that no tolls shall be charged upon vessels engaged in the coastwise trade of the United States? We do not say we will charge a British or an American vessel more or less—it is true we have a law which says that a British ship shall not engage in the coastwise trade—but if we are to beat the devil around the stump, it seems to me that would be the better way to get at it.

Mr. LODGE. I can not draw any distinction between American vessels engaged in the coastwise trade and those in foreign commerce. They are all alike, it seems to me, to come under the first clause of article 3. The doubtful question is

whether in making that treaty when the United States said, "of all nations," the United States intended to include itself. That is the whole question there. Some of us believe that it did not and some of us believe that it did.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from North Carolina?

Mr. LODGE. Certainly.

Mr. SIMMONS. I understood the Senator from Massachusetts to say that in his mind there was but little doubt that the other maritime nations would pay the toll of their ships through the canal.

Mr. LODGE. Other foreign nations.

Mr. SIMMONS. That is what I mean—other foreign nations; and it would put American shipping on a great disadvantage if our vessels have to pay toll.

Mr. LODGE. Yes; unless we pay their tolls or let them go through free.

Mr. SIMMONS. In that conditions of things, bringing about this discrimination against American shipping in favor of foreign shipping passing through the canal, if it were not for our treaty obligations the Senator would think that we ought to allow our vessels to go through free?

Mr. LODGE. Certainly.

Mr. SIMMONS. The Senator's second proposition, as I understood him, was that the treaty is subject to more than one construction. Under one construction we would not have the right to relieve our vessels of tolls and under another construction we would have the right to relieve our vessels of tolls.

Mr. LODGE. That is correct.

Mr. SIMMONS. Now, the proper and legitimate legal construction is a matter of doubt.

Mr. LODGE. Yes.

Mr. SIMMONS. Shall we solve that question of doubt in the interest of American commerce to relieve it of this discrimination or shall we solve it against American commerce and impose this discrimination?

Mr. LODGE. The doubt certainly ought to be solved in favor of American commerce, but the moment you solve that doubt in favor of American commerce you are obliged to go to The Hague, as is required under our treaties of arbitration.

Mr. SIMMONS. That is the question.

Mr. LODGE. In other words, we can not solve the doubt. It has to be solved elsewhere.

Mr. SIMMONS. But if there is a doubt we have to solve it here against ourselves or we have to solve it for ourselves and take the chances of The Hague tribunal.

Mr. LODGE. Certainly.

Mr. SIMMONS. The question I ask is, Does the Senator hold that we should solve that doubt as to the proper construction of the treaty against American shipping interests, or should we solve that doubt in favor of American shipping interests?

Mr. LODGE. Mr. President, I do not think that I favor making a test case, because, as I said, there is a possibility of getting but one decision from a tribunal where the judges will be furnished from nations whose interest it is to pay tolls on their own ships and force us to collect tolls from ours. There is no use in going to a tribunal constructed in that way, but, unfortunately, we are supposed to go to it under another treaty for the promotion of peace and good feeling, and if we are forced to go there we shall find ourselves in the position of having to exact tolls from our own vessels, and there will also be the imputation that we have not acted in good faith. To that I do not care to expose the country.

Mr. SIMMONS. Then the Senator would solve the doubt about this matter against American shipping?

Mr. LODGE. No; I should not.

Mr. SIMMONS. How are you going to get to The Hague?

Mr. LODGE. I should simply do as other nations. I should take the tolls and pay them or remit them as they go through, taking the tolls of the vessels at one end and handing it back at the other end, or whatever way you choose. It is what every other nation on earth will do for its vessels except ours.

Mr. SIMMONS. That solves the doubt against us, I think.

Mr. LODGE. How? It would not cost the Government a cent any more than a free vessel, but of course I understand how profound the terror is that in some way the Government of this country may help what remains of American shipping. I have not been here all these years without learning that.

Mr. SIMMONS. The Senator certainly does not understand me as desiring to do anything against American shipping. I want to solve it by letting these vessels go through free, and if that makes a case for The Hague tribunal I can not help it, so far as my vote is concerned.

Mr. REED. Mr. President——

Mr. LODGE. Very well, that is for each Senator to decide for himself. I yield to the Senator from Missouri.

Mr. REED. Can the Senator conceive of a discrimination against a man or a nation unless some right or privilege to which that nation is entitled or to which that man is entitled is taken away?

Mr. LODGE. That is rather a large question. To conceive of such a case I think you would have to postulate what the Senator says, that some right our country is entitled to is taken away, to constitute the discrimination.

Mr. REED. Applying that, we have agreed, according to one construction, not to discriminate against the commerce or shipping of Great Britain, but if Great Britain has no rights in our coastwise trade then how is it discriminated against when we permit that trade in which it has no right, which it can not engage in at all, to go through the canal without charge?

Mr. LODGE. Assuming, of course, as you must, that the interpretation is correct—that is, for the Senator's proposition—we will assume that the view is correct that we have not the right to discriminate in tolls. I think giving it to the coastwise trade of America is discriminating in favor of the whole coastwise trade of America as against a portion of the trade of the British Dominion. I do not think the fact that it is given to an entire trade, an entire merchant marine or coastwise traffic, alters the discrimination.

Mr. REED. Let me state it in the concrete. No vessel can engage in the coastwise trade of the United States except a vessel registered as an American vessel. When we let that vessel go through without paying any tolls we do not discriminate against any British vessel engaged in the coastwise trade, for there can be no such vessel.

Mr. LODGE. No; but we discriminate against a vessel engaged in another trade.

Mr. REED. We simply permit a vessel to go through free when Great Britain can not have such a vessel and can not engage in such a trade. The Senator speaks of the Canadian trade; that is to say, a vessel could leave a port of Canada on the Atlantic coast, go through the canal, and land its goods at a Pacific Canadian point; but our coastwise vessels could not do that. They could not compete with Canada for that trade, and if they did carry that trade they would not be permitted, under the bill as it is now proposed, to go through the canal at all unless they paid the tolls. The minute they go into competition with the Canadian trade and haul Canadian goods they are not engaged in our coastwise trade, but they are engaged in a general shipping business. Is not that correct?

Mr. LODGE. They may take Canadian goods at any of our ports where Canadian goods are put in bond and be in the coastwise trade. They can compete with Canadian vessels, of course.

Mr. REED. Do I understand the Senator to say that our vessels engaged in our coastwise trade would be permitted, under the bill as it is now proposed, to go to Canada and load?

Mr. LODGE. No; they can take Canadian goods at American ports.

Mr. REED. Goods that had already been shipped into our country?

Mr. LODGE. Coming in under bond. Just the same, the competition is there. There is no mistake about it. It is just as direct competition as could possibly be devised.

Mr. REED. It seems to me that when the goods get into an American port and are then taken by an American vessel engaged in the coastwise trade it becomes American coastwise trade. We come back to the technical point again. You are not taking away from England any right or making a discrimination against an English vessel, because you are not taking away from that vessel any right which it can enjoy under the law.

Mr. LODGE. The discrimination in competition seemed very clear to me and very direct. I think they feel it very much in Canada.

Mr. BRANDEGEE. Mr. President——

Mr. LODGE. I yield to the Senator from Connecticut.

EXECUTIVE SESSION.

Mr. BRANDEGEE. We have been here since 10 o'clock this morning. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, August 7, 1912, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 6, 1912.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICER.

Col. Edgar Z. Steever, Fourth Cavalry, to be brigadier general from August 5, 1912, vice Brig. Gen. George F. Chase, retired from active service July 29, 1912.

ADJUTANT GENERAL'S DEPARTMENT.

Col. George Andrews, adjutant general, to be The Adjutant General with the rank of brigadier general for the period of four years beginning August 5, 1912, vice Brig. Gen. William P. Hall, retired from active service June 11, 1912.

CAVALRY ARM.

To be colonels.

Lieut. Col. Horatio G. Sickel, Twelfth Cavalry, to be colonel from July 30, 1912.

Lieut. Col. Herbert J. Slocum, Cavalry, unassigned, to be colonel from August 2, 1912.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Max Stanley Murray, Coast Artillery Corps, to be second lieutenant of Infantry, with rank from June 12, 1912.

Second Lieut. Earl Barlow Hochwalt, Sixth Infantry, to be second lieutenant in the Coast Artillery Corps, with rank from June 12, 1912.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. William D. Beach, Cavalry, unassigned, to be colonel from July 30, 1912, vice Col. Henry P. Kingsbury, unassigned, detailed as Inspector General on that date.

Lieut. Col. William A. Shunk, Cavalry, unassigned, to be colonel from August 2, 1912, vice Col. George H. G. Gale, unassigned, detached from his proper command.

Maj. Thomas B. Dugan, Fourth Cavalry, to be lieutenant colonel from July 30, 1912, vice Lieut. Col. Harry C. Benson, Fifth Cavalry, detached from his proper command.

Maj. John B. McDonald, Fifteenth Cavalry, to be lieutenant colonel from August 2, 1912, vice Lieut. Col. William A. Shunk, unassigned, promoted.

Capt. Michael M. McNamee, Fifteenth Cavalry, to be major from July 30, 1912, vice Maj. Thomas B. Dugan, Fourth Cavalry, promoted.

Capt. Ralph Harrison, Cavalry, detailed quartermaster, to be major from August 2, 1912, vice Maj. John B. McDonald, Fifteenth Cavalry, promoted.

First Lieut. Frederick J. Herman, Ninth Cavalry, to be captain from July 30, 1912, vice Capt. Michael M. McNamee, Fifteenth Cavalry, promoted.

FIELD ARTILLERY ARM.

Second Lieut. Wilbur Rogers, Fourth Field Artillery, to be first lieutenant from July 31, 1912, vice First Lieut. Donald C. Cubbison, First Field Artillery, detached from his proper command.

COAST ARTILLERY CORPS.

Lieut. Col. Willoughby Walke, Coast Artillery Corps, to be colonel from August 3, 1912, vice Col. William H. Coffin, who died August 2, 1912.

PROMOTIONS IN THE NAVY.

Lieut. Stafford H. R. Doyle to be a lieutenant commander in the Navy from the 1st day of July, 1912, to fill a vacancy.

Lieut. (Junior Grade) Matthias E. Manly to be a lieutenant in the Navy from the 1st day of July, 1912, to fill a vacancy.

Ensign Emory F. Clement to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1912, upon the completion of three years' service as an ensign.

William C. MacCrone, a citizen of Michigan, to be a second lieutenant in the Marine Corps from the 12th day of July, 1912, to fill a vacancy.

POSTMASTERS.

ILLINOIS.

Harry H. Nichols to be postmaster at Maywood, Ill., in place of Harrison P. Nichols, deceased.

MISSOURI.

Henry Oehler to be postmaster at Bismarck, Mo., in place of Stephen D. Bryan. Incumbent's commission expired March 10, 1912.

NEW MEXICO.

N. Faustin Gallegos to be postmaster at Clayton, N. Mex., in place of Robert E. Wherritt. (Admission of Territory as State.)

WISCONSIN.

Fred W. Kubasta to be postmaster at Merrill, Wis., in place of Christian N. Johnson. Incumbent's commission expired June 1, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 6, 1912.

UNITED STATES DISTRICT JUDGE.

Arthur J. Tuttle to be United States district judge for the eastern district of Michigan.

UNITED STATES ATTORNEY.

Clyde I. Webster to be United States attorney for the eastern district of Michigan.

PROMOTION IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Grover A. Kempf to be assistant surgeon.

POSTMASTERS.

ILLINOIS.

John Murvin, Louisville.

MARYLAND.

Frank T. Buckingham, Woodbine.
Robert R. Walker, Easton.

MISSOURI.

Dwight L. Bishop, Garden City.
John T. Farmer, Atlanta.
Chester R. Peck, Malden.
Jacob W. Schempp, Appleton City.

MONTANA.

Benjamin Urner, Harlowton.

NEW YORK.

Alfred Cox, Hawthorne.
John H. Odell, Ardsley.

OHIO.

Charles E. Bake, College Corner.

SOUTH CAROLINA.

Henry W. Des Portes, Ridgeway.

VIRGINIA.

Richard R. Farr, Fairfax.

WITHDRAWAL.

Executive nomination withdrawn August 6, 1912.

Lawrence C. Wines to be postmaster at Maywood, in the State of Illinois.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August 6, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Great Spirit, Father Soul, ever susceptible to the wants of Thy children and always responsive to those who seek Thee in faith and confidence, take away from us all guile; pour down upon us Thy spiritual gifts; and grant us every blessing, in Jesus Christ, our Lord, that Thy kingdom may come and Thy will be done in all our hearts. Let Thy blessing be upon all who are in sorrow. Comfort, we beseech Thee, the wife of our President who mourns the loss of her distinguished father. Grant that she and all those who mourn with her may be comforted in the blessed hope of Him who said, "I am the Resurrection and the Life." And to Thee we will ascribe all praise now and evermore. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 24121. An act to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 21888. An act providing for the sale of the United States unused post-office site at Perth Amboy, N. J.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 7163) authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 21952. An act for the relief of James S. Baer;

H. R. 22195. An act to reduce the duties on wool and manufactures of wool; and

H. R. 21888. An act providing for the sale of the United States unused post-office site at Perth Amboy, N. J.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

ORDER OF BUSINESS.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask a unanimous-consent order for the disposition of business in the House. I ask unanimous consent that there be evening sessions of the House of Representatives on Thursday, August 8, 1912, and Friday, August 9, 1912, beginning at 8 o'clock p. m. and continuing until 11 o'clock p. m. on each day, during which time it shall be in order to discuss the report of the special committee appointed under House resolution 148 to investigate violations of the antitrust act of 1890, one-half of the time to be controlled by the gentleman from Kentucky [Mr. STANLEY] and one-half of the time by the gentleman from Massachusetts [Mr. GARDNER]; that on said days it shall be in order, when the business of the House is disposed of, to move to take a recess until 8 o'clock.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that on Thursday and Friday next there shall be night sessions, beginning at 8 o'clock, extending until 11 o'clock, for the purpose of debate on the reports of the special committee investigating the affairs of the Steel Trust, and for that purpose only; one half of the time to be controlled by the gentleman from Kentucky [Mr. STANLEY] and the other half by the gentleman from Massachusetts [Mr. GARDNER]; and that on those days, when the business of the House is disposed of, it shall be in order to take a recess until 8 o'clock. Is there objection?

Mr. MANN. I reserve the right to object, Mr. Speaker.

Mr. LEVER. Reserving the right to object, Mr. Speaker, I desire to inquire of the gentleman from Alabama if this unanimous-consent agreement that he asks to be entered into will displace the bills that have been made privileged under the rule recently adopted?

Mr. UNDERWOOD. Not at all; only providing for a night session each day. There is nothing in the rule that interferes with the daily business.

Mr. LEVER. It does not interfere with the daily business?

Mr. UNDERWOOD. Not at all.

The SPEAKER. It is simply an order of business for two nights, and that is all, on the Steel Trust investigation.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Kentucky [Mr. STANLEY] if this arrangement is satisfactory to the gentleman from Massachusetts [Mr. GARDNER].

Mr. STANLEY. I can not say. I do not think he has any objection. It may be that during the days the consideration of conference reports might interfere; but I can not say positively.

The SPEAKER. Is there objection?

Mr. MANN. Has the gentleman modified his request?

Mr. UNDERWOOD. At the request of the gentleman from Illinois [Mr. MANN] I modify the request so that there shall be debate only until 11 o'clock, and not to run beyond 11 o'clock.

Mr. MANN. Reserving the right to object, the gentleman from Massachusetts [Mr. GARDNER] is here, and I would like to have the request stated again.

Mr. UNDERWOOD. I will read the request again.

Mr. MANN. I will be glad if the gentleman would.

Mr. UNDERWOOD. I will send it to the Clerk's desk and have it read.

Mr. PAYNE. I suggest that the gentleman have it read at the Clerk's desk.

The SPEAKER. That is what the gentleman is going to do now. The Clerk will read.

The Clerk read as follows:

House resolution 669 (H. Rept. 1144).

Resolved, That there be evening sessions of the House of Representatives on Thursday, August 8, 1912, and Friday, August 9, 1912, beginning at 8 o'clock p. m. and continuing until 11 o'clock p. m. on each day, during which time it shall only be in order to discuss the report of the special committee appointed under House resolution 148 to investigate violations of the antitrust act of 1890, one half of the time to be controlled by the gentleman from Kentucky [Mr. STANLEY] and the other half by the gentleman from Massachusetts [Mr. GARDNER]; that on said days it shall be in order, when the business of the House is disposed of, to move to take a recess until 8 o'clock.

The SPEAKER. The question is on agreeing to the resolution.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Does the gentleman from Alabama [Mr. UNDERWOOD] present this as a motion or as a request for unanimous consent?

The SPEAKER. He presents it as a resolution.

Mr. HENRY of Texas. It is a request for unanimous consent.

The SPEAKER. It is a resolution.

Mr. HENRY of Texas. Then I present it as a resolution.

The SPEAKER. The matter itself presents itself as a resolution.

Mr. GARDNER of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. Has the Committee on Rules met? Under the rules that resolution must go to the Committee on Rules.

Mr. HENRY of Texas. The Committee on Rules has met and reported that resolution. Mr. Speaker, I present it as a privileged resolution from the Committee on Rules.

Mr. GARDNER of Massachusetts. I raise the point of order, Mr. Speaker, that no unofficial meeting of the Committee on Rules, or of every member of the Committee on Rules, even if every one of them agrees to it, is a meeting of the committee under the rules of this House. I ask the gentleman from Texas [Mr. HENRY] whether it is true that the Committee on Rules has met and has voted to adopt that resolution?

Mr. HENRY of Texas. The Committee on Rules have met in formal session with a quorum and have adopted that resolution, and I present it as a privileged resolution from the Committee on Rules.

The SPEAKER. The Chair will intervene to state that he had no idea that the chairman of the Committee on Rules had anything to do with this resolution in the beginning. The Chair knows it now. The gentleman from Alabama [Mr. UNDERWOOD] got up and read the resolution——

Mr. UNDERWOOD. Mr. Speaker, I presented it as a request for unanimous consent. I hoped the gentleman would be willing to agree to it.

Mr. GARDNER of Massachusetts. Mr. Speaker, I myself move the previous question on that resolution, in order to have 40 minutes' debate.

Mr. UNDERWOOD. The gentleman has not the floor.

Mr. GARDNER of Massachusetts. The gentleman always has the floor to move the previous question.

Mr. UNDERWOOD. Oh, no; he has not the power to take me off my feet, when I am waiting here for the disposition of my request.

Mr. GARDNER of Massachusetts. The gentleman was not on his feet.

Mr. UNDERWOOD. I have been on my feet all the time.

The SPEAKER. The clerk will read the report of the Committee on Rules——

Mr. MANN. I suggest that the Speaker put the request for unanimous consent. This was presented as a request for unanimous consent by the gentleman from Alabama. Let us have that disposed of first.

The SPEAKER. The Chair was under that impression at first, but when the paper was sent up here for the Clerk to read, it appeared that it was a resolution. The gentleman from Alabama was reading in a low tone, and the Chair could not understand very well what he was saying in the beginning. The Chair thought it was a request for unanimous consent.

Mr. MANN. It was so presented by the gentleman from Alabama.

Mr. UNDERWOOD. Undoubtedly.

Mr. MANN. If somebody objects to that, time enough then for the gentleman from Texas [Mr. HENRY] to present it.

The SPEAKER. The gentleman from Alabama having presented it for unanimous consent, the Chair will first put that question. Is there objection?

Mr. GARDNER of Massachusetts. Mr. Speaker, reserving the right to object, I wish to say that I was consulted yesterday by a member of the Committee on Rules on an entirely different proposition. I shall not object to this rule, on the assumption that the gentleman from Alabama [Mr. UNDERWOOD] is correct in saying that it is impossible to discuss this steel

report during the daytime. However, I do not think it is right to come and consult me as senior minority member of the steel committee, make a definite agreement with me of an entirely different nature, and then proceed to offer this resolution to the House without one moment's consultation with me. I make no objection to the request of the gentleman from Alabama.

Mr. MANN. Let us see whether there is any objection.

The SPEAKER. Is there objection?

Mr. RODDENBERY. Reserving the right to object, I should like to ask if it is the intention to have a vote upon the adoption of the report of this committee after the debate at some time during the present session?

Mr. UNDERWOOD. I will state to the gentleman from Georgia that when the report was filed that was the end of the work of the committee. It was an investigating committee. The gentlemen who compiled the report and presented it to the House desire to present their views on the question, and this is merely a proposition for debate. There is no action to be taken. No action can be taken.

Mr. RODDENBERY. The report itself undertakes to set out the views both of the majority and the minority.

Mr. UNDERWOOD. Undoubtedly. This is merely a request by gentlemen of the House to be permitted to explain their report to the House and to the country. No action can grow out of it.

Mr. RODDENBERY. In other words, to debate a report that has been filed, upon which no subsequent vote is to be taken.

Mr. UNDERWOOD. Undoubtedly no subsequent vote can be taken, but the House and the country are interested in the question.

Mr. RODDENBERY. In that state of things, inasmuch as we have two or three general immigration bills on the House Calendar and on the Union Calendar that millions of citizens in different parts of the country would like to have us vote upon, could not the gentleman add to his request for unanimous consent a request that to-morrow night, Wednesday, the House meet at 8 o'clock, and that Members be allowed to discuss and consider pending immigration legislation reported by Democratic committees and indorsed by the Democratic Party? If no more, let us debate those bills just one night.

Mr. UNDERWOOD. I will state to the gentleman that I am not chairman of the Committee on Immigration, and I am not in charge of those bills. A very capable Member of this House has charge of those matters, and I think he is entirely competent to present his own views.

Mr. RODDENBERY. The gentleman is not chairman of the committee that made this steel report either, is he?

Mr. UNDERWOOD. I am acting at the request of the gentleman from Kentucky [Mr. STANLEY], who is the chairman of this committee, and I ask unanimous consent——

Mr. RODDENBERY. To be entirely frank with the gentleman, before making any objection, if I shall conclude to do so, I should rather say what I have to say in a Democratic caucus; but it seems we can have a caucus for nothing except battleships, and I have no doubt, since Tammany Hall has told us we must rescind and vote for battleships that, notwithstanding three Democratic caucuses have decided against battleships, we will to-night put our heads under the yoke and proceed to give them. An ordinary one-gallus, copperas-breeches Congressman does not have much show in a Democratic caucus, and we can not discuss immigration or anything of the sort.

The SPEAKER. Is there objection?

Mr. RODDENBERY. I object.

Mr. GARRETT. Mr. Speaker, I offer the following privileged resolution from the Committee on Rules.

The Clerk again read the resolution.

Mr. GARRETT. Mr. Speaker, the investigation made by the special committee appointed under a resolution of this House to investigate the violation of the antitrust act, and for other purposes, has attracted widespread attention.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. I will yield for a question.

Mr. GARDNER of Massachusetts. I would like some idea of what the intention of the gentleman from Tennessee is, whether he is taking the floor for debate or whether he intends to move the previous question. I call attention to the fact that if he moves the previous question now he cuts out all debate, because he has already begun his remarks.

The SPEAKER. The Chair would rule that he has not begun.

Mr. GARRETT. How much time does the gentleman from Massachusetts desire?

Mr. GARDNER of Massachusetts. Why not move the previous question, and then we shall have 20 minutes' debate on a side.

Mr. GARRETT. I shall be glad to yield to the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. I do not know whether anybody else on this side wants to speak or not.

Mr. GARRETT. How much time does the gentleman desire?

Mr. GARDNER of Massachusetts. I had intended to yield time to the gentleman from Georgia [Mr. RODDENBERY].

Mr. GARRETT. I shall be glad to conclude the statement I was about to make, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee is entitled to one hour.

Mr. GARDNER of Massachusetts. I ask for 10 minutes.

Mr. GARRETT. I will yield now, then, to the gentleman from Massachusetts 10 minutes.

Mr. GARDNER of Massachusetts. Mr. Speaker, the introduction of this rule devoting six hours to the discussion of a report on which no action is pending is the clearest possible illustration there can be that the gentleman from Georgia [Mr. RODDENBERY] is correct in assuming a preconcerted plan to prevent the consideration of the immigration bill. There is plenty of time to take up the immigration bill, if anybody wishes to do so. The fact is, Mr. Speaker, that if that bill came before this House there would be 250 Members for it and 150 Members against it; but there are 350 Members out of the whole 400 who do not want it to come up, because whichever way the thing goes, they think they are going to be in trouble. Now, I should like the attention of the gentleman from Georgia [Mr. RODDENBERY].

The SPEAKER. The House will be in order, and the gentleman from Georgia [Mr. RODDENBERY] will give his attention. [Laughter.]

Mr. GARDNER of Massachusetts. I say to the gentleman from Georgia [Mr. RODDENBERY] that if instead of publishing in the RECORD the names of the Democratic members of the Committee on Rules who say they are in favor of the bill coming up, if he will publish boldly in the RECORD the fact that the Democratic Committee on Rules refuses to let this bill come up, he may accomplish something. It is no use proving that the members of the committee as individuals are in favor of the bill if the members of the committee acting as a body refuse to permit its consideration.

Mr. RODDENBERY. Will the gentleman yield to me?

Mr. GARDNER of Massachusetts. I yield the floor.

Mr. RODDENBERY. Will the gentleman yield the balance of his time to me?

The SPEAKER. The gentleman from Massachusetts can not yield the balance of his time.

Mr. RODDENBERY. Mr. Speaker, I will ask the gentleman from Tennessee to yield to me.

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Georgia?

Mr. GARRETT. Not at present, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee declines to yield.

Mr. RODDENBERY. I would like to ask the gentleman from Tennessee a question, if I may.

Mr. GARRETT. I will yield for a question.

Mr. RODDENBERY. Will the gentleman, before his hour has concluded, or before he makes a preferential motion, yield me 10 minutes?

Mr. GARRETT. I will only yield for discussion on the question before the House.

Mr. RODDENBERY. That is what I desire to discuss.

The SPEAKER. The gentleman from Tennessee declines to yield.

Mr. RODDENBERY. I would like 10 minutes.

Mr. GARRETT. Mr. Speaker, investigation, as I began to say a few moments ago, by the special committee appointed to investigate the American Steel Trust has elicited great attention throughout the country. It seemed to the Committee on Rules that that report was of sufficient importance to justify a discussion in the House, and consequently the Committee on Rules reports this resolution providing for such discussion. I now move the previous question on the resolution.

The question was taken; and on a division (demanded by Mr. RODDENBERY) there were—ayes 99, noes 11.

Mr. RODDENBERY. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. All those

in favor of ordering the previous question will answer "aye" and those opposed will answer "no."

The question was taken, and there were—yeas 222, nays 13, answered "present" 7, not voting 147, as follows:

YEAS—222.

Adamson	Faison	Jones	Ransdell, La.
Ainey	Fergusson	Kahn	Rauch
Akin, N. Y.	Finley	Kendall	Reilly
Alexander	Fitzgerald	Kennedy	Roberts, Mass.
Allen	Flood, Va.	Kent	Rodenberg
Ashbrook	Floyd, Ark.	Kinkaid, Nebr.	Rothermel
Ayres	Fordney	Kinkead, N. J.	Rouse
Bartholdt	Foss	Kitchin	Russell
Bates	Foster	Konig	Sabath
Bathrick	Fowler	Korbly	Scully
Beall, Tex.	Francis	La Follette	Shackleford
Berger	French	Lee, Ga.	Sherley
Blackmon	Fuller	Lee, Pa.	Simmons
Boehne	Gallagher	Lever	Sims
Bowman	Gardner, Mass.	Lindbergh	Sisson
Brantley	Gardner, N. J.	Linthicum	Slayden
Broussard	Garrett	Littlepage	Smith, Saml. W.
Brown	George	Lloyd	Smith, N. Y.
Browning	Gillett	Lobeck	Smith, Tex.
Buchanan	Godwin, N. C.	McCoy	Speer
Burgess	Good	McCreary	Stanley
Burke, S. Dak.	Graham	McDermott	Stedman
Burke, Wis.	Gray	McGillicuddy	Steenerson
Burleson	Greene, Mass.	McKellar	Stephens, Cal.
Burnett	Gregg, Tex.	McKinney	Stephens, Miss.
Byrns, Tenn.	Griest	McLaughlin	Stephens, Nebr.
Candler	Gudger	Maguire, Nebr.	Sterling
Cannon	Guernsey	Martin, Colo.	Stevens, Minn.
Carter	Hamill	Miller	Stone
Claypool	Hamilton, W. Va.	Mondell	Sulloway
Clayton	Hamlin	Moon, Tenn.	Sulzer
Connell	Hammond	Moore, Pa.	Sweet
Conry	Hardy	Morrison	Talcott, N. Y.
Cooper	Harrison, Miss.	Morse, Wis.	Taylor, Ohio
Copley	Harrison, N. Y.	Moss, Ind.	Thayer
Covington	Hartman	Mott	Tilson
Cox, Ind.	Haugen	Murray	Towner
Crago	Hay	Needham	Townsend
Cullop	Hayden	Neeley	Tribble
Curley	Heflin	Norris	Underhill
Danforth	Helgesen	Oldfield	Underwood
Davis, Minn.	Henry, Tex.	O'Shaunessy	Volstead
Davis, W. Va.	Hensley	Padgett	Watkins
De Forest	Hill	Page	Webb
Dent	Hobson	Palmer	Wedemeyer
Denver	Holland	Patten, N. Y.	Weeks
Dickinson	Houston	Payne	Whitacre
Difenderfer	Howell	Pepper	White
Dixon, Ind.	Hughes, N. J.	Peters	Wilson, Ill.
Donohoe	Hughes, W. Va.	Pickett	Wilson, N. Y.
Doremus	Hull	Pou	Wilson, Pa.
Driscoll, D. A.	Humphrey, Wash.	Pray	Witherspoon
Driscoll, M. E.	Humphreys, Miss.	Prince	Wood, N. J.
Dupré	Jacoway	Prouty	Woods, Iowa
Estopinal	Johnson, Ky.	Rainey	
Evans	Johnson, S. C.	Raker	

NAYS—13.

Anderson, Minn.	Mann	Sloan	Young, Kans.
Austin	Olmsted	Switzer	
Jackson	Rees	Warburton	
Longworth	Roddenbery	Willis	

ANSWERED "PRESENT"—7.

Butler	McCall	Robinson	Talbott, Md.
Levy	McMorran	Slemp	

NOT VOTING—147.

Adair	Dies	James	Post
Aiken, S. C.	Dodds	Kindred	Powers
Ames	Doughton	Knowland	Pujo
Anderson, Ohio	Draper	Konop	Randell, Tex.
Andrus	Dwight	Kopp	Redfield
Ansberry	Dyer	Lafean	Reyburn
Anthony	Edwards	Lafferty	Richardson
Barchfeld	Ellerbe	Lamb	Riordan
Barnhart	Esch	Langham	Roberts, Nev.
Bartlett	Fairchild	Langley	Rubey
Bell, Ga.	Farr	Lawrence	Rucker, Colo.
Booher	Ferris	Legare	Rucker, Mo.
Borland	Fields	Lenroot	Saunders
Bradley	Focht	Lewis	Sells
Bulkley	Fornes	Lindsay	Sharp
Burke, Pa.	Garner	Littleton	Sheppard
Byrnes, S. C.	Glass	Loud	Sherwood
Calder	Goeke	McGuire, Okla.	Small
Callaway	Goldfogle	McHenry	Smith, J. M. C.
Campbell	Goodwin, Ark.	McKenzie	Smith, Cal.
Cantrill	Gould	McKinley	Sparkman
Carlin	Green, Iowa	Macon	Stack
Cary	Gregg, Pa.	Madden	Stephens, Tex.
Catlin	Hamilton, Mich.	Maher	Taggart
Clark, Fla.	Hanna	Martin, S. Dak.	Taylor, Ala.
Cline	Hardwick	Matthews	Taylor, Colo.
Collier	Harris	Mays	Thistlewood
Cox, Ohio	Hawley	Moon, Pa.	Thomas
Cravens	Hayes	Moore, Tex.	Turnbull
Crumpacker	Heald	Morgan	Tuttle
Currier	Helm	Murdock	Utter
Curry	Henry, Conn.	Nelson	Vare
Dalzell	Higgins	Nye	Vreeland
Daugherty	Hinds	Parran	Wilder
Davenport	Howard	Patton, Pa.	Young, Mich.
Davidson	Howland	Plumley	Young, Tex.
Dickson, Miss.	Hughes, Ga.	Porter	

So the previous question was ordered.

The Clerk announced the following pairs:

For the session:

Mr. TURNBULL with Mr. HAYES.

Mr. BELL of Georgia with Mr. LANGHAM.

Mr. RIORDAN with Mr. ANDRUS.

Mr. GLASS with Mr. SLEMP.

Mr. FORNES with Mr. BRADLEY.

Mr. BARTLETT with Mr. BUTLER.

Until further notice:

Mr. ANDERSON of Ohio with Mr. FAIRCHILD.

Mr. HOWARD with Mr. YOUNG of Michigan.

Mr. YOUNG of Texas with Mr. WILDER.

Mr. TUTTLE with Mr. VREELAND.

Mr. THOMAS with Mr. VARE.

Mr. TAYLOR of Alabama with Mr. UTTER.

Mr. TAGGART with Mr. J. M. C. SMITH.

Mr. STEPHENS of Texas with Mr. SELLS.

Mr. SHERWOOD with Mr. ROBERTS of Nevada.

Mr. SHEPPARD with Mr. PORTER.

Mr. SMALL with Mr. PLUMLEY.

Mr. SHARP with Mr. PATTON of Pennsylvania.

Mr. SAUNDERS with Mr. NYE.

Mr. RUCKER of Colorado with Mr. MOON of Pennsylvania.

Mr. REDFIELD with Mr. MATTHEWS.

Mr. POST with Mr. MCKENZIE.

Mr. LAMB with Mr. MCGUIRE of Oklahoma.

Mr. KONOP with Mr. LAFFERTY.

Mr. JAMES with Mr. MCKINLEY.

Mr. GOODWIN of Arkansas with Mr. HOWLAND.

Mr. GARNER with Mr. HINDS.

Mr. FERRIS with Mr. HENRY of Connecticut.

Mr. DOUGHTON with Mr. DRAPER.

Mr. DICKSON of Mississippi with Mr. HEALD.

Mr. DAVENPORT with Mr. HARRIS.

Mr. DAUGHERTY with Mr. HANNA.

Mr. CRAVENS with Mr. HAMILTON of Michigan.

Mr. COLLIER with Mr. GREEN of Iowa.

Mr. CARLIN with Mr. FOCHT.

Mr. CANTRILL with Mr. FARR.

Mr. CALLAWAY with Mr. CURRY.

Mr. BULKLEY with Mr. CRUMPACKER.

Mr. BOOHER with Mr. CATLIN.

Mr. ANSBERRY with Mr. CALDER.

Mr. BARNHART with Mr. CARY.

Mr. ADAIR with Mr. BARCHFELD.

Mr. PUJO with Mr. MCMORRAN.

Mr. LEGARE with Mr. LOUD.

Mr. RICHARDSON with Mr. REYBURN.

Mr. TAYLOR of Colorado with Mr. AMES.

Mr. AIKEN of South Carolina with Mr. BURKE of Pennsylvania.

Mr. DIES with Mr. HIGGINS.

Mr. HUGHES of Georgia with Mr. KOPP.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. FIELDS with Mr. LANGLEY.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. EDWARDS with Mr. DALZELL.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. ELLERBE with Mr. CURRIER.

Mr. LITTLETON with Mr. DWIGHT.

Mr. PETERS with Mr. MCCALL.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. RUBEY with Mr. HAWLEY. (Mr. HAWLEY reserving the right to vote on all measures pertaining to his State.)

Mr. DUPRÉ with Mr. LAFEAN.

Mr. CLARK of Florida with Mr. DODDS.

Mr. KINDRED with Mr. LAWRENCE.

Mr. COX of Ohio with Mr. ANTHONY.

Ending August 28:

Mr. BYRNES of South Carolina with Mr. MADDEN.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question now is on agreeing to the resolution.

The resolution was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, Mr. HUGHES of Georgia was granted leave of absence, for two days, on account of sickness.

QUESTION OF PERSONAL PRIVILEGE.

Mr. STANLEY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. STANLEY. Mr. Speaker, I find in the columns of a leading metropolitan newspaper the following statement:

The attitude of the leaders toward the Stanley plans was shown Saturday when Mr. UNDERWOOD refused to allow Mr. STANLEY time to make a speech explaining the steel report. It is customary when a chairman brings a committee report into the House to allow him to make a speech.

Mr. Speaker, I am not concerned about any attack made upon myself. During the year or more that this committee has been in session I have treated personal attacks in the press, personal misrepresentations, with that silent contempt they abundantly deserve. It has been intimated this committee itself was organized, appointed, and run by a wolf in Wall Street, whom I never saw, that men were employed on this committee, who were working in the interest of stockbrokers and that this committee was closely watching the stock market. It was amusing to me to be accused of interest in the stock market. I never had money enough ahead in my life to buy a share of stock, and I never sold one. I care nothing about these malicious, mean, scurrilous buzzings about the cloakrooms and corridors of this House; now and then they appear in the newspapers. I prefer to leave the work of this committee and the conduct of its chairman as its sole defense. When, however, it is charged that the leader on the floor of this House has refused to allow the chairman of a committee, which has expended $39,000 of the public money and which has been in session for more than a year, time in which to make a statement, it puts the leader in an attitude that he does not deserve, and I feel that it is just to say of that gallant and gifted Alabamian, that during my whole course of this committee, whenever I have unearthed anything touching the conduct of this corporation which was oppressive to the people or injurious to the country generally, he has been among the first to tender his assistance and approval. [Applause on the Democratic side.]

I will say for the leader on the floor that when objection was made upon the Republican side of the House to a discussion of this matter—and I do not believe there is more than one Democrat living who would object to airing the Steel Trust's iniquities—he assured me that I could have all the time I wanted in which to discuss the question. I then said to Mr. UNDERWOOD that I did not care for any time, that I had never asked for time in which to discuss the question, but that it had been suggested by my colleagues, and it has been the will of a majority of this House, that the conflicting views of the members of the committee should be discussed before the House. I said to him at that time that I would take no time given to me, that I wanted the time to be equally divided so that the opposition might have the same chance that I had to express their views, and I have continuously insisted upon this course.

I wish to say for the Speaker of this House that during the entire conduct of this investigation he has shown that interest in the public welfare, that interest in the oppressed everywhere, and that bitter hostility to graft and plunder on the part of monopoly that has always marked his illustrious course, and he has never been too busy, never had too much upon his big, brave shoulders, to take the chairman of this committee into his confidence and to heartily commend his efforts. [Applause on the Democratic side.]

The House has heard the chairman of the Committee on Rules express his opinion of the conduct of the committee, and the conduct of its chairman, investigating the affairs of the United States Steel Corporation. It is not necessary that I should speak of his long, untiring, and successful efforts to have corporate abuses thoroughly and rigorously investigated. His fight for the organization of this committee is a part of the history of the Sixty-second Congress. The chairmen of the great committees to whom the bills recommended by this committee are referred—the chairman of the Committee on the Judiciary and the chairman of the Committee on Interstate and Foreign Commerce—have rendered me every assistance and displayed the deepest interest in this far-reaching legislation. If this committee has been successful, if this committee has deserved the commendation of the country, if it has reflected in its recommendations the will of the Democratic Party, it is due not to any skill, not to any talent, on the part of the chairman, but it is due to the hearty, tireless, and unequivocal support of a Democratic Congress. [Applause on the Democratic side.] I regret that a great newspaper——

Mr. MANN. Mr. Speaker, I raise a question of order.

The SPEAKER. The gentleman will state it.

Mr. MANN. The gentleman from Kentucky has not stated any question of personal privilege. If the gentleman desires to make a political partisan speech, I have no objection to giving unanimous consent that he may do so.

The SPEAKER. The Chair thinks that the gentleman from Kentucky did not have any question of privilege and would have sustained the point of order after three sentences if anybody had raised it.

Mr. MANN. I understand. I did not raise it; I have no objection to the statement and have no objection to the gentleman's making a partisan speech if he desires to do so.

Mr. STANLEY. I am not making any partisan speech; the gentleman is oversensitive.

Mr. MANN. Nobody can accuse me of being oversensitive. If the gentleman desires time to make a partisan speech——

Mr. STANLEY. I hope to get unanimous consent for one minute to continue my partisan speech.

Mr. MANN. I have no objection to the gentleman's taking the time.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to proceed with his personal statement. Is there objection? [After a pause.] The Chair hears none.

Mr. STANLEY. I have not called the name of the journal which published this, because I believe it is heartily anxious to aid and not to injure the Democratic Party and properly present the attitude of the leaders in this House and would not have given currency to the statement if it had been truthfully and wisely advised. [Applause.]

CONTESTED-ELECTION CASE—PRIOLEAU AGAINST LEGARE.

Mr. LINTHICUM. Mr. Speaker, I ask leave to present a report from the Committee on Elections No. 2 in the contested-election case of Prioleau against Legare. (H. Res. 670, H. Rept. 1148).

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

Contested-election case of Prioleau against Legare.

The SPEAKER. Ordered to be printed and referred to the calendar.

REPORT IN REGARD TO JUDGE HANFORD.

Mr. CLAYTON. Mr. Speaker, by direction of the Committee on the Judiciary I present at this time a privileged report and ask that the Clerk read the same.

The Clerk read as follows:

[House Report No. 1152, Sixty-second Congress, second session.]

IN THE MATTER OF THE IMPEACHMENT OF CORNELIUS H. HANFORD, UNITED STATES CIRCUIT JUDGE FOR THE WESTERN DISTRICT OF THE STATE OF WASHINGTON.

Mr. CLAYTON, from the Committee on the Judiciary, made the following report, to accompany House resolution 576:

The committee having had under consideration House resolution 576 report the same back to the House with the recommendation that the resolution proposed by this committee, which accompanies this report, be agreed to.

The resolution (H. Res. 576) was carefully considered by the committee, and under the authority conferred by this resolution JAMES M. GRAHAM, WALTER I. MCCOY, and EDWIN W. HIGGINS were appointed the subcommittee of the Committee on the Judiciary and were directed, as such subcommittee, to inquire into the alleged misconduct of Cornelius H. Hanford, United States judge for the western district of the State of Washington, and to report the result of their investigation to the Committee on the Judiciary.

The report of the subcommittee, giving account of the acts and doings of the same, is hereto attached and made a part of this report.

Your committee, after having carefully considered the report of the subcommittee, agreed to the recommendations reached by the subcommittee and adopted the same as the conclusions of the Committee on the Judiciary.

Impeachment is designed to remove unworthy persons from office. The officer convicted in an impeachment proceeding is nevertheless subject to indictment, trial, and punishment in the proper court for any crime he may have committed. Impeachment is the method adopted for the removal from and disqualification to hold office. The Constitution provides that "the party convicted [in an impeachment case] shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law" for his crimes. It was said by Mr. Bayard in the trial of Blount that "Impeachment is a proceeding purely of a political nature. It is not so much designed to punish the offender as to secure the state. It touches neither his person nor his property, but simply divests him of his political capacity." (Wharton's State Trials, 263.)

If this judge has been guilty of any crime, the courts which administer the criminal law are the proper tribunals to try and to punish him.

Your committee recommend that the testimony taken by the subcommittee in this case be printed and transmitted to the Attorney General of the United States for his consideration and use, to the end that if any crimes have been committed against the laws of the United States the Department of Justice may take cognizance of the same and see that the guilty parties are tried and punished in the appropriate tribunal.

Your committee has considered the following letter:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., July 23, 1912.

Hon. H. D. CLAYTON,
Chairman Committee on the Judiciary,
House of Representatives.

DEAR JUDGE CLAYTON: The President has received a telegram from Judge Hanford, United States district judge, western district of Washington, tendering his resignation as United States judge and stating that a letter follows. Before acting upon this resignation the President asks me to inquire of you whether the acceptance of the resigna-

tion would in any way interfere with the plans of the committee engaged in the investigation of the charges against Judge Hanford. I shall be very glad to have a statement of the attitude of your committee and of your own recommendations in the premises.

Very truly, yours,

GEO. W. WICKERSHAM,
Attorney General.

To this letter, in accordance with the direction of the committee, the chairman made the following reply:

AUGUST 3, 1912.

To the ATTORNEY GENERAL,
Department of Justice, Washington, D. C.

DEAR SIR: Your letter of July 23 came duly to hand. Reply thereto has been delayed for the purpose of having the subcommittee, composed of Messrs. GRAHAM, MCCOY, and HIGGINS, to return from Seattle, Wash., to Washington, D. C., and report to the Committee on the Judiciary the result of their investigation of the charges against Judge Hanford. The Committee on the Judiciary gave consideration to this matter and has directed me to say that the acceptance of the resignation of Judge Hanford would not in any way interfere with the plans of the committee which has heretofore been engaged in the investigation of the charges against Judge Hanford. There appears to be no good reason why the resignation of Judge Hanford should not be accepted. The committee will submit to the House of Representatives the recommendation that the testimony taken in the investigation of the alleged misconduct of Judge Hanford be forwarded to you for your consideration and use, so that your department may take cognizance of any infractions of the criminal laws of the United States which said testimony may disclose or tend to disclose.

Yours, very truly,

HENRY D. CLAYTON, *Chairman.*

It appeared to your committee that there was no good reason why the resignation of the judge should not be accepted. And it appears to your committee that the further prosecution of the impeachment proceedings is inadvisable. Among the reasons for this conclusion may be stated in substance the reasons assigned by the subcommittee:

(1) The chief good which successful impeachment proceedings could effect would be the removal of Judge Hanford from the bench. That good his resignation accomplished.

(2) The record of the evidence shows that he is 64 years old his next birthday, and hence not entitled to retire on pay. Therefore his resignation brings him no emolument or reward and involves no expenditure of public money.

(3) Your committee do not think it necessary or advisable to pursue the impeachment further merely for the purpose of making him ineligible to hold office in the future, as his age and the circumstances disclosed by the testimony render such a contingency highly improbable.

(4) Bringing the witnesses from Seattle and vicinity to Washington, a distance of over 3,000 miles, to prosecute an impeachment proceeding before the Senate, would involve an expenditure approximating $70,000. This expenditure of public money could not be justified in this case, where the judge is now out of office and doubtless will never again be appointed to office.

Your committee recommend that the following resolution be agreed to:

RESOLUTION.

Resolved, That the Committee on the Judiciary be discharged from further consideration of and action under House resolution 576.

Resolved further, That the testimony taken by the subcommittee of the Committee on the Judiciary under the authority conferred by House resolution 576 be printed as a part of this report and transmitted by the Clerk of the House of Representatives to the Attorney General for his consideration, and with the recommendation that the Department of Justice take cognizance thereof and take whatever action may be deemed advisable in case said testimony discloses or tends to disclose any infractions of the laws of the United States.

Report to the Committee on the Judiciary by the subcommittee appointed under House resolution 576 to take the testimony in the matter of the alleged misconduct of Cornelius H. Hanford, United States judge for the western district of the State of Washington:

To the Hon. HENRY D. CLAYTON,
Chairman of the Committee on the Judiciary,
House of Representatives.

On Thursday, June 13, 1912, the Committee on the Judiciary adopted the following resolution:

"*Resolved*, That JAMES M. GRAHAM, WALTER I. MCCOY, and EDWIN W. HIGGINS, members of this committee, be appointed the subcommittee by virtue of the authority given under House resolution No. 576, passed by the House of Representatives on June 13, 1912, authorizing an inquiry into the alleged misconduct of Cornelius H. Hanford, United States judge for the western district of the State of Washington, and that the said subcommittee shall have all the powers authorized by said resolution hereinbefore named."

In pursuance of said resolution your subcommittee left Washington on June 21, 1912, and reached Seattle the evening of June 25. Wednesday, June 26, was spent in making the necessary preliminary arrangements for proceeding with the hearings, and on Thursday, the 27th, the taking of testimony was begun in a court room of the Federal building in Seattle, and was concluded on Monday, July 22, 1912. The subcommittee sat every day between those days, except Sundays and the 4th of July, making in all 21 days of actual work, including several evening sessions. Two hundred and three witnesses were examined and 3,291 typewritten pages of testimony were taken, not including 94 exhibits which were made part of the record, and not including 138 collateral exhibits which were received tentatively by the subcommittee and taken back for examination by the members of the whole committee and for such use as the committee might desire to make of them.

The subcommittee had almost, but not quite, completed the taking of testimony when, at the morning session on Monday, July 22, counsel representing Judge Hanford asked for a conference with the members of the subcommittee, and the request was granted. They then informed the subcommittee that Judge Hanford had concluded to send his resignation to the President. Thereupon the subcommittee went into executive session to consider what its course of action would be, and after careful consideration of the premises unanimously reached the conclusion not to proceed with the taking of further testimony unless directed to do so by this committee; and the chairman of the subcommittee was directed to wire Chairman CLAYTON for instructions. After having ascertained that Judge Hanford's resignation was in fact forwarded to President Taft, the chairman of the subcommittee wired to Chairman CLAYTON as follows:

"JULY 22, 1912.

"To Hon. HENRY D. CLAYTON,
"House of Representatives, Washington, D. C.:

"Judge Hanford has just now forwarded his resignation to the President. We are not quite done taking testimony, but nearly so. The subcommittee unanimously favor discontinuing the taking of further testimony. Wire advice immediately."

And in a short time he received the following reply:

"WASHINGTON, D. C., *July 22.*

"Yes; I advise you to take no further testimony."

The subcommittee then reconvened in open session and the chairman publicly announced that owing to the resignation of Judge Hanford the hearings would be discontinued, and the subcommittee adjourned, subject to the call of the chairman.

Your subcommittee was moved to recommend the discontinuance of the hearings by a number of reasons, among which might be mentioned the following:

(1) The chief good which successful impeachment proceedings could effect would be the removal of Judge Hanford from the bench. This good his resignation accomplished.

(2) The record of the evidence shows he is only 64 years old his next birthday, and hence not entitled to retire on pay. Therefore his resignation brings him no emolument or reward and involves no expenditure of public money.

(3) Your subcommittee did not think it necessary or wise to pursue the matter to a final conclusion merely for the purpose of making him ineligible to hold office in the future, as his age and the circumstances disclosed by the testimony render such a contingency highly improbable.

(4) Bringing the witnesses from Seattle and vicinity to Washington, a distance of over 3,000 miles, to prosecute an impeachment proceeding before the Senate, would involve an expenditure approximating $70,000.

There were other reasons suggested and discussed, but those given above were deemed by your subcommittee sufficient to justify them in recommending the discontinuance of the hearings.

Your subcommittee further reports that Judge Hanford was represented during the hearings by able and learned counsel, namely, Mr. E. C. Hughes, Mr. Harold Preston, and Mr. C. W. Dorr, and that they were given wide latitude in the examination of all the witnesses and in the production of evidence on behalf of Judge Hanford, so that the record contains such evidence in defense as counsel desired to offer as well as the incriminating evidence; and on the whole record your subcommittee respectfully suggests that it clearly appears that Judge Hanford's usefulness as a Federal judge is over; that his personal and judicial conduct disqualify him for that position and that this committee recommend that his resignation be accepted.

Your subcommittee respectfully submits herewith a complete transcript of the testimony taken and originals or true copies of all exhibits offered and admitted in evidence, and recommend that this committee have the same printed.

They also submit certain documents designated as collateral exhibits which were not made a part of the record because they were not considered relevant, but which were taken along by the subcommittee for such further use as this committee might think fit to make of them. But the subcommittee does not recommend that they be printed.

All of which is respectfully submitted.

JAMES M. GRAHAM, *Chairman.*
WALTER I. MCCOY.
EDWIN W. HIGGINS.

House resolution 672.

Resolved, That the Committee on the Judiciary be discharged from further consideration of and action under House resolution 576.

Resolved further, That the testimony taken by the subcommittee of the Committee on the Judiciary under the authority conferred by House resolution 576 be printed as a part of this report and transmitted by the Clerk of the House of Representatives to the Attorney General for his consideration and with the recommendation that the Department of Justice take cognizance thereof and take whatever action may be deemed advisable in case said testimony discloses or tends to disclose any infractions of the laws of the United States.

Mr. CLAYTON. Mr. Speaker, at this point I desire to call the attention of the House to the fact that Judge Hanford's resignation has been accepted. Under date of August 5, 1912, in a letter addressed to me as chairman of the Committee on the Judiciary the Attorney General writes as follows:

The President has to-day written to Judge Hanford accepting his resignation as United States judge.

Mr. Speaker, I desire to ask that the report of the subcommittee, which is made a part of the report just read, be printed in the RECORD. It is in harmony with the report which has been just read, and therefore it is unnecessary to read the report of the subcommittee.

The SPEAKER. The Chair will put this motion as he understands it, and if he is not correct the gentleman will correct it. The gentleman from Alabama makes this report and asks that it be printed, and he asks that the report of the subcommittee, which had immediate control of this matter, be also printed, and asks that the report be received and that the committee be discharged from the further consideration of the Hanford case.

Mr. CLAYTON. Mr. Speaker, the Chair has stated substantially the proposition, but not exactly in the way in which the matter is before the House. The report which has just been read makes as a part of that report the report of the subcommittee. In other words, the subcommittee report is a part of the report of the committee. Now, I ask to dispense with the reading of the report of the subcommittee and that it be printed as a part of the report of the Committee on the Judiciary. I

now offer the resolution which the Clerk has and move the adoption of the resolution, which the Clerk will read.

The SPEAKER. The gentleman from Alabama asks that the report of the subcommittee be printed along with the report of the full committee. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the resolution.

The Clerk read as follows:

House resolution 672.

Resolved, That the Committee on the Judiciary be discharged from further consideration of and action under House resolution 576.

Resolved further, That the testimony taken by the subcommittee of the Committee on the Judiciary under the authority conferred by H. Res. 576 be printed as a part of this report and transmitted by the Clerk of the House of Representatives to the Attorney General for his consideration, and with the recommendation that the Department of Justice take cognizance thereof and take whatever action may be deemed advisable in case said testimony discloses or tends to disclose any infraction of the laws of the United States.

Mr. CLAYTON. Mr. Speaker, the resolution is divisible, and I therefore ask that the first part of the resolution be read, and I will ask its adoption.

The SPEAKER. The Clerk will read the first part of the resolution.

The Clerk read as follows:

Resolved, That the Committee on the Judiciary be discharged from the further consideration of and action under House resolution 576.

Mr. BERGER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BERGER. May I have five minutes to speak to this?

Mr. CLAYTON. Mr. Speaker, I will yield to the gentleman five minutes' time, inasmuch as he was the author of the original resolution 576 which was adopted by way of the adoption of a substitute in the House on June 13, 1912. Mr. Speaker, I shall insert in the RECORD the resolution as it finally passed the House or was agreed to in the House on June 13, which varies in some slight particulars from the original resolution introduced by the gentleman from Wisconsin. The substitute or amended resolution 576 is in the following words:

Resolved, That the Committee on the Judiciary be directed to inquire and report whether the action of this House is requisite concerning the official misconduct of Cornelius H. Hanford, United States judge for the western district of the State of Washington, and say whether said judge has been in a drunken condition while presiding in court; whether said judge has been guilty of corrupt conduct in office; whether the administration of said judge has resulted in injury and wrong to litigants in his court and others affected by his decisions; and whether said judge has been guilty of any misbehavior for which he should be impeached.

And in reference to this investigation the said committee is hereby authorized to send for persons and papers, administer oaths, take testimony, employ a clerk and stenographer, if necessary, and to appoint and send a subcommittee whenever and whereever it may be necessary to take testimony for the use of said committee. The said subcommittee while so employed shall have the same powers in respect to obtaining testimony as are herein given to said Committee on the Judiciary, with a sergeant at arms, by himself or deputy, who shall serve the process of said committee and the process and orders of said subcommittee and shall attend the sitting of the same as ordered and as directed thereby, and that the expense of such investigation shall be paid out of the contingent fund of the House.

The resolution was adopted in the form as read for the reason it was more nearly in accordance with the precedents or resolutions in like cases adopted than was the resolution offered in the original form by the gentleman from Wisconsin, but it was in substance the same. I now yield five minutes to the gentleman.

The SPEAKER. The gentleman from Wisconsin [Mr. BERGER] is recognized for five minutes.

Mr. BERGER. Mr. Speaker, to begin with, I want to express my appreciation of the fine spirit shown in this case by both the chairman of the Committee on the Judiciary, the gentleman from Alabama [Mr. CLAYTON], and the chairman of the subcommittee, the gentleman from Illinois [Mr. GRAHAM], and the other members. I fully agree with the report that the impeachment proceedings against Judge Cornelius H. Hanford should be dropped now, because the official to be removed from office has removed himself. Furthermore, I know that impeachment proceedings are of a political and not of a criminal nature.

The judge impeached by me, Judge Cornelius H. Hanford, of the western district of Washington, no doubt did the best thing for himself and for the country when he resigned. He saved himself a great deal of trouble and the country a great deal of money.

I hope that a number of other Federal judges who stand in the same position before the country to-day, who are under the same kind of a cloud, will follow his example and resign.

Impeachment proceedings are obsolete, clumsy, and very unsatisfactory as a rule. Moreover, impeachment is expensive and hardly ever brings results. We ought to elect our Federal judges by a vote of the people of their respective districts, and we should have the recall besides.

Until that be the case, however, I believe it would be for the advantage of the Federal bench and add to the respect for law in general if about a dozen Federal judges could be made to resign. And for this reason, Mr. Speaker, I also hope that the second part of the resolution will be adopted and that the Attorney General will see his way clear to call a Federal grand jury to probe the conditions and the circumstances which led to the sudden resignation of a Federal judge while charges were pending against him—a judge who could have resigned a few months later with a full pension. Judge Hanford was rather in too great a hurry. He resigned by wire. The ex-judge is not responsible to us now, but the conditions in his district will bear a criminal investigation.

I want again to thank the gentlemen of the committee for the good work they have done.

Mr. CANNON. Mr. Speaker, will the gentleman yield to me for one minute?

Mr. CLAYTON. I will yield five minutes to the gentleman if he desires.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] is recognized for five minutes.

Mr. CANNON. I thank the gentleman. I do not desire that much time. I have listened to the remarks of the gentleman from Wisconsin [Mr. BERGER]. This Federal judge has resigned. I have not read the record. The resolutions are about to be adopted which recommend the discontinuance of the impeachment proceedings. Upon the guilt or innocence of this judge that was, if he had been impeached, I do not have an opinion. He is out. If he is bad, he is disposed of, and the House and the country are to be congratulated.

But I respectfully dissent from the remarks of the gentleman from Wisconsin [Mr. BERGER] when he says there are at least a dozen other Federal judges that ought to be out of the service, intimating, if not saying, that they ought to be impeached. I do not sympathize with that remark. I believe in the coordinate branch of the Government, the judiciary, and in the enforcement of the law, and I could not sit still and listen without dissent to remarks which would tend, so far as the remarks of the gentleman could tend, to discredit the coordinate branch of the Government. I have no sympathy with such statements. I believe that the coordinate branch of the Government, the judiciary of the United States, is substantially patriotic, able, and clothed in integrity and wisdom. [Applause.]

The SPEAKER. The question is on agreeing to the resolution.

Mr. MANN. Is this vote to be on the first resolution?

The SPEAKER. Yes. It is to be on the first part of this resolution. The question is on agreeing to the first part of the resolution.

The question was taken, and the resolution was agreed to.

The SPEAKER. The Clerk will read the next part.

Mr. MANN. It was read once. Will the gentleman from Alabama [Mr. CLAYTON] yield?

Mr. CLAYTON. Yes.

Mr. MANN. How much evidence is there that was taken by the subcommittee?

Mr. CLAYTON. I am very glad to answer the gentleman. I have here a letter from the Public Printer touching that matter. I violate no secret when I say that the other day, before drawing this report, I ascertained the views of a few of the experienced Members of the House whose opinions I value, particularly on such matters as this, and among those gentlemen with whom I conferred was the gentleman from Illinois [Mr. MANN], as to the advisability of printing this testimony. After having talked with the gentleman from Illinois and members of the committee and other Members of the House, I was persuaded that perhaps it was well to leave it to the House whether or not this testimony should be printed.

I thereupon put myself in communication with the Public Printer. I sent to him all the testimony taken in the case, except the exhibits, which the chairman of the subcommittee, the gentleman from Illinois [Mr. GRAHAM], informed me were not necessary to an intelligent understanding of the testimony itself. Now, this testimony, exclusive of these unnecessary exhibits—unnecessary in the sense that I have stated—comprises what would make 1,880 pages of printed matter. That is what the Public Printer says.

Now, I believe that it comprises something like 3,400 pages of typewritten matter. After I had communicated with the Public Printer he sent me this letter, dated August 5, 1912:

I am in receipt of your communication of August 5 requesting an estimate of the cost of printing transcript, insertions, and exhibits of the investigation made by the subcommittee on the judiciary in the matter of the charges touching the official conduct of Cornelius H. Han-

ford, United States judge for the western district of the State of Washington.

The estimated cost is as follows: 1,000 copies, $3,830.70; 1,880 pages, 2 volumes.

This estimate does not include the insertions nor exhibits, for the reason that they have not been submitted. The manuscript has been returned.

Yours, very respectfully, SAML. B. DONNELLY,
Public Printer.

That was addressed to me as chairman of the Committee on the Judiciary of the House of Representatives.

Now, Mr. Speaker, it was suggested by some of the gentlemen on the committee and others that perhaps it was unnecessary to incur the expense of printing this testimony. It occurred to me in the beginning, Mr. Speaker, that perhaps it was an unnecessary thing to do, and therefore, if unnecessary, it was not advisable to put the Government to that expense. But after discussion in the committee and further discussion with the Members of the House your committee reached the conclusion that it was advisable to print this testimony.

Much has been said in the public prints as to what this testimony disclosed. Much has been said to the effect that the Attorney General ought to take some appropriate action. Much has been said to the effect that these impeachment proceedings ought not now to be abandoned; that these impeachment proceedings should be further prosecuted in order that the daylight may be turned in on certain transactions occurring in the West with which the name of the judge has been associated. Your committee thought that perhaps they would be censured if they held back from the full public view the testimony taken in this case. In another case which that committee have had under consideration a number of representatives of the press attended the daily sessions of the committee and gave long accounts every day of the testimony submitted. The public seemed to want to know just what this judge did and just what those who are associated with him did. The public want to know what is involved in all of the various conduct alleged against the judge. The committee reached the unanimous conclusion that the public ought to have the benefit of the information as to exactly what the conduct of this judge was. For these reasons, which I have set forth briefly and imperfectly, it occurred to the committee that the report should be printed. I bring that proposition to the House and respectfully submit it to the House, with the statement that the committee advise that this testimony be printed and then transmit it to the Attorney General for further action in the criminal courts if he deems such action necessary or proper. Now I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, as I understand, the Public Printer estimates that the thousand copies without the inserts will cost in the neighborhood of $3,500. I do not know why the Public Printer estimated on the basis of 1,000 copies, because that number is never printed. If it is ordered printed at all, there will be the usual number printed, which will be 300 for the House, a certain number for the Senate, a certain number for the executive departments, and a certain number for public depositories.

Mr. CLAYTON. Will the gentleman permit me to say that I do not know why the Public Printer estimated it upon the basis of a thousand copies, unless he was actuated by the same reason as that which actuates the CONGRESSIONAL RECORD clerk out in the corridor, who always tells us what the first thousand will cost and then tells us what the second thousand will cost, the second thousand costing less than the first thousand?

Mr. MANN. Yes; but I apprehend the Public Printer knows that even if the House passed a resolution to print 1,000 copies that does not mean that 1,000 copies only will be printed. The law provides the number to be printed under such circumstances. and it is more than 1,000 copies. But, regardless of that, I take it that the number that would be printed would cost in the neighborhood of $3,500 or $4,000.

This testimony is to be referred to the Attorney General. Necessarily most of the testimony taken in cases of this sort becomes irrelevant before the case is closed. What object is there in printing that entire number? It looks to me like a gross extravagance. We did not print the testimony in the impeachment proceedings which are now pending.

Mr. CLAYTON. The gentleman is mistaken about that. The testimony was printed in the impeachment case now pending before the Senate. It was printed from day to day under the authority given to the committee.

Mr. MANN. Oh, yes, as a committee print; a very small number of copies. That does not go throughout the country, and a few months from now probably you will not be able to find a copy.

Mr. CLAYTON. Perhaps not. I will not undertake to say.

Mr. MANN. I mean that copies are not placed in the public depositories, or anything of that sort.

Mr. CLAYTON. Perhaps not. I do not know about that, but there will doubtless be some bound copies to be found hereafter in the libraries and in the committee rooms.

Let me say, Mr. Speaker, that, of course, the committee might have ordered this testimony printed; but there being such a large volume of it, and the judge having vacated his office, the committee were of the opinion that it was better to submit the question to the House itself. Therefore we brought it here.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. CLAYTON. I will.

Mr. FITZGERALD. Does the gentleman think anybody will ever read this testimony?

Mr. CLAYTON. Judging from the inquiries that the chairman of the committee has received for copies, I think a good many people will read it. Requests have been received from various parts of the country.

Mr. MANN. If the gentleman from Alabama thinks that the Committee on the Judiciary has the power to order this printed, why does not the committee order 500 copies printed? That is a greater number than will ever be used. This proceeding would require what is called the usual number to be printed—close to 1,500. I will say that I do not think the Committee on the Judiciary has the power to order it printed.

Mr. CLAYTON. Mr. Chairman, the committee were of the opinion that they did have the authority to order it printed, but they thought it was a question that ought, with all propriety, to be submitted to the House itself. As to the other objection urged by the gentleman, instead of printing 1,500, under the usual order in such cases, I can say to the gentleman that I would readily agree to an amendment of the resolution restricting the number to 500, if the gentleman sees proper to offer that amendment.

Mr. MANN. I will say to the gentleman that such an amendment would not decrease the number printed, but would add to the number printed, because when the House orders a document printed, it is printed in the usual number, and if a specified number is mentioned, the usual number is printed in addition.

Mr. CLAYTON. Is it not quite competent for the House by a special resolution to abrogate any general rule and specify a particular number to be printed?

Mr. MANN. I think it is quite certain that the House by special resolution can not change a law. That is my recollection.

Mr. CLAYTON. I apprehend it would be competent for the House to control the number that it desires.

Mr. MANN. If it is printed as a House document it has to be distributed through the public depositories, and that requires the usual number to be printed.

Mr. NORRIS. Five hundred copies would cost nearly the same as the usual number. It is the setting of the type which constitutes the greater part of the expense.

Mr. MANN. No; in a large case like this the cost of the paper is a considerable expense.

Mr. HARDY. I should like to inquire whether the committee by unanimous report has given a succinct statement of all the facts relating to the charges?

Mr. CLAYTON. It has not. It has given its conclusions and the reasons for them, but the report does not go into a detailed statement of the facts. The report deals mainly with the phase of the case that the judge having resigned or vacated his office there is therefore no necessity for a further prosecution of the impeachment proceedings.

Mr. HARDY. One question more; was there any evidence in conflict or dispute as to the facts?

Mr. CLAYTON. Yes; there was a contrariety of evidence.

Mr. HARDY. The facts were not agreed to?

Mr. CLAYTON. The facts were not agreed to; there was a great volume of testimony. As is the practice in such cases the accused judge was present with his counsel and asked a great many questions; witnesses were examined on both sides of the controverted propositions in order that the subcommittee, if it had reached that point, could make an intelligent deduction of the truth from the testimony on the controverted facts.

Mr. HARDY. I understand that the matter being about to be dismissed the committee did not state the conclusion of facts.

Mr. CLAYTON. No; there were a number of charges involved in the resolution. There was the general charge of his misconduct, and there was the charge of habitual inebriety, a charge of corruption—all those things were not named in the

resolution with that particularity required in an indictment, or with the particularity required in an article of impeachment, but there was substantially stated these charges so that any intelligent man could comprehend what the purpose of the resolution was, and of what the alleged misconduct of the judge chiefly consisted. The report made by the committee deals with the question whether the House shall now proceed with the impeachment case more than it does with the merits of the charges made against the judge originally.

Mr. BATHRICK. Will the gentleman yield?

Mr. CLAYTON. Yes.

Mr. BATHRICK. I understand Judge Hanford, under accusations that seemed to warrant impeachment, has resigned.

Mr. CLAYTON. The report discloses that, and all the discussions to-day disclose that, and the gentleman could not be mistaken about it.

Mr. BATHRICK. Does that resignation relieve him from all punishment?

Mr. CLAYTON. It in nowise relieves him from punishment for any crime that he may have committed.

Mr. BATHRICK. It relieves him in this one way: That if impeachment proceedings were held and he was finally impeached, he would be disqualified to hold office and to vote as a citizen of the United States.

Mr. CLAYTON. Mr. Speaker, the report deals with that aspect of the case. The object of impeachment proceedings is twofold: To rid the public service of an unworthy official. That is the primary object. The secondary object of impeachment proceedings is to disqualify the impeached officer, if the Senate shall so pronounce judgment, from further holding office. That secondary idea was carried into the impeachment provision of the Constitution for this purpose. Another provision in the Constitution says, in effect, that the President shall not pardon in case of impeachment. Now, then, if in the case of an impeached judge the President can not pardon him, of course, with that in view and without a judgment of disqualification, the President could avoid the provision which prevents his pardoning him by reappointing him to office after conviction on impeachment.

Let me, Mr. Speaker, cite the provisions of the Constitution of the United States bearing upon the impeachment of judges. These provisions are as follows:

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment. (Art. I, sec. 2.)

Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law. (Art. I, sec. 3.)

The President * * * shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. (Art. II, sec. 2.)

The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. (Art. II, sec. 4.)

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office. (Art. III, sec. 1.)

The trial of all crimes, except in cases of impeachment, shall be by jury. (Art. IV, sec. 2.)

It was to prevent the possible nullification of the denial of the pardoning power to the President in impeachment cases that the secondary idea in the impeachment provisions of the Constitution was inserted. Now, that brings us to the practical question of this case. The committee was of opinion that the primary object of impeachment proceedings having been accomplished by resignation of the judge, it was not necessary to further prosecute this case in order that the possible secondary provision of impeachment proceedings might be had, namely, disqualification of the judge.

The judge is now about 64 years of age. He has resigned his office under charges of such a character that no President would ever appoint him to office. Therefore his age and the circumstances of his resignation renders it almost ridiculous to suppose that any President would ever again appoint him to public office.

Then, again, your committee was of the opinion that for the mere purpose of disqualifying this judge 64 years of age, who has resigned under these circumstances so highly discreditable to him, that it is unnecessary to put the Government to the enormous expense of trying this man to the ultimate conclusion of an impeachment proceeding. The report of the subcommittee and the report of the committee shows that it will cost the Government approximately $70,000 to continue this prosecution. It will cost more than that; it will cost the time and attention of this House, the time and attention of the Senate, and the gentleman from New Jersey and the gentleman from Illinois, who are on the subcommittee, are inclined to the opinion that it would cost $100,000 to continue this impeachment proceeding further.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. CLAYTON. I will.

Mr. HUMPHREY of Washington. I want to suggest that this part of the resolution has already been adopted.

Mr. CLAYTON. Yes; of course that occurred to me; but when the gentleman from Ohio asked for information I thought it entirely proper for me to give the information. The committee was actuated by a desire to give the fullest publicity to the conduct of this judge, and it would be a wholesome public benefit to have the testimony printed. I believe the money expended for printing the testimony would be well expended for the public good.

Mr. COOPER. Will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. COOPER. How many copies would be given to each Member of the House under this resolution, and how many to the Senate, approximately?

Mr. CLAYTON. The gentleman is a more expert mathematician than I am.

Mr. COOPER. I did not understand what the total number was.

Mr. MANN. Under the law, of the usual number printed, I think the House gets 300 copies.

Mr. COOPER. That is less than one copy for each Member of the House.

Mr. MANN. That is the case with all documents printed.

Mr. COOPER. It ought not to be in the case of this document. I should like to have the gentleman from Alabama give me four minutes.

Mr. CLAYTON. I will yield four minutes to the gentleman from Wisconsin.

Mr. COOPER. The gentleman from Alabama a moment ago said, or intimated, I think, that there had not been very full reports of the testimony taken before the subcommittee.

Mr. CLAYTON. Oh, I was very unfortunate if the gentleman understood that.

Mr. COOPER. I mean in the newspapers.

Mr. CLAYTON. The newspapers in the eastern portion of the country, or to put it more precisely, except the newspapers in the far West, the press has not carried a very full account of the testimony taken in the case.

Mr. COOPER. There has been a good deal of conflict concerning the testimony. The judge resigned, as I recall it, on account of his health. Is that so?

Mr. CLAYTON. I am not advised as to that.

Mr COOPER. He gave that as the reason in his letter of resignation.

Mr. CLAYTON. I have not seen his letter of resignation.

Mr. COOPER. It was so reported that he resigned on account of his health.

Mr. CLAYTON. I have not seen the letter.

Mr. COOPER. I am free to say that I hope a resolution will be passed providing for a number of copies sufficient to enable not only the House but the country to become informed concerning the evidence taken on that hearing.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

Mr. COOPER. Certainly.

Mr. NORRIS. Mr. Speaker, I would suggest to the gentleman that if it should develop that there was a demand for more than the usual number would supply it would be a very easy matter to have a reprint.

Mr. COOPER. Mr. Speaker, I do not understand that it is an easy matter to get a reprint. I understand it to be quite a difficult thing to get a question of that kind before the House.

Mr. NORRIS. It is an easy matter if there is a demand for it.

Mr. COOPER. It depends on whether you can get the question before the House. My own judgment is that there ought to be a sufficient number of copies of the testimony printed in every proceeding of this kind, where the official proposed to be impeached holds his office for life, so that the facts can become generally known to the people throughout the country. When newspapers print that the testimony is getting close to firms worth a million dollars and representing great business interests of the State of Washington, that suddenly a consultation is called in the chambers of the judge, and that in a few minutes he resigns, there is presented an unusual state of affairs, and I do not propose that anything which looks like political pull or any other kind of pull shall suppress the full publication of the facts, so that I, at least, shall know what they were. It

ought not to be said that the House of Representatives directed an investigation of the conduct of a Federal judge, which investigation went to such a point that the judge suddenly called people into his chamber and resigned, and that then the House of Representatives refused to print the testimony. As a matter of fact, this resolution ought not to have been brought up until after the testimony had been printed and the Members of the House had an opportunity to examine it, so that we might know whether we wished to vote to continue the impeachment proceedings.

So far as I am concerned, my vote will go for the printing of at least a sufficient number of copies to provide one for each Member of the House and the Senate and one for the Congressional Library.

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, I firmly believe that the testimony in this case ought to be printed. I do not think the cost of printing it is even a moderately good reason why it should not be done. The entire cost of the investigation up to this time, while I have not figured it up with accuracy, I think will not greatly exceed $2,000. Most of that has gone for stenographic service, and the next largest item is the cost of transportation from Washington, D. C., to Seattle for the members of the committee and one attendant. The entire cost is so trifling that it seems to me that the cost of printing a few hundred copies of the evidence ought not to cause the House to hesitate at all. Some Seattle papers have been forwarded to me since my return, as they have been forwarded to other members of the subcommittee, and in them the gentleman who represented Judge Hanford before our subcommittee has made a voluminous résumé, or what they claim to be a résumé, of the testimony given before the subcommittee. That résumé has doubtless circulated quite extensively on the Pacific coast, and may extend farther than that. With a knowledge of the testimony adduced before the committee fresh in my mind, after the reading of that résumé I have not any hesitation in saying that it is not a reasonably fair presentation of the testimony in the case. If this testimony is not printed, that résumé will go out before the public and will be preserved and will practically stand as the testimony produced before the committee, when it is not, and it is not nearly the testimony. It is entirely misleading. They have not only failed to remember the testimony, but they have been unable to remember some remarks which they say I made, but which I did not make.

I think that, in view of the small amount of money needed to preserve it, it is well worth making it a permanent record. It will be read quite extensively in the western part of the United States, and it will be of record and on file in the future if anybody wants to refer to it. I do not suppose that any Member of the House, and perhaps not many others, would read it from cover to cover. I think that is true; but I know a great many Supreme Court reports that are printed and preserved with great care, and I do not know anyone who reads them all from cover to cover. They are useful for reference, more so than this would be, of course, but this would be useful for reference also now and then. It is an exceptional case, and many would be interested to know whether, as the gentleman from Wisconsin [Mr. COOPER] said a moment ago, the judge resigned because of ill health or because the weather was getting too warm, and the testimony, like the weather, was getting too hot for him to retain his seat. There will be many interested in ascertaining those facts, and they can only do it by reading the record of the testimony. If the testimony is not printed there will be many citizens who may think there is something amiss, that there was something to be covered up, something that would not bear the exposure of publicity; and it seems to me that, as this is a public matter, the public have a right to know just what took place there, and the only way they can know that is by having this record put in cold type and preserved.

Mr. CLAYTON. Mr. Chairman, I yield two minutes to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Speaker, this resolution with reference to printing will not carry into effect the printing of this testimony as a document nor will it bring about the distribution which has been discussed here. The resolution provides only that the testimony be printed and transmitted to the Clerk of the House, and that he transmit the same to the Attorney General for action, and so on. I suggest to the chairman of the Committee on the Judiciary that he should amend his resolution so as to provide that it be printed as a House document and that a copy of same be transmitted to the Attorney General. In that way he would carry into effect the suggestions contained in the debate which has been going on with reference to the matter.

Mr. MANN. Mr. Speaker, I would suggest to the gentleman from South Carolina that I suppose if this is printed it will be printed as a part of this report.

Mr. FINLEY. I think if the gentleman will read the resolution carefully he will come to the same conclusion that I have.

Mr. MANN. I heard the resolution read. It provides that the testimony shall be printed.

Mr. FINLEY. And be by the Clerk transmitted to the Attorney General.

Mr. MANN. Oh, yes; but when an order is made by the House for the printing of a thing it is either printed as a report or as a House document. The law so provides. The House can not by a simple resolution print it in any other way.

Mr. FINLEY. I have the law here before me. The present law provides:

> Whenever any document or report shall be ordered printed by Congress, such order to print shall signify the "usual number" copies for binding and distribution among those entitled to receive them. No greater number shall be printed unless ordered by either House, or as hereinafter provided. When a special number of the document or report is ordered printed, the usual number shall also be printed, unless already ordered. The usual number of documents and reports shall be 1,682, which shall be distributed, etc.

Now, this is a special resolution simply providing for the printing of that testimony taken in the impeachment case.

Mr. CLAYTON. The resolution shows on its face——

Mr. MANN. Does not the law further provide that the House can not order printed anything that will cost over $500 by a simple resolution, unless it be a document presented to the House or a report presented to the House?

Mr. CLAYTON. One purpose of the resolution is to print the testimony as a part of the report. In order to reenforce the idea which is recognized by the gentleman from Illinois, if it is necessary to reenforce it, I move to insert after the words "be printed and transmitted" in the report so it will read as follows:

> Under authority conferred by House resolution 556 be printed as a part of this report.

After the word "printed" insert the words "as a part of this report."

The SPEAKER. The Clerk will report the amendment.

Mr. MANN. Mr. Speaker, just a word. I would desire to offer an amendment. I would move to strike out of the resolution that part of the resolution providing for the printing of it. As I understand, this testimony was taken in public, newspaper reporters were admitted—am I right in my supposition?

Mr. CLAYTON. Undoubtedly.

Mr. MANN. And published widely, whereas if it be printed now as a part of the report or as a House document, as far as the public is concerned, it might as well be buried in the catacombs, and I think it is a gross injustice to print 3,500 pages of typewritten matter.

The SPEAKER. Does the gentleman offer his amendment?

Mr. MANN. If the gentleman from Alabama yields for that purpose.

The SPEAKER. The Chair did not know whether the gentleman yielded for the gentleman simply to make some remarks or to offer an amendment.

Mr. MANN. Well, I did not know either.

Mr. CLAYTON. I hope the gentleman will not offer that amendment. I will be quite willing for him to test the sense of the House in voting down the proposition, but I do not think it is necessary to offer the amendment as a part of the resolution. I divided the question.

Mr. MANN. I understand that part is referred to the Attorney General and I have no desire to oppose that.

The SPEAKER. If the gentleman from Alabama does not yield to the gentleman from Illinois——

Mr. CLAYTON. If the gentleman from Illinois insists I will yield for him to make that motion.

Mr. MANN. Mr. Speaker, I would like to offer an amendment.

The SPEAKER. The gentleman will offer it.

Mr. MANN. I move to amend the resolution by striking out that part providing for the printing of the testimony.

The SPEAKER. The gentleman from Illinois moves to strike out that part of the resolution providing for the printing of the evidence.

The question was taken, and the amendment was rejected.

The SPEAKER. The gentleman from Alabama will please state his amendment again.

Mr. CLAYTON. On the fourth line from the bottom, page 4, after the word "printed" in that line, insert before the word "and" the words "as a part of this report."

The SPEAKER. The gentleman offers an amendment that after the word "printed" and before the word "and" there be inserted the words "as a part of this report."

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. I would like to ask the gentleman from Alabama a question instead of making a parliamentary inquiry. The only way, then, that this evidence will be printed is as part of the report of the committee?

Mr. CLAYTON. Yes; unless some further action is had.

Mr. COOPER. Well, how many copies of the report will be printed?

Mr. CLAYTON. The usual number.

Mr. COOPER. What is the usual number?

Mr. CLAYTON. I am not accurate about that. I have never served on the Committee on Printing, and the gentleman from Wisconsin has been here very much longer than I have and he certainly, about the detail work of the committees, ought to be better informed than I am.

Mr. COOPER. The gentleman has been here for 12 years.

Mr. CLAYTON. I am informed that it is 420.

Mr. MANN. The usual number, if the gentleman will permit me, is between 1,600 and 1,700, and my recollection is that 300 copies go to the House, a certain number to the Senate, a number to various departments, and then to public depositories, the Library, and so forth.

Mr. COOPER. Then of this evidence only 300 copies come to the House?

Mr. CLAYTON. I suppose that is correct; but I will say to the gentleman that neither the chairman of the Committee on Printing nor the distinguished leader of the minority nor the gentleman from Wisconsin, who has served here so long and faithfully, seem to know what the law is.

Mr. COOPER. Suppose a person introduced a resolution to have a larger number printed, would he get the usual number? I have never introduced such a resolution, and therefore I ask for information.

Mr. CLAYTON. The usual number, I am informed, is 420, and that is the best information I have.

Mr. COOPER. The gentleman from Illinois says that he is informed that the House only gets 300.

Mr. CLAYTON. Mr. Speaker, I move the previous question on the adoption of the resolution as amended.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The question was taken, and the amended resolution was agreed to.

On motion of Mr. CLAYTON, a motion to reconsider the vote by which the resolution as amended was agreed to was laid on the table.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HENRY of Texas. Mr. Speaker, I have a privileged resolution from the Committee on Rules which I present.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution (H. Res. 642, H. Rept. 1151) providing for consideration of the disposition of water rights on Schofield Military Reservation, Hawaiian Islands, in connection with the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations, etc.

Resolved, That in the consideration of the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes, it shall be in order to consider the following provision as an amendment thereto:

The Secretary of War is authorized and directed to grant and lease in the manner hereinafter provided, for a period of 25 years, such surplus water of the United States within the limits of or pertaining to the military reservation of Schofield Barracks (Waianae Uka), island of Oahu, Territory of Hawaii, as may not be needed for the supply of the military post and troops on said reservation; and he is further authorized and directed to include in such grant or lease authority to the grantee or lessee thereunder to enter upon such reservation and make surveys thereon for and construct and maintain dams, reservations, canals, ditches, flumes, tunnels, and pipe lines for the purpose of diverting and conducting from the reservation the water covered by such grant or lease, at such places on said land as said grantee or lessee may select, subject to the approval of the Secretary of War; and to include also the right to said grantee or lessee to take from the lands of the United States adjacent thereto, subject to the approval of the Secretary of War, earth and stone necessary for such construction and maintenance: *Provided*, That said grant or lease shall be made to or entered into with the highest responsible bidder for such surplus water, under sealed proposal, after public advertisement of the terms and conditions thereof for a period of not less than 30 days in a newspaper or newspapers of general circulation published at Honolulu, in the Territory of Hawaii, such terms and conditions to be fixed by the Secretary of War when not inconsistent with the provisions of this section: *Provided further*, That the right to amend, alter, or repeal this section is hereby expressly reserved.

The SPEAKER. The question is on agreeing to the resolution.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, the resolution reported from the Committee on Rules proposes to rescind the existing rules of the House, so far as section 4 of the general deficiency bill is concerned, and to make that section in order on the bill. That section provides for the leasing of water power at the Schofield Barracks, in Hawaii, reported by the Committee on Appropriations.

The Committee on Appropriations does not have jurisdiction of the matter. The Committee on Military Affairs or the Committee on the Territories would certainly have jurisdiction. The Committee on Appropriations, without having jurisdiction, and without having—with due deference to the distinguished members of that committee—very much knowledge concerning the present trend of sentiment relating to the granting of the use of water powers, has undertaken to prepare, and has prepared and presented, this proposition.

To a certain extent it involves the entire question of the Government's control over water powers. It contains no provision that the Government shall have any authority to regulate the charges made by the company which shall receive the grant.

I am not familiar with the facts in the case. I know nothing concerning what I understand from the report and statements by the gentlemen is a dispute between two sets of people who desire to obtain this concession, valuable as it is. But I can see from the form of the amendment, offered now to be made in order, that under it the public, who might want to investigate, will have very little chance indeed to do so. Outside persons will not have much opportunity. The grant shall be made to the highest bidder, under sealed proposals, after an advertisement of not less than 30 days.

That proposition is good in itself. It is provided that when made it shall include the right to enter upon the reservation and make surveys thereon for the construction and maintenance, and so forth, of the dam and the necessary appurtenant works. How can anybody bid upon it without having knowledge of the surveys in advance? Here is a proposition requiring that bids be advertised for and a contract let without specifications, without knowledge, with the right on the part of the person who secures the contract to enter and make surveys. Why, before they bid it is necessary for some one to make surveys. Either the Government ought to present its plans and its specifications, so that all bidders might bid on equal terms, or else it ought to authorize prospective bidders to make their examination and surveys in advance of submitting their proposals.

Mr. Speaker, we have on the calendar a large number of bills relating to water powers and the construction of dams. I do not believe that Congress ought to adopt any policy until it knows what it is doing. I do not believe that we ought to adopt any policy in reference to this dam now, probably foreclosing our right to control and regulate the charges which may be made by the company. That is what this proposition would do. It has no place on an appropriation bill. I desire to protest against gentlemen inserting on appropriation bills items which they favor and then insisting upon obtaining from the Committee on Rules a rule to make those items in order.

The SPEAKER. The time of the gentleman has expired. The question is on agreeing to the resolution.

Mr. FITZGERALD. Mr. Speaker, I wish to take up only a little time in making a statement. This is not a question at all similar to the question involved in a disposition of water power in the United States. The old Hawaiian Government leased a certain tract of Crown lands for a period of 30 years, which at the outset was not deemed of any value because of the water it contained. Shortly after the lease was made it was realized that the water upon the tract was of very great value for irrigation purposes; not particularly of value for power purposes and not contemplated at the time for use for power purposes, but of much greater value for irrigation purposes.

The lease was for a period of 30 years, and it expired in January, 1912. A bill was passed granting a right or an easement on this reservation set aside by Executive order to this company for the maintenance of reservoirs and ditches. Without the legislation, in January, 1912, they would have been trespassers—trespassers upon this military reservation. In the act that passed Congress there was placed a provision that any ditches that would be built would be subject to the right of the War Department so to regulate the construction that the reservation would not be impaired in usefulness for military purposes, and also that the United States should have sufficient water to provide for the military purposes of the reservation.

Because of the conditions placed in this grant of right of way this company now contends that the United States has given to it a grant in perpetuity of the surplus waters on the reservation

estimated to be worth forty or fifty thousand dollars a year. If nothing be done, the company continues to get the benefit of water worth forty or fifty thousand dollars a year for nothing.

The War Department called the attention of the committee to the matter. Representatives of the company now in possession and enjoying this very desirable condition of affairs, and representatives of other interests in the Hawaiian Islands that are anxious to obtain the use of this water and are willing to pay for it and to compete for it, were given a very extended hearing before the committee. In view of the fact that this company is enjoying these rights without any claim other than the fact that they are in possession, without any legal title, and are enjoying the use of the water belonging to the United States, worth from $40,000 to $50,000 a year, the committee believed that it was imperative that something be done; that the United States be at least given the opportunity to obtain some returns for the use of the water belonging to it. So the committee, after very careful consideration and examination of the somewhat voluminous briefs, and after a hearing in which all the parties interested were given an opportunity to be heard, upon being notified that the War Department was proceeding to arrange to supply the necessary water for the reservation itself, decided that the fairest thing to do was to authorize the sale under sealed bids of the surplus water of this reservation. One company is in the enjoyment of the use of a valuable privilege, utilizing this water to irrigate valuable cane lands. Another combination of interests is anxious to get the use of the water in order to utilize other valuable cane lands. It seemed to the committee that the House should at least have an opportunity to determine whether it would enact legislation, properly guarded, which would permit these two interests to compete for the use of this water, rather than to have one set of these estimable gentlemen, because of the failure of Congress to take any action, continue to have the benefit of from $40,000 to $50,000 worth of water annually belonging to the United States.

The committee did not seek to initiate this matter. It was called to its attention by the War Department, which pointed out the situation. Representatives of the parties interested, some from the Hawaiian Islands, and attorneys in the United States competent to discuss the matter, appeared before the committee. The committee felt it their duty to present the matter to the House, so that the House might determine what should be done.

As to one thing the gentleman from Illinois [Mr. MANN] has spoken of, there need be no alarm. Only very extensive interests can by any possibility utilize this water. All who are familiar with conditions in the Hawaiian Islands know that only by the investment of a very large amount of capital can the waters there be impounded and utilized for irrigation purposes. I recall one instance where $1,250,000 was expended to carry water 100 miles from one side of one of the islands to the other in order to make possible the production of cane upon what is now one of the largest plantations in the islands. If nothing be done at this session of Congress these gentlemen, who have no right, no grant, nothing but permission to maintain their reservoir until otherwise determined by Congress, will continue to get the benefit and use of all the water that is not taken by the War Department for the use of the United States itself. It is a very desirable condition for those enjoying that privilege. It seemed to the committee that the people of the United States had some interest in this matter, and that the proper thing to do was to place this privilege at auction and sell the right to use this water. There is no need to worry about making surveys before or after the sale. The only persons to whom the water is of value outside of the United States are thoroughly informed of the conditions. One of them has a dam which impounds all of the surplus waters that are not used by the United States, and the other gentlemen know now just how much it will be necessary to invest in order to utilize these waters in the event that they are successful in the competition. The committee simply desire that the House have an opportunity to determine whether the United States shall be compensated for the use of these waters or whether those now utilizing them shall continue to have this valuable privilege without any expense.

Mr. MORSE of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MORSE of Wisconsin. Has not the War Department full power at present to expel these trespassers from the reservation? I understood the gentleman to say that they were trespassers.

Mr. FITZGERALD. No. There was an act passed which gave them an easement to maintain their reservoir, and continues that right after the expiration of the lease. They had a lease from the Hawaiian Government made 30 years ago. That lease has expired. The legislation that was enacted gives a continuing easement unless Congress acts in some other way.

Mr. MORSE of Wisconsin. Is this an irrigation company that own the land to be irrigated, or do they sell the water to other people who own the land?

Mr. FITZGERALD. They do both, I understand.

Mr. MORSE of Wisconsin. Then there is no limit to the amount that may be charged the other people. We are granting them a monopoly, are we not, if we pass this bill?

Mr. FITZGERALD. It can not be anything else. It must be a monopoly. The water flows down. The land along the line of the flow is entitled under the laws of Hawaii to a certain amount of water, and the lowlands are entitled to a certain amount of water. It can only be handled by one person or combination being in possession and distributing the water in accordance with the rights of the various parties.

Mr. MORSE of Wisconsin. After having granted this monopoly ought not the Government, in the opinion of the gentleman from New York, to fix the rate that this company may charge? In Wisconsin we grant monopolies to electric-light companies and various other companies for municipal purposes. We also fix the rate——

Mr. SHERLEY. We do not grant any monopoly. The gentleman is mistaken in his assumption. There is no grant of a monopoly at all. The situation is this, that there is a company that has built a dam on its own property, impounding the waters that rise above, in the north and the south fork of this stream.

The south fork of the stream rises on Government property. They claim that, under the act of 1909, which gave them the right to run laterals and ditches on the Government land, they have been given a grant in perpetuity to the excess of water that rises in the south fork of the Government land. What we propose—not believing that they have the shadow of a title to that—is that the Government shall sell the surplus water on such terms as the War Department shall fix, not to exceed 25 years.

Mr. MORSE of Wisconsin. Is there any provision in any law which gives the War Department or any other department of the Government the power to fix the maximum for rates that shall be charged for this water?

Mr. SHERLEY. This act itself does.

Mr. FITZGERALD. The situation is this: If nothing is done there is no restriction on what this company shall charge. It can charge anything it pleases and keep all the money. It takes the money for the use of the water that belongs to the United States. This simply proposes that the United States shall dispose of the surplus water. As a matter of fact, the water is practically all used by the persons who now have it.

Mr. MORSE of Wisconsin. In the opinion of the gentleman from New York, ought there not to be a provision in the bill which will permit the Secretary of War, or some other department of the Government, to fix the maximum rate that shall be charged for the use of the water?

Mr. FITZGERALD. We thought not, for the simple reason that the water is used most largely, if not entirely, for the irrigation of the property of the company itself. If other companies interested secure the control of the water they will divert it and take it to a different part of the island and utilize it in irrigating the very extensive tracts of land which they have.

Mr. MONDELL. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MONDELL. Is it not a fact that the plantation company now using the water is using all the water which it claims on its own lands for the purpose of irrigation?

Mr. FITZGERALD. I am not quite certain about that, but I believe that is the situation.

Mr. MONDELL. The gentleman said a moment ago that he thought they were selling some of the water. I do not so understand.

Mr. SHERLEY. They are selling it all to another company. The other company is really owned by the same men. It is one investment, but there are two companies.

Mr. MONDELL. These people are using the water, as all irrigators do, irrigating their own land.

Mr. FITZGERALD. The water company is organized practically by the same individuals that have the land to be irrigated, and they sell the water to themselves, practically, and it is utilized in that way.

Mr. KAHN. Mr. Speaker, I would like to have some time.

Mr. FITZGERALD. Mr. Speaker, how much time has already been used?

Mr. MONDELL. And I would like 15 minutes to discuss the rule.

The SPEAKER. Twenty-six minutes have been used.

Mr. FITZGERALD. I yield five minutes to the gentleman from Wyoming. I wish to say before he begins that the committee went into the matter thoroughly, and that there was no division of opinion as to the necessity of having the House pass upon this matter.

I now yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the gentleman from Alabama [Mr. UNDERWOOD], the majority leader, called the attention of the House the other day to the evils of legislating on appropriation bills. We have before us a concrete illustration of the evils of that sort of legislation. If there is any excuse at all for legislating on appropriation bills, it must necessarily relate to that class of cases where the legislation relates directly or indirectly to items of appropriation. That is not true in this case.

This is a matter entirely separate and apart from any question of appropriation whatever. Furthermore, this rule which makes this legislation on an appropriation bill germane, under which it can be considered, amounts to a rule discharging a committee of the House that has charge of the subject matter, taking it away from that committee and placing the matter in the hands of the Committee on Appropriations. Not only is this legislation separate and apart from any question of appropriation, but it is not an emergency matter.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. FITZGERALD. It is an emergency matter.

Mr. MONDELL. If it is an emergency, it is of the same character of the thousand and one questions that are before the House and that committees are considering; and if it becomes the province of the high and mighty Committee on Appropriations the moment it discovers in its ramblings through the avenues of legislation some matter that has not been passed upon by committee to proceed to appropriate it and discharge the committee, there is nothing in the domain of legislation that the committee might not proceed to take up. This is not legislation in any way remotely connected with any appropriation. It is in no sense an emergency legislation. There is no new condition. Here is a company that has been using the water a great many years under a lease from the Territory of Hawaii.

The time is approaching—I do not know the exact date—when that lease expires, or perhaps it has expired; but that does not present any condition of affairs necessitating the taking up by the Committee on Appropriations of this very important question of legislation. It can not be considered, in the nature of things, in connection with this appropriation bill with that care and consideration for all of the facts or factors involved that it would have if taken up in an orderly way by the committee having jurisdiction in the matter reporting a bill to be considered by the House in the due and proper course of business. It does seem to me that if we ever had a rule in the House thoroughly without justification putting legislation on an appropriation bill this is that rule.

Mr. FITZGERALD. I wish to say that this is the first time that I ever heard the gentleman from Wyoming protest against legislation on an appropriation bill. I have been in the House 14 years. I have in my hand 298 pages of general legislation incorporated in appropriation bills during the past 14 years by Republican Congressmen. It is rather late in the day for the gentleman from Wyoming to become indignant over any such practice.

Mr. BUTLER. The gentleman does not pretend to say that it was a mistake to legislate in that way?

Mr. FITZGERALD. A very large part of it was bad legislation.

Mr. BUTLER. The gentleman would not make the same mistake again, would he?

Mr. FITZGERALD. I now yield five minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, the position taken by the gentleman from Illinois [Mr. MANN] and the gentleman from Wyoming [Mr. MONDELL] seems to me to be proper. This is an important question. There are many features of it that can not be discussed in five minutes. It is a matter that should have gone to the Committee on Military Affairs, which has jurisdiction of water supplies to military reservations, or it should have gone to the Committee on Territories.

The officers of the War Department could have presented the matter to either one of those committees, and the matter could have been discussed at full length and a proper bill brought in here. The Territory of Hawaii claims that it has the right to any moneys growing out of the rental for the use of this water, and that is a claim that is not to be pushed aside offhand. The Delegate from the Territory of Hawaii sent a cablegram to the minority leader [Mr. MANN], which I propose to read at this time.

HONOLULU, *July 27, 1912.*

Hon. J. R. MANN,
House of Representatives, Washington:

Request you enter protest in my behalf against any legislation during my absence regarding surplus waters, Schofield Barracks, now proposed in deficiency bill reported by House committee. Annexation resolution and organic act, section 73, provide revenues from all public lands and appurtenances shall belong to Territory, except such parts thereof actually used by United States. Will you urge that any legislation affecting said waters be deferred this session in order that Territory may have further opportunity to present and have its claims recognized?

J. KALANIANAOLE,
Delegate from Hawaii.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. SHERLEY. Does the gentleman know when the Delegate from Hawaii left Washington?

Mr. KAHN. I do not.

Mr. SHERLEY. Does the gentleman know when the hearings were had upon this bill?

Mr. KAHN. I do not.

Mr. SHERLEY. Does the gentleman know that the Delegate's secretary was present during the entire hearings?

Mr. KAHN. At any rate, Mr. Speaker, the Delegate is in Hawaii at the present time, and he has heard from his own people.

Mr. SHERLEY. That is the point. He had an opportunity to be heard.

Mr. KAHN. Mr. Speaker, I decline to yield further. I do not know any of these things the gentleman has stated, but the Delegate has returned to his home. He has met his own people on their ground, and he has information from them which he believes the Congress of the United States should have, and he has sent a cablegram to the minority leader here asking that action be deferred until the Territory which he represents upon this floor can have an opportunity to be heard before the proper committees of this House. I do not think that that kind of a request is to be sneered at or whistled down the wind. It comes from a gentleman who represents an important Territory of the United States, and his people have the right to be heard.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. FITZGERALD. The only question the Delegate is interested in is the disposition of the money paid for the use of this water.

Mr. KAHN. Yes; and the section as offered in the bill makes no provision for that whatever. It says the Secretary of War shall have the right to lease this water. It makes no provision for the payment of any money to the Territory of Hawaii.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. KAHN. I have only five minutes, but I will yield to the gentleman.

Mr. WILLIS. Is the Territory of Hawaii getting any recompense whatsoever from the use of this water now, which is worth $40,000 a year?

Mr. KAHN. It is not getting any; but I daresay that the Delegate desires to offer a proposition from his people so that they shall receive some recompense. As a matter of fact, the water which is being used by this company is taken up by a certain sugar company, or 80 per cent thereof is. There is another sugar company that is trying to get this water, and if the lease for the taking of the water is made it is going to divert the water from its present watershed on the island over to another side of the island altogether.

The SPEAKER. The time of the gentleman from California has expired.

Mr. KAHN. Mr. Speaker, I will ask the gentleman from New York to yield me five minutes longer.

Mr. FITZGERALD. Oh, Mr. Speaker, we can discuss the merits of the proposition later.

Mr. KAHN. Very well. I would like to ask the gentleman a question. If this rule be adopted, will amendments be in order under the rule?

Mr. FITZGERALD. I understand so. The intention of the committee was to give the House an opportunity to determine whether anything should be done in respect to this matter.

Mr. KAHN. And if the rule is adopted there is no disposition on the part of the committee to shut off amendments?

Mr. FITZGERALD. I would think not.

Mr. PAGE rose.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. PAGE].

Mr. PAGE. Mr. Speaker, much of the discussion that has taken place on the rule has been directed to the merits of the

proposition contained in the bill. My observation as a Member of this House has been that complaints about legislation on an appropriation bill are governed entirely by whether or not the gentleman making the complaint wants the legislation, and I think that is true in practically every instance when a rule is presented to make in order legislation on an appropriation bill. As to the necessity or emergency, as to which the gentleman from Wyoming [Mr. MONDELL] said there was none, the whole question in my mind resolves itself into this proposition: Here is a water company in the island of Hawaii enjoying the use of water which belongs to the United States, valued, according to the testimony of officials of the War Department given before the Committee on Appropriations, at not less than $40,000 a year, and possibly $50,000 a year, beginning in January last at the expiration of an old lease which was entered into with the Territory itself, using it without compensation, the Government of the United States every year that this state of affairs shall exist losing at least $40,000. If that does not warrant some legislation to prevent a condition of that kind when the water is not only valuable to one party, but is worth that to the Treasury of the United States or, meeting the contention of the gentleman from California [Mr. KAHN], who read the telegram from the Delegate from Hawaii, to the Territory of Hawaii, one or the other, I should like to know what will. That water should not be turned over to a company that is now enjoying the right for nothing. I simply want to state this position in justification of the rule that has been brought, making this legislation in order on this appropriation bill.

Another question has been brought into this discussion. The statement was made by the gentleman from Illinois [Mr. MANN], the minority leader, that the Committee on Appropriations had no jurisdiction over this matter, so here we have the matter of a jealousy of committees, as to which shall legislate, while in the meantime the Treasury of the United States is losing a revenue that it should have. Whether this committee or that committee has jurisdiction is, in my judgment, a mere quibble.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, as I remarked before, I know nothing of the merits of the controversy between the different parties. I have been long enough in the game to understand that on a matter of this sort if it is admitted to be worth $40,000 or $50,000 it is probably worth $150,000, and if there are only two parties interested under this proposition they will get together and probably pay one-half of what the gentleman estimates it is worth and one-quarter of what it is really worth. Under the provisions of this bill——

Mr. PAGE. Will the gentleman permit?

Mr. MANN. Certainly.

Mr. PAGE. That is in the discretion, under the provisions of this bill, of the Secretary of War. We give him authority.

Mr. MANN. You authorize and direct him to make a lease in the manner herein provided for, which is to the high bidder. It has been stated by the gentleman there are only two persons who can bid. Does anybody doubt that there will be an arrangement between them without any upset price? Now, Mr. Speaker, I would be perfectly willing to have this matter taken up at any time in the House and study it, as far as I am concerned, in a place where we could have a roll call, but the gentlemen bring it in on an appropriation bill, considered in the Committee of the Whole House on the state of the Union, where there can be no roll call and where gentlemen escape responsibility. In my judgment the responsibility is upon the adoption of this rule, and I give notice that until it is proclaimed the settled policy of Congress I shall demand a roll call upon every proposition to dispose of valuable water privileges.

Mr. FITZGERALD. The gentleman does not intend to say there can not be a roll call upon this amendment if adopted?

Mr. MANN. I pretend to say there can be no roll call upon this amendment; there can be a motion to recommit and strike out the provision.

Mr. FITZGERALD. Well, the gentleman is not familiar with the rule. It was drawn purposely so that a roll call could be had upon this amendment, if adopted, if it was so desired.

Mr. MANN. Well, I am not familiar with the rule. What is there in the rule authorizing a roll call in the committee?

Mr. FITZGERALD. I will read it:

That in the consideration of the bill making appropriation to supply deficiencies, etc., and for other purposes, it shall be in order to consider the following provision as an amendment thereto.

Not to consider the provision in order in the bill, but it must be offered as an amendment.

Mr. MANN. Certainly; considered in the Committee of the Whole House, where there can be no roll call, as the gentleman knows.

Mr. FITZGERALD. No; there can not be. But when the bill is reported to the House——

Mr. MANN. Oh, I said you could have a motion to recommit and to strike out; I have already stated that to the gentleman.

Mr. FITZGERALD. If the gentleman will permit me to remind him of something which he seems anxious to not let the House know——

Mr. MANN. That is unfair and not a true statement.

Mr. FITZGERALD. When the bill is reported to the House with the amendment a separate vote can be demanded upon the amendment and a roll call can be had upon the amendment, and I am sure the gentleman from Illinois knows that as well as any Member of this House.

Mr. MANN. But not upon an amendment of this amendment; not like an amendment to the consideration of a bill. We could get a roll call in that way, but you can not get a roll call upon the proposition to require that the Government shall have the right to regulate the charges. You can not get a roll call upon anything except on this amendment. The gentleman knows that perfectly well.

Mr. FITZGERALD. Anybody who is familiar with this matter will not for a moment suggest that it is a matter in which the question of regulating charges is at all involved, ingenuous as the gentleman's argument seems to be.

Mr. MANN. Very well; let it go. The gentleman is seeking to defend his committee by his specious argument. I am endeavoring to speak the facts.

Mr. SHERLEY. Mr. Speaker, it was fortunate for the gentleman from Illinois that he began his remarks by saying that he knew nothing whatsoever about the merits of the case, because that may explain much that he said afterwards, because he is too clear a thinker otherwise to have made some of the statements which he has made.

Mr. MANN. I beg the gentleman's pardon. I have made no statement about the merits, except what were in the bill. I said I knew nothing about the controversy, and the gentleman is, as usual, a little unfair.

Mr. SHERLEY. Evidently the remark was pertinent, judging from the quick response that came from the gentleman, notwithstanding his statement a while ago that he was not at all sensitive. The gentleman from North Carolina [Mr. PAGE] very pertinently said that the opposition to having this matter considered on an appropriation bill came from those who were opposed to the proposition itself, as will be disclosed both in the committee and on the roll call; and it is an old habit when we object to a thing to urge all the particular special pleading that is possible in order to delay it. Now, this matter presents this curious situation, which is a justification for action now, and that is that the failure to act by Congress is itself action in favor of the company which uses the water free of any payment, and every hour of delay that is had in the consideration of the matter is an hour of value to this company, and, naturally, they object to its being considered on an appropriation bill. If it had come from the Committee on Military Affairs, we would have had a declaration that only the Committee on Territories could have given it a full hearing, and if it had come from the Committee on Territories, that only the wisdom of the persons composing the Committee on Military Affairs could do justice to such an intricate subject. Now, the Committee on Appropriations did not go out of its way or hunt an opportunity to do this thing, though they might well have been justified in hunting the opportunity to save the money of the Government. The Department of War, having up the question relative to barracks and quarters, which comes regularly before the Committee on Appropriations, sent to the committee certain propositions in connection with this water proposition in order that Congress might indicate its policy, inasmuch as they were planning to build a dam and impound some of this water for the use of the barracks.

The matter was discussed at great length. I have never known any law case—and that is what this is, from the standpoint of this company—that was as fully or as patiently listened to as this. The committee in this case listened most patiently to the many, many learned lawyers that were employed to come before us and urge that the Government had no interest in this very valuable water. We spent an entire day in hearing them. They submitted briefs at length. The matter was considered diligently by the committee, and there was no division in the committee in regard to it. If I believed for one instant that these people are entitled to something that it is proposed here to sell, I would not favor this resolution. But I am not willing to becloud the Government's title, and I am not willing under specious pleas to delay action so that men can continue to get the usufruct of something that does not belong to them. [Applause.]

This is a matter that deserves action now. It has been as fully considered by the House to-day as it ever can be considered. If the Members of the House believe that the judgment of the committee is not well founded, vote down this resolution, but do not determine the matter by running away from it. It is for that reason that the committee has felt warranted in asking the consideration of this matter upon this bill. [Applause.]

Now, in regard to the Delegate from the Hawaiian Islands, this is no new matter. When the hearings were had here it was known by him that this question was up. I do not desire to criticize him, particularly in his absence, but it is asking a good deal to ask to delay the consideration of it in order that he may be heard. The delay does not help the Territory of Hawaii. It does not get a dollar now, and the failure to act by Congress will not give it a dollar for the use of this surplus water. If it be that the Territory has a claim to this money that comes from the sale of this water, that matter can be determined afterwards. But there is no reason why this company should be permitted to continue to use something without payment while we wait on the Delegate from Hawaii to determine when and how he desires to present the viewpoint of that Territory. For that reason we ask now the adoption of this rule and the consideration of the matter on its merits. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I move the previous question.

The SPEAKER pro tempore (Mr. SIMS). The gentleman from New York [Mr. FITZGERALD] moves the previous question on the adoption of the rule.

The previous question was ordered.

The SPEAKER pro tempore. The question now is on the adoption of the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present. Evidently there is not a quorum present, and a call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll. Those in favor of the resolution will, when their names are called, vote "yea"; those opposed will vote "nay."

The question was taken, and there were—yeas 149, nays 67, answered "present" 13, not voting 160, as follows:

YEAS—149.

Alexander	Faison	Kinkead, N. J.	Robinson
Allen	Fergusson	Kitchin	Roddenbery
Ashbrook	Fitzgerald	Konig	Rodenberg
Ayres	Flood, Va.	Korbly	Rothermel
Bartholdt	Floyd, Ark.	Lee, Ga.	Rouse
Bathrick	Fordney	Lee, Pa.	Russell
Beall, Tex.	Foster	Lever	Sabath
Blackmon	Fowler	Linthicum	Saunders
Boehne	Francis	Littlepage	Scully
Brantley	Gallagher	Lloyd	Shackleford
Brown	Garrett	Lobeck	Sherley
Buchanan	George	McCall	Sims
Burgess	Glass	McCoy	Sisson
Burleson	Godwin, N. C.	McDermott	Slayden
Burnett	Goeke	McKellar	Small
Byrns, Tenn.	Graham	Maguire, Nebr.	Smith, Tex.
Candler	Gregg, Pa.	Martin, Colo.	Stedman
Cannon	Gregg, Tex.	Moon, Tenn.	Stephens, Miss.
Carlin	Gudger	Morrison	Stephens, Nebr.
Carter	Hamilton, W. Va.	Morse, Wis.	Stephens, Tex.
Claypool	Hamlin	Moss, Ind.	Stone
Clayton	Hammond	Murray	Talcott, N. Y.
Cline	Hanna	Neeley	Thayer
Connell	Hardy	Oldfield	Townsend
Conry	Harrison, Miss.	Olmsted	Tribble
Cox, Ind.	Harrison, N. Y.	O'Shaunessy	Underhill
Cullop	Hay	Padgett	Underwood
Curley	Hayden	Page	Watkins
De Forest	Heflin	Patten, N. Y.	Whitacre
Dent	Henry, Tex.	Pepper	White
Denver	Hensley	Peters	Willis
Dickinson	Holland	Post	Wilson, Ill.
Difenderfer	Houston	Pou	Wilson, N. Y.
Dixon, Ind.	Hull	Rainey	Wilson, Pa.
Donohoe	Jackson	Raker	Witherspoon
Doremus	Jacoway	Ransdell, La.	
Driscoll, D. A.	Jones	Rauch	
Estopinal	Kent	Reilly	

NAYS—67.

Ainey	Copley	Gray	Kendall
Akin, N. Y.	Crago	Green, Iowa	Kennedy
Anderson, Minn.	Danforth	Greene, Mass.	Lafean
Austin	Davis, Minn.	Griest	Lafferty
Bates	Driscoll, M. E.	Guernsey	La Follette
Bowman	Foss	Hartman	Lindbergh
Browning	French	Haugen	Longworth
Burke, S. Dak.	Fuller	Howell	McKinney
Cooper	Gardner, N. J.	Kahn	McLaughlin
Mann	Plumley	Speer	Tilson
Mondell	Prince	Steenerson	Towner
Moore, Pa.	Prouty	Stephens, Cal.	Vare
Mott	Rees	Sterling	Volstead
Needham	Sells	Sulloway	Wedemeyer
Norris	Simmons	Sulzer	Woods, Iowa
Payne	Sloan	Switzer	Young, Kans.
Pickett	Smith, Saml. W.	Taylor, Ohio	

ANSWERED "PRESENT"—13.

Adamson	Gillett	Hobson	Talbott, Md.
Butler	Goldfogle	Lewis	
Davis, W. Va.	Hawley	McMorran	
Finley	Hill	Sparkman	

NOT VOTING—160.

Adair	Dodds	Johnson, Ky.	Powers
Aiken, S. C.	Doughton	Johnson, S. C.	Pray
Ames	Draper	Kindred	Pujo
Anderson, Ohio	Dupré	Kinkaid, Nebr.	Randell, Tex.
Andrus	Dwight	Knowland	Redfield
Ansberry	Dyer	Konop	Reyburn
Anthony	Edwards	Kopp	Richardson
Barchfeld	Ellerbe	Lamb	Riordan
Barnhart	Esch	Langham	Roberts, Mass.
Bartlett	Evans	Langley	Roberts, Nev.
Bell, Ga.	Fairchild	Lawrence	Rubey
Berger	Farr	Legare	Rucker, Colo.
Booher	Ferris	Lenroot	Rucker, Mo.
Borland	Fields	Levy	Sharp
Bradley	Focht	Lindsay	Sheppard
Broussard	Fornes	Littleton	Sherwood
Bulkley	Gardner, Mass.	Loud	Slemp
Burke, Pa.	Garner	McCreary	Smith, J. M. C.
Burke, Wis.	Good	McGillicuddy	Smith, Cal.
Byrnes, S. C.	Goodwin, Ark.	McGuire, Okla.	Smith, N. Y.
Calder	Gould	McHenry	Stack
Callaway	Hamill	McKenzie	Stanley
Campbell	Hamilton, Mich.	McKinley	Stevens, Minn.
Cantrill	Hardwick	Macon	Sweet
Cary	Harris	Madden	Taggart
Catlin	Hayes	Maher	Taylor, Ala.
Clark, Fla.	Heald	Martin, S. Dak.	Taylor, Colo.
Collier	Helgesen	Matthews	Thistlewood
Covington	Helm	Mays	Thomas
Cox, Ohio	Henry, Conn.	Miller	Turnbull
Cravens	Higgins	Moon, Pa.	Tuttle
Crumpacker	Hinds	Moore, Tex.	Utter
Currier	Howard	Morgan	Vreeland
Curry	Howland	Murdock	Warburton
Dalzell	Hughes, Ga.	Nelson	Webb
Daugherty	Hughes, N. J.	Nye	Weeks
Davenport	Hughes, W. Va.	Palmer	Wilder
Davidson	Humphrey, Wash.	Parran	Wood, N. J.
Dickson, Miss.	Humphreys, Miss.	Patton, Pa.	Young, Mich.
Dies	James	Porter	Young, Tex.

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BROUSSARD with Mr. MCKENZIE.

Mr. BURKE of Wisconsin with Mr. FOCHT.

Mr. COVINGTON with Mr. HUGHES of West Virginia.

Mr. EVANS with Mr. HUMPHREY of Washington.

Mr. COLLIER with Mr. MCCREARY.

Mr. HAMILL with Mr. POWERS.

Mr. DAUGHERTY with Mr. MILLER.

Mr. HUGHES of New Jersey with Mr. PRAY.

Mr. HUMPHREYS of Mississippi with Mr. ROBERTS of Massachusetts.

Mr. DUPRÉ with Mr. WOOD of New Jersey.

Mr. MCGILLICUDDY with Mr. NYE.

Mr. STANLEY with Mr. WARBURTON.

Mr. WEBB with Mr. WEEKS.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. PALMER with Mr. HILL.

For the session:

Mr. FINLEY with Mr. CURRIER.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. HILL. Mr. Speaker, I voted "no." I am paired with the gentleman from Pennsylvania, Mr. PALMER. I desire to withdraw my vote and to answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The ayes have it. A quorum is present. The proceedings under the call are dispensed with. The Doorkeeper will open the doors. The resolution is agreed to.

PAYMENTS FOR INJURIES TO CERTAIN GOVERNMENT EMPLOYEES.

Mr. POU. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims, disagree to the Senate amendments, and appoint conferees on the part of the House.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take from the Speaker's table the bill H. R. 24121, disagree to the Senate amendments, and ask for a conference.

Mr. MANN. May we have the title of the bill reported?

The SPEAKER. It will be reported by the Clerk.

The Clerk read the title of the bill.

Mr. MANN. Is this the bill which came over this morning?

Mr. POU. It is.

The SPEAKER. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. POU, Mr. MAGUIRE of Nebraska, and Mr. HEALD.

DIXIE POWER CO., WHITE RIVER, COTTER, ARK. (H. DOC. NO. 899).

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return herewith, without my approval, H. R. 20347, being a bill to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.

The White River, on which this dam is proposed to be built, is a navigable stream. In March, 1899, Congress adopted a project for the improvement of the navigation of the river from Batesville, Ark., upstream to Buffalo Shoals, by a series of 10 locks and dams. Of these, three have already been constructed by the Federal Government, and the Government is also engaged in improving the river by channel work in other portions. This bill proposes to authorize the construction of a dam at or near Cotter, a short distance above the portion covered by the aforesaid project of 1899, and situated well below Forsyth, Mo., which is generally considered to be the head of high-water steamboat navigation. The dam will increase the navigable capacity of the stream above it, and could be constructed so as to form a part of an extension of the above-mentioned projected canalization scheme below it. While the Board of Engineers for Rivers and Harbors has, in a subsequent recommendation, advised against the present prosecution of this project on account of the lack of present commerce in the river, it is quite possible, according to the report of the Chief of Engineers of the United States Army, that conditions may so change in the future as to lead to an extension of the lock and dam system as far as the site of the dam proposed by this bill.

By a provision inserted into the bill since its introduction in Congress it is provided that upon the expiration of the Federal permit the dam shall become the property of the State of Arkansas at the option of said State. In my opinion, this provision is likely to introduce serious complications in the orderly development of navigation in the river. The lower river is being improved by a series of dams belonging to the Federal Government. This dam, situated in the upper reaches of the river, is, according to the report of the engineers, capable of becoming a part of this general Federal improvement of navigation. To introduce a diversity of title into a series of dams which may all become eventually a part of a single improvement directed at the same end would, in my opinion, be highly objectionable. Furthermore, the policy of this provision would seem to be in conflict with the policy of the general dam act of June 23, 1910, by which, at the expiration of such a permit, the control and title of such a dam apparently vest in the Federal Government, as pointed out in the recent final report of the National Waterways Commission, page 57.

The bill also fails to reserve to the Federal Government any right to receive from the grantee of this privilege any compensation therefor to be used in the interest of furthering the navigation of said river. This is a subject to which the National Waterways Commission has given much study and made urgent recommendations, and in regard to which the Secretary of War has, with my approval, written a letter, under date of July 30, 1912, to the chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives. In view, however, of the serious objection to the bill, contained in the provision which I have already discussed, I do not deem it necessary to enter into a discussion of this feature of the bill.

WM. H. TAFT.

THE WHITE HOUSE, *August 6, 1912.*

Mr. ADAMSON. Mr. Speaker, I move to refer the matter to the Committee on Interstate and Foreign Commerce.

The motion was agreed to.

PANAMA CANAL (H. DOC. NO. 900).

The SPEAKER laid before the House the following message from the President of the United States, which was read, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed:

To the Senate and House of Representatives:

In my annual message of December 6, 1910, I recommended legislation directing the Executive to fix, within limits established by law, the rate of tolls for vessels using the Panama Canal. I then said:

> The present consideration of this question is necessary in order that the commerce of the world may have time to adjust itself to the new conditions resulting from the opening of this new highway.

In my message of December 21, 1911, I renewed this recommendation, and called attention to the fact that we are now near enough to the completion of the canal to make it imperatively necessary that legislation should be enacted to fix the method by which the canal should be maintained and controlled, and the zone governed.

National as well as international considerations urgently demand the prompt adjustment of those questions, and I therefore deem it my duty again to invite your attention to this subject, in order that the necessary provisions may be made before the close of the present session of Congress.

There are certain needs which must be satisfied at once if there is to be no delay in the opening of the canal and the utilization of it by commerce. These needs are—

(1) The organization out of the construction force of a permanent force for the operation of the canal and the government of the zone;

(2) The announcement of the maximum tolls which will be imposed upon the commerce of the world; and

(3) The establishment of adequate coaling and other marine facilities, such as dry docks and repair shops.

If the necessary steps toward these ends be taken, the great waterway can be thrown open to shipping before the close of 1913; that is, within 15 months.

The establishment of a permanent organization to operate the canal and exercise our control over the surrounding zone is vital. The manipulation of the locks and the machinery, the administration and maintenance of the canal, will require a force of about 2,500 men, most of whom will need special training in the performance of their duty. As fast as one part after another of the construction is now being completed the men, especially those with the most initiative, are returning to the United States to engage in other employment. It is plainly the dictate of foresight and economy to blend the present construction force into a trained force for permanent operation, instead of later going through the wasteful process of organizing a new force.

The establishment of maximum toll rates is another indispensable immediate need of the situation. In order that the canal may secure commerce against its competitors as soon as it can be handled, business must be given an opportunity to adjust itself to the new trade route; in order that they may make their calculations and build their ships, shipowners must know, about two years in advance, the maximum tolls which they are to be charged. We are already somewhat behind a safe margin of time in informing the commercial world of the proposed tolls, although, in anticipation of the appropriate machinery and in cooperation with committees of Congress, the War Department had been collecting data under expert direction as to the proper rates of toll and the formulation of working rules as to the basis on which they shall be fixed.

Finally, an indispensable factor in the success of the canal is the certainty to the shipping world of securing necessary coal and marine facilities at reasonable prices at the canal. The ability to recoal at the Isthmus, instead of carrying coal in ballast to the diminution of income-earning cargo, may be a decisive factor in the availability of the Panama route. The same is true of docking facilities. Such facilities can not be improvised, and express authority should be given at once in order to commence with the necessary construction.

Congress is now in possession of the fullest information necessary for immediate action in regard to these essential points. Fortunately, there is no serious controversy as to the policy which enters into either of them. The subject is, happily, outside of the sphere of party differences. The discussions and differences of opinion which have arisen as to other phases of canal policy should not, in my opinion, be allowed to delay action on these vital and pressing subjects, which are by their nature entirely distinct and severable.

I earnestly again invite your attention to these matters in order that the necessary legislation may be obtained before the coming adjournment of Congress, and in order that the great work which has been so successfully carried on thus far may not be marred in the hour of its completion.

WM. H. TAFT.

THE WHITE HOUSE, *August 6, 1912.*

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4838. An act to amend section 96 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;

S. 7163. An act authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions;

S. 7195. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River; and

S. 7012. An act to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 18642. An act to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909;

H. R. 21952. An act for the relief of James S. Baer; and

H. R. 22195. An act to reduce the duties on wool and manufactures of wool.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25970, the general deficiency appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912, and for prior years, and for other purposes, with Mr. HAMMOND in the chair.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as section 3 the following:

"The Secretary of War is authorized and directed to grant and lease in the manner hereinafter provided, for a period of 25 years, such surplus water of the United States within the limits of or pertaining to the military reservation of Schofield Barracks (Waianae Uka), island of Oahu, Territory of Hawaii, as may not be needed for the supply of the military post and troops on said reservation; and he is further authorized and directed to include in such grant or lease authority to the grantee or lessee thereunder to enter upon such reservation and make surveys thereon for and construct and maintain dams, reservations, canals, ditches, flumes, tunnels, and pipe lines for the purpose of diverting and conducting from the reservation the water covered by such grant or lease, at such places on said land as said grantee or lessee may select, subject to the approval of the Secretary of War; and to include also the right to said grantee or lessee to take from the lands of the United States adjacent thereto, subject to the approval of the Secretary of War, earth and stone necessary for such construction and maintenance: *Provided*, That said grant or lease shall be made to or entered into with the highest responsible bidder for such surplus water, under sealed proposal, after public advertisement of the terms and conditions thereof for a period of not less than 30 days in a newspaper or newspapers of general circulation published at Honolulu, in the Territory of Hawaii, such terms and conditions to be fixed by the Secretary of War when not inconsistent with the provisions of this section: *Provided further*, That the right to amend, alter, or repeal this section is hereby expressly reserved."

Mr. FITZGERALD. Mr. Chairman, this is the provision which I have already explained in the House, when the question of adopting the rule was under consideration.

The committee believe that since the United States owns certain water upon this military reservation, it should be compensated for the reasonable value of the water used by others. In so far as the Territory of Hawaii is concerned, and the protests of the Delegate from the Territory against the enactment of any legislation at this time, I think the committee should bear in mind that the purpose of this legislation is to obtain compensation for the use of the water. If, as the result of future investigation, it be determined that under the terms of the treaty of annexation of the Territory of Hawaii and the organic act of the Territory, the returns from the disposition of the surplus water of this reservation should properly be converted into the treasury of the Territory, legislation can readily be enacted which will adjust any account existing between the Territory and the United States. If eventually it should be determined that the Territory is entitled to the moneys to be derived from the disposition of these surplus waters, it is to the advantage of the Territory to have compensation paid as speedily as possible for the use of the water. Since January of the present year to the present time, the company enjoying the use of the water has not paid for its use. There is no way in which it can be compelled to pay for the use of these waters during this period, and the longer it is deferred the greater will be the value of the use of the water enjoyed by the company.

A number of suggestions were presented to the committee by counsel representing the company now in possession of the water. It requested that a provision be inserted that no action be taken under this provision until all questions as to the rights of the United States to these surplus waters be determined in a competent court.

A very serious question arose in the minds of the committee as to whether under any existing statute there was any manner in which these rights could be determined. The committee believed that the wisest thing to do was to dispose of whatever rights the United States has in these surplus waters and leave to those competing the necessity or disadvantage of engaging in litigation.

Mr. Chairman, some attempt has been made to confuse the matter at issue here by the discussion of the provision regulating the charges to be made by the person or persons securing the right to these surplus waters. My recollection is that the water company now taking the waters has erected a dam. It sells this water itself to another company, consisting of practically the same individuals who are engaged in the cultivation of sugar lands. In that manner the returns of the water company can be regulated so as to show a not very great profit simply by adjusting the price it pays practically to itself for the water.

The War Department has gone into the matter very thoroughly and believes it to the advantage of the United States that action should be taken. I might add, Mr. Chairman, that this controversy arose through an exhibition of greed upon the part of the company that was somewhat remarkable, in view of the privileges it enjoys for nothing.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask for three minutes more.

The CHAIRMAN. The gentleman from New York asks that his time be extended three minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Under the act of 1909, by which the water company got the right or easement to maintain the reservoir on the reservation, certain conditions were fixed. One was that it would furnish to the United States such water required for the military purposes so long as the reservation was occupied for military purposes. The War Department made a demand that the company furnish the water.

The company made reply that it was willing and ready to furnish the water at its dam as soon as the United States built the necessary flumes and ditches to avail itself of the readiness of the company to furnish the water. Then the department went into the matter more exhaustively and ascertained that the company had no rights, that it was merely occupying the reservation by the toleration of Congress, and that to take the water from the point at which the company was willing to supply it would result in a water supply that would be detrimental to the health of the garrison at the barracks. The committee determined that the wisest thing to do was to make arrangements to take over the water which the Government owned—whatever was adequate for the Government purposes—and to ask Congress to dispose of the surplus for the benefit of the Government. It seems to me, as it seemed to every member of the committee, that that was the only course open for the Government to pursue. For that reason this legislation was recommended.

I ask unanimous consent to modify the amendment by substituting the word "reservoirs," in line 6, for the word "reservation." It is a misprint.

The CHAIRMAN. The gentleman from New York asks unanimous consent that in line 6 of the amendment the word "reservoirs" be inserted in place of the word "reservation." Is there objection?

There was no objection.

Mr. CANNON. The gentleman numbers that section 3. Should it not be section 4?

Mr. FITZGERALD. Sections 3 and 4 went out on a point of order.

Mr. MONDELL. Mr. Chairman, I would like to secure unanimous consent to discuss this important matter for about 15 minutes.

Mr. FITZGERALD. This is along the same lines which have already been discussed.

Mr. MONDELL. I do not care to take the time of the House, and I would not if it was not of such far-reaching importance.

Mr. FITZGERALD. We have already occupied about an hour in the discussion of the matter.

Mr. MANN. That is the difficulty with this kind of a proposition in this kind of a bill.

Mr. MONDELL. I objected to taking it up under the rule, because it was difficult to get time to discuss its merits.

Mr. FITZGERALD. Perhaps we can arrange a time for discussion.

Mr. KAHN. The gentleman said when we were discussing the rule that we might agree upon the time for debate.

Mr. FITZGERALD. How much time is wanted upon that side? One gentleman wants 15 minutes——

Mr. MANN. Does the gentleman from New York think 15 minutes on a water-power proposition is too much?

Mr. FITZGERALD. This is not a water-power proposition.

Mr. MANN. It is not a hydroelectric water-power proposition. I think the gentleman from New York does not know what a water-power proposition is.

Mr. FITZGERALD. I think I do; I think I know what the common acceptation of the term is.

Mr. MANN. Well, if we can not get the time to discuss it, I shall have to make the point of no quorum.

Mr. FITZGERALD. How much time does the gentleman want on that side?

Mr. MANN. I do not know.

Mr. MONDELL. I would like 15 minutes.

Mr. MANN. There ought to be a reasonable amount of time for discussion.

Mr. FITZGERALD. I am willing to agree to a reasonable time on both sides; otherwise we will discuss it under the five-minute rule.

Mr. MANN. Let us have an hour and a half, three-quarters of an hour on a side.

Mr. FITZGERALD. Make it an hour.

Mr. MANN. Does the gentleman from New York want any time on his side?

Mr. FITZGERALD. I am willing to agree to a half an hour on a side.

Mr. MANN. The gentleman from New York having talked for some time, will 40 minutes on this side and 20 minutes on that side be agreed to?

Mr. FITZGERALD. I will make it an hour and 10 minutes and give the gentleman from Illinois and that side 40 minutes. I ask unanimous consent, Mr. Chairman, that debate upon the amendment and all amendments thereto be limited to 70 minutes, 40 minutes to be controlled by the gentleman from Illinois and 30 minutes by myself. I suggest to the gentleman that some arrangement be made about disposing of amendments.

Mr. MANN. I do not see how that can be done, but we will try not to consume time on amendments.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this amendment and all amendments thereto terminate in 70 minutes, 40 minutes to be under the control of the gentleman from Illinois and 30 minutes to be under the control of the gentleman from New York. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, this means an hour and more is to be devoted exclusively to the discussion of the water-power question?

Mr. FITZGERALD. All this matter.

Mr. MOORE of Pennsylvania. Matters germane to the amendment.

Mr. MANN. Oh, yes; this particular proposition.

Mr. WILLIS. Mr. Chairman, reserving the right to object, I would inquire what arrangement is made as to amendments. Some of us desire to offer amendments.

Mr. FITZGERALD. That does not prevent the offering of amendments.

Mr. WILLIS. And we will have time to discuss amendments?

Mr. MANN. Oh, yes; but we will make it very brief.

Mr. SHERLEY. I think some arrangements ought to be made about amendments.

Mr. WILLIS. I would like to say that I want to offer some amendments. I would not want more than 10 minutes.

Mr. FITZGERALD. I understand this debate is to cover debate on the pending amendment and all other amendments thereto.

Mr. MANN. That was not the request.

Mr. FITZGERALD. That was what I intended to request.

Mr. CANNON. That was the request of the gentleman from New York.

Mr. MANN. I expressly stated that that would not include debate on amendments, but that I thought debate on amendments would be very brief after the general debate.

Mr. FITZGERALD. I did not so understand.

Mr. SHERLEY. Can we get some idea as to the number of amendments that are to be offered?

Mr. MANN. I am not aware of that and I can not tell.

Mr. WILLIS. I have two amendments that I desire to offer.

Mr. MANN. And I have two or three myself.

Mr. SHERLEY. Suppose we enter into an agreement that the amendments be now offered and be considered as pending, and then, if necessary, make the debate 10 minutes longer, and close the matter up. If we have general debate on the major proposition, and then have time on each amendment for debate, we would not finish to-night.

Mr. MANN. That does not seem to be a reasonable proposition, and certainly I would not undertake to control the time under such an arrangement as that.

Mr. SHERLEY. The gentleman will appreciate that this is the situation: This is a matter on which each person could talk 10 or 15 or 20 minutes, but when one person on one side has had that much time and another person on the other side has had the same amount, supposing they know their case, the whole thing will be presented. One might as well say that in an argument in a law case every attorney should have an hour, and run the thing for months. The whole proposition on both sides can be stated in 20 minutes.

Mr. MANN. How long did the Committee on Appropriations work on this?

Mr. SHERLEY. The committee listened to a lot of lawyers waste an hour or more of time each, and the best speech made on the gentleman's side was made by Col. Hepburn, and he used only 10 minutes.

Mr. MANN. How much time did the gentleman from Kentucky work on it?

Mr. SHERLEY. He worked a long enough time to have an opinion about the matter now as the result of that work.

Mr. MANN. And he does not want any of the rest of us to know anything about it. I expect it is safer not to let the information get before the House.

Mr. FITZGERALD. Unless the time covers all of the amendments, I shall not consent.

Mr. MANN. The gentleman may do as he pleases about consenting to it. If he does not desire to have the matter discussed I do not think he will make anything, so far as time is concerned. If the purpose of the gentleman is to prevent the discussion of the proposition, he can withdraw his request. I thought myself none of the gentlemen wanted to let in the light of day on the proposition. I judged when the rule was adopted that they would cut off debate.

Mr. FITZGERALD. Mr. Chairman, I want to say that the more light let in on this proposition the less defense or excuse there is for any Member to oppose what the committee proposes. We do not intend at this stage of the session to have half a dozen gentlemen ventilate their views on questions that are not relevant to this question. We are willing to make a reasonable agreement as to debate, and if gentlemen do not wish to accept that we will proceed under the rules of the House.

Mr. MANN. Having just adopted a rule for six hours of hot air, with no possible result, the gentleman now objects to debate of an hour on a real proposition.

Mr. FITZGERALD. I understand the gentleman was a party to the agreement under which an agreement was made for the six hours of hot air.

Mr. MANN. The gentleman is mistaken. I was not a party to any such agreement and I did not vote for the proposition.

Mr. FITZGERALD. Mr. Chairman, I ask that the request be submitted.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this amendment and all amendments thereto terminate in 70 minutes, 40 minutes to be controlled by the gentleman from Illinois [Mr. MANN] and 30 minutes to be controlled by the gentleman from New York [Mr. FITZGERALD]. Is there objection?

Mr. MANN. Mr. Chairman, the gentleman can knock me down and drag me out, but not with my consent. I object. If gentlemen want to show they are afraid to debate the matter, let them go ahead. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-one Members are present; not a quorum. The Doorkeeper will close the doors, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken, S. C.	Doughton	Hughes, W. Va.	Pray
Ames	Draper	Humphreys, Miss.	Prouty
Anderson, Minn.	Dupré	James	Pujo
Anderson, Ohio	Dwight	Johnson, Ky.	Randell, Tex.
Andrus	Dyer	Johnson, S. C.	Ransdell, La.
Ansberry	Edwards	Kindred	Redfield
Anthony	Ellerbe	Kitchin	Reyburn
Austin	Esch	Knowland	Richardson
Barchfeld	Estopinal	Konop	Riordan
Barnhart	Fairchild	Kopp	Roberts, Nev.
Bartlett	Farr	Lamb	Rubey
Bell, Ga.	Ferris	Langham	Rucker, Colo.
Booher	Fields	Langley	Rucker, Mo.
Borland	Finley	Lawrence	Saunders
Bradley	Flood, Va.	Legare	Scully
Brantley	Focht	Lenroot.	Sells
Broussard	Foss	Lewis	Sharp
Bulkley	Francis	Lindsay	Sheppard
Burgess	Fuller	Littleton	Sherwood
Burke, Pa.	Gardner, Mass.	Longworth	Simmons
Burnett	Garner	Loud	Slayden
Byrnes, S. C.	George	McCreary	Slemp
Calder	Gillett	McDermott	Sloan
Callaway	Glass	McGuire, Okla.	Small
Campbell	Goodwin, Ark.	McHenry	J. M. C. Smith
Cantrill	Gould	McKenzie	Smith, Cal.
Carter	Gregg, Tex.	McKinley	Stack
Cary	Hamilton, Mich.	Macon	Stanley
Catlin	Hanna	Madden	Steenerson
Clark, Fla.	Hardwick	Maher	Sweet
Cline	Hardy	Martin, Colo.	Switzer
Collier	Harris	Martin, S. Dak.	Taylor, Ala.
Covington	Harrison, N. Y.	Matthews	Taylor, Colo.
Cox, Ohio	Haugen	Mays	Thistlewood
Cravens	Hayes	Moon, Pa.	Thomas
Crumpacker	Heald	Moore, Tex.	Turnbull
Currier	Heflin	Morgan	Tuttle
Curry	Helm	Mott	Utter
Dalzell	Henry, Conn.	Murdock	Vreeland
Daugherty	Higgins	Nelson	Warburton
Davenport	Hinds	Nye	Webb
Davidson	Howard	Olmsted	Wilder
Dickson, Miss.	Howell	O'Shaunessy	Wilson, Ill.
Dies	Howland	Patton, Pa.	Witherspoon
Difenderfer	Hughes, Ga.	Porter	Wood, N. J.
Dodds	Hughes, N. J.	Powers	Young, Tex.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMMOND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25970, the general deficiency bill, and finding itself without a quorum he caused the roll to be called and that 205 Members had answered to their names, a quorum, and he reported herewith the list of the absentees.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee, having had under consideration the bill H. R. 25970, finding itself without a quorum, he caused the roll to be called and 205 Members answered to their names, a quorum.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Illinois moves that the House do now adjourn.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that the committee rose for the purpose of ascertaining whether a quorum was present in the committee; and that having been found, under the rules of the House, it is the duty of the House to resolve itself into the Committee of the Whole House on the state of the Union automatically without action. The question, then, for the committee to determine is whether to rise.

The SPEAKER. The Chair thinks the point of order is well taken, and the committee will resume its sitting.

Mr. MANN. Mr. Speaker, before the Speaker rules upon the point of order, permit me to remind the Speaker this matter has been ruled upon a number of times in the past, and without any variation——

The SPEAKER. If the gentleman has any authorities the Chair will hear him.

Mr. UNDERWOOD. Mr. Speaker, I desire also to make the point of order that the motion of the gentleman from Illinois is dilatory.

The SPEAKER. Well, the Chair sustains that point of order.

Mr. MANN. Mr. Speaker, it is now almost 5 o'clock, the usual time for adjournment.

The SPEAKER. Evidently the whole performance was dilatory—the raising of the point in the Committee of the Whole House on the state of the Union itself—if the Chair had to pass on that——

Mr. MANN. The Speaker has no right to make that statement.

The SPEAKER. The Chair will retract it, then, and erase it. The Chair thinks that the motion to adjourn at this juncture is dilatory, and the committee will resume its sitting.

Accordingly the committee resumed its sitting.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, it is manifestly impossible to debate the questions involved in the amendment before the committee in five minutes. It would be impossible to fairly state the case in five minutes, much less to argue it. It involves the entire question of the use of water, both under the old common-law rule of riparian rights and under the rule of appropriation. No more important question has been brought to the attention of Congress at this session, and we are to dispose of it after a five-minute debate on an appropriation bill. Briefly the facts are these: Many years ago the natives of Hawaii began the appropriation of water for their taro patches from the stream in question, and for generations these taro lands were irrigated from this stream. Later large sugar plantations were started along the borders of the stream, using the water for the purpose of irrigation and appropriating it for the purpose under the laws of Hawaii. Later the Government of the United States set aside a tract of public land toward the headwaters of the stream for military purposes.. The mere segregation of that tract of land for military purposes over which a stream flows, the Committee on Appropriations assumes, gives the Government the ownership of all the waters that flow over the land. If any such doctrine was ever uttered on the face of the earth before I can not recall ever having heard of it. Let us imagine that the Government should purchase a tract of land in the State of Pennsylvania for a military reservation over which flowed a very considerable stream. Would gentlemen say that the Government could peddle that stream out and sell it by the jug full without regard to the riparian rights of those who lived below? Say that this was to occur in the arid regions where the law of riparian rights does not apply and where the law of appropriation is the rule. Can the Government go into my State and by merely reserving a tract of land across which a stream runs set up the claim that it thereby becomes the owner of all the water that runs across that tract?

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I have only five minutes, I am sorry to say. It is axiomatic with the Democratic Party always, on the eve of an election, to give us our opportunity. This time they went to far Hawaii to get it, and the Committee on Appropriations has lugged in here a provision which, if applied on the mainland or in Hawaii, would deprive every citizen of the United States of his right as a riparian owner in the East, and would deprive every irrigator of his rights as an appropriator in the West, if perchance the Government should purchase, or, it being public land, should reserve a tract over which waters flow. It is over 5,000 years since the Egyptian and Roman law of waters was laid down, and this Appropriations Committee proposes to turn back the rule of 5,000 years of civilized history. [Applause.] The proponents of this measure are afraid to refer the question of the rights of the Government to the courts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. WILLIS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 60, line 1, strike out the word "directed" and insert the word "empowered."

Mr. WILLIS. Mr. Chairman, if this amendment be adopted, and I shall have further opportunity to offer another amendment, I propose to offer an amendment which will make this provision that has been offered by the gentleman from New York [Mr. FITZGERALD] conform to the recommendations of the Secretary of War.

The Secretary of War recommends not that he be directed, but that he be empowered to act; and further that there be given power to control or provide means of control for the readjustment of rentals, as is provided in the other amendment which I intend to offer.

Mr. Chairman, if this amendment, proposed by the gentleman from New York, can be amended in some such way as I have indicated, it seems to me it ought to be adopted. I have taken some little time to go over the hearings in this case, and, so far as I am able to determine, the company which is now using these water rights, which, according to the estimates of the Secretary of War, are worth $40,000 a year, has not any shadow of title to these water rights, and in that idea I am backed up by the opinion of the present Secretary of War, by the opinion of his predecesssor, Secretary Dickinson, and by the opinion of the Judge Advocate General.

It has been contended and will be contended that there ought to be inserted here a provision which would enable this com-

pany to establish its title. I assert it does not have any shadow of title. Why should the Government becloud its own title? The only claim that the company has, or that it possibly can have, is under the act of 1909, and if gentlemen will take the pains to read that act, which I shall insert in the RECORD, they will find not one single word about granting water rights to this company which is now enjoying those rights. Only a right of way is granted. Section 36 of the act of February 20, 1909, to which I have just referred, is as follows:

That the Wahiawa Water Co. (Ltd.), a corporation organized under the laws of the Territory of Hawaii for the purpose of irrigation, be, and is hereby, granted the right of way through the lands of the United States to the extent of the ground occupied by the water of the reservoirs and canals of said company and their laterals, and 50 feet on each side of the marginal limits thereof, including that portion of the company's irrigation works located within the limits of the military reservation made by the order of the President July 20, 1899, setting aside a portion of Waianae-Uka, in the island of Oahu, Territory of Hawaii, and as published in the general orders of the War Department, No. 147, and dated August 10, 1899, and including also the right to take from the lands of the United States adjacent to the line of the canals earth and stone necessary to the construction thereof, the said reservoir sites, canals, and laterals, and waterways being now occupied under an outstanding lease from the former authorities of said Territory to said company and so recognized in said general orders: *Provided*, That the plans for the works herein proposed shall be submitted to the Secretary of War for approval, and shall be carried out in conformity to such regulations in respect to maintenance and operation as he shall prescribe: *Provided also*, That the servitude herein granted shall not prevent the movement of troops over the said right of way, and when the movement of field artillery and wagon trains is impeded or prevented, due to the use of gulches for water storage by said company, bridges suitable for the passage of troops, artillery, and wagon trains across said gulches, with suitable approaches thereto, shall be provided by said company when required by the Secretary of War, said bridges and approaches to be constructed in accordance with plans approved by the Secretary of War: *Provided further*, That during the occupation of said military reservation by troops the said company shall furnish, free of charge, all the water needed for post or encampment purposes, and in case an electric-power plant is erected by said company it will furnish power to the United States, if required, and if it be obtainable without interference with the irrigation supply, at not to exceed 1 cent per kilowatt-hour, measured at the dynamos.

It was contended in the hearings that because of certain provisos that are set out in Senate Document 789, this company was given claim to water rights, but as the Secretary of War found, upon careful investigation, that is not the case. I read from his report, or rather his letter on the subject, dated March 4, 1912, directed to the Hon. JOHN FITZGERALD, page 5 of this document. The Secretary of War says:

In regard to the request of the attorneys for the company—

Mind you, that is the company that is now enjoying the right, and which is opposing any legislation whatever—

Members should understand that if the committee or the House declines to act it really amounts to positive action. It amounts to saying that this company, which now is enjoying the right without paying a penny for it, shall be permitted to go ahead and enjoy that right without any authority being given to the Secretary of War to dispose of this right.

[Applause.]

In passing I might say, in response to the suggestion of the gentleman from Wyoming [Mr. MONDELL], when he says that it has never been contended anywhere that the Government does own this water, that the Secretary of War does make that specific contention in his report. The Judge Advocate General of the Army also does make that specific contention in his report, and——

Mr. MONDELL. Which report of the Judge Advocate General does the gentleman refer to—his first or his last report?

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. In just a moment. I do not know whether it is the first or last report of the Judge Advocate General. I have the report here.

Mr. MONDELL. In one report he said that the Government did not have the right to sell.

Mr. WILLIS. And in one he made the report that it did; the present Secretary of War so reported in his letter of March 4, 1912.

Mr. KAHN. His decision of September 20, 1909, was against that. The first opinion was rendered in July, 1909, and in September, 1909, he formulated an opinion that the Government had no right there, and that this company had rights there.

Mr. WILLIS. Document No. 600, embodying the report of the Judge Advocate General and the report of the Secretary of War, from which I propose to read, shows that——

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Ohio [Mr. WILLIS] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. WILLIS. Now, I yield to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Now, I suggest to the gentleman that, while everybody also admits the priority right of the taro lands, everybody also admits that after they have been supplied the Government did have the right to the surplus waters rising on these lands, and the lawyers on the side that the gentleman advocates contended that under the act of 1909 that right was conveyed by the proviso.

Mr. MONDELL. Does the gentleman yield for a moment?

Mr. SHERLEY. Yes.

Mr. MONDELL. By what right does the gentleman say "the side" I advocate?

Mr. SHERLEY. I was only undertaking to define the position the gentleman was on. I was not reflecting on the gentleman at all. I assumed that the gentleman was debating one side of this question.

Mr. MONDELL. I am merely insisting that the Government has not any right to peddle this water. I do not dispute the Government's right.

Mr. SHERLEY. The gentleman voices the contention of the people who, in claiming the right to the water, deny that the Government has any right to control it; the people who assert that they have rights without paying for them.

Mr. WILLIS. The fact is that those who appeared before the committee, according to the printed hearings, and opposed the passage of any bill, admitted by their very argument that they thought the Government did have the right to this water, and they claimed that under the act of 1909 the right was granted to them without a single word being in the act that pretended to grant any water right.

It was simply a right of way. But I was diverted from what I started to say. I want to make clear the position taken by the present Secretary of War here, and I read from his statement, on page 5, House Document 600:

In regard to the request of the attorneys for the company that any legislation having in view the disposition of the surplus water of this reservation should provide for the determination of the rights of said company under said grant by judicial procedure, as I am firmly convinced that no water rights passed to the company under said grant, I am unable to recommend any such provision. I see no reason why the Government should take action which would tend to cloud a clear title and would, moreover, delay the establishment of waterworks which would insure an adequate supply of water of this post for military purposes, the necessity for action looking to the establishment of such works being urgent.

It may be further added that this case presents no ground for the consideration of the claims of the company on equitable rather than legal grounds. So far as appears from the papers the reservoir, canals, and their laterals had already been constructed when the grant for a right of way therefor was made; and no expenditure appears to have been made by the company on the faith of the construction contended for by its attorneys which would make the insistence by the Government on the strict construction of the grant inequitable. As to the burden imposed on the company by the proviso, the company insisted on a strict construction of its obligations in this regard, i. e., that as the proviso only required the company to furnish the water and did not impose on it any obligation to deliver the water where required for the uses specified, it was under no obligation to deliver the water where required for military purposes. For this reason, as well as for the other reasons given above, the company has not been called upon to furnish any water under this proviso, and it is not contemplated to require any in the future.

In Senate Document 789, page 4, Secretary Dickinson says:

The bill as originally introduced (H. R. 16374, 60th Cong., 1st sess.), was entitled "A bill to confirm to the Wahiawa Water Co., of Hawaii, the right of way for irrigation purposes," and it purported to deal merely with the right of way for the maintenance of the reservoirs, canals, and their laterals on the reservation. Provisos were added, at the suggestion of the War Department, as follows:

"*Provided*, That the plans for the works herein proposed shall be submitted to the Secretary of War for approval, and shall be carried out in conformity to such regulations in respect to maintenance and operation as he shall prescribe: *Provided also*, That the servitude herein granted shall not prevent the movement of troops over the said right of way, and when the movement of Field Artillery and wagon trains is impeded or prevented, due to the use of gulches for water storage by said company, bridges suitable for the passage of troops, artillery, and wagon trains across said gulches, with suitable approaches thereto, shall be provided by said company when required by the Secretary of War, said bridges and approaches to be constructed in accordance with plans approved by the Secretary of War: *Provided further*, That during the occupation of said military reservation by troops the said company shall furnish, free of charge, all the water needed for post or encampment purposes, and, in case an electric power plant is erected by said company, it will furnish power to the United States, if required, and, if it be obtainable without interference with the irrigation supply, at not to exceed 1 cent per kilowatt hour, measured at the dynamos."

It is contended by the company that these provisos give the act an entirely different character; that as thus amended the act deals with and, in effect, alienates to the company the water rights appurtenant to the reservation, subject only to the right of the Government for post and encampment purposes. In other words, it is contended that the grant of the right of way, coupled with the provisions calling for the furnishing of water to the military reservation, conferred upon the company, by necessary inference, the right to all the waters, except such as might be diverted in compliance with the provisions of the act itself. It is further claimed on behalf of the said company that the diversion of any of such waters elsewhere by Government authority,

after the Government's declared uses have been fully served, would be inconsistent with a fair interpretation of the act; that these waters supply the irrigation needs of agricultural users, including the supplying of the irrigation needs of the Waialua plantation, wherein approximately $7,000,000 have been invested for the production of sugar cane, and the operation of which with only a reasonable profit has been made possible thereby; and that the grant of the water rights to others would inflict a great loss and hardship upon the company.

As stated above, the bill originally introduced purported to "confirm" an existing right of way to this company, and the measure as passed in terms covers only a right of way for certain existing reservoirs, canals, and their laterals within the limits specified, and confers no authority upon the grantee to construct new laterals, etc., for the purpose of controlling the entire water supply of the reservation. Legislative grants are to be construed strictly and as passing nothing against the Government except what is expressly included within the terms of the grant. (See Charles River Bridge *v.* Warren Bridge, 11 Pet., 420, 543–550; Fertilizing Co. *v.* Hyde Park, 97 U. S., 659, 666; Slidell *v.* Grandjean, 111 U. S., 412, 437; Coosaw Mining Co. *v.* South Carolina, 144 U. S., 550, 562.) Under this rule of construction and having in view the fact that there is nothing in the language used which purports to grant to the company any water rights of the Government on this reservation, my opinion is that no such rights passed under the grant. I do not think that the provision that the grantee should furnish the United States, free of charge, with all the water needed for post and encampment purposes and power at the rate specified therein would change the character of the grant. Attention was further called to the fact that the right is claimed under a proviso. The office of a proviso is not to grant, but to limit a previous grant. Unless the construction necessarily requires it, the proviso will not be construed as a granting clause. (Minis *v.* U. S., 15 Pet., 423, 445; Patterson *v.* Winn, 11 Wheat., 380, 388; Chicago *v.* Phoenix Ins. Co., 126 Ill., 226; 18 N. E., 668; De Graff *v.* Went, 164 Ill., 485, 492; 45 N. E., 1075, 1077; State *v.* Twin City Telephone Co., 104 Minn., 270; 116 N. W., 835, 837; State *v.* Bellew, 86 Wis., 189.)

The present arrangement with the Wahiawa Water Co. (Ltd.) is unsatisfactory, for the reason that the proviso of the act of February 6, 1909, supra, is vague in regard to the purposes for which the water shall be furnished to the Government, and also because the act only requires the company to "furnish" the water, resulting in the company taking the position that it is not under any legal obligation to deliver the water where required for the uses specified, and because the company is claiming rights under the act against the Government which, in my judgment, were never intended to be granted.

In his memorandum for the Chief of Staff on February 27, 1912, the Judge Advocate General says:

The rights acquired by the Wahiawa Water Co. under said act of Congress were very fully considered in the report of the Secretary of War, dated January 19, 1911, to the Senate Committee on Military Affairs (S. Doc. No. 789, 61st Cong., 3d sess.), and it was held therein that under the grant the water company acquired simply a right of way for certain existing works—reservoir, canals, and their laterals—within the limits specified; that no right was given to construct new laterals, etc., for the purpose of controlling the entire water supply of the reservation; and that no water rights of the Government on this reservation passed to the company under the grant, as grants of this character are construed strictly in favor of the Government and as granting no more than is expressly stated.

Further on in this memorandum the Judge Advocate General states:

I am therefore of the opinion that the matter should be submitted to Congress, with a request for such legislation as will authorize the Secretary of War to grant leases for the use of the surplus water of this reservation, at such rates and on such terms and conditions, and for such periods of time, not to exceed 20 years, and with such provision for the periodical adjustment of rentals as he may deem just, equitable, and expedient; and for the occupation of such lands of the reservation in connection therewith as he may regard as necessary for the construction and maintenance of works for the purpose of diverging and conducting from the reservation water covered by such lease or leases; such legislation to provide that the proceeds shall be turned into the Treasury of the United States to the credit of miscellaneous receipts; and a statement thereof shall accompany the annual report of the Quartermaster General. In making such a lease consideration could be given to any equitable claims which the Wahiawa Water Co. (Ltd.) may have to preference in the lease of any water which the Government may not need for the supply of the post.

There appears to be no reasonable doubt that the Government will have some water to dispose of, and legislative authority should be obtained to lease the same for a considerable term, in order that the water may be disposed of to advantage.

In other words, the present Secretary of War, his predecessor, and the Judge Advocate General make perfectly clear in these documents from which I have read that the Government of the United States owns the water right, which, according to the report of the Army engineers, is worth $40,000 per year, and which, if no action is had, the company will continue to use absolutely without compensation.

Now, Mr. Chairman, I have said what I have in order to make clear, if I can, this proposition: First, that the Government owns this water right; second, that the present company that now is using it absolutely without compensation does not own a thing, except a mere easement or right of way, and has no shadow of title whatever to any water rights. If that is the case, the only sensible proceeding is to adopt some sort of a provision here which will enable the Government, fairly and in the open market, to dispose of that which belongs to it and to break up the monopoly that now exists in this particular case. However, I am not in favor of the amendment offered by the gentleman from New York [Mr. FITZGERALD] unless we can have the two amendments adopted to which I have referred. I am not in favor of a proposition which will absolutely direct the Secretary of War to make the sale. The Secretary of War should have some discretion. As was suggested here by the gentleman from Illinois [Mr. MANN], there might be collusion among the bidders. It seems to me the word "empowered" ought to be inserted there in place of the word "directed." Nor am I in favor of the amendment offered by the gentleman from New York unless the other amendment which I shall offer can be adopted, so as to give to the Secretary of War the right to regulate rentals. In disposing of these water rights we must protect not only the rights of the Government, but the rights of the consumers.

Mr. MANN. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask that the gentleman from Ohio have two minutes more.

Mr. FITZGERALD. I object.

The CHAIRMAN. What was the request?

Mr. MANN. I asked that the gentleman from Ohio have two minutes more, and the gentleman from New York objected. The gentleman from New York is not very courteous to-day. I desire to be recognized in my own right.

I merely wished to ask the gentleman from Ohio whether he thought his amendment would make it discretionary with the Secretary of War? As I understood, his amendment was to strike out the word "directed" and insert the word "empowered."

Mr. WILLIS. The gentleman is correct. I am frank to say that the purpose of my amendment is to make it discretionary with the Secretary.

Mr. MANN. I will suggest to the gentleman, then, that the addition of the word "empowered" gives no additional authority. If the gentleman will move to strike out the words "and directed" and insert in place of those words the words "in his discretion," so that the provision will read:

The Secretary of War is authorized, in his discretion, to grant—

That will accomplish the purpose which the gentleman has in mind.

Mr. WILLIS. That is exactly what I wanted. I only adopted the language used by the Secretary of War in his recommendation.

Mr. MANN. We usually consider that the words "in his discretion" are necessary, because where Congress provides that the department has certain power that is usually considered as mandatory. I suggest to the gentleman that he modify his amendment in that way.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent to modify the amendment as indicated, so that it will read "is authorized in his discretion," striking out the words "and directed."

The CHAIRMAN. The Chair suggests to the gentleman from Ohio that his amendment now reads that the word "empowered" be inserted in place of "directed," in line 1, on page 60. There is no page 60 in the pending provision.

Mr. WILLIS. I referred to the printed bill. I desire this to be inserted in line 1 of the amendment offered by the gentleman from New York [Mr. FITZGERALD], and I desire to have the amendment which I am offering read as follows:

Strike out the words "and directed" and insert in lieu thereof the words "in his discretion."

Mr. FITZGERALD. There is no objection to that amendment.

The CHAIRMAN. If there be no objection, the gentleman from Ohio will withdraw his amendment, and he proposes another amendment, which the Clerk will report.

The Clerk read as follows:

In line 1 of the amendment strike out the words "and directed" and insert in lieu thereof the words "in his discretion," so that it will read: "The Secretary of War is authorized, in his discretion, to grant."

Mr. MONDELL. Mr. Chairman, the amendment of the gentleman from Ohio [Mr. WILLIS] does not make the legislation any better. The gentleman from Ohio has disclosed a curious state of mind with regard to this water right. The gentleman is cocksure that the Government, by reason of its ownership of a few acres of land toward the head of the stream, owns all of the water in the stream. He is equally sure that people who own great quantities of land riparian to the stream, and who have used the water of the stream for many years, have no claim whatever to the water they have so used. His philosophy evidently is this: That water may be enjoyed by riparian owners and used by appropriation for irrigation for generations, and then some one may locate at the head of the stream, and by so doing become proprietor in fee of all the water which has been used by the people below; and he feels sure of that because he has the high authority of the Secretary of War.

Mr. WILLIS. Mr. Chairman, will the gentleman yield? I know he does not want to be unfair.

Mr. MONDELL. I am not unfair.

Mr. WILLIS. The gentleman is not unfair, but the statement he is making is. Nobody is contending but that the people that own the taro lands have the right to as much water as is necessary to irrigate them. This proposition contemplates that the surplus only shall be sold.

Mr. MONDELL. He says everybody has admitted, which in this case means the War Department—the high and mighty War Department. When was the War Department constituted the judicial tribunal for the settlement of the water rights in the Territory of Hawaii?

The War Department says they may use 4,000,000 gallons each 24 hours on the taro lands, which means 6 cubic feet of water per second. Six cubic feet of water per second in Hawaii on lands growing cane or taro, which must be submerged, will irrigate about 200 acres. Here is a stream 12 to 15 miles long with taro lands on both sides, and the War Department constitutes itself the court to settle the water rights and says that the taro lands, the riparian lands for 10 miles or more, may have water enough to irrigate 200 acres, and no more. The fact is, however, that this bill gives no assurance that even those rights will be protected or respected.

Mr. PAGE. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. PAGE. Does the gentleman know that the testimony before the committee shows that the taro lands are only 205 acres in extent?

Mr. MONDELL. I did not know that, but it proves I have figured accurately as to what amount of water they use for irrigation per acre. Evidently the 4,000,000 gallons was based on the taro lands, and did not take into account at all the hundreds of acres of cane lands which have been irrigated for years.

I do not know what rights this company has, and no man here knows definitely what rights the company has or what are the rights of the riparian owners along the stream, nor what rights the Territory of Hawaii has, and yet we are called upon to assume that the Government of the United States in one of its Territories, by the simple segregation of land reserved for military purposes, can become the owner of a large quantity of water as a property right, a thing that is not tolerated in any civilized country on earth, whether it be the land of riparian rights or the land of irrigation.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I have been interrupted several times, and I ask for five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I want to put this proposition squarely. Now, my friend from Iowa has a great military post which, I presume, is on the Des Moines River. Does the Government of the United States own the Des Moines River by reason of the fact that it has lands upon its banks for military purposes?

Can it stop the flow of the Des Moines River and sell it out by the jug full and become that meanest of all things under the dome of heaven—a water lord? That is what you are proposing here. You are proposing to take away from the courts of Hawaii the opportunity to decide the relative righs of the riparian owners and appropriators and to say that the Government may become what you do not allow anyone under your national irrigation law to become. This House has placed itself on record on the question of water rights where water can be diverted for irrigation, and it is declared in the national reclamation law that beneficial use shall be the basis, the measure, and the limit of the right to the use of water. The War Department, by the reservation of these lands, has the right to use all the water that it needs on these lands for all purposes and no more. It does not own the surplus there any more than John Jones would own the surplus if he were there instead of the War Department.

I do not pretend to say who has the right to the use of this water. I know that this House can not afford to put itself on record to the effect that the Government as a landowner can do what no other riparian owner can do; that it can, in a land of diversion, do what no individual can do, to wit, become a water lord and claim the right to peddle out the water. It is a thing that civilization has fought against since the beginning of time.

Under the laws of Hawaii the people of Hawaii own these waters. The Government of the United States has no proprietary interest in them. As the proprietor of these lands it has the right to all the water it needs for itself in the use of the military reservation, but it does not become the proprietor of that water so that it can dispose of it and become the Providence to the landowners below on the stream.

In my opinion, if the truth were known, it would be found that the War Department has not of its own motion taken up this matter, but underneath it all is the fine Italian hand of some people who hope to blackmail those who have been engaged in irrigating land and raising crops on the land so irrigated. That is the worst this company has been doing. If they have not the right to the use of this water, let the question of the ownership of the water be settled in the courts. It is not for us to assume that the water belongs to the Federal Government in the sense it can levy heavy burden on those who use it for irrigation. We endeavored to secure time for the consideration of this measure but were denied it, and can not secure time to even state the case. If the principle involved in this legislation is generally adopted, no appropriation for irrigation in the West is safe; no riparian owner in the East is secure. The vicious theory that one can own water as a property right apart from its beneficial use is established.

Mr. FITZGERALD. Mr. Chairman, I move to close debate on the pending amendment.

The CHAIRMAN. The gentleman from New York moves to close debate on the pending amendment.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

Mr. WILLIS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 2 of the amendment, after the word "provided," insert the words: And with such provision for the periodical readjustment of rentals as he may deem just, equitable, and expedient.

Mr. MANN. Where does that amendment come in?

Mr. WILLIS. After the word "provided" in the printed bill, line 2. Mr. Chairman, this is the language that is suggested by the Secretary of War. In my judgment, it is necessary in order to protect the rights of those who are to purchase water from this company. It seems to me we ought to adopt some proposition to protect the rights of the consumer.

Mr. SHERLEY. The gentleman does not understand by the word "rentals" that it means the price for which the water shall be sold to individual users, but only the price that it shall be sold to the successful bidder?

Mr. WILLIS. I understand, in the plan outlined by the Secretary of War, that he was talking about the rentals from the direct purchasers from the Government. But in my judgment, as I have introduced the amendment, if it should be adopted, it would apply to the question of rentals paid by the consumers of the water.

Mr. SHERLEY. Mr. Chairman, I think the gentleman is clearly mistaken, and that is the reason I asked the question.

Mr. FITZGERALD. Mr. Chairman, the gentleman does not understand the difference in the provision as reported from the committee and the recommendation of the Secretary of War, or he would not offer this amendment. The recommendation of the Secretary of War from which the language of the gentleman is taken was that the Secretary of War be authorized to grant a lease of the surplus waters, and provided that the lease should contain provisions for the periodical readjustment of the rents to be paid by the lessee to the Government. The provision offered as an amendment by myself, which was the provision determined upon by the committee, was that the right to the surplus waters should be sold under sealed bids to the highest bidder. The committee can see how absolutely impossible it is for a person to submit a bid for the use of waters for a period of 25 years, if at the end of 10 years some one is to have the right to modify his rental. The purpose of the committee was to give the prospective bidder a sufficient period of time within which he might erect the necessary work and arrange for the amortization of his expenditures, and know how much he was to pay during that period. The purpose of the Secretary of War was not to have bids submitted in a sealed form, but to enable him to negotiate with prospective bidders and to provide for a definite rental for the first 10 years, and have a provision that after the first 10 years the department might modify, within certain limits, the compensation to be paid. They are two entirely distinct propositions. If the Secretary is to be given authority to lease to whomever he may select, the gentleman's provision would be proper, because at the end of 10 years the water might be of so much more value that whoever would be the lessee would properly be requested to pay an additional rental; but if bids are to be invited and prospective

purchasers are to submit a bid stating what they are willing to pay for this water, and then there is to be a provision that after he has offered, under sealed proposals, the highest price he is willing to pay, at the end of a certain period of years the Secretary of War can compel him to pay more, there will be no bidders at all, and the water will continue to be used by the persons who now have it.

One of two things should be done—either the water should be sold under sealed bids to the highest bidder or else the Secretary of War should be given discretion to negotiate with whichever one of these parties he determines it is best to negotiate with, and to arrange the terms of the lease with the right to rearrange the rental. This provision has nothing to do with rentals to be paid by other users of the water.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN. Mr. Chairman, if the gentleman desires more time, I would be glad to ask unanimous consent that it be granted to him.

Mr. FITZGERALD. Oh, I have no desire for more time.

Mr. WILLIS. Mr. Chairman, I desire to ask the gentleman a question.

Mr. FITZGERALD. I have no more time. The gentleman can take the floor in his own right.

Mr. WILLIS. Mr. Chairman, I do not desire to occupy any considerable amount of time, but I understand perfectly the difference between the proposition of the Secretary of War and the proposition made by the committee. I am not confusing the two at all, but it seemed to me, and still seems to me, after listening with great care to the explanation made by the gentleman from New York [Mr. FITZGERALD], that unless this amendment or some such amendment shall be adopted there is no power residing anywhere in any branch of the Government to protect the consumer of the water.

Mr. FITZGERALD. The consumer of the water will be the purchaser under the lease, and no one else will use the water.

Mr. WILLIS. That may be true or not.

Mr. FITZGERALD. There is no question about it. Nobody will purchase this surplus water who is not in a position to utilize it on land. Of course, at present the water company disposes of it to another company; but the other company consists of the same persons, and they use the two companies so to juggle the profits from the water company and the sugar company that the earnings of neither company will ever be so excessive as to invite the attention of the taxing power of the Territory of Hawaii.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. SHERLEY. I suggest to the gentleman that even from his standpoint the amendment he has offered will not accomplish its purpose. The power to adjust rentals does not mean, as the gentleman seems to think, the power to determine the price at which the water shall be sold to the ultimate consumer, assuming he is a different person from the lessee, but it simply means that every 10 years the right in the Government shall exist to fix the terms of the lease to the successful bidder under the bid. I suggest to the gentleman that there is language in that act that is as broad as skill can draft, for the purpose of giving to the Department of War full control.

Mr. WILLIS. Where is that language? That is what I am looking for.

Mr. SHERLEY. Very well. The gentleman will find it in the latter part of that act, and with the drafting of it I had something to do. The language is, "upon such terms and conditions as the Secretary of War may determine."

Mr. MANN. The gentleman will find the language in line 22 of page 60 of the bill.

Mr. SHERLEY. Mr. Chairman, it was my object not to undertake in this short way to pass upon all of these various conflicting ideas as to the length of lease and its terms, and so forth, but to give to the War Department full power, and to take action to prevent this company continuing to use water for nothing.

Mr. WILLIS. Mr. Chairman, just a word, and I will yield the floor. I have no doubt that the gentleman had that purpose in mind, but I do not find the language, Mr. Chairman, in this amendment which was offered by the gentleman from New York [Mr. FITZGERALD] that would accomplish the purpose indicated. What I am trying to get is a power to reside somewhere—in the Secretary of War, for example, as proposed in my amendment—to protect the ultimate consumer of this water; and if you do not have in here some provision of that kind, if you pass the bill, this is what you will have done: You will have created an absolute monopoly in this company for 25 years, with no power reserved to the Government to regulate rates for the protection of the consumer. The gentleman says it is all one and the same company. If that is true, if the water is not going to be sold to anybody else, then this question I have been suggesting will never come up, and the Government will not be called upon to exercise this reserved power, even if this amendment be adopted.

Mr. FITZGERALD. Personally I have no objection to the provision giving to the Secretary of War the right to regulate the rentals charged by the purchaser, but if the pending amendment be adopted there will be no bids, because nobody will submit sealed bids to pay for the use of this water for a period of 25 years if the right is reserved to some official to increase that rate periodically.

Mr. WILLIS. I desire to say one word in conclusion. It seems to me the adoption of this amendment is absolutely necessary to protect the rights to the consumers. If you pass the bill without this, there is no protection to the purchasers of water.

Mr. FITZGERALD. The provision to which the gentleman calls attention was not included to protect the ultimate consumer, but for the purpose of adjusting the compensation between the purchaser and the Government.

Mr. WILLIS. I understand that.

Mr. MOORE of Pennsylvania. Mr. Chairman, I hope this amendment to the amendment will be approved by the House. The matter of the grant of water-power rights, as well as that of granting the water itself, is one of the questions that this House must shortly deal with and in a serious mood. I have observed that our friends upon the other side have been bringing in bills during this session granting rights to individuals and to water-power companies concerning the use of water in streams over which the Government assumes control, without public advertisement and without limitation or provision for compensation for the use of such water or water power whatever.

Now, if we were dealing with a franchise in a country community and a borough council had to consider the problem, it would probably require public advertisement of the proposed franchise with the view of getting something out of it for the people.

It is commonly believed that the United States has a property right not only in the water power derived from navigable streams, but in the use of the water itself, and it is wise that an amendment such as this should be added to any bill which proposes to dispose of water or water rights belonging to the Government or with regard to the use of water power over which the Government has control.

In the Philadelphia North American, on July 26 last, appeared an article which the Democrats who are fathering these measures in the House might well read and ponder over. It did not deal with the grants of franchises in Alaska to corporations or to millionaires. It dealt with the grant of rights in certain Democratic States where it was proposed to take control of water power and leave out of consideration altogether the matter of compensation or remuneration to the public for the privileges accorded.

Merely to show the trouble that is brewing with regard to these bills, and for the information of gentlemen upon the other side, I read these headlines from the North American of July 26 last:

Democrats help grabs of water-power sites; people's rights ignored. No compensation is required of Arkansas concern for vaulable grant; free gifts planned for 16 other companies. Reactionary majority in House plays into hands of trust; attitude is that those who protect public are dreamers.

I desire, further, to read one paragraph from the article for the information of the House:

The opening wedge for wholesale grants of water-power rights to electric companies without compensation to the people or restriction of any kind was driven in the House of Representatives to-day.

With the Democratic leaders opposing compensation and other conservation policies, the House put the final seal of approval on a water-power grant of incalculable value to the Dixie Power Co., which proposes to construct a dam across the White River near Cotter, Ark. The action was taken on a conference report, the Senate having amended the House bill so as to provide that the State of Arkansas could regulate the rates of compensation charged for the electric energy developed.

There was no mention in the bill to which this article refers of the rights of the consumer, no reservation as to time or rates, but a simple grant to the company to do, so far as this Congress is concerned, substantially as it pleases. In other bills——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on this subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, as I understand, the amendment of the gentleman from Ohio was designed in his mind, in the first place, to cover rentals of water power for the users of water who may purchase it. I think the gentleman from New York and the gentleman from Kentucky were correct in the assumption that the amendment of the gentleman from Ohio, inserted where it comes in, would only cause a readjustment of the rentals to be paid by the concern purchasing the right from the Government, but I find there is nothing in the bill or amendment on the subject of an adjustment of the amount to be paid by the users of the water power; how much of this power is used by the company, either directly or indirectly, which now has the right, and how much of it is sold to other concerns?

Mr. FITZGERALD. My impression is that it is probably all used by the company, although not directly, through another organization, which is controlled by the same people.

Mr. MANN. I remember I happened to be one day in the Committee on Appropriations for a few moments when this was under discussion, and I heard this question asked, I think by the gentleman from New York, and my recollection does not accord with his as to the reply. Of course I have not gone into it, and I do not know anything about it.

Mr. FITZGERALD. I may add, so far as the committee is concerned, it will have no objection to an amendment which gives to the Secretary of War, or any other official of the Government, the right to regulate the price to be charged by the purchaser of this surplus water.

Mr. SHERLEY. It was the intention to give power to deal with all of these matters, and I think that the language plainly does it, because, in substance, it says upon such terms and conditions as the Secretary of War may deem fit, not inconsistent with the provisions of this section.

Mr. MANN. Let me suggest to the gentleman that I inserted in the original dam act a provision authorizing the Secretary of War to impose such conditions as he might please before he approves the specifications for the dam, and I insisted to the Secretary of War and to the then President, Mr. Roosevelt, that he had the power to regulate the charges which should be made, and that under that provision he could require them to pay rental in addition. I have not yet been able to persuade the War Department that they had that power, and if they do not think they had it in that case, I do not think they would think they had it in this.

Mr. SHERLEY. I think the gentleman was right in his construction then, but I am perfectly willing that there be included here any proper language that the gentleman may suggest. But how that language could be construed otherwise, I can not understand.

Mr. MANN. I would suggest this to the gentleman on that point: If it be true that this water power is all to be used by the purchaser from the Government, or most of it is to be used by the purchaser from the Government, I am not at all sure but that there ought to be a provision put in there authorizing the Secretary of War to fix the rates at which it can be sold, because we are selling our power now, and it may be that we would not get nearly as good a price for it if perchance the Secretary had the authority to cut down the price at which it could be sold to a lower rate.

We are in the position of offering something, as the gentleman says. I do not see the gentleman from Wyoming [Mr. MONDELL] in the Chamber at present to contradict the statement that we own and are offering to sell something under this to the highest bidder, and ought to offer it on the terms that will be best for us.

Mr. MONDELL. Mr. Chairman——

Mr. MANN. I inadvertently overlooked the gentleman.

Mr. FITZGERALD. I wish to say, Mr. Chairman, after looking at the record, that I find my recollection is correct. The contention is that there are 500 acres of taro lands controlled by this company. They claim that it would take in excess of 6,000,000 gallons daily.

I move, Mr. Chairman, that the debate on the pending amendment be closed.

Mr. MONDELL. I hope the gentleman will give me five minutes to discuss this particular amendment.

Mr. FITZGERALD. I suggest to the gentleman that he can talk on the next amendment.

Mr. BURLESON. I demand the regular order, Mr. Chairman.

Mr. FITZGERALD. I insist on my motion.

Mr. MANN. I hope the gentleman will not insist on his motion.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] moves that debate on the pending amendment be closed. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 54, noes 27.

Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. MANN and Mr. FITZGERALD.

The committee again divided; and the tellers reported—ayes 78, noes 24.

So the motion to close debate on the pending amendment was agreed to.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 2 of the amendment, after the word "provided," insert "and with such provision for the periodical readjustment of rentals as he may deem just, equitable, and expedient."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 33, noes 67.

So the amendment was rejected.

Mr. KAHN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California [Mr. KAHN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 61, line 2, after the word "section," insert the following:

"*Provided, however,* That no waters shall be disposed of under the foregoing authority now used by others under claim of right until such claims have been finally adjudicated upon their merits in the courts of competent jurisdiction in favor of the United States. Such claimants to have the benefit of this provision only upon filing with the Secretary of War, within 90 days after the passage of this act, a bond of indemnity in an adequate amount and with sufficient sureties, to be approved by the Secretary of War, conditioned upon the payment to the United States of the full rental value of all waters used or consumed by such claimant from the 14th day of January, A. D. 1912, to the date of such final adjudication. And conditioned, further, upon the institution, as soon as practicable, of litigation to adjudicate such conflicting rights or claims and to prosecute the same diligently to final judgment."

Mr. KAHN. Mr. Chairman, we have heard a great deal this afternoon about the appropriation of this water by the water company that is now using it. That company obtained its right during the days of the kingdom in Hawaii. It paid $750 a year in rentals to the kingdom of Hawaii for this valuable right.

Soon after the Government of the United States came into possession of the islands this company expended something like $335,000 for the construction of a dam 80 feet high for the purpose of impounding the water and its distribution to the users below. The right that it held was to expire in the early part of January of this year. Along in 1909 the company began to negotiate with the officers of the United States for a renewal of such right as it had, in order that it might continue the impounding of the water. I may say that the dam is on the company's own land. About that time Col. Anderson, who was in command in the islands, submitted a report to the War Department suggesting that the company be allowed to use this water upon certain conditions. One of the conditions was that the Government be furnished free of charge all the water it might require for military purposes, and also that the Government should be supplied with such hydroelectric power as it might need at actual cost. Another condition was that the company was to construct bridges across ravines, chasms, and canals, so that the land might be available for the use of troops in case of maneuvers.

So far as Schofield Barracks are concerned, nobody knows at this day whether the War Department intends to continue that as a military post. I was in Hawaii a year ago, and there was considerable question at that time as to whether Schofield Barracks would continue to be maintained as a military post. The cost of transporting supplies from Honolulu is quite expensive, and I believe there has been a recommendation that the permanent barracks be established nearer the seaboard toward Honolulu.

The gentlemen have stated that this company gets the water for nothing. Under the provisions of its grant it was to furnish free to the Government the amount of water that might be necessary for military purposes at Schofield Barracks.

The gentleman from New York [Mr. FITZGERALD] stated on the floor that it was the greed of these people that brought this matter to a head. The company contended that under the provisions of the act of Congress of 1909 they were only

compelled to furnish the water at the dam, but in all fairness the gentleman should have added that subsequently they agreed to put in a reservoir on the military reservation at an expense of $200,000. They agreed to go to the headwaters of this stream and to furnish the military barracks with all the water that might be required for military purposes free of charge. They agreed to do all the things that were required of them under the terms of the act of 1909.

Mr. FITZGERALD. That was after the War Department decided that this water right should be put up at auction, if it could be, so as to get what this water is worth to the United States. They never offered to do it before that.

Mr. KAHN. I want to be perfectly fair in the matter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I ask unanimous consent that I may be allowed five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KAHN. Mr. Chairman, we can all afford to be fair in this matter. As has been stated by the gentleman from Wyoming [Mr. MONDELL], this question of water rights, and especially the right of the Government of the United States, because it happens to own some land on a stream, to appropriate all the water that it does not use for its own purposes and sell it, is a big and important question, in which all the people of the United States are vitally interested.

Mr. FITZGERALD. Will the gentleman yield?

Mr. KAHN. I should like to yield to the gentleman, but I am afraid I can not get any more time.

Mr. FITZGERALD. Nobody suggests that the United States wants to do what the gentleman says. It admits certain rights to the water.

Mr. KAHN. Oh, but the very purpose of this act is to do the very thing which I suggest. Now, as far as the position of the War Department on this question is concerned it has backed and filled, faced front, and faced back on several occasions.

In July, 1909, the Judge Advocate General handed down an opinion that the company had no rights there. On the 20th of September, 1909, only two months later, the same Judge Advocate General announced the following opinion:

WAR DEPARTMENT,
September 20, 1909.

Office of the Judge Advocate General, inviting attention to the report of this office dated July 20, 1909 (second indorsement hereon), and also to the fifth indorsement hereon by the constructing quartermaster at Honolulu.

While there is no express grant in the act approved February 6, 1909 (Public—No. 216), to the Wahiawa Water Co. of the water rights appurtenant to this reservation, such a grant would probably be included in the grant of the right of way for reservoirs, canals, and their laterals on the reservation, and appears to be assumed in the proviso that the company "shall furnish free of charge all the water needed for post or encampment purposes," etc.

In regard to the suggestion of the constructing quartermaster that the best solution of the question of water supply would be the repeal of this grant, it may be observed that there is no reservation in the grant of the right of repeal; and such rights as the company acquired under the grant can be resumed by the United States only after condemnation proceedings. As stated above, the grant is upon the proviso that "during the occupation of said military reservation by troops the said company shall furnish free of charge all the water needed for post or encampment purposes," etc., and the company should be called upon to meet the requirements of this proviso. Of course, any pipes leading from the water reservoirs of the company on the reservation would have to be put in at the expense of the United States, as it is not believed that the act could be construed as requiring the company to put in the pipes, etc., required to deliver the water where needed for military uses.

GEO. B. DAVIS,
Judge Advocate General.

Not only that, but the Secretary of War himself went before the Senate Committee on Appropriations when an amendment similar to this was offered on the sundry civil bill in the Senate and made the following statement. I read from page 21 of the hearings before the subcommittee of the Committee on Appropriations, United States Senate. This is as recently as July 1. The colloquy between the chairman of the committee, Senator WARREN, and the Secretary of War reads:

The CHAIRMAN. Of course that goes back into the riparian rights and irrigation rights, and all that, and the priority, and we have had to clear that up with the Supreme Court of the United States, and priority of right will overthrow almost anything else. It overthrew the riparian-rights doctrine in the Supreme Court of the United States.

Secretary STIMSON. Yes. The United States has a right to do what it is now doing, to furnish its own water now, leaving the title to the remaining water to a fair judicial ascertainment afterwards.

Now, that is the very thing that the amendment which I have offered intends to do, namely, to get a fair judicial ascertainment of this matter.

Mr. HOBSON. Is that the substance of the gentleman's amendment?

Mr. KAHN. Absolutely. The situation with regard to the use of this water is this: There are two sugar companies operating on opposite sides of the island. One is using the water at the present time, and, as everyone knows, water is an important commodity for the raising of sugar. There is another company on the other side of the island. And, by the by, if the War Department were to lease this water to that other company it would all have to be carried from the watershed in which it is now impounded to an entirely different watershed, and the taro patch owners below the dam would not get a drop of water under the amendment that was made germane to this bill under the rule that has been adopted.

The owners of these taro patches have a prescriptive right that was given them under the laws of Hawaii while Hawaii was a kingdom, and have utilized some of this water under their prescriptive right during all the years that have intervened, a right that has never been questioned.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KAHN. Mr. Chairman, I ask for two minutes more.

Mr. MANN. I ask that the gentleman from California have five minutes more.

Mr. BURLESON. I object.

Mr. KAHN. I do not desire to take up the time of the House unnecessarily, but I have consumed very little time, and this is an important question. I think the committee ought to be fully informed before the vote is taken.

Mr. BURLESON. The gentleman has just consumed 10 minutes. Everybody on this floor is thoroughly familiar with this provision and the gentleman's amendment.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes more time. I am very much interested in his remarks.

Mr. FITZGERALD. I will not object to two minutes.

The CHAIRMAN. The gentleman from Illinois asks that the time of the gentleman from California be extended for five minutes. Is there objection?

Mr. BURLESON. I object.

Mr. KAHN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I move that the committee do now rise.

Mr. SHERLEY. The gentleman has not the floor to make the motion.

The CHAIRMAN. The Chair had recognized the gentleman from Kentucky.

Mr. MANN. The Chair had not recognized the gentleman from Kentucky when I made my motion.

The CHAIRMAN. The gentleman from Kentucky was on his feet at the time the gentleman made his motion, and the Chair recognized him at that time.

Mr. MANN. The Chair can overrule the parliamentary law, but we shall not make any progress by it.

Mr. SHERLEY. Mr. Chairman and gentlemen of the committee, it is true that the Wahiawa Water Co., that is resisting the proposed legislation, had certain rights that grew out of a lease that came from the Crown. That lease expired in 1912. Prior to its expiration in 1909 the company came to Congress and presented a bill giving them an easement, a right to go upon the land owned by the Government of the United States, and there build certain ditches and laterals. They had a right to the use of that land up to 1912, but after that time that right would be lost.

Now, they had built a dam which impounded the waters of both the north and south forks of the Kaukouahau River. The waters of the south fork rise on the Government reservation. As I said, they had the right to so impound the water as to cover a part of the Government land under the lease which expired in 1912; but at the end of that time they would be trespassers to the extent that they had water on the Government land.

So they came in and asked permission to continue to impound the water on the Government land and for certain rights in the way of laterals.

They did not claim, and in the brief that has been filed by their attorneys on page 29 they admit that they did not expect to get, and did not seek to get, any rights to the surplus waters that rose upon the Government reservation, and to which the Government had the title, as admitted by everyone, subject only to the right of the owners of the taro lands, which are something less than 300 acres; and the right of these taro landowners to the water, as testified to, could in no sense use up all of the water that could be impounded on the Government reservation out of the south fork.

Now, when this water company presented their bill the War Department said we will approve it if there are put upon it certain conditions requiring this company to do certain things. And now this House is confronted with this unique proposition—that conditions that were put upon a mere easement for the benefit of the Government are said to be of such a peculiar nature that they, by indirection, confer upon this company the right to surplus waters that are worth $40,000 a year.

Mr. KAHN. Will the gentleman yield?

Mr. SHERLEY. For a question.

Mr. KAHN. Under the terms of my amendment, if this company has no right to the water——

Mr. SHERLEY. I will deal with that in a moment.

Mr. KAHN. I want to complete my question.

Mr. SHERLEY. But the gentleman must not take up my time.

Mr. KAHN. The gentleman has taken my time.

Mr. MANN. That is different.

Mr. SHERLEY. No, it is not different; I am trying to use the gentleman from California fairly, but the temper of the gentleman will not expedite him in getting permission to interrupt. I will yield in my time as I please and not as the gentleman pleases. Now, the reading of the act itself will plainly disclose that there is absolutely no right granted. The strange proposition is made by the amendment of the gentleman from California that the Government shall voluntarily becloud its own title. That is what it means. We stand here as representatives of the Government. If you believe, as I believe, that there is not a shadow of a claim for these people, what reason is there for the Government to voluntarily becloud its own title and throw into the courts a matter of litigation that may run for years and years. So far as the taro landowners are concerned that have rights that they can protect now, they have superior rights, and it is not necessary to put in this provision to protect them.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. I ask for five minutes more.

Mr. KAHN and Mr. GUDGER objected.

Mr. MANN. I hope the gentlemen will not object. We can afford to be gentlemen over here.

Mr. KAHN. I will withdraw my objection.

Mr. GUDGER. Mr. Chairman, I have not withdrawn my objection, and I object.

Mr. SHERLEY. Mr. Chairman, I move that all debate close on the amendment and all amendments thereto.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Kentucky moves that all debate on this amendment and amendments thereto be now closed.

The question was taken; and on a division (demanded by Mr. MANN) there were ayes 76 and noes 25.

Mr. MANN. I ask for tellers.

Tellers were ordered. The Chair appointed as tellers the gentleman from Kentucky, Mr. SHERLEY, and the gentleman from Illinois, Mr. MANN.

The committee again divided; and the tellers reported that there were 78 ayes and 17 noes.

So the motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from California to the amendment of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. KAHN) there were 22 ayes and 73 noes.

So the amendment was lost.

Mr. KAHN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 60, line 7, after the word "reservation," insert the following: "And any moneys realized for said lease shall be covered into the treasury of the Territory of Hawaii."

Mr. KAHN. Mr. Chairman——

Mr. SHERLEY. Mr. Chairman, I make the point of order that debate has been closed on all amendments.

The CHAIRMAN. The point of order is sustained, under the direction of the committee that all debate on the amendment and all amendments thereto be closed. The question is on the amendment offered by the gentleman from California.

The question was taken; and, on a division (demanded by Mr. KAHN), there were—ayes 19, noes 73.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 61, line 2, after the word "section," insert the following: "*Provided further*, That the Secretary of War may, in his discretion, reject all bids and report his action to Congress."

Mr. FITZGERALD. Mr. Chairman, I have no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York as amended.

The question was taken; and, on a division (demanded by Mr. MANN), there were—ayes 76, noes 17.

So the amendment as amended was agreed to.

The Clerk read as follows:

SEC. 5. That the Secretary of War be authorized and directed: First, To make all necessary and proper detail of officers of the United States Army to make such surveys, measurements, and estimates as may be necessary in providing a sufficient supply of good water for public use upon the 1st, 2d, 3d, and 4th days of July, 1913, upon the battle field of Gettysburg, in the Commonwealth of Pennsylvania, upon the commemoration of the fiftieth anniversary of the Battle of Gettysburg, and to make all necessary provisions and perform all necessary acts in connection with bringing upon said battle field upon said occasion such sufficient supply of good water fit for drinking and other purposes connected with and incidental to such occasion.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 61, line 5, by inserting after the word "that" the following: "Within the limits of the appropriation hereinafter made, and the sum furnished by the Commonwealth of Pennsylvania for such purposes."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

There is appropriated one-half of such sum as may be necessary to carry out the foregoing provisions of this section, not to exceed the sum of $150,000, to continue available during the fiscal years 1913 and 1914: *Provided*, That out of the sum of $250,000 heretofore pledged by the Commonwealth of Pennsylvania by act of the general assembly of that Commonwealth, adopted on the 14th day of June, 1911, the commission appointed by the governor of Pennsylvania, in accordance with said act and having charge of such celebration, shall set aside and appropriate a sum equal to the amount above appropriated, to wit, the sum of $150,000; so much of which as may be necessary shall be expended for the purposes provided in this section, under the sole direction of the Secretary of War: *And provided further*, That until the said commission shall adopt a resolution agreeing that the Commonwealth of Pennsylvania shall bear one-half of the expenses incurred in carrying out the provisions of this section, and shall furnish to the Secretary of War a certified copy of such resolution, no part of the sum appropriated in this section shall be expended.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 62, line 15, by inserting before the word "not" the following: "Said one half."

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. HOBSON. I desire to ask the gentleman if the words "veteran of the Civil War" include those who participated on both sides? That is, if the Confederate veterans are there fraternizing with the Federal troops in the celebration, whether this is broad enough to permit the use of the appropriations?

Mr. FITZGERALD. It is intended to cover both. The committee incorporated in this bill the joint resolution passed by the Senate, and it was prepared, I am informed, by those who are particularly interested in the celebration, and is intended to take care of those who participated on both sides.

Mr. HOBSON. Would the gentleman object to the words "Federal and Confederate" being inserted after the word "veteran" so as to be sure to cover it?

Mr. FITZGERALD. Mr. Chairman, I doubt if there is any necessity for that.

Mr. MANN. Mr. Chairman, this matter was up once before in connection with the resolution which was passed, and I am quite sure it was then stated that this language, either by preparation or examination, would be construed by the department to include both Federal and Confederate soldiers. The gentleman from Virginia [Mr. LAMB] is one of the members of the commission of the House and Senate upon the subject. I do not know that he made the statement, but it came up in connection with a resolution which we passed. There is no doubt about it.

Mr. OLMSTED. Mr. Chairman, I would say that the fiftieth anniversary battle-field commission has already extended invitations to camps of Confederate veterans.

Mr. HOBSON. Mr. Chairman, my only point was, and evidently it is clear, whether under the amendment offered by the gentleman from New York the language was broad enough to

include in its provisions both the Confederate and the Federal veterans.

Mr. FITZGERALD. The amendment I offered was to make certain the amount that was to be contributed by the Government at $150,000. It had no relation to what the gentleman has in mind.

Mr. MANN. There is no doubt about it, I will say to the gentleman from Alabama.

Mr. HOBSON. Very well.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to now return to page 42 for the purpose of offering the amendment which I send to the desk and ask to have read.

The Clerk read as follows:

On page 42, after line 21, insert:

"To pay Marshall Pickering and Charles L. Williams, messengers in the majority and minority caucus rooms, at the rate of $1,200 per annum each during the fiscal year 1913, $2,400."

Mr. MANN. That is in conformity with the resolution which has been already passed?

Mr. FITZGERALD. Yes; the House adopted the resolution the other day, which was presented by the Committee on Accounts, and this is to carry it out.

The CHAIRMAN. Is there objection to the request of the gentleman from New York to return to page 42 for the purpose of offering the amendment which the Clerk has reported? [After a pause.] The Chair hears none, and it is so ordered. The question now is on the amendment offered by the gentleman from New York.

Mr. TILSON. Mr. Speaker, some two months ago, when the legislative, executive, and judicial appropriation bill was being considered in Committee of the Whole House on the state of the Union, and the paragraph appropriating for the Bureau of Engraving and Printing had been reached, I offered an amendment which, in effect, required all currency issued to all national banks for circulation to be uniform. As that amendment embodied new legislation, it was ruled out on a point of order.

Last Saturday I introduced a bill, H. R. 26115, having the same purpose in view. I wish to state to the House frankly that while the bill introduced by me states the purpose of the proposed legislation, it is my intention, when the bill is considered by the Committee on Banking and Currency, to submit a revision and amendment of all the sections of the national banking laws affected by the proposed change. Or, better still, if that committee shall consider the reorganization of our monetary system at the next session of Congress, I shall urge the incorporation of the principles of my bill, in case a bond-secured currency is to be continued.

The convenience and economy of the reform proposed by me can not be denied. Practical banking men whom I have consulted approve it. The time for making the change is opportune, because Treasury officials are already considering the advisability of changing the size of the currency. If this should be done new plates for both sides of more than 36,000 different kinds of national-bank notes will have to be engraved and a supply of each kind printed. Under the plan proposed by me there would be only eight, or nine at most, different designs, or one design for each denomination authorized.

At some future date, when the House is ready to consider currency legislation, I hope to discuss at some length the benefits to be derived from the change proposed by me. For the present I shall content myself with inserting here as a part of my remarks a statement of suggestions prepared by Mr. John G. Herndon, who has evidently given the subject very thoughtful consideration:

SUGGESTIONS FOR A UNIFORM BANK NOTE BY ELIMINATING THE NAMES OF NATIONAL BANKS FROM THE CURRENCY ISSUED TO THEM, AND FOR A UNIFORM COIN CERTIFICATE TO TAKE THE PLACE OF THE PRESENT GOLD AND SILVER CERTIFICATES, UNITED STATES NOTES, AND TREASURY NOTES OF 1890.

(By John G. Herndon.)

The law requiring the names of national banks to be printed on the notes issued to them, and that said notes shall be signed by the president or vice president and cashier of the bank, should be repealed, and the Government should issue in lieu of said notes a uniform bond-secured currency certificate, just as gold and silver certificates are now issued.

The Government issues certificates of deposit—both gold and silver—which are based on the gold and silver deposited in the Treasury and subtreasuries, and it should also issue certificates of deposit—the suggested new currency—based on United States bonds when deposited in the Treasury.

There are at this time more than 7,200 national banks for which the Government has had engraved plates representing the different denominations of national-bank notes—$5, $10, $20, $50, and $100—and from these plates are printed more than 36,000 varieties of notes—an average of five for each bank.

Under the plan here outlined only five kinds of plates would be required, or six at most, as it would be very desirable to have a $1 certificate in addition to the five denominations now printed. Furthermore, banks should have issued to them notes of any denomination desired, instead of being restricted in the amount of small bills furnished them, as is now the case.

The redemption of national-bank notes for the fiscal year ended June 30, 1910, together with the new plates furnished, cost the banks more than a half million dollars, as is shown by the report of the Comptroller of the Currency for 1910, and the cost for the fiscal year ended June 30, 1911, is greater still, amounting to about $550,000.

These are only two of the many items that enter into the expense of redeeming the national-bank currency, but they are sufficient to show the enormous annual saving that might be effected if the plan here suggested were adopted.

If this plan were adopted the old notes could be called in and the new notes issued in lieu of them, or the new notes could replace the old ones as fast as they were sent in for redemption. Even if the latter plan should be decided on—and it would be the more economical—it would not be long until the new currency would have entirely supplanted the old.

This plan, however, does not contemplate the destruction of the six hundred millions of national-bank notes stored in the Treasury vaults. Those notes should continue to be issued until the stock on hand becomes exhausted, when the suggested new currency certificates should take their place.

If adopted, this plan would save the engraving, storing, and handling of many thousands of plates in the Bureau of Engraving and Printing; the printing and storing in the Treasury vaults of notes of every national bank in the country, amounting to over $600,000,000; and the assorting of the many thousands of different kinds of national-bank notes, first by districts, then by States, then by cities and towns in each State, and then by banks in those cities and towns, when sent in for redemption.

It would also save the cost of the notes in the Treasury vaults of all national banks that fail, consolidate, or retire from business, as those notes are utterly worthless under the present system when a bank goes out of business.

It would save the bank officials the enormous task of signing the present style of notes.

It would also be a check on counterfeiting, as six plates would take the place of the many thousands now in use, thus reducing in that proportion the number of possible imitations.

The counters and assorters in the Treasury, and the public as well, would soon become acquainted with the six varieties of new notes, but it would be almost impossible for them to ever familiarize themselves with the 36,000 varieties under the present system, which number is ever increasing.

If a bank desired to retire temporarily or permanently either a part or all of its currency, there would be no necessity for destroying any note so turned in for destruction unless it was unfit for circulation on account of being worn or mutilated, as it could be immediately restored to circulation in place of a similar note that had been destroyed and for which a new note would otherwise be issued.

Inasmuch as the suggested new currency would not bear any distinctive features, there would be no necessity for keeping an individual account of issues and redemptions with each of the 7,200 national banks, as is now done, and said accounts would stand as originally made except in cases of changed conditions.

The Government refuses to accept the present national-bank notes in payment of certain obligations, but at the same time will receive those notes in exchange for United States notes, and the banks can then pay their obligations with the latter currency, as it is called "lawful money."

All national-bank notes thus received are destroyed unless they are fit for reissue. Notes redeemed and destroyed are charged against the bank which issued them, and new notes are substituted therefor, which notes, when signed by the president or vice president and cashier of the bank, are again ready for circulation.

The Government then calls on these several banks whose notes have been redeemed to deposit United States notes equal in amount to the sum so redeemed, and thus the endless chain goes on.

This is a roundabout way of doing business, and is costly in time, energy, and money. Besides, it accomplishes no good purpose that would not be subserved if the suggested new currency were given the powers now enjoyed by United States notes in so far as they apply to the payment of obligations.

If this were done, there would be no necessity for requiring the redemption of national-bank notes in United States notes, as the new currency would meet all the requirements in the case and could always be supplied on a moment's notice.

Neither would there be any necessity for the 5 per cent redemption fund, unless the banks, in order to obtain gold, should desire the privilege of exchanging this suggested new currency for United States notes, just as the present national-bank currency can be exchanged for United States notes.

In that event all United States notes exchanged for this new currency would be charged against the 5 per cent redemption fund, and each bank would be required to return to the Treasury, in proportion to the amount of bond-secured currency certificates issued to it, its share of United States notes in exchange for an equal amount of the new currency, which United States notes when so returned would be placed to the credit of the 5 per cent redemption fund.

This would place this new currency on a par with gold and should overcome all objections that might be offered to it.

When the banks send in national-bank notes for redemption much time is necessarily consumed before the money can be counted, the amounts verified, and new currency (national-bank notes) issued in exchange, and this fact probably accounts to some extent for the plan adopted of redeeming those certificates in United States notes, as United States notes can be forwarded at once without waiting for the assorting of the national-bank notes. New national-bank notes would, of course, follow later on, and in due time the banks would be requested to return to the Treasury in United States notes a sum equal to the national-bank notes so redeemed.

When notes of the suggested new currency become worn or mutilated they should be exchanged for new notes, just as gold and silver certificates are exchanged for new notes of those issues when they become unfit for circulation, but the Government would never be called upon to redeem those notes except when a bank desired to withdraw its deposit of bonds.

You will please note the distinction that is here made between redemption and exchange. If the holder of a $10 silver certificate presents it for redemption he is given 10 silver dollars on surrender of the certificate, which is then destroyed, because the deposit on which it was based has been withdrawn. This same rule would apply to the

new bank notes. When a bank desires to withdraw its bonds it surrenders the certificates of deposit issued to it by the Government when it received those bonds on deposit and the certificates are then destroyed, as the deposit of bonds on which they were based has been withdrawn.

This new currency certificate should be issued not only to national banks, but to any bank, trust company, or even private individual who owns United States bonds and desires to deposit them with the Government as security for a loan of the new certificates equal in amount to the face value of the bonds deposited.

As is well known, many millions of these bonds are not owned by national banks. In fact, there are at this time more than two hundred millions of United States bonds not on deposit with the Government either as security for national-bank circulation or deposits of public moneys, and if the owners of those bonds were granted the privilege of depositing them with and receiving from the Government as a loan a like amount of the suggested new currency certificates, just as national banks are permitted to do under the present system, it would place all bondholders on an equal footing, and the charge that the Government grants special privileges to national banks would no more be heard. Furthermore, this increase in the circulating medium in times of currency stringency would prevent money panics, and that, too, without endangering in the slightest degree the financial fabric.

I would also suggest that the Government issue a uniform coin certificate in lieu of the present gold and silver certificates, United States notes, and Treasury notes of 1890.

These suggested new certificates should be redeemable in coin, leaving the matter of the kind of coin to the election of the holders of the notes.

The following is a statement of the United States Treasury at close of business July 9, 1912:

RESERVE FUND.

Gold held for redemption of $346,681,016 of United States notes and $2,923,000 of Treasury notes of 1890	Coin	$100,000,000	
	Bullion	50,000,000	
			$150,000,000

TRUST FUNDS.

Held for the redemption of the notes and certificates for which they are, respectively, pledged.

Gold	Coin	$889,430,903		
	Bullion	151,712,466		
			$1,041,143,369	Gold certificates outstanding 1,041,143,369
Silver dollars			480,843,000	Silver certificates outstanding 480,843,000
Silver dollars of 1890			2,923,000	Treasury notes outstanding 2,923,000
			1,524,909,369	1,524,909,369

It will be seen from the above that nearly 75 per cent of these obligations of the Government are redeemable in gold, and as it is the policy of the Government to maintain the parity of the two metals—gold and silver—the suggested new coin certificates would fit in with this policy, as they would be redeemable at the pleasure of the holder in either gold or silver. If, however, there should be objection to this policy, the matter of the coin to be used in the redemption of these certificates could be very safely left to the discretion of the Secretary of the Treasury.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMMOND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the general deficiency appropriation bill (H. R. 25970), and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Illinois demands a division.

The House divided; and there were—ayes 91, noes 20.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York moves that the House do now adjourn.

Mr. MANN. Has the Chair declared the vote? I would like to have that determined, as it affects the vote. Has the Chair declared the vote?

Mr. FITZGERALD. I move that the House adjourn.

The SPEAKER. The Chair declared the vote, and the gentleman from Illinois demanded a division, and the Chair announced the ayes were 91 and the noes 20.

Mr. MANN. And I made the point of order that there was no quorum present.

Mr. FITZGERALD. I move that the House adjourn.

Mr. MANN. The gentleman can not get a vote through that way. We have a right to determine the vote.

The SPEAKER. The vote is in the affirmative.

Mr. MANN. It takes a quorum a make a good vote.

The SPEAKER. Of course, and the Chair simply announced the number of votes cast. Now the gentleman makes the point of order that there is no quorum present.

Mr. MANN. And I asked whether the Chair announced the result.

The SPEAKER. Does the gentleman withdraw his point?

Mr. MANN. No.

The SPEAKER. The gentleman from New York moves that the House adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 35 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, August 7, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CONRY, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 210) authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission, reported the same with amendment, accompanied by a report (No. 1147), which said bill and report were referred to the House Calendar.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 129) to provide transportation for American citizens fleeing from threatened danger in the Republic of Mexico, reported the same with amendment, accompanied by a report (No. 1154), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WOODS of Iowa, from the Committee on Claims, to which was referred the bill (H. R. 1567) for the relief of Maria McMurdie, reported the same with amendment, accompanied by a report (No. 1145), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 25318) for the relief of Robert T. Martin, reported the same with amendment, accompanied by a report (No. 1146), which said bill and report were referred to the Private Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 4839) for the relief of Mary J. Webster, reported the same with amendment, accompanied by a report (No. 1153), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MCKELLAR: A bill (H. R. 26149) to amend an act approved July 29, 1912, entitled "An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River"; to the Committee on Interstate and Foreign Commerce.

By Mr. WEEKS: A bill (H. R. 26150) to amend the laws relating to patents and prevent the possibility of issuing patents

which may be void for want of patentability of invention; to the Committee on Patents.

By Mr. FERGUSSON: A bill (H. R. 26151) granting land to School District No. 15, Taos County, N. Mex.; to the Committee on the Public Lands.

By Mr. SULZER: Resolution (H. Res. 667) authorizing the printing and delivery to the New York Milk Committee of 10,000 copies of the Report of the Commission on Milk Standards appointed by the New York Milk Committee; to the Committee on Printing.

By Mr. GOOD: Resolution (H. Res. 668) appointing committee to investigate the reasonableness of rates, tolls, charges, and regulations of the Washington Gas Light Co., Potomac Electric Power Co., and the Chesapeake & Potomac Telephone Co., etc.; to the Committee on Rules.

By Mr. GARRETT: Resolution (H. Res. 671) authorizing that seven messengers in House post office heretofore authorized be continued to be employed during period between adjournment of present session and beginning of next session; to the Committee on Accounts.

By Mr. AKIN of New York: Resolution (H. Res. 673) requesting informaton from the Secretary of the Interior; to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATHRICK: A bill (H. R. 26152) to correct the military record of John C. Springer; to the Committee on Military Affairs.

By Mr. CONNELL: A bill (H. R. 26153) granting an increase of pension to Austin T. Fink; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 26154) granting a pension to George C. Snyder; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 26155) granting an increase of pension to Almyron S. Smith; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 26156) granting an increase of pension to Daniel J. Haynes; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 26157) granting a pension to James S. Holmes; to the Committee on Pensions.

Also, a bill (H. R. 26158) granting a pension to William B. Ingbram; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26159) granting an increase of pension to Jacob Cooper; to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 26160) authorizing the Secretary of War to furnish three condemned bronze or brass cannon or fieldpieces and cannon balls to the county of Clay, State of Arkansas; to the Committee on Military Affairs.

By Mr. MURRAY: A bill (H. R. 26161) granting a pension to Walter Francis Lee; to the Committee on Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 26162) granting a pension to Harriet Blundell; to the Committee on Pensions.

Also, a bill (H. R. 26163) granting an increase of pension to John Kremmer; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 26164) granting a pension to Margaret T. Shea; to the Committee on Pensions.

Also, a bill (H. R. 26165) granting an increase of pension to Mary A. Attmore; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 26166) granting a pension to Hannah Westbrook; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FOSS: Petition of freight traffic committee of the Chicago Association of Commerce, favoring legislation granting the right of appeal to the courts for the correction of errors of law; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of National Council, Daughters of Liberty, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of freight traffic committee of the Chicago Association of Commerce, favoring amendment of the interstate commerce law; to the Committee on Interstate and Foreign Commerce.

Also, petition of W. Atlee Burpee, of Philadelphia, Pa., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. GALLAGHER: Memorial of freight traffic committee of the Chicago Association of Commerce, relative to amending laws of the judiciary; to the Committee on Interstate and Foreign Commerce.

By Mr. KINDRED: Memorial of the National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill, relative to change in patent law; to the Committee on Patents.

Also, memorial of Inventors' Guild, of New York City, relative to change in patent law; to the Committee on Patents.

By Mr. PARRAN: Memorial of U. S. Grant Council, No. 352, Order of Independent Americans, of Pottstown, Pa., and Haverford Council, No. 592, Order of Independent Americans, of Philadelphia, Pa., favoring passage of House bill 25309, relative to United States flag on lighthouses of the United States, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. RUCKER of Colorado: Memorial of Longmont Commercial Association, of Longmont, Colo., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Jewish Consumptives Relief Society, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Memorial of New York Produce Exchange, of New York City, favoring passage of House bill 25572, to amend laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *August 7, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assiniboine Military Reservation, in the State of Montana, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. POU, Mr. MAGUIRE of Nebraska, and Mr. HEALD managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 4838. An act to amend section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 7012. An act to permit the construction of a subway and the maintenance of a railroad under the post-office building, at or near Park Place, in the city of New York;

S. 7195. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River;

S. 7163. An act authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions; and

H. R. 21888. An act providing for the sale of the United States unused post-office site at Perth Amboy, N. J.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a petition signed by Mrs. T. A. Stout and 461 other citizens of Sheridan, Wyo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a memorial of the board of directors of the Chamber of Commerce of San Francisco, Cal., remonstrating against the adoption of the 50 per cent cargo clause in the pending Panama Canal bill, which was ordered to lie on the table.

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 5145) authorizing the city of Hot Springs, Ark., to occupy and construct buildings for the use of the fire department of said city on lot No. 3, block No. 115, in the city of Hot Springs, Ark., reported it without amendment and submitted a report (No. 1019) thereon.

He also, from the same committee, to which was referred the bill (S. 7415) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation in New Mexico, and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BACON:

A bill (S. 7426) for the relief of Hugh H. Gordon (with accompanying papers); to the Committee on Indian Affairs.

By Mr. SWANSON:

A bill (S. 7427) for the relief of Edgar Allan, jr.; to the Committee on Claims.

By Mr. SMITH of Michigan:

A bill (S. 7428) granting an increase of pension to Lucy L. Norton; to the Committee on Pensions.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. PERKINS submitted an amendment relative to the sale and lease by the Secretary of War of surplus waters pertaining to the military reservation at Schofield Barracks, island of Oahu, Territory of Hawaii., etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

THE COTTON SCHEDULE.

Mr. ASHURST submitted an amendment intended to be proposed by him to the bill (H. R. 25034) to reduce the duties on manufactures of cotton, which was ordered to lie on the table and be printed.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

The PRESIDENT pro tempore. If there are no concurrent or other resolutions, the morning business is closed.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. The Chair will withhold that announcement. There is a resolution which comes over from a former day of which the Chair had not been advised. It will be read.

The Secretary read Senate resolution 372, submitted by Mr. KENYON on the 6th instant, as follows:

Resolved, That the Committee on Interstate Commerce be discharged from the further consideration of the bill (S. 3345) to amend the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and that the same be laid before the Senate for its consideration.

Mr. KENYON. Mr. President, I only want to explain the purpose of the resolution. The chairman of the Committee on Interstate Commerce the Senator from Minnesota [Mr. CLAPP] desires to be present. I wish that a messenger may be sent for him.

Mr. WARREN. I suggest to the Senator, in the absence of the chairman of the committee, to let the resolution lie over without losing its place.

Mr. KENYON. Until to-morrow?

Mr. WARREN. Yes; until to-morrow.

Mr. KENYON. If it may be laid over without prejudice, in the absence of the chairman of the Committee on Interstate Commerce, let that course be taken.

The PRESIDENT pro tempore. Without objection, the resolution will lie over until to-morrow, retaining its place.

COOSA RIVER DAM, ALA.

Mr. BANKHEAD. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 7343) to authorize the building of a dam across the Coosa River, Ala., at the place selected for Lock No. 18 on said river.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for the present consideration of the bill indicated by him.

Mr. WARREN. Mr. President, I very much dislike to interfere in any business important to any Senator, but if we are to lay aside these conference reports, especially when we have reason to expect that there may be trouble in finally passing the bills in another quarter, I fear we shall never get to the end of the term.

If this bill can pass without any debate, I do not wish to object. But I wish to reserve the privilege of objecting if it is to lead to extended debate.

Mr. BURTON. I desire to be heard on the bill when it is brought up. I have certain amendments to propose.

Mr. WARREN. I will say to the Senator from Alabama that the matter I wish to close is a conference report which ought to be disposed of; and it will take just the time required for a vote unless something of which I am not advised develops.

Mr. BANKHEAD. If I could get unanimous consent to consider this bill immediately after the disposition of the conference report to be called up by the Senator from Wyoming, I would have no objection. I make that request.

Mr. SMOOT. The bill has gone to the calendar, and there are a great many other bills on the calendar the consideration of which is desired by those interested in them. I understand this bill is going to lead to some lengthy discussion. If that be the case, Mr. President, I hardly think it proper to take it up at this time. I dislike to object to the consideration of the bill. I have no objection to it myself personally, but I believe it is not proper at this time to allow a discussion of the bill which would take up all the morning hour.

Mr. BANKHEAD. I have no disposition in the world, Mr. President, to hinder in any way the disposition of the business of the Senate. I will be perfectly willing if any agreement can be reached in a reasonable time when this bill can have consideration to make an arrangement or agreement of that sort.

If the Senator from Utah or the Senator from Wyoming will suggest a time reasonably near when we could consider the bill, I have no disposition in the world to interfere with other business of the Senate. But I am exceedingly anxious to have the consideration of this measure at an early time. In 10 minutes I can satisfy the Senate it is a bill which ought to pass in the interest of everybody, not only in Alabama but in the entire country.

Mr. SMOOT. I wish to say to the Senator that I am quite positive there will be plenty of time to take up bills on the calendar after the appropriation bills are through, and I know there will be no disposition whatever to hold back this bill.

Mr. BANKHEAD. I have no doubt, Mr. President, that at some time during the remainder of the session I can get consideration of the bill. But it is a Senate bill. It must pass the House, and every day of delay endangers its final passage.

I do not think the Senator from Ohio [Mr. BURTON] cares to speak at any length on the bill. He has spoken on this same subject quite a number of times. If he has anything new to present to the Senate it will be developed during the course of his discussion. I want to take but a few minutes myself on the bill.

Mr. SMOOT. I know the bill is going to be discussed, because the Senator from Ohio has already so stated. Therefore, Mr. President, I shall object to the consideration of the bill now. I will speak to the Senator——

Mr. BANKHEAD. I move that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Alabama moves that the Senate proceed to the consideration of the bill. [Putting the question.]

Mr. BANKHEAD. I demand the yeas and nays.

The PRESIDENT pro tempore. The Senator from Alabama demands the yeas and nays.

Mr. BANKHEAD. I will withdraw the demand for the yeas and nays. I do it very reluctantly, of course, but I see that it is not the disposition of the Senate to consider the bill at this time. However, I want to say to the Senate that at some future time and at a very near time I propose to call the bill to the attention of the Senate.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to take up the conference report on House bill 24023, the legislative, executive, and judicial appropriation bill.

The PRESIDENT pro tempore. Without objection——

Mr. McCUMBER. Mr. President, I want to be recognized before we determine whether that shall be done without objection. I brought up yesterday, and gave way on account of an objection by the Senator from Georgia [Mr. SMITH], the matter of the pension appropriation bill sent over from the House. A motion was made and was then pending which I understood would be taken up this morning before any other business outside of the routine business and would be proceeded with. I desire to have it disposed of. All I am asking is that the Senate shall disagree to the proposed amendments of the House to the Senate amendments and ask for a further conference.

The PRESIDENT pro tempore. The Senator from Wyoming asks for the present consideration of the conference report on the legislative appropriation bill.

Mr. WARREN. I do not understand that the matter of the pension appropriation bill was laid over with any mortgage on the day. The matter I am bringing up, if I am correctly informed, will take only the time necessary for a vote, and then I shall be out of the way. I appreciate the anxiety and haste which the Senator from North Dakota feels regarding his measure; but we must first dispose of the business before us.

Mr. McCUMBER. If that is true, I will withdraw the request until after we get a vote on the pending report.

Mr. WARREN. I so understand.

Mr. McCUMBER. I will renew it as soon as we dispose of the conference report on the legislative appropriation bill.

Mr. SMITH of South Carolina. Mr. President, I merely rise to a question of information. I should like to know from the chairman of the Judiciary Committee what disposition, if any, has been made of House bill 56, which was passed by the House and sent here some time ago. It has reference to the question of restricting or governing the so-called gambling in cotton futures. I should like to know what has become of it.

Mr. WARREN. Can not the Senator wait until we vote on the conference report?

Mr. SMITH of South Carolina. It is just a question of knowing whether any disposition has been made of the bill.

Mr. WARREN. The Senator will notice that the chairman of the Judiciary Committee is not in his seat.

Mr. SMITH of South Carolina. I understand that there are some members of the Judiciary Committee here who might give me that information, because I propose to ask that the committee be discharged from the further consideration of the bill and that it be brought before the Senate; but I should like to know if a subcommittee or some one has been appointed to look after the bill and when we may expect a report upon it.

Mr. WARREN. As that does not refer at all to the measure we have taken up, I wish the Senator might withhold that request for the present.

Mr. SMITH of South Carolina. The only point was that I would just like to know if anything has been done at all.

Mr. OVERMAN. Ought not the bill to be really before the Committee on Agriculture and Forestry?

Mr. SMITH of South Carolina. It was sent to the Judiciary Committee on the question whether or not it is constitutional, and I suppose it is considered there just the same as before the Committee on Agriculture and Forestry.

Mr. OVERMAN. I understand that the Committee on Agriculture and Forestry have another bill before them of a similar character.

Mr. GALLINGER. Mr. President, I ask for the regular order.

The PRESIDENT pro tempore. The regular order is the motion of the Senator from Wyoming that the Senate shall proceed to the consideration of the conference report. Without objection, it is before the Senate.

Mr. WARREN. The question is on the adoption of the conference report.

The PRESIDENT pro tempore. The conference report having been taken up for consideration, that is the question before the Senate.

Mr. BORAH. Mr. President, I understand the Senate is ready to vote upon this conference report and I do not desire to detain the Senate further than to make a single statement with reference to the Commerce Court.

I was not present when this matter was voted upon before it went to conference, and I had no opportunity to state my views in regard to it. I do not propose to do so now at length, but I was not quite willing to cast my vote or to have the record completed without some explanation in regard to it.

I was opposed to the creation of a commerce court at the time it was created, and for the same reason that I opposed it I am now in favor of its abolishment. I do not sympathize with that view which would abolish the court, because of some opinions rendered or some decisions made. I would not favor the abolishment of a court because it rendered a decision or decisions with the law of which I did not agree.

Therefore I did not desire that the record should be closed without submitting my reasons for being opposed to the court, and those are the reasons which actuated me when I was opposed to its creation, to wit, the inefficacy and, in my judgment, the inexpedlency of creating special courts.

Now, Mr. President, without taking the time of the Senate, as I know the Senate desires to proceed to a vote, I wish to insert in the RECORD some brief remarks made during the discussion of this matter when the bill was originally before the Senate under date of June 3, 1910, at page 7364.

If I may have that permission, I will permit the matter to come to a vote without further discussion.

The PRESIDENT pro tempore. Without objection, permission will be granted.

The matter referred to is as follows:

"Mr. BORAH. Mr. President, I am quite aware of the desire to take a vote, and I am not going to say more than a word. But as I am going to cast my vote for this bill, I feel that I should like to say before doing so that I have not in anywise changed my views with reference to the Court of Commerce. I vote for the bill for the reason that, in my opinion, there are provisions in it which ought to become a part of the law of the land. I have great hope that the argument which has been adduced by the Senator from Georgia [Mr. BACON] will prevail at some time, and that that portion of the bill which I think most unfortunate will be eliminated by a decision of the Supreme Court of the United States, to the effect that the Court of Commerce is unconstitutional.

"But, Mr. President, I am opposed to the creation of this court, even if it be technically within the Constitution. I know that even if it be within the letter of the Constitution, it is not in harmony with the theory of those who created our system of Federal courts. I know it is not in accord with the foundation principles of our Federal judicial system. I believe that this system in its completeness, in its finish, in its reach and power and jurisdiction, in its divorcement from the turmoil of party strife in a nation controlled by parties, is the most original conception, the richest heritage handed down to us by that generation of giants. This is not a fanciful objection upon my part.

"I would earnestly plead with the legislative department of this Government to let the judicial system as it was created by the fathers alone. It has stood for 100 years just as it was created, the admiration and wonder of all men. Lawyers, statesmen, and jurists from every clime under the sun have pronounced it efficient and adequate for the juridical duties and obligations of this great Government. If you need more circuits and more districts, create them; if you need more judges, appoint them. If some of the questions which are coming before the court should be advanced over others by reason of the public interest, and the statute is not now sufficient, change the statute and advance the cases; but do not mar the system; do not change the fundamental principles; do not alter revered and ancient institutions, without great and controlling and impelling reasons. Here is a system which has been tested and tried and vindicated, and we are engrafting upon it a principle in utter violation of the principles upon which the fathers built it.

"If you say that this court is necessary, I submit to you the unchallenged facts and figures in this record in answer to that contention. The courts as at present organized are ample and efficient to discharge the duties imposed upon them. If you say that the courts of our country at present are unable and unfitted to perform these duties, I refuse to join with you in that libel upon our judiciary system and the challenge to its efficiency.

"No one who is interested in this question will soon forget the half-hearted and apologetic defense made by the learned lawyer from New York [Mr. ROOT]—and I speak with the utmost respect—in defense of this court. The sum total of his argument was that, as some one had suggested that these were complicated questions, he yielded his judgment against the creation of special courts and was willing to vote for it. I think I quote practically his language. He said, 'I am inclined to yield.' Mr. President, a judiciary system which has stood for 100 years should not be changed upon an 'I am inclined to yield.' It should only be changed upon profound conviction and after it has been impeached by its own incapacity. He said, 'I am inclined to yield my predisposition against the creation of these courts, because these questions are complicated ones.' They say that they must have a court of experts, and yet, Mr. President, they go to the court, whose efficiency and whose ability they challenge, to get their experts. They say they must have a court better fitted and better qualified, and yet they go to the court whose efficiency they challenge to make up the court especially fitted for this work. Our lives, our liberty, our property, and these institutions themselves are under the control and domination and at the disposition of our judiciary system as it is now found; these things must travel in their old accustomed way, but rates and railroad matters are so powerful and potent as to engraft upon our judiciary system a principle unknown to those who created it.

"I might be perfectly willing, Mr. President, and I think I am, to yield upon all ordinary matters to the suggestion of those who are better qualified to judge, better qualified to shape policies than myself—and I think that is a very good policy to adopt, because all legislation is a matter of compromise—but. Mr. President, in defense of our judiciary system I take a stand The mob in the streets must obey its orders, the rich and powerful must yield to its judgments, and the Congress of the United States ought to respect it and let it alone. It stands before the American people to-day as the most nearly complete and perfect tribunal which has to do with the welfare and interests of the American people. You and I can do nothing to the perfection of that system, which has upon it the stamp of approval of Hamilton and Jay and Washington and Jefferson and Madison and Ellsworth.

"If there are incompetent judges, if there are superserviceable judges, unfrock them and drop them from the place they dishonor, but do not change the entire judiciary system I wonder, if it were within the power of the judiciary system to make some radical change in the legislative department, what would happen to the Congress; and yet this great body, unable to help itself, without control of the purse or the sword, has no protection against the tyranny of political bodies, except what is found in the Constitution and in the respect of the people of the United States.

"It is within the power of Congress, outside of the domain of the Constitution, to cripple and hamper and embarrass the judiciary system of the United States. That ought to make us, as suggested by my colleague [Mr. HEYBURN] to-day, all the more anxious to protect it as it stands and permit its functions to be performed as they have been performed.

"While I say I am going to vote for the bill, I thought that I could not do so without putting into this record my unalterable opposition to this Court of Commerce. What influence I have here will be exerted against it, and it will be exerted everywhere that I can exercise it, until we come back to the system which has proved and justified itself in these 100 years." (CONGRESSIONAL RECORD, June 3, 1910, pp. 7364–7365.)

Mr. SUTHERLAND. Mr. President, I do not want to delay the vote on this matter further than in view of the suggestion made by the Senator from California [Mr. WORKS] with reference to the transfer of these additional circuit judges to ask to have inserted in the RECORD section 201 of the judicial code, which provides for the assignment of these additional circuit judges eo nomine to the various district courts.

The PRESIDENT pro tempore. The insertion will be made as requested by the Senator from Utah, without objection.

The matter referred to is as follows:

SEC. 201. The five additional circuit judges authorized by the act to create a Commerce Court, and for other purposes, approved June 18, 1910, shall hold office during good behavior, and from time to time shall be designated and assigned by the Chief Justice of the United States for service in the district court of any district, or the circuit court of appeals for any circuit, or in the Commerce Court, and when so designated and assigned for service in a district court or circuit court of appeals shall have the powers and jurisdiction in this act conferred upon a circuit judge in his circuit.

Mr. WORKS. The section of the code referred to by the Senator from Utah was called to my attention subsequently to the making of my remarks on the subject and completely covers my suggestion.

The PRESIDENT pro tempore. The question is on agreeing to the report of the conference committee.

Mr. CRAWFORD. Mr. President, I simply want to say that I shall vote against the conference report, but solely on the ground that, in my opinion, the provision relating to the civil service, as it is incorporated, is vicious in its tendency, and I think it is of a character so serious that I can not accept the report without a protest.

Mr. LODGE. I ask for the yeas and nays on the adoption of the report.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. HEYBURN], who is absent, and will therefore withhold my vote.

Mr. OVERMAN. I understand the Senator from Idaho is paired on this vote with the Senator from Louisiana [Mr. THORNTON].

Mr. BANKHEAD. Very well. With that understanding I will vote; I vote "yea."

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], and therefore withhold my vote.

Mr. THORNTON (when Mr. FOSTER's name was called). I announce the necessary absence of my colleague [Mr. FOSTER], and ask that this announcement stand for the day.

Mr. MCCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I am informed that if he were present he would vote in the affirmative, and therefore I will vote. I vote "yea."

Mr. MCLEAN (when his name was called). I have a pair with the junior Senator from Montana [Mr. MYERS]. If I were at liberty to vote, I should vote "nay."

Mr. WILLIAMS (when Mr. PERCY's name was called). My colleague [Mr. PERCY] is necessarily absent, and is paired. I ask that this announcement stand for the day.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I do not see him in his seat, and therefore withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). On account of my pair with the Senator from Maryland [Mr. RAYNER], who is absent, I withhold my vote.

Mr. THORNTON (when his name was called). On this question I am paired with the senior Senator from Idaho [Mr. HEYBURN]. If he were present, he would vote "yea" and I should vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Arkansas [Mr. CLARKE] and will vote. I vote "yea."

The roll call was concluded.

Mr. CULLOM (after having voted in the affirmative). I neglected to state that I have a general pair with the junior Senator from West Virginia [Mr. CHILTON], but I transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE], and will allow my vote to stand.

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. I find I can make a transfer of that pair to the junior Senator from Massachusetts [Mr. CRANE], which would leave me at liberty to vote. I vote "nay." If the Senator from Massachusetts were present, he would also vote "nay."

Mr. LODGE. I am requested to announce that the Senator from New York [Mr. ROOT] is paired with the Senator from Nebraska [Mr. HITCHCOCK].

Mr. CHAMBERLAIN. I am requested to announce that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. I make this announcement for the day.

The result was announced—yeas 30, nays 19, as follows:

YEAS—30.

Bankhead	Gallinger	Overman	Stone
Bourne	Gronna	Page	Swanson
Brandegee	Johnston, Ala.	Perkins	Warren
Bryan	Kern	Pomerene	Wetmore
Catron	McCumber	Reed	Williams
Clark, Wyo.	Martin, Va.	Shively	Works
Cullom	Nelson	Smith, Ariz.	
Fletcher	O'Gorman	Smith, Mich.	

NAYS—19.

Ashurst	Burton	Kenyon	Sanders
Bacon	Crawford	La Follette	Smith, Ga.
Borah	Cummins	Lodge	Smith, S. C.
Bradley	Dillingham	Massey	Townsend
Bristow	Jones	Newlands	

NOT VOTING—45.

Bailey	Dixon	Lippitt	Root
Briggs	du Pont	McLean	Simmons
Brown	Fall	Martine, N. J.	Smith, Md.
Burnham	Foster	Myers	Smoot
Chamberlain	Gamble	Oliver	Stephenson
Chilton	Gardner	Owen	Sutherland
Clapp	Gore	Paynter	Thornton
Clarke, Ark.	Guggenheim	Penrose	Tillman
Crane	Heyburn	Percy	Watson
Culberson	Hitchcock	Poindexter	
Curtis	Johnson, Me.	Rayner	
Davis	Lea	Richardson	

So the conference report was agreed to.

Mr. SUTHERLAND. I offer a concurrent resolution, which I ask to lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution (S. Con. Res. 25) was ordered to lie upon the table and to be printed in the RECORD, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives be instructed in the enrollment of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, to strike out all of the second paragraph of Senate amendments 511, 512, 513, and 514, as agreed to in conference and concurred in by the two Houses, and insert in lieu thereof the following:

"All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of any of the judicial districts within which the original cause of action brought before the Interstate Commerce Commission arose, such district to be designated by the complainant; and the venue of all suits and proceedings hereafter brought to enforce, set aside, annul, or modify any order of the Interstate Commerce Commission shall be in any of the judicial districts within which the original cause of action brought before the commission arose.

PENSION APPROPRIATION BILL.

Mr. McCUMBER. Mr. President, the Chair has already laid before the Senate the message from the House of Representatives on the pension appropriation bill (H. R. 18985). I now renew my motion made yesterday that the Senate disagree to the amendments of the House to the amendments of the Senate and ask for a further conference on the disagreeing votes of the two Houses, and that the conferees on the part of the Senate be appointed by the Chair.

Mr. SHIVELY. I move that the Senate concur in the House amendments.

The PRESIDENT pro tempore. The Senator from North Dakota [Mr. McCUMBER] moves that the Senate disagree to the amendments proposed by the House of Representatives to the Senate amendments and ask for a committee of conference on the disagreeing votes. The Senator from Indiana [Mr. SHIVELY] moves that the Senate concur in the House amendments. The latter motion has precedence. The question is on the motion to concur in the amendments proposed by the House of Representatives to the amendments of the Senate.

Mr. SHIVELY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Indiana suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashhurst	Crawford	McLean	Smith, Ariz.
Bacon	Cullom	Martin, Va.	Smith, Ga.
Bailey	Cummins	Martine, N. J.	Smith, Mich.
Bankhead	Dillingham	Massey	Smith, S. C.
Borah	Fletcher	Nelson	Smoot
Bourne	Gallinger	Newlands	Stone
Bradley	Gronna	O'Gorman	Sutherland
Brandegee	Johnson, Me.	Overman	Swanson
Bristow	Johnston, Ala.	Page	Thornton
Bryan	Jones	Perkins	Townsend
Burnham	Kenyon	Pomerene	Warren
Burton	Kern	Reed	Wetmore
Catron	La Follette	Root	Williams
Chamberlain	Lippitt	Sanders	Works
Clapp	Lodge	Shively	
Clark, Wyo.	McCumber	Simmons	

Mr. ASHURST. I have been requested to announce that the Senator from Montana [Mr. MYERS] is unavoidably detained during the day. He is paired with the Senator from Connecticut [Mr. McLEAN].

The PRESIDENT pro tempore. Upon the roll call of the Senate, 62 Senators have responded to their names. A quorum of the Senate is present.

The Senator from North Dakota moves that the Senate disagree to the amendments proposed by the House of Representatives to the Senate amendments, and ask for a conference on the disagreeing votes of the two Houses, the Chair to appoint the conferees on the part of the Senate. The Senator from Indiana moves that the Senate concur in the amendments proposed by the House of Representatives. The latter motion has precedence. The question is on concurring in the amendments proposed by the House to the amendments of the Senate.

Mr. McCUMBER. Mr. President, I simply desire to state that the matter is substantially in the same condition that it was when we voted on it two days ago, the only difference now being that the abolition of the pension agencies is to take place, according to the amendments of the House, on the 31st day of December instead of at the present time, but the amendments adopted by the House abolish the pension agencies this year.

Mr. SHIVELY. Mr. President, the Senator from North Dakota has stated the situation precisely as I understand it. The provision as it first came from the House would have gone into effect and abolished the pension agencies on the 1st day of July. The House amendment postpones the abolition of the agencies to the 31st day of December of the present year.

The PRESIDENT pro tempore. The Chair will call attention to the fact that the House has proposed amendments to the amendments of the Senate Nos. 2, 3, and 4. Amendments Nos. 5, 9, 10, and 11 are Senate amendments to which the House further disagrees. Therefore the vote now to be taken is as to the amendments Nos. 2, 3, and 4, those being the ones upon which the Senator makes his motion. The question is upon the motion of the Senator from Indiana that the Senate concur in the House amendments to the Senate amendments Nos. 2, 3, and 4.

Mr. McCUMBER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair, as I have stated, but upon this vote I am released. Therefore I desire to vote. I vote "nay."

Mr. CHAMBERLAIN (when his name was called). I transfer the general pair which I have with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I have transferred it to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay." I wish this announcement to stand for the day.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence I withhold my vote.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY], and as he would vote "yea" and I should vote "nay," I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). Again announcing my pair and its transfer, I will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I withhold my vote on account of the absence of the senior Senator from Maryland [Mr. RAYNER], with whom I have a general pair.

Mr. WILLIAMS (when his name was called). I desire to announce my general pair with the Senator from Pennsylvania [Mr. PENROSE], now transferred to the Senator from Arkansas [Mr. CLARKE], and desire to vote. I vote "yea."

The roll call was concluded.

Mr. SMOOT. I wish to announce the absence from the city of the junior Senator from Wisconsin [Mr. STEPHENSON]. He has a general pair with the Senator from Oklahoma [Mr. GORE]. If the Senator from Wisconsin were present, he would vote "nay."

Mr. DILLINGHAM. I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Massachusetts [Mr. CRANE] and will vote. I vote "nay."

Mr. BANKHEAD (after having voted in the affirmative). I am paired with the senior Senator from Idaho [Mr. HEYBURN] and therefore desire to withdraw my vote.

Mr. ASHURST. I desire to announce the unavoidable absence from the Chamber of the Senator from Montana [Mr. MYERS], and to state that he is paired with the Senator from Connecticut [Mr. McLEAN]. I will let this announcement stand for the day, in order that I may not be obliged to repeat it.

Mr. MARTINE of New Jersey. I announce the pair between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS], and will let this announcement stand for the day.

Mr. MARTIN of Virginia. The Senator from West Virginia [Mr. WATSON] is unavoidably absent. He is paired with the Senator from New Jersey [Mr. BRIGGS].

Mr. JONES. My colleague [Mr. POINDEXTER] is unavoidably absent from the city, and I make this announcement for the day.

Mr. McCUMBER. I transfer my pair with the senior Senator from Mississippi [Mr. PERCY] to the Senator from New Mexico [Mr. FALL] and will vote. I vote "nay."

The result was announced—yeas 28, nays 28, as follows:

YEAS—28.

Ashurst	Gronna	Newlands	Smith, Ariz.
Bacon	Johnson, Me.	O'Gorman	Smith, Ga.
Borah	Johnston, Ala.	Overman	Smith, S. C.
Bryan	Jones	Pomerene	Stone
Chamberlain	Kern	Reed	Swanson
Crawford	Martin, Va.	Shively	Thornton
Fletcher	Martine, N. J.	Simmons	Williams

NAYS—28.

Bourne	Clapp	Lodge	Sanders
Bradley	Clark, Wyo.	McCumber	Smith, Mich.
Brandegee	Cullom	Massey	Smoot
Bristow	Cummins	Nelson	Townsend
Burnham	Dillingham	Page	Warren
Burton	Gallinger	Perkins	Wetmore
Catron	La Follette	Root	Works

NOT VOTING—38.

Bailey	Dixon	Kenyon	Poindexter
Bankhead	du Pont	Lea	Rayner
Briggs	Fall	Lippitt	Richardson
Brown	Foster	McLean	Smith, Md.
Chilton	Gamble	Myers	Stephenson
Clarke, Ark.	Gardner	Oliver	Sutherland
Crane	Gore	Owen	Tillman
Culberson	Guggenheim	Paynter	Watson
Curtis	Heyburn	Penrose	
Davis	Hitchcock	Percy	

The PRESIDENT pro tempore. Upon the motion of the Senator from Indiana that the Senate concur in certain amendments of the House, the yeas are 28, the nays 28. So the motion fails.

The question recurs upon the motion of the Senator from North Dakota [Mr. McCUMBER] that the Senate disagree to the amendments of the House to the amendments of the Senate Nos. 2, 3, and 4, and that the Senate further insist upon its amendments upon which the committee of conference have been unable to agree.

Mr. GALLINGER. And ask for a further conference.

The PRESIDENT pro tempore. And ask for a further conference on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

Mr. SHIVELY, Mr. SMITH of Georgia, and others demanded the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. LIPPITT (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA] and refrain from voting.

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY], and transfer it to the Senator from New Mexico [Mr. FALL], and will vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair and its transfer as previously announced and vote "nay."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER] who is absent. For that reason I withhold my vote. I will let this announcement stand for all subsequent votes to-day.

The roll call was concluded.

Mr. DILLINGHAM. I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Massachusetts [Mr. CRANE] and will vote. I vote "yea."

Mr. CHAMBERLAIN. I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. BANKHEAD. I transfer my pair with the senior Senator from Idaho [Mr. HEYBURN] to the senior Senator from Louisiana [Mr. FOSTER] and will vote. I vote "nay."

The result was announced—yeas 29, nays 26, as follows:

YEAS—29.

Bourne	Cullom	Nelson	Stone
Bradley	Cummins	Page	Townsend
Brandegee	Dillingham	Penrose	Warren
Bristow	Gallinger	Perkins	Wetmore
Burnham	La Follette	Root	Works
Burton	Lodge	Sanders	
Catron	McCumber	Smith, Mich.	
Clark, Wyo.	Massey	Smoot	

NAYS—26.

Ashurst	Fletcher	Newlands	Smith, Ga.
Bacon	Johnson, Me.	O'Gorman	Smith, S. C.
Bankhead	Johnston, Ala.	Pomerene	Swanson
Borah	Jones	Reed	Thornton
Bryan	Kern	Shively	Williams
Chamberlain	Martin, Va.	Simmons	
Crawford	Martine, N. J.	Smith, Ariz.	

NOT VOTING—39.

Bailey	Dixon	Hitchcock	Percy
Briggs	du Pont	Kenyon	Poindexter
Brown	Fall	Lea	Rayner
Chilton	Foster	Lippitt	Richardson
Clapp	Gamble	McLean	Smith, Md.
Clarke, Ark.	Gardner	Myers	Stephenson
Crane	Gore	Oliver	Sutherland
Culberson	Gronna	Overman	Tillman
Curtis	Guggenheim	Owen	Watson
Davis	Heyburn	Paynter	

So Mr. McCUMBER's motion was agreed to.

The PRESIDENT pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate at the further conference.

AGRICULTURAL APPROPRIATION BILL.

Mr. BURNHAM. I move that the Senate proceed to the consideration of the conference report on House bill 18960, the agricultural appropriation bill.

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

The PRESIDENT pro tempore. The question is on agreeing to the report.

Mr. STONE. Mr. President, I desire to say, so that my vote on the previous roll call shall not be misunderstood, that I am personally in entire sympathy with the contention of the House. I think these agencies ought to be abolished. I have said so heretofore on the floor of the Senate. But after the roll call at which the Senate refused to concur in the amendments of the House it seemed to me that if the Senate should refuse a further conference with the House the entire bill would be hung up in the Senate and we would be embarrassed in determining in what way to proceed and dispose of it. So it appeared to me the better plan would be to send it back to conference.

Mr. BORAH. I should like to ask the Senator in charge of the bill what became of the amendment on page 49, amendment No. 85?—

That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that are suitable and fit for agricultural purposes, and as soon as such lands have been thus selected, classified, and segregated the same shall be open to settlement and entry under the homestead laws, and the sum of $50,000 is hereby appropriated for the purpose aforesaid.

Mr. BURNHAM. Replying to the Senator from Idaho, we found it was impossible to retain the Nelson amendment in the form in which it was adopted by the Senate, and it was amended as follows:

That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that may be open to settlement and entry under the homestead laws applicable to the national forests, and the sum of $25,000 is hereby appropriated for the purposes aforesaid.

Mr. BORAH. Mr. President, I presume the conferees did the best they could with this amendment, and I am not disposed to oppose the report or to criticize the conferees. The conference report has been sent back once, and I have no reason to hope that we could secure any different result by sending it back again, so I shall not ask it. But I do want to say a word, in order that this record may leave a protest against the method by which the provision was taken out of the bill.

The amendment proposed provides as follows:

That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that are suitable and fit for agricultural purposes, and as soon as such lands have been thus selected, classified, and segregated, the same shall be open to settlement and entry under the homestead laws, and the sum of $50,000 is hereby appropriated for the purpose aforesaid.

I think as the Senate hears this amendment read each Senator will naturally inquire what can be the possible objection to this amendment. It provides for the classification and segregation of the agricultural land within the forest reserves and provides that after classification and segregation they shall be open to entry under the homestead laws of the United States.

The facts, as I know them to be in that portion of the country where this is particularly important, are that hundreds and thousands of acres of agricultural lands have been incorporated in these forest reserves. They are not timberlands. Upon them no timber has ever grown. They are not valuable for any other purpose than that of agriculture. Hundreds and thousands of American settlers are seeking lands for the purpose of making homes. Some of them are our best agricultural lands, and for no sound reason we are denied the right to make homes upon them.

It was the desire of those who were urging this amendment to have these lands classified and segregated by the department. It was left exclusively under the control and under the supervision of the department. If they were not agricultural lands, they would not be classified; if they were not agricultural lands they would not be segregated, and they could not be entered until in the judgment of the department they had been so classified and segregated. The department would not classify mineral lands or power sites or timberlands as agricultural lands. These lands would not be subject to entry until it had been adjudged that they were fit only for agricultural purposes. It seems incredible that anyone could be found so short-sighted and so unwise as to insist that our agricultural lands should remain idle against the thousands who want to reduce them to cultivation. It is conservation gone mad.

What possible objection, Mr. President, can there be to the settling up of our agricultural lands by our own people? What reason can be assigned for holding them within the reserves under such conditions that they are practically precluded from being settled?

Mr. President, after this was inserted in the bill as an amendment, a number of good people in this country became excited over the proposition and immediately began a campaign against it. I do not propose to assail the motives and purposes of those

who began the campaign and carried it on so successfully, but those good people are misinformed as to the facts and conditions which surround the situation in the West. They seem to think that after they have been segregated as agricultural lands some one may take them up as timberlands or as power sites. A man who has had any practical knowledge or any information concerning the situation should know that it would be impossible for a man to secure a power site under the name of a homestead entry under such conditions. The West is just as much opposed to the securing of power sites under the name of some other entry and the monopoly of power sites and the acquisition of mineral land as timberland or vice versa as our good friends who oppose this measure. The difficulty lies in the fact that we know as a practical proposition it can not be done. They seem to be unaware of that fact and therefore by their urgency make it impossible for us to acquire our agricultural lands at all. We do not assail their motives; we challenge their knowledge and we impeach their wisdom. Any fair man familiar with actual conditions will hold they are in the wrong.

I do not hesitate to say, with the information which I have gathered myself from observation, that there are thousands of acres of fine agricultural land in these reserves within our own State upon which timber has never grown, in which there is no mineral, which could not be used for power sites, and which must inevitably, if used at all, be used for agricultural purposes.

That land lying there idle pays no taxes, it does not help us to build up the community, and does not furnish the means by which we can build up and strengthen our State. It is idle—consecrated and dedicated to idleness, while hundreds, yes, as shown by the facts for the last five years, hundreds and hundreds of thousands of American citizens are passing beyond these lands into the Dominion of Canada for the purpose of securing homes. The statistics show that in the last five years 500,000 American citizens have gone across the line, leaving land more fertile and better adapted to their desires, seeking land under another flag.

I am satisfied, as I said, that if those who knew the situation could have a fair hearing before those who are uninformed as to it, they would not permit their prejudice and their bias to continue to hold up the lands under these conditions.

Mr. President, the convention which met at Chicago declared among other things:

> We favor such fair and reasonable rules and regulations as will not discourage or interfere with actual bona fide homesteaders, prospectors, and miners in the acquisition of public lands under existing laws.

I suppose, Mr. President, that was put in there to mollify the feelings of the West upon this subject. It was put there, I presume, for the purpose of satisfying the western people that they could afford to support the party which makes such a declaration, and that they would deal in fairness with the prospector, the miner, and the homesteader in the future.

I have no reason to criticize, except that in view of what has happened in the past there must be something more than a declaration of a party platform to satisfy the people of the West that they are no longer to be tied up and bottled and prevented from development as they are entitled to develop as a people.

Now, here is a good opportunity to demonstrate that we mean what we say in our platform. We have adopted a platform, and we come here before a Republican Senate. I am going to read the other platform in a few minutes that will entitle us to appeal to a Democratic House. We have adopted this platform, and the West now asks for the simple proposition of opening our agricultural lands, and opening them under the classification and segregation of the department, and certainly no one will contend that the department is going to classify as agricultural lands lands which are not agricultural. Certainly, no one will contend, in view of the past 10 years' experience, that we are going to get lands classified which are fraudulent in their classification and are really not agricultural lands.

But this one simple proposition is in the inception of the effort to secure better treatment of settlers rejected, and why? What possible reason can be assigned for it? Who wants agricultural land dedicated to nonuse? Why should we not have homes upon them, for I repeat that it would be impossible under this provision to secure power sites, and so forth, under homestead entries? We want no frauds, but we want room for the brave settler who comes in good faith to make his home with us.

I do not believe, Mr. President—and I have made some examination, otherwise I would not state it—I do not believe that there is a power site in the possession of an individual to-day, in our part of the country, which was acquired under a homestead entry. Certainly, if so, it was carelessness in the officers, and I do not believe such a fact exists.

The convention which met at Baltimore said, among other things—

> The public domain should be administered and disposed of with due regard to the general welfare. Reservations should be limited to the purposes which they purport to serve and not extended to include land wholly unsuited therefor. The unnecessary withdrawal from sale and settlement of enormous tracts of public land, upon which tree growth never existed and can not be promoted, tends only to retard development, create discontent, and bring reproach upon the policy of conservation.

Mr. President, that is a splendid declaration and it is literally true. This policy tends to bring discredit upon real conservation. It brings into discredit those great fundamental principles which would make our resources the wealth of the people.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Arizona?

Mr. BORAH. I yield to the Senator.

Mr. ASHURST. May I ask the distinguished Senator from Idaho to read the next paragraph? It is even more pertinent.

Mr. BORAH. I am glad to read it. It is as follows:

> The public-land laws should be administered in a spirit of the broadest liberality toward the settler exhibiting a bona fide purpose to comply therewith, to the end that the invitation of this Government to the landless should be as attractive as possible; and the plain provisions of the forest-reserve act permitting homestead entries to be made within the national forest should not be nullified by administrative regulations which amount to a withdrawal of great areas of the same from settlement.

That is a good plank for a platform. It will be many years, however, before it is put into a law. This is not a party question, and I hold both the parties now in power responsible. Both parties have lacked either courage or knowledge. I speak with entire frankness, for I speak for a great people, a brave people, who are honestly seeking to build up those great Northwestern States, and I speak for them regardless of party lines.

Mr. ASHURST. If the Senator will permit me, I think they will start to put it into law about the 5th of next March.

Mr. BORAH. I have no doubt the start will be made; it is the finish that I am interested in.

Now, I want to read alongside of these two declarations from the Republican and Democratic platforms this amendment, so that we will know that the Democratic House and the Republican Senate have started.

Mr. BAILEY. In the other direction?

Mr. BORAH. In the other direction.

This is the amendment agreed upon by the conferees:

> That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that are chiefly valuable for agricultural purposes, and that are not needed for public purposes or for use by the public, and as soon as such lands have been thus selected, classified, and segregated, the same shall be open to settlement and entry under the homestead laws applicable to the national forests, and the sum of $25,000 is hereby appropriated for the purposes aforesaid.

The western settler and the western people will not be quick to believe in the good faith of these declarations made upon the part of the two great parties.

We have an opportunity to give an assurance that we are going to carry out these platforms; and I want to say, Mr. President, that the men who return to the Congress of the United States from the Western States, from the western portion of this country, either to this body or the other one, will be more definite and positive and give the people of the western country a better assurance than the mere declaration of a party platform, in my judgment, before they get back here. They will have to satisfy the people that they have both the purpose and the courage to stand against these unreasonable and impractical theories, which would send that region with its imprisoned wealth back to the owls and bats.

The western people have had declaration after declaration for the last 10 years, and they have had a constant going in the other direction for the last 10 years. Not only our power sites and our mineral lands are tied up, but even our agricultural lands are withheld from entry. The people of this country know as a whole that it is wrong, or else they would not put it into the platform that they propose to discontinue it. But a cabal, which seems to exercise a remarkable influence over these two great bodies, an organization composed of fifty or a hundred people who never saw the country west of the Mississippi River except from a Pullman-car window, is able to defeat legislation here which every man knows who knows the facts ought to be enacted into law. We are under the influence of those who never spent a day on a farm, who never knew of the yearning for a home that the settler feels when he goes upon the western lands to secure an abode for his wife and child, who never looked upon that display of purpose and

of patience exhibited in that struggle which snatches from the grip of the desert the place which he is to call his own.

The man who criticizes the western settler and denounces him as a land thief would not stay there overnight, where the land settler is required to stay three years. The men who denounce these people who are building up the western country and making a great commonwealth out of deserts have never bared their breasts to the hardships which they encounter who are building up that part of the country. Around these men who preach this doctrine are hundreds and thousands and millions of acres of abandoned lands.

What a magnificent thing it would be if these theorists and faddists would turn their attention to the rehabilitating of the abandoned land around their own doorsteps instead of riding on Pullman cars through the West and telling those hardy settlers how to make homes and how they should live in order to comport with the decent rules of citizenship. I do not wish to be harsh, but I serve notice, once and for all, that this impudent lying about the western people will be met and met openly.

No, Mr. President; I wish to say to the Democratic Party and to the Republican Party that this is a live issue in that part of the country which is yet waiting for the energy to develop it. I want to say that no candidate and no platform from President down will get my support in this campaign who or which does not convince me that this hypocrisy has been eliminated and that the West is to come into its own. It is a matter of life and death with the new Commonwealths of the West, and we will not accept their declarations made in Chicago and in Baltimore as conclusive when we stand here and meet defeat every time we ask a mere pittance at the hands of the Republican and Democratic legislators. I shall not apologize for my party, and I shall not hesitate to criticize the opposition party.

I do not know what the third party has declared at Chicago upon this subject. I presume that if some of them who are there in full force had their way, they would not only not declare as the others have declared, but some of them would shut up the West entirely and make it a colony for the East. When we hear from them, we shall determine what we shall do as to them. I am not particular now who has the principle—that is, where it is found—but upon a question which involves so vitally the growth and development of my State and the whole West I propose in my services here to hold up to the judgment of all men this unfair treatment from which we have too long suffered. Glittering promises will not suffice; we want results; we want legislation. I invite you all, the candidates of all parties, to the forum of the West in the coming campaign. We will promise that you will have a chance to be definite and certain before the "ides of November" if you come.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New York?

Mr. BORAH. I do.

Mr. ROOT. I would be very glad if the Senator from Idaho would point out for the information of Senators who are situated as I am, who are desirous of information, the practical difference between the amendment as it was put into the bill by the Senate and the amendment as it is reported by the conference committee. The one, I perceive, provides that the Secretary of Agriculture shall select, classify, and segregate lands that are suitable and fit for agricultural purposes, and that those lands shall then be open to settlement, while the other provides that the Secretary of Agriculture shall do the same thing in regard to lands open to settlement and entry under the homestead law.

Mr. BORAH. Applicable to national forests.

Mr. ROOT. Applicable to national forests.

Mr. BORAH. There is the crux of the whole question.

Mr. ROOT. There, I suppose, comes the difference; and I should be glad if the Senator from Idaho would tell us just what that difference is; in other words, in what respect the laws applicable to the national forests fail to come up to the measure which is prescribed in the original Senate amendment.

Mr. BORAH. Mr. President, I am very glad to discuss that briefly. If the amendment should be adopted as it was originally proposed, as soon as these lands were classified and segregated all the homestead entryman would have to do would be to go and file upon the lands and comply with the homestead law. He would have the homestead law before him with its terms, and he would know that when he should have complied with the homestead law he would get his title.

The act of June 11, 1906, provides for making homestead entries within a forest reserve. Upon the face of that act it would appear to be nothing more than the application of the general homestead law to the forest reserves, but in its practical operation, as it is administered by the department, it is found to be practically a dead letter for this reason: I have a letter here, which I once read to the Senate, which illustrates the situation pretty well. A man made application to enter a homestead within a forest reserve. He was written to by the chief forester, or, rather, the man who is in charge of that district, that he could take that land and try it for one or two years, and that if at the end of two years the Forestry Bureau should come to the conclusion that he had not made a success in making a ranch out of it, then they would lease it to him, if he desired still further to remain upon the land. That is a practical illustration of the manner in which they permit people to make entries within the forest reserves.

Our desire was to have the land so segregated that, when the homesteader went upon it, he would have no one to pass judgment upon him as to whether he had succeeded or not, if he satisfied the law officers or those representing the Government, that he had complied with the law; but that is not now sufficient within a forest reserve. They may come to the conclusion at the end of a year or two years that it is not well to have a farm. I could cite a great many instances where, after a man had been upon a ranch for one or two years, they came to the conclusion that they wanted it for a ranger station. I know of more than one instance of that kind.

Mr. BAILEY. Mr. President, would the Senator from Idaho be satisfied with an amendment to this amendment conveying to the State of Idaho all the public lands in that State?

Mr. BORAH. Yes, Mr. President, I would; but I know that it is impossible for us to get it.

Mr. BAILEY. The Senator from New York [Mr. ROOT] will vote for that, I am sure; I know that all the Senators from the West will, and I believe all the Senators from the South will. While we have a common interest in that land, it is theoretical, because the cost of administering the public-land system of this country about absorbs the receipts from the sale of lands, and when we finish this work it will have cost the Government all it receives from the sale of the lands to dispose of them. Therefore our apparent interest is not a real one.

I know—and I know it because of the experience of our own State—that a State can administer its great landed property to better advantage and with more exact justice than can the United States. The States are closer to these lands; their people are more immediately interested in them. The States will take better care of the lands in them and dispose of them more according to the condition of their people. If the Senator would like to have it, I would almost guarantee him, if he will propose an amendment to that effect, that he can carry it. There is not a Senator here who does not know that a State can better determine what is a right and what is a fair and what is a wise disposition of the land.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New York?

Mr. BAILEY. I hope the Senator from New York is ready to vote for the proposition.

Mr. BORAH. I yield to the Senator from New York.

Mr. ROOT. The Senator from New York is unable to say how he would vote upon the proposition of the Senator from Texas. He can, however, say this: That he would not vote for that proposition without having much more information and having given it much more consideration than it is possible for him to give during the remaining days of this session.

Mr. BAILEY. Mr. President, would the Senator from New York permit me——

Mr. ROOT. Permit me to say—and then I will yield—that I do not think the suggestion of the Senator from Texas is a practical aid now toward reaching a conclusion upon the proposition presented by the Senator from Idaho. It is too large a question to be disposed of now upon this conference report; it involves beginning over again; there is nothing in the conference report that opens the door to it, and manifestly we can not consider that question now. I now yield to the Senator from Texas.

Mr. BAILEY. Mr. President, I only wanted to say to the Senator from New York that no question is too large to settle promptly if a mistake—should a mistake be made which can be measured in dollars and cents; and no mistake we could make in this matter would injuriously affect New York or Texas in any other way than in the mere matter of dollars and cents. If we convey our interests—and that is all it amounts to—if we convey our interests in those lands to the States in which they are situated, and leave their people to deal with them, all we can possibly lose is whatever our interest might net us or might net the common Treasury. I want to say to the Senator from New York that whether this land is kept as a forest

or converted into a ranch or made into a farm concerns the people of Idaho very nearly, while it does not concern the people of New York at all; and, consequently, I think that New York could well trust her brothers in Idaho to settle this question for themselves. One reason why I am so earnestly in favor of this proposition is that I come from the only State outside of the original 13 States which never had an acre of United States land in it; and we have experienced none of the hardships, none of the injustices, none of the follies connected with the administration of our lands and their disposition such as I hear recounted on this floor at every session of the Senate.

Mr. SMITH of Arizona. Nor have you injured your State, either.

Mr. BAILEY. No; we have not retarded its development; we have not imposed a hardship upon anybody; we have not taken anybody's land, as was done in Idaho in the case just recited by the Senator from Idaho.

Now, I ought to have less confidence in their wisdom than the Senator from New York, because until recently they have been voting his ticket oftener than they have mine, but, notwithstanding that they have agreed with him in politics rather than with me, my contact with their Senators here and with their Members in the other House entirely satisfies me that we can trust them with our interests in this common estate. I would love to see that done, the Land Office closed up, and the end written to this chapter, because it has not been a very gratifying chapter to American pride, American patriotism, or American intelligence.

Mr. ROOT. Mr. President, I must still refuse to consider the proposition of the Senator from Texas as being a serious one for consideration at this session of Congress. There are many very important questions that must be considered.

Mr. BAILEY. What are they?

Mr. ROOT. The whole subject of the reclamation of arid lands, which involves the action of the United States under existing laws and the effect upon that development of such a change, the whole subject of forest reserves, and the effect upon them of such a change.

Mr. BAILEY. How does that affect the State of New York when the lands are in Idaho?

Mr. ROOT. Mr. President, everything that affects the prosperity and the development of this country affects my State. The representatives of the older States are very apt to allow subjects of this kind to pass upon the argument and expression of wish and opinion by the representatives of the Western States, and not to address their minds to them; but we really have a deep interest in them, and, I think, perhaps we do not always do our duty in giving to such questions the consideration they are entitled to receive.

Upon this question, raised by the Senator from Idaho, it seems to me that the question presented is whether the agricultural character of the land is to be determined before the settler goes in or whether he is to go in leaving the determination of it to be made at some period after he has begun his occupancy. Is not that practically the case?

Mr. BORAH. That is true; and, of course, in the latter event the settler will never go in.

Mr. ROOT. Upon that I am with the Senator from Idaho. I think when a settler is going onto land which he is to have if it is agricultural, the question whether it is agricultural ought to be determined before he gives up a portion of his life and his labor to reclaiming that land. Upon that, so far as my vote will affect the situation, I am ready to vote for a provision that requires that decision to be made in the beginning, instead of after the settler has spent a year or more on the land.

Mr. BAILEY. Will the Senator from Idaho permit me for just a moment?

Mr. BORAH. Certainly.

Mr. BAILEY. Mr. President, I do not understand the Senator from New York to mean that I am not interested in whatever concerns the prosperity of the Western States——

Mr. ROOT. Mr. President, far from it; I had no such thought.

Mr. BAILEY. Although he emphasized the fact that he was interested. I am sure he is; but I am also sure he is not more deeply interested than I am. The difference between the Senator from New York and the Senator from Texas is largely a difference that runs through our whole political opinions. I am willing for the happiness and prosperity of those people to be determined as largely as possible by those people themselves, while the Senator from New York and those with whom he has been in the habit of acting politically rather desire to exercise a supervision over their prosperity.

The lands in Idaho can never affect the people in New York, except in that remote and indirect way that all parts of this country are necessarily affected in a degree by whatever affects any part of this country. I am willing to believe that the State of New York is affected in a remote degree by the manner in which they enforce the laws against theft, murder, and arson in Idaho; and yet that is not an interest which I think entitles the people of New York to exercise any voice in the laws of Idaho which punish murder, theft, and arson. We must leave those questions to those people, and I want to leave the administration of their landed affairs to them, because I believe the land more nearly affects their prosperity and their happiness than any other kind of property or any other municipal regulation there. It involves the question of whether or not men can become home builders and home owners, and that goes to the very foundation of this Republic. I would rather trust the people of Idaho to distribute this land in a way to contribute to their happiness and their prosperity than to trust the Senator from New York or the Senator from Texas, because, no matter how well disposed we are to do the best, we lack the intimate knowledge of the conditions which exist there, and the refusal to give this land to the States in which it is located must proceed upon the theory that they are yet too young to know how to make the best use of it.

I am sorry the Senator from Idaho did not specify with a little more particularity the people who are sitting in comfortable offices in New York, looking out on the whirl of Broadway, and yet assuming to control the destinies of Idaho. I think they are the Conservation Society. I have no doubt they mean well; I am willing to admit that they are patriotic; I am willing to admit that they are intelligent about some things; but I have no hesitation in saying that they know less about Idaho than does the Senator from Idaho; and, indeed, I am willing to pay him the compliment of saying that, if they should live a thousand years, they could not learn as much about it as he knows now. Let those gentlemen, if they want to conserve the resources of this country, help the people to obtain these lands and make them into farms, and then help them, by wise advice, to preserve the fertility of the soil.

That is the kind of conservation we want, and the people of New York, densely populated as it is, and the people of Texas, thickly settled as the best part of that State is, have no right to impose their judgment upon the people of Idaho as to what is best for the people of that State.

And notwithstanding the fact that I am disappointed that the Senator from New York refuses to vote for this proposition, I believe that if it is ever put squarely to the Senate of the United States it will be adopted.

Mr. BORAH. Mr. President, I desire to conclude my remarks before the hour of 12 o'clock. I will say that the people of Idaho and the people of the West, in my opinion, are perfectly willing that the timberlands which are forested, which really produce timber sufficient to justify their being in a forest reserve, shall remain in the forest reserve until the matter is settled in the proper way.

There is no considerable sentiment in my State, and I do not believe there is in the West, in favor of eliminating from forest reserves forest lands that are forest lands in truth and in fact. While we feel we would be able to take care of them if they were turned over to us, we have not asked it, because we know that our good friends in the East would feel they were wasting them to do so. We do not desire to have these forests taken possession of by large corporations. We do not want them to come under the control of monopolies. We want them in an intelligent and practical way reserved for and made useful to the people.

Mr. BAILEY. You have more interest in it than they have.

Mr. BORAH. Truly so. But we understand the public sentiment that prevails in regard to this matter, and we do not want anything done which will result in denuding our lands of those great forests which still remain and are practically the only virgin forests in the United States. We are willing to be patient on this matter if we can only have a reasonable and practical administration of these reserves. If at last it is thought wise to turn them over to the State, you will find that we are not unmindful of our responsibility—but I am not going to discuss that now.

Secondly, we do not desire to interfere yet with the proposition as to power sites. We understand perfectly the diversity of opinion upon that subject, and while we have our views in regard to it, we accede to the views of the East, that there should be some practical method devised by which the power sites of this country should be controlled and dedicated to the use and the interest of the people at large and not made a monopoly.

We have, as I say, decided views as to what should be done with them, but we have not been urgent. We realize it is an

important matter. But, Mr. President, I submit, in all fairness and in all candor to the Senate, that the question of opening our agricultural lands is an entirely different proposition. We must have those in order to make our homes. There can be no possible monopoly of them. The method of farming in the arid regions necessarily brings about small farms. Intensive farming cuts large tracts into small farms, and if to-day a man had 160 acres he would cut it into 40-acre tracts in time. They are doing that constantly, and just as soon as a piece of land passes into ownership from the Government it is almost invariably true in that country that it passes in smaller areas to settlers who come into that country.

We ask for nothing and we plead for nothing at this time as definite action, except to have our agricultural lands open to settlement under such conditions as the settler will accept. The Senator from New York asked the practical question, What is the difference here? The difference here is that a settler, limited in means, very little to go upon, no bank account, will not experiment on a farm for six months or a year or two years and have some representative of the Government—and it does not make any difference how honest he may be—who never plowed an acre of ground in the world tell him he thinks that is not a good place to make a farm.

There is but one man in the world who can determine whether or not land will make a farm in that country, and that is the man who has the industry and the courage and the energy to go there and reduce it to a farm. After the department has classified the land, then leave it to the settler under established law to determine whether he will make a farm of it. I know of a tract of land, known as the Twin Falls tract; seven years ago it would have worried a jack rabbit to secure from it enough to eat between sunup and sundown—a perfect desert. I do not know truly within my knowledge a man who would have said at that time that it could be reduced to cultivation. It was not known where the water would come from.

But finally energetic and courageous men conceived a scheme of bringing the water upon the land. They put it upon that land, and to-day there is in the midst of that tract the town of Twin Falls, with eight to ten thousand people, and the tract is covered with farms that look as well settled and as well groomed as the farms in northern Illinois. It is extremely fertile land when water is put upon it, and no one can determine whether it is wise to try this except the man who is willing to invest his courage and his energy in developing it. But he will not have himself supervised and audited by some one who will say to him: "You can not make a farm here, and you must quit." He wants to know, and if he raises the material, if he raises the product of the farm, that is his proof. But it is not the proof with the other man.

Mr. President, I have said this much with no hope in the world of getting any result here, because I realize that in all probability the conferees have done all they could do, but I realize another thing—that this is a question of education. The western people are misjudged. Their situation is unfamiliar to the eastern people, and very few men take the broad view of it of my friend, the Senator from Texas, and others who have spoken here. But the great mass of the people in the East believe we are unfit to deal with these questions. They offer advice about that of which they know nothing—a condition of mind which seems neither to dampen their zeal as volunteer guardians not disturb their singular assurance.

Mr. GALLINGER. A single remark, with the permission of the Senator.

Mr. BORAH. I yield.

Mr. GALLINGER. Mr. President, I suppose the Senator from Idaho does not quite understand the eastern people on this proposition. I do not think the East feels that way at all toward the West. The Senator suggested that if this thing should go on, the West would become a colony of the East. I do not know the people who have held up the amendment the Senate put in, which I favored and favor now, but I think the people of the East as a whole have a very great and abiding interest in the development and prosperity of the West, and I regret that any severe criticism should be cast upon that people in a matter of this kind.

I agree fully with the Senator from Idaho in his contention. I think he is absolutely right. I heard read the letter in which the writer calls attention to the man who went on a tract of land and cultivated it; I have forgotten for how long, but for quite a length of time; and then some agent came along and told him that it was not fit for agriculture and he had better get off of it; and I believe the man did. It was a great outrage.

Mr. BORAH. The agent never accepted his application. He simply rejected it. The settler had nothing else to do.

Mr. GALLINGER. I, as one Senator representing an eastern constituency, want to say to the Senator from Idaho that I have been greatly interested in what he said this morning, and that there are other years coming, we hope for all of us, and I will gladly join with the Senator—I know my colleague will, and I feel sure all the conferees on this bill will—to straighten this matter out in the future. It ought to be straightened out. Whether or not we are ready to turn over these public lands to the States is quite another question. I apprehend the State of Idaho would not want to take the forest reservations and administer them and pay the cost of administering them. But there may be other public lands which we ought to donate to the States.

I simply wanted to say this one word: I hope the conference report will be agreed to. I feel sure the conferees have done the very best they could. I know, from talking with two of them, that they were in full sympathy with the Senator's contention, and I feel confident that in the near future this matter will be adjusted to the satisfaction of the Senator and his colleagues from those magnificent States, one of which the Senator so ably represents.

Mr. SMITH of Georgia. Mr. President, this is the second time a report has come to us from the conferees to whom this agricultural bill was referred. When it was before the Senate the first time, the Senate rejected the report, and the rejection was due to the fact that the conferees had yielded two measures which the Senate had placed in the bill. One was the measure which has just been discussed by the Senator from Idaho [Mr. BORAH], and the other was a provision for a market division in the statistical bureau of the Agricultural Department.

Those are the two measures which caused the Senate to send the bill back to the conferees and now the conferees are again before the Senate, having abandoned in conference the very two measures which the Senate insisted should be accepted by the other House.

I sympathize with the views presented by the Senator from Idaho. I am sure that in many instances the settlers in the Western States have not received that treatment which they might justly have expected, due partly to the laws themselves and due in part to unwise administration by special agents of the Government who in an unnecessary way have handicapped the settlers in the enforcement of their legal rights.

I hope, Mr. President, in the near future not only may we begin, but finish, legislation which will either, with proper restrictions, turn these lands over to the States, or if they are to be retained by the National Government, with the laws so amended and so broadened, with the administration required to be so much more generous, that our settlers may no longer have cause for complaint, and that their Senators and Representatives will say to Senators and Representatives from other parts of this Union "you have met us halfway, and you have helped us take care of the interests of the men who have come into our section to build their homes."

Mr. President, with reference to the market provision, which has been abandoned, I am earnestly in favor of that measure. It has received the indorsement of the leading officers of the various organizations of farmers. They are satisfied that the Government should not only help stimulate more productions from the farms, but that the Government should furnish information, through the Agricultural Department, which will facilitate the better marketing of what they produce.

The object of the creation of this bureau in the Agricultural Department is to gather information in this country and abroad and furnish it to the farmers—educational in part and practical in its immediate use; that the farmer after having increased his production may make the increase in the more varied lines coming from diversified crops; that he may have more knowledge about where and how he can best dispose of his increased products.

They believe, as many consumers believe, that the proper development of such work in the Agricultural Department will bring the consumer and producer closer together, will facilitate purchases by consumers more directly from the producers, and will enable the farmer to obtain a better price for what he raises, while at the same time the consumer will buy for a less cost many things which he is now compelled to use.

Mr. President, I shall not oppose this report, not because in any sense I abandon the measure which the bill contained, but the Committee on Agriculture and Forestry has unanimously reported the measure as a separate bill. It is now pending be-before the Senate as a separate bill.

I understand that one of the reasons given was opposition from the Secretary of Agriculture. On inquiry I find that that opposition was limited to the fact that the amount of compensation provided for the head of this division is not sufficient to

enable the Secretary to obtain the character of man whom he thought should take charge of it. I shall ask when the measure comes before the Senate an increase of $1,000 a year for the chief of this division.

The measure already having been discussed and the Senate having passed it as a part of the appropriation bill, I shall ask the consent of the Senate at an appropriate time to take up the separate bill. I shall modify it to conform exactly with the terms contained in the appropriation bill; and the terms being then the same, I feel that I can justly ask the consent of the Senate to take it up by unanimous consent and that it will pass without consuming any of the time of the Senate.

The PRESIDENT pro tempore. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I am informed that in all probability action can be had upon the pending conference report within a few minutes. I give notice that as soon as it is concluded I shall demand the regular order. Pending that I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business may be temporarily laid aside. If there be no objection, it will be so ordered. The Senator from Georgia will proceed.

Mr. SMITH of Georgia. I had about concluded what I wished to say. A similar measure is pending before the Commerce Committee of the House, although that bill places this division or bureau in the Department of Commerce and Labor. I am advised that they are ready to report it favorably. Therefore I have every reason to believe that by abandoning it in the appropriation bill, if the Senate gives its consent to take it up for immediate action—perhaps to-morrow morning—it can go to the House at once, and that the passage of the measure during the present session will not be delayed by my yielding, so far as the Agricultural appropriation bill is concerned.

I shall support the report of the conferees.

Mr. SMITH of Arizona. Mr. President, I wish I were able to say something in addition to what has been so ably said by the Senator from Idaho [Mr. BORAH] on the effect of striking out the Senate amendments, which granted the right of locating homes on agricultural lands within the forest reservations. The instances which he cites of hardships and uncertainty in the efforts of the home-seeking people to find rest within the great reservations applies probably with more force to that State which I in part represent than to any other part of the Union. I could cite many instances of attempted settlements within these reservations which meant disappointment to the home seeker, until now no one will attempt to make a home within these great restricted boundaries, hampered as they are not only with the uncertainty of their title at last but with the harassment and worry of rules, regulations, and restrictions that the settlers in other parts of the country are free from.

If I could defeat this conference report, I would do so. I am not satisfied with it, but recognize that the conferees on the part of the Senate have done all in their power to preserve the bill as it left the Senate.

Senators may be sure that the West will never be settled, that its mighty resources will never be developed as long as you keep such provisions as the one contained in this bill and insist on striking down the broader homestead settlement on forest reservations contained in this bill as it left the Senate.

It is no wonder that Americans go to Canada when such restrictions are thrown around them in their native land. People will go now any place to find a home that offers them, no matter at what cost of labor and time, a real home for themselves and their children.

As the Senator has so well said, present legislation, with the rules and regulations which it permits, has dedicated to everlasting silence those mountain sides and the intervening valleys, on which orchards could be grown and farms cultivated.

The House seems to have made a wholesale slaughter of the Senate amendments to the Agricultural bill, and among the corpses I find, on page 64, one of my own amendments, which was a small appropriation of $5,000 for the purpose of investigating means of destroying a new pest that had invaded the great alfalfa fields of the Salt River Valley. That appropriation has not only been stricken out by the conferees, but the general sum for like purposes has been largely reduced in this report. But this is a small matter, and amounts to little in comparison with the great questions which have been presented here with such ability by the Senator from Idaho.

Senators, you will not settle an acre of the public domain now within the forest reserves until behind such settlement there is a law regulating the right of the settler against all comers. He will not attempt to locate except when supported by such a guaranty.

We in the West had rather see an apple orchard loaded with its fruit or a vinyard purple with its rich fruit on these mountain sides than to see a desert and silent and homeless forests of pine trees. A home is better than a forest-reserve headquarters, and that is the question involved in this legislation. Whenever the voice of wisdom and experience shall be heard all over this country I have no doubt that the position of the Senator from Texas [Mr. BAILEY] will ultimately find full expression in our law.

I am firmly convinced that every State should have the land within its borders, knowing that where the local interests of the people are concerned that those interests will be best preserved by the people most interested.

Foreign landlordism under the operation of a government is fully as obnoxious as individual absentee landlordism.

For the reasons thus briefly stated I would defeat this conference report if I could.

Mr. SMITH of South Carolina. Mr. President, I am going to take only a few moments, but I wish to call attention to one provision of the bill about which I think the Senate should know. I am sure that the conferees have allowed it to go out on account of the lack of knowledge of what is involved.

After a conference with the officers of the Agricultural Department, they brought to my attention a fact that is of vital importance to every American citizen who is interested in the value of our farm products. In the grading of our cotton there is a difference in the price as fixed by the world, according to color and foreign matter, varying from $2.50 to $15 a bale. The Agricultural Department, in addition to grading this cotton, desires to test the tensile strength, the yarn-making strength, the cloth-making strength of the lowest and the highest grades of the same variety of cotton.

We have two great classes in which our cotton falls, the gulf and the upland. In both these there are nine grades. The ordinary variation in price is a quarter of a cent a pound "on" for grades above middling and a quarter of a cent "off" on grades below middling to the last two grades, then anywhere from 2½ to 3 cents, or $10 to $15 a bale, "off" for the lowest grade.

As far as these experiments have gone they have proved that the tensile strength of these different grades does not vary one particle; that so far as the yarn-making power of the lowest grades are concerned, it is as good as the highest grade of the same variety.

I made further inquiry as to the bleaching qualities of this cotton, and I am assured that the process that bleaches the whitest and best is exactly the same process that would bleach the blackest and the lowest grades, and I desired experiments to prove the cost and results in bleaching these different grades.

Therefore the farmers of this country are entitled to know whether there is an arbitrary fixing of prices between their grades or whether these grades are practically of the same value.

I asked how much it would take to put sufficient machinery in the Agricultural Department for them to test all these grades so as to give a fair knowledge as to its tensile strength and the per cent of the loss incident to the manufacturing of the different grades. They said an additional appropriation of $4,000 with the aid already in the bill would enable them to do this work. This for the enlightenment of those who produce the textiles that clothe 900,000,000 people and of which textile America has a monopoly.

In this conference report I see that the pitiful sum of $4,000 is stricken out. When compared with the magnificent results that might accrue to the growers of this material from this knowledge, this act is surprising. The head of that department informed me the other day that upon the strength of the belief that the $4,000 would be passed he had already made arrangements for the installation of the machinery to experiment along the lines suggested for the benefit of the southern cotton growers, as to what is the real difference in the grades as tested by their intrinsic qualities.

In order to expedite the passage of the bill I am going to vote for the conference report, but I am taking this occasion to register my protest against men being on the Agricultural Committee who know nothing about agriculture. In your Committee on the Judiciary you have no farmers. You compose it of the best lawyers you have. I insist that the right way to do is upon the Agricultural Committee, as near as possible, to

get those who are farmers or who have such a knowledge of farming as to make them capable of deciding the questions that affect the agricultural interests of this country.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

AMERICAN TOBACCO ABROAD.

Mr. LODGE. I ask the Senator from Connecticut if he will allow me to make a report from the Committee on Foreign Relations?

Mr. BRANDEGEE. Certainly.

The PRESIDENT pro tempore. The report, without objection, will be received.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to which was referred the bill (S. 7409) to constitute a commission to investigate the purchase of American-grown tobacco by the Governments of foreign countries, to report it back favorably without amendment.

Mr. MARTIN of Virginia. I ask unanimous consent for the present consideration of that bill. It will lead to no debate, I am sure. It is a bill of just a few lines.

Mr. LODGE. There will be no debate. It will merely require the reading.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to create a commission consisting of three Senators, to be chosen by the President of the Senate, and three Members of the House of Representatives, to be chosen by the Speaker. Such commission is empowered to investigate the conditions under which the governments of foreign countries purchase American-grown tobacco, and whether there is any combination or understanding between the representatives of said foreign governments with a view to depressing the price of American-grown tobacco. The commission shall report the results of its investigations to the Congress. The sum of $10,000 to defray the expenses of the commission, including the expenses of witnesses and clerical work, is appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF GOVERNMENT EMPLOYEES.

Mr. BRANDEGEE. I had intended to demand the regular order, but the Senator from South Dakota [Mr. CRAWFORD] has a small matter that he wishes to have disposed of.

Mr. CRAWFORD. It is House bill 24121, which has come back from the House.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CRAWFORD. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. CRAWFORD, Mr. JONES, and Mr. OVERMAN conferees on the part of the Senate.

THOMAS DAVIDSON.

Mr. McCUMBER. I ask permission to report favorably from the Committee on Pensions the joint resolution (H. J. Res. 346) to correct an error in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved June 19, 1912, and I ask for its immediate consideration. It is merely a joint resolution to correct an error.

Mr. REED. Before consent is given, I should like to hear the joint resolution read.

Mr. McCUMBER. Let me state to the Senator there was a mistake made in one of the private pension bills. It is a mere clerical error and this is for its correction.

The PRESIDENT pro tempore. The joint resolution will be read for information.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to correct and amend the paragraph in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved June 19, 1912 (Private, No. 26), granting an increase of pension to one Thomas Davidson, so as to read as follows:

The name of Thomas Davidson, late of Company G, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

INTERNATIONAL CONGRESS ON SCHOOL HYGIENE.

Mr. ROOT. I report back from the Committee on Foreign Relations the joint resolution (H. J. Res. 327) requesting the President of the United States to direct the Secretary of State to issue invitations to foreign governments to participate in the Fourth International Congress on School Hygiene. A similar Senate joint resolution, which has already been reported favorably, is now on the calendar. I ask for the present consideration of the House joint resolution.

Mr. CULBERSON. Let the House joint resolution be read.

Mr. LODGE. It is just the same as ours.

Mr. CULBERSON. It has passed the House?

Mr. LODGE. It has passed the House, and is exactly the same as the Senate joint resolution.

Mr. CULBERSON. They are identical?

Mr. LODGE. They are identical.

Mr. CULBERSON. I have no objection to the present consideration of the joint resolution.

Mr. BRANDEGEE. I shall not object to its consideration, but I give notice that after it has been disposed of I shall demand the regular order.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The joint resolution (S. J. Res. 123) authorizing the President of the United States to invite foreign Governments to send representatives to the Fourth International Congress on School Hygiene will be indefinitely postponed.

THE PANAMA CANAL.

Mr. BRANDEGEE. I ask for the regular order.

The PRESIDENT pro tempore. The regular order is demanded, which is House bill 21969.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. The Senator from California [Mr. WORKS] gave notice that he would desire to address the Senate at this time. The pending amendment is the amendment offered by the Senator from Ohio [Mr. BURTON] to strike out, in lines 13 and 14, on page 6, the words:

No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

Mr. WORKS. Mr. President, there are four propositions in the bill that appeal to me as being of extreme importance.

First. The question of construction of the treaty between this Nation and the British Government;

Second. The form of government that shall be provided for the control of the Panama Canal and the Canal Zone;

Third. The question of free tolls to American ships; and

Fourth. The question of the exclusion from the use of the canal of railroad-owned ships.

I shall not take up the time of the Senate in discussing the first two of these propositions. I have never doubted the correctness of that constructoin of the treaty with Great Britain which gives to our Government the right to allow the passage of its ships through the Panama Canal free of toll. Any other construction of it would take away from the Government practically all of the benefits resulting from ownership or sovereignty.

There is another matter, Mr. President, that I desire to suggest in connection with this question. There is a very sharp division of sentiment upon this question. There are very diversified views as to the construction that should be placed upon the treaty. We are confronted now, as the representatives of this Government, with the question as to which one of these constructions we shall place upon the treaty.

Shall we, by the vote that we shall give upon this question, place upon it the construction that is most unfavorable to our Government, since the question is one of doubt? If so, we, in effect, estop the Government from claiming that construction that is favorable to it, and admit that the British Govern-

ment is right in insisting that we should treat our own ships precisely as those of other nations are treated.

It was maintained here the other day that a vote of the Senate upon an amendment that was offered to the treaty when under consideration expressly providing that we should have that right was an estoppel upon the part of the Senate to claim the construction that I now contend for. What would be said of us if at this time, when the question is directly presented, we should by a vote of the Senate place that construction upon the treaty? Certainly from this time on the Government would be estopped to deny that that construction should be placed upon it, and in honor it would be bound to carry out the treaty as thus construed.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. SMITH of Georgia in the chair). Does the Senator from California yield to the Senator from Connecticut?

Mr. WORKS. I yield.

Mr. BRANDEGEE. Suppose Congress should in its wisdom decide that it was a wise policy not to exempt those vessels from tolls, but should at the same time declare that it did not take that position at all, because it made any admissions as to Great Britain's construction of the treaty, would we then be estopped?

Mr. WORKS. If the action of the Senate showed that it was proceeding wholly upon the merits of the question as to whether American ships should be allowed to pass through the canal free or not, and if the other question as to the construction of the treaty were excluded by the action of the Senate, then, of course, it would have no such effect. But as the bill is now presented it is impossible that we should vote upon this question upon any such theory as that; and as it is contended by Senators upon the floor of the Senate that the unfavorable construction should be placed upon the treaty, if we should vote to that effect then it amounts to a declaration on the part of the Senate to that effect.

Mr. President, the suggestion made by the Senator from Massachusetts [Mr. LODGE], that instead of allowing our ships to pass through the canal free we charge them with the tolls and then repay them, does not appeal to me. It was expressly admitted by the Senator from Massachusetts that that would be a pure evasion of the treaty. I believe that the Government of the United States should be just as honest in dealing with its contracts with other nations as an individual citizen of this country should be in dealing with his contracts.

Mr. LODGE. If the Senator will allow me, I did not say it would be a pure evasion of the treaty. I said it would be a pure evasion of the treaty if we accepted the proposition that we were required under that treaty to make no difference in tolls on our own vessels.

Mr. WORKS. Certainly; I understand. I do not want in any way to misrepresent the views expressed by the Senator from Massachusetts, but that would be the effect of it. The Government of the United States would enter upon a rebating system. Rebating has become quite unpopular in this country, and I am impressed with the idea that the Government should not embark upon anything of that sort.

With respect to the form of government to be established in the Canal Zone, I have not given that question any great study or consideration. I have been content to be guided by the investigations that have been made by the committee and the discussion on the part of other Senators. Therefore I am not going to enter upon any discussion of that question.

I want to say, Mr. President, that if it were not for the fact that the sentiments and wishes of the shippers and business men of my own State have been misrepresented upon the floor of the Senate, I probably should not have felt myself called upon to say anything at all with respect to this bill. Yesterday morning there was placed upon the desks of Senators a document upon the front page of which appears the following statement:

PANAMA CANAL LEGISLATION.

The following is a complete list of the class A and class B members of the San Francisco Chamber of Commerce. These two classes represent the only members of the San Francisco Chamber of Commerce who have the right to vote at elections or to hold office as a director of the chamber of commerce.

The names marked with a dash have signed a protest against the action of the directors of the chamber of commerce in advocating that no railroad owned or controlled ship operating in transoceanic trade should be permitted to engage in coastwise traffic through the Panama Canal in connection with such transoceanic trade.

The names marked with a star have wired directly to Senator BRANDEGEE, chairman of the Senate Committee on Interoceanic Canals, protesting against said attitude of the Chamber of Commerce of San Francisco, and requesting that the 50 per cent proviso at the end of the first paragraph of section 11 of the Panama Canal bill should be stricken out.

THE PROTESTING MEMBERS ARE MORE THAN 53 PER CENT OF THE TOTAL REGULAR MEMBERSHIP OF THE CHAMBER.

Additional members are constantly being added to the list of those protesting against the action of the chamber of commerce in this matter.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Kansas?

Mr. WORKS. I yield to the Senator from Kansas.

Mr. BRISTOW. I desire to inquire what kind of document that is. Is it a public document printed at public expense or is it a private document circulated by parties who are responsible for it?

Mr. WORKS. If the Senator from Kansas will bear with me, I am coming to that very question in a moment.

Mr. President, I felt and expressed my surprise that any such document as that, anonymous in its character, for which nobody was responsible, should have been placed upon the desks of Senators. I inquired of the Senator from Connecticut [Mr. BRANDEGEE], the chairman of the committee, for information on the subject, and he informed me that it had been done by his direction, which, of course, made it authoritative; but, in order that I may comment intelligently and fairly upon this question, I desire to ask the Senator from Connecticut whether the compilation that is contained in this document was made by the committee of which he is chairman as a result of investigations that were held or of the hearings before that committee?

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Connecticut?

Mr. WORKS. I yield.

Mr. BRANDEGEE. In response to the inquiry of the Senator from California, I would say no. The compilation was made at my request by Mr. Schwerin. He is the manager and vice president of the Pacific Mail Steamship Co. He called at my office, having heard that I had received some eight hundred or a thousand telegrams from members of the Chamber of Commerce of San Francisco, and asked me if he might look them over. I told him "certainly." Mr. Wheeler, who is the agent or attorney of the directors of the San Francisco Chamber of Commerce, and who takes the opposite position in this controverted question from Mr. Schwerin, had previously asked the same privilege of me and I had accorded the same privilege to him. Similar telegrams had been sent, and I think an equal number, to the senior Senator from California [Mr. PERKINS], had been introduced in the Senate, and I think laid upon the table, because the committee had at that time reported. I have therefore not introduced the telegrams which have been sent to me, but I was very glad to avail myself of the offer of Mr. Schwerin to have the telegrams assorted and compared with a list of the members of the chamber of commerce, so that it might appear what proportion of the membership had signed them, and whether they were in fact from members of the chamber of commerce. I will say at the same time that I asked him if he would have a copy made of the telegrams in print, which he has done, and which I shall also ask to have laid upon the desks of Senators so that they may see the telegrams, because it is difficult when telegrams are laid upon the Secretary's desk in a bunch to have all the Senators see what they are.

Mr. WORKS. I should like to ask the Senator from Connecticut whether the matter of making such use of these documents as has been suggested was authorized by the committee of which he is chairman?

Mr. BRANDEGEE. Oh, no. They were sent to me. I brought them down here and asked one of the pages to lay them on the desks of Senators, just as I expect to do with the telegrams themselves when they are ready for distribution.

Mr. WORKS. Further, I should like to ask the Senator from Connecticut whether he has or whether he has had any means of determining the genuineness of these telegrams or how they were inspired, if at all?

Mr. BRANDEGEE. Of course I have had no personal conversation with the gentlemen who sent them out in San Francisco, but I have the original letter from the gentleman who purports to be chairman of the committee who secured the telegrams, which I shall be glad to show the Senator.

Mr. WORKS. Capt. Barneson?

Mr. BRANDEGEE. Yes; and whenever the Senator requires, either now, if he will give me time to go to my committee room, or later, I will present to the Senate what I suppose is his original signature vouching for the authenticity of the telegrams and sending certain evidence to that effect.

Mr. WORKS. I may say in this connection, Mr. President, that, unfortunately, Capt. Barneson, who appears as the chair-

man of one of the committees of the chamber of commerce, has in fact been the representative of the Pacific Mail Steamship Co. in this whole transaction, and has not, as I claim, been acting in good faith with the members of the Chamber of Commerce of San Francisco.

My colleague, as has been suggested by the Senator from Connecticut, some time ago introduced something like 800 telegrams, I believe, accompanied by the statement that they were 800 telegrams from members of the Chamber of Commerce of San Francisco and others. It was my particular object and purpose, in speaking to the Senate to-day, to expose the origin of these telegrams and to point out to the Senate that they are not in any sense representative of the views of the Chamber of Commerce of San Francisco, and that a great many of them were sent entirely without authority.

In this connection, I desire to call attention to some correspondence with respect to that question; but I desire to say, before commenting upon the telegrams, that I do not intend by what I shall say to reflect upon my colleague or upon the Senator from Connecticut. I have no doubt that they have acted conscientiously about this matter, but without understanding the exact conditions, as I shall now endeavor to present them to the Senate. I first call attention to a letter, of date July 12, from J. A. Eveleth, secretary of the Wholesale Fruit Produce Merchants' Credit Association of San Francisco, to Hon. J. R. KNOWLAND, one of the Representatives in Congress from the State of California, as follows:

WHOLESALE FRUIT & PRODUCE MERCHANTS' CREDIT ASSOCIATION OF SAN FRANCISCO, CAL.,
San Francisco, Cal., July 12, 1912.

J. R. KNOWLAND, M. C.,
Washington, D. C.

DEAR SIR: I am inclosing a list of parties to whom I wish you would forward a copy of your speech in Congress on the Panama bill, delivered May 16 of this year, if you have not already done so.

The Pacific Mail Steamship Co. has presented a resolution to the association, which they wish us to indorse, condemning that part of the bill now pending which affects their interests, or, properly it might be said, the interests of the Southern Pacific Railroad Co.—

Now, I call the attention of Senators to that fact. Here is the secretary of one of the largest produce associations of San Francisco, made up of various business men, who are members of the Chamber of Commerce of the city of San Francisco, and it shows that the Pacific Mail Steamship Co., that is, in fact, owned by the Southern Pacific Railroad Co., has inspired these telegrams, has asked these associations that a protest be sent in from them against the passage of the bill; and I shall show a little further along that the Pacific Mail Steamship Co. has furnished the form of resolution to be passed by these associations in the furtherance of that object.

The letter continues:

This will come before the association at the regular monthly meeting on the first Tuesday in August, and I would much like to have your speech in the hands of every member before that time.

Thanking you, I am,
Very truly, yours,
J. A. EVELETH,
Secretary.

I also read a telegram from Col. William Matson, of San Francisco, a member of the chamber of commerce, to Mr. W. R. Wheeler, who has been mentioned by the Senator from Connecticut, as follows:

SAN FRANCISCO, CAL., *June 29, 1912.*

W. R. WHEELER,
New Willard Hotel, Washington, D. C.:

Capt. Barneson is circulating petition among members of the chamber of commerce for signatures in an endeavor to have the chamber of commerce reverse its action as covered by its resolution regarding railroad ownership of steamship lines operating through Panama Canal, adopted March 11, 1912. I have been informed on very reliable authority that yesterday the force of the purchasing agent's department of Pacific Mail were going around in automobiles endeavoring to get signatures to this petition from the people they do business with and purchase from.

WM. MATSON.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Connecticut?

Mr. WORKS. Certainly.

Mr. BRANDEGEE. I notice, as the Senator from California read, he referred to some alleged action of the chamber of commerce. What date did he mention?

Mr. WORKS. I have not mentioned the date, I will say to the Senator.

Mr. BRANDEGEE. The Senator read a date.

Mr. WORKS. I will come to that feature of it directly.

Mr. BRANDEGEE. The Senator has already mentioned the date in the letter that he has just read of some alleged action of the chamber of commerce of the 12th of some month. I did not catch the month.

Mr. WORKS. No; the date of the letter, I will say to the Senator, is the 12th of July. The date of the making of the speech by Mr. KNOWLAND was the 16th of May of this year. I think those are the only dates that are mentioned in the letter.

Mr. BRANDEGEE. I understood the Senator to say that somebody was trying to reverse the action of the chamber of commerce, which action was taken on a certain date. Was I mistaken?

Mr. WORKS. No; the date has not been mentioned. I think the Senator is mistaken with respect to that; but we will come to that, so that the date can be fixed, if that is the desire of the Senator.

Mr. BRANDEGEE. What was the action of the chamber of commerce to which the Senator has alluded?

Mr. WORKS. That I am going to disclose fully before I am done.

Mr. BRANDEGEE. Very well.

Mr. WORKS. I also call attention to another telegram to the same person, Mr. Wheeler, of date July 5, by Mr. James K. Lynch, chairman of the Traffic Bureau of the Chamber of Commerce.

SAN FRANCISCO, CAL., *July 5, 1912.*
(Received July 6, 1912.)

WILLIAM R. WHEELER,
New Willard Hotel, Washington, D. C.:

Robbins McIntosh and other members of executive committee think best have Congressman KNOWLAND appear as guest and address meeting of board of directors of the chamber on 9th. We all feel that our present position is a good one, and a general meeting of the chamber at this time, when so many are out of town, might be controlled by Pacific Mail henchmen, who are extraordinarily active. Have seen your letter to MANN; congratulate you again on the work you have accomplished. The line-up of signatures to protest is amusing. Leaders are firms under business obligations to Pacific Mail and the others fall for bull about American flag. Would just as easily sign petition on the other side if asked. Under circumstances don't consider it necessary for Teal to appear.

JAMES K. LYNCH,
Chairman Traffic Bureau, Chamber of Commerce.

I also call the attention of the Senate to a letter from A. W. Sperry, secretary of the Chamber of Commerce of San Francisco, to Mr. Wheeler, of date of July 6, 1912:

TRAFFIC BUREAU OF THE SAN FRANCISCO CHAMBER OF COMMERCE,
San Francisco, Cal., July 6, 1912.

Hon. WILLIAM R. WHEELER,
New Willard Hotel, Washington, D. C.

MY DEAR MR. WHEELER: I inclose herewith several newspaper clippings which will be of interest to you.

The Pacific Mail have representatives on the street endeavoring to get signatures to a petition opposing your (50 per cent) amendment, but as many members of the chamber are calling up the bureau and also officials of the chamber for information concerning the same I am afraid they are experiencing much difficulty in obtaining signatures. I have personally stopped four signatures to the petition, and Mr. McIntosh and Mr. Robbins, I know, have done as much. The list which they have compiled is a very funny one. Names are either down for the purpose of being seen in print or on account of absolute ignorance of the situation, or because of railroad or steamship influence. The latest report is that the Pacific Mail have used the name of the First National Bank as sympathizing with their views. I advised Mr. Lynch of this, and he was ready to go out on the street and hold an indignation meeting.

A. W. SPERRY, *Secretary.*

I also call attention to a telegram of July 25 from Mr. Sperry to Mr. Wheeler:

SAN FRANCISCO, CAL., *July 25, 1912.*

Hon. WILLIAM R. WHEELER,
New Willard Hotel, Washington, D. C.:

Have heard through Messrs. Scott, McIntosh, and others of several instances wherein signers of Pacific Mail petition opposing Wheeler amendment regret their action, acknowledging lack of familiarity with subject time of signing.

Am mailing you to-night copy of letter from prominent commission merchant who signed under misapprehension.

A. W. SPERRY.

The letter referred to in the telegram is as follows:

A. GALLI FRUIT CO.,
San Francisco, Cal., July 23, 1912.

PRESIDENT CHAMBER OF COMMERCE,
San Francisco, Cal.

DEAR SIR: The inclosed letter handed to all the members of our credit association explains itself. The writer wishes to state, however, that the Pacific Mail Steamship Co. has circulated a petition in this neighborhood which a number of our members have signed, and among the number ourselves, under a misapprehension. Your letter explaining the action of our chamber of commerce here, together with the Chambers of Commerce at Portland, Seattle, New Orleans, and New York, was not received until after this petition was circulated, and the writer signed the petition after hearing only one side of the argument and is willing to acknowledge the error after reading the communication from you.

The subject is an intricate one with which very few of us are familiar, and without considerable study, which few in our line of business have time to give it, the question is one hard to understand.

The inclosed letter indicates the action to be taken at our meeting held the first Tuesday in each month (the next one on Tuesday, August 6), and if convenient, the writer believes that it will be worth while if you will have some one present who will explain the situation as the chamber of commerce understands it. If on receipt of this letter you will communicate with our secretary, Mr. J. A. Eveleth, he will give you full information regarding the time of the meeting, etc.

Thanking you in advance, we are,
Yours, truly,
A. GALLI FRUIT CO.
EDWARD H. WHITE.

Then follows a copy of a letter that was sent out by the secretary of the association as follows:

OFFICE OF THE WHOLESALE FRUIT & PRODUCE MERCHANTS' CREDIT ASSOCIATION.

To members:

At the last regular meeting of the association, held Tuesday, July 2, a communication was received from the Pacific Mail Steamship Co., the substance of which we hereby give you.

A motion was duly made, seconded, and carried that this be given to each member of the association, with the request that they give it proper attention and act upon it at the next regular monthly meeting of the association, which will be held on the first Tuesday in August at 2 p. m.

The question will be upon the adoption of the resolution as framed by the Pacific Mail Steamship Co. which we are now giving you.

We trust that every member will be sufficiently interested in this matter to give it due consideration and be present at this meeting to act upon it.

Very truly, yours, J. A. EVELETH, *Secretary.*

Then follows a resolution which was sent out by the secretary of the association, which, he says, is a resolution prepared by the Pacific Mail Steamship Co. I have already indicated by what I have said and by what is contained in these different communications that this whole movement was on the part of the Pacific Mail Steamship Co., and that these parties who were under obligations to that company and who were ignorant of the conditions have been induced to sign the protest and to send out the telegrams, or permit them to be sent out, through the influence of the Pacific Mail Steamship Co., and not otherwise. The resolution that was prepared by the steamship company and submitted in that way is as follows:

Whereas there is now pending before the Senate of the United States legislation known as "the Panama Canal bill," the first paragraph of section 2 of which provides as follows: That no ship owned, chartered, operated, or controlled by any railroad company, or in which any railroad company has any interest whatsoever (by stock ownership or otherwise, either directly or indirectly, through any holding company, or by stockholders or directors in common, or in any other manner), shall be permitted to enter or pass through the Panama Canal if engaged in the coastwise trade between ports of the United States. That any ship of American registry, however owned or controlled, shall be permitted to operate through the canal in transoceanic trade to and from oriental or European countries; said vessel on its way to and from said foreign countries shall be permitted to do a coastwise trade between ports of the United States and intermediate foreign ports: *Provided,* That this shall not be permitted to any ship owned or controlled in whole or in part by any railroad company, except those engaged in said transoceanic trade, nor shall any coastwise trade be done by any ship unless on a voyage to or from such transoceanic ports, and not to those of Canada, Mexico, or any Central or South American port: *Provided,* That no such railroad owned or controlled ship shall pass through the canal unless at least 50 per cent of its cargo, in tonnage, is destined to or shipped from oriental or European ports: Now therefore be it

Resolved, That we can not too strongly condemn any legislation which will in any way hinder the operation of American ships or in any way prevent the up-building of the American mercantile marine; and be it further

Resolved, That this association now places itself on record as being in favor of extending every possible assistance, legislative or otherwise, to American ships, and particularly those in the foreign trade.

I also call the attention of the Senate to a telegram sent to Mr. Wheeler by the San Francisco Chamber of Commerce, by M. H. Robbins, jr., president, as follows:

SAN FRANCISCO, CAL., *July 23.*

W. R. WHEELER,
New Willard Hotel, Washington, D. C.:

Officials Pacific Mail circulated petition worded about like wire to DILLINGHAM, repeated back by you. From best information obtainable wires were sent by Pacific Mail over names of signers to petition. Those interviewed deny sending wires, but petition so authorized.

Senators can see how the Pacific Mail Steamship Co. operated. We are accustomed to that sort of thing out on the Pacific coast. We understand the methods of the Southern Pacific Railroad Co. and the Pacific Mail Steamship Co., owned by the Southern Pacific Railroad Co. They procured, in the first instance, the signing of a petition by these parties, in which it was stated that telegrams might be sent under their names protesting against the passage of this bill. None of them, it is fair to assume, saw the telegrams or knew their contents, and these are the telegrams that have been received both by my colleague and by the Senator from Connecticut:

Some interviewed acknowledge did not know purport of document signed. Following wired Senator PERKINS: "Answering yours 21st, telegrams referred to are personal, from certain members of chamber, presumably sent following their signatures to petition circulated by transportation companies interested, authorizing telegrams to be sent in members' names. They do not represent official action of this chamber. As names and signatures are unknown to us, can not acknowledge receipt on your behalf, as requested. Attitude of chamber of commerce is expressed in its resolution of March 11, copy of which you have.

I call the attention of the Senator from Connecticut to that date, which, I presume, is the date of the action of the chamber of commerce.

"This resolution was unanimously adopted by the board of directors of chamber and represents opinion of a large majority of its members. In obtaining signatures to the petition all influence was exercised on those from whom Pacific Mail purchases supplies and with whom it has business relations. Please file this communication with Senate committee and reaffirm chamber's attitude as expressed in resolution referred to."

SAN FRANCISCO CHAMBER OF COMMERCE,
H. M. ROBBINS, Jr., *President.*

Then, I call attention also to a letter of July 18, to Mr. Wheeler from James K. Lynch, from which I read the following:

The situation has been very embarrassing since the campaign was started by the Pacific Mail Steamship Co. to obtain signatures to their petition. Some of the signers since stated to different members of the committee, myself among others, that they regretted having signed, but the habit of signing appears to be incurable.

Your amendment to the Senate bill limiting the amount of coastwise cargo the steamers might carry to 50 per cent of the total cargo was, of course, intended only as a limitation, in order to insure some degree of good faith in the proposed sailing from New York to Hongkong via San Francisco and was in no way our choice or desire. This was fully understood by all the members of the board of directors of the chamber of commerce, but has been ingeniously distorted and misrepresented to the community and the members of the chamber.

I believe that the great majority of the members fully support your position on a fair statement of the case, divorced from all personalities. The furious attack that has been made upon this provision is, however, of some value in clearly indicating the absolute bad faith of Mr. Schwerin's proposal. I hope with you that Congress will relieve him of any embarrassment in this matter by excluding his ships entirely from the coastwise trade as long as there is either railroad ownership or control.

Mr. Robbins has rendered very valuable service in keeping things in line, and he has had to regard not only this particular case, but the existence of the chamber, which, as you know, has been so recently organized and contains so many discordant elements that it is no easy task to keep them going in the right direction, which for all of us should be the welfare of San Francisco. Comparatively few of the members are capable of rising beyond their own interests, and they are not even able to look at their interests with sufficient perspective to enable them to see that the temporary advantage means future disadvantage, if not ruin. It is the old story of the time when the Central Pacific Railroad tied up the shippers with contracts and drove off the clipper ships. I sincerely hope that the matter will be settled at this session of Congress. I see it is somewhat complicated through the international question that has been raised by the Foreign Office of the British Government, but it does not appear to me that England or any other country can justly object to free tolls for coastwise ships.

* * * * * * *

Very sincerely, yours,

JAMES K. LYNCH.

Bearing upon this question is a letter written by Mr. Barneson, who has already been mentioned, to Mr. Robbins, president of the San Francisco Chamber of Commerce, in which he takes issue with the board of directors with respect to the attitude of the chamber on this question, and a reply to that letter, by the executive secretary, as follows:

JUNE 28, 1912.

M. H. ROBBINS, Jr., Esq.,
President San Francisco Chamber of Commerce,
San Francisco, Cal.

DEAR SIR: I have copy of your circular letter of June 27 addressed to the members of the San Francisco Chamber of Commerce, and desire to state that in the circular mentioned you directly avoid the point at issue, to which I will again refer, namely, the question as to whether or not the board of directors support Mr. Wheeler in the rider which has been placed in the bill under discussion before the Senate, reading as follows:

"*Provided further,* That no such railroad owned or controlled ship shall pass through the canal unless at least 50 per cent of its cargo, in tonnage, is destined to or shipped from oriental or European ports."

The comparison drawn between the common ownership of competing and parallel railway lines and competing steamship lines owned by railroads assume that the railroad would control the waterways as it would control a common-owned competing and parallel railway line, and this is, of course, an absurd deduction. A railroad owned or controlled steamship line would be in actual competition with other lines, and it is well known that the ocean can not be controlled in the same manner that avenues of land transportation are.

Without holding the same views as to control of water transportation, it has been conceded that railroad owned or controlled ships should not use the canal in purely coastwise trade, and what is asked is that the coastwise trade should not be barred to American ships, no matter by whom they may be owned, using the canal in foreign trade, and that control of rates should be by intelligent regulation and not destruction of existing lines however owned.

The Chamber of Commerce of New York is in accord with the position taken by so many of your members, which is directly opposed to the position taken by the board of directors. The chambers of commerce of the coast are unquestionably following the lead set by the directors of this chamber, which, I claim, is not in accord with those of its members who are most vitally interested in every possible increase of facility for the carrying of freight through the canal, both for the coast and across the Pacific under American ownership.

The position taken by the directors of the chamber, which I believe does not represent the opinion of its membership, is one of discrimination against a particular interest, and, in my opinion, is directly opposed to the articles of incorporation of the chamber; the purpose of its formation, under clause 2, being to "advance, foster, and encourage domestic and foreign trade, commerce, and industry, and promote the public and commercial welfare and interests of the city and county of San Francisco, the State of California, and the Pacific coast; to establish and maintain a commercial exchange in the city and county of San Francisco; to promote the interest and convenience of its members; to inculcate just and equitable principles in trade," etc.

Yours, very truly,

JOHN BARNESON.

SAN FRANCISCO CHAMBER OF COMMERCE,
San Francisco, Cal., June 29, 1912.

Capt. JOHN BARNESON,
Care General Petroleum Co., Alaska Commercial Building.

DEAR SIR: Your letter to President Robbins, who is absent from the city, has been duly received, and I am instructed by Vice President Horace H. Allen to transmit his reply to the same, as follows:

In your letter you make this statement:

"You directly avoid the point at issue, to which I will again refer, namely, the question as to whether or not the board of directors support Mr. Wheeler in the rider which has been placed in the bill under discussion before the Senate."

At the time of the meeting of the committee (of which you are chairman) with the board of directors on June 25, it was clearly stated, in answer to a question of your own, that the attitude of the chamber was fully expressed in the resolution adopted by the board of directors on March 11, 1912.

After your committee had presented arguments in support of its belief that the position taken by the chamber was erroneous, the directors gave careful consideration to the views presented, and, after a full discussion of the matter, authorized the president to notify you of the board's conclusion. This was done in a letter under date of June 26, reading in part as follows:

"I am instructed by the board of directors to advise you, in reply to your letter, that after mature consideration and taking into account the present stage of canal legislation negotiations in Washington, we feel that we are not justified in receding from the resolutions already passed with which you are familiar." (Mar. 11, 1912.)

Believing that other members might also be under a misapprehension in reference to the attitude of the chamber upon the question at issue, President Robbins issued the circular letter under date of June 27, to which you refer in your letter now under reply.

The position of the board, as expressed in the circular letter of June 27, was telegraphed to Mr. Wheeler, and his reply is as follows:

"Your letter completely covers the situation and describes accurately the position that I, as the chamber's representative, have all along assumed."

It would seem that the position of the chamber had been made entirely clear, and it is evident that the Senate substitute, in its original and in its present form, is adverse to the resolutions of the chamber.

The additional statements made in your letter, in support of the position which you so strongly believe to be correct, will be brought to the attention of the board, and the board will welcome you or any or all of the members of your committee, should you desire a further presentation of your views, as it would seem impossible to thoroughly discuss the problem through the medium of correspondence.

One thing must, however, be said in response to the statement of your belief that the position of the chamber is directly opposed to the articles of incorporation and the purpose of the chamber's formation and is "one of discrimination against a particular interest." You must concede that the members of the board of directors sincerely believe that their position tends to foster and encourage those factors that make for the general good.

The directors will be the first to welcome proof that they are wrong in any position they may take on any matter.

Yours, very truly,

_____,
Executive Secretary.

Then follows the circular letter referred to in this communication, as follows:

SAN FRANCISCO CHAMBER OF COMMERCE,
June 27, 1912.

To the members of the San Francisco Chamber of Commerce:

Some misapprehension seems to have arisen regarding the attitude of the San Francisco Chamber of Commerce as to the legislation now pending in Congress relative to the use of the Panama Canal by ships owned or controlled by railroad companies and engaged in the coastwise traffic. The chamber, on March 11, 1912, adopted the following resolution:

"*Resolved*, That this chamber is unalterably opposed to the operation through the Panama Canal of any railroad owned or controlled ships engaged wholly or partly in coastwise traffic. We also reiterate our position, formerly expressed, that we favor and strongly urge upon Congress the enactment of laws that will exempt from canal tolls all ships sailing under the American flag engaged in coastwise traffic."

In brief, the reasons leading the board of directors to this conclusion are as follows:

The policy of existing law prevents the common ownership of competing and parallel railway lines. A competing steamship line owned by a railroad, or in common therewith, holds the same menace to competition, and should, with equal reason, be prohibited. Two railroads owned in common can not be expected to enter into actual competition, nor can the owners of a steamship line be expected to actually compete with a railroad which they also own.

The greatest benefits to be derived from the completion of the canal will arise from the encouragement of the building and operation of a sufficient number of ships to adequately carry the tonnage offered and from the maintenance of true sea-level rates. These benefits, in their fullest measure, can not be hoped for unless the conditions under which ships will operate are fairly equal.

A railroad could operate its steamships temporarily without a profit, or even at a loss, and thus discourage independent steamships from engaging in a competition in which they would be at a prohibitive disadvantage. If the building and operation of independent steamships is discouraged, and the field is left to railroad owned or controlled ships, we must, then, be in a position of having to look to the railroads themselves for benefits which the canal was constructed to bestow.

A railroad having an investment of $500,000,000 in railway lines and an investment of $25,000,000 in steamship lines can not conceivably permit the smaller investment to injuriously affect the larger.

The attitude of the San Francisco Chamber of Commerce in this matter is in accord with that taken by the following organizations:

The Merchants' Association of New York.
Boston Chamber of Commerce.
Portland (Oreg.) Chamber of Commerce.
Los Angeles Chamber of Commerce.
Seattle Chamber of Commerce.
Tacoma Chamber of Commerce.
Oakland Chamber of Commerce.
Astoria Chamber of Commerce.
San Diego Chamber of Commerce.

This is a question of principle vitally affecting the entire country, and particularly the Pacific coast, and should not be considered purely in its local application.

Yours, very truly, M. H. ROBBINS, Jr., *President.*

Mr. BRANDEGEE. In the letter which the Senator from California read a moment ago, in alluding to the action of the chamber of commerce the writer said the chamber of commerce had passed the resolutions. Does the Senator understand that the chamber of commerce had any meeting whatever on the question?

Mr. WORKS. No. I do not think that meetings of the full membership of the chamber of commerce are ever held, in fact.

Mr. BRANDEGEE. Of how many members does the chamber of commerce consist?

Mr. WORKS. I think something between three and four thousand.

Mr. BRANDEGEE. When the writer of the letter refers to the action of the chamber of commerce he means the action of the 21 directors and trustees, does he not?

Mr. WORKS. Oh, certainly. The action of the representatives of the chamber of commerce—the board of directors—through this circular letter, was sent out to all the members of the chamber of commerce, giving them opportunity to act upon it, if they desired, and the only action that has resulted from it, as I have pointed out, has been through the action of interested parties who are desirous of defeating this legislation.

Mr. BRANDEGEE. Will the Senator state what proportion of the actual voting membership of the chamber of commerce has sent telegrams asking that the 50 per cent restriction be stricken off as to the Pacific Mail Line if allowed to go through the canal?

Mr. WORKS. That I am unable to state. I have only the information that has been compiled by the general manager and vice president of the Pacific Mail Steamship Co., at the instance of the Senator from Connecticut. I have not myself been over that to determine what number of persons have acted one way or the other.

Mr. BRANDEGEE. The Senator states there were 800 telegrams received by his colleague from members of the chamber of commerce on that matter.

Mr. WORKS. I said it was so stated by my colleague—that there were 800 telegrams from members of the chamber of commerce and others. My understanding is that something over 500 of those were members of the chamber of commerce; and I want to call his attention to this further fact: If the Senator desires to do so and will examine those telegrams he will find that large numbers of them are duplicated in this way: A member of the chamber of commerce will sign for himself as an individual; then he will sign as president of one corporation, vice president of another, and secretary of another corporation, and in that way multiply the number of telegrams. I think it will be found in one case that one man who acted in that way sent five telegrams, which reflected only his own sentiments. Therefore the number of telegrams actually sent, whatever may have induced the sending of them, has been materially increased by such methods.

Mr. BRANDEGEE. Of course, any duplication should be corrected, but the question remains whether a majority of the voting members of the chamber of commerce have sent telegrams protesting against this 50 per cent restriction or not. The Senator does not know about that. I will myself put in those figures later.

Mr. WORKS. I should not want to give my own word, because I do not know. The statement I have had with respect to it, from persons who profess to know, is that not nearly one-half of the chambers of commerce have sent such telegrams. I am undertaking to point out the manner in which the telegrams were procured and by whom they were actually sent as indicating, whether sent in the names of these persons or not, that they do not express the sentiment of the people who sent them, but are the acts of the Pacific Mail Steamship Co.

Mr. President, I have here the views of the Chamber of Commerce of the city of Los Angeles, my home city. So far as I know, no telegrams have been received from the Chamber of Commerce of Los Angeles protesting against the enactment of this bill. This document is in print, and is of some length, but it points out very clearly not only the attitude of the Chamber of Commerce of Los Angeles in respect to it, but of other chambers of commerce all along the Pacific coast who were acting in conjunction with the Los Angeles chamber.

CHAMBER OF COMMERCE,
Los Angeles, Cal., July 18, 1912.

ACTION OF THE LOS ANGELES CHAMBER OF COMMERCE IN FAVOR OF FREE TOLLS ON AMERICAN SHIPS THROUGH THE PANAMA CANAL, AND IN OPPOSITION TO RAILWAY-OWNED SHIPS ENGAGING IN COASTWISE TRADE THROUGH THE PANAMA CANAL.

To the members of the Los Angeles Chamber of Commerce.

GENTLEMEN: The prospective opening of the Panama Canal for business has presented some serious questions for the consideration of the commercial bodies, the business interests and the people of the Pacific coast. Two of the most important questions are:

"First. Freedom from tolls for American ships engaged in the coastwise trade through the Panama Canal; and

"Second. The prohibition of ships owned wholly or in part by transcontinental railway companies from operating through the Panama Canal."

Upon these two important questions the Los Angeles Chamber of Commerce has taken a decided stand, and the board of directors think it desirable that the membership should fully know what this action has been, and the reasons therefor. While the position taken by the board has been published from time to time, doubtless there are many who have not given it careful consideration.

On October 2, 1911, a meeting of the Associated Chambers of Commerce of the Pacific Coast was held in San Francisco, at which the Chambers of Commerce of Los Angeles, San Francisco, San Diego, Oakland, Portland, Tacoma, Seattle, and Spokane, as well as several of the chambers of commerce of the interior districts, were represented. There also were present at this meeting United States Senator GEORGE C. PERKINS, and Congressmen JOSEPH R. KNOWLAND and E. A. HAYES, Mr. KNOWLAND being the only representative from the Pacific States on the House Committee on Interstate and Foreign Commerce.

At this meeting the following preamble and resolutions were adopted by a unanimous vote of the chambers of commerce represented:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of the great national policy, amongst other things, of providing for the national defense, of opening up the shortest possible water route between the respective coasts of the United States and foreign countries, to provide through natural methods and to prevent monopoly of transportation, means for transportation between the various sections of the Union at the lowest possible cost, to build up and expand our commerce with foreign nations, and incidentally to encourage the upbuilding of a now decadent merchant marine: Be it

"Resolved, That it is the sense of this meeting that there should be no tolls charged through the canal to vessels coastwise flying the American flag; and be it further

"Resolved, That we heartily approve of the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows:

"'I can not close this reference to the canal without suggesting as a wise amendment to the interstate commerce law a provision prohibiting interstate commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefits of the competition in trade between the eastern and western seaboards, which this canal was constructed to secure.'"

October 4, 1911, these resolutions were also adopted by the Los Angeles Chamber of Commerce in its individual capacity, and certified copies thereof were transmitted to each Member of the United States Senate and House of Representatives.

The bill providing for the operation of the Panama Canal was duly introduced into the House of Representatives with neither of the foregoing provisions, which are regarded as most important on the coast, inserted. An amendment, however, was adopted in the House of Representatives, freeing American vessels engaged in the coastwise trade of the payment of tolls, and also preventing the operation of interstate railway-owned ships from operating through the canal, and the bill in that satisfactory form was sent to the Senate.

In the Senate the bill was referred to the Committee on Interoceanic Canals, and by that committee an amendment was inserted known as section 11, which is as follows:

"SEC. 11. That no ship owned, chartered, operated, or controlled by a railway company, or in which any railroad company has any interest whatsoever, by stock ownership or otherwise, either directly or indirectly, through any holding company or by stockholders or directors in common, or in any other manner, shall be permitted to enter or pass through the Panama Canal if engaged in the coastwise trade between ports of the United States. That any ship of American registry, however owned or controlled, shall be permitted to operate through the canal in transoceanic trade to and from oriental or European countries. Said vessel on its way to and from said foreign countries shall be permitted to do a coastwise trade between ports of the United States and intermediate foreign ports, provided that this shall not be permitted to any ship owned or controlled in whole or in part by any railroad company except those engaged in said transoceanic trade, nor shall any coastwise trade be done by any such ship unless on a voyage to or from such transoceanic ports and not to those of Canada, Mexico, or any Central or South American ports: *Provided further,* That no such railroad owned or controlled ships shall pass through the canal unless at least 50 per cent of its cargo in tonnage is destined to or shipped from oriental or European ports."

The new provisions of section 11 are not in conformity with the position taken by this chamber, and the following statement in regard thereto was adopted by the board of directors and transmitted to United States Senators JOHN D. WORKS and GEORGE C. PERKINS, and to each of the California Members of the House of Representatives, June 12, 1912:

"STATEMENT OF POSITION OF LOS ANGELES CHAMBER OF COMMERCE ON PANAMA CANAL BILL.

"The Los Angeles Chamber of Commerce heartily approves the action of the House of Representatives and the United States Senate in placing in the Panama Canal bill an amendment which provides freedom from tolls for American shipping engaged in coastwise trade, and it also approves the amendment by the Committee on Interoceanic Canals of the Senate, which provides that American shipping engaged in foreign trade may enjoy freedom from tolls upon entering into contract with the Government that such shipping shall be subject to impressment into the naval service of the United States in times of war.

"This chamber has also taken position in favor of the exclusion of ships owned and controlled, either wholly or in part, by railway corporations from being permitted to pass through the Panama Canal. It can not, therefore, approve the action of the Senate Committee on Interoceanic Canals, which would permit American shipping engaged in foreign trade to also engage in coastwise traffic on the same voyage through the Panama Canal. Our reasons are these:

"We have no desire to cripple the transcontinental railways in their proper line of business. We are, however, most earnest in our desire for real competition, not only between individuals and corporations which may use the Panama Canal, but between water transportation through that canal and transportation by the transcontinental railways.

"And these railways are so powerful, and their interest is so great in preventing actual competition between the Panama Canal and their own lines, that we seriously fear that real competition would be prevented if they were permitted to transport goods from one American port to another in ships engaged in either the domestic or foreign trade, passing through the Panama Canal."

July 3 and 6, 1912, wire communications were received from Mr. R. P. Schwerin, president of the Pacific Mail Steamship Co., stating that that company had raised $12,000,000 to build four American steamers, and with these four to create a fleet of eight steamers operating through the Panama Canal from New York to Hongkong, all steamers touching outward and homeward at San Pedro and San Francisco. Mr. Schwerin called attention to the attitude taken by the Los Angeles Chamber of Commerce, and desired this body to reconsider its action, and especially to oppose that portion of section 11 which reads as follows:

"*Provided further,* That no such railroad owned or controlled ship shall pass through the canal unless at least 50 per cent of its cargo in tonnage is destined to or shipped from oriental or European ports."

Mr. Schwerin adds: "We stand for all the balance of the section, and we ask your assistance that this portion of section 11 should be stricken out, as it would create a situation impossible for practical operation."

To the foregoing communication the following answer was sent to Mr. Schwerin by wire, July 10 1912:

"The board of directors of the Los Angeles Chamber of Commerce have given careful consideration to your telegram of July 3 to former President Slauson and of July 6 to the present president of the chamber, in regard to the provisions of bill regulating traffic through Panama Canal.

"I am instructed by the board of directors to say that the position heretofore taken by this chamber, based upon the recommendations of President Taft in his message to Congress of December 6, 1910, favoring the prohibition of interstate railroads owning or controlling ships engaged in trade through the Panama Canal, has been readopted on numerous occasions by this chamber, as well as by the Associated Chambers of Commerce of the Pacific Coast, representing the Chambers of Commerce of Los Angeles, San Francisco, Oakland, San Diego, Portland, Tacoma, and Seattle. Having given your able statements of the situation careful consideration, this chamber is still unable to alter or modify its views upon the question. Letter will follow.

"H. Z. OSBORNE, *President.*"

The letter which followed recited the recommendations of President Taft, heretofore referred to, and the statement of the position of the chamber of commerce with respect to the Panama Canal bill, as heretofore set forth, and closed as follows:

"The foregoing statement fairly expresses the position of the chamber.

"You state the opposite opinion strongly and impressively, but, as heretofore stated, the board of directors feel sure that to permit transcontinental railways to operate ships engaged in coastwise trade through the canal would be likely to prevent real competition, as was set forth in the statement of President Taft to Congress in the paragraph quoted.

"Regretting that we are unable to agree with you on so important a matter, and with great personal esteem, I am,

"Very respectfully,

"H. Z. OSBORNE, *President.*"

The board of directors regard the matter of competition through the canal as of vital importance and believe that there will be great danger to free competition if the transcontinental railway companies, with their enormous capital and power, are permitted to operate ships engaged in the coastwise trade through the Panama Canal.

* * * * * * *

Respectfully submitted.

H. Z. OSBORNE, *President.*

Attest:

H. B. GURLEY, *Assistant Secretary.*

Mr. WORKS. Mr. President, reference has been made in some of the communications to the 50 per cent provision of the canal bill. That resulted from the amendment which was made to the bill by the Senate committee. In order partly to test the good faith and sincerity of the representatives of the Pacific Mail Steamship Co. and others who were claiming the right to have their ships pass through the canal, although owned by railroad companies, there was a provision inserted that in order to be entitled to the use of the canal they must carry at least 50 per cent of freight destined to foreign ports. That provision, as it will be seen, is being vigorously contested by the Pacific Mail Steamship Co. In these telegrams that have been sent, in the protest that has been procured by the Pacific Mail Steamship Co., they refer expressly to this provision of the bill and protest against it.

Mr. President, in the hearing before the Committee on Interoceanic Canals it was testified by this man Schwerin that the coastwise business was only an incident to their traffic; that what they were seeking was foreign trade; and when pressed to know how much of the freight they expected to carry or did carry was coastwise trade, he said not exceeding 10 per cent.

Now, after making that statement before the committee, and reiterating it time and again, when it is proposed to allow his ships to go through the canal with 50 per cent of coastwise trade, his company protests against it.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from North Carolina?

Mr. WORKS. I do.

Mr. SIMMONS. Does the Senator from California understand that they protest against that provision if the 50 per cent is taken for some period of months or a year, or does the company protest if the provision should be construed, and probably it would be, so as to require that each cargo should contain 50 per cent?

Mr. WORKS. I think, Mr. President, that the provision in the bill is ambiguous in respect to that matter. I do not think it provides specifically one way or the other.

Mr. SIMMONS. My understanding, if the Senator will pardon me, is that the steamship companies complain that under the provision as it is written in the bill they would have to have 50 per cent on each voyage, and that might bring about a very great difficulty. I understand they do not object to the provision, provided its application is so construed or the bill is so drawn that it would admit of the construction, that they were required in a given period of time to carry 50 per cent of such commerce.

Mr. THORNTON. Mr. President——

Mr. WORKS. Excuse me for a moment.

Mr. SIMMONS. I may be mistaken about that, but I have gotten that impression from an amendment somebody sent to me, accompanied with a letter suggesting that change.

Mr. WORKS. I should like to ask the Senator from North Carolina——

Mr. SIMMONS. I do not remember who sent me the amendment, and I have misplaced it.

Mr. WORKS. I should like to ask the Senator from North Carolina if he places that construction upon the amendment.

Mr. SIMMONS. I am rather inclined to fear it might bear that construction—so as to apply to each cargo.

Mr. WORKS. I have been interviewed by Mr. Schwerin. I think I know what are his views on the subject, and it would not make the slightest difference whether you give one construction or the other to this portion of the bill you will find the Pacific Mail Steamship Co. protesting against it just the same.

Mr. THORNTON and Mr. BRANDEGEE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from California yield, and to whom?

Mr. WORKS. I yield to the Senator from Louisiana.

Mr. THORNTON. I did not understand there was any ambiguity in the amendment. I understood that each ship, in order to pass through the canal, must have 50 per cent of its cargo destined for oriental ports, going that way, or from oriental ports in returning, and it was for that reason that in my address to the Senate yesterday I stated I did not see how that could be practically put into operation, for it depended upon circumstances that the ships could not control. I will read the provision of the bill:

> That no such railroad owned or controlled ship shall pass through the canal unless at least 50 per cent of its cargo in tonnage is destined to or shipped from oriental or European ports.

To my mind, it is perfectly plain that it means that each ship on each voyage must have 50 per cent of its cargo either for the Orient or from the Orient to this country.

Mr. WORKS. I am not very much concerned about the construction that is to be placed upon the proposed amendment to the bill, because I am opposed to the whole amendment to section 11, in whatever form it may be placed. I believe in the absolute exclusion of all railroad-owned ships from the use of the canal in the coastwise trade. We have had our experience out on the Pacific coast with that condition of things.

The Southern Pacific Co. has for years owned and controlled the Pacific Mail Steamship Co. It has throttled competition on the waters of the Pacific, and it will continue to do so if it is permitted the use of the canal under the conditions as they exist at the present time.

Only a short time ago reliable and responsible parties—shipowners—were proposing to establish a line of ships to connect with the Salt Lake Railroad Co. at the port of Los Angeles, plying between that port and the Orient. Every arrangement was made between the Salt Lake road and the shipowners to establish the line. Everything had been agreed upon satisfactorily between them. But the Southern Pacific Co. owns 50 per cent of the Salt Lake Railroad Co., and when the negotiations had been concluded the president of the Salt Lake Railroad Co. said he would have to refer the matter to the president of the Southern Pacific Co.

The Southern Pacific Co. was interested in what would be a competing line. It was running and operating the Pacific Mail Steamship Co., and nothing was heard from that time on of the proposition to establish a line from Los Angeles to the Orient.

Of course, the Southern Pacific Co., being the owner of one-half of the stock of the Salt Lake Railroad Co., was in a position where it could prevent the making of any such contract as would bring any steamship company in competition with its own steamers.

I want to call the attention of the Senate to some declarations made by Mr. Schwerin as indicating his lack of good faith in dealing with the question of this amendment authorizing the passage of their ships through the canal if they were carrying 50 per cent of freight for the Orient. At a hearing before the committee, this occurred:

(Page 782.)

The CHAIRMAN. How does their tonnage to go through the canal compare with the tonnage you anticipate running through the canal—when they get their new boats completed, how much tonnage will they have?

Mr. SCHWERIN. They will be in a position to carry 1,250,000 tons per annum.

The CHAIRMAN. And the four ships which you are having built of 37,000 tons each will carry——

Mr. SCHWERIN (interposing). Our present four and the four which we are building would carry coastwise 162,000 tons of freight.

The CHAIRMAN. As compared with over a million?

Mr. SCHWERIN. As compared with a million and a quarter.

The CHAIRMAN. And you propose, as I understand your claim, that these will engage in the foreign trade and only want the privilege of stopping at Pacific coast ports? What proportion of your business do you estimate would be coastwise?

Mr. SCHWERIN. I estimate that the coastwise business would be 10 per cent of our foreign trade.

The CHAIRMAN. Once more: What part of your business is passenger and what part is freight? State it in revenue.

Mr. SCHWERIN. As a matter of revenue, I should say that 90 per cent of our tonnage is in passenger business.

Then, I have here a number of extracts from Mr. Schwerin's statement before the committee bearing upon this question, and without taking up the time of the Senate to read those statements I will ask leave to insert them in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

SCHWERIN'S INSINCERITY.

HEARINGS BEFORE HOUSE COMMITTEE.

(Page 1056.)

Mr. SCHWERIN. If we have seven or eight thousand tons of Oriental cargo and have 2,000 tons of spare space, and a shipper wants to send his San Francisco freight out by us—no; it can not go.

Mr. J. A. MARTIN of Colorado. You want to do both coastwise and foreign business?

Mr. SCHWERIN. Only coastwise business when we have open space.

(Page 1061.)

Mr. EVARTS. All that we are asking is to go into this foreign trade, to be permitted to do the foreign trade. * * * Now, there isn't a transcontinental railroad company that has any intention of putting a single ship between New York and San Francisco.

HEARINGS BEFORE SENATE COMMITTEE ON INTERSTATE COMMERCE.

(Part XXXI, page 2641.)

Mr. SCHWERIN. These ships are American ships. * * * We want to operate them, not in coastwise trade—that is not our trade—we want to operate them through the canal in the oriental trade, but we want the right that an American bottom ought to have—that is, if we have empty space we can fill it coastwise. * * *

(Page 2645.)

Mr. SCHWERIN. I ask you to let us build these ships, not that we want to go into the coastwise trade, but, as I stated before, to continue in the oriental trade. * * *

(Page 2657.)

Mr. SCHWERIN. You entirely mistake this proposition. We do not want freight from New York to San Francisco. We want freight from New York to the Orient. The freight to San Francisco is merely incidental.

* * * * * * *

Senator CUMMINS. There is a good deal of freight between the two coasts that must pass somehow or other?

Mr. SCHWERIN. There are plenty of ships that will carry it—American ships.

Senator CUMMINS. You want to carry your share, do you not?

Mr. SCHWERIN. No, sir; I am after the oriental traffic. I consider that within a year, probably, after this line is operating we would have as much oriental traffic as we wanted or could carry.

Senator CUMMINS. And you would cease to do business between the two coasts?

Mr. SCHWERIN. Except passenger business.

* * * * * * *

SENATE COMMITTEE HEARINGS.

(Page 181.)

Mr. EVARTS. The trade from New York to the Orient will be done by eight ships sailing every two weeks. We expect eventually to fill these boats practically full for the oriental trade. We may not do so at first. Suppose we do not do it at first; the eight ships average, say, 10,000 tons each. Suppose we make it the worst possible and say we do not fill half of them for the Orient; suppose there was 5,000 tons in each filled for San Francisco; that would make 10,000 tons a month or 120,000 tons a year. * * * There are 120,000 at the very outside. We probably will carry eventually only oriental

cargo, and we may not carry any coastwise cargo. But assume the very worst; that is, that we carry 120,000 tons a year; is that going to throttle the canal? Is this ruinous competition? * * *

(Page 203.)

Mr. EVARTS. A ship engaged in the foreign trade loading for the Orient, and simply loading for San Francisco the space which is not loaded for the Orient, could not in any serious way interfere with the port-to-port business through the canal

Suppose we should load for the Orient, and suppose at the beginning—it would not be for long after this line is established, but for a period of time suppose in the beginning we are short 5,000 tons a ship. That would be 10,000 tons a month or 120,000 tons a year. * * * How can that be any serious menace to anybody?

The CHAIRMAN. Well, it occurred to me that if you could devote such a portion of your whole as you wanted to to the carrying of goods from New York and loading and unloading any portion that you wanted to at the canal, at Panama or Colon, and then proceed to stop at every port up the Pacific coast, that might be quite a substantial indulgence in domestic coastwise commerce, which would be inconsistent with the policy of the Government prohibiting railroad-owned steamships from going through the canal, if they should adopt that policy.

(Page 233.)

Mr. SCHWERIN. This new line is being presented in good faith and contemplates the operation of steamers from New York to the Orient, and does not contemplate a coastwise line from New York to Pacific coast ports. I wish you would bear that in mind, for it seems to me, in view of the fact that to-day we have none of this business and that is the business we are going after, and the coastwise business is merely incidental, full weight of this statement must be considered as against Mr. Boole's irresponsible statement of the Harriman lines competing with themselves for oriental traffic.

(Page 300.)

Mr. SCHWERIN. * * * As I have stated, the entire potentiality of the vessels must be utilized in order to make it profitable, and if it failed to fill with oriental cargo—it may be a thousand or fifteen hundred tons—it should be able to earn on that space with coast cargo.

(Page 594.)

Mr. SCHWERIN. Our idea is not to take Pacific coast cargo unless compelled. We do not want Pacific coast cargo; we want the long-haul cargo; that is what we would naturally go after.

(Page 782.)

The CHAIRMAN. * * * What proportion of your business do you estimate would be coastwise?

Mr. SCHWERIN. I estimate that the coastwise business would be 10 per cent of our foreign trade.

The CHAIRMAN. Once more: What part of your business is passenger and what part is freight? State it in revenue.

Mr. SCHWERIN. As a matter of revenue, I should say that 90 per cent of our tonnage is in passenger business.

Mr. WORKS. The views of the people generally on the Pacific coast with respect to legislation of this kind are very well stated in some editorials which I have clipped from the San Francisco Chronicle. I have one of date of Friday, July 12, 1912:

[Editorial from San Francisco Chronicle, Friday, July 12, 1912.]

The British embassy has requested, through the State Department, that final action on canal legislation be deferred until a statement can be filed on behalf of the British Government. Senator BRANDEGEE, in charge of the bill, replies in effect that the necessity for action is urgent, but that any statement filed before action will be carefully considered.

While it is not safe to assume knowledge of the statement until it is made, our State Department is presumably well acquainted with British views of the proper interpretations of the treaty, and the statement in the dispatches that the objection is to the prohibition of the use of the canal by ships owned by railroads which are natural competitors of the Panama route may be correct.

If that be the case, one finds it difficult to imagine what ground for the objection the British Government finds in the treaty. We are unable to discover anything bearing on that subject at all.

But, at any rate, if such a prohibition is good for the people of the United States it is equally good for the people of Canada, who will certainly benefit as much as we will be competition between ships and railroads.

The Canadian Pacific Railroad, which is heavily subsidized by Canada, operates ships both upon the Atlantic and Pacific, which is an excellent thing as tending to reduce freight rates, good for the railroad as contributing to increase the volume of its traffic, and quite within the legitimate functions of a transcontinental carrier.

But it is not good for Canada, any more than it is good for the United States, that ships owned by transcontinental railroads shall be operated through the canal.

Everybody understands the reason, which is that such ships will not make rates which will diminish the profits of the railroads which own them, nor will any competing regular lines make rates lower than the railroad-owned ships, because that would invite a rate war in which the losses would be carried by the proprietary railroad until competition was driven off.

This is not a matter of theory but of experience. For years the Southern Pacific Co. used its Panama line not to promote cheaper sea rates, but to prevent them. And by that conduct, continued through many years, it forfeited all claim to any considerations of equity, even if there had been any, which there were not. Having put itself in the position of a public enemy, it must expect to be treated as such, because there is no other safe way to treat it.

The whole wretched business is deliberately and intentionally obscured. Nothing will prevent the Pacific Mail ships from using the canal if the Southern Pacific Co. will dispose of its Pacific Mail stock. And if it does not desire to do that it has only to dispose of its Panama line and go out of that business.

The Canadian railroads have now no investments in the Panama route. It is not to the interest of the Canadians that they should ever have any such investments. Any canal legislation which will make such ownership impossible is in the interest of the Canadian people, no matter what the Canadian Government, possibly inspired by Canadian railroads, may say about it.

I also desire to include in my remarks an editorial from the same paper on the 14th of July:

DEFINES POSITION OF CHAMBER ON CANAL—EXPLAINS THE OPPOSITION TO ITS USE BY COASTWISE SHIPPING OWNED BY RAILROADS—SAYS IT'S AN OLD FIGHT—CHAMBER OF COMMERCE JOURNAL WILL TELL OF THE FIRM STAND TAKEN BY THAT BODY.

The opposition of the chamber of commerce to the use of the Panama Canal by coastwise shipping owned or controlled by railroads is to be fully defined in the forthcoming number of the Chamber of Commerce Journal. In part the Journal will say:

"This is one of the most serious questions of economic policy now before the people of this country. Nothing less than the efficiency of the Panama Canal as a factor in transportation depends upon the outcome. The people of San Francisco have a particularly vital concern in it, and the directors of the chamber have unanimously taken their position in the matter for these reasons:

"First. San Francisco, in common with the rest of the country, has a right to the benefit of free, open, and fair competition among carriers, and to the lowest freight rates that such competition will produce.

"Second. It will not get the benefits if the railroads are permitted to operate ships through the canal or control their operation.

"Third. A railroad can not honestly compete with itself, whether by means of box cars or ships.

"Fourth. Steamer lines owned by railroads would be used by their owners to drive other shipping out of the canal business and prevent any more from engaging in it. The railroads would doubtless be glad to absorb the loss in order to destroy competition.

"Fifth. Having abolished such competition, the steamer lines would merely continue to hold the route for their owners.

"Sixth. The economic effect would be exactly as if the canal had never been dug.

"Seventh. To bring about that result is the main interest of transcontinental railroads in the pending canal bill, and, we believe, the explanation of the fight they have been making for permission to operate ships through the canal in the coastwise trade."

"The chamber of commerce demands that no railroad-owned or controlled shipping be permitted to use the Panama Canal in coastwise traffic to any extent, or in any proportion, or on any conditions whatever.

RAILROADS WILL CONTROL.

"Two railroads owned in common can not be expected to enter into actual competition, nor can the owners of a steamship line be expected actually to compete with a railroad which they also own.

"A railroad having an investment of $500,000,000 in railway lines and $25,000,000 in steamship lines can not conceivably permit the smaller investment injuriously to affect the larger.

"The greatest benefits to be derived from the completion of the canal will arise from the encouragement of the building and operation of a sufficient number of ships to carry adequately the tonnage offered, and from the maintenance of true sea-level rates. These benefits, in their fullest measure, can not be hoped for unless the conditions under which ships will operate are fairly equal.

"A railroad could operate its steamships temporarily without a profit, or even at a loss, and thus discourage independent steamships from engaging in a competition in which they would be at a prohibitive disadvantage.

"If the building and operation of independent steamships is discouraged and the field is left to railroad-owned or controlled ships, we must, then, be in the position of having to look to the railroads themselves for benefits which the canal was constructed to bestow.

"The opposition of the chamber to the use of the Panama Canal by vessels going coastwise and owned or controlled by railways was not conceived in a corporation-baiting spirit, nor was it aimed at any particular steamship or railroad company. Its purpose was to defend the commerce of San Francisco against any possibility of transportation monopoly and to prevent a bitter disappointment of the hopes which the people of this city have been warranted in basing upon the canal as an economic factor.

A GREAT QUESTION.

"The question is larger than that of any one railroad or steamship line, and the possible loss to the coast is far greater than any one corporation could cause. If half the oriental trade develops that we may reasonably expect, the volume of shipping in the Pacific will equal, and probably exceed, that in the Atlantic. Not 3 but 8 or 10 transcontinental railroads will have their termini at San Francisco. They will be compelled by economic necessity to keep fleets of great vessels to feed their lines at this end and to carry to China and Japan the products of the Middle West. If these fleets are permitted to use the Panama Canal, the same economic necessity will compel them to combine against independent shipping, and with the railroads willing to defray operating losses, drive this independent shipping out of the coast-to-coast traffic.

"In this matter the merchant, the manufacturer, the home owner, the workingman are all interested in some degree. Some are more concerned with it than others, but the city and the whole Pacific coast have a vital interest in the question, and this organization would be of little value if it did not recognize that interest now and do its utmost to defend it.

"Opponents of the course of the chamber have suggested regulation by the Interstate Commerce Commission as a protection against unfair competition and its inevitable monopoly. But, as shown in the letter above, the proposal has been put squarely up to the Interstate Commerce Commission by the President of the United States, and the commission asserts that it does not believe it could 'secure to the public the same favorable rates which would result from unrestrained competition.' In other words, it does not believe the difficulty, if created, can be handled that way, and does not think it should be charged with the performance of an impossibility. It would seem to be the part of common sense not to permit the danger to arise.

"Nobody can doubt that if there were no railroad-owned or controlled steamships there would be a tremendous volume of independent shipping to use the canal, and that the effect on transcontinental freight rates would be of the greatest benefit to the trade of this city and coast. Hence the elimination of railroad-controlled ships as a factor in canal business could cost us nothing important, while their admission to the canal could be relied upon to work out its entire destruction in an economic sense. San Francisco, Oakland, Los Angeles, San Diego, Seattle, Portland, Tacoma, the coast in general, would never derive from it any more benefit than the transcontinental railroads were willing to concede.

POSITION OF CHAMBER.

"As the Panama Canal bill stands at this writing, in the form in which it was reported back by the Senate committee, it provides that a railroad-controlled ship may use the canal, provided half her cargo is going to or coming from a foreign port. The insertion of this proviso was merely a temporary compromise. The position of the chamber has been that no railroad owned or controlled vessel should be permitted to use the canal at all in the coastwise trade, and that is still its position.

NOT A NEW FIGHT.

"There is nothing new about this fight, except its form. It is part of the old railroad opposition to any Panama Canal at all—an opposition that for at least 30 years has been unremitting in vigilance and astonishingly clever in device. Never avowing its origin or showing its hand, it sought, by means of misleading statistics in editorials and magazine articles to make the people believe there was no use digging the Panama Canal; that if the Panama Canal were to be dug it ought to be dug at Nicaragua, and if at Nicaragua, then Panama was better; that if it were dug nobody would use it, because it would still be shorter from New York to Hongkong by way of Suez; and finally if the Government in its unwisdom was bound to dig it, it should be a sea-level canal—in other words, one that could not be finished in a generation. And such a reach did the opposition have that a high official of the Colombian Government, explaining Colombia's failure to renew the French concession, once assigned as one reason 'the transcontinental railroad lobby at Bogota.'

"Members of the chamber that have signed the petition in opposition to the stand of the chamber in this matter ought to reflect on these things and ask themselves which policy is the more likely to 'keep the American flag on the seas' in a way beneficial to commerce and the country—permitting railroad vessels to run the independent shipping out of the business, or making the field inviting to independent owners by securing them against unequal competition from the railroads.

"The San Francisco Chamber of Commerce has stood, and will continue to stand for the exclusion from the canal of the unfair competition of railroad owned or controlled ships in the coastwise trade in order that there may be fair and lasting competition among independent lines."

This editorial explains specifically the position of the Chamber of Commerce of San Francisco as set out in the Chamber of Commerce Journal.

In an editorial in the same paper, of date July 15, 1912, this statement is made:

Never forget that the argument for the Pacific Mail in this case is wholly trumped up. It can get the use of the canal either by securing a divorce from the Southern Pacific Co. or by abandoning its coastwise traffic. If it will do neither, let it take the consequences.

It must be remembered that it does not come before the public with clean hands. It has violated all its obligations in the past, and has no claim to the slightest consideration. Whatever it gets is a matter of grace.

Mr. President, I might take up the time of the Senate in the discussion of the merits of this question of free passage and the exclusion of railroad-owned ships from the canal, but instead of that I have gone through the testimony of the various witnesses who appeared before the Senate committee, and have culled out in a brief way from that testimony the statements that each of the witnesses made relating to this subject. I ask leave, instead of commenting on the testimony myself, to include, as a part of my remarks, the statements made before the committee.

I do this mainly because they are men who have made a study of these questions. They are much more competent to pass upon them and determine what is right and just as between the public and the shipowners and the railroad owners, and I think what they say upon the subject will be very much more valuable than anything I could say.

The PRESIDENT pro tempore. Without objection, the matter referred to will be inserted in the RECORD as requested.

The matter referred to is as follows:

(Page 86.)

STATEMENT OF MR. ADRIAN H. BOOLE, OF WASHINGTON, D. C.

Prior to 1907 I had been engaged continuously in the over-sea steamship business in this country for 25 years.

* * * * * * *

Now, tolls on our domestic commerce—going from coast to coast—is an entirely different matter, it seems to me. And, were I not an advocate of shipping, I would strongly urge free tolls on that class of shipping, because any toll will be a tax on the consumers of the country; it will not affect the steamers carrying the traffic. And any toll on domestic commerce is not only going to increase the cost of its transportation on the water, but it will on the land also, from coast to coast, as, in the adjustment of their rates to meet new conditions, the railroads will take into account the cost to a steamer between coasts. But I do not wish to be understood as asking for free tolls for coastwise shipping, being a shipping man.

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(Page 87.)

The charge of a toll will not destroy water-borne traffic through the Panama Canal; it may hamper it a bit, but it will not kill it. But what will kill it will be monopolistic control of our coast terminals and the steamers by the railroads interested in regulating that kind of competition with themselves. And if the canal is to serve any useful purpose for the people who have built it, that sinister control must be prohibited by law from using the canal. But I will speak about this a little later.

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(Page 88.)

Senator BRISTOW. If it will not disturb Mr. Boole, I would like to inquire if there is any more reason why one should earn interest on the money that is invested in the Panama Canal than on the money that is invested in the improvement of the Mississippi River or New York Harbor?

Mr. BOOLE. I do not think so. My opinion about the function of this canal is that it should be operated in the interest of our people, the proprietors of the canal, and the only way I can see how that may be done is to let their commerce go through free; that is, our own domestic commerce. Where the buyer or seller has to pay the transportation, the cost of interchange has got to be borne by either the one or the other, and, therefore, you have got to tax the industries of the country if you are going to impose a toll on domestic commerce. That does not aply on foreign commerce from this country. You can make the buyer in the foreign country pay the toll, if you can get it out of him in competition with other countries, but you can not do that where your buyer is in your own country; and then, remember, he has been already taxed to build the canal—the same as you have.

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(Page 89.)

Now, if this prohibitive feature of the bill aims to prevent the making of any terminal arrangements that carry with them preferential or discriminatory conditions, then some remedy for the situation as it exists to-day in Boston, and in most of our ports, should be created in the bill. I am not opposing the segregation of rail and water interests, but merely wish to point out what seems to me a danger in enacting incomplete regulatory legislation.

I may add that this very matter is dealt with somewhat in the present rivers and harbors bill in the House, H. R. 21477. I would like to insert it at this point, but I will not take the time to read it.

The matter referred to is on page 61 of H. R. 21477, and is as follows:

"(*a*) The general location and description of water terminals and the extent and method of their use by water carriers and their general efficiency, and whether open to use by all water carriers on equal terms, and such information as may be accessible as to the terms and conditions of use.

"(*b*) Whether physical connection exists between such water terminals and the railroads or railroads serving the same territory or municipality, and also whether there exists between any of the water carriers operating upon waters under improvement or heretofore improved and any railroad or railroads, a mutual contract for interchange of traffic by prorating as to such long-distance traffic as may be desired to be carried partly by rail and partly by water to its destination."

Senator BRISTOW. Are you through with that feature of the matter?

Mr. BOOLE. Yes, sir.

Senator BRISTOW. The provision of the bill referred to simply requires that any steamship that uses the canal shall have exactly the same privileges over any railroad and over all railroads, and that there can be no agreements between that railroad and one particular line to the detriment of any other steamship line that seeks to use the canal, and that the railroads will have to treat all the steamships upon exact equality. That is what is sought to be provided for in the bill.

* * * * * * *

(Page 90.)

Mr. BOOLE. Certainly; and this question of terminal control is as important as anything else, because if you do effectuate the use of the canal for independent shipping and the railroads then control all the tidewater frontage of what practical use is it? Of no use at all.

* * * * * * *

(Page 92.)

Now, with the indulgence of this committee, I propose to analyze the proposition which the Pacific Mail Steamship Co. is now urging before Congress as justification for railroads to control competing water routes and to operate such steamers through the Panama Canal. I will leave it for the members of this committee to deduce whether the real purpose sought is disclosed in the argument used.

On March 5 last Mr. R. P. Schwerin, vice president and general manager of the Pacific Mail Steamship Co., of San Francisco, appeared with counsel before the Interstate and Foreign Commerce Committee of the House. The Pacific Mail Steamship Co., as you all know, is controlled through stock ownership by the Southern Pacific Railroad Co., which in turn is part of the great Harriman system of transcontinental railroads. The president of the Pacific Mail Steamship Co. is Mr. Robert S. Lovett, chairman of the board controlling the Harriman roads.

Mr. Schwerin stated to the committee that his company was desirous of building four fast passenger steamers of something like 17 knots speed, so as to keep the American flag on the ocean. Mr. Schwerin's interest in the American flag and his references to it are profuse throughout his testimony. I would like to read some of them just to show the marked affection of the Southern Pacific Railroad for the American flag, but I will not take the committee's time to do that.

Mr. Schwerin stated that these four steamers were to cost $3,000,000 each, and the picture was pressed upon the committee that it would cost $2,000 a day to operate each steamer (the interest on the investment alone would amount to $600 a day). It was also distinctly stated that they were to be built primarily for the oriental trade; not for the coastwise trade, but for the oriental trade, and they were to trade from New York to the Orient.

Mr. Schwerin's exact words were:

"It seemed to me that if we could run from New York to the Orient, operating a line of some 25,000 miles, and passing through the scenic route of the canal, and to the Pacific coast of America, and to the Hawaiian Island ports, and to the Japanese ports, and to the Philippines, and finally to Hongkong, that we would create a tourist route unequaled in the world. We could never live on the Pacific Ocean on freight business alone. That would have been absolutely impossible. Our life and blood depended on the passenger business, and therefore it would be manifestly ridiculous for us to build ships operating on this line from New York to the Orient unless we undertook to handle a large class of passenger business of the highest type and of the highest revenue."

Now, $12,000,000 were to be spent on just these four steamers, to trade from New York to the Orient, not from San Francisco, where the company already has large and expensive terminals and where the vessels would best and most directly serve this controlling stock interest in the company, namely, the railroad-stock interest, but from New York, where they would divert valuable oriental traffic from this railroad interest, already controlling the steamship project.

Not only that, but where these expensive steamers would have to meet the keenest competition in the world, via the Suez route, with the cheaply operated foreign "tramp," which Mr. Schwerin distinctly stated fixed the rate for the mail steamer. The "tramps," furthermore, were to have the advantage of a route 1,500 nautical miles

shorter than the one proposed by Mr. Schwerin for his four steamers. The distance from New York to Hongkong via Suez, Colombo, and Singapore (the usual route traveled from the westward) is 11,673 nautical miles, but the distance from New York to Hongkong via Panama, over the route proposed for these four steamers, is 13,188 nautical miles, viz, New York to San Francisco, 5,262 miles; San Francisco to Honolulu, 2,100 miles; Honolulu to Yokohama, 3,445 miles; Yokohama to Manila, 1,753 miles; and Manila to Hongkong, 628 miles; total, 13,188 miles, against but 11,673 for the foreign tramp.

Now, that difference of 1,515 miles would save at least six days' steaming for the tramp, and for the size of steamer loading to the Orient it would be worth at least $3,000 to the owner, so that that amount, in addition to all other economies from the cheaper cost of operation, would all go to intensify the competition for these fast and expensively operated steamers proposed by Mr. Schwerin. But that situation has no terrors for the project. Mr. Schwerin made it very clear that he was going after the oriental trade from New York.

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(Page 94.)

Mr. BOOLE. Volume 4 of the hearings before the House Committee on Interstate and Foreign Commerce, Mr. Schwerin testifies as follows:

"On the contrary, I shall do my level best to develop all the business to the Orient through the canal that I can possibly develop."

As the House committee had no bill before it that contemplated in any way the inhibition of railroad-owned steamers from engaging in any foreign trade whatsoever, the fact was pointed out to Mr. Schwerin. The suggested legislation then before the committee did, however, contemplate the prohibition of all railroad-owned steamers from using the canal for coastwise business, but only the coastwise trades were under consideration. Mr. Schwerin then explained that these four steamers were to be built too large for the oriental trade—the trade for which they were intended—and he therefore might find it necessary at times to fill up space at New York out of coastwise traffic; he disclaimed that as being his intention, however, unless driven to it, but before the Senate Committee on Interstate Commerce he admitted he would probably have to.

Mr. Schwerin made it very clear in his testimony that any prohibition against railroad-owned steamers using the Panama Canal, if enacted into law, would cause his oriental-steamship project to fade away, notwithstanding it was totally unaffected by such legislation.

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(Page 104.)

Mr. BOOLE. I would limit their use of the Panama Canal to foreign trades that were noncompetitive trades. I would prohibit their using the canal as a commerce destroyer; that is, using their ships through the Panama Canal as commerce destroyers in competition with themselves. If you want real live competition, you have got to take these two instrumentalities, the railroads and the water lines, and keep them separate; and I do not see how you can allow them to have a common ownership and then regulate that common ownership. The only effectual way is to separate it, and separate it by law. Now, whether that is the proper thing to do in this Panama Canal legislation, whether you want to go that far or not, so as to make this legislation general, as Mr. Teal suggested in his testimony the other day, I am not prepared to discuss; but I do think that the Panama Canal legislation should include in it an inhibition against its use by railroads.

Senator O'GORMAN. Do you believe generally, excluding all consideration of the Panama Canal itself, that generally there should be a divorcement of railroad interest from local shipping interest in the country?

Mr. BOOLE. You are speaking now as a general proposition?

Senator O'GORMAN. Yes.

Mr. BOOLE. I think there would be a very much healthier condition in the country.

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(Page 335.)

Senator BRISTOW. Excuse me, Mr. Boole, but did not Mr. Evarts state that he was the general attorney for the Southern Pacific Railroad?

Mr. BOOLE. No; he did not; he said he was counsel for the Harriman system.

Senator BRISTOW. Oh, the Harriman system.

Mr. BOOLE. Yes.

The CHAIRMAN. I do not know of personal knowledge what his relations are, but it goes without saying that the counsel of the Pacific Mail Steamship Co., and its general managers, if the majority of the stock of the Pacific Mail Co. is owned by the Southern Pacific Co., is in such a relation there that it does not, in my opinion, make any difference whether a man is counsel for one or the other.

Senator TOWNSEND. And I am very certain that it was shown here that Mr. Evarts, while connected with the Harriman lines, was connected with the Southern Pacific.

The CHAIRMAN. My personal impression is, though it is simply from hearsay, that when Mr. Lovett became president of the Southern Pacific after Mr. Harriman's death, Mr. Evarts, who was then assistant counsel under Lovett, became general counsel for either the Southern Pacific or the Union Pacific.

Senator BRISTOW. All of them; the whole Harriman system.

The CHAIRMAN. All of them; and for the purpose of this case I think we can safely assume that Mr. Evarts is in the confidence of all those interests and speaks for them.

Senator BRISTOW. Yes.

Mr. BOOLE. It is entirely satisfactory to me, Mr. Chairman, if the committee has that belief that there is a relation between the Pacific Mail and the Southern Pacific. They are trying to state that there is no relation, so far as management is concerned.

The CHAIRMAN. I do not believe there is a Senator on this committee that has the slightest doubt that the Southern Pacific controls the Pacific Mail Steamship Co. and can dictate its policy at any time it likes.

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(Page 337.)

The CHAIRMAN. You do not want to misquote Mr. Schwerin?

Mr. BOOLE. Not at all.

The CHAIRMAN. He said that if he did not build these boats he did not know where the capital was coming from to build the others. Now, you may be entirely right that there will be plenty of capital; but he did not say that there would not be.

Mr. BOOLE. The inference is that the four boats would not be placed on the ocean unless it was done by him.

The CHAIRMAN. Well, that was his opinion.

Senator TOWNSEND. Do you believe the railroads are going to build a vast number of boats if the law is left as it is?

Mr. BOOLE. I believe they will control the water situation from coast to coast.

Senator TOWNSEND. That is, they will put on a great number of boats?

Mr. BOOLE. They will do whatever is necessary to control that situation; and I base that belief on 25 years' experience in operating steamers, where we had to get the traffic from the railroads. It is not an academic theory with me.

Senator TOWNSEND. This thought comes to me: I am looking at the thing to find the solution of the problem that is best for the people. I do not give a rap for your boats, or for any other boats. I do not think we are here to legislate for your benefit, or for the benefit of the railroads, but we are here to legislate for the benefit of the people, if we can get at it.

Mr. BOOLE. I agree with you as to that.

Senator TOWNSEND. Now, if the railroads should put on a vast number of boats here to control the traffic, are the people going to be injured or benefited by it?

Mr. BOOLE. I do not say they will build more boats than are necessary; but they will take care of the water movement, and the minute there is the slightest indication of opposition to them, if it is necessary to build more boats to force them out, they will do it.

(Page 339.)

The CHAIRMAN. But you want to tie the railroads up by prohibiting them from using the canal?

Mr. BOOLE. Certainly.

The CHAIRMAN. I say, suppose we should allow the railroad-owned ships to use the canal, but regulate them as to their rates, and leave all their competitors free to cut rates and make what rates they can, what danger of monopoly in the canal would there be under those conditions

Mr. BOOLE. There would be this danger: That the railroads would control the terminals and, I think, would give preferential rights to their own ships, and the independent shipping, which, of course, has got to depend on the railroads for its traffic, would be at a hopeless disadvantage, except on what you call bulk cargoes.

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(Page 345.)

Mr. BOOLE. I will read now from the hearings before the House Committee on the Merchant Marine and Fisheries, March 14, 1912. On page 423 Mr. Schwerin testified as follows:

"Mr. SCHWERIN. Take the ships that we propose"—

He is now talking about these four ships—

"We would not build these ships abroad if they were limited exclusively to the foreign trade, because we desire to run them in a combination of local and foreign trade. For instance, the line would be from New York to San Pedro, San Francisco, Honolulu, and oriental ports. The advantage to the American ship in this trade is as follows: Local business from New York to the west coast of the United States, and vice versa on the return voyage; from New York to the Hawaiian Islands and from San Francisco to the Hawaiian Islands, and vice versa. Congress also says that an American ship shall carry Government freights, provided rates are reasonable as compared with those of foreign ships. We could carry Government freight from New York and San Francisco to the Hawaiian Islands and to Manila against the foreign ship; we could carry passengers from New York to the Pacific coast, and vice versa, and from the Pacific coast to the Hawaiian Islands, and vice versa, prohibited on a foreign ship. Therefore, if the foreign-built ship was limited exclusively to the foreign trade, we would not build these ships abroad."

Now, that testimony is a direct admission that this oriental proposition is to embrace very largely domestic business.

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(Page 348.)

Senator THORNTON. I ask you one more question. Assuming that it is practicable for the Interstate Commerce Commission to regulate the rates of these railroad-owned or railroad-controlled boats that you object to using the canal, would you then be willing to have these boats use the canal? Do you think the danger you feared would be removed and the monopoly obviated?

Mr BOOLE. I should first want to satisfy myself that the regulation would be feasible and effectual before I, for one, would want to induce capital to indiscriminately invest in shipping for a line of business. The suggestion that I understand the Senator from Washington, Mr. JONES, has made was to regulate these railroad-owned ships, place them, and them alone, because they were part of the railroads, under the Interstate Commerce Commission, leaving the independent shipping to shift for itself. I am firmly convinced that the most effectual way of meeting this situation is going to be to absolutely prohibit the railroads from engaging in competitive business with themselves on the water, because that fact in itself will lessen the importance for them to control the terminals, and with that terminal situation relieved, with the tension removed from that, the independent shipping will come more freely together with the railroad, and with them have an interchange which I am sure is going to be very difficult to work out if the railroads are going to be permitted to control the strategic points, control the terminals, and then be permitted to engage in the water-borne traffic under regulation.

Senator THORNTON. Yes; but the question I asked you you have not quite fully answered. The question was that assuming it to be feasible to have this regulation of these railroads, would you then be willing to see them use the canal?

Mr. BOOLE. If the matter can be regulated, I would be willing to withdraw my objection. But I want to state here that I do not think it can be.

STATEMENT OF MR. JOSEPH N. TEAL, OF PORTLAND, OREG. (LAWYER).

(Page 42.)

I do not want to misunderstand anyone or to be misunderstood, but if I understood Prof. Johnson yesterday—and that will lead up to what I have to say—he treats the Panama Canal as a commercial proposition pure and simple. Evidently his theory is to make it produce revenue, and revenue sufficient to pay all expenses of operation, maintenance, and interest on the investment in the canal. Hence, if I understand his theory, the collection of tolls, and not the development of commerce of the United States, is the primary and fundamental purpose this canal is to serve. He proposes to secure traffic from all sources by a system of differential tolls. That commerce which is directly tributary to the canal, to wit, American commerce, which can not get away from it, to pay the higher toll, and the more competitive the situation necessarily the lower the toll. Therefore, the tolls of vessels plying between Europe

and the southern part of South America and with Australia and New Zealand, which is a highly competitive territory, to be charged the lowest tolls. In other words, as I do not suppose he would want me to say that he proposes to base the tolls upon the theory of charging what the traffic will bear, I will put it in another way, and say he proposes to charge no more than the traffic will bear.

He proposes also to charge tolls on all vessels, coastwise or foreign, to place no restrictions upon the class of vessels or the ownership of them using the canal, except of a regulative character on the ships to which regulation would be applicable, which would be coastwise ships in domestic trade. In other words, to operate the canal purely as a private corporation would operate it to secure a return upon the investment as such, without giving very much consideration to the benefits the country as a whole might secure from its operation in a different way.

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(Page 43.)

If I have not misapprehended his position as he stated it yesterday, then I desire to say that the people of the Pacific coast take exactly and distinctly the opposite view. They believe the purposes in building this canal were two: First, military necessity; second, commercial benefit. And when I speak of commercial benefit I do not speak of it in the sense of simply a matter of collecting tolls from the people of the United States on its commerce. We look upon the Panama Canal—and I will say that I am not expressing personal opinions—speaking from a domestic standpoint and from the standpoint of the United States, as a part of the interrelated waterway system of this country. President Taft has so referred to it two or three times. He has also referred to it "as part of our coast line." I do not think there is a single member of the Cabinet who has any jurisdiction over the canal or the uses it is intended to serve but considers it exactly in the same way.

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It was suggested by Prof. Johnson yesterday that its cost might justify a departure from this principle. The State of New York, but one State in the Union, is expending about $120,000,000 in improving the Erie Canal and in constructing terminal facilities. I believe the investment of the State of New York in the Erie Canal will be in excess of $200,000,000 when this money has been expended. There is no thought of making a charge upon the traffic of the Erie Canal; indeed, it would defeat the very purpose for which the canal was built if a charge was made for its use. In our own State we are expending—I speak now of Oregon—large sums of money upon our rivers and upon our harbors, which money is raised by direct taxation, and we tax ourselves just as regularly for it as we do for a school tax; but I have yet to hear anyone suggest that after we secure the results we should put a tax upon commerce and prevent or handicap their use.

I will say also, that I can not conceive how it is possible anyone can justify, on this American canal, built by us, owned by us, defended by us, and operated by us, a higher charge on our domestic traffic than on foreign traffic, unless its purpose is to develop foreign traffic, and we simply use it as a revenue producer, when applied to our domestic commerce.

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(Page 48.)

Mr. TEAL. Yes; I understood; but I was simply referring to that.

Whether tolls shall or shall not be charged on domestic commerce is, in my opinion, for Congress to determine, as it may deem best. I wish to insert in the record a letter written by me on this subject to Mr. Bruner, of Philadelphia.

The letter submitted is as follows:

PORTLAND, OREG., *March 28, 1912.*

Mr. OWEN M. BRUNER, *Philadelphia, Pa.*
(*Care of Owen M. Bruner Co.*)

DEAR SIR: Your letter of March 16, addressed to the American Lumberman, submitting two questions with respect to the Panama Canal, has been handed me to answer. Your questions are as follows:

"1. Under our agreement with Great Britain, can we allow free tolls, directly or indirectly, to American ships engaged in foreign commerce?

"2. How will free tolls for American ships increase their number?"

In answer to your first question, I would say, in my opinion, the United States has the undoubted right to refund, if it so desires, all or any part of the tolls paid the Panama Canal by American ships engaged in foreign commerce. That tolls should be collected, in the first instance, from American vessels engaged in foreign trade is probably true. That this Nation or any other can refund tolls so paid can not be doubted. It is simply a question of national policy. I am now speaking of ships engaged in foreign commerce. As to ships engaged in domestic commerce, as I shall try to show, a different rule applies; and as to such commerce, in my opinion, we can, if we desire, make the canal, in the first instance, free to American ships without violating any treaty provisions.

TOLLS ON AMERICAN SHIPS ENGAGED IN FOREIGN COMMERCE.

In support of my conclusion as to our right to refund tolls paid by American ships engaged in foreign commerce I submit the following statement and authorities:

The Commissioner of Navigation, in his report to the Secretary of Commerce and Labor dated November 10, 1909, says:

"The refund of Suez Canal tolls as a means of promoting national shipping is a specific part of the policy of Russia, Austria-Hungary, and Sweden, and indirectly through their subsidies to national mail lines using the canal such refund is in effect part of the policy of Germany, France, Holland, Japan, Italy, and Spain."

The Secretary of War, in his annual report for 1911, says:

"Involved in the problem of fixing tolls is the question whether the United States has the right under the treaty to pay the tolls on American vessels using the canal.

"An examination of the treaty and the surrounding circumstances, to my mind, leaves no doubt as to the right of the United States, both legally and morally, to pay the tolls on its own vessels. This is a perfectly recognized practice in respect to the tolls of the Suez Canal, the toll rules of which canal were adopted by the United States in the Hay-Pauncefote treaty for the government of the Panama Canal. At least one of our national competitors in the use of the Panama Canal—Spain—has already taken steps to provide for the payment out of her national treasury of the Panama tolls on one of the Spanish lines which will use that canal."

The Secretary of Commerce and Labor, in his annual report of 1911, has this to say, after citing the law providing that no charge shall be exacted for the use of or improvements acquired or constructed for the use of navigation by the United States:

"The policy was adopted and has been pursued without dissent, because the country realized that free navigation promotes commerce and that our commerce is as essential to the country's welfare as the great productive industries of agriculture, manufacturing, and mining * * *."

Referring to the "no discrimination" clause, he says:

"That principle will of course be observed." * * * "This may be accomplished by the enactment of a law which shall provide that all tolls and transit charges which may be imposed on public vessels of the United States and on merchant vessels of the United States for passing through the Panama Canal shall be paid from any money in the Treasury not otherwise appropriated," etc. * * * "About 25 per cent of the Suez Canal tolls on foreign merchant vessels are now paid in some form from the treasuries of the nations whose flags those vessels fly, and we may assume that like provisions in at least some instances will be made for the payment of the tolls that we shall assess on foreign merchant vessels." * * * "When the future of American shipping is at stake and the domestic commerce of both seaboards and the Gulf is involved there is no reason to depart from a principle which has been so constantly invoked * * *."

"Our merchant ships and shipyards are as essential to the Nation as our battleships." * * * "It is feasible to use the canal for the promotion of American navigation in a manner consistent with treaty obligations, with precedent at home and abroad, and with our fixed policy of untaxed navigation on improved waterways."

In his message of December 21, 1911, President Taft says:

"I am very confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. Those tolls must be the same to everyone; but when we are dealing with our own ships the practice of many governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls, an equivalent remission of tolls, can not be held to be a discrimination in the use of the canal."

From the foregoing it appears that not only the United States, but any nation, has the power under the treaty to refund all or any part of the tolls paid by their vessels using the Panama Canal. It is a question of policy to be decided by each nation, and will be decided by them in their own interests. No one would or could question the right of Great Britain or Germany to pass a law to reimburse their vessels for tolls paid, and in face of the intense commercial rivalry existing between foreign nations, as well as with us, it can not be doubted they will make provision for such reimbursement.

TOLLS OF VESSELS ENGAGED IN DOMESTIC COMMERCE.

In my opinion the question of whether a toll shall be exacted on vessels engaged in this commerce is purely a matter of domestic concern. Foreign nations can not engage in this traffic. It is limited by law to vessels flying the American flag. Hence there can be no discrimination or inequality of treatment, and in the nature of things the treaty could not apply to a subject in which one of the parties had no concern.

So far as respects domestic commerce—that is, coast to coast movement—the Panama Canal is a part of our interrelated waterway system, and we can make it free or not as we will. President Taft, in a recent address before the American Society for Judicial Settlement of International Disputes, said:

"But we built the canal as part of our coast line and to double the efficiency of our Navy," etc.

This being true, on principle and in practice, there is no more reason for charging tolls on domestic commerce at Panama than for charging such commerce for the use of any other waterway improvement of the United States, and as I have heretofore stated, with the exception of the Panama Canal, no charges can be exacted for the use of any improvement for the benefit of navigation constructed by or belonging to the United States.

Panama was excepted from the operation of this law because, and only because, we did not care to bind ourselves to maintain a free waterway for the use of vessels of foreign countries.

The case of Olsen *v.* Smith (195 U. S., 332), decided by the Supreme Court of the United States, would seem to be directly in point. In this case the court passed upon the question of the right of a State to discriminate between domestic and foreign commerce in the application of its pilotage laws. A British vessel protested against the payment of certain charges on the ground that they were in violation of treaty rights, inasmuch as the pilotage charges discriminated in favor of American ships engaged in domestic commerce. The treaty provision was as follows:

"That no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States."

The court, in discussing this phase of the case, at page 344, says:

"Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels, created by the State law, concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply, without discrimination, to all vessels engaged in such foreign trade, whether domestic or foreign."

I have, perhaps, given more time to the discussion of these questions than you desired or is necessary, but I felt I should not only give you my opinion, but my reasons justifying it.

HOW WILL FREE TOLLS INCREASE OUR SHIPS?

Free tolls will tend to increase the merchant marine of this country for the same reason that the removal of any restriction on commerce tends to increase it or the elimination of cost of production tends to increase the use of any product. If all our commerce, foreign as well as domestic, through the canal was toll free, the effect would be the greater, but even if applied to domestic traffic only its effect will be pronounced. This is not to say that free tolls is the only or indeed the best means of increasing our merchant marine, but such as it is, it is one step in the right direction. It will at any rate remove one shackle. It is self-evident a toll is a tax either on the ship or cargo. It is a charge some one must pay, and in the last analysis the consumer will pay it. It is proposed by the bill pending in Congress and introduced by the House committee having the matter in charge that tolls be levied on a basis of $1.25 net registered ton. It is a simple matter to figure what a ship will pay when her tonnage is known.

The effect will ultimately be that the charge will appear in the rate. To say that on silks or articles of light weight and high cost such a charge would not be felt is begging the question. To appreciate the effect the rate must be applied to the commodities that ordinarily move by water. When thus applied its effect is at once apparent. The commodities affected will be those of comparatively low cost, in common use, and in which the freight rate is an important factor. From the Pacific coast the movement will consist largely of agricultural products—fruits, barley, etc.—salmon, wool, certain grades and quality of lumber, asphalts, etc. From the Atlantic and Gulf coasts and interior points of production and manufacture the movement will consist largely of steel products, canned goods, coal, rice, hardwoods, cotton piece goods, etc. Many of these articles are not produced directly on the coast, but at interior points. Therefore any additional charge added to a normal water rate necessarily by just that amount limits the ability of the commodity to reach the coast on the one hand and the distributive area on the other. In other words, limits the tonnage offering, and the more tonnage the more ships and the less tonnage the fewer ships. Indeed, it may be said without question the interior is more directly interested in the toll question than the coast points. If the tolls were so high as to prevent the use of the canal, the coasts could still use Magellan or Tehuantepec, but the interior sections would be handicapped. Without discussing some of our archaic shipping laws, which seem to have been enacted to prevent the development of an American merchant marine, let us note the effect under the toll system.

Substantially everything we produce in this country is in competition with that produced in foreign countries. With cheaper ships, lower operating expense, and not considering the possibility of foreign countries repaying tolls on their own vessels, we will be under a resulting handicap in our own markets; this considered simply as a transportation question. As illustrative, it is known British Columbia produces the same kind of lumber as that produced in Washington and Oregon. A British Columbia manufacturer can use vessels of any nation for carrying his products to any American port. On the other hand, we are limited to vessels flying the American flag. The result is that charters are always from $2.50 to $3 a thousand higher from our ports to ports on the Atlantic coast than from British Columbia to the same ports. Concede for the present there is a protective duty of, say, $1.50 per thousand on lumber. Nevertheless the difference in charter is a sufficient handicap to enable the British Columbian to drive us from our home market if he will, and it will be only a matter of grace on his part if he does not do so. Under such circumstances, is it not apparent the effect will seriously retard the development of our own merchant marine, and that the removal of the toll would tend to overcome the disability we labor under?

It might not be out of place to call your attention to the position taken by Germany on its mail convention with us to give you some idea how foreign nations encourage their own commerce and shipping. On letters from the United States to Germany, if carried on a German ship, the postage is 2 cents; if carried on a ship of any other nation, 5 cents. Surely this policy must carry its own lesson. If Germany finds 3 cents in postage of sufficient consequence to consider, is it not the course of wisdom for us to be on our guard in dealing with such commercial rivals and look out for cents also?

To put it briefly, the removal of tolls will eliminate a tax on our commerce; will lead to freer movement, wider distribution, increased demand for ships, and to that extent aid in establishing an American merchant marine.

I have tried to answer your questions. They lead into fruitful fields of inquiry I have not touched. In closing, may I say that commerce does in a most literal sense follow the flag, and no more effective national salesmen exist than the captains of the merchantmen of the world. The building of the Panama Canal is worth all it cost if it does no more than awaken our latent instinct for trade overseas and inaugurate a movement for the revival of our one-time prestige in the ocean-carrying trade of the world.

Yours, sincerely, JOSEPH N. TEAL.

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(Page 74.)

There is another feature in connection with this question. I wish to bring it to your attention as business men. We have terminals, but if the railroads will not exchange traffic with the boats, it will still be difficult to develop water carriage. This is largely the case at the present time, the railroads selecting the water carriers with whom they will make their through-traffic arrangements and issue joint through bills of lading.

The necessary and inevitable result where this procedure is adopted is to eliminate water competition. A buyer in the South dealing in cotton makes his arrangements to finance his business on drafts drawn against his shipments. He must attach his documents to a through bill of lading. If he can not get a through bill of lading, his drafts can not be cashed. The railroads can say, "You must ship by this line," because he can not use the other line, as he can not secure a through bill of lading. A case involving this question is now pending before the Interstate Commerce Commission. It was brought by the Mobile Chamber of Commerce and Horace Turner & Co. against the Mobile & Ohio Railroad Co. and the Southern Railway Co., and like conditions will be found all over the United States. If railroads are allowed the uncontrolled right to say with whom they will exchange traffic or issue bills of lading, they will have the power to divert the movement of traffic to suit themselves, and there can be no real independent lines of steamers.

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(Page 76.)

I have probably talked more now than I should have, and will bring my views down to a final point. From the standpoint of the people that I am speaking for, they are in favor of the following propositions—I will read this:

"First. That no tolls be charged on domestic traffic or on American vessels engaged in that traffic passing through the Panama Canal.

"Second. That no railroad company subject to the act to regulate commerce shall be permitted to own, control, operate, or be interested in any competing water line, whether using the canal or not.

"Third. That adequate provision should be made against combinations between competing boat lines and between such lines and the railroads.

"Fourth. That provision be made requiring the exchange of traffic between water and rail lines."

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(Page 78.)

Senator JONES. Mr. Teal, it has been suggested that if you prohibited railroad-owned vessels from going through the canal, many vessels that would otherwise be built for that trade would not be built. What have you to say to that suggestion?

Mr. TEAL. If we prohibited railroad vessels, then other vessels will not be built to operate through the canal?

Senator JONES. Well, it has been suggested that there are some railroad lines that contemplate building vessels to use the canal; but that if railroad vessels are prohibited, why, then, these vessels will not be built, and therefore we will have none to use the canal.

Mr. TEAL. Oh, I do not think so at all. I do not think that there is any ground for any such statement as that. Economically, it is unsound, to start with, and I do not think it is the fact. I hope that we have not arrived at the point where only railroads or railroad interests can build steamships in this country. Maybe it is true, but I do not think so.

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(Page 79.)

Senator THORNTON. Do you think that under this treaty the United States could prohibit ships that were foreign ships, although owned and controlled by a railroad, from going through the canal? For instance, now, Canada or one of the South American countries might have a railroad company owning a ship; do you think they could be prevented from going through on that account?

Mr. TEAL. Well, I do not know; but I would say that it would not, at any rate, be at all similar to this question; because I do not see how a Canadian or South American railroad-owned ship would make any difference. It would not be competing with us. We do not object to any ships they want to run for traffic from or to South America; it is only among ourselves that we object.

Senator BRISTOW. It has been suggested that if the American railroads—that is, the United States railroads—should not be permitted to operate steamships, the Canadian Pacific might do so.

Mr. TEAL. Where from?

Senator BRISTOW. Between American ports.

STATEMENT OF MR. MAXWELL EVARTS.

(Page 169.)

Mr. EVARTS. My name is Maxwell Evarts, 165 Broadway, New York City; I am a lawyer and appear here as counsel for the Pacific Mail Steamship Co.

Now, if these gentlemen honestly and sincerely believe that there is danger of the railroads dominating the canal, then we think that the suggestion made by Senator BRISTOW and the suggestion which has been made by Mr. Baker removes all danger whatever in the situation, and that suggestion is that the control of the traffic in the canal should be placed with the Interstate Commerce Commission. I will develop the question of control in a moment, but the great consideration in this case seems to me to be whether the country at large is not interested in having capital, no matter where it comes from, being invested in transportation. The steamship business at the best is an uncertain business. There are no very large rewards in it. If any capital can be attracted by it or to it, is not that the thing to do, and then regulate the business?

STATEMENT OF MR. S. C. MEAD, SECRETARY MERCHANTS' ASSOCIATION OF NEW YORK CITY.

(Page 108.)

Our association has taken up thus far only one point, and that is the question of tolls on coastwise trade passing through the Panama Canal. That received careful study by a special committee, which led to the adoption of the following resolutions and preambles:

"Whereas the United States by act of Congress passed in 1884 made the following declaration of policy regarding tolls or charges relative to waterways acquired or constructed by the Federal Government: 'No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work, for the use of and benefit of navigation, now belonging to the United States, or that may be hereafter acquired or constructed'; and

"Whereas under that policy, which is still in operation, the United States has expended on local waterway developments nearly $700,000,000, at the general expense of the whole country; and

"Whereas the Federal Government, in addition to its vast expenditures of public funds upon internal and seacoast waterways, for the use and benefit of all sections, and of all the people, free from the imposition of tolls or charges for the use thereof, has also made vast grants of public lands, of incalculable present value, to the transcontinental railways to promote their construction and the interests of the whole country, especially of the sections which they directly serve; and

"Whereas the Panama Canal is constructed primarily because of the military and economic necessities of the entire United States, and when completed will be of direct commercial benefit to a larger area of the country than any other waterway ever constructed or improved by the Federal Government; and

"Whereas the extension of the general policy of freedom from tolls to the domestic coastwise commerce of the United States passing through the Panama Canal can not create a discrimination against any other nation, or its citizens or subjects, in respect to the conditions or charges of traffic, or otherwise, because of the fact that no such nation has been or now is permitted by law to engage in such coastwise commerce, which law was in operation and contemplation at the time of the negotiation and ratification of the Hay-Pauncefote treaty; and

"Whereas the provision of the Hay-Pauncefote treaty appears to relate to the avoidance of discrimination between the nations, and therefore does not pertain to our domestic coastwise trade, in the treatment of which there can be no such discrimination as prohibited in said treaty: Now therefore be it

"*Resolved*, That the report of the special committee on tolls on coastwise commerce passing through the Panama Canal, dated February 26, 1912, be, and hereby is, approved; and be it further

"*Resolved*, That the Merchants' Association of New York opposes the proposition of imposing any tolls whatsoever upon the domestic coastwise commerce of the United States passing through the Panama Canal, unless it be determined by competent authority that the imposing of such tolls is required in the fulfillment of our treaty obligations.

STATEMENT OF MR. WILLIAM K. KAVANAUGH, PRESIDENT OF THE LAKES-TO-THE-GULF DEEP WATERWAYS ASSOCIATION.

(Page 127.)

The CHAIRMAN. As I understand, you say that, in your opinion, there should be no tolls on American coastwise shipping through the Panama Canal. Is that true?

Senator O'GORMAN. And that the canal should be kept free from absolute control and domination by the railroads?

Mr. KAVANAUGH. I think so. It would be just as consistent to assess tolls on the Soo Canal as it would be to assess them on the Panama Canal; just as consistent to assess tolls on the Mississippi River as the Panama Canal, in my judgment.

The CHAIRMAN. Is there any other way, in your judgment, to prevent railroad domination through the Panama Canal except to absolutely bar and prohibit any vessel in which a railroad has any interest whatever going through it?

Mr. KAVANAUGH. Senator, I believe I said a little while ago that possibly before the committee got through with it they would find that to be the case.

Senator O'GORMAN. What would be the case?

Mr. KAVANAUGH. To prevent railroad domination it may be found necessary to bar or prohibit railroads from using the Panama Canal.

The CHAIRMAN. It has developed here now that you have either got to let vessels that railroads are interested in go through and take your chances on whether it will drive out competition, or else you have got to prohibit them in the beginning; one way or the other.

Mr. KAVANAUGH. Then I would prohibit them. You gentlemen have the advantage of me. You have been sitting here listening to the testimony on both sides and can get all the angles.

The CHAIRMAN. I would not need to listen to the testimony one minute to understand that.

Mr. KAVANAUGH. If there is no other way to keep the railroads from using the canal for the purpose of destroying water competition, then, in that case, in the interest of the people, I think this committee should take the position that the railroads should not be allowed to send their vessels through the canal.

STATEMENT OF WILLIAM R. WHEELER, MANAGER TRAFFIC BUREAU OF THE SAN FRANCISCO CHAMBER OF COMMERCE.

(Page 599.)

Mr. WHEELER. I want to say, Mr. Chairman and gentlemen of the committee, that I appear here as the representative of the San Francisco Chamber of Commerce, which organization is, through its board of directors, unequivocally and unanimously committed to the policy of free tolls on American ships passing through the canal in the coastwise trade and for the prohibition of the operation through the canal, either wholly or partly in the coastwise trade, of vessels owned or controlled or operated by railroads which occupy competing lines with such vessel lines.

* * * * * * *

RESOLUTIONS INDICATING PUBLIC SENTIMENT THROUGHOUT THE COUNTRY IN FAVOR OF FREE TOLLS FOR AMERICAN SHIPS IN THE COASTWISE TRADE THROUGH THE PANAMA CANAL.

(Page 615.)

Resolutions unanimously adopted by the Lakes-to-the-Gulf Deep Waterways Association at the sixth annual convention, Chicago, Ill., October 12, 13, 14, 1911:

"The policy of free waterways is fundamental with the American people, and hence this association declares that this principle should be extended to our coastwise trade through the Panama Canal."

Resolutions unanimously adopted by the National Rivers and Harbors Congress, which convened in Washington in December, 1911, consisting of over 1,200 delegates, representing every State in the Union:

"We submit that waterways improved or created by the Federal Government by the use of money contributed by the whole people of the United States should be free for the use of American ships in fair and open competition and on equal terms, without the payment of tolls, but we contend that a water carrier owned, controlled, or operated by a competing land carrier is unfair competition, and in order to preserve to the whole people the benefits of continued fair competition so that the beneficent influence of open waterways shall not be nullified by hostile interests, we recommend the enlargement of the powers of the Interstate Commerce Commission, to the end that the commission may more effectually regulate competing land and water carriers and competing water carriers and provide for the interchange of traffic."

(Page 622.)

It has been stated that free tolls are desired in order that the jobbers on the Pacific coast might benefit thereby. Now, the jobbers, just like the other middlemen, the carrier, or the retailer, have no direct interest in the question of tolls. I want to say this for the Chamber of Commerce of San Francisco: They take a more enlightened view of this situation than their immediate self-interest. They believe that with free tolls through the canal our producers will be put more nearly in a position to distribute their products throughout the great Atlantic seaboard and the Middle West at rates which will popularize those products and increase the output. That means wealth for San Francisco. Mr. Lynch has given the membership of our chamber of commerce to the committee, but I will say that the membership comprises jobbers, bankers, insurance men, real estate owners, and manufacturers—all of our business element are members of the San Francisco Chamber of Commerce, and they feel that what goes to the building up of California goes to the building up of San Francisco, and that is the enlightened view they take upon this question of tolls. On free tolls shipping will move more freely through the canal. There will be a greater volume of business done in competition with the railroads, and the asset of San Francisco, its harbor, will be more freely used and developed.

(Page 650.)

SAN FRANCISCO, *March 11, 1912.*

R. P. SCHWERIN,
New Willard Hotel, Washington, D. C.:

Board of directors San Francisco Chamber of Commerce to-day, after careful consideration, unanimously passed following resolution:

"Resolved, That this chamber is unalterably opposed to the operation through the Panama Canal of any railroad owned or controlled ship engaging wholly or partly in coastwise traffic. We also reiterate our position formely expressed that we favor and strongly urge upon Congress the enactment of laws that will exempt from canal tolls all ships sailing under the American flag engaged in coastwise traffic."

This was done after consideration of your recent letter to me. We regret that you were of the impression that our attitude as expressed by our former resolutions, or as maintained by our representatives in Washington, called for any amendment of the law prohibiting railroads from owning or controlling ships engaged in trade through the canal other than coastwise trade. Our objection all along has been and still is only to allowing railroad owned or controlled ships engaged wholly or partly in coastwise trade from passing through the canal. Our position on this subject rests upon a matter of principle and in no way upon any hostility to any particular steamship company.

M. H. ROBBINS, JR.,
President San Francisco Chamber of Commerce.

RECOMMENDATIONS OF RAILROAD COMMISSION OF CALIFORNIA IN RE PANAMA CANAL BILL.

(Page 656.)

MARCH 16, 1912.

After a public hearing and a careful investigation into the law and the facts, the railroad commission of the State of California makes the following recommendations in the matter of the Panama Canal bill now pending before Congress:

"(1) We recommend that vessels owned, operated, or controlled by railroads and engaged in whole or in part in coastwise trade be barred from the Panama Canal, and suggest the advisability of extending this principle so as to make it unlawful for any railroad to own, operate, or control any common carrier by water with which such railroad does or may compete for traffic between points within the United States."

* * * * * * *

RESOLUTION IN RE PANAMA CANAL TOLLS.

(Page 657.)

Resolved by the Los Angeles Chamber of Commerce, That we reaffirm the statement of the principles and policy involved in the resolutions adopted by this chamber as a member of the Associated Chambers of Commerce of the Pacific Coast, October 2, 1911, as follows:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things of providing for the national defense, of opening up the shortest possible water route between the respective coasts of the United States and foreign countries, to provide through natural methods and to prevent monopoly of transportation and means for transportation between the various sections of the Union at the lowest possible cost, to build up and expand our commerce with foreign nations, and incidentally to encourage the upbuilding of a now decadent merchant marine: Be it

"Resolved, That there should be no tolls charged through the Panama Canal to vessels coastwise flying the American flag; and be it further

"Resolved, That we heartily approve of the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows:

"'I can not close this reference to the canal without suggesting as a wise amendment to the interstate-commerce law a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefit of the competition in trade between the eastern and western seaboards, which this canal was constructed to secure.'

"Resolved, That the recent action of the majority of the Committee on Interstate and Foreign Commerce of the House of Representatives in relation to Panama Canal tolls is at variance in all essential particulars with the foregoing statement of the principles and policy, which, in our opinion, should govern legislation on this subject, and we desire to emphasize the protest which this chamber has heretofore made to this proposed action of Congress by transmitting a copy of this resolution to every Member of the House of Representatives and to every United States Senator."

I hereby certify that the above is a true and correct copy of the resolutions adopted by the board of directors of the Los Angeles Chamber of Commerce at the regular meeting held Wednesday, March 13, 1912.

H. Z. OSBORNE, *President.*

Attest:

FRANK WIGGINS, *Secretary.*

LOS ANGELES, CAL., *March 12, 1912.*

Hon. JOSEPH R. KNOWLAND,
House of Representatives, Washington, D. C.:

Los Angeles Chamber of Commerce reiterates its earnest and solemn protest to placing a tollgate at entrance to Panama Canal to collect tax in name of toll against American commerce and shipping engaged in coastwise trade, thus discriminating against people of Pacific coast by levying tax that is not exacted against vessels or craft engaged in similar coastwise commerce in Soo Canal, Erie Canal, and various rivers made navigable at Government expense in which Pacific coast bears its proportionate share. This chamber is also absolutely opposed to permitting ships owned or controlled wholly or in part by railway companies to engage in coastwise traffic through Panama Canal.

THE LOS ANGELES CHAMBER OF COMMERCE,
H. H. OSBORNE, *President.*

STATEMENT OF MR. BERNARD N. BAKER, OF BALTIMORE.

(Page 579.)

As I see it, the two important questions before the committee are, first, the question of the right of the railroads to own competitive lines through the Panama Canal, and, second, whether American coastwise shipping should be permitted to go through the canal free of tolls. I have made quite a study of this subject, and I want to say now that it has been academic in a way. I have had no direct interest.

* * * * * * *

I certainly feel very safe in stating that if I felt quite sure that there would be no competitive railroad line allowed to operate a line of ships through the Panama Canal, especially in the coastwise trade between the coasts, I would feel certain that it would add very much to the number of ships to be built. I may say now that in an interview which I had in New York yesterday I was assured by some very responsible, reliable people that if such legislation is passed and the railroads prevented from controlling a line of steamers through the canal, which might possibly be used to the injury of their proposed line, that they are prepared immediately, or as soon as it can be possibly done, to build 12 steamships of not less than 10,000 tons each to develop this particular trade. That came from very reliable sources.

They have made—to show you how earnest they are—they have made a contract for 150,000 tons of citrus fruits from Californian points to New York; they have agreed upon a rate; they have made a contract for 10 years to carry that citrus fruit, based upon, in addition to the rate that has been agreed upon, the rate of toll, whatever it may be, to be added to it, so they evidently mean business. It is dependent entirely on what Congress will do with the legislation that is pending here with regard to what they consider will be unreasonable and unjust steamship competition from railroad-owned lines.

STATEMENT OF MR. RICHARD REID ROGERS, GENERAL COUNSEL OF THE PANAMA RAILROAD CO.

(Page 489.)

The CHAIRMAN. You have no doubt, then, have you, that even if we have no authority under the treaty to directly exempt American

shipping, we would have authority to remit tolls after they had been collected?

Mr. ROGERS. I can see no reason why you can not do that; but it would take virtually the form of a subsidy. For instance, it seems to me that Great Britain, in order to meet a situation of that sort, could appropriate annually for her vessels using the Panama Canal the tolls they had to pay.

Senator BRISTOW. That is a mere subterfuge, in order to avoid the letter of the law?

Mr. ROGERS. That is true.

Senator PERKINS. We do not discriminate against any foreign nations when we say that free tolls shall apply only to those vessels engaged in the coastwise trade, because foreign ships can not go into the coastwise trade. Therefore, why would that discriminate against them?

Mr. ROGERS. I think the argument that you bring up, Senator PERKINS, is very apt, and it has occurred to me in that connection that the very point which you have suggested is the correct one. I was merely suggesting the point I mentioned because my experience as a lawyer has suggested the advisability of avoiding doubtful issues, if possible. It may be said that a technical reading of the treaty would require the Government of the United States to treat all ships alike, even though they are in a class where foreign vessels can not compete, as in the case of vessels engaged solely in the coastwise trade.

Senator PERKINS. How would that theory apply to naval or war ships?

Mr. ROGERS. I do not think that it applies to those. It ought not to; but they have even raised the point that naval vessels ought to pay the tolls. If you are going to deal with this question by the remission of tolls, you at least avoid the issue by doing what other nations have been doing.

Senator PERKINS. The provision that it shall be free of tolls to the vessels engaged in the coastwise business—does not that solve the problem?

Mr. ROGERS. It may come to the same thing, as Senator BRISTOW says, because in the one case it seems to be merely an evasion; but in that case we do not run any risk of violating the letter of the treaty, and in the other case the point may be raised that you do.

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(Page 491.)

Senator PERKINS. It is not impossible that the Government may abrogate the provision which applies to American-built vessels in the coastwise trade. But meantime if we provide in this bill that the vessels engaged in the coastwise trade shall pass through the canal free of charge, it seems to me that is not a violation of any treaty.

STATEMENT OF MR. JAMES K. LYNCH, VICE PRESIDENT OF THE FIRST NATIONAL BANK OF SAN FRANCISCO, CAL., AND AT THE PRESENT TIME CHAIRMAN OF THE TRANSPORTATION COMMITTEE OF THE SAN FRANCISCO CHAMBER OF COMMERCE.

(Page 360.)

Mr. LYNCH. Mr. Chairman and gentlemen, I wish to correct any misapprehension that might exist in the minds of the committee, as it apparently exists in the mind of Mr. Schwerin, regarding the situation of that body and regarding its attitude toward his corporation and other transportation corporations.

The chamber of commerce has more than 3,000 members. It embraces the jobbers, as has been said, the manufacturers, the merchants, the bankers of San Francisco almost without exception, and the insurance companies, and also capitalists, real-estate owners, lawyers, and doctors. It is as thoroughly representative a body as could be gathered in the city of San Francisco.

When Mr. Schwerin sent his communication, addressed to a number of members of that body, requesting a change of their expressed opposition to the operation of railroad owned or controlled steamers through the canal, his communication was read at a meeting of the board. It was a very full meeting. According to my recollection there were more than 20 members, or, I should say, about 25, present. At the same time Mr. Frye, who in Mr. Schwerin's absence was the head of the company in San Francisco, was present, and by invitation amplified Mr. Schwerin's letter and expressed very fully, very forcibly, the views of his company upon the matter.

The hearing was postponed from, I think, Friday until the following Tuesday, in order to obtain additional information and have additional members of the committee present. It came up again at the second meeting, and at both those meetings, and all others I have attended or of which I have any knowledge, nothing was said except in full appreciation of the necessity of a body of the character, dignity, and responsibility of that body taking the broadest possible view of the matter. If there were any individual or private views that were conflicting with the position taken they were not expressed. In fact, on a number of occasions when I have presided as chairman of the traffic bureau, now called the transportation committee, I have known members to vote against their own personal interests in minor matters and to take the view that they considered most to the advantage of the city that they were, in a sense, representing. And I wish to assure Mr. Schwerin and also the committee of this honorable body that that was the view and the attitude taken—that they desired to give only the broadest possible interpretation and take the broadest possible stand. Looking at it carefully and from that viewpoint, the committee absolutely reaffirmed the position heretofore taken, and the action of that body was embodied in a resolution of March 11, which, with the permission of the committee, I will read, as follows:

"*Resolved*, That this chamber is unalterably opposed to the operation through the Panama Canal of any railroad owned or controlled ship engaged wholly or partly in coastwise traffic. We also reiterate our position formerly expressed that we favor and strongly urge upon Congress the enactment of laws that will exempt from canal tolls all ships sailing under the American flag engaged in coastwise traffic."

With that explanation, which I hope will clear up any impression of personal prejudice or hostility to Mr. Schwerin's company or any other corporation engaged in the traffic business, I will close; but before doing so I should like to further state that there is no body of men that would be more thoroughly disposed to forget bygones and begin from to-day, considering only the present and the future, and forgetting all enmities and hostilities that may have existed in the past, than the San Francisco Chamber of Commerce.

STATEMENT OF MR. DAVID O. IVES.

(Page 325.)

The CHAIRMAN. Your full name, occupation, and residence, Mr. Ives.

Mr. IVES. My name is David O. Ives; I am manager of the transportation department of the Boston Chamber of Commerce; and my residence is Boston. * * * I will first take up the question of free or preferential tolls. In relation to that I will merely touch upon the question of treaty violation, because I assume that you are all thoroughly familiar with that, and state that the lawyers with whom our transportation committee has consulted in Boston are of various opinions as to the technical meaning of the language of the Hay-Pauncefote treaty, and they therefore came back to the cardinal principle that no foreign government has any business to interfere with our domestic commerce between ports in the United States; that no Secretary of State would have any right, without direct authority of Congress, to give up the rights of the people of the United States to handle their own internal affairs, and therefore they believe that it would be no violation of the treaty to allow either free or preferential tolls, as might seem wise to those settling the matter of the exaction of tolls.

Mr. WORKS. There is another phase of this question which I desire to touch upon before closing my remarks.

It will be remembered that some time back the President of the United States, in a message sent to Congress, declared emphatically in favor of the exclusion of railroad-owned ships from the canal. Subsequently it was stated, I believe, by the Secretary of War before the Committee on Interoceanic Canals that the President had changed his mind and that he now was in favor of allowing such ships to pass through the canal subject to regulation by the Interstate Commerce Commission. And the opponents of this bill—the Pacific Mail Steamship Co. and others—have rung the changes upon that statement that it was not necessary to exclude railroad-owned ships, because they could be put under the control and regulation of the Interstate Commerce Commission, and that that would satisfy all parties and protect the public interests.

But, Mr. President, it developed, subsequent to that time, that it was regarded as impossible or at least impracticable on the part of the commissioners themselves to regulate sea traffic, and I call attention in the first instance to a letter signed by Judge Prouty, chairman of that commission, to the President, as follows:

(Page 864.)

MARCH 12, 1912.

DEAR MR. PRESIDENT: Referring to your request made to Commissioner Lane and myself recently, that we confer with our associates and inform you whether in the opinion of the commission transcontinental railroads should be permitted to own steamships navigating the Panama Canal, upon condition that the rates and practices of such carriers were made subject to the Interstate Commerce Commission, permit me to say:

The commission, after consideration, is unanimously of the opinion that if the waterways of this country are to be of any substantial benefit in the way of reducing rates of transportation it is absolutely essential that rail carriers be prohibited from owning or controlling, directly or indirectly, competing water carriers. From our knowledge of what has happened in the past we are of the opinion that this is particularly true of transcontinental railroads and steamshpis plying in competition with them.

While the Interstate Commerce Commission might, if vested with authority, prevent to some extent the injurious effect of allowing a common ownership over these competing carriers, still the limitations under which we act are such that we do not believe we could secure to the public the same favorable rates which would result from unrestrained competition. The conditions of water transportation are such that we do not believe that the port-to-port water traffic ought to be placed under the supervision of this body—certainly not under the same rules which apply in case of rail carriers. The law should, in our opinion, be so amended and strengthened as to give this commission power to compel a physical interchange of business between water carriers and rail carriers and to establish reasonable rates for through carriage.

Respectfully, C. A. PROUTY, *Chairman.*

The PRESIDENT,
The White House.

Judge Prouty was also called before the Committee on Interoceanic Canals to give his views upon this subject, and in that connection he testified as follows:

(Page 865.)

Mr. PROUTY. I do not think that the Interstate Commerce Commission can regulate the port-to-port rates of a water carrier, because there is no basis for regulation. We have just been investigating, in a case of which I had charge, the port-to-port water rates from New York to Galveston. There is a very large volume of traffic annually from Atlantic seaboard territory to New York, from New York to Galveston by water, and by rail from Galveston to interior Texas and southwestern points; and we have been inquiring into the reasonableness of those rates. Now, the evidence convinces me that it is entirely a question of conditions. If the ship runs full in one direction a low rate can be made; if it runs full in both directions, a lower rate can can be made; if it runs light, a higher rate must be made in order to pay the expenses of operation. Our investigation in that case shows that 60 per cent of the expense is at the dock and only 40 per cent of the expense on the water. The expense both at the dock and on the water is substantially the same, whether a full load is obtained or whether only a part load is obtained, except the cost of loading.

Now, when you inquire what is a reasonable rate on a railroad you have something to guide you. You have other railroads; you know about the cost of other railroads; you know about the cost of operation; you know about the density of the traffic; you can institute a comparison between that railroad and similar railroads. But all those distinctions fail when you undertake to inquire what is a reasonable rate on the water.

Commissioner Franklin K. Lane was also called before the committee and testified as follows:

The CHAIRMAN. Would you advise us to enact section 11 as it stands in the House bill?

Mr. LANE. I think section 11 is drafted along proper lines, but there is a practical question that Judge Prouty has dealt with as to whether it is wise to cut off these railroad-owned boats from the Lakes and the Sound traffic. Perhaps that can be taken care of by giving further time, but I have no question whatever as to the result of the proposed policy of making the ocean as free as possible and allowing ships upon the ocean without regulation.

The CHAIRMAN. Suppose the railroad-owned steamships of all the railroads of all countries were allowed to go through the canal, how would that restrict the freedom of the ocean?

Mr. LANE. If all the boats that were owned by all the railroads of the world were allowed to go through the canal and engage in coastwise business between points in the United States, of course there could not be any freer competition than that. It would make no difference, in my judgment, then, whether an American railroad owned a boat or not.

The CHAIRMAN. Suppose they were not allowed to engage in coastwise trade?

Mr. LANE. I think, then, you have created practically a monopoly for your ships from port to port in the United States, and you want to develop some business for American shipping and keep it for those ships. That would not be free competition.

The CHAIRMAN. Do you think the Pacific Mail would create a monopoly in the canal if they were allowed to go through there?

Mr. LANE. I think the inevitable tendency of a railroad owning a boat line that competes with it, when it is a great and powerful system, is to keep all other competitors and independent lines off, and I think the history of the Pacific Mail shows that this is so in that case.

The CHAIRMAN. I thought the complaint was that the Pacific Mail did not compete with the Southern Pacific Railroad, but that it was used simply as a blind and pretext of competition to keep the rail rates up.

Mr. LANE. Yes; and there against the independent lines so as to keep them off that route. That was the history presented to us in some of the transcontinental rail cases.

The President having learned that he was mistaken with respect to the efficiency of the Interstate Commerce Commission in dealing with this question again went back to his original conviction with respect to it. His consent to allow railroad-owned ships to pass through the canal was founded entirely upon the supposition that the traffic could be regulated and controlled by the Interstate Commerce Commission. With respect to that phase of the question, I am permitted to present to the Senate a letter from the President to Mr. KNOWLAND, a Representative in Congress from California, and Mr. KNOWLAND's reply:

THE WHITE HOUSE,
Washington, July 16, 1912.

Hon. JOSEPH R. KNOWLAND,
House of Representatives.

MY DEAR KNOWLAND: Mr. Wheeler is anxious to know my views with reference to the provisions against railroad-owned steamships and their passage through the Panama Canal. My impression is that I had a meeting with you and other members of your committee, and that the matter was referred to the Interstate Commerce Commission; that they answered that they did not think the control of ships could be properly exercised through them, and, therefore, that I stated I had reverted to my original opinion of restricting the use of the canal, or increasing its tolls, whenever it was used by railroad-owned ships.

Will you give me your recollection of this matter? I thought I had written you a letter on the subject.

Sincerely, yours,

WM. H. TAFT.

HOUSE OF REPRESENTATIVES,
Washington, July 20, 1912.

To the PRESIDENT,
The White House, Washington, D. C.

SIR: Replying to your favor of the 16th instant in regard to the matter of the provisions now pending against railroad-owned steamships through the Panama Canal, will state that my recollection relative to our conversation coincides with yours.

When I called at the White House, together with Representatives ADAMSON and STEVENS, there were present besides yourself Commissioners Prouty and Lane. In reply to your inquiry as to the feasibility of conferring upon the Interstate Commerce Commission authority to regulate railroad-owned ships if allowed to operate through the Panama Canal, both expressed the opinion that they did not believe the control of ships could be properly exercised through them, later sending to you, as I understand it, a letter in which they expressed these views on behalf of the commissioners as a whole.

As I understood it, your position was that in case regulation could not be had by this method you would revert to your original position, as stated in your message of December 6, 1910, in which you recommended a provision "prohibiting interstate commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal."

Sincerely, yours,

J. R. KNOWLAND.

I think, Mr. President, that Members of Congress have been influenced more or less by the position taken by the steamship and railroad companies that it was unnecessary that there should be any such prohibition as this because the whole matter could be taken care of by regulation of the Interstate Commerce Commission. Now, we have from authority which ought to be respected that it is impossible to regulate and control the traffic by sea, and therefore that objection to the provisions which are contained in this bill should have no force.

Mr. TOWNSEND. May I make a suggestion to the Senator in that connection?

Mr. WORKS. I yield to the Senator.

Mr. TOWNSEND. Mr. Prouty and Mr. Lane both, especially Commissioner Lane, insisted that if it were possible that they should attempt to regulate rates it would absolutely destroy competition by so doing, as they would have to fix the maximum and minimum rates, possibly, and the result would be an abolition of competition.

Mr. WORKS. Mr. President, I am not going to detain the Senate further with any discussion of these questions. I only desire to say in conclusion that I am in favor of the provision which was originally inserted in the bill by the House. It is the only direct, proper way to deal with this question, and I hope before the consideration of the bill is concluded that I may have an opportunity to vote for that provision as contained in the House bill. I should be glad to go further than the House bill and exclude all railroad-owned ships from the canal.

Mr. CHAMBERLAIN. Mr. President, I regret that I feel compelled to trespass upon the time and attention of the Senate in discussing some of the questions that are involved in the measure under consideration. The Senate of the United States and the people of the whole country fully realize the importance of legislation with respect to the government of the Panama Canal Zone and the use of the Panama Canal.

The question of the form of government to be adopted for the Panama Canal Zone has practically been settled by the Senate and the House of Representatives, because the amendments to the section providing for the government of the zone is a reinstatement of the provisions of the bill in that respect as it came to us from the House. So that now there is in issue between the two bodies only three questions, viz: First, the question of the power of Congress under the Hay-Pauncefote treaty; second, our right to remit tolls to vessels engaged in the coastwise traffic as well as to American vessels engaged in foreign commerce; and, third, as to the use of the canal by railroad-owned ships.

I propose to discuss, Mr. President, first, the question of the power of Congress under our treaty with Great Britain. The time has arrived when this Government ought to take a positive stand on the subject. It seems to me that wherever there is a question of doubt as to power that doubt ought to be solved in favor of the best interests of our own people. It ought not to be solved to meet the fears of some of our timid statesmen as to what might be the result if this question ever gets to The Hague tribunal for consideration and adjustment.

Whatever is done, whether this Government shall adopt a vacillating policy or whether it shall stand firmly for American rights and American interests, a precedent will have been established, to be followed by generations yet unborn.

For one I believe that Congress should take a positive stand in the assertion of its right to prescribe rules for the use of the canal by American vessels discriminatory, it may be, but in line with the best interests of a people whose money has been expended in the acquirement of the Panama Canal Zone and in the construction of the greatest engineering work of modern times, and upon whose shoulders for all time to come must rest the burden of the maintenance and upkeep of the canal.

I maintain that this can be done without doing violence to any provision of any treaty that has been made or that now exists between Great Britain and the United States.

I will not attempt to tax the patience of the Senate with a lengthy historical review of the steps taken in days gone by leading to the construction of an interoceanic canal between the Atlantic and the Pacific Oceans. Nearly a hundred years of negotiation looking to the consummation of this great work has been pending, and the energy of our own people is about to give fruition to the hopes and aspirations of the world. Where others have failed the United States has succeeded, but in the negotiations which preceded the work of construction the United States, through its diplomatists and Congress, came near to abandoning the Monroe doctrine, a doctrine proclaimed almost a century ago to protect the American continent from the intrigues and interferences of foreign powers.

While I do not propose to trace the events which preceded the execution of the Clayton-Bulwer treaty, I call attention to the fact that all the correspondence and negotiations between the two Governments on the subject lead inevitably to the conclusion that its principal purpose was to bring about the construction of a particular interoceanic canal on foreign soil "between the Atlantic and Pacific Oceans by the way of the River San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean."

Mr. President, in proof of this I call the attention of the Senate to the preamble of the Clayton-Bulwer treaty. It recites in terms that the purpose of the convention was the construction of a canal across Nicaragua along a definite line and through a particular river and lakes. There is not single reference in that convention anywhere, not a line, not a syllable, not a word from which anybody can draw a conclusion that the signatory powers had in mind any place except the construction of that particular canal in that particular place, and in every section of the treaty it refers to that canal only; that is, a canal crossing Nicaragua through specified rivers and lakes.

All who have looked into this subject at all know that the reasons which brought Great Britain into the negotiation for the treaty was the fact that she claimed to have some rights in the San Juan River and that there was a question as to the right of the Nicaragua Government to make a treaty with the United States that should attempt to divest Great Britain of these asserted rights.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. SIMMONS in the chair). Does the Senator from Oregon yield to the Senator from Iowa?

Mr. CHAMBERLAIN. I yield.

Mr. CUMMINS. While I know my conclusions are precisely the same as the conclusions of the Senator from Oregon in regard to this treaty, I think it is possible that he has overlooked section 8 of the Clayton-Bulwer treaty in which there is a reference to a possible canal without definitely locating it.

Mr. CHAMBERLAIN. I will call attention to that. I have not overlooked it, I will say to the Senator.

Mr. President, I say that the signatory powers had one particular object, and that was to construct the canal in a particular part of a foreign territory. I call the attention of Senators to this statement in article 6 of the treaty:

> And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication.

The words said canal referring to the canal which is mentioned in the preamble of the convention, and that was the one across Nicaragua. Now, up to the eighth section of the treaty to which the Senator from Iowa has just called attention there is no reference to any other canal.

Section 8 provides:

> The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object—

And that is the object stated in section 6—

> but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications.

Now, Mr. President, the particular object which the signatory powers had in view was to build a canal across Nicaragua, with a secondary purpose of maintaining the general principle of neutrality, and that was to be accomplished not by that treaty, not by any arrangement which existed between Great Britain and the United States at that time, but by subsequent treaty stipulations. So the secondary purpose of the Clayton-Bulwer treaty was the establishment or the maintaining of the general principle of neutrality as to any canal, and that was left open entirely to subsequent negotiations between the two Governments.

I take the position that there has never been a time, so far as Great Britain was concerned, when the United States could not have proceeded to the construction of a canal across the present route, and that the matter of the adoption of rules and regulations for its use was left, even under the terms of the eighth article of the Clayton-Bulwer treaty, to the voluntary treaty stipulations of the two powers subsequently to be entered into. I claim further that the Hay-Pauncefote treaty was unnecessary in so far as it was intended to supersede the Clayton-Bulwer treaty, and that its only effect has been to make acute the issues involved in the Clayton-Bulwer treaty, which had practically been terminated by repeated violations of its terms by the British Government, and latterly by a practical abandonment.

I never did know and I have never been able to understand why the United States ever deemed it necessary to enter into the Hay-Pauncefote treaty. The Clayton-Bulwer treaty having been confined to one particular territory, when the plan of construction across that territory was abandoned by the United States and another place selected it was absolutely unnecessary for this Government to have entered into any treaty negotiations with Great Britain as to the construction of a canal at any other point.

It would be interesting but would subserve no useful purpose in this discussion to show the constructions that have been placed upon the Clayton-Bulwer treaty both by this country and Great Britain. It is sufficient to say that at no time since its execution has the American construction, nor, I may say, common-sense construction, thereof been observed by the British Government, for although the parties to it jointly agreed not to exercise dominion over or fortify or colonize Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, Great Britain continued, against our protest, to exercise dominion over Belize, or British Honduras, which exceeds in area the States of Massachusetts, Rhode Island, and Connecticut; and in other respects, against the protests of this Government, a construction has been placed upon this treaty totally at variance with its terms and with the American idea. Immediately after its execution disputes arose between the two Governments in reference to the refusal of Great Britain to observe its terms, which led to prolonged diplomatic correspondence.

In this connection I quote from a letter of Gen. Cass, Secretary of State, to Lord Napier, of date May 29, 1857:

> The Clayton-Bulwer treaty, concluded in the hope that it would put an end to the differences which had arisen between the United States and Great Britain concerning Central American affairs, has been rendered inoperative in some of its most essential provisions by the different constructions which had been reciprocally given to it by the parties, and little is hazarded in saying that had the interpretation since put upon the treaty by the British Government, and yet maintained, been anticipated it would not have been negotiated under the instructions of any Executive of the United States nor ratified by the branch of the Government intrusted with the power of ratification.
>
> A protracted discussion, in which the subject was exhausted, failed to reconcile the conflicting views of the parties; and as a last resort a negotiation was opened for the purpose of forming a supplementary treaty which should remove, if practicable, the difficulties in the way of their mutual good understanding and leave unnecessary any further discussion of the controverted provisions of the Clayton-Bulwer treaty. It was to effect this object that the Government of the United States agreed to open the negotiations which terminated in the treaty of October 17, 1856, and though the provisions of that instrument, even with the amendments proposed by the Senate, were not wholly unobjectionable either to that body or to the President, still, so important did they consider a satisfactory arrangement of this complicated subject that they yielded their objections and sanctioned by their act of ratification the convention as amended. It was then transmitted to London for the consideration of Her Britannic Majesty's Government and, having failed to meet its approbation, has been returned unratified. The parties are thus thrown back upon the Clayton-Bulwer treaty, with its disputed phraseology and its conflicting interpretations; and, after the lapse of seven years, not one of the objects connected with the political condition of Central America which the United States had hoped to obtain by the arrangement has been accomplished.

This letter calls attention in express terms to the fact that within seven years after the execution of the treaty Great Britain was doing just exactly what she had agreed, or at least as this Government thought she had agreed, in the Clayton-Bulwer treaty that she would not do. I have not a doubt, and I am sure that those who carried on this correspondence with the British authorities had no doubt, that it was the understanding of the United States that Great Britain, under the terms of the Clayton-Bulwer treaty, would abandon her claims to every portion of Central America occupied by her at the time of the execution of the treaty.

As late as December 8, 1857, while these controversies were still waging, President Buchanan sent to Congress a message calling attention to the fact, in which he says:

> Since the origin of the Government we have been employed in negotiating treaties with that power and afterwards in discussing their true intent and meaning.

I may say, parenthetically, that we are still engaged in that work.

> In this respect the convention of April 19, 1850, commonly called the Clayton and Bulwer treaty, has been the most unfortunate of all, because the two Governments place directly opposite and contradictory constructions upon its first and most important article. Whilst in the United States we believed that this treaty would place both powers upon an exact equality by the stipulation that neither will ever "occupy or fortify or colonize or assume or exercise any dominion" over any part of Central America, it is contended by the British Government that the true construction of this language has left them in the rightful possession of all that portion of Central America which was in their occupancy at the date of the treaty.

In other words, Great Britain had not abandoned a foot of her territory or released a single claim that she had been asserting.

> In fact, that the treaty is a virtual recognition on the part of the United States of the right of Great Britain, either as owner or protector, to the whole extensive coast of Central America, sweeping round from the Rio Hondo to the port and harbor of San Juan de Nicaragua, together with the adjacent Bay Islands, except the comparatively small portion of this between the Sarstoon and Cape Honduras. According to their construction—

That is, the British construction—

> the treaty does no more than simply prohibit them from extending their possessions in Central America beyond the present limits. It is not too much to assert that if in the United States the treaty had been considered susceptible of such a construction it never would have been negotiated under the authority of the President, nor would it have received the approbation of the Senate. The universal conviction in the United States was that when our Government consented to violate its traditional and time-honored policy and to stipulate with a foreign Government never to occupy or acquire territory in the Central American portion of our continent the consideration for this sacrifice was that Great Britain should, in this respect at least, be placed in the same position with ourselves.

Mr. Buchanan calls attention in this message to the fact that attempts upon the part of this Government to bring about an adjustment of differences growing out of the Clayton-Bulwer treaty had proved abortive, and expressed the hope that a reasonable adjustment of the Central American questions might finally be reached between the two Governments.

On December 3, 1860, President Buchanan again sent a message to Congress, in which he advised Congress that the discordant constructions of the Clayton-Bulwer treaty, which at

different periods bore a threatening aspect, had resulted in a final settlement entirely satisfactory to this Government, and this through the execution of treaties between the Republics of Honduras and Nicaragua and the British Government; but this statement was not justified by subsequent proceedings, and negotiations between the two Governments continued, and even after the execution of the Hay-Pauncefote treaty they are continuing, and the time has now arrived when this Government place a construction upon the Hay-Pauncefote treaty in line with the views that have been expressed by former Presidents and Secretaries of State, not inconsistent with the terms of the treaty but entirely consistent with American interests and with the doctrine as enunciated by President Monroe in 1823.

Coming now to the Hay-Pauncefote treaty, I insist that there is nothing in it which would prevent discriminatory tolls or free tolls to vessels engaged in the coastwise traffic.

I am not so sure but that under the terms of that treaty we not only have the power to grant discriminatory or even free tolls to our coastwise traffic, but we have the right to treat American vessels engaged in foreign commerce on a different basis from foreign vessels engaged in foreign commerce, and, although it is probably not the time to do it now, the time will come when this Government will insist on its right to grant discriminatory tolls to American vessels engaged in foreign commerce.

I venture to suggest that although it in terms supersedes the Clayton-Bulwer treaty, it by no means settles and adjusts the controversies between Great Britain and the United States which grow out of the Clayton-Bulwer treaty.

I call attention to the Hay-Pauncefote treaty for just a moment. The first draft of this treaty that came to the Senate of the United States proposed that both Great Britain and the United States were to formulate the rules that were to govern the use of the canal, practically placing a joint protectorate over the use of any canal that might be completed. I am not admitting here for a moment that we had then in view the construction of a canal over our own territory, but the construction of a canal over some other territory than our own. The purpose at first was to allow both Governments to have jurisdiction over the fixing of rules and regulations for the conduct of the canal. When it was finally agreed upon and after amendments made in the Senate this provision was changed and article 2 of the Hay-Pauncefote treaty provides:

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present convention, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

Now, Mr. President, what are the rights incident to construction and what are the rights as to the exclusive authority of providing for the regulation and management of the canal? It has been stated here that article 2 is controlled by article 3. It was stated on the floor of the Senate, in answer to a question put to the Senator from Mississippi [Mr. PERCY], that the United States had absolutely no rights that were not granted under the terms of the treaty to Great Britain or to any other power on the face of the earth. I certainly dissent to that view.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. CHAMBERLAIN. Certainly.

Mr. McCUMBER. Will the Senator tell the Senate what he understands by the term "subject to the terms of the present treaty"? What force does the Senator give to that exception?

Mr. CHAMBERLAIN. Mr. President, you have to construe this exactly as you construe any other paper or writing. You must take it by the four corners and read it in the light of the situation of the parties to it and reconcile conflicting provisions if you can. I maintain that we can reconcile the terms of this treaty to my construction of it, which is conformable to the American idea.

Mr. McCUMBER. The Senator has hardly answered my question. My question was, What construction is placed upon the clause which the Senator read, "subject to the terms of the present treaty"? Does the Senator eliminate that sentence entirely, or does he think it had some meaning, some intendment? If so, what was its purpose?

Mr. CHAMBERLAIN. The particular one which I have just read?

Mr. McCUMBER. Yes.

Mr. CHAMBERLAIN. I think it left in the United States almost absolute power to do with its own shipping as it saw fit.

Mr. McCUMBER. Will the Senator read again the clause he first read?

Mr. CHAMBERLAIN. Surely. I suppose the Senator wishes me to read only the last part of it. It is as follows:

subject to the provisions of the present convention, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

Mr. McCUMBER. I am still attempting to get the Senator's construction of the words "subject to the provisions of the present treaty"—what they mean, what those words are intended for, and why they are inserted in this treaty, unless they have some meaning or intendment.

Mr. CHAMBERLAIN. I will ask the Senator how he construes the words "that the United States shall have the exclusive right to provide for the regulation and management of the canal"?

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Iowa?

Mr. CHAMBERLAIN. I yield, Mr. President.

Mr. CUMMINS. May I suggest to the Senator from North Dakota [Mr. McCUMBER] that, among other things, the phrase "subject to the provisions of this treaty" means that the United States can not charge Great Britain any more than she charges France for the use of the canal.

Mr. CHAMBERLAIN. Or any other power. Our Government has the exclusive right under the treaty to do, as to our own commerce, as she pleases, and I assume that the United States is not going to be unfair to foreign powers in regulating our own commerce or that of other nations. I call attention to that provision of the treaty, because it seems to me——

Mr. McCUMBER. If I may interrupt the Senator——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. CHAMBERLAIN. I yield.

Mr. McCUMBER. If it will not disturb the Senator, the Senator asked me what construction I placed upon that language, and I will answer very readily that my construction is that it carries into the new treaty those general principles that were established in the Clayton-Bulwer treaty, which general principles were declared to be reasserted in the first article, that the vessels both of war and commerce of all nations should be treated exactly alike—without discrimination.

Mr. CHAMBERLAIN. Yes; I know that is the Senator's view.

Mr. McCUMBER. And I might say that the only difference between the Senator from Iowa [Mr. CUMMINS] and myself upon that question is that the Senator construes the words "all nations" not to include the United States, and I say that they do include the United States.

Mr. CHAMBERLAIN. I say about that, Mr. President, just as President Buchanan said about the Clayton-Bulwer treaty, that if the American people had thought for a single moment, or if this Senate had expected that the term "all nations" included the United States, the Hay-Pauncefote treaty would have been, like Mohammed's coffin, suspended still between heaven and earth; it never would have been executed. The Senator from Massachusetts [Mr. LODGE] has stated that he did not understand—and he is a master of the English language—when he reported the treaty from the Committee on Foreign Relations, that the phrase "all nations" included the United States; I do not think so now, and I propose, Mr. President, as long as I can do so, to maintain that it does not.

Mr. McCUMBER. I want to ask the Senator if the report of the Committee on Foreign Relations did not give it as their construction that the treaty did bind the United States.

Mr. CHAMBERLAIN. I am inclined to think that the Davis report did, but I think the subject was not discussed here. I think the Senator from Massachusetts [Mr. LODGE] stated it was not discussed, as he remembered.

Mr. McCUMBER. I think, Mr. President, you will find that it was discussed, and discussed at the time the then Senator from California introduced his amendment, which was voted down.

Mr. CHAMBERLAIN. Was it not voted down, I will ask the Senator, because the Senate thought the treaty was broad enough without giving any construction to that language?

Mr. McCUMBER. No; there was no such claim made in the Senate.

Mr. CHAMBERLAIN. Well, at all events, the Senator will probably concede that there is a doubt about it. If he will not so concede, than the Senator is different from most of us who do admit that there is a doubt. I, for one, want to solve that doubt in favor of our own people, while the Senator would solve it in favor of Great Britain. And there we radically disagree.

Mr. President, I insist that section 2 gives to the United States the exclusive right to provide for the regulation and management of the canal. Article 3 of the treaty is not a positive and binding obligation upon this Government; it is a directory provision only that the basis of the neutralization of the ship canal shall be substantially as embodied in the convention of Constantinople. In other words, the convention of Constantinople was to be a substantial basis for such rules as the United States might adopt for the use of the canal by other powers.

That the United States was not understood to be included within the words "all nations" at the time the treaty was ratified by the Senate, has been affirmed by the distinguished Senator from Massachusetts, and he has expressly stated in this Chamber that if he had known at the time the treaty was reported by him from the Committee on Foreign Relations of the Senate that the words "all nations" embraced the United States, he would not for a moment have assented to such construction.

The position taken by him is not only humiliating, but it at the same time sounds a note of warning to the American people that we have practically surrendered to a foreign tribunal jurisdiction to determine questions involving our internal and local affairs. In an address delivered on this floor on July 17, the Senator said:

When I reported that treaty my own impression was that it left the United States in complete control of the tolls upon its own vessels. I did not suppose then that there was any limitation put upon our right to charge such tolls as we pleased upon our own vessels, or that we were included in the phrase "all nations."

And it must be remembered that the Senator was the acting chairman of the committee that reported the treaty to the Senate.

Mr. LODGE. I mention merely my own impression, which was that it left the fixing of tolls to us, but it is very clear to anyone on the simple reading of the clause that the interpretation is open to doubt.

He differs from the Senator from North Dakota and admits a doubt, while the Senator from North Dakota does not admit a doubt.

I think on the face of the words either view can fairly be taken. Such being the case, Mr. President, I do not wish anything done by which this Government could ever be exposed to the suggestion even of not acting in good faith under a treaty. I think we should be most punctilious, even if there is nothing more than a doubt about a word, in carrying out the treaty strictly to its letter.

It is, of course, also true, as the Senator from New York [Mr. ROOT] pointed out, that if we should undertake simply to make our ships free, we should raise a question which would then, under our treaties of arbitration, necessarily go to The Hague.

At that point I interrupted the Senator to ask him this question:

Mr. CHAMBERLAIN. Is the Senator addressing himself now to the treatment of our vessels engaged in foreign commerce, or do his remarks apply, and are they intended to apply, to the coastwise trade?

Mr. LODGE. I mean all American vessels. For the purposes of this treaty, it does not make any difference what trade they are engaged in.

Mr. CHAMBERLAIN. Whether in the coastwise or the foreign trade?

Mr. LODGE. Not the slightest, I think.

There was a positive statement by the distinguished Senator from Massachusetts that there was a doubt as to the power of Congress, under the treaty, to act in the premises, and that, if that doubt were solved in favor of the United States, this Congress had power to enact legislation affecting not only the coastwise, but the foreign commerce as well. I differ from some of the Senators here to this extent: Even if I were willing to concede that there was some doubt about it I would insist, Mr. President, that that doubt ought to be solved in favor of our own people. There is not any reason why we should not do so. Individuals do this without a charge of dishonesty or unfairness being made against them, and governments, which are the representatives of great peoples, have a right to take advantage of the same doubt.

The Senator from Massachusetts continues:

Mr. LODGE. But, Mr. President, in my opinion, for the purposes of this treaty, there is no distinction to be drawn between American vessels engaged in coastwise traffic and American vessels engaged in foreign trade. There is no such distinction in the treaty. It says "the vessels of all nations."

Of course, the decision in the United States Supreme Court does not bind Great Britain and would not prevent this question from going to The Hague. Under our treaties of arbitration, in my judgment, nothing could prevent this question from going to The Hague, if we live up to the existing treaties of arbitration which we have with 26 other powers. If it goes to The Hague, I think we may take it as decided now. It is not likely that the United States would ever get a favorable decision from that tribunal on a question where the interests of Europe are on one side and those of the United States on the other.

There we find the suggestion that the combined nations of the earth taking advantage of a doubt on a case to be tried before them on appeal where their interests are affected, and yet while the Senator who presented this treaty to the Senate admitted that there was doubt in his mind upon the subject, there are some of us here, Mr. President, ready to solve that doubt in favor of the claims and in favor of the construction which the Government of Great Britain and many of her diplomatists have placed upon this treaty.

I can not but think, in view of the statement of the distinguished Senator from Massachusetts which I have quoted, that this Senate was lucky indeed when it refused to ratify and confirm the proposed treaty between Great Britain and the United States and that between France and the United States when it was proposed by those treaties to submit questions affecting large vital interests of this country to The Hague tribunal; and if it be true that questions which go to The Hague tribunal, where the interests of foreign powers are involved, are prejudged against us, Mr. President, we not only did right when we refused to ratify those treaties, but we ought to take steps now to withdraw from The Hague convention if any question is ever to be raised as to its absolute fairness.

I shall attempt to show that in so far as coastwise shipping is concerned its passage through the Panama Canal is just as much interstate commerce as freight transported through the Soo Canal or any of the canals or internal waterways of the country, and that, being such, under the strictest construction of the Hay-Pauncefote treaty Congress has the right to discriminate in its favor or to grant it free tolls; and yet the distinguished Senator from New York [Mr. ROOT] stated on the floor of this Senate on July 15 that:

I feel very reluctant to make an argument regarding the rights of the United States under the treaty which have already come into diplomatic discussion. I feel the more reluctant because the view I entertain would require me to argue against the position which the Government of the United States may be bound to take if the opinion of the Senate should agree with the opinion of the House and this provision should be enacted into law.

It appears quite certain to me, sir, that if we enact the provision which is now before us, making the discrimination against which Great Britain protests, as the other party to this international agreement, the question raised will be one for arbitration under our existing treaty with Great Britain. It will present the simplest, most unquestionable case for the submission to an impartial tribunal of the contending claims of the two parties to the contract. We could not refuse to arbitrate the question. Great Britain could not refuse to arbitrate it. It is the kind of question which our treaty of arbitration expressly requires to be arbitrated, and it is a question which ought to be arbitrated.

Instead of arguing the question I shall content myself with suggesting to the Senate that any legislation which may be enacted ought to be framed with a view to the fact that this is a matter about which we can not finally decide. If the judgment of the Senate shall be in favor of the policy of discrimination—and mine is not; I think it is wholly unjustifiable and unnecessary—nevertheless we should exercise our power of legislation with a view to the fact that the question of our right to legislate in such a way as to discriminate is one which may be decided against us by the international tribunal to which we are bound to submit it.

Mr. President, I question the proposition stated by the Senator from New York. I do not believe that a question of this kind can ever go to The Hague tribunal any more than a case could go before a court where the court was directly interested in the decision, or any more than the parties would consent to the submission of a case to a jury where one or more of the jurymen were interested in the result. So, in any view of the case, it is not, as was stated by the Senator from New York, a question which can be determined by The Hague tribunal.

It is not inevitable that it go there, and I insist that no fair power or powers on the face of the earth would assume to try or to decide a case where their own interests were involved, as they would necessarily and naturally be in the determination of a question of this kind.

While I realize, Mr. President, that the situation is a delicate one, I can not bring myself to agree with the distinguished Senators from Massachusetts and New York, that because of the informal protest of Great Britain we are to so legislate as practically to adopt Great Britain's construction of the Hay-Pauncefote treaty, and not one which is in line with our own views and in line with the best interests of the American people.

Can it be that The Hague tribunal (even if the questions involved can ever reach it), as is suggested by the Senator from Massachusetts, is a packed tribunal, where a case is already prejudged against us, because the interests of the continental powers are adverse to the interests of the American people in this controversy? If that be true, Mr. President, then the Senate acted with great wisdom when it declined to give its consent to the British and French arbitration treaties as they came to this body, and the sooner proceedings are initiated under The Hague convention to withdraw from it the better it will be for the American people.

To include the United States in the words "all nations" would practically make us powerless to protect ourselves even against an adversary in time of war, and we would be placed in the anomalous position of putting naval armaments of other

nations through the Canal to destroy our coastwise cities and give to them the same facilities that we would be allowed to give to our own vessels being transferred from one coast to the other to protect those same cities against the enemy's vessels. I know that Senators have said that the condition of war is an anomalous condition and that all treaties are suspended during times of war, and yet these gentlemen are sticklers for the strictest construction of the language of that treaty. Their theory ought to go the full length, and it ought to be observed in time of war as well as any other time, because wars can not more seriously affect the interests of the country than would our interests be affected if the construction which some Senators seek to place upon this treaty is placed upon it.

The informal protest of the British Government, communicated to the chairman of the Committee on Interoceanic Canals of the Senate by Mr. Knox, Secretary of State, is addressed to these propositions contained in the bill under consideration:

1. One to exempt all American shipping from tolls;
2. One to refund all American ships tolls which they might pay;
3. One to exempt from the payment of tolls American ships engaged in the coastwise trade; and
4. One to repay to the last-named class of American ships tolls which they might pay.

This analysis of the objections of Great Britain is taken from the letter which was presented to the Senate and printed in the RECORD by the Senator from Connecticut.

There might be some reasonable ground for insistence upon the first proposition, and insistence is made by some Senators, but as to the last three there is absolutely no question, for, as to the second and fourth, the nations which use the Suez Canal and which are governed by its rules do both; and as to the third, as I shall attempt later to show, such ships are engaged in interstate traffic, and the Congress has the power and authority to legislate as it pleases without reference to any treaty provision.

The views embodied in the informal British note of protest are not shared by all the men of influence and learning in Great Britain by any means, and in proof of this I call attention to certain extracts from one of the London newspapers, which were heretofore printed in the RECORD, and which I ask to have inserted as a part of my remarks.

The PRESIDING OFFICER. In the absence of objection, permission is granted.

The matter referred to is as follows:

[From the London Morning Post, Jan. 2–3, 1912.]

The Committee on Foreign Commerce of the House of Representatives has been to Panama to inspect the progress made on the canal and to determine the tolls to be paid by ships passing through it. The committee has just returned, and its members are agreed that tolls should range between 2s. and 4s. per ton for vessels flying foreign flags, but that a preference should be accorded to the American mercantile marine. The majority, it is said, go so far as to advocate the free use of the canal to American vessels engaged in the coastwise trade.

This second proposal, of course, does not really concern other countries, since the coasting trade of the United States is already restricted to native shipping. But foreign nations, and especially Great Britain, will be directly affected by any system of tolls so arranged as to give a preference to American vessels engaged in foreign traffic.

EQUAL TREATMENT FOR ALL.

Sir Owen Philipps, whose name is prominently before the public as the head of the largest shipping combination in the world, said: "I hope that the American Nation may see their way to make the passage across the Panama Isthmus as free as the ocean, and so lead to the canal doing the maximum amount of good to the trade of the world. But if they should decide to fix the tolls, as mentioned in your paragraph, at something between 2s. and 4s. a ton it is of the utmost importance to British shipping that the vessels of all nations should be treated exactly alike. As regards American ships trading exclusively between United States ports on the Atlantic and the ports of that country on the Pacific—trade which is exclusively confined to steamers built in the United States—British vessels would not be adversely affected if in this case only United States ships were allowed to pass through the canal free of dues.

"The present cost of running American ships is undoubtedly very considerably more than the cost of running British ships. But I do not think that is any argument to justify exceptional treatment being accorded to United States vessels going through the Panama Canal except those in the coasting trade, as it is quite possible a few years hence the position may be entirely reversed."

NO EFFECT ON BRITISH SHIPPING.

"A proposal of this sort raises the whole question of treaty relationship," remarked another authority on shipping matters. "There are certain people in America who think it is absolutely impossible for such a preference to be given, more particularly because of the pledges which the United States Government gave when she intimated her intention to construct the canal. But after all is said and done, from the point of view of foreign shipping, I think it is a relatively small matter. It sounds, perhaps, as though the preferential treatment would do a great deal for American shipping, but, as a matter of fact, it will do very little. Practically all the United States shipping is nowadays engaged in the coastwise business, and whether under this legal monopoly they are able to carry goods from New York and San Francisco a little cheaper does not matter to us in the least. Any reduction of the canal dues will only enable the shippers to compete with the transcontinental railways of the United States. That, I believe, is the point of the whole thing."

Mr. CHAMBERLAIN. The clipping is from the morning Post, containing a statement by Sir Owen Philipps, which is at total variance with the views of some Senators on the proposition as to the power of the United States to grant discriminatory tolls to our own coastwise shipping.

I ask also to have inserted in the RECORD as part of my remarks a short editorial printed in the Washington Post of May 27, 1912. I ask to have it printed because it quotes the resolutions adopted by certain foreign delegates to the International Navigation Congress, held in Philadelphia, with reference to the power of the Congress over the subject.

The PRESIDING OFFICER. Without objection, permission is granted.

The editorial referred to is as follows:

HOW FOREIGNERS SEE IT.

If those timorous Americans who feared that we might give offense to other powers by fortifying the Panama Canal, and who argued that under the Hay-Pauncefote treaty we had no right to take such a precaution, had had their own way, the United States would now find itself the object of much amusement in foreign countries. While many Americans were agitating the question, foreigners apparently were taking it for granted that the United States would show ordinary common sense in protecting its property, not only on its own behalf in case of war, but on behalf of the world for commercial purposes.

In view of the agitation that was waged in this country against fortifying the canal, the view of the matter expressed by delegates from France, Germany, Italy, and Russia to the international navigation congress in Philadelphia seems almost naïve. Apparently without thinking there could be two sides to the question, the delegates voted unanimously in favor of a resolution expressing this sentiment:

"Any government has the inherent right to control its canals as it pleases. It has the right to fix tolls, to allow any ships free passage and charge others, and no treaties entered into before the construction of any canal should be considered as affecting the situation."

Thus have the representatives of the leading nations of the world, all experts on navigation problems, spoken with regard to the Panama Canal. Viewed in the light of the narrow attitude of some persons in our country, the congress's decision in favor of fortification, expressed by implication in the resolution and directly in speeches, is very significant. But even more significant, in view of the present discussion as to whether or not the canal should be made free to American ships, is the straight-out declaration of the international principle governing the whole subject.

Foreign nations, through their representatives, say that the United States has a perfect right to make the canal free to American ships and charge tolls to the ships of other nations. With all nations admitting that fact, can the United States give any excuse for taxing domestic ships?

COASTWISE VESSELS ENGAGED IN INTERSTATE TRAFFIC.

Mr. CHAMBERLAIN. I maintain that the Panama Canal Zone is to all intents and purposes American soil, and the canal itself as much the property of the United States as are the lakes and canals on and along the internal waterways of the country. As proof of this I call attention to, and ask to have inserted as a part of my remarks, articles 2, 3, 4, 5, and 6 of the convention for the construction of a ship canal, concluded between the Republic of Panama and the United States November 18, 1903, and proclaimed February 26, 1904:

I ask to insert those articles here for the reason that they show that the Senator from Connecticut was entirely mistaken when he said in this Chamber that the United States did not have sovereignty and jurisdiction over the Panama Canal Zone under the treaty with the Panama Republic.

The PRESIDING OFFICER. Without objection, permission to print the articles referred to is granted.

The articles referred to are as follows:

ART. 2. The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed; the said zone beginning in the Caribbean Sea, 3 marine miles from mean low-water mark, and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of 3 marine miles from mean low-water mark, with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant. The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal, or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise.

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described, and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra, and Flamenco.

ART. 3. The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article 2 of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

ART. 4. As rights subsidiary to the above grants, the Republic of Panama grants in perpetuity to the United States the right to use the rivers, streams, lakes, and other bodies of water within its limits for navigation, the supply of water or water power or other purposes, so far as the use of said rivers, streams, lakes, and bodies of water and the

waters thereof may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal.

ART. 5. The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance, and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific Ocean.

ART. 6. The grants herein contained shall in no manner invalidate the titles or rights of private land holders or owners of private property in the said zone or in or to any of the lands or waters granted to the United States by the provisions of any article of this treaty, nor shall they interfere with the rights of way over the public roads passing through the said zone or over any of the said lands or waters unless said rights of way or private rights shall conflict with rights herein granted to the United States, in which case the rights of the United States shall be superior. All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty or by reason of the operations of the United States, its agents, or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint commission, appointed by the Governments of the United States and the Republic of Panama, whose decisions as to such damages shall be final and whose award as to such damages shall be paid solely by the United States. No part of the work on said canal or the Panama railroad or on any auxiliary works relating thereto and authorized by the terms of this treaty shall be prevented, delayed, or impeded by or pending such proceedings to ascertain such damages The appraisal of said private lands and private property and the assessment of damages to them shall be based upon their value before the date of this convention.

Mr. CHAMBERLAIN. In addition to these provisions, which are, notwithstanding the views of the distinguished Senator from Connecticut, absolute grants in perpetuity, an examination of article 7 discloses that the Republic of Panama grants the right of eminent domain in the cities of Panama and Colon, and practically puts these municipalities under the sanitary laws and ordinances, whether of a preventive or curative character, prescribed by the United States.

Article 14 fixes the compensation to be paid in gross and the annual sum to be paid during the life of the convention. The Republic of Panama not only made these grants in perpetuity to the United States, but surrendered sovereignty and jurisdiction as well, and any government established there under an act of Congress will be just as effective and as binding upon all persons within the zone as the laws enacted by Congress for the government of the Territories within its boundaries.

If it be once conceded that the Panama Canal Zone belongs to the United States, then so far as vessels engaged in the coastwise trade alone are concerned there is no provision in the treaty affecting the right of Congress to enact laws providing for free tolls or discriminatory tolls any more than there is any limitation in the treaty upon the power of Congress to regulate the tolls upon the internal waterways of the United States. The consensus of opinion, in this country at least and it is shared by many distinguished British subjects, is that in so far as coastwise commerce is concerned the jurisdiction of Congress over the canal is absolute.

Under the navigation laws of this country, American vessels only can engage in this traffic. There is no competition for it by the vessels of any power on earth, and without competition no law on the subject favoring American vessels can be considered as discriminatory.

As tending to show the American view upon this subject, I call attention to the message of President Taft to the Sixty-second Congress, second session, in which he says:

I am confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. Those tolls must be the same to everyone, but when we are dealing with our own ships, the practice of many Governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls, as equivalent remission of tolls, can not be held to be a discrimination in the use of the canal. The practice in the Suez Canal makes this clear.

Now, I ask to have inserted in the RECORD, Mr. President, a statement from the Secretary of War in his last report, giving his views upon the subject of the power of Congress. I am doing this because some of our friends, both Democratic and Republican, are insisting that we have no power to favor our Government in any way, shape, or form, whether as to coastwise shipping or as to our vessels engaged in the foreign trade. I want to show that distinguished men of both parties, if you please, and gentlemen at the head of the present administration, take an entirely contrary view.

The PRESIDENT pro tempore. In the absence of objection, permission is granted.

The matter referred to is as follows:

Involved in the problem of fixing tolls is the question whether the United States has the right under the treaty to pay the tolls on American vessels using the canal. An examination of the treaty and the surrounding circumstances, to my mind, leaves no doubt as to the right of the United States, both legally and morally, to pay the tolls on its vessels. This is a perfectly recognized practice in respect to the tolls of the Suez Canal, the toll rules of which canal were adopted by the United States in the Hay-Pauncefote treaty for the government of the Panama Canal. At least one of our national competitors in the use of the Panama Canal, Spain, has already taken steps to provide for the payment out of her national treasury of the Panama tolls on one of the Spanish lines which will use that canal. Furthermore, I can see no difference, save in form (provided the tolls for other nations are kept reasonable, as we have also covenanted to do), whether the United States should make this appropriation out of her own Treasury to American vessels, by receiving the toll money from them first and repaying it to them, or by simply relieving them from the payment of tolls in the first place.

Mr. CHAMBERLAIN. In an address delivered by the Secretary of War before the commercial club at Kansas City, November 14, 1911, on "Some problems of the Panama Canal," he committed himself fully to the doctrine which I am now insisting upon. I ask to have inserted in the RECORD what he had to say on the subject, without reading it.

The PRESIDENT pro tempore. In the absence of objection, permission is granted.

The matter referred to is as follows:

Closely involved in this question of fixing the tolls is the question whether the United States has the right to pay the tolls on American vessels using the canal. There has been criticism against even the suggestion of this possibility. There was similar criticism a few years ago against the proposition to fortify the canal, until the publication of Secretary Hay's correspondence with Lord Lansdowne revealed the frankness of our negotiations on that subject with Great Britain and showed how clearly Great Britain had recognized our right to fortify the canal. The United States will deal with its sister nations in perfect frankness and in absolute fulfillment of its treaty pledges. There will be no violation of our treaties; neither will there be any evasion of them. When the facts as to this question are examined, they are, in my opinion, so clear as to leave no doubt or question as to the right of the United States, both legal and moral, in this respect. The clause of the Hay-Pauncefote treaty which governs the question is a declaration by the United States which expressly adopts the rules governing the Suez Canal. It provides:

"The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable."

Now, in the case of the Suez Canal, it has never been considered a violation of this rule of neutralization for a nation to pay the tolls upon the vessels flying its flag. This is done directly by the Governments of Russia and Austria-Hungary, which have made appropriations for the express purpose of paying the tolls of vessels of their merchant marine. Furthermore, substantially every other European Government appropriates from its treasury and pays to vessels using the Suez Canal, in the form of subsidies, sums of money fully or partly equivalent to the tolls of the canal. In the case of Germany, France, Japan, Italy, and Spain the amount thus appropriated is regularly more than sufficient to pay the tolls. In the case of Great Britain the subsidies paid to the Peninsula & Oriental Co.—the principal line which uses the canal—amount to nearly six-sevenths of the tolls. These subsidies were not all limited to mail steamers; many of them were paid likewise on freight steamers.

It is perfectly clear, therefore, that when the Panama Canal is opened the English vessels which use it, the German vessels which use it, the vessels of practically all of our competitors which use it, will be in receipt from their respective Governments of sums of money, either given them directly for the purpose of paying their tolls or perfectly applicable in their discretion to such use. It will be impossible for the United States to prevent this, for under the Suez rules, which we have thus adopted for Panama, such payment does not amount to a discrimination or a violation of the terms of entire equality, for which those rules provide. Is, then, the United States, which built the canal, to be the one Nation whose vessels can not have such assistance? Will any rule of construction of the Hay-Pauncefote treaty or any rule of honor prevent the United States from adopting a similar course? Will anyone contend that the almost universal system of governmental assistance to a merchant marine has been limited in our case by the Hay-Pauncefote treaty—limited not by plain and express covenant, but by indirection and implication? Would Great Britain dream of making such a contention against the United States when she herself is paying annual subsidies to her merchant marine of between six and seven million dollars a year? Has the United States, in her covenant to "insure the neutrality of the canal on terms of entire equality," so shackled her own powers that she can not resort to the universally established methods which her competitors will use in respect to their vessels passing through the canal? Does equality to all other nations mean inequality to the United States? The answer is self-evident.

The clause was never intended to forbid a nation to assist her own marine with her own funds. By it the United States barred herself from using her power over the canal to injure the trade of another. She could not isolate or discriminate in any way against another in that other's use of the canal. But it was never dreamed that she could not use the resources of her own Treasury in favor of her own vessels.

I think, therefore, that the United States has a clear right to appropriate to the vessels, paying the same the sums paid into its Treasury by those vessels in the form of canal tolls. This being so, there is no difference, save in form, whether she makes this appropriation out of her Treasury to such vessels by receiving the money from them first and repaying it to them, or by simply relieving them from the payment of those tolls. In either case the money in question belongs to the United States. In either case it amounts to a gift by the United States of her own funds to the vessels in question.

Mr. CHAMBERLAIN. The Secretary of Commerce and Labor, in his last annual report, at page 102, says:

Every State in the Union with navigable waters crossing its boundaries furnishes precedents of congressional appropriations for the establishment and maintenance of improvements at the continuing expense of the Federal Treasury and without a dollar's help from the vessels which enjoy the advantages of such improvements. Where the future of American shipping is at stake, and the domestic commerce of both seaboards and the Gulf is involved, there is no apparent reason to depart from a principle which has been so constantly invoked. * * *

The Panama Canal is being built in the belief that it will benefit all sections of the country and nearly every form of American industry. Our merchant ships and shipyards are as essential to the Nation as our battleships. They have at least a claim to equal consideration in canal legislation and appropriations with other American industries. Every argument to tax the American merchant ship which uses the canal would apply with equal force to a tax directly on American cotton, lumber, fruit, coal, grain, and other cargo carried by the ship through the canal. It is feasible to use the canal for the promotion of American navigation in a manner consistent with treaty obligations, with precedent at home and abroad, and with our fixed policy of untaxed navigation on improved waterways.

In this connection I call the attention of my Democratic friends to the enunciation of the Democratic convention at Baltimore on the subject a short while ago, where this resolution was adopted:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

So at least one of the great parties of this country has committed itself to this same doctrine.

As evidence that this opinion is held by representative men and bodies of this country, I call attention to resolutions which have been adopted by various commercial organizations. These organizations are composed of the brightest business and professional men in the country, and the resolutions adopted by them are entitled to the greatest weight in attempting to arrive at a proper conception of the power of Congress in the premises. I will ask, Mr. President, that the resolutions adopted by these commercial bodies be inserted in the RECORD without reading.

The PRESIDENT pro tempore. Without objection, permission is granted.

The resolutions referred to are as follows:

RESOLUTIONS INDICATING PUBLIC SENTIMENT THROUGHOUT THE COUNTRY IN FAVOR OF FREE TOLLS FOR AMERICAN SHIPS IN THE COASTWISE TRADE THROUGH THE PANAMA CANAL.

Resolutions unanimously adopted by the Lakes-to-the-Gulf Deep Waterways Association at the sixth annual convention, Chicago, Ill., October 12, 13, 14, 1911:

"The policy of free waterways is fundamental with the American people, and hence this association declares that this principle should be extended to our coastwise trade through the Panama Canal."

Resolutions unanimously adopted by the National Rivers and Harbors Congress which convened in Washington in December, 1911, consisting of over 1,200 delegates, representing every State in the Union:

"We submit that waterways improved or created by the Federal Government by the use of money contributed by the whole people of the United States should be free for the use of American ships in fair and open competition and on equal terms, without the payment of tolls, but we contend that a water carrier owned, controlled, or operated by a competing land carrier is unfair competition, and in order to preserve to the whole people the benefits of continued fair competition so that the beneficent influence of open waterways shall not be nullified by hostile interests, we recommend the enlargement of the powers of the Interstate Commerce Commission, to the end that the commission may more effectually regulate competing land and water carriers and competing water carriers and provide for the interchange of traffic."

Resolutions adopted at a meeting held in Washington December 6, 1911, composed of delegates representing civic and commercial bodies of the Pacific coast, cities on the Gulf of Mexico and the Atlantic coast, and the cities of Philadelphia, Newark, Trenton, Richmond, Buffalo, St. Louis, Cincinnati, and Pittsburgh:

"Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal for the benefit of its own people, as a military measure for the naval protection of either coast in time of war, and for the facilitation of its domestic commerce, as well as for the furtherance of the commerce of the world;

"Whereas the coastwise commerce between ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations, and particularly with Great Britain;

"Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope on the one hand and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

"Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent never dreamed of before, and thus will reduce the cost of a large number of articles of daily use and necessity to the consumer;

"Whereas ample precedents exist for exempting the domestic commerce of the United States from the payment of tolls for passage through the canal; and

"Whereas the operation of the canal under this condition will greatly stimulate and increase American shipping:

"*Resolved*, That the Conference for Panama Canal Free Tolls for American Coastwise Commerce strongly and urgently recommends that vessels engaged in domestic commerce between ports of the United States shall be granted free passage through the Panama Canal."

The Boston Chamber of Commerce adopted resolutions similar to the above.

Resolutions passed by delegates representing the various chambers of commerce of the Pacific coast held in San Francisco, Cal., October 2, 1911:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things of providing for the national defense, of opening up the shortest possible water route between the respective coasts of the United States and foreign countries, to provide through natural methods and to prevent monopoly of transportation means for transportation between the various sections of the Union at the lowest possible cost, to build up and expand our commerce with foreign nations, and incidentally to encourage the upbuilding of a now decadent merchant marine: Be it

"*Resolved*, That it is the sense of this meeting that there should be no tolls charged through the canal to vessels coastwise flying the American flag; and be it further

"*Resolved*, That we heartily approve of the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows: 'I can not close this reference to the canal without suggesting as a wise amendment to the interstate-commerce law a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefits of the competition in trade between the eastern and western seaboards which this canal was constructed to secure.'"

Resolutions adopted at the forty-second annual meeting of the National Board of Trade, Washington, D. C., January 18, 1912:

"Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal, for the benefit of its own people, as a military measure for the naval protection of either coast in time of war, and for facilitating its domestic and foreign commerce, as well as for the furtherance of the commerce of the world;

"Whereas the coastwise commerce between ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations;

"Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope on the one hand and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

"Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent heretofore found impossible, and thus will reduce the cost of a large number of articles of daily use and necessity:

"*Resolved*, That the National Board of Trade urgently recommends that vessels engaged in domestic commerce between ports of the United States shall be granted preferential tolls in passing through the Panama Canal: *Provided*, That when such vessels are owned, controlled, or operated, directly or indirectly, by any land transportation line or lines no preferential tolls shall be granted to the vessels so owned, operated, or controlled."

Resolutions adopted by the Navy League of the United States at convention held in city of Washington, February 23, 1912:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy—amongst other things of providing for the national defense, of opening up the shortest possible water route between the respective coasts of the United States and foreign countries, and of encouraging the upbuilding of our merchant marine, which has practically disappeared from the foreign trade: Be it

"*Resolved*, That although it is the sense of this meeting that the question of tolls through the Panama Canal is one beyond the scope of this league's present activities, yet be it further

"*Resolved*, That as we believe the war-time efficiency of our Navy will depend in part on the existence of a fleet of merchant vessels available as naval auxiliaries, we heartily approve of any legislation directly or indirectly aiding in building up the American merchant marine, and we believe that if Congress in its wisdom deems it advisable to levy tolls that these tolls should be returned to the ships, either in the coastwise or foreign trade, for the purpose of assisting in rehabilitating that merchant marine."

Resolution adopted by Philadelphia Chamber of Commerce, December 14, 1911:

"Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal for the benefit of its own people as a military measure for the naval protection of either coast in the time of war and for the facilitation of its domestic commerce as well as for the furtherance of the commerce of the world;

"Whereas the coastwise commerce between the ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations;

"Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope on the one hand and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

"Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent never contemplated before, and thus will reduce the cost of a large number of articles of daily use and necessity;

"Whereas ample precedents exist for exempting the domestic commerce of the United States from the payment of tolls for passage through the canal; and

"Whereas the operation of the canal under this condition will greatly stimulate and increase American shipping:

"*Resolved*, That the Philadelphia Chamber of Commerce urgently recommends that vessels engaged in domestic commerce between ports of the United States shall be granted free passage through the Panama Canal."

Resolutions adopted by commercial bodies of the State of Washington, November 3, 1911:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things to provide for the national defense, to open up the shortest possible water route between the ports of the United States and between the United States and foreign countries, to prevent monopoly of means of transportation between the various sections of the Union and to provide such transportation to the

people of the United States at the lowest possible cost, to build up and expand commerce with foreign nations, and, incidentally, to encourage the upbuilding of a now decadent merchant marine; and

"Whereas it is of the utmost importance to the State of Washington, and to all the States bordering on the Pacific Ocean, that their products—lumber, shingles, salmon, fruits, hops, wool, and other products—be most widely distributed at the least possible expense throughout the United States: Now, therefore, be it

"*Resolved by the following civic bodies of the State of Washington, viz: The New Seattle Chamber of Commerce, the Tacoma Commercial Club and Chamber of Commerce, the Olympia Chamber of Commerce, the Bellingham Chamber of Commerce, the Everett Chamber of Commerce, the Port Townsend Commercial Club, the Aberdeen Chamber of Commerce, the Hoquiam Chamber of Commerce, the Bremerton Commercial Club, the Raymond Commercial Club, through their representatives in conference assembled,* That there should be no tolls charged through the Panama Canal to vessels flying the American flag engaged in coastwise traffic of the United States; and be it further

"*Resolved,* That we heartily approve of the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows: 'I can not close this reference to the canal without suggesting as a wise amendment to the interstate-commerce laws a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefits of the competition in trade between the eastern and western seaboards which this canal was constructed to secure.' Be it further

"*Resolved,* That a copy of these resolutions be sent to each Senator and Representative of the States west of the Rocky Mountains and of the States bordering on the Atlantic and Gulf of Mexico and of the States in the Mississippi and Missouri River Valleys, and that these resolutions be accompanied by a request to the Senators and Representatives of the State of Washington to support and vote for such arrangement of tolls."

Resolutions adopted by New Orleans Progressive Union, February 9, 1912:

"(1) The New Orleans Progressive Union indorses the proposition that American vessels engaged in coastwise trade shall pay no tolls in passing through the Panama Canal.

"(2) Should it be found necessary that American ships engaged in foreign trade shall pay tollage, the United States Government, by drawback, rebate, or otherwise, shall refund amount to such American vessels.

"(3) In the fixing of tolls for vessels passing through the Panama Canal the President shall have the right to reduce tolls to meet competition or other conditions that may arise, after 90 days' notice.

"(4) If the conditions at any time be found that the canal should be entirely free, that the rebate referred to in section 2 shall nevertheless continue to American vessels."

Resolutions adopted by Central Labor Council of Portland, Oreg., October 10, 1911:

"*Resolved,* That it is the sense of this meeting that there should be no tolls charged through the canal to vessels coastwise flying the American flag; and be it further

"*Resolved,* That we approve of amendments to the present interstate-commerce laws provisions prohibiting railroads under their jurisdiction from owning or controlling ships engaged in the trade through the Panama Canal, to the effect that the people of the United States may have the benefits resulting in competition between the Atlantic and Pacific seaboards, for which purpose his canal was primarily intended."

Resolutions adopted by the Merchants' Association of New York, March 5, 1912:

"Whereas the United States, by act of Congress passed in 1884, made the following declaration of policy regarding tolls or charges relative to waterways acquired or constructed by the Federal Government: 'No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use of and benefit of navigation now belonging to the United States, or that may be hereafter acquired or constructed'; and

"Whereas under that policy, which is still in operation, the United States has expended on local waterway developments nearly $700,000,000 at the general expense of the whole country; and

"Whereas the Federal Government, in addition to its vast expenditures of public funds upon internal and seacoast waterways, for the use and benefit of all sections and of all the people, free from imposition of tolls or charges for the use thereof, has also made vast grants of public lands of incalculable present value to the transcontinental railways to promote their construction and the interests of the whole country, especially of the sections which they directly serve; and

"Whereas the Panama Canal is constructed primarily because of the military and economic necessities of the entire United States, and when completed will be of direct commercial benefit to a larger area of the country than any other waterway ever constructed or improved by the Federal Government; and

"Whereas the extension of the general policy of freedom from tolls to the domestic coastwise commerce of the United States passing through the Panama Canal can not create a discrimination against any other nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise because of the fact that no such nation has been or now is permitted by law to engage in such coastwise commerce, which law was in operation and contemplation at the time of the negotiation and ratification of the Hay-Pauncefote treaty; and

"Whereas the provision of the Hay-Pauncefote treaty appears to relate to the avoidance of discriminations between the nations and therefore does not pertain to our domestic coastwise trade, in the treatment of which there can be no such discrimination as prohibited in said treaty: Now, therefore, be it

"*Resolved,* That the report of the special committee on tolls on coastwise commerce passing through the Panama Canal, dated February 26, 1912, be, and hereby is, approved; and be it further

"*Resolved,* That the Merchants' Association of New York opposes the proposition of imposing any tolls whatsoever upon the domestic coastwise commerce of the United States passing through the Panama Canal, unless it be determined, by competent authority, that the imposing of such tolls is required in fulfillment of our treaty obligations."

Resolutions adopted by the Chamber of Commerce of the State of New York, March 7, 1912:

"*Resolved,* That the Chamber of Commerce of the State of New York earnestly urges the President of the United States and the Congress, while honorably carrying out all existing treaties or obligations entered into with foreign countries, to arrange the tolls on the Panama Canal so as to carefully protect American interests and bring about the upbuilding of our merchant marine; and that we advocate, as a measure to this end, that the rates of toll on vessels engaged in the coastal trade shall be not over one-third the rates charged on vessels engaged in deep-sea business, or free if necessary to accomplish purposes desired.

"*Resolved,* That copies of this resolution be forwarded to the President, the Secretary of War, the Secretary of the Navy, and to all Members of the United States Senate and the House of Representatives."

Resolutions adopted by the Maritime Association of the Port of New York, July 12, 1911:

"Whereas, from present indications, the Panama Canal will be ready for use by merchant shipping in about two years' time; and

"Whereas it is necessary that those contemplating the operation of vessels through the canal should be informed at the earliest possible moment regarding the regulations that will govern said operation, so that sufficient time will be given to conform with every requirement: Therefore be it

"*Resolved,* That Congress be strongly urged to enact at this session such legislation as will enable the President to fix the tolls to be charged for the use of the canal, it being the consensus of opinion of this committee that in the fixing of said tolls American vessels should be exempted from all charges."

Resolutions adopted by the New York Board of Trade and Transportation, December 13, 1911:

"Whereas the Panama Canal is being constructed by the United States Government, and the people of the United States are paying the whole cost thereof, and will be obliged to pay the cost of maintenance and repairs, whether the revenues are adequate or not; and

"Whereas the people of the United States have entered upon this great work chiefly for the benefit that it will be to our own commerce; and

"Whereas the construction of the Panama Canal by the United States will not give to the American people the full measure of benefits they are entitled to if our commerce is compelled to pay the same tolls that other peoples are required to pay: Therefore,

"*Resolved,* That Congress be strongly urged to enact at this session Panama Canal, the people of the United States are entitled to receive the fullest possible advantages therefrom; that other nations should be permitted to use the canal upon reasonable terms alike to all; that American vessels in the foreign trade should pay the same tolls as vessels of other nations, unless existing treaties would permit such American vessels to pass free; that the commerce of the United States passing between United States ports should be allowed free passage through the Panama Canal in all ships of American registry and should be regarded and regulated as coastwise commerce of the United States.

"*Resolved,* That, having expended so large a sum in constructing the United States to give the most serious consideration to the enactment of laws declaring commerce between American ports, passing through the Panama Canal, as coastwise commerce of the United States and free of tolls, and, if treaty provisions or commercial conventions which have provisions for termination by notice from either party, will permit to also consider the making of the Panama Canal free to all vessels of American registry."

Resolutions adopted by the New York Board of Trade and Transportation, December 13, 1911:

"Whereas the Panama Canal is being constructed by the United States Government and the people of the United States are paying the whole cost thereof, and will be obliged to pay the cost of maintenance and repairs, whether the revenues are adequate or not; and

"Whereas the people of the United States have entered upon this great work chiefly for the benefit that it will be to our own commerce; and

"Whereas the construction of the Panama Canal by the United States will not give to the American people the full measure of benefits they are entitled to if our commerce is compelled to pay the same tolls that other peoples are required to pay: Therefore

"*Resolved,* That, having expended so large a sum in constructing the Panama Canal, the people of the United States are entitled to receive the fullest possible advantages therefrom; that other nations should be permitted to use the canal upon reasonable terms alike to all; that American vessels in the foreign trade should pay the same tolls as vessels of other nations, unless existing treaties would permit such American vessels to pass free; that the commerce of the United States passing between United States ports should be allowed free passage through the Panama Canal in all ships of American registry and should be regarded and regulated as coastwise commerce of the United States.

"*Resolved,* That we petition the Government and Congress of the United States to give the most serious consideration to the enactment of laws declaring commerce between American ports passing through the Panama Canal as coastwise commerce of the United States and free of tolls, and if treaty provisions or commercial conventions which have provisions for termination by notice from either party will permit, to also consider the making of the Panama Canal free to all vessels of American registry."

Resolutions adopted by the resolutions committee of the Waterway Conference of the Southern Commercial Congress, and unanimously approved and adopted by the Southern Commercial Congress at its convention at Nashville, Tenn., on April 10, 1912:

"We favor the adoption of a law by Congress granting the use of the Panama Canal to American ships engaged in coastwise commerce free of toll and the prevention of the use of the canal by any steamship line owned or controlled by a railway or any monopolistic interest.

"We favor such legislation as is necessary to induce the construction of a merchant marine for the United States and the carrying of American commerce in American ships under the American flag."

Resolutions passed at meeting of the Mobile (Ala.) Chamber of Commerce and Business League, held Monday, March 18, 1912:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of the great national policy, amongst other things, of providing for the national defense; of opening up the shortest possible water route between the respective coasts of the United States and foreign countries; to provide, through natural methods and to prevent monopoly of transportation, means for transportation between the various sections of the foreign nations and incidentally to encourage the upbuilding of a now decadent merchant marine: Be it

"*Resolved,* That it is the sense of this meeting that there should be no tolls charged through this canal to vessels coastwise flying the American flag: And be it further

"*Resolved*, That we heartily approve the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows:

"'I can not close this reference to the canal without suggesting, as a wise amendment to the interstate-commerce law, a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save the people of the United States the benefits of the competition in trade between the eastern and western seaboards which this canal was constructed to secure.'"

Resolution adopted by Board of Trade of Tampa, Fla.:

"Whereas the Governement of the United States has expended nearly $700,000,000 for the improvement of rivers and harbors and the construction of canals, and by act of Congress, passed 1884, declared as follows: 'No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation now belonging to the United States, or that may be hereafter acquired or constructed'; and

"Whereas the Panama Canal was built by American money, American genius, and American enterprise, and with the understanding by the American people that the canal would be operated for their benefit, primarily because of the military and economic necessities of the entire United States and for commercial benefit of the whole country; and

"Whereas the imposition of tolls or charges for the use thereof of American boats engaged in American commerce would in many instances prohibit the shipping of American products from coast to coast, the interchange of products of the Pacific and the Atlantic and the Gulf, therefore defeating the very ends for which the American people indorsed the tremendous project and the expenditure of nearly a half billion of American dollars in the building of the Panama Canal: Therefore be it

"*Resolved by the board of governors of the Board of Trade of Tampa, Fla., in session April 24, 1912*, That we object and protest in strongest terms against this language in section 5 of the House bill 21969: 'No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or its subjects, other than to vessels belonging to the Government of the United States.' And be it further

"*Resolved*, That this section of the bill be so amended that preferential treatment may be accorded American vessels of commerce, or at least those engaged in the coastwise trade; and be it further

"*Resolved*, That public interest demands the passage of section 11 of said bill, so that the relations between carriers by water and carriers by rail may be established on a proper basis.

"[SEAL.] "F. C. BOWYER, *President*.

"Attest:

"W. B. RIVELL, *Secretary*."

MARCH 16, 1912.

RECOMMENDATIONS OF RAILROAD COMMISSION OF CALIFORNIA IN RE PANAMA CANAL BILL.

After a public hearing and a careful investigation into the law and the facts, the Railroad Commission of the State of California makes the following recommendations in the matter of the Panama Canal bill now pending before Congress:

"(1) We recommend that vessels owned, operated, or controlled by railroads and engaged in whole or in part in coastwise trade be barred from the Panama Canal, and suggest the advisability of extending this principle so as to make it unlawful for any railroad to own, operate, or control any common carrier by water with which such railroad does or may compete for traffic between points within the United States.

"Under the decision of the United States Supreme Court on the so-called commodities clause in the interstate-commerce act, in the case of United States *v.* Delaware & Hudson Co. (213 U. S., 366), we believe there can be no doubt as to the legal right of the Government to compel a railroad to sell its holdings in a steamship line. We can find no valid reason in governmental policy against this recommendation. The inevitable result of permitting railroads to own, operate, or control competing steamship lines through the Panama Canal, as shown by the history of the coastwise traffic of this country, will be to crush out every independent line, to give to the railroads the control of the Panama Canal and consequently to keep freight rates higher than they normally would be. We would refer in this connection to the decision of the Interstate Commerce Commission in the case of Railroad Commission of Nevada *v.* Southern Pacific Co. (21 I. C. R., 329), decided on June 22, 1911, in which case the history of steamship competition in this country is fully explained.

"(2) We recommend that American shipping engaged in coastwise trade through the canal be exempt from the payment of tolls.

"Under the decision of the United States Supreme Court in the case of Olsen *v.* Smith (195 U. S., 332) it is clear that the United States may carry out this recommendation. The provision in section 1 of article 3 of the Hay-Pauncefote treaty to the effect that 'The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise'—whatever the full effect thereof may be—certainly does not apply to coastwise traffic for the reason that as American vessels may alone engage in such traffic there can be no question of discrimination as against the vessels of other nations. The Olsen case squarely sustains this position.

"The remission of tolls on vessels engaged in the coastwise trade will make it possible for them to lower to that extent the freight rates which they would otherwise have to charge and in this way the American people will secure a reduction in freight rates to which they are clearly entitled as the result of the tremendous sums which they have expended in the construction of the canal.

"We use the words 'American people' advisedly. We do not concede that the lower freight rates between coast points brought about by water competition through the canal can in anywise injure interior localities. On the one hand, the free movement of traffic between coast points not only will operate for the benefit of these localities, but such benefit will be reflected far inland and the general prosperity of the country will necessarily result. On the other hand, lower freight rates to coast points will not operate disadvantageously to the interior by increasing rates to and from interior points. It is well established that railroads may not lower their rates to meet competition to such an extent as to burden other traffic. If rightly regulated the railroads of the United States must give reasonable rates to all points, and reasonable rates are all that they can be forced to give. The fact that a less than reasonable rate is put in by railroad companies voluntarily to meet water competition does not justify such railroad in putting any different rate in effect elsewhere than it could legally put in if it did not meet such competition. The result, then, of free competition through the canal will be a lower rate to coast points than would otherwise prevail, which lower rate to the coast points will have its effect to that point in the interior where the local freight rate from the coast to such points plus the steamship rates equals the transcontinental rate from the opposite coast point. Much of the interior, therefore, will be better off than it now is and none of it can be worse off, because, as we have stated, the railroads must accord the same reasonable rate when they meet competition as they are allowed under the law to give when they do not meet such competition.

"(3) We recommended that American shipping engaged in foreign trade and using the Panama Canal be likewise exempted from the payment of tolls or that subsidies equivalent in amount, at least, to those paid by other Governments to their ships using the canal be provided by the United States.

"Otherwise, the United States, which built the canal at a tremendous outlay, will be the only nation whose vessels are sailing through the canal without Government assistance. We do not believe that there is anything in the Hay-Pauncefote treaty to prevent such action on the part of the United States. The treaty provides that the rules of neutralization to govern the canal are to be substantially the same as those which govern the use of the Suez Canal. The vessels of Great Britain and other nations using the Suez Canal receive subsidies from their Governments, and no one has ever contended that the principle of equality in the use of the canal is thereby violated. In the same way the United States can clearly pay subsidies to her vessels using the Panama Canal, and what she can do directly by the payment of subsidies she certainly can do indirectly by the remission of tolls in the same amount.

"We respectfully direct the attention of California's Representative in Congress to these recommendations and urge that they do all in their power to secure their adoption in the Panama Canal bill.

"JOHN M. ESHLEMAN,
"H. D. LOVELAND,
"ALEX GORDON,
"MAX THELEN,
"E. O. EDGERTON,
"Railroad Commission of California."

RESOLUTION IN RE PANAMA CANAL TOLLS.

Resolved by the Los Angeles Chamber of Commerce, That we reaffirm the statement of the principles and policy involved in the resolutions adopted by this chamber as a member of the Associated Chambers of Commerce of the Pacific Coast, October 2, 1911, as follows:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things of providing for the national defense, of opening up the shortest possible water route between the respective coasts of the United States and foreign countries, to provide through natural methods and to prevent monopoly of transportation and means for transportation between the various sections of the Union at the lowest possible cost, to build up and expand our commerce with foreign nations, and incidentally to encourage the upbuilding of a now decadent merchant marine: Be it

"*Resolved*, That there should be no tolls charged through the Panama Canal to vessels coastwise flying the American flag; and be it further

"*Resolved*, That we heartily approve of the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows:

"'I can not close this reference to the canal without suggesting as a wise amendment to the interstate-commerce law a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefit of the competition in trade between the eastern and western seaboards which this canal was constructed to secure.'

"*Resolved*, That the recent action of the majority of the Committee on Interstate and Foreign Commerce of the House of Representatives in relation to Panama Canal tolls is at variance in all essential particulars with the foregoing statement of the principles and policy, which, in our opinion, should govern legislation on this subject, and we desire to emphasize the protest which this chamber has heretofore made to this proposed action of Congress by transmitting a copy of this resolution to every Member of the House of Representatives and to every United States Senator."

I hereby certify that the above is a true and correct copy of the resolutions adopted by the board of directors of the Los Angeles Chamber of Commerce at the regular meeting held Wednesday, March 13, 1912.

H. Z. OSBORNE, *President*.

Attest:

FRANK WIGGINS, *Secretary*.

LOS ANGELES, CAL., *March 12, 1912*.

Hon. JOSEPH R. KNOWLAND,
House of Representatives, Washington, D. C.:

Los Angeles Chamber of Commerce reiterates its earnest and solemn protest to placing a tollgate at entrance to Panama Canal to collect tax in name of toll against American commerce and shipping engaged in coastwise trade, thus discriminating against people of Pacific coast by levying tax that is not exacted against vessels or craft engaged in similar coastwise commerce in Soo Canal, Erie Canal, and various rivers made navigable at Government expense in which Pacific coast bears its proportionate share. This chamber is also absolutely opposed to permitting ships owned or controlled wholly or in part by railway companies to engage in coastwise traffic through Panama Canal.

THE LOS ANGELES CHAMBER OF COMMERCE,
H. H. OSBORNE, *President*.

OAKLAND, CAL., *March 12, 1912*.

Hon. JOSEPH R. KNOWLAND,
Washington, D. C.:

Oakland Chamber of Commerce to-day adopted the following:

"*Resolved*, That Oakland Chamber of Commerce is in favor of such legislation as will prevent the operation through canal of ships in coastwise trade owned or operated in combination with railroads which will prevent equalizing effect upon rates of water route.

"*Resolved*, That Oakland Chamber of Commerce urges upon Congress such laws as will exempt from canal tolls all ships sailing under American flag engaged in coastwise traffic."

Please notify Members of California congressional delegation.

OAKLAND CHAMBER OF COMMERCE,
A. A. DENNISON, *Secretary*.

—

ALAMEDA, CAL., *March 12, 1912*.

J. R. KNOWLAND,
Washington, D. C.:

We heartily indorse your efforts for congressional action for the remission of tolls for American ships in the coastwise trade, realizing that the benefits to be derived for this coast will otherwise be nullified. We are all proud of you, with the position you have taken in this vital matter.

H. ROSENTHAL,
President Alameda Chamber of Commerce.

—

SAN JOSE, CAL., *March 21, 1912*.

Hon. JOSEPH R. KNOWLAND, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: At a regular meeting of the board of directors of the San Jose (Cal.) Chamber of Commerce we unanimously passed the following resolution:

"*Resolved*, That this chamber of commerce is opposed to the operation through the Panama Canal of any railroad owned or controlled ship engaged wholly or partly in coastwise traffic; also that we strongly urge upon the Senate and House of Representatives the enactment of laws that will exempt from canal tolls all ships sailing under the American flag engaged in coastwise traffic."

Yours, very respectfully,

JOS. T. BROOKS, *Secretary-Manager*.

—

SEATTLE, WASH., *March 13, 1912*.

This bureau is unalterably opposed to the operation through the Panama Canal of any steamship line owned, operated, or controlled directly or indirectly, by a railroad engaged in interstate commerce. We trust every effort will be used to prevent it. If not prevented, canal will be useless in controlling transcontinental rates, and will in nowise benefit interstate commerce between States bordering on United States littoral.

TRANSPORTATION BUREAU OF THE
NEW SEATTLE CHAMBER OF COMMERCE.

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The following resolution was unanimously adopted by the Northwestern Association of Box Manufacturers by a regular vote of the members at Portland, Oreg., on the 22d of March, 1912:

"Whereas the Government of the United States is constructing the Panama Canal, entirely at its own cost, for the benefit of its own people, as a military measure and for the facilitation of its domestic commerce, as well as for the furtherance of the commerce of the world; and

"Whereas in so far as respects domestic commerce in the United States the Panama Canal is a part of the interrelated waterway system of the United States; and

"Whereas the United States, by act of Congress passed in 1884, made the following declaration of policy regarding tolls or charges relative to waterways acquired or constructed by the Federal Government: 'No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use of and benefit of navigation now belonging to the United States or that may be hereafter acquired or constructed'; and

"Whereas the extension of the general policy of freedom from tolls to the domestic coastwise commerce of the United States passing through the Panama Canal can not create a discrimination against any other nation or its citizens or subjects in respect to the conditions or charges or traffic, or otherwise, because of the fact that no such nation has been or now is permitted by law to engage in such coastwise commerce; and

"Whereas it is necessary in order to secure to the people of the United States the benefits of the competition between the eastern and western seaboards of the United States, through said canal, and on other waterways of the United States, that railroad owned or controlled steamship companies should not be permitted to use said canal, and that railroads should not be permitted to own, control, or operate competing lines of water carriers on the waters of the United States—

"*Resolved*, First. That there should be no tolls charged to vessels or on their cargoes engaged in domestic commerce between ports of the United States passing through the Panama Canal.

"Second. That a law be enacted making it unlawful for railroads to own, lease, operate, or control any competing steamship or other water lines on or through the Panama Canal or other waterways of the United States or between the ports thereof."

Resolutions of the Merchants' Association of New York, adopted May 7, 1912:

"Whereas the waterways of the country, including the Panama Canal when completed, are largely the creation of national expenditure, and are valuable in proportion as they are utilized for transportation; and

"Whereas the extent of their utilization is largely influenced by the charges imposed upon the traffic which avails of them, which charges should be regulated by the competitive conditions which should normally and fairly exist; and

"Whereas it is the declared policy and the duty of the Government to safeguard the independence of such competition, and laws enacted for that purpose have been construed by the Supreme Court of the United States to prohibit a consolidation under one control of different railroad lines competing for the same traffic; and

"Whereas it is evident that a consolidation of control of transportation over a water route and a land route which are parallel and competitive would imply an advantage which would not inhere in the control of either route independently, and that independent transportation by water would thus be placed at a disadvantage by such joint control, which would tend to destroy the benefit to the public which free competition would afford; and

"Whereas it has transpired in proceedings before the Interstate Commerce Commission in the Spokane and other rate cases that efforts are being made to minimize the natural advantages arising from location on the seaboard and from less expensive transportation by water, which efforts, if successful, would tend arbitrarily to divert both the distributive and manufacturing business from the seaboard; and

"Whereas the history of control by railroads of water lines competitive with such roads discloses a general tendency to eliminate independent competition by water resulting in a subsequent increase in the rates charged for water transportation: Therefore be it

"*Resolved*, That the Merchants' Association of New York approves the principle embodied in section 11 of the proposed act of Congress known as H. R. 21969, which prohibits the ownership or control by a railroad line of facilities for transportation by a water route competing for the same traffic, and urges that it be enacted into law."

AMERICANS LIVING IN ENGLAND.

At a meeting of the London (England) Section of the Navy League of the United States, on Friday, March 29, 1912:

Moved by F. C. Van Duzer:

"Whereas the opening of the Panama Canal will unquestionably effect great changes in our coastwise trade, leading to an increasing demand for an efficient merchant marine;

"Whereas the new canal route will be open to ships of all nations, involving increased protective measures for the proper safeguarding of American interests, which must comprise a strong merchant marine as a necessary auxiliary to an efficient navy;

"Whereas the American merchant marine is at the present time decadent and the Navy League has repeatedly passed resolutions in favor of general measures having for their object the restoration of the American merchant marine: Be it therefore

"*Resolved*, That this meeting of members of the Navy League of the United States in London views with concern the present inefficiency of the American merchant marine to cope with the trade of its own country; that, with special regard to developments likely to occur in connection with the opening of the Panama Canal, it urges upon the Navy League at home to continue to use every effort within its power for the promotion of legislative measures calculated to raise the American merchant marine to a footing commensurate with the needs, present as well as future, of our coastwise trade (but, above all, to endure a naval auxiliary fleet), and by subsidies, remission of canal dues, or otherwise, as the high discretion of Congress may determine, to so encourage private enterprise in the shipping industry at home as to insure the service becoming a powerful auxiliary to our naval arm."

Seconded by Arthur G. Glasgow.

Carried unanimously.

Signed on behalf of the governing committee.

THOMAS L. FIELD, *Chairman*.
FRED M. FISK,
Honorable Secretary.

—

SALEM, OREG., *March 13, 1912*.

The effect of the ownership or control of competing water lines by rail lines in this country is too well known to require any extended explanation. This control and ownership has practically eliminated water competition and largely minimized water transportation. There are bills now pending in Congress containing provisions which forbid the ownership or control, directly or indirectly, of competing steamer or boat lines by rail lines. Some bills limit it only to use of steamers using the Panama Canal. We believe the law should be general in its scope. We respectfully solicit your support of the bills now pending advocating laws forbidding such ownership or control. We know of nothing that is more detrimental to the development of water transportation than is the ownership or control of competing water lines by rail lines.

RAILROAD COMMISSION OF OREGON.

Mr. CHAMBERLAIN. Mr. President, I have requested that these resolutions be inserted in the RECORD so as to show that this is not a local question; that it is not a question that had its birth at San Francisco or at New York or at New Orleans or at any other one place in this country. It is a demand that comes up from the commercial life of the whole Nation—the North and the South, the East and the West, and the Middle West—all making a united appeal.

Mr. LIPPITT. Mr. President——

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. LIPPITT. What do I understand those resolutions are? Do I understand they are resolutions condemning the railroad ownership of steamships?

Mr. CHAMBERLAIN. Possibly some of them do that. Most of them, however, I will say, are in favor of the remission of tolls on coastwise shipping.

Mr. LIPPITT. I did not understand exactly what the Senator was discussing. I was only going to say that if the purpose of introducing those resolutions is to show what the Senator said, that all sections of this country are opposed to the railroads owning steamships, I want to register my utter disagreement with that statement and the disagreement of the section which I in part represent. On the contrary, that section is very strongly in favor of having railroad-owned steamships. Resolutions to that effect have been passed by the General Assembly of the State of Rhode Island, by the board of trade of the city of Providence, and by other organizations.

Mr. CHAMBERLAIN. I know that there is a difference of opinion on that subject in some sections of the country. The distinguished Senator from California [Mr. WORKS] has to-day shown how some of the differences on this subject have originated in California. I do not mean to suggest that that is the origin of the protest in Rhode Island, because I do not know the conditions there; but I do know that the Senator from Cali-

fornia stated the fact when he informed the Senate that the objections and protests which came from California originated with the very interests we are trying to regulate and control, namely, the railroad transportation companies which are interested in throttling coastwise shipping. But the Senator's [Mr. LIPPITT's] whole section is not in line with his views. If I am not mistaken—I have not looked into the matter for some days—the Boston Chamber of Commerce, or one of the commercial bodies of that city, adopted resolutions favoring the passage of coastwise shipping through the canal without tolls.

Mr. LIPPITT. I think, Mr. President, if I may be allowed to interrupt the Senator again, that the Boston Harbor commission—I do not recall at the minute just the name of it, but it is a commission which has charge of the harbor of Boston and other shipping interests that are controlled by the State—is very strongly in favor of having the New England railroad-owned steamships admitted to the canal. I should like to say to the Senator, inasmuch as that particular branch of the subject is under consideration, that we feel that the greatest possible competition can be obtained by permitting the steamships owned by the Atlantic coast-line railroads to go through the canal. New England has built up a great transportation system by the combined use of steamships and railroads on what is perhaps the greatest inland waterway in the world, at least the greatest inland waterway that has ocean connections. It has been built up after experiments with many different systems of transportation. The result of it has been an organization that gives, perhaps, the most efficient transportation that I know of in the world. I know of no other place where freight can be delivered from a factory at noon of one day and put upon the counters of merchants 200 miles distant by 10 o'clock the next morning.

That system of transportation has been built up with the entire approval of the people whom it serves; it has been the subject of constant debate among the people it serves; it was, as I have said, approved by the Legislature of the State of Rhode Island, by the Board of Trade of the city of Providence, by large numbers of petitions sent by the principal shippers; and we believe that through the Atlantic coast railroads, which have no possible interest in transcontinental shipments, the strongest possible financial backing can be given to steamship lines through the canal.

I do not want to discuss this matter at length in the Senator's time, but as I listened to him I thought I caught the statement that all sections of the country were opposed to such a proceeding; and I simply wanted to register my protest against that.

Mr. CHAMBERLAIN. I should like to ask the Senator a question.

Mr. LIPPITT. Yes, sir.

Mr. CHAMBERLAIN. How many different railroad companies are there in New England?

Mr. LIPPITT. So long as that matter has been brought up, I should like to correct a statement that has been made here on that subject. The statement was made by the junior Senator from New York [Mr. O'GORMAN], in a speech on this subject delivered 10 days or so ago, that every mile of railroad line in New England or every mile of railroad east of New York was in the hands of one railroad company. Those are not the facts, as I understand them. There are several railroad companies in New England. I believe, as a matter of fact, that out of some 7,000 miles of railroad, some 1,700 miles are owned by railroads other than the New Haven.

In Rhode Island——

Mr. CHAMBERLAIN. Is it not a fact that ownership, or control, rather, is in one company?

Mr. LIPPITT. It is absolutely not so, as I understand the situation. I am speaking about 1,700 miles of road in which the New Haven has no possible interest.

Mr. CHAMBERLAIN. Is it not true that one road owns or controls all of the coastwise ships?

Mr. LIPPITT. No, sir.

Mr. CHAMBERLAIN. That it owns all of the coastwise ships that operate between Boston and New York?

Mr. LIPPITT. No, sir. The contrary is true. There is no monopoly of water transportation on the New England coast in the hands of anybody.

Mr. CHAMBERLAIN. What independent line have you between Boston and New York?

Mr. LIPPITT. Between Boston and New York?

Mr. CHAMBERLAIN. Yes. Lines that are not controlled by the New York, New Haven & Hartford?

Mr. LIPPITT. I do not think there are any ships out of Boston to New York controlled by the New Haven. I am not sure about that, but I think it is so. But I will say that I do not believe there is one single point of any importance upon the Atlantic coast where there is not competition in water transportation.

I want to say to the Senator that the most important transportation on the Atlantic coast is the transportation of coal. Coal comes into Providence Harbor in enormous quantities. I myself have seen within a few days more than 20 vessels in Providence Harbor, from the five-masted schooner, carrying four or five thousand tons, to a moderate-sized vessel, of perhaps a thousand tons, and the transportation of not one ton of that coal, so far as I know, is owned or influenced or controlled by any New England railroad.

I will say, further than that, that the transportation of oil is not in the hands of any railroad; that the transportation of brick and tile and articles of that sort is not in the hands of the railroad company.

I will say, further, that, so far as I know, there is not any kind of water transportation out of the harbor of Providence in which there is not competition.

Mr. CHAMBERLAIN. I think the Senator is totally at variance with the evidence taken before the Senate committee.

Mr. LIPPITT. If I am at variance with some of the testimony that has been presented, I am talking about something with which I am entirely familiar. I am talking about something which has come under my personal observation over and over again for 30 years. I have sailed up and down the coast line between New York and Providence and Boston and Bar Harbor for a number of years. I myself obtained a license, having passed the examination, as a licensed pilot for the waters from Buzzards Bay to New York. I held a pilot's license for some little time. So I can say I am thoroughly familiar with the subject I am discussing.

Only last night, as I sailed from Narragansett Bay into Providence Harbor, I saw a steamer, owned by the New Haven road, leaving that harbor on its way to New York, and it was followed within a few hundred feet by a steamer of practically the same size, leaving the same port, carrying the same class of freight, destined for the same port, in which steamer, I understand, the New York & New Haven did not own a single dollar of stock and had no interest of any kind. If that is not competition, I do not know what competition is.

Mr. CHAMBERLAIN. I hope it is.

Mr. PAGE. Mr. President——

Mr. CHAMBERLAIN. I yield to the Senator from Vermont.

Mr. PAGE. I suppose the Senator wants facts, and I am not taking any part in the discussion which has been going on.

The Senator himself probably understands that the Grand Trunk system of Canada controls the Central Vermont road It controls what is called the New London & Northern road, which really connects from St. Johns to Long Island Sound. The competition between the Grand Trunk and the New Haven is very severe, and the fight in my own State, along legislative lines, is about as bitter as could be between two parties. There is real competition between the Grand Trunk system, which is a very great system, as you know, and the New Haven & Hartford.

Mr. CHAMBERLAIN. I am glad to know that New England is waking up to the situation there, because the evidence I have leads me to the contrary opinion.

I want to say in this connection that in an address delivered on this floor by the distinguished Senator from Wisconsin [Mr. LA FOLLETTE], on the 12th day of April, 1910, he showed that the New Haven Railroad, to which I have called attention, had not only monopolized the water transportation of New England and all of the shipping between Boston and New York, but had monopolized the interurban electric systems as well. Of course I am not going to take issue with the Senator from Vermont, because I have no personal knowledge on the subject, but in this connection I call attention to what the Senator from Wisconsin said in the speech to which I have referred, and I have never heard it denied upon this floor. He said:

To-day the New Haven controls directly or through subsidiary companies:

Fall River Lines: Fall River, Mass., to New York City.
Providence Line: Providence, R. I., to New York City.
New Bedford Line: New Bedford, Mass., to New York City.
Norwich Line: Norwich, Conn., to New York City.
New Haven Lines: New Haven, Conn., to New York City.
Bridgeport Line: Bridgeport, Conn., to New York City.
Block Island Line: Connecting with Norwich, New London, Conn.; Watch Hill, Providence, Block Island, R. I.; New York.
Hartford Line: Hartford, Conn., to New York City.
Joy Line: Providence, R. I., to New York City.
Merchants' Line: Boston to New York.
The Merchants' and Miners' Transportation Co. Line: Boston and Providence to Philadelphia, Newport News, Baltimore, and Norfolk. (In this the New Haven owns a one-half interest.)
Maine Steamship Co. Line: Maine to New York City.
Neptune Line: This line was originally started to kill the Enterprise Transportation Co., and now has been permanently abandoned.

Mr. PAGE. Does the Senator find anything there that contradicts the statement I have made in regard to the Grand Trunk line controlling a system in New England?

Mr. CHAMBERLAIN. I do not see that line mentioned.

Mr. PAGE. I want to say to the Senator that it is notorious in New England that these two lines have been having a bitter fight not only in Vermont but in regard to getting in line from the New London & Northern road into Providence, and then, I think, into Boston. The fight is so bitter that it is notorious in New England that there are two great lines fighting for their lives almost in regard to certain lines of transportation.

Mr. CHAMBERLAIN. Mr. President——

Mr. LIPPITT. I will not interrupt the Senator again——

Mr. CHAMBERLAIN. I should like to go on, Mr. President, or else I shall be blamed for taking up more time than I ought in the closing days of the Congress.

Mr. LIPPITT. Well, I am taking up the time, but I had to do so some time or other because of these statements and some others that I desire to make to the Senate. I do not want the Senator to go away with the wrong impression he evidently has of the conditions under which our water transportation is carried on.

As I carried those lines in my mind, the names of which the Senator from Oregon read from the speech of the Senator from Wisconsin, I think nearly every one is owned by the New Haven road, or the New Haven road has an interest in them, but I should like to say that those are but a very small part of the number of steamships that run over Long Island Sound. Long Island Sound is one of the greatest waterways in the world. You can not go from one end of it to the other without passing a large number of ships.

Mr. CHAMBERLAIN. Are they coastwise vessels?

Mr. LIPPITT. What is that?

Mr. CHAMBERLAIN. Are the vessels you speak of coastwise vessels?

Mr. LIPPITT. They do coastwise business of various kinds. I think I am not overstating the facts when I say that there are more steamers running out of the city of Providence that are not owned by the New Haven than those that it owns.

Mr. BRISTOW. Mr. President——

Mr. CHAMBERLAIN. I yield to the Senator from Kansas.

Mr. BRISTOW. I should like to inquire of the Senator from Rhode Island if the great majority of these steamers are not what are known as tramp steamers? They are not regular liners.

Mr. LIPPITT. My impression is that of the passenger-carrying steamers that go into the port of Providence there are not two a month which are what you would call tramp steamers. I except, of course, the coal trade and the oil trade, wherein there are more or less tramp steamers. The others belong to regular lines. There is a line from Providence to Block Island. Block Island is an island about 15 miles off the coast of Rhode Island. There is a line that runs to Sakonnet and stops at Bristol and at one or two points on the way. They transport passengers and freight, although they are not very large vessels. A number of steamers run up and down the bay, stopping at various points. The terminal at one end is Newport and the other Providence. I just think of those at the minute.

Mr. BRISTOW. Can the Senator submit—if he can not do it at this moment—a list of the steamship lines that maintain regular sailings between New York and Providence that are not controlled by the New Haven Road?

Mr. LIPPITT. The only one I know is the Colonial Line. But I want to say further to the Senator that the system of transportation that is going on goes on with the approval of the citizens whom it serves, and I think that their desires in that matter are of some importance. It does seem to me, with all due respect to other sections of the country, particularly inland States, if I may so term them, which are not in quite as close touch with the needs and the methods that have developed out of a long experience with this matter—it seems to me that the views and experience, if I may put it in that way, of the people who are served should have some considerable weight.

Mr. BRISTOW. I should like to call the attention of the Senator from Rhode Island to a statement made by Mr. David O. Ives, manager of the transportation department of the Boston Chamber of Commerce, who lives in Boston. Referring to the question of railroad-owned ships, he said in his testimony——

Mr. McCUMBER. What page?

Mr. BRISTOW. Page 326:

> Now as to the question of railroad-owned ships. It is repugnant to me to suggest any discrimination against any person or corporation, but our experience—my own personal experience and that of the merchants of New England—has been such that we feel a very great fear of the stifling of water competition by the railroad lines if they own the competitive water lines.

Mr. LIPPITT. I do not know exactly what was the great fear in the mind of the gentleman who gave that testimony. So far as the merchants of New England go, I know that a very large number of the most important ones signed a petition which was presented to this body in favor of the present connections between the railroads and the steamships being continued. There may be some people of timid heart in New England, as I suppose there are elsewhere, but the great bulk of the shippers and of the people generally, so far as I know, are entirely satisfied with the existing conditions and they do not want them changed.

Mr. O'GORMAN. Mr. President——

Mr. CHAMBERLAIN. I yield to the Senator from New York.

Mr. O'GORMAN. I should like to ask a question of the Senator from Rhode Island. Do I understand the Senator to say that there is no complaint through New England against the tendency to monopolize all transportation under the control of the New York & New Haven Railroad?

Mr. LIPPITT. I do not think I made that statement. New England is a place that was settled by men of great individuality, and I never have known all New England to agree upon any proposition. So I have no doubt there are people in New England who perhaps are not entirely favorable to the present railroad and steamship ownership, but I do say that as far as I know the great majority of the people are strongly in favor of it.

Mr. O'GORMAN. Of what?

Mr. LIPPITT. Are strongly in favor of the railroads of New England owning steamships and using them in connection with their transportation facilities——

Mr. CHAMBERLAIN. Through the canal?

Mr. O'GORMAN. Is it not a fact——

Mr. LIPPITT. In their own local transportation principally from the New England ports to New York and ports farther down the coast.

Mr. O'GORMAN. Is it not a fact——

Mr. LIPPITT. May I answer the whole question?

Mr. O'GORMAN. May I put a question to the Senator from Rhode Island?

Is there not a general grievance throughout New England that the New York & New Haven Railroad has not only monopolized all railroad transportation through those States, but has secured a monopoly of water transportation, and is now endeavoring to secure the last method of transportation in competition with the other two, and that is, trolley transportation throughout the New England States?

Mr. LIPPITT. The Senator from New York, unfortunately, was not here a few minutes ago when I discussed somewhat fully the two points which he makes.

Briefly, I stated that no railroad had monopolized water transportation in New England, and in connection with that—I am glad the Senator from New York has come back—I took occasion to say that in some remarks which he made here a few days ago he made the statement, as I remember it, that there was not a mile of railroad east of New York that was not owned by the New Haven Railroad or by one railroad. I had occasion to say that out of some 7,000 miles of railroad in that section, there was something like 1,700 miles not owned by the New Haven road.

Mr. O'GORMAN. What road do you refer to as being independent?

Mr. LIPPITT. I refer to the Grand Trunk road for one. The Grand Trunk has a line of railroad running from the port of New London north, giving connection with Canada. It is now building a line of road to Providence. It is preparing to build a line of road to Boston. It is entering into the strongest kind of competition with the New Haven road. I have not a list of the roads just at hand at the moment——

Mr. O'GORMAN. That is competition between roads that are running north from Providence or New London. Is there any competition with the New York & New Haven running west or east?

Mr. GALLINGER. There is no other road.

Mr. LIPPITT. I was merely answering the statement of the Senator from New York that there was not a mile of road east of New York that was owned by another road, and I have pointed out very conclusively that that statement can not be correct.

Mr. O'GORMAN. I will ask the Senator whether there is any working combination between the Grand Trunk and the New Haven?

Mr. LIPPITT. Yes; a very strong working combination. They are doing everything they can to oppose each other in every point they touch.

Mr. O'GORMAN. That must be a very hopeful sign for New England. Can the Senator state——

Mr. LIPPITT. I do not know what the Senator means by being a hopeful sign, but I want to say to the Senator from New York that New England has had many causes to be hopeful, and still has them, and so it would not need any change in her transportation system to inspire her with hope.

Mr. CHAMBERLAIN. This is very interesting, but——

Mr. LIPPITT. Excuse me. If the Senator from Oregon will yield to me for a moment——

Mr. CHAMBERLAIN. I yield.

Mr. LIPPITT. I want to say to the Senator from New York, in respect to the statement made by him, to which I referred, in regard to the monopoly of railroad lines, and also the statement he made in regard to the monopoly of steamships, that I think if he will investigate them a little more carefully he will find they are incorrect.

Mr. O'GORMAN. I want to say, in answer to the last suggestion of the Senator from Rhode Island, that the statement I made with respect to the control of water transportation by the New York & New Haven Railroad was testified to by one of the vice presidents of that corporation before our committee.

Mr. LIPPITT. I will try to take it up in my own time later.

Mr. CHAMBERLAIN. I was just going to remark that in reading the testimony before the Interoceanic Canals Committee one can not but conclude—and if he were a juryman he would have to reach the verdict—that the transportation from Boston to New York and from New York to New Orleans and to Galveston was absolutely controlled, operated, and owned by the railroad companies. I do not pretend to have any personal knowledge on this subject. I have formed my opinion from reading the testimony as it was adduced before the committee, and I think that testimony would not bear out the statements of the distinguished Senator from Rhode Island.

It is a little bit out of the line of the discussion here—what has just been said with reference to railroad-owned lines in New England—but if anyone is interested in and desirous of learning the exact condition in New England, both as to the steam and the electric railway situation and as to water transportation there, and the efforts of the New York & New Haven Railroad in connection with it, I call attention to the speech of the Senator from Wisconsin [Mr. LA FOLLETTE], to which I have referred, delivered in this body on the 12th day of April, 1910. It goes into the subject fully and in detail and, I think, fairly sustains the proposition from every standpoint that New England is practically bottled up by land and water by one large railroad corporation.

Mr. GALLINGER. Mr. President, I have noticed from time to time this intense anxiety on the part of Senators living hundreds and thousands of miles away from New England as to our situation with regard to transportation facilities. I have lived in New Hampshire a half century or thereabouts, and I have not found our people losing any sleep or disturbed in the daytime as regards the situation.

We have no special competition because we have one line of railroad running north and south. If any Senator knows anyone who will put up money to build another line, I apprehend he could have an opportunity.

Mr. CHAMBERLAIN. I want to say to my friend, the distinguished Senator from New Hampshire, that I have no disposition to criticize New England for this situation. I rather sympathize with New England, because we of the Northwest for a great many years have been in exactly the same situation.

Mr. GALLINGER. As to the acquisition of trolley lines, I think the New Haven does control some lines, but they are carrying the passengers at the same rate that passengers are being carried by other lines owned by other corporations. So we are not suffering very much from that. If it is illegal, that is another proposition, and I think that question has been raised, and I should want to have it determined upon legal grounds. But I do not think our people are suffering or complaining. It seems to be the people who live hundreds or thousands of miles away from New England who are troubled about our situation.

Mr. CHAMBERLAIN. I want to say to the Senator that I did not precipitate this discussion by any means. It was done by a New England Senator. I was talking about the Panama Canal, and Senators transferred me in a moment to the New England coast without any desire on my part to discuss the situation there. I am not criticizing New England or her people, but I am criticizing a situation which exists, not only in New England, but in the West and Northwest, and which exists in every port in the East or the West, where the evidence will absolutely show any disintertested person that the coastwise trade is monopolized by great railroad corporations for the purpose of controlling the rail rates.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Missouri?

Mr. CHAMBERLAIN. I do.

Mr. REED. I want to say, by way of apology for any man who lives in the West or Central West taking any interest in the condition of the people in New England, that we have felt justified in taking that interest, because we have been taught for about 50 years that the interests of the West and the Central West were so wrapped up in the prosperity of New England that we ought, without complaint, to submit to a tax for the benefit of the New England manufacturers, on the theory that the benefits would all flow back to us.

Mr. CHAMBERLAIN. I am not going to join with my friend in that digression, however interesting it might be, because I never would get through with the subject now under discussion.

Now, we were discussing, Mr. President, the question of the power of Congress under the Hay-Pauncefote treaty to grant discriminatory or free tolls to coastwise shipping.

The Supreme Court of the United States has practically said that even under a treaty stipulation substantially like the one under consideration, we could discriminate against foreign and in favor of American vessels with reference to pilotage charges in local rivers and harbors; and I am going to call attention to that case. The Supreme Court of the United States in the case of Olsen against Smith, in One hundred and ninety-fifth United States, page 332, was called upon to pass upon the following treaty provision:

> That no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

There is no stronger provision than that in the Hay-Pauncefote treaty.

The State of Texas passed a law providing lower pilotage charges on domestic vessels engaged in domestic commerce than on vessels engaged in foreign commerce. A British vessel protested on the ground that this discrimination was in violation of the treaty rights, and particularly in violation of this provision of the treaty which I have just cited. The Supreme Court, in passing upon this, said:

> Neither the exemption of coastwise vessels from pilotage resulting from any law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance the proposition but asserts that, because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

It is true that a distinguished Senator said, in debate a few days ago, that the decision of the Supreme Court will not be determinative in these international matters, which may in the end have to go before The Hague tribunal, but there is no question about it that a decision of our highest court ought to have very great weight in determining the position which this Congress should take upon a question admittedly involved in doubt.

There is no question about the views of the American people on this particular subject, and there is no question but that they will expect Congress to take a positive position in asserting the American view without regard to any protest that Great Britain has or may interpose. We can feel pretty well assured that Great Britain will interpose a formal protest here, but because she protests is no reason why we should absolutely yield our judgment to any protest she may make, when it does not conform to the American construction of the treaty stipulations which govern.

Even if there was a doubt about our power in the premises under the Hay-Pauncefote treaty, the question should be solved in favor of the American idea and not to accommodate the views of Great Britain or to conform to the supposed views of a tribunal that is likely to be against us on any appeal. I am not a believer in the doctrine of peace at any price, and I believe that the American people would insist upon the revocation of a treaty which prevented Congress from regulating what they conceive to be their internal affairs, as well as any treaty creating a tribunal which some Senators admit will decide against us if this question now under discussion ever gets before it.

So I conclude from the best and most attentive examination I have been able to give this subject, that there is no question about the right of Congress under the provisions of the Hay-Pauncefote treaty, or under the provisions of any treaty, to discriminate in favor of American vessels engaged in coastwise trade passing through the canal, and I take the same view without any fear as to results that the Senator from Massachusetts takes with much hesitation—that we have a right not only to grant discriminatory tolls to American vessels engaged in the coastwise trade, but we have a right under that treaty to grant discriminatory tolls in favor of American registered vessels engaged in foreign commerce as well.

Now, with reference to the effect of free tolls on coastwise ships.

It has been insisted in some quarters that the construction of the Panama Canal was brought about by military necessity and for commercial benefit, but a higher motive than either of these propositions inspired it. It was designed from the standpoint of a great many patriotic citizens to be and become a part of the interrelated internal waterways of this country, bringing the East and the West, as well as the interior sections of the country penetrated by the great waterways and the Great Lakes, into closer touch and rendering them less dependent upon the railway systems of the country.

The acquisition of California, and the discovery of gold there in 1849 had much to do with the action of this country in hastening the construction of a canal at the Isthmus, and then the possessions of Great Britain in the Northwest doubtless induced her to enter into negotiations with the United States for connecting these two great oceans. It was not a question of military necessity at all; it was the determination of two great peoples to do something that would benefit the commerce of the world.

One of the first effects of free tolls for vessels engaged in the coastwise traffic will be the reduction of transcontinental and interior rates, and the second will be the regulatory effect that these ships will have upon the transcontinental railways. Assuming that a rate of $1 per ton was charged upon coastwise vessels passing through the canal, that charge would be added to the transcontinental rate. The remission of that charge would compel the railways to make a corresponding reduction in the rail rate.

This has been the history of water competition wherever it has been in effect. But it is maintained by some that the reduction in freight rates by rail would only be effective as between competitive points—as an illustration, that while a vessel plying between Portland, Oreg., and New York free of tolls would reduce the rate between Portland and New York by rail, it would not in any way affect the rate charged by rail between coast and interior points. This has not been the history of rate reduction by rail between coast points. The views of the minority of the House committee so clearly express the commonly accepted view on this subject that I ask permission to insert them as a part of my address:

In a comparatively few instances opposition to free tolls has developed in certain localities in the Middle West, based upon the erroneous assumption that any reductions in freight rates between the Atlantic and Pacific seaboards will give the Pacific, Gulf, and Atlantic coast cities an advantage over the Middle West cities in competing for the trade of the intermountain section of the West. There might be some ground for this assumption were it not for the fact that rail freight rates between the Middle West and the Pacific coast never exceed those between the Atlantic and Pacific seaboards, and are frequently lower. Any reduction in rail freight rates forced by sea competition between, say, New York and San Francisco is contemporaneously applied between Chicago, St. Paul, St. Louis, Kansas City, and, in fact, every city of the Middle West on the one hand and every Pacific coast city or town on the other. This always has been so—it always will be so. The selfish interests of the railroads serving the Middle West is the strongest possible guaranty of the perpetuity of this already well-established rate-making system. No road operating between St. Paul and Seattle will permit a lower rail rate to exist between New York and Seattle than exists between St. Paul and Seattle; otherwise St. Paul's trade would be captured by New York.

Therefore, if by reason of free tolls to vessels in the coastwise trade freight rates between New York and Seattle are $1 per ton less than they would be if tolls were charged, they will by the same measure be less between St. Paul and Chicago and Omaha and St. Louis and Kansas City on the one hand and Seattle and Portland and San Francisco and Los Angeles and San Diego on the other. It is not for the merchants, manufacturers, producers, and consumers of the Middle West to do other than to heartily favor free tolls. It is to be expected, however, that the railroads serving the Middle West, and, for that matter, the entire country, will strenuously oppose free tolls and with equal strenuosity advocate the highest tolls possible, the only limit being those charged contemporaneously through Suez. Inasmuch as rates between the entire country east of the Missouri River on the one hand and the intermountain section on the other are based upon the coast-to-coast rates, it is obvious that free tolls would be equally advantageous to this section as to all other sections of the country. Free tolls can but minimize rail freight rates on all the manufactures of the Atlantic seaboard and the Middle West, the products of the great Mississippi Valley, and those of the Pacific coast, to the ultimate advantage of the producers and consumers throughout the entire country. Nor are reductions in rail rates the only advantages which the people of the great interior of our country are to reap from free tolls. They have even a more direct interest.

Much of the commerce of the great Mississippi Valley will flow down the rivers which drain it to the Gulf and thence through the canal to the Pacific coast. Likewise Pacific coast products will, under free tolls, to a large extent eventually be distributed throughout the Middle West via her waterways. The completion of the Lakes-to-Gulf waterway project will make it not alone possible but practicable to exchange Pacific coast lumber for Lake Superior ore without either commodity touching the floor of a freight car. Every burden placed upon traffic through the canal impairs its usefulness as a competitive route and decreases its benefits to the American people.

These views of the minority of the House committee are the views of distinguished experts in this country. In what is known as the Spokane rate case, Twenty-first Interstate Commerce Reports, at page 422, Mr. Prouty, one of the most distinguished members of that commission, rendered an opinion upon this same subject, and there are numerous other decisions by the same distinguished body where the same doctrine has been laid down as to the effect of river competition upon rail rates. I call attention to what Mr. Prouty had to say:

Carriers maintain the same transcontinental rate from Chicago as from New York, not by reason of the direct effect but rather as an indirect result of water competition. The reason for this will be best understood by an actual illustration. Assume that a building requiring the use of a large amount of structural steel is to be erected in San Francisco. That steel is manufactured both at the seaboard and in Chicago. That which is made at the seaboard can be taken by water from the point of origin to the point of destination, and the rate at which it can move is therefore determined by water competition.

That would bring New York directly in competition with Chicago.

The cost of producing steel is the same at both points. In order, therefore, that the producers may stand an equal chance in competing for this business it is necessary that the rate from both points should be the same, and the business can not move from Chicago unless the rate from that point is as low as from the seaboard.

The Atchisen, Topeka & Santa Fe Railway begins at Chicago. If this steel is bought at Chicago and moves by that line, the entire freight money is retained by it. If, upon the other hand, the steel is bought at New York, moved by some line to Chicago, and there delivered to the Santa Fe, that line receives only a part of the through charge. The service performed by it is the same in either case, but the amount of its compensation is larger when the freight originates at Chicago. It is therefore for the interest of that line to name a rate from Chicago which will originate the business at that point instead of allowing it to originate upon the seaboard. The interest of the line from New York to Chicago is that the business should be taken up at New York, and as a compromise it is finally agreed to apply the same rate from both these points. This clearly shows how water competition, if it does not actually extend to the interior point, may and does dictate the rate from that point.

Mr. President, that is the universal rule. That is the universal way in which rates are effected by the railroad companies all over the country.

What would be true of the steel entering into the construction of this building is true also of almost every article of commerce which moves between the East and the West. The Middle West to-day manufactures nearly everything which is produced upon the Atlantic seaboard, and the effect of this policy of the railroads has been to make the Middle West the almost exclusive market of origin for the intermountain country and largely for the Pacific coast itself. (21 I. C. C. Reps., 422.)

An examination of the schedule of rates in any railroad company's office will disclose that the rates from intermediate points from Chicago to the Pacific coast are practically the same as they are from Boston and New York to the same coast. That is all brought about by water competition or the possibility of water competition. Wherever you reduce the rate by water the railroad company must of necessity, if the competition is an honest competition, reduce its rates to conform or else lose the traffic. Therefore, for every dollar remitted to American shipping passing through the canal and doing a coastwise business you compel a corresponding reduction upon the rates charged by the railroad companies engaged in transcontinental business.

Now, Mr. President, Dr. Emory R. Johnson and Col. Goethals would place the Panama Canal on a commercial basis and make of it a revenue-producing enterprise, and they differ from my views with reference to the remission of tolls. They insist that the Panama Canal ought to be used so as to yield a large revenue; that is, so as to make it pay not only a fair rate of interest on the money invested, but to create a sinking fund out of which eventually could be paid the immense amount of the cost of construction, something like $400,000,000. The American people do not share in this view. They believe that that canal was built with their money; that it was not an expenditure as such, but an investment for their benefit, and that the amount of the revenue to be received from that investment should not be a tax upon them any more than is absolutely necessary to conform to the regulations of the treaty. The foreigner ought to pay the tax, and that he will pay it in time there is no room for doubt.

But Dr. Johnson does agree with the proposition that water competition will reduce or regulate rail rates. In discussing

this subject in Senate Document No. 875, in summing up, for instance, he says:

The general effect of the canal will be to lower transcontinental railroad rates.

I might say, incidentally, for the people of the West that we have been, as I have suggested possibly New England has been, in the grasp of corporations that absolutely controlled the destinies of our people, and we ought to insist that these transcontinental rates shall be regulated by the construction and proper use of the canal. If we had not believed on the Pacific coast that such would be the case we would never have lent our assistance to the construction of the canal. Dr. Johnson continues:

If the foregoing analysis proves to be sound, it will be the policy of the railroads to allow a portion of the traffic that might be held to the rails to be shipped coastwise through the canal and to maintain rates upon the traffic which can readily be prevented from taking the canal route. It is probable that the railroads will adopt the general policy of surrendering without serious struggle the minor portion of their traffic in order to maintain profitable charges upon the major share of their tonnage. The immediate effect of the canal will be to lessen railroad profits; the ultimate effect may be the enhancement of the prosperity of the railroads.

The railroads have not adopted that policy which is so mildly suggested by Dr. Johnson "to enhance their prosperity." On the contrary, they are endeavoring to secure at the hands of Congress legislation which will enable them to operate their own ships through the canal and thus in future as in the past to be placed in position to put out of business independent shipping companies that might undertake to compete upon fair and honest terms.

The canal will aid the industries and trade of the United States. Like other transportation facilities, it will create the need of other means of transportation; and, should the transcontinental railroads be obliged to face reduced profits for a period of years, they need have no serious apprehension as to their future prosperity. The railroads connecting the Mississippi Valley and the Pacific coast are among the most profitable lines in the United States. The country they serve is certain to have a large development during the next quarter century, a development that will unquestionably be appreciably aided by the Panama Canal.

So we see Dr. Johnson admits that the immediate effect of the construction of the Panama Canal will be to reduce freight rates.

But it looks like a work of supererogation to discuss the effect of water upon rail transportation. The mere statement of the proposition suggests the universal knowledge that untrammeled water competition reduces and tends to regulate rates by rail everywhere and under all circumstances.

Of course, we are all more familiar with our local affairs than with other sections of the country, and I want to call attention now to a condition in my own State and bordering between my State and the State of Washington. The old Oregon Railway & Navigation Co. going west first touched the Columbia River at a point called Umatilla, and it paralleled the Columbia River from that point for 150 miles down to Portland, Oreg. A short distance below Umatilla on the Columbia River there was an obstruction. The Government is removing it now and constructing an immense canal. The river was navigable up to this obstruction, and up to that point the rates by rail were practically the same as the rates by the river, and were reasonably low because the boats which the citizens of Oregon kept on that route at their own expense kept the rate down. But above that obstruction where the river was not navigable because boats could not get above the obstruction the railroad rates were exorbitant, and the immense wealth of that inland empire, covering an area of 250,000 square miles, was at the mercy of a great railroad company.

The State of Oregon to meet that condition appropriated three or four hundred thousand dollars itself and built a little portage railroad around that obstruction in the Columbia River, and the people of Portland put on boats above the obstruction. Just as soon as the portage railroad was built there, a portage road owned and operated by the State, and these boats were put on by the people, the railroad company immediately reduced their rates to all competitive points.

So this expenditure on the part of the State and the people reduced the rates by rail so that men in that inland empire could get their products to market at reasonable rates. The construction of the Panama Canal will have exactly the same effect as the construction of that little portage railway by the State had on the transportation of Washington, Oregon, and Idaho, and which enabled them to regulate the rates of the railways without appealing to them for relief, provided, always, we do not surrender to the demands of the railroad interests in reference to railroad-owned ships.

In this connection as showing the local situation to some extent I am going to ask leave to insert in the RECORD as a part of my address the rates on certain commodities between Portland, Oreg., and New York, and from New York to interior points by all rail, by ocean and rail, and by ocean, lake, and rail, showing the conditions as they have existed there and conditions which we hope the Panama Canal will correct.

The PRESIDENT pro tempore. Without objection it will be so ordered.

The matter referred to is as follows:

Comparisons of rates on canned salmon in carloads from Portland, Oreg., to various points via all-rail direct; ocean and rail; ocean, lake, and rail, via New York City, N. Y.; also the all-rail and lake-and-rail rates from New York City to same points.

From—	Canned salmon, carloads, to—							
	Omaha.	St. Paul.	Duluth.	Chicago.	Cleveland.	Cincinnati.	Pittsburgh.	New York.
Portland, all rail	70	70	70	70	75	75	75	75
New York:								
All rail	46	46	46	30	21	26	18	.....
Lake and rail	.....	32	28	25	.....	.....	.....	.....
Portland:								
Ocean	.....	.....	.....	.....	.....	.....	.....	45
All rail	70	70	70	70	75	75	75	75
Ocean and rail	91	91	91	75	66	71	63	.....
Ocean, rail, and lake	.....	77	73	70	.....	.....	.....	.....

Wool rates, Portland to New York.

	Present water rates.	Effective Apr. 15.	Rail rates.	Present from The Dalles.
	Cents.	*Cents.*	*Cents.*	*Cents.*
Bag bales, in grease	65	75	*330	*143
In sacks, in grease	65	75	*330	*143
Compressed bales, in grease	40	45	100	118
Compressed bales, scoured	45	50	150	180
In sacks, scoured	80	85	*740	*790

The last rates in this last table marked with a star would be what are termed "paper rates"—that is, they are very high; no movement is made under them, nor is any expected. It does, however, move by water, packed as indicated. The rates unmarked show the actual rail rates.

Table showing first-class rates from and to various points, all rail, lake and rail, canal and lake, and river.

[Mileage shown is the all-rail movement.]

From—	To—	Miles.	First class.
			Cents.
All rail:			
Boston, Mass	Chicago, Ill	1,140	75
Baltimore, Md	do	796	67
New York, N. Y	do	907	75
Philadelphia, Pa	do	817	69
Chicago, Ill	St. Paul, Minn	421	60
Do	Omaha, Nebr	496	80
Do	Cincinnati, Ohio	304	40
Do	Sioux City, Iowa	602	80
Do	Kansas City, Mo	489	80
Do	Duluth, Minn	483	65
Wichita, Kans	New Orleans, La	940	139½
Guthrie, Okla	do	936	140
Lake and rail (via New York Central & Hudson River R. R. to Buffalo, N. Y.):			
New York, N. Y	St. Paul, Minn		83
Do	Chicago, Ill		62
Baltimore, Md	do		54
Philadelphia, Pa	do		56
All water (canal and lake):			
New York, N. Y	do		42
Do	Duluth, Minn		48
Do	St. Paul, Minn		64
River:			
St. Louis, Mo	New Orleans, La		60
Memphis, Tenn	do		60
Rail rate via Illinois Central:			
St. Louis, Mo	do		90

Comparative statement of rates to Portland on various commodities in carload and less-than-carload lots, by water and all rail.

[Rates shown are those in effect via the American-Hawaiian Steamship Co. and the transcontinental railroads. Rates checked to Feb. 1, 1912.]

Commodity.	Ocean rates.		All-rail rates.	
	Less than carloads.	Carloads.	Less than carloads.	Carloads.
Shipbuilding hardware	$0.80	.....	[1]$1.75	.....
Meat cutters	1.00	$0.80	[1]1.90	.....
Paperware, paper balloons	3.00	3.00	[1]6.00	.....
Fireworks	3.00	2.00	6.00	$3.00
Toy torpedoes	1.00	1.00	[1]2.00	.....
Wood canes for same	1.00	1.00	[1]3.00	.....
Slate pencils	.90	.90	[1]1.60	.....

[1]Any quantity.

Comparative statement of rates to Portland, etc.—Continued.

Commodity.	Ocean rates.		All-rail rates.	
	Less than carloads.	Carloads.	Less than carloads.	Carloads.
Aluminum pencil points	$1.25	.....	[1] $3.00	.....
Crayons	1.00	$1.00	[1] 2.20	.....
Scythe stones	1.00	1.00	[1] 1.75	.....
Brass-lamp burners	1.20	1.20	[1] 2.20	.....
Saddlers' hardware	1.00	1.00	[1] 1.90	.....
Shoemakers' iron lasts	1.00	1.00	[1] 1.75	.....
Pipe wrenches	1.00	1.00	[1] 1.75	.....
Iron vises	.80	.60	1.75	$1.10
Wire rat traps	1.50	1.50	[1] 2.35	.....
Hardware n. o. s	1.00	1.00	[1] 2.60	.....
Clotheslines	.75	.55	1.45	.95
Wooden rules	1.25	.....	[2] 2.60	.....
Paper labels	.90	.70	1.75	1.20
Steam pumps	1.25	1.00	3.00	.....
Wood tackle blocks	1.00	.70	[2] 2.60 / [3] 2.20	.....
Iron nails	[4] .75	.55	[5] 1.30	[6] .85
Iron boilers, range	1.20	1.00	2.60	1.40
Axle grease	.90	.60	1.50	.90
Glassware	1.00	.70	1.70	1.20
Clothespins	.90	.65	1.50	1.00
Bird cages	1.50	1.50	[3] 3.00	.....
Cutlery (not plated)	1.25	1.25	2.60	.....
Hairpins	1.30	1.30	2.00	.....
Cotton belting	1.15	.85	1.75	1.20
Wrapping paper:				
Not printed	.90	.55	1.10	.75
Printed	.90	.70	1.40	.90
Wire sifters	1.20	.85	[7] 3.00 / [8] 6.00	.....
Canned goods	.85	.60	1.50	1.00
Coffee	.95	.70	[9] 1.60 / [11] 1.40	[10] 1.10 / [12] .80
Looking-glass plates	1.50	1.00	2.20	1.50
Iron toy pistols	1.25	1.25	2.20	1.50
Cotton piece goods	.90	.65	1.60	1.10
Dressed granite	.90	.65	1.50	1.00
Clothes wringers	1.15	.85	1.75	1.25
Surface-coated book paper	.90	.55	1.40	.90
Halters, rope	[1] 1.00	.....	1.90	.....
Ice-cream freezers	1.20	1.00	1.75	1.40
Brass curtain rods	1.10	.85	1.75	1.25
Account books	1.25	.90	1.75	1.25
Blank books	1.00	.75	1.75	1.25
Drugs	1.25	1.00	2.00	1.50
Dyewood	1.00	.85	1.60	1.10
Petroleum lubricating oil	[13] 3.50	2.75	1.50	.90
Refrigerators	1.10	.95	1.75	1.35
Scythes	1.25	.85	1.85	1.35
Harness hardware	[1] 1.00	.....	1.90	.....
Pottery steins	[1] 1.00	.....	[14] 1.50	.....
Mustard, prepared	[1] .80	.....	1.50	1.00
Pitch	.75	.50	1.50	.80
Lead pencils	[1] 1.50	.....	3.00	.....
Conf. stoves	1.15	.90	2.20	.....
Candy	1.50	1.25	2.50	.....
Rubber hose	1.15	.85	1.75	1.25
Soap	.85	.50	1.30	.80
Stamp ware	[1] 1.20	.....	1.70	1.20
Writing paper and envelopes	.90	.75	1.75	1.20
Barn-door hangers	.90	.70	1.75	1.10
Copper wash boilers	[1] 1.25	.....	1.70	1.20
Sauce	[1] .70	.70	1.50	1.00
Cardboard	.90	.70	1.25	.75
Pickles	[1] .80	.....	1.50	1.00
Writing paper	.90	.70	[15] 1.75 / [16] 1.50	.....
Letter files	[1] 1.50	.....	3.00	.....
Sponges	[1] 3.00	.....	4.50	.....
Sadirons (Com.)	.75	.50	1.30	.85
Printed matter	1.25	.90	2.00	1.40
Hammocks	[1] 1.50	.....	[17] 3.00 / [18] 4.50	.....
Canned fish	.85	.60	1.50	.95
Olives, in glass	[1] .80	.....	1.50	1.00
Brushes, paint	1.00	.90	2.00	.....
Zinc glaziers' points	.75	.55	1.45	.....
Cottonseed oil	[19] 3.50	2.75	1.50	.90
Soda ash	.85	.45	1.10	.80
Cloves and nutmegs	[1] 1.00	.....	1.70	1.25
Lampblack	[1] 1.25	.....	2.00	1.50
Horse blankets	[1] 1.50	.....	[20] 1.60 / [21] 2.40	1.10
Window shades	[1] 1.25	.....	2.20	1.10
Paper boxes, knocked down flat	.90	.70	[22] 1.80	1.20
Galvanized-iron pans	[1] 1.00	.....	[23] 1.70	1.20
Metal lamps	[1] 1.20	.....	[24] 2.20	.....
Structural iron	.85	.65	1.30	.80
Wire rope	.90	.65	1.60	1.10
Iron plate	.85	.55	1.30	.80
Wire netting	.85	.60	1.75	.90
Dry goods	2.00	.....	3.00	.....

[1] Any quantity.
[2] In packages.
[3] In boxes or barrels.
[4] Per keg.
[5] 108 pounds per keg.
[6] Per hundredweight.
[7] Nested, boxed.
[8] Not nested.
[9] Roasted.
[10] Roasted or ground.
[11] Green.
[12] Green, in sacks.
[13] Per barrel.
[14] Not nickel plated.
[15] If folded.
[16] If flat.
[17] In bales or boxes.
[18] In bundles.
[19] Barrel.
[20] If cotton or shoddy.
[21] If wool or other composition.
[22] If knocked down flat.
[23] Nested.
[24] Value $24 per dozen or less.

RAILROAD-OWNED SHIPS AND THE PANAMA CANAL.

Mr. CHAMBERLAIN. There is one other subject, Mr. President, I am going to touch on briefly. I realize that I have taken more time than I ought to have done, but this is due to the interruptions of my colleagues. It is the question as to whether railroad-owned ships should be permitted to use the Panama Canal. The people of my section of the country are almost a unit against the use of the canal by railroad-owned ships or by ships in which the railroad companies have an interest. That is without any feeling of hostility to the railroad companies. We realize that our country has been developed by the construction of railroads and their extension into the unsettled portions of the West. We feel indebted to them, although their work has not been entirely philanthropic. The Government has given to them empires in the way of land grants so as to assist them in the work of construction, and I am not making any objection to that. What I have to say is not so much in criticism of the railroads as suggesting how those who are interested in the further development of the West may find a way of relieving it from a situation that has confronted it ever since the advent of railroads and their acquisition of all transportation facilities.

There are those who insist that this bill should not contain any provision having reference to ships owned or controlled by railroad companies or in which railroad companies have an interest. These persons insist that this bill at this session of Congress should be confined in the main to providing for a civil government for the Canal Zone and the fixing of tolls, leaving to some subsequent Congress the regulations as to the character of the vessels which should be entitled to the use of the Panama Canal. Dr. Johnson in his statement expresses the opinion that this bill should be limited to three subjects, viz, authorizing the President to govern the Canal Zone, to operate the canal, and to fix tolls, and believes that legislation amending the interstate-commerce act for the purpose of regulating the relation of ocean carriers to each other and to railroads may be best kept separate from the canal bill. I am totally at variance with him and with those who express this view. Legislation ought to be had now for the purpose of prohibiting the use of the canal by railroad-owned ships and ships in which railroad companies have an interest, and in the same legislation provision should be made for the remission of tolls to vessels engaged in the coastwise traffic. If these two very important subjects are left over for the action of some future Congress it will result in the claim being made by those who are opposed to this view that by its action Congress has practically conceded that it had no power either to legislate upon the subject of railroad-owned ships or to remit the tolls to vessels engaged in the coastwise traffic. Neither of these positions would be tenable, but they would be urged with great insistence.

I think the insistence would be very largely made, too, by the railroad interests, which are now promising that if railroad-owned ships are given access to the canal these interests are determined to build four immense steamers at an expense of twelve or fifteen million dollars to operate through the canal from New York to the Pacific coast and to oriental points. These very men would be the first to come here and insist that they had the recognized right to use the canal, and that they had been induced by the action of Congress to expend large sums of money in ship construction, and their rights ought not to be interfered with.

Further than that, the failure to enact legislation at this time with reference to the remission of tolls to vessels engaged in the coastwise traffic would be looked upon by Great Britain and the other powers as a practical admission that this Government had no power under the Hay-Pauncefote treaty to discriminate in favor of vessels engaged in what is conceded in some British quarters, and is maintained by nearly all American authorities, as being simply a part of our internal commerce.

But, aside from an academic discussion of the subject, let us examine this question of the use of the Panama Canal by railroad-owned ships.

It has been stated upon the floor in this Chamber that practically all of the shipping between points along the New England coast and New York is owned and controlled by one great railroad interest, which dominates the commercial life of the whole of New England. It has further been stated that practically all of the coastwise shipping between New York and Panama is controlled by the railway companies of the United States, and the evidence, too, bears out that statement, Mr. President. I know it is insisted in some quarters that these steamers are owned and controlled by the railway companies not for the purpose of preventing competition but for the purpose of developing the shipping interests and thereby enlarging the business

which these railroad companies do between interior and coast points. This seems plausible, and is accepted without question by the uninitiated, but the business men who are compelled to patronize the transportation companies by water and by rail know that the railroad companies own and control these steamers *along* the coast line not for the purpose of developing their internal traffic but for the purpose of driving out competitive water carriers and maintaining the exorbitant rates which they are thus enabled to charge by their railway lines.

Mr. President, this is not a new question nor are the methods of these companies new. The Senator from California [Mr. WORKS] has just described to the Senate the methods that are being adopted by the Pacific Mail Steamship Co., which is really the Southern Pacific Railroad Co., of inducing men to appeal to Congress to do things which are against their best interests. That same company for 50 years or more has been engaged in the same questionable business, as has been developed on the floor of the Senate to-day by the Senator from California; and I call the attention of the Senate to the report made by the Senator from Kansas [Mr. BRISTOW] on the Panama Canal in 1904, where is to be found a history of the methods of the Pacific Mail.

Mr. BRISTOW. In 1905.

Mr. CHAMBERLAIN. That report gives the history of the Pacific Mail Steamship Co. from the date of its birth. Its trail might be followed from the last word that the Senator from Kansas had to say upon the subject to this time. It has not varied. It has never from the time the Southern Pacific or transcontinental interests got control of it been operated in the interests of the people, either of the East or of the West. It has been operated always in the interest of the railroads. There was an investigation of this same company in 1893 with reference to its dealings with the Panama Railroad and the transcontinental railroad pool, and, incidentally, the resolution for the appointment of the subcommittee by the House of Representatives recited the following as part of the duties devolving upon that committee to inquire:

> As to the contracts and relations between the Pacific Mail Steamship Co. and the Southern Pacific Railroad Co., the Transcontinental Railroad Association, and other railroads; and as to what contracts or other collusive arrangements have been made by said companies whereby the traffic by way of the Isthmus of Panama has been suppressed or diminished; and as to whether said steamship company, by virtue of said contracts or otherwise, has been practically absorbed by or subjected to the control of said railroad companies; and as to whether the business which it was the design of this Government to foster by the sums granted to said steamship company, through mail contracts or otherwise, has been thereby diverted from the Isthmus of Panama and the Panama Railroad Co. to such transcontinental companies; and as to whether such acts are detrimental to the interests of American maritime commerce and the producers, manufacturers, and merchants of the United States; and if such abuses are found to exist, by what means the same can or should be suppressed, and as to whether the further grant of said sums to said steamship company should be withdrawn. Said committee shall have the power to send for persons and papers and administer oaths, and the expenses incurred in said investigation shall be paid out of the contingent fund of the House, and said committee shall have leave to sit during the sessions of the House in Washington or elsewhere.

So we see that in 1893 this same burning question was up before Congress, and the same efforts were then, as now, being put forth to prevent certain legislation which would relieve the people against the burdens which were imposed upon them by these companies, acting in conjunction with each other.

The report made by the subcommittee pursuant to said resolution was made on the heels of the adjournment of Congress, just as this discussion upon a most important piece of legislation is taking place near the end of this session. I merely want to call attention to this report to show you the methods of this company and its allies. They were not only methods in vogue on the west coast, but, Mr. President, they are the methods pursued on the east coast, because the testimony before the Committee of the Senate on Interoceanic Canals tends to show that the Southern Pacific Co. now owns about 40 vessels that are doing business now on the Atlantic coast, which, if free tolls are granted to railroad-owned ships, can be transferred to coastwise traffic through the canal and be in position to destroy all honest competition. Not only that, but the same railroad company controls in New York, as the evidence tends to show, some of the most important docks of the city, upon which it pays a rental of four or five hundred thousand dollars a year for the purpose of retaining them from the use of other shipping interests that might engage in independent shipping and practically without being put to their fullest and best use by the railway company itself. The same conditions exist in the West where these same companies control and monopolize the shipping by water as well as the terminal facilities, so that no vessel can come in competition with them.

Mr. THORNTON. Mr. President, I understood the Senator from Oregon to say that the evidence before the committee proved that there were 41 ships that were available.

Mr. CHAMBERLAIN. Practically; yes, sir.

Mr. THORNTON. To go through the Panama Canal?

Mr. CHAMBERLAIN. To go where they want to go. What is to keep them from going through that canal?

Mr. THORNTON. I have a very distinct recollection that it was testified that out of those 41 ships there were very few indeed, practically, to go through that canal, the ships that were used to go down to New Orleans and Galveston to connect with the Southern Pacific road not being available for the canal.

Mr. CHAMBERLAIN. Of course they are possibly not available at this time, but it does not take them very long to become available whenever the railroad companies want to put anybody else out of business.

Mr. THORNTON. By building new ships, but not by using those that are there now.

Mr. CHAMBERLAIN. By utilizing anything, Mr. President. A company that can pay $400,000 or $500,000 a year to hold docks from the use of the public can utilize its ships in any way it pleases to put other people out of business. They have done it; they have done it in the West and in the East. They operate and control lines between New York and New Orleans and Galveston now, and there is no independent shipping line that can go in there if the railroad company wants to keep them out. Anybody who says that independent shipping is possible under these conditions talks like the uninitiated, because there are no companies in the world that can put up the money that a railroad company can to operate ships at will and change them when and where they will.

Look at this House report made in 1893, to which I have referred, as to the methods adopted by the Pacific Mail Steamship Co. It says:

> As to the second part of the resolution referred to your committee, relating to the situation in the past few years and at present of American commerce upon the Isthmus, your committee feels that it has obtained all the evidence needed to establish certain facts beyond controversy. On the 1st of February, 1878, the Pacific Mail Co., a corporation organized under the laws of New York, owning and running steamers between New York and Aspinwall on the Atlantic, and between Panama and San Francisco on the Pacific, together with certain intermediate Central American and Mexican ports, made a contract for 15 years with the Panama Railroad Co., also a corporation under the laws of New York. At that time there was no showing that there were any foreign stockholders in either of these two corporations.
>
> This contract provided that the Pacific Mail should have the exclusive right "to bill freight through" from New York to San Francisco and vice versa over the Panama Railroad, and all freight offered by others between these points could not be "billed through," but would have to pay local rates on the Isthmus railway.

What effect did that have? It absolutely put every independent ship company out of commission. They could not compete with a company that had its freight billed through from San Francisco to New York over the Panama Railroad at through rates and pay the local rates on freight. Now, listen to this:

> The sum paid for this was to be a lump sum of $75,000 a month to the railroad company, which, by modification, was afterwards lowered to $55,000 a month.

That is, $75,000 per month was paid by the Transcontinental Railway Pool to the Panama Railroad Co.; $75,000 a month was paid at first, and $55,000 a month afterwards. The Panama Railroad did not have to do any business to live. It did not have to carry any freight, because the immense amount paid by the Transcontinental Railway Pool to it did away with the necessity practically of their seeking any business at all. The report of the committee continues:

> A remarkable fact about this contract is that it was the result of a contract made before that time between the Pacific Mail Co. and the Transcontinental Railway Pool, as at that date the Association of Transcontinental Railways was called.
>
> That was a contract whereby the Transcontinental Railway Pool, embracing all of the roads between the Missouri River and the Pacific seaports, and covering entirely all railway traffic between the Atlantic and Pacific seaboards, several of which had received large donations of public lands and the bonds of which the United States Government was guaranteeing, paid the Pacific Mail the sum of $90,000 a month, which was afterwards reduced to $75,000 a month, for the consideration that the Pacific Mail would carry only 1,200 tons a month of freight each way between New York and San Francisco, and on that freight would allow the transcontinental pool to fix the price and rate to be paid. That was the upshot of the contract, although the form was a reservation of space for 1,200 tons a month for the exclusive benefit of the Transcontinental Railway roads—whether the steamers sailed full or half empty.
>
> After the passage of the interstate-commerce law had compelled the dissolution of the so-called "pool," a transcontinental railway association was formed, which, under some name or other, is still in existence; and down to the present time the Pacific Mail, subsidized by the Government in a large amount each year, has been allowing the transcontinental railways to fix the rates and limit the traffic over its line. These two contracts were so far practically parts of one and the same that the amount paid the Panama Railroad monthly was fixed with

regard to that paid to the Pacific Mail by the transcontinental roads, and when the latter was lowered from $90,000 a month to $75,000 the former was lowered from $75,000 to $55,000. The object of this is frankly stated by the officers of both the transcontinental roads and the Pacific Mail; it was to maintain rates above the level to which they would fall if free competition between these several routes had continued.

It seems to be certain that a very large, if not an absolutely controlling, interest in the stock and directory of the Pacific Mail Co. is owned by individuals and estates very largely interested in the stock and directory of the transcontinental roads; and it is proven that the same individuals composing a majority of the directory of the Pacific Mail composed a majority of the directors present at the meeting of the Panama Railroad Co.'s directory at which the contract between the Pacific Mail and the railroad company of February 1, 1878, was ratified and executed. That this system has for 15 years been diminishing commerce between New York and San Francisco across the Isthmus is not denied. It is stated, as a justification, that the Transcontinental Railway Association, controlling, as it did, under these contracts, the prices and traffic of the Pacific Mail, used the latter as an active factor to defeat the competition of sailing-vessel traffic around Cape Horn, and thus were able to maintain the rates of the railroad companies as against that of sailing-vessel competition. It is obvious that this did not tend to increase American shipping or tend to the encouragement of the merchant marine of the commerce of the United States.

It seems to your committee that this state of things can not be beneficial to the general interstate trade or commerce of the United States, nor can it see that it is of any particular benefit to our trade with foreign countries. It is stated that this arrangement between the Pacific Mail and the Transcontinental Railway Association came to an end in December last, which is just about the time that negotiations between the Panama Railroad Co. and the Pacific Mail as to a renewal of the former contract seems to have fallen through. And it is likewise in evidence that the final check to the attempts at making a new contract between the Panama Railroad Co. and the Pacific Mail was given by the following letter to the vice president of the railroad company from the controlling member of the executive committee of the Pacific Mail, who is also universally recognized as one of the controlling influences of the transcontinental railways:

C. P. HUNTINGTON, 23 BROAD STREET,
New York, December 28, 1892.

CHARLES COUDERT, Esq.,
68–70 William Street, New York City.

MY DEAR SIR: Herewith I return memorandum that you gave me on Monday. Of course this would not do, but it does seem to me as though there could be such a contract made as would be largely beneficial to both interests.

Yours, truly, C. P. HUNTINGTON.

Whatever be the case in the last 60 days, it is perfectly clear to your committee that the Panama Railroad Co. has for 15 years been prevented by these arrangements from being a competitor with the transcontinental railway lines.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Iowa?

Mr. CHAMBERLAIN. I yield.

Mr. CUMMINS. Before the Senator from Oregon closes, I should like to ask him this question: Is it not the general policy of the United States to forbid the common ownership, control, or consolidation of competing railway lines?

Mr. CHAMBERLAIN. There is not any question about that.

Mr. CUMMINS. I assume that the laws of the Senator's own State forbid such consolidation; at least the laws of many States do, and I think the laws of the United States do. Is there any difference between that policy as applied to land lines and as applied to land lines in their relation to water lines? If we insist upon competitive conditions among our railways, why should we not insist upon competitive conditions between our railways and our waterways?

Mr. CHAMBERLAIN. There is not any question about what answer should be made to the Senator's suggestion. That has been the policy of this Government. The Pacific Mail Steamship Co. has practically been compelled to dissolve its contract with the railroad companies because of the policy that has been adopted by Congress; yet, Mr. President, what it is proposed to do now, leaving the canal open to railroad-owned ships, is practically nullifying the interstate-commerce act in the respect to which the Senator calls attention.

Are the people of this country ready to do that? I do not think they are. I do not believe there is anybody in the Senate or in the other House innocent enough to believe all the promises that Mr. Schwerin and the representatives of the Pacific Mail Steamship Co. and the Southern Pacific Co. made before the committee in reference to this subject and the building of new ships. It is absolute nonsense to talk about the Southern Pacific Co. putting on four immense steamships to operate between New York, through the Panama Canal, and the Orient, when the route between New York and the Orient through the Suez Canal is twelve or fifteen hundred miles shorter. The fact is that it is a subterfuge. The purpose of it is to hoodwink this Congress if any of its Members are innocent enough to believe the statement, made on the patriotic plea of flying the American flag over these great phantom American ships to let them have access for their railroad-owned ships through the Panama Canal.

Mr. President, the condition with reference to the Pacific Mail Steamship Co. is absolutely understood in the western part of the country. The people of San Francisco, Los Angeles, and other California ports have been at their mercy for a great many years. The people of Portland, Oreg., are practically at the mercy of the same Southern Pacific Co. That company operates a line of railroad from Portland, Oreg., to San Francisco, and at the same time they operate the only line of steamships between Portland and San Francisco. What is the effect? If they charge a rate which is unfair or too high, an independent line of steamers is put on the river and ocean route. Immediately the railroad-controlled steamers and the railroad itself reduce the rate to a figure which will not afford a reasonable or any compensation to the independent line of steamers. These must then operate at a loss. Then what happens? The independent line of necessity withdraws from competition to avoid bankruptcy, and immediately the railroad company and the railroad-controlled line of steamships raise the rate to more than a remunerative basis. Experience has proven that railroad-controlled steamers can afford to create large deficiencies, which are paid by the railroad company in order to enable the latter to maintain a higher level of rates.

The railroad company does not mind a deficit for a month; it does not mind it for six months; it does not mind it for six years. It will stay until it drives off independent competition, and then, just as soon as independent competition goes out of business, the railroad company reinstates its old rate.

The history of this matter as affecting Portland and San Francisco is the same as that applying to Seattle and Portland or Seattle and San Francisco or San Francisco and Panama, if you please, because the line of steamships between the northern ports is under the same ownership as exists with reference to the line from San Francisco south, although under a different name. Once permit the railroad-owned ships to go through the Panama Canal in competition with independent ships and there is not any question about what will happen. The rates will be reduced if necessary by the railroad-owned ships to a point where the independent steamers can not afford to go, because there is usually an end to their resources. They will have to go out of business, and then the railroad companies will reinstate the rates that they had before. That has been the history in the past; it will be the history of the future.

Shortly prior to March 12, 1912, the President of the United States called upon Mr. C. A. Prouty, chairman of the Interstate Commerce Commission, for his opinion as to the use of the canal by railroad owned or controlled ships. I believe that all will concede Mr. Prouty to be an authority on all subjects affecting transportation and rates, whether by rail or water, and his opinion is entitled to the greatest weight. On the 12th of March last he addressed a letter to the President as follows:

MARCH, 12, 1912.

DEAR MR. PRESIDENT: Referring to your request made to Commissioner Lane and myself recently, that we confer with our associates and inform you whether in the opinion of the commission transcontinental railroads should be permitted to own steamships navigating the Panama Canal, upon condition that the rates and practices of such carriers were made subject to the Interstate Commerce Commission, permit me to say:

The commission, after consideration, is unanimously of the opinion that if the waterways of this country are to be of any substantial benefit in the way of reducing rates of transportation it is absolutely essential that rail carriers be prohibited from owning or controlling, directly or indirectly, competing water carriers. From our knowledge of what has happened in the past we are of the opinion that this is particularly true of transcontinental railroads and steamships plying in competition with them.

While the Interstate Commerce Commission might, if vested with authority, prevent to some extent the injurious effect of allowing a common ownership over these competing carriers, still the limitations under which we act are such that we do not believe we could secure to the public the same favorable rates which would result from unrestrained competition. The conditions of water transportation are such that we do not believe that the port-to-port water traffic ought to be placed under the supervision of this body—certainly not under the same rules which apply in case of rail carriers. The law should, in our opinion, be so amended and strengthened as to give this commission power to compel a physical interchange of business between water carriers and rail carriers and to establish reasonable rates for through carriage.

Respectfully, C. A. PROUTY, *Chairman.*

The PRESIDENT,
The White House.

This letter contains not only the opinion of Mr. Prouty, chairman of the Interstate Commerce Commission, but was the unanimous opinion of that distinguished body. That this is the fact is evidenced by the testimony of Mr. Prouty before the Senate committee which considered the bill now under consideration. At page 865 of the hearings he says:

The CHAIRMAN. And was that the unanimous opinion of the commission, or just the opinion of some members of it?

Mr. PROUTY. As I understand it, it was the unanimous opinion of the commission. We have considered that subject this afternoon and, as I now understand it, it is the opinion of the commission, with the exception of a single commissioner, possibly, who thinks that if the

Interstate Commerce Commission has the power to regulate rates it might be well enough to allow transcontinental lines to own those steamships.

The CHAIRMAN. Well, what do you say about that proposition yourself?

Mr. PROUTY. I do not think that the Interstate Commerce Commission can regulate the port-to-port rates of a water carrier, because there is no basis for regulation. We have just been investigating, in a case of which I had charge, the port-to-port water rates from New York to Galveston. There is a very large volume of traffic annually from Atlantic seaboard territory to New York, from New York to Galveston by water, and by rail from Galveston to interior Texas and southwestern points; and we have been inquiring into the reasonableness of those rates. Now, the evidence convinces me that it is entirely a question of conditions. If the ship runs full in one direction a low rate can be made; if it runs full in both directions a lower rate can be made; if it runs light a higher rate must be made in order to pay the expenses of operation. Our investigation in that case shows that 60 per cent of the expense is at the dock and only 40 per cent of the expense on the water. The expense both at the dock and on the water is substantially the same, whether a full load is obtained or whether only a part load is obtained, except the cost of loading.

Now, when you inquire what is a reasonable rate on a railroad you have something to guide you. You have other railroads; you know about the cost of other railroads; you know about the cost of operation; you know about the density of the traffic; you can institute a comparison between that railroad and similar railroads. But all those distinctions fail when you undertake to inquire what is a reasonable rate on the water.

The CHAIRMAN. Well, assuming that there is a regular liner running back and forth between New York and San Francisco via the canal; why is it that the facts that you mention as the bases for determining the reasonableness of the rate can not be ascertained, such as the cost and the expense of operation, etc.?

Mr. PROUTY. You can ascertain the cost of operating the boat. That, of course, is a very easy thing to ascertain. You can ascertain the cost of the boat itself; you can ascertain the cost of marine insurance. The thing you do not know is the amount of traffic you are going to carry.

The CHAIRMAN. Now, do you always know the amount of traffic you are going to carry on a railroad train?

Mr. PROUTY. Pretty accurately, Senator. You know the amount of traffic that moves over a railroad from year to year, during certain seasons of the year; you know about all the conditions under which it moves; you know the average trainload; you know the average length of haul of the traffic; you know the cost of moving a ton; and you know a great many things approximately, though not accurately, about a rail carrier that you could not possibly know about a water carrier.

The CHAIRMAN. Suppose, to take a specific instance, that all the railroads in the country were allowed to own steamships, and be interested in them, and to operate them through the Panama Canal between coastwise ports, between the Atlantic and Pacific; take the Pacific Mail, for instance, owned and controlled by the Southern Pacific; if the Interstate Commerce Commission was given authority to regulate the rates from New York via the canal to San Francisco on package goods—anything that they carry; is there anything inherently impossible, after a certain time has elapsed, during which the commission could make observations and determine what you allude to as the average annual shipments on the line; knowing how much the vessels cost and how much the expense of operation was—is there anything inherently impossible in determining what is a fair and reasonable rate between New York and San Francisco?

Mr. PROUTY. The usual first-class rate from New York to Galveston has been, as I remember it, about 85 cents. Two years ago the Texas City Line broke in there; there was a rate war; the Texas City Line has since been bought up by the Mallory Line, or by the owners of the Mallory Line; but when I took the testimony in the case in New York those rates had settled down to a sort of fixed basis, and the first-class rates, as I remember it, had come down to 55 cents. Now, I think that, under some conditions, 55 cents would not be any too much—would be enough; under other conditions, I do not think that 85 cents would be any too much; it would depend, I believe, entirely upon how much traffic those boats could get, and freight rates do, in point of fact, vary by water in exactly that way.

Now, I feel that there has been sufficient competition on the Great Lakes, so that the competition itself has determined approximately what is a reasonable rate. If we were asked to fix a reasonable rate for the transportation of grain I think we could do it within certain limits, because during a long period of years there has been competition in the transportation of grain, and that rate has settled down to a certain point, and so it is with the carriage of coal and ore and certain grades of lumber.

But you take package freight, which is entirely carried by the railroad steamers. Now, that rate has advanced in the last five or six years, while the grain rate, which is a competitive rate, has declined in that time; still in a case attacking the last advance of rail and water rates to Chicago which I happened to hear I found that those steamships were not making too much money, and they are not.

In conclusion, Mr. President, I appeal to the Senate to reject the amendments to the bill which were proposed by the Senate committee and to enact it substantially as it came from the House of Representatives. It embodies the American idea; it grants free tolls to ships engaged in coastwise traffic; it forbids the use of the canal by railroad owned or controlled ships or ships in which railroads have an interest. If any complaint is to be made against the House bill it is that it ought to go further and exempt or at least discriminate in favor of American ships engaged in foreign commerce; but that may safely be left to future legislation. The bill as it came to the Senate from the House had been carefully considered from every viewpoint, extensive hearings had been held, and the report of the committee, with the views of the minority as expressed in a separate report, both testified to the care and attention which was given to the measure while it was before the House committee. The people of this country will be satisfied with nothing less than a bill substantially along the lines of the bill which passed the House of Representatives.

Mr. MARTINE of New Jersey. Mr. President, I shall detain the Senate but a short time. I merely desire to give expression to a few thoughts. I am not a lawyer, so I can not approach this subject through legal paths or view it through legal lenses. I am not versed in international law, and I confess to knowing but little of diplomatic policy, whether it be foreign or domestic; but I am thoroughly convinced that our Government was completely outplayed in diplomacy when in 1901, at a time when the air was rife with projects of the building of a Nicaragua or a Panama Canal, we entered into and obligated this Nation to the Hay-Pauncefote treaty. I feel that it is safe to state that had Congress and the people been generally aware of the provisions of the Hay-Pauncefote treaty there would not have been any canal to-day; there would not have been any bond issue of $400,000,000 to construct a canal which, after being finished, we have no more right to use than a foreign nation which has not expended a penny upon it.

Senators tell us that this treaty binds us to make no discriminations in favor of American craft; but I hold that an obligation higher than that binds me, and that is the self-preservation of our Nation. No discrimination in favor of American craft! The Holy Bible commands, "Love thy neighbor as thyself," but I think no Senator will claim that even this holy injunction could be construed into meaning that we should starve ourselves in order that our neighbor might live.

Mr. President, I at first thought that this important feature in the treaty was an inadvertence, an oversight; but I read from Document 85, Fifty-seventh Congress, first session, page 16, that this question was deliberated upon and absolutely voted down. Knowing this fact, I think less of the diplomacy of our Nation than I did before; but, be it said to their eternal credit, six Spartans who to-day honor this Chamber by their presence, the Senator from South Carolina [Mr. TILLMAN], the Senator from Texas [Mr. CULBERSON], the Senator from Georgia [Mr. BACON], the Senator from Virginia [Mr. MARTIN], the Senator from Pennsylvania [Mr. PENROSE], and the Senator from California [Mr. PERKINS], voted against denying the United States the legal right to use the canal for its own purposes. I think it should likewise be recorded to their glory and credit that six Senators voted against the ratification of the Hay-Pauncefote treaty, and of that number the Senator from Georgia [Mr. BACON], the Senator from Texas [Mr. CULBERSON], and the Senator from South Carolina [Mr. TILLMAN] still honor the Senate by their presence.

In view of the fact that this very question of tolls was discussed before the treaty was entered into, it seems to me that it was little short of imbecility on the part of our Government that we should so have obligated ourselves.

That I may convey to the Senate the great interest the people of Great Britain have in this subject, I read this excerpt, which I clip from the London Times of July 11, 1912:

Advices received through the Canadian Government emigration office state that the Vancouver Board of Trade has been securing information for the minister of trade and commerce, as to the prospects and possibilities for exports of Canadian grain and other products to the European markets from that port via the Panama Canal when completed.

The board reports that in the matter of grain, future rates from points in Saskatchewan and Alberta west of Moose Jaw to Vancouver should approximate to 9 cents per bushel as compared with 14 cents a bushel now in force, and that ocean rates from Vancouver to Liverpool via the Panama Canal should, in their opinion, not exceed 20s. per long ton, or 13 cents (6d.) a bushel, or a total charge of 22 cents (11d.) a bushel. This compares with 25 to 26 cents (1s.) per bushel, the present rate of grain from the prairie Provinces to this country during the season of open navigation, and with a rate of 36 and 37 cents during the winter. Storage charges during winter on wheat amount to 5 cents (2½d.) per bushel, or more when kept waiting for shipment. If shipped through the port of Vancouver these charges would disappear as the port is open the year round.

Ocean charges from Vancouver to Liverpool via the Suez Canal or around Cape Horn, a distance of 15,000 miles, for the last three years have been from 25s. to 30s. per long ton. By the shorter route via Panama the distance would be brought down to less than 9,000 miles, and the added tonnage regularly making Vancouver a port of call, in addition to the tramp tonnage available, should bring down the water rates to the figure already mentioned.

Let Senators not deceive themselves that the matter of tolls on the Panama Canal is not a most serious question to Great Britain. Already the anticipation of the completion of the canal is being used on the English Stock Exchange to boom the value of the shares of the British Maritime Trust (Ltd.). I hold in my hand a part of the London Times of July 8, wherein the fact appears in an advertisement.

The Senator from Massachusetts [Mr. LODGE] in his address yesterday suggested the thought of carrying out the French policy of the repayment to the ships of the tolls charged. That this would excite the ire of Great Britain is apparent from

the following resolution, passed unanimously by the senate of the Commonwealth of Melbourne July 25 last, which had already been adopted by the house of representatives:

That in the opinion of this house any system of bonus or rebate of the canal dues to American shipping using the Panama Canal would be detrimental to the interests of Australia.

Oh, the Panama Canal means much to Great Britain.

Disraeli—Lord Beaconsfield—I recall once said in a speech he delivered, "Now we control and have one foot on the pedestal—Suez—we must control the other pedestal, a canal across the American Isthmus; then England will be the great commercial colossus, controlling the commerce of the world." Mr. President, I submit that recent declarations and acts of his legatees design to carry out this thought.

Mr. President, never, with my vote, shall this result come about. I am not a lawyer, but as a layman I am impressed with the arguments of the Senator from New York [Mr. O'GORMAN], the Senator from South Carolina [Mr. SMITH], the Senator from Kentucky [Mr. BRADLEY], and of the Senator from Nevada [Mr. MASSEY]. Without the least of prejudice I shall vote against any proposition that shall place other nations on the same footing with the United States in using this great waterway.

Mr. President, this superb enterprise is about completed. It is a monument to American genius and labor. But lo! After the expenditure of millions of money and the sacrifice of hundreds of lives, we awake to find that we do not own it at all; we may police it, but more we can not do, and yet we are asked to expend more millions of money to fortify that which we do not own. Oh, that the people of this country might have known all this before the first spade of earth was lifted, thereby saving the great metropolis of the world—New York City—and our eastern coast another menace, in the way of a free and easy passage of a hostile fleet from the Orient. Mr. President, a chain is only as strong as its weakest link. America, superb in genius, splendid in mechanical invention, undaunted in overcoming nature's obstacles, holding in check the mighty Chagres River; we were strong, but we were weak—oh, how weak—in diplomacy when we entered into this treaty.

Mr. President, America is big enough to be brave, strong, and just, and we will be. I urge such a policy for the use of this great maritime highway as will meet this thought, viz, American ships—both coastwise and ocean—free, and to other craft of the world only such tolls as shall maintain the physical condition of the canal, letting the cost of construction of the same be America's gift to civilization and the world.

Mr. President, what nation in the world would dare go to The Hague, or any other tribunal, in opposition to a policy so fair, so liberal, and so just?

Mr. President, in the light of the ratification of this treaty, I ask, What could have become of the superb diplomacy and splendid spirit of Americanism of which we were wont to hear and read about when this "Hay-Pauncefote" treaty was negotiated? It could not have been dead. Oh, no; it only slumbered. I believe it is to-day awake, and justice and America will triumph.

I desire now to read the following from the Philadelphia Inquirer:

[From the Philadelphia Inquirer, Wednesday, July 15, 1912.]

PANAMA CANAL AND THE HAGUE.

We take direct issue with those Senators who hold that the question of a free passage for American ships through the Panama Canal is a matter that must be sent to The Hague.

Shall we farm out to arbitration our authority over our own $400,000,000 enterprise? Can we not sail a ship through the canal free of tolls from Philadelphia to San Francisco without asking permission from the powers or from a board of arbitration?

What is there to arbitrate?

We have built a canal primarily for our own use. We have entered into an agreement with England that all nations shall be treated alike. We shall treat them alike. But in what manner have we bound ourselves to put American shipping on the same basis that we put foreign bottoms? Of course English and German and foreign ships of all kinds will be given precisely the same treatment, but have we declared our intention to force an American ship to pay the same tolls that are exacted from our rivals in commerce?

Most assuredly we have done no such thing, and the Senator who argues that we have no right to discriminate in favor of our own is simply straining at gnats and swallowing camels.

The one way we have of opening up fresh avenues of trade in American vessels is to stimulate the building of American ships by offering them free passage through the canal. And we should do it. Send the question of our right to do so to arbitration? Nonsense! There is not a maritime power that would not pack that arbitration commission in its own selfish interests. Of course England and Germany and the others would stand a unit against us. In that direction lies their ability to control the commerce of the United States.

It will be quite impossible for any American Senator to induce the American people to believe that we are spending something like $400,000,000 just for the purpose of handing trade and commerce over to foreigners.

What is ours is ours. The Panma Canal is our canal. So long as we put all foreign ships on the same basis as regards tolls we have done all that can possibly be required of us. We can send ships from Philadelphia to San Francisco through the canal free of tolls. We can send an American ship from Philadelphia to the west coast of South America or to Australia or to Japan through the canal free of tolls.

Arguments to the contrary are simply preposterous and un-American.

The Senator from New York [Mr. O'GORMAN], a few days ago, asserted that in his judgment it was not the Government of Great Britain so much as it was the railroads which were interested. I am willing to confess that they are interested, too, but at the same time I realize that Great Britain is interested in it because of other matters besides the railroads. It is a matter of vital interest to it.

I hold in my hand a copy of the London Times of July 16. In the article, which is nearly a column and a half in length, they argue for themselves and insist that this must ultimately go to The Hague or some other international tribunal.

I read from another column:

The Panama question. Debate in the Senate.

It goes on to say among other things that they have friends on their side in the United States. Then that Mr. ROOT started with a most impressive and profound warning. He is always impressive and always profound.

It is but natural that the London Times should sympathize with him, for he was standing on their side and advocating their cause.

I trust in all reason and fairness that the sacrifices made by this Nation in a physical way and the tremendous expenditure in a financial way, that this canal may be open and free to American vessels, as free as God's air, and a better time, a happier prosperity will then come to this Nation. The seas will be rehabilitated with our craft floating our flag, and peace, plenty, happiness, and commerce will be the portion of the American Republic.

Mr. BRANDEGEE. I move that when the hour of 6 o'clock arrives this evening the Senate stand in recess until 8 o'clock p. m.

Mr. THORNTON. Mr. President, I should very much like for the Senate to be able to get through without holding night sessions.

Mr. LODGE. It is not a debatable question.

Mr. THORNTON. I have been regular in my attendance on the sessions of the Senate, and I feel that when I have sat here from 10 o'clock in the morning until 6 in the evening—eight hours—I have done my duty. I, for one, do not feel justified in coming back again and remaining from 8 to 11 or 12, especially when I know that there is no necessity for it.

If we were within the closing hours of a Congress, and it looked necessary to finish up certain bills—appropriation bills and other highly necessary matters—it would be another thing. But this Congress will not end until next March. The only reason we can now possibly give for having night sessions is simply to suit the convenience of Senators who wish to get through two or three days sooner than they otherwise would. If they will only sit two or three days longer, we can get along without night sessions at all. I do not intend to neglect my public duties in any way, but I do want to give notice that I can not be relied upon to be on hand at night sessions.

Mr. BRANDEGEE. I did not suppose the motion was debatable.

The PRESIDENT pro tempore. It is not debatable, except by unanimous consent.

Mr. BRANDEGEE. By unanimous consent I will say to the Senator——

Mr. THORNTON. I am not going to object, but merely made the statement I did so that the Senate might understand my situation and the reasons why I shall not be here, if I am not.

Mr. BRANDEGEE. Mr. President, we have been trying, by keeping this the unfinished business and devoting the time from 12 to 6 to it, to make some progress on this bill. The time is mostly consumed by remarks of Senators, and we have not been able to get a vote on anything to-day. I did not know but that if we sat all day and had the remarks, possibly this evening we could vote on something. This bill is standing in the way of other important bills. Of course, if the Senate would agree for a time to vote on the bill and pending amendments, perhaps we could accomplish more. I did not feel like making that suggestion now. This is the only evening session I shall ask for. I hope to get a vote on at least the pending amendment this evening. I hope that the motion I have made will prevail.

Mr. GALLINGER. I ask for the regular order.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Connecticut, that the Senate stand in recess this evening from 6 o'clock until 8 o'clock p. m.

The motion was agreed to.

Mr. McCUMBER. Mr. President, I imagine the god of candor must smile very audibly when he listens to the diverse arguments in the Senate in an attempt to overthrow the solemn obligation entered into between this country and another great power only a decade ago. Ordinarily, when two persons disagree about what a mutual contract means, they go to the instrument itself for the information to guide them in its construction, and they weigh the words used in that instrument. It is only when one desires to avoid his obligations that he interjects into it extraneous matters upon which he can hang an excuse.

I can not imagine anything more inconsistent than the several reasons that I have heard to-day in these arguments as to why we should avoid the plain terms of the Hay-Pauncefote treaty. It is urged by some Senators—and the last one who spoke upon the subject—that the Clayton-Bulwer treaty had not been considered as a binding obligation by this Government, and that is used as a reason why the subsequent treaty, which acknowledged that it was a binding obligation, was without consideration; and that statement is made in the very face of the fact that the Hay-Pauncefote treaty acknowledged and reasserted the terms of the Clayton-Bulwer treaty.

The next excuse is that it is without any consideration. This proposition is made by still another Senator, who can not find within the limits of the terms any means of escape, and so he asserts that there was no binding obligation, because the other party to this contract had no interest whatever to surrender; and still a fourth makes the claim that, while the other party to the treaty had an interest to surrender, as a matter of fact that party has never surrendered anything, and hence the new treaty is without any obligatory force.

The next excuse, that made by the Senator from Washington [Mr. JONES], is that it will be impossible to convince the American people that a canal built with our own money, over a strip of land in which we have almost a complete sovereignty, is not ours to do with as we see fit. Hence, he draws the conclusion that as we can not convince the public, most of whom have never read a line of either treaty, that we have not complete authority, we should therefore avoid the terms of the treaty.

Another Senator, the Senator from New Jersey [Mr. MARTINE], while he admits that the contract is rather binding, and while he also admits that when we had an opportunity to say whether or not we should reserve the right to relieve our coastwise trade from tolls, we were then in honor bound to say that we intended to do so. His position, if I understand him correctly, is that when it becomes a question of national safety his patriotic duty requires him to construe the instrument in favor of his own country.

Mr. MARTINE of New Jersey. Mr. President, I think the treaty——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from New Jersey?

Mr. McCUMBER. I yield.

Mr. MARTINE of New Jersey. The treaty, to my layman's mind, is evasive. It is not positive, at least. That it is very widely left open to debate, and some of the most distinguished Senators in this Chamber have so declared. I feel myself, after I have read it, and as I have heard the discussion, that it is clearly and sheerly a domestic question, over which England has no rights.

I will say further that this means so much to the American Nation, not only in matters of business, but in matters of real safety when our life, so to speak, is at stake, that when there is a question of doubt the Senator may rely upon it every time that he will find the Senator from New Jersey solving that doubt on the side of his country.

Mr. McCUMBER. Mr. President, I think I fairly stated the position of the Senator as he has again restated it. Of course, I do not agree with the Senator that our interests are at all injured by our fulfilling our treaty obligations. In fact, I think it is the moral duty which we owe to all citizens who are called upon to pay the interest on the investment and the expenses of the operation of that canal to see that all are treated fairly and equitably. I contend that it is against the interest of a vast number of the American people who are called upon to pay this expense to relieve any shipping interest of a fair charge for passing through the canal. I admit that that is purely a domestic question.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota further yield to the Senator from New Jersey?

Mr. McCUMBER. I yield.

Mr. MARTINE of New Jersey. On a question of burdening our people I am quite as mindful as the Senator can be of the burdens which to-day press upon them. But the canal will amount to nothing unless it shall be used, and the more liberally it is used the better for this country in every possible way.

I insist that whether the tolls are absolutely paid the results in remuneration will come back to us in another way. A man opens a highway, splendid and broad, and improves it with all the methods that we know. He does not think of charging tolls from passers-by, whether he may hope ultimately to get a return or not. We believe it is a benefit to us if it will enhance the general property and indirectly we will come out of it whole. Take the magnificent Pennsylvania Avenue here, 200 feet wide. There is no thought of charging toll. I say the toll idea is a relic of barbarism. I will ask, as I said in my little talk, only so much toll from foreign ships as would maintain the physical condition of the canal and let the cost of the canal be America's great gift to the civilization of the world. I believe it would do more for us in a million ways than any other step which we could take of advancement.

Mr. McCUMBER. Mr. President, I gathered the Senator's belief from his first address. I, of course, agree that it conforms entirely to what he has now said.

I have lived too long in the world, Mr. President, not to have long since learned that when the interest or the advantage of a people comes in direct conflict with any prior obligation entered into by that people they will seek every possible method of reasoning to avoid the contract or to make it conform to their interest or advantage. As I look over this map of the United States and number the coast States and compare those with the number of States, I can naturally see why so many of our friends, Members of the Senate who represent coast States and in each of whose States there are one or more important cities, who hope to gain great advantages through the use of the canal, should have their views colored by the wishes of their own constituents. I note here that following around the coast we have Washington, Oregon, California, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, New Hampshire, and Maine, all of them bordering upon salt water and all of them expecting to reap an advantage from the cheaper rates of transportation to be secured when this canal is opened.

Mr. MARTINE of New Jersey. Will the Senator permit me just a moment?

Mr. McCUMBER. Certainly.

Mr. MARTINE of New Jersey. I feel that my personal identity with the Senator has been in vain. You have measured me too illy and too narrowly. Heaven knows that there is no selfish hair in my head. I have not a selfish thought in any proposition I have proposed as to the effect directly on the little Commonwealth in which I live or the State of New York or the great port and city of New York. I am not controverting a moment on any such ground, but I do so upon the broadest general principle overlying the Senator's State or any State, and taking us all in as one great combination of Commonwealths I say better results can come to all our people through the system I suggest. I do not dream or intimate any local pride which influences me in selfishness to vote here either for or against the measure.

Mr. McCUMBER. Mr. President, there has never been a day in the Senate since I have been here and since I have been acquainted with our genial friend from New Jersey that I have not found him literally full of eloquence for the State of New Jersey and for his fellow beings in general. I will always credit him with a deep sympathy for all mankind. We often, through him, hear of the wonderful little State of New Jersey. I agree with him as to all its wonders, and I can sympathize with him in his strong desire that it may be brought in closer communication with California and Oregon at the expense of North Dakota and South Dakota.

But, Mr. President, I hardly expect that the view I have upon this subject will be maintained in the Senate. When I take all those States and multiply them by two, the number of Senators from each State, and when I add to those the few scattering ones in the center of the United States who will take the view of my friend from New Jersey, that they will somehow, somewhere, and sometime in the great future receive some benefit from this canal, I see how hopeless is my endeavor to demand the rights of the people of all the interior to be considered in this great question.

Mr. President, the Senator from Massachusetts [Mr. LODGE] stated that this case should never go to The Hague, that it

would be prejudged if it ever would go there. The Senator, I believe, is correct upon the first proposition, and that is that it should never go to The Hague, because, if the Senator's contention is correct, that under this treaty the phrase "the vessels of all nations" does not include the United States, then certainly it is such a domestic question that it ought not to go to The Hague. Consequently, those who vote for it on that view will necessarily carry the same view whenever the question should arise as to whether it should go to any other tribunal.

But, Mr. President, I think the Senator from Massachusetts does a great injustice to that great international tribunal when he states that it would at any time prejudge a case, and that that case would be decided upon the interest of the people representing any other country.

Mr. REED. Mr. President——

Mr. McCUMBER. In just a moment, Mr. President, I will yield.

I think the Senator from Massachusetts himself has had some experience in adjudications of this character before an international tribunal. I only have to carry my memory back to a few years ago, when there was a dispute between the United States and Canada as to an international boundary, and the lord chief justice of a great nation decided every question in conformity with the American view as against the view of his own country. I stand here to assert to-day that the intelligence of the world, the natural sentiment of honor of the great countries of the world, has advanced sufficiently far so that I believe a question of law, and purely one of law, will be determined according to legal principles and not according to the interest of the country whose representative is called upon to decide that question.

I now yield to the Senator from Missouri.

Mr. REED. The Senator, then, thinks that the representatives of these foreign governments in their decision occupy a higher plane than he is willing to accord to the American people or to the Senators of this body, whom he has just charged with being controlled by their local interests.

Mr. McCUMBER. Mr. President, the matter will not be prejudged, because the matter will never go to The Hague tribunal. The only question at stake, so far as I see, is a question of national integrity. I am not fearful that if the question would go to The Hague tribunal it would not be decided upon its merits. I have no fear whatever, Mr. President, in that respect. I have a fear, however, that it would be decided against the view of the majority of the Senate, because I believe that the history of the whole transaction pertaining to the canal—the diplomatic correspondence, the three treaties that were signed in connection with it, all taken together—establishes so clearly and so definitely that the Hay-Pauncefote treaty means just what it says, that no people in the world would ever gainsay it, and would hold that we are bound to treat all nations exactly alike, and the word "all" as used in that treaty did include the United States.

Mr. President, when the question was before us on the former occasion I voted for the Hay-Pauncefote treaty. I voted for the law under which the canal was constructed. I voted for the other treaty with Panama which bound us to certain obligations, and those obligations were to conform not only to the Clayton-Bulwer treaty, not only to the Hay-Pauncefote treaty, not only to concessions that were made to citizens of France, but also by a specific provision within that treaty which was read the other day by the Senator from New York [Mr. ROOT], that we should conform to the conditions of those previous treaties, all of which bound us to extend equality of treatment to the vessels of all nations.

Mr. President, that is the condition in which this matter comes before the Senate at the present time, and I say candidly that I would not have voted for these treaty provisions nor would I have voted for the law which authorized the President to construct that canal if it had not been understood at that time that every vessel going through that canal should pay the same tolls, whether they were our coastwise vessels or whether they were our vessels engaged in foreign trade, or the vessels of any other country; and I dare say, considering the sentiment of the Senate at that time and the vote that they had given at other times upon the question of a ship subsidy, there would have been many added to the negative vote upon that law if they had considered that we were in fact making a present to the ship owners in the United States or out of the United States.

Now, Mr. President, I want to get directly down to the one proposition, and that is whether or not the Hay-Pauncefote treaty did bind this country in honor to treat all the vessels of all the world, including those of the United States, exactly the same. I insist that it was the intention of both parties to the agreement that the United States should acquire no special privilege in the canal which might inure to our benefit or to the detriment of any other power.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I yield.

Mr. SIMMONS. I desire to ask the Senator from North Dakota, if it should be perfectly manifest before the canal is opened or after it is opened that other nations using the canal were paying the tolls of their vessels going through it, how would the Senator meet that suggestion so as to put our shipping through our own canal upon a parity with that of other nations?

Mr. McCUMBER. I intended to deal with that question, but I might as well deal with it now since the Senator has asked it.

I have never contended that the United States had not a perfect right at any time the Government saw fit to grant a ship subsidy to any ship, and I have never denied our right to measure that subsidy by any standard we saw fit. If that standard should approximate the tolls paid in passing through the canal, I would not doubt at all the right of the United States to grant a subsidy to that extent; but I do say, Mr. President, that a mere refund of tolls based upon no other consideration whatever is against the spirit if not against the letter of the agreement.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I yield.

Mr. SIMMONS. The statement has been authoritatively made, as I understood—at least it has been made as a statement of fact about which there was no controversy—that other nations, in addition to the subventions or subsidies that they are in the habit of paying, would pay the tolls levied by the United States Government for passage of vessels through the canal, so that the matter of subsidy does not seem to affect that question. This is in addition to the subsidy. It is perfectly apparent.

Mr. McCUMBER. I can answer that, Mr. President, if the Senator will give me the opportunity.

Mr. SIMMONS. Very well.

Mr. McCUMBER. All agreements, Mr. President, are reciprocal. If any country whose vessels we are under obligation to treat the same as those of the United States should vote to pay the tolls of their own vessels passing through the canal, then they would be forfeiting the rights they had obtained under the obligation which has been entered into and which was understood to be a mutual obligation, and we could deal with that subject when we were compelled to meet it.

Mr. SIMMONS. Anticipating that condition, would the Senator deal with that question by allowing our ships to go through free, or would he deal with it by the Government refunding to our ships the tolls actually paid by them into the Treasury?

Mr. McCUMBER. I would cross that bridge when I came to it. It would depend on so very many conditions, surroundings, and purposes that I could not at this time foretell what might be the best method of meeting the situation; but I say that I would meet it; and when I say that the other party to the contract could then make no complaint against our doing likewise, I think I have sufficiently answered the question.

Mr. SIMMONS. I do not wish to trespass on the Senator's time too far——

Mr. McCUMBER. I do not object at all.

Mr. SIMMONS. But I should like to say to the Senator that it seems to me we have practically reached that bridge now. In the matter of the Suez Canal foreign governments are to-day paying the tolls of their ships. Spain has already——

Mr. McCUMBER. All right; but we are not dealing with the Suez Canal; we are dealing with a canal that is not yet opened, and we are attempting to determine what we will do in reference to the tolls in that canal in conformity with the obligations that are still existing, and which obligations so far have not been violated in spirit or letter by any other country.

Mr. SIMMONS. Does not the Senator think that when we know with reasonable certainty that that condition will arise we ought to deal with it now in the present legislation with reference to tolls?

Mr. McCUMBER. I not only have no real certainty that it will arise, but I am quite sure that it never will arise, because the moment it should arise by reason of the act of any foreign nation that moment our obligation would certainly cease as to that nation. They are more interested in maintain-

ing the obligation on the part of our ships to pay toll than they are in paying tolls for their own ships.

Mr. SIMMONS. I will state to the Senator—of course I can not vouch for it—but it is stated that the Government of Spain has already passed a law providing for the payment of the tolls of their ships passing through the canal.

Mr. McCUMBER. Passing through the Panama Canal?

Mr. SIMMONS. For passing through the Panama Canal. That has been stated. I do not know whether it is true or not, but I do not think there can be any reasonable doubt that that course will be pursued by the Governments of the world. That being true, it seems to me that we ought to legislate with reference to that situation.

Mr. McCUMBER. Just the minute that Spain does that Spain as a nation has taken herself without the protection of this treaty, and the moment that she has taken herself without it we could treat her ships in passing through the canal on a different footing from the ships of other nations.

Mr. SIMMONS. But the Senator is not——

Mr. McCUMBER. In other words, she can not take a position inconsistent with the treaty and at the same time insist that we shall be bound by the terms of an agreement with reference to her ships.

Mr. SIMMONS. In that statement I entirely agree with the Senator. What I desired to know of him was, whether, if that condition arises or if we have a right to assume that condition as a basis of action, he would meet it by remitting tolls to American vessels or would he meet it by refunding them?

Mr. McCUMBER. I would meet it as the exigencies of the case then demanded. I would not at this time say how it would be done.

I said a moment ago, Mr. President, that I wanted to get down to the meat of the proposition and to determine from the instruments themselves the fair construction. I said it was the intention of both parties to the agreement that the United States should acquire no special privilege in the canal which might not inure to the benefit of all other countries.

We have had two treaties upon this subject, and I want to quote the crucial provisions of each one of those treaties and to show that the portion of the Clayton-Bulwer treaty bearing on this matter was practically reinstated as an obligation in the new treaty. I go back, then, to article 8 of the Clayton-Bulwer treaty, which reads—and I call especial attention to it:

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle—

Now, let us keep that in mind—

in granting, however, their joint protection to such canals or railways as are by this article specified, it was also understood by the United States and Great Britain that the parties constructing or owning the same—

That is, the canal—

shall impose no other charges or conditions of traffic thereupon—

The parties owning and operating the same, whether they be the United States or any other power—

than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms—

That is, equal terms—

to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

Certainly no one will now say, Mr. President, that under the Clayton-Bulwer treaty that whoever should construct this canal should not be bound by that instrument to treat the vessels of all nations exactly the same; that neither the vessels of Great Britain nor the vessels of the United States should enjoy any special privilege or any other privilege than that which was granted to the vessels of the world. This was the general principle, let us remember, that was established by the Clayton-Bulwer treaty—the principle of equality of treatment in respect not only to the commerce of Great Britain and the United States, but in respect also to the commerce of the entire world. Was this general principle retained in the Hay-Pauncefote treaty? Let us read article 2 of that treaty to see whether it was. It reads as follows:

The high contracting parties desiring to preserve and maintain the "general principle"—

The words "general principle" are in quotation marks and relate to the same "general principle" that is referred to in the Clayton-Bulwer treaty—

the "general principle" of neutralization established in article 8 of the Clayton-Bulwer convention adopted as the basis of such neutralization the following rules, substantially as embodied in the convention between Great Britain and certain other powers, signed at Constantinople October 29, 1888, for the free navigation of the Suez Maritime Canal; that is to say—

To make it doubly specific we all understand what the provision referred to of the general convention at Constantinople was—that the vessels of all nations and of the world should be placed on a parity.

That is to say:

1. The canal shall be free and open in time of war as in time of peace to the vessels of commerce and war of all nations on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise.

Remember, now, that we restate article 8 of the Clayton-Bulwer treaty and make it by express words an obligation of the Hay-Pauncefote treaty. We should also remember here that the neutralization embodied in the Constantinople agreement of October 29, 1888, which is referred to as the "general principle" of neutralization to be established in the Hay-Pauncefote treaty, bound Great Britain, an important stockholder in the canal, as well as other nations, to observe the demand for equality of treatment.

In the face of this, how can we contend, Mr. President, that because we are the owner of the canal none of these rules shall be applied to us—rules which we declared should be applied to us in adopting the "general principle" of article 8 of the Clayton-Bulwer treaty, and which did apply to us in specific terms in the last-mentioned treaty.

Mr. President, I want now to consider one other feature, and that is the question of consideration for the Hay-Pauncefote treaty. The Senator from Iowa [Mr. CUMMINS] the other day asked me to call his attention to any section, either in the Clayton-Bulwer treaty or in the Hay-Pauncefote treaty, which still enjoined Great Britain from constructing a canal across the Isthmus of Panama. I stated at that time, while I did not have the two treaties before me, that the answer would be forthcoming. So I want to answer that question.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. Certainly.

Mr. CUMMINS. I think the Senator from North Dakota is mistaken in regard to my question. It is not before me, but, as I recollect it——

Mr. McCUMBER. The Senator can restate it.

Mr. CUMMINS. As I recollect the question, it was this: "Will the Senator from North Dakota point out any provision in the Hay-Pauncefote treaty that forbids Great Britain from the construction of a canal across Nicaragua or any other point?"

Mr. McCUMBER. That is substantially what I said. Of course I had to consider both of the treaties in order to answer the Senator's question as to whether the Hay-Pauncefote treaty covered that subject.

Mr. CUMMINS. At the same time I remarked that very probably the construction of such a canal by Great Britain across the Isthmus might be regarded as in contravention of the Monroe doctrine; but there is nothing in any treaty we now have with Great Britain that would prevent her from entering upon such a work.

Mr. McCUMBER. Did we forget about the Monroe doctrine when citizens of France were constructing a canal across the Isthmus of Panama? It never occurred to us then that there was any breach to the Monroe doctrine.

Mr. CUMMINS. That is true; and I do not assert that it would be a breach of the Monroe doctrine. I say that it is the only national principle, however, that could be invoked against Great Britain if she were to enter upon the construction of a canal either across South America or North America or Asia or Africa.

Mr. McCUMBER. Mr. President, I do not think it would be considered as a violation of the Monroe doctrine.

Now, I want to see whether or not Great Britain really surrendered any right, because it may be important in the future, if we so conduct ourselves toward this canal as to avoid our own obligations, to consider whether other countries might claim the right to construct a canal across the Isthmus or at some other point. They might take the Nicaragua route. I claim, Mr. President, that Great Britain, at least, under the terms of the Hay-Pauncefote treaty can not to-day construct or own or operate or control such a canal, and if we maintain the integrity of this treaty she never will have that right. Let us see. Article 1 of the Clayton-Bulwer treaty reads:

The Governments of the United States and Great Britain hereby declare that neither one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal.

There is a clear obligation on the part both of the United States and of Great Britain that neither one nor the other would ever maintain ownership or control over a canal. It was

to get rid of that prohibition, or that portion of it which relates to the United States, that we sought the Hay-Pauncefote treaty, and in getting rid of that prohibition so far as it related to the United States we did not relieve Great Britain from her obligation; and that is what I expect to show now.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I do.

Mr. CUMMINS. I do not intend when I come to discuss the matter to be overtechnical, but I want to point out now that the language which has just been read by the Senator from North Dakota relates specifically to a canal across Nicaragua.

Mr. McCUMBER. It relates to a canal connecting the oceans.

Mr. CUMMINS. No; it relates specifically to a canal across Nicaragua. There is nothing in the Clayton-Bulwer treaty except as found in article 8, which carries the agreement of either party beyond the route at Nicaragua. But I freely grant that under the Clayton-Bulwer treaty it would have at least violated its spirit if the United States or Great Britain had attemped to build a canal across the Isthmus and to have assumed exclusive management and control over it. I freely grant that in 1901 the United States was released from that obligation. The thing I do not grant is that in 1901 Great Britain agreed with the United States that it would never attempt a canal in that region of the world.

Mr. McCUMBER. In other words, Mr. President, the contention of the Senator from Iowa is that Great Britain was therefore relieved from the obligation contained in the Clayton-Bulwer treaty that she should not own or control the canal.

Mr. CUMMINS. Precisely.

Mr. McCUMBER. Of course that would be the natural conclusion.

Mr. CUMMINS. Every obligation contained in the Clayton-Bulwer treaty was abrogated.

Mr. McCUMBER. And superseded.

Mr. CUMMINS. New obligations were created in the Hay-Pauncefote treaty, and it is to that treaty, and that alone, that we must look to discover the obligation which now rests upon the United States, and the obligation, if any, respecting a canal which rests upon Great Britain.

Mr. McCUMBER. But we can scarcely avoid the consideration of one contract when we begin to construe the other contract which is intended to modify it. Now, the Senator agrees with me so far, that under the Clayton-Bulwer treaty neither the United States nor Great Britain could control or own or operate exclusively a canal connecting the two oceans.

Now, Mr. President, let us take the Hay-Pauncefote treaty, adopted in 1901. It sets forth its purposes, and those purposes become as important a factor and even a more important factor than anything else in determining the proper construction. And what were those purposes?

> The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, and to that end—

Now, follow closely—

> and to that end to remove any objection which may arise out of the convention of April 19, 1850, commonly called the Clayton-Bulwer treaty—

To what end?

> to the construction of such canal under the auspices of the Government of the United States.

To that extent and no further. The agreement says its purposes are not to relieve the parties to the contract, but to relieve one of the parties only and to change the obligation to the extent only that the United States may be relieved from its agreement not to own or operate such a canal. And it then proceeds:

> Without impairing the general principle of neutralization established in article 8 of that convention, have for that purpose appointed, etc.

The object of the Hay-Pauncefote treaty was to facilitate the construction of a canal, and as a means so to do "to remove any objections which may arise" out of the Clayton-Bulwer treaty "to the construction of such canal under the auspices of the Government of the United States." The purposes as set forth in the treaty are a part of it and must be considered in construing any of its terms. The purpose, as indicated, was to facilitate the construction of the canal by removing the prohibition contained in the Clayton-Bulwer treaty to the construction of the canal under the auspices of the Government of the United States. It was not to facilitate it by removing the prohibition against such construction under the auspices of the Government of Great Britain. If such had been the intention or purpose, it would have been a very simple matter to have written therein "under the auspices of either party or government" or "under the auspices of any party or government."

The purposes of the Hay-Pauncefote treaty, set forth in its introductory paragraph, declare that the United States should be freed from her promise made in the Clayton-Bulwer treaty not to own or exclusively control such canal. The first article of the agreement authorizes the United States to construct such canal, but nowhere, either in the introductory clause or anywhere else in the body of the instrument, can be found a word to relieve Great Britain from her obligation entered into under the same treaty.

Taking the Hay-Pauncefote treaty as a whole, and so construing it that each paragraph may have accorded to it an intendment in harmony with its words, Great Britain is not now relieved from her obligation to refrain from controlling any canal across the Isthmus of Panama.

This was the understanding of the Senate and of both parties to the Hay-Pauncefote treaty when it was adopted. This was the construction presented to the Senate in the report of the Committee on Foreign Relations when it adopted this treaty.

Now, Mr. President, I want the Senator from Iowa to give his attention to the report, of certainly a great attorney and a great international lawyer, Senator C. K. Davis, of Minnesota, who wrote the report, and who, after reciting all the previous treaties bearing upon the subject, stated as follows:

> In the convention of February 5, 1900, Great Britain agrees that the restriction as to the exclusive control of the canal imposed by the Clayton-Bulwer treaty shall continue to bind her, while the United States is relieved from it.

That was the declaration made in the Senate of the United States in the opening of the discussion upon the Hay-Pauncefote treaty, and that construction was never denied or questioned by any Senator upon the floor in all that long discussion.

Again the report reads:

> This sweeping modification of article 1 of the Clayton-Bulwer treaty, as to all its restrictions upon the right of the United States under its auspices to construct the canal and to have and enjoy all the rights—such as ownership—incident to its construction, as well as the exclusive right of providing for its management and regulation, leaves no ground, substantial or conjectural, on which Great Britain could hereafter contend for any of the restrictions contained in that article (not expressly excepted) as remaining in force against the United States.

Then follows:

> She consents to remain under the prohibitions of that article and consents that the United States shall be relieved from them in her negotiations with Costa Rica or Nicaragua for such exclusive rights in or relating to the canal as they may concede to the United States.

Again, he says:

> If this convention is ratified, Great Britain could not negotiate with Costa Rica or Nicaragua or any other American State for any right to build, own, control, manage, regulate, or protect a canal to connect the oceans, while the United States is left free to enter upon and conclude such negotiations.

It was with that argument before us, with the concessions claimed in that article and for the consideration that Great Britain would relieve the United States while still binding herself, that we recognized to a great extent the binding force of the Clayton-Bulwer treaty and sought its amendment by the Hay-Pauncefote treaty.

That is what the Committee on Foreign Relations stated as to the rights of Great Britain after the adoption of the Hay-Pauncefote treaty. That view, the view that Great Britain was precluded by the new arrangement, was the view of the Senate.

Not only that; the report gave reasons why Great Britain should not be relieved of that part of her obligation contained in the Clayton-Bulwer treaty.

Now, what were those reasons as given to the Senate of the United States by Senator Davis, chairman of the Committee on Foreign Relations? The report further says:

> If we should abrogate the parts of the Clayton-Bulwer treaty which forbid the exclusive control of the canal by either Government, thereby removing that restriction from Great Britain, we would deliberately open the door to her natural desire to obtain the right of the exclusive control of the canal under the treaty with Nicaragua concluded in 1860. Great Britain has a claim to the exclusive control of the canal that is very important to her in that the British possessions and the Dominion of Canada have coast and great seaports on both oceans.

Again, he says:

> No other nation except the United States could have so great an interest in the exclusive right to own and control an isthmian canal; but in this matter, come what may, we are compelled to assert the superiority of our right, now for the first time conceded by Great Britain. It is wise and just, therefore, that the value of this concession to us should be estimated as a great consideration for anything we may yield, if we, indeed, yield anything in acquiring the exclusive right to control the canal by a modification of the Clayton-Bulwer treaty.

Now, Mr. President, this is my construction: That Great Britain was not relieved from the prohibition of the Clayton-Bulwer treaty; that she should never own or exclusively control any canal across the Isthmus. It is my construction that

that is a binding obligation upon her to-day, and it is a binding obligation just so long as we hold as a binding obligation on us, the terms of the Clayton-Bulwer treaty. Whenever we say that it is not binding on us according to its clear terms, of course we, by that very statement, say to the world that it is not a binding obligation upon the other party to the contract.

And yet in the face of this I hear Senators making an argument here that there was no consideration for the Clayton-Bulwer treaty, and that therefore, because it is advantageous to us to abrogate our treaty, we ought to be at liberty to do so. Mr. President, I am one of those who hold that the same moral obligation that governs the individual in his transactions with another should govern 100,000,000 individuals constituting a nation in its obligations to the millions and millions with which it has made that obligation. I can not consent to the theory that if I enter into an obligation with a brother Senator whenever I find that obligation is against my interest the duty of self-preservation demands of me that I should break my word with him and dishonor my contract. Nor do I concede that when we have made a solemn obligation with another country, which obligation necessarily restricts us to some extent, and may therefore be somewhat detrimental to us, that we, because of the slight detriment, are in a position to assert, "this is a national question, and our national safety demands of us that we repudiate any obligation whenever the terms of that obligation do not conduce to the best interest of this country."

There is a way of getting rid of a bad contract between individuals, and that is making a new contract for a new consideration. There is a method of ridding ourselves from a poor contract made by another nation, and that is by entering into negotiations and securing a new treaty that will change the obligation, just exactly as we did in modifying the Clayton-Bulwer treaty.

After all, Mr. President, it seems to me to be merely a question of national honor. I desire to see this country stand before all nations with its integrity and its honor unassailed and unassailable by any other nation in the world. The moment that we discard this treaty, the moment that we forget every historical utterance made on it, the moment we forget the admissions that were made in the report which presented it to the Senate, the moment we forget that we at one time by a vote of 43 to 27 refused an amendment that would give a preference to our coastwise vessels—the moment that we forget those things we subject ourselves to the self-earned criticism of the nations of the world who believe in national integrity.

Mr. President, I have but one word to say upon the merits. Here is all the interior section of the United States. Their Senators voted for the treaty. Their Senators and Representatives voted for the law which authorized us to build the canal. They voted for it with a clear understanding at that time that the $400,000,000, or whatever sum was necessary to construct that canal, should be an obligation against the Government, and the interest which would accrue on that obligation would be met by the tolls of the ships of the whole world. What benefit are we to derive out of a remission of the tolls? Certainly we pay our proportion, if not more than our proportion, for the expenses of the ship canal. What benefit are we to get in all the interior country for the remission of the tolls to the shipowners? Mr. President, as I stated the other day, I can not see any benefit, directly, indirectly, or remotely to the furthest degree.

We talk about its beneficial effect in lowering freight rates by rail. Can there be such a thing as competition between a transcontinental railway from New York to San Francisco and water transportation from New York to San Francisco through this canal, even though a dollar and a quarter a ton may be charged? We all know that that is an impossibility. We could not possibly carry freight by rail in competition with the canal. The only competition that we could possibly have would be in those few cases which would be almost infinitesimal, where it was necessary to rush some important articles immediately from New York to San Francisco or from one coast to the other.

Now, what will be the effect of the canal upon the transcontinental railways? They can not possibly compete with water transportation and they will not attempt to do so. The Interstate Commerce Commission has already fixed the rates and charges from one section to another. The railways can not modify those charges from one point to the other without upsetting the whole system of charges. That alone might prohibit them from entering into the contest. The interstate Commerce Commission would be an obstacle in addition to the physical obstacle against their entering into competition.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I yield.

Mr. CUMMINS. Is not the Senator from North Dakota mistaken when he says that the Interstate Commerce Commission has fixed the rates from New York to San Francisco by rail.

Mr. McCUMBER. It has fixed rates all along the line and it has complete control over those rates. It allows some differentials between coast rates and interior rates in some instances. It has the control over them and indirectly, of course, it fixes them.

Mr. CUMMINS. I watch those things pretty carefully and I never have heard that the rates from San Francisco to New York or from New York to San Francisco have been under consideration by the Interstate Commerce Commission.

Mr. McCUMBER. The rates from Chicago to San Francisco directly have been under consideration, have they not?

Mr. CUMMINS. I think not, Mr. President.

Mr. McCUMBER. I think they have.

Mr. CUMMINS. The rates from Chicago to interior points have been under consideration calling into interpretation the long-and-short-haul clause of the law, but so far as I know—I may be mistaken—the Interstate Commerce Commission has never been called upon to determine whether the rate from New York to San Francisco or any other coast point was a reasonable or an unreasonable rate.

Mr. McCUMBER. I think the Interstate Commerce Commission has exercised its jurisdiction over all the rates that have been made between the one coast and the other. I do not mean that they have had before them directly a rate from New York to San Francisco, but by controlling all of the intermediate rates and the intermediate points they necessarily control the rates between the coast terminals.

Now, Mr. President, there is another proposition which bears upon this question of competition. I presume that the old rule governing rates either by water or by rail still holds. I presume that still the volume of business affects the rate charge, and hence if the volume of business is decreased to a material extent between any two points a raise of rates on what remains for transportation would naturally follow. Accordingly just to the extent that the volume of trade is taken from the transcontinental railways, and the trade which otherwise would have gone to those railways will go by way of the Panama Canal, unless there is other trade and other freight that will take its place, the necessary result will be that it will affect, and will affect in an upward tendency, the railroad rates across the continent.

Mr. President, I am not looking for any reduction whatever in transcontinental rates either by giving free tolls or by the completion of the Panama Canal. Yet all the interior of the country that will get no direct benefit from it must pay its proportionate share of the interest upon the $400,000,000 of bonds, if such should be issued, to cover the expense of construction under the law which we have already enacted, and also the operating expenses.

I submit, Mr. President, it is not fair treatment to the interior of this great country.

Mr. CUMMINS. Before the Senator from North Dakota concludes, I want to be sure that I understand one proposition that he announced. Is it contended by the Senator from North Dakota that the Clayton-Bulwer treaty is still in force, except that Great Britain has released the United States from its agreement not to acquire exclusive control of a canal across the Isthmus?

Mr. McCUMBER. Two things, Mr. President, contained in the Clayton-Bulwer treaty are still in existence and are carried from the Clayton-Bulwer treaty into the Hay-Pauncefote treaty. The first is that the United States alone is relieved from the prohibition against the construction and ownership or control of the canal, while Great Britain is still prohibited from either owning or controlling it. The next is that the general principle of equal treatment of the vessels of all the world is carried almost bodily into the Hay-Pauncefote treaty. In other respects the Clayton-Bulwer treaty is superceded by the Hay-Pauncefote treaty.

Mr. CUMMINS. The answer is not clear. In the last statement the Senator from North Dakota says that the Clayton-Bulwer treaty is superseded by the Hay-Pauncefote treaty. A moment before he said that the obligation on the part of Great Britain in the Clayton-Bulwer treaty not to build a canal or acquire control of a canal across the Isthmus of Nicaragua remained in effect.

Now, I want him to tell me before I begin my argument whether in his judgment all the provisions of the Clayton-Bulwer treaty remain in effect except the release to the United States respecting the construction of a canal upon its part.

Mr. McCUMBER. I do not see, Mr. President, how it is possible for the Senator to misunderstand me. I do not know

any words I can use that will be more clear than those which I used when I declared that the Clayton-Bulwer treaty was superseded with the exception of those provisions in the Clayton-Bulwer treaty which are declared, either in the purpose or in the body of the instrument known as the Hay-Pauncefote treaty, to be still binding obligations upon the two Governments. The one is, as I have stated, that the United States alone is released from the obligation against ownership and control, and the other is that the general principle in the Clayton-Bulwer treaty, which declares that all vessels of every nation should be treated the same without any discrimination, is carried forward as a principle into the new treaty or the Hay-Pauncefote treaty.

Although I am not so positive there was not anything else, I recall nothing else in the Clayton-Bulwer treaty that could be said to be still in existence.

Mr. CUMMINS. Mr. President, strictly considered, the pending amendment does not involve the question that has just been debated. As I understand it, the motion of the Senator from Ohio [Mr. BURTON] is to strike out the following words from the bill:

No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

It might very well be that the motion could be adopted and still the right of the United States to discriminate between American and foreign ships be asserted. Personally I have not been strongly disposed toward free coastwise ships through the canal, although I have had no doubt whatsoever of the right of the United States to pass these ships through the canal without charge if it desired to do so.

My idea of the adjustment that would be best for the people of this country is that our coastwise ships as well as our ships engaged in the foreign trade should be required to pay the proportionate cost of the maintenance and the operation of the canal; that it should be considered that the moneys paid out for the construction of the canal are moneys expended for the general benefit of the country, and for which we ought to demand no return from our own citizens or our domestic shipping, but that the annual outlay of operating the locks, of providing tenders and power, or furnishing pilots to guide these ships through the canal ought to be borne by the ship which is being passed in that way through the canal.

I think the rule ought to apply equally to ships engaged in coastwise business and to ships engaged in foreign trade. We ought if possible to lay a duty or a tax or a toll upon foreign ships, not only for the cost of maintenance and operation but that would also enable the United States to recover from year to year some return upon the moneys actually expended in the enterprise. This is the system which, if I alone were consulted in determining it, I would adopt.

If, however, I am called upon to vote as between free ships for America and our right to discriminate between American ships and foreign ships, then I shall vote for free ships, because I believe it to be vastly more injurious to the American people to deny our right to discriminate in favor of our own ships and to use this canal as we please in this respect than it will be to give our coastwise business the benefit of free passage. Premising therefore that I am not as an original proposition in favor of free coastwise shipping——

Mr. BURTON. Will the Senator from Iowa allow me? The proposition which he mentions is an interesting one. I should like to ask the Senator from Iowa whether he would consider it a desirable feature of such a plan were tolls all graded according to the length of the voyages traversed—first, whether that is desirable, and, next, whether he would regard that as practicable?

Mr. CUMMINS. If it were practicable I should regard it as very desirable. I think there ought to be the same classification in freight passing through the canal that we find upon our railways. If it be practicable—and I have no opinion upon that; I do not presume to express an opinion upon it—I would charge a fair part of the actual earnings of the ship, according to her classified freight; but I am told that such a system would involve so much complication and such an accounting and auditing that, at the present time at least, it would not be practicable, and that we must therefore charge a certain sum per ton for the privileges of the canal.

Mr. O'GORMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I do.

Mr. O'GORMAN. As an original question, the Senator from Iowa intimates that he would prefer a bill under which coastwise vessels would be charged at least what it would cost for the operation of the canal or the boats going through the canal. Does it not occur to the Senator, if such a modified toll were imposed upon ships engaged in the American coastwise trade, that to that extent it would operate as a discrimination against the American coastwise shipping, if it be assumed, as we are to assume, that with respect to all foreign ships their home governments will subsidize and reimburse their whole and entire expense for going through the canal?

Mr. CUMMINS. I will come to that, Mr. President, after a while in my discussion of the matter. I am not at all prepared to say that if I found in the passage of ships through the canal foreign governments had so subsidized their commerce that ours—engaged in coastwise business, at any rate—were put to disadvantage, I would be not only willing, but anxious, to so subsidize our coastwise trade that it could fairly compete with its foreign rivals, for I have no prejudice against bestowing a bounty on the part of the Government upon business. I am a protectionist, in the first place, and I understand perfectly that that means a bounty to American business and American labor, and I have no constitutional or political prejudice against doing likewise for any other American enterprise, if to do so will serve the public welfare.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. In view of the fact that, notwithstanding the treaty of Constantinople, which is in precisely the same terms as the Hay-Pauncefote treaty, other governments are to-day giving bounties to their ships, Russia and Sweden in express terms granting money for the purpose, as it is expressed, of paying the tolls through the Suez Canal, does it not go without saying that they are going to do the same thing in so far as the Panama Canal is concerned?

Mr. CUMMINS. Everything, Mr. President, points in that direction. We can not now determine, however, what will be done by foreign nations in this respect, nor can we determine what effect largess or bounty given by foreign nations to their commerce will have upon our domestic or coastwise trade. When we discover the effect, then I will regard it as the highest duty of the Nation to see to it that our people are not put to a disadvantage, if, by relieving them from the burden, we can at the same time serve the public good.

I am stating my position unencumbered by the proposed or anticipated action of other nations in granting subsidies to ships which may pass through the canal. I say, as an original proposition as between our own people, if they alone were concerned, I believe it would be fairer to make the ships pay at least the cost of maintenance and operation; but, I repeat, if I come to a choice between giving other nations the same right that we propose to give to our own, and free ships for our coastwise trade, then I am heartily in favor of free ships in that trade.

Mr. SANDERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I yield to the Senator from Tennessee.

Mr. SANDERS. I simply wish to ask the Senator from Iowa if the interest on the cost of the canal should not be charged as one of the costs of operation? He seems to make a difference, proposing to charge the coastwise trade the cost of operation and the other trade the cost of operation and something additional, to pay the interest on the original investment. It seems to me that those two things ought to be considered alike.

Mr. CUMMINS. The Senator from Tennessee is quite right in stating a logical conclusion. There is no imperative reason why we should allow ships to pass through the canal locks at Sault Ste. Marie without charge; there is no more reason for allowing them to do so than there is for allowing the coastwise ships to pass through the Panama Canal, except that the latter has involved a larger expenditure of money. I am not attempting to reconcile this view of mine with other things that we have done or other things that we have refused to do for our people. I only say that that is the way it seems to me. We have linked these two oceans, and we devote, so far as our own people are concerned, the expenditure for that vast work to them and to their general welfare; but it is not enough to have united those two oceans; that expenditure would be valueless if we were not to maintain there year after year a large force of men and a great accumulation of machinery to pass, from day to day, the ships from one ocean to the other; and without being able to found it upon any principle that would not also embrace the interest upon the original cost of construction, I yet think that equitably there is a difference, and that we can

give that advantage to our domestic shipping and refuse to give it to the other nations of the world. I am not, however, so deeply interested in the adjustment of the tolls upon our coastwise shipping or upon our foreign shipping, important as the adjustment is, as I am in the determination of our power to charge our own people whatsoever we will, and charge the other peoples of the earth whatsoever we will, provided the charge to the world is just and equitable for the service performed.

It is very unfortunate that there are such differences of opinion upon the question of our right to care for our own people under this treaty to a greater extent than we are called upon to care for the other peoples of the world. I have not known any disagreement here in my short experience so fraught with injurious consequences as the disagreement respecting the interpretation of this contract between the United States and Great Britain. It is of vast import. We must decide it, and we must decide it now. There is no possibility under the circumstances which surround us of evading the duty and the responsibility which have come to us, not by our own act, but through the act of Great Britain.

I do not know just what I can say with propriety in debating a question of this character in open session, and I want to debate it in open session. I premise all that I have to say by the assertion that I want to stay within the boundaries of propriety; I want to say nothing that will disturb the peace we have so long enjoyed, but Great Britain has put the Congress of the United States in a position that makes it absolutely necessary that we shall now construe this treaty; that we shall put whatever interpretation is to be put upon it by the United States. We may defer the exercise of the right, if we like, by attaching the same charges to all ships that pass through the canal, but we can not defer the assertion of the right if we ever intend to exercise it.

Let us see. The House of Representatives passed a bill which in its terms proposed to give to the shipping of the United States a lower toll, or some greater advantage, than it proposed to give to the shipping of the world. Thereupon, Great Britain formally presented a protest to the United States, through the Secretary of State, who esteems it to be his duty—as I have no doubt it was—to lay the protest before the Congress of the country. It has been said that Great Britain promised to follow this protest, which simply stated her objections to the measure, or to the interpretation proposed by the House of Representatives, by a full argument setting forth the reasons for the position she had taken. For some cause, entirely unknown to me, the further communication has not yet made its appearance, but we may assume that in due time it will make its appearance. Her protest here stands as a notice to the Congress of the United States that, if we pass the law which attempts to discriminate between our shipping and the shipping of the rest of the world, she would regard it as a violation of the treaty of 1901.

Tell me, if you can, how we are to escape, if we wanted to escape, the duty of answering that protest. If we do not now assert whatever right we have under this treaty, we will surrender it forever, and in my opinion the Congress that does surrender it will be universally condemned, and the administration that participates in the surrender will be remembered only to be condemned so long as free institutions exist in the United States and so long as the spirit of independence prevails in the hearts of Americans. All that, however, is upon the assumption that the interpretation which I believe this treaty bears and which has been asserted by the House of Representatives is true and just, and it is to that question I intend to devote my time.

I do not agree with a great deal which has been said by those who reach the same conclusion to which I have arrived. It has been claimed, with great earnestness and with great force of argument indeed, that the treaty of 1901 does not apply at all to the Panama Canal; that it does not apply to a canal built by the Government of the United States and built upon territory so acquired as to extend our sovereign power within its limits. There was great force in the argument of the Senator from Nevada upon that point, but I do not find it necessary to divorce the United States from this treaty in that way. It has been said that we can not regard the terms of this treaty because through it we abandon or surrender a part of the sovereignty of the United States. I do not so interpret the treaty. I join issue directly with the Senator from New York and the Senator from North Dakota with respect to what the treaty says and what it means. No Senator can excel me in the desire to perform sacredly our obligations with Great Britain. Whatever we have promised to do in the treaty with Great Britain, that we ought to do until we give her such notice of our intention to abrogate the treaty or recede from its terms as will become an honorable nation.

I am sorry that so many of the Senators who insist that we have the right to discriminate as to our own shipping have apparently admitted that in order to do it we must disregard the terms of the treaty. I hope they will reflect upon their conclusions in that respect, for I believe, and it can be conclusively shown, that the treaty contains no promise on the part of the United States that it will extend to the other nations of the world the same tolls and the same conditions that we give to our own shipping. There is no such promise in the treaty. It was never intended that there should be any such promise in the treaty.

I do not claim that it is expressed as happily and fortunately as it could have been expressed, but I am here to rescue our diplomatists from some of the criticism, some of the censure that have fallen upon them in this debate. I do not believe that John Hay has justly incurred the censure which impliedly has grown out of this discussion. I think that with reasonable plainness he has set down the obligation of the United States, and if we are not searching for an opportunity to favor other nations at our own expense, we will have no difficulty in arriving at the conclusion which I believe he intended to express.

I take the treaty just as it is. I eliminate no word from it. I incorporate no word into it. I take it with all its history, with all the circumstances which surrounded it when made, and I believe that I can prove to any impartial mind that there is here no promise whatsoever that the ships of Great Britain shall pass through this canal upon the same terms as to charges and the same conditions as to passage which our own ships may enjoy.

I do not concur, either, with many who have criticized the treaty of 1850, commonly known as the Clayton-Bulwer treaty. I do not believe that those who have analyzed it have given it its true significance. There are probably some things in it which we ought not to have agreed to, I admit, but I have yet to hear stated upon the floor what I believe to have been its chief purpose. Let us see.

Some passage between the two oceans had been discussed for 150 years before this treaty was made. I have no doubt that the possibility of this enterprise was present in the vast and comprehensive mind of Balboa himself when first his eye fell upon the Pacific Ocean. For a long, long time the subject has been a favorite one for adventurers, writers, and statesmen; and all who have had occasion to inquire into and discuss the relations between the various parts of the world have carefully considered the project of uniting the Atlantic and Pacific Oceans.

In 1850 and before, everybody knows there was an enterprise on foot—one organized by private persons, and it was to be carried on by private capital—to build a canal across Nicaragua. You will all remember that not very long before that we had acquired California, and that just a year or two before gold had been discovered in California, and in 1849 and 1850 there were thousands of Americans struggling across the Isthmus of Panama, dying every mile of the way. There is no route known to civilized man which has witnessed more hardship and struggle than the route between the Atlantic and the Pacific at Panama.

There was a great desire for some better means of communication, and a company of Americans had proposed to build a railway across the Isthmus of Panama. It was already fairly well organized, but then, as now, conditions in the Central American States were not favorable. Revolutions were common; governments were not strong; and the men who it was thought might invest their money in the proposed canal at Nicaragua and the men who had proposed to invest their money in the railway at Panama were not willing to do it unless the safety of the physical property which they created could be assured and unless responsible nations guaranteed that justice would be done to them.

It was to give that assurance and secure that construction that the treaty of 1850 was made, and while, as I said a moment ago, there are some things in it which in the light of this day we would not have inserted, upon the whole it is not to be criticized. On the other hand, I think it is to be praised as an evidence of the forward spirit of a Republic then weaker and less able to accomplish things than now. The treaty was made, the railway at Panama was immediately built, and ever since that time, or at least until the railway at Tehauntepec was constructed, it afforded the readiest means of passage from one coast of this country to the other, as well as the readiest means of passage from the west coast of South America to Europe. That was the real reason for the treaty of 1850, and it accomplished its purpose. I pass along.

I have no doubt that both nations practically regarded the treaty as functus officio. I have no doubt that both of them

for years and years did not look upon it as containing any obligation that was material to the present time. However that may be, when we came, in 1901, to make this treaty, there it was. It had never been abrogated, although it may have been violated by both parties. But I do not know as to that. It is asserted that it was often violated by Great Britain, but I have not thought it material to inquire as to that charge. But at any rate when we came to 1901 there were obligations in the Clayton-Bulwer treaty that it was necessary to abrogate in order to maintain friendly and peaceful relations with Great Britain if we intended to go forward with the project.

And here I disagree with the Senator from North Dakota [Mr. MCCUMBER] wholly, and I put it squarely now. I am sorry he is not here. I am sorry he is not here, because if I misrepresent him he is the best person in the world to put me right. He says, or it is his view, that a part of the treaty of 1850 remains in force without having been incorporated into the treaty of 1901. He finds in the treaty of 1850 an agreement on the part of the United States that this canal shall be used by all the nations of the world, including the United States, upon equal terms.

I do not dispute that construction of the treaty of 1850, and if that part of the treaty of 1850 is still in force or if any part of it is in force upon that subject, then there is much reason for accepting the conclusion of the Senator from North Dakota. But I maintain that there is no part of the treaty of 1850 in force; that it has been superseded and abrogated by the treaty of 1901, and that neither Great Britain is responsible to us for anything contained in the treaty of 1850 nor are we responsible to Great Britain for anything found there unless the obligation has been reproduced and reenacted in the treaty of 1901.

I look only to the treaty of 1901. I am quite willing to examine into the history of the Clayton-Bulwer treaty for the purpose of understanding the exact situation of our State Department and of Great Britain at that time. I am quite willing to look into the history of our country for the purpose of trying to understand better the spirit that then prevailed and what the two nations really desired to accomplish; but after all, when we have examined the history, when we have become thoroughly familiar with the spirit of 1850, it is yet true that unless we can find in the treaty of 1901 some promise that we will treat all the ships of the world, including our own, upon terms of equality, then the argument falls to the ground.

I ask the attention of the Senate for an examination of this treaty and to my reasons for believing that it does not embrace any such promise.

My proposition is that the Government of the United States undertook the enterprise, and the rules that would have been applicable to it if it had been carried forward by private enterprise are not applicable or appropriate now, because there are certain qualities in sovereignty that ought not to be surrendered, and only the clearest terms will warrant the construction that surrenders them.

I understand, Mr. President, that an order has been made with regard to a recess.

The PRESIDENT pro tempore. The Senator from Iowa will kindly suspend. In accordance with previous action, the hour of 6 o'clock having arrived, the Senate stands in recess until 8 o'clock this evening.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

THE PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. CLAPP. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Minnesota suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clark, Wyo.	Lippitt	Pomerene
Bacon	Crane	Lodge	Reed
Bailey	Crawford	McCumber	Root
Borah	Cullom	Martin, Va.	Sanders
Bourne	Cummins	Martine, N. J.	Smith, Ga.
Bradley	Dillingham	Massey	Smith, S. C.
Brandegee	Fall	Nelson	Smoot
Bristow	Fletcher	O'Gorman	Stone
Burnham	Gallinger	Oliver	Thornton
Burton	Gronna	Overman	Townsend
Catron	Johnston, Ala.	Page	Wetmore
Chamberlain	Jones	Penrose	Williams
Clapp	Kenyon	Perkins	Works

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 52 Senators have responded to their names. A quorum is present. The Senator from Iowa will proceed.

Mr. CUMMINS. Mr. President, before the recess I had called attention to the chief purpose of the treaty of 1850. Around that purpose all the obligations of that agreement are found. I do not want to be understood as saying—although it may be that in the effort to be brief I did say—that the protection to the enterprises about to be carried forward or that were believed to be imminent was the sole purpose of the Clayton-Bulwer treaty. The protection that was given by the two Governments was accompanied, of course, with agreements respecting the use of the proposed canal and the use of the proposed railway.

When we came, in 1901, to consider the subject again the whole situation had changed. The enterprise that was in view in 1850 had never been carried forward, so far as the canal was concerned. It was discovered that in all probability there never would be a canal unless undertaken by some governmental power. The French company had intervened at Panama and had gone into miserable failure and bankruptcy. When therefore the respective departments of the two Governments took up the subject again it was konwn that unless the Government of the United States undertook to build a canal across the Isthmus it would in all probability never be built, and the whole negotiation had that in view.

I agree that it was supposed that the canal would be built upon the Nicaragua route, but I deny that the possibility of building the canal upon the Panama route was not present in the minds of a great many people, and it is perfectly manifest from the treaty itself that it was not absent from the minds of the men who composed the agreement now under consideration. The possibility that the United States might acquire the French company and become the possessor of all the work that it had done, all the machinery that it had accumulated, and all the concessions that had been granted to it, was perfectly well understood by those who at that time were interested in the project.

But the chief thing that I want the Senate to bear in mind is that it was then known that whether the canal was built over the Nicaragua route or over the Panama route it was the Government of the United States that would build it, either directly or indirectly. It was, I think, the uppermost thought in the minds of the men who represented the United States that the Government would build this canal as a sovereign, and not merely furnish the aid to some private enterprise that might build it. It was known that if the United States undertook the task there would be certain attributes of sovereignty connected with it from which it was utterly impossible for this country to divest itself.

Now, all these things were present in the minds of the negotiators of this treaty. Bearing these things in memory, I want to call the attention of the Senate to certain phases of the agreement then made. First, remember that the word "Nicaragua" is not in the treaty. The word "Panama" is not in the treaty. After referring to the convention of 1850, commonly called the great Clayton-Bulwer treaty, it says:

> And to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal—

Now, the canal is a ship canal to connect the Atlantic and Pacific Oceans, without any definition or restriction as to place—

> To the construction of such canal under the auspices of the Government of the United States, without impairing "the general principle" of neutralization established in article 8 of that convention.

It is of interest, then, to inquire what was the general principle of neutrality recognized and established in the convention of 1850, because I agree that it was in the minds of the representatives of both Governments to preserve the general principle of neutralization.

I affirm that the matter of tolls and charges has nothing whatsoever to do with the general principle of neutralization. The principle of neutralization here referred to was that the canal, which was about to be built by the Government of the United States, should be free and open to the commerce of the world, both in peace and in war. There is no other principle of neutralization that can possibly be applied to a subject of this sort; and we undertook when we affirmed that principle that both in peace and in war this canal should be open to the commerce of the whole world, and we agreed to nothing more. That is the sum and substance of the agreement which we made with Great Britain when we revoked by express terms the treaty of 1850.

I have great respect for the opinion of that distinguished statesman whose report was read by the Senator from North

Dakota [Mr. MCCUMBER] this afternoon, but if it is to be inferred from that report that any obligation contained in the old treaty continued after the new treaty was made, and which was not renewed in the treaty of 1901, then I must dissent from his construction of the transaction. The treaty which now binds the United States expressly says:

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th of April, 1850.

If this convention superseded the old one it is impossible to conceive how any part of the old one remains in force unless it is repeated in the new one. It is a contradiction in terms, and without a close examination of the report to which the Senator from North Dakota referred I am bound to conclude that it does not bear the interpretation which that distinguished Senator put upon it.

Now, let us see what we agreed to do. First, we agreed to set aside or supersede the old treaty with this one. Second—

It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

The Senator from North Dakota [Mr. MCCUMBER] asked this afternoon what interpretation or effect should be given to the phrase "subject to the provisions of the present treaty." It is not difficult to answer that question. There are agreements on the part of the United States in this treaty, and the absolute sovereignty and control and management of the canal are subject to the limitations of these agreements.

ARTICLE 3.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say—

Remember that we are dealing with a work undertaken by the Government of the United States. It can not be true that there was absent from the minds of the men who made this the possibility that the United States would not only construct the canal, but would become the owner of the territory through which it was constructed. That was one of the things that the United States might do when it undertook the construction of the canal. I do not know how clearly that was recognized, but I do know that the makers of this agreement must have anticipated that it was within the bounds of possibility or probability that before the United States entered upon this work it would acquire the sovereignty of the territory through which the canal was to be constructed.

It declares that—

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

I venture to say that this agreement may be stated in this way: That the canal shall be open to commerce in both peace and war, and that the charges which we place upon commerce for the use of the canal shall be just and equitable. That is the agreement of the United States; it is the only agreement that has been made by the United States; and so long as we keep the canal open for the use of the world and so long as we charge the world no more than fair and just and equitable tolls, so long we shall have complied to the uttermost with our obligations.

I pause to say here that I am not one of those who believe that if we were to disagree with other nations of the world as to whether the tolls were equitable or fair, it would present a controversy that would be settled by arbitration. I deny the whole scheme of arbitration so far as this subject is concerned.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I do.

Mr. WILLIAMS. I want to ask the Senator from Iowa this question: Does he not think that the fairness, justness, or equitableness of a charge depends very largely upon whether or not we have granted to ourselves a lesser charge?

Mr. CUMMINS. It may, but of that the United States is the sole judge. It is utterly impossible——

Mr. WILLIAMS. Mr. President, I understood the Senator from Iowa to say a moment ago that he confessed that if a question arose as to whether a charge was just, fair, or equitable that would become a question to be considered by and to be referred to arbitration.

Mr. CUMMINS. On the contrary, I said——

Mr. WILLIAMS. If that be true, why is not the justice, the fairness, or the equitableness of a charge arising out of a discrimination in favor, I said a moment ago, of ourselves, but I meant to say in favor of our own citizens, a question of which we are not the sole judge. The Senator from Iowa has just admitted that this treaty binds us to make fair, just, and equitable charges, and he must admit that if it does bind us to do that, we can not be the sole judges as to whether or not we have kept our contract.

Mr. CUMMINS. On the contrary——

Mr. WILLIAMS. If we can not be the sole judges of whether we have kept our contract or not with regard to whether the charges are just and fair and equitable for other reasons, then how can we be the sole judges when the question is as to whether the charge is unjust, unfair, or unreasonable grows out of a discrimination made in favor of our own shipping?

Mr. CUMMINS. Mr. President, I said that our agreement with the world was that we would make fair and equitable charges for the use of the canal, and that if a controversy arose with respect to that question it ought not to be referred to arbitration; and I was about to say why. At the bottom of all judicial procedure, as the underlying principle of all judicial procedure, we insist upon an impartial tribunal, a tribunal that is not interested in the outcome of the controversy. If we call a jury and we find that any member of the jury is interested in the result of the trial, he is at once challenged; if a case comes before a judge who is found to be interested in the suit, he is at once disqualified from performing his function. Therefore any international controversy in which necessarily the representative of every nation on the face of the earth is interested against one of the parties to the controversy can not be submitted to arbitration. I do not say that there could not be men gathered together from the nations of the world who could so far divest themselves of their national interest and their national prejudice as to do justice; I do not say that a judge who would be pecuniarily benefited by a certain result in a lawsuit might not so rid himself of that interest as to be an impartial judge; but I do say that according to the civilization of mankind, we do not and we will not submit our controversies to tribunals of that character.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. Yes.

Mr. WILLIAMS. If I now understand the Senator from Iowa correctly, he would base his refusal to keep a solemn pledge in a solemn treaty—not the Hay-Pauncefote treaty, but another one which binds us to submit to arbitration questions of the interpretation of treaties—he would base his refusal to comply with that sacred international obligation upon the ground that the interests upon the other side would be too strong for us with the court. He says that the world is interested against us. If that be true, then it must follow that we are interested against the world as well. Then, he would arbitrarily make us the judge in our own case, in behalf of our own interest, against the interest of all the other countries of the world, as he himself confesses. In other words, if I understand the Senator, if he and I make an agreement whereby I bind myself to sell him a horse at a time in the future at a reasonable price, and when the time comes I fix a price which he says is not reasonable, he denies that we ought to proceed to any tribunal because he undertakes to say that the tribunal would not be fair. Now, I want to ask the Senator whether he would submit to arbitration the question as to whether or not the tribunal was fair?

Mr. CUMMINS. Mr. President, I think I have made myself clearly understood. I would surely, if I were disagreeing with my neighbor about the price of a horse, refuse to submit the question to his arbitrament. I think under those circumstances there might be gathered a tribunal——

Mr. WILLIAMS rose.

Mr. CUMMINS. I desire to proceed, if the Senator will allow me. I will yield to the Senator in just a moment. I would hope that there could be gathered together a tribunal which would have no interest in either myself or my adversary in the contract.

There are a great many questions which nations will not submit to arbitration, and I think that this is one of them. We must do justice; but if we refuse to do justice according to the judgment of the world, and that judgment is so well founded and of so great importance that the other nations of the world will not yield, then there is but one tribunal to settle it, and to that tribunal I hope there may never be another appeal; but it is the tribunal to which some questions must finally be referred.

Mr. WILLIAMS. Mr. President, will the Senator pardon just one more interruption? I want to see if I understand him.

Mr. CUMMINS. I will be very glad to answer any question; but I hope the Senator, who will undoubtedly make an argument in the matter, will not make it in the midst of mine.

Mr. WILLIAMS. I will attempt not to make an argument. I want to ask the Senator a question to see if I understand him. I understand his last veiled allusion was to the arbitrament of war. Do I understand the Senator to take the position that, when we come to the question of the interpretation of this treaty, the only arbitral tribunal that he recognizes to decide this international dispute in a question arising under a treaty between ourselves and Great Britain, to which the other nations of Europe are not parties, would be the tribunal of war?

Mr. CUMMINS. In a sense; yes. I would hope that the tribunal of negotiation and of good sense might prevent any appeal beyond the will of the parties immediately interested. I see no other result. We have undertaken to do something in which the whole world is interested against us. Every nation that has a ship that will pass through this canal is interested in securing the lowest possible charge for the passage; and if the United States prescribes the tolls and an appeal is made from the United States to a tribunal made up from all the nations in the world, then the representatives of all those nations will come into the examination of the controversy with an interest and a prejudice that will incline them to decide it against the United States. The difficulty inheres in the very subject itself. There are not many treaties that contain obligations on the one side of which can be grouped all the world aside from the nation which undertakes the obligation; but this is unhappily one of them, and I see no escape from the conclusion I have suggested.

But I pass now to the further examination of what this contract means. What did we agree to do? There are two rules of interpretation that I am sure every Senator will approve, and I name them: First, we must give effect to each part, some effect at least, so that each part will be in reasonable harmony with every other part; and, second, the construction ought to be one that will permit its observance with the preservation of national honor. It is incredible to me that we will put an interpretation upon this agreement—as I think, a strained and unnatural interpretation—which every man with the least patriotic sense and with the least pride in his heart for the country of which he is a citizen knows the country will not observe.

I do not say that we could not afford to pass all vessel through the canal with the same tolls. We could afford to lose the money without the least suffering or peril upon our part, but the interpretation of this treaty which leads to the conclusion that we can not discriminate in favor of our own shipping, carried into other subjects, would rob this country of its right to protect itself, would rob it of its dignity, and would destroy its honor as a nation among the free nations of the world. We can not say that we are included within these rules or within the phrase "all nations" for one purpose and say that we are not within that phrase for other purposes; and if we now yield to the demand of Great Britain that this legislation, which is based upon a discrimination in favor of our own shipping, is in contravention of the treaty, we will be compelled to yield to her in matters that will involve, or that may involve, the life of the Nation, or we will then be compelled to conclude that we are violating our solemn promises.

I want to call the attention of the Senator to some things that this will do for the people of this country, and to some things that show to my mind conclusively that it was not intended by the men who made the agreement that the same terms and the same conditions should be imposed upon our shipping that may be imposed upon the shipping of foreign powers.

Let us see. Most of these things have been mentioned already, but I want to drive them home now if I can. Everybody admits that we made the same agreement with regard to ships of war that we have made with regard to ships of commerce, and that if we have agreed to charge our ships of commerce the same that we charge other ships of commerce, then we have agreed to charge our ships of war the same that we charge other ships of war.

I know, of course, that everybody will agree that we can not do that, and everybody says that must be eliminated from the compact; but I am inquiring as to the purpose and intent of the people who used this language, and my argument is that because they did provide that there should be the same payment for ships of war and that the conditions should be the same for these instruments of battle as are provided for the ships of commerce, therefore it was not in the minds of the men who made the agreement that we should charge our shipping the same as we charge other shipping.

We all agree, do we not, that it would be legally impossible for the United States to charge for the transmission of our ships of war through this canal? If there is a Senator here who can tell me how it can be done, I will be obliged to him. I say that it is legally impossible for the United States to pay itself for the passage of one of its warships through this canal. It is contrary to the fundamental principles of the law which applies to that subject. A man can not pay himself. A nation can not pay itself. If this Nation were to pay $5,000 for the passage of the *Oregon* through the canal, to whom would it pay it? It would pay the United States, and that is no payment at all. Therefore is it not entirely clear that those who used this language did not intend that the United States should be among those nations that were to pay the same for their ships of war and ships of commerce?

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Will the Senator yield?

Mr. WILLIAMS. If the Senator will pardon one more interruption——

Mr. CUMMINS. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I understood the Senator to defy any Senator to mention a case where the United States could pay itself anything. I want to call the attention of the Senator to the fact that when we were providing for the building of the Panama Canal we undertook to provide that the material coming in for the building should come in duty free; but the Government was required to pay a duty to itself for material coming in.

Mr. CUMMINS. I have so high an opinion of the legal attainments of the Senator from Mississippi that I will not stop to argue that question further. The case which he puts would not be a payment to the United States, no matter what form might be employed. I understand perfectly that when a warship entered this canal its captain could pay the representative of the Government at the canal the sum of money required to pass the warship, and that that money could be transmitted to Washington and put into the Treasury; but what I said was that such a transaction would not constitute a payment for a passage through the canal, and can not constitute a payment.

Mr. WILLIAMS. Mr. President, to that last statement I perfectly agree, and it was with a view of bringing it out that I called attention to this other case.

In other words, the entire argument based upon the idea that the United States Government would have to pay tolls upon its war vessels is an idea based upon a fiction and a shadow, because even if it did pay it, or pretended to pay it, it would merely be taking out of one pocket a certain amount of money and putting it into another pocket, and it would not be a real payment.

So the entire argument made ad absurdum, to show that there could not have been any intention to charge our merchant marine, because otherwise we would have to charge our war vessels, falls to the ground, because both here and in Great Britain they were advised beforehand of the fact that any payment nominally made on our warships could not constitute a real payment.

Mr. CUMMINS. Precisely. But, moreover, Mr. President, the absurdity of requiring the captain of a war vessel to pay the tolls into the Treasury of the United States, and the absurdity of calling that a payment, would be duplicated in commerce.

The United States now owns, I believe, eight ships that ply between New York and Colon. The United States is directly engaged in commerce. I know that there intervenes the form of a corporation known as the Panama Railroad & Steamship Co., but that is a mere shadow. It does not touch the substance of the matter.

Suppose that after this canal is finished these 8 ships, with 8 more or 20 more that the United States may buy or build, shall enter the carrying trade between New York and San Francisco or New York and Valparaiso, or New York and any other port on the western shore. There is no reason why it should not be done, and indeed I am wholly in favor of doing it if the opportunity does not attract private enterprise.

We intend to have competition through that canal; and if by any mischance competition by water is destroyed or fails to appear, then the United States will be carrying commerce between our eastern and our western shores. And let me ask whether that is a contingency that was not present in the minds of the men who made this treaty? The other nations of the world are engaged in transportation. The other nations of the world have gone into the business of common carriers. Why should not the United States go into that business? It is the tendency of the times, as was known to every person who had anything to do with the negotiation of this treaty. And yet if that contingency was in the minds of the men who made this treaty, tell me how these ships that belong to the United States

and are carrying commerce from one shore to the other can pay the United States for passage through the canal? As I said a moment ago, those who are standing for the interpretation that excludes this power of the Government will recoil from that interpretation when they face the fact that, carried to its logical end, it substantially forbids the United States to enter this trade. And if that be the interpretation, then we have agreed with Great Britain that never will we charter a ship and send that ship for commercial purposes through the Panama Canal.

The conclusion is so absurd—and it is not more absurd than it is dangerous and startling—that the American people will not endure any interpretation of this treaty that will preclude the exercise of their power to send their own ships, both in commerce and for war, through the canal; and they can not send either through the canal if the interpretation insisted upon here is to be the accepted construction of our agreement.

I think we ought to hesitate a long while before we agree that we have surrendered to Great Britain or to the rest of mankind any such power as I have described.

But that is not all. I suppose you all agree with me that as to the citizens of Great Britain, for instance, the United States could not discriminate as between them. Is there anyone here who dissents from that proposition?

The United States could not discriminate between citizens of Great Britain or France or Germany or Italy or any other nation with regard to their traffic through the canal. We have agreed we would not discriminate between their citizens. We have agreed that we would give them all an even opportunity, and we would allow them all to enjoy the same conditions. If this is to bear the construction which has been put upon it, then we have agreed that we will not discriminate among our own citizens with regard to traffic in the canal. If this be true, we can not send our coastwise ships through the canal at one charge and our ships engaged in the foreign trade subject to another charge. We have agreed in this purely domestic matter, a thing over which Great Britain has no more control and over which she ought not to have any more control than she has over the policies of heaven, and yet we have surrendered it to Great Britain, and we have given to the courts of Europe and of Africa and of Asia the right to say what we shall do between our own people as to this shipping.

I can not think that when the full depth of the sea upon which these men who contend for the other interpretation of the treaty is measured that there will be many who will desire to embark upon that sea.

But that is not all. It has been said here more than once that this interpretation not only does not give us equality, but it imposes upon us clear inferiority. There is not a lawyer, there is not a layman here, there is not a man of observation and sense, who will not agree that this subterfuge of paying tolls into the Treasury of the United States and having those tolls, by a law made theretofore, returned at once to the ships that paid them is unworthy of a great Nation like ours. It would be unworthy of an individual. It would be unworthy of anyone who values substance and does not promote form above the reality. We can not, if we have agreed that there shall be no discrimination by any form, in any form, at any time, return these tolls to the ships which paid them.

We could do that if there was no understanding beforehand. If there was no law beforehand for the return of the tolls, then it might not be subject to the criticism I have suggested; but if we pass a law that all American ships passing through the canal shall pay these tolls, and thereafter the Treasurer of the United States shall return to the ship the tolls so paid, we will have violated this treaty, under the interpretation given to it by some of my brother Senators, just as completely and just as certainly as if we were now to pass a law that no tolls at all should be charged; and, besides having violated the treaty, we would have exposed ourselves to the contempt of the whole world for endeavoring to do indirectly a thing that we had not the courage to do directly; and whatever else we may do, let us at least preserve a reputation for doing whatever we do openly, so that all the civilized nations may understand just what we are doing.

But that is not all. England will return to her ships the tolls that we impose, France will, Germany will, and probably all the nations of Europe will, and yet we will be tied by a construction of the treaty which, I think, does as much violence to its language as it does violence to the fundamental rights of American citizens. We can not escape from the situation into which we have been forced by a failure to boldly assume in the beginning that this treaty means what it says, what it must have meant in the minds of those who framed it, on account of the considerations to which I am now calling your attention.

But again, charges are no more required to be equal by this treaty than conditions. The conditions must be the same. Let me ask the Senator from Ohio [Mr. BURTON], who is to answer me, what he thinks of this case. Suppose the United States should erect docks in the harbor of Cristobal and Balboa, docks in the entrance of this canal for the accommodation of American shipping? He will contend, I assume, that we can erect no dock there that is to afford a facility for an American citizen or an American ship but which must be equally open to a foreign citizen and to a foreign ship. We must not only give to these nations the benefit of all that we have already expended, but we must be willing to give to them the benefit of all the money that we hereafter will expend in order to encourage and stimulate and convenience our own shipping. If there is any difference between conditions and charges I hope that those who follow me will be able to point it out.

Not only so, we have a bill here which imposes a condition upon American ships that is not imposed on foreign ships. I want you to put away your varying opinions with regard to the merits of the proposition; I want you to look at it only to inquire whether it is within our power. This bill proposes that no American ship in the coastwise trade shall pass through the canal if it be controlled by a railway company. I should like to know of my friends upon the other side whether they think that is within the terms of the treaty. Have we violated our engagements with Great Britain when we have imposed upon our own shipping a condition of this character? According to the construction of those who would surrender this power we have violated it. We can not say as to our own shipping that it must be free and independent, unless we say it as to the whole world.

We have no more agreed that charges shall be the same than that conditions shall be the same. I want to know whether there is a Senator here or whether there is a man who loves his country within the borders of the United States who will be willing to accede to the suggestion that we have not the power to impose that condition upon our shipping.

I might pursue this thought indefinitely. I have not suggested these things to Congress in order to escape from any obligation that it has assumed. I for one am willing to bear the burden, whatever it may be, but I am not willing that Great Britain shall say what that burden is. I have mentioned these things in order to convince all of you that when this treaty was being made it is utterly impossible to conceive that our Secretary of State and our President and our other advisers had in mind or could have had in mind that all the charges and all the conditions of trade through the canal should be the same as to foreign and domestic shipping.

I repeat the one thought, and that is that we have engaged with Great Britain and through Great Britain with the whole world that this canal shall be open in war as well as in peace, and that we will not impose upon the trade of the world other conditions or other charges than those which are fair and equitable under all the circumstances which surround trade and commerce.

But I take one step further. The Senator from North Dakota said in a tone of triumph the other day that it was plainly evident from the second paragraph of article 3 that all these obligations had been assumed by the United States, and that it was and is one of the nations included in the phrase so often quoted, and he read, "The canal shall never be blockaded nor shall any right of war be exercised nor any act of hostility be committed within it."

I want those Senators who are experienced in the language of diplomacy and especially experienced in the terminology of war to tell me what a blockade is. I may be wrong, but as I understand it the blockade of a port is the intervention of ships of war so stationed that commerce can not enter the port. It is a measure that is adopted by one power against another with which it may be at war.

Tell me if you will whether our distinguished Secretary of State, if he had desired to say that the United States shall keep this canal open for commerce, would have said the United States shall not blockade this canal? It is impossible to conceive of the use of those words, if that be the intent. The United States could not blockade this canal any more than it could blockade one of its own ports of which it was in full possession. The United States is in possession of the Panama Canal; in possession of its 10-mile territory that adjoins it; in possession of its locks; in possession of every facility that makes it usable by the commerce of the world. If the United States desired to arrest the operations of the canal and prevent commerce from passing through the canal it would not blockade the canal. It could, by the turning of a screw, destroy the canal

for use in a commercial way or in a warlike way either. Without its will not a single ship could pass through the canal.

Therefore, will you say to me that when John Hay was using the language here employed he intended to say that the United States should never blockade the canal? No; he said the canal should never be blockaded, and it is for us to see that it never shall be blockaded. We have agreed to maintain the canal so that it can be used by all the world, and if any nation shall attempt to prevent the ingress or the egress of vessels through the canal upon peaceful errands it is the solemn obligation of the United States to see that that effort does not succeed and that there shall be no blockade of these waters.

Again, if it was intended by the distinguished Secretary of State that his own country should be one of the nations upon which all these rules are to rest, then we are one of the belligerents mentioned in the other paragraphs of the rule. The third one reads thus:

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Neutralization does not involve the provision which I have just read so far as occupation by the United States is concerned.

I repeat, as I have said often, we have undertaken that these waters shall be open for the commerce of the world. I can easily understand the application of that rule. If Great Britain were at war with France these are then neutral waters. The ships of neither would be allowed to remain longer than the appointed time in or near the canal. Neither of the ships would be permitted to take on other stores than the laws of war permit, and the treaty becomes intelligible and can be executed with honor and for the welfare of all the people.

But suppose that the United States is one of the belligerents; we have a territory there 10 miles wide and a canal through it. We have acquired the one and constructed the other at immense cost, and the sovereignty of the United States is supreme over both. Do you think that any representative of the Government of the United States has ever agreed that under those circumstances a canal so built, with a sovereignty so exercised, that one of our own ships of war, when this Nation is a belligerent, must hasten through this canal, taking no other provision than would be allowed to a foreign ship and leaving it defenseless, if you please, against the belligerent with which we might be at war?

If any Secretary of State ever so dreamed it must have been at a time when he had forgotten all the traditions of the race to which he belonged, and if any Congress ever decides and proclaims that the United States can not use this canal for her ships of war when her life is at stake, that Congress will go down in history under the universal detestation of a liberty-loving land.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. CUMMINS. I yield to the Senator.

Mr. GALLINGER. Let us suppose that a Japanese squadron was threatening San Francisco. Is it not inconceivable, as the Senator has suggested, that we would embarrass our ships of war in passing through that canal to defend our own Pacific coast?

Mr. CUMMINS. Mr. President, it is not only inconceivable that we would do it, but it is inconceivable that any representative of our Nation should ever have had it in his mind to agree that we should do it. It is not only an impeachment upon his intelligence, but it is an accusation against his patriotism as well, and therefore I can not believe we will ever give this treaty such an interpretation.

Finally, I desire to read another paragraph of the treaty:

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

This reading simply intensifies the observations I have already made with respect to the canal. Is there an American anywhere who believes that we ever agree in time of war to treat our ships and our men and the means for our safety in the way pointed out in this treaty? The statement of the case is the best argument that I can make upon it.

I hope, of course, that war will never come. I am not saying these things because I believe it is imminent. I am saying them to test the mind of the man who made this agreement for the United States, and I am saying them for the purpose of removing any doubt that may be in the Senate in regard to what was intended by this treaty.

We will do injustice to his memory if we attach to him the imputation of having surrendered to Great Britain or to the world these priceless, these invaluable rights for the maintenance of our dignity and the preservation of our safety. I for one will not believe that he ever intended to commit the American Government to a course so perilous and as I was about to say, so weak and so cowardly.

I desire to fulfill the treaty according to its letter and its spirit as well, and I regret more than I can express that these differences of opinion have entered the minds of Senators. It seems to me that we ought to stand as one man for a construction of this treaty which is not only demanded by its terms but by every consideration of national safety and honor as well.

Mr. WILLIAMS. Mr. President, I had not thought to open my mouth upon this question. I shall not now detain the Senate over about four or five minutes by the watch, I hope. I shall not imitate the wondrous waste of wind power which has thus far characterized this debate.

I shall vote for the exemption of the coastwise vessels of the United States, but I hope not upon the grounds laid down by the Senator from Iowa [Mr. CUMMINS] in his fourth speech upon the subject. I shall vote for the exemption of the coastwise vessels of the United States upon the ground laid down by the Supreme Court of the United States in Olsen against Smith, in One hundred and ninety-fifth United States, that ground being, in short, that as foreign vessels never had any standing in the coastwise trade at all, any provisions with regard to the coastwise trade can not be a discrimination. It is clear to anybody who can read English that, whether this treaty ought to do it or ought not to do it, this treaty does forbid us to make any discrimination. The Senator from Iowa tells us that other powers will make discriminations by granting their vessels rebates equal to their tolls. Whenever they do, that moment we have the right, under the treaty itself, to put ourselves upon a ground of equality with them by making an equal rebate.

I agree with the Senator that if we have no right to make a direct discrimination we have no right to make an indirect discrimination by making rebates; but if other nations do it, as he freely predicts that they will, and the Senator from Massachusetts [Mr. LODGE] freely predicts that they will, then in order to reinaugurate the equality itself, which is the object of the treaty, we would have the right to do it.

That, however, is not the object of my rising to my feet, Mr. President. I rise to protest against the position taken by the Senator from Iowa, which conflicts absolutely with his own past position, with the position taken by him and me both, when the Bryce-Knox arbitration treaty was before the Senate for consideration, and which flies in the face of a solemn obligation of a solemn contract.

I shall vote to exempt coastwise vessels from these tolls, because I think we have a right to do it. I think the principle laid down by the Supreme Court is a correct principle in municipal and in international law, and I do not share the cynical opinion, expressed by the Senator from Massachusetts and the Senator from Iowa, that the other nations of the earth in this controversy between us and Great Britain, constituting through their agencies The Hague tribunal, will be guided solely by selfish, pecuniary interests in considering the point. Upon the contrary, I have every reason to believe that they will be guided by the principle at stake, because their pecuniary interest will not be very large outside of Great Britain herself, and possibly outside of Germany.

The Senator's argument seems to be a Mephistophelean, metaphysical attempt to stand out from under the solemn obligation of a solemn treaty. We have a treaty, not only with Great Britain but with I have forgotten how many other nations today, a solemn treaty, pledging our national faith to submit questions of interpretation of treaties to arbitration.

When the Bryce-Knox arbitration treaty was before the Senate the Senator from Iowa voted with me and with 28 other Senators, constituting only 30 of us, I believe, against the amendment proposing to strike out clause 3 of article 3, thereby voting that in a case where the United States denied the right of arbitration the question itself of the right of arbitration should itself be submitted to arbitration; and in that case possibly, though not probably, to an outside commission. Now he says that, in spite of the solemn words of a solemn treaty entered into by Secretaries of State and by foreign ministers, presumably representing their nations, ratified by two-thirds of this Senate, and meeting the approval of the people of the United States, if, after we have exempted these coastwise vessels from

these tolls, the right to exempt them is disputed upon the ground that it is a discrimination, he is not willing to leave it to any arbitration except to the god of battle—to war. He takes the position that the question as to the tolls—miserable dollars and cents—upon a few vessels which we would desire to exempt is a thing so important that he would break the solemn obligations of a solemn treaty and shed the blood of our own citizens and the subjects of a foreign empire rather than submit the question as to whether or not it was a discrimination to arbitration. It is against that provision that I rose to protest.

I stand here, as I shall stand always, I hope, for the principle that the judicial proceedings which have been instituted between man and man under government shall some day become instituted between nation and nation in the entire world. I am willing to arbitrate anything, except the life of the Nation, the independence of the Nation, because self-preservation is the first law of nature with a nation as with an individual. We may afford to differ, I think, as to whether we can, without discrimination and without violation of this treaty, exempt coastwise vessels; and I share the opinion of the Senator from Iowa that we may. I think the principle laid down by the Supreme Court is sound in law and in ethics and would be so held by any self-respecting international tribunal of arbitration; but to serve notice upon the world in advance from the seat of a Senator of the United States that we would go to war, sacrifice our youths, shed men's blood and women's tears, sacrifice our treasure, sacrifice the blood and the treasure of other nations, rather than to submit to arbitration a simple little question about dollars and cents of canal tolls is a position against which I wish to protest.

Mr. BURTON. Mr. President, I do not intend to detain the Senate except for a very short time. I have already spoken at length on this subject, and I shall only give a bare summary of the arguments made on the former occasion.

If there is any one object for which the Senate should have supreme regard it is the observance of good faith and justice toward all nations. We have become too much a part of a world-wide movement and our relations even with the remotest nations of the earth have become such that we can not afford to pursue any course except to observe our treaties and in all our diplomacy to present an example to the whole world of the observance of good faith and of the most sedulous regard for all our promises.

I still maintain, Mr. President, that the Hay-Pauncefote treaty prohibits discrimination in tolls or discrimination of any kind in favor of our ships in the use of the Panama Canal. To come to any other conclusion, to my mind, is a plain disregard of the express terms of this treaty. The English is clear; the words are definite in prohibiting this proposed exemption of tolls.

Something has been said about an expectation that the canal would be built along the Nicaraguan route. I think even the most cursory reading of the preamble of this treaty will show there is no basis for that contention. Other routes were in mind at the time, although the Nicaraguan route was the one most under consideration. It is clearly stated:

> The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that convention.

And so forth.

"By whatever route may be considered expedient." That is, by Panama, by Nicaragua, by Darien, by Tehuantepec, or in any other locality. So it is clear that no argument can be based on the idea that but one route was under consideration and that we chose a different route.

Mr. President, I wish again to call attention to the most important clause in question:

> 1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Two interpretations are placed upon this clause to justify exempting American vessels from tolls. One is that it means "all other nations." Why, Mr. President, if "all other nations" is the meaning intended, what an absurdity it was to ask the United States to join in the treaty. If Great Britain and France and Germany were to be bound by it and the United States not at all, why did our Secretary of State frame this treaty? Why did the Senate solemnly deliberate upon it, amend it, and finally ratify it? Such a construction does violence to the plainest principles of interpretation.

But it is said the phrase, "on terms of entire equality," does not relate to tolls; that it only means equality in a general way; that the ships of France and Great Britain and other countries may all go through alike. Mr. President, that does equal violence to the language used. Let me again read it:

> 1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Equality and the absence of discrimination are required in respect of charges of traffic.

Now, I want to speak briefly of an opinion that has been expressed here that we made a bad bargain when we entered into this treaty. Mr. President, it was but an expression of our policy for a hundred years, which was one of absolute neutrality and of entire equality in the use of navigable channels. We had taken the lead among the nations of the earth in insisting that there should be no discrimination, whether channels or canals be within or without the borders of any nation. When other countries claimed special privileges, our Presidents and our Secretaries of State protested. They protested not merely for the benefit of our own commerce, but for the commerce of the world. We have a record on this subject of which I think we may well be proud. We took this position in the case of the Straits of Magellan, the channels around Denmark, and, most of all, in regard to this very proposed isthmian canal; for, beginning in 1826 with instructions from Henry Clay, followed by resolutions of the Senate and House, messages from Presidents, and letters from Secretaries of State, we always insisted upon equality and neutrality. We did not cynically change our ideas and demands when it became evident that not some private company, not the French Panama Canal Co., or some other foreign corporation was to build the canal, but that we were to build it as a nation. We could not have changed without inconsistency.

I am a little surprised that in all this debate no reference has been made by advocates of free tolls to our demand along in 1888 and 1889 to 1891 that Canada should give to us the same access to Canadian canals, the same privileges, the same tolls that were afforded to the subjects of Great Britain residing in Canada, under a treaty in which the words "entire equality" were not used, but simply the word "equality," with the further fact that in the treaty Great Britain merely promised to use the best efforts to secure equality. We insisted upon equal rights; we insisted that the treaty not merely meant equality of tolls, but equality in opportunity in the way of trade. As if we had forgotten what happened 20 years ago, as if we had wiped off the books of our diplomacy the proclamation of President Harrison and the demand of President Cleveland, we say, "True, we then constrained you to yield to our contention that those canals should be equal; that tolls should be the same; that treatment should be absolutely identical; but now we are going to take on an entirely different stand."

Mr. President, that is all I care to say upon that subject, except that Secretary Hay, when this treaty was framed, was fresh, as it were, from a demand for the "open door" in China, when he asked not only Russia but other powers to give us equal access there and equal use of the railways built at Government expense, notwithstanding they had squadrons, fleets, armies, spheres of influence, and landed concessions in those localities while we did not have a shred of territory or any similar ground to stand upon in the claiming that we should have equal treatment.

Mr. President, it has been said here that if we yield this contention it means that we yield the principle for all time. It is said that we must take a stalwart stand against the protest of Great Britain and go right contrary to it. Why, it is fresh in the minds of Senators here that there has been pending a controversy in regard to the duty on print paper. We made a reciprocity agreement with Canada. Sweden and other countries have filed a statement with our Secretary of State to the effect that under the favored-nation clause they are entitled to equal access to our markets for their paper. If we followed this idea, that because Great Britain has filed a protest we must immediately stand against her contention, there could not be any question of revision of the tariff, or lowering the duies on print paper. On that principle we would say, "A protest having been filed, we will immediately restore the highest duties on print paper."

I can not for a minute listen to the idea that we are going to refuse to arbitrate this matter. We can not refuse without

national dishonor. We have stood for arbitration. We have claimed that we were in the forefront of nations for the peaceful settlement of disputes, and our record shows that we have participated in more arbitrations than any other nation, both as judges and as parties. How are you going to avoid submitting this matter to arbitration? Let me read from the treaty with Great Britain of 1908 the questions to be submitted to arbitration:

Differences which may arise of a legal nature or relating to the interpretation of treaties—

That is, this case—

existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States.

Is the question whether some of our boats shall pay tolls or not a vital interest? Is it an interest which threatens our very life? Does it threaten our independence? Does it threaten our honor? How, then, without violating a treaty solemnly entered into, can we refuse for one moment to submit this question to arbitration?

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator yield?

Mr. BURTON. Certainly.

Mr. CUMMINS. Referring to the incident mentioned by the Senator from Ohio a moment ago relating to the admission of print paper to the United States, I ask the Senator this question: Suppose that Norway and Sweden, who claim free admission of print paper to our ports on account of our arrangement with Canada, should insist on arbitration, and should insist that the court of arbitration should be made up of a citizen of Norway and a citizen of Sweden. Does the Senator from Ohio then hold that we ought to submit that question to that court?

Mr. BURTON. I can really see no applicability of the question to the matter pending. The arbitration treaty of 1908 with Great Britain, from which I read, provides for submission to The Hague court. The tribunal is named. There is no possibility whatever that any demand will be made upon us if this is submitted to arbitration to select any packed jury for its determination.

Mr. CUMMINS. Will the Senator indicate how the jury could be otherwise than packed? Every nation of the world has the same interest in this matter against the United States that Great Britain has, because the agreement is in behalf of all other nations of the world. The Hague tribunal must be made up of men. Those men must be citizens of some country. How would you get a Hague tribunal composed of men who had any less interest in this controversy than two representatives of Norway and Sweden would have with regard to the controversy as to print paper?

Mr. BURTON. I have several observations to make on that question, Mr. President. In the first place, I think it ill befits us to take it for granted that the judges selected under a convention in which we took a prominent part will be so partial that we can not trust them.

In the next place, we should have considered that question when we entered into this obligation.

Again, we have no reason to believe that there will be any ground for partiality against us, barring, perhaps, two or three nations. The different countries in Europe or in the New World from which the judges would be selected have not such an extreme interest in the matter that their judgment would be liable to be biased.

Still another point. If that is an objection to this court, it is an objection to all. A litigant can hardly take a case before a judge who would not—at least in some indirect way, if you are seeking for phantoms or are seeking some ground of accusation against him—appear to have an interest.

Mr. FALL. Will the Senator yield?

Mr. BURTON. I take pleasure in yielding to the Senator from New Mexico.

Mr. FALL. I simply wanted to ask the Senator from Ohio if, in his opinion, the question asked by the Senator from Iowa did not answer itself, or if it did not answer the argument of the Senator from Iowa? In other words, if we admit that The Hague tribunal would decide against us, then do we not admit that, in the eyes of the nations of the world, if we adopt the Senator's construction of the treaty, we are absolutely wrong, and that the United States would stand solitary and alone?

Mr. BURTON. There is certainly ground for that opinion.

Mr. CUMMINS. Mr. President, I dissent from that view entirely. We know that Great Britain takes the other view. Does that constitute a conclusive argument that we are wrong?

Mr. FALL. Is the Senator addressing that question to me?

Mr. CUMMINS. I am.

Mr. FALL. The question addressed to the Senator from Ohio by the Senator from Iowa is the subject to which I was referring when he asked if we submitted this proposition to The Hague tribunal did we not know that The Hague tribunal would decide against us because the interests of the other nations of the world would be against us? That was the Senator's question, was it not?

Mr. CUMMINS. Yes.

Mr. FALL. Then I say that suggests to me that in the eyes of the nations of the world, if we adopt the contention of the Senator from Iowa, we are absolutely wrong.

Mr. CUMMINS. As I said at first as to Great Britain, she is a just nation and an intelligent nation. Great Britain has decided this matter and has decided it against us. If we submit it to a representative of France, she has the same interest in it that Great Britain has. That representative would at least begin the inquiry with a prejudice or a bias against us. Now in the whole history of our country we have not submitted to arbitration a question in which all the members of the court held an interest opposed to that of the United States. If we submit to arbitration a question concerning the boundary between Canada and the United States we choose a tribunal the majority of which shall be impartial as to that controversy. I think we ought to insist upon that in any arbitration concerning the construction of this treaty.

Mr. BURTON. Mr. President, I have too much confidence in the great students of international law who grace the judicial benches in the old world, or who make a study of these great problems between nations, to think for a moment that we can not select an absolutely fair tribunal.

Mr. President, I confess that I myself would be glad to feel assured that we might exempt our boats from the payment of tolls. But if we pass this bill in the form in which it now appears, if we exempt our shipping from payment, it means that in two or three years, perhaps, there will be a very large payment to be made for tolls collected from the ships of other nations, and in the meantime a great degree of friction will be aroused. It will be claimed that we have acted unfairly. Other nations will question our observance of these treaties, and in many ways we shall involve ourselves in difficulties and controversies which are not consistent with our honor as a nation and which will not promote respect.

We can readily solve this problem. Let us begin by imposing tolls. Then if we desire to make exemptions we can do so when our right to exempt is ascertained, or we can pay subsidies if we choose. I utterly disagree with the Senator from California [Mr. WORKS] that this is a decision for all time. We should, however, begin on certain ground. Then if we desire to have this question settled deliberately by the tribunal to which it must go, we can proceed to send it there. Again, the argument has been made that we have absolute jurisdiction over the Canal Zone; that it is ours; that we can do whatever we please there.

Mr. President, our title to that strip is not altogether without limitations, based upon treaties both with Colombia and with Panama; and I want to call attention to an article in this very treaty which I do not recall has been read. It is article 4:

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

Now, suppose those who drew this instrument had contemplated just what has happened, namely, that the United States should obtain a title, and, as a matter of fact we have obtained one, which to my mind comes very near to a fee simple title, how could they have expressed in clearer language the intention that the acquisition of the title was in no way to change the terms of the treaty which had been made, or its obligations? Whether we own that strip or not it seems to me immaterial. It does not make any difference what the nature of our title is, we are bound by this treaty and all its obligations, whatever the nature of the tenure may be.

Now, very briefly I want to touch upon some of the arguments that have been made. It is said that it is inconceivable that we could charge our ships of war, or those merchant vessels which belong to the United States, tolls.

Mr. President, that is a very simple proposition. There is no complication that arises there. If the warship pays the tolls to the collector at Panama for going through the canal it is but taking the money from one fund of the Government and paying it into another. If a Government-owned merchant ship does the same, the same Government which pays the tolls receives it, and it would seem to be no violation of the treaty if, considering the fact that the payor and the payee are the same, the absurd

formality of turning over the money were dispensed with. That creates no exception to this treaty.

It is also said that it is inconceivable that in time of war we would not defend ourselves. Mr. President and Senators, there are two conditions that may exist between nations. One is of peace. The other is of war. Agreements that are made in time of peace and contemplating peace are binding forever, unless they are properly revoked. Under all conditions they are absolutely obligatory on the nations which enter into them.

But the misfortune of war comes, and in the midst of arms laws are silent. We make a treaty, in unequivocal language, that the citizens of another country shall have free access to the United States, and shall have the same protection within our borders that our own citizens have; but if war arises we can not tolerate an alien enemy among us, and that provision falls.

The fact that you can bring before the Senate a question based upon a possible condition of war does not in the least modify the natural interpretation of this instrument, because that contemplates an exceptional situation in which treaties, if not abrogated, are suspended.

Mr. President, one of our great naval heroes—Commodore Decatur—appeared at a banquet and said:

> Our country, may she always be in the right; but our country, right or wrong.

I appreciate the patriotism of the bluff old sailor who had performed so many acts of valor; but as a great principle I do not think we can accept his words. Patriotism does not mean that we should assume an attitude of antagonism against the desires of other countries. It does not mean that we should immediately fly into an attitude of combativeness the moment some country puts another interpretation upon a treaty from that which we hold. It means that when we are sure we are right we should go ahead. It means everlasting loyalty to our country, but that loyalty can never be better displayed than when as between this and other nations we display that same regard for justice and for fairness that we maintain should be observed between individuals.

I have spoken with earnestness upon this subject because I believe we are in danger of wandering away from the high standard of national honor in the observance of treaties which we have always maintained.

Just a few words more. An undue attention has been given, Mr. President, to the diplomatic phase of the situation. I do not think it is fair to the great body of our people that domestic ships going through that canal should be exempt from the payment of tolls. At an expense of approximately $400,000,000 we are constructing that canal. The expense of maintenance will be very large. Is it fair that those boats which enjoy the privilege of going through should not only have the route shortened 8,000 miles, but that they should also be free from paying the tolls, which would not amount to more, perhaps, than 50 or 60 cents per ton on the freight that is carried? Is it fair that those portions of this country which benefit so incalculably from the construction of this canal should, ignoring the enormous expense our country has incurred, say that all counts for naught, and the boats that go through shall not even contribute toward the maintenance of the canal?

I think you will find that the practical results of this will not be satisfactory. The consumer—that class in our community which many claim is so much neglected—will get very little benefit from the exemption from tolls. The price will be fixed by competitive conditions. Those who have ships using the canal will not be altruists. They will charge as high a rate as they can get. This 50 cents per ton will bring little of benefit to the consumers.

The ships will naturally possess a monopoly of trade between the coasts and the regions that are near by, because they can carry freight from the Atlantic or the Gulf to the Pacific so much more cheaply than it can possibly be carried by rail.

Now, benefit beyond measure will be conferred upon the regions contributary to the route made available by this canal, and it does not seem to me that it is just to the American people, to the taxpayer in the interior, that those who have already gained this benefit which is so great should have the still further benefit of exemption from tolls.

Mr. President, there are many other things that I should like to say in this connection, but I realize the weariness of Members at this evening session, and I will conclude my remarks.

Mr. STONE. Mr. President, before the Senator takes his seat I should like to ask him a question. The Senator has made a motion, which is now pending, to strike out that portion of the bill exempting American coastwise vessels from the payment of tolls. If that motion should prevail I fear it would be accepted, and with good reason, by other Governments as an expression by the American Congress that this Government was without the right to exempt such vessels or any vessels of American registration from the payment of tolls.

As I have said before to the Senate, I am concerned about that question—that is to say, about the right of this Government in the premises, no matter how exercised, no matter whether American vessels charge tolls or are exempt from tolls, but leaving that to be determined as a matter of domestic policy, I am concerned about the right of this Government to do as this Government pleases in a matter of that kind.

Now, if the motion of the Senator should prevail, would it be a proper thing and meet the approval of his judgment to insert a provision to the effect that the right of this Government is preserved without prejudice at some future time to exempt vessels of American registration from the payment of tolls?

Mr. BURTON. Mr. President, while I would not exactly like that phraseology——

Mr. STONE. If the Senator will pardon me, the idea being merely to assert affirmatively in the bill that that right is not surrendered.

Mr. BURTON. Something to that effect I certainly should have no objection to, Mr. President. There are two questions here before us. One is the right, the other is the expediency of exercising that right if it exists. To my mind the objection on the second score is quite as strong as that on the first, but I should be entirely willing, when the Senate is in Committee of the Whole, to frame some provision which would assert that principle. I think the phraseology first suggested by the Senator from Missouri might sound somewhat like a threat to foreign countries, but to inserting a clean-cut statement in this bill that we do not exempt those boats from tolls because of a decision on the question of our right to do it I should have no objection. Indeed, I would not make any objection to taking the matter to The Hague for a decision.

Mr. SMITH of Georgia. Mr. President, I desire to occupy the time of the Senate very briefly on the subject which is now being considered. We have a proposition which comes from the House to exempt coastwise vessels from the payment of tolls. We have the proposition which comes from the Senate committee to exempt all American vessels from tolls. The motion of the Senator from Ohio [Mr. BURTON], to strike out the House provision, of course means that no vessels are to pass through the canal without paying tolls.

I have no trouble in reaching a conclusion with reference to the committee amendment. To me it is perfectly clear that it should be rejected. I have a good deal more trouble about the House provision, and I shall offer two amendments to it a little later on, and then with doubt I will vote for it.

No one believes in more sacredly observing a treaty made by our country with any other country than I do. If men can only maintain their standing by living up to their words, surely nations can not commend themselves when they disregard their agreements. If honesty is the best policy between men, it is equally not only right but the best policy between nations.

If we broke a treaty with Great Britain with reference to this canal, without going to The Hague, how easily and justly she could punish our commerce. Do not vessels of the United States pass out to the ocean from our Great Lakes through a British canal without tolls by a treaty agreement? I have not had time to refer to the treaty with reference to the canal around Niagara Falls, but I am under the impression that it is under a treaty with Great Britain that our lake commerce passes out in our vessels to the river and to the ocean.

Mr. TOWNSEND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. SMITH of Georgia. Yes.

Mr. TOWNSEND. If the Senator will permit me, only a very small portion of our Lake traffic passes out through the canal. The Welland Canal can accommodate only vessels drawing 14 feet or less, and a very small portion of our Lake traffic goes out that way. It all goes out under a treaty entered into between Canada or Great Britain and the United States, simply affecting those two nations alone, whereby each grants to the other mutual advantages and privileges affecting lakes, locks, and canals, some of which are owned by Canada and some by the United States and some jointly.

Mr. SMITH of Georgia. But our privileges are by treaty, and we would not for a moment have those treaties broken. Our foreign commerce is built up by our treaties in many respects, and policy as well as honesty requires that we should live up to them.

I see no offense in the action of Great Britain in calling our attention to this treaty at this time. It is entirely proper that

if objection had been made under this treaty, at least a serious question could have been raised as to the fortifications placed upon the canal. At least, by silence consent was given. As we were about to take action that Great Britain intended to question, it was friendly rather than unfriendly to call the attention of the United States to her views upon this subject. I have no sympathy for the disposition which seeks an opportunity to make the eagle screech whenever our relations with a foreign country are involved.

Under the first paragraph of this treaty this subject has been discussed. It has been contended by some that because vessels of war are classed with vessels of commerce, and because, of course, the United States could not pay for her own vessels of war, therefore the clause does not mean that vessels owned by citizens of the United States passing through the canal shall be required to pay the same tolls as foreign vessels.

If this paragraph 1 was the only paragraph that bore on this subject, there would be a substantial basis for the argument, but when the treaty also refers to article 8 of the Clayton-Bulwer treaty, the language there expressly declaring that citizens of the United States owning vessels and citizens of Great Britain owning vessels should pass their vessels through the canal with the same tolls, bringing that paragraph into this treaty to help us find out what it means, there certainly is a serious question involved. In article 2 we find the declaration that the rights of ownership, of construction, belong to the United States, and that clearly preserves to the United States the right as to our own war vessels. But the fact that the way in which these two terms, "vessels of commerce" and "vessels of war," are used, and the fact that vessels of war belonging to the United States are not required to pay tolls, justifies the further thought that where the relation of a vessel involved takes it out of the class of vessels in which British subjects are interested, then we may well contend, as with reference to the vessels of war, that such a vessel was not intended to be covered by section 1 of article 3.

I think we may justly insist, I doubt whether it would be successfully controverted, that so far as our coastwise vessels are concerned this treaty does not apply to them. Indeed, in the communication from the Attorney General embodying the views brought to our attention by Great Britain it is stated that upon that subject with proper regulations it is probable that no question by Great Britain would be made. Now, fortifying that view, one that we can logically deduce from article 3, section 1, and the attitude of Great Britain upon it with the decision of the Supreme Court of the United States in the Galveston case, in which they held in effect that language of this kind was not applicable to coastwise vessels, that it was no discrimination under language practically similar to the language found in this treaty to extend privileges to coastwise vessels that were not extended to foreign vessels, we can sustain the provision freeing coastwise vessels from tolls.

That decision squarely sustains the position that the treaty does not apply to coastwise vessels.

I do not express an opinion as to its application to foreign vessels, but if I were engaged in the practice and were about to be employed on one of two sides I would vastly prefer to help the side that it does apply to American vessels engaged in foreign trade. I think, however, we are justified in the conclusion, especially in view of the further fact that nearly every nation handles its coastwise business exclusively in vessels of its own, that this treaty did not mean to apply to coastwise vessels. The language used expresses no discrimination as to nations; it expresses no discrimination as to English vessels or French vessels or German vessels; it simply declares that the coastwise vessels may pass through the canal free. Our statutes, like the laws of most other countries, limit the coastwise trade to American vessels. I think we can safely rely upon this decision and the construction to justify the conclusion that we do not invade the terms of the treaty if we permit coastwise vessels to pass through the canal free. I apprehend that no possible question would be raised upon it, unless it were that the effect under the treaty would be to give coastwise vessels of Canada and British America the same privilege.

The two amendments which I desire to propose are, first, in line 13, page 6, after the word "engaged," to insert the word "exclusively," so that it would read:

No tolls shall be levied upon vessels engaged exclusively in the coastwise trade of the United States.

Then I would be glad to see the following amendment added, at the close of this paragraph:

Except the actual cost to the Government of the United States of such passage; and the owners of the vessels accepting this privilege shall relieve the Government of the United States from all liability for claims of damages to vessels, their cargoes, their crews or passengers, incident to such passage.

I now offer those two amendments, Mr. President.

The PRESIDENT pro tempore. The Senator will send the amendments to the desk.

Mr. SMITH of Georgia. The word "exclusively" inserted after the word "engaged" perhaps does not change the present meaning of those lines, but it relieves them of any doubt of construction. It now reads:

No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

By adding the word "exclusively" we shall have it read:

Engaged exclusively in the coastwise trade.

That is the first amendment I offer.

The PRESIDENT pro tempore. The Secretary will state the first amendment offered by the Senator from Georgia.

The SECRETARY. On page 6, line 13, after the word "engaged," it is proposed to insert the word "exclusively," so that if amended it will read:

No tolls shall be levied upon vessels engaged exclusively in the coastwise trade of the United States.

The PRESIDENT pro tempore. The question is on the adoption of the amendment just read. [Putting the question.] The Chair is in doubt.

Mr. SMITH of Georgia. I call for a division.

The amendment was agreed to; there being on a division—ayes 32, noes 16.

The PRESIDENT pro tempore. The next amendment proposed by the Senator from Georgia will be stated.

Mr. SMITH of Georgia. On page 6, in line 14, after the words "United States," I propose the amendment which I send to the desk.

The SECRETARY. On page 6, after the words "United States," in line 14, it is proposed to insert:

Except the actual cost to the Government of the United States of such passage; and the owners of the vessels accepting this privilege shall relieve the Government of the United States from all liability for claims of damages to vessels, their cargoes, their crews or passengers, incident to such passage.

Mr. BRISTOW. Let that amendment be again reported, Mr. President. I did not understand it.

Mr. SMITH of Georgia. Now I should like to have the Secretary read the clause as it will stand if amended.

The PRESIDENT pro tempore. The Secretary will read the clause as it would stand if the amendment proposed by the Senator from Georgia should be adopted.

The Secretary read as follows:

No tolls shall be levied upon vessels engaged exclusively in the coastwise trade of the United States, except the actual cost to the Government of the United States of such passage; and the owners of the vessels accepting this privilege shall relieve the Government of the United States from all liability for claims of damages to vessels, their cargoes, their crews or passengers, incident to such passage.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment just read.

Mr. BRISTOW. That amendment would destroy the whole business. It is not free ships, but it is putting upon the coastwise trade an indefinite expense; it might be a dollar a ton, or it might be $2. That is what it means.

Mr. SMITH of Georgia. Mr. President, it simply lets each vessel as it goes through the canal make no contribution toward the great expense the Government has had in building the canal or for interest on that cost, but barely the cost of the immediate passage.

Mr. BRISTOW. Will the Senator from Georgia please state what the cost of "the immediate passage" would be?

Mr. SMITH of Georgia. Certainly, I can not state that; but it has been estimated that the cost of operating the canal will be three and a half million dollars a year. The actual cost of one particular passage of course would be somewhat proportioned to the amount of business.

Mr. BRISTOW. If there were one vessel it would be three and a half million dollars, and if there were a million vessels it would be three dollars and a half.

Mr. SMITH of Georgia. Not necessarily so. No; I do not think so. I think it would be under proper regulations and proper investigations, and it would be determined how much the actual expense of each passage through the canal would be. Of course there would be not the expense incident to the ordinary maintenance of the canal, but it would be the particular expense of the passage of the vessel through the canal.

Mr. SMOOT. I should like to ask the Senator at what time would that expense be ascertained?

Mr. SMITH of Georgia. At the time the canal was opened the Government could easily estimate, and by regulation fix, as a result of its investigation, in advance what the cost of transporting a vessel of a certain tonnage through the canal would be.

Mr. SMOOT. I think that would be absolutely impracticable, Mr. President.

Mr. O'GORMAN. Mr. President, to adopt the proposed amendment of the Senator from Georgia is to work a discrimination against American ships engaged in the coastwise trade. It seems to be generally recognized that all foreign governments will do with respect to the Panama Canal what they are doing at the present time with respect to the Suez Canal. They are defraying the tolls paid by their ships as they go through the Suez Canal, and they will do the same with respect to their ships when they go through the Panama Canal. The result will be that every foreign ship will be reimbursed for every dollar in toll it pays to the United States Government, but American ships engaged in the coastwise trade will be subjected to the indefinite charge embraced in the proposed amendment. If the purpose of the amendment is to work equality among all ships, it fails, because it subjects the American coastwise vessel to an inequality which will not bear on any foreign ship using the canal. I hope the amendment will be defeated.

Mr. SMITH of Georgia. Mr. President, with the consent of the Senate, I will strike out the first part of the last amendment and leave simply the portion which requires the vessel going through free to relieve the United States Government from any claim of damage as an incident of going through.

The PRESIDENT pro tempore. The Secretary will state the amendment as modified by the Senator from Georgia.

The SECRETARY. After the word "States," on page 6, line 14, it is proposed to add:

> The owners of vessels accepting this privilege shall relieve the Government of the United States from all liability for claims of damages to vessels, their cargoes, their crews, or passengers incident to such passage.

Mr. GALLINGER. Mr. President, that leaves the same discrimination in a lesser degree to which the Senator from New York [Mr. O'GORMAN] so aptly called attention. Foreign ships will have their tolls paid by their governments. That is being done to-day, as the Senator suggests, in the case of the Suez Canal, and we have reason to know that it is being discussed now by foreign governments so far as the Panama Canal is concerned. If a foreign ship gets damaged, it will have a claim, while if an American ship gets damaged, the owners will not have any claim.

Mr. BAILEY. That will be because they do not pay anything for using the canal; and if they have free passage they ought not to have a claim for damage.

Mr. GALLINGER. Neither will the foreign ship pay anything.

Mr. BAILEY. The foreign government will pay it back; but still the Government of the United States will collect it.

Mr. GALLINGER. Very well, Mr. President, it makes a discrimination against the American ship, and I do not believe the Senate of the United States is going to vote for an amendment of that kind. I think we went far enough in the previous amendment, when we discriminated against our 8 or 10 struggling ships in the over-seas trade—and probably not half of that number would ever go through the Panama Canal, because 4 of them are to-day crossing the North Atlantic, and at least 3 of them are in the far-eastern trade, going to Australasia—when we discriminated against those I think we went far enough, and I think we had better now treat with some consideration our coastwise shipping.

Mr. REED. Mr. President, the people of the United States have constructed the Panama Canal at an enormous expense. I think at the time it was not contemplated that anyone would ask the enjoyment of the use of the canal free of charge, but a sentiment has grown up in favor of permitting the vessels of the United States to use the canal free of toll. Now, it is asked, if they do use the canal free of toll, they shall not levy upon our Government any charges for injuries which happen by reason of accident. The Senator who has just taken his seat objects that that is unfair to American vessels; that we ought to bear all the enormous expense of building the canal, pay the interest upon the investment and cost of maintenance and operation, let the vessels go through free, and, in addition to that, we ought to assume all the risk. I suggest now that it would be in order for us to pay a premium to vessels in addition to that, and I have no doubt the Senator from New Hampshire would vote for such a provision.

Mr. GALLINGER. Mr. President, I would vote for any provision that would give our ships in the foreign trade equal opportunities with those of foreign nations; and that is what the Senator from Missouri would not do.

Mr. REED. Mr. President, I know the Senator from New Hampshire would vote to give our ships equal opportunity with foreign ships. I have no doubt he would vote to permit our ships to engage in the organization of monopolies and pools, as foreign ships do. I have no doubt he would be willing to tax the people of the United States and turn large portions of the money over to the shipowners of the eastern coast.

I did not expect in any manner to change the views of the Senator from New Hampshire; but I submit that, when this Government furnishes a canal free of charge, it requires considerable temerity to ask it also to assume all the risks of transporting ships through the canal.

So far as the argument is concerned, that we must put our ships on an equality with foreign ships, I have this to say: If the governments of other countries see fit to burden their people with taxation and pay those taxes over to ships that are, according to the best evidence, controlled by great pools and monopolies, fixing exorbitant charges, then that will be for the people of those countries to endure or to escape from as best they may; but, so far as I am concerned, if this Government builds a four hundred million dollar canal and maintains it free of charge to the ships of our country, I do not propose to assist in taxing the people to further benefit those ships.

Mr. GALLINGER. I have no disposition to prolong this discussion, Mr. President. I expected the Senator from Missouri would charge me with being in favor of combinations which put money in the pockets of shipowners. That is the usual language of certain men in public life and of certain newspapers. I call the attention of the Senator to the fact that these foreign shipowners, if they are in pools and combinations, are oppressing our people as well as their own people. We are paying foreign ships to-day $300,000,000 a year to transport our goods and our passengers across the ocean, and we are at a disadvantage to such an extent that our over-seas trade is practically blotted from the oceans of the world.

Mr. President, a great deal of discussion has been had as to the manner in which Great Britain manages these affairs. We entered into an agreement with Great Britain, and I think about 30 other nations of the world, that we should have reciprocal conditions on the ocean. To-day we can not restore the ancient and time-honored method of preferential duties, because we have a commercial treaty with 30 nations that forbids the doing of it. Yet the moment we entered into that reciprocal relation with other nations those Governments subsidized their ships and absolutely destroyed the efficacy of that agreement that we had made with them; so that we are to-day in competition with the other nations of the world with ships that get no help from our Government, while the other Governments are paying enormous tribute to their ships, and the result is that we have 8 or 10 ships. This great Nation is represented by only 8 or 10 ships engaged in the over-seas trade to-day, and we are carrying 8 or 9 per cent of our products to foreign countries and 8 or 9 per cent of our passengers.

Mr. REED. Mr. President, will the Senator pardon a question?

Mr. GALLINGER. Certainly.

Mr. REED. Does the Senator attribute the disappearance of the American merchant marine to subsidies paid by foreign governments?

Mr. GALLINGER. Very largely.

Mr. REED. Is it not a fact that our merchant marine disappeared before the custom of paying subsidies had come in vogue to any extent?

Mr. GALLINGER. Not at all. They paid subsidies as far back as 1830. Our merchant marine did disappear, to a very considerable extent, because of the Civil War.

Mr. REED. I am not speaking of an occasional subsidy, but of the general policy. Is it not a fact that our merchant marine had dwindled before the policy of paying subsidies became general?

Mr. GALLINGER. Mr. President, it goes without saying that if foreign governments pay subsidies to their steamships, and we do not assist our ships at all, and our laws require that to navigate our ships we must expend more money than foreign nations spend in navigating their ships, we can not compete with them. And so, I say, if we are going to have any merchant marine—and I have no apologies to make for the position I take on this subject—if we are going to have any foreign merchant marine, the United States Government must deal with it much more generously than it has done in the past, because we can not compete with Germany or England or Japan or France in a contest where those Governments are behind their merchant marine, giving them all kinds of assistance, while the moment we mention the subject of rendering any assistance to our merchant marine we are subjected to the cry of plundering the people to help shipbuilders and of advocating subsidies that are not in accordance with our principles of government.

Mr. President, at some future time we can perhaps discuss this question more at length. I did not intend to excite the Senator from Missouri [Mr. REED] to make the kind of a retort he made. I think we can discuss this Panama Canal question without acrimony and without charging upon one another purposes that are not entertained by those against whom the charge is made. I have no disposition to plunder the people, to establish monopolies either in shipbuilding or in the sailing of ships; but I have a great interest in trying to do something to rehabilitate the merchant marine of this country, which to-day is in a condition that is an absolute disgrace to the people of the United States.

Mr. REED. Mr. President, I meant no more by my statement than to attempt to adopt what I understood to be the language of the Senator. He proposed to put American ships upon an equality with foreign ships, and he followed that by the statement in regard to the subsidies; and I intended to extend it further, to cover the question of pools and combinations which we know exist. I did not intend to charge the Senator with anything more than I understood to be implied by his own words, and I stated it in as forcible a way as I could.

Mr. GALLINGER. There is one thing certain, Mr. President; there is no combination of American ships engaged in the foreign trade, because we have not ships enough to combine; and if combinations exist, as I apprehend they do, and as it has been well proven they do, those combinations are composed of foreign ships and foreign shipowners, to whom we are paying tribute to the extent of $300,000,000 a year to support them.

Mr. STONE. Mr. President, if the Senator from New Hampshire will permit me, I think my colleague [Mr. REED] is somewhat justified in making the protest he has made, because the Senator from New Hampshire [Mr. GALLINGER] and the senior Senator from Massachusetts [Mr. LODGE]—at least those two—and perhaps other Senators, have several times during this debate, with much eloquence and energy, exploited the efforts that they have made for years, without success, to rehabilitate the American merchant marine. I have heard them say they have struggled to do this and that they have almost given up the task in despair, going so far, by one expression or another, as to leave the impression, and perhaps intending to convey the impression, that their colleagues on this side of the Chamber were obstructing the patriotic efforts they were making. I think in the face of that statement, oft repeated in the last few days, something might well be said by way of protest, although I join with the Senator from New Hampshire [Mr. GALLINGER] in saying that this is not an opportune occasion to enter upon that particular discussion. Undoubtedly the Senator from New Hampshire and the Senator from Massachusetts, and other distinguished Senators upon that side, have labored with great assiduity and sincerity and earnestness to revive our drooping merchant marine, and have labored without success; but there are those of us who believe that their failure is not due to any lack of energy, but to the line upon which they were proceeding.

Mr. President, we will never succeed in reviving the American merchant marine by the granting of subsidies out of the Public Treasury. There are so many who believe that, not only upon this side but upon the other side, that I am persuaded legislation of that kind will not be enacted. And if I am mistaken about that, I still adhere to the opinion that the legislation, if enacted, will fail in accomplishing what is desired and expected.

Mr. President, there are at least two things that, more than any other, have brought about this unhappy condition, and those two things still stand in the way of a revival of our lagging and almost moribund maritime conditions. It costs much more under our laws to put a ship afloat under American register and under the American flag than it costs a competitor in Europe, for example, to put a like ship afloat, and it costs more under our industrial and labor conditions to operate our ships than it does to operate like European ships.

I think we should start with a law providing for free ships, at least for over-sea traffic, and work out our problem from that basis. The question of subsidy is a question that must be delayed, if intelligently considered, until in the development of a wise policy we have reached a point where it should be considered.

Mr. GALLINGER. Mr. President, I have had no purpose at any time to question the sincerity of any Senator on the other side of the Chamber in any position that has been taken on any bill that I have advocated during my term of service that was intended to do something toward rehabilitating the American merchant marine.

There has been a difference of opinion—I concede there has been an honest difference—but up to the present time no Senator on the other side that I can recall has presented a bill which represented the views of our Democratic friends on that question.

Now, Mr. President, the Senator says that he thinks the problem can be solved by our adopting the free-ship plan.

Mr. STONE. Not alone.

Mr. GALLINGER. That simply means that we purchase our ships abroad; that foreign labor is expended on them; that we take that labor from our American shipyards, if we have any ships to be built here, and that we admit that we are incapable of competing with the nations of the world in this great industry.

I do not think it costs much more to build a ship in an American shipyard to-day than it does in a foreign shipyard. It costs a little more to navigate it—quite a little. There is no question about that. And unless we do assist the shipping interest in some way, of course, we will never be able to make any substantial progress.

The last bill I advocated was not a subsidy bill. It was a bill extending the provisions of the act of 1901 for ocean mail pay to some extent; and we have reason to believe that if that bill had passed we would have had a very great revival of American shipbuilding and ship navigating. But every Democratic Senator voted against it, and some Republicans, and it failed. I did then feel that there was not any use in undertaking at present at least to get any legislation along that line.

Now, I hope that some Democratic Senator—the Senator from Missouri, for instance—will formulate a bill that, in his judgment, will accomplish the result which all of us are desirous of bringing about.

Mr. STONE. If the Senator pleases, a bill has been introduced in the House——

Mr. GALLINGER. Yes.

Mr. STONE. And, I think, favorably reported. I am not sure but that it has been passed.

Mr. GALLINGER. No; it never has been passed.

Mr. STONE. If it has been passed, it is in the Committee on Commerce.

Mr. GALLINGER. Not in this body.

But, Mr. President, as I suggested, and to that the Senator agrees, this is not the time to discuss that subject. My only offense was that I suggested that I thought, in view of the fact that foreign Governments are paying the tolls on their ships through the Suez Canal and they intend to pay them through the Panama Canal—there is no doubt about that—we ought not to place any burden upon our own coastwise ships, even to the extent of forcing them to exempt the Government from responsibility for any loss which such vessels might sustain in being damaged in going through the canal. The damage might be the result of gross negligence on the part of the men operating the canal, and I do not think really that if a ship of our coastwise trade were destroyed through gross negligence the owners of the ship ought to lose that large amount of money, while if a foreign ship were so damaged it could make a demand and be reimbursed. That is the only offense I committed, if it is an offense. It is an honest view that I hold. It may be not the view of the majority of the Senate. I am quite willing to have it submitted to the vote of the Senate, and I shall cheerfully abide by the result, whatever it may be.

Mr. REED. Mr. President, before the Senator from New Hampshire takes his seat I want to say, by preliminary, that I think the Senator has committed no offense. We have our opposing views, and we have been told from the other side with great frankness, as was said by my colleague not once but many times in the last two days, that we over here are engaged in an attempt to destroy the shipping industry of the United States.

The Senator is entitled to his views, and I say again that all I have sought to do was to turn in a little different form what I had understood to be the expression of his opinion. But I am interested in what the Senator has said about our ability to construct ships practically as cheaply in this country as in foreign countries. If that is true, the question, of course, arises why they are not constructed here.

But the thing that principally interested me was this: A few weeks ago a bill was brought before the Commerce Committee which proposed to authorize a company to purchase a foreign-built ship and register it here. The use to which the ship was to be put was that American goods and American wares of various kinds were to be transported by it to the ports of South America and there displayed. It was an advertising proposition, the gentlemen intending to advertise the various States and their products, and they did not want to do it under a foreign flag.

They therefore asked the privilege of registering this ship. That bill came before the Commerce Committee. When it did come before the Commerce Committee these gentlemen stated they could buy a foreign-built ship for about 60 per cent of the price they would be obliged to pay for an American-built ship. There appeared before the committee a representative of Cramp's shipyards protesting against the passage of the bill, declaring that it was unjust to them to permit the purchase of a foreign-built ship, because foreign-built ships could be constructed with foreign labor cheaper than American ships. There also appeared a representative of the American steamship line plying between this country and Honolulu, who protested that it would be unjust to him, because he or his company had been compelled to buy American ships at a vastly greater price than they would have been obliged to pay for foreign-built ships.

Now, if it be true that American shipyards can construct vessels as cheaply as they are constructed abroad, then the facts were misrepresented to us by this American shipbuilder.

Mr. GALLINGER. Mr. President, I did not mean to say, and I think I did not say, that they could be constructed as cheaply, but approximately so. I will say to the Senator that if we were on equal terms, so far as shipbuilding is concerned—that is, if we could standardize our ships as they standardize them in Germany and in England, building 8 or 10 of the same type at the same time—in my opinion we would build our ships very nearly as cheaply, if not as cheaply, as they are built abroad. But the trouble is that we are to-day not building any ships for the foreign trade. If we have an order it is for one ship, and it costs much more to build one ship than it costs to build 6 or 12 of the same type where they are standardized and every economy is practiced.

I do not think we can build our ships quite as cheaply here now as they can abroad, but I think if we ever get around to rehabilitating our merchant marine so that we will have ships to build in numbers, we will be able to compete with foreign countries in the matter of shipbuilding. That is my individual opinion.

Mr. REED. I desire to send to the desk an amendment which I intend to propose to-morrow. I ask that it be printed.

The PRESIDENT pro tempore. Without objection, it will be printed.

Mr. NEWLANDS. Mr. President, I voted for the first amendment offered by the Senator from Georgia, which wrote the word "exclusively" in this proposed law and confined free tolls entirely to ships that were exclusively engaged in the coastwise trade. I am opposed to the second amendment which he proposes, to fasten upon such ships an obligation or a condition that is not imposed upon ships that pay tolls.

I am opposed to that for two reasons. One is that if we are to make these ships free we should make them free and not impose conditions upon the ships that are not imposed upon ships that are not engaged in the coastwise trade. The other is that by compelling the ships engaged in the coastwise trade to relieve the Government from any liability for accident or negligence we practically by that course fix the obligation of the Government to respond to damages suffered by ships that pay tolls.

Now, I am not prepared to write in the statute book to-day an obligation that the Government is to assume toward ships that pay toll with reference to accidents or negligence. I am not prepared to say that the Government ought to be responsible in any case; and if we compel ships engaged in the coastwise trade to free the Government from a certain liability, we, by inference, declare that the Government is subject to that liability as to ships that pay tolls. If we are to have legislation upon that matter, the legislation should be very carefully thought out and considered.

My view is that we should either impose tolls or we should not impose them upon ships engaged in the coastwise trade; and that if we conclude to free them from tolls, we should enforce from them no obligation to relieve the Government of certain liabilities.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. SMITH].

Mr. STONE. I should like to have the amendment read.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. On page 6, line 14, after the words "United States," insert the following:

The owners of the vessels accepting this privilege shall relieve the Government of the United States from all liability for claims of damages to vessels, their cargoes, their crew, or passengers incident to such passage.

The PRESIDENT pro tempore. The question is on the adoption of the amendment just read.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is upon the motion of the Senator from Ohio [Mr. BURTON] to strike out the words as they have been amended by the insertion of the word "exclusively." The Secretary will read the clause which it is proposed to strike out.

The SECRETARY. On page 6, lines 13 and 14, strike out the words:

No tolls shall be levied upon vessels engaged exclusively in the coastwise trade of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment which has just been read.

Mr. STONE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SIMMONS. Is that to strike out the word "exclusively," or all the sentence?

The PRESIDENT pro tempore. It is to strike out the entire sentence.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. Is it not in order before that to offer an amendment to amend the section before the proposition to strike out is considered?

The PRESIDENT pro tempore. It is.

Mr. WILLIAMS. That being the case, I offer an amendment left for me to offer by my colleague [Mr. PERCY], a member of the committee. I ask for the reading of it and the consideration of it now.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. After the word "United States," in line 14, page 6, insert:

Vessels owned exclusively by American citizens and not built within the United States shall be entitled to registry and the benefits thereof, and to the protection of and be subject to the navigation laws of the United States as long as such vessels are engaged in the transportation of merchandise and passengers through the canal, and such vessels so engaged in such transportation shall be entitled to engage in the coastwise trade while en route to or from the canal.

Mr. WILLIAMS. Mr. President, just one word to explain the amendment so that it will be clearly understood. It merely provides that vessels owned by American citizens, even though not built in America, shall be entitled to American registration, to the protection of our navigation laws, and to engage in the coastwise trade.

I hope the amendment may receive the approbation of the Senate and may pass.

Mr. GALLINGER. Mr. President, we have heretofore had it argued that we ought to have free ships in our over-seas trade, but now we are to have free ships in our coastwise trade, if this amendment is adopted. I hope it will not be adopted.

Mr. WILLIAMS. But a moment ago the Senator from New Hampshire suggested that if any Senator on this side of the Chamber had any proposition to offer as a result of the enactment of which the American merchant marine would be stimulated and increased and American business carried in American ships could be stimulated and increased he would like to hear from them. Now, then, it has struck my colleague—and his idea meets with my approval at any rate—that we could not adopt any better measure to make the American flag fly over American shipping than by permitting American citizens to buy the ships wherever they could, and let them engage in the coastwise trade, and, as they are entitled to the protection of the navigation laws under this amendment and to American registry, they could also engage in any other trade that they chose and fly the American flag.

There are those of us who want to encourage the American merchant marine, and then there are those of us, speaking of the entire Senate, who do not want to encourage the American merchant marine unless they can enrich by the monopoly of American shipbuilding the shipbuilders of this country. What we want to do is to get an American merchant marine, owned and operated by Americans.

The Senator but a moment ago said that, so far as the building of ships is concerned, the American shipbuilders can build a ship approximately at as low a cost as foreign shipbuilders. Later on he said that in order to make this cost still less a certain degree of standardization would be necessary, and all that. I have no doubt that American shipbuilders have sufficient brains to meet this competition fully as well as they are meeting any competition.

Mr. President, it must not be forgotten that the most highly protected industry in America is the American coastwise trade, and protected with it by the same monopoly is the American shipbuilder, because all foreign competition is excluded from the American coastwise trade, and all ships not built in American shipyards are excluded from the American coastwise trade. You have given to one a monopoly of the navigation, and you have given to the other a monopoly of building the ships floating the American flag. In other words, you are not operating

for the benefit of the American merchant marine; you are operating for the benefit of the American shipbuilder. If you really do want more ships flying the American flag and officered by American captains and manned by American sailors, the adoption of this amendment will help you procure that.

Mr. GALLINGER. Mr. President, I have not uttered a word that could be construed to mean that I think there is any need of enlarging the coastwise shipping of the United States. It is an absolutely protected industry, and our shipyards are abundantly able to manufacture the ships that are required in that trade.

Let this amendment be adopted, Mr. President, and American citizens can go all over the world and buy all the tramp steamers that are for sale, put them under our flag, compete with our American ships, and lessen the industry of shipbuilding in our American shipyards, where they are now producing ships for the coastwise trade.

Mr. WILLIAMS. In that connection I will ask the Senator this question.

Mr. GALLINGER. Certainly.

Mr. WILLIAMS. If it be not true that Great Britain admits to her coastwise trade all ships from any country?

Mr. GALLINGER. I think that is not quite correct. I think to a limited extent she does.

Mr. WILLIAMS. I think she makes no limitation, provided they merely comply with the regulations of the coastwise trade.

Mr. GALLINGER. But however that may be, I feel very sure, Mr. President, that when we have shipyards in the United States employing labor at a high price, which shipyards are fully equipped to manufacture the ships for our coastwise trade, we do not want to go out into the markets of the world and buy the tramp steamships, all the half-worn-out steamships of England, France, Germany, Sweden, and Norway, and put them in competition with our ships which are built in our own shipyards. I hope, Mr. President, that the amendment will not be agreed to.

Mr. BRANDEGEE. Mr. President, I make the point of order that the amendment is not now in order. The amendment of the Senator from Ohio [Mr. BURTON] is a complete amendment by itself, and the amendment proposed by the Senator from Mississippi [Mr. WILLIAMS] starts in after the language proposed to be stricken out by the Senator from Ohio, and has nothing to do with it.

Mr. GALLINGER. Let us vote on it.

The PRESIDENT pro tempore. The Chair is not prepared to say that it is not germane, and if the point is made under the rules of the Senate it will have to be submitted to the Senate and not decided by the Chair.

Mr. WILLIAMS. I think it has a tendency of perfecting the language.

Mr. BRANDEGEE. The claim I make is that it has nothing to do with the question of tolls, but it is a question of admitting foreign vessels to American registry and comes in at a point in the bill entirely separate from the amendment proposed by the Senator from Ohio.

The PRESIDENT pro tempore. The Senator from Mississippi offered it as an amendment to this sentence, and inquired of the Chair before offering it whether an amendment to that particular sentence was in order.

Mr. BRANDEGEE. But it does not amend the sentence. It is a new sentence. It proposes to add after the conclusion of the sentence some other language.

Mr. WILLIAMS. That is true, but it perfects the preceding language, according to the idea, if it is adopted; and it is my understanding that it is always in order to perfect a concept before you strike it out.

Mr. BRANDEGEE. I agree entirely to that.

Mr. WILLIAMS. Even if the amendment is to add to it instead of being a change of phraseology within it.

Mr. BRANDEGEE. I do not think it had anything to do with the concept about tolls. This question of tolls is separate.

Mr. WILLIAMS. It has a good deal to do with the concept——

Mr. BRANDEGEE. But I withdraw the point of order.

Mr. WILLIAMS. It has a good deal to do with the concept as to what constitutes coastwise vessels.

The PRESIDENT pro tempore. The Senator from Connecticut withdraws his point of order.

Mr. JONES. Mr. President, a parliamentary inquiry. If this amendment should be adopted and then if the amendment of the Senator from Ohio were adopted, would it strike it out?

The PRESIDENT pro tempore. It would strike it out also. The whole matter would go out.

Mr. JONES. I would not think so. It is an independent proposition.

The PRESIDENT pro tempore. It is offered as an amendment to the clause. The Chair repeats that as to whether it is a germane amendment is a question which, under the rules, if the point is raised, would have to be submitted to the Senate and is not to be decided by the Chair. That is the rule of the Senate.

The Senator from Connecticut has withdrawn the point of order and, therefore, there is no question for the Chair to decide in regard to that matter. The question is on the amendment offered by the Senator from Mississippi to the sentence which it is moved to strike out. [Putting the question.] The noes appear to have it.

Mr. WILLIAMS. I will ask for the yeas and nays on that.

The PRESIDENT pro tempore. Is the demand for the yeas and nays seconded?

Mr. WILLIAMS. Upon consultation with some of my colleagues it is thought better not to do it, and to dispatch business I will withdraw the call.

The PRESIDENT pro tempore. The demand for the yeas and nays is withdrawn. The noes have it and the amendment to the amendment is not adopted. The question is on the amendment offered by the Senator from Ohio [Mr. BURTON] to strike out the sentence which has been amended, upon which the yeas and nays have been ordered.

Mr. STONE. Mr. President, I desire to inquire whether at this stage, the yeas and nays having been ordered, that order can by unanimous consent be vacated and that a division instead of the yeas and nays be had upon this question. I will say, if the Chair will permit me, that with a view to expediting the business of the Senate it is thought that perhaps it would be better not to have a yea and nay vote, but that the question be taken by a division.

Mr. GALLINGER. Why not a viva voce vote first?

Mr. STONE. I ask unanimous consent to have the order for the yeas and nays vacated.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the order for the yeas and nays be vacated.

Mr. O'GORMAN. Mr. President, I think it very important that we should have the yeas and nays on this amendment, and I must withhold my consent to the request of the Senator from Missouri.

The PRESIDENT pro tempore. The Senator from New York objects. The question is on the amendment of the Senator from Ohio [Mr. BURTON] as amended. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and will vote. I vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON], who is not in the Chamber. I therefore withhold my vote. Were he present I should vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence I withhold my vote.

Mr. McCUMBER (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. PERCY]. If he were present he would vote "nay" and I should vote "yea." I am compelled to refrain from voting.

Mr. JONES (when Mr. POINDEXTER's name was called). I desire to announce that my colleague, if present, would vote "nay" on this question.

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH], but upon this question I have his written statement that if he were present he would vote "nay." As that is the way I desire to vote, I feel at liberty to vote and will do so. I vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the city. As stated by the junior Senator from Missouri [Mr. REED], he is paired with that Senator. If he were present, the Senator from Michigan would vote "nay."

Mr. SMITH of South Carolina. I have a pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "nay."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK], who is absent from the Chamber. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. WARREN (when his name was called). I announce my pair with the Senator from Louisiana [Mr. FOSTER].

The roll call was concluded.

Mr. DILLINGHAM. I transfer the general pair I have with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. LODGE. I desire to announce the following pairs: The Senator from Illinois [Mr. CULLOM] with the Senator from West Virginia [Mr. CHILTON]; the Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS]; the Senator from New Jersey [Mr. BRIGGS] with the Senator from West Virginia [Mr. WATSON]; and the Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE].

Mr. JOHNSON of Maine. I wish to announce that my colleague [Mr. GARDNER] is necessarily absent, and that if he were present, he would vote "nay."

Mr. BANKHEAD. I have a pair with the Senator from Idaho [Mr. HEYBURN] and therefore withhold my vote.

Mr. ASHURST. I have been requested to announce that the Senator from Montana [Mr. MYERS] is unavoidably detained from the Chamber and that he is paired with the Senator from Connecticut [Mr. MCLEAN].

The result was announced—yeas 11, nays 44, as follows:

YEAS—11.

Brandegee	Fall	Nelson	Root
Burton	Gronna	Oliver	Wetmore
Crane	Lodge	Penrose	

NAYS—44.

Ashurst	Cummins	Martine, N. J.	Simmons
Bacon	Dillingham	Massey	Smith, Ariz.
Borah	Fletcher	Newlands	Smith, Ga.
Bourne	Gallinger	O'Gorman	Smith, S. C.
Bristow	Johnson, Me.	Overman	Smoot
Bryan	Johnston, Ala.	Page	Stone
Burnham	Jones	Perkins	Swanson
Catron	Kenyon	Pomerene	Thornton
Chamberlain	Kern	Reed	Townsend
Clapp	La Follette	Sanders	Williams
Crawford	Martin, Va.	Shively	Works

NOT VOTING—39.

Bailey	Curtis	Hitchcock	Rayner
Bankhead	Davis	Lea	Richardson
Bradley	Dixon	Lippitt	Smith, Md.
Briggs	du Pont	McCumber	Smith, Mich.
Brown	Foster	McLean	Stephenson
Chilton	Gamble	Myers	Sutherland
Clark, Wyo.	Gardner	Owen	Tillman
Clarke, Ark.	Gore	Paynter	Warren
Culberson	Guggenheim	Percy	Watson
Cullom	Heyburn	Poindexter	

So Mr. BURTON'S amendment as amended was rejected.

Mr. WILLIAMS. As to the amendment which I offered a moment ago as an amendment to the amendment, I now wish to offer it as an amendment to the text of the bill at the appropriate place. It will be seen from the reading. I think it is on page 6, line 14.

Mr. STONE. Mr. President, while that is being looked up, I should like to ask the Senator from Connecticut if he expects to press this bill to a conclusion to-night?

Mr. BRANDEGEE. Mr. President, from the progress we have made and in the direction we are going, I have not the slightest idea we will get anywhere near a vote on the bill to-night.

Mr. CRAWFORD. I move that the Senate adjourn.

Mr. WILLIAMS. On that I call for a division.

The motion was agreed to, there being, on a division—ayes 26, noes 24; and (at 11 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 8, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August 7, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in heaven, that the way is always open for the betterment of life's conditions, but to turn to the right or to the left invites defeat while a straightforward movement toward the things which make for righteousness promises victory for the individual, for the race. Keep us, we beseech Thee, in the straight and narrow way which leads to life everlasting. In Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. MANN. Mr. Speaker, I notice from the reading of the Journal that it seems to say that the Speaker sustained the point of order yesterday made by the gentleman from Alabama [Mr. UNDERWOOD] in reference to the right to make a motion to adjourn, without stating what I understood to be the fact, that the Speaker sustained the point on the ground that the motion was dilatory, without passing upon the other question.

The SPEAKER. That is exactly correct.

Mr. MANN. I hope the Journal will be corrected in that regard.

The SPEAKER. The Chair will have that corrected. The Chair is glad that the gentleman from Illinois [Mr. MANN] brought the matter up. The gentleman from Alabama [Mr. UNDERWOOD] raised two points of order at once, or, although not exactly at once, he did get them both in at one time. The Chair intimated that he was going to sustain the first point of order, and the gentleman from Illinois said the Chair was wrong, whereupon the Chair invited him to produce his authorities, if any he had. But the gentleman from Alabama immediately raised the point of order that it was dilatory, and it was so clearly dilatory that the Chair ruled upon that point without passing upon the other one at all.

Then the Chair examined into the decisions and found this curious state of affairs—that the question had never been raised at all; that is, so far as Hinds' Precedents shows. But there is one decision there that looks as though whoever was in the Chair at the time would have held that the point of order made by the gentleman from Illinois was correct. That is as far as the authorities show.

Mr. MANN. Since the Chair has mentioned the subject, will the Chair permit me to say that this matter has been ruled upon several times since I have been a Member of Congress, and since the publication of Hinds' Precedents, and it was held that the motion was in order.

The SPEAKER. The Chair is glad to have the information. The practice has been that immediately after a quorum develops the Chair simply announces that a quorum has been developed and that the committee will resume its sitting. The philosophy of the thing seems to the Chair to be against the point of order raised by the gentleman from Illinois, although the Chair is not decided. But the Chair thinks the committee did not rise for the purpose of going back into the House, but it rose under the rule that the Chair thinks compelled the committee to rise. But the Chair will investigate that matter thoroughly before he rules on it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The message also announced that the Senate had still further insisted upon its amendments to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendments of the House to the amendments of the Senate numbered 2, 3, and 4, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 7012) to permit the construction of a subway and the maintenance of a railroad under the post-office building, at or near Park Place, in the city of New York.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 7195) to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday, and the call rests with the Committee on Patents.

TRANSPORTATION FOR CERTAIN AMERICAN CITIZENS IN MEXICO.

Mr. SMITH of Texas. Mr. Speaker, a great emergency exists for the immediate passage of Senate joint resolution 120, as amended by the House Committee on Military Affairs, and I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Texas [Mr. SMITH] asks unanimous consent to consider what he says is an emergency resolution. The Chair really does not know what is in it.

Mr. MANN. I ask, Mr. Speaker, that it be reported.

The SPEAKER. The Clerk will report the Senate joint resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 129) to provide transportation for American citizens fleeing from threatened danger in the Republic of Mexico.

Resolved, etc., That the Secretary of War be, and he hereby is, authorized and directed to furnish transportation from El Paso, Tex., to such place in the United States as each shall elect, those American citizens fleeing from the Republic of Mexico who are now or who may hereafter be temporarily supplied with shelter and sustenance, in whole or in part, by the Government of the United States in or near El Paso, Tex.

SEC. 2. That for the purpose of carrying out the provisions of this joint resolution the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the Secretary of War, upon vouchers to be approved by the commander of the United States forces at Fort Bliss, Tex.

Mr. SMITH of Texas. Mr. Speaker, I will ask that the Clerk report the House committee amendment.

The SPEAKER. The Clerk will report the House committee amendment.

The Clerk read as follows:

Strike out all of section 1 after the enacting clause and substitute the following:

"That until March 1, 1913, in the discretion of the Secretary of War, he is hereby authorized to furnish transportation, which shall not be negotiable or transferable, from places in the United States on or near the Mexican border to other places in the United States, to those American citizens who shall have fled or may hereafter flee from the Republic of Mexico who are now or who may hereafter be unable to pay for their own transportation."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate joint resolution as amended.

Mr. HAYDEN. I desire to offer an amendment to the amended resolution.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Arizona [Mr. HAYDEN].

The Clerk read as follows:

Amend by adding the following at the end of section 1 as amended:

"That subsistence and clothing shall also be furnished to said persons, in the discretion of the Secretary of War."

Mr. FITZGERALD. Mr. Speaker, I reserve a point of order on the amendment.

Mr. MANN. I reserve a point of order on that.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] reserves a point of order, and so does the gentleman from Illinois [Mr. MANN].

Mr. HAYDEN. Mr. Speaker, I offer this amendment, perhaps, through an excess of caution. I am aware that an appropriation has already been made for clothing and subsistence for American citizens who have fled from Mexico, but we do not know how long this Mexican revolution will last. Congress is soon to adjourn, and it seems to me that in the meantime, when Congress is not in session and no appropriations can be made, the Secretary of War ought to have ample funds with which to provide subsistence and clothing for the refugees who may hereafter come over from Mexico. For that purpose I offer my amendment.

Mr. MANN. Mr. Speaker, we provided the other day for subsistence, and the gentleman from Arizona knows—or, at least, he ought to know—that gentlemen on both sides have been working on this Senate joint resolution. Unanimous consent has just been given to consider it. Now the gentleman seeks to introduce another proposition. I do not think it is fair to the House. I make the point of order that it is not germane to a resolution providing for transportation to add one providing for subsistence.

The SPEAKER. The Chair sustains the point of order. The question is on the third reading of the Senate joint resolution.

Mr. MANN. There is an amendment to it, first.

The SPEAKER. No; the amendment has been agreed to; not this amendment, but the other amendment.

Mr. MANN. I thought this was offered as an amendment to the committee amendment.

The SPEAKER. No; this amendment of the gentleman from Arizona [Mr. HAYDEN] simply recited that it should be added to the other amendment. The question is on the third reading of the Senate joint resolution.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

By unanimous consent Mr. HAYDEN was given leave to extend his remarks in the RECORD.

INVESTIGATION OF THE PATENT OFFICE.

The SPEAKER. The Clerk will call the committees.

The Committee on Patents was called.

Mr. BULKLEY. Mr. Speaker, I am directed by the Committee on Patents to call up House joint resolution 337, requesting the President to cause an investigation of the Patent Office and make a report with recommendations to Congress.

The joint resolution was read, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, requested to cause the accountants and experts from official and private life now or hereafter employed in the inquiry into methods of transacting the public business of the Government in the several executive departments and other executive Government establishments, to investigate fully and carefully the administration of the Patent Office with a view of determining whether or not the present methods, personnel, equipment, and building of said office are adequate for the performance of its functions, taking into consideration the present character and volume of business, and also such increase in complexity or volume as may reasonably be expected in the future, and to ascertain and recommend specifically to Congress not later than December 10, 1912, what changes in law, what increases in appropriations, and what additional building accommodations may be necessary to enable the Patent Office to discharge its functions in a thoroughly efficient and economical manner, and to what extent any expenditures which may be recommended can be met by increases of Patent Office fees.

All expense incurred in carrying out the purposes of this resolution shall be paid out of any funds in the Treasury of the United States not otherwise appropriated, and the sum necessary for said purposes is hereby appropriated: *Provided*, That the total expense authorized by this resolution shall not exceed the sum of $10,000.

The SPEAKER. This resolution is on the Union Calendar.

Mr. BULKLEY. I ask unanimous consent that the joint resolution be considered in the House as in Committee of the Whole.

The SPEAKER. The Chair is of the opinion that that request is not allowed under the rule.

Mr. MANN. To save any question about it, I will object.

The SPEAKER. The rule seems to contemplate some kind of an exception; but bills called up from the Union Calendar shall be considered in Committee of the Whole House on the state of the Union.

Mr. BULKLEY. Mr. Speaker, pending the going into Committee of the Whole House on the state of the Union, I should like to ask the gentleman from Illinois whether we can make an agreement about time for general debate.

Mr. MANN. I do not think it is necessary at this time to make an agreement. We can not tell how much time will be required.

Mr. BULKLEY. Is the gentleman willing to limit general debate to half an hour?

Mr. FITZGERALD. I should object to that myself.

Mr. MANN. I suggest that we go into committee.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union and the gentleman from Illinois [Mr. GRAHAM] will take the chair.

The joint resolution was read.

Mr. BULKLEY. Mr. Chairman, this resolution is presented with the unanimous favorable report of the Committee on Patents. The reasons for its passage are so fully set out in the report presented by the committee that I hardly think it necessary to go over them in the debate. The resolution is not in any sense a muckraking resolution, and the investigation proposed is not a muckraking investigation. It is heartily approved by the Commissioner of Patents and the Secretary of the Interior. A letter from the Secretary of the Interior indorsing this resolution has been printed as a part of the committee report. The President and the chairman of the Economy and Efficiency Commission have both expressed the opinion that the commission could well devote itself to this study without seriously impairing any other duties which may be before it.

The resolution carries an appropriation of $10,000 to enable the commission to do this work. The detailed estimate of this sum has been set out in the letter from the chairman of the Economy Commission, and is embodied in the report of the committee. I want to be frank, and say that I think this work could be done whether this appropriation is carried in the resolution or not, because the Economy Commission already has $75,000 appropriated for its work; but if no appropriation is carried in this resolution, it will simply mean that the commission will do that much less work on some other subjects which are before it, and it might result in some impairment of the results that that commission would otherwise attain. I believe it is not desirable for the House to place itself in the position of in any way embarrassing the work of that commission or the program that they have laid down. I therefore hope that the appropriation will be agreed to, as well as the balance of the resolution.

Mr. Chairman, I reserve the balance of my time.

Mr. SABATH. Will the gentleman yield?

Mr. BULKLEY. Yes.

Mr. SABATH. What is the main reason for this resolution? What does it purport to do? Has not the Efficiency Commission now full power to investigate the various departments?

Mr. BULKLEY. The commission has power to investigate the executive departments, and would undoubtedly have power to make an investigation of the Patent Office. This resolution calls for a somewhat broader investigation than the commission would otherwise make in this respect. It asks for opinions as to whether the force of the Patent Office is sufficient to do its work, and whether the salaries paid in the Patent Office are sufficient to maintain the proper standard of efficiency among the employees. The Economy Commission informed me that they would not feel authorized under the existing law to go into such questions as that. Their scope would be merely confined to determining whether the force could be cut down in any way, or whether any of the processes could be shortened or done more cheaply. They would not feel authorized to consider the question whether it would be in the interest of the public service to increase salaries or to increase the force.

Another effect of this resolution is that it requires a report with constructive recommendations not later than December 10, and thereby requests the President to cause the commission to devote its attention to the subject at some time between now and December 10; whereas, if we passed no resolution, they might not consider it during that time, and it might be a number of months, or it might be beyond the end of this Congress, before the commission would get to the subject of the Patent Office in the absence of a specific request.

Mr. SABATH. And the committee are of the opinion that there should be an investigation as soon as possible?

Mr. BULKLEY. The committee would like to have a constructive report embodying recommendations as to what is necessary to bring the Patent Office up to date, and would like to have it in hand by the beginning of the short session, in order to base legislation upon it next winter.

Mr. SABATH. Has the committee any special reason for investigating any special department of the Patent Office as to its conduct in the way business is transacted; has it any special reason why this resolution is reported?

Mr. BULKLEY. If the gentleman will read the report of the committee, he will see that in the judgment of the Secretary of the Interior, as well as in the judgment of the committee, a great many patents are being issued which ought not to be issued. That is to say, patents issue on ideas that are not really patentable. The commissioner believes that the fault is due largely to the inadequate equipment and personnel of the office. He feels that with better salaries and a larger force he could practically eliminate the issuing of patents that ought not to be issued.

Mr. SABATH. So the commissioner himself is in favor of the resolution?

Mr. BULKLEY. Enthusiastically in favor of it.

Mr. SABATH. He admits that he is not able to cope with the situation?

Mr. BULKLEY. He says that the means at hand are not sufficient; that his force and quarters are not adequate to do the work as it should be done.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BULKLEY. Certainly.

Mr. FITZGERALD. Are the conditions in the Patent Office very bad?

Mr. BULKLEY. I believe they are, Mr. Chairman.

Mr. FITZGERALD. Why does not the President himself direct the experts he has had for the last two years, with $175,000, to go into this particular office if the conditions are so bad?

Mr. BULKLEY. I can not speak for the President as to why he has not directed the investigation hitherto, but I will say that I have discussed this matter with the President, and he believes that an investigation would be a desirable thing.

Mr. FITZGERALD. Why does not he direct it to be made? They have had $175,000, and the sundry civil bill will carry—because there is no dispute over it—$75,000 additional for this year, making $250,000 that the President has had at his disposal to make the investigation in the various offices and executive departments for the purpose of recommending measures that will result in economy. It is a somewhat unusual and anomalous thing for the House to be compelled to request the President to investigate one of the departments of the Government where the conditions are pointed out as so imperatively in need of investigation.

Mr. BULKLEY. Mr. Chairman, I can not say why the President has not hitherto directed such investigation. But that is no reason we should not have the investigation; on the contrary, all the more reason why we should direct it.

Mr. FITZGERALD. Have not the experts made some investigation of the Patent Office?

Mr. BULKLEY. I did not know that they had.

Mr. FITZGERALD. I am asking the gentleman.

Mr. BULKLEY. I think not, but I do not know positively. Mr. Chairman, I reserve the balance of my time.

Mr. UNDERWOOD. Will the gentleman yield me a few minutes?

Mr. BULKLEY. How much time does the gentleman wish?

Mr. UNDERWOOD. Ten minutes.

Mr. BUCKLEY. I yield 10 minutes to the gentleman from Alabama.

MESSAGE FROM THP SENATE.

The committee informally rose; and Mr. CULLOP having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CRAWFORD, Mr. JONES, and Mr. OVERMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 346. Joint resolution to correct an error in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved June 30, 1912; and

H. J. Res. 327. Joint resolution requesting the President of the United States to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene.

INVESTIGATION OF THE PATENT OFFICE.

The committee resumed its session.

Mr. UNDERWOOD. Mr. Chairman, I think the bill as presented by the Patent Committee is a very important bill, far more so than appears on the face of it. There is a great monopoly or great monopolies that are recognized by the Government of the United States. These monopolies are created under our patent law. They are engines that enable the owners of them to make vast sums of money, and they are often used not only as a means of oppression, but to stop the progressive development of business; and yet I am not here to say that I am opposed to giving to a man who finds a new idea or brings into life a new thought a patent on his new idea or thought. I think the policy of the Government that entitles him to a patent, that offers him the reward of having the exclusive right to make and sell the new invention for 17 years, is in the interest of progress; it is in the interest of development; it puts a premium on brains, and in the end is beneficial to the people.

But I do say that when we have a bureau organized for the express purpose of creating a monopoly, that it is of the utmost importance that we shall have that bureau manned by competent men, and that the work that it does shall be both efficient and effective. Now, I do not think that is the case with the present Patent Office.

It is difficult, in the first place, for a man to get a patent. There is often delay after delay, and when he has got his patent papers, under the present régime, they often amount to nothing. He is compelled to go to the courts to establish his rights after the patent papers have been granted to him.

In the next place, a man can secure a patent for a very small fee. It often involves a great right and a great responsibility. Now, I believe that the Patent Office should be so arranged and the business done in such an efficient manner that when a man makes an invention and secures a patent that, in the first place, it shall be so carefully examined that on the face of it it is going to carry some weight and credit with it and not be a challenge to the courts to determine his rights; in the second place, I believe that only the most competent men should be engaged in that business. I know and you know that the experts that are engaged in the Patent Office, whenever they be-

come most efficient and most valuable to the service, are taken out in private employment.

The Patent Office is not a charge on the Government. It is one of the bureaus in the Government that is self-sustaining. The fees that are collected in the office pay for the running of the bureau. But they do not pay enough to enable salaries to be paid to the examiners to maintain and keep the best expert men to work for the people who desire to obtain a patent. In my judgment, the patent fees that are charged should be increased. The care with which an examination is made should be more than doubled, and sufficient salary paid out of these fees, not out of the Government Treasury, but out of the fees that are paid by men who want to obtain the patents, to get the very best experts there are, so that when a man pays for his patent he will have something that is of value to him in the first instance.

Mr. Chairman, I do not believe that this House can appoint a committee and send it to the Patent Office to examine the details of that office, to reorganize it on a proper business basis, to estimate what are fair fees and fair salaries to be paid, and accomplish the result desired. Up to this time the department itself has never been able to lay the information before Congress on which this Patent Office should be reorganized, and it is running under a system to-day that was maintained when it had a few hundred patents a year, in the early history of the Government. To-day it is a great business office, coming in contact every day with great business institutions of the country, and yet it has not been remodeled along modern business lines.

I have an earnest and sincere respect for Mr. Cleveland, who is the head of the Economy Commission appointed by the President. I believe he is an able man, a conscientious man, and a man that understands business details and the system of modern organization of a business department. This bill as reported from the committee proposes to authorize this Economy Commission to make a thorough, careful, and full investigation of this important bureau that is of so much value to the American people, to determine upon what lines it should be remodeled to bring it up to date, with modern methods, and to determine what salaries should be paid in order that efficient men may be maintained, and what additional fees should be charged for the issuing of patents in order that the burden of this work shall fall upon those who obtain the patents as well as the benefits of them, and not upon the Government. I think that is a good purpose. I think it will work out for the benefit of the people of the United States. It certainly will be of great benefit to Congress when the report is made. Since this bill was introduced I have talked myself with Mr. Cleveland. He tells me that to do the work and to do it efficiently and have his report ready at the next session of Congress, when it should be brought here, it will require the expenditure by him of $10,000.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. FITZGERALD. Why should he not spend that sum out of the money placed at the disposal of the President to do this other work?

Mr. UNDERWOOD. Mr. Chairman, he stated to me that the reason he could not do that was that the appropriation which had already been made of $75,000 would be required to do the work that the President had directed him to do, and more.

Mr. FITZGERALD. But some of it should not be done at all, and if the commission had directed its efforts along the lines originally contemplated, for the $250,000 they would have had, they would have done much more efficient work, and work that would have been more beneficial to Congress.

Mr. UNDERWOOD. That may be, but what I am stating is this: I am not interested in that. Possibly they are doing work under the direction of the President that it is not necessary for them to do, but the head of the commission states that to do the work the President has commanded him to do will take the money that Congress has appropriated, and of course he has to obey the orders of the President of the United States and has no discretion about it. This bill seeks to order him to do a new piece of work. It is not common sense that he can do the work without money. He must have clerks, and he must have an organization. I say that this work is too important for the country and for Congress for us to neglect it and let it go, with the chief of this economy board saying that he must obey the orders of the President and do other work with the $75,000 already appropriated, and that he can not do this work because he has not the money. I say that Congress can not afford to put itself in that position and take the chance of the work remaining undone for the sum of $10,000. [Applause.] I believe that Mr. Cleveland is an honest and upright man, a man of ability and capacity, and I believe the $10,000 will be well expended for the benefit of the American people, and will be of great benefit to this Congress to enable it to legislate efficiently on the most important proposition to your constituencies and to mine, and for that reason I shall support the bill. [Applause.]

Mr. BULKLEY. Mr. Chairman, I reserve the balance of my time.

Mr. FITZGERALD. Mr. Chairman, with much that the gentleman from Alabama [Mr. UNDERWOOD] has said I am in thorough accord. Everyone is familiar with the policy of the Government in issuing patents to protect to a limited degree the exclusive right in the inventor to matters which he invents so as to stimulate the inventive genius of the race. That has been the history of nearly every civilized country; but this Patent Office and the information about it is not a myth, nor is it very mysterious. There is sufficient information now before Congress to let it know, at least, one cause of the inefficiency of the bureau. The Commissioner of Patents himself testified this year that between 30 and 40 of the employees of the office, most of them among the highest-priced employees in the office, are so inefficient, or their efficiency has been so impaired, that it very materially interferes with the proper conduct of the office. He says that their efficiency has been impaired to from 25 to 50 per cent and that that number in the office were not up to the required standard. Naturally, any office with such a condition existing can not do the class of work that is required of it.

But, Mr. Chairman, I am not interested so much in that phase of the matter. In the first place, I do not believe that appropriations for the maintenance of any office of the Government should be measured at all by the revenue-producing capacity of the office. It is immaterial to me whether the revenue of the Patent Office shows a profit or a deficit. The important thing is to make such appropriations as will enable the office to be properly conducted. It is a mistaken theory that our Government or any branch of it should be conducted in such a manner that it shall be regarded as the conduct of some business establishment, and that the services rendered in the transaction of the public business should be compensated at such rates as will pay for the maintenance of the office. It happens that in the Patent Office, because of the very large number of claims filed, the income of the office is in the neighborhood of some $2,019,388, in 1911, leaving a net surplus of $65,000 over and above the total expenses for maintaining the bureau. I have never thought it made any difference whether the revenue from the Patent Office exceeded or did not reach the amount appropriated. What it is important to do is to appropriate what is necessary to carry on the office efficiently.

When the Commissioner of Patents recommends from time to time, as he does, some additions to his force, then naturally Congress is reluctant to furnish additional employees when the commissioner confesses that he is retaining between 30 and 40 employees whose efficiency is impaired from 25 to 50 per cent. There is no logical reason for such management of such an office and there can be little or no excuse for the maintenance of such a condition in it.

Mr. LAFFERTY. Will the gentleman yield for a question?

Mr. FITZGERALD. I will.

Mr. LAFFERTY. What is the cause of the impairment of the efficiency of the clerks, or did the commissioner explain?

Mr. FITZGERALD. Superannuation.

Mr. LAFFERTY. Old age?

Mr. FITZGERALD. To some extent.

Mr. LAFFERTY. But the commissioner was powerless to get rid of these clerks under the present law, was he not?

Mr. FITZGERALD. No; in fact he is required under the law to remedy the situation but does not; but, Mr. Chairman, that is apart from this resolution——

Mr. BULKLEY. If the gentleman will permit, are not the conditions which the gentleman has just outlined in themselves a very good reason for the investigation of this bureau through some outside source other than by the commissioner himself?

Mr. FITZGERALD. Not at all; the remedy is one that does not need any investigation for this purpose. We have the admission of the head of the office himself, but that is not the objection I have to this particular resolution. I have no objection to a resolution requesting the President to utilize the experts for investigating this particular office, but I have considerable objection to the gentlemen employed by the President under authority given by Congress endeavoring in this way to supplement the appropriations made by Congress for this very purpose. Two years ago, Mr. Chairman, at the suggestion of the President he was given $100,000, for the following purpose:

To enable the President to continue, by the employment of accountants and experts from official and private life, such officials to receive no compensation beyond their official salaries—

That was subsequently put into the law when it was found that the money was being used to supplement the official salaries of some Government employees—

to more effectively inquire into the methods of transacting the public business of the Government in the several executive departments and other executive Government establishments, with the view of inaugurating new or changing old methods of transacting such public business so as to attain greater efficiency and economy therein, and to ascertain and recommend to Congress what changes in law may be necessary to carry into effect such results of his inquiry as can not be carried into effect by Executive action alone, and for each and every purpose necessary hereunder, including the employment of personal services at Washington or elsewhere, etc.

For the last fiscal year $75,000, together with the unexpended balance of $100,000, was appropriated. During the present session of Congress these experts, this so-called Commission of Economy and Efficiency, were given three entire days before the Committee on Appropriations to present the statement of their accomplishments. Remarkable as it may seem one of the most important and imperative things the committee had to do was to regulate the organization of the so-called experts so as to prevent a continuation of an indefensibly top-heavy organization.

One commissioner was employed at a compensation of $10,000 a year; one was employed at a compensation of $40 a day, but not to exceed $6,000 in a year, and that was at the rate of $12,000 a year. Three others, if I recall correctly, were paid $6,000 each and the secretary was paid $5,000 or $6,000, so that out of an appropriation available for the last fiscal year of $130,000 to conduct the work they had an organization the executive feature of which alone was costing $40,000 a year. The committee recommending the expenditure for the current fiscal year was compelled to provide that not to exceed three experts employed under this provision should be paid at a rate in excess of $4,000 a year. Mr. Chairman, I can speak with the utmost freedom about these experts, because I think I can safely say that had it not been for my efforts they would not have been continued last year. I not only induced the committee to continue them last year, but I was instrumental in preventing some gentleman interposing a point of order to eliminate them from the bill when it was before the House. I was anxious for these gentlemen to accomplish something that would enable us to economize and reduce our expenditures and eliminate useless offices. Their conduct so far is in striking contrast with what happened in the Treasury Department. For the Treasury Department, covering a period of two or three years, the committee appropriated $160,000 to enable the Secretary of the Treasury to investigate and employ experts for the purpose of placing the Treasury Department upon a more efficient basis. Forty thousand dollars of the $160,000 was expended and changes were made in the organization of the department by which a saving of $500,000 annually has been effected. I should like some gentleman to point out any reform that it has been possible for Congress to enact at this session as a result of the expenditure of $175,000 for these so-called experts employed by the departments. I have searched for them, I have hunted for them, I have inquired for them; I do not know of a single one which those gentlemen originated which was of such a practical character that the Congress might afford to incorporate them into the law. There have been some reforms effected. Some of the reforms indorsed by these gentlemen were originated by Congress, many of them, years, 20 years ago, by the Dockery Commission, which continued for two years, and expended $40,000 and recommended and had enacted legislation which resulted in an annual saving of over $600,000 a year. I have not so much faith in the practicability of all of these gentlemen as I have in their integrity and good intentions. It somewhat amazed me and my colleagues on the committee were greatly staggered when we were informed that if it was desired to have this so-called Commission of Economy and Efficiency perform effective and substantial work during this fiscal year, to do that work in the manner in which it should be done for the benefit of Congress, that an appropriation of $500,000 would be necessary.

It would be necessary in a very brief time to appoint a commission to curtail their activities, if we were to permit them to conduct their operations in the manner suggested. After a most careful investigation, after having presented it in the fullest manner possible, after listening patiently to the gentleman who occupies the position of chairman of this committee for three days, commencing at 10 o'clock in the morning and running until 6 every day, without any division of opinion the Committee on Appropriations determined that $75,000, with the limitations placed around it, was all that Congress should place at the disposal of the President for the employment of these persons in the investigation of the various departments of the Government during the present fiscal year. The Senate did not make any change in the recommendation of the House, and that is what will be carried in the law.

The President can direct these experts to investigate the Patent Office, or the Pension Office, or any other office that he desires, or the House can pass this resolution directing the President to have the investigation of the Patent Office made out of the appropriation that is to be made. But I resent the suggestion that Congress has determined to give them insufficient money, and that in order to enable them to do what, perhaps, is the most imperative work to be done by them, it is necessary to give them $10,000 without any limitation whatever upon its expenditure or upon the payment for services to be rendered under it.

I have had some experience with these gentlemen. I believe that they mean well, but I do not admire some of their methods. One of the greatest difficulties that has been experienced has been to keep them off of Congress. They do not apparently have very much respect for Congress. Indeed, they have great contempt for the manner in which we do our business. We are archaic. We are behind the times. We do not know either the character of the information we want nor do we get it, according to the reports of these gentlemen.

They have investigated the budget systems of a number of foreign Governments which are of a character entirely different from that of the Government of the United States. They are suggesting and trying to engraft upon our system of government a budget fashioned after the budget prepared in Great Britain and fitting into a parliamentary system of government. It can not be grafted into our system. We have not the same system of government that Great Britain or France has. The control of this House does not pass or the Government go out of power on the recording of some adverse vote on an important question. Members of the House are not taken to form the Government or administration, and are not made members of the Cabinet to represent the Government in the House and prepare the budget, with the responsibility of having favorable action upon it or of going out of power.

As to the budget theory of Great Britain, Mr. Chairman, whoever has examined the procedure of the House of Commons can readily understand the difference between their proceedings on the bills making grants of money and our proceedings upon our appropriation bills. It is the imperative duty of the speaker of the House of Commons or the chairman of the committee of the whole House of the Commons to declare out of order any proposed amendment to increase a grant for any purpose recommended by the Government, and it is one of the unwritten laws of the land that whenever the Government is defeated in the house upon a request for a grant of money for any purpose, the head of the particular department of the Government under whom the matter comes shall resign from the house.

Just think what would happen in this House if gentlemen in charge of appropriation bills were compelled to resign their seats and appeal to the country every time the House overturned them upon their recommendations for appropriations! Or just think what would happen to the administration, frequently submitting estimates $100,000,000 in excess of the amounts eventually appropriated, if the action of Congress in failing to grant in such a substantial manner the requests of the administration compelled it to appeal to the country! [Laughter and applause.] The difficulty about the proposed budget is that gentlemen who have been proposing to engraft the parliamentary system upon our Government apparently have never comprehended the theory upon which our Government was founded.

It may be that these gentlemen are best fitted and best equipped to make this investigation. If this particular investigation is imperative, and it is believed by the Committee on Patents that they are best fitted to make it, I have no particular objection to their making it. They may perhaps be better employed in investigating that office than in investigating many other offices of the Government.

Mr. Chairman, to illustrate some of the results of their work, there was a controversy not long ago between the Weather Bureau and the Hydrographic Office of the Navy Department about the publishing of certain maps. The President appointed as referees, to hear both sides and to determine what should be done, three men who, in my opinion, were the most competent in the entire Government service to be selected for that work—Gen. Crozier, the Chief of Ordnance in the War Department; Mr. Ralph, Director of the Bureau of Engraving and Printing; and Mr. Putnam, the head of the Lighthouse Service. They went into the matter very thoroughly; they had representatives of both sides appear before them; they had them submit written statements; they made certain findings of fact;

and they made a report, and it was referred to these experts from official and civil life. The experts disagreed with these three gentlemen. I have read a mass of stuff gathered for the purpose of convincing those interested, that the three men noted in this Government for the efficiency with which the establishments under them are conducted were unable to determine this matter, and that these other gentlemen, not nearly so familiar with the Government, nor understanding the conditions so well, knew much better than they what should be done.

It illustrates many things that have occurred. I do not believe that this House should increase by $10,000 the $75,000 to be placed at the disposal of these gentlemen during this year. I have no objection to the investigation of the Patent Office, and no objection to its being made by these persons; but, after the most thorough investigations, both committees having jurisdiction of the matter in Congress have determined that $75,000 is all that should be expended by them during the current year.

Mr. SABATH. Has the gentleman any information as to how much of this appropriation has been used up by this commission up to the present time?

Mr. FITZGERALD. Which appropriation?

Mr. SABATH. The appropriation that the gentleman speaks of—$75,000.

Mr. FITZGERALD. It has all been used, together with a very large sum for printing, which has been charged to the congressional allotment.

Mr. SABATH. So that if this resolution would not carry this appropriation of $10,000 this commission could not go on with its investigation to-day?

Mr. FITZGERALD. They could go on with it now. They are in existence now. They have been carried along by the extension resolutions. There is an appropriation of $75,000 in the sundry civil bill for the current year which they will have.

Is that a most important work? Then it is what was desired when the money was given to the President, to make investigations into places most imperatively needed. If this situation exists, they ought to be compelled to go there and make this investigation.

Mr. UNDERWOOD. Will the gentleman yield to me for a moment?

Mr. FITZGERALD. Yes, I will.

Mr. UNDERWOOD. I agree with the gentleman, and I think he agrees with me, that of the investigations in all the bureaus of the Government, the one that is needed the most is an investigation of the Patent Office and a reorganization of the Patent Office along business lines.

Mr. FITZGERALD. I think that is probably true.

Mr. UNDERWOOD. Now the President of the United States has given these men other work to do. The appropriation bills do not direct them to do this work.

Mr. FITZGERALD. If the gentleman will pardon me, the truth of the matter is these gentlemen determine the lines of the investigation, and the President merely signs the orders, so that it is true that he has and that he has not directed this other work to be done.

Mr. UNDERWOOD. My understanding is this: I think they do efficient work, but I am not concerned about the other work they do; and I know that a great many people in this country are suffering, that the business of the country is being injured by the lack of a reorganization of this Patent Office; and I know from what I hear from these men that if you do not include this appropriation of $10,000 they are going to do other work.

Mr. FITZGERALD. I know how to prevent that. There is only one change needed in this resolution, and that is to strike out the word "requested" in line 4, on the first page, and put in the word "directed," and they will do this work, because it will be the only work directed to be done under the law, and some of the other work will have to wait.

Mr. UNDERWOOD. I will say to the gentleman that what I am concerned about is not the appropriation itself, but what I am concerned about is having this work done and done at once, and that Congress shall insure its being done. There is no use of our passing this resolution if we are not going either to provide the money or to enforce the work being done. If the resolution is drafted so that we can be assured that this work is going to be done and done at once, I am not concerned further; but I say it is a great work, demanded by the country, and it would be merely picayunish on our part to say that we will not have a reorganization of a great bureau like this that is coming into contact with the business interests of the country every day and costing people hundreds of thousands of dollars a year by reason of the inefficiency of that department, and that we will not spend $10,000 to reorganize it.

Mr. FITZGERALD. I think that is true, but I am interested in this respect: We have these people on our hands. If they can render valuable work commensurate with the expenditure being made for them we desire to know it. Here is what is apparently the greatest opportunity in all the executive departments to demonstrate the capacity and efficiency of these gentlemen employed by the President.

Mr. SMITH of Texas. Offer your resolution, and let us get a vote on it.

Mr. FITZGERALD. I intend to. In my opinion the thing to do is to compel these men to be utilized in this work within the line that Congress determines. If by next December they have demonstrated their usefulness, if they have shown that they have the capacity and efficiency and practicability in this work that will justify their continuance, Congress will be benefited very materially. But next December, when the President requests a continuation of these gentlemen, there ought to be something to show for their work. In spite of all the reports that have been submitted and in spite of all matters that have been printed—and I have devoted long hours outside of the sessions of the House to going through the reports, as not many gentlemen here have—I do not recall a single thing originating with this commission that has resulted in legislation which has produced any reforms. Perhaps I ought to say this, that upon their suggestion there have been adopted a number of labor-saving devices; but if we have to spend $250,000 in order to have some of these department officials adopt labor-saving devices which should obviously be installed in great governmental establishments, this commission is not what we need. It is a head of the Government who will put competent men in control of the various Government services.

When I have the opportunity, Mr. Chairman, I shall propose two amendments. One is to strike out the appropriation carried in this bill, and the other is to substitute for the word "requested," in line 4, on page 1, the word "directed." Then, if it is believed to be desirable, they can use not only $10,000, but they can use such other part of the $75,000 appropriated to maintain their organization as will be necessary to complete in the most thorough manner possible this investigation which is desired, and it is more important to us that at least one thorough investigation be made by these gentlemen than that they fritter away their efforts in partial investigations that will not result definitely in any way at all.

Mr. MONDELL. Mr. Chairman, I have been much interested in the discussion by the gentleman from New York of the general subject of appropriations in connection with the proposed legislation. I have been much interested in what he has said. The gentleman has had a very wide and varied experience in matters of appropriations, and I am glad to give my testimony that, barring the fact that he may be somewhat slightly influenced from time to time—I think that influence is ordinarily not great—by the exigencies of the Democratic political situations, he is ordinarily a very safe man to follow in the matter of appropriations.

I was also very much interested in what the gentleman from Alabama [Mr. UNDERWOOD], the floor leader of the majority, said with regard to our patent laws. It seems to me highly important that some Member or Members of Congress having knowledge of patent law and the history of patents and experience of patentees should draft some legislation whereby, a patent once obtained, the patentee would be secure in the benefits of his patent without the necessity of protecting himself against endless and expensive suits. If the legislation before us looked to the attainment of that condition, to the curing of the evils to which the gentleman from Alabama referred, I should be much inclined to support it, but it does not seem to me that it would be likely to have any effect at all, directly or remotely, toward the amendment of the patent laws in such a way as to secure the patentee in his proper rights or to secure the public from an unreasonable use of the monopoly a patent grants.

It is proposed to allow the President's Commission on Economy and Efficiency to thoroughly investigate the Patent Office, with a view of making recommendations tending to promote the efficiency and economy of the office. It is also proposed that the commission making such an examination shall make recommendations to Congress relative to changes in law, but these recommendations are not contemplated along the line of fundamental changes in patent legislation, but rather in the direction of securing increased efficiency and economy of the operations of the Patent Office.

Mr. LAFFERTY. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. LAFFERTY. If the gentleman will look at page 3 of the report, at the letter from Mr. Cleveland, he will find that

this investigation will go to the extent of examining all the members of the patent bar of Washington to get their views as to the needed legislation concerning substantive rights of patents.

Mr. MONDELL. I have not read the report; and, as my friend knows, a report, while it has some bearing on legislation, does not affect the character of the legislation. The legislation itself clearly does not contemplate recommendations that would go so far as to embrace propositions of radical changes in the patent laws themselves.

Let me suggest that however efficient this commission may be—and I do not question its efficiency—the commission was not appointed with a view of its knowledge of patent legislation or any other special sort of legislation. It is, I assume, expert as to the manner of transacting public business. Therefore, both by reason of the language of the resolution and in keeping with the character of the commission itself, the report would have to do necessarily with recommendations touching economy and efficiency rather than legislation having to do with the rights of the people on the one hand and the patentee on the other under the patent laws.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MONDELL. I will yield to the gentleman.

Mr. MOORE of Pennsylvania. Did I understand the gentleman from Wyoming to say that he regarded this measure as one which would enable the commission to make recommendations with regard to the basic law of patents?

Mr. MONDELL. My suggestion was that it would not.

Mr. MOORE of Pennsylvania. Following the remarks of the gentleman from Alabama [Mr. UNDERWOOD] as well as I could, I have been wondering whether the right of a man to hold a patent as the result of his ingenuity is to be reported upon by this commission, which is intended apparently to recommend certain clerical changes in the management of the office.

Mr. MONDELL. I think the view of the gentleman from Pennsylvania coincides with mine, that there is nothing in the resolution to authorize the commission to make investigations of such a character that they would be justified in making recommendations of fundamental changes in patent laws; nor, on the other hand, do I understand that they claim to be qualified to wisely advise Congress in such matters.

Mr. BULKLEY. If the gentleman from Wyoming will yield for a brief suggestion——

Mr. MOORE of Pennsylvania. If the gentleman will pardon me, I think one more question will enable the gentleman from Ohio to explain fully. Referring to the measure now before us, the question is as to investigating fully and carefully the administration of the Patent Office. That would seem to be primarily the purpose of the commission, but among its duties narrated on page 2 I find that it is to report, among other things, "what changes in law" are to be made. It is not only the clerical management of the office, not only the economy of operation and the efficiency of the employees, but "what changes in the law" shall be recommended by the commission. Does that mean that the commission is to make recommendations which will materially change the basic law of patents and thus raise the whole question of the right of a man whose brains and ingenuity have brought forth something of value to the public to the enjoyment of his property and interest therein?

Mr. MONDELL. The gentleman from Pennsylvania is entirely correct in his statement that the commission is authorized to report changes of law. But what sort of changes of law? Changes touching possible increases in appropriations and relative to additional buildings and improvements necessary to enable the Patent Office to discharge its functions in a thoroughly efficient and economical manner. There is nothing contemplated there but reports on economy and efficiency. In other words, this Economy and Efficiency Board is, by this resolution, directed to perform its proper functions in connection with the operations of the Patent Office. It is to investigate with the view to increasing the efficiency and economy. Curiously enough, they are also expected to report on what additional appropriations may be necessary.

That leads me to remark that my experience has been, with most of these economy commissions, that they generally end up with some recommendation for changes, with a considerable increase of expense.

Mr. BULKLEY. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. BULKLEY. The gentleman's interpretation of the purpose of this investigation is, in my judgment and in the judgment of the committee, entirely correct, and was very well stated. The committee, in fact, made an amendment by inserting a comma after the word "accommodation," line 9, page 2, in order that it should refer only to what might be necessary to the office for the discharge and convenience of business in an economical manner.

In addition to that, I think it might not be inconsistent with economy to explain that a larger sum of money might be economical—that to spend more money and get better results might be an addition to the efficiency and economy. It is not contemplated to add any charge to the Treasury. The intention is to increase the fees sufficiently to meet all expenses.

Mr. MOORE of Pennsylvania. Will the gentleman allow me to ask him a question? I was led to make the inquiry of the gentleman from Wyoming by the remarks of the gentleman from Alabama [Mr. UNDERWOOD], who referred to the possibility of monopolies growing out of patent rights. Now, that naturally raises the question of the basis upon which patents are issued. The bill permits the commission to recommend changes in the law. I desired to know whether the whole question of patent rights was to be raised?

Mr. BULKLEY. If the gentleman from Wyoming will be good enough to yield further, I will say that I think the gentleman from Alabama meant this, that the issuing of a patent is in itself the creation of a monopoly. In other words, that we have in the Patent Office a factory turning out monopolies.

Mr. MOORE of Pennsylvania. Monopoly by law, however.

Mr. BULKLEY. What he said was that when we are creating monopolies by law we ought to be careful that they should be properly created, and that patents and monopolies should not be allowed to individuals who have not accomplished a real invention.

Mr. MOORE of Pennsylvania. May I ask the gentleman the direct question whether it is contemplated by this measure to in any way raise the question of the right to issue patents or any other question affecting the right of patents?

Mr. BULKLEY. No; it certainly is not. All that is meant by this is to improve the quality of the patent, so that when a man has a patent he has something entitled to more respect than he has now.

Mr. MOORE of Pennsylvania. The gentleman knows of course that if he is a specialist in some particular line and writes understandingly on the subject for the information of the public he is protected if he seeks the right by copyright, and that perhaps he ought to be protected in the right to derive whatever benefit is to be derived from the production of his own brain and his own hand. To that extent the law grants him a monopoly. Perhaps it might not be fair that some other who was simply a plagiarist should take advantage of the gentleman's efforts and labor and by reason of the cry of monopoly deprive him of the result of his lifetime effort. I wanted to know of course if we were going to discuss broad questions like that.

Mr. BULKLEY. No such idea as that is contemplated.

Mr. MOORE of Pennsylvania. Or if the commission had any such power or authority.

Mr. MONDELL. Mr. Chairman, I am glad that I have the same understanding of the joint resolution that its author has. It seems to me it is very clear in its terms, and I was led to make these observations by reason of the statement made by the gentleman from Alabama [Mr. UNDERWOOD] calling attention to the necessity—and there is a real necessity I am informed, though I am not an expert on that subject—for a revision of the patent laws for the protection of the people on the one hand and the protection of the patentee on the other. I think it is a fair indictment of our patent laws to say that they neither fully protect the honest patentee nor on the other hand do they fully protect the people from extortion under a patent or in connection with a patent, and as the gentleman from Alabama rather conveyed the idea that in some way this investigation might aid in the solution of these problems, I thought I should call the attention of the committee to the fact that such investigation or recommendation is not what is contemplated by this resolution.

This resolution calls upon the Commission on Economy and Efficiency to examine the Patent Office, and make recommendations along the line of efficiency and economy. This Commission on Economy and Efficiency is, I understand, composed of gentlemen who are experts in lines of dispatch and economy in business methods. I am not one of those who are generally overenthusiastic about these Government expert commissions that undertake from time to time to improve the business methods of the departments. I think that in the majority of cases they have cost quite as much as they have saved, and I think in some cases their recommendations, while entirely proper and justified from the standpoint of an expert, are not found to be altogether practical and workable in the Government service.

I find that this resolution, curiously enough, falls into and lends itself to that seeming inevitable tendency of economy commissions to increase expenditures, for it calls upon the commission to recommend, after investigation, changes in the law. What for? Why, for the purpose of suggesting what increased appropriations may be necessary for the economic management of the Patent Office, what additional buildings may be necessary for the more economic administration of the Patent Office, and so on and so forth. The gentleman from Ohio [Mr. BULKLEY] says that these additional expenditures are not to increase the burdens of Government because the commission is called upon to recommend how these increased expenses in economy of management shall be met, and by whom? By the patentee. Were the patentees in most cases corporations abundantly able to pay the fees, I think there would be no objection to increasing the fees, but we all know that patentees ordinarily, at least those that I have had experience with—the patentees that come from my country and that appeal to me to help them—are almost invariably men of very limited means, to whom an increase in patent fees would constitute a very considerable burden and hardship.

Mr. OLDFIELD. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. OLDFIELD. I would like to state to the gentleman, for fear his statement may create a wrong impression, that corporations can not obtain patents. They can not become patentees.

Mr. MONDELL. What I meant was that if the party behind the patentee were a corporation.

Mr. OLDFIELD. Of course they can have them assigned to them.

Mr. MONDELL. In other words, if the individual is wealthy, or if he has the support of a wealthy corporation, and we could segregate that class of cases, it would be a very excellent thing to add to the burden upon the theory that the patent if it is worth anything is worth considerable and that, as it does confer a benefit, it is very proper that the beneficiary should pay something for his privileges.

A really useful patent does not ordinarily lay any burden on the people, because it is so beneficial in its application to the affairs of life that even though the patentee may be protected and receive a very rich reward, in the main it is very useful and helpful to the people at large. It is upon that theory that we grant a patent monopoly. But the patentees with whom I am acquainted are generally men who can not afford to pay increased fees. However, I did not intend to elaborate upon that point. I simply called attention to it to point a moral and adorn a tale, and to call attention to a fact that has been protruding itself upon my attention for the years that I have been here, and that is this, that whenever we get an economy and efficiency organization of experts for the purpose of suggesting consolidations that are supposed to be useful and economical, who are called upon to make suggestions that it is hoped will promote large economies in the public service, my experience is that their recommendations in the majority of cases lead to very considerably increased outlay, a very considerable increase in cost. It is possible that in some cases that was only temporary, and that ultimately there may be a very considerable saving, but in the first instance the changes proposed by these expert commissions generally cost us some money, and that fact seems to be clearly understood by the gentleman who framed this resolution, for he has called upon the commission to make recommendations with regard to increased appropriations. It is true the excuse for doing that is that it is proposed to lay the burden not on the people at large, but on the individual who seeks the patent. This investigation of the Patent Office by the Commission on Economy and Efficiency is something that no one can object to.

The commission was created for the purpose of making just such investigations, and at the proper time the commission came before the Committee on Appropriations, and that committee, after careful consideration of the needs of that branch of the service, made an appropriation, or proposed an appropriation, for the work of the commission which was considered sufficient for its purposes. The commission can begin this investigation at any moment. There is nothing in the resolution that enlarges the present powers of the commission. Without the resolution, the commission may, and I suppose will, in due course of business begin, carry on, and conclude just such an investigation of the Patent Office as is herein proposed, and the commission has a very goodly appropriation for the purpose of doing such work. However, Congress has never at any time made any suggestion to the commission, as is done here, that it make suggestions of increased appropriations or of enlarged buildings and of further expenditures and burdens to be placed on the parties seeking the aid of Government bureaus. It seems to me, Mr. Chairman, that there is no real demand for this legislation. It gives no additional power to this commission. It does not enlarge its field of usefulness. The effect of it might be to withdraw the commission from investigations which it is now conducting, which are as yet incomplete, to take up this particular investigation in the immediate future——

Mr. BULKLEY. Will the gentleman yield?

Mr. MONDELL. In just a moment—when in the orderly development of the commission's work it might not take up this work of investigation for some little time.

Mr. BULKLEY. I would like to say upon that point that I have the assurance both of the President and the chairman of the Economy Commission that if they get this appropriation they can go ahead with this work without disadvantage to the other work, and if they do not get the appropriation it will to some extent withdraw them from other work.

Mr. MONDELL. Am I to infer from what the gentleman says he seeks an increase in the size of the commission because the individual members of the commission can not be spurred to any increased activities by an increase of the appropriation? If they can carry on the work they are now carrying on and still carry on this work it would require the employment of other experts.

Mr. BULKLEY. The suggestion is that by having more clerical service they can do more work themselves.

Mr. MONDELL. This commission is trying to do good work. I think of all the commissions of the kind we have had this commission has been most practical and least inclined to radical and revolutionary and sudden changes. It has proceeded about its work in an orderly way with enthusiasm, but without hysteria, and has made some very excellent recommendations, some of which have been adopted by Congress, and I think the commission can be trusted to do this work in an orderly way under the regular appropriation. But I particularly object to this direction to take up this particular work with the suggestion that the commission inform Congress not how much we may save, not how much the Government may save by the efficiencies and the economies proposed, but what additional appropriations we shall be called upon to make by reason of the proposed economies. That is rather contradictory in terms to the ordinary individual, but not at all to some members of some economy commissions that I have known—economy which leads to increased expenditure. If it were only temporary, and eventually led to economies running through years, such changes would be wise. I have in mind some changes in Government service, made on the recommendation of efficiency boards, which have very largely disturbed the operations of departments for a considerable number of years.

Mr. LAFFERTY. Will the gentleman yield for a question?

Mr. MONDELL. I will.

Mr. LAFFERTY. How would it be possible to get a new building for the Patent Office without an additional appropriation, and does not this bill contemplate housing the Patent Office in a new, safe, fireproof building of modern construction to protect the millions of American patents and records from fire?

Mr. MONDELL. Well, I think that the Congress of the United States, representing the good people of this Nation from the Atlantic to the Pacific, and containing gentlemen alive to the public service as my friend from Oregon is, is fully competent to decide when the time has arrived when we can afford to and ought to build a fireproof building for the use of the Patent Office without the recommendation of any experts, either before or after careful investigation. I think we are all alive to that situation now. Mr. Chairman, what I have said, however, is rather preliminary to some general observations I have to make. I am particularly interested in this measure, because it shows such a warm approval by the majority of one of the many and far-reaching and beneficial reforms instituted under this administration. I said a moment ago I had not generally been very enthusiastic about efficiency commissions, but I have nothing to complain of in regard to this present commission appointed by President Taft; nothing to criticize and much to commend, and our friends on the Democratic side admit this commission appointed by our wise President is so well qualified to pass upon questions of efficiency and economy that they desire to enlarge its sphere of action and, without any request from them, give them an additional appropriation of $10,000 to allow them to enlarge their work. Mr. Chairman, when the time comes that the history of this administration shall be written, free from all color or bias that the present always gives and lends to current events, one of the splendid accomplishments of this administration will be found to be in the direction of giving increased efficiency and economy to our great Government bureaus.

There are three general lines of causes tending to increase appropriations. There is the natural growth in the country calling for increased, and very properly increased, expenditures in connection with all public activities. Secondly, there is constantly a growing demand, coming from the people themselves, that the Government shall embark in new activities and enterprises, enterprises sometimes paternalistic, sometimes almost socialistic. There is a tendency in that direction, which it is the duty of legislators to guard against constantly, and yet, so far as they serve the best interest of all the people and the activities proposed are within the constitutional powers of the Federal Government, the probability is that under the influence of the people we will continue to increase our appropriations and enlarge their scope.

There is a third source of influence which brings about increases in Federal expenditures, and sometimes we fail to realize how potent it is. In my opinion it is quite as potent as either of the other two causes to which I have referred. That is the influence of the Government bureaus, exerted directly on Congress through requests for appropriations, exerted directly on Members personally, and exerted on Members through their constituents, and through the press of the country and organizations which are interested in enlarging the spheres of activity of Federal bureaus.

Now, I take it for granted that this suggestion of an additional $10,000 did not come from the President's Bureau on Efficiency and Economy, either directly or indirectly. I think those gentlemen would not do a thing of that sort.

From what I know of them, I think they are high-class gentlemen, who would not lend themselves to a movement to increase their appropriations unnecessarily. And yet that is one of the ways in which Federal appropriations and expenditures are constantly and continuously increased by the influence of the bureaus, exerted through a thousand different channels, sending out literature, and meeting and appearing before organizations in our various districts, urging good people in behalf of a seemingly worthy cause to importune Members to aid in the unfolding of constantly enlarging schemes of Federal expenditure.

Never in our history had these and other classes of influences leading to larger expenditures been exercised so forcefully and successfully as they were exercised during the last years of the administration of the predecessor of the present incumbent of the presidential office. During the administration of President Roosevelt our appropriations mounted mightily year after year, so that in the last two years of his administration the annual ordinary expenditures outran the annual ordinary income by $65,000,000, and one of the hard and ungrateful tasks which President Taft found before him was that of checking this tremendous increasing demand for Federal expenditures. How successful he has been has been written in the appropriation bills of the past three years. While prior to the beginning of this administration expenditures mounted at a very rapid rate, during the three complete years of the present administration, with all of the growth of the country, with all of the increasing demand for Federal expenditures, the appropriations have been kept below the appropriations of the last year of President Roosevelt's administration.

Mr. Chairman, it is true that in the last two years the gentleman from New York [Mr. FITZGERALD] and his colleagues on the Committee on Appropriations have been entitled to some credit for keeping down the appropriations, and yet I think the gentlemen themselves will admit that in the first instance and in the main the President himself is entitled to the principal credit for keeping down estimates of expenditure.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. FITZGERALD. We found to our great misfortune this year that the President so kept down the estimates in the last Congress that the general deficiency bill, that has not yet passed the House, carries $1,800,000 to supply the necessary funds to pay the Army and to pay the bills for the subsistence of the Army during the last year. The estimates were arbitrarily reduced, against the protest of the Paymaster General and the Commissary General of the Army. So that, while the President is entitled to the credit of keeping down the estimates, it is a very different thing from keeping down the expenditures.

Mr. MONDELL. The gentleman from Illinois [Mr. MANN] reminds me of the fact that if the gentleman from New York has any disturbance of mind over the present deficiency, his condition will be pitiable indeed when the deficiency bill at the end of the present fiscal year comes in, because however the estimates may have been cut down, the gentleman from New York and his colleagues, by their own confession, have further scaled the estimates down to a very scrimpy eight months' basis, and of course, when the eight months roll around and there are four months more in the fiscal year, there must necessarily be very large deficiency estimates to meet not the failure of the departments to recommend adequate appropriations, but the failure of the committee to make the appropriations, or to recommend to the House the appropriations which the departments requested.

Mr. FITZGERALD. Of course, the gentleman does not wish to make an inaccurate statement.

Mr. MONDELL. No; quite the contrary; and I surely am not making one.

Mr. FITZGERALD. This House has not done anything of the kind. In certain instances for contract river and harbor work and for contract public-building work it has done what has been done for 15 years. Congress, at the long session, appropriates the funds required until the next bill becomes a law. It is not for the purpose of reducing the amounts carried, but for the purpose of controlling in a legitimate way the expenditures to be made.

The gentleman need not be alarmed. If there are any deficiencies to be submitted for this fiscal year, there will be more vacancies as a result than ever before in the history of the Government.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. FITZGERALD. Yes.

Mr. MANN. Does the gentleman mean to say that they do not intend to appropriate for the Army?

Mr. FITZGERALD. We mean to appropriate for the Army for the coming fiscal year as soon as the Senate consents to pass the bill.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from California?

Mr. MONDELL. Yes.

Mr. KAHN. The statement of the gentleman from Wyoming in regard to the acton of committees is absolutely correct. The President did order arbitrary reductions in the estimates of appropriations. The estimates so reduced were submitted to the committees of this House, and they, instead of recommending the amounts submitted by the departments, have cut those amounts. Now, what has happened in connection with the Army? There are to-day in every section of the country business men who have not received payment for supplies furnished to the Army in the last 90 days. In the city of San Francisco——

Mr. FITZGERALD. That is because the Republican Congress did not make adequate appropriations. I pointed out the fact that the general deficiency bill is carrying $1,800,000 to supply deficiencies occasioned by the inadequate recommendations of the committee of which the gentleman from California [Mr. KAHN] himself was a member, in reporting appropriations that were insufficient over the protest of the Commissary General and the Paymaster General of the Army.

Mr. KAHN. The gentleman is mistaken about that.

Mr. FITZGERALD. No; I am not mistaken about that, because I had to do with the making of the appropriation to supply the deficiencies and heard the statements of the officers concerned.

Mr. KAHN. The deficiency is due to the increased cost of the ration.

Mr. FITZGERALD. The gentleman is mistaken. It is not entirely due to that.

Mr. KAHN. After the estimates of the Commissary General had been submitted to the committee, and the amounts had been allowed, the price of the articles entering into the ration went up. It was an unforeseen condition, and the consequence was that the amount of money that had been appropriated was not sufficient to pay for the food supplies for the soldiers.

Mr. MONDELL. Mr. Chairman, I must decline to yield further.

Mr. FITZGERALD. Let us conclude this by just one statement. I repeat that both the Commissary General of the Army and the Paymaster General of the Army made the statement before the Committee on Appropriations that the estimates for the support of the Army during the last fiscal year, prepared by them, were arbitrarily reduced over their protest, at the direction of the Secretary of War, and as a result a Republican Congress appropriated $1,800,000 too little for pay and subsistence alone, and it was owing to the desire to make a showing of economy that the gentleman's constituents are inconvenienced in not having their pay.

Mr. KAHN. The gentleman is mistaken. The great deficiency is due to the fact that the cost of the ration increased.

Mr. FITZGERALD. Very slightly to that fact.

Mr. KAHN. Two cents a man for each meal per day.

Mr. FITZGERALD. That would be very little of the amount.

Mr. MANN. Is not the amount carried in the Army appropriation bill this year less than it was last year?

Mr. KAHN. Very much less.

Mr. MANN. And the gentleman from New York [Mr. FITZGERALD] said it was too little last year.

Mr. KAHN. And I made the prediction in the committee that next year a much larger deficiency appropriation will be demanded by reason of the very niggardly amount that was allowed by the Democratic Party this year.

Mr. FITZGERALD. Next year the cost of living will be reduced, and the cost of the ration will not be so high, under a Democratic administration.

Mr. MONDELL. Mr. Chairman, I rather regret this interruption, for the reason that I started in to compliment the honorable gentleman from New York [Mr. FITZGERALD]. He did not hear my compliment at the beginning of my speech, but as he came within earshot I again threw him a little compliment, and I did not intend to refer again, as I did time and again while the sundry civil bill was under consideration, to the fact that the exigencies of the Democratic campaign were such that they actually appropriated for only eight and nine months instead of for one year. For instance, they were not even appropriating enough to employ charwomen and caretakers on the public buildings we had last year, when we have 100 additional that must be cared for next year.

Mr. FITZGERALD. That statement is inaccurate, I will say to the gentleman. He is mistaken in his statement.

Mr. MONDELL. I know it is a painful subject to the gentleman.

Mr. FITZGERALD. The gentleman is mistaken when he makes that statement. I know what I am speaking about. I helped to prepare these items.

Mr. MONDELL. The subject is painful to the gentleman, and I had in a way promised him not to refer to it again.

Mr. FITZGERALD. The gentleman did not promise me.

Mr. MONDELL. The gentleman's excuse was that some Republican committee had sinned somewhat at some time in the same way; and that being true, that it is entirely proper for a Democratic committee to absolve itself from all wrongdoing, no matter how monumental it may be, if a Republican committee at any time ever fell into the same error in the slightest degree.

Mr. FITZGERALD. Of course the gentleman knows that the appropriations for the construction of public buildings, which were made until the 4th of next March, are not available for the payment of charwomen or other help; and if the gentleman has inadvertently confused the two appropriations——

Mr. MONDELL. I will say "caretakers."

Mr. FITZGERALD. No.

Mr. MONDELL. The gentleman from Illinois [Mr. CANNON] at the time the appropriation bill was under consideration called attention to the fact that you had not appropriated enough to take care of the public buildings.

Mr. FITZGERALD. That was the gentleman's conclusion—that we had not appropriated enough—but if we had appropriated all the money for all the purposes the gentleman from Illinois requested, even a Republican administration would have been compelled to take advantage of the provision of the Payne-Aldrich bill and issue bonds for the payment of the current expenses of the Government. We saved this administration that responsibility at least.

Mr. MONDELL. Mr. Chairman, the fact remains, however, that not only has the Appropriations Committee, but other committees, on a considerable number of important items in every bill that has been reported—not on every item, because manifestly that would be impossible—have appropriated for only eight or nine months, and by confession of the gentleman from New York [Mr. FITZGERALD] he excused the committee for that action on the ground that there was a fairy tale that he had heard somewhere to the effect that some Republican committee had, to a limited extent, done the same thing at some time in the past. Of course, appropriating for 9 months instead of 12 makes a very excellent showing for the party responsible for appropriations—until after the 5th of November. Then we will come back here and whatever is to happen will have happened, and, however large the deficiencies may be, they can have no retroactive effect upon the November election except as we may call attention to them between now and the ides of November.

Now, Mr. Chairman, as I said a moment ago, of all the good works of this administration there is none for which it is more entitled to the gratitude of the American people than for keeping down appropriations. I have in mind another reason for gratitude on the part of the American people; gratitude for the fact that we have in the White House a President so high-minded and patriotic that his own personal and political fortunes never enter his mind in connection with the discharge of a public duty. [Applause on the Republican side.] We passed an appropriation this morning by unanimous consent for the transportation of refugees from the Mexican border. For a year or more we have had a condition down there on the border well-nigh intolerable. Our sympathies as individuals go out and our hearts bleed for those of our own people who are subjected to the inevitable hardships, dangers, and suffering that comes from civil war. It would have been easy any time within the past year for the administration to have created a condition on the border such that the entire American people would have arisen en masse, demanding our intervention in Mexico. I am as firmly convinced of it as I am of any fact of which I have knowledge that if we had had a President less wise, less patriotic, or more impetuous than the man who occupies the presidential chair, if we had had a man seeking in the midst of a preliminary presidential campaign opportunity to strength himself with the people, we would to-day be engaged in a bloody and costly war. [Applause on the Republican side.]

We have never changed Presidents in the midst of warfare and ordinarily we never will. One of the temptations that surround a man who occupies the highest office in the gift of the American people, as he approaches the end of his term, is the temptation that might be all-controlling and all-compelling with a man who is not high minded and patriotic, to create a condition which could be easily created whereby public sentiment would demand of us that we should make the declaration that would bring on war with all its horrors and with all its expenditures.

I can imagine a condition under which, with a certain class of men occupying the White House—and let us hope that none such shall ever occupy it—we might now have not only one but two wars—one in Cuba and one in Mexico; for in both places conditions have been such that an ambitious man, a very impetuous man, a man not intentionally led by his own ambition, but a man constrained somewhat by the fact that the American people always sustain the Government in war, might have created a condition under which there would be but one candidate before the American people to-day with any chance of success whatever.

I thank God, and every true American should thank God, that whatever their views may be of the wisdom of the policies of the administration of William Howard Taft in this trying situation, which would ordinarily compel a man of ambition, a man of less loyalty to the American people, to embroil us in a bloody war, that he had led us onward through all the difficulties which have surrounded us in peace and with honor. [Applause on the Republican side.]

Mr. OLDFIELD. Mr. Chairman, I do not wish to detain the House at length. I have listened to the arguments, and it seems to me that the discussion has taken a very broad range. Gentlemen have talked about many things not pertaining to the resolution at all. I want to answer some of the arguments of the gentleman from New York [Mr. FITZGERALD] regarding that part of the resolution to which he is opposed, and especially to that part which appropriates $10,000 for the purpose of making the investigation. Now, Mr. Chairman, this is a very important matter. I know of no bureau of this Government of more importance to the American people than the Patent Office. The Patent Office was born almost with the Government itself; we have had a Patent Office since 1790. The patent laws have not had a general revision for a great many years, and the Patent Office has not been reorganized, I think, since it came into existence.

There are some important situations confronting the Patent Office, and those situations are very important to the American people. The inventors of this country, as a class, are very important individuals to the American people. In fact, I do not know of any class of citizens in this country who have done more real work for the benefit of the American public than have the inventors. All of the inventors of this country, or those whom we have had before the Committee on Patents, are in favor of this legislation. The inventors of the country want this legislation enacted and want this investigation made.

The gentleman from New York [Mr. FITZGERALD] wants to strike out the word "requested" and insert the word "directed," and in addition he wants to amend by striking out the appropriation of $10,000. Mr. Chairman, I doubt very seriously

whether it would be proper for this House or Congress to "direct" the President to do anything, and especially to do the thing that this resolution calls for. Therefore I think it would be unwise for the House to direct the President to make the investigation.

Now, in regard to the appropriation, it is a well-known fact and the people of the country know that the Patent Office has taken in and turned into the Treasury about $7,000,000 more than it has taken out of the Treasury. In other words, the inventors of this country absolutely pay more into the Treasury of the United States every year than it takes to run the Patent Office. Therefore, in view of the fact that the Patent Office has a surplus, as you might say, during its history of $7,000,000, it seems to me that an appropriation of $10,000 for the purpose of making this investigation is a very small matter indeed.

The gentleman from New York says that the investigation would be made whether the appropriation is made or not. Of course, Mr. Chairman, if I knew that to be true, if I knew that the investigation would be made without the appropriation, certainly I would be very glad to strike it out. But I do not know whether the investigation will be made, for there is a peculiar situation in the Patent Office.

The gentleman also raised the point that the Commissioner of Patents had made the statement that there were 40 or 50 inefficient men working in the Patent Office at the present time. That is true, and the reason for it is this: When a man becomes extremely efficient and an expert in the Patent Office, the great corporations of the country, like the General Electric Co. and the United Shoe Machinery Co., come along and take him out as they want an expert for their company. They want an expert patent lawyer. They want a man who knows the Patent Office from the beginning to the end. They want a man—probably more than one—they want men who have started at the bottom in the Patent Office and have worked themselves up to the commissionership or assistant commissionership. They therefore pay them larger salaries and take out the most efficient men; pay them two or three thousand dollars more a year than the Government pays them, or that the Patent Office can pay them under the present schedule of salaries, and therefore they take the best men away from the Patent Office.

Mr. MANN. Will the gentleman yield?

Mr. OLDFIELD. I will.

Mr. MANN. Does the gentleman believe that by any method of legislation we can put a stop to that?

Mr. OLDFIELD. Yes.

Mr. MANN. By what method?

Mr. OLDFIELD. By raising the salaries.

Mr. MANN. Does the gentleman think the Government would ever pay a salary high enough, fixed by statute, so that the corporation which desired the most efficient man would not offer a higher salary?

Mr. OLDFIELD. Mr. Chairman, the gentleman is exactly right to this extent. They could not get all of the good men, as they do to-day, and they would not do it, because men will work in the Patent Office for the Government for less money than they will for the International Harvester Co. For example, I had a conversation with a man in the Patent Office the other day, probably the most efficient man in the office outside of the Commissioner. He himself tells me that he would prefer working in the Patent Office. He has been there 20 years. He has a family, and there are good schools here and he has his little home, and he would much prefer working in the Patent Office at a salary of, say, $5,000 a year, than to take a salary of $6,500 or $7,000 a year from the General Electric Co., or the International Harvester Co., or the United Shoe Machinery Co., and so on. Of course, it would be impossible to fix the salaries so high that these great corporations would not come along and employ, in a great many instances, the best men; but to a certain extent we could keep these men there.

Mr. MANN. The case the gentleman cites is not an illustration, it seems to me, upon his side of the proposition. The gentleman of whom he speaks has been in the Patent Office for 20 years, and he has not been taken away from the Patent Office.

Mr. OLDFIELD. They are trying to get him right now.

Mr. MANN. Possibly he prefers Government service. Some men do. He has stayed there at his present salary although corporations are willing to pay higher salaries. But take the man who does not prefer the Government service, and who is willing to go where the highest rate is paid, does not the gentleman believe the Government never will be able to compete with the salaries offered by outside people, where the Government necessarily fixes the salary on a statutory basis.

Mr. OLDFIELD. Mr. Chairman, I realize the force of the argument of the gentleman from Illinois and I know to a great extent it is true, but I do believe if the salaries down there were increased probably 50 and even in some cases 100 per cent, as they ought to be increased, it would not cost the people of this Nation, except possibly the inventors, one penny, and the inventors would be glad to see the salary increased so that they could have more efficient service and more efficient examinations and could get a better patent than they do now under the present régime.

Mr. MANN. If the gentleman will pardon me, as I interrupted him, I think myself that the salaries in the Patent Office ought to be increased. I have advocated that proposition for years, but not upon the ground usually stated, that the men are taken away from the Patent Office by outside parties, because that will always be the case. Every Government office is more or less a college or school from which we graduate men into private employment at higher compensation.

Mr. OLDFIELD. Yes. Mr. Chairman, I do not care to argue that question further with the gentleman from Illinois, but I would state this: Under the present law the initial fee in a patent case, when the application is filed, is $15, and the final fee is $20. I am advised, and I have worked on the proposition and investigated it as much as I have been able to and I find it to be true, that if that were reversed it would be a good thing. A great deal more work is done by the Patent Office on the initial fees than on the final fees. Therefore, if the initial fee were $20 and the final fee $15 the Patent Office would take in several hundred thousand dollars more annually than they do under the present arrangement of fees.

If that were increased to $25, instead of $15, there is no doubt in the world but that we could have better salaries and more efficient service and investigations of all kinds in the Patent Office, and when the inventor receives his patent under that sort of condition he would have something which would be worth a great deal more than the present patent which is being issued to-day.

Mr. LAFFERTY. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Certainly.

Mr. LAFFERTY. In regard to the men leaving the Patent Office and going into private employment of such concerns as the International Harvester Co. and others, is there any law on the books now which would prevent men from practicing as attorneys before the Patent Office, say, for two years after leaving the Government service?

Mr. OLDFIELD. No; there is no such law on that subject.

Mr. LAFFERTY. As the gentleman from Illinois suggested a while ago, is there any way to prevent a man having inside information leaving the Patent Office and taking it to a new employer or a private corporation? Would not a law such as I suggest prohibiting them from practicing before the department within the period of two years after leaving the service have a tendency to correct that evil?

Mr. OLDFIELD. That probably would; but I do not know that that would be a wise law, because it would be manifestly unfair to say to a man that he could not take employment and get as much out of his employment as he can.

Mr. Chairman, I think this resolution ought to be passed, and I think the appropriation should be made so that various conditions that exist in the Patent Office at this time may have a thorough investigation and that some recommendations may be made to Congress when it meets in December. We find a great deal of trouble in our committee, and I suppose the same is true of all committees in the House, because members of the various committees hesitate quite a good deal to vote favorably for any particular bill unless some person in authority has furnished them adequate information. In my opinion we need this information. I believe it would be worth a great deal to the American people if this resolution could be adopted and recommendations made by some board in authority when Congress meets in December.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Certainly.

Mr. BOWMAN. Mr. Chairman, I have had some business with the Patent Office and the work that they have done for me has always been efficient, but I favor this legislation as I would anything which would increase the efficiency of the department. I understand this is practically a unanimous report from the committee, and I am glad to see it is recommended by the President and also by the Secretary of the Interior. Ease in securing a patent is, I believe, of great advantage to the country, especially to poor men who are unable to employ a lawyer. Last week this matter was brought to my attention. Two miners came to Washington from my district. They made application about a year ago for a patent upon a mining tool, and a question arose as to its interference with an American or foreign patent. It has taken nearly a year of investigation and

considerable correspondence, with no result. The two of them came down here to find out if they could not bring the matter to an issue. This is a very useful tool, but they could not afford to undertake its manufacture until they could be assured of some protection for their device.

Upon presenting the case to the Patent Office they immediately offered to do anything they could to help the men. I did not see them after they had made their visit, but I received a letter yesterday in which they stated that they received the best of attention at the department. They then asked further information in connection with the securing of the patent, which the department has promised to attend to at once. But the point I make is this, that if there had been immediate action upon this application or within a short time the inventors would have been enabled either to drop the matter or engage in its manufacture. They were delayed in the use of the fruit of their inventive genius. I consider as one of the greatest assets of this country the inventive genius of its people. I do not favor the suggestion of the committee that there might be a slight increase in Patent Office fees. They should be kept low, and every encouragement and assistance given inventors, especially those who can not afford to employ lawyers.

Mr. SABATH. If the gentleman will permit, I understood the chairman of the committee to state a few moments ago that he is opposed to the proposed amendment offered by the gentleman from New York, namely, changing the word from "requested" to "directed." Now, what reason can the gentleman give in objecting to that amendment? I am inclined to believe that the President now has the right and the power to direct this Efficiency Commission to do this investigation, but he has failed. Now, what assurance have you that if this resolution is reported or passed in this form that he will pay any attention to it and that he will not ignore it, as he has some others where attempts have been made by us to provide a more economical administration not only for the Patent Office but for each and every department.

Mr. OLDFIELD. I will state to the gentleman my first objection to striking out the word "requested" and inserting in lieu thereof the word "directed" is that would probably not be the proper way to do this thing. In other words, I do not know whether we would have the authority to direct the President to make this investigation; and if we do not have such authority it would be improper to direct the President to make the investigation. It says that the President be, and he is hereby, directed to cause the accountants, experts, and so forth.

Mr. SABATH. The President has to execute the laws of the land. Now, he has failed, and we have the right to direct him to do so. He has failed to order this commission to investigate departments where investigation was mostly needed.

Mr. OLDFIELD. If we have the right to direct him, I have no objection to directing him, none in the world.

Mr. MOORE of Pennsylvania. Does the gentleman know of any resolution passed in this House during his term of service directing the President to do anything?

Mr. OLDFIELD. I do not recall any, and that is one reason——

Mr. MOORE of Pennsylvania. It is contrary to the custom of the House.

Mr. OLDFIELD. That is my understanding.

Mr. MOORE of Pennsylvania. And has the House any right to direct the President to do anything?

Mr. OLDFIELD. I have made the statement I do not think so.

Mr. MOORE of Pennsylvania. May I ask the gentleman one more question, since it has been raised by my friend from Illinois [Mr. SABATH].

Mr. OLDFIELD. Certainly.

Mr. MOORE of Pennsylvania. Did the commission have any money with which to make this investigation of the Patent Office?

Mr. OLDFIELD. Well, I will state to the gentleman I am not informed on that point. Now, I will make this further statement, however, that the gentleman from Ohio [Mr. BULKLEY], who is a member of the Committee on Patents, has had this resolution in charge, and as I understand from conversation with him he has talked the matter over with the President and probably the Vice President and others, and also with the members of the Economy Commission, and my understanding is that they say themselves they have no money with which to do this particular work.

Mr. MOORE of Pennsylvania. The gentleman from Illinois made the statement that the President had failed to make this investigation.

Mr. SABATH. That he had failed to request this commission to do it and instructed them to do some other work.

Mr. MOORE of Pennsylvania. Well, the gentleman will understand that it is not fair to criticize the President for having failed in the performance of his duty when he had neither the money nor the authority to perform that duty.

Mr. SABATH. If the gentleman had been here, he could have learned of the gentleman from New York that the commission has enough money for this purpose.

Mr. MOORE of Pennsylvania. Then will the gentleman state why it is necessary to bring in a resolution of this kind. If the President has the authority and the money, why is it necessary to pass this resolution?

Mr. OLDFIELD. Mr. Chairman, I decline to yield to further interrogatories.

Mr. MOORE of Pennsylvania. I will question the gentleman from Arkansas.

Mr. OLDFIELD. What is the question?

Mr. MOORE of Pennsylvania. The question is this: If the President or the commission is provided with sufficient money to pursue these inquiries, why is it necessary for Congress to pass this resolution?

Mr. OLDFIELD. It is not necessary if it is true, but I do not think it is true.

Mr. BULKLEY. Will the gentleman permit a suggestion? I believe the President has authority to direct this investigation, but inasmuch as he has not done so, if Congress wants to get the information, it seems to me that it is entirely proper to request it. As to the money, $75,000 has been appropriated for the work of the Economy and Efficiency Commission. I know of no reason why they should not be directed to investigate the Patent Office and the expenses paid out of the existing appropriation, if such a course will appeal to the judgment of the President. If the gentleman cares to question the President's judgment as to which course the Economy and Efficiency Commission should take, he can do so, but for my part I do not care to raise the question of whether the President is using good judgment in not directing the commission or not. The fact is that he has not directed the commission to do this particular work, and he assures me that if they get this appropriation of $10,000 for this work that the work can be done without disarranging the other plans he has in mind for the commission. I do not know what those other plans are.

Mr. MOORE of Pennsylvania. The gentleman is sure, is he, that the $75,000 of original appropriation for the commission will be sufficient to make an investigation of all the departments of the Government——

Mr. BULKLEY. Oh, no——

Mr. MOORE of Pennsylvania (continuing). Including the Patent Office?

Mr. BULKLEY. Oh, no. The $75,000 is only intended to do such work as can be done within the fiscal year.

Mr. MOORE of Pennsylvania. Then evidently the gentleman from Illinois [Mr. SABATH] is incorrect in the statement that the President has failed in the performance of his duty if he had neither the money nor the authority.

Mr. BULKLEY. Well, the President has failed to direct this particular investigation, which he might have done, but I am not disposed to question his judgment. The commission has done other work, and the other work is very important, too. I think the work in the Patent Office is very important, but if the President in his wisdom chooses to direct them to do other work, I do not care to question his action.

Mr. SABATH. Mr. Chairman, will the gentleman yield for another question?

Mr. OLDFIELD. Yes; with pleasure.

Mr. SABATH. I notice that the resolution provides that the commission shall investigate and also report what changes in law should be made. Now, if I am not mistaken, the gentleman from Arkansas [Mr. OLDFIELD] has introduced an excellent bill, changing the patent laws, and the bill is pending now. Can the gentleman inform the House whether there is any chance of that bill being considered and reported? I believe it is an excellent bill and ought to pass.

Mr. OLDFIELD. Mr. Chairman, I will state to the gentleman from Illinois [Mr. SABATH] that we discussed in the committee the very question which the gentleman asks me; that is, whether or not this commission, if authorized under this resolution to make this report, would report in regard to a general law covering patents, or statutes relating to patents, and we came to the conclusion and prepared the resolution so that whatever changes of law they would recommend would be confined to changes of law regarding the workings and administration of the Patent Office and not the general basic patent laws.

Now, the gentleman refers to the bill about which there has been some discussion. We have had a number of hearings on

the bill to which my friend from Illinois refers, to codify the patent statutes. I will say to the gentleman that a substitute for that bill will be reported to the House in a few days, but it is not believed that it will be possible to discuss the bill or pass the bill at this session of Congress.

I will say to the gentleman that that bill provides for three or four important things. The first thing it will provide for is a compulsory license. Most of the other nations of the world have compulsory-license statutes. This, however, differs from other laws of the kind in that this bill does not apply to the original inventor, but applies only to those corporations or persons who acquire patents for the purpose or with the result of stifling competition.

Another proposition which it attempts to meet, and which I think it will meet perfectly, is the condition that arose out of the recent decision in the case of Dick against Henry, decided by the Supreme Court on March 11 last. In that case it was held that the clause to the effect that "the inventor shall have the exclusive right to make, use, and vend his invention" carried with it the right to dictate how the machine shall be used and what accessories must be used with the machine, and also it would no doubt be construed to mean that the seller of a patented thing could fix the resale price of the patented article. This bill will provide that the lessee or the licensee or purchaser of any patented article shall not be liable to an action of infringement of the patent because of any breach of the contract of sale or any provision thereof. In other words, the position that the Committee on Patents has taken in regard to that proposition is that the patent can not be infringed in any way except by counterfeiting it in some way; in other words, making some article like the patented article without authority for so doing. We think that the provisions in regard to the resale of these articles ought to rest upon contracts, because they are nothing more or less than a contract with regard to the resale price of those articles.

The same is true with regard to the United Shoe Machinery Manufacturing Co., for example. When they sell machines to make a shoe, or to put heels or bottoms on the shoe, they rent the machines for so much per annum. Those machines are patented. They have a tying clause in those contracts, however, that compels the shoe manufacturers to buy thread and tacks and wire from the United Shoe Machinery Manufacturing Co. Therefore they are enabled to have an additional monopoly. They already have a legal monopoly, under the law, of the patented thing, but they force a monopoly in unpatented things. The position which the committee has taken is that that is not right; that on the contrary it is wrong, and not what the original framers of the patent statutes intended.

Mr. BARTHOLDT. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. With pleasure.

Mr. BARTHOLDT. Has not the President of the United States recommended that a commission be appointed for the purpose of investigating the general subject of patent laws, with a view to ascertaining what changes are necessary since the Supreme Court decision was rendered? I should like to ask the gentleman what has become of that recommendation of the President. Has the committee acted upon it or not?

Mr. OLDFIELD. I will state to the gentleman that the President has in a message to Congress recommended that a commission be appointed by the President to revise the patent statutes, to rewrite the patent laws, and make suggestions in regard to the patent statutes. That veto message to which the gentleman has referred was referred to the Committee on Patents, of which I am chairman, and we have not considered it for the reason that at the time it was referred we had already begun an investigation regarding compulsory licenses, to ascertain whether that was proper and wise legislation for this country or not. We had already started the investigation which was partially caused by the decision in the Dick-Henry case, and therefore we have been taking up the time in preparing a bill based upon the testimony that was heard for 28 consecutive days. We had 28 public hearings. We had before us manufacturers of patented articles from almost every State in the Union, and we had prominent inventors and prominent patent attorneys before us; and for that reason, after we had started the investigation along that line, we did not take up the other proposition. But after the bill which I expect to report in a few days has been acted upon by Congress, I shall be glad to consider the advisability and the propriety of authorizing the creation of a commission to rewrite the rest of the patent statutes of the country.

Mr. BARTHOLDT. I asked this question, if the gentleman will permit me, because during the last two or three months I have received hundreds of letters from constituents of mine in which they protest against the enactment of what is called the Oldfield bill. I have not myself carefully examined the provisions of that bill, but evidently my constituents do not approve its provisions, and they have written me to that effect, and therefore I thought that probably that subject was important enough for a commission to take ample time in the prosecution of a full investigation as to what changes should be made in the law.

Mr. OLDFIELD. I will state to the gentleman that I think the Committee on Patents has already done the work and done it properly. With regard to that particular proposition I dare say the gentleman's constituents who are opposed to that bill are persons who are probably, some of them, jewelers, who sell safety razors and who sell Waterman's fountain pens, and sell a great many other patented articles. They want the resale price to be fixed by the manufacturer, so that all of these persons in the city of St. Louis or any other city will have no competition. There is no competition in patented goods.

Just to show you how far this thing goes, I had a letter a few days ago from a merchant up in Michigan. He said he had bought some phonograph records and some phonographs. I believe he paid $15 apiece for the phonographs. He paid 21 cents apiece for some of the records, and 30 cents apiece for some of the records. The resale price was fixed by the manufacturer of these phonographs and records. The resale price to the public was $30 for the phonograph, 50 cents for the 21-cent records, and 75 cents for the 30-cent records. He decided to quit business. He sold everything else that he had and wanted to sell these records and phonographs. He could not sell them at the fixed price, because the man to whom he wanted to sell said he could get them from the factory for that price. Then he tried to sell them to the factory. They offered him $10 apiece for the phonographs, 15 cents for the 21-cent records, and probably 20 cents for the 30-cent records, or something like that. They would not take the goods back at a fair price and they would not permit him to sell them at less than the fixed resale price, but on the contrary went into the Federal court and obtained an injunction against him to prevent him from selling them below the price fixed by the manufacturer.

Mr. LAFFERTY. Based on infringement?

Mr. OLDFIELD. Based on infringement. So he wrote me he would let those things rot in his store.

Mr. BARTHOLDT. I can well understand how the manufacturers of these patented articles should object to legislation which would deprive them of the benefits of their patents to a certain extent, but I can not see why retailers like those who have written me should object, because there certainly is competition among them. Anyone who wishes to do so can sell these articles, and, I suppose, can get them from the manufacturer and put them in his store for sale.

Mr. OLDFIELD. But he must sell them at the price fixed by the manufacturer.

Mr. BARTHOLDT. What reason has that man to protest against your bill, if your bill would cheapen the price?

Mr. OLDFIELD. He does not want the price cheapened. He does not have any competition. He has a good profit, and if the merchant across the street must sell a fountain pen for $3.50, or a Gillett safety razor for $5, then the merchant on this side of the street is all right. There is no competition at all. What is the difference whether the manufacturer fixes the price, or all of the retailers get together and fix the price, as far as the public is concerned.

Mr. MANN. Will the gentleman yield for a question?

Mr. OLDFIELD. Certainly.

Mr. MANN. In reference to the bill, not its merits, but for the information of the country concerning the probable progress of the bill. As I understood from the papers, the bill was ordered reported some time ago by the Committee on Patents.

Mr. OLDFIELD. Yes.

Mr. MANN. The report has not yet been filed. The Committee on Patents has been on the eve of being called on calendar Wednesday for some time, and if this bill had been reported it would have been called up now. I should like to ask the gentleman whether the purpose in reporting the bill now is mainly to get the matter before the country for further consideration by the people who are interested, rather than with the idea of forcing it to passage soon.

Mr. OLDFIELD. That is the exact reason. The gentleman from Missouri [Mr. BARTHOLDT] and the gentleman from Illinois [Mr. MANN] and a great many others have come to me and said that they had hundreds of letters. The gentleman from Missouri [Mr. BARTHOLDT] said he probably had a thousand letters protesting against the bill. I hardly thought it was fair to the Members of Congress who had these letters of protest to force them to vote on this proposition at this session of Congress, and I wanted to get up as good a report as we

could, to make it as plain as possible, and give everybody an opportunity to study the question, and give the people of the country an opportunity to see what is provided for in the bill, and ascertain what is the sentiment of the country upon the proposition.

Mr. MANN. I think the procedure adopted by the gentleman has been eminently fair and is the proper course. I supposed that was the reason, but I thought the country might understand from the gentleman's statement that the bill was presented, and that if anybody has any fault to find with it, this gives an opportunity to write to Members of Congress on the subject.

Mr. MOORE of Pennsylvania. And it is not to be pressed for passage this session?

Mr. OLDFIELD. It is not to be pressed for passage at this session of Congress.

Mr. LAFFERTY. Are not these protests from the local agents of the men holding the patents?

Mr. OLDFIELD. I have no doubt the manufacturers of patented goods are inspiring a great many letters that are being written to Members of Congress. I know I have received letters from dealers in my district. I have received letters from persons who sell safety razors, and from some of those who sell different kinds of firearms, and I have no doubt that a great many of those letters are being inspired by manufacturers of patented goods. I see no reason in the world why a manufacturer of patented goods should be permitted to fix the resale price of his product any more than a manufacturer of any other sort of goods. The same argument that can be made in favor of the manufacturer of a patented article fixing the resale price of his goods can be made with regard to the manufacturer of any other article, patented or unpatented, fixing the resale price of his goods. Take a mimeographing machine, for example. They will sell the machine for $45, and there is a contract which says that all of the ink and paper must be bought from that company. Those are unpatented articles. They say it is so much easier to collect for the purchase price of the machine in that way and therefore they ought to be permitted to do that; but the same argument would apply with regard to a barber's outfit.

Take a barber's chair. The manufacturers might go to the barber and say, "Here, this chair cost a good deal, but I will give it to you at half price provided you will buy your soap, towels, and brushes from us." That is on the same principle. Every argument that can be made in favor of the manufacturers of patented goods to fix the price of their goods for resale can be made for the manufacturers of unpatented goods.

Mr. SLAYDEN. Will the gentleman yield?

Mr. OLDFIELD. I will yield to the gentleman from Texas.

Mr. SLAYDEN. The gentleman seems to lay stress on the fact that letters in reference to this matter had been inspired by the manufacturers of patented goods. Is it not true that on practically every question that is presented to Congress and in which the country gets interested before Congress does, the same procedure is followed—that central agencies communicate with people on the outside and request them to communicate with Members of Congress? Has not the gentleman received scores of petitions in reference to sugar and various other matters inspired by some central plant.

Mr. OLDFIELD. The gentleman is right.

Mr. SLAYDEN. Then there is nothing wrong in this any more than in the other matters.

Mr. OLDFIELD. No; but the people of the country ought to understand the situation. I do not think they do anything wrong by asking their customers to write to Members of Congress, but I think that Members of Congress ought to have the other side before they vote on the proposition.

Mr. SLAYDEN. I think the gentleman is right. I think that Congress many times acts on this artificial demand when it does not reflect the opinion of the people at large.

Mr. OLDFIELD. The next proposition in the bill which the gentleman asked me about simply makes the Sherman antitrust law apply to patent monopolies. That is, those patent monopolies where it is a monopoly of monopolies. A great many of the best patent lawyers in the country to-day take the position that the Sherman antitrust law does not apply to patent monopolies. I do not know whether they are correct in that opinion or not, but this bill will provide that the Sherman antitrust law shall be applicable to those monopolies created by the accumulation of patents.

Mr. LAFFERTY. I should like to ask the gentleman a question.

Mr. OLDFIELD. I yield to the gentleman.

Mr. LAFFERTY. In regard to the International Harvester Co., in the essential mechanism of the self-binder, is not the knotter a patented part, and has not the International Co. bought up all the patents and improvements on the knotter that has gone through the Patent Office?

Mr. OLDFIELD. That is true.

Mr. LAFFERTY. As I understand the bill, it would make it a penal offense for the owner of one patent to buy another patent with the intention of restricting or interfering with its manufacture or sale.

Mr. OLDFIELD. That is the intended result. The bill says "for the purpose or with the result of suppressing competition."

I might elaborate on that point. By virtue of the International Harvester Co. having the patent on the knotter they fix the resale price of the entire machine. Take the thrashing machine; by virtue of a little insignificant patent on the knotter they can fix the retail price to every farmer in the country, and all farming machinery in the country where the knotter enters into it. They can go further than that if they want to, but I do not think they will, because it would not be good business; but the manufacturer of a patented plow to-day, under the present law, could sell a plow to a farmer in your district or mine and have that plow placarded with the statement, "This plow shall never be resold for less than $25." The farmer might use it for 10 years and then decide to sell it. If they found out that he was about to sell it for less than $25, the manufacturer of the plow would have the legal right under the law to go to a Federal judge and have an injunction entered to prevent the plow being sold to the farmer at that cut price.

I say it is not fair to the people of the country, and I believe that Congress will bear out the Patent Committee when this bill is voted on. I believe that the Congress of the United States will say that no man has the right to fix the resale price of a product after it has left his hands. I do not believe that the Congress of the United States will ever say that a manufacturer in one State, New York, for instance, has the right to fix the resale price of a plow used in California after it passes out of his hands. As a matter of fact, on patented goods we pay a tax the same as on other property; we pay insurance on them, and it is our property just as much as our horse is our property.

Under the peculiar situation, under the decisions of the courts of the country, the patent lawyers of this country did not find out—they never supposed that this was the law until after the Sherman antitrust law was passed in 1890. The first case was in 1896, and they seemed to be trying to get around the Sherman antitrust law. The courts have held that in regard to unpatented articles in restraint of trade they could not fix the retail price. In the Dr. Miles medical case they held that because the medicine was not a patented medicine these contracts regarding the resale price were in restraint of interstate commerce, in restraint of trade, and in violation of the Sherman antitrust law.

This bill will only seek to do this: It just takes one right away from the patent manufacturer, and that is the right of an infringement suit when a contract is broken. They can go into the State courts, and if it is a reasonable contract they can enforce it; they can compel the enforcement of their contracts the same as any other individual in the country can enforce his contract.

Mr. MANN. Will the gentleman yield?

Mr. OLDFIELD. I will.

Mr. MANN. Under the existing law, is it not feasible for the owner of a patent to refuse to have it sold at any price, or forbid anybody from making the article?

Mr. OLDFIELD. Yes.

Mr. MANN. Does the gentleman's bill cover that?

Mr. OLDFIELD. You can not compel a man to sell if he does not want to sell.

Mr. MANN. Quite the contrary. When we grant the exclusive privilege of an invention we can require him to sell it for a price that is fair, and if he undertakes to do as many now do, turn the patent over to large corporations which do not want to put them in use, and forbids them from being made——

Mr. OLDFIELD. Oh, I misunderstood the gentleman. This bill takes care of that.

Mr. LAFFERTY. How is it taken care of?

Mr. OLDFIELD. It provides that when a person or corporation acquires an invention for the purpose or with the result of suppressing competition, then anybody can get a license by going to a Federal court and demanding a license.

Mr. LAFFERTY. That does not answer the question of the gentleman from Illinois. Suppose the inventor refuses to do anything with the invention after having acquired the exclusive right?

Mr. OLDFIELD. You can not do anything with him.

Mr. LAFFERTY. That point is not covered, then.

Mr. MANN. I think the gentleman stated if he refused he could go to a court and have the court fix the license fee. That was in one of these bills.

Mr. OLDFIELD. Yes.

Mr. MANN. Will that be in the gentleman's bill as reported?

Mr. OLDFIELD. No; it will not in that form. It is in the bill, but it does not apply to the original inventor himself. It does apply to any person to whom an invention is assigned. It applies to any person who acquires a patent, but we were unable to report a bill which would make it apply to the original inventor himself.

Mr. COOPER. Mr. Chairman, did I understand the gentleman's bill would authorize a court to fix the license fee?

Mr. OLDFIELD. Yes.

Mr. COOPER. Has the gentleman examined the constitutional question as to whether you can require a court to do that?

Mr. OLDFIELD. Yes.

Mr. COOPER. Is that a judicial function?

Mr. OLDFIELD. I have investigated it thoroughly.

Mr. COOPER. It strikes me that that is one of the functions that can not be deputed to a court.

Mr. OLDFIELD. I know it is a very close question, and there are a great many who do not agree with me upon that proposition, but I think that we have worked it out.

Mr. COOPER. That brings up the exact point that is in controversy between the Interstate Commerce Commission and the court.

Mr. OLDFIELD. Yes.

Mr. COOPER. That the court can not fix the rate, but it can decide whether the rate is confiscatory or not.

Mr. MANN. Of course the court does fix the license fee where the patent has been infringed; that is, it fixes the amount of compensation upon the basis of the license fee; but whether it can do it for the future is another question.

Mr. COOPER. That is what I mean—to fix the license fee—and it strikes me that the court can not do that.

Mr. OLDFIELD. The court does it in this way: If an invention is suppressed anybody can go into a court and compel the granting of a compulsory license; but as that has worked out in Great Britain and Canada and all other countries, they do not have to resort to the courts very often. When they know that a man can legally compel a license, they usually get together and agree upon a license. It seems to be easier to do that if they know they must do it.

Mr. SABATH. Mr. Chairman, will the gentleman yield for another question?

Mr. OLDFIELD. Yes.

Mr. SABATH. The last two days I endeavored to get copies of the gentleman's bill and have been unable to secure a single copy, being informed that the entire number printed is exhausted. I have received from the gentleman from Arkansas a great deal of information, and I have no doubt that other gentlemen listening have received very much beneficial information upon the gentleman's bill and what it contains. Is it possible for the gentleman to ask for a reprint of the bill, so that we all could study same?

Mr. OLDFIELD. I will state to the gentleman that bill 23417 has been exhausted for some several days, probably a week; but a substitute for that bill will be reported, I think, to-morrow, and then the gentleman can get all of the copies he desires.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. WILLIS. I have received a large number of letters from retail dealers insisting that if this bill becomes a law their business will be very seriously injured, arguing that under the present system they sell a patented article at the same price at which it is sold by the larger concern in the larger city. If this law passes, the mail-order house will take their business away from them, they say. I have had a large number of letters and that is the substance of all of them. I would like to have the opinion of the gentleman upon that contention.

Mr. OLDFIELD. Mr. Chairman, it resolves itself into this proposition: If competition will hurt the retail dealers in the gentleman's district and in my district and in all of the other districts, if competition is damaging to them, this bill will probably be damaging to them. Of course, under the law now and the way that manufacturers of patented goods sell their articles, there is absolutely no competition from the time the article is manufactured until the time it is sold and used thousands of miles away. I can readily see why Bill Jones and John Smith and Bill Johnson, who are all merchants in the same town and who all handle these Gillette safety razors at $5 apiece, want the price to stay there; and when these three merchants must sell those razors for $5 each there is no competition. There are hundreds of articles in the same situation. Of course the retailers of the country do not want competition, and they are going to raise every argument they can against this. But I believe in competition. I believe that if the mail-order houses can sell those articles to the people of the various communities of this country more cheaply than the retailers at home can do it we had better let them do it and give the people the benefit of the cheaper price. That is my theory of the proposition. [Applause.]

[Mr. BERGER addressed the committee. See Appendix.]

Mr. RODDENBERY. Mr. Chairman, the House joint resolution under consideration seems to have been attended with careful preparation, and the discussion of it manifests that the proponents of it are earnestly desirous of effecting a practical reform. I desire to call the attention of gentlemen in charge to what I think would be an advisable amendment. Would it not be well, in line 8, on page 2, after the word "increases," to insert by way of amendment the words "or decreases," so that when the commission took the matter under consideration they might also find that they could decrease expenses as well as increase them? I do not desire to offer that as an amendment, but merely suggest it.

In the course of the debate it occurred to me to inquire whether it is within the scope of the resolution to add to the subject of inquiries of this commission that they may go fully into the relation of patent attorneys to the Patent Office and to the granting of patents, so that they may inquire and see to what extent the credulous and zealous originator of some idea in California or in New York or in Missouri, thousands of miles away, is influenced or maltreated by the patent attorney. Conceivers of patent ideas become zealous on the subject. They think their idea is practicable; they think it is good; they believe in it; they think it is patentable; and there is a disposition on the part of some patent attorneys to encourage and lead them on in believing it is patentable, and I doubt not many of the honest, hard-working people, our constituents, all over the country have been bled and bled by the patent parasites for 5 years, 10 years, 20 years, and finally their patent is turned down. It is a small individual matter, but they are throwing away their money and the grafter is getting the spoils. I do not know that it would be germane to this particular inquiry, but if so I would be very glad to make the suggestion to gentlemen who have given it such careful and such thorough study. I know of one instance in my brief service where a woman had conceived an idea which she thought was a patentable conception. She paid $50 to an attorney, and it was found out on later investigation that in the first instance the Patent Office had advised substantially that it was not patentable. Fortunately she had among her files a letter which stated that if the patent was not obtained the money would be refunded by the attorney. Ordinarily these lady constituents of ours do not preserve their correspondence——

Mr. OLDFIELD. Will the gentleman yield?

Mr. RODDENBERY. In just one moment. Of course, I took up the matter and presented it to the attorneys with such remarks as I thought proper in connection with it and was fortunate to collect for and send the woman $50 after it had been withheld for three years. I now yield to the gentleman.

Mr. OLDFIELD. I want to state to the gentleman I know of some conditions just like those he has related. They are absolutely true, and it is the purpose of this resolution to investigate that very thing here in the city of Washington in regard to the conduct of lawyers and the conduct of patent officials here and find out just about the very things of which the gentleman speaks.

Mr. RODDENBERY. I am indeed glad to have that information. It is accurate, for I know the gentleman has made a careful study of it. Important as this question is, I have not been able to find where the legislatures of any States or the national as well as local organizations representing the working, scientific, commercial, and patriotic persons have beleaguered Congress with hundreds of thousands of any such petitions and letters as I beg to read.

I have here a letter that has just come to Members of this body from the national secretary of a great patriotic society known as the Daughters of Liberty, Mr. W. V. Edkins, which is as follows:

PHILADELPHIA, PA., *July 29, 1912.*

Hon. S. A. RODDENBERY,
House of Representatives, Washington, D. C.

DEAR SIR:-From reports at hand it is apparent that the Dillingham bill for the restriction of immigration is to be sidetracked as a political exigency.

Let us quote from Mayor Gaynor, of New York:

"You have the hardest police situation in the world to deal with. We have in this city the largest foreign population of any city, and a large number of them are degenerates and criminals. The gambling of the city is almost all in their hands, not to mention other vices and crimes.

The published names of everyone connected nearly or remotely with Rosenthal and his murder show them to be of the same class of lawless foreigners to which he belonged."

The Dillingham bill is the result of facts like the above and others equally alarming brought out by the report on immigration.

After being brought face to face with these conditions, whatever latent and slumbering American patriotism there is should be aroused to the manifest necessity of a restriction of such immigration as has been proven beyond any question of doubt undesirable and positively injurious to America, Americans, and American institutions.

Is it possible that the representatives of the people are beyond any patriotic impulse, except so far as political necessities require?

I can not believe that our fair land has no claim upon you that would deter you from arising and insisting, even at this late day, upon the passage of this bill as a matter of protection of every interest that may be termed American. Does this appeal to you as a call to duty?

Yours, respectfully,

W. V. EDKINS,
National Secretary.

I hold here another letter which is typical of the way the folks at home are writing their Congressmen from some of the so-called "doubtful States," and to which was written a most courteous hasty reply telling about the "crowded condition" of the work both in the Rules Committee and the House, and inclosing a copy of letters of certain chairmen of committees testifying to the hard work the Congressman was doing to further in every way the consideration and passage of the Dillingham bill and assuring the constituent, as he would see from the inclosed, that the bill would go through the first thing in December.

The constituent wrote:

———, ———, *August 1, 1912.*

Hon. ——— ———, M. C., *Washington, D. C.*

DEAR CONGRESSMAN: This House has seemed very responsive to the requests of the old soldiers for increased pensions, the labor unions for some legislation such as eight hours and anti-injunction, and other bills for other classes, but appears to have overlooked the importance of such progressive legislation as the splendid immigration bill, containing needed reforms proposed by the congressional immigration commission and passed by the Senate three months ago.

There are a great many of us that are anxious for the House to be as responsive in the matter of this patriotic immigration legislation as the commission, composed of Members of Congress, and the Senate have been. According to Congressman DIES's speech in the House and from what we hear there seems a disposition on the part of some to "strangle" and "sandbag" this needed patriotic legislation as a result of the opposition of the foreign steamships, the large employers, the foreigners whose prejudice and credulence have been aroused by their campaign of falsifications and misrepresentation of the Dillingham or immigration commission bill, certain other selfish interests and influences, and some of the good public-spirited people who have been misled and are being used by this selfish opposition.

Consequently I am taking the liberty of writing you to urge that this House at least consider this needed patriotic legislation, and that this be done before the House adjourns in view of the weeks the immigration bill has been before the House now.

Very truly, yours,

——— ———.

During the three months that the Senate immigration bill (S. 3175) was being considered and debated in the Senate, up to its passage by that body on April 19 last, many letters were read by Senators, and there are a few of them from which I desire to quote, in order that this House may not plead ignorance of the deep and widespread interest and demand that exists in favor of this House considering right now these immigration bills that have been before it for months.

The first one from which I quote was written by the national president, Mr. C. S. Barrett, and the national secretary, Mr. A. C. Davis, of the Farmers' Union, and, among other things, said:

Inclosed please find the statement of our committee's spokesman before the House Committee on Immigration. We beg to call this and also Senate Document No. 251 to your attention in connection with Senate bill No. 3175, now on the Senate calendar and to be voted upon next Monday.

These two documents fully explain our interest and attitude with reference to this legislation. They show that interest and attitude to be deep-seated and of long standing. From these documents you will see that our organization and its extensive membership are unalterably opposed to section 31 of the bill extending the work of the so-called Division of Information, and that we have been for a number of years urging the enactment of the very legislation, such as the educational test, recently recommended by the congressional Immigration Commission.

Mr. O. D. Hill, one of the secretaries of the Farmers' National Congress, wrote from Kendalia, W. Va., in part, as follows:

The farmers of the country are opposed to the present kind and quantity of immigration. The subject of proper restrictions and their enforcement by means of an efficient administrative policy, such as Canada has, have been discussed every year, and resolutions passed every year for some time at our annual congresses. The above farmers' organization is representative. It held its thirty-first annual session at Columbus, Ohio, last October. The meeting lasted one week, and there were over 2,000 delegates from all parts of the country present.

At that meeting the following resolution was adopted:

"Whereas the congressional Immigration Commission's report of 40 volumes has just been published and recommends the very measures which this organization has been advocating in its resolutions for years to judiciously restrict undesirable immigration:

"*Resolved*, That we enthusiastically approve the commission's legislative recommendations that the head tax be increased, the illiteracy test be enacted, the foreign steamships be fined for bringing undesirables, and that other judicious measures be adopted, which are hereby urged upon the Congress of the United States."

Secretary Frank Morrison wrote for the American Federation of Labor, under date of March 18, 1912, as follows:

Hon. F. M. SIMMONS,
United States Senate, Washington, D. C.

DEAR SIR: I see by the CONGRESSIONAL RECORD that you will speak before the United States Senate on the substitute amendment offered by yourself to the immigration bill, S. 3175, and that you will deal specifically with the subject of restriction by means of the illiteracy test.

In order that you may also know the latest action of the American Federation of Labor on the subject of immigration, I hand you herewith copy of the proceedings of the thirty-first annual convention, held at Atlanta, Ga., last November (1911), on page 66 of which you will find a statement by President Gompers on the subject of immigration, showing the Immigration Commission to have completely indorsed the attitude of the American Federation of Labor upon the general subject matter of immigration, particularly that of the requirement of an educational test. On page 287 of the same report you will find the report of the committee on president's report, reaffirming former actions of the conventions of the American Federation of Labor, and instructing the legislative committee to continue their efforts to secure the passage of either the Gardner or the Burnett bill, or, for that matter, any other suitable measure providing for the educational test. This report was unanimously adopted by the convention.

Hoping that this may be of service, and with best wishes for your every success on this important question, I remain,

Yours, very truly,

FRANK MORRISON,
Secretary American Federation of Labor.

Under date of March 15, 1912, the general master workman, Mr. J. W. Hayes, wrote a letter to the same Senator, from which I quote the following:

As you know, the order of the Knights of Labor has long favored the exclusion of undesirable immigrants, and as a means of doing so has also favored the illiteracy test and still continues to favor such a policy. We hope that you will be successful in securing the passage of your amendment to the Dillingham bill. We think this is one of the most important measures to be considered by this Congress—the exclusion of undesirables by the illiteracy test as recommended by the Immigration Commission.

Among other things, Mr. John H. Noyes, national legislative committeeman for the Junior Order United American Mechanics, wrote the Senator, who succeeded in having the Burnett illiteracy bill substituted for the illiteracy test wording in the Dillingham bill, there being only 9 votes against it out of 96, as follows:

I see by the CONGRESSIONAL RECORD that you are to speak next Monday on your illiteracy-test amendment to the immigration bill (S. 3175) now pending before the Senate, and I beg to say that there are over 400,000 members of the above patriotic society that have been urging for several years with more and more emphasis the adoption of such a test for adult aliens.

The membership feels that there is quite too much illiteracy in the country already, and that we ought to require of our own, by means of compulsory school-attendance laws, that they be able to read and write—as well as of foreigners entering the country—on the ground that a rudimentary education better fits one for the struggle for life and for citizenship in this county.

Mr. W. B. Griffith, writing for the Mechanics of New York State, said:

On behalf of some 30,000 members of the above patriotic organization in the Empire State I beg to say that the adoption of the reading test for adult aliens, as proposed by your amendment to S. 3175, will meet with universal favor, because we firmly believe that an elementary education makes our own native born better and fitter producers as well as citizens.

While the proper restriction of immigration will be opposed by the foreign steamship companies, the large employers and padrones, certain importers who fear an increase in freight rates as a result of restriction, and other selfish and misguided interests and influences, the great majority of people in this State, and particularly the farmers, laborers, and patriotic persons that are organized, are not only in favor of the legislation, but are very much aroused over the laxness of our immigration laws and the feebleness of our administrative policy, as compared with those of Canada, Australia, and some other new countries.

And Mr. Charles H. Stees, national secretary of the Patriotic Order Sons of America, wrote from Philadelphia:

The extensive membership of the above patriotic society, which has, for instance, over 100,000 active members, all voters, in my State (Pennsylvania), and has thousands in every State east of the Mississippi and in some States west of the Mississippi, are very much in favor of your illiteracy-test amendment to S. 3175, and the 30,000 members in the Old North State will appreciate your efforts in behalf of that measure, which is in keeping with our public-school system and which would merely require of adult aliens coming here what our public-school system and compulsory school-attendance laws exact, or ought to, of our own native born.

A letter from the national joint legislative agent of the four railroad brotherhoods, Mr. H. E. Wills, contained the following statement:

I am writing to say that the railroad organizations which I represent are deeply interested in the further limitation of the present enormous influx of labor by means of the reading and writing test proposed by your amendment and so strongly recommended by the Immigration Commission. As I brought out recently in a statement before the House Committee on Immigration, which has voted to report such a measure, the Brotherhood of Locomotive Engineers, the Order of Railway Conductors, and the Brotherhood of Railroad Trainmen have for a number of years discussed in their conventions and publications the need of such legislation and have passed resolutions urging it.

No such representative widespread interest has been manifested in this patent legislation now before the House, and yet we have time to consider it and devote a whole day to it, even though we are almost ready to reach the Committee on Immigration and Naturalization under the call of committees, and I observe that some of my colleagues are quite willing to give the widest scope to an investigation and discussion of this resolution, which necessarily results in "killing time" and making it impossible to reach the immigration bills this session on Calendar Wednesday.

Not only have the officials of organizations representing millions upon millions of our citizenship not manifested any such interest by letter in the pending measure, but their organizations and the people of the States through their respective legislatures, have memorialized Congress one after the other for immigration legislation, as the last Tennessee Legislature did in the following petition, which was duly approved by the governor, and which is typical:

Whereas the United States Immigration Commission, after four years' investigation and the expenditure of $1,000,000, has made a 42-volume report to Congress; and

Whereas it is being proposed that the immigration evils from which the Northeastern States are suffering be relieved by diverting and distributing the aliens now crowding into and congesting the slums, sweatshops, and city centers of the Northeast; and

Whereas the Immigration Commission clearly points out that this is the only country with any considerable net foreign immigration, our laws and administrative policy are the weakest of any new country, and that "substantial restriction is demanded by economic, moral, and social considerations" and the illiteracy test is recommended "as the most feasible single method for excluding undesirable immigration": Therefore be it

Resolved by the State Senate of Tennessee, That we hereby memorialize Congress to immediately enact some such illiteracy test as is recommended by the Immigration Commission, as is law in Australia, New Zealand, and other new countries, pass other needed legislation along the lines of the Immigration Commission's suggestion, and do not pass any legislation looking to the diversion and distribution of the kind of alien population that is now congesting the northeastern cities and causing so many evils there; and be it further

Resolved, That a certified copy of this resolution be sent by the secretary of the senate at once to the President of the United States, to our two United States Senators, and each of our Representatives at Washington, D. C., with the request that it be presented to Congress and properly referred.

And to my Republican friends I want to commend the perusal of the memorial of the Ohio State Legislature—and a quite similar one from Pennsylvania—for while I do not believe in protecting the products of labor from the products of foreign labor by anything more than a revenue tariff, I do believe in protecting our own workingmen from the cheap labor of western Asia and Europe, just as much as I believe in keeping out that of eastern Asia. The Ohio memorial reads as follows, and I hope the words will be listened to by friends across the aisle in order that there may be a pricking of their consciences and that possibly some of the sinners may return to a revenue tariff while the light still holds out for them to see their way back to this House:

Whereas the dumping of a million immigrants into the United States annually is a fact for which the world offers no precedent, and is a menace to American institutions, the American home, and the American laborer; and

Whereas there are now many bills before the Congress of the United States for the better regulation of immigration and the revision of the tariff; and

Whereas the regulation of foreign immigration is a necessary supplement to the tariff, an essential element in the protection of America from ruinous competition by cheap labor at home, ruinous in our endeavor to establish an American industrial democracy; and

Whereas a protective tariff, without proper immigration regulation, is a travesty on the industrial problem: Therefore be it

Resolved by the General Assembly of the State of Ohio, That we respectfully ask our Senators and Representatives in Congress to enact more stringent immigration laws to protect our people, both native born and naturalized, against wholesale immigration from foreign lands.

Of course in spite of all this it may be that you will be able to explain to your confiding constituents that you have no idea of delay; that you have no idea of consuming time so that the Committee on Immigration and Naturalization will not be called at this session of Congress. Remember that there is no filibuster; that they are honestly seeking the information touching this patent resolution, yet having in their minds the fact that the longer the time they consume on this the more certain they will be not to have a vote on the immigration legislation. And that calls to mind a matter I should like to submit. The other day it was remarked that the chairman of the Rules Committee of the House had stated in writing that early in December a special rule would be brought in for the consideration of immigration bills. I want to say for the benefit of the chairman of the Rules Committee that in December we may not need any rule to get up the bill. In December, it will come up under the regular rules of the House, of its own sweet will. His promised proffered assistance is needed right now. Now is the time when we need action by the Rules Committee, if we want to respond to the demands of the people of this country for this beneficent, wholesome, progressive legislation. Nobody knows——

Mr. LAFFERTY. Will the gentleman yield for a question?

Mr. RODDENBERY. I do.

Mr. LAFFERTY. I would like to ask the gentleman from Georgia what difference this so-called Burnett bill will make in the present immigration law? The gentleman seems very anxious to have it passed. The only further restriction in the bill I can see is that it requires the immigrant over 16 years to be able to read a printed slip in some language or dialect; and would that really restrict immigration if it should be passed?

Mr. RODDENBERY. It would make all the difference in the world. Pass the Dillingham bill, even adopting the radical recommendation of the committee, and the whole bill of 60 pages is in conference. But I have not the time and this is not the occasion to go into the details of the Dillingham bill and its 39 sections or the Burnett bill. I desire to pursue a different line of argument at this time, but this much is so, namely, the foreign steamship companies, the Shipping Trust, the large importers, traffickers, and employers of cheap labor, the advocates of the wide-open American door to allow to enter species of aliens like "Gyp the Blood," "Lefty Louie," "Jack Rose," and those other assassins, who, for the price of gambling in the city of New York, will take human life—these, and every instrumentality that walks in brazen shame with human vermin, protest against the Dillingham-Burnett or Immigration Commission bill, and that is sufficient for me. [Applause.]

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. RODDENBERY. I will.

Mr. GOLDFOGLE. I understand that the fellows the gentleman mentioned a second ago can read and write.

Mr. RODDENBERY. And the fellows I mentioned a moment ago may not have been able to read and write when first they put their foot on what ought to be a freeman's soil. [Applause.] And whether they can or no, those they prey upon and use can not. They and their kind have come to this country and obtained the benefits of our institutions. Dense in their ignorance, criminal in their hearts, they have taken advantage of opportunities of luring the unsuspecting illiterates into their gambling dens in the midst of the vices of the Tenderloin, and in collusion even with high officers of Tammany's Tiger have they brought shame and disgrace on the Empire State of the Republic. [Applause.]

Mr. BARTHOLDT. Will the gentleman yield?

Mr. RODDENBERY. I will.

Mr. BARTHOLDT. I hold in my hand a copy from a St. Louis newspaper which reads as follows—I will read only the first two paragraphs:

Because railroads in Illinois were clamoring in vain for 80,000 laborers for summer track repairing, and other industries are equally unable to solve the problem of labor shortage, four large St. Louis agencies are establishing branches throughout southern Illinois.

Tony Blaisi, supervisor of private employments of Illinois, was in St. Louis yesterday to determine whether the St. Louis agency should be licensed in Illinois. After finding the demand for laborers on the St. Louis agency was mainly from Chicago and Illinois corporations, he decided to recommend they be given licenses.

I have also learned recently that 500 colored men were imported from the South for the purpose of doing necessary labor for which nobody else could be found. In other words, there is at the present time a great shortage of labor in the United States, especially in the great Northwest, and the farmers can not find enough to move their crops.

If my friend will investigate and examine the reports of the Department of Commerce and Labor he will find, for instance, that last month 50,000——

Mr. RODDENBERY. Mr. Chairman, I must decline to yield further to the gentleman. The gentleman can at a future time make his speech and quote the few paid articles he has found that have been put in a few subsidized newspapers by the foreign steamship companies and large employers that work men 12 hours a day, 7 days a week, 52 weeks a year on starvation wages and enjoy a high protective tariff enacted by his party without protecting our workingmen from the pauper labor of Europe.

Mr. BARTHOLDT. Will not the gentleman let me finish this sentence?

Mr. RODDENBERY. Yes.

Mr. BARTHOLDT. That 50,000 unskilled laborers arrived in this country, and 177,000 unskilled laborers departed from this country, so that consequently the question of immigration is not a problem at this present time. On the contrary, I think Congress will soon pass resolutions inviting people to come here to do that particular kind of work for which immigrants are needed.

Mr. RODDENBERY. Mr. Chairman, I will answer the gentleman by calling his attention to the finding of the Congressional Immigration Commission, for which he voted six years ago, and the finding of the Senate committee that investigated the high cost of living. The Senate committee reported after a thorough investigation that one of the contributing causes was the tremendous alien influx. There were some on that committee who concluded, and rightly too, that a high protective tariff that masqueraded under the disreputable guise of affording better wages to our workingmen had even as much if not more to do with the skyward soaring of the prices of necessities.

But to answer the gentleman in kind, I will read to the House a few uninspired newspaper articles that did not have to be accompanied by any large steamship or other newspaper advertisements. First let me call attention to what the Congressional Immigration Commission found after a most searching investigation, conducted by the ablest and most talented experts of the United States Bureau of Labor that could be obtained. The facts are available. If the gentleman will just turn to his set of 42 volumes of 500 pages each, which was prepared by that official investigating body known as the Immigration Commission, he will get the truth, and it will make him free of his present delusions, for it was therein proved, to the complete satisfaction of the nine distinguished members of that official body, that "There is an oversupply of unskilled labor in this country, as a whole, due to unrestricted immigration." There can be no question about that fact having been established. We do not need the testimony of organized labor, which has been driven entirely out of the basic industries like steel, where, according to undeniable facts, much of the labor is in far worse slavery than any black man ever was in the South. It is so recorded in one official report after another by the Bureau of Labor and published as Senate documents.

But to reply in kind, let me call the gentleman's attention to what the New York Herald said January 14 and April 13, 1912:

[New York Herald, Jan. 14, 1912.]

500,000 UNABLE TO GET WORK HERE—WARNING SENT BROADCAST TO MECHANICS AND LABORERS TO SHUN NEW YORK.

More than a million skilled mechanics and laborers are idle and daily seeking employment in New York City, according to figures compiled yesterday by the manual labor bureau of the National Employment Exchange. "The labor market in this vicinity," says an officer of the bureau, "never has been so stagnant and glutted as now, and never has there been such a small demand for labor of any class."

Because of this condition and because it is rapidly becoming worse, the National Employment Exchange, which is supported by about a hundred prominent financial and industrial leaders in the country, issued a warning yesterday to all mechanics and laborers to stay away from New York City.

"We want this warning to go into every hamlet in the country," said Edward W. Carpenter, manager of the exchange, yesterday, "and particularly into the industrial towns and cities of the Middle West, which are pouring their thousands into the city.

"The severe weather of the last few weeks has brought all outdoor labor to an end, throwing out many thousands of men already here. Such wide publicity has been given to the construction of the new subways that many more thousands—tens of thousands—of men have left their homes in other cities to come here, believing there would be no trouble in obtaining work.

"HUNDRED MEN FOR ONE JOB.

"A wrong and dangerous impression has been given. There is only one job for every fifty or a hundred men seeking it. This includes every branch of skilled workers and laborers, as well as civil engineers and educated men. If we could only spread word throughout the country that these places, even down to the diggers, have been filled long ago and that there is a waiting list, it would help to lighten the burden under which we are struggling.

"A much stronger demand for labor is apparent in the Middle West than here. We can not even now supply an order for 200 miners in West Virginia because the men want to stay in New York. New York is a Mecca which attracts men, and there is not the labor here to support them.

"While our manual labor bureau, in Cooper Square, insists that at least 500,000 men are out of work in this city, I personally know that there are more than 300,000 idle. Of course, at the bureau they are in more intimate touch with the situation, and they probably are right. In any event, it is an appalling situation and one that demands prompt relief.

"Most of the mechanics and laborers who come here have nothing more than a railroad ticket. The result is that they at once become objects of charity, thus burdening the community with an enormous and unnecessary tax. It is regrettable that many of them become street beggars."

In connection with this statement and warning by the National Employment Exchange the various constituent societies of the Associated Charities have issued urgent appeals for quick help. Each society declares that the demand upon them never before has been so great. The free lodging houses are overcrowded and nightly turn away hundreds of homeless and destitute.

"GOOD CHANCE NEXT SPRING.

"Next spring and summer we can place more men than we can find," Mr. Carpenter continued, "but that is at least three months away, and how this army of idle men are to exist until then is beyond me. There is no work here now for the men, and all who can should get away from New York. We want to make the warning particularly strong for men out through the country to stay away from this city until work on the great public improvements and private enterprises opens in the spring. If they come here they will starve.

"Our records show that more men are coming every day. They are giving up jobs that pay them on an average of $18 a week to come to New York. They not only want to better themselves, but they want to see New York. They have no money to sustain themselves in idleness, we can not find employment for them, and they quickly become destitute.

"A pitiful thing about this is that many of these men bring their wives and children here, and all of them must accept charity—if they can get it.

"No mechanic or laborer should come to New York now unless he has sufficient money to support himself for three months. I wish I could devise some way to get the hundreds of thousands of unemployed now in New York away from here. There is a much better chance for them in the industrial centers of the Middle West. If they remain here they must beg, accept charity, or starve. The outlook is not bright."

POLICE COMPLAIN OF BEGGARS.

Police Commissioner Waldo said yesterday that there are more beggars in the city now than in many years, and that policemen are having much trouble with them. They are not the professional beggars, who are handled easily, because they can be convicted quickly, but the mendicants are mostly able-bodied men, who are willing to work, but can't find employment.

Few, if any, semipublic organizations in the country have a list of more distinguished officers and supporters than the National Employment Exchange. Otto T. Bannard, president of the New York Trust Co., is president; Paul M. Warburg is treasurer; and Eugene H. Outerbridge, secretary. Among the directors are Jacob H. Schiff, Robert W. De Forest, and Francis L. Hine.

Subscribers to the $100,000 fund supporting the exchange includes the Russell Sage Foundation, J. Pierpont Morgan, Frederick G. Bourne, John D. Archbold, John R. MacArthur, Paul M. Warburg, Mortimer L. Schiff, Francis L. Hine, John G. Milburne, James S. Sorymaer, Jacob H. Schiff, John D. Rockefeller, Edward S. Harkness, Robert W. De Forest, George F. Baker, Elbert H. Gary, Otto N. Kahn, V. Everit Macy, Felix M. Warburg, Otto T. Bannard, Isaac N. Seligman, William H. Moore, and L. F. Lorce.

[New York Herald, Apr. 13, 1912.]

UNABLE TO COPE WITH RUSH OF ALIENS; BIGGEST ON RECORD; PERIL TO COUNTRY—HEALTH OF CITY AND NATION MENACED, IT IS ASSERTED, BY LAX INSPECTION—THOUSANDS UNFIT PERMITTED TO ENTER—AUTHORITIES DECLARE FACILITIES AT ELLIS ISLAND ARE INADEQUATE FOR HANDLING GREAT HORDE—MORE BUILDINGS NEEDED—CAN NOT PROVIDE QUARTERS FOR PERSONS WHO SHOULD BE DETAINED PENDING AN INVESTIGATION.

Because of the inadequate facilities for the examination and care of the immigration which is now pouring into this country, and which was reported at its highest tide in the history of the port yesterday, thousands of aliens, diseased both mentally and physically, are permitted to enter and spread their evil influence widely. At Ellis Island, where the immigrants are examined, it is impossible properly to examine the large number of immigrants now, and as a result a gross injury is inflicted upon the health of this country.

For the most part the immigrants come from the unhealthy parts of southern Europe and carry contagious diseases. Many are weak minded, a condition difficult to detect, especially in children, and they are sent here by their relatives abroad because they can receive better care in American institutions. A majority of the immigrants get no farther than this city, and prominent medical authorities here have often declared that the foreigners are responsible for much of the disease in the tenement quarters.

William Williams, commissioner of immigration, stationed at Ellis Island, said yesterday in an interview to the Herald that improvements were sadly needed. He said it was impossible to care for the flood of immigrants during this season, and that of necessity many aliens were passed who should be held for detention.

CONDITIONS IN A BAD WAY.

"I do not want to be an alarmist," he said, "but conditions here are in a bad way. We need additional buildings and additional facilities for handling the increased immigration. As it is, we must rush through with them, and this is hardly fair to the country. There are many cases which should be held until a second and complete examination could be made, but we have not the accommodations for them here. It is a serious question, and Congress should take cognizance of its importance and make ample provisions.

"We have many cases in the spring months, when immigration is heavy, that we can handle only with reasonable care. It would require an expenditure of more than a million dollars for the erection of buildings to properly examine and care for the aliens. I will not say that we are obliged to make a superficial examination of immigrants, but we examine them, under present conditions, only with reasonable care."

The immigration this month has passed the high-water mark. In April of last year, which was a big month and which tested the capacity of the department, 83,575 immigrants arrived at Ellis Island. In April this year the total is expected to be more than 100,000 immigrants, which will be the record for the department.

To date for this month 6,000 more immigrants have arrived than in the same period of April last year. In March of this year, despite the uncertainty of labor, 83,654 immigrants arrived, as against 75,306 of last year, which was one of the biggest years of immigration in the history of the department.

HEALTH OF COUNTRY MENACED.

By those in authority, it is said that Ellis Island, as it is conducted at this time, is wholly inadequate, and as a result the health of the country, and especially of this city, is menaced. Recently the Herald published statistics showing that more than 60 per cent of the occupants of charitable institutions and insane asylums in New York were foreign born and likely entered here under the lax system of the immigration authorities. An official at Ellis Island yesterday said:

"The immigrants coming to this country, especially from the south of Europe, are not the dull, ignorant people they are commonly supposed to be. They are smart, and for the most part clever in their attempts to dupe the immigration officials. There is so much faking among them that it is often difficult to arrive at the truth.

"We have found that many aged men and women, who come here ostensibly to join their sons and daughters, come for no other reason than to enter some American charitable institution for the remainder of their lives. They have no children here, but through agents get other persons to pose as their children until they pass the authorities. We naturally pass them on, as we have no means to detain them until a proper investigation is made."

The same condition is said to exist in the examination of persons for tuberculosis and like diseases. Also, it has been found impossible to

properly examine children who are believed to be slightly demented. One official said yesterday that many weak-minded children are passed by the authorities in the rush months of immigration, because they have no time to make a complete examination.

CAN CARE FOR 1,800 AT NIGHT.

Commissioner Williams said yesterday that they can care for only 1,800 persons at night at Ellis Island. When almost twice that number arrives, as is the case this month, the authorities are obliged to rush them through. Aliens who naturally would be detained until a complete examination could be made are permitted to enter this city. Commissioner Williams blames the state of affairs upon Congress for refusing to make appropriations for suitable quarters and facilities to maintain an efficient standard of inspection.

"We are up against it here," said Commissioner Williams, "but the strictest sort of an investigation will prove that we are doing the very best we can in the circumstances. We handle every immigrant with reasonable care, but when they pour in on us as they have in the last few weeks, of course the physicians have to hurry through with their inspection.

"No one is more interested than I in making a thorough examination of immigrants. But what are we going to do? Already we have had complaints about putting the aliens in three-tier cots, the only manner in which we are able to care for 1,800 each night. Last year 749,642 aliens arrived at this port, and of that number 14,500 were deported for various reasons. The steamship agents abroad are responsible in a large measure for accepting as passengers persons who are totally unfit to land here.

WOULD INCREASE THE FINE.

"In 1911 the steamship companies were fined $14,000 for bringing in passengers mentally affected or with contagious diseases. I would favor increasing the fine from $100 to $200 as one means of preventing the rush of foreign imbeciles and unhealthy subjects. It means increased taxation to care for this great number of mentally and physically incapacitated persons. I understand that New York pays more than $8,000,000 annually to care for the indigent insane, and of this number at least two-thirds are foreign born. These figures show the advisability of Congress spending one-eighth of that amount for adequate facilities to make proper examination of aliens coming to this port.

"Our hospital department is totally inadequate for a proper execution of the law relating to the detention of the physically and mentally defective. We are doing the best we can in the circumstances, but it is a serious proposition and means a great deal in the future health of this country.

"We are sadly handicapped in not having sufficient quarters for the immigrants detained pending investigation. And the quarters we have are poorly ventilated and must be used both night and day. Our dormitories are in bad condition, and the responsibility for the continuance of these conditions must rest with Congress.

"The complaint that there are many feeble-minded alien children in the public schools of New York, who have passed Ellis Island, is due to the lack of time and facilities for a thorough examination as to mental condition. It is true that this element of feeble-minded persons forms a large part of the inmates of the Elmira Reformatory and contributes largely to the criminal class. But we make every effort to exclude them. Greater effort should be exercised, I know, to prevent the landing of feeble-minded immigrants. But we can not do that without additional facilities. It is a physical impossibility."

CAUSE FOR ALARM.

That there is cause for alarm from the big influx of immigration now flowing into this country without proper inspection is admitted by everyone familiar with the circumstances. From the plague-ridden districts of eastern and southern Europe thousands of immigrants are coming here every week. There is no question that many of them are suffering with diseases characteristic of their country, and not a few are in the early stages of consumption.

One steamship agent, who canvasses abroad for passengers, declared that he had found that young aliens come to this country for their health. They are made familiar with the examination to which they will be subjected upon their arrival here and fortify themselves for the ordeal.

They also are acquainted with the fact that in March and April an unusually large number of immigrants come to the United States and that the examination at that time must necessarily be conducted in a lax manner. Consequently those who are mentally or physically deficient take advantage of the rush season to enter this country. Once here they are willing to enter a charitable institution, where they will receive better care than at home.

"Ellis Island has all the help, both medical and otherwise, that is necessary," said Daniel J. Keefe, Commissioner General of Immigration, in Washington last night when his attention was called to a report from this city that the immigration records were being broken this month and that the great rush made it impossible for the authorities to make an adequate medical examination.

"The rush always takes place in March, April, and May, and slackens off about June," he said. "It is not unlikely that the record is heavy this month, and I have not seen the figures, but I feel we have all the help that is needed and take no stock in the report that the medical inspection is inadequate or that the health of the Nation is menaced."

Despite this assertion by Mr. Keefe, Commissioner Williams declares the medical inspection is not what it should be. He said that Ellis Island could ordinarily care for the immigration in a proper manner, but during the rush months of spring the heavy tide of immigration made it impossible to take the usual precautions.

Here is an editorial, not a mere distant dispatch, unsigned and unidentifiable, from the New York Evening Mail, which says:

THREE HUNDRED MILLION MORE.

Here is the charming doctrine of put-your-hired-man-in-the-parlor-and-sit-on-the-stoop-yourself finely stated by our contemporary, the New York Times:

There are some 90,000,000 people in the United States. If 400,000,000 were developing its resources the country would support them more comfortably, more prosperously than it can support the 90,000,000. Labor in this land grows by what it feeds on—more men.

More men, and more men, and more men. Never mind the quality of the men—all we want is quantity. More men to keep up the processions of the unemployed. More men for the bread lines. More women and children for the sweatshops. More thousands to populate "lung blocks." More dark-visaged gentlemen of the Mafia, the Camorra, and the Black Hand. More prosperity for the stiletto trade. More and more ignorance of and want of sympathy with original American ideas of the sacredness of individual right and initiative, and more and more encouragement for the intrusive police methods of Europe.

We need men in this country, oh yes; but not so much great numbers of any kind of men as a fair chance for the right sort of men. We are not particularly anxious to have a worse attack of ethnological indigestion than the one we are suffering from at present. Let us give a fair chance to the 100,000,000 to become full-sized, full-brained, sound-hearted Americans before we bring in 300,000,000 more.

In protesting against the proposed turning of the Government departments at Washington into official employment agencies, chiefly for the benefit of new European immigrants, the officials of the American Federation of Labor have done exactly right. Immigration should be restricted, not magnified.

And here is a clipping from the Evening Telegram, of New York City, under date of August 5, on which the ink is scarcely dry, and it says:

Ten thousand arrivals in port aboard 6 steamships, swamping Ellis Island, in one day.

Let the St. Louis railroads go there, since they can no longer import Chinese coolies, and get them if they want them, or get a few of the 150,000 good American farmers that cross each year into Canada, owing to the fact that Canada simply will not admit the indiscriminate immigration we do and which is unquestionably driving and crowding our own good people out of employment. Let me give a good authority. John Mitchell, ex-president of the Mine Workers of America, is one of our best citizens and can be depended upon to state the truth. When questioned at a labor conference in the Department of Commerce and Labor two years ago with regard to whether the present enormous alien influx and efflux pushed those here up in the scale, he said:

No; not at all. If it was, then I would say that there ought to be about 15,000 John Mitchells who were ex-presidents of the United Mine Workers of America, and who are now prominently before the people of the United States. Probably of the thousands of men who, like myself, were pushed up, I was the one who rose where the rest fell. Mr. Secretary, I know what it is to fight against influences that push a man down. The only thing in my experience that I could not do was to beg for something to eat. I always asked a chance to work for my something to eat. But I do know hundreds of men, Mr. Secretary—I have seen them in my life and talked with them, because I have been interested in these problems—I have found hundreds of men who were not quite so sensitive as I was, but whose hardships had hardened them so that they forgot their desire to rise in the world, and, as a result of unemployment, had got into a state of mind and into a condition where they did not want work.

A man who starts out for employment is at first a respectable, high-class man, but he has no place to work and no money to buy food, and just as surely as mingling with depravity lowers a man step by step until he no longer wants to associate with honorable men, so it is that unemployment and beating your way from place to place and associating only with those who will associate with you lowers you down until you forget the condition in which you used to be or until it only comes to you like a lingering memory. Sometimes like a dream these men look back to the pinnacle on which they once were, when they were wage earners, but they have been driven down and have become of the type that has been described. They are tramps, bums, and finally hoboes—men who no longer want work because they have got away from it, just as we find men in other classes of society who go down, down, down, until the better part of their manhood is submerged and they can not rise again. So, instead of these immigrants pushing men up to better planes of society, they push them out. Of course, I know—I have read the books that have been written about one class being supplanted by another in whole communities. I suppose you are familiar with the Slav invasion of the anthracite coal fields; how the English, Irish, and Scotch employees were there first, and then came along the Slavs, and slowly but surely drove them from place to place, and drove them up the valley. Mr. Powderly knows more about it than I do—how the English-speaking men made their last stand right up at Mr. Powderly's home, and now they are going from there. True, some of them have entered the railway service; we have lots of them who are railroad men now, and others have become policemen—strong, big, fine men. But there are hundreds of them, you will find, wandering up and down in America.

In further answer to the gentleman, I want to say that I have the official figures from the Bureau of Immigration in the Department of Commerce and Labor, which show that——

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. RODDENBERY. In just a minute. These official figures show that the total number of "immigrant aliens" for the last fiscal year, ending June 30, 1912, was 842,000, and that there were also about 200,000 "nonimmigrant aliens," but aliens, just the same, making a total alien influx of over a million. The total emigration was about 500,000. So we got about 500,000 more aliens than left. During the past 10 years 10,000,000 aliens have entered the country, and, according to the steamships, about 4,000,000 have left. But in view of the fact that our foreign-born population increased only a little over 3,000,000, more must have returned than were reported. I have a table here which I will insert in the RECORD that will shed much light on this phase, and which will suggest the way in which not only our working people but we and our institutions and country are being exploited.

The table referred to is as follows:

Table showing immigration, emigration, debarred, etc., for the last 11 years.

[Table taken from p. 413, hearing on Immigration bills, 1910.]

Year ending June 30—	Total alien arrivals.[1]	Total alien departures.[2]	Immigrant alien arrivals in Note 1.	Per cent of immigrant aliens who have been in the United States before.	Nonimmigrant alien arrivals.	Debarred aliens.
1901	562,868	209,318	487,918	11.9	74,950	3,516
1902	730,798	220,103	648,743	9.5	82,055	4,974
1903	921,315	247,559	857,046	8.9	64,269	8,769
1904	840,714	332,019	812,870	12.8	27,844	7,994
1905	1,059,755	385,111	1,026,499	12.1	33,256	11,879
1906	1,166,353	356,257	1,100,733	12.1	65,618	12,432
1907	1,438,469	431,306	1,285,349	6.8	153,120	13,064
1908	924,695	714,828	782,870	8.1	141,825	10,902
1909	944,235	400,392	751,786	[3]	192,449	10,411
1910	1,198,037	380,418	1,041,570	[3]	156,467	24,270
1911	1,030,300	518,215	878,567	[3]	151,733	22,349
Total [4]	10,817,539	4,195,524	9,673,953	.....	1,143,586	130,560

[1] Official Government statistics. (Annual report of Commissioner General of Immigration.)

[2] Statistics furnished to the Government by steamship companies. (Required by act of Feb. 20, 1907.)

[3] Not given after 1909.

[4] Since 1900, or for last 11 years.

NOTE 1.—The distinction "immigrant alien" and "nonimmigrant alien" is fanciful, the only difference being as to whether the alien comes for the first time or comes intending to remain. A "nonimmigrant alien" is so classified if the alien says he expects to return to the native land.

NOTE 2.—Although 9,787,239 aliens entered this country during the last census decade (1900 to 1910), the Census Bureau reports that our foreign-born population increased only 3,129,766, which tends to show that the number of alien departures reported by the steamship companies falls short of the number that actually leave the country. The Immigration Commission reports that "at least 40 per cent of those coming return," taking a minimum of $250,000,000 annually out of the country.

As I said, we received 500,000 more last year than went back. Let St. Louis get some of those 500,000 whom the New York Herald and New York State and city officials report as out of employment in Gotham if she is short of labor, and if Teddy can spare some of the negroes from his newborn campaign, maybe you can engage some of them. [Laughter and applause.]

The gentleman from Missouri [Mr. BARTHOLDT] has read a newspaper article of dubious authenticity in a western paper stating that the railroads want 80,000 laborers for "summer track work," and that one "Tony Blaisi" had come West from Illinois to look for them. I have not the slightest doubt about the article appearing in a St. Louis newspaper or about there always being a demand for more labor at low wage. Every little while some such article appears out West or down East, apparently for congressional consumption. Why did not Tony Blaisi go to New York or Boston? The article would not bear investigation, in my judgment. At least, other similar articles have not, and to show up precisely the sort of evidence the gentleman offers, I want to read a newspaper article which is to be found in the printed hearings of the House Committee on Immigration for February of this year. It is entitled: "Says western jobs are myths—Bowery Mission makes a test of a demand from Nebraska for 1,000 men—Told all places are filled—The bread line diminishing, but Secretary Earl estimates there are still 150,000 idle men in the city."

The article, from the New York Times, is as follows:

"In an effort just made to place a number of the unemployed men in the Bowery Mission bread lines on farms in Nebraska and the West I find that there is a vast difference of opinion between the newspapers, State officials, and farmers of the West as to the need of more help from the East," said John C. Earl, financial secretary of the Bowery Mission, who is also in charge of the work of the free labor bureau conducted by the mission, to a Times reporter yesterday.

"On February 10 there appeared in two papers published in Omaha, Nebr., stories with flaring headlines telling of the crying need of farmers for help," continued Mr. Earl. "These stories were based on an interview with Deputy Commissioner of Agriculture W. M. Maupin, of Nebraska, in which he said he knew of cases enough to give employment to 1,000 men from the East if they could be obtained. In the course of his interview Mr. Maupin gave the names of 25 farmers, who, he said, he knew to need from 5 to 20 men each.

"A few days after this story appeared in the papers I received a communication from A. W. Frick, of Fentonville, Nebr., in which he inclosed the clippings from both of the papers, and said that if the people of New York who were running the Bowery Mission bread line wanted to they could place a number of men on these Nebraska farms, where help was so badly needed. Mr. Frick intimated, as has been done by lecturers and certain newspaper writers, that the Bowery Mission bread line was composed of a lot of drunken loafers who did not want to work, but were satisfied to remain in New York for the bread and coffee daily.

"I immediately wrote Mr. Frick and asked him to send me the addresses of any farmers who wanted help. I wrote the two newspapers, asking for the same information, and sent a similar letter to Deputy Commissioner Maupin. Then I wrote to each of the farmers whose names and addresses Mr. Maupin had given. In reply the newspapers say they have no addresses; Mr. Frick says that since writing all of the farmers have been supplied with the help they need, and Mr. Maupin replies that there was all the help needed in the State just now. This he says despite the fact that he asserted two weeks ago that the farmers were in need of help and that 1,000 men could be placed. The farmers said they were supplied.

"This is a trouble we are constantly having. Newspapers print stories that help is badly needed in certain sections of the country. We offer to furnish honest, industrious, sober men who are willing to take any kind of work, since they have been out of employment for months, and then we find that the work is not there.

"During the past 12 months the free labor bureau of the Bowery Mission has sent out 3,500 men to farmers, and from reports we have received less than one-half of 1 per cent of the men failed to arrive at their destination and the greater part of them have given satisfaction. Of course there have been some complaints of the men sent, but these complaints are based entirely on the inability of the men to do certain technical parts of the farm work, such as milking a cow or operating a mowing machine, immediately upon their arrival.

"In addition to this a very large proportion of these men have of their own accord written us of their safe arrival and of their satisfaction at the place we found for them. This we regard as very gratifying, for the temptation to the men if they were not honest in their purpose would prove very great. We require the farmers to send the price of transportation. Then we give the men a ticket to their destination and money with which to buy their meals en route."

Mr. Earl said that there were now in this city 150,000 men out of work and that a large number of these are being assisted by their families or friends. He said that the Bowery Mission bread line had fallen off considerably and that it now averages about 2,000 men per night.

"Most of these men are willing to go to work if we can find places for them, and they are being sent out of the city to farms in the near-by States as fast as applications are made for them," said Mr. Earl. "Of course, we have applications for help that we can not fill," he continued. "Some farmers write us for practical farm hands who must be able to do any kind of farm work. Now, on the bread line there are mechanics of all kinds, some clerks, some drug clerks, others who have never been outside of a city to work. Of course they can not do the work offered them, so we are called down for offering help and then not furnishing it. The only thing we offer to do is to furnish help to farmers in the shape of men who are willing to make a try at any work given them. We have thousands of letters from farmers to whom we have sent help thanking us for having done so, but the continued 'knocking' of the bread line by certain charity workers on the lecture platform is hurting our work, for the farmers think we can only send them a lot of drunken, worthless bums, which is not the case.

"During 1908 I wrote the governor of every State in the Union, offering to supply help if he would send the addresses of farmers who wanted hands. From these letters I did not get a single reply showing that there was any great demand for farm hands."

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from New York?

Mr. RODDENBERY. I gladly yield to my colleague.

Mr. GOLDFOGLE. Would the gentleman have any objection to informing me what percentage of foreign-born there is in his congressional district?

Mr. RODDENBERY. Yes, sir. I will say that in the gentleman's city——

Mr. GOLDFOGLE. I am speaking of the gentleman's district; not my city.

Mr. RODDENBERY. I am going to answer the gentleman's question. I will say that in the gentleman's district far more than 50 per cent of them are aliens and not one in twenty votes. I will say that in the State of Georgia about 2 per cent only are aliens and about one white in every five or six votes.

Mr. GOLDFOGLE. What is the percentage of aliens in the second congressional district of Georgia that the gentleman represents?

Mr. RODDENBERY. There is no official statement——

Mr. GOLDFOGLE. What does the gentleman suppose it is?

Mr. RODDENBERY (continuing). But I can give you something like the number. I think it is about 1,000.

Mr. GOLDFOGLE. What is the rate of illiteracy in the gentleman's district?

Mr. RODDENBERY. Nearly all my folks can read and write; and if there are those that can not, they know just as much about affairs and are just about as educated in that sense as those who can.

Mr. GOLDFOGLE. You have 42 per cent illiterate——

Mr. RODDENBERY. I said "my folks." They are citizens, and I represent citizens and not 100,000 aliens. Of course, there are those there who ought never have been brought by Gotham's slave ships—who for 40 years have had their liberty, who for 40 years have been the beneficiaries of taxation imposed on the Caucasians of the South and have had schoolbooks at their command. The illiteracy is with the Africans and not with the Caucasians. Anyway, we have enough illiteracy already. Why import more?

Mr. GOLDFOGLE. The gentleman will concede, I think, that the average rate of illiteracy in his district is 42 per cent and a fraction?

Mr. RODDENBERY. By no means.

Mr. GOLDFOGLE. The census so shows.

Mr. RODDENBERY. The percentage of literacy in my district is three times as high as that of the Caucasians in the gentleman's district.

Mr. GOLDFOGLE. Then, why do you not begin to educate those poor negroes in your district—begin right at home the work of education?

Mr. RODDENBERY. They have free schools. We give them absolutely seven months' free schooling every year. At any rate, we have all the illiterates that we care to go to the tremendous expense of trying to enlighten—and the American people have.

Mr. GOLDFOGLE. The schools do not seem to educate them. You do not seem able to decrease the 42 per cent of illiterates in your district.

Mr. RODDENBERY. We can not endow the negroes with the high instincts for a better life and uplift any more than you can inspire those people of your "Gyp the Blood" assassin type to be good citizens. [Laughter and applause.]

Mr. GOLDFOGLE. It is not the negroes that show the greatest illiteracy down there. The census shows illiteracy of both races, white and colored.

Mr. RODDENBERY. The white illiteracy is very insignificant, and their learning is more accurate than the statistics of the census folks.

Mr. GOLDFOGLE. I am sorry for the census folks.

Mr. RODDENBERY. Lest I misstated the condition of illiteracy in New York—and I will say to my good friend GOLDFOGLE that I think I have not—I will read from Mayor Gaynor, of New York, where he says in a letter written last week to Police Commissioner Waldo:

> You have the hardest police situation in the world to deal with. We have in this city the largest foreign population of any city, and a large number of them are degenerates and criminals. The gambling of the city is almost all in their hands. The published names of every one connected nearly or remotely with Rosenthal and his murder show them to be of the same class of lawless foreigners to which he belonged.

Mr. MURRAY. Mr. Chairman, does the gentleman understand Mayor Gaynor to favor the illiteracy test?

Mr. RODDENBERY. I do not understand Mayor Gaynor's position on that—Charlie Murphy, boss of Tammany, is about the only man who can actually tell you that. [Laughter.]

Mr. GOLDFOGLE. Mr. Chairman, that is a very unfair statement, I want to say, and a very unjust statement.

Mr. MURRAY. Yes, it is; but it is not the first unfair statement the gentleman has made to-day.

Mr. GOLDFOGLE. Yes; he has made a number.

Mr. MURRAY. The gentleman from Georgia has given some thought to this situation. Does not the gentleman know that Mayor Gaynor is on record as being opposed to this illiteracy test?

Mr. RODDENBERY. I am going to answer that. You take Tammany's political rounders-up, her ward heelers, and go into the slums and dives of the great city and corral this degenerate, corrupting, illiterate mass that extends like a pall over this whole great country, and give them the ballot, and you can make almost any Tammany mayor tremble and be in favor of anything. I do not doubt that Mayor Gaynor stands with southern Europe and southern Italy and all that country against his own country. I do not doubt it.

Mr. MURRAY. Now, may I ask the gentleman what reason he has to believe that Mayor Gaynor has ever been Tammany's mayor of New York City?

Mr. RODDENBERY. For this reason: That whenever a close time comes the Republicans carry the State and Tammany carries the city, and Tammany is just as happy over seeing a victory for the Republican State ticket in New York as the State Republican Party seems to be to see Tammany carry the city for the Democrats. Between the two they divide the spoils. It is an odious shame as broad as human intelligence spreads.

Mr. MURRAY. My last question is: Does the gentleman understand that Mayor Gaynor was Tammany's mayor when he appointed Rhinelander Waldo to the head of the New York police department?

Mr. RODDENBERY. I could not tell the gentleman what I understand about that, because I am not very well posted on those appointments, but no one will contend for a single minute before an intelligent assembly that Gotham is not run by Tammany Hall.

Mr. GOLDFOGLE. The gentleman is not very well posted on New York, either.

Mr. RODDENBERY. I may not be; but if Mayor Gaynor made as bad a job in appointing Waldo as he did in selecting Becker, who went in collusion with the assassins and thieves, he is a hell of a poor mayor. [Laughter.]

But he seems to be an authority and a good witness on the present point. Or, at any rate, his testimony is corroborated by that of the former police commissioner, Col. Theodore Bingham, who, when commissioner, was aroused by the wave of crimes against women and children and made a special investigation, after which he stated to the press:

> There is another very important thing about this crime business. I don't want to say anything that would be indiscreet, but unquestionably the hordes of immigrants that are coming here have a good deal to do with crimes against women and children.
>
> You will notice that these particular crimes are done by fellows who can't talk the English language. It is this wave of immigration that brings to New York the hundreds of thousands of criminals who don't know what liberty means, and don't care; don't know our customs; can not speak the English language; and are in general the scum of Europe.
>
> The solution of the problem is to prohibit immigration. For when we come to executing present immigration laws it is found to be practically impossible to deport.

And it was Dr. Thomas Darlington, president of the board of health, who observed, after a careful investigation of the pushcart nuisance:

> I have heard the assertion that immigration is necessary to carry on our public works, to build railroads, to dig canals, and the like. But the present immigrants now coming over do not come for that purpose and will not do that sort of work. No; they prefer to become pushcart peddlers and to live in our cities in poverty, breeding crime and disease. They occupy our streets, the streets for which our taxpayers have paid heavily. They interfere with traffic and break the laws of sanitation which we have decided are necessary for the preservation of public health.

Mr. MANN. Will the gentleman yield to me to see if we can fix a time for closing general debate on this bill?

Mr. RODDENBERY. I shall be delighted to yield to the gentleman from Illinois.

Mr. MANN. Not to interfere with the gentleman's time.

Mr. RODDENBERY. Certainly.

Mr. MANN. I ask unanimous consent that the general debate on the pending bill close at a quarter before 5 o'clock.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that general debate on this measure close at a quarter before 5 o'clock. Is there objection?

There was no objection.

Mr. RODDENBERY. Do not charge me with overstating the corruption of joint rule by Republican grafters aided by Tammany's conspirators or of making sweeping denunciation of the patriotic and law-abiding foreigner. I could not say anything more derogatory of local conditions there than the mayor and these city officials have themselves said.

I had not intended to engage in this line of discussion. Interruptions by gentlemen have forced the digression. We have had pending on the calendar of this House for months immigration bills reported by the Democratic Immigration Committee of this House. I have already, on a former day, shown you by the utterances of our distinguished Speaker and of the distinguished floor leader [Mr. UNDERWOOD] that they stood for legislation restricting undesirable immigration. We have a Rules Committee, for whose members I have the highest regard, and what I read now is in no way to be taken as a reflection upon them. A resolution offered by myself and by the gentleman from Alabama [Mr. BURNETT], chairman of the committee, was referred to the Rules Committee two months ago. The chairman of the Committee on Rules addressed a letter to the gentleman from Alabama [Mr. BURNETT], chairman of the Immigration Committee, stating that in December they would bring out a special rule for the consideration of this immigration bill. I will insert the letter in the RECORD. It is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES,
Washington, D. C., July 25, 1912.

Hon. JOHN L. BURNETT,
Chairman Committee on Immigration and Naturalization,
House of Representatives.

DEAR MR. BURNETT: Permit me to acknowledge receipt of your letter of July 16 and to say that the same has had most careful consideration. Your request that the Committee on Rules take favorable action so as to bring before the House the Dillingham bill has been thoroughly considered.

On behalf of the Committee on Rules I will say, as chairman, that early in December of the next session of this Congress the bill will be brought by rule before the House of Representatives in order that it may be duly considered. Just at this time the condition of business before the Committee on Rules and in the House of Representatives is such as to render it impracticable to report a rule and give the bill consideration during the present session.

Thanking you for your letter, I am,
Very truly, yours,

R. L. HENRY,
Chairman Committee on Rules.

On February 28, 1910, the same gentleman, the chairman of the Rules Committee now, wrote a letter to Mr. Barrett, of the Farmers' Union, in which he said, among other things:

Every reasonable effort to secure legislation properly restricting foreign immigration shall receive my support.

Now, in 1912, the gentleman is on the Rules Committee. He is even the chairman of it. Our House committee has acted. Is he "supporting every reasonable effort" when he now speaks of deferring it until next December? Or would "every reasonable effort" be to "support" it now, when the American Federation of Labor pleads for it, when the Brotherhood of Railroad Engineers, Firemen, Trainmen, and other labor associations of the country plead for it, when the Patriotic Order Sons of America pleads for it, sending in thousands of petitions to you, my colleagues; when the Junior Order of American Mechanics and other patriotic organizations petition you to just consider the bill, when farmers, through their National Grange, the Farmers' National Congress, and the Farmers' Union, with its 3,000,000 members, ask and have been asking for months that immigration legislation be considered? Is it giving every favorable support to this legislation to defer it until December? And there is some word around that when it comes up in December they will pass it through the House only to tie it up in conference, in a twist with the Senate and through a quirk of some kind with the House, and that the short session of the Sixty-second Congress will adjourn, and these pleading, patriotic people will again have their birthright of a free country bartered away to alien criminals. I put you on guard now.

There is another member of the Rules Committee who wrote a letter on March 3, 1910. Some criticism was had of the gentleman from Illinois [Mr. CANNON] the other day that while he was Speaker and while the Republican Rules Committee were in power they would not consider this legislation two years ago on the eve of the congressional campaigns.

Mr. BARTHOLDT. Will the gentleman yield for an interruption?

Mr. RODDENBERY. Yes.

Mr. BARTHOLDT. The gentleman speaks of "alien criminals." Who are the people to whom he refers by this collective term?

Mr. RODDENBERY. The 500,000 in the United States to-day who are idle, half of whom will not work and the other half of whom do not want to.

Mr. BARTHOLDT. I thought the gentleman was referring to the gamblers in New York. I will venture to say that every one of those gamblers is a native American.

Mr. RODDENBERY. Native Americans are a mighty small part of that crowd. Mayor Gaynor says they are "lawless foreigners."

Mr. BARTHOLDT. It may happen that their names sound foreign, because there are some people——

Mr. RODDENBERY. Either BARTHOLDT or RODDENBERY sound a little foreign, to be sure. I do not care what a man's name is nor what country he comes from. If he is of that type of foreigner who will elevate and not degrade our country, I am for him; but if he is the type of a person that can not be assimilated into our country, adapted to our institutions, and become a part and parcel of this great Republic, I am against him, regardless of his birthplace, his country, or his nativity.

Mr. MURRAY. Will the gentleman yield?

Mr. RODDENBERY. Certainly.

Mr. MURRAY. May I ask the gentleman if he believes he can determine by the reading and writing test which type of immigrant the man coming into the country may belong to?

Mr. RODDENBERY. You can not, absolutely. No statute that can be written on any legislative subject is absolutely perfect, but the congressional Immigration Commission, after a most thorough four years' investigation, recommended it as the "most feasible single method of excluding undesirable immigration."

Mr. MURRAY. The gentleman is arguing in favor of a bill having the reading and writing test.

Mr. RODDENBERY. If the gentleman has time and will examine he will find where I have pending a bill making the head tax $25 instead of $4, subjecting and requiring that every foreigner before he is admitted shall stand the same physical test that is required of American boys for enlistment in the service of the United States Army. If we compel our own native born to go to school to better fit them for the struggle for existence and to participate in our enlightened democracy, why should we not expect as much of foreigners, in addition requiring that each shall bring with him a certificate under seal, duly certifying that he has never been a criminal in his own country and is of good moral character?

I recognize that you can not go that far now, but if we can take the advance step and confine it to those who can read and write and yet not shut out the religiously oppressed, as is provided in the Burnett bill, and not bar out any moral citizen, fleeing from persecution, on account of illiteracy, it is generous to the foreigner and is but a small concession to the Americans who are demanding some legislation at the hands of the Congress of the United States. The 24,000,000 native-born eligible voters in this country are entitled to some consideration. Something can be said for them as well as for the less than 3,000,000 foreign born, for whom the gentleman seems to speak.

Mr. CURLEY. Will the gentleman yield?

Mr. RODDENBERY. Yes.

Mr. CURLEY. The gentleman says that he is entirely satisfied with the illiteracy test.

Mr. RODDENBERY. Absolutely satisfied, as far as it goes. I prefer citizens of this country, actual as well as prospective, to be able to read, write, and cipher. I am a firm believer in our public-school system.

Mr. CURLEY. Is the gentleman aware that 90 per cent of the persons serving sentences in the jails are able to both read and write?

Mr. RODDENBERY. A very large percentage are able to both read and write; that is correct; but over one-fifth, or over 20 per cent of the aliens can not. These—and what is more important, their offspring, and such a family as the Czolgosz—would have been kept out by it.

Mr. CURLEY. One more question. Does the gentleman feel that his sweeping denunciation of both the Jews and the Italians, based on the newspaper article supposed to have been given out by Mayor Gaynor, of New York, is justified in view of the fact that every indication points to the fact that these men who committed the crime were hired to commit it by a person or persons born in this country?

Mr. RODDENBERY. Yes; he might have been an American, a Caucasian, and going back to the Teutons, and all the rest. But it is the illiterates that are his fertile field and constitute the conditions that make him and the corrupt boss all the more possible and powerful.

Mr. CURLEY. Does not the gentleman feel that instead of condemning the Italians and the Jews as races because of the crime committed that the real instigator of the crime, the person who paid the money for the commission of the crime, is the one who should be condemned—the native-born American?

Mr. RODDENBERY. Yes; and if Tammany Hall does its duty, she will put him in a felon's stripes and hang him by the neck or electrocute him. No one condemns the Italian or Jew as a race. I am far from it.

Mr. CALDER. I want to say to the gentleman that we have a Republican district attorney in the city of New York who, thank God, will take good care to put him and all of his associates in jail.

Mr. RODDENBERY. "Catching" comes before "putting." There is a murder every day in New York and a robbery in its parks, but not one in a hundred is convicted. If your Republican district attorney is as slow in putting him in jail and convicting him as your Republican Party has been to pass the immigration legislation, Becker will live a free man and die a natural death. [Laughter.]

Mr. CURLEY. I do not think the gentleman from Georgia was sincere when he said that every immigrant should present a certificate of good moral character from the Government under which he had lived.

Mr. RODDENBERY. Well, by some constituted authority which the United States would recognize. The nine distinguished members of the Immigration Commission in their 42-volume report recommended something of the kind.

Mr. CURLEY. Because, as the gentleman realizes, it would be absolutely impossible for an immigrant Jew to secure a certificate from Russia.

Mr. RODDENBERY. Well, I am a sort of a son of Abraham myself, and we would squeeze up and let the good ones in anyhow. [Laughter.] No one is proposing the impossible.

Mr. CURLEY. Does not the gentleman realize that that is true of nearly every other country?

Mr. RODDENBERY. Oh, my good friend from Massachusetts wants to ask too many questions, and I decline to yield further. Now, gentlemen will remember, before I was interrupted I had adverted to the criticism of the gentleman from Illinois [Mr. CANNON] and his Committee on Rules, for stifling immigration legislation. On the 4th of April a year ago the Democrats assumed charge of the affairs in this House. Since then we have had a Democratic Speaker and a Democratic Committee on Rules. I do not seek to give any comfort to

the Republicans, but I seek to do them, as I do all men, justice, as little as the Republicans perhaps deserve in this particular. In 1910–11, when immigration bills were pending before the House or Republican Rules Committee my distinguished colleague, Mr. POU, of North Carolina, now a member of the Democratic Rules Committee, wrote to Mr. Barrett, president of the Farmers' Union, as follows, touching "immigration legislation without delay":

I shall be very glad to aid in securing the enactment of this legislation, but the outcome will depend almost entirely on the attitude of the Speaker and his Committee on Rules.

Who were we Democrats dodging behind in 1910? We laid it to the Republican Committee on Rules.

Now, the author of this letter, for whom I have the highest regard, and in whom I have the utmost confidence—I call his attention to his own accusation and his own statement, and while he is now a member of the Committee on Rules would it be proper for me to say, in writing to one of my constituents, that a Democratic House would vote to pass this legislation, but an autocratic Committee on Rules would not permit it? Is not that the precise fact, however?

There is no use to undertake to deceive the people of this country about it. We have a Committee on Rules composed of Democrats who, with two possible exceptions, are, in writings now before me, committed to this type of legislation. Why does it not get out of the Committee on Rules? Do you say you will impair the prospects of the Democratic Party by injecting this question into it before the national election? The great dominant party in the House of Representatives actually declining to consider wholesome legislation when its highest officer, its controlling genius on the floor, its powerful Rules Committee, its faithful Committee on Immigration under the leadership of the gentleman from Alabama, and the rank and file of the Democratic membership of this House is in favor of this legislation?

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. RODDENBERY. Not now.

Mr. SABATH. Mr. Chairman, this is the third time that I have requested the gentleman to yield.

Mr. RODDENBERY. I decline to yield now. I will in a moment. With this condition existing, gentlemen, I ask you in the light of day, as a Member of the House, what influence, what power, what political legerdemain, what intrigue, what patriotism, what lofty class of our citizenship is standing in the way of this legislation? Does it lower the standard of American citizenship? Will it impair our institutions to pass it? Will it degrade our morals to enact it? Will it estrange us from countries who want to see America fail, to pass it? Ah, the voice of sordid interest, the foreign flags on ships from alien lands, formed as they are in a combination of great shipping combine, wish to prevent it in order that they may continue to gather from the foreign herd who come here millions for their ungodly coffers, that they may dump them on the shores of America to build a cesspool of crime, of violence, of turbulence, and death, that will literally strike down the mighty ægis of America's prowess in the constellation of civilized lands. [Applause.]

As you sit here now as the representatives of American manhood, of American citizenship, of American religious institutions, of American homes, of American womanhood, of American virtue, of pure-State government, of pure-municipal government, will you not rise up and demand of the leaders of this House that they enact this wholesome legislation in response to the appeals of millions? Fail to do it, if you will, but in your presence, without fearing and without counting the consequences, I now assert that the people of this country who love our land, its glory, its past, and its future will curse you and scourge you at the ballot box. Are we cowards, are we driveling slaves of a foreign sentiment, crouching and cringing under the tyrannical hand of the Shipping Trust? Does the Liberal Immigration League, inspired by corruption and born in a putrid desire to flood our land with vice, control us, or will we answer a hundred thousand separate petitions containing millions of names asking for this legislation? It will not do for gentlemen to say I make a wholesale tirade against the Jew, the Italian, the Greek, and all the races that give us so many good citizens. I am familiar with the foreign names that now stand in our public places as honorable marks to their service in the formative period of our country's history, and the loyalty of thousands of good citizens that habitat here now. I cast no aspersion upon them. I close the door to no good man seeking a land of liberty and freedom, where he may become a part of it and share in its glories and help add to its greatness. His name may be Pestrowski or Ostrowsinski, Dropinski, or Dropoutski. That has nothing to do with the case. Mine is somewhat peculiar itself; but can we not place some curtailment around our great country? Canada has laws and an administrative policy that make ours look ridiculous according to the Immigration Commission. Australia and other new countries have had for years an illiteracy test requiring the alien to read 50 words in an European language. We exclude the Chinese. Why not restrict a little more? The evils are established by an official congressional investigation that suggests the remedies. I appeal to my colleagues on the Rules Committee. Will you obey the voice of the people or the commands of the foreign Shipping Trust? I call on the Democratic Rules Committee to hear the voice of the true American in America, whether native or naturalized, who is bound by every tie of patriotism and of blood to this country, and not to yield themselves to him who speaks not our tongue, who knows not our flag, and who loves not our land.

I yield now to the gentleman from Illinois for a question.

Mr. SABATH. Mr. Chairman, the gentleman in his excited state has made several statements which I hardly think he intended to make——

Mr. RODDENBERY. Mr. Chairman, I decline to yield for the gentleman to make any apologies for me. He will have plenty of them to make at home before the November catastrophe in the neighborhood of his district. I will look out for my own.

Mr. SABATH. I desire to ask this question, because I desire to set the gentleman right.

Mr. RODDENBERY. Mr. Chairman, I decline to yield to be set right by the gentleman. Let him go to Chicago, into her slums, her dens of vice, her cesspools of corruption, where they buy and sell United States Senators like a Southern cracker buys or sells a cow, and set them right.

Mr. SABATH. That is unqualifiedly false. The city of Chicago is as clean a city as any city in the United States.

Mr. RODDENBERY. Mr. Chairman, I decline to yield.

Mr. SABATH. And I deny that statement.

Mr. RODDENBERY. It does not make any difference. The record of a court at the other end of this Capitol shows a judgment by sedate Senators and incomparable statesmen, who have put upon the name of Chicago and her politics the most accursed blight for barter and sale of high office and of citizenship with which any country has ever been defamed.

Also I have seen the book of 400 pages, entitled "The Social Evil in Chicago," that constitutes the report of that city's vice commission, a municipal body appointed by the mayor and city council to study the conditions, and I want to say that I am not surprised at its being excluded from the mails, or at the Immigration Commission's report that "many women are being regularly imported for immoral purposes under conditions that amount to absolute slavery," that "There is an apparently growing criminal element in this country due to foreign immigration," and that our existing laws are so "weak and inadequate" that "many undeniably undesirable persons are admitted to this country every year."

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield for a question?

Mr. RODDENBERY. For a question.

Mr. GOLDFOGLE. What, in the name of heaven, has that to do with the question of literacy?

Mr. RODDENBERY. The gentleman fails to see the point. No one was discussing literacy. I am not even discussing the immigration bill, but I want to get it discussed, and then I will tell the gentleman if he still does not know. I undertook to get the leaders to set aside to-night for that purpose. At some future time, in this session or at the next session, I shall discuss this pending bill. I will then be glad to enlighten the gentleman. All I am trying to do now is to get Members the chance to show and vote what it has "to do." I am making an appeal to the democracy of the country through the Democrats of the House not to follow in the path of Cannonism and Republicanism, which we have so stoutly criticized, by stifling this legislation, and to rise to the heights of Democratic duty and do what the Republicans did not do, pass it—and pass it now.

I read from the Manufacturers' Record:

We are laying up physical, mental, and moral trouble for our people. Who is to blame? The blame rests primarily upon politicians, big and little, truckling to alien elements among the voters.

That is from one of the great trade, industrial, and commercial papers of the country. I see now that the New York papers—the Herald, the Times, the World, the Press, the Sun—and if I have the time to read them I will do so—in glaring headlines are saying almost every day that the city is swamped with alien problems; that even the alien insane are crowding their hospitals to overflowing and costing the taxpayers millions of dollars annually. Every great metropolitan paper in

New York State is filled, not once a week but well-nigh every day, with declamations showing to the country how the influx of this class of people, unguarded, unrestricted, and unsifted, is coming into the greatest metropolis of our country, is destroying the city whose power, whose growth, whose magic, and the wonder of whose marvelous developments are admired by every country in the world.

But I desire the gentleman to understand that in the observations made upon the corruption of his city and its government I have nothing but praise for the magnificent splendor of that great city, which, planted on an island of the Atlantic, overmatches and outclasses any metropolis in all the universe; a great people, wonders of genius, matchless for progress and growth, but at the very rock and very root, at the very vitals of the political institutions of that municipal government stands the black and obnoxious alien which poisons and destroys. Preserve the good in it if it is not too late. Boston has lost its local self-government and is now in reality ruled by two commissions appointed by the governor of the Commonwealth and not elected by the people of the city. Year by year those cities present problems of greater magnitude as a result of our inadequate immigration laws, and I recognize that gentlemen on the Democratic side from cities and districts where the alien vote is potential are moved by human motives, as we all are moved. I recognize and share with considerate feeling the sentiments that move such Members upon this question, because it involves misunderstanding, it involves misjudgment, difficulty of explaining the merits of the bill, and possibly political defeat, but I know there is no Democrat here who, in order to write upon the statute books of our Government a law further restricting immigration that this country, its institutions, and ideals might be preserved, would not surrender his seat any day if need be. I have no unkindness for any Member, but it seems to me that the time has been reached and the day has come, that the hour has arrived when inaction and silence should not be the answer to the millions of our constituents who demand this legislation. Gentlemen, we all of us who have been telling the folks at home we want it and want it now—I speak to you in family council—what have you done to pass this law and give effect to the will of the people who sent you here? Where is the Member on the Democratic side from Florida, from Mississippi, from Indiana, from Illinois, from Iowa, from Ohio, from Kansas, from Massachusetts, from Pennsylvania, from New York, and other States—where, gentlemen, will you find in the record that you have fought your way through to an opportunity to demand this legislation? I ask it in absolute candor. I can do injustice to no man, because the record will speak the truth.

Shall we sit supine? Shall we let a few powerful leaders who carry us one way one month and turn and seek to lead us another the next month absolutely dominate our independence? By the everlasting gods I will not, in all humility and respect. I will surrender the seat I hold here before in suppliance I will yield the judgment I have for the good of the country and my obligations to my immediate constituency in deference to the will or leadership or power or influence of any mortal man. [Applause.] He who will should have no place in the council of American legislators. Here it is before us. Can we do nothing? Will we put it off until December to try to catch the foreign votes? Let Congressmen A and Congressman B go back home and say to the foreigner, "Boys, you remember the Republican Senate passed the Dillingham bill over there and we had the Burnett bill on the calendar and we got together and we agreed to smash it?" To perdition with such endeavors to gain political favor anywhere! No party should be intrusted with power in this Government which would obtain it by any fraud, deception, or subterfuge. [Applause.]

Mr. GOLDFOGLE. Will the gentleman yield to me for a moment? The gentleman referred to the Dillingham bill, and I want to tell him now that the House Committee on Immigration and Naturalization, by a unanimous vote, struck out of the Dillingham bill everything contained in the Dillingham bill following the enacting clause to the last section of that bill, and then substituted, by a majority vote of the committee, the Burnett bill, providing only for a literacy test, so when the gentleman speaks of the Dillingham bill the committee killed that from A to Z.

Mr. RODDENBERY. But I would say to the gentleman the bill we considered and failed to pass last Monday in regard to insane aliens landing in New York is word for word, line for line, letter for letter, comma for comma, section 9 of the Dillingham bill, and the gentleman will not deny it. The House committee killed nothing. It reported the whole Dillingham bill from A to Z June 7, with a killing recommendation, to be sure, but the House does not have to and will not on a yea-and-nay vote adopt in toto the committee's recommendation, in my judgment. And now that the insane aliens, imbeciles, lunatics, and idiots are overcrowding New York you want to stop legislation for the country and pass that bill, because the insane, imbeciles, and idiots can not vote.

Mr. GOLDFOGLE. That is separate from the Dillingham bill; that has nothing to do with the Dillingham bill.

Mr. RODDENBERY. It is a copy, letter for letter, of the most of section 9.

Mr. GOLDFOGLE. And we reported it from the committee unanimously and recommended its adoption.

Mr. RODDENBERY. After the Dillingham bill passed the Senate, and you reported a number of other bills that contain a number of sections of the Dillingham bill, word for word, too. The Dillingham bill was being considered week after week, and it was a foregone conclusion that it would pass the Senate.

Mr. SABATH. I desire to enlighten the gentleman—

Mr. RODDENBERY. I do not care to be enlightened by the gentleman.

Mr. SABATH. No; the gentleman does not desire to have any information.

Mr. RODDENBERY. I yield for a question, but I decline to yield for a speech.

Mr. SABATH. Then I will make it a question. The gentleman stated that the Dillingham bill passed before this bill. which was under consideration here a few days ago. Now, I want to inquire the day when the Dillingham bill passed?

Mr. RODDENBERY. I do not remember the date; I have it here on my desk.

Mr. SABATH. The gentleman stated it passed before the Kindred bill passed or was reported. I desire to correct the gentleman.

Mr. RODDENBERY. The Dillingham bill, so called, was reported from a Democratic-Republican committee of the Senate weeks and weeks before you reported the Kindred bill to the House, and even before the Kindred bill was introduced into the House.

Mr. SABATH. I desire to state this bill has been reported—if I am not mistaken, in the month of February——

Mr. RODDENBERY. Well, that makes no difference.

Mr. SABATH. And if it had not been for the gentleman it would have been passed before.

Mr. RODDENBERY. The gentleman is twice mistaken, and I make the statement that the Kindred bill is line for line and sentence for sentence that of section 9 of the Dillingham bill, and, if it will accommodate the gentleman, the so-called Dillingham bill, containing the legislation recommended by the Immigration Commission, and also introduced in the House and referred to the gentleman's committee early in January, was reported to the Senate and considered there and great progress made on it two months before the Kindred bill was reported to the House.

If it will accommodate the gentleman, although I do not know it is so, I will say that the House bill was reported two months before the Dillingham bill passed the Senate. I am willing to say that, if it will accommodate the gentleman, although I do not concede the fact. And in turn I want the gentleman to concede the indisputable fact that the bill he calls the Kindred bill was not introduced in the House until long after the Dillingham bill was reported to the Senate and favorable action on it was practically assured, and that it appears on its face to be simply a slice of section 9 of the Dillingham bill, which is 39 sections long. Not only that, but that practically every other one of the several bills reported by the House Committee on Immigration are a section or sections of the Dillingham bill word for word.

Mr. BURNETT. The gentleman from Illinois [Mr. SABATH] is correct, I think, in the statement that the Kindred bill was reported some time before the passage of the Dillingham bill; and in justice to the Committee on Immigration of the House I desire to say to my friend that there were many features of the Dillingham bill that perhaps every Member of the House committee did not favor. There was the last section of the Dillingham bill, for example, which it was believed would absolutely repeal the Chinese exclusion law. That is just one of the features.

Those of us who are in favor of this restrictive legislation believe that, in the interest of success in securing the passage of some legislation, all after the enacting clause should be stricken out, and that the Burnett bill should be substituted in lieu of that. There were many features—I desire to say to my friend and colleague from Georgia [Mr. RODDENBERY]—that were worthy and should be enacted into law, but there were so many things which we thought would cause confusion and debate and difference of opinion that every member of the com-

mittee who favored restriction of immigration—every member of it—was in favor of the substitution and in favor of the reporting of that bill as a substitute.

The gentlemen who oppose the illiteracy test, I desire to say, favored the striking out of all after the enacting clause of the Dillingham bill and substituting in lieu of it the Burnett bill; but they voted against the reporting of the bill after that substitution was made.

Mr. GOLDFOGLE. Giving notice that we were opposed to the Burnett bill, and voting against it?

Mr. BURNETT. Yes; exactly.

Mr. RODDENBERY. Mr. Chairman, I am glad to have given five minutes to my colleague from Alabama [Mr. BURNETT], to explain the Burnett bill and the Dillingham bill, and I will say to him, sir, that that five minutes is more than the Democratic Committee on Rules has accorded him or his committee to discuss this bill. [Applause.] I am glad to have been able to give the gentleman that much time for it. [Laughter.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. RODDENBERY. Mr. Chairman and gentlemen, I have undertaken to yield as liberally and as fairly as possible.

Mr. BARTHOLDT. Mr. Chairman, will the gentleman yield there?

Mr. RODDENBERY. Not now. I want to say to gentlemen that I have not been by design discourteous to any Member, but gentlemen must understand that in a discussion which comes up as unexpectedly and takes on the range that this has taken, necessarily with numerous interruptions, we may not have been fully regardful of some of our colleagues. But we have been glad to present our humble views to the House of Representatives, touching not the merits of this bill—for we have not undertaken, except incidentally, to discuss it—touching not the provisions of the Dillingham bill or of the Burnett bill, because we have not undertaken to do that, though I shall perhaps do so at a future time. I have only purposed to present to the House and the country in a general way the status of the immigration legislative situation in a House of Representatives where the Democrats have 63 majority, and where they have had 16 months of control, with an Immigration Commission's report of 42 volumes that cost about a million dollars, before it, and whose nine distinguished members—the entire commission of nine, composed of three Senators, three Congressmen, two Federal officials, and an educator of international reputation—came to a unanimous finding that the welfare of this country, the integrity of our institutions, the safety of our Government, the purity of our civilization, and the sanctity of our homes, urgently needed to be protected and fostered by the passage of restrictive immigration legislation. To a man, all nine, even though at least six of them were of a different opinion at the beginning of the five years' searching investigation at home and abroad, concurred in their report to Congress that "substantial restriction is demanded by economic, social, and moral considerations," and eight of the nine—the ninth being a Republican, and failing to be returned to this House—urge the illiteracy test as the "most feasible" method of excluding undesirables.

Mr. SABATH. Mr. Chairman, will the gentleman inform me where I will find that in that report?

Mr. RODDENBERY. The gentleman will find it in one of the 42 volumes of the Immigration Commission's report that has just been published by the Federal Government and a set of which is to the gentleman's credit in the House document room. The gentleman will find it in the "Brief statement of conclusions and legislative recommendations," submitted by the commission a little over a year ago and printed as Senate Document No. 680. The gentleman will find it in this year's printed hearings of the Immigration Committee, which reported the Burnett bill and of which the gentleman is a member, I beg to inform him. He will find it there and also in a number of other public records that have been placed on file in the last six months in the House of Representatives, and with which as a Member he ought to be familiar.

Finally, gentlemen, without your help we can not get consideration of this legislation now; with it, we can. I am loyal in my Democracy. It may be that the Bull Moose, after he has staggered and terrified New England, after he has made an onslaught in the far West, sweeping the regulars into the sea and bringing the insurgents within his fold, will turn to the southward and there, with all his animal ferocity, make a charge upon southern strongholds. But I apprehend, gentlemen, that even then in my feeble way I shall be holding allegiance to the cause of true Democracy, and be taking my fortunes and my faith with her when many of you will be seeking other party pastures in which to graze and other homes in which to house your political fortunes.

It may be so. But however that be, let us rise now, leaving the trails of stand-pat Republicanism, held under the dominance of sectionalism no longer, listening no more to the wiles and wails of shipping interests, clasping hands with the American farmer, with the American laborer, with the American wage earner, with the American fireman, with the American mechanic, with the American conductor, with the American engineer, with the American ministry, with American womanhood and American manhood, let us turn and clasp them by the hand in solemn troth and say, "Out of regard for you we will pass this legislation and write it into law. Proclaim to them that we will not play politics with it. We will not tide it over the present national campaign. We will not attempt to deceive by not passing it now and promising to take it up later. We will not put it in the power of its enemies to tie it up in the closing days of the short session next winter and finally kill it. But now, in the first regular session of a Democratic House for 15 years, we will stand for the integrity of American citizenship, we will stand to make permanent and abiding her civil manhood. As Democratic Representatives we will proclaim with out ballots continued guaranty that the sacred hearthstone of the American home and its pure womanhood shall not have poured out upon it the vile criminal dregs of Europe, day by day and year by year, to blight and curse and shatter and destroy the great country that our forefathers transmitted to us, that our immediate fathers have preserved, and that a trusting constituency of 90,000,000 people have placed in our hands, to legislate for in honor, in good faith, with intelligence, with wisdom, and with patriotism." [Applause.]

The CHAIRMAN. The gentleman from Massachusetts [Mr. CURLEY] is recognized for the remaining time, until a quarter to 5, when general debate closes under order of the committee.

Mr. CURLEY. Mr. Chairman, it was not my purpose to participate in the debate here this afternoon, and were it not for an answer made by the gentleman from Georgia to a question asked of him, I believe I would hesitate to discuss this subject. The question asked was as to the number of foreign-born people in the gentleman's district. He said it was somewhere in the vicinity of 1,500. Listening to his tirade here this afternoon against the Jew, the Italian, and every other race, it suggested to my mind the old story that was told by Abraham Lincoln in one of his campaigns, of the farmer who was seated at his kitchen table, the gun reposing over the fireplace. This farmer had very bushy eyebrows. He suddenly said to his son, "Hand down that gun, son; there is a squirrel climbing the tree." And he took the gun and fired three times. The son said, "What are you shooting at, Pop?" The father said, "The squirrel on that tree." The son said, "There isn't any squirrel on the tree, Pop. That is an ant on your eyebrow." [Laughter.]

When the gentleman proclaims against immigration, and there is no immigration to his district, he is in relatively the same position as the old farmer was who was firing at the squirrel when, in fact, it was only the ant that was browsing on his eyebrow.

Now, Mr. Chairman, listening to the discussion relative to the application of the illiteracy test, one would labor under the impression that the average person of prominence in the history of this country was born with a college education. However, the contrary is the case. The Century Magazine of May, 1912, published an interesting list showing the manner in which the ancestors of leading Americans of to-day were accustomed to sign their names. The list is exceedingly illuminating. The first name is that of Andrew Harrison, who signed his name by making half of a cross and a triangle. Yet Andrew Harrison made it possible for this country to have two Harrisons as Presidents of the United States. [Applause.]

Charles Gresham, ancestor of the man for whom we to-day name our leading revenue cutter, signed his name by making two circles connected. That was the limit of his education. Ephriam Maguffey, whose descendant was one of our learned men and whose reader is the standard textbook in our public schools to-day, made his signature by one straight line and three lines leading off it; in other words, the letter E was the way Ephriam Maguffey signed his entire name. Cassandrey Goulding, ancestor of one of the leading men of this country, made his signature by a half circle.

The name of Parker is one of the most famous names in the history of this country, a name that is associated with Lexington Green, where was struck perhaps the first blow in the cause

of human liberty that made possible this Republic. Elinor Parker signed his name in the same fashion as we make the abbreviation & at the present time.

Arthur Hodges, who has added to the wealth and fame of this country through the brilliancy of his descendants and their inventive genius, signed his name by crossing six lines in different directions. Edward Coffey, another illustrious character, made his signature by one straight line and three lines leading from it. The name of Pearson is illustrious in the history of this country. George Pearson made his signature like the ear of a human being. That was as near as he could come to the alphabet. The descendants of William Taylor have been famous in the history of this country. He made his signature with a cross, and a period at each end of the cross. Henry Powell made his signature with two straight lines and one curve. John Henderson, famous in the history of the country, had a capital H for his signature.

The fact remains, Mr. Chairman, that it is not education after all that is necessary in the immigrant coming to this country. The need of the hour is an honesty of purpose, a clear conscience, and a sturdy frame. [Applause.]

I have here a few clippings from recent publications calling attention to the necessity for help in various lines. New York needs 100,000 servants:

WOMEN WHO ARE WILLING TO ENTER SERVICE GROWING SCARCE, LICENSE COMMISSIONER SAYS.

An exhaustive report on New York employment agencies, which Commissioner of Licenses Herman Robinson has prepared, was turned in to Mayor Gaynor yesterday by the commissioner. The servant problem, which is dealt with in detail, shows that there is a great scarcity of servants. More than 100,000 of them could find employment if they were here.

The report covers the license year ended May 1, and deals with the problems of the distribution of labor, failure of the "back to the farm" movement, congestion of aliens in cities, and objections to establishing free State employment agencies, and it also suggests remedies for abuses in the labor camps. Employment bureaus regulated by the commissioner of licenses include domestic servants' agencies, or so-called intelligence offices, theatrical, shipping, stenographic, and labor agencies. Most of the difficulties of supervision have to do with intelligence offices. The report says:

"The difficulties of the servant problem are increasing, due to the dearth of servants. In New York City more than 100,000 servants could find work, in addition to those already employed. Scarceness of number naturally makes the servant independent, and permits her to dictate her terms. The fact that employment agents in the east side of Manhattan and Brownsville section of Brooklyn never take a fee from a girl for getting her a place, but make the employer pay the fee for both, plainly proves the difference between supply and demand."

The labor shortage in Pennsylvania is alarming. Twelve hundred coke ovens in the Connellsville region have been blown out for lack of men. One hundred thousand men could be used there, and the same demand is heard in every section of the country.

PITTSBURGH, PA., *May 19, 1912.*

Pittsburgh is experiencing a labor famine so serious that many big industries are advertising far and wide to get men. Last week the shortage in the Connellsville coke region necessitated the blowing out of 1,200 ovens at a time when record prices are being charged for foundry and furnace sizes. Contractors having big jobs are offering higher wages than have been paid since the boom years preceding the panic of 1907.

Some concerns in the Pittsburgh district sent agents to accost men walking in the streets who appeared to be idle. The employing agent of one corporation said he could give work to 7,000 laborers.

The Pittsburgh Army and Navy recruiting stations are complaining that it is impossible to get men for enlistment. The Army station has started an advertising campaign, literally plastering the Pittsburgh district with colored posters, on which are set forth the inducements the Government offers for able-bodied men. It has brought no results. Employers are asking what has become of the laborers. Since 1907 more than 100,000 laborers have left the Pittsburgh district. Many returned to their native lands, where in recent years wages have advanced considerably without any appreciable increase in the cost of living. The McCormick Steamship Agency here reports that hundreds of foreigners have gone from Pittsburgh to the Argentine and other South American countries. This is corroborated by R. S. Abezinski, a large employer of workingmen, who said:

"There is just now a great boom in Argentina and Brazil. Steamship companies are unable to furnish enough transportation for the Americans and Europeans who want to go to these countries. Not only are opportunities better in South America, but things have improved in Europe. In Italy great public works are in progress and wages have risen remarkably. Five or six years ago laborers could be hired for 2 lire a day. Now they get 4 or more. In Poland wages have quadrupled in 10 years. The cost of living has not advanced in these countries as it has here. Emigration from Germany has practically ceased. It is coming to be the same in all parts of Europe, even in Italy and Austria.

"Added to these causes is the disposition of Congress to place greater restrictions upon immigration. The laws are strict enough, and if our labor market is not to be depleted Congress must stop adding difficulties to the immigrant seeking to make a home here."

Upon the subject of illiteracy in the United States, and more particularly as to New York, much has been said that is neither just or true.

The following statements are taken from Bulletin 26 of the Bureau of the Census entitled "Illiterary in the United States." It was published in December, 1905, and contains the latest available material, as far as I can determine, on this subject:

The proportion of illiterates in the native white population at least 10 years of age is 46.4 per 1,000, or approximately 5 per cent; in the foreign-born white population the proportion is 128.5 per 1,000, or more than 12.5 per cent. The *contrast* is *less marked* among the *children* in these classes of population, the illiteracy for native white children being 33.6 per 1,000 and for foreign-born white children 55.8 per 1,000.

In continental United States the *native white children of native parentage are more illiterate than the native white children of foreign parentage*, the proportion for the former being 44.1 per 1,000 and for the latter 8.8 per 1,000.

The following table shows the proportionate illiteracy in foreign countries on the most recent dates available. This table is taken from the Report of the United States Commissioner of Education, 1899–1900 (vol. 1, p. 785):

Country or State.	Per 1,000 illiterate.	Year.
German Empire	1.1	1893
Sweden and Norway	1.1	1893
Switzerland	3.0	1897
Denmark	5.4	1891
Finland	16.0	1892
Scotland	35.7	1893
Netherlands	40.0	1897
England	58.0	1893
France	49.0	1897
Belgium	128.0	1897
Ireland	170.0	1893
Austria	238.0	1895
Hungary	281.0	1894
Greece	300.0	1897
Italy	383.0	1895
Spain	681.0	1889
Portugal	790.0	1890
Russia	617.0	1894
Servia	860.0	1890
Roumania	890.0	1892

These figures are taken from census reports in only four instances, as no complete census had been made to determine the total number of persons unable to write in the countries given. In the case of Scotland, England, and Ireland the number given is the number of persons in every thousand applying for marriage certificates who are not able to sign the certificate. In the case of the 13 other countries mentioned the number given is the number in every thousand army recruits unable to read or write. In comparing these figures for illiteracy in foreign countries with illiteracy in the United States the number of persons in the United States between 21 and 24 years of age should be taken. In 1900, 50.3 persons in every thousand between these ages were illiterate. The number of such persons in the North Atlantic division, which includes the New England States, New York, New Jersey, and Pennsylvania, was 50.4 per thousand. The total illiteracy in the United States was 106.6 per thousand of the population at least 10 years of age. This means that over one-tenth of the population of the United States 10 years of age or over can not read or can not write. However, there are in the country 955,843 persons who are able to read, but not write. These partial illiterates are included, however, in all statistics given by the Census Bureau as "illiterates." The following figures give the number of illiterates in each thousand of population at least 10 years of age, classified by race and nativity:

The total for the United States, 106.6 per 1,000.
Native white of native parents, 57.2 per 1,000.
Native white of foreign parents, 16.4 per 1,000.
Foreign-born white, 128.5 per 1,000.
Negro, 444.7 per 1,000.
Indian, 561.6 per 1,000.
Chinese, 289.6 per 1,000.
Japanese, 182.1 per 1,000.

These figures are significant for several reasons. First, the class of people among whom the greatest amount of illiteracy exists are no longer a factor in the immigration laws, as Negroes and Indians are already in the country—and practically no persons of these races are immigrants to-day—while the Chinese are excluded by the laws of the country. Second, while the foreign-born white is a little more than twice as illiterate as the native white, the native white of foreign parentage is only 28 per cent as illiterate as the native white of native parents; that is, there are 16.4 native white of foreign parentage illiterate in a thousand to 57.2 in every thousand of native white of native parents. The actual number of native white illiterates of foreign parentage was 139,814, and of native parents, 1,344,093.

CHILD ILLITERACY (CHILDREN 10 TO 14 YEARS OF AGE).

In general, foreign-born white children are much more illiterate than native white children. In 1900, 33.6 native born

per thousand were illiterate, while 55.8 per thousand foreign born were illiterate. A comparison of the illiteracy statistics for native white children, classified by *nativity of parents*, reveals the fact that in continental United States there is *greater illiteracy* among the *children of native whites* than among the children of *foreign-born whites*—44.1 per thousand for the former and 8.8 for the latter. *"This fact might be taken to indicate that immigrants are more anxious than natives to secure for their children the advantages of elementary education."* The total number of native white children of native parents was 4,660,390, of which number 205,735 were illiterate. The total number of native white children of foreign parents was 1,987,283, with 17,473 illiterate.

ILLITERACY IN THE STATE OF NEW YORK.

Hon. A. S. Draper, State commissioner of education, has made a careful study of illiteracy in the State of New York, which has been published in a bulletin of the New York State Education Department in 1906. The figures given are taken from the census of 1900. As New York State receives by far the greatest number of immigrants to the United States, the problem of handling this class is more acute there than in any other section of the country. A study of conditions in that State, therefore, is of particular value. The following quotations are taken from his bulletin:

New York has more to meet in the way of new immigrants in her population than any other State. Between 1870 and 1880 her population increased 700,112; between 1880 and 1890 it increased 914,982, and between 1890 and 1900 it was enlarged by 1,270,159. A very large part of this was foreign born. The percentage of foreign-born white illiterates has not changed very much, however, either in the State or in the country in 40 years.

The population of New York State in 1900 was 5,871,102, of which number 318,100 were illiterate. The number of illiterate per 1,000 population was 54. In a table giving the rank of each State in percentage of illiteracy in 1900 New York stands nineteenth, with 5.5 per cent illiterate. Iowa stands first, with 2.3 per cent. Twenty-four States have less than 6 per cent. Ten States have more than 20 per cent, with Louisiana last, with 38.5 per cent. Among the voters of New York State 59 in every 1,000 are illiterate. The total number of illiterate voters is 130,000. The total sum of voters is 2,184,965.

The number of *illiterates per 1,000* of population above 10 years of age and the number of *illiterate voters per 1,000* are very similar in the two tables; quite as much so as could be expected.

As such a large number of immigrants entering New York remain in New York City and in other large cities in the State, illiteracy might be expected to be more predominant in these cities. Mr. Draper says:

We would probably expect to find a larger proportion of illiterates in the cities, particularly in the city of New York, than in the farming districts. But it is not so. Taking the counties together which comprise the city of New York, and figuring from either table, we find that in that city there are about 66 illiterates in 1,000 people. There are a dozen strictly rural counties in which the number is larger. There are 25 rural counties in which the number of illiterates per 1,000 of population is larger than in Brooklyn or Buffalo. The better and more convenient school accommodations in the cities are breaking down illiteracy more satisfactorily than is being done in the country districts.

A study of the statistics relative to native white illiterate children of native parents and the same of foreign parents and also the number and percentage of illiterates who were foreign born show that in New York State the total number of illiterate native white of native parents was 29,188, or 9.2 per cent; the total number of illiterate native white of foreign parents was 18,162, or 5.7 per cent; the total number of illiterate foreign-born white was 258,423, or 81.1 per cent.

We expect to find the larger percentage of illiteracy among the recent immigrants, and we do so find. The foreign-born illiterates are 81 per cent of the whole number. *But we also find that there is a larger percentage of appreciation of school privileges, or some other fortunate factor, among foreign-born than native-born parents.* The percentage of illiterates born in this country of foreign-born parents (5.7 per cent) is much lower than the percentage (9.2 per cent) of illiterate children of native-born parents.

In 1900 there were 565,000 illiterate white voters in the *United States* who were foreign born, but there were 688,000 illiterate white voters who were native born. *The percentage of illiterate voters among the native-born sons of native parents is nearly three times as great as among the native-born sons of foreign parents.*

In *New York* in 1900 *there were 15 201 illiterate white voters who were the sons of native-born parents and only 8,240 illiterate white voters who were the sons of foreign-born parents.* There were *19 illiterate voters per 1,000* who were the sons of *native parents* and but *15 per 1,000* who were the sons of *foreign-born parents.*

Our schools are doing more for the children of immigrants in proportion to numbers than for those of our native families. The disagreeable truth is that on the average the newcomers do not have such irrational notions and are more eager to learn. Very likely they are helped because they live so largely in the cities rather than in the country.

* * * * * * *

It will be seen that notwithstanding our great port of entry and our widely exposed and attractive northern frontier, the percentage of illiteracy in the State of New York is less than in 18 other States, including every one of the New England States except Maine, which stands next above New York. But that is not of so much moment when we have reason to know that it is really ten times greater in all of the States than it ought to be.

I have here a little brief that I should like to submit relative to the position of the steamship companies. We have heard a general condemnation of the steamship companies here this afternoon because they induce and implore and bribe people to ride on their steamers.

TABLE I.—*Immigration of farmers and farm laborers, 1910.*[1]

Nationality.	Total number of immigrants with definite occupations.	Farmers and farm laborers.	
		Number.	Percentage.
German	42,117	10,921	24
Irish	32,139	4,113	13
Scandinavian	43,703	7,282	17
South Italian	152,945	88,348	58
Polish	107,862	67,178	62
Ruthenian	24,850	17,273	70
Slovak	26,599	17,040	64
Croatian and Slovenian	35,168	18,228	52
Lithuanian	18,592	11,868	64

[1] Compiled from the Annual Report of the Commissioner General of Immigration, 1910, Table X. The total number is obtained by subtracting from the total admitted those without occupation (including women and children).

Notwithstanding all that is said and written about the scarcity of farm labor, the fact is that labor is in demand on the farms only during a part of the summer, and this at the rates the farmer is able to pay, which are presumably lower than the wages of the common laborer in the cities. The assertion that the foreigners crowd into the cities through ignorance of the opportunities in the farming section certainly does not apply to the native-born country youth, who, though fully aware of the opportunities at the home farm, prefer nevertheless employment in the cities. If it were true that the oversupply of cheap alien labor in the cities has reduced the rate of wages below the standard that a native-born American workman is willing to accept, while there is a scarcity of labor in the farming sections, the farmer boy, failing to find employment at living wages in the city, would in the long run be forced by economic necessity to return home, where work is assured him on his father's farm. The fact that he stays in the city despite "back to the soil" harangues is the best evidence that the same tendency among recent immigrants is due to the relation of supply and demand in the American labor market and not to the racial characteristics of the immigrants. It is the phenomenal industrial development of the United States that stimulates immigration from the rural districts of the old and the new world to the great American cities.

The primitive method of reasoning which postulates a personal agent for every phenomenon has sought to account for the movement of population from Europe to the United States by "the propaganda conducted by steamship ticket agents." The facts brought to light by the investigation of the Immigration Commission in Europe will tend to dissipate this popular delusion. The commission found that in Greece, which, "according to its population, furnishes more immigrants to the United States than any other country, * * * solicitation by steamship companies probably plays relatively a small part even as a contributory cause of the movement." In Austria "government officials and others interested in the emigration situation expressed the belief that the solicitations of agents had little effect on the emigration movement, which was influenced almost entirely by economic conditions."

The immigrant is not as simple-minded and credulous as he is popularly represented to be.

Several American States have attempted to attract immigrants by the distribution in Europe of literature advertising the attractions of such States. A few States have sent commissioners to various countries for the purpose of inducing immigration, but, although some measure of success has attended such efforts, the propaganda has had little effect on the immigration movement as a whole. (Abstract of the Report on Emigration Conditions in Europe, pp. 31–34.)

Certainly there are steamship agents in all parts of Europe, and they compete with one another for the passenger traffic. As a rule, however, they reach only those who have already made up their minds to emigrate to the United States.

The number of immigrants varies with the business situation in the United States. This connection is clearly reflected in Table II, which gives the immigration statistics for the fiscal years 1905–1910. (Annual Reports of the Commissioner General of Immigration, 1908, p. 228, and 1910, p. 14.) The tide of immigration was rising until 1907.

TABLE II.—*Immigration and emigration, 1905–1910.*

Year ending June 30—	Admitted (thousands).	Departed (thousands).	Net immigration (thousands).
1905	1,060	385	675
1906	1,166	356	810
1907	1,438	431	1,007
1908	925	715	210
1909	944	400	544
1910	1,198	380	818

During the fiscal year 1908 it dropped at once by half a million, while emigration from the United States increased by nearly 300,000. During the next year immigration remained stationary, but emigration

fell off. In 1910 immigration and emigration returned to the level of 1906. The same tendencies appear still more clearly if the returns are compared by months, as in Table III.

TABLE III.—*Average monthly immigration and emigration, 1907–1909.*

Period.	Admitted (thousands).	Departed (thousands).	Net immigration (+) or emigration (−).
July 1–Oct. 31, 1907	116	47	+69
November, 1907	132	94	+38
Dec. 1, 1907–Aug. 31, 1908	45	59	−14
Sept. 1, 1908–June 30, 1909	87	30	+57

From July 1 to October 31, 1907, immigration and emigration went on normally. The latter part of October witnessed the outbreak of the crisis, and the next month emigration doubled. Immigration still remained normal, inasmuch as those who arrived here in November had left their homes before the crisis. But from December immigration dropped to one-third of the number of arrivals in November. During the next nine months emigration exceeded immigration by 14,000 persons monthly. From September 1, 1908, the situation began to improve, and the number of immigrants went up again, while the number of departures went down.

The question arises: How does immigration adjust itself to the business situation in the United States? Precisely as the supply of any commodity adjusts itself to the demand. The net increase of the population of the United States through immigration for the five years from July 1, 1903, to June 30, 1908, is officially estimated at 3,200,000. (Report of the Commissioner General of Immigration, 1908, p. 228.) Allowance must be made for deaths among these immigrants. The annual death rate in the United States during the same period averaged 16 per 1,000. (Mortality Statistics, 1907, p. 94.) The total number of survivors among the newcomers may be estimated at 2,944,000. In order to live they had to work, beg, or steal. If they found work by crowding out others, those who were displaced were confronted with the same alternative. According to an official investigation made by the Bureau of Immigration, the total number of inmates of penal institutions, insane asylums, and almshouses in 1908 was 610,477 (Report of the Commissioner General of Immigration, 1908, p. 96), which included native and naturalized citizens and aliens. The enumeration of the same classes by the Bureau of the Census in 1904 gave their aggregate number as 634,877. (Benevolent institutions, p. 12; Paupers in almshouses, p. 6; Insane and feeble-minded in hospitals and institutions, pp. 6 and 207; Prisoners and juvenile delinquents, pp. 14 and 228.) A comparison of these figures clearly shows that the large immigration of the five year period 1903–1908 was accompanied by an actual decrease of pauperism and crime. It is obvious that if the 3,000,000 new immigrants imposed no new burdens upon the charitable and penal institutions of the country, they must somehow have earned a livelihood. In other words, immigration adjusted itself to the demand for "hands."

The method by which this adjustment is effected is thus described by the Immigration Commission:

"It is entirely safe to assert that letters from persons who have emigrated to friends at home have been the immediate cause of by far the greater part of the remarkable movement from southern and eastern Europe to the United States during the past 25 years. There is hardly a village or community in southern Italy and Sicily that has not contributed a portion of its population to swell the tide of emigration to the United States, and the same is true of large areas of Austria, Hungary, Greece, Turkey, and the Balkan States. * * * It was frequently stated to members of the commission that letters from persons who had emigrated to America were passed from hand to hand until most of the emigrants' friends and neighbors were acquainted with the contents. In periods of industrial activity, as a rule, the letters so circulated contain optimistic references to wages and opportunities for employment in the United States. * * * The reverse is true during seasons of industrial depression in the United States. At such times intending emigrants are quickly informed by their friends in the United States relative to conditions of employment, and a great falling off in the tide of emigration is the immediate result. * * * Emigrants as a rule are practically assured that employment awaits them in America before they leave their homes for ports of embarkation. * * * In fact, it may be said that immigrants, or at least newly arrived immigrants, are substantially the agencies which keep the American labor market supplied with unskilled laborers from Europe. * * * As a rule each immigrant simply informs his nearest friends that employment can be had and advises them to come. It is these personal appeals which, more than all other agencies, promote and regulate the tide of European emigration to America.

In 1905 there was admitted 1,060,000 and departed 385,000. In 1908 there was admitted 925,000 and departed 715,000.

So that, Mr. Chairman, the percentage of those that remain is seldom in excess of 33⅓ per cent. We take up the daily papers and find that the Canadian Northwest needs men more than it needs cars to handle the cereal crops. Here to-day the West needs labor more than it needs cars. We heard, in a recent speech by the Speaker of the House on the floor relative to immigration from farms in the United States to Canada, that the best blood of this country is being sapped to go over the border line into Canada, and that in the year ending June 30, 1912, 150,000 American souls went over the line into Canada, and according to the Commissioner General of Immigration each individual represented a cash capital of $1,000. We are losing the best blood of this country. If men are leaving the farms, we must have immigration to supply the places or we are going to have a shortage of help, a shortage of food, and a further increase in the cost of living. [Applause.]

Mr. BURNETT. Will the gentleman yield?

Mr. CURLEY. Yes.

Mr. BURNETT. Those are generally farmers that go across the line?

Mr. CURLEY. Yes; the best blood of the country.

Mr. BURNETT. Is it not true that a small percentage of the immigrants that the illiteracy test would exclude are those that never go to the farm at all? Is it not true that they congest in the city and compete with the American workingman and never go out on the farms; that the farmer does not want them as wage laborers?

Mr. CURLEY. I believe the statistics show that about 12 per cent of the immigrants go on the farm. I do not believe it is in excess of 12 per cent. But the fact remains that if 150,000 are leaving the United States and going into Canada and 300,000 to 500,000 are leaving the farms and going to live in the cities we are going to be confronted with an abnormal condition, and the immigrant who comes here will go to the place where he can secure the greatest amount of revenue in return for his labor.

Mr. BURNETT. The Scandinavians and Germans and the Norwegians are the ones in the majority of those that go on the farms and the ones that would not be excluded by the illiteracy test. That is the class that would replenish the farms, whereas the other class of immigrants do not fill up the places made vacant by those going into Canada.

Mr. CURLEY. I agree with what the gentleman says, but I will say that they do not come here; they are not emigrating from Germany and Ireland to-day; they are not emigrating from England to-day; they are not emigrating from Scotland to-day. There are a few coming from Sweden and a few from Norway. The gentleman knows that himself.

Mr. BURNETT. My recollection is that seventy-odd thousand of Germans came last year. If the gentleman will permit me, I want to say as a member of the Immigration Committee I heard it stated at Hamburg that one of the reasons why more and better Germans were not coming here was because we were receiving such an influx of undesirable emigrants from the Mediterranean.

Mr. SABATH. If the gentleman will permit, may I inquire where the gentleman heard that statement, and from whom?

Mr. BURNETT. I do not remember now; if I knew who it was I perhaps could not pronounce the name. I heard it stated frequently.

Mr. SABATH. That information was incorrect.

Mr. CURLEY. Now, Mr. Chairman, it is complained that the recent immigrants from southern and eastern Europe have displaced in many occupations the earlier German and Irish immigrants with a higher standard of living. The statistics of occupations compiled by the Immigration Commission from the original returns of the Twelfth Census show, however, that the actual effect of the recent immigration from Italy and Austria has been a readjustment of the foreign-born population on the social scale. The earlier immigrants, the Germans and the Irish, have worked their way upward, leaving common labor to later immigrants from southern and eastern Europe. An abstract of that compilation is presented in Table VII:

TABLE VII.—*Distribution of foreign-born male breadwinners according to nationality and occupation, 1900 (percentages).*

Occupations.	German.	Irish.	Italian.	Austrian.	Polish.	Hungarian.
Laborers (not on farms)	10.2	22.3	33.2	18.8	29.1	22.3
Miners and quarrymen	1.5	3.2	9.2	18.9	7.7	30.0
Steam-railroad employees	1.5	4.4	6.2	2.1	2.1	1.8
Iron and steel workers	1.7	2.8	0.9	3.8	6.6	5.3
Skilled mechanics	12.0	10.5	8.5	5.6	6.3	5.0
Business and professions	18.8	19.1	15.1	13.1	13.4	10.0
Farmers, planters, and overseers	20.7	9.4	1.6	5.2	5.7	1.6
All others	33.6	28.3	25.3	32.5	29.1	24.0

It will be observed that the natives of Austria-Hungary furnish a strikingly high proportion of miners, compared with the Germans and Irish. The Poles and Italians furnish a proportion of common laborers higher than the Irish and much higher than the Germans. On the other hand, one-fifth of the Germans are farmers, whereas the percentage of farmers among the natives of Poland and Austria is very small, and among the Hungarians and Italians it is negligible. The Germans and the Irish likewise show higher percentages of skilled mechanics and of persons engaged in business and the professions.

Mr. Chairman, as I view this proposition, the immigration question does not touch the section of the country from which the chairman of the Immigration Committee comes and from which the gentleman from Georgia, who sits directly in front of me, comes, and if those who agitate chiefly in favor of restricting immigration here, as the gentleman has stated this afternoon, the Junior Order of American Mechanics, it strikes me that it is the same old organization that at one time desired legislation against the race from which I come. I would not

be so severe or harsh as to maintain that it is because of the part that emigrants took in keeping this Union together that those who protest against immigration want to prevent their further admission. [Applause.]

But I want to say this, Mr. Chairman: That the immigrant has been a factor in the economic, social, and political development of this country since the beginning of the country, and when it came time to sign the Declaration of Independence there were no fewer than eight signers of that declaration who were what the gentleman would term of foreign blood, aliens; they were Irish—Matthew Thornton, George Read, Charles Carroll, Thomas McKean, James Smith, George Taylor, Thomas Lynch, and Edward Rutledge.

When it came time to pen that immortal document with its amendments to paper in the Continental Congress, it was an alien, an Irishman, who was the secretary of that Congress, Charles Thompson. [Applause.] When it came time to read the immortal document from Independence Hall, in Philadelphia, it was another one of the despised aliens who read the immortal document from the window of that hall in Philadelphia, John Nixon, while John Dunlap, of Strabane, Ireland, was the official printer, so that it can in truth be said that aliens acted as mother and nurse at the birth of independence.

When at Valley Forge, in the dread winter of 1778, rumors of desertion and disintegration were rife because of lack of food, raiment, and pay, 24 despised aliens collected the princely sum of $420,000 and turned it over to Gen. Washington that the war might continue and the gloom of Valley Forge be dispelled by the radiant sunburst of victory at Yorktown.

They have been a part and parcel in the progress and development of this Republic since the beginning of time, and they will be so long as the Republic continues to exist.

Travel through this magnificent city of Washington, with its beautiful buildings and its pleasant squares, and directly in front of the place where the White House stands, Lafayette Square, there are two of the finest monuments that the city boasts—a monument to Kosciusko and another one to Pulaski; two men of the race that is despised by some to-day and considered as undesirables. [Applause.] Take the story of the White House itself. It is exceedingly illuminating. It was Daniel Carroll of Carrollton, an Irishman, brother of Charles Carroll, one of the signers of the Declaration of Independence, who, after the war was over, presented the American people with the farm upon which the White House now stands. [Applause.] When it was necessary to select and erect and design the White House, it was an Irishman named James Hoban who designed it after the home seat of the Earl of Leinster, near Dublin.

Take the building in which we are assembled to make the laws. The Statue of Armed Liberty stands forth on the top of this building and was designed by an alien, Tom Crawford, an Irishman. [Applause.] And as the Statue of Armed Liberty looks toward the southeast it gazes on the finest library building that there is in the entire world—a building that stands as a monument to the honesty, to the character, and to the ability of an alien named Casey. [Applause.]

It is the old cry, "Keep out the alien; keep out the undesirable." It is the same cry, Mr. Chairman, that prompted the governor of New York in 1860 to dissolve the Irish brigade, commanded by Michael Corcoran, because they were Irish and might be a menace to the Republic, since they refused to turn out in honor of Prince Albert; but when the first blow was struck at Sumter it was the gallant Corcoran who came to the front and volunteered the services of the Irish brigade in the cause of the Union. [Applause.]

You say compel the immigrant to present from his government a certificate of character, and you know that would be impossible for a liberty-loving Jew from Russia.

Why, Mr. Chairman, that gallant man, Gen. Thomas Francis Meagher, who succeeded Gen. Corcoran as commander of the Irish brigade, which in 1864 captured more flags and standards than the remainder of the entire Union Army and never lost one flag or standard, had as his credentials an order from the Crown of England that he be hung, drawn, and quartered.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CURLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

ENROLLED BILL PRESENTED TO THE PRESIDENT.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 21888. Providing for the sale of the United States unused post-office site at Perth Amboy, N. J.

EXTENSION OF REMARKS.

By unanimous consent, leave to extend their remarks in the RECORD was granted to Mr. LAFFERTY, Mr. AKIN of New York, Mr. GREENE of Massachusetts, Mr. GOLDFOGLE, Mr. REILLY, and Mr. RODDENBERY.

Mr. BURKE of Wisconsin. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. MANN. Mr. Chairman, I call for the regular order.

The CHAIRMAN. Objection is heard.

Mr. MANN. There is plenty of time for that.

INVESTIGATION OF THE PATENT OFFICE.

The committee resumed consideration of House joint resolution 337.

The CHAIRMAN. The Clerk will read the resolution for amendment under the five-minute rule.

The Clerk read as follows:

Resolved, etc., That the President of the United States be, and he is hereby, requested to cause the accountants and experts from official and private life now or hereafter employed in the inquiry into methods of transacting the public business of the Government in the several executive departments and other executive Government establishments, known as the Commission on Economy and Efficiency, to investigate fully and carefully the administration of the Patent Office with a view of determining whether or not the present methods, personnel, equipment, and building of said office are adequate for the performance of its functions, taking into consideration the present character and volume of business, and also such increase in complexity or volume as may reasonably be expected in the future, and to ascertain and recommend specifically to Congress, not later than December 10, 1912, what changes in law, what increases in appropriations, and what additional building accommodations may be necessary to enable the Patent Office to discharge its functions in a thoroughly efficient and economical manner, and to what extent any expenditures which may be recommended can be met by increases of Patent Office fees.

All expense incurred in carrying out the purposes of this resolution shall be paid out of any funds in the Treasury of the United States not otherwise appropriated, and the sum necessary for said purposes is hereby appropriated: *Provided*, That the total expense authorized by this resolution shall not exceed the sum of $10,000.

With the following committee amendment:

Page 1, line 8, after the word "establishments," insert "known as the Commission on Economy and Efficiency."

The CHAIRMAN. The question is on the adoption of the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. BULKLEY. Mr. Chairman, there was another committee amendment to be adopted. The original print of the bill did not have a comma after the word "accommodations," in line 9 on page 2, and the comma should be there.

Mr. MANN. But it is in this print.

Mr. BULKLEY. It does not appear in the original print of the bill.

Mr. MANN. We do not act upon the original print of the bill. We act on the print reported into the House.

Mr. BULKLEY. Very well. Mr. Chairman, I move that the committee do now rise and report the resolution with the amendment to the House, with the recommendation that the amendment be agreed to and that the resolution as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the House joint resolution 337, requesting the President to cause an investigation of the Patent Office and make a report, with recommendations, to Congress, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the resolution as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the joint resolution as amended.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. CRAGO (when the Committee on Pensions was called). Mr. Speaker, I am directed by the Committee on Pensions to call up for consideration the bill H. R. 17470, being No. 202 on the Union Calendar.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the war with Spain or the Philippine insurrection.

The bill was read.

Mr. RODDENBERY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Georgia makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-nine gentlemen are present—not a quorum.

ADJOURNMENT.

Mr. CLAYTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned to meet to-morrow, Thursday, August 8, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of Commerce and Labor, transmitting a report by Commercial Agent D. C. Alexander, jr., containing the result of his investigation of mining in the Federated Malay States (H. Doc. No. 901), was taken from the Speaker's table, referred to the Committee on Mines and Mining, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (S. 3045) to provide for agricultural entries on oil and gas lands, reported the same with amendments, accompanied by a report (No. 1155), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PRAY, from the Committee on Mines and Mining, to which was referred the bill (H. R. 25990) to establish a mining experiment station at Helena, Lewis and Clark County, Mont., to aid in the development of the mineral resources of the United States, and for other purposes, reported the same without amendment, accompanied by a report (No. 1158), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DOREMUS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 26005) to provide for the establishment of one life-saving station on the larger of the two Libby Islands, situated at the entrance to Machais Bay, Me.; one life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, Cal.; one life-saving station at Mackinac Island, Mich.; and one life-saving station at or near Sea Gate, New York Harbor, N. Y., reported the same without amendment, accompanied by a report (No. 1160), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 26149) to amend an act approved July 20, 1912, entitled "An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River," reported the same without amendment, accompanied by a report (No. 1156), which said bill and report were referred to the House Calendar.

Mr. RUSSELL, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 26112) to prescribe the method by which the terms of service shall be computed under the act of May 11, 1912, entitled "An act granting pensions to certain enlisted men, soldiers, and officers, who served in the Civil War and the War with Mexico," reported the same with amendment, accompanied by a report (No. 1157), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 7209) to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn., reported the same with amendments, accompanied by a report (No. 1159), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. COX of Ohio: A bill (H. R. 26167) to prevent the desecration of the flag of the United States of America; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Resolution (H. Res. 674) directing the Secretary of the Treasury to fully inform the House of Representatives of the financial interest of the United States in the Chesapeake & Delaware Canal; to the Committee on Railways and Canals.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 26168) granting an increase of pension to James Rowe; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 26169) granting a pension to Martha J. Wigmore; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 26170) to correct the military record of James C. Simmons, alias James C. Whitlock; to the Committee on Military Affairs.

By Mr. GUDGER: A bill (H. R. 26171) granting a pension to Robert J. Warren; to the Committee on Pensions.

By Mr. HOWLAND: A bill (H. R. 26172) granting a pension to John K. Bourne; to the Committee on Pensions.

Also, a bill (H. R. 26173) granting an increase of pension to Samuel A. Bayard; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 26174) for the relief of Samuel D. Kingsbury; to the Committee on Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 26175) granting a pension to Sabina O'Donnell; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 26176) granting an increase of pension to Moses N. Jones; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 26177) authorizing and directing the payment of the claim of Edwin C. Foster; to the Committee on War Claims.

By Mr. RAUCH: A bill (H. R. 26178) granting a pension to Emma Clawson; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 26179) granting an increase of pension to Josiah J. Sikes; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 26180) granting an increase of pension to Margaret Keller; to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 26181) granting an increase of pension to Joshua Ingalls; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26182) granting an increase of pension to George E. Metzger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26183) granting an increase of pension to Mary A. Robinson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOWMAN: Petition of citizens of the State of Pennsylvania favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Memorial of board of directors of the Illinois Central Railroad Co., favoring passage of House bill 21220 relative to extending the powers of the Commissioner General of Immigration; to the Committee on Immigration and Naturalization.

Also, memorial of board of managers of the New York Produce Exchange, favoring passage of House bill 25572 relative to amending laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOYD of Arkansas: Papers to accompany House bill 12044 for the relief of George W. Crawford; to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of Association of State and National Food and Dairy Departments, favoring passage of the Gould-Stevens-Burton weight and measure bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of New York Produce Exchange, favoring passage of House bill 25572, to amend laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

Also, memorial of National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill relative to change in patent laws; to the Committee on Patents.

Also, memorial of committee on railway mail pay relative to inquiry into receipts of railroad companies transporting the mails; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of National Drainage Congress, favoring passage of Senate bill 7194; to the Committee on Irrigation of Arid Lands.

Also, petition of National Association of Talking Machine Jobbers, against passage of bill amending patent laws; to the Committee on Patents.

Also, petition of United Nations of the World, the League of Peace, favoring passage of House joint resolution 335; to the Committee on Foreign Affairs.

Also, petition of American Mining Congress, favoring appropriation for the benefit of metalliferous miners; to the Committee on Appropriations.

By Mr. KINDRED: Petition of W. Atlee Burpee & Co., of Philadelphia, Pa., against passage of Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. KORBLY: Petition of Indianapolis Freight Bureau, Indianapolis, Ind., favoring legislation giving the shippers the right to appeal to the courts for correction of errors of law; to the Committee on Interstate and Foreign Commerce.

By Mr. MACON: Memorial of Washington Camp, Patriotic Order Sons of America, No. 385, Beach Creek, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. PARRAN: Memorial of Olney Council, No. 7, Order of Independent Americans, of Olney, Philadelphia, Pa., favoring passage of House bill 25309, relative to displaying flag of the United States on all lighthouses of the United States, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of Sample & Co., of New York City, against passage of the Kenyon bill (S. 4043); to the Committee on the Judiciary.

By Mr. TUTTLE: Petitions of Cranford Council, No. 62; of Morris Council, No. 86; Franklin Council, No. 41; Unity Council, No. 275; and W. A. M. Mack Council, No. 276, Junior Order United American Mechanics, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *August 8, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PREVENTION AND SPREAD OF DISEASE (S. DOC. NO. 900).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Board of Commissioners of the District of Columbia, submitting a special estimate of appropriation of $50,000 to enable the commissioners to adopt and enforce protective measures in the District of Columbia against the introduction and spread of the plague, supplementing the activities of the Public Health and Marine-Hospital Service in the efforts which that service is making to afford protection from without, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MINING IN THE FEDERATED MALAY STATES (H. DOC. NO. 901).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent D. C. Alexander, jr., containing the result of his investigations of mining in the Federated Malay States, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 129) to provide transportation for American citizens fleeing from threatened danger in the Republic of Mexico, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H. J. Res. 337) requesting the President to cause an investigation of the Patent Office and make a report with recommendations to Congress, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled joint resolutions, and they were thereupon signed by the President pro tempore:

H. J. Res. 327. Joint resolution requesting the President of the United States to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene; and

H. J. Res. 346. Joint resolution to correct an error in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved June 19, 1912.

PETITIONS AND MEMORIALS.

Mr. JONES. I present several telegrams in the nature of petitions urging the passage of House bill 23673, known as the seamen's efficiency bill. I ask that the first telegram in the nature of resolutions unanimously adopted by District No. 10, United Mine Workers of America, of Seattle, Wash., in regular convention assembled, be printed in the RECORD, and that the signatures, together with the names of the organizations attached to the other telegrams, also be printed in the RECORD.

There being no objection, the telegram and signatures were ordered to be printed in the RECORD, as follows:

SEATTLE, WASH., *July 20, 1912.*

Hon. WESLEY L. JONES, *Washington, D. C.:*

Resolution 9.

Whereas the navigation laws of the United States are inadequate in so far as they do not provide for efficiency in the crew, thereby in case of accident trusting the lives of passengers to inexperienced men; and

Whereas at present the seamen are denied the privilege granted other workers, that of freedom to quit when vessels are in safe harbors; and

Whereas H. R. 23673 will remedy these evils and be of great help to build up a merchant marine: Therefore be it

Resolved by the United Mine Workers of America, District No. 10, in regular convention assembled, That we indorse said bill and urge upon our Representatives in Congress to do their utmost for its passage at this session.

LEE BULLOCK.
WALTER ROSS.
S. J. WESTON.

Unanimously adopted by the convention.

From Charles R. Case, president of the Washington State Federation of Labor, of Seattle, Wash.; Lee Bullock, Walter Ross, and S. J. Weston, District No. 10, United Mine Workers of America, of Seattle, Wash.; P. B. Gill, agent for the seamen of Washington, of Seattle, Wash.; M. M. and P. J. E. Brinker, president, P. Mullen, secretary, of the Marine Engineers' Beneficial Association; D. W. Miller, president, C. S. Follet, secretary, of the International Seamen's Union of America; P. B. Gill, vice president, W. L. Onstott, president, E. B. Ault, secretary, of the Central Labor Council of Seattle, Wash.; D. W. Miller, president, D. C. Follette, secretary, of the Marine Engineers' Beneficial Association of Seattle, Wash.; J. E. Brinker, president, P. Mullen, secretary, of Puget Sound Harbor Lodge, No. 16, American Association of Masters, Mates, and Pilots, of Seattle, Wash.; of Leonard Norkgauer, agent Marine Cooks and Stewards' Association of Washington, of Seattle, Wash.; W. L. Onstott, president, E. B. Ault, secretary, of the Central Labor Council of Seattle, of Seattle, Wash.; Dan Landon, of Seattle, Wash.; and of Fred Swanson, agent of the Alaska Fishermen's Union, of Seattle, Wash.

Mr. CULLOM presented a petition of sundry citizens of Arenzville, Ill., praying for the appointment of a commission to investigate the advisability of a general parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the freight traffic committee of the Chicago Association of Commerce, of Illinois, favoring the enactment of legislation granting to shippers the right of appeal from decisions of the Interstate Commerce Commission, which were referred to the Committee on Interstate Commerce.

He also presented petitions of Local Divisions Nos. 241, 260, and 308, Amalgamated Association of Street and Electric Railway Employees, of Chicago, Ill., and the petition of J. F. Morris, secretary-treasurer of the Illinois State Federation of Labor, on behalf of the International Seaman's Union of America, praying for the enactment of legislation providing for the better protection of American seamen, which were referred to the Committee on Commerce.

Mr. SHIVELY presented a petition of the executive committee of the Indianapolis Freight Bureau, of Indiana, praying for the enactment of legislation to enable shippers to appeal to the courts from orders of the Interstate Commerce Commission, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. WETMORE, from the Committee on the Library, to which was referred the bill (H. R. 9833) to accept and fund the bequest of Gertrude M. Hubbard, reported it without amendment and submitted a report (No. 1020) thereon.

Mr. REED, from the Committee on Commerce, to which was referred the bill (H. R. 22199) to extend the limits of the port of entry of Galveston, Tex., to include Port Bolivar, in that State, reported it without amendment and submitted a report (No. 1021) thereon.

INDIAN SCHOOL IN NORTH CAROLINA.

Mr. CLAPP. From the Committee on Indian Affairs I report back favorably without amendment the bill (S. 3258) to acquire a site and erect buildings for a school for the Indians of Robeson County, N. C., and for other purposes. I call the attention of the senior Senator from North Carolina [Mr. SIMMONS] to the bill. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read.

Mr. GALLINGER. I wish to inquire concerning that annual appropriation. Is it usual to make an annual appropriation indefinite in the matter of time?

Mr. CLAPP. Of course the annual appropriation part would be so indefinite that it would be nothing more nor less than a suggestion. I have no objection to striking out that part if the Senator cares anything about it.

Mr. GALLINGER. I think if an appropriation is made it should be for one year.

Mr. CLAPP. It was rather a suggestion that it would be taken care of hereafter.

Mr. GALLINGER. I think it had better go out.

Mr. CLAPP. Very well.

Mr. SIMMONS. I have no objections to striking it out.

Mr. GALLINGER. Manifestly we could not bind a future Congress. I move to strike it out and change it to an appropriation for the then ensuing year.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. In section 2, line 4, before the word "appropriated," strike out the word "annually"; and in line 7, after the words "North Carolina," insert "for the then ensuing year," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire a site at or near the town of Pembroke, Robeson County, N. C., the selection of which to be approved by the Secretary of the Interior, and cause to be erected thereon suitable buildings, the plans for which shall be approved by the Secretary of the Interior, for a school for the Indians of Robeson County, N. C., now living in Robeson and surrounding counties in North Carolina, and the sum of $50,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay for the site and the erection of the buildings.

SEC. 2. That after the aforesaid buildings are erected the sum of $10,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated for the conduct and maintenance of said school for the Indians of Robeson County, N. C., for the then ensuing year, under the supervision of the Secretary of the Interior, in accordance with the provisions of law for the conduct and maintenance of schools for the Indians by the United States Government.

Mr. GALLINGER. That is all right.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ATLANTA, GA.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably, without amendment, the bill (S. 7407) increasing the limit of cost of the post-office building at Atlanta, Ga., and I ask for its immediate consideration.

Mr. SMOOT. I shall not object to the consideration of this bill, but I shall object to any further consideration of bills this morning in the morning hour.

Mr. SMITH of Georgia. I hope the bill may be put on its passage.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It proposes to increase the limit of cost for the new post-office building at Atlanta, Ga., from $1,000,000 to $1,020,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 7429) granting an increase of pension to Orlan A. Hibbs (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7430) providing for the cancellation of certain overdue personal taxes in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

By Mr. JOHNSTON of Alabama:

A bill (S. 7431) to incorporate the Capital City Subway Co. and to authorize the construction of a subway street railway system and a surface street railway system in the city of Washington, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KENYON:

A bill (S. 7432) for the relief of John P. Wagner; to the Committee on Military Affairs.

By Mr. MYERS:

A bill (S. 7433) for the relief of Indians who have taken homesteads and allotments on the public domain and their descendants; to the Committee on Indian Affairs.

By Mr. REED:

A bill (S. 7434) to renew and extend certain letters patent (with accompanying papers); to the Committee on Patents.

By Mr. CHAMBERLAIN:

A bill (S. 7435) granting a pension to Carrie Brown; and

A bill (S. 7436) granting an increase of pension to Andrew G. Aiken (with accompanying papers); to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 7437) for the relief of George W. Chesley, as surviving partner of the firm of N. P. Duty & Co.; to the Committee on Claims.

By Mr. NEWLANDS:

A joint resolution (S. J. Res. 132) providing for an American commission for the investigation of rural credits in Europe: ordered to lie on the table.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. BURTON submitted an amendment proposing to appropriate $4,000 to pay Emma Morris, widow of Frank H. Morris, late Auditor of the Treasury for the War Department, the same being equivalent to one year's salary of the said Morris, intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

THE TARSNEY ACT (S. DOC. NO. 916).

Mr. NEWLANDS. I should like to ask that a letter from the Assistant Secretary of the Treasury, with accompanying statement regarding the cost of planning and supervising public buildings in the Office of the Supervising Architect of the Treasury, as compared with architects' commissions under the Tarsney Act, be published as a public document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE SERVICE.

Mr. JONES. I desire to ask consent to be excused from further service as chairman of the Committee on Fisheries.

There being no objection, Mr. JONES was excused.

Mr. WORKS. I desire to ask to be relieved from further service as chairman of the Committee on Expenditures in the War Department.

There being no objection, Mr. WORKS was excused.

Mr. GALLINGER. In behalf of the Senator from Washington [Mr. POINDEXTER], I ask that he be excused from further service as chairman of the Committee on Mines and Mining.

There being no objection, Mr. POINDEXTER was excused.

Mr. GALLINGER. In behalf of the Senator from New Jersey [Mr. BRIGGS], I ask that he be excused from further service upon the Committee on Fisheries.

There being no objection, Mr. BRIGGS was excused.

Mr. GALLINGER. In behalf of the Senator from Connecticut [Mr. MCLEAN], I ask that he be excused from further service upon the Committee on Claims.

There being no objection, Mr. MCLEAN was excused.

Mr. GALLINGER submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. MASSEY be assigned to service on and to the chairmanship of the Committee on Mines and Mining, and to service on the Committees on Agriculture and Forestry, Claims, Coast Defenses, Expenditures in the Department of Commerce and Labor, Pacific Islands and Porto Rico, and Private Lands Claims;

That Mr. POINDEXTER be assigned to the chairmanship of the Committee on Pacific Islands and Porto Rico;

That Mr. JONES be assigned to the chairman of the Committee on Irrigation and Reclamation of Arid Lands;

That Mr. WORKS be assigned to service on and to the chairmanship of the Committee on Fisheries;

That Mr. OLIVER be assigned to service on the Committee on Appropriations;

That Mr. LA FOLLETTE be assigned to service on the Committee on Interstate Commerce;

That Mr. BRIGGS be assigned to service on the Committee on the District of Columbia;

That Mr. KENYON be assigned to service on the Committee on the Philippines;
That Mr. TOWNSEND be assigned to service on the Committee on Post Offices and Post Roads;
That Mr. CATRON be assigned to service on the Committee on Military Affairs;
That Mr. FALL be assigned to service on the Committees on Irrigation and Reclamation of Arid Lands and Mines and Mining; and
That Mr. BURTON and Mr. GRONNA be, respectively, assigned to service on the Committee on National Banks.

AMENDMENT OF COPYRIGHT ACTS.

Mr. MARTINE of New Jersey. Mr. President, if in order, I should like to ask unanimous consent for the consideration of the bill (H. R. 24224) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909.

Mr. BRISTOW. Mr. President, it seems to me that we ought to proceed as soon as we can with the Panama Canal bill.

Mr. MARTINE of New Jersey. I have no desire to impede that proposed legislation, but this is a matter of very decided importance. The bill has been read to the Senate, and it can provoke no discussion. I ask unanimous consent for its consideration.

Mr. BRISTOW. There are a number of other Senators who want to get up bills, and if we are ever to get through with the Panama Canal bill, we have to put time on it and get through with it. There will then be time for Senators to have miscellaneous bills passed while we are waiting for conference committee reports.

Mr. MARTINE of New Jersey. I trust the Senator from Kansas will make no objection. It is a matter of very considerable importance.

Mr. BRISTOW. A Senator sitting by me says that he has a bill which he wants to have passed. There is but one way to stop it, and that is to object to it, and let us get to the consideration of the canal bill. I think the Senator from New Jersey is just as much interested as I am to get this important bill out of the way, and we can then take up miscellaneous legislation and dispose of it while the committees of conference are attempting to agree on the differences between the two Houses. It seems to me that that would be the expeditious way to get through with the business.

Mr. MARTINE of New Jersey. I have no desire to press the matter unduly.

The PRESIDENT pro tempore. It is not debatable.

Mr. BRISTOW. I hope the Senator will not force me to make an objection. I do not want to do that.

Mr. MARTINE of New Jersey. I realize and appreciate the situation. I withdraw the request for the present.

HEARINGS BEFORE COMMITTEE ON INTEROCEANIC CANALS.

Mr. BRANDEGEE. I offer the resolution which I send to the desk.

The resolution (S. Res. 373) was read, as follows:

Resolved, That the Committee on Interoceanic Canals be, and is hereby, authorized to have printed, with accompanying illustrations, for its use 500 copies of the hearings before said committee on the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I will say to the Senator from Utah [Mr. SMOOT] that the printing clerk informs me he has had it estimated for, and the expense will be $319. There were 500 copies of this evidence printed, and they have been exhausted. The demand for them continues, and I have no way of supplying them. I ask for the present consideration of the resolution.

Mr. SMOOT. I have no objection, Mr. President.

The resolution was considered by unanimous consent and agreed to.

AMENDMENT OF THE INTERSTATE-COMMERCE ACT.

Mr. BRANDEGEE. If I may do so at this time without being out of order, I wish to state that I have conferred with the junior Senator from Iowa [Mr. KENYON], that the resolution (S. Res. 372) submitted by him on the 6th instant, which comes over under the rule, by unanimous consent may not lose its place for consideration. I have told him that as soon as the morning business is concluded I shall move to proceed to the consideration of the unfinished business—the Panama Canal bill—and if it would be agreeable to him I would ask that his resolution may go over with some understanding that it shall retain its privileged place for consideration on to-morrow.

Mr. KENYON. I am perfectly content that the resolution shall go over, provided it will not lose its place.

The PRESIDENT pro tempore. The Chair will first ask if there are further concurrent or other resolutions. If not, the resolution of the Senator from Iowa is in order, and under the statement just made, without objection, the resolution will go over without prejudice, retaining its place.

FORT ASSINNIBOINE MILITARY RESERVATION, MONT.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assinniboine Military Reservation, in the State of Montana, which were:

On page 1, line 3, to strike out "That" and insert "That the Secretary of the Interior be, and he is hereby, authorized to sell"; on page 1, line 5, to strike out "be, and the same are hereby,"; on page 1, line 6, to strike out "granted"; on page 1, line 6, after "Montana," to insert "at a price to be agreed upon by the Secretary of the Interior and the board of county commissioners of said county,"; on page 2, in lines 1 and 2, to strike out "the passage of this act" and insert "such sale has been consummated"; and to amend the title so as to read: "An act authorizing the Secretary of the Interior to sell to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assinniboine Military Reservation, in the State of Montana."

Mr. MYERS. I move that the amendments of the House be concurred in.

Mr. SMOOT. I ask the Senator from Montana to state as briefly as possible what effect the amendments have upon the original bill?

Mr. MYERS. The Senator from Utah may not recall the bill. There are some Senators who are familiar with it. The bill as originally introduced in the Senate proposed to donate to the county of Hill, in the State of Montana, an old brick guardhouse on the abandoned Fort Assinniboine Military Reservation. It passed the Senate in that form and went to the House.

Mr. SMOOT. I remember the passage of the bill by the Senate.

Mr. MYERS. The other House refused to give away the guardhouse, and would not agree to that, but insisted that it must be sold and bring something. The amendments simply authorize the Secretary of the Interior to sell to the new county at whatever terms he may consider just and right and proper.

Mr. SMOOT. I have no objection to concurring in the amendments.

The PRESIDENT pro tempore. The Senator from Montana moves that the Senate concur in the House amendments.

The motion was agreed to.

RELIEF OF AMERICAN CITIZENS AT EL PASO, TEX.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 129) to provide transportation for American citizens fleeing from threatened danger in the Republic of Mexico, which was, on page 1, to strike out lines 3 to 9, inclusive, and insert:

That until March 1, 1913, in the discretion of the Secretary of War, he is hereby authorized to furnish transportation, which shall not be negotiable or transferable, from places in the United States on or near the Mexican border to other places in the United States to those American citizens who shall have fled or may hereafter flee from the Republic of Mexico who are now or who may hereafter be unable to pay for their own transportation.

Mr. SMOOT. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 25970) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1912, and for prior years, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FLOOD of Virginia, Mr. HOUSTON, and Mr. WEDEMEYER managers at the conference on the part of the House.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18900) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24023) making appropriations for the legislative,

executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

LEGISLATIVE ASSEMBLY OF ALASKA.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NELSON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. SMITH of Michigan, Mr. NELSON, and Mr. CHAMBERLAIN conferees on the part of the Senate.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. SUTHERLAND. Mr. President, the House of Representatives has just adopted the conference report on the legislative, executive, and judicial appropriation bill. I introduced on yesterday a concurrent resolution to correct the enrollment of that bill, and it was ordered to lie upon the table. It is necessary, if the concurrent resolution be adopted at all, that it should be adopted at this time, in order that the bill may be corrected before its enrollment. I ask for the present consideration of the concurrent resolution.

The PRESIDENT pro tempore. The Secretary will read the concurrent resolution for the information of the Senate.

The Secretary read the concurrent resolution (S. Con. Res. 25), as follows:

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives be instructed in the enrollment of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, to strike out all of the second paragraph of Senate amendments 511, 512, 513, and 514, as agreed to in conference and concurred in by the two Houses, and insert in lieu thereof the following:

"All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of any of the judicial districts within which the original cause of action brought before the Interstate Commerce Commission arose, such district to be designated by the complainant; and the venue of all suits and proceedings hereafter brought to enforce, set aside, annul, or modify any order of the Interstate Commerce Commission shall be in any of the judicial districts within which the original cause of action brought before the commission arose."

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

Mr. CULBERSON. What is this proposition?

Mr. SUTHERLAND. In the legislative, executive, and judicial appropriation bill—the matter was discussed yesterday—the jurisdiction now possessed by the Commerce Court is attempted to be conferred upon the district courts of the United States. The language is, as we thought, faulty to accomplish that purpose. The object of having the enrollment of the bill corrected is to make the language accomplish what it was desired by the conferees to accomplish, namely, to transfer the cases now pending in the Commerce Court to the district courts of the United States and to allow cases hereafter arising against the Interstate Commerce Commission to be brought in the district courts. We must provide for that jurisdiction.

Mr. CULBERSON. It is simply, then, to correct the enrollment of the bill?

Mr. SUTHERLAND. It is a correction of the enrollment of the bill.

Mr. CULBERSON. Then I have no objection to the consideration of the concurrent resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 25970. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1912, and for prior years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

H. J. Res. 337. Joint resolution requesting the President to cause an investigation of the Patent Office and make a report, with recommendations, to Congress, was read twice by its title and referred to the Committee on Patents.

THE PANAMA CANAL.

Mr. BRANDEGEE. Mr. President, I move that the Senate proceed to the consideration of the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. Mr. President, I send to the desk a letter just received from Prof. Emory R. Johnson, the expert on the Panama Canal, suggesting an amendment in the section under consideration, which I will ask the Secretary to please read for the information of the Senate.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

ISTHMIAN CANAL COMMISSION,
Washington Office, August 8, 1912.

Senator FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

DEAR SENATOR BRANDEGEE: If practicable, I hope the Senate will amend the pending canal bill by omitting the following provision contained in lines 14 to 19, page 7:

"That under regulations prescribed by the President a vessel paying toll going through the canal in ballast shall, on its return trip through the canal laden with cargo, be entitled to receive a rebate of 50 per cent of the tolls just previously paid going through in the opposite direction without cargo."

In place of that provision it is hoped that the following provision may be inserted after the word "commerce," line 17, page 6:

"The rate of tolls may be lower upon vessels in ballast than upon vessels carrying passengers or cargo."

There are three reasons why this change is desirable:

1. The bill in its present form provides for a greater reduction in the rate of tolls upon vessels without passengers or cargo than is granted by the Suez Canal Co.

2. To charge vessels in ballast the full standard rate of tolls and to make a reduction in favor of such vessels only upon the condition of the return of the vessel through the canal with passengers or cargo may discourage the use of the canal by vessels in ballast, because such vessels are seeking cargo, and often do not know while making the trip in ballast what cargo will be obtained or what route the cargo obtained will take. Vessels without cargo will, if the full rate of tolls is required, tend to avoid using the canal.

3. It will be more difficult to collect the tolls and to account for them—the administrative problems will be more complicated—by requiring ships in ballast to pay full tolls with the promise of returning at a later date a part of the charges that have been collected.

Very sincerely, yours,

EMORY R. JOHNSON.

Mr. BRANDEGEE. Mr. President, I will say for the information of the Senate——

Mr. JOHNSTON of Alabama. I ask the Senator from Connecticut to yield to me to see if we can not get a unanimous-consent agreement in reference to voting on the pending bill.

Mr. BRANDEGEE. I yield for that purpose.

Mr. JOHNSTON of Alabama. I send to the desk and ask the Secretary to read a request which I make for unanimous consent.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

It is agreed by unanimous consent that the Senate now proceed with the consideration of the Panama Canal bill and all amendments thereto until final action thereon without recess or adjournment; and further that no Senator shall speak more than five minutes upon both the bill and any amendments thereto; and further that no Senator who has already spoken one hour on this bill shall speak again, the Senate having now sufficient information to vote intelligently upon this bill, without further information from those who have already occupied so much of its time and attention.

Mr. BRANDEGEE. I hope very much that will be agreed to, although I think most of the Senate would, by its adoption, be debarred from further proceedings in the measure.

Mr. JOHNSTON of Alabama. That is what I intend.

Mr. SIMMONS. Mr. President, if I caught the reading of the unanimous-consent proposition, it provides that we are to proceed, without adjournment, until we have voted upon this bill.

Mr. BRISTOW. Mr. President, in order to avoid taking up time discussing this matter——

Mr. SIMMONS. It seems to me that is a very remarkable proposition.

Mr. BRISTOW. I make the objection now, so that we may proceed with the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Kansas objects.

Mr. BRANDEGEE. Mr. President, although I assume that the request for unanimous consent of the Senator from Alabama, which has just been objected to, was offered in perhaps more or less of a humorous sense, still I am glad it was offered, because it brings up the question of whether it is not possible for us now to agree upon some time at which the vote upon this bill and all amendments to its final passage may be had.

Mr. JOHNSTON of Alabama. I want to say to the Senator from Connecticut that there is no humor about that proposed agreement at all.

Mr. BRANDEGEE. I know it was rather grim humor, if there was any.

Mr. JOHNSTON of Alabama. It was intended to expedite public business and a vote upon a question that has been debated here for three or four weeks. A majority of Senators are worn out with it, and it is time that we should vote and act and quit talking about it.

Mr. SIMMONS. Mr. President, as a substitute for the request for unanimous consent presented by the Senator from Alabama I ask unanimous consent that the vote upon this bill and all amendments thereto be taken during the present calendar day.

Mr. O'GORMAN. I second the request.

Mr. BRISTOW. I can not consent to voting upon this bill until we reach section 11. There will be some amendments injected here in regard to the construction of a treaty which will take all the time up to midnight to-day in order to discuss what words mean. What we want to get at is the legislative features of this bill that benefit the commerce of the country, and I for one am not going to consent to a vote on the bill until we get up to the vital measures of the bill and can get consideration of them.

Mr. BRANDEGEE. Of course, Mr. President, if that is the Senator's attitude there is no use of proposing any request for unanimous consent until we have passed all the portions of the bill which precede section 11. Then we can take up for consideration the time for voting finally upon the bill.

With relation to the communication from Prof. Johnson, just read by the Secretary, I will state that I had that amendment substantially noted in the bill. The reasons that he gives for it are perfectly plain, it seems to me, if Senators have the bill before them.

The bill at present provides, on page 7, line 14:

That under regulations prescribed by the President a vessel paying toll going through the canal in ballast shall, on its return trip through the canal laden with cargo, be entitled to receive a rebate of 50 per cent of the tolls just previously paid going through in the opposite direction without cargo.

As Prof. Johnson says, that is a much greater reduction than is allowed in the Suez Canal for vessels in ballast. Furthermore, if a vessel under that provision should go through the canal in ballast, it would be because it was seeking a cargo. If it succeeded in finding a cargo it might never come back through the canal; its cargo might be consigned to Hongkong, and, therefore, it would be paying the full dues and would get no rebate whatever, or it would get more than it was entitled to. Prof. Johnson suggests that on page 6, in the line of the provision which I have just read from the bill, there be inserted the language which I will ask the Secretary to read from Prof. Johnson's letter. It is a little different from the language I have here, although substantially the same.

Mr. ROOT. Where is that—on page 6?

Mr. BRANDEGEE. On page 6, in line 17, after the word "commerce" I move to insert the language to which I refer.

The PRESIDENT pro tempore. Does the Senator from Connecticut offer that as an amendment now?

Mr. BRANDEGEE. I do.

The PRESIDENT pro tempore. The Chair will state that there is an amendment pending, offered last night by the Senator from Mississippi [Mr. WILLIAMS] on behalf of his colleague [Mr. PERCY]. The Senate adjourned pending that amendment.

Mr. BRANDEGEE. Mr. President, I do not want this amendment to be taken up out of its order. Did the Senator from Mississippi ask to have the amendment to which the Chair refers inserted in this place or before it?

The PRESIDENT pro tempore. Just before it.

Mr. BRANDEGEE. I am perfectly willing to let this rest until action is taken upon the amendment proposed by the Senator from Mississippi.

The PRESIDENT pro tempore. The pending amendment before the Senate is the amendment offered last night by the Senator from Mississippi on behalf of his colleague, which the Secretary will again state to the Senate.

The SECRETARY. On page 6, line 14, after the words "United States," it is proposed to insert:

Vessels owned exclusively by American citizens and not built within the United States shall be entitled to registry and the benefits thereof, and to the protection of and be subject to the navigation laws of the United States as long as such vessels are engaged in the transportation of merchandise and passengers through the canal, and such vessels so engaged in such transportation shall be entitled to engage in the coastwise trade while en route to or from the canal.

Mr. BRANDEGEE. Let me ask the Senator from Mississippi in what respect that amendment differs from the one that was acted upon last night?

Mr. WILLIAMS. It does not differ at all; but the one that was acted upon last night was offered as an amendment to the amendment of the Senator from Ohio [Mr. BURTON], and this is offered as an amendment to the text of the bill.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment just read.

Mr. GALLINGER. Mr. President, it would perhaps be interesting for us to know just how often the same amendment can be offered as in Committee of the Whole. This amendment was offered and voted down last evening.

The PRESIDENT pro tempore. The Chair will be glad to hear from the Senator.

Mr. GALLINGER. I yield to the Chair with pleasure.

The PRESIDENT pro tempore. The Chair does not wish to interrupt the Senator.

Mr. GALLINGER. I think I have said all I care to say. Of course, if this amendment should be voted down, I suppose, having voted twice upon the same amendment, it can be offered to some other section of the bill again as in Committee of the Whole, and again, and I do not know where we would end if we entered upon that form of legislation.

Mr. WILLIAMS. Mr. President, I think it goes without saying that an amendment offered to an amendment is not in effect the same as an amendment offered to the text of the bill. I will say, somewhat in explanation, that I intended last night that this should be offered then as an amendment to the text of the bill, but, the Chair misunderstanding me and I not hearing the Chair, it was offered as an amendment to the amendment. Learning that later, I did not call for the yeas and nays. It would not have accomplished the purpose I had in view if it had been adopted as an amendment to the amendment; and I now offer it as an amendment to the text of the bill at the place indicated, on page 6, line 14.

Mr. GALLINGER. The amendment offered last evening really had no relevancy to the amendment that was under consideration, as I look at it; perhaps I am mistaken, but what is troubling me is to know just how often the same amendment can be offered as in Committee of the Whole.

Mr. WILLIAMS. It depends upon what it is offered as an amendment to.

Mr. GALLINGER. I am willing to submit the question to the Chair, and, of course, the Chair will decide wisely.

Mr. WILLIAMS. Mr. President, I merely want everybody to understand what the amendment is. In substance, it is an amendment admitting to our coastwise trade——

The PRESIDENT pro tempore. If the Senator from Mississippi will pardon the Chair a moment, does the Chair understand the Senator from New Hampshire to make a point of order?

Mr. GALLINGER. No, Mr. President; I will not make a point of order.

The PRESIDENT pro tempore. The Senator from Mississippi will proceed.

Mr. WILLIAMS. In substance, it is an amendment admitting to our coastwise trade en route to and from the canal——

Mr. GALLINGER. Will the Senator permit me a moment?

Mr. WILLIAMS. If the Senator will allow me to finish the sentence first—vessels owned exclusively by Americans, although not built in America. That, in substance, is the main point about it.

Mr. GALLINGER. One reason, Mr. President, why I would not make the point of order on the amendment would be that it could be offered in the Senate at any rate. So we may as well vote upon it now as at any other time.

Mr. WILLIAMS. Now, Mr. President, I ask for the yeas and nays upon the amendment.

Mr. LODGE. Mr. President, I shall not delay the Senate more than a few moments on this amendment. It opens a very large question, and it seems to me rather too large a question to be settled by an amendment to this bill. It is a question which ought to receive the careful consideration of the committees of the Senate and be treated as a separate measure.

We have given a great deal of attention in the past to the question of admitting foreign-built ships to the foreign trade, but this proposition is different. It is to admit foreign-built ships to the coastwise trade. The result of that would be to close our shipyards, because the whole of their business is in building for the coastwise trade. Of course there is Government business—the building of battleships and other naval vessels—but that is not enough to support two shipyards, if as many, and if it were concentrated in two yards it would not be a good thing for the Government at all. It would still, I think, be difficult for the shipyards to live on the uncertain business that comes from the Government. The backbone of the business of our shipyards, great and small, is, of course, the building of vessels for the coastwise trade. The steamers and other vessels which we hope to have built for the Panama Canal traffic between the east and the west coasts will, if this amendment should be adopted, be built on the Clyde. That it will yield

any benefit to the shipper and the passenger is not possible, because the owner of ships in the coastwise traffic remains protected as before. It will simply enable him to buy his ships cheaper and to make a larger profit. There are many small shipyards on the coast which exist entirely by building the steamships and other vessels that are employed in the coastwise traffic and employed in local service about the different great ports. Of course, if that work is taken from them, they will have to close.

I think suddenly, without warning, to take the product of a single industry and put it on the free list is a very severe measure. I can not regard with any feelings but those of real distress the prospect of seeing the many thousand employees in those shipyards suddenly thrown out of work, as they would be in a very short time if this amendment were adopted.

There are many States which have a larger shipbuilding business than my own, but we have one yard in Massachusetts that employs 5,000 men, and we have some small yards, which never build anything for the Government, employing many hundred men, which would, of course, absolutely have to cease operations in a very short time, because it is hopeless to suppose that our yards, with their rates of wages and expenses, can compete with the building of vessels on the Clyde or in Germany.

I wish very much that this matter, which is so far-reaching, might be reserved to be dealt with as a separate proposition. It really has no connection with the canal, and when I think of the distress and misfortune that such sudden action on the part of the Senate will cause to a large industry I can not but hope that the Senate will be willing to allow this subject to be dealt with as a separate measure, after full consideration, which it is impossible to give now, both by committees and by the Senate, of the conditions of the shipbuilding industry.

To leave this country without shipyards, it seems to me, would be a great misfortune; and it is the coastwise traffic which has maintained our shipyards not only on the Lakes but on the Pacific, Atlantic, and Gulf coasts. I see no escape from the destruction of those yards if the coastwise traffic is thrown open to foreign-built ships. I want to repeat that it will have no effect on the cost of transportation, because the monopoly of the coastwise traffic will still remain to the American shipowner. It will only enable him to buy his ships somewhat cheaper and make a larger profit.

Mr. SIMMONS. Mr. President, I should like to ask the Senator from Massachusetts one question in connection with the statement he has made. I will ask the Senator if the work of our shipyards now is not practically confined solely to the construction of vessels to engage in the coastwise trade?

Mr. LODGE. They have no other business.

Mr. SIMMONS. They are not now building any vessels engaged in the over-seas trade?

Mr. LODGE. Practically none.

Mr. SIMMONS. Would the Senator have any objection to granting this permission to the owners of vessels engaged in the over-seas trade?

Mr. LODGE. Mr. President, of course, as a practical question, I should much prefer to have it confined to vessels engaged in the foreign trade, because it would have no practical effect, although I do not believe in the principle; but, as between the two, I should infinitely prefer to have an amendment which would confine it to foreign-built ships in the foreign trade, because the coastwise trade as it is to-day is the only business that the American shipyards have. They are building no ships for the foreign trade; and if this amendment should pass as proposed, in a very short time there would be nothing left of the shipyards, except those small and inconsiderable ones, perhaps, which build fishing schooners, of which we build a better type than any other country, and it would not be worth while for foreign competition to enter into it; but practically every shipyard would be closed for all other business in the coastwise traffic.

Mr. WILLIAMS. Mr. President, if this amendment be noted more accurately, it will be seen that it does not cover all the coastwise traffic. It applies to vessels en route to and from the canal, where their routes are that way. The Senator from Massachusetts [Mr. LODGE] takes it for granted that all of our shipyards would be closed and everybody thrown out of employment if our shipbuilders were brought to the point of competing, even to this guarded and limited extent, with the shipbuilders abroad. He seems to differ in some respects with others in that regard. There is a very great divergence between the comparative cost of shipbuilding here and abroad. I am inclined to think that the Senator from New Hampshire [Mr. GALLINGER] is right when he says that the advantage that the foreign shipbuilder has over us is in the cheapness per diem of his labor. Whether that be compensated by the superior efficiency of American labor in the shipyards I do not know, but I am afraid that it is not; because we have given these people a monopoly so long that they can afford to be careless in their methods and backward in their methods as well. But whether that be the case or not, in every other respect, such as material and all that, we are upon grounds of equality at any rate, and in many respects upon grounds of superiority. There is no doubt, I take it, in the mind of any well-informed man to-day that America can produce steel cheaper than can any other country in the world.

Mr. LODGE. If the Senator will allow me at that point, he is quite right as to the material, because, under the present tariff act as under previous tariff acts, material to be used in shipbuilding for the foreign trade can be imported free.

Mr. WILLIAMS. I understand that.

Mr. LODGE. But, as the Senator knows, if he will allow me——

Mr. WILLIAMS. If I recollect correctly, it is with a rebate of 99 per cent.

Mr. LODGE. It amounts to the same thing.

Mr. WILLIAMS. Except that the red tape makes the whole thing unworkable.

Mr. LODGE. And yet with the ability to buy all our material, practically, and bring in all material free from foreign countries, we have never been able to compete in building a ship for the foreign trade, because it costs so much more for labor. I believe the efficiency of our labor in the shipyards is high, but the efficiency in English shipyards is, of course, practically the highest in the world, and their expenses for labor are very much lower.

Mr. SMITH of Georgia. Mr. President, will the Senator from Mississippi yield to me a moment?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. WILLIAMS. Certainly.

Mr. SMITH of Georgia. I desire to ask the Senator from Mississippi if he would be willing to substitute for the amendment which he has just offered, a bill which he introduced, which limits the effect of this provision to vessels engaged in the foreign trade?

Mr. WILLIAMS. Mr. President, I would prefer to hold that in abeyance for the present. I want to test the sense of the Senate upon this particular amendment. It seems to me if the principle involved in the bill which I introduced would be indorsed by the Senate, the principle involved in this amendment would also be. So I shall hold that matter in abeyance until I see the result of the vote upon this amendment.

Mr. President, here is an industry to which we have granted an absolute monopoly, a monopoly not only to our navigators but to our shipbuilders—the coastwise trade. Both parties—or I will say now, since the travail is over, the three parties—are loud in their denunciation of monopoly of every description. We have built up one by law, and we have talked for it until a lot of people imagine that it is a matter of patriotism to maintain at least one monopoly upon the statute books for the benefit of two classes of industries. My own opinion is that if these people were subjected to some degree of competition they would have better business methods in the shipyards and on shipboard; they would be compelled, instead of leaving themselves an immense law-given margin of monopoly, to do business upon a business scale; and, doing it in that way, their methods would become more efficient and their production would become cheaper.

I do not desire, however, to take up the time of the Senate now, especially at the heels of the session, when everybody is tired; I do not want to go into a general discussion of this subject. I rose merely to explain it, so that everybody might understand the character of the amendment, and, unless it is desired further to discuss it by some Senator, I shall ask for the yeas and nays upon the amendment.

Mr. ROOT. Mr. President, I wish to say one word only. I regard this subject as one which touches not merely the economic question of the survival and prosperity of an industry or of two industries, but as very vital because of its bearing upon the independence of the United States from foreign countries in a matter that may be of supreme importance. I should like to see a full consideration given to the question of whether we may not revive our foreign merchant marine by taking down the bars and permitting ships to be acquired abroad; but that we should, with slight consideration, enact a provision which every wise and intelligent man believes will result in destruction of the American shipbuilding industry, so that we can not get ships made in our own country, I think would be a very serious act.

One of the important considerations in determining the application of the protective principle is the independence of a people who can themselves produce all that is necessary to their support and prosperity. There is nothing as to which independence is more important than this independence of ours in the ability to build up a navy and to maintain a carrying trade. Shorn of the power ourselves to build ships, we are crippled in our relations to the rest of the world, and we would stand to suffer seriously for it in time of stress and danger.

Mr. THORNTON. Mr. President, I opposed the Percy amendment in the committee for the reason that it contemplated a grave departure from the existing registration and navigation laws of the United States. I thought for that reason it should not be engrafted on the Panama Canal toll legislation. I do not say that the principle embodied in the amendment is not without merit, but it opens up a very grave and serious proposition. It proposes to change our navigation laws, and connected with that is the possible result of the sudden destruction of all private American shipyards. I think that is too great a question to be considered at this time in this connection, but that it should be given a separate occasion, with ample time for the discussion of it.

For that reason I was then opposed and I am now opposed to the amendment.

Mr. NEWLANDS. Mr. President, the prohibition of the use of foreign ships in our coastwise trade is a part of the protective policy of the Republican Party and stands with the tariff as a part of that protective policy. I am entirely willing to take up that question in any bill that properly presents it, but I do not think that we should discuss or act upon so far reaching a question upon a bill relating to the opening up and the use of the Panama Canal.

We have already the intimation that the President will veto any tariff bill which, after full discussion and consideration, passes Congress unless it is based upon the consideration which prompted the organization of the Tariff Board and doubtless he will veto this bill if it contains any ill-considered legislation relating to the protective policy so far as coastwise navigation is concerned.

We are all exceedingly interested in the immediate passage of the pending bill. It is a matter of great concern to the Nation. It is a matter of great concern to the Pacific coast. The session is drawing to a close and it would be a great misfortune if we should adjourn without acting upon it.

I hope in the near future we will take up in an adequate way not only the policy of protection as represented by the tariff but the policy of protection as represented in our laws relating to navigation, and that after full consideration by the proper committees and after full debate in Congress we will take such action as will lessen or destroy monopoly and at the same time promote our merchant marine, whether engaged in coastwise or oversea traffic. But I do not think that this is the time or the place, and I hardly think it fair to those of us who are in sympathy with the general purpose of the Senator from Mississippi, to put us on record on this bill regarding so important a matter, when our vote may result in the veto of the bill or may result in such a protraction of legislation as would cause the measure to go over to the next session. I think that we should address ourselves to the immediate question before us as presented by the committee.

For these reasons I shall vote against the amendment suggested by the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I never had much sympathy with that sort of mental procedure which professes adherence to a principle but always, when it is proposed to put the principle in practice, meets the attempt with the phrase, "Not now, not here, afterwards, in some other place." So much in answer to the Senator from Louisiana [Mr. THORNTON] and the Senator from Nevada [Mr. NEWLANDS].

Now, the reply to the Senator from New York [Mr. ROOT], it seems to me, is a very plain one. He seemed to take for granted—and I deny that anybody has warrant for it—that we will find ourselves "shorn of the power to build ships" if this amendment passes. The amendment could not, in my opinion, justify any such conclusion as that even if it went further than it does.

I should like, if I had time, to enter into the history of the decay of the American shipbuilding industry and the reason for it, but that would take too much time. I will be pardoned, however, for saying that the sails of American ships before the War between the States whitened the Indian Ocean and the Mediterranean as well as the Atlantic and the Pacific—ships built in American shipyards; that the difference between the cost of European labor and the cost of American labor at that time was fully as great as it is now; and that the mere difference in the cost of labor never prevented the Baltimore clippers and the schooners from Maine from traveling all over the world and carrying the American flag with them.

Mr. GALLINGER. Mr. President, that was in the days of wooden ships, and we had a great advantage.

Mr. WILLIAMS. That obliges me to go a little further along in the history, which I had hoped to escape. I was merely making the point that the difference in labor alone did not prevent our success in shipbuilding.

Now, what difference does it make, as a matter of logic, whether the thing upon which labor operated was wood or steel, unless the cost of the material should be greater in America than abroad?

To follow the history down a little, the beginning of the decadence of American shipping was its destruction and expulsion by the Confederate cruisers that destroyed it. Then there happened to come in just about that time the great change of material in the industry. People began to build iron ships instead of wooden ships, and at that time the cost of producing iron and steel in Great Britain was 50 per cent of what it was in America. Then we could not reinstate ourselves. Later on we developed our iron and steel industries until we reduced the cost here to a level with, or perhaps below a level with, the cost abroad of these materials.

But the answer to the Senator from New York consists in these two propositions. He forgets in his reply that the ownership of these ships contemplated by my amendment to be admitted to the coastwise trade en route to and from the Panama Canal and passing through the canal must be exclusively American.

Then the Senator says that it might destroy our independence to have foreign ships in the American coastwise trade. The reply is that they would not be foreign ships at all, but would be owned and officered and manned under our navigation laws by Americans. Therefore that argument falls to the ground.

The argument would have fallen to the ground by a different reply if necessary, to wit, the fact that for I do not know how long Great Britain has admitted to her coastwise trade ships flying any flag, from anywhere, not under any mere limitation of this sort, subject, of course, to coastwise commerce regulations at the ports, and all that.

Now, Mr. President, it does seem to me that to subject these people to a little competition will not only be good for the American people but healthful to them. It would be good for them in making them do a more careful business, in stimulating their energies and inventiveness.

But the Senator from Massachusetts says that it could not work any reduction in freight rates, and therefore it would not better the shipper or the consignee. It is a new doctrine to me, if the proposition be true, if the foreign ship would continue to be bought at less money, that the cost of the plant has nothing to do with the charge made by the owners of the plant. When a man comes into competition with other people, then if the other people operated ships that cost more, the man trying to get the part of the business and trying to carry it at as low a profit as would render a reasonable return for the money invested in the plant would thereby, as far as others, reduce charges to meet competition, to a certain extent, at any rate. I understand that he would not come any lower than he thought he ought in order to get the lion's share of the trade and a full cargo, but rather than risk not having a full cargo he certainly would reduce the prices to that extent, at any rate.

I shall not further consume the time of the Senate now.

Mr. JOHNSON of Maine. Mr. President, I had not intended to protract this debate, which has grown perhaps somewhat wearisome to the Senate, involving as it does most important matters in connection with the use of the stupendous project which is about to be consummated for the benefit of America and the world, but, knowing that the State which I have the honor in part to represent is vitally interested in the amendment which is offered by the Senator from Mississippi, I feel that I would not have discharged the duty which I owe to the people of my State if I sat silent at this time, content to learn from others and listen to those who have wider experience in framing laws, and particularly upon a matter which is of such vital interest, not only to the people of America, but to the people of the world.

I come from that section of the country where I have been schooled in a political thought which has been taught to regard the duty of a public servant as to extend not only to that particular section of the country where he happens to have been born and where he has lived, but who has been taught that his patriotism should broaden and widen until it took in the Nation. I have belonged to that section of political thought which has deprecated sectionalism in politics and in govern-

ment and has felt that the greatest good could be accomplished in that broader patriotism of which I have spoken by deliberating for the benefit of all.

In that spirit to-day, without seeking to ask any special favors for that bit of the rocky New England coast which we have been glad to call and proud to call the State of Maine, distinguishing it from the time when it was the Province of Maine and a part of the older Commonwealth of Massachusetts, I speak for it and for this industry, which used to be one of its grandest and in which it took its greatest pride. I wish I could take the Senator from Mississippi to that coast of Maine, to some of those seaside villages, to talk with those old sea captains, who in their prime sailed every sea and cast their anchors in every port of the world, and showed their love for America, their broad patriotism, and their love of their whole country and their love of their calling in that most perilous of avocations. Now, seeing their shipyards deserted, he would witness a pathetic scene along that 2,700 miles of coast, where were heard formerly the sound of the adz, the hammer, and the ax, but which are now silent and growing up to weeds.

I am not wise enough, I have not had experience enough to solve the great problems as to the decadence of American shipping. I know it to be a pathetic fact which we have felt in our State. We have now but few shipyards left of all that great number, which are now engaged in building vessels for the coastwise trade, perhaps under favors granted by the Government, I do not know.

The question is broad enough, as stated by the distinguished Senator from Massachusetts, to receive just and exclusive consideration in some one measure when we come to consider the revision of the navigation laws of the country and the great work of building up a merchant marine. It has no place, as it seems to me, as an amendment upon this bill.

When we come to consider it independently, as one Senator speaking for myself alone, I am willing to approach the consideration of that question with no desire to ask any special favors for that rocky coast of Maine or those independent people who have always been able to carve out their own fortunes and have sent their sons out over this Union contributing to the best of your citizenship. They sent to the State of Mississippi a Prentiss in the earlier days, who, with his matchless oratory, his patriotism, and his statesmanship, did much for that grand Commonwealth. There is hardly a State in the Union to which Maine has not contributed. Now, left alone with her hillside farms and her harbor villages, we see few shipyards. The only thing I ask is that this subject shall receive full consideration, fair consideration, not for her alone, but for the interest of the whole country.

Mr. GALLINGER. Mr. President, when John Paul Jones sailed out of the harbor of Portsmouth in command of the *Ranger*, we built ships in New Hampshire. We do not build any ships there now, and for that reason I have no interest connected with our State that would cause me to take a position for or against any proposition of this kind.

But, Mr. President, I have the same feeling that the Senator from Maine [Mr. JOHNSON] has expressed. We have something left of the shipbuilding industry along the New England coast, and I do not want—as an American, not as a citizen of New Hampshire—to see it sacrificed in this way.

The Merchant Marine Commission, which was composed of both Democrats and Republicans, went very thoroughly into this matter of free ships and reached certain conclusions which will be found in our report, and our Democratic members did not make any minority report. I think they were pretty well satisfied then that it was a question which required very careful consideration and that might well engage the attention of Congress when they had time and opportunity to discuss it very fully.

I am very apprehensive that this amendment if agreed to will bring about precisely what the Senator from Massachusetts [Mr. LODGE] pictured. It does not include all our seacoast traffic, it is true, but it is a beginning, and no one is wise enough to prophesy where, if we enter upon the movement, it will end.

I am not going to detain the Senate. I am going to repeat what I in an off-hand way said last evening. It occupies only a few lines of the CONGRESSIONAL RECORD, and it embraces the views I then held without giving the matter much consideration, and which I hold to-day. I said this, Mr. President:

> When we have shipyards in the United States employing labor at a high price, which shipyards are fully equipped to manufacture the ships for our coastwise trade, we do not want to go out into the markets of the world and buy the tramp steamships, all the half-worn-out steamships of England, France, Germany, Sweden, and Norway, and put them in competition with our ships which are built in our own shipyards.

It is well to keep in mind the fact that if this amendment prevails, not only will our people who choose to buy foreign ships buy new ships, but they can go out and gather up all the tramp steamships on the ocean, which they can purchase at a very small price, and put them in competition with the ships that are being built in American shipyards.

This whole matter of free ships is a big question. I have no doubt that in connection with our navigation laws, perhaps in the near future, it will be thrashed out in the Congress of the United States. Possibly there may be radical changes in our laws in that regard, but I feel sure that the Senate will conclude that this is not the proper time to do it, and that it ought no to be done on this bill, which relates simply to the Panama Canal.

For those reasons, Mr. President, and without detaining the Senate a moment longer, I really hope, as I believe, that the Senate will in its wisdom conclude that this amendment would better not be put on the bill that is now under consideration.

Mr. O'GORMAN. Mr. President, the proposed amendment seems to contemplate a very radical change in the navigation laws of this country. It is a subject of vast importance. I have certain views in respect to the merits of the proposition, but I am sure from what has already transpired that if the subject is to receive the consideration its importance demands we will unduly take the time of this body, which is now concentrated upon an enactment vitally necessary for the operation and management of the Panama Canal. In my judgment the subject of the proposed amendment should not be considered at this time, and for that reason I shall oppose it.

Mr. BRISTOW. Mr. President, I am in hearty accord with the remark just made by the Senator from New York [Mr. O'GORMAN]. I believe the navigation laws should be revised. I do not think we will have an American merchant marine until they are, and I doubt whether they can be so revised as to give our merchant marine what I should like to have. But to put this amendment into the bill opens up one of the most important subjects of legislation which Congress can consider, and it seems to me inadvisable. I shall vote against it because I believe that it would close a number of shipyards in the United States and throw out of employment thousands of men.

I come to that conclusion from testimony that was given before the Committee on Interoceanic Canals by representatives of these shipyards, who had not the slightest idea that such an amendment would ever be incorporated in the bill, and the information was drawn out simply by incidental inquiries.

I voted against Canadian reciprocity because I did not think it was fair to put the wheat growers of the Dakotas in direct competition with those of Canada when the conditions under which the wheat was grown were different, and I shall vote against this amendment, being animated by the same principle and the same doctrine.

I know the wages paid in the Norfolk shipyards are from 40 to 65 per cent higher than those paid in England, and I know ships which would be operated in this commerce can be bought in England very much cheaper than they can in America, because the wages that are paid in the construction of the ships are very much lower there than they are here.

I regret very much that the Senator from Mississippi [Mr. WILLIAMS] has seen fit to bring up this subject at this time, because I am just as desirous as he is for a revision of our navigation laws in order to aid our merchant marine.

Mr. SMITH of South Carolina. Mr. President, I would like to call the attention of the Senate to the fact that for about 48 years we have been trying the present plan of protecting the American shipbuilder, and as a result we are now face to face with the fact that the American flag on the merchant marine has disappeared from the ocean. In spite of our protection of the material that enters into the building of the ships, in spite of the plea for higher wages for the carpenter and the workmen and the employees around our shipyards, we are seriously asked to grant a subsidy in addition to the protection in order to promote a merchant marine.

I should like to state one point further. Do the Senators who are opposing this proposition seriously take into consideration that in order to promote a system of shipbuilding it is proposed that the whole shipping interests of the American commerce shall be jeopardized and the flag shall disappear from the sea in order that the coterie of our navy yards may find employment at a wage said to be higher than those in foreign countries? Even the American producers and the American shippers have some rights that should be taken into consideration with the so-called laborers who build these ships.

Now, we have tried this thing for 48 years and it is a disastrous, miserable failure. Why, then, can we not experiment with something that promises some degree of relief, in view

of the fact that the Panama Canal is soon to be opened and there will be a change of all the great transoceanic lines?

Every time a proposition comes up in the Senate looking to the solution of the great problems that confront our people, there is interposed between the relief and the people the idea that some little bunch of employees may lose their employment, no matter how much the American people may suffer by that process. I for one am ready to go on record as saying that we will allow the American people to buy their ships wherever they can buy them, and that we will modify our registry laws to such an extent that they can load them with American goods and send them across the seas, and not impoverish our people to build up a few shipyards.

Mr. BRISTOW. If the Senator will permit me, he must admit that this is a very important question that would lead to a very wide discussion and which should have very serious and thorough consideration.

Mr. SMITH of South Carolina. I recognize that.

Mr. BRISTOW. Does the Senator think that this amendment has any more place on a bill relating to the Panama Canal operations than would a revision of the tariff or any other kind of a legislative measure?

Mr. SMITH of South Carolina. It has just as much place on this bill, and more in view of the necessity of the American people for adequate shipping facilities, as the repeal of the reciprocity treaty had on every tariff bill we had brought up here.

Mr. GALLINGER. Mr. President, the American people are not suffering so far as shipping in our coastwise trade is concerned. There is an abundant supply of that. Our distress relates to the foreign trade.

Mr. SMITH of South Carolina. I am not confining myself to the coastwise shipping, nor am I confining myself to the foreign shipping. I am including both.

Mr. GALLINGER. No; this amendment relates only to the coastwise shipping.

Mr. SMITH of South Carolina. Yes; but I think that would be admitting the principle; and once we admit the principle we can apply it wherever we see fit.

I merely wanted to make these remarks, Mr. President, but I will make one further observation and then close; that is this: The Secretary of the Navy and the Naval Committee refused the navy yard at Charleston—perhaps one of the most available harbors on the South Atlantic seaboard, the nearest to the Panama Canal—they refused $300,000 to develop that magnificent American port. I understand that the Secretary of the Navy has practically closed up the port of New Orleans. He is going through a system of revision, shutting up navy yards along the Atlantic coast, while there is a great cry to build more ships. If he is consistent, why not allow these navy yards to take commercial business at a time when the Government business is slack? My colleague [Mr. TILLMAN] made a fight in the Naval Committee for $300,000 to improve the shipbuilding at the nearest American port on the South Atlantic seaboard to the Panama Canal; and that was turned down and refused. Then they come with the argument that we need more facilities.

Mr. GALLINGER. Mr. President, I made a fight for the appropriation for the Portsmouth Navy Yard, and I, too, was turned down. I was turned down by the Democratic House of Representatives. Who turned down Charleston? The Senate put those amendments on the bill.

Mr. SMITH of South Carolina. I understand that when it got into conference it was voted down. I am not saying who did it or who did not do it; but I say it was done.

Mr. GALLINGER. The House conferees resisted it; they were the ones.

Mr. SMITH of South Carolina. I should like to make this suggestion to the Senator from New Hampshire: Just take our seaboard and see where our navy yards now are and what are the appropriations for those navy yards. I do not care to inject a sectional discussion into this debate.

Mr. GALLINGER. But you did.

Mr. SMITH of South Carolina. I did it inadvertently, because it is apparent that in a question like this it is better to leave that out, but I still insist that we have tried this plan for 48 years. It is a miserable, disastrous failure, as every special privilege in a democratic country is bound ultimately to work out.

Mr. MARTIN of Virginia. Mr. President, this proposition is an exceedingly important and far-reaching one. One thing, to my mind, is perfectly clear, that if the Senate votes on it to-day it will vote on it without proper investigation, without careful deliberation, and without a knowledge as to the consequences that may ensue either of detriment or of benefit. If we are to sacrifice the shipyards, if we are to throw out of employment the thousands and tens of thousands of mechanics and laboring men employed in those yards, if we are to practically destroy the millions and tens of millions of capital invested in the shipbuilding industry, ought we not to investigate carefully and ascertain what benefits are to be conferred commensurate with the sacrifices which we are called upon to make? Ought we not to have this complicated, important, and far-reaching proposition investigated by a standing committee of the Senate? Ought we not to give hearings to those who are interested in this plan? This is not, Mr. President, solely a question of protecting shipyards. Shipyards are as important to the national defense as are battleships. If we are to take away this important feature of the national defense, ought we not to know what compensation is to accrue to the country?

It is true, Mr. President, that we have in my State a great shipyard, whose pay roll is about $75,000 a week, about $3,000,000 a year. The very existence of a city of 40,000 population depends on the prosperity of that shipyard. Seven thousand skilled mechanics depend upon the work given in that shipyard for their daily bread; but, Mr. President, I do not stand here and ask that special privilege or that special advantage or that opportunity be given to them if it is inconsistent with the public welfare. I have hesitated very much as to what course I ought to take in respect to this matter.

I am perfectly willing to see that shipyard go out of use; I am perfectly willing to see the 7,000 skilled mechanics there compelled to go elsewhere to make their living; I am perfectly willing to see the beautiful and prosperous city of Newport News go into a state of deterioration, to put it mildly, provided the public welfare requires it. I am willing to stand here in my place and vote that all those evils to that particular place may come, if they be necessary for the public welfare of this entire country.

I say, I have hesitated very much as to what I ought to do in connection with this matter, and I have reached the conclusion that I have not the information; that I have not the knowledge; that I have not had the opportunity to give that thought, that investigation, and that consideration to this subject which it requires; and I think it is entirely improper to take such action now.

I am prepared to vote for the revision of our navigation laws; I am prepared to do whatever is necessary and wise and just to rehabilitate our merchant marine, but I am not willing to act hastily, without deliberation, without investigation, and without due consideration; and I think the other Members of the Senate are as fully ready to meet this responsibility as am I. It is not a question of that character which would justify us in rushing in without knowledge and without deliberation and without consideration. It is too important a question; it involves too much; we know too little about the consequences of good or of evil that may ensue if we adopt the amendment offered by the Senator from Mississippi.

I sincerely hope that this matter may go over until it can have proper consideration. I am ready to take it up and to treat it with radical and decisive legislation if it seems, on investigation, that by striking down or withdrawing from these industries the protection which they are now receiving the general welfare will be promoted.

But, Mr. President, what does this amendment propose? It withdraws the protection from the shipyards; it strikes a blow at all the employees of the shipyards; it brings desolation to thousands of homes, perhaps, but it continues the protection to the shipowners. It does not withdraw from the shipping the protection which the shipping now enjoys; that is continued; the monopoly of the coastwise trade is continued; it simply strikes down the shipbuilder while it preserves the monopoly and the protection for the shipowner.

Mr. President, let us devise some plan that will operate in an equitable and in a comprehensive way, and do justice to all the people and all the industries of the country. Do not proceed too hastily; do not act too radically; but proceed with wisdom, caution, and justice; deal with this question as it ought to be dealt with; do not take it up and dispose of it in a reckless, harum-scarum, careless manner, which I consider would be the case if we should vote this afternoon. I know I am not prepared to dispose of it as it ought to be disposed of, and I do not believe other Senators are any better prepared than I am.

Entertaining those views, Mr. President, but not feeling unwilling to deal with this subject at a proper time and in a proper manner, and not meaning to indicate that I am in favor of continuing present conditions—for I am not—I want the whole navigation system revised and perfected in the interest of increasing our merchant marine on the high seas; but I

say, desiring to do that in good faith, I am unwilling to proceed recklessly; and I can not and will not support the amendment offered by the Senator from Mississippi.

Mr. CRAWFORD. Mr. President, I come from a part of the country which has no direct interest in American shipping in the sense that any of its people have investments either in the coastwise trade or the over-seas trade, but it is a matter of common observation everywhere and a matter of regret everywhere that the American flag is not floating in the over-seas trade. Wherever you go that regret is expressed, and, in common with everyone else, I am in sympathy with it. But, Mr. President, there is a very large trade and commerce conducted by ships that do float the American flag, and that is in the coastwise trade. There is a commerce that apparently is prosperous and in splendid condition, the commerce on our Great Lakes and between American cities on the seacoast. I want to ask this question: Are we going to float the flag in the over-seas trade by striking a serious blow at the only trade we have upon which the American flag does float—the coastwise trade?

It seems to me that this amendment affects only that part of our trade by sea which now floats the American flag, and does not in any way directly or indirectly solve the serious question in which there is so extensive an interest everywhere—that the American flag is not floating in the over-seas trade. If we close our American shipyards and invite into the coastwise commerce all the elements that are destructive of it instead of extending our commerce under the American flag, it seems to me we will still further help to destroy it.

As a member of the Committee on Commerce and as a member of the Committee on Interoceanic Canals, while I do not pretend to have investigated the subject thoroughly, I have observed more than once that, so far as the over-seas trade is concerned, our navigation laws have practically been self-destructive. I believe the whole system as to the over-seas trade will have to be liberalized, and liberalized extensively, if the flag ever floats in the over-seas trade. We have gone so far in undertaking to protect American shipyards that we have squeezed out of it all the life there was in the business; but our policy as to the coastwise trade has been successful, and, if there be monopoly in it, there is a way to deal with monopoly without destroying the industry. Let us proceed in that way to remove the evils that may exist in it in the form of monopolies; but I want to see the American coastwise trade maintained in its integrity; I want to see it absolutely unshackled and divorced from the railways and thus make it a powerful competitive force through the Panama Canal. I think, as has been expressed here over and over again, that it would be imprudent and it would be dangerous to place this amendment in the pending bill.

Mr. WILLIAMS. Mr. President, the world is full of people who are afraid of freedom, who are afraid of competition, and who, whenever competition is threatened with anything in their localities, begin to talk about devastation and suffering; but I hardly expected to hear a radical protectionist speech from the Senator from Virginia.

Mr. MARTIN of Virginia. Mr. President, it is not of very great consequence that I should answer that statement, but it is so absolutely inconsistent with the facts and so absolutely in violation of any proper interpretation of what I said, that I can not do less than rise to say that I feel that it is grossly unjust and entirely unjustified by a single word I uttered. I made no protection speech, and the Senator from Mississippi must be the only man within the hearing of my voice who put such an interpretation on what I said.

Mr. WILLIAMS. Mr. President, the words of the Senator from Virginia speak for themselves. He referred to the withdrawal of "protection" from the shipyard at Newport News as spelling "devastation" and destruction; he traveled along the line of well-known argument that every protectionist orator has traveled along who has ever made a speech against tariff for revenue or a speech in favor of protectionism since the debate has been going on; since I have been in public life.

Mr. MARTIN of Virginia. I should like to ask the Senator to state where there is any revenue in this proposition?

Mr. WILLIAMS. I did not say there was; I said the Senator traveled along the line of argument pursued by men who are arguing that side of the question. A 14-year-old schoolboy who can read what the Senator from Virginia said will justify what I have said about it.

Mr. MARTIN of Virginia. The superior comprehension of the Senator, and his arrogance and violence in characterizing what other Senators say, which is so very apparent day after day whenever he has anything to say about any Senator, is reflected again to-day in his remarks in respect to me.

Mr. WILLIAMS. I am not losing my temper.

Mr. MARTIN of Virginia. I confess, Mr. President, I am losing mine.

Mr. WILLIAMS. I have said nothing except that the utterances of the Senator from Virginia, in my opinion, were what I have said. His utterances stand in the RECORD—they speak for themselves; and if my opinion concerning them is not correct, the very reading of what he has said will correct that opinion. It is not necessary that he and I should say anything about one another's "arrogance," or anything else. Whether I am arrogant or not—and I hope I am not—I think personally I am a peculiarly amiable, patient, good-natured man, and everybody will bear me out in that, I have a right to express surprise and astonishment that the idea is broached by a Democrat that the depriving of any man of a special privilege granted by law is to be resisted upon the ground that it will hurt a special industry.

The Senator from Virginia says that he "has not information enough" to act upon this question; that he is "not ready." If he is not ready now, I do not know when he can become ready. He wants "investigation." He wants "information." He wants "knowledge." He wants "discussion, and other Senators want all those things." For 20 years, to my knowledge, this question has been discussed in books and upon the floors of both Houses. Committee after committee and commission after commission have investigated the question and have reported to the public upon it. During those 20 years while I have been in the public service several of the gentlemen who "want further light" have been here, whether they have been in the public service or not, and others have been studying political and economic questions, and, studying political and economic questions, this mass of information has been before them.

Mr. President, Gen. Hancock said, when he was running for the Presidency, that protection was a local issue. As for myself, I stand upon the broad ground that no man, no industry, no class has a right to anything at the hands of the Government except fair play and a free field and equal opportunity. If I understand Democracy—that is, Democracy from the days of Thomas Jefferson down to now—every special privilege granted by law which inures to the private benefit of any man or any industry is an undemocratic privilege. I am ready to act upon this matter.

One word now in answer to the Senator from South Dakota [Mr. CRAWFORD]. He says, and says, I think, very properly, that this privilege ought not to be confined to the coastwise trade alone. After this amendment which I have offered shall have been voted up or voted down, I shall then offer another amendment to obviate that objection. I shall move, if it is voted down, that, on page 6, line 14, after the word "States," the following words shall be inserted:

That all legal prohibitions upon the American registration of foreign-built ships for the foreign trade are hereby repealed wherever said ships are exclusively owned by Americans.

We will then see whether that amendment will be adopted. It can not be urged in reference to that amendment that a single shipyard in the United States is building any ships for the foreign trade. The old Republican cry, to which we have become accustomed, and repeated to-day by the Senator from Virginia, that it will put labor out of employment and make capital inoperative can not be made against that amendment, because, by universal admission upon this floor, no American shipyards are building any ships for the foreign trade. If you want the American flag to fly from the masts of ships that shall go to the Indian Ocean, to the Mediterranean, to the South Seas, and all over the world, exchanging our products for the products of other nations, in a condition where you will not, in securing this great benefit, put out of employment a single American laborer or make a dividend upon a single American investment any the less, then you will vote for the other amendment when you get to it.

In expressing my views on the question of policy, I am expressing my views of what is Democratic policy. Every Senator understands that I am actuated by no sort of personal feeling of any description, and when I say that a given position is not Democratic I mean by it that, in my judgment, it is not; and I buttress myself upon the history of the party and its utterances for years and years in justification of the statement. I have no more personal feeling in connection with characterizing an utterance of the Senator from Virginia than I have when I answer a like protective argument made by the Senator from Massachusetts or a like protective argument made by the Senator from Utah; and to be arraigned personally because I do it is not the way of arguing public questions to which I am accustomed.

I call the attention of the Senator from South Dakota to the fact that after this amendment is voted up or voted down I

shall then offer the other one whose significance I have indicated.

Mr. CRAWFORD. Mr. President, my objection to that is that, to my mind, the two questions are entirely distinct and separate from each other. In a proper bill I would be glad to advocate the permission of American citizens to acquire foreign vessels, so that we may have them floating upon the seas under the American flag in the foreign trade; but I do not want that question to in any way jeopardize this bill nor the present conditions that exist in the coastwise trade, which does float the American flag.

Mr. GRONNA. Mr. President, to me this discussion has been illuminating, instructive, and entertaining, coming, as it does, from both sides of the Chamber. I can see how dear protection is to the American people, but we have not heard a single word in the interest of the producer or shipper, except what was said by the Senator from South Carolina [Mr. SMITH]. We have given a monopoly to those who are engaged in the coastwise trade. They are the only ones who can engage in that commerce. Yesterday we subsidized those who are engaged in that commerce.

I have on every occasion opposed a ship subsidy, such as has been presented during the time I have been a Member of either this or the other body, for the reason that it has been a discrimination even against the shipping industry. There has never been a bill that I know, presented either in this body or the other body while I have been a Member of either, that has given an equal opportunity to all the shippers, but it has been a distinctive and an absolute discrimination.

I am rather surprised that Senators have been silent and that scarcely nothing has been said for the benefit of the producer and the shipper, that their interest needs to be protected. We take it for granted, I suppose, that as to the men who are engaged in this great shipping industry, an industry that is now a monopoly, we can depend upon their generosity and patriotism for justice. Is that the way we are trying to regulate these great combinations of wealth? Is it not the great question in which the American people are interested to-day how to regulate these great combinations of wealth? We have with our votes granted special privileges to special privileged corporations. We on yesterday granted a subsidy to those who are engaged in the coastwise trade, and we did it just as much as though we had taken the money out of the Treasury of the United States. It is simply a difference in bookkeeping, and that is all.

I do not want to do an injustice to a single industry in this country, but I do want to see even-handed justice done to all. It has been amusing to me to hear Senators on the other side, who made such patriotic speeches a year ago in the interests of the consumer when it affected an industry that never had and in which there will never be a monopoly. It was said then that it was in the interest of the consumer. Are you giving the consumer a special benefit now by granting special privileges to an aggregation of capital? Are you doing even-handed justice to the American consumer by granting a subsidy to these corporate interests? I have seen Senators on this side refuse to support measures that would give to millions of our people protection to their industry, but when it comes to an industry that is owned and controlled by a few men who are worth millions, their industry is generally protected.

Mr. President, I shall vote for the amendment offered by the Senator from Mississippi for the reason that I believe every American citizen should have the right to buy his ships wherever he pleases. We often hear that the reason why we must give a subsidy to the shipping industry is because our ships cost more. The amendment of the Senator from Mississippi will do away with that. It will permit Americans who have capital to go where they please and buy their ships where they can buy them to the best advantage.

Mr. President, I voted against free tolls to ships engaged in the coastwise trade for the reason that I do not believe in giving special privileges to anyone. I know, Mr. President, that we who live in the interior will pay for it. There is not a Senator on this floor who will deny that this is a discrimination against the people in the interior of our country for those who live on the coasts and where shipping is done from one port to another the rate might be made a little cheaper by giving a special privilege to the coastwise shipping trade. But they also know that it is the practice to-day where railroad companies are charging a low rate from one coast to another, as from New York to Seattle, those who live in the interior are charged the full rate plus the local rate back to the interior point. You are saddling this burden, I say, upon the people who live in the interior of this country.

Mr. President, I want to protect all the industries of this country, but I want to see equal opportunity and equal protection to them all. When I see Senators on the other side who are so afraid of protection rise in their seats and with great eloquence and force remind us of the fact that we will do away with a great industry if the amendment of the Senator from Mississippi prevails, it is certainly amusing to me. It simply goes to show that we are all anxious to protect the industries in our own States. I challenge no man's sincerity of purpose. I believe that we are all patriotic enough to do what in our judgment we believe is for the best of the entire country; but we are only human, and we try at least to protect the interest and the industry that is nearest and dearest to us.

Fault has been found with my attitude for trying to place an amendment on certain bills to repeal a law that was an absolute injustice to a great number of the American people. The Senator from Mississippi said in substance that he stands for those things which will give equal opportunity to all. I believe that he is generally willing to do that. But he did not do so by voting for the reciprocity agreement that was passed in the Senate a year ago, because that agreement compelled the producer of natural products to dispose of his products in an open market and absolutely prohibited him from buying what he needed in the open market. It compelled him, I say, to buy his necessaries, to buy his machinery and what he needs on the farm in a protected market.

Mr. President, I probably ought to apologize to the Senate for taking so much time. I intended on yesterday to say a word or two about the amendment then pending, but other Senators said it much better than I could hope to do. I believe to-day, as I did on yesterday, that it is a mistake to grant special privileges to any industry that is controlled by a few men, and that is all that the question then before the Senate meant. The amendment that was offered by the Senator from Ohio [Mr. BURTON] proposed that all nations should receive the same consideration. Not only that, but if that amendment had been adopted, no one could have questioned our good faith to live up to the full measure of the provisions of the treaty that we have entered into with foreign nations.

Mr. BRANDEGEE. Mr. President, this is a bill to provide for the operation of the Panama Canal and the government of the Canal Zone. There were introduced into the bill in committee certain features which I regretted to see interjected into it, because I thought they had a remote relation, if any, to the object of the bill. There are many measures that Senators and Representatives would like to get passed by Congress. There are many measures of an academic character which they have introduced and which have been referred to the committees, on which no serious discussion has been had, that might be added on the bill. I had hoped that this bill would not be made an omnium gatherum for all the measures of varying degree of merit and demerit. I had hoped that the bill would go through on its merits and provide for the operation of a great national constructive work.

I agree with the Senator from Virginia that whatever may be the merit of this particular amendment and the proposition embraced therein, there has been no systematic, scientific investigation of the subject, at least at the present session of Congress. I would not want to vote on the subject in all its bearings without knowing a good deal more about it than I do now.

I agree with the Senator from South Dakota that this bill should not be made the vehicle of floating through Congress propositions; not upon an expressed threat by anybody in particular but with the effect of loading it down so that the bill has either got to be defeated or a lot of controverted and contested measures will go along with it.

I sincerely hope that this amendment will not prevail. That is all I have to say about it.

Mr. McCUMBER. Mr. President, I was very much impressed with the truth of the statements on this side of the Chamber to the effect that this is a far-reaching question. I could not but note how quickly and how forcibly it reached the coast of Maine and the shipyards of Virginia.

But, Mr. President, taking the matter of locality out of consideration, I wish to call attention to our great generosity toward our coastwise shippers. Under our navigation laws we created them the only great monopoly in the country. Under our navigation laws no one can compete with them. We follow this up and we build at enormous expense, requiring an enormous taxation upon the American people, a canal and turn it over to them for their free use and benefit.

Following on this line of our generous inclinations, we yesterday declared that they should pay no tolls, and in the same bill we made that declaration we also provided that the Government should pay them if in our handling of their boats through the Isthmus we should scratch them or shake them up

in any way. We have certainly run to the limit of generosity in dealing with the only law-created monopoly in the United States.

Mr. President, I agree with my colleague [Mr. GRONNA] entirely that what we did yesterday was a gross injustice to our section of the country. If I could see my way clear to connect the shipper with the shipbuilder, I certainly would support this amendment. But so far as I can see they are distinct entities. Whatever is gained by the shipper does not inure, that I can see, to the benefit of the shipbuilder.

Therefore, feeling as I do, that the shipbuilder can not compete in the open market with the shipyards of the Old World, and that the effect of this legislation would be to practically close those yards, I can scarcely see my way clear as a protectionist to punish the shipbuilder because I think the shipper has gained an undue advantage, and which advantage has been greatly increased by our action yesterday.

For that reason, Mr. President, I do not feel that I can support the amendment.

Mr. BRANDEGEE. Mr. President, this amendment proposes to amend section 5 of the bill by inserting a provision affecting the navigation laws of the country. I make the point of order against it that it is not germane to the section.

The PRESIDENT pro tempore. The Senator from Connecticut makes the point of order that the amendment offered by the Senator from Mississippi is not germane. Under the rule of the Senate that is required to be submitted to the Senate, and is not to be decided by the Chair.

Mr. WILLIAMS. Mr. President, one word upon the point of order only. It seems to me that it is germane, because the bill provides that vessels engaged in the coastwise trade shall be exempt from tolls. It therefore is true that anything defining what vessels shall be allowed to engage in the coastwise trade is germane to the provision that vessels engaged in the coastwise trade shall be exempt from tolls.

This seems to me to be a sufficient answer to the point of order.

The PRESIDENT pro tempore. The Chair repeats that under the rule of the Senate the point of order when made must be submitted to the Senate for decision. The question is on the point of order made by the Senator from Connecticut to the effect that the amendment offered by the Senator from Mississippi is not germane to the bill. Senators who favor the point of order will say "aye"; those opposed will say "no." [Putting the question.] The noes appears to have it. The noes have it, and the point of order is not sustained. The question now is on the adoption of the amendment submitted by the Senator from Mississippi.

Mr. WILLIAMS. I ask that the vote upon the amendment be taken by a rising and a standing vote.

The amendment was rejected; there being on a division—ayes 10, noes 38.

Mr. WILLIAMS. I offer the following amendment, which I send to the Secretary's desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 6, line 14, after the words "United States," insert the following:

That all legal prohibitions upon the American registration of foreign-built ships for foreign trade are hereby repealed: *Provided*, The ships are exclusively of American ownership.

The PRESIDENT pro tempore. The question is on agreeing to the amendment just offered. [Putting the question.] The noes appear to have it.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CRAWFORD. I ask to have the amendment read again.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The Secretary again read the amendment.

The PRESIDENT pro tempore. Upon the question the yeas and nays have been ordered.

Mr. POINDEXTER. Before the vote is taken I should like to inquire of the Senator from Mississippi as to the effect of this amendment. It has not been debated, but as near as I could gather from hearing it read it would not have the effect of in any way invading the present monopoly of American-built ships for the coastwise trade.

Mr. WILLIAMS. No; and, furthermore, because of that fact it would have no effect upon the shipbuilding yards in America, it being admitted that they do not build any ships for the foreign trade, or if they do that the amount of shipbuilding for the foreign trade in infinitesimal and negligible. So the usual and customary argument made against every proposition to admit new competition into any industry can not apply here. There is no American capital actually engaged in building foreign ships, and no American labor engaged in yards which are building foreign ships. The sole effect would be to enable American citizens to buy for purposes of navigation in the foreign trade alone ships upon which they could place the American flag.

Mr. BRANDEGEE. But, Mr. President, it would forever prohibit any American shipyard from building a ship for the foreign trade.

Mr. WILLIAMS. But the American shipyard admittedly builds none for the foreign trade.

Mr. BRANDEGEE. But they hope to.

Mr. WILLIAMS. It does not prevent them from building, if they can do it in competition.

Mr. BRANDEGEE. They can not do it in competition; that is the point.

Mr. WILLIAMS. I say it is admitted that, as a matter of fact, they do not. Now, if they shall ever be placed in a condition where they can or will do it, there is nothing in this amendment to prevent the ship from being built in an American shipyard. It merely provides that, although it may have been built in a foreign shipyard, it may yet be entitled to American registry and to fly the American flag, provided its ownership is exclusively our own.

Mr. POINDEXTER. My judgment would be, so far as its effect upon the building in American shipyards of ships engaged in foreign trade, that if the amendment had any effect at all, it would tend to develop such an industry and result in the building of ships engaged in the foreign trade by American shipyards, which industry they are not engaged in now. The result would be to interest Americans and American capital and American seamen in the navigation of ships flying the American flag in the foreign trade. It would tend to develop national interest in it. It would tend to create what some great railroad man has said was essential for the development of an American merchant marine, namely, a desire on the part of the American people to have a merchant marine, and an interest in that business, and from that interest there ought to grow, in the American shipyards, the construction of ships for that trade.

Some Senator has just said we could not compete with foreign shipyards in building ships for the foreign trade. We do not whether we could or not. We have not made any effort to do it in recent years. At one time we did successfully compete. But now the merchant marine is so shackled and is so bound hand and foot by obsolete shipping laws that there has been no opportunity for them to test their ability or to test the resources of American shipbuilding and the competitive conditions in an American shipyard in that industry. If it would have any effect at all, the effect would be to encourage the industry, because under the present conditions it has been absolutely stifled. It undoubtedly would result, whether the ships were built in American shipyards or not, in removing the anomalous stuation which we see now. By going to New Orleans anyone can see a line of great vessels plying in the trade between that city and Central American ports, a great American commerce owned by Americans, financed by Americans, doing exclusively an American business at American ports, but flying the British flag.

Certainly that is not creditable to our navigation laws; and when an effort has been made for 45 years to build up an industry by excluding from registry foreign-built ships, with the result that it has driven American shipping from the high seas, it seems to me that it would at least be wise to experiment a little bit in another direction.

Mr. BRISTOW. I should like to have the amendment read again.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The SECRETARY. On page 6, line 14, after the words "United States," insert:

That all legal prohibitions upon the American registration of foreign-built ships for foreign trade are hereby repealed: *Provided*, The ships are exclusively of American ownership.

Mr. BRISTOW. That would remove all restrictions and permit the American-owned ships that are bought abroad to sail without any legal restraints or restrictions whatever as to the seamen, employment, sanitation, or anything else. It seems to me that on a bill like this at this time of the session it is a very grave proposition to offer an amendment so sweeping that nobody knows what it means or what effect it will have upon the laws of the country or the industries of the country that are affected.

Mr. LODGE. Mr. President, I do not want to discuss this question. I think the Senator from Kansas is quite right on

the phrasing of the amendment. It will repeal all legal restrictions.

Mr. WILLIAMS. Oh, no; Mr. President, if the Senator from Massachusetts will pardon me, the language is plain. It removes only the legal restriction upon American registration; that is all. The other navigation laws, management, officering, manning, and all the balance are not disturbed or touched by it. The language is that it repeals "all legal prohibitions upon the American registration of foreign-built ships." The Senator from Kansas misunderstood it.

Mr. TOWNSEND. Mr. President, there is a provision in the bill soon to be reached, or some time to be be reached, at least is close at hand so far as space in the bill is concerned, providing for the free passage of American boats through the canal engaged in foreign commerce. It would make some difference with me, if I was in sympathy with this proposition, as to whether that provision passes or not. If it shall be the opinion of the Senate that our American boats engaged in the foreign trade shall not be permitted to go through that canal free, then I am not very particular as to where the boats shall be built, but if we can adopt that provision—as we ought to adopt it—then there would be some inducement for building boats in American shipyards, American boats that would engage in our foreign commerce. Unless that is settled I am inclined to vote against this amendment.

Mr. WILLIAMS. What the Senator meant to say was that that provision will permit our ships in the foreign trade to go through the canal free.

Mr. TOWNSEND. Yes, sir.

Mr. WILLIAMS. He said come through.

Mr. TOWNSEND. I meant to go through free.

Mr. WILLIAMS. It seems to me that in either event it would put that many more flags upon American-owned and American-navigated ships.

Mr. TOWNSEND. Mr. President, I am in favor of building these boats at home, if we can build them, and if giving them free tolls is going to offer some inducement for the building of American ships in American shipyards, I want to support it.

Mr. CRAWFORD. May I ask the Senator from Mississippi a question about the amendment? It refers to foreign ships built for the purposes of foreign trade. That is descriptive of the ships, but after they have been admitted to American registry, does it prohibit them from then entering into the coastwise trade?

Mr. WILLIAMS. My judgment is that it would not admit them to enter into the coastwise trade.

Mr. CRAWFORD. I do not think it is at all clear that that is to be the case.

Mr. WILLIAMS. If it does not make it plain, I will make it plain.

Mr. CRAWFORD. I am in agreement with the Senator from Mississippi so far as liberalizing our navigation laws as to ships engaged in the foreign trade or oversea trade. We do not build any. Our system has absolutely failed in that respect, and I am willing to try a more liberal policy for the purpose of ascertaining whether it is not possible to float the American flag on the seas. But I do not want to inject that proposition into the existing conditions prevailing in the coastwise trade. It ought not to be placed in this bill unless it is so drawn that its terms are clear and specific and not of doubtful meaning.

Mr. WILLIAMS. The amendment as drawn is not, I think, obnoxious to the objection which the Senator from South Dakota has just made. It does not say built for the foreign trade, as the Senator seems to think. It says foreign-built ships for the American trade. But to remove all sorts of doubt I shall ask to strike out the word "for" after the words "foreign built" and insert "to engage only in the foreign trade." Then there can be no manner of doubt in regard to it.

Mr. GALLINGER. Mr. President, a single word. It is a most extraordinary procedure, Mr. President, to engage in the amendment or repeal of our navigation laws upon a bill of this kind. I am surprised that any Senator feels like advocating an amendment which accomplishes that result. Our navigation laws have stood the test of time fairly well. In some respects very likely they ought to be changed and liberalized, but it ought to be done after very careful investigation and consideration and not on the spur of the moment upon a bill to which the amendment is not in any wise germane, and which, in my judgment, ought not to be offered.

Mr. President, it is true that we are not building many foreign ships now. I think I was in an American shipyard a little while ago where the keel for at least one ship to be used in the foreign trade was being laid, but it is a fact that the industry is languishing almost to the point of extinction. However, the American people always indulge the pleasures of hope, and those who are engaged in shipbuilding as well as the rest of us have been hoping, perhaps against hope, that there would be legislation of some kind that would rehabilitate this industry.

A great many people believe it can be done through reestablishing the time-honored principle of differential duties. As I remarked last evening, unfortunately we have commercial agreements with the foreign nations which prevent us from doing that unless we denounce those agreements, which I think we ought to do because, as I remarked last evening, when these nations entered into that reciprocal arrangement with us they immediately proceeded to subsidize their ships and nullified the effect of the agreement so far as our country was concerned.

I should like very much to let this matter rest a while longer. Our Democratic friends say they are coming into power after the 4th of March. I do not know whether they are or not. If they are, it will be "up to them," to use a phrase of the street, to do what they can for the merchant marine of the United States, which they all agree, with all Republicans, is something that really merits our serious consideration.

There is one other point, Mr. President. Perhaps it is not worth much consideration, but when the Merchant Marine Commission, of which I chanced to be chairman, composed of Members of both Houses of both parties, engaged in that exhaustive investigation we took testimony on this very point in all the great commercial centers of the country. We called Kidder, Peabody & Co., in Boston, and put the matter directly up to them, if we should recommend free ships, and Congress passed a law of that kind, would you advance any capital and put it in the purchase of foreign ships to be run under the laws of the United States, and they said, "Not a dollar," their answer being that it cost so much more under our laws in the victualing of the ship and the high salaries of the officers of the ship—twice that of any other nation, I think—that they would consider it a losing proposition. We put the same thing up to some capitalists in New York City—I have forgotten who they were, now—and we received the same answer. The same question was asked of certain well-known capitalists in Chicago, and they gave us the same answer. So that I really believe—and that is not an argument against it—that even if this amendment should be adopted it would be nugatory. We would get very few, if any, foreign ships under the American flag for the reason that American capitalists would not put up the money to buy them and run them in competition with the ships of nations which navigate their ships for so much less than we do.

Mr. President, I want to vote on this, of course, as speedily as possible; I have no earthly interest in the matter, but I sincerely wish that all these questions relating to free ships and to the amendment of our navigation laws may not be forced upon this bill in a provision of that kind, but that it may go over, and at the next session of Congress, or the next Congress, if we can not do it at the next session, this matter should be taken up seriously and given careful consideration by the proper committee, and the Senate would then be in a position to debate the matter and to act much more intelligently and, as I think, much more wisely than we can do to-day.

Mr. SHIVELY. The issue on this amendment, even from the standpoint of those who declare themselves opposed to both amendments, is sharply distinguishable from the issue on the amendment just voted down. On the latter it was contended that much American capital is invested and American labor employed, the interests of which would be menaced, if not sacrificed, should the amendment become law. Whatever force this contention may have as to that amendment, it can have none as to that now before the Senate. No American capital in American shipyards can be displaced, for the reason that not a dollar of capital is now employed in ship construction for the deep-sea trade. No American laborer can be disfranchised of employment, as not one is employed in construction for this trade.

The fact is, the question of shipbuilding is not the primary question at all. There is no scarcity of ships in the foreign trade. There is no lack of ships to carry our products to the world's markets. There never was a keener struggle than at this hour for commercial business in the over-seas carrying trade. The harbors of the world are crowded with idle ships, waiting in vain for cargoes. The point is to amend the present law so that ships may be secured for use in the foreign trade by an American citizen on the best terms possible, and that the citizen may then have his ships registered and fly the American flag over his property. To do this is to offer an opportunity for the restoration of our foreign merchant marine, without prejudice to any American interest. The United States is the only nation on the face of the earth to-day whose Government withholds registry from a foreign-built ship when owned by

one of its citizens or subjects. Not another nation is left to cling to this barbarism in our navigation laws. The amendment proposes no novelty.

Mr. GALLINGER. Mr. President, the Senator is not quite accurate in that statement. When the two great Cunarders—the *Mauretania* and the *Lusitania*—were to be built, it was specifically provided in the contract that they should be built in British yards. Germany has made the same provision in reference to some of her ships. It is not a general provision.

Mr. SHIVELY. Certainly, it is not general. The instances are so exceptional as to emphasize the rule. They relate alone to cases where the Governments enter into contract with the owners of the ship to secure some special end such as the right to call the ship into the transport service in time of war. In such case particular construction is necessary to answer the purpose in view The general rule among all nations, except our own, is that the citizen or subject may go where he will, procure a ship at such price as he can, take it home, register it under the law, and put it in the merchant marine of his country.

When Bismarck set about the task of building up the German ocean-carrying trade, he proposed to go out and procure ships where they could be had on the best terms. At once a sullen growl came up from the German shipyards. Bismarck persisted in his purpose. Iron hulls of the latest and most approved type were ordered in the shipyards of Armstrong, brought to Germany, and put in her merchant marine under the German flag. Within a very brief time the German shipbuilders found that the new policy was not only not prejudicial to them, but to their decided advantage.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. SHIVELY. I do.

Mr. GALLINGER. Not only did that wise Government of Germany give subventions to her ships, but she gave rebates on all the material that was carried over the railroads and the waterways of Germany entering into the construction of ships; and she is doing so to-day.

Mr. SHIVELY. May it please the Senator, it was not my purpose in addressing the Senate to go into the general question of government aid or subsidy as a stimulant to merchant marine. Nor shall I now. But never, in my judgment, has the influence of subsidy as a help to merchant marine been so outrageously exaggerated in the Senate as on yesterday and this afternoon.

Mr. GALLINGER. I did not mean to open the subject of subsidy; I meant simply to show how wise Germany has been in making these rebates for material carried on her railroads that is used in German ships. The same is true of everything they export for that purpose; and to-day Germany is building her ships in her own shipyards.

Mr. SHIVELY. Indeed, sir; and for the very reason that I have stated.

Mr. GALLINGER. Oh, no——

Mr. SHIVELY. The German shipyards fought the policy. They protested against permitting Germans to have ships built at the Armstrong yards, or permitting them to procure them in other foreign markets. But the policy was steadily adhered to and pursued. The ships were brought home to Germany and put under the German flag. Repairing vessels is the most profitable part of shipyard operations. In repair work on the new style and type of ships the Germans improved on the shipbuilding art. They prospered as never before. Under this policy they reached that degree of proficiency and economy in shipbuilding that Germany is to-day building battleships for many other nations against the competition of the whole outside world. The policy of free ships contributed far more decisively than all other influences combined to give to modern Germany her merchant marine, and at the same time to give to German shipbuilding a degree of prosperity it never enjoyed before.

Mr. GALLINGER. Mr. President, if the Senator will permit just a brief interruption, I wish to say that the Senator a moment ago said the shipyards of the world were full of unemployed ships. If that be so, what good will it do to build any more ships for the trade of any country?

Mr. SHIVELY. It is not primarily a question of another ship upon the ocean. It is a question of putting ships already on the ocean, carrying American commerce, and many of which are now owned by American citizens under the American flag. I am not neglecting the shipbuilder, but am speaking in view of an obvious situation. Does the Senator doubt that in the great seaports of the world there are numerous well-built but idle and decaying ships waiting in vain for cargoes? Does not the Senator know that the struggle by shipowners for the ocean trade was never more fierce than to-day?

Mr. GALLINGER. Certainly. Mr. President, I presume there are some idle ships; but I do not know how this amendment is going to remedy that condition.

Mr. SHIVELY. The end desired is the restoration of our deep-sea merchant marine. We hope to see our products and the commerce of other lands carried under the American flag in ships owned by American citizens.

Mr. GALLINGER. But built by foreigners.

Mr. SHIVELY. Our foreign commerce, except a very slender per cent, is now carried under foreign flags in ships built by foreigners. Not a ship is being built for our foreign trade by an American shipyard. What can the amendment lose us? The Senator admits there is not a dollar of labor or capital now employed in construction of ships for this trade.

Mr. LIPPITT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. SHIVELY. I do.

Mr. LIPPITT. If the Senator will allow me, I do not know exactly what number of ships built in this country are engaged in the foreign trade, but there are certainly some.

Mr. GALLINGER. About 10 at the present time.

Mr. LIPPITT. There must be more than that. There is a line going out of Boston with a very considerable number of vessels.

Mr. GALLINGER. Were those built in American shipyards?

Mr. LIPPITT. I think they must have been. They are vessels engaged in the West Indies trade; there is also a line of ships running to South America; and there is a line of ships running to Porto Rico that go to Jamaica. I know some of them are wooden ships.

Mr. GALLINGER. Porto Rico is not in the foreign trade.

Mr. LIPPITT. They go on to Jamaica and stop incidentally at Porto Rico. I do not know enough about the subject to argue it thoroughly, but I simply want to call the Senator's attention to the point that when he says there are none that that is certainly an exaggeration. How many are going to be displaced is worthy of consideration.

Mr. SHIVELY. The Senator must have misunderstood me. I have not contended that there are no American ships in the deep-sea trade. A slight per cent of our deep-sea tonnage is carried in American ships. I am impressed that the Senator from New Hampshire has rather underestimated the actual number engaged in that trade

Mr. GALLINGER. That may be so. I know that there are four that cross the North Atlantic, and I believe that there are three on the Pacific Ocean to-day. They are in commission, and I believe New Zealand is helping to put up the cost of running them; our Government would not do it. There may be some shorter lines, such as the Red D Line to Venezuela, with two or three inconsequential ships. I do not know whether or not they were built in American shipyards. I think we have taken first and last by special legislation quite a number of foreign-built ships that we have now in commission.

Mr. SHIVELY. Yes. Congress has now and then by special act admitted a foreign-built ship to American registry. To this extent the principle has been recognized in our legislation. With these exceptions, our policy has utterly excluded vessels not built in the United States from registry. At the end of 40 years of expedients American shipbuilding for the over-sea trade has vanished and our merchant marine has each succeeding year approached nearer the vanishing point. Why cling to a provision of the navigation code that leaves us neither shipbuilding for the foreign trade nor merchant marine in that trade?

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from North Carolina?

Mr. SHIVELY. I do.

Mr. SIMMONS. Mr. President, I want to ask the Senator from Indiana if this is not, in brief, the present situation: The cost of building a ship for the foreign trade in an American shipyard is so high that no shipowner can afford to pay the price, and none will pay the price, and the present law is such that it will not permit an American shipowner to have a ship for the purpose of the foreign trade built where he can get it built at a reasonable cost. Is not that the present situation?

Mr. SHIVELY. Mr. President, to answer fully the question submitted by the Senator from North Carolina would require a review of the history of shipbuilding for the last century, and much attention to the changes in the art and the manner in which these changes affected the industry in different countries. It is too long a story for me now to go into at length. But certain it is that the time was when the shipbuilders of the United States built better and cheaper ships than were produced in any other country. Not only were the Americans proving their superiority in shipbuilding, but also in navigation. Be-

tween 1845 and 1855 this country became not only a formidable rival but was on the point of surpassing Great Britain both in tonnage of ships constructed and in tonnage of ships in the ocean-carrying trade. We had about one-third of the carrying trade of the world, England one-third, and the other nations of the world the remaining third. That was the day of the wooden ship.

The material for shipbuilding was abundant and convenient. The transition from sail to steam still left the wooden ship, and the superiority remained with the American builder. England was losing in this rivalry on the ocean, and, in 1849, met the crisis by liberalizing her navigation code. Foreign-built ships were admitted to British registry. Englishmen came to the United States, bought our superior ships, took them home, admitted them to British registry, replenished British merchant marine with the best tools of the trade the world was producing, and thus saved at once her menaced ocean-carrying trade, and by the growth and activities of that merchant marine saved her shipyards. Disraeli vehemently opposed the modification of the navigation code as being a death stroke to British shipbuilding. Remonstrances signed by 40,000 workmen in British shipyards were filed with Parliament against the measure. But the spirit of liberal trade laws had risen strong in England and the bill became law. Within a very brief time thereafter the act had so completely vindicated the wisdom back of it that it was approved on all sides and by all classes, and by none more cordially than the shipbuilders themselves.

Then came the iron ship. It wrought a revolution in ship construction and in navigation. England had a convenient abundance of material for the new construction. Her shipbuilders at once reconstructed their plants and adapted them to the new developments in the art. The iron ship with the screw propeller became at once the superior tool in merchant marine. The shipbuilders of the United States clung to the wooden ship and the paddle wheel, and commenced even in 1856 to fall back in the struggle for supremacy in the ocean foreign trade. So long as we were building a cheaper and better ship than our rivals the provision of our navigation laws that denies registry to a foreign-built ship had no serious effect. But when the shift came from the wooden ship to the iron ship, this provision of the code became an absolute bar against replenishing our merchant marine with the best tools of the trade, and we lost in the race.

England repealed the code, purchased superior ships from our shipyards, replenished and saved her merchant marine, and with it her shipbuilding industry. We clung to the code, denied American seamen the best tools of their trade, lost our position in deep-sea commerce and our deep-sea shipbuilding industry disappeared with it. The laws of this country offered such prizes to the iron and steel industry to exploit the American people that there was little temptation for many years after the change from the wooden to the iron ship to meet foreign competition in iron or steel shipbuilding.

Now, as to the question of the relative cost of modern construction. There is nothing insurmountable in this matter of cost. One difficulty in this country that has existed ever since the advent of the iron and steel ship is that construction for the deep-sea trade, as a rule, has been only retail; that is, one ship at a time. In the foreign shipyard shipbuilding is standardized, so that a dozen ships of the same size, type, and tonnage are built at the same time. By this building at wholesale a vast economy is realized, just as the contractor can build a dozen houses of the same design at the same time much more cheaply than he can build the same number of houses, but each of them at a different time and each without reference to the other in procuring and handling the material that goes into them. But it must not be forgotten that two battleships have been built within the last couple of years in the shipyards of this country for the Argentine Republic.

Mr. LODGE. They are building; they have not yet been turned out.

Mr. SHIVELY. In any event, the contract was let in 1910. I was under the impression that they had been completed. They are in process of construction. The American builders took the contract for these two ships in open competition with all the other shipyards of the world. They, of course, are steel ships. A ton of pig iron can be made at no place in this world cheaper than in Alabama. That this country in its marvelous development of iron and steel will be able to build ships, not only for our own deep-sea trade, but for that of foreign nations, I have no doubt.

Mr. LODGE. Will the Senator allow me?

Mr. SHIVELY. Certainly.

Mr. LODGE. In connection with the ships of the Argentine Republic, which are being built in our yards, does not the precise law to which the Senator has referred in regard to building ships wholesale and standardizing them apply in this case, for those yards have been built up because of the work given them by our own Government?

Mr. SHIVELY. Yes; with a view to the construction of its necessary battleships.

Mr. LODGE. Precisely; and we are enabled to standardize the ships.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Missouri?

Mr. SHIVELY. Certainly.

Mr. REED. I want to interrupt the Senator, because it is directly in point at this time in the remarks he is making to call attention to an article in the New York Herald of Sunday, June 2, under a Washington date line. I shall not read all of it, but part of it reads as follows:

> De Courcey May, erstwhile president and now chairman of the board of directors of the New York Shipbuilding Co., in a statement made public to-day, attacks the action of the House of Representatives in reducing the appropriation for the State Department.
>
> Mr. May's company is now at work on some $13,000,000 worth of battleships under contracts secured from the Governments of the Argentine Republic and China, which, he says, he procured directly through the efforts of the State Department.
>
> "We are scattering more than $10,000,000 of South American gold in this country," he said, "in the construction of battleships for the Argentine Republic.
>
> "We fought for a whole year for this contract in competition with the shipbuilders of France, England, Germany, and other countries. I confess, frankly, that had it not been for the assistance given to us by the State Department we never would have obtained the contract.
>
> "It takes more than two years to build a ship of this size. Think of the work that means for the eight thousand and odd men employed in the two shipyards in which these Argentine battleships are building. Think of the work it gives to the men in the steel mills and other factories where we buy the materials for these ships."

I simply call attention to that because of the statement of Mr. May directly showing that they did secure the contract in competition with the world, and are now building the ships.

Mr. SHIVELY. Yes; and of course the assistance rendered by the State Department was not pecuniary.

Mr. REED. Oh, certainly not; but moral, probably.

Mr. SHIVELY. Entirely moral. I do not believe, Mr. President, that I care to discuss the matter further.

Mr. GALLINGER. Mr. President, before the Senator takes his seat I want to say, in justification of the suggestion I have made two or three times, that there were about 10 American ships engaged in the foreign trade that I meant—of course, the over-seas trade, crossing the great oceans.

Mr. SHIVELY. That is what you understand by "the foreign trade"?

Mr. GALLINGER. Yes; that is the foreign trade. I think we have about 10 ships engaged in that kind of trade; but, of course, we have short lines to Cuba and other near-by points which operate, I presume, some American-built ships. I imagine we have probably several hundred American-built ships, perhaps a thousand—I am not sure of that—in connection with these short lines; but in the great over-seas trade, the trade across the Atlantic and the Pacific, we have this very small number of ships. I wanted to make that statement to qualify what I have heretofore said on the same subject.

Mr. SHIVELY. All of which is a terrific commentary on the expedients resorted to in the last 40 years to restore our merchant marine.

Mr. CRAWFORD. Mr. President——

Mr. SHIVELY. I yield to the Senator from South Dakota.

Mr. CRAWFORD. I thought the Senator had concluded.

Mr. SHIVELY. I have.

Mr. CRAWFORD. Mr. President, I am not going to detain the Senate, but there were some statements made before the committee by Capt. Dollar upon this question that I want, in brief form, to go into the RECORD. Capt. Dollar, for instance, has four ships engaged in the over-seas trade. He has four ships engaged in the American coastwise trade. Upon his ships engaged in the coastwise trade he is able to have the American flag float, because of the privileges extended to coastwise ships, but upon his ships engaged in the over-seas trade he is compelled to float a foreign flag. I have no doubt that the situation which requires this American citizen to float a foreign flag over the four ships owned by him engaged in the foreign trade covers the situation with respect to a large number of American citizens engaged in this business. He was explaining the disadvantages that compelled him to float his ships engaged in the foreign trade under a foreign flag. For instance, he says here—I quote from page 569—

> I built a ship and got it delivered in Glasgow, Scotland, last October. That ship was under 9,000 tons, and when it sailed from Greenock we computed the cost to us at $248,260.80. I just let a contract two weeks ago to get a ship built at Long Beach, near Los Angeles, for $200,000, and that ship we could put into the hold of this ship from Scotland. She is 216 feet long, while the Scottish ship is 423 feet long.

He was able to use this American ship in the coastwise trade, but he could not use the same ship in the foreign trade on account of the difference in cost.

Mr. Baker, of Baltimore, I think, gave an instance, which is found on page 578, in relation to two of these ships. He said:

In 1901, when I was president of the Atlantic Transport Co., just before inauguration of the International Mercantile Marine, it was determined to build two identical ships. One was built by the New York Shipbuilding Co. and the other at Harlan & Wolff's, Belfast.

We intended to keep a very accurate record of the comparative cost of these two ships for 10 years, so that we could settle for all time this question of the difference in cost of American and British ships. I have the figures here, and they are very interesting.

The *Michigan* was built abroad and the *Maine* in America, and the actual difference during the 10 years was about 56 per cent. The actual measure was 8,001 tons built in England and 7,914 tons built in America. Now, the cost in England was $647,640, and the cost in the United States was $1,010,135, making a difference in cost of $362,495.

These are the conditions that keep the American flag off of ships in the over-sea trade, and I am in sympathy with the amendment offered by the Senator from Mississippi, because I think if an American citizen has invested all he possess in these ships, it is American money, it is an American citizen, it is an American enterprise, and because he is unable to overcome these wide differences to which I have called attention here, he must conduct this foreign business under a foreign flag, and I do not believe that we should continue conditions that make that situation necessary.

Mr. NEWLANDS. May I ask the Senator from South Dakota a question?

Mr. CRAWFORD. Certainly.

Mr. NEWLANDS. Assuming that this amendment should pass—an amendment with which I am in sympathy—I will ask the Senator whether he thinks it would be an obstacle to the final passage or the final signing of the bill?

I will say in that connection that I regard this as an emergency measure, and for that reason, as we are drawing toward the close of this session, I favor keeping all amendments strictly to the general purpose of the bill.

Mr. CRAWFORD. Let me say to the Senator from Nevada that I realize that we are all worn out and the session and its business are now on our nerves, and I certainly do not want to prolong the discussion or jeopardize an important and necessary bill; and if this amendment should jeopardize the bill itself or unduly delay it, I woud not advise pressing it at this time. But I am glad to have an opportunity to express my view in relation to the general subject without taking up any undue time.

Mr. NEWLANDS. The Senator has not completely answered my question. Perhaps is is not a fair question. But I will repeat it. Does the Senator regard the adoption of this amendment as embarrassing in any way the signing of this bill?

Mr. CRAWFORD. I have nothing upon which to base an opinion on that question. I have no knowledge as to the view taken of the matter by the Executive.

Mr. NEWLANDS. The Senator realizes that doubtless, if this question is to be seriously considered, it would provoke a debate of many hours, and so far as I am concerned I am so impressed with the importance of passing this bill at this session that I would gladly forego the chance of putting upon the statute many reforms of which I stand in favor. I realize the great obstacles that for years have been thrown in the way of canal transportation by the great transcontinental lines—obstacles which impeded all the negotiations relating to the canal; obstacles which impeded the passage of final legislation regarding it. I have not the slightest doubt that the transcontinental lines would gladly see canal traffic sandbagged, and we all know how fruitful in delays is the introduction of new matter in bills. And this, it seems to me, is a thing we ought seriously to consider. I really hope that the bill will not be embarrassed by the presentation of too many measures looking to reform.

There is a legislative program which I have been urging for years. I would be very glad to see every item in that program put upon this bill, for every one of those items calls for substantial reform in existing conditions. But I would not think of endeavoring to saddle those reforms upon this bill, simply because it is of the highest importance that this bill should pass now, and I can see how we can get into a wrangle among ourselves and get into a wrangle with the President, possibly, regarding this bill that may obstruct and delay it and throw it over to the next session.

Mr. ROOT. Mr. President, I do not think the pending bill is an appropriate place for this provision, and I am not very sanguine about the provision accomplishing substantial results, as I think the real difficulty in the way of a foreign merchant marine for the United States is the cost of operation rather than the cost of construction. Nevertheless, I am going to vote for this amendment, because I think it is a step in the right direction, and I want to show my desire to promote the rebuilding of the American merchant marine. I do not think it will amount to much, but, so far as it goes, I think it is in the right direction. I can not see that it is going to injure any existing American industry or any probable American industry.

Mr. JONES. Mr. President, the Senator from New York [Mr. ROOT] has said much better than I can say what I had in mind to say, and I desire simply to say a word, more in explanation of the vote I expect to cast rather than to discuss the merits of this proposition.

I voted against the preceding amendment of the Senator from Mississippi, and for reasons which I will not take the time of the Senate to give. But this is an entirely different proposition, I think. I remember about two years ago we had before the Senate a measure to which an amendment of this kind was germane. This amendment, or something similar to it, was presented, considered, and discussed at great length, and finally came to a vote. I became convinced in the consideration of the amendment at that time that it was a proper amendment and voted for it.

While I would not do anything to embarrass this bill or its passage and its signing by the President, I do not believe the adoption of this amendment would embarrass or delay its passage, and being of the same opinion that I was at the close of the consideration of the measure to which I have referred, I shall vote for this amendment.

In line with the suggestion of the Senator from New York, I am satisfied that it may not do very much good. As he says, it is not because of the difference in the cost of building the boats here and abroad that would prevent the floating of the American flag, but it is because of the difference in the cost of operation of the ships. But I have here the testimony of Capt. Dollar, bearing on this very point, giving the comparative cost of the operation of a ship under the American flag and under a foreign flag, which I ask to have incorporated in the RECORD. I refer merely to the part I have marked in the testimony.

The PRESIDING OFFICER (Mr. KERN in the chair). Without objection, the matter will be inserted in the RECORD.

The matter referred to is as follows:

Senator PERKINS. Those ships engaged in the Orient trade are under foreign flag, are they not?

Capt. DOLLAR. Yes, sir; all of our vessels that are engaged in the oriental trade are under British flag.

Senator TOWNSEND. Your boats?

Capt. DOLLAR. Yes, sir; British ships owned by American capital but flying the British flag.

Senator TOWNSEND. Are they manned by Americans?

Capt. DOLLAR. No, sir; by Chinese.

Senator TOWNSEND. Do you have any Americans on the boats at all?

Capt. DOLLAR. All the officers are Americans, the engineers and deck officers.

Senator PERKINS. How much less does it cost you to operate those ships than if they were under the American flag?

Capt. DOLLAR. Offhand, I could not answer the question, Senator, but it is very great. I could give you some figures——

Senator PERKINS. Approximately—one-half, say?

Capt. DOLLAR. I think so. You see, in the coastwise trade, we have got to pay our sailors $50 a month and our firemen $55 a month.

Senator TOWNSEND. Are you engaged in the coastwise trade with those British boats?

Capt. DOLLAR. No, sir; with American boats.

Senator TOWNSEND. Oh, you have American boats also, have you?

Capt. DOLLAR. Yes, sir. You take the smallest American vessel that we have—we have since sold her—the cost of operating that ship was $81.20 per day.

Senator BRISTOW. What is her tonnage?

Capt. DOLLAR. Net tonnage, 289 tons.

The CHAIRMAN. How much cargo will she carry?

Capt. DOLLAR. She will carry about 400 tons—or 450,000 feet of lumber. She is a lumber vessel, and carries that much lumber. Now, here is a British vessel of 3,679 net American tons. That vessel costs us $79.52 a day to operate. That is the difference, between $81.20 on the American vessel and $79.52 on the British vessel. Neither of those charges include insurance, but all other operating charges, including upkeep and repair of the ship, are included.

Senator TOWNSEND. One ship carries over 3,000 tons?

Capt. DOLLAR. This big one carries 7,600 tons.

Senator TOWNSEND. And that costs how much a day?

Capt. DOLLAR. It cost $79.52 a day on the average in 1910.

The CHAIRMAN. How big a crew does that vessel carry?

Capt. DOLLAR. We keep it under 50. The new law governing wireless telegraphy compels us to keep the crew below 50; so we generally run 48 or 49 men.

The CHAIRMAN. Do you mean to say that you employ 50 men for $79.52 a day?

Capt. DOLLAR. Yes, sir; that was the year before last.

The CHAIRMAN. That includes an engineer and how many firemen?

Capt. DOLLAR. I think we have about 12 firemen.

The CHAIRMAN. Are those Americans?

Capt. DOLLAR. No, sir; they are Chinese. I have not got the numbers here; I have just got the wages.

The CHAIRMAN. Are your engineers and firemen Chinese?

Capt. DOLLAR. The engineers are all American citizens.

The CHAIRMAN. And the firemen—what are they?

Capt. DOLLAR. Chinese.

The CHAIRMAN. What does a fireman get a month?

Capt. DOLLAR. The Chinese?

The CHAIRMAN. Yes.

Capt. DOLLAR. About $12 a month, and board themselves.

The CHAIRMAN. And what does your American engineer get?

Capt. DOLLAR. The first engineer gets $150.

The CHAIRMAN. A month?
Capt. DOLLAR. Yes, sir; a month; and the second engineer, I think, gets $100 a month, and so on down.
The CHAIRMAN. How many assistant engineers have you?
Capt. DOLLAR. On the British ships?
The CHAIRMAN. I mean on this particular ship.
Capt. DOLLAR. Well, on this particular British ship we have four engineers altogether.
The CHAIRMAN. Yes; a chief engineer and three assistants?
Capt. DOLLAR. Yes, sir.
The CHAIRMAN. How much do you pay the master of that vessel?
Capt. DOLLAR. Two hundred dollars a month.
The CHAIRMAN. Is he an American or an Englishman?
Capt. DOLLAR. An American, having English papers, of course.
The CHAIRMAN. Yes.
Capt. DOLLAR. We insist on their living on the American side, because we find that they stay more with us if this is their home, and we have less difficulty in keeping them if they live here.

Mr. LODGE. I ask permission to print in the RECORD certain figures I have here of the wages paid in the shipyards of Great Britain on the official reports of the board of trade. The figures were all taken on a single day, and they are the average. They are official figures. The other wages are those actually paid in the Fore River establishment in my State at this moment. I will merely say that from these figures, which are worth looking at, 83 per cent of the persons employed in British shipyards receive $10 a week, or less, and 83 per cent of the persons employed at the Fore River works get $10 a week, or more.

I merely desire to have these figures placed in the RECORD.

The PRESIDING OFFICER. Without objection, they will be placed in the RECORD.

The figures are as follows:

Comparisons of persons working full time.

Wages per week.	Men and boys, Great Britain.	Men and boys, day workers, Fore River.[1]
	Per cent.	*Per cent.*
Under $3	16.0	0.0
$3 and under $3.75	3.8	0.1
$3.75 and under $5	8.4	2.0
$5 and under $6.25	14.4	1.7
$6.25 and under $7.50	12.2	2.4
$7.50 and under $8.75	13.2	8.9
$8.75 and under $10	14.7	19.4
$10 and under $11.25	7.2	8.5
$11.25 and under $12.50	3.4	4.6
$12.50 and under $13.75	2.4	7.5
$13.75 and under $15	1.2	.1
$15 and under $16.25	1.0	19.1
$16.25 and above	2.1	25.7
Total	100.0	100.0

[1] Not including leading men, clerks, draftsmen, and piece workers.

Mr. JOHNSTON of Alabama. Mr. President, I want to give the Senate some information from the testimony before the committee as to the cost of shipbuilding in this country and in Europe. I read first from Admiral Bowles's testimony, who was Chief Constructor of the Navy and who is now president of the Fore River Shipbuilding Co. He says:

I should think that to-day the cost of materials in the United States going into a ship might be, on the whole, perhaps 10 to 12 or 15 per cent more than it is in England.

And again later in his testimony he says that at the present time for cargo-carrying vessels, "I think a ship could be built in England for about seven-tenths of the American price."

Then referring to the testimony of Mr. Powell, of the Cramp shipbuilding yards, he says:

In 1907 I spent some time in one of the English yards where our relations were such that I had an opportunity to know what their work was costing them and what they were paying, and at that time their average weekly wage on practically the same number of hours that we were working in our yards was $8 a week, where ours was $12, a difference of 50 per cent. My observations of the effectiveness of their labor led me to believe that their labor was considerably more effective than ours in this country.

So that there is not a very great difference either in the cost of materials or in the cost of labor, because, as Mr. Powell says, their labor is so much more effective, while they are paid a greater wage in American yards.

I want to put in the RECORD this testimony of experts as to difference in cost.

Mr. SHIVELY. If those figures are taken from the report of the commission which took testimony some years ago in various parts of the country on this subject, it should be noted that the estimates submitted by different witnesses vary so widely as to detract much from their value. Many of them were manifestly interested witnesses, for whom some allowance should be made. The Senator from New York [Mr. ROOT] says that it is less a question of the cost of the ship than of the cost of operating the ship. The practical sailors who testified before that commission on the question of wages were a unit in saying that in the deep-sea trade there is, strictly speaking, no such thing as American wages or British wages or German wages or French wages. There are New York wages, Liverpool wages, Hamburg wages, and Hongkong wages; that is, it is all what they call "port wages" or "wages of the port." The master of an American vessel is at liberty to sign up his crew or replenish his crew at any port at which he may be stopping. He may take on the Englishman, the Norwegian, the Japanese and Chinaman, or any other nationality. Whether one or some other of these, the sailor bargains with reference to the fact that he engages to sail in an American ship. Size, style, and tonnage being equal, as an almost universal rule, the American ship sails with a smaller crew than the ship of any other country. With the intimate knowledge around the whole world among sailors of the conditions in different ships, the sailor always insists on higher wages on an American ship, because the crew is smaller and his labor correspondingly heavier. So that, all the facts taken together, it is seen that the actual difference in labor cost of operating a ship may be overestimated.

Mr. GALLINGER. The Senator must bear in mind that on our American ships we must have a certain proportion of American seamen, and all the officers must be Americans. Capt. Dollar, who is quoted here quite freely, is navigating ships with Chinese crews, but we can not do that, because our laws forbid it.

Mr. President, just one further word. I should judge from utterances made by Senators on this side of the Chamber that there is danger that this amendment will prevail. I hope it will not, but I fear it will. I recall what Jefferson, the patron saint of the Democratic Party, said, that "for a navigating people to purchase its marine afloat would be a strange speculation." In my opinion we are entering upon a strange speculation to-day if we agree to this amendment.

Mr. POINDEXTER. I should like to ask the Senator from New Hampshire a question.

Mr. GALLINGER. I will yield, although I intended to occupy the floor for only a moment.

Mr. POINDEXTER. I only wanted to ask the Senator if he did not suppose that Jefferson meant, when he said it would be a strange speculation to purchase a vessel abroad, that we should purchase them or build them at home——

Mr. GALLINGER. Jefferson said something else.

Mr. POINDEXTER. In place of buying them abroad, and he did not contemplate a situation where we did not have them at all.

Mr. GALLINGER. Jefferson said something else which I think ought to appeal to Americans. It was this:

Placing as a reserve with a foreign nation or in a foreign shipyard the carpenters, blacksmiths, calkers, sailmakers, and the vessels of a nation would be a singular combination. We must, therefore, build them for ourselves.

Those were the views of Jefferson. Of course they are old-fashioned views, but from my viewpoint they were American views and sound views, and I only wish that we could carry them into operation to-day in our country.

Mr. SHIVELY. The Senator understands of course that that view has no relation to the proposition which is now before the Senate.

Mr. GALLINGER. It has more relation to it than this proposition has to this bill, a great deal more.

Mr. SHIVELY. The Senator knows full well that the amendment does not involve the displacement of any American labor. The only objection that the Senator or anyone has made is that in the future, at some time or other, in some way or other, conditions may change so that the temptation may otherwise exist to place orders for vessels for the deep-sea trade in American shipyards.

Mr. GALLINGER. I have always believed, and I imagine I shall always believe so long as I am on this mundane sphere, that the American people in some way at some time will find a way to rehabilitate the American merchant marine by building ships at home. That is my judgment. I do not know through what process that will be reached. But that this great Nation of ours, the foremost nation in the world in wealth, agriculture, manufacturing, and mining, should be lagging behind Italy and Norway and Sweden and all the other small maritime nations of the earth in the matter of her merchant marine is, to me, something that I can not believe will always continue.

As I remarked a moment ago, indulging the pleasures of hope, I have been constantly of opinion that this great people, wise

in their generation and I hope becoming wiser—and I have no doubt there will be much wiser men in this Chamber after a few of the old men, of whom I am one, have departed from it—I have believed that in the wisdom of the American Congress—and I will use a term that is sometimes sneered at—in the patriotism of the American people a remedy will be found for this condition. But it will not be found if we force the American people to go abroad and buy their ships and so forever close the avenue of hope, so far as our American shipyards are concerned in the construction of ships for the over-sea traffic.

That is my view, and holding that view I simply wish to register my protest against this amendment, and I shall expect to look back upon my vote with satisfaction after I have passed from this great forum, and after some one else shall occupy the place that I am trying to fill. With that statement I am content to have the matter go to a vote, and if our Democratic friends, with some recruits from this side, can muster votes enough to put us on a free-trade basis in the matter of ships, my protest will be unavailing so far as the result is concerned, but it will at least be gratifying to me to reflect that I made it.

Mr. SHIVELY. Mr. President, the difficulty is that we are on no basis whatever at present, so far as shipbuilding for ocean foreign commerce is concerned. The Senator and those who agree with him are not and can not be more ambitious than is this side of the Chamber to see our merchant marine again upon all the seas and the flag of our country in every port on the globe. The restoration is not to be accomplished on the lines pursued in the past two score years. All artificial expedients have been tried and have dismally failed. Neither the British nor the Germans sacrificed their shipyards when they went out into the world for ships. On the contrary, they recognized their merchant marine as the superior and commanding interest. That which would best serve this interest will in the end serve most bountifully the more local interest of shipbuilding. Permit American citizens to go out and replenish our deep-sea merchant marine from whatever source offers the best bargains. Give the ships American registry whether they come from our own or foreign yards. This country will be the home of the ship. Here it will be repaired for future voyages. Among the first beneficiaries of the policy will be our own seaboard shipyards. So that while the primary purpose of this amendment is to contribute in no small measure to revive our dying merchant marine, no American shipyard will be otherwise than well served by it should it become law.

Mr. WORKS. Mr. President, I am disposed to vote against this amendment, not because of its merits, but because I believe it should not be brought up on this bill. I am exceedingly anxious to see the bill now before the Senate pass and become a law, and for that reason I am sorry to see it incumbered by anything that might jeopardize its final passage. It is for that reason, without going into its merits, that I feel inclined to vote against the amendment.

Mr. JOHNSON of Maine. Mr. President, I shall vote against this amendment; and in explanation of that vote I wish to say that I will cast the vote without reference to the merits of the amendment, because I think a subject of such great importance should not be made a mere incident as an amendment on this bill, which has now been under consideration so long; that it is of such importance that it should be the subject of exclusive and special legislation and our own navigation laws revised, and revised when the Senate is in condition to give attention to that matter. For that reason I shall vote, as I have said, against the amendment without reference to its merits.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi on which the yeas and nays have been ordered.

Mr. WILLIAMS. I ask for the yeas and nays.

Mr. GALLINGER. Call the roll.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

The Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. If I were at liberty to vote I would vote "nay."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote. If he were present and I were at liberty to vote I would vote "nay."

Mr. CULLOM (when his name was called). I will transfer my pair with the junior Senator from West Virginia [Mr. CHILTON] to the senior Senator from South Dakota [Mr. GAMBLE] and vote. I vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As I do not see him in the Chamber, I withhold my vote.

Mr. WILLIAMS (when Mr. PERCY's name was called). I desire to state that my colleague [Mr. PERCY] is necessarily absent. He is paired. If he were present he would vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH of Michigan] is unavoidably absent from the city. He is paired with the junior Senator from Missouri [Mr. REED]. On this question I can not say how my colleague would vote if present.

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and a transfer of my pair to the Senator from Maine [Mr. GARDNER]. I vote "yea."

Mr. SUTHERLAND (when his name was called. I have a general pair with the Senator from Maryland [Mr. RAYNER]. In his absence I withhold my vote.

The roll call was concluded.

Mr. LODGE. I desire to announce that the Senator from New Jersey [Mr. BRIGGS] is paired with the Senator from West Virginia [Mr. WATSON].

The Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN].

The Senator from Kansas [Mr. CURTIS] is paired with the Senator from Arkansas [Mr. DAVIS].

The Senator from Montana [Mr. DIXON] is paired with the Senator from Texas [Mr. BAILEY].

The Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER].

The Senator from Wisconsin [Mr. STEPHENSON] is paired with the Senator from Oklahoma [Mr. GORE].

The Senator from Wyoming [Mr. WARREN] is paired with the Senator from Louisiana [Mr. FOSTER].

Mr. LIPPITT. I have a general pair with the senior Senator from Tennessee [Mr. LEA]. If I were at liberty to vote, I would vote "nay."

Mr. REED. Upon this bill I have a pair with the Senator from Michigan [Mr. SMITH]. I have his instruction in reference to his position upon the bill on various matters, but not with reference to this particular matter. I therefore feel bound by the pair not to vote. I, however, transfer my pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "yea."

Mr. MARTINE of New Jersey. I desire to announce the pair of the Senator from Arkansas [Mr. DAVIS] with the Senator from Kansas [Mr. CURTIS]. I make this announcement for the day.

Mr. SWANSON. I desire to announce the pair of the senior Senator from West Virginia [Mr. WATSON] with the senior Senator from New Jersey [Mr. BRIGGS].

Mr. SIMMONS (after having voted in the affirmative). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I transfer that pair to the Senator from Arkansas [Mr. CLARKE] and will let my vote stand.

Mr. McCUMBER. I announce my pair with the senior Senator from Mississippi [Mr. PERCY], and therefore withhold my vote.

Mr. CLARK of Wyoming. I desire to announce that my colleague [Mr. WARREN] is unavoidably absent from the Chamber on account of important business for the Senate.

Mr. WILLIAMS. I have been requested to announce that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN].

Mr. SHIVELY. I was requested to announce that the senior Senator from Missouri [Mr. STONE] is necessarily absent from the Chamber, but that he is paired with the senior Senator from Wyoming [Mr. CLARK].

The result was announced—yeas 34, nays 24, as follows:

YEAS—34.

Ashurst	Johnston, Ala.	Nelson	Smith, Ariz.
Bacon	Jones	O'Gorman	Smith, Ga.
Bryan	Kenyon	Overman	Smith, S. C.
Chamberlain	Kern	Page	Swanson
Crawford	La Follette	Poindexter	Tillman
Cummins	McLean	Reed	Townsend
Fall	Martin, Va.	Root	Williams
Fletcher	Martine, N. J.	Shively	
Gronna	Myers	Simmons	

NAYS—24.

Bankhead	Catron	Johnson, Me.	Pomerene
Bourne	Crane	Lodge	Sanders
Bradley	Cullom	Massey	Smoot
Brandegee	Dillingham	Oliver	Thornton
Bristow	Gallinger	Penrose	Wetmore
Burton	Heyburn	Perkins	Works

NOT VOTING—36.

Bailey	Culberson	Guggenheim	Rayner
Borah	Curtis	Hitchcock	Richardson
Briggs	Davis	Lea	Smith, Md.
Brown	Dixon	Lippitt	Smith, Mich.
Burnham	du Pont	McCumber	Stephenson
Chilton	Foster	Newlands	Stone
Clapp	Gamble	Owen	Sutherland
Clark, Wyo.	Gardner	Paynter	Warren
Clarke, Ark.	Gore	Percy	Watson

So Mr. WILLIAMS's amendment was agreed to.

Mr. GALLINGER. I submit an amendment to follow the amendment just adopted. After it has been read I desire to say a word concerning it.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire will be read.

The SECRETARY. Following the amendment just agreed to, on page 6 insert the following proviso:

Provided, That foreign-built ships admitted pursuant to this section shall not be entitled to mail contracts under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. GALLINGER. Mr. President, the danger and the misfortune of enacting legislation in a hurried manner without giving it consideration is so well illustrated by the adoption of the amendment of the Senator from Mississippi as it possibly could be in any other way. We have voted to purchase ships abroad, to put them in the foreign trade, and unless there is some inhibition they will come under the provisions of the act of 1891, which gives mail contracts to ships engaged in the foreign trade under certain conditions.

In that act it is provided that the ships shall be built on plans approved by the Navy Department with reference to prompt and economical conversion into auxiliary cruisers and transports in time of war, and unless they are so built they can not receive these mail subventions, or whatever you choose to call them. Yet we have adopted an amendment whereby we will go abroad and buy ships constructed not according to the plans of our Navy Department, with no provision for their conversion into auxiliary cruisers in time of war, and put them into the service of the United States. If these auxiliary naval and mail ships were built abroad the confidential plans of the Navy Department as to their gun mounts, magazines, etc., would have to be placed in the hands of foreign shipbuilders for execution, and would undoubtedly come into the possession of foreign Governments.

Mr. WILLIAMS. I should like to ask the Senator from New Hampshire a question.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Mississippi?

Mr. GALLINGER. With pleasure.

Mr. WILLIAMS. Is not this subvention, or whatever it is, dependent upon these ships being built in a certain way upon certain prescribed lines——

Mr. GALLINGER. That is the requirement as to our ships, but when we go in——

Mr. WILLIAMS. In order to receive the subvention——

Mr. GALLINGER. That is the requirement as to ships built in our American shipyards.

Mr. WILLIAMS. All ships of every description built in American shipyards——

Mr. GALLINGER. Engaged in the foreign trade.

Mr. WILLIAMS. And all are required to enter into this agreement as to naval purposes?

Mr. GALLINGER. They are.

Mr. WILLIAMS. It would appear, then, Mr. President, if I understand it, that the subvention is dependent upon the fact that they are built in conformity with certain prescribed plans.

Mr. GALLINGER. Yes.

Mr. WILLIAMS. If that be the case, then there is nothing in the amendment that would admit these foreign-built ships to those subventions at all. The only thing that the amendment which was adopted by the Senate has done was to repeal the navigation laws in so far as they refuse American registry to ships built for American owners in foreign yards.

Mr. GALLINGER. Mr. President, I am not at all sure that the Senator is right. The conditions under which our ships are built apply to ships built in American shipyards. If we are going abroad to buy ships, there is no inhibition on this point concerning ships that we purchase abroad. What I want to accomplish is to put an inhibition in some form or other in the bill that these ships shall not then get a subvention unless they come up to the standard that is required of American-built ships.

I will ask that the amendment be read again. I think the Senator was absent when it was read.

The PRESIDING OFFICER. It will be again read.

The Secretary again read Mr. GALLINGER's amendment.

Mr. GALLINGER. It is manifest——

Mr. WILLIAMS. That is a little different, if the Senator will pardon me, from the matter as I understood him to state it. If he would add there "unless they are of the type of ships which being built in American shipyards are entitled to the subvention," there might be no objection to his amendment, but in its present shape it merely emasculates the amendment which was just adopted by the Senate.

Mr. GALLINGER. I am not quite sure that it does that nor am I sure that the Senator's suggestion is quite a sound one. I imagine there is no nation on the face of the earth that will send its plans for the construction of a ship that can be converted into a cruiser in time of war into the shipyards of another nation.

Mr. WILLIAMS. That seems to me to be a very plausible statement; I think it is probably true; but, if that be the case, if the Senator would add to his amendment "unless the ships hereafter built in foreign yards are built along the lines prescribed by this act," then, I think, it would not emasculate the amendment just passed. I understand that to be the Senator's object.

Mr. GALLINGER. I had a further amendment, which I had thought of offering.

Mr. WILLIAMS. That is, if our Navy Department did not want to send plans over and these were not so built, then by the very operation of law they would not be entitled to a quid pro quo.

Mr. GALLINGER. I am delighted to know that the Senator and I reach common ground on this matter. I had contemplated and had very hastily written another amendment, in view of the fact that I thought this might not be agreed to. Now they can be combined:

That foreign-built ships admitted pursuant to this section shall not be entitled to mail contracts under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Let us add:

Unless such foreign-built ships shall be constructed according to plans approved by the Navy Department as provided for in this act.

Mr. WILLIAMS. That is treating both equally. I have no objection.

Mr. GALLINGER. I will take a little time to rewrite this amendment, and before the bill passes from the Committee of the Whole I will submit it.

Mr. BRANDEGEE. I ask that the Secretary read the proposed amendment as advocated by Prof. Johnson, which I send to the desk.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 6, line 17, after the word "commerce," insert the following:

The rate of tolls may be lower upon vessels in ballast than upon vessels carrying passengers or cargo.

Mr. BRANDEGEE. I think that amendment should be agreed to.

The amendment was agreed to.

Mr. BRANDEGEE. In connection with that, though it is not immediately following, Prof. Johnson suggested that on page 7, line 13, at the end of the line, after the proviso, down as far as and including the word "cargo," in line 19, should be stricken out. When we reach that I will ask that it may be stricken out. I ask the Secretary to state the next amendment in order.

The SECRETARY. On page 6, line 20, after the word "less," strike out the comma and the words "other than for vessels of the United States and its citizens."

Mr. BRANDEGEE. I think that is a mistake, and, although it is a committee amendment, the clause should stay in. The language of the House provides that—

When based upon net registered tonnage for ships of commerce the tolls shall not exceed $1.25 per net registered ton, nor be less, other than for vessels of the United States and its citizens, than the estimated proportionate cost of the actual maintenance and operation of the canal, etc.

Now, we have adopted the principle of free tolls for ships engaged in our domestic commerce. That would be directly in conflict with the provision if it was stricken out, it seems to me. I suggest that the amendment be disagreed to and that the House provision stand.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was rejected.

The next amendment of the committee was, on page 6, line 25, after "1903," to insert:

No tolls shall be levied upon vessels of American registry engaged in the foreign trade if the owners agree that such vessels may be taken and used by the United States in time of war or other public

emergency, in the discretion of the President upon payment to the owners of the fair actual value at the time of the taking; and if there shall be a disagreement as to the fair actual value of the same at the time of the taking between the United States and the owners then the same shall be determined by two disinterested appraisers, one to be appointed by each of the said parties, they at the same time selecting a third, who shall act in said appraisement in case the two fail to agree; and the decision of any two of the appraisers shall be final and conclusive.

Mr. BURTON. I should like to ask in regard to that provision, does it refer to an actual acquisition of the boat so that title vested in the Government or to the use for such time as the Government may need it? The language "the fair actual value" would seem to refer to the value of the boat.

Mr. BRANDEGEE. Simply as one member of the committee that was my understanding of it. I did not prepare the amendment, but when it said it may be taken at "the fair actual value at the time of taking" I suppose that it meant the actual value of the ship. I can see from the question of the Senator that it might be claimed that the vessel could be taken and used temporarily and that the fair actual value might be construed to mean the actual value of the use of the vessel for the time it was used; but I had supposed it was a condemnation.

Mr. TOWNSEND. I do not think there is any question but that that is the intention.

Mr. BRANDEGEE. That was my intention and I had not thought of the other construction. I will say that I think that is the intention of the committee. Does the Senator from Ohio desire to make a suggestion to make it clearer? If he does not care to take the time now I will try to remember it in conference. This provision must go to conference and we will see if the House agrees to the idea, that it shall be plainly indicated in the conference report.

Mr. BURTON. I suggest that the striking out of the words "and used," in line 3, would remove any ambiguity in regard to it.

Mr. BRANDEGEE. If they are taken of course they will be used. I agree to the suggestion that the words "and used" be stricken out.

Mr. SIMMONS. Does the Senator mean to say it was the meaning of the committee that the Government may in this contingency appropriate the vessel for a certain time and then restore it to the owner or does he think, as I think, that it meant the Government might condemn the vessel by paying a fair value?

Mr. BRANDEGEE. I think the Senator could not have heard me, for I have already stated that I do think as he thinks that it means the Government can condemn it.

Mr. SIMMONS. It does not mean you could take it for temporary use and return it.

Mr. BRANDEGEE. That was not my idea and I did not suppose it was the idea of the committee. I agree to the suggestion of the Senator from Ohio that in line 3 the words "and used" may be stricken out.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 7, line 3, of the committee amendment, after the word "taken" strike out the words "and used."

Mr. BURTON. I suppose the committee has considered this carefully, but, as a question of policy, there is certainly a doubt whether it is best for the Government in time of war or emergency, which might be of short duration, to take to itself ships belonging to the merchant marine. That would mean a very large expense, and it would mean that when that war or emergency had ceased the United States would have on its hands a considerable quantity of shipping. In the Spanish-American War the *St. Louis* and the *St. Paul* were used temporarily, and the compensation was agreed upon.

I do not think I shall object to the adoption of the amendment; but I suggest, for consideration when the bill shall be in conference, whether it is not best to provide for the mere temporary use of these boats rather than their permanent acquisition.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut proposes an amendment, which will be stated.

The SECRETARY. On page 17, line 14, after the word "however," strike out the words:

That under regulations prescribed by the President a vessel paying toll going through the canal in ballast shall, on its return trip through the canal laden with cargo, be entitled to receive a rebate of 50 per cent of the tolls just previously paid going through in the opposite direction without cargo.

Mr. BRANDEGEE. The words at the end of line 13, "*Provided, however,*" should also be stricken out. I ask for a vote on the amendment.

Mr. SIMMONS. To what amendment does the Senator from Connecticut refer?

The PRESIDING OFFICER. The Secretary will state the amendment for the information of the Senate.

The SECRETARY. On page 7, line 13, after the word "conclusive," it is proposed to strike out the colon and the following:

Provided, however, That under regulations prescribed by the President a vessel paying toll going through the canal in ballast shall, on its return trip through the canal laden with cargo, be entitled to receive a rebate of 50 per cent of the tolls just previously paid going through in the opposite direction without cargo.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Without objection, the amendment will be agreed to.

Mr. BURTON. Do I understand this amendment has been agreed to as amended?

The PRESIDING OFFICER. The amendment has been agreed to, as the Chair understands.

Mr. BURTON. Is that the amendment providing for relieving ships engaged in the foreign trade from the payment of tolls?

Mr. BRANDEGEE. That is my understanding of it.

Mr. BURTON. I think we ought to have a vote on that amendment. As regards any violation of the treaty, it is much more clearly open to objection than the one on which we voted last night. So far as national policy is concerned it is, no doubt, less objectionable, because, while the coastwise trade possesses a monopoly, we are at a very great disadvantage in the foreign trade.

Mr. BRANDEGEE. I entirely agree with the Senator from Ohio about that, Mr. President. I do not think any of the ships should go through free; but if we are going to send ships in the domestic trade through free, I think we ought to send those in the foreign trade through free. I think, however, that one is just as much, and no more, a violation of the treaty than the other.

Mr. SIMMONS. I understand the amendment has been agreed to, and it can only be reopened by a motion to reconsider.

Mr. BRANDEGEE. That is true. The previous occupant of the chair stated, if I recall his language, "Without objection, agreed to"; and there was no objection. The Senator from Ohio [Mr. BURTON] evidently did not understand what was going on.

Mr. BURTON. I did not so understand it.

Mr. SIMMONS. If the Senator desires to make a motion to reconsider, I shall not oppose it.

The PRESIDENT pro tempore. The Chair will state that under the circumstances, if there was a misunderstanding, the Chair will put the question as a matter of unanimous consent to reconsider the vote. Without objection, it will be so ordered. Does the Senator from Ohio desire to make a motion in regard to the amendment?

Mr. BURTON. I did not desire to be heard upon it. I simply made the statement that I thought from the standpoint of the treaty the amendment is more objectionable than the one on which we voted last night, but from the standpoint of national policy it is less objectionable, and that it ought not to go into the bill.

The PRESIDENT pro tempore. The question now is on the amendment to strike out the words which have been stated.

Mr. McCUMBER. What is the motion now, Mr. President—to agree to the Senate committee amendment?

The PRESIDENT pro tempore. The motion is to strike out on page 7, beginning in line 13 at the word "*Provided.*"

Mr. BRANDEGEE. That is not the amendment which I understand the Senator from Ohio desires to have reconsidered.

The PRESIDENT pro tempore. The present occupant of the chair has just resumed the chair, and that was the information furnished to him.

Mr. BURTON. The amendment to which I refer begins with the words "no tolls," on page 6, in line 25, and extends down to and includes line 13, on page 7, with the amendment adopted on the motion of the Senator from Connecticut. That is a Senate committee amendment; and in order that it may be inserted in the bill it is necessary that it be adopted by an affirmative vote.

Mr. SIMMONS. Clearly, the former occupant of the chair announced that that amendment was agreed to. I am satisfied that the Senator did not understand it in that way, and Senators on this side of the Chamber did not understand it. I did not myself understand it.

The PRESIDENT pro tempore. The Chair will state that the unanimous-consent vote by which the amendment was agreed to was reconsidered.

Mr. BRANDEGEE. The amendment to which the Senator from Ohio refers commences at the bottom of page 6, with the

last words in line 25, and from there on as much as in italics down to the word "*Provided*," on page 7, line 13.

The PRESIDENT pro tempore. The vote on the adoption of that amendment is the vote which has just been reconsidered.

Mr. BRANDEGEE. Yes; and the question is now, I suppose, on agreeing to the committee amendment as amended.

Mr. McCUMBER. I should like the yeas and nays on that amendment.

The PRESIDENT pro tempore. The Senator from North Dakota asks for the yeas and nays upon the question of the adoption of the amendment, beginning with the words "no tolls," in line 25, on page 6, and on page 7 the language of line 1 to line 13, including the word "conclusive," and the semicolon in that line.

Mr. BRANDEGEE. I think it includes the words "*Provided, however*," Mr. President, which are in italics. We have stricken out from line 14 to line 19.

The PRESIDENT pro tempore. That will be considered as being a part of the amendment. Upon that amendment the Senator from North Dakota [Mr. McCUMBER] demands the yeas and nays.

Mr. SMITH of Georgia. Mr. President, if this amendment is adopted every possible difficulty in connection with the treaty will be opened up. With the amendment adopted a few moments ago at the instance of the Senator from Mississippi [Mr. WILLIAMS] any American can buy a vessel anywhere in the world, and the tolls on the canal will possibly be destroyed to a very great extent. I hope the amendment will be rejected.

Mr. BRANDEGEE. I want to call the attention of the Senator from Georgia to the fact that, if I recall it correctly, upon his motion yesterday there was inserted in the provision——

Mr. SMITH of Georgia. I refer to the word "exclusively," where the language reads "engaged exclusively."

Mr. BRANDEGEE. I am referring to that also.

Mr. SMITH of Georgia. Yes, I know the Senator is.

Mr. BRANDEGEE. I say that on line 13, on page 6, on yesterday we interlined the word "exclusively" between the word "engaged" and the word "in." We now say that:

No tolls shall be levied upon vessels engaged exclusively in the coastwise trade of the United States.

The Senate amendment which we are now discussing provides that no tolls shall be levied upon vessels of American registry engaged in the foreign trade. Does the Senator from Georgia mean to interline the word "exclusively" there or at some other point?

Mr. SMITH of Georgia. No; I am opposed to this amendment altogether.

Mr. BRANDEGEE. Very well.

Mr. SMITH of Georgia. I added the word "exclusively" with a view of making the provision which we did adopt so perfectly clear that, even after we defeated the Senate amendment, no one could misunderstand the meaning of what we left in the bill. I think the Senate amendment is open to the most serious objection. As I said a few moments ago, I think it opens up every possible question about the treaty, and I think, with the provision which we adopted allowing Americans to buy vessels anywhere in the world, if we adopt the Senate amendment, we open the way to almost destroy tolls in the canal. I very much hope that the Senate amendment will be rejected. It seems to me that when we placed the word "exclusively" in the line sent to us by the other House, we were practically passing against the proposed Senate committee amendment, because we were making the language sent to us by the other House perfectly clear as intending to cover nothing but vessels solely engaged in coastwise commerce. If we intended to broaden it so as to include vessels engaged in foreign trade, of course there was no reason to be particular about the language used with reference to vessels engaged in the coastwise trade. My object in the amendment was to make it unmistakable that the free passage would only be conceded to vessels engaged in our domestic commerce.

Mr. McCUMBER. Mr. President, I should like to ask the Senator from Connecticut, who has charge of the bill and who has undoubtedly in his mind the estimate of tolls, to give the Senate the benefit of his knowledge in reference to what amount of tolls will be collected and what percentage that will be of the amount necessary to pay the running expenses after we have allowed free passage to all American ships, both coastwise and foreign.

Mr. BRANDEGEE. Mr. President, I can only give the estimate made by Prof. Johnson, which was put into the RECORD the other day in answer to a similar question by the senior Senator from Missouri [Mr. STONE]. That estimate was that in the year 1915, when it is supposed the canal will be opened, ten and a half millions of ship tonnage will go through the canal, of which, if I recall aright, about one-sixth would be American ships. That is my recollection about it.

Mr. BRISTOW. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Kansas.

Mr. BRISTOW. I do not want to interrupt the Senator.

Mr. BRANDEGEE. That is all I have to say in answer to the question of the Senator from North Dakota.

Mr. BRISTOW. Referring to the remarks of the Senator from Georgia [Mr. SMITH], I will say that if this amendment which the committee proposes is not inserted in the bill, then I shall move to reconsider the vote by which the amendment was adopted yesterday, inserting the word "exclusively" in line 13. Of course I am very anxious that the amendment which the Senate committee suggests here should be adopted, because I think this privilege should be given our American shipping in order to encourage our merchant marine; but if the word "exclusively" remains in the bill and this amendment is defeated, an American ship, if it should leave San Francisco with a partial cargo, could not take on any cargo that it might find at Panama or Colon that might have been brought there from ports of Central America, Mexico, or South America, and left there by vessels that did not go through the canal. If it did take on any of this cargo that was from any Central American port or from any South American port or from Panama itself, then it could not avail itself of the privilege of passing through the canal without tolls; so that this places an embargo upon the American vessel. The foreign vessel leaving, we will say, San Francisco might pick up its cargo, take it through the canal, and leave it at New York, provided it did not unload any coastwise trade. It would be an embargo on any American ship that was engaged in foreign commerce. There might be a ship plying between New York and the Orient, which might have a corgo for San Francisco and an oriental cargo as well, but it could not avail itself of the privilege of an American ship, though it might be engaged in the coastwise trade and have been built in an American shipyard or be under an American registry, because this word "exclusively" would cut it out from either foreign trade or coastwise trade.

It seems to me that it would be a handicap to American shipping. The amendment proposed by the Senate committee will cure the evil of the amendment adopted last night. If that fails, then I shall have to make an effort to have the word "exclusively" stricken out, because I think it is a very unwise provision.

Mr. WILLIAMS. Mr. President, I merely want to utter a seutence or two in explanation of my vote upon this particular amendment. I voted for the amendment to exempt ships engaged in the coastwise trade from paying tolls. I voted for it distinctly upon the ground that that would not be a discrimination; that foreign ships would not by that be discriminated against, because our coastwise trade was a trade from which by our policy they were excluded and would be excluded so long as that policy continues, and that never having had any right to participation in it at all, and not having any now, whatever we chose to do about our coastwise trade was a matter concerning which they had no right to be heard, because they have never had and can not now have any concern in it. But this presents a different question. When we undertake to exempt our ships engaged in the foreign trade it is a clear discrimination. I do not see how anybody could dispute the fact that it is a discrimination. It could be defended only upon one ground, and that would be the ground that the conditions had changed so that the obligations of the treaty were no longer enduring. I do not believe that that argument is sound; therefore I can not vote for exempting our ships engaged in the foreign trade without violating my own idea of what our obligations under the treaty are.

Mr. SMITH of Georgia. Mr. President, very briefly last night I referred to the treaty and undertook to show that it would not apply to coastwise vessels; and, with a good deal of doubt even as to the propriety of extending to them the privilege of freedom from tolls, I voted for the House provision. I have no doubt that the treaty extends far enough to require that Americans handling vessels engaged in the foreign trade must receive no more privileges in passing through the canal than are received by the vessels of other countries engaged in the foreign trade. The treaty as finally adopted, while it supersedes the Clayton-Bulwer treaty, expressly carries with it the provisions of article 8 of the Clayton-Bulwer treaty, "the general principles," to use the terms of the present treaty, and that article 8 says in so many words that the United States Government can not extend to the citizens of the United States any privileges in connection with the canal that are not extended to the citizens of England and to those other countries who become parties to the agreement.

I undertook to distinguish between coastwise vessels and those engaged in the foreign trade on the ground that the former were engaged in domestic business, and that our policy, as is the policy of nearly all countries, was to permit none but American vessels to engage in that trade, and that our discrimination was not for American vessels, but for the coastwise trade itself. When we come to the proposition of the foreign trade, I can not escape the conclusion that we have agreed that our citizens shall pay the same, when taking vessels through this canal, that the citizens of Great Britain and other countries pay. If we let our citizens through free, then we must let everybody through free covered by this treaty.

We have a treaty with Great Britain that provides that disputes with reference to treaties shall be submitted to arbitration, and I think, if we vote for this amendment, we ought to do it with the distinct understanding that we are going to return any tolls to be collected from the vessels of other countries. I am not discussing the wisdom of such an agreement, but it has been made. It is the contract that our Government has made.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. Certainly.

Mr. BRISTOW. Of course, the Senator understands that there are a great many of us who disagree with him wholly and totally as to such a contract having been made. I want to put that in the RECORD, because the statement is made with such emphasis by those who hold the view that the Senator does—that this is a binding contract—and it is stated in such a way as to lead one to infer that it is admitted to be a binding contract. For myself, I have not discussed this question; it has been discussed at very great length and very ably by other Senators who are far more able to discuss it than I, but I do not believe that any such agreement was ever made that embarrasses us in the slightest degree in permitting our ships to go through the canal without the payment of tolls.

Mr. SMITH of Georgia. Mr. President, I never suggested that the Senator from Kansas had the view which I entertain. I understand that he does not entertain that view; but, with great respect for his ability and his genius as a journalist and a legislator, I can not escape my own conclusion as to the legal effect of the terms of the treaty; and I have not a doubt about their meaning. If I were on the court of arbitration, with my convictions as to their meaning, I could not escape holding that if we let our vessels engaged in the foreign trade through the canal free, we would have to return tolls collected from vessels of other nations engaged in the foreign trade. Having arrived at that conviction after most careful consideration of the treaty, with a desire to reach a different conclusion, with a provision in an existing treaty that we must arbitrate any dispute growing out of the construction of a treaty, if the question is raised, after we adopt the Senate amendment and after we have charged tolls against English vessels, as to whether we should retain or return those tolls, I have no question that the decision would be that we should return them. If I myself were on the board of arbitration at that time I would be obliged to vote that the money should be returned; and I have no doubt that it will be returned.

I had not wished to express my opinion with reference to this part of the treaty upon the floor of the Senate, because that opinion was against the interest of our own Government, but when I see a measure apparently possible of adoption, the effect of which to me is so absolutely certain upon our country, I think it better now frankly to express the opinion than silently to sit by without doing so.

I am opposed to giving free passage through the canal in any event. I do not think it good policy. It is a very different proposition to extend free passage to the domestic trade and to broaden it to the foreign trade. The remission of tolls to ships in the domestic trade helps to regulate our transcontinental transportation by railroads; it benefits a far greater number of our people than would a like exemption in the case of the foreign trade. The number who derive the benefit is much less in the case of foreign trade. I do not, however, put it especially upon that ground; I put it especially upon the ground that I do not doubt the effect of such a course with reference to the final return of every dollar of tolls we collect from the vessels of other countries.

Mr. THORNTON. Mr. President, in the committee the line of cleavage was not between those who favored free passage for American ships engaged in the coastwise trade and did not favor free passage for American ships engaged in the foreign trade, but the line of cleavage was between those who were opposed to free passage for any American ships and those who were in favor of free passage for all American ships. There was no dispute or discussion in the committee about the principle that if our coastwise ships were allowed to go through the canal free of toll then we should also allow American ships engaged in the foreign trade to go through free of toll, though there was on the part of two members of the committee—and I was one of them—a question as to the possible right under the treaty of permitting American vessels engaged in the foreign trade to go through free of toll. As I have already stated, I have resolved whatever doubt I then had in the matter in favor of the proposition that permits all American ships to go through free of toll, the proposition that is embodied in the amendment that we are now discussing. I think that if we should allow free passage to one class, we should allow it to the other class, and if this amendment is voted down, like the Senator from Kansas [Mr. BRISTOW], I shall be in favor of reconsidering the vote by which the word "exclusively" was inserted last night, and shall advocate striking out that word.

Mr. McCUMBER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	McCumber	Root
Bailey	Cummins	McLean	Simmons
Bourne	Dillingham	Martin, Va.	Smith, Ga.
Bradley	du Pont	Martine, N. J.	Smith, Md.
Brandegee	Fall	Massey	Smoot
Bristow	Fletcher	Myers	Sutherland
Bryan	Gallinger	O'Gorman	Swanson
Burnham	Gronna	Oliver	Thornton
Burton	Johnson, Me.	Overman	Townsend
Catron	Johnston, Ala.	Page	Wetmore
Clapp	Jones	Perkins	Williams
Clark, Wyo.	Kenyon	Poindexter	
Crane	La Follette	Pomerene	
Culberson	Lippitt	Reed	

Mr. CLARK of Wyoming. My colleague [Mr. WARREN] is absent on the business of the Senate.

Mr. WILLIAMS. My colleague [Mr. PERCY] is unavoidably absent upon necessary business. He is paired. I ask that this statement stand for the day.

Mr. BRADLEY. I desire to state that the Senator from Arizona [Mr. ASHURST] is unavoidably absent.

The PRESIDENT pro tempore. Fifty-three Senators have responded to their names. There is a quorum of the Senate present.

The question is on the adoption of the amendment which has already been stated; and upon that the Senator from North Dakota has demanded the yeas and nays.

Mr. CULBERSON. What is the amendment?

The PRESIDENT pro tempore. The Secretary will again state the amendment, giving the line and page.

The SECRETARY. On page 6, line 25, after the words "nineteen hundred and three," insert:

> No tolls shall be levied upon vessels of American registry engaged in the foreign trade if the owners agree that such vessels may be taken by the United States in time of war or other public emergency, in the discretion of the President, upon payment to the owners of the fair actual value at the time of the taking; and if there shall be a disagreement as to the fair actual value of the same at the time of the taking between the United States and the owners, then the same shall be determined by two disinterested appraisers, one to be appointed by each of the said parties, they at the same time selecting a third, who shall act in said appraisement in case the two fail to agree; and the decision of any two of the appraisers shall be final and conclusive.

The PRESIDENT pro tempore. The question is on the adoption of the amendment which has just been stated, and on which the Senator from North Dakota has demanded the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote. If I were permitted to vote, I should vote "yea."

Mr. CULLOM (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer it to the senior Senator from South Dakota [Mr. GAMBLE], and will vote. I vote "yea."

Mr. LIPPITT (when his name was called). I again announce my pair. If I were in a position to vote, I should vote "yea."

Mr. McCUMBER (when his name was called). I announce my pair with the senior Senator from Mississippi [Mr. PERCY], but understanding he would vote the same as I would on this question, I take occasion to vote. I vote "nay."

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr SMITH]. Upon this matter I have the authority of the Senator with whom I am paired to vote, because we agree upon the proposition. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague is necessarily absent from the city. He is paired as the Senator from Missouri [Mr. REED] has stated. If my colleague were present and at liberty to vote, he would vote "yea."

Mr. OVERMAN (when the name of Mr. SMITH of South Carolina was called). I have been requested to announce that the Senator from South Carolina [Mr. SMITH] has been suddenly called away by important matters, and is paired with the Senator from Delaware [Mr. RICHARDSON].

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER], and withhold my vote on account of his absence.

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is absent on business of the Senate. He is paired with the Senator from Louisiana [Mr. FOSTER].

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE]. I transfer the pair to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

The roll call was concluded.

Mr. HEYBURN (after having voted in the affirmative). I inquire if the senior Senator from Alabama [Mr. BANKHEAD] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. HEYBURN. Then, having a pair with that Senator, I withdraw my vote.

The result was announced—yeas 37, nays 24, as follows:

YEAS—37.

Ashurst	Crawford	Martine, N. J.	Smoot
Bourne	Cullom	Massey	Stone
Bradley	Cummins	O'Gorman	Thornton
Brandegee	Fletcher	Oliver	Tillman
Bristow	Gallinger	Perkins	Townsend
Burnham	Johnston, Ala.	Poindexter	Wetmore
Chamberlain	Jones	Reed	Works
Clapp	Kenyon	Sanders	
Clark, Wyo.	Kern	Simmons	
Crane	Lodge	Smith, Ariz.	

NAYS—24.

Bacon	du Pont	Martin, Va.	Root
Bryan	Fall	Myers	Shively
Burton	Gronna	Newlands	Smith, Ga.
Catron	Johnson, Me.	Overman	Smith, Md.
Culberson	McCumber	Page	Swanson
Dillingham	McLean	Pomerene	Williams

NOT VOTING—33.

Bailey	Dixon	Lea	Smith, Mich.
Bankhead	Foster	Lippitt	Smith, S. C.
Borah	Gamble	Nelson	Stephenson
Briggs	Gardner	Owen	Sutherland
Brown	Gore	Paynter	Warren
Chilton	Guggenheim	Penrose	Watson
Clarke, Ark.	Heyburn	Percy	
Curtis	Hitchcock	Rayner	
Davis	La Follette	Richardson	

So the amendment was agreed to.

Mr. GALLINGER. Mr. President, a few minutes ago I suggested an amendment, calling the attention of the Senator from Mississippi to it, and it was agreed that I should perfect it in accordance with the act of March 3, 1891. I have done so, and I now offer the amendment to follow the amendment that was adopted on motion of the Senator from Mississippi.

Mr. WILLIAMS. I understand that in the wording of the amendment the Senator from New Hampshire has used the exact language of the act of Congress, and the effect of it will be simply to place ships flying the American flag that were built in foreign shipyards upon an exact and equal footing with ships flying the American flag built in American shipyards?

Mr. GALLINGER. I have used the exact language.

Mr. WILLIAMS. That being the case, I have no objection.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from New Hampshire.

The SECRETARY. It is proposed to add, after the amendment offered by the Senator from Mississippi, and which has been agreed to, on page 6, in line 14, after the word "United States," the following words:

Provided further, That foreign-built ships admitted pursuant to this section shall not be entitled to mail contracts under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," unless such ships shall be constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, according to plans and specifications to be agreed upon by and between the owners and the Secretary of the Navy, and shall be of sufficient strength and stability to carry and sustain the working and operation of at least four effective rifled cannon of a caliber of not less than 6 inches, and shall be of the highest rating known to maritime commerce; and all such ships before being accepted shall be subjected to the same inspection as is provided in the act of March 3, 1891.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from New Hampshire, which has just been read.

The amendment was agreed to.

The SECRETARY. The next amendment of the committee is on page 8——

Mr. BRANDEGEE. Before we get to that, Mr. President, Prof. Johnson has suggested that in line 24, at the bottom of page 7, there be stricken out the language:

The toll for each passenger shall not be more than $1.50.

I submit that to the Senate. I do not know why there should be any limit on the matter. I do not know why the tolls should not be fixed by the President the same as the toll on the vessel is fixed. I move that the language I have read be stricken out in lines 24 and 25

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 7, lines 24 and 25, strike out the words:

The toll for each passenger shall not be more than $1.50.

Mr. REED. Mr. President, I think the Senate ought to have some better reason for changing the House bill than that some one man says the provision ought not to be contained in the bill, and gives no reason for it.

Mr. BRANDEGEE. I gave the reason that influenced me in it, which was that I did not see any reason why there should be a limit and why it should not be left to the discretion of those who are to fix the passenger tolls. It is perfectly immaterial to me whether it stays in or goes out.

The PRESIDENT pro tempore. The question is on agreeing to the amendment striking out the words which have been read.

The amendment was agreed to.

The PRESIDENT pro tempore. The Secretary will report the next committee amendment.

Mr. BRISTOW. Mr. President, I want to call the attention of the chairman of the committee to the language in line 22, page 7, after the word "determined":

Nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal.

That is so indefinite that it seems to me it ought to be stricken out. It did not receive the attention of the committee. It has been called to my attention since we have had the bill in the Senate. It might be $5 a ton or 50 cents a ton. There is no way of determining what it will be.

Mr. BRANDEGEE. I have noticed that right along. It is in the House bill. I think it is a cumbersome provision, and I do not see how they could tell what "the estimated proportionate cost of the actual maintenance and operation of the canal" is until it has been operated, say, for a year, to find what is the total cost and then divide it by the total tonnage of the vessels that go through the canal. I think it would be impracticable for the first year, anyhow, and I have no objection to the words going out.

Mr. BRISTOW. Striking it out will throw it into conference, and if there is any reason for inserting it again, it can be restored. I move that the words in lines 22, 23, and 24 be stricken out, as follows:

Nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal.

The PRESIDENT pro tempore. The question is on the adoption of the amendment striking out the words indicated by the Senator from Kansas.

Mr. REED. Mr. President, it seems to me there ought to be some limitation on these tolls. Now this proposition is to strike out the clause which proposes that the tolls must be equal to the cost of maintenance and operation. There can be but one purpose in striking it out, and that is to operate this canal at a dead loss to our Government. It does seem to me that it is only a reasonable limitation that we shall get sufficient revenue to pay for the maintenance and upkeep of the canal, and while it may be said that the President would not go below that, what is wrong about the Congress saying he shall not?

Mr. BRISTOW. If the Senator understood my remarks when I suggested the amendment, I said there is no way of determining what that amount would be. If the Senator thinks there ought to be a minimum, if he will suggest a minimum, we might put in a minimum there. This is so vague and indefinite that there is no way of determining what it is.

Mr. REED. Of course, these words would have to receive a reasonable interpretation in view of the circumstances. Now, what are they? We have a canal upon our hands, and we are

about to fix the tolls, and we endeavor to fix such tolls as will pay for the cost of the operation and upkeep of the canal. We have not tested that. All that any authority can do is to take the opinion of the engineers in charge as to what it will cost to operate the canal and what proportion must be set aside for upkeep. That we have to do with almost every business in life. No man can tell what it will cost until we have actually tried it; that is true; and no man can tell what it will cost for upkeep—I mean, tell absolutely—until not only one year but scores of years have gone by, because the cost will vary. But estimates can be made reasonably accurate, and if it is found that they are below, then under this bill as it now stands the price will be raised. If they are found too high, then the price will be lowered. I think it is a safe rule in the bill, and I do not think it ought to be taken out.

Mr. OVERMAN. How is it possible to tell unless you know how many ships will go through the canal? Suppose it is estimated that it will cost $3,000,000 to operate and maintain the canal, and only a hundred ships go through. That would be absolutely prohibitory for the first year.

Mr. REED. I think my answer has already been made to that.

We can not tell what it will cost to repair this canal until a long period of years has passed. We can not tell what it will cost to operate it until we know the volume of trade, and until we have experimented along that line we can not tell with accuracy the number of ships which will pass through. All of these items must be matters of estimate based upon the best possible data obtainable.

Now, because we can not tell accurately is no reason why we should strike out the rule that in fixing these charges we should do so in such a manner as to return to the Government the amount of its outlay.

Mr. OVERMAN. Suppose the estimate is based upon a thousand ships going through and only 500 go through?

Mr. REED. Then we would have made a mistake in our estimates. Is there anything remarkable about saying that we shall fix the tolls so as to secure a return for the money invested and at the same time say that we can not accurately state that amount? We must estimate it. We have to do that in every business we enter upon. We must estimate as well as we can the volume of trade and business. It is not an impossible task. The language perhaps ought to be "the cost and expense as estimated." But the very circumstances of the case write in the words "as estimated," because we all understand it can not be accurately determined. I think there ought to be a limitation, and if there is no limitation the day may come when we will find the canal being run at a great expense to the Government under tolls deliberately fixed far below the cost of operation.

Mr. OVERMAN. If the Senator would put in not exceeding a dollar and a half a ton, or something like that, it would be different.

Mr. BRANDEGEE. Of course, it is almost certain that the tolls will be based upon net registered tonnage. The language in the bill which the Senator is talking about applies only in case the tolls shall not be based upon net registered tonnage; and then it provides that—

> they shall not exceed the equivalent of $1.25 per net registered ton as nearly as the same may be determined, nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal.

That involves two uncertain things. In the first place, you have to estimate in advance what will be the cost of the maintenance and operation of the canal. Secondly, you have to estimate what will be the tonnage that will go through the canal, in order to strike your proportion. Both are absolutely matters of speculation.

I do not care a bit whether this language stays in or goes out. The Senator from Kansas has suggested striking out from the middle of line 22 to line 24, so that it may be considered carefully in conference, and that we may confer with the House, which put it in, and see what the merits of it are. I do not want to waste one minute discussing the question. I leave it to the judgment of the Senate.

Mr. REED. I see on looking at the bill again that it does cover the very matter suggested. It does provide that the charges shall not be less than the cost and not less than the estimated proportion of the cost of actual maintenance and operation of the canal. Now, that merely means that the President in fixing the charge shall do it upon the estimated cost, and while we can not get it accurately, we might say the same with reference to the limitation upon the tolls. We say here that the tonnage shall not exceed an equivalent of $1.25. Now, how do we get at that? It must be based upon the best estimate we are able to obtain.

If the Senator in charge of the bill wants this stricken out merely for the purpose of carrying it to conference I have nothing further to say, but if it is to go out of the bill to remain out, then I object.

Mr. BRANDEGEE. Of course if I should be one of the conferees on the bill I shall go into a free conference with an idea of getting the best terms I can to meet the views of the Senate, and I could not know in advance whether I would agree to strike it out or to reinsert it or whether I would have my way about it. I simply do not care to discuss it further.

Mr. SUTHERLAND. I was going to suggest to the Senator that the provision here is that the maximum charge shall be $1.25 and the minimum charge shall not be less than the estimated proportional cost of the actual maintenance and operation of the canal. Suppose that the estimated proportional cost of the actual maintenance and operation should be $2 a ton. That, then, would exceed the maximum amount of $1.25 which is fixed. Which would then govern?

Mr. REED. In that event we are driven to the position that those who framed the bill fixed the amount without any regard to the fact that it was really an arbitrary figure. I assume in fixing the amount they were satisfied that they had fixed it at a point in excess of the actual cost. In the contingency which the Senator suggests of course there would be a conflict. It would be impossible to reconcile that conflict.

Mr. SUTHERLAND. In the case I have suggested or in any case where the estimated proportional cost would exceed $1.25 there would be an irreconcilable conflict. That being so, is it not quite important that the matter should be presented in such a shape that it may be considered in conference?

Mr. REED. If that is true, the Senator's position ought to go further. He ought to insist on striking out also the limitation of $1.25, because certainly we do not want to operate the canal at a loss. The Senator's argument is altogether based upon the idea that the actual cost may exceed the maximum amount fixed in the bill. We ought not to put ourselves in that kind of a position. If the Senator is correct, if there is anything at all in his suggestion, then we ought to strike out both limitations and leave it all open.

Mr. BRANDEGEE. It seems to me it is purely an academic question, not being less than the cost of operation. Prof. Johnson assumes that ten and a half million tons are going through in 1915. It is pretty certain that it will be $1 a net registered ton. Even with the American coastwise vessels free the probable revenue collected will be about $8,000,000. The cost of operation of the canal will be about three and a half million dollars. So there can be no question that the tolls will be established at such a low rate as that they will not pay the cost of the operation. I do not see any use in having the language in in that view of it.

Mr. REED. If there is no question about that proposition, then the words will do no harm in the bill.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Kansas to strike out the words which have been read.

The amendment was agreed to.

The next amendment was, on page 8, line 13, after the words "against the," to strike out "governor of the Panama Canal" and insert "Isthmian Canal Commission," so as to read:

> Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from alleged injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement suit may be brought in the district court of the Canal Zone against the Isthmian Canal Commission.

Mr. BRANDEGEE. That amendment should be disagreed to as the Senate has already decided in favor of a governor instead of a commission.

The amendment was rejected.

The PRESIDENT pro tempore. The Chair is informed that the same amendment occurs seven or eight times in the bill and would suggest that the Secretary be authorized to make the change wherever it is found.

Mr. BRANDEGEE. I make that suggestion.

The PRESIDENT pro tempore. It will be so ordered.

The next amendment of the committee was, on page 8, line 16, after the word "paid," to strike out "off," so as to read:

> The hearing and disposition of such cases shall be expedited and the judgment shall be immediately paid without proceeding to execution. All such claims, whether by agreement or after judgment, shall be paid out of any moneys appropriated or allotted for canal operation.

Mr. BRANDEGEE. Let that amendment be agreed to.

The amendment was agreed to.

The next amendment was, on page 8, after line 19, to strike out the text of the bill down to and including line 19, on page 9, in the following words:

The President shall provide a method for the determination and adjustment of all claims arising out of personal injuries to employees thereafter occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not, and may revise and modify such method at any time; and such claims, to the extent they shall be allowed on such adjustment, if allowed at all, shall be paid out of the moneys hereafter appropriated for that purpose or out of the funds of the Panama Railroad Co., if said company was responsible for said injury, as the case may require. And after such method shall be provided by the President, the provisions of the act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908, and of the act entitled "An act relating to injured employes on the Isthmian Canal," approved February 24, 1909, shall not apply to personal injuries thereafter received and claims for which are subject to determination and adjustment as provided in this section.

And in lieu thereof to insert:

The provisions of the act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908, and of the act entitled "An act relating to injured employees on the Isthmian Canal," approved February 24, 1909, shall apply to the determination and adjustment of all claims arising out of personal injuries to employees occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal, or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not; and such claims as shall be allowed under such provisions shall be paid out of moneys appropriated for that purpose, or out of the funds of the Panama Railroad Co. if said company was responsible for said injury, as the case may require.

Mr. McCUMBER. Before that amendment is acted on I desire to move to strike out lines 7 to 19, inclusive, on page 8, the proposition which has just been amended.

The PRESIDENT pro tempore. The Secretary will report the amendment now offered by the Senator from North Dakota.

The SECRETARY. On page 8, strike out from line 7 down to and including line 19, in the following words:

Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from alleged injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement suit may be brought in the district court of the Canal Zone against the governor of the Panama Canal. The hearing and disposition of such cases shall be expedited and the judgment shall be immediately paid off without proceeding to execution. All such claims, whether by agreement or after judgment, shall be paid out of any moneys appropriated or allotted for canal operation.

Mr. McCUMBER. Mr. President, I desire to say just one word on that amendment. With the whole heart of the Senate beating in sympathy for this monopoly, I do not know that anything can be done to prevent our granting them any other special privileges, and I am somewhat surprised that the committee has not really gone further than they have in this proposition. We first build a canal at a cost of $400,000,000 for the benefit of this American monopoly. After building that canal, then we offer in this bill to allow them to use it freely without one dollar of expense to them. Still feeling most kindly toward this monopoly, we proceed further, and we furnish all the means and sail their ships ourselves the distance across the canal, which I think is in the neighborhood of 30 miles. It costs them nothing to sail through the canal.

We not only do that, Mr. President, but we operate the canal specially for their particular benefit. We then proceed to go a little further in our extreme kindness, and we offer to insure them against any damage or any injury that may occur from any cause while passing through the canal. It seems to me that we might have gone a little further and sailed them from New York to San Francisco also at the Government expense.

Being opposed, Mr. President, to this insurance clause, knowing how helpless I am to impress my own views upon the Senate in reference to what would seem to me to be exact justice to all of the shipping interests of the country and to the shippers and to those who have to pay this expense, I can do nothing further than to make my objection at this time apparent upon the record.

But still I desire to call the attention of the Senator in charge of the bill to the provision itself, which reads:

Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from alleged injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations.

No question arises there of contributory negligence. If an injury occurs, according to this provision, whether that injury is caused by the contributory negligence of the owners of the ship or by the passengers themselves or those in charge of the vessel, still the Government is called upon to pay such damages as may result.

Nor do we stop there in our excessive kindness. We do not provide by regulations for the prompt adjustment and immediate payment of claims for damages which may arise from injury to vessels, but will pay damages which may arise from alleged injuries to vessels. I do not know exactly why we need the word "alleged" in there unless it is to make it so much more convenient and to leave out any question of fact, so that we may better express our feeling of gratitude to these shipowners for carrying goods for their benefit from one section of the country to the other. If the Senator from Connecticut will explain to me the grave necessity for the word "alleged," I shall be glad to hear the explanation.

Mr. BRANDEGEE. Mr. President, I do not think there is any necessity for it, either grave or gay. The language is that of the House. I seriously doubt myself, and have always doubted, whether we ought to compensate the vessels or persons for injuries incurred while passing through the canal. The theory about it has been that inasmuch as we compel the vessel to surrender herself to our care and management and render those who otherwise would care for their own property helpless to do so, if we injure their property, there should be some arrangement by which they could get compensation for the injury.

Of course, the provision is that—

Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from alleged injury to vessels, cargo, or passengers.

I am perfectly willing, as far as I as an individual member of the committee am concerned, to have all the language from line 7 down to line 19, inclusive, stricken out and considered in conference, where we can confer with the House Members who framed the bill, and report back to the Senate.

I admit freely, and I have made heretofore on the floor the same point that the Senator from North Dakota [Mr. McCUMBER] makes, that it is a great favor we are granting these ships to transport them through free and also to pay any damages that may occur to them during the period. But, as I said, it is only justified, if it be justified, upon the ground that they are prevented from protecting their own property and we insist on having the sole custody of it.

The reason why we insist on having the exclusive custody of the vessels is, if they were allowed to go through under their own steam, having had no experience in these tremendously expensive locks and the intricate mechanism by which they will be operated, they would be very liable to damage the locks or the gates which keep the water in the locks.

I remember in the testimony of Col. Goethals and in conversation with him and the other commissioners down there they insisted from the beginning that they must have exclusive control of every vessel that came there to the extent of taking the captain and the pilot out of the pilot house, taking the engineer out of the engine room, and putting their own men aboard, skilled men who knew all the signals and rules providing for the navigation of the canal. If that was done they thought if they injured the vessel the owner should not be helpless.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from California?

Mr. BRANDEGEE. I yield the floor, unless the Senator from California desires to ask me a question.

Mr. WORKS. I wish to ask the Senator from Connecticut a question.

The Senator from Connecticut and the Senator from North Dakota seem to be quite in sympathy with respect to this matter, but I ask the Senator from Connecticut whether he places the construction upon this clause in the bill that the Senator from North Dakota seems to place on it, namely, that all and every claim may be enforced against the Government without reference to its justice?

Mr. BRANDEGEE. I think, if the Senator wants me to answer the question, that if the regulations provided for agreement and immediate payment of claims for damages, of course no claim for damages would be paid by agreement unless there was actual damage. Therefore, I think the word "alleged" is immaterial in the text. Of course, if they disagree the bill provides they may bring suit in the district court of the Canal Zone against the Government and the hearing and disposition of the case shall be expedited, and so forth.

Mr. McCUMBER. Let me ask the Senator, if the Senator from California will allow me, whether he believes, under the reading of that provision, a defense of contributory negligence could be set up or any other defense?

Mr. BRANDEGEE. I would not be able to answer that question, because I do not know to what extent the rules of Anglo-Saxon jurisprudence prevail in the courts of the Canal Zone. I know there are some remnants of Spanish law there which are applied in their courts, and if the rule of contributory negligence does not prevail it may be that it should; I do not know.

Mr. WORKS. The evident object and purpose of this clause is to render the Government liable only for just claims against it. In the first place it may be determined by agreement of the parties, in which case it is fair to suppose that the representatives of the Government will not consent to the enforcement of any claim unless it was a just claim against the Government, and if they fail to agree then they must go into court and settle it like any other litigants. In that case, of course, the Government could properly be made liable for damages that have resulted.

Mr. McCUMBER. Mr. President, let me ask the Senator where does he read "just claims" into the bill?

Mr. WORKS. The whole scope of the clause indicates clearly enough that it must be determined first by agreement and afterwards be settled in court.

Mr. OVERMAN. I ask the Senator if there can be any contributory negligence by any ship while under the care of the United States Government?

Mr. WORKS. There would hardly be any loss resulting by contributory negligence to the owners of a ship who had no control over it.

Mr. McCUMBER. I beg to differ with both Senators. The crew must be taken along on that vessel, the passengers must be taken; passengers may be injured and they may be injured due to their own careless contributory negligence and contend that they have a claim against the Government.

I want to say to the Senator from Connecticut whenever I send a package through the mail the Government does not allow me to send it through free. I must pay for it. I know that I am not as much of a favorite as this monopoly who are to have free tolls. I must pay for sending anything through the mails. I must pay for all it costs the Government and pay a little more for the benefit of some things upon which it makes a loss. If my package which I send through the mails is injured and I write to the Government for a repayment, the Government will inform me that it does not insure my packages. But it does insure a package or anything else that is sent through this Panama Canal. Now, if we are to grant to this monopoly such extraordinary acts of kindness it does seem to me there ought to be some limit in which we would close the Government Treasury against the grab of that monopoly or of any of its agents.

Mr. SMITH of Georgia. Mr. President, I desire to suggest an amendment. It is to insert, after the word "regulations," in line 12—

Provided, however, That no payment shall be made to owners of vessels going through without paying toll, except where it is made to appear that the United States Government, through its officers and agents, were guilty of lack of ordinary care, contributing to and causing the damage.

I think this a fair rule as to vessels that pay no tolls.

Mr. BRANDEGEE. I wish to ask the Senator who has submitted the amendment if he will yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. SMITH of Georgia. Certainly.

Mr. BRANDEGEE. Looking at the language of the section again, at the bottom of page 7, the words beginning in the last line read:

The President is authorized to make and from time to time amend regulations governing the operation of the Panama Canal, and the passage and control of vessels through the same or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting pilots and pilotage in the canal or the approaches thereto through the adjacent waters.

The lines on page 8 go on to provide:

Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages, etc.

It seems to me if the President can be relied upon to make the rules governing the operation of the canal and the passage of vessels through it, he can be relied upon to make some rules that the damages shall not be paid except upon certain contingencies.

Mr. SMITH of Georgia. I do not agree with the Senator from Connecticut.

Mr. BRANDEGEE. Of course, if there is a suit in court, then it will be determined by the laws down there in the Canal Zone.

Mr. SMITH of Georgia. I do not think so. I should like to answer the Senator from Connecticut upon that subject. It does not seem to me that the law of the Panama Canal Zone would control. We have control over the territory adjacent to the canal, and it would be the American rule of law—the rule of the United States—that would control. I do not think this provision is broad enough to authorize the President to fix the rules of law covering liability. It looks rather to his making regulations to provide a plan for adjustment, if possible, and for hearing, if necessary, upon the question of liability. Would not the rule of liability be this as to the freight, the vessel, and the cargo: The United States, through its officers and agents, having taken charge of it, would the Government not be absolutely liable for any damage that might happen, just as much as a railroad carrying freight would be liable; and would the Government not, as to passengers, be responsible for extraordinary diligence, just as any other carrier of passengers, subject, however, to the defense of contributory negligence on their part? Would not that line of doctrine apply to our relations both to vessels and to passengers?

My object in introducing this amendment is to free the United States Government from the relation of absolute liability with reference to those vessels that go through free. I think we ought not to be in the same status toward them; and there should be no liability if the officers and agents of the United States are in the exercise of ordinary care; that there ought to be a sufficient degree of care required to be exercised toward those people to whom we are making a gift and from whom we are receiving nothing as pay for the work done. It is for that reason that I seek to discriminate between the toll-paid vessel and the free-trip vessel. The two do not occupy the same relation; I do not think there will be much trouble about the court reaching a determination as to the rule of liability. I think it will be held to be about as I have indicated with reference to vessels, freight, and passengers. It would probably be true that the same rule of liability would be applied to our Government with reference to those who were taken through free; and I do not think it ought to be applied. That is why I suggest this amendment.

Mr. BRANDEGEE. Mr. President, let the amendment be again stated.

The PRESIDENT pro tempore. The Secretary will again read the amendment proposed by the Senator from Georgia.

The SECRETARY. On page 8, line 12, after the word "regulations," it is proposed to insert:

Provided, however, No payment shall be made to owners of vessels going through without paying toll, except where it is made to appear the United States Government, through its officers and agents, were guilty of lack of ordinary care, contributing to and causing the damage.

Mr. SMITH of Georgia. I will repeat the view I expressed of the law as it would fix responsibility upon the Government under this bill without modification. It seems to me that the Government would be a carrier of freight for hire as to vessels and their cargoes, when the Government, through its officers and agents, takes exclusive control over them, and deprives their owners of authority over their vessels, either as to the management or handling of their vessels. It would become a carrier of freight and carrier of passengers for hire when it takes toll. I apprehend that the rules of law generally in force in the United States in reference to the carriers of freight and passengers for hire would become the standard of liability by the Government.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. Yes.

Mr. WORKS. I should like to ask the Senator from Georgia whether, by this amendment, he is endeavoring to establish a different rule of law as applicable to ships passing through free from what would apply without any provision in this bill to other ships that pay tolls?

Mr. SMITH of Georgia. Yes.

Mr. WORKS. Then, the Senator thinks that the declaration contained in this amendment is not the law as applied to the passing through of ships by whom toll is paid?

Mr. SMITH of Georgia. Certainly not. I stated so distinctly.

Mr. WORKS. Does the Senator think that under this provision the United States Government would be responsible or liable for damages if it were not guilty of negligence?

Mr. SMITH of Georgia. I think that the question of negligence is not involved. I think the carrier of freight is a guarantor of the safety except for providential cause and certain classes of casualties that belong to the term "providential cause"; "acts of God and the public enemies," I believe is the expression, as suggested by the Senator from Missouri. That is the standard of liability, as I understand, for the carrier of

freight. The carrier of passengers is not held to as high a standard of care as is the carrier of freight. The passenger has the privilege of locomotion and self-preservation, while the freight has not. The standard of diligence required for a passenger is extraordinary diligence. I think the Government will become under the terms of this bill the carrier of freight and the carrier of passengers through the canal, and absolute liability will be the rule of liability for damage to the freight and extraordinary diligence will be the measure of the care required from the Government as to the carrying of passengers. I am seeking to lessen the degree of responsibility when we carry them free. I think ordinary diligence is all that ought to be exacted from the officers and agents of the Government when we carry them free, and especially I think this is very important since we have broadened the scope of those that we carry free. I think we will be required to carry everybody free under the action of the Senate adopting the committee amendment. I believe that the vessels of the world will go through the canal free if we stand on that amendment, and I do not think the Government should be held to the usual standard of liability of carrier, that is, of absolute guaranty as to freight and extraordinary diligence as to passengers. I think the final effect of my amendment will be that as they all pass through free, none will be entitled to require of the Government more than ordinary diligence.

Mr. O'GORMAN. Mr. President, I hope the amendment offered by the Senator from Georgia [Mr. SMITH] will not be accepted, because it introduces an element of confusion into a paragraph of this bill, which will not contribute to its clarity. If the amendment were to prevail, it would expose every passenger—and he would probably be an American on an American ship—going through this canal without the payment of tolls to an injury, perhaps if it were inflicted, without any redress, while passengers on other boats could seek redress if an injury were inflicted. That, however, is only by way of criticism of this amendment.

I favor the amendment of the Senator from North Dakota [Mr. MCCUMBER]. I think the act will be very much improved by striking out, on page 8, from line 7 to line 19. The language is faulty. If the section were to be retained, I do not think we should be satisfied with the provision that a liability is to follow from alleged injury to vessels or persons. That could be much improved by inserting that a liability would arise from negligence resulting in injury to vessels, cargo, or passengers, but I see no reason why this entire provision should not be taken out of the bill, and I think that is the judgment of the members of the committee who have given some consideration to the subject. I therefore second the suggestion of the Senator from North Dakota in that respect.

Mr. GALLINGER. Mr. President, before the motion was made by the Senator from North Dakota [Mr. MCCUMBER], or the amendment was submitted by the Senator from Georgia [Mr. SMITH], I had noted on my bill a proposed amendment. I will not offer it, but I desire to state it. It was to strike out the word "alleged," in line 9, which I think ought to come out of the bill anyway, and after the word "passengers," in line 10, to insert the words "due to negligence on the part of those operating the vessels." It seems to me that if the Government should be negligent, having taken possession of the vessels in their passage through the canal, the owners of the vessels ought to have redress; but I imagine that the entire provision may go out, and I shall vote with the Senator from North Dakota to strike it out.

The PRESIDENT pro tempore. Before the motion made by the Senator from North Dakota [Mr. MCCUMBER] is submitted to the Senate to strike out the paragraph, the amendment offered by the Senator from Georgia [Mr. SMITH] is in order, and will be first submitted. The Secretary will, if desired, again state the amendment; if not, the Chair will put the question upon the adoption of the amendment offered by the Senator from Georgia. The question is on that amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the motion of the Senator from North Dakota to strike out the paragraph.

Mr. REED. Mr. President, I want to offer this one word about that: That is, fixing a court in which the liability of the United States can be determined. Without that provision, of course, the claims would have to be filed as claims ordinarily are, and passed upon by Congress or by the Court of Claims. We are not advised under what law this rule of damages would be fixed or the rule of liability determined. It is to be fixed by the Canal Zone court. It seems to me that the motion to strike out ought to prevail, and that this paragraph in conference could be gone over and the facts carefully ascertained. It is the part of wisdom to give the conferees that opportunity.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from North Dakota, which is to strike out the paragraph beginning in line 7 and running to line 19, inclusive, on page 8.

The amendment was agreed to.

The next amendment of the Committee on Interoceanic Canals was, on page 8, after line 19, to strike out: "The President shall provide a method for the determination and adjustment of all claims arising out of personal injuries to employees thereafter occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not, and may revise and modify such method at any time; and such claims, to the extent they shall be allowed on such adjustment, if allowed at all, shall be paid out of the moneys hereafter appropriated for that purpose or out of the funds of the Panama Railroad Co., if said company was responsible for said injury, as the case may require. And after such method shall be provided by the President, the provisions of the act entitled 'An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment,' approved May 30, 1908, and of the act entitled 'An act relating to injured employees on the Isthmian Canal,' approved February 24, 1909, shall not apply to personal injuries thereafter received and claims for which are subject to determination and adjustment as provided in this section," and to insert:

The provisions of the act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908, and of the act entitled "An act relating to injured employees on the Isthmian Canal," approved February 24, 1909, shall apply to the determination and adjustment of all claims arising out of personal injuries to employees occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal, or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not; and such claims as shall be allowed under such provisions shall be paid out of moneys appropriated for that purpose, or out of the funds of the Panama Railroad Co. if said company was responsible for said injury, as the case may require.

Mr. BRISTOW. Mr. President, I move to amend the amendment by inserting, on page 10, after the word "require," in line 14, the following:

Provided, That claims for such compensation shall be determined and adjusted by the governor of the Panama Canal, who shall as to such claims perform all the duties which are or may be imposed by law as to claims for compensation in continental United States on the Secretary of Commerce and Labor.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Kansas to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. SUTHERLAND. Mr. President, I hope the amendment as now amended on motion of the Senator from Kansas [Mr. BRISTOW] will not be adopted. I think the provision in the House bill upon this subject is far preferable, although I think one or two amendments should be made to that provision.

The method proposed by the House provision is that the President shall provide for the determination and adjustment of claims of this character; that is, for personal injuries arising from accident and for deaths to employees. The Senate committee provision proposes to adopt with respect to such accidents the existing Federal employees' compensation law.

In operating this canal we are engaged in a business enterprise for which we are receiving an income, and the employees of the Government upon that sort of an enterprise ought to be paid for their injuries and ought to receive as high compensation for their injuries and their families should receive as high compensation in case of their death as the Government would compel private employers to pay under like circumstances.

The provisions of the existing Federal employees' liability law are wholly inadequate, and the committee amendment will limit the amount that may be recovered, no matter how severe the injury may be, to the same inadequate amount. So that a man injured in such a way that he will never recover as long as he lives—a man losing both legs, both arms, both eyes, and wholly incapable of rendering any work in the future—is limited to one year's wages, which may be, in some cases, only four or five or six hundred dollars. In case of death it limits to one year's wages the amount which the dependents may receive.

We have recently passed through the Senate a Federal compensation law by which we compel railroad companies engaged

in interstate commerce to pay reasonably adequate compensation in case of injury or death, and I think the Government of the United States ought not to compel its injured employees to receive less for injuries sustained in its purely business operations than it undertakes by law to compel private employers to pay in their business operations.

And so with the hope and with the belief that the President, if the matter be left in his hands, will fix an adequate scale of compensation, I think the House provision should be left in. But in order that there may be no doubt as to the operation of it, I think it should be amended so as to provide in specific terms that the President shall prescribe a schedule of compensation.

I suppose, Mr. President, that it is in order now to amend the House provision so as to perfect it?

The PRESIDENT pro tempore. It is.

Mr. SUTHERLAND. I move to insert in line 3, page 9, after the word "not," the words "and prescribe a schedule of compensation therefor," and then, in line 4, after the word "method," to insert "and schedule," and in line 9, after the word "method," to insert again "and schedule."

The PRESIDENT pro tempore. The Chair would suggest that the first amendment be stated.

Mr. SUTHERLAND. It is all part of the same amendment.

The PRESIDENT pro tempore. It is all part of the same amendment. The Secretary will state the amendment offered by the Senator from Utah.

The SECRETARY. On page 9, line 3, after the word "not," insert "and prescribe a schedule of compensation therefor"; after the word "method," in line 4, insert the words "and schedule," and after the word "method," in line 9, insert the words "and schedule."

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Utah.

Mr. O'GORMAN. The only objection I have to the amendment is that it appears to be quite unnecessary. In the House bill it is provided:

> The President shall provide a method for the determination and adjustment.

In my judgment, that necessarily implies the establishment of a schedule. The language is broad enough to embrace it:

> The President shall provide a method for the determination and adjustment.

That is so comprehensive that it seems to me there is no need of the amendment suggested by the Senator from Utah.

As to the general proposition, while the Senate committee has recommended a change in this bill, personally, I see much merit in the House provision, and, personally, I prefer to see that retained rather than to have the Senate committee report or suggest any amendment.

Mr. SUTHERLAND. The Senator from New York may be right in his interpretation of the provision, but I think, to say the least about it, it is doubtful whether or not under this provision that "the President shall provide a method for the determination and adjustment of all claims," he can prescribe the amount which shall be paid; and it is simply to remove that doubt that I offer these amendments.

Mr. O'GORMAN. It must be embraced, if the President has power to prescribe the method and adjustment of the compensation.

Mr. SUTHERLAND. The word "method," if I understand it, means the "way" in which it shall be done.

Mr. O'GORMAN. The way, the manner, the system; and coupling with that the suggestion that it shall involve the method, the adjustment, it contains all that is necessary on that subject.

Mr. SUTHERLAND. If the Senator from New York thinks that the word "method" includes that, and that it ought to include it, he ought not to object to the language which I have suggested, which I think makes it clear.

Mr. O'GORMAN. Except it makes it tautological.

Mr. WORKS. That is just what I rose to say.

Mr. BRISTOW. The objection I have to the House provision is that it authorizes the President to provide for the payment of these damages. I think there should be a law providing for the payment of the damages. I do not think it should be left to an Executive order, and it seems to me that Congress ought to be able to legislate a just and equitable provision that would amply compensate these people for any injuries received.

I should like for the Senate amendment to be adopted so as to put the matter in conference, and then if the present law is not sufficient redraft the paragraph so as to put in the law a scale of compensation so that everybody will know what it is, and so that it will not be left to Executive discretion, which may vary from year to year, and might vary as it relates to one injury or another. It seems to me very much wiser to fix the method and the amount of this compensation by statute instead of by Executive order.

Mr. CUMMINS. I rise to ask the Senator from Kansas a question. The Senate amendment gives to these employees the benefit of the provisions of an act relating to injured employees on the Isthmian Canal, approved February 24, 1909. I am not familiar with the terms of that act, and I should like to know what compensation or method of payment the act provides for.

Mr. NELSON. My understanding is that that act, in reference to canal employees simply applied a general act that we had passed prior to that, and under that general act, my recollection is that the maximum allowance in any case was one year's salary, and nothing more, and in cases of injury, which did not result in death, but which did result in something not very serious, it was much less than that; but in no case more than one year's salary.

Mr. CUMMINS. Then the latter act, the one of February 24, 1909, simply applies the general law of this country in regard to its employees to the employees of the Isthmian Canal, and would limit their recovery to the amount stated by the Senator from Utah.

Mr. BRISTOW. And then the amendment just adopted makes applicable any law that the Federal Congress may pass. So that if the bill which passed the Senate should become a law, it would apply, under the amendment.

The PRESIDENT pro tempore. The question now is on the amendment proposed by the committee to strike out the paragraph beginning at line 20, on page 8, and extending to line 19, on page 9, inclusive, and the insertion in lieu thereof of the amendment proposed by the committee beginning in line 20, on page 9, and extending to line 14, inclusive, on page 10.

Mr. SUTHERLAND. Mr. President, I desire to say a single word in reply to the suggestion of the Senator from Kansas. He says he hopes the Senate amendment will be adopted, so that the whole matter may go into conference. I suggest to him that if the Senate amendment is now rejected and the House text thereby remains in the bill, the House text is now amended, and that will carry it into conference as much as would the Senate amendment.

Mr. LODGE. Adopt the amendment of the Senator from Utah and it will all be open in conference.

The PRESIDENT pro tempore. The question is on the adoption of the amendment proposed by the committee.

The amendment was rejected.

Mr. BOURNE. I should like to offer an amendment. On page 10, line 16, after the word "operated," insert "subject to the international convention and act of Congress to regulate radio communication."

That is to make this correlate with the international convention and the radio communication bill which has passed the Senate and, I assume, will pass the House in a day or two.

Mr. LODGE. Where does the Senator propose to have those words come in?

Mr. BOURNE. After the words "and operated," in line 16, so that it will read:

> That the President is authorized to cause to be erected, maintained, and operated, subject to the international convention and act of Congress to regulate radio communication, at suitable places, etc.

It is to perfect that that I make the suggestion.

Mr. BRANDEGEE. There is no objection to the amendment.

The amendment was agreed to.

Mr. BOURNE. Also, after the word "canal," the first word on line 21, page 10, I move to insert "and for other purposes." As it is now in the bill it applies only to the operation, maintenance, sanitation, and protection of the canal. It might be that some of the ships might wish to use this facility, and they might be estopped under the provisions of the bill, and I simply wish to enlarge the scope of its operation.

The PRESIDENT pro tempore. The Secretary will report the amendment proposed by the Senator from Oregon.

The SECRETARY. On page 10, line 21, after the word "canal," insert "and for other purposes."

The amendment was agreed to.

Mr. BRISTOW. It is evident that we can not complete the bill before 6 o'clock, and I ask unanimous consent that at 6 o'clock the Senate stand in recess until 8 o'clock this evening.

Mr. McCUMBER. I would ask the Senator whether that would permit of a short executive session? If it means that we are to continue until 6 and then take a recess, of course there will be no opportunity for an executive session.

Mr. LODGE. Of course a motion for an executive session can be made at any time prior to the time fixed for the taking of the recess.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Kansas, that the Senate shall stand in recess from 6 till 8 o'clock this evening.

Mr. REED. Is that a motion or a request for unanimous consent?

The PRESIDENT pro tempore. Does the Senator from Kansas ask unanimous consent?

Mr. BRISTOW. That was my desire.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that the Senate shall stand in recess from 6 o'clock this evening until 8 o'clock. Is there objection?

Mr. REED. Will the Senator not include in that that the hour of adjournment to-night shall be fixed at 10.30?

Mr. BRISTOW. We can adjourn to-night when we get tired. Ten thirty o'clock might come when we were taking a vote on some matter.

Mr. REED. I mean not later than 10.30. My object in it is this: I am willing to come here to-night and work, but I do not want to come here and be held here, and I do not think it is right that we should be held here until half-past 11 or 12 o'clock, inasmuch as we commence at 10 o'clock in the morning. I think there should be an understanding that we shall adjourn by 10.30. I am not particular about it; I can stand it if others can; but I do think it is wrong to try to hold the Senate in session too long.

Mr. BRISTOW. I do not think we want to stay here later than 10 o'clock, or perhaps 10.30, but I do not like to put in the exact hour when we shall adjourn.

Mr. REED. Put in the agreement that it shall not be later than 10.30.

Mr. THORNTON. I wish to object to any night session at all.

Mr. BRISTOW. I move that at 6 o'clock this evening the Senate stand in recess until 8 o'clock.

The PRESIDENT pro tempore. The Senator from Kansas moves that at 6 o'clock this evening the Senate shall stand in recess until 8 o'clock.

Mr. SMITH of Georgia. I move as an amendment that the session shall continue not later than 10.30 o'clock.

Mr. THORNTON. Ten o'clock, I suggest.

The PRESIDENT pro tempore. The Senator from Georgia moves as an amendment that the Senate shall not continue its session later than 10.30 o'clock.

Mr. WILLIAMS. Mr. President, before the vote is taken——

Mr. GALLINGER. It is not a debatable question.

Mr. WILLIAMS. I wish to say that this is a most unprecedented long session of the Senate of the United States and the Congress. Senators are getting tired, Members of the House are getting tired, and the country is getting tired, and it does seem to me that it is as little as we can do, when we have our hands upon important legislation, to stay in session until we get rid of it by coming to a vote, and, as far as our own personal comfort is concerned, it is much less uncomfortable to stay here a night than it is to be kept here a week.

So I heartily indorse the proposition to take a recess, so that Senators may obtain something to eat, and then continue in session until we finish the business before us, getting to a vote at least upon this one bill. I think if we go on in the way we have been going on we will be here until the next session of Congress is due to meet.

The PRESIDENT pro tempore. The motion is not debatable.

Mr. WILLIAMS. We have something else to attend to, both as citizens and as representatives. There is something else in the world besides the senatorial method of postponing until to-morrow the thing that might possibly be done to-day. I hope we will finish up the work before us, if we have to stay in session three days.

Mr. LODGE. I make the point of order that the motion is not debatable.

The PRESIDENT pro tempore. It is not debatable except by unanimous consent. The regular order is called for. The question is on agreeing to the amendment of the Senator from Georgia [Mr. SMITH] to the motion of the Senator from Kansas [Mr. BRISTOW].

The amendment was rejected.

The PRESIDENT pro tempore. The question recurs on agreeing to the motion of the Senator from Kansas that the Senate stand in recess from 6 until 8 o'clock p. m.

Mr. NEWLANDS. I would offer as an amendment that the speeches be limited to 10 minutes.

Mr. O'GORMAN. Make it five.

Mr. NEWLANDS. I will suggest to make it five.

Mr. BRISTOW. That can only be done by unanimous consent, and I object to it.

Mr. NEWLANDS. Does the Senator object to a limitation of 10 minutes?

Mr. BRISTOW. Yes, sir.

Mr. NEWLANDS. Would the Senator object to a limitation of 15 minutes?

Mr. BRISTOW. I object to any limitation at all.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to.

Mr. JOHNSTON of Alabama. I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The motion was rejected.

The PRESIDENT pro tempore. The next amendment of the committee will be stated.

The next amendment was, in section 6, page 11, line 6, after the word "messages," to insert:

The President is also authorized, in his discretion, to enter into such operating agreements or leases with any private wireless company or companies as may best insure freedom from interference with the wireless telegraphic installations established by the United States.

Mr. BURTON. If I understand what that amendment means, it is contrary to an act lately passed by the Senate, on the 7th of May. I should like to ask the chairman of the committee if it means the establishment of wireless stations on the Canal Zone.

Mr. BRANDEGEE. It applies to agreements with other companies that may have wireless apparatus, agreements by which interference may be prevented. The committee knows very little about it, except that the Secretary of War appeared before the committee and said it was necessary to prevent interference. The committee supposed that he knew the act had been passed through the Senate with reference to this matter.

Mr. BURTON. Is that in the language sent here by the War Department?

Mr. BRANDEGEE. It is the exact language submitted by the War Department.

Mr. BURTON. Under the act passed on the 7th of May it is provided that—

No station on shore not in actual operation at the date of the passage of this act shall be licensed for the transaction of commercial business by radio communication within 15 nautical miles of the following naval or military stations, to wit.

Then it enumerates certain military or naval stations, and then goes on to say:

And those established or which may be established in Alaska and in the Canal Zone.

It absolutely forbids the location of any wireless station on the Canal Zone.

Mr. BRANDEGEE. In what respect does the Senator think that this language in the bill conflicts with the act he has just read?

Mr. BURTON. The amendment of the committee reads:

As may best insure freedom from interference with the wireless telegraphic installations established by the United States.

That would naturally mean another wireless station. I think, however, that may safely be left to the conference, though I should like to ask the chairman of the committee to make sure that it does not conflict with the prior act.

Mr. BRANDEGEE. On the Senator's statement of the prior act I do not see how it can, but I will look it up. Of course the Senator bears in mind that the Canal Zone is only 5 miles inside the central line, and the Panama Republic may have wireless stations within 5 miles.

Mr. BURTON. That would be on their own territory.

Mr. BRANDEGEE. It would be on their own territory. I assume that under this language the President will have authority to make agreements with those companies, so that the whole system would not be jangled up by interference. If it means anything else I will endeavor to ascertain it in conference.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 11, in line 11, after the word "operate," to insert "through the Panama Railroad Co. or otherwise"; in line 16, before the word "vessels," to strike out "our official"; in the same line, after the word "vessels," to insert "of the Government of the United States"; and in line 21, after the word "received," to strike out "in the ordinary course of business," so as to read:

The President is also authorized to establish, maintain, and operate, through the Panama Railroad Co. or otherwise, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies for vessels of the Government of the United States and, incidentally, for supplying such at reasonable

prices to passing vessels, in accordance with appropriations hereby authorized to be made from time to time by Congress as a part of the maintenance and operation of the said canal. Moneys received from the conduct of said business may be expended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, but all deposits of such funds shall be subject to the provisions of existing law relating to the deposit of other public funds of the United States, and any net profits accruing from such business shall annually be covered into the Treasury of the United States. Monthly reports of such receipts and expenditures shall be made to the President by the persons in charge, and annual reports shall be made to the Congress.

The amendment was agreed to.

The next amendment was, in section 7, page 12, line 9, before the word "shall," to strike out "governor of the Panama Canal" and insert "Isthmian Canal Commission."

Mr. BRANDEGEE. I ask the Senate to disagree to that amendment.

The amendment was rejected.

The next amendment was, on page 12, in line 14, after the words "Panama Canal," to strike out "Unless in this act otherwise provided all existing laws of the Canal Zone referring to the civil governor or the civil administration of the Canal Zone shall be applicable to the governor of the Panama Canal, who shall perform all such executive and administrative duties required by existing law."

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment is one that has already been covered by the consent of the Senate. The Chair calls attention to the fact that the language is not identical with the language previously called to the attention of the Senate.

Mr. BRANDEGEE. What is the particular part of the bill?

The PRESIDENT pro tempore. It will be stated.

The SECRETARY. Line 19, strike out "President" and insert "Isthmian Canal Commission."

Mr. BRANDEGEE. I ask the Senate to disagree to the committee amendment.

The amendment was rejected.

The next amendment was, in section 7, on page 13, line 3, after the word "cases," to strike out "of every character"; in line 5, after the words "wherein the," to strike out "fine" and insert "punishment"; in the same line, after the word "that," to strike out "can" and insert "may"; in line 6, after the word "imposed," to strike out "could" and insert "shall"; in line 7, before the word "dollars," to strike out "twenty-five" and insert "a fine of one hundred"; in the same line, before the word "imprisonment," to insert "or"; in the same line, after the word "imprisonment," to strike out "could"; in line 8, before the words "thirty days," to strike out "exceed" and insert "exceeding"; in line 11, after the words "real estate," to strike out "and all other matters and proceedings which are now within the jurisdiction of the present district judge or the courts"; in line 14, after the word "felony," to insert "and offenses under section 10 of this act"; in line 19, after the words "appointed by the," to strike out "governor of the Panama Canal" and insert "Isthmian Canal Commission"; in line 24, before the word "law," to strike out "appropriation act or other"; on page 14, line 3, after the word "judgments," to insert "providing for the allowance and prosecution of"; in line 6, before the word "convicts," to strike out "misdemeanor," so as to read:

In each town there shall be a magistrate's court with exclusive original jurisdiction coextensive with the subdivision in which it is situated of all civil cases in which the principal sum claimed does not exceed $300, and all criminal cases wherein the punishment that may be imposed shall not exceed a fine of $100 or imprisonment not exceeding 30 days, or both, and all violations of police regulations and ordinances and all actions involving possession or title to personal property or the forcible entry and detainer of real estate. Such magistrates shall also hold preliminary investigations in charges of felony and offenses under section 10 of this act, and commit, or bail in bailable cases, to the district court. A sufficient number of magistrates and constables, who must be citizens of the United States, to conduct the business of such courts shall be appointed by the Isthmian Canal Commission for terms of four years and until their successors are appointed and qualified, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law prescribe the same. The rules governing said courts and prescribing the duties of said magistrates and constables, oaths and bonds, the times and places of holding such courts, the disposition of fines, costs, forfeitures, enforcements of judgments, providing for the allowance and prosecution of appeals therefrom to the district court, and the disposition, treatment, and pardon of convicts shall be established by order of the President.

The amendment was agreed to.

The next amendment was, in section 8, page 14, line 19, after the word "cases," to insert "all offenses arising under section 10 of this act"; in line 20, before the word "all," to strike out "of"; and in line 22, before the word "all," to strike out "of," so as to read:

That there shall be in the Canal Zone one district court with two divisions, one including Balboa and the other including Cristobal; and one district judge of the said district, who shall hold his court in both divisions at such time as he may designate by order, at least once a month in each division. The rules of practice in such district court shall be prescribed or amended by order of the President. The said district court shall have original jurisdiction of all felony cases, of offenses arising under section 10 of this act, and all causes in equity and admiralty and all cases at law involving principal sums exceeding $300 and all appeals from judgments rendered in magistrates' courts.

The amendment was agreed to.

Mr. BRANDEGEE. I move to strike out, in line 20, the first word, the word "and," and to insert a comma instead of the semicolon; after the word "admiralty," in the same line, to strike out the word "and." The last is a committee amendment. Let the Secretary read the language as it will read with those words stricken out.

The SECRETARY. So that if amended it will read:

The said district court shall have original jurisdiction of all felony cases, of offenses arising under section 10 of this act, all causes in equity and admiralty, all cases at law involving principal sums exceeding $300, and all appeals from judgments rendered in magistrates' courts.

The amendment was agreed to.

Mr. REED. May I ask the chairman of the committee how many courts will be established by this provision?

Mr. BRANDEGEE. The courts at present are to be abolished and a new system inaugurated by which there will be one district court for the entire zone. Then the President is authorized to divide the zone into subdivisions, each subdivision to contain one town. Each town has a magistrate whose jurisdiction is defined. He has jurisdiction over minor offenses, with appeals to the district court. That is the system. There will be one district court, with one district judge holding court alternately once each month in the cities of Colon and Panama.

Mr. REED. I presume it would be utterly useless to make a suggestion, but with the present population of the zone and the extent of territory of the zone it must be manifest to any person that there is not enough work to keep one man busy if he held court one-half of the time. I can not see why the jurisdiction of all matters should not be placed in one court. I can see no reason for having three, four, or five minor courts.

Mr. CRAWFORD. The smaller magistrates are nothing more than ordinary committing magistrates—justices of the peace. There is only one district court. It has been greatly simplified and greatly reduced, and the number of judges cut down to the minimum. I do not think the Senator can find much fault with it on that account.

Mr. REED. Each of these magistrates, or by whatever term you call them, will have a court and a salary, and there will be a lot of expense involved first or last. This zone is about 30 miles long and 10 miles wide. It has about 2,500 white people living in it and will have very few more, according to the best information I can get. One judge with general jurisdiction ought to be able to run the legal business of that zone.

Mr. BRANDEGEE. There are employed at the present time upon the Isthmus 30,000 to 40,000 people. There are in the actual employ, or were the last of June, of the Canal Commission over 27,000 people. They are scattered in the various towns and villages and settlements all along the line of the canal, which is a distance of 50 miles from deep water to deep water—from end to end. There are 500 square miles of territory, with probably 40,000 or 50,000 people upon it. No one judge could travel around fast enough in the different towns where offenses are committed every day to handle all that business. These local magistrates, in the nature of police judges, who handle the petty criminal business of those districts, will not have large pay. The President is authorized to fix their pay as soon as the canal is open for travel and the zone cleared so far as we can control it. Of course, these judges can be cut down, but we have two and one-half years before that event will come with these people there.

As the Senator from South Dakota [Mr. CRAWFORD] says, there has been a great change and reform in the cutting down of the number of courts and the salaries there. This, of course, is the House provision, prepared by the House committee, all of whom have been down on the zone and are entirely familiar with its conditions, as some of the members of our committee were. We adopted the House provision in this respect and thought it was fairly good.

Mr. REED. Mr. President, my understanding has been that this bill became effective when the canal was opened.

Mr. BRANDEGEE. Oh, no; the bill goes into effect immediately.

Mr. REED. The provision for doing away with the Canal Commission does not take effect until the canal is finished, or practically finished.

Mr. BRANDEGEE. That is true.

Mr. REED. The employees are then to be dismissed and the entire work will be discontinued. I have been addressing

my remarks to the condition which will exist when that takes place. Do I understand now that the Senator says that the bill with reference to the court becomes immediately operative?

Mr. BRANDEGEE. Oh, yes.

Mr. REED. Ought it not then to be amended so that when the work of the canal is completed the number of these judges shall be reduced?

Mr. BRANDEGEE. I do not think so. I think the towns where these magistrates are commissioned will be wiped out of existence when the canal is completed. The people there will move away. These are temporary places now. If, however, any of those towns should become permanent, so as to require a permanent magistrate, they can be continued; if not, they will be withdrawn by the President, of course.

Mr. REED. Will the wiping out of the towns wipe out the offices?

Mr. BRANDEGEE. There will be no occasion for the office, and I presume if the President had appointed a man who was no longer required he would revoke his appointment.

Mr. REED. I come back to my original proposition. Notwithstanding the description of this zone, it does not occupy as much space as the ordinary county in an ordinary State, and one judge could run it well.

The PRESIDENT pro tempore. The next amendment will be stated.

The SECRETARY. On page 15, line 24, after the word "each," strike out "or" and insert "and," so as to read:

For terms of four years each, and until their successors are appointed and qualified.

Mr. BRANDEGEE. How far have the committee amendments been accepted?

The PRESIDENT pro tempore. All the committee amendments have been acted on except the one last reported, at the bottom of page 15.

Mr. BRANDEGEE. On page 15, in the second line, where it reads, "The district judge shall also have jurisdiction," and so forth, I move to insert, before the word "judge," the words "court and," so that it will read:

The district court and judge shall also have jurisdiction.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 15, line 2, before the word "judge," insert the words "court and," so as to read.

The district court and judge shall also have jurisdiction of all other matters and proceedings not herein provided for.

Mr. BRANDEGEE. In line 5 I move to strike out "of," the fourth word from the end of the line. I will make several verbal suggestions there all at once, and then ask the Secretary to read it as it would read if they were adopted. Also in line 6 strike out the word "or," the fifth word in the line; in line 7 strike out the word "or" and insert "and." I ask the Secretary to read it as it would read if these amendments were adopted.

The SECRETARY. On page 15, line 5, strike out the word "of"; in line 6 strike out the word "or"; and in line 7 strike out the word "or," the first word, and insert "and," so as to read:

The district court and judge shall also have jurisdiction of all other matters and proceedings not herein provided for which are now within the jurisdiction of the Supreme Court of the Canal Zone, the Circuit Court of the Canal Zone, the District Court of the Canal Zone, and the judges thereof.

Mr. BRANDEGEE. That is correct.

The amendment was agreed to.

The PRESIDENT pro tempore. The next committee amendment will be stated.

The SECRETARY. In line 24, after the word "each," strike out "or" and insert "and," so as to read:

For terms of four years each and until their successors are appointed and qualified.

Mr. BRANDEGEE. In line 12 the bill provides that "there shall be a district attorney and a marshal for said court." I think that is an error. I move to strike out the word "court" and substitute the word "district" in lieu thereof.

Mr. REED. That would make two marshals.

Mr. BRANDEGEE. Oh, no.

Mr. REED. There is a district court with two divisions.

Mr. BRANDEGEE. There is only one judge and there is only one court, which holds court alternately in different subdivisions.

Mr. REED. Did I misunderstand the Senator? Did he not say for each division?

Mr. BRANDEGEE. Oh, no; there is one court for both divisions, and there is one marshal and one district attorney for the district, which composes both divisions of the court and all the territory on the zone.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 15, line 13, it is proposed to strike out the word "court" and insert the word "district," so that it will read:

There shall be a district attorney and a marshal for said district.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRANDEGEE. On page 16, line 6, after the word "court," I move to insert the words "and his assistants."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 16, line 6, after the word "court," it is proposed to insert the words "and his assistants," so that if amended it will read:

The district judge shall receive the same salary paid the district judges of the United States and shall appoint the clerk of said court and his assistants.

Mr. BRANDEGEE. I also move to strike out the words "a salary," in line 6, page 16, and insert in lieu thereof the word "salaries."

The PRESIDENT pro tempore. In the absence of objection, the amendment first stated is agreed to.

Mr. REED. Mr. President, how many assistants will he have?

Mr. BRANDEGEE. Mr. President, that amendment I have offered at the request of the Secretary of War, for the purpose of putting this matter into conference and asking him to appear before us and explain it. If it is not thought wise to have any assistants to the clerk of the court, I shall not ask that any be appointed; but that amendment has been sent to me by the Secretary of War since the committee closed its hearings, with the request that I should ask to have it put in. I submit it to the Senate.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to; and also the amendment inserting the word "salaries" in lieu of the words "a salary."

The next amendment of the Committee on Interoceanic Canals was, in section 9, page 17, line 23, after the word "dollars," to strike out "or which involves the title or possession of real estate exceeding in value the sum of $1,000," so as to make the clause read:

The Circuit Court of Appeals of the Fifth Circuit of the United States shall have jurisdiction to review, revise, modify, reverse, or affirm the final judgments and decrees of the district court of the Canal Zone and to render such judgments as, in the opinion of the said appellate court, should have been rendered by the trial court in all actions and proceedings in which the Constitution, or any statute, treaty, title, right, or privilege of the United is involved and a right thereunder denied, and in cases in which the value in controversy exceeds $1,000, to be ascertained by the oath of either party, or by other competent evidence, and also in criminal causes wherein the offense charged is punishable as a felony.

The amendment was agreed to.

Mr. BRANDEGEE. Mr. President, I want to call attention to the fact that the House bill, on page 18, line 13, refers to the "governor of the Canal Zone." That is an error. It is not consistent with the previous provisions of the bill, which provide for a governor of the Panama Canal, and give him jurisdiction over the zone as well. I move that the language of the bill be amended so as to read:

That after the Panama Canal shall have been completed and opened for operation the governor of the Panama Canal shall have the right to make such rules and regulations—

and so forth.

Then the words "Isthmian Canal Commission" should also be stricken from the bill.

The PRESIDING OFFICER (Mr. OLIVER in the chair). In the absence of objection, the amendment is agreed to.

Mr. REED. May I call the attention of the chairman of the committee to the fact that that same error occurs in probably 20 places in the bill? The text of the bill has been allowed to stand, notwithstanding the amendments which, on motion of the Senator, have been adopted, which provide for a governor. I presume the chairman of the committee overlooked that fact. He will find there are many places in this bill where that correction should be made.

Mr. BRANDEGEE. Mr. President, I do not think I comprehend what the Senator suggested in his last remarks.

Mr. REED. The chairman of the committee has asked that the words in section 10, "governor of the Canal Zone," which were stricken out, be reinstated and that the words "Isthmian Canal Commission" be stricken out, because the latter are not in conformity with the bill as now constructed, which provides for a governor and does away with the Isthmian Canal Commission. I say to the chairman of the committee that that same error occurs in probably 20 places in the bill, and that

there should be corrections at the proper time in other parts of the bill similar to the one he now asks shall be made.

The PRESIDING OFFICER. The Chair will state to the Senator from Missouri that the Secretary informs him that this is the only place where this particular error occurs in the bill; that the language of the bill in other places is as suggested, "the governor of the Panama Canal."

Mr. REED. The Secretary is in error unless there have been corrections made at the desk.

Mr. BRANDEGEE. I think I can explain it, or at least my understanding of it, to the Senator. I have asked at all points in the bill where it appears to have the language "Isthmian Canal Commission," that it be changed to "governor of the Panama Canal."

Mr. REED. Well, Mr. President, if the chairman of the committee makes the request in that way that will cure all the defects I have suggested.

Mr. LODGE. The request has been made and granted.

Mr. BRANDEGEE. That request was made and granted all through the bill. What I have now suggested in line 14, on page 18, was to have the word "Zone" stricken out, so that it shall read "the governor of the Panama Canal," and not "the governor of the Panama Canal Zone."

Mr. REED. Then, Mr. President, if that was done, it was while I was absent. I was calling the attention of the chairman of the committee to the matter in the kindliest spirit, because I thought it had been overlooked.

The next amendment of the Committee on Interoceanic Canals was, in section 10, page 18, in line 19, after the words "conviction in the," to strike out "magistrate's court" and insert "district court"; in line 20, after the words "of the," to strike out "subdivision in which the violation occurred" and insert "Canal Zone," so as to read:

SEC. 10. That after the Panama Canal shall have been completed and opened for operation the Isthmian Canal Commission shall have the right to make such rules and regulations, subject to the approval of the President, touching the right of any person to remain upon or pass over any part of the Canal Zone as may be necessary. Any person violating any of such rules or regulations shall be guilty of a misdemeanor, and on conviction in the district court of the Canal Zone shall be punished by a fine not exceeding $500 or by imprisonment not exceeding a year, or both, in the discretion of the court.

The amendment was agreed to.

The next amendment was, on page 19, after line 9, to strike out:

SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

And to insert:

SEC. 11. That no ship owned, chartered, operated, or controlled by a railroad company, or in which any railroad company has any interest whatsoever (by stock ownership or otherwise, either directly or indirectly, through any holding company, or by stockholders or directors in common, or in any other manner), shall be permitted to enter or pass through the Panama Canal if engaged in the coastwise trade between ports of the United States. That any ship of American registry, however owned or controlled, shall be permitted to operate through the canal in transoceanic trade to and from oriental or European countries; said vessel on its way to and from said foreign countries shall be permitted to do a coastwise trade between ports of the United States and intermediate foreign ports: *Provided*, That this shall not be permitted to any ship owned or controlled in whole or in part by any railroad company, except those engaged in said transoceanic trade, nor shall any coastwise trade be done by any such ship unless on a voyage to or from such transoceanic ports, and not to those of Canada, Mexico, or any Central or South American port: *Provided further*, That no such railroad owned or controlled ship shall pass through the canal unless at least 50 per cent of its cargo, in tonnage, is destined to or shipped from oriental or European ports.

Mr. SIMMONS. Mr. President, I desire to move an amendment to the amendment of the committee by striking out all after the words "United States," in line 25, page 20, down to and including line 16, on page 21.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 20, line 25, after the words "United States," in the committee amendment, it is proposed to strike out the remaining portion of the amendment proposed to be inserted down to the word "ports," in line 16, page 21.

Mr. SMITH of Georgia. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Georgia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	McLean	Root
Bankhead	Cummins	Martin, Va.	Sanders
Bourne	Dillingham	Martine, N. J.	Simmons
Brandegee	du Pont	Massey	Smith, Ga.
Bristow	Fletcher	Myers	Smoot
Bryan	Gallinger	Nelson	Stone
Burnham	Johnson, Me.	O'Gorman	Sutherland
Burton	Johnston, Ala.	Oliver	Swanson
Catron	Jones	Overman	Thornton
Chamberlain	Kenyon	Page	Tillman
Clapp	La Follette	Penrose	Townsend
Crane	Lippitt	Perkins	
Crawford	Lodge	Poindexter	
Culberson	McCumber	Reed	

Mr. OVERMAN. I again announce the unavoidable absence of the Senator from South Carolina [Mr. SMITH] and his pair with the Senator from Delaware [Mr. RICHARDSON]. I will let this announcement stand for the day and also for to-night.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum of the Senate is present.

Mr. SIMMONS. Mr. President, I desire, in a few words, to explain what would be the effect of the amendment I have suggested.

Under the amendment proposed by the Senate committee all railroad-controlled ships are denied the use of the canal. Then there follows a provision that under certain conditions railroad-controlled ships engaged in coastwise trade may be permitted to stop at the ports of the two oceans on their way to foreign ports outside of this continent.

My proposition is to strike out that part of the amendment which, under the conditions specified in the bill, would permit a railroad-owned ship to engage in coastwise trade in connection with its foreign trade, so that with that part of the amendment stricken out the provision would be a positive prohibition against any railroad-controlled ship or vessel engaging in foreign commerce through the canal.

Mr. BRISTOW. I should like to call the attention of the Senator from North Carolina to the fact that the provision which the Senate committee has recommended here, amended as he suggests, would simply prohibit a steamship, in which any railroad owned any stock, from passing through the canal, so that if a railroad wanted to prevent a steamship line from using the canal all it would have to do would be to go upon the market and buy a share of stock in the steamship company.

Mr. SIMMONS. I catch the point of the Senator. The point is well taken. The provision is not complete, and I wish to suggest to the Senator that the Senator from Georgia [Mr. SMITH] has an amendment which he will offer to the House provision which will correct that, and if the Senate shall adopt the amendment of the Senator from Georgia to the House bill then I shall move to strike out all of the Senate amendment.

Mr. BRISTOW. If the Senator will pardon me, of course it will not be necessary to strike out the Senate amendment. It is purely a question then as to whether or not it should be adopted. I wanted to call attention——

Mr. SIMMONS. If the Senator will pardon me, at the time I made the motion I did not know the Senator from Georgia would make his motion. The motion of the Senator from Georgia would necessarily, I think, precede mine, because his is a motion to perfect the House bill, to which ours is an amendment.

Mr. BRISTOW. I would be glad to hear what is the amendment of the Senator from Georgia.

Mr. SIMMONS. For the present, in order to relieve the situation, I will withdraw my amendment. I think the amendment of the Senator from Georgia will meet the objection which the Senator from Kansas makes, the force of which I readily recognize.

Mr. SMITH of Georgia. Mr. President, this is one of the most important features of the bill. I can not agree with the House provision, and I do not think the Senate amendment provision effective. The objection to the House provision is that it undertakes, in connection with that provision for the canal, to go into a broad problem connected with all of our railroads throughout the entire country and their relations to ship serv-

ice. I fear we now have not time to complete a bill on that broad subject. I do not think it ought to be a part of this Panama Canal legislation. We ought to confine ourselves to perfecting what we wish to do with reference to the canal.

Now, I object to the House provision for that reason, and by a very simple addition of five words, at the proper place, which I propose to ask the Senate to insert, we may limit the House provision to vessels going through the canal. Now, I like the House provision much better than the Senate provision, because it undertakes to reach the railroads that own this stock. That we can do. The House provision puts it within the power of the Interstate Commerce Commission to investigate the charge of ownership of stock. Thus we have the machinery provided by the House bill to reach the purpose to be accomplished and to do effective service.

The amendment I desire to offer is in line 22, on page 19, after the word "water," where the term "any common carrier by water" is used. In the House bill the restriction applies to any common carrier by water throughout the entire United States. I suggest that we add five words of limitation, so that it will read:

Any common carrier by water operating through the Panama Canal.

Thus we will limit the effect of the House provision to common carriers by water operated through the Panama Canal. We will free it from its present broad scope, about which I do not think we are prepared to legislate without investigation and preparation. We are now legislating with reference to the Panama Canal, and it is eminently proper to put in the provision applicable to common carriers by water operated through the Panama Canal. I favor separate legislation reaching all railroads owning stock in water carriers, but such legislation should contain provisions providing for existing established lines not covered by the House bill. I doubt whether we have now time to perfect such a measure.

Now, I want to state why I think the House remedy is effective and the Senate remedy less so. The Senate remedy forbids a vessel from passing through the canal where there is certain ownerships in its stock. Who is to pass on that question? Is it to be raised by the management of the canal each time a vessel gets to the canal and wishes to pass through? I see the utter impracticability of that plan. Are we to put a court down there and stop the vessel and have a trial? Under the Senate amendment what mode is there by which the proper investigation and determination of the right to pass through will be had? Is the governor of the canal to do so? The man operating the vessel, the captain, may not know who are the stockholders of the company that controls the boat. The amendment from the Senate committee lacks machinery effectively to reach the question.

The House provision proceeds upon a different theory. After great consideration and study of the problem—and I have had the advantage of conference with the chairman of the committee of the House in consideration of this question—I find that the reason the House took the other course was plain. Their plan is to prevent the railroads from owning the stock of competing water transportation companies—not to interfere with the ships that reach the canal; not to leave the question to be determined at the gates of the canal as to what can pass through; but to say that the railroads under the control of the Interstate Commerce Commission shall not own the stock. Vest the power of investigation with the Interstate Commerce Commission, vest there the power for the enforcement of the provision of law that the railroad company shall not own stock in the steamship company, and a practical remedy is provided to enforce the object sought to be obtained.

Under the Senate provision a further trouble might arise. The treaties prescribe not only as to countries, but as to persons, certain rights. Railroad companies might buy or parties forbidden might purchase the stock for the purpose of interfering with the steamship company. The acquirement of the stock might be used under the Senate provision to accomplish the very thing that it is the purpose of the provision to prevent. Now, is it not better to reach the question by reaching the railroads, so that the facts may be investigated, that the question may be decided before the vessel reaches the canal?

I advocate this amendment to the House provision so that it will apply simply to carriers by water passing through the Panama Canal. I think we should free this legislation from any effort to pass on the rights of railroads owning steamship property on the coast somewhere else. I do not mean to express any disapproval of the general scheme to divorce water transportation from rail transportation. I cordially favor it, but I should like to know more about it. First, I want to know what the consequences will be. I want to see just how it will be done, from more knowledge of what occasion there is to prevent it. I think there should be careful provision made as to the time and manner of enforcing such a provision against companies with established business and patrons relying on them.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. Yes.

Mr. CLAPP. I should like to ask the Senator a question. If the transportation through the Panama Canal reaches any such magnitude as it is generally hoped and anticipated it may reach, would there be many cases possible involving this question of less magnitude than the Panama Canal situation? If not, then if we are prepared to deal with that case, which will be, if not of the greatest magnitude, at least approximately one of the greatest magnitude, involving every possible question which could be involved in any other case, why should we not deal with it when we have the opportunity, if there is reason for dealing with it at this time?

Mr. SMITH of Georgia. For two reasons, I answer the Senator from Minnesota. First, with reference to the Panama Canal, we are acting in advance. We are preventing the creation of a condition to which we object. In dealing with the railroads already operating steamship lines we are dealing with conditions that already exist. In the one case we are preventing the happening at all with reference to the Panama Canal of that to which we object. In the other instance we are tearing to pieces business conditions already established without a law to prevent it.

Mr. CLAPP. Will the Senator yield again?

Mr. SMITH of Georgia. Yes; but I have not finished my reply.

Mr. CLAPP. I beg the Senator's pardon. Let him continue.

Mr. SMITH of Georgia. My second reason is that this bill applies to the Panama Canal, and I do not believe it is wise to add to legislation applicable to a particular subject provisions which reach beyond it and which are of a much wider scope.

Mr. CLAPP. As I understand—and I ask the Senator for information—the House provision, if enacted into law, would necessitate now the divorcement of a steamship line from ownership by a railroad where the railroad was supposed to be in competition with the steamship line. The steamship line, not only supposedly, but I think admittedly, will use this canal. I refer, of course, to the Southern Pacific Railroad and its ownership of the Pacific Mail Steamship. So there would be a case where a condition already exists that we have got to approach, would there not?

Mr. SMITH of Georgia. No; because the Southern Pacific has never operated through the Panama Canal.

Mr. CLAPP. Oh, Mr. President, it is true, so far as concerns getting ships across the Isthmus, but the Southern Pacific has operated a line of ships in connection with that line of transportation which, when it is changed from rail across the Isthmus, will be by the canal through the Isthmus.

Mr. SMITH of Georgia. It has never conducted its business through the canal.

Mr. CLAPP. That is true, but——

Mr. SMITH of Georgia. I understand; I will go on and answer the Senator. I do not mean to be technical in my reply, but broadly to answer and to present my views.

It has never operated its boats through that canal. It has no established business by the use of the canal, and when we say it shall not use the canal if it operates boats that are really competing with its rail line we are not taking from it any privileges that it now enjoys. We are saying it shall not enjoy this additional privilege, because we do not intend to permit any steamship line to be operated through that canal the stock of which is in part owned by railroads competing in a measure with it.

Mr. CLAPP. Does not the fact remain that when this canal is completed, if this company desires to operate through the canal the ships that are now owned by it, which now ply respectively from one side of the Isthmus up the Atlantic and from the other side up the Pacific, the communication between the two sides now being by rail, that it would involve a change of the conditions that to-day exist as to ownership?

Mr. SMITH of Georgia. I do not think so. It might lead to a change in ownership, but it would not involve a change of their present rights and their present mode of operation, because they do not now operate their boats through the canal, the canal not having been finished. We are taking from them no plan of business which they now pursue. We are taking from them nothing which they are now doing.

We are saying, "You shall not operate those boats through this canal if the Southern Pacific continues to own them. You may, if you please, operate by the railroad, as you have done before, but we are not willing and will not permit through this

canal boats operated by railroad companies that are in competition for this line of transportation."

The Senator and I are thoroughly together as far as concerns excluding these boats from the canal. The only question about which we seem to differ is the wisdom now of undertaking to go one step further and by this bill reach every line of competition between transportation by water and by rail where both companies are owned in a measure by the same parties.

I can conceive that there could be cases where a railroad company might own a steamboat line and handle one class of its freight by the steamboat line and another class by the railroad, there being no actual competition, but an established mode of managing the business of its customers. I do not know; I have not that knowledge about the entire status of this problem with reference to the entire country that makes me desire in this Panama Canal legislation to move over into the wider field which would cover all transportation of this character. I sympathize fully with the desire of the Senator from Minnesota to divorce water and rail transportation where they are used together to prevent competition.

Mr. CLAPP. Mr. President, if the Senator will pardon me——

Mr. SMITH of Georgia. Certainly.

Mr. CLAPP. It may not be important to either the Senator or to the cause, but I am most heartily in accord with the Senator on one proposition, and that is that whatever is done shall be done under the House provision instead of under the Senate committee amendment. But what I wanted to say to the Senator is that while we are dealing in speculation as to the canal condition, involving the question of what might be desired or might not, we are dealing with an actuality as to those conditions which elsewhere exist in this country in the ownership of steamship lines by railroads, and the very fact that that evil makes itself so manifest must be one of the moving considerations for projecting it into a somewhat experimental realm with reference to the canal.

Mr. SMITH of Georgia. I have no doubt the view expressed by the Senator is entirely correct; I have no doubt there are places where this ownership or control ought to be stopped; but I do think that we ought to know more, at least I need to know more, about that. There may be places where the cooperation is not in restraint of competition, but beneficial and desirable, where shippers and the public would be injured by the change.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New York?

Mr. SMITH of Georgia. I do.

Mr. O'GORMAN. If the Senator from Georgia will find the opportunity to read the record of the testimony taken before the Committee on Interoceanic Canals he will have abundant and satisfactory knowledge on the subject. Many witnesses from different parts of the United States testified before that committee and almost without an exception, speaking of credible witnesses, the evidence established that no railroad company in the United States ever acquired control of competing water transportation without destroying competition at the expense of the public.

The Senate committee, as well as the House committee on the same subject, went into this matter exhaustively. Many members of the Senate committee and the majority of the House committee agreed with the testimony given by Judge Lane and Judge Prouty, of the Interstate Commerce Commission, which was to the effect that the only salutary method, the only wholesome cure, that legislation can effect is to absolutely divorce the railroads from water transportation. I hope that the provision of the House covering this subject will be adopted by the Senate.

Mr. LIPPITT. Mr. President——

Mr. SMITH of Georgia. Before the Senator from New York takes his seat, I wish to ask him a question. Does he think that the Senate committee amendment is effective?

Mr. O'GORMAN. It is not. I objected to it in the Senate committee. I then insisted, and I now insist, so far as I can, upon the adoption of the House provision, which absolutely prohibits any railroad corporation in the United States from having any interest, direct or indirect, in competing water-transportation facilities.

The PRESIDING OFFICER. Will the Senator from Georgia yield to the Senator from Rhode Island?

Mr. SMITH of Georgia. Certainly.

Mr. LIPPITT. Mr. President, the Senator from New York says that Mr. Prouty testified that he thought the railroads should be divorced from the steamship lines. I should like to know if Mr. Prouty did not distinctly say that he thought it would be a great misfortune if the steamship lines of the Sound were divorced from the New Haven Railroad. I will take the liberty of reading just one short statement.

My belief is—

This is the testimony of Mr. Prouty, on page 882—

my belief is that the New Haven road continues its monopoly of that business by maintaining a service of a high quality at a reasonable rate;

* * * * * * *

I believe it would be unfortunate to compel that road to divorce itself from the New England Navigation Co.

Mr. President, that is the testimony of Mr. Prouty. It is not a statement that he thinks the steamship lines and the railroads should be divorced. It is a statement that he thinks it would be a misfortune to New England if they were divorced.

Mr. O'GORMAN. If the Senator from Georgia will permit me, taking an unrelated sentence from testimony does not correctly set forth the position taken by two members of the Interstate Commerce Commission who testified before the committee. They did unequivocally both declare that their commission could not adequately regulate railroad-controlled boats going through the canal. It was the judgment of both that the only safe remedy was the absolute exclusion of railroad-controlled boats from going through the canal.

Mr. LIPPITT. If the Senator will yield to me another minute, I will say to the Senator from New York, I am not reading a detached sentence. I am reading the positive declaration of Mr. Prouty. It is quite true that Mr. Prouty began his testimony with some such statement as the Senator from New York makes. Under cross-examination and after a fuller discussion of the question he said over and over again in his testimony that he thought it would be a mistake for those railroads and steamships to be divorced. He said that he thought the people of New England would not have as efficient service and he said that he thought it would not be satisfactory to the people. A little later on I will read more in detail from his testimony.

Mr. SMITH of Georgia. If the Senator from Rhode Island will remain on his feet for a moment—I thought at first he quoted a statement by one of the commissioners applicable to the railroads in the South Atlantic States. Did it only apply to New England, then?

Mr. LIPPITT. The testimony that I am reading was applicable to the New England situation.

Mr. SMITH of Georgia. And there was no testimony from him with reference to the South Atlantic States?

Mr. LIPPITT. I am not sure about that.

Mr. JOHNSTON of Alabama. On page 83 there is a statement as to the Old Dominion Steamship Co.

Mr. SMITH of Georgia. What is the statement with reference to it?

Mr. JOHNSTON of Alabama. I will just hand it to the Senator from Georgia.

Mr. SMITH of Georgia. Reading from the report, I find that the question by the Senator from Kansas [Mr. BRISTOW] was—

Senator BRISTOW. Well, Judge Prouty, if the railroad was willing to establish the connection, the same connection, with an independent company—

Mr. BRISTOW. Will the Senator state on what page he is reading; what place?

Mr. SMITH of Georgia. Page 883—

that it has with this navigation company and to cooperate with it on the same terms, there would be no doubt about the success of the situation, would there?

Mr. PROUTY. I do not say that it could not be done; I suppose it could be done. The Old Dominion Steamship Co. operates from New York to Norfolk, in connection with those southern lines of railroads, a very satisfactory service; but you understand that that boat service on the Sound, the water haul, only takes a few hours; and when you come to undertake to split that up between two companies, making the railroad haul the affair of one company and the boat haul the affair of another company, and when you remember that the railroad which must perform a part of that service is a competitor with the boat line which performs the other part, it seems to me that you are going to hurt the water service.

Again, Mr. Prouty says:

Now, Senator, my judgment rather is—and perhaps I have not a sufficient knowledge upon which to base a judgment—that it would deteriorate the service to divorce the Sound steamers from the New Haven road, because that traffic originates at the interior points; it is delivered at an interior point, so to speak, in New York; if it goes west, it goes by some railroad. It is important that the Sound steamer and the railroad should operate in connection with one another; and, certainly, unless somebody has got a right to lay his hand on that operating situation and say "You shall start a train from Brockton every afternoon at 3 o'clock, which shall run down to Fall River, or somewhere else, and there discharge its cargo on a boat which leaves there at a certain hour and goes to New York at a certain hour"—unless you can say all that, you can not bring about the service that they have got there to-day.

With reference to the situation in the South Atlantic States, I know that we have been anxious for a long time to establish water transportation out of our ports. The principal water

transportation we have now has been developed by railroads reaching the ports, and I am not sure what the effect of this bill would be as it comes from the House upon that character of transportation.

I say very frankly that my interest in the subject is not in the companies that haul the traffic, but in the people who are to be served by the haul. If I were sure that divorcing these companies would help our transportation situation, I would at once be ready to vote for a bill which would divorce them.

It is lack of complete information on my part that makes me hesitate to go further than a provision applicable to the Panama Canal. I am especially desirous to have the Senate committee amendment defeated and the House provision adopted, for the House provision will be effective as to the canal. I feel satisfied that the Senate committee amendment will not accomplish the purpose. The most important question before us is to save the House remedy. I shall vote first for the amendment that I have offered to the House provision, but I will vote for the House provision as it is if the amendment is not adopted. If the amendment I have offered is adopted, then I hope a carefully prepared measure may still be adopted in the near future which will bring to a close the control by railroad companies of competing transportation by water.

Mr. GALLINGER. Mr. President, may I propound a question to the Senator from Georgia? I paid very little attention to section 11. Am I correct in the supposition that if either the provision of the House bill or the Senate committee amendment becomes a law all steamships owned by railroads, whatever that may mean, will be prohibited from passing through the Panama Canal?

Mr. SMITH of Georgia. No; I do not think so. It will be from where the operation by water was in competition with their operation by rail. The measure is intended to prevent cooperation where the line could be considered competing.

Mr. GALLINGER. What is troubling me about the matter, if I understand it correctly, is this: I assume that if that provision goes into the bill the ships owned by, we will say the Southern Pacific Railroad Co., the Pacific Mail steamships, will not be given admission to the canal, but the ships owned by the Canadian Pacific Railroad, one of the greatest corporations of the world, a foreign corporation, will be allowed to enter the canal. Am I correct in that?

Mr. SMITH of Georgia. That is a suggestion which had not before occurred to me.

Mr. CLAPP. I wish the Senator from New Hampshire would repeat his suggestion.

Mr. GALLINGER. The Senator from Minnesota asks me to repeat my suggestion. I do not know that I am right about it; I am asking for information. It is that if the bill becomes a law the ships, we will say, controlled by the Southern Pacific Co. will not be allowed entrance to the canal, while the ships owned by the great Canadian Pacific Railroad will be given admission.

Mr. CLAPP. I think that follows.

Mr. GALLINGER. So we will be giving preference to a foreign nation so far as their railroad-owned ships are concerned.

Mr. SMITH of Georgia. I will say to the Senator of course I am not in favor of that.

Mr. GALLINGER. Then I think we ought to amend the bill in some way.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Will the Senator from New Hampshire yield to the Senator from Kansas?

Mr. GALLINGER. Certainly.

Mr. BRISTOW. This provision relates to the coastwise traffic. If the Canadian Pacific owns a steamship that is operating in the coastwise traffic of the United States it must conform to all the rules that any other vessel does that is operating in the coastwise traffic. This law would prohibit it the same as any other railroad-owned steamship.

Mr. SMITH of Georgia. The Senator means the House provision.

Mr. BRISTOW. The House provision. If the Canadian railroad owns a steamship that is operating under a foreign flag, that steamship is permitted to ply between ports or handle coastwise traffic in the United States.

Mr. GALLINGER. That is right.

Mr. BRISTOW. Therefore, it could not avail itself of this provision for free tolls, nor would it be prohibited by this provision, because it can not enter into the commerce that this relates to. It can not compete with itself in handling traffic between ports of the United States.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Connecticut?

Mr. GALLINGER. I yield.

Mr. BRANDEGEE. The Senator is in error in that statement.

Mr. GALLINGER. I think so, too.

Mr. BRANDEGEE. Let me call his attention to the fact that section 11 of the House bill does not say anything about the coastwise traffic at all, and I think the point he is making is not applicable to the situation.

Mr. GALLINGER. That is the way I read the section, that it does not make any reference to coastwise traffic. If it does not relate to coastwise traffic, it is manifest to me that we are denying entrance to the canal to American vessels and giving entrance to the canal to foreign ships.

Mr. BRISTOW. Will the Senator yield to me?

Mr. GALLINGER. Certainly.

Mr. BRISTOW. This relates to all railroads that come under the jurisdiction of the interstate commerce act.

Mr. GALLINGER. Yes.

Mr. BRISTOW. The Canadian railroads that have termini at the American ports which enter the United States territory are subject to the provisions of that act. So that no ship owned by a Canadian railroad competing with an American railroad-owned ship will in any way interfere or have a preference over the American ship in this commerce.

Mr. GALLINGER. Well, Mr. President, I apprehend that the provision will be amended so that it will go to conference, and I will content myself by having made the suggestion. I really believe that we are legislating against our own ships—very likely in a proper way; and I am not discussing that at all—while we are giving a preference to the ships of our neighbor on the north. I think it is a matter that ought to be very carefully looked into. Even though this provision relates only to ships that are under the interstate-commerce act, we can easily put in another provision that will exclude the railroad-owned ships, as it seems to me. I do not know whether or not any treaty is in the way of our doing that, but I would be very unwilling that ships owned by American railroads should be denied a privilege that is given to the ships of that great corporation known as the Canadian Pacific Railroad.

Mr. SMITH of Georgia. I want to say to the Senator from New Hampshire that, so far as I am concerned, I thank him for the suggestion. I have not scrutinized the provision with that view in mind, and I would not be willing to undertake to express an opinion until I had gone over it carefully and considered the effect it might produce upon the line to which he has referred.

Mr. GALLINGER. I thank the Senator for that. What I said was a mere suggestion. It occurred to me in reading the bill that that was a proper construction.

Mr. SMITH of Georgia. My own study of these provisions has not been so thorough as I would have wished, because we have all been very much occupied with many matters and very much pressed. I was convinced that the proposed Senate committee amendment was scarcely practical of enforcement and that the House had inaugurated a plan for reaching the question which was the feasible plan, and the amendment which I have suggested occurred to me with reference to the House plan. That it may not require still further amendment I am not at all prepared to say.

Mr. GALLINGER. If that amendment is agreed to, as I hope it will be, the provision will then go to conference, where it can be enlarged, if necessary.

Mr. O'GORMAN. Mr. President, to cover the suggestion made by the Senator from New Hampshire (Mr. GALLINGER), if the House provision is retained the first paragraph of the Senate amendment might be used with a slight variation in the language, so as to read—and this would relate to ships controlled by foreign railroads—

That no ship owned, chartered, operated, or controlled by a foreign railroad company, or in which any foreign railroad company has any interest whatever—

And continue down to the word "States," in line 25, on page 20.

Mr. GALLINGER. That covers precisely what I had in mind, if my suspicions as to the meaning of the section are correct.

Mr. O'GORMAN. The insertion of those words would remove all possible uncertainty as to the act itself covering not only domestic railroads, but also all foreign railroads and vessels controlled by them.

Mr. GALLINGER. I think that ought to be done.

Mr. O'GORMAN. I offer that amendment as an amendment to the House provision.

The PRESIDING OFFICER. The Chair would suggest to the Senator from New York that there is one amendment already pending.

Mr. SMITH of Georgia. Still, may not the Secretary read the amendment proposed by the Senator from New York for information?

Mr. O'GORMAN. The amendment as proposed is according to the language on page 20, beginning at line 18, and going down to the word "States," in line 25, with the insertion of the word "foreign" before "railroad," on line 19, and the insertion also of the word "foreign" before the last word in line 19.

The PRESIDING OFFICER. The Chair would ask the Senator from New York where he would suggest the insertion of the amendment?

Mr. O'GORMAN. That will follow as a consequent part of the House provision.

Mr. SMITH of Georgia. Mr. President, I understand, then, that the suggestion of the Senator from New York is to retain the House provision and to retain so much of the Senate committee amendment as is on page 20 down to the last word on that page with an amendment to it?

Mr. O'GORMAN. With two slight alterations which I have suggested, the insertion of the word "foreign" twice in line 19.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. The Senator from Kansas has the floor. Does he yield to the Senator from New York?

Mr. BRISTOW. I do.

Mr. ROOT. Does the junior Senator from New York think that it is competent for us to refuse passage through the canal to any foreign vessel because we do not like the ownership of the vessel?

Mr. O'GORMAN. I should like to know, Mr. President, what objection there is to it. We are not discriminating against any particular nation, but we are establishing it as a general rule, applicable to all nations.

Mr. ROOT. We are undertaking to impose our ideas of public policy upon other nations.

Mr. O'GORMAN. We have the right reserved to us under the treaty to do that if we work no inequality among foreign nations.

Mr. ROOT. Our duty is to admit the ships of all nations to that canal and to allow them to pass through it. We have no right to say that any ship of any nation shall be excluded because of its ownership. That is perfectly clear, both under the treaty with Panama and the treaty with Great Britain. I do not know how many violations of this treaty it is desired that we shall make, but this would clearly be a violation of it.

Mr. SMITH of Georgia. I wish to make one further suggestion before I take my seat, both to the Senator from New York and to the Senator from Kansas. Do not the Canadian railroads file their schedules with the Interstate Commerce Commission of the United States and accept control in a measure over their work by that commission?

Mr. BRISTOW. They do.

Mr. SMITH of Georgia. And would they not fall within the provision of the House bill?

Mr. BRISTOW. They would.

Mr. SMITH of Georgia. I understand that the theory of the members of the committee of the other House was that in that way they could reach the problem without involving the United States in any dispute with Great Britain and without subjecting our Government to the charge of undertaking a control it did not have, and that was the surest way to reach the question. I desire only to add, before the Senator proceeds, that I have no fixed views about this matter, except that I thought the Senate committee provision would not reach the object intended, and I am anxious to see that course pursued which wisely and legally will bring the benefits sought.

Mr. BRISTOW. Mr. President, I desire to say that I agree with the Senator from Georgia that the proposed amendment of the Senate committee would not be effective and would not meet the purpose desired by this legislation. So far as this being legislation against steamships owned by American railroads and placing restrictions on them that would not be placed upon steamships owned by Canadian railroads is concerned, that is not a matter that at all disturbs me.

What is the purpose of this legislation as it comes from the House? The purpose is to prevent a railroad company from acquiring a steamship line or establishing one that competes with it so as to control the rate that the water transportation would otherwise provide. The purpose is to control the water rates and protect the rail rates by controlling the competitors of the railroads; the purpose is to prevent the transcontinental railroads or the Sound railroads or the Lake railroads from acquiring possession of steamships on the Lakes, on the Sound, on the Pacific coast, or on the rivers in the United States—to prevent the railroads from acquiring those steamships and vessels so as to control the water rates and maintain higher rates by so doing. It is to prevent them from destroying water competition.

A Canadian railroad can not put a steamship in operation between American ports so as to compete with its own line in handling American traffic. It can not run a steamship from Boston or New York to San Francisco——

Mr. BRANDEGEE. Mr. President——

Mr. BRISTOW. Just a moment—and thereby protect the rates along the Canadian railroad, because such a steamship does not reach the terminus of the Canadian railroad, unless that railroad extends its lines down into the United States, and when it does extend its lines into the United States, then it is subject to the interstate commerce act, and the provisions of this bill will apply to it.

Mr. BRANDEGEE. If the Canadian Pacific Railroad should put on a line of steamers running from Montreal through the Panama Canal to Vancouver, why would it not be competing with itself at its own termini on both coasts?

Mr. BRISTOW. Because the Canadian railroad-owned steamship running from Montreal to Vancouver will not handle coastwise American commerce.

Mr. BRANDEGEE. That is not what I asked, Mr. President.

Mr. BRISTOW. And we are not interested in the rates on the Canadian road from Montreal to Vancouver.

Mr. BRANDEGEE. The Senator stated that it could not compete with itself. It is perfectly evident that it could if it did what I have suggested.

Mr. BRISTOW. Are we interested in the rates from Montreal to Vancouver?

Mr. BRANDEGEE. That is a different question.

Mr. BRISTOW. That is exactly the question which the Senator from Connecticut presents——

Mr. BRANDEGEE. No; it is not.

Mr. BRISTOW. Because it could not control any of the rates except those from Montreal to Vancouver; rates in which we are not interested.

Mr. BRANDEGEE. If I have presented any such question, I did not do myself justice, because I did not intend to present such a question, I am sure.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Washington?

Mr. BRISTOW. I do.

Mr. POINDEXTER. I only rose to say that, in my judgment, we are very largely interested in the rates of the Canadian Pacific Railroad. They do a very large American business, especially on some parts of their line. They are competitors with our own lines, and certainly it would not do in this bill to leave it in a condition by which they would be preferred, so far as their general transcontinental business is concerned, to our own American roads.

Another question I should like to suggest to the Senator is this: Why could not the Canadian Pacific Railroad own a vessel doing business between New York and Seattle or San Francisco if it were an American vessel, registered in America, and flying the American flag, sailing from Montreal? There may be something in the law to prohibit that, but, if so, I am not aware of it. There is no reason why that vessel could not touch at American ports and do a coastwise trade as an American ship.

Mr. NEWLANDS. Mr President——

Mr. BRISTOW. If the Senator from Nevada will permit me, if the Canadian railroad owned a ship under American registry it could do coastwise commerce, but the rates that would prevail between the American ports are rates in which the transcontinental railroads of the United States are interested, and not the Canadian railroads, unless the Canadian railroads enter United States territory; and whenever they enter United States territory they become subject to the interstate-commerce act, upon which this measure is based.

Mr. McCUMBER. May I ask the Senator a question for information?

Mr. BRISTOW. Yes.

Mr. McCUMBER. I desire to know whether, under our registration laws, a foreign corporation can own a ship of American registry and do a coastwise business. I did not suppose they could. I supposed the ownership had to be American.

Mr. BRISTOW. The Senator is right about that.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Nevada?

Mr. BRISTOW. Yes.

Mr. NEWLANDS. I should like to make a suggestion right there. What is to prevent the Canadian Pacific Railroad from owning the stock of an American corporation whose vessels are

engaged in the coastwise trade between Boston or New York and San Francisco? What is to prevent that road from owning the stock of some steamship company, like the Pacific Mail Steamship Co., and thus accomplishing the very purpose which you seek to avert, with reference to the Southern Pacific Railroad Co., which is now the owner of that stock?

Mr. BRISTOW. In answer, I will suggest to the Senator, What interest would the Canadian railroad have in running a steamship line from New York to San Francisco?

Mr. NEWLANDS. Well, my idea is that all the transcontinental lines wish to carry as much tonnage as possible overland, instead of having it carried by sea. They have a common interest; and if we prohibit by law American railroad lines from directly or indirectly controlling ships which are engaged in the coastwise traffic between the two coasts, then it will be to their common interest to see to it that the Canadian railroad operates such a line, the purpose being to prevent the use of the canal as a means of reducing transcontinental rates of transportation.

Mr. BRISTOW. In answer to the Senator from Nevada I will say that if any Canadian railroad is subject to the interstate-commerce act, this act will apply to any ships that it may own, and, in my judgment, the Canadian transcontinental railroads are all subject to the provisions of the interstate-commerce act, because they enter some part of the United States and thereby become subject to it. If it should appear that it would be practicable or feasible or possible for a Canadian railroad to own a steamship line operating between the Atlantic and Pacific coasts of the United States to accomplish the very purposes we are seeking to prevent, then I think the bill should be amended so as to prevent such ownership or to prevent those railroads taking such an advantage; but I do not think that that condition exists.

Mr. NEWLANDS. Let me suggest to the Senator that that difficulty could be met this way. The Canadian railroad company could not directly own American ships engaged in transportation between New York and Boston and San Francisco in the coastwise trade. It probably could, if its charter permits it, own the stock of an American steamship organization that was engaged in that coastwise trade.

Now, whilst we can not control the Canadian Pacific Railroad in its operations as to the purchase of stock or in the control of steamship lines, we have control over American ships owned by an American company, the stock of which the Canadian Pacific owns, and our legislation should be directed to the ships and not to the railway companies, and should forbid the passage through the canal of ships owned by American companies engaged in coastwise trade, which companies are controlled, directely or indirectly, by any railroad, whether foreign or domestic, engaged in transportation between the two oceans. We can easily forbid those ships the use of the canal, and that is entirely a matter of domestic legislation.

Mr. BRISTOW. The Senator will find that that is not practicable, because if you make this inhibition apply to the ships instead of the railroad controlling the ship, any railroad company can go out and buy a share of stock in the company owning the ship and stop its passage through the canal.

The truth is that this discussion has been interjected into this debate not by Senators, but by the interests who have been here all winter to undertake to prevent the enactment of this legislation. They brought here this Canadian railroad bogey in order to confuse the public mind, in my judgment.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I want to make a statement in a few words.

I have never been interviewed by any of these railroad people, nor has the Canadian situation been mentioned to me by them. It occurred to me in reading this section. They certainly have neglected me if they have been looking after Senators, and I feel aggrieved that they should have overlooked me.

Mr. BRISTOW. I think they probably thought the Senator from New Hampshire would have his mind made up, and there was no use to interview him, because they have been very persistent and the discussion before our committee has been very elaborate regarding this phase of the matter.

Mr. O'GORMAN. While the Senator from Kansas is referring to the Canadian railroads, I desire to say a word. A little while since the Senator from New Hampshire called attention to the possibility of a Canadian railroad-owned boat being permitted to use the canal when we would exclude from its use a boat controlled by an American railroad company, and to cover the situation suggested by the Senator from New Hampshire I proposed an amendment.

Upon reflection I do not see the need of pressing that amendment. We do not exclude railroad-owned boats from the use of the canal, if we pass this act, as a matter of sentiment. We attempt to exclude them because their use of the canal would interfere with free competition in transportation conditions in the United States.

Now, if a boat owned by the Canadian railroad comes down to use our canal, as suggested a moment ago by the Senator from Kansas, we are not concerned with local or domestic conditions in Canada; presumably the Canadians can take care of themselves; we have no affirmative duty to try to prevent monopoly finding a place in Canada; and, indeed, I can see how the use of our canal by the Canadian railroad-owned boats would really contribute to freer competition in the United States. We are only concerned with free competition in the United States, and while it might offend our sense of propriety at first to think that we permit a foreign railroad-owned boat to do something that we do not permit an American railroad-controlled boat to do, yet, as I have said, we are not to be controlled by a matter of sentiment. We are only influenced with respect to this situation because of the effect one policy or another may have upon the development of free competitive conditions in the United States, and the only menace threatening the American people with respect to the control of our markets and our rates and our facilities of transportation is the possibility of American railroads controlling water transportation; and in that aspect of the situation, Mr. President, I withdraw the amendment I proposed a few minutes ago.

Mr. NEWLANDS. Mr. President, I think it will be necessary to renew in some form the amendment proposed by the Senator from New York, if we wish to cover our purpose. I think the Senator from New York underestimates the power of the Canadian Pacific Railroad Co. to minimize the use of the Panama Canal, and if the Senator will listen to me I will explain.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. NEWLANDS. Not for the present.

Mr. BRISTOW. I believe I have the floor, Mr. President.

The PRESIDENT pro tempore. The Senator from Kansas has the floor.

Mr. NEWLANDS. Oh, I thought I had the floor.

Mr. BRANDEGEE. I would not have interrupted the Senator just at this time, except that it was agreed at the time when we made the unanimous-consent agreement that we would hold an executive session before 6 o'clock, several Senators having some matters which they want to bring up in executive session. If the Senator from Kansas will yield to me for that purpose, I shall make that motion. I dislike very much to take the Senator from Nevada off his feet, but it is in accordance with the agreement we made at the time.

Mr. BRISTOW. In a moment. Mr. President, I desire to state that when I resume after the recess I should like to proceed and get through in a few moments; but the debate will be interminable if there is a disposition to continually interrupt a Senator having the floor.

I now yield to the Senator from Connecticut.

EXECUTIVE SESSION.

Mr. BRANDEGEE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session, the doors were reopened, and (at 6 o'clock p. m.) the Senate, in accordance with its previous order, took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m. on the expiration of the recess.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Washington suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crane	McLean	Root
Bacon	Crawford	Martin, Va.	Sanders
Bourne	Culberson	Martine, N. J.	Simmons
Bradley	Cummins	Massey	Smith, Ga.
Brandegee	Dillingham	Nelson	Smith, Md.
Bristow	Gallinger	O'Gorman	Smoot
Bryan	Gronna	Oliver	Stone
Burnham	Johnston, Ala.	Overman	Townsend
Burton	Jones	Page	Warren
Catron	Kenyon	Penrose	Wetmore
Chamberlain	Kern	Perkins	Williams
Clapp	Lippitt	Poindexter	Works
Clark, Wyo.	Lodge	Reed	

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 51 Senators have responded to their names. A quorum of the Senate is present.

LISTS OF CLAIMS AND JUDGMENTS.

Mr. WARREN. Will the Senator in charge of the pending measure yield to me for a moment to introduce a resolution?

Mr. BRANDEGEE. The Senator from Kansas [Mr. BRISTOW] has the floor.

Mr. BRISTOW. I yield to the Senator from Wyoming.

Mr. WARREN submitted the following resolution (S. Res. 574), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury is hereby directed to transmit to the Senate the following schedule and lists of claims and judgments requiring appropriations by Congress not heretofore reported to Congress at the present session, namely:

First. Schedule of claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874.

Second. List of judgments rendered by the Court of Claims against the United States.

Third. List of judgments rendered by the Court of Claims in favor of claimants and against the United States under the act to provide for the adjudication and payment of claims arising from Indian depredations, approved March 3, 1891.

Fourth. List of judgments rendered against the United States by the circuit and district courts of the United States under the act to provide for bringing suits against the Government of the United States, approved March 3, 1887.

THE PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. PENROSE. If the Senator from Kansas will yield to me for a moment, I have here a communication from the Philadelphia Chamber of Commerce which is very brief, containing the views of the Chamber of Commerce on the Panama Canal legislation. I ask unanimous consent to have it inserted in the RECORD.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the paper, the character of which he has stated, may be inserted in the RECORD. Is there objection? The Chair hears none, and it will be so ordered.

The matter referred to is as follows:

PHILADELPHIA CHAMBER OF COMMERCE,
OFFICE OF THE FREIGHT COMMISSIONER,
August 5, 1912.

Hon. BOIES PENROSE, *Washington, D. C.*

DEAR SIR: On behalf of the Philadelphia Chamber of Commerce, representing 2,500 firms, I desire to impress upon you the importance of Congress taking immediate action with respect to Panama Canal tolls and the restriction of railroad owned or controlled vessels from using the canal. This organization has placed itself squarely on record in resolutions adopted December 14, 1911, and March 14, 1912, as favoring the free passage for vessels engaged in domestic commerce and the prevention of the railroad interests from operating steamship lines through the canal.

I would request that this communication be entered in the RECORD.

Very truly, yours,

N. B. KELLY, *Secretary.*

Mr. BRISTOW. Mr. President, referring to the matter which was under discussion when the Senate went into executive session, I will state that there are but two Canadian roads that could in any way be interested in transcontinental traffic, which are the Grand Trunk and the Canadian Pacific. Both those roads file their schedules with the Interstate Commerce Commission. The commission has access to their records at Montreal, and they are just as much under the Interstate Commerce Commission as are the American railroads. So there could be no possibility by which a Canadian railroad could exercise any discrimination or take any advantage under this bill in any way as against American roads.

Mr. GALLINGER. Mr. President, I am pleased to hear that statement from the Senator. It answers the query that I stated and which caused more discussion than I anticipated. It is very gratifying to me to know that that is the situation.

Mr. LIPPITT. Do I understand the Senator to say that the Grand Trunk Railroad is under the control of the Interstate Commerce Commission?

Mr. BRISTOW. It is.

Mr. LIPPITT. The Grand Trunk Railroad has no mileage in the United States?

Mr. GALLINGER. Yes.

Mr. BRISTOW. Certainly.

Mr. GALLINGER. The Grand Trunk runs through a portion of Vermont on the way to Portland.

Mr. LIPPITT. I can not understand that that is the case. I do not understand that there is a mile of the Grand Trunk Railroad in the United States.

Mr. BRISTOW. The Senator from Rhode Island is mistaken. My information comes from the Secretary of the Interstate Commerce Commission, and I think he knows.

Mr. GALLINGER. Oh, yes; it certainly runs through towns in Vermont from Portland to Montreal.

The PRESIDENT pro tempore. The reporters are unable to hear the colloquy between Senators.

Mr. LIPPITT. I only wanted to verify it because it is entirely contrary to my information on the subject, and I am somewhat familiar with it. It was my understanding that the Grand Trunk Railroad had connections with several roads in this country, but that it did not directly have any of its own mileage in the United States.

Mr. BRISTOW. The Senator from Rhode Island is mistaken. I give my authority—the secretary of the Interstate Commerce Commission.

Mr. O'GORMAN. Mr. President, in connection with the discussion between the Senator from Rhode Island and the Senator from Kansas I am led to observe that the Senator from Rhode Island has through inadvertence been inaccurate in some of his statements made during to-day's session as to the testimony of Judge Prouty. His statement was to the effect that Judge Prouty rather approved of the monopoly that the New York, New Haven & Hartford Railroad has over the water transportation facilities of Long Island Sound. In this connection I ask leave to call the attention of the Senate to a letter under date of March 12, 1912, from Judge Prouty, the chairman of the Interstate Commerce Commission, addressed to the President. He said:

MARCH 12, 1912.

DEAR MR. PRESIDENT: Referring to your request made to Commissioner Lane and myself recently, that we confer with our associates and inform you whether in the opinion of the commission transcontinental railroads should be permitted to own steamships navigating the Panama Canal, upon condition that the rates and practices of such carriers were made subject to the Interstate Commerce Commission, permit me to say:

The commission, after consideration, is unanimously of the opinion that if the waterways of this country are to be of any substantial benefit in the way of reducing rates of transportation it is absolutely essential that rail carriers be prohibited from owning or controlling, directly or indirectly, competing water carriers. From our knowledge of what has happened in the past we are of the opinion that this is particularly true of transcontinental railroads and steamships plying in competition with them.

While the Interstate Commerce Commission might, if vested with authority, prevent to some extent the injurious effect of allowing a common ownership over these competing carriers, still the limitations under which we act are such that we do not believe we could secure to the public the same favorable rates which would result from unrestrained competition. The conditions of water transportation are such that we do not believe that the port-to-port water traffic ought to be placed under the supervision of this body—certainly not under the same rules which apply in case of rail carriers. The law should, in our opinion, be so amended and strengthened as to give this commission power to compel a physical interchange of business between water carriers and rail carriers and to establish reasonable rates for through carriage.

Respectfully,

C. A. PROUTY, *Chairman.*

The PRESIDENT,
The White House.

That letter expresses the deliberate judgment of the Interstate Commerce Commission that the only cure of this great evil is the absolute divorcement of railroads from the control of competing water transportation.

Mr. LIPPITT. Will the Senator from New York give me the date of that letter?

Mr. O'GORMAN. March 12, 1912.

Mr. LIPPITT. If the Senator will turn to the testimony of Mr. Prouty on June 4——

Mr. BRISTOW. Mr. President, I am very much interested in this colloquy, but I would rather that it should be deferred until I conclude my remarks.

Mr. LIPPITT. If the Senator will pardon me, the testimony of Mr. Prouty was on June 4, several months later, from which I read. The statements which I made were absolutely what Mr. Prouty said two or three months later than the date of the letter, and Mr. Prouty said it would be unfortunate to divorce the rail and steamship lines of New England.

The PRESIDENT pro tempore. The Senator from Kansas will proceed.

Mr. BRISTOW. Mr. President, I do not want to occupy the attention of the Senate a great while. I am perfectly willing to yield to questions. If any question comes to the mind of a Senator during my discussion I shall be glad to answer it, but I would prefer that Senators would not get into a controversy between themselves and thereby string out my time beyond any reasonable length.

The Panama Railroad was completed across the Isthmus of Panama in 1855. The Pacific Mail Steamship Co. was organized in 1846. When the Panama Railroad was completed it entered into a traffic arrangement with the Pacific Mail Steamship Co. for the Pacific Mail to handle the Pacific traffic; that is, the traffic on the Pacific side between San Francisco and Panama.

The first transcontinental railroad was completed in 1869, when the Central Pacific and the Union Pacific joined hands, I believe, at Ogden, Utah. Up to that time the Panama Railroad was the only transcontinental railroad. It had its own ships

on the Atlantic side. It connected with the Pacific Mail on the Pacific side.

The competing boats that then existed were a line of ships known as the clipper ships or sailing vessels that sailed around Cape Horn. The clipper ships were probably the finest sailing ships that were ever built, the fastest and most efficient. When the transcontinental railroad was built it was not contemplated that it should do an extensive transcontinental business, so that the transcontinental rates that were originally established were very high, $8 or $10 a hundred pounds, I think, from one side of the continent to the other, and the rates were higher from New York to San Francisco than from Pittsburgh or Chicago to San Francisco. In a very short time, however, these transcontinental rates were reduced, and the railroads began an effort to control traffic by way of Panama. So in 1871, two years after the railroad had been completed, an arrangement was made by which rate agreements were entered into between the Panama Railroad and the Union Pacific and Central Pacific roads.

That continued for some years, I think until 1879. Occasionally there was a rate controversy and a readjustment; but in 1878, if I remember the dates accurately, there was a contract made between the Southern Pacific Railroad and the Pacific Mail Steamship Co. by which the Southern Pacific Railroad Co. agreed to pay a certain sum of money for a period of 15 years. To be accurate, I think I will just read what a congressional committee found in regard to that in 1893, when the investigation was made. I can read it more briefly than I can state it, and it will contain more accurate information:

On the 1st of February, 1878, the Pacific Mail Co., a corporation organized under the laws of New York, owning and running steamers between New York and Aspinwall on the Atlantic, and between Panama and San Francisco on the Pacific, together with certain intermediate Central American and Mexican ports, made a contract for 15 years with the Panama Railroad Co., also a corporation under the laws of New York. At that time there was no showing that there were any foreign stockholders in either of these two corporations.

This contract provided that the Pacific Mail should have the exclusive right "to bill freight through" from New York to San Francisco and vice versa over the Panama Railroad, and all freight offered by others between these points could not be "billed through," but would have to pay local rates on the Isthmus railway. The sum paid for this was to be a lump sum of $75,000 a month to the railroad company, which, by modification, was afterwards lowered to $55,000 a month.

A remarkable fact about this contract is that it was the result of a contract made before that time between the Pacific Mail Co. and the Transcontinental Railway Pool, as at that date the Association of Transcontinental Railways was called. That was a contract whereby the Transcontinental Railway Pool, embracing all of the roads between the Missouri River and the Pacific seaports, and covering entirely all railway traffic between the Atlantic and Pacific seaboards, several of which had received large donations of public lands and the bonds of which the United States Government was guaranteeing, paid the Pacific Mail the sum of $90,000 a month—

Seventy-five thousand dollars of which went to the Panama Railroad—

which was afterwards reduced to $75,000 a month, for the consideration that the Pacific Mail would carry only 1,200 tons a month of freight each way between New York and San Francisco, and on that freight would allow the transcontinental pool to fix the price and rate to be paid. That was the upshot of the contract, although the form was a reservation of space for 1,200 tons a month for the exclusive benefit of the transcontinental railway roads whether the steamers sailed full or half empty.

After the passage of the interstate-commerce law had compelled the dissolution of the so-called "pool" a transcontinental railway association was formed, which, under some name or other, is still in existence; and down to the present time the Pacific Mail, subsidized by the Government in a large amount each year, has been allowing the transcontinental railways to fix the rates and limit the traffic over its line. These two contracts were so far practically parts of one and the same that the amount paid the Panama Railroad monthly was fixed with regard to that paid to the Pacific Mail by the transcontinental roads, and when the latter was lowered from $90,000 a month to $75,000 the former was lowered from $75,000 to $55,000. The object of this is frankly stated by the officers of both the transcontinental roads and the Pacific Mail; it was to maintain rates above the level to which they would fall if free competition between these several routes had continued.

It seems to be certain that a very large, if not an absolutely controlling, interest in the stock and directory of the Pacific Mail Co. is owned by individuals and estates very largely interested in the stock and directory of the transcontinental roads.

I am reading now from a report of a committee of Congress.

Mr. GALLINGER. Of what date?

Mr. BRISTOW. This report is dated the 3d of March, 1893. The report continues:

Whatever be the case in the last 60 days, it is perfectly clear to your committee that the Panama Railroad Co. has for 15 years been prevented by these arrangements from being a competitor with the transcontinental railway lines.

Your committee recommends that whenever, under provisions of the act of March 3, 1891, "for ocean mail service and to promote commerce," the Postmaster General shall enter into contract with any line of vessels a clause shall be inserted in said contract to the effect that if said steamship line shall enter into any combination or arrangement with competing lines of traffic the result of which is to diminish traffic or raise or maintain rates of freight on American commerce, foreign or domestic, over what free competition would effect, that said contract may be terminated forthwith by the Postmaster General.

That was the provision by which they sought at that time to prevent this monopoly of traffic or this suppression of competition by way of the Isthmus of Panama.

Your committee regrets, so far as the ownership of nearly all the stock goes, that the control of any American corporation, as the Panama Railroad is, should be held in foreign hands, particularly in the hands of the liquidator or receiver of another corporation, also foreign appointed by judicial authority and subject to foreign judicial supervision. It fails to see, however, that any law, treaty stipulation, or contract obligation has been violated by the purchase of these railroad shares by the Panama Canal Co., or that as yet any discrimination has been attempted against American commerce or any injustice practiced thereon on account of such foreign ownership of this stock.

Now, I want the attention of the Senate.

The restrictions and injuries American trade and commerce have sustained have been laid on them by American citizens controlling various other American corporations, and it is not a pleasing subject to contemplate.

Your committee can not refrain from calling attention to what seems an obvious deduction from the facts shown, that it is to the interest of the United States that the American people should absolutely control some outlet across the Isthmus at some point, which shall be used for the benefit of American trade in general as an open and continuous competitor, affording no opportunity for entangling subsidies from great competing lines or chance of falling into the grasp of any monopoly through stock manipulations.

JOHN R. FELLOWS, *Chairman.*
T. J. GEARY.
JOSIAH PATTERSON.
H. HENRY POWERS.
BELLAMY STORER.

You will observe that back in 1893 a congressional committee, upon investigation, found that the transcontinental railroads were suppressing competition by way of Panama. This congressional committee suggested then, as you will observe, that some means of outlet across the Isthmus should be provided whereby the control of traffic by way of Panama by the railroads could be prevented. That was 19 years ago. Yet during those 19 years the transcontinental railways, through various devices, have controlled the traffic by way of Panama, and it never has been a competitor until in the last year, when it has been a competitor to some extent; but to that I will refer soon.

It is believed by some that with the canal across the Isthmus it would not be so easy to control traffic as it has been with the railroad across the Isthmus. A contract similar to the one that existed 15 years between the Panama Railroad Co. and the Pacific Mail was in existence in 1905, and, indeed, in 1903, when we acquired the Panama Railroad. That contract was abrogated by the United States Government in 1905. During all the years that contract was in existence the traffic aggregated about twelve or fifteen hundred tons a month. Occasionally there would be a quarrel between the Pacific Mail and the Panama Railroad, which would last for a short time. At one time, for about a year, I believe, the Panama Railroad established a line of its own on the Pacific coast, and there was very fierce competition; but that was adjusted after both had lost money, which usually is lost in rate wars, and then this contract was entered into.

In 1900 the Southern Pacific Railroad acquired 50½ per cent of the stock of the Pacific Mail Steamship Co. Prior to that it had been controlled by Mr. Huntington personally or by those associated with him in business, and afterwards by the Harriman system, but at that time the stock was placed in the ownership of the Southern Pacific Railroad, and so continues down to the present time. During all this time the Pacific Mail Steamship Co. has been used for the purpose of preventing competition with the transcontinental railroads by way of Panama. It was worth a million dollars a year to the transcontinental railroads away back in the eighties to control the rates by way of Panama. When the interstate commerce act was passed, having controlled it in the way I have indicated prior to the enactment of that law, then they sought to control it in another way to evade the inhibitions which the law sought to impose. For the last 10 years they have controlled it by the Southern Pacific owning the stock.

The Panama Railroad has been in operation for about 57 years, and for more than 50 of those years it has had an iron-clad contract of some kind, or traffic agreement, with the Pacific Mail to give the Pacific Mail the monopoly of the water traffic between the Atlantic and Pacific ports of the United States. The New York, New Haven & Hartford Railroad controls the traffic of New England. The railroads control the water transportation of the Great Lakes. In order to get control of the water traffic of the Great Lakes they first put down the rates of traffic until they had gradually acquired all of the lines that operated between Duluth and Buffalo; and after they had acquired control of the lines, they then gradually raised the rate on wheat, which was the principal commodity. When there were independent steamship lines on the Great Lakes there was a differential of 5 cents a hundred on wheat from

Duluth to Buffalo. When this water competition was eliminated that differential was reduced, first from 5 cents to 3 cents and then to 2 cents, by increasing the water rates.

Take the situation between Galveston and New York. There is the open sea, and yet there is not to-day an independent steamship line operating between Galveston and New York—no steamship line that is not under control of the railways. The Mallory Line is associated with the Santa Fe Railway; the Morgan Line is owned by the Union Pacific, and no independent line has been able to get in there and get a footing and hold it. The Texas City Line went into the field a few years ago and lasted about a year, and then it was blanketed and ceased to be a competitor. That is the story of water transportation of the United States. Wherever it has been to the interest of the railroads to control it, wherever it competes with railway rates, it has been controlled.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. I do.

Mr. SMOOT. I should like to ask the Senator if he does not understand that section 11 would virtually allow the railroads to-day absolutely to control the traffic through the Panama Canal, not by the operation of ships, but by buying a share of stock in any ship company that may be operating through the canal and thus prevent them from going through the canal at all?

Mr. BRISTOW. The Senate amendment to section 11 would. The proposed amendment by the Senate committee to section 11 would be absolutely ineffective and would give the railroads an opportunity to buy a share of stock in any steamship line or any steamship company that was operating through the canal and thereby make it ineligible to go through. The railroads could not have anything more desirable to enable them easily to control by way of Panama than the amendment proposed by the Senate committee to section 11. I want to say that I am very much opposed to the amendment proposed by the Senate committee and in favor of the House provision standing as it is.

I am not in favor of the amendment of the Senator from Georgia, because I think the time to meet this condition that confronts the people in our transportation affairs is now. There is no occasion for postponing it any longer. We have all the information we need.

Mr. SMOOT. The Senator says he is not in favor of the amendment offered by the Senator from Georgia. I should like him to explain why he is not. As I understand the House provision now, it applies to any common carrier by water. Now, that does not mean through the Panama Canal, but it means upon the lakes and it means upon the high seas.

Mr. BRISTOW. Not upon the high seas unless it is competing with the road that controls it.

Mr. SMOOT. It may be competing indirectly.

Mr. BRISTOW. If it is competing——

Mr. SMOOT. I should like to know why that amendment should not be adopted as offered by the Senator from Georgia. It looks to me like it is a very proper amendment.

Mr. BRISTOW. That limits this inhibition to the Panama Canal.

Mr. SMOOT. I say I recognize that fact, and I thought while we were dealing with the Panama Canal and the competitive rates that would come about through the transportation of freight through the Panama Canal, that that was a proper thing, to limit the inhibition to the Panama Canal.

Mr. BRISTOW. The Committee on Interstate Commerce in the House has sent us a bill which goes much further than that, and the reason that we think the railroads should not be permitted to monopolize the use of the canal with steamships is because it gives them an opportunity to monopolize transportation in that way and hold up rail rates; control the traffic and control the rates.

Now, if it is necessary or desirable to prevent the railroads from controlling the rates by way of the Panama Canal, because it is against public policy for them to do so, is it not desirable to break up the control they already have formed in other parts of the United States?

If it is desirable to break up or to prevent the control of rates by way of Panama, it seems to me it is desirable to break up the control on the New England coast or the Great Lakes or by way of Galveston, and that is the reason I favor the House provision, because it covers the entire country.

The railroads have driven the steamboats off the rivers. I do not want to take the time of the Senate to read extended statements from these hearings. The Senator from Oregon [Mr. CHAMBERLAIN] very forcibly illustrated yesterday how the railroads control the steamboat traffic on the rivers in Oregon; they absolutely control the rates.

Take Montgomery, Ala. The merchants of Montgomery, Ala., a few years ago established a barge line from Mobile to Montgomery, hoping to get the advantage of water rates. We have expended more than a hundred thousand dollars to make the river between Mobile and Montgomery navigable. A barge line was purchased and put on that river by the merchants of Montgomery to get the advantage of water transportation which we had been trying to give them by the expenditure of public money. What did the railroads do? I read a statement by a citizen of Mobile, on page 151 of the hearings. He gives exactly what happened in briefer form than I can tell you:

The CHAIRMAN. Do you think that railroads ought to be prohibited from owning steamships?

Mr. TURNER. Yes.

Senator O'GORMAN. Why?

Mr. TURNER. I do not think you are going to have any real competition on the ocean as long as you permit that. They will by one club or another control the terminals. They can control the port out of which the traffic will move, the steamer which will carry it, and the wharf which it will pass over. If a rival has got to compete with them under conditions like that he will soon be out of business. No one is going to build steamers, there is going to be no freedom in ocean travel, unless there is an absolute chance to do business on equal terms to all.

Senator TOWNSEND. Are you referring now to foreign commerce?

Mr. TURNER. Coastwise as well. I do not think they ought to be allowed to own steamship lines. They are hauling goods on land. That is exactly what they are supposed to be for. I do not think they ought to be allowed to make good any deficits of the steamship lines which can carry goods at a minimum rate until they drive everybody else out of business, and then they can restore the rate.

We had a steamboat line operating between Montgomery and Mobile which was undertaking to do business. The Southern Railway had permitted the Mallory Line to land at the Southern Railway wharf under a contract, which was an exclusive arrangement. This steamboat line, which was really all of the merchants of Montgomery combined, began to ship their goods from New York to Mobile by Mallory Line steamers. As soon as the railroad found it out they notified the Mallory Line to make the barge line keep away from the wharf; that they could not come there and get their goods and take them up the river. Those merchants were trying to get their freight a little cheaper by the combination of the New York to Mobile rate by the Mallory Line, and then by barges towed by steamboats up to Montgomery, thus getting their goods up cheaper than rail rates.

Continuing, Mr. Turner said:

Senator BRISTOW. You spoke, Mr. Turner, of the steamboat line between Montgomery and Mobile on the river.

Mr. TURNER. Yes.

Senator BRISTOW. That the railroads had refused to permit the Mallory Line to use its terminal.

Mr. TURNER. The Mallory Line used the railroad terminal under contract. The railroad notified the Mallory Line that they must not let this barge line land alongside the Mallory steamer even when she was tied to the wharf, or come to the wharf when the steamer was gone and take the barge line cargo brought to Mobile by the Mallory Line.

Senator BRISTOW. That barge line plied on the river between Montgomery and Mobile?

Mr. TURNER. Yes.

Senator BRISTOW. That was owned by an independent company, was it?

Mr. TURNER. It was owned by the merchants of Montgomery operating under the name of the Montgomery Barge Line. I believe that was the title.

Senator BRISTOW. The river has been made navigable by a large expenditure of the Government money, has it?

Mr. TURNER. Yes, sir.

Senator BRISTOW. Is the barge line still in operation?

Mr. TURNER. No; they have quit. They failed a few months ago.

Senator BRISTOW. They were driven off by the railroads?

Mr. TURNER. I do not say that.

Senator BRISTOW. That was the result of it?

Mr. TURNER. That was my opinion. They made them quit—put them out of business.

Senator BRISTOW. In that instance, as in many others, the Government expends large amounts in the improvements of these rivers, to make them navigable, and then permits the railroad companies to prevent them from being used by this system of discrimination at the terminals, etc.

Mr. TURNER. The railroad said that they had entered into a contract with the Mallory Line alone to use the terminal, and that they could prevent the Mallory Line from letting anyone else use it. They told the Mallory Line not to permit the barge to come back; and the barge line had to pay wharfage on the goods, dray them across the city to another dock, and pay another wharfage still. They piled up enough charges on the barge line until the barge line just became sick.

Now, that is a simple story which can be repeated, I think, a thousand times in the history of steamboat navigation on American rivers.

Mr. GALLINGER. That was genuine competition. Now, what is the remedy?

Mr. BRISTOW. Well, I think that the railroad should not be permitted to own and control the terminals, so that it could compel a competitor by water to go to this additional expense. I think, if the Senator will permit this diversion, that the terminals, the wharves and docks in a city at which ships land should be as free to be used upon payment of proper compensation as the streets of a city are free to be used by the public.

Mr. CLAPP. Or the waters of a harbor.

Mr. BRISTOW. Or the waters of a harbor. If they are owned by private companies, then that private company should be paid a reasonable and just compensation for the use of the wharf, but every steamship line that wants to use it ought to be permitted to use it upon exactly equal terms.

Mr. BRANDEGEE. Whom would the Senator advocate should pay the Pennsylvania Railroad for its terminal facilities in New York City?

Mr. BRISTOW. Those who use the terminal facilities.

Mr. BRANDEGEE. This is a practical question. It is all right to have a theory, but whom would the Senator tax to pay the condemnation price for those facilities?

Mr. BRISTOW. I would not have anyone pay the condemnation price myself, but if that is necessary it had better be done by the municipality——

Mr. BRANDEGEE. The Senator does not think they can be acquired without somebody paying for them?

Mr. BRISTOW. Property can not be taken without due compensation, but no private company has the right to monopolize harbors, created by the expenditure of millions of the public money, and use these facilities as private engines to kill other competing companies which have as much right to live in this country as the company which happens to get the harbor privileges.

Mr. BRANDEGEE. That may be the Senator's theory. He arbitrarily announces his opinion. Here is a quasi public company that has acquired this property and these privileges under authority of law, and it is its property. The Senator would like to see it thrown open to the public; or, in another case, that anybody who puts on a steamship line could use the accommodations which have cost millions of money to the corporations who own them.

Mr. BRISTOW. The party who uses them should pay a fair compensation for the use of the facilities.

Mr. BRANDEGEE. But the steamship company, the individual, or some one has to pay. Who is going to pay?

Mr. BRISTOW. Pay for the use of any property that is used that belongs——

Mr. BRANDEGEE. I thought the companies ought not to be allowed to own them?

Mr. BRISTOW. I think it would be better for the municipality to own them; but if private companies do, then they ought to be required to permit their use by other steamships. A steamship that does not own an interest in it should, upon paying a proper compensation for its use, be permitted to use it.

Mr. REED. Mr. President——

Mr. BRISTOW. I yield to the Senator from Missouri.

Mr. REED. I think the Senator from Kansas has already answered the question I was going to attempt to answer.

There is no possible question that, under the law, the governing power has the right to compel any private company owning wharves or docks to receive at that wharf or dock the goods of all other companies or individuals upon fair and just terms, the principle being exactly the same as that applied daily by the Government with reference to the railroads themselves.

A Senator here asks me aside why they did not do it in Mobile. I do not know why they did not do it at Mobile, but I know that they can do it whenever the legislative branch undertakes to and does pass proper legislation.

Mr. BRISTOW. I desire to say that this bill, in section 11, as it passed the House, gives the Interstate Commerce Commission authority to handle just such situations as the Mobile situation, and requires the railroad companies to permit the use of the wharf or to make the proper connections upon the payment of a proper compensation for the use of its property.

Mr. GALLINGER. Mr. President——

Mr. BRISTOW. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I have been of the opinion of late years—I may be wrong—that when a barge company undertakes to compete in the matter of doing business with a great railroad corporation, the barge company is bound to come to grief sooner or later. Has the Senator investigated the situation there to see whether the barge company could have existed if it had had the privileges of the wharf?

Mr. BRISTOW. There is a barge company, organized at St. Louis, to ply up and down the Mississippi River, which is at present successful; and a representative of this company appeared before the committee and stated that the barges were being operated, and successfully operated, and if they had proper connection with the railroads and were not squeezed out of business but were given a fair show, that it would be a success and a great advantage to the shipping public of St. Louis.

Mr. GALLINGER. A good many of such companies, some of them barge companies and some of them steamboat companies on the Mississippi River, have certainly come to grief. I suppose it would be said that the railroad oppressed them.

Mr. BRISTOW. I will explain to the Senator from New Hampshire just how that has been done. It has been some time since I looked at the figures, and while they may be a little inaccurate they are practically accurate.

On cotton, from Memphis to New Orleans, 450 miles, when I looked it up, the rate was 17 cents a hundred, New Orleans and Memphis being on the Mississippi River. Meridian, Miss., 196 miles from New Orleans, is not on the Mississippi River, but on the same railroad that runs between New Orleans and Memphis. From Meridian to New Orleans the rate was 36 cents a hundred. It is less than half the distance, and yet the rate is twice as much as between Memphis and New Orleans. Memphis and New Orleans are on the Mississippi River and there is water competition, or a possibility of water competition. Meridian is not on the Mississippi River, and the rate is 36 cents a hundred. It is an exorbitant rate if the 17 cents per hundred pound rate is a fair and reasonable one.

My contention is that if 17 cents a hundred pounds between Memphis and New Orleans is a just and fair compensation for the use of that railroad for that distance and the transportation of that cotton, then 36 cents a hundred on cotton from Meridian to New Orleans is exorbitant. If 17 cents a hundred pounds is not remunerative, then the railroad company has no business to lower its rate to that point, and the only reason for doing it is to destroy competition that otherwise would exist, and to make up the loss there they lay a tax upon interior points by charging them excessive rates.

That instance happens to come to my mind as an illustration of how traffic has been destroyed on rivers by the railroads. I could repeat them here by the hour by refreshing my memory a little.

Mr. SANDERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Tennessee?

Mr. BRISTOW. I yield to the Senator.

Mr. SANDERS. I can tell from experience why it is that barge lines have so often been unfortunate. It is on account of the terminal facilities at each end. The railroads reach all the factories and the warehouses and the places where goods are to be had, and the same is true at the point of delivery. The steamboats and the barges have no way of doing that, and the cost at each end of the line eats up the advantage of water transportation.

Mr. BRISTOW. I will read from Commissioner Lane on that point in a statement before the committee, on page 897 of hearings. Commissioner Lane is one of the ablest transportation authorities in the United States:

> The CHAIRMAN. Do you think the Pacific Mail would create a monopoly in the canal if they were allowed to go through there?
>
> Mr. LANE. I think the inevitable tendency of a railroad owning a boat line that competes with it, when it is a great and powerful system, is to keep all other competitors and independent lines off, and I think the history of the Pacific Mail shows that this is so in that case.
>
> * * * * * * *
>
> Senator JONES. But you would allow American railroad-owned ships to go from San Francisco through the canal to Liverpool, would you not?
>
> Mr. LANE. My principle is a simple one: That you should not allow a rail carrier in the United States to put on a line of steamships to compete with itself.

We do not permit a railroad to acquire a competing line of railroad. Why should we permit it to acquire a competing steamship line or establish a competing steamship line? That is simply what this bill undertakes to prevent.

> The CHAIRMAN. Do you think it is wise to attempt to inaugurate this policy, as indicated by section 11, with doubt as to its effect upon the commerce of the country and all parts of it, with the evidence we have in hand in connection with this Panama Canal bill?
>
> Mr. LANE. Of course I do not know what evidence you have before you. I have not followed your hearings.
>
> The CHAIRMAN. But, on the facts you have before you, what would you say?
>
> Mr. LANE. I think, so far as the Panama Canal is concerned, if the matter was up to us to-morrow to put into effect the provisions that are in this bill, or something similar, preventing the ownership of those boat lines by transcontinental railroads, that we probably would be unanimous in favor of this proposition.

On page 904:

> Senator BRISTOW. I think you are an older man than I am—
>
> I was mistaken about that; he is not—
>
> I think you are an older man than I am, and I remember when there were magnificent steamboats—a great many of them—on the Ohio River.
>
> Mr. LANE. They were put out of business by the railroad, were they not?
>
> Senator BRISTOW. Yes.
>
> Mr. LANE. They were put out of business by a combination of two things: The railroads got the terminals and the railroads made low rates and put them out.

Now, section 11 as it passed the House will control the situation as to terminals, and it will control the situation as to the acquiring and the operating of steamboat lines in competition with rail lines.

Mr. GALLINGER. In what way, if the Senator will permit me, does it remedy the matter of terminals?

Mr. BRISTOW. It gives to the Interstate Commerce Commission the authority to require the railroads to permit the use of terminals and to require the railroads to make proper connection where it can be done in the interest of the public and in fairness to the railroads.

Mr. GALLINGER. If the Senator will permit me, I dislike to interrupt him, because I know he wants to get along as rapidly as possible. The Government has spent millions upon millions of dollars on the Mississippi River, ostensibly for the promotion of commerce. I believe there is a great railroad system on each side of the Mississippi River, and as a result the commerce on the Mississippi River is negligible—hardly worth talking about. Is it not a fact that the rapid transit has something to do with this matter?

Merchants do not want to wait for their goods to be hauled by an old hulk of a steamboat these days any more than we want to travel in the old-fashioned stagecoach. Does the Senator think that legislation is going to affect a change in conditions to an extent that we will ever have any very great commerce on the Mississippi River?

Mr. BRISTOW. In answer to that, I desire to say that I believe the traffic, especially the heavy traffic, can be moved by water more cheaply than by rail.

Mr. GALLINGER. There is no doubt of that.

Mr. BRISTOW. If it can and the water route has a fair chance, or if the parties who undertake to operate steamboats on the water route have an equal show, they will do business, because they can do it cheaper and at less cost. But if the railroad companies control the terminals so that they can not get into the interior from the river, if the rate of transportation from the river point to the interior point is excessive and the combined water and rail rate more than the through rail rate, then the water rate will fail.

I will just read something from the statement of Commissioner Lane on that point, if the Senator will permit me.

Mr. GALLINGER. Yes. If the Senator will allow me, of course Germany regulates that matter by government ownership to a large extent of both railroads and boats. Germany divides the freight between the boats and the railroads, giving the heavier freight to the boats, and in that way, beyond question, there is competition and perhaps cheaper transportation.

But there is one other thing that has always troubled me about this matter, and that is the tremendously low rate at which commerce is being transported in this country by rail, a rate so low that it has been to my mind rather a surprise; there has been such a tremendous reduction as a rule. There may be exceptions, but the Senator will admit that rail transportation has been reduced to a point that is certainly not, as a rule, excessive.

Mr. BRISTOW. Well, sometimes they are excessive and at other times they are not. Now, Commissioner Lane says what I shall read:

Senator BRISTOW. Now, Mr. Lane, if the railroads can destroy competition because they can give better service and carry the traffic cheaper, why, then, do they demand low rates where there is water competition and demand the privilege of charging high rates where there is no water competition?

If the railroad can handle the traffic cheaper than the water line can, why do they charge such high rates where there is no water line?

Mr. LANE. I am not saying that the railroads do give the rates that they might be giving, but they do say that a properly conducted railroad system will keep a boat line out of existence because it will be more popular, and we know perfectly well it is true in the large centers of the country; down in the South the Illinois Central has made rates which are extremely low which are continued to keep those boat lines off the river.

I have just given you an illustration of that in the Memphis and New Orleans and Meridian and New Orleans rate.

Senator BRISTOW. That was always between river points.

Mr. LANE. Yes.

Senator BRISTOW. When it got off the river, it did not make those extremely low rates, did it?

Mr. LANE. No.

Senator BRISTOW. If the charge for the traffic was reasonable, why should not the same rate be applied to the inland points as to the river points?

Mr. LANE. They do not go upon that theory. They say they can differentiate between those points because there is one place where they can get that rate and there is another place where they can get a still higher rate.

Senator PERKINS. That is pretty well established in California.

Mr. LANE. Yes; their system is to charge what the traffic will bear. That is their rate system. It is fundamental. So long as they do not have to make these low rates why should they?

Senator BRISTOW. Do you think it is a just basis for rate making?

Mr. LANE. No.

I do not believe anybody can think that is just or right, but it is done everywhere.

Mr. GALLINGER. Mr. President, I do not know that there is a valid explanation for an illustration I will give the Senator. When I was a Member of the other House, now a good while ago, we had a Representative from the State of Illinois who delivered an oration regularly once a day on the tremendous possibilities of cheap transportation if we would build the Hennepin Canal. He persuaded me that we ought to vote for it, and we voted for it. The Hennepin Canal has been built at an expense of $10,000,000, and the last report I had from it was that there was one motor boat on it. It never has done any business. I do not know but it was an unfortunate place to build that canal, but that is the history of that waterway, which cost the Government of the United States $10,000,000. I once traveled over it and failed to discover anything that looked like a steamboat from end to end, and it has not improved from that time to this.

Mr. BRISTOW. The Senator spoke of the situation in Germany, where the Government owns the railroads and established proper connection between the water and the rail rates. I do not want the Government to acquire the railroads. I do not believe that the Government ownership of our railways is necessary for their control. I may be driven to that belief in time. but I have not yet come to that conclusion. I think we should try to regulate these rates by giving the Interstate Commerce Commission the authority that it needs to enforce an equitable division and a fair charge. If that is done and still there is a failure to control the transportation rights in a way that will be just to all sections of the country, then we will have the larger problem to confront us.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Oregon?

Mr. BRISTOW. Certainly.

Mr. CHAMBERLAIN. I should like to ask the Senator if in his investigation he has not become pretty thoroughly convinced that it is almost as essential, if not as essential, that there should be some regulation of terminal charges as well as railway charges.

Mr. BRISTOW. Certainly; that is as essential as the rate itself. I am taking too much time, but I call the attention of the Senate to the chart there [indicating]. It shows the traffic by way of Panama from 1900 to 1911. You will observe the tonnage there, New York to San Francisco in the first column, from San Francisco to New York in the second column, and the total in the third, by way of Panama. The other three columns are the business transacted by the American-Hawaiian Steamship Line. The American-Hawaiian Steamship Line is the successor to what was known as the clipper ships, sailing vessels that went around Cape Horn. The American-Hawaiian is an American steamship line. They sail under the American flag and they run from New York to San Francisco and from ports on the Pacific coast of the United States and Hawaii.

In 1905 the American-Hawaiian Line made a contract with the Tehuantepec Railroad, which is a Mexican railroad running across the Isthmus of Tehuantepec, when they ceased to go by way of the Straits of Magellan, and then went through Tehuantepec, as you will see from the chart.

You will see the tonnage from New York to San Francisco in 1900 was 33,000 tons; in 1901, 43.00 tons. In 1901 there was strife. The Panama Railroad Co. had an independent line on the Pacific side and was fighting the Pacific Mail, and there was a disagreement which lasted for some time. Then they made up and entered into another agreement. In 1902 the tonnage dropped to 32,000 tons from New York to San Francisco; in 1903 it was 35,000 tons; in 1904, 39,000 tons; in 1905, 36,000 tons; and in 1906, 26,000 tons. In 1905 the contract which the Pacific Mail had with the Panama Railroad Co. for the exclusive privilege of through bills of lading was abrogated over the protest of the Pacific Mail Steamship Co., contending that they could not do business unless they had all the business and the exclusive right. The United States Government having acquired the Panama Railroad Co., it did not think it was justified in continuing the Pacific Mail monopoly which it had enjoyed for some 50 years.

I want to call the attention of the Senate to the fact that the Pacific Mail by virtue of its connection with the Southern Pacific Railroad still controlled the traffic on the Pacific side. It had no competitor for that coastwise business. No one was willing to go in. At one time the merchants of San Francisco had established a line to run between San Francisco and Panama and it competed with the Pacific Mail. That competition lasted for a number of months until the line was destroyed. Commissioner Lane, in a report which he made to the Interstate Commerce Commission, which is in the hearings here, says that the railroads lost, if I remember rightly, over

$1,000,000 in their effort to crush out this competitor, which they finally did, and it went off the sea.

The result was that no man is willing to risk his money in a ship line in competition with this powerful competitor, which would be able to destroy him by lowering the rate to a point he could not meet and live.

After this exclusive contract was abrogated there was a gradual decline in the amount of business by way of Panama until 1909. In the meantime the Tehuantepec Railroad had made a contract with the American-Hawaiian Steamship Line to run that road as a competitor of the Panama Railroad, and that competition came in, although it has never been a vital competition. There has always been an understanding between the American-Hawaiian Line and the Pacific Mail so that they have not had any rate controversies.

In 1910 the California and the Atlantic, a steamship line, was established by two young men, one a Mr. Bates and the other Mr. Cheeseborough, known as the firm of Bates & Cheeseborough. They leased a number of vessels. They were men of no great means, but were able to get credit, and leased these vessels and began handling traffic between San Francisco and Panama. Up to that time it had taken from 28 to 35 days to make the trip from San Francisco to Panama, the Pacific Mail dragging along the Mexican and Central American coast, stopping at all the ports, so that the time consumed in the movement of traffic by way of Panama was very great.

In 1905 I was appointed as a special commissioner of the Panama Railroad, and made an investigation in regard to these rates. The general manager of the Pacific Mail Steamship Co. reiterated time and again that it would not be profitable to run a direct line from the ports of California—that is, from San Francisco to San Pedro, which is the port of Los Angeles—direct to Panama; that it would not pay; that, while the trip could be made in 12 or 13 days, the traffic between the Pacific coast ports and the Atlantic coast ports of the United States would not be sufficient to maintain a direct line; and that he would not run it, could not run it, and he did not.

Bates & Cheeseborough concluded that there was enough traffic to make that a profitable business. So they proposed that if the Panama Railroad would give them facilities on the Isthmus of Panama and take care of their traffic they would put on an independent line and compete with the Pacific Mail, and in October, 1910, they put it on; and at the same time the Pacific Mail concluded that a direct line would pay, so it began to run boats direct to Panama.

Those are fiscal years. I want you to observe the difference in the amount of traffic that was moved via the Isthmus: For the first nine months after the Bates & Cheeseborough line was established the Pacific Mail handled 37,842 tons more than they had ever handled before in that length of time, and the California and Atlantic handled 66,922 tons, practically twice as many tons as the Pacific Mail, which had been the old established line and had been operating for 50 years. I have not the figures for the last month of the fiscal year ending June 30, 1912, but for 11 months of 1912 the Pacific Mail cargo from New York to San Francisco reached 52,000 tons, while the California-Atlantic, the new line, operated by two young men as independents, handled 84,000 tons, making a total in the 11 months of 136,000 tons; showing that during all these years the Pacific Mail Steamship Co. was used by the transcontinental railroads to suppress traffic and prevent the Panama route from being used or becoming a competitor of the transcontinental lines. The figures are the strongest evidence that can be presented.

Now, take the traffic from San Francisco to New York the other way. It ran down in 1909 as low as 8,000 tons. The Pacific Mail collected the tonnage from the Pacific side, and, if they did not take it, it went in the Panama Railroad ships that are owned by the United States Government, and they were compelled to secure scrap iron to use for ballast to get those ships back to New York from Colon, because the Pacific Mail Steamship Co., controlled by the Southern Pacific Railroad, refused to bring freight there that these ships might have tonnage back to New York.

Mr. GALLINGER. What year was that?

Mr. BRISTOW. That was in 1909; but when the Tehuantepec route became more active, and especially when Bates & Cheesebrough came in in October, 1910, you will see the traffic at once increased. The first nine months after Bates & Cheesebrough entered this field of competition the Pacific Mail took from San Francisco to New York 57,000 tons, an unprecedented tonnage, more than it had ever before handled by about 20,000 tons at any time in its history, and at the same time its competitor moved 105,000 tons, demonstrating the enormous traffic that has been waiting for decades there if there had only been some way by which it could have been handled.

Mr. BRANDEGEE. Mr. President, does the Senator from Kansas think that the inability of the Panama Railroad Co., a single-track railroad, which was engaged in constructing the canal, had anything to do with the slack movement of freight from San Francisco to New York at that time?

Mr. BRISTOW. Not in the least. I know of my own knowledge that it did not have; I know that the Panama Railroad Co. was hungry and begging for traffic from San Francisco to New York, and because it did not have it it had to use scrap iron for ballast in order to get its ships back to New York.

Mr. GALLINGER. Well, Mr. President, I may not quite understand the situation, but Bates & Cheesebrough seem to have solved the problem of competition, did they not?

Mr. BRISTOW. Yes.

Mr. GALLINGER. And that was open to anybody through all these years who wanted to invest money in a competing line?

Mr. BRISTOW. But I call the attention of the Senator from New Hampshire to the fact that every line that went on in competition with the Pacific Mail since the Panama Railroad was opened was driven out of business, because the Pacific Mail, backed by the transcontinental railroads, had resources which were able to crush them; and the merchants of San Francisco, when they undertook to establish this line, lost hundreds of thousand of dollars in their effort, and no man would go in there. Why has this company been able to compete?

Mr. GALLINGER. I was going to ask that question.

Mr. BRISTOW. Because the United States Government owns the Panama Railroad and refuses to permit the Bates & Cheesebrough line to be crushed; and I will give the Senator the reasons why.

Mr. GALLINGER. Before the United States Government acquired the Panama Railroad it was owned by the French company, was it not?

Mr. BRISTOW. Yes, sir.

Mr. GALLINGER. And the French company took the Pacific Mail off the Atlantic side and established a line of their own.

Mr. BRISTOW. The French company ran its own ships for over a year.

Mr. GALLINGER. They did for a good while.

Mr. BRISTOW. No; not for a good while. They ran a line there for a little over a year.

Mr. GALLINGER. They did buy some old Brazilian steamships and put them on a line.

Mr. BRISTOW. They lost on their line some $200,000; they struggled some time, and then gave up. They made a contract with the Pacific Mail and again gave it a monopoly because they thought it was more profitable to do that than fight it.

Mr. GALLINGER. They limited the amount of tonnage to the Pacific Mail for a very considerable time, I think, to 250 tons a month or something like that.

Mr. BRISTOW. Twelve hundred tons a month. That was the contract for which the Panama Railroad Co. received $75,000 a month and the Pacific Mail received $90,000, and paid out of that $90,000 $75,000 a month to the Panama Railroad Co. That was one of the arrangements that was made, and through that arrangement the transcontinental railroads were able to close up this commercial highway and control it. After this competition, you will observe, that during 11 months of 1912 the Pacific Mail has moved from San Francisco to New York 105,000 tons, and there has never been a time in 20 years when it could not have moved that much freight or more if they had not been controlled by the transcontinental railroads or if they had been permitted to do so, but during that time these young men moved 153,000 tons, making a total, you will see, of 289,000 tons that year.

During this time the American-Hawaiian Line became active, and when these young men got into the field as independent competitors there was an enormous increase in the waterborne traffic. The American-Hawaiian Line during the calendar year of 1911 moved 457,000 tons, 157,000 tons more than it had ever moved before, showing that when competition became active two young men, with a few inferior ships, were able to break loose that combination.

What did they undertake to do? These young men went out and sought business; they went into fields, visited men who never had shipped a pound by way of Panama, and proposed to make on this new business a low rate that would move the traffic. They took the crude, heavy material—asphalt, I think—and lumber and commodities that had never been moved that way before, commodities that the Pacific Mail never would touch. When this California-Atlantic Line undertook to go out and get business which formerly had gone to the railroads, then the Pacific Mail began to cut the rates.

Mr. BRANDEGEE. Mr. President, if those young men could compete so successfully with the Pacific Mail against all these adverse conditions, why could they not compete through the Panama Canal?

Mr. BRISTOW. Those young men would have been out of business before this and lost every dollar they had if the United States Government had permitted the Pacific Mail Steamship Co. to cut the rates as low as they would have done and as low as they had done in the past.

Mr. BRANDEGEE. Yes; but suppose that the Pacific Mail Co.'s boats are put under the control of a commission, with authority to fix rates, why can not these young men compete through the canal?

Mr. BRISTOW. The Senator must admit that it is not practical. Commissioner Lane and Commissioner Prouty say—I do not want to take the time of the Senate to read their testimony, though I will do so if it is necessary—that it is not practicable for the Interstate Commerce Commission to control the rates, and they report against it; they say it ought not to be done, but that the proper way to do it would be to prohibit the railroads from monopolizing this traffic and to have free competition between the steamships that seek to handle the tonnage between the two coasts.

Mr. BRANDEGEE. Wise as may be those two gentlemen to whom the Senator from Kansas delights to pay tribute, I do not take the slightest stock in their statement that it is impossible to fix a reasonable rate on regular liners between New York and San Francisco.

Mr. BRISTOW. That is the difference between the Senator from Connecticut and myself.

Mr. BRANDEGEE. It is.

Mr. BRISTOW. And while I have the highest regard for the Senator's opinion on a great many things, I prefer very much to rely upon the opinion of Mr. Lane and Mr. Prouty in regard to this matter of rates, because I think they are very much better advised upon the subject. That has been their business for years, and if we have any authority on a matter of that kind, it seems to me they would be competent.

I must soon close, but there is one thing I want to refer to, and that is the policy of the Pacific Mail, not only in connection with the coastwise trade but with the foreign trade. I want to read from the testimony of Capt. Dollar, who has been quoted. He is an independent old gentleman who has ideas of his own. On pages 553 and 554 of the hearings you will find some very interesting statements from him in regard to the methods of the steamship lines that do a trans-Pacific business.

Senator TOWNSEND. What do you mean by "Ship Trust"?—

Capt. Dollar was on the stand—

Senator TOWNSEND. What do you mean by "Ship Trust"? You said that the Ship Trust did not want this, or did not care about it.

Capt. DOLLAR. The so-called Ship Trust—there seems to be a general opinion throughout the country that there is a ship trust, a shipping trust. There is no such thing. The shipping men, unfortunately, are very much divided; they do not work together.

Senator TOWNSEND. That is unfortunate, is it?

Capt. DOLLAR. That is unfortunate for themselves, for their own pockets.

Senator PERKINS. How many ships do you control, Captain?

Capt. DOLLAR. Well, I am managing four ships in the Asiatic trade that we own and four steamers in the American trade, and some sailing vessels.

Senator PERKINS. You have no combination in your company, have you, Capt. Dollar?

Capt. DOLLAR. There is no combination, Senator.

Senator PERKINS. As to rates or otherwise?

Capt. DOLLAR. As to rates or otherwise; no, sir.

The CHAIRMAN. You say "we" own four ships; who are "we"?

Capt. DOLLAR. Myself and family and those who are interested with me.

The CHAIRMAN. Well, is it a company?

Capt. DOLLAR. A corporation; yes, sir.

The CHAIRMAN. What is the name of it?

Capt. DOLLAR. The Dollar Steamship Line and the Robert Dollar Co.

The CHAIRMAN. Yes.

Senator TOWNSEND. Have you tried to form a combination with the other shipowners?

Capt. DOLLAR. Have I done what?

Senator TOWNSEND. Tried to combine with the other shipowners.

Capt. DOLLAR. We have not; no, sir. There has been no attempt to combine on the rate at all.

Senator TOWNSEND. Well, why do you think it is unfortunate, then, that they have not combined?

Capt. DOLLAR. Well, because we have unfair and unjust competition that reduces rates below a living price sometimes. There is a combination in the trans-Pacific trade which has cut us out of the Japanese trade. I am not in the combine there; they have combined there; but we are not in it; and therefore we have been crowded out of the Japanese trade. We are still permitted by the combination to engage in the Chinese trade.

Senator TOWNSEND. How did they crowd you out?

Capt. DOLLAR. Because they made a rate to the shippers with a promise of a rebate at the end of a year if they shipped entirely by those lines, but if they shipped by our line they would lose their rebates.

Senator TOWNSEND. Therefore they reduced the rate below what you could afford to give?

Capt. DOLLAR. Not necessarily; no. But we were prohibited from doing business, because the people wanted a regular service, and knowing that they would get this rebate at the end of the year.

Senator TOWNSEND. Do you not run regularly?

Capt. DOLLAR. We run regularly, but not as passenger steamers run.

Senator BRISTOW. That is, they contracted with shippers that if they shipped exclusively by the ships of the combined companies, at the end of a year they would get a rebate on all of their shipments?

Capt. DOLLAR. Yes, sir.

Senator BRISTOW. But if they shipped anything over your line they would not get any rebate on anything. Is that correct?

Capt. DOLLAR. Yes, sir; none whatever.

Senator BRISTOW. And the result of that kind of proposition was that it froze you out of that business?

Capt. DOLLAR. Yes, sir.

Senator TOWNSEND. Who were the other people?

Capt. DOLLAR. The Toyo Kisen Kaisha, the Nippon Yusen Kaisha, the Canadian Pacific, and Alfred Holt's Line. All these steamship lines are in the combination, I understand.

Mr. GALLINGER. All the steamship lines there mentioned are foreign, except the Pacific Mail.

Mr. BRISTOW. Except the Pacific Mail; and the Pacific Mail went into the combination with them and froze another American competitor out of the trade because he would not go into the combine.

Senators, I have gone over this in a rambling way; I could talk for hours about it, but I am not going to do so. It seems to me that from the illustrations I have given it is clear that unless railroad-owned steamships are prohibited from using the Panama Canal it will not be of much use to the American people; it will be monopolized and controlled absolutely by the transcontinental railroads, as they control the traffic from Galveston to New York, as the railroads control the traffic on the Lakes, and as they have controlled it on the rivers. I feel that it is a duty that we owe to the country and to the people, whose money has constructed this great commercial highway, to keep it free from the monopoly of the gigantic transcontinental lines.

In conclusion, I want to say that, in my opinion, the Pacific Mail Steamship Co., which is fighting so tenaciously for control, wants to be permitted to put its ships on the line and do a coastwise trade in competition with its majority owners, because the Southern Pacific Railroad, which runs from San Francisco and Los Angeles to New York by way of Galveston and New Orleans, controls the Pacific Mail and owns a steamship line—the Morgan Line—running from those two ports to New York. Why does it want to put a line in competition with the line it already has from New York to San Francisco by way of Panama? It wants to do that for the sole purpose of controlling the rate and dominating the traffic by way of the Panama Canal. It has been a commercial pirate for half a century, used as the handmaiden of the transcontinental railroads to crush out every legitimate water transportation company that has ever undertaken to do business in competition with it. It seems to me it would be a political crime to permit this canal, which has been constructed at such tremendous expense, to become simply another agency for this gigantic combination to further crush and destroy the merchant marine of the American people.

We talk about developing the American merchant marine. I believe that there would be an American merchant marine if the merchant marine that we now have had not been acquired by the railroads for the purpose of protecting rail rates and preventing a development of water transportation.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I think he is quite wrong about that. If we go down to Galveston, where $15,000,000 has been spent in improving the harbor, deepening it for large vessels, we will find one American schooner going out of Galveston in the foreign trade. Every other ship is a foreign ship. I do not think that we would have had a very great merchant marine if the railroads had not acquired a few ships, nor do I believe that a single one of them would have been engaged in the over-sea trade to-day, under existing conditions. Galveston is a very excellent illustration of the plight in which we are in in this country so far as a merchant marine is concerned. That lone schooner, going out of Galveston harbor with the American flag at the topmast, and every other ship going out, carrying an enormous traffic, a foreign ship.

Mr. BRISTOW. And every ship that sails between Galveston and New York on a regular line is owned or controlled by a transcontinental railroad. There is not an independent steamship line that goes into Galveston, even in the coastwise trade, because the tremendous power of the railway corporations is such that no man will risk his money in ships in competition with their ships. That has been demonstrated a thousand times in the commerce of our country.

Mr. CLAPP. Mr. President, a good deal of time has been devoted to the debate on the Panama Canal. I am going to

refer to only one phase of the question, and that is the question of divorcing ships from railroad ownership. A man might stand here by the hour and illustrate the vice of the ownership of steamships by railroad companies that run their roads in competition with the steamships.

If there is any one thing which is grotesque in public life, it is taking money from the Public Treasury and devoting it to the construction of a canal and locks and deepening harbors upon the theory, which, perhaps, once was a fact, that water transportation, being cheap and open to small investors, presented a field for independent activity which, resulting in competition, causes cheaper transportation, and justifies in its general benefit the use of public funds for that purpose. I say if there is anything grotesque it is to continue a condition where the public generally does no longer get the benefit of it.

Between the combinations that have been organized, not only is the building and development of independent agencies discouraged, but railroad-controlled water transportation, instead of admitting of competition, has become an instrument for the stifling of competition. I would enlarge upon that argument except for the fact that the House admits it and the Senate admits it, so I shall devote no more time to that phase of the question.

The House, recognizing this vice, incorporated a provision in this bill to reach it by affording a remedy. The Senate committee, recognizing this vice, incorporated a provision in the form of an amendment for the purpose of reaching this vice.

Now, the House remedy is to prohibit railroads from owning steamships to be operated upon routes in competition with the railroad routes. The Senate committee proposition is to prohibit the use in the Panama Canal of ships owned by railroads. Without any reflection upon the Senate committee, if there ever was a device by which the railroads could continue their dominion over water transportation and effectually stifle competition, it is by the proposed amendment of the Senate committee. Therefore, without any hesitation, I for one am for the House amendment. Now, it seems to me that outside of some opposition here which I think it fair to say is a negative force, the Senate is in favor, so far as the Panama Canal is concerned, of prohibiting, by one or the other of these means, the use and operation of railroad-owned steamships in that canal.

This Congress met last December. It met with a full knowledge that there were many conditions in this country which required a remedy. For three years we have been practically powerless to secure any constructive remedial legislation. It has almost been a signal success that we have prevented as much as we have the passage of reactionary legislation. Here is an opportunity for constructive legislation that will meet one of the many evils that confront the American public, the remedy for which must be found in legislation, and that is to make this prohibition apply not only to the Panama Canal, but generally throughout the country and within the Federal jurisdiction, wherever water transportation is controlled to-day or is liable to-morrow to be controlled by the railroad ownership of water facilities in competitive routes of transportation.

The Senator from Georgia [Mr. SMITH] has proposed an amendment to the House provision limiting this prohibition to the Panama Canal, and the limitation is urged, first, upon the ground that we are not ready to deal with this question in its broader aspect within the general Federal authority and jurisdiction.

Mr. President, if the Panama Canal does the business which the more sanguine believe and prophesy it will do, there will be no instance under Federal jurisdiction where the importance of the subject, upon this line of regulation, will equal that with reference to the Panama Canal. If, then, we are not ready to deal with this situation in its minor relation, it seems to me we are hazarding a great deal to attempt to deal with it in what will undoubtedly be the larger and more important matter—the subject of our jurisdiction along this line.

Again, it is urged that in dealing with the Panama situation we are not dealing with a present condition, a condition which exists, but are seeking to prevent the development of a condition similar to those which now exist elsewhere. The Senator from Kansas [Mr. BRISTOW] has shown the relation of the Southern Pacific to the water transportation that to-day touches each side of the Isthmus, on the one side distributing to the Pacific coast and on the other side distributing to the Atlantic coast, and there is not a Senator in this body who does not recognize that the reason for putting this provision in the bill is to break up the relations which to-day exist between the Southern Pacific Railroad and the water transportation which is at present utilized on each side of the Isthmus and which will be used in the canal when the canal is constructed.

It is said that this can not apply to existing conditions, because no railroad company is to-day operating ships in the canal. That is true. But there is not a Senator in this body who does not know that if this provision becomes the law of this country a condition now existing is affected, namely, that the Southern Pacific will be obliged within two years to dispose of its stock in the Pacific Mail. Then we are dealing with an existing condition. We are, if I may use the term, disturbing an existing condition. In other words, we require that the relation existing to-day between the Southern Pacific and the Pacific Mail shall be severed prior to use by the Pacific Mail of this canal. We give the Southern Pacific two years within which to dispose of that stock.

I want to submit, Mr. President, that if it is fair to require the Southern Pacific within two years—and I believe, of course, that it is—to dispose of that stock and dissociate itself from the ownership of the Pacific Mail, then it is just as fair to require every other railroad within the jurisdiction of the Federal Government to dissociate itself from the ownership of steamship lines with which it is at present associated.

There may be in one case more complications than in another; in one case there may be more involved than in another; but there is not a single case to-day in the United States where a railroad owns the stock of a steamship line which involves a different principle.

We are dealing with an existing condition. We are dealing with the existing ownership by that railroad of stock of the Pacific Mail, and we require them by the provisions of this bill, if limited to the Panama Canal, to dissociate themselves from it within two years.

There is another suggestion, and that is that in the relation of these railroads to the steamship lines which they own, a question may arise whether or not the route of the steamship line is, in fact, in competition with the route of the railroad company. To safeguard against that, the House provision, which has been drawn with wonderful care and accuracy, provides that the question of competition shall be settled by the Interstate Commerce Commission. So we have here provided all the machinery that is necessary in that respect not only for the Southern Pacific and the Pacific Mail relationship, but for the relationship which exists between any railroad in this country and any steamship line that is connected therewith.

So, Mr. President, it seems to me that there can be no possible excuse for nonaction. If we to-day dare take the risk of demanding the severance of the relation between the Southern Pacific and the Pacific Mail, if we know enough of this question to demand that there be imposed this prohibition upon a phase of this problem which will be the most important, under the jurisdiction of the Federal Government, we certainly are sufficiently acquainted with the conditions to impose it in the relation of minor concerns. If we have established the means to determine whether competition does exist in this instance, then the same instrumentality can be employed in other cases.

Now, with the history of these three years behind us, with the history of this winter behind us, and practically nothing accomplished along constructive lines, I appeal to those Senators who believe in constructive legislation that now and here is an opportunity to initiate some constructive legislation in a case as vicious, perhaps, as any that may be reached by constructive legislation which Congress may devise or pass.

Now, there is one other subject that I want to touch on. A good deal has been said in regard to the effect of this legislation; whether it will reach the Canadian railroads and the ships owned by Canadian railroads. Mr. President, I do not want to question anyone's motives, and yet I am satisfied that in certain quarters that question has been raised for the sole purpose of creating confusion, doubt, uncertainty, and opposition to this measure. If ever there was a question which bore no relation to the legislation under consideration, it is the instance of the bugaboo of Canadian railroad-controlled ships in connection with this prohibition. If this prohibition becomes a law, and if the effect of this prohibition is to develop competition on the lines in the United States and lower the rates to the United States, Canadian railroad-owned steamships in combination with Canadian railroads can do only one of two things, supposing, of course, they are beyond the scope of our governmental regulations. One would be to raise their rates. No one anticipates they would do that. The moment they did that they would simply lose their business, and it would be a business impossibility for them to do it. If they are beyond our control there is only one thing they can do, and that is to lower their rates. So we accept the alternative, recognizing that they are beyond the control of this legislation, of either reducing their rates, to which certainly we will not object, or raising their rates, which of course they would not do as it would cost them their proportion of the business.

So, Mr. President, I think that bugaboo ought no longer to frighten the Senate, and I do hope that with this occasion before us, with this bill one of the few things that has behind it a momentum to force its passage, we will attach this prohibition and at least accomplish that much constructive legislation during this session, for I am frank to say that it is about the only opportunity I see for accomplishing very much along the line of constructive remedial legislation.

Mr. LIPPITT. Mr. President, the question which we now have under consideration has two features. One is the question as to whether or not railroad-owned steamships shall be allowed to go through the canal. The other is the question as to whether or not railroads shall continue to be allowed to own steamships in this country.

On the first question I am not going to speak, except to say in passing that it is a monstrous idea to me that an American canal, built with American money by American brains, when the fleets of all the world come to the entrance the only vessel that is going to be refused admittance is an American vessel, built by American money and managed by American brains.

I do not see any necessity for that in the argument which is being put forward that it is necessary to have it in order to control transcontinental rates. I understand that we have a commission for the purpose of controlling transcontinental rates. I can not understand that arguments drawn from circumstances and conditions which existed before the commission was appointed can have any bearing on this question.

Furthermore, if that commission can not control those transcontinental rates I can imagine no more effective competition that can possibly be produced with those transcontinental railroads than the competition which would be produced by the Atlantic coast line railroads in the extension of their route through the Panama Canal.

We in New England have looked forward to this situation. We have supposed that the great transportation facilities that have been built up in that community would find their natural extension in a line of steamboats that would run through the canal and put us in closer touch with the Pacific coast ports. They would have no interest except in putting our merchandise through at the lowest rate that it could be profitably handled.

But that is not the question I was going to discuss. It is an important question to New England. It may be in the end the most important question, but for the minute the important question is what is going to happen to the great transportation facilities which have been built up as the result of some two centuries of experiment and are now what may be termed the survival of the fittest.

I want, then, briefly, to call the attention of Senators to the geographical position of the 200 miles of coast line that lie between New York and Cape Cod. So far as I can discover New England has but three advantages for commerce and for manufacturing. One is the climate. Another is the pure waters of her rivers. The third is the transportation facilities that are afforded us by Long Island Sound, Narragansett Bay, Buzzards Bay, and Marthas Vineyard Sound.

I am not going to give the Senate a lesson in geography. You are most of you familiar with that coast line. But I will just say that I think there is nowhere in the entire world such a coastal protected channel of trade as is formed along that coast by Long Island Sound and the other waters that are hidden behind that chain of islands—Block Island and Marthas Vineyard. In the midst of it, going inland some 40 miles, is Narragansett Bay, at the head of which is the city of Providence. On the east shore in Massachusetts, but tributary to the bay, is the great manufacturing city of Fall River. Just beyond it some 16 miles is New Bedford. Going on beyond Providence and up the Blackstone River we have a line of manufacturing villages ending with Worcester, which is the center of the largest manufacturing district in New England. From the earliest time we began to use it in our transportation facilities. Scarcely had our colonists got settled and secured enough means to do more than secure food and shelter for themselves than they began reaching out along the waters of Long Island Sound to New Amsterdam, where they began trading with the Dutch, and they have continued trading with them and other nationalities down to the present time.

During that time they have tried every reasonable method of conducting transportation along those waters. They began possibly with a small vessel, the sloop. They went on as time developed to larger vessels. They had individually owned vessels; they had schooners; they had barges and tow lines; and finally they have come to their present great transportation system.

Now, New England is perhaps more dependent upon that, or as much so, as any other section of this country. We are hidden away in one corner of the United States. We have to bring into our country every raw material that we use—our cotton, our wool, our iron, our coal—and then in its manufactured form we have to send them out to our customers all over this country. Naturally we have paid a great deal of attention to our waterways, and naturally they are still a subject of very great importance to us.

The picture has been painted here of a country that was lying bound and helpless in the hands of an uncontrollable and despotic transportation system. That is not New England as I know it. Quite the contrary is true. There is no monopoly of water transportation in New England. There is no monopoly of water transportation along Long Island Sound and up Narragansett Bay.

The first great item of transportation, and that is of vital importance to us, is our coal. That coal is carried by independent lines. Some of them, I believe, are owned by the coal roads or helped by the coal roads. Some are absolutely independent lines in private ownership. Some are independent vessels, large schooners, five and six masted, carrying 5,000 tons of coal. So far as the New Haven road is concerned, I believe it has absolutely no connection with that traffic in any way, name, or nature.

The oil transportation is entirely free from any railroad control. Naturally so, for it was in the hands of one great corporation, utterly separated and independent from any control except that of the Standard Oil Co. Now the Texas Oil Co. has come in and we have two competing companies. Both of them come to Rhode Island.

Then we have the lumber trade and a number of smaller articles in which the New Haven road does not have any interest.

There is, however, one form of transportation in which that road has a very large interest, and that is the transportation of the miscellaneous finished articles and products of our mills, cotton and woolen textiles, boots and shoes, and all the great variety of products that come from New England. That traffic, however, is not without competition.

A picture has been drawn of monopoly. The Senator from Kansas [Mr. BRISTOW], in the course of his remarks, referred to the monopoly of transportation on the waterways of New England. Even that transportation is not a monopoly. There is an independent line at Providence. There is an independent line at New London. There is an independent line at Norwich. There is an independent line at New Haven. There are a number of other lines that are independent, but the New Haven Line has given us the most efficient and the most satisfactory service of any of them. It has been the result of conditions growing out of long experience.

The Senator from Minnesota [Mr. CLAPP], a moment ago, talked about constructive legislation. To my mind there is no constructive legislation in destroying something that has been built gradually and slowly and is the accumulation of experience, and that is now conducting its business to the entire satisfaction of the people it serves.

I just want to call attention for a few minutes to the position that New England takes on this question, and particularly the State of Rhode Island, and to show the reason why. I have here petitions which have been sent to this body. I am not going to read them in their entirety because they are all a matter of record, but I wish to call attention to some parts of them so that you can see why these people think that they want their present transportation system preserved.

I have, first, a resolution of the Legislature of the State of Rhode Island passed, I am told, by a unanimous vote. They say:

> Whereas it has been the policy of this State, beginning with the earliest railroad charters, to authorize and encourage railroad companies to build their railroads to tidewater, to own wharves and docks, and to operate, or to own the stock of companies operating steamboats; and
>
> Whereas in the last railroad charter granted, and as late as the year 1910, the General Assembly of Rhode Island, in furtherance of this policy, authorized the building to tidewater, the owning of wharves and docks, and the operation of, and ownership of the stock of, other companies which operate steamboats or steamships; etc.
>
> *Resolved*, That the General Assembly of the State of Rhode Island opposes any action by Congress in conflict with the beneficial policy of this State as aforesaid, and that the Senators and Representatives in Congress from Rhode Island be, and they are hereby, respectfully requested to do all in their power to the end that section 11 of said bill be stricken therefrom.

Now, you will notice that there are two reasons given there for the request which they make of their representatives. One is that it has been their traditional policy for a long time. The reason for that traditional policy has been that the railroads of New England are of two kinds, one going from tidewater inland to various points. The natural extension and complement

of a railroad of that sort must be a steamship line to reach New York, which is the market to which all our transportation tends.

The other system or style of railroad is the one running east and west along the shore. In the case of the New Haven, it is commonly called the Shore Line, which we have under consideration, the railroads would be precluded from owning the steamships, because they compete with that Shore Line system, but they are desired to own the steamships by the people they serve, because they are an extension of the other class of railroads.

Further, they say that they have within the last year chartered a road to be constructed in Rhode Island and to own ships. That is a branch of the Grand Trunk Railway, which, by the way, is not in any way the Grand Trunk Railway, but the Southern Railway of New England, I think it is called, in which the Grand Trunk owns the stock. That road is now being built to tidewater at Providence. It is building a steamship line to operate in competition with the New Haven road and with other steamship lines to New York.

The effect of this section 11, if it should become a law, the New Haven having a shore-line system, and thereby becoming a possible competitor, would be to transfer a certain part of the business of Providence from the New Haven road, which is owned by New England capital. It has been our friend for 50 years or more. It has met the demands of the community. To transfer a material part of the traffic that that road has built up to a foreign corporation, a foreign railroad owned by British capital, with which we have no affiliations, and with whose management we are not in touch and do not know what the result might be, I think would be manifestly unfair.

I have in addition to that the protest of the Providence Board of Trade, the principal commercial body in Rhode Island. It refers to this bill and says:

> Whereas the effect of such provision, if the bill becomes a law, will be to terminate the relations between the railroad and the New England water carrier owned or controlled by them and operating between New England ports and New York City, whereby the products of New England are satisfactorily delivered to convenient wharves in the business parts of Manhattan Island more quickly and satisfactorily than if they were carried all rail.

That says that they are delivered at convenient wharves. I want to have the Members of the Senate realize and understand exactly what that means. New York City is not a small place. It covers a very large area. It is on an island that is densely crowded. The New Haven road extends only to Forty-second Street. I believe that its freight facilities are limited at the Harlem River. We in Rhode Island and in New England have no way to get to the wharves of New York except by water. The New Haven can not transport our merchandise to the point in New York City where we want it sent.

Over a long period of years our commission houses, our merchandise connections, our storehouses have accumulated in a certain section of the city where they are in reasonable proximity to the wharves. The only way we can reach those wharves is through some form of steamship transportation, and that steamship transportation is given us by the terminal facilities of the New Haven water lines. They are in several different places in lower New York, so that the different kinds of freight can be and are delivered to the point where it is desired to have it go.

They go on to say:

> Whereas the effect of destroying this cooperation between the rail and water carriers would tend to retard the transportation and handicap the industries of New England, particularly those of the State of Rhode Island: Therefore
>
> The Providence Board of Trade respectfully protests, etc.

I have, in addition to that, the protest of a large number of individual shippers. They say:

> We deem it especially important for the great industries of New England that under proper restrictions railroads should be allowed to develop and maintain transportation by water. This is of the utmost importance in the transportation of the freight to and from New England points and the South, especially in connection with the cotton industry.

It is signed by a very large number of the principal manufacturing plants in Rhode Island and in Massachusetts, especially those that are on or contiguous to Narragansett Bay, Fall River, Providence, New Bedford, and places of that kind.

Now, these petitions, gentlemen, represent the policy and desire of New England from its long experience with this system.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Rhode Island yield to the Senator from New Hampshire?

Mr. LIPPITT. I do.

Mr. GALLINGER. I will ask the Senator from Rhode Island if he has any knowledge of a single protest that has been sent to Congress, or to any man representing anyone in the New England States, against the existing conditions as to transportation? Has any citizen of New England, so far as the Senator knows, made representations that he wants the existing conditions changed and the divorcement of water transportation from the railroads of New England?

Mr. LIPPITT. I will say to the Senator from New Hampshire that, so far as my knowledge goes, I know of no such case.

Mr. GALLINGER. If the Senator will permit me, I will speak for my own little State, where we have, as the Senator knows, very large manufacturing interests and the transportation of a very large amount of manufactured goods, and I know of no single citizen, manufacturer, mechanic, workingman, or farmer who has ever complained of the situation. The complaints seem to come from a distance from New England.

Mr. LIPPITT. In addition to these petitions, we have the testimony of Mr. Prouty. That testimony has been read this evening and yesterday. So I scarcely think it is necessary to reread it.

I was very much obliged to the junior Senator from New York [Mr. O'GORMAN] for bringing out the diversity in the testimony of Mr. Prouty. Mr. Prouty, did, in March, write a letter to the President saying that it was his opinion and that of his board that railroads should be divorced from steamships, but later on, in May, in his testimony before the Interoceanic Canals Committee, he on further reflection, absolutely changed that view, and stated that he thought it would be a great injury—I am not repeating his testimony verbatim—but he said he thought it would be a great injury to New England to have those two kinds of transportation separated. He said he thought that New England received more satisfactory service and cheaper service by having the two managed together than if they were separated. It is not necessary for me to go into that further.

I will say that I am not trying to make a speech for my constituents, but I am only trying to get a few facts before Senators who do me the honor of listening to me, so that they may understand why we in New England look with great dread upon this proposed legislation. There is going to be given us, according to this bill, 18 months in which to absolutely change the form of our transportation, and to absolutely change it where we are in that condition that the railroads can not land our freight where we must have it. We shall have to be absolutely dependent upon somebody, name unknown, whom nobody can guarantee to be in existence, coming forward and being willing to handle that business at the price at which it is now handled.

The New Haven people testify that they get but 3½ per cent profit from their water transportation. There has been a good deal said about prices, and costs, and competition. The New Haven rates by water are in some cases but one-half what they are by land. I think in no case are the rates so high by water as they are by land. I will just take the opportunity to read one or two of them, particularly on textiles. From Worcester by rail, cotton piece goods, 21 cents; by rail and water, 13 cents. Woolens, by rail, 32 cents; by rail and water, 15 cents.

Lowell, on cotton goods by rail, 25 cents; by rail and water 15 cents. Woolens, 35 cents by rail and 15 cents by water. It is not necessary to go through the whole of them, but the rates I have read show the situation.

In the beginning, as I have said, our railroads were isolated lines, some going north and south, some east and west, and they were gradually combined. They were combined for economy of management and for efficiency of service. With long and thorough experience with this policy we are still doing the same thing. The State of Massachusetts, after an exhaustive discussion of the question, lasting, I think, for some two years in the public press and by her public men, has just authorized the New Haven road to take over the great Boston & Maine system, which extends its lines practically to the border of New England. That action has not been taken, and the steps that led up to it in the way of combination and consolidation have not been taken because we were forced to do it, but they were taken because it was to the best advantage of the people who were being served by that railroad; and the longer the experience we have had the better we have been satisfied with it. I say to-day if there is one man—as the Senator from New Hampshire [Mr. GALLINGER] has asked me—who complains about the New Haven system, whatever his complaint may be, he would never dream of asking that that system should be broken up and that we should go back to the individual units which were originally put together.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Florida?

Mr. LIPPITT. I do.

Mr. FLETCHER. I would ask the Senator from Rhode Island how he accounts for that apparent tremendous difference between the rates by rail and water, under which, it seems, bulky commodities go by water and not by rail?

Mr. LIPPITT. They do go by water. The purpose of those rates is to have them transported by water. I will say to the Senator that perhaps the only explanation I can make of that is that we are being served by a very progressive railroad, which is serving one of the most progressive communities in the United States, and that road realizes that its profits must come from developing our resources and from developing our industries. Therefore I think that the company makes it an object to give as low rates as possible to our raw material in and our finished product out.

Mr. FLETCHER. I was going to inquire if there were any terminal facilities, or something to the advantage of the railroad at the termini, that would in a measure offset the difference in freight rates between the rail rates and the water rates; in other words, are there any dock charges or wharf charges?

Mr. LIPPITT. Oh, no; these, as I understand, are the complete and full rates covering the entire transportation from dock to dock, from freight delivered on the docks at the point of departure to the dray on the docks at the point of receipt.

Mr. FLETCHER. Is it possible that the cartage is more expensive from the terminus of the water lines to the warehouses? The railroads probably run into or are more convenient to the warehouses.

Mr. LIPPITT. I do not think the Senator thoroughly understands the system. It is not all-water and all-rail transportation, but it is all rail in one case and rail and water in the other, so that the rail in many cases runs into the yard of the factory, and the factory has the choice, when the goods are put upon the car, of having them transferred to the steamers or having them stay in the car and go on to New York.

I merely want to say one more thing about that system of transportation, and that is——

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from New York?

Mr. LIPPITT. With pleasure.

Mr. O'GORMAN. May I ask the Senator from Rhode Island a single question? Do I understand the Senator to say that there is no complaint heard in New England regarding the monopoly control of the New York, New Haven & Hartford Railroad?

Mr. LIPPITT. That question was asked me yesterday, and I think my reply to it was—and I know of no better one to make to-day—that New England is a place where nobody ever agrees on everything, and I have no doubt that some people complain about the New Haven road, about the transportation system, and about almost everything else.

Mr. O'GORMAN. I understood the Senator a short while since to state, in general terms, that the system was so satisfactory to the people of New England that it would be very unfortunate if it were disturbed, and I was wondering whether that is the attitude of the people of Bridgeport, because I understand—and if I am in error I will be glad to be corrected by the Senator from Rhode Island—that, although Bridgeport is one of the great manufacturing cities of New England, it does not possess a single foot of its water front. The New York, New Haven & Hartford Railroad has complete control and ownership of every single foot of water front of that great city.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Connecticut?

Mr. LIPPITT. I would prefer to have the Senator from New York complete his question, and I should like to answer that question myself.

Mr. O'GORMAN. I should like to have that statement confirmed, if it be correct.

Mr. LIPPITT. The Senator made that statement in a speech, which he delivered here a few days ago in which he said that—

> The city of Bridgeport does not own one foot of frontage on the Sound; every foot of it is owned by the railroads.

The railroads, I understand, own along one side of the river, perhaps 1,500 feet or so. As the Senator is aware, the New Haven road has recently made an enormous expenditure at the city of Bridgeport for the purpose of elevating its tracks; and, in doing that, it took in a little stretch of land on one side of the river. Adjoining it is a great park on the river front owned by the city of Bridgeport. On the other side of the river—the river is only some few hundred feet wide—the railroad does not own a foot of land. On that side of the river—I happened to go by it on the train a day or two ago and looked out of the window and saw it; it was perfectly plain before me—on the other side of the river there is a large coal-dock delivery system, to which vessels, not owned by the New Haven road, land their coal. As I have said, the road has no connection with that coal-transportation system.

Mr. O'GORMAN. Can the Senator inform me whether an independent steamboat can find a landing place at Bridgeport?

Mr. LIPPITT. I was trying to tell the Senator that. I was explaining to him that only on one side of the river has the New Haven road any land at all.

Mr. O'GORMAN. Mr. President——

Mr. LIPPITT. Then, I was proceeding to say—if the Senator will allow me to finish my explanation, as he has asked the question—adjoining that coal yard was a large weaving plant, reaching to the river, and adjoining that was an iron manufacturing concern, not one of which is owned either by the New Haven road or by the city of Bridgeport, but which undoubtedly the city of Bridgeport could easily obtain.

In addition to all that, there have recently been negotiations between the New Haven road and the city of Bridgeport. The New Haven road has offered to sell to the city of Bridgeport any of its river front, or the whole of it, at a price to be agreed upon between them, and, in case they can not agree, to leave it to arbitrators. That offer, I understand, is still open. So I can not see, to save my soul, why the city of Bridgeport should have any anxiety about being tied up, so far as water facilities are concerned, by the New Haven Railroad.

Mr. O'GORMAN. Perhaps it was not exactly fair to ask the Senator from Rhode Island something with which perhaps the Senators from Connecticut are more familiar than he is——

Mr. LIPPITT. I think I am fairly familiar with it.

Mr. O'GORMAN. But my attention is called to the testimony given by Mr. Buckland, vice president of the New York, New Haven & Hartford Railroad, before the Committee on Interoceanic Canals a few months ago. This is his testimony:

Mr. BRANDEGEE. What page?

Mr. O'GORMAN. Page 432.

> Mr. BUCKLAND. I should like to say a word about our dock frontage in the city of Bridgeport. Those of you who have been at Bridgeport will realize that our rails parallel the water front the entire distance, with the natural consequence that we monopolize the entire water front at Bridgeport.
>
> If the people of Bridgeport are satisfied with those conditions——

Mr. LIPPITT. Will the Senator please read the rest of that?

Mr. O'GORMAN. I do not think it is necessary.

Mr. LIPPITT. Then I will do so, with the Senator's permission. Here is the additional testimony which the Senator from New York failed to read:

> The city of Bridgeport asked us if we would sell any portion of the water front. We told them we would sell any portion they wished. That is in our correspondence with the mayor. We offered them any portion of the water front they might desire at a price to be fixed by three real estate agents in Bridgeport, one to be selected by them, one by ourselves, and the other selected by the two if the first two could not agree.

Further than that——

Mr. O'GORMAN. Will the Senator read the next sentence?

Mr. LIPPITT. Yes, sir.

Mr. O'GORMAN. To make it complete.

Mr. LIPPITT. I thought I had read it all.

> That offer has not been accepted, and it is still open whenever the city of Bridgeport wishes to accept it.

Mr. O'GORMAN. Unfortunately, the Senator omitted the intervening sentence, which I regard as important, and which reads as follows——

Mr. LIPPITT. I did not do it intentionally.

Mr. O'GORMAN. Of course not. Mr. Buckland says:

> I say this because in the report of the Commissioner of Corporations the statement is made that the New Haven road is monopolizing the water front in the city of Bridgeport.

Mr. LIPPITT. I think my answer to that is very complete. I have shown that the railroad only owns a small portion of the water front.

Now, I want to say further, that in considering this great question it is of absolutely no importance whether the railroad does or does not monopolize or own certain parts of the water front at Bridgeport. There are inevitably, in the case of a great system like that, certain points—this is not one of them—which are probably controlled by the New Haven railroad; but what I do say is that the New Haven road does not control the water transportation into the city of Bridgeport; and I say to you—and I challenge any man on this floor to contradict it—that the largest item of transportation into that water front is coal, and that the New Haven road has noth-

ing to do with that transportation now and has no monopoly. Now, Senators——

Mr. O'GORMAN. May I be pardoned for asking a further question? Do I understand the Senator from Rhode Island to say that there is no monopoly, nothwithstanding the language of the vice president of the New Haven road, who says:

Those of you who have been at Bridgeport will realize that our rails parallel the water front the entire distance, with the natural consequence that we monopolize the entire water front at Bridgeport.

Mr. LIPPITT. I am aware that the vice president of the road said that, and I am also aware that the statements which I have made are correct—that a large part of the water front is owned by the city of Bridgeport and used for a park, and that none of the water front on the other side of the river is owned by either the railroad or the city of Bridgeport. Mr. Buckland, in making that statement, was in error.

Now, gentlemen, these are small things in a great question, and this is a great question for the State of Rhode Island—for New England—whether or not this great system of transportation that we have built up there and with which we are satisfied and that we want to go ahead and develop, that we are competent to handle, shall be destroyed. We in New England are not, gentlemen, a weak people. We have been able to struggle with a great many problems, and many of them we have solved. A railroad is nothing but a great piece of machinery. We know about machinery in New England. We use it. We make it. We know how to judge of it. We know the difference between efficiency and cheapness, and we know that we have a system of transportation that is meeting our needs; and I do not think that because certain gentlemen or certain sections of this country are dissatisfied with railroad facilities and steamship facilities on the Pacific coast, on some of the rivers, and elsewhere, is a reason for destroying what has been built up to our complete satisfaction. It may be some reason for controlling the transportation systems in other sections of the country. It is no reason for destroying what the people of New England are using and are satisfied with.

Mr. POINDEXTER. Mr. President, the course of the discussion on this bill has directed itself away from the great important central question which is involved in the bill, namely, the establishment of the Panama Canal, the laws which are to govern it, and the laws, both natural and artificial, of transportation through it. The people on the Pacific coast, whom, in small part, I represent, are perhaps more interested, materially and otherwise, in the Panama Canal—in its completion, in the character of the laws by which traffic through it shall be conducted—than those of any other section of the country.

I do not think there has been an event in the history of the Pacific coast, since the time when it was first settled—when the first pioneers from New England and Virginia, and other Eastern States, carried American institutions there and established a community, organized Territorial government, and procured some sort of communication with the eastern country—which has been of as much interest and in which the people of the coast have had as high hopes as the prospective opening of this great waterway, whose principal object was to bring closer together the people of the Atlantic and the Pacific coasts.

I feel impelled to say a word before the vote is taken upon the bill, notwithstanding the lateness of the hour, for the reason that I am convinced, from a careful examination of it, that if the Senate amendment to section 11 of the bill should be adopted as against the House provision, the object of this great work and the benefits we have hoped would flow from it will be discounted to a large extent; in my judgment at least 50 per cent.

I desire to call attention very briefly to the peculiar form of the Senate amendment, to some aspects which have not been called to the attention of the Senate. The Senate amendment, to all intents and purposes, would allow the unrestricted railroad control of traffic through the canal. It provides, in so many words, that the railroad companies may own ships and may engage in the coastwise traffic from the Pacific to the Atlantic with those ships through the canal, although in the discussion here and in the appearance of this provision as it is read, if it is not examined closely, it would appear to prevent the ownership by the railroads of ships engaged in traffic through the canal. The language of the Senate amendment is—

That any ship of American registry, however owned or controlled, shall be permitted to operate through the canal in transoceanic trade to and from oriental or European countries; said vessel on its way to and from said foreign countries shall be permitted to do a coastwise trade between ports of the United States and intermediate foreign ports: *Provided*, That this shall not be permitted to any ship owned or controlled in whole or in part by any railroad company, except those engaged in said transoceanic trade, nor shall any coastwise trade be done by any such ship unless on a voyage to or from such transoceanic ports, and not to those of Canada, Mexico, or any Central or South American port: *Provided further*, That no such railroad owned or controlled ship shall pass through the Canal unless at least 50 per cent of its cargo, in tonnage, is destined to or shipped from oriental or European ports.

Instead of being a restriction on traffic through the canal by railroad-owned ships, this is an express permit of such traffic. The provision that the ships should be restricted to 50 per cent of the coastwise tonnage of their cargo is not a disadvantage but an advantage. The Great Northern Railroad Co. already owns a large vessel engaged in the transoceanic trade. What would be more natural, what would be to the greater advantage of the railroad than that that vessel, which now plies between Yokohama and Seattle, should continue upon its passage through the Panama Canal to New York; and if the increased length of the voyage rendered its sailings too infrequent, what would be easier than for the railroad company to duplicate that vessel and put on another? More than 50 per cent of its cargo would be cargo, of course, destined for or from oriental ports—cotton that is hauled from the South, consigned to the Orient, and the transportation of which has been one of the principal commercial enterprises and objects of the Great Northern Railroad; loading with cotton for the Orient, loading with silks and oriental products for the United States, touching at Seattle, and thence proceeding on its journey through the Panama Canal, as it is permitted to do by this bill.

The same thing would be the case with the Southern Pacific Railroad Co. with its Pacific Mail Line. What disadvantage or obstacle, in any way, would this bill impose upon the railroad ownership of vessels going through the canal when it allows the Southern Pacific to send the Pacific Mail vessels, after coming from the Orient to San Francisco, discharging a portion of their cargo and taking on such additional cargo as it saw fit, 50 per cent or less, through the canal to New Orleans and New York? If anyone is under the impression the Senate amendment will prohibit in any substantial way traffic through the canal by railroad ships he is under a misapprehension. Instead of prohibiting, it expressly allows this condition.

There is a very peculiar proviso in the amendment, which simply adds to the confusion. I do not think it has any effect whatever, but it is peculiar, as it is simply a repetition of the previous portion of the amendment in this respect:

That any ship of American registry, however owned or controlled, shall be permitted to operate through the canal in transoceanic trade to and from oriental or European countries; said vessel on its way to and from said foreign countries shall be permitted to do a coastwise trade.

"Any ship of American registry." Then there is a proviso:

Provided, That this shall not be permitted to any ship owned or controlled in whole or in part by any railroad company, except those engaged in said transoceanic trade.

The whole paragraph applies to ships engaged in transoceanic trade, and the proviso that it shall not apply to a ship owned by a railroad company unless it is engaged in transoceanic trade is absolutely a sham as a limitation upon the railroads, because it simply repeats verbatim the same conditions which are allowed to any ship, whether owned by a railroad or not, namely, that it shall be engaged in the transoceanic trade. So that it imposes no more restrictions upon railroad-owned ships than it imposes upon other ships. There is, however, the further proviso that railroad ships shall not carry more than 50 per cent of their cargo in domestic trade between ports of the United States.

Now, Mr. President, my reason for saying that if this amendment is adopted in preference to the House provision, the benefits which the Pacific coast has expected to receive from the canal will have been neutralized and destroyed, is that, as has been demonstrated, not only on the Atlantic coast, but on the Pacific coast, if railroads are allowed to operate steamships in connection with the railroad upon competing waterways, it is absolutely impossible for any independent line to compete with them, and I desire in a very brief manner to point out why that is so. It is a very plain and simple proposition.

It is argued by Senators from New England—the Senator from Rhode Island [Mr. LIPPITT], the Senator from Connecticut [Mr. BRANDEGEE], the Senator from New Hampshire [Mr. GALLINGER]—that nothing of evil is to be apprehended from the joint operation by railroad companies of steamship lines with their railroad lines, because it can be regulated by the Interstate Commerce Commission. I am heartily in favor of extending the jurisdiction of the Interstate Commerce Commission in every direction in which it is practicable or possible to extend it, but we have all experienced the fact that regulation by the Government, whether through the Interstate Commerce Commission in the case of rate making, or through some other tribunal of the Government in the matter of other agencies which require governmental regulation, is difficult and frequently ineffective; that it is slow; and we have the testimony of members

of the Interstate Commerce Commission themselves in this case that, in their opinion, delivered after an experience of 25 years of railroad regulation, in which these questions of joint operation of ships and railroad lines have constantly been before them, it will be ineffective and insufficient.

Mr. GALLINGER. I will ask the Senator from Washington whether he desires to conclude to-night, or would he prefer to go on in the morning?

Mr. POINDEXTER. While I do not desire to delay the Senate——

Mr. GALLINGER. It is about the time of adjournment. We are all tired.

Mr. POINDEXTER. If we are to go on in the morning, I will not occupy very much time, and I would prefer to have the Senate adjourn until morning.

Mr. BRANDEGEE. I send to the desk a proposed unanimous-consent agreement looking to the fixing of an hour for the taking of a vote upon this bill and all amendments pending and to be offered, which I will ask the Secretary to report.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, August 9, 1912, the Senate will proceed to the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, etc.; and that at not later than 5 o'clock p. m. on said day, the Senate will proceed, without further debate, to vote upon any amendment that may be pending to the bill, any amendments that may be offered, and upon the bill itself—through the regular parliamentary stages—to its final disposition.

Mr. BRISTOW. I am anxious that it should be emphasized that we will vote on the amendments as soon as we can get to them to-morrow.

Mr. GALLINGER. Certainly.

Mr. BRISTOW. I hope we can complete it before 5 o'clock. The reason I say this is that to me it is very unsatisfactory to have amendments proposed after the hour for closing of debate has arrived, because amendments may be offered the effect of which can not be readily grasped, and there is no opportunity for explanation.

Now, we meet at 10 o'clock to-morrow, and if we can proceed to vote on the amendments at once, as soon as debate on a particular amendment is through, so that we can vote on amendment after amendment and then on the bill itself as soon as possible, but not later than 5 o'clock, I will not offer any objection.

Mr. BRANDEGEE. Of course Senators can offer their amendments whenever they please, but I shall do everything I can to conform to the suggestion of the Senator from Kansas. And I would state in that connection that it would be a great help to all the Senators if Senators who intend to propose amendments would have them in the Secretary's hands in the morning, and they could be read, notice given that they intended to offer them at the proper time, and then Senators would not be taken by surprise. Will the Secretary again report the proposed agreement?

The Secretary again read the proposed agreement.

Mr. NEWLANDS. Would the Senator be willing to add to it that speeches shall be confined to 10 minutes each?

Mr. BRANDEGEE. I should be more than willing.

Mr. SMOOT. I do not think that has ever been done.

Mr. BRANDEGEE. If it could be agreed to, I mean.

Mr. SMOOT. And I do not think it would be proper.

Mr. BRANDEGEE. Before the request for unanimous consent is put, I want to say that I shall ask unanimous consent or move to take up the bill immediately after the routine business is concluded to-morrow morning, so that we may have all the time there is.

Mr. BRISTOW. I suggest that that be incorporated in the unanimous-consent agreement.

Mr. BRANDEGEE. I prefer it that way. Let the agreement be read as it will read if amended.

The Secretary read as follows:

It is agreed, by unanimous consent, that on Friday, August 9, 1912, immediately upon the consideration of the routine morning business, the Senate will proceed to the consideration of the bill—

Mr. BRANDEGEE. That is right.

The SECRETARY (reading):

(H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, etc.; and that at not later than 5 o'clock p. m. on said day the Senate will proceed, without further debate, to vote upon any amendment that may be pending to the bill, any amendments that may be offered, and upon the bill itself, through the regular parliamentary stages, to its final disposition.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent for the adoption of the order just read. Is there objection? The Chair hears none, and it is so ordered.

Mr. BRANDEGEE. I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock p. m.) the Senate adjourned until to-morrow, Friday, August 9, 1912, at 10 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 8, 1912.

UNITED STATES ATTORNEY.

James J. Crossley to be United States attorney, District of Alaska, Division No. 4.

REGISTER OF THE LAND OFFICE.

Thomas B. Murphy to be register of the land office at Williston, N. Dak.

PROMOTIONS IN THE NAVY.

Lieut. Stafford H. R. Doyle to be a lieutenant commander.
Lieut. (Junior Grade) Matthias E. Manley to be a lieutenant.
Ensign Emory F. Clement to be a lieutenant (junior grade).
William C. MacCrone to be a second lieutenant.

POSTMASTERS.

ARKANSAS.

F. G. Briggs, Judsonia.
Dan S. Collins, Foreman.
Clarence A. Dawson, Marked Tree.
John Edwards, Gurdon.
Claude R. Ferguson, Huntington.
Charles L. Jones, Junction City.
R. M. Jordan, Fordyce.
M. B. Leming, Waldron.
E. T. Luckey, Monticello.
William T. Moore, Leslie.
Eva V. Moss, Earl.
Owen J. Owen, jr., Conway.
George F. Puska, Waldo.
Fidelles B. Schooley, England.
J. A. Steele, Lewisville.
Edward I. Stevens, Nashville.

LOUISIANA.

Hugo Naegele, De Quincy.
Mary G. Pearsall, Bogalusa.

NEBRASKA.

John F. Brechbuhl, Anselmo.
Fred H. Whitmore, Valley.

NEW MEXICO.

N. Faustin Gallegos, Clayton.

SOUTH CAROLINA.

Walter E. James, Greer.

TENNESSEE.

John W. Akin, Rutherford.
E. A. Morgan, Huntingdon.
Norwell L. Scobey, Newbern.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August 8, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for the preservation of our lives, the activity of our minds, the excellency of our moral convictions, the lofty ideals of our religion, and we most fervently pray that we may heed these convictions and pursue these ideals until we all come unto the measure of the stature of the fullness of Christ. And Thine be the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask that the general deficiency bill be taken up.

The SPEAKER. The Clerk will report the unfinished business, which is the general deficiency appropriation bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes.

The SPEAKER. When the House adjourned last Tuesday evening the matter that was pending was a motion for the previous question.

Mr. MANN. Mr. Speaker, will the gentleman from New York [Mr. FITZGERALD] withhold his motion for the previous question

in order that I may submit an amendment and see whether it can be agreed to?

Mr. FITZGERALD. I withhold the motion.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend by adding as a new section the following:

"The Secretary of War is hereby authorized, in his discretion, to modify and extend the harbor lines in front of the city of Chicago in such manner as to permit park-extension work which may be desired by the municipal authorities, including the changing and widening of the southern entrance to the Chicago Harbor."

Mr. FITZGERALD. Mr. Speaker, I reserve a point of order on that.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] reserves a point of order.

Mr. FITZGERALD. This does not involve any expense, but gives the War Department discretionary power to modify the harbor lines of the lake, as I understand.

Mr. MANN. That is what it does. That is all.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. FITZGERALD. Mr. Speaker, I move now the previous question on the pending amendments and the bill to its final passage.

Mr. RUCKER of Colorado. Mr. Speaker, will the gentleman withhold for a moment?

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves the previous question on the bill and amendments to its final passage.

The previous question was ordered.

Mr. RUCKER of Colorado. Mr. Speaker, will the gentleman suspend a moment in order to give me an opportunity to amend the antipass law?

Mr. FITZGERALD. I object to that.

Mr. RUCKER of Colorado. I would like the gentleman to withhold, so that I can offer an amendment.

The SPEAKER. The Chair will state to the gentleman from Colorado that it is now too late to offer an amendment, unless the order for the previous question is vacated.

Mr. RUCKER of Colorado. I was on my feet, Mr. Speaker, asking the gentleman to withdraw his motion for the previous question when the Chair put the question. I was asking leave to have my amendment presented.

The SPEAKER. The Chair could not tell what the gentleman was doing down there. The Chair could not hear a word that was being said.

Mr. FITZGERALD. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is that the previous question is ordered, and the question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. The question now is on the committee amendments.

The SPEAKER. Is a separate vote demanded on any of the committee amendments? [After a pause.] The Chair hears no such demand, and the question is on agreeing to the committee amendments.

The question was taken, and the committee amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEGISLATIVE ASSEMBLY FOR ALASKA.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to take from the Union Calendar the bill (H. R. 38) to create a legislative assembly for Alaska, to discharge the Committee of the Whole from the further consideration of it, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent for the present consideration of the Alaska legislative bill, and asks that the Senate amendments be disagreed to and that the House ask for a conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will announce the conferees on the part of the House.

The Clerk read as follows:

Mr. FLOOD of Virginia, Mr. HOUSTON, and Mr. WEDEMEYER.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7409. An act to constitute a commission to investigate the purchase of American-grown tobacco by the Governments of foreign countries.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assinniboine Military Reservation, in the State of Montana.

ENROLLED JOINT RESOLUTIONS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolutions of the following titles, when the Speaker signed the same:

H. J. Res. 346. Joint resolution to correct an error in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved June 19, 1912; and

H. J. Res. 327. Joint resolution requesting the President of the United States to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOWLAND, for three days, on account of death in his family.

To Mr. ROUSE, indefinitely, on account of sickness in his family.

To Mr. GUDGER, for six days, on account of sickness in his family.

To Mr. WILSON of New York, indefinitely, on account of illness.

AGRICULTURAL APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I call up the conference report on the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

The SPEAKER. The gentleman from Virginia [Mr. LAMB] calls up the conference report on the bill H. R. 18960, which the Clerk will report.

The Clerk read the title of the bill, as follows:

An act (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FITZGERALD. Mr. Speaker, I suggest that the report be read.

The SPEAKER. The Clerk will read the conference report.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 1150).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 42, 57, 58, 72, 73, 101, 103, 104, 105, 106, 107, 111, 120, 124, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 155, 170.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 46, 47, 49, 51, 53, 54, 55, 62, 63, 64, 67, 68, 70, 75, 76, 78, 80, 81, 82, 83, 84, 91, 93, 98, 99, 100, 108, 110, 112, 114, 118, 119, 125, 126, 127, 128, 129, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 156, 157, 158, 159, 160, 161, 162, 165, 166, 167, 168, 171, 172, 173, 174, 175, 176, 177, 179, and agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$600,000;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,217,866;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50,

and agree to the same with an amendment as follows: After the word "the" where it occurs the first time in the amendment strike out the words "exhibition of animals"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,670,316"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$25,000"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$8,000"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$52,430"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$40,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$80,765"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$35,795"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$300,000"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: After the word "demonstrations" strike out the word "in" and insert the words "and for"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$125,000" and add thereto the following: "*Provided, however*, That the sum of $50,000 of this amount, or so much thereof as may be necessary, shall be used for the purchase of land and equipment and the construction of buildings necessary to establish, equip, and maintain an experimental farm in the northern section of the Great Plains area to demonstrate the kind and character of plants, shrubs, trees, berries, and vegetables best adapted to the climate and soil of the semiarid lands of the United States: *Provided further*, That the limitation in this act as to the cost of farm buildings shall not apply to this paragraph"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,658,080"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,323,580"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following: "That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that may be opened to settlement and entry under the homestead laws applicable to the national forests, and the sum of $25,000 is hereby appropriated for the purposes aforesaid"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$35,000"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: At the end of the amendment, after the word "forests," insert the following: "but it is not the intent of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in the act of June 4, 1897"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$170,000"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following: "And the Secretary of Agriculture shall investigate the best methods of distillation of Douglas fir and other northwestern species of fir and timber, and ascertain the yields of distillates of various species, and the refining and commercial use of the distillates"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$20,180"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$165,640"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$400,000"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following as a new paragraph:

"That an additional 10 per cent of all money received from the national forests during the fiscal year ending June 30, 1912, shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part."

And the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$3,107,285"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,343,045"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$968,940"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$75,000"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$30,000"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115,

and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$328,750"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$672,340"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following as a new paragraph:

"For the establishment of a national game preserve to be known as the Wind Cave National Game Preserve, upon the land embraced within the boundaries of the Wind Cave National Park, in the State of South Dakota, for a permanent national range for a herd of buffalo to be presented to the United States by the American Bison Society, and for such other native American game animals as may be placed therein. The Secretary of Agriculture is authorized to acquire by purchase or condemnation such adjacent lands as may be necessary for the purpose of assuring an adequate, permanent water supply, and to inclose the said game preserve with a good and substantial fence and to erect thereon all necessary sheds and buildings for the proper care and maintenance of the said animals, $26,000, to be available until expended."

And the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$45,000"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$166,300"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$191,400"; and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$194,700"; and the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$219,700"; and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following: "And the Secretary of Agriculture be, and he is hereby, directed to secure from the various branches of the department having authority to investigate such matters, reports relative to systems of marketing farm products, cooperative or otherwise, in practice in various sections of the United States, and of the demand for such products in various trade centers, and shall make such recommendations to Congress relative to further investigations of these questions and the dissemination of such information as he shall deem necessary"; and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$100,000"; and the Senate agree to the same.

Amendment numbered 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,871,700"; and the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$16,264,496"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment, insert the following: "To enable the Secretary of Agriculture to investigate the cultivation, acclimating, and development of the most nutritious and productive types of potatoes, and for the purpose of experimentation and development of American sugar-beet seed adapted to the irrigated lands of the arid West, $10,000"; and the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$16,651,496"; and the Senate agree to the same.

JOHN LAMB,
A. F. LEVER,
G. N. HAUGEN,
Managers on the part of the House.

HENRY E. BURNHAM,
F. E. WARREN,
J. H. BANKHEAD,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

OFFICE OF THE SECRETARY.

The appropriations under this title consist entirely of salaries. The estimates provided for a total appropriation for these salaries amounting to $287,300.

The bill as reported to the House carried for salaries in the office of the Secretary $279,380.

The bill as it passed the House carried $278,930 and as it passed the Senate it carried $292,280—an increase of $13,350. Of this sum, $450 is accounted for by the restoration to the bill of certain increases stricken out upon points of order on the floor of the House, viz, one inspector $250, and one construction inspector $200; and the remaining $12,900 is due to transfers from lump-fund appropriations, slight increases in salaries, and readjustments in accordance with a supplemental estimate submitted by the Secretary too late to be considered by this committee in formulating the bill, but which have been carefully considered since, and which we believe to be just and necessary for efficiently carrying out the work of the department.

WEATHER BUREAU.

Amendments Nos. 29, 30, 31, 32, 33, 34, 35, to which the House agrees, restore to the bill language stricken out upon points of order on the floor of the House providing for increases in salaries as follows: Assistant chief of bureau, $250; four copyists or typewriters, $60 each; one assistant foreman, $200; one lithographer, $200; one engineer, $100; in all, $990.

Amendment No. 37, to which the House agrees, increases by $10,000 the amount appropriated by the House, and is to provide for the establishment of two additional weather stations.

Amendment No. 38, to which the House agrees, increases the appropriation by $1,000, and is necessary to provide fuel, light, furniture, stationery, etc., for the new stations authorized as above.

Amendment No. 39, to which the House agrees, increases the appropriation $6,000, and is necessary in order to provide instruments, etc., for the new stations authorized as above.

Amendment No. 40, to which the House agrees, increases the appropriation $1,000, and is made necessary because of the establishment of the new stations authorized as above.

Amendment No. 41, to which the House agrees, increases the appropriation $2,000, this being necessary because of the establishment of the new stations authorized as above.

BUREAU OF ANIMAL INDUSTRY.

Amendment No. 45, to which the House agrees, increases the appropriation $7,300. The amount asked for in the estimates was $611,800. The House appropriated the amount carried in the current law, viz, $592,700. The amendment as agreed to makes the sum appropriated $600,000, which is $11,800 below the estimates.

Amendment No. 46, to which the House agrees, restores to the bill language stricken out upon a point of order on the floor of the House, extending to renovated-butter factories certain sanitary provisions of the meat-inspection act. It carries no appropriation.

Amendment No. 47, to which the House agrees, increases by $4,700 the sum appropriated by the House, bringing the amount up to $52,180, which is the sum asked for in the estimates.

Amendment No. 49, to which the House agrees, restores to the bill language stricken out upon a point of order on the floor of the House authorizing the Secretary of Agriculture to sell in open market or to exchange for other breeding animals or animal products, without the usual condemnation proceedings and public auction, such animals or animal products produced or purchased under act of Congress for the use of the bureau and no longer needed in the work of that bureau; and provides for the deposit of the proceeds in the Treasury as miscellaneous receipts. This amendment carries no appropriation.

Amendment No. 50, to which the House agrees, increases the appropriation for "Cooperative experiments in animal feeding and breeding" from $50,000 to $100,000—the additional amount to be used in the new work of experimentation in the breeding of horses for military purposes. It has been held by the House that—

The subject of improving the breed of horses, even with the improvement of the Cavalry as an object, belongs to the jurisdiction of the Committee on Agriculture (Vol. IV, sec. 4158, Hinds' Precedents)—

And it is believed the great importance of this matter fully warrants this appropriation. The provision inserted by the Senate authorizing "the exhibition of animals" has been stricken from the amendment.

BUREAU OF PLANT INDUSTRY.

Amendment No. 53, to which the House agrees, increases the salary of the chief clerk $250, and amendment No. 54, to which the House also agrees, provides for an additional clerk of class 1 ($1,200). The House believes both these increases are warranted by reason of long service and increasing responsibility of the chief clerk and the increasing work of this important bureau.

Amendment No. 56, to which the House agrees, increases the appropriation for investigations of plant diseases and pathological collections by $2,070, but still leaves the amount appropriated $4,500 below the estimates.

Amendment No. 59 relates to a proviso that not to exceed $12,000 of the amount appropriated for the ginning, handling, grading, baling, and wrapping of cotton, etc., may be used for the purchase of spinning machinery in order to conduct certain tests with cotton. This sum has been reduced to $8,000, and the House agrees to this amendment, as it appears that the Bureau of Plant Industry is now at a point in its investigations of the ginning, handling, and grading of cotton where it is absolutely necessary that accurate tests of the spinning value of different samples of cotton should be made.

Amendment No. 60, to which the House agrees, appropriates $52,430 for the collection, propagation, testing, and experimenting with seeds of interest to agriculture, including rare new seeds, etc., and amendment No. 61, to which the House also agrees, provides that $40,000 of this sum shall be used for the purchase and distribution of drought-resistant field seeds. This is an increase of $39,320 to provide for the new work indicated.

Amendment No. 65, to which the House agrees, increases by $5,000 the appropriation "for the investigation and improvement of grains" (cereals), and thus provides for the added work of "the study of cereal diseases."

Amendment No. 66, to which the House agrees, increases by $5,000 the sum appropriated for investigation and improvement of sugar-producing plants, including their utilization and culture.

Amendment No. 67, to which the House agrees, increases by $1,930 the sum appropriated for taxonomic investigations and study of the improvement of grazing lands and brings the appropriation up to the amount asked in the estimates.

Amendment No. 68, to which the House agrees, adds the words "and for farm demonstration work" to the item "To investigate and encourage the adoption of improved methods of farm management, etc.," and amendment No. 69, to which the House also agrees, increases the appropriation for this purpose from $251,000 to $300,000.

Amendment No. 70, to which the House also agrees, adds to this item a proviso: "That of the amount hereby appropriated the sum of $10,000 may be used in the investigation and utilization of cacti and other dry-land plants as food for stock." The increase in the appropriation is deemed necessary because of the additional lines of work imposed by the new language.

Amendment No. 74, to which the House agrees, gives authority to the Secretary of Agriculture to purchase land for a special experiment station in the northern section of the Great Plains area for the purpose of demonstrating the kind and character of trees, shrubs, berries, vegetables, etc., best adapted to the climatic and soil conditions of that region, and the appropriation for "Investigations and improvement of methods of crop production under semiarid or dry-land conditions" is increased by the sum of $55,000 for this purpose.

Amendment No. 75, to which the House agrees, restores to the bill language stricken out upon point of order on the floor of the House, as follows:

For studying methods of clearing off "logged-off" lands with a view to their utilization for agricultural and dairying purposes; for their irrigation; for testing powders in clearing them; and for the utilization of the by-products arising in the process of clearing, in cooperation with the States, companies, or individuals, or otherwise, $5,000.

Amendment No. 76, to which the House agrees, adds the words "western irrigation agriculture" to the item for "Investigations in connection with the utilization of lands reclaimed under the reclamation act"; but the amount appropriated is not increased.

PURCHASE AND DISTRIBUTION OF VALUABLE SEEDS.

Amendment No. 78, to which the House agrees, merely adds a proviso authorizing the Secretary of Agriculture to award contracts for printing the envelopes and the packeting, assembling, and mailing of the seeds, etc., for a period of not more than five years nor less than one year. It has been shown conclusively that such authorized practice will result in a saving of at least $10,000 per annum.

FOREST SERVICE.

Amendment No. 80, to which the House agrees, increases the number of forest rangers at $1,200 each from 198 to 252; and amendment No. 81, to which the House also agrees, drops from the rolls 54 forest rangers at $1,100 each, the net result being that 54 forest rangers are promoted $100 each; a total increase of $5,400.

Amendment No. 83, to which the House agrees, provides:

That all of the military reservation of Fort Wingate, N. Mex., as described in Executive order of May 31, 1911 (No. 1367), shall become a part of the Zuni National Forest and shall so remain until said order shall be revoked, modified, or suspended by the President, but that the said lands shall remain subject to the unhampered use of the War Department for military purposes, and to insure such use the land shall not be subject to any form of appropriation or disposal under the land laws of the United States;

but nothing is added to the appropriation by reason of this proviso.

Amendment No. 84, to which the House agrees, is explained as follows: Under existing laws each of the national forests has an appropriation which reads:

For salaries and field and station expenses, including the maintenance of nurseries, collecting seed, and planting, necessary for the use, maintenance, improvement, and protection of the national forests.

Then, after each established forest is enumerated, there follows a clause which reads:

Additional national forests to be created under section 11 of the act of March 1, 1911 (36 Stat. L., p. 963), $32,000;

and amendment 84 adds to this clause the following language, which is inserted before the amount of the appropriation and does not change it:

And lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted for the purposes of said act.

Since the estimates were submitted to the House it has been learned that there is no legal authority for the protection of lands which have been contracted for purchase, but title to which has not yet passed to the Government, and it is deemed important for the Government to begin immediately the protection of lands which it contracts to purchase. The lands here referred to are those to be purchased under what is known as the Weeks Act.

Amendment No. 85, to which the House agrees, is a new paragraph, which provides:

That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that may be opened to settlement and entry under the homestead laws applicable to the national forests, and the sum of $25,000 is hereby appropriated for the purpose aforesaid.

The purpose of this amendment is to expedite the classification and opening to entry of lands within the national forests.

Amendment No. 86, to which the House agrees, is a new paragraph, which provides:

For the expenditure under the direction of the Secretary of Agriculture for survey and listing of lands within forest reserves chiefly valuable for agriculture and describing the same by metes and bounds, or otherwise, as required by the act of June 11, 1906, and the act of March 3, 1899, $35,000: *Provided, however*, That any such survey and the plat and field notes thereof paid for out of this appropriation shall be made by an employee of the Forest Service under the direction of the United States surveyor general, but no land listed under the act of June 11, 1906, shall pass from the forest until patent issues.

This is to relieve settlers of the cost of a survey when a tract has been entered on unsurveyed land.

Amendment No. 87, to which the House agrees, is a new paragraph, which provides:

That the Secretary of Agriculture, under such rules and regulations as he shall establish, is hereby authorized and directed to sell at actual cost to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests, but it is not the intent of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in the act of June 4, 1897.

This is to permit the sale of timber, at cost, to settlers and farmers where the circumstances are such that the Secretary of Agriculture is not justified in authorizing its use free of cost.

Amendment No. 88, to which the House agrees, increases by $5,000 the appropriation "For investigations of methods of wood distillation, and for the preservative treatment of timber," etc.; and amendment No. 89, to which the House also agrees, adds to this paragraph a proviso that the Secretary of Agriculture shall investigate the best method of distillation of Douglas fir, etc., which accounts for the increase in the appropriation.

Amendment No. 90, to which the House agrees, increases by $1,760 the appropriation for experiments and investigations of range conditions, but this amount is still $5,000 below the estimates.

Amendment No. 91, to which the House agrees, adds the words "cones and nursery stock" to the material which may be purchased under the item for seeding and tree planting within national forests. Amendment No. 92, to which the House also agrees, increases the amount for this purpose by $15,640; and amendment No. 93, to which the House agrees, provides:

That the Secretary of Agriculture may procure such seed, cones, and nursery stock by open purchase without advertisements for proposals, whenever in his discretion such method is most economical and in the public interest, and when the cost thereof will not exceed $500.

It is shown that purchases of seeds and cones particularly are made very largely from mountaineers, settlers in the forests, Indians, and similar classes of labor. The purchases are necessarily restricted to people of these classes, as a rule, because they alone are familiar with the region and the work of seed collecting and are the only ones available who are able to supply the needs of the Government. Proposals for bids under such conditions are futile and often would involve delay which would greatly reduce the opportunities of the Government to secure the amount of seed required. Furthermore, in dealing with people of these classes in inaccessible regions, where mail facilities are very poor, it is extremely difficult to secure bids made out in proper form in compliance with the fiscal regulations of the department. Many of the people who furnish seeds and cones, in fact, particularly Indians who have been frequently employed in this work, can not write, and it is impossible to carry out the prescribed method of procedure in purchases.

Amendment No. 94, to which the House agrees, increases the appropriation for the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, etc., by $125,000, which is $100,000 below the estimates.

Amendment No. 95, to which the House agrees, is a new paragraph, as follows:

That an additional 10 per cent of all moneys received from such national forests during the fiscal year ending June 30, 1912, shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part.

The object of this is to aid the counties in the construction of roads in national forests needed for development purposes.

BUREAU OF CHEMISTRY.

Amendment No. 98, to which the House agrees, restores to the bill language stricken out upon a point of order in the House and increases the salary of the chief food and drug inspector from $2,760 to $3,000.

BUREAU OF ENTOMOLOGY.

Amendments Nos. 108, 109, 110, to each of which the House agrees, all relate to the item "For investigations of insects affecting cereal and forage plants"; amendment No. 108 adds the words "including the alfalfa weevil"; amendment No. 109 increases the appropriation by $25,000; and amendment No. 110 increases the amount to be immediately available from $10,000 to $15,000. The added work accounts for the increase in the appropriation.

Amendments Nos. 112 and 113, to both of which the House agrees, relate to investigations of insects affecting truck crops. Amendment No. 112 adds the words "sugar beets," and amendment No. 113 increases the appropriation $6,000. This increase being accounted for by the added work.

Amendment No. 114, to which the House agrees, strikes out the proviso that no part of the appropriation for the investigation of the Mediterranean fly shall be used on the Atlantic seaboard.

BUREAU OF BIOLOGICAL SURVEY.

Amendment No. 117, to which the House agrees, is a new paragraph, which provides:

For the establishment of a national game preserve, to be known as the Wind Cave National Game Preserve, upon the lands embraced within the boundaries of the Wind Cave National Park, in the State of South Dakota, for a permanent national range for a herd of buffalo to be presented to the United States by the American Bison Society, and for such other native American game animals as may be placed therein, the Secretary of Agriculture is authorized to acquire by purchase or condemnation such other lands as may be necessary for the purpose of assuring an adequate, permanent water supply, and to inclose the said game preserve with a good and substantial fence, and to erect thereon all necessary sheds and buildings for the proper care and maintenance of the said animals—

making $32,000 in all, which is to be available until expended.

The purposes of this item are fully explained in the item itself.

Amendment No. 118, to which the House agrees, adds to the item for investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, etc., the following language (with an increase of $4,000 in the appropriation):

And for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, $43,000, of which sum $3,000 shall be used for the destruction of ground squirrels on the national forests in California.

This brings the total to $43,000, which was the amount asked for in the estimates.

Amendment No. 121, to which the House agrees, is a new paragraph, which provides:

For the establishment of a winter game (elk) reserve in the State of Wyoming, which shall be located in that section of Wyoming lying south of the Yellowstone Park, and shall include not less than 2,000 acres in township 41 north, ranges 115 and 116 west.

This amendment appropriates $45,000 for this purpose, to be available until expended, and authorizes the Secretary of Agriculture to purchase such lands, with improvements, to erect necessary buildings and inclosures, and to incur other expenses necessary for the maintenance of the reserve.

DIVISION OF ACCOUNTS AND DISBURSEMENTS.

Amendments Nos. 125, 126, and 127, to all of which the House agrees, restore to the bill language stricken out upon points of order on the floor of the House, providing slight increases in the salaries of three officials, the aggregate increase being $700.

Amendment No. 128, to which the House agrees, restores to the bill language stricken out upon a point of order on the floor of the House, as follows:

Provided, That hereafter employees of the Division of Accounts and Disbursements may be detailed by the Secretary of Agriculture for accounting and disbursing work in any of the bureaus and offices of the department for duty in or out of the city of Washington, and employees of the bureaus and offices of the department may also be detailed to the Division of Accounts and Disbursements for duty in or out of the city of Washington, traveling expenses of employees so detailed to be paid from the appropriation of the bureau or office in connection with which such travel is performed.

This is simply for the purpose of detailing persons from the Division of Accounts to the various bureaus and divisions in cases of emergency, which details are very necessary from time to time. It adds nothing to the appropriation and changes no salaries, but adds materially to the efficiency and economy of the service.

DIVISION OF PUBLICATIONS.

Amendment No. 140, to which the House agrees, increases by $200 the salary of one assistant in document section.

Amendment No. 141, to which the House agrees, increases by $300 the salary of one foreman, Farmers' Bulletin distribution.

Amendment No. 142, to which the House agrees, provides for 1 clerk of class 3 in lieu of 1 clerk of class 2.

Amendment No. 143, to which the House agrees, provides for 1 additional clerk of class 1.

Amendment No. 144, to which the House agrees, strikes out 1 clerk at $1,000.

Amendment No. 145, to which the House agrees, provides for 5 additional clerks at $900 each.

Amendment No. 146, to which the House agrees, strikes out 4 clerks at $840 each.

Amendment No. 147, to which the House agrees, strikes out 1 skilled laborer at $720.

Amendment No. 148, to which the House agrees, provides for 1 assistant chief folder at $960.

Amendment No. 149, to which the House agrees, strikes out 1 folder at $900.

Amendment No. 150, to which the House agrees, provides for 1 skilled laborer at $1,100.

Amendment No. 151, to which the House agrees, strikes out 1 skilled laborer at $1,000.

These changes cause a total increase of $1,480 over the amount allowed by the House and are generally in accord with the purpose of the committee to increase the salaries of the lower-paid clerks.

BUREAU OF STATISTICS.

Amendment No. 154, to which the House agrees, directs the Secretary of Agriculture to investigate systems of marketing farm products in various sections of the United States and make report to Congress on the results of such investigations. This amendment carries no appropriation.

CONTINGENT EXPENSES.

Amendment No. 159, to which the House agrees, restores to the bill language stricken out upon a point of order on the floor of the House, viz, a proviso as follows:

Provided, That hereafter the Secretary of Agriculture may purchase stationery, supplies, furniture, and miscellaneous materials from this appropriation and transfer the same at actual cost to the various bureaus, divisions, and offices of the Department of Agriculture in the city of Washington, reimbursement therefor to be made to this appropriation by said bureaus, divisions, and offices from their lump-fund appropriations by transfer settlements through the Treasury Department.

The practice of purchasing supplies in this way and transferring them to the various bureaus and offices was in vogue in this department for a number of years, but recently the Comptroller of the Treasury decided that in the absence of specific law such procedure was improper and suggested that it be discontinued. The provision in question will give the department the necessary authority to continue the practice, which was found exceedingly expeditious and economical, saving time and labor and obviating the necessity of handling countless small requisitions for supplies and auditing an equally large number of accounts covering such transactions. Certainly a private corporation would purchase its supplies in large quantity and have one general storeroom from which to distribute them to its various offices and branches.

OFFICE OF EXPERIMENT STATIONS.

Amendment No. 161, to which the House agrees, is a new provision under the item for irrigation investigations and provides as follows:

That the Secretary of Agriculture be, and he is hereby, authorized and directed to cause a thorough investigation to be made and report to Congress at the opening of the next session upon the feasibility and the economy of irrigation by the reservoir system or plan in western Kansas and western Oklahoma.

This new provision does not increase the appropriation and contemplates investigations likely to result in much good in the territory mentioned.

Amendment No. 162, to which the House agrees, restores to the bill language stricken out upon a point of order on the floor of the House and merely provides for the employment of labor and for rents outside of the District of Columbia, under the item for drainage investigations.

Amendment No. 163, to which the House agrees, increases by $3,300 the appropriation for drainage investigations.

OFFICE OF PUBLIC ROADS.

Amendment No. 165, to which the House agrees, restores to the bill language stricken out upon a point of order on the floor of the House, and increases the amount by $10,000. The paragraph is as follows:

For conducting field experiments and various methods of road construction and maintenance, and investigations concerning various road materials and preparations; for investigating and developing equipment intended for the preparation and application of bituminous and other binders; for the purchase of materials and equipment; for the employment of assistants and labor; for the erection of buildings; such experimental work to be confined as nearly as possible to one point during the fiscal year, $30,000.

MISCELLANEOUS.

Amendment No. 172, to which the House agrees, allows to officials and employees of the Department of Agriculture when traveling on official business in the United States a per diem allowance in lieu of subsistence and all other traveling expenses. This language was stricken from the bill upon a point of order on the floor of the House, and this amendment merely restores it to the bill. It is believed that this method of per diem allowance is in all ways preferable to the present method of paying subsistence and traveling expenses, and will result in economy and efficiency.

Amendment No. 173, to which the House agrees, restores to the bill language stricken out upon a point of order on the floor of the House providing for reimbursement to officials and employees of the Department of Agriculture for moneys expended for street car fares when expended in the transaction of official business.

Amendment No. 174, to which the House agrees, reappropriates and makes available until expended so much of the maximum sums mentioned in section 3 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States or with the United States, for the protection of the watersheds of navigable streams, etc., for the fiscal years 1912 to 1915, inclusive, as shall remain unexpended at the close of each of said fiscal years."

This amendment applies solely to section 3 of the above-mentioned act of March 1, 1911, which section appropriates a total sum of $11,000,000 for the purposes named, said sum to become available in installments, as follows: $1,000,000 for the fiscal year ended June 30, 1910; and for each of the succeeding five fiscal years, up to and including the year ending June 30, 1915, the sum of $2,000,000.

It was clearly the intention of Congress to appropriate the sum of $11,000,000 and to have that entire sum expended for the purpose set forth in the act, but the Comptroller of the Treasury has ruled that, under the wording of said section 3, only such sums as are actually expended during each or any fiscal year are appropriated for that year and any unexpended balances are not available after the expiration of the fiscal year but lapse and go back to the Treasury.

Amendment No. 175, to which the House agrees, appropriates the sum of $10,000—and makes the appropriation immediately available—to enable the Secretary of Agriculture to make an exhibit at the next annual meeting of the International Dry Land Congress, to be held at Lethbridge, Alberta, Canada, in October, 1912. The meetings of this congress have heretofore been held in the United States, but Canada is much interested in these problems, and, as the next congress is to be held in that Dominion, it is believed that this Government should be suitably represented.

Amendment No. 176, to which the House agrees, is as follows:

That the Secretary of Agriculture be, and he hereby is, empowered to prepare from the several divisions of the Department of Agriculture an exhibit to be displayed at the Fifth National Corn Exposition, to be held in Columbia, S. C., from January 27 to February 9, 1913.

That the said exhibit shall be of such nature as the Secretary of Agriculture deems appropriate: *Provided*, That the Secretary of Agriculture shall make such arrangements with the proper officers of the said exposition that the Department of Agriculture shall be at no expense for transportation of said exhibit to and from the exposition: *Provided further*, That the Secretary of Agriculture shall also make such arrangements with the proper authorities of said exposition that there shall be no expense to the department for any breakage or damage that may occur to the exhibit, nor for the living expenses of such appointees as he may see fit to send to said exposition to demonstrate the exhibit sent.

This amendment carries no appropriation, and it will be noted that it expressly provides that there shall be no expense to the department for any breakage or damage or for living expenses of any of the department's employees.

Amendment No. 177, to which the House agrees, appropriates the sum of $80,000 to meet the emergency caused by the continuous spread of the chestnut-bark disease and makes $30,000 of this sum immediately available.

In regard to this amendment Dr. Galloway, Chief of the Bureau of Plant Industry, states as follows:

Referring to the amendment providing for an appropriation of $80,000 to meet the emergency caused by the continued spread of the chestnut-bark disease, I beg to say that this matter has been under consideration by the experts of the bureau for the last seven or eight months.

Our officers have made careful estimates of the funds that would be required and believe that $80,000 would be needed to carry out the plan of cooperative effort with the several States which have already made large appropriations for the work.

The funds, if appropriated, will be expended in continuing the investigations which the bureau has been engaged upon on a rather limited scale since 1907, which have had for their object the discovery of methods to check the advance of the disease. The scope of these investigations will be increased and cooperative work will be taken up with all of the States which are making, or intend to make, any active campaign against the disease. One of the first things that will be undertaken will be to put the State workers in possession of all the knowledge that the bureau experts have gained from the investigations so far conducted, and correlate the work of the department and the State. The destruction of diseased trees, which will be one of the phases of the work, will be done by the State under the joint direction of the State and bureau officers.

Work can be taken up immediately with the States of New York, New Jersey, Pennsylvania, Ohio, West Virginia, Maryland, Virginia, and North Carolina.

The disease has spread so rapidly that efficient methods for its eradication or control have not yet been entirely worked out experimentally, and further laboratory work along these lines will be necessary. The experiments to date, however, indicate that general sanitary methods, such as the cutting out of advance infections, will prove efficient in restricting the disease to its present range.

In view of the immense value of the chestnut forests of the United States, estimated at from three hundred to four hundred millions, and the wide territory already affected by the disease, which has caused damage to the extent of at least $25,000,000, we believe that the amount proposed to be appropriated is none too large.

Amendment 178, to which the House agrees, appropriates the sum of $10,000 to enable the Secretary of Agriculture to investigate the cultivation, acclimating, and development of the most nutritious and productive types of potatoes, and for the purpose of experimentation and development of American sugar-beet seed adapted to the irrigated lands of the arid West. Both projects are urgent and very important.

Amendment No. 179, to which the House agrees, provides as follows:

Hereafter so much of the act of May 26, 1910 (Thirty-sixth Statutes, p. 416), as requires the Secretary of Agriculture to transmit annually to the Secretary of the Treasury, for submission to Congress, detailed estimates for executive officers, clerks, and other employees in the various bureaus, offices, and divisions of the Department of Agriculture shall not apply to such employees in the meat-inspection service or employees engaged in the enforcement of the insecticide act of 1910.

Amendments not noted in this statement are either merely verbal or other minor corrections, necessary changes of totals and the like, and do not in any way alter the meaning of any of the original language or affect the amount of the appropriations.

The bill as passed the House carried	$15,933,366
As amended and passed the Senate it carried	18,111,976
As agreed upon by the conferees it carries	16,651,496
Increase of bill as passed the House	718,130
Decrease from amounts as passed the Senate	1,460,480
Decrease below estimates	633,452
Decrease below current law	248,520

A. F. LEVER,
G. N. HAUGEN,
Managers on the part of the House.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order on the report.

The SPEAKER. All points of order on the report are reserved.

Mr. LAMB. Mr. Speaker, I do not desire to make any further statement than the statement which will be read by my colleague if there is objection to any amendment, and if there is none I will move that the conference report be adopted.

Mr. HARRISON of New York. Mr. Speaker, will the gentleman from Virginia yield?

Mr. LAMB. I yield five minutes to the gentleman from New York.

The SPEAKER. The gentleman from New York [Mr. HARRISON] is recognized for five minutes.

Mr. HARRISON of New York. Mr. Speaker, I desire to express my dissatisfaction with the fact that the managers on the part of the House agreed to amendment No. 114, which strikes out the proviso that no part of the appropriation for the investigation of the Mediterranean fly shall be used on the Atlantic seaboard. In my judgment our managers have unwittingly allowed themselves to further the plans of the California Fruit Growers' Exchange.

The Mediterranean fly is an impalpable, invisible creature that is supposed to lurk beneath the skins of all the fruits which come into competition with the California fruit growers, but there is strong evidence that this fly lays its eggs in the fertile brains of California fruit growers rather than within these foreign fruits. When the appropriation of $35,000 was before the Committee of the Whole the gentleman from South Carolina [Mr. LEVER], at my request, inserted the proviso restricting the effect of this appropriation to the Pacific coast.

The Mediterranean fly is supposed to be exceedingly peripatetic. He started in the island of Malta, and after devastating and ruining that island moved to South Africa, destroyed that continent, moved to Hawaii and almost caused that island to sink beneath the waves; but nobody has had the temerity to suggest that there is any danger of the invasion of the Atlantic coast by this Mediterranean fly. Therefore, why was there any objection to limiting the effect of this appropriation to the Pacific coast? For some reason or other that was objectionable to the persons who were originally behind this appropriation. Now, I have received suggestions from time to time that agents of the California fruit growers, dissatisfied with the prospects of tariff reduction upon fruits which compete with those grown in that State, were attempting by other means to exclude the importations of fruit into the United States, and that they had been exceedingly busy with the Department of Agriculture, and particularly the Bureau of Entomology, from which the representations for this appropriation come.

I should hesitate to make any direct charges in this matter until I had had further opportunity to investigate the information that comes to me, but this move on the part of the Senate striking out this proviso, and certain provisions in the bill recently reported from the House Committee on Agriculture dealing with the importation of nursery stock, seem to me to be a part of a general scheme which, if put into effect, will make it even more impossible than the high tariff now makes it to import any fruit of any kind into the United States, excepting only those which do not compete with fruit grown upon our soil.

Mr. Speaker, I would not propose to hold up, if I could, a great conference report upon a single point of this nature; but the effect of this appropriation is to endure only for a year, and I serve notice, so far as I am able, upon the California fruit growers that there are some people in the United States who have the intention to investigate their activities in these matters.

Mr. LAMB. Mr. Speaker, I do not deem it necessary to defend the conferees on the part of the House, two of whom were Atlantic coast men; and inasmuch as there seems to be a controversy between the Atlantic coast and the Pacific, I yield five minutes to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Speaker, the attitude of the gentleman from New York [Mr. HARRISON] is incomprehensible and absurd. He wishes that this pest be permitted to invade the Atlantic seaboard, unrestricted by any quarantine regulations or any protective measures.

It is worse than foolish to belittle the danger that would come from the invasion of this fly. The Hawaiian Islands fruit crops are practically being destroyed. This fly lays its eggs in all fruits, not only citrous fruits but others. It has been found in beans, peas, cotton, and in some cases in bananas and pineapples, although it has not attacked the two latter in the Hawaiian Islands.

On the Pacific coast the State of California is waging a shotgun quarantine against the invasion of this pest. Time after time maggoty fruits full of the larvæ of this insect have been taken from passengers who were bringing them over in their baggage.

The State of California is, without direct legal authority, taking measures for its own protection. To imagine that resistance to an invasion of such a pestilence as this is due to the selfishness of fruit growers who desire to curtail the importing privileges of the constituents of the gentleman from New York [Mr. HARRISON] is to see things at night. I can not understand a rational person having any objection to the elimination of any pestilence, whether it affects fruit or animals or human beings. It would be as ridiculous for the gentleman to protest against the prevention of the entrance of the bubonic plague on the Atlantic coast simply because the danger from it has usually been on the Pacific coast. At this time the danger seems on the Atlantic, and without taking up any more time of the House, I wish to say that from absolutely disinterested sources, and many of them, I have been urged over and over again to make the best fight I could here to secure such legislation as will protect this entire country from this pest. If the gentleman from New York wishes to have that and other pests permitted to land in his State, I think he will find that he differs with his own people and his own colleagues.

Mr. LAMB. Mr. Speaker, I understand that the bubonic plague, as well as many other plagues, has come to afflict the Commonwealth of Pennsylvania, and I yield two minutes to the gentleman from Pennsylvania [Mr. MOORE] to explain it.

Mr. MOORE of Pennsylvania. Mr. Speaker, I am surprised and almost startled at the statement of the gentleman from New York [Mr. HARRISON] that the Atlantic seaboard ought to be deprived of that measure of protection which is to be accorded the Pacific coast against a possible pestilence. When he says that no protest arises from the Atlantic seaboard or that no danger is feared from this pestilence, I can not agree with him, because when this bill was before the House I specifically made a protest against the Atlantic seaboard being excluded from the protection which it was proposed to afford to our friends on the Pacific coast.

Mr. HARRISON of New York. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. HARRISON of New York. Did the gentleman vote for the increased duty on lemons in the Payne-Aldrich law?

Mr. MOORE of Pennsylvania. I voted for the Payne-Aldrich bill and for protection to the fruit growers of this country against foreign competition. I have nothing to take back on that score. But as to the danger from the Mediterranean fly, that is said to lurk on the Pacific coast and not on the Atlantic coast, I want to say that vessels are constantly receiving cargoes from the Pacific coast and from the islands of the Pacific by way of the Tehuantepec Railroad and across the Isthmus of Panama. These vessels carry the cargoes to the ports of the Atlantic seaboard, and if they are in any way infected, it follows that one coast is in as much danger as the other. Surely a fly that may become a pestilence can start in a cargo that comes from an island of the Pacific or a port on the Pacific coast and eventually land in the congested centers of the East. Only last week the newspapers reported that an invasion of the bubonic

plague was threatening both coasts. Infected rats were reported as escaping from a ship. They were caught and killed.

I have no desire to see a pestilence of any kind visit the Pacific coast, and much less to visit the Atlantic coast. What is fair for one section of the country is unquestionably fair for the other.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. LAMB. I yield the gentleman two minutes more.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly.

Mr. FITZGERALD. What evidence was there produced to identify the particular rats as rats that were supposed to have escaped from the ship?

Mr. MOORE of Pennsylvania. We had expert information as to that. I do not know whether the particular rats had strawberry marks or not, but there was evidence of bacilli or germs which is supposed to convey the bubonic plague.

Mr. FITZGERALD. The gentleman is aware of the fact that the bubonic plague seems to have been threatening the Atlantic seaboard ever since the Committee on Appropriations failed to give the Public Health and Marine-Hospital Service as large an appropriation as it thought it should have. It had never been urged as dangerous to that part of the country before.

Mr. MOORE of Pennsylvania. I doubt whether the gentleman from New York would want a surreptitious visit of this pest to the congested district he represents. I question whether he would want the Mediterranean fly to visit any of the suburbs of the community he represents. I question whether he would want any pestilence to visit his people, nor can I bring myself to believe the Representative of the great Empire State would stand on this floor and deny his own people in New York the protection he is willing to afford others on the Pacific coast.

Mr. FITZGERALD. There is no danger of that being done, and neither is there any danger of the gentleman from New York being stampeded by the preposterous demands of certain departments of the Government to coerce money that is not needed by the Government.

Mr. MOORE of Pennsylvania. Now, we have had two direct charges as to the animus behind this appropriation. The gentleman from New York [Mr. HARRISON] intimates a great conspiracy, which proposes to deprive certain lemon shippers along the Atlantic seaboard of their rights, and he charges what is being done now by the Committee on Agriculture is being done in the interest of a combination that the gentleman from California [Mr. KENT] earnestly defends. The gentleman from New York [Mr. FITZGERALD] intimates that there is a conspiracy afoot which proposes that the Treasury of the United States shall be robbed by certain gentlemen of a scientific turn of mind who want to prevent the invasion of this pest. In matters of this kind I would rather take the judgment of the experts than of those who do not know the danger that confronts us. I do not know whether there is any danger, but if the Pacific coast is to be protected against pestilence, I want the Atlantic coast protected also.

Mr. LAMB. Mr. Speaker, it has been suggested by a member of the minority, in whose judgment I have great confidence, that perhaps it would be well for the conferees to explain amendment No. 85 relating to the classification and segregation of lands within the national forests. Let me say that that was a Senate amendment, and the language employed in that paragraph did not meet with the approval of the House conferees, for the reason that they felt that it would afford an opportunity for a large number of acres of land—timberlands—to be transferred to the homestead. Therefore, as you will observe, the House receded with an amendment, as is stated in the report.

It is evident that this provision is highly beneficial and it helps to convert the agricultural lands in the national forests into homesteads more expeditiously than ever before. That is the purpose and aim of the amendment, to convert these lands into homesteads as rapidly as possible.

There is a small appropriation of $25,000 attached to make these surveys and thereby facilitate the transfer of these lands of the national forests suitable for agricultural purposes to the homestead. I think the amendment ought to meet, as I believe it will, with the approval of men on both sides of this Chamber, because it serves the great interests of the agricultural people of this country, and because it reduces the number of acres of land held under the national forests. I think the amendment is beneficial to everybody concerned, and I hope it will be satisfactory to the Members on both sides.

Mr. MANN. I would like to know if I have a correct understanding of this. The original Senate amendment would have opened all land in the national forest fit for agricultural purposes, regardless of whether it was more fit for agricultural purposes or for the raising of timber.

Mr. LAMB. That is correct.

Mr. MANN. The conferees first agreed on a proposition to throw open to settlement all lands that were chiefly valuable for agricultural purposes. I think that conference report was rejected.

Mr. LAMB. That was rejected in the Senate and everything was begun again de novo.

Mr. MANN. It looks to me as if the Senate, instead of getting nearer to the proposition, were a good deal further off from it by the conference report.

Mr. LAMB. I do not claim any credit for outgeneraling them.

Mr. MANN. This conference report does not throw open anything to homestead in a forest reserve that is not already thrown open in order to be classified and segregated.

Mr. LAMB. It is true in one sense, but it facilitates and hastens it by making surveys and giving the Secretary of Agriculture $25,000 with which to make the surveys.

Mr. MANN. I understand, but it does not throw open any new lands which would not have been thrown open under existing law.

Mr. HAUGEN. It leaves the law as it is to-day. The conferees on the part of the House objected to new legislation in this item as well as every other item. It leaves the law as it is to-day, but provides an appropriation of $25,000 to expedite the opening of the lands for settlement for those who want to take them.

Mr. LEGARE. I think the gentleman from Illinois has the print that uses the word "open."

Mr. MANN. I have both prints. The first conference report rejected by the Senate provided for the selection and classification and segregation of all lands in forest reserves chiefly valuable for agricultural purposes, and so forth, to be open to settlement. Now, this one provides for the classification of lands that may be opened to settlement and entry under the homestead laws applicable to forest reserves. It does not add any new land, except that which is now authorized to be opened to settlement.

Mr. LEVER. To be opened under the homestead law.

Mr. MANN. Mr. Speaker, I congratulate the House conferees. The Senate rejected a conference report because it did not go far enough, and they have now accepted a conference report which does not go nearly as far as the one they rejected.

Mr. LEVER. Mr. Speaker, I thank the gentleman from Illinois. Let me say to the gentleman that we had information that the adoption of the Senate proposition would have thrown into the hands of water-power companies, lumber companies, and the like of that, $67,000,000 of public property.

Mr. MANN. The original Senate amendment would have destroyed the national forests, which would not have been a very good thing to do.

Mr. LEVER. That is true.

Mr. FITZGERALD. Mr. Speaker, Senate amendment No. 74 struck out an appropriation of $70,000 and inserted $80,000. The House has receded from its disagreement to the Senate amendment, and compromised this difference between $70,000 and $80,000 by agreeing to an amendment appropriating $125,000. It provides for the establishment of an experimental farm, for the purchase of land, and equipment and construction of buildings, and takes away all limit which now is fixed by law upon the cost of buildings, and puts no limit at all upon the cost of this station eventually. As the conferees have no authority to make any such agreement, I should be pleased to have some explanation of it.

Mr. LAMB. Mr. Speaker, that provision is a combination of two amendments. This proposition to create a station out in North Dakota was the subject of contention between the conferees of the Senate and the House for seven or eight days, the House conferees insisting that it was establishing a precedent that we did not feel authorized in doing. But after the Senate had yielded on some other propositions we finally, at the very last hour, agreed to this proposition as a compromise. You gentlemen who have been on conference committees know that these propositions between the conferees of the two Houses are always subject to compromise, and this was the best compromise under all of the circumstances that your House conferees could secure. It was represented to us that that country on the other side of the Missouri River had received very little in the way of benefits that come to the agricultural people; that they were in a land without trees or shrubs adapted to their locality; that the establishment of this station would help those people in the semiarid area of the Northwest to a degree; and, finally, under protest, as I have said, we agreed to this, and instead of putting it in a separate item we turned back to this page on which you find this amendment and added to it the $50,000 for the

establishment of this experiment station there, to give this relief to those people who were sadly in need of it.

Mr. FITZGERALD. Then this compromise includes the adjustment that was made on Senate amendment No. 73?

Mr. LAMB. Yes; that is the way it was. It is a combination of two amendments.

Mr. FITZGERALD. Mr. Speaker, I wish also to inquire of the gentleman the reason for the agreement to the establishment of two game reserves, amendments Nos. 117 and 121. One hundred and seventeen appropriates $26,000, I think the agreement is, to make the Wind Cave National Park, in South Dakota, for which the House in the sundry civil appropriation bill declined to make any provision, after investigation was made, a game reserve for a herd of buffalo. Amendment No. 121 is for the establishment of a winter game reserve in the State of Wyoming, and appropriates $45,000 to erect the necessary buildings and inclosures.

Mr. Speaker, in the State of Wyoming there is located the Yellowstone National Park, comprising an area, if I recall correctly, of about 1,750,000 acres of land. In addition to that, on three sides of the Yellowstone Park are large areas of the public domain, converted into national forest reserves. There is continual complaint from Representatives from the western country about the segregation of large areas of land, making them unavailable for settlement. In the Yellowstone Park at present there are a number of buffalo. It would seem somewhat extraordinary that anybody in that section of the country should be anxious to have additional land segregated for this purpose. I have very little sympathy with those from the more remote section of the country who have been urging these additional segregations for this specific purpose. Why could not all of these wild animals be placed either in the Yellowstone National Park or in some of the forest reserves in Wyoming, or in some of the adjacent States?

Mr. MANN. Mr. Speaker, in one instance disease would break out and kill them all. The people there made a very strong statement about that proposition and about the other, that the elk are being destroyed by starvation in winter. Something has to be done to preserve the elk, not only for that country, but for the whole country.

Mr. FITZGERALD. They could have been provided for in some of the public domains now utilized for that purpose, could they not?

Mr. LAMB. The gentleman has no idea how many there are. You would have to turn in an army to kill them if you are going to destroy them. They come and eat everything the farmer has. You have to do one of two things—feed them or destroy them.

Mr. FITZGERALD. I know the South Dakota proposition. That is to permit a gentleman who became interested in the perpetuation of the big game in the United States and accumulated a very considerable number of buffalo, who is now weary of the burden of maintaining them, to shift that burden to the United States.

Mr. LAMB. He gives them away. People do not go to the trouble often of accumulating property and giving it away.

Mr. FITZGERALD. Why, yes. If the gentleman from Virginia and myself had a herd of elephants we would be very glad to give them to the United States Government. I simply wish to emphasize this fact, that those gentlemen from the western part of the country who are so vociferous in their denunciations of the attitude of the people of the United States when public lands are segregated for some beneficial purpose for the people of the United States, should not be so ready to complain when they not only acquiesce, but when they urge segregation of the public domain for the purpose of the character indicated in these amendments. I shall withdraw the points or order against the report.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. LAMB. Yes.

Mr. MANN. I notice in this Senate amendment with reference to winter game preserves, that it reads for the establishment of a winter game preserve with the words "elk" in parentheses, inserted between the word "game" and the word "preserves." Does that mean that this is for a winter game preserve for all kinds of game to which elk may be admitted, or is it confined to elk. Would it permit also the introduction of moose?

Mr. LAMB. It is to confine the elk, I will say; I do not think the bull moose will be allowed in it.

Mr. MANN. This only puts elk in parentheses?

Mr. FITZGERALD. Yes; and the gentleman would like to put the moose in parentheses.

Mr. MANN. Oh, the gentleman from New York will find they will have to put the moose in something tighter than parentheses.

Mr. FITZGERALD. We will have too many people to kill them off.

Mr. MANN. Not as many on our side as on the gentleman's side.

The SPEAKER. The question is on the adoption of the conference report.

The question was taken, and the conference report was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I call up the conference report on the bill H. R. 24023, the legislative, executive, and judicial appropriation bill.

The SPEAKER. The Clerk will read the report.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

CONFERENCE REPORT (NO. 1132).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24023) making appropriations for the legislative, executive and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 83, 86, 91, 92, 98, 104, 105, 106, 110, 115, 116, 117, 119, 120, 129, 142, 143, 154, 155, 161, 162, 166, 170, 171, 172, 173, 174, 187, 192, 244, 250, 251, 252, 254, 255, 256, 257, 260, 261, 262, 263, 269, 271, 272, 279, 280, 288, 289, 291, 293, 294, 296, 297, 298, 300, 303, 304, 305, 307, 308, 312, 316, 317, 318, 319, 321, 322, 323, 324, 325, 326, 328, 329, 333, 334, 335, 336, 341, 342, 343, 346, 347, 352, 353, 354, 355, 360, 361, 366, 367, 368, 369, 370, 374, 375, 376, 377, 379, 383, 384, 385, 388, 389, 410, 412, 413, 414, 415, 416, 417, 418, 423, 424, 426, 428, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 441, 442, 450, 454, 456, 457, 458, 460, 461, 462, 464, 467, 468, 469, 471, 473, 474, 475, 476, 477, 484, 485, 486, 487, 490, 491, 494, 496, 497, 498, 499, 505, 506, 507, 510, and 515.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 79, 80, 82, 84, 85, 87, 88, 89, 90, 93, 94, 95, 96, 97, 99, 100, 101, 102, 103, 107, 108, 111, 113, 114, 118, 125, 126, 127, 128, 130, 131, 133, 134, 135, 136, 137, 138, 139, 140, 141, 144, 145, 146, 147, 148, 149, 150, 152, 153, 160, 163, 164, 165, 167, 168, 175, 176, 177, 178, 179, 180, 181, 183, 185, 188, 189, 194, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 245, 246, 247, 248, 249, 258, 259, 265, 266, 267, 268, 273, 274, 276, 277, 278, 281, 282, 287, 290, 295, 299, 311, 313, 315, 320, 327, 330, 331, 332, 337, 338, 339, 340, 344, 345, 348, 350, 351, 356, 357, 358, 359, 362, 364, 365, 372, 378, 380, 381, 382, 386, 387, 390, 391, 396, 397, 398, 400, 405, 406, 407, 408, 409, 411, 419, 420, 427, 429, 440, 443, 444, 445, 446, 447, 448, 449, 451, 452, 453, 455, 459, 465, 466, 470, 472, 480, 481, 482, 483, 488, 489, 492, 493, 495, 500, 502, and 503, and agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For fuel and advertising, exclusive of labor, $2,500"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the following: "to be immediately available"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$72,056.66"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two charwomen"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$229,830"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "director of the consular service, $4,500; counselor for the Department of State, to be appointed by the President, by and with the advice and consent of the Senate, $7,500; 8 officers to aid in important drafting work, 4 at $4,500 each and 4 at $3,000 each, to be appointed by the Secretary of State, any of whom may be employed as chief of division of far eastern, Latin-American, near eastern, or European affairs, or upon other work in connection with foreign relations; assistant solicitor, $3,000; law clerk, $2,500; clerks—2 of class 3; 2 of class 1; 2 at $1,000 each; 3 assistant messengers"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$317,560"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,670"; and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "Hereafter the administrative examination of all public accounts, preliminary to their audit by the accounting officers of the Treasury, shall be made as contemplated by the so-called Dockery Act, approved July 31, 1894, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments, except those vouchers heretofore prepared outside of Washington may continue to be so prepared; and the disbursing officers shall make only such examination of vouchers as may be necessary to ascertain whether they represent legal claims against the United States"; and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$310,070"; and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-five"; and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eleven"; and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$148,650"; and the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$336,100"; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, 52 of the bill, in line 11, strike out the following: "newspapers"; and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For purchase, exchange, maintenance, and repair of motor trucks, and maintenance of horses and carriages to be used for official purposes only, including not exceeding $6,000 for the purchase of two motor trucks and one motor delivery wagon, $8,000"; and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,100,000"; and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "On and after October 1, 1912, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 63"; and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "paying teller, $2,000; receiving teller, $1,900; exchange teller, $1,800; vault clerk, $1,800"; and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$34,700"; and the Senate agree to the same.

Amendment numbered 226: That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "1 at $2,300, 1 at $2,100, 2 at $2,000 each"; and the Senate agree to the same.

Amendment numbered 243: That the House recede from its disagreement to the amendment of the Senate numbered 243, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$190,610"; and the Senate agree to the same.

Amendment numbered 253: That the House recede from its disagreement to the amendment of the Senate numbered 253, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

Amendment numbered 264: That the House recede from its disagreement to the amendment of the Senate numbered 264, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "During the fiscal year 1913 no vacancy occurring in the classified service of the War Department herein provided for shall be filled except by promotion or demotion from among those within said service, until the whole number of those herein authorized in said classified service of the department shall have been reduced not less than 5 per cent. And the salaries or compensation of all places herein provided for that may be embraced within such reduction shall not be available for expenditure but shall lapse and be covered into the Treasury"; and the Senate agree to the same.

Amendment numbered 270: That the House recede from its disagreement to the amendment of the Senate numbered 270, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$149,820"; and the Senate agree to the same.

Amendment numbered 275: That the House recede from its disagreement to the amendment of the Senate numbered 275, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$26,600"; and the Senate agree to the same.

Amendment numbered 283: That the House recede from its disagreement to the amendment of the Senate numbered 283, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirteen"; and the Senate agree to the same.

Amendment numbered 284: That the House recede from its disagreement to the amendment of the Senate numbered 284, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixteen"; and the Senate agree to the same.

Amendment numbered 285: That the House recede from its disagreement to the amendment of the Senate numbered 285,

and agree to the same with an amendment as follows: In lieu of the number proposed insert "ten"; and the Senate agree to the same.

Amendment numbered 286: That the House recede from its disagreement to the amendment of the Senate numbered 286, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$103,820"; and the Senate agree to the same.

Amendment numbered 292: That the House recede from its disagreement to the amendment of the Senate numbered 292, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,840"; and the Senate agree to the same.

Amendment numbered 301: That the House recede from its disagreement to the amendment of the Senate numbered 301, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$112,440"; and the Senate agree to the same.

Amendment numbered 302: That the House recede from its disagreement to the amendment of the Senate numbered 302, and agree to the same with an amendment as follows: In lieu of the number proposed insert "two"; and the Senate agree to the same.

Amendment numbered 306: That the House recede from its disagreement to the amendment of the Senate numbered 306, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,060"; and the Senate agree to the same.

Amendment numbered 309: That the House recede from its disagreement to the amendment of the Senate numbered 309, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine"; and the Senate agree to the same.

Amendment numbered 310: That the House recede from its disagreement to the amendment of the Senate numbered 310, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$78,600"; and the Senate agree to the same.

Amendment numbered 314: That the House recede from its disagreement to the amendment of the Senate numbered 314, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$102,700"; and the Senate agree to the same.

Amendment numbered 349: That the House recede from its disagreement to the amendment of the Senate numbered 349, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$275,570"; and the Senate agree to the same.

Amendment numbered 363: That the House recede from its disagreement to the amendment of the Senate numbered 363, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$630,650"; and the Senate agree to the same.

Amendment numbered 371: That the House recede from its disagreement to the amendment of the Senate numbered 371, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and on page 100 of the bill, in line 1, after the word "watchmen," insert the following: "for the following under the chief clerk of the Interior Department: Engineer, $1,200, and 2 firemen"; and the Senate agree to the same.

Amendment numbered 373: That the House recede from its disagreement to the amendment of the Senate numbered 373, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,478,100"; and the Senate agree to the same.

Amendment numbered 392: That the House recede from its disagreement to the amendment of the Senate numbered 392, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,000"; and the Senate agree to the same.

Amendment numbered 393: That the House recede from its disagreement to the amendment of the Senate numbered 393, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,000"; and the Senate agree to the same.

Amendment numbered 394: That the House recede from its disagreement to the amendment of the Senate numbered 394, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000"; and the Senate agree to the same.

Amendment numbered 395: That the House recede from its disagreement to the amendment of the Senate numbered 395, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000"; and the Senate agree to the same.

Amendment numbered 399: That the House recede from its disagreement to the amendment of the Senate numbered 399, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$4,000"; and the Senate agree to the same.

Amendment numbered 401: That the House recede from its disagreement to the amendment of the Senate numbered 401, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,000"; and the Senate agree to the same.

Amendment numbered 402: That the House recede from its disagreement to the amendment of the Senate numbered 402, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

Amendment numbered 403: That the House recede from its disagreement to the amendment of the Senate numbered 403, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

Amendment numbered 404: That the House recede from its disagreement to the amendment of the Senate numbered 404, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 421: That the House recede from its disagreement to the amendment of the Senate numbered 421, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fourteen"; and the Senate agree to the same.

Amendment numbered 422: That the House recede from its disagreement to the amendment of the Senate numbered 422, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-one"; and the Senate agree to the same.

Amendment numbered 425: That the House recede from its disagreement to the amendment of the Senate numbered 425, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$424,610"; and the Senate agree to the same.

Amendment numbered 463: That the House recede from its disagreement to the amendment of the Senate numbered 463, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$104,860"; and the Senate agree to the same.

Amendment numbered 478: That the House recede from its disagreement to the amendment of the Senate numbered 478, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "physicist, qualified in optics, $3,600"; and the Senate agree to the same.

Amendment numbered 479: That the House recede from its disagreement to the amendment of the Senate numbered 479, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$239,940"; and the Senate agree to the same.

Amendment numbered 501: That the House recede from its disagreement to the amendment of the Senate numbered 501, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That no part of any money appropriated in lump sum in this act shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the fiscal year 1912; nor shall any person employed at a specific salary under this act be transferred during the fiscal year 1913 and be paid from a lump-sum appropriation a rate of compensation greater than such specific salary"; and the Senate agree to the same.

Amendment numbered 504: That the House recede from its disagreement to the amendment of the Senate numbered 504, and agree to the same with amendments as follows: In lines 7 and 9 of the matter inserted by said amendment strike out the word "maximum" where it occurs; and add after the matter inserted by said amendment as a separate section the following:

"SEC. 5. That on and after September 1, 1913, all appointments to positions in the classified service of the executive departments within the District of Columbia provided for at annual rates of compensation shall be made, after the probationary period shall have expired, for terms of seven years each; at the expiration of each such appointment the employment of each person so appointed shall cease and determine; and the employment of all persons in the classified service of the executive departments within the District of Columbia, at annual rates of compensation, who were appointed prior to September 1, 1912, shall cease and determine, unless previously separated from the service, within one year after the 31st day of August, 1919, the partic-

ular date of such termination within said year to be determined by the head of the department concerned, and on the basis of the length of service, within the classified service, of each such person prior to September 1, 1912: *Provided*, That all persons separated hereunder from the classified service shall be eligible for, and may, in the discretion of the head of the executive department, be reappointed without examination for additional periods of seven years if at the time of such reappointment they shall be up to the standard of efficiency then in force and as hereinbefore set forth, and capable of rendering a full measure of service in return for the salary of the place to which they may be appointed: *Provided further*, That in reducing the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped: *And provided further*, That nothing herein shall be construed to prevent the head of any department from removing at any time, in accordance with civil-service rules, for good and sufficient cause any employee of his department."

And the Senate agree to the same.

Amendment numbered 508: That the House recede from its disagreement to the amendment of the Senate numbered 508, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, before the word "telephone," insert the words "long distance"; and the Senate agree to the same.

Amendment numbered 509: That the House recede from its disagreement to the amendment of the Senate numbered 509, and agree to the same with amendments as follows: Restore the matter stricken out by said amendment amended as follows: On page 144 of the bill, in line 17, after the word "publication," insert the words "for public distribution"; on page 145 of the bill, in line 9, after the word "the" insert the word "public"; and on page 146 of the bill, after the word "appropriations," in line 5, insert the following: "*Provided*, That nothing in this section shall be construed as applying to orders, instructions, directions, notices, or circulars of information, printed for and issued by any of the executive departments or other Government establishments or to the distribution of public documents by Senators or Members of the House of Representatives or to the folding rooms and document rooms of the Senate or House of Representatives"; and the Senate agree to the same.

Amendments numbered 511, 512, 513, and 514: That the House recede from its disagreement to the amendments of the Senate numbered 511, 512, 513, and 514, and agree to the same with an amendment as follows: In lieu of the entire text of the amended section insert the following:

"That the Commerce Court created and established by the act entitled 'An act to create a Commerce Court and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended and for other purposes,' approved June 18, 1910, be and the same hereby is abolished and the jurisdiction vested in said Commerce Court by said act is hereby transferred to and vested in the several district courts of the United States.

"All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of the judicial district in which the cause of action in the first instance arose, and the venue of all suits and proceedings hereafter brought by or against the Interstate Commerce Commission to enforce, set aside or modify the decrees and orders of the commission shall be in the district court of the judicial district in which the cause of action in the first instance arose.

"The venue in suits brought to enforce an order for the payment of money shall be in the district court of the judicial district in which the complainant resides. The procedure in the district court in respect to cases of which jurisdiction is conferred upon them by this act shall be the same as that heretofore prevailing in the said Commerce Court and the right of appeal from the district courts in such cases shall be the same as the right of appeal heretofore prevailing under existing law from the Commerce Court. No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any order made or entered by the Interstate Commerce Commission shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court, or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. When such application as aforesaid is presented to a justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the Supreme Court, or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Commission, to the Attorney General of the United States, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence, and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case; and upon the final hearing of any suit brought to annul, enjoin, or restrain any order of said commission the same requirement as to judges and the same procedure as to appeal shall apply. The provisions of this section shall also apply to the issuing and granting of interlocutory injunctions suspending or restraining the enforcement, operation, or execution of orders made by any administrative board or commission created by and acting under the statute of a State. That in such case the notice required shall be served upon the defendants in the case, and upon the attorney general of the State. All cases pending in the Commerce Court at the date of the passage of this act shall be transferred forthwith to said district courts. Each of said cases and all the records, papers, and proceedings shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases and all the records, papers, and proceedings then pending in the Commerce Court to said district courts."

And the Senate agree to the same.

J. T. JOHNSON,
A. S. BURLESON,
Managers on the part of the House.
F. E. WARREN,
GEO. PEABODY WETMORE,
LEE S. OVERMAN,
Managers on the part of the Senate.

The statement was read as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Governernment for the fiscal year 1913 submit the following written statement in explanation of the effect of the action agreed upon by the conference committee, and submitted in the accompanying conference report, as to each of the amendments of the Senate, namely:

On amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, and 85, relating to the Senate: Makes provision for the employees of the Senate at rates of compensation and in numbers and for miscellaneous expenses of the Senate as proposed in the Senate amendments, except that the appropriation for fuel and advertising is reduced from $5,000 to $2,500, and the amount for expenses of inquiries and investigations is reduced from $50,000 to $25,000.

On amendments Nos. 86 and 379: Appropriates for the office of the Superintendent of the Capitol Building and Grounds under the Department of the Interior, as proposed by the House, instead of under the Senate, as proposed by the Senate.

On amendments Nos. 87, 88, 89, and 90: Appropriates for the number of Capitol police and for their contingent fund, as proposed by the Senate.

On amendments Nos. 91 and 92: Restores the heading "Congressional Directory" and strikes out that of "Joint Committee on Printing," proposed by the Senate, and strikes out the provision for an inspector for the Joint Committee on Printing at $2,000, proposed by the Senate.

On amendments Nos. 93 and 94: Fixes the salary of the night telephone operator in the House of Representatives at $900 instead of $720.

On amendments Nos. 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, and 109, relating to the Library of Congress: Provides for a photostat operator at $600; increases the pay of two assistants from $1,500 to $1,800 each and two assistants from $900 to $1,080 each in the reading rooms; strikes out the provision proposed by the Senate specifying a certain room that may be used for the accommodation of the blind; provides for two additional clerks at $900 each in the copyright office; leaves the question of hours for Sunday opening of the Library to the discretion of the Librarian; appropriates $90,000, as proposed by the House, instead of $95,000, as proposed by the Senate for increase of the Library; provides for two additional charwomen at $240 each under the superintendent of the Library Building and Grounds; and appropriates $10,000, instead of $5,000 as proposed by the House and $15,000 as proposed by the Senate, for furniture.

On amendments Nos. 110, 111, 112, and 113: Appropriates for the Secretary to the President at the rate of $7,500 per annum up to March 4 next and at the rate of $6,000 for the balance of the fiscal year, as proposed by the House; provides for an additional laborer at $720 in the office of the President; and strikes out the provision, proposed by the House, restricting the expenditure of the contingent fund of the Executive Office to services and articles delivered and for use within the District of Columbia.

On amendments Nos. 114, 115, 116, 117, 118, 119, 120, 121, and 122, relating to the Civil Service Commission: Appropriates for 1 clerk at $1,400, 1 elevator conductor at $720, and 2 charwomen at $240 each, additional to the force provided for by the House.

On amendments Nos. 123, 124, 125, 126, 127, and 128, relating to the Department of State: Reduces the additional force, proposed by the Senate, by the omission of the following: Resident diplomatic officer, $6,500; 1 clerk, $1,800; 1 clerk, $1,600; 1 clerk, $1,000; strikes out the appropriation of $20,340 for meeting occasional and unforeseen expenses arising in connection with the work of the department; increases the appropriations for contingent expenses from $9,000 to $11,000, for miscellaneous expenses from $6,500 to $7,000, for rent of buildings from $9,220 to $11,720, and increases the amount that may be expended for street-car tickets from $50 to $100, all as proposed by the Senate.

On amendments Nos. 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, and 147, relating to the office of the Secretary of the Treasury: Strikes out the proposed increase in the salaries of 3 private secretaries to the Assistant Secretaries of the Treasury from $1,800 to $2,000 each; provides for an additional chief messenger at $1,000 instead of a messenger at $840 in the Secretary's office; provides for an additional clerk at $1,600, 2 additional clerks at $1,400 each, 1 additional clerk at $1,200, and a messenger boy at $360 in the Division of Customs; provides for an additional clerk at $1,600 in the Division of Loans and Currency; strikes out the proposed increase of an additional clerk at $900 in the Division of Printing and Stationery; increases the salary of the superintendent of mail from $2,000 to $2,500, and provides for an additional clerk at $1,000 and an additional assistant messenger at $720 in the Division of Mail and Files.

On amendments Nos. 148, 149, and 150: Provides for an Assistant Chief of the Files and Record Division at $2,250 and reduces the salary of 1 assistant chief structural engineer from $2,200 to $1,800 in the Office of the Supervising Architect.

On amendment No. 151: Restores to the bill the provision, proposed by the House, concerning the administrative examination of public accounts.

On amendments Nos. 152, 153, 154, 155, and 156, relating to the office of the Auditor for the War Department: Provides for a Chief of Division of Accounts at $2,500 instead of a chief of division at $2,000, and for 1 clerk at $1,800 instead of 1 clerk at $1,400.

On amendments Nos. 157, 158, and 159, relating to the office of the Auditor for the Interior Department: Provides for 2 clerks at $1,200 each and 3 clerks at $1,000 each, additional to the number proposed by the House.

On amendment No. 160: Verbally corrects the text of the bill with reference to the office of the Auditor for the Post Office Department.

On amendments Nos. 161 and 162: Strikes out the increase in the pay of 1 pressman from $1,400 to $1,500, proposed by the Senate, in the office of the Treasurer.

On amendments Nos. 163, 164, and 165: Provides for 5 additional expert counters, at $840 each, and 2 additional charwomen, at $240 each, in the office of the Comptroller of the Currency, to be reimbursed by the national banks.

On amendments Nos. 166, 167, 168, and 169: Provides for 1 clerk at $1,800 and 1 clerk at $1,600 additional in the office of the Commissioner of Internal Revenue, and strikes out the addition of 1 clerk at $2,000, proposed by the Senate.

On amendments Nos. 170 and 171: Strikes out the increase in the salary of the Chief of the Secret Service Division from $3,600 to $4,000, proposed by the Senate.

On amendments Nos. 172, 173, 174, 175, 176, 177, 178, 179, 180, and 181, relating to the office of the Director of the Mint: Strikes out the increase in the salary of the assayer from $2,200 to $2,400, and 1 additional clerk, at $1,200, proposed by the Senate; appropriates $25,000, as proposed by the Senate, instead of $5,000, as proposed by the House, for freight on bullion and coin between mints and assay offices; increases the total amount for contingent and miscellaneous expenses of the bureau from $4,700 to $4,800, as proposed by the Senate.

On amendments Nos. 182 and 183: Authorizes the purchase of newspaper clippings instead of newspapers for the Treasury Department, and appropriates $1,000, as proposed by the Senate, instead of $750, as proposed by the House, for the same and for books of reference.

On amendments Nos. 184, 185, 186, 187, 188, and 189, relating to contingent expenses for the Treasury Department: Appropriates as follows: To continue the investigation of the methods of administration in the Treasury, $20,000 instead of $15,000, as proposed by the House, and $25,000, as proposed by the Senate; $52,000, as proposed by the Senate, instead of $48,850, as proposed by the House, for rent of buildings; $8,000, as proposed by the Senate, instead of $3,500, as proposed by the House, for horses, wagons, etc., with a provision that not exceeding $6,000 thereof may be used for purchase of two motor trucks and one motor delivery wagon; $4,000, as proposed by the House, instead of $6,000, as proposed by the Senate, for purchase of file holders and file cases; and increases the amount that may be expended for street-car tickets from $100 to $250.

On amendment No. 190: Appropriates $2,100,000, instead of $2,075,000, as proposed by the House, and $2,200,000, as proposed by the Senate, for salaries and expenses of collectors of internal revenue.

On amendment No. 191: Reduces the number of internal-revenue collectors to not exceeding 63, instead of 62, as proposed by the House.

On amendment No. 192: Appropriates $150,000, as proposed by the House, instead of $175,000, as proposed by the Senate, for expenses of collecting the corporation tax.

On amendments Nos. 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, and 244, relating to the offices of assistant treasurers: Appropriates for salaries and expenses of the several offices as proposed by the Senate, except in the office of the assistant treasurer at Baltimore the salary of paying teller is fixed at $2,000 instead of $1,800, as proposed by the House, and $2,250, as proposed by the Senate; in the office of the assistant treasurer at New York 1 clerk at $2,000 is omitted; and $9,000 is appropriated, as proposed by the House, instead of $10,000, for paper for checks.

On amendments Nos. 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, and 259, relating to mints and assay offices: Appropriates for each of the mints and assay offices as proposed by the Senate, except that in the office at Charlotte, N. C., $400 is appropriated, as proposed by the House, instead of $500, as proposed by the Senate, for contingent expenses; the salary of the assayer at Deadwood, S. Dak., is left at $2,000, as proposed by the House, instead of $2,250, as proposed by the Senate, and the sum of $3,000 is appropriated for wages of workmen in that office, instead of $2,300, as proposed by the House, and $4,100, as proposed by the Senate; the restoration of the assay office at St. Louis, Mo., proposed by the Senate, is stricken out.

On amendments Nos. 260, 261, 262, and 263, relating to government in the Territories: Leaves the appropriations therefor as proposed by the House.

On amendment No. 264: Requires a reorganization of the clerical and other office force of the War Department at Washington to be made by the Secretary of War during the fiscal year 1913 and a reduction therein of not less than 5 per cent instead of 10 per cent, as proposed by the House.

On amendments Nos. 265, 266, 267, 268, 269, and 270, relating to the office of the Secretary of War: Provides for the clerk to the Secretary at $2,000 instead of $2,250, the stenographer to the Secretary at $2,000 instead of $1,800, and for an assistant chief clerk at $2,400 instead of a clerk to the assistant and chief clerk at $2,100; provides for an additional clerk at $1,600, and strikes out the provision for a foreman carpenter at $1,200 instead of a carpenter at $1,000.

On amendment No. 271: Restores to the bill the provision, stricken out by the Senate, prohibiting details from The Adjutant General's office.

On amendments Nos. 272, 273, 274, and 275, relating to the office of the Judge Advocate General: Strikes out the increase in the salary of the chief clerk and solicitor from $2,500 to $2,700; provides for 2 law clerks—one at $2,400 and one at $2,000—and for 1 additional clerk at $1,400.

On amendment No. 276: Authorizes the employment of a wireless engineer and a wireless assistant in the Signal Office.

On amendments Nos. 277 and 278: Increases the salary of the chief clerk in the office of the Quartermaster General from $2,000 to $2,500, as proposed by the Senate.

On amendments Nos. 279 and 280: Strikes out the proposed addition of 2 clerks at $1,200 each, proposed by the Senate, in the office of the Surgeon General of the Army.

On amendments Nos. 281 and 282: Increases the salary of the chief clerk in the office of the Paymaster General, War Department, from $2,000 to $2,500, as proposed by the Senate.

On amendments Nos. 283, 284, 285, 286, and 287, relating to the office of the Chief of Engineers: Provides for 1 clerk at $1,400, 1 clerk at $1,200, 1 clerk at $1,000, additional to the number proposed by the House, and authorizes the use of $42,000, as proposed by the Senate, instead of $40,000, as proposed by the House, for the payment of personal services out of appropriations for rivers and harbors and fortifications.

On amendments Nos. 288, 289, 290, 291, and 292, relating to the Bureau of Insular Affairs: Strikes out the increases proposed by the Senate, except that of 1 additional messenger at $840.

On amendments Nos. 293 and 294: Strikes out the proposed addition of 1 clerk at $1,800 in the Division of Militia Affairs.

On amendment No. 295: Increases the amount that may be expended for street car tickets for the War Department from $100 to $300.

On amendments Nos. 296 and 297: Strikes out the proposed appropriation of $800 for steel cases for the office of Public Buildings and Grounds of the War Department.

On amendments Nos. 298, 299, 300, and 301, relating to the State, War, and Navy Department Building: Provides for the 9 additional watchmen at $720 proposed by the Senate, and strikes out the provision for a stenographer and typewriter at $900 instead of a messenger at $840.

On amendments Nos. 302, 303, 304, 305, and 306, relating to the office of the Secretary of the Navy: Provides for 1 additional clerk at $1,600, and strikes out all other increases proposed by the Senate.

On amendment No. 307: Restores to the bill the provision, stricken out by the Senate, prohibiting details from the Office of Naval Records of the Rebellion.

On amendments Nos. 308, 309, and 310, relating to the Bureau of Navigation, Navy Department: Strikes out the proposed increase in the salary of the chief clerk from $2,000 to $2,200 and provides for one additional copyist at $840.

On amendment No. 311: Authorizes the use of $9,500, as proposed by the Senate, instead of $7,400, as proposed by the House, for additional services in the Bureau of Equipment to be paid from the appropriation for "Increase of the Navy."

On amendments Nos. 312, 313, 314, 315, 316, 317, 318, and 319, relating to the Hydrographic Office: Strikes out one additional clerk at $1,200; increases the salary of the editor of the Notice to Mariners from $1,600 to $1,800; provides for a branch office at Panama; appropriates $11,000, as proposed by the House, instead of $13,500, as proposed by the Senate, for contingent expenses of the branch offices; appropriates $19,000, as proposed by the House, instead of $8,000, as proposed by the Senate, for material for maps and charts; appropriates $820, as proposed by the House, instead of $500, as proposed by the Senate, for drafting equipment, and $3,120, as proposed by the House, instead of $2,000, as proposed by the Senate, for photographic equipment.

On amendment No. 320: Authorizes one of the assistants at $2,000 in the Nautical Almanac Office to act as or be appointed director.

On amendments Nos. 321 and 322: Strikes out the proposed increase in the salary of the chief clerk of the Bureau of Steam Engineering from $2,000 to $2,200.

On amendments Nos. 323, 324, 325, 326, and 327: Strikes out the proposed increase in the salary of the chief clerk from $2,000 to $2,200 and provides for an additional clerk at $1,600 and for one clerk at $1,600 instead of one at $1,400 in the Bureau of Construction and Repair; authorizes the expenditure of $88,300, as proposed by the Senate, instead of $78,300, as proposed by the House, for additional services in the bureau to be paid from appropriations for "Increase of the Navy."

On amendments Nos. 328 and 329: Strikes out the proposed increase in the salary of the chief clerk of the Bureau of Ordnance, Navy Department, from $2,000 to $2,200.

On amendments Nos. 330, 331, and 332: Provides for one additional clerk at $1,600 and one at $1,400 in the Bureau of Supplies and Accounts.

On amendments Nos. 333, 334, 335, and 336: Strikes out the proposed increase in the salaries of the chief clerks of the Bureaus of Medicine and Surgery and Yards and Docks, respectively, from $2,000 to $2,200.

On amendments Nos. 337, 338, and 339: Appropriates $50,000, as proposed by the Senate, instead of $40,000, as proposed by the House, for additional services in the Bureau of Yards and Docks, to be paid from the various appropriations and allotments under that bureau.

On amendment No. 340: Increases the amount that may be expended for street-car tickets from $100 to $250 for the Navy Department.

On amendments Nos. 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, and 358, relating to the office of the Secretary of the Interior: Strikes out the provision, proposed by the Senate, for a confidential clerk to the Secretary at $1,800, 1 additional clerk at $1,800, and 1 additional clerk at $1,400; provides for 1 assistant multigraph operator at $720 and 1 additional telephone switchboard operator at $720; strikes out the proposed increase in the salary of 1 plumber from $900 to $1,100 and 1 electrician from $1,000 to $1,200; provides for 40 watchmen for the Interior Department Building, instead of 30, as proposed by the House, and 20 watchmen, instead of 15, as proposed by the House, for the old Post Office Building; strikes out the proposed increase in the salaries of 1 assistant attorney from $3,000 to $3,500 and 1 from $2,500 to $2,750; increases the per diem allowances to inspectors of the Interior Department from $3 to $4 each.

On amendments Nos. 359, 360, 361, 362, and 363, relating to the General Land Office: Increases the salary of the chief clerk from $2,500 to $2,750, as proposed by the Senate; provides for a chief of division at $2,400, as proposed by the House, instead of $2,750, as proposed by the Senate; and provides for 10 additional messenger boys at $600 each and 6 at $480 each, as proposed by the Senate.

On amendments Nos. 364 and 365: Appropriates $3,300, as proposed by the Senate, instead of $2,000, as proposed by the House, for separate State and Territorial maps.

On amendments Nos. 366, 367, and 368, relating to the Indian Office: Strikes out the increase in salaries of the first assistant commissioner from $3,500 to $3,750 and of the second assistant commissioner from $2,250 to $3,000.

On amendment No. 369: Strikes out the salary of the Second Deputy Commissioner of Pensions at $3,600, proposed by the Senate.

On amendments Nos. 370, 371, 372, and 373, relating to the Pension Office: Places the engineer and two firemen under the control of the chief clerk of the Interior Department.

On amendments Nos. 374, 375, 376, 377, and 378, relating to the Patent Office: Strikes out all of the increases in force, proposed by the Senate, and inserts the provision, proposed by the Senate, to extend the investigation of questions of public use or sale of inventions to other questions arising in connection with applications for patent.

On amendments Nos. 380, 381, 382, and 383, relating to the contingent expenses of the Interior Department: Increases the amount that may be expended for street-car tickets for the Interior Department from $100 to $250; provides for traveling expenses; and strikes out the provision, proposed by the Senate, authorizing purchase of furniture for the Bureau of Mines to be used at the Pittsburgh Experiment Station.

On amendment No. 384: Strikes out the provision, proposed by the Senate, authorizing the use of appropriations for stationery

and contingent expenses of the Interior Department for purchase and distribution of supplies for subordinate offices and Indian schools.

On amendment No. 385: Strikes out the proposed increase from $1,000 to $2,000 for books for the Interior Department.

On amendments Nos. 386 and 387: Appropriates $10,000, as proposed by the Senate, instead of $7,500, as proposed by the House, for rent of building for the Bureau of Mines.

On amendments Nos. 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, and 405, relating to surveyors general and their clerks: Appropriates for the salary of the surveyor general of Arizona and New Mexico at $3,000 each, as proposed by the Senate, and, in addition to the amounts provided by the House for clerks in the offices of the surveyors general, increases the amounts for Arizona from $15,500 to $16,000, for Idaho from $15,000 to $16,000, for Nevada from $7,000 to $8,000, for Utah from $12,000 to $14,000, for Wyoming from $15,000 to $17,000; continues the provision for the surveyor general's office in South Dakota, as proposed by the Senate, except the amount for clerks therein is reduced from $5,000 to $4,000; and increases the amount for contingent expenses in the surveyor general's office in Wyoming from $1,000 to $1,200.

On amendment No. 406: Increases the amount that may be used for street-car tickets for the Post Office Department from $100 to $200.

On amendments Nos. 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, and 429, relating to the office of the Attorney General: Provides for 1 Assistant Attorney General and 1 additional attorney at $5,000 each, 1 additional attorney at $2,500, 1 additional clerk at $1,400, 1 additional clerk at $1,200, and 1 additional clerk at $1,000 and 1 at $900; strikes out the provision for an additional attorney at $4,000, 1 law clerk at $2,500, 1 assistant superintendent of prisons at $2,000, 4 clerks at $2,000 each instead of $1,800 each, clerk in charge of stenographic division at $1,600, and 2 additional messengers at $840 each; restores to the bill the provision stricken out by the Senate requiring the administrative audit of expenditures of the Department of Justice to be made in the Division of Accounts; increases the amount that may be used for street-car tickets from $50 to $200; and increases the amount for rent of buildings from $31,580.40 to $32,200.

On amendments Nos. 430, 431, 432, 433, 434, 435, 436, 437, 438, and 439: Strikes out all of the increases proposed by the Senate in the office of the Secretary of Commerce and Labor.

On amendments Nos. 440 and 465: Transposes the appropriation of $60,000 to promote and develop the foreign and domestic commerce of the United States from a place in the bill following the Bureau of Corporations to the Bureau of Foreign and Domestic Commerce.

On amendments Nos. 441, 442, and 443, relating to the Bureau of Labor: Strikes out the proposed increase from $3,000 to $3,250 in the salary of the chief statistician and limits to not exceeding $8 per day the compensation of persons employed from a lump appropriation under the bureau.

On amendments Nos. 444, 445, 446, 447, 448, and 449: Appropriates for the salaries in the Census Office, as proposed by the Senate.

On amendments Nos. 450 and 451, relating to appointments in the Census Office: Restores to the bill the provision, proposed by the House, requiring the Civil Service Commission to certify for appointment in the Census Office those who have had at least one year's experience in census work and strikes out of the bill the provision relating to such certifications inserted by the Senate; and with reference to temporary clerks, requires, as proposed by the Senate, that the employments shall be made from among those of the Thirteenth Census force.

On amendments Nos. 452, 453, and 454: Limits the pay of 5 special agents under the Census Office to not exceeding $8 per day each; increases the amount that may be expended for street-car tickets from $50 to $200; and appropriates $15,000, as proposed by the House, instead of $20,000, as proposed by the Senate, for contingent expenses of the Census Office.

On amendments Nos. 455, 456, 457, 458, 459, 460, 461, 462, 463, and 464, relating to the Bureau of Foreign and Domestic Commerce: Substitutes the language proposed by the Senate instead of that proposed by the House consolidating the Bureau of Manufactures and the Bureau of Statistics in the Department of Commerce and Labor; restores the provision proposed by the House requiring investigations as to the comparative cost of living and the kind of living; strikes out the provision proposed by the Senate requiring that the chief of the bureaus shall be appointed by the President by and with the advice and consent of the Senate; provides for a chief clerk at $2,250, as proposed by the Senate; and strikes out the additions of 1 chief of division of compilation at $2,000, 2 clerks at $1,600, 1 clerk at $1,400, and 1 clerk at $1,200, and the appropriation of $4,000 for payment of services of experts.

On amendment No. 466: Provides for janitor service under contingent expenses of the Steamboat-Inspection Service.

On amendments Nos. 467, 468, 469, 470, 471, and 472, relating to the Bureau of Navigation, Department of Commerce and Labor: Strikes out the increases in the force to the bureau, proposed by the Senate; provides for the salaries of shipping commissioners at places as proposed by the Senate, instead of the places proposed by the House; appropriates $35,000, as proposed by the House, instead of $37,000, as proposed by the Senate, for clerk hire in the offices of the shipping commissioners, and $1,000, proposed by the Senate, instead of $500, as proposed by the House, for tools and appliances for the measurement of vessels and counting of passengers.

On amendments Nos. 473, 474, 475, 476, and 477: Strikes out the increase, proposed by the Senate, in the force of the Bureau of Immigration and Naturalization and in the Division of Naturalization.

On amendments Nos. 478, 479, and 480, relating to the Bureau of Standards: Provides for a physicist qualified in optics at $3,600 instead of $4,000, as proposed by the Senate, and increases the amount that may be expended for street-car tickets from $50 to $100.

On amendment No. 481: Appropriates for the salaries in the Children's Bureau, as proposed by the Senate, and authorized by the act of April 9, 1912.

On amendments Nos. 482, 483, and 484: Increases the amount that may be expended for street-car tickets in the Department of Commerce and Labor from $100 to $300, authorizes certain specific transfers from appropriations for bureaus under the Department of Commerce and Labor to the appropriations for contingent expenses in that department, and appropriates $50,000, as proposed by the House, instead of $55,000, proposed by the Senate, for rent of buildings.

On amendments Nos. 485, 486, and 487: Restores to the bill the provision proposed by the House prohibiting further appointments of circuit judges until the whole number thereof shall be reduced from 34 to 29 and strikes out of the bill the provision proposed by the Senate abolishing, in effect, 5 circuit judges.

On amendments Nos. 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, and 500, relating to judicial expenses: Makes the appropriation for retired judges also applicable to justices; strikes out the proposed increase in the salaries of the stenographers of the Court of Appeals, District of Columbia, from $1,200 to $1,500 each; inserts provisions requiring the clerks of the Court of Appeals and of the Supreme Court, District of Columbia, to deposit one-half their fees to the credit of the District of Columbia; strikes out the appropriation of $3,000 for salary of the clerk of the District Court for the Northern District of Illinois; makes the appropriation for miscellaneous expenses of the Court of Customs Appeals available for supplies and other specified purposes; strikes out the proposed increase in the salaries of the bailiffs from $1,500 to $1,800 and of 1 clerk from $1,200 to $1,500 of the Court of Claims; and makes the appropriation for contingent expenses of that court available for repairs to bicycles.

On amendment No. 501: Inserts a substitute for the provision, proposed by the Senate, limiting and restricting the use of lump appropriations for pay of personal services at compensation in excess of that paid for similar services during 1912 or to pay persons employed at specific salaries greater than such specific salaries.

On amendment No. 502: Strikes out of the bill, as proposed by the House, section 4, prohibiting the filling of vacancies occurring in the classified service of the departments at Washington.

On amendments Nos. 503 and 504: Restores to the bill section 5, proposed by the House, amended so as to extend the proposed tenure of office of persons in the classified service of the departments at Washington to seven years instead of five years; terminates the services of those heretofore employed within one year after they shall have served seven more years, and inserts as section 4 the provision, proposed by the Senate, establishing a system of efficiency ratings in the classified service in the departments at Washington.

On amendments Nos. 505, 506, 507, 508, 509, 510, and 515: Restores to the bill section 9, stricken out by the Senate, requiring that publications of the Government for public distribution shall be mailed from the Government Printing Office, amended by providing that the section shall not apply to orders, instructions, directions, notices, or circulars of information printed for and used by the departments, or to public documents distributed by Senators and Members of the House, or

to the folding rooms and document rooms of the Senate and House.

On amendments Nos. 511, 512, 513, and 514: Inserts a substitute for section 10 of the bill as it passed the House abolishing the Commerce Court, which substitute is set out in full in the accompanying conference report.

J. T. JOHNSON,
A. S. BURLESON,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. JOHNSON of South Carolina. Mr. Speaker, I hope I may be permitted to proceed without interruption until I explain the principal items in the report. At the conclusion of the explanation, if I have not touched upon any question in the mind of any gentleman, I shall be pleased to answer any question that may be asked me. This bill came back from the Senate with 515 amendments. After several days spent in conference the conferees came to a complete agreement upon all the amendments. The Senate yielded on amendments carrying $336,000; the House yielded on amendments carrying $357,000. The Senate yielded on items that had been stricken from the House bill amounting to $44,000. Thirty-five thousand dollars of this amount is to pay circuit judges which the Senate undertook to legislate out of office. The first 86 amendments to the House bill pertain to the Senate. The Senate has contended during the last quarter of a century, I am told, that it has a right, without question from the House of Representatives, to provide for such employees as it deems proper for its own comfort and for its own convenience.

I believe that the House of Representatives has never conceded that proposition, but as a matter of practical legislation they have generally yielded to the amendments that carried it into effect. We have yielded with some reluctance to practically all the amendments that related to the Senate. We have succeeded in getting the Senate to reduce its appropriations by $27,500. We further secured what I might call a gentleman's agreement that certain items of expenses to which we objected would not again be found in the legislative bill. On the amendment by which the Senate proposed to transfer the Superintendent of the Capitol Building and Grounds to the House and the Senate, the Senate yielded. As gentlemen know, Mr. Woods is under the Secretary of the Interior and the employees under Mr. Woods are in the classified service. If this force were transferred to the House and the Senate—as the Capitol police are now—they would become subjects of patronage. We prefer to let them remain in the classified service. In this connection I may say we earnestly insisted on reducing the number of Capitol police from 70 to 37, but the Senate insisted that it would never yield, and we were compelled to yield on that amendment. The first item in the bill, after passing from the House and the Senate, is the Congressional Library. The Senate increased the salaries of four employees in the general reading room. I know that all those cases were particularly meritorious, and the House yielded to the Senate. We also increased the force in the copyright office, it being represented that the work of that office is rapidly increasing, and the bill as it passed the House gave the same force for the current fiscal year that we gave for the last fiscal year. The Senate increased the force for the Civil Service Commission, and on part of this amendment the House conferees yielded. We had not increased the force in the Civil Service Commission, because the bill as we made it up contemplated that during this fiscal year no vacancies in the classified service should be filled. Believing that the vacancies would not be filled during the year, we felt that the force they had in 1912 would be amply sufficient for the force in 1913.

When the bill was before the House the Bureau of Manufactures and Bureau of Statistics were consolidated into the Bureau of Domestic and Foreign Commerce, and the Bureau of Trade Relations in the State Department was eliminated. The Senate restored to the bill the item for the Bureau of Trade Relations in the State Department, and they were particularly insistent that this should remain in the bill and we compromised with them by allowing the Bureau of Trade Relations in the State Department, but we insisted upon striking out something more than $30,000, a large proportion of which was for contingent matters. It is not good legislation to encourage unforeseen emergencies by providing lump-sum appropriations. We have placed in this bill a provision which will result in great saving to the Government.

Mr. AUSTIN. If the gentleman will allow me to ask at that point, before he passes from it——

Mr. JOHNSON of South Carolina. I have asked that I be permitted to finish this statement before any questions were asked.

Mr. AUSTIN. I beg the gentleman's pardon, I did not know that he had requested not to be interrupted during his preliminary statement.

Mr. JOHNSON of South Carolina. We have inserted in this bill a provision that hereafter the Dockery law shall be observed in auditing accounts in the departments, and we believe that it will result in great saving to the Government. In the War Department gentlemen will remember that the original House bill provided for an arbitrary cut of 10 per cent of the clerical force of that department. That arbitrary cut was made because the Chief of Staff appeared before the committee and stated that that force was too large and that the clerical work was far in excess of what it ought to be. The Senate struck out that provision. In conference we agreed upon another provision very much less drastic in its terms, and yet, I think, beneficial in its results. We provide that no vacancies occurring in the War Department in the clerical force shall be filled until the whole number of vacancies shall equal 5 per cent of the entire force, and that thereafter those places shall be kept vacant. In that way, while we have not gone as far as the original bill contemplated, we have provided for a reduction of 5 per cent, but without legislating anybody out of office, simply by leaving the vacancies until the whole number of vacancies shall equal 5 per cent.

I may say that there are a great number of amendments in that same connection that we agreed to. The House had largely reduced the number of watchmen around the public buildings throughout the city. The Senate restored all of those. It was brought to the attention of the conferees that most of the watchmen around the buildings are old men; that the places are now all filled, and to adopt the House provision would have resulted in legislating them out of office; and in the circumstances the House conferees yielded. I believe that we ought to have had a provision something like the provision with respect to similar positions in the War Department, to the effect that these vacancies should not be filled; but, unfortunately, we have not been able to get that.

The Secretary of the Treasury had readjusted the force in all of the subtreasuries throughout the United States. The House passed the bill in some cases—not many—reducing salaries of persons who had been in these places for a long time. When the bill went to the Senate all of these salaries were restored, although some of them were in excess of the estimates. But as the whole amount involved in all the changes in the subtreasuries of the United States was only about $10,000, the House yielded upon practically all of the Senate amendments touching the subtreasuries, and even after yielding upon all of these amendments the subtreasuries will be conducted during the current year for many thousand dollars less than they have been costing hitherto.

In regard to the Census, the House provided that a number of people who are necessary to complete the work of the Thirteenth Census should be secured through the civil service. The Senate struck out those provisions and provided that these employees should be employed outside of the civil service, from those who have had census experience. In other words, the Senate made it a matter of patronage and the House made it a matter of civil-service employment. There were two sets of clerks provided for in the Census, and, as often happens in conference committees, the House yielded on one and the Senate yielded on the other. The permanent clerks are to be taken in through the civil service. But we agreed to the Senate amendment that such clerks as will be employed in the Census for this fiscal year only shall be selected from those having Census experience.

We allowed all the amendments on the shipping matters. The Senate yielded on a great many amendments to the bill, and we thought under the circumstances that we ought to yield on these.

This bill as it comes from conference carries $1,969,618.69 less than was appropriated for the last fiscal year. This is not a large saving, but when a train is moving with great momentum, it is something to stop it. Appropriations have been increasing with such regularity during the last 15 years that the committee deserves some credit for having withstood the pressure for an increase over last year, even if we have not succeeded in turning it back very far the other way.

There are only two more items that I wish to explain, unless some questions shall be asked. There is no difference between the two Houses as to the abolition of the Commerce Court. The House, however, believed that the circuit judges were ap-

pointed during good behavior. They are entitled to hold their offices during good behavior. They are not specifically judges of the Commerce Court, but they are circuit judges of the United States, designated for the time being to hold that court. So the House abolished the court, but appropriated for the judges, so that the Chief Justice may assign those gentlemen in such portions of the United States to hold courts as the work of the Department of Justice may require.

When the bill reached the Senate, the Senate agreed to the abolition of the court, but it undertook specifically to legislate out of office five circuit judges appointed under the act of 1910. I shall not undertake to enter upon the doubtful field of constitutional law, because it does raise a question of constitutionality. But even conceding the right of Congress which created the courts and created the judges to destroy them—the power that can make can destroy, ordinarily—conceding that power, we have believed that at least it was a question of doubtful propriety whether we ought to undertake to legislate these men out of office. We insisted upon that position, and the Senate yielded.

The only other matter is in regard to the civil service. As the bill passed the House it provided for a five-year tenure of office. As the bill came from conference it provided for a seven-year tenure. I shall not now discuss that feature.

I yield to the gentleman from Tennessee.

Mr. AUSTIN. Mr. Speaker, I want to ask the gentleman in regard to his explanation of the action of the House and Senate concerning the appropriation for the State Department in connection with the Bureau of Foreign Trade Relations, where a reduction of $30,000 was made. Does that in any way embarrass the administration of that bureau of the State Department?

Mr. JOHNSON of South Carolina. No; because $20,340 of the amount was a lump-sum appropriation for unforeseen contingencies. Seven thousand five hundred dollars was for an office which was designated as that of the resident consular officer, a position held by a Mr. Dawson, who recently died. The place was made for him, and it has not been filled. The remaining amount is accounted for by simply a reduction in the number of clerks, the Senate having overlooked the fact, in putting this amendment into the bill, that the House had increased the clerical force of the State Department when the bill left the House; and when that was called to their attention they took out the clerks they had put in. I do not think there will be the slightest embarrassment.

Mr. AUSTIN. Then this amendment as it was agreed upon meets the approval of the State Department?

Mr. JOHNSON of South Carolina. I can not say as to that, but it meets with the approval of the friends of the State Department who have talked to me about it, if I may use that expression.

Mr. AUSTIN. The State Department has made no particular complaint about this?

Mr. JOHNSON of South Carolina. No; not to me.

Mr. LONGWORTH. Will the gentleman explain just what changes were made in the appropriation for the State Department in this conference report from the provisions in the bill as it originally passed the House?

Mr. JOHNSON of South Carolina. I beg the gentleman's pardon; I did not catch his question.

Mr. LONGWORTH. I would like to have the gentleman state for my information what changes were made by the conference report over the bill as it passed the House in reference to the State Department.

Mr. JOHNSON of South Carolina. The only change was this: When we consolidated the Bureau of Manufactures and the Bureau of Statistics in the Department of Commerce and Labor we eliminated from the bill what was known as the Bureau of Trade Relations in the State Department. The Senate restored that item to the bill, and the House conferees have yielded, so that the Bureau of Trade Relations in the State Department remains.

The only reduction that we made in the appropriation was that we cut out $20,340 for unforeseen contingencies, three or four clerks that they readily conceded ought to come out when the matter was called to their attention, and one place that was vacant, the occupant having died and the place not having been filled.

Mr. LONGWORTH. I was not speaking of the reductions made by the conference report. I was speaking of the increases over the House bill.

Mr. JOHNSON of South Carolina. The increases were probably something less than $100,000 for that bureau, and as the bill passes, it takes out a little over $30,000 of that.

Mr. LONGWORTH. Of what was put on by the Senate?

Mr. JOHNSON of South Carolina. Yes; but the bureau is intact.

Mr. LONGWORTH. The bureau is intact, and you have restored the position of counselor for the department.

Mr. JOHNSON of South Carolina. Yes.

Mr. BURLESON. I will state to the gentleman from Ohio that of the increases made by the Senate the only officer eliminated was the resident diplomatic agent.

Mr. GILLETT. If the gentleman will allow me, I think, inadvertently, he does not state the exact fact, because I do not think these officers who were reinstated by the Senate belong to the Bureau of Trade Relations. The counselor, for instance, does not belong to the Bureau of Trade Relations, and the heads of the far eastern and near eastern divisions, and so forth, are not in the Bureau of Trade Relations; but perhaps that is all immaterial.

Mr. JOHNSON of South Carolina. They are all included in this.

Mr. LONGWORTH. Generally speaking, as I understand it, the conference report increases the amount allowed to the State Department for officials, and otherwise, in the neighborhood of $75,000.

Mr. JOHNSON of South Carolina. Yes. Everybody provided for in the Senate amendments is provided for here, except the lump-sum appropriation, three clerks, and one resident diplomatic agent. All the other appropriations are made.

Mr. LONGWORTH. And the lump-sum appropriation was reduced about how much?

Mr. JOHNSON of South Carolina. A little over $20,000.

Mr. BARTHOLDT. If I understand aright, this lump-sum appropriation which was eliminated merely relates to contingent expenses?

Mr. JOHNSON of South Carolina. Yes; and they stated that they had not used it hitherto.

Mr. BARTHOLDT. And the commercial agents now employed will be continued under the bill.

Mr. JOHNSON of South Carolina. Oh, yes; they are provided for under the Department of Commerce and Labor.

Mr. GILLETT. Will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. GILLETT. The gentleman spoke of the Capitol police. While the House bill reduced the Capitol police force largely, is it not a fact that the Democratic majority, without considering that fact, had turned out the old occupants of the places and had filled them entirely with new men, filling up the entire force, regardless of the reduction that we had made in this bill?

Mr. JOHNSON of South Carolina. My information is that the places had been filled. I did not know that until we went into conference. I yield 10 minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, I did not sign this conference report. When the original bill was reported from the Committee on Appropriations to the House, the Republican minority of that committee felt obliged to take the unusual step of filing a minority report, because we thought the bill was inadequate. It seemed to me that the majority had proceeded on the theory that the Government departments in Washington were largely overpeopled; that the force was much larger than necessary, regardless of the fact—which they did not seem to take into consideration at all—that during this administration there had been an earnest and energetic and effectual attempt to cut down expenses in the various departments; that there has been for the first time in many years an apparently sincere effort to lop off the superfluous clerks and employees in the departments, to introduce modern economical methods, and to estimate only for what was necessary; and I thought, and still think, that the majority proceeded blindly and unreasonably in cutting down the force in the departments in Washington. At the same time the Senate has in some measure rectified these mistakes, and I think the Senate amendments in that respect improve the bill. I admit this the more readily, because it is the first time during many years in which I have been connected with this bill when I thought the Senate amendments had not been distinctly injurious.

But the reason for which I refused to sign this report was the clause about the tenure of office. This provides that in the future all employees in Washington shall hold office for seven years, and at the expiration of that seven years shall automatically lose their positions, with the privilege of reappointment. It seems to me that that is a vicious and harmful provision. I wish to say, however, that I gladly admit that my colleagues on the committee were not actuated by any desire to return to what is known as the spoils system, whatever may be the result.

I do not believe that is the reason for which they make the change. I believe that they recognize, as everybody who has studied the problem must recognize, that we are at present

in an extremely unfortunate condition in the Government service; that there are in all the departments a great many men who have passed the age of usefulness, who, except for feelings of mercy and humanity, ought to be dropped, but who are kept on the rolls at full salaries, so that there is practically a pension list, in direct violation of law. I have no doubt that was the reason that actuated my colleagues in trying to terminate that condition in some way. I agree that that condition does exist. I agree that it is a problem which demands the serious and earnest attention of Congress, and that there are few matters of greater importance to which we ought to give our attention. There are, in my opinion, few questions of greater gravity than the retirement of employees and the reclassification of the civil service. But it seems to me the trouble with my friends is that they have chosen an entirely wrong remedy. Recognizing as I do the disease, I think there is another remedy infinitely better, and I believe that in going back to the old system of a fixed tenure of office they are doing more harm than good—harm both to the clerks and to the Government. A short tenure of office is associated in all our minds with the spoils system. The original tenure-of-office bill, which was passed nearly a century ago, we look back to as the fruitful source of that patronage system which the country has condemned and which we no longer allow. Therefore, any return to it is of itself offensive, just for that reason. Rotation in office has been tested and has been condemned. I believe that the people of the country have tired of that system, and, reflecting their opinion, Congress has abandoned it for good. I have no doubt that the country thoroughly believes in the merit system which has been established in its place.

Therefore I believe that the country will criticize any return to the old system which is associated in their minds with all the evils which we have in some measure abolished. The persons who believe in the old patronage system no longer dare to advocate it openly. Public opinion is too decidedly on the other side. But we know there are many who still long for it. A generation ago, in the days of Horace Greeley, when political debate was not characterized by the moderation and courtesy and forbearance which always illustrates it to-day, one of Horace Greeley's favorite statements was, "I will not say that every Democrat is a horse thief, but I will say that every horse thief is a Democrat." So I feel like saying about this proposition, that I will not say that everyone who favors the term-of-office system is a spoilsman, but I do believe that every spoilsman favors a short tenure of office. That of itself prejudices me in some measure against this change.

But the great, real, genuine reason I have against it is that I do not believe it would be effectual. I do not believe it will accomplish the results that its friends claim for it. Why should it? If a mere matter of law will prevent the keeping in of incapable clerks, we have that now. The law to-day—and we pass it every year in this very bill—says that all clerks incapacitated shall be dropped from their position, and we all know that the departments have many such clerks. When the heads of these departments come up from year to year before the Committee on Appropriations we ask them if they have such clerks and they say yes. They ask us if we expect them to turn out a clerk who has been all his life in office and who has saved nothing to live on, and the members of our committee never have the heart to tell him that he ought to do it.

Mr. BURLESON. Will the gentleman yield?

Mr. GILLETT. I will.

Mr. BURLESON. Is it not a fact that under that law it requires an act on the part of the Executive to separate the superannuated clerks from the rolls?

Mr. GILLETT. Certainly.

Mr. BURLESON. While under this law the law itself separates the clerks.

Mr. GILLETT. No; that is the fallacy at the bottom of your theory. If by law we could make people good, if we could make them capable, then this would do it; but the trouble is that under this law, just as under the law to-day, there has got to be a positive act, because under this law the only way he can be dropped for inefficiency is by a rating below a certain standard, and then he could not be reappointed. But officers in the departments make the rating. They have to perform that positive act. Will not the officer in the department be as likely, when he knows that there is a faithful clerk who has become incapable and who if he rates him below 70 can not remain in the department, be liable to temptation?

The SPEAKER pro tempore (Mr. McKELLAR). The time of the gentleman from Massachusetts has expired.

Mr. GILLETT. I am using a good deal more time than I thought, and I think I shall have to have 10 minutes more.

Mr. JOHNSON of South Carolina. I will yield to the gentleman from Massachusetts 10 minutes more.

Mr. GILLETT. The trouble is that the head of the department or the bureau or division who makes the rates, when he finds the rating is going to drop a clerk, will be tempted not to make the rating too low and to ease his conscience enough to rate him just high enough to keep him in. Unfortunately he will not only have this temptation, but it is fair to presume that every clerk who fears that he is getting on the verge of inefficiency, who knows from his own work that his rating is likely to be under the law, will go to his Representative in Congress or Senator, or both, and ask him to go to the department and urge on the chief of the bureau, or whoever makes the rates, that his rating should be kept up. No clerk is fully conscious of his inefficiency.

I am sure we have all had the experience of clerks coming to us and saying they deserved promotion and some one was promoted over their head by favoritism, and we find on examination that it was not favoritism but merit that caused the promotion. It is not natural for any of us to recognize our own weaknesses.

And so our constituents in the departments will all believe that they are entitled to be kept in. They will come to us and we will not dare refuse them and their friends at home who apply to us, but go to the head of the bureau and urge that they be so marked that they will not have to be dropped.

We will thus accentuate one of the fundamental evils of the whole patronage system, the exchange of favors between the legislative and administrative branches, one of the most vicious of all practices, and one which vitiates both legislation and administration. This measure, if it goes through, is sure to aggravate and increase that evil. So, as I say, the trouble, it seems to me, is that this provision will not accomplish the object sought, because if all you need is law, we have the law on the statute books to-day, which we all know is inoperative, and this law, although it makes it a little more difficult and a little more of a strain on the conscience of the executive, will not accomplish the end the gentleman seeks.

Moreover, I think it will have a bad effect on the whole clerical force, because even the clerks who know they are efficient, yet if they have before their eyes the fact that at the end of seven years their tenure of office ends, and that they may be dropped from the rolls from mere favoritism or partisanship, will be full of anxiety for fear that at the end of the seven years their terms of office will end.

Mr. SHERLEY. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. SHERLEY. Is not the trouble now that inasmuch as he knows that it will not end, no matter how incompetent he may be, from the very moment he gets into the department he loses ambition?

Mr. GILLETT. I think there is something in that. The way to stop that is to make sure that the promotion comes by merit. I recognize in the Senate provision that there is a provision which tends to accomplish that and which is good. I recognize that it is one of the evils of the present civil-service system that superannuation naturally exists and there is not provided any way to be rid of it. Almost every good thing has some drawbacks, and that, I recognize, is the drawback to the present system. Under the old spoils system there was a clean sweep at every change of administration, and no one stayed long enough to become superannuated. I admit, too, that those who oppose this provision ought to offer something in its place, because certainly nothing is more demoralizing than the present condition where men are kept in office when everyone knows they ought to be out. It is demoralizing to the efficient, active young clerks to see men kept in places above them who they can see have outgrown their efficiency, who are blocking them from promotion, and who they know are kept there in flat defiance of law. It tends to check their activity and their ambition, because it constantly impresses on them that it is not efficiency and industry that gets the best places. It is also demoralizing to the service, because no one knows how long it will continue; the beneficiaries themselves are not certain but that at any time the ax may fall and the law be strictly enforced. It is really a pension system unrecognized by law, subsistent only on favoritism, and is the most expensive, demoralizing, and indefensible of any system that could be created. There is no subject that more urgently demands the immediate and thorough consideration of Congress.

I should probably not feel so decidedly on this subject if I had not studied it a great deal and had not a remedy of my own to offer. I believe there is a remedy infinitely better than this, and it may be considered my hobby, but it is the bill

which was reported by the Civil Service Committee in the last Congress, a bill for a contributory pension law. It is not like the contributory measures which have been tried where everybody puts into a general fund and then those who need it draw it out, but under that bill each contributes for himself or for herself and simply gets his or her own savings. It is really a compulsory savings law. There is not time now for me to discuss that bill at length as I have before. The trouble with the bill, I think, and the difficulty in its passage, is that it provides, in order to put it in operation and to take care of the clerks now in office, that the Government shall expend about $2,000,000 a year for the next 25 years to take care of them, or fifty millions in all. That is not any more than our present illegal and unsatisfactory pension list is costing. But I appreciate that the great bulk of the membership of this House is opposed to any civil pension system, and so the Members of the House oppose that bill upon the ground that too much is paid out from the Government Treasury in inaugurating the system. On the other hand, the Government employees are opposed to it, because what they want is a flat pension to which they shall contribute nothing, and so between the opposition on the part of the House, because it is a pension, and the opposition on the part of the employees, because it is not enough of a pension, I recognize that the bill has little support. At the same time, it seems to me that the importance of this question demands some action by the House, and I believe if the Members would take the time to study that bill and also study a Senate document and a census document which discuss it, with figures which prove very elaborately what it will cost, they will find that that really is a fair solution of the question, and to my mind it is the best solution which has been brought forward. It is no invention of mine, so I have no private reason to be partial to it.

Believing that, Mr. Speaker, I am opposed to this proposition, although I recognize that its purpose is to accomplish the same result.

I believe this is a blow at the merit system which is founded on the security and permanency of tenure; it would be impotent to accomplish the results hoped from it; would leave the clerks in a condition of insecurity and anxiety which would prevent the most desirable from entering the service; would increase the pressure of Congressmen on the departments and the interchange of favors between the executive and legislative branches with damage to both; and would be injurious both to the efficient clerks whom it is intended to help and to the service which it is intended to elevate.

Mr. JOHNSON of South Carolina. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has 16 minutes remaining.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the time of the gentleman from South Carolina be extended for 30 minutes beyond the time he now has.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the time of the gentleman from South Carolina be extended for 30 minutes beyond the time he now has. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, there is only one thing to do if the Members of this House believe that this seven-year tenure is wrong. That is to vote down the whole conference report, which will bring the question directly before the House for settlement just as if no conference had ever been held. It means a little delay, but it is an important question. It is well worth any little delay if the question can be properly settled. I have been told that this legislative proposition is the answer to the fact that the clerks through their counsel and organization have been pestering and threatening Members. They have not been pestering and threatening me, but that may perhaps be because I am of the minority. One of the incidents of power is to be pestered and threatened. Plenty of worse trouble than this is going to come to you gentlemen if you are successful in getting control of all branches of the Government.

I have no sympathy with the pestering and threatening of Members, and it ought to be answered, if it exists; but this is not a good answer. I take it that this provision for a seven-year tenure is based upon the assumption that superannuated and incompetent clerks ought to be eliminated from the Government service. I am not so sure that superannuated clerks ought to be eliminated from the Government service. No private employer would be so inhuman; but I am ready to say that all incompetent clerks should be eliminated, and that a way should be found to do it. As the gentleman from Massachusetts [Mr. GILLETT], my colleague, pointed out, we have had a law that incompetent clerks shall be put out of the Government service, but we found that administrative officers were not ready to perform that very disagreeable task. So some one has invented this device to take the place of the backbone that we think our administrative officers ought to have.

The gentleman from Texas [Mr. BURLESON] seems to think, judging from what he said a moment ago, that it takes more courage to pull off your boot than it does to refuse to put it on. He thinks because he has transferred the burden of action from the administrative officer to the law that therefore the administrative officer will have sufficient backbone to carry out its provisions; but it will not be so. It takes just as much backbone to refuse to reappoint a man as it does to order a discharge.

I do not pretend that I am speaking out of any especial solicitude for the classified civil service. I am not going to pretend that I have always liked the classified civil service, and I am not talking for the classified civil service to-day. I am talking for ordinary decency to mankind. I say that this provision of law would inflict dire cruelty on the men and women who are in the Government service in Washington. Mr. Speaker, put yourself in the place of one of those clerks who has been there for five years since his last appointment. You have been sick, perhaps, a good deal of that time. You are aware that you have not been able to do your best work. Your wife may have been ill or your children may have been ill. Now, suppose that I am the particular place-proud superior officer who is making up the reports on your work on which your rating is going to be based. Why, if the last two years of your seven years' term your life would be a perfect hell. You would cater to me and offer to do me favors at every turn, because you dare not act otherwise, or because the health and happiness of your wife and family may depend upon my whim. After all, at the end of those two years you might find yourself thrown on the world, though I do not believe that would be the case, because you would go to your Senator or to your Representative. If they could not get you back in any other way, they would introduce special acts of Congress to put you back in the service on your own statement as to your own merits. This proposed law will accomplish nothing except to cause acute worry and distress to nearly everyone in the Government service in Washington.

One thing more. It is not so many years ago since we unearthed a scandal in one of the departments of the Government here in Washington. A superior officer was taking advantage of his position to borrow money from those whose promotion, under the merit system, would more or less depend upon his will. We have also heard rumors, though I do not wish to be sensational, of foremen in the service of this Government who have laid siege to the virtue of women under their orders, using as a lever the power to make or to mar those women's official records.

How much you will aggravate that situation if you intrust those foremen or leading clerks with the power to take away their subordinates' jobs. There is no tyranny like petty tyranny, the petty tyranny on which the limelight can not be thrown. That is the tyranny which you are encouraging. I do not wish to say a word against any foreman or any superior clerk of this Government other than to say that they are human like the rest of us. If you give them too much power, they will exercise too much power. There are bad men among them just as there are bad men in this Hall. Mr. Speaker, let us not put the livelihood of the rank and file of these clerks entirely at the mercy of their immediate superiors. I yield back the rest of my time.

Mr. JOHNSON of South Carolina. I now yield to the gentleman from Illinois 20 minutes.

Mr. CANNON. Mr. Speaker, I shall vote against agreeing to this conference report on account of two provisions to be found in it. It is not a great while ago, after a full discussion, we voted for the creation of a Commerce Court and provided five judges, circuit court, to be detailed by the Chief Justice for service on that court. They were appointed as circuit court judges and confirmed, and the Commerce Court was created for the purpose, as it was believed, of promptly disposing of that class of business that comes most nearly to the 90,000,000 of people in their daily life and business. I thought then and I have seen no good reason between that time and now to doubt the wisdom of the creation of that court, but almost before it starts it is to be destroyed. I think that when you come to throw the duties of that court upon the district judges that you

will necessarily lead to delay, and from the number of district judges and the number of circuit judges who may be acting as district judges you tend in the beginning to beget a greater diversity of opinion in the enforcement of the law and throw a much larger burden upon the court of last resort, the Supreme Court, leading to great delay that this court—at least in theory—was designed in large part to obviate when we created the court. For that reason alone I shall vote against concurring in the conference report. But there is another provision to which the gentleman from South Carolina and the two gentlemen from Massachusetts called attention, and that is the seven-year tenure of office for the clerical force in the executive departments. What is the excuse for it? Oh, they say, there is so much deadwood, so many senile clerks who have not anything, and that it would be cruel to turn them out, and therefore those charged with the administration of the law have not obeyed the law.

Now, my observation and my belief is that the number of senile clerks has been greatly overstated, and for two reasons: Those who have less salaries grumble because there is some fellow older than they are who receives more than they do and they kick, and the kicks are noted in the newspapers. My experience is, after many years as a member of the Committee on Appropriations, that whenever the head of a department, following the desire of a head of a bureau—originating very frequently with a chief of a division, which finally results in estimates for an increase in clerical force—it is their practice to say, "Oh, we must have that increase; we have got so much deadwood." That has been the stock argument for, lo, these many years. I apprehend that if a census was taken of the clerks who are senile on account of age that you will find that it has been increased for argument, not based upon facts, at least tenfold. Then, again, it has been used very industriously for the purpose of having retired pay for clerks at a certain age. Well, I am not in favor of that; I am not in favor of a civil pension for the great army of these clerks, 35,000 in number, there being 600,000 employees in the civil service of the United States—I do not mean the classified civil service, but on the pay roll—and that does not count the 140,000 plus of those in the Army and Navy—making in all three quarters of a million, at least, of employees of the Government. Now, what is the fact? The fact is that those who hold Government positions, clerical and otherwise, get at least one-third more pay than those who perform similar services in private employment. Now, nobody will dispute that. There is one argument in favor of their getting more pay, and that is, especially when they come to the seat of government, they drop out at home, and after they have been here five or seven years the tendency is that a great many of them realize that they have become strangers at their former homes, out of touch with the ordinary business of the country, lose their friends at home, and, to some extent, lose their competency to compete with the other 90,000,000 people who are paying the taxes.

Now, I indorse the recommendation of the committee on conference; they did well when they agreed to the Senate amendment that there should be no further appointments in the War Department until the force had been decreased 5 per cent—a little bit of resignation, now and then a death, but in the main it will be a decrease of those who have lived over three score years. Now, if it be true that they are senile, the places need not be filled. Perhaps that might be carried further in other departments.

Mr. HUMPHREYS of Mississippi. Will the gentleman permit an interruption?

Mr. CANNON. Yes.

Mr. HUMPHREYS of Mississippi. The gentleman made a suggestion just a moment ago which struck me as being of considerable interest, and that is, that the employees of the Government are paid about a third more than those engaged in similar employment in private life. I would like to know just upon what the gentleman bases that statement.

Mr. CANNON. Well, it has been stated by those who have investigated, and I do not think I could present you the census list; but take it in the gentleman's own country, take it in my own State and throughout the country, the average pay of a bookkeeper in a retail or wholesale business or in a bank begins at about $400. When they get up to a cashiership it will not average over $2,000, very frequently not over $1,500. It is many a long year for him who begins employment in a dry goods store, wholesale or retail, or in a countinghouse, starting at a very small wage, before he gets up to $1,500.

Now, they do have civil pensions in Great Britain, as I understand. I investigated the matter some years ago. But they commence at a very low rate, and retire at the age of 62 at less pay than that with which they begin in the United States. I am not saying that we ought to adopt the scale of wages in Great Britain—and they are larger in Great Britain than anywhere else except in the United States. I do not at all say so. But if there is a retirement on half pay or three-quarters pay, or whatever it may be, at a given age, the increase in salary should be gradual.

Something was said about the pressure for increase of salaries and for employment. The pressure is pretty strong. I suppose every Member of Congress understands that. While no longer is the recommendation of a Member of Congress good for admission to the classified service, it being prohibited by law, I do not complain. There are many good things connected with the classified service. Upon the whole, I doubt if we should go back to the old system. I am inclined to think that we should not. And yet—and yet—at times this pressure becomes strenuous. I would not debar by law a Government employee from asking for a betterment of his condition by an increase of salary. However, it is liable to abuse. If from 600,000 to 700,000 people, scattered throughout the length and breadth of the country, can organize and demand an increase of salary, I think it would be a serious matter, inasmuch as we have elections every two years and every four years. I have seen some indication in the House of Representatives, and once in a while slight sign in the Senate, to yield, from the standpoint of strenuous urgency, or possibly, rather, from the standpoint of all the people of the United States. I believe we have modified by law a regulation or Executive order that was made. I think that modification was wise. An American citizen, a cosovereign, should, I think, have the right of petition. That is all right. But I am merely speaking of the conditions.

Mr. LONGWORTH. Before the gentleman takes his seat, I would like to ask him a question. Do I understand the gentleman to say——

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. CANNON. Yes; I yield.

Mr. LONGWORTH. Do I understand the gentleman correctly to say that there are three-quarters of a million persons in the employ of the Government, not counting the Army and the Navy?

Mr. CANNON. No; I said 600,000 plus, not counting the Army and the Navy.

Mr. LONGWORTH. The gentleman is pretty sure of those figures?

Mr. CANNON. Yes.

Mr. LONGWORTH. It is a larger number than I supposed was the fact.

Mr. CANNON. I have not made a close count myself, but in order to verify my impressions about it I consulted a gentleman who, I think, is more familiar, perhaps, than any other man of my acquaintance with the facts touching the number of employees in the Government service.

Mr. OLMSTED. That includes rural carriers and letter carriers in the cities?

Mr. CANNON. Yes.

Mr. LONGWORTH. Who are paid directly by the Government?

Mr. CANNON. Yes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. REILLY].

Mr. REILLY. Mr. Speaker, I am unalterably opposed to that clause in the conference report which abolishes the present tenure of office held by civil service employees and substitutes in its place a seven-year term. The effect of this provision will be to shatter our civil service system and to reestablish on its ruins the old, discarded, and justly condemned spoils system. Gentlemen may attempt to deny the soundness of this assertion, but it requires a very little amount of reflection to prove its correctness.

At present the employees of the Government in the classified civil service hold their positions during good behavior and efficiency. This is the policy followed by practically every successful business enterprise. It is the policy, for instance, of the railroads of the country and of other great business concerns. It is the policy followed by every civilized nation in the world. Its effect is to create and maintain among the employees a higher standard of efficiency and industry. The substitution of the seven-year period of employment would injure the efficiency of the service by keeping the employees in a state of fear and unrest. There is also the grave danger to be apprehended from the adoption of this seven-year provision, and that is the danger

of bringing back the old spoils system, which the merit system has so happily and successfully eradicated.

Nobody can well deny that where the reemployment of civil servants after the expiration of seven years is left in the discretion of the heads of the executive departments, as this bill leaves it, that political considerations will unavoidably figure in making the selections. This opens the door to the employment of persons whose fitness for the places they receive is determined by the amount and kind of their political activities rather than by their ability to discharge the duties of the places to which they are assigned. This is a backward step and is wholly out of accord with the progressive trend of the times. To find a parallel to it in our legislative history we go back to 1820. On May 15 of that year Congress passed what was called "the tenure of office act," providing that all district attorneys and certain other officers "shall be appointed for a term of four years, but shall be removable from office at pleasure." Mr. Jefferson, in writing to Mr. Madison about this law, stigmatizes it in the following words:

> It will keep in constant excitement all the hungry cormorants for office, render them, as well as those in place, sycophants to their Senators, engage these in eternal intrigue to turn out one and put in another, in cabals to swap work, and make of them what all executive directories become, mere sinks of corruption and faction.

Henry Clay, in a speech delivered in the Senate in 1832 on the spoils system, thus refers to it:

> It is a detestable system, drawn from the worst period of the Roman Republic; and if it were to be perpetuated, and if the offices, honors, and dignities of the people were to be put up to a scramble to be decided by the result of every presidential election, our Government and institutions becoming intolerable, would finally end in a despotism as inexorable as that at Constantinople.

The merit system belongs essentially to a republican government like ours. The positions are open to every respectable citizen within certain limitations of age. It is thus removed from political influences, and the person, man or woman, as the case may be, showing the greatest amount of fitness is accorded the position. Outside of any injustice which would be done to the employee, it would be decidedly injurious to the interests of the Government to allow dismissal from the civil service on any score other than that of inefficiency. This system would, moreover, discourage persons of ability from considering the civil service as a life career, and the offices would be open only to those who could not make much success in private enterprises. That this would be a great loss to our Government is easy to understand when we consider that every day the public business is becoming more complicated and that it requires for its proper transaction the possession of expert knowledge which can only be acquired by those who feel that their thorough study of the needs and requirements of Government business will be rewarded by a tenure resting on good behavior and efficiency.

This provision is, of course, distasteful, and justly so, to the employees affected by it, and in proof of this statement I wish to present to the House a memorial from the National Council of Postal Associations, authenticated over the signatures of the president, the secretary, and the treasurer of the council.

NATIONAL COUNCIL OF POSTAL ASSOCIATIONS,
OFFICE OF SECRETARY,
Washington, D. C.

To the Congress of the United States:

Whereas the conference committee of the two Houses of Congress on the disagreeing votes on the amendments to the legislative, executive, and judicial appropriation bill, H. R. 24023, have recommended to their respective Houses a compromise to section 5 containing a proviso which limits the tenure of office to seven years of all persons in the classified service of the executive departments within the District of Columbia; and

Whereas we are of the opinion that if this legislation should be enacted it would be the means of destroying the basic principles of the civil-service law; and

Whereas the enactment of such legislation will cause all employees in the classified service to view with alarm the security of their tenure, believing that such tenure would no longer be dependent so much upon merit and efficiency as upon the favor and influence that might be exerted on the officer in charge of appointments and reappointments; and

Whereas the employees of the postal service are disturbed over the possibility of the extension of this principle to the entire classified service; and

Whereas this condition is creating a feeling of uncertainty seriously militating against the rendering of the most efficient service and may result in the most capable seeking positions elsewhere where there is a greater degree of certainty of continued employment, and may also discourage the most desirable eligibles from entering the service; and

Whereas we believe that the enactment of this legislation would be regarded as the entering wedge for a return to the old "spoils" system, with its attendant evils, which past experience has condemned as unsuited to the efficient conduct of the public business: Therefore be it

Resolved, That the National Council of Postal Associations respectfully petition the Congress to preserve the well-defined principles of the civil service that the tenure of office shall be based upon merit, efficiency, and good behavior to insure the best possible results to the Government, it being generally recognized that this can best be secured by the assurance to the employee that his tenure of office shall not be subject to recommendations that might be influenced by personal or political motives at the end of a limited tenure, but shall depend entirely upon the continued merit and efficiency of the employee.

WILLIAM E. KELLY, *President.*
FRANK T. ROGERS, *Secretary.*
P. J. SCHARDT, *Treasurer.*

Mr. Speaker, why is this legislation which is so momentous, revolutionary, and far-reaching in importance brought before this House by tacking it onto an appropriation bill? Why is not the proposition it embodies submitted in the form of an independent bill and referred to the Committee on Reform in the Civil Service, which will properly and carefully consider it? That would be the right and sensible course to pursue, especially since there are other bills looking to the betterment of the civil service now pending before the Committee on Reform in the Civil Service. There is an unwise and unnecessary haste in hurrying this provision through as a rider to an appropriation bill.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, I expect to vote for the conference report, although I do not wish anyone to understand by that that I thereby promise to vote for the passage of the bill over the presidential veto.

I am not going to take the time of the House to discuss the Commerce Court proposition, but I want to say a word about this proposition with reference to the clerks, which has excited so much attention.

As the gentleman from Massachusetts [Mr. GILLETT] has pointed out to the House, we have carried in this bill for many years a provision that no portion of the money appropriated should be paid to clerks who are incapacitated for the performance of their duty. I think that on one or two occasions I have had that provision stricken out of the bill in the House on a point of order, because I objected to the legislative branch declining to exercise its courage and dispose of the question of superannuation and endeavoring to impose it upon the executive branch in a way that it knew would not be exercised. I thought, and still think, it is somewhat fraudulent upon Congress to say to the executive departments, "You shall pay no portion of this money for clerks who are incapacitated," when we do not mean it, and when, if they should discharge the clerks, we would object to it.

I do not believe the provision in this bill will accomplish the purpose desired by the gentlemen who favor it. I do not believe it will discharge a single clerk in the employ of the Government. But I think it is quite likely that it will make the clerks, as the time comes toward the end of their seven-year terms, give a little better labor than they do when there is no such provision in the law. I have noticed that Members of Congress who desire renomination and reelection are much more anxious to have their names appear on the roll call than those who have decided to leave Congress.

Mr. Speaker, I am not afraid to meet what seems to me to be an inevitable condition. I do not agree with the gentleman from Massachusetts [Mr. GILLETT] in regard to his retirement bill. So far as my reading leads me to believe, I am of the opinion that in no place in the world where there is a provision for retirement does it work satisfactorily. I think it is inevitable that the Government comes to a civil pension list, and that the sooner we do it the better it will be for us, for the Treasury, and for the public service. If we wait until the Government employees themselves shall dictate the form and amount to be provided in the civil pension list, it will be a large amount, given on slight provocation; but if we should write into the law now a provision making a pension for those who are required to leave the service when they become incapacitated in the public service, we could write the law ourselves upon our best judgment, and provide a moderate amount to be paid to the persons monthly, instead of in the end providing what will be demanded, one-half or three-quarters pay.

I am perfectly willing to be declared in favor of a civil pension and of enacting a proper provision into law. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 10 minutes.

Mr. JOHNSON of South Carolina. I yield the balance of my time to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, at the outset I desire to state that there is in this body no more sincere, earnest advocate of

the merit system in the civil service than I am; and, notwithstanding the fact that the party to which I belong is about to come into power, if I had my way and could control his action, I to-morrow would have the President of the United States issue an order bringing every employee of this Government under the classified service. I am for this provision because I do believe in the merit system in our civil service; because I feel absolutely sure that unless some such action as is proposed in the paragraph under consideration is taken, the civil service, as now organized, will soon break down of its own cumbersome inefficiency.

I have been on the Appropriations Committee for a number of years, and over and over again have I heard bureau chiefs ask for additional clerks, as stated by the gentleman from Illinois [Mr. CANNON], because of the number of superannuated clerks in their bureaus, and when the attention of these officials is called to the law as it is written in this bill, that the responsibility rests upon them to discharge these clerks, they candidly state to the committee that they have not the heart to do it, and when they attempt to do it they are importuned by Senators and by Members of the House and finally yield to such importunities.

Mr. Speaker, for years the sentiment in the Committee on Appropriations, or, I should say, in the subcommittee, chargeable with the responsibility of making up this bill, has been in favor of a fixed tenure for Government employees. And, furthermore, I will state that, in my opinion, if you could get at the real sentiment of responsible bureau chiefs, that nine out of ten of them would tell you that it is absolutely necessary to take such action, or we should, as was urged by the gentleman from Illinois [Mr. MANN], enact a civil pension list. I assure the Members of this House that no such consideration as was suggested by the gentleman from Massachusetts [Mr. GILLETT] moved us to embody this paragraph in this bill. We have received no threat, at least I have not, from any department clerk. I have not been pestered by the clerks. This paragraph goes into this bill because we believe it is in the interest of the public service, in the interest of the Treasury, and in the interest of the department employees themselves.

Mr. Speaker, I have been here nearly 14 years, and never has there been a paragraph carried in an appropriation bill that has been so distorted and misrepresented and about which so many misstatements have been made as have been made about the paragraph under discussion. I will not say that these misrepresentations have been purposely made, but on that I have very decided views, and I will say that there is a coterie of gentlemen in this town who constantly play upon the credulity and fears of these unfortunate employees, all of whom are anxious to receive and many of whom are ready to believe that these influential gentlemen can secure for them the benefits of a civil-pension act. We all know here that these hopes are baseless; that we are not going to pass any such pension bill. We know that there are not 50 men on this floor who would line up with the gentleman from Illinois [Mr. MANN] and record themselves in favor of a flat pension for civil employees of this Government.

Now, Mr. Speaker, I desire very briefly to discuss this proposition upon its merits. I want to let the Members of the House know exactly what this paragraph means. It has been said in the newspapers—and of course the four newspapers here are all earnest advocates of what they think the Government employees want in this matter; it is perfectly natural for them to cater to their subscribers, and I do not blame them for it, but surely they ought to adhere fairly well to the truth—the statement has been made that these clerks are all going to be thrown out forthwith and that this wholesale slaughter is in the interest of spoils; that this movement means a reversion to the old spoils system long since abandoned. Now, what is the fact? A casual reading of the paragraph will disclose that under the terms of this paragraph no person now in the classified service can be removed before September 1, 1919. Again and again the members of the Civil Service Commission have brought it to our attention that approximately 15 per cent of the employees in these departments go out each year as a result of resignations, deaths, and removals. Consequently at the end of the seven-year period there will be approximately 20, 25, or at most 30 per cent of the clerks who are now in office who will be subject to removal under this item if same becomes law. Can there be any gainsaying that proposition? If you doubt it, turn now to the paragraph and read it. It states in plain unequivocal terms that no employee is to be removed before September 1, 1919.

Again the statement has been frequently published in the local newspapers that when these clerks are separated from the service, the end of the tenure being reached, that having led cloistered lives and not having attempted to prepare themselves to compete with recent university or college graduates, they will be at a great disadvantage when they come to be reexamined for admission into the civil service. The truth is the paragraph says in plain terms that any employee having reached the separation period who comes up to a fair standard of efficiency may be reappointed by the head of his department without reexamination. Mr. Speaker, I want to read some of the gross misrepresentations of the effect of this paragraph that have been published in the local newspapers. Here is an editorial from one of the leading evening papers. I read only one short excerpt therefrom:

> Any fixing of the tenure serves notice upon the Government workers that they are only serving on probation, and that their retention in office does not depend necessarily upon their performances, their loyalty, or zeal, or peculiar aptitude or special qualifications, but rather upon their personal relations with their superiors or their ability after a lapse of years to maintain themselves in competition with men fresh from the schools better qualified to meet the tests.

Here the intimation is plain that they must compete by examination with recent college graduates for their places. I read again from the same editorial:

> There can be no possible objection to the dropping of a man who can not maintain a certain standard of daily efficiency after a reasonable trial. But this is totally different from the wholesale discharge of everybody at a fixed interval in order to reappoint those who manage to pass a new academic examination, or who can bring sufficient political influence to bear to secure special consideration.

And yet the proposed law is plain that the employee is to be reappointed without examination if he is up to a fair standard of efficiency, and this standard is to be prescribed by the Civil Service Commission. The editorial says that no possible objection to dropping a man who can not do this can be made.

Mr. AUSTIN. I think the gentleman ought to give us the name of the evening paper.

Mr. BURLESON. I do not care to particularize; the editorial is here, and the gentleman may see it for himself.

Again, Dr. Washburn, a member of the Civil Service Commission, is quoted as saying—I do not believe he said it, because he knows what is in this paragraph, and I feel sure he would not make a willful misrepresentation even to please the newspaper or the clerks:

> At the end of seven years, if the conferees' plan is adopted, the clerks will all be dropped. It is provided that if they have proved efficient and if they pass successfully an examination they may be reappointed for another term of seven years.

These clerks, if they are efficient under rules to be fixed by Dr. Washburn's Civil Service Commission, may be reappointed without reexamination. If you doubt this, turn to your bill and read for yourself.

Mr. KAHN. Will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. KAHN. Does not the gentleman think that the provision would have been very much stronger if it had read "and shall, in the discretion of the head of the executive department, be reappointed," and so forth?

Mr. BURLESON. What is the difference between "shall in his discretion" and "may in his discretion"?

Mr. KAHN. Well, strike out the "discretion."

Mr. BURLESON. Then what becomes of the constitutional provision that vests the Executive with the power of appointing and removal of these employees? I want to say to the gentleman that we did not put this paragraph in this bill without carefully considering it from all angles.

Mr. WEEKS. Will the gentleman yield?

Mr. BURLESON. I will.

Mr. WEEKS. Does not the gentleman think it is an unfortunate time to have this provision in the bill go into effect—September, 1919? That is a presidential year. Does he not think it ought to be fixed at some other time?

Mr. MANN. Is the gentleman going to change the tenure of office of the President?

Mr. BURLESON. The House first tried to make the tenure five years. I suppose the gentleman from Massachusetts has in mind a belief that this is a spoils measure. Permit me to say to the gentleman that he is laboring under a grave misapprehension.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that I may proceed for 10 minutes.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to proceed for 10 minutes more. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Speaker, I also desire to direct the attention of the gentleman from Massachusetts to the fact that our presidential contests take place in even numbered years and not in odd years, as he seems to think.

Mr. WEEKS. Yes; but the paragraph continues it through the next year from September 1, 1919, through until September 1, 1920, and 1920 is a presidential year.

Mr. BURLESON. But 1919 is not.

Mr. WEEKS. It may take place any time in 1920 up to September 1.

Mr. BURLESON. Surely the gentleman can not believe that any purpose of spoils was in mind when he realizes that four years of the next presidential term and three years of the term succeeding will elapse before this paragraph becomes operative, as far as employees now in the service are concerned.

Mr. GARDNER of Massachusetts rose.

Mr. BURLESON. I yield to the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. Do I understand the gentleman to say that this creates no hardship on the clerks?

Mr. BURLESON. I certainly do; and, on the contrary, I think it would be immensely for the benefit of the clerks.

Mr. GARDNER of Massachusetts. If so, why do you except honorably discharged soldiers and sailors?

Mr. BURLESON. In order to catch the timid Member who might be afraid to vote for it if it did not carry that exception [laughter and applause]; and the gentleman from Massachusetts knows by the experience we have had during this session of Congress with pension legislation that it is wise to make this exception. The gentleman remembers the experience we had just the other day when $300,000 was added to an appropriation bill that was not asked for by the chief of the Bureau of Pensions, and in utter disregard of the recommendations of the Civil Service Commission and which item carrying this vast sum disregarded all the rules and regulations of our Civil Service Commission.

Mr. MANN. We are glad to have the Democrats opposed to it.

Mr. BURLESON. It was one of the most vicious provisions in reference to pension legislation, and in utter disregard of the merit system, that we have had for years, and I regret that our friend from Massachusetts, who is now so solicitous for the civil service, gave his vote for that proposition.

Mr. Speaker, the gentleman from Massachusetts [Mr. GARDNER] spoke about the bad effect on the clerks that this proposition would have. The gentleman overlooks the fact that under the civil-service rules there is a probationary period of 6 or 12 months, that every clerk must serve before he becomes a permanent employee. And strange to say, as was pointed out by the gentleman from Illinois a moment ago, human nature is human nature wherever you find it. The same feeling that moves a Member of Congress who is about to come up for reelection to be most assiduous in the discharge of his duties during that period moves the clerk who is efficient, if he has the capacity to be efficient, during this probationary period, and it is a rare exception if when he enters upon the probationary period he fails to be retained in the Government service because he always does his best. If we have a tenure of seven years, instead of having a probationary period of only one year, we will have a probationary period of seven years and have seven years of efficient service instead of one year.

Mr. BOWMAN. Will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Pennsylvania?

Mr. BURLESON. Certainly.

Mr. BOWMAN. Does not the gentleman believe that as Representatives we owe as much responsibility to Government employees as we would as individuals owe to our employees?

Mr. BURLESON. I think our responsibility to Government employees is greater as Representatives than it would be if we were private citizens.

Mr. BOWMAN. Well, after the clerk has served faithfully many years, do you not think he ought to be taken care of for the good service that he has rendered? I do.

Mr. BURLESON. The gentleman will find himself very much alone in this body if by that he means to declare for civil pensions.

Mr. BOWMAN. I am not afraid of being alone in that position.

Mr. BURLESON. Let me further answer the gentleman. The clerk entering the classified service receives from the Government a salary from 25 to 40 per cent in excess of what he would for performing similar service in private employment. The gentleman from Illinois [Mr. CANNON] stated a moment ago that it was 33⅓ per cent, and he reached that conclusion from information gathered by him from years of experience on the Committee on Appropriations. I stand here to assert, without fear of successful contradiction, that clerks employed by the Government are receiving from 25 to 40 per cent more than they would receive if they were discharging the same duties in private employments. There are thousands of young men in the district of the gentleman from Pennsylvania who would be anxious and glad to receive one of these Government appointments even for the term of seven years. And, moreover, not only are Government employees favored in this particular way, but they work only seven and one-half hours a day, they have 30 days' annual leave, they have 30 days' sick leave—and many of them take it all and nearly all of them take part of it—and in addition they have innumerable holidays. And yet, holding these favored positions to the exclusion of thousands on the outside who would be glad to have them at a certain period in their lives, the Government employee seeks to shoulder the burden of his support after he is no account onto those who would be glad to have had his position by making them pay him a pension.

This gentleman, the gentleman from Illinois [Mr. MANN], and I admit his conscientiousness, may have the courage to vote for the pension, but there are not 49 others on this floor, however much they may desire to do so, who will vote for it.

Mr. BOWMAN. There is one more who will be with him.

Mr. MANN. Oh, I am always in advance of the rest of the crowd. [Laughter.]

Mr. BURLESON. I do not know how long the gentleman from Pennsylvania has been here, but I do know that if he persists in such conduct he will not be here long.

Mr. BOWMAN. Oh, I will have something to do if I am not here. I have had up to the present time. [Laughter.]

Mr. WEEKS. Mr. Speaker, will the gentleman yield?

Mr. BURLESON. Yes.

Mr. WEEKS. Mr. Speaker, I would like to inquire if there is any good reason why this should apply to Government employees in the District of Columbia and not to employees in other parts of the country?

Mr. BURLESON. Sufficient unto the day is the evil thereof. I will state to the gentleman from Massachusetts that you must crawl before you walk. If this paragraph proves as efficacious as I feel sure it will, the gentleman will be gratified within the next year or two to see it extended to a few beyond the limits of the District of Columbia.

Mr. KAHN. Mr. Speaker, if the gentleman will permit me, how can he tell whether it will be efficacious in the next year or two if it does not give any tangible result for seven years?

Mr. BURLESON. Oh, but it does. The gentleman from California is very unfortunate to-day. He evidently has not his usually clear-thinking apparatus with him.

The SPEAKER. The time of the gentleman from Texas has expired. All time has expired.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Texas may proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Speaker, immediately this paragraph goes into effect every employee entering the classified service comes in with a fixed tenure of seven years, and, as I have said, 15 per cent go out each year, and when the seven years will have rolled around there will only be about 20 or 25 per cent of employees who are now in the service who will be affected by the removal provision of this paragraph.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. BURLESON. Yes.

Mr. LONGWORTH. I merely desire to ask the gentleman if the members of the Civil Service Commission have expressed themselves upon this propositon?

Mr. BURLESON. I will state to the gentleman from Ohio that at least one member of the Civil Service Commission, the chairman of the commission, believes in a fixed tenure, and I will read you one line from what he says in a letter he wrote on the subject.

Mr. LONGWORTH. I am speaking of an official recommendation one way or the other. Have they expressed themselves officially?

Mr. BURLESON. No; and for the same reason that controls others who are advocates of the civil service upon this floor who really believe in the efficacy of this provision but who feel they are impelled, because of their attitude heretofore, to oppose it.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. BURLESON. Certainly.

Mr. MANN. Does the gentleman know whether the members of the Civil Service Commission obtained the proper leave under the President's order to lobby for and against this proposition—mainly against?

Mr. BURLESON. I am not advised upon that point.

Mr. MANN. Some time ago a man was discharged from the public service for writing a letter.

Mr. BURLESON. I read from the letter of the chairman of the Civil Service Commission in response to the question of the gentleman from Ohio [Mr. LONGWORTH]:

I have not thought it well to go into an argument in regard to these changes. If made they will give, it seems to me, every employee a fair chance, an opportunity for reappointment, a natural term, if I may so call it, of service, and above all else, the two amendments, if made, will do away with almost every need, seemingly, for the enactment of the civil-pension law.

Mr. LONGWORTH. Is that from Gen. Black?

Mr. BURLESON. Yes. The other two gentlemen are in favor of a pension law of some kind, and every man on this floor knows they favor it.

Mr. LONGWORTH. Where have they stated that?

Mr. GILLETT. I do not know that.

The SPEAKER. To whom does the gentleman yield?

Mr. BURLESON. I prefer to occupy my own time, Mr. Speaker. I let my statement stand.

The SPEAKER. The gentleman from Texas declines to yield.

Mr. LONGWORTH. Will the gentleman answer that question?

Mr. BURLESON. Mr. Speaker, I want to read one more extract from a newspaper, and I read from the statement of a gentleman who has interested himself, a philanthropic gentleman. I do not charge that he has received a dollar or a dollar and a half or two dollars a month from these unfortunate, inefficient, superannuated clerks who are seeking pensions. I will not charge that, for evidently he is a philanthropic gentleman who enters upon this field for the public good and for no other purpose. He says:

The seven-year tenure law is simply the plan of professional politicians and not statesmen. The professional politician would use the 400,000 Government clerks as a bank, so to speak, against which they could draw checks with which to pay political debts.

Draw a check, indeed, a check that is not going to be paid for seven years. How many men within the sound of my voice expect to be here seven years from to-day? [Laughter.] Who knows? Only one gentleman raises his hand, and, in my opinion, he occupies the most insecure position of any man on the floor of the House. Blessed is he who expecteth nothing, for he shall not be disappointed. [Laughter.]

I read further from the same newspaper in another article:

The limitation of tenure of office of civil-service employees to seven years is restricted to those in the departments at Washington and not outside the Capital.

The paragraph affects only the employees within the District of Columbia, and instead of there being 400,000, the number who will be affected will be between 30,000 and 35,000. To continue:

Republican Senators who opposed the provision have asserted privately that it was insisted upon by the Democratic conferees, because they hoped for a change of administration, and this plan would enable them to get rid of thousands of Republican employees. The provision provides for the dismissal of those found to be inefficient, but makes no provision for the retention in the service of those whose records show their efficiency.

And yet, gentlemen, in this very bill there is carried another provision that says an efficiency record shall be kept, and that it shall be kept by the heads of departments, based on standards fixed by the Civil Service Commission, and that such record shall be transmitted to the Civil Service Commission and become a record of the records of their office, which shall control, and——

The SPEAKER. The time of the gentleman from Texas has expired. All time has expired.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, the question of legislating so as to eliminate incompetent employees from the departmental service has occupied Congress during my entire service here. Various remedies have been suggested. There is considerable agitation for legislation to provide a civil pension list for governmental employees. My experience has been that the great mass of the Members of the House do not favor such legislation. My experience as a member of the Committee on Appropriations leads me to believe the repeated statements by various heads of departments that if the employees in the various departments of the Government were up to the standard of efficiency required at least 25 per cent less employees would be sufficient to do the work now done by the present force and do it more efficiently. The objections made to this provision, which has been worked out with some care, seem to be that it is striking down the civil-service system now in force. I should be inclined to consider that argument, Mr. Speaker, and to weigh its force if it were not for the fact that those who urge it most strongly were numbered among the gentlemen who within the last few days voted for the most vicious piece of spoils legislation enacted by this Congress during the past 40 years, a provision against which the Civil Service Commission protested, a provision against which the National Reform Civil Service Association protested, a provision pointed out by the Civil Service Commission as one that would result in the employment of a large number of employees who would not expedite the business for which they were appointed, but would be a hindrance and a burden placed upon the Pension Office. These gentlemen now appear to be alarmed at what will happen in 1919 as a result of this proposed legislation. They are worrying that at the end of seven years some Government official in a department will be so much out of sympathy with civil-service reform that employees who should be reappointed will not be appointed, for political reasons, and yet they hasten to force upon a department of the Government $300,000 for the appointment of clerks without regard to the civil-service law, and which I pointed out would be utilized and taken advantage of for purely partisan purposes. It may be that gentlemen expect that political appointments made from now until the 4th of March will be made by the administration with which they are in sympathy, and that at no time from the 4th of March, 1913, until this provision goes into effect in 1919 will any administration with which they are in sympathy be in power in this Government. It is impossible for men who are anxious to do what is best in these matters, who are looking for full information upon such matters, to place very great confidence in an argument urged against a provision of this character by the men who not only did not lift their voices against the legislation to which I have called attention, but who went on record in favor of it. Mr. Speaker, I do not believe that the conditions in the District of Columbia and in the departmental service in the District of Columbia are at all similar to the conditions existing in the governmental service outside of the District. There are peculiar conditions here, and this legislation is designed to cure many defects in the departmental service in the District of Columbia which do not exist elsewhere. It is not believed that such legislation will ever be necessary for service outside of the District. Whenever conditions are at all similar, it will be time enough to consider the matter. No such conditions, however, are likely, for many reasons.

The SPEAKER. The time of the gentleman has expired; all time has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the adoption of the conference report.

Mr. GARDNER of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. I desire to ask at this time if it is in order to move a concurrent resolution to recommit this conference report to the committee on conference.

The SPEAKER. The Chair thinks it is in order to recommit the conference report.

Mr. FITZGERALD. I understand the gentleman from South Carolina has demanded the previous question.

The SPEAKER. He has not.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the previous question on the adoption of the report.

Mr. GARDNER of Massachusetts. Does that shut out a motion to recommit by a concurrent resolution?

Mr. UNDERWOOD. The gentleman can not make a motion to recommit a conference report against the previous question.

Mr. GARDNER of Massachusetts. My point is this, that the other House, having discharged its conferees——

Mr. FITZGERALD. No, that is not——

Mr. GARDNER of Massachusetts. If the gentleman from New York will let me state my point. I believe that a simple motion to recommit to the conferees is not in order; but it is in order by a concurrent resolution to move to recommit the bill to the conferees. That question has been decided more than once, and therefore after the previous question is ordered under the general principles under which motions to recommit are made in this House, I shall ask for a ruling of the Chair on my con-

current resolution to recommit this bill to the committee on conference.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the previous question was ordered.

Mr. GARDNER of Massachusetts. Now, Mr. Speaker, I offer the following concurrent resolution.

The SPEAKER. The Clerk will read the concurrent resolution.

Mr. FITZGERALD. I make the point of order——

The SPEAKER. It will not do any harm to read it.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That House bill 24023 be recommitted to the committee on conference on the disagreeing votes of the two Houses.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the resolution, being a concurrent resolution, can only be introduced, except by unanimous consent, through the basket, as it is not a privileged resolution. The rule is well established——

Mr. GARDNER of Massachusetts. I admit that the gentleman has made the right point of order. I hoped that he would not think quite so quickly.

The SPEAKER. The Chair would like to inquire if the Senate has agreed to this bill.

Mr. FITZGERALD. Yes; but the gentleman concedes the point of order.

The SPEAKER. No; the gentleman said the gentleman from New York got it wrong.

Mr. SHERLEY. No; that he was right.

Mr. FITZGERALD. That the gentleman made the right point of order.

Mr. MANN. I make the point of order the House can not recommit a bill to a conference committee.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. There is no authority anywhere to do so. The House does not have control over a conference committee. All the House does is to have its own conferees, and it can not recommit a bill to them; the House has no authority.

Mr. FITZGERALD. As long as the gentleman concedes the point of order it seems to me that is sufficient.

Mr. GARDNER of Massachusetts. I conceded it to the extent that the concurrent resolution is not privileged. That is the point of order which I said was sound.

Mr. FITZGERALD. That is the point of order I made.

Mr. GARDNER of Massachusetts. The resolution is permissible under the rules; but if the gentleman claims that it is not privileged, I think he is right.

Mr. FITZGERALD. That is enough.

The SPEAKER. The Chair thinks that the point of order made by the gentleman from New York [Mr. FITZGERALD] is well taken. The Chair investigated this matter two or three days ago, not in anticipation of any trouble connected with this bill, but in connection with another bill, and certainly this resolution offered by the gentleman from Massachusetts [Mr. GARDNER] is not privileged. Therefore the Chair sustains the point of order made by the gentleman from New York. The question is on the adoption of the conference report.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. GILLETT. A division, Mr. Speaker.

The House divided; and there were—ayes 78, noes 49.

Mr. GILLETT. Mr. Speaker——

Mr. OLMSTED. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. One moment. On this vote the ayes are 78 and the noes are 49, and the gentleman from Pennsylvania [Mr. OLMSTED] makes the point of order that there is no quorum present. Evidently there is not a quorum present, and the Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of the adoption of the conference report will, when their names are called, vote "yea"; those opposed will vote "nay."

The question was taken; and there were—yeas 140, nays 79, answered "present" 9, not voting 161, as follows:

YEAS—140.

Adair	Borland	Byrns, Tenn.	Crago
Adamson	Brown	Candler	Cullop
Alexander	Buchanan	Carter	Davis, Minn.
Anderson, Minn.	Bulkley	Claypool	Davis, W. Va.
Ansberry	Burgess	Clayton	De Forest
Ashbrook	Burke, Pa.	Cline	Dent
Ayres	Burke, Wis.	Connell	Denver
Beall, Tex.	Burleson	Conry	Dickinson
Blackmon	Burnett	Cox, Ind.	Dixon, Ind.
Doremus	Hardy	McKellar	Saunders
Driscoll, D. A.	Harrison, Miss.	Maguire, Nebr.	Shackleford
Estopinal	Harrison, N. Y.	Mann	Sherley
Evans	Haugen	Martin, Colo.	Sims
Faison	Hay	Moon, Tenn.	Sisson
Fergusson	Hayden	Moore, Pa.	Slayden
Finley	Helgesen	Morrison	Sloan
Fitzgerald	Hensley	Morse, Wis.	Stedman
Flood, Va.	Holland	Moss, Ind.	Steenerson
Floyd, Ark.	Hull	Norris	Stephens, Cal.
Fordney	Humphreys, Miss.	Oldfield	Stephens, Nebr.
Foster	Jackson	Padgett	Stephens, Tex.
Gallagher	Johnson, S. C.	Page	Stone
Garrett	Jones	Pepper	Sweet
George	Kendall	Pickett	Towner
Godwin, N. C.	Kennedy	Post	Tribble
Goeke	Kitchin	Pou	Tuttle
Good	Korbly	Prince	Underhill
Goodwin, Ark.	Lafean	Prouty	Underwood
Graham	La Follette	Rainey	Vare
Gray	Lee, Ga.	Rauch	Volstead
Green, Iowa	Lee, Pa.	Rees	Watkins
Gregg, Tex.	Lever	Robinson	White
Griest	Lindbergh	Roddenbery	Wilson, Pa.
Hamilton, W. Va.	Littlepage	Russell	Witherspoon
Hamlin	McCreary	Sabath	Young, Kans.

NAYS—79.

Ainey	Farr	Lobeck	Smith, Saml. W.
Akin, N. Y.	Focht	Longworth	Smith, N. Y.
Allen	Foss	McCall	Speer
Austin	Fowler	McCoy	Sterling
Barchfeld	Francis	McKinley	Stevens, Minn.
Bartholdt	French	McKinney	Sulloway
Bates	Gardner, Mass.	McLaughlin	Sulzer
Berger	Gardner, N. J.	Miller	Switzer
Bowman	Gillett	Murray	Talcott, N. Y.
Brantley	Greene, Mass.	Needham	Taylor, Ohio
Calder	Hartman	Olmsted	Thayer
Cannon	Heald	Payne	Tilson
Carlin	Hill	Peters	Utter
Cooper	Howell	Plumley	Warburton
Crumpacker	Humphrey, Wash.	Pray	Wedemeyer
Curley	Kahn	Redfield	Weeks
Danforth	Kent	Reilly	Wilson, Ill.
Difenderfer	Kinkaid, Nebr.	Rodenberg	Wood, N. J.
Donohoe	Lafferty	Rothermel	Young, Mich.
Driscoll, M. E.	Lewis	Simmons	

ANSWERED "PRESENT"—9.

Dwight	McMorran	Sharp	Sparkman
Fornes	Riordan	Slemp	Woods, Iowa
Hawley			

NOT VOTING—161.

Aiken, S. C.	Edwards	Konop	Pujo
Ames	Ellerbe	Kopp	Raker
Anderson, Ohio	Esch	Lamb	Randell, Tex.
Andrus	Fairchild	Langham	Ransdell, La.
Anthony	Ferris	Langley	Reyburn
Barnhart	Fields	Lawrence	Richardson
Bartlett	Fuller	Legare	Roberts, Mass.
Bathrick	Garner	Lenroot	Roberts, Nev.
Bell, Ga.	Glass	Levy	Rouse
Boehne	Goldfogle	Lindsay	Rubey
Booher	Gould	Linthicum	Rucker, Colo.
Bradley	Gregg, Pa.	Littleton	Rucker, Mo.
Broussard	Gudger	Lloyd	Scully
Browning	Guernsey	Loud	Sells
Burke, S. Dak.	Hamill	McDermott	Sheppard
Butler	Hamilton, Mich.	McGillicuddy	Sherwood
Byrnes, S. C.	Hammond	McGuire, Okla.	Small
Callaway	Hanna	McHenry	Smith, J. M. C.
Campbell	Hardwick	McKenzie	Smith, Cal.
Cantrill	Harris	Macon	Smith, Tex.
Cary	Hayes	Madden	Stack
Catlin	Heflin	Maher	Stanley
Clark, Fla.	Helm	Martin, S. Dak.	Stephens, Miss.
Collier	Henry, Conn.	Matthews	Taggart
Copley	Henry, Tex.	Mays	Talbott, Md.
Covington	Higgins	Mondell	Taylor, Ala.
Cox, Ohio	Hinds	Moon, Pa.	Taylor, Colo.
Cravens	Hobson	Moore, Tex.	Thistlewood
Currier	Houston	Morgan	Thomas
Curry	Howard	Mott	Townsend
Dalzell	Howland	Murdock	Turnbull
Daugherty	Hughes, Ga.	Neeley	Vreeland
Davenport	Hughes, N. J.	Nelson	Webb
Davidson	Hughes, W. Va.	Nye	Whitacre
Dickson, Miss.	Jacoway	O'Shaunessy	Wilder
Dies	James	Palmer	Willis
Dodds	Johnson, Ky.	Parran	Wilson, N. Y.
Doughton	Kindred	Patten, N. Y.	Young, Tex.
Draper	Kinkead, N. J.	Patton, Pa.	
Dupré	Knowland	Porter	
Dyer	Konig	Powers	

So the conference report was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. HOBSON with Mr. FAIRCHILD.

Mr. RIORDAN with Mr. ANDRUS.

Mr. GLASS with Mr. SLEMP.

Mr. FORNES with Mr. BRADLEY.

Mr. BARTLETT with Mr. BUTLER.

Mr. COLLIER with Mr. WOODS of Iowa.

For balance of session:

Mr. BELL of Georgia with Mr. LANGHAM.

Mr. TURNBULL with Mr. HAYES.

Until further notice:
Mr. KINKEAD of New Jersey with Mr. NYE.
Mr. JOHNSON of Kentucky with Mr. MOTT.
Mr. JAMES with Mr. MURDOCK.
Mr. JACOWAY with Mr. MONDELL.
Mr. HUGHES of Georgia with Mr. MATTHEWS.
Mr. HOWARD with Mr. MCGUIRE of Oklahoma.
Mr. HOUSTON with Mr. MOON of Pennsylvania.
Mr. HENRY of Texas with Mr. MARTIN of South Dakota.
Mr. HEFLIN with Mr. MCKENZIE.
Mr. HAMILL with Mr. KOPP.
Mr. MCDERMOTT with Mr. LAWRENCE.
Mr. GARNER with Mr. HINDS.
Mr. GREGG of Pennsylvania with Mr. HOWLAND.
Mr. ELLERBE with Mr. CURRIER.
Mr. DOUGHTON with Mr. DRAPER.
Mr. COVINGTON with Mr. HANNA.
Mr. CLARK of Florida with Mr. HAMILTON of Michigan.
Mr. CALLAWAY with Mr. GUERNSEY.
Mr. BOEHNE with Mr. FULLER.
Mr. BATHRICK with Mr. DODDS.
Mr. BARNHART with Mr. COPLEY.
Mr. ANDERSON of Ohio with Mr. CARY.
Mr. AIKEN of South Carolina with Mr. AMES.
Mr. SCULLY with Mr. BROWNING.
Mr. GUDGER with Mr. HUGHES of West Virginia.
Mr. SMALL with Mr. BURKE of South Dakota.
Mr. BOOHER with Mr. CATLIN.
Mr. PUJO with Mr. MCMORRAN.
Mr. LEGARE with Mr. LOUD.
Mr. TAYLOR of Colorado with Mr. AMES.
Mr. DIES with Mr. HIGGINS.
Mr. HARDWICK with Mr. CAMPBELL.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. FIELDS with Mr. LANGLEY.
Mr. RUCKER of Missouri with Mr. DYER.
Mr. RANDELL of Texas with Mr. SMITH of California.
Mr. EDWARDS with Mr DALZELL.
Mr. MAYS with Mr. THISTLEWOOD.
Mr. LITTLETON with Mr. DWIGHT.
Mr. PALMER with Mr. HENRY of Connecticut.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. COX of Ohio with Mr. ANTHONY.
Mr. RAKER with Mr. KNOWLAND.
Mr. KONOP with Mr. PATTON of Pennsylvania.
Mr. LLOYD with Mr. PORTER.
Mr. O'SHAUNESSY with Mr. POWERS.
Mr. RICHARDSON with Mr. REYBURN.
Mr. ROUSE with Mr. ROBERTS of Nevada.
Mr. RUCKER of Colorado with Mr. ROBERTS of Massachusetts.
Mr. SMITH of Texas with Mr. VREELAND.
Mr. STANLEY with Mr. SELLS.
Mr. WEBB with Mr. J. M. C. SMITH.
Mr. YOUNG of Texas with Mr. WILLIS of Ohio.
Mr. STEPHENS of Mississippi with Mr. WILDER.
Mr. RUBEY with Mr. HAWLEY.
Until August 28:
Mr. BYRNES of South Carolina with Mr. MADDEN.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum being present, the Doorkeeper will open the doors, and further proceedings under the call are dispensed with.

On motion of Mr. JOHNSON of South Carolina, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7407. An act increasing the limit of cost of the post-office building at Atlanta, Ga.; and

S. 3258. An act to acquire a site and erect buildings for a school for the Indians of Robeson County, N. C., and for other purposes.

PENSION APPROPRIATION BILL.

Mr. BORLAND. Mr. Speaker, I call up the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, with Senate amendments.

The SPEAKER. The Chair will ask the gentleman from Missouri if all the amendments have not been disposed of, except Nos. 2, 3, 4, 5, 9, 10, and 11?

Mr. BORLAND. That is correct.

Mr. MANN. And amendments Nos. 2, 3, and 4 have been agreed to with an amendment.

The SPEAKER. The Clerk will report the House amendments to Senate amendments 2, 3, and 4.

The Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate No. 2 and agrees to the same with amendments, as follows:

Omit the matter inserted by said amendment and in lieu of the paragraph stricken out insert:

"For salaries of 18 agents, for the payment of pensions, at the rate of $4,000 per annum each, during the first half of the fiscal year 1913, $36,000.

"For salary of one agent for the payment of pensions, at the rate of $4,000 per annum for the last half of the fiscal year 1913, $2,000; and from and after the 31st day of December, 1912, there shall be only one agent for the payment of pensions, to be appointed in the manner now provided by law, and who shall receive a salary at the rate of $4,000 per annum; and section 4780 of the Revised Statutes of the United States authorizing the appointment of agents for the payment of pensions is repealed to take effect from and after December 31, 1912."

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and restore the matter stricken out amended to read as follows:

"For clerk hire, and other services, at 18 pension agencies during the first half of the fiscal year 1913 and at one pension agency during the last half of the fiscal year 1913 and including not exceeding $10,000 for expenses of consolidating and removing records and equipment of pension agencies, $350,000, or so much thereof as may be necessary: *Provided*, That estimate in detail shall be submitted for the fiscal year 1914 and annually thereafter for clerks and others employed in the pension agency, and the amounts to be paid to each."

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert: "$2,125."

The SPEAKER. The Clerk will report Senate amendments Nos. 5, 9, 10, and 11.

The Clerk read as follows:

(5) Page 3, after line 2, insert:

"For examination and inspection of pension agencies, as provided by the final provision of the act of August 8, 1882, amending section 4766, Revised Statutes, $1,500."

(9) Page 4, strike out lines 14 to 19, inclusive.
(10) Page 4, strike out lines 20 to 24, inclusive.
(11) Page 5, strike out lines 1 to 3, inclusive.
(12) Page 5, change SEC. 6 to SEC. 5.

Mr. MANN. What is the provision stricken out by these Senate amendments?

Mr. FITZGERALD. It has to do with the giving of the bond by the one agent.

[Mr. BORLAND addressed the House. See Appendix.]

Mr. BORLAND. When the House provided for that plan, which has been recommended and worked out in detail by the Commissioner of Pensions, it provided that the provisions should go into operation immediately, but the Senate put on an amendment that it should not take effect during the first six months of the fiscal year. The reason was that many of the vouchers and checks had already been provided and were in the hands of the pension agents. Some agencies pay in one season, some in another month, and some in the third, so that we agreed to the Senate amendment that this change from voucher to voucher check should go into force by Executive order between now and December 31, 1913. At the same time we provided for the abolishment of the pension agents, and that that should go into force and effect during the same six months, so that as fast as a voucher check goes into force, covered by a particular agency, that agency can pass out of existence.

That proposition was before the Senate conferees and the House conferees for more than 60 days. The Senate conferees proposed that it should be left to the Executive order after the 4th of March, and the House conferees declined that provision, in view of the sentiment of the House. I have moved to adhere to the amendments providing for the appropriation up to December 31 for these agencies, so that they may pass out concurrent with the introduction of the voucher system. No better time can be had than right now. It has been the sentiment of the House for five or six terms of Congress that these agencies must go out at a certain time and proper time. The proper time is now. There is nothing for the conferees to confer about. We have agreed to every possible change the conferees have made except the principle of the final abolition of the pension agent. We have moved to adhere to the determination of the House for the abolition of the pension agent, and I call for a vote.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were 135 ayes and 4 noes.

So the motion was agreed to.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 25.

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives be instructed in the enrollment of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, to strike out all of the second paragraph of Senate amendments 511, 512, 513, and 514, as agreed to in conference and concurred in by the two Houses, and insert in lieu thereof the following:

"All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of any of the judicial districts within which the original cause of action brought before the Interstate Commerce Commission arose, such district to be designated by the complainant; and the venue of all suits and proceedings hereafter brought to enforce, set aside, annul, or modify any order of the Interstate Commerce Commission shall be in any of the judicial districts within which the original cause of action brought before the commission arose."

RADIO COMMUNICATION.

Mr. ALEXANDER. Mr. Speaker, I desire to call up the bill S. 6412 for consideration.

The SPEAKER. The gentleman from Missouri calls up the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (S. 6412) to regulate radio communication.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

The SPEAKER. The gentleman from Missouri asks unanimous consent to dispense with the reading of the bill.

Mr. MANN. Of course the bill will have to be read at some time. Why does not the gentleman ask to have the bill read under the five-minute rule so that amendments can be offered section by section?

Mr. ALEXANDER. Mr. Speaker, I will modify my request and ask unanimous consent that the bill may be read under the five-minute rule.

The SPEAKER. The gentleman from Missouri asks unanimous consent to read this bill under the five-minute rule. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read and Members will understand that this bill is now being read for amendment.

The Clerk read as follows:

Be it enacted, etc., That a person, company, or corporation within the jurisdiction of the United States shall not use or operate any apparatus for radio communication as a means of commercial intercourse among the several States, or with foreign nations, or upon any vessel of the United States engaged in interstate or foreign commerce, or for the receipt or transmission of radiograms or signals the effect of which extends beyond the exclusive jurisdiction of the State or Territory in which the same are made, or where interference would be caused thereby with the receipt of messages or signals from beyond the jurisdiction of the said State or Territory, except under and in accordance with a license, revocable for cause, in that behalf granted by the Secretary of Commerce and Labor upon application therefor; but nothing in this act shall be construed to apply to the transmission and exchange of radiograms or signals between points situated in the same State: *Provided*, That the effect thereof shall not extend beyond the jurisdiction of the said State or interfere with the reception of radiograms or signals from beyond said jurisdiction; and a license shall not be required for the transmission or exchange of radiograms or signals by or on behalf of the Government of the United States, but every Government station on land or sea shall have special call letters designated and published in the list of radio stations of the United States by the Department of Commerce and Labor. Any person, company, or corporation that shall use or operate any apparatus for radio communication in violation of this section, or knowingly aid or abet another person, company, or corporation in so doing, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $500, and the apparatus or device so unlawfully used and operated may be adjudged forfeited to the United States.

Mr. ALEXANDER. Mr. Speaker, I offer the following amendment:

On page 1, line 8, strike out the words "receipt or."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 8, by striking out the words "receipt or."

Mr. ALEXANDER. Mr. Speaker, the purpose of the amendment is to meet the objections urged against the bill by the experimenters and those who are engaged as amateurs in this art. Many of these stations are equipped to receive messages, but are not equipped to transmit messages. They claim that if their stations are only equipped to receive messages they can not interfere with the transmission of messages, and hence there is no occasion for their having a license from the Government. We have conceded that contention and will relieve these stations equipped alone for the purpose of receiving radio communications from taking out a license as provided by section 1.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend, page 1, line 9, before the word "signals," by inserting the word "radio."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 9, by inserting before the word "signals" the word "radio."

Mr. MANN. Mr. Speaker, I do not know whether the amendment should be adopted or not, but I want a statement from the gentleman in charge of the bill whether it is intended that these signals mentioned in the bill mean radio signals or any signals which might be entirely apart from wireless signals.

Mr. ALEXANDER. The only reason for using the word "radio" or "signals" is that heretofore distress signals or messages have been denominated signals, and hence that language, I think, is used throughout the bill to differentiate between the messages and the signals.

Mr. MANN. But these signals, as the gentleman understands, refer to radio signals. Of course, while the bill is entitled "A bill to regulate radio communication," the title of the bill does not necessarily control, and when you say radiogram and then, in the alternative, signals, I want it clearly stated by the gentleman in charge that that does not mean signals such as wigwagging or a thousand other ways of making signals, but only is intended to cover radio signals.

Mr. ALEXANDER. That is correct.

Mr. MANN. Mr. Speaker, I withdraw the amendment.

The SPEAKER. The gentleman from Illinois withdraws his amendment.

Mr. BURKE of Pennsylvania. Mr. Speaker, I move to strike out the word "exclusive" in line 10, page 1.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 2. That every such license shall be in such form as the Secretary of Commerce and Labor shall determine, and shall contain the restrictions, pursuant to this act, on and subject to which the license is granted; that every such license shall be issued only to citizens of the United States or to a company incorporated under the laws of some State of the United States, and shall specify the ownership and location of the station in which said apparatus shall be used and other particulars for its identification and to enable its range to be estimated; shall state the purpose of the station, and, in case of a station in actual operation at the date of passage of this act, shall contain the statement that satisfactory proof has been furnished that it was actually operating on the above-mentioned date; shall state the wave length or the wave lengths authorized for use by the station for the prevention of interference and the hours for which the station is licensed for work; and shall not be construed to authorize the use of any apparatus for radio communication in any other station than that specified. Every such license shall be subject to the regulations contained herein and such regulations as may be established from time to time by authority of this act or subsequent acts and treaties of the United States. Every such license shall provide that the President of the United States in time of war or public peril may cause the closing of any station for radio communication and the removal therefrom of all radio apparatus, or may authorize the use or control of any such station or apparatus by any department of the Government, upon just compensation to the owners.

Mr. ALEXANDER. Mr. Speaker, I move to amend, in line 5, page 3, by inserting after the words "United States" the words "or Porto Rico."

The Clerk read as follows:

Amend, page 3, line 5, by inserting after the words "United States" the words "or Porto Rico."

The SPEAKER pro tempore (Mr. SIMS). The question is on the amendment offered by the gentleman from Missouri.

The amendment was agreed to.

Mr. ALEXANDER. Mr. Speaker, I also offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 3, line 6, by inserting after the word "State" the words "or Territory."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALEXANDER. Mr. Speaker, I also offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend, page 3, line 7, by inserting after the words "United States" the words "or Porto Rico."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend, page 3, commencing in line 5, by striking out the following language:

Shall be issued only to citizens of the United States or to a company incorporated under the laws of some State of the United States—

with the amendments which have already been agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment of the gentleman from Illinois.

The Clerk read as follows:

Amend, page 3, by striking out all of line 5 after the word "license," all of line 6 and line 7, up to and including the word "and" where it appears the first time, together with the amendments already adopted to this section.

Mr. MANN. Mr. Speaker, this bill, which was prepared, I suppose, by the Commissioner of Navigation, of the Department of Commerce and Labor, and various other officials of the Government, as originally prepared and passed by the Senate would not have authorized a citizen of Porto Rico to have a license for a radio station issued to him in Porto Rico, and would not have authorized one there without a license; would not have authorized a radio station in the Philippine Islands except as issued to a citizen of the United States, and would not have authorized a radio station in Alaska except as issued to some citizen who was not a citizen of Alaska. The gentleman in charge of the bill has very kindly corrected a portion of these words, and intends to correct the one with reference to the Philippines. I only call attention to this in order to call attention to the fact that in the preparation of a bill in this regard the gentlemen who prepared it did not use very great care. The provision of the bill as it stands requires that the license for a radio station shall only be issued to a citizen of the United States or to a company incorporated under the laws of some State or Territory of the United States. I have heard no good reason given for that restriction. In time of war the President is authorized to seize all of these stations in any event. We may as well say that no railroad in the United States should be allowed to operate unless it is owned by a citizen of the United States, and so forth. It makes a difference on the borders of Canada. We want permission over there to operate radio stations. Why should we say they should not have permission here?

Mr. ALEXANDER. Does the gentleman want an answer to that?

Mr. MANN. Certainly. I want to know any good reason.

Mr. ALEXANDER. The reason for this provision, and I think it is a wise one, is that these stations erected on American soil should be owned or controlled only by American citizens or corporations incorporated under the laws of the United States.

Mr. MANN. Oh, no; it does not allow a corporation incorporated under the laws of the United States to operate.

Mr. ALEXANDER. It says that a license shall be issued only to citizens of the United States or to a company incorporated under the laws of some State or of the United States.

Mr. MANN. Oh, no; not some State or, but some State of, the United States. A company incorporated in the District of Columbia can not operate a radio station.

Mr. ALEXANDER. Mr. Speaker, I think the gentleman's criticism of the language there is well taken, but it can very easily be modified by amendment.

Mr. CULLOP. Mr. Speaker, I do not think the gentleman's position in the matter is well taken. It provides that a company must be incorporated under the laws of some State, but it does not require that it shall be incorporated under the laws of the States where the station is located.

Mr. MANN. No one said that it did.

Mr. CULLOP. I understood the gentleman from Illinois to say that in the District of Columbia there could not be a station.

Mr. MANN. The District of Columbia is not a State.

Mr. CULLOP. It could have a station which was organized under the laws of some other State.

Mr. MANN. What I said was that a corporation of the District of Columbia could not obtain a license.

Mr. ALEXANDER. I think that is correct under the language of the bill.

Mr. CULLOP. That is correct.

Mr. ALEXANDER. That could be fixed by inserting language to the effect that it shall be issued to a corporation organized under the laws of some State or Territory or of the United States. By inserting "or" before "United States" would remedy it.

Mr. MANN. What is the real need, when we are seeking in this world to obtain close interchange between nations and peoples, to enlarge commerce and make the ocean narrower, of saying that so far as commerce is concerned we will not permit foreigners to come on our shores? We do not want them to say that we shall not go on their shores, and this bill itself provides that in time of danger or war the President can seize every radio station and close it up if he desires. What good is there in saying that a foreign company or a foreign citizen can not be permitted to own a radio station or to operate a radio instrument?

Mr. CULLOP. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. CULLOP. If we insert the word "or" after the word "State" in line 6, will not that meet the objection—"under the laws of some State or of the United States"? That would let in the District of Columbia.

Mr. MANN. But there has already been an amendment inserted there of the words "or Territory," so that that would not be sufficient. That part of it is easily remedied. I made that as a superficial criticism. It is not so important as the rest. The main proposition is whether we are to take the narrow position that in commerce we want to go abroad, but will not permit people from abroad to come to our shores. A radio instrument is necessarily operated to transmit messages a long distance over water or land. We say that they can not operate a radio station in the United States, from the United States to Cuba, unless there be a license to a citizen of the United States in the United States, and if Cuba says the same thing the same company can not send and receive a radiogram at all.

The SPEAKER. The time of the gentleman has expired.

Mr. ALEXANDER. Mr. Speaker, I think this is a meritorious proposition. I do not believe that we should permit citizens of foreign countries to come in here and erect radio stations. I think they should be under the control and ownership of citizens of the United States, or of corporations organized under the laws of the United States, or of some State or Territory. The gentleman says there is a provision in this bill that the Government may take over these stations in time of war. He is correct in that. The bill does provide that the Government may take over these stations in time of war, and exercise absolute control over them, and it can be readily seen that if these stations belonged to foreign governments or citizens of foreign countries it might, and doubtless would, lead to serious complications in the event of war, and I do not know of any other country that extends to us the privilege of erecting radio stations on her own soil, and is retaining absolute control of them, and I think the same is true of Germany; and I think it is a wise national policy that we should retain the control of these stations by limiting the issue of licenses to erect stations to citizens of the United States, or of her Territories, or of Porto Rico.

The SPEAKER pro tempore. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. MANN), there were—ayes 15, noes 40.

So the amendment was rejected.

Mr. CULLOP. Mr. Speaker, I move, in line 6, after the word "State," to insert the words "Territory or."

Mr. ALEXANDER. I will call the attention of the gentleman to the fact that the word "Territory" has aleady been placed in the bill by an amendment.

Mr. CULLOP. Then, Mr. Speaker, I suggest that, after the word "Territory" in the bill as amended, there be inserted the word "or."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

After the word "Territory" insert the word "or."

Mr. HARDY. Before offering that amendment, will the gentleman let me make a suggestion which I think will improve this phraseology? Instead of the amendment of the word "or," offered by the gentleman, in line 6, I believe it would read better to say "to a company incorporated under the laws of the United States or of some State or Territory thereof."

Mr. CULLOP. The other, I think, is equally as good as that. It will read, then, "under the laws of some State, Territory, or of the United States."

The question was taken, and the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Speaker, I move to strike out the last word. I would like to ask the gentleman from Missouri [Mr. ALEXANDER] if, in line 24, page 3, after the word "peril," we should not add the words "or disaster." The purpose of the bill is to prevent interference in radio communication, and I think it is very largely the result of the *Titanic* disaster. Now, in line 23, the paragraph reads:

Every such license shall provide that the President of the United States, in time of war or public peril, may cause the closing of any station for radio communication, etc.

That would seem to imply that this measure was intended only to enable the President to close up the stations in the event of war or in the event of peril due to the interference of some foreign nation. The President should also have authority to close radio stations which interfere with messages transmitted as a result of some disaster at sea, as in the case of the *Titanic*.

Mr. ALEXANDER. Well, I do not see that the language is material, but I do not object to the amendment.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 24, after the word "peril," by inserting the words "or disaster."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That every such apparatus shall at all times while in use and operation as aforesaid be in charge or under the supervision of a person or persons licensed for that purpose by the Secretary of Commerce and Labor. Every person so licensed for the operation of any radio apparatus on shore shall be a citizen of the United States. Every person so licensed who in the operation of any radio apparatus shall fail to observe and obey regulations contained in or made pursuant to this act or subsequent acts or treaties of the United States, or any one of them, in addition to the punishments and penalties herein prescribed, upon conviction shall suffer the suspension of the said license, and the same shall not be renewed for a period of one year from and after the date of his conviction of any such failure. It shall be unlawful to employ any unlicensed person or for any unlicensed person to serve in charge of the use and operation of such apparatus, and any person violating this provision shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $100 or imprisonment for not more than two months, or both, in the discretion of the court, for each and every such offense: *Provided*, That in case of emergency the Secretary of Commerce and Labor may authorize a collector of customs to issue a temporary permit, in lieu of a license, to the operator on a vessel subject to the radio ship act of June 24, 1910.

Mr. ALEXANDER. Mr. Speaker, I desire to offer three amendments which have been suggested by the gentleman from Illinois [Mr. MANN]. We agree that they are meritorious amendments, and should be agreed to. The first is on page 4, line 8, beginning with the word "every," down to and including the word "States," in line 10. It now reads:

Every person so licensed for the operation of any radio apparatus on shore shall be a citizen of the United States.

The amendment, I say, was suggested by the gentleman from Illinois [Mr. MANN].

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 4, lines 8, 9, and 10, by striking out, beginning with the word "every," in line 8, down to and including the word "States," in line 10.

The question was taken, and the amendment was agreed to.

Mr. ALEXANDER. Mr. Speaker, I offer another amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 4, line 14, by inserting after the word "them" the words "or who shall fail to perform or enforce obedience thereto by an unlicensed person while serving under his supervision."

Mr. ALEXANDER. That amendment was also suggested by the gentleman from Illinois and agreed to by the committee.

The question was taken, and the amendment was agreed to.

Mr. ALEXANDER. I also offer the following amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, lines 15 and 16, substitute for the words "upon conviction shall" the word "may" and strike out the word "and" at the end of line 16. Lines 17 and 18, substitute the words "for a period to be fixed by the Secretary of Commerce and Labor, not exceeding one year," for the words "the same shall not be renewed for a period of one year from and after the date of his conviction of any such failure." Line 20, after the word "charge," insert the words "or in supervision."

Mr. MURRAY. May I ask to have the amended section reported as it would read if the amendment is adopted? Simply that sentence; I do not care to have the whole section read again.

The SPEAKER pro tempore. Without objection, the Clerk will report the part of the section as amended.

Mr. ALEXANDER. It may be difficult for the Clerk to put the language together, and I have it here and I will read it:

Or any one of them, or who shall fail to perform or enforce obedience thereto by an unlicensed person while serving under his supervision, in addition to the punishments and penalties herein prescribed may suffer the suspension of the said license for a period to be fixed by the Secretary of Commerce and Labor, not exceeding one year. It shall be unlawful to employ any unlicensed person or for any unlicensed person to serve in charge or in supervision of the use and operation of such apparatus.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. ALEXANDER].

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 4. That for the purpose of preventing or minimizing interference with communication between stations in which such apparatus is operated, to facilitate radio communication, and to further the prompt receipt of distress signals, said private and commercial stations shall be subject to the regulations of this section. These regulations shall be enforced by the Secretary of Commerce and Labor through the collectors of customs and other officers of the Government as other regulations herein provided for.

The Secretary of Commerce and Labor may, in his discretion, waive the provisions of any or all of these regulations when no interference of the character above mentioned can ensue.

The Secretary of Commerce and Labor may grant special temporary licenses to stations actually engaged in conducting experiments for the development of the science of radio communication, or the apparatus pertaining thereto, to carry on special tests, using any amount of power or any wave lengths, at such hours and under such conditions as will insure the least interference with the sending or receipt of commercial or Government radiograms, of distress signals and radiograms, or with the work of other stations.

In these regulations the naval and military stations shall be understood to be stations on land.

Mr. MANN. Mr. Speaker, I do not know just where the Clerk is reading. I thought the gentleman was going to offer an amendment on page 6, line 14. Where is the Clerk reading?

The SPEAKER pro tempore. That section has not yet been finished.

Mr. MANN. There are many paragraphs in that section. Are they to be read as a full section?

The SPEAKER pro tempore. The whole section has not been read.

Mr. ALEXANDER. Mr. Speaker, I suggest that section 4 be read by paragraphs.

The SPEAKER pro tempore. And amendments offered?

Mr. ALEXANDER. Yes; by paragraphs.

The SPEAKER pro tempore. Without objection, that will be done.

The Clerk read as follows:

REGULATIONS.

NORMAL WAVE LENGTH.

First. Every station shall be required to designate a certain definite wave length as the normal sending and receiving wave length of the station. This wave length shall not exceed 600 meters or it shall exceed 1,600 meters. Every coastal station open to general public service shall at all times be ready to receive messages of such wave lengths as are required by the Berlin convention.

OTHER WAVE LENGTHS.

Second. In addition to the normal sending wave length all stations, except as provided hereinafter in these regulations, may use other sending wave lengths: *Provided*, That they do not exceed 600 meters or that they do exceed 1,600 meters: *Provided further*, That the character of the waves emitted conforms to the requirements of regulations third and fourth following.

USE OF A "PURE WAVE."

Third. At all stations if the sending apparatus, to be referred to hereinafter as the "transmitter," is of such a character that the energy is radiated in two or more wave lengths, more or less sharply defined, as indicated by a sensitive wave meter, the energy in no one of the lesser waves shall exceed 10 per cent of that in the greatest.

USE OF A "SHARP WAVE."

Fourth. At all stations the logarithmic decrement per complete oscillation in the wave trains emitted by the transmitter shall not exceed two-tenths, except when sending distress signals or signals and messages relating thereto.

Mr. ALEXANDER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER pro tempore. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 6, line 14, add at the end of regulation first:
"Every ship station, except as hereinafter provided, and every coast station open to the general public service shall be prepared to use two sounding wave lengths, one of 300 meters and one of 600 meters, as required by the international convention in force."

Mr. ALEXANDER. Mr. Speaker, the international convention held at Berne prescribed a wave length of 300 meters. The recent convention held in London prescribes 300 and 600 meters, and this amendment is to conform to the regulation adopted at that convention.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. ALEXANDER].

The question was taken, and the amendment was agreed to.

Mr. AYRES. Mr. Speaker, I offer the following amendment:

The SPEAKER pro tempore. The gentleman from New York [Mr. AYRES] offers the following amendment, which the Clerk will report.

The Clerk read as follows:

On page 6, as a proviso to the first regulation as amended, add the following:
"*Provided*, That the Secretary of Commerce and Labor may, in his discretion, change the limit of wave-length reservation made by regulations 1 and 2 to accord with any international agreement to which the United States is a party."

Mr. MANN. Mr. Speaker, where does that amendment come in?

The SPEAKER pro tempore. On page 6, as a proviso to the first regulation as amended by the amendment offered by the chairman of the committee, Mr. ALEXANDER.

Mr. ALEXANDER. The purpose of the amendment, I will explain to the gentleman from Illinois [Mr. MANN], is to authorize the Secretary of Commerce and Labor hereafter to change this regulation, if the regulations as to wave lengths are hereafter changed by the International Convention, without compelling other legislation by Congress. For instance, if they change the wave length, he may change the regulation to conform to the international agreement.

Mr. BURKE of Pennsylvania. The amendment, I think, is in the present tense, however. I suggest that it be made to conform to future requirements.

Mr. ALEXANDER. Mr. Speaker, I ask the Clerk to read the amendment again.

The SPEAKER pro tempore. Without objection, the amendment will be read again by the Clerk.

The amendment was again read.

Mr. MANN. That is right. I think that covers it.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. AYRES].

Mr. MURRAY. May I ask the gentleman, before that amendment is voted on, as to the language of the first proviso and the second regulation at line 18, on page 6?

Mr. ALEXANDER. We have not gotten to that yet in the way of amendments.

Mr. MURRAY. I know; but I am afraid we will pass that if we do not attend to it now. It reads:

Provided, That they do not exceed 600 meters or that they do exceed 1,600 meters.

Mr. ALEXANDER. The Berlin convention has provided that wave lengths shall be reserved up to and including 600 meters for ships. From 600 meters to 1,600 meters they are reserved by all the nations which are parties to the agreement for the use of their Governments. Wave lengths in excess of 1,600 meters as well as those up to 600 meters may be used for commercial purposes.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. AYRES].

The question was taken, and the amendment was agreed to.

Mr. STEPHENS of California. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from California [Mr. STEPHENS].

The Clerk read as follows:

Amend, line 14, page 5, by striking out the final "d" in the word "provided."

Mr. ALEXANDER. Where is that amendment?

The SPEAKER pro tempore. Line 14, page 5.

Mr. MANN. What is the object in that?

Mr. STEPHENS of California. I do not think it reads right in the bill. It should read "provide" instead of "provided."

Mr. MANN. It says, "other regulations herein provided for." Many regulations are provided for.

Mr. STEPHENS of California. All right. I withdraw the amendment, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California withdraws his amendment. The clerk will read.

The Clerk read as follows:

USE OF "STANDARD DISTRESS WAVE."

Fifth. For the purpose of sending signals of distress every station on shipboard shall be so adjusted, except on vessels of small tonnage unable to have plants insuring that wave length, as to permit these signals to be sent with a wave length of approximately 300 meters.

Mr. BURLESON. I ask unanimous consent to extend my remarks in the RECORD, for the purpose of placing in the RECORD some notable speeches delivered at Seagirt yesterday.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 7, line 10, substitute the following for the fifth regulation:
"Fifth. Every station on shipboard shall be prepared to send distress calls on the normal wave length designated by the international convention in force, except on vessels of small tonnage unable to have plants insuring that wave length."

The amendment was agreed to.

The Clerk read as follows:

INTERCOMMUNICATION.

Eleventh. Each shore station open to general public service between the coast and vessels at sea shall be bound to exchange radiograms with any similar shore station and with any ship station without distinction of the radio systems adopted by such stations, respectively, and each station on shipboard shall be bound to exchange radiograms with any other station on shipboard without distinction of the radio systems adopted by each station, respectively.

Mr. AYRES. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from New York [Mr. AYRES] offers an amendment, which the clerk will report.

The Clerk read as follows:

On page 9, after line 4, add the following as a separate paragraph:
"It shall be the duty of each such shore station, during the hours it is in operation, to listen in at intervals of not less than 15 minutes for a period of not less than 2 minutes, with the receiver tuned to receive messages of 300-meter wave lengths."

Mr. MANN. What is the purpose of this? This is an entirely new proposition. Where did this plan come from, that proposes to waste eight minutes in every hour?

Mr. AYRES. Mr. Speaker, the recent London conference, which has just adjourned, has decided to suggest to the signatory nations that they use 10 minutes of each hour for listening in. That regulation has not yet been adopted by the signatory nations, but it doubtless will be. As a matter of fact, the probable reason why no more news has been heard from disasters at sea between the hours of 10 and 12 at night is because it has been the custom of the company which sends messages from Wellfleet to the trans-Atlantic boats to send continuously from 10 to 12. They do not listen in at all during that time, and that is very unsafe, because it practically precludes the possibility of receiving distress signals during that time. It seems to me this is a very important restriction.

The amendment was agreed to.

The Clerk read as follows:

GOVERNMENT STATIONS TO OBSERVE DIVISIONS OF TIME.

Thirteenth. The naval or military stations for which the above-mentioned division of time may be established shall transmit signals or radiograms only during the first 15 minutes of each hour, local standard time, except in case of signals or radiograms relating to vessels in distress, as hereinbefore provided.

Mr. MANN. Mr. Speaker, I move to strike out the last word. The gentleman knows that the House meets to-night. It is quite evident that we can not finish this bill this afternoon. I think there will be some debate on these items that are coming.

Mr. ALEXANDER. Suppose we finish all but the eighteenth regulation.

Mr. MANN. The fifteenth and the eighteenth will take some time. Those that will not take much time will take no more time on some other day.

Mr. ALEXANDER. To the fifteenth there are just two amendments, one suggested by the gentleman from Illinois

and one suggested by the amateurs, that are acceptable to the committee.

Mr. MANN. I think there will be some other discussion there. Unless I change my mind, I expect to offer an amendment that was not accepted.

Mr. HARDY. Will we be likely to go on with this to-morrow?

Mr. MANN. That will depend upon you gentlemen. I shall not object.

Mr. ALEXANDER. I suggest that we proceed for 10 minutes more.

The SPEAKER. The Chair will suggest to the gentleman from Missouri that there is a night session at 8 o'clock to-night.

Mr. MANN. Three hours to-night and five and one-half hours this afternoon represent a pretty good day's work.

The SPEAKER. It takes some time for Members to go home and get their dinners and get back here. [Applause.]

Mr. CLINE. Mr. Speaker, out of the enthusiasm and impulse for the success of a particular ticket there is that higher impulse and element in American citizenship that demands of any successful party, whatever the result may be, that this Government of ours shall be in the hands of its strongest and best men. Every party should approach the business of "President making" with a supreme sense of its great responsibility to the country. Out of the crucible of warring factions and ambitions the party should emerge with its ablest representative. So long as that doctrine shall continue to receive recognition personal liberty of the citizen will be safe. The millions and millions of American voters and that other larger number of millions of American citizens who are not voters have no interest in party quarrels or personal ambitions; what they want is good government, and that party is secure in their hands that heeds this well-considered demand of American citizenship. The conditions that have developed in 15 years seem to point to no other result in the approaching election than Democratic success. Under a vicious and extreme system of government, projected by the Republican policy of protection, fully evolved, the country presents a most complex political situation. On one hand, the stoicism of the standpatter, battling not for supremacy, not for success, not that they be permitted to remain in charge of the Government, but simply begging that it may exist and continue to be the custodian of the leadership and the traditions of his party. On the other hand, is the Democratic Party—the impersonation of conservative progress, a wise, thoughtful progress—battling for substantial justice to the masses against rampant radicalism in the Republican Party and the tides of discontent behind which is a revolutionary socialism making war on sound, economic, and social doctrines. The Democratic Party in this confusion is in sympathy with the democratic progressive movement of the times. The party speaks through its selection of candidates and the declaration of its principles the aspirations of twentieth-century progressive politics. It approaches the solution of the intricate problems of government without the purpose to annoy any interest, but to lead along lines of stable development, with justice to all—every industry that makes for impartial prosperity and happiness. Our opportunity is not due to the strife and differences in the Republican Party.

It is due to the virile force of Democratic doctrine, an honest purpose to carry out that doctrine that the country recognizes and believes in. Our philosophy of government is the refuge for that patriotic citizenship that loves country more than it does party. The difficulty with the Republican Party is not, primarily, that it is rent into warring factions, each claiming regularity, but because its economic theory of civil government is wrong and the fallacy of it is being discovered by the people. A party whose only hope rests in an unequal and unjust system of Federal taxation can not expect to continue as a vital force in this Government. A party that finds the ultimate perfection of its policy in the power to develop specialized privileged conditions through favoritism in legislation, that seeks a reciprocity with these classes, fortressed by the prostitution of the taxing power of the Government, conditioned that that party in return shall be kept in power by these classes, must eventually expect to be repudiated. A party whose economic theory—not principles—written into law inaugurates conditions that destroy all incentive to individual initiative; a party that is willing to turn over to a few men all the great agencies for production, transportation, and distribution and leave room for nothing else save a body of efficient subordinates to fit into the grooves of these self-oiling, ball-bearing monopolies, and remit the people to the despotism of a financial oligarchy, must expect in a Republic like this to be sent to the political scrap heap. This is the condition against which the people rebel. The Republican Party offers no solution for these present-day problems. Under its doctrine it has a right, by disguising legislation, to so manipulate the taxing powers that great corporations are exclusively benefited and these immense concerns permitted to write into the law their own rates of taxation against the people. The Carnegies, the Garys, and the Perkinses, who have availed themselves of this license, give us nothing to elect except complete submission and a cringing servitude to them and their methods in the Nation's commercial and economic life, or a recourse to state socialism controlling production, performing the duties of a common carrier, and the distribution of commodities. As against conditions known and felt by all classes, the Democratic Party offers you the vitalizing force of all democracy, "equal rights to all and special privileges to none."

In that doctrine will the right truly divine of self-government, the sovereign rule and dominion of the people be proclaimed, vindicated, justified, and glorified in all the governments of the world that adopt it. We stand for the principle that legal restriction against individual advancement or the opportunity to advance will not be tolerated. That government has no delegated power to exercise functions that create favoritism in legislation. Organized society looks to the law to protect it. The protection of the weak against the physical violence of the strong is no more a function of government than the protection of those who can not protect themselves is against the greed and avarice of the powerful. The public conscience has always demanded this intervention, and it always will. When a government fails to do this it loses its real purpose and fails to perform its real duties to organized society. The chief controlling thought in all civil governments, not only as expressed in their constitutions, but in the execution of the law, is the protection of its weakest citizen in the equal enjoyment of opportunity with its most influential. Not only are vast combinations of wealth, whose interests can not possibly be with the great masses of citizens, but squarely antagonistic to their interests, developed as a natural product of Republican doctrine, but the party as a party has encouraged their growth and influence. It gave these institutions power that in return they might give the party power. Both have discharged their obligations under the contract. The progressiveness of American politics to-day is the people's protest against corporate control of all the great commercial lines of industry. This protest on the part of a substantial portion of the citizenship of the country has developed into a hatred of the party—the men and the methods that made this condition possible. The incomparable extent and concentration of wealth, the idiotic and senseless display of it by its idle possessors, their relentless and crushing power that brooks no interference with their business methods by rivals, has stirred a spirit of anarchy against big business. The country is against autocratic capitalistic socialism, as well as against communistic socialism, and will have none of it. The history of predatory wealth in this country has no parallel to it in all the annals of human government. We are not opposed to capital. We are opposed to some of its methods and opposed to the party that condones its offenses against society and government; and we shall continue this hostility to that capital that is criminal in its conduct until there is release from its injustice and oppression, and until it ceases to be a menace to free institutions.

The intimidating threat of the privileged classes that the Democratic Party wants to injure business in its attack upon its methods is the merest cant and hypocrisy. Certain classes of "big business" say they want to be let alone. Of course they do. What felon and highwayman does not want to be let alone? It is only the business that is crooked, the business that violates the law and believes it has power enough to successfully resist prosecution that is demanding to be let alone. Honest corporations and honest business that is zealous to respect the law is not condemning either the courts or restrictive legislation. Such business will be protected in all of its legitimate rights by legislation. Big business injures itself because through secret legislative channels it creates a condition that forfeits public confidence and public respect in securing legal rights that do not equitably belong to it and the exercise of which rights is in opposition to the interest of the ordinary citizen. Some big business does not want to learn how to obey the law, but wants to learn how it can violate the law and get something by doing so and escape punishment for it. Business that is honest will prosper because it deserves to prosper. Corporations can take care of themselves. They have frequently demonstrated their ability to do so. The unquestionable fact is that for the last 15 years the interests and rights of the individual citizen have been lost sight of in Federal legislation in the frantic effort of the Republican Party to do something for the corporations of

the country. What the masses of the people want is a common ground, not submerged by selfishness, where equality shall be established. On that theory are constructed not only all the States, but the federation of States, and in that equality of rights all are ambitious in the common struggle with a common hope to a common destiny.

The Democratic Party has faith in its progressive character and in its ability and power to respond to changed conditions within the limits of constitutional authority. To grow to perfect an applied system is its purpose, that government shall be an organism to help and develop and not an agency to restrict and encompass. The birthright of the Republic is in its sovereignty. The struggle on this continent for free government was cast in national sovereignty, molded within a Constitution ordained under the most impressive and solemn conditions ever experienced by any people.

It became the peculiar province of the American Nation to illustrate to the world one principle—that of self-government—so anchored within the doctrine of personal liberty as to reflect and preserve the rights of all classes and conditions of society; to protect the people in the enjoyment of their inherent rights against the tyranny of individual absolutism on the one hand and the destructive forces of anarchy and unorganized society on the other: To establish by constitutional checks and balances that sure guaranty of life and property and the peaceful enjoyment of the same in perpetuity. There have always been leaders who were seditious against any kind of delegated power and advocates of the other extremes in favor of unrestrained license. The American Constitution is the heritage of the philosophy of governmental experience from Plato to Jefferson. Whihle the Constitution is the chart of a great Government it is still the instrument of a people who may change it if they find it necessary to meet a demand for a larger limitation of power. A government of the people is as absolutely impossible of existence without the organic law of a constitution as are the organized forces of nature impossible without law.

No party can receive the favor of the people that does not recognize the binding force of constitutional power. The one continually vitalizing element of a democracy lies in the fact that it is embedded in a constitution and refuses to be either divorced from it or to permit in any way its nullification. The Constitution is democracy's perpetual protest against change, against unrestrained impulse, against political suicide, and the repudiation of delegated power. It is a bulwark against frenzied and unreasoned passion, against the turbulence of mob hysteria and unthought violence. It is alike the safeguard of personal liberty, of organized society. It is the great magnet that confines parties, at least theoretically, to its provision. Within the Constitution of the American Republic all parties find room for construction to sustain their individual theories. The Republican Party believes that in the "general-welfare clause" it is fortified to levy a protective tariff and that the Constitution may be construed to authorize anything it does not specifically prohibit. The Democratic Party believes that no power to raise taxes exists under the Constitution, except for the discharge of the General Government's obligations, and that only legislation is warranted that is expressly provided for in the authority delegated. Democracy believes in arming every man in his personal and property rights with the ægis of constitutional guaranty, and above all State rights and all Federal rights sacred to him are those individual rights that he did not delegate to either the State or the Nation.

Personal liberty and human rights are defined by organized society, but always under law. When the law has not defined human rights personal liberty has not endured. The great Democratic Party would have no right to exist if it did not revere and protect the Constitution. This is essentially an age of constitutional government. The Democratic Party has always contended for close construction of constitutional provisions. Right in its conceptions, strong in its growth, and brilliant in its history of constitutional interpretation, it will meet with fortitude and ability, so long as it cherishes its history, all those issues lying in the unrevealed future of the country's destiny.

We believe in Democracy's progressive character. We are not an autonomy. We sometimes believe that the Nation governs itself. Our Government is automatic only as the citizenship of the country demonstrates its capacity for self-government. Out of the long contest for representative government has come the concrete fact that the very essence of Democracy rests in the ability of the whole people to govern themselves within the limits of constitutional authority and who do govern themselves.

What is the source of all the present unrest? You ought to understand that abnormal and extreme conditions that we are face to face with to-day are due to legislation or to want of legislation, and because of that fact the conditions are directly chargeable to the party in power. Yesterday you expressed no interest in railway regulation; to-day you are interested in the overcapitalization of railways and their consolidation and their unrestrained control of the transportation of commerce. To-day you are complaining, and justly so, because manufacturers have consolidated and these immense concerns have crushed all competition, divided the consumers into groups and each man in his respective line has taken his group to the exclusion of all others. Yesterday the people had no interest in the public domain, but now when the Weyerhausers and the Guggenheims have gathered up all the standing timber, the coal beds, copper and zinc mines, and water-power sites you cry out for Federal aid and conservation. You want the Government to own telegraph, telephone lines, and express companies and operate them directly as great public utilities. You demand the enforcement of the Sherman law against the Steel Trust, the Meat Trust, the Banking Trust, and all the rest of these related children of an inefficient Government. You are wild about the high cost of living, and like a sinking man, grasp at every fad and fancy for its solution, while the grip grows tighter and stronger, that this devilish system of protection has forged about us. What shall we do with these questions which are interstate in scope and national in importance and influence?

Do you feel that the Republican Party, that in four succeeding administrations has produced this confused situation, is the proper agency to meet the situation now? Has it exhibited any evidence that it is willing to respond to public sentiment with reform legislation that will relieve the people? As to whether it may be safe to intrust it further in the solution of important questions that the people are demanding shall have attention I submit the testimony of the Washington Times of July 8, 1912. a recognized Republican authority on the character, profession, and performances of that party.

WHY CAMP IN A GRAVEYARD?

What have those progressives who would stay within the pale of the Republican Party to hope? Since those who now control that party came into power has there been any moment when they showed a desire to be progressive?

Elected upon a progressive platform, pledged to progressive legislation, inheriting a progressive administration and the tremendous popularity that it had earned, has there been a moment in the history of the present administration that has not witnessed its retrogression, its betrayal of pledges, its disregard of party platform, its defiance of public sentiment, its contempt for the people?

If the Republican Party lacked the wisdom to read the meaning of the elections in 1910, and if it lacked the wisdom to read the meanings of the presidential primaries this year, how can it be reasonably expected to acquire wisdom between now and November?

If the Republican Party lacked the honesty to seat delegates honestly selected by the masses of its party, but nominated the candidate for the greatest office within the gift of the people by fraud and naked theft, where is there any hope that it can or will acquire honesty between now and election or after election, if successful?

If the desire to do right or the fear to do wrong has no effect upon the Republican Party, what hope is there in it for those who are animated by either motive? "They also serve who only stand and wait," was not written of those who would camp in a graveyard and expect to keep pace with the world.

I note that Chairman Hilles, of the Republican national committee, in his "keynote" for the presidential conflict, uses the following language:

Real progress is not a theory but an achievement. No American should be deceived in an exchange of his birthright for a vision. The progress of the Nation toward better things does not come from denunciation but from actual results. More has been accomplished in the last three years under the administration of President Taft than was ever before accomplished by any American President in the same period of time.

This is a bit of biting sarcasm read in connection with the Republican indorsement the President has received from the Washington Times, just quoted.

I propose to submit the Republican Party to the "acid test" of the performance of what it said it was in favor of when it had both the House and the Executive, during the Sixty-first Congress, whether it has not exchanged its "birthright for a vision," and discern, if possible, what it has accomplished in the last three years under President Taft's administration, and compare its record with what the Democratic Party said it would do if given power and what it did do in the Sixty-second Congress.

I shall quote material planks in the Democratic and Republican platforms of 1908 to show their respective pledges to the people and how far those pledges have been redeemed, respectively, when the representatives of the party had an opportunity to redeem them.

Important planks in Democratic platform of 1908.	*What a Democratic House did to redeem its promises.*
ARBITRARY POWER—THE SPEAKER.	
The House of Representatives was designed by the fathers of the Constitution to be the popular branch of our Government, responsive of the public will. The House of Representatives, as controlled in recent years by the Republican Party, has ceased to be a deliberative and legislative body, responsive to the will of the majority of its Members, but has come under the absolute domination of the Speaker, who has entire control of its deliberations and powers of legislation. We have observed with amazement the popular branch of our Federal Government helpless to obtain either the consideration or enactment of measures desired by a majority of its Members. Legislative control becomes a failure when one Member in the person of the Speaker is more powerful than the entire body. We demand that the House of Representatives shall again become a deliberative body, controlled by a majority of the people's representatives, and not by the Speaker, and we pledge ourselves to adopt such rules and regulations to govern the House of Representatives as will enable a majority of its Members to direct its deliberations and control legislation.	A Democratic House took the Speaker off the Rules Committee and took from him the power to appoint committees and elected the committees from the floor of the House and restored to every Member of the House his right to participate in legislation.
MISUSE OF PATRONAGE.	
We condemn as a violation of the spirit of our institutions the action of the present Chief Executive in using the patronage of his high office to secure the nomination for the Presidency of one of his Cabinet officers. A forced succession in the Presidency is scarcely less repugnant to public sentiment than is life tenure in that office. No good intention on the part of the Executive, and no virtue in the one selected, can justfy the establishment of a dynasty. The right of the people to freely select their officials is inalienable and can not be delegated.	President Taft owes not only his nomination in 1908, but his renomination in 1912 to the misuse of official patronage in the South.
POPULAR ELECTION OF SENATORS.	
We favor the election of United States Senators by direct vote of the people, and regard this reform as the gateway to other national reforms.	A Democratic Congress, April 13, 1911, passed House joint resolution No. 39 for direct election of United States Senators by a solid Democratic vote.
TARIFF.	
We welcome the belated promise of tariff reform, now offered by the Republican Party, as a tardy recognition of the righteousness of the Democratic position on this question; but the people can not safely intrust the execution of this important work to a party which is so deeply obligated to the highly protected interests as is the Republican Party. We call attention to the significant fact that the promised relief is postponed until after the coming election—an election to succeed in which the Republican Party must have that same support from the beneficiaries of the high protective tariff as it has always heretofore received from them; and to the further fact that during years of uninterrupted power no action whatever has been taken by the Republican Congress as to correct the admittedly existing tariff iniquities. We favor immediate revision of the tariff by the reduction of import duties. Articles entering into competition with trust-controlled products should be placed upon the free list; material reductions should be made in the tariff upon the necessaries of life, especially upon articles competing with such American manufactures as are sold abroad more cheaply than at home; and gradual reductions should be made in such other schedules as may be necessary to restore the tariff to a revenue basis. Existing duties have given the manufacturers of paper a shelter behind which they have organized combinations to raise the price of pulp and of paper, thus imposing a tax upon the spread of knowledge. We demand the immediate repeal of the tariff on wood pulp, print paper, lumber, timber, and logs, and that those articles be placed upon the free list.	Passed farmers' free-list bill May 5, 1911, solid Democratic vote, placing agricultural implements on the free list. Vetoed by the President. Passed woolen schedule, reducing tariff on clothing, June 20, 1911. Vetoed by the President. Passed the cotton schedule, reducing the duty on cotton clothing, August 3, 1911. Vetoed by the President. Passed the metal schedule January 29, 1911, reducing duties on steel and iron. Passed chemical schedule, reducing duty on paints, oils, etc., February 21, 1912. March 15, 1912, we took the tariff off of sugar.
INCOME TAX.	
We favor an income tax as part of our revenue system, and we urge the submission of a constitutional amendment specifically authorizing Congress to levy and collect a tax upon individual and corporate incomes, to the end that wealth may bear its proportionate share of the burdens of the Federal Government.	Senate joint resolution No. 40 passed House July 12, 1909, every Democrat voting for it. In addition, we passed an excise tax on March 19, 1912, by a solid Democratic vote, laying a tax on all net incomes over $5,000 a year, and this excise tax was passed by the Senate June 26, 1912.
PUBLICITY OF CAMPAIGN CONTRIBUTIONS.	
We demand Federal legislation forever terminating the partnership which has existed between corporations of the country and the Republican Party under the expressed or implied agreement that in return for the contribution of great sums of money wherewith to purchase elections they should be allowed to continue substantially unmolested in their efforts to encroach upon the rights of the people. Any reasonable doubt as to the existence of this relation has been dispelled by the sworn testimony of witnesses examined in the insurance investigation in New York, and the open admission of a single individual—unchallenged by the Republican national committee—that he himself, at the personal request of the then Republican candidate for the Presidency, raised over a quarter of a million of dollars to be used in a single State during the closing hours of the last campaign. In order that this practice shall be stopped for all time we demand the passage of a statute punishing by imprisonment any officer of a corporation who shall either contribute on behalf of, or consent to the contribution by, a corporation of any money or thing of value to be used in furthering the election of a President or Vice President of the United States or any Member of the Congress thereof. We denounce the Republican Party, having complete control of the Federal Government, for its failure to pass the bill introduced in the last Congress to compel the publication of the names of contributors and the amounts contributed toward campaign funds, and point to the evidence of the sincerity of Republican leaders when they sought, by an absolutely irrelevant and impossible amendment, to defeat the passage of the bill. As a further evidence of their intention to conduct their campaign in the coming contest with vast sums of money wrested from favor-seeking corporations we call attention to the fact that the recent Republican national convention at Chicago refused, when the issue was presented to it, to declare against such practices. We pledge the Democratic Party to the enactment of a law prohibiting any corporation from contributing to a campaign fund and any individual from contributing any amount above a reasonable maximum, and providing for the publication, before election, of all such contributions above a reasonable maximum.	On April 14, 1911, Congress passed a bill requiring publicity of campaign contributions, both before and after elections, so that the people might know what forces were behind candidates for the Presidency and Members of Congress and thereby discern the motive under which the contributions were made.

Important planks in Republican platform of 1908. *What a Republican administration did to redeem them.*

ARBITRARY POWER OF THE SPEAKER.

Silent.

MISUSE OF PATRONAGE.

Silent.

POPULAR ELECTION OF UNITED STATES SENATORS.

The Republican convention in Chicago in 1908 voted down a plank giving the people the right to elect United States Senators by a direct vote of the people by a convention vote of 866 to 114.

TARIFF REVISION PROMISED.

The Republican Party declares unequivocally for a revision of the tariff by a special session of the Congress immediately following the inauguration of the next President, and commends the steps already taken to this end in the work assigned to the appropriate committees of Congress, which are now investigating the operation and effect of these schedules. In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between cost of production at home and abroad, together with a reasonable profit to American industries. We favor the establishment of a maximum and minimum rate to be administered by the President under limitations fixed by the law, the maximum to be available to meet the discrimination by foreign countries against American goods entering our markets, and the minimum representing the normal measure of protection at home, the aim and the purpose of Republican policy being not only to preserve without excessive duties the security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wageworkers of this country, who are the most direct beneficiaries of the protective system.

Result.—The Payne-Aldrich-Smoot tariff bill increasing rates 1.71 per cent. A complete violation of party promises.

INCOME TAX.

No action taken by the Republican Party at Chicago on this subject in its platform.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. COOPER, a delegate to the Chicago convention from Wisconsin and a Member of Congress, brought in a minority report at the Chicago convention declaring for the publicity of campaign contributions, and it was voted down by 880 against and 94 for. In 1908.

Important planks in Democratic platform of 1908—Continued.	*What a Democratic House did to redeem its promises*—Continued.
TRUSTS.	
A private monopoly is indefensible and intolerable. We therefore favor the vigorous enforcement of the criminal law against guilty trust magnates and officials and demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States. Among the additional remedies we specify three: First, a law preventing a duplication of directors among competing corporations; second, a license system which will, without abridging the right of each State to create corporations, or its right to regulate as it will foreign corporations doing business within its limits, make it necessary for a manufacturing or trading corporation engaged in interstate commerce to take out a Federal license before it shall be permitted to control as much as 25 per cent of the products in which it deals, the license to protect the public from watered stock and to prohibit the control by such corporation of more than 50 per cent of the total amount of any product consumed in the United States; and, third, a law compelling such licensed corporations to sell to all purchasers in all parts of the country on the same terms, after making the allowance for the cost of transportation.	There has been no legislation on this great question. Democratic House passed resolution 148, May 28, 1911, to investigate the United States Steel Corporation, and it has filed its report. On May 9, 1911, it passed resolution 157, to investigate the American Sugar Refining Co. The report is on file. On February 24, Congress passed resolution 429, to investigate the Money Trust. To investigate strike at Lawrence, Mass. (American Woolen Co.), passed, March 2 and 7, resolutions 409 and 433.
LABOR AND INJUNCTIONS.	
The courts of justice are the bulwark of our liberties, and we yield to none in our purpose to maintain their dignity. Our party has given to the bench a long line of distinguished justices, who have added to the respect and confidence in which this department must be jealously maintained. We resent the attempt of the Republican Party to raise a false issue respecting the judiciary. It is unjust reflection upon a great body of our citizens to assume that they lack respect for the courts. It is the function of the courts to interpret the laws which the people create, and if the laws appear to work economic, social, or political injustice, it is our duty to change them. The only basis upon which the integrity of our courts can stand is that of unswerving justice and protection of life, personal liberty, and property. If judicial processes may be abused, we should guard them against abuse. Experience has proven the necessity of a modification of the present law relating to injunctions, and we reiterate the pledge of our national platforms of 1896 and 1904 in favor of the measure which passed the United States Senate in 1896, but which a Republican Congress has ever since refused to enact, relating to contempts in Federal courts and providing for trial by jury in cases of indirect contempt. Questions of judicial practice have arisen, especially in connection with industrial disputes. We believe that the parties to all judicial proceedings shall be treated with rigid impartiality, and that injunctions should not be issued in any cases in which injunctions would not issue if no industrial dispute were involved. The expanding organization of industry makes it essential that there should be no abridgment of the right of wage earners and producers to organize for the protection of wages and the improvement of labor conditions, to the end that such labor organizations and their members should not be regarded as illegal combinations in restraint of trade. We favor the eight-hour day on all Government work. We pledge the Democratic Party to the enactment of a law by Congress, as far as the Federal jurisdiction extends, for a general employers' liability act covering injury to body or loss of life or property. We pledge the Democratic Party to the enactment of a law creating a department of labor represented separately in the President's Cabinet, in which department shall be included the subject of mines and mining.	We passed— A bill restricting the power of Federal judges in issuing injunctions. A bill providing for a trial by jury in cases of indirect contempt. A bill giving labor a seat in the President's Cabinet. A bill providing for an eight-hour law on all Government work. A bill increasing the scope of the Bureau of Mines. A bill creating a Child Labor Bureau. A bill taxing out of existence white-phosphorus match production. A bill to abolish involuntary servitude of seamen. A bill creating an industrial commission to settle labor disputes. A bill to pay injured Government employees.
PENSIONS.	
We favor a generous pension policy, both as a matter of justice to the surviving veterans and their dependents, and because it tends to relieve the country of the necessity of maintaining a large standing Army.	We passed the Sherwood pension bill, very largely increasing pensions to the old soldier, after he had waited for 15 years for the Republicans to do justice to the soldier as they had promised to do in their platform.
ARIZONA AND NEW MEXICO.	
The National Democratic Party has for the last 16 years labored for the admission of Arizona and New Mexico as separate States of the Union, and recognizing that each possesses every qualification successfully to maintain separate State governments, we favor the immediate admission of these Territories as separate States.	May 27, 1911, we admitted Arizona and New Mexico as separate States by a solid Democratic vote.
ALASKA AND PORTO RICO.	
We demand for the people of Alaska and Porto Rico the full enjoyment of the rights and privileges of a Territorial form of government, and that the officials appointed to administer the government of all our Territories and the District of Columbia should be thoroughly qualified by previous bona fide residence.	We gave Alaska a Territorial form of government.
POST ROADS.	
We favor Federal aid to State and local authorities in the construction and maintenance of post roads.	We put a provision in the Post Office appropriation bill extending Federal aid to 1,000,000 miles of highway used for rural free delivery, which was cut out by a Republican Senate.
PROTECTION OF AMERICAN CITIZENS.	
We pledge ourselves to insist upon the just and lawful protection of our citizens at home and abroad, and to use all proper methods to secure for them, whether native born or naturalized, and without distinction of race or creed, the equal protection of the law and enjoyment of all rights and privileges open to them under our treaties; and if, under existing treaties, the right of travel and sojourn is denied to American citizens, or recognition is withheld from American passports by any countries on the ground of race or creed, we favor prompt negotiations with the Governments of such countries to secure the removal of these unjust discriminations. We demand that all over the world a duly authenticated passport issued by the Government of the United States to an American citizen shall be proof of the fact that he is an American citizen and shall entitle him to the treatment due him as such.	We passed a resolution revoking our treaty with Russia for failing to recognize American passports and discriminating against our citizens.
POSTAL SAVINGS.	
We favor a postal savings bank if the guaranteed bank can not be secured, and believe that it should be so constituted as to keep the deposited money in the communities where the depositors live. But we condemn the policy of the Republican Party in proposing postal savings banks under a plan of conduct by which they will aggregate the deposits of the rural communities and deposit the same while under Government charge in the banks of Wall Street, thus depleting the circulating medium of the producing regions and unjustly favoring the speculative markets.	The Democrats in the Sixty-first Congress tried to pass a postal savings law to keep the money in the community where it was earned and saved to promote the business and advancement of that community, but the combined vote of the Republicans defeated it.

Important planks in Republican platform of 1908—Continued.	*What a Republican administration did to redeem them*—Continued.
TRUSTS.	
The Republican Party passed the Sherman antitrust law over Democratic opposition and enforced it after Democratic dereliction. It has been a wholesome instrument for good in the hands of a wise and fearless administration; but experience has shown that its effectiveness can be strengthened and its real objects better obtained by such amendment as will give the Federal Government greater supervision and control over and greater publicity in the management of that class of corporations engaged in interstate commerce having power and opportunity to effect monopolies.	Nothing done to seriously restrict the trusts.
LABOR AND INJUNCTIONS.	
The Republican Party recognizes the special needs of wage earners generally for their well-being and the well-being of all. The Republican Party will uphold at all times the authority and the integrity of the courts, State and Federal, and will ever insist that their power to enforce their process and to protect life, liberty, and property shall be preserved inviolate. We believe, however, that the rules of procedure in the Federal courts with respect to the issuance of the writ of injunctions should be more accurately defined by statute, and that no injunction or temporary restraining order should be issued without notice, except where irreparable injury would result from delay, in which case a speedy hearing should be granted thereafter. The wise policy which has induced the Republican Party to maintain protection to American labor, to establish the eight-hour day in the construction of all public work, to increase the list of employees who shall have preferred claims for wages under the bankruptcy law, to adopt a child-labor statute for the District of Columbia, to direct the investigation into the condition of the working women and children, and later of the employees of telephone and telegraph companies engaged in interstate business, to appropriate $150,000 at the recent session of Congress in order to secure a thorough inquiry into the causes of loss of life in the mines, and to amend and strengthen the law prohibiting the importation of contract labor will be pursued in every legitimate direction in Federal authority to lighten the burdens and increase the opportunity for happiness and the advancement of all who toil.	The Republicans usually joined in Democratic measures when public sentiment was strong for them. The Republicans of the House voted against the "Hughes amendment" offered June 23, 1909, providing that no part of an appropriation the House was then making should be used to prosecute labor unions. The vote stood 154 for the amendment and 105 against it—all Republicans.
PENSIONS.	
Another Republican policy which must be ever maintained is that of generous appreciation for those who have fought the country's battles and for the widows and orphans of those who have fallen. We commend the increase in the widows' pension made by the present Congress and declare for a liberal administration of all pension laws, to the end that the people's gratitude may grow deeper as the memories of the heroic sacrifices grow more sacred with the passing years.	It must be said in fairness that the Republicans gave hearty support to the Sherwood bill. A Republican Senate defeated the Sulloway pension bill in March, 1911, and reduced the rate for the soldier in the Sherwood bill fully one-half.
STATEHOOD.	
We favor the immediate admission of the Territories of New Mexico and Arizona as separate States in the Union.	Admitted by resolution reported by the Democratic House.
ALASKA AND PORTO RICO.	
	Ignored in Republican platform.
POST ROADS.	
	Ignored in Republican platform.
PROTECTION OF AMERICAN CITIZENS.	
	Ignored in Republican platform.
POSTAL SAVINGS.	
We favor the establishment of a postal savings bank system for the convenience of the people and the encouragement of thrift.	The present postal savings law takes 35 per cent of every dollar deposited, representing the economy and thrift of the community, out of the community where it was earned and congests it in the Wall Street money center.

I have purposely omitted from both platforms the planks on "Civil Service," "Health Bureau," "Railroad Regulation," "Merchant Marine," "Waterways," and "Banking." There has been no legislation on any of these subjects, except on the subject of railway regulation. A railroad regulation bill, prepared by a group of railroad presidents and the Attorney General, Mr. Wickersham, was sent to the Sixty-first Congress by the President, that contained some of the most objectionable features ever presented to Congress in any bill, and demanded that Congress pass the bill just as it was sent to it. The President and Attorney General were severely criticized by Republican Members of the Senate for the part they had taken in attempting to secure legislation so favorable to the railroads. Very many important and valuable amendments were made to the bill in relation to the "long-and-short-haul" clause, submission of the rate schedules to the Interstate Commerce Commission, the time and manner of their taking effect, and the powers of the Interstate Commerce Commission greatly enlarged. The administration is entitled to no credit for these changes. They were made by the united strength, both in the House and Senate, by the Democrats and Insurgent Republicans and over the determined opposition of Mr. Taft's standpat crowd.

The Taft administration will not be permitted to take credit for any legislation indicated in the comparison of promises redeemed in the platforms. It did participate to some extent in the passage of these meritorious measures, but not until a Democratic Congress took the introductory steps and after a long lease of power by the Republican Party in both Houses, and that, too, when within four years it contemptuously refused to recognize the necessity for some of these measures in its national platform, to wit: Election of United States Senators by a popular vote, an income-tax amendment, publicity of contributions to campaign funds both before and after election. The Republican Party joined in these reforms when prompted by a consciousness that its safety was endangered unless it responded to the overwhelming force of public sentiment. I shall include an appendix with my remarks showing on most of these measures the date of the vote, the number of Republicans and Democrats supporting the measures, and voting against the measures, that I consider progressive legislation. I note also the names of the Republicans, as a rule, voting with us. Your attention is directed in scanning these votes, to the uniform solidity of the Democratic vote on all these reform measures, indicating the universal progressive sentiment prevailing in the party.

We are confronted to-day with a condition the equal of which has not occurred in generations. A political sea of turmoil and confusion, the turbulence of unrest, a storm in the sea of politics has given birth to a new so-called new nationalism, a so-called Republican progressive policy in that party. Now, what produced this revolution in the Republican Party called progressive politics? Let me answer that question.

First. The fact that the Republican Party repudiated its promise to the people to revise the tariff downward and increased the rates in the Payne-Aldrich-Smoot bill over those in the obnoxious Dingley law and in favor of the special interests.

Second. The fact that the Republican Party permitted and encouraged the Steel Trust, the Harvester Trust, the Beef Trust, the railroads, and many other great corporate bodies to destroy all competition in trade, secure absolute dominion over production, transportation, and distribution in all lines of commerce.

Third. The fact that the Republican Party permitted the great railroad lines of this country to enter into traffic pools, treble, in many instances, the capital expressed in its stocks and bonds that did not represent a dollar of investment actually paid, and permitted those roads to collect freight and passenger rates from the people for dividends on bogus stock as well as on actual cash investment and thereby burden both the producer and the consumer.

Fourth. The fact that the Republican Party permitted express companies and telegraph companies, necessary instruments to the commerce of the common people, to issue and reissue bonds and other interest-bearing securities that do not represent a bona fide investment, and permitted these concerns to collect unjust and oppressive and unnecessary rates.

Fifth. The fact that the Republican Party refused to compel a physical valuation of railroad, express, and telegraph property so as to establish a fair basis on which to fix rates to pay dividends on property actually invested.

Sixth. The fact that the Republican Party has fought for years the proposition to submit to the people an amendment to the Federal Constitution providing for the election of United States Senators by a direct vote, that the people may have a fair chance with the corporations for representation in the Senate.

Seventh. The fact that the Republican Party refused to support an income-tax amendment, so that great private fortunes like those of Carnegie and Rockefeller, those most able to pay, may be required to bear their fair share of the burdens of the Government.

Eighth. The fact that the Republican Party gives financial aid and comfort to the great Wall Street banks in stock gambling, and the further fact that the financiers of Wall Street so control money and credit that no great industrial undertaking can be negotiated without their consent.

Ninth. The fact that the high cost of living involves every one of these propositions in which the Republican Party does not pretend by legislation to give any relief.

These are some of the reasons lying deep in economic and business relations of the Government that have worked a revolution in the politics of the Republican Party.

It is proper at this juncture to inquire who are the real Progressives, the actual representatives of real progressive politics. I call your attention to the fact that the Democracy of this country for decades "opposed, denounced, and unmasked" in Congress and on the hustings the very wrongs against which the so-called Progressive Republicans now insurge. Before progressive republicanism was heard of, the Democratic Party, in legislative halls, in the press, and on the stump, denounced the ends of protection, the viciousness of class legislation, and the dangers of the unrestricted authority of the Speaker. Not a protest against bossism, against Cannonism, or a declaration against the control of the people's legislative machinery by special interests; not an argument against the centralization of wealth and political power; not a cry against excessive taxation and a failure to reduce expenditures, that has been made the theme of so-called progressive republicanism, but what was made by the Democratic Party before progressive republicanism had an existence. After 50 years of Republican rule, with the inevitable and disastrous consequences of its policy, the people sent a Democratic majority into the lower House of Congress two years ago preliminary to the election of a Democratic President of the United States this year, to show the people who wanted a real reform how they could get it.

I want to call your attention to the redemption of the promises the party made you when it asked you to return it to power, so far as the House is concerned, and show you by the acts of the party who the real progressive party is.

The first act of the Democratic Party was to reform the injustices of the Payne-Aldrich-Smoot tariff bill. The most indefensible of which was the wool schedule, under which the American Woolen Co. has enjoyed a monopoly for years in fixing the price on the clothing of millions of American citizens. No man now has the hardihood to defend the exactions in the way of tariff rates that the Woolen Trust controls. The party promised the people, if given a majority in the Sixty-second Congress, to reduce the rate and take a part of the unjust burden from the back of every man, woman, and child that this trust imposes. No one disputes the statement that for the support that the Woolen Trust has given the Republican Party in its campaigns the trust has been permitted to write its own prohibitory rates into tariff bills. It did it in the McKinley bill, in the Dingley Act, and in the present Payne-Aldrich-Smoot law. Mr. Taft confessed that the woolen schedule was indefensible. Believing that he was sincere in this declaration, the Democrats in Congress, on June 20, 1911, passed the wool bill, giving substantial reductions in wool and woolen manufactures, by a vote of 220 to 100. It went to the Senate and, with amendment, passed that body by 48 to 32. After the bill came out of conference the House again passed it by 205 to 90, showing the strong support the bill had in both Houses. The President vetoed the bill on August 17, 1911. In the present session, April 1, 1912, the House again undertook to reduce the revenue rate in the woolen schedule, and the bill passed by 190 to 92, 19 Republicans voting with the Democrats. On August 5 the Senate passed the conference report, identically the same bill the President vetoed August 17, 1911. It now remains to be seen whether he will heed a second mandate from the Representatives of 95,000,000 people to give them cheaper clothing, or whether he will attempt to force Congress to follow the "nonpartisan Tariff Board" that did not pretend to find the difference in the cost of production except on yarn, raw wool, and tops.

You were informed that the International Harvester Trust, Mr. Perkins's trust, had for years sold farm machinery and farm implements in Canada and other countries for less money than they were selling the same articles to our farmers at home. Every well-informed man knows that the Harvester Trust has a complete monopoly in the sale of plows, harrows, binders, mowing machines, hay rakes, cultivators, cotton gins, farm wagons, and all classes of agricultural implements, and that this trust sold abroad last year in competition with the world $27,000,000 worth of its product. The Harvester Trust has an absolutely prohibitive tariff that protected it against any competition whatever from abroad.

We sought also to relieve the farmer and the American people from the Leather Trust by putting leather, boots and shoes, saddlery and harness on the free list, together with fencing and wire fencing. We attempted to take the American people from the grip of the Beef Trust by putting beef, veal, lamb, pork, bacon, and hams, and other products of meat coming from any country with which we had reciprocal relations on the free list. We included in this bill sewing machines, lumber, lath, shingles, cement, and salt. We passed this bill on May 5, 1911, by a vote of 235 to 109, 210 Democrats and 25 Republicans voting for the farmer and the people and 109 Republicans voting with Mr. Perkins and the Beef Trust. Mr. Taft vetoed this bill on August 18, 1911.

On August 3, 1911, Congress voted on a bill previously introduced to reduce the duties on the cotton schedule, and thereby lower the cost of clothing that the shopgirl, laboring man, housewife, and every other citizen of the country must use. Every Democrat, 173, and 23 Republicans voted to get cheaper clothing, and 90 Republicans voted to perpetuate the tariff schedule that makes you pay a high protective rate for clothing and compel you to contribute, as you have done for years, to the New England cotton mills. President Taft refused to sign this bill, passed in the interests of the whole people, and sent it back to the House on August 27, 1911, with his veto.

I propose to discuss in connection with these three bills that were vetoed by the President at this point the limitation originally understood and under which the veto power was adopted as a constitutional provision.

The veto power is a remnant of the extensive legislative prerogative once exercised by the English kings. When the legislative power was wholly transferred to Parliament the exercise of this power was suspended. It was engrafted into our Constitution for the purpose of protecting the Executive and the judiciary from any encroachment upon their respective rights by the legislative department of the Government. The unlimited and autocratic use of this royal prerogative over the Colonies made the new Republic suspicious of the danger in its unrestrained use, and for a long time no definite plan was decided upon for its retention. It was finally lodged in the Executive, but guarded by a two-thirds vote in the two Houses that made the exercise of it nugatory. During the entire existence of the Republic, with the exception of President Johnson, and that in an unimportant exception, no President has attempted to exercise the veto to defeat Congress in framing a purely revenue measure.

The exercise of the veto power by the Executive in a purely revenue-tariff measure is, in the light of history, a most unwarranted assumption. It never was the intention of the fathers that the veto should constitute a weapon with which either to override the voice of Congress in its proper constitutional function or force it into submission. The veto power was placed in the hands of the Executive to prevent the enactment into law of unconstitutional measures and protect the people against legislation, even though technically constitutional, yet, in the opinion of the President, vital to the welfare of the people. The legal right to exercise the veto power is not restricted, but that does not constitute it the authority to override the will of the people lawfully exercised or to force Congress to assist the President in shaping some fiscal or economic policy of his own. The Constitution does not make the Executive with the veto a correlative legislative body in our system of government over which the people must ride with a two-thirds vote before it could write into law its proposed legislation.

In 1867 Congress increased the tariff rates on copper to aid the Michigan copper mines and President Johnson vetoed the bill. Congress, apparently to rebuke the Executive for this interference with their proper legislative function, as it believed it was justified in performing, considering the whole history of the veto power and the purpose of its adoption, very quickly passed the bill over the President's veto. The other two instances occurred in 1842, when the Whigs passed two tariff bills, each with a rider directing the distribution of money derived from the sale of public lands. President Tyler vetoed both bills, and assigned as his reason that their approval would be a violation of the compromise tariff act of 1833. There were only two possible grounds open to the President for the exercise of the veto power, an extraordinary power not exercised by the English Government from which we took it for more than 100 years—against the wool bill, the free-list bill, and the cotton bill, both of which he assigns—one that the bill was loosely and improperly drawn, and the other that the Tariff Board had not reported the result of its investigations on the respective subjects. I shall herein inquire into the past and present attitude of the President with reference to the so-called nonpartisan Tariff Board. Before the passage of the Payne-Aldrich-Smoot bill in 1909, the President was importuned to wait for the report of a tariff board or a tariff commission before he called Congress in extraordinary session in March, 1909. This is his reply:

> The only advantage of appointing a commission with power to revise schedules would be that it would postpone action, thus giving the country time to fully recover from the effects of the recent depression. On the other hand, the existence of such a commission would keep the business of the community on the tenterhooks all the time and be a perpetual disturbing cause. Better have the matter up before Congress in extra session to settle it, and settle it one way or the other for a term of years. (New York Herald, Feb. 27, 1909.)

Quoting from the President's reasons for returning the wool bill to the House in his message of August 17, 1911, in which he refused to sign the bill before he had a report from his Tariff Board, he uses this language:

> When I have the correct information which justifies such action I shall recommend to Congress as great a reduction in Schedule K as the measure of protection already stated will permit. The failure of the present bill therefore should not be regarded as taking away the only chance for a reduction by Congress.

This concession to Congress on the part of the Executive is a very gracious one. It seems that the President did not need the advice and knowledge of a tariff board to keep the indefensible rates in the Payne bill, which had been written in the McKinley bill, the Dingley law, and had been the source of comfort to the Woolen Trust for more than 40 years, but a report of a "nonpartisan tariff board" was absolutely necessary when the representatives of the people wanted to remove a part of the burden of this oppression. We have written tariff bills for more than a hundred years without the thought of a tariff board, but for the purpose of protracting these outrageous rates for the benefit of the Woolen Trust and other tariff beneficiaries, the miserable subterfuge of a "nonpartisan tariff board" must be invoked when we want to relieve the people. In connection with this veto I shall include a comparison of the rates on wool and woolens that the man who runs may see the justice of our cause for a reduction. The following are the rates in the present Payne bill, the Underwood bill that passed the House, the Senate bill, and the agreement on rates in conference that were adopted by a vote in both Houses:

Article.	Payne law.	House bill.	Senate bill.	Conference bill.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*
Raw wool	44.31	20	10 to 35	29
Noils and wastes	38.96	20	30	29
Combed wool	105.19	25	40	32
Yarns	82.38	30	45	35
Cloth	97.11	40	55	49
Blankets	95.57	30	55	38
Flannels	95.57	30 to 45	55	38
Women's dress goods	105.85	45	55	49
Clothing	81.31	45	55	39
Webbings	87.06	35	55	49
Moquette carpet	62.09	40	35	50
Velvet carpets	70.14	35	35	50
Brussels carpet	76.29	30	35	40
Tapestry velvet	62.40	35	35	50
Tapestry brussels	64.41	20	35	30
Three-ply	64.34	30	35	30

The above was the proposition that we put up to the President, to which he applied his veto. What kind of reasoning does he ask the American people to indorse? For more than two score of years the patient public has endured the woolen rates above indicated under the column marked "Payne law," that the people's Representatives, fresh from their homes, asked him to reduce. He refuses because he does not know whether the conference rates are correct. Why not let the Woolen Trust take the chances of this rate still being high enough to give it all the shelter it ought to have instead of asking the public to take all the chances? Congress undertook to pass the woolen revision, known as the conference bill, over the veto on the 18th of August, 1911—and I mean by the conference rates those in the last column of the table—but the vote disclosed 13 less than the necessary two-thirds. We tried on the same day to pass the free-list bill over the President's veto but lacked 11 votes of the necessary two-thirds. The President proclaimed over and over again his adherence to the theory of protection, and asked Congress to give him a "nonpartisan board" to inquire into the difference of the cost of production at home and abroad as a basis upon which to fix recommendation to Congress to regulate the duties on imports. Let it first be understood, once and for all, that there is not now, nor can there be, such a thing as a "nonpartisan tariff board" so long as parties differ on the constitutional powers of taxation and so long as the theory of protection is arrayed against the doctrine of a tariff for revenue only, with the protectionists in power. Is anyone so completely devoid of reason as to suppose that a President of a great party, a leader of his party, whose absolute existence de-

pends upon the maintenance of a protective policy, would appoint a tariff board that would not sustain that policy and protect it under any and all circumstances?

But to return to the discussion of what the Democratic Congress has accomplished:

For many years the veterans of the Civil War of a half century ago have asked the Republicans to increase their rates of pension, to which they are so fully entitled. Whenever the Republican Party met in convention it passed a resolution in "favor of liberal pensions." The party never intended to increase by general law the soldiers' pension. It believed that it owned the soldier; it treated him as a voting asset in their business; that he would not desert the party, regardless of their treatment and unredeemed pledges. When the Democrats came into power that grand old Union general, ISAAC SHERWOOD, presented a service-pension bill to Congress, and we passed it, giving the soldier substantial increase in pension. We sent it to the Republican Senate, that cut its rate in two. We accepted it, because it was the best we could get from a Republican Senate that undoubtedly represented the party's attitude on the question. We have reason to believe that the soldiers of the country will remember their real benefactors.

Your interest as citizens of the common country is in the policy of the country and not so much in the administration of the law under the policy. If the administration is not right, it can easily be corrected if the policy is right. The way to inaugurate a policy is to elect to positions men who stand for the policy you espouse and whom you charge with the responsibility of initiating it into the functions of the Government. For that reason you are in favor of a strict accountability of public service. I am opposed to the intermediate electorate, because it diminishes the responsibility to the people and lodges that responsibility in the intermediate agent who elects the servant, and such election thereby takes the office out of the spot light of public scrutiny. When you delegate the elective power to some one between you and the office finally chosen you lose control over the officer to a certain extent and he ceases to be your direct agent, and to that degree your government ceases to be democratic. We, as a party, are in favor of removing, wherever possible, from the high prerogative of the people any restriction preventing them from reflecting in the law their needs, aims, and aspirations. Illegitimate tendencies in our system adverse to the interests of the masses can be best averted by increasing popular representation in the Federal Legislature. Let the people by the ballot move up nearer to the fountainhead of legislation. If the House of Representatives is now known and to be known as the "popular branch," because it comes directly from the voter, make both branches "popular" by bringing the Government agencies of this Republic back to the real sources of power—back to the people. That is the reason why we are in favor of the direct election of United States Senators. It is the officer that believes that he is not directly responsible that degenerates into a political boss. The election of United States Senators being one of the things that the Democratic Party stands for, on April 13, 1911, we passed House joint resolution No. 39, to elect United States Senators by a direct vote of the people. We had declared for that proposition in three successive national platforms, the Republican Party having rejected it in its last Chicago convention by a vote of more than seven to one. On the passage of that resolution 193 Democrats and 101 Republicans voted for it, while 15 Republicans were in favor of giving the Lorimers and Stephensons another chance.

On January 12, this year, we undertook to reduce the metal schedule and break away from the grip of the Carnegies, the Schwabs, and the Garys, who hold the steel and iron market by virtue of the assistance of the Republican Party in the hollow of their hand—189 Democrats voted for the bill and 106 Republicans and 4 Democrats voted against it.

On February 21 we voted to reduce the chemical schedule. We wanted to reduce the cost of medicines, paints, lead and zinc ores, and so forth. One hundred and seventy-seven Democrats and one Republican voted to reduce the tariff on these necessities of life. One hundred and twenty-six Republicans wanted the Guggenheims to be protected in their zinc and lead trust and refused to support the bill.

On March 15, this year, we voted on the question as to whether the Sugar Trust, that had confessed to stealing millions from the Government through false weights, and more from the people, should continue to have a gratuity of $1.90 per hundred pounds, and that, too, applied to sugar imported from the Philippines free of duty to the extent of 300,000 tons a year. One hundred and seventy-four Democrats and 23 Republicans stood for cheaper sugar. Five Democrats and 98 Republicans were opposed to taking away from the American Sugar Refining Co. the advantage it now enjoys by special legislation to take unearned money out of the pockets of every man, woman, and child in the Republic.

On March 19, this year, still following out the oft-declared Democratic policy of compelling those who are best able to pay taxes to assist in the support of the Government, we passed an excise-tax bill laying a small amount upon all net incomes of more than $5,000 a year. One hundred and seventy-two Democrats and 79 Republicans voted for this bill. Forty Republicans declared in their opposition to the bill that they were in favor of the vast fortunes of private wealth in this country being permitted to continue to avoid contributing their fair share to the support of the Government.

Knowing that the will of the voter as he attempted to express it at the polls was frequently corrupted with the use of money, we passed the campaign publicity bill, requiring candidates to publish before and after election the amount of their cash contributions and the names of the parties that contributed the same, that the people might know what power it was behind candidates for office and in whose favor the election was being conducted. One hundred and eighty-four Democrats and 122 Republicans voted for the bill, and not a man against it, although at the last presidential election and the one preceding it the foremost characters in Republican politics were not only violently opposed to the publication of campaign contributions before elections, but used immense sums to corrupt and debauch the electorate of the country. I want you to remember that it was a Democratic measure, introduced in a Democratic House, and passed by that House after 14 years of Republican opportunity.

On May 23, 1911, we passed the statehood bill admitting Arizona and New Mexico to the sisterhood of States, as we had promised to do regardless of the political effect it might have on either branch of Congress and for which reason both Territories had been kept out of the Union for years by Republican majorities in both Houses. Against this bill 58 Republicans cast their vote.

We had long condemned the unwarranted autocratic power exercised by Federal judges in the reckless use of injunctions to defeat a just cause frequently of organized labor and which injunctive processes were used to restrict them in the enjoyment of their lawful rights. We promised in our platform to reform the exercise of that procedure. On the 14th day of May, this year, a Democratic House submitted the question for a vote. One hundred and sixty-six Democrats and 75 Republicans voted against the further continuance of that usurpation. As against the rights of the laboring man to have his case fairly and squarely presented and notice given him that he might appear and protect his rights there were 31 Republican votes.

The Democratic Party, having in view the well-being of the youth of the land, introduced a bill to establish under the Department of Commerce and Labor a Children's Bureau, which it charged to investigate and report upon all matters pertaining to the welfare of children and child life among all classes of our people and shall especially investigate the question of infant mortality, the birth rate, orphanage, juvenile court, desertions, dangerous occupations, accidents, diseases of children in the several States and Territories. This is another illustration of Democratic legislation for the "benefit of the whole people." This very meritorious bill was passed in the House April 2, 1912, by a vote of 178 for it and only 17 against it. (CONGRESSIONAL RECORD, p. 4421.)

The Democratic Party, recognizing the relative importance of the millions of laborers to the country's prosperity, with interests not only great in scope, but vital to the whole people, introduced a bill establishing a Department of Labor, with a Secretary of Labor, who shall be the head thereof and a member of the President's Cabinet. This bill is known as House bill 22913. It was passed unanimously on July 17, 1912. (CONGRESSIONAL RECORD, p. 9698.)

Now, I propose to call attention to another bill known as the Commission on Industrial Relations. This bill has for its purpose the investigation of the industrial relationship existing between employees and employers wherever any conflict occurs throughout the entire country. It will consist of nine persons, so chosen that a fair, impartial investigation is had in all cases. Three of the nine men on the commission are to be employers of labor, three the representatives of organized labor, and three from the citizenship at large. There is no walk in life that is not more or less affected by any disturbance of industrial conditions. Strikes and lockouts are expensive to all classes. A complete friendly cooperation of capital and labor is as necessary to the commercial strength of this country as the cessation of military hostilities would be to the peace of the country. It is the particular province of this law to inquire into all the causes for industrial unrest, antagonism between labor and capital, and restore to a mutual and pacific basis both of these

necessary elements to the country's happiness. The response of the Democratic Party with this bill to mediate the conditions that constantly arise in the interest of all parties is a wise and timely action.

When the present Democratic House of Representatives convened the regular committees were elected from the floor of the House. Among these committees were what are called the Expenditure Committees. These committees inquired into the methods of administration and the amount of money expended in the several departments of the Government. They have been holding hearings and making reports, respectively, and I include herewith a list of these committees and the chairman of each, so that any person desiring copies of reports can have the same by addressing the chairman, at Washington, D. C. These committees are designated as follows:

Committee on Expenditures in the State Department, Hon. COURTNEY W. HAMLIN, chairman.
Committee on Expenditures in the Treasury Department, Hon. WILLIAM E. COX, chairman.
Committee on Expenditures in the War Department, Hon. HARVEY HELM, chairman.
Committee on Expenditures in the Post Office Department, Hon. WILLIAM A. ASHBROOK, chairman.
Committee on Expenditures in the Interior Department, Hon. JAMES M. GRAHAM, chairman.
Committee on Expenditures in the Department of Justice, Hon. JACK BEALL, chairman.
Committee on Expenditures in the Department of Agriculture, Hon. RALPH W. MOSS, chairman.
Committee on Expenditures in the Department of Commerce and Labor, Hon. JOHN H. ROTHERMEL, chairman.
Committee on Expenditures on Public Buildings, Hon. CYRUS CLINE, chairman.

In addition to the Expenditure Committees and the regular committees of the House, the following special committees were appointed:

Investigation of the United States Steel Corporation, Hon. AUGUSTUS O. STANLEY, chairman.
Investigation of American Sugar Refining Co., Hon. THOMAS W. HARDWICK, chairman.
Investigation of the Lawrence strike, Hon. ROBERT L. HENRY, chairman.

The Republican Party and Republican press is not in sympathy with the idea of having the methods and the business of the Republican administration, that have been in complete control of the Government for the last 15 years, examined. All efforts of that kind have been discounted by studied misrepresentation of the amounts expended by Congress to accomplish these investigations, coupled with the statement that no results had obtained. Much valuable information has resulted from both the steel and sugar investigations, and equally good results will obtain from the reports of the other committees.

I call attention to the result of the investigation of the United States Steel Corporation as disclosed by the report of the committee, filed August 2. It finds, among other facts, the following (see pp. 209, 210, and 211):

A corporation speaks and acts through its officers, and the character and scope of its influence are to a great extent determined by the personnel of its directorate. Where two or more great corporations are owned and operated by the same group of individuals, their interests will be identical, and in a great measure the strength of one is the combined strength of all. This is true to a degree where the directorate interlock. This record is replete with instances of the pernicious effect, sometimes upon the Steel Corporation itself and more often upon the public generally, of this interlocking directorate.

The Steel Corporation is capitalized at $7,745,724,284.49, but this sum, huge as it is, in no degree determines its actual power. The influence of this consolidation is measured only by the combined strength and resources of the 24 directors who control its resources and direct operations. One or more of the directors of the Steel Corporation are also directors in terminal, steamship, express, and telegraph companies, having a total capitalization of $1,271,778,890. In industrial corporations the capitalization of $2,803,509,348 and in banks and trust companies having a capital and surplus and undivided profits aggregating $3,314,811,178. Of the $18,417,132,238 invested in the railways of the United States, directors of the Steel Corporation have a voice in the directorate or act as executive officers of railroad companies with a total capitalization and bonded indebtedness of $10,365,771,833.

The United States Steel Corporation, utilizing to the utmost the opportunity for consolidation offered by a holding company and supported and sustained by its allies, financial and industrial, has secured an unquestioned and an absolute dominance over the production, manufacture, and transportation of its product.

The report further shows that the earnings of the Steel Corporation since December 31, 1910, upon its sales to outside customers has given a net profit of 40 per cent on the actual cost of production.

The legislation suggested as a result of the investigation is as follows:

To prohibit concerns engaged in interstate commerce from acquiring stock in other companies.
Or having stock held by others.
Or buying or selling their own stock.
To prevent overcapitalization.
To forbid ore holdings.
To forbid the operation of common carriers by industrials under heavy fines and imprisonment.

No man can view without alarm the unlimited ramifications of the United States Steel Corporation. Its power, developed through its 24 directors, interlocking with those of subsidiary companies, invades every line of commercial activity. Its dominion seems complete. It has thereby been able to well-nigh possess itself of all the valuable natural products that enter largely as raw material into commerce. It owns vast ore beds, mountains of coal, great tracts of timberland, banks, railroads, express companies, steamship lines, and the finest harbors on both shores of the continent.

Industrial conditions in which the United States Steel seems to be the master demand the most serious consideration of Congress.

The investigation of the American Sugar Refining Co. found in their report the following facts:

First. Original overcapitalization of great industrial corporations resulting in increased cost of production, if a profit is to be made on the inflated capitalization, and higher prices for the product to the consuming public.
Second. The temptation of the person who organizes and controls these organizations to earn dividends on watered stock as soon as possible so that such stock may be unloaded in the open market upon the investing public. These dividends can rarely, if ever, be made without increasing prices to the consumer.
Third. The exploitation, not only of the consuming public and of the investing public as already set out, but also of the corporations themselves by their officers, directors, and trustees, who do not hesitate to overburden the consumer, to deceive the investor, and to take advantage of the corporation that has trusted them whenever it will line the pockets of such individual trustees.

The committee, after finding the foregoing facts, recommend that the Sherman law ought to be rigidly enforced.

These several committees have already introduced bills in Congress to correct the evils and abuses that these corporations with their allied institutions have been inflicting upon the general public. There can be no question but what Congress will pass the necessary legislation to relieve the people from the burden of overcapitalization and the excessive cost of production.

In conclusion, I invite your attention to an observation or two on the address of the President at the time he was notified of his renomination for the Presidency. Referring to the accomplishments of his administration he makes no defense for his party that it failed to redeem most of its important promises to the people in the platform of 1908. He had nothing to say about the currency plank or the one relating to wage earners, court procedure, rights of the negro, natural resources, protection to American citizens abroad, arbitration at The Hague, merchant marine, civil service, or the admission of New Mexico and Arizona as States. He makes slight apology for the enactment of the Payne bill.

Speaking of the pension question, he uses this language:

The passage of time has brought the burdens of helplessness of old age to many of those veterans of the Civil War who exposed their lives in the extreme struggle to save the Nation, and recognizing this, Congress added to previous provisions which patriotic gratitude had prompted a substantial allowance, which may be properly characterized as an old-man's pension.

The fact must have been fresh in the President's recollection that the old veterans had knocked at the door of Congress for 14 long years while his party was in full control of the departments of the Government for enough to keep them out of charitable institutions, but received no response. The Democratic Party at its first opportunity passed the Sherwood bill, prepared by a Democratic Union general, for the benefit of the men who saved the Union at the period of its greatest peril. We sent it to the Republican Senate, that cut it in two and sent it back to us, and it was accepted as the best we could get from it. The President ought not to attempt to deprive the Democratic Party of this distinctive merit that it forced from him and his Senate.

The President casts a longing eye to labor in this language:

Congress has sought to encourage the movement toward eight hours a day for manual labor by the recent enactment of a new law on the subject more stringent in its provisions regarding work on a Government contract.

The eight-hour act was a Democratic act, born in a Democratic House, and the credit belongs to us. The President made no reference to the restriction we placed upon Federal judges in issuing injunctions, and the act awarding a trial by jury in the cases of indirect contempt. The President in his address also discloses what he believes the future has in store for him and his party. He uses this language in reference to the Democratic Party:

We would not have to wait for actual legislation on this subject—the tariff. The very prospect of Democratic success when its policy toward our great protected industries became understood would postpone indefinitely the coming of prosperity and tend to give us a recurrence of the hard times that we had in the decade between 1890 and 1897. * * * It ought to be brought home to the people as clearly as possible that a change of economic policy such as that which is deliberately proposed in the Democratic platform would halt many of our manufacturing enterprises and throw many wage earners out of employment, would injure much the home markets which the farmers now enjoy for their products, and produce a condition of suffering among the people that no reforming legislation could neutralize or mitigate.

These statements are unworthy of the dignity of the President of the United States. There is nothing to be gained by an attempted appeal to prejudice. The President refers to the depression of 1890 to 1897, a portion of the time during which the Democratic Party was in power. The impartial historian in less than two decades from that time has written large the viciousness of the Republican slander that the induction of the Democratic Party into power was the cause of commercial reverses. The survival of the Democratic Party, after half a century of reverses, can be attributed to no other cause except to the indestructibility of its doctrine of government. No other party could have survived them. The millions of intelligent American citizens will not be swerved from their purpose by the language of the President. The laborer in the street, the shop, behind the counter, propose to relieve themselves from the present despotism of the privileged classes. They would be tories to their families and their country if they did not do so.

The certainty of Democratic success this year has been apparent for months. In the face of that conceded fact, the production of pig iron, the sure barometer of commercial activity and confidence, increased more than 2,000,000 tons in the first half of 1912 over the amount produced in the first half of 1911. Our exports of manufactured merchandise is greater to-day than at any time in the history of the country. In every section of the South capital is being invested in new cotton mills for the absorption of that great product. Every line of commercial industry is a complete impeachment of the pessimistic and unfounded utterance of the President that it is dangerous to elevate the Democratic Party to power.

I have a right to say that the Democratic Party has demonstrated itself to be the party of progressive legislation; the party to be trusted with safe and sane reformation within constitutional limits that is now demanded. It has demonstrated its sincerity in many instances by unanimous vote on the bills that I have called your attention to. No Democrat has any ground for desertion from the Democratic Party on the theory that the party is not progressive and does not respond to the demands of the country for progressive legislation, and I am confident that the coming November will witness the greatest political revolution in favor of the Democratic Party that history has ever recorded in a free government.

APPENDIX.

INCOME TAX.

Senate joint resolution 40.

(First session Sixty-first Congress, p. 4440, July 12, 1909.)

Yeas: Republicans, 171; Democrats, 147; total, 318.

Nays: Republicans, 14; Democrats, 0; total, 14.

Not voting, 55.

Answered present: Mr. Bartlett, Democrat.

DIRECT ELECTION OF SENATORS.

House joint resolution 39.

(First session Sixty-first Congress, pp. 242–243, Apr. 13, 1911.)

Yeas: Republicans, 100; Democrats, 193; Socialist, 1; Independent, 1; total, 296.

Nays: Republicans, 15; Democrats, 1; total, 16.

Not voting, 77.

Republicans voting yea: Messrs. Austin, Barchfeld, Bartholdt, Bowman, Burke (S. Dak.), Butler, Calder, Catlin, Cooper, Copley, Crago, Dalzell, Davidson, Davis (Minn.), Dyer, Esch, Farr, Foss, Foster (Vt.), French, Fuller, Good, Greene, Guernsey, Hamilton (Mich.), Hanna, Hartman, Haugen, Hawley, Hayes, Helgesen, Henry (Conn.), Hill, Howell, Howland, Hubbard, Humphrey, Jackson, Kahn, Kendall, Kennedy, Kent, Kinkead, Knowland, Kopp, Lafean, Lafferty, La Follette, Langham, Langley, Lenroot, Lindbergh, Loud, McKinley, McKinney, McLaughlin, Madden, Martin (S. Dak.), Matthews, Miller, Mondell, Moore (Pa.), Morgan, Mott, Murdock, Needham, Nelson, Norris, Nye, Parran, Patton (Pa.), Pickett, Porter, Powers, Pray, Prince, Prouty, Rees, Roberts (Mass.), Roberts (Nev.), Rodenberg, Sloan, Smith (J. M. C.), Smith (Samuel W.), Speer, Steenerson, Stephens (Cal.), Sterling, Switzer, Taylor (Ohio), Towner, Volstead, Warburton, Wedemeyer, Willis, Wilson (Ill.), Wood (N. J.), Woods (Iowa), Young (Kans.), and Young (Mich.).

PUBLICITY OF CAMPAIGN FUNDS.

House bill 2958.

(First session Sixty-second Congress, p. 269, Apr. 14, 1911.)

Yeas: Republicans, 122; Independent, 1; Democrats, 184; total, 307.

Nays, none.

Not voting, 82.

RECIPROCITY.

House bill 4412.

(First session Sixty-second Congress, pp. 559–560, Apr. 21, 1911.)

Yeas: Republicans, 65; Democrats, 202; Socialist, 1; total, 268.

Nays: Republicans, 79; Democrats, 10; total, 89.

Not voting, 29. Independent, 1.

Answered "present": Messrs. Kahn and Langham, Republicans, and Riordan, Democrat.

Republicans voting yea: Messrs. Ames, Anthony, Austin, Barchfeld, Bartholdt, Bingham, Bowman, Burke of Pennsylvania, Butler, Calder, Cary, Catlin, Cooper, Crago, Crumpacker, Danforth, D. A. Driscoll, Dyer, Farr, Foss, Fuller, Gillett, Greene, Griest, Harris, Higgins, Hill, Howland, Hubbard, Kent, Knowland, Lafferty, Lawrence, Longworth, Loud, McCall, McCreary, McKinley, Madden, Madison, Mann, Matthews, Miller, Mitchell, Moon of Pennsylvania, Murdock, Needham, Nye, Olmsted, Parran, Porter, Roberts of Massachusetts, Roberts of Nevada, Slemp, Speer, Stephens of California, Sulloway, Switzer, Taylor of Ohio, Tilson, Utter, Weeks, Wilder, Wilson of Illinois, and Young of Michigan.

Democrats voting nay: Messrs. Bathrick, Claypool, Doughton, Fowler, Gudger, Hammond, Pujo, Rucker of Colorado, Webb, and Whitacre.

FARMERS' FREE LIST.

House bill 4413.

(First session Sixty-second Congress, p. 1121, May 5, 1911.)

Yeas: Republicans, 25; Democrats, 210; Socialists, 1; total, 236. Independent, 1.

Nays: Republicans, 109; Democrats, 0; total, 109.

Not voting, 37.

Answered "present": Messrs. Hayes and Kopp, Republicans; Fornes and Littleton, Democrats.

Republicans voting yea: Messrs. Aiken of New York, Anderson of Minnesota, Anthony, Davis of Minnesota, Hanna, Helgesen, Hubbard, Jackson, Kent, Kopp, Lafferty, La Follette, Lenroot, Lindbergh, Madison, Miller, Morgan, Morse of Wisconsin, Murdock, Nelson, Norris, Roberts of Nevada, Steenerson, Volstead, and Warburton.

STATEHOOD—ARIZONA AND NEW MEXICO.

House joint resolution 14.

(First session Sixty-second Congress, p. 1529, May 23, 1911.)

Yeas: Republicans, 58; Democrats, 0; total, 58.

Nays: Republicans, 37; Independent, 1; Democrats, 177; total, 215.

Not voting, 99.

Answered "present": Messrs. French, Hamilton, and Powers, Republicans; Boehne, Booher, Davis of West Virginia, Fornes, Goeke, and Hobson, Democrats.

The foregoing was on a motion to recommit. The bill was then passed without roll being called.

WOOL SCHEDULE.

House bill 11019.

(First session Sixty-second Congress, p. 2357, June 20, 1911.)

Yeas: Republicans, 22; Democrats, 197; Socialist, 1; total, 220.

Nays: Republicans, 99; Democrats, 0; Independent, 1; total, 100.

Not voting, 61.

Answered "present": Messrs. Davidson, Hayes, Kinkead of New Jersey, Langham, and Morgan, Republicans; Hobson, Democrat.

Republicans voting "yea": Messrs. Anthony, Campbell, Davis of Minnesota, French, Haugen, Helgesen, Jackson, Kent, La Follette, Lenroot, Lindbergh, Morse of Wisconsin, Murdock, Nelson, Norris, Rees, Sloan, Steenerson, Stephens of California, Volstead, Woods of Iowa, and Young of Kansas.

COTTON SCHEDULE.

House bill 12812.

(First session Sixty-second Congress, p. 3584–3585, Aug. 3, 1911.)

Yeas: Republicans, 27, Democrats, 173; Socialist, 1; Independent, 1; total, 202.

Nays: Republicans, 90; Democrats, 0; total, 90.

Not voting, 88.

Answered "present": Messrs. Butler, Calder, De Forest, Republicans; Dickson of Mississippi, Sherley, Sparkman, and Talbott of Maryland, Democrats.

Republicans voting "yea": Messrs. Anderson of Minnesota, Davis of Minnesota, French, Hanna, Haugen, Helgesen, Hubbard, Hughes of West Virginia, Jackson, Kinkaid of Nebraska, Kopp, Lafferty, La Follette, Lenroot, Lindbergh, Miller, Morse of Wisconsin, Nelson, Norris, Rees, Sloan, Steenerson, Stephens

of California, Volstead, Warburton, Woods of Iowa, and Young of Kansas.

METAL SCHEDULE.

House bill 18642.

(Second session Sixty-second Congress, p. 1562, Jan. 29, 1912.)

Yeas: Republicans, 20; Democrats, 189; Socialist, 1; Independent, 1; total, 211.

Nays: Republicans, 106; Democrats, 4; total, 110.

Not voting, 63.

Answered "present": Messrs. Moon of Pennsylvania, Parran, and Weeks, Republicans; Burgess, Candler, Clark of Florida, Daugherty, and Donohoe, Democrats.

Republicans voting yea: Messrs. Davis of Minnesota, Haugen, Helgesen, Hubbard, Jackson, Kent, Kinkaid of Nebraska, Lafferty, La Follette, Lenroot, Lindbergh, Morse of Wisconsin, Murdock, Nelson, Norris, Sloan, Stephens of California, Warburton, Woods of Iowa, and Young of Kansas.

Democrats voting nay: Messrs. Bates, Martin of Colorado, and Rucker of Colorado.

CHEMICAL SCHEDULE.

House bill 20182.

(Second session Sixty-second Congress, p. 2406, Feb. 21, 1912.)

Yeas: Republican, 1; Democrats, 177; Independent, 1; total, 179.

Nays: Republicans, 126; Socialist, 1; Democrats, 0; total, 127.

Not voting, 77.

Answered "present": Messrs. Andrus, Langley, McGuire of Oklahoma, and Tilson, Republicans; Brantley, Bulkley, Donohoe, Estopinal, Hobson, James, and Talbott of Maryland, Democrats.

Republican voting yea: Hanna.

EXCISE TAX.

House bill 21214.

(Second session Sixty-second Congress, p. 3721–3722, Mar. 19, 1912.)

Yeas: Republicans, 79; Democrats, 172; Independent, 1; total, 252.

Nays: Republicans, 40; Democrats, 0; total, 40.

Not voting, 98.

Answered "present": Messrs. Jackson, Republican; Burgess, Flood of Virginia, and Gallagher, Democrats.

Republicans voting yea: Messrs. Ainey, Anderson of Minnesota, Austin, Barchfeld, Bates, Bowman, Burke of South Dakota, Campbell, Catlin, Cooper, Crago, Davidson, Davis of Minnesota, Dyer, Esch, Farr, Focht, Foss, French, Good, Green of Iowa, Hamilton, Hanna, Haugen, Hawley, Hayes, Helgesen, Howland, Hughes of West Virginia, Kendall, Kennedy, Kent, Kinkead of Nebraska, Kopp, Lafferty, La Follette, Langley, Lenroot, Lindbergh, McGuire of Oklahoma, McKinney, McLaughlin, Madden, Miller, Morse of Wisconsin, Mott, Murdock, Nelson, Norris, Nye, Parran, Patton of Pennsylvania, Pickett, Porter, Powers, Pray, Prouty, Rees, Roberts of Massachusetts, Roberts of Nevada, Rodenberg, Sells, Simmons, Slemp, Sloan, Smith, J. M. C., Steenerson, Stephens of California, Stevens of Minnesota, Switzer, Taylor of Ohio, Volstead, Warburton, Wedemeyer, Willis, Wilson of Illinois, Woods of Iowa, Young of Kansas, and Young of Texas.

SUGAR SCHEDULE.

House bill 21213.

(Second session Sixty-second Congress, p. 3537, Mar. 15, 1912.)

Yeas: Republicans, 23; Democrats, 174; Independent, 1; total, 198.

Nays: Republicans, 98; Democrats, 5; total, 103.

Not voting, 87.

Voted "present": Messrs. Hawley and Langley, Republicans, and Burgess, Gallagher, and James, Democrats.

Republicans voting yea: Messrs. Anderson of Minnesota, Davis of Minnesota, Dyer, Good, Hanna, Helgesen, Kendall, Kent, Lafferty, La Follette, Lindbergh, McKenzie, Miller, Murdock, Norris, Nye, Prince, Sells, Steenerson, Volstead, Warburton, Woods of Iowa, and Young of Kansas.

Democrats voting nay: Messrs. Broussard, Estopinal, Martin of Colorado, Ransdell of Louisiana, and Taylor of Colorado.

WOOL SCHEDULE.

House bill 22195.

(Second session Sixty-second Congress, p. 4313, Apr. 1, 1912.)

Yeas: Republicans, 19; Democrats, 170; Independent, 1; total, 190.

Nays: Republicans, 90; Democrats, 2; total, 92.

Not voting, 101.

Answered "present": Messrs. Campbell, Focht, Fuller, and Langley, Republicans; Ashbrook, Burgess, Donohoe, Lobeck, and Rucker of Colorado, Democrats.

Republicans voting yea: Messrs. Anderson of Minnesota, Hanna, Haugen, Hubbard, Jackson, Kent, Lafferty, La Follette, Lindbergh, Miller, Murdock, Nelson, Norris, Nye, Steenerson, Stevens of Minnesota, Volstead, Warburton, and Young of Kansas.

Democrats voting nay: Messrs. Michael E. Driscoll and Francis.

INJUNCTIONS.

House bill 23635.

(Second session Sixty-second Congress, p. 6778, May 14, 1912.)

Yeas: Republicans, 75; Independent, 1; Democrats, 165; total, 243.

Nays: Republicans, 31; Democrats, 0; total, 31.

Answered "present": Messrs. Browning, Dwight, and Gillett, Republicans; Beall of Texas, Davenport, and Sparkman, Democrats.

Not voting, 113.

Republicans voting yea: Messrs. Ainey, Ames, Anderson of Minnesota, Anthony, Austin, Barchfeld, Bowman, Cary, Cooper, Copley, Crago, Crumpacker, Curry, Davis of Minnesota, De Forest, Dyer, Esch, Farr, Focht, Foster, French, Fuller, Good, Green of Iowa, Greene of Massachusetts, Griest, Hartman, Haugen, Hayes, Heald, Helgesen, Howell, Jackson, Kendall, Kennedy, Kent, Kinkaid of Nebraska, Knowland, Kopp, Lafferty, La Follette, Langley, Lenroot, Lindbergh, McGuire of Oklahoma, McLaughlin, Martin of South Dakota, Matthews, Miller, Morgan, Morse of Wisconsin, Needham, Nelson, Norris, Patton of Pennsylvania, Powers, Pray, Prince, Prouty, Rees, Roberts of Massachusetts, Roberts of Nevada, Slemp, Sloan, J. M. C. Smith, Samuel W. Smith, Stevens of Minnesota, Volstead, Warburton, Wedemeyer, Willis, Wilson of Illinois, and Young of Kansas.

Democrats voting nay, none.

SPEAKER PRO TEMPORE AT EVENING SESSION.

The SPEAKER. The Chair designates the gentleman from Indiana [Mr. CLINE] to preside at the evening session.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the committee report.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3258. An act to acquire a site and erect buildings for a school for the Indians of Robeson County, N. C., and for other purposes; to the Committee on Indian Affairs.

S. 7409. An act to constitute a commission to investigate the purchase of American-grown tobacco by the Governments of foreign countries; to the Committee on Foreign Affairs.

S. 7407. An act increasing the limit of cost of the post-office building at Atlanta, Ga.; to the Committee on Public Buildings and Grounds.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 129. Joint resolution to provide transportation for American citizens fleeing from threatened danger in the Republic of Mexico.

RECESS.

Mr. UNDERWOOD. I move that the House take a recess until 8 o'clock this evening.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock by Mr. CLINE, the Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will read the special order.

The Clerk read as follows:

House resolution 669.

Resolved, That there be evening sessions of the House of Representatives on Thursday, August 8, 1912, and Friday, August 9, 1912, beginning at 8 o'clock p. m. and continuing until 11 o'clock p. m. on each day, during which time it shall only be in order to discuss the report of the special committee appointed under House resolution 148, to investigate violations of the antitrust act of 1890, one half of the time to be controlled by the gentleman from Kentucky [Mr. STANLEY] and the other half by the gentleman from Massachusetts [Mr. GARDNER]; that on said days it shall be in order, when the business of the House is disposed of, to move to take a recess until 8 o'clock.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, I will inquire if the gentleman from Kansas [Mr. JACKSON] is ready to proceed?

Mr. JACKSON. No; I do not care to speak until the discussion is open.

Mr. GARDNER of Massachusetts. Is the gentleman from Illinois [Mr. STERLING] ready to proceed?

Mr. STERLING. I had not intended to use any time now. I supposed that the gentleman from Kentucky [Mr. STANLEY] would begin the discussion, and I think it is his intention to open the discussion. I think he will be here very soon.

Mr. ROBINSON. Mr. Speaker, I move that the House take a recess for 10 minutes.

The SPEAKER pro tempore. The gentleman from Arkansas moves that the House take a recess for 10 minutes.

The motion was agreed to; accordingly, at 8 o'clock and 8 minutes, the House was in recess until 8 o'clock and 18 minutes.

AFTER THE RECESS.

The recess having expired, the House was called to order by the Speaker pro tempore.

STEEL INVESTIGATION.

Mr. STANLEY. Mr. Speaker, the United States Steel Corporation was organized not to obtain but to retain a monopoly already secured. For years before the thought of this colossal consolidation ever entered into the mind of J. Pierpont Morgan and his confrères the consumer of finished steel was as absolutely at the mercy of the manufacturer as he is to-day.

It was to maintain that status, it was to prevent the recurrence of competition, that this tremendous assembling of iron and steel plants was ordained. A brief review of the history of the companies prior to their consolidation as subsidiaries of the United States Steel Corporation is essential to a clear apprehension of the character and operation of this concern and of the purposes of those who created it.

When iron and steel were manufactured by isolated and unrelated units—that is, when the furnacemen made pig iron and the operator of the Bessemer converter and rolling mill produced steel in its cruder or semifinished forms—and when men of comparatively moderate means devoted themselves exclusively to the manufacture of finished materials such as nails, horseshoes, tin plate, tubes, structural shapes, and so forth—at that time the makers of specific articles formed themselves into associations called "pools," and, as a rule, entered into ironclad agreements by which output was limited and prices determined. There was the plate pool, and the pig-iron pool, and the rail pool, and the shafting pool, and the nail and wire pool.

The parties to these secret contracts or "pools" would elect a commissioner. His place of business was known only to those high in authority and immediately concerned. To this commissioner they reported in detail their output, their capacity, and their outstanding orders. He was the "father confessor," in an industrial way, to each one of the various manufacturing concerns affected by the agreement. He was clothed with extraordinary and plenary power. He could impose fines and penalties on men who dared to keep the law more excessive than have ever been imposed by any court upon the same men for violating the law.

If a company exceeded its output, the excess could be distributed among the parties to the pool. If for any reason it was necessary to pay some plant to keep out of the business, it could close its doors and receive pro rata from the earnings of the rest.

At one time this was an almost universal custom in the iron and steel business. It was the most natural thing in the world that steel makers should have entered into such agreements. The foreign market was excluded by highly protective or prohibitive duties. The home market when once cornered by these nefarious schemes was secure.

At last, in 1896, an association of pipe works found themselves in the clutches of the law. A suit was brought in the Federal court for the dissolution of this association and the seizure of its goods in transit. The whole complicated plan and policy was laid bare for the first time, so far as I know, in a court of justice, and every defense that has ever been offered for monopoly and for combinations in restraint of trade was made by learned and astute counsel in that case. The presiding judge, now President of the United States, in the Addyston Pipe case held that no combination of the kind, no matter how grievous and suicidal the competition might be, no matter how reasonable the arrangement might be, could be countenanced by the law, that it was in the teeth of the common law, and that it was contrary to the express provisions of the Sherman Act.

From that time on there was no excuse for the entering into such contracts by the iron and steel makers in the United States. They knew full well from the decision in the Addyson Pipe case the naked illegality of such conduct. No man knew this better than Charles M. Schwab and Mr. Bope, the general sales agent of the Carnegie Steel Co., of whom I shall speak later, for these men understood every detail in the organization of these pools, every device by which output was curtailed and prices enhanced.

Of such arrangements Mr. Schwab says:

> No man has a clearer appreciation than myself of the evil that lurked in the trust scheme. * * *
> It was founded upon misconception and prompted along the lines of self-destruction. Its fundamental principles were the restraint of trade, increase of price, and the throttling of competition—a trinity that would wreck any proposition, business, political or social.

Finding that such arrangements were dangerous as well as illegal, for a short time and to a certain extent iron and steel manufacturers began to sell their commodities in the open market after the fashion of the farmer, "the butcher, the baker, the candlestick maker." There was a measure of competition, and that competition was instantly reflected in falling prices.

To prevent this cheapening of their products, to prevent this competition that they no longer dared throttle by secret pooling agreements, they summoned to their aid the most astute counsel; they commanded the unlimited resources of the masters of high finance, and after years of planning and plotting they evolved a scheme that exceeded the wildest dreams of the most avaricious steel maker. It was along the lines of the old pooling agreement, but instead of pooling their prices, instead of agreeing upon a limitation of their output, they pooled their plants, they placed their stocks in the hands of a trustee with the sole and exclusive power of prorating the profits among a great number of manufacturers.

This pernicious device is known as "the holding company." Ten, twenty, fifty, one hundred, mills incorporate themselves, if they are not incorporated before, and then they exchange their stocks for the stocks of this holding concern, which is itself not an operating company at all. Its business is simply to pro rate profits according to capacity and output. Its only purpose is to prevent competition between the various so-called subsidiary companies comprising it. In the Northern Securities case it is unequivocally held that the holding of the stocks of two or more corporations where the plain purpose is to prevent competition and to maintain prices is not an institution that deserves the respect of the law, but a pernicious device designed for the violation of the law.

In a recent address to the American Bar Association, its president, Edgar H. Farrar, declared:

> To my mind, the most vicious of all the provisions in the statutes above enumerated is that authorizing one corporation to own and vote stock in another. This provision is the mother of the holding company and the trust. It provides a method for combining under one management and control corporations from one end of the Nation to the other. Before these statutes were passed, the courts of the country had held with great unanimity that it is against public policy for one corporation to hold and vote stock in another, and the general ground of the doctrine is that such stockholding tends to restrain trade and to foster monopoly. That this doctrine is true has been demonstrated by the fact that most of the great trusts have clothed themselves in the form of holding companies.

In a short time after the decision in the Addyston Pipe case, the greater proportion of all steel mills in the country were controlled and operated by holding companies.

Two great banking houses, or two groups of bankers, known as the "Moore Group" and the "Morgan Group," went into the business of making monopolies while you wait.

The operations of J. P. Morgan & Co. and of the Moores will fill the most startling pages in the history of high finance.

Take the case of the Federal Tube Co., formed by the consolidation of 90 per cent of the companies engaged in the manufacture of tubes in the United States. There was the most active competition in this business. The engineer who inspected these plants describes it as a "buyers' market" and admits that it was to stop that sort of thing, to destroy this "buyers' market," that the National Tube Co. was organized. These plants were inspected, visited, appraised by Julian Kennedy, the greatest engineer in the Western World, who had built rolling mills, had constructed Bessemer converters, blast and open-hearth furnaces, who thoroughly understood the operation and the construction of iron and steel plants in this country, in Asia, and in Europe. He spent months visiting these various tube mills, and then he reported to J. P. Morgan & Co. that they were worth not to exceed $19,000,000, everything included. J. P. Morgan & Co. organized them into the National Tube Co., with a capitalization of $80,000,000, and received for services rendered stock of the par value of $20,000,000, or $1,000,000 more than the whole business was worth. The American Tin Plate Co., the Federal Steel Co., the National Steel Co., the American Bridge Co., the Steel Hoop Co., and the Sheet

Steel Co. were all organized by the same system of inordinate stock inflation by these powerful syndicates. Judge Moore admitted before the Industrial Commission that the plan adopted by his syndicate was perfectly simple; that there was absolutely nothing behind any of the common stock; that they simply purchased the various sheet mills and tin mills all over the United States; that if the owner demanded cash for his mill, he was paid for it.

If he accepted stock in the new consolidation, they issued preferred stock at par, and for every dollar of preferred stock they gave him an equal amount of common stock as a bonus. There is no question about these transactions, they are frankly admitted.

J. P. Morgan & Co. formed what was known as the American Bridge Co., capitalized at $60,000,000, $30,000,000 preferred and $30,000,000 common stock—$15,000,000 of which went to the promoters, and $15,000,000 was distributed among the stockholders. The plants were worth $12,500,000, and J. P. Morgan & Co. received in stock over $2,000,000 more than all the plants were worth for organizing them into a consolidation created for the sole purpose of evading the law of the land. J. P. Morgan, Elbert H. Gary, Robert Bacon, and others, the same group of high financiers who afterwards organized the Steel Corporation, formed what is known as the Federal Steel Co. I have in the report from this committee, in the hearings before you, in the report of the accountant, Mr. McRae, an itemized and detailed statement of every piece of ore property, of every mile of railroad, every mill and furnace held by the company, and the entire property, of every character and description, was worth less than $33,000,000 based upon a liberal physical valuation or by taking a high average of its own stock quotations. And yet on that slender base of actual tangible property, J. P. Morgan & Co. authorized the issue of $200,000,000 of stock, $100,000,000 of which was actually issued. The limited time does not permit a detailed statement of the actual value of each of the constituent companies of the Steel Corporation, or of the extent of their overcapitalization. The following table shows that the actual value of these properties is less than $300,000,000:

American Steel & Wire Co		$40,000,000.00
National Steel Co		18,000,000.00
American Tin Plate Co		13,825,000.00
American Steel Hoop Co		11,000,000.00
National Tube Co		19,000,000.00
American Bridge Co		12,670,000.00
American Sheet Steel Co		17,000,000.00
Federal Steel Co		32,741,455.00
H. C. Frick Coke Co	$36,750,000.00	
Carnegie Co	75,610,104.06	
		112,360,104.06
Oliver Iron Mining Co. (½ interest)		421,700.00
Lake Superior Consolidated Iron Mines		25,000,000.00
Total		269,276,804.06

The committee, in stating the value of the corporation's properties, has, in my opinion, made too liberal an estimate.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. STANLEY. Certainly.

Mr. GARDNER of Massachusetts. I do not want to interrupt the gentleman, but does the gentleman remember what Mr. Herbert Knox Smith's valuation of these properties was?

Mr. STANLEY. About six hundred million. I quote Herbert Knox Smith a great deal, not that I regard him as an especially reliable authority, but because his statements should, under all the circumstances, be taken as "admissions" whenever they are in any way critical of the methods or organization of the steel corporation. Whenever Mr. Smith admits anything against the Steel Trust it is apt to be true, with this proviso: I do not accept as absolutely accurate his estimates or conclusions. If the gentleman from Massachusetts [Mr. GARDNER] will examine Mr. Smith's report thoroughly, he will find statements like this all the way through it. He says of the American Bridge Co.:

> Of the $14,500,000 total cash capital provided, approximately $12,600,000 was expended for plants and working capital, this amount including the $5,500,000 paid the promoter. This left a cash balance on hand of $1,832,000.

And yet, when he gives you in his table the valuation of the American Bridge Co., he far exceeds that figure.

Mr. GARDNER of Massachusetts. Mr. Speaker, I do not want to interrupt the gentleman at all. I remember this discussion. I do not want to say that the gentleman has made an overstatement. I myself came to the conclusion that 50 per cent of the capitalization of the United States Steel Corporation was water. I want to point out that on a very careful system of tabulations, gotten up in three different ways, the conclusions of the Commissioner of Corporations were that the actual value of the property at that time or organization was about $675,000,000.

Mr. STANLEY. There is no difficulty, as I say, with the data before us in ascertaining the value of these concerns. They are right here; they are visible. Their railroads have had their stocks listed on the stock exchange. They have made a statement in the Hodge suit, before courts and other tribunals, and there is no difficulty in determining the value of these properties. My estimates and the estimates of a majority of this committee are made upon the sworn statement of men who examined the plants and mills and mines and said what they are worth. If the gentleman, for instance, will take the reports of the Industrial Commission, he will find in the case of tin-plate mills the owners of these plants stated that they were worth about $40,000 apiece, and all the mills in the American Tin Plate Co. could be built for $12,000,000. Now, in view of that statement, what is the value of Herbert Knox Smith's unsworn estimate that they were worth $18,325,000? Mr. Smith practically admitted before the committee that he permitted the steel corporation to investigate themselves; he simply transmitted to the President his conclusions upon information furnished by the corporation. Neither the commissioner nor any agent or employee of his bureau ever saw the inside of any of the books or records of this concern. He simply reports on what the steel corporation's representatives were pleased to tell him.

To get back to the matter under discussion, these various concerns—the National Tube Co., the Tin Plate Co., the Sheet Steel Co., and the rest of them—acquired a monopoly—a perfect monopoly—an iron-clad hold upon the ultimate consumer. Under this new and skillfully devised artifice, output could be limited and prices maintained or advanced with absolute and autocratic power.

There arose at this time a complication which the syndicate managers had not contemplated, and which threatened the whole elaborate system. When these steel companies were independent concerns owned by Tom, Dick, and Harry, a tin-plate mill worth $40,000, or a tube mill worth $200,000, could not produce its own raw material, because it takes ten, fifteen, or twenty million dollars to successfully manufacture steel billets, the ore reserve, costly blast furnaces, converters, and rolling mills included. These isolated companies were therefore of necessity forced to buy their raw materials from the larger concerns like the Carnegie, or Jones & Laughlin, or the Bethlehem Steel Co.

After the National Tube Co. had amalgamated 90 per cent of the tube mills into one concern and was making 70 per cent on the actual cost of its properties, "appetite grew with what it fed on" and the National Tube Co. determined that it would appropriate to itself all the profits incident to the manufacture of steel tubes and began the erection of its own blast and steel furnaces and rolling mills. Up to that time it had purchased its enormous requirement of billets from the Carnegie Co. The tin-plate people and the rest of them endeavored to do the same thing.

Carnegie was quick to see the effect upon his business of this effort at "integration" on the part of his former customers. They were attempting to establish their business from the ground up and to retain all the profits obtainable from the business by reproducing all the plants and processes necessary to the manufacture of finished steel products from the crude ore to the marketable material.

Carnegie, acting with celerity and decision, prepared for the anticipated contest with the strategy of a general and the confidence of a conqueror. He instantly prepared for war all along the line, making the most elaborate preparations for the production and sale in the open market, especially of those forms of finished material of which the Morgan concerns then held a practical monopoly. He unhesitatingly entered the industrial arena single handed against the combined capital and resources of the Moore and Morgan interests.

Never for one moment did the firm of Carnegie & Co., until recently a simple partnership, show the slightest concern or the slightest fear of the $500,000,000 consolidation that menaced it. Morgan and the Moores, with their banks and their billions, did not disturb one single, solitary ironmaster who paid more attention to making billets than to issuing bonds. He was a skilled blacksmith, I may say, and not a high-class stock jobber. His stocks were issued in thousand-dollar shares to keep them off the stock exchange. It did not matter to him whether they went up or down.

He has characterized gamblers on the stock exchange—selling stocks they did not own and purchasing securities they did not expect to receive as "parasites feeding upon values but creating none." He secured from the Goulds a contract by which the Wabash Terminal Railroad was to be extended to Toledo; he threatened to parallel the Pennsylvania Railroad, and secured control of the Bessemer & Lake Erie, by this means bringing his ore from the Lakes to Pittsburgh, at the

same time securing a back haul on coke for his proposed tube mill at Conneaut.

This single tube mill was designed to duplicate the output of all Mr. Morgan's 17 plants, 6 of which had been demolished because they were worthless, and with an expenditure of $12,000,000 he swears to this committee he was prepared to produce tubes $10 a ton less than they actually cost his competitors. There was fright and terror among the millionaires who had thrown together overnight these huge and mushroom monopolies, organized not to cheapen production but to limit output and enhance prices.

You tell me that these great combinations have come to stay; that we used to have no trusts at all, and then we had the good trusts and bad trusts and at last we have the inevitable trust—the necessary trust—that we must treat them as established institutions, and make laws to suit them; that the holding company is a natural and inevitable evolution in big business; and that Congress dare not now prohibit the further operation of this naked instrument of lawless extortion.

The history of the Carnegie Co. shows how false and flimsy is such a claim. Andrew Carnegie maintained before this committee that a simple firm was more efficient than a corporation. At the head of a mere partnership, and later of a corporation, he forced every one of those steel manufacturers and the banking syndicates behind them to their knees, and they came suppliant and helpless—these huge, inert, and inflated instruments of extortion—and entreated Andrew Carnegie to say how many millions he would demand to license them to again prey undisturbed upon the American people.

Just prior to this time Carnegie had had a little trouble with Mr. Frick. The Henry C. Frick Coke Co. and the Carnegie Co. were owned by many of the same people.

Carnegie was a canny Scotchman, and he managed to get control, through his friends, of a majority of the directors of Frick's coke company, and then these good friends happened to remember that there was an old oral contract away back yonder by which the coke company had agreed to furnish to Carnegie his enormous requirements of coke at $1.60 a ton, when coke was selling at Pittsburgh, at that time, at about $3 a ton; and, having a majority of the directors, this company was forced to deliver the coke to Carnegie. Frick kicked over the traces and brought a suit. Then Carnegie retaliated and attempted to fire Frick out of the Carnegie Co. Another lawsuit was the result. In that suit Carnegie and Lauder and Schwab and Gayley, and the rest of them, all swore about a matter concerning which they had the most accurate knowledge, viz, that the Carnegie Co., all its properties—real, personal, and mixed, included—was worth less than $76,000,000. Subsequently Frick secured an option on this property.

Mr. BUCHANAN. What time was that?

Mr. STANLEY. That was within 18 months of the time the steel corporation was formed, December, 1900; Carnegie gave Mr. Frick an option on the properties for $250,000,000.

Now, a great many of the stockholders in the Carnegie Co. would have gone into the new company which Frick and the Moores were preparing to organize, so that the only actual cash necessary to the completion of the deal was $160,000,000, required to buy Carnegie out. Frick went to Pittsburgh, and he and the Mellons raised $80,000,000. They then appealed to Morgan for the additional $80,000,000 needed to retire Mr. Carnegie. Mr. Morgan refused to raise $80,000,000 for Carnegie's half interest in that concern, because the whole business was not worth $160,000,000.

Then there was no threat of competition. Afterwards came the breach with the "Morgan" and "Moore" groups, and Carnegie declared war. And then for those properties for which Mr. Morgan was unwilling to raise $160,000,000 they actually paid over $400,000,000; and if all his partners had been remunerated at same rate as Andrew Carnegie, the properties would have brought $660,000,000.

This enormous sum of itself is conclusive and overwhelming proof of the intent to create and to maintain a monopoly. Let us see. Here were any number of small companies. No one of them could have bought out Carnegie in the natural development of its business. This contemplated consolidation was proclaimed in all the papers. It rang around the globe, that certain interests in the steel industry were attempting, by cooperative action, by a gigantic conspiracy, to absorb Carnegie. It attracted the attention of the financial and industrial world, and I tell you that those who were high in authority at that time, who by the issuance of a single injunction, who in one hour could have prevented it by invoking the Sherman antitrust act—and you can always invoke it effectively to enjoin the commission of such an act before the deal is consummated and the mischief actually done. This has been done time and time again. But those intrusted with the solemn duty of enforcing the law—of protecting trade and commerce against every illegal restraint, were blind with the blindness of those who will not see, and deaf with that deafness that will not hear, and they permitted this conspiracy against the industries and the peace and the prosperity of eighty millions of people to be consummated, and there was never an affidavit filed, and there was never a murmur from the Department of Justice. And for that nonfeasance they must answer not only now, but to an indignant posterity. [Applause.]

This less than $300,000,000 worth of plants had previously been capitalized at over $800,000,000. Now, in the reorganization they were capitalized at more than $1,300,000,000—one billion in promises to pay. A billion of dollars in stocks and bonds issued, without the creation of one single solitary dime of value.

What did it mean? Let us see? The bonds were worthless unless the 5 per cent in gold was paid when demanded. In this case every 30 days it could be demanded. Five hundred million dollars of preferred stocks, paying 7 per cent. Unless that 7 per cent was paid they were worthless. Those stocks and bonds were hostages to preordained monopoly. Unless they could maintain the price, unless they could sell for inordinately more than was necessary to the economical operation of a plant out of debt and honestly capitalized, the United States Steel Corporation was doomed to failure at its birth. But the power of monopoly was there; the power to wring the price was in the hands of the men who held the market in the hollow of their hands.

Have you thought, have you considered the far-reaching effect of a steel monopoly? The Tobacco Trust is bad enough, but you can escape the exactions of a tobacco trust by ceasing the use of tobacco. The Meat Trust is extortionate enough and greedy enough, but, like the peasants of Europe, you can eat bread and drink water and escape the exactions of the Meat Trust. But there is no economy and no energy and no self-denial that will let you through the inexorable mesh of this web of steel. Like taxes and death, it is inevitable. It reaches every activity of life. It reaches every detail of your existence—social, domestic, industrial. You pay to it tribute in every tax rate. You pay it tribute in every freight charge. The farmer at his plow, the mechanic at his bench, the weaver at the loom, the miner in the bowels of the earth, the blacksmith at his anvil—everywhere, in labor, in recreation, in life, and in death. It levies its greedy and remorseless toll upon eighty millions of men. It is a part of the roof that shelters you. It sleeps with you in your bed, it sips from your cup, it is of the woof and warp of your raiment. Iron is the very vertebra of our domestic and industrial life. That nation is most prosperous in peace and most puissant in war which excels in the cheapness and facility with which the crude ore is converted into all the varied and innumerable uses to which this metal is adapted. When this monopoly was perfected, when this billion dollars of inflated capital was issued, its earning power was based upon the right to levy tribute upon the consumer and to reach him at every turn and at every corner and in every detail of his existence.

Prior to the formation of the American Steel & Wire Co. nails were selling at $1.50 a keg. In less than a year afterwards they were selling at $3.20 a keg. Just prior to the formation of the Tin Plate Co. American tin plate was selling at a little over $2 a hundred pounds, and it went to $5 in less than 12 months.

Mr. GARDNER of Massachusetts. Mr. Speaker, I should like to ask the gentleman to put a date on those figures.

Mr. STANLEY. It is the date of the formation of the American Tin Plate Co. The Steel & Wire Co. was formed in 1898.

Mr. GARDNER of Massachusetts. I should like to ask whether it was in the nineties, during those hard times.

Mr. STANLEY. It was in 1898. It was hard times for people who bought wire and nails.

Mr. GARDNER of Massachusetts. Those are scarcely fair times on which to form a basis of comparison.

Mr. STANLEY. Here is the test: If you will get Berguland's History of the United States Steel Corporation, you will find that the high prices which followed the formation of these subsidiaries of the steel corporation were due solely to price manipulation and monopolistic control, since foreign prices did not rise in the same way at the same time. Why, at the very time that they pushed the price of tin plate from $2 to $5 a hundred they were selling the same tin plate at $12 a ton less in Europe than in America. From 1906 until to-day the records will show that they have been selling tin plate at from $10 to $18 a ton less abroad than at home.

Take steel rods or wire rods, from which your wire fence is made. Wire rods were selling at $20 a ton when the American Steel & Wire Co. was formed, and in less than 12 months they sold for $50 a ton. That is the price you are paying for this magnificent organization.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, will the gentleman allow me to ask him a question, if it will not take him off the line of his argument?

Mr. STANLEY. Yes.

Mr. HUMPHREYS of Mississippi. How is it possible for this company to charge from $12 to $18 a ton more at home than they charge abroad?

Mr. STANLEY. There is a very high duty on tin plate. Without the duty that would be impossible. The extortion of the steel company is due to two beneficent institutions—a holding company and a high tariff. One is helpless without the other.

As stated by the majority of this committee in its recent report:

It appears that with the exception of rails and armor plate, steel manufacturers have not yet been able to render effective any agreement international in its scope, limiting output or fixing prices. No such contracts affecting the operations of American steel mills alone and raising the price to the domestic consumer above the cost to the foreign purchaser could be made effective without the aid of the Federal Government in excluding foreign competition or penalizing it by heavy import duties.

By agreement among themselves steel manufacturers have often been able to establish and to increase the price in the home market. Such agreements would have been to a great extent abortive had the consumer of such articles been permitted to procure them in an open and competitive market where the price was not determined either by agreement between a number of small manufacturers or by the inordinate power of a single monopoly. In such cases the producer is clearly entitled to the benefit of competition from abroad, competition at home having been restrained or destroyed by the wrongful act of the domestic manufacturer, and any legislation which renders effective the making of such combinations in restraint of trade or the creation of such monopolies is manifestly indefensible. No monopoly and no combination or conspiracy between monopolies limiting output or fixing prices not international in scope could ever seriously affect consumers if the opportunity was still left open to procure at a fair price in some other market not thus manipulated or controlled the commodities affected by such combinations among domestic producers.

In such a case the power of a domestic monopoly to practice extortion upon the public is directly dependent upon ancillary legislation excluding competition from abroad after it has been successfully destroyed at home. The difference between the cost of such commodities in the domestic and foreign market is the measure of the injury inflicted upon the consumer and of the advantage obtained by the domestic monopoly.

On page 1770 of the hearings are produced tables furnished by the corporation showing the price of the various articles manufactured by it and intended for foreign consumption. By a comparison of the prices given in this list with the cost of the same articles offered for sale at the mills of the corporation it can easily be ascertained to what extent the cost of steel and iron products sold in the home markets have been enhanced by highly protective or prohibitive duties.

It has been pretty well known in steel circles that the steel corporation's export prices have been almost uniformly lower than the domestic prices, but some of the concessions made to foreign consumers shown in the comparison are surprisingly large. In 1906, for instance, there was a spread between the average domestic f. o. b. price of structural shapes and the corporation's f. o. b. export price of nearly $9. In 1908 there was a spread in the case of plates of $7, and in 1909 rails were sold abroad on an average of $4 a ton less than at home. The biggest difference is in tin plates, in which the steel corporation has been for years in sharp competition with the Welsh makers. There was in 1906 a difference of nearly $19 a ton, and in 1910 there was a difference of about $12.50 a ton. A possible explanation of this is that the duty on tin plates is very high, now amounting to 1.2 cents per pound, or $26.88 per gross ton, as compared with $3.92 for steel rails.

The differences referred to above are shown in the following tables, which compare the average mill prices f. o. b. of some of the principal products exported by the United States Steel Corporation since 1906 with the average f. o. b. Pennsylvania mill domestic prices, as reported by the American Iron & Steel Association:

Comparison of the average domestic price with United States steel export price and difference per gross ton.

	Average domestic price per gross ton.	Average United States steel export price per gross ton.	Difference per gross ton.
Rails:			
1906	$28.00	$24.42	—$3.58
1907	28.00	28.29	+ .29
1908	28.00	25.80	— 2.20
1909	28.00	23.94	— 4.06
1910	28.00	24.16	— 3.84
Plates:			
1906	35.84	29.84	— 6.00
1907	38.08	33.17	— 4.91
1908	36.84	29.84	— 7.00
1909	31.70	27.50	— 4.20
1910	32.97	29.04	— 3.93
Structural shapes:			
1906	38.48	29.58	— 8.90
1907	38.48	32.48	— 6.00
1908	36.74	29.50	— 7.34
1909	31.58	27.37	— 4.21
1910	32.92	28.42	— 4.50

Comparison of the average domestic price with United States steel export price and difference per gross ton—Continued.

	Average domestic price per gross ton.	Average United States steel export price per gross ton.	Difference per gross ton.
Wire nails:			
1906	$37.20	$39.10	+ $1.90
1907	40.20	45.46	+ 5.26
1908	39.80	40.26	+ .46
1909	36.40	37.92	+ 1.52
1910	35.00	37.37	+ 2.37
Tin plates:			
1906	3.69	2.85	—18.91
1907	3.90	3.40	—11.29
1908	3.70	2.98	—16.12
1909	3.50	2.85	—14.56
1910	3.60	3.04	—12.56

The United States Steel Corporation's export tonnage in 1910 was the largest on record, amounting to 1,216,057 tons, and the value, as calculated from the corporation's statement, was over $41,500,000. The following table, for the year 1910 only, shows the export shipments and the total f. o. b. mill price received by the Steel Corporation, with the exception of 46,096 tons of miscellaneous products for which prices were not given:

	Tons.	Total price received.
Steel rails.....gross tons..	271,233	$6,688,606
Billets, blooms, slabs, sheets, bars, and skelp.....do....	92,043	2,040,593
Plates.....do....	105,875	3,074,610
Structural shapes.....do....	93,325	2,652,268
Merchant bars, bands, etc.....do....	88,966	2,707,235
Hoops and cotton ties.....do....	13,344	457,432
Spliced bars, rail joints, etc.....do....	3,046	589,691
Wrought pipe.....do....	109,003	5,674,997
Tin plate.....base boxes..	393,012	1,194,639
Sheets.....gross tons..	116,622	6,706,931
Rods.....do....	23,029	669,914
Coarse wire.....net tons..	18,667	617,504
Wire nails and staples.....do....	57,178	2,136,642
Wire, tinned and coated.....do....	62,466	2,443,045
Wire, barbed and galvanized, twisted.....do....	78,869	3,643,536
Wire fence and netting.....do....	5,551	290,206
Total	1,169,961	41,586,950

After the United States Steel Corporation was formed it determined to perpetuate this monopoly secured at such an inordinate price. The few old companies left, like the Cambria Steel Co. and the Bethlehem and the Lackawanna and Jones & Laughlin, were on the best of terms with the United States Steel Corporation. They were allied by pooling agreements. They had interlocking directorates. Samuel Mather, the great ore king, was a director in the Lackawanna and a director in the Steel Corporation. Percival Roberts was a director in the Pennsylvania Railroad, which owns the Cambria and the Pennsylvania steel companies, and was a high official and director in the United States Steel Corporation. They had no fears about jogging along in a good price-fixing way with these old companies. But some new Carnegie might arise, and as long as the great ore bodies remained uncontrolled and open on the market the very profits they were making, the very inordinate gains they were acquiring would tempt others into the business, and they determined to forever preclude the possibility of a new competitor in the steel business on a vast scale.

The first man to be satisfied was John D. Rockefeller, who was in possession of the greater portion of the Mesabi Range, the most magnificent ore body in the world. He had 400,000,000 tons on that range. The Rockefeller interests owned the Troy Steel Products Co. in the East. They operated the Colorado Fuel & Iron Co. in the West, and it was necessary to get Mr. Rockefeller out of the steel business, and that was like inducing Mr. Carnegie to retire from the same business. They had to pay him well. The story of how Rockefeller got into the steel business and how he got out of it is a strange tale with a world of pathos and of meanness in it. It illustrates the sinuous and silent and pitiless conduct of men who forget all else in their search for millions. I intended to show you, but I will not take the time, a map of that great range, which illustrates how that ore was deposited by prehistoric seas. All the ores that up to that time had been found were in slanting veins running down into the earth for thousands of feet.

Explorers in Minnesota, the Merritts—scientists who worked out a theory that ages and ages ago the great divide that

separates the watershed of the St. Lawrence from that of the Mississippi was a rugged coast line, its granite cliffs jutting into an angry sea, and those laminated bands of ore forming the deposits of the Michigan and Vermilion Ranges were washed away by the waves dashing for ages against them, and that just as the ocean to-day disintegrates the rocks and scatters them in sand and gravel beds along the shore, so it deposited this heavy ore, having a greater specific gravity than rock, near the jagged shores of this ancient sea, near the granite promontories still resisting the rushing waters, and that in that range were buried enormous masses of precious ore left in the wake of the receding ocean current. With a compass they began to trace the perimeter of the tachinite which marked the primordial coast line, and scientists laughed at them. They traced it for miles and miles until they actually followed the sinuous course of the Mesabi Range; and then they dug a few feet down and unearthed and exposed the most enormous and the most valuable body of ore in this world—a billion tons of it lying horizontally a few feet below the surface. It was only necessary to skim off the superincumbent strata and the mining of this ore was no more expensive or difficult than the dipping up of sand with a scoop shovel. They formed companies; they built a railroad running from the Mesabi Range to within a few miles of Duluth and connecting with the Great Northern. It cost a little over $600,000. And they began to mine and transport ore worth many millions.

A reverend doctor by the name of Gates approached these great but guileless explorers one day and told them that Brother Rockefeller was rejoiced to hear the good news that God had directed these brave men to the Minnesota forests and through the icy air at the head of Lake Superior and had enabled them to unveil this enormous mass of wealth, richer than any gold mine on earth, and that Brother Rockefeller was going to help them since he had heard that they were godly men. And then Gates thanked the Lord that Rockefeller was at hand to assist them; and so these trusting souls took about $20,000,000 in stocks and bonds to New York and turned them over to Rockefeller to be put into a "consolidation" of some worthless properties of the oil king with these priceless deposits of the Merritt brothers. Mr. Rockefeller let them have $400,000, and said, "Take the money along, give me your note, just a duebill. You know how we do that in this country," and the unsuspecting man turned the fruits of all his years of toil and sacrifice—the rich realization of his dream of the great ore beds buried in the basin of tachinite—over to the voracious clutch of John D. Rockefeller. Then Gates came to Leonidas Merritt and said, "You are to be the manager of the concern; Rockefeller is going to 'squeeze' Oliver and all the small holders. We are not going to declare any more dividends, but are going to close this thing down until all the men who are not rich enough to wait for returns years ahead will have to get out of it, and then we will divide the rest." Merritt said, "They would put us in jail if we did that." And Gates assured him, "No; you can not put Mr. Rockefeller in jail with his five hundred millions." Then Leonidas Merritt straightened himself in his rugged pioneer manhood and honesty and replied, "You go back and tell Mr. Rockefeller that when I get ready to steal I will steal for myself." Gates said, "Then you will walk the ties back home," and he did. He went back penniless, broken in heart and in spirit. Half demented, he wandered into the wilds, into the snow-clad forests that fringe the headwaters of Lake Superior, and dwelt among the Indians. It is a sad commentary upon our boasted civilization that there among those semicivilized tribes, among the untutored denizens of the north woods, he found an unsullied faith, a kindliness and sense of duty and of honor, unknown to the pitiless Apaches of Wall Street. [Applause.]

This property which cost Rockefeller nothing, because the $400,000 was immediately reinvested in the property. Rockefeller without delay capitalized this railroad and ore field, under the style of the Lake Superior Consolidated Iron Mines, at $39,000,000, and it is now valued and capitalized by the Steel Corporation at $400,000,000.

A few years thereafter the United States Steel Corporation paid Rockefeller in stocks the colossal sum of $80,000,000 in round numbers for the same property.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. STANLEY. Yes.

Mr. GARDNER of Massachusetts. May I ask the gentleman if it is or not true that Merritt swore to a retraction of that whole statement that the gentleman has just made?

Mr. STANLEY. Yes; it is true that Leonidas Merritt came home and found his brothers bankrupt and broken-hearted; one brother laid down and died. It is true that the two other Merritt boys for years, men who had been worth many millions, made their living out of fees received for attending the courts where they were sued and Rockefeller's agent came to them and said: "You beat us in the lower court, but we are not uneasy about the upper court, and we will beat you there." His lawyers said: "We can not represent you any longer, you are out of money," and at last Rockefeller paid him $400,000 for a clean bill of health. They said: "If you will sign a paper stating that Rockefeller was not to blame, we will pay you $400,000," and to save from penury his brothers whom his unsuspecting faith had wrecked, he signed the retraction. Now, gentlemen, what is a retraction worth to any man purchased at such a price? If Rockefeller's course was open and honorable he did not need any statement from Merritt to protect him, and if it was not, no purchased retraction could save him from just condemnation.

Mr. HARDY. What did he say before the committee?

Mr. STANLEY. He said he signed it at a time when his health was wrecked, his spirit broken, and he was worn and weakened in body and mind; that he had wrecked his family, had left them poverty stricken, and he would have signed anything to restore his brothers to something of the position which they had before Rockefeller ruined them.

Mr. HARDY. Did he swear that the statements that he had been telling about Rockefeller were true?

Mr. STANLEY. Absolutely, and the record shows that they are. The gentleman from Massachusetts [Mr. GARDNER] will not question the truth of the statements of Alfred and Leonidas Merritt. I will ask the gentleman from Massachusetts if he questions the fact that Rockefeller paid them only $400,000 or that the properties were worth millions?

Mr. GARDNER of Massachusetts. I want to ask the gentleman if this matter of Rockefeller and the Merritts is stated in the majority report.

Mr. STANLEY. No, sir; it is not.

Mr. GARDNER of Massachusetts. It was struck out by your own majority, was it not?

Mr. STANLEY. I do not think what happened in the conferences of the majority report has anything to do with it, but four Members of that majority made no objection to having Merritt's testimony go in, and one Member objected to it. I can call his name, if the gentleman wishes it, but I do not think it is necessary to do so. [Applause.]

Mr. GARDNER of Massachusetts. Does the gentleman think it is just to the United States Steel Corporation to couple them with a transaction which took place many years before the United States Steel Corporation was ever thought of?

Mr. STANLEY. I do not couple them with the transaction; the transactions couple themselves. I do not blame the steel corporation for Rockefeller's rascality except that he was a director in the steel corporation. Mr. Rockefeller was consulted at the time the steel corporation was formed. This story illustrates the enormous sum that Rockefeller received for this ore body from the corporation, and is necessary to the formation of an estimate of the actual value of this deposit.

More than that, the steel corporation knew what Rockefeller paid for it, or could have ascertained it; they knew it was worth no such sum as $80,000,000 as an ore reserve, and that this huge price was paid as an inducement to keep Rockefeller and the interests behind him out of the steel business to prevent his interfering with the hold that they had on 80,000,000 consumers.

Mr. KINDRED. Will the gentleman yield?

Mr. STANLEY. Yes.

Mr. KINDRED. Was one person out of the 80,000,000 people compelled to buy one share of United States Steel stock?

Mr. STANLEY. They are compelled to buy cooking utensils, stoves, tools, railroad rails, plows, trace chains. They can not live, they can not labor, they can not die without paying tribute to the United States Steel Corporation. I do not care who buys their stocks, we must buy their wares, and we are entitled to buy them at a fair price. Before this committee gets through we will buy them at a fair price. [Applause.]

Mr. FORNES. Do we pay any more for the same wares than we did before the corporation was formed?

Mr. GARDNER of Massachusetts. Mr. Speaker, the gentleman mentioned several forms of steel goods which he said were sold at from $10 to $50 cheaper per ton in Europe on account of the tariff. Will the gentleman tell what kind of steel that is?

Mr. STANLEY. Tin plate sold for from $10 to $18 a ton cheaper.

Mr. GARDNER of Massachusetts. What is the duty on tin plate?

Mr. STANLEY. I do not know the exact amount, but it was about $30 per ton. It is more than the difference between the price here and abroad.

Mr. GARDNER of Massachusetts. I wish the gentleman would give us a reference to the figures in the hearings which will bear out his statements.

Mr. STANLEY. If the gentleman will turn to the figures in the hearings they will bear out my statement.

Mr. GARDNER of Massachusetts. I hope in connection with the gentleman's speech he will do that. I have in my hand at the present time merely the tariff act of 1909.

Mr. STANLEY. What is the duty on tin plate?

Mr. GARDNER of Massachusetts. I do not happen to find it.

Mr. STANLEY. It is about $30 a ton.

Mr. GARDNER of Massachusetts. Perhaps the gentleman is right.

Mr. STANLEY. And the duty on tubes is about $30 a ton. The duty on all of these things is in excess of the difference in price at home and abroad.

Mr. FORNES. Mr. Speaker, will the gentleman yield?

Mr. STANLEY. I hope the gentleman will be brief in his question.

Mr. FORNES. I understood the gentleman to say that on all the articles in which the United States Steel Co. was dealing——

Mr. STANLEY. Oh, let the gentleman ask a question.

Mr. FORNES. This is the question: I understood the gentleman to say that after the United States Steel Corporation was formed all of the articles in that line of trade advanced in price. Is it not a fact that steel rails——

Mr. STANLEY. Oh, they are $28 a ton and have been for 10 years.

Mr. FORNES. Then the answer to my question was not correct, was it?

Mr. STANLEY. Oh, I will ask the gentleman to please not bother with catch questions about some single article. Nearly everything has advanced in price since the organization of these subcompanies, except steel rails, and that price has remained exactly the same ever since the steel corporation was formed, and will stay the same until somebody gets hold of the secret agreements between the railroad companies and the steel corporation, and then the price will drop.

Mr. FORNES. I understood the gentleman to say——

Mr. STANLEY. Oh, everybody knows that the price of steel rails is fixed by an agreement between the railroads and the steel corporation.

Mr. FORNES. I understood the gentleman that kettles—that all family utensils—were advanced in price.

Mr. STANLEY. I said those things were advanced at the time of the formation of these various companies, and they were, and that is all I said.

Mr. FORNES. I think the gentleman is mistaken, if he will study the market.

Mr. STANLEY. Mr. Speaker, I am not here to dicker with any gentleman about the price of a tin pan or a pot all night long. I am talking of things more important. We are discussing great issues, and we are not swapping pins. I hope gentlemen will ask me questions of a more serious import.

Mr. BEALL of Texas. Mr. Speaker, will the gentleman yield?

Mr. STANLEY. Certainly.

Mr. BEALL of Texas. I know the chairman of the committee does not desire to do any act of injustice. I would not revert to the Merritt matter were it not for the fact that I think that a remark he made might create an erroneous impression. The gentleman stated that there was but one Member of the majority who objected to the details of the Merritt transaction going into the report.

Mr. STANLEY. That is correct.

Mr. BEALL of Texas. I do not think it is correct.

Mr. STANLEY. There was only one objected to me.

Mr. BEALL of Texas. I think there was more than one.

Mr. STANLEY. I did not hear from more than one.

Mr. BEALL of Texas. So far as I was personally concerned, I thought the Merritt story was intensely interesting, but I opposed going into all its details in the report, not because of any dispute as to what the Merritts said, but it was due to the fact that this was a transaction that occurred years before the organization of the steel corporation, and therefore I did not think that it was material enough and relevant enough to the matter we had under investigation to cumber our reports with it. The testimony is in the record, and I did not think it advisable to repeat it in the report.

Mr. STANLEY. As far as that is concerned, the record shows that when the Merritts testified there was a vote to exclude that testimony from the hearings, to prevent it from ever being made public, and on that vote four Democrats on the committee voted unanimously to let the public know about that transaction, and the minority voted against it. That is the situation.

Mr. GARDNER of Massachusetts. Does the gentleman think that is a fair statement? Was it not all published in great headlines in every paper in the country long before that vote was taken, and does not the statement of the gentleman's colleague, Mr. BEALL of Texas, this moment bear out the accuracy of the position of the Republicans?

Mr. STANLEY. Publish it in a newspaper and it is lost to-morrow and soon forgotten. Record it in a lasting memorial and it remains there for all time. I make this statement as evidence of the fact that my colleagues on this committee did believe that it was relevant or they would not have voted to leave it in the hearings.

Mr. GARDNER of Massachusetts. Apparently they voted to take it out again.

There is a great difference between incorporating a statement in evidence taken before the committee and discussing that evidence in a report which is necessarily a brief compend of the evidence with conclusions thereon.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STANLEY. Mr. Speaker, I am willing to answer any questions, but the time of the debate is limited.

Mr. MOORE of Pennsylvania. Will the gentleman yield for two questions?

Mr. STANLEY. Yes.

Mr. MOORE of Pennsylvania. The gentleman has spoken very eloquently in regard to the issuance of stocks and bonds on property valued at a much less price; I think in one instance the actual value was $30,000,000 and the stocks and bonds value $130,000,000. If that is correct, it was a transaction for which neither the Republicans nor the Democrats, I think, would stand for a moment. Will the gentleman tell us wherein the tariff is responsible for a transaction of that kind?

Mr. STANLEY. Oh, nobody claims the tariff is responsible for paying Rockefeller three or four times what this ore was worth. I said the tariff was responsible for the price to the consumer.

Mr. MOORE of Pennsylvania. Take the instance of the Mesabi Range, which the gentleman has treated so picturesquely. Suppose some man had deluded these unfortunate people by statements which led them to give up their property; could the tariff be held responsible for that?

Mr. STANLEY. I do not claim that the tariff was responsible for it, and have said so. The tariff is not responsible for John D. Rockefeller; he may in a degree be responsible for the tariff.

Mr. BUCHANAN. Is not the tariff responsible for making it possible for them to do business in these large amounts?

Mr. MOORE of Pennsylvania. I am talking about the imposition of a tariff, whether it be for protection or for revenue only. I am asking whether that tariff is responsible for a criminal transaction.

Mr. STANLEY. I am not yielding for speeches. Now that is a nice little speech, but it has nothing to do with this case.

Mr. MOORE of Pennsylvania. Do not the people who are earning their bread and butter in this country, who are dependent upon a protective tariff——

Mr. STANLEY. Oh, the people who are earning bread and butter are plundered by the protective tariff. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. The gentleman has not proven it when he shows that one man in the United States robs another, or that one combination in the United States robs another combination, without regard to the tariff itself.

Mr. STANLEY. I do prove it when I show where 165 tin mills went into a combination to raise the price of their product 300 per cent and sent their product abroad and sold it for $18 a ton less than they did upon our own shores, and I do prove it when as you know and I know these things would be sold for the same price here that they bring abroad if the tin makers of Wales could have entered our market duty free with their cheaper products.

Mr. MOORE of Pennsylvania. Will the gentleman tell whether this combination has extended to England, France, and Germany, as well as to the United States?

Mr. STANLEY. Not to the same extent, and if it had, the price fixed by such a combination here would have necessarily been no higher than the foreign price if your protective and prohibitive duties had not prevented the foreigner from coming here with his cheaper goods. That is axiomatic.

Mr. MOORE of Pennsylvania. Let me put the third question and then I will quit. Did Andrew Carnegie, concerning whom the gentleman has made reference, appear before his committee and testify that he was in favor of reducing the tariff on iron and steel, or of eliminating the tariff altogether?

Mr. STANLEY. Oh, Mr. Carnegie said that the steel business did not need a tariff duty at all, but he is out of business now. And I believe the rest would say the same thing; they will all turn State's evidence as soon as they get out of the business and are no longer a part of the system. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Can the gentleman explain the reason why the man who has made his great profit through

combinations that apparently have nothing to do with the tariff is able to ask the committee that all tariff be removed from that article which is manufactured at home and consumed throughout the world?

Mr. STANLEY. The gentleman asks me to give Mr. Andrew Carnegie's reasons for thinking a certain thing. I am not a clairvoyant or a mind reader. I do not know why Andrew Carnegie thinks anything. I know what he said, but I do not know what he thought.

Mr. MOORE of Pennsylvania. If the protective-tariff system be responsible for the individual acts of men who happen to make money——

Mr. STANLEY. I must decline to further yield. Now, to get back. After they had secured these enormous ore holdings——

Mr. LOBECK. Mr. Speaker, will the gentleman yield?

Mr. STANLEY. Yes.

Mr. LOBECK. Is there any way by which this Government could get after Mr. John D. Rockefeller for his swindling operations?

Mr. STANLEY. Oh, it does; now and then.

Now, Mr. Speaker, I will have to ask that I be allowed to proceed without interruption. I have so much to say, and although I sincerely desire to yield, it will be impossible for me to discuss one-tenth of this subject when one colleague bobs up and asks about the price of a pot, and another what made Mr. Carnegie think something. [Laughter.]

Mr. GARDNER of Massachusetts. I do not wish to interrupt the gentleman, but I invite his attention to the fact that an hour and a half of his time has expired. I am perfectly willing to yield to him from my time in order to enable him to take care of these interruptions from the Republican side of the House. I will say to the gentleman that if he will observe the clock he will remember that the order that we are acting under extends from 8 o'clock until 11 o'clock, and he will see that the time for the evening is already half expired. I will yield to the gentleman such time as he may need out of my own in which to conclude his remarks.

The SPEAKER pro tempore. The gentleman has been speaking 1 hour and 15 minutes.

Mr. GARDNER of Massachusetts. I invite the gentleman's attention to the fact that the order under which we are proceeding supposes that the time shall run from 8 o'clock until 11.

Mr. STANLEY. I am sure that the gentleman from Massachusetts will consider the time as running from 8 o'clock.

The SPEAKER pro tempore. The Chair recognized the gentleman from Kentucky [Mr. STANLEY], and under the order by which we are meeting here he has had half of the time out of the three hours to-night. There will be three hours to-morrow night, making six hours.

Mr. GARDNER of Massachusetts. Is the Chair going to defy all the rules of the House by recognizing any gentleman for more than one hour at one time without the consent of the House?

The SPEAKER pro tempore. We are operating under a special rule.

Mr. GARDNER of Massachusetts. I understand that; but that does not abrogate the rules of the House. I have no objection to the gentleman proceeding, and I shall ask unanimous consent that he may proceed, but I shall very much object to his proceeding without unanimous consent. Otherwise I shall call attention to the fact that there is no quorum present if I am not consulted when it is proposed that the regular rules of the House shall be violated.

Mr. STANLEY. Mr. Speaker, I am perfectly willing to yield the floor now. My understanding was that in the adoption of three hours' time any one Member could take as much time as he liked.

Mr. GARDNER of Massachusetts. I will not make the slightest objection if the gentleman will ask for that, but I object to this general assumption. I repeat that I will have no objection to the gentleman proceeding by unanimous consent, but I call the gentleman's attention to the fact that his hour and a half has expired.

Mr. STANLEY. I shall ask for 15 minutes more, Mr. Speaker.

Mr. BOWMAN. Mr. Speaker, I move that the gentleman have 15 minutes more.

Mr. STANLEY. Now, Mr. Speaker, to return to this question of the control of the ore reserves of the Northwest by the steel corporation. After the United States Steel Corporation had secured control of all the ore on the Mesabi Range owned by Rockefeller, James Gayley was sent by this corporation to the Superior ore ranges. It is idle to dispute about the tonnage of these ore holdings. Gayley declared that it was his purpose to procure every piece of ore property and every pound of ore in the Northwest, and the corporation's own minutes show that they obtained 90 per cent of all the old range ores—that is, all the ores outside of the Mesabi Range—and they obtained besides this, as Judge Gary said, everything that was good, everything that was first class, and everything that was best on the Mesabi Range, with one exception. To-day there is not 5 per cent of the ore on that range that can be purchased by any outsider at a reasonable price. It is held by the old and established steel companies. Mr. Carnegie, when before our committee, swore that no new steel company could be organized in this country, because it could not get the ore. It was preempted. Mr. Charles M. Schwab, the president of the United States Steel Corporation for years and now president of the Bethlehem Steel Co., swore there would never be another great steel company organized in the United States, because all the ores were preempted.

Mr. Carnegie, out of the business and void of bias or interest, is more emphatic in his statement of a condition with which he is perfectly familiar and of which he is thoroughly qualified to speak:

Mr. CARNEGIE. My view, Mr. Chairman, in regard to steel is that an element has come in which does not affect any other industry of which I have knowledge. Gentlemen, you can not organize new steel companies in this country now. Mark that.

The CHAIRMAN. Why not?

Mr. CARNEGIE. Because they could not buy ore.

The CHAIRMAN. They could not buy ore?

Mr. CARNEGIE. They could not buy ore at a price——

The CHAIRMAN. Are there not millions of tons of ore in Tennessee and West Virginia and Pennsylvania which no great concern has yet preempted and that are available at a small cost? I have heard that.

Mr. CARNEGIE. If no man has ever thought that he could buy these ores and go into the manufacture successfully, that is very significant. There have been hundreds of men in search of such a treasure. Do not run away with the idea that the ores of Tennessee can well compete with the ores they are getting from Lake Superior.

The CHAIRMAN. Why not?

Mr. CARNEGIE. Because the elements are not there. The ores are not the same. The expenses are higher. They are in the wrong place for manufacturing. The consumer is not near there. Believe me, the search for ore in this country has been very, very keen for many years. * * *

The CHAIRMAN. * * * Mr. Schwab claims that all of these ores, and Mr. Perrin and the rest of them say the same thing, are now held by the companies in operation, and that there is no more of it in the market available. Is that true?

Mr. REED. Mr. Schwab did not testify to that. Mr. Perrin did and Mr. Moore and Mr. ——

The CHAIRMAN. Mr. Schwab said, if I remember correctly, that there would be no more new great iron concerns, because there was no ore available.

Mr. CARNEGIE. Yes; he did. Schwab is an authority on that. I think Schwab's statement is correct.

Mr. Chairman, you would be amazed at the price it would bring if there were new fields of ore discovered to-day. The end of the Lake Superior region is not far away, and what we are going to do I do not know. If there would be some further discoveries, possibly that would help the situation.

The CHAIRMAN. Are there ores in the Lake Superior region now in sufficient quantities that could be secured and smelted at such a cost, by independents, as to make them available for the purpose of utilizing those ores as the basis of new competing concerns with the existing concerns?

Mr. CARNEGIE. The best evidence of that is that there has been no attempt of any competing concerns for many, many years.

Judge Gary was forced to admit before the Ways and Means Committee in 1908 that the steel corporation possessed an "ultimate" monopoly of raw materials:

Mr. COCHRAN. Now, among the conditions that contribute to that situation, an important element is your ownership and control of the ore supply?

Mr. GARY. Yes; of course, it is.

Mr. COCHRAN. You practically do control the ore supply of the country?

Mr. GARY. No; not now. Not for the immediate future.

Mr. COCHRAN. Well, the ultimate supply?

Mr. GARY. Yes; I think so—that is, pretty nearly. It is not absolute control.

To bring about the condition described by Mr. Carnegie, the Steel Corporation was willing to go to any length, to pay any price. The Hill interests were the last to surrender their great holdings to the Steel Corporation. Mr. Hill thoroughly understood the strategic advantage of his position, as evidenced by the inordinate demands made upon the Steel Corporation for the lease of his properties.

This year the Steel Corporation will pay $1.84 a ton for 4,500,000 tons—59 per cent iron—and incur an additional expense of not less than 10 cents per ton for concentrating 60 per cent of it. Allowing 5 cents for the extra cost of concentration, this ore delivered at Duluth will cost the Steel Corporation $1.89 a ton. The corporation can deliver the same ore from its own mines, now stripped and developed and tapped by two railroad systems, at not to exceed 70 cents a ton. This enormous bonus was paid and is paid for no other purpose than to keep this ore off the market or to prevent the organization of new steel companies by the Hill interests.

It must be remembered that these Hill properties involved more than a reserve for the future. New and competing steel companies might be organized at any time so long as they remained open to investors. They were an actual menace.

This the corporation knew, and so did Mr. Hill. Astute as Judge Gary, with a breadth of vision equal perhaps to Morgan's, the "empire builder" saw at an early date the possibility of this new and unexampled iron range, as did Rockefeller, and while the latter was assimilating the Merritt holdings, he secured a region only less extensive from the lumbermen, Wright and Davis, at a little greater expense.

Hill was more than an owner of iron ores. He was essentially a shipper, to such an extent that at one time the corporation hoped to secure these ores simply by giving all the traffic contracts for their shipment to the Great Northern lines.

Even the Commissioner of Corporations, Mr. Herbert Knox Smith, can find no palliation or excuse for this transparent endeavor to completely monopolize the raw materials of a continent. He says:

The only reasonable explanation which the bureau has found for this unusual transaction is that it was designed to prevent this ore from falling into the hands of competitors of the corporation. Had this ore been sold or leased in small parcels to a large number of independent producers, this might have tended to depress the price of ore as well as to foster competition in the manufacture of iron and steel. On the other hand, if these ore lands were simply held by the Great Northern interests without development, this would leave the opportunity open for the organization of a very important rival to the Steel Corporation. At this time, however, the Steel Corporation was the only concern in the iron and steel business which was in a position to consider the acquisition of these Hill ore lands in a single block. By securing control of these enormous reserves the Steel Corporation obviously strengthened its control of the ore industry and at the same time put obstacles in the way of further competition in the iron and steel industry.

The momentous statement of Mr. Carnegie that "an element has come into the steel industry which does not affect any other"—i. e., its absolute ownership and control of the sole supply of its raw material—should command the most earnest and serious attention of legislators.

No monopoly can be absolutely secure or for any length of time inordinately oppressive which is dependent upon another industry for its subsistence, which it does not control or can not successfully exploit. It, in the nature of things, must meet resistance from two directions continually, from the producer of its raw materials on the one hand and the consumer of its finished product on the other.

The American Tobacco Co., while destroying its competitors and controlling the price of its products to consumers, was in many instances successfully resisted by the organized and determined action of the planters who produced its raw materials.

Cattle growers by the cooperative establishment of abattoirs and the encouragement of the local butcher can to a degree escape the exactions of the great packing houses.

Every monopoly formed by the consolidation and control of any number of mills or shops and factories is to a greater or less degree dependent upon economy and efficiency in the operation of its plants, the skill of its workmen, and the excellence or cheapness of its product. Too inordinate a charge, too wanton an oppression, or too incapable a management of its business may encourage others to invade the preempted industry, and to contend for the lucrative profits enjoyed by a badly managed business.

But no amount of capital, no economy, no industry, no inventive genius can create the raw material, can reproduce an ore deposit. Intrenched in such an ownership, it becomes as impregnable as the metallic ranges upon which it rests. All rivalry, all opportunity to enter the business, thus secure in its exclusive control of a natural resource, which can neither be purchased by the expenditure of capital nor created by labor, is forever precluded. Such a monopoly, while reducing the wage of the laborer and enhancing the cost to the consumer, may contemplate with unconcern the inflation of its securities, and the inefficiency of its plants, or wastefulness and incompetence in the conduct of its affairs. The prosperity or the power of the steel corporation is not determined, however, by the extent of its control of any single branch of the industry.

This company was designed to comprehend within one corporate ownership every phase and every department of the industry, and to control every process and every agency incident to its operation. The acquiring of the ore reserves of the Northwest was but a single one of a long and coordinated series of carefully prepared plans by which the corporation proposed to dominate this business, in all its vast and varied ramifications, throughout the whole domain of mining, manufacture, transportation, and sale of its product.

After the Hill ores were secured, after 80 per cent of all the available ores in the Northwest were in the grasp of the steel corporation, and all the rest of the steel companies in the United States were compelled to obtain their reserves from the remaining 20 per cent, from that little 20 per cent there escaped them now and then a few million tons which would be made into pig iron and that pig iron offered for sale. And do you know the simple expedient adopted to control the price of that pig iron? They simply bought all the pig iron in the United States offered for sale in the open market, and their books show it. They absolutely controlled the price of pig iron. You will find it in their minutes over and over again the same statement, "Price pig iron fixed" at so much a ton.

The corporation's own records show they discussed the propriety of buying at one time over 2,000,000 tons of pig iron. Let it be always remembered that the control of pig iron necessarily means the unquestioned supremacy and complete control of the entire industry. When they could set the price on pig iron, they were able arbitrarily to determine the price of iron and steel in every other shape and form in the United States. Pig iron is the industrial standard by which the cost and value of the metal in all subsequent stages of manufacture is determined, for the reason that semifinished steel is not sold at so much a ton flat; it is sold at so much more than the price of pig iron at a given date. In an order for a thousand tons of steel billets, to be delivered six months from date, the purchaser agrees to pay so much more a ton than the price of a ton of pig iron at that date. The corporation sells billets and other semifinished material to independent steel makers all over the country, to be delivered from six months to a year from date, and when the time comes to deliver the price of pig iron is deliberately raised; and in its own minutes this concern admits it and that it is done for the deliberate purpose of destroying competitors under contract to purchase their requirements of raw material from this concern.

The whole plan and the effect of its operation upon competitors is recorded in detail in the records of the corporation. In the minutes of the directors of the Carnegie company I find the following memoranda:

The average price of pig iron for November was $22.81. * * * This would have the effect of advancing the price on our raw material contracts nearly $3 a ton. * * * When you consider that the price of finished material to-day is only $3 or $4 a ton above this figure, * * * how these people can pay this price for their raw material is a pretty hard problem.

And again:

Some of the prices made are simply astounding, especially considering the fact that our competitors have to buy their billets at a figure that does not permit of more than $2 a ton for conversion. * * * On forgings the mills which are in this business are holding up the price of billets and pulling down the price of finished forgings, which is practically putting the independent forge makers out of the market.

The directors complacently surveyed the desperate struggles of the small manufacturer, caught in the secret and sinister manipulation of this "sliding scale" as in a vise, and they coldly record in their minutes, "That will mean more shutdowns in the future than in the past." Others were forced into the hands of receivers, and standing in the midst of the ruin and wreckage of the victims of these pernicious plots they surveyed the havoc they had wrought among the "little fellows," especially the "agricultural people"—wagon makers, plow works, and other competitors of the Harvester Trust—they contemplated their frantic appeals for justice and futile efforts to escape the snare set for their helpless feet with complacency, if not with delight. When the last competitor that was "not good" was out of business it is recorded: "All competition is eliminated with the exception of Bethlehem," and that was owned by Charles M. Schwab.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent to put in the RECORD a table prepared from the figures of the American Iron & Steel Association, showing the Pittsburgh wholesale prices in eight leading steel products from 1901, the year the Steel Trust was organized, down to 1910.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to insert in the RECORD the table specified. Is there objection?

There was no objection.

The table is as follows:

Pittsburgh wholesale prices for each year of the decade.

Year.	Steel rails.	Ship plates, Pittsburgh.	Wire nails, Pittsburgh.	Steel bars, Pittsburgh.	Beams, Pittsburgh.	Tin-plate mill.	Bessemer iron, Pittsburgh.	Steel billets, Pittsburgh.	Average.
1910....	$28.00	$32.60	$40.09	$32.03	$32.92	$80.64	$17.19	$25.39	$36.11
1909....	28.00	31.70	40.70	29.56	31.58	78.40	17.41	24.58	35.24
1908....	28.00	36.84	44.35	33.15	36.73	82.88	17.07	26.31	38.17
1907....	28.00	38.08	45.02	35.84	38.08	87.96	22.84	29.23	40.63
1906....	28.00	35.84	41.56	35.39	38.08	88.56	19.54	27.41	39.29
1905....	28.00	35.61	39.42	35.39	35.28	78.40	16.36	24.69	36.64
1904....	28.00	34.52	40.32	29.56	34.49	76.38	13.76	22.08	34.89
1903....	28.00	35.84	44.12	34.94	36.84	89.76	18.88	27.93	39.54
1902....	28.00	35.84	44.57	37.40	35.38	88.03	20.15	30.32	39.96
1901....	27.40	34.87	50.40	32.92	35.39	89.60	15.72	24.13	38.80

Mr. GARDNER of Massachusetts. Mr. Speaker, I now yield one hour to the gentleman from Illinois [Mr. STERLING].

Mr. STERLING. Mr. Speaker, when I found I could not agree with all the conclusions and join in all the recommendations of either the majority or the minority of the committee, I presented to the House my separate views. In that statement I briefly suggested a line of legislation that seemed to me to be needed to meet the situation. I also stated some of my reasons for dissenting from the views of my colleagues. I now ask the indulgence of the House for a short time to amplify my views as expressed in that report.

There seems to be one point on which all of the members of the committee are agreed, and that is that Federal legislation of some kind is needed to meet the situation. It is the unani-

mous opinion of the committee that Federal regulation is desirable. Neither the majority nor the minority members have agreed among themselves as to what that legislation should be.

It is clear that whatever legislation is had, whether it be to suppress and prevent monopolies or whether it be to recognize and regulate them, it must be based on that provision of the Constitution which gives to Congress the power to regulate interstate commerce. Under that clause Congress has broad powers over all corporations engaged in trade between the States, and this power exists to the exclusion of all other power. The States may not interfere in the regulation of such corporations in any phase or particular of their management and control where Congress has seen fit to extend the Federal jurisdiction.

Our dual system of government makes the regulation of interstate corporations a perplexing and difficult problem. The lack of uniformity in the laws of incorporation in the several States greatly multiplies the difficulties. There are as many different plans of chartering corporations as there are States, and these different plans provide for different charters. The powers granted and the limitations prescribed by the charters of one State do not agree with the powers granted and the limitations prescribed by the charters of other States, even though the objects and purposes of the corporations be the same.

Out of this unfortunate condition under which the commerce of the country is being carried on the first thing to be wrought is harmony—harmony of rights, harmony of privileges, and harmony of restrictions—to all corporations engaged in the same line of business, thus giving to all, so far as can be given by law, equal opportunities to compete for the markets which they desire.

If Congress can convert this confusion of rights, this Babel of privileges into one harmonious system, it will have done much to simplify the problem. When that step has been accomplished, I am convinced that our way will be open, clear, and well defined, whereby we may suppress and prevent trusts and monopolies, without injury to the business and commerce of the country and with complete relief to the people, from the wrongs of these dreaded combinations. It is with this end in view that I offer to the House and to the country my view of needed legislation.

In considering the question of the power either of the State or the Federal Government to exercise dominion over corporations the fact must always be borne in mind that a corporate charter is not a right to be demanded but purely a privilege to be granted. This proposition is axiomatic; otherwise the Government is subservient to some other power. It is of the essential essence of governments, both State and National, that they in their respective domains are supreme. This being true, the Government may prescribe whatever conditions and impose whatever limitations it sees fit on either men or capital seeking to exercise corporate power.

So far, the States alone, with only a few exceptions, have exercised the power of granting corporate privileges. They have granted these privileges to interstate and intrastate corporations alike. This is true as to interstate corporations, because and only because the Federal Government has not, to this time, seen fit to exercise its dominion, granted it by the interstate clause of the Constitution, over these corporations in relation to their creation. When Congress does by legislation declare jurisdiction over the subject, then Federal dominion will be extended thereby just as far as that declaration goes, and that dominion will be exclusive. State jurisdiction will be diminished in the same degree as Federal jurisdiction has been increased. This has been the declaration of all the courts, and in the very nature of the case must be true. Two powers can not exercise the same dominion over the same subject matter any more than can two objects occupy the same space at the same time. To illustrate by example: From the beginning of State governments down to 1908 the States exercised entire jurisdiction over personal injuries both in interstate and in intrastate commerce. This was because the Federal Government had not acted; Congress had not spoken. When Congress, by virtue of its power under the interstate clause of the Constitution, did speak, in the passage of the employers' liability act, and thereby extended Federal dominion over that subject, the jurisdiction of the States ceased and the personal-injury statutes of all the States in the Union, so far as they related to cases arising in interstate commerce, were by that act of Congress nullified and void.

It seems clear therefore that Congress, its power over interstate commerce being supreme and exclusive, may pass legislation providing for a system of Federal incorporation. It seems equally clear that when it does so the power of the States to grant charters to such corporations will be extinguished. The inevitable result will be a uniform and harmonious system of charters giving equal privileges and imposing equal restrictions on all alike and applicable alike on every acre of domain over which the Constitution prevails or the flag floats.

Mr. Speaker, my proposition, then, is, first, a uniform system of Federal charters to corporations engaged in interstate commerce. The application for a charter granting just such privileges and imposing just such limitation as Congress may prescribe by law should be a condition precedent to the issuance of the charter. The law should say to all, "You may engage in interstate commerce only on the condition that you ask for and receive a Federal charter defining your powers, your privileges, and your limitations."

I would not undertake, in the time allotted me, to give in detail the provisions of such a law. Indeed, I am not prepared to do so. There are, however, certain broad principles which I do not hesitate to say should be declared. It should provide for complete publicity by a system of reports to be made by the corporation to some Government agency designated by the law to receive them. These reports should show clearly the character and purpose of the corporation, the actual physical value of the corporate property, the amount at which the corporation is capitalized, which in no case should exceed the actual value of the corporate property, the volume of the business done from time to time by the corporation and its profits, and the conditions of labor engaged in its service. It should also provide for a system of Government inquiry into the affairs of the corporation from time to time to ascertain the correctness of these reports. This Government agency, whatever it may be, should be required to make reports to the President and to Congress showing the condition of all Federal corporations and indicate any violations of law which have been disclosed.

It would not be my purpose by such a plan to create government by commission, to which some gentlemen so strenuously object, nor in any sense extend the bureaucratic power of any department. This department, bureau, or commission, whatever it may be called, should have no power whatever to grant or deny privileges or favors. It should be its plain duty to receive and make reports as prescribed by law.

Congress may eliminate under this plan evils which have grown up and which contribute mightily to the creation of monopoly. One condition of every Federal charter should be that no corporation should own or control any part of the capital stock of another corporation engaged in the same line of industry or in any way related to it. Another should forbid the directors of one corporation from being directors in another and thus avoid the evil of interlocking directorates, a cunning device often employed to bring two or more corporations under one management, thus tending to create a trust and consequent monopoly.

It does not seem to me that the enforcement of such a law would be difficult. On the contrary, its enforcement would be so simple and easy that there would be but little likelihood of its violation. Supervision would be so complete that the Department of Justice would have at hand at all times the facts, if any, constituting disobedience of the law, and this would be an impelling influence to an obedience of the law. The present antitrust laws, if not adequate now, could readily be amended to provide punishment for violations of the law, or the law itself might work a forfeiture of the charter for disobedience of its provisions.

Before leaving this phase of the matter I desire to say that, in my opinion, the first great good accruing to the people by such legislation would be the elimination from business and trade of watered stock. There is no phase of our present system of corporate business from which so many evils flow as that of overcapitalization. No law or the absence of law permitting it can be defended on any ground, either of morals or justice. It has been used to cheat both classes of people that come in touch with the corporation indulging in it—those who buy the stock of the corporation and those who buy its products. Many people innocently believe that there is some relation between the face and the actual value of a share of stock. This deception has been apparently encouraged until millions of our people have invested their earnings on that basis, and many of them have been cheated and ruined. For a State to issue corporate privileges permitting and not expressly forbidding overcapitalization is, to say the least, a legalized device to make fraud easy.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. STERLING. Certainly.

Mr. GARDNER of Massachusetts. Could the gentleman from Illinois state readily what States permit overcapitalization at the present time?

Mr. STERLING. I know many of them do. Illinois, Iowa, Pennsylvania, New Jersey, and many of the others; practically all of the States do.

Mr. GARDNER of Massachusetts. I think not. Massachusetts has forbidden it for a good many years, but the gentleman from Kentucky can tell us whether Kentucky forbids it.

Mr. STANLEY. Kentucky forbids it; and I think this work to which the gentleman from Massachusetts refers gives the number of States that forbid overcapitalization. I am of the impression that there are only a few States in the Union that permit unlimited overcapitalization. New Jersey is one of them.

Mr. GARDNER of Massachusetts. New Jersey forbids it, I think, now.

Mr. STANLEY. Yes; very recently it has.

Mr. STERLING. The gentlemen from Massachusetts and Kentucky ought to know better than I about their own States, but I am of the opinion that both of them are mistaken.

Mr. STANLEY. Most of the States have a limit on overcapitalization.

Mr. GARDNER of Massachusetts. Does Illinois prohibit overcapitalization?

Mr. STERLING. It does not. I am sure but few States limit capitalization.

Mr. GARDNER of Massachusetts. When I stated that Massachusetts forbids it, I meant that it does not in all classes of securities. It forbids it entirely in all public-service corporations.

Mr. STERLING. I have not investigated that question particularly, but it is my opinion that there are very few, if any, States that limit capitalization in their general incorporation law. I presume all do in their banks and financial institutions.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. STERLING. Certainly.

Mr. GARRETT. Upon the question of Federal incorporation the gentleman has satisfied himself, I presume, that there is no constitutional objection or constitutional difficulty about that?

Mr. STERLING. I do not believe that there is a possibility of any violation of the Constitution by Federal incorporation. I gave my reason for thinking so in the first part of my remarks.

Mr. GARRETT. I know the gentleman proceeded upon that theory. He did not discuss the constitutional phases of it, however. I think I will say to the gentleman that there is very grave doubt as to whether there can be a constitutional grant of a charter. Of course I do not want to take the gentleman's time now.

Mr. STERLING. Yes; I did discuss that question. I believe that what I have said upon that subject is conclusive. I do not believe there can be a possibility of a constitutional objection to Federal incorporation. Congress, whenever it sees fit to act, has absolute power over interstate corporations, exclusive power, supreme power, and the minute it acts and to the extent it acts then State jurisdiction ceases.

Mr. STANLEY. Mr. Speaker, if the gentleman from Illinois and the gentleman from Tennessee will permit, I do not want to interrupt the colloquy, but I desire to get the idea of the gentleman from Illinois clearly, and then I can understand both gentlemen better. Is the gentleman from Illinois maintaining now that the Federal Government can incorporate an intrastate corporation?

Mr. STERLING. No. I am speaking of interstate corporations.

Mr. STANLEY. What does the gentleman mean by an interstate corporation?

Mr. STERLING. Corporations engaged in interstate commerce.

Mr. GARRETT. As incident to the regulation of interstate and foreign commerce, the gentleman thinks the Congress could provide for the granting of charters by the Federal Government, as I understand his position.

Mr. STERLING. That is my position exactly.

Mr. GARRETT. He does not think there is any doubt about it?

Mr. STERLING. That is my position.

The result of overcapitalization has been demoralizing to the business and capitalization of honest corporations. The practice has so shaken the confidence of the people in all corporations that the good ones have suffered and capital has often been diverted from safe and sound investment.

When the United States Steel Corporation was formed in 1901 the actual value of its physical property was not to exceed $700,000,000. Herbert Knox Smith in his report places it at $682,000,000. Its capitalization at the time of its organization was $1,400,000,000. So it was organized with a capital of more than twice the actual value of the property which it acquired from the constituent companies.

It is hardly probable that this huge concern would have been formed had it not been for this legalized opportunity to exploit these properties. I doubt if the allurements of monopoly alone would have been sufficient to induce this gigantic creation.

If this corporation had capitalized at the actual value of its tangible property it might have reduced its profits by one-half and then paid a very respectable dividend on its stock. It paid during the first 10 years of its existence about 12 per cent on the value of its physical properties, or about 6 per cent on its capitalization. The consumer, of course, paid the bills. He was paying the profit not only on real investment, but on millions of fictitious values.

It is claimed that these properties are worth the amount of the total capitalization because they pay a fair dividend. This is not the true measure of value. Wealth can not be created in that way. If so, then the mere fiat of incorporated monopoly may produce wealth. It has only to multiply its capital stock and then by the exercise of its monopolistic powers raise the price of its product sufficiently to pay a fair dividend and the thing is done. But where will it stop? Under our present system it will not stop. Greed and avarice will not let it stop. The strong arm of the Government alone can compel it to stop.

To capitalize on a basis of profits is in some instances to capitalize monopoly itself. The only true and honest basis of capitalization is the value of the physical property of the corporation. Let that be the rule of law, then point to the man, if you can, that will suffer by it.

Some gentlemen say Federal incorporation is an invasion of the rights of the States. The States have no rights over interstate corporations. They delegated all rights and powers over commerce between the States to the Federal Government, and such a position is a plain denial to Congress of the powers granted it by the Constitution. But how futile such an argument, even though it were valid. Under the present system the people of every State may be the helpless victims of corporate greed, organized under laws, in the making of which they had no voice, and over which they have no control. I deem it certain that the people of Illinois will get more even-handed justice in dealing with industrial corporations whose powers are hedged about by Federal statute, in the making of which they have a voice, than in dealing with those organized under the laws of many of the States.

On this point I desire to quote from Hon. Reuben M. Benjamin, a law writer of distinction, of my home city:

> Since monopolies are against "common right," and since the right of industry—the right of competition in all ordinary industrial pursuits—is both a liberty and a property, and is entitled to protection "under all State constitutions." The action of the Legislature and judiciary of New Jersey in recent years, in changing the free public policy of the common law to that of creating and upholding gigantic corporations designed to destroy all competition, is really an usurpation on the part of the State Legislature upheld by the State judiciary, and can receive no support from the true Jeffersonian advocates of State right.

Since it is agreed that the Federal Government has the power to control and regulate interstate corporations, and since it is agreed that it ought to do so, it follows that they should be the creatures of that Government, in order that there may be harmony of being, harmony of rights and limitations, and harmony of purpose.

With such publicity and control it will be easy, it seems to me, to separate the good from the bad, the desirable from the undesirable, and to check all tendencies in the future toward unlawful trusts, combinations in restraint of trade, and monopolies.

Mr. GARRETT. Will the gentleman allow me an interruption right there?

Mr. STERLING. Certainly.

Mr. GARRETT. On the question of Federal incorporation and the constitutionality of it, I wish to ask if the attention of the gentleman, in studying that question, was directed to the fact that in the Constitutional Convention it was expressly proposed, in a proposition submitted by Mr. Madison, of Virginia, and, I think, also by Mr. Pinckney, that the Federal Government should be given the power to grant charters to corporations, and this was not adopted; and whether the gentleman regards that as having any significance in connection with the construction of that question?

Mr. STERLING. Considering the interstate-commerce clause, which gives Congress the power to regulate commerce between the States, and the fact that the courts have said repeatedly that that means that Congress has the exclusive power over interstate commerce and the agencies thereof, and that when it sees fit to act on any phase of the subject then the rights of the States cease, it seems to me there can be no question but that the Federal Government can take jurisdiction of the creation

and control of interstate corporations to the entire exclusion of the States.

Mr. GARDNER of Massachusetts. Is it not true that the original charter of the Santa Fe Railroad was a United States charter and also the Union Pacific?

Mr. STERLING. I do not believe that Congress granted those charters on the ground that it got the power from the interstate-commerce clause. It acted in those instances on the power derived from the clause relating to military and post roads.

Mr. GARDNER of Massachusetts. I think the gentleman is right.

Mr. STERLING. Mr. Speaker, the suggestion is made in the report of some of my colleagues on the committee that the true remedy for relief does not lie in the dissolution of the trusts. It is believed by some that it is the duty of government to recognize monopoly and then protect the people by fixing the price of its product. That idea I desire to combat with whatever power I have. It seems to me to be un-American. It does not take into account the real character of our institutions or the true spirit of the American people. I have no doubt my colleagues and many other persons who adopt that view are sincere. Others espouse it, perhaps, because to them it is new. In these times a new thought always finds a multitude of champions simply because it is new. To them it means progress. To espouse it means a step forward. They do not stop to inquire whence it came or whither it leads. Yet the fact remains that new ideas are often very bad ones, while many old ideas are sublime wisdom.

Mr. GARDNER of Massachusetts. Will the gentleman allow me to suggest that if he is speaking of the report made by the gentleman from New York and myself, we only suggest the fixing of the prices in case of an announcement of an unreasonable price fails to produce the effect as a subsequent question in the legislation.

Mr. STERLING. I understand. I do not think the gentleman advocates in his report the fixing of prices absolutely, but he suggests the first step in that direction.

Mr. GARDNER of Massachusetts. That I admit.

Mr. STERLING. And when that step is taken there is no turning back.

Mr. DAVIS of West Virginia. If the gentleman will allow me, is it not true that that was attempted during the French Revolution and met with an inevitable failure, as it always will?

Mr. STERLING. I think that is true.

But this idea of recognizing monopoly and fixing the price of its product is not in fact new. Away back in the fourteenth century England sought to protect her people from the extortions of monopoly by fixing prices by law. Parliament fixed the price at which the baker should sell his bread and the butcher his meat. It fixed the price of clothing and many of the common necessities. Then it followed, as a necessary and logical sequence, that it should fix the price of labor which produced these things. This did not take into account the fact that the habits and needs of men are different, and so Parliament sought to regulate the habits and appetites of men by passing a statute determining just what a laboring man and his family should eat and wear. Of course, these laws were impracticable and unenforceable and gradually fell into disuse. They were repealed from time to time, the last being stricken from the laws of England as late as 1856. But out of this condition there were evolved certain great principles of the common law, dictated by a sound public policy, which denounced monopoly as against the common good. That is the law now in the civilized nations of the world, made so by the experience and wisdom of mankind.

Two reasons are assigned for the adoption of Government recognition and fixing the prices of monopoly products: First, it will avoid destructive competition. Second, it will result in more economic production. Both reasons are the pleas of the monopolist. He is willing to waive his right to cut prices against his competitor if his competitor is prevented from cutting prices against him. He would welcome a law which would protect him not only against the folly of his competitor but against his own folly. Men, however, do not, as a rule, destroy themselves in order to destroy others. Men and corporations, on an equal footing, operating under uniform laws which dispense equal justice and equal opportunities, can not destroy each other. It is true that many a business man and business concern has been eliminated from the business world by competition. That has occurred and can occur only when one of the competitors is so strong as to possess monopolistic power. It is the monopoly itself that can and does destroy competition. Destroy the monopoly and we will have no more destructive competition. We will have healthy and sane rivalry, in which the public will receive its due share of consideration.

The claim that combination of competing forces results in more economic production is refuted both by experience and reason. It is the fundamental fallacy from which proceeds this doctrine of Government recognition and the fixing of prices by legislation. Where a single interest controls the market in any line there is no incentive to more economic production. When that interest can fix the selling price it is immaterial to it what the cost price may be. Cheapness of production is not a requisite to successful profits. It is competition that impels the producer to economy. Cheapness, if he attains it, is his coigne of vantage. To secure it means success. Every energy of mind and muscle is bent to that end. Better methods and better machinery are devised and used; every waste of labor, material, and time is eliminated. Under the competitive system, in rivalry for the markets, the public receives some benefit from these improvements in cheaper cost of living.

I will venture the assertion that the production of iron and steel products in their finished form has not been cheapened at all during the 11 years the United States Steel Corporation has reigned over that industry. These hearings do not disclose an instance of improved methods or any notable improvement in machinery during that time. In the beginning this corporation was an aggregation of 15 other corporations producing iron and steel in different form, to which a number of others have since been added. So far as production is concerned, these several constituent parts of the steel corporation are still separate units as distinct in their management and manner of production as they were before. Nothing whatever occurred in the organization of this great holding company that changed the character of the constituent parts or that changed their management or their methods. They continue to this day in the same old way. It is reasonable to suppose, however, if they had remained competitors, instead of becoming partners, that some progress would have been made in the manufacture of steel. Under the old plan the steel industry developed rapidly. Carnegie developed the manufacture of iron and steel amidst the fiercest competition, and others followed close at his heels all the time. When this company sold its interests to the steel corporation it was producing iron and steel more cheaply than it had ever been produced before and just as cheaply as it has been produced since. Mr. Carnegie says that the success of his company was largely due to the wisdom of its management in cheapening the cost of production. Why should the United States Steel Corporation produce more cheaply than did its constituent parts before this trust was formed? It must be remembered that the United States Steel Corporation does not produce at all. It does not produce a pound of ore; it does not make or sell an ounce of iron or steel. The head and front of this great corporation is not made up of manufacturers, but of financiers, who do not concern themselves with the dull cares of mill and shop. They care nothing about methods, machinery, or processes. Those things are left to the management of the subsidiary companies, just where they were before. But there is a difference, and I will tell you what it is. These subsidiary companies are now partners instead of competitors. They are no longer rivals. Their profits are assured. There is no need of economy in production. New processes and inventions add nothing. They can not be used to outstrip a rival. Waste is not material, because the public pays the bills.

What is there in that situation that has a tendency to cheapen production? The only effect it could have, and the only effect it did have, on the cost of production was to add to the overhead charges the munificent salaries of the high-priced officials who direct its affairs.

No, gentlemen, cheaper production was not one of the purposes of the steel corporation. The only purpose of, and the only reason for, its existence is to control prices and output.

What of the so-called independents? There are a multitude of other companies which produce nearly, if not quite, half the iron and steel used in the United States. So far as the record shows, the only connection they have had with the United States Steel Corporation lies in the fact that they participated in the Gary dinners, which was quite sufficient. While they may be said to be in a sense competitors of the corporation, they are in no sense rivals of it or of each other. They exist by grace. This great organization has not pursued them, but it has led them. They know full well that it can go into their territory at any time and strike them down one by one. It can by reason of its monopolistic power bring about "destructive competition." It is not sufficient answer to say that the United States Steel Corporation has not greatly abused this power. The fact remains that the power exists, a menace to the public welfare and against sound public policy. All free people will

submit to be ruled in their affairs by only one power, and that is the power which they delegate to a just government. [Applause.]

What I have said of the United States Steel Corporation is not intended as a criticism especially applicable to it. It was intended to illustrate, as best I could, the evil of all monopoly.

Those who espouse the doctrine of Government recognition of trusts and monopolies agree that it inevitably follows that Government shall fix the price of their products. This will be necessary in order to protect the public from extortion. But where will this lead us? If we fix the price of the product, must we not also fix the price of the raw material and of the labor that converts it? If we fix the price of labor, it follows that we must protect the laborer by fixing the price of those things that sustain labor, such as food, clothing, and shelter. Suppose, for the purpose of illustration, that the Government concludes to recognize the Beef Trust, if one exists, and fix the price at which it shall sell meat to the retailer. If we stop there, the profits of the Beef Trust will not be curtailed at all. We must remember that that great trust may now fix the price at both ends of the road—the price which it pays the farmer and the price which the retailer pays it. If, in order to protect the consumer, the price to the retailer should be greatly reduced, it will make but little difference to the Beef Trust, for it will recoup by reducing the price to the man who produces the cattle. If the farmer is not satisfied with that, then must Congress intervene and compel the farmer to produce cattle and sell them to the Beef Trust at a fixed price. How simple, but thus it is the whole propositon is reduced to an absurdity.

Gentlemen point, for a vindication of their theory, to the legislation by Congress regulating railroad rates. This furnishes no parallel to the situation in the industrial world. I think the Government may well determine maximum rates for freight and passengers. This is practicable, because transportation by rail is a natural monopoly. How few points in the country have competing lines to other points. There are, in some instances, parallel lines between the great railroad centers; but the vast majority of points where freight and passengers are received and delivered have no competing lines. This is so from the very nature of the business. There will not be and there can not be competition in transportation between all points, or any two points, until the volume of business justifies it. I am not so unreasonable as to contend for the competitive system, where competition is naturally impossible.

There is no half-way point in this proposed scheme. When we once have embarked on that course we will be impelled by the very logic of the situation to go to the end. All products, the products of the farm and the factory, the products of the mill and the mine, and all humanity which creates and consumes them, are so related and interdependent that, if a part, then all, must come under the dominion of this strange doctrine of governmental paternalism. If we pursue such a course, it will lead us, perhaps slowly, but none the less inevitably, to an extreme of socialism that no party in this country has ever yet dared to espouse.

It is urged that new industrial conditions render this proposed plan of Government recognition and price fixing desirable and necessary. What is this new industrial condition of which they talk? We have heard of it only in recent years. What has brought it about? Human nature and human needs are very much the same as a quarter of a century ago. Progress has gone on in a safe and steady course. The country has developed in wealth and civilization along lines tending to improve the conditions of her citizenship. I can not find, however, in this any reason or excuse for this new industrial condition which I agree exists and which gentlemen urge as the reason for this revolutionary proposal to change the whole industrial system of the country.

Mr. JACKSON. Mr. Speaker, will the gentleman yield?

Mr. STERLING. Yes.

Mr. JACKSON. I desire to ask if the gentleman recognizes that there could be such a thing as a legal combination as bearing upon this question?

Mr. STERLING. Does the gentleman mean a combination of corporations?

Mr. JACKSON. A combination of anything. We must realize, especially under the late decisions of our Supreme Court, that certain partnerships and purchases are legal; in other words, that the legal combination depends upon the intent rather than upon the machinery or vehicle by which it is accomplished.

Mr. STERLING. I put the limitation at monopoly. When any concern reaches the point that it has monopolistic power, then it ought to be checked. Many combinations may be made between producers that do not constitute a monopoly, and they will do no harm, but when they get to be so powerful that they can destroy competitors, then the Government ought to place a limitation upon it.

Mr. JACKSON. I agree with much of what the gentleman has said, but he does recognize that in the case of the railroads and in other cases the monopoly results from the nature of the business, and sometimes even from the size of the business, in a perfectly legal and even a moral way, does it not?

Mr. STERLING. Yes; certainly.

Mr. JACKSON. In that case how can the Government escape the regulation of that monopoly?

Mr. STERLING. We are not escaping it. We are fixing maximum rates now in the case of railroads.

Mr. JACKSON. I do not want to take up too much of the gentleman's time, as I think he and I substantially agree, but the gentleman will remember that prior to the Munn case no one would have supposed that elevator charges could be a subject of public regulation. Does not the gentleman think that is true?

Mr. STERLING. I do not know what anybody supposed about it, but the court held they could be regulated.

Mr. JACKSON. And held they could be regulated because they had produced a monopoly in which the public was interested.

Mr. STANLEY. Mr. Speaker——

Mr. JACKSON. I hope the gentleman will let me conclude my colloquy with the gentleman.

Mr. STANLEY. Certainly.

Mr. JACKSON. Now, if that is true there may be cases where the public will be absolutely helpless, where a business absolutely legally organized becomes a monopoly and a monopoly to such an extent that the public has an interest in it, unless the public steps in and regulates that business——

Mr. STERLING. Well, that is true.

Mr. JACKSON. In other words, the gentleman would not object to a regulation of prices of an elevator monopoly whether it was legal or illegal, would he?

Mr. STERLING. As I say, in all natural monopolies, I think, it is perfectly proper for the Government to fix a maximum rate——

Mr. JACKSON. And that is the only point of difference——

Mr. STERLING (continuing). There might be some other lines of business besides railroads that would develop into natural monopolies.

Mr. JACKSON. Might not a monopoly succeed in becoming a monopoly largely or almost wholly on account of its size?

Mr. STERLING. Certainly.

Mr. JACKSON. Then, the gentleman would favor public regulation?

Mr. STERLING. I favor public regulation in all of them; that is what I am urging here.

Mr. JACKSON. I mean even to the extent of regulating prices if it were the best way of controlling that sort of monopoly?

Mr. STERLING. If it were the best way, but it is not.

Mr. GARDNER of Massachusetts. Let me put a question there and see if I can get the gentleman's idea. Suppose an industrial undertaking has a predominance in an industry indistinguishable from a monopoly, yet as that industry is clothed with no unfair advantage; suppose it is what we call a good trust, but does, as a matter of fact, present monopolistic features, would the gentleman dissolve such a trust as that?

Mr. STERLING. Under the plan which I suggest the Government will have supervision over the growth of all these industries, and if the time ever comes when by natural growth any of these industries get so large as to have monopolistic power, then I would limit the amount of capital that they could employ in that business.

Mr. GARDNER of Massachusetts. Somewhat after the plan of Senator CUMMINS. Is the gentleman familiar with his plan?

Mr. STERLING. I am not familiar with it. I doubt now whether any important industry of the country simply, by natural growth or by the accretion of profits, would grow into a great monopoly. All monopolies from which we suffer to-day have been created by combinations of integral parts. That is what has produced these gigantic trusts which control the business of the country at this time. Not one of them, if they had not united their plants and their concerns, would have developed into the size we find them.

Mr. STANLEY. I quite agree with the gentleman except his idea of Federal incorporation. In all else I unequivocally concur, but I would ask in that connection, speaking of dissolving trusts, would the gentleman contend that the mere size of a business would subject it to dissolution under the Sherman Act? I am inclined to believe if they entered into no combination in restraint of trade it would not fall under the provisions of that act.

Mr. STERLING. I am suggesting my own ideas with reference to legislation. If, under the supervision of the Government, any concern should approach the size of monopoly, then the Government should limit the amount of capital. I would limit the capital rather than fix prices of products.

Mr. GARDNER of Massachusetts. Now, the gentleman would not contend that no two companies should be allowed to combine, for instance, if they combined without any watered stock, providing the motive was not a restriction of competiton.

Mr. STERLING. If neither the motive nor the result was monopoly, they should be allowed to combine, of course.

Mr. GARDNER of Massachusetts. But if the result might be a monopoly from the growth of the combined companies?

Mr. STERLING. Then I would put a limitation on it.

Mr. GARDNER of Massachusetts. That is to say, if the total amount of capital required for an industry were $500,000,000, you might say, no single industry shall be allowed to have more than one hundred or a hundred and fifty million for that business.

Mr. STERLING. I would limit it so it could not acquire a monopoly.

Mr. JACKSON. Mr. Speaker, will the gentleman yield?

Mr. STERLING. I can not yield further; my time has about expired.

Mr. STANLEY. Mr. Speaker, I would suggest there have been so many interruptions of Mr. STERLING and because we are so much interested in the magnificent address he is making, that the Chair should take 10 or 15 minutes after the time has expired and add to his time on account of interruptions.

The SPEAKER pro tempore. The Chair can not do that under the order of the House.

Mr. GARDNER of Massachusetts. How much time has the gentleman left?

The SPEAKER pro tempore. The gentleman has five minutes remaining.

Mr. GARDNER of Massachusetts. I suggest to the gentleman from Kansas, who is going to speak later, that the gentleman from Illinois consume the rest of this evening and the gentleman from Kansas and I both speak to-morrow evening.

Mr. JACKSON. That is perfectly satisfactory.

Mr. GARDNER of Massachusetts. I ask unanimous consent that the gentleman may proceed so long as he sees fit this evening until 11 o'clock.

Mr. STERLING. I think 10 minutes is all the time I need.

The SPEAKER pro tempore. The gentleman can proceed under the unanimous consent.

Mr. STERLING. If we analyze this new industrial condition we will find that it is brought about by these very trusts, combinations in restraint of trade, and monopolies which the plan proposes to recognize and permit to exist. In fact, they are the new industrial condition. They have grown so great and strong in recent years that they constitute this new condition in themselves and that is all there is in this suggested reason for revolutionary legislation. If we suppress the trusts and monopolies we will obliterate the new industrial condition. If we prevent them in the future this new condition will never return to plague the people or to inspire statesmen with grotesque ideas of legislation. To contend that such a plan is necessary by reason of existing conditions is to admit that the people are powerless to dissolve harmful combinations and to render to all citizens equal rights and equal opportunities.

When we come to scrutinize the future possibilities of such a course it becomes abhorrent. Under such a plan, in course of time, every field of industrial activity will be occupied and dominated by some powerful monopoly, to the exclusion of all others. Such a law would throw around it a sacred circle within which no other may enter. Within its scope the trust magnate will be supreme. These present day captains of finance will become the feudal lords of industry, intrenched behind the law, secure in their titles and their profits. The great army of men and women, who by their skill and labor are to-day converting nature's materials to the uses of mankind, and who in a large measure constitute the very bone and sinew of the Republic will become an humble and despised vassalage shorn of that right of independent action, so essential to the dignity of free men. Caste will develop more rigid and unrelenting than any that ever hindered progressive civilization in the old world.

It has been our boast that all men are equal before the law, and our pride that opportunities were open to all alike. The recognition of such principles has been the glory of our institutions, and I am opposed to revolutionary measures which will destroy those principles. When they are gone what will become of the young man who has talent and ambition to get on in the world? At the threshold of his manhood he finds all opportunities preempted, and the avenues to wealth and distinction closed. To erect legal barriers to the hopes and aspirations of the young, means national and industrial decay.

It is proper that I should read here what the Supreme Court has said of monopoly and its effect upon the rights and opportunities of the American citizen. In the case of the Crescent City Live Stock Co. (111 U. S., 746) the Supreme Court of the United States held that certain monopoly features of the act incorporating the company were invalid. In the opinion, Mr. Justice Field used this language:

> As in our intercourse with our fellowmen certain principles of morality are assumed to exist, without which society would be impossible, so certain inherent rights lie at the foundation of all governmental action, and upon a recognition of them alone can free institutions be maintained. These inherent rights have never been more happily expressed than in the Declaration of Independence, "that new evangel of liberty" to the people: "We hold these truths to be self-evident"—that is, so plain that their truth is recognized upon their mere statement, "that all men are endowed," not by edicts of emperors or decrees of Parliament or acts of Congress, but "by their Creator, with certain inalienable rights"—that is, rights which can not be bartered away or given away, or taken away except in punishment of crime; "and that among these are life, liberty, and the pursuit of happiness, and to secure these," not grant them, but secure them, "governments are instituted among men, deriving their just powers from the consent of the governed." Among these inalienable rights, as proclaimed in that great document, is the right of men to pursue their happiness, by which is meant the right to pursue any lawful business or vocation, in any manner not inconsistent with the equal rights of others, which may increase their prosperity or develop their faculties, so as to give to them their highest enjoyment. * * * Whilst, therefore, I fully concur in the decision of the court that it was entirely competent for the State to annul the monopoly features of the original act incorporating the plaintiff, I am of the opinion that the act, in creating the monopoly in an ordinary employment and business, was to that extent against common right and void.

In the same case Mr. Justice Bradley said:

> I hold it to be an incontrovertible proposition of both English and American public law that all mere monopolies are odious and against common right. * * * The right to follow any of the common occupations of life is an inalienable right; it was formulated as such under the phrase "pursuit of happiness" in the Declaration of Independence, which commenced with the fundamental proposition that "all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." This right is a large ingredient in the civil liberty of the citizen. To deny it to all but a few favored individuals, by investing the latter with a monopoly, is to invade one of the fundamental privileges of the citizen contrary not only to common right, but, as I think, to the express words of the Constitution. * * *
>
> Monopolies are the bane of our body politic at the present day. In the eager pursuit of gain they are sought in every direction. They exhibit themselves in corners, in the stock market and produce market, and in many other ways. If, by legislative enactment, they can be carried into the common avocations and callings of life, so as to cut off the right of the citizen to choose his avocation, the right to earn his bread by the trade which he had learned, and if there is no constitutional means of putting a check to such enormity, I can only say that it is time the Constitution was still further amended.

None will deny that the Supreme Court announced the true American doctrine in that case, and who would change that doctrine? To say that monopoly is against common right is in harmony with the natural sense of human justice. It is against common right because it deprives the citizen of equal protection and opportunity and bars him in his pursuit of happiness. We may by legislation change the legal status of monopoly, but we can never change its true character. It will forever be, in fact if not in law, against sound public policy. [Applause.]

Mr. LAFFERTY. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Illinois yield?

Mr. STERLING. I yield.

Mr. LAFFERTY. I desire to ask the gentleman if it is his understanding that those favoring the giving to an industrial commission the power to fix prices in certain cases desire to acquiesce in the existence of monopoly, or whether they desire to abandon the antitrust law, both statute and common law? I want to say that if the gentleman thinks so, I think he is badly mistaken.

Mr. STERLING. Does the gentleman mean to ask if the men who control these monopolies are in favor of that?

Mr. LAFFERTY. I mean the men who are now favoring a national industrial commission, as, for instance, the new Progressive Party.

Mr. STERLING. I do not know what their views are. [Laughter.]

Mr. LAFFERTY. I mean the able men of the party. I understand that the Progressives favor the power being lodged in a governmental tribunal to fix the maximum prices in certain cases, only as a cumulative remedy to dissolution and as a remedy to prosecutions under that law, and that we are not willing to acquiesce under monopolistic conditions.

Mr. GARDNER of Massachusetts. Does the gentleman from Kansas [Mr. JACKSON] wish to continue to-night?

Mr. JACKSON. Oh, no.

Mr. GARDNER of Massachusetts. Mr. Speaker, before the gentleman from Illinois sits down I shall be glad if he will permit me to ask him some questions. I was very glad to hear what the gentleman from Oregon [Mr. LAFFERTY] had to say, because on reading their platform—that is, the Progressive platform—I could not determine whether they intended that or not. It was quite different from the Outlook of last November.

Mr. LAFFERTY. If the gentleman will read Col. Roosevelt's speech, he will notice that he says that he would not abandon the Sherman antitrust law.

Mr. GARDNER of Massachusetts. The Sherman antitrust law says you must destroy the monopolies. Col. Roosevelt says he would not destroy them. He is riding two horses that are traveling in opposite directions. He has clearly changed his opinions from those expressed in the Outlook last November. I knew he would, because you gentlemen who told us that you had seen his speech assured us that you could rest on his declaration in regard to the trusts. He has done exactly what you told him not to do. He has gone on and put in a statement that is equivocal in its nature; so much so that the American people do not know whether he is for recognition or for dissolution of the trusts to-day.

Mr. LAFFERTY. I stated a while ago that he is for dissolution.

Mr. GARDNER of Massachusetts. We are glad to hear it, but he has not said so. He has preserved the same beautiful silence on that question that he has preserved on the question of immigration, and he has expressed himself no more clearly on that than he has on the question of the tariff.

Mr. JACKSON. Mr. Speaker, will the gentleman permit me a question there?

Mr. GARDNER of Massachusetts. Yes.

Mr. JACKSON. The gentleman does not deny that, under the Sherman antitrust law and the present interpretation of it by the courts, there may be monopolies which can not be dissolved?

Mr. GARDNER of Massachusetts. Not being a lawyer, I could not say as to that. But I am aware that there are two features to the Sherman Antitrust Act—one being the prohibition of all combinations in restraint of trade and the other being that feature which forbids monopoly.

Mr. JACKSON. It forbids both monopoly and combination.

Mr. GARDNER of Massachusetts. I know that combinations not in unreasonable restraint of trade are held to be not dissoluble. Whether a "good trust," which is not monopolistic, is, owing to its mere bigness, dissoluble under the law, I am unable to state until the court has spoken.

Mr. JACKSON. Of course it would not be dissoluble except as interpreted by the court, and as the court now interprets the law there is a distinction between monopoly and restraint of trade.

Mr. GARDNER of Massachusetts. I understand that there is a distinction between monopoly and restraint of trade.

Mr. JACKSON. There is a difference in the definition but not in the penalty. The combination or the monopoly which results merely as an incident of a lawful contract, of course, can not be reached under the Sherman law under the present definition of the Supreme Court.

Mr. STANLEY. Mr. Speaker, I would like at this point to put in the RECORD an interview with Col. Roosevelt in the New York World of July 5, in which he says he is in favor of the immediate repeal of the Sherman Antitrust Act, and says that it ought never to have been written, and never ought to have been enforced.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. STANLEY] asks unanimous consent to put in the RECORD an article from the New York American containing the views of Col. Roosevelt.

Mr. STANLEY. An interview; and also to put in excerpts from his messages, in which he demanded the repeal of the Sherman Antitrust Act.

Mr. BEALL of Texas. Mr. Speaker, I want to ask the gentleman from Kentucky what his purpose in that is. Is it his purpose to prove that Col. Roosevelt is inconsistent?

Mr. STANLEY. Not to prove it, but to illustrate it.

Mr. BOWMAN. I want to ask the gentleman if the article is authenticated or not?

Mr. GARDNER of Massachusetts. The gentleman can put it in in his own time. I would like to ask the gentleman from Illinois [Mr. STERLING] some questions.

The SPEAKER pro tempore. Is there objection to the request?

There was no objection.

The article referred to is as follows:

REPEAL OF ANTITRUST LAW AND GOVERNMENT REGULATION—ROOSEVELT TO MAKE HIGH COST OF LIVING, AND NOT THE PROSECUTION OF THE TRUSTS, BUT THE SUPERVISION AND CONTROL OF THE TRUSTS, SUPREME ISSUES OF HIS CAMPAIGN—SUBSTITUTE OFFICIAL RECOGNITION OF THE TRUSTS, HE ADDS, BUT WITH DEFINITE CONTROL AND REGULATION BY THE GOVERNMENT—WILSON CAN NOT WIN, HE ASSERTS, AS FREE-TRADE PLATFORM IN DEMOCRATIC PLATFORM MEANS RUIN TO FARMERS AND TO INDUSTRY.

OYSTER BAY, *July 5, 1912.*

The policy of the Progressive Party respecting the trusts was taken up to-night in a three-hour discussion at Sagamore Hill. In the conference were Senator DIXON, Medill McCormick, George W. Perkins, Henry L. Stoddard, of New York, and C. J. Hamlin, one of the Roosevelt leaders of Erie County.

The New York American, which was the first newspaper to announce—which it did exclusively three months ago—that Roosevelt would bolt the Republican Party, although that seemed incredible at the time, can now announce the cardinal points of the Roosevelt platform.

The third party will declare unequivocally for Government regulation of the trusts as one of the means of reducing the high cost of living.

Roosevelt and his advisers agreed that the uncontrolled money combinations play a distinct part in the problem of existence. They worked over a plank that will declare for definite governmental control, with a view to giving the wage earner his share of what the colonel calls the "prize money" yielded by the tariff.

REGULATION HELD TO BE ESSENTIAL.

The argument was made at the conference that neither the Republican nor Democratic platform points the way to the solution of the tariff question. The mere assertion that the two parties favor reduction of the tariff, it was argued, does not strike at the vital and fundamental of the problem. What is needed—and this Col. Roosevelt impressed on his leaders—is absolute control of the concentrated industries, so that the power to keep up prices may be regulated not by the trusts but by the Government itself.

On the stump during the latter part of the summer, as Col. Roosevelt swings through the country on his campaign, he will denounce the encroachment of the trusts. He intends to challenge the Democratic and Republican candidates to show that their party platform points to any real way out of the industrial crisis into which, the colonel maintains, the country has been plunged.

ENTIRELY DIFFERENT LAW NEEDED.

"Gov. Wilson is a free trader," said Roosevelt, in speaking of the position of the Baltimore candidate in the campaign, "but he can not go out before the country upon the platform adopted at Baltimore. If he does, he can not hope to make a convincing campaign.

"The Democratic convention, as well as the Republican, declared for enforcement of the Sherman antitrust law. That law really should never have been put upon the statute books. I enforced it while I was President, taking the position that, as a law, it ought to be carried into effect, and so long as it was a law I would enforce it.

"What is needed now is an entirely different law, and one that does not work harm to the farmer, the toiler. The Sherman law, if strictly enforced, will immeasurably hurt the inoffensive person who, like the farmer, goes into a cooperative enterprise. The Democratic and Republican platforms are wrong in supporting it. No candidate can go before the people and urge its enforcement."

Mr. GARDNER of Massachusetts. The gentleman from Illinois indicates a belief that the cure proposed for this problem is to forbid corporations to have more than a certain amount of capital invested in business. Have I correctly grasped his idea?

Mr. STERLING. I think under proper Government supervision, forbidding watered stock, and forbidding combinations, there would be little possibility of any one industry reaching monopolistic size in the steel business, or in the meat business, or in any industrial business; but if it should, if any one should so outstrip the others that it should attain the power of destroying its competitors, then I would suggest as a remedy that it be limited in its capitalization.

Mr. GARDNER of Massachusetts. Will not the gentleman admit we are in that situation to-day?

Mr. STERLING. No; except by combinations and the formation of trusts.

Mr. GARDNER of Massachusetts. But I want to point out to the gentleman——

Mr. STERLING. Let me suggest further that if the United States Steel Corporation was dissolved, and if these constituent companies were then dissolved into their original integral parts—because they are nearly all of them made up by combinations of other corporations—there would not be any steel concerns in this country of any great magnitude at the present time.

Mr. GARDNER of Massachusetts. No; but the gentleman forgets that one of those integral parts would be the Minnesota Iron Co., with most of the best ore land, and one would be the Gary company. I do not think it would be possible to dissolve them in the way the gentleman indicates. But what I want to ask the gentleman is this: If he is right in saying that the remedy is to forbid an excess of capital, he would not forbid a concern having as much as 30 per cent of the industry, would he?

Mr. STERLING. I do not know how much it should be.

The SPEAKER pro tempore. The Chair desires to announce that the hour of 11 o'clock has arrived, the time fixed for adjournment under the order of the House.

Mr. GARDNER of Massachusetts. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARDNER of Massachusetts. The order under which we are acting says that we shall have six hours for debate, of which I am to control three. Owing to a recess being taken we did not begin this evening until 20 minutes past 8. How am I to have my three hours?

Mr. STANLEY. Mr. Chairman, I would suggest that in order that the time may be fairly divided we consider that the session to-night extend until 11.20 instead of 11 o'clock. I really think that clock up there is wrong.

Mr. GARDNER of Massachusetts. I ask unanimous consent that I may have two minutes more, to develop the idea which the gentleman from Illinois suggests.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that he may proceed for two minutes. Is there objection? [After a pause.] The Chair hears none, and the gentleman is recognized for two minutes.

Mr. GARDNER of Massachusetts. The point I am trying to get at is that there are two distinct kinds of trusts. There is a trust which consists of one large organization, like the United States Steel Corporation or the International Harvester Co., and there is an entirely different kind of trust, such as the Beef Trust is alleged to be, which is nothing more nor less than four individuals or corporations, each with a limited capital, having as we are told an understanding amongst themselves as to prices. I simply point out that fact as a suggestion to the gentleman that the mere control of the amount of capital allowed to any one concern in a business will not force individuals to compete.

Mr. STERLING. That is a difference of opinion.

ADJOURNMENT.

Mr. HAMILTON of West Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Friday, August 9, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of Commerce and Labor, transmitting a report by Commercial Agent A. B. Butman, containing the result of his investigations of the shoe and leather trade in France and Switzerland (H. Doc. No. 902), was taken from the Speaker's table, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. OLDFIELD, from the Committee on Patents, to which was referred the bill (H. R. 23417) to codify, revise, and amend the laws relating to patents, reported the same with amendment, accompanied by a report (No. 1161), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 26114) to authorize the people of Porto Rico to construct a bridge across the Cano de Martin Pena, an estuary of the harbor of San Juan, P. R., reported the same with amendment, accompanied by a report (No. 1162), which said bill and report were referred to the House Calendar.

Mr. CULLOP, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 7315) to authorize the construction of a bridge across the Clearwater River at a point within the corporate limits of the city of Lewiston, Idaho, reported the same without amendment, accompanied by a report (No. 1163), which said bill and report were referred to the House Calendar.

Mr. SABATH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5556) to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes, reported the same without amendment, accompanied by a report (No. 1164), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HARRISON of New York: A bill (H. R. 26184) to amend section 4884 of the Revised Statutes, relating to patents, trade-marks, and copyrights; to the Committee on Patents.

Also, a bill (H. R. 26185) for the exercise of the right of eminent domain in taking for public use a subordinate property in the grant, right, and property covered by letters patent upon making just compensation; to the Committee on Patents.

Also, a bill (H. R. 26186) to amend an act to establish the Department of Commerce and Labor, passed February 14, 1903, being chapter 552 of the statutes of 1903, relating to the conduct of corporations engaged in commerce among the several States and with foreign nations; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: A bill (H. R. 26187) to create a revenue fund for the Crater Lake National Park; to the Committee on the Public Lands.

By Mr. KORBLY: A bill (H. R. 26188) to empower the Chattanooga and Chickamauga National Military Park Commission to take title to a parcel of real estate in Catoosa County, Ga., and for other purposes; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 26189) granting certain coal lands to the city of Grand Junction, Colo.; to the Committee on the Public Lands.

By Mr. AUSTIN: A bill (H. R. 26190) to provide for participation by the Government of the United States in the National Conservation Exposition, to be held at Knoxville, Tenn., in the fall of 1913; to the Committee on Industrial Arts and Expositions.

By Mr. TILSON: A bill (H. R. 26191) to provide for the payment of certain depositors of the Freedman's Savings & Trust Co., and for other purposes; to the Committee on Appropriations.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 26192) providing for the cancellation of certain overdue personal taxes in the District of Columbia; to the Committee on the District of Columbia.

By Mr. AKIN of New York: A resolution (H. Res. 675) requesting certain information from the Secretary of Agriculture; to the Committee on Agriculture.

By Mr. SULZER: A resolution (H. Res. 676) authorizing the printing and delivery of 10,000 copies of the Report of the Commission on Milk Standards appointed by the New York Milk Committee; to the Committee on Printing.

By Mr. LEVY: A joint resolution (H. J. Res. 348) to authorize a joint assembly of representatives of maritime nations of the world to be held in the United States and to extend an invitation to said maritime nations; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 26193) for the relief of Frank J. Roth; to the Committee on War Claims.

Also, a bill (H. R. 26194) for the relief of Joseph Roth; to the Committee on War Claims.

By Mr. POST: A bill (H. R. 26195) granting an increase of pension to John A. Clark; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 26196) granting an increase of pension to Irving D. Hull; to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 26197) granting an increase of pension to Jane McNeely; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 26198) granting an increase of pension to Lamberton Seaton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. LINDSAY: Petition of Workmen's Sick and Death Benefit Fund of the United States of American, against passage of the Dillingham immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the B. V. D. Co., of New York City, N. Y., against passage of the Oldfield bill, H. R. 23417, proposing change in patent law; to the Committee on Patents.

Also, petition of H. & H. Reiners, of Brooklyn, N. Y., against passage of the Kenyon bill, S. 4043 amended; to the Committee on the Judiciary.

By Mr. PARRAN: Memorial of William Windom Council No. 580, Order of Independent Americans, of West Philadelphia, Philadelphia, Pa., favoring passage of H. R. 25309, relative to flag of United States on United States lighthouses, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of the B. V. D. Co., of New York City, N. Y., against passage of the Oldfield bill, H. R. 23417, relative to change in patent laws; to the Committee on Patents.